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SENATE—*Monday, January 24, 2000*

The 24th day of January being the day prescribed by H. Con. Res. 235 for the meeting of the second session of the 106th Congress, the Senate assembled in its Chamber at the Capitol at 12:03 p.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Eternal God, before whom generations rise and pass away, to whom a thousand years are as yesterday, You have given us a new year, a new beginning, and a new opportunity to serve You. As we begin this year's work in the Senate, give us new hearts filled with the passion of ignited patriotism, minds filled with Your vision for America, and wills filled with desire to follow Your guidance.

We pray for the women and men of this Senate. Help them to claim Your promise through Jeremiah; "Call on me and I will show you great and mighty things which you do not know".—Jeremiah 33:3. Enable the Senators to humble themselves and confess their need for Your inspiration. Endow them with wisdom to see clearly Your solutions to the perplexities we face. The bigger the problems, the more of Your power is available. Make the Senators positive, courageous problem solvers. Give them an unprecedented sense of oneness and unity to lead this great Nation together. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the Chair.

APPRECIATION TO THE PRESIDENT PRO TEMPORE AND THE CHAPLAIN

Mr. LOTT. Mr. President, I thank you for your presence today and for being ready to go at the appointed hour.

Also, I express appreciation on behalf of the Senate for our Chaplain and for his wonderfully beautiful opening prayer. It is an inspiration to us.

WELCOME TO SENATORS AND STAFF

Mr. LOTT. I welcome back staff members and our colleagues in the Senate. I hope you have all had a period of time with your families and rest and health and recuperation, and regeneration, and that you are ready to go.

I see the Senator from California is ready and that other Senators are in the Chamber. I welcome you. We have several housekeeping matters to consider, but I do want to say again that we are glad to have you all back.

SCHEDULE

Mr. LOTT. Mr. President, if Senators have statements they would like to make or legislation they would like to introduce, we will have a time for doing that today. I have talked to a number of Senators this morning, including my counterpart on the Democratic side, Senator DASCHLE, and everybody seems to be in good spirits and ready to go to work. We do have a lot of legislation that is pending, that has been reported out of committees and we hope to move to very quickly. We have a number of bills in conference that we hope to have started right away to move toward getting a conference report. I believe the Federal Aviation Administration conferees will meet, in fact, on Thursday to begin to do some work there. This week we have scheduled action on the bankruptcy reform bill. We spent a lot of time at the end of the session last year on that bill—in fact, I think it was over a week. We went through over 100 amendments. We have narrowed the list down to a relatively small number. I visited with Senator DASCHLE about this legislation, and we will have some decision, some announcements we will make later on today about exactly how to proceed on bankruptcy reform.

In addition to that, we will have legislation that will be pending after today under rule XIV with regard to the situation of Elian Gonzalez, the young boy from Cuba. The legislation advocated by Senator MACK, Senator TORRICELLI, Senator GRAHAM, and others would grant citizenship to this young boy and therefore have the matter of his situation determined by a custody court proceeding rather than Immigration. When that would come up will depend on a number of other things, but it could be available as early as Wednesday or it could be acted on instead next week.

I remind my colleagues that there will be no rollcall votes during today's session. I am sure many Senators will be in the Chamber to make statements and introduce bills. We will be taking legislative action on Tuesday and Wednesday, with the potential of a number of votes occurring Tuesday afternoon and/or Wednesday. On Thursday, we will have a conference retreat for Republicans at the Library of Congress so we will not be in session during the day. As a reminder, the State of the Union Address will be that night, Thursday, January 27, at 9 p.m., and therefore the Senate will convene at 8:40 p.m. in order to proceed to the House of Representatives for that Address.

Finally, for the remainder of this week, I hope we will look at exactly when we will take up the nuclear waste legislation. I presume that some action will be taken either late this week or early next week which will guarantee a vote.

I appreciate my colleagues' attention and say again I look forward to working with Senators on both sides of the aisle.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

In order to confirm that the Senate is prepared to begin business in the second session of the 106th Congress, I now suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELCOME TO SENATORS AND STAFF

Mr. DASCHLE. Mr. President, I join the majority leader in welcoming back our colleagues, the President pro tempore, our Chaplain, and our staff. I think we all had a wonderful break. It is good to be back and see so many friendly faces.

The majority leader and I had a good conversation earlier today and discussed a number of matters to be addressed in the early days of this session of Congress. I look forward to working with him and with our colleagues as we begin this second session of the 106th Congress.

I might inquire, has the majority leader finished? I didn't want to interrupt.

Mr. LOTT. Mr. President, if I could respond to the distinguished Democratic leader, if he wishes to make a statement at this time that would be fine, but we need to establish a quorum so we can notify the President that the Senate is ready to work.

The Senator can make his statement now or we can establish a quorum.

Mr. DASCHLE. Why don't we establish the quorum and I will comment later.

QUORUM CALL

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Ashcroft
Baucus
Bennett
Bingaman
Bryan
Bunning
Byrd
Campbell
Cochran
Collins
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Feinstein
Fitzgerald
Frist
Grams
Hagel
Hollings
Hutchinson
Jeffords
Kennedy
Kyl
Landrieu
Lautenberg
Levin
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Santorum
Sessions
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

Mr. LOTT. Mr. President, I ask unanimous consent that the quorum call be dispensed with. I believe we have established a quorum and can proceed.

The PRESIDING OFFICER. Without objection, it is so ordered. A quorum is present.

NOTIFYING THE PRESIDENT THE SENATE IS READY TO PROCEED TO BUSINESS

Mr. LOTT. Mr. President, I send a resolution to the desk notifying the President of the United States that the Senate is now ready to proceed to business, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 242) notifying the President the Senate is ready to proceed to business.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

There being no objection, the resolution (S. Res. 242) was agreed to, as follows:

S. RES. 242

Resolved, That the Secretary of the Senate inform the President of the United States that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

NOTIFYING THE HOUSE THAT THE SENATE IS READY TO PROCEED TO BUSINESS

Mr. LOTT. Mr. President, I send a resolution to the desk notifying the House that the Senate is now ready to proceed to business, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 243) notifying the House the Senate is ready to proceed to business.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

There being no objection, the resolution (S. Res. 243) was agreed to, as follows:

S. RES. 243

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there be a period for the transaction of morning business until 6 p.m., with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, I believe the Democratic leader will be here momentarily. Senator DASCHLE had started to make a speech earlier when we first started the quorum call. I believe he will be here momentarily to deliver his remarks. I call on other Senators who have been prepared to make remarks. I believe Senator MACK and perhaps several others would like to make remarks before the Senate concludes business today. I am glad we have established a quorum and are now ready to proceed.

I again remind Senators we will be in session on Tuesday and Wednesday of this week. They should expect votes possibly during the day on Tuesday and possibly several votes on Wednesday.

It is our hope at this time that we can reach an agreement on how to proceed on the bankruptcy bill and we will be able to get an agreement on that and complete that bill which was carried over from the first session of this 106th Congress, and hopefully we could finish it by Wednesday night. There has been an indication, I believe on both sides of the aisle, we hope we could do that. So that would be our desire.

With regard to the matter of the young boy from Cuba, Elian Gonzalez, again what happens there will depend on events. Senator MACK will surely speak to that when he arrives in the Chamber.

Then at some point next week we will initiate proceedings on the nuclear waste bill also.

Those would be the first three issues we have pending before us. We will confer with the Democratic leadership and work on the bills that will be considered after that.

Mr. President, since Senator DASCHLE has not arrived just yet, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1999

Mr. MACK. Mr. President, I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1999) for the private relief of Elian Gonzalez Brotons.

Mr. MACK. Mr. President, I now ask for its second reading.

Mr. LAUTENBERG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MACK. Mr. President, I then ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

ELIAN GONZALEZ

Mr. MACK. Mr. President, I rise today to introduce a bill granting Elian Gonzalez American citizenship.

What it means is that the most important decision in this young boy's life will not be made by a political bureaucracy—but by a family court.

Mr. President, neither the President of the United States, his Attorney General, nor the dictator ruling Cuba is qualified to decide the fate of this little boy. The United States is a country of laws, and we zealously believe in the rule of law. Elian deserves access to the legal protections of our family courts. These courts are in the business of considering family cases day after day. And they would consider "what is in the boy's best interest." Today, the only concern of the INS is "who speaks for the boy," not about his future.

The primary purpose of this legislation is to ensure Elian has access to America's family courts: a court that will consider the choice that his mother made when she gave her life for freedom.

Mr. President, we will continue this debate sometime later in the week and make no mistake, I believe that Elian should remain here in the United States where he can live in freedom. But it is not my purpose to make that decision; that is the function of a family court.

This bill is intended to allow a family court to settle this dispute based upon the best interests of Elian Gonzalez.

I yield the floor.

The PRESIDING OFFICER. Who seeks time? The minority leader.

SECOND SESSION OF THE 106TH CONGRESS

Mr. DASCHLE. Mr. President, let me again welcome our colleagues back. I had the opportunity this morning to discuss the schedule and the many mutual matters of concern with the majority leader. Let me again welcome back our staff and express heartfelt appreciation for the great job that so many of our people have done over the last couple of months while we have been gone. I welcome our colleagues back not only to a new session but a new year, a new century, and a new millennium.

As we begin this new year, Americans have every reason to be proud and optimistic. In the last decade of the last century, we saw freedom and democracy triumph around the globe. We saw Eastern Europe abandon communism and the Soviet Union disintegrate. We saw Nelson Mandela walk out of prison and into history as the first democratically elected President of the new South Africa.

Here at home we restored strength to America's economy. We started the last decade with the biggest budget deficits in our Nation's history, and we ended it with the biggest budget surplus. We have seen more than 20 million new jobs created in the last 7 years. Today we have the lowest unemployment in 40 years, and the lowest unemployment ever among African Americans and Hispanics. Americans are working again.

Finally, after 20 years, real wages for America's families are growing again. Family incomes are up, and inflation is virtually nonexistent.

We also made progress in the last decade on the many social problems that some people thought were intractable. Since 1993, we have seen a 48-percent decrease in the welfare rolls, the largest decline in our Nation's history. We put 100,000 new police officers on the street, and today the violent crime rate is the lowest it has been in a generation. We enacted the single largest investment in children's health since 1965 and the largest increases in higher education since the GI bill. Today our Nation is prospering, and we are at peace.

The question facing us as we begin this new session of Congress, this first session of the 21st century, is: How do we keep America moving in the right direction? How do we provide the leadership that will help continue the global march toward freedom and democracy?

Here at home, how do we keep our economy growing? How do we help ordinary Americans provide for their families and prepare for their future? How do we widen the circle of opportunity to include those who have been left out up until now?

There are many, frankly, who believe we will not answer those questions this year. They look at how little we accomplished last year and the fact that this is a Presidential year and conclude that little or nothing will happen between now and November. It does not have to be that way.

A month ago, a lot of people thought the Y2K bug might cause all kinds of chaos. Instead, almost nothing happened. When it comes to us, when it comes to this Congress, people expect nothing to happen this year. Why not surprise them? We have extraordinary opportunities to do significant work this year, and we should work together to seize those opportunities.

Let's not worry about who gets the credit. Let's worry about getting the job done.

If the best minds in this country could work together to kill the Y2K bug, surely the best minds in the Senate can work together this year to protect Social Security, to modernize Medicare, and to pass a real Patients' Bill of Rights. We can work together to improve our children's schools. Working together, surely we can find new ways to help ordinary working families earn more and keep more of what they earn.

There are all kinds of reasons for inaction, but there is not one good excuse. Henry Ford once said, "You can't build a reputation on what you are going to do."

You cannot construct much of an argument for governing either just talking about what you are going to do. Eventually, one has to act.

I believe there are essentially three challenges facing us this year. If we meet these challenges, I believe, frankly, that it will be good for both of our parties next November. Good policy, as they say, is good politics.

More importantly, if we meet these challenges, it will be good for America, for our economy, for our families, and certainly for our future.

Our first challenge is to maintain our fiscal discipline. Later this week, we expect new estimates from CBO and OMB about how large the surplus might be in the year 2010. We do not know today what their predictions will be, but we do know today that the best first use of whatever surplus we have is to protect Social Security and strengthen Medicare.

Now—when our economy is strong, when we have a surplus, when we still have time on our side—is the time to prepare for the baby boomers' retirement by extending the life of the Social Security trust fund. Now is the time to modernize Medicare and add the prescription drug benefit so people do not have to choose between filling prescriptions and paying utility bills. That is an essential part of maintaining fiscal discipline.

Maintaining fiscal discipline also means paying down our $5 trillion national debt. Mr. President, $2,200 is how much our national debt will cost every family in America this year. Think what a family could do with that much money.

My colleagues and I support tax cuts that help working families with real, pressing needs such as child care and paying for college and caring for sick and aging relatives. We support eliminating the marriage penalty tax for couples who pay a marriage penalty. We support tax cuts that help small businesses grow and make it easier to keep family businesses in families.

We want to work with our friends on the other side of the aisle to pass responsible, targeted tax cuts this year, but we all know what the best tax cut is. The best tax cut for America's families and America's businesses is to pay down the Federal debt.

This year, because of the progress we have made since 1993 in eliminating the deficit and reducing the debt, the average American family will save $2,000 on their mortgage, $200 on their car loan, and $200 more on student loans.

The American people made it clear last year they do not want a tax cut that is so big it wrecks the economy. They do not want a tax cut that is going to explode in a few years and add to our debt. They do not want a tax cut that disproportionately rewards the people at the very top at the expense of everyone else. What they want is for us to maintain our commitment to fiscal discipline and to Social Security and Medicare.

Our second challenge is to expand our economic recovery, not just sustain it, but to broaden and deepen it to include more families and more communities.

These are extraordinarily good times for many Americans, but too many families in this country are still struggling to afford even the basics. Too many children go to bed hungry. Too many Americans still live on the outskirts of hope. The people who have been left out of this recovery include some of the hardest working, most decent people you would ever want to meet.

They include working mothers who get up before it is light and take three buses to get to their jobs at nursing homes. They include former factory workers who lost their economic footing when the plant closed, who work now at jobs that pay one-third as much, with no benefits.

They include farmers and ranchers in South Dakota and across the country who work 12 hours a day, 7 days a week, who are out there right now in the bitter cold and snow, not even making back their production costs, earning less than their parents and grandparents earned in the Great Depression.

Throughout our history, from our earliest days as a nation, Americans have always strived to do better. We did not stop when we cured polio. We said: Now let's cure cancer.

Next week, we will become the first Americans ever to achieve 107 consecutive months of economic expansion. Surely we will not be the first Americans to say: This is all we can do. We have reached the end of our possibilities.

Let us together expand this recovery.

Our third challenge this year is to finish what we left unfinished last year. We need to pass a real Patients' Bill of Rights that lets medical professionals, not HMO bureaucrats, make medical decisions. Senator LOTT and I discussed that just this morning. I do hope there is a real possibility for compromise and ultimately for the successful completion of our work on a Patients' Bill of Rights.

We need to increase the number of Americans with private health coverage. We need to help communities repair schools that are falling down and expand schools that are filled beyond capacity.

We also need to help communities hire qualified teachers and keep the good teachers who are already in the classroom. It is the only way we can fill the 2.2 million teacher vacancies we know will exist within the next 10 years.

We need to keep the crime rates moving in the right direction by making it harder for kids and criminals to get guns, keeping our commitment to put another 50,000 new police officers on the beat by the year 2005, and giving law enforcement the resources they need to combat hate crimes.

We need to keep crime rates moving in the right direction by cracking down on scam artists who target the elderly and by filling the vacancies on the Federal bench this year—no more excuses, no more delays.

Also this year, we need to make it easier for parents who work full time to raise their families out of poverty by raising the minimum wage $1 an hour and expanding the earned-income tax credit.

We need to pass meaningful, comprehensive campaign finance reform.

Finally, we need to continue opening up new markets for American goods and services by passing the Africa trade/Caribbean Basin free trade initiative this year.

So those three challenges ought to be ones we all share:

No. 1, maintain our fiscal discipline, protect Social Security and Medicare, and pay down the debt;

No. 2, expand the recovery to families and communities that have not yet benefited from it; and

No. 3, finish what we left unfinished last year.

In the weeks since we were together, I was fortunate to be able to spend a wonderful holiday with my family. I got to spend a lot of time in South Dakota. I talked with some remarkable people—from business and education leaders who are working together in Sioux Falls to try to keep up with the demand for high-tech workers, to family farmers and ranchers who are working practically around the clock to scratch out a living.

I talked to a farm wife who gets up at 4:30 in the morning and drives over 90 miles to get to Howard, SD, to work at the PMB plant there, as they wrap every Pokemon card that is distributed in the United States—right there in Howard, SD—only to drive another 90 miles back getting home, sometime after 7:30 at night, to do it all over again the next day.

That work ethic is representative of the work ethic all across South Dakota and the upper Midwest.

I had the privilege of traveling with Senators AKAKA, DODD, and HARRY REID to one of the most amazing, and troubled, regions of the world: India and Pakistan. We went to promote trade and understanding, but we also went to encourage both India and Pakistan to defuse the tensions between their nations and to step back from their increasingly tense nuclear arms race. I am hopeful we made some progress on both matters.

Being in those two nations reminded me again of how fortunate we Americans are. We talked to Tibetan refugees who fled Tibet over the 19,000-foot Himalayan Mountains, suffering the worst maladies in health, recognizing that 40 percent of them might have to deal with serious frostbite on their feet and hands by the time they arrived in Nepal—only to do it because they wanted to be free, only to do it because they, too, wanted to experience at least some element of democracy.

There is so much we as beneficiaries of democracy take for granted. I do not mean simply our material wealth and consumer comforts; I mean our most precious possession of all, our freedom. You recognize that every time you travel abroad, whether it is Pakistan, Nepal, India, or any other country.

India, the world's largest democracy, is now celebrating the 53rd anniversary of its independence this year and the 50th anniversary of its Constitution. Perhaps because democracy is still relatively young in India, perhaps because of the high price they paid for their liberty, the people I spoke with in India seemed very much aware of how rare and how fragile democracy is.

In Pakistan, we visited a country where a democratically elected government had only a few months before been toppled and replaced by a military ruler—another reminder of how privileged we are to live in the world's oldest and most secure democracy.

I am encouraged by my discussions with General Musharraf and very hopeful they can restore economic progress, restore democratic institutions, and can find a way with which to begin resolving the regional conflict that is so prevalent in all the conversations we had with leaders in both countries, India and Pakistan.

Democracies are not perpetual motion machines. As the great poet laureate Archibald MacLeish wrote:

> America is never finished. America is always becoming.

Every American has a responsibility to make our democracy work. But we who have been granted the privilege of serving in this body have a unique responsibility. The Congress is no ordinary institution. This is where Americans come to solve our common problems and shape our national destiny. This is also where younger democracies of the world turn for guidance and where people and nations not yet free look for hope. That was so evident in our conversations with people in all the countries we visited on this too brief a visit to the subcontinent a couple of weeks ago.

Are we going to live up to our responsibility to make this institution work, as we know it can? Are we going to meet the challenges before us and pass measures that will make a real difference in people's lives or are we simply going to pass time until the next election?

As we begin this new session of Congress, let us resolve together to surprise everyone and do what needs to be done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

NATIONAL MISSILE DEFENSE SYSTEM TESTING

Mr. COCHRAN. Mr. President, last week the Department of Defense conducted its most recent flight test of our National Missile Defense system. A great deal has been said and written about this test in the last few days—much of it erroneous—and I think it is important that we draw the correct conclusions about what this test does and does not mean.

The test conducted last week was one of a series of 18 scheduled flight tests of the National Missile Defense system, and only the second to actually attempt to intercept a strategic ballistic missile by colliding with it in space. The first test this past October was primarily a test of the vehicle that actually hits the target missile. Last week's test was significantly more complicated and involved additional, newly developed elements of the National Missile Defense system, such as the ground-based radar and the Battle Management Command, Control and Communications system. In fact, a senior Defense Department official told reporters before the test that the battle management system is: "the most difficult and sophisticated part of this entire program."

The latest test began with the launch of an intercontinental ballistic missile from Vandenberg Air Force Base in California. After its rocket engine burned out, the target missile deployed both a mock warhead and a balloon decoy intended to try to fool the interceptor missile. The missile was tracked by satellites and by the National Missile Defense system's ground-based radar at Kwajalein Atoll in the South Pacific, and the interceptor missile was launched to meet the target. It sighted the target missile and then closed on it.

While the interceptor did not hit the target warhead, it appeared that all of the systems tested functioned properly until the final six seconds of these, when the infrared sensors on the interceptor vehicle did not operate correctly—as they had in the October test.

While the failure to hit the target is disappointing, it is hardly justification for all the negative comments I have heard about last week's test. It's important to remember that a test program involves the testing of weapon systems to see if they perform as they were designed. The purpose of this test program is to uncover problems and correct them. If it were possible to take a design straight from the drawing board to the field, we wouldn't need testing programs. We test because we expect to find problems and try to solve them.

What's remarkable about the National Missile Defense testing is not that the intercept vehicle missed on the second test but that it succeeded on the first one. Many newly introduced elements had to work right on this most recent test even to achieve a near miss, and the really significant news on this test is that all of the new elements which added complexity to the challenge seemed to have performed very well; the only thing that apparently didn't work properly was the one element which was already proven to work in the October flight.

Some of the critics of missile defense have said this test was a major setback for the program. It was not. In fact, it demonstrated significant progress in the development of a workable and reliable National Missile Defense capability.

The October flight was primarily a test of the intercept vehicle and its ability to identify a target in space, discriminate between the warhead and a decoy, and collide with the warhead. It did exactly what it was designed to do, but critics of the program claimed that had the decoy not attracted the intercept vehicle's attention, it never would have detected the warhead. They argued that the system can not work when there are decoys, and only did work because there was a decoy.

As ridiculous as that sounds, it has been echoed by those who have long opposed missile defense in any form. An editorial in the New York Times claimed that the October success was "lucky" and occurred "almost by accident." Now wait a minute and think about this. When two objects—each about the size of a chair, launched 4300 miles apart and traveling at a combined speed of 15,000 miles an hour—collide in the vastness of space 140 miles above the Earth's surface, that's not an accident. That's a demonstration of some very capable technology and engineering.

Clearly, for some, no amount of evidence will be convincing. But repeating something that's wrong doesn't make it right.

Predictably, some are urging the National Missile Defense program be slowed down or even shelved in the wake of last week's test. For some critics, delay or cancellation is always the right course of action when it comes to missile defense. Others suggest abandoning this program for another approach using different basing modes, but that will only delay the National Missile Defense deployment we need now. Still others believe the administration's assessment of technological readiness should be delayed in order to remove the decision from presidential politics. This, too, would be a mistake.

We have a National Missile Defense program because we have a growing vulnerability to the threat of ballistic missile attack. That threat will not wait for us to conduct a test program with perfect results, something that has never happened with any weapon system. Delay in deploying a defense against these missiles only serves the interests of our adversaries.

This threat is growing. We must all remember that this program is not just an academic exercise. The Senate passed the National Missile Defense Act last spring; in September the Intelligence Community released a new National Intelligence Estimate of the ballistic missile threat which, according to its unclassified summary, judges that some rogue states may have ICBMs much sooner than previously thought, and that those missiles will be more sophisticated than previously estimated. In just the past few weeks, British authorities intercepted components bound for Libya for missiles with three times the range of Tripoli's current arsenal. According to news reports from last week, the Director of Central Intelligence cannot rule out that Iran may already be able to build a nuclear weapon. And this past weekend, North Korea said it was reconsidering its declaration to refrain from any more long-range missile tests, though of course a moratorium on flight testing, however long, does not mean that North Korea isn't making progress on its missile development programs.

While the threat continues to intensify, we've already had too much delay in deploying a missile defense system. In fact, we are behind today precisely because those who counsel delay have long had their way, not because of any inherent problems with the technology. What's required now is that we stay the course we set for ourselves when we passed the National Missile Defense Act of 1999. That act makes it the policy of the United States to deploy a National Missile Defense system as soon as technologically possible. With the successful test in October and last week's test incorporating additional elements of the National Missile Defense system, the talented men and women of our armed forces and industry have demonstrated that this system is technologically possible. The test program is in its early stages and much can and will be done to refine the system between now and the start of missile production. But there is no question that this technology is not just within our reach but is actually in our grasp now.

I congratulate the Defense Department for the extraordinary technical accomplishments it has achieved so far, and urge it to continue to work to improve this important program.

The PRESIDING OFFICER. The Senator from New Jersey.

PAYING DOWN THE DEBT

Mr. LAUTENBERG. Mr. President, before I start my principal subject, I will take a couple minutes to commend the Democratic leader for his earlier comments.

We are all ready to go to work, and tomorrow we start with the Budget Committee. We are to hear from Chairman Greenspan from the Federal Reserve, and we are going to be talking about where we go from here in terms of the economy.

Based on what I hear in the various Presidential campaigns, it looks as though we are going to be discussing paying down the debt to some degree. The question is, to what degree? Where is it that we ought to be focusing the use of the significant balances, the surpluses we are going to see? I hope, consistent with Senator DASCHLE's comments, we will not be looking at tax cuts as a principal direction. To paraphrase Will Rogers, I never met anyone who didn't want to pay less taxes. But the fact is, our economy is moving at the pace it is for very specific reasons—encouraging investment, curbing our spending, and in many cases curbing it where it hurts but is necessary to get through this transitory period where we went from a debit balance to a credit balance. Looking at our surpluses and wondering about the debates, I contemplate where we are going to be spending these surpluses. I think the way to continue this prosperity, the way to make sure that America goes into this new century with as much energy as it can have, is to be looking at paying down the debt, paying it down as fully as we can, taking care of the essential programs that we know are needed by our constituents across the country.

The last thing I think people want to see is random tax cuts that benefit the wealthy to an unusually high degree, while those struggling to make a living are concerned about interest costs for mortgages, their schooling, and various other things that are an important part of basic life.

EXPRESSING SYMPATHY FOR THE VICTIMS OF THE TRAGIC FIRE AT SETON HALL UNIVERSITY

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 244, which I introduced earlier today with Senator TORRICELLI.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 244) expressing sympathy for the victims of the tragic fire at Seton Hall University in South Orange, New Jersey, on January 19, 2000.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, tragedy struck in New Jersey last week. It was obviously of enough significant interest that it was portrayed across the country. Three students who were 18 years old lost their lives in a dormitory fire, and several others were seriously injured. We are still waiting, with hope and prayer, to hear that they are going to be able to recover. This is virtually in my neighborhood back home. I know Seton Hall University well. I know the president and the archbishop of the diocese; we are very good friends.

Everybody wanted to reach out and do something. The first of the three funerals was held today. It is a sad day. It raises a question about what we should expect in a dormitory. Hindsight won't do us much good in this instance. The building they were in was built a long time ago. The tragic fire took place last Wednesday. The fire started inside a six-story residence hall. It took the lives of 3 students and injured 62 others, including at least 58 students, 2 police officers, and 2 firefighters.

Mr. President, we don't have to tell anybody that nothing is as painful as a senseless accident—which perhaps we can avoid seeing in the future—that takes the lives of young people. Anyone who is a parent or relative of an 18-year-old would be seriously grieved by what happened.

I know I speak for all of us in the Senate in extending our sympathies to the families of the three students who died in the fire. They are Frank Caltabilota of West Long Branch, NJ; John Giunta of Vineland, NJ; and Aaron Karol of Green Brook, NJ, whose funeral was the first one this morning.

We also extend our support and prayers to the families of the students and the others who were injured. We are tremendously grateful to the firefighters and the other people who worked so hard to prevent the loss of more lives.

It is still too early to know what caused this fire, but we must make sure, once the cause is known, that Federal, State, and local jurisdictions take whatever steps are necessary to prevent this from happening again. Students have a fundamental right to pursue an education in a safe, secure environment. Parents have a right to know their children are protected from harm while on school property.

Seton Hall University is holding a memorial service tomorrow for the victims of the fire. The enormity of this tragedy, however, extends far beyond the confines of Seton Hall University's campus. At the very least, the investigation of this catastrophe should sharpen our focus on fire prevention at campuses across the country and should mark this fire, Lord willing, as the last one of its kind.

I have introduced this resolution, which should pass the Senate today, expressing the sympathy of the entire Senate to the families of the victims and the Seton Hall community.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas at approximately 4:30 a.m. on January 19, 2000, a fire broke out in the commons area on the third floor of Boland Hall, a six story residence hall housing 600 students at Seton Hall University, and this fire took the lives of three students—Frank S. Caltabilota of West Long Branch, New Jersey, John N. Giunta of Vineland, New Jersey and Aaron C. Karol of Green Brook, New Jersey, and, in addition, 58 persons were injured, including 54 students, two South Orange firefighters and two South Orange police officers;

Whereas numerous Seton Hall students risked their own lives as the fire broke out to save the lives of their fellow dormitory residents;

Whereas firefighters, paramedics, police officers and other emergency personnel from the surrounding communities worked bravely into the early morning darkness to reduce casualties and extinguish the fire;

Whereas the entire Seton Hall University community has banded together in grief to remember the fallen students, and numerous people outside the university recognize the enormity of this tragedy and the need to do everything possible to keep it from happening again since every student should be able to pursue an education in a safe, secure environment:

Now, therefore be it

Resolved, That the Senate—

(1) expresses its sympathy to the families and friends of Frank S. Caltabilota, John N. Giunta and Aaron C. Karol on the occasion of the funeral service on January 25, 2000;

(2) expresses its hope for a speedy recovery to those students, firefighters and police officers injured in the fire;

(3) expresses its support for all of the students, faculty and staff at Seton Hall University as they heal from this tragedy;

(4) expresses its support and thanks to the brave firefighters, paramedics, police and other emergency workers who saved numerous lives;

(5) pledges to ensure that Federal, State and local government entities work together to prevent a tragedy like this from occurring again, so that our nation's college students can live, work and study in the safest possible environment.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

THE TRAGIC FIRE AT SETON HALL UNIVERSITY

Mr. REED. Mr. President, let me associate myself with the remarks of the Senator from New Jersey. I agree with him on the seriousness of the tragedy that befell his constituents in New Jersey. Several years ago, in Rhode Island, we had a similar tragic experience at another Dominican college, Providence College, where many students were injured and several were practically killed. All of us in America extend our sympathy to these families in New Jersey and to the Seton Hall University academic community.

THE NIXON V. SHRINK MISSOURI GOVERNMENT PAC DECISION

Mr. REED. Mr. President, I want to take a moment to inform the Senate that today the U.S. Supreme Court, in the case of Nixon v. Shrink Missouri Government PAC, upheld contribution limits in the campaign finance system of the United States.

This was a victory for our democracy. It was a victory for the voters because, essentially, what the Court said is that elections in the United States are about votes, not about money. They affirmed the core holding of Buckley v. Valeo that reasonable contribution limits in Federal campaigns—and today, by extension, in State elections—are constitutionally permissible. I was very pleased with this decision.

Several months ago, I organized an amicus curiae brief, which was submitted to the Supreme Court in this case, and advocated the position the Court adopted today—that contribution limits are, in fact, permissible under the Constitution of the United States.

Again, this is a victory for those who would like to see elections be contests of ideas rather than clashes of special interests, amplified by huge amounts of money. Today is a victory for voters who, by their decreasing numbers, show their disenchantment with the political system. They feel the system is not about ideas or candidates' positions, but really about the candidates' treasure chests. This feeling is a corrosive force that undermines democracy in this country. Well, today, the Supreme Court held the line and declared that we can impose reasonable limits on campaign contributions.

As Justice Souter said in his opinion, this is a situation in which the perception of corruption is as powerful as the reality of corruption. If voters perceive that the system is not benefiting them, but benefitting a special few who contribute, they will lose faith in the system. That loss of faith will ultimately disrupt our ability to conduct a democratic government here in the United States.

The decision today also indicates that we have both the opportunity and, I argue, the obligation to move forward on broader campaign finance reform. Today, the court said that, in fact, we can limit direct contributions of hard dollars to campaigns. By extension, they give us, I hope, the impetus to go ahead and extend these limits to soft money, because we all recognize that soft money is dominating the political scene today. As we speak, an avalanche of soft money is entering into our political system as part of the Presidential campaign and various federal and state campaigns for office. Soft money contributions were 75 percent higher in 1999 than in the same period in 1997. We can do something about this. The Supreme Court has confirmed our ability to legislate, and we should move very quickly and very forcefully to adopt, I believe, a total ban on soft money—but at the minimum to impose limits on soft money.

If we don't do that, again we will undermine the faith and the trust of the people of this country in our electoral system. They trust and have faith that we are a nation ruled by votes and not by the size of political contributions.

We have lots of work to do, and we should begin immediately. I sense, as many do, that one of the reasons we have been stalling on campaign finance reform in this body is because some people were able to offer up an easy excuse, that we should wait to see if contribution limits are going to be upheld by the Court as constitutional.

The Supreme Court has now decided. They have spoken in a very strong voice today, by a vote of 6 to 3, and declared that reasonable limits on contributions are constitutionally appropriate. As a result, I believe we should take their decision Nixon v. Shrink Missouri Government PAC case and build on it by limiting soft money and other forms of indirect contributions.

Let me quote from Justice Souter:

> . . . there is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.

Today's decision is an anecdote to that suspicion, but the real cure will come when we adopt comprehensive campaign finance reform by outlawing soft money and placing other reasonable restrictions on the electoral process.

Today the Court discharged their responsibility. Now it is time to take up ours. The Supreme Court declared that we can act. We should act. I hope this decision will be a source of energy for us this Congress, so that we can work together on a bipartisan basis for adoption of reasonable and sensible campaign finance reform.

I thank the President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before Senator REED leaves the floor, I wish to commend my colleague from Rhode Island for all of his leadership on this issue. I was proud to join him as one Member of this body on the brief. He has consistently talked about the need to drain the swamp that has become America's system of financing campaigns. I share his view.

I note also Senator HOLLINGS is here as well. Senator HOLLINGS I think is absolutely right as well in saying that we probably ought to have a constitutional amendment to ensure we have comprehensive campaign finance reform. But the good news is that the Supreme Court today opened a window for meaningful reform opportunities and meaningful reform legislation.

I commend my colleague from Rhode Island for all of his leadership.

PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

Mr. WYDEN. Mr. President, I will be brief this afternoon. I note Senator HOLLINGS is here and also Senator GRAMS.

I come to the floor because last fall I indicated that I would come to the floor of the Senate again and again until this body passed bipartisan legislation to make sure the Nation's older people secure prescription drug coverage under Medicare. We have had some very exciting developments on this issue in recent days. I think all the work that has been put in by so many parties is beginning to pay off.

I think the reason there is such intense interest in this issue is that while Medicare provides important health insurance coverage for older people, its coverage still today has many gaps. In particular, it doesn't cover prescription medicine.

There is not anyone I know today—Democrat or Republican—who would argue that if we are going to redesign Medicare now, we would leave prescription drugs out. Quite the contrary. Virtually everyone who has studied this issue believes prescription drug coverage is absolutely critical because today's medicines are key to keeping older people well. The drugs of the future are going to help lower blood pressure and cholesterol.

I cited on the floor of the Senate the important anticoagulant medicines. If you spend perhaps $1,000 or $1,500 in a year, you can prevent stroke. If an older person suffers a stroke as a result of not having access to those medicines, they could incur expenses of $100,000 or more. So the need is intense.

This is an issue that must be addressed in a bipartisan way. For many months now, there has been a bipartisan effort in the Senate. Senator SNOWE and I have teamed up on legislation which we believe, using marketplace principles, addresses many of the concerns Senators on both sides of the aisle have had. It doesn't contain price controls or a sort of one-size-fits-all approach.

We would allow for a tobacco tax to finance the program. We don't require one. We say that it would be possible to finance the program using the general fund. But 54 Members of the Senate, a majority of the Senate, voted for the SNOWE-WYDEN funding plan for prescription drug coverage for older people. We now have a majority of the Senate in a recorded vote saying they would be willing to pay the dollars needed for a good prescription drug benefit for older people.

Our approach in the Snowe-Wyden legislation focuses on making these drugs accessible and affordable. Right now Medicare, of course, doesn't cover prescriptions. But just as importantly, older people, when they can afford their medicine, and go to a drugstore are, in effect, having to subsidize the big buyers—the HMOs and the health plans that can negotiate discounts.

In effect, the older people are getting shellacked twice when it comes to this issue of prescription drugs. They get no coverage. They have to subsidize the benefits, in effect, of those who have real bargaining power—those who are on the health plans.

I would like to wrap up with a couple of minutes on an issue that I know is important to South Carolina and in Minnesota, as well as my home State of Oregon. That is the plight of rural older people. There has been some discussion of this prescription drug issue, of course, on the floor of the Senate, but never before has there been a focus on the special needs of older people in rural communities.

In my State—and I know in the States of Senator HOLLINGS and Senator GRAMS as well—if you live in a rural community, you have fewer physicians available to write medications. You have fewer pharmacies so that medication is not accessible. You have to drive longer distances in order to get your medicine.

We found, according to the Oregon Health Sciences University's Office of Rural Health, that a conservative number of seniors in rural Oregon who live in poverty is 16,500. I can tell you, having gone through many of those rural communities during the break, that there is a special need for coverage for prescription drugs for older people in rural communities.

I will wrap up by reading a few of the accounts older people from rural Oregon have sent me about the problems they are having in affording their medicine. An elderly couple, for example, in Baker City depending solely on Social Security takes prescription drugs for chronic back ailments. After they purchase their monthly medication, they have only $200 for that month left over to pay for their necessities.

They wrote me, and I am going to quote: ". . . that is not living, that is existing."

I think all of us know you cannot live on $200 a month. Yet that is what an older couple in Baker City, OR, are faced with after they finish paying for their prescription medicine.

In Clatsop County, after an older couple paid for their supplemental coverage, they had to spent $450 a month on their prescription medicine. They fear their supplemental insurance premium is going to go up again this year. That is always the case. They are then going to have to stop taking their medication altogether.

In Coos County, a 75-year-old female resident is getting by on a fixed income of about $800 a month. Every single month she is spending more than 25 percent of her monthly income on prescription medicine.

One older woman in that county lives on Social Security and doesn't have any prescription drug coverage at all. She is now at the point where she cannot afford spending the necessary $200 a month for her medications.

Before I came to Congress, I tried to specialize in the gerontology field. As sure as night follows day, when we have a vulnerable older woman who cannot, in a cold Oregon winter, afford to take her medications, she is going to get much sicker. Very often she will end up in the hospital needing extensive medical services that are available under what is called Part A of the Medicare program, the institutional program.

We ask: Can we afford to cover prescription drug medicine? That example I just gave of the older woman in Coos County makes it very clear this country cannot afford not to cover prescription drugs for older people under Medicare. If older folks do not get these medications, they are going to get sick and the medical bills will be far higher.

I ask unanimous consent to have printed in the RECORD many other cases from rural Oregon.

There being no objection, the material ordered to be printed in the RECORD, as follows:

RURAL CASE STUDIES

A 75-year-old hearing impaired woman from Coquille living on Social Security does not have any prescription drug coverage. She cannot afford spending the necessary $200 a month for her medications.

Deschutes County: An 83-year-old woman from Sisters and her 79-year-old husband are currently taking 12 prescription drugs to treat diabetes, osteoarthritis and hypertension. Their sole source of income is Social Security, and they incur a cost of $400 a month for these medications, which represents 25% of their income.

Lincoln County: An 81-year-old widow from Toledo currently takes eight prescription drugs daily for glaucoma, angina and high blood pressure. Social Security is her only income, and her Medicare supplemental insurance policy does not cover the medication. If she doesn't use her eye drops she will go blind, and if she cuts down the dosage on her other medication, due to expense, she is in danger of having a stroke or a heart attack.

Linn County: A 78-year-old woman living in Lebanon suffers from hypertension. She is presently taking six prescription drugs: Atenolol, Ziac, Zestril, Cimetidine, Quinidine and Xanax. She spends an average of $236.92 a month on these drugs. This figure does not count her considerable expense on over-the-counter medication and vitamins.

A retired couple from Lebanon live on a combined Social Security income of $990 a month. They suffer from arthritis, high blood pressure and osteoporosis. Because of the increasing financial strain, they can no longer afford their medications.

Umatilla County: An elderly couple from Pendleton lives on a combined fixed income of $1,269 a month from Social Security and relies solely on Medicare for their health insurance. The 76-year-old husband has Parkinson's disease and glaucoma, while his 73-year-old wife, who suffers from heart problems, has skipped her medication at times when she couldn't afford it. Without any drug coverage, they collectively spend $800 a month—63% of their income—on their 14 prescriptions.

A 74-year-old man who takes six prescription drugs a month cannot survive on his Social Security and Medicare benefits. His niece must help him pay the $500 month for his prescriptions.

A retired teacher from Pendleton is taking eight medications for chronic back pain. She spends $200 a month on her prescription drugs.

Wasco County: An elderly couple from The Dalles depends on their combined monthly Social Security income of $1,263 and profits from the sale of their family farm to survive. Even though they have supplemental insurance, health care costs are still high. In addition to considerable medical expenses for eyeglasses, hearing aids and other health care needs, they spend over $250 a month on prescription drugs to treat asthma and high blood pressure.

Mr. WYDEN. Mr. President, I will come to the floor of this Senate again and again and again these next few months to urge bipartisan action on this issue. The Snowe-Wyden legislation is one approach. Certainly, our colleagues will have other good ideas. There are a variety of ways this issue can be addressed in a bipartisan way. I am pleased our approach garnered 54 votes when it came to actually paying for it.

I intend, with Senator SNOWE, to continue to urge older people to send in copies of their prescription drug bills to each Member in the Senate in Washington, DC, so we can read their personal accounts into the RECORD.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from South Carolina.

SEATTLE

Mr. HOLLINGS. Mr. President, the World Trade Conference in Seattle was violence run amok. But it was a good reminder of the trauma that brought about our nation's high standard of living. Labor rights were obtained only after the murder of workers at Hay Market Square in Chicago. Environmental protection was obtained only after poisoned deaths at Love Canal. Safety laws were obtained only after poisoned food, poisoned drugs, and babies burned in their cribs. It took the trauma of class actions to make America aware of tobacco's injury, and it took President Teddy Roosevelt to hem in the robber barons with antitrust laws. The excesses of the free market—of free trade—can only be controlled by government. The peaceful demonstrators in Seattle were demonstrating against government's failure to control.

The threat of "free trade" was America's first lesson. The fledgling colony had just won its freedom when the mother country counselled "free trade". It was Riccardo's famous doctrine of "comparative advantage". Britain would trade with us what it produced best—the United States would trade back what it produced best. Alexander Hamilton, in his famous booklet "Reports on Manufacturers," told the Brits to "bug off." "We are not going to remain your colony, exporting our timber, iron, and agriculture—and importing the finished products from England." The second bill (the first was for the U.S. Seal) to pass the national Congress on July 4, 1789 was "protectionist"—a tariff bill of 50 percent over sixty-some articles. Later, when it was suggested that we import the steel for the transcontinental railroad, Abraham Lincoln said, "No", and a high tariff was imposed on steel. In the Depression, Roosevelt saved the family farm with subsidies and protective quotas. And it was President Eisenhower who placed quotas on oil. World War II was won in the main by the United States' industrial and agricultural might—might built with protectionism.

After World War II the United States had the world's only industry. The task was to build a free market—to defeat communism with capitalism. The government—not the free market—instituted the Marshall Plan; sent money, equipment and expertise abroad for Europe and the Pacific Rim to rebuild. Today, our problem is that the Marshall Plan worked. The vanquished of World War II have become victors in production, in market share, in the global competition. Today, Japan produces more than the United States—and has the largest balance of trade; the United States the largest deficit in trade. We have tried and tried to open markets by setting the example, pleading "free trade," giving away market share, giving away our technology, giving away our production. But nations, like the United States in the early days, are determined to build their industrial strength, and today controlled capitalism governs trade. Technology is obtained; market share is seized; production is transferred with controlled capitalism. Trade is not free, not controlled.

The fall of the Wall has presented us with a new threat. Four billion workers have been liberated from communism and oppression. They are ready to work regardless of pay, safety or the environment. It's a given in manufacture that labor costs represent 30 percent of volume and you can save as much as 20 percent of volume by moving your production to a low wage country. Technology now can be transferred on a computer chip to any place in the world—and finance it by satellite. A corporation with $500 million in sales can retain its executive office and sales force in-country, but move its production to a low wage country and make $100 million before taxes. Or it can continue to work its own employees and go bankrupt. The rush is for production offshore—downsize onshore—and keep crying "free trade."

These corporations and our competitors have been spoiled. At all the trade conferences they have come to expect the Special Trade Representative to arrive bearing gifts. They know the United States doesn't enforce its trade laws. They know the President and the Congress are controlled by corporate money. They have come to expect the United States to come crying "fair trade", but giving away the store. President Clinton's invitation to Seattle was like an invite to a birthday party. But rather than bearing gifts, the demonstrators caused the President to call for labor rights and environmental protection. The competition was so spoiled they took the United States' position at Seattle as an invasion of their sovereignty.

The security of the United States is like a three legged stool. The one leg of the Nation's values is admired the world around. The second leg of military power is unquestioned. But the third leg of economic strength has been fractured. For 50 years we have been losing production, technology and market share. Today, this threatens a loss of the middle class, the weakening of our democracy—the loss of our security as a nation. When Henry Ford started the assembly line he wanted to be sure that his workers could make enough to buy the car they were producing, thus began the strong middle class in America. The labor movement brought health care and other benefits so that the worker could buy a home, pay for health care, send their kids to college and afford a vacation trip. The WTO puts this social contract in jeopardy. It's one-size-fits-all capitalism only dumbs down America's standard of living.

For years the United States has had and continues to have the most productive industrial worker in the world. But we have less and less of them each year. The cold war policy of free trade sacrificed our electronics, textiles, shoes, steel, hand tools, shipbuilding, etc. Jack Welch of General Electric has just instituted an affirmative action plan to export GE's jobs to Mexico. Now, with NAFTA, the rest of our manufacturing is headed South. Worse, the internet doesn't provide enough jobs to build a nation—and it doesn't export. Microsoft, rated the No. 1 industry in America, has only 22,000 jobs in the United States compared to General Motors with 250,000. As Akio Morita cautioned years ago, "That world power that loses its manufacturing capacity will cease to be a world power." The United States becomes weaker each day.

The time has come to break with the failed trade policies of the past and instead pursue a policy that zealously promotes the national interest while at the same time remains true to our core values of promoting both economic growth and social justice. This will only be accomplished by recognizing that the WTO system is a relic of a bygone era. The WTO system was an instrument of the cold war. It served as an adjunct in the much larger strategic struggle between East and West. It required the U.S. to sustain concessions necessary to maintain the cohesion of the Western alliance. For all the talk about opening markets, WTO and its predecessor, the GATT, have proven to be abysmal failures. In 1979, Ambassador Robert Strauss proclaimed that the Tokyo round will open new markets for U.S. companies, yet from the Tokyo round to the Uruguay round, the U.S. racked up over a trillion dollars worth of trade deficits. In 1994, President Clinton proclaimed that the Uruguay round would crack open markets. Since that time the U.S. continued with record trade deficits and last year recorded its first $300 billion deficit. In each successive round, the U.S. agreed to asymmetrical market opening commitments. Each time we concluded a round, the trade deficit widened. Perhaps the WTO system's biggest failure is its claim that it is raising living standards. The argument made in Seattle was that market forces alone would raise living standards—an argument we rejected in our own country at the turn of the century.

The reality is that unfettered free trade has unleashed a race to the bottom as nations in the developing world engage in a vicious competition to attract foreign investment. For example, in his book "One World Ready or Not, Bill Greider vividly describes this race to the bottom, "The toy industry—much like textiles and garments, shoes, electronics assembly and other low-wage sectors—existed (and thrived) by exploiting a crude ladder of desperate competition among the poorest nations. Its factories regularly hopped to new locations where wages were even lower, where the governments would be even more tolerant of abusive practices."

We must rebuild. Get real! No more of this "setting the example." No more crying, "free trade," "fair trade," "level the playing field." No more of this harassing others to be like us. Our job is to compete; to protect labor, protect our environment, protect our production—to protect the United States' standard of living. The free market won't do this. Only government will. Protection is the fundamental of government. We have the Army to protect us from without, the FBI to protect us from within. We have Social Security to protect us from the ravages of old age, Medicare and Medicaid to protect us from ill health. We have EPA to protect the environment, FDA to protect our food and drugs, the FCC to protect communications, the FAA to protect air travel, the Consumer Protection Agency to provide safe products, and the Federal Trade Commission to protect us from the restraint of trade. Don't be misled by the cry of "globalization." This is the chant of our corporate fifth column. Silicon Valley is not the answer. This is the crowd that government gave the Internet; that government trained at Illinois and Stanford; that government subsidized with sematech; and now the billionaires all want to eliminate the estate tax, eliminate capital gains, eliminate state tort laws, eliminate the immigration laws, eliminate taxes on the Internet, eliminate the antitrust laws—just eliminate the government. Let's stop running against government. We are the government. Our task is to make government work. Our responsibility, is to keep America strong.

We must organize to do battle. The first order of business is to eliminate the Special Trade Representative who looks to desert and represent some country against us. Next, merge and downsize the 28 departments and agencies that now deal with trade into a Department of Trade and Commerce. Then organize Congress' handling of trade issues. Our competition presents a solid front. Any trade measure to protect America's jobs is immediately opposed by Japan's 100 consultants and law firms, by America's big banks, the Trilateral Commission, the Business Roundtable, the National Manufacturers Association, the United States Chamber of Commerce, the National Federation of Independent Business, the consultants and campuses financed by corporate America, the retailers, the newspaper editorialists financed by the retailers, the business lobbyists, and most of the 60,000 lawyers in Washington. Trade bills today are passed in Congress by multinational corporations joining with the foreigners and, thereupon, the President garners the votes with local pork. The common good is ignored.

Once organized, we must repeal the tax laws that subsidize the export of American jobs. Then abolish the International Trade Commission that habitually cancels the findings of injury by the International Trade Administration. Remove the Executive veto of trade findings so that an industry fighting for relief can count on it when upheld by the courts. In short, enforce our trade laws now on the books. This will stabilize domestic production. This will restore trust in government.

The symbol of the Seattle ministerial was not the black hooded hoodlums intent on causing mayhem. Instead, they were Boeing machinists who led the large labor marches that snaked through the streets of Seattle. Boeing, an export powerhouse, was supposed to stand out as a shining example of the open trading system. But Boeing is experiencing the loss of jobs to government-financed Airbus; to China where the price of admission into the Chinese market is an agreement to shift production from the United States to factories in mainland China. The machinists did not join the mayhem. They trust the government to act in their interest—to act in the United States' interest. For this to happen, as Lincoln said, "The dogmas of the quiet past, are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves, and then we shall save our country."

The PRESIDING OFFICER. The Senator from Minnesota.

PROTECT THE SOCIAL SECURITY AND MEDICARE SURPLUS

Mr. GRAMS. Mr. President, tonight at the very beginning of the second session of the 106th Congress, I rise to talk about legislation that I introduced earlier today—on a vitally important issue: protection of the Social Security and Medicare surplus.

My legislation reassures the American people that Congress and the Administration will not spend a penny of their Social Security and Medicare money and it creates a mechanism to enforce our commitment to protecting these surpluses.

This "look-back" enforcement mechanism is simple and straightforward. It basically says if Congress and the Administration indeed spend any of the Social Security and Medicare surplus in the previous fiscal year, an automatic reduction in Government discretionary spending, including congressional Members' pay, will be triggered. The money will be returned to the Social Security and Medicare trust funds. It would work similarly to the sequester of Gramm-Rudman-Hollings, but applies to spending of Social Security and Medicare surplus funds. I stress the sequester could not cut any Medicare or other entitlement programs.

Unlike similar legislation I introduced last year, this bill adds the Medicare surplus into the protection. The Medicare part A surplus will be about $20 billion this year. This surplus should also be preserved for senior's medical expenses only, not for any general Government spending.

My legislation would in effect prevent anyone, whether it is the Congress or the administration, from raiding the Social Security and Medicare surplus.

I believe this is a crucial step to truly protect the Social Security and Medicare surplus and save it exclusively for Americans' retirement and medical needs, not for tax relief, and not for government spending.

Let me explain why we need this legislation.

First and foremost, the American people do not understand why budget rules do not protect the Social Security and Medicare surplus. I have traveled intensively throughout Minnesota during this congressional recess. Everywhere I went, Minnesotans told me that the Federal Government's practice of so-called "borrowing" from the Social Security and Medicare trust funds must be stopped, and Americans' retirement funds must be secured.

They are very worried that the retirement funds will not be there for them, and they are concerned that the Government will not be able to return the over $750 billion already "borrowed" and spent by the Government. They want me to take every measure possible to protect their retirement security and their future health care needs.

Last December, the Congressional Budget Office's end of the session summary estimated that Congress spent $17 billion of the Social Security surplus and exceeded the spending caps by $7 billion in budget authority and $17 billion in outlays.

In addition, Congress spent every penny of the $14 billion non-Social Security surplus which we promised to return to working Americans as tax relief.

The Congressional Budget Office also reported that increased revenue would present a more favorable picture. On Wednesday, the CBO is expected to issue its new estimates and it appears likely that Americans' tax overpayments will enable us to avoid spending any of the Social Security surplus.

However, my concerns are, first, the CBO December estimate gives the general public the impression that we failed to keep our promise to protect the Social Security surplus and that we are now covering it up with budgetary smoke and mirrors.

Second, as a result, we have to use additional tax overpayments to fund the increased government spending, even if the new CBO estimate shows we did not spend the Social Security surplus.

Already, lawmakers are talking about how to spend the rest of the non-Social Security surplus in an Supplemental emergency early this year.

Because of this propensity to spend, I believe the look-back proposal is essential to protect us now and in the future from the temptation to spend "just a little" the Social Security and Medicare surpluses.

Further, I have argued repeatedly before the Senate that economic forecasting is more of an art than a science. Many uncertainties, risks, and factors are involved. We have a budget of over $1.8 trillion based on a variety of assumptions, estimates, forecasts and projections, with people using both Congressional Budget Office numbers and Office of Management and Budget. It is highly likely that there are errors in this budget. If the error occurs in Social Security spending, we must have a mechanism to correct it.

Another compelling reason for this legislation is that we are facing even more severe budget constraints and spending pressures this year because according to the CBO, the discretionary budget authority for fiscal year 2001 is about $542 billion, which is $18 billion less than the amount appropriated for 2000.

What's worse, $23 billion out of the $542 billion cap has already been appropriated as advance funding in the 2000 appropriations bills. President Clinton has already talked about breaking the caps which he agreed to, by the way, in 1997.

Although we may have more on-budget surplus this year, which is supposed to be returned to the taxpayers in the form of tax relief and debt reduction, there is no guarantee Congress and the administration will not touch the Social Security and Medicare surplus.

Since we all have agreed that saving Social Security should be our top priority and have committed to not spending the Social Security surplus for Government programs, we must do everything we can to prevent the Government from spending the Social Security and Medicare surpluses. We need to find a better way to keep our promise to the American people.

Senators on my side of the aisle have made a number of attempts to create a lockbox to lock in every penny of the Social Security surplus exclusively for Americans' retirement. Unfortunately, opposition by the other side has blocked the establishment of this safe lockbox. Some opposed because Medicare was not included. My proposal does protect Medicare.

The "look-back" mechanism in my legislation is our best option. It will force the Government to live up to our pledge that not a penny of the Social Security and Medicare surpluses will be spent to fund either last year's or this year's appropriations.

If our spending plans do pass and we would again, unintentionally wind up spending Social Security, we must be able to keep our commitment to the American people, by scaling back other spending to save Social Security. Without this mechanism Congress and the President may spend some of the Social Security surplus by using inaccurate estimates.

The remedy in my bill is a simple one and it should be passed early before we face a problem, so we cannot play the blame game if a re-estimate shows spending of Social Security or Medicare surpluses.

In an era of budget surplus, extra prudence and effort is needed to keep ourselves from spending more than we can afford. On principle, we must do everything we can to ensure Washington will not touch any Social Security money.

Protecting the Social Security and Medicare surpluses from funding government operations is the last defense of fiscal discipline. I cannot emphasize how vitally important this line of defense is for both political parties because if we lose this defense, our credibility and accountability with the American people will be gone.

I strongly believe we should continue to stress our promise to the American people. We must make protection of the Social Security and Medicare surpluses our top priority and ensure that not a penny of Americans' retirement needs is used for Government spending.

Again, I believe this can be easily achieved by passing my "look-back" legislation which will allow us to enforce that commitment.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

BANKRUPTCY REFORM

Mr. REID. Mr. President, we have worked this afternoon to try to come up with something that is fair and reasonable. I think we have done that. With this agreement, we should be able to complete the bankruptcy legislation that has been pending for some time now.

Mr. GRAMS. I thank the Senator.

UNANIMOUS CONSENT AGREEMENT—S. 625

Mr. GRAMS. Mr. President, I ask unanimous consent that the cloture vote with respect to S. 625 be vitiated and, further, that order No. 109 be modified by the following:

I ask unanimous consent that when the Senate resumes consideration of S. 625, the following be the only amendments in order and they be considered under the limitations as stated, with any debate times equally divided in the usual form, and the ability to withdraw any of the amendments be in order for the author of the amendment without further consent:

Wellstone amendment No. 2537, lifeline accounts; Wellstone amendment No. 2538, debt collection; Craig amendment No. 2651, pawnshops, 15 minutes; Levin amendment No. 2658, gun manufacturers, 120 minutes; Feingold amendment No. 2747, arbitration, 60 minutes; Feingold amendment No. 2748, evictions, be modified to reflect the text of 2779, and there be 30 minutes for debate on amendment number 2748; Feingold amendment No. 2667, East Timor, as modified to reflect the sense of the Senate, 60 minutes; Reed-Sessions correction of amendment No. 2650, 10 minutes; Schumer amendment No. 2762, safe harbor, 15 minutes; Schumer amendment No. 2763, clinic violence, 40 minutes; an amendment by the majority leader or his designee regarding debts incurred by violence, 40 minutes; Harkin amendment No. 2770, household liens, 20 minutes; Sarbanes amendment No. 2517, as modified, consumer credit disclosure; and one amendment to be agreed to by both managers.

I also ask consent that any other pending amendment not mentioned above be withdrawn, and further that no motions to commit or recommit be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Finally, I ask consent that following the disposition of the above amendments, the bill be read a third time, the Senate then proceed to the House companion measure, H.R. 833, all after the enacting clause be stricken, and the text of S. 625 be inserted in lieu thereof, the bill be read a third time, and the Senate proceed to a vote on passage of H.R. 833, as amended. I further ask consent that following the vote the Senate insist on its amendment, request a conference with the House, and the bill, S. 625, be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS RETURNED TO THE PRESIDENT

Mr. GRAMS. Mr. President, as in executive session, I ask unanimous consent that the following nominations be returned to the President. I now send that list of nominations to the desk.

The PRESIDING OFFICER. The list of nominations is received.

Without objection, it is so ordered.

The list is as follows:

Air National Guard Colonel James V. Dugar

Air National Guard Colonel Van P. Williams

Air Force Reserve Colonel Jerry D. Willoughby

Army Major General Charles Mahan

Army Reserve Brigadier General Bruce B. Bingham

Navy Lieutenant Junior Grade Craig Leaphart

Navy Lieutenant Commander Bradley S. Russell

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces the following appointment made by the President pro tempore during the sine die adjournment:

Pursuant to provisions of Public Law 106–79, on behalf of the President pro tempore, after consultation with the majority and minority leaders, the appointment of the following Senators to the Dwight D. Eisenhower Memorial Commission: the Senator from Alaska (Mr. STEVENS), and the Senator from Kansas (Mr. ROBERTS).

The Chair announces the following appointment made by the Democratic leader, the Senator from South Dakota (Mr. DASCHLE), during the sine die adjournment:

Pursuant to provisions of Public Law 105–277, on behalf of the Democratic leader, who consulted with the minority leader of the House, the appointment of the following individual to serve as a member of the International Financial Institution Advisory Commission: C. Fred Bergsten, of Virginia, vice Paul A. Volcker, of New York, resigned.

MEASURE READ THE FIRST TIME—H.J. RES. 84

Mr. GRAMS. Mr. President, there is a joint resolution at the desk which was received earlier from the House of Representatives. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 84) making further continuing appropriations for the fiscal year 2000, and for other purposes.

Mr. GRAMS. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Under the rule, the bill will be read on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—S. 376

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate withdraw its request of November 19, 1999, for a conference on S. 376, and agree to the conference, with the same conferees previously appointed by the Senate, requested by the House of Representatives on November 10, 1999, which message was transmitted to the Senate on January 24, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PATRICK E. SCHEUERMANN

Mr. LOTT. Mr. President, I am reminded each time I look to the sky of the reach Americans have made to the heavens. I am extremely proud that every manned spaceflight since the Apollo program has been powered by engines tested at a facility in my home State of Mississippi, the John C. Stennis Space Center. There, a dedicated group of professionals labors largely unheralded to ensure the performance and safety of the engines that propel our astronauts into space. Although I have known many of these outstanding Mississippians in my years in Congress, I only recently had the opportunity to work closely with one of these professionals. The leadership at NASA decided to offer a legislative fellowship to Congress to one of NASA Stennis' rising stars, Mr. Patrick Scheuermann.

Patrick arrived on Capitol Hill in January, 1999, at the beginning of a very busy opening session of the 106th Congress. Although many thought other proceedings that opened the 106th would supercede a legislative agenda, the Senate professional and personal staffs ensured that, in the background, the business of Congress stayed in motion. Patrick cut his teeth in the difficult staff preparations for the legislative cycle that would take place around the issues that dominated the Senate floor. An effort was underway at NASA to reinvigorate manned space flight and to reduce the cost of getting to space. Patrick was assigned to research and report on these initiatives and to keep my legislative staff briefed on their status through the Authorization and Appropriations process.

Patrick approached his assignment with the interest of someone who not only enjoys what he does, but with the infectious enthusiasm that brings others onboard as well. My staff quickly became knowledgeable of the many NASA programs that together form our Nation's efforts to reach space. I found more and more space related meetings on the calendar. As the Session progressed, the Senate led the charge to complete the first NASA Authorization Bill in many years. One hundred million dollars was added to the NASA budget to develop third generation reusable launch vehicle technology, a program known as Spaceliner 100. Patrick's ability to explain the facets of NASA's programs to legislative staffers and his vigilance as changes developed ensured the ultimate success of these endeavors. His detailed understanding of Stennis Space Center's capabilities and assets also proved to be of great value in assessing the facility's potential for commercial activities.

Patrick has a long history with the Space Program. After earning his Bachelor of Science in Mechanical Engineering from the University of New Orleans, he made his first foray into the world of Rocket Science as a contract test engineer, testing Space Shuttle Main Engines at the Stennis Space Center. This brought him across the "Great Divide" that is the Pearl River and firmly onto Mississippi soil where the NASA hierarchy recognized and recruited the talented young engineer. Although our neighbors across the Pearl claim Patrick as a native son, Mississippians have adopted him for his hard work and strength of character. He also made the grade through his success in attracting one of Greater Picayune's finest, Miss Sarah Melissa Lee to be his bride. Together they have added to Mississippi's fame through their beautiful children, Chandler and Christina. Although I am sorry to lose the talent and expertise that Patrick brought to my staff, I am pleased that his return to the Stennis Space Center foretells many more years of innovation and success at this vital national treasure.

TRIBUTE TO LIEUTENANT COMMANDER JOHN DI MENTO, U.S. NAVY

Mr. LOTT. Mr. President, I take this opportunity to recognize and say farewell to an outstanding Naval Officer, Lieutenant Commander John Di Mento, upon his departure from my staff. Lieutenant Commander Di Mento was selected as a Navy Fellow to work in my office because of his professional reputation and his knowledge of the Navy Oceanography program and the military presence in my home state. Not a Mississippian by birth, he earned the respect of Mississippians during his long service in the state from 1990 through 1996, and through his impressive display of good judgement when he married the former Chenaey Bourgeois of Bay Saint Louis. Together they have added to Mississippi's fame through their beautiful daughter, Colby.

Lieutenant Commander Di Mento entered the United States Naval Academy in 1983 and was commissioned as an Ensign upon graduation in 1987. He earned a Master's Degree in Oceanography and began his career as a Naval Oceanographer as the Executive Officer of Oceanographic Unit Three, surveying over 100,000 miles of the ocean floor in a year deployed. He returned from sea and reported to the Naval Oceanographic Office in Bay Saint Louis, Mississippi. He worked extensively in ocean modeling and remote sensing, and flew aerial oceanographic surveys with Oceanographic Development Squadron Eight, in the process earning his Naval Aviation Observer wings. Later assigned as Oceanographer on USS *Kearsarge*, Lieutenant

Commander Di Mento qualified as a Surface Warfare Officer. He was commended for his performance during Operation Noble Obelisk, where he was responsible for the processing, care, and movement of over 2,500 refugees rescued by *Kearsarge* from the civil war in Sierra Leone from embarkation through debarkation.

Ashore, Lieutenant Commander Di Mento served briefly on the staff of the Oceanographer of the Navy at the U.S. Naval Observatory. He later served two years as Flag Aide and Executive Assistant for Rear Admiral Paul Gaffney, II, Commander, Naval Meteorology and Oceanography Command following a year as Flag Aide to his predecessor, Rear Admiral John Chubb. His only other tour ashore found him navigating the sometimes treacherous waters here on Capitol Hill.

Lieutenant Commander Di Mento quickly became a valued member of my staff where he led several legislative initiatives that enormously benefitted the Department of Defense, the Navy, and the State of Mississippi. He provided a great deal of research and analysis while the Senate initiated broad reform of military pay and benefits. His work led to the most significant piece of legislation for service members since 1981. The leadership, integrity, and limitless energy that defined his naval career served him well in his term as a Legislative Fellow.

Lieutenant Commander Di Mento's many awards and decorations include the Meritorious Service Medal, Navy Commendation Medal, Navy Achievement Medal, and various unit and service awards. Lieutenant Commander Di Mento will be missed on the staff, but his return to the Naval Service is a benefit to our great Nation. He has great things ahead of him. On behalf of my colleagues on both sides of the aisle, I wish Lieutenant Commander Di Mento, "Fair Winds and Following Seas."

JOHN KENNETH GALBRAITH ADDRESS AT THE LYNDON BAINES JOHNSON LIBRARY

Mr. DASCHLE. Mr. President, last spring I joined my colleagues in honoring President Lyndon Baines Johnson when we hung a portrait of our former president on the one blank wall left in the President's Room in our nation's Capitol. As I noted at that time, I could think of no other president or American who was as deserving of this honor as LBJ.

As the Senate Majority Leader and President, LBJ was a man of immense skill, dedication and compassion. He is remembered by most Americans as a great leader whose strength of personality helped him preside over an extremely productive Senate that expanded Social Security, created the Interstate Highway system, and passed one of the most important civil rights laws of the 20th Century. Less well known, however, is LBJ's tremendous ability to compromise. He truly believed in the message of his favorite Bible verse: "Come, let us reason together." Our nation and our government needs more men and women who share this powerful belief.

Today, I want to bring to the attention of my colleagues and all Americans another aspect of LBJ's legacy that too often has been overlooked—his work to bring justice to disenfranchised ethnic minorities and to improve the lot of the large number of Americans suffering in unimaginable poverty. John Kenneth Galbraith, the noted economist and former presidential aide, recently highlighted LBJ's accomplishments in this area in an important speech at the LBJ library in Austin, Texas.

As Professor Galbraith noted, historians often view LBJ's administration in terms of its involvement in the Vietnam War. While we should never underestimate the impact that war had on our country, historians are remiss to view LBJ through this narrow prism. Those who do fail to acknowledge his meaningful and lasting accomplishments in expanding civil rights, protecting voting rights, and fighting poverty. These victories have forever changed the face of America for the better.

Professor Galbraith's speech is based on his personal and professional relationship with LBJ. It is a testament to LBJ's leadership and a tribute to the sometimes overlooked legacy of the Great Society. This speech is an important step towards setting the historical record straight and establishing a legacy of LBJ's Administration that is historically accurate as well as comprehensive.

I ask unanimous consent that Professor Galbraith's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Lyndon Johnson: History Reconsidered

(By John Kenneth Galbraith)

The task of the historian is never finished. As first written, history responds to the dramatic, tragic or otherwise seemingly dominant events of the time. Only in later, more careful, more detached and, one trusts, professionally more competent view does the deeper truth emerge. Were it otherwise, historians would not be needed; history would not have to be reconsidered and rewritten. It is with such reconsideration I am here concerned—with an historical view in need of substantial modification. I am seeking the needed historical reappraisal of Lyndon Baines Johnson, a revision and correction of a history with which I was myself associated, had a modest role, and one to which I have contributed. I here offer a more thoughtful, I trust more informed, view of Lyndon Johnson, and notably as President of the United States. First, a word of personal history.

Lyndon Johnson was my age, or I his—he was born August 27, 1908, I a month and a half later. We were both of an amply celebrated rural origin, and both had our early education in country schools, rural-oriented colleges. Johnson arrived in Washington as a congressional aide in 1931, I for a markedly less impressive sojourn in 1934. We were both interested in agriculture; I had a minor role with the Agricultural Adjustment Administration—the Triple A—which continued as I went on that year to Harvard. Johnson a year later became the Texas director of the National Youth Administration. Two years after that he was elected to the House of Representatives.

At some time during these years we became acquainted; we were brought more closely together by the two great human rights advocates from Alabama, Virginia and Clifford Durr, to whom we were both devoted, Johnson and I were proudly New Dealers, fully committed to FDR who had our unstinting support. Our friendship, if not close, lasted for nearly a lifetime, to be ended by an unforgiving event central in the appraisal of Lyndon Johnson and the correction of which I here seek. That correction places him next only to Franklin D. Roosevelt as a force for a civilized and civilizing social policy essential for human well-being and for the peaceful co-existence between the economically favored (or financially fortunate) and the poor. History has settled on the great contribution of the New Deal. Much needs yet to be said of the achievements of the Johnson years, still sadly blotted from memory by foreign and military policy and action. Next only to Roosevelt, and in some respects more so, Lyndon Johnson was the most effective advocate of human social change in the United States in this century.

This was not a matter on which he left one in any doubt. On the day after John F. Kennedy's assassination, I was in Washington at the White House working on the sudden and compelling array of funeral tasks. I was called by L.B.J. to his vice-presidential, now his presidential, offices in the Old State Department building. (I offer this revision of the history on the 36th anniversary of L.B.J.'s first full day in office.) We discussed a range of domestic problems and the needed action. He spoke in Johnson language and emphasis of his strong commitment. Knowing perhaps that nothing would more assure my belief, he asked me to do a draft of the speech he would shortly make to the Congress. The eventual speech, which relied rather more heavily on Theodore Sorensen and on L.B.J. himself, made clear his intention.

For Roosevelt it was the New Deal. Kennedy had given currency to the phrase the New Frontier. For Johnson it would be the Great Society—possibly a less compelling title. Nonetheless, the action so taken has become part of our everyday life and acceptance. But not in the history. The New Deal is large in public memory; so, if somewhat less, is the New Frontier. Much less is made of the Good Society and the years of Lyndon Johnson. What was then greatly needed, even urgent and wonderfully accomplished, lies in the historical backwater. That we must recognize and retrieve.

The first and most important step taken by Lyndon Johnson was simply to make all Americans full citizens and full participants in the democratic process. This, in the Kennedy years, had become an issue of major importance. In June of 1963, a few months before his death, Kennedy had called for enabling legislation. His position, and especially that of his immediate and strongly committed subordinates, was not in doubt. But the decisive civil rights legislative action remained for Lyndon Johnson. A further and major step was the Voting Rights Act of 1965, this at the beginning of Johnson's own new term and more than one hundred years after emancipation.

In the New Deal years ethnic equality was only on the public conscience; in the Kennedy presidency it was strongly urged by Martin Luther King and many others. From buses to lunch counters to restrooms to public accommodations, agitation had focused attention on the issue and brought some action. It was with Lyndon Johnson, however, that citizenship for all Americans in all its aspects became a reality. Not only were black citizens (as I choose to say) rewarded; distracting agitation and conflict came largely to an end. Not alone civil rights but civility in behavior to the peace and benefit of all. All were rewarded by the new peace. This we owe to the Johnson presidency. There was much more.

Related to ethnic difference but going far beyond was the continued existence of a mass poverty—of life at or below the margin of survival. This also, a neglected point, means denial not alone of the basic enjoyments of life but also the denial of liberty. Nothing so limits the freedom of the individual as the total absence of money. This, as too often with the commonplace, we take for granted, ignore. This too Lyndon Johnson recognized and addressed.

The problem of massive urban poverty and the more diverse affliction in rural America, especially in the mountain valleys down from New England to the Deep South, was a continuing fact. There were (as there are still) two lines of thought on how this should be addressed. One was to insure everyone a basic income by public action. This a rich country could afford; to this all the industrially advanced countries are in some measure committed. The other course is to counter poverty by specific remedial action designed to minimize its more specific adverse effects and, most importantly, to provide the mental and physical means for escape. The main effort of the Johnson years was of the second order; the basic steps in this effort continue to this day—money for deprived educational communities, for education in general. Head Start, food for needful children at the beginning of the school day, food stamps for the old and hungry, the Jobs Corps and major initiatives in education . . . including the Elementary and Secondary Education Act sending funds to local school districts along with support to higher education and those pursuing it. And major help for those previously denied health care and life itself from lack of money. This list of humane accomplishments could be extended. The emphasis was not alone on what the Federal government should do but also on helping individuals and communities to help themselves.

The New Deal initiatives were more centralized, more visible and more dramatic; those of the Johnson years were less visible but not less important for aiding human survival. What Johnson initiated is now accepted even by the wonderfully adverse orators of our present age.

The work for civilized well-being is not complete. I have long believed that we should accept, as we do only reluctantly and partially now, a minimum income for all Americans. This, to repeat, a rich country can afford. It requires that we eliminate the welfare stigma and other adverse attitudes. Some who are favored by a basic income will not work; so with many who are now favored by a higher income. Leisure is an evil thing for the poor; it is rewarding for the affluent, sometimes even for professors. Accordingly, our social effort must continue. But let there be no doubt; in the years of Lyndon Johnson both ethnic minorities and the poor became citizens of the republic, the first by legal action, the second by still imperfect but highly relevant remedial legislation.

Nor did this happen because of newly recognized need. It happened because Lyndon Johnson was the most effective political activist of our time. It is easy to advocate the right action; it is something else and much more to obtain it. Lyndon Johnson was not content with citing the need, recommending the legislation. He was content only as he obtained (and on occasion forced) the requisite action. No President in our time has had such a commanding role as regards the Congress, the result of both solid experience and strong personality. Johnson's authority was based on knowledge—he had a clear and comprehensive view of what he urged. But there was more. Individuals at all levels in Congress and in the Executive knew him. He was a good friend, had an engaging personality and a compelling range of speech. No one went to see him without returning to tell of some prescient observation by Lyndon Johnson, some amusing or slightly off-color metaphor.

Liking Johnson, politicians and other leaders aligned with him. All wanted the association preserved, so they did as Johnson commanded. We speak much of the power of personality; in Lyndon Johnson it was evident, effective and had its own distinctive style. Long before he became President, this was well recognized in the Congress. Asked after the 1960 Convention why he had chosen Lyndon Johnson as Vice-President, John F. Kennedy gave several reasons. The last and perhaps the decisive reason: "It wouldn't be worthwhile being President if Lyndon were Majority Leader." When President, Lyndon Johnson was effectively both. Kennedy, as I've said on other occasions, used less power than he had as President; Johnson used more.

I summarize: on civil rights and on poverty, the two truly urgent issues of the time, we had with Johnson one of the greatest changes of our time. I turn now to the historical correction which, along with others of my political faith, I need to make.

My association, even friendship, with Lyndon Johnson came to an end with the Vietnam war. We had intensely discussed it: Johnson's case was not unpersuasive. "Ken, you have no idea what the generals would be doing were I not here." And this, I must add, I did not know. Next year the Harvard University Press will publish "American Tragedy: Kennedy, Johnson and the Origins of the Vietnam War" by David Kaiser. It makes full, intelligent, even exhaustive use of newly declassified documents—all are now available except for some continuing and perhaps well-considered reticence by the CIA. Kaiser tells in extensive and, to this day, alarming detail of the military pressure on Presidents Kennedy and Johnson. The generals and their civilian acolytes took over, were even eager for a war. Nuclear weapons were freely proposed. One reads with relief and gratitude of the Presidential resistance, that of Kennedy in particular but also that of L.B.J. The widening military intervention was relentlessly pressed. And so the war and the deaths.

Knowing that part of the world from presence and experience, I knew that Communism was irrelevant in a primitive village and jungle economy—as Marx would have been the first to agree. There was also the irrelevance of our military establishment in the densely covered countryside that characterized much of Vietnam. The military forces of the Viet Cong would have been swept aside in a few days in Normandy. Here they could retreat conveniently and safely to the jungle, or even to the water-laden reaches of the Delta. Accordingly, I joined with others in opposition to this cruel and hopeless effort and to sending our youth, still under draft, to serve and die. In the political campaign of 1968, I was accorded a measure of leadership. I do not regret my effort against this error. One must, however, regret the way in which we allowed the Vietnam war to become the totally defining event of those years and likewise of the history. In the Johnson years it was the Vietnam war and nothing else. And so in the history it remains. Those of us who were involved allowed that response; at the time, perhaps it was inevitable. But certainly we have done far too little to correct the history since.

The needed correction is clear. In the Johnson years two major flaws in the American community and its polity were addressed. What was called the American democracy became in reality a democracy. All Americans became citizens. There was a long step toward peaceful coexistence between ethnic groups. And for the first time we had a clear recognition of the presence of deep, unforgiving poverty in this generally affluent land. The danger to domestic peace and harmony was recognized. Poverty, economic deprivation, is still with us. Income inequality is great and still growing. But recognition of this together with the belief that something can and must be done—that there can be remedial action—goes back to the Johnson years. And so does the range of action for the young, the poor, the ill and the old without which all would be much worse.

Three Presidents in our lifetime have seen the social need of their citizenry from their particular position in life. Franklin D. Roosevelt, as I've elsewhere said, saw the people of the United States as a tenantry stretching out from Hyde Park. For them and their depression hardship he had a landlord's responsibility. From Irish Boston, John F. Kennedy saw a great minority still seeking to escape—and his family had escaped—the trials and oppressions of a once beleaguered community. (It helped that it had become a political force.) Johnson's identification was with a larger, less easily identified, politically less powerful community—the widely distributed urban and rural poor. What Kennedy and his family had escaped, Johnson had experienced at first hand. (His personal encounter with rural privation was never understated.) The basic motivation of all three Presidents was the same: the sense of responsibility for a larger, less fortunate community within the range of actual observation and experience.

There is a final, greatly needed revision. We must accord much more emphasis to the dangerous, even insane military pressures to which Kennedy and Johnson were subject. We should note that these were especially strong in 1965, the time when Johnson's mind and effort were sharply focused on poverty and civil rights and the requisite legislation.

When we think of Vietnam, we must think much more of the generals (and associated civilians) who pressed powerfully for the war, for the risks of a greater war and for an opening for nuclear weapons. That, in the full light of history, there were presidential errors here cannot be doubted. We must, however, be grateful for what was resisted.

Thus the historical revision I seek, we must all seek. The initiatives of Lyndon Johnson on civil rights, voting rights and on economic and social deprivation and the responding role of the state must no longer be enshrouded by that war. Those of us who helped make the war central to the public attitude and politics of the time have a special responsibility here. That responsibility I would like to think I have partly assumed on this favored evening.

HOLD ON H.R. 2260

Mr. WYDEN. Mr. President, today I have notified the minority leader that I have placed a hold on H.R. 2260, the Pain Relief Promotion Act of 1999. This legislation would negate Oregon's physician assisted suicide law which was debated and passed twice by the voters of Oregon.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING SINE DIE ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 22, 1999, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following enrolled bill:

H.R. 3194. An act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed on November 22, 1999, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 29, 1999, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 15. An act to designate a portion of the Otay Mountain region of California as wilderness.

H.R. 449. An act to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes.

H.R. 459. An act to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project.

H.R. 592. An act to designate a portion of Gateway National Recreational Area as "World War Veterans Park at Miller Field."

H.R. 658. An act to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

H.R. 747. An act to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis of which distributions are made from those funds.

H.R. 748. An act to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission.

H.R. 791. An act to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system.

H.R. 970. An act to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota.

H.R. 1094. An act to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes.

H.R. 1104. An act to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center.

H.R. 1191. An act to designate certain facilities of the United States Postal Service in Chicago, Illinois.

H.R. 1251. An act to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building."

H.R. 1327. An act to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurie B. Neuberger United States Post Office."

H.R. 1528. An act to reauthorize and amend the National Geologic Mapping Act of 1992.

H.R. 1619. An act to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor.

H.R. 1665. An act to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

H.R. 1693. An act to amend the Fair Labor Standards Act of 1938 to clarify the overtime exemption for employees engaged in fire protection activities.

H.R. 1794. An act concerning the participation of Taiwan in the World Health Organization (WHO).

H.R. 1887. An act to amend title 18, United States Code, to punish the depiction of animal cruelty.

H.R. 1932. An act to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contribution to civil rights, higher education, the Catholic Church, the Nation, and global community.

H.R. 2079. An act to provide for the conveyance of certain National Forest System lands in the State of South Dakota.

H.R. 2140. An act to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia.

H.R. 2401. An act to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

H.R. 2632. An act to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

H.R. 2737. An act to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail.

H.R. 2886. An act to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

H.R. 2889. An act to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah project purposes, completion of Central Utah project facilities, and implementation of water conservation measures.

H.R. 3257. An act to amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates.

H.R. 3373. An act to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericson.

H.R. 3381. An act to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

H.R. 3456. An act to amend statutory damages provisions of title 17, United States Code.

H.J. Res. 46. Joint resolution 46 conferring status as an honorary veteran of the United States Armed Forces on Zachary Fisher.

H.J. Res. 65. Joint resolution commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes.

H.J. Res. 85. Joint resolution appointing the day for the convening of the second session of the One Hundred Sixth Congress.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bills and joint resolutions were signed on November 30, 1999, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 30, 1999, during the adjournment of the

Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following enrolled bills:

H.R. 1555. An act to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 2280. An act to amend title 38, United States Code, to provide a cost-of-living-adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.R. 20. An act authorizing the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York.

H.R. 322 An act for the relief of Suchada Kwong.

H.R. 197. An act to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office."

H.R. 100. An act to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania.

H.R. 2116. An act to amend title 38, United States Code, to establish a program of extended care services for veterans, to make other improvements in health care programs of the Department of Veterans Affairs, to enhance compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

S. 28. An act to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

S. 67. An act to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building."

S. 335. An act to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, facsimile checks, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 416. An act to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

S. 438. An act to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes.

S. 548. An act to establish the Fallen Timbers Battlefield and Fort Miamis National Historic Site in the State of Ohio.

S. 574. An act to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

S. 580. An act to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 791. An act to amend the Small Business Act with respect to the women's business center program.

S. 1418. An act to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes.

S. 1595. An act to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the "Sandra Day O'Connor United States Courthouse."

S. 1866. An act to redesignate the Coastal Barrier Resources System as the "John H. Chafee Coastal Barrier Resources System."

Under the authority of the order of the Senate of January 6, 1999, the enrolled bills were signed subsequently on November 30, 1999, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 2, 1999, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following enrolled bills:

H.R. 3443. An act to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

H.R. 3419. An act to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bills were signed on December 2, 1999, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 6, 1999, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following enrolled bill:

H.R. 1180. An act to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed on December 6, 1999, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 84. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

The message also announced that the House requests that the Senate withdraw its request for a conference dated November 19, 1999 on the bill, S. 376, to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes, and agree to the conference requested by the House.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported on November 30, 1999, he had presented to the President of the United States the following enrolled bills:

S. 28. An act to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

S. 67. An act to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building."

S. 416. An act to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

S. 548. An act to establish the Fallen Timbers Battlefield and Fort Miamis National Historic Site in the State of Ohio.

S. 574. An act to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

The Secretary of the Senate reported on December 1, 1999, he had presented to the President of the United States the following enrolled bills:

S. 335. An act to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, facsimile checks, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 580. An act to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 791. An act to amend the Small Business Act with respect to the women's business center program.

S. 1418. An act to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes.

S. 1595. An act to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the "Sandra Day O'Connor United States Courthouse."

S. 1866. An act to redesignate the Coastal Barrier Resources System as the "John H. Chafee Coastal Barrier Resources System."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6298. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled: "Airworthiness Directives: Eurocopter France Model; AS 322C, L, and L1 Helicopters; Docket No. 98–SW–78 [11–16/11–18]" (RIN2120–AA64) (1999–0453), received

November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6299. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA330F, G, J, and AS332C, L, and L1 Helicopters; Request for Comments; Docket No. 99–SW–01 {11–12/11–18}" (RIN2120–AA64) (1999–0441), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6300. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GmbH Model EC135 P1 T1 Helicopters; Request for Comments; Docket No. 99–SW–59 {12–2/12–2}" (RIN2120–AA64) (1999–0488), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6301. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412, 412EP and 412CF Helicopters; Request for Comments; Docket No. 99–SW–55 {11–16/11–18}" (RIN2120–AA64) (1999–0451), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6302. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 407 Helicopters; Request for Comments; Docket No. 99–SW–48 {11–15/11–18}", received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6303. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model 2000 Series Airplanes; Docket No. 99–NM–197 {11–30/12–2}" (RIN2120–AA64) (1999–0489), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6304. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes; Docket No. 99–NM–106 {11–12/11–18}" (RIN2122–AA64) (1999–0443), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6305. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes and C–9 Airplanes; Docket No. 99–NM–186 {11–12/11–18}" (RIN2120–AA64) (1999–0442), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6306. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–101, –102, –103, –106, –201, –202, –301, –311, and –315 Series Airplanes; Docket No. 98–NM–335 {11–12/11–18}" (RIN2120–AA64) (1999–0439), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6307. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatiale Model SN–601 (Corvette) Series Airplanes; Docket No. 98–NM–365 {11–12/11–18}" (RIN2120–AA64) (1999–0438), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6308. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Model BAe 146 and AVro 146–RJ Series Airplanes; Docket No. 99–NM–70 {11–15/11–18}" (RIN2120–AA64) (1999–0450), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6309. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757 Series Airplanes; Docket No. 99–NM–101 {11–16/11–18}" (RIN2120–AA64) (1999–0455), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6310. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 31, 31A, 35, 35A, and 60 Airplanes; Docket No. 99–NM–15 {11–16/11–18}" (RIN2120–AA64) (1999–0456), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6311. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc Tay 650–15, and Tay 651–54 Series Turbofan Engines; Docket No. 99–NE–26 {11–17/11–18}" (RIN2120–AA64) (1999–0454), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6312. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727–200 Series Airplanes; Docket No. 97–NM–227 {11–12/11–18}" (RIN2120–AA64) (1999–0444), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6313. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 Series Airplanes; Docket No. 96–NM–110 {11–12/11–18}" (RIN2120–AA64) (1999–0445), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6314. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes; Docket No. 99–NM–184 {11–12/11–18}" (RIN2120–AA64) (1999–0446), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6315. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes; Docket No. 99–NM–207 {11–12/11–18}" (RIN2120–AA64) (1999–0447), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6316. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A310, and A300–600 Series Airplanes; Docket No. 98–NM–205 {11–12/11–18}" (RIN2120–AA64) (1999–0448), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6317. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–8 Series Airplanes and Model MD–88 Airplanes; Docket No. 99–NM–05 {11–19/11–22}" (RIN2120–AA64) (1999–0475), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6318. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Federal Acquisition Regulation; to the Committee on Environment and Public Works.

EC–6319. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a report relative to authorized navigation improvements at Sand Point Harbor, Alaska; to the Committee on Environment and Public Works.

EC–6320. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to flood damage reduction in the Yuba River Basin, California; to the Committee on Environment and Public Works.

EC–6321. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting a report relative to coal mining operations that result in valley fills; to the Committee on Environment and Public Works.

EC–6322. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Special Emphasis Given to Coral Reef Projection under the Clean Water Act, Marine Protection, Research, and Sanctuaries Act, Rivers And Harbors Act, and Federal Project Authorities"; to the Committee on Environment and Public Works.

EC–6323. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Availability of Action Plan Demonstration Projects (ADDP) Funds for Tier IV and V NEP's (FRL # N/A)" Receive November 23, 1999; to the Committee on Environment and Public Works.

EC–6324. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Biennial Review of Post-CCMP NEPs—Final Guidance (FRL # N/A), received November 23, 1999; to the Committee on Environment and Public Works.

EC–6325. A communication from the Director of the Office of regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Biennial Review of Post-CCMP NEPs FY 1999 Guidance (FRL # N/A), received November 23, 1999; to the Committee on Environment and Public Works.

EC–6326. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cover Memorandum and Wetland Program Development Grants—FY2000 Grant Guidance (FRL # N/A); to the Committee on Environment and Public Works.

EC–6327. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Funding the Development and Implementation of Watershed Restoration Action Strategies Under Section 319 of the Clean Water Act" (FRL # N/A), received November 23, 1999; to the Committee on Environment and Public Works.

EC–6328. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Estuary Program FY 1999 Budget and Funding Guidance" (FRL # N/A), received November 23, 1999; to the Committee on Environment and Public Works.

EC–6329. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Estuary Program Travel Funds Special Conditions" (FRL # N/A), received November 23, 1999; to the Committee on Environment and Public Works.

EC–6330. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "NEP FY 1997 Budget and Selected Guidance Topics" (FRL # N/A), received November 23, 1999; to the Committee on Environment and Public Works.

EC–6331. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "NEP FY 1998 Budget and Selected Guidance Topics" (FRL # N/A), received November 23, 1999; to the Committee on Environment and Public Works.

EC–6332. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years" (FRL # N/A), received November 23, 1999; to the Committee on Environment and Public Works.

EC–6333. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Process and Criteria for Funding State and Territorial Nonpoint Source Management Programs in FY 1999" (FRL # N/A), receive November 23, 1999; to the Committee on Environment and Public Works.

EC–6334. A communication from the Assistant Secretary of the Army (Civil Works) transmitting, pursuant to law, a report relative to construction of flood damage reduction and recreation improvements for Grand Forks, ND and East Grand Forks, MN; to the Committee on Environment and Public Works.

EC–6335. A communication from the Assistant Secretary of the Army (Civil Works) transmitting, pursuant to law, a report relative to the Baltimore Harbor Anchorages and Channels, MD, navigation project; to the Committee on Environment and Public Works.

EC–6336. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "1999 PCB Questions and Answers Manual (Part 3 of 3); to the Committee on Environment and Public Works.

EC–6337. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Interim Guidance in Response to the OIG Audit 'Superfund Sites Deferred to RCRA' "; to the Committee on Environment and Public Works.

EC–6338. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Issuance of Abbreviated Assessments (EPA-540-F-98-037), Combined PA/SI Assessments (EPA-540-F-98-038), and Pre-CERCLIS Screening Assessment (EPA-540-F-98-039) Fact Sheets"; to the Committee on Environment and Public Works.

EC–6339. A communication from the Assistant Secretary of the Army (Civil Works) transmitting, pursuant to law, a report relative to authorized navigation improvements to the Big Bend Channel, Tampa Harbor, FL; to the Committee on Environment and Public Works.

EC–6340. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and State Operating Permits Programs; State of Missouri" (FRL # 6506-2), received December 6, 1999; to the Committee on Environment and Public Works.

EC–6341. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Acceptability" (FRL # 6503-7), received December 6, 1999; to the Committee on Environment and Public Works.

EC–6342. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Voluntary Submission of Performance Indicator Data" (NRC Regulatory Issue Summary 99-06), received December 8, 1999; to the Committee on Environment and Public Works.

EC–6343. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Superfund Redevelopment Pilot Program" (FRL # 6506-5), received December 7, 1999; to the Committee on Environment and Public Works.

EC–6344. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the decommissioning criteria for the West Valley Demonstration Project (M-32); to the Committee on Environment and Public Works.

EC–6345. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant 'Fritillaria gentneri' (Gertner's frillary)" (RIN1018–AE75), received December 7, 1999; to the Committee on Environment and Public Works.

EC–6346. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations" (FRL # 6500-2), received November 30, 1999; to the Committee on Environment and Public Works.

EC–6347. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning" (FRL # 6500-1), received November 30, 1999; to the Committee on Environment and Public Works.

EC–6348. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport (final stay extension)" (FRL #6482–2), received November 30, 1999; to the Committee on Environment and Public Works.

EC–6349. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to Hurricane Lenny; to the Committee on Environment and Public Works.

EC–6350. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Massachusetts; Interim Final Determination that Massachusetts has Corrected the Deficiencies of its I/M SIP Revision" (FRL #6481–2), received November 29, 1999; to the Committee on Environment and Public Works.

EC–6351. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Revision, Ventura County Air Pollution Control District, Project XL Site-specific Rulemaking for Imation Corp. Camarillo Plant" (FRL #6481–8), received November 29, 1999; to the Committee on Environment and Public Works.

EC–6352. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan Air Quality Management District, Santa Barbara County Air Pollution Control District, Ventura County Air Pollution Control District, and Yolo-Solano County Air Quality Management District" (FRL #6477–7), received November 29, 1999; to the Committee on Environment and Public Works.

EC–6353. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary and Secondary Water Regulations: Analytic Methods for Chemical and Microbial Contamination and Revisions to Laboratory Certification Requirements" (FRL #6481–7), received November 29, 1999; to the Committee on Environment and Public Works.

EC–6354. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OMB Approval Numbers Under the Paperwork Reduction Act Relating to the Criteria for Classification of Solid Waste Disposal Facilities and

Practices" (FRL #6481–3), received November 29, 1999; to the Committee on Environment and Public Works.

EC–6355. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "The Super Fund Innovative Technology Evaluation Program" for fiscal year 1998; to the Committee on Environment and Public Works.

EC–6356. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Removal of Oxygenated Gasoline Requirement for the Connecticut Portion of the New York-New Jersey-Long Island Area (the 'Southwest Connecticut Area')" (FRL #6479–4), received November 29, 1999; to the Committee on Environment and Public Works.

EC–6357. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; VOC Regulations and RACT Determinations" (FRL # 6483–8), received November 29, 1999; to the Committee on Environment and Public Works.

EC–6358. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Approval Under Section 112(1); State of Iowa" (FRL # 6483–4), received November 29, 1999; to the Committee on Environment and Public Works.

EC–6359. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District and Ventura County Air Pollution Control District" (FRL # 6480–4), received November 29, 1999; to the Committee on Environment and Public Works.

EC–6360. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Underground Injection Control Regulations for Class V Injection Wells" (FRL # 6482–2), received November 29, 1999; to the Committee on Environment and Public Works.

EC–6361. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover" (RIN1018–AD10), received November 30, 1999; to the Committee on Environment and Public Works.

EC–6362. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Policy Issues Related to the Food Quality Protection Act; Guidance for Performing Aggregate Exposure and Risk Assessments; Tolerance Reassessment Advisory Committee Review and Request for Public Comment"; to the Committee on Environment and Public Works.

EC–6363. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Policy Issues Related to the Food Quality Protection Act; Revised Paper Estimating the Drinking Water Component of a Dietary Exposure Assessment"; to the Committee on Environment and Public Works.

EC–6364. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Policy Issues Related to the Food Quality Protection Act; Revised Threshold of Regulation (TOR) Policy When a Food Use Does Not Require a Tolerance"; to the Committee on Environment and Public Works.

EC–6365. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of New Mexico; Approval of Revised Maintenance Plan for Albuquerque/Bernalillo County, NM; Carbon Monoxide" (FRL #6504–9), received December 8, 1999; to the Committee on Environment and Public Works.

EC–6366. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Hospital/Medical/Infectious Waste Incinerator State Plan for Designated Facilities and Pollutants: Indiana" (FRL #6388–4), received December 8, 1999; to the Committee on Environment and Public Works.

EC–6367. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Correction" (FRL #6501–4), received December 2, 1999; to the Committee on Environment and Public Works.

EC–6368. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled Approval and Promulgation of Air Quality Implementation Plans; Alklegheny County Portion of the Commonwealth of Pennsylvania's Operations Permits Program, and Federally Enforceable State Operating Permit Program" (FRL #6500–8), received December 2, 1999; to the Committee on Environment and Public Works.

EC–6369. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Approval of Definitions for the New Source Review Regulations" (FRL #6500–7), received December 2, 1999; to the Committee on Environment and Public Works.

EC–6370. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Emergency Episode Plan, Columbia Falls; Butte and Missoula Particulate Matter State Implementation Plans, Missoula Carbon Monoxide State Implementation Plan" (FRL #6482–6), received December 2, 1999; to the Committee on Environment and Public Works.

EC–6371. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Utah: Road Salting and Sanding, Control of Installations, Revisions to Salting and Sanding Requirements and Deletion of Non-ferrous Smelter Orders, Incorporation by Reference, and Nonsubstantive Changes' (FRL #6482–9), received December 2, 1999; to the Committee on Environment and Public Works.

EC–6372. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution from Volatile Organic Compounds, Miscellaneous Industrial Sources, Cut back Asphalt" (FRL #6504–4), received December 2, 1999; to the Committee on Environment and Public Works.

EC–6373. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Emissions of Air Pollution from New CI Marine Engines at or above 37kw" (FRL #6482–3), received December 2, 1999; to the Committee on Environment and Public Works.

EC–6374. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitations Guidelines and Standards for the Commercial Hazardous Waste Combustor Subcategory of the Waste Combustors Point Source Category" (FRL #6503–6), received December 2, 1999; to the Committee on Environment and Public Works.

EC–6375. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category' (FRL #6503–5), received December 2, 1999; to the Committee on Environment and Public Works.

EC–6376. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Data Sharing Committee Recommendations for Lead and Copper" (FRL # N/A), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6377. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Drinking Water State Revolving Fund (DWSRF) Program Policy Announcement: Eligibility of Reimbursement of Incurred Costs for Approved Projects" (FRL #6217–9), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6378. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Drinking Water State Revolving Fund (DWSRF) Program

Policy Announcement: Eligibility of Using DWSRF Funds to Create a New Public Water System" (FRL #65183–2), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6379. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Policy on Cutoff Dates for Submitting Data to SDWIS/FED" (FRL # N/A), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6380. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revised Safe Drinking Water Information System (SDWIS) Inventory Reporting Requirements-Technical Guidance" (FRL # N/A), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6381. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "The Data Sharing Committee's Review of the Surface Water Treatment Rule Data Needs and Safe Drinking Water Information System (SDWIS) Reporting" (FRL # N/A), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6382. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Oxygenated Gasoline Program" (FRL #6501–2), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6383. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Indiana Volatile Organic Compound Rules" (FRL #6500–9), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6384. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Part 70 Operating Permits Program; State of Missouri" (FRL #6508–4), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6385. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OMB Approvals Under the Paperwork Reduction Act; Technical Amendment" (FRL #6505–8), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6386. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to Guidelines for the Storage and Collection of Residential, Commercial, and Industrial Solid Waste" (FRL #6505–6), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6387. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Title V Operating Permit Deferrals for Area Sources: National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; Ethelyne Oxide Commercial Sterilization and Fumigation Operations; Perchloroethylene Dry Cleaning Facilities; Halogenated Solvent Cleaning Machines; and Sanitary Lead Smelting" (FRL #6508–7), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6388. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting a report entitled "Concurrence on the Classification of Wells in an in-situ Nacholite Leaching Facility in Colorado-Amer-Alia, Inc."; to the Committee on Environment and Public Works.

EC–6389. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, a report entitled "Disinfection Profiling and Benchmarking Guidance Manual"; to the Committee on Environment and Public Works.

EC–6390. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Handbook for Capacity Development: Developing Water System Capacity Under the Safe Drinking Water Act as Amended in 1996"; to the Committee on Environment and Public Works.

EC–6391. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Microbial and Disinfection Byproduct Rules Simultaneous Compliance Guidance Manual"; to the Committee on Environment and Public Works.

EC–6392. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "State Implementation Guidance for the Consumer Confidence Report (CCR) Rule"; to the Committee on Environment and Public Works.

EC–6393. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Unregulated Contaminant Monitoring Regulation Analytical Methods and Quality Control Manual"; to the Committee on Environment and Public Works.

EC–6394. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Regulations Designed to Reduce the Mid-continent Light Goose Population" (RIN1018–AF85), received December 13, 1999; to the Committee on Environment and Public Works.

EC–6395. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Management Directive 5.6, 'Integrated Materials Performance Evaluation Program'", received December 14, 1999; to the Committee on Environment and Public Works.

EC–6396. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Award of Grants for Special Projects Authorized by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (PL 104–134)", received December 16, 1999; to the Committee on Environment and Public Works.

EC–6397. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Award of Grants For Special Projects Authorized by this Agency's FY 1997 Appropriations Act", received December 16, 1999; to the Committee on Environment and Public Works.

EC–6398. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Award of Grants for Special Projects Authorized by this Agency's 1999 Appropriations Act", received December 16, 1999; to the Committee on Environment and Public Works.

EC–6399. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL #6512–2), received December 16, 1999; to the Committee on Environment and Public Works.

EC–6400. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware, Maryland, Pennsylvania, and Virginia; Approval of Low Emmission Vehicle Programs" (FRL #6483–9), received December 16, 1999; to the Committee on Environment and Public Works.

EC–6401. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL #6510–9), received December 16, 1999; to the Committee on Environment and Public Works.

EC–6402. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production" (FRL #6513–4), received December 16, 1999; to the Committee on Environment and Public Works.

EC–6403. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL #6483–2), received December 16, 1999; to the Committee on Environment and Public Works.

EC–6404. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision of Promulgation of Federal Implementation Plan for Arizona—Maricopa Nonattainment Area; PM10" (FRL #6511–3), received December 16, 1999; to the Committee on Environment and Public Works.

EC-6405. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for 'Sidalcea oregana var. calva' (Wenatchee Mountains checker-mallow)" (RIN1018–AE32), received December 16, 1999; to the Committee on Environment and Public Works.

EC-6406. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, a report entitled "Final Guidance on Award of Grants to Indian Tribes Under Section 106 of the Clean Water Act for Fiscal Year 2000 and Future Years"; to the Committee on Environment and Public Works.

EC-6407. A communication from the Director of the Office of regulatory Management and Information, Environmental Protection Agency, transmitting, a report entitled "Letter to Ms. Micki Schultz, P.E. Senior Environmental Engineer, Durel Corporation; to the Committee on Environment and Public Works.

EC-6408. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, a report entitled "Letter to Peggy Harris, Chief, Standardized Permitting Section of the Hazardous Waste Management Program"; to the Committee on Environment and Public Works.

EC-6409. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to properties and funds to be transferred by the United States to the Republic of Panama on December 31, 1999 upon the termination of the Panama Canal Treaty of 1977; to the Committee on Armed Services.

EC-6410. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2000–9, Per Diem Travel Expenses" (Rev. Proc. 2000–9), received December 21 , 1999; to the Committee on Finance.

EC-6411. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 99–50, Combined Information Reporting" (Rev. Proc. 99–50), received December 21, 1999; to the Committee on Finance.

EC-6412. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "January 2000 Applicable Rates" (Revenue Ruling 2000–1), received December 21, 1999; to the Committee on Finance.

EC-6413. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "October-December 1999 Bond Factor Amounts" (Revenue Ruling 99–54), received December 21, 1999; to the Committee on Finance.

EC-6414. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Proposed Regulations Under Section 1.368–2(d)(4)" (Notice 2000–1, 2000–2 I.R.B.), received December 23, 1999; to the Committee on Finance.

EC-6415. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting with Respect to Certain Foreign Partnerships and Certain Foreign Corporations" (RIN 1545–AV69), received December 29, 1999; to the Committee on Finance.

EC-6416. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Separate Share Rules Applicable to Estates" (RIN 1545–AW57) (T.D. 8849), received December 28, 1999; to the Committee on Finance.

EC-6417. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Year 2000 Section 1274A CPI Adjustments" (Revenue Ruling 99–50), received November 30, 1999; to the Committee on Finance.

EC-6418. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Changes in Effective Entity Classification" (RIN 1545–AV16) (TD 8844), received November 29, 1999; to the Committee on Finance.

EC-6419. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Covered Compensation Tables" (Revenue Ruling 99–47), received November 29, 1999; to the Committee on Finance.

EC-6420. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "December 1999 Applicable Federal Rates" (Revenue Ruling 99–48), received November 19, 1999; to the Committee on Finance.

EC-6421. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Section 415(d) Cost-of-Living Adjustments" (Notice 99–55), received December 7, 1999; to the Committee on Finance.

EC-6422. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "BLS-LIFO Department Store Indexes—October 1999" (Rev. Rul. 99–55), received December 3, 1999; to the Committee on Finance.

EC-6423. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 99–57" (RR–103838–99), received December 6, 1999; to the Committee on Finance.

EC-6424. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Approval of Changes in Funding Methods" (Revenue Procedure 99–45), received November 19, 1999; to the Committee on Finance.

EC-6425. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Duke Energy Natural Gas Corporation v. Commissioner" (–F.3d– [10th Cir. 1999]), received November 23, 1999; to the Committee on Finance.

EC-6426. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Conway v. Commissioner" (111 T.C. 350 [1999] TL 22257–96), received November 23, 1999; to the Committee on Finance.

EC-6427. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Year 2000 Section 7872(g) CPI Adjustment" (Revenue Ruling 99–49), received November 30, 1999; to the Committee on Finance.

EC-6428. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Quarterly Interest Rates—First Quarter 2000" (Rev. Rul. 99–53), received November 29, 1999; to the Committee on Finance.

EC-6429. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Avoidance Using Distributions of Encumbered Property" (Notice 99–59, 1999–52 I.R.B.), received December 9, 1999; to the Committee on Finance.

EC-6430. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99–57; Section 705 Special Basis Rules" (OGI0116328–99), received December 6, 1999; to the Committee on Finance.

EC-6431. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "T.D. 8846, Deductions for Transfers for Public, Charitable, and Religious Uses; in General Marital Deduction; Valuation of Interest Passing to Surviving Spouse" (RIN 1545–AV45), received December 3, 1999; to the Committee on Finance.

EC-6432. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Adequate Disclosure of Gifts" (RIN 1545–AW 20) (TD 8845), received December 3, 1999; to the Committee on Finance.

EC-6433. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Penalty Mail in the Location and Recovery of Missing Children" (RIN 1545–AX 29) (TD 8848), received December 10, 1999; to the Committee on Finance.

EC-6434. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Covered Compensation Tables" (Revenue Ruling 99–47), received November 29, 1999; to the Committee on Finance.

EC-6435. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Quarterly Interest Rates—First Quarter 2000" (Rev. Rul. 99-53), received November 29, 1999; to the Committee on Finance.

EC-6436. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "1999 Base Period T-Bill Rate" (RR-115894-99), received November 29, 1999; to the Committee on Finance.

EC-6437. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "T.D. 8847: Adjustments Following Sales of Partnership Interests" (RIN 1545-AS39), received December 14, 1999; to the Committee on Finance.

EC-6438. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Continuity of Interest on Repurchase of Issuers Shares" (Rev. Rul. 99-58, 1999-52 I.R.B.——, dated December 27, 1999), received December 14, 1999; to the Committee on Finance.

EC-6439. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Automatic Consent to Change a Method of Accounting" (Rev. Proc 99-49), received December 14, 1999; to the Committee on Finance.

EC-6440. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Duplicate Benefits" (Rev. Rul. 99-51), received December 14, 1999; to the Committee on Finance.

EC-6441. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting on Amounts Paid Under the General Allotment Act" (Notice 99-60), received December 14, 1999; to the Committee on Finance.

EC-6442. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Penalty Mail in the Location and Recovery of Missing Children" (RIN 1545-AX 29) (TD 8848), received December 14, 1999; to the Committee on Finance.

EC-6443. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 99-54), received November 23, 1999; to the Committee on Finance.

EC-6444. A communication from the Deputy Executive Secretary, Office of Communications and Operations Support, Health Care Financing Administration, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled "Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2000—Medicare" (RIN 0938-AJ 40), received November 19, 1999; to the Committee on Finance.

EC-6445. A communication from the Deputy Executive Secretary to the Department, Health Care Financing Administration, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2000 (8005-N)" (RIN 0938-AB 52), received November 22, 1999; to the Committee on Finance.

EC-6446. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled "Part A Premium for 2000 for the Uninsured Aged and for Certain Disabled Individuals who Have Exhausted Other Entitlement (8005-N) (RIN 0938-AB 53), received November 22, 1999; to the Committee on Finance.

EC-6447. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 1, 2000 (HFCA-8006-N) (RIN 0938-AJ 80), received November 22, 1999; to the Committee on Finance.

EC-6448. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Program; Programs for All-Inclusive Care for the Elderly (PAGE)" (RIN 0938-AE 98), received December 2, 1999; to the Committee on Finance.

EC-6449. A communication from the Chairman of the International Trade Commission transmitting, pursuant to law, a report relative to imports of wheat gluten; to the Committee on Finance.

EC-6450. A communication from the Acting Chief, Regulations Branch, US Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions on Certain Khmer Stone Archaeological Material of the Kingdom of Cambodia" (RIN 1515-AC 52), received November 29, 1999; to the Committee on Finance.

EC-6451. A communication from the Acting Chief, Regulations Branch, US Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Export Certificates for Lamb Meat Subject to Tariff-Rate Quota" (RIN 1515-AC 54), received November 29, 1999; to the Committee on Finance.

EC-6452. A communication from the Acting Regulations Officer, Social Security Administration transmitting, pursuant to law, the report of a rule entitled "Extension of Expiration Dates for Several Body System Listings" (RIN 0960-AF 15), received December 8, 1999; to the Committee on Finance.

EC-6453. A communication from the Senior Attorney, Federal Register Certifying Officer, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Barring Delinquent Debtors from Obtaining Federal Loans or Loan Insurance or Guarantees" (31 CFR 285) (RIN 1510-AA 78), received December 16, 1999; to the Committee on Finance.

EC-6454. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Emissions of Greenhouse Gases in the United States, 1998"; to the Committee on Energy and Natural Resources.

EC-6455. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to hydropower construction deadlines; to the Committee on Energy and Natural Resources.

EC-6456. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Update of Documents Incorporated by Reference" (RIN 1010-AC 55), received December 29, 1999; to the Committee on Energy and Natural Resources.

EC-6457. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Regulatory Program" (SPATS NO. VA-116-FOR), received December 21, 1999; to the Committee on Energy and Natural Resources.

EC-6458. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Illinois Regulatory Program" (SPATS NO. IL-097-FOR, PART II), received December 24, 1999; to the Committee on Energy and Natural Resources.

EC-6459. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on Federal Government Energy Management and Conservation Programs for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC-6460. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Outlook 2000"; to the Committee on Energy and Natural Resources.

EC-6461. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "State-Federal Cooperative Agreements; Indiana" (SPATS No. IN-142-FOR), received December 14, 1999; to the Committee on Energy and Natural Resources.

EC-6462. Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Compliance with Court Order" (RIN1029-AB69), received December 14, 1999; to the Committee on Energy and Natural Resources.

EC-6463. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Illinois Regulatory Program" (SPATS No. IL-097-FOR, Part I), received December 1, 1999; to the Committee on Energy and Natural Resources.

EC-6464. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Louisiana Regulatory Program" (SPATS No. LA-018-FOR), received December 2, 1999; to the Committee on Energy and Natural Resources.

EC-6465. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Revision to 30 CFR 250 Subpart A, 'Postlease Operations Safety'—Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Subpart A-General" (RIN1010-AC32), received December 3, 1999; to the Committee on Energy and Natural Resources.

EC-6466. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Regulatory Program" (SPATS No. VA-113-FOR), received December 9, 1999; to the Committee on Energy and Natural Resources.

EC-6467. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Iowa Regulatory Program" (SPATS No. IA-005-FOR), received November 19, 1999; to the Committee on Energy and Natural Resources.

EC-6468. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Implementation of Fiscal Year 2000 Legislative Provisions" (99-07), received December 7, 1999; to the Committee on Energy and Natural Resources.

EC-6469. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Implementation of Fiscal Year 2000 Legislative Provisions" (99-02), received December 7, 1999; to the Committee on Energy and Natural Resources.

EC-6470. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Quality of Water, Colorado River Basin, Progress Report No. 19"; to the Committee on Energy and Natural Resources.

EC-6471. A communication from the Congressional Review Coordinator of Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Portugal Because of African Swine Fever" (Docket No. 99-096-1), received December 28, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6472. A communication from the Congressional Review Coordinator of Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Export Certification; Heat Treatment of Solid Wood Packing Materials Exported to China" (Docket No. 99-100-1), received December 28, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6473. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation from Europe of Rhododendron Established in Growing Media" (Docket No. 89-154-5), received November 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6474. A communication from the Congressional Review Coordinator of Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Hass Avocado Import Program" (Docket No. 99-020-2), received December 6, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6475. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Services User Fees" (Docket No. 98-004-1), received December 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6476. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Service Fees; Biosecurity Level Three Laboratory Inspection Fee" (Docket No. 98-052-2), received December 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6477. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis; State and Area Classification; Kansas" (Docket No. 99-051-2), received December 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6478. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Liechtenstein Because of BSE" (Docket No. 98-119-2), received December 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6479. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Regulated Areas, Regulated Articles, and Treatments" (Docket No. 99-075-2), received December 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6480. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Phosphine; Pesticide Tolerance" (FRL #6484-5), received December 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6481. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenthrin; Extension of Tolerance for Emergency Exemptions" (FRL #6395-5), received December 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6482. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metsulfuron Methyl; Pesticide Tolerances for Emergency Exemptions" (FRL #6391-8), received December 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6483. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Myclobutanil; Extension of Tolerances For Emergency Exemptions" (FRL #6398-2), received December 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6484. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2,4-dichlorophenoxyacetic Acid; Re-establishment of Tolerances for Emergency Exemptions" (FRL #6396-3), received December 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6485. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clomazone; Pesticide Tolerances foe Emergency Exemptions' (FRL #6388-4), received December 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6486. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tetraconazole[(+/−)-2(2,2,4-dichlorphenyl) - 3 - (1H-1,2,4-triazol-1-yl) propyl 1, 1,2,2-tetrafluroethyl ether]; Pesticide Tolerances for Emergency Exemptions" (FRL #6384-1), received November 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6487. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "N-Acyl Sarcosines and Sodium N-Acyl sarcosinates; Exemption from the Requirement of a Tolerance" (FRL #6386-6), received November 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6488. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebufenozide; Pesticide Tolerances for Emergency Exemptions" (FRL #6390-9), received December 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6489. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit" (FV99-905-3 FIR), received November 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6490. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida, Relaxation of Container and Pack Requirements" (FV00-915-1 IFR), received December 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6491. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Changes to Pack Requirements" (FV99-906-3 FIR), received December 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6492. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the New England and Other Marketing Areas; Exemption of Handlers Operating Plants in Clark County, Nevada, from Other Requirements" (DA-00-01), received November 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6493. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revision of Regulations for Permissive Inspection" (TB-99-10) (RIN0581-AB65), received December 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6494. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modification of Procedures for Limiting the Volume of Small Red Seedless Grapefruit" (FV99–905–4 FIR), received December 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6495. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Revised Procedures for Listing New Contracts" (RIN3038–AB42), received November 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6496. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Trade Options on Enumerated Commodities" (RIN3038–AB43), received December 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6497. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Non-Discretionary Funding Provisions of the William F. Goodling Child Nutrition Reauthorization Act of 1998" (RIN0584–AC77), received December 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6498. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Local Agency Expenditure Reports" (RIN0584–AC74), received November 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6499. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Generic E. Coli Testing for Sheep, Goats, Equines, Ducks, Geese, and Guineas" (RIN0583–AC32), received December 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6500. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice" (RIN0583–AC34), received December 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6501. A communication from the Administrator and Executive Vice President, Commodity Credit Corporation, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Rule: 1999 Marketing Quota and Price Support for Flue-cured Tobacco" (RIN0560–AF49), received November 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6502. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Indemnity Payment Program" (RIN0560–AG10), received November 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6503. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Debarment and Suspension" (RIN0560–AF47), received November 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6504. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual Horse Protection Enforcement Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6505. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Congressional Commission on Servicemembers and Veterans Transition Assistance; to the Committee on Veterans' Affairs.

EC–6506. A communication from the Director of the Office of Regulations Management, Office of Acquisition and Materials Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Acquisition Regulation: Simplified Acquisition Procedures" (RIN2900–AJ16), received December 13, 1999; to the Committee on Veterans' Affairs.

EC–6507. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation dated November 12, 1999; to the Committee on the Budget.

EC–6508. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, reports as required by the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

EC–6509. A communication from the Chairman of the Federal Election Commission, transmitting a report relative to the Commission's fiscal year 2001 budget; to the Committee on Rules and Administration.

EC–6510. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the U.S. Arms Control and Disarmament Agency's 1998 annual report; to the Committee on Foreign Relations.

EC–6511. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–6512. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–6513. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates" (22 CFR Part 22), received November 19, 1999; to the Committee on Foreign Relations.

EC–6514. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to the Taiwan Relations Act; to the Committee on Foreign Relations.

EC–6515. A communication from the President of the United States transmitting, pursuant to law, a report relative to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction relating to the Australia Group; to the Committee on Foreign Relations.

EC–6516. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to an independent business analysis of Aircraft Maintenance and Supply Functions at Andrews Air Force Base, Maryland; to the Committee on Armed Services.

EC–6517. Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison conducted at General Mitchell Air Reserve Base, Wisconsin; to the Committee on Armed Services.

EC–6518. A communication from the Secretary of Defense, transmitting a report relative to a retirement; to the Committee on Armed Services.

EC–6519. A communication from the Secretary of Defense, transmitting a report relative to a retirement; to the Committee on Armed Services.

EC–6520. A communication from the Secretary of Defense, transmitting a report relative to a retirement; to the Committee on Armed Services.

EC–6521. A communication from the Principal Deputy (Acquisition and Technology), Under Secretary of Defense, transmitting pursuant to law, a report relative to a cost comparison waiver; to the Committee on Armed Services.

EC–6522. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the transportation of a chemical warfare agent; to the Committee on Armed Services.

EC–6523. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense transmitting, pursuant to law, the report of a rule entitled "Screening the Ready Reserve" (RIN0790–AG57), received December 15, 1999; to the Committee on Armed Services.

EC–6524. A communication from the Freedom of Information Act Officer, Department of the Air Force transmitting, pursuant to law, the report of a rule entitled "Air Force Freedom of Information Act Program" (RIN0701–AA61), received December 22, 1999; to the Committee on Armed Services.

EC–6525. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks transmitting, pursuant to law, the report of a rule entitled "Revision of Patent and Trademark Fees for Fiscal Year 2000" (RIN0651–AB01), received November 30, 1999; to the Committee on the Judiciary.

EC–6526. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, the report of a rule entitled "Clarification of Patent and Trademark Copy Fees" (RIN0651–AB08), received November 23. 1999; to the Committee on the Judiciary.

EC–6527. A communication from the Assistant Attorney General (Office of Legislative Affairs), transmitting, pursuant to law, a report relative to the Department's prison impact assessment for 1998; to the Committee on the Judiciary.

EC–6528. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Victim and/or Witness Notification: State Custody Transfers" (RIN1120–AA80), received December 9, 1999; to the Committee on the Judiciary.

EC–6529. A communication from the Director, Policy Directives and Instructional Branch, Immigration and Naturalization Service, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Adjustment of Small Volume Application Fees of the Immigration Examinations" (RIN1115–AF10), received December 21, 1999; to the Committee on the Judiciary.

EC–6530. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the entry into the United States of two Salvadoran generals; to the Committee on the Judiciary.

EC–6531. A communication from the Assistant General Counsel for Regulations, U.S. Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations—Special Education—Personnel Preparation to Improve Services and Results for Children with Disabilities" (RIN1820–AB46), received December 13, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6532. A communication from the Assistant General Counsel for Regulations, U.S. Department of Education, transmitting, pursuant to law, the report of a rule entitled "State-administered Programs", received December 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6533. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations-Preparing Tomorrows Teachers to Use Technology" (RIN1840–AC81), received December 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6534. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Strengthening Institutions Programs and Developing Hispanic-Serving Institutions Programs", received December 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6535. A communication from the Deputy Executive Secretary, Administration for Children and Families, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled "Head Start Program (Priority for Previously Selected Head Start Agencies)" (RIN0970–AB98), received December 17, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6536. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age", received November 30, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6537. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation transmitting, pursuant to law, the report of a rule entitled "Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans", received November 30, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6538. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation transmitting, pursuant to law, the report of a rule entitled "Payment of Premiums" (RIN1212–AA82), received December 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6539. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-employer Plans; Interest Assumptions for Valuing Benefits", received December 16, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6540. A communication from the Director of the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Paper and Paperboard Components" (99F–1423), received December 17, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6541. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing, and Handling of Food" (99F–0455), received December 15, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6542. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (98F–0492), received November 23, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6543. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures" (RIN0910–AA08), received December 9, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6544. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food additives: Adjuvants, Production Aids and Sanitizers" (95F–0150), received December 7, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6545. A communication from the Director of the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Revocation of Pacemaker Registry" (85N–0322), received December 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6546. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (98F–0825), received December 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6547. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Animal Drug Availability Act; Medicated Feed Mill License" (RIN0910–AB18), received December 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6548. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (99F–1170), received November 30, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6549. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives for Coloring Bone Cement; FD&C Blue No. 2-Aluminum Lake on Alumina; Confirmation of Effective Date" (99C–0348), received November 30, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6550. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Paper and Paperboard Components" (86F–0312), received December 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6551. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Biological Products Regulated Under Section 351 of the Public Health Service Act; Implementation of the Biologics License; Elimination of Establishment License and Product License" (RIN0910–AB79), received December 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6552. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Sunscreen Drug Products for Over-the-Counter Human Use; Final Monograph" (RIN0910–AA01), received December 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6553. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Progestational Drug Products for Human Use; Requirements for Labeling Directed to the Patient" (99N–0188), received November 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6554. A communication from the Regulations Officer, National Institutes of Health, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled "National Institutes of Health Construction Grants" (RIN0925–AA04), received December 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6555. A communication from the General Counsel, Corporation for National and Community Service transmitting, pursuant to law, the report of a rule entitled "Rules Implementing the Government in the Sunshine Act" (RIN3045–AA21), received December 3, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6556. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the National Advisory Committee on Institutional Quality and Integrity for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6557. A communication from the Secretary of Energy, transmitting, pursuant to law, a draft of proposed legislation relative occupational illness in the Department's workforce; to the Committee on Health, Education, Labor, and Pensions.

EC–6558. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to a retirement; to the Committee on Armed Services.

EC–6559. A communication from the Assistant Secretary of the Army (Installations and Environment), transmitting, pursuant to law, a report relative to the emergency detonation of a bomblet potentially filled with Sarin chemical, agent; to the Committee on Armed Services.

EC–6560. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense transmitting, pursuant to law, the report of a rule entitled "TRICARE—Nonavailability Statement Requirement for Maternity Care", received January 3, 2000; to the Committee on Armed Services.

EC–6561. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the demonstration project for uniform funding of morale, welfare, and recreation activities; to the Committee on Armed Services.

EC–6562. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice: Title Change" (RIN2900–AJ57), received January 6, 2000; to the Committee on Veterans' Affairs.

EC–6563. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Per Diem for Nursing Home Care of Veterans in State Homes" (RIN2900–AE87), received January 3, 2000; to the Committee on Veterans' Affairs.

EC–6564. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice-Revision of Decisions on Grounds of Clear and Unmistakable Error; Clarification" (RIN2900–AJ98), received January 3, 2000; to the Committee on Veterans' Affairs.

EC–6565. A communication from the Director of Central Intelligence transmitting, pursuant to law, the report of violations of the Antideficiency Act; to the Committee on Appropriations.

EC–6566. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the reports required by the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

EC-6567. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to United States contributions to international organizations; to the Committee on Foreign Relations.

EC–6568. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–6569. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–6570. A communication from the Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, the report of the United States Court of Federal Claims for fiscal year 1999; to the Committee on the Judiciary.

EC–6571. Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (SPATS No. OK–026–FOR), received December 14, 1999; to the Committee on Energy and Natural Resources.

EC–6572. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (SPATS No. IN–146–FOR), received January 4, 1999; to the Committee on Energy and Natural Resources.

EC–6573. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Abandoned Mine Land Reclamation Plan" (SPATS No. VA–115–FOR), received January 4, 2000; to the Committee on Energy and Natural Resources.

EC–6574. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule on Regional Transmission Organizations" (RIN1902–AB77) , received January 3, 2000; to the Committee on Energy and Natural Resources.

EC–6575. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additive: Polymers", received January 3, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6576. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received January 3, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6577. A communication from the Director of the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (99F–1457), received January 6, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6578. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (98F–1201), received January 6, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6579. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (99F–1421), received January 6, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6580. A communication from the Associate Solicitor, Legislative and Legal Counsel, Department of Labor transmitting, pursuant to law, the report of a rule entitled "Supplemental Standards of Ethical Conduct for Employees of the Department of Labor" (RIN1290–AA15/3209–AA15), received January 6, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6581. A communication from the Acting Deputy Assistant Secretary, Labor-Management Standards, Department of Labor transmitting, pursuant to law, the report of a rule entitled "Labor Organization Annual Reports" (RIN1215–AB29), received January 3, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6582. A communication from the Secretary of Labor, transmitting, pursuant to law, the 1999 reports of the Department's Advisory Council for Employee Welfare and Pension Benefit Plans; to the Committee on Health, Education, Labor, and Pensions.

EC–6583. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual reports of the Administration on Developmental Disabilities for fiscal years 1996 and 1997 ; to the Committee on Health, Education, Labor, and Pensions.

EC–6584. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting Exception for Certain De Minimis Barter Transactions" (Notice 2000–6), received January 4, 2000; to the Committee on Finance.

EC–6585. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2000–7" (RP–118112–99), received January 10, 2000; to the Committee on Finance.

EC–6586. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Intermediary Withholding Agreement" (Rev. Proc. 2000–12), received January 10, 2000; to the Committee on Finance.

EC–6587. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Request for Comments on Certain Plans of State and Local Government Employers Under Section 457" (Announcement 2000–1, I.R.B. 2000–2 [January 10, 2000]), received December 23, 1999; to the Committee on Finance.

EC–6588. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Passthrough of Items of an

S Corporation to its Shareholders" (RIN1545–AT52), received December 23, 1999; to the Committee on Finance.

EC–6589. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Return Requirement for United States Persons Acquiring or Disposing of an Interest in a Foreign Partnership, or Whose Proportional Interest in a Foreign Partnership Changes" (RIN1545–AK75), received December 29, 1999; to the Committee on Finance.

EC–6590. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 99–61), received December 29, 1999; to the Committee on Finance.

EC–6591. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosures of Return Information to Officers and Employees of the Department of Agriculture for Certain Statistical Purposes and Related Activities" (RIN1545–AX70), received January 5, 2000; to the Committee on Finance.

EC–6592. A communication from the Chief, Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 1504(d) Elections-Deferral of Termination" (OGI–111839–99), received January 5, 2000; to the Committee on Finance.

EC–6593. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Purchase Price Allocations in Deemed and Actual Asset Acquisitions" (RIN1545–AV58) (TD 8858), received January 5, 2000; to the Committee on Finance.

EC–6594. A communication from the Chief, Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Underwriting Income" (TD 8857) (RIN1545–AU60), received January 5, 2000; to the Committee on Finance.

EC–6595. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Recharacterizing Financing Arrangements Involving Fast-pay Stock" (RIN1545–AV07) (TD 8853), received January 6, 2000; to the Committee on Finance.

EC–6596. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "ISO 9000 Costs" (Rev. Rul. 2000–4), received January 6, 2000; to the Committee on Finance.

EC–6597. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Additional Guidance on Cash or Deferred Arrangements" (Notice 2000–3), received January 6, 2000; to the Committee on Finance.

EC–6598. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign Withholding on Payments of U.S. Source Income to Foreign Persons" (RIN1545–AX44), received January 3, 2000; to the Committee on Finance.

EC–6599. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Zone Academy Bonds Allocations 2000" (Rev. Proc. 2000–10), received January 3, 2000; to the Committee on Finance.

EC–6600. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Binding Arbitration" (Announcement 2000–4, 2000–3 I.R.B.——, dated January 18, 2000), received January 3, 2000; to the Committee on Finance.

EC–6601. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Consent to Change an Accounting Period" (Rev. Proc. 2000–11), received January 3, 2000; to the Committee on Finance.

EC–6602. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Letter Rulings, determination Letters, and Information Letters Issued by the Associate Chief Counsel (Domestic), Associate Chief Counsel (Employee Benefits and Exempt Organizations), Associate Chief Counsel (Enforcement Litigation), and Associate Chief Counsel (International)" (RP–114403–99), received January 3, 2000; to the Committee on Finance.

EC–6603. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "EP/EO Technical Advice Procedures" (Rev. Proc. 2000–5), received January 3, 2000; to the Committee on Finance.

EC–6604. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "EP/EO Letter Rulings" (Rev. Proc. 2000–4), received January 3, 2000; to the Committee on Finance.

EC–6605. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employee Plans Determination Letter Procedures" (Rev. Proc. 2000–6), received January 3, 2000; to the Committee on Finance.

EC–6606. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "BLS–LIFO Department Store Indexes-November 1999" (Rev. Rul. 2000–3), received January 3, 2000; to the Committee on Finance.

EC–6607. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Advice to the District Directors and Chiefs, Appeals Offices, from the Associate Chief Counsel (Domestic), Associate Chief Counsel (Employee Benefits and Exempt Organizations), Associate Chief Counsel (Enforcement Litigation), and Associate Counsel (International)" (RP–114404–99), received January 3, 2000; to the Committee on Finance.

EC–6608. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Like-kind Exchange and Involuntary Conversion of MACRS Property" (OGI–108813–99), received January 3, 2000; to the Committee on Finance.

EC–6609. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "EP/EO User Fees" (Rev. Proc. 2000–8), received January 3, 2000; to the Committee on Finance.

EC–6610. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Estimated Tax Penalty Relief for Corporations Affected by Section 571 of the Tax Relief Extension Act" (Notice 2000–5), received January 3, 2000; to the Committee on Finance.

EC–6611. A communication from the Assistant Attorney General, transmitting, pursuant to law, a report relative to the Foreign Agents Registration Act; to the Committee on Foreign Relations.

EC–6612. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness" (RIN1557–AB67), received November 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6613. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Community Development Corporations, Community Development Projects, and Other Public Welfare Investments" (RIN1667–AB69), received December 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6614. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Safety and Soundness Standards" (RIN1550–AB27), received November 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6615. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Loans in Areas Having Special Flood Hazards" (RIN1557–AB74), received December 13, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6616. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Chemical Weapons Convention Regulations" (RIN0694–AB06), received December 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6617. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure" (RIN2550–AA04), received December 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6618. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Expansion of License Exception CIV Eligibility for 'Microprocessors' Controlled by ECCN 3A001" (RIN0694–AB90), received November 30, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6619. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Loans in Areas Having Special Flood Hazards" (Docket No. R–1052), received December 13, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6620. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Credit Union Service Organizations", received December 13, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6621. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Audit Committee Disclosure" (RIN3235–AH83), received December 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6622. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Adoption of an Amendment to the Intermarket Trading System Plan to Expand the ITS/Computer Assisted Executive System Linkage to All Listed Securities" (RIN3235–AH49), received December 10, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6623. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Exemption for Certain Investment Advisers-Investment Company release No. 24177 (Nov. 29, 1999)", received November 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6624. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development transmitting, pursuant to law, the report of a rule entitled "Community Development Grant (CDBG) Program; Clarification of the Nature of Required CDBG Expenditure Documentation; Final Rule" (RIN2506–AC00) (FR–4449–F–02), received November 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6625. A communication from the Assistant General Counsel for Regulations of the Department of Housing and Urban Development transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Section 8 Management Assessment Program (SEMAP)" (RIN2577–AC10) (FR–4498–F–02), received December 13, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6626. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development transmitting, pursuant to law, the report of a rule entitled "Housing Choice Voucher Program; Amendment" (RIN2577–AB91) (FR–4428–F–05), received November 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6627. A communication from the Assistant General Counsel for Regulations, U.S. Department of Housing and Urban Development transmitting, pursuant to law, the report of a rule entitled "Fair Market Rents for the Section 8 Housing Assistance Payments Program-Fiscal Year 2000" (FR–4496–N–03), received January 4, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6628. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development transmitting, pursuant to law, the report of a rule entitled "Single Family Mortgage Insurance; Appraiser Roster Placement Procedures" (RIN2502–AH29) (FR–4429–F–02), received January 4, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6629. A communication from the Assistant General Counsel for Regulations, U.S. Department of Housing and Urban Development transmitting, pursuant to law, the report of a rule entitled "Civil Penalties for Fair Housing Act Violations" (RIN2529–AA83) (FR–4302–F–03), received January 4, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6630. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development transmitting, pursuant to law, the report of a rule entitled "Section 8 Housing Assistance Payments Program-Contract Rent Annual Adjustment Factors, Fiscal Year 2000" (FR–4528–C–02), received January 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6631. A communication from the Assistant General Counsel for Regulations, U.S. Department of Education, transmitting, pursuant to law, the report of a rule entitled "Up-Front Grants and Loans in the Disposition of Multifamily Projects" (RIN2502–AH12) (FR–4310–F–02), received January 4, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6632. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (FEMA–7725), received November 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6633. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (FEMA–7720), received November 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6634. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations", received December 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6635. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations", received December 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6636. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Change in Flood Elevation Determinations", received December 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6637. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations", received December 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6638. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA–7308), received December 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6639. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA–7301), received December 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6640. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (FEMA–7722), received November 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6641. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA–7725), received January 3, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6642. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program (NFIP); Standard Flood Insurance Policy" (RIN3067–AD05), received January 3, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6643. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA–7721), received January 3, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6644. A communication from the Comptroller of the Currency, Administrator of National Banks transmitting, pursuant to law, a report relative to compliance by insured depository institutions with the National Flood Insurance Program for the period September 1, 1997 to August 31, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6645. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the semiannual report on tied aid credits; to the Committee on Banking, Housing, and Urban Affairs.

EC–6646. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on tied aid credits; to the Committee on Banking, Housing, and Urban Affairs.

EC–6647. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report relative to compliance by savings associations with the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

EC–6648. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6649. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Management Official Interlocks", received January 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6650. A communication from the Managing Director, Federal Housing Finance

Board, transmitting, pursuant to law, the report of a rule entitled "Information Collection Approval: Technical Amendment to Advances to Nonmembers Rule" (RIN3069–AA91), received January 6, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6651. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to continuing the national emergency relating to Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC–6652. A communication from the President of the United States of America, transmitting, pursuant to law, a 6-month periodic report relative to the national emergency with respect to Yugoslavia and Kosovo; to the Committee on Banking, Housing, and Urban Affairs.

EC–6653. A communication from the President of the United States of America, transmitting, pursuant to law, a 6-month periodic report relative to the national emergency caused by the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–6654. A communication from the President of the United States of America, transmitting, pursuant to law, a 6-month periodic report on the national emergency with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC–6655. A communication from the President of the United States of America, transmitting, pursuant to law, a 6-month periodic report on the national emergency with respect to Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC–6656. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Panama; to the Committee on Banking, Housing, and Urban Affairs.

EC–6657. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. Exports to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC–6658. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. Exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–6659. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received December 7, 1999; to the Committee on Governmental Affairs.

EC–6660. Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received December 2, 1999; to the Committee on Governmental Affairs.

EC–6661. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received December 13, 1999; to the Committee on Governmental Affairs.

EC–6662. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received December 17, 1999; to the Committee on Governmental Affairs.

EC–6663. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received January 4, 2000; to the Committee on Governmental Affairs.

EC–6664. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received January 3, 2000; to the Committee on Governmental Affairs.

EC–6665. A communication from the Chief Counsel, Foreign Claims Settlement Commission, Department of the Treasury transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–6666. A communication from the Executive Officer of the National Science Board, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–6667. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the fiscal year 1999 Accountability Report; to the Committee on Governmental Affairs.

EC–6668. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the strategic plan for fiscal years 2000 through 2005 and the performance plans for fiscal years 2000 and 2001; to the Committee on Governmental Affairs.

EC–6669. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–166, "Gift of Light Permit Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–6670. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–167, "Real Property Tax Appeal Filing Deadline Extension Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC–6671. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–171, "Management Supervisory Service Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC–6672. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–170, "Advisory Neighborhood Commission Vacancy Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC–6673. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–165, "Petition Circulation Requirements Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–6674. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–164, "Potomac River Bridges Towing Compact Act of 1999"; to the Committee on Governmental Affairs.

EC–6675. A communication from the Acting Deputy Associate Administrator for Acquisition Policy, General Services Administration transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Circular" (FAC 97–15), received December 29, 1999; to the Committee on Governmental Affairs.

EC–6676. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Privacy Act Regulations", received November 30, 1999; to the Committee on Governmental Affairs.

EC–6677. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Pay Administration; Back Pay, Holidays, and Physicians' Comparability Allowance" (RIN3206–AI61), received January 3, 2000; to the Committee on Governmental Affairs.

EC–6678. A communication from the Director, U.S. Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Abolishment of the Washington, Maryland, Nonappropriated Fund Wage Area" (RIN3206–AI97), received December 22, 1999; to the Committee on Governmental Affairs.

EC–6679. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees' Life Insurance Program: Life Insurance Improvements" (RIN3206–AI64), received December 22, 1999; to the Committee on Governmental Affairs.

EC–6680. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees' Group Life Insurance Program-New Premiums" (RIN3206–AI73), received December 28, 1999; to the Committee on Governmental Affairs.

EC–6681. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Emergency Leave Transfer Program" (RIN3206–AI03), received December 28, 1999; to the Committee on Governmental Affairs.

EC–6682. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, the report of a rule entitled "Retention Allowances" (RIN3206–AI31), received December 28, 1999; to the Committee on Governmental Affairs.

EC–6683. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Final Regulations-Miscellaneous Changes in Compensation Regulations" (RIN3206–AH11), received December 28, 1999; to the Committee on Governmental Affairs.

EC–6684. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Changes in Federal Wage System Survey Jobs" (RIN3206–AH81), received December 13, 1999; to the Committee on Governmental Affairs.

EC–6685. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Changes in Compensation Regulations" (RIN3206–AH11), received December 7, 1999; to the Committee on Governmental Affairs.

EC–6686. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to Statement of Federal Financial Accounting Standards No. 16; to the Committee on Governmental Affairs.

EC–6687. A communication from the Chief of Staff of the White House, transmitting, pursuant to law, a report relative to the Executive Office of the President's Drug Free Workplace Plan; to the Committee on Governmental Affairs.

EC–6688. A communication from the Chief Financial Officer, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to mixed waste generated at Ames Research Center in Sunnyvale, CA; to the Committee on Governmental Affairs.

EC–6689. A communication from the Acting Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development and the Office of Administration; to the Committee on Governmental Affairs.

EC–6690. A communication from the President's Pay Agent transmitting, pursuant to law, a report relative to locality-based comparability payments; to the Committee on Governmental Affairs.

EC–6691. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to surplus Federal real property; to the Committee on Governmental Affairs.

EC–6692. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the General Accounting Office reports for October 1999; to the Committee on Governmental Affairs.

EC–6693. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report of surplus real property transferred for public health purposes; to the Committee on Governmental Affairs.

EC–6694. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the United States Government: Fiscal Year 2000" to the Committee on Governmental Affairs.

EC–6695. A communication from the Associate Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Vidalia Onions Grown in Georgia; Final Period Change" (Docket No. FV99–955–1–FIR), received January 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6696. A communication from the Assosciate Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Vidalia Onions Grown in Georgia; Changing the Term of Office and Nomination Deadlines" (Docket No. FV–00–955–2–IFR), received January 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6697. A communication from the Associate Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Soybean Promotion and Research: The Procedures to Request a Referendum; Correction" (Docket No. LS–99–17), received January 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6698. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Southern Illinois-Eastern Missouri Federal Marketing Area; Suspension" (Docket No. DA–00–02), received January 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6699. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emanectin Benzoate; Pesticide Tolerances for Emergency Exemptions" (FRL #6398–5), received January 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6700. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "N, N–diethyl–2–(4–methylbenzyloxy) ethylamine Hydrochloride; Pesticide Tolerance" (FRL #6486–2), received January 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6701. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosad; Pesticide Tolerance" (FRL #6299–7), received January 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6702. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mepiquat Chloride; Pesticide Tolerance" (FRL #6485–4), received January 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6703. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate Ammonium; Extension of Tolerance for Emergency Exemptions" (FRL #6394–5), received December 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6704. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Maneb; Extension of Tolerance for Emergency Exemptions" (FRL #6394–9), received December 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6705. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Horses From Qatar; Change in Disease Status" (Docket No. 97–131–3), received January 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6706. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Pork and Pork Products" (Docket No. 95–027–2), received January 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6707. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Summer Food Service Program: Implementation of Legislative Reforms", received January 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6708. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "School Nutrition Programs: Direct Certification of Eligibility for Free and Reduced Price Meals and Free Milk in Schools", received January 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6709. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Child and Adult Care Food Program: Overclaim Authority and Technical Changes to the Meal Pattern Requirements", received January 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6710. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Distribution Program on Indian Reservations: Disqualification Penalties for Intentional Program Violations", received January 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6711. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "The Summer Food Service Program Final Rule: Program Meal Service During the School Year, Paperwork Reduction and Targeted State Marketing", received January 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6712. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "WIC Bloodwork Rule", received January 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6713. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irradiation of Meat Food Products", received January 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6714. A communication from the Administrator, Risk Management Agency, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Potato Crop Insurance Certified Seed Endorsement", received January 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6715. A communication from the Under Secretary of Agriculture for Rural Development, transmitting, pursuant to law, the report of a rule entitled "Rural Business Opportunity Grants" (RIN0570–AA05), received December 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6716. A communication from the Director, Bureau of Transportation Statistics, Department of Transportation transmitting, pursuant to law, a report entitled "Transportation Statistics Annual Report 1999"; to the Committee on Commerce, Science, and Transportation.

EC–6717. A communication from the National Telecommunications and Information Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of

Funds" (RIN0660–ZA06), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6718. A communication from the Associate Administrator, Procurement, National Aeronautics and Space Administration transmitting, pursuant to law, the report of a rule entitled "Correction of Inconsistency with FAR 22.1103", received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6719. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Guides for the Law Book Industry, 16 CFR Part 256", received January 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6720. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Adjustment of Ceiling on Allowable Charge for Certain Disclosures under the Fair Credit Reporting Act Section 612(a)", received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6721. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Appliance Labeling Rule (16 CFR Part 305)" (RIN3084–AA74), received December 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6722. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Partnership for Advancing Technologies in Housing Cooperative Research Program (PATH–CoRP)—Notice of Availability of Funds" (RIN0693–ZA34), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6723. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Availability of Funds for a Competition-Advanced Technology Program" (RIN0693–ZA35), received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6724. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Funds for Six Grants Programs: Precision Measurement Grants; Physics, MSEL, and MEL SURF Programs; MSEL Grants Program; and Fire Research Grants Program" (RIN0693–ZA32), received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6725. A communication from the Deputy Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Federal Assistance (Ocean Remote Sensing Program)" (RIN0648–ZA75), received November 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6726. A communication from the Chief, Policy and Rules Division, Engineering and Technology, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Dedicated Short Range Communications of Intelligent Transportation Services" (ET Docket No. 98–85)(FCC 99–305), received December 8, 1999; to the Committee on Commerce , Science, and Transportation.

EC–6727. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations Mishicot, WI and Gulliver, MI" (MM Docket No. 99–145), received January 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6728. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.20(b), Table of Allotments, FM Broadcast Stations Bay Springs, Ellisville, and Sandersville, MS" (MM Docket No. 99–74), received January 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6729. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b) of the Commission's Rules Farmington, Grass Valley, Jackson, Lindon, Placerville and Fair Oaks, CA and Carson City and Sun Valley, NV" (MM Docket No. 90–189), received November 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6730. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations White Wright and Van Alstyne, TX" (MM Docket No. 98–196), received November 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6731. A communication from the Assistant Division Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC docket 98–147, Third Report and Order, and CC Docket No. 96–98, Fourth Report and Order" (FCC 99–355) (CC Doc. 98–147), received December 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6732. A communication from the deputy Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Access Charge Reform, Third Order on Reconsideration" (FCC 98–257) (CC Doc. 96–262), received January 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6733. A communication from the Director of the Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: BE–10, Benchmark Survey of U.S. Direct Investment Abroad-1999" (RIN0691–AA36), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6734. A communication from the Chief, Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648–AN30), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6735. A communication from the Chief, Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648–AK66), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6736. A communication from the Chief, Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Summer Flounder Trawling Requirements" (RIN0648–AM89), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6737. A communication from the Attorney, Federal Railroad Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Planning Activities Under the Magnetic Levitation Transportation Technology Deployment Program" (RIN2130–AB29) (2000–0001), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6738. A communication from the Assistant Chief Counsel, Federal Motor Carrier Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Revision of Chapter Heading; Federal Motor Carrier Safety Administration" (RIN2126–AA48), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6739. A communication from the Attorney, Office of the Secretary, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Rules of Practice in Aviation Economic Proceedings: Reinvention" (RIN2105–AC48), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6740. A communication from the Attorney, Office of the Secretary, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Air Carrier Access Act: Miscellaneous Amendments: Seat Assignments and Wheelchairs" (RIN2105–AC28), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6741. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Gas and Hazardous Liquid Pipeline Repair" (RIN2137–AD25), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6742. A communication from the Attorney-Advisor, Office of the Secretary, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Domestic Baggage Liability" (RIN2105–AC07), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6743. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Revised Docket Filing Procedures for Federal Railroad Administration Rulemaking and Adjudicatory Dockets" (RIN2130–AB37) , received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6744. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Annual Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents" (RIN2130–AB30), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6745. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Dynamically Deploying Head Protection Systems" (RIN2127–AH60), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6746. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Anthropomorphic Test Dummy for Head Impact Protection" (RIN2127–AG74), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6747. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; New Years Eve '99 Fireworks Display, Southampton, NY (CG01–99–184)" (RIN 2115–AA97) (1999–0071), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6748. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Arrival Notification and Year 2000 (Y2K) Reporting Requirements for Vessels Transiting the Cape Cod Canal (CGD01–99–150)" (RIN 2115–AE84) (1999–0005), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6749. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Regattas and Marine Parades (CGD 95–054)" (RIN 2115–AF17) (1999–0001), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6750. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Bellsouth Winterfest Boat Parade, Broward County, Fort Lauderdale, Fl (CGD07–99–082)" (RIN 2115–AE46) (1999–0046), received December 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6751. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Standard Measurement System Exemption from Gross Tonnage (USCG–1999–5118)" (RIN 2115–AF76) (1999–0002), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6752. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Puget Sound Vessel Traffic Service (USCG–1999–6141)" (RIN 2115–AF92), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6753. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations;, Navesink River, NJ (CGD01–99–075)" (RIN 2115–AE47) (1999–0069) , received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6754. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; New York Harbor and Hudson River Fireworks (CGD01–99–130)" (RIN 2115–AA97) (1999–0001), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6755. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, MD (CGD05–99–096)" (RIN 2115–AE46) (1999–0045), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6756. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Puerto Rico International Cup, Fajardo, PR (CGD07–99–057)" (RIN 2115–AE46) (1999–0043), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6757. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; New Year's Celebration Fireworks, Patapsco River, Baltimore, MD (CGD05–99–089)" (RIN 2115–AE46) (1999–0044), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6758. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Racoon Creek, NJ (CGD05–99–095)" (RIN 2115–AE47) (1999–0064), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6759. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Chesapeake Bay, Whitehall Bay, Annapolis , MD (CGD05–999–094)" (RIN 2115–AA97) (1999–0070), received December 3, 1999 ; to the Committee on Commerce, Science, and Transportation.

EC–6760. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Acushnet River, Annisquam River, Fore River, and Taunton River, MA (CGD01–99–187)" (RIN 2115–AE47) (1999–0065), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6761. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; China Basin, Mission Creek, CA (CGD11–00–017)" (RIN 2115–AE47) (1999–0067), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6762. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Keweenaw Waterway, MI (CGD09–99–082)" (RIN 2115–AE47) (1999–0068), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6763. A communication from the Acting Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Update and Standards from American Society for Testing and Materials (ASTM) (USCG–1999–5151)" (RIN 2115–AF80) (1999–0003), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6764. A communication from the Acting Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; New York Harbor and Hudson River Fireworks (CGD01–99–99–130)" (RIN 2115–AE47) (2000–0003), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6765. A communication from the Acting Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Passaic River, NJ (CGD01–99–206)" (RIN 2115–AE47) (2000–0006), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6766. A communication from the Acting Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Saugus River, MA (CGD01–99–193)" (RIN 2115–AE47) (2000–0006), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6767. A communication from the Acting Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Black River, WI (CGD08–99–064)" (RIN 2115–AE47) (2000–0002), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6768. A communication from the Acting Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Columbia River, OR (CGD13–99–011)" (RIN2115–AE47) (2000–0001), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6769. A communication from the Acting Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mississippi River, IA and IL (CGD08–99–077)" (RIN2115–AE47) (2000–0005), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6770. A communication from the Acting Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Chelsea River, MA (CGD01–00–001)"

(RIN 2115–AE47) (2000–0008), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6771. A communication from the Acting Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Williamette River, OR (CGD 13–99–008)" (RIN 2115–AE47) (2000–0004), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6772. A communication from the Acting Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; St. Lucie River, Stuart, FL (CGD 07–99–058)" (RIN 2115–AA98) (2000–0001), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6773. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the Annual report on Civil Works Activities for Fiscal 1998; to the Committee on Environment and Public Works.

EC–6774. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to the emergency caused by Hurricane Floyd in New Jersey; to the Committee on Environment and Public Works.

EC–6775. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the shore erosion plan for the Fire Island Inlet to Moriches Inlet reach of the Fire Island to Montauk Point, NY, project; to the Committee on Environment and Public Works.

EC–6776. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the quality of ground water in the nation and the effectiveness of state ground water protection programs; to the Committee on Environment and Public Works.

EC–6777. A communication from the Chairman of the Board, Inland Waterways Users Board transmitting, pursuant to law, the 1999 annual report; to the Committee on Environment and Public Works.

EC–6778. A communication from the Acting Assistant Secretary for Economic Development, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Economic Development Administration Regulations: Revision to Implement Economic Development Administration Reform Act of 1998" (RIN 0610–AA56) (RIN 0610–AA 59), received December 10, 1999; to the Committee on Environment and Public Works.

EC–6779. A communication from the Acting Assistant Secretary for Economic Development, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Requirements for Economic Adjustment Grants—Revolving Loan Fund Projects under 13 CFR Part 308 and Property under Part 314", received January 13, 2000; to the Committee on Environment and Public Works.

EC–6780. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service transmitting, pursuant to law, the report of a rule entitled "Designated Critical Habitat: Revision of Critical Habitat for Snake River Spring/Summer Chinook Salmon" (RIN 0648–AM41), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6781. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Definition of 'Harm'" (RIN0648–AK55), received December 9, 1999; to the Committee on Environment and Public Works.

EC–6782. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the report of a rule entitled "Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Carrying out the Inclusion of all Species of the Order Acipenseriformes (Sturgeon and Paddlefish) in the Appendices to CITES" (RIN1018–AF66), received December 1, 1999; to the Committee on Energy and Natural Resources.

EC–6783. A communication from the Assistant Chief Counsel, Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Right-of-Way Program Administration" (RIN2125–AE44), received December 21, 1999; to the Committee on Environment and Public Works.

EC–6784. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Use of Alternative Source Terms at Operating Reactors, Amendments to 10 CFR Part 21, 50, and 54" (RIN3150–AG12), received January 6, 2000; to the Committee on Environment and Public Works.

EC–6785. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Design Certification Rule for the AP600 Design" (RIN3150–AG23), received December 23, 1999; to the Committee on Environment and Public Works.

EC–6786. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Emergency and Proposed Status for the Santa Barbara County Distinct Population Segment of the California Tiger Salamander (Ambystoma californiense)" (RIN1018–AF81), received January 13, 2000; to the Committee on Environment and Public Works.

EC–6787. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List Two Cave Animals from Kauai, HI as Endangered" (RIN1018–AE39), received January 11, 2000; to the Committee on Environment and Public Works.

EC–6788. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Central Valley spring-run Evolutionary Significant Unit (ESU) and the California Coastal ESU, of the West Coast Chinook Salmon (Oncorhynchus tsawytscha)" (RIN1018–AF82), received December 23, 1999; to the Committee on Environment and Public Works.

EC–6789. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List Sierra Nevada Distinct Population Segment of the California Bighorn Sheep as Endangered" (RIN1018–AF59), received December 29, 1999; to the Committee on Environment and Public Works.

EC–6790. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport" (FRL #6515–5), received December 23, 1999; to the Committee on Environment and Public Works.

EC–6791. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Uses of Certain Chemical Substances" (FRL #6055–2), received December 23, 1999; to the Committee on Environment and Public Works.

EC–6792. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Section 112(1) Approval of the State of Florida's Rule Adjustment to the National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities" (FRL #6514–5), received December 20, 1999; to the Committee on Environment and Public Works.

EC–6793. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Guide for Procurement of Products Containing Recovered Materials/Recovered Materials Advisory Notice III" (FRL #6524-2), received January 13, 2000; to the Committee on Environment and Public Works.

EC–6794. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Adoption of Rule Governing Any Credible Evidence" (FRL #6520–2), received January 13, 2000; to the Committee on Environment and Public Works.

EC–6795. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Test Procedures for Heavy-Duty Engines, and Light-Duty Vehicles and Trucks and Amendments to the Emission Standard Provisions for Gaseous Fueled Vehicles and Engines" (FRL #6523–7), received January 13, 2000; to the Committee on Environment and Public Works.

EC–6796. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "#35 Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations", received January 13, 2000; to the Committee on Environment and Public Works.

EC–6797. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "#34 Uniform Administrative Requirements for Grants and

Cooperative Agreements to State and Local Governments", received January 13, 2000; to the Committee on Environment and Public Works.

EC–6798. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "#36 How to Complete Your Application for Federal Assistance", received January 13, 2000; to the Committee on Environment and Public Works.

EC–6799. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport (final stay extension)" (FRL #6522–9), received January 10, 2000; to the Committee on Environment and Public Works.

EC–6800. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Environmental Justice Through Pollution Prevention Grant Guidance 1999", received January 10, 2000; to the Committee on Environment and Public Works.

EC–6801. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review; Notice of Availability" (FRL #6037–9), received January 10, 2000; to the Committee on Environment and Public Works.

EC–6802. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of FY 1999 Multimedia Environmental Justice Through Pollution Prevention Grant Funds" (FRL #6085–8), received January 10, 2000; to the Committee on Environment and Public Works.

EC–6803. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of FY 1998 Multimedia Environmental Justice Through Pollution Prevention Grants" (FRL #5766–1), received January 10, 2000; to the Committee on Environment and Public Works.

EC–6804. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of FY 2000 Grant Funds for the Support of a Pollution Prevention Information Network" (FRL #6391–3), received January 10, 2000; to the Committee on Environment and Public Works.

EC–6805. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alaska: Tentative Determination and Final Determination of Full Program Adequacy of the State of Alaska's Municipal Solid Waste Landfill Permit Program" (FRL #6518–1), received January 4, 2000; to the Committee on Environment and Public Works.

EC–6806. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Part 70 Operating Permits Program" (FRL #6519–9), received January 4, 2000; to the Committee on Environment and Public Works.

EC–6807. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas" (FRL #6517–9), received January 4, 2000; to the Committee on Environment and Public Works.

EC–6808. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Georgia; 15 Percent Rate-of-Progress Plan and 9 Percent Rate-of-Progress Plan for the Atlanta Ozone Nonattainment Area" (FRL #6518–3), received December 22, 1999; to the Committee on Environment and Public Works.

EC–6809. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Illinois" (FRL #6506–3), received December 22, 1999 ; to the Committee on Environment and Public Works.

EC–6810. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Montana; Revisions to the Missoula County Air Quality Rules" (FRL #6506–1), received December 22, 1999; to the Committee on Environment and Public Works.

EC–6811. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulations for Lead and Copper" (FRL #6515–6), received December 22, 1999; to the Committee on Environment and Public Works.

EC–6812. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control Air Pollution from New Motor Vehicles; Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements", received December 22, 1999; to the Committee on Environment and Public Works.

EC–6813. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State of Alabama; Underground Injection Control (UIC) Program Revision; Approval of Alabama's Class II UIC Program Revision", received December 22, 1999; to the Committee on Environment and Public Works.

EC–6814. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, El Dorado County Air Pollution Control, Yolo-Solano Air Quality Management District, and Ventura County Air Pollution Control District" (FRL #6508–5), received January 6, 2000; to the Committee on Environment and Public Works.

EC–6815. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule-Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air pollution Control District, CA172–0203" (FRL #6513–9), received January 6, 2000; to the Committee on Environment and Public Works.

EC–6816. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Programs, Approval under Section 112(1); State of Nebraska" (FRL #6521–6), received January 6, 2000; to the Committee on Environment and Public Works.

EC–6817. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC's from Paper, Fabric, Vinal and Other Plastic Parts Coating" (FRL #6506–9), received January 6, 2000; to the Committee on Environment and Public Works.

EC–6818. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy of State Permit Programs Under RCRA Subtitle D" (FRL #6521–4), received January 6, 2000; to the Committee on Environment and Public Works.

EC–6819. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State of Alabama; Underground Injection Control (UIC) Program Revision; Approval of Alabama's Class II UIC Program Revision" (FRL #6516–7), received January 6, 2000; to the Committee on Environment and Public Works.

EC–6820. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Approval under Section 112(1) of the Clean Air Act; West Virginia Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollution" (FRL #6505–1), received January 5, 2000; to the Committee on Environment and Public Works.

EC–6821. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Preliminary Assessment Information and Health and Safety Data Reporting: Addition and Removal of Certain Chemicals and Removal of Stay" (FRL #5777–2), received January 5, 2000; to the Committee on Environment and Public Works.

EC–6822. A communication from the Director, Office of Regulatory Management and

Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources; Supplemental Delegation of Authority to the State of Wyoming" (FRL #6521–1), received January 5, 2000; to the Committee on Environment and Public Works.

EC–6823. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Supplemental Guidance for the Award of Section 319 Nonpoint Source Grants in FY 2000", received January 4, 2000; to the Committee on Environment and Public Works.

EC–6824. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Revision to Rule Governing Monitoring of Source Emissions" (FRL #6519–4), received January 4, 2000; to the Committee on Environment and Public Works.

EC–6825. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2000; Allocations for Metered-Dose Inhalers and the Space Shuttle and Titan Rockets" (FRL #6519–3), received January 3, 2000; to the Committee on Environment and Public Works.

EC–6826. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidance on Awarding Section 319 Grants to Indian Tribes in FY 2000", received January 3, 2000; to the Committee on Environment and Public Works.

EC–6827. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; Indiana" (FRL #6522–1), received January 10, 2000; to the Committee on Environment and Public Works.

EC–6828. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pollution Prevention Grants and Announcements for Financial Assistance Programs Eligible for Review; Notice of Availability" (FRL #6398–8), received January 3, 2000; to the Committee on Environment and Public Works.

EC–6829. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware-Minor New Source Review and Federally Enforceable State Operating Permit Program" (FRL #6522–6), received January 3, 2000; to the Committee on Environment and Public Works.

EC–6830. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report entitled "Final Sequestration Report for Fiscal Year 2000; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986 to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce , Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; the Judiciary; Health, Education, Labor, and Pensions; Small Business; Veterans' Affairs; Intelligence; and Indian Affairs.

EC–6831. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, the report of a rule entitled "Complaints Regarding Invention Promoters" (RIN0651–AB12), received January 14, 2000; to the Committee on the Judiciary.

EC–6832. A communication from the Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Arkansas Abandoned Mine Land Reclamation Plan" (SPATS No. AR–035–FOR), received January 11, 2000; to the Committee on Energy and Natural Resources.

EC–6833. A communication from the Acting Assistant Secretary of the Interior for Policy, Management and Budget, transmitting, pursuant to law, the report of a rule entitled "Administrative and Audit Requirements and Cost Principles for Assistance Programs" (RIN1090–AA67), received December 17, 1999; to the Committee on Energy and Natural Resources.

EC–6834. A communication from the Assistant Secretary, Water and Science, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Information Requirements for Certain Farm Operations in Excess of 960 Acres and the Eligibility of Certain Formerly Excess Land" (RIN1006–AA38), received January 18, 2000; to the Committee on Energy and Natural Resources.

EC–6835. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Foreign National Access to DOE Cyber Systems" (DOE N 205.1), received November 23, 1999; to the Committee on Energy and Natural Resources.

EC–6836. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Carrying Semiautomatic Pistols with a Round in the Chamber" (DOE N 473.1), received November 23, 1999; to the Committee on Energy and Natural Resources.

EC–6837. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Chronic Beryllium Disease Prevention Program" (RIN1901–AA75), received December 22, 1999; to the Committee on Energy and Natural Resources.

EC–6838. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Password Generation, Protection and Use" (DOE N 205.3 and G 205.3–1), received December 22, 1999; to the Committee on Energy and Natural Resources.

EC–6839. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Polygraph Examination Regulations" (RIN1992–AB24), received December 22, 1999; to the Committee on Energy and Natural Resources.

EC–6840. A communication from the Acting Under Secretary for Health, Department of Veterans Affairs transmitting, pursuant to law, a report relative to the sharing of health care resources between the Department of Defense and the Department of Veterans Affairs; to the Committee on Veterans Affairs.

EC–6841. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to several initiatives for Gulf War veterans; to the Committee on Veterans Affairs.

EC–6842. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "DIC Benefits for Survivors of Certain Veterans Rated Totally Disabled at the Time of Death" (RIN2900–AJ65), received January 19, 2000; to the Committee on Veterans Affairs.

EC–6843. A communication from the President of the United States of America, transmitting, pursuant to law, a 6-month periodic report relative to the national emergency with respect to the Taliban (Afghanistan) that was declared in Executive Order 13129 of July 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6844. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Amendment of Affordable Housing Program Regulation" (RIN3069–AA82), received January 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6845. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Devolution of Corporate Governance Responsibilities" (RIN3069–AA89), received January 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6846. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Required Use of Standard Flood Hazard Determination Form", received January 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6847. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Public Housing Assessment System (PHAS) Amendments to the PHAS" (RIN2577–AC08) (FR–4497–F–05), received January 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6848. A communication from the Assistant Secretary for Export Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Revisions to Encryption Items" (RIN0694–AC11), received January 18, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6849. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments", received December 7, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6850. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance; 65 FR 1554; 01/11/00" (FEMA Docket No. FEMA–7724), received January 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6851. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance; 65 FR 1555; 01/11/00" (FEMA Docket No. FEMA–7726), received January 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6852. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Distribution Programs: Definition of Indian Tribal Household" (RIN0584–AB67), received January 3, 2000; to the Committee on Indian Affairs.

EC–6853. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fee Increase for Meat and Poultry Inspection Services" (RIN0583–AC67), received January 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6854. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Ingredients and Sources of Radiation Listed or Approved for Use in the Production of Meat and Poultry Products" (RIN0583–AB02), received January 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6855. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exemption of Retail Operations from Inspection Requirements" (99–055R), received January 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6856. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Scale Requirements for Accurate Weights, Repairs, Adjustments, and Replacement After Inspection", received January 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6857. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sanitation Requirements for Official Meat and Poultry Establishments" (RIN0583–AC39), received November 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6858. Congressional Review Coordinator of Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Pork and Pork Products from Yucatan and Sonora, Mexico" (Docket # 97–079–2), received January 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6859. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Distribution Programs: Implementation of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (RIN0584–AC49), received January 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6860. A communication from the Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Tariff-Rate Import Quota Licensing" (RIN0551–AA58), received January 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6861. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Decreased Assessment Rate" (Docket # FV99–984–3 FIR), received January 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6862. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Domestically Produced and Imported Peanuts: Change in the Maximum Percentage of Foreign Material Allowed Under Quality Requirements" (Docket # FV–99–997–2 FIR, FV–99–998–1 FIR, FV–99–999–1 FIR), received January 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6863. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Amendments to the Regulations Under the Federal Seed Act" (Docket # LS–94–012) (RIN0581–AB55), received January 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6864. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Business Plan Comments" (Notice 2000–10), received January 13, 2000; to the Committee on Finance.

EC–6865. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 817(h) Diversification Requirements for Variable Annuity Contracts" (Notice 2000–9), received January 13, 2000; to the Committee on Finance.

EC–6866. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8855: Communications Excise Tax; Prepaid Telephone Cards" (RIN1545–AV63), received January 10, 2000; to the Committee on Finance.

EC–6867. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Update of the Service's No-Rule Revenue Procedures" (Rev. Proc. 2000–3, 2000–1 I.R.B.——), received January 12, 2000; to the Committee on Finance.

EC–6868. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Income and Expense from Certain Hyperinflationary, Nonfunctional Currency Transactions and Certain Notational Principal Contracts" (RIN1545–AP78) (TD 8860), received January 12, 2000; to the Committee on Finance.

EC–6869. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Purchase Price Allocations in Deemed and Actual Asset Acquisitions" (RIN1545–AV58) (TD 8858), received January 12, 2000; to the Committee on Finance.

EC–6870. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Compliance Monitoring and Miscellaneous Issues Relating to the Low-Income Housing Credit" (RIN1545–AV44) (TD 8859), received January 14, 2000; to the Committee on Finance.

EC–6871. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Section 368(a)(1)(A) to Divisive Mergers" (Rev. Rul. 2000–5, 2000–5 I.R.B. ——), received January 18, 2000; to the Committee on Finance.

EC–6872. A communication from the Director, Statutory Import Staff, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Extend Production Incentive Benefits to Jewelry Manufacturers in the U.S. Insular Possessions" (RIN0625–AA55), received November 29, 1999; to the Committee on Finance.

EC–6873. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Boarding of Vessels in the United States" (RIN1515–AC29), received January 13, 2000; to the Committee on Finance.

EC–6874. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Marketable Treasury Securities Redemption Operations" (PDGSR99B2), received January 19, 2000; to the Committee on Finance.

EC–6875. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting the annual report for fiscal year 1999; to the Committee on Foreign Relations.

EC–6876. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled "Ethnic Cleansing in Kosovo: An Accounting"; to the Committee on Foreign Relations.

EC–6877. A communication from the Chief Counsel, Foreign Claims Settlement Commission of the United States, Department of Justice transmitting the annual report for 1998; to the Committee on Foreign Relations.

EC–6878. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to cost-sharing arrangements relating to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; to the Committee on Foreign Relations.

EC–6879. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council; to the Committee on Foreign Relations.

EC–6880. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the emigration laws and policies of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldava, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan; to the Committee on Finance.

EC-6881. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a report relative to imports of wheat gluten; to the Committee on Finance.

EC-6882. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "FY 98 Report on Accounting for United States Assistance under the Cooperative Threat (CTR) Program"; to the Committee on Armed Services.

EC-6883. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 1998"; to the Committee on Armed Services.

EC-6884. A communication from the Acting Director, Defense Procurement, Department of Defense transmitting, pursuant to law, the report of a rule entitled "Authority Relating to Utility Privatization" (DFARS Case 99-D309) , received January 13, 2000; to the Committee on Armed Services.

EC-6885. A communication from the Acting Director, Defense Procurement, Department of Defense transmitting, pursuant to law, the report of a rule entitled "Manufacturing Technology Program" (DFARS Case 99-D302), received January 13, 2000; to the Committee on Armed Services.

EC-6886. A communication from the Acting Director, Defense Procurement, Department of Defense transmitting, pursuant to law, the report of a rule entitled "Institutions of Higher Education" (DFARS Case 99-D303), received January 13, 2000; to the Committee on Armed Services.

EC-6887. A communication from the Acting Director, Defense Procurement, Department of Defense transmitting, pursuant to law, the report of a rule entitled "Paid Administration" (DFARS Case 99-D029), received January 13, 2000; to the Committee on Armed Services.

EC-6888. A communication from the Alternate OSD Federal Register Officer, Department of Defense transmitting, pursuant to law, the report of a rule entitled "National Security Agency/Central Security Service (NSA/CSS) Freedom of Information Act Program" (RIN0790-AG59), received December 15, 1999; to the Committee on Armed Services.

EC-6889. A communication from the Alternate OSD Federal Register Officer, Department of Defense transmitting, pursuant to law, the report of a rule entitled "National Reconnaissance Office Freedom of Information Act Program Regulation", received December 15, 1999; to the Committee on Armed Services.

EC-6890. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to Cooperative Threat Reduction funds for chemical weapons destruction in Russia; to the Committee on Armed Services.

EC-6891. A communication from the President of the United States transmitting, pursuant to law, a report relative to the National Security Strategy of the United States; to the Committee on Armed Services.

EC-6892. A communication from the Assistant Secretary of Defense, Force Management Policy transmitting, pursuant to law, a report entitled "Access and Purchase Restrictions in Overseas Commissary and Exchange Stores"; to the Committee on Armed Services.

EC-6893. A communication from the Chairman, The Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Armed Services.

EC-6894. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to Air Force depot maintenance activities for fiscal year 2000; to the Committee on Armed Services.

EC-6895. A communication from the Assistant Secretary of Defense, Strategy and Threat Reduction transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC-6896. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled "Air Force Privacy Act Program", received January 13, 2000; to the Committee on Armed Services.

EC-6897. A communication from the Chairperson, District of Columbia Courts Joint Committee on Judicial Administration transmitting, pursuant to law, a report entitled "Planning and Budgeting Difficulties During Fiscal Year 1998" to the Committee on Appropriations.

EC-6898. A communication from the Director, Congressional Budget Office , transmitting, pursuant to law, a report entitled "Unauthorized and Expiring Authorizations"; to the Committee on Appropriations.

EC-6899. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the reports as required by the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Appropriations.

EC-6900. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the separate appropriations and pay-as-you-go reports as required by the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Appropriations.

EC-6901. A communication from the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, a report relative to the Status of GPO Access; to the Committee on Rules and Administration.

EC-6902. A communication from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Rule Relating to Insurance Company General Accounts" (RIN1210-AA58), received January 11, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-6903. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Food Additives Permitted in Food for Human Consumption" (Docket No. 99F-2907), received January 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-6904. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Over-the-Counter Human Drugs: Labeling Requirements; Final Rule; Technical Amendment", received January 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-6905. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the fiscal year 1998 annual report on the "Employment of Minorities, Women and People with Disabilities in the Federal Government" and the fiscal year 1998 annual report on "Pre-Complaint Counseling and Complaint Processing"; to the Committee on Health, Education, Labor, and Pensions.

EC-6906. A communication from the General Counsel, Executive Office of the President, transmitting, pursuant to law, a report relative to the resignation of the Assistant Secretary for Pension and Welfare Benefits Administration, Department of Labor, and the designation of an Acting Assistant Secretary; to the Committee on Health, Education, Labor, and Pensions.

EC-6907. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the fiscal year 1998 annual report entitled "Community Services Block Grant Program"; to the Committee on Health, Education, Labor, and Pensions.

EC-6908. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Family Violence Prevention and Services Program for fiscal years 1994 through 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-6909. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans: Alaska" (FRL #6515-3), received December 21, 1999; to the Committee on Environment and Public Works.

EC-6910. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Louisiana; Transportation Conformity Rule" (FRL #6514-6), received December 21, 1999; to the Committee on Environment and Public Works.

EC-6911. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidelines Establishing Test Procedures for the Analysis of Pollutants; Available Cyanide in Water" (FRL #6478-1), received December 21, 1999; to the Committee on Environment and Public Works.

EC-6912. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District" (FRL #6510-7), received December 22, 1999; to the Committee on Environment and Public Works.

EC-6913. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey Motor Vehicle Inspection and Maintenance Program" (FRL #6509-4), received December 22, 1999; to the Committee on Environment and Public Works.

EC-6914. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Repeal of Board Seal Rule and Revisions to Particulate Matter Regulations" (FRL #6510-5), received December 22, 1999; to the Committee on Environment and Public Works.

EC-6915. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Status for the Plant 'Plagiobothrys hirtus' (Rough Popcornflower)" (RIN1018-AE44), received January 18, 2000; to the Committee on Environment and Public Works.

EC-6916. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Data Quality Objectives Process for Hazardous Waste Site Investigations"; to the Committee on Environment and Public Works.

EC-6917. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Guidance on Technical Audits and Related Assessments for Environmental Data Operations" to the Committee on Environment and Public Works.

EC-6918. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting a report entitled "Lead-based Paint Activities in Target Housing and Child-Occupied Facilities; State of Kansas Authorization Application"; to the Committee on Environment and Public Works.

EC-6919. A communication from the Deputy Assistant Administrator, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for the Hawaiian Islands Humpback Whale National Marine Sanctuary" (RIN0648-AN28), received December 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6920. A communication from the Director of the Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Survey: BE-80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons" (RIN0691-AA35), received December 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6921. A communication from the President and Chief Executive Officer, Corporation for Public Broadcasting transmitting, pursuant to law, a report entitled "Public Broadcasting's Services to Minority and Diverse Audiences"; to the Committee on Commerce, Science, and Transportation.

EC-6922. A communication from the Secretary of Transportation, transmitting the revised performance goals and corporate management strategies for the Department's fiscal year 2000 Performance Plan; to the Committee on Commerce, Science, and Transportation.

EC-6923. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Flood Insurance" (RIN3052-AB89), received December 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6924. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Commerce, Science, and Transportation.

EC-6925. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report on the Apportionment of the Regional Fishery Management Council Membership in 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MACK (for himself, Mr. TORRICELLI, Mr. HELMS, Mr. LOTT, and Mr. GRAHAM):

S. 1999. A bill for the relief of Elian Gonzalez-Brotons; read the first time.

By Mrs. FEINSTEIN:

S. 2000. A bill for the relief of Guy Taylor; to the Committee on the Judiciary.

By Mr. GRAMS:

S. 2001. A bill to protect the Social Security and Medicare surpluses by requiring a sequester to eliminate any deficit; to the Committees on the Budget and Governmental Affairs, jointly, pursuant to the order of August 4, 1977.

By Mrs. FEINSTEIN:

S. 2002. A bill for the relief of Tony Lara; to the Committee on the Judiciary.

By Mr. DASCHLE (for Mr. JOHNSON (for himself, Mr. COVERDELL , and Mr. MCCAIN)):

S. 2003. A bill to restore health care coverage to retired members of the uniformed services; to the Committee on Veterans Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 242. A resolution notifying the President that the Senate is ready to proceed to business; considered and agreed to.

S. Res. 243. A resolution notifying the House that the Senate is ready to proceed to business; considered and agreed to.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. Res. 244. A resolution expressing sympathy for the victims of the tragic fire at Seton Hall University in South Orange, New Jersey on January 19, 2000; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2000. A bill for the relief of Guy Taylor; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mrs. FEINSTEIN. Mr. President, I am pleased to offer today, legislation that would provide lawful permanent residence status to Guy Taylor, a Canadian national who was orphaned at age 16. Guy is now 18.

Guy Taylor was born in Canada but spent the first half of his life in the United States attending school and living with his mother. Guy's father died before he was born. In the summer of 1998, his mother died of a drug overdose. This left him without any other family except for his extensive family in Southern California.

Upon his mother's death, Guy's grandmother, Oleta Hansen, flew to Canada to secure her daughter's body and bring her grandchild back to the United States.

The Immigration and Naturalization Service (INS) allowed Guy to temporarily enter the United States by granting him a one-year humanitarian parole. Once the parole expired, the INS extended for one more year. This is a very rare act on the INS' part.

Initially, Guy had sought to obtain permanent resident status by being declared a dependent of a United States court. However, the Orange County, California Social Services referee declined to name Guy a court dependent because he was considered to be under the guardianship of his grandmother.

Because the INS has declared Guy too old to be a dependent of his grandmother, Guy is unable to obtain permanent residence in the United States. Immigration law prohibits permanent legal residency to minor children under the age of twenty-one without their parents.

Guy's dream is to join the United States Army. Although Guy's Army recruiter said he has successfully tested and is qualified for enlistment, without permanent resident status, Guy will be unable to join.

Today Guy, a first-year college student and a young man willing to fight for his adopted country, faces deportation.

News about this young man's imminent deportation has shaken the community in southern California. More than 1,000 of Guy's friends and neighbors have signed a petition calling for legislation on his behalf.

I hope you support this bill so that we can help Guy rebuild his life and continue to contribute to his community in the United States.

Mr. President, I also ask unanimous consent that the bill and a recent news article depicting the compelling circumstances of Guy Taylor's life be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR GUY TAYLOR.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Guy Taylor shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Guy Taylor enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Guy Taylor, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

ONE LAST HOPE FOR TEENAGER WHO DESERVES A BREAK

(By Mike Downey)

The calls and letters came in regularly for a while.

"So what became of Guy Taylor?" "Whatever happened to that poor kid from Orange County they were trying to kick out of the country?" It was a story that amazed people, confused people. How could an orphan be ordered to leave his grandparents in the United States and be required to live where he has no family at all?

Eventually, though, everyone forgot Guy and got on with their own lives. The news crews were gone, because nothing was new. No politician came through for Guy in the nick of time, here in a land where campaign speeches preach family values. No loophole in the law was located. No judge found it in his heart to cite extenuating circumstances for a boy who had done nothing wrong.

Guy Taylor could have a country without a home, but no home without a country.

He was born in Canada. He was 16 when his mother died. (The father's identify is unknown.) He celebrated his 17th birthday and high school graduation in Garden Grove, where he came to live with his grandparents. The law said they could be Guy's guardians but not legally adopt him. A judge refused in July to make him a ward of the court, because he was too old.

Unable to establish permanent residence and gain a green card, Guy, who turned 18 a few weeks ago, faces expulsion from the United States.

"What will you do?" he is asked.

"I try not to think about it," he says.

Actually, it is unfair to say that Guy Taylor has been forgotten by all. Not long ago, for example, a United Parcel Service deliveryman was making his rounds in downtown Los Angeles when he spotted Carl Shusterman.

"Hey, aren't you the lawyer who represented that nice kid they were trying to deport to Canada?" the UPS guy inquired.

"Yes, that's me," Shusterman said.

"Whatever happened to him?"

Susterman still hears this question here and there. This case isn't typical of the immigration cases he usually handles. It touched a nerve.

Guy's mother died in Canada from a drug overdose. His grandmother was 17 when she gave birth there. Here's where it gets complicated: To adopt a grandson, the law stipulates she needed to be a U.S. citizen before giving birth (which she was), needed to live in the U.S. for 10 years before giving birth (which she did), but five of those 10 years had to follow her 14th birthday (which they didn't).

The family has tried everything it can think of, including petitions and appeals to politicians, to keep Guy here.

"Show him your Native American card," Shusterman tells him in his law office.

Guy slides a laminated badge across a conference table. Issued by the U.S. Department of the Interior, Bureau of Indian affairs, it identifies Guy Douglas Taylor as officially being of "1/32nd Choctaw" heritage.

Since exemptions are given to Native Americans in immigration matters, Guy's grandmother, Oleta Hansen, who has some Choctaw blood in her, figured it was worth a try. That's how desperate she and her husband, Charles, are to keep their grandson from being sent away. Unfortunately, it wasn't quite enough Choctaw blood.

The best—perhaps last—chance for Guy could be Sen. Dianne Feinstein, who could introduce a private bill to Congress on the boy's behalf. Her office has been receptive, Shusterman says. And such a bill is not without precedent. Earlier this year, Rep. Bill McCollum (R.–Fla.) proposed one on behalf of Robert Anthony Broley, a 32-year-old felon deported to Canada after serving four years in a Florida prison on 13 counts, including forgery and theft.

Shusterman does not believe it a coincidence that Broley's father is the Republican Party treasurer in McCollum's home district.

"How about a young guy right here," Shusterman says of the boy by his side, "who's been in no trouble at all?"

So here sits Guy, in need of a holiday miracle.

A temporary visa was extended one last time, to next summer. He takes classes at Cypress College and wants to join the U.S. Army, but can't without a green card.

"He's a good boy who does his schoolwork and his chores," his grandmother says. "We're all he has left. I was born here. My husband was born here. We want our grandson here with us."

They were with him at lunch Tuesday, when that same UPS driver happened by.

"Remember that nice kid you asked me about?" Shusterman said. "This is him."

By Mrs. FEINSTEIN:

S. 2002. A bill for the relief of Tony Lara; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mrs. FEINSTEIN. Mr. President, I am pleased to offer today, legislation to provide lawful permanent residence status to Tony Lara, a remarkable young man from El Salvador who has lived in the United States since he was 10 years old.

Tony's story is particularly compelling. In less than twenty years of this young man's life, Tony has faced one tragic setback after another. However, through his optimism, intelligence, and hard work, he has bravely confronted challenges that most would view as insurmountable. In spite of enormous odds, Tony has become a high school graduate, a California State Wrestling Champion and an inspiration to his community.

An unfortunate chapter in Tony's story is that he faces deportation and separation from his younger sister because at age nineteen, Tony is an orphan. Immigration law prohibits permanent legal residency to minor children under the age of twenty-one without their parents.

Ten years ago, Tony Lara and his younger sister Olga were brought to the United States by their parents who were fleeing the civil war in El Salvador. That same year, Tony's mother was deported back to El Salvador. She tragically died in a drowning accident while trying to reenter the United States. Tony's father turned to drugs, abandoned his children and was eventually deported in 1994. He has not heard from him since. At age 11, Tony became a surrogate father to his younger sister.

Tony and his sister were taken in by an uncle who had neglected to care for them. Eventually, Tony's neighbors, Philip and Linda Bracken, invited the children to live with them. The Brackens later adopted Olga, who now has permanent residency in this country. The couple lacked the resources, however, to adopt Tony and at age 16, Tony was left without a home.

Unfortunately, the adults to which Tony turned for advice counseled against turning himself in to the Department of Children Services. They feared he could be deported and would never see his sister again. Tony could not bear losing the only family he had left; thus he remained on his own.

In 1996, Tony met his high school's wrestling coach, Terrence Fisher. Mr. Fisher knew little about Tony's circumstances, but he noticed his slight build and extreme sadness. When the coach had discovered Tony was homeless and hungry, he invited him to live with his family. Mr. Fisher also invited Tony to try out for the school's wrestling team. Although he had never wrestled before, Tony was truly a natural.

By his senior year, Tony had worked hard and captured the California state wresting championship for his age group and weight class. He had also excelled socially and academically. After Tony graduated from high school, he continued to win wrestling championships and has become a role model in his community. He is continuing his education by studying business at West Valley Occupational Center.

Tony has been featured on two television programs. In 1998, he was featured on an NBC news program called "Beating the Odds," which was about young people of great achievement who have overcome enormous obstacles. Last year, Tony was featured on a Univision hour-long special program, which also spoke to Tony's special circumstances.

I can think of no one more deserving of permanent residency in this country.

Mr. President, I ask unanimous consent that the attached bill be entered into the record with this statement.

Mr. President, I also ask unanimous consent that the bill and a letter from Terrence Fisher, high school coach, which illustrates the compelling nature of young man's circumstance, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR TONY LARA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Tony Lara shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Tony Lara enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Guy Taylor, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

TERRENCE FISHER,
Northridge, CA, September 12, 1999.

Senator DIANNE FEINSTEIN,
Hart Senate Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am a United States citizen and reside with my wife and children in Northridge, California. For the past nine years, I have taught music and coached wrestling, football, and track at El Camino High School in Woodland Hills, California. I write to ask your help in sponsoring a private bill to grant Gerardo ("Tony") Lara permanent residency.

Tony is a nineteen year old national of El Salvador who has resided in this country since 1990, and against all odds, has become a high school graduate and California State Wrestling Champion. In 1990, Tony and his sister Olga were brought to the United States by their parents who were fleeing civil war. Tony and Olga were then ten and four years old, respectively.

The same year, Tony's mother was deported back to El Salvador. When she again fled civil war in her country and tried to reenter the United States, she died in a drowning accident. Tony's father turned to drugs, effectively abandoning Tony and Olga in the United States. From 1991 on, Tony became a surrogate father to his baby sister.

Between 1990 and 1996, Tony somehow managed to survive and care for his sister. Tony's father was jailed repeatedly for drugs and in 1994 was finally deported. Tony and Olga were given free housing in their uncle's rented apartment, but the uncle was almost never home. Eventually Tony's neighbors, Philip and Linda Bracken, invited Olga to live with them. Olga's relationship with the Brackens became increasingly close, and they eventually adopted Olga. Because of the adoption, Olga now has permanent residency in this country. The Brackets lacked the resources to adopt Tony along with his sister.

Tony was left on his own. When he had money, he would eat at fast food restaurants. When he did not have money, he would ask his friends for food. Sadly, all adults whom Tony sought help from about his situation told him that if he turned himself in to the Department of Children Services, he could be deported and would never see his sister again. Tony could not bear losing the only family he had left, and thus remained on his own.

I met Tony in 1996 when he was a student at El Camino Real High School. Tony was a tiny kid, just the size to qualify as a wrestler in the 105-pound division. Though Tony had no wrestling experience, I invited him to try out for the school's wrestling team. Tony had never wrestled before but was a natural. By his senior year, he captured the California state championship for his age group and weight class. I've never coached anyone who works as hard as has Tony.

I initially knew little of Tony's background, but noticed his extreme sadness. When I asked Tony why he was so sad, he confided in me that he was homeless and hungry. I then invited Tony to live with my family. Tony shares a bedroom with my son. Since moving in with our family, Tony has prospered both socially and academically. I am sure that is because for the first time since he was ten, he has had the loving support of a family and adequate food and shelter. Tony graduated high school and continues to win championships. He is continuing his education by studying business at West Valley Occupational Center.

Tony has no legal immigration status. His inability to secure permanent residency cannot be attributed to any lack of effort on Tony's part. Tony has a list of forty professionals (lawyers, teachers and guidance counselors) he sought legal advice from. Time and time again, he was told that if the authorities knew of his immigration status or the fact that had no parents in the United States, he would be separated forever from his baby sister. The tragedy is that we now know that had Tony become a ward of the court before age 16, he could have filed a special immigrant visa petition and obtained legal status. And had suspension of deportation not been eliminated in the 1996 immigration law, Tony would easily have qualified for suspension of deportation.

I am asking for your assistance in sponsoring a private bill on Tony's behalf. I am told that the enactment of a private bill is extremely rare and a real longshot. But Tony's whole life has been a longshot, and I believe that he will overcome the difficulties of securing permanent residency just as he has overcome all the many other obstacles in his life.

In a time where anti-immigrant sentiments still run high in California, it is important to remember that it was not Tony's choice that his parents fled to the United States during a time of civil war, and it was not his choice that his mother drown in a river or that his father turn to drugs. It was Tony's choice to overcome these tragedies, to care for his baby sister, and to succeed as a high school graduate and a state wrestling champion. To recognize these achievements, Tony was featured in an NBC news program called "Beating the Odds."

The United States would undoubtedly benefit from the contributions that Tony will make as a permanent resident in this country, and I can think of no young man more deserving of our country's support. It is hard to imagine Tony now returning to El Salvador. He would suffer not only extreme poverty (Tony has a weak command of Spanish and no ability to write in Spanish) but extreme emotional distress from losing the family support he has finally found at my home. Most importantly, Tony would suffer the loss of contact with his U.S. citizen sister, now age 12. Our family would also suffer if separated from Tony, as he has truly become a member of our family and the community in which we work and live.

I look forward to meeting with you further to discuss my request for your assistance. I am joined in asking for your support from the people listed on the attached pages. I thank you in advance for you consideration of this matter.

Sincerely,

TERRENCE FISCHER.

By Mr. DASCHLE (for Mr. JOHNSON (for himself, Mr. COVERDELL, and Mr. MCCAIN):

S. 2003. A bill to restore health care coverage to retired members of the uniformed services; to the Committee on Veterans' Affairs.

KEEP OUR PROMISE TO AMERICA'S MILITARY RETIREES ACT

Mr. JOHNSON. Mr. President, I am pleased to join Senator PAUL COVERDELL and Senator JOHN MCCAIN today in introducing the Keep Our Promise to America's Military Retirees Act. This legislation honors our nation's commitment to the men and women who served in the military by upholding the promise of health care coverage in return for their selfless dedication.

Last year, the Senate began to address critical recruitment and retention problems currently facing our nation's armed services. The pay table adjustments and retirement reform enacted in the fiscal year 2000 Department of Defense Authorization bill were both long overdue improvements for our active duty military personnel. However, these improvements do not solve our country's difficulty in recruiting and keeping the best and the brightest in the military. In order to maintain a strong military for now and in the future, our country must show that it will honor its commitment to military retirees and veterans as well.

For years, men and women who joined the military were promised lifetime health care coverage for themselves and their dependents. Prior to June 7, 1956, no statutory health care plan existed for military personnel. Even when the Civilian Health and Medical Program for the Uniformed Services (CHAMPUS) was enacted that year, the health care coverage was dependent upon the space available at military treatment facilities. Post-Cold War downsizing, base closures, and the reduction of health care services at military bases have limited the health care options available to military retirees.

In my home state of South Dakota, I have heard from many military retirees who are forced to drive hundreds of miles to receive care. As a final disgrace, military retirees are currently kicked off the military's Tricare health care system when they turn 65. This is a slap in the face to those men and women who have sacrificed their livelihood to keep our country safe from threats at home and abroad.

The Keep Our Promise to America's Military Retirees Act restores adequate health care coverage to all military retirees. For those retirees who entered the armed services before June 7, 1956, when CHAMPUS was created, my legislation will honor the promise of health care coverage for life. This will be accomplished by allowing military retirees to enroll in the Federal Employees Health Benefits Program (FEHBP), with the United States paying 100 percent of the costs. Military retirees who joined the armed services after space-available care was enacted into law in 1956 will be allowed to enroll in FEHBP or continue to participate in Tricare—even after they turn 65. These military retirees who choose to enroll in FEHBP will pay the same premiums and fees as all other federal employees in the program.

The Keep Our Promise to America's Military Retirees Act has been endorsed by the National Military and Veterans Alliance and its member organizations. Companion legislation in the House of Representatives already has over 220 bipartisan cosponsors thanks to unprecedented grassroots support by military retirees nationwide.

A promise made should be a promise kept. We owe it to our country's military retirees to provide them with the health care they were promised. These men and women stood ready to answer the call to defend our rights, anytime and anywhere. It is now our duty to answer their calls for better health care.

We also owe it to ourselves to help attract and keep qualified men and women in our military by showing potential recruits and active duty personnel that our country honors its commitment to those who serve it. We have a long way to go, but I will continue to work to make sure our country's active duty personnel, military retirees, and veterans receive the benefits they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objecton, the material was ordered to be printed in the Record, as follows:

S. 2003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keep Our Promise to America's Military Retirees Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) No statutory health care program existed for members of the uniformed services who entered service prior to June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability.

(2) Recruiters for the uniformed services are agents of the United States government and employed recruiting tactics that allowed members who entered the uniformed services prior to June 7, 1956, to believe they would be entitled to fully-paid lifetime health care upon retirement.

(3) Statutes enacted in 1956 entitled those who entered service on or after June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability, to medical and dental care in any facility of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

(4) After 4 rounds of base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities, access to "space available" health care in a military medical treatment facility is virtually nonexistent for many military retirees.

(5) The military health care benefit of "space available" services and Medicare is no longer a fair and equitable benefit as compared to benefits for other retired Federal employees.

(6) The failure to provide adequate health care upon retirement is preventing the retired members of the uniformed services from recommending, without reservation, that young men and women make a career of any military service.

(7) The United States should establish health care that is fully paid by the sponsoring agency under the Federal Employees Health Benefits program for members who entered active duty on or prior to June 7, 1956, and who subsequently earned retirement.

(8) The United States should reestablish adequate health care for all retired members of the uniformed services that is at least equivalent to that provided to other retired Federal employees by extending to such retired members of the uniformed services the option of coverage under the Federal Employees Health Benefits program, the Civilian Health and Medical Program of the uniformed services, or the TRICARE Program.

SEC. 3. COVERAGE OF MILITARY RETIREES UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) Earned Coverage for Certain Retirees and Dependents.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905, by adding at the end the following new subsection:

"(h) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual."; and

(2) in section 8906(b)—

(A) in paragraph (1), by striking "paragraphs (2) and (3)" and inserting "paragraphs (2) through (5)"; and

(B) by adding at the end the following new paragraph:

"(5) In the case of an employee described in section 8905(h) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.".

(b) Coverage for Other Retirees and Dependents.—(1) Section 1108 of title 10, United States Code, is amended to read as follows:

"§ 1108. Health care coverage through Federal Employees Health Benefits program

"(a) FEHBP Option.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

"(b) Eligible Beneficiaries; Coverage.—(1) An eligible beneficiary under this subsection is—

"(A) a member or former member of the uniformed services described in section 1074(b) of this title;

"(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

"(C) an individual who is—

"(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

"(ii) a member of family as defined in section 8901(5) of title 5; or

"(D) an individual who is—

"(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

"(ii) a member of family as defined in section 8901(5) of title 5.

"(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

"(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

"(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

"(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

"(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

"(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

"(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

"(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.".

(2) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

"1108. Health care coverage through Federal Employees Health Benefits program.".

(3) The amendments made by this subsection shall take effect on January 1, 2001.

SEC. 4. EXTENSION OF COVERAGE OF CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES.

Section 1086 of title 10, United States Code, is amended—

(1) in subsection (c), by striking "Except as provided in subsection (d), the", and inserting "The";

(2) by striking subsection (d); and

(3) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. ROBB, his name was added as a cosponsor of S. 146, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 162

At the request of Mr. BREAUX, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 162, a bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limitation on oil depletion deduction from a daily basis to an annual average daily basis.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 398

At the request of Mr. CAMPBELL, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 398, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

S. 484

At the request of Mr. CAMPBELL, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 569

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 569, a bill to amend the internal revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income.

S. 662

At the request of Mr. CHAFEE, LINCOLN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 663

At the request of Mr. ROBB, his name was added as a cosponsor of S. 663, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 664

At the request of Mr. CHAFEE, LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 693

At the request of Mr. HELMS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 758

At the request of Mr. ASHCROFT, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 820

At the request of Mr. CHAFEE, LINCOLN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 820, a bill to amend the

Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 872

At the request of Mr. ROBB, his name was added as a cosponsor of S. 872, a bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 956

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 956, a bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1172

At the request of Mr. CLELAND, his name was withdrawn as a cosponsor of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1378

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 1378, a bill to amend chapter 35 of title 44, United States Code, for the purposes of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1696

At the request of Mr. MOYNIHAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1696, a bill to amend the Convention on Cultural Property Implementation Act to improve the procedures for restricting imports of archaeological and ethnological material.

S. 1715

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1715, a bill to provide for an interim census of Americans residing aboard, and to require that such individuals be included in the 2010 decennial census.

S. 1754

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1754, a bill entitled the "Denying Safe Havens to International and War Criminals Act of 1999."

S. 1851

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1851, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

S. 1873

At the request of Mr. SESSIONS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1873, a bill to delay the effective date of the final rule regarding the Organ Procurement and Transplantation Network.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 1961

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1961, a bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve.

S. 1991

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 1991, a bill to amend the Federal Election Campaign Act of 1971 to enhance criminal penalties for election law violations, to clarify current provisions of law regarding donations from foreign nationals, and for other purposes.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

SENATE RESOLUTION 242—NOTIFYING THE PRESIDENT THAT THE SENATE IS READY TO PROCEED TO BUSINESS

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 242

Resolved, That the Secretary of the Senate inform the President of the United States that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 243—NOTIFYING THE HOUSE THAT THE SENATE IS READY TO PROCEED TO BUSINESS

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 243

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 244—EXPRESSING SYMPATHY FOR THE VICTIMS OF THE TRAGIC FIRE AT SETON HALL UNIVERSITY IN SOUTH ORANGE, NJ, ON JANUARY 19, 2000

Mr. LAUTENBERG (for himself and Mr. TORRICELLI) submitted the following resolution; which was considered and agreed to:

S. RES. 244

Whereas at approximately 4:30 a.m. on January 19, 2000, a fire broke out in the commons area on the third floor of Boland Hall, a six story residence hall housing 600 students at Seton Hall University, and this fire took the lives of three students—Frank S. Caltabilota of West Long Beach, New Jersey, John N. Giunta of Vineland, New Jersey and Aaron C. Karol of Green Brook, New Jersey, and, in addition, 58 persons were injured including 54 students, two South Orange firefighters and two South Orange police officers;

Whereas numerous Seton Hall students risked their own lives as the fire broke out to save the lives of their fellow dormitory residents;

Whereas firefighters, paramedics, police officers and other emergency personnel from the surrounding communities worked bravely into the early morning darkness to reduce casualties and extinguish the fire;

Whereas the entire Seton Hall University community has banded together in grief to remember the fallen students, and numerous people outside the university recognize the enormity of this tragedy and the need to do everything possible to keep it from happening again since every student should be able to pursue an education in a safe, secure environment: Now, therefore be it

Resolved, That the Senate—

(1) expresses its sympathy to the families and friends of Frank S. Caltabilota, John N. Giunta and Aaron C. Karol on the occasion of the funeral service on January 25, 2000;

(2) expresses its hope for a speedy recovery to those students, firefighters and police officers injured in the fire;

(3) expresses its support for all of the students, faculty and staff at Seton Hall University as they heal from the tragedy;

(4) expresses its support and thanks to the brave firefighters, paramedics, police and other emergency workers who saved numerous lives;

(5) pledges to ensure that Federal, State and local government entities work together to prevent a tragedy like this from occurring again, so that our nation's college students can live, work and study in the safest possible environment.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, January 25, 2000, 10 a.m., in SH-216 of the Senate Hart Building. The subject of the hearing is "Reducing Medical Error: A look at the Iom report." For further information, please call the committee, 202/224-5375.

SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Employment, Safety, and Training, Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, January 25, 2000, 2:30 p.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is "Safe at Home: OSHA and the Modern Day Workplace." For further information, please call the committee, 202/224-5375.

SUBCOMMITTEE ON PUBLIC HEALTH

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health, Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, January 26, 2000, 9 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is "Gene Therapy: Promoting Patient Safety." For further information, please call the committee, 202/224-5375.

ADDITIONAL STATEMENTS

INTERSTATE WASTE BILLS

• Mr. ROBB. Mr. President, I rise today to once again address the issue of the interstate movement of municipal solid waste. This is an issue that I have been working on for over five years, Mr. President. In 1994, I proposed legislation (S. 2126) that would have authorized localities to impose reasonable limits on imports of municipal solid waste from other states. That legislation did not pass, and even though most communities now negotiate compensation from landfills that imports waste, they negotiate with no real authority to power. In 1997, I re-introduced that bill (S. 448). In 1999 during the 106th Congress, and working with Senator WARNER, I introduced new language that I had hoped would spur discussion and perhaps some creative approaches to solving this problem.

I have tried, as have many other Members including Senators WARNER, BAUCUS, Coats, SPECTER, VOINOVICH, BAYH, CONRAD, SANTORUM, of course Senator CHAFEE, to come to grips with this issue in some reasonable way. We have all tried to come up with legislation that would provide states and localities with some method of refusing the detritus from other states when it becomes an imposition, or a hazard. The Environment and Public Works Committee did have a hearing last summer on this issue, but unfortunately no mark up was held after that hearing. All of our efforts, singly and in concert, have had little effect.

As of today Virginia remains the second largest importer of waste in the US, with the level of waste imported increasing from approximately 2.8 million tons in 1997 to 4.6 million tons in 1998. The figures for 1999 are not in yet but we can safely assume that they are higher still. On May 29th 1996, Mayor Giuliani and Governor George Pataki announced that in December of 2001 the Fresh Kills landfill will close. Fresh Kills remains the point of disposal for much of New York City's waste. Let me quote from a 1997 report prepared by the Congressional Research Service on this looming closure.

> How the city will replace Fresh Kill's capacity is unclear. At present, there are few options other than an expanded recycling program and out-of-state disposal. A 1996 report for the city's Department of Sanitation concluded that, given current disposal sites, the city would consume virtually all of the available disposal capacity located within a 365-mile radius.

New York City and the state of New York have done virtually nothing since that time to increase in-state capacity. I would pose this question to each Senator. Envision the largest city in your state with a solid waste disposal problem of this magnitude, can you imagine your state government, and the mayor of that city simply ignoring the problem and failing to do anything about it? Admittedly, we have some tussles in Virginia, but when we have a problem, we try our level best to solve it ourselves, before we ask the rest of the Union to carry the weight.

This session it is critical that we get something done on this issue. Because when Fresh Kills closes we can expect a lot of additional waste to come our way. Each additional 1 million tons of waste that comes to Virginia will result in 40,000 additional tractor trailer trips on Virginia highways, if the trucks observe the legal weight limit. If they don't, we will have fewer, but more dangerous trucks.

Mr. President, a principle of public health protection embodied in the most basic practices of solid waste disposal is that waste should move as quickly as possible from point of origin to point of disposal. Moving waste over 300 miles through the most congested portion of this country makes no sense, but it will continue unless we move to stop it. Therefore, Mr. President, I urge that the Environment and Public Works Committee move to mark up a bill that will help those of us in Virginia, and Pennsylvania, Ohio, Indiana, Kentucky, Connecticut, New Hampshire, Maine, and other unwary states to cope with, and put reasonable restrictions on waste coming into our states.

I have proposed an alternative option, but if that can't or won't be taken up by the Environment and Public Works Committee, I am ready to support any and all legislation aimed at empowering states to have some control over waste imports. To that end I ask that I be added as a co-sponsor to both the Specter and Voinovich bills. I will be willing to support any other legislation that serves my stated purpose.

In 104th Congress we came very close to passing an interstate waste bill. Senator SMITH of New Hampshire worked tirelessly on that bill, and was integral to its passage in the Senate. I hope as chairman, he will take up this issue once again, and move a bill through committee for consideration by the full Senate.

We were sent here to tackle complex issues and solve problems. We need to work together, and start now, so that an interstate waste bill will be one of the accomplishments of this year.•

HONORING BROTHER RONALD GIANNONE

• Mr. BIDEN. Mr. President, I rise today to salute a true champion of humanity. A man whose whole life has been a gift of service without material reward. A man whose work has as much meaning for the poor and disenfranchised in Sudan as it does for the poor and disenfranchised in his Wilmington community. A man whose faith in the human spirit abounds. A man that I proudly call my friend, the Executive Director of Delaware's Ministry of Caring, Brother Ronald Giannone.

This week, business and community leaders and hundreds of Brother Ronald's closest friends from across the State of Delaware will gather to celebrate his fiftieth birthday. This Golden Birthday bash principally is to thank him fifty-times over for his countless years of service to our community. We will salute him because of who Brother Ronald is, what he represents and how much he means to improving the quality of life in my home State.

Let me be specific. Brother Ronald is the kind of guy who when asked by a man or a woman down on his or her luck, "Can you spare a dime?" responds with a meal, a place to stay and a rigorous routine of training and education to help keep that man or woman from the throes of homelessness and despair. He is hope to the hopeless, an oasis of strength and inspiration for all those who benefit from his generosity.

For these reasons, Brother Ronald is a true Delaware treasure, but still there is so much more. Brother Ronald is an exemplary administrator. There is, quite simply, no other organization like his Ministry of Caring. His 32 full-time facilities address every need of an individual or family who finds themselves homeless, destitute and/or in transition. He clothes, he shelters, he feeds, he takes care of children, he helps develop skills, he finds jobs, he provides medical care, he cares. He teaches those who need his assistance all the things they must do to be self-sufficient. And for those who seek to provide real change, he exemplifies just what it takes to make real differences in one life.

Still, it does not stop there. Brother Ronald understands that while he feeds someone in the Emmanuel Dining Room, someone else is starving in Sudan. Consequently, his work and Ministry extend far beyond American borders and into the lives of people throughout the world. Few people could have such grand vision and still focus so directly on those suffering in their own hometown. Such is the case with Brother Ronald.

Though I could say much more about this outstanding American, I will add only this. In the words of my hero, my dad, Joseph R. Biden, Sr., "it is a lucky man that wakes up each morning, puts his feet on the floor, goes to work and believes that it matters." Even luckier is the man that does these things, and inspires everyone around him to believe the same. Happy 50th Birthday, Brother Ronald.•

BUNDESTAG/BUNDESRAT STAFF EXCHANGE

• Mr. LIEBERMAN. Mr. President, since 1983, the United States Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and convey Members' views on issues of mutual concern.

A staff delegation from the United States Congress will be selected to visit Germany April 7 to April 22 of this year. During the two week exchange, the delegation will attend meetings with Bundestag Members, Bundestag party staff members, and representatives of numerous political, business, academic, and media agencies. Cultural activities and a weekend visit in a Bundestag Member's district will complete the schedule.

A comparable delegation of German staff members will visit the United States for three weeks this summer. They will attend similar meetings here in Washington and visit the districts of Congressional Members.

The Congress-Bundestag Staff Exchange is highly regarded in Germany, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States such as, but not limited to, trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff delegation when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two Bundestag staffers in their Member's district in July, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Education and Culture Exchanges of the U.S. Department of State and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state why they believe they are qualified, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated. Applications may be sent to Connie Veillette in Congressman REGULA's office, 2309 Rayburn House Building by noon on Friday, March 3.•

IN HONOR OF ADMIRAL ELMO R. ZUMWALT, JR.

• Mr. FEINGOLD. Mr. President, I rise today to honor a titan in our nation's naval history. Early this year, during our recess, Admiral Elmo R. Zumwalt, Jr. passed away. Admiral Zumwalt led a disciplined, dedicated, and directed life and career as a leader and, sometimes, as an iconoclast.

Mr. President, Admiral Zumwalt's meteoric rise through the ranks began at the U.S. Naval Academy, where he graduated in just three years, yet ranked seventh in his class. Following his graduation from the academy, Zumwalt began a lengthy career on a number of surface warships.

Among those ships was the U.S.S. *Wisconsin*, one of four *Iowa*-class battleships, the largest battleships ever built by the Navy. The four vessels, the *Wisconsin*, the *Iowa*, the *New Jersey* and the *Missouri*, served gallantly in every significant United States conflict from World War II to the Persian Gulf War. Future Admiral Zumwalt, the *Wisconsin's* navigator when the Korean War broke out, extolled her "versatility, maneuverability, strength, and power." Unbeknownst to him, this would not be the last time that he would leave his indelible mark on the great state of Wisconsin.

Following his service in the war, Zumwalt shuttled between the Pentagon and the sea. He excelled in both arenas, but in entirely different ways.

In 1970, President Nixon appointed Zumwalt the youngest Chief of Naval Operations in our history. As CNO, Admiral Zumwalt tackled some of the most divisive and challenging issues not just to hit the Navy, but society at large. And we're still trying to conquer some of them.

Admiral Zumwalt crusaded for a fair and equal Navy. He fought to promote equality for minorities and women at a time of considerable racial strife in our country and at a time of deeply entrenched institutional racism and sexism in the Navy. He pushed so hard against the establishment that he almost lost his job. But thanks to the support of some like-minded reformers, including our esteemed colleague, the late John Chafee, who was then the Secretary of the Navy, Zumwalt prevailed and instituted a host of personnel reforms.

Mr. President, Admiral Zumwalt's efforts to promote equality addressed, in part, an issue that we are tackling anew. Many in Congress and in the Defense Department seem to think that recruitment and retention can be improved simply by increasing pay and benefits. They could learn much from Admiral Zumwalt, who understood the importance not only of boosting pay, but also of changing the service to reflect the wants and needs of service members.

We should follow Admiral Zumwalt's example and take a broader view when we look to improve the lives of our military personnel.

Mr. President, in his later years, Admiral Zumwalt dedicated himself to assisting Vietnam War era veterans who had been exposed to Agent Orange. He played an instrumental role in getting Agent Orange-exposed veterans with cancer a service-connected illness designation. I had the honor of meeting with him to discuss his efforts to increase research funding for Agent Orange related illnesses and to explore options for international cooperation in that research.

Admiral Elmo Zumwalt was a great naval leader, a visionary and a courageous challenger of the conventional wisdom. We will not see the likes of him again. We mourn his passing and salute his accomplishments.●

ORDERS FOR TUESDAY, JANUARY 25, 2000

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 11:30 a.m. on Tuesday, January 25. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with Senators speaking for up to 5 minutes each, with the following exceptions: Senator Bond or designee from 11:30 a.m. until 12 noon, and Senator Durbin or designee from 12 noon to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I also ask consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet, and that upon reconvening the Senate resume consideration of S. 625, the bankruptcy reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRAMS. For the information of all Senators, tomorrow the Senate will be in a period of morning business until 12:30 p.m., and will then recess until 2:15 p.m. to accommodate the weekly party conferences. When the Senate reconvenes, the Senate will resume consideration of S. 625, the bankruptcy reform legislation, under the previous consent agreement. Time agreements have been made on the remaining bankruptcy amendments. Therefore, the Senate is expected to complete action on the bill during Wednesday's session of the Senate. As a reminder, the 12 noon cloture vote for tomorrow has been vitiated, and the debate on the remaining amendments will begin tomorrow, with votes expected to occur on Wednesday at a time to be determined.

UNANIMOUS CONSENT AGREEMENT—S. 625

Mr. GRAMS. Mr. President, I ask unanimous consent that the agreement with respect to the bankruptcy bill be vitiated at the request of the majority leader or minority leader up to the hour of 12 noon on Tuesday.

Mr. REID. Reserving the right to object.

Mr. President, this new unanimous consent request literally just came to our attention. I want the record to be very clear that the minority, the Democrats, have worked very hard throughout today to obtain the unanimous consent we have already agreed to. If the bankruptcy bill does not go forward, it is not the fault of the minority.

We have done everything we can. We have spent all day coming up with a unanimous consent agreement. I have talked to Senators literally all over the country, getting them to agree to the unanimous consent which has already been agreed to and is now spread across the record of this Senate.

In short, I hope that the majority leader would not object to the unanimous consent agreement that is already in the record. I acknowledge that the majority leader wants permission, and we are going to grant him that permission, to vitiate the unanimous consent agreement prior to noon tomorrow. I hope he does not do that. It would be a shame for this body and a shame for the country if this objection is made because it will take down the bankruptcy bill for the rest of the year. That would be a shame because we have already worked too hard in the effort to get this legislation passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Senator from Nevada for all his efforts.

ORDER FOR ADJOURNMENT

Mr. GRAMS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator Feingold.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I yield the floor.

The Senator from Wisconsin is recognized.

The PRESIDING OFFICER. The Senator from Wisconsin.

SUPREME COURT CAMPAIGN FINANCE RULING

Mr. FEINGOLD. Mr. President, this morning the Supreme Court issued the most significant ruling in the area of campaign finance and election law since the 1976 landmark decision in Buckley v. Valeo. I am happy to report the Court reaffirmed the core holding of Buckley: The public's elected representatives have the constitutional power to limit contributions to political campaigns in order to protect the integrity of the political process from corruption or the appearance of corruption.

It is most fitting that this ruling came down this morning as the Senate prepares to return from its long recess. As you know, Mr. President, one of the most important unfinished pieces of business on our agenda is campaign finance reform and the McCain-Feingold bill. The House passed a reform bill last year by a wide bipartisan margin, and now today's Court decision leaves no doubt that a soft money ban, which is the core provision of that bill and of our bill in the Senate, is constitutional. Today's decision has dispatched one of the most persistent and most erroneous arguments against reform. The Court did it by a decisive vote of 6–3. We, as a legislative body, must step up and do what is right, what is constitutional, and what is demanded by the public and pass a ban on soft money.

I will take a minute to discuss this important Supreme Court decision and its implications for our work in this body. The case is Nixon v. Shrink Missouri Government PAC. It was an appeal of the decision of the Eighth Circuit Court of Appeals that struck down contribution limits enacted by the Missouri Legislature to cover State elections. Those limits were modeled on the Federal limit—$1,000 per candidate per election in a statewide election, somewhat lower for candidates for the State legislature. The State statute includes an inflation adjustment so that the limit for statewide races had become $1,075 per election by the time this challenge was filed.

The Missouri limits were upheld by the district court, but they were struck down by the court of appeals. The court of appeals held that the State had not provided adequate evidence of actual or apparent corruption stemming from large contributions to justify the restrictions. It also suggested that the limits were too low and therefore unconstitutional because inflation has eroded the value of a $1,000 contribution since 1974, when the Congress chose that limit for Federal elections.

Today the Supreme Court squarely and decisively rejected the court of appeals analysis. It did so by a 6–3 vote. I might note that it did so by a 4–3 vote of Justices appointed by Republican Presidents. The Court held that there was more than adequate evidence of actual or apparent corruption on which the State legislature could base its judgment that contributions should be limited. The Court noted that the

Buckley decision itself provides that evidence. It said:

> Buckley demonstrates that the dangers of large, corporate contributions and the suspicion that large contributions are corrupt are neither novel nor implausible. The opinion noted that the deeply disturbing examples surfacing after the 1972 election demonstrate that the problem of corruption is not an illusory one.

In essence, the Court today rejected the notion that legislatures must amass conclusive evidence of actual corruption in order to justify contribution limits and that each State or Federal legislature must reinvent the wheel each time it passes a new limit. The Court concluded:

> [T]here is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.

The Court thus found, as advocates for reform have argued for years, that it is reasonable for Congress to conclude that large contributions are corrupting our system. The question has been asked not too long ago in this Chamber, where is the corruption? Today Justice Souter has provided the answer: It is in the big money.

The Court also rejected the argument that because the passage of time has eroded the value of a $1,000 contribution, somehow that limit is now unconstitutionally low, even though it was acceptable in 1974. We have heard this argument time and again on the floor of the Senate. It has been rejected by the Supreme Court. The Court specifically held that Buckley did not establish a constitutional minimum. Instead, the relevant question in Buckley was "whether the contribution limitation was so radical in effect as to render political association ineffective, drive the sound of a candidate's voice below the level of notice, and render contributions pointless."

The Court concluded:

> Such being the test, the issue in later cases cannot be truncated to a narrow question about the power of the dollar but must go to the power to mount a campaign with all the dollars likely to be forthcoming. As Judge Gibson, the dissenting judge in the court of appeals, put it, "the dictates of the first amendment are not mere functions of the Consumer Price Index."

I have quoted the decision at some length because I think it is crucial that my colleagues hear and understand the very clear and very direct statements of the Supreme Court on questions that were not only at issue in this case but that we have been debating in this body over the past few years. No longer can my colleagues come to this floor and say they would love to support a ban on soft money but it would violate the first amendment for Congress to outlaw unlimited corporate and labor contributions to political parties. This favorite figleaf clutched by opponents of reform was snatched away today by the Supreme Court. That emperor now has no clothes.

Just as 126 legal scholars said over 2 years ago when they wrote to us, today's decision confirms that Congress may constitutionally outlaw soft money in this country. Justice Breyer's concurrence today, joined by Justice Ginsburg, says that explicitly. He writes:

> Buckley's holding seems to leave the political branches broad authority to enact laws regulating contributions that take the form of soft money.

We have more than adequate evidence of at least the appearance of corruption in these unlimited contributions. Furthermore, if Congress can limit individual contributions and ban corporate and labor contributions in connection with Federal elections, surely it can eliminate the soft money loophole through which corporations, unions, and wealthy individuals evade those limits. The constitutionality of the McCAIN-FEINGOLD bill to ban soft money is simply no longer an open question. The support of the American people for taking such a step is not in doubt either.

What is in doubt is the courage and will of the Senate to do what has to be done. Now that we are back in session, and with the encouragement of the Supreme Court of the United States, we must act. The reason we must act was made very clear by the Supreme Court today. The survival of our democracy depends on our citizens having confidence that their elected officials will vote in accordance with the public interest rather than the interest of their contributors. The appearance of corruption inherent in unlimited contributions calls that confidence into grave question. As the Court said in its opinion today:

> Leave the perception of impropriety unanswered, and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance. Democracy works only if people have faith in those who govern. That faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of "malfeasance and corruption."

I urge all of my colleagues to read and digest the opinion of the Court in Nixon v. Shrink Missouri Government PAC. The Court has done its duty and spoken in a clear voice. Now we must do ours.

I yield the floor.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11:30 a.m. on Tuesday, January 25, 2000.

Thereupon, the Senate, at 6:47 p.m., adjourned until Tuesday, January 25, 2000, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 24, 2000:

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

ALAN GREENSPAN, OF NEW YORK, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

DEPARTMENT OF LABOR

EDWARD B. MONTGOMERY, OF MARYLAND, TO BE DEPUTY SECRETARY OF LABOR, VICE KATHRYN O'LEARY HIGGINS, RESIGNED.

HOUSE OF REPRESENTATIVES—*Monday, January 24, 2000*

This being the date fixed by the 20th amendment of the Constitution of the United States by Public Law 106–127, the Members of the second session of the 106th Congress met in their Hall and, at noon, were called to order by the Speaker pro tempore (Mr. UPTON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 24, 2000.

I hereby appoint the Honorable FRED UPTON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

On this new day, our hearts and minds, our thoughts and feelings are open to Your good spirit, O God, and to the abundance of Your gifts and blessings. We recall the words of understanding and peace and tolerance; we remember the words of joy and wonder and thanksgiving and we are thrilled by words of unity and hope and love. On this special day, we pray that these good words will find a place in our hearts and that we will show forth in our lives the beauty and marvel of Your gifts to us and to all people. This is our earnest prayer. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. BALLENGER) come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to Section 2 of House Concurrent Resolution 235, 106th Congress, the House shall conduct no organizational or legislative business on this day. The House will follow the practice announced by the Speaker at the convening of the second session of the 102d Congress under a similar order.

Bills and resolutions introduced today will be numbered today but will not be noted in the RECORD or referred by the Speaker until January 27, 2000. Executive communications, petitions, and memorials will not be numbered or referred until January 27, 2000.

WHEN WILL THE PEOPLE'S WORK BE DONE?

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, the reports that the House is returning to work today are inaccurate. This House will complete month one of the new millennium with no action either on this floor or in committee on any of the major issues that this country faces. Nothing on education, nothing on Social Security, nothing on the environment, nothing on tax reform, nothing on health care or prescription drugs for seniors. There is some question as to whether this House will even vote on the trivial matters that usually occupy its time during the entire month of January.

With an abbreviated year and the opportunity for meaningful action largely ending in July, I think this is unfortunate.

This Thursday we will hear from the President about the State of the Union. But we already know the state of this House: Its lost in inaction.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. KILDEE) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

EXTENSION OF REMARKS

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Ms. SLAUGHTER.
Mr. CRAMER.
Mr. ANDREWS.
Mr. KUCINICH.
Mr. PALLONE.

(The following Members (at the request of Mr. BALLENGER), to revise and extend their remarks and include extraneous material:)

Mr. OXLEY.
Mr. REGULA.

BILLS PRESENTED TO THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of following titles:

On December 2, 1999:

H.R. 3443. To amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

H.R. 3419. To amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

On December 6, 1999:

H.R. 1180. To amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

December 3, 1999:

H.R. 20. An act to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York.

H.R. 322. An act for the relief of Suchada Kwong.

H.R. 1555. An act to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

December 6, 1999:

H.J. Res. 85. Joint resolution appointing the day for the convening of the second session of the One Hundred Sixth Congress.

H.R. 459. An act to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project.

H.R. 1094. An act to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes.

H.R. 1191. An act to designate certain facilities of the United States Postal Service in Chicago, Illinois.

H.R. 1251. An act to designate certain facilities of the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building."

H.R. 1327. An act to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United States Post Office."

H.R. 3373. An act to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericsson.

December 7, 1999:

H.J. Res. 65. Joint resolution commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes.

H.R. 449. An act to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes.

H.R. 592. An act to designate a portion of Gateway National Recreation Area as "World War Veterans Park at Miller Field."

H.R. 747. An act to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds.

H.R. 748. An act to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission.

H.R. 791. An act to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential additional to the national trails system.

H.R. 970. An act to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota.

H.R. 1794. An act concerning the participation of Taiwan in the World Health Organization (WHO).

H.R. 2079. An act to provide for the conveyance of certain National Forest System lands in the State of South Dakota.

H.R. 2886. An act to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

H.R. 2889. An act to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project Purposes, completion of Central Utah project facilities, and implementation of water conservation measures.

H.R. 3257. An act to amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates.

December 9, 1999:

H.J. Res. 46. Joint resolution conferring status as an honorary veteran of the United States Armed Forces on Zachary Fisher.

H.R. 15. An act to designate a portion of the Otay Mountain region of California as wilderness.

H.R. 658. An act to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

H.R. 1104. An act to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center.

H.R. 1528. An act to reauthorize and amend the National Geologic Mapping Act of 1992.

H.R. 1619. An act to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor.

H.R. 1665. An act to allow the National Park Service to acquire certain land for addition to Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

H.R. 1693. An act to amend the Fair Labor Standards Act of 1938 to clarify the overtime exemption for employees engaged in fire protection activities.

H.R. 1887. An act to amend title 18, United States Code, to punish the depiction of animal cruelty.

H.R. 1932. An act to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

H.R. 2140. An act to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia.

H.R. 2401. An act to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

H.R. 2632. An act to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

H.R. 2737. An act to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the Trail.

H.R. 3381. An act to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

H.R. 3419. An act to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

H.R. 3456. An act to amend statutory damages provisions of title 17, United States Code.

December 14, 1999:

H.R. 3443. An act to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

December 17, 1999:

H.R. 1180. An act to amend the Social Security Act to expand the availability to health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

December 6, 1999:

S. 574. An act to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

S. 580. An act to amend IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 1418. An act to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes.

December 7, 1999:

S. 28. An act to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

S. 416. An act to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

December 9, 1999:

S. 67. An act to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building."

S. 438. An act to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes.

S. 548. An act to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio.

S. 791. An act to amend the Small Business Act with respect to the women's business center program.

S. 1595. An act to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the "Sandra Day O'Connor United States Courthouse."

S. 1866. An act to redesignate the Coastal Barrier Resources System as the "John H. Chafee Coastal Barrier Resources System."

December 12, 1999:

S. 335. An act to amend chapter 30 of title 39, United States Code, to provide for the Nonmailability of certain deceptive matter relating to sweepstakes, skill contests, facsimile checks, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

ADJOURNMENT

Mr. BALLENGER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 235, 106th Congress, the House stands adjourned until noon on Thursday, January 27, 2000.

Thereupon, (at 12 o'clock and 5 minutes p.m.), pursuant to House Concurrent Resolution 235, the House adjourned until Thursday, January 27, 2000, at noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on November 18, 1999 the following report was filed on December 10, 1999]

Mr. BURTON: Committee on Government Reform. The FALN and Macheteros Clemency: Misleading Explanations, a Reckless Decision, a Dangerous Message (Rept. 106–488). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of November 22, 1999]

H.R. 3081. Referral to the Committee on Education and the Workforce extended for a period ending not later than January 28, 2000.

EXTENSIONS OF REMARKS

THE 50TH ANNIVERSARY OF INDIA REPUBLIC DAY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to one of the most important dates on the calendar for the people of India, as well as for the people of Indian descent who have settled in the U.S. and around the world. January 26th is Republic Day, an occasion that inspires pride and patriotism for the people of India.

Exactly one-half century ago, on January 26, 1950, India became a Republic, devoted to the principles of democracy and secularism. At that time, Dr. Rajendra Prasad was elected as the nation's first president. Since then, despite the challenges of sustaining economic development and promoting tolerance and cooperation amongst its many ethnic, religious and linguistic communities, India has stuck to the path of free and fair elections, a multiparty political system and the orderly transfer of power from one government to its successor. And, despite external threats to its own security, India still remains committed to playing its rightful role as a major force for peace, stability and cooperation in Asia.

Mr. Speaker, India's population was estimated, just before the beginning of the new millennium, to have reached and exceeded the truly remarkable milestone of one billion people, representing approximately one-sixth of the human race. In just a few years, India will be the most populous nation on earth. It is indeed very encouraging and inspiring that the people of India have lived under a democratic form of government for more than half a century.

In 1997, worldwide attention was focused on India as it celebrated the 50th anniversary of its independence. But, many Americans remain largely unfamiliar with the anniversary that Indians celebrate on January 26th. Yet, Mr. Speaker, it should be noted that there is a rich tradition of shared values between the United States and India. India derived key aspects of her Constitution, particularly its statement of Fundamental Rights, from our own Bill Of Rights. India and the United States both proclaimed their independence from British colonial rule. The Indian independence movement under the leadership of Mahatma Gandhi had strong moral support from American intellectuals, political leaders and journalists.

When Time magazine recently did its "Person of the Century" edition, Mahatma Gandhi was selected as one of two runners-up, along with President Franklin Delano Roosevelt, behind Albert Einstein. Essentially, the editors at Time recognized Gandhi as one of the three most influential and important people of the entire 20th century. Einstein himself believed that Gandhi was the greatest man of his time, and was quoted as saying: "Generations to come will scarce believe that such as one as this ever in flesh and blood walked upon this earth."

Just last week, we paid tribute to one of our greatest American leaders, the Rev. Martin Luther King, Jr. Dr. King derived many of his ideas of non-violent resistance to injustice from the teachings and the actions of Mahatma Gandhi. I am proud that legislation was approved by Congress and signed by the President authorizing the Government of India to establish a memorial to honor Mahatma Gandhi here in Washington, DC, near the Indian Embassy on Embassy Row. The proposed statue will no doubt be a most fitting addition to the landscape of our nation's capital and a symbol of U.S.-India friendship.

Mr. Speaker, there is a growing need for India and the United States, the two largest democracies of the world, to work together on a wide variety of initiatives. India and the U.S. do not always agree on every issue. But I regret that the scant coverage that India receives in our media, and even from our top policy makers, tends to focus only on the disagreements. In fact, our national interests coincide on many of the most important concerns, such as fighting the scourge of international terrorism and controlling the transfer of nuclear and other weapons technology to unstable regimes. In 1999, when Pakistani forces attacked positions on India's side of the Line of Control in Kashmir, I was very encouraged to see that the United States recognized that India was acting legitimately, in its self-defense, and that American pressure was brought to bear to convince Pakistan to call off its reckless and ill-advised attacks. I hope we can build on this progress in our bilateral relations, with the U.S. recognizing and respecting India's legitimate security needs. Given India's size and long-term record of democratic stability, I believe that India should be made a permanent member of the United Nations Security Council—a goal that I hope the United States will come to support, in light of the increasingly important role India will play in world affairs in the 21st century.

India's vast middle class represents a significant and growing market for U.S. trade, while the country's infrastructure needs represent a tremendous opportunity for many American firms, large, small and mid-size. Most of the U.S. sanctions imposed on India in 1998 have been relaxed, and I will work towards the removal of the remaining sanctions. We must continue to work to preserve or restart economic relations that have developed during the past decade, which witnessed such profound changes in our bilateral relationship, while creating a positive atmosphere for new economic relations. At the same time, I hope that we can continue to build upon educational, cultural and other people-to-people ties that have developed between our two countries. I look forward to seeing the Indian-American community, more than one million strong, continue to provide the important human "bridge" between our the two countries.

Republic Day is being observed in America, as well as in India. On Saturday, January 22, 2000, the Indian Americans of the National Capital Area held a Gala Banquet at the Omni Shoreham Hotel in Washington, DC, in honor of the Golden Jubilee Celebration of the Republic of India. On Wednesday, January 26, 2000, the Embassy of India in Washington will hold a reception to mark this great occasion.

In closing, Mr. Speaker, let me again congratulate the people of India on the occasion of Republic Day. I hope that this new century will witness a U.S.-India relationship that lives up to the great potential offered by India's and America's shared commitment to democracy.

IN HONOR OF JOSEPH A. STEWART, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Joseph A. Stewart, Sr. for his many years of service and countless contributions to the community.

As a longtime friend who enriched the life of everyone around him, Joseph was a friendly, outgoing gentle man who always had something nice to say to everyone. He enriched the life of everyone he touched, including mine.

Joseph Stewart, Sr. was born in Cleveland's Slavic village where he went on to graduate from St. Stanislaus Elementary School and attended Cathedral Latin School until he moved to New Milford, in Portage County. In 1935, he graduated from high school where he was an outstanding athlete participating in track, basketball and football.

Joseph's commitment to community and family was demonstrated from the 1940's until the early 1960's, during which he operated Joseph's Meat Market on Sowinski Avenue. He and his wife Helen would often give meat and groceries to local customers who could not pay to make sure that these families had enough to eat.

Joseph served his state and country well by joining the Ohio National Guard and served at Camp Perry in Port Clinton. Joseph, most recently serving as a budget analysts in Cleveland's Finance Department from the 1970's until he retired in 1985, lived a full, rich life of public service in the Cleveland area. He previously was employed at E.F. Hauserman Company as a payroll manager. There he became a founding member and officer of the credit union.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Joseph A. Stewart was a unique ray of sunshine at Cleveland City Hall when I had an opportunity to work with him as Mayor. He leaves behind a daughter, two sons, five grandchildren, six great-grandchildren and a brother. He will be greatly missed.

ANNOUNCEMENT OF THE 2000 CONGRESS-BUNDESTAG/BUNDESRAT EXCHANGE

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. REGULA. Mr. Speaker, since 1983, the United States Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and convey Members' views on issues of mutual concern.

A staff delegation from the United States will be selected to visit Germany during April 7 to April 22 of this year. During the two week exchange, the delegation will attend meetings with Bundestag Members, Bundestag party staff members, and representatives of numerous political, business, academic, and media agencies. Cultural activities and a weekend visit in a Bundestag Member's district will complete the schedule.

A comparable delegation of German staff members will visit the United States for three weeks this summer. They will attend similar meetings here in Washington and visit the districts of Congressional Members.

The Congress-Bundestag Exchange is highly regarded in Germany, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States such as, but not limited to, trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two Bundestag staffers in their member's district in July, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Educational and Cultural Exchanges of the Department of State and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state why they believe they are qualified, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated. Applications may be sent to Connie Veillette in Congressman REGULA's office, 2309 Rayburn House Building, by noon on Friday, March 3.

IN HONOR OF RUSSELL MANZATT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Russell Manzatt. He celebrated his 100th birthday on January 1, 2000.

Russell grew up in Ilasco, Missouri, where his Romanian parents first settled. Many different immigrant groups settled here, and Russell spoke Hungarian, German, Italian and his native Romanian with his playmates. It was his first day of school at the age of five when he was given the name Russell because his teacher could not pronounce his Christian name, Vasile.

As a foreigner in a new land, he had to forge his own way. Russell always had a job. He started selling subscriptions to The Saturday Evening Post and The Country Gentleman. Then he delivered 25-pound slabs of ice with a horse and buggy. When his family was threatened because their butcher business was becoming too successful, the Manzatt family moved to Cleveland.

The city of Cleveland impressed Russell, with his new home's flush toilet to the expanse of Lake Erie. Russell started working again, delivering telegrams during the First World War at the age of fifteen. But his legs were meant for more than delivering telegrams—Russell won a dance contest, went to New York and was cast in a vaudeville chorus show. Before the show was about to tour, his homesickness pulled him back to Cleveland.

During the Depression, he was lucky enough to land a job with Colgate. Though he didn't know what a "display man" was, he answered that he could do it. It was when he was setting up a windowfront cosmetics display and blocked himself in, that a store owner taught him what a real display man actually did. From setting up displays, he moved up to being a sales manager in his fifteen years at Colgate until he started his own family and company.

At the Manzatt's West Park Superette, his Colgate contacts helped him stock hard-to-get items after World War Two. The success of the store grew, and was profitable enough to sell for the Manzatts to buy a tavern. While their family lived upstairs from the renovated restaurant-bar, a steady clientele of other neighborhood families frequented the Rockport Inn. Their three children enjoyed the wooded acres behind the family restaurant, where they grew up until they moved into careers of their own. At the peak of the Vietnam war, Russell was 71 and decided to sell the Rockport Inn.

Instead of enjoying a relaxed retirement, he worked as a top salesman of men's clothing until the store closed, at the age of 93. During this time, he enjoyed the growth of his family as his three children were married, had children, and made him a great-grandparent five times over. Though last year, at 99 years old, he decided to stop driving, Russell's former dancing legs have enough energy to take him on long walks for a haircut or just a cup of coffee.

My fellow colleagues, please join me in honoring Russell Manzatt.

TRIBUTE TO DR. FRANCES P. MOSS OF DECATUR, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. CRAMER. Mr. Speaker, I rise today to recognize the outstanding contributions of Dr. Frances P. Moss to the music community throughout the state of Alabama. It is a privilege for me to be able to pay tribute to Dr. Moss on the occasion of her retirement from Calhoun Community College.

Dr. Moss has dedicated thirty-four years of outstanding services to Calhoun Community College's music program. Her greatest asset to the College is her ability to reach out to students and instill them with confidence, skill and knowledge. Her teaching comes from the heart and her love of music is infectious.

She has devoted herself to her students, directing the internationally known Chorale and Madrigal Singers. Her legacy to the state is a composition she arranged, "Alabama Has it All". She modernized the music curriculum at Calhoun developing "college by cassette", correspondence and intra-term courses.

Dr. Moss is a native of Oxford, Alabama, and she attended Jacksonville State University before receiving her masters and doctorate degree from the University of Alabama and Florida State University. She is a member and active leader of many professional and civic organizations including the Alabama Vocal Association, Alabama Music Educators Association and the Decatur Music Club. She serves as the Minister of Music and Discipleship for her church, Austinville United Methodist Church, a role she has lovingly performed for the past ten years.

I want to offer my best wishes and congratulations to Dr. Moss and those who love her in this well-deserved rest. On behalf of the people of Alabama's Fifth Congressional District, I thank her for her extraordinary service to our community and our state.

IN HONOR OF FATHER EDWIN J. SCHENKELBURG

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father Edwin J. Schenkelburg on the occasion of his retirement. Father Schenkelburg has served St. Mel Parish in multiple capacities for the last twenty-eight years and his presence will surely be missed. Father Schenkelburg has been the backbone of an entire community, and his legacy will last for generations.

A lifelong Cleveland resident, Fr. Schenkelburg has gained work experience in a number of vocations. As a young boy, he helped support his family with his earnings from stocking grocery shelves and delivering newspapers such as the Baseball News and Cleveland Press. He held his first position at a parish during high school when the pastor of St. Vincent de Paul offered him a job as parish Secretary on the condition that he attend St. Ignatius High School. Over summer and Christmas vacations while at the Seminary Schenkelburg worked in various occupations, including mail carrier, playground instructor, and construction laborer.

Father Schenkelburg's ordination occurred on April 28, 1951 at St. John's Cathedral and was bestowed by Bishop Hoban.

Father Schenkelburg has taken on many challenges as a parish priest including teaching religious classes and serving as the hospital chaplain at Metro Hospital and Akron Children's Hospital. An avid sports enthusiast, he played baseball with the Holy Name Society and started bowling leagues for his parishes.

In addition to providing for the spiritual needs of St. Mel's parishioners, Father Schenkelburg has also been able to assist the church financially by organizing successful bingo games and raffles. The funds earned through these fundraisers allowed St. Mel to make major renovations to the Church and add a Church Hall without the need to solicit building funds from parishioners.

Father Schenkelburg will celebrate his final Mass as Pastor at St. Mel on January 16, 2000, a day designated by the Parish as "Fr. Ed Day." Following the Mass, family and parishioners will have the opportunity to celebrate his contributions at a formal reception and dinner.

My fellow colleagues, please join me in paying tribute to Father Schenkelburg on his retirement from St. Mel's Parish. I'm proud to have known Father Schenkelburg and I wish him a well-deserved and fulfilling retirement.

SPECIAL RECOGNITION OF WILLIAM RUSE ON THE OCCASION OF HIS RETIREMENT

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. OXLEY. Mr. Speaker, congratulations to William Ruse, a seasoned health care executive who will be retiring at the end of the year 2000 after 43 years of service in the health care industry.

Bill started his career as pharmacist in 1957; and by 1963, upon completing his MBA in Hospital Administration from Xavier University in Cincinnati, Ohio, he advanced from pharmacy director to hospital administrator. As President and CEO of Blanchard Valley Hospital, he aggressively began transforming the organization from a small rural hospital to a regional health system. Recognizing the advantages of legal savvy, Bill completed a Doctor of Jurisprudence degree "in his spare time" by 1972.

Through his vision and entrepreneurial spirit, he developed programs on uncharted paths. He gained national recognition when he introduced the first "guaranteed services" policy in the country in 1974. Then in the early 1980's, Blanchard Valley Health Association was one of the first businesses to band smoking in their facilities. As small hospitals have struggled to maintain a presence in health care, Blanchard Valley has continued to grow and expand by forging partnership relationships that insure their customers' best interests.

His professional leadership positions, awards, honors, and society memberships along with community service accomplishments read like a Who's Who Library. In addition, he has published articles in both health care and law journals.

Bill Ruse is an American we can be proud of in every sense of the word. And one last honor of distinction—he just celebrated his 65th birthday so now we welcome him into our inner circle, the Social Security System. Pat and I would like to express our sincere best wishes to William Ruse and his lovely wife, Donna as they move through their golden years.

IN HONOR OF THOMAS WALKER ON HIS 100TH BIRTHDAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Thomas Walker on his 100th birthday, December 16, 1999. He will be celebrating this joyous occasion with family and friends on February 20, 2000. By this time he will have lived in three centuries.

Born in 1899 in Cleveland, Ohio, Thomas has dedicated his life to working with his hands. He always loved to build and was very talented with his hands. As an electrician in IBEW local 38, he touched so many of his coworkers' lives. They looked toward him for leadership, advice, and friendship for so many years. Thomas also was a dedicated family man. His love for his family and friends has helped carry him so far in life.

At 100 years young, Thomas continues to live a fulfilling and happy life. He has been a wonderful father of four amazing children, Ruth, Dorothy, Thomas Jr., and Dolores. Thomas is loved by his family and the many lives in his community that he has touched. My fellow colleagues, please join me in wishing a loving husband and father a very happy birthday and many more delightful years to come.

TRIBUTE TO MS. BEVERLY G. LEMONS OF UNION GROVE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. CRAMER. Mr. Speaker, I rise today to recognize the outstanding contributions of Ms. Beverly G. Lemons to the Top of Alabama Regional Council of Governments. In her distinguished career with TARCOG, she has repeatedly proven her capabilities having been promoted from secretary to bookkeeper to fiscal agent and personnel officer. In this role she has had fiscal responsibility over various grants and contracts. In her most recent duties, she has performed the crucial tasks of budgeting, payroll, contract management and report preparation for funding agencies.

For her vision, hard work and loyalty, I feel that this is an apt honor. Over her 27 year career, she has become a role model for her work ethic and dedication. Her titles include Economic Development Finance Professional and Certified Public Personnel Administrator. Now as she retires, I wish to thank Ms. Lemons for her extraordinary work for my community and this nation.

On behalf of the U.S. Congress, I pay homage to Ms. Lemons and thank her for a job well done. I congratulate Ms. Lemons on her retirement and wish her a well-deserved rest. I wish TARCOG the best of luck in coping without her.

IN HONOR OF BILL RANDLE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Bill Randle for receiving the Lifetime Achievement A.I.R. Award.

Bill Randle has been a notable figure at WRMR 850 AM since his being named "Top Jock" by Time in the 1950's. Randle helped start up such acts as Montovani, Jonnie Ray, The Crewcuts, The Diamonds, and even Elvis Presley.

Currently, Bill Randle spends 31 hours a week on the air and also practices law. The Lifetime Achievement A.I.R. Award is well deserved for a man who has built an impressive career in radio broadcasting. He has given much of his time and effort in producing quality radio broadcasts. His charismatic personality and sense of humor bring character and definition to his show. Randles colleagues and listeners appreciate and admire his professional skill and dedication.

Would my distinguished colleagues please join me in recognizing Bill Randle as he is honored with the Lifetime Achievement A.I.R. Award.

HONORING SOUTH JERSEY'S EMERGENCY PERSONNEL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. ANDREWS. Mr. Speaker, I would like to thank South Jersey's emergency response personnel who keep our families safe during the holiday season as well as throughout the year. Communities from across South Jersey nominated heroic members of local EMS, Fire and Emergency crews who deserve special recognition for their bravery. I would like to personally express my gratitude to the 20 men and women who put their lives in jeopardy to ensure the safety of ours. Thank you to 20 of South Jersey's bravest men and women.

Javier Matos, Camden City Fire Department Squadron #6
Mary Catalfamo, Chesterfield Township Emergency Management Squadron #269
Lorraine Taraskas, Atco Township Emergency Management Squadron #23
James Newman, Deptford Township Emergency Service Squadron 11-9
Barry Petty, Edgewater Park Township Emergency Service Squadron
William Mason, Newfield Borough Emergency Service Squadron
Donald Ley, Sr., Woodbury Heights Emergency Service Squadron 15-9 and Fire Company 15-01
Clifford Leary, Maple Shade Township Independent Fire Company #1
Robert Harper, Jr., Lawnside Fire Company and Emergency Management Squadron
Albert Freck, Clayton Borough Fire Company Station #41-1
Irene Rowe, Mantua Township Community Ambulance Squadron
Bob Barney, Chesilhurst Fire Company
Robert Davis, Monroe Township Ambulance Association Squadron #29-4
Chief James J. Trautner, National Park Fire Station, #6-8
Chief Brian Cunningham, Hi-Nella Fire Company #1, Station #691
Captain James Hillman, Camden City Fire Department Ladder #2
Frank Sandrock, Camden City Fire Department Rescue #1
Warren Everett, Camden City Fire Department Rescue #1
Al Adomanis, Chews Landing Fire Company #82
Jim Price, Chews Landing Fire Company #82

IN HONOR OF THE PHILIPPINE AMERICAN SOCIETY OF OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. KUCINICH. Mr. Speaker, I rise in honor of the Philippine American Society of Ohio as they gather for their Rizal Night Celebration on December 18, 1999.

The Philippine American Society of Ohio is an organization dedicated to the preservation of the Filipino culture. The Rizal Night is an annual celebration commemorating the birthday of the nation's hero, Dr. Jose Rizal. In addition to honoring Dr. Rizal, the event will induct two sets of officers to the PASO board and PASO Women's Auxiliary Board. This important event will also raise funds for maintaining the newly designed cultural center in Parma, Ohio.

The Philippine American Society of Ohio is a great cultural asset. As it is probably the first group of Filipinos to build a cultural center, their determination and dedication to their heritage is an inspiration to their families and community. Countless people have contributed to the construction of the Center, through financial support, sharing their electrical and painting talents, granting interest-free loans and donations of materials. The construction of the center is testament to the cohesiveness of the Society.

Moreover, I commend the strength of the Philippine American Society for the Medical Missions Projects. Missionaries not only treat patients for their physical ailment, but also provide spiritual support. Their work in reaching out to people living in the Philippines is admirable.

It is with great honor that I ask my distinguished colleagues to join me in congratulating the Philippine American Society of Ohio as they celebrate the birthday of Dr. Jose Rizal and congratulate the new board members.

TRIBUTE TO REP. FRANK HORTON

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Ms. SLAUGHTER. Mr. Speaker, I rise in tribute to a former colleague and dear friend, the Honorable Frank Horton of New York.

Representative Horton embodied all the best traditions of this institution. He was known—indeed, was legendary—for outstanding constituent service, for his votes cast in a spirit of bipartisanship and integrity, and for a commitment to the best interests of his district and the nation as a whole. For those of us who had the privilege of serving with him, he was a role model and a special friend.

On the recent occasion of Representative Horton's 80th birthday, his colleague at the law firm of Venable, Baetjer, Howard & Civiletti, Andrew Fois, composed a moving tribute to this great man. I would like to share it with my colleagues today. I hope you will all take the opportunity to read it; we could all learn a great deal from the example of Frank Horton.

(By Andrew Fois)

Within days of the dawn of the new millennium, a great man of the 20th century marked his 80th birthday. Frank Horton, born on December 12, 1919 in Cuero, Texas, represented parts of Rochester and its surrounding areas for thirty years in the United States House of Representatives. During the course of his remarkable life, Frank Horton saw combat in World War II, engaged successfully in the private practice of law, served as President of the Rochester Redwings minor league baseball franchise, raised a family, published a children's song and as one of the most well-respected congressmen of his generation.

Frank Horton's accomplishments are enough for several lifetimes. What made Frank so remarkable as a congressman, however, is something that is becoming increasingly scarce in the Congress. Although Frank was and always will be a Republican, and represented a majority Republican district, he always put the interests of his district, state and country before those of his party. He was a true bipartisan, able to work effectively with Democrats as well as Republicans. As a testament to the value of that attribute Frank was selected by his New York colleagues to serve as Dean of the New York State delegation—despite the Democrats holding a substantial majority of the seats.

Frank's independence was not universally admired, however. The kind of man Frank Horton is, and the kind of congressman he was going to be, was apparent from his very first vote in Congress in 1963. The issue was the composition of the powerful Rules Committee and the proportion of Democrats, then in the majority, to Republican members. Frank supported the Democrats' position in a vote the outcome of which was certain from the start. While the vote was still pending he was questioned by then Minority Leader Charlie Halleck. "Son," said the older man, "I think you made a mistake." "No, sir, Mr. Halleck," responded the freshman lawmaker, "I believe that the majority should have the ability to control the committee." Halleck just walked away. Before that fateful vote, Frank was in line for a coveted position on the Judiciary Committee. Halleck, however, saw to it that Frank's independence was "punished" by "relegation" to the Committee on Government Operations, which oversees the federal bureaucracy, and the District of Columbia Committee.

This incident at the start of Frank's Washington career proves two points. First, that brass-knuckle partisanship is not a recent political innovation. Second, sometimes standing up for what you believe pays off in the end because Frank is convinced that Halleck did him a big favor. He went on to serve with great success on the Government Operations Committee for thirty years—most of them as the senior Republican on the panel where he enjoyed a great relationship with its feisty Chairman and fellow Texan, Jack Brooks. Ironically, he also rose to serve on the Committee on Committees, where he helped decide committee assignments for other Republicans.

Despite being a member of the minority, Frank left his mark on important legislation and other issues of substance. He was a tireless watchdog of the executive branch rooting out waste, fraud and abuse and was a leader in the effort to establish inspectors general in federal agencies. He championed legislation to reduce government paperwork and reform federal procurement procedures. He fought for creation of the Department of Education—the only Republican on Government Operations to support it. He was an early proponent of home rule for the District of Columbia and he sponsored legislation honoring Asian-Pacific Americans. He was a founder of the Northeast-Midwest Coalition, helping to focus attention on the distribution of federal funds in the industrial corridor.

But his ability to reach across the aisle and work with his colleagues of the opposite party is Frank's greatest legacy. Unfortunately, few members of either party seem able, or interested in, doing the same today. It is a shame that Frank Horton never saw a single day in the majority despite his thirty years in Congress. If he had been serving the last few years you can be sure that many highly charged matters would have been handled in a much more bipartisan and productive fashion.

Among the professional mementos on display in his office is a personal note coincidentally dated December 12, 1968, from President Lyndon Johnson that stands as summary of, and testament, to Frank's career. In it, the outgoing President writes of the memories he will take with him when he leaves the White House and observes that, "High among them will always be the knowledge that we stood together, men of different parties, to work for a better America."

Happy birthday, Frank. And thank you.

IN MEMORY OF JOSEPH MADZELONKA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Joseph Madzelonka for his lifelong dedication to working people. Joe, retired president of United Food and Commercial Workers Union Local 880, passed away earlier this month at the age of 67. He was a great man and an extraordinary leader.

Joe began his life in the labor industry at the age of 17, when he started working as a bagger at an A&P grocery store. Soon after, he was elected a steward, and eventually a business representative for the union. Joe was an international vice president of his union and a vice president of the Ohio AFL–CIO and the Cleveland Federation of Labor. Finally, in 1977, Joe became head of the Local 880. He spent his 13 years as president fighting for improving health care and pension benefits. The members of Local 880 speak extremely highly of Joe's years as president and remember him as an individual who worked for the union through some very tough issues and difficult times.

Joe also had a great commitment to his family and friends. When he finally retired in 1990, Joe was elated to be able to spend some time with his wife, Mary, and his four children. He spent much of his time babysitting his adorable and loving grandchildren. Joe was also able to relax in his final years by spending more time with his numerous friends on the golf course.

My fellow colleagues, please join me in saluting a leader, an organizer, and a good man for his contributions to the labor movement and for the inspirations he instilled in us all.

IN HONOR OF GAETANO "THOMAS" TRIGILIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Thomas Trigilio, a devoted husband, a good father, a dedicated co-worker, and a friend in need. You need to shake a lot of hands to know the measure of Thomas Trigilio.

I was a friend of Thomas Trigilio and in that distinction I was in good company. Thomas was made of the stuff that so many Clevelanders love about their own friends and family. Name one of Thomas' qualities and a Clevelander would nod his or her head knowingly. He's the father who worked to give his children every opportunity to succeed. He's the husband who loved his wife above all else. He's the grandfather who couldn't help but spoil his grandchildren. He's the friend from the old neighborhood with which you could share a firm handshake and chuckle over a joke told three times over. He was the inventive genius who always looked for ways to make this a better world. Clevelanders nod their heads because they know Thomas Trigilio.

To have universal qualities does not diminish the preciousness of a single human life. Thomas Trigilio's life was one well led—and precious in its priorities. Thomas' life can be characterized by focus. He was a man that made priorities. Thomas was wise in the priorities that he made. His were perhaps simple choices—but there was a wisdom in that simplicity. Thomas made his wife a priority. He made his children a priority. There is no questioning Thomas Trigilio's choices. That Frances, Josephine, Maria, Anthony, Limeri, Gianni, Alec, and Justin have countless stories to share with each in their moment of grief proves there is no questioning his focus. Thomas Trigilio was a husband, father, and grandfather. And he was good at it.

My fellow colleagues, join me in offering condolences to the family of Thomas Trigilio. Let us seek to emulate his focus. Let us pray for his wisdom in making priorities. Above all, let us honor the legacy of a man we all knew, in one way or another.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 25, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 26

9 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine gene therapy, focusing on promoting patient safety.
SD–430

9:30 a.m.
Intelligence
To hold hearings to examine world wide threats to U.S. interests.
SH–216

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

10 a.m.
Budget
To hold hearings on the Congressional Budget Office's economic and budget outlook.
SD–608

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System.
SD–106

2 p.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine issues on enhancing border security.
SD–215

2:30 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

FEBRUARY 1

10 a.m.
Budget
To hold hearings on federal spending priorities.
SD–608

FEBRUARY 8

10 a.m.
Budget
To hold hearings on the President's proposed budget request for fiscal year 2001.
SD–608

FEBRUARY 9

9:30 a.m.
Governmental Affairs
To hold hearings to examine the rising cost of college tuition and the effectiveness of the Federal financial aid.
SD–342

10 a.m.
Budget
To continue hearings on the President's proposed budget request for fiscal year 2001.
SD-608

FEBRUARY 10

10 a.m.
Governmental Affairs
To continue hearings to examine the rising cost of college tuition and the effectiveness of the Federal financial aid.
SD-342

FEBRUARY 11

10 a.m.
Budget
To resume hearings on the President's proposed budget request for fiscal year 2001.
SD-608

SENATE—*Tuesday, January 25, 2000*

The Senate met at 11:31 a.m. and was called to order by the Honorable LARRY E. CRAIG, a Senator from the State of Idaho.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, the same yesterday, today, and forever, we thank You for the consistency of Your care on blustery, snowy days or on bright, shiny, blue sky days. Today, as the Capitol is blanketed with snow and the work of the Senate is delayed, we ask You to bless the Senators and their staffs. Use this day to further prepare them for the crucial work ahead for the Senate. Protect those who have ventured forth on icy roads and refresh with rest those who are snowbound in their homes. As You give the day, You show the way, and whatever the weather, You come to us when we pray. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CONRAD BURNS, a Senator from the State of Montana, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 25, 2000.*
>
> *To the Senate:*
>
> Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LARRY E. CRAIG, a Senator from the State of Idaho, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. CRAIG thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

CLOSING OF THE SENATE

Mr. LOTT. Mr. President, I must say, once again, welcome to my colleagues and the Chaplain and a hardy band of brothers and sisters who serve as our staff. It is very tough today to be in the Nation's Capital with, I guess, 8 or 10 inches of snow on the ground and more on the way.

I note, of course, to the Senator from Montana, it is nothing unusual for him; he is used to this kind of snow, I guess.

To our Chaplain, I say thank you for being here this morning with your beautiful prayer, as always.

On our leadership team, I thank Senator NICKLES, Senator MACK, Senator CRAIG, and Senator MCCONNELL for being here today. We have already had a leadership meeting. I thank Senator REID for being here on behalf of the Democrats.

I had several conversations early this morning with officials, the police, and also with Senator DASCHLE, about how to deal with the weather. It is a massive snow and certainly there is a great deal of danger in the amount that has come down. With the difficulty in the ability to move around and with a lot of our staff and Senators living out in Virginia and Maryland, it made sense to join the rest of the Federal Government and be closed today. However, due to the Senate rules, we have to be here for a few minutes so that we can adjourn to reconvene tomorrow. We had already entered the order that we would be here today at the assigned hour of 11:30 a.m., and so we had to be here. But we will go on with business that we must do today, and then everyone will be able to go home safely before it gets even worse this afternoon.

MEASURES PLACED ON CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the second reading of House Joint Resolution 84 and Senate bill 1999 be deemed to have occurred and that objection be heard to the further consideration of these measures at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The bill and joint resolution will be placed on the Calendar under the rule.

ORDER FOR RECESS TOMORROW

Mr. LOTT. I also ask unanimous consent that the Senate stand in recess on Wednesday from the hours of 12:30 p.m. to 2:15 p.m. so that the weekly party conferences can meet.

Those conferences would have occurred, I believe, today—I know in our case; I think with the Democrats, too. But in view of the weather, we will reschedule them for tomorrow, and thus the necessity of this recess.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, if I could through you to the majority leader indicate that certainly the right decision was made today. I think we have become kind of spoiled back here in Washington; we have had such mild winters. If we reflect back on the days of our service in the House, which was not too long ago, I say to the majority leader, it seems to me we used to have bad weather and we had to make preparations for snow days. I remember the Reagan inaugurations; those were bitter cold events about this time of year. So the right decision was made. I look forward to working with the leader and the majority in moving legislation along. We have made great progress on the bankruptcy bill, and I look forward to completing that in the near future.

Mr. LOTT. Let me say to the Senator, being from the Mississippi gulf coast, I am not quite sure I know how to appreciate all this white stuff since we do not have it, but I think we made the right decision, a safe decision, for our colleagues and for our staffs.

I thank the Senator for the work he has done on the bankruptcy bill. Without the work of the Senator last year, we would not be in the position of being able to finish the pending amendments and, hopefully, the entire bill by tomorrow. I know the Senator is still working on it. We did vitiate the cloture vote yesterday so that that will not occur, and we did lock in an agreement as to how to go forward, what amendments would be considered and voted on, to complete its consideration. I know the Senator has indicated he thinks we can do that. So has Senator DASCHLE. And we will work with the Senators to try to make that occur.

I thank the Senator for his effort. I hope he will continue to do that.

1999 YEAR END REPORT

The mailing and filing date of the 1999 Year End Report required by the Federal Election Campaign Act, as amended, is Monday, January 31, 2000. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

further information, please contact the Public Records office at (202) 224-0322.

ORDERS FOR WEDNESDAY, JANUARY 26, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 11 a.m. on Wednesday, January 26. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 625, the bankruptcy reform bill, as under the previous agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will immediately resume consideration of the bankruptcy reform legislation at 11 a.m. tomorrow. We did move the starting time from 9:30 to 11 a.m. to allow time for our staffs to be here and have time to prepare for the session, but we will go right into the business of consideration of the amendments that have been agreed to. Under the previous consent, time agreements have been made on most of the remaining amendments, and therefore it is hoped that a final vote would occur on Wednesday on the bankruptcy bill. That could occur late in the afternoon or even in the early evening, but I think it is important that we try to finish that legislation on Wednesday.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. LOTT. If there is no further business to come before the Senate, Mr. President, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:38 a.m., adjourned until Wednesday, January 26, 2000, at 11 a.m.

SENATE—*Wednesday, January 26, 2000*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, inside each of us is that sacred sanctuary of the soul, the port of entry for Your Spirit, the place You live in each of us, and the portion of us that determines the development of our characters and direction for our lives. We join with the psalmist's longing for You to heal our souls with Your forgiveness, to uplift our souls with Your inspiration, to quiet our souls with Your peace, to sustain our souls with Your patience, and to calm our souls with Your pacing and timing. May the soul of the matter for us today be to express what You have placed in our souls. And so we say with the psalmist: "Bless the Lord, O my soul, and all that is within me bless His holy name! Bless the Lord, O my soul, and forget not all His benefits. . . ."—Psalm 103:1-2, Lord God of hope, be with us yet, lest we forget! Amen.

PLEDGE OF ALLEGIANCE

The Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Utah is recognized.

SCHEDULE

Mr. HATCH. Mr. President, today the Senate will immediately resume consideration of the bankruptcy bill under the previous order. There are several amendments in order. Therefore, I encourage all Members to work with the bill managers on a time to debate their amendments. Votes ordered with respect to the bankruptcy bill will occur on Tuesday, February 1. Consequently, no votes will occur during today's session, and the next time the Senate will be conducting rollcall votes will be on Tuesday of next week. In addition, the Senate will recess today between the hours of 12:30 p.m. and 2:15 p.m. in order for the weekly party caucuses to meet.

I thank my colleagues for their attention.

RESERVATION OF LEADERSHIP TIME

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the leadership time is reserved.

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 625 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Hatch/Torricelli amendment No. 1729, to provide for domestic support obligations.

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Feinstein amendment No. 1696, to limit the amount of credit extended under an open end consumer credit plan to persons under the age of 21.

Feinstein amendment No. 2755, to discourage indiscriminate extensions of credit and resulting consumer insolvency.

Schumer/Durbin amendment No. 2759, with respect to national standards and homeowner home maintenance costs.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Schumer amendment No. 2765, to include certain dislocated workers' expenses in the debtor's monthly expenses.

Dodd amendment No. 2531, to protect certain education savings.

Dodd amendment No. 2753, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Hatch/Dodd/Gregg amendment No. 2536, to protect certain education savings.

Feingold amendment No. 2748, to provide for an exception to a limitation on an automatic stay under sectiqn 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Feingold amendment No. 2779 (to Amendment No. 2748), to modify certain provisions providing for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Mr. HATCH. Mr. President, I notice the distinguished minority whip is here. If he has any comments, I certainly defer to him.

Mr. REID. Mr. President, the minority is ready to proceed on this legislation. We have Senators who are ready to speak on this as soon as the acting leader completes his remarks, and we hope to complete this legislation when all the amendments are debated. We have structured time to complete this bill, and we look forward to full debate on all the issues.

Mr. HATCH. I thank the Senator. I thank my colleagues.

Mr. President, I am pleased that we have finally reached an agreement to complete floor consideration of the bankruptcy reform legislation. It was my intention that we finish consideration and pass this bill tonight, but we cannot get it done so we will do it next Tuesday. To that end, I hope any Member who intends to offer an amendment under the agreement comes down and begins debating it as soon as possible.

First, I commend everyone who has worked hard to make this agreement a reality. It took a lot of effort and cooperation to come together and get to where we are today. My staff, the majority and minority leadership and floor staffs, Senator LEAHY's and Senator REID's staffs, Senator GRASSLEY's staff, and Senator GRAMM's staff all worked literally the whole day yesterday to craft the agreement we are operating under. We have a lot of work still ahead of us. We not only have the 13 amendments we must consider today, but we have a number of major issues to resolve in conference. This bill is far from becoming law at this point, but I am optimistic that we can work together as we have done in the past to have a fair and balanced reform bill that the President can sign.

Mr. President, I have stood here on the Senate floor many times and professed the need for reforming our bankruptcy system. I stand before you again today and say that the Senate has enjoyed a lengthy deliberative process. Along with my Senate colleagues, I have debated the legislation and many of its amendments at great length over the past several years. The Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, chaired by my good friend Senator GRASSLEY, has held numerous hearings on the issue of bankruptcy reform, gaining insights from literally dozens of witnesses.

I am optimistic that we will restore fairness and integrity to our bankruptcy system. I am encouraged by what has transpired in the House of Representatives with respect to bankruptcy reform: the House bill is more stringent in terms of reform than the bill we are considering here in the Senate, and it nonetheless passed by an overwhelming, veto-proof margin of 313 to 108.

Not long ago in our Nation's past, there was an expectation that people should repay what they have borrowed. Hand in hand with this expectation was a stigma that attached to those who filed bankruptcy. The bankruptcy system, as it was originally envisioned, was truly a last resort. It was intended to give those who needed it—those in serious financial difficulty, with no way out of their hard times—a fresh start. As our bankruptcy system has evolved over the years, this original mission has become lost.

Our current system, I am sorry to say, allows some people who are able to repay their debts to avoid doing so. It does this by treating income as irrelevant, and by allowing people to exploit various loopholes. When I talk with the hardworking folks both from my state of Utah, and more recently all across this great Nation, I simply cannot defend the current system. I cannot find an adequate explanation for why our current laws let people who have the capacity to repay their debts use bankruptcy as a financial planning tool. I cannot justify the more than $400 hidden tax our current bankruptcy system imposes on every American family every year.

It is no mystery that when someone borrows money or buys something on credit, and then files a bankruptcy of convenience, someone does not get paid back. This is true whether the creditor is a large lending company in which a retiree's pension funds may be invested, or a small family business. Under the current system, when bankruptcies of convenience are filed, everyone loses except for the unscrupulous person who games the system. Studies have been conducted that show that between 6 and 15 percent of filers are using bankruptcy as a financial planning tool, running up debts and erasing them without any noticeable impact on their lifestyle. When we look at the daunting number of bankruptcy filings we have seen in recent years, these abuses are a major problem. In 1998 alone, 1.4 million Americans filed for bankruptcy. As I have pointed out before, more Americans filed bankruptcy than graduated from college, were on active military duty, or worked in the post office. During these days of great economic prosperity, these record filings are outrageous.

We must put an end to the system that allows people to live high on the hog.

The bill also puts the brakes on an abuse known as "loading up," when debtors take out large cash advances on their credit cards and buy luxury goods on the eve of their filing for bankruptcy.

The bill is also designed to enhance consumer protections by imposing penalties on creditors who overreach. Penalties are imposed on creditors who refuse to negotiate in good faith with debtors prior to declaring bankruptcy, who willfully fail to properly credit payments made by the debtor in a chapter 13 plan, and who threaten to file motions in order to coerce a reaffirmation without justification. The bill also contains provisions designed to eliminate abusive reaffirmation practices.

The bill protects debtors by imposing requirements on lawyers who represent debtors in bankruptcy. These provisions are intended to target the practices of so-called bankruptcy mills, which aggressively promote bankruptcy to people with financial problems when bankruptcy may not be in their best interests.

I am particularly proud of the advancements this bill makes in helping people to avoid bankruptcy and avoid repeating financial problems. The bill provides for education for debtors with respect to their alternatives to bankruptcy, along with financial management education and credit counseling.

This bill also protects our children. Anyone who knows my record in the Senate knows I have been a strong advocate for children for many years. It is not surprising that this is a particularly important aspect of the bill. From the time this bill was being drafted and through the process of committee markup and floor consideration, I made it a top priority to ensure that the bill included provisions to prevent deadbeat parents from using bankruptcy to get out of paying child support and alimony. Under my provisions, the obligation to pay child support and alimony is moved to a first-priority status, as opposed to its current place at seventh in line, behind attorney's fees and other special interests. If you really want to know the truth, my measures make improvements over current law in this area that are too numerous to mention here at this time, but they work to facilitate the collection of child support and alimony and effectively prevent deadbeats from getting their obligations discharged.

I am also proud that one of my provisions on S. 625, which is supported by AARP and many other important organizations, ensures that retirement savings will be treated equally in bankruptcy so that schoolteachers and church workers will no longer be at a disadvantage relative to people with retirement savings that happen to fall into other categories.

I also made sure that education was protected in this bill. Under my education savings amendment, already accepted as part of S. 625, which I developed with the help of Senators GREGG, DODD, and others, contributions made for educational expenses to education IRAs and qualified State tuition savings programs will be protected in bankruptcy. I believe protecting these savings accounts is important because college savings accounts encourage families to save for college and increase access to higher education. My amendment ensures that the ability to use dedicated funds to pay the educational costs of children and grandchildren will not be jeopardized by the bankruptcy of a parent or a grandparent. At the same time, I have included conditions on the protection of these accounts to prevent fraud and abuse.

In effect, this bill tightens up the bankruptcy laws to ferret out abuses on all sides, from the unscrupulous debtor to the overreaching creditor to the dishonest lawyer. At the same time, it works to stop the cycle of indebtedness through education. It makes sure that children, our retirement savings, and access to education are all protected.

It is wrong for this country to have a system that makes honest, hard-working, bill-paying citizens foot the bill for those who have the ability to pay but who choose not to. A recent study shows that 76 percent of all Americans believe individuals should not be allowed to erase all of their debts in bankruptcy if they are able to repay a portion of what they owe. I am pleased to say that that is precisely what S. 625 would accomplish. This study is heartening to me because it indicates that this country hasn't lost sight of the principle that individuals should take responsibility for their own actions.

We are enjoying a wonderful period of economic prosperity. To the people who, despite their high levels of income, choose a bankruptcy of convenience, I say the game is over. No longer will the hard-working people of my State of Utah and in the rest of the country foot the bill for the people who are abusers of the system. The American people deserve better. With passage of the bankruptcy reform bill, the bankruptcy system will again return to the last resort for those who truly need it.

In closing, I urge my colleagues to urge colleagues to come down here sooner rather than later to debate amendments, or let us know if they don't intend to offer them. It is my and the leader's intention, and I believe the intention of Senators LEAHY and DASCHLE, that we debate these amendments in a timely manner today and vote on final passage next Tuesday. I hope we can get through all these amendments today, and next Tuesday we will have a full day of voting.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 2651, AS MODIFIED

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 2651, as modified.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROPERTY NO LONGER SUBJECT TO REDEMPTION.

⟦(a)⟧ Section 541(b) of title 11 of the United States Code is amended by adding at the end the following—

"(6) any interest of the debtor in property where the debtor pledged or sold tangible personal property ⟦or other valuable things⟧ (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money, where—

"*(a) the tangible personal property is in the possession of the pledgee or transferee;*

"*(b)* ⟦(i)⟧ the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price, and

"*(c)* ⟦(ii)⟧ neither the debtor nor the trustee have exercised any right to redeem provided under the contract or state law in a timely manner as provided under state⟦,⟧ law and Section 108(b) of this title."

Mr. HATCH. Mr. President, following Senator CRAIG's amendment No. 2651, as modified, I ask unanimous consent that Senator MURRAY be recognized for 10 minutes to speak, and I ask that Senator SESSIONS be given 10 minutes.

Mr. REID. Reserving the right to object, the ranking member of the Judiciary Committee wants to come and speak on this at some time.

Mr. HATCH. Whenever the ranking member wants to speak, we will, at a convenient time, interrupt and allow him to do so.

Finally, we will go to Senator WELLSTONE's amendment after Senator SESSIONS speaks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I understand that my amendment, as modified, has been accepted on that side.

I guess I am at risk, as we are anytime a Senator comes to the floor and says, "This is a simple amendment" But in fact that is exactly what this amendment is. It corrects a very small but very real problem. We are talking about property that is pawned by a debtor.

This amendment deals with the question of when that pawned property is legally out of the reach of a debtor's bankruptcy estate.

This amendment would allow pawned tangible personal property to be excluded from the bankruptcy estate, so long as the debtor has no legal obligation to repay the money or redeem or buy back the property and the contract or statutory redemption period has expired on the pawned property. And, of course, it is that expiration date that is clear and important as it relates to the period of redemption, and that is where the courts have found themselves in the last several years.

This amendment incorporates the general position of the courts that pawnbrokers should be allowed to have complete and clear title to the pawned personal property of a person in bankruptcy once the redemption period has expired and the debtor or trustee has not exercised the right of redemption.

This amendment allows the pawnbroker to sell the pawned property without burdening the courts with unnecessary actions seeking relief from the automatic stay provision of the bankruptcy code.

Courts have found that unredeemed, pawned, tangible personal property cannot be treated as property of the bankruptcy estate because once the statutory redemption period has run, and the pawned goods have not been redeemed, the debtor forfeits all rights and title to the pawned property. The cutoff date for inclusion of the bankruptcy estate is the end of the redemption period. I am referencing Dunlap, a 1993 case in Maryland and Tennessee, 158 BR 724.

In the circumstances outlined by this amendment, the property doesn't belong to the debtor anymore. Once that redemption period has run out and they have not exercised it, it is out of his possession and out of his right to control. It is only common sense that when it is no longer his property, it cannot be pulled into the bankruptcy estate. That is what the courts have said, and that is what this amendment says.

All too often, however, pawnbrokers are pulled in and ultimately they have to go through the expense of hiring attorneys and doing all of those kinds of things even though it is very clear that the property redemption period has expired and the courts ultimately ruled in favor of the pawnbroker.

So we are clarifying that with this amendment, and I hope my colleagues will accept it and be consistent in this law with what the courts have been saying now over the last period of years.

Mr. President, I relinquish the floor.

Mr. HATCH. Mr. President, I rise in support of the amendment offered by my good friend, the Senator from Idaho. This amendment is needed to clarify that if an individual has pledged his property for money and is not obligated to redeem it, and indeed does not redeem the property within the time he or she agreed to redeem it, then the bankruptcy laws are not abused to attempt to get that property back.

What this amendment does is basically recognize and respect the right of individuals and businesses to be able to pledge property for money for an agreed period of time. Essentially, those businesses engaged in this type of transaction, namely pawnbrokers, provide cash loans to people in exchange for a pledge of personal property. The pawnbroker charges interest on the loan, but the customer is under no obligation to redeem the pledged property. When the individual does not redeem the pawned item within the contractual period, the property becomes part of the pawnbroker's inventory for sale. It does not continue to be the property of the individual.

Some debtors have attempted to subject their pawn transactions to the operation of the bankruptcy code's automatic stay, after the time under the contract for redeeming the property has expired. Most courts that have considered the matter have held that if the debtor or the trustee does not redeem the property within a typical period of 60 days from the date of filing for bankruptcy, then full title to the property vests with the pawnbroker. This is the sensible result, because the debtor has no obligation to redeem the property.

This is a sensible clarification amendment, without which, certain individuals could abuse the system to the detriment of other consumers who use and need the pawnbroker's services. Let's close this loophole and support this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

(The remarks of Mrs. MURRAY pertaining to the introduction of the legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. SESSIONS. Mr. President, it is great to be back in session this morning and see my chairman, Senator HATCH. I know today he made a big announcement. He has given his heart over the last several months and offered himself to the American people as our next President. He did so with integrity. Throughout the year, he chaired the Judiciary Committee. We never slacked in our committee hearings. He was here and missed hardly any votes. So many of our candidates seem to give up their responsibilities in the House or the Senate, but he did not do so. He regularly cast his votes day after day. This is the first real business of the Senate, a day in which he made an announcement. I know it was very important to him that he would not continue his seeking of the Presidency, and he is introducing and leading the fight for a very important and historic bankruptcy reform bill that is long overdue.

Senator HATCH and Senator GRASSLEY have worked exceedingly hard to make this bill a reality. We are on the verge of it becoming a reality. It has been frustrating. The last time we passed this bill in the last hours of the last Congress, it had over 95 votes and only 1 or 2 opposing votes. It came out of committee last year 16–2, with almost that many votes this time in Judiciary Committee.

It is a bill whose time has come. I am glad we are bringing it up. I thank the majority leader, Senator TRENT LOTT, for saying we need to bring this to a conclusion and calling it up for debate at the beginning.

There has been some suggestion and some comments recently about a decline in bankruptcy filings this past year. One full-page ad—I suppose designed to influence this body—was in one of the local Washington papers. The headline was, "The Incredible Disappearing Bankruptcy Problem."

Let's talk about the numbers. Chairman HATCH mentioned those earlier. In 1980, when we had an economy that was weaker than it is today, there were only 287,000 bankruptcy filings. In 1998, less than 20 years later, with the economy one of the strongest we have ever had, the number of personal bankruptcy filings has skyrocketed to 1,398,000—a 386-percent increase. That is a stunning fact.

In 1999 when the economy was even stronger—we had an even stronger economy last year than in 1998—we had a modest 7-percent reduction in bankruptcy filings. Some are saying we don't need to have any bankruptcy reform, that it is a disappearing problem. I hardly think anybody can believe that a 7-percent reduction, after a 386-percent increase, suggests in any way that we don't continue to have a bankruptcy problem.

The Consumer Federation of America, which is really hard left in my view, issued a press release saying the crisis is over. That certainly is not the fact. In 1997, the National Bankruptcy Review Commission, with Federal judges and bankruptcy experts on it, issued a report that stated the most visible and disturbing fact about consumer bankruptcy has been the extraordinary increase in filings in the last two decades. Since 1980, the rate of consumer bankruptcies has risen nearly threefold. These are the words of the official report of the Commission. Certainly nothing has happened since that report was issued in 1997 to indicate we have had any significant permanent reduction.

In 1996, the number of consumer bankruptcy filings was 1.1 million. In 1999, the estimated number of filings is 1.3 million. Thus, since the Bankruptcy Review Commission complained about the alarming number of filings, the filings have increased 16 percent. So since the official report's conclusion criticizing and complaining and expressing concern about the large number of filings, it has increased 16 percent since then.

I believe we do have a problem. We have a deep problem of abusive and repeat filers, people whose lawyers tell them clever ways to beat their legitimate debts. There are a lot of abuses in this system. So while we are happy we have had a modest decrease in filings, we have not dealt with the fundamental problem. The reason we have a bankruptcy reform bill is not because there are a large number of filings. The reason we have this bankruptcy reform bill is that the system is not working fairly. Too many people with high incomes—$70,000, $80,000, $90,000—are filing bankruptcy and are not paying their debts when they could easily do so. The moral question arises because the person they owe may have far less income than they do—maybe it is their neighborhood garage mechanic who worked on their car. They may have greater income than the people they owe, who they are not repaying.

So we want to make sure the historic principle of bankruptcy is alive and well: That a person can wipe out his debts and start over again and not be burdened with unpayable debts. But when a person can reasonably pay a substantial part of those debts, we believe he ought to do so. That is what we will be talking about today.

The purpose of bankruptcy reform is—hopefully, we will have some reduction in filings. I do not expect we will have much of a reduction as a result of this reform, but our basic goal in bankruptcy reform is to have a system that works better to reduce litigation, to reduce the cost. We make it so you do not have to have a lawyer to represent yourself on a matter in bankruptcy court. We required that persons be at least knowledgeable of and have an opportunity to talk with a credit counseling agency. They are in every locality in America. They help people deal with their financial crises, short of declaring bankruptcy on many occasions. Sometimes they will tell them, "You cannot handle it, you have to go to bankruptcy." Or they may say they need to have a budget and get the family in and deal with the fundamental problems, where they are in debt, and start first paying the debts off with the highest interest rates.

Our goal is not primarily to reduce bankruptcy filings. Our goal primarily is to end abuses and problems that have made themselves clear over the past 30 years since we last reviewed bankruptcy. The lawyers have learned how to work the system well. We need to create a legal system that has integrity and efficiency and that everyone can respect.

Mr. HATCH. Mr. President, I thank my colleague from Alabama for his kind remarks about me. I want to mention what a great service he has done on the Judiciary Committee helping with this bill. He is one of the truly knowledgeable people in this area. I express my regard for him.

Mr. SESSIONS. Mr. President, I don't think I mentioned about Senator HATCH, when he came to Alabama, and there were 2,000 delegates there at a State convention voting for President, he came within a few votes of being the winner. He had a great showing in our home State of Alabama.

Mr. HATCH. I thank the Senator. I did not do the same in New Hampshire and Iowa. I appreciate his kind remarks and appreciate his strong efforts on this bill. He has done a great job and deserves a lot of credit on this bill.

With that, I relinquish the floor to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, before I go on in this debate on this bankruptcy bill, since I have a very different position on this piece of legislation than my colleague, Senator HATCH from Utah, I say to him I think all of us in the Senate, even when we do not agree with him, like to see him on the floor. He is a Senator with a tremendous amount of dignity. He is a very, very fine Senator. So we welcome him back.

Mr. President, I will start out talking about a couple of amendments. The first amendment I want to make reference to—then I want to talk about this bill to give some context for these amendments—is an amendment which would curb a form of predatory lending which targets low- and moderate-income families.

One of my criticisms of this bill is it is very one sided and does not deal with these kinds of unscrupulous lending practices. This amendment, which is called the payday loan amendment, would prevent claims at bankruptcy on high-cost transactions in which the annual interest rate exceeds 100 percent such as payday loans and car title pawns.

I say to my colleague from Utah and other colleagues in the Senate, this is an outrageous practice. As long as we are talking about bankruptcy reform, we ought to make it clear this kind of predatory lending practice means these folks cannot have claims in bankruptcy. Let me give some examples, and I will go into this more next week.

First, on payday loans, what we are talking about is the situation of a family where maybe the car breaks down. These are people who do not have a lot of money. Maybe it is an illness, a medical bill. It is called a payday loan. They seek a 2-week loan; maybe it is

$200, maybe it is $100. What happens is the lenders, these credit companies that are involved in these payday loans, will say we will make the loan to you and you write out a check to us, and also here is going to be the fee we are going to charge, which equals high interest, then 2 weeks from now you pay us back. It turns out quite often people cannot pay back the loan because these people are under the gun, in which case they roll it over again and again and again, which is exactly what the payday lenders want, to the point where, for example, a $15 fee on a 2-week loan of $100 equals an annual interest rate of 391 percent. There are some instances where the actual interest rate is 2,000 percent.

I think a lot of people in the lending industry are not happy with this practice at all—I want to give some credit where credit is due, no pun intended. Additionally, what these pay day lenders do is use a coercive practice where they say to very hard-pressed families: We have the check you made out to us and if you don't pay us back, we are going to go ahead and bounce the check and then you will be subject to criminal prosecution. They use that as a threat. They don't follow through, but they intimidate people.

Let me go on to talk about car title pawns. This is unbelievable, American people. It is hard to get people's attention on this bankruptcy bill. I think people ought to know some of the practices that go on in the country.

In this particular case, you have a double whammy. People are hard pressed. If they were not hard pressed and had nowhere to go, if they were big customers with big banks, they would have no problem. We are talking about hard-working, poor people, low-income people in Arkansas, Minnesota, Utah, desperate for money. What are they going to do?

In this particular case with the car title pawns, they get a $100 loan and the creditor puts a lien on the car and says you have to pay us back with the fee, high interest. If you don't pay them back—literally quite often they require the key to the car as part of the condition for granting the loan—they take the car. They sell the car and in some states they don't even have to give back to the original owner the additional money they make beyond what the loan was. They keep all the money. Can you believe it? Can you believe it? This is exactly what goes on.

One of my amendments, that I am going to spell this out in greater detail next week, will say that there is some predatory lending which clearly targets hard-pressed low- and moderate-income families, which we find obscene. We intend to have some kind of ground rules here, some kind of accountability. Basically what we are saying is—this is the proposition—we are not going to let you make a bankruptcy claim where you have had a credit transaction in which the annual interest rate exceeds 100 percent. If we are going to talk about bankruptcy reform, I am hoping to see my colleagues out here with a good, strong affirmative vote.

I will briefly talk about the second amendment because I will have more time to lay this out later. I will cooperate with the manager. I will begin to lay out my case. This is an important consumer amendment which will require big banks with more than $200 million in assets to offer low-cost, basic banking services to their customers if, again, they wish to make claims against debtors in bankruptcy proceedings.

We have talked about the responsibility of the consumers—hard-pressed people. What about the responsibility of banks and lending institutions to offer inexpensive means to conduct financial transactions and to save money? What happens is, they say you have to have a minimum balance of $1,000 in your account. If you do not, you have to pay an exorbitant fee, which could result in hundreds of dollars a year. These low-income people cannot afford it. There are some 12 million Americans who do not have the same kind of service that we have. As a result, then, they end up having to deal with unscrupulous kinds of dealers, like the payday lenders that I just described.

Our community banks in Arkansas and Minnesota went out of their way with low- and moderate-income people who live within their communities to make sure they were able to access low cost accounts. But now, with this consolidation and these mergers, a lot of these big branch banks do not see it the same way. So what we are simply saying is, we want these consumers to be able to have an affordable checking account, one that does not require a large minimum balance or costly access fees. That is what is going on. This amendment will speak to that.

But context for this. Again, I say to my colleagues, believe me, I am just absolutely amazed, when I look at some of the practices that take place in this country, that we are not, in this piece of legislation, dealing with it. But let me give some context for these amendments. I am a little bit surprised, frankly.

I say to my colleagues, since we are in disagreement on this, as I have already said to Senator HATCH, how good it is to see him here, and what a fine Senator he is. I think everybody in the Senate agrees with that.

Mr. HATCH. If the Senator will yield, I express my gratitude to my good friend for the kind comments he has made. I really appreciate them.

With that, I yield back.

Mr. WELLSTONE. I thank the Senator from Utah.

I would not say it if it were not true. That is the way the Senator is.

But this piece of legislation is fundamentally flawed. It contains numerous provisions which are harshly punitive to those citizens who are the most vulnerable in our country. It addresses a crisis that no longer exists and that appears to be self-correcting. It rewards predatory and reckless lending by banks and credit card companies, which fed the crisis in the first place, and does nothing to actually prevent bankruptcy or to promote economic security for working families.

I do not see anything in this legislation that deals with the crisis of medical costs, that deals with what happens to people when they cannot get a job at a decent wage. I do not see anything in this bill that deals with housing costs. But what I see is a fundamentally flawed piece of legislation.

I am amazed that it has sailed through the way it has. I am amazed there is not more opposition, which is punitive toward those people who are the most vulnerable in our society. This purports to address a crisis which does not even exist.

Professor Lawrence Ausubel of the University of Maryland notes that the peak increase in bankruptcy filings came and went in 1996. In fact, the filings in 1998 were barely an increase over 1997. We know now that there were 112,000 fewer bankruptcies in 1999 than there were in 1998—a nearly 10-percent decline.

Perhaps most startling, given what some of my colleagues have stated, is that credit card lenders have seen their chargeoffs—loans which are uncollectible—decline over the past 2 years.

So I ask my colleagues, is this a crisis? Despite the decrease in filings, there are still too many bankruptcies in America. I agree with that. However, this bill does not do anything to reverse this. It is going to make matters worse. The nonexistent crisis is being used to justify harsh restrictions on bankruptcy relief, which will harm those citizens who are most in need of its protection.

Colleagues, let me quote from the September 30, 1999, issue of The American Banker magazine. The title of the article is "Bankruptcies Down; Enthusiasm for Reform Wanes." I quote from the article:

> A retreat in bankruptcy filings from their record highs is causing precious little jubilation in the lending community. Lenders, who persistently point to the high rate of filings as one of their top business problems, may be concerned that a turnaround will undercut their effort to reform bankruptcy laws and make it easier to collect on poor credits.

Bankruptcy does not occur in a vacuum. We know, in the vast majority of cases, it is a drastic step taken by families in desperate financial circumstances and overburdened by debt. The main income earner—he or she—

they have lost their job. There is a sudden illness. There is a terrible accident. All of us know that could happen to us. The bankruptcy system is supposed to allow a person or a family to climb back up after they have hit bottom, to have a fresh start.

There is no point in continuing to push a person and a family once their resources are overmatched by debt. That is what we are doing in this legislation.

The bankruptcy system simply allows families to regroup, to focus resources on essentials, such as home, transportation, and meeting the needs of their dependents. Sometimes the only way this can occur is to allow the debtor to be forgiven of some debt. In most cases, this debt would never be repaid because of the debtor's financial circumstances.

In fact, in over 95 percent of bankruptcy cases, creditors receive no distributions from the filer's assets, not because these folks are able to beat the system but because in the vast majority of the cases the debtor does not have any assets left.

The sponsors of this measure—the megabanks and the credit card companies—they do not like to focus on these situations. They talk about all of the abuses. But let me just cite some evidence here. A study by the American Bankruptcy Institute found that only 3 percent of debtors who file under chapter 7—which is what we are talking about—would actually have been able to pay more of their debt than they are required to under chapter 7. Three percent does not sound, to me, like a percentage of a lot of abuse. Even the Justice Department says the abuse of claims was only between 3 and 13 percent.

But what this legislation is going to do is, it is going to channel many more debtors into chapter 13 bankruptcy, where the debtor enters a 3- to 5-year repayment plan where very little debt is forgiven. As a matter of fact, under current law, 67 percent of the debtors in chapter 13 cannot fulfill or cannot live up to their repayment plan, often because they do not get enough relief.

So what are we doing?

Why is this so punitive and why is it so one sided? Why aren't we also addressing the predatory practices of these credit companies, of these lenders? This is apparently not obvious to many of my colleagues, but with all due respect, debt involves both the borrower and the lender.

I gave examples of some egregious practices with which I will deal in my amendments. As high-cost debt, credit cards, retail charge cards, and financing plans for consumer goods have skyrocketed in recent years—and so have many bankruptcy filings; we all know that—and are pumped on our children, our neighbors, as the consumer credit card industry has begun to aggressively court the poor and vulnerable, bankruptcies have risen. There is no question about it. Credit card companies brazenly dangle literally billions of dollars of credit card offers to high debt families every year. With this legislation, we are giving them a blank check to do even more. They encourage credit card holders to make low payments toward their credit card balances, guaranteeing that a few $100 in clothing or food will take years to pay off. The lengths to which these companies go to keep their customers in debt is ridiculous.

I already gave an example, when I was talking about what happens with these car title pawn companies and these payday loan companies. It is absolutely unbelievable. People get charged anywhere from 100 percent up to 2000 percent in interest by these unscrupulous dealers. All you have to do to enter into this is to have no conscience. People are desperate. You give them a $100, $200 loan. You basically roll it over when they can't pay it. Pretty soon they have to pay 300-percent interest on an annual basis. You take title to their car. They can't pay back $100. These are poor people; they are desperate. They had to come to you for that reason. Then you repossess their car, and you keep the money beyond anything they owed you. There is no accountability.

Yet in this bankruptcy reform bill, I don't see any discussion or any kind of rules or any kind of accountability or any kind of protection for consumers when it comes to these unscrupulous practices. I am amazed this piece of legislation has been sailing through. I think the President should veto this.

I will take some time to give context to this. A March 31, 1990, edition of the Detroit Free Press reported on a woman who sent a check to her credit card company to pay her entire credit card balance of $4,000. I know the Presiding Officer would say that is the way it should be done. She had the money. She could do it. A few days later, she got a call from the company offering her a lower interest rate for 6 months if she would let the credit card company rip up her check and keep the $4,000 balance on her card. Fortunately for her, this woman made the right decision and refused this insane offer. But if credit card companies are using these tactics to keep folks in debt, do they have any right to preach about financial responsibility?

Why is this piece of legislation so one sided? Why are we not talking about their unscrupulous practices and how to also make sure they live up to some kind of standard of responsibility?

I will quote a few lines from an L.A. Times feature called the Money Savvy Weekend. It is a column about money management. I would like my colleagues to hear how the author of the piece advises credit card holders to deal with card companies.

She starts out by saying:

> Your credit card issuer is not your friend, or even your most trusted business partner, so if you've been thinking along these lines, stop now.

I say to my colleagues, if people think their credit card company is their friend now, they will know differently when this bill passes, when they see how their right to a fresh start has been eroded. This bill just gives these credit card companies everything they want, provides no protection for poor people, provides no protection for single parents, no protection for senior citizens. What in the world has happened to the Senate? What has happened to Democrats? Why are we letting this bill go by without amendments? Why aren't we standing up and taking on this piece of legislation?

Continuing on from the L.A. Times feature, the author goes on to say:

> Instead, start thinking of your credit card issuer as a slightly sleazy and overbearing salesman who controls one product you want, but who wants to trick you into buying the store. That salesman does not have your best interests at heart. . . .

Then in the same column:

> Last week, a San Francisco law firm filed a law suit against Providian Financial Corp., alleging that the firm delayed postings (of payments), hid terms of its card agreements, and made it seem like a fairly useless $12.95-per-month credit protection plan was a requirement when it wasn't. The city's prosecutors are investigating the firm.

I could go on but here is the question. I talked about payday loans. I talked about repossessing cars. When we read S. 625, it is a clear indication of who has clout in the Nation's capital. There is not one provision in this bill that holds the consumer credit industry responsible for their lending habits. There is not one provision in this bill that holds the consumer credit industry responsible for their lending habits. I have spent time on two deplorable practices on which I will have amendments. We will have votes on it next week. But there is nothing in this piece of legislation that has a word to say about any of this. With all due respect, it is not all that surprising why.

Who do you think the people are who have to rely on payday loans? Who do you think the people are who have to rely on these car pawn loans? Who do you think the people are who by and large file chapter 7? You will come up with some abusive examples, but I have given you study after study that shows there is very little abuse. Most of the people who do this are hard-pressed people, poor people. You lose your job. You don't have a family you can go to who can help you out. Your car breaks down. You have an illness. You had no health insurance in the first place. Now we have this punitive piece of legislation that targets these citizens, the most vulnerable citizens, but gives the credit card industry all they want.

I think this is a sad reflection of who gets to the table and who doesn't and whose voice is heard and whose voice is not.

Mr. LEAHY. Mr. President, if the Senator will yield for a moment without yielding his right to the floor.

Mr. WELLSTONE. I will.

Mr. LEAHY. The distinguished senior Senator from Minnesota has been one of the hardest working Members on this whole bankruptcy issue, one of the most passionate and articulate. I hate to interrupt. I wonder if he would allow me a few minutes, without losing his right to the floor, in my capacity as ranking member to say a few comments.

Mr. WELLSTONE. Mr. President, I would be pleased, if my colleague needs more time. I would like to make sure that I have the floor after the Senator speaks.

Mr. LEAHY. I ask unanimous consent that upon completion of my remarks that the floor revert to the Senator from Minnesota and his original time.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Mr. HATCH. Reserving the right to object, could I ask how much longer the distinguished Senator will hold forth?

Mr. WELLSTONE. Mr. President, I will need some additional time. I was intending to try to finish before 12:30 because that is when we go into conference. My idea would be that I would then come back with these amendments, finish up right before we vote.

Mr. HATCH. Mr. President, I ask unanimous consent that the Craig amendment be laid aside so the two amendments of the distinguished Senator from Minnesota can be put forward.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Chair warns Senators that we have to deal with the unanimous consent request the Senator from Vermont put forward.

Mr. LEAHY. I will withhold that for a moment, if the Senator from Utah wishes to make another request.

Mr. HATCH. I ask the distinguished Senator from Minnesota, has the distinguished Senator laid down his two amendments?

Mr. WELLSTONE. What I am intending to do is call up my amendments. My understanding, originally, was we were going to perhaps vote today. We are not going to vote. Therefore, I was trying to accommodate my colleagues. I said I wanted some time to talk about the context of these amendments and that I would come out here today. I would lay out my case. Then, when we come back next week and vote, I want a final hour for the two amendments. Then we would vote.

Mr. HATCH. I ask the distinguished Senator a favor, that he do his debate today on his amendments, because we are going to move to table, and then we will have at least 10 minutes equally divided for each amendment on Tuesday. We have to get rid of these amendments.

Mr. WELLSTONE. Mr. President, I say to my colleague from Utah, I would have to respectfully decline. Originally, I had not agreed to any time agreement on these amendments. I said I would not agree. Then I was told that if I would come out today, try to speak before conference, and then reserve the final hour, agree to a time agreement next week for a final hour on two amendments, I would have an hour and whatever time I need. I said I would do that. I have given up on limited time.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. I am not objecting.

The PRESIDING OFFICER. Is there objection to the request as presented by the Senator from Vermont? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I should say to all Senators, both sides of the aisle and the two leaders who have worked on this, that I am pleased we reached a reasonable unanimous consent agreement to proceed to debate and vote on the few remaining amendments of the Bankruptcy Reform Act. We worked very hard on this before we broke for the Christmas recess.

Mr. WELLSTONE. Mr. President, as long as Senator LEAHY is speaking, I ask unanimous consent, because I do want to finish up and accommodate everyone, that when we come back, I do have a final hour to speak on my two amendments on Monday or Tuesday.

Mr. HATCH. I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, we want to be able to finish next Tuesday. We want to resolve this.

Mr. LEAHY. Mr. President, I wonder if the Senator from Utah and the Senator from Minnesota and I can work together during the break and see if we can reach an area of agreement.

During the last few days of the session, the distinguished Senator from Utah and I, the distinguished Senator from Iowa, Mr. GRASSLEY, and the distinguished Senator from New Jersey, Mr. TORRICELLI, worked very hard to whittle down the numbers. The distinguished Senator from Nevada, the Assistant Democratic Leader, was his usual indefatigable self in working, cajoling, pleading, and, when all else failed, threatening to break arms to get rid of amendments. I knew we were successful when I saw so many Members going down to see the orthopedic surgeon in the Capitol physician's office after having a meeting with the Senator from Nevada.

I am also pleased to see my friend from Utah, the distinguished senior Senator, ORRIN HATCH, back on the Senate floor. The Senator is not only one of the most gifted legislators in Congress but one of the best known. More important, to me, though, he is one of the closest friends I have had in my 25 years in the Senate. He is such a good friend that while he was campaigning in Iowa, I offered to go out and either speak for or against him, whichever would help the most. Trust me, Mr. President, I have plenty of material either way on that.

I say to Chairman ORRIN HATCH, it is good to have you back here.

Mr. HATCH. I thank the Senator.

Mr. LEAHY. Mr. President, one of the reasons I am so happy to have him back is that the Senator from Utah and I, even though we bring different political philosophies to so many issues, know that on so many issues before the Judiciary Committee we have a responsibility to try to bring both sides of the aisle together and to span a wide philosophical gap among the 100 Senators. When we work together, as we have on many issues, we find that those issues pass the Senate overwhelmingly. That is why, I might say, as we start this new action in this new millennium, how much better it is, instead of having a cloture vote, that we are letting the Senate process work—something both he and I have seen for a couple of decades here work the way it should.

Last year, the Democrats entered into a unanimous consent agreement to limit our rights to offer only three nonrelevant amendments and to file relevant amendments by November 5. We entered into this agreement to work in a bipartisan manner to improve the bill. We made bipartisan progress. I don't know how many Senators realize it, but we adopted 37 amendments to the underlying bill—amendments of both Democrats and Republicans. We worked that out on a consent basis. We cleared amendments. We set up rollcall votes. In fact, from a total of 320 amendments filed by Senators on both sides of the aisle on November 5, 1999, Senator TORRICELLI and I, working with the Senator from Nevada, Mr. REID, narrowed down the remaining Democratic amendments on this bill to a handful. The remaining amendments from our list are all relevant. We are ready to debate and work on them.

I am proud to cosponsor Senator SCHUMER's amendment on debts incurred through the commission of violence to health service clinics. The amendment makes sense. Under our unanimous consent agreement, we will have an up-or-down vote on it. Under our unanimous consent agreement, Senator LEVIN from Michigan will also have an up-or-down vote on his amendment on firearm-related debts. He is willing to limit the time on his amendment to 2 hours. Senator SCHUMER will have 40 minutes on his amendment. These are reasonable time limits.

There is another important amendment by Senators SARBANES and DURBIN to clarify the credit industry reforms in the bill. Millions of credit card solicitations made to consumers have caused, in part, the rise in consumer bankruptcy filings. The credit card industry should bear more of the responsibility. So the Sarbanes-Durbin amendment improves the Truth in Lending Act by requiring more disclosure of credit information so consumers may better manage debts and avoid bankruptcy altogether.

In the last Congress, the Senate bankruptcy reform bill was fair and balanced because it included credit industry reforms. We passed that bill by 97-1 vote in 1998. The 1998 Senate-passed bill should be a model here in the year 2000.

Many Democratic Senators have offered short time agreements of a half hour or less on their amendments. The Democrats are prepared to debate and vote on these amendments. That is the way the Senate works best. I commend my colleagues for working to get this agreement. I look forward to a fair and full debate.

Mr. President, I am actually delighted to be back. It is nice for people in Washington to provide weather that looks like we have in Vermont—with one notable exception: With this little bit of snow on the ground, our government offices in Vermont would all be open.

In fact, all other offices would be open. I note that because we had a couple of calls from incredulous Vermonters who couldn't believe that the Federal Government had been closed down 2 days in a row for the kind of snow we might get in a morning. I want to assure them that the office of the senior Senator from Vermont is open. I suspect the offices of the other two Members of the Vermont delegation are open. I guess the one nice thing about it is there is no traffic going in and out. There is not much snow on the road either.

I wish all those employees who are having 2 days of vacation because of a little bit of snow have a good time. I hope they spend time with their children, read a good book, shovel their walks, and just be glad they are not living in an area where you would still go to work with an awful lot more snow.

I close again by saying it is good to see my good friend, the chairman of this committee. I look forward to starting the millennium and working well with him.

Mr. HATCH. I thank the Senator.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague from Vermont. He is a dear friend and the ranking member on the Judiciary Committee. We work well together. His comments are very deeply felt by me. When both he and Senator KENNEDY offered to come to Iowa and New Hampshire to speak against me, I think I made a big mistake by not asking them to do it. I think I would have done much better.

Mr. President, I ask unanimous consent that Senator WELLSTONE call up his two amendments today and that we reserve 1 hour between 9:30 and 10:30 next Tuesday morning for the debate on both of those amendments, including up until 12:30 today.

Mr. WELLSTONE. Mr. President, reserving the right to object—I don't think I will—I ask for an hour to make my case. It is not an hour equally divided; it is an hour that I have divided for my two amendments.

Mr. HATCH. It is my understanding that would be the time for the Senator to talk about his two amendments, and he has the rest of the time until 12:30 today. Then we will set aside his amendments after he calls them up so we can call up amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2537 AND 2538

Mr. WELLSTONE. Mr. President, I want to begin my remarks about the overall bill, but let me call up my amendments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes amendments numbered 2537 and 2538.

The amendments are as follows:

AMENDMENT NO. 2537

At appropriate place, insert the following:

SEC. . DISALLOWANCE OF CLAIMS OF CERTAIN INSURED DEPOSITORY INSTITUTIONS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(10) such claim is the claim of an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) that, as determined by the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act)—

"(A) has total aggregate assets of more than $200,000,000;

"(B) offers retail depository services to the public; and

"(C) does not offer both checking and savings accounts that have—

"(i) low fees or no fees; and

"(ii) low or no minimum balance requirements.".

AMENDMENT NO. 2538

At appropriate place, insert the following:

SEC. . DISALLOWANCE OF CERTAIN CLAIMS; PROHIBITION OF COERCIVE DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by adding at the end of the following:

"(10) such claim arises from a transaction—

"(A) that is—

"(i) a consumer credit transaction;

"(ii) a transaction, for a fee—

"(I) in which the deposit of a personal check is deferred; or

"(II) that consists of a credit and a right to a future debit to a personal deposit account; or

"(iii) a transaction secured by a motor vehicle or the title to a motor vehicle; and

"(B) in which the annual percentage rate (as determined in accordance with section 107 of the Truth in Lending Act) exceeds 100 percent.".

(b) UNFAIR DEBT COLLECTION PRACTICES.—

(1) IN GENERAL.—Section 808 of the Fair Debt Collection Practices Act (15 U.S.C. 1692f) is amended—

(A) in the first sentence, by striking "A debt collector" and inserting the following:

"(a) IN GENERAL.—A debt collector"; and

(B) by adding at the end the following:

"(b) COERCIVE DEBT COLLECTION PRACTICES.—

"(1) IN GENERAL.—It shall be unlawful for any person (including a debt collector or a creditor) who, for a fee, defers deposit of a personal check or who makes a loan in exchange for a personal check or electronic access to a personal deposit account, to—

"(A) threaten to use or use the criminal justice process to collect on the personal check or on the loan;

"(B) threaten to use or use any process to seek a civil penalty if the personal check is returned for insufficient funds; or

"(C) threaten to use or use any civil process to collect on the personal check or the loan that is not generally available to creditors to collect on loans in default.

"(2) CIVIL LIABILITY.—Any person who violates this section shall be liable to the same extent and in the same manner as a debt collector is liable under section 813 for failure to comply with a provision of this title.".

(2) CONFORMING AMENDMENT.—Section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)) is amended by striking "808(6)" and inserting "808(a)(6)".

Mr. WELLSTONE. Mr. President, there are a few of the truly onerous provisions of this bill affecting hard-pressed, working families.

Section 105—someone needs to focus on this—imposes mandatory credit counseling on debtors before they can seek bankruptcy relief, at the debtor's expense. This is regardless of whether the bankruptcy would be the result of simple overspending or something unavoidable such as a serious illness in your family and a medical expense.

Forty-four million people in our country do not have health insurance. There is no waiver of this requirement if the debtor needs to make an emergency bankruptcy filing to stave off eviction or a utility shutoff. It is amazing. I can't believe this.

Again, you have a situation—I used to do a lot of work organizing with poor people—with a family, and these people are denied. They have to go through mandatory credit card counseling before they can seek bankruptcy relief, even when it is clear it isn't because they just overspent, that it is because something happened to them that was beyond their control, such as an illness in their family. And there isn't even a waiver of this requirement when the family has to get the emergency bankruptcy filing in order to stave off an eviction or a utilities shutoff.

It is cold outside today in Washington, DC. Do you know what a utility shutoff would mean to family?

Section 311 would end the practice under current law of stopping eviction proceedings against tenants who are behind on rent who file for bankruptcy. What we are saying is if a tenant is filing for bankruptcy right now, they have at least some protection. Section 311 will basically end this protection. You can go on with the eviction proceedings.

Section 312 will make a person ineligible to file for chapter 13 bankruptcy if he or she has successfully emerged from bankruptcy within the past 5 years, even if it was a successful chapter 13 reorganization where the debtor paid off all the creditors. If they have been through it successfully before and paid off all of the creditors, and there is an emergency medical bill or whatever happened—they lost their job—they are ineligible.

This is called reform?

I started out saying before the Chair came that you have this unbelievable practice right now that I am trying to go after with one amendment—these title car pawn loans and payday loans—car title pawn loans, again, where somebody needs $100, or $200, and basically they get the loan. The unscrupulous creditor says: We give you the loan. You pay us the high interest. In addition, we want the key to your car. We have a loan on your car.

If they do not pay it back at the end of the week, or after 2 weeks, they take the car key and sell it. Whatever money they make, they can keep, even if it is above and beyond what they owe the debtor. It is unbelievable. We ought to do something about that. This is a ludicrous business. These are hard-pressed people and this is the only place they can go right now.

I talked about these payday loans. In all due respect, again, these folks who do this ought not be covered by this bankruptcy. They ought not be able to collect these payday loans. It is unbelievable. It is the same thing. You need a loan of $100 for a week or two. You are charged 15 percent interest. They roll over again and again. It can be as high as 300 or 400. There have been some cases where it has been as high as 2,000 percent interest.

We ought to say, in all due respect, if you folks want to be allowed to claim, we ought to put a limit, and if the limit is going to be at 100-percent interest, it seems to me that is pretty high—100 percent interest payments? Maybe we want to say then we prohibit the recovery of loans.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. WELLSTONE. I am sorry to say to my colleague that I have been yielding over and over again. I will try to finish by 12:30. Let me finish, and then I will yield.

Mr. President, on this piece of legislation, I started out citing that there are three or four national studies—three or four independent national studies, credible-national studies. That is a matter of fact. What is supposed to be a crisis no longer exists, and the trend is that there are going to be fewer bankruptcies.

I then went on to say there are still too many. But the irony is that the reason a lot of people have to file for bankruptcy is because we haven't done a darned thing when people do not have health insurance. We haven't done a darned thing to make sure people find a job with descent wages. We haven't done a darned thing about affordable child care. We are doing nothing about the crisis in affordable housing, including in rural areas. All of this impinges on these families, but instead we have this piece of legislation.

I then went on to argue, and I cited a number of provisions which are draconian, this piece of legislation targets low-income people. The people who are going to be most harshly treated by this are poor people, senior citizens, women, and single parents.

I then went on, and I gave many instances to say that it does nothing about the unscrupulous creditors—nothing at all. There is no accountability there. There was not a call for responsibility on their part.

I will be back next week with two amendments. I will have an hour to argue my case. I hope at least on these two amendments I can receive majority support. I have tried to take some time this morning and I will take more time next week to at least get people in the country, people who watch this debate or people who write about this debate, to understand there are a lot of punitive provisions in this piece of legislation. It hardly can be called "reform."

There are many organizations—consumer organizations, senior organizations, children's organizations, labor organizations—that have raised important questions about this. I think rather than a step forward, this is a very harsh step backward.

I am pleased to yield for a question or comment from my colleague from Alabama.

The PRESIDING OFFICER. Is the Senator aware we are under a previous order to got to recess at 12:30?

Mr. WELLSTONE. I am pleased to debate this subject with my colleague next week.

Mr. SESSIONS. I had a question about the amendment but I don't think it is necessary to pursue it today at this time.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. HUTCHISON].

BANKRUPTCY REFORM ACT OF 1999—Continued

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Madam President, I rise today in strong support of S. 625, the Bankruptcy Reform Act. This legislation is urgently needed to address abuses of our bankruptcy laws and help make sure bankruptcy is reserved for those who truly need it.

We have had Federal bankruptcy laws for 100 years, and no one disputes that some people must file for bankruptcy. Some people fall on hard times and have financial problems that dwarf their financial means. They need to have the debts that they cannot pay forgiven, and they need a fresh start.

However, other people who file for bankruptcy have assets or have the ability to repay their debts over time. These people should reorganize their debts. Bankruptcy should not be an avenue for people to avoid paying their debts when they have the ability to do so. People should pay what they can.

The problem is becoming more serious because more and more people are filing for bankruptcy every year. The number of consumer bankruptcy filings has more than quadrupled in the last 20 years. More Americans filed for bankruptcy last year than ever before.

S. 625 addresses the issue by making it easier for judges to transfer cases from Chapter 7 discharge to Chapter 13 reorganization, based on the income of the debtor and other factors. The bill permits creditors to be involved if they believe the debtor has the ability to repay. However, if a creditor abuses that power and brings such motions without substantial justification, the creditor is penalized. Also, the legislation places more responsibility on attorneys to steer individuals toward paying what they can.

The bill makes reforms without jeopardizing the truly needy. For example, the bill has special provisions to protect mothers who depend on child support by making these payments the top priority for payment in bankruptcy.

It is too easy to file for bankruptcy. It is too easy to get the slate wiped clean. We recognize that some people need a fresh start. But a fresh start should not mean a free ride. We must stop this type of abuse.

I urge my colleagues to support this important reform measure.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I ask unanimous consent to be permitted to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I thank the Chair and my colleagues.

THE BENEFITS AND POLITICS OF BIOTECHNOLOGY

Mr. BOND. Madam President, as we move into this next century, we face a great opportunity and great challenge. We need only to look backward to help contemplate the immense change and innovation that is in front of us. While positive change is to the long-term benefit of all, it typically results in short-term difficulties, anxiety, and fear for some. How we cope with those difficulties defines our vision and tests our courage. In the last century we saw the industrial age and the computer age. We experienced fits of fear regarding everything from aviation, penicillin, industrialization, computerization and most recently, the non-calamity, fortunately, known as Y2K.

Remarkably, plant technology in this half-century has helped make it possible for the U.S. farmer, who in 1940 fed 19 people, to fee 129 today.

Meanwhile, worldwide population grows and farmland shrinks, Policymakers, farmers, doctors, business leaders, scientists, and others look ahead and search for critical tools to meet the increasing demands of a growing and changing world.

Nobel prize-winning chemist Robert F. Curl of Rice University said that "it is clear that the 21st will be the century of biology."

Scientists, medical doctors, Government officials, farmers, and others have testified before the Congress and elsewhere to the benefits of this new generation of technology, which may offer the sustainable production of safer and more abundant food sources, new vaccines and medicines, as well as biodegradable plastics and cleaner energy alternatives.

Senator MACK hosted a hearing of the Joint Economic Committee in September entitled "Putting a Human Face on Biotechnology" where Tour de France winner Lance Armstrong testified about his personal experience using biotechnology and will to overcome cancer. Senators LUGAR and HARKIN held 2 days of hearings in October with a diverse number of distinguished witnesses to discuss the science and regulation of biotechnology.

Bipartisan members including Senators KERRY, DURBIN, HAGEL, CRAIG, FRIST, CONRAD, LUGAR, GORTON, GRASSLEY, ASHCROFT, ROBB, BURNS, GRAMS, GORDON SMITH, BAUCUS, HELMS, HUTCHISON, ROBERTS, BAYH, BROWNBACK, CRAPO, and COVERDELL have joined me in expressing to the President our bipartisan commitment to biotechnology.

We urge the administration and the State Department to be firm in their negotiations in Montreal, to say that the phyto sanitary agreements are adequate in all we need to regulate biotechnology.

As chairman of the Senate Appropriations Subcommittee which funds public research activities at the National Science Foundation, I have worked with my partner, Senator MIKULSKI, to win congressional approval of $150 million in the last 3 years for the Plant Genome Initiative at the National Science Foundation to study the structure, organization, and function of genomes of significant plants important to improving human health and the environment.

Recently, I received a letter signed by over 500 scientists revealing the exceptionally strong scientific consensus endorsing biotechnology. These are public- and private-sector scientists, the majority of whom are from academic institutions representing nearly every State, a number of foreign countries, the National Academy of Sciences, private foundations, Federal research agencies, and our National Labs. Here is some of what they told me about biotechnology:

> The ultimate beneficiaries of technological innovation have always been consumers, both in the United States and abroad. In developing countries, biotechnological advances will provide means to overcome vitamin deficiencies, to supply vaccines for killer diseases like cholera and malaria, to increase production and protect fragile natural resources, and to grow crops under normally unfavorable conditions.

They continued:

> We recognize that no technology is without risks. At the same time, we have confidence in the current U.S. regulatory system provided by the USDA, EPA, and FDA. The U.S. system has worked well and continues to evolve as scientific advancements are achieved.

They strongly endorse the U.S. regulatory multiagency approval system, which they say works well.

The American Medical Association is supportive also. In policy H-480.985, "Biotechnology and the American Agricultural Industry" they say the following:

> It is the policy of the AMA to (1) endorse or implement programs that will convince the public and government officials that genetic manipulation is not inherently hazardous and that the health and economic benefits of recombinant DNA technology greatly exceed any risk posed to society; (2) where necessary, urge Congress and federal regulatory agencies to develop appropriate guidelines which will not impede the progress of agricultural biotechnology, yet will ensure that adequate safety precautions are enforced; (3) encourage and assist state medical societies to coordinate programs which will educate physicians in recombinant DNA technology as it applies to public health, such that the physician may respond to patient query and concern; (4) encourage physicians, through their state medical societies, to be public spokespersons for those agricultural biotechnologies that will benefit public health; and (5) actively participate in the development of national programs to educate the public about the benefits of agricultural biotechnology.

Remarkably, however, we find ourselves at a crossroads as a strange mixture of forces endeavor not to ensure that biotechnology is safe—which is and should be our collective purpose—but to discredit and eliminate biotechnology. Opposition has been motivated variously by protectionist sentiment, by political intimidation, by competing business, and by scientifically unsubstantiated fear of technology. Activists and protectionists in Europe have conspired with a level of success that is stunning. Their goal is to stroke fear and use intimidation to frustrate and undermine biotechnology.

Just this week, it was reported by the Detroit News that:

> A visiting Michigan State University associate professor whose office was the target of a fire set by radical environmentalists on New Year's Eve said Sunday that she heads a project aimed at increasing food production and making food more nutritious.

The purpose of her work was to ensure that we use agricultural knowledge and tools to address those problems.

Catherine Ives, director of the Agricultural Biotechnology for Sustainable Productivity, which is based at Michigan State University, said, "The whole point of the project is to make land more productive so we don't have to damage the environment." The paper reported, "The goal of the project is to develop long-term solutions for food security in the developing world, where undernourishment is an epidemic." "We know that there are 840 million people in the world who don't have enough to eat," Ives said. "The use of agricultural knowledge and tools will help in addressing that problem."

Dr. Martina McGlaughlin, Director of Biotechnology at the University of California at Davis, in a November 1, 1999, column in the Los Angeles Times reinforced the dilemma of population growth coupled with the finite quantity of arable land:

> [u]nless we will accept starvation or placing parks and the Amazon Basin under the plow, there really is no alternative to applying biotechnology to agriculture.

Dr. McGlaughlin continued:

> The most cost-effective and environmentally sound general method for controlling pests and disease is the use of DNA.
>
> This approach has led to a reduction in the use of sprayed chemical insecticides. According to the National Agricultural Statistics Service, 2 million fewer pounds of insecticide were used in 1998 to control bollworm than were used in 1995, before "Bt" cotton was introduced. And the Bt gene—introduced into the crop plant, not sprayed into the atmosphere—is present in minute amounts and spares beneficial insects.

She concluded:

> Millions of people have eaten the products of genetic engineering and no adverse effects have been demonstrated. The proper balance of safety testing between companies and the government is a legitimate area for further debate. So are environmental safeguards. But the purpose of such debate should be to improve biotech research and enhance its benefits to society, not stop it in its tracks.

It should be mentioned that her students at Cal Davis were also victimized by law-breakers who vandalized their research testing plots. Clearly, if the radicals were as interested in understanding as they are in intimidation, eliminating research is the last thing they would consider.

In an Op-Ed in the New York Times entitled "Who's Afraid of Genetic Engineers?" former President Jimmy Carter outlined the sad irony. He said:

> Imagine a country placing such rigid restrictions on imports that people would not get vaccines and insulin. And imagine those same restrictions being placed on food products as well as on laundry detergent and paper. As far-fetched as it sounds, many developing countries and some industrialized ones may do just that.

He concluded:

> If imports . . . are regulated unnecessarily, the real losers will be the developing nations. Instead of reaping the benefits of decades of discovery and research, people from Africa and Southeast Asia will remain prisoners of outdated technology. Their countries could suffer greatly for years to come. It is crucial that they reject the propaganda of extremists groups before it is too late.

Renowned scientists have dedicated their lives to understanding biotechnology and using it to the benefit of mankind to solve problems of hunger, disease and environmental degradation.

These problems are considerable now, but will grow in magnitudes in the years ahead. In the tabloid press, however, a teenager dressed up as a corn cob will get as much attention and is attributed the same credibility as leading scientists, whose work is subjected to rigorous peer review.

We need to be clear about several issues. First, our Government and its citizens are second to none in our collective commitment to food safety. We have a rigorous multi-agency approval process that has stood the test of time since 1938. It is based not on politics but on scientific consensus. It is supported by bipartisan Members of each body who have the strongest commitment to food safety and environmental protection. None of us are advocates for unfettered technology. As with any technology, there are limits that will be and must be subjected to law, not to mention common sense.

Second, we need to realize that there are strong elements in the European Union who are more than happy to exploit fears—fears that they helped create—to provide short-term protection to their farmers from imports. In a sentence, fear and hysteria, without scientific basis, is being used by some to limit the productivity of foreign farmers—period. Meanwhile, opportunistic food companies such as ADM and Novartis are knowingly undermining our scientists and trade negotiators to placate the Luddites and protectionists.

Finally, let me emphasize this critical point. The issue of risk is not one-dimensional. Yes, we must understand and evaluate the relative risk to a Monarch Butterfly larvae. Additional research has answered already many of those questions. But there is another risk. That risk is that naysayers and the protectionists succeed in their goals to kill biotechnology and condemn the world's children to unnecessary blindness, malnutrition, sickness and environmental degradation.

Dr. C.S. Prakash directs the Center for Plant Biotechnology Research at Tuskegee University in Tuskegee, Ala, said the following in a column for the Atlanta Journal-Constitution:

> Anti-technology activists accuse corporations of "playing God" by genetically improving crops, but it is these so-called environmentalists who are really playing God, not with genes but with the lives of poor and hungry people.
>
> While activist organizations spend hundreds of thousands of dollars to promote fear through anti-science newspaper ads, 1.3 billion people, who live on less than $1 a day, care only about findings their next day's meal. Biotechnology is one of the best hopes for solving their food needs today, when we have 6 billion people, and certainly in the next 30 to 50 years, when there will be 9 billion on the globe.
>
> Those people, who battle weather, pests and plant disease to try to raise enough for their families, can benefit tremendously from biotechnology, and not just from products created by big corporations. Public-sector institutions are conducting work on high-yield rice, virus-resistant sweet potato and more healthful strains for cassava, crops that are staples in developing countries.
>
> The development of local and regional agriculture is the key to addressing both hunger and low income. Genetically improved food is "scale neutral," in that a poor rice farmer with one acre in Bangladesh can benefit as much as a larger farmer in California. And he doesn't have to learn a sophisticated new system; he only has to plant a seed. New rice strains being developed through biotechnology can increase yields by 30 to 40 percent. Another rice strain has the potential to prevent blindness in millions of children whose diets are deficient in Vitamin A.
>
> Edible vaccines, delivered in locally grown crops, could do more to eliminate disease than the Red Cross, missionaries and U.N. task forces combined, at a fraction of the cost. But none of these benefits will be realized if Western-generated fears about biotechnology halt research funding and close borders to exported products.
>
> For the well-fed to spreadhead fear-based campaigns and suppress research for ideological and pseudo-science reasons is irresponsible and immoral.

Dr. Prakash just released a petition signed by more than 600 scientists declaring support of agricultural biotechnology. In his press release he noted, "We in the scientific community felt it necessary to counteract the baseless attacks so often being made on biotechnology and genetically modified foods. Biotechnology is a potent and valuable tool that can help make foods more productive and nutritious. And, contrary to anti-biotech activists, they can even advance environmental goals such as biodiversity."

Not content to live with their own brand of ludditism, European activists have shifted the battleground and they are now looking to export—not answers or solutions or constructive proposals—but fear, hysteria and unworkable restrictions to Asia, South America and even the United States. Many have stayed out of this debate thinking the controversy will blow over as it does with most regulated technologies. Many, particularly those who understand the science of the issue, had been silent, thinking, possibly that people would understand and that the technology would sell itself.

I have said from the beginning that we could not take it for granted that people would embrace the technology because it is complex. I have said from the beginning that American consumers would want information. Consumers who know the facts—who know the benefits this technology will provide—will endorse it. American consumers demand food safety, but they also embrace technology and progress. They are not satisfied to say what we are doing is good enough. And finally, they want to base their decisions on science not fiction and it is the open discussion of facts that the vandals, the protectionists, and the luddites fear the most.

President Clinton outlined what is at stake last week in proclaiming January 2000 as National Biotechnology Month:

> Today, a third of all new medicines in development are based on biotechnology. Designed to attack the underlying cause of an illness, not just its symptoms, these medicines have tremendous potential to provide not only more effective treatments, but also cures. With improved understanding of cellular and genetic processes, scientists have opened exciting new avenues of research into treatments for devastating diseases—like Parkinson's and Alzheimer's, diabetes, heart disease, AIDS, and cancer—that affect millions of Americans. Biotechnology has also given us several new vaccines, including one for rotavirus, now being tested clinically, that could eradicate an illness responsible for the deaths of more than 800,000 infants and children each year.
>
> The impact of biotechnology is far-reaching. Bio-remediation technologies are cleaning our environment by removing toxic substances from contaminated soils and ground water. Agricultural biotechnology reduces our dependence on pesticides. Manufacturing processes based on biotechnology make it possible to produce paper and chemicals with less energy, less pollution, and less waste. Forensic technologies based on our growing knowledge of DNA help us exonerate the innocent and bring criminals to justice.

A question is whether we want to continue with a fixed number of agricultural uses or if we want to expand them to provide farmers and consumers new options and new opportunities. A question for some is whether we want to be more pro-environment and pro-health and nutrition than we are anti-corporate.

Like many of my colleagues here in the Senate, I have consulted scores of scientists in the academic world, in the public sector and in the private sector. I have consulted medical professionals, and farmers for their practical experience regarding biotechnology. But let me finish by reading you a quote from a December 25, 1999, interview in "New Scientist" and you consider for yourself who might be the source:

> I believe we are entering an era now where pagan beliefs and junk science are influencing public policy. GM foods and forestry are both good examples where policy is being influenced by arguments that have no basis in fact or logic.

The source is not a corporate leader, a Senator, or a university scientist. It is an ecologist with a Ph.D.

That ecologist is Patrick Moore, one of the founding members of Greenpeace and a veteran of the frontline against everything from whaling to nuclear waste since the 1970s.

The scientific consensus amongst government and academic scientists in the U.S. is extraordinary. The scientific community in Europe, some of whom I have met with agree, but have been intimidated and silenced. Please give the scientific and medical communities the opportunity to speak to these complex issues before you are swayed by the tabloids in Europe, those who may have their head burried in the flat earth, and the vandals and extremists who have been condemned even by some of their very own.

We have a system in the U.S. to identify and evaluate relative risk, and, if necessary, mitigate those risks. The focus of international leaders should be on working constructively to identify and evaluate relative risk so that our people may have safely the options of biotechnology available to them. The development of this technology is not recreational. It is to solve real world problems and the possibilities are truly breathtaking. There is too much at stake for those who know better to remain passive.

In 1921, Missouri's renowned plant scientist, George Washington Carver said: "I wanted to know the name of every stone and flower and insect and bird and beast. I wanted to know where it got its color, where it got its life—but there was no one to tell me." He added that: "No individual has any right to come into the world and go out of it without leaving behind him distinct and legitimate reasons for having passed through it." This issue will be a test of our collective vision, discipline, and courage.

Madam President, I thank the Chair and my colleagues. I ask unanimous consent to print in the RECORD materials from President Clinton, President Carter, Drs. Prakash and McGlaughlin, New Scientist, and the 500 scientists' letter.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the White House, Office of the Press Secretary, Jan. 20, 2000]

NATIONAL BIOTECHNOLOGY MONTH, 2000

(By the President of the United States of America—A Proclamation)

As we stand at the dawn of a new century, we recognize the enormous potential that biotechnology holds for improving the quality of life here in the United States and around the world. These technologies, which draw on our understanding of the life sciences to develop products and solve problems, are progressing at an exponential rate and promise to make unprecedented contributions to public health and safety, a cleaner environment, and prosperity.

Today, a third of all new medicines in development are based on biotechnology. Designed to attack the underlying cause of an illness, not just its symptoms, these medicines have tremendous potential to provide not only more effective treatments, but also cures. With improved understanding of cellular and genetic processes, scientists have opened exciting new avenues of research into treatment for devastating diseases—like Parkinson's and Alzheimer's, diabetes, heart disease, AIDS, and cancer—that affect millions of Americans. Biotechnology has also given us several new vaccines, including one for rotavirus, now being tested clinically, that could eradicate an illness responsible for the deaths of more than 800,000 infants and children each year.

The impact of biotechnology is far-reaching. Bioremediation technologies are cleaning our environment by removing toxic substances from contaminated soils and ground water. Agricultural biotechnology reduces our dependence on pesticides. Manufacturing processes based on biotechnology make it possible to produce paper and chemical with less energy, less pollution, and less waste. Forensic technologies based on our growing knowledge of DNA help us exonerate the innocent and bring criminals to justice.

The biotechnology industry is also improving lives through its substantial economic impact. Biotechnology has stimulated the creation and growth of small businesses, generated new jobs, and encouraged agricultural and industrial innovation. The industry currently employs more than 150,000 people and invests nearly $10 billion a year on research and development.

Recognizing the extraordinary promise and benefits of this enterprise, my Administration has pursued policies to foster biotechnology innovations as expeditiously and prudently as possible. We have supported steady increases in funding for basic scientific research at the National Institutes of Health and other science agencies; accelerated the process for approving new medicines to make them available as quickly and safely as possible; encouraged private-sector research investment and small business development through tax incentives and the Small Business Innovation Research program; promoted intellectual property protection and open international markets for biotechnology inventions and products; and developed public databases that enable scientists to coordinate their efforts in an enterprise that has become one of the world's finest examples of partnership among university-based researchers, government, and private industry.

Remarkable as its achievements have been, the biotechnology enterprise is still in its infancy. We will reap even greater benefits as long as we sustain the intellectual partnership and public confidence that have moved biotechnology forward thus far. We must strengthen our efforts to improve science education for all Americans and preserve and promote the freedom of scientific inquiry. We must protect patients from the misuse or abuse of sensitive medical information and provide Federal regulatory agencies with sufficient resources to maintain sound, science-based review and regulation of biotechnology products. And we must strive to ensure that science-based regulatory program worldwide promote public safety, earn public confidence, and guarantee fair and open international markets.

Now, therefore, I, William J. Clinton, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 2000 as National Biotechnology Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

In witness whereof, I have hereunto set my hand this nineteenth day of January, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

[From the New York Times, Aug. 26, 1998]

WHO'S AFRAID OF GENETIC ENGINEERING?

(By Jimmy Carter)

Imagine a country placing such rigid restrictions on imports that people could not get vaccines and insulin. And imagine those same restrictions being placed on food products as well as on laundry detergent and paper.

As far-fetched as it sounds, many developing countries and some industrialized ones may do just that early next year. They are being misled into thinking that genetically modified organisms, everything from seeds to livestock, and products made from them are potential threats to the public health and the environment.

The new import proposals are being drafted under the auspices of the biodiversity treaty, an agreement signed by 168 nations at the 1992 Earth Summit in Rio de Janeiro. The treaty's main goal is to protect plants and animals from extinction.

In 1996, nations ratifying the treaty asked an ad hoc team to determine whether genetically modified organisms could threaten biodiversity. Under pressure from environmentalists, and with no supporting data, the team decided that any such organism could potentially eliminate native plants and animals.

The team, whose members mainly come from environmental agencies in more than 100 different governments, should complete its work within six months and present its final recommendation to all the nations (the United States is not among them) that ratified the treaty. If approved, these regulations would be included in a binding international agreement early next year.

But the team has exceeded its mandate. Instead of limiting the agreement to genetic modifications that might threaten biodiversity, the members are also pushing to regulate shipments of all genetically modified organisms and the products made from them.

This means that grain, fresh produce, vaccines, medicines, breakfast cereals, wine, vitamins—the list is endless—would require written approval by the importing nation before they could leave the dock. This approval could take months. Meanwhile, barge costs would mount and vaccines and food would spoil.

How could regulations intended to protect species and conserve their genes have gotten so far off track? The main cause is anti-biotechnology environmental groups that exaggerate the risks of genetically modified organisms and ignore their benefits.

Anti-biotechnology activists argue that genetic engineering is so new that its effects on the environment can't be predicted. This is misleading. In fact, for hundreds of years virtually all food has been improved genetically by plant breeders. Genetically altered antibiotics, vaccines and vitamins have improved our health, while enzyme-containing detergents and oil-eating bacteria have helped to protect the environment.

In the past 40 years, farmers worldwide have genetically modified crops to be more nutritious as well as resistant to insects, diseases and herbicides. Scientific techniques developed in the 1980's and commonly referred to as genetic engineering allow us to give plants additional useful genes. Genetically engineered cotton, corn and soybean seeds became available in the United States in 1996, including those planted on my family farm. This growing season, more than one-third of American soybeans and one-fourth of our corn will be genetically modified. The number of acres devoted to genetically engineered crops in Argentina, Canada, Mexico and Australia increased tenfold from 1996 to 1997.

The risks of modern genetic engineering have been studied by technical experts at the National Academy of Sciences and World Bank. They concluded that we can predict the environmental effects by reviewing past experiences with those plants and animals produced through selective breeding. None of these products of selective breeding have harmed either the environment or biodiversity.

And their benefits are legion. By increasing crop yields, genetically modified organisms reduce the constant need to clear more land for growing food. Seeds designed to resist drought and pests are especially useful in tropical countries, where crop losses are often severe. Already, scientists in industrialized nations are working with individuals by developing countries to increase yields of staple crops, to improve the quality of current exports and to diversify economies by creating exports like genetically improved palm oil, which may someday replace gasoline.

Other genetically modified organisms covered by the proposed regulations are essential research tools in medical, agricultural and environmental science.

If imports like these are regulated unnecessarily, the real losers will be the developing nations. Instead of reaping the benefits of decades of discovery and research, people from Africa and Southeast Asia will remain prisoners of outdated technology. Their countries could suffer greatly for years to come. It is crucial that they reject the propaganda of extremist groups before it is too late.

[From the Atlanta Journal-Constitution,
Dec. 5, 1999]

GENETIC RESEARCH: FOES OF BIOTECHNOLOGY IGNORE GLOBAL HUNGER

(By C.S. Prakash)

Anti-technology activists accuse corporations of "playing God" by genetically improving crops, but it is these so-called environmentalists who are really playing God, not with genes but with the lives of poor and hungry people.

While activist organizations spend hundreds of thousands of dollars to promote fear through anti-science newspaper ads, 1.3 billion people, who live on less than $1 a day, care only about finding their next day's meal. Biotechnology is one of the best hopes for solving their food needs today, when we have 6 billion people, and certainly in the next 30 to 50 years, when there will be 9 billion on the globe.

Those people, who battle weather, pests and plant disease to try to raise enough for their families, can benefit tremendously from biotechnology, and not just from products created by big corporations. Public-sector institutions are conducting work on high-yield rice, virus-resistant sweet potato and more healthful strains of cassava, crops that are staples in developing countries.

But none of these benefits will be realized if Western-generated fears about biotechnology halt research funding and close borders to exported products. Public perception is being manipulated by fringe groups opposed to progress and taken advantage of by politicians favoring trade protectionism.

There is no safety reason for this. Foods produced through biotechnology are just as safe, if not safer, than conventionally produced foods because they are rigorously tested. David Aaron of the U.S. Commerce Department recently told the Senate Finance Committee that "13 years of U.S. experience with biotech products have produced no evidence of food safety risks; not one rash, not one cough, not one sore throat, not one headache."

More recently, a panel of entomology experts has questioned the only seemingly legitimate environmental issue raised to date—the alleged threat to Monarch butterflies.

Yet activists continue to look for a new cause, a new evil in this technology. While these well-fed folks jet around the world plotting ways to disrupt the technology, they cannot or will not see the conditions of millions who are at grave risk of starvation. Activists resist development of longer-lasting fruits and vegetables, at the expense of Third World people who have no refrigeration to preserve their foods.

Critics of biotechnology invoke the trite argument that the shortage of food is caused by unequal distribution. There's plenty of food, they declare, we just need to distribute it evenly. That's like saying there is plenty of money in the world so let's just solve the problem of poverty in Ethiopia by redistributing the wealth of Switzerland (or maybe the United Kingdom, where the heir to the throne is particularly opposed to companies "playing God" with biotechnology).

The development of local and regional agriculture is the key to addressing both hunger and low income. Genetically improved food is "scale neutral," in that a poor rice farmer with one acre in Bangladesh can benefit as much as a large farmer in California. And he doesn't have to learn a sophisticated new system; he only has to plant a seed. New rice strains being developed through biotechnology can increase yields by 30 to 40 percent. Another rice strain has the potential to prevent blindness in millions of children whose diets are deficient in Vitamin A.

Edible vaccines, delivered in locally grown crops, could do more to eliminate disease than the Red Cross, missionaries and U.N. task forces combined, at a fraction of the cost.

These are some of the benefits that the Church of England saw when church leaders recently issued a position statement on "playing God" through biotechnology: "Human discovery and invention can be thought of as resulting from the exercise of God-given powers of mind and reason; in this respect, genetic engineering does not seem very different from other forms of scientific advance."

More recently, the Vatican director on bioethics, Bishop Elio Sgreccia, criticized the "catastrophic sensationalism with which the press reports on biotechnology" and he rejected the "idea of conceiving scientific progress as something that should be feared."

So, if scientists who are developing biotechnology are not "playing God" in the eyes of these religious leaders, what are we to think of self-appointed guardians who would deny its benefits to those who need it most? We have the means to end hunger on this planet and to feed the world's 6 billion—or even 9 billion—people. For the well-fed to spearhead fear-based campaigns and suppress research for ideological and pseudo-science reasons is irresponsible and immoral.

[From the Los Angeles Times, Nov. 1, 1999]

(By Martina McGloughlin)

COMMENTARY; WITHOUT BIOTECHNOLOGY, WE'LL STARVE; AGRICULTURE: GENETIC ENGINEERING IS SUBJECT TO MORE SAFEGUARDS THAN MANY UNALTERED FOODS WE EAT

I agree with Greenpeace that we need to feed and clothe the world's people while minimizing the impact of agriculture on the environment. But the human population continues to grow, while arable land is a finite quantity. So unless we will accept starvation or placing parks and the Amazon Basin under the plow, there really is no alternative to applying biotechnology to agriculture.

Today's biotechnology differs significantly from previous agriculture technologies. Using genetic engineering, scientists can enhance the nutritional content, vitamins, minerals, antioxidants, texture, color, flavor, growing season, yield, disease resistance and other properties of production crops. Engineered microbes and enzymes produced using recombinant DNA methods are used in many aspects of food production. The cheese and bread you eat and the detergent you use to clean your clothes all have used engineered enzymes since the early part of this decade.

By reducing dependency on chemicals and tillage through the development of natural fertilizers and of pest-resistant plants, biotechnology has the potential to conserve natural resources, prevent soil erosion and improve environmental quality. Strains of microorganisms could increase the efficiency, capacity and variety of waste treatment. Bioprocessing using engineered microbes offers new ways to use renewable resources for materials and fuel.

Biotechnology is, in fact, the low-risk alternative to current practices. Take pest control. The economic and environmental costs of using existing methods are well known. But many of us are not aware of the potential costs of not controlling pests. Not controlling fungal disease in plants, for example, allows them to generate deadly toxins such as aflatoxin and fumonisin, which have been found, among other things, to cause brain tumors in horses and liver cancer in children.

The most cost-effective and environmentally sound general method for controlling pests and disease is the use of DNA. This approach already has led to a reduction in the use of sprayed chemical insecticides. According to the National Agricultural Statistics Service, 2 million fewer pounds of insecticide were used in 1998 to control bollworm and budworm than were used in 1995, before "Bt" cotton was introduced. And the Bt gene—introduced into the crop plant, not sprayed into the atmosphere—is present in minute amounts and spares beneficial insects.

There is no evidence that recombinant DNA techniques or rDNA-modified organisms pose any unique or unforeseen environmental or health hazards. In fact, a National Research Council study found that "as the molecular methods are more specific, users of these methods will be more certain about the traits they introduce into plants." Greater certainty means greater precision and safety. The subtly altered products on our plates have been put through more thorough testing than any conventional food ever has been subjected to. Many of our daily staples would be banned if subjected to the same rigorous standards. Potatoes and tomatoes contain toxic glycoalkaloids, which have been linked to spina bifida. Kidney beans contain phytohaemagglutinin and are poisonous if undercooked. Dozens of people die each year from cynaogenic glycosides from peach seeds. Yet none of those are labled as potentially dangerous.

Million of people have eaten the products of genetic engineering and no adverse effects have been demonstrated. The proper balance of safety testing between companies and the government is a legitimate area for further debate. So are environmental safeguards. But the purpose of such debate should be to improve biotech research and enhance its benefits to society, not stop it in its tracks.

[From the New Scientist, Dec. 25, 1999]

Dr Truth

(By Michael Bond)

You come from a family of loggers. How did they take to you becoming an environmentalist?

My dad was one of our biggest supporters when we started Greenpeace in the early 1970s. With the US nuclear tests in Alaska there was a possibility that the hydrogen bombs would trigger an earthquake that would, in turn, trigger a tsunami. A very serious one during the Alaska earthquake of 1964 severely affected by father's business. Environmentalism then did not involve bashing loggers. We were concerned about all-out nuclear war and it blows my mind sometimes to see the movement behaving the same way about forestry that it did about nuclear war. I think they've got their priorities a bit mixed up.

What were those early days of Greenpeace like?

They were heady—there was huge camaraderie. We used to sing all the time. We always had a couple of people with a guitar. We were together for weeks on end on many of those expeditions into the Pacific and out to Newfoundland. We always had songs, such as: "If mankind was created a step below the angels, the whales I'm sure were somewhere in between." They were wonderful songs. We really had a wonderful time. We always thought that a revolution should be a celebration. We tried to avoid the hair-shirt mentality that tends to creep in with self-righteousness, dogmatism and that sort of thing.

As an ecologist with a PhD in the subject, were you a rare breed in the organization?

I was somewhat rare and had to live with the fact throughout my time in Greenpeace that there was a lot of disrespect for my science. That is why they called me Dr Truth. It was kind of a put-down.

As Greenpeace became bigger, richer and more famous did its priorities or principles change?

The best thing is that Greenpeace has remained faithful to the peaceful civil disobedience theme. In other words, the "peace" in Greenpeace is still the main principle. I think that's excellent. I do think though that they have diversified into so many issues, many of which are questionable in terms of priorities and some of which are just plain wrong-headed. A case in point is GM foods. If they are really so worried about human health, why don't they tackle tobacco?

Few scientists become radical environmental activists. What lit the spark with you?

It was partly my professors. The most important was Vladimir Krajina, a Czech forest ecologist. I used to think that science was just about technology. But after studying with Krajina, the light suddenly went on and I realized that the mystery of nature could be approached through science and ecology. The political part came while I was writing my thesis on pollution control in 1972. A very large copper-mining project was applying to dump its tailings into the sea. It was very close to my boyhood home at Winter Harbour in Vancouver Island, Canada. I chose to study not just the environmental impact of the tailings disposal, but the system that granted permits for the process. I soon learned that this was immune to truth.

Why after 15 years of activism did you start to become disenchanted with the environmental movement?

Partly it was the fact that foot soldiers often become diplomats. I don't think anybody should be required to be in confrontational environmental politics for their whole lives, especially when they start a family. But it was partly the movement's refusal to evolve. I'm in favour of civil disobedience in order to bring about justice where something really bad is going on such as nuclear testing or toxic dumping. But I'm a Gandhian through and through—I believe that peaceful civil disobedience and passive resistance movements are great shapers of social change. But when industry and government agree that the environment needs to be taken into account in policy making, and when there are ministries and vice-presidents of the environment, it seems to me it would be a good idea to work with them. When a majority of people decide to agree with you, it is time to stop hitting them over the head.

How has the environmental movement got it so wrong?

The environmental movement abandoned science and logic somewhere in the mid-1980s, just as mainstream society was adopting all the more reasonable items on the environmental agenda. This was because many environmentalists couldn't make the transition from confrontation to consensus, and could not get out of adversarial politics. This particularly applies to political activists who were using environmental rhetoric to cover up agendas that had more to do with class warfare and anti-corporatism than they did with the actual science of the environment. To stay in an adversarial role, those people had to adopt ever more extreme positions because all the reasonable ones were being accepted.

But hasn't environmentalism always been about opposing the establishment?

Environmentalism was always anti-establishment, but in the early days of Greenpeace we did not characterize ourselves as left wing. That happened after the fall of the Berlin wall when a whole bunch of left wing activists, who no longer had any role in the peace, women's or labour movements, joined us. I would go to the Greenpeace Toronto office and there would be an awful lot of young people wearing army fatigues and red berets in there.

Environmentalists recoil with horror when they hear you say that harvesting trees for paper or fuel benefits plants and wildlife. What's your evidence?

The environmental movement is essentially anti-forestry. Young people are being convinced to stop using trees to make paper and use environmentally appropriate alternative fibres, such as hemp and cotton. Now where are you going to grow those exotic farm crops? You are going to grow them where you have been growing trees for 20 years, where an environment exists for bugs, birds, squirrels and other wildlife. That environment will be destroyed if you clear a forest to grow a farm crop.

Does this mean that even clear-cutting is not as damaging as we've been led to believe?

Forests are resilient. They can grow back from total volcanic destruction, ice ages, fires, storms, whatever. You can take heavy equipment and bulldoze the soil right down to bedrock over a huge area, and if you go away and come back 100 years later you will have a new forest starting to grow back. Just logging the trees is not going to irreversibly destroy the ecosystem. In addition, I believe it is possible to sustain the biodiversity of a forest while removing large quantities of timber.

Surely you're not saying that logging has no impact on biodiversity?

Logging is never going to have zero impact. But its aim should be to maintain viable populations of all those species that were on that site to begin with. So you plan your forestry in such a way to ensure that there is a suitable habitat for every one of those species somewhere all of the time. For example, when you clear-cut an area, you are going to remove a lot of the shrubs, with means that shrub-nesting birds not do well there for a while. But as long as you have a place that was logged ten years ago somewhere hereby where the shrub layer has been able to replace itself, the birds will not mind if there are no trees.

Green groups ware that logging is threatening some animals with extinction. Are you telling me they're wrong?

In 1996 the World Wide Fund for Nature (WWF) announced that 50,000 species are going extinct each year due to human activity. And the main cause, they said, is commercial logging. The story was carried around the world, and hundreds of millions of people came to believe that forestry is the main cause of species extinction. During the past three years I've asked the WWF on many occasions to provide me with a list of some of the species that have supposedly become extinct due to logging. They have not offered up a single example as evidence. In fact, to the best of our scientific knowledge, no species has become extinct in North America due to forestry.

You may disagree with the green groups, but would you still describe yourself as an environmentalist?

James Lovelock is my hero and I believe in the Gaia hypothesis that all life is one living breathing being, I don't see any reason to damage it more than necessary. I believe in gardening the Earth, but there should be lots of places left wild. The "hands off" attitude doesn't work with 6 billion humans needing things from Earth every day.

Why do you oppose the campaign against genetically modified crops?

I believe we are entering an era now where pagan beliefs and junk science are influencing public policy. GM foods and forestry are both good examples where policy is being influenced by arguments that have no basis in fact or logic. Certainly, biotechnology needs to be done very carefully. But GM crops are in the same category as oestrogen-mimicking compounds and pesticide residues. They are seen as an invisible force that will kill us all in our sleep or turn us all into mutants. It is preying on people's fear of the unknown.

What does the future hold for the environmental movement?

We need to get out of the adversarial approach. People who base their opinion on science and reason and who are politically centrist need to take the movement back from the extremists who have hijacked it, often to further agendas that have nothing to do with ecology. It is important to remember that the environmental movement is only 30 years old. All movements to go through some mucky periods. But environmentalism has become codified to such an extent that if you disagree with a single word, then you are apparently not an environmentalist. Rational discord is being discouraged. It has too many of the hallmarks of the Hitler youth, or the religious right.

Crops modified by molecular and cellular methods should pose risks no different from those modified by classical genetic methods for similar traits. As the molecular methods are more specific, users of these methods will be more certain about the traits they introduce into plants.—National Research Council.

America leads the world in agricultural products developed with biotechnology. These products hold great promise and will unlock benefits for consumers, producers and the environment at home and around the world. We are committed to ensuring the safety of our food and environment through strong and transparent science-based domestic regulatory systems.—President William J. Clinton, statement on World Trade Organization objectives October 13, 1999.

January 13, 2000.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: The undersigned scientists support the use of biotechnology as a research tool in the development and production of agricultural and food products. We also strongly advocate the use of sound science as the basis for regulatory and political decisions pertaining to biotechnology.

Biotechnology for agriculture and the food industry is offering remarkable innovations—providing new tools for growth and development. Biotechnology has a long history of development. Its early applications produced better quality medicines and improved industrial products. Recently, products have been developed that allow farmers to reduce their input costs and increase yields while providing environmental benefits. In the near future, an ever-increasing number and variety of crops with traits beneficial to consumers will reach the market. Such traits will include improved nutritional values, healthier oils, increased vitamin content, better flavor, and longer shelf life.

The ultimate beneficiaries of technological innovation have always been consumers, both in the United States and aboard. In developing countries, biotechnological advances will provide means to overcome vitamin deficiencies, to supply vaccines for killer diseases like cholera and malaria, to increase production and protect fragile natural resources, and to grow crops under normally unfavorable conditions.

We recognize that no technology is without risks. At the same time, we have confidence in the current U.S. regulatory system provided by the USDA, EPA, and FDA. The U.S. system has worked well and continues to evolve as scientific advancements are achieved.

Considering the tremendous potential of this technology, we urge policy makers to base their decisions on sound scientific evidence.

BANKRUPTCY REFORM ACT OF 1999—Continued

AMENDMENTS NOS. 2651 AND 2517, AS MODIFIED

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I would like to clear some amendments. Senator LEAHY is ready to do this. I ask unanimous consent that amendments Nos. 2651 and 2517, both of which have been modified, be adopted en bloc in their modified form and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, I have no objection. I note that this makes 39 amendments the distinguished chairman and those of us on this side have been able to clear.

Mr. GRASSLEY. Yes. We now only have 9 amendments remaining from the 200 or 300 we started with back in late October. That is quite an accomplishment, and I thank the Senator for his cooperation.

The PRESIDING OFFICER. The amendments are agreed to.

The amendments (Nos. 2651 and 2517), as modified, were agreed to, as follows:

AMENDMENT NO. 2651

At the appropriate place in the bill, insert the following new section:

SEC. . PROPERTY NO LONGER SUBJECT TO REDEMPTION.

(a) Section 541(b) of title 11 of the United States Code is amended by adding at the end the following—

"(6) any interest of the debtor in property where the debtor pledged or sold tangible personal property (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money, where—

"(a) the tangible personal property is in the possession of the pledgee or transferee;

"(b) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price, and

"(c) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or state law in a timely manner as provided under state law and Section 108(b) of this title."

AMENDMENT NO. 2517

At the appropriate place insert the following:

SEC. . AVAILABILITY OF TOLL-FREE ACCESS TO INFORMATION.

Section 127(b)(11) of the Truth in Lending Act (15 U.S.C. 1637(b)), added by this Act, is amended by adding at the end the following:

"(K) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay an outstanding balance shall include the following statement on each billing statement: 'Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: .'.".

Mr. LEAHY. Madam President, I say further to my good friend from Iowa, we have served here for decades together. We were faced with what looked to be an impossible task when it began because of the number of amendments. I note for the record that the distinguished Senator dealt with this side in good faith. We were able, as a result, I think, to put the Senate in a position now where we are within range of being able to have a final vote, and the Senate will work its will either for or against the bill. We will actually be able to do that. It is because Senators on both sides of the aisle dealt with each other in good faith and got rid of a lot of amendments that we knew would go nowhere anyway. The Senator from Iowa and I have been able to accept 39 amendments. I think that is good progress, and I extend my appreciation to him.

Mr. GRASSLEY. I thank the Senator from Vermont and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

MEASURE READ THE FIRST TIME

Mr. SPECTER. Madam President, I send a bill to the desk regarding citizenship for Mr. Yongyi Song and ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2006) for the relief of Yongyi Song.

Mr. SPECTER. Madam President, I ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Madam President, the procedure on the bill is, under rule XIV, to hold the bill at the desk.

Madam President, I ask unanimous consent that I may speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the submission S. 2006 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SPECTER. Madam President, how much time remains of my 15 minutes?

The PRESIDING OFFICER. Nine minutes.

TRIPS MADE OVER THE RECESS PERIOD

Mr. SPECTER. Madam President, I will comment briefly about two trips I made over the recess.

On December 17, 18, and 19, I traveled to Key West, FL, to observe Coast Guard operations and drug interdiction, and then on to Panama to see the immediate impact of the turnover of the canal to the Panamanian Government, and then on to Colombia, where I had an opportunity to visit with President Pastrana. President Pastrana, coincidentally, was in Washington today and met with members of the Appropriations Committee. The text that I will submit contains a number of comments about the trip to both Key West and Panama.

I did want to make a comment or two about the pending request by the Government of Colombia for funding in excess of $1 billion to fight the narcotics dealers in Colombia. I am sympathetic with their problems and with the grave difficulties they have encountered. I have seen these difficulties firsthand on three visits to Colombia, the first back in 1988.

I have substantial reservations about a U.S. expenditure in excess of $1 billion to reduce the supply of narcotics into the United States. I filed a resolution years ago calling for the use of the military in drug curtailment and narcotic interdiction—but as successful as we have been in interdicting narcotics from Latin America and as successful as we have been in having hectares in Peru, Colombia or Bolivia replaced with other crops, the great demand in the United States and worldwide continues, and thus the supply comes back.

The U.S. Government spends approximately $18 billion a year on drug control. Two-thirds of that, or about $12 billion, is directed to activities such as interdiction and to fighting street crime in the United States. I do believe that our effort against drug selling on the streets of American cities and America's farms and rural areas has to continue, as I did when I was district attorney of Philadelphia. But the regrettable fact is that as long as the demand for drugs exists, the supply will continue, and if not from Colombia, from somewhere else. Even as many drug dealers are put in jail, as long as it is profitable, more drug dealers come to the street corners to sell drugs. So I make this cautionary comment about additional heavy investments in trying to stop the supply of drugs until we spend more money on education and more money on rehabilitation.

From January 4 until January 13, in the company of six other Senators, I traveled to Morocco, and then on to Naples, and then to Kosovo, and five Senators continued on to Tunisia and then on to Israel. That trip was very significant in finding very strong support and allies from the Governments of Morocco and Tunisia and seeing the operation of the NATO Southern Command and our strong 6th Fleet. In Kosovo, we saw the superb performance of our American military, where they have moved into a land and have constructed a military base overnight and are doing so much to try to maintain the peace in that very troubled country. My floor statement will recite in detail the findings in Kosovo, Morocco, Tunisia, and Italy.

A word or two about our trip to Israel where we visited the Golan Heights. We had an opportunity to visit with Israeli officials—with Prime Minister Barak, and with Ariel Sharon who leads the Likud and the opposition.

I compliment both the Israelis and the Syrians for moving ahead on the peace process. It is my hope the process will reach fruition.

My own view, after having visited Syria on a number of occasions since 1984, and having seen a decisive shift in the attitude of the leadership of the Government of Syria in the intervening 15–16 years, the prospects for an agreement are reasonably good. We heard a great deal of talk about very substantial funding by the United States. I think it is important where an agreement is reached, which is a costly agreement, that the expenses be shared by the western European nations, by Japan, and by the oil-rich countries of the Persian Gulf, and that the astronomical figures not be cited broadly, which makes it more complex when the matters reach the Congress for consideration of these important funding matters.

Mr. President, I would like to comment further about a recent visit I made to Key West, FL, Panama, and Colombia from December 17–19, 1999, in order to gain a firsthand view on matters of concern to both my constituents in Pennsylvania and all citizens of the United States.

I departed Andrews Air Force Base on the morning of December 17, 1999, and arrived at Key West Naval Air Station where I proceeded to the Coast Guard Group Key West. I was met by Captain Rudolph, the commanding officer of Group Key West and was given an operations briefing from Lieutenant Commander Woodring. The briefing detailed the mission of Group Key West in such activities as drug interdiction, migrant operations, and search and rescue. Following the briefing, I boarded the U.S. Coast Guard Cutter (USCGS) *Monhegan* where the Commanding Officer, Lieutenant Benjamin A. Cooper, and his crew, gave me a briefing of their mission. They discussed how their ability to apprehend drug smugglers could be enhanced by virtue of the Coast Guard's new use of armed helicopters, which the Coast Guard considers to be their most potent aid in capturing drug traffickers.

I informed the crew of the *Monhegan* that I had been one of the original cosponsors of S. 2728 in 1990, a measure which clarified and expanded the authority of the armed forces to provide support for civilian law enforcement agencies. Furthermore, this legislation authorized the use of military aircraft for transportation of, and flight training for, civilian law enforcement personnel and for aerial surveillance. According to the crew, the speed of the drug traffickers boats, known as "go fast boats," has hampered their ability to get near the smugglers. The armed helicopters are one of their best weapons in chasing "go-fast boats," in their drug interdiction mission. Following my review of the *Monhegan*, I was given a tour of the USCG Cutter *Thetis* by Commander Finch. I found Commander Finch to be an impressive officer who was forthright in this opinions of the military and its various functions. The role of the USCG Cutter *Thetis* is maritime law enforcement and search and rescue that uses electronic sensors and computerized command and control systems. The crew of the cutter *Thetis* was warm and friendly and we engaged in conversation over such issues as the role of gays in the Coast Guard, integrated gender training, and women's service aboard ships. I was pleased by the open exchange among the crew, and I was gratified to find that several of them were Pennsylvanians.

Upon leaving the cutter *Thetis*, I proceeded to the Joint Interagency Task Force (JIATF)-East which was formed as the umbrella organization to coordinate interdiction of illicit drugs in the Caribbean Basin. I was met by Rear Admiral Edward J. Barrett, Director of JIATF-East, who gave me a tour and introduced me to his staff who provided me a classified briefing on the threats faced by JIATF-East. Following the briefing, I was accompanied by Admiral Barrett and Captain Frank Klein, Director of Operations, on a tour of the classified Joint Operations Command Center (JOCC).

The following day, December 18, 1999, I traveled to Colombia. I arrived in Bogota in the early afternoon and was met by the Deputy Chief of Mission, Barbara Moore and immediately proceeded to the United States Embassy in Bogota for a classified country team briefing on the current political situation in the country. The briefing focused on narcotics trafficking, violence among the FARC and ELN and the current discussions between the Colombian Government and the guerrilla groups. We also discussed Colombia's extradition of narcotic traffickers and the resulting violence from such action. I asked the group about the cultivation of cocoa and poppy crops and the forcible eradication of the supply of narcotics. I was informed that the decreased percentages in cultivation of narcotic crops in Bolivia and Peru were offset by an increase in Colombia. I was told that Bolivia had decreased 28 percent in narcotic crop production and Peru had seen an average decrease of 50 percent in cultivation. I inquired about the current Colombian economy and was told that the economy was at rock bottom and that Colombia was currently enduring the highest unemployment rate in Latin America. However, those present felt that the current policies of President Pastrana were good and sound. I then inquired about the Colombian military and its need for United States assistance. The group felt that the lack of a military dictator in Colombia, unlike other Latin American countries, has a positive effect on the military, which currently consist of 120,000 soldiers. Furthermore, I asked about the United States involvement in training of the Colombian military and I was assured that United States soldiers were not involved in any level of combat between the Colombian guerrilla groups.

Following this briefing, I proceeded with Deputy Chief Moore to the Presidential Palace to meet with President Pastrana. I was welcomed into the President's private office. He had just arrived at the palace from his son's 17th birthday party. President Pastrana is an impressive individual with an initial career as a journalist and his service as the mayor of Bogota. He was elected president in March 1998. I informed the President that I had watched his interview on the television show "60 Minutes" with Mike Wallace and was impressed with the way he handled himself. I informed him that Mike Wallace had done a "60 Minutes" report on prisons in the city of Philadelphia while I served as the city's district attorney. He mentioned that his interview with Mike Wallace was broadcast over C-SPAN and was seen by 60 million people. I commented on how far Mike Wallace and "60 Minutes" had come since then. We discussed his statements on his "60 Minutes" interview about the U.S. demand for drugs, which I agreed with. President Pastrana stated that while the supply of narcotics from Colombia may decrease the total supply from elsewhere will remain the same if the United States demand remains the same. He felt that the United States has not done enough to decrease the demand for illicit drugs and I agreed with him. I assured him that I was committed to searching for ways through legislation to curb the demand for drugs in the United States.

Our conversation moved on to the peace process between the Colombian Government and the guerilla group known as the Fuerzas Armadas Revolucionarias de Colombian (FARC). According to President Pastrana, he recently introduced the idea of a peace process as a form of dialogue between both the government and the FARC because he firmly believes that people of Colombia want peace. President Pastrana assured me that both he and the FARC were committed to peace in Colombia but it will take time and compromise. I also inquired about the Colombian Judiciary system and the bombing of the Colombian Supreme Court. President Pastrana explained the problems associated with a judiciary that fears violence after extraditing a drug lord. However, the President explained that he has conveyed to his people and the guerrilla groups that he will continue to extradite convicted drug lords regardless of the threats of violence.

President Pastrana and I discussed the situation regarding the "New Tribes Mission". He explained that while the government has aggressively searched and investigated this kidnaping, he has been unable to locate the missionaries. The only lead in the case was from a source who told the investigators that he knew that the Americans had been killed, who did it, and that he knew where they were buried. I explained to President Pastrana the great importance of this case, not only to myself, but to the people of Pennsylvania and of course to the families of those kidnaped. President Pastrana assured me that he would do everything in his power to bring these criminals to justice and to bring a conclusion to this case.

After the meeting I departed for the Bogota air terminal where I was met by Agent José Rodriguez and Manuel "Cookie" Aponte, both FBI Special Agents stationed in Colombia. The Special Agents are both currently working on the New Tribes Mission cases and they explained that the source that had been referred to by President Pastrana had indeed come forward in October of this year and was considered to be a FARC defector. Special agent Rodriguez explained that the source had stated that he knew where the Americans were buried and could identify the exact location. When the source was taken by investigators to the area that he had earlier identified, he informed them it was the wrong location. However, he was able to lead the team to another location down river. When the investigative team located the place he described, no bodies were recovered, Special Agent Rodriguez explained that the bodies could have been washed away because of the proximity to the river. I asked the Special Agents what was currently being done and how close they felt they were to a resolution to this case. Special Agent Rodriguez said that they needed to give a polygraph to the source in order to ascertain if he knows who kidnaped the Americans, if they were alive or have been killed, and if so, who is responsible. According to the agents, they were waiting for a response from the source and they will continue to work to bring about a resolution to this case.

When I arrived in Panama in the evening of the December 18, 1999, I was met by Mr. Robert J. Bolhm and Mr. Frederick A. Becker, the Minister Consejero for the United States Embassy to Panama. I then attend a country team meeting with representatives of the Department of Defense. I asked this group several questions in regard to the transition of the Panama Canal and national security. I expressed my concern, and that of my constituents in Pennsylvania, about the use of ports along the Panama Canal that are operated by a Chinese owned company, Hutchison Whampoa. I was informed that the operation of a port area by one of its companies does not present a national security risk, and assured me that our national security interests were fully protected. I then inquired about the drug issue and asked if there was any light at the end of the tunnel. Representatives from DEA shared my concerns about drug trafficking and agreed with my previous statements about the need to stem the U.S. demand for narcotics. Finally, I asked the group about the structure of the Panama Canal Authority, Panama Canal Commission, The Maritime Authority, and the Port Authority and their effects on the United States. Mr. Becker felt that the two biggest problems facing the management structure of the canal were possible corruption within the leadership and general maintenance of the canal.

On the morning of December 19, 1999, I visited the Panama Canal and was met by Joseph W. Cornelison, the Deputy Administrator of the Panama Canal Commission. I was given a briefing and posed several questions to him. I first asked about the involvement of the Chinese company of Hutchison International Port Holdings, which operates two ports in the region, I relayed the concerns that my constituents in Pennsylvania have about U.S. national security and was assured by the Deputy Administrator that these ports operate similarly to warehouses and are merely for loading and unloading cargo. Furthermore, he explained.

that of the six ports which existed along the canal, only two were operated by Hutchison Whampoa, a Hong Kong based company. I then asked the Deputy Administrator what guidelines are being used in regards to U.S. involvement in the protection of the canal. He explained that under the scope of the neutrality treaty, there would be joint U.S. and Panamanian involvement in order to allow the United States to protect its national security interests. I then asked if there were ever talks in the 1970's of the United States selling the Panama Canal to Panama. The Deputy Administrator said that he was not aware of any such discussions. I also inquired about the structure of the canal and its governing body. The Deputy Administrator confirmed that there were 11 members of the Panama Canal Commission and that they served in staggered terms. However, the Panama Canal Authority replaced the Commission on January 1, 2000; its members were appointed by the President of Panama and confirmed by the legislature. My questions then moved to that of finances and economic competition for the canal. The Deputy Administrator explained that the canal was profit driven from fees that are charged for usage based on weight of cargo. The Deputy Administrator explained that in FY99 the canal broke even financially. Finally, I was given a tour of the Panama Canal and shown some of the lock systems. The Deputy Administrator showed me examples of the older functioning system and their newer system. He further explained that the canal would use $200 million in maintenance and modernization in the future.

Mr. President this concludes the summary of my trip to Key West Florida, Colombia, and Panama.

Mr. President, over the recess, from January 4 through January 13, I accompanied Senator STEVENS and several other of my colleagues on an overseas trip with our primary focus on matters relating to appropriations.

Our first stop was Rabat, Morocco. Morocco is one of the United States' oldest allies, first recognizing our fledgling nation in 1787 by entering into a treaty of friendship. Initially we received a country team briefing from our very capable Ambassador Ed Gabriel and his staff. Ambassador Gabriel showed us a copy of a letter he has in his office from George Washington, thanking the King of Morocco for his support of our nascent American nation. President Washington's letter stated that although the United States was still struggling and had little to offer to the great Kingdom of Morocco, he hoped that in the future America would grow and prosper so that some day the United States could assist Morocco. Following the country team briefing, we met with Moroccan Foreign Minister Mohamed Benaissa.

Prior to his appointment as Foreign Minister, Mr. Benaissa was posted in Washington, DC, as the Moroccan Ambassador. The Foreign Minister stated that the only problem with United States-Moroccan relations was that there was no problem. The Foreign Minister was enthusiastic about the Eizenstat Initiative named for Undersecretary of State Stuart Eizenstat. This initiative, proposed in 1998, is intended to support sustainable economic growth and development in North Africa by encouraging investment and trade with the United States and by reducing internal barriers to trade in the region.

The primary internal obstacle Morocco must address before the country can make any serious economic progress is illiteracy. It was reported that roughly 50 percent of Moroccans are illiterate. My colleague, Senator HOLLINGS, stated that when he visited Morocco in 1972 with Senator Mansfield he was quoted the same statistic by the government. Mr. President, it has been said that "knowledge is power." Since a large segment of the Moroccan population cannot read they subsequently cannot access any basic, let alone, advanced, education or training. In a world that is increasingly shrinking because of the advent of electronic commerce and the Internet, Moroccan's must improve on one of the most basic of skills—the ability to read—before they are further eclipsed by others in the fast paced global economy.

After our meeting with the Foreign Minister, we visited the mausoleum of Mohamed V and Hassan II and honored the memory of those kings by placing a wreath at their tombs. Later that evening we dined at the Ambassador's home with the Foreign Minister, as well as Mr. Jalal Essaid, President of the Chamber of Councilors, the upper body of the Moroccan Parliament and Mr. Abdelwahad Radi, President of the Chamber of Representatives, the lower body in the Parliament.

The next day we visited with Morocco's King Mohamed VI who ascended to the throne recently with the passing of his father Hassan II. Over the course of his life, King Hassan II had established himself as a moderate leader who was willing to work for peace in the region. King Hassan II played a key role in fostering the Egyptian-Israel contacts that led to President Anwar Sadat's visit to Jerusalem in 1977. In 1993, after the signing of the Declaration of Principles between Israel and the Palestinians here in Washington, King Hassan hosted Prime Minister Rabin in Morocco as a demonstration of support for the agreement.

The next morning we traveled from Morocco to Naples, Italy. NATO is divided into two commands and our initial stop was at one of those commands, NATO's AFSOUTH Headquarters, where we received a current operations overview. We were hosted at AFSOUTH by Lieutenant General Efthymios Petinis of the Greek Army, Deputy Commander-in-Chief for NATO Southern Command, by Lieutenant General Carlo Cabigiosu of the Italian Army, Chief of Staff NATO Southern Command, and Lieutenant General Mike Short of the United States Air Force, Commander Air Forces for NATO Southern Command. General Short's briefing was of specific interest to our group as he reviewed with us the decreased level of U.S. air assets committed to NATO which are engaged in the ongoing situation in Kosovo. General Short informed us that during the height of the air war in Kosovo hundreds of U.S. aircraft were on station flying missions, and now only 6 U.S. Air Force F-16 fighters, which were permanently stationed in Italy, were supporting the current NATO mission over Kosovo.

For our next meeting we traveled by helicopter to Gaeta, home of the U.S. Navy's Sixth Fleet. We were met by Vice Admiral Murphy, Commander U.S. Sixth Fleet who gave us a brief tour of the naval facilities at Gaeta and then provided a demonstration of a Tomahawk Land Attack Missile (T-LAM) target work-up and strike. Admiral Murphy briefed us on the wide range of missions the 16 ships and 7,200 sailors and marines are called upon to undertake in the region from a Tomahawk strike in Kosovo to an Ambassadorial evacuation and Embassy protection in Albania and Macedonia. We discussed the situation regarding Vieques Island with Admiral Murphy. He told our group that the lack of training was having a deleterious affect on combat readiness and that the current battle group deployed in the Mediterranean had to get under way without the traditional combined arms live fire exercises and gunnery. We discussed possible alternatives to Vieques. However, Admiral Murphy stated that none of the current options satisfy the Navy's critical need to live fire and conduct operations like the Vieques range does. Admiral Murphy also discussed the proposed International Criminal Court and the impact it would have on the Sailors and Marines under his charge. Both Admiral Murphy and his aide, Captain Jan Colin, responded negatively. Admiral Murphy recounted a recent situation which such a body might be called to act upon. He explained that after ordering a carefully planned and executed Tomahawk strike of the Serbian MUP police headquarters, the initial reconnaissance photographs pictures burning civilian homes and stores around the MUP building but no damage to the MUP building itself. Admiral Murphy stated that at that point, despite meticulous target planning and diligent execution to insure no collateral damage, he believed something had gone awry. He stated that he feared the missile somehow missed the target and that he would now have to answer for the errant missile despite everyone's best efforts to minimize collateral damage. A short time later however, additional reconnaissance photographs became available which showed the MUP police themselves actually setting fire to the civilian buildings around their headquarters. Subsequent photos then confirmed that the MUP building had been destroyed by the Tomahawk.

Captain Jan Colin, a Navy pilot, recounted his experience flying a bombing mission into Libya in 1986 to strike suspected international terrorist training camps. Captain Colin said that the Chief of Naval Operations at the time, Admiral Kelso, had subsequently been indicted for war crimes by the Libyan government for ordering the strike. The handful of military officers assembled for our briefing said that in their opinions the United States, as the only remaining military superpower operating in the world, was resented around the globe. They said that even if the resentment was not overt, it was lurking just below the surface. They felt that the International Criminal Court would be too willing to participate in second guessing American military decisions abroad and the rest of the world might too readily accept charges of American wrongdoing, justified or not, as a result of the perceived American arrogance.

The next morning we departed for Skopje, Macedonia. We were met at the Skopje airport by General Montgomery Meigs, Commanding General, U.S. Army Europe and Seventh Army and Brigadier General Ricardo Sanchez, Commander U.S. Task Force Falcon headquartered at Camp Bondsteel, Kosovo. We were scheduled to travel by helicopter to camp Bondsteel however, because of the snow and fog, we could not fly and instead traveled by vehicle for roughly two hours to reach our destination. I had previously visited Camp Bondsteel this past August and the physical transformation was impressive. Hundreds of tents had been replaced by buildings and the soldiers now had barracks, a mess hall, a phone center and physical fitness facility.

General Sanchez presented our group with an operational overview of the responsibilities of the U.S. Army's 1st Infantry Division (Mechanized) in the Multinational Brigade East area of operations, which is roughly 19 miles wide by 50 miles long. General Sanchez told us that his unit's mission was to provide and maintain a safe and secure environment and to assist in the responsible transition to appropriate civil organizations enabling KFOR forces to withdraw from Kosovo. He told us that soldiers from the 1st Infantry Division perform roughly 1700 security patrols in the area during a typical week, staff 48 checkpoints and guard 62 key facilities 24 hours a day 7 days a week. Approximately 5,430 soldiers of the 8,240 total KFOR soldiers in Kosovo are Americans, and many of those outstanding young men and woman are from Pennsylvania. Unfortunately, on December 16, 1999, a few weeks before our arrival, one of those young soldiers from Pennsylvania made the ultimate sacrifice giving his life in the line of duty.

Staff Sergeant Joe Suponcic of Jersey Shore, Pennsylvania, one of America's famous Green Beret's, was stationed at Camp Bondsteel. Sergeant Suponcic was on a reconnaissance patrol in the Russian sector of Kosovo when his HUMVEE struck a land mine resulting in his death. I spoke with his Commander, Major Jim McAllister, a fellow Green Beret who asked me to share with you what kind of soldier Sergeant Suponcic was. Major McAllister told me that Sergeant Suponcic was a great young American, who was "motivated, he loved life, his family and the Army." His fellow soldiers called him "Super", not just as an abbreviated version of his name Suponcic, but because he was a "Super" soldier who was "ecstatic" to be a Sergeant in the elite special forces. Major McAllister told me the local villagers in and around Kamonica and Kololec, the area in which Sergeant Suponcic worked, loved him and had nick-named him "Joey Blue Eyes." When they heard of his death, they brought flowers, gifts and condolences to the camp. After we returned to America, I spoke with his mother to give my condolences to the Suponcics personally and to share with them what I had learned in Kosovo. Mrs. Suponcic was gracious and told me of her son's burial at Arlington National Cemetery on December 29, 1999. America owes the Suponcics a great debt. His Mother Patricia and Father Edmund, his brother Brian and his sister Andrea should be proud of their son and brother. To paraphrase Abraham Lincoln's words to a widow who was believed to have lost five sons in the Civil War: How weak and fruitless must be any word of mine which should attempt to beguile the Suponcics from the grief of a loss so overwhelming. But I cannot refrain from tendering to them the consolation that may be found in the thanks of the Republic.

During my visit to Camp Bondsteel I also had the opportunity to have lunch and visit with some of the troops from Pennsylvania who currently call Kosovo home: Second Lieutenant Amanda Belfron from Philadelphia; Sergeant Glen Fryer of Jersey Shore, who was a high school classmate of Staff Sergeant Suponcic; Warrant Officer Christopher Frey of Pittsburgh; Sergeant Keith Faust of Nazbrath; Warrant Officer Andrea Carlesi Ellonsburg of Ford City; Major McGinley of Conshohocken; Lieutenant Colonel Duane Gapinski of Bernsville; and Lieutenant Colonel Kevin Stramara of Schulykill Haven. All of those soldiers impressed me with their dedication to duty and positive outlook on the tough mission they perform. It is refreshing to be reminded of the high caliber of individuals serving on the vanguard of freedom in our Armed Forces and I salute their service to our nation.

We departed Camp Bondsteel and headed to the former Serb town of Urosevac where we were met by Lieutenant Colonel Mike Ellerbe, the Battalion Commander of the 82nd Airborne Division's, 3rd Battalion, 504th Parachute Infantry Regiment—The Blue Devils. Colonel Ellerbe's unit was assigned to provide security for the remaining Serbian population in this now Albanian dominated town. Prior to the conflict, Urosevac, a town of some 60,000, had a Serbian population of roughly 6,000. Now there are 24 Serbians living in 9 homes being protected 24 hours a day, 7 days a week by roughly 1,000 Paratroopers from the 82nd Airborne Division. Our stated objective in the town, I am told, is to insure the safety of the few remaining Serbs and protect their property so that other former Serbian villagers will return. They are provided an armed escort by U.S. soldiers to the Serbian border so that they can shop and, upon completion, are escorted back home. Their homes are protected around the clock by U.S. soldiers from being set ablaze by local Albanians. While there are many issues that can be debated regarding our presence in Kosovo, I do not believe anyone would argue with me if I say that based upon what I saw in Kosovo the United States will not be leaving anytime soon.

The next day we traveled to Tunisia which, like Morocco, is a long standing ally of the United States signing it's first treaty in 1789. Our first stop in Tunisia was the U.S. North African Cemetery and Memorial in Carthage. The American military forces led by then-General Eisenhower played a critical role in Operation Torch, the campaign that succeeded in evicting General Rommel from Tunisia in May of 1943 and ending the German occupation of North Africa. At the Cemetery there is a very large mosaic map of the region depicting the major battles that took place in North Africa. Senators FRITZ HOLLINGS and TED STEVENS, both World War II veterans of North Africa, used the map to share with our group their stories of service in uniform on the continent. The Cemetery is the final resting place for 2,841 of our country's military dead. At the Cemetery there is also a beautiful memorial commemorating the 3,724 soldiers, sailors and airmen who gave their lives in Africa during World War II but whose remains were never recovered. My colleagues and I placed a wreath at the cemetery in honor of all those memorialized there. The inscription at the cemetery entrance eloquently echoes my feelings on my visit that morning: "Here we and all who shall hereafter live in freedom will be reminded that to these men and their comrades we owe a debt to be paid with grateful remembrance of their sacrifice and with the high resolve that the cause for which they died shall live."

After paying our respects at the cemetery, we had a working lunch and country team brief where we discussed the current economic, educational and political state in Tunisia. Ambassador Robin Raphael and I discussed the political situation in Libya. It was the Ambassador's impression that U.S. policy regarding the Khadafi Regime was in fact working, albeit slowly, and that she believed that if things continued to progress, Libya may well again join the community of nations. Later that evening Ambassador Raphael hosted a reception at her home where we met with various representatives from Tunisian business and government.

Our second day in Tunisia started by meeting with the Minister of Foreign Affairs Habib Ben Yahia who is the former Tunisian Ambassador to the United States. The Foreign Minister, a very capable representative of the Tunisian Government, discussed with us Tunisia's upcoming assignment on the United Nations Security Council. The Foreign Minister shared with us his recent discussion with Saddam Hussein where he encouraged Saddam to cooperate more fully with the United Nations and it's weapons inspections program. The Foreign Minister recounted that Saddam's future cooperation was doubtful as Saddam was convinced that the West, via the U.N., was determined to destabilize and "Balkanize" the nation of Iraq.

Following our meeting with the Foreign Minister we boarded Tunisian Air Force helicopters and were transported to the Tunisian air base of Sidi Ahmed at Bizerte where we received briefings and demonstrations of the operational capabilities of the 15th Air Groups F-5's. Following the visit to the air base we moved to the nearby naval base where we toured and were briefed aboard a naval oceanographic vessel that had been transferred by the U.S. to the Tunisian Navy. The military personnel at both the air and naval facilities we visited demonstrated a high degree of professionalism and competence. At the conclusion of our visit to Bizerte, we once again boarded Tunisian Air Force helicopters and returned to Tunis to meet with the Minister of Defense. Mr. Mohamed Jegham, the Minister of Defense, told us that while Tunisia had good relations with the other countries in the region, the continuing regional problems in Algeria and the Western Sahara were cause for some concern. The Defense Minister told us that Libya was not a problem for Tunisia because of Tunisias' long relationship with the country and with Colonel Khadafi.

Following our meeting at the Defense Ministry we met with Tunisian President Zine El Abidine Ben Ali. The President told us how he would like to attract more investors and business from the United States. As in Morocco, the Eizenstat Initiative was a point for discussion and because of his country's stability, security and educational achievements, the President contended that Tunisia was the perfect location for foreign businesses looking to locate in Africa. On the topic of Middle East peace, President Ben Ali concluded it was his sense that all parties to the negotiations were hopeful. President Ben Ali, who has close ties to PLO Chairman Arafat because of Arafat's residence in Tunis for 12 years, was of the opinion that the peace process needed to conclude soon as the aging Arafat and Syrian President Assad were perhaps the primary forces uniting and solidifying both their peoples resolve in this matter. Following our meeting with the President we met with Tunisian Parliamentarians at the Chamber of Deputies after which, the Minister of Foreign Affairs hosted us for a working dinner.

The next morning we departed for Incirlik Air Base, Turkey to discuss the situation in Turkey and to review to U.S. participation in Operation Northern Watch. Incirlik is home to the U.S. Air Force's 39th Wing, which is comprised of roughly 1400 U.S. Air Force personnel. We were met at the airfield by Brigadier General Bob Dulaney, U.S. Air Force Commander of the Combined Air Forces at Incirlik. General Dulaney and his staff provided us with an overview of the types of missions that our outstanding pilots and aircrews were flying during Operation Northern Watch. We were able to get a close look at the British Jaguar, a tactical reconnaissance aircraft, as well as an American EA-6B, an electronic warefare aircraft and an American F-16, an aircraft used in an air-to-air and air-ground combat role.

The allied pilots of Operation Northern Watch fly in the no-fly zone which was created in 1991 after the Gulf War to protect Iraqi Kurds. Iraq has never accepted the validity of either the Northern no-fly zone or of the Southern no-fly zone, which was designed to protect Shiite Muslims in the South. Allied jets patrolled the zones virtually unmolested by Iraqi defenses for more than seven years. However, that soon ended after the four day air offensive of Operation Desert Fox in December 1998, which was designed to punish the Iraqi government for refusing to allow continued U.N. inspections of the Iraqi nuclear, biological and chemical weapons programs. Iraq thereafter declared the flights of Northern and Southern Watch as violations of its sovereign air space. Now, virtually every patrol flown by allied pilots is challenged by Iraqi anti aircraft artillery or surface-to-air missile fire.

Our next stop after Incirlik was Israel. When we left the U.S., Prime Minister Barak and Syrian Foreign Minister were in Shepardstown, West Virginia, discussing possible peace in the region. Upon our arrival in Jerusalem we attended a working dinner hosted by Mr. Dan Meridor, a member of the Knesset and the Chairman of the Knesset Foreign Affairs and Defense Committee. The next morning we had a working breakfast with Aaron Miller, deputy to Ambassador Dennis Ross, who provided us with an update on the discussions in Shepardstown between Israel and Syria. After breakfast we boarded an Israeli Air Force helicopter at the Knesset and flew to Palmachim Air Base to review the progress of the Israeli Arrow Missile Project which is designed to combat theater ballistic missiles, such as the Scuds fired at Israel by Iraq during Operation Desert Storm.

We were joined by Major General Uzi Dayan, the Israeli Defense Force Deputy Chief of Staff and cousin of late Moshe Dayan, and once again boarded the helicopter for a flight to the Ben Tal overlook in the Golan Heights. At the Ben Tal overlook, General Dayan pointed out the places and towns in the valleys below where he fought the Syrians in 1973 and explained to us the obvious strategic importance of the Golan. Our second stop in the Golan found us at Nimrod's Castle, where we were able to get a better view of the Jordan, Ammund, Wabadai and Haman Rivers the four tributaries which flow into the Sea of Galilee and supply Israel with 40% of it's water. Our final stop in the Golan was Carlucci Point named for former Secretary of Defense Frank Carlucci. We were met and briefed by the Commander of the Northern Command, Major General Gaby Ashkenazi. From our vantage point General Ashkenzai pointed out Southern Lebanon and a nearby Israeli town, which, because it's large size and close proximity to the Lebanese border, is the frequent target of Hezbollah Katyusha rocket attacks.

We departed the Golan via helicopter and headed back to Jerusalem for a meeting with Prime Minister Barak. The Prime Minister was in good spirits. He had just returned from Washington and the negotiations with the Syrians only the night before. Prime Minister Barak reported that the negotiations with the Syrians were progressing slowly. The primary concerns of Israel during these talks, he explained, were security, early warning, normalization of relations with Syria and water. Prime Minister Barak shared that the United States had prepared a document which outlined the concerns of both

Syria and Israel. He told us the document was a useful tool as it put the otherwise abstract negotiations in concrete terms. The Prime Minister thought that while there was some movement in certain areas of the Syrian position, as nothing was final until the whole process was final, the movement may have been simply a negotiating tactic. Prime Minister Barak was hopeful that there would soon be peace discussions with Lebanon. He felt that such talks would encourage the people of Israel concerning Syria's position and allow them to hope for a comprehensive regional peace.

As members of the Appropriations Committee, we discussed the cost of peace with Syria with the Prime Minister. My colleagues and I cautioned him that the media was questioning us regarding the reports that the price for such peace was going to be in the $10–60 billion range. We discussed the difficulty of finding consensus in Congress to fund the Wye River Agreement and advised the Prime Minister to keep the Congress informed as the process progressed. Prime Minister Barak told our group that it was his hope that other countries, such as Japan and various other G–7 nations, would contribute to whatever sum eventually emerged. The Prime Minister said that the Camp David Accord laid the cornerstone for peace in the region, the Wye River Agreements built upon that foundation, and he was now hopeful that the discussions with Syria would produce the keystone which could be put in place to allow the full weight of regional peace to come to rest.

Discussing other security issues in the region, the Prime Minister told us that he is "deeply disturbed" by both Iran and Iraq's drive to acquire nuclear weapons. Prime Minister Barak told us that he believed that unless UNSCOM inspections begin again, Iraq would have nuclear weapons within 5–7 years and that Iran was similarly positioned.

The next morning our delegation had a working breakfast with Mr. Avraham Shohat, the Minister of Finance. Our discussion once again focused on the cost of any peace with Syria. The Finance Minister, like Prime Minister Barak, was hopeful that other countries would contribute in addition to the United States. We departed later that morning from Israel and returned to Andrews Air Force Base later that evening after nine long, but informative days abroad.

I thank the Chair. I thank my distinguished colleague from Iowa for yielding the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE UNITED NATIONS

Mr. WARNER. Madam President, I thank the distinguished Senators for their indulgence in permitting me to make this statement. I feel very strongly about what I am about to say, and I wish to share some views with my colleagues.

Last Friday, I had the opportunity to participate in a historic mission to the United Nations. It embraced a series of events, led by the distinguished chairman of the Senate Foreign Relations Committee. On Friday, I was privileged to join the chairman and, the distinguished ranking member of the Foreign Relations Committee, and other members of the committee for this historic occasion. I appreciated very much the opportunity to join the Foreign Relations Committee. For it was the first time in history that the U.S. Foreign Relations Committee conducted a hearing out of Washington, DC. I think it was most appropriate that the hearing was conducted under the auspices of the United Nations. Our distinguished Ambassador to the United Nations, Ambassador Holbrooke, facilitated these series of meetings. I commend him highly for his participation.

The Foreign Relations Committee events at the United Nations began on Thursday afternoon when Chairman HELMS became the first Member—very interesting, Madam President—the first Member of the Congress of the United States to address the U.N. Security Council.

The chairman's statement to the Security Council was tough, but those of us who have known Senator HELMS and who have had the privilege of working with him through these many years know him to be a very tough and resolute and forthright man. He spoke with candor, but, in my view, his statement was carefully measured. His objectives were constructive. In my view, he accurately portrayed the concerns of many Americans with regard to the United Nations—an important organization.

As I said last Friday, to the Secretary General at lunch—I spoke again to a large group of Ambassadors—and then in the course of the hearing, the world is dependent upon the existence of the United Nations to bring member nations together, and to try to work on a variety of problems throughout the world.

One of those problems of great concern to me is peacekeeping, which is becoming a greater and greater challenge. I do not in any way disparage the U.N. We came as a group to constructively give our viewpoints and to indicate the willingness of those of us who came and others to try to make the U.N. work more efficiently in the cause of world peace and to lessen human suffering throughout the globe. But that organization is in need of reform.

I ask unanimous consent that Senator HELMS' statement to the U.N. Security Council be printed in the RECORD at the conclusion of my remarks, as well as a brief description of the events at the United Nations that the committee attended.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. Madam President, I urge all of my colleagues to take a look at this statement of the distinguished chairman. I will address momentarily some troublesome criticism directed at Senator HELMS. I put his statement in the RECORD so all Americans can read it. Make up your mind for yourself with regard to the contents of his statement and the statements of others at that historic meeting, because I think we have to join together to try to help the U.N. become a more efficient, constructive organization.

I would like to also call the attention of my colleagues to the statement made on Monday by the Secretary of State, Mrs. Albright. I quote that statement because I find it very troubling, and it prompts me to come to the floor today.

Secretary Albright said:

> Let me be clear. Only the President and the executive branch can speak for the United States.

I say to the Secretary, for whom I have a high, professional regard, and out of respect for the very important office which she holds: Madam Secretary, you are mistaken.

I will not deliver a speech on the formation of our Government, but it is so basic that the Founding Fathers created three independent branches of government, coequal—I repeat: coequal—in authority. The President does not have sole authority in the area of foreign affairs.

I could go into detail regarding the checks and balances in the Constitution and specific reference to the responsibility of the Congress and those of the President, but clearly Congress, through its advice and consent role, deals with treaties. A treaty cannot go forward without the advice and consent of the Senate. We have seen this most recently with the comprehensive test ban treaty, a highly controversial treaty. No Ambassador can go forth from this land to represent this Nation without the advice and consent of the Senate, and no program initiated by a President requiring funding of taxpayer dollars can be implemented without the authorization of those funds by the Congress of the United States.

Madam Secretary, I say to you most respectfully: Reconsider that statement. I urge you to revise, as we say in the Congress, that statement in the context of the exact authority given by the Constitution to the Congress, and out of respect for the Members of the Congress who, Madam Secretary Albright, have respect for you and want to work with you, but not in the face of such a defiant proclamation as that.

My primary purpose in attending the hearing at the United Nations last Friday was to give my views on what I view as the tragic situation developing in Bosnia and Kosovo. Together with my senior staff on the committee, Colonel Brownlee, Mrs. Ansley, and in the company of General Clark, commander in chief of our forces in NATO, commander in chief of U.S. forces in Europe, and his deputy, Admiral Abbot, I toured both Kosovo, Bosnia, and, indeed, spent time in Macedonia.

I am gravely concerned. I have had a long association, as have many Members of this Chamber, with the conflicts in that troubled region. I was the first Senator to go to Bosnia, in September of 1992, in the middle of the war, arriving in the historic city of Sarajevo and seeing for myself the tragedy of war unfolding right before my eyes in the shelling of that city and the killing of innocent civilians. It was a very dramatic experience for me.

It motivated me to dedicate much of my time since then to that conflict and to try to do what I could, together with others, to alleviate the human suffering. I am concerned that not enough is being done in either Bosnia or Kosovo.

Let's look at a little history. Since NATO troops were first deployed to Bosnia in December of 1995, the United States has spent almost $10 billion to support our military commitment of troops to that nation. We are but one of many nations committing troops and funds to Bosnia. In addition, we have spent an additional $5 billion in Kosovo for the air campaign and the deployment of United States KFOR troops. Again, we are one nation, with more than 30 other nations, contributing military forces. The price tag for these military commitments of U.S. troops is roughly $1.5 billion each year for Bosnia and $2 billion a year projected for Kosovo. Those are very significant sums of money.

Apart from the significant sums of money is my concern for the safety and the welfare of the young men and women of the United States Armed Forces and, indeed, those of other nations who every single day march through the frozen streets of Bosnia and Kosovo, subjecting themselves to risk. The fighting still goes on in small, largely ethnic, conflict—particularly in Kosovo. Our military personnel could be caught in the crossfire tomorrow.

We experienced a tragic loss in Somalia—again, when the world had taken its attention away from Somalia. We had the best of intentions when we went in to relieve the human suffering in that nation. Then we drifted into nation building, and tragedy befell our Armed Forces in Somalia. A comparable tragedy could befall the Armed Forces of our country and those of other nations in either Bosnia or Kosovo tomorrow.

Why are our troops still in Bosnia over four years after they were first deployed? Why is no end in sight in Kosovo? The reason for that is that the United Nations, together with other international organizations, are not doing their job.

We went into these military operations in both Bosnia and Kosovo with a clear understanding that if the troops performed their mission, which they have done in both countries, then the United Nations and other organizations would take the necessary steps to rebuild Bosnia and Kosovo—which is still not a sovereign nation, with no plans to make it a sovereign nation at this time; it is part of Serbia. Nevertheless, they would restore law and order and enable the people to live their lives in peace. The military has done their mission. The United Nations is failing.

In the course of the hearing we had in New York City, Ambassador Holbrooke, the U.S. Ambassador to the United Nations, recounted how the United Nations had failed in its peacekeeping operations in Somalia, in Rwanda, and other areas. He said we cannot fail again. The Presiding Officer in the Chamber at this time was present during that hearing. He will remember I said that the United Nations is on the brink of failure in both Bosnia and Kosovo unless the U.N. steps up the pace of the fulfillment of its obligations, together with organizations that likewise have a commitment to provide an infrastructure of government and a rebuilding of the economy.

There have been positive actions; for instance, the recent elections in Croatia. Still, we are so far behind in the fulfillment of commitments to rebuild civilian administrations in both Bosnia and Kosovo. We have to move with swiftness. Otherwise, we are guilty of letting the men and women of our Armed Forces and other armed forces take on jobs for which they were never trained but which they are carrying out—jobs of being policemen, jobs of trying to bring some civil structure of life to these little villages, all kinds of jobs for which they are not trained as military people, but to their credit they are carrying out well.

We have to keep the pressure on the U.N. and the other organizations to do their job. There has been much discussion that the U.N. should take on enlarged obligations in Africa. We all recognize Africa is crying out for help. It has a measure of human suffering almost beyond comprehension. It has a measure of disease—primarily AIDS—beyond human comprehension. However, the problem is that until the U.N. can first fulfill its missions in Bosnia and Kosovo, I caution them not to take on additional peacekeeping actions of the magnitude of those contemplated for Africa. We have all been taught: Finish what you start before you take on a new task. I made those remarks, and I stand by them.

In consultation with the members of the Armed Services Committee, I will initiate a series of hearings to provide this Senate and others with an up-to-date report on the situations in Bosnia and Kosovo. Proudly, the first part of that report is that the military has done its job—the militaries of our Nation and other nations. Sadly, our report will show that the United Nations is falling behind daily in fulfilling its commitments, together with other international organizations.

I yield the floor.

EXHIBIT I

ADDRESS BY SENATOR JESSE HELMS, CHAIRMAN, U.S. SENATE COMMITTEE ON FOREIGN RELATIONS, BEFORE THE UNITED NATIONS SECURITY COUNCIL, JANUARY 20, 2000

Mr. President, Distinguished Ambassadors, Ladies and Gentlemen.

Thank you for your welcome this morning. It is an honor to be here today, and to meet with you here in the Security Council.

I understand that you have interpreters who translate the proceedings of this body into a half dozen different languages. It may be that they have an interesting challenge today. As some of you may have detected, I don't have a Yankee accent. I hope you have a translator here who can speak Southern, someone who can translate words like "y'all" and "I do declare."

It may be that one other language barrier will need to be overcome this morning. I am not a diplomat, and as such, I am not fully conversant with the elegant and rarefied language of the diplomatic trade. I am an elected official, with something of a reputation for saying what I mean and meaning what I say. So I trust you will forgive me if I come across as a bit more blunt than those you are accustomed to hearing in this chamber.

I am told that this is the first time that a United States Senator has addressed the United Nations Security Council. I sincerely hope it will not be the last. It is important that this body have greater contact with the elected representatives of the American people, and that we have greater contact with you.

In this spirit, tomorrow I will be joined here at the U.N. by several other members of the Senate Foreign Relations Committee. Together, we will meet with U.N. officials and representatives of some of your governments, and will hold a Committee "Field Hearing" to discuss U.N. reform and the prospects for improved U.S.-U.N. relations.

This will mark another first. Never before has the Senate Foreign Relations Committee ventured as a group from Washington to visit an international institution. I hope it will be an enlightening experience for all of us, and that you will accept this visit as a sign of our desire for a new beginning in the U.S.-U.N. relationship.

I hope—I intend—that my presence here today will presage future visits by designated spokesmen of the Security Council, who will come to Washington as official guests of the United States Senate and the Senate's Foreign Relations Committee which I chair. I trust that your representatives will feel free to be as candid in Washington as I will try to be here today so that there will be hands of friendship extended in an atmosphere of understanding.

If we are to have such a new beginning, we must endeavor to understand each other better. And that is why I will share with you some of what I am hearing from the American people about the United Nations.

Now I am confident you have seen the public opinion polls, commissioned by U.N. supporters, suggesting that the U.N. enjoys the support of the American public. I would caution that you not put so much confidence in those polls. Since I was first elected to the Senate in 1972, I have run for reelection four times. Each time, the pollsters have confidently predicted my defeat. Each time, I am happy to confide, they have been wrong. I am pleased that, thus far, I have never won a poll or lost an election.

So, as those of you who represent democratic nations well know, public opinion polls can be constructed to tell you anything the poll takers want you to hear. Let me share with you what the American people tell me. Since I became chairman of the Foreign Relations Committee, I have received literally thousands of letters from Americans all across the country expressing their deep frustration with this institution.

They know instinctively that the U.N. lives and breathes on the hard-earned money of the American taxpayers. And yet they have heard comments here in New York constantly calling the United States a "deadbeat." They have heard U.N. officials declaring absurdly that countries like Fiji and Bangladesh are carrying America's burden in peacekeeping.

They see the majority of the U.N. members routinely voting against America in the General Assembly. They have read the reports of the raucous cheering of the U.N. delegates in Rome, when U.S. efforts to amend the International Criminal Court treaty to protect American soldiers were defeated. They read in the newspapers that, despite all the human rights abuses taking place in dictatorships across the globe, a U.N. "Special Rapporteur" decided his most pressing task was to investigate human rights violations in the U.S.—and found our human rights record wanting.

The American people hear all this; they resent it, and they have grown increasingly frustrated with what they feel is a lack of gratitude.

Now I won't delve into every point of frustration, but let's touch for just a moment on one—the "deadbeat" charge. Before coming here, I asked the United States General Accounting Office to assess just how much the American taxpayers contributed to the United Nations in 1999. Here is what the GAO reported to me:

Last year, the American people contributed a total of more than $2.5 billion dollars to the U.N. system in assessments and voluntary contributions. That's pretty generous, but it's only the tip of the iceberg. The American taxpayers also spent an additional eight billion, seven hundred and seventy nine million dollars from the United States' military budget to support various U.N. resolutions and peacekeeping operations around the world. Let me repeat that figure: eight billion, seven hundred and seventy nine million dollars.

That means that last year (1999) alone the American people have furnished precisely eleven billion, two hundred and seventy nine million dollars to support the work of the United Nations. No other nation on earth comes even close to matching that singular investment.

So you can see why many Americans reject the suggestion that theirs is a "deadbeat" nation.

Now, I grant you, the money we spend on the U.N. is not charity. To the contrary, it is an investment—an investment from which the American people rightly expect a return. They expect a reformed U.N. that works more efficiently, and which respects the sovereignty of the United States.

That is why in the 1980s, Congress began withholding a fraction of our arrears as pressure for reform. And Congressional pressure resulted in some worthwhile reforms, such as the creation of an independent U.N. Inspector General and the adoption of consensus budgeting practices. But still, the arrears accumulated as the U.N. resisted more comprehensive reforms.

When the distinguished Secretary General, Kofi Annan, was elected, some of us in the Senate decided to try to establish a working relationship. The result is the Helms-Biden law, which President Clinton finally signed into law this past November. The product of three years of arduous negotiations and hard-fought compromises, it was approved by the U.S. Senate by an overwhelming 98–1 margin. You should read that vote as a virtually unanimous mandate for a new relationship with a reformed United Nations.

Now I am aware that this law does not sit well with some here at the U.N. Some do not like to have reforms dictated by the U.S. Congress. Some have even suggested that the U.N. should reject these reforms. But let me suggest a few things to consider: First, as the figures I have cited clearly demonstrate, the United States is the single largest investor in the United Nations. Under the U.S. Constitution, we in Congress are the sole guardians of the American taxpayers' money. (It is our solemn duty to see that it is wisely invested.) So as the representatives of the U.N.'s largest investors—the American people—we have not only a right, but a responsibility, to insist on specific reforms in exchange for their investment.

Second, I ask you to consider the alternative. The alternative would have been to continue to let the U.S.-U.N. relationship spiral out of control. You would have taken retaliatory measures, such as revoking America's vote in the General Assembly. Congress would likely have responded with retaliatory measures against the U.N. And the end result, I believe, would have been a breach in U.S.-U.N. relations that would have served the interests of no one.

Now some here may contend that the Clinton Administration should have fought to pay the arrears without conditions. I assure you, had they done so, they would have lost. Eighty years ago, Woodrow Wilson failed to secure Congressional support for U.S. entry into the League of Nations. This administration obviously learned from President Wilson's mistakes. Wilson probably could have achieved ratification of the League of Nations if he had worked with Congress. One of my predecessors as Chairman of the Senate Foreign Relations Committee, Henry Cabot Lodge, asked for 14 conditions to the treaty establishing the League of Nations, few of which would have raised an eyebrow today. These included language to insure that the United States remain the sole judge of its own internal affairs; that the League not restrict any individual rights of U.S. citizens; that the Congress retain sole authority for the deployment of U.S. forces through the league, and so on.

But President Wilson indignantly refused to compromise with Senator Lodge. He shouted, "Never, never!", adding, "I'll never consent to adopting any policy with which that impossible man is so prominently identified!" What happened? President Wilson lost. The final vote in the Senate was 38 to 53, and League of Nations withered on the vine.

Ambassador Holbrooke and Secretary of State Albright understood from the beginning that the United Nations could not long survive without the support of the American people—and their elected representatives in Congress. Thanks to the efforts of leaders like Ambassador Holbrooke and Secretary Albright, the present Administration in Washington did not repeat President Wilson's fatal mistakes.

In any event, Congress has written a check to the United Nations for $926 million, payable upon the implementation of previously agreed-upon common-sense reforms. Now the choice is up to the U.N. I suggest that if the U.N. were to reject this compromise, it would mark the beginning of the end of U.S. support for the United Nations.

I don't want that to happen. I want the American people to value a United Nations that recognizes and respects their interests, and for the United Nations to value the significant contributions of the American people.

Let's be crystal clear and totally honest with each other: all of us want a more effective United Nations. But if the United Nations is to be "effective" it must be an institution that is needed by the great democratic powers of the world.

Most Americans do not regard the United Nations as an end in and of itself—they see it as just one tool in America's diplomatic arsenal. To the extent that the U.N. is an effective tool, the American people will support it. To the extent that it becomes an ineffective tool—or worse, a burden—the American people will cast it aside.

The American people want the U.N. to serve the purpose for which it was designed: they want it to help sovereign states coordinate collective action by "coalitions of the willing," (where the political will for such action exists); they want it to provide a forum where diplomats can meet and keep open channels of communication in times of crisis; they want it to provide to the peoples of the world important services, such as peacekeeping, weapons inspections and humanitarian relief.

This is important work. It is the core of what the U.N. can offer to the United States and the world. If, in the coming century, the U.N. focuses on doing these core tasks well, it can thrive and will earn and deserve the support of the American people. But if the U.N. seeks to move beyond these core tasks, if it seeks to impose the U.N.'s power and authority over nation-states, I guarantee that the United Nations will meet stiff resistance from the American people.

As matters now stand, many Americans sense that the U.N. has greater ambitions than simply being an efficient deliverer of humanitarian aid, a more effective peacekeeper, a better weapons inspector, and a more effective tool of great power diplomacy. They see the U.N. aspiring to establish itself as the central authority of a new international order of *global* laws and *global* governance. This is an international order the American people will not countenance.

The U.N. must respect national sovereignty. The U.N. serves nation-states, not the other way around. This principle is central to the legitimacy and ultimate survival of the United Nations, and it is a principle that must be protected. The Secretary General recently delivered an address on sovereignty to the General Assembly, in which he declared that "the last right of states cannot and must not be the right to enslave, persecute or torture their own citizens." The peoples of the world, he said, have "rights beyond borders." I wholeheartedly agree.

What the Secretary General calls "rights beyond borders," we in America we call "inalienable rights." We are endowed with those "inalienable rights," as Thomas Jefferson proclaimed in our Declaration of Independence, not by kings or despots, but by our Creator.

The sovereignty of nations must be respected. But nations derive their sovereignty—their legitimacy—from the consent of the governed. Thus, it follows, that nations can lose their legitimacy when they rule without the consent of the governed; they deservedly discard their sovereignty by brutally oppressing their people.

Slobodan Milosevic cannot claim sovereignty over Kosovo when he has murdered Kosovars and piled their bodies into mass graves. Neither can Fidel Castro claim that it is his sovereign right to oppress his people. Nor can Saddam Hussein defend his oppression of the Iraqi people by hiding behind phony claims of sovereignty.

And when the *oppressed* peoples of the world cry out for help, the free peoples of the world have a fundamental right to respond.

As we watch the U.N. struggle with this question at the turn of the millennium, many Americans are left exceedingly puzzled. Intervening in cases of widespread oppression and massive human rights abuses is not a new concept for the United States. The American people have a long history of coming to the aid of those struggling for freedom. In the United States, during the 1980s, we called this policy the "Reagan Doctrine.

In some cases, America has assisted freedom fighters around the world who were seeking to overthrow corrupt regimes. We have provided weaponry, training, and intelligence. In other cases, the United States has intervened directly. In still other cases, such as in Central and Eastern Europe, we supported peaceful opposition movements with moral, financial and covert forms of support. In each case, however, it was America's clear intention to help bring down Communist regimes that were oppressing their peoples,—and thereby replace dictators with democratic governments.

The dramatic expansion of freedom in the last decade of the 20th century is a direct result of these policies. In none of these cases, however, did the United States ask for, or receive, the approval of the United Nations to "legitimize" its actions. It is a fanciful notion that free peoples need to seek the approval of an international body (many of whose members are totalitarian dictatorships) to lend support to nations struggling to break the chains of tyranny and claim their inalienable, God-given rights.

The United Nations has no power to grant or decline legitimacy to such actions. They are inherently legitimate. What the United Nations can do is help. The Security Council can, where appropriate, be an instrument to facilitate action by "coalitions of the willing," implement sanctions regimes, and provide logistical support to states undertaking collective action.

But complete candor is imperative: The Security Council has an exceedingly mixed record in being such a facilitator. In the case of Iraq's aggression against Kuwait in the early 1990s, it performed admirably; in the more recent case of Kosovo, it was paralyzed. The U.N. peacekeeping mission in Bosnia was a disaster, and its failure to protect the Bosnian people from Serb genocide is well documented in a recent U.N. report.

And, despite its initial success in repelling Iraqi aggression, in the years since the Gulf War, the Security Council has utterly failed to stop Saddam Hussein's drive to build instruments of mass murder. It has allowed him to play a repeated game of expelling UNSCOM inspection teams which included Americans, and has left Saddam completely free for the past year to fashion nuclear and chemical weapons of mass destruction.

I am here to plead that from now on we all must work together, to learn from past mistakes, and to make the Security Council a more efficient and effective tool for international peace and security. But candor compels that I reiterate this warning: the American people will never accept the claims of the United Nations to be the "sole source of legitimacy on the use of force" in the world.

But, some may respond, the U.S. Senate ratified the U.N. Charter fifty years ago. Yes, but in doing so we did not cede one syllable of American sovereignty to the United Nations. Under our system, when international treaties are ratified they simply become domestic U.S. law. As such, they carry no greater or less weight than any other domestic U.S. law. Treaty obligations can be superceded by a simple act of Congress. This was the intentional design of our founding fathers, who cautioned against entering into "entangling alliances."

Thus, when the United States joins a treaty organization, it holds no legal authority over us. We abide by our treaty obligations because they are the domestic law of our land, and because our elected leaders have judged that the agreement serves our national interest. But no treaty or law can ever supercede the one document that all Americans hold sacred: The U.S. Constitution.

The American people do not want the United Nations to become a "entangling alliance." That is why Americans look with alarm at U.N. claims to a monopoly on international moral legitimacy. They see this as a threat to the God-given freedoms of the American people, a claim of political authority over America and its elected leaders without their consent.

The effort to establish a United Nations International Criminal Court is a case-in-point. Consider: the Rome Treaty purports to hold American citizens under its jurisdiction—even when the United States has neither signed nor ratified the treaty. In other words, it claims sovereign authority over American citizens without their consent. How can the nations of the world imagine for one instant that Americans will stand by and allow such a power-grab to take place?

The Court's supporters argue that Americans should be willing to sacrifice some of their sovereignty for the noble cause of international justice. International law did not defeat Hitler, nor did it win the Cold War. What stopped the Nazi march across Europe, and the Communist march across the world, was the principled projection of power by the world's great democracies. And that principled projection of force is the only thing that will ensure the peace and security of the world in the future.

More often than not, "international law" has been used as a make-believe justification for hindering the march of freedom. When Ronald Reagan sent American servicemen into harm's way to liberate Grenada from the hands of communist dictatorship, the U.N. General Assembly responded by voting to condemn the action of the elected President of the United States as a violation of international law—and, I am obliged to add, they did so by a larger majority than when Soviet invasion of Afghanistan was condemned by the same General Assembly!

Similarly, the U.S. effort to overthrow Nicaragua's Communist dictatorship (by supporting Nicaragua's freedom fighters and mining Nicaragua's harbors) was declared by the World Court as a violation of international law.

Most recently, we learn that the chief prosecutor of the Yugoslav War Crimes Tribunal has compiled a report on possible NATO war crimes during the Kosovo campaign. At first, the prosecutor declared that it is fully within the scope of her authority to indict NATO pilots and commanders. When news of her report leaked, she backpedaled.

She realized, I am sure, that any attempt to indict NATO commanders would be the death knell for the International Criminal Court. But the very fact that she explored this possibility at all brings to light all that is wrong with this brave new world of global justice, which proposes a system in which independent prosecutors and judges, answerable to no state or institution, have unfettered power to sit in judgment of the foreign policy decisions of Western democracies.

No U.N. institution—not the Security Council, not the Yugoslav tribunal, not a future ICC—is competent to judge the foreign policy and national security decisions of the United States. American courts routinely refuse cases where they are asked to sit in judgment of our government's national security decisions, stating that they are not competent to judge such decisions. If we do not submit our national security decisions to the judgment of a Court of the United States, why would Americans submit them to the judgment of an International Criminal Court, a continent away, comprised of mostly foreign judges elected by an international body made up the membership of the U.N. General Assembly?

Americans distrust concepts like the International Criminal Court, and claims by the U.N. to be the sole source of legitimacy" for the use of force, because Americans have a profound distrust of accumulated power. Our founding fathers created a government founded on a system of checks and balances, and dispersal of power.

In his 1962 classic, Capitalism and Freedom, the Nobel-prize winning economist Milton Friedman rightly declared: "[G]overnment power must be dispersed. If government is to exercise power, better in the county than in the state, better in the state than in Washington. [Because] if I do not like what my local community does, I can move to another local community . . . [and] if I do not like what my state does, I can move to another. [But] if I do not like what Washington imposes, I have few alternatives in this world of jealous nations."

Forty years later, as the U.N. seeks to impose its utopian vision of "international law" on Americans, we can add this question: Where do we go when we don't like the "laws" of the world? Today, while our friends in Europe concede more and more power upwards to supra-national institutions like the European Union, Americans are heading in precisely the opposite direction. America is in a process of reducing centralized power by taking more and more authority that had been amassed by the Federal government in Washington and referring it to the individual states where it rightly belongs.

This is why Americans reject the idea of a sovereign United Nations that presumes to be the source of legitimacy for the United States Government's policies, foreign or domestic. There is only one source of legitimacy of the American government's policies—and that is the consent of the American people.

If the United Nations is to survive into the 21st century, it must recognize its limitations. The demands of the United States have not changed much since Henry Cabot Lodge laid out his conditions for joining the League of Nations 80 years ago: Americans want to ensure that the United States of America remains the sole judge of its own internal affairs, that the United Nations is not allowed to restrict the individual rights of U.S. citizens, and that the United States retains sole authority over the deployment of United States forces around the world.

This is what Americans ask of the United Nations; it is what Americans expect of the United Nations. A United Nations that focuses on helping sovereign states work together is worth keeping; a United Nations that insists on trying to impose a utopian vision on America and the world will collapse under its own weight.

If the United Nations respects the sovereign rights of the American people, and serves them as an effective tool of diplomacy, it will earn and deserve their respect and support. But a United Nations that seeks to impose its presumed authority on the American people without their consent begs for confrontation and, I want to be candid, eventual U.S. withdrawal.

Thank you very much.

FOREIGN RELATIONS COMMITTEE EVENTS AT THE UNITED NATIONS

Senator Helms scheduled two days of events at the United Nations in New York. On Thursday, January 20, 2000, Senator Helms met with Ambassador Richard Holbrooke, the United States' Permanent Representative to the United Nations. This meeting was followed by a private discussion with United Nations Secretary General Kofi Annan. At the conclusion of the Kofi Annan meeting Senator Helms proceeded to the chamber of the United Nations Security Council where he delivered a speech to the members of the Security Council. In addition to the fifteen members of the Security Council, the speech was attended by representatives of most countries in the United Nations. Senator Helms was later the guest of honor at a luncheon hosted by Ambassador Holbrooke at which Senator Helms and several U.N. ambassadors continued the discussion on United Nations reform and the future of U.S.-U.N. relations.

On Friday, January 21, Senator Helms was joined by four other Senate Foreign Relations Committee members (Senators Biden, Hagel, Grams, and Feingold) and Chairman of the Armed Services Committee, Senator John Warner, for another full day of meetings on U.S.-U.N. relations. The schedule started with a meeting between the Senators and Ambassador Holbrooke. This was followed by a meeting with the Secretary General of the United Nations. The Secretary General was joined by his top deputies responsible for U.N. management and peacekeeping. At the conclusion of the meeting, the Senators attended a luncheon at the United Nations hosted by Ambassador Holbrooke. Representatives of nearly every one of the 188 nations represented at the United Nations were invited, and it appeared that most showed up. The day concluded with an afternoon hearing at which three panels of witnesses spoke on a wide range of issues related to the United Nations including the state of reforms, peacekeeping in the Balkans and Africa, efforts to inspect WMD programs in Iraq, and the U.S.-U.N. relationship.

On Friday evening, a dinner hosted by Mr. Erwin Belk, a U.S. Public Delegate to the United Nations, was held in honor of the U.S. Presidency of the U.N. Security Council during the month of January. The dinner was attended by Senators and many United Nations representatives.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Iowa.

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. GRASSLEY. As everyone knows, we have started with the new Congress what we hope will be the final 2 days of the bankruptcy bill that we started sometime during the last 2 weeks of the session last year. We hope to finish by next Tuesday or Wednesday. We have the number of amendments down to about nine, with limits on debate on most of those amendments. It looks as if we can see the end of the debate and what I hope will be final passage. I think I can predict final passage because we did pass this legislation with only one or two dissenting votes during the year of 1998. At that particular time, it was too late in the session to get the bill back to the House before final adjournment, so obviously in 1999 we had to start over again. That is concluding now with the House passing the bill in the middle of last year by a veto-proof margin.

At this point, I will say a few words about how we have thought of the proper role of bankruptcy over the course of our Nation's history. Congress' authority to create bankruptcy legislation derives from the body of the Constitution. Article I, section 8, clause 4, authorizes Congress to establish "uniform laws on the subject of bankruptcy throughout the United States."

Until the year 1898, we did not have permanent bankruptcy laws; they were temporary. They were temporary reactions to particular economic problems. With each successive bankruptcy act and each major reform of our Nation's bankruptcy laws, we have refined our concept of how bankruptcy should promote the important social goal of giving honest but unfortunate Americans a fresh start while at the same time we guard against the moral hazard of making bankruptcy too lax. Quite frankly, since 1978 that is exactly what has happened. In the last 6 or 7 years, we have seen an explosion of the number of bankruptcies, from about 700,000 to about 1.4 million.

We do not have solid statistics on this, but hopefully that 100-percent rise in bankruptcies over the last 6 years has leveled off now. We think it has. If it has leveled off, hopefully it will start to decline. Some of that is attributable to our working on this legislation and sending a signal not only to people who are unfortunate and are considering bankruptcy, but to our entire society that Congress is taking a look at this 1978 legislation. The point of that legislation may not have been to make it easier to go into bankruptcy, but that has been the final product of that 1978 legislation. Hence, our reconsideration of that 1978 legislation with the amendments that are in this bill will send a signal to the people of this country that those who have the ability to pay should not be in bankruptcy in the first place. But if they decide to go into bankruptcy, they are not going to get off scot-free. That still retains our social practice, which has been that if they deserve a fresh start, they will still get it.

The bill before us proposes fundamental reforms which are a logical outgrowth and an extension of our prior bankruptcy reform efforts. I am talking about certain reforms that have taken place over the last 102 years. From 1898, which is the start of our permanent bankruptcy legislation, until 1938, consumers had only one way to declare bankruptcy. It was called straight bankruptcy, or chapter 7 bankruptcy. Under chapter 7, which is still in existence, bankrupts surrender some of their assets to the bankruptcy court. The court sells these assets and uses the proceeds to pay creditors. Any deficiency, then, is wiped out, hence the term "a fresh start."

In 1932, the President recommended changes to the bankruptcy laws which would push wage earners into repayment plans. Later in the 1930s—and the exact date is 1938—Congress created, then, as a result of this suggestion 8 years before, chapter 13, which permits but does not require a debtor to repay a portion of his or her debts in exchange for limited debt cancellation and protection from debt collection efforts. Chapter 13 is still on the books to this very day, although it has been modified several times, most notably that modification in 1978.

Under current law, the choice between chapter 7 and chapter 13 is entirely voluntary. Since it is entirely voluntary, that is the cause of part of the problems we have now. People who have the ability to repay, who might use chapter 13 of the bankruptcy code as part of their financial planning, try to get into 7 and do not have to go into 13. As a result of not going into 13, they can get off scot-free.

Senators, decades before this Senator, saw a weakness in this. In the late 1960s, there was a distinguished Senator from Tennessee by the name of Albert Gore, Sr. He introduced legislation to push people into repayment plans. This proposal was reported to the Senate as part of a bankruptcy tax bill passed by the Finance Committee, but the Gore amendment ultimately died in the Senate.

Later, in the mid-1980s, Senator Dole and a Congressman from Oklahoma by the name of Mike Synar tried to steer higher income bankrupts—those who could repay some of their debt, those who were going into bankruptcy chapter 7 to get off scot-free—to steer those people to chapter 13. That was a good idea by Senator Dole and Congressman Mike Synar. The efforts of Senator Dole and the Congressman, though, ultimately resulted in the creation of section 707(b). This section gives bankruptcy judges the power to dismiss the bankruptcy case of someone who has filed for chapter 7 bankruptcy if that case is—and these are the words from the law—if that case is a "substantial abuse" of the bankruptcy code.

This idea sounds very good and probably was quite a step forward by Senator Dole and Congressman Synar, but it has not worked so well in the real world. First, the term "substantial abuse" has not been clearly defined, and its actual meaning is very unclear. Why? Not because of the intent of the authors, but because we have had so many conflicting court cases. The decisions have brought conflicts in this area of the law from different parts of the country, so people are not sure what the rules are.

There is a second reason. Creditors and private trustees are actually forbidden from bringing evidence of abuse to the attention of the bankruptcy judge. I want to think that this was an oversight by Senator Dole and Congressman Synar. Or it may have been part of a necessary compromise at the time to take a small step forward. But it is unreasonable, if you believe there has been a substantial abuse of the bankruptcy code, and going into chapter 7 and, according to the language of the statute, there has been "substantial abuse," that somehow knowledge of that cannot be brought to the attention of a bankruptcy judge by creditors and private trustees.

The bill before our body corrects these two shortcomings. Under this bill, 707(b) now permits creditors and private trustees to file motions and actually bring evidence of chapter 7 abuses to the attention of the bankruptcy judge. This change is very important since creditors have the most to lose from bankruptcy abuse, and, of course, the private trustees are often in the best position to know which cases are abusive in nature. In certain types of cases where the probability of abuse is high, the Department of Justice is also required to bring evidence of abuse to the attention of bankruptcy judges.

Additionally, the bill requires judges to dismiss or convert chapter 7 cases where the debtor has a clear ability to repay his or her debts. Under this bill, if someone who has filed for chapter 7 bankruptcy can repay 25 percent or more of his or her general unsecured debts, or a total of $15,000 over a 5-year period, then a legal presumption arises that this case should be dismissed or converted to a repayment plan under another chapter.

Taken together, these changes will bring the bankruptcy system back into balance. I am sure it is a balance that Senator Dole and Congressman Synar sought in the first instance. Importantly, these changes preserve an element of flexibility so each and every debtor can have his or her special circumstances considered. That is important, as well, as we give some leeway, some flexibility, to the bankruptcy judge when this sort of evidence is brought. This will not put any group of bankrupts in a straitjacket. All of this means then that their unique situation will be taken into account.

As we proceed to consider this bill, I hope my colleagues will keep in mind the balance of this legislation, the fair nature of this legislation, as well as its deep historical roots, not going back, I suppose, to the beginning of our country but, as far as a uniform permanent bankruptcy code, to 1898.

I also think this is a tribute—as the Senator from Vermont spoke about earlier—that we have been working very closely between Republicans and Democrats on crafting a bipartisan measure.

That reminds me again that, as with last fall when we first started consideration of this bill—we are continuing it now because we did not finish it last year—a great deal of credit goes to the Senator from New Jersey, Mr. TORRICELLI, for his outstanding cooperation with me on this legislation, in addition to Senator LEAHY because as chairman of the subcommittee that handles this legislation, I had to work very closely, and enjoyed working very closely, with Senator TORRICELLI. We introduced the bill together. We got it out of subcommittee together. We got it out of the full committee together. This enjoyed a great deal of bipartisan support in the Senate Judiciary Committee.

Lastly, I just ask my colleagues to come to the floor. We were told that a couple of the authors of these amendments would be prepared to come to the floor this afternoon to debate these amendments and, except for votes, to take care of some of these amendments. I hope my colleagues will come.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I would like to point out a concern I have with a seemingly innocuous, seemingly beneficial, provision contained in the Domenici amendment to S. 625, the Bankruptcy Reform Act of 1999—"Section 68. MODIFICATION OF EXCLUSION FOR EMPLOYER PROVIDED TRANSIT PASSES." The goal of the provision—to expand the use of the Federal transit benefit, a "qualified transportation fringe" in the vernacular—is admirable, but I fear that the way in which the provision pursues that goal may, in fact, unintentionally undermine the transit benefit.

The employer-provided Federal transit benefit has evolved since its creation within the Deficit Reduction Act of 1984 as a $15 per month "de minimis" benefit. After fourteen years of gradual change, 1998's Transportation Equity Act for the 21st Century (TEA-21) codified the benefit as a "pre-tax" benefit of up to $65 per month. The cap will increase to $100 in 2002. The "pre-tax" aspect was a major reform because it provided an economic incentive—payroll tax savings—for employers to offer the program. Companies would save money by offering a benefit of great utility to their workers while simultaneously removing automobiles from our choked and congested urban streets and highways. It is effective public policy. (As an aside, I should note that a similar pre-tax benefit of $175 per month exists for parking, and so despite all we know about air pollution and the intractable problems of automobile congestion, Congress continues to encourage people to drive. Discouraging perhaps, but we're closing the gap. If one doesn't have thirty years to devote to social policy, one should not get involved!)

Quite consciously, and conscientiously, Congress established a bias in the statute toward the use of vouchers—which employers can distribute to employees—over bona fide cash reimbursement arrangements. We permitted employers to use cash reimbursement arrangements only when a voucher program was not "readily available." We reasoned that because the vouchers could only be used for transit, we would eliminate the need for employees to prove that they were using the tax benefit for the intended purpose. Furthermore, by stipulating that voucher programs are the clear preference of Congress, we are compelling transit authorities to offer better services—monthly farecards, unlimited ride passes, smartcards, et al.—to the multitudes of working Americans who must presently endure all manner of frustrations and indignities during their daily work commute.

While the new law has only been in effect for less than two years, the program is catching on in our large metropolitan areas and should continue to expand. We have been alerted, however, to a legitimate concern of large multistate employers. Several of these companies have noted that establishing voucher programs can be arduous and unwieldy when the companies must craft separate programs in multiple jurisdictions with different transportation authorities. These difficulties, coupled with an expertise in administering cash reimbursement programs, have convinced the companies that bona fide cash reimbursement programs are more practical. Fair enough.

We should, therefore, make it easier for such companies to offer the benefit through cash reimbursement arrangements. While I am committed to that end, I have serious reservations about the repeal of the voucher preference contained in the Domenici amendment.

My main objection is that the U.S. Treasury is currently developing substantiation regulations for the administration of this benefit through cash reimbursement arrangements. These regulations will provide companies with a clear understanding of their obligations in the verification of their employees' transit usage, an understanding which does not exist today. Until these regulations are promulgated, voucher programs offer the only true mechanism of verification—vouchers, unlike cash, are useless unless enjoyed for their intended purpose. The Congress should not take an action that might rapidly increase the use of a tax benefit without the existence of accompanying safeguards to ensue the program's integrity.

I will work with my colleagues on the Finance Committee, with my revered Chairman, and any Senator interested in this issue, to improve the ease with which companies can offer this important benefit to their employees. It is, after all, in our national interest. But I must strongly oppose efforts to repeal the voucher preference until the Treasury establishes a regulatory framework for cash reimbursement. We have been told to expect proposed regulations from the Treasury within the week. We anxiously await their arrival.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

METHAMPHETAMINE

Mr. BAUCUS. Mr. President, I rise today to address an issue that is tearing rural communities apart—methamphetamine.

Last week, our Nation's drug czar, Gen. Barry McCaffrey, and his deputy, Dr. Don Vereen, came to Montana to focus on methamphetamine. We met with law enforcement officers, health care professionals, and concerned citizens.

As many of you know, methamphetamine is a powerful and addictive drug. It is considered by many youths to be a casual, soft-core drug with few lasting effects. But, in fact, meth can actually cause more long-term damage to the body than cocaine or crack.

Methamphetamine users are often irritable and aggressive. They have tremors and convulsions, their hearts working overtime to keep up with the frenetic pace set by the drug. Methamphetamine can stop their hearts. It can kill.

The psychological effects of meth use are also severe: Paranoia and hallucinations; memory loss and panic; loss of concentration and depression.

We have all heard these symptoms manifested around the country, particularly in rural America.

Time magazine reported just 2 years ago, in June 1998, on the meth problem faced in Billings, MT. Time found that until 5 years ago, in Billings—Montana's largest city—marijuana and cocaine were the most often used illegal substance of choice. Today, as reported in Time magazine, it is methamphetamine.

In 1998, the number of juveniles charged with drug-related or violent crimes in the Yellowstone County Youth Court rose by 30 percent.

In Lame Deer—that is the community of the Northern Cheyenne Indian Reservation—kids as young as 8 years old have been seen for meth addiction.

Last November in our State, a meth lab blew up in Great Falls, leading to a half dozen arrests.

Sounds like awful stuff, doesn't it? But if it is bad, why is methamphetamine the fastest growing drug in Montana, and particularly over rural America in the last 5 years? Why did meth use among high school seniors more than double from 1990 to 1996?

The short answer is that methamphetamine provides a temporary high, a short-term euphoria; it feels good; in addition, increases alertness. Although the use of the drug later leads to a dulling of the body and mind, its short-term lure is one of enhanced physical and mental prowess.

Workers may use the drug to get through an extra shift, particularly a night shift; it gives them a real high. Young women often use meth to lose weight. It is interesting, but in our State over half of methamphetamine users are women, single moms, stressed out, working. She needs a break. She takes the drug. It helps her get through the day or week. Athletes also use it to improve performance. People think it helps. It helps them get through the day, helps them to do what they are doing. They do not realize how much it hurts.

Therein lies the danger of methamphetamine. Folks think they can use it for a short time with no long-term ill effects—sort of like straying from their New Year's diet and eating a couple of pieces of cheesecake—but they can't do it, can't get away with it.

Consider this: Dr. Bill Melega is a doctor at UCLA. He researched the effects of methamphetamine on monkeys, giving them meth for 10 days. He found that not only did methamphetamine physically alter the brain, but these monkeys' brains remained altered 3 years after methamphetamine was administered. Again, 3 years after taking the drug, the brain still had not recovered.

Brain scans show that, whether it is postron or other forms of technology we have that scan the brain, when an individual is taking methamphetamine, the brain is significantly changed. As I said, in the case of monkeys—we do not have test results yet on human beings—it is permanently changed.

So meth is a problem. But is it reasonable to believe we can mobilize a community-wide effort against it? Is it possible to remove meth from Montana and all our communities? I say we can, but it is going to take a lot of work.

A few years ago, for example, in Billings, MT, a group of skinheads threatened Billings and its Jewish community with bodily harm. They threw bricks through windows of Jewish homes. They threatened violence on others and caused a huge problem in my State, particularly in Billings.

But what happened? The people of Billings mobilized. They mobilized to defend against that mindless hatred. They banded together, and they organized the largest Martin Luther King Day march ever in my State. Billings people, in addition to the police, law enforcement officers, and others—basically, the people—the community rose to the challenge and ousted the skinheads from Billings, MT.

Just a few days after yet another Martin Luther King celebration, we are given the chance all across our country to try again, with community efforts, to solve community problems, whether it is racial hatred, whatever it is—in this case, among others, this methamphetamine. We all have a part to play.

Kids, you should know that meth will hurt you. It might even kill you. Our communities need you to serve as examples of how to live a positive, drug-free life. You are doing it already through organizations such as SADD—the Students Against Destructive Decisions—Big Brothers and Sisters, Smart Moves, Smart Leaders. There are lots of organizations.

One encouraging sign in the fight against meth is the incredible people who have been working on this problem.

In my State of Montana, for example, there is a lady named Virginia Gross who for over a decade has been in the "treatment trenches" serving the most serious cases of meth addiction in Billings, MT. A Billings native herself, she got her start in the treatment area, working generally with emotionally disturbed kids. She saw that almost invariably these emotionally disturbed kids had a drug abuse problem tied with them. In doing intakes at a treatment center called the Rimrock Foundation, she treated her first meth addict 13 years ago.

There is virtually no literature on the subject, particularly on meth treatment, so she, on her own—working with this and that—developed her own treatment techniques—testing this, trying that—and she gradually learned what it takes to treat a meth patient effectively.

In the hundreds of patients she has treated since 1987, she points to one as her greatest success. This fellow, strung out since age 14 on drugs for more of his life than not, came to Virginia with a determination to try anything. He told her he would do whatever it took to beat his addiction. He knew he wanted to be clean, and clean he became. Three years after starting treatment, this former high school dropout got his GED, started college. He has gotten straight A's and aspires to be a forest ranger. He is a symbol of Virginia's and his own success and particularly a symbol of what young people can do who are on drugs and who want to get off.

Success can be achieved. Meth can be defeated. We all have a part to play. Parents, teachers, you must know the symptoms of meth use; recognize them. More importantly, you need to talk to your children. It is true that teens whose parents talk to them about drugs are half as likely to use drugs as those whose parents don't. If you talk to your kids, the chances your kids will take drugs is 50 percent less than if you don't talk to them about drugs. It is a proven fact. It is a statistic that is very amply demonstrated.

Finally, law enforcement, you have a critical part to play, too. Last week, again, the news in Billings reported that the crime rate has fallen significantly in the last 2 years, 10 percent this year alone. That is good news. But the bad news is, it is also true that Billings' violent crime rate has increased over that same time. I believe much of that is attributable to drug use. Until we get a handle on the drug problem, controlling crime is going to be a very steep uphill battle.

To that end, Montana must be a member of the Rocky Mountain High-Intensity Drug Trafficking Area, or HIDTA. It is a collaboration between State, Federal, and local law enforcement agencies. Then there is S. 486, the Meth Act, which passed the Senate last session and waits for action in the House. It provides longer prison terms for drug criminals, more money for law enforcement, education, prevention, and a wider ban on meth paraphernalia. All told, the bill increases Federal funding for law enforcement and education by over $50 million.

We are proud in our State to call Montana the last best place. We love our way of life. But in the past several years, we have found that even the last best place is not immune to the scourge of methamphetamine and all the trouble that comes with it. We have gangs. We have thugs. We have crime. We have drugs. We have a problem.

Today a report was released underscoring the fact that rural teenagers are much more likely to smoke, to drink, and to use illegal drugs than their urban counterparts. The report was commissioned by the Drug Enforcement Administration and funded by the National Institute on Drug Abuse, focusing primarily on 13- and 14-year-olds. It showed that eighth graders in rural America are 83 percent more likely to use crack cocaine than their urban counterparts. They are 50 percent more likely to use cocaine, 34 percent more likely to smoke marijuana, 29 percent more likely to drink alcohol. Even more shocking, the report showed that rural eighth graders were 104 percent more likely to use amphetamines, including methamphetamine. That is double the rate of urban eighth graders.

We also have confidence in our State, as I know people do in other communities, that we can solve this, particularly in the face of such adversity. And this battle must be won. Meth use in Montana and in other communities is much too important a battle to lose. So, kids, please understand what meth does to you. Serve as examples to your peers and what it means to lead a drug-free life. We need you. Parents, teachers, recognize the symptoms; talk to your kids. Law enforcement, your efforts are bearing fruit. You need more support and all of us, of course, will continue to help you, particularly here in the Congress, to get it. You need the help of the communities because community problems require community solutions.

One final note. Let me emphasize that last one: Community effort. This is only going to be solved in all communities across our country if it is a total community effort. Doctors have to get more involved. They have to not only get involved with the glamorous cases of heart transplants and hip replacements but also meth use, addiction. Doctors have to get much more involved. Pediatricians have to talk much more to parents of the kids when the kids come into the office. Our faith community can do still more, much more throughout our country in cracking down on meth, working hard to work together with other communities, parents, obviously teachers and schools, treatment centers.

In addition, treatment is so important. So many people are arrested for meth use or for peddling meth. They are addicted. They are put in prison. What happens? After they are out of prison, they are back on meth. There is virtually no treatment or there is very little treatment of incarcerated persons in prison because of meth. There has to be treatment. Treatment is tough. Treatment takes a long time. It takes more than 30 days. It takes more than 60 days. It takes more than 90 days. Treatment usually takes up to 1 to 2 years. Halfway houses, you have to stick with it. You have to stick with it if we are going to solve it.

Look at it this way: If we leave meth users alone in the community, it is going to cost the community, estimates are, $38,000, $39,000, $40,000 a year. That is the cost of that meth-addicted user to communities, whether it is in crimes, stealing to support the habit, all the ways that addicted meth users are destructive to a community. To put that same person in prison, it is going to be very costly; that is, prison without treatment. It is going to cost maybe up to $30,000. Incarceration today costs about $30,000 a person a year. Treatment alone is about $6,000 to $8,000. Treatment in prison is going to be less than letting the person free out on the street in the community. It pays.

Taxpayers, rise up. Recognize your tax dollars are spent much more efficiently with treatment, treatment of addicted meth users in prison, than without the treatment, working with law enforcement officials, coordinating all your efforts.

Again, I emphasize that final point. Methamphetamine is a national problem. It is a State problem, but it is more a community solution, all the peoples of the communities working together, certainly with States and certainly with Uncle Sam, but you have to do it together as a well-knit effort. That is how we will solve this scourge in this country.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the Senator from Montana for his eloquent remarks on methamphetamine and the destruction it is wreaking not only on Western States such as Montana and Utah but throughout the country. We passed a methamphetamine bill out of the Senate. We have to get it through the House. I ask my dear friend from Montana to help us work with House Members to get that through. If we get that through, it will immediately start taking effect.

What these kids don't realize, and their parents, is once they are hooked on meth, it is almost impossible to get them off. I had a situation where a very strong friend of mine had a son, a good kid, but he was picked up and put in jail once for meth. He promised to be OK. He had quite a bit of time to get OK, came outside, he had perfect intentions, wanted to be everything he possibly could be. Then, all of a sudden, he started making meth in his apartment, got picked up again. The father called me and said: I know he has to go to jail. I hope you can get the help for him.

I called the top people and they said they will try and get him into a Federal rehabilitation center, but it would take at least 3 years just to get him to be able to handle it, not ever get rid of the desire, but just to handle it.

So you parents out there, if you don't realize how important what Senator BAUCUS has been talking about is, then you better start thinking. If your kids get hooked on meth, it is going to be a long, hard road to get them off. Their lives may be gone.

We have to pass that bill. I appreciate the distinguished Senator's remarks for the most part. I thank him for being here. I hope we will all work together to get that bill through Congress so we can solve this terrible scourge.

Mr. BAUCUS. I hope not only for the most part but for the whole part, Mr. President. The Senator from Utah is exactly correct. I must confess, I learned a lot about the scourge this past week when Gen. Barry McCaffrey was in Billings for a whole day and half the next day with his people, meeting with treatment people the whole time, various aspects of the people who deal with this. It is one big problem, as the Senator from Utah said. It is really vicious stuff. Once you are on it, it is worse than cocaine or heroin. It is harder to withdraw. The treatment is longer. I mean, this is wicked stuff.

I might add, one fact I learned is that in our State—and I hope it is not true in Utah—we have a high percentage of users who shoot it with needles, or IV. Therefore, if we don't stamp it out, we are going to face a high incidence of hepatitis C and HIV. Dr. Green, an expert on the subject in Billings, was shocked last week when he came to understand the high rate of users who inject meth instead of taking it orally or smoking it.

All I say is that I hope parents and communities will rally and knock this thing out. It is really bad stuff.

Mr. HATCH. I thank my colleague. It is a real problem, and we have to do something about it. I appreciate his remarks.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPERFUND RECYCLING EQUITY ACT

Mr. DASCHLE. Mr. President, I take this opportunity to correct an inadvertent but significant error in the CONGRESSIONAL RECORD of November 19, 1999, the last day of the first session of this Congress. It concerns a statement submitted for the RECORD by Senator LOTT (145 CONGRESSIONAL RECORD S15048) regarding the Superfund Recycling Equity Act, which was passed as part of the Intellectual Property and Communications Omnibus Reform Act of 1999. The statement erroneously was attributed to both Senator LOTT and me. In fact, the statement did not then and does not now reflect my understanding of the Superfund recycling amendments.

I make this clarification at the earliest opportunity, in order to minimize the possibility of any mistaken reliance on the statement as the consensus view of two original cosponsors, particularly with respect to the availability of relief in pending cases. It is not.

The recycling amendments were passed as part of the end of year appropriations process and did not have the benefit of hearings, debates, or substantive committee consideration during the 106th legislative session. Thus, there is no conference report, and there are no committee reports or hearing transcripts, to guide interpretation of the bill.

However, much, though not all, of the language in the recycling amendments originated in the 103d Congress. At that time, key stakeholders, including EPA, members of the environmental community and the recycling industry, agreed on recycling provisions as part of efforts to pass a comprehensive Superfund reform bill. Although Superfund reform legislation did not reach the floor in the 103d Congress, it was reported by the major Committees of jurisdiction in both the Senate (S. 1834) and the House with bipartisan support. In reporting these bills in the 103d Congress, the Senate Environment and Public Works Committee, the House Energy and Commerce Committee, and the House Public Works and Transportation Committee each produced reports that include discussions of the recycling provisions.

Since the recycling provisions of S. 1834 were identical in most respects to the Superfund Recycling Equity Act of 1999, and the meaning of key provisions of that bill were actively considered and discussed, the Senate Committee Report contains probably the best description of the consensus on the meaning of those provisions.

To the extent the Committee Report does not address a particular provision of the recycling amendments, the Committee may very well have chosen to be silent on the point. With respect to such provisions, the "plain language" of the statute must be our guide.

I am proud of our accomplishment in finally passing the Superfund Recycling Equity Act with broad bi-partisan support. This could not have happened without the hard work and cooperation of Senator LOTT. And the significance of this accomplishment is by no means compromised by the absence of agreement on any legislative history. As usual, it will be for the courts to resolve questions of interpretation on a case-by-case basis, applying the bill to a wide range of potential factual situations.

I again thank the distinguished majority leader for his work on this bill.

HEALTH ACCOMPLISHMENTS FOR THE FIRST SESSION OF THE 106th CONGRESS

Mr. HATCH. Mr. President, I will take just a few minutes at the beginning of the second session of the 106th Congress to comment on several legislative initiatives I authored in the first session, and which I am pleased to say either passed or were substantially incorporated into other bills that were approved and signed into law by the President last year.

One of the most important issues for my state of Utah is the Radiation Exposure Compensation Act (RECA) Amendments of 1999, S. 1515, which I introduced last year. I am delighted that the Senate passed this important legislation in November.

This bill will guarantee that our government provides fair compensation to the thousands of individuals adversely affected by the mining of uranium and from fallout during the testing of nuclear weapons in the early post-war years.

Senator BEN NIGHTHORSE CAMPBELL; the distinguished Senate Minority Leader, Senator TOM DASCHLE; Senator JEFF BINGAMAN; and Senator PETER DOMENICI all joined me in introducing this legislation.

In 1990, the Radiation Exposure Compensation Act (42 U.S.C. 2210) was enacted in law. RECA, which I was proud to sponsor, required the federal government to compensate those who were harmed by the radioactive fallout from atomic testing. Administered through the Department of Justice, RECA has been responsible for compensating approximately 6,000 individuals for their injuries. Since the passage of the 1990 law, I have been continuously monitoring the implementation of the RECA program.

Quite candidly, I have been disturbed over numerous reports from my Utah constituents about the difficulty they have encountered when they have attempted to file claims with the Department of Justice. I introduced S. 1515 in response to their concerns.

This bill honors our nation's commitment to the thousands of individuals who were victims of radiation exposure while supporting our country's national defense. I believe we have an obligation to care for those who were injured, especially since, at the time, they were not adequately warned about the potential health hazards involved with their work.

Another issue which many of my constituents contacted me about over the past year was the Medicare provisions contained in the 1997 Balanced Budget Act (BBA) and the impact of these provisions on health care providers and Medicare beneficiaries.

I am extremely pleased that the House and Senate approved the Medicare, Medicaid, and CHIP Adjustment Act of 1999 and that President Clinton signed the measure into law.

This important bill will help to ensure that Medicare beneficiaries can continue to receive high-quality, accessible health care.

Overall, the bill increases payments for nursing homes, hospitals, home health agencies, managed care plans, and other Medicare providers. It will also increase payments for rehabilitative therapy services, and longer coverage of immunosuppressive drugs.

Over $17 billion in legislative restorations are contained in this package for the next 10 years.

Clearly we now know that there were unintended consequences as a result of the reimbursement provisions contained in the BBA. Many of the changes provided for in the BBA resulted in far more severe reductions in spending that we projected in 1997.

As a result, skilled nursing facilities, home health agencies and hospitals have been particularly hard hit from these changes in the Medicare law.

In 1997, Medicare was in a serious financial condition and was projected to go bankrupt in the year 2001. The changes we made in 1997 saved Medicare from financial insolvency and have resulted in extending the program's solvency until 2015.

Nevertheless, the reductions we enacted in 1997 created a serious situation for many health care providers who simply are not being adequately reimbursed for the level and quality of care they were providing.

This situation is particularly evident in the nursing home industry.

Many skilled nursing facilities, or SNFs, are now facing bankruptcy because the current prospective payment system, which was enacted as part of the BBA, does not adequately compensate for the costs of care to medically complex patients.

As a result, I introduced the Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999, S. 1500, which was designed to provide immediate financial relief to nursing homes who care for medically complex patients.

The Chairman of the Budget Committee, Senator DOMENICI, was the principal cosponsor of this important legislation. And I would like to take this opportunity now to thank him for the extraordinary effort he made in helping to have major provisions of our bill incorporated into the final conference agreement on the BBA refinement bill.

Moreover, I want to thank the other 44 Senators who cosponsored S. 1500 and who lent their support in helping to move this issue to conference.

This is an important victory for Medicare beneficiaries who depend on nursing home care.

As we have seen over the past several years, those beneficiaries with medically complex conditions were having difficulty in gaining access to nursing home facilities, or SNFs, because many SNFs simply did not want to accept these patients due to the low reimbursement levels paid by Medicare.

The current prospective payment system is flawed. It does not accurately account for the costs of these patients with complex conditions.

The Health Care Financing Administration (HCFA) has acknowledged that the system needs to be corrected.

Under the provisions of the BBA Restoration bill we are passing today, reimbursement rates are increased by 20% for 15 payment categories, or the Resource Utilization Groups—RUGs—beginning in April 2000. These increases are temporary until HCFA has finetuned the PPS and made adjustments to reflect a more accurate cost for these payment categories.

Moreover, after the temporary increases have expired, all payment categories will be increased by 4% in fiscal year 2001 and 2002.

These provisions will provide immediate increases of $1.4 billion to nursing home facilities to care for these high-cost patients.

In addition, the bill also gives nursing homes the option to elect to be paid at the full federal rate for SNF PPS which will provide an additional $700 million to the nursing community.

I would also add that I am pleased the conference report includes a provision to provide a two-year moratorium on the physical/speech therapy and occupational therapy caps that were enacted as part of the BBA.

As we all well know, these arbitrary caps have resulted in considerable pain and difficulty for thousands of Medicare beneficiaries who have met and exceeded the therapy caps.

I joined my colleague and good friend, Senator GRASSLEY, as a cosponsor of this important legislation and I want to commend him for his leadership in getting this bill incorporated into the final BBA refinement conference report.

There are many other important features of this bill that are included in the conference report agreement and, clearly, these provisions will do a great deal to help restore needed Medicare funding to providers.

The bottomline is all of this is ensuring that Medicare beneficiaries have access to quality health care. We need to keep that promise and I believe we have done that through the passage of this legislation.

Overall, $2.7 billion is restored to SNFs under this legislation.

With respect to other providers, I would briefly add that the bill contains funding for home health agencies as well. The bill will ease the administrative requirements on home health agencies as well as delay the 15 percent reduction in reimbursement rate for one year. This reduction was to have taken effect on October 2000 but will now be delayed for one year until October 1, 2001.

I have worked very closely with my home health agencies in my state who were extremely concerned over the impact of the 15% reduction next year. I am pleased to tell them that we have addressed their concerns by delaying this reduction for another year. I think this time will give us an opportunity to focus on this provision to determine what other adjustments, if any, may be required in the future.

Overall, the bill adds $1.3 billion back into the home health care component of Medicare.

So I believe we have taken some significant steps to ensure that home health care agencies will be able to operate without the threat of increased Medicare reductions on their bottomline.

We have also taken steps to help hospitals and teaching hospitals with over $7 billion in Medicare restorations. These increases will help to smooth the transition to the PPS for outpatient services—an issue that was brought to my attention by practically every hospital administrator in my state.

On the separate, but equally important issue of children's graduate medical education funding, I am especially pleased that the House passed legislation that will authorize, for the first time, a new program to provide children's hospitals with direct and indirect graduate medical education funding.

Indepednet children's hospitals, including Primary Children's Hospital in Salt Lake City, receive very little Medicare graduate medical education funding (GME). This is because they treat very few Medicare patients, only children with end stage renal disease, and thus do not benefit from federal GME support through Medicare.

I cosponsored legislation to provide greater GME funding for children's hospitals. The bill passed the Senate and House, and was signed into law by the President.

Moreover, $40 million is contained in the omnibus FY 2000 appropriation's bill that will serve as an excellent foundation on which to provide assistance to children's hospitals.

I am also pleased that provisions from S. 1626, the Medicare Patient Access to Technology Act, were included in the BBA refinement bill.

These important provisions guarantee senior citizens access to the best medical technology and pharmaceuticals. Currently, Medicare beneficiaries do not always have access to the most innovative treatments because Medicare reimbursement rates are inadequate. And I just don't think that it's fair to older Americans. My provisions contained in the conference report change this by allowing more reasonable Medicare reimbursements for these therapies.

Take John Rapp, my constituent from Salt Lake City.

Mr. Rapp, who is 71 years old, was diagnosed with prostate cancer last May. He was presented with a series of treatment options and decided to have BRACHY therapy because it was minimally invasive, he could receive it as an outpatient and it had fewer complications than radical surgery.

This new innovative therapy implants radioactive seeds in the prostate gland in order to kill cancer cells. The success rate of this therapy has been overwhelming.

So, what's the problem? Without my legislation, services such as BRACHY therapy would not be available in the hospital outpatient setting to future Medicare patients due to the way the outpatient prospective payment system is being designed.

Life saving services such as BRACHY therapy would be reimbursed at significantly lower-reimbursement rates, from approximately $10,000 to $1,500, and, therefore, it would not be cost-effective for hospitals to offer this service. Fortunately, the provisions included in the conference report change all of that—innovative treatments, such as BRACHY therapy, will now be available to future prostate cancer patients.

We must get the newest technology, to seniors as quickly as possible. Government bureaucracy should not stand in the way of seniors receiving the best care available.

We must put Medicare patients first, not government bureaucracy. That is why my legislation is necessary and I am so pleased that it was included in the Medicare package of the conference report.

Mr. President, there are numerous other provisions in this BBA refinement package that I will not take the time to comment on now, but they are equally important and I want to commend the leadership in the Senate and House for working to put together this important measure that will clearly help millions of Medicare beneficiaries throughout the country.

TARGETED GUN DEALER ENFORCEMENT ACT

Mr. LEVIN. Mr. President, the Brady law has been very successful. The federal law that requires background checks on deals conducted by federally licensed firearms dealers has prevented more than 470,000 prohibited persons from purchasing firearms. Unfortunately, the Brady law is not the only law enforcement tool needed to prevent felons from purchasing firearms.

Straw purchases are probably the best-known way around the Brady law. Straw purchases occur when a buyer with a clean record is hired to purchase a gun for someone who is prohibited by law from buying the gun or does not want to be traced. Often times, this is how gun trafficking is facilitated. Firearms are bought in the legal marketplace, and then transferred directly to the secondary market, where there are virtually no restrictions.

A new report issued by Senator SCHUMER shows that most guns used in crimes are purchased in this secondary market. According to the report, which analyzed data compiled by the Bureau of Alcohol, Tobacco, and Firearms, in 13 percent of crimes, the crime gun could be traced to the original buyer and in 87 percent of the crimes, the gun had transferred hands.

Many of the time, these crime guns can be traced back to a small percentage of high volume dealers, who are willing to sell a single person a large quantity of firearms. Guns bought in these large quantities are often characterized by a short "time to crime," or a short period between the sale and time they are used in criminal acts. In another report issued by Senator SCHUMER, a small percentage of licensed dealers are responsible for a disproportionate number of crime guns. Specifically, in 1998, 137 dealers, or 1.1 percent of all gun dealers, were responsible for selling 13,000 crime guns.

Mr. President, I am the cosponsor of a bill that would give ATF the authority it needs to put an end to these practices. The Targeted Gun Dealer Enforcement Act of 1999 focuses in on a specific group of businesses, who have an abysmal record of having their products used for illegal activities. It would outlaw all straw purchasing and give ATF additional law enforcement tools to suspend the licenses of high-volume crime gun dealers. I urge my colleagues to support this bill and help put an end to these unscrupulous practices, which keep violent persons armed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6926. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the Administration's "Performance Profiles of Major Energy Producers 1998"; to the Committee on Energy and Natural Resources.

EC-6927. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Equity Options with Flexible Terms" (RIN1545-AV48) (TD 8866), received January 21, 2000; to the Committee on Finance.

EC-6928. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Update of Notice 92-48" (Notice 2000-11), received January 21, 2000; to the Committee on Finance.

EC-6929. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Subchapter S Subsidiaries" (RIN1545-AU77) (TD 8869), received January 21, 2000; to the Committee on Finance.

EC-6930. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Revision of Revenue Procedure 80-18 to Reflect Repeal of U.K. ACT" (Rev. Proc. 2000-13) (RP-105329-99), received January 19, 2000; to the Committee on Finance.

EC-6931. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Reporting Election Workers' Pay" (Rev. Rul. 2000-6), received January 19, 2000; to the Committee on Finance.

EC-6932. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of Call for Redemption", received January 20, 2000; to the Committee on Finance.

EC-6933. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Penalties for False Drawback Claims" (RIN1515-AC21), received January 19, 2000; to the Committee on Finance.

EC-6934. A communication from the Secretary of Energy transmitting, pursuant to law, a report relative to the Department's funds that have been obligated for fiscal year 1999 in the area of protection, control, and accounting of fissile materials in Russia; to the Committee on Armed Services.

EC-6935. A communication from the Assistant Secretary of Defense, Strategy and

Threat Reduction transmitting, pursuant to law, a report relative to the elimination of certain Russian ICBMs; to the Committee on Armed Services.

EC–6936. A communication from the Under Secretary of Defense (Personnel and Readiness) transmitting, pursuant to law, a report relative crimes and criminal activity on military installations or involving a member of the Armed Forces; to the Committee on Armed Services.

EC–6937. A communication from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting, pursuant to law, a report relative to the National Defense Stockpile; to the Committee on Armed Services.

EC–6938. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Drug Applications; Drug Master Files" (910–AA78), received January 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6939. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Exemption From Premarket Notification and Reserved Devices; Class I" (Docket No. 98N–0009), received January 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6940. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits", received January 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6941. A communication from the Chief of Staff, National Indian Gaming Commission transmitting, pursuant to law, the report of a rule entitled "Minimum Internal Control Standards" (RIN3141–AA11), received January 21, 2000; to the Committee on Indian Affairs.

EC–6942. A communication from the Chief of Staff, National Indian Gaming Commission transmitting, pursuant to law, the report of a rule entitled "Issuance of Certificates of Self-Regulation to Tribes for Class II Gaming" (RIN3141–AA04), received January 21, 2000; to the Committee on Indian Affairs.

EC–6943. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenthrin; Pesticide Tolerances for Emergency Exemptions" (FRL #6485–2), received January 19, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6944. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Y–Bank Holding Companies and Changes in Bank Control", received January 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6945. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Export Administration's annual report for fiscal year 1999 and the 2000 report on Foreign Policy Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–6946. A communication from the President of the United States transmitting, pursuant to law, a report relative to continuation of the emergency regarding terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–6947. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Attacking Financial Institution Fraud: Fiscal Year 1997 (Second Quarterly Report)"; to the Committee on the Judiciary.

EC–6948. A communication from the Secretary, Mississippi River Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–6949. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–6950. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Service's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–6951. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–6952. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6953. A communication from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6954. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6955. A communication from the Director, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6956. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6957. A communication from the Assistant Secretary, Budget and Programs, Department of Transportation, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6958. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6959. A communication from the Under Secretary, Smithsonian Institution, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6960. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6961. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Special Retirement Eligibility under the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 for Nuclear Materials Couriers Employed by the Department of Energy" (RIN3206–AI666), received January 19, 2000; to the Committee on Governmental Affairs.

EC–6962. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received January 19, 2000; to the Committee on Governmental Affairs.

EC–6963. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the new mileage reimbursement rate for Federal employees who use privately owned automobiles while on official travel; to the Committee on Governmental Affairs.

EC–6964. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to accounts containing unvouchered expenditures potentially subject to audit by the Comptroller of the Currency; to the Committee on Governmental Affairs.

EC–6965. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, a report entitled "Restoring Merit to Federal Hiring: Why Two Special Hiring Programs Should be Ended"; to the Committee on Governmental Affairs.

EC–6966. A communication from the Deputy Archivist, National Archives and Records Administration transmitting, pursuant to law, the report of a rule entitled "Storage of Federal Records" (RIN3095–AA86), received December 2, 1999; to the Committee on Governmental Affairs.

EC–6967. A communication from the Deputy Archivist, National Archives and Records Administration transmitting, pursuant to law, the report of a rule entitled "Agency Records Centers" (RIN3095–AA8), received December 2, 1999; to the Committee on Governmental Affairs.

EC–6968. A communication from the Associate Administrator, Procurement, National Aeronautics and Space Administration transmitting, pursuant to law, the report of a rule entitled "Implementing Foreign Proposals to NASA Research Announcements on a No-Exchange-of-Funds Basis", received January 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6969. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Second Memorandum Opinion and Order in the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (CC Docket #94–102, FCC 99-352), received January 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6970. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment 9 to the Northeast Multispecies Fishery Management Plan" (RIN0648-AL31), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6971. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Monkfish Fishery Management Plan" (RIN0648-AJ44), received November 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6972. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "American Lobster Fishery" (RIN0648-AH41), received January 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6973. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Area Closure" (RIN0648-AN44), received January 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6974. A communication from the Chief Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Specified Groundfish Fisheries in the Gulf of Alaska", received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6975. A communication from the Chief Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeast United States; Atlantic Surf Clam and Ocean Quahog Fishery; Suspension of Minimum Surf Clam Size for 2000", received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6976. A communication from the Chief Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders", received December 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6977. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeast United States; Scup Fishery; Commercial Quota Harvested for Winter II Period", received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6978. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial Reopening from Cape Flattery to Leadbetter Point, WA", received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6979. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Fishing Season Notification" (I.D. 111899C), received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6980. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Tuna Fisheries; Closure of Purse Seine Fishery for Bigeye Tuna", received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6981. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Summer Flounder Fishery; Commercial Quota Transfer; Commercial Quota Harvest Reopening", received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6982. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Tuna Fisheries; Closure of U.S. Purse Seine Fishery for Yellowfin Tuna in the Eastern Pacific Ocean", received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6983. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands", received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6984. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Commercial Haddock Harvest", received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6985. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments", received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6986. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off the West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial and Recreational Inseason Adjustments and Reopening from Cape Flattery to Leadbetter Point, WA", received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6987. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4 Period", received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6988. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna; Retention Limit Adjustment" (I.D. 120199C), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6989. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeast United States; Spiny Dogfish Fishery Management Plan" (RIN0648-AK79), received January 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6990. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States-Final Rule to Implement Framework Adjustment 31 to the Northeast Multispecies Fishery Management Plan" (RIN0648-AN15), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6991. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson Act Provisions; Foreign Fishing; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Emergency Rule" (RIN0648-AM21), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6992. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim 2000 Harvest Specifications for Gulf of Alaska Groundfish", received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6993. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska; Permit Requirements for Vessels, Processors, and Cooperatives Wishing to Participate in the Bering Sea and Aleutian Islands Pollock Fishery Under the American Fisheries Act" (RIN0648-AM83), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6994. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Northern Anchovy/Coastal Pelagic Species Fishery; Amendment 8" (RIN0648-AL48), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6995. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Pacific Tuna Fisheries; Harvest Quotas" (RIN0648–AN04), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6996. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Establish a Separate Maximum Retainable Bycatch Percentage for Shortraker and Rougheye Rockfish in the Eastern Regulatory Area of the Gulf of Alaska" (RIN0648–AM36), received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6997. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pollution Prevention Incentives for Tribes Grant Guidance", received December 31, 1999; to the Committee on Environment and Public Works.

EC–6998. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Interim Guidance on the CERCLA Section 101 (10)(H) Federally Permitted Release Definition for Certain Air Emissions"; to the Committee on Environment and Public Works.

EC–6999. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Slotted Guideposts at NSPS Subpart Ka/Kb Storage Vessels"; to the Committee on Environment and Public Works.

EC–7000. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Closeout Procedures for National Priorities List Sites"; to the Committee on Environment and Public Works.

EC–7001. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Section 1018—Disclosure Rule Enforcement Response Policy"; to the Committee on Environment and Public Works.

EC–7002. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Environmental Management Review (EMR) National Report: Lessons Learned in Conducting EMRs at Federal Facilities"; to the Committee on Environment and Public Works.

EC–7003. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "New Source Review (NSR) Sector Based Approach"; to the Committee on Environment and Public Works.

EC–7004. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Debt Collection Improvement Act of 1996"; to the Committee on Environment and Public Works.

EC–7005. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Quality Assurance Term and Condition"; to the Committee on Environment and Public Works.

EC–7006. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Information Collection Requirements"; to the Committee on Environment and Public Works.

EC–7007. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Research Misconduct under Assistance Agreements"; to the Committee on Environment and Public Works.

EC–7008. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Term and Condition for Year 2000 Compliance"; to the Committee on Environment and Public Works.

EC–7009. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List"; to the Committee on Environment and Public Works.

EC–7010. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Indian Tribes: Air Quality Planning and Management"; to the Committee on Environment and Public Works.

EC–7011. A communication from the Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Newcomb's Snail (Erinna newcombi)", received January 21, 2000; to the Committee on Environment and Public Works.

EC–7012. A communication from the Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Two Larkspurs from Coastal California, 'Delphinium bakeri' (Baker's larkspur) and "Delphinium luteum' (yellow larkspur)" (RIN1018–AE23), received January 21, 2000; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–373. A resolution adopted by the House of the Legislature of the State of Michigan relative to lifetime health care for military retirees; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 183

Whereas, The men and women who have devoted themselves to military service on behalf of their fellow citizens are entitled to receive the benefits promised them when they began their patriotic service. When these people signed up for the difficult and dangerous work of protecting our country and way of life, they were assured that the country would provide lifetime health care benefits; and

Whereas, This implied contract is not being fulfilled. Upon reaching the age of sixty-five, military retirees lose a significant portion of promised health care due to Medicare eligibility. This situation is made more severe by the fact that many military retirees do not live near military treatment facilities; and

Whereas, Military retirees have significantly less access to health care than other retired federal employees covered under the Federal Employees Health Benefits Program. This is especially true in light of inequities between coverages for pharmaceuticals; and

Whereas, There are proposals under consideration in Congress to rectify this problem and extend to military retirees the benefits they have earned and deserve. In addition, there are pilot projects operating that address the problem by allowing Medicare-eligible retirees to enroll in a program through the Department of Defense. Clearly, there are options available to provide military retirees the care to which they are entitled; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress and the President of the United States to maintain or improve our nation's commitment to military retirees to provide lifetime health care; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–374. A resolution adopted by the House of the Legislature of the State of Michigan relative to compensation for members of the military reserve and national guard when called to active duty; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 213

Whereas, the members of the military reserves and National Guard represent a vital component of our national defense. From the birth of our country, civilian soldiers have made the swift transition to take up arms in our country's times of need. Since the end of the Cold War, our reservists have shouldered a heavier burden as the active military has been reduced; and

Whereas, in recent years, with mobilizations in the Middle East and the Balkan Peninsula, for example, reservists and National Guard units called to active duty have proven invaluable in all facets of military operations. This recent experience has also made it clear that the men and women serving in this role often do so at significant personal costs. This cost includes not only the financial strains on families, but also the burden facing the families and the small business operations that lose the contributions of the person who has donned a military uniform. In situations where the reservist or guard member is a medical professional, for example, several people can be deprived of their livelihoods for an indefinite period of time. This hardship becomes even more severe and long lasting if a business is lost; and

Whereas, some members of Congress, military leadership, and other observers have expressed concern for this future strength of our military as fewer young people pursue military service. In light of these factors, it seems logical to respond appropriately to the genuine needs of those who are already committed to the service of our country through the military. It is important that serious efforts be made to address this of those who are already committed to the service of our country through the military. It is important that serious efforts be made to address this situation swiftly: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide proper compensation and protection to members of the military reserves and National Guard when called to active duty to safeguard against financial and professional hardships; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-375. A resolution adopted by the House of the Legislature of the State of Michigan relative to disability compensation for military retirees; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 214

Whereas, The men and women who devote themselves to our nation's defense through careers in the military provide their fellow citizens with a quality of life and freedom unsurpassed anywhere on earth. This service routinely puts our military personnel at risk for injuries far more threatening than dangers inherent in most civilian professions; and

Whereas, Those pursuing military careers are promised a full retirement upon twenty or more years of active service. In addition to this service, the men and women who have served in the armed forces are sometimes called back into duty during mobilizations; and

Whereas, Currently, a person who becomes eligible for disability compensation as a result of a service-related injury sees retirement benefits reduced by the amount of compensation being paid for the injury. This situation has long been a source of discouragement and frustration for career military personnel. Their unique services and exposure to hardships should be recognized in the law as an indication of the appreciation of our citizens for the risks of military service; and

Whereas, There are measures before Congress to provide that disability payments and retirement benefits can be made concurrently, without deduction from either. This legislation needs to be enacted to keep faith with those to whom our nation has made promises that are an obligation of honor with people who preserve our cherished way of life. Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation permitting military retirees to receive disability compensation for service injuries without any reduction in retirement pay; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-376. A resolution adopted by the House of the Legislature of the State of Michigan relative to quality of and access to health care for veterans; to the Committee on Veterans Affairs.

HOUSE RESOLUTION NO. 205

Whereas, With the move to a balanced federal budget, many people are concerned over the impact of increasingly limited funds for vitally important services. An area of special concern is the health care provided to our veterans, especially through the facilities and programs of the Department of Veterans Affairs; and

Whereas, For those who served our country with sacrifice and valor in the Armed Forces, the VA health programs represent a fulfillment of a promise. The programs and facilities are literally a lifeline for many. This promise on the part of our nation—to care for our veterans in their times of need—cannot be forgotten or abandoned. The move to bring austerity and fiscal responsibility to government spending cannot override the needs of the veterans who now rely on us as we relied on them in our nation's times of need; and

Whereas, Funding to care for veterans who have suffered grave injuries must not be jeopardized. Veterans bedridden by injuries and dependent on VA health services have every right to the same level of dedication they gave to America in battles to preserve our way of life. To decrease our financial and emotional commitment to these patriots through inadequate care is wrong. Continuing cutbacks in funding and reductions in service and personal care represent a flawed approach to caring for men and women who have earned our lasting gratitude: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to assure that quality and access to health care for veterans are maintained or improved; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-377. A petition from the Attorney General of the State of Rhode Island relative to the statutory establishment of an office within the Department of Justice to address violence in families; to the Committee on the Judiciary.

POM-378. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM-379. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM-380. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM-381. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM-382. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM-383. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM-384. A joint resolution adopted by the Legislature of the State of Oregon relative to the 2000 census; to the Committee on Governmental Affairs.

HOUSE JOINT MEMORIAL 8

Wheares the Constitution of the United States requires an actual enumeration of the population every 10 years and entrusts Congress with overseeing all aspects of each federal decennial census; and

Whereas the sole constitutional purpose of the federal decennial census is to apportion the seats in Congress among the states; and

Whereas an accurate and legal federal decennial census is necessary to properly apportion seats in the United States House of Representatives among the 50 states and to create legislative districts within the states; and

Whereas an accurate and legal federal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

Whereas section 2, Article 1, United States Constitution, in order to ensure an accurate count and to minimize the potential for political manipulation, mandates an "actual Enumeration" of the population, which requires a physical head count of the population and prohibits statistical guessing or estimates of the population; and

Whereas Title 13, Section 195 of the United States Code, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the population of the United States for the purpose of reapportioning the United States House of Representatives; and

Whereas legislative redistricting conducted by the states is a critical subfunction of the constitutional requirements to apportion representatives among the states; and

Whereas the United States Supreme Court, in No. 98-404, Department of Commerce, et al. v. United States House of Representatives, et al., together with No. 98-564, Clinton, President of the United States, et al. v. Glavin, et al., ruled on January 25, 1999, that the Census Act prohibits the Census Bureau's proposed use of statistical sampling in calculating the population of purposes of apportionment; and

Whereas in reaching its findings, the United States Supreme Court found that the use of statistical samplings to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of "one person, one vote"; and

Whereas consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the United States House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate "one vote" legal protections, thus exposing the State of Oregon to protracted litigation over legislative redistricting plans at great cost to the taxpayers of the State of Oregon, and likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add persons to or subtract persons from the census counts based solely on statistical inference; and

Whereas consistent with this ruling, no person enumerated in the census should ever be deleted from the census enumeration; and

Whereas consistent with this ruling, every reasonable and practicable effort should be made to obtain the fullest and most accurate count of the population as possible, including employing census counters and providing appropriate funding for state and local census outreach and education programs as well as a provision for post-census local review; and

Whereas census counters have encountered problems entering the United States' 11 most urban areas and counting citizens there; and

Whereas employing additional census counters from within problematic urban areas would provide temporary employment opportunities and increase the accuracy of the data collected in those areas: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Oregon:

(1) We call on the United States Census Bureau to conduct the 2000 federal decennial census in a manner consistent with the January 25, 1999, United States Supreme Court ruling and the constitutional mandate, which require a physical head count of the population and bar the use of statistical sampling to create or in any way adjust the count.

(2) We oppose the use of P.L. 94–171 data for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add persons to or subtract persons for the census counts.

(3) We demand that the State of Oregon receive P.L. 94–171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the United States House of Representatives consistent with the United States Supreme Court ruling and the constitutional mandate, which require a physical head count of the population and bar the use of statistical sampling to create or in any way adjust the count.

(4) We urge Congress, as the branch of government assigned the responsibility of overseeing the federal decennial census, to take whatever steps are necessary to ensure that the 2000 census is conducted fairly and legally.

(5) A copy of this memorial shall be sent to the President of the United States, the Vice President of the United States, the Majority Leaders of the United States Senate, the Speaker of the United States House of Representatives, the United States Census Bureau and each member of the Oregon Congressional Delegation.

POM–385. A resolution adopted by the House of the Legislature of the State of Oregon relative to child sexual abuse; to the Committee on Health, Education, Labor, and Pensions.

HOUSE MEMORIAL 1

Whereas children are a precious gift and responsibility; and

Whereas preserving the spiritual, physical and mental well-being of children is our sacred duty as citizens; and

Whereas no segment of our society is more critical to the future of human survival and society than our children; and

Whereas it is the obligation of all public policymakers not only to support but also to defend the health and rights of parents, families and children; and

Whereas information endangering children is being made public and, in some instances, may be given unwarranted or unintended credibility through release under professional titles or through professional organizations; and

Whereas elected officials have a duty to inform and to counteract actions they consider damaging to children, parents, families and society; and

Whereas Oregon has made sexual molestation of a child a crime; and

Whereas parents who sexually molest their children should be declared to be unfit; and

Whereas virtually all studies in this area, including those published by the American Psychological Association has recently published, but did not endorse, a study that suggests that sexual relationships between adults and "willing" children are less harmful than believed and might even be positive for "willing" children: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon:

(1) The House of Representatives of the Seventieth Legislative Assembly of the State of Oregon condemns and denounces all suggestions in the recently published study by the American Psychological Association that indicate that sexual relationships between adults and "willing" children are less harmful than believed and might even be positive for "willing" children.

(2) The House of Representatives of the Seventieth Legislative Assembly of the State of Oregon urges the President and the Congress of the United States of America to likewise reject and condemn, in the strongest honorable written and vocal terms possible, any suggestions that sexual relationships between children and adults are anything but abusive, destructive, exploitive, reprehensible and punishable by law.

(3) The House of Representatives of the Seventieth Legislative Assembly of the State of Oregon encourages competent investigations to continue to research the effects of child sexual abuse using the best methodology so that the public and public policymakers may act upon accurate information.

(4) A copy of this memorial shall be sent to:

(a) The Honorable Bill Clinton, President of the United States;

(b) The Honorable Al Gore, Jr., Vice President of the United States and President of the United States Senate;

(c) The Honorable Trent Lott, Majority Leader of the United States Senate;

(d) The Honorable J. Dennis Hastert, Speaker of the United States House of Representatives;

(e) The Honorable David Satcher, M.D., Ph.D., Surgeon General of the United States; and

(f) The members of the Oregon Congressional Delegation, including Senators Ron Wyden and Gordon Smith and Representatives David Wu, Greg Walden, Earl Blumenauer, Peter DeFazio and Darlene Hooley.

POM–386. A resolution adopted by the Common Council of the City of Syracuse, New York relative to excessive use of force by police officers and elimination of conflicts of interest within local judicial systems; to the Committee on the Judiciary.

POM–387. A resolution adopted by the General Assembly of a youth cooperative at Luis F. Crespo High School in Camuy, Puerto Rico relative to Vieques Island; to the Committee on Armed Services.

POM–388. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to Social Security; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 10

Whereas, Social Security provides American workers and their families with universal, wage-related and inflation-adjusted benefits in the event of retirement, disability, or death of a wage earner; and

Whereas, without Social Security, approximately 54 percent of the population aged 65 and over would be consigned to poverty; and

Whereas, 98 percent of children under age 18 can count on monthly Social Security benefits if a working parent dies; and

Whereas, Social Security's trustees and administrators have carefully modified the benefit and financing structure to ensure the program's viability in light of demographic and economic developments; and

Whereas, Social Security, without any changes, could pay full benefits until the year 2032 and could pay 75 percent of benefits for decades thereafter; and

Whereas, the long-term solvency of Social Security can be ensured for future generations with measured, timely adjustments to the program made by Congress; and

Whereas, recent volatility in the stock market and overseas financial crises serve as reminders that the current Social Security system continues to provide the most financially stable safety net for American workers; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the United States Congress should give priority to preserving Social Security for future generations of Americans so that Social Security will continue to be a universal, mandatory, contributory social insurance system where risk is pooled among all workers; That copies of this resolution, signed by the speaker of the house and the president of the senate, be forwarded by the house clerk to the speaker of the United States House of Representatives, the President the United States Senate, and to each member of the New Hampshire congressional delegation.

POM–389. A resolution adopted by the Board of Chosen Freeholders of Ocean County, New Jersey relative to the dredging of the Brooklyn Marine Terminal and the disposal of dredge materials at the Mud Dump Site; to the Committee on Environment and Public Works.

POM–390. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania relative to the 2000 census; to the Committee on Governmental Affairs.

HOUSE CONCURRENT RESOLUTION

Whereas, the Constitution of the United States requires an actual enumeration of the population every ten years and entrusts Congress with overseeing all aspects of each decennial enumeration; and

Whereas, the sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states; and

Whereas, an accurate and legal decennial census is necessary to properly apportion United States House of Representatives seats among the 50 states and to create legislative districts within the states; and

Whereas, an accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

Whereas, section 2 of Article I of the Constitution of the United States, in order to ensure an accurate count and to minimize the potential for political manipulation, mandates an "actual enumeration" of the population, which requires a physical head count of the population and prohibits statistical guessing or estimates of the population; and

Whereas, the provisions of 13 United States Code §195 (relating to use of sampling), consistent with this constitutional mandate, expressly prohibit the use of statistical sampling to enumerate the population of the United States for the purpose of reapportioning the United States House of Representatives; and

Whereas, legislative redistricting conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states; and

Whereas, the United States Supreme Court, in case No. 98-404, Department of Commerce, et al. v. United States House of Representatives, et al., together with case No. 98-564, Clinton, President of the United States, et al. v. Glavin, et al., 525 U.S. 316 (1999), ruled on January 25, 1999, that 13 United States Code (relating to census) prohibits the Bureau of the Census' proposed uses of statistical sampling in calculating the population for purposes of apportionment; and

Whereas, in reaching its findings, the United States Supreme Court found that the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of "one-person, one-vote"; and

Whereas, consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the United States House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate "one-person, one-vote" legal protections, thus exposing the Commonwealth of Pennsylvania to protracted litigation over legislative redistricting plans at great cost to the taxpayers of this Commonwealth, and would likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts based solely on statistical inference; and

Whereas, consistent with this ruling, no person enumerated in census should ever be deleted from the census enumeration; and

Whereas, consistent with this ruling, every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population as possible, including appropriate funding for state and local census outreach and education programs, as well as a provision for post-census local review; and

Whereas, Federal funding based upon census data determine the state-by-state distribution of nearly $200 billion in Federal funds each year; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania call on the Bureau of the Census to conduct the 2000 decennial census consistently with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical head count of the population and which bar the use of statistical sampling to create, or in any way adjust, the count; and be it further

Resolved, That the Senate urge the Bureau of the Census to permit a postcensus local review process to ensure an actual enumeration; and be it further

Resolved, That the Senate oppose the use of the 2000 decennial census Public Law 94-171 data file for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts; and be it further

Resolved, That the Senate urgently request that it receive the 2000 decennial census Public Law 94-171 data file for legislative redistricting identical to the census tabulation data used to apportion seats in the United States House of Representatives consistent with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical head count of the population and which bar the use of statistical sampling to create, or in any way adjust, the count; and be it further

Resolved, That the Senate urge the Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the presiding officers of each House of Congress and to each Member of Congress from Pennsylvania.

POM-391. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania relative to the Canadian film industry and the upcoming trade talks with Canada; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION

Whereas, the financial advantages offered to filmmakers by Canada have attracted movie production to Canada, which has had the effect of increased employment in the Canadian film industry, the building of related facilities in Canada and more business for the Canadian vendors who supply movie companies with essential goods and services; and

Whereas, films that would have once been shot in the United States are now being made in Canada; and

Whereas, George Romero, who during a 30-year career has made all but a few of his films, including "Night of the Living Dead," in Pittsburgh, made his most recent movie in Canada, citing Toronto as a filmmaker's paradise; and

Whereas, film industry support groups in the United States are looking at international trade agreements as a way to level the playing field between the United States and Canada with regard to the film industry; and

Whereas, Members of the Congress of the United States are circulating a petition to raise the issue of "runaway production" in upcoming trade talks with Canada; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to take action to assure that Canadian subsidies and cultural protectionism in the film industry be considered during the upcoming trade talks with Canada; and be it further

Resolved, That copies of this resolution be sent to the presiding officers of each House of Congress and to each Member of Congress from Pennsylvania.

POM-392. A joint resolution adopted by the Legislature of the State of Oregon relative to American soldiers and pilots missing from the Korean War; to the Committee on Foreign Relations.

SENATE JOINT MEMORIAL 10

Whereas during the Korean War the United States led 20 nations in the defense of South Korea; and

Whereas during the Korean War 5.7 million Americans served in the armed forces of this nation; and

Whereas 54,246 American soldiers were killed in the war, 103,284 were wounded, and 8,177 are still unaccounted for almost 50 years later; and

Whereas those still missing from the Korean War include Oregonians; and

Whereas the families of those missing from the Korean War are entitled to know what happened to their loved ones; and

Whereas the emotional pain of those families cannot end until such knowledge is obtained; and

Whereas many of the families of the missing desire to inter the remains of missing family members in the United States; and

Whereas knowledge of the missing and the recovery of the physical remains of the missing depends upon the cooperation of the Democratic People's Republic of Korea; now, Therefore, be it *Resolved by the Legislative Assembly of the State of Oregon:*

(1) The Congress of the United States and the President of the United States are respectfully requested to use all appropriate legal, diplomatic and economic means to obtain the full cooperation of the Democratic People's Republic of Korea and other nations in resolving the issue of American soldiers and pilots missing from the Korean War.

(2) A copy of this memorial shall be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Oregon Congressional Delegation.

POM-393. A joint resolution adopted by the Legislature of the State of Oregon relative to a constitutional convention on balancing the federal budget; to the Committee on the Judiciary.

SENATE JOINT MEMORIAL 9

Whereas Article V of the Constitution of the United States provides for the proposal of amendments to the Constitution of the United States by two-thirds concurrence of the members of both houses of Congress; now, Therefore, be it

Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is respectfully requested to disregard calls for a constitutional convention on balancing the federal budget because there exists no guarantee that a federal constitutional convention, once convened, could be limited to the subject of a balanced federal budget, and therefore such a convention may intrude into other constitutional revisions.

(2) This memorial supersedes all previous memorials from the Legislative Assembly of the State of Oregon requesting the Congress of the United States to call a constitutional convention to propose an amendment to the Constitution of the United States that would require a balanced federal budget, including Senate Joint Memorial 2 (1977), and therefore any similar memorials previously submitted are hereby withdrawn.

(3) A copy of this memorial shall be sent to the Senate Majority Leader and Speaker of the House of Representatives of the United States and to each member of the Oregon Congressional Delegation.

POM-394. A concurrent resolution adopted by the Legislature of the State of Michigan relative to the quality of and access to health care for veterans; to the Committee on Veterans Affairs.

Senate Concurrent Resolution No. 8

Whereas, With the move to a balanced federal budget, many people are concerned over the impact of increasingly limited funds for vitally important services. An area of special concern is the health care provided to our veterans, especially through the facilities and programs of the Department of Veterans Affairs; and

Whereas, For those who served our country with sacrifice and valor in the Armed Forces, the VA health programs represent a fulfillment of a promise. The programs and facilities are literally a lifeline for many. This promise on the part of our nation—to care for our veterans in their times of need—cannot be forgotten or abandoned. The move to bring austerity and fiscal responsibility to government spending cannot override the needs of the veterans who now rely on us as we relied on them in our nation's times of need; and

Whereas, Funding to care for veterans who have suffered grave injuries must not be jeopardized. Veterans bedridden by injuries and dependent on VA health services have every right to the same level of dedication they gave to America in battles to preserve our way of life. To decrease our financial and emotional commitment to these patriots through inadequate care is wrong. Continuing cutbacks in funding and reductions in service and personal care represent a flawed approach to caring for men and women who have earned our lasting gratitude; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to assure that quality and access to health care for veterans are maintained; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–395. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania relative to the Federalism Act of 1999; to the Committee on Governmental Affairs.

House Resolution No. 233

Whereas, Under the Supremacy Clause of the United States Constitution, if a Federal law or regulation adopted appropriately pursuant to one of the Federal Government's powers conflicts with state law, then Federal law preempts state law; and

Whereas, This is as it should be and is as the Framers of the Constitution intended; and

Whereas, The problem is that the frequency and pace of Federal preemption of state law has, in recent years, increased dramatically; and

Whereas, Today state and local governments find it increasingly difficult to play their traditional role within our system of constitutional federalism; and

Whereas, The increasing reliance upon Federal preemption means that the policy jurisdiction of state legislatures and of city and county councils has been lost; and

Whereas, When states and localities cannot legislate in response to their citizen's needs because the Federal Government has preempted the policy field, then the capacity for regional and local self-government is lost; and

Whereas, The advantages of federalism are that laws will be adapted to local needs and conditions and will reflect regional and community values and that it allows greater responsiveness and innovation through local self-government; and

Whereas, The proposed Federalism Act addresses the increasing problem of the preemption of state and local laws by providing Congress with more information about the preemptive impact of legislative proposals, providing a rule of construction urging the courts to limit findings that preemption is implied where in fact there is neither a direct conflict between state and Federal law nor a clear expression by Congress of its intent to preempt and providing for notice and consultation procedures in the Federal administrative process to encourage Federal agencies to take federalism and preemption issues more fully into account in the course of rulemaking; and

Whereas, Preemption must be limited if we are to enjoy the advantages of federalism which foster policymaking respecting America's diversity and a policymaking process which encourages innovation and responsiveness; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President of the United States and the Congress to support and approve The Federalism Act of 1999; H.R. 2245 (1999), which comprehensively addresses the Federal preemption of state law with "one-size-fits-all" national policy; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–396. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania relative to the Individuals with Disabilities Education Act; to the Committee on Appropriations.

House Resolution No. 227

Whereas, The Individuals with Disabilities Education Act (Public Law 91–230, 20 U.S.C. §1400 et seq.) was first enacted in 1970 as the Education of the Handicapped Act (Public Law 91–230, 84 Stat. 175); and

Whereas, The Individuals with Disabilities Education Act protects the rights of children with disabilities to be educated in the least restrictive environment through a continuum of appropriate services and placements; and

Whereas, Beginning in 1996, educators and lawmakers saw congressional reauthorization as an opportunity to make changes, particularly in the area of giving local school districts more flexibility to reduce costs and to discipline disabled students whose misconduct jeopardizes school safety or unreasonably disrupts classroom learning; and

Whereas, Despite the omnibus changes made during the 1997 Individuals with Disabilities Education Act reauthorization, superintendents and local school boards of directors are gravely concerned about potential cost increases related to conforming to the new law and its implementing regulations; and

Whereas, Added procedural requirements and timelines and operational difficulties may be encountered by school entities in complying with the new law, particularly its very complex and detailed implementing regulations; and

Whereas, Assuring that appropriate procedural safeguards remain in place for the disabled children is expected to further exacerbate the already high per pupil costs for special education; and

Whereas, When the Individuals with Disabilities Education Act was created, the Congress of the United States promised to provide 40% of its funding, but the $4 billion appropriated in fiscal year 1997–1998 paid for less than 9% of the program; and

Whereas, The lack of an adequate and appropriate Federal fiscal commitment leaves State and local taxpayers bearing a disproportionate share of the costs to comply with these Federal mandates; therefore be it

Resolved, That the House of Representatives memorialize Congress to fully fund its obligations under the Individuals with Disabilities Education Act; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–397. A petition from a citizen of the State of Texas relative to employment discrimination; to the Committee on Health, Education, Labor, and Pensions.

POM–398. A resolution adopted by the House of the Legislature of the State of Illinois relative to the attack on Pearl Harbor; to the Committee on the Judiciary.

House Resolution No. 440

Whereas, December 7, 2001 is the 60th anniversary of the sneak attack on Pearl Harbor by the Japanese Navy and Air Forces on December 7, 1941; and

Whereas, On August 23, 1994, President William J. Clinton signed HJ Res 131 National Pearl Harbor Remembrance Day into law; said PL 103–308 urged all to fly the flag of the United States at half staff to honor all those individuals who died as the result of their service at Pearl Harbor on December 7, 1941; and

Whereas, There were no appropriate ceremonies, activities, or any press releases to the mass media to inform the general public of PL 103–308; therefore, be it

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, that in order to commemorate the 60th anniversary of the attack on Pearl Harbor, we urge the Senate and the House of Representatives of the United States of America to enact legislation requiring all governmental posts to fly the flag of the United States at half staff to honor all those individuals who died as the result of their service at Pearl Harbor on December 7, 1941 and urging all Americans to do likewise; and be it further

Resolved, That the President of the United States issue a proclamation and press releases to all mass media about PL 103–308 and the aforementioned legislation so that the general public will know of same; and be it further

Resolved, That suitable copies of this resolution be forwarded to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Illinois congressional delegation.

POM–399. A resolution adopted by the Board of Commissioners of the Borough of Beach Haven relative to the dredging of the Brooklyn Marine Terminal and the disposal of dredge materials at the Mud Dump Site; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 2004. A bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS (for himself, Mr. Nickles, Mr. Roberts, Mr. Grams, and Mr. Allard):

S. 2005. A bill to repeal the modification of the installment method; to the Committee on Finance.

By Mr. SPECTER:

S. 2006. A bill for the relief of Yongyi Song; read the first time.

By Mr. CONRAD:

S. 2007. A bill to amend title 38, United States Code, to improve procedures relating to the scheduling of appointments for certain non-emergency medical services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ASHCROFT:

S. 2008. A bill to require the pre-release drug testing of Federal prisoners; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. Byrd, Mr. Breaux, and Mrs. Lincoln):

S. 2009. A bill to provide for a rural education development initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. Daschle, Mr. Byrd, Mr. Abraham, Mr. Akaka, Mr. Allard, Mr. Ashcroft, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bryan, Mr. Bunning, Mr. Burns, Mr. Campbell, Mr. L. Chafee, Mr. Cleland, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Coverdell, Mr . Craig, Mr. Crapo, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Frist, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grams, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Helms, Mr. Hollings, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McConnell, Ms. Mikulski, Mr. Moynihan, Mr. Murkowski, Mrs. Murray, Mr. Nickles, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Roberts, Mr. Rockefeller, Mr. Roth, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Torricelli, Mr. Voinovich, Mr. Warner, Mr. Wellstone, and Mr. Wyden):

S. Res. 245. A resolution relative to the Death of Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate; considered and agreed to.

By Mr. KERREY (for himself, Mr. Hagel, Mr. Lott, Mr. Daschle, Mr. Abraham, Mr. Akaka, Mr. Allard, Mr. Ashcroft, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bryan, Mr. Bunning, Mr. Burns, Mr. Byrd, Mr. Campbell, Mr. L. Chafee, Mr. Cleland, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Coverdell, Mr. Craig, Mr. Crapo, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Frist, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grams, Mr. Grassley, Mr. Gregg, Mr. Harkin, Mr. Hatch, Mr. Helms, Mr. Hollings, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McConnell, Ms. Mikulski, Mr. Moynihan, Mr. Murkowski, Mrs. Murray, Mr. Nickles, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Roberts, Mr. Rockefeller, Mr. Roth, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe; Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Torricelli, Mr. Voinovich, Mr. Warner, Mr. Wellstone, and Mr. Wyden):

S. Res. 246. A resolution relative to the death of Carl Curtis, former United States Senator for the State of Nebraska; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. Hatch, Mr. Burns, Mr. Jeffords, Mr. Coverdell, Mr. Leahy, Mr. Cleland, Mr. Moynihan, Mr. DeWine, Mr. Gramm, Mr. Biden, Mr. Crapo, Mr. Akaka, Mr. Lautenberg, Mr. Sarbanes, Mr. Hagel, Mr. Warner, Mr. Gorton, Mr. Helms, Mr. Inhofe, Mr. Inouye, Mr. Grams, Mr. Ashcroft, Mrs. Feinstein, Mr. Bayh, Mr. Dorgan, Mr. Levin, Mrs. Hutchison, and Ms. Collins):

S. Res. 247. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. Biden, Mr. Santorum, Mr. Schumer, Mr. Baucus, Ms. Collins, Mr. Leahy, Mr. Kerry, and Mr. Wellstone):

S. Con. Res. 78. A concurrent resolution expressing the sense of the Congress that, the Government of the People's Republic of China should immediately release from prison and drop all criminal charges against Yongyi Song, and should guarantee in their legal system fair and professional treatment of criminal defense lawyers and conduct fair and open trials; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mrs. Boxer, Mrs. Feinstein, Mr. Durbin, and Mr. Leahy):

S. Con. Res. 79. A concurrent resolution expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 2004. A bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PIPELINE SAFETY ACT OF 2000

Mrs. MURRAY. Mr. President, at the start of this session, I've come to the floor to introduce a bill that will improve the safety of all Americans by raising the safety standards on the oil and gas pipelines that run through our communities.

Today, I'm introducing the Pipeline Safety Act of 2000.

Until recently, like many Americans, I wasn't aware of the potential safety hazards that pipelines can pose. These pipelines stretch across America—running under our homes and near our schools and offices. Nationwide, the Office of Pipeline Safety oversees more than 157,000 miles of underground pipeline which transport hazardous liquids and more than 2.2 million miles of pipeline which transport natural gas. They perform a vital service—bringing oil and essential products to our homes and businesses. I rarely heard about them, so I assumed they were safe.

But last year, there was a deadly pipeline accident in my home state of Washington. And the more I learned about how pipelines are regulated in the United States—the more concerned I became.

Today, seven months after that disaster in Bellingham, I am here on the Senate floor with a bill that takes the lessons of pipeline disasters and turns them into law—so that these tragedies won't happen again.

Mr. President, on June 10th, in Bellingham, Washington, a gas pipeline ruptured—releasing more than a quarter of a million gallons of gasoline into Whatcom Creek. The gas ignited—sending a huge fireball racing down the creek—destroying everything in its path for more than a mile. The dramatic explosion killed three young people who happened to be playing by the creek. It created a plume of smoke which rose more than twenty-thousand feet into the air. This photo behind me was taken just moments after the explosion. One minute, a quiet residential area; the next moment, a disaster.

Besides the tragic loss of these three young lives, this explosion caused horrendous environmental damage. In fact, I was scheduled to be at this exact site just a few weeks later to designate a newly restored salmon spawning ground. When I saw the damage a short time after the explosion, frankly, I was shocked.

Take a look at these pictures. This was before the explosion where we were going to dedicate a salmon creek spawning ground. This is afterwards. As you can see, this explosion destroyed all of the plant and animal life in the creek, and it was once a lush and diverse habitat. In moments, it was destroyed and gone.

The explosion also had an impact on the entire community. Neighbors could not sleep at night, and young children—still to this day—panic during lightning storms. And, of course, three families—who lost their children—will never be the same.

Mr. President, as I researched this issue, I learned that what happened in my state was not unique—in fact—it wasn't even rare. According to the Office of Pipeline Safety, since 1986, there have been more than 5,500 incidents, resulting in 310 deaths and 1,500 injuries. Those 5,500 incidents also caused nearly a billion dollars in property damage. On average, our nation suffers one pipeline accident every day.

Clearly, this is a national problem—requiring a national solution. This chart shows some of the major pipeline accidents since 1981. This chart only shows the accidents investigated by the National Transportation Safety Board—not all 5,500.

As you can see, these disasters can occur anywhere—in anyone's neighborhood, in anyone's community, close to anybody's school, near anybody's place of work. And they have devastating results.

While the pipeline industry—by and large—does a good job of safely delivering the fuel we need to heat our homes and drive our cars, there are some examples where they failed to protect the public.

According to a New York Times article from January 14th of this year:

> One of the nation's largest pipeline operators quit inspecting its lines for much of the 1990's and instead found flaws by waiting for the pipes to break. Koch Industries agreed to pay a fine of $30 million—the largest civil environmental penalty to date.

That company's behavior resulted in leaks of three million gallons of crude oil, gasoline, and other products in 300 separate incidents in the last nine years.

We can't just rely on the industry to police itself. As this example showed, one company decided it was cheaper to wait for accidents to happen, than to take steps to prevent them. The time has come to raise the standards for pipeline safety.

Too often the public is left in the dark. Neighbors don't know they live near pipelines. Schools and communities aren't told when there are problems with a pipeline. The time has come to expand the public's right to know about the pipelines that run near their homes.

Too often pipeline operators don't have the training or experience they need to handle emergencies. Sometimes their actions cause accidents, and many times they make these disasters even worse. We should certify pipeline inspectors so we will know they have the training they need. In fact, in 1992 Congress passed a law requiring certification of pipeline operators. But a few years later, that requirement was repealed. That's a mistake we need to correct, and today, the need for qualified, certified operators is even greater.

Too often there aren't enough resources to oversee the industry or to carry out vital safety programs. The time has come to put the resources behind these new standards.

The time has come to reduce the risks pipelines pose. And the bill I'm introducing today does just that.

Here are the key provisions of my bill:

First, my bill will expand state authority to give states more control over pipeline safety standards. It's time to make states equal partners when it comes to pipeline safety. States should be able to use their knowledge of local conditions and circumstances to increase safety. States should be able to set up even more stringent standards than the federal government in areas like:

Requiring additional training and education of inspectors and operators;

Allowing states to require additional leak detection devices;

Allowing states to certify procedures and responses to accidents; and

Allowing states to enforce regulations.

While some new state authority gives the Secretary of Transportation the discretion to allow states to regulate, it is my intent that the Secretary work aggressively at accomplishing these partnerships in the way I outline in my bill.

I also strongly support efforts to better equip states as they respond to accidents. This involves better coordination between state and federal agencies so that police, fire, and emergency medical personnel will be better able to respond to pipeline disasters. The federal government should also encourage states to work more closely with pipeline companies on prevention.

Second, my bill will improve inspection practices.

We must develop guidelines and requirements for the internal and external inspection of pipelines. Current law only requires that pipelines be inspected internally when they are new and being used for the first time.

My bill requires pipeline companies to periodically inspect their pipelines internally and externally and report their findings to federal and state authorities, as well as the public. My bill also requires pipeline companies to take action if those findings uncover problems.

Third, my bill will strengthen the public's "right to know."

Currently the public does not have the right to know about spills and problems with pipelines. My bill would require pipeline companies to disclose problems with the pipeline and what the company is doing to fix them. It will require pipeline companies to report to the public any spill and also to report the results of the periodic testing I am proposing.

Fourth, my bill will improve the quality of pipeline operators.

Current law allows companies to determine if their own operator is "qualified" to work on a pipeline. My bill would place the government in the position of determining whether the companies' assessment is accurate. We wouldn't want an airline pilot flying a plane unless the FAA determined he was qualified. Similarly, we should require the Office of Pipeline Safety to review and certify the qualifications of pipeline operators.

Finally, my bill will increase funding to improve safety.

We should increase funding for research that will help improve the devices that inspect pipelines and detect leads. We should also increase grant programs to state agencies that regulate and monitor pipelines. This should be a partnership that recognizes both the state and federal responsibility in making pipelines safer.

Mr. President, I am proud to introduce this bill today because I know it's the right thing to do. This has been a long process, and I've received a lot of cooperation. Specifically, I would like to thank U.S. Secretary of Transportation Rodney Slater, the Office of Pipeline Safety, the National Transportation Safety Board, the City of Bellingham, my colleagues in the Senate, Gov. Locke, other federal and state agencies, and industry representatives. Senator GORTON, my colleague from Washington State, is well aware of the importance of this issue and I look forward to his continued input.

I'm also looking forward to working with my colleagues in the House—specifically Representatives INSLEE, METCALF, and BAIRD—who have expressed interest in this issue.

This bill will raise safety standards so that every family that lives near a pipeline can sleep soundly at night. This accident should not happen again. The time has come to take the lessons of this tragedy and put them into law—so we can reduce the odds of another disaster. We have a responsibility to do it, this bill gives us the tools to do it, and I hope you will support me in this effort.

Mr. SESSIONS. Mr. President, I will be interested in the Senator's pipeline safety bill. That is a matter that is important. The pipelines are so much safer than trucks and other forms of distribution of fossil fuel. We are moving toward the use of natural gas, which burns so much cleaner than coal, fossil fuel, and other fuels. I think we will be having more pipelines around the country. I think it will be essential. It will be a positive environmental step to move forward with it.

I have been somewhat discouraged that the Vice President has indicated he opposes drilling for natural gas off the gulf coast where it can be done so much more safely than drilling for liquid gas. We have had very few problems of any kind drilling off the coast. In fact, it produces the cleanest burning fuel we have. We have the Vice President opposing nuclear power, and now we are shutting off our capacity to reach natural gas which we are now using to generate electricity at a fraction of the environmental pollutants that other forms of energy generate. We are reaching a point of boxing ourselves in. We are supposed to reach cleaner air goals under the Kyoto agreement. The President and Vice President say we should go forward, but we are boxing ourselves in.

We need to maintain an efficient gas pipeline system in America to generate the energy for the needs we have while continuing to reduce pollutants in the atmosphere. It has to be safe, too. I am willing to look at that. I certainly don't favor additional regulations, but if it promotes safety, I think it is something we ought to talk about.

By Mr. BURNS (for himself, Mr. NICKLES, Mr. ROBERTS, Mr. GRAMS, and Mr. ALLARD):

S. 2005. A bill to repeal the modification of the installment method; to the Committee on Finance.

REPEAL OF A TAX ON THE SALE OF SMALL BUSINESSES

Mr. BURNS. Mr. President, today I introduce a bill that will repeal a little-noticed, yet extremely detrimental, installment tax provision on small businesses.

This provisions, enacted at the end of last year's congressional session as part of the conference report of H.R. 1180, the Ticket to Work and Work Incentives Improvement Act of 1999 was placed into effect on December 17 when President Clinton signed the bill.

According to this provision, many small-business owners who sell their businesses will now have to immediately pay in one lump sum all capital gains taxes resulting from the sale, even if the sale's payments are spread out in installments over a period of several years. Under previous treatment, the capital gain tax payment could be spread over the life of the installment note.

An unintended consequence of this provision has been to adversely affect the sale of small businesses. Most sales of these businesses use the installment sales method. Larger publicly traded corporations are not impacted as they tend to use other financing methods involving cash or stock transactions.

According to the National Federation of Independent Business (NFIB), it is possible that most of the 200,000 small business sales which occur each year will be adversely affected by this provision. Some estimates show that, depending upon the circumstances, this provision could reduce the sale price of a business by 5, 10, 20 percent or more.

My legislation will repeal the elimination of this provision giving small business owners the opportunity to defer over the period of payments the capital gains tax on the sale of their business.

Mr. President, the American public is aware of this tax. I have seen press releases, newspaper articles and even a story on a national news network. This will effect not only the liquidity and price a seller is required to accept for a business.

We're not talking about major corporations—rather, we are talking about small businesses—a local hamburger joint, a laundromat, a car wash, the businesses that support a community.

I encourage my colleagues to support the small business owner by cosponsoring this legislation.

By Mr. SPECTER:

S. 2006. A bill for the relief of Yongyi Song; read the first time.

PRIVATE RELIEF LEGISLATION

Mr. SPECTER. The thrust of the private relief bill and the concurrent resolution is that they seek relief for Mr. Yongyi Song, who is a librarian at Dickinson College of Carlisle, PA. Mr. Song was detained in Beijing, China, on August 7 of this year and on Christmas Eve was charged with "the purchase and illegal provision of intelligence to foreign institutions."

Two days ago, the People's Republic of China announced that Yongyi Song had confessed, which I believe is a representation having absolutely no credibility because Mr. Song has been held in detention for months. Any statements made in that context are inherently coercive, intimidating, and really of no validity at all.

The facts are that Yongyi Song is a distinguished and noted scholar who has published extensive works about the Cultural Revolution in China and that he had made a trip to the People's Republic of China earlier this year in order to further his academic research. Then he was taken into custody without cause.

The resolution that has been filed calls for the People's Republic of China to release Yongyi Song promptly. It calls for the fair treatment of lawyers in the People's Republic of China so they may practice in a decent manner within their judicial system, and it calls for the People's Republic of China to put into practice the reforms in the judicial system which they have, in fact, adopted on paper but are not putting into effect as a matter of practice.

The relationship between the United States Government and the People's Republic of China is a complex one. We have seen repeated incidents by China of flagrant disregard for human rights, and this is another instance. By taking Yongyi Song into custody and holding him in detention without charges, and months later—from August 7 until Christmas Eve—finally filing charges, and then the representation of a confession, which legal experts interpret to mean that they have no case and are doing their best to try to fashion some make-way situation is perhaps the lowest ebb of disregard for human rights and for academic freedom.

The resolution will be taken up concurrently in the House of Representatives as well. The bill for naturalization will enable the Government of the United States to take stronger action on behalf of Mr. Song. It will enable our State Department officials, for example, to visit with Yongyi Song, may be instrumental in obtaining the right to counsel, and may be instrumental in obtaining the right to observe any trial which is in process.

There has been a marked and serious determination in the activities of the People's Republic of China in their criminal justice system.

I ask unanimous consent that at the conclusion of my remarks the full text of an article from the New York Times, dated January 6 of this year, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. It concerns lawyer Liu Jian who represented the defendant in a criminal case. He found that none of the 37 witnesses he had lined up appeared to testify because of intimidation from the Government. He found himself, a lawyer, in police custody charged with "illegally obtaining evidence." While in custody, he was subjected to beatings and day-long interrogations without food or rest, and he later found his ability to practice law and his license to practice law in jeopardy.

It is obviously impossible to have a judicial system that functions without lawyers. The activities of the People's Republic of China have been absolutely reprehensible in this regard. Our resolution calls for relief for Yongyi Song and also calls for an improvement in the judicial system and the treatment of lawyers by the People's Republic of China.

Mr. President, this vital legislation would grant Mr. Yongyi Song U.S. citizenship. Mr. Song has been a resident of the United States for the past ten years, has passed his United States citizenship tests, and had been scheduled to be sworn in as a United States citizen in September 1999. However, Mr. Song, a respected researcher and librarian at Dickinson College in Carlisle, PA, was detained on August 7, 1999, in Beijing, China while collecting historical documents on the Chinese cultural revolution of the 1960's. After 5 months of detention, Mr. Song was formally "arrested" on Christmas Eve in China, on charges of "the purchase and illegal provision of intelligence to foreign institutions."

The People's Republic of China claims Mr. Song violated Chinese criminal law by collecting historical documents. However, the documents in Mr. Song's possession have reportedly been previously published in newspapers, books, and other "open" sources. The historical material Mr. Song was gathering in no way threatens the security of the Chinese Government or people. The case of Yongyi Song is an affront to basic human rights, an affront to academic freedom and affront to people around the world.

The bill that I am introducing today would waive the oath of allegiance and grant Mr. Song immediate citizenship, as Mr. Song passed the INS naturalization test on June 7, 1999. I believe it is vital that Congress become involved in this case: if Mr. Song were a U.S. citizen, the State Department would be in a stronger position to insist on being able to see him while he is being detained, insist on monitoring any trial that may occur, and insist on Mr. Song's right to counsel. Further, U.S. citizenship would afford Mr. Song a better chance of being expelled by the Chinese government after the trial, rather than being forced to serve a prison sentence should the Chinese Government convict him in Chinese court.

Mr. Song was a young man in China during the Cultural Revolution and now, at age 50, he is languishing in a Chinese jail as a result of trying to study it. Considering the extremely high conviction rate in the Chinese judicial system, it is very probable that Mr. Song will be convicted despite my commitment to an all-out fight for his freedom and innocence.

This case presents an international challenge to academic freedom and the pursuit of truth. While private relief legislation is a last resort that should be used sparingly by the Congress, the urgency and the compelling nature of this situation is one that demands immediate and definitive action. I urge my colleagues to support me in this fight for justice.

THE YONGYI SONG RESOLUTION

Mr. President, I have sought recognition today to introduce legislation that will bring attention to a situation which is occurring in the People's Republic of China. On August 7, 1999, Mr. Yongyi Song, a resident of Carlisle, PA, was detained in Beijing, China while collecting historical documents on the Chinese cultural revolution of the 1966–76.

Mr. Song works as a researcher and librarian at Dickinson College in Carlisle, PA. He is a noted scholar of Chinese cultural history and has authored two books and several articles on the subject. On Christmas eve Mr. Song was formally arrested on charges of "the purchase and illegal provision of intelligence to foreign institutions." Yet, the documents in Mr. Song's possession have reportedly been previously published in newspapers, books and other "open" sources.

His case is complicated because although Mr. Song has lived in the United States for the past ten years and has passed his citizenship tests, he has not been sworn in as a U.S. citizen. He was scheduled to take the oath of allegiance on September 23, 1999, but was detained by the PRC before he could return home.

The case of Yongyi Song is an affront to basic human rights, an affront to academic freedom and an affront to people around the world. The People's Republic of China claims that Mr. Song violated Chinese criminal law by collecting historical documents, yet the documents in Mr. Song's possession have reportedly been previously published in newspapers, books and other "open" sources. At a time when the Chinese Government is looking for legitimacy, trying to get into the World Trade Organization and talking about improving its criminal justice system, this is a sharp about face.

This legislation I am about to introduce, a Concurrent Resolution, will express the Sense of the Congress that the Government of the People's Republic of China (PRC) should immediately release from prison and drop all criminal charges against Yongyi Song. Further, it will encourage the PRC to make reforms to their legal system so that criminal defense lawyers are guaranteed fair and professional treatment and encourage the PRC to conduct fair and open court proceedings.

In working with Mr. Song's defense team, I have learned about several problems within the Chinese legal system. First, the difficulties criminal defense lawyers face in representing their clients in the People's Republic of China. Over the past several years China has attempted to reform its legal system yet it has not been successful. Police often refuse to let lawyers meet with their clients and lawyers are often not provided with legally guaranteed information they require to competently represent clients. Many times trials are not open to the public or defendants families so that fair treatment of both lawyer and client cannot be accurately ascertained or proven. Additionally, defense lawyers are subject to harassment and interference and at times even arrest and imprisonment by Chinese authorities while defending clients. For example, in July, 1998 Liu Jian, a criminal defense lawyer from Nanjing, China was imprisoned, subjected to beatings and "marathon" interrogations after he represented a local official accused of taking bribes.

I urge my colleagues to send a sharp message to the People's Republic of China that they immediately release Yongyi Song from prison and drop all charges against him. Further, we should encourage the PRC to provide fair and professional treatment to criminal defense lawyers and work to ensure that more court proceedings are open to the public.

EXHIBIT 1

[From the New York Times, Jan. 6, 2000]

IN CHINA'S LEGAL EVOLUTION, THE LAWYERS ARE HANDCUFFED

(By Elisabeth Rosenthal)

NANJING, CHINA.—Liu Jian was an idealistic new lawyer when his Nanjing firm sent him to a rural town 200 miles away to represent a local official accused of taking bribes.

Stationed in the town, Binhai, he worked round-the-clock doing what defense lawyers do to prepare for trial: interviewing witnesses, examining documents and—when the police would allow—brainstorming with his client.

But when the court convened on July 13, 1998, almost none of the 37 witnesses he had lined up appeared to testify. The prosecutor swore and ranted at Mr. Liu, calling him a criminal. And at trial's end, outside Binhai's courthouse, Mr. Liu found himself in police custody, charged with "illegally obtaining evidence."

Although legal experts around the country declared his innocence, Mr. Liu spent a nightmarish five months in detention, subjected at times to beatings and daylong interrogations without food or rest.

"I was released on Dec. 11, and I've tried not to have any contact with the criminal law since," said Mr. Liu, a thin, serious man with a downtrodden air, whose son was born and whose mother had a heart attack while he was in jail. "I've really lost confidence in the system."

Over the past decade, China has tried to overhaul its legal system, training thousands of new lawyers and passing laws that greatly expand their role in criminal cases—for example, for the first time giving defendants in detention the right to a lawyer and allowing lawyers to conduct pretrial investigations.

But results have been mixed, especially in the country's vast rural areas, where the police, prosecutors and judges often chafe under the new rules. And China's young lawyers have been at once a tremendous force for change and also frequent victims: byproducts of a new legal system that is far better established on paper than in practice.

"The law has made great advances, but sometimes thinking has not," said Li Baoyue, a criminal lawyer who also teaches at Beijing's University of Politics and Law. "It is going to be a very difficult road ahead to get these new regulations implemented."

Although it is rare for criminal lawyers to end up in prison, defense lawyers say, it is common for them to suffer a barrage of problems, insults and lesser slights like these:

The police often refuse to let lawyers meet their clients in private or in a timely manner, despite a law giving them access within 48 hours.

Lawyers are often not provided with legally guaranteed access to court material, like transcripts of confessions, medical examinations and witness lists.

Intimidation of witnesses by the local police and prosecutors often leaves lawyers with few people willing to testify.

"Because of these problems, it's sometimes hard to find a lawyer for criminal cases," Professor Li said, adding that the work can be dangerous. "Many lawyers are scared they could become implicated in the case and lose their livelihood." Business law is much more lucrative, and safer

Gu Yongzhong, a former criminal law specialist in Beijing who now takes on criminal cases only occasionally said: "For the amount of time it takes to prepare the case, it doesn't pay. And it's very hard to get a not-guilty verdict."

Lawyers agree that the obstacles are far greater in the rural areas, where the legal training of judges and the police is often poorest. But some problems are more widespread, like the difficulty in meeting defendants, lawyers said.

Defendants in cases that are politically sensitive are rarely granted their legally guaranteed rights.

One lawyer said that he had recently spent two weeks trying to met a client detained by the Beijing Public Security Bureau, which repeatedly deflected requests and turned him away at the gates of the detention center before finally allowing the meeting.

"It usually takes some time to get to see your clients," Mr. Gu said. "The law enforcement agencies are not willing at the start because they are worried it will interfere with their investigation. Although it seems to be getting somewhat better lately."

Unfortunately, experts say, those first days of detention are when some of the worst police abuses occur—when defendants are subjected to aggressive and sometimes brutal interrogation to obtain confessions. Although Chinese law forbids torture, and confessions obtained by torture cannot be used in court, Chinese officials acknowledge that the practice is still relatively common.

The use of "confession by torture remains unchecked," said a recent commentary in the official China Youth Daily. "It is commonplace for citizens to be arbitrarily summoned, forcibly seized, detained and even detained beyond legal time limits, and for citizens whose freedom has been restricted to be treated inhumanely."

Transcripts of police interrogations with recalcitrant suspects often show breaks in the questioning marked by the words "Education takes place," defense lawyers say. And when the session resumes—voilà!—a confession.

"The use of torture to obtain a confession is something defendants often raise, but it puts us in a very delicate situation since we need facts and evidence to back up these claims," said Sun Guoxiang, a prominent defense lawyer in Nanjing who helped defend Mr. Liu. "But it is very hard to gather evidence because it is almost impossible to get access to clients at these times."

In Mr. Liu's case, the cultures of law and law enforcement repeatedly clashed, as Mr. Liu reminded his captors of his legal rights.

Just a high school graduate, Mr. Liu became a lawyer through an arduous self-study law program affiliated with Nanjing University, while working full time designing furniture. The first professional from a poor rural family, Mr. Liu regarded the law with a touch of awe.

"I thought it was a career where I could help people, that had meaning," he said.

He was admitted to the bar in 1994, when officials in Beijing were writing the new Criminal Procedure Code, which took effect in October 1997. That code allows lawyers to formulate a defense by conducting independent investigations during what prosecutors call the "investigative period," a stage that can last weeks if not months, when a suspect is in detention but has not yet been formally charged.

But the police in Binhai had other ideas. On his first trip to Binhai, Mr. Liu said, he and a colleague from his firm were never allowed to see their client, whose wife had retained the firm. When a meeting was finally permitted on a subsequent visit, they were given time only to "exchange a few words"—and these with the head of the county anticorruption bureau listening.

But a week before the trial, a longer meeting took place—and Mr. Liu discovered huge discrepancies between the bribery charges brought by the prosecutors and the story told by the defendant, who said he had been tortured into confessing.

For the next week, Mr. Liu frantically—and aggressively—sought out witnesses, many of whom contradicted the police and some of whom said they had been threatened by local officials.

"Our impression wasn't that our client was totally innocent," Mr. Liu said, "but we felt that the prosecution needed to provide better evidence to make the charges stand."

It's the Lawyers Who Are Handcuffed

Although the realist in him "kind of expected" a guilty verdict because "the prosecutor had a lot riding on the corruption case," his lawyer side thought he might have a chance.

That hope quickly dissipated once his witnesses failed to appear—except the defendant's wife and one nervous man who repeatedly contradicted himself—and the court struck down each point he raised.

Still, during closing arguments, Mr. Liu was "shocked" to hear the prosecutor attacking not the defendant, but the defense team. The prosecutor charged that Mr. Liu had broken the law: that he had "deliberately induced witnesses to give false evidence" and then "presented testimony that he knew to be false to the court"—charges that Chinese legal experts have loudly protested.

Professor Li of the University of Politics and Law said, "In certain cases, when law enforcement bodies don't have a highly developed legal mentality, they assume lawyers doing their professional work are doing the bidding of villains."

He added that there was often tension between the rural police, few of whom have gone beyond high school, and the better-educated, relatively high-earning lawyers who enter their turf.

After Mr. Liu was detained, he refused to eat for a day, to protest a jailing he regarded as illegal. He repeatedly reminded the police about the legal time limit on detention and his right to see a lawyer, with little effect.

For the first 10 days he was not even allowed to contact his own law firm, he said. For the entire five months in custody he was not permitted to speak to his wife. He learned about the birth of his son from a prosecutor.

In marathon interrogations, the police first urged him to confess, then, when he demurred, "reminded" him that he had "forced witnesses" to change their testimony. Mr. Liu said they made him stand for hours or beat him until his mouth filled with blood when he refused to confirm their version of events. He said they wrote out a confession for him, which he eventually read to a camera.

Legal experts from Nanjing and Beijing rallied to his defense, sending lawyers to defend him at his trial, set for October 1998, and preparing statements declaring his innocence.

He was grateful for their support, but ultimately dared not test the system, deciding to plead guilty in exchange for a light sentence, consisting of time served.

"Because of the mental pressure I was under, I was forced to admit to their charges," he said. "I thought, 'I'm not going to receive justice here.' I wanted to get out a soon as possible and thought then I could set about clearing my name."

Mr. Liu is now appealing the judgment, although lawyers say that with a videotaped confession he will have a hard time officially clearing his name. Meantime, his criminal record bars him from working as a lawyer.

It is a frustrating limbo for a man, now only 28, whom the country's top defense lawyers have declared innocent. Late last year, a panel of 12 legal experts concluded that while Mr. Liu's actions were "somewhat irregular" they "did not possess the conditions for a crime."

Among Mr. Liu's "minor breaches" were posing questions in a leading manner and interviewing witnesses alone, said Sun Guoxiang, his principal defense lawyer, noting that these were mostly a result of his inexperience. It is standard practice in China for two lawyers to be present at questioning, although Mr. Liu often worked solo because his firm did not want to station two lawyers in such a remote area.

And though the case has been devastating for Liu Jian, Mr. Sun says it demonstrates both the incipient power of the legal profession and how far it has to go.

"On the one hand I think he was freed as early as he was because lawyers are gaining more respect and playing a bigger role," he said. "On the other, lawyers continue to face difficulties, which are closely related to the quality of the law enforcement and judicial services."

By Mr. CONRAD:

S. 2007. A bill to amend title 38, United States Code, to improve procedures relating to the scheduling of appointments for certain non-emergency medical services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

SPECIALIZED MEDICAL CARE FOR VETERANS

Mr. CONRAD. Mr. President, during the recent congressional adjournment, I had many opportunities to meet with veterans across North Dakota and medical care professionals within the Department of Veterans' Affairs Medical

Center in Fargo regarding issues relating to veterans medical care and the VA budget.

One concern raised repeatedly by veterans and VA health care professionals related to the lengthy waiting periods for service-connected, non-emergency speciality medical care. In many cases, the waiting period for a veteran between the initial consultation by a VA health care professional, and the scheduled appointment with a medical specialist was 6 to 10 months, and in some instances up to a year.

Last year, Mr. President, the Independent Budget For Fiscal Year 2000 prepared by the Disabled American Veterans, AMVETS, Veterans of Foreign Wars and Paralyzed Veterans of America, called attention to the specialized care concerns, particularly the impact of funding shortfalls on staffing to provide specialized medical services. The Independent Budget emphasized the need to provide adequate resources for veterans with speciality needs. More recently, surveys of VA medical facilities by the Disabled Veterans of America confirmed no significant improvement in waiting periods for medical care at VA facilities.

Mr. President, veterans requesting speciality care at a DVA medical facility are entitled to speciality care within a reasonable period of time. They should not be required to wait months and months for this essential medical care. In response to these speciality care concerns, and the recommendations in the Fiscal Year 2000 Independent Budget, I am introducing legislation to make certain that service-connected veterans requesting speciality care at VA facilities receive that care within a reasonable period of time.

Under this legislation, the VA would be required to automatically review a service-connected veteran's request for non-emergency speciality care if scheduling the appointment exceeds a three week period beyond the initial VA consultation. If an appointment for specialty care could not be provided at a veteran's VA facility in the local area, the VA would be required to provide the service-connected veteran with an appointment for care at another VA facility, or offer the veteran the opportunity for speciality care through a private physician in the veteran's home community.

Additionally, the VA would be required to report to Congress annually on the waiting periods for various types of non-emergency speciality medical care for service-connected veterans, especially on any critical problems and staffing shortages that contribute to these waiting periods. The report also requires the VA to include recommendations for addressing waiting periods, any staffing shortages, including special pay adjustments, or any other modifications in pay authority that might be necessary to retain and recruit speciality medical personnel.

Mr. President, I know that DVA officials and medical center personnel are very concerned about the waiting periods that veterans experience for certain speciality medical care. D.A. personnel are also acutely aware of speciality care staffing shortages. As reported in the Independent Budget for Fiscal Year 2000, it's critical that Congress provide the essential funding resources to ensure that these speciality care services are met promptly. I urge the Senate Committee on Veterans Affairs' to conduct hearings on VA speciality care and to incorporate the recommendations in my legislation in appropriate veterans medical care legislation that will be considered by the Senate in FY 2001.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVEMENT OF PROCEDURES RELATING TO SCHEDULING OF APPOINTMENTS FOR CERTAIN NON-EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—(1) Subchapter I of chapter 17 of title 38, United States Code, is amended by inserting after section 1706 the following new section:

"§ 1706A. Management of health care: appointments for certain non-emergency medical services

"(a) The Secretary shall establish a priority in the scheduling of appointments for non-emergency medical services furnished by the Secretary through medical specialists for veterans with service-connected disabilities.

"(b) If the scheduled date of an appointment of a veteran with a service-connected disability for non-emergency medical services to be furnished by the Secretary through a medical specialist is more than three weeks later than the date the appointment is made, the Secretary shall—

"(1) provide for the immediate review of the appointment; and

"(2) furnish the medical services covered by the appointment to the veteran at an earlier date than the scheduled date of the appointment—

"(A) through a Department medical specialist at another Department facility; or

"(B) through a non-Department medical specialist located in the area in which the veteran resides.".

(2) The table of sections at the beginning of chapter 17 of that title is amended by inserting after the item relating to section 1706 the following new item:

"1706A. Management of health care: appointments for certain non-emergency medical services.".

(b) ANNUAL REPORT ON SHORTAGES IN MEDICAL SPECIALTY PERSONNEL.—(1) Not later than January 31 each year, the Secretary of Veterans Affairs' shall submit to Congress a report on any shortages in medical specialty personnel in the Veterans Health Administration during the preceding year.

(2) The report under paragraph (1) for a year shall—

(A) set forth the average waiting period during the year for veterans with service-connected disabilities for various types of non-emergency medical services furnished by medical specialty personnel at each Department of Veterans Affairs medical center;

(B) set forth any shortages in medical specialty personnel identified by the Secretary during the year; and

(C) include the recommendations of the Secretary for means of addressing such shortages, including recommendations, if appropriate, for special pays, adjustments in pay, or other modifications of pay authority necessary to recruit or retain appropriate medical specialty personnel.

By Mr. WYDEN (for himself, Mr. BYRD, Mr. BREAUX, and Mrs. LINCOLN):

S. 2009. A bill to provide for a rural education development initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

RURAL EDUCATION DEVELOPMENT INITIATIVE FOR THE 21ST CENTURY ACT

Mr. WYDEN. Mr. President, we spend less than a quarter of our nation's education dollars to educate approximately half of our nation's students. You don't have to be a math whiz to know that the numbers just don't add up.

Thousands of rural and small schools across our nation face the daunting mission of educating almost half of America's children. Increasingly, these schools find that they are underfunded, overwhelmed, and overlooked. While half of the nation's students are educated in rural and small public schools, they only receive 23% of Federal education dollars; 25% of State education dollars; and 19% of Local education dollars.

We all grew up thinking that the three R's were Reading, Writing, and Arithmetic. Unfortunately for our rural school children, the three R's are too often run-down classrooms, insufficient resources, and really over-worked teachers.

Increasingly, Mr. President, rural and small schools are plagued by disparities connected to their geographic location and limited enrollment. To top it off, rural and small schools face shrinking local tax bases, higher transportation costs associated with the greater distance students must travel to school, and crumbling school buildings that may not have air conditioning, hot water, or roofs that do not leak.

Rural school districts and schools also find it more difficult to attract and retain qualified administrators and certified teachers. Consequently, teachers in rural schools are almost twice as likely to provide instruction in two or more subjects than their urban counterparts. Rural teachers also tend to be younger, less experienced, and receive less pay than their urban and suburban counterparts. Worse yet, rural school teachers are less likely to have the high quality professional development opportunities that current research strongly suggests all teachers desperately need.

Limited resources also mean fewer course offerings for students in rural and small schools. Consequently, courses are designed for the kids in the middle. So, students at either end of the academic spectrum miss out. Additionally, fewer rural students who dropout ever return to complete high school, and fewer rural high school graduates go on to college.

On another note, recent research on brain development clearly shows the critical nature of early childhood education, yet rural schools are less likely to offer even kindergarten classes, let alone earlier educational opportunities. Limited resources also mean less support for teacher training, technical assistance, educational technologies, and school libraries.

To make matters worse, many of our rural areas are also plagued by persistent poverty, and, as we know, high-poverty schools have a much tougher time preparing their students to reach high standards of performance on state and national assessments. Data from the National Assessment of Educational Progress consistently show large gaps between the achievement of students in high-poverty schools and students in low-poverty schools.

Our bill would provide funding to approximately 3,400 rural and small school districts that serve 4.6 million students—a short-term infusion of funds that will allow these schools and their students to take substantial strides forward.

Local education agencies would be eligible for REDI funding if they are either "rural" (serve a non-metropolitan area) and have a school-age population (ages 5–17) with 20 percent or more of whom are from families with incomes below the poverty line; or "small" (student population of 800 or less) and a student population (ages 5–17) with 20 percent or more of whom are from families with incomes below the poverty line.

Like the Education Flexibility Act of 1999 (Ed-flex) I authored with Senator BILL FRIST earlier this Congress, REDI is voluntary—states and school districts could choose to participate in the program. Both Ed-flex and REDI are designed to provide states and districts with the flexibility they need in order to use funding to deal with their local priorities.

I've heard it said that this would be the Education Congress, but we have much to do before we earn that title. Ed-flex was a good start, but it was a start, not a finish. It's time to show that we when it comes to education, we won't leave anyone behind, and REDI will give poor, rural children a real chance. We can't afford to stop now.

ADDITIONAL COSPONSORS ON JANUARY 25, 2000

S. 1197

At the request of Mr. ROTH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1197, a bill to prohibit the importation of products made with dog of cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

ADDITIONAL COSPONSORS ON JANUARY 26, 2000

S. 456

At the request of Mr. CONRAD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 456, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes.

S. 685

At the request of Mr. CRAPO, the name of the Senator from Utah (Mr . HATCH) was added as a cosponsor of S. 685, a bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes.

S. 1017

At the request of Mr. MACK, the name of the Senator from New Hampshire (Mr. SMITH OF NEW HAMPSHIRE) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1128

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1384

At the request of Mr. ABRAHAM, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1421

At the request of Mr. DURBIN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1421, a bill to impose restrictions on the sale of cigars.

S. 1729

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1729, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 1909

At the request of Mr. TORRICELLI, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from New York (Mr. SCHUMER), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1909, a bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 1999

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1999, a bill for the relief of Elian Gonzalez-Brotons.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. Res. 87, A resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 212

At the request of Mr. ABRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 212, a resolution to designate August 1, 2000, as "National Relatives as Parents Day."

SENATE CONCURRENT RESOLUTION 78—CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY RELEASE FROM PRISON AND DROP ALL CRIMINAL CHARGES AGAINST YONGYI SONG AND SHOULD GUARANTEE IN THEIR LEGAL SYSTEM FAIR AND PROFESSIONAL TREATMENT OF CRIMINAL DEFENSE LAWYERS AND CONDUCT FAIR AND OPEN TRIALS

Mr. SPECTER (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. SCHUMER, Mr. BAUCUS, Ms. COLLINS, Mr. LEAHY, Mr. KERRY, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 78

Whereas Yongyi Song, a researcher and librarian at Dickinson College in Carlisle, Pennsylvania, was detained on August 7, 1999 in Beijing, China while collecting historical documents on the Chinese cultural revolution of the 1966–76;

Whereas Mr. Song has lived in the United States for the past ten years, has passed his United States citizenship tests, and was scheduled to be sworn in as a United States citizen in September of 1999;

Whereas after five months of detention, Mr. Song was formally "arrested" on Christmas Eve in China on charges of "the purchase and illegal provisions of intelligence to foreign institutions";

Whereas the People's Republic of China claims that Mr. Song violated Chinese criminal law by collecting historical documents, yet the documents in Mr. Song's possession have reportedly been previously published in newspapers, books and other "open" sources;

Whereas the historical material Mr. Song was gathering in no way threatens the security of the Chinese government or people;

Whereas steps that China has taken to institute true legal representation for criminal defendants are important developments in China's internal modernization and in its integration into the world community;

Whereas despite these developments, criminal defense lawyers in China, are subject to harassment and interference and at times even arrest and imprisonment by Chinese authorities while defending clients;

Whereas criminal defense lawyers in China are often subject to harassment from police, prosecutors and judges;

Whereas in July, 1998 Liu Jian, a criminal defense lawyer from Nanjing, China was imprisoned, subjected to beatings and "marathon" interrogations after he represented a local official accused of taking bribes;

Whereas the legal system in the People's Republic of China was greatly reformed in 1997, yet Chinese officials often disregard the new laws; and

Whereas in many cases judicial proceedings are closed to public: Now, therefore be it:

Resolved by the Senate (the House of Representatives concurring), That the Congress calls on the Government of the People's Republic of China to—

(1) immediately release Yongyi Song from imprisonment and drop all charges against him;

(2) guarantee in the legal system in the People's Republic of China fair and professional treatment for criminal defense lawyers; and

(3) open more criminal proceedings in the People's Republic of China to the public.

SENATE CONCURRENT RESOLUTION 79—EXPRESSING THE SENSE OF CONGRESS THAT ELIAN GONZALEZ SHOULD BE REUNITED WITH HIS FATHER, JUAN GONZALEZ OF CUBA

Mr. DODD (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Whereas Elián González, a 6-year citizen of Cuba, lost his mother in a tragic boat accident and floating alone for days in treacherous conditions off the coast of Florida;

Whereas Elián González was found November 25, 1999, alive but physically and emotionally drained, brought ashore and examined at a hospital, and released temporarily by the Immigration and Naturalization Service (INS) into the care of his great-uncle and cousins in the Miami area while it evaluated his case;

Whereas the natural father and sole surviving parent of Elián González. Juan González of Cuba, has repeatedly requested that the United States Government return his son to him immediately;

Whereas the President rightly determined that the fate of Elián González should be determined by United States statutes and regulations related to immigration cases involving children;

Whereas the INS, after interviewing Juan González twice in Cuba and carefully reviewing all relevant laws, rules, and evidence, correctly determined on January 5, 2000, that Juan González is a caring and involved father, that Elián González faces no credible threat of political persecution if returned to his father, and as a result, that Juan González possesses the sole authority of speaking for Elián González regarding his son's immigration status in the United States under Federal immigration law and universally accepted legal norms;

Whereas the INS resolved to return Elián to Cuba by January 14, 2000, to live with his father Juan González, in accordance with his father's request;

Whereas on January 12, 2000, the Attorney General fully supported the INS ruling, reaffirmed INS jurisdiction over the matter, and said that a decision by a Florida State court judge granting temporary custody of Elián González to his relatives in Miami, establishing a March 6, 2000, date for a hearing on permanent custody, and calling for the father's presence at that hearing had no force and effect;

Whereas only the Federal courts have the jurisdiction to review the Attorney General's decision;

Whereas what Elián González needs most at this time is to be with the father and both sets of grandparents who raised him so that he can begin the process of grieving for his mother, in peace;

Whereas despite the existence of important political disagreements between the Governments of the United States and Cuba, these differences should not interfere with the right to privacy of a 6-year-old child or his sacred bond with his father; and

Whereas any unusual or inappropriate changes to immigration law made by Congress to naturalize a minor without the parents' consent would have the effect of encouraging parents in other nations to risk the lives of their children under the false hope that they might receive special treatment outside standard channels for legal immigration: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) Congress should not interfere with normal immigration proceedings by taking any unusual or inappropriate legislative measures designed to delay the reunification of Elián and Juan González; and

(2) the Immigration and Naturalization Service should proceed with its original decision to return Elián González to his father, Juan González, in Cuba and take all necessary steps to reunify Elián González with his father as soon as possible.

SENATE RESOLUTION 245—RELATIVE TO THE DEATH OF DR. FLOYD M. RIDDICK, PARLIAMENTARIAN EMERITUS OF THE UNITED STATES SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. BYRD, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 245

Whereas Floyd M. Riddick served the Senate with honor and distinction as its second Parliamentarian from 1965 to 1975;

Whereas Floyd M. Riddick created the Daily Digest of the Congressional Record and was its first editor from 1947 to 1951;

Whereas Floyd M. Riddick was Assistant Senate Parliamentarian from 1951 to 1964;

Whereas Floyd M. Riddick compiled thousands of Senate precedents into the official volume whose current edition bears his name;

Whereas Floyd M. Riddick served the Senate for more than 40 years;

Whereas Floyd M. Riddick upon his retirement as Senate Parliamentarian served as a consultant to the Senate Committee on Rules and Administration;

Whereas Floyd M. Riddick performed his Senate duties in an impartial and professional manner; and

Whereas Floyd M. Riddick was honored by the Senate with the title Parliamentarian Emeritus: Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

SENATE RESOLUTION 246—RELATIVE TO THE DEATH OF CARL CURTIS, FORMER UNITED STATES SENATOR FOR THE STATE OF NEBRASKA

Mr. KERREY (for himself, Mr. HAGEL, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 246

Whereas Senator Curtis served with honor and distinction, for the State of Nebraska, in the House of Representatives from 1939 until his resignation in 1954 and in the Senate from 1955 to 1979;

Whereas Senator Curtis served his country for 40 years;

Whereas Senator Curtis stood for fiscal and social conservatism;

Whereas Senator Curtis regarded one of his biggest accomplishments as bringing flood control and irrigation to the Midwest;

Whereas Senator Curtis served as the Senate Republican Conference Chairman and ranking member on the Finance Committee during his last term in office;

Whereas Senator Curtis was admitted to the bar in 1930 and had a private law practice in Minden, Nebraska prior to his service in the House of Representatives; and

Whereas Senator Curtis served in Congress longer than any other Nebraskan: now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Carl Curtis, former Member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the house of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Carl Curtis.

SENATE RESOLUTION 247—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. CAMPBELL (for himself, Mr. HATCH, Mr. BURNS, Mr. JEFFORDS, Mr. COVERDELL, Mr. LEAHY, Mr. CLELAND, Mr. MOYNIHAN, Mr. DEWINE, Mr. GRAMM, Mr. BIDEN, Mr. CRAPO, Mr. AKAKA, Mr. LAUTENBERG, Mr. SARBANES, Mr. HAGEL, Mr. WARNER, Mr. GORTON, Mr. HELMS, Mr. INHOFE, Mr. INOUYE, Mr. GRAMS, Mr. ASHCROFT, Mrs. FEINSTEIN, Mr. BAYH, Mr. DORGAN, Mr. LEVIN, Mrs. HUTCHISON, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 247

Commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

Whereas the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of peace;

Whereas peace officers are the front line in preserving our children's right to receive an education in a crime-free environment, which is all too often threatened by the insidious fear caused by violence in schools;

Whereas 134 peace officers lost their lives in the performance of their duty in 1999, and a total of nearly 15,000 men and women have now made that supreme sacrifice;

Whereas every year 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty; and

Whereas, on May 15, 2000, more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2000, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

Mr. CAMPBELL. Mr. President, today I am joined by 28 of my colleagues in submitting this resolution to keep alive in the memory of all Americans, the sacrifice and commitment of those men and women who lost their lives while serving as law enforcement officers. Specifically, this resolution would designate May 15, 2000, as National Peace Officers Memorial Day.

As a former deputy sheriff, I know first-hand the risks which law enforcement officers face everyday on the front lines protecting our communities. Currently, more than 700,000 men and women who serve this nation as our guardians of law and order do so at a great risk. Every year, about 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty. There are few communities in this country that have not been impacted by the senseless death of a police officer.

In 1999, approximately 135 federal, state and local law enforcement officers have given their lives in the line of duty and nearly 15,000 men and women have made that supreme sacrifice during the past century. We can be heartened by knowing that fewer police officers died in 1999 than in any year since 1965.

According to National Law Enforcement Officers Memorial Fund Chairman Craig W. Floyd, "a combination of factors appears to be making life safer for our officers including better training, improved equipment, the increased use of bullet-resistant vests, and the overall drop of crime."

On May 15, 2000, more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their fallen comrades, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Mr. President, I urge my colleagues to join us in supporting this important resolution.

I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, January 24, 2000.
Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: I am writing on behalf of the members of the Police Executive Research Forum (PERF) in support of your efforts to secure Congressional designation of May 15 as Peace Officers Memorial Day. PERF, an association of police executives primarily from the larger police agencies in the United States, believes that this is a fitting and appropriate tribute that honors not only those officers for their sacrifice, but their brave families, the law enforcement agencies they represented, and the grieving communities for whom they died serving. As we all work to improve American policing and the criminal justice system, it is important to remember the individual American police officers who have for nearly two centuries served our communities and all too often made the ultimate sacrifice.

Thank you for your efforts and the efforts of your colleagues in introducing this measure to honor America's law enforcement officers.

Sincerely,

CHUCK WEXLER,
Executive Director.

INTERNATIONAL BROTHERHOOD
OF POLICE OFFICERS,
Alexandria, VA, January 20, 2000.
Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union. The IBPO is the largest police union in the AFL–CIO.

On behalf of the over 50,000 members of the IBPO, I wish to thank you for introducing legislation to designate May 15, 2000 as National Peace Officers Memorial Day. This legislation is a tribute to the more than 700,000 men and women who protect our citizens.

Your legislation serves as a solemn reminder of the sacrifice and commitment to safety that peace officers make on our behalf. In 1999 over 130 peace officers lost their lives while in the performance of their job.

As a former law enforcement official, you know firsthand the dangers these peace officers face. Your legislation not only honors the peace officers fallen in the line of duty but to their surviving families.

Once again, thank you for all your help honoring America's peace officers.

Sincerely,

KENNETH T. LYONS,
National President.

NATIONAL ASSOCIATION OF
POLICE ORGANIZATIONS, INC.,
Washington, DC, January 21, 2000.
Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washinton, DC.

DEAR SENATOR CAMPBELL: On behalf of the National Association of Police Organizations (NAPO), representing 4,000 unions and associations and 250,000 sworn law enforcement officers, I want to express our wholehearted support for a Senate Resolution to recognize the brave men and women of law enforcement, who have paid the ultimate sacrifice.

Every year, for one week during the month of May, the law enforcement community pays tribute and honors the fallen heroes who have died in the line of duty at the National Law Enforcement Officers Memorial. Serving on the Board of Directors at the National Law Enforcement Officers Memorial Fund and as a former Detroit Police officer for twenty-five years, I truly appreciate a day for all Americans to recognize and commemorate, with surviving family members, those who have lost their lives in the line of duty.

Every day law enforcement officers put their lives on the line to serve and protect our communities. Over the past few years, we have experienced a steady decrease in violent crime throughout our neighborhoods and cities. However, this does not come at a small price. In 1999, approximately 135 of our Nation's finest lost their lives protecting the citizens of this country. We need to honor and remember these outstanding men and woman every year.

Thank you for your dedication in advancing the interests of the law enforcement community. I look forward to working with you in the 106th Congress. Please let me know if I can be of any assistance in the future.

Sincerely,

ROBERT T. SCULLY,
Executive Director.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRAMS. Mr. PRESIDENT, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Reducing Medical Error: A look at the IoM report" during the session of the Senate on Wednesday, January 26, 2000, at 9:30 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, January 26, 2000, to conduct a hearing on the renomination of Alan Greenspan to Chairman of the Board of Governors of the Federal Reserve System.

THE PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL BIOTECHNOLOGY MONTH

• Mr. GRAMS. Mr. President, shortly before the first session of the 106th Congress adjourned, I introduced, and the Senate passed, a resolution designating January 2000 as "National Biotechnology Month." I rise today to formally recognize National Biotechnology Month here in the Senate.

While back in Minnesota, I had the opportunity to meet with some of my constituents who are in the biotechnology industry. Whether it's agricultural, medical, or environmental applications of biotechnology, Minnesota is a leader in the field.

Here are some characteristics of the biotechnology industry nationally:

Over 200 million people worldwide have been helped by the more than 80 biotechnology drug products and vaccines approved by the U.S. Food and Drug Administration (FDA).

There are more than 350 biotechnology drug products and vaccines currently in human clinical trials and hundreds more in early development in the United States. These medicines are designed to treat various cancers, Alzheimer's, heart disease, multiple sclerosis, AIDS, obesity and other conditions.

Biotechnology will help us feed the world by developing new and better agriculture commodities that are disease and pest resistant and offer higher yields as well.

Environmental biotechnology products make it possible to more efficiently clean up hazardous waste without the use of caustic chemicals.

Industrial biotechnology applications have led to cleaner processes with lower production of wastes and lower energy consumption, in such industrial sectors as chemicals, pulp and paper, textiles, food and fuels, metals and minerals and energy. For example, much of the denim produced in the United States is finished using biotechnology enzymes.

DNA fingerprinting, a biotech process, has dramatically improved criminal investigation and forensic medicine, as well as afforded significant advances in anthropology and wildlife management.

There are 1,283 biotechnology companies in the United States-many in Minnesota.

Market capitalization, the amount of money invested in the O.S. biotechnology industry, increased 4 percent in 1998, from $93 billion to (97 billion.

Approximately one-third of biotech companies employ fewer than 50 employees. More than two-thirds employ fewer than 135 people.

The U.S. biotechnology industry currently employs more than 153,000 people in high-wage, high-value jobs.

Biotechnology is one of the most research-intensive industries in the world. The U.S. biotech industry spent $9.9 billion in research and development in 1998. The top five biotech companies spent an average of $121,400 per employee on R&D.

Mr. President, biotechnology plays an extremely important part in my life because a little over a year ago I had an artificial valve implanted in my heart to correct a condition I had for years. Without the research and commitment of this industry, I might not have had that option available to me.

I have always been a believer in biomedical and basic scientific research and the advances we will see in the future will be testimony to the importance and foresight of the investment we make today—and I have no doubt the future holds great promise.●

ELIZABETH GLASER PEDIATRIC AIDS FOUNDATION

● Mrs. BOXER. Mr. President, I have spoken in this Chamber before about the exemplary life of Elizabeth Glaser and the work of the Pediatric AIDS Foundation, which bears her name. I rise today to again speak about Elizabeth and her remarkable work and life.

In 1986, Elizabeth and her husband, Paul, discovered that she and her two children were infected with HIV as a result of a blood transfusion following a difficult childbirth. In 1988, following the death of their daughter, Ariel, to AIDS she founded a foundation to raise money for scientific research for pediatric AIDS. At the time there was little coordinated research focused on the effect of this disease on children or pharmaceutical testing of protocols for pediatric AIDS.

In 1994, Elizabeth succumbed to this terrible disease after a long and courageous battle.

Today, eleven years after its founding, the Elizabeth Glaser Pediatric AIDS Foundation has raised more than $85 million in support of AIDS research. This has lead to a new and greater understanding of HIV/AIDS and its effects on children.

Among the more exciting and promising breakthroughs this research has provided is the drug Nevirapine. Last year, a study in Uganda showed that Nevirapine could prevent almost half of HIV transmissions from mothers to infants—and at a fraction of the cost of other, less effective, treatments.

Mr. President, some 1,800 children are infected with HIV each day. The United Nations reports that 33.6 million people are infected with HIV or have developed AIDS; more than two-thirds of these people live in Sub-Saharan Africa. As the nature and emographis of HIV/AIDS evolves, the work of groups like the Elizabeth Glaser Pediatric AIDS Foundation is a pioneer in its field, richly deserving of the support and attention it receives.

Elizabeth Glaser remans a source of strength and inspiration to all of us. And her good works continue to reap benefits for countless thousands of people.●

TRIBUTE TO MR. BOB EDDLEMAN

● Mr. LUGAR. Mr. President, I take this opportunity to salute the outstanding public service of a conservationist and member of the agriculture community in the state of Indiana.

After 42 years of service, Bob Eddleman, Indiana State Conservationist for the U.S. Department of Agriculture's Natural Resources Conservation Service, retired at the end of December. In his role as public servant, Bob set an example for everyone with his steadfast concern for conservation and dedication to the preservation of natural resources of his home state.

Mr. Eddleman was born and raised on a farm in Crawford County, Indiana. He was an active member of 4-H and Future Farmers of America and took an interest in activities relating to the conservation of soil and water resources. He received a Bachelor of Science degree in Agriculture at Purdue University and a Master of Public Administration from the University of Oklahoma.

His career of federal service began in 1957 as a student trainee for the USDA Soil Conservation Service in English, Indiana. After serving as a soil conservationist, a district conservationist and an area conservationist in Indiana, his career path took him to New York as assistant state conservationist and then back to the Midwest as deputy state conservationist in Illinois. In 1980 Bob returned to the Hoosier state as state conservationist.

In his role as state conservationist with the Natural Resources Conservation Service, Mr. Eddleman has demonstrated an exceptional commitment to conserving Indiana's soil and water resources and has devoted himself to building a strong federal, state, and local partnership to provide services to Indiana citizens. He is also a leading advocate for Indiana's soil and water conservation districts. The individual accomplishments of Mr. Eddleman are many, but his years of service reflect his dedication to building working partnerships. As the result of his guidance and leadership, Indiana's Conservation Partnership is recognized as a model for other states to use to increase soil and water conservation practices on the land.

Mr. Eddleman served on many statewide natural resource work groups that have directed conservation actions in Indiana including: the Indiana Lakes Management Group; the Great Lakes Watershed Management Group; the Maumee River Basin Study; the Indiana Water Committee; and the Indiana Natural Resources Land Use work group. Bob has been a 4-H leader for 27 years, has served on the Marion County Extension Board for 9 years, was recognized as a fellow of the Soil and Water Conservation Society (SWCS), and currently serves on the SWCS Board of Directors. In 1995 he received the Distinguished Agricultural Alumni Award from Purdue University in recognition of his professional achievements and dedicated service to agriculture and society.

Finally, Bob Eddleman served as a mentor and role model to others in federal service. There are a great number of leaders within the USDA Natural Resources Conservation Service who have gained skills in leadership and partnership building by working for and with Bob.

Mr. President, I regret that the State of Indiana and all conservationists will be losing Bob Eddleman. With special thanks, I salute him for his service and wish him well as he embarks upon new endeavors.●

TRIBUTE TO WILLIAM SUMAS

● Mr. TORRICELLI. Mr. President, I rise today to pay tribute to William Sumas, a New Jersey resident and distinguished member of the business community, who will be inducted as Chairman of the New Jersey Food Council on January 27, 2000.

Bill is a native of New Jersey, having grown up in South Orange. After attending Columbia High School, he continued his education at Fairleigh Dickinson University.

Bill Sumas currently serves as a Vice President of the International Association of Corporate Real Estate Executives New Jersey Chapter, and as an Executive Vice President of Village Supermarkets, the 49th largest corporation in the State of New Jersey. Village Supermarkets was founded in 1937 by Bill's father and uncle, Perry and Nicholas Sumas. Since then, the company has grown to become one of New Jersey's most important food retailers.

The New Jersey Food Council (NJFC) was formed to promote, foster, aid, advance and protect the mutual interests of the food retailers and their suppliers. The council represents the multi-billion dollar food industry, including over 1,200 retailers, wholesalers, manufacturers, and service companies involved in every aspect of the industry. The NJFC is recognized nationally for its effective leadership and achievements in all aspects of public affairs, and has always maintained a reputation of excellence and integrity.

It is my firm belief that William Sumas will continue this fine tradition, and serve with distinction as an advocate on behalf of the NJFC's members. He will clearly promote the short and long term goals of the food industry in a timely and prescient manner, and will enhance the image and standing in the community of the entire industry.

Mr. President, I ask my colleagues to join me today in congratulating William Sumas on his induction as Chairman of the New Jersey Food Council. Under his leadership I am confident that the industry will continue to grow, and I look forward to its successful future.●

HAROLD VARMUS, M.D.

● Mr. SPECTER. Mr. President, for 6 years I had the pleasure of working closely with Dr. Harold Varmus, the distinguished Director of the National Institutes of Health. During his tenure as Director, great strides were made in medical research—the continued mapping of the human genome; new generations of AIDS drugs' gene therapy; the remarkable growth of information technology in health research; a strong effort to combat the global spread of infectious diseases; and exciting new scientific opportunities, such as stem cell research, that may one day lead to cures for Parkinson's, Alzheimer's, heart disease, and diabetes.

When I first met Dr. Varmus, I recall being impressed by the force and eloquence with which he advanced the cause of medical research. When he informed me of his intention to leave his post as Director, I could not help but think that NIH would lose one of its most valuable assets. His commitment to raise the level of scientific achievement at the NIH, and the enthusiasm and vigor that he brought to the job will certainly be missed.

I have no doubt that in his new position as head of the Memorial Sloan-Kettering Cancer Center in New York City, Dr. Varmus will stimulate the same high level of excitement and energy as he did at NIH. And while Sloan-Kettering will benefit from his vast knowledge of the biology of cancer, cancer patients there will feel the warmth of his deep compassion.

During his tenure as NIH Director, the agency has seen unprecedented funding increases. In 1993, when he assumed the position of Director funding for NIH was $8.9 billion. Under his leadership, the NIH budget has more than doubled to the $17.9 billion.

Dr. Varmus was the first Nobel Laureate to serve as NIH Director. He was awarded the Nobel Prize in Physiology and Medicine in 1989 for his work in demonstrating that cancer genes can arise from normal cellular genes. He is an international authority on retro-viruses and the genetic basis for cancer. Prior to coming to NIH, Dr. Varmus was a Professor at the University of California at San Francisco.

I want to take this opportunity to congratulate Dr. Varmus on his new position and to salute his contribution to the Nation and the cause of medical research. His wise counsel and responsible leadership helped lay the foundation for a research agenda that will have a lasting effect on the lives of millions of people throughout the United States and the world.•

A TRIBUTE TO ANDY MORAN

• Mrs. FEINSTEIN. Mr. President, no matter what our party affiliation, no matter what our beliefs, no matter whether we are Members or staff, we are all here for one purpose—that is, we believe in the nobility of public service. And while the enormity of the issues before this body bring it, and us, much notoriety, it is to the many thousands of dedicated public servants at the State and local level that we owe a debt of gratitude.

San Francisco has been fortunate for the last 25 years to have had the services of a public servant of great ability and dedication, Andy Moran. Andy's talents first came to my attention when I was Mayor. He has risen through the ranks of municipal government and has, for the last six years, served as the General Manager of the San Francisco Public Utilities Commission. For those who do not know, our PUC includes the Hetch Hetchy Water and Power Division, the Water Department and San Francisco's Clean Water Program.

As one might imagine, the challenges of this job are many, and they are varied. Andy has met those challenges with practice, intelligence, good humor, and a sense of fairness. His accomplishments are too numerous to mention here, but I would be remiss if I don't pay special tribute to his expertise on the all-important issue of California water. Water is our lifeblood in California, and the demands on our water supply and our water supply system have increased dramatically in the last generation.

Andy has been a part of that evolution. He has an institutional memory and an understanding of those issues which are born of first hand experience. He has played pivotal roles in such landmark agreements as the Bay-Delta accord and the settlement of Tuolumne River water rights with Turlock and Modesto Irrigation Districts. His accomplishments have been widely recognized by his peers, and he has served on numerous California water committees, including a term as Chair of the Association of California Urban Water Agencies.

Mr. President, we do not know what the future holds for Andy Moran, but we do know that his future will be met with continued success. He has been a mainstay of San Francisco's municipal government and will be greatly missed. We owe Andy a tremendous debt of gratitude, and we wish him the very best in his life ahead. Andy Moran is a true public servant.•

A 50TH BIRTHDAY SALUTE TO THE REVEREND ALPHONSE STEPHENSON

• Mr. MOYNIHAN. Mr. President, I rise today to recognize an important event which occurred yesterday, January 25th—the 50th birthday of The Reverend Alphonse Stephenson. Father Stephenson was recently feted by over a hundred family members and friends and his 50th birthday warrants a few moments of the Senate's attention.

Father Alphonse is a native son of New Jersey, but he has shared his varied talents with people of New York City. Priest at the Catholic Actor's Chapel in New York City, musical conductor of "A Chorus Line" on Broadway, and founder and conductor of St. Peter's Orchestra by the Sea, are just a few of the "hats" worn by Father Alphonse.

But Father Alphonse also assists in providing for those less fortunate. The Orchestra of St. Peter's by the Sea, under the baton of Father Alphonse, has raised over two million dollars for various hospitals, such as our own St. Vincent's in New York City; educational facilities, such as Mount Saint Michael in the Bronx; and churches that assist the homeless, such as St. John's near Pennsylvania Station. Additionally, and perhaps most importantly, he has created the Cecilia Foundation which allows young school children to experience the classics and even get a chance to conduct. The Cecilia Foundation provides musical instruments to children who would not get such an opportunity without the generosity of Father Alphonse.

Somehow, Father Alphonse has also found time to create the "Festival of the Atlantic," a series of free concerts at Point Pleasant Beach and the largest outdoor musical endeavor in the State of New Jersey. Crowds of 10,000 and more are not uncommon.

He is also a Major and the Chief Chaplain of the 108th Refueling Wing at McGuire Air Force Base in New Jersey with another change in rank soon to occur!

An amazing list of accomplishments for one so young. As the Senate begins the 2nd Session of the 106th Congress, I join family and friends in wishing Father Alphonse a healthy and happy 50th Birthday—one wonders what the next 50 years will bring!•

DEATH OF FLOYD M. RIDDICK, PARLIAMENTARIAN EMERITUS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 245, which was submitted earlier by Senators LOTT, DASCHLE, and others.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 245) relative to the death of Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, we just received word that Floyd M. Riddick, the Parliamentarian Emeritus of the Senate, passed away yesterday. As many of our colleagues may recall, Floyd M. Riddick was the Senate Parliamentarian from 1964 to 1974.

He was a parliamentarian of extraordinary depth and value. In 1954, under the supervision of then-Parliamentarian Charles L. Watkins, he began working on the first edition of "Senate Procedure." The Senate procedure book that came as a result of his work now bears his name.

I think that says everything about the impact and the remarkable contribution Floyd Riddick has made to the Senate, to the way we continue to legislate, and certainly to the contribution he made in his time in public life.

Floyd Riddick received a Ph.D. from Duke University in 1941. His dissertation was on congressional procedure, and he began work for the Senate in 1947, being the very first to publish a Daily Digest, which we all use every day from the back of the Congressional RECORD.

Doc Riddick, as he was often referred to, was born in Trotville, NC, on July 13, 1908. As Senator BYRD has noted in his foreword to the current edition of "Senate Procedure," he was truly a unique scholar.

His contributions to the Senate will be utilized, as they have been utilized and valued, by future generations of Senators and staff who have not yet even been born.

Floyd Riddick made his mark on the Senate, on Congress, and on history for the publication of "Riddick's Senate Procedure."

I know I speak for all of my colleagues and all of our staff in expressing heartfelt condolences to his wife Margo, to his friends, and his family.

Mr. HATCH. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 245

Whereas Floyd M. Riddick served the Senate with honor and distinction as its second Parliamentarian from 1965 to 1975;

Whereas Floyd M. Riddick created the Daily Digest of the Congressional Record and was its first editor from 1947 to 1951;

Whereas Floyd M. Riddick was Assistant Senate Parliamentarian from 1951 to 1964;

Whereas Floyd M. Riddick compiled thousands of Senate precedents into the official volume whose current edition bears his name;

Whereas Floyd M. Riddick served the Senate for more than 40 years;

Whereas Floyd M. Riddick upon his retirement as Senate Parliamentarian served as a consultant to the Senate Committee on Rules and Administration;

Whereas Floyd M. Riddick performed his Senate duties in an impartial and professional manner;

Whereas Floyd M. Riddick was honored by the Senate with the title Parliamentarian Emeritus; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

DEATH OF CARL CURTIS, FORMER U.S. SENATOR FROM NEBRASKA

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 246, submitted earlier by Senators LOTT, DASCHLE, and others.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 246) relative to the death of Carl Curtis, former U.S. Senator for the State of Nebraska.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KERREY. Mr. President, I rise today to express my sadness at the death of Senator Carl T. Curtis.

Senator Curtis was a lifelong public servant best known for his untiring work on behalf of the people of Nebraska. He began his public career in 1930 when he was elected Kearney County Attorney. After failing to be re-elected as county attorney—the only political defeat he would ever face—he was elected to the U.S. House of Representatives in 1938. The people of Nebraska returned Carl Curtis to the House of Representatives for an additional seven terms.

In 1954, he chose to leave the House and to return to private life. But when then-Senator Dwight Griswold died in office, Carl Curtis was coaxed into further public service. He was overwhelmingly elected to the United States Senate and served as a distinguished member of this body until his retirement from public office in 1979.

Mr. President, Senator Curtis brought to the Senate the plain-spoken common sense of rural Nebraska. He understood his roots and he cared deeply for the people he represented. While his style did not lend itself to self-promotion and banner headlines, his influence in Congress was felt on a number of important issues. He was instrumental in shaping tax and agricultural policy, he was a staunch advocate of budgetary discipline, and he was a fervent defender of his political party. Yet, Senator Curtis was most well known for his dedication to the people of Nebraska. As many have noted, Senator Curtis set the standard for constituent service. He often dedicated hours of his personal time to helping individuals and his office was always open to Nebraskans visiting the nation's capital.

As the longest serving Member of Congress in Nebraska history, Senator Curtis established a legacy of service unlikely to be matched. After retiring from Congress, Senator Curtis returned to the practice of law and always remained an active participant in Nebraska politics.

While Nebraska has lost a statesman, the Curtis family has lost a husband, a father, a grandfather, and a great grandfather. I know my colleagues will join with me in expressing our sincerest condolences to the family of Senator Carl T. Curtis.

Mr. HATCH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 246) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 246

Whereas Senator Curtis served with honor and distinction, for the State of Nebraska, in the House of Representatives from 1939 until his resignation in 1954 and in the Senate from 1955 to 1979.

Whereas Senator Curtis served his country for 40 years.

Whereas Senator Curtis stood for fiscal and social conservatism.

Whereas Senator Curtis regarded one of his biggest accomplishments as bringing flood control and irrigation to the Midwest.

Whereas Senator Curtis served as the Senate Republican Conference Chairman and ranking member on the Finance Committee during his last term in office.

Whereas Senator Curtis was admitted to the bar in 1930 and had a private law practice in Minden, Nebraska prior to his service in the House of Representatives.

Whereas Senator Curtis served in Congress longer than any other Nebraskan.

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Carl Curtis, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Carl Curtis.

ORDERS FOR THURSDAY, JANUARY 27, 2000

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 8:30 p.m. on Thursday, January 27. I further ask consent that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a brief period for morning business to consider a few housekeeping matters prior to the Senate proceeding as a body to the Hall of the House of Representatives to hear the President's address.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JANUARY 31, 2000

Mr. HATCH. Mr. President, I ask unanimous consent that following the President's State of the Union Address, the Senate immediately stand in adjournment until 12 noon on Monday, January 31. I further ask consent that following the approval of the routine opening requests and reservation of the leaders' time, there be a period for the transaction of morning business until the hour of 2 p.m., with the time between 12 noon and 1 p.m. under the control of the Democratic leader, or his designee, and the time from 1 p.m. to 2 p.m. under the control of Senator LOTT, or his designee. I further ask consent that at 2 p.m. the Senate resume the bankruptcy reform bill under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. Mr. President, for the information of all Senators, the Senate will be in session at 8:30 p.m. tomorrow in order to proceed as a body to the House of Representatives to hear the President's address. Following his remarks, the Senate will adjourn until Monday at 12 noon. At 2 p.m., the Senate will resume the bankruptcy bill. As announced previously, no rollcall votes will occur on Monday. Any Senator who still intends to debate bankruptcy amendments should be available to debate those amendments on Monday. Any votes ordered on those amendments will be postponed to occur on Tuesday, February 1.

ORDER FOR ADJOURNMENT

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senators DODD, DURBIN, DASCHLE, and REID of Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR KERREY'S DECISION TO NOT SEEK RE-ELECTION

Mr. DASCHLE. Mr. President, last week, to my regret, my good friend, Senator BOB KERREY, announced that he will be leaving this Senate at the end of this year to return to private life. I'm sure my colleagues on both sides of the aisle will agree that his decision is a loss not only to Nebraskans, and to the Democratic party, but to the entire Senate.

Over the years, Senator KERREY has made us all laugh. More importantly, he has made us all think. He has challenged us to face the big questions of our time and to reach across party lines to find solutions.

It has been said that some people seek public office to be someone; others seek office to do something. Clearly, BOB KERREY is of the "do something" school.

Before he ever came to the Senate, he had achieved more than almost anyone I know. A pharmacist by training, he has also been a Navy SEAL, a decorated war hero, a successful entrepreneur, and a popular governor—all by the time he was 44 years old.

Perhaps even more impressive than his professional accomplishments, however, are his personal achievements.

As we all know much of the story. BOB KERREY was nearly killed 30 years ago in Vietnam. On a moonless night, while he was leading a surprise attack on North Vietnamese snipers, an enemy grenade exploded on the ground beside him, shattering his right leg, badly wounding his right hand, and piercing much of his body with shrapnel. Days later, doctors were forced to amputate his injured leg just below the knee.

For his sacrifice, Lieutenant KERREY was awarded the Bronze Star, the Purple Heart, and the highest award our nation bestows for bravery, the Congressional Medal of Honor.

He returned from Vietnam angry and disillusioned. What he endured in Vietnam, and what he saw later at the Philadelphia Naval Hospital, where he spent nine months learning how to walk again, shook his faith—both in the war, and in the government that had sent him to it. It forced him to reexamine everything he had ever believed about his country. But slowly, out of his pain and anger and doubt, he began to acquire a new faith in this nation.

Years ago, when he was Governor of Nebraska, he described that faith to a reporter. He said, "There are . . . people who like to say, 'You know all these subsidy programs we've got? They make people lazy.' And I like to jump right in their face and say, that is an absolute lie." Government help "didn't make me lazy. It made me grateful."

It was the United States Government, he said, that fitted him with a prosthesis and taught him to walk again. It was the government that paid for the countless operations he needed.

Later, it was the government that helped him open his first restaurant with his brother-in-law. And when that restaurant was destroyed in a tornado, it was the government—the people of the United States—that loaned them the money to rebuild.

For 4 years as Nebraska's Governor, and for the last 11 years as a Member of this Senate, BOB KERREY has fought to make sure the people of the United States, through their government, work for all Americans.

He has fought to make health care more affordable and accessible. He has fought to give entrepreneurs the chance to turn their good ideas into profitable businesses. He has fought to make sure this Nation keeps its promises to veterans.

He has fought tirelessly to preserve family farms and rural communities. As someone, like Senator KERREY, who comes from a state that is made up mostly of small towns and rural communities, I am personally grateful to him for his insistence that rural America be treated fairly.

But Senator KERREY's greatest contribution to this Senate, and to this nation, may be the fact that he is not afraid to challenge conventional wisdom.

In 1994, almost singlehandedly, he created and chaired the Bipartisan Commission on Entitlement and Tax Reform. Conventional wisdom said, don't get involved with entitlements. You can't make anyone happy; you can only make enemies. But BOB KERREY's personal experience told him that preserving Social Security and Medicare was worth taking a political risk.

He has repeatedly opposed efforts to amend our Constitution to make flag-burning a crime. It is politically risky, even for a wounded war hero, to take such a position. But Senator KERREY has taken that risk, time and time again, because—in his words, "America is a beacon of hope for the people of this world who yearn for freedom from the despotism of repressive government. This hope is diluted when we advise others that we are frightened by flag burning."

He is a genuine patriot, and a genuine American hero.

There is a story Senator KERREY has told many times about a conversation he had with his mother 30 years ago. Doctors at the Philadelphia Naval Hospital had just amputated his leg. When he awoke from surgery, his mother was standing at his bedside. "How much is left?" he asked her. His mother responded, "There's a lot left." As Senator KERREY says, "She wasn't talking about body parts. She was talking about here." She was talking about what was in his heart.

He has said that he would like to focus now on his private life. As much as I regret his decision, I respect it. Public life offers great regards, but it also makes great demands—on the officeholder, and on his or her family.

The only consolation in seeing BOB KERREY leave this Senate will be watching what he does next with his remarkable life. There is still a lot left. I have no doubt he will continue to contribute in significant ways to our Nation. And until he goes, we will continue to look to him for unorthodox solutions and uncommon courage.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, parliamentary inquiry, what is the business before the Senate?

The PRESIDING OFFICER. We are in morning business, with Senators being allowed to speak for up to 10 minutes.

EXPRESSING THE SENSE OF CONGRESS THAT ELIAN GONZALEZ SHOULD BE REUNITED WITH HIS FATHER, JUAN GONZALEZ OF CUBA

Mr. DODD. Mr. President, I rise to introduce a resolution on behalf of myself and my colleagues Senator BOXER, Senator FEINSTEIN, and Senator DURBIN. Because I have not solicited cosponsors of this resolution, others may wish to add their names at a later time.

This resolution is virtually identical to a resolution that has been introduced in the other body by Congressman RANGEL of New York, along with a number of other Members of the House. I am told that support for that resolution is bipartisan in nature.

I am going to read the resolution into the RECORD. That is not a normal event, but I think the wording of it is so significant that it deserves to be read into the RECORD. The resolution deals with the case of 6-year-old Cuban boy, Elian Gonzalez, who we all know tragically lost his mother in that dreadful boating incident, an accident as they left Cuba and sought to come to the United States. Young Elian spent some time in the water alone and survived that tragedy. Today, after weeks of this going on, this matter has attracted national and international attention.

Yesterday, together with Senators LEAHY, BOXER, DURBIN, and HAGEL, I met for about an hour with the two grandmothers of this 6-year-old boy. I was convinced before the meeting—and even more so afterwards—that this is a matter which ought to be resolved immediately by reuniting this young boy with his father in Cuba.

I am terribly upset and worried that this matter may end up as a subject of debate in the Senate. I have no intention whatsoever of pursuing the resolution that I introduce today. In fact, it is my strong desire not to pursue it—unless the Senate is forced to address legislation that would extend citizenship or permanent resident status to this young boy. Should such legislation come to the Floor of the Senate, then I will offer this resolution as an alternative.

My sincere hope is that the leadership of the Senate and of the House will think again before deciding to make this child a focal point in a debate about the current regime in Cuba. He really should not be, in my view. The Senate of the United States and the House of Representatives ought not to utilize this child as a way of advancing the debate on Cuba. This would be a great travesty, in my view. Conferring, by special legislation, citizenship or permanent resident status on this boy would, I believe, set a dangerous precedent. It would violate longstanding legal processes. Furthermore, it would violate a cherished principle ingrained in the Constitution and laws of our country, and embraced by all of us here—namely, that the best interests of a child is normally served by that child being with his or her parents.

Tragically, this young boy lost his mother. His father, we are told, was a good father—and is a good father. This boy ought to be returned to his dad and be home with him, and the quicker the better. So I hope the matter will not come before the Senate.

I have great respect for our majority leader. Most of my colleagues know this. We have our disagreements, but the Senator from Mississippi, the majority leader, and I are good friends, and I cherish that friendship. I urge him to think again about this before deciding to ask this body to cast votes on extending citizenship to an infant. I do not think it is a wise move. I think it is wrong for the Senate to do so, and I hope a different decision will be reached and this matter is left to be resolved in the courts where it is now. That is the best way, in my view, to expedite this process so this boy can be returned to his father and cease to be a pawn in a larger geopolitical debate.

Let me, if I can, read the wording of this resolution because I think it might enlighten some Members who are not necessarily familiar with all the facts and details.

The resolution reads as follows:

S. CON. RES. 79

Whereas Elián González, a 6-year-old citizen of Cuba, lost his mother in a tragic boat accident and floated alone for days in treacherous conditions off the coast of Florida;

Whereas Elián González was found November 25, 1999, alive but physically and emotionally drained, brought ashore and examined at a hospital, and released temporarily by the Immigration and Naturalization Service (INS) into the care of his great-uncle and cousins in the Miami area while it evaluated his case;

Whereas the natural father and sole surviving parent of Elián González, Juan González of Cuba, has repeatedly requested that the United States Government return his son to him immediately;

Whereas the President rightly determined that the fate of Elián González should be determined by United States statutes and regulations related to immigration cases involving children;

Whereas the INS, after interviewing Juan González twice in Cuba and carefully reviewing all relevant laws, rules, and evidence, correctly determined on January 5, 2000, that Juan González is a caring and involved father, that Elián González faces no credible threat of political persecution if returned to his father, and as a result, that Juan González possesses the sole authority of speaking for Elián González regarding his son's immigration status in the United States under Federal immigration law and universally accepted legal norms;

Whereas the INS resolved to return Elián to Cuba by January 14, 2000, to live with his father Juan González, in accordance with his father's request;

Whereas on January 12, 2000, the Attorney General fully supported the INS ruling, reaffirmed INS jurisdiction over the matter, and said that a decision by a Florida State court judge granting temporary custody of Elián González to his relatives in Miami, establishing a March 6, 2000, date for a hearing on permanent custody, and calling for the father's presence at that hearing had no force and effect;

Whereas only the Federal courts have the jurisdiction to review the Attorney General's decision;

Whereas what Elián González needs most at this time is to be with the father and both sets of grandparents who raised him so that he can begin the process of grieving for his mother, in peace;

Whereas despite the existence of important political disagreements between the Governments of the United States and Cuba, these differences should not interfere with the right to privacy of a 6-year-old child or his sacred bond with his father; and

Whereas any unusual or inappropriate changes to immigration law made by Congress to naturalize a minor without the parents' consent would have the effect of encouraging parents in other nations to risk the lives of their children under the false hope that they might receive special treatment outside standard channels for legal immigration: Now, therefore be it

Resolved * * *

The resolve clause basically says Elian Gonzalez ought to be returned to his father.

I send this resolution to the desk.

The PRESIDING OFFICER. It is received and appropriately referred.

Mr. DODD. I appreciate that.

I stated the facts in that resolution.

Mr. President, let me state, again, this boy ought to be home with his father. We have a significant disagreement with the Government of Fidel Castro. Those disagreements are not going to be resolved by this case. But good families exist in countries with bad governments. The idea that the family of Elian Gonzalez, because he lives under a repressive regime in Cuba, cannot be a good family is, on its face, false. There are plenty of good families all over this globe who live under governments that we do not approve of.

In this case, I believe—based on the examination by the Immigration and Naturalization Service of Elian Gonzalez' father, and based on all that is known about his grandparents and other family members—that such a family exists in Cuba. The evidence suggests that his father is not only fit as a parent, but caring and involved, as well. Despite the fact that he was divorced from Elian's mother, the evidence suggests that he shared with her the responsibility of raising this young boy. Therefore, I think it is in the interests of this child that he be returned to that family as quickly as possible.

That really ought to settle this matter. Based on what we know today, his father loves him, and wants him back. That is a desire that every American parent can understand and share.

But what has happened here, apparently, is that the hatred on the part of some for an old man in Cuba—Fidel Castro—is interfering with the love of a father and a son. If there is a debate—and there is between our two Governments—let that debate be conducted by adults.

Let us debate the embargo. Let us debate the issue of food and medicine. I note, as I stand here, the Presiding Officer has been an enlightened and thoughtful participant in that discussion, as we are trying to work our way through what is the best way for us to try to repair this relationship between the Governments of Cuba and the United States that has gone on for 40 years, to bring about the kind of change in Cuba that would bring freedom to the people of Cuba.

We have said repeatedly that our argument is with Fidel Castro and his government, not with the Cuban people. Yet, unfortunately, in this discussion, it appears that for some the debate is with the Cuban people if Elian Gonzalez is denied the opportunity to return to Cuba to be with his father.

I hope, again, as I said a few moments ago, that this matter will not come to the floor of the Senate for debate, that the leadership, in its wisdom, will decide to move on to other matters—the bankruptcy bill, the budget matters that we need to discuss, the Elementary and Secondary Education Act, a Patients' Bill of Rights,and a minimum wage increase, to name just a few. There is a long list of issues for us to debate and discuss. But we ought not to debate the custody status of a 6-year-old child who, in the opinion of all who have taken a look at this issue from a neutral and responsible position, have concluded that Elian Gonzalez ought to be home with his father in Cuba. We ought to instead allow the current legal process to work so that a decision on this boy's fate can be rendered expeditiously and, hopefully, in favor of reuniting him with his father.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I say at the outset, I agree completely with the Senator from Connecticut. I ask unanimous consent that if my name is not shown as a cosponsor——

Mr. DODD. It is.

Mr. DURBIN. Thank you.

I am proud to be a cosponsor of Senator DODD's resolution.

What a curious footnote in the history of this world that this Senate Chamber would focus its debate and the attention of the media in this country on a little 6-year-old boy from Cuba.

But if you scan history, you will find similar cases where one person being caught in the vortex of controversy becomes the focal point. In this case, the focal point is a 6-year-old boy named Elian Gonzalez, and at issue is the foreign policy between the United States of America and the Nation of Cuba.

Yesterday, Senator DODD was kind enough to invite me, as well as three other Senators, to meet with the grandmothers of Elian Gonzalez. I sat and listened for an hour as they explained their family circumstances and answered our questions. It really brought me back to that moment in time many years ago when I was a practicing lawyer in Springfield, IL, and spent many days involved in family law. It was not the most enjoyable part of my legal practice.

In fact, many times those cases, involving divorce and child custody and child support, unfortunately, brought out the very worst in people. Those battles over children became proxy battles over a failed marriage. It saddened me, as I am sure it saddens many who are involved in this.

As I listened yesterday, I understood that these two grandmothers were basically making the case that they had a good family to offer in Cuba, a good family for Elian Gonzalez. I thought they made their case convincingly. The fact that this young boy, after his parents were divorced, was the subject of joint custody is, in and of itself, a telling fact. It is rare. There are people who fight in court for years and spend thousands of dollars over the question of joint custody.

In this case, Elian Gonzalez' mother decided that she could trust her former husband, the father of Elian, so much so that she left him with his father 5 out of 7 days each week. That simple fact told me a great deal about whether or not Elian Gonzalez' father was a fit parent. In the eyes of Elian's mother, the former wife of Elian's father, he certainly was a fit parent.

But then I have to tell you that some of the things said to me by these grandmothers were so touching. Consider Elian's maternal grandmother who came to the United States. Think about what she has been through. In just a few short weeks, she saw an effort by her daughter and Elian, along with a man, to come to the United States. I am not sure how much she knew of this in advance. In fact, she indicated to us she did not know that they were going to take off for the United States.

Then she was told her daughter was involved in a ship sinking, that her daughter drowned at sea, that this little 6-year-old boy watched his mother drowning at sea, that he grabbed on to a life preserver and hung on, some say for days, before he was rescued, and then was swept up into the caring arms of those who rescued him, brought to the United States, and given to a great uncle, who I am sure cares for him very much.

But since he arrived in the United States, this little boy, no more than a first grader, has been the focus of such attention. They have heaped gifts on him, puppies and gifts and trips to Disney World. The cameras swirl around him as he walks across the backyard and plays with a ball or pets his little puppy.

I remember things similar to that in my practice of law. We used to call it Disneyland daddy. If you are only going to get this little boy for a weekend, you will give him the world. You will take him to the ice cream shop as often as he wants to go, buy some toys, take him on a nice vacation, create an atmosphere in his mind that is idyllic. That is what has happened to Elian Gonzalez. In an effort to show love and caring, he has had all these gifts heaped upon him by his great uncle and his family. Yet I believe, as the grandmothers do, that the most basic thing Elian Gonzalez needs is his last surviving parent. He needs his father's loving arms more than he needs a trip to Disney World.

I think with his father and the rest of his family in Cuba, they could start to try to reconstruct this little boy's life and to say to him that though you have seen more tragedies in your few years than many people do in a lifetime, we will stand by you. We will give you the support to make your life whole again. That should be what this debate is all about.

I think the Immigration and Naturalization Service has it right. They asked the first question: Who will speak for this boy's interest? They concluded it would be his natural father. Then they asked the second important question: Is this natural father a fit parent? They interviewed him twice, went to Cuba to do it. They asked a lot of people about his background and came back and said, yes, he is a fit parent. He had joint custody of the little boy. The mother entrusted the boy to his father many, many times.

They concluded, and properly so, that Elian Gonzalez should be allowed to return home to Cuba, but unfortunately that is not the end of the story because this little boy is caught up in a foreign policy debate that has been going on for more than 40 years in America. During my time in college, I lived with a Cuban American expatriate who explained to me what it was like to be forced out of Cuba, to be forced out of your home, to give up everything, by the Castro regime, by this Communist leader who refused to recognize the most basic human rights. I heard firsthand from this roommate of mine in college what his family went through, the sacrifice, the deprivation, the loss of things they would never see again.

I always understood the feelings as best I could, not having lived them personally, of that generation of Cuban Americans who escaped to America's shores to finally get away from Castro and to have a chance at their own life and democracy. I have seen what they have created in south Florida and many other places around the United States. I am very proud that this group of immigrants to this country has made such a valuable contribution to our Nation, but like most immigrants, they never forget their homeland. That is not to say they don't love the United States, but they never forget their homeland of Cuba. They stay intensely involved in the foreign policy debate in Washington about the future of Cuba. They have become quite a political force in Florida, perhaps in national politics.

They feel—and I share their feeling—that the people of Cuba deserve better than Fidel Castro. They deserve a democracy. They deserve an opportunity to live in freedom. They remind us of that frequently. I share their belief. I think they are right. But I have to say I believe they have taken the wrong tack when it comes to Elian Gonzalez. It is much more compelling to most American families that this little boy be reunited with his family than it is that he be in the midst of a foreign policy debate. Some Members of the Senate have suggested that next week we will stop the business of the Senate and we will focus the attention of this deliberative body on a 6-year-old Cuban boy named Elian Gonzalez. They have proposed, in one of the rare instances in American political history, that this little boy will have conferred upon him American citizenship—frankly, citizenship without even asking.

We presume in most courts of law that a 6-year-old boy can hardly make a big decision about his life. He is too easily swayed by emotions and doesn't have the maturity to decide. They want to make the decision for him. They want to decide that he is an American citizen.

I am reminded of an experience I had not long ago in Chicago. I went to a Mexican restaurant. After I finished my meal, a fellow came up to me from the kitchen. He was wearing a cook's clothes. He said: Can I talk to you for a minute, Senator? I said: Of course. He said: I am almost 65 years old. I was born in Mexico. My dream, for as long as I have lived, is to be a citizen of the United States of America. Here is my application form for naturalization.

He had taken it and encased it in plastic; it meant so much to him. He said: This means so much to me, but the Immigration and Naturalization Service system is so slow and so bureaucratic and the new laws coming out of Washington make it so difficult, it has been over 2 years, and I am waiting for my chance to raise my hand and swear my loyalty to the United States of America. He said: Senator, I am afraid I will die before that happens. That would break my heart and the hearts of my family.

I think about him, and I think of hundreds of thousands like him who have come to this country and followed the orderly process to become citizens. They have had to wait. They have had to go through a tangle of bureaucracy. They are hoping they will get the chance to raise their hands and become naturalized citizens.

My mother was one of those. She was an immigrant to this country from Lithuania. In her 20s, after being married, she became a naturalized citizen. I have her naturalization certificate above my desk here in Washington. I am very proud of that.

But you won't hear any efforts on the floor of the Senate for the hundreds of thousands of people who are longing for this chance to become Americans, waiting for the naturalization process to be completed. No, we will focus on one 6-year-old boy from Cuba. Why? Because he makes an important foreign policy point. I don't believe it is fair to him, only 6 years of age. Nor is it fair to the hundreds of thousands who are waiting patiently for us to say that he will move to the front of the line and become a citizen without even asking for it. That doesn't speak well for this country and our respect for the law.

I have compassion for this little boy and what he has been through. Do I believe he could live in the United States and enjoy freedom in this country? Certainly. But as Senator DODD and others have said, there are many good families living in countries with bad governments. Though Elian Gonzalez, by the matter of fate, was born in Cuba under a repressive regime, I don't doubt for a minute that he has a loving family who can give him so much in his life as he grows up. If we are going to have compassion for children and particularly immigrant children, let me tell you, the Senate has a full agenda. I returned 2 weeks ago from Africa where there are literally over 20 million AIDS orphans. These kids need the same compassion and concern.

The PRESIDING OFFICER (Mr. SESSIONS). The time of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair.

There are many millions of children around the world who deserve our concern and our compassion. I hope those who are expressing this feeling about Elian Gonzalez will not stop at that, will decide that we can do more to help many others in small ways and large ways combined. I hope next week the leadership of the Senate does not bring this matter before us. I will oppose it. I will support the resolution from the Senator from Connecticut. I think it is sensible. It answers the basic question with the most basic family value. Where should Elian Gonzalez be? He should be with his father, his last surviving parent. The trauma that he has been through I think, I hope he can endure. I hope he will be a strong little boy. I hope he will grow up and reflect on his experience in the United States, remembering that there were people who loved him in this country as well, and there certainly are.

Let me close by saying that I hope Cuban Americans will consider this for a moment. I don't believe the action they have taken relative to Elian Gonzalez has increased the popularity of their cause at all. Many people are confused and bewildered that they would fight a foreign policy battle on the back of a 6-year-old boy.

I think we should learn a lesson from history. There was a time when Eastern Europe was under Soviet domination.

There was a time when we considered them to be victims of a Communist regime. We decided in the latter part of the last century that the best way to change that government and that mindset in Eastern Europe was to open the doors wide, let them see the rest of the world, let them trade with the United States and Europe, and let them understand what democracy was all about, let them see what freedom meant in their daily lives, and, you know, it worked.

We saw the Berlin Wall come down. We saw countries such as Poland, under Soviet domination for 40 years, emerge into a democracy and an economy that is an inspiration to all. Can't we learn the same lesson when it comes to Cuba? If we open the doors and allow Cubans to come to the United States to visit, to work, to trade, to engage in cultural and educational exchanges, is there anyone who can doubt that will lead to a new Cuba? Is there anyone who doubts that kind of exchange, instead of this isolationism, will force the political change we have been waiting for for over four decades?

I don't think that change will come about by granting citizenship to Elian Gonzalez. That one little boy will become just a tragic footnote in history. He has endured enough in his short life. I hope this Senate doesn't add to the burden he now has to carry—the memory of seeing his mother drown at sea. I hope the leadership of the Senate will think twice before they allow us to become party to what has become a sad chapter in the history of this country.

I yield the floor.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 106–120, appoints the following individuals to serve as members of the National Commission for the Review of the National Reconnaissance Office: The Senator from Colorado (Mr. ALLARD), Martin Faga, of Virginia and William Schneider, Jr., of New York.

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 106–120, appoints the following individuals to serve as members of the National Commission for the Review of the National Reconnaissance Office: The Senator from Nebraska (Mr. KERREY), and Lieutenant General Patrick Marshall Hughes, United States Army, Retired, of Virginia.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from New York (Mr. MOYNIHAN) to read Washington's Farewell Address on February 22, 2000.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that Senator GRAMS of Minnesota be allowed to speak in morning business when the Senator from Nevada has completed his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HIGH COST OF CAMPAIGNS

Mr. REID. Mr. President, about a year ago, I was still celebrating my victory from the election of 1998. It was a tough election. The reason I mention that today is because in the small State of Nevada, with less than 2 million people, the two candidates running for the Senate spent over $20 million. We had less than 500,000 people who voted in that election but we spent over $20 million. We spent approximately $4 million in our campaign accounts, and then each party spent about $6 million. So it was a total of $20 million, plus an undisclosed amount of money that was spent by people who represented the National Rifle Association, the truckers' association, and other groups. These independent expenditures on both sides were something that added to the cost of that election in Nevada.

The reason I mention this is when I first came to the Senate, I had an election I thought cost too much money. It cost about $3 million. In this election I spent over $10 million—that is, counting the money spent mostly on my behalf and on behalf of the others in that election cycle.

Something has to be done to stop the amount of money being spent on these elections. We know that on the Presidential level, Senator McCAIN, who is running for the Republican nomination for the Presidency, is spending a lot of his time talking about the need for campaign finance reform. I admire and appreciate the work of Senator McCAIN in this regard. On the Democratic side, both Senators Bradley and Vice President GORE are talking about the need for campaign finance reform. Those who support campaign finance reform got a real boost, a real shot in the arm, in the last few days when the U.S. Supreme Court, in a case that came out of Missouri, rendered a 6–3 opinion. In effect, that opinion said in the case of Shrink v. Missouri Government that the Court had a right to set maximums as to how much somebody could spend. The Court held that the Missouri law imposing a little over a $1,000 limit on contributions to State candidates did comply with the Constitution, despite a challenge claimed that the limit was so low it affected the ability of interested people to give to the candidate of his choice.

The reason this case was so important is that everybody has been waiting for almost 25 years to determine what the Court would do about Buckley v. Valeo, were the Court held that political contributions are speech protected by the first amendment. Though certain limits could be enforced, the Government could not put too many restrictions on when and what a person could spend on political candidates. Some hoped and wished the Shrink case, cited by the Supreme Court, would throw out all the limitations and, in effect, there would be a free-for-all as to how much money could be raised, and there would be no restrictions as to from where the money would come. The Shrink case, while it didn't cite all the problems with campaign finance money, decided there could be limits established in campaign finance spending. That is an important step.

I think what we need is to have elections that are shorter in time. We have to have limitations on how much people can spend on elections. We can't do anything in light of the present law with having individuals spend unlimited amounts of money until we pass a constitutional amendment, which has been pushed by Senator FRITZ HOLLINGS for many years. In spite of our being unable to stop people from spending personal moneys of unlimited amounts, the Court clearly said limits can be set. I think this should add impetus to the Presidential campaign now underway. What Senator McCAIN is saying is that we should go with the Feingold-McCain bill that is going to stop the flow of soft money, corporate money, in campaigns. That seems to be something that certainly can be done. We know in the past it has been done in Federal elections, and this should be reestablished.

So I hope Senator McCAIN, Bill Bradley, and Vice President GORE will continue talking about this. I hope it becomes an issue in the Presidential campaign, which will be shortly upon us.

I do appreciate the Supreme Court. There are some who come here and berate them very often. I think it is time we throw them a bouquet. This was a tough opinion, decided by a 6–3 margin. I think this is important. Justice Stevens noted:

> Money is not speech, it is property. Every American is entitled to speak, but not every American has the same amount of property.

That is something I hope will be carried over into future discussions by the Supreme Court in reviewing Buckley v. Valeo, as to what it means regarding whether or not free speech is the ability to spend as much money as you want in a campaign. I don't think it is. I think the Supreme Court will agree with me.

In short, the Supreme Court did the right thing. It should give us, as a body, the ability to change the law and revisit some of the things taking place in America today. What Senator FEINGOLD and Senator McCAIN have tried to do is the right approach. We should do that. All the arguments made about how it would be unconstitutional to do that certainly fail in light of what the Supreme Court recently decided.

THE FREEDOM OF ACCESS TO CLINIC ENTRANCE ACT

Mr. REID. Mr. President, prior to coming here I was a trial lawyer. I started out representing insurance companies. I was a defense lawyer representing insureds who were involved in automobile accidents and other problems. I went to court and tried those cases—lots of them. Then, in the second part of my career, I represented people who had been injured. We sued, in effect, insurance companies. I also had the opportunity and the experience to represent people charged with crimes. I took those cases to juries. I had the good fortune to ask juries approximately 100 times to understand my client's plight and to, hopefully, be an advocate for what was right. I came to the conclusion that what juries do, with rare exception, is arrive at the right decision. It may not always be for the right reason, but it is usually the right decision. I believe in our system of justice, where juries make decisions.

I believe in following the law. What I mean by that is, if there is a law on the books, or the Supreme Court has interpreted that law, I believe it should be followed. There is a very controversial issue that is always before this body dealing with the reproductive rights of women. It doesn't matter how you feel, whether you are a so-called pro-choice or pro-life person; a group of Senators and Congressmen, Democrats and Republicans, pro-life and pro-choice Members, joined together to pass what is called the Freedom of Access to Clinic Entrance Act, called FACE.

In effect, the law said if there is a legally constituted entity, such as planned Parenthood, that is giving women reproductive advice, and on occasion they also perform abortions —it is legal. Some of us may not agree with what they are doing. But, it is a legal entity. They are doing legal things. But FACE said you can't go to one of these entities and stop them from doing business, because if you do, you will violate the law.

A number of people who were unwilling to follow the law were sued as a result of their doing the wrong thing in the FACE States, and a court of law—like those courts I just talked about—ruled against them.

For example, Randall Terry is a person who is opposed to abortion. He sought to intimidate and do acts of violence at abortion clinics. A court awarded $1.6 million to the people who sued him. He acknowledged his intent in doing harm, and he said: I am going to file bankruptcy. Indeed, He filed bankruptcy to avoid the judgement.

Another person by the name of Bonnie Behn of Buffalo, NC, filed for bankruptcy to discharge a debt of some $36,000 because she violated a court order regarding a local clinic where there was an established buffer zone around the clinic. Money damages were assessed against her. She filed for bankruptcy.

These and other acts I think are just out of line. People who do not believe in our system of justice obviously don't believe in our trial by jury system. They don't believe in courts having the ability to award damages when they do something wrong. In effect, they believe the law is for everybody but them. Having violated the law, the judgment is rendered against them. They say: We are going to discharge this debt in bankruptcy. The debt lien means nothing.

That is why I joined with Senator CHARLES SCHUMER of New York in amendment No. 2763 to say that if people do this, they cannot discharge these debts in bankruptcy. I believe that very strongly.

When I practiced law, I also did some bankruptcy work. I learned very quickly that people who willfully violate the law by willful, wanton acts should not discharge their debts to bankruptcy. In fact, one of the things we looked at was, if somebody was a drunk driver, they should not be able to discharge that debt in bankruptcy.

We have made sure that is now the law because the court said, well, there wasn't intent and therefore it wasn't willful and wanton. The courts have said in various cases, for example, that if one is charged with drunk driving, they can discharge those debts in bankruptcy. In these cases, we have allowed these individuals to discharge their debts in bankruptcy. They should not be able to do that. This amendment would stop that.

We have had some real difficulties in recent years. We have to have people respond in monetary damages. Why do we have to have them respond in money damages? Because there have been in the last 10 years 2,000 reported acts of violence against abortion providers, including bombing, arson, death threats, kidnaping, assaults, and over 38,000 reported acts of disruption, excluding bomb threats and pickets. Murders have taken place. Clinic workers constantly face the threat of murder. Since 1993, doctors, clinic employees, clinic escorts, and security guards have been murdered. In addition to the murders that have been accomplished, we have had 16 attempted murders.

These providers face violence, threat, and intimidation. In addition to the two murders in 1998, we have had 19 cases where people threw what they called butyric acid. It burns people who come in contact with it. It smells very bad. In fact, the facility where this acid is thrown becomes inoperable. Clinic workers must take extraordinary measures for protection. They have to vary routes to work and call police if they receive suspicion packages, which they do all the time. They are spending hundreds of thousands of dollars on glass, guards, security cameras, metal detectors, and security devices. These are lawful businesses. We have to make sure we live in a law-abiding society.

Anti-choice violence and terror is worsening every day, and one of the reasons is that these people flaunt the law. They throw this acid. They intimidate people, recognizing that there is no way they are going to have to respond in money damages.

I commend and applaud Senator SCHUMER for offering this amendment. The amendment is part of those that have been accepted as amendments that will be taken up on the bankruptcy bill. There is only a half hour of time that Senator SCHUMER has to make his case.

I hope this body, both the majority and minority, will overwhelmingly support this legislation. This has nothing to do with how you feel about the matter of choice; that is, whether you are pro-choice or pro-life. What it has to do with is whether or not you are going to support the law and whether you believe in our system of justice.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. GRAMS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized pursuant to a previous order.

SOCIAL SECURITY INVESTMENTS

Mr. GRAMS. Mr. President, for over six decades people have come to rely, expect, and depend on investments made into the Social Security system. However, the very financial structure created with the program in 1935 is about to face some very significant strains placed on it by changes in demographics and also by poor fiscal management by Washington. Basically, we are at a crossroads. Do we let the system wither on the vine or do we work to save Social Security?

At the crux of this discussion is how best to serve our Nation's retirees. How can we offer them the most financial security in their retirement? I have some ideas I have shared with Minnesotans and also with the Senate. They are aimed at saving the Social Security system. It is a package of proposals, the Grams Plan for Retirement Security, that encompasses what we expect to do to protect and preserve the existing system, as well as what other steps we might take to offer retirees more security in their elder years.

There are several main elements in my package. On Monday, I introduced the Social Security and Medicare Surplus Protection Act which would trigger an automatic across-the-board cut if the Government would happen to spend any of the surpluses, either Social Security or Medicare.

In effect, this creates a retroactive lockbox to protect Social Security and Medicare surpluses. Even those in Washington who are fiscally conscious of the commitments made to our Nation's retirees were surprised that last year was the first in over 60 to not dip into the Social Security trust fund to pay for other Washington programs.

This all-too-common practice necessitates a retroactive lockbox. My legislation contains the lockbox enforcement mechanism that triggers an automatic reduction in Government discretionary spending, including congressional Members' pay, if any of the Social Security or Medicare surplus is spent on other Government programs, thereby restoring the Social Security and Medicare trust funds. This would lock up the trust funds in case budget forecasts were inaccurate—and surpluses were spent.

The Grams lockbox saves Social Security and Medicare from Washington's big spenders and reaffirms our commitment to our Nation's retirees.

I have also introduced the Personal Security and Wealth in Retirement Act. It creates personal retirement accounts and offers every American the opportunity to achieve personal wealth, and also the dignity, freedom, and security that it affords in their retirement years. It also protects seniors by guaranteeing that their benefits won't be cut. The retirement age and taxes will not be raised if they decide to stay within the Social Security system as we know it today.

At the heart of the Personal Security Wealth in Retirement Act is the personal retirement account, or a PRA. A PRA allows the option to invest dollars into the market that taxpayers are now forced to surrender to the Federal Government in their withholding for the FICA taxes. Workers would now have the freedom to design their own retirement plans, investing in stocks, in equities, bonds or T-bills, or any combination of these, or any other financial instruments with approved investment firms and approved financial institutions. Taxpayers can invest funds into traditional savings accounts if that is what they want. The result would be maximum freedom to control their resources for their own retirement security.

There is no doubt that a market-based retirement system and the power of compounded interest would generate much better returns than under the traditional Social Security system we have to date. Under today's Social Security program, the average annual retirement benefit for a family with two working spouses is about $33,000 a year. Under the Personal Security and Wealth in Retirement Act, families could receive an annual benefit of more than $200,000 a year by investing the same dollars in a PRA rather than in the current system. Low-income families also would do better under this plan. Where Social Security now provides an annual benefit of about $18,000 a year, my proposal would produce benefits as high as $100,000 a year.

Despite the obvious benefits of a PRA, if one chooses to stay within the traditional Social Security system, that is their right, and the Government would guarantee the promised benefits that would not be cut and that Washington could not increase the retirement age and Washington could not increase taxes.

Special protections have been built in to keep the PRA safe. Government-approved private investment companies would manage those PRAs to ensure, to guarantee a return higher than what Social Security pays today. Social Security, by the way, today pays them less than a 2-percent return, and in the near future it will be less than 1 percent. That is not the kind of investment most people would make if they could walk up to a window. I don't think they would invest in an account that pays less than 1 percent. That is what happens. Many taxpayers in the future will have a negative rate of return, meaning it is better to put money under your mattress or bury it in a tin can in the backyard than invest in Social Security.

Rules similar to those applying to individual retirement accounts would apply to the new personal retirement accounts. If a worker happened to fall short of accumulating the minimum retirement benefits, this is where the Federal Government would step in to make up that difference—in other words, to fill the glass full; to assure a minimum retirement benefit so no one will retire into poverty, so you will not lose if you choose a PRA.

The Personal Security and Wealth in Retirement Act also offers features not found in Social Security because you can choose when you want to retire. Right now the Government tells you how much you pay into Social Security, when you can retire, and what your benefits are going to be. But under our Personal Retirement Account plans, you make those decisions, you choose when you want to retire. As long as you have accumulated the minimum benefits necessary for your lifetime, you are free to retire whenever you want. PRAs could be established early on in life, even before a child is out of diapers. The idea is, when a child was born and given a Social Security number, his or her parents or grandparents will be able to begin putting money into that child's retirement account.

As an example, if you put $1,000 into an account for a newborn baby, that account would grow to nearly $250,000 by the time that child would be ready to retire. From $1,000 seed money to $250,000 by the time that child would retire—not a bad start.

The Personal Security and Wealth in Retirement Act ensures that your PRA remains your private property and that you have a right to pass it on. When you die, the remaining funds that are in your account will be transferred, under your estate, to your heirs free of taxes. Right now, as you know, when you die there is no residual Social Security. That is it. So all the money you have paid in you do not get back. The Personal Security and Wealth in Retirement Act confidently answers the question of whether prosperity in retirement can best be achieved by the Government or by you, the individual. Given the tools and the freedom to put them to work, every American will discover that a successful and secure future is just a PRA away.

These proposals are at the heart of the Grams Plan for Retirement Security. In addition to these bills, there are several others in the Grams Plan for Retirement Security. I have introduced the Social Security Benefit Guarantee Act which would create a legal right to Social Security benefits, including an accurate cost-of-living increase. I have also introduced the Fair COLA for Seniors Act, legislation to ensure that older Americans receive accurate cost-of-living adjustments based on their consumption patterns so they can better achieve retirement security, and the Social Security Information Act, to ensure that hard-working Americans receive adequate information on which they can begin to plan for their retirement, such as the rate of return on their Social Security investment. As I have mentioned, I think if people today would get information on what the return was going to be on their investment, it would play a big part in their decision to have that or turn to a private retirement account.

I have introduced the Medicare Ensuring Prescription Drugs Act—that is legislation to ensure seniors do not have to choose between their medicines and their food—and the Tax Relief for Seniors Act, legislation to repeal taxes on our seniors' Social Security incomes. That is unfair, again—that tax on our seniors.

These are all components of the Grams Plan for Retirement Security, legislation aimed at helping hard-working Americans receive retirement security. As I close, and as we enter this new session of the 106th Congress, we need to have an honest discussion, not about how best to extend the life of a Government program or how to alter numbers so we might technically fit within spending limits at the expense of our Nation's retirees; instead, we should debate and discuss how to offer hard-working Americans the retirement security they deserve.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIAN GONZALEZ

Mrs. FEINSTEIN. Mr. President, as a grandmother, and as a member of the Senate Immigration Subcommittee, I want to say a few words about the case of Elian Gonzalez, and particularly to indicate my strong support for the concurrent resolution Congressman RANGEL has introduced in the House. Senator DODD has just submitted a similar resolution in the Senate this afternoon, of which I am a cosponsor.

As you know, this resolution expresses the sense of the Senate that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba. I have been in California, but nonetheless I have been following, as closely as anyone could over the television, the events surrounding this youngster—the very tragic events.

Based on my understanding of the situation, Elian has enjoyed a very close and loving relationship with his father and his grandparents in Cuba. As a grandmother, this has a lot of meaning to me. Those who know Juan Gonzalez have described him as an "ideal father" who spent as much time as he could with his son.

Elian has been living in his father's home, where his grandparents also play a role in raising him. Although Elian's mother and father shared joint custody of the child, he actually spent 5 out of every 7 days of the week in his father's home. It is my understanding that his father can support him, that he can provide a good home for him, and, above all, he is a good and loving father. Both he and Elian's mother had joint custody of the youngster.

To the best of my knowledge, there is no evidence that Juan Gonzalez was either neglectful or abusive in his relationship with his son. After all, a strong parental bond should be the overwhelming test for reunification—that and the fact that the touchstone of U.S. immigration policy has been to protect and reunite the family.

Elian's maternal grandparents also took part in raising their grandchild, often keeping him when either parent was working. Despite the divorce of Elian's mother and father, both parents and their respective families maintained, warm relations and continued to play an active role in the youngster's life.

We cannot know of the mother's true motivations or intentions when she and Elian left Cuba. Elian's father has maintained, however, that Elian's mother, Elizabet Broton, took their son without his knowledge or consent.

Elian's fate should not be subject, I believe, to the politics of any one party or political ideology. I urge all of us—in Florida, in Cuba, and in the Halls of Congress—to cool the rhetoric, to set aside any political views, and commit ourselves to seeing this process to a rightful conclusion.

The central issue in this case should not be America's policy toward Cuba but, rather, the sanctity of the family bond between a parent and his child. Without evidence of abuse or neglect on the father's part, no government has the authority to disrupt that bond, no matter if the bond is in the United States or Cuba, or any other place. The father is the father and should have lawful custody.

In addition to my concerns about the negative impact of legislation to grant citizenship to Elian on him and his family, and what that does to the pending court case, I also have deep concerns about the impact this would have on our own immigration policy. It would certainly, at the very least, reflect an uneven application of immigration policy by the United States. It would be, I believe, a case of major political first impression and set a precedent all across this land in virtually every case from anywhere. It could also create a precarious situation for an American child abroad.

The INS continues, to this day, to send back children to their home countries, even those with repressive regimes. Several months ago, two Haitian children were sent back to Haiti while their mother remained in the United States to file for asylum. Here you have a mother in the United States filing for asylum, and during that period the children were sent back to Haiti. It is true that, after protests and several weeks of separation from their mother, Federal authorities did permit the children to reenter the United States. Or you can look at the case of a 15-year-old Chinese girl who today is being held in juvenile detention and has been held in juvenile detention for 7 months. At her asylum hearing, the young girl could not wipe away her tears because her hands were chained to her waist. According to her lawyer, her only crime was that her parents had put her on a boat so she could get a better life over here. She remains in detention to this day.

I think that is a terrible wrong. Here is a youngster who was put on a boat by her parents, who is now in a jail on the west coast of the United States and goes to a hearing chained like a common criminal. In cases such as these, I believe we should review and perhaps even change immigration laws as they relate to minors in certain situations.

I am in the process of writing a letter to the chairman of my subcommittee, the Senator from Michigan, asking that he hold hearings on some of these cases as well as on whether immigration law with respect to children should, in fact, be changed in certain circumstances.

I believe our immigration policy must be consistent and fair. In any given year, the INS handles more than 4,000 unaccompanied minors, and the vast majority are sent back to their families. Others are detained.

I have received scores of phone calls from citizens in California who say, if this child were Salvadoran, if he were a Mexican child, if he were a child from China, the child would be sent back to his country. Why is this child different? Because political organizations in a couple of States want to make a point with this child's situation?

I think the point is, granting American citizenship in this manner will affect every other situation. We might as well know what we are doing when we do this. I think the only way to look at it is to take a look at all of our immigration laws, as they affect children, in an orderly way over a period of time. But in the meantime, current law should be followed with respect to this youngster.

I think granting U.S. citizenship in this manner, which is really without any precedent, would be a very far-reaching action. It would also play out negatively for U.S. children who might be taken to foreign countries without the consent of the U.S. citizen parent. I have actually tried to help in a case involving a child in Saudi Arabia and found it most difficult. Once we begin to violate that law, what does it say for other American children who might find themselves in a similar circumstance in a foreign country? As a grandmother, I must say, I shudder to think how I would feel in this same situation.

In conclusion, I don't believe our role as a national legislature is to interpose ourselves in a decision that should rightfully be made by a father.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 8:30 P.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 8:30 p.m. on Thursday, January 27, 2000.

Thereupon, the Senate, at 5:34 p.m., adjourned until Thursday, January 27, 2000, at 8:30 p.m.

SENATE—*Thursday, January 27, 2000*

The Senate met at 8:30 p.m. and was called to order by the President pro tempore, STROM THURMOND, a Senator from the State of South Carolina.

PRAYER

The Chaplain, the Reverend Lloyd J. Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation, Lord of our lives, and the source of our unity, we meet together in preparation for joining the Members of the House of Representatives for the State of the Union Address by our President. Bless him as he speaks and the Members of Congress as they listen. Draw us up to You by Your majesty, to one another by shared patriotism, and to the challenges ahead by mutual commitment to discern and do what is best for America, In Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. Mr. President, the Senate will momentarily proceed as a body to the Hall of the House of Representatives to hear the President's State of the Union Address. However, we have a few housekeeping items to consider prior to our departure.

A CONCURRENT RESOLUTION PROVIDING THAT THE TWO HOUSES OF CONGRESS ASSEMBLE FOR THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to House concurrent resolution 241 authorizing the address for this evening.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> The concurrent resolution (H. Con. Res. 241) that the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, January 27, 2000, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 241) was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. this evening, Thursday, January 27, 2000.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 2006

Mr. LOTT. Mr. President, I understand that there is a bill at the desk due for its second reading. I ask unanimous consent that the bill be considered read a second time and an objection having been heard for further consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. As a reminder to Members, the Senate will not be in session on Friday. We will reconvene Monday at 12 noon, and at 2 p.m. resume consideration of the bankruptcy bill. Several amendments are scheduled to be debated; however, no votes will occur during Monday's session of the Senate. The next votes will occur on Tuesday at a time to be determined by the two leaders. I emphasize that there will be votes on Tuesday. We will notify Members as to the time some time during the day on Monday.

I yield the floor so that Members can assemble to proceed to the House of Representatives.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States, transmitting a nomination, which was referred to the appropriate committee.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF THE UNION MESSAGE FROM THE PRESIDENT—PM 78

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

Mr. Speaker, Mr. Vice President, Members of Congress, honored guests, my fellow Americans: We are fortunate to be alive at this moment in history. Never before has our nation enjoyed, at once, so much prosperity and social progress with so little internal crisis or so few external threats. Never before have we had such a blessed opportunity—and, therefore, such a profound obligation—to build the more perfect union of our founders? dreams.

We begin the new century with over 20 million new jobs. The fastest economic growth in more than 30 years; the lowest unemployment rates in 30 years; the lowest poverty rates in 20 years; the lowest African-American and Hispanic unemployment rates on record; the first back-to-back budget surpluses in 42 years.

Next month, America will achieve the longest period of economic growth in our entire history.

We have built a new economy.

Our economic revolution has been matched by a revival of the American spirit: Crime down by 20 percent, to its lowest level in 25 years. Teen births down seven years in a row and adoptions up by 30 percent. Welfare rolls cut in half to their lowest levels in 30 years.

My fellow Americans, the state of our Union is the strongest it has ever been.

As always, the credit belongs to the American people.

My gratitude also goes to those of you in this chamber who have worked with us to put progress above partisanship.

Eight years ago, it was not so clear to most Americans there would be much to celebrate in the year 2000. Then our nation was gripped by economic distress, social decline, political gridlock. The title of a best-selling book asked: "America: What went wrong?" In the best traditions of our nation, Americans determined to set things right. We restored the vital center, replacing outdated ideologies with a new vision anchored in basic, enduring values: opportunity for all, responsibility from all, and a community of all Americans.

We reinvented government, transforming it into a catalyst for new ideas that stress both opportunity and responsibility, and give our people the tools to solve their own problems.

With the smallest federal workforce in 40 years, we turned record deficits into record surpluses, and doubled our investment in education. We cut crime: with 100,000 community police and the Brady Law, which has kept guns out of the hands of half a million criminals.

We ended welfare as we knew it—requiring work while protecting health care and nutrition for children, and investing more in child care, transportation, and housing to help their parents go to work. We have helped parents to succeed at work and at home—with family leave, which 20 million Americans have used to care for a newborn child or a sick loved one. We have engaged 150,000 young Americans in citizen service through AmeriCorps—while also helping them earn their way through college.

In 1992, we had a roadmap. Today, we have results. More important, America again has the confidence to dream big dreams. But we must not let our renewed confidence grow into complacency. We will be judged by the dreams and deeds we pass on to our children. And on that score, we will be held to a high standard, indeed. Because our chance to do good is so great.

My fellow Americans, we have crossed the bridge we built to the 21st Century. Now, we must shape a 21st-Century American revolution—of opportunity, responsibility, and community. We must be, as we were in the beginning, a new nation.

At the dawn of the last century, Theodore Roosevelt said, "the one characteristic more essential than any other is foresight . . . It should be the growing nation with a future which takes the long look ahead." Tonight let us take our look long ahead—and set great goals for our nation.

To 21st Century America, let us pledge that: Every child will begin school ready to learn and graduate ready to succeed. Every family will be able to succeed at home and at work—and no child will be raised in poverty. We will meet the challenge of the aging of America. We will assure quality, affordable healthcare for all Americans. We will make America the safest big country on Earth. We will bring prosperity to every American community. We will reverse the course of climate change and leave a cleaner, safer planet. America will lead the world toward shared peace and prosperity, and the far frontiers of science and technology. And we will become at last what our founders pledged us to be so long ago—one nation, under God, indivisible, with liberty and justice for all.

These are great goals, worthy of a great nation. We will not reach them all this year. Not even in this decade. But we will reach them. Let us remember that the first American revolution was not won with a single shot. The continent was not settled in a single year. The lesson of our history—and the lesson of the last seven years—is that great goals are reached step by step: always building on our progress, always gaining ground.

Of course, you can't gain ground if you're standing still. For too long this Congress has been standing still on some of our most pressing national priorities. Let's begin with them.

I ask you again to pass a real patient's bill of rights. Pass commonsense gun-safety legislation. Pass campaign finance reform. Vote on long overdue judicial nominations and other important appointees. And, again, I ask you to raise the minimum wage.

Two years ago, as we reached our first balanced budget, I asked that we meet our responsibility to the next generation by maintaining our fiscal discipline. Because we refused to stray from that path, we are doing something that would have seemed unimaginable seven years ago: We are actually paying down the national debt. If we stay on this path, we can pay down the debt entirely in 13 years and make America debt-free for the first time since Andrew Jackson was president in 1835.

In 1993, we began to put our fiscal house in order with the Deficit Reduction Act, winning passage in both houses by just one vote. Your former colleague, my first Secretary of the Treasury, led that effort. He is here tonight. Lloyd Bentsen, you have served America well.

Beyond paying off the debt, we must ensure that the benefits of debt reduction go to preserving two of the most important guarantees we make to every American—Social Security and Medicare. I ask you tonight to work with me to make a bipartisan down payment on Social Security reform by crediting the interest savings from debt reduction to the Social Security Trust Fund to ensure that it is strong and sound for the next 50 years.

But this is just the start of our journey. Now we must take the right steps toward reaching our great goals.

OPPORTUNITY AND RESPONSIBILITY IN EDUCATION

First and foremost, we need a 21st Century revolution in education, guided by our faith that every child can learn. Because education is more than ever the key to our children's future, we must make sure all our children have that key. That means quality preschool and afterschool, the best trained teachers in every classroom, and college opportunities for all our children.

For seven years, we have worked hard to improve our schools, with opportunity and responsibility: Investing more, but demanding more in return.

Reading, math, and college entrance scores are up. And some of the most impressive gains are in schools in poor neighborhoods.

All successful schools have followed the same proven formula: higher standards, more accountability, so all children can reach those standards. I have sent Congress a reform plan based on that formula. It holds states and school districts accountable for progress, and rewards them for results. Each year, the national government invests more than $15 billion in our schools. It's time to support what works and stop supporting what doesn't.

As we demand more than ever from our schools, we should invest more than ever in our schools.

Let's double our investments to help states and districts turn around their worst-performing schools—or shut them down.

Let's double our investment in afterschool and summer school programs—boosting achievement, and keeping children off the street and out of trouble. If we do, we can give every child in every failing school in America the chance to meet high standards.

Since 1993, we've nearly doubled our investment in Head Start and improved its quality. Tonight, I ask for another $1 billion to Head Start, the largest increase in the program's history.

We know that children learn best in smaller classes with good teachers. For two years in a row, Congress has supported my plan to hire 100,000 new, qualified teachers, to lower class sizes in the early grades. This year, I ask you to make it three in a row.

And to make sure all teachers know the subjects they teach, tonight I propose a new teacher quality initiative—to recruit more talented people into the classroom, reward good teachers for staying there, and give all teachers the training they need.

We know charter schools provide real public school choice. When I became President, there was just one independent public charter school in all America. Today there are 1,700. I ask you to help us meet our goal of 3,000 by next year.

We know we must connect all our classrooms to the Internet. We're getting there. In 1994, only three percent of our classrooms were connected. Today, with the help of the Vice President's E-rate program, more than half of them are; and 90 percent of our schools have at least one connection to the Internet.

But we can't finish the job when a third of all schools are in serious disrepair, many with walls and wires too old for the Internet. Tonight, I propose to help 5,000 schools a year make immediate, urgent repairs. And again, to help build or modernize 6,000 schools, to get students out of trailers and into high-tech classrooms.

We should double our bipartisan GEAR UP program to mentor 1.4 million disadvantaged young people for college. And let's offer these students a chance to take the same college test-prep courses wealthier students use to boost their test scores.

To make the American Dream achievable for all, we must make college affordable for all. For seven years, on a bipartisan basis, we have taken action toward that goal: larger Pell grants, more-affordable student loans, education IRAs, and our HOPE scholarships, which have already benefited 5 million young people. 67 percent of high school graduates now go on to college, up almost 10 percent since 1993. Yet millions of families still strain to pay college tuition. They need help.

I propose a landmark $30-billion college opportunity tax cut—a middle-class tax deduction for up to $10,000 in college tuition costs. We've already made two years of college affordable for all. Now let's make four years of college affordable for all.

If we take all these steps, we will move a long way toward making sure every child starts school ready to learn and graduates ready to succeed.

REWARDING WORK AND STRENGTHENING FAMILIES

We need a 21st Century revolution to reward work and strengthen families—by giving every parent the tools to succeed at work and at the most important work of all—raising their children. That means making sure that every family has health care and the support to care for aging parents, the tools to bring their children up right, and that no child grows up in poverty.

From my first days as President, we have worked to give families better access to better health care. In 1997, we passed the Children's Health Insurance Program—CHIP—so that workers who don't have health care coverage through their employers at least can get it for their children. So far, we've enrolled 2 million children, and we're well on our way to our goal of 5 million.

But there are still more than 40 million Americans without health insurance, more than there were in 1993. Tonight I propose that we follow Vice President GORE's suggestion to make low income parents eligible for the insurance that covers their kids. Together with our children's initiative, we can cover nearly one quarter of the uninsured in America.

Again, I ask you to let people between 55 and 65—the fastest growing group of uninsured—buy into Medicare. And let's give them a tax credit to make that choice an affordable one.

When the Baby Boomers retire, Medicare will be faced with caring for twice as many of our citizens—and yet it is far from ready to do so. My generation must not ask our children's generation to shoulder our burden. We must strengthen and modernize Medicare now.

My budget includes a comprehensive plan to reform Medicare, to make it more efficient and competitive. And it dedicates nearly $400 billion of our budget surplus to keep Medicare solvent past 2025; and, at long last, to give every senior a voluntary choice of affordable coverage for prescription drugs.

Lifesaving drugs are an indispensable part of modern medicine. No one creating a Medicare program today would even consider excluding coverage for prescription drugs. Yet more than three in five seniors now lack dependable drug coverage which can lengthen and enrich their lives. Millions of older Americans who need prescription drugs the most pay the highest prices for them.

In good conscience, we cannot let another year pass without extending to all seniors the lifeline of affordable prescription drugs.

Record numbers of Americans are providing for aging or ailing loved ones at home. Last year, I proposed a $1,000 tax credit for long-term care. Frankly, that wasn't enough. This year, let's triple it to $3,000—and this year, let's pass it.

And we must make needed investments to expand access to mental health care. I want to thank the person who has led our efforts to break down the barriers to the decent treatment of mental illness: Tipper Gore.

Taken together, these proposals would mark the largest investment in health care in the 35 years since the creation of Medicare—a big step toward assuring health care for all Americans, young and old.

We must also make investments that reward work and support families. Nothing does that better than the Earned Income Tax Credit, the EITC. The 'E' in 'EITC' is about earning; working; taking responsibility and being rewarded for it. In my first Address to you, I asked Congress to greatly expand this tax credit; and you did. As a result, in 1998 alone, the EITC helped more than 4.3 million Americans work their way out of poverty and toward the middle class—double the number in 1993.

Tonight, I propose another major expansion. We should reduce the marriage penalty for the EITC, making sure it rewards marriage just as it rewards work. And we should expand the tax credit for families with more than two children to provide up to $1,100 more in tax relief.

We can't reward work and family unless men and women get equal pay for equal work. The female unemployment rate is the lowest in 46 years. Yet women still earn only about 75 cents for every dollar men earn. We must do better by providing the resources to enforce present equal pay laws, training more women for high-paying, high-tech jobs, and passing the Paycheck Fairness Act.

Two-thirds of new jobs are in the suburbs, far away from many low-income families. In the past two years, I have proposed and Congress has approved 110,000 new housing vouchers—rent subsidies to help working families live closer to the workplace. This year, let us more than double that number. If we want people to go to work, they have to be able to get to work.

Many working parents spend up to a quarter of their income on child care. Last year, we helped parents provide child care for about two million children. My child care initiative, along with funds already secured in welfare reform, would make child care better, safer, and more affordable for another 400,000 children.

For hard-pressed middle-income families, we should also expand the child care tax credit. And we should take the next big step. We should make that tax credit refundable for low-income families. For those making under $30,000 a year, that could mean up to $2,400 for child-care costs. We all say we're pro-work and pro-family. Passing this proposal would prove it.

Tens of millions of Americans live from paycheck to paycheck. As hard as they work, they still don't have the opportunity to save. Too few can make use of IRAs and 401-K retirement plans. We should do more to help working families save and accumulate wealth. That's the idea behind so-called Individual Development Accounts. Let's take that idea to a new level, with Retirement savings Accounts that enable every low- and moderate-income family in America to save for retirement, a first home, a medical emergency, or a college education. I propose to match their contributions, however small, dollar for dollar, every year they save. And to give a major new tax credit for any small business that provides a meaningful pension to its workers.

Nearly one in three American children grows up in a home without a father. These children are five times more likely to live in poverty than children with both parents at home. Clearly, demanding and supporting responsible fatherhood is critical to lifting all children out of poverty.

We have doubled child support collections since 1992, and I am proposing tough new measures to hold still more fathers responsible. But we should recognize that a lot of fathers want to do right by their children—and need help to do it. Carlos Rosas of St. Paul, Minnesota, got that help. Now he has a good job and he supports his son Ricardo. My budget will help 40,000 fathers make the choices Carlos did. And I thank him for being here.

If there is any issue on which we can reach across party lines it is in our common commitment to reward work and strengthen families. Thanks to overwhelming bipartisan support from this Congress, we have improved foster care, supported those who leave it when they turn eighteen, and dramatically increased the number of foster children going to adoptive homes. I thank you for that. Of course, I am especially grateful to the person who has led our efforts from the beginning, and who has worked tirelessly for children and families for thirty years now: my wife, Hillary.

If we take all these steps, we will move a long way toward empowering parents to succeed at home and at work and ensuring that no child is raised in poverty. We can make these vital investments in health care, education and support for working families—and still offer tax cuts to help pay for college, for retirement, to care for aging parents and reduce the marriage penalty—without forsaking the path of fiscal discipline that got us here. Indeed, we must make these investments and tax cuts in the context of a balanced budget that strengthens and extends the life of Social Security and Medicare and pays down the national debt.

RESPONSIBILITY AND CRIME

Crime in America has dropped for the past seven years—the longest decline on record, thanks to a national consensus we helped to forge on community police, sensible gun safety laws, and effective prevention. But nobody believes America is safe enough. So let's set a higher goal: let's make America the safest big country in the world.

Last fall, Congress supported my plan to hire—in addition to the 100,000 community police we have already funded—50,000 more, concentrated in high-crime neighborhoods. I ask your continued support.

Soon after the Columbine tragedy, Congress considered common-sense gun safety legislation to require Brady background checks at gun shows, child safety locks for all new handguns, and a ban on the importation of large-capacity ammunition clips. With courage—and a tie-breaking vote by the Vice President—the Senate faced down the gun lobby, stood up for the American people, and passed this legislation. But the House failed to follow suit.

We've all seen what happens when guns fall into the wrong hands. Daniel Mauser was only 15 years old when he was gunned down at Columbine. He was an amazing kid, a straight-A student, a good skier. Like all parents who lost their children his father Tom has borne unimaginable grief. Somehow Tom has found the strength to honor his son by transforming his grief into action. Earlier this month, he took a leave of absence from his job to fight for tougher gun safety laws. I pray that his courage and wisdom will move this Congress to make common-sense gun safety legislation the very next order of business. Tom, thank you for being here tonight.

We must strengthen gun laws and better enforce laws already on the books. Federal gun crime prosecutions are up 16 percent since I took office. But again, we must do more. I propose to hire more federal and local gun prosecutors, and more ATF agents to crack down on illegal gun traffickers and bad-apple dealers. And we must give law enforcement the tools to trace every gun—and every bullet—used in a crime in America.

Listen to this: the accidental gun death rate of children under 15 in the United States is nine times higher than in the other 25 industrialized nations—combined. Technologies now exist that could lead to guns that can only be fired by the adults who own them. I ask Congress to fund research in Smart Gun technology. I also call on responsible leaders in the gun industry to work with us on smart guns and other steps to keep guns out of the wrong hands and keep our children safe.

Every parent I know worries about the impact of violence in the media on their children. I thank the entertainment industry for accepting my challenge to put voluntary ratings on TV programs and video and Internet games. But the ratings are too numerous, diverse, and confusing to be really useful to parents. Therefore, I now ask the industry to accept the First Lady's challenge—to develop a single, voluntary rating system for all children's entertainment, one that is easier for parents to understand and enforce.

If we take all these steps, we will be well on our way to making America the safest big country in the world.

OPENING NEW MARKETS

To keep our historic economic expansion going, we need a 21st Century revolution to open new markets, start new businesses, and hire new workers right here in America—in our inner cities, poor rural areas, and on Indian reservations.

Our nation's prosperity has not yet reached these places. Over the last six months, I have traveled to many of them—joined by many of you, and many far-sighted business people—to shine a spotlight on the enormous potential in communities from Appalachia to the Mississippi Delta, from Watts to the Pine Ridge Indian Reservation. Everywhere I've gone, I've met talented people eager for opportunity, and able to work. Let's put them to work.

For business, it's the smart thing to do. For America, it's the right thing to do. And if we don't do it now, when will we ever get around to it? I ask Congress to give businesses the same incentives to invest in America's new markets that they now have to invest in foreign markets. Tonight, I propose a large New Markets Tax Credit and other incentives to spur $22 billion in private-sector capital—to create new businesses and new investments in inner cities and rural areas.

Empowerment Zones have been creating these opportunities for five years now. We should also increase incentives to invest in them and create more of them.

This is not a Democratic or a Republican issue. It is an American issue. Mr. Speaker, it was a powerful moment last November when you joined me and the Reverend Jesse Jackson in your home state of Illinois, and committed to working toward our common goal, by combining the best ideas from both sides of the aisle. Mr. Speaker, I look forward to working with you.

We must maintain our commitment to community development banks and keep the community reinvestment act strong so all Americans have access to the capital they need to buy homes and build businesses.

We need to make special efforts to address the areas with the highest rates of poverty. My budget includes a special $110 million initiative to promote economic development in the Mississippi Delta; and $1 billion to increase economic opportunity, health care, education and law enforcement for Native American communities. In this new century, we should honor our historic responsibility to empower the first Americans. I thank leaders and members from both parties who have already expressed an interest in working with us on these efforts.

There's another part of our American community in trouble today—our family farmers. When I signed the Farm Bill in 1996, I said there was a great danger it would work well in good times but not in bad. Well, droughts, floods, and historically low prices have made times very bad for our farmers. We must work together to strengthen the farm safety net, invest in land conservation, and create new markets by expanding our program for bio-based fuels and products.

Today, opportunity for all requires something new: having access to a computer and knowing how to use it. That means we must close the digital divide between those who have these tools and those who don't.

Connecting classrooms and libraries to the Internet is crucial, but it's just a start. My budget ensures that all new teachers are trained to teach 21st Century skills and creates technology centers in 1,000 communities to serve adults. This spring, I will invite high-tech leaders to join me on another New Markets tour—to close the digital divide and open opportunity for all our people. I thank the high-tech companies that are already doing so much in this area—and I hope the new tax incentives. I have proposed will encourage others to join us.

If we take these steps, we will go a long way toward our goal of bringing opportunity to every community.

GLOBAL CHANGE AND AMERICAN LEADERSHIP

To realize the full possibilities of the new economy, we must reach beyond our own borders, to shape the revolution that is tearing down barriers and building new networks among nations and individuals, economies and cultures: globalization.

It is the central reality of our time. Change this profound is both liberating and threatening. But there is no turning back. And our open, creative society stands to benefit more than any other—if we understand, and act on, the new realities of interdependence. We must be at the center of every vital global network, as a good neighbor and partner. We cannot build our future without helping others to build theirs.

First, we must forge a new consensus on trade. Those of us who believe passionately in the power of open trade must ensure that it lifts both our living standards and our values, never tolerating abusive child labor or a race to the bottom on the environment and worker protection. Still, open markets and rules-based trade are the best engines we know for raising living standards, reducing global poverty and environmental destruction, and assuring the free flow of ideas. There is only one direction for America on trade: we must go forward.

And we must make developing economies our partners in prosperity—which is why I ask Congress to finalize our groundbreaking African and Caribbean Basin trade initiatives.

Globalization is about more than economics. Our purpose must be to bring the world together around democracy, freedom, and peace, and to oppose those who would tear it apart.

Here are the fundamental challenges I believe America must meet to shape the 21st Century world.

First, we must continue to encourage our former adversaries, Russia and China, to emerge as stable, prosperous, democratic nations. Both are being held back from reaching their full potential: Russia by the legacy of communism, economic turmoil, a cruel and self-defeating war in Chechnya; China by the illusion that it can buy stability at the expense of freedom.

But think how much has changed in the past decade: thousands of former Soviet nuclear weapons eliminated; Russian soldiers serving with ours in the Balkans; Russian people electing their leaders for the first time in a thousand years. And in China, an economy more open to the world than ever before. No one can know for sure what direction these great countries will choose. But we must do everything in our power to increase the chance they will choose wisely, to be constructive members of the global community.

That is why we must support those Russians struggling for a democratic, prosperous future; continue to reduce both our nuclear arsenals; and help Russia safeguard weapons and materials that remain.

That is why Congress should support the agreement we negotiated to bring China into the WTO, by passing Permanent Normal Trade Relations as soon as possible this year. Our markets are already open to China. This agreement will open China's markets to us. And it will advance the cause of peace in Asia and promote the cause of change in China.

A second challenge is to protect our security from conflicts that pose the risk of wider war and threaten our common humanity. America cannot prevent every conflict or stop every outrage. But where our interests are at stake and we can make a difference, we must be peacemakers.

We should be proud of America's role in bringing the Middle East closer than ever to a comprehensive peace; building peace in Northern Ireland; working for peace in East Timor and Africa; promoting reconciliation between Greece and Turkey and in Cyprus; working to defuse crises between India and Pakistan; defending human rights and religious freedom.

And we should be proud of the men and women of our armed forces and those of our allies who stopped the ethnic cleansing in Kosovo—enabling a million innocent people to return to their homes.

When Slobodan Milosevic unleashed his terror on Kosova, Captain John Cherrey was one of the brave airmen who turned the tide. And when another American plane went down over Serbia, he flew into the teeth of enemy air defenses to bring his fellow pilot home. Thanks to our armed forces' skill and bravery, we prevailed without losing a single American in combat. Captain Cherrey, we honor you, and promise to finish the job you began.

A third challenge is to keep the inexorable march of technology from giving terrorists and potentially hostile nations the means to undermine our defenses. The same advances that have shrunk cell phones to fit in the palms of our hands can also make weapons of terror easier to conceal and easier to use.

We must meet this threat: by making effective agreements to restrain nuclear and missile programs in North Korea, curbing the flow and lethal technology to Iran; preventing Iraq from threatening its neighbors; increasing our preparedness against chemical and biological attack; protecting our vital computer systems from hackers and criminals; and developing a system to defend against new threats—while working to preserve our Anti-Ballistic Missile Treaty with Russia.

I hope we can have a constructive bipartisan dialogue this year to build a consensus which will lead eventually to the ratification of the Comprehensive Nuclear Test Ban Treaty.

A fourth challenge is to ensure that the stability of our planet is not threatened by the huge gulf between rich and poor. We cannot accept a world in which part of humanity lives on the cutting edge of a new economy, while the rest live on the bare edge of survival. We must do our part, with expanded trade, expanded aid, and the expansion of freedom.

From Nigeria to Indonesia, more people won the right to choose their leaders in 1999 than in 1989, the year the Berlin Wall fell. We must stand by democracies—like Colombia, fighting narco-traffickers for its people's lives, and our children's lives. I have proposed a strong two-year package to help Colombia win this fight; and I ask for your support. And I will propose tough new legislation to go after what drug barons value most—their money.

In a world where 1.2 billion people live on less than a dollar a day, we must do our part in the global endeavor to reduce the debts of the poorest countries so they can invest in education, health and economic growth—as the Pope and other religious leaders have urged. Last year, Congress made a down payment on America's share. And I ask for your continued support.

And America must help more nations break the bonds of disease. Last year in Africa, AIDS killed ten times as many people as war did. My budget invests $150 million more in the fight against this and other infectious killers. Today, I propose a tax credit to speed the development of vaccines for diseases like malaria, TB and AIDS. I ask the private sector and our partners around the world to join us in embracing this cause. Together, we can save millions of lives.

Our final challenge is the most important: to pass a national security budget that keeps our military the best trained and best equipped in the world, with heightened readiness and 21st Century weapons; raises salaries for our service men and women; protects our veterans; fully funds the diplomacy that keeps our soldiers out of war; and makes good on our commitment to pay our UN dues and arrears. I ask you to pass this budget and I thank you for the extraordinary support you have given—Republicans and Democrats alike—to our men and women in uniform. I especially want to thank Secretary Cohen for symbolizing our bipartisan commitment to our national security—and Janet Cohen, I thank you for tirelessly traveling the world to show our support for the troops.

If we meet all these challenges, America can lead the world toward peace and freedom in an era of globalization.

RESPONSIBILITY, OPPORTUNITY, AND THE ENVIRONMENT

I am grateful for the opportunities the Vice President and I have had to work hard to protect the environment and finally to put to rest the notion that you can't expand the economy while protecting the environment. As our economy has grown, we have rid more than 500 neighborhoods of toxic waste and ensured cleaner air and water for millions of families. In the past three months alone, we have acted to preserve more than 40 million acres of roadless lands in our National Forests and created three new National Monuments.

But as our communities grow, our commitment to conservation must grow as well. Tonight, I propose creating a permanent conservation fund to restore wildlife, protect coastlines, and save natural treasures from California redwoods to the Everglades. This Lands Legacy endowment represents by far the most enduring investment in land preservation ever proposed.

Last year, the Vice President launched a new effort to help make communities more livable—so children will grow up next to parks, not parking lots, and parents can be home with their children instead of stuck in traffic. Tonight, we propose new funding for advanced transit systems—for saving precious open spaces—for helping major cities around the Great Lakes protect their waterways and enhance their quality of life.

The greatest environmental challenge of the new century is global warming. Scientists tell us that the 1990s were the hottest decade of the entire millennium. If we fail to reduce emissions of greenhouse gases, deadly heat waves and droughts will become more frequent, coastal areas will be flooded, economies disrupted.

Many people in the United States and around the world still believe we can't cut greenhouse gas pollution without slowing economic growth. In the Industrial Age that may have been true. In the digital economy, it isn't. New technologies make it possible to cut harmful emissions and provide even more growth. For example, just last week, automakers unveiled cars that get 70 to 80 miles a gallon—the fruits of a unique research partnership between government and industry. Before you know it, efficient production of biofuels will give us the equivalent of hundreds of miles from a gallon of gas.

To speed innovations in environmental technologies, I propose giving major tax incentives to businesses for the production of clean energy—and to families for buying energy-saving homes and appliances and the next generation of super-efficient cars when they hit the showroom floor. I also call on the auto industry to use available technologies to make all new cars more fuel efficient right away. And on Congress to make more of our clean-energy technologies available to the developing world—creating cleaner growth abroad and new jobs at home.

THE OPPORTUNITY AND RESPONSIBILITY OF SCIENCE AND TECHNOLOGY

In the new century, innovations in science and technology will be the key not only to the health of the environment but to miraculous improvements in the quality of our lives and advances in the economy.

Later this year, researchers will complete the first draft of the entire human genome—the very blueprint of life. It is important for all Americans to recognize that your tax dollars have fueled this research—and that this and other wise investments in science are leading to a revolution in our ability to detect, treat, and prevent disease.

For example, researchers have identified genes that cause Parkinson's Disease, diabetes, and certain types of cancer—and they are designing precision therapies that will block the harmful effects of these faulty genes for good. Researchers are already using this new technique to target and destroy cells that cause breast cancer. Soon, we may be able to use it to prevent the onset of Alzheimer's Disease. Scientists are also working on an artificial retina to help many blind people to see and microchips that would directly stimulate damaged spinal cords and allow people who are now paralyzed to stand up and walk.

Science and engineering innovations are also propelling our remarkable prosperity. Information technology alone now accounts for a third of our economic growth, with jobs that pay almost 80 percent above the private sector average. Again, we should keep in mind: government-funded research brought supercomputers, the Internet, and communications satellites into being. Soon researchers will bring us devices that can translate foreign languages as fast as you can speak; materials 10 times stronger than steel at a fraction of the weight; and molecular computers the size of a teardrop with the power of today's fastest supercomputers.

To accelerate the march of discovery across all disciplines of science and technology, my budget includes an unprecedented $3 billion increase in the 21st Century Research Fund, the largest increase in civilian research in a generation.

These new breakthroughs must be used in ways that reflect our most cherished values. First and foremost, we must safeguard our citizens' privacy. Last year, we proposed rules to protect every citizen's medical records. This year, we will finalize those rules. We have also taken the first steps to protect the privacy of bank and credit card statements and other financial records. Soon I will send legislation to the Congress to finish that job. We must also act to prevent any genetic discrimination by employers or insurers.

These steps will allow America to lead toward the far frontiers of science and technology—enhancing our health, environment, and economy in ways we cannot even imagine today.

COMMUNITY

At a time when science, technology and the forces of globalization are bringing so many changes into our lives, it is more important than ever that we strengthen the bonds that root us in our local communities and in our national communities.

No tie binds different people together like citizen service. There is a new spirit of service in America, a movement we have supported with AmeriCorps, an expanded Peace Corps, and unprecedented new partnerships with businesses, foundations, and community groups. Partnerships to enlist 12,000 companies in moving 650,000 of our fellow citizens from welfare to work. To battle drug abuse and AIDS. To teach young people to read. To Save America's Treasures. To strengthen the arts. To fight teen pregnancy. To prevent youth violence. To promote racial healing.

We can do even more to help Americans help each other. We should help faith-based organizations do more to fight poverty and drug abuse and help young people get back on the right track with initiatives like Second Chance Homes to help unwed teen mothers. We should support Americans who tithe and contribute to charities, but don't earn enough to claim a tax deduction for it. Tonight, I propose new tax incentives to allow low- and middle-income citizens to get that deduction.

We should do more to help new immigrants fully participate in the American community—investing more to teach them civics and English. And since everyone in our community counts, we must make sure everyone is counted in this year's census.

Within ten years there will be no majority race in our largest state, California. In a little more than 50 years, there will be no majority race in America. In a more interconnected world, this diversity can be our greatest strength. Just look around this chamber. We have members from virtually every racial, ethnic, and religious background. And America is stronger for it. But as we have seen, these differences all too often spark hatred and division, even here at home.

We have seen a man dragged to death in Texas simply because he was black. A young man murdered in Wyoming simply because he was gay. In the last year alone, we've seen the shootings of African Americans, Asian Americans, and Jewish children simply because of who they were. This is not the American way. We must draw the line. Without delay, we must pass the Hate

Crimes Prevention Act and the Employment Non-Discrimination Act. And we should reauthorize the Violence Against Women Act.

No American should be subjected to discrimination in finding a home, getting a job, going to school, or securing a loan. Tonight, I propose the largest ever investment to enforce America's civil rights laws. Protections in law must be protections in fact.

Last February, I created the White House Office of One America to promote racial reconiliation. That's what Hank Aaron, has done all his life. From his days as baseball's all-time homerun king to his recent acts of healing, he has always brought Americans together. We're pleased he's with us tonight.

This fall, at the White House, one of America's leading scientists said something we should all remember. He said all human beings, genetically, are 99.9 percent the same. So modern science affirms what ancient faith has always taught: the most important fact of life is our common humanity.

Therefore, we must do more than tolerate diversity—we must honor it and celebrate it.

My fellow Americans, each time I prepare for the State of the Union, I approach it with great hope and expectations for our nation. But tonight is special—because we stand on the mountaintop of a new millennium. Behind us we see the great expanse of American achievement; before us, even grander frontiers of possibility.

We should be filled with gratitude and humility for our prosperity and progress; with awe and joy at what lies ahead; and with absolute determination to make the most of it.

When the framers finished crafting our Constitution, Benjamin Franklin stood in Independence Hall and reflected on a painting of the sun, low on the horizon. He said, "I have often wondered whether that sun was rising or setting." "Today," Franklin said, "I have the happiness to know it is a rising sun." Well, today, because each generation of Americans has kept the fire of freedom burning brightly, lighting those frontiers of possibility, we still bask in the warmth of Mr. Franklin's rising sun.

After 224 years, the American Revolution continues. We remain a new nation. As long as our dreams outweigh our memories, America will be forever young. That is our destiny. And this is our moment.

Thank you, God bless you, and God bless America.

MESSAGE FROM THE HOUSE

At 8:35 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 241. Concurrent resolution providing for a joint resolution of Congress to receive a message from the President on the State of the Union.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the Calendar:

S. 2006. A bill for the relief of Yongyi Song.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself, Mr. NICKLES, Mr. ASHCROFT, Mr. CRAIG, Mr. SHELBY, Mr. SANTORUM, Mr. LOTT, Mr. ENZI, and Mr. SMITH of New Hampshire):

S. 2010. A bill to require the Federal Communications Commission to follow normal rulemaking procedures in establishing additional requirements for noncommercial educational television broadcasters; to the Committee on Commerce, Science, and Transportation.

By Mr. ASHCROFT:

S. 2011. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mr. KYL:

S. 2012. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials; to the Committee on Finance.

By Mr. LOTT (for Mr. MCCAIN):

S. 2013. A bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL:

S. 2012. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials; to the Committee on Finance.

TEACHER TAX CREDIT RELIEF ACT, 2000

• Mr. KYL. Mr. President, I rise to introduce the Teacher Tax Credit Relief Act of 2000. The act would provide an annual tax credit of up to $100 for teachers' un-reimbursed classroom expenditures that are qualified under the Internal Revenue Code.

Thomas Jefferson once said that "an educated citizenry is essential for the preservation of democracy." It falls to our teachers—through their hard work and lifetime of commitment to young people—to inculcate the academic values and analytical skills that make good citizenship possible.

In my discussions with teachers—public and private—I have been amazed to learn that many use their own money to cover the cost of classroom materials that are not supplied by their schools or school districts. These expenditures enhance our childrens' education but are paid for out-of-pocket.

In fact, in 1996, according to a study by the National Education Association, the average K–12 teacher spent $408 annually on classroom materials needed for education but not supplied by the schools. These materials include everything from books, workbooks, erasers, paper, pens, equipment related to classroom instruction, and professional enrichment programs.

Under current law, a tax deduction is allowed for such expenses, but only if the teacher itemizes, and only if the expenses exceed two percent of the teacher's AGI. Of course, a deduction just reduces taxable income. A credit would give teachers relief dollar-for-dollar spent, up to the $100 annual limit.

On a modest income, teachers provide an incalculable service to our country. Surely, we should not expect them to pay for school supplies out of their salary, when they have already committed their lives to the education of our young.

A similar provision enacted by the Arizona legislature in 1995 has been extremely well-received by teachers. The provision was recently upheld as constitutional by the Arizona Supreme Court.

Please join me in supporting this bill. Our teachers deserve to be at least partially reimbursed for financial sacrifices they make to educate our nation's children.•

By Mr. LOTT (for Mr. MCCAIN):

S. 2013. A bill to restore health care equity for Medicare-eligible uniformed services retirees, and for other purposes; to the Committee on Armed Services.

HONORING HEALTH CARE COMMITMENTS TO SERVICEMEMBERS PAST AND PRESENT ACT OF 2000

• Mr. MCCAIN. Mr. President, last November, I spoke on the floor of the Senate about the severe deficiencies in our nation's military health care delivery system. We, as a nation, face a very critical challenge in determining how best to reconfigure the military health care delivery system so that it can continue to meet its military readiness and peace-time obligations during this period of ongoing change in our base and force structure.

This is a challenge that has concerned me for some time. As I have been working on this matter and deciding how best to proceed, I have met with, and heard from, many military family members, veterans, and military retirees from around the country. And, in that process, I have been inundated with suggestions for reform. During every meeting and in every letter, I have heard from retired service men and women about so many problems with all aspects of the military medical care system—including long waiting periods, access to the right kind of care, access to needed pharmaceutical drugs, and especially the "broken promise" of free lifetime health care for military retirees and their spouses. I have also personally heard such concerns repeatedly expressed as I have traveled extensively throughout the United States over the past several months.

I have found that a primary concern among military retirees and their families is the "broken promise" of lifetime medical care. In this vein, retiree health care is a readiness issue. Today's service members are acutely aware of retirees' disenfranchisement from military health care coverage, and exit surveys cite this issue with increasing frequency as one of the factors in members' decisions to leave the service. In fact, a recent General Accounting Office study found that poor "access to medical and dental care in retirement" was among the top five elements of dissatisfaction among active duty officers in retention-critical specialties.

Failure to keep health care commitments is hurting service recruiting efforts, as well. Traditionally, retirees have been the services' most effective recruiters, and their children and those of family friends have been more likely to serve. Unfortunately, increasing numbers of retirees who have seen the government renege on its "lifetime health care" promises have become more reluctant to recommend service careers to their family members and friends. Restoring retirees' confidence in their health care coverage could go a long way in restoring this invaluable recruiting resource.

Certainly, the high cost of providing quality health care has contributed to Congress' failure to implement meaningful reform in the past. Yet, even though Congress has increased the President's defense budget requests in recent years to attempt to meet the military's future needs, it simultaneously has squandered billions each year on projects the military did not request and does not need. Last year alone, Congress appropriated over $6 billion for wasteful, unrequested, and low-priority projects that would have no positive effect on preparing our military for future challenges, and would address this military health care quandary.

Congress also continues to refuse to close military bases that are not essential to our security, permitting politics to outweigh military readiness, at a cost to the taxpayer of nearly $7 billion each year. If Congress would allow the Pentagon to privatize or consolidate depot and base maintenance activities, savings of $2 billion each year could be achieved. In addition, Congress refuses to eliminate anti-competitive "Buy American" restrictions, which could save almost $5.5 billion annually on defense contracts. These common sense reforms together would free up nearly $20 billion per year, which could be used to begin correcting our readiness shortfalls and, significantly, provide a quality health care delivery system for our older military retirees, once and for all.

I must add that there are other wasteful funding efforts that are particularly disgraceful. While Congress wastes taxpayer money on obsolete infrastructure, unneeded weapon systems, and projects that have no meaningful value to our Armed Forces, it simultaneously refuses to adequately pay the nearly 12,000 enlisted military personnel who are forced to subsist on food stamps. We must work to improve our treatment of all the honored military personnel serving our nation.

INITIAL STEPS ON THE ROAD TO REFORM

Last October, the Chairman of the Joint Chiefs of Staff and the other Joint Chiefs testified before the Senate Armed Services Committee on the state of the military. During that hearing, they universally declared the year 2000 to be the year of military health care reform.

The rush to implement military health care reform, as evidenced by a plethora of well-intentioned legislation introduced by Congress and to be proposed by the Administration, and the evaluation of current health care delivery pilot projects must be balanced with the need to provide uninterrupted critical health care to the over-65 military retirees and their families, as well as, recognize the need to provide free health care to those Medicare eligible retirees who entered military service before June 7, 1956. Their concern about losing even the minimal health care they received from the time of retirement until age 65 increases dramatically as they turn 65. If this is to be the year of military health care, a key part of this effort must entail reassuring these older retirees that the Department of Defense will no longer deny or ignore their legitimate health care needs. By doing so, Congress also will be taking an essential step in reassuring today's servicemembers that the government does, in fact, keep its recruiting and retention promises concerning health care and other career service benefits.

The legislation that I am proposing is the next step in my effort to lead Congress down the road to meaningful reform of our nation's military health care delivery system. This measure adopts positive ideas already based in other legislation, but offers an essential element that other plans do not—that is, choice. My legislation would offer the military retiree and his family a choice of several health care delivery plans. Having the choice to decide which health care plan works well is important for two reasons: to ensure control of overall health care reform costs and to reflect the reality that each retiree's needs can be very different.

Some military retirees live near military installations and could use military health care if they had access to it. Others who live far from installations might be satisfied, for example, with the addition of a relatively low-cost prescription drug benefit. Still others, however, might desperately need full-coverage insurance such as the Federal Employees Health Benefits Program (FEHBP). The plan would accommodate these different requirements. This health care reform plan also would be portable and less dependent on any specific military hospital system, particularly if further rounds of base closures occur.

SPECIFIC ELEMENTS OF THE PLAN

For Medicare-eligible military retirees, this legislation authorizes the following options:

Option 1: Establishes a nationwide mail-order pharmacy service and community-based pharmacy network to serve the prescription drug needs of over-age 65 military retired members, their spouses and survivors of the military community; this provision would expand the Base Realignment and Closure (mail-order and TRICARE retail) pharmacy benefit nationwide to all Medicare-eligible uniformed services beneficiaries beginning October 1, 2000.

Option 2: Allows Medicare-eligible retirees to enroll in the Medicare subvention benefit and expands TRICARE Senior Prime nationwide beginning October 1, 2000.

Option 3: Allows Medicare-eligible retirees to enroll in the Federal Employees Health Benefits Program (FEHBP) and would expand FEHBP benefits worldwide effective with the fall 2000 open enrollment period and coverge beginning January 1, 2001.

This legislation includes a critical "Sense of the Senate" instruction: That urgent priority should be given to the enactment of legislation (such as S. 2003/H.R. 2966) that provides health care coverage at no cost for Medicare-eligible military retirees who first entered the service before June 7, 1956, and their dependents. Such legislation also should have priority consideration by the Senate committee with jurisdiction over the bill and the measure should receive expedited consideration by the full Senate, immediately after it has been reported out of committee to the Senate.

This legislation proposes to make essential improvements to the military health delivery system for active duty servicemembers and their families, including:

Elimination of copayments and deductibles for all active duty family members enrolled in TRICARE Prime; this is a great quality of life improvement for our military personnel and their families, especially our enlisted families; and

Extension of TRICARE Prime Remote coverage free of charge to the families of 80,000 active duty members living more than 50 miles from a military medical treatment facility (i.e., recruiters, ROTC instructors, reserve center and National Guard active duty personnel, and others similarly situated), who are unable to participate in TRICARE Prime.

This measure proposes other significant administrative improvements to the military medical delivery system, including:

Promotes efficiency in the military health care system by combining the various uniformed services health care delivery systems for Medicare-eligibles under a common delivery program, TRICARE Senior Prime, just as the same systems for younger beneficiaries have been combined under TRICARE Prime;

Establishes an account within the Treasury called the Uniformed Services Retirees Health Care Account that helps fund the added cost of this new benefit for age-65 uniformed services retirees; under this concept, savings from efficiencies (such as moving to electronic vs. paper claims processing) could be devoted to fulfilling health care obligations to older retirees;

Authorizes the Secretary of Defense to enter into contracts with private industry for the purpose of recovering overpayments to civilian health care providers under TRICARE program; these services may include audits and other services deemed necessary by the Secretary of Defense;

Directs the Secretary of Defense to enhance and simplify the TRICARE health program through administrative efficiencies and the use of the Internet relating to marketing, beneficiary enrollment, beneficiary and provider education, claims processing, scheduling of appointments and other services, as deemed appropriate by the Secretary, to enhance the military health delivery system; and

Directs the Secretary of Defense to design and issue a national enrollment card for the TRICARE health program that shall serve as an enrollment card for participation in the TRICARE program nationwide; the enrollment card is designed to facilitate the ready portability of benefits under TRICARE nationwide.

CONCLUSION

The federal government must not fail our nation's military retirees, their families, and survivors in ensuring the continuation of adequate health care coverage in their late years. I believe the steps I have outlined today, which have earned the overwhelming endorsement of The Military Coalition and The Military And Veterans' Alliance, representing 9 million members, start us down the road to comprehensive reform of the military health care system. Such an effort has not been seen in decades, and would fulfill our obligation to our military retirees and bolster retention and readiness among today's servicemembers.

Mr. President, I concur with the Joint Chiefs that this truly is the year of military health care reform. The success of the legislation that I am introducing today will depend significantly on Congress' ability to produce real military health care reform and provide the necessary resources in a timely manner. In addition, it will be important that the Pentagon, private industry, and the military retirees and active duty servicemembers who utilize the system can work together and galvanize support for a solid military health care system for the long term.

Mr. President, I ask that letters from The Military Coalition, The Military And Veterans Alliance, the Air Force Association (AFA), the National Association For Uniformed Services (NAUS), and Colonel George "Bud" Day, USAF, Ret. (a Medal of Honor recipient and who is very active in military and veterans' issues) in support of this comprehensive military health care reform plan be placed in the RECORD, immediately following my remarks. In addition, I ask that the bill be printed in the RECORD as well as the letters from the military and veterans' associations.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 2013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Honoring Health Care Commitments to Servicemembers Past and Present Act of 2000".

SEC. 2. SENSE OF SENATE ON HEALTH CARE FOR MEMBERS OF THE UNIFORMED SERVICES WHO FIRST BECAME MEMBERS BEFORE JUNE 7, 1956, AND THEIR DEPENDENTS.

It is the sense of the Senate that—

(1) urgent priority should be given to the enactment of legislation that provides health care coverage for Medicare-eligible members and former members of the uniformed services who first became members of the uniformed services before June 7, 1956, and for their dependents, at no cost to such members, former members, and dependents; and

(2) the bill proposing to provide the health care coverage described in paragraph (1), which has been introduced in the Senate, should—

(A) receive priority of consideration by the committee of the Senate having jurisdiction over the bill; and

(B) become the pending business of the Senate immediately after its reporting to the Senate by the committee of the Senate described in paragraph (1).

SEC. 3. PARTICIPATION OF MEDICARE-ELIGIBLE BENEFICIARIES IN CERTAIN DEPARTMENT OF DEFENSE PHARMACY PROGRAMS.

(a) IN GENERAL.—Not later than October 1, 2000, the Secretary of Defense shall—

(1) expand and make permanent the demonstration project for pharmaceuticals by mail established under subsection (a) of section 702 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1079 note) in order to permit individuals described in subsection (b) worldwide to obtain pharmaceuticals through the project; and

(2) modify each managed health care program which includes a managed care network of community retail pharmacies under subsection (b) of such section 702 to supply prescription pharmaceuticals to the individuals described in subsection (b) of this section through such network in the area covered by such program.

(b) ELIGIBLE INDIVIDUALS.—(1) Except as provided in paragraph (2), an individual eligible to obtain pharmaceuticals under this section is a member or former member of the uniformed services described in section 1074(b) of title 10, United States Code, a dependent of a member described in subsection (a)(2)(B) or (b) of section 1076 of that title, or a dependent of a member who died while on active duty for a period of more than 30 days, who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) An individual described in paragraph (1) is not eligible to obtain pharmaceuticals under this section if the individual is covered by a health benefits plan offered through the Federal Employee Health Benefits program, whether as an employee under chapter 89 of title 5, United States Code, or pursuant to section 1108 of title 10, United States Code.

(c) FEES AND CHARGES.—(1) Subject to paragraph (2), the amount of the deductible, copayment, annual fee, or other fee, if any, paid by an eligible individual described in subsection (b) who obtains a pharmaceutical under this section through the project referred to in subsection (a)(1) or a retail pharmacy network referred to in subsection (a)(2) shall not exceed the amount of the deductible copayment, annual fee, or other fee paid by other persons for such pharmaceutical through the project or the pharmacy network, as the case may be.

(2) An eligible individual described in subsection (b) shall not be charged an enrollment fee for participation in the project or a retail pharmacy network under this section.

(3) The Secretary of Defense may not establish or collect any new fee or charge under the project referred to in subsection (a)(1), or any retail pharmacy network referred to in subsection (a)(2), by reason of the participation of eligible individuals described in subsection (b) in the project or network under this section.

SEC. 4. NATIONWIDE EXPANSION OF MEDICARE SUBVENTION.

(a) PARTICIPANTS.—Effective October 1, 2000, subsection (a)(4) of section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is amended by adding after subparagraph (D) the following new flush matter:

"Notwithstanding the first sentence of this subparagraph, the term does not include any individual who is covered by a health benefits plan offered through the Federal Employee Health Benefits program, whether as an employee under chapter 89 of title 5, United States Code, or pursuant to section 1108 of title 10, United States Code.".

(b) Repeal of Limitation on Number of Sites.—Effective October 1, 2000, paragraph (2) of section 1896(b) of such Act is amended to read as follows:

"(2) Location of sites.—

"(A) In general.—The program shall be conducted in any site designated jointly by the administering Secretaries.

"(B) Fee-for-service.—If feasible, at least 1 of the sites designated under subparagraph (A) shall be conducted using the fee-for-service reimbursement method described in subsection (l)(1).

"(C) Uniformed services treatment facilities.—If feasible, designated providers covered by section 722 of the National Defense Authorization Act for 1997 (Public Law 104-201; 10 U.S.C. 1073 note) shall be included among the sites designated by the administering Secretaries.".

(c) Making Project Permanent; Changes in Project References.—

(1) Elimination of time limitation.—Paragraph (4) of section 1896(b) of such Act is repealed.

(2) Conforming changes of references to demonstration project.—Section 1896 of such Act is further amended—

(A) in the heading, by striking "DEMONSTRATION PROJECT" and inserting "PROGRAM";

(B) by amending subsection (a)(2) to read as follows:

"(2) Program.—The term 'program' means the program carried out under this section.";

(C) in the heading to subsection (b), by striking "Demonstration Project" and inserting "Program";

(D) by striking "demonstration project" or "project" each place either appears and inserting "program"; and

(E) in subsection (k)(2)—

(i) in the heading, by striking "extension and expansion of demonstration project" and inserting "program"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) whether there is a cost to the health care program under this title in conducting the program under this section; and

"(B) whether the terms and conditions of the program should be modified.".

(3) Repeal of obsolete reporting requirement.—Paragraph (5) of section 1896(b) of such Act is repealed.

(d) Correction of Reference to Medicare-Eligible Retirees.—Section 1896 of such Act is further amended—

(1) in the heading, by striking "MILITARY RETIREES" and inserting "UNIFORMED SERVICES RETIREES";

(2) in paragraph (4) of subsection (a)—

(A) in the caption, by striking "Military Retiree" and inserting "Uniformed Services Retiree"; and

(B) by striking "military retiree" and inserting "uniformed services retiree"; and

(3) by striking "military retirees" each place it appears and inserting "uniformed services retirees".

(e) Permitting Payment on a Fee-for-Service Basis.—

(1) In general.—Section 1896 of the Social Security Act is further amended by adding at the end the following new subsection:

"(l) Reimbursement on Fee-For-Service Basis.—

"(1) Reimbursement at designated sites.—In the case of a medicare health care service provided at a site, if any, designated for operation under the fee-for-service model under subsection (b)(2)(B), the Secretary shall reimburse the Secretary of Defense at a rate equal to 95 percent of the amount that otherwise would be payable under this title on a noncapitated basis for the service if the site were not part of the program under this section.

"(2) Reimbursement for unenrolled individuals.—Notwithstanding subsection (i), in the case of medicare-eligible uniformed services retirees or dependents who are not enrolled in the program under this section, the Secretary may reimburse the Secretary of Defense for medicare health care services provided to such retirees or dependents at a military treatment facility under the program at a rate that does not exceed the rate of payment that would otherwise be made under this title for such services.

"(3) Inapplicability of limitations on federal payments.—Sections 1814(c) and 1835(d), and paragraphs (2) and (3) of section 1862(a), do not apply to the making of payments under this subsection.".

(2) Conforming amendments.—Such section is further amended—

(A) in subsections (b)(1)(B)(v) and (b)(1)(B)(viii)(I), by inserting "or subsection (l)" after "subsection (i)";

(B) in subsection (d)(1)(A), by inserting "(insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i))" before "shall meet";

(C) in subsection (d)(1)(A), by inserting "and the program (insofar as it provides for payment for medicare health care services provided at a military treatment facility on the basis described in subsection (l)) shall meet all requirements that are applicable to facilities that provide such services under this title" after "medicare payments";

(D) in subsection (d)(2), by inserting ", insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i)," before "shall comply";

(E) in subsection (g)(1), by inserting "insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i)," before "the Secretary of Defense";

(F) in subsection (i)(1), by inserting "and subsection (l)" after "of this subsection";

(G) in subsection (i)(4), by inserting "and subsection (l)" after "under this subsection"; and

(H) in subsection (j)(2)(B)(ii), by inserting "or subsection (l)" after "subsection (i)(1)".

(3) Effective date.—The amendments made by this subsection take effect on October 1, 2000, and apply to services furnished on or after such date.

(f) Elimination of Restriction on Eligibility.—Section 1896(b)(1) of such Act is amended by adding at the end the following new subparagraph:

"(C) Elimination of restrictive policy.—If the enrollment capacity in the program has been reached at a particular site designated under paragraph (2) and the Secretary therefore limits enrollment at the site to medicare-eligible uniformed services retirees and dependents who are enrolled in TRICARE Prime (as defined for purposes of chapter 55 of title 10, United States Code) at the site immediately before attaining 65 years of age, participation in the program by a retiree or dependent at such site shall not be restricted based on whether the retiree or dependent has a civilian primary care manager instead of a military primary care manager.".

(g) Medigap Protection for Enrollees.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

"(m) Medigap Protection for Enrollees.—

"(1) In general.—Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and section 1882(s)(4) shall apply to any enrollment (and termination of enrollment) in the program (for which payment is made on the basis described in subsection (i)) in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

"(2) Rule of construction.—In applying paragraph (1)—

"(A) in the case of enrollments occurring before October 1, 2000, any reference in clause (v) or (vi) of section 1882(s)(3)(B) to 12 months is deemed a reference to the period ending on September 30, 2001; and

"(B) the notification required under section 1882(s)(3)(D) shall be provided in a manner specified by the Secretary of Defense in consultation with the Secretary.".

SEC. 5. INCLUSION OF MEDICARE-ELIGIBLE UNIFORMED SERVICES BENEFICIARIES IN FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) FEHBP Option.—(1) Section 1108 of title 10, United States Code, is amended to read as follows:

"§ 1108. Health care coverage through Federal Employees Health Benefits program

"(a) FEHBP Option.—(1) The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management under which a medicare-eligible covered beneficiary described in subsection (b) will be offered an opportunity to enroll in a health benefits plan offered through the Federal Employee Health Benefits program under chapter 89 of title 5.

"(2) The agreement may provide for limitations on enrollment of medicare-eligible covered beneficiaries in the Federal Employee Health Benefits program if the Office of Personnel Management determines the limitations are necessary to allow for adequate planning for access for services under the Federal Employee Health Benefits program.

"(b) Medicare-Eligible Covered Beneficiary Described.—A medicare-eligible covered beneficiary referred to in subsection (a) is a covered beneficiary under this chapter who for any reason is or becomes entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). The covered beneficiary shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 as a condition for enrollment in a health benefits plan offered through the Federal Employee Health Benefits program pursuant to subsection (a).

"(c) Limitations on Enrollment.—The number of medicare-eligible covered beneficiaries enrolled in the Federal Employees Health Benefits program under this section shall not exceed 275,000.

"(d) Continued Participation in Uniformed Services Health System.—(1) A medicare-eligible covered beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or 1097 of this title.

"(2)(A) Subject to such limitations as the Secretary of Defense, after consultation with the other administering Secretaries, a medicare-eligible covered beneficiary described in paragraph (1) may continue to receive health care in a military medical treatment facility on a space available basis.

"(B) A treatment facility providing care under subparagraph (A) shall be reimbursed by the Federal Employees Health Benefits program for the cost of such care at rates not to exceed the rates of reimbursement for such care under the program if such care had been provided by a health care provider other than the treatment facility.

"(e) Limitations on Other Health Care Coverage.—(1) A medicare-eligible covered beneficiary who is covered by a health benefits plan through the Federal Employees Health Benefits program under subsection (a) may not, during a period of coverage under such plan under this section—

"(A) be enrolled in a health benefits plan under the Federal Employees Health Benefits program as an employee under chapter 89 of title 5;

"(B) be enrolled in the medicare subvention program for military retirees under section 1896 of the Social Security Act (42 U.S.C. 1395ggg);

"(C) otherwise obtain pharmaceuticals by mail under section 702(a) of Public Law 102–484 (10 U.S.C. 1079 note) pursuant to section 3(a)(1) of the Honoring Health Care Commitments to Servicemembers Past and Present Act of 2000; or

"(D) otherwise obtain pharmaceuticals through a network of retail pharmacies under section 702(b) of Public Law 102–484 pursuant to section 3(a)(2) of the Honoring Health Care Commitments to Servicemembers Past and Present Act of 2000.

"(2) A medicare-eligible covered beneficiary who is also eligible for participation in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 shall participate in the program, if at all, under that chapter.

"(f) Contributions.—(1) In the case of a medicare-eligible covered beneficiary who enrolls in a health benefits plan offered through the Federal Employee Health Benefits program pursuant to subsection (a), the administering Secretary concerned shall be responsible for Government contributions that the Office of Personnel Management determines are necessary to cover all costs in excess of beneficiary contributions under paragraph (2).

"(2) The contribution required from the enrolled medicare-eligible covered beneficiary shall be equal to the amount that would be withheld from the pay of a similarly situated Federal employee who enrolls in a health benefits plan under chapter 89 of title 5.

"(g) Management of Participation.—(1) If an enrolled medicare-eligible covered beneficiary is a member or former member of the uniformed services described in section 1074(b) of this title, the authority responsible for approving retired or retainer pay or equivalent pay for the member or former member shall manage the participation of the enrolled member or former member in a health benefits plan offered through the Federal Employee Health Benefits program pursuant to subsection (a).

"(2) If an enrolled medicare-eligible covered beneficiary is a dependent of a member or former member, the authority that is, or would be, responsible for approving retired or retainer pay or equivalent pay for the member or former member shall manage the participation of the dependent in a health benefits plan offered through the Federal Employee Health Benefits program under subsection (a).

"(3) The Office of Personnel Management shall maintain separate risk pools for enrolled medicare-eligible covered beneficiaries until such time as the Director of the Office of Personnel Management determines that complete inclusion of enrolled medicare-eligible covered beneficiaries under chapter 89 of title 5 will not adversely affect Federal employees and annuitants enrolled in health benefits plans under such chapter.

"(h) Effect of Cancellation.—The cancellation by a medicare-eligible covered beneficiary of coverage under the Federal Employee Health Benefits program under this section shall be irrevocable for purposes of this section.

"(i) Reporting Requirements.—Not later than November 1 of each year, the administering Secretaries and the Director of the Office of Personnel Management shall jointly submit to Congress a report describing the provision of health care services to medicare-eligible covered beneficiaries under this section during the preceding fiscal year. The report shall address or contain the following:

"(1) The number of medicare-eligible covered beneficiaries enrolled in health benefits plans offered through the Federal Employee Health Benefits program pursuant to subsection (a), both in terms of total number and as a percentage of all medicare-eligible covered beneficiaries receiving health care through the health care system of the uniformed services.

"(2) The out-of-pocket cost to enrolled medicare-eligible covered beneficiaries under such health benefits plans.

"(3) The cost to the Government (including the Department of Defense, the Department of Transportation, and the Department of Health and Human Services) of providing care under such health benefits plans as a result of this section.

"(4) A comparison of the costs determined under paragraphs (2) and (3) and the costs that would have otherwise been incurred by the Government and enrolled medicare-eligible covered beneficiaries under alternative health care options available to the administering Secretaries.

"(5) The effect of this section on the cost, access, and utilization rates of other health care options under the health care system of the uniformed services.

"(j) Time for Option.—The Secretary of Defense shall begin to offer the health benefits option under subsection (a) on January 1, 2001, with an initial open enrollment period conducted in the fall of 2000.".

(2) The item relating to section 1108 in the table of sections at the beginning of such chapter is amended to read as follows:

"1108. Health care coverage through Federal Employees Health Benefits program.".

(b) Conforming Amendments.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following:

"(d) Subject to subsection (e) of section 1108 of title 10, an individual whom an administering Secretary (as defined in section 1073 of such title) determines is a medicare-eligible covered beneficiary under subsection (b) of such section 1108 may enroll in a health benefits plan under this chapter in accordance with the agreement entered into under subsection (a) of such section 1108 between the Secretary of Defense and the Office and in accordance with applicable regulations under this chapter.";

(2) in section 8906(b), by striking paragraph (4) and inserting the following new paragraph (4):

"(4) In the case of individuals who enroll in a health plan in accordance with section 8905(d) of this title, the Government contribution shall be determined under section 1108(f) of title 10."; and

(3) in section 8906(g), by striking paragraph (3) and inserting the following new paragraph (3):

"(3) The Government contribution described in subsection (b)(4) for beneficiaries who enroll in accordance with section 8905(d) of this title shall be paid as provided in section 1108(f) of title 10.".

SEC. 6. ELIMINATION OF COPAYMENTS, DEDUCTIBLES, AND OTHER FEES FOR CARE FOR DEPENDENTS UNDER TRICARE PRIME.

(a) Elimination.—Section 1097a of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) Prohibition on Copayments and Other Fees for Care for Dependents.—No copayment, deductible, annual fee, or other fee may be collected for or with respect to any medical care provided a dependent (as described in subparagraph (A), (D), or (I) of section 1072(2) of this title) of a member of the uniformed services who is enrolled in TRICARE Prime.".

(b) Conforming and Clerical Amendments.—(1) The section heading of such section is amended by adding at the end the following: "; **prohibition on fees for certain beneficiaries**".

(2) The item relating to such section at the beginning of chapter 55 of such title is amended by inserting before the period the following: "; prohibition on fees for certain beneficiaries".

SEC. 7. HEALTH CARE COVERAGE OF IMMEDIATE FAMILY MEMBERS UNDER PROGRAM FOR MEMBERS ASSIGNED TO CERTAIN DUTY LOCATIONS FAR FROM CARE.

Section 1079 of title 10, United States Code, is amended by adding at the end the following:

"(p)(1)(A) Subject to such exceptions as the Secretary of Defense considers necessary, coverage for medical care under this section for the dependents referred to in subsection (a) of a member of the armed forces covered by section 1074(c) of this title who are residing with the member, and standards with respect to timely access to such care, shall be comparable to coverage for medical care and standards for timely access to such care under the managed care option of the TRICARE program known as TRICARE Prime.

"(B) No copayment, deductible, or annual fee may be collected for or with respect to any medical care provided a dependent under subparagraph (A).

"(2) The Secretary of Defense shall enter into arrangements with contractors under the TRICARE program or with other appropriate contractors for the timely and efficient processing of claims under this subsection.

"(3) The Secretary of Defense may not require dependents referred to in subsection (a) of a member of the armed forces described in section 1074(c)(3)(B) of this title to receive routine primary medical care at a military medical treatment facility.".

SEC. 8. UNIFORMED SERVICES RETIREE HEALTH CARE ACCOUNT.

(a) Establishment.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§1110. Uniformed Services Retiree Health Care Account

"(a) Establishment.—There is established in the Treasury an account to be known as

'Uniformed Services Retiree Health Care Account' (in this section referred to as the 'Account').

"(b) Transfers to Account.—There shall be transferred to the Account any unexpired funds (as determined by the Secretary of Defense, after consultation with the other administering Secretaries) in the Defense Health Program account that, as a result of economies, efficiencies, and other savings achieved in the medical care and health care programs of the Department of Defense, are excess to the requirements of such programs.

"(c) Use of Funds.—(1) Amounts in the Account may be used for purposes of covering the costs incurred by the Secretary of Defense and the other administering Secretaries in administering section 1108 of this title and the provisions of the Honoring Health Care Commitments to Servicemembers Past and Present Act of 2000 (including the amendments made by that Act).

"(2) Notwithstanding any other provision of law, amounts in the Account shall remain available until expended.

"(d) Unexpired Funds Defined.—In this section, the term 'unexpired funds' means funds appropriated for a definite period of time that remain available for obligation.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1110. Uniformed Services Retiree Health Care Account.".

SEC. 9. CONTRACT AUTHORITY FOR RECOVERY OF OVERPAYMENTS UNDER THE TRICARE PROGRAM.

Section 1097b of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Contract Authority for Recovery of Overpayments.—The Secretary of Defense may enter into contracts with appropriate private entities for purposes of recovering amounts of overpayments to health care providers under the TRICARE program. Services under contracts under this subsection may include audit services and such other services as the Secretary of Defense considers appropriate.".

SEC. 10. ENHANCEMENT OF EFFICIENCY OF ADMINISTRATION OF MILITARY HEALTH CARE SYSTEM.

(a) In General.—The Secretary of Defense, after consultation with the other administering Secretaries, shall take appropriate actions—

(1) to enhance the efficiency of administration of the provision of health care services under chapter 55 of title 10, United States Code, including the TRICARE program, in matters relating to marketing, beneficiary enrollment, beneficiary and provider education, claims processing, and the scheduling of appointments; and

(2) otherwise to improve the quality of service provided under that chapter.

(b) Particular Actions.—The actions taken by the Secretary of Defense under subsection (a) shall include the following:

(1) Simplification of administrative processes.

(2) Use of the Internet for critical administrative processes.

(c) Definitions.—In this section the terms "administering Secretaries" and "TRICARE program" shall have the meanings given such terms in section 1072 of title 10, United States Code.

SEC. 11. NATIONWIDE ENROLLMENT CARD UNDER THE TRICARE PROGRAM.

(a) Requirement.—The Secretary of Defense, after consultation with the other administering Secretaries, shall issue to covered beneficiaries under the TRICARE program an enrollment card which shall serve as an enrollment card for participation in the TRICARE program nationwide. The purpose of the enrollment card is to facilitate the ready portability of benefits under the TRICARE program.

(b) Definitions.—In this section the terms "administering Secretaries" and "TRICARE program" shall have the meanings given such terms in section 1072 of title 10, United States Code.

The Military Coalition,
Alexandria, VA, January 21, 2000.

Hon. John McCain,
U.S. Senate, Washington, DC.

Dear Senator McCain: The Military Coalition (TMC), a consortium of nationally prominent uniformed services and veterans associations representing more than five million current and former members of the uniformed services, plus their families and survivors, applauds your leadership in introducing comprehensive legislation aimed at correcting serious inequities in the military health care benefit.

The Coalition believes enactment of such comprehensive health care equity legislation is essential, not only to keep commitments to long-serving members who sacrificed so much, but also to rebuild the readiness of the current force. In this regard, broken health care promises have undermined one of the services' most potent recruiting resources—the enthusiasm of retired members to recommend service careers for their children and grandchildren and those of their friends and neighbors. The broken promises also hurt current force retention, as survey responses indicate that reenlistment-eligible members are increasingly aware of how poorly their predecessors are being treated.

We are grateful to you for introducing legislation that would keep promises to those who have already served and improve health care delivery to those currently in uniform. You legislation would accomplish TMC's longstanding health care equity goals by authorizing Medicare-eligibles an option to choose between coverage under TRICARE Senior Prime or TRICARE Senior Prime Remote, FEHBP-65, or DoD mail-order and retail pharmacy programs,. Members who first entered service before June 7, 1956 would be authorized to enroll themselves and their family members in DoD managed health care programs without any fees or copays. Active duty family members would be fully covered by Tricare Prime, without any copays, regardless of their duty location.

What you have proposed is the honorable thing to do, both to ensure retired members receive long-promised and badly needed health coverage in their senior years and to improve quality of life and retention among current and future active duty personnel. The Military Coalition looks forward to working with you and your staff in seeking to bring these important health care improvements to legislative reality.

Sincerely,

The Military Coalition.

Air Force Association.
Air Force Sergeants Association.
Army Aviation Assn. of America.
Assn. of Military Surgeons of the United States.
Assn. of the US Army.
Commissioned Officers Assn. of the US Public Health Service, Inc.
CWO & WO Assn. US Coast Guard.
Enlisted Association of the National Guard of the United States.
Fleet Reserve Assn.
Gold Star Wives of America, Inc.
Jewish War Veterans of the USA.
Marine Corps League.
Marine Corps Reserve Officers Assn.
Military Order of the Purple Heart.
National Guard Assn. of the United States.
National Military Family Assn.
National Order of Battlefield Commissions.
Naval Reserve Assn.
Navy League of the United States.
Reserve Officers Assn.
Society of Medical Consultants to the Armed Forces.
The Military Chaplains Assn. of the USA.
The Retired Enlisted Assn.
The Retired Officers Assn.
United Armed Forces Assn.
USCG Chief Petty Officers Assn.
US Army Warrant Officers Assn.
Veterans of Foreign Wars of the United States.
Veterans' Widows International Network, Inc.

National Military and
Veterans Alliance,
January 25, 2000.

Hon. John McCain,
U.S. Senate, Washington, DC.

Dear Senator McCain: The National Military and Veterans Alliance representing over 3.5 million military retirees and other veterans strongly supports your legislation, "Honoring Health Care Commitments to Service Members Past and Present Act of 2000."

The bill reflects your longstanding interest in improving military health care and it offers superb options for the entire military family, retirees, active duty, their families and survivors. With the closure and realignment of over 100 domestic military bases since 1988, hundreds of thousands of military beneficiaries have been left with no Department of Defense sponsored health care. This bill will repair the broken health care promise to the nation's warriors and will reassure those considering a military career that the nation will honor its promises made to those who have served to keep our country free.

We applaud your leadership in introducing this comprehensive legislation, which would include Medicare eligible retirees who desperately need medical care and are the only Federal employees who lose their DoD sponsored health care at age 65. The options offered are critical to military beneficiaries and include priority access to military treatment facilities and TRICARE Senior Prime networks, expansion of the Base Realignment and Closure pharmacy benefit, allows enrollment in the Federal Employees Health Benefits Program and establishes an accrual account for military health care as is done for other Federal retirees.

With additional base closings being recommended, each option in this legislation is essential. One size will not fit all beneficiaries and they need the maximum number of options to meet the varying needs of active duty, retirees, their families and survivors whatever their location or medical condition.

The nation does not have a surplus until all obligations are met. This bill will meet a major obligation of the Government and we thank you for introducing it.

Sincerely,

Air Force Sergeants Association; American Military Retirees Association; American Military Society; American Retirees Association; Catholic War Veterans; Class Act Group; Gold Star

Wives of America; Korean War Veterans Association; Military Order of the Purple Heart; Legion of Valor; National Assn. for Uniformed Services; Naval Enlisted Reserve Association;Naval Reserve Association; Non Commissioned Officers Assn; Society of Medical Consultants; The Retired Enlisted Association; TREA Senior Citizen League;Tragedy Assistance Program for Survivors; Veterans of Foreign Wars; Women in Search of Equity.

AIR FORCE ASSOCIATION,
Arlington, Virginia, January 25, 2000.

Hon. JOHN MCCAIN,
Senate Russell Building, Washington, DC.

DEAR SENATOR MCCAIN:

On behalf of the 150,000 members of the Air Force Association, I want to thank you for taking the lead in the Senate to enact legislation to restore affordable, portable and accessible health care for our nation's military members, their families and our retirees. I am confident your legislative actions on this bill will have a long-term, positive affect on the morale, welfare and retention of those who now serve on active duty and will keep faith with those now retired.

While I know other Members of the Senate are planning to introduce similar legislation, your very comprehensive bill has set a high standard for others to follow. I also am pleased to see that the Joint Chiefs of Staff (JCS) will make military health care reform their number one personnel-related issue this year. The majority of the concerns raised by the JCS are pointedly addressed in your legislation.

We want to work with you to get this bill enacted into law. Please let us know how we can be of assistance.

Sincerely,

THOMAS J. MCKEE.

NATIONAL ASSOCIATION FOR
UNIFORMED SERVICES,
Springfield, VA, January 25, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: The National Association for Uniformed Services and The Society of Military Widows with membership encompassing all grades, ranks, family members and survivors of all seven uniformed services strongly support your legislation, "Honoring Health Care Commitments to Service Members Past and Present Act of 2000."

We applaud your leadership in introducing this most comprehensive legislation which will improve access to health care for every category of military member, active duty, retired, family member and survivor.

This bill will repair the broken health care promise to the nation's warriors and will reassure those considering a military career that the nation will honor its promises made to those who have served to keep our country free. This legislation includes Medicare eligible retirees who desperately need medical care and are the only Federal employees who lose their DoD sponsored health care at age 65. The options offered are critical to military beneficiaries and include priority access to military treatment facilities and TRICARE Senior Prime networks, expansion of the Base Realignment and Closure pharmacy benefit, allows enrollment in the Federal Employees Health Benefits Program and establishes an accrual account for military health care as is done for other Federal retirees.

Each option in this legislation is essential. Beneficiaries need the maximum number of choices to meet the varying needs of active duty, retirees, their families and survivors whatever their location or medical condition.

This bill reflects your longstanding commitment to a strong national defense and the men and women who make that defense possible. It also will meet a major obligation of the Government and we thank you for introducing it.

Sincerely,

RICHARD D. MURRAY,
Major General, USAF (Ret),
President, NAUS and Administrator, SMW.

MONDAY, JANUARY 24, 2000.

CHRIS PAUL,
c/o JOHN S. MCCAIN III.

I am delighted that Senator John McCain has signed on to H.R. 2966. This is a giant step toward repairing the breach of contract by this Administration.

Furthermore, the McCain bill goes further to improve the health care delivery system for active duty servicemembers and their families and also repairs the "broken promise" for military retirees and their families.

COL. GEORGE "BUD" DAY,
Attorney for WWII-Korean Vets.

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 92

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 242

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 820

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 851

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 851, a bill to allow Federal employees to take advantage of the transportation fringe benefit provisions of the Internal Revenue Code that are available to private sector employees.

S. 1055

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 1055, a bill to amend title 36, United States Code, to designate the day before Thanksgiving as "National Day of Reconciliation."

S. 1708

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1708, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to require plans which adopt amendments that significantly reduce future benefit accruals to provide participants with adequate notice of the changes made by such amendments.

S. 1999

At the request of Mr. MACK, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1999, a bill for the relief of Elian Gonzalez-Brotons.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-160)

The PRESIDENT pro tempore. The Senate will proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Assistant Sergeant at Arms, Loretta Symms, the Secretary of the Senate, Gary Sisco, and the Vice President of the United States, ALBERT GORE, Jr., proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, William J. Clinton.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD).

ADJOURNMENT UNTIL MONDAY, JANUARY 31, 2000

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:50 p.m., the Senate adjourned until Monday, January 31, 2000, at 12 noon.

NOMINATION

Executive nomination received by the Senate January 27, 2000:

DEPARTMENT OF THE TREASURY

NANCY KILLEFER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FIVE YEARS. (NEW POSITION)

HOUSE OF REPRESENTATIVES—*Thursday, January 27, 2000*

The House met at noon.

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

May Your outstretched hand, O God, that lifts nations and peoples from the ordinary meanderings of the human spirit, touch our lives in such a way that we do extraordinary deeds to promote peace and good will, that we strive to champion justice and freedom and that we ever look to the needs of the homeless and those who are forgotten in our land. Make us instruments of healing when we are apart, make us agents of kindness where there is anger and make us good stewards of the blessings that have been the heritage of our land.

The Lord bless us and keep us,

The Lord make his face shine upon us, and be gracious unto us,

The Lord lift up his countenance upon us, and give us peace. Amen.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to Section 2 of House Concurrent Resolution 235, 106th Congress, the House will now proceed to organizational business.

CALL OF THE HOUSE

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1]

Ackerman
Allen
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bishop
Blagojevich
Bliley
Blumenauer
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Bonilla
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Boucher
Boyd
Brady (PA)
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Brown (OH)
Burr
Buyer
Callahan
Calvert
Camp
Canady
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Capps
Capuano
Cardin
Castle
Chabot
Chenoweth-Hage
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
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DeMint
Deutsch
Diaz-Balart
Dicks
Doyle
Dreier
Duncan
Edwards
Ehlers
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Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frost
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Gejdenson
Gephardt
Gilchrest
Gillmor
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Gonzalez
Goode
Goodlatte
Goodling
Gordon
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
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Larson
Latham
LaTourette
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Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Pease
Pelosi
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Sabo
Sánchez
Sandlin
Sawyer
Saxton
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weller
Weygand
Wicker
Wolf
Wu
Wynn
Young (FL)

☐ 1229

The SPEAKER. On this rollcall, 313 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maine (Mr. BALDACCI) come forward and lead the House in the Pledge of Allegiance.

Mr. BALDACCI led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolutions:

S. RES. 245

Whereas Floyd M. Riddick served the Senate with honor and distinction as its second Parliamentarian from 1965 to 1975;

Whereas Floyd M. Riddick created the Daily Digest of the Congressional Record and was its first editor from 1947 to 1951;

Whereas Floyd M. Riddick was Assistant Senate Parliamentarian from 1951 to 1964;

Whereas Floyd M. Riddick compiled thousands of Senate precedents into the official volume whose current edition bears his name;

Whereas Floyd M. Riddick served the Senate for more than 40 years;

Whereas Floyd M. Riddick upon his retirement as Senate Parliamentarian served as a consultant to the Senate Committee on Rules and Administration;

Whereas Floyd M. Riddick performed his Senate duties in an impartial and professional manner; and

Whereas Floyd M. Riddick was honored by the Senate with the title Parliamentarian Emeritus: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

S. RES. 246

Whereas Senator Curtis served with honor and distinction, for the State of Nebraska, in the House of Representatives from 1939 until his resignation in 1954 and in the Senate from 1955 to 1979;

Whereas Senator Curtis served his country for 40 years;

Whereas Senator Curtis stood for fiscal and social conservatism;

Whereas Senator Curtis regarded one of his biggest accomplishments as bringing flood control and irrigation to the Midwest;

Whereas Senator Curtis served as the Senate Republican Conference Chairman and ranking member on the Finance Committee during his last term in office;

Whereas Senator Curtis was admitted to the bar in 1930 and had a private law practice in Minden, Nebraska prior to his service in the House of Representatives; and

Whereas Senator Curtis served in Congress longer than any other Nebraskan: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Carl Curtis, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Carl Curtis.

S. RES. 243

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

The message also announced that the Senate withdraws its request for a conference dated November 19, 1999 on the bill (S. 376) "An Act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes," that the Senate disagrees to the amendment of the House to the above entitled bill and agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCain, Mr. Stevens, Mr. Burns, Mr. Hollings, and Mr. Inouye, to be the conferees on the part of the Senate.

The message also announced that pursuant to the provisions of Public Law 106-79, the Chair, on behalf of the President pro tempore, after consultation with the Majority and Minority Leaders, announces the appointment of the following Senators to the Dwight D. Eisenhower Memorial Commission, made during the sine die adjournment—

The Senator from Alaska (Mr. Stevens); and

The Senator from Kansas (Mr. Roberts).

The message also announced that pursuant to the provisions of Public Law 105-277, the Chair, on behalf of the Democratic Leader, who consulted with the Minority Leader of the House, announces the appointment of the following individual to serve as a member of the International Financial Institution Advisory Commission, made during the sine die adjournment—C. Fred Bergsten, of Virginia, vice Paul A. Volcker, of New York, resigned.

The message also announced that pursuant to Public Law 106-120, the Chair, on behalf of the Majority Leader, appoints the following individuals to serve as members of the National Commission for the Review of the National Reconnaissance Office—

The Senator from Colorado (Mr. Allard);

Martin Faga, of Virginia; and

William Schneider, Jr., of New York.

The message also announced that pursuant to Public Law 106-120, the Chair, on behalf of the Democratic Leader, appoints the following individuals to serve as members of the National Commission for the Review of the National Reconnaissance Office—

The Senator from Nebraska (Mr. Kerrey); and

Lieutenant General Patrick Marshall Hughes, United States Army, Retired, of Virginia.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to take this occasion to remind all Members and staff of the absolute prohibition contained in the last sentence of clause 5 of rule XVII against the use of any personal electronic office equipment, including cellular phones and computers, upon the floor of the House at any time.

The Chair requests all Members and staff wishing to receive or send cellular telephone messages to do so outside of the Chamber, and to deactivate, which means to turn off, any audible ring of cellular phones before entering the Chamber. To this end, the Chair insists upon the cooperation of all Members and staff and instructs the Sergeant at Arms, pursuant to Clause 3(a) of rule II, to enforce this prohibition.

☐ 1230

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 401) providing for a committee to notify the President of the assembly of the Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 401

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NOTIFICATION OF THE SENATE

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 402) to inform the Senate that a quorum of the House has assembled, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 402

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 403) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 403

Resolved, That unless otherwise ordered, before Monday, May 15, 2000, the hour of daily meeting of the House shall be 2 p.m. on Mondays; 11 a.m. on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 15, 2000, until the end of the second session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

JOINT SESSION OF THE CONGRESS—STATE OF THE UNION MESSAGE

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 241) and ask for its immediate consideration.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 241

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, January 27, 2000, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON MONDAY, JANUARY 31, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 2, 2000.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GRANTING MEMBERS OF HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN CONGRESSIONAL RECORD FOR THE SECOND SESSION OF 106TH CONGRESS

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that for the second session of the 106th Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the Record entitled "Extensions of Remarks."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE CHAIRMAN OF COMMITTEE ON RULES REGARDING CONSIDERATION OF AMENDMENTS TO H.R. 2005, THE WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT OF 1999

Mr. DREIER. Mr. Speaker, this afternoon a "Dear Colleague" letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of January 31 to grant a rule for the consideration of H.R. 2005, the "Workplace Goods Jobs Growth and Competitiveness Act of 1999."

The Committee on Rules may grant a rule which would require that amendments be preprinted in the Congressional Record. In this case, amendments must be preprinted prior to their consideration on the Floor.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 401

The SPEAKER pro tempore (Mr. Pease). Without objection, the Chair announces the Speaker's appointment of the following as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from Texas (Mr. Armey), and

The gentleman from Missouri (Mr. Gephardt).

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, Speaker pro tempore Morella signed the following enrolled bills on Thursday, December 2, 1999:

H.R. 2466, making appropriations for the Department of the Interior and Related Agencies for the Fiscal Year ending September 30, 2000, and for other purposes;

H.R. 3419, to amend Title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes;

H.R. 3443, to amend Part E of Title IV of the Social Security Act to provide states with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes;

And the following enrolled bill on Monday, December 6, 1999:

H.R. 1180, to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

House of Representatives,
Office of the Clerk,
Washington, DC, December 6, 1999.

Hon. J. Dennis Hastert,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 6, 1999 at 12:50 p.m.

That the Senate Agreed to conference report H.R. 1180

With best wishes, I am
Sincerely,

Jeff Trandahl,
Clerk of the House.

APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION FOR THE REVIEW OF THE NATIONAL RECONNAISSANCE OFFICE

The SPEAKER pro tempore. Pursuant to section 702(b) of the Intelligence Authorization Act for Fiscal Year 2000 (50 USC 401) and the order of the House of Thursday, November 18, 1999, the Speaker on Wednesday, January 12, 2000, appointed the following Member of the House to the National Commission for the Review of the National Reconnaissance Office:

Mr. Goss, Florida.

And from private life:

Mr. Eli S. Jacobs, New York.

Mr. Larry D. Cox, Maryland.

APPOINTMENT AS MEMBER OF COMMISSION ON THE ADVANCEMENT OF WOMEN AND MINORITIES IN SCIENCE, ENGINEERING, AND TECHNOLOGY DEVELOPMENT

The SPEAKER pro tempore. Pursuant to section 5(a) of the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development Act (42 USC 1885a) and the order of the House of Thursday, November 18, 1999, the Speaker on Monday, January 3, 2000, appointed the following individual on the part of the House to the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development to fill the existing vacancy thereon:

Mr. Charles E. Vela, Maryland.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

Committee on Transportation and Infrastructure, House of Representatives,
Washington, DC, November 15, 1999.

Hon. J. Dennis Hastert,
Speaker, House of Representatives,
Washington, DC

Dear Dennis: Enclosed please find copies of resolutions approved by the Committee on Transportation and Infrastructure on November 10, 1999, in accordance with 40 U.S.C. §606.

With warm regards, I remain
Sincerely,

Bud Shuster,
Chairman.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the

Committee on Education and the Workforce:

COMMITTEE ON EDUCATION AND THE
WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, December 14, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: The Higher Education Amendments of 1998 created the Web-Based Education Commission (the "Commission") to conduct a thorough study to assess the educational software available in retail markets for secondary and postsecondary students. The Commission will conduct the study by utilizing existing research, holding public hearings and facilitating information exchange within and between the Federal Government, State Governments and educators. As a result of amendments to the Web-Based Education Commission Act included in the Consolidated Appropriations Act for FY2000, the Chairman of the Committee on Education and the Workforce of the House of Representatives is to appoint a Member from the House to the Commission and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate is to appoint a Member from the Senate to the Commission.

Pursuant to Section 852(b) of Public Law 105–244 (as amended by Public Law 106–113), I hereby appoint the Honorable Johnny Isakson to the Web-Based Education Commission.

Sincerely,

BILL GOODLING,
Chairman.

COMMUNICATION FROM THE PRODUCTION OPERATIONS MANAGER, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Gary Denick, Production Operations Manager, Office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, January 11, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena *ad testificandum* and *duces tecum* issued by the Court for the District of Columbia in the case of *United States* v. *Armfield*, Case No. M13209–99.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

GARY DENICK,
Production Operations Manager.

COMMUNICATION FROM THE PRODUCTION OPERATIONS MANAGER, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Gary Denick, Production Operations Manager, Office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, January 18, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with two subpoenas *ad testificandum* and *duces tecum* issued by the Superior Court for the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the precedents and privileges of the House.

Sincerely,

GARY DENICK,
Production Operations Manager.

COMMUNICATION FROM THE HON. HENRY A. WAXMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable HENRY A. WAXMAN, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that my district office has been served with a deposition subpoena for business records issued by the Superior Court of California, County of Los Angeles, in the case of *McIntosh* v. *Department of Justice*, Case No. BC218586.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is not consistent with the precedents and privileges of the House.

Sincerely,

HENRY A. WAXMAN,
Member of Congress.ab

COMMUNICATION FROM THE ASSOCIATE ADMINISTRATOR, OFFICE OF HUMAN RESOURCES

The SPEAKER pro tempore laid before the House the following communication from Kay Ford, Associate Administrator, Office of Human Resources:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, December 8, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that the Custodian of Records, Office of Human Resources has received a subpoena for documents issued by the United States District Court for the Northern District of Ohio.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KAY FORD,
Associate Administrator,
Office of Human Resources.

COMMUNICATION FROM THE FINANCIAL COUNSELING DIRECTOR, OFFICE OF FINANCE

The SPEAKER pro tempore laid before the House the following communication from Jacqueline Aamot, Financial Counseling Director, Office of Finance:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, December 8, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that the Custodian of Records, Office of Finance has received a subpoena for documents issued by the United States District Court for the Northern District of Ohio.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JACQUELINE AAMOT,
Financial Counseling Director,
Office of Finance.

COMMUNICATION FROM COMMUNICATIONS SPECIALIST, HOUSE INFORMATION SYSTEMS

The SPEAKER pro tempore laid before the House the following communication from Margaret Mitchell, Communications Specialist, House Information Resources:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, December 8, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that the Custodian of Records, House Information Resources has received a subpoena for documents issued by the United States District Court for the Northern District of Ohio.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

MARGARET MITCHELL,
Communications Specialist,
House Information Resources.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the Floor of the House who does not have the privileges of the Floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the Floor must be strictly adhered to.

Children of Members will not be permitted on the Floor, and the cooperation of all Members is requested.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for special orders until 5:30 p.m., at which time the Chair will declare the House in recess.

The Chair will entertain 1-minute requests.

CITIZENSHIP FOR ELIAN GONZALEZ

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today in support of the bill that was introduced on Monday which would bestow citizenship upon Elian Gonzalez, a 6-year-old Cuban boy who was miraculously rescued off of Florida's shores on Thanksgiving Day.

This citizenship bill does not advocate for a particular outcome. It merely ensures due process. It ensures that a court of law will be afforded the opportunity to hear and evaluate all facts and arguments in the case; that it will hear testimony from Elian himself, who says he wants to stay here and who says he wants to be a citizen; that it will evaluate the statements of a child psychologist and other experts who present a comprehensive assessment of what is in Elian's best interest.

Mr. Speaker, in essence, this bill merely ensures that Elian's rights under the law are upheld and that his rights do not continue to be violated and circumvented by bureaucrats at INS.

Citizenship would also protect Elian in the event that he is required to return to Cuba against his wishes and one day seeks to return to our United States.

Mr. Speaker, for Elian's welfare and for the sake of justice, fairness and equality, I ask our colleagues to support the citizenship bill.

CONGRESS SHOULD NOT FORCE CITIZENSHIP ON ELIAN GONZALEZ

(Mr. SERRANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SERRANO. Mr. Speaker, Elian Gonzalez will be the only person in the history of this country to have citizenship and/or residency shoved down his throat. He has not asked for it and the guardian who we accept is speaking for him in Cuba has rejected it.

In the meantime, there are 2 million folks awaiting citizenship in this country who followed the law and will not get it on that date. There are 9 million undocumented aliens who will not receive residency on that date. The arrogance of all of this is that for the first time ever we are going back on a promise. We have said for years that we are not trying to hurt the Cuban people, but rather the Cuban government.

□ 1245

From a desire to hurt the Cuban government, we now question grandparents' love for their grandchild, after all, they are only tools of the Communist government, and fathers' love for their child.

I have spent 3 days with the grandmothers. We all know grannies. They do not seem to me to be crying Communist tears or Socialist tears. They are crying the tears of grandparents who want Elian back. They show me pictures of his room, of his toys. They said to me, "We cannot provide him trips to Disneyland or Disney World. We cannot provide him an electric car, but we love him, and we want him back."

DO NOT PLAY POLITICS WITH EMERGENCY FUEL ASSISTANCE

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, yesterday, President Clinton released $45 million in emergency fuel assistance to 11 States to help low-income families and senior citizens pay their utility bills, States that have been unusually hit by cold weather.

Mr. Speaker, I noted that New York, New Hampshire, and nine other States got these funds, but Minnesota got nothing. A State like Minnesota which has experienced very, very harsh winter temperatures, below zero windchills on a regular basis, where fuel prices are 30 percent higher than last year has got nothing.

As Senator WELLSTONE said yesterday, there is no reason to put families in New York or New Hampshire above families in Minnesota. I certainly agree with the good Senator from Minnesota. We are running out of money. And I have nothing against my friends in New York and New Hampshire, and perhaps their requests are warranted. But believe me, it is unfair, unconscionable, and unreasonable not to grant Minnesota the necessary funds.

Ninety thousand Minnesota families in need are going to be at risk if we do not get this emergency fuel assistance. I urge the White House not to play politics with the emergency fuel assistance.

SUPPORT LEGISLATION TO GIVE ELIAN GONZALEZ RESIDENT ALIEN STATUS

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, I join my colleagues today, and actually in comment of other colleagues as well, of supporting legislation that would give Elian Gonzalez at least resident alien status in the United States of America.

I do this because it is a Solomonesque answer to a tragic situation. But let me also just stop and reflect, and hopefully not just my colleagues but people throughout the country will listen, that if a mother left a country that had slavery and died on the way to freedom and her child was able to reach freedom and then the owner of the father told the father to ask for the boy back, we would be suspect of what the father said.

Unfortunately, the reality of Cuba today is exactly that. It is a country where the leader does, in fact, kill people indiscriminately, does in fact restrict freedom of speech, religion, and travel. If it were not so, what I just said, the father would be here.

The obvious reason the father is not here today or not here 2 months ago is because Castro is afraid that if he comes, he will not leave. I ask my colleagues to support this effort.

ASKING THE PRESIDENT TO PUT ASIDE PARTISAN DIFFERENCES AND WORK WITH CONGRESS ON BEHALF OF AMERICAN PEOPLE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, we all know President Clinton is coming to this Chamber tonight to deliver his last State of the Union address. As we all await with great anticipation what he will say and what he will propose, I would like to mention a few items I hope he will emphasize.

The House Republican leadership wrote to the President this week asking that he discuss three specific initiatives. I would like to echo their call to the President to, first, join us in protecting 100 percent of the Social Security Trust Fund; second, detail how he will pay off the public debt by 2013; and, third, sign meaningful and responsible tax fairness into law and do not propose higher taxes or more burdensome user fees.

If the President can address these items and resist the temptation to propose new spending programs that increase the size and scope of the Federal Government, then his speech will be well received by Congress.

Tonight is a major opportunity for cooperation, not confrontation. I hope the President will work with us this year on behalf of the American people and put aside partisan differences.

TAKE UP UNFINISHED BUSINESS OF 1999 AND PREPARE FAMILIES AND COMMUNITIES FOR 21ST CENTURY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, over the past 7 years, we have made significant progress in creating jobs, creating a budget surplus, and expanding opportunity. We now have the historic and unique opportunity to prepare for the future and to bolster American families.

Let us strengthen Social Security and Medicare for future generations, including a prescription drug benefit for all Medicare beneficiaries.

Let us provide tax cuts that eliminate the marriage penalty, help working and middle class families afford health care, child care, and a college education, enact HMO reform that puts medical decisions in the hands of the doctors and patients, and allows people to hold their HMOs accountable.

Let us improve our schools, modernize our classrooms, reduce class size, and increase discipline and standards in our school. Let us pass gun safety reforms and keep guns out of the hands of kids and criminals.

These are sensible proposals. They have bipartisan support. Let us take up the unfinished business of 1999, make good decisions for the long term, and prepare our families and our communities for the 21st Century.

FCC VIOLATES FREEDOM OF RELIGIOUS EXPRESSION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, it turns out that during the Christmas holiday season, when not a creature was stirring, not even a mouse, the Federal Communications Commission violated America's freedom of religious expression.

You see, the FCC on December 29, last year, concluded that in order for noncommercial educational television stations to retain their licenses, stations must devote 50 percent of their programming hours to shows that are educational and cultural. However, the FCC decided that "statements of personally held religious views and beliefs" could not qualify as educational or cultural.

Thus, broadcasts of religious sermons, simply the sermon, and church services, according to the FCC, would have no educational or cultural significance and would not count towards the 50 percent obligation.

As a result, I am proud to be an original cosponsor of the "Religious Broadcasting Freedom Act," which reverses this decision.

ACT AS AMERICANS WITH FAMILY VALUES; RETURN ELIAN GONZALEZ TO HIS FATHER AND GRANDMOTHERS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not have a prepared text this morning, and I would really rather be discussing the issues that this Congress needs to address for the American people, school construction, the idea of a Patients' Bill of Rights, and opportunities for Americans who have less than many of us. But having spent over 2 days with the grandmothers of Elian Gonzalez, today I come simply to plead to America and to plead to this Congress.

As the ranking member on the Subcommittee on Immigration and Claims, I simply ask, as a mother and as a parent, let us all put the angst of divisiveness aside and let us rule not with our political interests but with our hearts and ask ourselves, if it was us, our child, our grandchild, how would we want a Nation, a government to respond.

Mr. Speaker, we should not move on the citizenship legislation or the permanent residency. We should act as Americans who believe in family values. Return Elian to his grandmothers and his father.

A REAL BALANCED BUDGET MEANS DEBT WILL NOT INCREASE

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, it is important that the American people understand tonight, when we will hear the President brag about a balanced budget and paying off the debt, what is really involved. For the American people to understand that, the press has got to start understanding what a balanced budget is and the fact that our total debt of this country, the public debt of this country, is going up every year.

The suggestion is that we simply increase our borrowing from Social Security to reduce the so-called Wall Street debt. The current debt to this country, as defined in law, is $5.72 trillion. It is important that everybody understand we are not going to have a real balanced budget until the total debt of this country does not continue to increase.

SUPPORT RELIGIOUS BROADCASTING FREEDOM ACT

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, it is a cold day in Washington, but the chill is on religious broadcasters. A word to the Members: If one has a religious broadcaster or people who listen to religious broadcasters in one's district, their rights have been compromised. The rights are less than they were in 1999 because of an FCC decision on the Cornerstone license swap in Pittsburgh, Pennsylvania.

Since this order, traditional religious programming can no longer be counted toward the 50 percent educational programming requirement that must be met by those who would hold noncommercial television licenses.

Basically, the FCC wants less religion and more of what it considers educational on the noncommercial airways. The majority of commissioners apparently want religious broadcasters to look more like PBS.

My office has received hundreds of e-mails and telephone calls from people who want to protest this decision. I know many other Members have been contacted, and I want to invite all the Members to cosponsor the bill, the Religious Broadcasting Freedom Act. Join me and over 50 cosponsors already to protest the FCC's efforts to limit religious programming.

RHETORIC DOES NOT ALWAYS SQUARE WITH REALITY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I rise in strong support of the aforementioned legislation by my friend from Ohio and urge other Members to join us in this effort.

Mr. Speaker, there is a gulf between the rhetoric of Washington and the reality of everyday life in America. Not only are religious broadcasters under attack from this administration and its political appointees, also over our break we heard the Occupational Safety and Health Administration was going to come into one's home if one had a personal work station, if one was a telecommuter.

Mr. Speaker, it is in that spirit that I bring quite literally hope to the House floor today, the Home Office Protection Enhancement Act. Because even though the administration has backed away, now we know that rhetoric does not square with the reality.

Finally, Mr. Speaker, I would call on our President tonight to make sure that his words match his actions and to ensure that the only snow job in Washington was the blizzard visited upon the East Coast earlier this week.

RETURN ELIAN GONZALEZ TO HIS FATHER

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, I believe Elian Gonzalez should be allowed to return to his father. If it would be the reverse and we would have our child in Cuba, we would expect no difference.

Our responsibility is to look beyond the political issues. It is unfortunate that this issue has been politicized. It is unfortunate that it has gotten to this point.

If we look at our own present law, we would have allowed that individual to go to the father and to his grandmothers. The extended family that is there, even within the courts, should not have any jurisdiction. I feel very strongly that Americans should also be supportive of this. It is unfortunate that it has been tainted with politics and that that youngster has been used in politics.

I have heard also that, why is not the father here? Well, it is my understanding, I know that the gentleman from New York (Mr. SERRANO) has advised him not to come to the United States because they were concerned that, legally, he would have been detained here and a subpoena would also have forced him to be here. He also has another family.

We need to be conscientious. If we look at family values, we need to return Elian Gonzalez back to Cuba.

OPPOSITION TO GRANTING PERMANENT NORMAL TRADE RELATIONS TO CHINA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. WOLF. Mr. Speaker, I rise today to express my grave concern in granting China permanent normal trade relations. A recent Zogby International poll shows that the American people overwhelmingly oppose granting permanent trade relations with China until human rights and religious freedom improve.

Sixty-eight percent of the Republicans, 70 percent of the Democrats, 65 percent of Independents insist on better human rights and religious freedom within China before establishing permanent MFN. Every age group, every gender, every income, every political spectrum insists on human rights.

The American people know about the Chinese government's continued persecution of the Protestant House Church. They know the Chinese Government has seven Catholic Bishops in jail. They know that the Chinese have 10 Catholic priests in prison.

☐ 1300

They know they have plundered Tibet, and they know they are persecuting the Muslims.

I personally believe if the Congress votes to grant permanent normal trade relations, or MFN, for China, Congress will be on the wrong side of the American people and I believe on the wrong side of history.

Mr. Speaker, I provide for the RECORD documents in support of my comments.

39. Should the US have a permanent open market with China and admit the country to the global trade system or should the US insist on better human rights and freedom of religion in China before we establish a permanent open market?

	Total		Region								Party						Primary						Union			
			East		South		CentGrLk		West		Democrat		Republican		Independent		Democrat		Republican		Cannot Vote		Yes		No/NS	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Open Market	212	21.2	61	24.4	54	20.8	70	21.9	27	15.7	81	19.4	77	20.3	54	26.6	101	20.3	91	20.7	20	31.3	47	23.2	165	20.7
Human Rights	686	68.5	168	67.2	172	66.4	217	67.8	129	75.0	294	70.3	259	68.2	133	65.5	346	69.5	303	69.0	37	57.8	139	68.5	547	68.5
NS	103	10.3	21	8.4	33	12.7	33	10.3	16	9.3	43	10.3	44	11.6	16	7.9	51	10.2	45	10.3	7	10.9	17	8.4	86	10.8
Total	1001	100.0	250	100.0	259	100.0	320	100.0	172	100.0	418	100.0	380	100.0	203	100.0	498	100.0	439	100.0	64	100.0	203	100.0	798	100.0

	US Direction						Personal Finances								Age Group B									
	Right Direction		Wrong Track		NS		Better		Worse		Same		NS		18–24		25–34		35–54		55–69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Open Market	148	25.4	58	16.7	6	8.3	101	24.2	27	19.4	83	18.9	1	20.0	6	17.1	23	23.5	92	22.0	62	23.0	28	16.2
Human Rights	390	67.0	250	72.0	46	63.9	283	67.9	95	68.3	307	69.8	1	20.0	25	71.4	65	66.3	297	70.9	179	66.3	118	67.1
NS	44	7.6	39	11.2	20	27.8	33	7.9	17	12.2	50	11.4	3	60.0	4	11.4	10	10.2	30	7.2	29	10.7	29	16.8
Total	582	100.0	347	100.0	72	100.0	417	100.0	139	100.0	440	100.0	5	100.0	35	100.0	98	100.0	419	100.0	270	100.0	173	100.0

39. Should the US have a permanent open market with China and admit the country to the global trade system or should the US insist on better human rights and freedom of religion in China before we establish a permanent open market?

	Total		Born Again				Ideology												Gender				Work Outside			
			Yes		No/NS		Prog/VLiberal		Liberal		Moderate		Conservative		Very Cons		NS		Male		Female		Yes		No/NS	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Open Market	212	21.2	37	15.7	57	23.8	15	25.0	42	24.0	85	23.4	54	17.3	12	19.4	3	11.1	108	28.7	104	16.6	59	17.2	45	16.0
Human Rights	686	68.5	177	75.0	147	61.5	42	70.0	117	66.9	247	68.0	222	70.9	44	71.0	14	51.9	236	62.8	450	72.0	247	71.8	203	72.2
NS	103	10.3	22	9.3	35	14.6	3	5.0	16	9.1	31	8.5	37	11.8	6	9.7	10	37.0	32	8.5	71	11.4	38	11.0	33	11.7
Total	1001	100.0	236	100.0	239	100.0	60	100.0	175	100.0	363	100.0	313	100.0	62	100.0	27	100.0	376	100.0	625	100.0	344	100.0	281	100.0

39. Should the US have a permanent open market with China and admit the country to the global trade system or should the US insist on better human rights and freedom of religion in China before we establish a permanent open market?

	Total		Age Group								Education								Race									
			18–29		30–49		50–64		65+		<High School		High School		Some College		College +		White		Hispanic		Afr Amer		Asian		Other	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Open Market	212	21.2	17	23.9	82	22.0	60	20.5	52	20.2	4	12.9	23	10.9	63	19.2	122	28.4	184	21.2	5	29.4	14	18.7	4	50.0	4	12.5
Human Rights	686	68.5	46	64.8	258	69.2	213	72.7	165	64.0	23	74.2	159	75.4	231	70.4	272	63.3	593	68.5	11	64.7	53	70.7	3	37.5	24	75.0
NS	103	10.3	8	11.3	33	8.8	20	6.8	41	15.9	4	12.9	29	13.7	34	10.4	36	8.4	89	10.3	1	5.9	8	10.7	1	12.5	4	12.5
Total	1001	100	71	100	373	100	293	100	258	100	31	100	211	100	328	100	430	100	866	100	17	100	75	100	8	100	32	100

	Religion										Income											
	Catholic		Protestant		Jewish		Muslim		Other		<$15,000		$15–24,999		$25–34,999		$35–49,999		$50–74,999		$75,000+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Open Market	52	21.7	94	19.8	10	38.5	1	33.3	55	21.6	5	7.4	27	22.5	27	20.1	32	18.0	46	23.1	60	28.2
Human Rights	174	72.5	324	68.2	15	57.7	2	66.7	170	66.7	54	79.4	79	65.8	89	66.4	137	77.0	139	69.8	131	61.5
NS	14	5.8	57	12.0	1	3.8			30	11.8	9	13.2	14	11.7	18	13.4	9	5.1	14	7.0	22	10.3
Total	240	100.0	475	100.0	26	100.0	3	100.0	255	100.0	68	100.0	120	100.0	134	100.0	178	100.0	199	100.0	213	100.0

[From the Cardinal Kung Foundation, Updated: December 8, 1999]

PRISONERS OF RELIGIOUS CONSCIENCE FOR THE UNDERGROUND ROMAN CATHOLIC CHURCH IN CHINA

The following is a list of persons known to the Cardinal Kung Foundation to be Roman Catholics who are confined for their religious belief and religious activity. This list is by no means complete, because of the difficulties in obtaining details. Accordingly, many cases of arrest were not reported here.

A: Murdered:

PRIESTS

1. Father Yan Weiping, Yixian, Hebei Arrested May 13, 1999 and found dead on a street in Beijing. He was 33. (Our press release July 5, 1999.)

B. Now in Prison or Under House Arrest or Under Survellance or In Hiding:

BISHOPS

1. Bishop AN Shuxin, Baoding, Hebei—Arrested in March, 1996. (Our press release June 17, 1996.)

2. Bishop FAN Zhongliang, S.J., Shanghai—under strict surveillance.

3. Bishop HAN Dingsiang, Yong Nian, Hebei—Arrested and released on and off. We believe that he is now in hiding.

4. Bishop HAN Jingtao, Jilin—Prevented by police from exercising his ministry. (Fides press release February 13, 1998.)

5. Bishop JIA Zhiguo, Bishop of Zhengding, Hebei—Arrested August 15, 1999. (Our press release November 2, 1999.)

6. Bishop Li Side, Tianjin, Hebei—Confined to the top of a mountain.

7. Bishop Lin Xili, Bishop of Wenzhou, Zhejiang—Arrested September 7, 1999. (Our press release September 13, 1999.)

8. Bishop Liu Guandong, Yixian, Hebei—Paralyzed, but still under strict surveillance.

9. Bishop Shi Enxiang, Yixian, Hebei—In hiding.

10. Bishop Su Zhimin, Baoding, Hebei—Rearrested October 8, 1997 after 17 months in hiding. (Our press release October 11, 1997.) He has disappeared. His whereabouts are unknown.

11. Bishop Xie Shiguang, Mindong, Fujian—Arrested mid-October 1999. Whereabouts unknown. (Zenit Release, Nov. 10, 1999.)

12. Bishop Zeng Jingmu, Yu Jiang, Jiangxi—Arrested November 22, 1995. Sentenced to 3 years. (Our press release November 26, 1995.) He was released from jail May 9, 1998 and is now under house arrest with 24-hours armed guards watching over him. (Our press release May 10, 1998.)

13. Bishop Zhang Weizhu, Xianxian, Hebei—Arrested May 31, 1998. (Our press release June 5, 1998.) Current status unknown.

NOTE: Notwithstanding the above list, almost all underground bishops are either in jail, under house arrest, hiding with or without arrest warrant, in labor-camp, or under severe surveillance.

PRIESTS

1. Father Guangyao, Shanghai—Arrested August 16, 1999 after he treated his parishioners a simple noodle dish symbolizing longevity for Cardinal Kung's 98th birthday. His whereabouts are unknown. (Our press release September 13, 1999.)

2. Father Cui Xingang, Dong Lu, Hebei—Arrested in March 1996. (Our press release June 17, 1996.)

3. Father Kong Buocum, Wenzhou, Zhejiang—Arrested about October 20, 1999. Whereabouts and current status unknown. (Zenit Release, Nov. 10, 1999.)

4. Father Lin Rengui, Pingtan County, Fujian—Arrested Christmas 1997. Sentence and current status unknown.

5. Father Lu Genyou, Baoding, Hebei—Arrested about November 3, 1999. Whereabouts and current status unknown.

6. Father Ma Qingyuan, Baoding, Hebei—Being pursued for capture. (Our press release February 20, 1998.) He is now in hiding.

7. Father Pei Junchao, Youtong, Hebei—Arrested January 1999. (Our press release January 31, 1999.) Current status unknown.

8. Father Shao Amin, Wenzhou, Zhejiang—Arrested September 5, 1999. Other details unknown. (Our press release September 13, 1999.)

9. Father Shi Wende, Yixian Diocese, Hebei—Arrested and released many times since March 14, 1998. (Our press release April 15, 1998.) He has been tortured severely and is now in bad health.

10. Father Wang Chengi—Arrested December 1996. Sentence 3 years. Now at Shandong Jining Reeducation Camp. Source: Mr. John Kamm.

11. Father Wang Chengzhi, Wenzhou, Zhejiang—Arrested September 3, 1999. Other details unknown. (Our press release September 13, 1999.)

12. Father Wei Jingkun, Baoding, Hebei—Arrested August 15, 1998. (Our press release October 13, 1998.) Current status unknown.

13. Father Xiao Shixiang—Arrested June 1996. Sentenced to 3 years. Now at Tianjin #5 prison. Source: Mr. John Kamm.

LAITY

1. Mr. An Xianliang, An Jia Zhuang Village, Xushui County, Baoding, Hebei—Arrested in 1996. Sentenced to three years.

2. Mr. Di Yanlong—An Jia Zhuang Village, Xushui County, Baoding, Hebei—Arrested in 1996. Sentenced to three years.

3. Mr. Guo Baochen—Sentenced to 2 years. Now at Shandong Changle Reeducation Camp. Source: Mr. John Kamm. Current status unknown.

4. Ms. Huang Guanghua, Chong Ren County, Jianxi—Arrested April 1995. (Our press release May 1, 1995.) Current status unknown.

5. Mr. Huang Tengzong, Chong Ren County, Jiangxi—Arrested August 1995. (Our press release Sept. 11, 1995.) Current status unknown.

6. Mr. Jia Futian—Yangzhuang Village, Hengshui City, Hebei—Arrested in 1996. Sentenced to three years.

7. Mr. Li Lianshu—Arrested Christmas 1995. Sentenced to four years. Now at Shandong #1 Reeducation Camp. Source: Mr. John Kamm.

8. Mr. Li Quibo—Arrested Easter 1996. Sentenced to three years. Now at Shangdong #1 Reeducation Camp. Source: Mr. John Kamm.

9. Mr. Li Shengxin—An Guo City, Baoding, Hebei—Arrested in 1996. Sentenced to three years.

10. Mr. Li Xin, Heng Shui, Hebei—Arrested in 1996. Sentenced to three years.

11. Mr. Pan Kunming, Yu Jiang, Jiangxi—Arrested April 1995. Sentenced to 5 years. (Our press release July 19, 1995.)

12. Ms. Rao Yanping, Yu Jiang, Jiangxi—Arrested April 1995. Sentenced to 4 years. (Our press release July 19, 1995.)

13. Mr. Wang Chengqun, Baoding, Hebei—Arrested 1996. Sentenced to three years. Current status unknown.

14. Mr. Wang Tongsheng—Quan Kun Village, Qing Yuan County, Baoding, Hebei—In hiding. Being hunted by the police.

15. Mr. Wang Yungang—Arrested Christmas 1996. Sentenced to 2 years at Shandong Changle Reeducation Camp. Source: Mr. John Kamm. Current status unknown.

16. Ms. Xie Suqian, Baoding, Hebei—Arrested August 15, 1998. (Our press release October 13, 1998.) Current status unknown.

17. Mr. Xiong Bangyin, Xiagangcum Village, Sunfangzhen Township, Chongren County, Jiangxi—Arrested June 26, 1999, prosecuted August 13, 1999 and found guilty. (Our press release November 2, 1999.) Sentenced to one year—AFP release Nov. 2, 1999.

18. Mr. Yang Guosun, Xiagangcum Village, Sunfangzhen Township, Chongren County, Jiangxi—Arrested June 26, 1999, prosecuted August 13, 1999 and found guilty. (Our press release November 2, 1999.) Sentenced to one year—AFP release Nov. 2, 1999.

19. Mr. Yang, Jijiang, Xiagangcum Village, Sunfangzhen Township, Chongren County, Jiangxi—Arrested June 26, 1999, prosecuted August 13, 1999 and found guilty. (Our press release November 2, 1999.) Sentenced to one year—AFP release Nov. 2, 1999.

20. Mr. Yang Laixing, Xiagangcum Village, Sunfangzhen Township, Chongren County, Jiangxi—Arrested June 26, 1999, prosecuted August 13, 1999 and found guilty. (Our press release November 2, 1999.) Sentenced to one year—AFP release Nov. 2, 1999.

21. Mr. Yang Liulang, Xiagangcum Village, Sunfangzhen Township, Chongren County, Jiangxi—Arrested June 26, 1999, prosecuted August 13, 1999 and found guilty. (Our press release November 2, 1999.) Sentenced to one year—AFP release Nov. 2, 1999.

22. Mr. Yang Wenhui, Xiagangcum Village, Sunfangzhen Township, Chongren County, Jiangxi—Arrested June 26, 1999, prosecuted August 13, 1999 and found guilty. (Our press release November 2, 1999.) Sentenced to one year—AFP release Nov. 2, 1999.

23. Mr. Yao Jinqiu—An Jia Zhuang Village, Xushui County, Baoding, Hebei—Arrested 1996. Sentenced to three years.

24. Ms. Yu Qixiang, Yu Jiang, Jiangxi—Arrested April 1995. Sentenced to 2 years. (Our press release July 19, 1995.) Current status unknown.

25. Mr. Yu Shuishen, Yu Jiang, Jiangxi—Arrested April 1995. Sentenced to 3 years. (Our press release July 19, 1995.) Current status unknown.

26. Mr. Zhou Quanxin, Baoding, Hebei—Arrested May 23, 1999. (Our press release July 5, 1999.) Current status unknown.

27. Mr. Zhou Zhenpeng, Baoding, Hebei—Arrested May 23, 1999. (Our press release July 5, 1999.) Current status unknown.

28. Mr. Zhou Zhenmin, Baoding, Hebei—Arrested May 23, 1999. (Our press release July 5, 1999.) Current status unknown.

29. Mr. Zhou Zhenquan, Baoding, Hebei—Arrested May 23, 1999. (Our press release July 5, 1999.) Current status unknown.

30. Mr. Zhou Zimin, Xiagangcum Village, Sunfangzhen Township, Chongren County, Jiangxi—Arrested June 26, 1999, prosecuted August 13, 1999 and found guilty. (Our press release November 2, 1999.) Sentenced to one year—AFP release Nov. 2, 1999.

C. Previously imprisoned, now released:

1. Father Chen HeKun, Quantou, Hebei—Arrested January 1999 (Our press release January 31, 1999.) Now released.

2. Father Chu Guangyao, Shanghai—Arrested August 3, 1999, and released August 5, 1999. Arrested again August 16. Now released.

3. Ms. Gao Shuping, Lin Chuan City, Jiangxi—Arrested Nov. 1996. Now released.

4. Ms. Gao Shuyin, Chongren County, Jiangxi—Arrested April, 1995. Now released.

5. Ms. Guo, Jiancheng—An Jia Zhuang Village, Xushui County, Baoding, Hebei—Arrested in 1996. Now released.

6. Father Hu Duo, Baoding, Hebei—Arrested Spring, 1997. Sentenced to 3 years. Now released.

7. Father Liao Haiqing, Yu Jiang, Jiangxi—Arrested in August, 1995. (Our press release October 9, 1995.) Now released.

8. Father Lu Genyou, Baoding, Hebei—Arrested April 5, 1998, released around April 20, 1998. (Our press release April 15, 1998 and our press release May 10, 1998.) Now released.

9. Father Wang Quanjun, Baoding, Hebei—Arrested September, 1997. (Fides press release, December, 1997.) Now released.

Summary of victims (murdered recently or suffering for their faith)

Murdered recently	1
Bishops	13
Priests	13
Laity	30
Previously imprisoned, now released	9
Total	63

TRIBUTE TO MARDI MONTGOMERY, KENTUCKY TEACHER OF THE YEAR

(Mr. FLETCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLETCHER. Mr. Speaker, I rise today to acknowledge an outstanding educator in central Kentucky and one of the exemplary teachers of this Nation. As a freshman and senior honors English teacher at Boyle County High School, this teacher of 6 years has added a curriculum that instills compassion and understanding in her students.

Recently, the Kentucky Department of Education selected this distinguished teacher, Mardi Montgomery, as Kentucky Teacher of the Year for 2000. She was nominated for this honor by her fellow teachers and selected, along with others, from a list of very deserving semifinalists.

Mrs. Montgomery sought to integrate her students with the community by forming the Boyle County Breakfast Book Club in which students and local community members, from grandmothers to business leaders, critically read and discuss books. This creative approach has led her students to a deeper appreciation for literature and learning.

Today, I join our central Kentucky community in recognizing a remarkable teacher for making a significant contribution in the lives of her students and to education. I find it most fitting that Mrs. Mardi Montgomery receive this prestigious award.

BIG SPENDING HURTS TAXPAYERS IN MORE WAYS THAN ONE

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, we learned a painful lesson in the not so distant past; that when the big spenders in Washington get their way, the taxpayers get the shaft. When the budget is drained to fund all sorts of pork barrel projects and special interest boondoggles, there is nothing left for those who pay the freight: Working American families.

Not only do our working folks fail to get a long overdue and well-deserved tax break, we now learn that the Federal Reserve Board is watching Congress very closely to see if it intends to engage in more reckless spending. If it does, the Fed is apparently ready to raise interest rates to head off any inflation that excessive government spending may bring about.

So who is the big loser? Again, my colleagues may have guessed it, the American taxpayer. Not only is the taxpayer denied a tax reduction, because there is no money left in the bank, but he or she will also pay higher interest rates on mortgages, on car payments, on education loans, on credit cards, et cetera.

Mr. Speaker, this year let us tell the President and his free-spending friends in this body that enough is enough. We are not going to let them pick the taxpayers' pockets any more.

REPUBLICAN PARTY IS ON NATIONWIDE HOLY WAR TO REDUCE TAXES

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I have a message for the American people. Let me be perfectly clear: Despite the extraordinary case of amnesia on the part of some about what got us here, amnesia on a scale that is rivaled only by that of Lorena Bobbitt and O.J. Simpson, I wish to state to all Americans that the Republican Party of Ronald Reagan is on a nationwide jihad for lower taxes.

That is right, Mr. Speaker. The Republican Party is on a holy war on behalf of hard-pressed working people whose take-home pay has stagnated. We do not stand for tax cuts tomorrow. We do not stand for tax cuts at some theoretical future date that is conditional on the politicians' good behavior. We do not stand for targeted tax cuts, which we all know is a code for no one is going to get one. We do not stand for some groups and not others. We do not stand for tax relief only for those who are represented by special interest groups.

No, Mr. Speaker, we are for lower taxes for all working Americans, and we want lower taxes now.

U.N. PROSTITUTION PROTOCOL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, imagine a woman filled with hope accepting a new job in a big city. Promises of freedom from manual labor and better income have lured her away from her family. When she meets her new boss, she is crushed. She is given tight clothes to wear, condoms for her customers, she is beaten, raped, locked in a trailer and forced to have sex with whoever walks in the trailer.

Unfortunately, this happens every day in some parts of Asia, Africa, Latin America and, yes, even the United States.

Many of us were surprised to learn that the administration's Interagency Council on Women has apparently been supporting a move to alter the U.N. Convention on Transnational Organized Crime to accept so-called "voluntary" prostitution. They want to adopt what is called the Netherland's definition of prostitution, which excludes anything that cannot be proven to be coerced.

Mr. Speaker, this would make it virtually impossible to prosecute sex traffickers in nations adopting this protocol. We should oppose the forced Europeanization of America by United Nations' bureaucrats using the failed social policies of the Netherlands.

I hope it is not true, and I hope this will be stopped.

LISTEN CAREFULLY TO PRESIDENT'S STATE OF THE UNION ADDRESS TONIGHT

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, President Clinton is going to give his State of the Union message this evening and I am going to listen very, very intently.

I think when we look back at this administration we can see a very successful administration. Prosperity is at an all-time high, our economy is growing, we are about to set a record in terms of the economy, and that has been done by this President and this administration.

The important things that the President will stress tonight are going to be very, very important to listen to, but I think preserving Social Security and Medicare is something that the American people want and that this administration will do.

A prescription drug program. I know our senior citizens on Medicare need help with prescription drugs.

Targeted tax cuts. We do not need a risky tax scheme that give tax breaks for the rich. We need targeted tax cuts to help middle America, to help the middle class, to help people so that they can pay for college tuition for their sons and daughters.

My daughter is going to college, and families are struggling to try to send their children to college. So the President's proposal to have tax deductions or a tax credit for college students is certainly something that we need.

Gun control, campaign finance reform, a patient's bill of rights, these are the things that Congress should pass this year.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORT CITIZENSHIP FOR ELIAN GONZALEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, as a Member of Congress who represents the Congressional District of Florida where Elian Gonzalez currently resides, as the mother of two young daughters, and as someone who knows all too well about Castro's brutal tyrannical regime, I ask my colleagues today to support the bill which was introduced by the gentleman from Florida (Mr. MCCOLLUM) on Monday which would bestow citizenship upon 6-year-old Elian Gonzalez.

As a Cuban refugee and as a naturalized American myself, I know what an honor it is to be a United States citizen. Elian's mother Elizabeth drowned in her voyage to freedom, but she had a dying wish, to have her 5-year-old son reach the shores of freedom. To honor that deathbed declaration, we are promoting this legislation to grant citizenship to Elian, which will also have the practical effect of taking the case out of INS hands and placing it where it properly belongs, as a delicate custody issue to be handled by Florida State courts.

Some will argue that Congress should not be involved because it is a custody issue. And those of us who support the bill agree, this is a custody issue and as such it should have been allowed to play out in a court of law. As in every other custody case, a hearing should be held. The parents and the relatives should be afforded an opportunity to testify. Medical experts should render their assessment. Other experts should be granted a forum to present testimony about the conditions in which the child would live and be subjected to in Cuba. And, most importantly, the child would be able to state freely and openly for the record what his desires are and with whom he wishes to live.

However, INS has prevented this orderly process from taking place. It has made a mockery of our laws by making a unilateral summary judgment to return Elian to Cuba and, in so doing, have defamed the principles of justice, of fairness, and of equality under the law which are really the fabric of our society.

Originally, on December 1, 1999, INS quoted to the family, to the attorneys and to the press, "Although it had no role in the family custody decision, we have discussed this case with State of Florida officials who have confirmed that the issue of legal custody must be decided by its State court. However, Elian will remain in the U.S. while the issues surrounding his custody are resolved."

However, this was not to be. INS soon recanted this statement, decided to apply Cuban law instead to this case, and ordered that the boy be returned to Cuba without any semblance of our due process. Faced with this reality, my colleagues and I were compelled to act to protect and uphold Elian's rights as a person under the law; rights not only guaranteed by our constitution and legal system but rights protected by the Universal Declaration of Human Rights.

Article 6 of this convention states, "Everyone has the right to recognition everywhere as a person before the law." Article 7 states, "All are equal before the law and are entitled without any discrimination to equal protection of the law." And Article 14, "Everyone has the rights to seek and enjoy in other countries asylum from persecution."

This last provision is particularly telling, as INS, in denying Elian his rights and defending only the father's rights under Cuban law, rejected various asylum applications for Elian and unilaterally withdrew his application for admission into the U.S.

There are those who will ignore these arguments and discount the fact that the U.S. and international law requires that the custody issue be resolved in a court of law and simplifies this case to a question of merely returning the boy to his father. But appropriate steps have not been taken to ascertain whether this in fact is in the boy's best interests, and that should be the guiding standard.

To those advocates who say, no, let us not advocate for that, I ask if they are aware that Castro's laws require that children and youth must prepare themselves for the defense of the country, honoring the principles of proletariat internationalism and combat solidarity? That is a quote from their code. It requires that children under the age of 11 to work long hours in farm labor camps. It mandates society and State work for the efficient protection of youth, and this is a quote, against all influences contrary to their Communist formation.

And the latter one applies even to parents. Just ask Gladys Ibarra-Lugo, age 15, who has for years been denied access to her parents because of their support of Democratic principles and human rights. Their support was contrary to the dictums of the Communist State. Gladys' parents are Amnesty International prisoners of conscience.

I wonder if those who simply say forget the court hearing have really read the testimony of Francisco Garcia. This testimony was included in a report distributed by the United Nations NGO Group for the Convention of the Rights of the Child. Francisco tells of his experience as a child in Cuba, and I commend it to my colleagues.

For Elian's present and future, for the sake of justice, liberty, and equality, I ask my colleagues to support the citizenship bill.

PROS AND CONS OF CUBAN EMBARGO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I am here today to discuss my recent visit to Cuba. I just returned last evening from a 6-day trip to Cuba where I had the opportunity to meet with the various ministries. I met not only with the minister of health but I went into the neighborhoods, into the neighborhood clinics. I talked with the doctors there. I talked with the patients there, and I got a good understanding of the kind of health care that Cubans are involved with based on health care being one of the national priorities.

I also went to the University of Medicine, where they are training young doctors throughout the region, and I was absolutely amazed at the fact that they have 5,000 young people who are there from all over the Caribbean who are being trained as doctors. It amazes me, because here in the United States it is just so difficult to get young people of color into the universities so that they can be trained as doctors. But they are showing that it can be done there. Over 60,000 doctors have been produced in Cuba.

Having said that, my real reason for being there was to follow up on a commitment that I made 11 months ago when I visited Cuba.

□ 1315

When I visited Cuba 11 months ago to basically try and get a handle on the pros and cons of the embargo, I discovered that we have a waiver on medical supplies and equipment. However, not one aspirin had been sold in Cuba. I talked with people to try and understand why this was true.

We finally came back and we got together with representatives from the Treasury Department, from Commerce and from the State Department to try and understand the rules and the laws as it related to the waiver. We finally all got on one track and we got with those individuals who have been trying for years to get a medical trade show going in Cuba, and we finally got it on track and that trade show did open. I was there to help cut the ribbon, along with the gentlewoman from California (Ms. LEE) and many of our representatives of our business community.

I was very pleased that we had almost 300 representatives there from various businesses in the United States representing over 90 of our largest businesses who were delighted to be there to show their medical supplies and equipment. We had companies like ADM. We had companies like Eli Lilly, Procter Gamble, Pfizer, many of the huge companies of America with goods and products that they want to share, that they want to sell.

I think it is foolhardy for the American business community to allow China and Germany and Canada and all of these countries to be in Cuba selling their goods, selling their supplies, and we are just 90 miles from Cuba.

They have many, many needs. They want to do business with us, particularly with medical supplies and equipment. They have trained the professionals. They have trained the doctors. They have children who desperately need the supplies, the state-of-the-art equipment. I think that our American firms should continue to seek these opportunities and to be there.

Now, having said all of that, none of this happens in a vacuum. As you know, the center of debate in Cuba and it appears in the United States is Elian Gonzalez, this young child who is in Miami, who one side is saying he should be kept there, he should be given citizenship, he should not be allowed to return to Cuba to his father.

Well, I met with his father while I was there, Juan Gonzalez. There is no logical argument, none that anybody can make, that should take this child from his father. This child lost his mother on the sea. This child should not be deprived of his father. This child should be returned to Cuba immediately.

This political spectacle that is being created in Miami is unconscionable. There is no reason a little child should be a political pawn. This is not about whether or not we like Castro. This is not whether or not we agree with the revolution, that we are one of the Batista people, that we do not believe in what is going on there. This is about parental rights. This is about the right of a father to have their child and to raise their child.

By all accounts, this man is a good father; he had a great relationship with his child. Let us stop the political madness. Let us allow little Elian to go home.

TAX RELIEF FOR FAMILIES: ELIMINATION OF MARRIAGE TAX PENALTY

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, it is great to be back here for another session of good and hard work.

I represent a pretty diverse district. I represent the south side of Chicago, the south suburbs, and Cook and Will counties, a lot of industrial as well as farm communities. And even though this district that I represent is so very, very diverse, I find there is a common message; and that is the folks back home want us to come here, Republicans and Democrats, and work together to find solutions to the challenges that we face.

That is why I am so proud that over the last 5 years we have done so many things we were told we could not do. We balanced the budget for the first time in 28 years. We gave a middle-class tax cut for the first time in 16 years. We reformed our welfare system for the first time in a generation. And a great accomplishment just this past year was we stopped the raid on Social Security for the first time in 30 years.

That is progress on our agenda, and we are continuing to move forward to find better ways to help find solutions.

Our agenda is pretty simple, paying down the public national debt, saving Social Security and Medicare, helping our local schools. And we also want to bring fairness to the Tax Code. That is one of the issues I want to talk about today. Because I believe that as we work to bring fairness to the Tax Code, particularly to middle-class working families, that we should focus first on the most unfair consequence of our current complicated Tax Code and that is the marriage tax penalty which is suffered by almost 21 million married, working couples.

Let me explain what the marriage tax penalty is. Under our current Tax Code, if they are married, both husband and wife are working, they pay more in taxes than they do if they stay single.

Let me give this example, a marriage tax penalty example: A machinist and a schoolteacher, middle-class working folks in Joliet, Illinois, with a combined income of $63,000 pay more. And here is how they do it. If they have a machinist making $31,500, he is in the 15 percent tax bracket. If he marries a schoolteacher with an identical income of $31,500, under our Tax Code they file jointly. Their combined income of $63,000 pushes them into the 28 percent tax bracket. And for this machinist and schoolteacher, they pay the average marriage tax penalty of almost $1,400 more just because they are married under our Tax Code.

Now, if they chose to live together instead of getting married, they would have saved that $1,400. Our Tax Code punishes them if they choose to get married. That is just wrong.

It is a pretty fair question: Is it right, is it fair that, under our Tax Code, this machinist and schoolteacher in Joliet, Illinois, pay more in higher taxes?

Let me give my colleagues another example here of two schoolteachers also of Joliet, Illinois, Michelle and Shad Hallihan. They were just married in the last couple of years, a wonderful young couple. I have had a chance to sit down and talk with them. And, of course, I have a nice wedding photo.

The point is that Shad has taught a little longer than Michelle, and he makes $38,000 a year. His wife Michelle makes $23,500. Because they chose to get married, to live together in holy matrimony, they suffer the marriage tax penalty because their combined income when they file jointly pushes them into the 28 percent tax bracket.

For them, for Michelle and Shad Hallihan in Joliet, Illinois, two schoolteachers, they pay almost a thousand dollars more. Michelle has pointed out to me, since they have just had a baby, that is almost 3,000 diapers that $1,000 of marriage tax penalty would pay for in that family if they were allowed to keep it.

Now, the Republicans in this Congress believe that eliminating the marriage tax penalty should be a priority; and we believe that, in this era of budget surpluses, when the Federal Government is taking in more than we have been spending, that we should give some of it back. We want to focus that on bringing fairness to the Tax Code.

This past year we sent to the President legislation that would have wiped out the marriage tax penalty for people like Michelle and Shad Hallihan. Unfortunately, the President and Vice President GORE chose to veto that legislation because they wanted to spend the money on new Government programs.

My colleagues, should it not be a priority to help people like Michelle and Shad Hallihan, married working couples who work hard and who are unfairly treated by our Tax Code?

We have legislation today which now has 230 cosponsors, a bipartisan majority of this House, that is cosponsoring the Marriage Tax Elimination Act, H.R. 6, cosponsored by myself and the gentleman from Missouri (Mr. DANNER) and the gentleman from Indiana (Mr. MCINTOSH) as well as 230 Members of the House.

That is why it is so important, we want to bring fairness to the Tax Code. That is why I am so pleased that the leadership of this House, led by the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, has made a decision to move a stand-alone piece of legislation, a stand-alone bill, which wipes out the marriage tax penalty for the vast majority of those who suffer. In the next few weeks, the Speaker intends to bring that legislation to the floor. That is good news as we work to bring fairness to the Tax Code by eliminating the marriage tax penalty.

I was just informed earlier today that the President in his State of the Union Speech tonight is going to discuss eliminating the marriage tax penalty. That is good news. Because it is time to make it a bipartisan effort. And while the President and Vice President GORE vetoed the legislation last year, he is now coming our way. I am very pleased. Let us make it a bipartisan effort. Let us wipe out the marriage tax penalty and let us send the President a stand-alone bill and let us bring fairness to the Tax Code.

MARSHA PYLE MARTIN: A LEADER FOR POSITIVE CHANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, during the short interlude we call life, we sometimes have the rare and memorable occasion to meet someone who exudes such a sense of positive accomplishment that we are forever changed just from that encounter.

I had that special experience when I met and heard Marsha Pyle Martin, who served as chair of the Farm Credit Administration Board. She appeared before our Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the House Committee on Appropriations to thoughtfully and persuasively argue that we need to be concerned about the financial condition of America's farmers and the future of agriculture in rural America.

I am sad to tell our colleagues that Ms. Martin passed from this life to her blessed rewards on January 9. This afternoon she is being celebrated in a memorial service at the Farm Credit Administration Offices in McLean, Virginia.

She is a woman who deserves this celebration, for she has helped so many by her caring for America's farmers and her advocacy on their behalf and for building a sound farm credit system in this country.

Marsha Pyle Martin was the first woman who ever served as chair of the Farm Credit Administration. While that was a first for FCA, it was far from that for her. After all, she was the first woman senior executive in the Farm Credit System when she served as vice president of the Farm Credit Bank of Texas. She also was the first woman to serve as a director of the Farm Credit System Insurance Corporation.

I remember most vividly when she appeared before our subcommittee. Her dedication, her passion, her knowledge both overwhelmed and imposed her sense of purpose on our committee. She wanted efficient and competitive credit markets for borrowers, and it showed. She recognized the changing face of agriculture in America and wanted to both embrace and support the changes that are necessary for America's farmers to continue as the finest in the world.

Those who know agriculture know that the availability of credit at reasonable terms is critical, vital to success; and those who knew Marsha Pyle Martin knew that such a system was both her goal and her mandate to those who worked for and with her.

To her husband Britt, to her daughters Michelle and K.B. and her two grandchildren, I can only extend our deepest sympathies for the unexpected loss of their loved one. But may they be comforted and inspired by the fact that each and every day she tried to make a positive difference for people. Each and every day positive change was her goal and her accomplishment.

If only more people shared her vision, her energy, her commitment, just imagine how much better a place this world would be.

Mr. Speaker, I ask our colleagues to join me in thanking Marsha Pyle Martin for her lifetime of contribution. May her eternal reward be no less than triple what she gave in this world. For, because of her, many people live each day as a better one than they might have were it not for her.

May I ask the House, in her memory, for a moment of silence.

DEMOCRATIC AGENDA FOR PROGRESS IN 2000

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, let me say that I am glad to be back.

I think my colleagues know and I am sure most of the American people or many of the American people know that the House of Representatives has been in recess, has not had a session, for approximately 2 months since we adopted the budget at the end of November for the next fiscal year.

Tonight, of course, the President will give his State of the Union Address, which represents really a new opportunity. This is the second session of the 2-year Congress. And when we come back today, we know that although we perhaps only have about 10 months before the House adjourns and the Congress adjourns there is this 10-month period when we can pass legislation and get things done that will positively impact the American people.

Of course, the President will give his speech tonight and we will not know exactly what is in it until we hear it from him. But we know that he is going to talk about how the state of the Union is strong, how the country is strong economically, record new surpluses, overall crime rate down 25 percent, welfare rolls deeply cut.

A lot of progress has been made under President Clinton, certainly in the 6 or 7 years now that he has been in office.

□ 1330

But part of the problem particularly in the last year is that many times when the President suggests a positive agenda, progressive agenda to the American people as he did in his last State of the Union address, the Congress, which of course is dominated by the Republican majority, the Republicans are in the majority, resists his recommendations and do not pass the legislation or provide the resources so that we can move his agenda. And so I hope that this year that will not be the case again.

If we look at what happened last year in the Congress, particularly in the House, there really was a resistance and most of the President's agenda was not adopted. I hope that is not the case this year. I hope that this year the Republican majority in the Congress will go along with the President's programs. If they differ slightly, fine, we can come to accommodations, but let us try to work together to come up with an agenda to pass legislation that helps the people and that moves this country quickly in a positive way into the next millennium.

I wanted to talk a little bit about President Clinton and the Democratic congressional leaders' agenda for a few minutes if I could. What we want to do is to get the job done, if you will, for the American people in the year 2000. I am going to talk about a few specific points. Basically our Democratic agenda for progress in 2000 includes, first, repairing, renovating and renewing our schools. Second, cutting taxes while maintaining fiscal discipline because obviously we want to maintain the balanced budget that we have had and the surpluses that we continue to generate. Third, the Democrats want to modernize Medicare and include a voluntary prescription drug benefit.

I would say, Mr. Speaker, during the 2 months that we were not in session I had many forums, some forums with senior citizens in my district, some with just people in general, constituents in general in my district. The number one concern that they had was with regard to health care. If it was seniors, they were concerned about the lack of access and the affordability of prescription drugs. Generally people expressed concern about the need for reform of HMOs because of the difficulties that they were having with HMOs in getting the health care that they thought that they needed.

Then, of course, I had a lot of my constituents who simply have no health insurance whatsoever and want to see what we are going to do as a Congress and as a country to provide more options for health insurance. But let me continue with the Democratic agenda. I am going to go back to some of those health care issues a little later. The Democrats' agenda for progress in 2000 also includes strengthening Social Security. The President in his last State of the Union address stressed that whatever surplus was created as a result of the Balanced Budget Act, that that primarily, overwhelmingly, should go to shore up Social Security.

Now, again when I had my forums in the district over the last couple of months, many of the seniors expressed concern over Social Security. I explained to them that Social Security was not bankrupt and that Social Security was sound but that the problem would come in, say, another 20 years, in another generation and that we needed to prepare now to make sure that for the next generation, Social Security was there. The President says the easiest way to do that is to certainly put a down payment down for the future by using the surplus primarily that is generated over the next 5 or 10 years.

The other very important, perhaps the most important part of our Democratic agenda for progress in 2000 is to enact a real Patients' Bill of Rights. Some of my colleagues know that for the last 2 years, I have been pushing for this. We have yet to have a conference on the Patients' Bill of Rights, on HMO reform. I was pleased to see, I believe, today that the Republican leadership indicated that they were going to have a conference between the House and the Senate to try to work out differences on the Patients' Bill of Rights, on HMO reform, at some time next week or very soon. I applaud them for that but I think it is crucial that we have a good, strong Patients' Bill of Rights and I will insist on that as one of the conferees, because this is an important issue and if all we do is put together some makeshift reform that really does not do anything, some Band-Aid approach, the American people are going to hold us responsible and say, "You didn't get the job done," so we need a strong Patients' Bill of Rights.

The other important part of our Democratic agenda for progress in 2000 is to raise the minimum wage. We all know that the economy is strong. We know that this economy has generated hundreds of thousands of new jobs. But the bottom line is there are a lot of people who work and who basically do not make enough money, even though they are working full time or have two or three jobs, because their salaries, their wages are so low. We need to enact legislation that was primarily sponsored here in the House by our minority whip the gentleman from Michigan (Mr. BONIOR) to raise the minimum wage. Finally, we also need to pass legislation to fight hate crimes, another important part of our agenda.

What I would like to do, Mr. Speaker, if I could, is to go through some of these items individually. I see my colleague here from Texas. I do not know if he wants to join me now. If he would like to I would certainly yield to him.

Mr. RODRIGUEZ. I thank the gentleman for yielding. I want to just congratulate the gentleman for outlining the items. Especially I know he has been in the forefront when it comes to health care. I know one of the concerns that a lot of Members had and in conjunction also with the constituencies that are being serviced by managed care systems, that a lot of them are concerned that they do not have any appeal process. I know that we have been trying to push forward in allowing that opportunity that when individuals are denied access to health care, that they can be able to appeal. One of their concerns is that we will have too many lawsuits. I am here to attest to the fact that in Texas we have allowed for that appeal process to exist and we have not had the number of lawsuits and we have had the accountability on the part of the managed care systems to be a little more responsive. I think that the Patients' Bill of Rights needs to go through and we are hoping that it will. I am here just to thank the gentleman for that.

I know that he has also been in the forefront when it comes to prescription coverage. In the area of prescription coverage, it just does not make any sense now that in Medicaid for indigents we provide prescription coverage, yet when it comes to our senior citizens we do not. That to me just does not make any sense whatsoever, at a time when we know that we want to take care of our senior citizens, that prescription coverage is also a very instrumental effort and tool to take care of illness. As we all well know, when Medicare started, that was not the case. We did not use prescriptions as much as we do now for taking care of our patients. That is something I think that now is really important and we have got to make sure that that happens.

I am also very pleased that we have moved and are beginning to take care of our uninsured. We have the largest number of uninsured in Texas and it is unfortunate that Texas also was unwilling to provide any local resources. Most of the resources for the CHIPS program, the children's program, are resources that were provided through the tobacco lawsuits. There is a real need for local communities to come forward, also, and help out in that process as the Federal Government, the President has moved forward in providing the uninsured children of this country an opportunity to have access to health care. As our leader in this area, I want to thank the gentleman for allowing me the opportunity just to say a few words and to thank him for his efforts. I look forward to working with him during this particular Congress.

Mr. PALLONE. I want to thank the gentleman for his kind words. I am really pleased that he is here because I think that his State really is a model for so many of the things that we have been talking about here on the House floor over the last year with regard to these health care concerns. If I could just comment on some of the things the gentleman said, with regard to the Patients' Bill of Rights, in many ways the Texas legislation, which has been in force now for a couple of years, is really a model for the Federal legislation, not only in terms of the basic rights that are provided to patients to protect them against the abuses of HMOs but also in terms of the liability provisions. It is kind of interesting, because I noticed that the majority leader, the gentleman from Texas (Mr. ARMEY), who for a long time has resisted, as long as I can remember he has been resisting the idea that there would be any ability to sue under Federal law, sue the HMO, finally came around today to saying that he would provide some limited ability to sue. Again, we are going to call him to task on that, to make sure that the Federal legislation that comes up here does provide the ability to sue as a last resort. I am sure that to some extent, though, he was probably saying that because of the Texas experience, because if we remember, when the Texas legislature was considering something like the Patients' Bill of Rights, there was tremendous opposition to any ability to sue on the grounds that the litigation would be forever and everybody would be suing the HMOs. I remember back in November when we last convened, at that point I think in the 2-year life of the Texas legislation, they had only had two people file lawsuits, maybe two or three people file lawsuits. That just totally denigrates the idea that somehow by allowing lawsuits against the HMOs that we are going to have all this litigation.

But the other aspect the gentleman mentioned is just as important. In other words, the problem is if we give people all these rights to prevent abuses by HMOs but they do not have any ability to enforce it, what good are the rights? We all know that. In our Patients' Bill of Rights that passed the House, we have an internal appeal process. Then we also have an external appeal process, the idea being that if the HMO internally denies a person the ability to stay a few days in the hospital or a particular operation or procedure that the person and their doctor think they need, they can go outside the system without going to court and have an external review board look at it that is not dictated or controlled by the HMO. So we have that external review process before you would even have to sue in court. Texas has the same thing. That is one of the reasons why they have so few suits, is because these things go to an external administrative review and at that time usually the HMO reneges and lets people have the operation or procedure they think is necessary. Texas is really out front and very progressive in this regard. We need to do the same thing on the Federal level.

The other thing the gentleman talked about with the prescription drugs, I just find so many of my seniors coming to me at the forums or at the office and talking about the problem not only with price but also the inability to have any kind of benefit under Medicare. We have seen so many cases, the gentleman has probably seen them in Texas, too, as a border State. I am maybe a little more familiar with the Canadian example where people have been going across the border to Canada to buy drugs because it is so much cheaper. We know the majority of Americans who are seniors have no access to prescription drug benefits. That is really crucial, too. That is going to be part of the President's agenda and the Democratic agenda again.

Mr. RODRIGUEZ. If the gentleman will yield further, we do have an experience in South Texas. In fact the gentleman is aware of the studies that we did in reference to the expenditure for certain prescriptions. When we looked at those prescription coverages and how much they cost, for a person with an HMO or the government, the prices ranged almost 25 percent less. The senior citizen was sometimes having to pay up to 300 percent more for the same medication. The same individuals that are paying for it are our senior citizens. Basically at the expense of our senior citizens, we are causing this to occur. I think the President is correct in saying that we need to come back and reassess that and that Medicare also has the responsibility to provide prescription coverage. I think that this is something that needs to occur, that needs to happen. For all practical purposes, the way it is now, it does not make any sense. We give it to our indigents but we do not provide it to our senior citizens. In fact, not only do we not provide it to them but we charge them 100, 200 to 300 percent more for the same prescription. We are basically robbing them. That is not right. We need to do whatever we can. I am hopeful that this time around there is a feeling that we can do a bipartisan effort in making something happen in this area. I am optimistic.

We have a unique opportunity as the gentleman well knows. It is an election year. We are all up for reelection, including Democrats and Republicans, both in the presidential and in the Congress and so it is a unique opportunity to ask our constituents to put the squeeze on their local official, their local Congressman and the presidential candidate, Republican or Democrat, to make it happen. I think it is something that most people feel it is the right thing to do. When we are asking our senior citizens to pay 200 to 300 percent more for the same prescription, it is not fair, it is not right, and we need to do something about it.

Again, I thank the gentleman very much for being here and taking the lead not only in terms of some of the health issues but a lot of the other issues that are before us. I thank the gentleman for allowing me the opportunity to say a few words.

Mr. PALLONE. I want to thank the gentleman again. I was just going to say there was one very positive development, I think, with regard to this prescription drug issue. That is, that a few weeks ago, I am sure the gentleman noticed that the major pharmaceutical companies, a lot of which are based in my State of New Jersey, announced that they were going to stop opposing a prescription drug benefit and speaking out against the President's proposed Medicare prescription drug benefit and were going to try to work with him to come up with a solution. I took that as a very positive development and contacted some of the pharmaceuticals in New Jersey which have their corporate headquarters in New Jersey in trying to work with them to accomplish that.

□ 1345

On a somewhat negative note, though, I noticed that my colleague, the gentleman from California (Mr. WAXMAN), revealed some documents that had been circulated by some of the pharmaceuticals last week where they indicated that they were still going to be spending money and doing ads and doing things to try to oppose some of the efforts to keep the costs down.

I would say that there are two things here. We need the Medicare benefit, but we also need to have affordable drugs. It is also important for the pharmaceuticals, as I know the gentleman from California (Mr. WAXMAN) has said, that whatever benefit we provide has to be an affordable benefit as well in terms of buying drugs. Because if there is some kind of benefit but the costs keep going up and ultimately people cannot afford it, the benefit does not do them any good.

So we need to have the benefit, but we also have to have affordability and I think kind of empower people to be able to act together so that they can keep prices down.

Mr. RODRIGUEZ. That advertisement that has been going on with Flo that comes out and she talks to our senior citizens, she is covered. She is taken care of right now with prescription coverage, but our senior citizens out there that are straight Medicare are not. I would attest the majority of Americans out there only have the straight Medicare and do not have prescription coverage.

For Hispanics and a lot of our minorities and especially those individuals that have worked in areas that do not have any form of a pension, which a lot of people that have worked for small companies, do not have that extended care. So it is important that we reach out to those individuals and that we provide that care.

I think that it is about time that we come back and kind of look at that. I know that throughout history, when it comes to health care, we have had some endeavors of trying to take care of and provide health care in terms of universal, across the board, and that occurred in the 1930s with Roosevelt, 1960s with Kennedy and Clinton in the 1990s. Ironically enough, we have not been able to do that, and I am hoping that we can soon start talking about also those uninsured that are out there.

The uninsured, they are over 44 million and growing, and I would attest that if the economy was not doing as well as it is that we would have a lot more uninsured, and that is something that is very scary because a lot of people are out there that are in need, and these are people that are not poor enough to qualify for medicaid, not old enough to qualify for Medicare and are working Americans that fall in between. So there is a real need for us to reach out to that population as well and the uninsured.

We have been doing those efforts with the CHIPS program, the children's program, but there is a need for us to push forward. I am hoping that the insurance companies, because they have been, in all honesty, an obstacle in the past; and I look at Medicare and the reasons why we were able to establish Medicare when LBJ was because of the fact that the insurance companies recognized that when people reached 65 they got sick, and that is when they did not want us, that is when they wanted government involved at that point in time. And if they were poor enough they knew people did not have money so they did not mind government being involved in medicaid because, after all, they were too poor to pay for that insurance.

Now we have this middle class that cannot afford it, do not have the access and are uninsured out there; and there is a need for us to provide some alternatives. And I am hoping that the private sector can participate in that effort and we can be able to come up with some kind of response.

Again, from Texas, we have the largest number of uninsured, the largest throughout the country. I am not proud to say that. Yes, we should be proud that we have passed some legislation on HMOs that are far-reaching in terms of appeal process, but some of those areas we are still lacking. So we are hoping that as we look at this session that we can concentrate on some of those specific areas and try to meet some of those needs.

Mr. PALLONE. Well, again, I appreciate the gentleman bringing that up. The gentleman says that Texas has the largest percentage of uninsured, but this is a problem that is national. Six years ago, when President Clinton first proposed the universal health care plan, which I think was a good idea and if we did not have all the opposition from the insurance industry and the Republicans that we probably could have worked something out that provided universal coverage, but now over the last few years we have been trying in some of these areas, as you mentioned, with the kids' health care initiative in particular, to try to plug up the holes and cover some of the uninsured in sort of a piecemeal fashion.

It has been working, but even with that, even with the Kennedy-Kassebaum bill to deal with the problem of people having preexisting medical conditions not being able to get insurance and a lot of them can even with the kids' care insurance, we still have the number of uninsured growing nationally. We have to do more.

One of the things that the President is going to announce tonight is a major new initiative to try to expand on some of these health care Federal programs to provide more coverage for the uninsured. If I could just mention a couple of things that I think are very significant, with regard to the kids' care initiative as well as Medicare, he has major proposals to spend money and to do outreach so we can get more kids signed up both for medicaid as well as the kids' care program. Because we have had a problem getting kids signed up, I think that one of the major reasons why they do not sign up is because, many times, those are the same parents of those children who are uninsured, and what the President is proposing now is to expand the kids' care initiative so that the parents of those uninsured kids can also sign up for insurance using the State and the Federal subsidy that is provided with additional funds that he is going to include in his budget. I think that is a great idea. We need to make sure that we get all the kids, but if we can get those parents in that will help.

Then the other thing the gentleman talked about is to try to build on the private sector. Because the main way people traditionally obtained health insurance and still do in this country was through their employer, and if we can create financial incentives for employers when they hire people to make sure that they provide a health insurance option, that will go a long way as well. This is a major issue.

The other thing, too, is I am sure the gentleman heard that during the break a lot of the States are really worried about this now and they do not know what to do. I know New York and Wisconsin and other States are trying to come up with ways that the States can provide for the uninsured, but they are never going to be able to do it effectively without some Federal initiative. I think it is important to have that Federal initiative.

Mr. RODRIGUEZ. One of the things I want to share with the gentleman and one of the concerns that I have and I will share with the gentleman the Texas experience in that the legislature moved for pretty good coverage overall but it is only funded at 55 to 65 percent, which means that even if they cover all the kids they are supposed to they are only going to cover half of the need that is out there.

One of the things that the gentleman mentioned that I would like to stress is that there were very little resources that were actually allocated for allowing individuals to educate people as to the fact that those monies were even available and so that if people do not take advantage of that it is not going to do any good. It can be out there, but that is one of the problems that we encounter in Texas is that they did it and they passed it, but if they do begin to utilize it only half of the people are going to be able to have access to it.

I wanted to share one other thing I think that is very important. I sit on the Committee on Veterans' Affairs. From a veterans' perspective, and I have seen a lot of the documentation for veterans where they were promised access to health care and were not given that access to health care and there is a real need and we are pushing for it this time around to try to make something happen to provide access to health care for our veterans. Last year we moved on providing them additional monies for the ones that are in military raises as well as the pensions. This year we also want to concentrate on health care for our veterans, and we are looking at providing up to $5 billion that is needed to make sure that those individuals are covered.

Last year, we had a big fight on the Committee on Veterans' Affairs when we tried to add up to $3 billion for access to our existing services. We were able to add up to $1.5 billion, but that was after a big fight and only after that money came from future resources. So it is kind of like giving a raise right now with the intent that next year that that money was coming out of future years. So we are in a deeper hole and we find ourselves in a problem and we have an obligation to our veterans to provide them access to health care, and throughout this country we have a multitude of veterans and the services have not been there. It has been poor access, and the quality also leaves a lot to be desired.

So we are hoping that as we move along this year that we look at access to health care for our veterans and also look at what we can do with TRICARE for our people that are in the military.

I have people that are in the border areas that will have to travel 200 miles to San Antonio to have access if they wanted to. Those are some of the areas that we really need to kind of look at a little more seriously and pay a little more attention to. Those veterans deserve what we have promised. We have gone back on our word as a Congress. We can blame the administration, but we as congressmen also have an obligation, and that obligation is to make sure that we hold up to our word to make sure that those veterans who served our country and protected us and have protected our democracy that we also assure that they would have access to health care.

I am hoping that we will also move in that direction.

Mr. PALLONE. I totally agree. It is interesting because I remember 6 years ago when President Clinton first talked about his universal health care plan, he had a very important proposal in there to expand programs for veterans as well. Again, we have not been able to fulfill that, and we need to. We need to make sure that the veterans' health care system is adequately funded and that we look at new technologies and new ways to do things for the next millennium because otherwise we are not meeting the commitment to them.

So I want to thank the gentleman again.

I yield now to the gentlewoman from the District of Columbia (Ms. NORTON). I have not been back here for some time now, but I am glad to be back and hear from the gentlewoman.

Ms. NORTON. I would like to welcome the gentleman from New Jersey (Mr. PALLONE) back personally and to welcome all of my colleagues back. We have missed the gentleman, and we are ready for a very productive year.

I would especially like to commend and thank the gentleman from New Jersey (Mr. PALLONE) for his initiative. He has been so much on the case for these issues for a number of years now, so I am not surprised that he would come to the floor and offer others of us an opportunity to come to the floor before the State of the Union speech this evening. I want to thank him for all of his hard work on the issues that face this House. There is no one more indefatigable in forcing us to face the issues than the gentleman from New Jersey (Mr. PALLONE).

I think it is a very good idea for us to look, pick out, among the many issues that the President will raise this evening, some which deserve to be highlighted. I must say that as I look down the subjects that are likely to be covered I see a very bipartisan agenda that the President will offer. This may be his last year in office, but it is a year that the Congress will be under the microscope as well to see if we can do better than we did last year by coming up with some substance to take home to the American people.

The President of the United States in this very Chamber last year put on the table what became the mantra for the entire country: Save Social Security, reduce the deficit. That now, as I hear both sides of the aisle, is no longer the mantra of the President, or maybe our side, but everybody, the whole country, is saying save Social Security first; pay down the debt. We don't hear other issues rising to the level that we hear those issues, and I think that the President deserves credit because that is what a President is supposed to do. That is what the State of Union speech is for. He did that last year, and this year I am sure that will be a major part of his theme.

As I look down this extraordinary list, I will choose only two issues to comment upon. I must say that I see so many items on this list that I think can rally the support of Members on both sides: Doing more, as our country and only our country can do, to prevent the global spread of AIDS and to prevent the spread of AIDS in our country which is increasingly becoming a disease of the poor, the black and the brown; expanding the EITC, one of the great bipartisan programs, especially now when so many people are reaching the limits in their own States of their ability to stay on welfare.

□ 1400

There is creating smaller schools, so that there is less of a critical mass of large numbers of students anonymous enough so that we have other Columbines.

And of course there are the rising issues that were raised last year that I do not think we can go home without. I do not think anybody can face their seniors without prescription drugs this year. And of course, HMO reform or the Patients' Bill of Rights is so much overdue that I see the two sides coming together on those.

There are many other new issues that the President has put on his agenda such as the smart gun technology initiative, but I would like to focus on two issues that the President has raised. One is investing in modernization of schools. The other is increasing support for civil rights enforcement.

Let me say a word about investing in new and modernized schools. This issue has been on the agenda 3 to 4 years now. It is dangerously overripe. The President wants a tax credit to modernize over 6,000 schools, and $1.3 billion in funding for 8,300 renovation projects in high-poverty, high-need school districts that do not have any capacity to make these repairs themselves over the next 5 years. We have children in trailers. We have children going to school in slums.

But I say to the gentleman from New Jersey that I want to draw to the attention of the body how our government, this Congress, has dealt with urgent matters like this affecting how we house students. In the sixties and seventies we poured, what amounts to "poured", billions of dollars into public and private colleges and universities to allow them to borrow from banks to obtain funds to construct classrooms and dorms. That is what we did for people going on to higher education.

So Members of this body went to school, slept in dormitories, took classes in classrooms that essentially were funded out of a Federal program, an old loan program, that subsidized interest payments during the lifetime of payments so that the effective interest rate of those who borrowed to build classrooms and dormitories was 3 percent less than the actual rate.

Something close to that notion is what has been on the agenda for the last several years. The President has now switched to a tax credit instead, because we were not able to get a subsidy for the interest payments. What this would mean, for example, to colleges and universities, where they were mostly middle class folks, is that if the colleges, for example, borrowed at 10 percent, then the effective interest rate was 7 percent. What that meant was that a lot of us were able to go to school and classrooms and dormitories that were decent, and decent only because of this.

In other words, the Congress saw that there was a real need, and they did not say, look, go to your State legislature do that. They knew that enough money to do it was not going to come from the States. We in fact found a way to subsidize this.

I ask Members, I ask the gentleman from New Jersey, does he not think if we could do this in the sixties and seventies for college students, then in the nineties, and as we are now in a new century, we can do something similar for kids in school who go to school with leaky roofs, who go to school where there are rats, who go to school in trailers?

This is essentially the kind of moderate proposal that the President has offered, recognizing that he is dealing with a Congress which has people of many different points of view, so he does not come in and say, give them the money. He says, allow a tax credit to modernize up to 6,000 schools.

Can we possibly go home again without a proposal similar to this, I ask the gentleman from New Jersey?

Mr. PALLONE. The answer, obviously, is yes, we need to do it. I am trying today not to start out with a partisan statement, but the bottom line, we know that when the President has tried over the last 2 years to come up with some kind of way to help with school modernization, the different bond proposals, the different ways of helping the local municipalities, the Republicans have just opposed all these things. So he just keeps coming up with innovative ways of trying to get this across.

I think this is a great idea, and I have to say, I was listening to what the gentlewoman said about the need for smaller schools, modernization. Every district has this problem with either crumbling schools or overcrowded classrooms and the need for money to build new schools.

I have the combination. My district is one where we have some smaller urban areas where I have seen crumbling schools that need new roofs and new gyms and all that, and other, more suburban towns that I represent where they are in trailers and they talk about how they may have to go to split sessions because there has been so much of an influx of new people, and they have not been able to keep up with it.

I think the school modernization program is crucial. Of course, we have not mentioned the fact that the president has been and we have been somewhat successful in getting the Republicans to provide funding to reduce class size at the lower levels, because the gentlewoman talked about smaller schools. Smaller schools to me means not only smaller schools physically, but also smaller classes, so there is more individual attention.

Even that was opposed by the Republicans. We had to go tooth and nail until we finally got more money to reduce class size and hire more teachers.

The other idea that the President came up with with regard to higher education is so crucial. Again, when people talk to me about education, their biggest concern is the ability, whether they are going to be able to send their kids off to college. The costs are just skyrocketing.

In New Jersey, where we send most of our students out of State because we do not have enough slots in-State for them, it is a particular crisis. So what the President has proposed in terms of helping parents and students to pay for higher education I think is crucial. The gentlewoman is right on point.

Ms. NORTON. I thank the gentleman. I want to say a word about one other issue.

Of course, as a former chair of the Equal Employment Opportunity Commission, I am always pleased to see something on the agenda that relates to civil rights enforcement. A few weeks ago I was at the White House with a 101-year-old woman from the District of Columbia who had lived through reconstruction, through Jim Crow, all here in this city, which had legal segregation.

The President announced that he would be submitting money for civil rights enforcement, at $695 million for civil rights enforcement. This of course is an issue that by now should bring us all together. This is not about affirmative action, which is an issue where we are in some substantial disagreement with some on the other side. This is about sheer enforcement, as more and more people come forward not only to the Equal Employment Opportunity Commission, but to many of the civil rights agencies.

I have been able to find common cause with Members from the other side on these issues. In fact, I can recall amendments in the appropriation process where we worked together. I certainly hope this money to increase civil rights enforcement will in fact be forthcoming.

The President announced just this week a special appropriation to bolster the Equal Pay Act and equal pay enforcement and opportunity. The gentleman may remember that in this very Chamber, not a very bipartisan Chamber, at this time last year when the President mentioned equal pay for equal work, somehow everybody in the Chamber got off her and his bottom to applaud, and that is because this issue has now become an American issue, it is no longer a woman's issue, because men have seen that their wives, who have the same education that they have, somehow bring home less money.

It is time we stopped talking about it, stopped sloganizing it, and do something about it. So the President has put in $27 million for an equal pay initiative for enforcement of the Equal Pay Act and for other purposes related to enforcement.

I like and I hope all of us will like the part that says, to teach business how to meet the legal requirements. We think that one of the reasons that there continues to be unequal pay is that business has not been well educated on this important section that has been in the law since 1963. It was passed before the laws barring discrimination on the basis of race were passed.

If in fact we use the traditional apparatus, we can come together on the widely-hailed notion of equal pay. I believe that the President's proposal will help us.

There are other things in his equal pay proposal that go to helping, for example, the Labor Department to improve its own work on training women for nontraditional posts, because once women are in nontraditional posts the pay begins to come up automatically.

We have huge equal pay problems in this country still, stemming largely from the fact that women are pouring into the work force. They still continue to go disproportionately into traditional jobs. We still see women seriously undervalued, even in those jobs.

If we look at women in my profession at all, we will see women earning less money than men who enter the profession. There is lots of work to be done there. When the President takes initiative on civil rights enforcement, on equal pay, then we are putting our money where our mouth has been for a long time.

I want to thank the gentleman for his work on this special order and for allowing me to highlight some of the issues of special importance to me.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman. I share her praise for the President's equal pay initiative.

If I could just say one thing about the additional funds for civil rights enforcement, one of the things that I worry about, and having been back in the district for the last two months now, my district, not the District of Columbia, is that I just see a lot of cynicism on the part of my constituents over commitments, if you will, or promises that they see the government making in sort of general terms that when it gets to the specific do not happen.

That is why I think it is important. If a civil rights violation occurs, there has to be enforcement. Otherwise it is meaningless. That is true whether it is the environment or whatever it happens to be.

So many people will say to me, the law says this, but in reality, it does not mean anything. That is why I think it is so important that there be increased enforcement, and obviously there will not be unless we provide the money up front to hire the people to do the work. So I think that is crucial, and I appreciate the gentlewoman bringing it to our attention.

I yield to my colleague, the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I just want to share, I know the gentlewoman is here from the District of Columbia, and I was appalled to see the condition of our schools here in the District of Columbia. It is embarrassing to the Congress and it should be embarrassing to all of us, because that is one school district that we are held responsible for and obligated to have to provide resources for. I am ashamed that we still have those conditions.

The gentleman talked also about our schools throughout the United States. One responsibility we have is to make sure that we provide that construction money to make sure that we allocate those resources. A lot of those schools, in all honesty, were built prior to the microwave. If anyone lives in an old home like I do, they know they have to go back and redo the wiring, if nothing else. So there is a real need for us to reinvest in our infrastructure as it deals with education. So I am very pleased that the President is pushing forward on new construction.

I also want to add a little bit in terms of the importance of the digital divide. The administration, President Clinton has been in the forefront in allowing additional resources for new technology. Without that technology, a lot of our youngsters in our country would also fall back. There is a real need for us to prepare ourselves, not only our students but our adults, our mid-management throughout the country, to make sure we are well-trained in the new technology.

I know a lot of resources are needed for us to go back to school. That includes a lot of the Congressmen, to make sure we can work with the new computers. But doing that is going to be key in order for us to compete as a country. I think it is going to be very important that we allocate some resources in that technology and that we prepare our youngsters. Part of that is having access.

□ 1415

Most of our poor communities throughout this country do not have a computer at home. But if they could, we could provide it to them in our libraries, in our schools, in our universities; and we have started to do that, but a lot more needs to be done. We still have a lot of schools that are not computerized and do not have the new technology, and I think that that is one of the things that we need. Not only do we need it in terms of ourselves, but I really see, as a way of leading this world, if we are going to continue to be the leading country, we are going to have to be in the forefront.

One of those indicators is going to be the level of our education. I sit on the Committee on Armed Services; and when it comes to our national defense that should be our first priority, making sure that we educate our constituency, making sure that everyone is well prepared. Because that is part of our defense, and that is part of a showing that we are going to be in the forefront when it comes to economics. So I am hoping that we will continue to do that with President Clinton in his last year.

Mr. PALLONE. Madam Speaker, I agree with the gentleman from Texas. I was thinking when I saw the gentlewoman from Washington, D.C. (Ms. NORTON) there that I remember, I do not know if it was 6 months or a year ago, the memory fades now, but there was an occasion when she asked us, and we marched from the Capitol to a nearby school, it was within walking distance of the Capitol, and I cannot remember the name of the school, and we had a march.

When we went there, she showed us this very innovative public school within the District of Columbia. I could not believe the enthusiasm that existed in that school. One of the things that they had, which I think is somewhat unique, is that all the kids were wearing school uniforms, which is something that I know that the President has proposed. I do not mean to just dwell on that. But there was just a lot of excitement in that place.

But one of the things I kept thinking about is we keep talking about innovation, and one can put school uniforms in schools and one can come up with other things, but one cannot function, one cannot be very innovative if the place is falling apart literally.

I think it is incumbent upon us to provide the resources so that schools are modernized. Modernization and the President's program for modernization is not just bricks and mortar, it is also for the Internet and for the electronic and the technologically innovative things that the infrastructure for those kinds of things are included in that modernization program as well.

As my colleague says, what good is it? We cannot expect kids to use the Internet if they do not have the computers. They are not going to be able to have the money to do it at home, so we need to make sure that it is available in the schools. The school modernization program deals with that as well as providing the funding so that the town can build it, put a new roof on the school as well.

I was amazed. I went to a school district, a school a few years ago in New Brunswick, which is one of the urban towns that I represent. Their roof was leaking. The walls were crumbling. It was unbelievable. I think a lot of people think that the school buildings generally are in good shape. But if they take a look and they go to some of the schools where these kids are being educated, they would be surprised, even the parents sometimes, to learn how bad it is.

Madam Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, sometimes people do not realize, also, that the demographics have changed. Just like we needed a lot of construction, a lot of new schools in the 1950s and 1960s because of the baby boomers, now we are experiencing what we call, what I like to call, the baby echo. That baby echo is a larger number. So there is a need, also, for additional classrooms because of that large number of youngsters in our schools.

So there is a real need for us to go back and do what these individuals did back in the 1950s and 1960s, and that was invest in our kids. We need to do the same. We need to invest in our future by investing in our kids and also investing in our adults. I really feel very strongly that we need to come up with new technological centers so that people in mid-management and people that are 40, 50 can go back to school and learn about computers and be able to go forward.

I also wanted to take this opportunity, if possible, to talk to my colleague, and I know he is well aware of the issue of safety in our schools. We have experienced a lot of violence, and we have had some difficulty. There is a need for us to kind of look at the issue of safety. I know that when we look at the violence that is occurring, there is a need for us to reach out.

The President does have a program that he is going to be looking at promoting safe schools. I recall when I did my town hall meeting with school safety I had someone stand up and say, "Congressman RODRIGUEZ, you cannot even control our prisons, and you expect to control our schools?" There was a lot to be said when that was indicated.

Our prison systems, the way they are run now, if one goes in there, unfortunately, if one is white, one better join one of the white supremacist groups there. If one is Mexican, one better be part of the Mexican Mafia.

I recall the individual who committed that atrocity in Texas that dragged that African American. I remember people talking about that young man. They used to say, when he was in school, he never indicated or showed that he was that kind. But after he had come out of prison, he had come out worse. In so doing, we have got to make sure that our society does not even perpetuate more of that.

So we need to reach out to those schools and do whatever we can to make sure that those youngsters feel safe, and part of that is through counseling, part of that is through having social workers reaching out, because I feel real strongly that schools are only a reflection of our community.

If there are gangs or problems, those gangs exist in those communities. That is why we need to reach out and work, and those resources in our schools are drastically needed to making sure that we can provide that education. Because if the child is not safe, they are not going to learn.

Again, I want to thank the gentleman from New Jersey for allowing me this opportunity to be here with him.

Mr. PALLONE. Madam Speaker, one of the things that I want to mention, because sometimes I think that when we talk about these national education initiatives, that some of our constituents worry and say, well, education traditionally has been locally based, and the Federal Government has not really taken that much of a role, and what does all this mean if the Federal Government gets involved.

I just want to stress we are really not changing anything in terms of local control of education. I mean, we are not suggesting in any way that the Federal Government dictate what teachers are hired or what textbooks are used in the classroom or what their curriculum is. All we are really doing with this school modernization initiative, the school safety initiative, the gentleman from Texas mentioned the effort to provide more money to hire teachers so that class sizes can be reduced, all we are really doing is helping the local towns afford some of these things because they cannot afford them now.

I am sure the gentleman has the same situation in Texas that I face in New Jersey, where the funding for education is primarily locally based. The towns just cannot afford these things anymore. Believe me, it does not matter if they are an urban area or if they are a suburban area. They cannot keep raising the local property taxes to put up the new school, to put in to hire people to monitor the hallways for safety reasons, to hire extra teachers, to reduce the class size.

By providing funding for these types of things, which is what the Democrats want to do, all we are really doing is helping the local taxpayer. Because either they are going to have to bond for these things and will not have the money to do it or going to have to raise taxes, which is very difficult and creates more problems.

So all we are really saying is we want to take some of the Federal dollars and send it back to the towns for these purposes. We are not dictating to them what they do. They have to apply for these things. But we are making it easier for them to fund it.

I do not know a town, no matter how affluent in my district, that is not in favor of that. Every mayor, every board of education tells me that they would love to see some of this happen.

Mr. RODRIGUEZ. Madam Speaker, when I started politics, I started on the issue of school finance and the fact that the only money one has to build one's schools is from one's local community. So if one lives in a poor community, one is going to have less resources. If one lives in a rich community, there is going to be a lot more resources to educate one's child. That is why I got involved in politics, because I saw the disparity.

The gentleman from New Jersey is right. Most Americans a lot of times do not realize that the construction of that campus comes from only local resources. Just in the last few years has the State of Texas decided to help out a little bit. Prior to that, every single building in the State of Texas was only through local resources.

So it varies from district to district, from county to county in terms of how much they have and whether they can build more classrooms or not. Some decide to splurge and do things that they should not be doing.

But the reality is, yes, a lot of communities throughout this country need assistance. They need new technology. They need new wiring. I think it is going to be important for us to be there in the forefront to provide that technology and that infrastructure that will pay for the next generation and our future for this country.

Mr. PALLONE. Madam Speaker, I want to thank the gentleman from Texas. I think we are running out of time so I want to kind of summarize and say that and I see that some of our colleagues are getting ready already for the State of the Union Address here tonight. But the bottom line is, with the State of the Union, is there is a real opportunity for us to work on a bipartisan basis on some of these issues.

I just hope that this year, unlike last year, we see the cooperation of the Republican majority in the Congress working with the President and with the Democrats to get some of these things done. Because if we do not, I think that the American people are going to be very disappointed.

They clearly want HMO reform. They want a prescription drug benefit for Medicare. They want the Federal Government to do more to help those who do not have health insurance. They want us to work on some of these education initiatives.

If we do not come through, we only have ourselves to blame. I am just really doing nothing more, as I am sure the President will do tonight, but to call on the Republicans and the majority in the Congress to work with us this year and not have the negative attitude toward the President's proposals that, unfortunately, we had in the last year.

RETURN ELIAN GONZALEZ TO HIS FATHER

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Madam Speaker, I recently returned from Cuba with the gentlewoman from California (Ms. WATERS) and had the chance, while in Cuba, to talk with many people regarding Elian Gonzalez.

As a trained social worker, as a mother, and as a grandmother, my concern is that the child be in a loving environment, free of abuse. My concern is for his well-being, his mental and physical health and that he has a stable family environment.

We met with Mr. Juan Gonzalez, Elian's father, and his great grandmother and other members of his family. This meeting and discussions with many people in Cuba who know the family have convinced me unequivocally that Elian does have a loving, fit, and equipped family, and that he should be returned to his father immediately.

There is no way that a child should not be with his or her parents because of material things that we value in this country. In our own country, for example, 18.9 percent of our children under 18 live in poverty. In Florida, 22.3 percent of the children live in poverty. In my own home state of California, over 23 percent of California's children live in poverty. I say this to say that we cannot evaluate Elian's situation in material terms because there is nothing more valuable than the love of a father and the support of a family unit.

Now, I am greatly concerned that, in addition to the traumatic experiences of losing his mother, being shipwrecked, and nearly losing his own life, that Elian is now caught in an international custody battle. The constant barrage of questioning, interviews, protests, and the relentless exposure to the media, that has really only exacerbated the already extremely stressful and disorienting circumstances. Elian's health and his welfare must be our first priority. We must consider the potentially damaging and adverse impact of all of this negative activity.

I urge for Elian's expeditious return to his family, his father, his community, and his familiar environment. It is my fear that the longer that this battle continues, the more Elian and his family will be harmed emotionally. The decision of whether to return Elian to his family in Cuba should not be a political decision. It should be a decision that exclusively supports the best interest of the child and his need to be reunited with his father.

The time that I spent with Elian's father and his family has assured me in no uncertain terms that this reunification is a moral imperative and the right thing to do. I am appalled by the manner in which the rights of Elian's father, Mr. Gonzalez, continue to be threatened. To continue this policy which excludes Elian's father from participation in his son's life in his home sets a very dangerous precedent.

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In no way would we allow our young people who do not have a lot of material things at home to be placed in homes that have more wealth. That is just unacceptable.

Please, let us do the right thing for Elian and please let us send him back home to his father and his family.

PRESIDENT'S STATE OF THE UNION ADDRESS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Madam Speaker, tonight, as I sit in the Chamber with our colleagues, it will be my 14th opportunity and honor to sit in this room as the President of the United States delivers the State of the Union address for this Nation for the year 2000, the beginning of the new millennium.

I have had the pleasure of sitting through speeches by Ronald Reagan, by George Bush and, most recently, by President Clinton. We are going to hear a lot tonight, and I want to talk tonight about some of the things that we will likely hear and will not hear, and I want to talk about some foreign policy issues relative to a trip that I had the pleasure of leading with a bipartisan delegation of Members in November of last year to Russia.

Madam Speaker, what we know we are going to hear tonight, because of the huge surplus that is being generated with our economic upturn and the balanced budget that we are now in the midst of securing, we are going to hear the President basically recreate Christmas all over again. The American people will hear litany after litany of new programs, new ideas, new ways to spend money that has been generated because of our surplus.

And, believe me, Madam Speaker, there is going to be something for everyone. There will be a new program for everyone in the country. And Madam Speaker, it kind of amazes me because the American people have to understand, they can send us any amount of money they want, and we will find a way to spend it in Washington. But is that really what we are here for? Is our goal here to find new ways to create new programs with fancy sounding titles, with new bureaucracies, that are for the most part run by political appointees that are going to better tell the people locally how to run their lives or better solve the problems locally than if we gave the money back to the American people and then let them make those basic and fundamental decisions?

Believe me, tonight, if there is one thing we know we will hear it will be a

Christmas tree list of goodies that the President wants to give out all across this Nation. And he will try to hit every group in America there is. Every group.

Madam Speaker, we have done some good things over the past 6 years. And, yes, many of them have been with the bipartisan effort in this body and the other body. But, yes, some of the times we have had to fight the administration every step of the way.

I can recall when the gentleman from Ohio (Mr. KASICH), our distinguished Committee on the Budget chairman, first proposed balancing the budget 6 years ago. The President got caught and he did not know what to say. In fact, I remember the famous commercials where he would say we are going to balance the budget in 8 years, 7, 6, 5, 4. He really did not know because he had no plan. The gentleman from Ohio (Mr. KASICH) stuck his neck out and said we will submit a plan for a balanced budget, when no one else believed him, including some on the Republican side. The gentleman from Ohio persevered and eventually we accomplished what many thought was impossible.

Now, the President will take credit for the balanced budget. But in fact if we look back over the past 7 years, I can recall a couple of years where the President's budget he submitted to us got no votes in the House. Not one vote. Because no Member from either side would support the President's budget plan. Yet tonight President Clinton will take credit for the balanced budget that we are now enjoying which has helped to promoted our economic success.

Our Congress, our leadership here, with the support of some Democrats, has tried to give back as much money from the surplus as possible to the American people. But here the President has fought us every step of the way. He has rather desired to keep the money in Washington where the bureaucracy can better decide how to spend funds than allowing the American people to get that money back for themselves. There are some in this city who think that the money we collect from the taxpayers of America really is our money as opposed to their money.

Here tonight we will hear the President talk about welfare reform. What we will not hear about tonight, Madam Speaker, is the President saying that he made a mistake twice and vetoed the welfare reform bill. Because two times over the past 7 years the Congress, bipartisan, Democrats and Republicans, passed welfare reform in both bodies. Two times. And in both of those cases the President vetoed welfare reform.

It was not until he read the polls and he saw that the American people wanted welfare reform that he finally signed the welfare reform bill the third time, and then announced after he signed it he was going to make substantive changes to the bill that we had passed that he signed in the following fiscal year. And then good things happened with welfare reform, as we said they would, for the past 5 years, 6 years, and the President now will take credit for that tonight. He will say look at how many people are working as opposed to being on welfare. Where were those President's comments when he vetoed both welfare reform bills that the Congress passed with bipartisan votes over the past 5 years?

We will hear the President talk about protecting Social Security tonight. But, Madam Speaker, we will not hear about the President last year wanting to use 60 percent of the Social Security surplus for other programs. We will not hear him talk about that. We will not hear him talk about the fact that Congress resisted and said, oh, no, Mr. President, we are not going to spend any of the Social Security Trust Fund money. We are going to protect all of that for our senior citizens. So the President will talk about protecting Social Security, but he will not talk about the fact that he originally wanted to use a significant portion of those dollars.

Now, we are going to hear the President talk a lot about education tonight, Madam Speaker. And being a teacher by profession, and one of the 25 Members of Congress who used to be a classroom teacher, education is very important to me. The President is going to come out with a lot of grandiose plans to spend a lot of money that is controlled by Washington, to keep those strings attached so that the bureaucrats in this city control how local school boards and how local superintendents decide how to best meet the needs of their people.

One of the things that this Congress has done for the past 5 years has been to allocate more resources to local schools, attempting every step of the way to remove the bureaucracy in Washington and allow local school boards and local parents to make decisions about where local education money could best be spent. Now the President will talk a good game there, but again it has been the Congress who has led the way, many times with the President finally signing our legislation into law to give local school boards and local taxpayers more control in terms of education. And that is where the focus should be.

As a classroom teacher for 7 years, I understand the importance of allowing local teachers to decide how to best motivate kids. As someone who worked in a chapter 1 and Title I program for 3 years, I understand the importance of allowing local school districts to set the policy priorities and objectives for local students to meet.

Now, we are going to hear the President make a few comments about defense tonight, Madam Speaker, but in last year's State of the Union I brought a stopwatch with me because I wanted to see if my hunch was correct regarding the President's focus on national security. My hunch was correct. The President spoke for 1 hour and 17 minutes last January. The amount of time he focused on security issues was 90 seconds. Ninety seconds out of an hour and 17 minutes. And part of that 90 seconds was when he looked up in the audience and thanked a B-52 pilot who was flying those bombing missions over in Iraq.

What he did not tell the American people, which was even more important, was that that B-52 pilot was flying an airplane that will be 75 years old because we do not have the money to replace it. And what he did not talk to the American people about, and I will guarantee he will not mention it tonight, is the fact that we have 20,000 young Americans who are on food stamps today, who are serving their country and yet who have to use food stamps to take care of their families' needs.

And what the President will not talk about tonight, Madam Speaker, is the fact that he has deployed our troops in more instances than any administration in the last century. In fact, Madam Speaker, if we take all the presidents who served from the end of World War II until 1991, all of those Presidents combined deployed our troops 10 times. This President has now deployed our troops for the 34th time. And none of those deployments were paid for. He has put the troops in harm's way and allowed the Congress to come up with a way to pay for those costs by cutting other parts of our already decreasing defense budget.

No, the President is not going to talk about the fact that our Navy is now going down to about 200 ships. He will not talk about the fact that a couple of our Army divisions have been declared not fit to handle the kinds of missions that they are being asked to perform. He is not going to talk about the fact that General Schwarzkopf and other generals have said we could not complete another Desert Storm if it occurred. He will not talk about the fact that morale in the military is as low today as it has been since the end of World War II; that our reenlistment rate for pilots is down below 15 percent; that none of the services, except for the Marine Corps, can get young people to join.

The President will not talk about any of that tonight, Madam Speaker, because in his mind that is not the State of the Union. In fact, Madam Speaker, his State of the Union is a Disney-like State of the Union, where we only talk about positive things, where there is room for both parties to share, but not focus on the negative things that have come about in some cases by the Congress but in my opinion largely by the failure of leadership in the White House.

Madam Speaker, this President will not talk about security with any definitive plan in tonight's speech, we can rest assured on that. Because he took James Carville's advice very well when he was elected 7 years ago, when James Carville told him, "It's the economy, stupid. Focus on the economy and don't worry about anything else." So by not talking about threats around the world, by not talking about the realities of what is occurring in Russia and China and the Middle East, between India and Pakistan, by not talking about those areas where trouble is brewing on a regular basis, the American people do not think we have to spend any more money on supporting our military.

In fact, Madam Speaker, I would be surprised tonight if the President told the real story about our relations with Russia and China. Things were going well 7 years ago. In fact, we had a new era, with Russia becoming a free democracy. Both our government and the Russian Government declared the two countries to be strategic partners.

Where are we today, Madam Speaker? Russia's new strategic partner, as defined by the new President of Russia, Mr. Putin, is China, not the U.S. In fact, Madam Speaker, our relationship with Russia has never been worse than it is today. And in fact we have now seen over the past 12 months meeting after meeting between senior Russian leaders and senior Chinese leaders where they are now exchanging technology and both of whom are looking to the U.S. as their enemy. Why is that happening, Madam Speaker? It is happening because of our failed foreign policy.

Now, the President has had some successes. He deserves to take credit for his work in helping settle the situation in involving Ireland and Great Britain, and I will give him the credit for that. But I must say that, while taking the credit for those successes, he also needs to accept the blame for the failures of our policy in regard to China and Russia.

Madam Speaker, the delegation that I led to Moscow, in fact to Ukraine, Moldova, and Moscow this past November, saw firsthand the failures of this administration. Our delegation consisted of 10 Members of Congress, 7 Republicans and 3 Democrats. The purpose of our trip was threefold, Madam Speaker: It was to travel to Ukraine at the invitation of the Ukrainian Rada and President Kuchma, and to set up a formal relationship between the Rada, the parliament of Ukraine, and the U.S. Congress. This new relationship is to be modeled after the relationship that I started with Russia 6 years ago.

Because of late votes in November, we had to cancel the formal part of the trip to Ukraine. However, three members of our delegation broke away and went to Ukraine and did have the meetings to begin the process of this new relationship. And I am pleased and happy that the gentlewoman from Ohio (Ms. KAPTUR) and my good friend, the gentleman from Colorado (Mr. SCHAFFER), have agreed to co-chair this new inter-parliamentary relationship between the Ukrainian Rada and the U.S. Congress, and our trip solidified that relationship as we started the process off in November of last year.

And by the way we will have another trip of Ukrainian Rada members to the U.S. sometime in the first quarter of this year. We moved on from Ukraine to Moldova, a country that is strategically important to America's interest and to the future of Russia and to the people in that part of the world. We were there at the request and invitation of the President of Moldova as well as the Parliament.

It was heartwarming, Madam Speaker, that the Speaker of the Moldovan Parliament, because we could not arrive there during a weekday but had to postpone our visit until Saturday, convened a special session of the Parliament on Saturday morning. It was heartwarming to see every member of the Moldovan Parliament sitting in the chamber as our delegation walked in. And I had the high honor and privilege of addressing the session of the Parliament to talk about the relationship between the Moldovan people and the people of the United States.

While in Moldova, in meetings with the President, meetings with the leadership of the Moldovan government and the majority and opposition leadership of the Parliament, we also challenged them to establish an interparliamentary relationship with the Congress, which they have accepted. And I am pleased to announce, Madam Speaker, that the two cochairs of the Moldovan Parliament-U.S. Congress interchange are in fact the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from Ohio (Mr. KUCINICH).

□ 1445

So again the Congress, in a bipartisan way, made significant contributions to improve relations with both of those nations.

Then finally, Madam Speaker, we traveled on to Moscow. Our trip to Moscow was a special trip because we were traveling to Moscow at the invitation of the Duma, the parliament in Russia. The Duma, back in September of last year, formally invited our interparliamentary exchange program, cochaired by the gentleman from Maryland (Mr. HOYER) and myself, to establish a bilateral relationship of elected parliamentarians to help the Russians uncover the scandal involving the finances of the Russian Government. We accepted the request of the Russians to bring a bipartisan delegation to Moscow to begin formal talks of how we could work with the Russian side to uncover the reasons and the causes of billions of dollars being stolen by Russian Government officials, by people surrounding the Yeltsin government and by Russian banking institutions, in some cases with the cooperation of American institutions. So our trip was to solidify that relationship that they had asked us to get involved with.

Madam Speaker, our meetings in Moscow were extensive. We met with everyone, from the mayor of Moscow, Mayor Luzhkov, who is himself a new party official in the fatherland party, which did very well in the Duma elections in December, to leadership of the Duma, the vice-speaker of the Duma, the number two person in the state Duma, all the faction leaders, as well as leadership of Russia involving housing, helping them with their mortgage programs, which is just starting out, meetings with former Russian officials who were responsible for programs like biological weapons, so that we can learn more about the instability that exists within Russia today.

But, Madam Speaker, I want to talk about one meeting that was especially important because I think this meeting and what happened around this meeting is symbolic of this administration's policies which I think have caused many of the problems that Russia is experiencing today and has caused the freezing of the relationship between the U.S. and Russia unlike at any time since the days of the Cold War.

Madam Speaker, knowing that our bipartisan delegation was going to Moscow at the request of the Russian Duma, the 26 members of the Duma anti-corruption task force, I thought in advance that besides meeting with the Duma our bipartisan delegation should also meet with a man by the name of Skuratov. Mr. Skuratov is roughly the equivalent to Janet Reno in our government, the top law enforcement official in Russia.

Mr. Skuratov is to weed out corruption, to investigate instances of abuse of power, and to find out if and where money is being used for illegal purposes that should have been going to the Russian people.

So, Madam Speaker, as I have done in the past on previous trips to Moscow, I officially asked our State Department to set up three meetings for us in Moscow with the rest of the meetings being set up through our own contacts.

The three meetings were with the defense minister of Russia, Mr. Sergeyev, whom I have met before, with the new at that time the prime minister, and the new president of Russia, President Putin, who was out of the country when we arrived and we, understandably, could not meet with him. But the third and perhaps most important meeting was the request that we made to meet with Mr. Skuratov.

Now, Mr. Skuratov is somewhat of a controversial figure. Besides being the chief prosecutor in Russia, he was found to have been involved in and, at least, filmed in what appeared to be on the Russian TV an escapade with a prostitute, or a woman, in a Moscow hotel. After that little bit of film footage was played by the Russian Government on national TV, Boris Yeltsin fired Skuratov.

Now, it just so happens, Madam Speaker, that he was fired the day before he was about to indict senior Russian elected officials who he had found were involved in ripping off hundreds of millions and billions of dollars that were supposed to go to the Russian people.

In fact, Madam Speaker, when Boris Yeltsin fired Skuratov the first time, the elected parliament in Russia, the upper council equivalent to our Senate, the Federation Counsel, overrode Mr. Yeltsin by a wide margin and said, you will not fire Skuratov; we, in fact, endorse him.

So then President Yeltsin fired Skuratov a second time, and the Federation Counsel reinstated Skuratov a second time. So Yeltsin fired him a third time, and the Federation Counsel reinstated him a third time.

Now, Yeltsin says all along the time period here that he kept firing Skuratov because he was an immoral person. Now, I do not know whether Mr. Skuratov is an immoral person or not, Madam Speaker, but I can tell my colleagues this, not only was he fired by President Yeltsin three times even though the Senate in Russia supported him, but over 25 deputy prosecutors that were working with Skuratov on the corruption in Russia were fired along with him.

Now, the hotel film footage only showed one man, it did not show 25 other prosecutors, involved in immoral acts. Yet all 25 of these prosecutors working for and with Skuratov were relieved at the same time.

Now, why would they be relieved? What was so significant that Yeltsin found it important to fire them? Well, that is why I felt it was important for us to meet with Skuratov and to hear what he had to say. So, Madam Speaker, we requested through our State Department the opportunity to meet with Skuratov.

Some strange things occurred, Madam Speaker, that I want our colleagues to hear, which is the reason why I have taken the floor tonight, which I am sure President Clinton will not talk about tonight in the State of the Union speech because it has been a part of our policy toward Russia for the past 7 years. We do not like to see or hear bad things coming from nations where our relationship is based on personalities, like President Clinton to President Yeltsin.

When we arrived in Moscow, my staff asked the State Department if the meeting had been set up with Mr. Skuratov. The State Department said, no, we could not arrange the meeting with Mr. Skuratov. We were very disappointed, to say the least.

The Monday morning we arrived at the Duma headquarters, equivalent to our Capitol building, we were brought into the committee room where the chairman of the security committee for the Duma was about to host us, Mr. Ilyukhin, and that was to be followed in a large hearing room for a public hearing hosted by the chairman of the anti-corruption task force involving over 20 members of the Russian Duma.

During our meeting with all the Members of Congress, both parties, and Mr. Ilyukhin, a couple of deputies said to him, do you think it would be possible for us to have a meeting with Mr. Skuratov? Upon which Mr. Ilyukhin said, sure, that is easy. We can set that up for you whenever you like.

I looked over at the State Department official in the room with us and I said, well, that is interesting because our State Department said they could not reach Mr. Skuratov. The members of the Duma said, no problem, we will arrange the meeting for you.

The irony of the request and the fact that the Duma members would set up the meeting was, Madam Speaker, that the State Department then requested of me if they could attend the meeting with Mr. Skuratov which they had failed to set up.

On Tuesday evening, after our meetings with the Russian leadership, with Mayor Luzhkov, with the leaders of the Duma, the Federal Counsel, and with agencies of the Russian Government, at 6 o'clock in the evening in a secret room in our hotel Mr. Skuratov was seated waiting for Members of Congress to arrive.

I was surprised when we arrived in the meeting room that there was a State Department employee at the end of the table. I asked him to identify himself, which he did; and he said he was there at the suggestion of our Ambassador Jim Collins.

So I began the meeting. It was ironic, Madam Speaker, that the State Department that could not set up the meeting for Members of Congress with Mr. Skuratov would want to have an official present at the table to monitor what was going to take place.

So I thought I would ask Mr. Skuratov how he found out about the meeting. I said, Mr. Skuratov how did you know to be here today? He said, some of my friends that you met with asked me to come over and meet with you, and I told them I was more than happy to meet with Members of the U.S. Congress.

I said, Mr. Skuratov, when did our State Department contact you to tell you that Members of Congress wanted to meet with you? He said, Oh, Congressman, your State Department never contacted me. In fact, I did not know you wanted to meet with me until Monday night late there was a message on my phone machine at my home asking me to call the embassy back in Moscow.

That was the evening after we had gotten a commitment from the Duma members that we would get a meeting with Mr. Skuratov.

Madam Speaker, it is obvious what was going on here. Our State Department did not want the 10 Members of Congress on the trip to meet face to face with Mr. Skuratov.

Well, at that I was very upset, along with our colleagues who were with me. We asked the State Department official to leave because we felt he did not have a purpose in being at the meeting with us except to take notes and perhaps report back to the Yeltsin government.

Then something strange happened, Madam Speaker, almost like it was out of a James Bond movie. Here we are in Moscow, in the National Hotel on the third floor in a private room, and the Members of Congress, including myself, have just kicked out our State Department official who was in this meeting; and a woman knocks on the door and she has got a fur coat on and a fur hat and a purse. And she comes in; and I say, excuse me, this is a private meeting. Would you mind leaving, stepping out of the room? She said, oh, I was sent here by the U.S. State Department, by our American Embassy in Moscow. I said, well, this is a private meeting. Would you please leave?

Upon which, Madam Speaker, she took off her fur coat, took off her fur hat and placed her hat, coat, and pocketbook on the table we were meeting at and walked out of the room.

Now, Madam Speaker, I have met a lot of women in my life and I do not know of any women that go around leaving their pocketbooks in a room full of strangers. And I just wonder, Madam Speaker, if that pocketbook had something inside it that will allow someone else to listen or monitor what Skuratov was telling the Members of Congress that were in that meeting.

Sounds like a James Bond thriller. Well, sometimes I think this administration gets involved in James Bond types of activities, especially when someone is about to say something that might embarrass this administration in terms of our policy toward Russia.

Well, Madam Speaker, with the consent of the Members of Congress with me, I told the staff to remove the purse, remove the coat, remove the hat so that we could continue our meeting. And we did.

Madam Speaker, for 2½ hours Members of Congress and senior committee staff from the Committee on Banking and Financial Affairs, the Joint Economic Committee, and the Committee on Armed Services sat and listened to Skuratov tell an unbelievable story.

Now, Madam Speaker, I have the notes from both the trip and the meeting, which are available to any Member of Congress who wants them, which we have already given to our FBI about what Skuratov said. Let me just give my colleagues a few highlights, Madam Speaker, because I think the American people would have liked to have heard this tonight as a part of the State of the Union, why our relationship with Russia has turned so sour.

It is because, while we were reinforcing Yeltsin, the Russian people knew that Yeltsin and his cronies were ripping off hundreds of millions and billions of dollars of money that was supposed to go to help the Russian economy. This is what Skuratov said. He said that he had evidence not just to indict Yeltsin's daughter, Tatianna, but to even lead to Yeltsin himself that Skuratov was about to indict the senior members of Yeltsin's family and the senior leaders of the Russian Government when he was brought down and when the prosecutors with him were fired.

He said he also had evidence that up to 700 senior Russian officials, 700, were involved in insider GKO bond trading, meaning they were making money off of Russia's economic problems. While the U.S. and the West were bailing out Russia's economy with money from the IMF and the World Bank, 700 Russian officials were reaping the financial benefits of insider trading of GKO bonds.

□ 1500

He gave us one example. He said the foreign minister in Russia during his investigation he found was making an annual salary of between 4 to 5,000 rubles a month. That is not much money when we convert it to U.S. dollars. The foreign minister was making 4 to 5,000 rubles a month. Yet Skuratov had evidence that he was involved in insider bond trading in the millions of U.S. dollars. We have to ask the question, how could a person making 4 to 5,000 rubles a month get access to millions of U.S. dollars? He said that was the norm in the Russian Government of Boris Yeltsin. He also told us that in the most recent IMF tranche of money that this country guaranteed to go into Russia, it was over $4 billion, that he could only account for about $300 million that went through the normal banking process in Russia, that over $4 billion of that IMF money did not go through the normal banking process that IMF funds would go through.

Madam Speaker, Mr. Skuratov went through a whole litany of the details of the investigation that he was in the midst of when he was fired. He told us that there is evidence in Russia and evidence available to document the ties to Russian criminal elements and in some cases U.S. institutions. We asked him, "Well, what kind of cooperation did you get from our government?" He said he had had one brief meeting with FBI Director Louis Freeh but no further subsequent meetings with the FBI. We have since met with the FBI, we have given them the information, and because I have the highest confidence in Director Freeh and his agency, we are convinced that he will use that information and pursue further information that Mr. Skuratov has identified for us. But, Madam Speaker, my point is a simple one. We will not hear that story tonight in the State of the Union. We will not hear the story about the instability in Russia. We will not hear the story, Madam Speaker, about the billions of dollars of U.S. money that has been ripped off while we sat back and reinforced Yeltsin every step of the way with the Russian people losing confidence in its relationship between Russia and the U.S. We also will not hear this story, Madam Speaker, that I would like to see the President tell, the story of Lieutenant Jack Daley, a 15-year naval intelligence officer who was lasered 3 years ago by a Russian spy trawler called the Kapitan Man. Jack Daley was flying a surveillance mission monitoring Russian spy ships that were spying on our submarine fleet out in Puget Sound. During the mission where he was flying in a helicopter with a Canadian pilot, they both had a sensation in their eyes as they were taking photographs of this spy vessel. When they landed, they were taken to the base infirmary and were told that they had been lasered by a high-powered laser generator.

Madam Speaker, what we will not hear the President talk about tonight is the fact that our State Department interfered with our Defense Department and would not allow our DOD personnel to go on board that Russian ship until we had notified the embassy in Moscow that they had done something wrong. In fact, Bill Gertz in his book "Betrayal" revealed for the first time the classified cables that were sent between our embassy and the Moscow embassy, our State Department and our Department of Defense. So instead of protecting our own naval intelligence officer who had been lasered by a Russian spy ship, we were trying to make sure again, like we were with the money laundering, that Boris Yeltsin was not embarrassed. Then something terrible happened with Jack Daley's career. For 15 years he had been an outstanding sailor, given the highest awards that one can get in the Navy. But because he questioned why his government was not supporting him but instead protecting Russia and Boris Yeltsin's leadership, Jack Daley's career was almost brought to a grinding halt. In fact, Madam Speaker, he was bypassed for a promotion until bipartisan Members of Congress, people like the gentleman from Washington (Mr. DICKS) and people like myself and others got involved, the gentleman from California (Mr. HUNTER), in Jack Daley's case and we said to this administration, "You can't get away with ignoring harm done to an American soldier because you don't want to embarrass Boris Yeltsin and his relationship with Bill Clinton."

When Jack Daley was bypassed this past summer a second time for his promotion, those of us in the Congress on both sides of the aisle following the case were livid and we demanded that our Defense Department protect our own military officer. In September of this year, finally, John Hamre, our Deputy Secretary of Defense, called me and he said, "Congressman, I think you'll be happy. We had a special Navy panel review the Jack Daley case and he is being given his promotion."

Madam Speaker, the point is that what we will not hear the President talk about tonight are the multitude of times that we have pretended reality was not what it is in Russia or in China, when we ignored arms control violations, 17 by the Russians, 20 by the Chinese over the past 7 years, when we had the hard evidence of deliberate arms control violations by both countries we pretended it did not happen because we did not want to upset the relationship between Bill Clinton and Boris Yeltsin or Bill Clinton and Jiang Zemin. We will not hear that story tonight, Madam Speaker, because the President will only talk about the glitz, he will only talk about the economy going well, he will pretend the world is safe, there are no problems.

He will not talk about the fact that he reversed himself on missile defense because the bipartisan Congress for 6 years every year passed overwhelmingly bipartisan measures demanding that this administration move to protect our troops and our people. He will not talk about the fact tonight that the day after last year's State of the Union speech when he did not talk about missile defense at all, he had Secretary of Defense Bill Cohen give a major foreign policy speech when he announced that we were in fact changing our position and now supportive of missile defense as a Nation. He probably will not talk about the fact that in last year's State of the Union speech he did not talk to any great length about the increasing threats from weapons of mass destruction or cyberterrorism but in fact the week after the State of the Union speech, he gave two speeches, one was on cyberterrorism and he said he would request billions of new dollars, and the second was on weapons of mass destruction and he again said he would request billions of dollars.

My point, Madam Speaker, is we are going to hear a good speech tonight. It is going to give the President a good bump in the polls. It is going to make the American people feel good because there is going to be something in it for everybody. We are going to praise people in the audience, we are going to applaud our troops as the best that have ever existed in the history of the country, we are going to talk about the economy and we are going to say everything is rosy, but we are not going to hear the kinds of things that I have outlined in my 1-hour special order today, Madam Speaker.

Again, there are things this President can take credit for and can share jointly with the success this Congress has had. But it is not just accepting success. He also has to be honest with the American people about problems we have not yet solved, about the failed relationships our country now has with China and Russia, about the fact that we are not properly funding the men and women serving our country and still have up to 20,000 young military men and women who have to receive food stamps because we do not pay them enough to take care of their families. These are the kinds of stories, as well as some of the others that I have talked about, that I would have hoped to hear from the State of the Union.

Madam Speaker, in going over these highlights tonight, I have focused every step of the way on the fact that our successes have been bipartisan in this body and the other body. None of our successes that I have outlined today, welfare reform, balanced budget, protecting Social Security, pushing education funds to local schools, trying to increase funds for our military, dignity in the way we enforce arms control agreements, none of those successes were Republican successes alone. Sure, the Republican majority allowed those bills to come to the floor, but in most cases, if not all, it was support from the Democrat side that helped those bills become reality and become the law of the land. We will not hear those stories tonight.

We are going to hear a one-word standup session about how great Bill Clinton has been for America for the past 7 years. And there are going to be those around the country who are going to say, if we just had control of the Congress, these are the Democrats now, we could do so much more.

Madam Speaker, in closing, I want to remind the American people of a simple basic fact that is irrefutable. For the past 50 years, since 1952, the party of President Clinton, the Democrat Party, has had a chance to govern America time and time again. Let us look at the history of this country. Under JFK, we had a Democrat President and a Democrat Congress. Under LBJ, we had a Democrat President and a Democrat Congress. Under Jimmy Carter, we had a Democrat President and a Democrat Congress. Under Bill Clinton, for the first 2 years, we had a Democrat President and a Democrat Congress. Madam Speaker, every American and every colleague needs to ask themselves, how many times in the last 50 years has the Republican Party had the President and the Congress? The answer, Madam Speaker, is zero. The Republican Party has not controlled the White House and the Congress since 1952.

Our message, Madam Speaker, is we have done good things over the past 5 years. Yes, the President will take credit for many of them tonight, from the balanced budget to welfare reform, to saving Social Security, to helping boost up our defense. He will take credit for all of them. But, Madam Speaker, imagine if the Republican Party for once in the next election cycle, after 50 years of not having a chance, had a chance to control the House, the Senate and the White House, something the Democrats have had time and again. Remember, Madam Speaker, when the Democrats controlled the Congress and the White House, they did not protect Social Security. They did not reform welfare. They created bigger programs, out-of-control programs. They had the opportunity time and time again, and they drove this country into a massive deficit because they always controlled the Congress until 6 years ago.

So I would only hope tonight as we listen to the President's last State of the Union, and I know my colleagues will give him the respect that he is due as our Commander in Chief and as our President, while I may disagree with his policies and may disagree with some of his decisions, I respect the fact that he is our leader and he is our President and so I would hope, and I know that our colleagues will give him that respect tonight, but I only wanted to share, Madam Speaker, some thoughts of things that maybe could have been said, should have been said but will not be said tonight in this State of the Union speech for America for the new millennium.

Madam Speaker, I will include one further item. During our trip to Moscow, the leader of the Kurchatov Institute and a good friend of mine, Yevgeny Velikhov, gave a speech in our honor at a luncheon he hosted. It is important to understand who Yevgeny Velikhov is. He is the director of one of the largest institutes in Russia called Kurchatov Institute in Moscow. It is the institute that developed all of Russia's nuclear programs, their nuclear technology. Yevgeny gave a speech about relations between the U.S. and Russia that is absolutely unbelievable. My point in placing this speech in the CONGRESSIONAL RECORD at the end of my comments today, Madam Speaker, is that Yevgeny Velikhov represents mainstream Russia. Russian people want to be our friends. Russian leaders want to work with us. But we cannot have a policy as we have had over the past 7 years of being so enamored with Boris Yeltsin, or a personality, that we ignore the reality of what is occurring in that country, because if we do that again, the Russian people will have the same feeling toward us then as they have toward us now.

They have seen us ignore the corruption, they have seen us ignore the involvement of Yeltsin's own family and his friends in stealing money from the Russian people. They have seen America turn its back when we had evidence of the selling off of technology from Russian criminal elements to foreign nations. We have got to change that policy. People like Yevgeny Velikhov understand that. The future of our relationship with Russia I think can be bright as I think our relationship with China can be bright. There, as this past weekend I had a chance to speak to the Mid-Atlantic Monte Gade Society of Chinese Scientists, I said it is an absolute tragedy that this administration is blaming the whole fiasco over the Chinese technology transfer on one man who they claim stole technology. Instead of focusing on a Chinese or Asian American, this administration should look to itself and to its failed policies of allowing proliferation to occur and technology to be transferred legally to anyone who would pay the price.

□ 1515

Madam Speaker, I would hope that as I close this special order today our colleagues will think beyond the rhetoric of what we are going to hear tonight and put our minds together to work, as we did in the last year of this session of the Congress, on some good initiatives, the kinds of things that we have passed, the kinds of foreign policy actions that we have taken, and drag the President along for the good of America into the new millennium and the 21st Century.

Madam Speaker, at this point I would enter into the RECORD another speech of Yevgeny Velikhov.

E.P. Velikhov's Speech at the Meeting of Kurchatov Institute's Scientific Society With a Group of USA Congressmen

Ladies and Gentlemen, we gathered in a memorable time when the ages are changing. This calendar event is being reinforced by one of the also important circumstance for the whole mankind: 2000 years of Christ's birthday.

His teaching changed our world. When the mankind was keeping to his commandments it progressed, but as soon as they were forgotten the mankind became sunken into deep crisis. And we, having achieved this century border, have got into this no way state.

Practically all the XX century beginning from 1917 and ending by 1990 year, we were living behind the "iron curtain" in the state of ideological confrontation. And all these years the idea to conquer the world has dominated as in the Soviet Union as well in the United States of America. But reasonable people from both sides (and their number was not small) understood that there are on the both sides of the "iron curtain" the real alive people, who were ready for cooperation. And overwhelming ideological barriers we were going toward each other creating step by step a bridge of confidence and understanding.

When almost 10 years ago the "iron curtain" has broken we hoped for a strengthening of this bridge, for the sound forces going through it in both direction. Unfortunately this has not happened. The ideology has broken, but in the result of this powerful ideological burst a foam appeared, which has flowed from us to the USA and from the USA to us.

Americans have felt on themselves what is the Russian crime, corruption, they saw "new Russians", our bankers, oligarchs, who have "green cards", huge amounts of money for villa construction, wealthy holidays. Exactly they became to represent the Russian face in the West. And the West has shuddered.

But we also have shuddered. Flow of the people, representing wrong side of American life, started into Russia. We have seen here your expert—economists, whose ideas have not been accepted in the USA as they were not perspective and harmful, but they have found a fertile soil in the Russia. We have seen in our space also American businessmen, who tried to involve us into adventure projects. I personally confronted one of such so called businessman, who proposed to cooperate in a major project on unlawful ground.

Certainly, the roots of many vices such as corruption, stealing, unlawful privatization, drags, pornography, prostitution, are situated also in our ground, but in many respect the people's awareness connect them to America and the USA is not accepted in Russia now as a prospering and educated society.

It seems that we have forgotten 10 Christian commandments. It appears on the border of centuries that a huge charge of mutual good will, which we have had at the end of 80-ty years, has been almost used up. And instead of the "iron curtain" we begin to construct a "stinking trench" behind the rusted barbed wire. Lets look at today's time: as earlier we threaten each other by nuclear restriction and think up limitations, sanctions. We appeared to be in a situation dangerous for the world at the end of XX century.

Meantime the USA and the Russia are playing today a huge role in the establishment of a stable and secure peace, democratic order. It is clear, that being in confrontation we can only negatively influence as on our countries as well on the world as a whole.

I would not like to be a pessimist. We have way out and we can see it if we return with open face to our youth. It is a new growing force of Russia, it is that base on which we can build the world and the order.

"Junior Achievements of Russia" is gaining power by us. One million of young men and girls from 80 regions of Russia, who study economics, business and management are today in its ranks. After 5 years they will be 5 millions. And this is a great power, which is ready for democratic transformation in the country.

Altruism is laying in the base of their activity—one of the best features of Americans which the Russian youth has accepted and absorbed. As many Americans members of "Junior Achievements" see the highest sense to serve to the society.

Finally, we can learn in our new construction against our businessmen, who are heading this movement. They are those people who a faithful to the principles of "pure business" and they are true to their duty. They are ready to invest into creation of new society.

The resume from my speech suggests itself: experience which has come from "the top" appears to be not quite satisfactory. It came to us with the people who have forgotten the Christ's commandments. But we have sound forces, who not only accept them but they are leaving in accordance with them. We connect the Russia's future with them and the future of Russian-American relations.

I call upon to support the people who have the life principle to serve to the society.

RECESS

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 3 o'clock and 16 minutes p.m.), the House stood in recess until approximately 8:40 p.m.)

□ 2048

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 48 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 241 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mr. Jim Varey, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. ARMEY);

The gentleman from Texas (Mr. DELAY);

The gentleman from Oklahoma (Mr. WATTS);

The gentleman from California (Mr. COX);

The gentleman from Arkansas (Mr. HUTCHINSON);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from Missouri (Mr. GEPHARDT);

The gentleman from Michigan (Mr. BONIOR);

The gentleman from Texas (Mr. FROST);

The gentleman from New Jersey (Mr. MENENDEZ);

The gentleman from Arkansas (Mr. BERRY); and

The gentleman from Arkansas (Mr. SNYDER).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Mississippi (Mr. LOTT);

The Senator from Oklahoma (Mr. NICKLES);

The Senator from South Carolina (Mr. THURMOND);

The Senator from Idaho (Mr. CRAIG);

The Senator from Virginia (Mr. WARNER);

The Senator from Arkansas (Mr. HUTCHINSON);

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Maryland (Ms. MIKULSKI);

The Senator from Washington (Mrs. MURRAY);

The Senator from North Dakota (Mr. DORGAN);

The Senator from Louisiana (Mr. BREAUX);

The Senator from West Virginia (Mr. ROCKEFELLER);

The Senator from Illinois (Mr. DURBIN); and

The Senator from New Jersey (Mr. LAUTENBERG).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Jesse B. Marehalau, Ambassador to the United States from Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 12 minutes p.m., the Sergeant at Arms, Mr. Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Thank you very much.

Mr. Speaker, Mr. Vice President, Members of Congress, honored guests, my fellow Americans: We are fortunate to be alive at this moment in history. Never before has our Nation enjoyed, at once, so much prosperity and social progress with so little internal crisis and so few external threats. Never before have we had such a blessed opportunity and, therefore, such a profound obligation to build the more perfect union of our founders' dreams.

We begin the new century with over 20 million new jobs; the fastest economic growth in more than 30 years; the lowest unemployment rates in 30 years; the lowest poverty rates in 20 years; the lowest African-American and Hispanic unemployment rates on record; the first back-to-back surpluses in 42 years.

Next month, America will achieve the longest period of economic growth in our entire history.

We have built a new economy.

Our economic revolution has been matched by a revival of the American spirit: Crime down by 20 percent, to its lowest level in 25 years. Teen births down 7 years in a row. Adoptions up by 30 percent. Welfare rolls cut in half to their lowest levels in 30 years.

My fellow Americans, the state of our union is the strongest it has ever been.

As always, the real credit belongs to the American people.

My gratitude also goes to those of you in this Chamber who have worked with us to put progress over partisanship.

Eight years ago, it was not so clear to most Americans there would be much to celebrate in the year 2000. Then our Nation was gripped by economic distress, social decline, political gridlock. The title of a best-selling book that year asked: "America: What Went Wrong?"

In the best traditions of our Nation, Americans determined to set things right. We restored the vital center, replacing outmoded ideologies with a new vision anchored in basic, enduring values: opportunity for all, responsibility from all, a community of all Americans.

We reinvented government, transforming it into a catalyst for new ideas that stress both opportunity and responsibility, and give our people the tools they need to solve their own problems.

With the smallest Federal workforce in 40 years, we turned record deficits into record surpluses, and doubled our investment in education. We cut crime: with 100,000 community police and the Brady Law, which has kept guns out of the hands of half a million criminals.

We ended welfare as we knew it, requiring work while protecting health care and nutrition for children, and investing more in child care, transportation, and housing to help their parents go to work. We have helped parents to succeed at home and at work with family leave, which 20 million Americans have now used to care for a newborn child or a sick loved one. We have engaged 150,000 young Americans in citizen service through AmeriCorps, while helping them earn money for college.

In 1992, we just had a roadmap. Today, we have results. Even more important, America again has the confidence to dream big dreams. But we must not let this confidence drift into complacency. For we, all of us, will be judged by the dreams and deeds we pass on to our children. And on that score, we will be held to a high standard, indeed. Because our chance to do good is so great.

My fellow Americans, we have crossed the bridge we built to the 21st century. Now, we must shape a 21st-century American revolution, of opportunity, responsibility, and community. We must be now, as we were in the beginning, a new Nation.

At the dawn of the last century, Theodore Roosevelt said, "The one characteristic more essential than any other is foresight. It should be the growing nation with a future that takes the long look ahead."

Tonight, let us take our long look ahead and set great goals for our Nation.

To 21st century America, let us pledge these things:

Every child will begin school ready to learn and graduate ready to succeed. Every family will be able to succeed at home and at work, and no child will be raised in poverty. We will meet the challenge of the aging of America. We will assure quality, affordable health care at last for all Americans. We will make America the safest big country on earth. We will pay off our national debt for the first time since 1935. We will bring prosperity to every American community. We will reverse the course of climate change and leave a safer, cleaner planet. America will lead the world toward shared peace and prosperity, and the far frontiers of science and technology. And we will become at last what our founders pledged us to be so long ago: One Nation, under God, indivisible, with liberty and justice for all.

These are great goals, worthy of a great nation. We will not reach them all this year. Not even in this decade. But we will reach them. Let us remember that the first American revolution was not won with a single shot. The continent was not settled in a single year. The lesson of our history, and the lesson of the last 7 years, is that great goals are reached step by step: always building on our progress, always gaining ground.

Of course, you cannot gain ground if you are standing still. For too long this Congress has been standing still on some of our most pressing national priorities. So let us begin tonight with them.

Again, I ask you to pass a real Patients' Bill of Rights. I ask you to pass common sense gun safety legislation. I ask you to pass campaign finance reform. I ask you to vote up or down on judicial nominations and other important appointees; and, again, I ask you, I implore you, to raise the minimum wage.

Now, let me try to balance the seesaw here. Two years ago, as we reached across party lines to reach our first balanced budget, I asked that we meet our responsibility to the next generation by maintaining our fiscal discipline. Because we refused to stray from that path, we are doing something that would have seemed unimaginable 7 years ago. We are actually paying down the national debt.

Now, if we stay on this path, we can pay down the debt entirely in just 13 years now and make America debt-free for the first time since Andrew Jackson was President in 1835.

In 1993, we began to put our fiscal house in order with the Deficit Reduction Act, which you will all remember won passages in both Houses by just a single vote. Your former colleague, my first Secretary of the Treasury, led that effort and sparked our long boom. He is here with us tonight. Lloyd Bentsen, you have served America well; and we thank you.

Beyond paying off the debt, we must ensure that the benefits of debt reduction go to preserving two of the most important guarantees we make to every American, Social Security and Medicare. Tonight I ask you to work with me to make a bipartisan down payment on Social Security reform by crediting the interest savings from debt reduction to the Social Security Trust Fund so that it will be strong and sound for the next 50 years.

But this is just the start of our journey. We must also take the right steps toward reaching our great goals.

First and foremost, we need a 21st century revolution in education, guided by our faith that every single child can learn. Because education is more important than ever, more than ever the key to our children's future, we must make sure all of our children have that key. That means quality preschool and afterschool, the best trained teachers in the classroom and college opportunities for all our children.

For 7 years now, we have worked hard to improve our schools, with opportunity and responsibility: Investing more, but demanding more in return.

Reading, math and college entrance scores are up. Some of the most impressive gains are in schools in very poor neighborhoods. But all successful schools have followed the same proven formula: higher standards, more accountability and extra help so children who need it can get it to reach those standards.

I have sent Congress a reform plan based on that formula. It holds States and school districts accountable for progress and rewards them for results. Each year our national government invests more than $15 billion in our schools. It is time to support what works and stop supporting what does not.

Now, as we demand more from our schools, we should also invest more in our schools. Let us double our investment to help States and districts turn around their worst-performing schools, or shut them down. Let us double our investment in afterschool and summer school programs which boost achievement and keep people off the street and out of trouble. If we do this, we can give every single child in every failing school in America, everyone, the chance to meet high standards.

Since 1993, we have nearly doubled our investment in Head Start and improved its quality. Tonight, I ask you for another $1 billion for Head Start, the largest increase in the history of the program.

We know that children learn best in smaller classes with good teachers. For 2 years in a row, Congress has supported my plan to hire 100,000 new qualified teachers to lower class size in the early grades. I thank you for that, and I ask you to make it three in a row.

And to make sure all teachers know the subjects they teach, tonight I propose a new teacher quality initiative, to recruit more talented people into the classroom, reward good teachers for staying there and give all teachers the training they need.

We know charter schools provide real public school choice. When I became President, there was just one independent public charter school in all America. Today, thanks to you, there are 1,700. I ask you now to help us meet our goal of 3,000 charter schools by next year.

We know we must connect all our classrooms to the Internet, and we are getting there. In 1994, only 3 percent of our classrooms were connected. Today, with the help of the Vice President's E-rate program, more than half of them are; and 90 percent of our schools have at least one Internet connection.

But we cannot finish the job when a third of all our schools are in serious disrepair. Many of them have walls and wires so old they are too old for the Internet. So tonight I propose to help 5,000 schools a year to make immediate and urgent repairs and again to help build or modernize 6,000 more, to get students out of trailers and into high-tech classrooms.

I ask all of you to help me double our bipartisan GEAR UP program, which provides mentors for disadvantaged young people. If we double it, we can provide mentors for 1.4 million of them. Let us also offer these kids from disadvantaged backgrounds the same chance to take the same college test-prep courses wealthier students use to boost their test scores.

Thank you.

To make the American dream achievable for all, we must make college affordable for all. For 7 years, on a bipartisan basis, we have taken action toward that goal: larger Pell grants, more affordable student loans, education IRAs and our HOPE scholarships which have already benefited 5 million young people. Now, 67 percent of high school graduates are going on to college. That is up 10 percent since 1993. Yet millions of families still strain to pay college tuition. They need help.

So I propose a landmark $30 billion college opportunity tax cut, a middle-class tax deduction for up to $10,000 in college tuition costs. The previous actions of this Congress have already made 2 years of college affordable for all. It is time to make 4 years of college affordable for all.

If we take all of these steps, we will move a long way toward making sure every child starts school ready to learn and graduates ready to succeed.

We also need a 21st century revolution to reward work and strengthen families by giving every parent the tools to succeed at work and at the most important work of all, raising children. That means making sure every family has health care and the support to care for aging parents, the tools to bring their children up right and that no child grows up in poverty.

From my first days as President, we have worked to give families better access to better health care. In 1997, we passed the Children's Health Insurance Program, CHIP, so that workers who do not have coverage through their employers at least can get it for their children. So far, we have enrolled 2 million children. We are well on our way to our goal of 5 million, but there are still more than 40 million of our fellow Americans without health insurance, more than there were in 1993.

Tonight I propose that we follow Vice President Gore's suggestion to make low-income parents eligible for the insurance that covers their children. Together with our children's initiative, think of this, together with our children's initiative, this action would enable us to cover nearly a quarter of all the uninsured people in America.

Again, I want to ask you to let people between the ages of 55 and 65, the fastest growing group of uninsured, buy into Medicare. And this year I propose to give them a tax credit to make that choice an affordable one. I hope you will support that, as well.

When the Baby Boomers retire, Medicare will be faced with caring for twice as many of our citizens. Yet, it is far from ready to do so. My generation must not ask our children's generation to shoulder our burden. We simply must act now to strengthen and modernize Medicare.

My budget includes a comprehensive plan to reform Medicare to make it more efficient and more competitive. And it dedicates nearly $400 billion of our balanced budget surplus to keep Medicare solvent past 2025; and, at long last, it also provides funds to give every senior a voluntary choice of affordable coverage for prescription drugs.

Lifesaving drugs are an indispensable part of modern medicine. No one creating a Medicare program today would even think of excluding coverage for prescription drugs. Yet, more than three in five of our seniors now lack dependable drug coverage which can lengthen and enrich their lives. Millions of older Americans who need prescription drugs the most pay the highest prices for them.

In good conscience, we cannot let another year pass without extending to all our seniors this lifeline of affordable prescription drugs.

Record numbers of Americans are providing for aging or ailing loved ones at home. It is a loving but a difficult and often very expensive choice. Last year, I proposed a $1,000 tax credit for long-term care. Frankly, it was not enough. This year, let us triple it to $3,000, but this year, let us pass it.

We also have to make needed investments to expand access to mental health care. I want to take a moment to thank the person who led our first White House Conference on Mental Health last year, and who for 7 years has led all our efforts to break down the barriers to decent treatment of people with mental illness. Thank you, Tipper Gore.

Taken together, these proposals would mark the largest investment in health care in the 35 years since Medicare was created, the largest investment in 35 years. That would be a big step toward assuring quality health care for all Americans, young and old, and I ask you to embrace them and pass them.

We must also make investments that reward work and support families. Nothing does that better than the earned income tax credit, the EITC. The E in the EITC is about earning, working, taking responsibility, and being rewarded for it. In my very first address to you, I asked Congress to greatly expand this credit, and you did. As a result, in 1998 alone, the EITC helped more than 4.3 million Americans work their way out of poverty toward the middle class. That is double the number in 1993.

Tonight, I propose another major expansion of the EITC, to reduce the marriage penalty, to make sure it rewards marriage as it rewards work, and also to expand the tax credit for families that have more than two children. It punishes those with more than two children today. Our proposal would allow families with three or more children to get up to $1,100 more in tax relief. These are working families. Their children should not be in poverty.

We also cannot reward work and family unless men and women get equal pay for equal work. Today the female unemployment rate is the lowest it has been in 46 years. Yet, women still only earn about 75 cents for every dollar men earn. We must do better by providing the resources to enforce present equal pay laws, training more women for high-paying, high-tech jobs, and passing the Paycheck Fairness Act.

Many working parents spend up to a quarter, a quarter of their income on child care. Last year we helped parents provide child care for about 2 million children. My child care initiative before you now, along with funds already secured in welfare reform, would make child care better, safer, and more affordable for another 400,000 children. I ask you to pass that. They need it out there in America.

For hard-pressed middle-income families, we should also expand the child care tax credit, and I believe strongly we should take the next big step and make that tax credit refundable for low-income families. For people making under $30,000, that could mean up to $2,400 for child care costs. We all say we are pro-work and pro-family. Passing this proposal would prove it.

Tens of millions of Americans live from paycheck to paycheck. As hard as they work, they still do not have the opportunity to save. Too few can make use of IRAs and 401(k) plans. We should do more to help all working families save and accumulate wealth. That is the idea behind the so-called Individual Development Accounts, the IDAs.

I ask you to take that idea to a new level, with new retirement savings accounts that enable every low- and moderate-income family in America to save for retirement, a first home, a medical emergency, or a college education. I propose to match their contributions, however small, dollar for dollar, every year they save. And I propose to give a major new tax credit to any small business that will provide a meaningful pension to its workers. Those people ought to have retirement as well as the rest of us.

Nearly one in three American children grows up without a father. These children are five times more likely to live in poverty than children with both parents at home. Clearly, demanding and supporting responsible fatherhood is critical to lifting all of our children out of poverty. We have doubled child support collections since 1992, and I am proposing to use tough new measures to hold still more fathers responsible.

But we should recognize that a lot of fathers want to do right by their children, but need help to do it. Carlos Rosas of St. Paul, Minnesota, wanted to do right by his son, and he got the help to do it. Now he has a good job and he supports his little boy. My budget will help 40,000 more fathers make the same choices Carlos Rosas did. I thank him for being here tonight. Stand up, Carlos. Thank you.

If there is any single issue on which we should be able to reach across party lines, it is in our common commitment to reward work and strengthen families. Let us remember what we did last year. We came together to help people with disabilities keep their health insurance when they go to work. I thank you for that.

Thanks to overwhelming bipartisan support from this Congress, we have improved foster care. We have helped those young people who leave it when they turn 18, and we have dramatically increased the number of foster care children going into adoptive homes. I thank all of you for all of that.

Of course, I am forever grateful to the person who has led our efforts from the beginning, and who has worked so tirelessly for children and families for 30 years now: my wife, Hillary. Thank you, Hillary.

If we take the steps I have just discussed, we can go a long, long way toward empowering parents to succeed at home and at work, and ensuring that no child is raised in poverty. We can make these vital investments in health care, education, support for working families, and still offer tax cuts to help pay for college, for retirement, to care for aging parents, to reduce the marriage penalty. We can do these things without forsaking the path of fiscal discipline that got us here tonight.

Indeed, we must make these investments and these tax cuts in the context of a balanced budget that strengthens and extends the life of Social Security and Medicare and pays down the national debt.

Crime in America has dropped for the past 7 years. That is the longest decline on record, thanks to a national consensus we helped to forge on community police, sensible gun safety laws, and effective prevention.

But nobody, nobody here, nobody in America, believes we are safe enough. So again, I ask you to set a higher goal. Let us make this country the safest big country in the world.

Now, last fall Congress supported my plan to hire, in addition to the 100,000 community police we have already funded, 50,000 more, concentrated in high crime neighborhoods. I ask your continued support for that.

Soon after the Columbine tragedy, Congress considered common-sense gun legislation to require Brady background checks at the gun shows, child safety locks for new handguns and a ban on the importation of large-capacity ammunition clips. With courage, and a tie-breaking vote for the Vice President, the Senate faced down the gun lobby, stood up for the American people and passed this legislation. But the House failed to follow suit.

Now, we have all seen what happens when guns fall into the wrong hands. Daniel Mauser was only 15 years old when he was gunned down at Columbine. He was an amazing kid, a straight-A student, a good skier. Like all parents who lose their children, his father, Tom, has borne unimaginable grief. Somehow he has found the strength to honor his son by transforming his grief into action.

Earlier this month, he took a leave of absence from his job to fight for tougher gun safety laws. I pray that his courage and wisdom will at long last move this Congress to make common-sense gun legislation the very next order of business. Tom Mauser, stand up. We thank you for being here tonight, Tom. Thank you, Tom.

We must strengthen our gun laws and enforce those already on the books better. Federal gun crime prosecutions are up 16 percent since I took office, but we must do more. I propose to hire more Federal and local gun prosecutors and more ATF agents to crack down on illegal gun traffickers and bad-apple dealers and we must give them the enforcement tools that they need. Tools to trace every gun and every bullet used in every gun crime in the United States. I ask you to help us do that.

Every State in this country already requires hunters and automobile drivers to carry a license. I think they ought to do the same thing for handgun purchases. Now, specifically, I propose a plan to ensure that all new handgun buyers must first have a photo license from their State showing they passed the Brady background check and a gun safety course before they get the gun. I hope you will help me pass that in this Congress.

Listen to this: the accidental gun death rate of children under 15 in the United States is nine times higher than in the other 25 industrialized countries combined. Technologies now exist that could lead to guns that could only be fired by the adults who own them. I ask Congress to fund research into Smart Gun technology to save these children's lives. I ask responsible leaders in the gun industry to work with us on smart guns and other steps to keep guns out of the wrong hands and keep our children safe.

Every parent I know worries about the impact of violence in the media on their children. I want to begin by thanking the entertainment industry for accepting my challenge to put voluntary ratings on TV programs and video and Internet games. But, frankly, the ratings are too numerous, diverse and confusing to be really useful to parents. So tonight I ask the industry to accept the First Lady's challenge, to develop a single voluntary rating system for all children's entertainment that is easier for parents to understand and enforce.

The steps I outline will take us well on our way to making America the safest big country in the world.

Now, to keep our historic economic expansion going, the subject of a lot of discussion in this community and others, I believe we need a 21st century revolution to open new markets, start new businesses, hire new workers right here in America. In our inner-cities, poor, rural areas and Native American reservations.

Our Nation's prosperity has not yet reached these places. Over the last 6 months I have traveled to a lot of them, joined by many of you and many farsighted businesspeople, to shine a spotlight on the enormous potential in communities from Appalachia to the Mississippi Delta, from Watts to the Pine Ridge Reservation. Everywhere I have gone I have met talented people eager for opportunity and able to work. Tonight I ask you: Let us put them to work.

For business, it is the smart thing to do. For America, it is the right thing to do. And let me ask you something. If we do not do this now, when in the wide world will we ever get around to it?

So I ask Congress to give businesses the same incentives to invest in America's new markets they now have to invest in markets overseas. Tonight, I propose a large New Markets Tax Credit and other incentives to spur $22 billion in private sector capital to create new businesses and new investments in our inner-cities and rural areas.

I also, because empowerment zones have been creating these opportunities for 5 years now, I also ask you to increase incentives to invest in them and to create more of them. And let me say to all of you again what I have tried to say at every turn: This is not a Democratic or a Republican issue. Giving people a chance to live their dreams is an American issue.

Mr. Speaker, it was a powerful moment last November when you joined the Reverend Jesse Jackson and me in your home State of Illinois and committed to working toward our common goal by combining the best ideas from both sides of the aisle. I want to thank you again and to tell you, Mr. Speaker, I look forward to working with you. This is a worthy joint endeavor. Thank you.

I also ask you to make special efforts to address the areas of our Nation with the highest rates of poverty, our Native American reservations and the Mississippi Delta. My budget includes a $110 million initiative to promote economic development in the Delta; and $1 billion to increase economic opportunity, health care, education and law enforcement for our Native American communities.

Now, in this new century, we should begin this new century by honoring our historic responsibility to empower the first Americans. And I want to thank tonight the leaders and the Members from both parties who have expressed to me an interest in working with us on these efforts. They are profoundly important.

There is another part of our American community in trouble tonight, our family farmers. When I signed the Farm Bill in 1996, I said there was great danger it would work well in good times but not in bad. Well, droughts, floods and historically low prices have made these times very bad for the farmers. We must work together to strengthen the farm safety net, invest in land conservation, and create some new markets for them by expanding our programs for bio-based fuels and products. Please, they need help. Let us do it together.

Opportunity for all requires something else today: having access to a computer and knowing how to use it. That means we must close the digital divide between those who have the tools and those who do not.

Connecting classrooms and libraries to the Internet is crucial, but it is just a start. My budget ensures that all new teachers are trained to teach 21st century skills and it creates technology centers in 1,000 communities to serve adults. This spring, I will invite high-tech leaders to join me on another New Markets tour to close the digital divide and open opportunity for our people.

I want to thank the high-tech companies that already are doing so much in this area, and I hope the new tax incentives I have proposed will get all the rest of them to join us. This is a national crusade. We have got to do this and do it quickly.

Now, again, I say to you these are steps, but step by step we can go a long way toward our goal of bringing opportunity to every community.

To realize the full possibilities of this economy, we must reach beyond our own borders to shape the revolution that is tearing down barriers and building new networks among nations and individuals, economies, and cultures: Globalization. It is the central reality of our time.

Of course, change this profound is both liberating and threatening to people. But there is no turning back. And our open, creative society stands to benefit more than any other if we understand and act on the realities of interdependence. We have to be at the center of every vital global network as a good neighbor and a good partner. We have to recognize that we cannot build our future without helping others to build theirs.

The first thing we have got to do is to forge a new consensus on trade. Those of us who believe passionately in the power of open trade, we have to ensure that it lifts both our living standards and our values, never tolerating abusive child labor or a race to the bottom in the environment and worker protection. But others must recognize that open markets and rules-based trade are the best engines we know of for raising living standards, reducing global poverty and environmental destruction, and assuring the free flow of ideas.

I believe as strongly tonight as I did the first day I got here, the only direction for America on trade is to keep going forward. I ask you to help me forge that consensus.

We have to make developing economies our partners in prosperity. That is why I would like to ask you again to finalize our ground-breaking African and Caribbean Basin trade initiatives.

But globalization is about more than economics. Our purpose must be to bring together the world around freedom, democracy, and peace and to oppose those who would tear it apart.

Here are the fundamental challenges I believe America must meet to shape the 21st century world:

First, we must continue to encourage our former adversaries, Russia and China, to emerge as stable, prosperous, democratic nations. Both are being held back today from reaching their full potential, Russia by the legacy of communism, an economy in turmoil, a cruel and self-defeating war in Chechnya; China by the illusion that it can buy stability at the expense of freedom.

But think how much has changed in the past decade. Five thousand former Soviet nuclear weapons taken out of commission, Russian soldiers actually served with us in the Balkans, Russian people electing their leaders for the first time in 1,000 years. In China, an economy more open to the world than ever before. Of course no one, not a single person in this Chamber tonight, can know for sure what direction these great nations will take. But we do know for sure that we can choose what we do. We should do everything in our power to increase the chance that they will choose wisely, to be constructive members of our global community.

That is why we should support those Russians who are struggling for a democratic, prosperous future, continue to reduce both our nuclear arsenals and help Russia to safeguard weapons and materials that remain.

That is why I believe Congress should support the agreement we negotiated to bring China into the WTO by passing permanent normal trade relations with China as soon as possible this year.

I think you ought to do it for two reasons. First of all, our markets are already open to China. This agreement will open China's markets to us. Second, it will plainly advance the cause of peace in Asia and promote the cause of change in China.

No, we do not know where it is going. All we can do is decide what we are going to do. But when all is said and done, we need to know we did everything we possibly could to maximize the chance that China will choose the right future.

A second challenge we have got is to protect our own security from conflicts that pose the risk of wider war and threaten our common humanity. We cannot prevent every conflict or stop every outrage. But where our interests are at stake and we can make a difference, we should be and we must be peacemakers.

We should be proud of our role in bringing the Middle East closer to a lasting peace, building peace in Northern Ireland, working for peace in East Timor and Africa, promoting reconciliation between Greece and Turkey and in Cyprus, working to defuse these crises between India and Pakistan and defending human rights and religious freedom.

We should be proud of our men and women in our armed forces and those of our allies who stopped the ethnic cleansing in Kosovo, enabling a million people to return to their homes.

When Slobodan Milosevic unleashed his terror on Kosovo, Captain John Cherrey was one of the brave airmen who turned the tide. When another American plane was shot down over Serbia, he flew into the teeth of enemy air defenses to bring his fellow pilot home. Thanks to our armed forces' skill and bravery, we prevailed in Kosovo without losing a single American in combat.

I want to introduce Captain Cherrey to you. We honor Captain Cherrey. We promise you, Captain, we will finish the job you began. Stand up so we can see you.

A third challenge we have is to keep this inexorable march of technology from giving terrorists and potentially hostile nations the means to undermine our defenses. Keep in mind the same technological advances that have shrunk cell phones to fit in the palms of our hands can also make weapons of terror easier to conceal and easier to use.

We must meet this threat by making effective agreements to restrain nuclear and missile programs in North Korea, curbing the flow of lethal technology to Iran, preventing Iraq from threatening its neighbors, increasing our preparedness against chemical and biological attack, protecting our vital computer systems from hackers and criminals, and developing a system to defend against new missile threats while working to preserve our ABM missile treaty with Russia.

We must do all these things. I predict to you, when most of us are long gone but sometime in the next 10 to 20 years, the major security threat this country will face will come from the enemies of the nation's state, the narcotrafficers, the terrorists and organized criminals who will be organized together, working together with increasing access to ever more sophisticated chemical and biological weapons.

I want to thank the Pentagon and others for doing what they are doing right now to try to help protect us and plan for that so our defenses will be strong. I ask for your support so that they can succeed.

I also want to ask you for a constructive bipartisan dialogue this year to work to build a consensus which I hope will eventually lead to the ratification of the comprehensive nuclear test ban treaty.

I hope we can also have a constructive effort to meet the challenge that is presented to our planet by the huge gulf between rich and poor. We cannot accept a world in which part of humanity lives on the cutting edge of a new economy and the rest live on the bare edge of survival. I think we have to do our part to change that with expanded trade, expanded aid, and the expansion of freedom.

This is interesting. From Nigeria to Indonesia, more people fought for the right to choose their leaders in 1999 than in 1989 when the Berlin Wall fell. We have got to stand by these democracies, including, and especially tonight, Colombia, which is fighting narcotraffickers for its own people's lives and for our children's lives.

I have proposed a strong 2-year package to help Colombia win this fight. I want to thank the leaders and both parties in both Houses for listening to me and the President of Colombia about it. We have got to pass this. I want to ask your help. A lot is riding on it. It is so important for the long-term stability of our country and for what happens in Latin America.

I also want you to know I am going to send you new legislation to go after what these drug barons value the most, their money. And I hope you will pass that as well.

Now, in a world where over a billion people live on less than a dollar a day, we also have got to do our part in the global endeavor to reduce the debts of the poorest countries so they can invest in education, health care and economic growth. That is what the Pope and other religious leaders have urged us to do. Last year, Congress made a down payment on America's share. I ask you to continue that. I thank you for what you did and ask you to stay the course.

I also want to say that America must help more nations to break the bonds of disease. Last year, in Africa, 10 times as many people died from AIDS as were killed in wars, 10 times. The budget I give you invests $150 million more in the fight against this and other infectious killers. Today, I propose a tax credit to speed the development of vaccines to diseases like malaria, TB, and AIDS. I ask the private sector and our partners around the world to join us in embracing this cause. We can save millions of lives together, and we ought to do it.

I also want to mention our final challenge which, as always, is the most important. I ask you to pass a national security budget that keeps our military the best trained and best equipped in the world, with heightened readiness and 21st century weapons, which raises salaries for our service men and women, which protects our veterans, which fully funds the diplomacy that keeps our soldiers out of war, which makes good on our commitment to our UN dues and arrears. I ask you to pass this budget.

I also want to say something, if I might, very personal tonight. The American people watching us at home, with the help of all the commentators, can tell from who stands and who sits and who claps and who does not that there is still modest differences of opinion in this room.

But I want to thank you for something, every one of you. I want to thank you for the extraordinary support you have given, Republicans and Democrats alike, to our men and women in uniform. I thank you for it.

I also want to thank especially two people. First, I want to thank our Secretary of Defense Bill Cohen for symbolizing our bipartisan commitment to national security. Thank you so much. Even more, I want to thank his wife Janet who, more than any other American citizen, has tirelessly traveled this world to show the support we all feel for our troops. Thank you, Janet Cohen. I appreciate it. Thank you.

These are the challenges we have to meet so that we can lead the world toward peace and freedom in an era of globalization.

I want to tell you that I am very grateful for many things as President. But one of the things I am grateful for is the opportunity that the Vice President and I have had to finally put to rest the bogus idea that you cannot grow the economy and protect the environment at the same time.

As our economy has grown, we have rid more than 500 neighborhoods of toxic waste, ensured cleaner air and water for millions of people. In the past 3 months alone, we have helped preserve 40 million acres of roadless lands in the National Forests, created three new national monuments.

But as our communities grow, our commitment to conservation must continue to grow. Tonight I propose creating a permanent conservation fund to restore our wildlife, protect coastlines, save natural treasures, from the California redwoods to the Florida Everglades. This Lands Legacy endowment would represent by far the most enduring investment and land preservation ever proposed in this House.

I hope we can get together with all the people with different ideas and do this. This is a gift we should give to our children and grandchildren for all time across party lines. We can make an agreement to do this.

Last year, the Vice President launched a new effort to make communities more liberal—livable. Liberal, I know. No. Wait a minute. I have got a punch line now. That is this year's agenda. Last year was livable, right? That is what Senator LOTT is going to say in the commentary afterwards.

To make our communities more livable. This is big business. This is a big issue. What does that mean? You ask anybody that lives in an unlivable community, and they will tell you. They want their kids to grow up next to parks, not parking lots. The parents do not want to have to spend all their time stalled in traffic when they can be home with their children.

Tonight I ask you to support new funding for the following things to make American communities more liberal—livable. I have done pretty well with this speech, but I cannot say that right.

One, I want to help us to do three things. We need more funding for advanced transit systems. We need more funding for saving open spaces in places of heavy development. And we need more funding, this ought to have bipartisan appeal, we need more funding for helping major cities around the Great Lakes protect their waterways and enhance their quality of life. We need these things, and I want you to help us.

Now, the greatest environmental challenge in the new century is global warming. The scientists tell us the 1990s were the hottest decade of the entire millennium. If we fail to reduce the emission of greenhouse gases, deadly heatwaves and droughts will become more frequent, coastal areas will flood, and economies will be disrupted. That is going to happen unless we act.

Many people in the United States, some people in this Chamber, and lots of folks around the world still believe you cannot cut greenhouse gas emissions without slowing economic growth.

In the Industrial Age that may well have been true. But in this digital economy, it is not true anymore. New technologies make it possible to cut harmful emissions and provide even more growth.

For example, just last week, automakers unveiled cars that get 70 to 80 miles a gallon, the fruits of a unique research partnership between government and industry. Before you know it, efficient production of biofuels will give us the equivalent of hundreds of miles from a gallon of gasoline.

To speed innovation in these kinds of technologies, I think we should give a major tax incentive to business for the production of clean energy and the families for buying energy saving homes and appliances and the next generation of super-efficient cars when they hit the showroom floor.

I also ask the auto industry to use the available technologies to make all new cars more fuel efficient right away. And I ask this Congress to do something else. Please help us make more of our clean energy technology available to the developing world. That will create cleaner growth abroad and a lot more new jobs here in the United States of America.

Now, in the new century innovations in science and technology will be key not only to the health of the environment but to miraculous improvements in the quality of our lives and advances in the economy.

Later this year, researchers will complete the first draft of the entire human genome, the very blueprint of life. It is important for all our fellow Americans to recognize that Federal tax dollars have funded much of this research and that this and otherwise investments in science are leading to a revolution in our ability to detect, treat, and prevent disease.

For example, researchers have identified genes that cause Parkinson's, diabetes, and certain kinds of cancer. They are designing precision therapies that will block the harmful effects of these genes for goods.

Researchers already are using this new technique to target and destroy cells that cause breast cancer. Soon we may be able to use it to prevent the onset of Alzheimer's.

Scientists are also working on an artificial retina to help many blind people to see. And listen to this. Microchips that would actually directly stimulate damaged spinal cords in a way that could allow people now paralyzed to stand up and walk.

These kinds of innovations are also propelling our remarkable prosperity. Information technology only includes 8 percent of our employment. But now it accounts for a third of our economic growth, along with jobs that pay, by the way, about 80 percent above the private sector average.

Again, we ought to keep in mind government funded research brought supercomputers to the Internet and communication satellites into being. Soon researchers will bring us devices that can translate foreign languages as fast as you can talk; materials 10 times stronger than steel at a fraction of the weight; and this is unbelievable to me, molecular computers the size of a teardrop with the power of today's fastest supercomputers.

To accelerate the march of discovery across all these disciplines of science and technology, I ask you to support my recommendation of an unprecedented $3 billion in the 21st century research fund, the largest increase in civilian research in a generation. We owe it to our future.

Now, these new breakthroughs have to be used in ways that reflect our values. First and foremost, we have to safeguard our citizens' privacy.

Last year, we proposed to protect every citizen's medical records. This year we will finalize those rules. We have also taken the first steps to protect the privacy of banks and credit card records and other financial statements. Soon I will send legislation to you to finish that job.

We must also act to prevent any genetic discrimination whatever by employers or insurers. I hope you will support that.

These steps will allow us to lead toward the far frontiers of science and technology. They will enhance our health, the environment, the economy in ways we cannot even imagine today.

But we all know that at a time when science technology and the forces of globalization are bringing so many changes into all our lives, it is more important than ever that we strengthen the bonds that root us in our local communities and in our national community. No tie binds different people together like citizen service.

There is a new spirit of service in America, a movement we try to support with AmeriCorps, expanded Peace Corps, unprecedented new partnerships with businesses, foundations, community groups, partnerships, for example, like the one that enlisted 12,000 companies which have now moved 650,000 of our fellow citizens from welfare to work, partnerships to battle drug abuse, AIDS, teach young people to read, save America's treasures, strengthen the arts, fight teen pregnancy, prevent violence among young people, promote racial healing.

The American people are working together. But we should do more to help Americans help each other. First, we should help faith-based organizations to do more to fight poverty and drug abuse and help people get back on the right track with initiatives like second chance homes that do so much to help unwed teen mothers.

Second, we should support Americans who tithe and contribute to charities but do not earn enough to claim a tax deduction for it.

Tonight I propose new tax incentives that would allow low- and middle-income citizens who do not itemize to get that deduction. It is nothing but fair, and it will get more people to give.

We should do more to help new immigrants to fully participate in our community. That is why I recommend spending more to teach them civics and English. And since everybody in our community counts, we have got to make sure everyone is counted in this year's census.

Now, within 10 years, just 10 years, there will be no majority race in our largest State of California. In a little more than 50 years, there will be no majority race in America. In a more interconnected world, this diversity can be our greatest strength.

Just look around this Chamber, look around. We have Members in this Congress from virtually every racial, ethnic, and religious background. And I think you would agree that America is stronger because of it. But you will also have to agree that all those differences you just clapped for all too often spark hatred and division, even here at home.

Just in the last couple of years, we have seen a man dragged to death in Texas just because he was black. We saw a young man murdered in Wyoming just because he was gay. Last year we saw the shootings of African Americans, Asian Americans, and Jewish children just because of who they were.

This is not the American way, and we must draw the line. I ask you to draw that line by passing without delay the Hate Crimes Prevention Act and the Employment Nondiscrimination Act. And I ask you to reauthorize the Violence Against Women Act.

Finally, tonight I propose the largest ever investment in our civil rights laws for enforcement because no American should be subjected to discrimination in finding a home, getting a job, going to school, or securing a loan. Protections in law should be protections in fact.

Last February, because I thought this was so important, I created the White House Office of One America to promote racial reconciliation. That is what one of my personal heroes, Hank Aaron, has done all his life. From his days as our all-time homerun king to his recent acts of healing, he has always brought people together. We should follow his example. We are honored to have him with us tonight. Stand up, Hank Aaron.

I just want to say one more thing about this, and I want every one of you to think about this the next time you get mad at one of your colleagues on the other side of the aisle. This fall, at the White House, Hillary had one of her millennium dinners and we had this very distinguished scientist there who was an expert in this whole work in the human genome; and he said that we are all, regardless of race, genetically 99.9 percent the same.

Now, you may find that uncomfortable when you look around here. But it is worth remembering. We can laugh about this, but you think about it. Modern science has confirmed what ancient fates has also taught us, the most important fact of life is our common humanity. Therefore, we should do more than just tolerate our diversity. We should honor it and celebrate it.

Thank you.

My fellow Americans, every time I prepare for the State of the Union, I approach it with hope and expectation and excitement for our Nation. But tonight is very special, because we stand on the mountaintop of a new millennium. Behind us, we can look back and see the great expanse of American achievement, and before us we can see even greater, grander frontiers of possibility. We should, all of us, be filled with gratitude and humility for our present progress and prosperity. We should be filled with awe and joy at what lies over the horizon, and we should be filled with absolute determination to make the most of it.

You know, when the framers finished crafting our Constitution in Philadelphia, Benjamin Franklin stood in Independence Hall and he reflected on the carving of the sun. It was on the back of a chair he saw. The sun was low on the horizon, so he said this. He said, "I have often wondered whether that sun was rising or setting." "Today," Franklin said, I have the happiness to know it is a rising sun."

Today, because each succeeding generation of Americans has kept the fire of freedom burning brightly, lighting those frontiers of possibility, we all still bask in the glow and the warmth of Mr. Franklin's rising sun. After 224 years, the American revolution continues. We remain a new Nation. And as long as our dreams outweigh our memories, America will be forever young. That is our destiny. And this is our moment.

Thank you, God bless you. And God bless America.

(Applause, the Members rising.)

At 10 o'clock and 47 minutes p.m. the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 50 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. WALDEN of Oregon. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. RIVERS (at the request of Mr. GEPHARDT) for today, on account of medical reasons.

Mr. PRICE of North Carolina (at the request of Mr. GEPHARDT) for today, on account of inclement weather.

Mr. ABERCROMBIE (at the request of Mr. GEPHARDT) for today, on account of medical reasons.

Mr. SHAYS (at the request of Mr. ARMEY) for today, on account of illness.

Ms. CARSON (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today, on account of inclement weather.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WELLER) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. WELLER, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and Concurrent Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 244. An act to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; to the Committee on Resources.

S. 276. An act for the relief of Sergio Lozano; to the Committee on the Judiciary.

S. 302. An act for the relief of Kerantha Poole-Christian; to the Committee on the Judiciary.

S. 348. An act to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; to the Committee on Commerce.

S. 366. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Resources.

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada; to the Committee on Resources.

S. 486. An act to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes; to the Committee on the Judiciary; in addition to the Committee on Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 501. An Act to address resource management issues in Glacier Bay National Park, Alaska; to the Committee on Resource.

S. 624. An Act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; to the Committee on Resources.

S. 692. An Act to prohibit Internet gambling, and for other purposes; to the Committee on the Judiciary.

S. 698. An Act to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes; to the Committee on Resources.

S. 710. An Act to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail; to the Committee on Resources.

S. 711. An Act to allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill, and for other purposes; to the Committee on Resources.

S. 734. An Act entitled "National Discovery Trails Act of 1999"; to the Committee on Resources.

S. 748. An Act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes; to the Committee on Resources.

S. 769. An Act to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam; to the Committee on Resources.

S. 961. An Act to amend the Consolidated Farm and Rural Development Act to improve shared appreciation arrangements; to the Committee on Agriculture.

S. 964. An Act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes; to the Committee on Resources.

S. 986. An Act to direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority; to the Committee on Resources.

S. 1019. An act for the relief of Regine Beatie Edwards; to the Committee on the Judiciary.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws; to the Committee on Resources.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes; to the Committee on Resources.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vinicity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes; to the Committee on Resources.

S. 1119. An act to amend the Act of August 9, 1950, to continue funding of the Coastal Wetlands Planning, Protection and Restoration Act; to the Committee on Resources.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Resources.

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho; to the Committee on Commerce.

S. 1243. An act to amend the Public Health Service Act to revise and extend the prostate cancer preventive health program; to the Committee on Commerce.

S. 1268. An act to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; to the Committee on Commerce.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund; to the Committee on Resources.

S. 1288. An act to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes; to the Committee on Resources.

S. 1295. An act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office"; to the Committee on Government Reform.

S. 1296. An act to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes; to the Committee on Resources.

S. 1329. An act to direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes; to the Committee on Resources.

S. 1330. An act to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public land in the city; to the Committee on Resources.

S. 1349. An act to direct the Secretary of the Interior to conduct special resource studies to determine the national significance of specific sites as well as the suitability and feasibility of their inclusion as units of the National Park System; to the Committee on Resources.

S. 1374. An act to authorize the development and maintenance of a multiagency campus project in the town of Jackson, Wyoming; to the Committee on Resources.

S. 1453. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on International Relations.

S. 1488. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices; to the Committee on Commerce.

S. 1508. An act to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes; to the Committee on Resources; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes; to the Committee on Judiciary.

S. 1516. An act to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes; to the Committee on Banking and Finance.

S. 1569. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

S. 1599. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest; to the Committee on Resources.

S. 1707. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes; to the Committee on Government Reform.

S. 1733. An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions; to the Committee on Agriculture.

S. 1813. An act to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Commerce.

S. 1877. An act to amend the Federal Report Elimination and Sunset Act of 1995; to the Committee on Government Reform; in addition to the Committees on House Administration and Budget for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities; to the Committee on Resources; in addition to the Committee on Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1971. An act to authorize the President to award a gold medal on behalf of the Congress to Milton Friedman, in recognition of his outstanding and enduring contributions to individual freedom and opportunity in American society through his exhaustive research and teaching of economics, and his extensive writings on economics and public policy; to the Committee on Budget; in addition to the Committee on the Budget for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1996. An act to amend the Public Health Service Act to clarify provisions relating to the content of petitions for compensation under the vaccine injury compensation program; to the Committee on Commerce.

S. Con. Res. 42. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart; to the Committee on Government Reform.

S. Con. Res. 71. Concurrent resolution expressing the sense of the Congress that Miami, Florida, and not a competing foreign city, should serve as the permanent location for the Secretariat of the Free Trade Area of the Americas (FTAA) beginning in 2005; to the Committee on Ways and Means.

ENROLLED BILLS SIGNED SUBSEQUENT TO SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore (Mrs. MORELLA).

On December 2, 1999:

H.R. 3419. An act to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

H.R. 3443. An act to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

H.R. 2466. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

On December 6, 1999:

H.R. 1180. An act to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

ADJOURNMENT

Mr. WALDEN of Oregon. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, January 31, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5566. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Trade Options on the Enumerated Agricultural Commodities (RIN: 3038–AB43) received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5567. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Revised Procedures for Listing New Contracts (RIN: 3038–AB42) received November 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5568. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mexican Haas Avocado Import Program [Docket No. 99–020–2] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5569. A letter from the Administrator and Executive, Farm Service Agency, Commodity Credit Corporation, Department of Agriculture, transmitting the Department's final rule—1999 Marketing Quota and Price Support for Flue-Cured Tobacco (RIN: 0560–AF49) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5570. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Generic E. coli Testing for Sheep, Goats, Equines, Ducks, Geese, and Guineas [Docket No. 97–004F] (RIN: 0583–AC32) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5571. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Rules of Practice [Docket No. 95–025F] (RIN: 0583–AC34) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5572. A letter from the Associate Administrator, Tobacco Programs, Department of Agriculture, transmitting the Department's final rule—Tobacco Inspection: Subpart B-Regulations [Docket No. TB–99–10] (RIN: 0581–AB65) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5573. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Changes to Pack Requirements [Docket No. FV99–906–3 FIR] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5574. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Avocados Grown in South Florida; Relaxation of Container and Pack Requirements [Docket No. FV00–915–1 IFR] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5575. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modification of Procedures for Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV99–905–4 FIR] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5576. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Veterinary Services User Fees [Docket No. 98–004–1] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5577. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Veterinary Services User Fees; Biosecurity Level Three Laboratory Inspection Fee [Docket No. 98–052–2] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5578. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Kansas [Docket No. 99–051–2] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5579. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation From Europe of Rhododendron Established in Growing Media [Docket No. 89–154–5] (RIN: 0579–AB00) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5580. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Fee Increase for Meat and Poultry Inspection Services [Docket No. 99–045F] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5581. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Food Ingredients and Sources of Radiation Listed or Approved for Use in the Production of Meat and Poultry Products [Docket No. 88–026F] (RIN: 0583–AB02) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5582. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Scale Requirements for Accurate Weights, Repairs, Adjustments, and Replacement After Inspection [Docket No. 99–016F] received January 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5583. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule— Exemption of Retail Operations from Inspection Requirements [Docket No. 99–055R] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5584. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Portugal Because of African Swine Fever [Docket No. 99-096-1] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5585. A letter from the Congressional Review Coordinator, Animal and Plant Inspection Service, Department of Agriculture, transmitting the Department's final rule—Export Certification; Heat Treatment of Solid Wood Packing Materials Exported to China [Docket No. 99-100-1] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5586. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Vidalia Onions Grown in Georgia; Changing the Term of Office and Nomination Deadlines [Docket No. FV00-955 2 IFR] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5587. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Vidalia Onions Grown in Georgia; Fiscal Period Change [Docket No. FV99-955-1 FIR] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5588. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—2, 4-dichlorophenoxyacetic Acid; Re-establishment of Tolerances for Emergency Exemptions [OPP-300952; FRL-6396-3] (RIN: 2070-AB78) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5589. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clomazone; Pesticide Tolerances for Emergency Exemptions [OPP-300939; FRL-6388-4] (RIN: 2070-AB78) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5590. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—N-Acyl Sarcosines and Sodium N-acyl sarcosinates; Exemption from the Requirement of a Tolerance [FRL-6386-6] received December 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5591. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tetraconazole [(+/—)-2-(2,4-dicholorop eny)-3-(1H-1, 2, 4-triazol-1-yl) propyl 1,1,2,2-tetrafluoroethyl ether]; Pesticide Tolerances for Emergency Exemptions [OPP-300931; FRL-6384-1] (RIN: 2070-AB78) received December 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5592. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerances for Emergency Exemptions [OPP-300947; FRL-6390-9] (RIN: 2070-AB78) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5593. A letter from the Director, Office of Regulatory Management and Information, Evironmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Extension of Tolerance for Emergency Exemptions [OPP-300957; FRL-6398-2] (RIN: 2070-AB78) received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5594. A communication from the President of the United States, transmitting the designation of the Department of Defense request as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; (H. Doc. No. 106-165); to the Committee on Appropriations and ordered to be printed.

5595. A communication from the President of the United States, transmitting the request to transfer funds from the Information Technology Systems and Related Expenses; (H. Doc. No. 106-170); to the Committee on Appropriations and ordered to be printed.

5596. A communication from the President of the United States, transmitting the Department of Defense Budget Request; (H. Doc. No. 106-171); to the Committee on Appropriations and ordered to be printed.

5597. A communication from the President of the United States, transmitting designating the emergency budget requests as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; (H. Doc. No. 106-172); to the Committee on Appropriations and ordered to be printed.

5598. A communication from the President of the United States, transmitting Department of Defense Budget Request; (H. Doc. No. 106-173); to the Committee on Appropriations and ordered to be printed.

5599. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); to the Committee on Armed Services.

5600. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Nonavailability Statement Requirement for Maternity Care—received January 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5601. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general of Lieutenant General Jack P. Nix Jr.; to the Committee on Armed Services.

5602. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of general on the retired list of General John H. Tilelli, Jr.; to the Committee on Armed Services.

5603. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General Frank B. Campbell, United States Air Force; to the Committee on Armed Services.

5604. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting the Comptroller's final rule—"Loans in Areas Having Special Flood Hazards"—received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5605. A letter from the Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule—Safety and Soundness Standards [Docket No. 99-50] (RIN: 1550-AB27) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5606. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Community Development Corporations, Community Development Projects, and Other Public Welfare Investments [Docket No. 99-20] (RIN: 1557-AB69) received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5607. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Technical Amendments [No. 99-79] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5608. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Block Grant (CDBG) Program; Clarification of the Nature of Required CDBG Expenditure Documentation [Docket No. FR-4449-F-02] (RIN: 2506-AC00) received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5609. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Up-Front Grants and Loans in the Disposition of Multifamily Projects [Docket No. FR-4310-F-02] (RIN: 2502-AH12) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5610. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Housing Assistance Payments Program-Contract Rent Annual Adjustment Factors, Fiscal Year 2000—received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5611. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Fair Market Rents for the Section 8 Housing Assistance Payments Program-Fiscal Year 2000 [Docket No. FR-4496-N-03] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5612. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Civil Penalties for Fair Housing Act Violations [Docket No. FR-4302-F-03] (RIN: 2529-AA83) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5613. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Agency Plans; Option To Extend First Submission Due Date for Certain Public Housing Agencies [Docket No. FR-4420-N-05] (RIN: 2577-AB89) received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Banking and Financial Services.

5614. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Housing Choice Voucher Program; Amendment [Docket No. FR-4428-F-05] (RIN: 2577-AB91) received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5615. A letter from the President and Chairman, Export-Import Bank, transmitting a statement with respect to the following transaction involving U.S. exports to Venezuela, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5616. A letter from the President and Chairman, Export-Import Bank, transmitting a statement regarding the following transaction involving a U.S. export to Lithuania; to the Committee on Banking and Financial Services.

5617. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the semiannual report on tied aid credits, pursuant to Public Law 99-472, section 19 (100 Stat. 1207); to the Committee on Banking and Financial Services.

5618. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the transaction involving U.S. exports to the Republic of Panama; to the Committee on Banking and Financial Services.

5619. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 1999, pursuant to 12 U.S.C. 635g(a); to the Committee on Banking and Financial Services.

5620. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Safety and Soundness Standards (RIN: 3064-AC18) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5621. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Insured State Nonmember Banks Which Are Municipal Securities Dealers (RIN: 3064-AC19) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5622. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Credit Union Service Organizations—received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5623. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Management Official Interlooks—received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5624. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Local Agency Expenditure Reports (RIN: 0584-AC74) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5625. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Insurance Company Accounts (RIN: 1210-AA58) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5626. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Payment of Premiums (RIN: 1212-AA82) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5627. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Disclosure to Participants; Benefits Payable in Terminated Single-employer Plans—received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5628. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age—received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5629. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5630. A letter from the Department of Agriculture, transmitting the annual Horse Protection Enforcement Report for fiscal year 1998, pursuant to 15 U.S.C. 1830; to the Committee on Commerce.

5631. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule—Implementation of Fiscal Year 2000 Legislative Plans—received December 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5632. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule—Implementation of Fiscal Year 2000 Legislative Provisions—received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5633. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 95F-0150] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5634. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Animal Drug Availability Act; Medicated Feed Mill Licenses [Docket No. 97N-0276] (RIN: 0910-AB18) received November 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5635. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F-0825] received November 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5636. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives for Coloring Bone Cement; FD&C Blue No. 2-Aluminum Lake on Alumina; Confirmation of Effective Date [Docket No. 92C-0348] received November 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5637. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F-1170] received November 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5638. A letter from the NIH Regulation Officer, Public Health Service, Department of Health and Human Services, transmitting the Department's final rule—National Institutes of Health Construction Grants (RIN: 0925-AA04) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5639. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F-0492] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5640. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Progestational Drug Products for Human Use; Requirements for Labeling Directed to the Patient [Docket No. 99N-0188] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5641. A letter from the Director, Regulations and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Biological Products Regulated Under Section 351 of the Public Health Service Act; Implementation of Biologics License; Elimination of Establishment License and Product License [Docket No. 98N-0144] (RIN: 0910-AB29) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5642. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Sunscreen Drug Products For Over-The-Counter Human Use; Final Monograph [Docket No. 78N-0038] (RIN: 0910-AA01) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5643. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations; Utility Vehicle Label [Docket No. NHTSA-98-3381, Notice 3] (RIN: 2127-AH68) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5644. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Approval Under Section 112(l); State of Iowa [084-1084; FRL-6483-4] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5645. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; VOC Regulations and RACT Determinations [RI-028-01-6974a; A-1-FRL-6483-8] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5646. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District and Ventura County Air Pollution Control District [CA 217-0192; FRL-6480-4] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5647. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Removal of Oxygenated Gasoline Requirement for the Connecticut Portion of the New York—N. New Jersey—Long Island Area (the "Southwest Connecticut Area") [CT060-7219a; A-1-FRL-6479-4] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5648. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Underground Injection Control Regulations for Class V Injection Wells [FRL-6482-2] (RIN: 2040-AB83) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5649. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of New Mexico; Approval of Revised Maintenance Plan for Albuquerque/Bernalillo County; Albuquerque/Bernalillo County, New Mexico; Carbon Monoxide [NM39-1-7416a; FRL-6504-9] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5650. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Hospital/Medical/Infectious Waste Incinerator State Plan For Designated Facilities and Pollutants: Indiana [IN 109-1a; FRL-6507-5] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5651. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations [AD-FRL-6500-2] (RIN: 2060-A137) received December 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5652. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning [AD-FRL-6500-1] received December 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5653. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Superfund Redevelopment Pilot Program [FRL- 6506-5] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5654. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution from Volatile Organic Compounds, Miscellaneous Industrial Sources, Cut back Asphalt [FRL-6504-4] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5655. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Utah; Road Saltying and Sanding, Control of Installations, Revisions to Saltying and Sanding Requirements and Deletion of Non-Ferrous Smelter Orders, Incorporation by Reference, and Substantive Changes [FRL-6482-9] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5656. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Emergency Episode Plan, Columbia Falls; Butte and Missoula Particulate Matter State Implementation Plans, Missoula Carbon Monoxide State Implementation Plan [FRL-6482-6] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5657. A letter from the Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Approval of Definitions for the New Source Review Regulations [FRL-6500-7] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5658. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Correction [Region VII Tracking No. 088-1088; FRL-6501-4] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5659. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Policy on Cut-off Dates for Submitting Data to SDWIS/FED—received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5660. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—The Data Sharing Committee's Review of the Surface Water Treatment Rule Data Needs and Safe Drinking Water Information System (SDWIS) Reporting Requirements—received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5661. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revised Safe Drinking Water Information System (SDWIS) Inventory Reporting Requirements—Technical Guidance—received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5662. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Drinking Water State Revolving Fund (DWSRF) Program Policy Announcement: Eligibility of Reimbursement of Incurred Costs for Approved Projects [FRL-6217-9] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5663. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Section 112(l) Approval of the State of Florida's Rule Adjustment to the National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities [FRL-6514-5] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5664. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Massachusetts; Interim Final Determination that Massachusetts has Corrected the Deficiencies of its I/M SIP Revision [MA073-7207A; A-1-FRL-6481-2] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5665. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution Control District, Project XL Site-specific Rulemaking for Imation Corp., Camarillo Plant [CA 236-0197; FRL-6481-8] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5666. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan Air Quality Management District, Santa Barbara County Air Pollution Control District, and Yolo-Solano County Air Quality Management District [CA 126-0190a FRL-6477-7] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5667. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary and Secondary Drinking Water Regulations: Analytical Methods for Chemical and Microbiological Contaminants and Revisions to Laboratory Certification Requirements [WH-FRL-6481-7] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5668. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Numbers Under the Paperwork Reduction

Act Relating to the Criteria for Classification of Solid Waste Disposal Facilities and Practices [FRL–6481–3] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5669. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions of Air Pollution from New CI Marine Engines at or above 37 kW (RIN: 2060–AI17) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5670. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport (final stay extension) [FRL–6484–2] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5671. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Program, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Allegheny County Portion of the Commonwealth of Pennsylvania's Operating Permits Program, and Federally Enforceable State Operating Permit Program [Siptrax No. PA138; FRL–6500–8] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5672. A letter from the Chief, Policy and Rules Division, Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850–5.925 GHz Band to the Mobile Service for Dedicated Short Range Communications of Intelligent Transportation Services [ET Docket No. 98–95 RM–9096] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5673. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures [Docket Nos. 92N–0297 and 88N–0258] (RIN: 0910–AA08) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5674. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, transmitting the Administration's final rule—Functional Equivalence of Headlamp Concealment with European Regulations (RIN: 2127–AH18) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5675. A letter from the Attorney, National Highway Traffic Safety Administration, transmitting the Administration's final rule—Federal Motor Vehicle Safety Standards; Head Impact Protection [Docket No. NHTSA–98–3421] (RIN: 2127–AH60) received December 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5676. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the draft policy statement and notice of public meeting concerning NRC's prescription of decommissioning criteria for the U.S. Department of Energy's (DOE) West Valley Demonstration Project (WVDP) and the West Valley site; to the Committee on Commerce.

5677. A letter from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting the Commission's final rule—Voluntary Submission of Performance Indicator Data [NRC Regulatory Issue Summary 99–06] received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5678. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Adoption of Amendments to the Intermarket Trading System Plan to Expand the ITS/Computer Assisted Execution System to all Listed Securities (RIN: 3235–AH49) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5679. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Audit Committee Disclosure [Release No. 34–42266; File No. S7–22–99] (RIN: 3235–AH83) received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5680. A letter from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule—Temporary Exemption for Certain Investment Advisers [Release Nos. IC–24177, IA–1846; File No. S7–22–98] (RIN: 3235–AH02) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5681. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to the Taliban, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 106–169); to the Committee on International Relations and ordered to be printed.

5682. A communication from the President of the United States, transmitting a continuation of the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 106–174); to the Committee on International Relations and ordered to be printed.

5683. A communication from the President of the United States, transmitting a 6-month report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 106–175); to the Committee on International Relations and ordered to be printed.

5684. A communication from the President of the United States, transmitting notification that the emergency declared with Libya is to continue in effect beyond January 7, 2000, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 106–176); to the Committee on International Relations and ordered to be printed.

5685. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 106–177); to the Committee on International Relations and ordered to be printed.

5686. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Burma declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 106–178); to the Committee on International Relations and ordered to be printed.

5687. A communication from the President of the United States, transmitting Progress toward a negotiated settlement of the Cyprus question covering the period October 1 to November 30, 1999, pursuant to 22 U.S.C. 2373(c); (H. Doc. No. 106–180); to the Committee on International Relations and ordered to be printed.

5688. A letter from the Secretary of Defense, transmitting a copy of Transmittal No. 16–99 which constitutes a Request for Final Approval for Amendment Number 1 to the Memorandum of Understanding between the U.S. and France concerning the Intercooled Recuperated (ICR) Gas Turbine Engine, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

5689. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5690. A communication from the President of the United States, transmitting a Statement of Justification; (H. Doc. No. 106–166); to the Committee on International Relations and ordered to be printed.

5691. A communication from the President of the United States, transmitting the supplemental report on continued contributions in support of peacekeeping efforts in Kosovo; (H. Doc. No. 106–179); to the Committee on International Relations and ordered to be printed.

5692. A letter from the Director, Defense Security Cooperation Agency, transmitting the quarterly reports in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on International Relations.

5693. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Expansion of License Exception CIV Eligibility for "Microprocessors" Controlled by ECCN 3A001 and Graphics Accelerators Controlled by ECCN 4A003 [Docket No. 990701179–9301–02] (RIN: 0694–AB90) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5694. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the report entitled, "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes"; to the Committee on International Relations.

5695. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a "Report on Withdrawal of Russian Armed Forces and Military Equipment"; to the Committee on International Relations.

5696. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Agency's annual report entitled "Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 1998," pursuant to 22 U.S.C. 2579; to the Committee on International Relations.

5697. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Executive Summary and Compliance Annexes to the U.S. Arms Control and Disarmament Agency's 1998 Annual Report; to the Committee on International Relations.

5698. A communication from the President of the United States, transmitting the report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council; (H. Doc.

No. 106-163); to the Committee on International Relations and ordered to be printed.

5699. A letter from the Secretary, Department of Agriculture, transmitting the Semiannual Report covering the period ending September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5700. A letter from the Inspector General-Education, Department of Education, transmitting the semiannual report of the Inspector General of the Department of Education for the six-month period ending September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5701. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the semiannual report of the Inspector General for the period ended September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5702. A letter from the Vice President for Legal Affairs, General Counsel & Corporate Secretary, Legal Services Corporation, transmitting the semiannual report of the Inspector General for the period April 1, 1999 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5703. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report of the Inspector General for the period April 1, 1999 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5704. A letter from the Secretary of the Interior, transmitting the semiannual report of the Inspector General for the period April 1, 1999 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5705. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report of the Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5706. A letter from the Inspector General-Health and Human Services, Department of Health and Human Services, transmitting the Inspector General's semiannual report for the period April 1, 1999 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5707. A letter from the Administrator, Agency For International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5708. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Board's Semiannual Report to Congress; to the Committee on Government Reform.

5709. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received December 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5710. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received November 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5711. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Semiannual Report of the Inspector General for the period April 1, 1999 through September 30, 1999; to the Committee on Government Reform.

5712. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule—Rules Implementing the Government in Sunshine Act (RIN: 3045-AA21) received December 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5713. A letter from the Chairman, Corporation For Public Broadcasting, transmitting the Corporation's Semiannual Report for the period ending September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5714. A letter from the Environmental Protection Agency, transmitting the determination to allow the U.S. Environmental Protection Agency to place a contract with Resources for the Future as earmarked in the Conference Committee Report (H.R. 106-379) on EPA's Fiscal Year 2000 Appropriations Act; to the Committee on Government Reform.

5715. A letter from the Chairman, Federal Election Commission, transmitting the report in compliance with the Federal Managers Financial Integrity Act; to the Committee on Government Reform.

5716. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Federal Energy Regulatory Commission's annual commercial activities inventory list; to the Committee on Government Reform.

5717. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5718. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Privacy Act Regulations—received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5719. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Agency Records Centers (RIN: 3095-AA81) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5720. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Storage of Federal Records (RIN: 3095-AA86) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5721. A letter from the Inspector General, National Endowment for the Arts, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1999 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5722. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period of April 1, 1999, through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5723. A letter from the Writer and Editor, National Science Foundation, transmitting the semiannual report of the Inspector General; to the Committee on Government Reform.

5724. A letter from the Office of Independent Counsel, transmitting the FY 1999 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5725. A letter from the Director, Office of Management and Budget, transmitting a report entitled "Statistical Programs of the United States Government: Fiscal Year 2000," pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform.

5726. A letter from the Director, Office of Management and Budget, transmitting an accounting statement covering Federal stewardship property, investments, and responsibilities that was recently recommended by the Federal Accounting Standards Advisory Board (FASAB) and approved in its entirety by the Secretary of the Treasury, the Director of the Office of Management and Budget (OMB), and the Comptroller General, pursuant to 31 U.S.C. 3511; to the Committee on Government Reform.

5727. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Miscellaneous Changes in Compensation Regulations (RIN: 3206-AH11) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5728. A letter from the Acting Director, Peace Corps, transmitting the semi-annual report of the Inspector General for the period of April 1, 1999 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5729. A letter from the Board Members, Railroad Retirement Board, transmitting the Fiscal Year 1999 Federal Managers' Financial Integrity Act Report Status of Material Weaknesses; to the Committee on Government Reform.

5730. A letter from the Office of the Under Secretary, Smithsonian Institution, transmitting the Inventory of Commercial Activities; to the Committee on Government Reform.

5731. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the U.S. Merit Systems Protection Board's (MSPB) strategic plan for FY 2000-2005; to the Committee on Government Reform.

5732. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Postlease Operations Safety (RIN: 1010-AC32) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5733. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover (RIN: 1018-AD10) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5734. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Louisiana Regulatory Program [SPATS No. LA-018-FOR] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5735. A letter from the Assistant Secretary of Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITIES); Carrying Out the Inclusion of all Species of the Order Acipenseriformes (Sturgeon and Paddlefish) in the Appendices to CITES (RIN: 1018–AF66) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5736. A letter from the Director, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program [VA–113–FOR] received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5737. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Oklahoma Regulatory Program [SPATS No. OK–026–FOR] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5738. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Surface Coal Mining and Reclamation Operations On Federal Lands; State-Federal Cooperative Agreements; Indiana [SPATS No. IN–142–FOR] received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5739. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Compliance with Court Order (RIN: 1029–AB69) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5740. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Interpretative Rule Related to Subsidence Due to Underground Coal Mining (RIN: 1029–AB82) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5741. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule To List Two Cave Animals from Kauai, Hawaii, as Endangered (RIN: 1018–AE39) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5742. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to List the Sierra Nevada District Population Segment of the California Bighorn Sheep as Endangered (RIN: 1018–AF59) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5743. A letter from the Director, Office of Surface Mining, Department of Interior, transmitting the Department's final rule—Illinois Regulatory Program [SPATS No. IL–097–FOR, PART I] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5744. A letter from the Deputy Asst. Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies and Monkfish Fisheries; Monkfish Fishery Management Plan [Docket No. 981223319–9167–02; I.D. 112598B] (RIN: 0648–AJ44) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5745. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial and Recreational Inseason Adjustments and Reopening from Cape Flattery to Leadbetter Point, WA [Docket No. 99040113–01; I.D. 092199D] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5746. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Maximum Retainable Bycatch Percentages, Gulf of Alaska [Docket No. 990720198–9307–02; I.D. 070799B] (RIN: 0648–AM36) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5747. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter II Period [Docket No. 981014259–8312–02; I.D. 122299B] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5748. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 990304063–9063–01; I.D. 111299B] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5749. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Commercial Haddock Harvest [Docket No. 990318076–9109–02; I.D. 110499A] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5750. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial Reopening from Cape Flattery to Leadbetter Point, WA [Docket No. 99040113–01; I.D. 093099B] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5751. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific Coast Groundfish Fishery; Trip Limit Adjustments; Correction [Docket No. 981231333–8333–01; I.D. 092999C] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5752. A letter from the Deputy Assistant Administrator for the National Ocean Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Hawaiian Islands Humpback Whale National Marine Sanctuary [Docket No. 990914255–9255–01] (RIN: 0648–AN28) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5753. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 980331080–9269–02; I.D. 091799A] (RIN: 0648–AK66) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5754. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 950427117–9271–10] (RIN: 0648–AN30) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5755. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Summer Flounder Trawling Requirements [Docket No. 991007270–9270–01; I.D. 090399E] (RIN: 0648–AM89) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5756. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Designated Critical Habitat: Revision of Critical Habitat for Snake River Spring/Summer Chinook Salmon [Docket No. 990525143–9277–02; I.D. 120197A] (RIN: 0648–AM41) received December 13. 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5757. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Wildlife and Plants; Definition of "Harm" [Docket No. 980414094–9287–02; I.D. No. 091797A] (RIN: 0648–AK55) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5758. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Clarification of Patent and Trademark Copy Fees [Docket No. 99–1020282–9282–01] (RIN: 0651–AB08) received November 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5759. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Revision of Patent and Trademark Fees for Fiscal Year 2000 [Docket No. 991105297–9297–01] (RIN: 0651–AB01) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5760. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Civil Penalties for Fair Housing Act Violations [Docket No. FR–4302–F–03] (RIN: 2529–AA83) received January 5, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on the Judiciary.

5761. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the U.S. Department of Justice's prision impact assessment (PIA) for 1998; to the Committee on the Judiciary.

5762. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department's final rule— Extension of 25-Mile Limit at Select Arizona Ports-of-Entry [INS No. 2026-99] (RIN: 1115-AF60) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5763. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, Immigration and Naturalization Service, transmitting the Department's final rule—Adjustments of Small Volume Application Fees of the Immigration Examinations Fee Account [INS No. 1933-98; AG Order No. 2282-99] (RIN: 1115-AF10) received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5764. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on November 17, 1999 as a result of Hurricane Lenny which severely impacted the Territory of the United States Virgin Islands beginning November 17, 1999 and continuing, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5765. A letter from the Inland Waterway Users Board, Department of the Army, transmitting the Board's thirteenth annual report of its activities; recommendations regarding construction, rehabilitation priorities and spending levels on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99—662, section 302(b) (100 Stat. 4111); to the Committee on Transportation and Infrastructure.

5766. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Puerto Rico International Cup, Fajardo, Puerto Rico [CGD07-99-057] (RIN: 2115-AE46) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5767. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; New Year's Celebration Fireworks, Patapsco River, Baltimore, MD [CGD 05-99-089] (RIN: 2115-AE46) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5768. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, Maryland [CGD 05-99-096] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5769. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Raccoon Creek, New Jersey [CGD05-99-095] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5770. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Acushnet River, Annisquam River, Fore River, and Taunton River, MA [CGD01-99-187] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5771. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: China Basin, Mission Creek, CA [CGD11-99-017] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5772. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Keweenaw Waterway, MI [CGD09-99-082] (RIN: 2115-AE47) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5773. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29884; Amdt. No. 419] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5774. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of VOR Federal Airways; AK [Airspace Docket No. 98-AAL-14] (RIN: 2120-AA66) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5775. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29843; Amdt. No. 418] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5776. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Part 91 Amendment [Docket No. 29833; Amendment No. 91-258] (RIN: 2120-AA66) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5777. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class E and Class D Airspace, EL Toro MCAS, CA [Airspace Docket No. 99-AWP-19] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5778. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29852; Amdt. No. 1963] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5779. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29851; Amdt. No. 1962] received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5780. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes [Docket No. 99-NM-122-AD; Amendment 39-11436; AD 99-24-12] (RIN: 2120-AA64) received December 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5781. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and EMB-145 Series Airplanes [Docket No. 99-NM-340-AD; Amendment 39-11437; AD 99-24-13] (RIN: 2120-AA64) received December 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe.125 Series 1000A and 1000B, and Model Hawker 1000 Series Airplanes [Docket No. 99-NM-176-AD; Amendment 39-11444; AD 99-25-01] (RIN: 2120-AA64) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS-350B, B1, B2, B3, BA, and D and AS-355E, F, F1, F2, and N Helicopters [Docket No. 99-SW-41-AD; Amendment 39-11443; AD 99-24-18] (RIN: 2120-AA64) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Airplanes [Docket No. 99-NM-332-AD; Amendment 39-11445; AD 99-25-02] (RIN: 2120-AA64) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 99-NM-197-AD; Amendment 39-11442; AD 99-24-17] (RIN: 2120-AA64) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 P1 and T1 Helicopters [Docket No. 99-SW-59-AD; Amendment 39-11439; AD 99-22-01] (RIN: 2120-AA64) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes [Docket No. 99-NM-89-AD; Amendment 39-11435; AD 99-24-11]

(RIN: 2120–AA64) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99–NM–46–AD; Amendment 39–11441; AD 99–24–16] (RIN: 2120–AA64) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Precise Flight, Inc. Model SVS III Standby Vacuum Systems [Docket No. 98–CE–87–AD; Amendment 39–11434; AD 99–24–10] (RIN: 2120–AA64) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6 Series Turbofan Engines [Docket No. 95–ANE–39; Amendment 39–11440; AD 99–24–15] (RIN: 2120–AA64) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5791. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Update of Standards from the American Society for Testing and Materials (ASTM) [USCG–1999–5151] (RIN: 2115–AF80) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5792. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Chesapeake Bay, Whitehall Bay, Annapolis, MD [CGD 05–99–094] (RIN: 2115–AA97) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–7 and DHC–8 Series Airplanes [Docket No. 99–NM–152–AD; Amendment 39–11307; AD 99–19–18] (RIN: 2120–AA64) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Certification Requirements: Aircraft Dispatchers [Docket No. FAA–1998–4553; Amendment No. 65–40] (RIN: 2120–AG04) received December 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Removal of the Prohibition Against Certain Flights Within the Territory and Airspace of Sudan [Docket No. 29317; Special Federal Aviation Regulation (SFAR) No. 82] (RIN: 2120–AG67) received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Mitsubishi Model YS–11 and YS–11A Series Airplanes [Docket No. 99–NM–140–AD; Amendment 39–11295; AD 99–19–06] (RIN: 2120–AA64) received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model BAe ATP Series Airplanes [Docket No. 99–NM–145–AD; Amendment 39–11300; AD 99–19–11] (RIN: 2120–AA64) received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes and Model F27 Mark 050 Series Airplanes [Docket No. 99–NM–153–AD; Amendment 39–11308; AD 99–19–19] (RIN: 2120–AA64) received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Point Lay, AK [Airspace Docket No. 99–AAL–12] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fort Wayne, IN [Airspace Docket No. 99–AGL–46] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Batesville, IN [Airspace Docket No. 99–AGL–44] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Maple Lake, MN [Airspace Docket No. 99–AGL–45] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5803. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Koliganek, AK [Airspace Docket No. 99–AAL–15] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Establishment of Class E2 Airspace, Fort Rucker, AL [Airspace Docket No. 99–ASO–14] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lewiston, ID; Establishment of Class E Airspace, Grangeville, ID [Airspace Docket No. 99–ANM–01] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller, Inc. Model HD–E6C–3 Propellers [Docket No. 99–NE–18–AD; Amendment 39–11448; AD 99–25–05] (RIN: 2120–AA64) received December 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 99–CE–54–AD; Amendment 39–11433; AD 99–24–09] (RIN: 2120–AA64) received December 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5808. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Revised Docket Filing Procedures for Federal Railroad Administration Rulemaking and Adjudicatory Dockets; [Docket No. FRA–99–6625, Notice No. 1] (RIN: 2130–AB37) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5809. A letter from the Assistant Chief Counsel, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—Motor Carrier Safety Regulations; Revision of Chapter Heading; Federal Motor Carrier Safety Administration [FMCSA Docket No. FMCSA–2000–6629] (RIN: 2126–AA48) received December 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5810. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Inspection and Maintenance Standards for Steam Locomotives [Docket No. RSSL–98–1, Notice No. 3] received October 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5811. A letter from the Assistant Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule—Right-of-Way Program Administration [FHWA Docket No. FHWA–98–4315] (RIN: 2125–AE44) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5812. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–80E1A2 Series Turbofan Engines [Docket No. 99–NE–52–AD; Amendment 39–11438; AD 99–24–14] (RIN: 2120–AA64) received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5813. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; and Model 727–100 and –200 Series Airplanes [Docket No. 99–NM–18–AD; Amendment 39–11430; AD 99–24–06] (RIN: 2120–AA64) received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5814. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100,

-200, -300, -400, and -500 Series Airplanes [Docket No. 99-NM-260-AD; Amendment 39-11432; AD 99-24-08] (RIN: 2120-AA64) received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5815. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes [Docket No. 99-NM-147-AD; Amendment 39-11302; AD 99-19-13] (RIN: 2120-AA64) received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5816. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 98-NM-296-AD; Amendment 39-11449; AD 99-25-06] (RIN: 2120-AA64) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5817. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BFGoodrich Main Brake Assemblies as Installed on Airbus Model A319 and A320 Series Airplanes [Docket No. 99-NM-341-AD; Amendment 39-11450; AD 99-25-07] (RIN: 2120-AA64) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5818. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 382 Series Airplanes [Docket No. 98-NM-371-AD; Amendment 39-11447; AD 99-25-04] (RIN: 2120-AA64) received December 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5819. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Caledonia, MN [Airspace Docket No. 99-AGL-49] received December 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5820. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Winfield/Arkansas City, KS [Airspace Docket No. 99-ACE-44] received December 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5821. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Pine River, MN [Airspace Docket No. 99-AGL-47] received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5822. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marquette, MI; revocation of Class E Airspace; Sawyer, MI, and K.I. Sawyer, MI [Airspace Docket No. 99-AGL-42] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5823. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Funding the Development and Implementation of Watershed Restoration Action Strategies under Section 319 of the Clean Water Act—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5824. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—NEP FY 1997 Budget and Selected Guidance Topics—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5825. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Availability of Action Plan Demonstration Projects (APDP) Funds for Tier IV and NEPs—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5826. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—NEP FY 1998 Budget and Selected Guidance Topics—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5827. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Estuary Program Travel Funds Special Conditions—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5828. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Estuary Program FY 1999 Budget and Funding Guidelines—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5829. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Biennial Review of Post-CCMP NEPs-Final Guidance—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5830. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Biennial Review of Post-CCMP NEPs-FY 1999 Guidelines—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5831. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cover Memorandum and Wetland Program Development Grants-FY2000 Grant Guidance—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5832. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5833. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Process and Criteria for Funding State and Territorial Nonpoint Source Management Programs FY 1999—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5834. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category [FRL-6503-5] (RIN: 2040-AC23) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5835. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitations Guidelines and Standards for the Commercial Hazardous Waste Combustor Subcategory of the Waste Combustors Point Source Category [FRL-6503-6] (RIN: 2040-AC23) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5836. A letter from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—Announcement of Availability of Funds for a Competition—Advanced Technology Program (ATP) [Docket No. 991109300-9300-01] (RIN: 0693-ZA35) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

5837. A letter from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—Notice of Availability of Funds for Six Grants; Physics, MSEL, and MEL, SURF Programs; MSEL Grants Program; and Fire Research Grants Program [Docket No. 990907248-9248-01] (RIN: 0693-ZA32) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

5838. A letter from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—Partnership for Advancing Technologies in Housing Cooperative Research Program (PATH-CoRP)-Notice of Availability of Funds [Docket No. 991019280-9280-01] (RIN: 0693-ZA34) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

5839. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled, "The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 1998"; to the Committee on Science.

5840. A letter from the Deputy Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Office of Research and Applications Ocean Remote Sensing Program Notice of Financial Assistance [Docket No. 991028291-9291-01] (RIN: 0648-ZA75) received November 29, 1999, pursuant to 5 U.S.C 801(a)(1)(A); to the Committee on Science.

5841. A letter from the the Executive Secretary, the Disabled American Veterans, transmitting the 1999 National Convention proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 106—167); to the Committee on Veterans' Affairs and ordered to be printed.

5842. A letter from the Director, Office of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule—Per Diem for Nursing Home Care of Veterans in State Homes (RIN: 2900–AE87) received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5843. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Acquisition Regulation: Simplified Acquisition Procedures (RIN: 2900–AJ16) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5844. A letter from the Director, Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting the Department's final rule—Rules of Practice: Title Change (RIN: 2900–AJ57) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5845. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 106—164); to the Committee on Ways and Means and ordered to be printed.

5846. A letter from the Acting Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Import Restrictions Imposed On Certain Khmer Stone Archaeological Material of the Kingdom of Cambodia [T.D. 99–88] (RIN: 1515–AC52) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5847. A letter from the Acting Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Export Certificates For Lamb Meat Subject To Tariff-Rate Quota [T.D. 99–87] (RIN: 1515–AC54) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5848. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of DISC Income to Shareholders—received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5849. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Changes in Elective Entity Classification [TD 8844] (RIN: 1545–AV16) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5850. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Rev. Rul. 99–53] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5851. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 705 Special Basis Rules [Notice 99–57] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5852. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Annual section 415(d) cost of living adjustments [Notice 99–55] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5853. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disposition by a corporation of its own capital stock [Rev. Rul. 99–57] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5854. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Avoidance Using Distributions of Encumbered Property [Notice 99–59] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5855. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed $2,800,000 [Rev. Rul. 99–50] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5856. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Loans with Below-Market Interest Rates [Rev. Rul. 99–49] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5857. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in; First-out Inventories [Rev. Rul. 99–55] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5858. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Adequate Disclosure of Gifts [TD 8845] (RIN: 1545–AW20) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5859. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Adjustments Following Sales of Partnership Interests [TD 8847] (RIN: 1545–AS39) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5860. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Automatic Consent to Change a Method of Accounting [Rev. Proc. 99–49] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5861. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2000–9] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5862. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Combined Information Reporting [Rev. Proc. 99–50] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5863. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low Income Housing Credit [Rev. Rul. 99–54] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5864. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2000–1] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5865. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Effective Date of Proposed Regulations under 1.368–2(d)(4) [Notice 2000–1] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5866. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Information reporting with respect to certain foreign corporations (RIN: 1545–AV69) [TD 8850] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5867. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Returns of Information of Brokers and Barter Exchanges [Notice 2000–6] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5868. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99–54] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5869. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Duke Energy Natural Gas Corporation v. Commissioner—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5870. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Conway v. Commissioner—received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5871. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Duplicate Benefits [Rev. Rul. 99–51] received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5872. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Information Reporting on Amounts Paid Under the General Allotment Act [Notice 99–60] received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5873. A letter from the Acting Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Extension of Expiration Date for Several Body System Listings [Regulations No. 4] (RIN: 0960–AF15) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5874. A letter from the the Director, the Congressional Budget Office, transmitting CBO's final sequestration report for Fiscal Year 2000, pursuant to 2 U.S.C. section 904(b); (H. Doc. No. 106–168); to the Committee on the Whole House on the State of the Union and ordered to be printed.

5875. A letter from the Lieutenant General, USA Director, Defense Security Cooperation Agency, transmitting the Agency's final rule—Authorizing the transfer of up $100M in defense articles and services to the Government of Bosnia-Herzegovina—received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on International Relations and Appropriations.

5876. A letter from the Deputy Executive Secretary to the Department, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Programs Programs of

All-inclusive Care for the Elderly (PACE) [HCFA-1903-IFC] (RIN: 0938-AJ63) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes; with an amendment (Rept. 106-489). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

(The following bills and resolutions were introduced on January 24, 2000.)

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DAVIS of Virginia (for himself and Mr. Moran of Virginia):

H.R. 3518. A bill to amend the Occupational Safety and Health Act of 1970 to provide that the Act will not apply to employment performed with an electronic device in a workplace located in the employee's residence; to the Committee on Education and the Workforce.

By Mr. LEACH:

H.R. 3519. A bill to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic; to the Committee on Banking and Financial Services.

By Mr. PITTS:

H.R. 3520. A bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. McINTOSH:

H.R. 3521. A bill to amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes; referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3522. A bill to amend the Clean Air Act to establish certain rules regarding motor vehicle inspection and maintenance in States that have contracted out vehicle testing and inspection services, and for other purposes; to the Committee on Commerce.

By Mr. ANDREWS:

H.R. 3523. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for expedited rescissions of budget authority and of limited tax benefits; referred to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3524. A bill to phase out the incineration of solid waste, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY (for himself, Mr. Pickering, Mr. Stearns, Mr. Largent, Mr. Coburn, Mr. Blunt, Mr. Armey, Mr. Souder, Mr. Boehner, Mr. Baker, Mr. Bachus, Mr. Hall of Texas, Mr. Shimkus, Mr. Scarborough, Mr. Burr of North Carolina, Mr. Taylor of North Carolina, Mr. Thornberry, Mr. Skeen, Mr. Gillmor, Mr. DeMint, Mr. Manzullo, Mr. Shows, Mr. Wicker, Mr. Combest, Mr. Riley, Mr. English, Mr. Metcalf, Mr. Watts of Oklahoma, Mr. Whitfield, Mr. Bonilla, Mr. Bryant, Mr. Sensenbrenner, Mr. Smith of Texas, Mr. DeLay, Mr. Goodlatte, Mr. Sessions, Mr. Lewis of Kentucky, Mr. Goode, Mr. Hobson, Mr. Fossella, Mr. Gutknecht, Mr. Nethercutt, Mr. Chambliss, Mr. Tiahrt, Mr. Deal of Georgia, Mr. Ryun of Kansas, Mrs. Cubin, Mr. Linder, Mr. Hyde, Mr. Moran of Kansas, Mr. Sam Johnson of Texas, Mr. Ballenger, Mr. Talent, Mr. Collins, Mr. Gordon, Mr. Hulshof, Mr. Aderholt, Mr. Wolf, Mr. Dickey, Mr. Hill of Montana, and Mr. Ramstad):

H.R. 3525. A bill to require the Federal Communications Commission to follow normal rulemaking procedures in establishing additional requirements for noncommercial educational television broadcasters; to the Committee on Commerce.

By Mr. PALLONE:

H.R. 3526. A bill to amend the Egg Products Inspection Act to improve the safety of shell eggs; to the Committee on Agriculture.

By Mr. PALLONE:

H.R. 3527. A bill to amend title XXVII of the Public Health Service Act to limit the amount of any increase in the payments required by health insurance issuers for health insurance coverage provided to individuals who are guaranteed an offer of enrollment under individual health insurance coverage relative to other individuals who purchase health insurance coverage; to the Committee on Commerce.

By Mr. PALLONE:

H.R. 3528. A bill to provide health benefits for workers and their families; referred to the Committee on Education and the Workforce, and in addition to the Committees on Commerce, Ways and Means, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 3529. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provisions, to amend title XIX of the Social Security Act to provide financial assistance for those individuals who are too poor to afford the premiums, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mrs. Johnson of Connecticut, Mr. Bachus, Mr. Portman, Mr. Miller of Florida, Mr. Cunningham, Mr. Franks of New Jersey, Mr. Hill of Montana, Mr. Wamp, Mr. Kuykendall, Mr. Coburn, Mr. Thornberry, Ms. Pryce of Ohio, Mr. Burton of Indiana, Mr. Goss, Mr. Davis of Virginia, Mr. Ewing, Mr. Gibbons, and Mr. Goodlatte):

H.R. 3530. A bill to amend the Occupational Safety and Health Act of 1970 to provide that the Act will not apply to employment performed in a workplace located in the employee's residence; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. LaHood, Mr. Serrano, Mr. McDermott, Mr. George Miller of California, Mr. McGovern, Ms. Lee, Mr. Frank of Massachusetts, Mr. Hinchey, Mr. Meeks of New York, and Mr. Moakley):

H. Con. Res. 240. A concurrent resolution expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII,

295. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to House Resolution memorializing the Congress and the President of the United States to direct the health care financing administration to adjust medicare managed care reimbursement rates in Massachusetts in order to provide equal access to medicare services; jointly to the Committees on Ways and Means and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. McCOLLUM:

H.R. 3531. A bill for the relief of Elian Gonzalez-Brotons; to the Committee on the Judiciary.

By Mr. MENENDEZ:

H.R. 3532. A bill for the relief of Elian Gonzalez; to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 488: Mr. Price of North Carolina, Mr. Holt, and Mr. Andrews.

H.R. 670: Mrs. Christensen.

H.R. 730: Mr. Allen.

H.R. 742: Mr. Hall of Texas.

H.R. 914: Mr. Mascara, Mr. Abercrombie, and Mr. Moran of Virginia.

H.R. 960: Mr. Owens, Mr. Larson, and Mr. Neal of Massachusetts.

H.R. 1422: Mr. Wu.

H.R. 1612: Mr. McGovern and Ms. Rivers.

H.R. 1816: Mr. Oberstar and Mr. Towns.

H.R. 1871: Mr. Green of Texas and Mr. Gonzalez.

H.R. 1895: Mr. Evans.

H.R. 1967: Mr. Sanders and Ms. Brown of Florida.

H.R. 2222: Mr. Frank of Massachusetts.

H.R. 2457: Mrs. Morella.

H.R. 2544: Mr. Hutchinson.

H.R. 2662: Mr. Gilman.

H.R. 2776: Mr. Engel.

H.R. 2966: Mr. Baca, Ms. Baldwin, Mr. Boehlert, Mr. Bonilla, Mr. Burr of North Carolina, Mr. Calvert, Mrs. Christensen, Mr. Clyburn, Mr. Davis of Illinois, Ms. DeGette, Mr. Doyle, Mr. Duncan, Ms. Dunn, Mr. Evans, Mr. Faleomavaega, Mr. Forbes, Mr. Ford, Mr. Franks of New Jersey, Mr. Hayworth, Ms. Jackson-Lee of Texas, Mr. Kind, Mr. Lipinski, Mr. LoBiondo, Mr. Manzullo, Mr. Gary Miller of California, Mr. Neal of Massachusetts, Mr. Nethercutt, Mr. Pallone, Mr. Pascrell, Mr. Quinn, Mr. Reyes, Ms. Roybal-Allard, Mr. Saxton, Mr. Sisisky, Mr. Smith of Texas, Mr. Spence, Mr. Strickland, Mr. Talent, Mr. Vitter, Mr. Wamp, Mr. Weldon of Florida, Mr. Weygand, Ms. Woolsey, and Mr. Young of Alaska.

H.R. 3087: Mr. Reyes.

H.R. 3115: Mr. Sanders.

H.R. 3142: Mr. Clement and Mr. Cummings.

H.R. 3144: Mr. DeFazio and Mr. Shows.

H.R. 3256: Mr. Peterson of Minnesota.

H.R. 3439: Mr. Callahan, Mr. Goode, Mr. Stump, Mr. Manzullo, Mr. Sununu, Mr. Burr of North Carolina, Mr. Salmon, Mr. Pickett, Mr. Norwood, Mr. Bass, Mr. Turner, Mr. Smith of Texas, Mr. Sandlin, Mrs. Emerson, Mr. Petri, Mr. Gekas, Mr. Nethercutt, Mr. Talent, Mr. Ramstad, Mr. Strickland, Mr. Skeen, Mr. Whitfield, Mr. Shimkus, Mr. Gutknecht, Mr. Bryant, Mr. Combest, Mrs. Wilson, Mr. Canady of Florida, Mr. Ney, Mr. Peterson of Minnesota, Mr. Collins, Mr. Edwards, and Mr. Everett.

H.R. 3494: Mr. Gilchrest, Mr. Jefferson, Mr. Costello, and Ms. Lee.

H.J. Res. 48: Mr. Horn and Mr. Price of North Carolina.

H.J. Res. 53: Mr. Nethercutt.

H. Res. 377: Mr. McIntosh.

PETITIONS, ETC.

Under clause 3 of rule XII,

78. The SPEAKER presented a petition of Mr. Gregory D. Watson of Austin, TX, relative to urging the Congress of the United States to vote and approve legislation to make employment discrimination against an applicant based upon the applicant's actual, or perceived, sexual orientation unlawful; which was referred jointly to the Committees on Education and the Workforce, House Administration, Government Reform, and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ACKERMAN (for himself, Mrs. Lowey, Mr. Crowley, Mr. Forbes, and Mr. Lazio):

H.R. 3533. A bill to provide the Secretary of Energy with authority to draw down the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, and to require the President, through the Secretary of Energy, to consult with Congress regarding the sale of oil from the Strategic Petroleum Reserve; to the Committee on Commerce.

By Mr. CAMPBELL:

H.R. 3534. A bill to direct the Administrator of the Federal Aviation Administration to treat certain aircraft as amateur-built aircraft for the purposes of issuing experimental certificates for the operation of such aircraft; to the Committee on Transportation and Infrastructure.

By Mr. CUNNINGHAM (for himself, Mr. Saxton, Mr. Bereuter, Mr. Kuykendall, Mr. Bilbray, Mr. Chabot, Mr. Pickering, Mr. Greenwood, Mr. DeFazio, Mrs. Tauscher, Mr. Gilchrest, and Mrs. Morella):

H.R. 3535. A bill to amend the Magnuson Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning; to the Committee on Resources.

By Mr. FRANKS of New Jersey:

H.R. 3536. A bill to provide for a study regarding the potential health effects of ingesting and inhaling MTBE, to provide for research regarding methods for the removal of MTBE from water supplies, and to require public water systems to monitor for the presence of MTBE in public water systems; to the Committee on Commerce.

By Mr. FRANKS of New Jersey:

H.R. 3537. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local real property taxes paid by certain taxpayers aged 65 or older who do not itemize their deductions and to provide for the establishment of senior citizen real property tax accounts; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. McGovern, Mr. Lipinski, and Mr. Meeks of New York):

H.R. 3538. A bill to amend the Internal Revenue Code of 1986 to encourage the use of public transportation systems by allowing individuals a credit against income tax for expenses paid to commute to and from work or school using public transportation, and to reduce corporate welfare; referred to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH (for himself and Mr. Paul):

H.R. 3539. A bill to amend the Occupational Safety and Health Act of 1970 to provide that the Act will not apply to employment performed in a workplace located in the employee's residence; to the Committee on Education and the Workforce.

By Mr. ISAKSON:

H.R. 3540. A bill to amend the Fair Labor Standards Act of 1938 to prohibit the issuance of a certificate for subminimum wages for individuals with impaired vision or blindness; to the Committee on Education and the Workforce.

By Mr. ISAKSON:

H.R. 3541. A bill to suspend temporarily the duty on 1,5-dichloroanthraquinone; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Ms. Kilpatrick, Mr. Davis of Illinois, Mr. Dixon, Mr. Cummings, Mr. Payne, Mr. Rush, Mr. Meeks of New York, Mr. Thompson of Mississippi, Ms. Lee, Mr. Towns, Ms. Carson, Mr. Conyers, Mr. Bishop, Mrs. Christensen, Ms. Brown of Florida, Mrs. Meek of Florida, Ms. Millender-McDonald, Ms. Norton, Ms. Jackson-Lee of Texas, Mr. Hilliard, Mr. Wynn, Mr. Rangel, Ms. Eddie Bernice Johnson of Texas, Ms. DeLauro, Mrs. Tauscher, and Mr. Boyd):

H.R. 3542. A bill to provide greater access to high quality distance education programs; to the Committee on Education and the Workforce.

By Mr. LARSON (for himself, Ms. DeLauro, Mrs. Johnson of Connecticut, Mr. Gejdenson, Mr. Shays, Mrs. McCarthy of New York, Mr. Allen, Mr. Meeks of New York, Mr. Weiner, Mr. Maloney of Connecticut, Mr. McGovern, Mr. Holden, Mr. Delahunt, Mr. Borski, Mr. Mascara, Mr. Brady of Pennsylvania, Mr. Sanders, Mr. LoBiondo, Mr. Kanjorski, Mr. Menendez, Mr. Nadler, Mr. Capuano, Mr. Boehlert, and Mr. Holt):

H.R. 3543. A bill to provide the Secretary of Energy with authority to draw down the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, and to require the President, through the Secretary of Energy, to consult with Congress regarding the sale of oil from the Strategic Petroleum Reserve; to the Committee on Commerce.

By Mr. LEACH:

H.R. 3544. A bill to authorize a gold medal to be awarded on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MARTINEZ (for himself and Mr. Kildee):

H.R. 3545. A bill to authorize appropriations for the Individuals with Disabilities Education Act to achieve full funding by 2010, and for other purposes; to the Committee on Education and the Workforce.

By Mr. McGOVERN (for himself, Mr. Shays, Mr. Franks of New Jersey, Mr. Capuano, Ms. DeLauro, Ms. Pelosi, Mr. Forbes, Mrs. Tauscher, Mr. Cook, Mr. Olver, Mr. Gejdenson, Mr. Boehlert, Mr. Pallone, and Mr. Borski):

H.R. 3546. A bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income; to the Committee on Ways and Means.

By Mrs. MEEK of Florida:

H.R. 3547. A bill to amend title 18 of the United States Code to clarify the provisions respecting forfeiture for alien smuggling; to the Committee on the Judiciary.

By Mr. SAXTON (for himself, Mr. Smith of New Jersey, and Mr. LoBiondo):

H.R. 3548. A bill to redesignate the mud dump site located approximately 6 miles east of Sandy Hook, New Jersey, and known as the "Historic Area Remediation Site", as the "Albert Gore, Jr., Mud Dump Site"; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself, Mr. Smith of New Jersey, Mr. Pallone, and Mr. LoBiondo):

H.R. 3549. A bill to amend the Marine Protection, Research, and Sanctuaries Act of

1972 relating to the dumping of dredged material in the Historic Area Remediation Site, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Michigan:

H.R. 3550. A bill to amend the Internal Revenue Code of 1986 to allow a deduction in determining adjusted gross income for travel expenses of State legislators away from home; to the Committee on Ways and Means.

By Mr. ARMEY:

H. Con. Res. 241. A concurrent resolution providing for a joint session of Congress to receive a message from the President on the State of the Union; considered and agreed to.

By Mr. GEJDENSON (for himself, Mr. ALLEN, Mr. BENTSEN, Mr. CAPUANO, Ms. CARSON, Mr. CONYERS, Mr. CROWLEY, Ms. DANNER, Mr. DAVIS of Florida, Mr. DOYLE, Mr. ENGEL, Ms. ESHOO, Mr. FROST, Mr. GILMAN, Mr. GUTIERREZ, Mr. HINCHEY, Mr. KING, Mr. LARSON, Mr. LATOURETTE, Mr. LEVIN, Mr. LUCAS of Kentucky, Mr. MARKEY, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. POMEROY, Mr. RAHALL, Mr. SAWYER, Mr. SKELTON, Mr. STUPAK, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. VENTO, Mr. WALSH, Mr. WAXMAN, Mr. WEINER, and Mr. ABERCROMBIE):

H. Con. Res. 242. A concurrent resolution to urge the Nobel Commission to award the year 2000 Nobel Prize for Peace to former United States Senator George J. Mitchell for his dedication to fostering peace in Northern Ireland; to the Committee on International Relations.

By Mrs. JONES of Ohio (for herself, Mr. FRANKS of New Jersey, Mr. OWENS, and Mr. MEEKS of New York):

H. Con. Res. 243. A concurrent resolution expressing the sense of Congress regarding the importance of mental health awareness, mental disorders, and early detection of mental illnesses to facilitate entry into treatment; to the Committee on Commerce.

By Mr. THOMAS (for himself, Mr. HOYER, Mr. BOEHNER, Mr. NEY, Mr. EHLERS, Mr. MICA, Mr. EWING, Mr. GILMAN, Mr. LANTOS, Mr. FROST, Mr. CANNON, and Mr. LATOURETTE):

H. Con. Res. 244. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. ARMEY:

H. Res. 401. A resolution providing for a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. ARMEY:

H. Res. 402. A resolution to inform the Senate that a quorum of the House has assembled; considered and agreed to.

By Mr. ARMEY:

H. Res. 403. A resolution providing for the hour of meeting of the House; considered and agreed to.

By Mr. GALLEGLY:

H. Res. 404. A resolution congratulating the people and Governments of Argentina, Chile, Guatemala, and Uruguay for completing their recent and successful democratic national elections; to the Committee on International Relations.

By Mr. GALLEGLY (for himself, Mr. BALLENGER, Mr. BRADY of Texas, Mr. SOUDER, Mr. DAVIS of Florida, Mr. GILLMOR, and Mr. GEJDENSON):

H. Res. 405. A resolution recognizing the recent natural disaster in Venezuela, commending the people and Government of Venezuela for its disaster recovery efforts, and calling on the United States Government and the international community to consider providing additional disaster assistance; to the Committee on International Relations.

By Mr. PALLONE (for himself and Mr. MCCOLLUM):

H. Res. 406. A resolution expressing the sense of the House of Representatives that Pakistan should be designated as a state sponsor of terrorism; to the Committee on International Relations.

By Mr. THOMAS:

H. Res. 407. A resolution permitting official photographs of the House of Representatives to be taken while the House is in actual session; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MARTINEZ introduced A bill (H.R. 3551) for the relief of Gui Di Chen; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. JACKSON of Illinois.

H.R. 49: Mrs. ROUKEMA.

H.R. 50: Mr. BILBRAY and Mr. NORWOOD.

H.R. 61: Mr. BARRETT of Wisconsin.

H.R. 82: Mr. KILDEE, Mr. SANDERS, Mr. ACKERMAN, Mr. BORSKI, Mr. PETRI, Mr. WAMP, Mr. NADLER, and Mr. PASCRELL.

H.R. 220: Mr. BARRETT of Nebraska.

H.R. 303: Mr. SISISKY, Mr. BORSKI, Mr. POMBO, Ms. DANNER, Mr. GEORGE MILLER of California, Mr. BURR of North Carolina, and Mr. NADLER.

H.R. 323: Mr. EVANS.

H.R. 443: Mrs. BIGGERT, Ms. SÁNCHEZ, and Mr. RUSH.

H.R. 444: Ms. MILLENDER-MCDONALD.

H.R. 483: Mr. PRICE of North Carolina.

H.R. 528: Mr. LEWIS of Kentucky.

H.R. 664: Mr. MARKEY.

H.R. 725: Mr. FARR of California.

H.R. 745: Mr. FRANK of Massachusetts.

H.R. 762: Mr. YOUNG of Florida, Mr. DEAL of Georgia, Mr. CALVERT, and Mr. HORN.

H.R. 783: Mrs. KELLY, Mr. BARTLETT of Maryland, Mr. MORAN of Virginia, Mr. WISE, Mr. MINGE, and Mr. DEMINT.

H.R. 860: Mr. MASCARA, Mr. BRYANT, Mr. NADLER, Mr. HINCHEY, Mr. BLUMENAUER, Mr. SANDERS, and Mr. FOLEY.

H.R. 896: Mr. DEMINT.

H.R. 920: Mr. TIERNEY.

H.R. 997: Mr. ROMERO-BARCELÓ, Mr. GEJDENSON, Mr. GONZALEZ, and Mr. DOLYE.

H.R. 1111: Mr. WHITFIELD, Mr. ROTHMAN, Mr. FRELINGHUYSEN, Mr. TANCREDO, Mr. WAMP, Mr. GOODLATTE, and Mr. FOLEY.

H.R. 1115: Ms. DEGETTE.

H.R. 1168: Mr. VITTER, Mr. WATT of North Carolina, Mr. WICKER, Mr. RILEY, Mr. WAMP, Mr. STENHOLM, Mr. JENKINS, Mr. SANDERS, Mr. SNYDER, Mr. LIPINSKI, and Mr. RODRIGUEZ.

H.R. 1188: Ms. DELAURO and Mr. ABERCROMBIE.

H.R. 1190: Mr. CONYERS.

H.R. 1367: Mr. GANSKE, Mr. LATOURETTE, Mr. KLECZKA, and Mr. LOBIONDO.

H.R. 1413: Mr. NETHERCUTT.

H.R. 1443: Ms. RIVERS.

H.R. 1485: Mr. LARSON.

H.R. 1486: Mr. SUNUNU, Ms. MCKINNEY, and Mr. BARRETT of Wisconsin.

H.R. 1494: Mr. SHADEGG.

H.R. 1495: Mr. CONYERS, Mrs. LOWEY, Ms. KILPATRICK, and Mr. WISE.

H.R. 1515: Mr. GEJDENSON, Mr. EVANS, Mr. LEVIN, and Mrs. MALONEY of New York.

H.R. 1525: Mr. VISCLOSKY and Mr. BLUMENAUER.

H.R. 1584: Mr. EVANS.

H.R. 1621: Mr. CONYERS, Ms. BROWN of Florida, Ms. MCKINNEY, Mr. MCNULTY, Ms. LOFGREN, Mrs. LOWEY, Mr. MINGE, Mr. HOLT, Mrs. CAPPS, Mr. BERMAN, Mr. SANDLIN, Mr. RUSH, Ms. BALDWIN, Mr. BONIOR, Mr. KLECZKA, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. ANDREWS, Ms. ESHOO, Mr. KENNEDY of Rhode Island, and Mr. CLEMENT.

H.R. 1622: Mr. NADLER, Ms. ESCOO, Mr. FROST, and Ms. KILPATRICK.

H.R. 1671: Mr. KUCINICH.

H.R. 1705: Mr. DELAHUNT.

H.R. 1706: Mr. SHADEGG.

H.R. 1708: Mr. BOEHLERT.

H.R. 1798: Mrs. MALONEY of New York and Mr. DIXON.

H.R. 1839: Mr. MCNULTY, Mr. LARSON, Mr. MCHUGH, Mr. DEFAZIO, Mrs. KELLY, and Mr. LATOURETTE.

H.R. 1899: Mr. GREENWOOD, Mr. GONZALEZ, Mrs. CLAYTON, Mr. PALLONE, Mr. BACA, and Mr. NADLER.

H.R. 1926: Mr. SMITH of Washington, Mr. KUYKENDALL, and Mr. TAYLOR of Mississippi.

H.R. 2059: Mr. WYNN, Mr. OWENS, and Mr. HINCHEY.

H.R. 2121: Mr. DAVIS of Virginia, Mr. MEEHAN, Mr. DELAHUNT, Mr. PASCRELL, AND Mr. MARTINEZ.

H.R. 2175: Mr. LEVIN.

H.R. 2200: Mr. FORBES and Mr. HINCHEY.

H.R. 2228: Ms. MILLENDER-MCDONALD, Ms. SCHAKOWSKY, and Mrs. THURMAN.

H.R. 2229: Mr. KUCINICH.

H.R. 2265: Mr. JEFFERSON.

H.R. 2308: Ms. GRANGER.

H.R. 2382: Ms. RIVERS, Mr. SMITH of New Jersey, Mr. ISAKSON, Mr. LUCAS of Kentucky, Mr. WAMP, Mr. NETHERCUT, and Ms. DANNER.

H.R. 2451: Mr. TURNER, and Mr. GOODE.

H.R. 2498: Mr. SABO, Mr. BENTSEN, Mrs. LOWEY, Mr. BERMAN, Mr. GIBBONS, Ms. BROWN of Florida, Mr. EVANS, Mr. HUTCHINSON, and Mr. PETERSON of Minnesota.

H.R. 2553: Mr. LATOURETTE.

H.R. 2562: Mr. GILCHREST.

H.R. 2564: Mr. BRYANT, Mr. RAMSTAD, Mr. WAMP, and Mr. SAXTON.

H.R. 2569: Ms. DELAURO.

H.R. 2573: Mr. DIXON and Mr. GEJDENSON.

H.R. 2586: Ms. SCHAKOWSKY.

H.R. 2623: Mr. GEPHARDT, Ms. ESHOO, and Mr. KENNEDY of Rhode Island.

H.R. 2655: Mr. BARTLETT of Maryland, Mr. WELDON of Florida, Mr. COMBEST, Ms. PRYCE of Ohio, and Mr. BAKER.

H.R. 2691: Mr. FRANK of Massachusetts.

H.R. 2697: Mr. WISE, Mr. HEFLEY, Mr. BLUNT, and Mr. BAKER.

H.R. 2722: Mr. ROTHMAN and Mr. WATT of North Carolina.

H.R. 2741: Mr. FROST, Mr. MILLER of Florida, Mrs. MEEK of Florida, and Mr. MCGOVERN.

H.R. 2765: Mr. HOUGHTON, Mr. GEPHARDT, Mr. BISHOP, Mr. SERRANO, Mr. CONYERS, Mrs. JONES of Ohio, Mr. CLAY, Mr. RUSH, Mr. FORD, Mr. JEFFERSON, Mr. TOWNS, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. KENNEDY of Rhode Island, Mr. DOOLEY of California, Mr. WAXMAN, Mr. DEFAZIO, Mr. EVANS, and Mr. NADLER.

H.R. 2776: Mr. OLVER.

H.R. 2784: Ms. Lee.

H.R. 2807: Ms. DeLauro.

H.R. 2827: Mr. McIntosh.

H.R. 2868: Mrs. Capps.

H.R. 2870: Mr. Hinchey, Mr. Filner, Mr. Rush, and Mr. Ackerman.

H.R. 2892: Mr. Rahall.

H.R. 2895: Mr. Smith of Washington, Ms. Woolsey, Mr. Mr. Udall of Colorado.

H.R. 2901: Mr. Baker and Mr. Largent.

H.R. 2965: Mr. Wu.

H.R. 2966: Mr. Becerra, Mr. Blagojevich, Mr. Boyd, Mr. Callahan, Mr. Diaz-Balart, Mr. Hastings of Florida, Mr. Holt, Mr. Hunter, Mr. LaFalce, and Mr. Walden of Oregon.

H.R. 3082: Mr. Shays and Mr. Hayworth.

H.R. 3105: Mr. Cummings.

H.R. 3107: Mrs. Christensen, Mr. Hinchey, and Mr. Doyle.

H.R. 3141: Mr. Gutierrez and Mr. Hinchey.

H.R. 3185: Mr. Gilchrest.

H.R. 3193: Mr. Snyder, Mr. Ford, Mr. Rahall, Mr. Gutierrez, Mr. Minge, Mrs. Jones of Ohio, Mr. Kennedy of Rhode Island, Mr. Engel, Mr. LaTourette, Mr. Underwood, Mr. Traficant, Mr. Hill of Indiana, Mr. Faleomavaega, Mr. Stupak, Mr. Gordon, Mr. Price of North Carolina, Mr. Lucas of Kentucky, Mr. Sanders, Mrs. Emerson, and Mr. Waxman.

H.R. 3224: Ms. Norton, Mrs. Clayton, Ms. DeGette, Mr. Barrett of Wisconsin, Mr. Ney, and Mr. Doyle.

H.R. 3235: Ms. Jackson-Lee of Texas, Ms. Eshoo, Mr. Lantos, and Mr. Sisisky.

H.R. 3244: Mr. Faleomavaega, Mr. Sanders, Mr. Abercrombie, Mr. Wexler, Mr. McGovern, and Mr. Capuano.

H.R. 3252: Mr. Sununu and Mr. Combest.

H.R. 3293: Mr. Franks of New Jersey, Mr. Cramer, Mr. Rohrabacher, Mrs. Mink of Hawaii, Mr. Shays, Mr. Delahunt, Ms. Kaptur, Mr. Largent, Ms. Lee, Mr. Rangel, Ms. DeLauro, Mrs. Kelly, Mr. Farr of California, Mrs. Lowey, Mr. Nadler, Mr. Gejdenson, and Mr. Thompson of California.

H.R. 3308: Mr. Shows, Ms. Kaptur, Ms. Lofgren, Mr. King, Mr. Souder, Mr. Taylor of Mississippi, and Mr. Duncan.

H.R. 3331: Mr. Andrews.

H.R. 3439: Mr. Thornberry, Mr. LaHood, Mr. Boehlert, Mr. Stupak, Mr. Blunt, Mr. Spratt, Mr. McHugh, Mr. Ryan of Wisconsin, Mr. Largent, Mr. Pickering, Mr. Bachus, Mr. Barrett of Nebraska, and Mr. Upton.

H.R. 3444: Mr. Tiahrt, Mr. Cooksey, Mr. Rahall, and Mr. Cramer.

H.R. 3514: Mr. Hinchey, Mr. Moran of Virginia, Mr. Boehlert, Ms. Eshoo, Mr. Stark, Mr. Waxman, Ms. Woolsey, Mr. Filner, and Mr. Gejdenson.

H.R. 3518: Mrs. Morella, Mr. Wolf, Mr. Goodlatte, Mr. Ehrlich, and Mr. Brady of Texas.

H.R. 3525: Mr. Jones of North Carolina, Mr. Latham, Mr. Pitts, Mr. Hoekstra, Mr. Mica, Mr. Upton, Mr. Canady of Florida, Mr. Terry, Mr. McCrery, Mr. Hilleary, and Mr. Wamp.

H.J. Res. 41: Mr. Thompson of California.

H.J. Res. 55: Mr. Collins and Mr. Ehlers.

H.J. Res. 56: Mr. Engel and Mr. Borski.

H.J. Res. 60: Mr. Boehlert.

H.J. Res. 77: Mr. Vitter, Mr. Deal of Georgia, and Mr. Hall of Texas.

H. Con. Res. 62: Mr. Crowley, Mr. Pallone, Mr. Paul, Mr. Martinez, and Mr. Evans.

H. Con. Res. 77: Mr. Gibbons, Mr. Tanner, Mrs. Morella, Mr. Neal of Massachusetts, Mrs. Capps, Mr. LaTourette, Mr. Wamp, Mr. Largent, and Mr. DeLay.

H. Con. Res. 119: Mr. Borski.

H. Con. Res. 139: Mr. Sununu, Mr. LaHood, Mr. Hutchinson, Mr. Moran of Virginia, Mr. Turner, Ms. Stabenow, Mrs. Roukema, and Mr. Barrett of Wisconsin.

H. Con. Res. 162: Mr. Gibbons.

H. Con. Res. 220: Ms. Norton and Mr. Frelinghuysen.

H. Con. Res. 238: Ms. Lee, Mr. Barrett of Wisconsin, Mr. Price of North Carolina, Mr. Underwood, Ms. McKinney, Mr. Conyers, Mr. Farr of California, Ms. Rivers, Mr. Nadler, Mr. Capuano, and Mr. Sabo.

H. Con. Res. 240: Ms. Waters, Mr. Jackson of Illinois, Mr. Largent, Mr. Vitter, Ms. Schakowsky, Mr. Barret of Wisconsin, Mr. Abercrombie, Mr. Weiner, Ms. Jackson-Lee of Texas, Mr. Oberstar, Ms. Carson, Mr. Wynn, Mr. Bonior, Mr. Rodriguez, Mr. Roemer, Mr. LaFalce, Mr. Ewing, and Mr. Sabo.

H. Res. 16: Mr. Smith of Washington.

H. Res. 187: Mr. Chabot and Mr. Frank of Massachusetts.

H. Res. 347: Mr. Ney, Mr. Weiner, Mr. McHugh, and Mrs. Lowey.

EXTENSIONS OF REMARKS

TRIBUTE TO DR. MARTIN LUTHER KING

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. VISCLOSKY. Mr. Speaker, as we celebrate the birth of Dr. Martin Luther King, Jr., and reflect on his life and work, we are reminded of the challenges that democracy poses to us and the delicacy of liberty. Dr. King's life, and, unfortunately, his untimely death, remind us that we must continually work and, if necessary, fight to secure and protect our freedoms. Dr. King, in his courage to act, his willingness to meet challenges, and his ability to achieve, embodied all that is good and true in the battle for liberty.

The spirit of Dr. King lives on in the citizens of communities throughout our nation. It lives on in the people whose actions reflect the spirit of resolve and achievement that will help move our country into the future. In particular, several distinguished individuals from Indiana's First Congressional District were recognized during the 21st Annual Dr. Martin Luther King, Jr. Memorial Breakfast on Monday, January 17, 2000, at the Genesis Center in Gary, Indiana. In the past year, these individuals have, in their own ways, acted with courage, met challenges, and used their abilities to reach goals and enhance their communities.

I would like to recognize Tolleston Junior High School students: Kenneth Alford; Antoinette Correa; William Gonzalez; Brian Henderson; Carl Johnson; LaTasha LeFlore; Brannon Smith; Whitney Sullivan; Amanda Bouleware; Tiffany Finch; Kyle Hargrove; Floyd Hobson; Breon Jones; Ekene Onwuka; Mason Smith; Montreca Walker; and Andrew Binder. These students are members of the Tolleston Junior High School Spell Bowl Team, which won its sixth consecutive State Spell Bowl Championship. The team's success is also a credit to the outstanding ability and leadership of its teachers. In particular, Margaret Hymes and Janice Williams should be commended for the devotion they have demonstrated as coaches for the Tolleston Junior High Spell Bowl Team. Additionally, Tolleston Principal Lucille Upshaw and Dr. Mary Guinn, Gary Superintendent of Schools, should be recognized for their support. The accomplishments of these outstanding individuals are a reflection of their hard work and dedication to scholarship. Their scholastic effort and rigorous approach to learning have made them the best in the state. They have also brought pride to themselves, their families, their school and their communities. For this great achievement, they will be honored with the 2000 "Marcher's Award".

Though very different in nature, the achievement of all these individuals reflect many of the same attributes that Dr. King possessed, as well as the values he advocated. Like Dr. King, these individuals saw challenges and rose to the occasion. They set goals and worked to achieve them. Mr. Speaker, I urge you and our other colleagues to join me in commending their initiative, determination and dedication.

HONORING GUSTAVO HEREDIA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a man that has gone to great lengths to provide service to his community.

Mr. Gustavo Heredia has created a program, "How to Live in America," that teaches Spanish speaking people basic rules and customs practiced in the United States. Classes offered by the program include: the rights and responsibilities of owning a car; domestic violence prevention; and privileges and responsibilities as immigrants.

By helping to increase awareness of these customs and laws, the program helps the legal process by reducing repeat offenders. Oftentimes, people that are not originally from the United States, or those who do not speak English, break the law unintentionally because they do not understand the laws. Gustavo's program has been included as part of sentencing in several counties across Colorado. Gustavo stresses that the purpose of the class is to inform, rather than lecture, people on how to live their lives. There has been zero repeat offenses committed by program participants.

Gustavo, who recently became a United States citizen, also serves as a court interpreter for Pitkin and Eagle Counties and various law firms.

It is with this, Mr. Speaker, that I would like to commend Gustavo for all of his hard work and his commitment to making Colorado a better and safer place to live.

IN HONOR OF THIS YEAR'S "IRELAND'S 32" MILLENNIUM HONOREE, MR. BENJAMIN PURNELL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mr. Benjamin Purnell of Bayonne, NJ, on being named one of this year's "Ireland's 32" Millennium honorees.

Mr. Purnell's community service efforts in Bayonne began in 1972, when he joined the Omega Lodge No. 64, where he has served as secretary and worshipful master, the highest office in the lodge. Through the lodge, Mr. Purnell organized many projects addressing the specific needs and concerns of children and young adults. In an effort to instill a sense of community, as well as to provide young people with a safe haven, Mr. Purnell spearheaded the lodge's block parties, Halloween parties, and its annual Christmas party.

For more than 12 years Mr. Purnell has served as president of the Bayonne Youth Center. At the center, he has provided guidance, leadership, and friendship to many of the city's young people. Mr. Purnell has been instrumental in creating the programs necessary to benefit the young people of the community, including the Youth of the Month Program, the summer camp, an after-school program, computer and cooking classes, and day-care services.

In addition, Mr. Purnell has remained very active in the Wallace Temple African Methodist Episcopal Zion Church, serving as superintendent of the Sunday School, co-chair of the board of trustees, director of the junior ushers, treasurer of the senior ushers board, secretary of the Men's Club, and member of the James T. Gregory Male Chorus. Mr. Purnell has also served as secretary of the Bayonne Branch NAACP, member of the National Conference of Christians and Jews, and as planning committee member of the B21C for the city of Bayonne.

Because of his continued commitment to community service, Mr. Purnell has received numerous awards, including the Andrew Young Black Male Achievement Award, the Omega Lodge Service Award, the Bayonne Branch NAACP Community Service Award, and the N.C.C.J. Brotherhood Award.

Born in Berlin, MD, Mr. Purnell graduated from Worcester High School in Snow Hill, MD and has been a resident of Bayonne for more than 30 years. Mr. Purnell is married to Laura Mumford. The couple has two sons, Angelo and Benjamin, one daughter, Lolita, and six grandchildren.

For his unyielding dedication and service to the Bayonne community, I ask my colleagues to join me in congratulating Mr. Benjamin Harrison Purnell. He has truly earned his place among this year's honorees.

WHY TAX DEDUCTIONS DON'T HELP THOSE WHO MOST NEED HELP

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. STARK. Mr. Speaker, as part of the Patients' Bill of Rights, the Republicans insisted on passing an unpaid-for set of tax deductions which they say will help improve access to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

health insurance. Their proposals will—but mostly for those in the upper income brackets who already have health insurance or who can afford it. Even in the area of long-term care insurance, the data shows that the Republican proposals disproportionately help those in the upper income brackets.

Mr. Speaker, let's be fair. As we work on the access provision of the Patients' Bill of Rights, we should convert all of the tax deductions to credits, so that those who seek to use these tax incentives are all on a level playing field, and so that the Treasury's scarce resources go to those most in need of help.

The following is data from a March, 1999 report to HHS prepared by LifePlans, Inc., entitled, "A Descriptive Analysis of Patterns of Informal and Formal Caregiving among Privately Insured and Non-Privately Insured Disabled Elders Living in the Community." The data shows how LTC insurance is disproportionately held by those in the upper incomes and with the most assets—and how deductions will help those people far more than they will help the lower income. A credit would be a far fairer tool to help encourage the purchase of LTC insurance.

Socio-demographic characteristics	All privately-insured home care claimants (in percent)	All elders age 65 and over (in percent) [1] [2]
Race:		
White (not Hispanic)	97	85
Non-White	3	15
Living arrangement:	(n=694)	
Alone	34	34
With spouse	44	53
With relative	11	13
Other	11	....
Total income:	(n=492)	
≥$30,000	52	65
>$30,000	48	35
Total income:	(n=432)	
Less than $10,500	7	[3] 19
$10,501—$19,999	22	28
$20,000—$30,000	28	19
$30,001—$39,999	13	11
$40,000—$49,999	9	8
$50,000—$74,999	11	8
≥$75,000	10	8
Estimated current value of home:	(n=431)	
Less than $50,000	7	[4] 25
$50,000—$99,999	28	37
$100,000—$149,999	19	18
$150,000—$199,999	13	10
$200,000—$249,999	11	4
≥$250,000	22	7

[1] AOA (1998). Prolife of Older Americans. Washington, D.C.

[2] LifePlans, Inc. analysis of 1995 survey of 1,000 randomly selected individuals age 65 and over.

[3] Money Income in the United States: 1997 Current Population Reports, Consumer Income. Note that data from census table is interpolated to assure comparability of intervals. Also note that among claimants, 15% of the respondents who were willing to indicate whether their income was greater or less than $30,000 were not willing to answer the more detailed income questions. That is why there is a difference between the estimate for the proportion reporting incomes less than or equal to $30,000 (52%) and the estimate derived when summing answers for those answering the detailed income question.

[4] American Housing Survey for the U.S. in 1995. U.S. Census Bureau.

IN MEMORY OF THE LATE LOIS DEICKE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today in honor of the memory of Lois Deicke, a longtime resident of Broward County, Florida, who passed away this past New Year's Eve at the age of 82. Lois will undoubtedly be remembered as one of the most prominent and generous philanthropists in South Florida.

A native of Houston, Texas, Lois moved to Illinois where she met her husband Edwin. Together, they moved to Plantation, Florida, around 1960 after a successful career as an insurance executive. Their impact was felt immediately in the South Florida community, as the Deickes exhibited an overwhelming generosity in donating to a variety of civic, philanthropic, and humanitarian causes.

Throughout her time in South Florida, Lois and her husband both contributed to nonprofit agencies and projects throughout the community, patronizing the arts, cultural programming, and even research to benefit the disabled. Lois originally began her charitable work by giving to the West Broward Symphony Guild and the Plantation Community Church. She also made a substantial contribution to the city's community center, now commonly referred to as Deicke Auditorium.

Indeed, many organizations have benefitted from their relationship to Lois Deicke throughout the years. She actively supported the Broward Public Library Foundation, the Broward County Cultural Affairs Council, Holy Cross Hospital, and Nova Southeastern University, where she built the Deicke Dorm at the Ralph Baudhuin Oral School. It is also interesting to note that, though Lois was very proud of her residency in Plantation, by no means did her charity stop at South Florida's borders. She also gave to Midwestern universities and charities, founding the Deicke Center for Nursing Education at Elmhurst College in Illinois.

Particularly gratifying is the fact that Lois and her husband both showed a strong interest in programs for the deaf and blind. This interest was undoubtedly rooted in personal struggles: both she and her husband, who passed away in 1984, suffered from hearing loss. Her personal experiences led Lois to form a strong bond with the Fort Lauderdale Lighthouse for the Blind. In 1994, the Lighthouse formally recognized the extraordinary efforts she made in remodeling their facilities, another example of Lois Deicke freely giving of herself for the betterment of others.

Mr. Speaker, Lois Deickes life can be characterized by her selfless devotion to others and, for that especially, we all owe her a debt a gratitude. Though the South Florida community is undoubtedly saddened by her passing, we should all rejoice in Lois' accomplishments and thank her for her tireless work improving the community around her.

COLORADO'S 2000 TEACHER OF THE YEAR, CRAIG COSWELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize Craig Coswell, who was recently named Colorado's 2000 Teacher of the Year.

Craig's innovative teaching methods are what likely earned him this wonderful award. In Craig's class, the textbooks stay closed. Instead, for instance, he charges his students with finding out who fired the first shot of the Revolutionary War by passing out eyewitness testimony of some of the British and Colonial soldiers who fought the famous Battle of Lexington. Innovative approaches like this have made Craig a wonderful asset to his school and our community.

Additionally, Craig does not test the same way as other teachers; instead, he gives "quests". These are a combination of tests and quizzes that measure if students are getting the major points of the material, rather than quoting memorization.

It is with this, Mr. Speaker, that I say thank you to Craig Coswell for his dedication to the education of our youth and congratulations on receiving the Colorado 2000 Teacher of the Year. His commitment to the future of this great nation is deeply commendable and highly admirable. We are all grateful for his passionate service.

IN HONOR OF THIS YEAR'S "IRELAND'S 32" MILLENNIUM HONOREE, MR. ROCCO COVIELLO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mr. Rocco Coviello of Bayonne, NJ, on being named one of this year's "Ireland's 32" Millennium honorees.

Using his success as a businessman and a proprietor, Mr. Coviello is recognized as a community leader and activist. Perhaps his most prided project, Mr. Coviello has tirelessly promoted the ideals and goals of the Milestones Program, an organization that treats developmentally impaired children. This early intervention program is a full service program, which affords families a resource center, as well as in-home treatment for children suffering from disabilities.

Through Mr. Coviello's efforts, the Milestones Program recently financed a building of its own in Bayonne to house the facility, resource center, and treatment areas. In September 1999, the building was dedicated as Chandelier House, in honor of Mr. Coviello's work.

In addition to the Milestones Program, Mr. Coviello has spearheaded the Chandelier Charity Golf Committee and has raised funds for charities, such as the Scoliosis National Foundation, the D.A.R.E Program, the Bayonne Police Vest Fund, and the Hudson County Hospice.

Mr. Coviello is an active member of the Bayonne Chapter of the Unico Club, as well as the local Rotary Club. He also serves as a board member of the Bayonne Hospital Foundation and is a member of the Bayonne Parking Authority.

Born in Summit, Mr. Coviello attended Summit High School and Fairleigh Dickenson University at Madison. He now lives in Bayonne with his wife, Janet, and their two children, Raquel and Rocky.

For his unyielding commitment to the Bayonne community, I ask my colleagues to join me in congratulating Mr. Rocco Coviello. His remarkable generosity on behalf of his community is truly inspiring.

LET'S STOP KILLING PATIENTS: THE NEED TO ENCOURAGE MAJOR SURGERIES TO BE DONE IN HIGH VOLUME FACILITIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. STARK. Mr. Speaker, I have introduced legislation for Medicare to encourage patients to use certain hospitals that provide better outcomes for sophisticated surgical operations—i.e., fewer people die in surgery or in recovery. In exchange for saving lives, and giving certain hospitals higher volume of patients, the hospitals will give Medicare, the taxpayer, and the beneficiary some savings. It is truly a win-win proposal.

But some—mostly those who stand to lose business—oppose the idea. To be blunt, that puts them on the side of killing people in order to help their bottom line. It is, Mr. Speaker, a truly immoral position for so-called health care providers to take.

And don't take my word for it. Following is a memo from a physician on my staff that reviews some of the academic literature on the subject:

IS QUALITY OF CARE AFFECTED BY HOSPITAL AND PHYSICIAN VOLUMES?

It is a mark of the advancement of medicine that we have come to nearly take for granted the availability of highly specialized and technical diagnostic investigations, medical therapies, and surgical interventions. However, when we individually confront health problems we justifiably want to know that our physician or hospital has adequate experience to make an accurate diagnosis, to make the most informed decision about what should be done and to carry out sophisticated surgical procedures. The question is, do high volume centers really have superior outcomes?

Fortunately, a large body of medical literature exists on the relationship between hospital volume, physician volume and outcomes. Optimal results clearly require physicians with specialized expertise and well-trained staff. High volume centers are more likely to offer a wider range of therapeutic options that result in more targeted therapy. For example, the patient with angina due to narrowing of the coronary arteries may be treated with medication alone, angioplasty, a stenting procedure or a coronary bypass and each of these options would be the optimal decision under the right conditions. The cardiologist or cardiovascular surgeon who has extensive experience with all of these options is likely to make the best therapeutic decision. Sophisticated surgical procedures demand highly-trained, close-working health teams drawing upon the expertise of many health professionals including anesthesiologists, nurses, rehabilitation therapists, respiratory therapists, and dietitians. Stable health care teams promote better collaboration, communication, and continuous quality improvement based upon experiential learning.

A massive study by Hughes and colleagues in 1987 analyzed 503,662 case records from 757 hospitals and demonstrated a statistically significant correlation between greater hospital volume and better patient outcome for 8 of 10 surgical procedures evaluated: coronary artery bypass graft, cardiac catheterization, appendectomy, hernia repair, hysterectomy intestinal operations, total hip replacement, and transurethral prostatectomy.

Twenty years ago (1979) in the New England Journal of Medicine, Luft and colleagues reported that mortality following open-heart surgery, vascular surgery, and transurethral resection of the prostate, is reduced in high volume hospitals, with hospitals in which 200 or more of these operations performed annually having death rates 25–41 percent lower than low volume hospitals. Two decades ago, the authors concluded that the data supports the value of regionalization for these operations.

Numerous studies have specifically focused upon volume/outcome relationships in both medical and surgical interventions for cardiac conditions: Jollis and colleagues (1994) evaluated 217,836 Medicare beneficiaries who underwent coronary angioplasty. Both in-hospital mortality and the rate of coronary bypass surgery following angioplasty were higher in low volume hospitals. These results indicated that if all study patients had received care in high volume hospitals, there would have been 381 fewer bypass operations and 300 fewer in-hospital deaths. These results were reproduced in papers by Cameron et al (1990) and Ellis et al (1997). Hannan and colleagues (1997) reported that both high hospital volume and high cardiologist volume were independently correlated with lower mortality following coronary angioplasty.

Showstack and colleagues (1987) analyzed the outcomes following 18,986 coronary bypass operations at 7 hospitals in California. They also found that higher volume hospitals had lower in-hospital mortality and concluded that the greatest improvement in average outcomes following bypass surgery would be achieved by closing low volume surgical units.

The significance of high physician volumes in determining outcome is highlighted by a series of papers examining patient outcomes following myocardial infarction: Jollis and colleagues (1996) examined mortality following MI for 220,535 Medicare patients and reported that patients treated by cardiologists were 12 percent less likely to die within one year than those treated by a primary care physician. Similarly, Casale and colleagues (1998) reported that following MI, treatment by a cardiologist resulted in a 17 percent reduction in hospital mortality. In addition, patients of all physicians who treated high volumes of patients with MI, had an 11 percent reduction in mortality. Nash and colleagues (1997) reported that not only mortality following MI was reduced by cardiologist's care, but also that these patients had a shorter length of hospital stay than those receiving care by primary care physicians. Both Thiemann et al and Chen et al in this year's *New England Journal of Medicine* also reported lower mortality following MI in higher volume hospitals or following admission to one of "America's Best Hospitals" for cardiology (as determined by U.S. News and World Report).

Children requiring surgical repair of congenital heart defects face a much lower risk of death when operated on in a hospital that performs more than 300 similar surgical procedures annually (Jinkins et al, 1995). Hannan and colleagues (1992) reported the identical relationship between hospital volume and mortality following abdominal aortic aneurysm surgery.

Cancer surgery frequently involves complex procedures which require special expertise. Accordingly, a number of studies have examined volume-outcome relationships following complex surgical oncologic procedures. Begg and colleagues (1998) analyzed the case reports of 5013 patients in the Surveillance, Epidemiology, and End Results (SEER)-Medicare linked database including patients who underwent pancreatectomy, esophagectomy, pneumonectomy, liver resection or pelvic exenteration for cancers of the pancreas, esophagus, lung, colon, rectum and genitourinary tract. Higher hospital volume was associated with lower mortality for all surgical procedures except for pneumonectomy. The most striking results were for esophagectomy and for pancreatectomy where operative mortality rose from 3.4% to 17.3% and 5.8% to 12.9% respectively in low-volume vs. high-volume hospitals. The pancreatectomy results were reproduced this year by Simunovic et al. (1999).

It has been suggested that national referral centers be developed for pancreaticoduodenectomy, also known as the Whipple procedure. Hospital volume was found to strongly influence both perioperative risk and long-term survival following the Whipple procedure as reported by Birkmeyer and colleagues (1999). The relationship between hospital volume and outcome of hepatic resection for hepatocellular carcinoma were analyzed by Choti et al (1998) and Glasgow et al (1999). The mortality rate rose from 1.5% to 7.9% in procedures performed in high volume vs. low volume hospitals. Moreover, Glasgow reported that three quarters of patients with liver cancer were treated at low volume hospitals with a record of 3 or fewer hepatic resections per year.

The identical volume-outcome relationships have been reported for renal diseases. The Agency of Health Care Policy and Research recently sponsored a study regarding referrals and specialty care within the Medicare system. Avon (1999), reported that when patients with renal failure received late referral to a kidney specialist (nephrologist), their risk of death was 33% higher. Pediatric renal transplantation has also been scrutinized for volume-outcome relationships. Schurman and colleagues (1999) reported superior survival of the transplanted kidney in high volume centers performing more than 100 transplants annually.

Research supporting a strong relationship between high hospital/physician volumes and improved patient outcomes spans two decades and multiple medical specialties. Both medical and surgical care at institutions with lower levels of experience clearly increases the risk of poorer outcomes including death, in a diverse range of medical conditions. A review of the literature demonstrates that there is strong evidence to support the development and implementation of Centers of Excellence for a range of medical and surgical conditions.

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IN MEMORY OF THE LATE BOB GROSS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the memory of Bob Gross, who passed away early last December at the age of 41. I am one of many who are saddened by this tremendous loss: South Florida has lost an outstanding community leader and activist.

Bob Gross is well known in Broward county as an energetic leader who was a strong presence at political club events and civic activities throughout South Florida. Demonstrating his large influence on politics in the State of Florida, Bob was president of the Young Democrats of Broward County. As President of the Broward Young Democrats (BYD), Bob's main responsibilities were membership recruitment, campaign training, candidate development, and event planning. In this vital position, he worked tirelessly to motivate the county party to become involved in many aspects of local, state, and national politics.

Bob was somewhat unique in the sense that he fully realized the importance of activism in society at large. Through his involvement in the BYD, he successfully promoted service to other young people. Because of Bob's hard work and dedication, the BYDs have formed an exemplary organization that fosters volunteerism and activities such as serving on local community boards, registering voters, and hosting social outreach events.

It is important to note that Bob Gross did not simply focus all of his attention on political matters. A resident of Hollywood, Florida, who attended Pinecrest High School, Bob worked as Program Planner for the Broward Employment and Training Administration (BETA). Indeed, his tremendous leadership undoubtedly benefitted BETA, as Bob held numerous important posts in the organization through the years such as Executive Vice President, Vice President for Political Affairs, and Treasurer.

Most importantly, however, Bob Gross was a devoted husband to his wife, Cindy Sherr. An attorney and the statewide president of the Young Democrats, I am confident that Cindy will carry on Bob's ongoing work in promoting service and activism within the South Florida community.

Mr. Speaker, while Bob Gross' passing is a tremendous loss for Broward County, I can say without hesitation that his memory will live on through the work of the many organizations to which he dedicated his life. There can be no doubt that we will all dearly miss Bob, but I would like to thank and praise him for his hard work and leadership in improving the community around him.

LEONARD HORN FEDERAL RANGE LIVESTOCKMAN OF THE YEAR, THE IRBY FAMILY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the Leonard Horn Federal Range Livestockman of the Year Award winner, the Irby family of Gunnison, Colorado.

This award is presented by the Colorado Cattlemen's Association and recognizes individuals who graze livestock on Federal land and practice exceptional range, soil, water and wildlife management. James Dawson, District Ranger with the U.S. Forest Service, commended the Irby's for their cooperation in maintaining and improving range areas.

The Irby family includes: Bob and Irene Irby, Stan and Bonnie Irby, and Dale and Wendy Irby.

It is with this, Mr. Speaker, that I would like to extend my congratulations to the Irby family and thank them for their hard work.

IN HONOR OF MARTHA AND ANDRES SANDOVAL ON THEIR 50TH WEDDING ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Martha Tafoya Sandoval and Andres Lopez Sandoval on the celebration of their 50th wedding anniversary. This remarkable milestone is truly a reflection of the devotion these extraordinary individuals share for one another.

On December 16, 1949, Martha and Andres married and began their life together. Through the years, the Sandoval's have used the love they have for each other to reach out to those in need. Together, they have been active civic leaders and successful business people, dedicating their time and resources to the League of United Latin American Citizens and the St. Joseph's Church in Bakersfield, California. However, their greatest accomplishment has been their incredible family.

This loving couple has been a wonderful example for their four children: Andrew, Rosalie, Alexander, and Vicki Ann; their children's spouses, Judy, Arnie, and Louisa; their nine grandchildren, Valerie, Kristian, Lisa, Andrea, Ernest, Evette, Alicia, Vanessa, and Joel; and their six great-grandchildren, Autumn, Eric, Marissa, Jessica, John, and Samuel. The dedication, patience, and wisdom they have demonstrated every day has provided a firm foundation on which all family members have developed and flourished.

For their unyielding strength and unparalleled inspiration, I ask my colleagues to join me in congratulating Mr. and Mrs. Sandoval on five decades of love, commitment, and perservance. You both are truly wonderful role models for all of us. I wish you continued health and happiness.

BRISTOL-MYERS SQUIBB, YOU SURE WE CAN'T LOWER DRUG PRICES WITHOUT HURTING R&D?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. STARK. Mr. Speaker, the pharmaceutical industry constantly tells us they need every dollar for R&D, so they can invent wonderful new drugs, and that Congress must not do anything to question how they price drugs.

A doctor sent me the following invitation he got from Bristol-Myers Squibb. As the doctor wrote:

> Since the enclosed invitation to a dinner plus $100 certificate continues to be commonplace, it makes me wonder how many go without needed medications that could be funded with these solicitations. I'm not sure whether it's the pharmaceutical executives or the physicians who are doing the soliciting . . . just like on the street.

Bristol-Myers Squibb: why not put the money you spend in these solicitations into R&D—or lower drug prices?

The U.S. pharmaceutical industry spends far more on marketing and overhead than it spends on R&D—despite what Flo and her front group friends say. This letter is just one small example of how the industry could, indeed, save money for R&D and/or lower prices.

> BRISTOL-MYERS SQUIBB
>
> You are cordially invited to Participate in a dinner discussion on "Treatment Modalities Throughout the Lifecycle of the Type 2 Diabetic Patient: A Focus on Monotherapy Approaches," on, Monday, November 29, 1999, Mr. Stox restaurant, 1105 East Katella Avenue, Anaheim, CA 92805, at 6:30 p.m.
>
> The program will last approximately one hour and a half. Each attendee will receive a certificate worth up to $100 towards the purchase of medically relevant items. Reservations are taken on a first come first serve basis.
>
> To make a reservation, please call 1-800-366-9034.

IN MEMORY OF THE LATE BILL HORVITZ

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today in honor of the memory of William "Bill" Horvitz, who passed away early last December at the age of 73. It is with a tremendous feeling of sadness that I speak in his honor: the South Florida community has lost an outstanding philanthropist who may never be replaced.

There can be no doubt that Bill's personal history is an extraordinary one. One of three sons of Cleveland real estate businessman Samuel A. Horvitz, Bill Horvitz and his brothers continued his father's real estate ventures after his passing. Moving to the Fort Lauderdale area in 1953 to take over his father's real estate interests in the Hollywood, Florida, he became the proprietor of countless acres within Broward County. Indeed, Bill's stewardship of this property was instrumental in Broward's transition from a quaint bedroom community to a bustling economic powerhouse.

Developing much of his Broward County real estate, Bill established such properties as Hollywood Hills, Emerald Hills, Hollywood Mall, the Venture Corporate Center, South Florida Industrial Park, and various other communities, both residential and commercial. In 1985, Bill also sold more than 1,200 acres of land to the state and county—this valuable tract of land later became West Lake Park and North Beach Park.

Bill is perhaps best known for his commitment to the South Florida community. Throughout his lifetime, Bill was a tremendous supporter of charitable causes. He was involved with a myriad of organizations throughout his life in South Florida: these organizations included the Florida Philharmonic Orchestra, the Broward Center for the Performing Arts, the East Seals Society, the Fort Lauderdale Museum of Art, the Bascom Palmer Eye Institute in Miami, the Boys and Girls Club of Broward, the Salvation Army, and the Jewish Federation of Broward County.

It is well documented that he contributed regularly to his alma mater, the University of Pennsylvania, where he graduated from the Wharton School in 1947. Additionally, he made an effort to lend his financial support to various organizations struggling to survive economically. For example, in 1992, Bill was instrumental in helping the Greater Hollywood YMCA to survive by renegotiating its $1.6 million debt. Such efforts led to much recognition for Bill and his wife. Even as late as December 2, 1999, Bill was honored with the President's Community Award from Nova Southeastern University, a school where the administration building bears his name.

Mr. Speaker, while William Horvitz passing is a tremendous loss for the South Florida community, I can say without hesitation that his memory will live on through the work of the many organizations to which he dedicated his life. Though we will all miss Bill's presence, I would like to thank and praise him for his hard work and leadership in improving the world at large.

WORLD WAR II VETERAN AND PEARL HARBOR SURVIVOR, DON BROWN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize Don Brown. He is a man that has shown his loyalty and bravery to this great country. Mr. Brown served in the Armed Forces during World War II and was aboard the U.S.S. *West Virginia* when Pearl Harbor was attacked on that fateful day in December of 1941.

Mr. Brown was in the first division compartment when the first torpedoes and bombs hit the battleship. He tried to move onto the deck, but was prohibited because of the attack. Don was injured and transported to the U.S.S. *Solacc* for recovery.

Don's family, however did not know that he was transported for recovery. Don's parents knew the ship had sunk, and that they had not heard from their son in 19 days. On December 26, however, they received the best late Christmas present they could have ever hoped for, the knowledge that Don was alive.

Years later, Don and his wife, Skie, moved back to Grand Junction after spending time in Las Vegas. Mr. Brown served as Mesa County planning director between 1963 and 1966.

Don is part of a generation that many think saved civilization as it is known today through their efforts in World War II—what some have called the greatest generation.

It is with this, Mr. Speaker, that I say thank you to Don Brown for his display of loyalty to his country and bravery in the face of war to preserve the freedom that we all enjoy today. He is a great American that deserves our highest regard, thanks and praise.

IN HONOR OF MRS. ELEANOR TIEFENWERTH, ONE OF THIS YEAR'S RICHARD A. RUTKOWSKI ASSOCIATION HONOREES FOR DEDICATED SERVICE TO THE CITY OF BAYONNE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mrs. Eleanor Tiefenwerth of Bayonne, New Jersey. The Richard A. Rutkowski Association has selected Mrs. Tiefenwerth as one of this year's honorees, acknowledging her accomplishments and her dedication in making Bayonne a better community.

Since its 1965 inception, Mrs. Tiefenwerth has been an instrumental leader of the Bayonne Economic Opportunity Foundation [BEOF]. Accepting the role of executive director in 1981, Mrs. Tiefenwerth has remained the driving force behind and the embodiment of the BEOF's logo, "People Helping People."

During her administration, Mrs. Tiefenwerth spearheaded vital programs, including a crosstown transportation service for seniors and disabled individuals and a variety of food service programs. Mrs. Tiefenwerth also implemented Thanksgiving and Christmas dinners for those individuals spending the holidays alone.

In addition to her work with the BEOF, Mrs. Tiefenwerth served as a commissioner of the Bayonne Housing Authority and is a member of the Community Education Advisory Council. Presently, she is serving on one of the cities redevelopment committees and has joined the Census Committee in an effort to ensure the fair and unencumbered counting of the 2000 Census.

The recipient of many honors, Mrs. Tiefenwerth's unyielding commitment to community service has not gone unrecognized.

The honors include: the Hudson County Golden Recognition Award; the Senior Citizen Today Award; the Jersey Journal Woman of Achievement; the Hudson County Director of Human Services Distinguished and Caring Service Award; the Hudson County Girl Scout Community Service Award; and the Boy Scout Endowment Committee Medallion for Volunteer Work.

Mrs. Tiefenwerth, wife of the late Mr. William Tiefenwerth, both Bayonne natives, attended the Horace Mann School, Bayonne High School, and Jersey City State. She is a registered certified social worker and a HUD certified housing counselor.

For her continued efforts on behalf of the Bayonne community and the State of New Jersey, I ask my colleagues to join me in congratulating Mrs. Eleanor Tiefenwerth. Her far-reaching accomplishments in the area of community service have undoubtedly made the city of Bayonne a better community in which to live.

SCHOOL-TO-WORK PARTNERSHIP WITH JOBLINK

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. HAYES. Mr. Speaker, it is my distinct honor and pleasure to rise today and submit for the RECORD the initiative that my own Cabarrus County in North Carolina has taken to promote the School-to-Work partnership with JobLink.

I am thrilled that the Cabarrus Regional Chamber of Commerce has developed these innovative strategies to better our community. The benefits that our neighbors, friends, and families will gain from the Workforce Development Week 2000 will be life long.

WORKFORCE DEVELOPMENT WEEK 2000

Whereas, Workforce Development issues impact every facet of our community and are at the forefront of American Society in the new millennium; and

Whereas, the School-to-Work Partnership of Cabarrus County and the Cabarrus County Job Link Center work together, with and through a medley of agencies to provide opportunities for the future and present workforce; and

Whereas, the School-to-Work initiative is a partnership between Cabarrus County Schools, Kannapolis City Schools and the Cabarrus Regional Chamber of Commerce; and

Whereas, the Workforce Development Steering Committee of the Cabarrus Regional Chamber of Commerce promotes dialogue between the Chamber and top administrators from the school systems and colleges, as well as implements community wide workforce development initiatives; and

Whereas, businesses, jobseekers, and others will be supported by employment and training services, information in a customer friendly manner, and staff who are caring professionals from various assisting agencies, and

Whereas, on January 29, 2000 the Cabarrus Career Fair 2000 will be held at the Carolina Mall in Concord from 11:00 am to 5:00 pm, and will provide students and citizens of all ages positive interactions with over 50 different careers in the Cabarrus Region; and

Whereas, on February 2, 2000 the Cabarrus Region will team with the National Groundhog Job Shadow Day initiative to place students during the month of February with a mentor in the "World of Work"; therefore, students are able to experience the importance of academics, communication skills and teamwork; and

Whereas, on February 3, 2000, the Cabarrus County JobLink Center, which was presented a charter on October 19, 1999 from the Centralina Workforce Development Board, will host an Open House Celebration from 4:00 pm to 6:00 pm at 2275 Kannapolis Highway, Concord; and

Whereas, the School-to-Work Partnership and the JobLink Center will provide Cabarrus County with training, information and services vital to a competitive workforce that will be successful in a global economy.

Now therefore, be it resolved, That the Week beginning Saturday January 29, 2000 to Friday February 4, 2000 is hereby proclaimed as "Workforce Development Week 2000" in the Cabarrus Region, and urge our citizens to become familiar with the services and benefits offered by the School-to-Work Partnership and JobLink Systems in our community.

TRIBUTE TO DR. ENDRÉ A. BALAZS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. ROTHMAN. Mr. Speaker, I rise today to honor a great scientist and entrepreneur on the occasion of his 80th birthday. Dr. Endré A. Balazs, who now lives in Fort Lee, NJ, was born in Hungary on January 10, 1920. He received his medical degree from the University of Budapest in 1943. During his studies in medical school D. Balazs began his life-long research into the medical uses of hyaluronan (HA)—a key molecular building block of the intercellular substances of the body.

As the world's foremost authority in the use of HA, Dr. Balazs started work on its medical application in the 1960's. His work on HA eventually led to the discovery of new therapeutic treatments that have made certain medical procedures safer and have accelerated post-operative healing periods. More recently, Dr. Balazs has introduced new methods to treat arthritis, an ailment that afflicts millions of Americans.

Soon after completing his studies at the University of Budapest in Hungary, Dr. Balazs traveled to Stockholm, Sweden, where he continued his research on the structure and biological function of sulfated polysaccharides and HA at the Karolinska Institute—the medical school of Stockholm. In 1951 he emigrated to the United States where he accepted a position in the Department of Ophthalmology at Harvard University.

In 1970 Dr. Balazs cofounded the Boston Biomedical Research Institute and became its first executive director. In 1975 he became the Malcolm P. Aldrich Research Professor of Ophthalmology at Columbia University in New York. He is the founder and for 25 years has served as editor in chief of Experimental Eye Research, the first international eye research journal ever published. He also is a founder and former president of the International Society for Eye Research.

In 1981 Dr. Balazs and his wife, Janet Denlinger, started Biomatrix, Inc., a firm involved in the development of hfyaluronan derivatives for medical applications and skin care. Today, Biomatrix is a publicly owned company that is based in Ridgefield, NJ.

Over the years, as both an educator and a businessman, Dr. Balazs has supported the research endeavors of many young scientists and physicians. In recognition of his efforts, the international ophthalmic research community has established the Endré A. Balazs Prize, an international award for outstanding research efforts by scientists.

Mr. Speaker, I am proud that Dr. Endré A. Balazs is my constituent. I wish him and his family the very best as he continues to bring to his work the energy, devotion, and innovation that has made him such a successful individual.

HONORING BILL A. (B.A.) JONES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. McINNIS. Mr. Speaker, I would like to ask that we all pause for a moment to remember a man we have lost. B.A. Jones was a man that many knew and loved. Mr. Jones passed away in Carrollton on November 6, 1999.

B.A. Jones was born on April 9, 1913, the second of ten children born to H.J. and Dixie Campbell-Jones. B.A. spent his school years in Monte Vista. During World War II, the Government called upon him to travel the country recruiting, supervising and building numerous war-related projects. After the war, B.A. began construction work and subsequently formed his own remodeling and construction firm. In the late 1960's, B.A. began the family owned and operated Paradise Swimming Pool Corporation, using his self-taught architectural abilities to design and create many pools that are still operational to this day.

Mr. Jones is survived by his loved wife of 60 years, (Annie) Frances Cone Jones and their three children.

B.A. Jones is someone who will be missed by all of us. Those who knew him will miss spending time with him. He was truly a great American.

IN HONOR OF THIS YEAR'S "IRELAND'S 32" MILLENNIUM HONOREE, MRS. DOROTHY HARRINGTON

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mrs. Dorothy Harrington of Bayonne, NJ, on being named one of this year's "Ireland 32" Millennium honorees.

Mrs. Harrington has had an exceptional career in the public arena. A longtime advocate for the education system in Bayonne, Mrs. Harrington was appointed to the Bayonne Board of Education from 1981 to 1986. Because of her vision and enthusiasm in this role, Mrs. Harrington became the first woman president of the Board.

Her success with the Board of Education and her desire to do more for the community led Mrs. Harrington to seek elected public office. In 1986, she was elected first ward council member and in 1990, she was elected council member-at-large. This election made Mrs. Harrington the first woman to be elected to the city council.

During her time with the council, Mrs. Harrington acted as liaison on the Kill Van Kull dredging project and was instrumental in the circulating of information regarding many transportation projects in the city. Most significantly, Mrs. Harrington led the efforts in Bayonne to improve cable television service, to obtain the local television channel for residents, and to create a modern production studio in Bayonne High School.

A dedicated volunteer, Mrs. Harrington served as president of the Hudson County School Board Association, president of both St. Andrew's Parish and its Sports Organization, vice president and treasurer of the Evening Division of the Bayonne Women's Club, and member of the Holocaust Committee. Mrs. Harrington continues to be involved in a variety of local volunteer and service organizations and is the current chair of the Bayonne Municipal Utilities Authority.

Mrs. Harrington's accomplishments in public service have not gone unrecognized. Recently, she received the Mary T. Norton Congressional Award for her outstanding community service record.

A Bayonne native, Mrs. Harrington lives in Bayonne with her husband, Mr. Dan Harrington. The couple has four children and five grandchildren.

Mrs. Harrington's tireless efforts on behalf of the citizens of Bayonne are truly remarkable. For her dedicated service and unparalleled volunteerism in the Bayonne community, I ask my colleagues to join me in congratulating Mrs. Dorothy Harrington on receiving this honor.

HONORING SENATOR GWEN MARGOLIS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to the Honorable Senator Gwen Margolis from Aventura, FL, who will be honored on March 4, 2000, by her synagogue, Both Torah Adath Yeshurun and by the Northeast Dade community at-large.

Senator Margolis began her public service career in the Florida Legislature when elected to the House in 1974. She was subsequently re-elected to the House for three consecutive terms. Her career in the Florida Senate began in 1980 where she was appointed Chair of the Finance, Tax and Claims Committee and subsequently the Appropriations Committee where she assisted in leading the state out of recessions and budgetary crises.

On November 20, 1990, she was sworn in as President of the Florida State Senate, making her the first woman in the United States to serve as President of any Senate. She spearheaded the passage of landmark legislation touted as the toughest ethics legislation in the nation, as well as a constitutional amendment that opened all government records and meetings to the public.

She currently serves as Chairperson of the Miami-Dade County Commission, appointed by Mayor Alexander Penelas, and is the first woman to serve in this position. Senator Margolis also serves on the Board of Directors of the Holocaust Documentation Center at Florida International University. Her name appears in Who's Who of Women in the World, Who's Who in Business and Industry, and Megatrend for Women. In addition to her outstanding career in public service, which she devotes a full time schedule, Senator Margolis was also a successful Real Estate Developer and Business Executive in her private, professional business career.

She has received numerous awards for her leadership and dedication to the community in which she serves. She was named "Woman of the Year" by the North Dade Regional Chamber and Gold Coast Chamber of Commerce. She has also received the Florida Chamber of Commerce "Legislator of the Year" award, and the Dade League of Cities "Good Government" award to name a few.

Although Senator Margolis and I were once opposing candidates, I am glad to call her my friend and colleague, and am equally delighted to share in this celebration in her honor.

COLUMBINE FOOTBALL CONGRATULATIONS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. TANCREDO. Mr. Speaker, seldom in America do we see a more joyous display of hope and heart than we saw on December 5, 1999 by the Columbine High School Football team as they played for their first state football championship. Less than a year after the community of Littleton, Colorado was thrust into the national spotlight by a tragedy unimaginable to any American, this suburban town was united behind a group of young men who battled football history, and the vivid memories of fallen teammates and classmates.

The headline in the local paper read, "This time, the tears of Columbine are tears of joy," (The Denver Rocky Mountain News, December 5, 1999) and how special those tears are for the parents, teachers, and students of this courageous high school.

The football team nobly dedicated their season to a fallen comrade, Matt Ketcher, who lost his life last April. Matt's younger brother, Adam, stood on the sideline as a sign of inspiration, wearing a Columbine letterman's jacket that was presented to him by the team, as they played for the state's top football prize.

What a way to end a special season.

Columbine won the game that Saturday by a score of 21–14, giving the school the state football championship, but more importantly, the team helped heal the souls of the school community.

I would like to congratulate the entire football team and their coaching staff for a season that meant more than they could ever have imagined. I hope that the entire nation can use them as motivation as we all do our part to ensure the healing of America continues.

HONORING NANCY HOFFMASTER, POWER OF ONE HONOREE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. McINNIS. Mr. Speaker, it gives me great pride to now honor Nancy Hoffmaster who has been awarded the Colorado Woman 2000 Power of One Honor in recognition of her service to her community and the State of Colorado. Nancy is a true heroine in her community and she deserves our highest thanks and praise.

Nancy, who is currently battling breast cancer, has been volunteering in the Jefferson County Public School District for twenty-five years. She is the past president of the Jefferson County School's Parent Teacher Association and has served on the Jefferson Foundation.

Nancy founded the program "Serving Kids from the Inside Out." The program provides clothing for needy children in the district. She also coordinates the Jefferson County School's "Support for Homeless and At Risk People" (S.H.A.R.P.) program.

It is with this, Mr. Speaker, that I would like to honor Nancy Hoffmaster and thank her for all the outstanding efforts she has put into making her community a better place to live. She is a most deserving recipient of the Power of One Honor.

IN HONOR OF THE RIGHT REVEREND JOHN SHELBY SPONG, D.D., BISHOP OF THE EPISCOPAL DIOCESE OF NEWARK, NEW JERSEY, ON HIS RETIREMENT AS CHAIRMAN OF THE CHRIST HOSPITAL BOARD OF TRUSTEES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Right Reverend John Shelby Spong, D.D., Bishop of the Episcopal Diocese of Newark, NJ, on his retirement as chairman of the Christ Hospital Board of Trustees.

Born in Charlotte, NC, Bishop Spong began his religious and spiritual education in North Carolina and Virginia. After years of devoted study, he was consecrated as Bishop in 1976.

A noted author and scholar, as well as being hailed the most published member of the House of Bishops of the Episcopal Church in the United States, Bishop Spong fought for the integrity of Christ Hospital for more than 22 years. Under his direction, the hospital has grown and matured into the remarkable institution it is today.

In addition to his remarkable work for the hospital, Bishop Spong has served as president of the New Jersey Council of Churches and as theological consultant on a variety of diocesan committees and commissions. For all of his efforts, Bishop Spong was named "1999 Humanist of the Year."

Bishop Spong, married to Christine Spong, is the father of three and the grandfather of four.

For more than two decades of dedicated service to Christ Hospital and more than three decades of religious guidance, I ask my colleagues to join me in wishing Bishop Spong a happy and healthy retirement. His remarkable leadership and inspiring work ethic will be missed.

A TRIBUTE IN HONOR OF WILLIAM J. BRESNAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a good friend, Mr. Bill Bresnan, who has been, over the past 40 years, a primary leader in the growth of the cable television industry, not only in my home town of Bay City, MI, but throughout the Midwest, including Minnesota, Nebraska, Wisconsin, Kansas, and Illinois. Under his leadership, Bresnan Communications has also become known for its many educational programs, its emphasis on minority advancement, and for community relations initiatives that recognize the civic contributions of local citizens and seniors.

A native of Mankato, MN, Bill Bresnan began his career in 1958 when, at the age of 25, he designed and built his first cable system in Rochester, MN, for a group of local investors. That company was acquired by Jack Kent Cooke, Inc. in 1965, and Bill was appointed its vice president of engineering. Shortly thereafter, he was appointed to serve as its executive vice president.

From 1972 to 1982, Bill held various influential positions in the Teleprompter Corporation, which was then one of the largest cable organizations in the United States. These include president of Teleprompter's Cable Division, Board of Directors and the Executive Committee. In 1981, when Teleprompter was bought by Westinghouse Electric Corp., he was appointed chairman and chief executive officer of the resulting new company, Group W Cable, Inc.

During this time, Bill played a major role in helping advance cutting-edge technology in the burgeoning cable industry. He was instrumental in sending the first domestic satellite transmission using a Canadian ANIK satellite in 1973. Three years later he helped initiate the first commercial communications system in the United States to use optical fibers.

In 1984, Bill founded Bresnan Communications, which currently serves over 660,000 customers. The company's Midwestern market is not accidental, and is a good example of Bill's civic-minded business philosophy. Bill has made it a priority to invest in the small and medium sized communities in America's heartland, to make sure that cutting-edge technology does not bypass these hard-working Americans, in favor of large communities on the west or east coasts of the United States.

Bill has also made it a priority to invest in America's young adults. He was an early pioneer in the development and construction of interactive television networks for distant learning. Working with local school districts and colleges, Bill was a key motivator in connecting educational facilities via fiber and coaxial cable, enabling many schools to conduct fully interactive classes simultaneously across great distances.

The admiration and respect of Bresnan employees for their president is legendary within the industry. Bill is known as an extraordinarily generous person and a boss who sees all of his 1,400 employees as his equal. He allocates a significant percent of revenue to establishing and promoting community relations initiatives that recognize local senior citizens and minorities. Indeed, his commitment to advancing the interests of minorities—in their recruitment, placement and training—was recognized in September 1999 by the Walter Kaitz Foundation. Bill received the "Partnership in Diversity" award, one of the industry's highest honors.

I can assure you, Mr. Speaker, that there are not many businessmen today who are as committed to the technological advancements of the future as Mr. Bill Bresnan. There are not many who feel the necessity of bringing advancements to those who might not otherwise have access to them: Americans on the family farm in Michigan, or minorities, or school children in the Midwest. Bill Bresnan has many plans for the future, and I wish him much success in all his endeavors. I am positive, Mr. Speaker, that we in Michigan will be the grateful beneficiaries.

IN SUPPORT OF BROADENING THE TYPES OF PROPERTY SUBJECT TO CIVIL ASSET FORFEITURE IN ALIEN SMUGGLING CASES

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mrs. MEEK of Florida. Mr. Speaker, my bill addresses the pernicious practice of alien smuggling. Alien smugglers are a huge problem in South Florida, especially those who bring passengers from Haiti and Cuba to South Florida, frequently in unsafe boats and under very dangerous conditions.

For example, in March of last year, an alien smuggler's boat sank off the coast of West Palm Beach, Florida and, depending upon whether the Coast Guard or press reports of this horrendous tragedy are to be believed, anywhere from 15 to 40 Haitian passengers drowned.

These heartless and inhumane alien smugglers are parasites who are making huge sums of money off of the suffering of Haitians and Cubans who seek any means, legal or otherwise, to come to the United States. We must provide law enforcement with all available remedies to assure that the smugglers cannot continue to exploit vulnerable communities such as the Haitians and the Cubans. Unfortunately, the existing civil asset forfeiture provisions for alien smuggling are far more limited than those available to address drug offenses.

Current law authorizes the forfeiture of vehicles, vessels and aircraft used to commit alien smuggling offenses. This has proven to be an essential law enforcement tool that the INS uses more than 12,000 times a year. But the law has some glaring loopholes. We know that other types of property besides vessels, vehicles and aircraft are also used to facilitate alien smuggling offenses, but these other types of property currently are not subject to civil asset forfeiture.

For example, alien smugglers use electronic gear to monitor law enforcement activity directed against alien smuggling. The smugglers also own warehouses where vehicles, vessels, and even human beings are stashed to avoid detection by the Coast Guard or the Border Patrol. Yet these other types of property currently are not subject to civil asset forfeiture.

Current law also does not permit the forfeiture of the proceeds of an alien smuggling offense. If a smuggler is paid $100,000 to bring people into the United States in his fishing boat, law enforcement should not be limited to taking the boat while letting the smuggler keep the $100,000. The smuggler should be required to surrender the cash as well.

My bill corrects these deficiencies by expanding the scope of permissible civil asset forfeiture in alien smuggling cases to make it consistent with the standards used in drug cases. My bill provides that any property that constitutes, is derived from, or is traceable to the proceeds obtained directly or indirectly from alien smuggling, or is used to facilitate, or is intended to be used to facilitate alien smuggling, is subject to civil asset forfeiture.

Mr. Chairman, I don't fault those who would take extraordinary steps to try to come to the United States. Their efforts are totally understandable, even though unacceptable. I fault those who bring them to the United States outside of the law—the alien smugglers. Alien smugglers are a menace to society. As in drug cases, we should give law enforcement the full range of asset forfeiture remedies to deal with the serious problem of alien smuggling.

In civil asset forfeiture proceedings, law enforcement should have the ability to reach any property owned by the smugglers that is used to facilitate alien smuggling or that derives from or is traceable to such smuggling. There is no logical reason to limit the types of property subject to forfeiture in alien smuggling cases to vehicles, vessels and aircraft.

I urge my colleagues to support this common-sense bill.

TRIBUTE TO FRED KORZON OF BLOOMFIELD TOWNSHIP

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. KNOLLENBERG. Mr. Speaker, I rise to pay tribute to Fred Korzon, supervisor of Bloomfield Township, Michigan, who resigned his post on December 20, 1999, after serving his community since 1967. Mr. Korzon has been an outstanding municipal leader and is a shining example of all that is right and good in public service. This man of honor and integrity has served on many State, county and local municipal boards and committees including but not limited to: chairperson of Southeast Michigan Council for Governments, Oakland County Parks and Recreation commissioner, and chairperson of Oakland County Association of Supervisors.

Fred Korzon's public service actually began on December 10, 1942, when he enlisted in the military. After leaving active duty he served in the U.S. Air Force Reserve until 1950. After leaving the military, he built his own home in Bloomfield Township, MI, and has remained a resident of the community since that time.

After graduating from the University of Michigan with a master's degree in history in 1966, Mr. Korzon taught at Pontiac Central High School and Lahser High School in Oakland County. He was first appointed to the Bloomfield Township Zoning Board of Appeals in 1967 and served for 1 year before being appointed to the board of trustees. He was appointed to the full-time treasurer's position in 1969 and ran successfully on the ballot until his appointment as township supervisor in 1982.

The residents of Bloomfield Township have been fortunate to have the services of Fred Korzon as our supervisor for 18 years. He has been rock solid for the residents and a faithful servant for our area. He and his outstanding team of public servants have helped make this community one of the finest places to live anywhere in America. He has been a great friend of mine and I wish him all the best.

* * *

HONORING KATY TARTAKOFF, POWER OF ONE HONOREE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. McINNIS. Mr. Speaker, it gives me great pride to now honor Katy Tartakoff who has been awarded the Colorado Woman 2000 Power of One Honor in recognition of her service to her community and the State of Colorado. Katy is a true heroine in her community and she deserves our highest thanks and praise.

Katy published a journal in 1991 called "My Stupid Illness." The journal showed photographs of children suffering from cancer along with stories addressing how the children were dealing with the illness. She has since expanded her work to photograph and document children with other life-threatening illnesses. She presents these exhibits to schools to use as a tool to teach kids how to accept, understand and live with differences.

It is with this, Mr. Speaker, that I would like to both congratulate and thank Katy for all of her efforts to make her community a better place to live. I applaud Katy's efforts to educate children about diversity. She is a most deserving recipient of the Power of One Honor.

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IN HONOR OF MR. GERALD NOWICKI, ONE OF THIS YEAR'S RICHARD A. RUTKOWSKI ASSOCIATION HONOREES FOR DEDICATED SERVICE TO THE CITY OF BAYONNE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mr. Gerald Nowicki of Bayonne, NJ. Acknowledging the accomplishments of those rare individuals dedicated to making Bayonne a better community, the Richard A. Rutkowski Association has selected Mr. Nowicki as one of this year's honorees.

Joining the Bayonne Historical Society in 1991, Mr. Nowicki has been instrumental in working to preserve and foster the historical and artistic beauty of Bayonne. Knowing the importance of maintaining outdoor sculptures to prevent corrosion, Mr. Nowicki coordinated a Tender Loving Care workshop to teach volunteers the proper guidelines for outdoor sculpture upkeep at the public buildings in Bayonne.

In addition to maintenance, Mr. Nowicki emphasized the necessity of restoration efforts for public artwork in the community. By cochairing the "Save the Hiker" project, an effort to restore the Spanish-American War Monument in Stephen Gregg Bayonne Park, and chairing the restoration project for the Civil War Monument in the same park, Mr. Nowicki has helped bring arts awareness in Bayonne.

To continue his efforts for the arts, Mr. Nowicki spearheaded the fundraising campaign designed to bring both funds and attention to the arts field—two very significant components to achieving his goals. His campaign drives helped to restore oil paintings from the Brennan Fire Fighting Museum and the Bayonne Public Library, and restored the antique grandfather's clock, which stands in the lobby of the library.

Because of his vast experience in Bayonne history and culture, Mr. Nowicki served as editor and co-author of "Bayonne Landmarks." The book served as an instrumental local history guide, winning the acclaim of the League of Historical Societies of New Jersey.

Mr. Nowicki, born and raised in Bayonne, attended Assumption School Marist High School, and Jersey City State College.

For his continued efforts on behalf of the Bayonne community and the State of New Jersey, I ask my colleagues to join me in congratulating Mr. Gerald Nowicki. His accomplishments in historical preservation and community service have undoubtedly made the city of Bayonne a better community in which to live.

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INTERNATIONAL CUSTOMS DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. CRANE. Mr. Speaker, it was nearly 47 years ago, on January 26, 1953, that the World Customs Organization, formally known as the Customs Co-operation Council, held its first meeting in Brussels, Belgium. In recognition of this occasion, the Council observed January 26 as International Customs Day. This occasion also serves to recognize the role that customs services around the world play in facilitating trade while protecting national borders from economically and physically harmful importations.

I am proud of the contributions of the U.S. Customs Service to the Nation over the past 210 years. U.S. Customs responsibilities have increased with the growth of our great Nation—trade has increased exponentially and the threat of illegal importations, including illegal drugs is ever present. These are significant challenges that Customs faces on a daily basis, and Customs must continue its vigilance in facilitating trade while interdicting narcotics at our borders and preventing exportation of critical technology. I am pleased to say that Customs meets these challenges well, and I stand ready to continue my longstanding support of Customs in these efforts.

The U.S. Customs Service represents the United States at the World Customs Organization [WCO], a 150-member international organization founded to facilitate international trade and promote cooperation among governments on Customs matters. The WCO works to simplify and standardize legal instruments and rules of international customs. The WCO also renders technical assistance in areas such as customs tariffs, valuation, nomenclature, and law enforcement. Its objective is to obtain, in the interest of international trade, the best possible degree of uniformity among the customs systems of member nations. The United States became a member on November 5, 1970. All America benefits when both exporters and importers operate in an atmosphere of simple unambiguous customs operations around the world.

I want to take this opportunity to congratulate the World Customs Organization on its past accomplishments and wish it well in its ambitious new millennium goal of further harmonizing and simplifying the customs rules that affect international commerce. I also congratulate the U.S. Customs Service for its fine work both nationally and internationally.

HONORING MR. WILLIAM JEFFERSON ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Mr. William Jefferson of Linden Plaza, in commemoration of his 100th birthday.

Mr. Jefferson was born in Columbia, South Carolina on January 2, 1900. At the age of thirteen, after earning his education in Ridgeway, South Carolina, he moved to New Jersey, and through working several odd jobs acquired skills in electrical work, plumbing, and house painting. In 1925 he moved to New York where he worked in these various trades until he found a permanent position with the American Window Shade Company.

While at this company, he met and married Mabel Stevens, and through this union was blessed with five daughters. Mr. Jefferson, known to many as a "Jack of all trades", devoted his time to his family, neighbors and anyone in the need of assistance. His wife passed away in 1998.

Since his retirement in 1977, Mr. Jefferson has enjoyed spending time with and passing wisdom to his children, grandchildren, and great grandchildren. He helped start and on occasion still works at the Neighborhood Garden. He still enjoys discussing candidates, and voting in every election. In his spare time, he continues to play his guitar and keyboard. Please join in celebrating the wonderful life of centenarian, William Jefferson.

TRIBUTE TO JAMES A. ALGIE

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to pay tribute to James A. Algie, Chairman of the Board of the Goodwill Industries of Long Beach and South Bay. Jim Algie passed away last year, and he is dearly missed.

Jim Algie was committed to the progress and success of the Goodwill Industries. Jim was dedicated to helping others and proudly followed Goodwill's mission to serve the communities of Southern Los Angeles County by educating, training, and placing people with barriers to employment to help them achieve economic and personal independence.

Jim was tireless in his efforts to better Goodwill Industries and he has left a lasting impact. He even helped change the accounting and financial reporting systems making the organization more efficient and cost productive.

People will remember Jim for his generosity and his great sense of humor, and for always being there for his friends and co-workers. Jim Algie touched the lives of many, and although he is missed, his legacy lives on. The Goodwill Industries is a better organization because of Jim Algie.

HONORING BECKY NEGRETTE, POWER OF ONE HONOREE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. McINNIS. Mr. Speaker, it gives me great pride to now honor Becky Negrette who has been awarded the Colorado Woman 2000 Power of One Honor in recognition of her service to her community and the State of Colorado. Becky is a true heroine in her community and she deserves our highest thanks and praise.

Becky is a Denver native who knows what it means for people to pull themselves up by their bootstraps. Becky grew up with five brothers and one sister. Her father, even though he worked very hard, barely made enough to support the large family. They could not afford a car, a television, or any of the luxuries that most of us take for granted. Becky's family was rich, however, with love and devotion that she still carries with her today.

Becky graduated from college and she now runs the bi-lingual reading program at Baker Middle School. She is a living example to her students, teaching them that life is what you make of it.

It is with this, Mr. Speaker, that I would like to both congratulate and thank Becky Negrette for all of her work and determination to be an inspiration to young people. She is a most deserving recipient of the Power of One Honor.

CLINTON'S SEATTLE STRADDLE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. OXLEY. Mr. Speaker, for those who might have missed it, I would like to bring to the attention of my colleagues a piece by Robert B. Zoellick from the December 14, 1999, issue of the Washington Post.

Mr. Zoellick brings a unique, knowledgeable perspective to the discussion of the recent World Trade Organization fiasco in Seattle. He served in various positions in the Bush administration, including a stint as Under Secretary of State for Economic and Agricultural Affairs, where he was actively involved in developing the nation's NAFTA strategy. Recently, Mr. Zoellick was President and CEO of the Center for Strategic and International Studies.

I commend Mr. Zoellick's thought-provoking article to my colleagues' attention.

[From the Washington Post, Dec. 14, 1999]

CLINTON'S SEATTLE STRADDLE

(By Robert B. Zoellick)

Unlike The Post and others who are grappling with the deeper meaning of the Seattle protests and the World Trade Organization debacle, I think both the message and the results are straightforward: President Clinton, trying again to be all things to all people, is responsible for a failure that has paralyzed further free trade negotiations, whether globally or regionally.

Clinton wanted us to "listen" to the demonstrators. I did. It turns out that the protesters' arguments were contradictory: They wanted both to blow up the WTO and to have the WTO establish a host of global rules to dictate social, economic, political and environmental conditions around the world. They have managed, astonishingly, to combine the aims of unilateralists—who believe the United States can order everyone else in the world to do what we want—with those of globalists—who believe national governments are illegitimate and must be superseded by "wise" nongovernmental organizations.

Nevertheless, while the protesters' arguments were seriously flawed, their logic of action was clear: If they could overburden the process of negotiating more freedom for trade, the negotiations would break down. Then special interests would be successful in maintaining existing barriers and protections. Inefficient producers can now continue to avoid nasty competition and keep costs higher for consumers and other businesses.

The Post has suggested that "the truth [about Seattle] is more complicated" than critics contend. Apparently, it is not enough that President Clinton has been responsible for the confusion and backsliding in America's trade policy despite these times of extraordinary prosperity. It is not enough that Clinton is the first president in 50 years to fail to ensure that America leads the world trading system toward the liberalization that has created unprecedented world growth, openness, creativity and opportunity. No, according to The Post, Clinton was "right in principle . . . but probably wrong on the tactics."

Since the WTO is supposed to be about trade, it might be useful for The Post to recall what trade is about: Trade enables Americans to buy goods and services from other countries; trade liberalization seeks to remove the taxes and other barriers to this freedom of exchange. By expanding the freedom to buy and sell, trade lowers costs, expands opportunities and creates better-paid work—all adding to prosperity. Prosperity, especially for developing countries, is the key to better conditions for workers and to more resources for, and interest in, a clean environment.

Do fortunate Americans really think that parents in poorer countries prefer to have their children work instead of stay in school? Do they really think poor foreigners want to live in polluted cities? Or might these Americans recognize that the rules that wealthy nations want to impose on poorer nations will be ignored until poor countries have the means to improve their livelihoods?

The WTO is not a global government with the power to order new environmental or labor laws—or, for that matter, better tax regimes, pension plans, health programs, civilian control of militaries or a host of other meritorious outcomes. The WTO is a forum where governments can negotiate to reduce barriers to trade and agree to rules to try to resolve disputes. We cannot make the WTO into the organization that will deal with all the problems that elected, national governments struggle with every day.

Let's be honest: Once again, Clinton straddled and stumbled, and others have gotten hurt. Clinton likes to talk about free trade, because he knows open markets and competition contribute to prosperity. But Clinton also wants everyone to like him, especially if the people are his political constituencies. So he chose to host a major international negotiating meeting on trade without laying the political groundwork globally and without developing a negotiating strategy.

In a negotiation where the United States needed to work with developing countries to open markets for farmers, Clinton scared off the developing world to placate domestic interests. He even sabotaged his own negotiating team by proposing new trade sanctions at a meeting that was supposed to reduce barriers, not add to them. When asked why, according to The Post, a White House aide said, "He was just talking off the top of his head."

The Post, seeking to be broad-minded, finds the truth to be "complicated." I think the truth is simple: After following through in 1993–94 on a free trade agenda left by his predecessor—an agenda he could not abandon without looking isolationist—Clinton, through his intellectual waffling and lack of commitment, severely set back the cause of free trade.

HONORING DR. PERRY LINDSAY, SR. AND MRS. MARY ELAYNE LINDSAY ON THE OCCASION OF THEIR BIRTHDAYS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Dr. Perry Lindsay, Sr., Pastor of The Glorious Church of God in Christ, as he celebrates his 80th birthday; and Ms. Mary Elayne Lindsay, as she celebrates her 70th birthday. The church, located on Halsey Street, has a great heritage and a tradition of strong family ties.

The members of his church are thankful that Dr. Lindsay survived a serious car accident on September 1, 1999, in Maryland, while driving to the 79th General Assembly of The Glorious Church of God in Christ, being held in Roanoke, Virginia. In this accident, he suffered a mild heart attack, a slight concussion, and several other minor injuries; but is once again able to drive.

In addition to his many achievements, Pastor Lindsay is also known as the first successful, African American, owner of a construction company in the state of New York. Mrs. Lindsay is equally well known for her generous spirit and her contributions toward the development of The Glorious Church of God in Christ. I urge my colleagues to join me in honoring Mrs. Mary Elayne Lindsay and Dr. Perry Lindsay as they celebrate their birthdays this month.

RECOGNIZING THE WORK OF DIANE HEMINWAY: COMMUNITY ENVIRONMENTAL ACTIVIST

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. LAFALCE. Mr. Speaker, I rise today to pay special tribute to an outstanding environmental crusader in my district: Diane Heminway, former Western New York coordinator of the Citizens' Environmental Coalition [CEC]. I commend Diane on her decade of effective, energetic leadership as a community environmental activist on behalf of the people of Orleans County, NY.

In 1984, an accident at a local chemical plant adjacent to her children's school propelled Heminway from homemaker and mother to leader in the grassroots environmental movement in New York State. Overnight, she formed COPE, Citizens Organized to Protect the Environment, to fight toxic pollution and other environmental hazards in her community. In 1990, she broadened the scope of her work, taking the reins of the CEC in Western New York, fighting for clean drinking water, restoration of the Great Lakes, remediation of brownfields and Superfund sites, and greater corporate accountability.

Recently, Diane Heminway resigned her position with the CEC to embark on a new endeavor as a health and safety trainer for the United Steelworkers of America. Though she has left the CEC, Diane will continue to be a tireless advocate for eradicating exposure to toxic chemicals—this time on behalf of America's workers.

I include in the RECORD an article that appeared in thé Rochester Democrat and Chronicle on January 10, 1999, detailing Diane's many accomplishments. On behalf of the residents of Western New York, I extend heartfelt thanks and appreciation to Diane Heminway for her long and continuing commitment to making our community, State, and Nation a cleaner, healthier, and safer place for all of us.

ACTIVIST DEPARTS, BUT LEAVES LEGACY

EVEN HER FOES RESPECT ENVIRONMENTAL WORK OF ORLEANS WATCHDOG WHO TARGETED KODAK

(By Corydon Ireland)

With the new year comes a new look for area environmental advocates.

Diane Heminway, the Orleans County activist who for years was the chief critic of Eastman Kodak's environmental policies, has resigned her paid role to pursue an interest in workers' rights. For nearly a decade, Heminway was western New York coordinator of the Citizen's Environmental Coalition, a statewide group. The sudden absence of a figure many regard as the godmother of area activists will not leave a void in environmental causes, but it does leave a hole. "I wish her well in any new endeavor," said Judy Braiman, who sought Heminway's help in 1987 when she organized Rochesterians Against the Misuse of Pesticides. "But in reality, I want her to come back."

As of December, Heminway became a full-time health and safety trainer for the United Steelworkers of America, which will require frequent national trips away from her Lyndonville, Orleans County, home. "Workers are the most exposed group to toxic chemicals—and worker-exposure laws are truly inadequate," said Heminway. The one-time homemaker and 4-H leader was propelled into action by a 1984 chemical accident, which sent a toxic cloud over the school her children were attending. Noted Braiman: "She started out like any activist. She was protecting her children." "I was just this domestic kid who won the apple pie contest—who thought that was going to be the high point of her life," said Heminway.

Leaders in the grass-roots environmental movement, she said, often share the same profile. They're women, most often mothers, who have to overcome shyness and mild manners to confront polluting industries, wrestle with arcane regulations and challenge an indifferent public. Among her heroes, said Heminway, are "the most frustrated people I know." They're the scientists and policymakers who regularly tipped her to abuses from within the state and federal agencies designed to protect human health and the environment. "We all want to be moral people, we all want to do the right things," said Heminway. But those impulses are often submerged by the fear of losing a job, offending a friend or bucking the system, she said. While on the job as a paid coalition staffer—and for six years before that—Heminway studied issues and organized citizen protests over environmental hazards in dozens of counties. The hazards ranged from aging dumps in the industrial heart of Niagara Falls to a massive new glass plant in Geneva, Ontario County—which tightened its air standards after the protests.

Heminway's last official act was to co-author a 90-page coalition report on industry-related pollution in the Great Lakes. Even her antagonists note her parting.

"I found her to be a worthy ally, rather than an extremist to be shunned," said John Hicks, regional administrator of the state Department of Environment Conservation. His branch of the DEC, in Avon, Livingston County, was a frequent target of Heminway's criticism. "She was a determined and passionate advocate for environmental improvement," said Kodak spokesman James E. Blamphin, who often locked horns with Heminway. "Despite her impassioned rhetoric, I think Diane Heminway wants the same thing Kodak people want—a sustainable and healthy future for ourselves and our children."

Heminway said going after Kodak was a David-and-Goliath story. The photo giant, she said, was not too big to hit, as many local activists feared. It was too big to miss. "I insisted on calling her our fearless leader," said Helen "Gilly" Burlingham, who worked with Heminway on a three-year Kodak task force of local activists. Burlington, co-chairwoman of the Sierra Club Rochester Regional Group, is still active on the task force. "Diane was the main person, the point person, the hardest worker." Indeed, among area activists, Heminway's departure prompts enough praise to fill a hymnal.

"New York state is a cleaner place because of Diane," said Judy Robinson, who now overseas the coalition's Buffalo-based office. She pointed to Heminway's work on issues as diverse as groundwater, incinerators, brownfields, corporate accountability and Superfund refinancing. "Diane provided the environmental movement with leadership, unsurpassed dedication, intellect and grace," said William J. Appel, organizer of Metro Justice of Rochester. "Her absence will be felt not only among her fellow activists, but in the halls of power as well."

THE MAKING OF AN ACTIVIST

Like many grass-roots activists, Diane Heminway was transformed by an environmental incident.

1984: A toxic cloud from a Middleport, Orleans County, chemical factory contaminates a nearby school, making Heminway an activist overnight. Co-founds COPE, Citizens Organized to Protect the Environment.

1985: Joins the statewide Toxics in Your Community Coalition (now Citizens' Environmental Coalition).

1990: Becomes CEC's western New York coordinator.

1992: Begins part-time health and safety training for United Steelworkers of America.

1995: Opens CEC office, Medina, Orleans County.

1996: Starts a groundwater education program for elementary schools.

November 1999: Resigns.

TRIBUTE TO COL. JAMES G. HART, USMC

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. CUNNINGHAM. Mr. Speaker, I rise to honor the late Col. James G. Hart, who in his too-short life brought great honor to his country through distinguished service in the U.S. Marine Corps.

A native of Minnesota and Montana, Colonel Hart graduated from the U.S. Naval Academy in 1964, and chose to join the Marines. After the basic school, he served three tours in Vietnam; as a rifle platoon commander with 1st Recon and later with 5th Recon. In February 1968, Colonel Hart entered flight school and graduated with distinction in March 1969. He was assigned to VMFA–314 at Chu Lai, Vietnam, where he flew the F–4B.

Colonel Hart's many tours in the corps included assignments as a flight instructor, an aide to the commanding general 1st MAW, a test pilot at China Lake, CA, and designation as a USMC space shuttle pilot. He also served as F/A–18 Hornet project officer at Headquarters Marine Corps, with MAG–11 at 3rd MAW, commanding officer of Headquarters and Maintenance Squadron 13, and commander of the Marine Aviation Detachment at Naval Air Test Center, Patuxent River, MD. For a time, I was honored to serve with Colonel Hart at Naval Air Station Miramar, CA. Colonel Hart retired from the Marine Corps in 1991 and began a very successful career in international business.

His awards include the Legion of Merit, two Bronze Stars with Combat V, the Purple Heart, Single Air Mission Air Medal, Air Medal with numeral nine, Combat Action Ribbon, and Vietnamese Cross of Gallantry with Bronze Star.

Born March 3, 1942, this great man and great American died May 23, 1999. He is survived by his wife, Martha Monagan-Hart, and sons Matt, Andy, and John.

Let the permanent RECORD of the Congress of the United States show that Colonel James G. Hart demonstrated throughout his life the greatest attributes of the United States of America, through honorable and distinguished service in the Marine Corps, in aviation, in private business, as a leader of men and women, and as a devoted husband and father. While he is departed from us on Earth, Colonel Hart is most certainly not forgotten. We remember him best by emulating the best of his character—in honor, loyalty, service, dedication, and the practice of excellence.

Semper Fidelis, Colonel.

HONORING THE FLAMING ARROW MARCHING BAND

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. BLUNT. Mr. Speaker, during our past winter holiday recess tens of thousands of high school and college marching band members packed themselves on vans, buses, trains and planes around this country to travel to another city to appear at one of the many holiday bowl games. For many people who watched the games, the only effort was the apparent one of the performances they saw on the football field during a pre-game or a half-time show.

What we don't see at the game or on television begins during the hot summer with long hours of practice followed by interminable fund raising efforts. It's learning to perform as part of a team; it's creating pride in a group; it's learning perseverance in pursuing a goal; it's learning the importance of having a dream. And they aren't alone in their efforts. Their dedication is supported and encouraged by parents, relatives, friends, teachers, music directors and community leaders that culminate in that performance. It's not just the band that marches onto the football field, but all those who have worked to see that they could be there.

I rise today to offer special recognition for the Flaming Arrow Marching Band of the Strafford Missouri High School. Incidentally, I am proud to call Strafford home.

The 76 member band under the direction of Shane Harmon was one of ten bands invited to the inaugural edition of the Mobile Alabama Bowl. Besides providing pre-game and halftime performances, the band was involved in competition earning the coveted first place over-all award, as well as first place trophies in the solo, marching, jazz and color guard categories.

I know my colleagues in the Congress will join me in extending their congratulations to the Flaming Arrow Marching Band members, their families and their director, not only for the quality of their performance and awards, but for their dedication to achieving an important goal.

HONORING HARRY D. DONOHO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember the life of Harry Donoho who sadly passed away on January 4, 2000 in Dolan Springs, AZ.

Harry was born on March 26, 1923 in Texico, IL. He joined the U.S. Marine Corps on February 10, 1945. Harry was honorably discharged from the Marine Corps with a Purple Heart in 1946.

With assistance from the GI bill, Harry was able to attend college at the University of Illinois, where he received a bachelor of science degree, and Western State College, where he received a masters degree in special education.

Harry and his family lived in Denver, Gunnision and Loma, CO. He started and ran his own business, Donoho Electric Service, until his wife's health complications forced him to retire.

Harry liked to spend time with his family and he also enjoyed fishing and trips to Lake Powell. He moved to Dolan Springs, Arizona where he met and married Betty Jeffery in 1997. Harry will be missed by all those who knew him.

It is with this, Mr. Speaker, that I would like to pay tribute to Harry Donoho. He was truly a great American who loved his family and his country.

HONORING ELDER PAULINE WILLIAMS GRIFFIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. TOWNS. Mr. Speaker, I would like you to join me in paying tribute to Pastor Pauline Williams Griffin. A leader in the Church of God in Christ Jesus, an educator, a counselor, community leader, professional woman, wife and mother.

Born in Angier, North Carolina, she attended Grammar and High School in Lillington, North Carolina, where she received part of her high school education. Her family moved to New York City in 1944 and her high school education was continued and completed at Erasmus Hall High School, Brooklyn, New York. She attended business school at Adelphi College where she majored in Business Administration. She attended Pace University, Bank Street College and the College for Human Services.

She was appointed Elder of the Church of God in Christ Jesus, N.D. in 1965 by her bishop, D. W.H. Amos, Chief apostle of the Church of God in Christ Jesus, N.D. Inc. Elder Griffin moved rapidly within her natural setting, for she became the State Mother of the Church of God in Christ Jesus, N.D. for New York State and is currently the General Mother.

Elder Pauline Williams Griffin is currently a Board Member of the Bank Street College Community Day Care Action Coalition, director of the Church of God in Christ Jesus Day Care Center and executive director of the after school program at P.S. 81 Brooklyn, member of Community Planning Board No. 3, and director of a comprehensive program for youth which includes personal and health counseling. Elder Griffin is directly responsible for the enrollment of 60 students in the program of College for Human Services. Further, she is Vice President of the Movement for Meaningful Involvement in Child Care: she serves as vice President of the United Minorities, Inc., she is a member of the New York State citizens Coalition for Children Inc. and the Chairperson of the Concerned Foster and Adoptive Parents Support Group, Inc. and she belongs to a host of professional organizations.

She is married to Elder Clifton Griffin and is blessed with two lovely daughters, two sons and a beautiful granddaughter.

Mr. Speaker, Elder Pauline Williams Griffin is indeed unique. She is truly a leader in the Church—a herald and teacher of the word of God. She is indeed a remarkable woman who has masterfully and successfully combined this calling—this all encompassing work with community activities, day care tutoring, educating, counseling, wifely, parenting, and other professional responsibilities. I ask that my colleagues on both sides of the aisle join me in paying tribute to this truly remarkable woman.

CELEBRATING THE CITY OF LAWNDALE

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize the City of Lawndale, California. Lawndale is celebrating its 40th year as an incorporated city.

The City of Lawndale was originally part of a land grant known as Rancho Sausal-Redondo. Following the treaty of Guadalupe-Hildago in 1848, the land was auctioned to Robert Burnett, a Scottish nobleman. Burnett, in turn, leased the land to ranchers Daniel and Catherine Freeman.

Freeman Ranch was eventually subdivided with the establishment of a rail line between Los Angeles and Redondo Beach. Soon thereafter, the area officially appeared as Lawndale on local maps.

Lawndale's population continued to grow throughout the years. Eventually, in an effort to stem annexation by surrounding communities, Lawndale community leaders stepped up the drive for independence, and on December 38, 1959, the City of Lawndale was incorporated.

Lawndale is a culturally diverse community and an ideal place to raise a family and live the American Dream. Many of its residents are homeowners and small business entrepreneurs.

Lawndale has thrived over the last 40 years, and as we enter the 21st century, Lawndale will continue to stand out as a small, unique town; the "Heart of the South Bay." I congratulate the City of Lawndale and its 30,000 residents on this milestone.

HONORING DR. SHELBY M. ELLIOTT, D.C. FOR A DECADE OF SERVICE AS PRESIDENT OF TEXAS CHIROPRACTIC COLLEGE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. BENTSEN. Mr. Speaker, I rise to honor Dr. Shelby M. Elliott, D.C. for his outstanding contributions as President of Texas Chiropractic College for the past decade.

Throughout his ten years of leadership at Texas Chiropractic College (TCC), Dr. Elliott has dedicated himself to the preservation, protection, improvement and advancement of the chiropractic profession for the benefit of patients. TCC which is located in the 25th Congressional District, has been a vibrant asset to the Pasadena community. Under Dr. Elliott's steady hand, the campus has experienced rapid expansion, particularly over the past four years, including the construction of three new buildings—a Student Services & Administration Building, a student clinic, and a new lab sciences building. The latest expansion project is a new Outpatient Clinic—also located on campus—that will serve the needs of both patients and students. Dr. Elliott's guiding principle is to provide students of the college with hands-on clinical experience as early as their second trimester, allowing them to observe the various aspects of patient examination, diagnosis and treatment. Dr. Elliott's focus has been on fostering increased professionalism among the student body and sharpening interest in academic preparation.

As President of TCC, Dr. Elliott has helped thousands of students develop the skills necessary for total patient management including consultation, physical diagnosis, neurological and orthopedic diagnosis, and application of adjunctive therapy and/or interprofessional comanagement. His passion has translated into a lifetime of political activism. Dr. Elliott has held every elective position in local, state and national chiropractic associations, always driven by his interest in serving the needs of his patients. He served as president of the Board of Governors for the American Chiropractic Association for an unprecedented five years. He served nine years on the Texas Board of Chiropractic Examiners, having been appointed by two Texas Governors.

The recent understanding of the healthful benefits of chiropractic care as alternative medicine has been due in large part because of the work Dr. Elliott did as a chiropractor for 38 years. Among his many honors, he was named Doctor of the Year by the American Chiropractic Association in 1990 and received the Lifetime Chiropractic Achievement Award in 1988.

Dr. Elliott is truly a unique and respected individual, known for his open-door policy encouraging students of the College to visit with him anytime. His wife Connie is also a revered member of the TCC family. A popular speaker at any occasion, Dr. Elliott lends his time and expertise to addressing professional meetings throughout the year, and has given presentations to the American Chiropractic Association, the World Chiropractic Health Organization, the International Chiropractors Association and the Foundation for Chiropractic Education and Research, among many others.

Not only has Dr. Elliott made significant strides on behalf of his colleagues in the profession, he has also demonstrated a proven commitment to give back to the community through civic endeavors. He was named Citizen of the Year by the Pasadena Chamber of Commerce in 1996, currently serves on the board of directors of the Pasadena Chamber of Commerce, and is past president of the Southeast Economic Development, Inc. He has served as President of the Dayton, Texas Rotary Club; fifteen years as the Commander of American Legion Post #512; Health Director for the Boy Scouts of America; past President of the Baytown Community Orchestra Committee and Liberty County Crippled Children's Society, and sponsor and supporter of Pee Wee Baseball and the Valley Players Threatre Group.

Mr. Speaker, I congratulate Dr. Elliott on his decade of leadership as President of Texas Chiropractic College. His achievements are an inspiration to those in the Chiropractic profession who work tirelessly to strengthen our health care options and our community.

IN RECOGNITION OF CROCKETT ELEMENTARY SCHOOL FOR 50 YEARS OF SUCCESS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. BRADY of Texas. Mr. Speaker, I am proud to rise in recognition of a school that has been devoted to achievement since 1949—Crockett Elementary School.

Going into their next half of a century, the elementary school in the Bryan Independent School District of Texas has quite a list of accomplishments. In 1993, Crockett Elementary received recognition by the Texas Elementary Principals and Supervisors Association for their Inclusion Program. The school piloted the program in 1991, which received the "Exemplary Innovative Practices for Special Needs Students" award, to incorporate their philosophy that all children even those with special needs can learn in a regular education classroom. Also, one of their high achievements is the National Exemplary Award winning H.O.S.T.S. program, which has been on campus for five years. The Helping One Student to Succeed program consists of 200 community members coming in weekly to read with children.

Evident in their quantity and quality of awards, the Crockett faculty and staff act jointly to make their initiatives successful. They also have a very active Parent Teacher Organization. As the only inclusion school in Bryan ISD, parents and teachers have spoken at local and national conferences. In effect parents and teachers from all over Texas come to witness the Inclusion Program in action and model their own after Crockett's example.

The Texas A&M University College of Education designated Crockett as a Professional Development School in their program—they are the first elementary school designated. In promoting higher education, The Janell Gallion Scholarship Fund, which is funded by student and faculty support, is given annually to a Bryan High School graduate that attended Crockett Elementary. The scholarship was named after the school's dedicated librarian who, as they describe it, "fought cancer to the very end and never let it affect her work with students."

Mr. Speaker, I commend the faculty, staff, parents, and students for making Crockett Elementary such a landmark of achievement in the State of Texas. They have set an example for all schools and communities to recognize, and I hope make applicable to their own systems.

TRIBUTE TO ST. CECILIA SCHOOL

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. CAMP. Mr. Speaker, I rise today to honor St. Cecilia School, which has nobly served the community in Clare, Michigan, for 50 wonderful years.

During its 50-year history this school has endured many challenges, but through the love of the surrounding community it has survived, growing from a one-room church in the 1900's to a magnificent building where not only the youth of Clare but also much of the Catholic community are educated.

It is clear that St. Cecilia's has been a strong pillar of the community and its services have reached above the dreams and ideals of its founders. It has given back to Clare citizens starting with the very first week it opened in 1950. Teachers and staff have continued excellent service throughout the years, providing an active learning environment that has produced successful, well-rounded students who have continually scored in the highest percentiles on standardized tests.

I commend the St. Cecilia School for its 50 years of excellent service. The teachers, staff and parents have shown students how to integrate academics with Christian values, and have paved the way for successful citizens and an enlightened town, leaving behind a highly respected reputation embedded in each member of the community.

I wish them the very best as they embark on their second half-century.

HONORING FORMER COLORADO CONGRESSMAN, BYRON L. JOHNSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember a former U.S. Congressman from Colorado who recently passed away at the age of 82.

Byron Johnson was born on October 12, 1917 in Chicago, IL. He moved with his family to Wisconsin at the age of 10. He earned a bachelor, masters, and a doctorate from the University of Wisconsin in Madison. From 1942 to 1947, Byron worked in Washington, DC in the Budget Bureau and the Social Security Administration.

In 1947, Byron and his wife, Kay, moved to Denver, CO so that Byron could pursue a teaching position at the University of Denver.

Byron served in the 86th Congress of the United States. He later served 12 years as a CU Regent and two years on the Regional Transportation District board of directors.

It is with this, Mr. Speaker, that I would like to pay tribute to Byron Johnson, a man who loved his country and his State. Byron gave immeasurably to the State of Colorado and for that he will long be remembered.

TRIBUTE TO THE REVEREND FRED L. SHUTTLESWORTH, A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to the Rev. Fred L. Shuttlesworth, a community leader who will be honored as a Great Living Cincinnatian on February 4, 2000, by the Greater Cincinnati Chamber of Commerce. He was selected for his outstanding community service, business and civic accomplishments, awareness of the needs of others, and achievements that have brought favorable attention to the Cincinnati area.

A native of Alabama, Rev. Shuttlesworth moved to the Cincinnati area in 1961 to pastor at the Revelation Baptist Church. In 1966, he founded the Greater New Light Baptist Church in Avondale where he continues to lead worship. He has four children.

Rev. Shuttlesworth earned a bachelor's degree in science from Alabama State University in 1951. He went on to do graduate work at Alabama State and then received seminary training at Cedar Grove Academy and Selma University.

The Rev. Shuttlesworth is perhaps best known for his heroic work as a civil rights leader. Many place him among the "big three" in the civil rights movement—next to Dr. Martin Luther King and the Rev. Ralph Abernathy. Willing to risk his life for freedom and equality, the Rev. Shuttlesworth was nearly killed three times, jailed more than 25 times, and endured more than 36 criminal and civil actions. Words such as bravery do little to capture the conviction and heroism that Rev. Shuttlesworth exhibits.

A sampling of Rev. Shuttlesworth's accomplishments include the organization of the Alabama Christian Movement for Human Rights in 1956, which was founded in response to Alabama politicians outlawing of the National Association for the Advancement of Colored People. In 1957, he was one of five organizers of the Southern Christian Leadership Conference where he still serves as a member of its National Board. In addition, he served for several years as a member of the National Advisory Board of Congress on Racial Equality. But he has also been actively involved in our community and I have seen firsthand his good works. In 1988, Rev. Shuttlesworth established The Shuttlesworth Housing Foundation to help needy families afford down payments for the purchase of homes. As of November 1999, Rev. Shuttlesworth helped over 460 low-income families become homeowners.

In June of 1988, the City of Birmingham renamed Huntsville Road "F.L. Shuttlesworth Drive," and on November 14, 1992, Birmingham dedicated an 8-foot statue of Rev. Shuttlesworth at the opening of its Civil Rights Institute. In 1998, the City of Cincinnati renamed North and South Crescent Avenues as "Fred Shuttlesworth Circle."

Rev. Shuttlesworth says that he has done "little" and he professes to do "more and . . . all I can until I leave here." Cincinnati is blessed by the Rev. Shuttlesworth's leadership and good will. We are most fortunate for his service and commitment to our nation and local community.

REGARDING ROY AND JOANN MITTE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to two Brownsville benefactors, Roy and JoAnn Mitte. Roy, who grew up in the city of Brownsville, moved away, but returns to pay a debt of gratitude by donating $3 million dollars toward the renovation of Dean Porter Park, a park he remembers from his youth.

Like so many citizens of Brownsville, Roy has very fond memories of the park, a park many also know as Ringgold Park. After 30 years, Brownsville citizens are getting together to renovate, restore and recreate the park to serve as a central retreat for all to enjoy. A plan has been designed to better meet the needs of our growing community for future generations to come.

When Roy used to play in the park, he was a beneficiary of the benevolence of the Sams Memorial Foundation, named after a family who were the first benefactors to enhance the then Ringgold Park; now as an adult he is contributing to the first big renovation since 1960.

Almost anyone you talk to who has grown up in Brownsville has a story about their experiences at Ringgold Park. In years past, it was the central meeting place to play at the playground, swim at the largest pool in town and attend social functions at the pavilion, a popular meeting place at the park.

It is also the location of the Camille Lightner Playhouse, the city's only theater which is still active in presenting dramatic plays. Now, many years later, it is in serious need of renovation and repair. It is my privilege to pay tribute and express gratitude to the Mittes for their generous contribution which will go a long way toward refurbishing a park that is loved by so many.

I would also like to commend the efforts of the Dean Porter Park Renovation Committee for their initiation of this project and their ongoing efforts to revitalize this park which means so much to so many people. Our lives, and the lives of those who follow us here in Brownsville, will truly be enriched by the efforts of the Mittes and their generosity.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent for one vote today, Thursday, January 27, missing rollcall 1 on which I would have voted "present".

NATIONAL BIOTECHNOLOGY MONTH

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. INSLEE. Mr. Speaker, I rise today in support of National Biotechnology Month. Biotechnology is revolutionizing the quality of life for millions of people around the world. The United States, and Washington State in particular, is home to some of the leading biotechnology companies in the world.

Biotechnology is revolutionizing every facet of medicine, from diagnosis to treatment of all diseases, not just bacterial infections. It is detailing life at the molecular level and someday will take much of the guesswork out of disease management and treatment. The implications for health care are greater than any milestone in medical history.

Take cancer, for example. The first biotechnology medicines have been used in conjunction with surgery, chemotherapy and radiation to enhance their effectiveness, lessen adverse side effects and reduce the chances of cancer recurrence. Future biotech cancer drugs, however, such as vaccines that prevent abnormal cell growth, may make traditional treatments obsolete.

In cardiovascular diseases, biotech drugs that either dissolve or prevent blood clots in the treatment of heart attacks are being applied to cases of ischemic stroke, reducing brain damage and hospital recovery time. Another biotech medicine is proving successful in late-stage clinical trials for angina and may represent the first new class of drugs to treat that condition since introduction of calcium channel blockers in the 1970's.

Advancements in research on inflammatory diseases also have yielded first-of-a-kind drugs to treat multiple sclerosis and rheumatoid arthritis. Other medicines in late-stage clinical trials block the start of the molecular cascade that triggers inflammation's tissue damaging effects in numerous disease states.

In treatment of infectious diseases, biotechnology is leading the attack on the alarming problem of drug-resistant bacteria, creating antibiotics to take the place of those no longer effective. It also has revealed the genetic composition of bacteria and viruses, making the search for new remedies more efficient. Most biotech drugs are designed to treat our most devastating and intractable illnesses. In many cases these medicines would be the first ever therapies for those diseases.

In my home of Washington State, there are 116 biotechnology companies that employ over 7,000 people. Employment in Washington State biotechnology and medical technology industry is projected to increase to nearly 20,000 workers by 2005. Thousands of patient lives have been improved or saved by the relatively new products produced by Washington biotechnology companies. These products include Enbrel for rheumatoid arthritis, Leukine for cancer, and TOBI for cystic fibrosis. This number is expected to grow exponentially as more products are approved for market.

It is vital that Congress and the administration take into account the developments and advancements in this industry and work to encourage the massive amount of private capital being invested in these medical breakthroughs. Congress can help by fully supporting federal investments in math and science education, research performed at public universities and the National Institutes of Health. Congress should work with the Administration to modernize the drug approval process and to make sure that the Medicare system takes advantage of the potential cost savings brought forth by developments in the biotechnology industry.

Again, Mr. Speaker, I rise in support of National Biotechnology Month and look forward to the next great news in the newspapers of tomorrow.

TRIBUTE TO BOBBIE STERNE, A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Mrs. Bobbie Sterne, a community leader who will be honored as a Great Living Cincinnatian on February 4, 2000, by the Greater Cincinnati Chamber of Commerce. She was selected for her outstanding community service, business and civic accomplishments, awareness of the needs of others, and achievements that have brought favorable attention to the Cincinnati area.

Mrs. Sterne grew up in Moran, Ohio, and currently resides in North Avondale. She graduated from Akron City Hospital School of Nursing and attended both the University of Akron and the University of Cincinnati. She and her husband, the late Dr. Eugene Sterne, have two daughters. During World War II, she served at the rank of first lieutenant with the 25th General Hospital Unit in Europe.

Mrs. Sterne has made a difference in the community of Cincinnati—particularly through her 25 years of service as an elected official. She served on the Cincinnati City Council from 1971 to 1985 and then from 1987 to 1998 and in 1976, she became the first woman mayor of Cincinnati.

Mrs. Sterne has received numerous awards and honors, including the Citizen's committee on Youth's Most Valuable Citizen Award; Council of Jewish Women Hannah G. Solomon Award; Ohio Woman of the Year; Inquirer Woman of the Year; Ohio Woman Hall of Fame; YMCA's Career Women of Achievement; the Salvation Army's "Other" Award; the Ohio Veteran's Hall of Fame; the Lighthouse Youth Services Beacon of Light Humanitarian Award; and the Alcoholism Council Tracy Bissell Memorial Award, among others.

Mrs. Sterne still actively serves the community on numerous boards, including the Charter Committee; Government Relations Committee of the Community Chest; Greater Cincinnati and Northern Kentucky Woman Sports Association Board; the Ohio United Way Board; the Hamilton County Department of Human Services Planning Committee; the Health Foundation of Greater Cincinnati; the Fountain Square Fund Restoration Committee; and Chair of the Emergency Service Coalition.

Mrs. Sterne's commitment to community service was instilled at an early age. In her family, one was brought up to "leave the world a better place than you found it." Mrs. Sterne has certainly succeeded in doing so in our community. Cincinnati is grateful for her leadership, service, and commitment.

REGARDING SAN ANTONIO INS OFFICE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a great team of public servants in San Antonio, Texas, at the San Antonio District Office of the Immigration and Naturalization (INS) Service, who were the recipients of three separate national awards for excellence bestowed by INS this year.

Each year, the Commissioner of INS confers national awards for excellence honoring employees for their outstanding performance.

The employees of the Citizenship/Naturalization Unit were honored with the Commissioner's Challenge Award for Immigration Services for reducing the waiting times for all citizenship/naturalization applications and for demonstrating an overall commitment to quality.

The same unit was honored with Vice President GORE's "Hammer Award" in June of last year for their innovative program to reach out to military applicants who often face transfer overseas or a deadline to reach citizenship before re-enlistment. Getting the waiting time for applications down is a minor miracle. The wait for those wishing to process documents with the INS has been 18 months or more for the past few years.

Port Director Ramon T. Juarez was honored with the Commissioner's Challenge Award for Border Facilitation, for his outstanding efforts in managing the Laredo Port of Entry. The Port reduced the waiting time for applicants for admission to 20 minutes or less.

San Antonio Investigative Assistant Jerome Bass was honored as Employee of the Year in the Administrative/Technological category. His peers say Bass has an "unselfish attitude and willingness to lend a hand." His dedication to the job brought him national attention.

These three awards are indicative of the dedication of the 432 employees in the San Antonio office. I ask my colleagues to join me in commending them for providing the best in government services.

IN HONOR OF WILLIAM J. BROWN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in memory of William J. Brown, former Ohio Attorney General, who passed away last week. He was a man who had the ability to bring true integrity and a human quality to politics.

Born as a natural leader, Brown perfected the ability to get his point across in as little time as possible and still maintain context that was regarded as "true genius". He had the natural ability to motivate those around him with his focus and drive. Although he always had his heart and his mind focused on his goals, he refused to give in to the negativity of his work and kept the working environment free from strain and strife.

William Brown had strong feelings and was dedicated to "Ending the Political Pollution in Ohio". It was through this issue that Brown was able to embrace the environment, soon after the first Earth Day was held in 1970. His career was colorful, successful and he was known for having strong views and the ability to back them up. Brown was a talented agent for public service. He selflessly gave of his time and support to many issues and was a strong supporter of team work.

It is with a heavy heart that I ask my distinguished colleagues to join me in remembering William J. Brown. His memory will truly endure in the hearts of all that he was able to touch.

HONORING MICHAEL F. MARKO

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mrs. CAPPS. Mr. Speaker, today I rise to bring to the attention of my colleagues a firefighting legend, Michael F. Marko, who was honored by family and friends on January 4 as he celebrated his retirement as assistant fire chief for the 30th Space Wing that is located in my congressional district.

Michael Marko faithfully served the 30th Space Wing for 33 years. He participated in and commanded the safe mitigation of more than 12,800 fire emergencies during his years of service. Michael has also been an integral member of the Vandenberg Professional Firefighters Local F–116 since 1971 and has been instrumental in working for the rights union members now enjoy. In honor of his many years of service to the union, Michael was awarded by his colleagues a lifetime membership. Through his actions, he saved numerous lives and billions of dollars in Defense Department assets. Michael also personally supervised the launch of countless Delta, Titan, and Peacekeeping rockets, enhancing America's national security. We have Michael Marko to thank for ensuring a permanent American presence in space that will continue to grow in this new century.

Mr. Speaker, as impressive as any complete accounting of Michael's accomplishments would be, it would not do justice to the long lasting and immeasurable contributions he has made to the 30th Space Wing. I am truly honored to represent Mr. Marko in Washington. I send my most heartfelt appreciation on behalf of the 30th Space Wing, the community of Vandenberg, and the people of Santa Barbara County for his hard work and dedicated service. I know that Michael's leadership will be missed by the 30th Space Wing of Santa Barbara County.

TRIBUTE TO CHARLES MECHEM, JR., A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Charles Mechem, Jr., a dear friend and community leader who will be honored as a Great Living Cincinnatian on February 4, 2000, by the Greater Cincinnati Chamber of Commerce. He was selected for this honor because of his outstanding business accomplishments, awareness of the needs of others, community service, civic accomplishments and contributions that have increased the quality of life in Cincinnati and Southwest Ohio.

Mr. Mechem grew up in Nelsonville, Ohio, and currently lives in Clifton with his wife, Marilyn. They have three children. A graduate of Miami University and Yale Law School, Mr. Mechem has had a most distinguished career, bringing business and entertainment to the Greater Cincinnati area. Mr. Mechem likes to say he has enjoyed four careers: as a partner at Taft, Stettinius & Hollister; as CEO of Taft Broadcasting; as commissioner of the Ladies Professional Golf Association; and in his own words, "life after that"—which includes serving as Chairman of the Board at Convergys and as the personal business adviser to golf legend Arnold Palmer.

For more than 40 years, Mr. Mechem has focused on bringing entertainment opportunities to the Cincinnati area. As he puts it, he "was motivated . . . to do things that made this community a fun place to live in." Mr. Mechem was instrumental in bringing the Cincinnati Bengals franchise to town; spearheading the vision and construction of Kings Island; and helping to provide the Cincinnati Symphony Orchestra a new home at Riverbend by donating the site adjacent to Coney Island. Nationally, Mr. Mechem worked tirelessly for five years with the LPGA to lead a national resurgence of interest in the game.

In the business community, Mr. Mechem served Cincinnati as President of the Greater Cincinnati Chamber of Commerce in 1977 and Co-Chaired the Chamber's Blue Chip Campaign from 1979–86. His other leadership roles include: National Chairman, Miami University Goals for Enrichment Campaign; President, Family Service; Co-Chair, Cincinnati Business Committee; and Founder/President of the Greater Cincinnati Sports & Events Commission. In addition to being the Chairman of the Board at Convergys, Mr. Mechem also serves on the Board of Directors at Mead Corp., Ohio National Life Insurance, Arnold Palmer Golf Co., The J.M. Smucker Co. and Myers Y. Cooper Company.

All of us in Cincinnati are grateful to him for his full devotion and service to community.

REGARDING ALBERTO GALVAN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to the lifetime of service of Alberto Galvan, the district manager for the Brownsville-Harlingen area for the Social Security Administration (SSA). Alberto has served the Federal Government for 35 years, retiring just last month.

A son of South Texas, born in Harlingen, Alberto was in the United States Air Force (USAF) prior to his service to the Federal Government. In the Air Force, he attended USAF Russian Language School and served in electronic intelligence during his duty in Japan. That would have been impressive duty in those days, our forward listening post to spy on the communists in the Soviet Union.

This man who loves his country began working for the Social Security Administration in 1970, where he has worked ever since, winning the SSA Commissioner's Citation, the SSA Regional Commissioner's Citation (twice), and the Outstanding Officer Award (four times).

Aside from his many awards, Mr. Galvan has a great deal of contact with my Brownsville district office. As all of you know, the success of our district offices rises and falls on the relationship they have with individuals within the SSA. Thanks to Alberto Galvan, and the wonderful people in my district office, that relationship is strong indeed. The SSA manages the nation's social insurance program, consisting of retirement, survivors, and disability insurance programs; so, the ties that bind our interests are quite strong.

I want to thank Alberto today for being a really nice man and always being responsive to our inquiries. He takes calls from my office himself and has been largely responsible for training my staff members who deal with Social Security issues. He oversees all of Cameron and Willacy counties in the lower Rio Grande Valley but is primarily responsible for the Brownsville area up to Rancho Viejo, Texas.

Since he left the Air Force, Alberto has found another way to put the Russian he learned there to good use. Today, he is the only Russian translator in the Dallas Region of the SSA and is often sent documents to translate, usually birth certificates.

I ask my colleagues to join me today in commending this outstanding patriot who has made a career serving our great country, first in uniform, and for the last 30 years, administering the Federal social insurance program in South Texas.

INTRODUCTION OF THE IDEA FULL FUNDING ACT OF 2000

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. MARTINEZ. Mr. Speaker, I am pleased to introduce the IDEA Full Funding Act of

2000. This legislation provides an additional $2 billion a year for ten years to reach full funding of IDEA by 2010.

In 1972, two landmark cases, PARC v. State of Pennsylvania and Mills v. Board of Education found that children with disabilities are guaranteed an equal opportunity to an education under the 14th amendment. In response to these cases, Congress enacted the Education for All Handicapped Children Act of 1975, the predecessor of today's Individuals with Disabilities Education Act (IDEA), to assist state and local governments in meeting their responsibility to these children by agreeing to pay up to 40 percent of the cost of educating children with disabilities. However, to date, the federal government has never contributed more than 12.6 percent. States and school districts make up the difference.

For instance, Los Angeles Unified School District (LAUSD) currently spends approximately $891 million to educate 81,000 disabled students. While the district receives approximately $500 million from the state and $42 million from the federal government for that purpose, it must tap into funds intended for other education programs to make up the $300 million shortfall. School districts all across the nation face similar dilemmas. Therefore, I am introducing this legislation to put us on a course for full funding by 2010.

As we move into the 21st Century, we must make critical decisions about the priorities of this nation. In countries like Japan and China, education is a top priority, above even defense. This year alone, the U.S. Department of Defense will ask for $11 billion in new spending and according to OMBs most recent estimates, we can expect an $80 billion budget surplus for FY 2000. Surely we can spare an additional $2 billion a year to ensure a brighter future for all Americans.

CONGRESSIONAL ACCOUNTABILITY FOR REGULATORY INFORMATION ACT OF 2000

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. McINTOSH. Mr. Speaker, today, I rise to introduce the "Congressional Accountability for Regulatory Information Act of 2000," a bill to aid Congress in analyzing Federal regulations and to ensure the public's understanding of the legal effect of agency guidance documents. To accomplish the former, the bill requires an analytic report to Congress by the General Accounting Office (GAO) on selected important agency proposed and final rules. To accomplish the latter, the bill requires the agencies to include a notice of nonbinding effect on each agency guidance document without any general applicability or future effect.

On May 22, 1997, Representative SUE KELLY introduced H.R. 1704, the "Congressional Office of Regulatory Analysis Creation Act." On March 11, 1998, the House Government Reform Committee's Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, which I chair, held a hearing on this bill. Rep. KELLY testified at the hearing that the analytic function will "help Congress deal with an increasingly complex and burdensome regulatory system. It will give Congress the resources it needs to oversee the regulations that the Executive Branch issues on a regular basis and facilitate use of the Congressional Review Act." She also stated that it "would provide a second opinion" of the agency's analysis of the impact of a rule. On March 13, 1998, the House Committee on the Judiciary reported an amended version of the bill and issued a report (H. Rept. 105–441, Part I). On June 3, 1998, the House Government Reform Committee reported a further amended version of the bill and issued a report (H. Rept. 105–441, Part II). There was no further action on the bill during 1998 and 1999.

The "Congressional Accountability for Regulatory Information Act of 2000" is introduced to respond to some criticisms of the earlier bill, especially about the creation of a new Congressional agency. Instead, the "Congressional Accountability for Regulatory Information Act of 2000" places the analytical function within GAO, which, since March 1996, has been charged with certain related functions under the Congressional Review Act (CRA).

Congress has delegated to the agencies the responsibility of writing regulations. However, regulations need to be carefully analyzed before they are issued. Under the CRA, Congress has the responsibility to review regulations and ensure that they achieve their goals in the most efficient and effective way. But, Congress has been unable to fully carry out its responsibility because it has neither all of the information it needs to carefully evaluate regulations nor sufficient staff for this function. Under my bill, GAO will be tasked with reviewing agency cost-benefit analyses and alternative approaches to the agencies' chosen regulatory alternatives.

The "Congressional Accountability for Regulatory Information Act of 2000" has a companion bill on the Senate side, S. 1198, the "Congressional Accountability for Regulatory Information Act of 1999." This bill was introduced by Senators SHELBY, BOND, and LOTT on June 9, 1999 and then renamed and reported by the Senate Governmental Affairs Committee as the "Truth in Regulating Act of 1999" on December 7, 1999. The House and Senate bills are both intended to promote effective Congressional oversight of important regulatory decisions.

In addition, the House version includes a provision to ensure the public's understanding of the effect of agency guidance documents (such as guidance, guidelines, manuals, and handbooks). It requires agencies to include a notice on the first page of each agency guidance document to make clear that, if the document has no general applicability or future effect, it is not legally binding. Under the CRA, "rules" subject to Congressional review are broadly defined to include not only regulatory actions subject to statutory notice and comment but also other agency actions that contain statements of general applicability and future effect designed to implement, interpret, or prescribe law or policy. Unfortunately, the Office of Management and Budget (OMB), despite a 1999 Treasury and General Government Appropriations Act directive to do so, has still not issued adequate guidance to the agencies on the requirement to submit to Congress any noncodified guidance document with any general applicability or future effect.

As a consequence, on October 8, 1999, the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs began an investigation of the agencies' use of noncodified documents, including the specific explanations within each of these documents regarding their legal effect. I asked the General Counsels of the Departments of Labor (DOL) and Transportation (DOT) and the Environmental Protection Agency (EPA) to submit their noncodified documents issued since the March 1996 enactment of the CRA and to indicate which were submitted to Congress under the CRA. DOL and DOT asked that I narrow my request; as a consequence, I asked for only those documents issued by DOL's Occupational Safety and Health Administration (OSHA) and DOT's National Highway Traffic Safety Administration (NHTSA).

Both DOL and DOT admitted that none of their 1,641 and 1,225 guidance documents respectively, had any legal effect and none was submitted to Congress for review under the CRA. Now, nearly four months later, EPA has still not completely produced its guidance documents. The investigation also revealed that the absence of any legal effect was not clear to the public. In fact, only 11 percent of OSHA'S guidance documents included any discussion of legal effect and only 7 percent had this discussion at the beginning of the document. On February 15, 2000, I will be holding a hearing to examine DOL's use of guidance documents as a possible backdoor approach to regulating the public.

Let me conclude by thanking Representative SUE KELLY of New York, Chairwoman of the Small Business Committee's Subcommittee on Regulatory Reform and Paperwork Reduction, for her leadership in this area in 1997 and 1998.

TRIBUTE TO ARCHBISHOP DANIEL E. PILARCZYK

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. PORTMAN. Mr. Speaker, I am pleased today to rise in tribute to Archbishop Daniel E. Pilarczyk, on the occasion of his 25th anniversary of his ordination as a bishop.

During his forty years in the priesthood, Archbishop Pilarczyk has compiled an impressive and distinguished history of service to the church and the community. After eight years of service as Auxiliary Bishop of Cincinnati, he became Archbishop in 1982. He is the spiritual leader of 550,000 Catholics in more than 200 parishes, and he manages close to 7,500 workers in Ohio. In addition, he has served as president of the National Conference of Catholic Bishops, as well as chairman of the International Commission on English in the Liturgy.

Archbishop Pilarczyk is a strong believer in education and has made it one of his top priorities during his time at the helm of the Archdiocese of Cincinnati, which is the ninth largest Catholic school system in the country. He has served our community in so many other ways including serving on the boards of St. Rita's School for the Deaf, the Pontifical College Josephinum, Catholic University of America and the coalition for a Drug-Free Greater Cincinnati.

He holds a masters degree from Xavier University and a doctorate from the University of Cincinnati, as well as seven honorary degrees. In addition, he has authored 18 books as well as numerous articles.

Daniel Pilarczyk is a Southwest Ohio native and he has given so much back to our community. I've had the chance to work with him in his role as founding board member of the Coalition for a Drug-Free Greater Cincinnati where he made an important contribution as a thoughtful and dedicated board member and a person with a sincere interest in our youth and their future.

All of us in Southwest Ohio wish Archbishop Pilarczyk the very best on the 25th anniversary of his ordination as bishop. We are proud to count him as one of our true religious, spiritual, and community leaders.

INTRODUCTION OF PRIVATE RELIEF BILL

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. MARTINEZ. Mr. Speaker, today I introduced a private relief bill for Gui Di Chen which will allow her to adjust status to permanent resident as an immediate relative of a U.S. citizen. Ms. Chen's husband, Robert Lem, died before the Immigration and Naturalization Service could approve his wife's petition to become a permanent resident.

Under our immigration law, the INS cannot adjudicate Gui Di Chen's petition because she was married less than two years to Robert Lem before he passed away. The fact that Ms. Chen lived with Mr. Lem for three years does not matter under the eyes of the law. Without the enactment of this private relief bill, Ms. Chen faces a dire and uncertain future in China, a country she hasn't been to in nearly ten years.

There is, moreover, ample precedent for such relief. For instance, the 105th Congress passed and the President signed into law at least two private relief bills, H.R. 1794 (Private Law 105–7) and H.R. 1834 (Private Law 105–8), that allowed the widowed alien spouses of Americans to adjust status to permanent resident. In both of these cases, the alien spouses were married less than two years to their U.S. citizen spouses.

Mr. Speaker, Gui Di Chen's case is compounded by a tale of woe and misfortune that rivals a Greek tragedy. In less than eight years, Ms. Chen has lost two husbands who died suddenly and before her immigrant petitions could be processed. In 1990, Ms. Chen and her son joined her husband, Zheng-Ming Wu, in the United States. Mr. Wu was completing a graduate degree at the time. Mr. Wu was fortunate enough to find an employer who filed an employer-based immigrant petition on his behalf. However, on September 6, 1991, just five days before Gui Di Chen, her son and husband were scheduled for an INS immigrant interview, Mr. Wu was killed in a car accident.

According to the police report that was filed, Mr. Wu was driving on the San Bernardino Freeway and developed car trouble. His car was stopped in an H.O.V. lane when he was rear-ended by an 18-year-old who was driving on a suspended license and without insurance. Ms. Chen received no compensation for her husband's death. In addition, the INS told Ms. Chen and her son that their application for permanent resident status was denied due to the death of Mr. Wu.

After the tragic loss of her first husband, Gui Di Chen was fortunate enough to fall in love again. Mr. Lem and Ms. Chen were married on March 31, 1997. Tragedy would strike once again when Mr. Lem died of a heart attack on June 16, 1998. Not only did Ms. Chen lose her husband, she also lost the opportunity to become a permanent resident.

Mr. Speaker, I look forward to working with my colleagues to ensure that Gui Di Chen is not victimized once again by the vagaries of fate and is allowed to finally adjust to permanent resident status. She deserves nothing less.

RECOGNIZING THE 100TH ANNIVERSARY OF THE CHURCH OF THE HOLY CROSS, SPANGLER, PENNSYLVANIA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. MURTHA. Mr. Speaker, on December 17, 1999, the Holy Cross Parish celebrated the 100th anniversary of the Church of the Holy Cross, Spangler, Pennsylvania.

Throughout our area and our Nation, we find such churches as the centers of our community, the fabric of our community spirit, and the strength of families. The Church of the Holy Cross has celebrated 2,735 baptisms, 622 weddings. It has held 1,332 funerals to send its faithful home. These events chronicle the history of the families in the region.

Plans for the present church structure were drawn by architect William East and built by John S. Drumm at a cost of $4,800 according to the contract signed on July 8, 1899. On December 17th of that year, the Rt. Reverend Leander Scherr, O.S.B., Archabbott, St. Vincent Archabbey of Latrobe, dedicated the church. It was served by the Benedictine Fathers of St. Vincent Archabbey until 1984 and since then by the Diocese of Altoona-Johnstown.

The strength of our great nation comes not from decisions made in Washington, but from the enduring community strength, family commitments and individual ideals to which our house of worship provided the central underpinnings. The Church of the Holy Cross has been a part of that national strength for one hundred years; an integral factor in the growth of our nation and our region of Pennsylvania.

It is an honor for me to recognize the continuing role of the Church of the Holy Cross, of the church's twenty-fifth pastor, Father David J. Arseneault, and the individuals in the Parish that have made the Church of the Holy Cross endure for 100 years.

TRIBUTE TO LIEUTENANT GENERAL (RETIRED) LAVERN E. WEBER

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. ISTOOK. Mr. Speaker, I rise today to pay my respects to a great American, former Adjutant General of Oklahoma, previous Director of the Army National Guard, prior Chief of the National Guard Bureau and past Executive Director of the National Guard Association of the United States.

Lieutenant General Weber, a native of Lone Wolf, Oklahoma, was the first Three-Star General to head the National Guard Bureau. He held that post from August 1974 until August 1982. He continued his service at United States Forces Command until his retirement on June 30, 1984, which concluded 42 years of military service with the United States Marine Corps, the Marine Corps Reserve and the Army National Guard.

Lieutenant General Weber served in the U.S. Marine Corps during World War II. After the war, he joined the Oklahoma National Guard's 45th infantry division. His unit was called to active duty September 1950 and then Captain Weber was soon serving as a Company Commander, and later the Operations and Training Officer. During a combat tour in Korea, he was promoted to the rank of Major a month before his release from active duty in June 1952 when he returned to National Guard Status in the Oklahoma National Guard.

He graduated from the U.S. Army Command and General Staff College in December 1955 and was assigned as assistant intelligence officer, 45th Infantry Division. He was promoted to Lieutenant Colonel on May 15, 1959, and in April 1961 was assigned as Chief of Personnel, 45th Infantry Division, and served in that position until November 1964. He became Chief of Staff, 45th Infantry Division with his promotion to Colonel on November 18, 1964.

On March 8, 1965, he was promoted to Major General, concurrent with his appointment as the Adjutant General of Oklahoma. He served in that position until his appointment as Director of the Army National Guard, in October 1971.

On June 29, 1979, the Chief of Staff U.S. Army promoted him to Lieutenant General, the grade at which he would retire in 1984. He was appointed as the full-time Executive Director of NGAUS effective July 1, 1984. In the past few years, he had been a consultant on national defense matters.

Mr. Speaker, as we adjourn today, let us do so in honor of and respect for this great American—Lieutenant General Lavern Weber.

SALUTING THE PUBLIC SERVICE OF CONGRESSIONAL STAFFER JOHN McGUIRE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 2000

Mr. WALSH. Mr. Speaker, I want to ask my colleagues today to join me in recognizing the public service record of one of our own—a recently-retired employee of the House of Representatives, a member of my staff, John McGuire.

Although John has left public service and gone on to another stage in life in which he now focuses his energy entirely on family and friendly pursuits, he has left behind a record of admirable service.

Over the course of his professional career, and in addition to his time on my staff, he has brought great credit to the federal government. He has helped me understand the importance of our debt to veterans and he has excelled at constituent service in general.

A combat U.S. Marine veteran, John was indeed a very special liaison for me with the community of veterans who live in Central New York. But his camaraderie with those who have served our nation never limited his reach. For many Central New Yorkers, John has been the federal government's helping hand.

We who count ourselves among his friends are proud of his natural tendency to open his door to others in hours of need. His empathy has been matched only by his skills, his concern matched only by his optimism, and his value as an employee matched only by the good he does for others who are his friends.

The United States of America, the greatest country on earth, is strengthened by patriots and civil servants like John McGuire. Thank God for that. I join others of his admirers in recognizing his contributions and thanking him for his selfless dedication to principle and public service.

SENATE—*Monday, January 31, 2000*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of peace, we seek to receive Your peace and communicate it to others throughout this day. We confess anything that may be disturbing our inner peace. We know that if we want peace in our hearts, we cannot harbor resentment. We seek forgiveness for any negative criticism, gossip, or innuendo we may have spoken. Forgive the times that we have brought acrimony into our relationships instead of bringing peace into misunderstandings. You have shown us that being a reconciler is essential for a continued, sustained experience of Your peace. Most of all, we know that lasting peace comes from Your spirit, Your presence in our minds and hearts.

Show us how to become communicators of the peace that passes understanding, bringing healing reconciliation, deeper understanding, and open communication. In the name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. BUNNING. Mr. President, this morning the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume debate on the bankruptcy reform bill under the previous order. There are a few amendments remaining, and those Senators who have amendments under the agreement are encouraged to work with the bill managers on a time to debate their amendments. As previously announced, votes ordered with respect to the bankruptcy legislation will be stacked to occur on Tuesday at a time to be determined.

In an effort to complete the bankruptcy bill, Senators may expect votes throughout the day on Tuesday and Wednesday. Following completion of the bankruptcy bill, the Senate is expected to begin consideration of the nuclear waste legislation.

I thank my colleagues for their attention. I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

AMERICANS WITH DISABILITIES ACT DECISION

Mr. THURMOND. Mr. President, I am pleased that the Supreme Court announced recently that it will decide whether state governments are bound by the Americans with Disabilities Act.

The issue in the case, Dickson v. Florida, is whether the states are immune from suit under the ADA based on the Constitution's 11th Amendment immunity provision for states. The legal issues are quite similar to Kimel v. Florida Board of Regents, in which the Supreme Court held earlier this month that the states cannot be sued under the Age Discrimination in Employment Act.

This case could be critical to a bill I have introduced, the State and Local Prison Relief Act. This legislation, S. 32, would exclude state prisoners from coverage under the ADA. The Dickson case underscores the need to accomplish the purpose of this bill. The Congress did not consider all of the potential consequences of enacting the ADA, and its implications on prisons is one of the best examples.

The courts have always deferred to the states in the management of prisons. We do not need the federal courts second-guessing the states' decisions on how to best manage and control the volatile prison environment. This is especially true in the face of a statute that creates very specific legal rights for very broad classes of individuals.

The Act is detrimental to the safe, orderly operation of state prisons. Moreover, at the very least, it gives prisoners more of an excuse to challenge authority by providing them more tools to bring frivolous lawsuits against state prisons.

Dickson is a case of great significance. It provides the Supreme Court a unique opportunity to limit the reach of Federal power over state prisons and continue its recent affirmation of the power of the states in our constitutional scheme of government.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding we are in a period of morning business now.

The PRESIDING OFFICER. That is correct.

Mr. REID. I am going to be in control of the time under the control of the Democratic leader today.

The PRESIDING OFFICER. Until 1 o'clock.

CAMPAIGN FINANCE REFORM

Mr. REID. Mr. President, I have been interested in watching both the Democratic and Republican battles in New Hampshire for the nomination of the respective parties. I was not able to watch personally, but I understand that yesterday Mr. McCAIN, the senior Senator from Arizona, was interviewed on one of the national shows and talked about campaign finance reform and, in effect, the difficult sledding it has been for him, a Republican, to move forward on this issue.

Based on what the Supreme Court did just last week, I think it is significant to keep our eye on the prize, and that is to recognize that the Supreme Court has now given us the latitude and leeway to be able to do something about campaign finance reform. Senator McCAIN is to be congratulated for being so responsive to what I think the American public is asking from us. That is to do something about lessening the need for the huge amounts of money in Federal elections.

Senator McCAIN has been very lonely out there, for being a member of the majority. He has not had a lot of support. I think it has taken a lot of courage for him to move forward with campaign finance reform. I believe if we start talking about the issue, as I have heard Governor Bush say: Well, I can't support campaign finance reform because it will simply help the Democrats——Mr. President, it would help the American public if people took a more realistic view regarding this vital legislation. Let's move forward with legislation that will take the demand for money out of the mix.

I have said it on this floor before, but I think it is worth repeating. In the small State of Nevada, with less than 2 million people, $23 million was spent in my last reelection. No one outspent the other. My opponent spent the same amount of money I did—a little over $4 million, for the individual campaigns. We each spent, through the various parties, money on our behalf, basically, $6 million each. That is $20 million. Plus, we don't know, but I have estimated there was another $3 million on independent expenditures.

That is out of line. It is obnoxious, it is obscene, it is too much money. We have to arrive at a point where we have to take this soft money mix out of campaigns. We may not be able to do everything included in the McCain-Feingold bill that we need to do, but let's work toward a compromise that at least takes corporate money out of campaigns.

Earlier in this century, the decision was made by Congress that corporate money should not be allowed in Federal elections. Over the years, that has worked fine. But in a ruling the Supreme Court said, well, you still can't use corporate money on individual campaigns, but State parties can use it basically any way they want. As a result of that, there has been this tremendous rush by both parties for corporate money, and they spend it on behalf of individual candidates. I think that is wrong. We should reverse that statutorily. As I reviewed the Supreme Court decision, it was clear that, in fact, was the case. Justice Souter did a very good job in writing that opinion. It is clear and concise. I think we should move forward and have campaign finance reform.

Mr. President, beginning this congressional session, the last year of this Congress, it is important that we reflect on where we are and where we need to go. It seems pretty clear we have made great progress in getting the country's fiscal house in order. Just 7 years ago, when President Clinton came into office, the yearly budget deficit was more than $300 billion, especially if you add in the Social Security surplus, which was being used for years to mask the annual deficit. Instead of having these $300 billion-plus deficits every year, we will now, for the second year in a row, have a surplus.

It is difficult for those of us who have served in this body for a few years to understand that we are now talking about what we should do with our surplus. During this period of time, we have created over 20 million new jobs. The vast majority of the jobs are high-wage jobs, good jobs. We have low unemployment, low inflation, strong economic growth, and lower Government spending. We have cut the payroll of the Federal Government by over 300,000 individuals, excluding the cuts that have been made within the military.

We are doing a much better job. We are at 18.7-percent Federal Government spending as a share of gross domestic product, and that is the lowest since 1974. That is real progress. Real hourly wages are up. We also have strong private sector growth, and as I have indicated, low inflation. The underlying core rate of inflation is at its lowest since 1965. In the last four quarters, the GDP price index has risen only 1.3 percent, which is the lowest rate of increase since 1963.

We are talking about decades and decades of improvement. We have reduced welfare rolls. Both parties worked together to bring about less welfare. That is important. Not only are we seeing people move off the welfare rolls, we are putting people to work. We have high-home ownership. We have jobs in the auto industry. People said a few years ago that the American automobile industry was dead and that we should forget about again being somebody who produces most of the cars in the world. That was reversed because of good decisions by management and tremendous production by labor.

Since 1993, we have added almost 200,000 new auto jobs. The annual rate of adding auto jobs is the fastest we have ever had. I think we are doing very well.

Regarding the construction industry, all we have to do is look at the State of Nevada which leads the Nation, and has for 14 years, as the fastest growing State in the Union. We have cranes—some use the old term that it is the "national bird"—all over the State of Nevada, with construction going on. But Nevada is not the only place; this country is in a period of phenomenal economic growth. There are still sectors that need improvement, but we have done fine. We are looking now to improving people's lives. We are now looking into issues that we never have before.

I am sure that you, just as the Senator from Nevada, find all this Internet stuff kind of new. It is something we didn't have when we were growing up, and it has taken some training and some real education to become somewhat computer literate. It is so easy to become computer literate. You can order anything you want off the Internet. You can order CDs, water, and many other items.

The other Saturday morning, I turned on my computer to find out what the news was in Nevada. They have a little teaser there almost every time you turn on the computer about different services rendered. One of the things on my computer said, "Do you want to sell your house?" My wife and I, with our children being raised now, are considering moving from our home where the kids were raised to a smaller place. And so I clicked on that little thing on my computer, and within 5 minutes, on my screen in McLean, VA, where we have our home locally, I found places where homes were sold in the last 2 years and for how much they were sold.

There is so much on the computer that it is difficult for me to comprehend. That brings about another problem, and that is our privacy. Is our privacy being protected with all the things happening on the Internet? Some say yes, some say they are not too sure, and some say no. This is something at which we as a Congress need to take a look. We need extensive hearings to determine how safe information is on the Internet.

Are our medical records being protected? If your wife, your father, your brother, your sister goes to the hospital, are their records being protected? Is your privacy being protected? Is your credit card protected on the Internet? Are, in fact, these people who are getting information on the net selling this information to other people? These are questions raised in this new, modern society in which we live and at which Congress must take a look. We didn't have to look at those things just a short time ago.

In addition to recognizing that our economy is in great shape, we have things on which we have to work. We have to realize we have new challenges ahead of us. Privacy is one of them.

I talked about campaign finance reform. That is so important to us. We need to take a look at that. But also we have to take a look at what is happening to the health care delivery system in our country. Every year, over a million people become uninsured. We have now well over 40 million people who have no health insurance. That is not something that we can say is someone else's problem. It is our problem, just as it is someone else's problem.

Why do I say that? Because when a person who has no health insurance is in an automobile accident, they go to the emergency room—that is the most expensive care that can be rendered. As a result of this, the fact that people who have no health insurance are taking care of that way causes my premiums to go up and yours. It causes higher taxes to be charged for health care, and it, of course, causes hospital and doctor bills to be increased more than they should to take care of those people who have no health insurance.

We must do something about inadequate health care. The fact is that in America, the most powerful nation in the world, we have over 40 million people today with no health insurance. We could add in all of the little things people have talked about such as medical savings accounts and all other such things. If we added all of those and accepted them—some would say no, that is not good, and some of us disagree about the way to go. But let's say we did. We would then take care of only about 3.5 million people, still leaving almost 40 million people with no health insurance. We have to be real and stop talking about these little gimmicks and start talking about the fact that health care is something of which too many people do not have the benefit. Those people who do not have health insurance are being jerked around.

The fact is that we have tried to pass a Patients' Bill of Rights giving people the ability to have health insurance and not to be taken advantage of by big-interest companies and HMOs. That is why we have worked very hard to have a real Patients' Bill of Rights passed, one where people can go to a specialist when they want to; to a health care plan that allows a woman to be taken care of by a gynecologist when she believes it is necessary; a provision so that when somebody does something negligent and wrong, they can be sued. People don't like lawyers unless they need one themselves. With health care, there are times when people do things that are wrong. Individuals need the right to go to court to redress wrongs.

We have a lot to do in this Congress. We don't need to come here and boast about how well we are doing with the economy. We need to do something about the campaign finance problems we have in this country, about our health care delivery system.

It is clear, with all that is going on in our country today, that we need to look at how guns are handled. I have said on this floor before and I say again that I was, in effect, raised with guns. As a 12-year-old boy, I was given a 12-gauge shotgun for my birthday. I still have that gun. My parents ordered it out of the Sears & Roebuck catalog. I learned how to handle weapons as a young boy. We would hunt and do the other things you do with guns. I have been a police officer. I personally have a number of firearms in Nevada.

I have no problem with the fact that if I want to purchase a handgun, I tell people who I am and they can make a determination by checking my identification and whether or not I am a felon or in fact mentally unstable. That is what the Brady bill is all about. Hundreds of thousands of people are granted weapons as a result of that. I am willing to be checked each time I purchase a gun. I don't think that is unreasonable. But there are those who are trying to avoid that by going to pawnshops and purchasing pistols, and, as a result of that, checks aren't made—or they are going to gun shows. We need to close those loopholes. Here on this floor last year, we did that. That was done by virtue of Vice President GORE breaking the tie vote. But the problem is, we haven't gone to conference. We need to take that loophole out of the law. The American public believe that is appropriate. We should at least do that. That is the minimum we can do with guns.

My knowledge about weapons is, I think, average or above, and I don't need an assault weapon to go hunting or to protect my family. These assault weapons need some restrictions placed on them. I am a believer in the second amendment. Nothing that I have talked about today deprives anyone of their second amendment rights.

In this Congress, I hope we can work in a bipartisan fashion to solve some of these problems that everyone recognizes: Campaign finance reform, health care, problems with guns in our society, and other things on which we need to work together to come up with bipartisan solutions to the problems that face this country.

One of the things we worked very hard on last year as a minority—we hope the majority will join with us this year—was to do something about raising the minimum wage. Why is it important that we raise the minimum wage? That is all the money some people get to support their family. In fact, 60 percent of the people who draw minimum wage are women, and for 40 percent of those women who draw minimum wage, that is the only money they get for themselves and their families. It is important that we increase the minimum wage. The minimum wage is something more than a bunch of kids at McDonald's flipping hamburgers; it is for people who need to support their families.

Speaking for the minority, we reach out our hands to the majority. We want to work with the majority to pass meaningful legislation. But I also say we want to approach legislation in the way it has been traditionally handled in this body: For example, the bankruptcy bill, which at 2 o'clock this afternoon will be brought up and we will move forward. We have worked very hard in spite of the fact that there are in the minority some people who support the underlying legislation and some who don't support the legislation. But we have worked to move this legislation forward to have the battles here on the Senate floor. That is why we were disappointed at the end of the last session when the majority leader filed cloture on this legislation when there were only a few amendments left that would take up any time at all. As a result of that, some of us joined together during the break and said: We are not going to let this legislation move forward, we are going to have 45 Democrats voting against cloture, until we have the opportunity to debate these measures which we believe are important.

What were the two things holding it up? One was legislation that said do not do violence to a clinic that gives advice on birth control measures and gives counsel to people as to whether or not they should terminate a pregnancy. This is something that is enforced by the laws in this country. The U.S. Supreme Court ruled that these kinds of clinics are legal. Whether or not you agree or disagree with abortion is not the issue. A person has no right to throw acid in these facilities and do everything they can to stop the business from going forward. There have been lawsuits filed against people who do this. This amendment says if you do that, you can't discharge that debt in bankruptcy. That is what this amendment is all about.

We are going to have an opportunity to vote on this in the next few days. That is the way it should be.

The other amendment that was holding things up and caused cloture to be filed was an amendment by the Senator from Michigan that says if you manufacture guns and there is a lawsuit filed against you because of something you did which was wrong, you can't discharge that debt in bankruptcy. I am paraphrasing the amendment. Senator LEVIN will explain it in more detail.

But we have said, no matter how you feel on the gun issue and abortion, these are issues that have nothing to do directly with these issues; this issue deals with bankruptcy. As a result of that, the minority held firm.

I applaud the majority leader. He withdrew the motion for cloture. We are going to debate this and complete this legislation in the next couple of days. We are willing to work with the majority if we go through the normal legislative process allowing us to bring up our amendment. We worked hard to try to reduce the number of amendments. Some amendments are difficult. Some amendments we don't want to vote on, but that is what we are elected to do—vote on tough issues. We can't avoid those tough votes by filing cloture and knocking all of these amendments out.

Again, on behalf of the minority, we look forward to a productive session and we will do everything we can to make sure we not only keep the economy moving but also handle some of the more difficult issues that face us in this society.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

Mr. WYDEN. Mr. President, I intend to take a few minutes this afternoon to talk about the prescription drug issue for senior citizens. As many of our colleagues know, I have made it clear that I am going to come to the floor repeatedly between now and the end of the session in the hope we will get a bipartisan piece of legislation through this body that will meet the needs of so many vulnerable older people.

In the past, I have come to the floor and have read two or three of the cases I have been getting from seniors across the country. A lot of these older people, when they are finished paying their prescription drug bills, have only a few hundred dollars a month on which to live. Picture that: After you have paid your prescription drug bill, you pay for your food, your rent and utilities, and you have virtually nothing left over.

I think it is extremely important this Congress pass legislation to meet those needs. I have teamed up for more than a year with Senator OLYMPIA SNOWE from Maine. We have a bill that is market oriented. It would avoid some of the cost-shifting problems that we might see with other approaches. We want to make sure that as we help senior citizens, we do not have to cost shift it over to somebody who is, say, 27 or 28 and just getting started with a family and having trouble with their own medical bills. The Snowe-Wyden legislation avoids that kind of approach.

The reason I am taking a moment to speak this afternoon is because the comments made by the President last week at the State of the Union Address opened up a very wide berth for the Congress to address this issue in a bipartisan way. Prior to the President's comments, I know there was widespread concern by a variety of groups as to what he would say about the issue and how he would say it.

What the President of the United States said in the State of the Union Address on this issue of prescription drugs seems to me to capture our challenge.

First and foremost, the President made it very clear he is aware that in every nook and cranny of this country there are scores of senior citizens who cannot afford their medicine. They simply cannot afford it. His remarks spoke to the millions of older people in this country who walk on an economic tightrope; every month they balance their food bill against their fuel bill and their fuel bill against their medical costs.

After the President described this great need, he did not get into any of the particulars of writing a bill. He made it clear he wanted to work with the Congress to get a bipartisan piece of legislation that will meet the needs of older people.

Yes, he has his approach. His approach—and I am not going to get into all of the fairly complicated details—involves a role for what are called pharmacy benefit managers, PBMs.

The Snowe-Wyden legislation that has been proposed takes a slightly different approach. We use private entities which, in effect, will have to compete for the senior citizens' business.

We think that makes sense as a way to hold down the costs of medicine for older people because it has worked for Members of Congress. The Snowe-Wyden legislation is modeled after the health care system to which Members of Congress belong.

I have been asked again and again whether you could reconcile the President's approach, in terms of using pharmacy benefit managers, and the kind of approach that is taken in the Snowe-Wyden legislation, with these private entities that would have to compete for senior citizens' businesses. I think it is possible to reconcile these two approaches. I think we are making a lot of headway now in terms of addressing this issue, in terms of the parties saying the need is urgent.

We have to come together, in a bipartisan way, to do it. The President opened up a real opportunity for the Congress to come together on this matter.

The reason it is so important, of course, is that we cannot afford, as a nation, not to cover prescription medicine. I repeat that. People ask if we can afford to cover prescription drugs for older people. The reality is, our country cannot afford not to cover prescription drugs.

A lot of these drugs today are preventive in nature. They reduce problems related to blood pressure and cholesterol. I have talked a number of times on the floor about the anticoagulant drugs which prevent strokes. Perhaps it would cost $1,000 a year to meet the needs of an older person's prescriptions for these anticoagulant drugs. Sure, $1,000 or $1,500 is a lot of money, but if you have a legislative opportunity to help an older person in that way, and you save $100,000, which you can do because those drugs help to prevent strokes—and strokes can be very expensive, even upwards of $100,000—that is something our country should not pass up.

The elderly in this country get hit with a double whammy when it comes to pharmaceuticals.

First, Medicare does not cover prescription drugs. It has been that way since the program began in 1965. I do not know a soul who studied the Medicare program, who, if they were designing it today, would not cover prescription drugs simply for the reasons I have given, that they are preventive in nature.

The other part of the double whammy for older people is that the big buyers—the health maintenance organizations, the health plans, a variety of these big organizations—are able to get discounts; and then when an old person, a low-income older person, walks into a pharmacy, in effect, they have to pay a premium because the big buyers get the discounts.

So this is an important issue for the Congress to address.

As I have done in the past, I want to put into perspective exactly what so many of these vulnerable people are facing in our country.

I see our friend from Michigan. I want to make sure he has time as well. Democrats have a few more minutes. I want to make sure my colleague can be heard, as well.

But one of the cases I want to touch on this afternoon follows a 65-year-old senior from West Linn, OR. He wrote me recently as part of the campaign I have organized to have older people send in their bills. He wrote me that he used to have prescription drug coverage when he was working. Now he has no coverage at all. He is taking medication for high blood pressure, for high cholesterol, for heart-related problems. He had triple bypass surgery in 1991 and anticipates he is going to be taking medications for the rest of his life.

He found that, as he tried to shop for medicines, the cost was 18 percent higher than when he had insurance coverage, which illustrates the double whammy that I described.

When he was in the workforce—and the Senator from Michigan knows a lot about this as a result of the company-retiree packages that autoworkers and others have—the workers were in a position to get a bargain. But then that senior retired and lost the opportunity to have some leverage in the marketplace. That senior in West Linn found that his prescription prices were 18 percent higher.

This person from West Linn has written, saying he hopes the bipartisan Snowe-Wyden legislation is successful.

We have received scores and scores of other letters. Because my friend from Michigan is here, and I want to allow him time to talk, I am going to wrap up only by way of saying that the last case I was going to go into in more detail is an older woman in eastern Oregon, just outside Pendleton, OR, who told me during the last recess that when she is done paying her prescription drug bill, she has only $200 a month on which to live for the rest of the month.

Perhaps other people can figure out some sort of financial sleight of hand so they can get by on a couple hundred dollars a month for their food and utilities and housing, and the like, but that is not math that I think adds up.

We need to address this issue in a bipartisan way. The Snowe-Wyden legislation does that. I was particularly encouraged by the President's remarks last week on prescription drugs because I think, through the conciliatory approach that he took, making it clear that he wants to work with all parties to get this addressed, we now have a window to climb through to get the job done and provide a real lifeline to millions of older people. That is some good news for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Michigan.

Mr. LEVIN. First, I congratulate, again, the good Senator from Oregon for his leadership in the area of prescription drugs. His effort to achieve a bipartisan move in this direction is very critical to the Nation. I commend him for it.

I thank him for truncating his remarks a few minutes so I might have a few minutes. I hope I can complete this in 2 or 3 minutes. But if I do not, perhaps I could ask my good friend on the other side of the aisle to be able to extend it a minute or two beyond the appointed hour of 1 o'clock.

SECRET EVIDENCE SUSPENSION

Mr. LEVIN. Mr. President, our Nation's commitment to due process has been placed in doubt by the use of secret evidence in immigration proceedings.

Until recently, the Department of Justice's use of secret evidence was not well known to the general public. Secret evidence was known only to some immigrants who have been held for months, sometimes years, without any opportunity to confront their accusers or examine the evidence against them.

As the Washington Post of October 19, 1997, put it, the process is authorized by:

> [A] little-known provision of immigration law in effect since the 1950s allows secret evidence to be introduced in certain immigration proceedings. The classified information, usually from the FBI, is shared with judges, but withheld from the accused and their lawyers.

The use of secret evidence in immigration proceedings threatens to violate basic principles of fundamental fairness. The only three Federal courts to review its use in the last decade have all found it unconstitutional. Yet the Immigration and Naturalization Service, the INS, continues to use it and to do so virtually without any limiting regulations. Under current law, the INS takes the position that it can present evidence in camera and ex parte whenever it is classified evidence relevant to an immigrant's application for admission, an application for an immigration benefit, a custody determination, or a removal proceeding.

The Attorney General herself has expressed concern over the use of secret evidence—and for good reason.

In October 1999, a district court declared the INS' use of secret evidence to detain aliens unconstitutional. Five days later, the INS dropped its efforts to deport a man it had held for over a year and a half on the basis of secret evidence.

In November 1999, the Board of Immigration Appeals ruled that an Egyptian man detained on secret evidence for 3 and-a-half years should be released, and the Attorney General declined to intervene to continue his detention.

Earlier in 1999, the Board of Immigration Appeals, the BIA, granted permanent resident status to a Palestinian against whom the INS had used secret evidence and alleged national security concerns. In all of these cases the government claimed that national security was at risk, yet in none of them were the individuals even charged with committing any criminal acts.

The Attorney General has promised to promulgate regulations to govern the INS's use of secret evidence, but has not yet done so. In May of 1999, the Attorney General came to my state of Michigan to meet with Arab-American leaders and members of the Michigan Congressional delegation to discuss concerns about the use of secret evidence. At that meeting, she said she would implement a new policy, one in which the Department would implement a higher level of review, and take extra precautions before using secret evidence. She said she would have those regulations relative to the use of secret evidence within a reasonable time.

In December, the Attorney General visited Michigan again. She had still not promulgated the promised regulations. She told us that she was dedicated to resolving this issue, and she was actively reviewing draft regulations, but that she was uncomfortable issuing those regulations in the form they had been presented to her by her staff.

Mr. President, the Attorney General may eventually offer the promised regulations. But at the current time, she is not capable of putting a process in writing that is satisfactory even to her. It has been almost nine months now since the Attorney General agreed to look in to this matter, and promulgate regulations that will govern the use of this process. Under these circumstances, when the Attorney General cannot even satisfy herself that a fair process is in place, the use of this secret process should be suspended until she can, and I urge the Attorney General to do exactly that: suspend the use of secret evidence in immigration proceedings immediately until she can promulgate regulations relative to its use.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. What section are we in now, Mr. President?

The PRESIDING OFFICER. The Chair advises the Senate is in morning business until 2 p.m.

THE LEGISLATIVE AGENDA

Mr. THOMAS. Mr. President, I will take a little time to talk a bit about our agenda and the things I think most of us hope we will accomplish during this coming legislature.

There are some who believe we won't accomplish much. It seems to me that is not a good prognosis. The fact is, we should put some priorities on the many issues that are there and, indeed, make a special effort to accomplish a good deal. I think we can. Many of the issues have been talked about a great deal already. We know what the backgrounds are.

I think now our commitment is to decide what the priorities are for this country, what the priorities are for this Congress, and to set out to accomplish them.

We heard the President last Thursday make a very long speech, including a very long list of ideas and things he is suggesting we consider. I don't believe he is suggesting certainly that they all be done. He knows very well that will not be the case. I think it is up to us, particularly the majority party, to establish an agenda of those things we believe are most important.

I read in the paper that some Democrats in the House are saying we aren't going to accomplish anything unless we set the agenda, and we will talk our way through that. I am very disappointed in that kind of an idea. Of course, it is possible to continue to raise all these issues that one knows are not going anywhere. I suspect that is not a new idea even in this body. But we need to have a set of priorities.

The President had 100-plus ideas that, I suppose, were set forth to lay out a political agenda, maybe largely for this election. That is fine. It is not a brand new idea. I am surprised the agenda pointed in a different direction than that with which the President has sought to characterize himself over the last several years. He talked about the leadership council and starting towards the center, saying, I think some time ago, that the era of big government is over. One would not have suspected that, as they listened last Thursday night to his view, that the era of big government is over.

It was a very liberal agenda laid out, I am sure, for conduct of this session of Congress. I suggest that is not the direction we ought to take. Expenditures of some $400 billion in additional programs, $400 billion in spending, some $4 billion a minute during that process, with very little detail, of course, as to how it is done but, rather, here are the things we ought to do, sort of in a broad sense.

We need to ensure that the description of what we are going to do does not interfere with us doing something. We have an agenda. Much of it I am hopeful the President will agree with and the Members on the other side of the aisle will agree with. Certainly I am not excited about the idea the minority party will set the agenda, just simply by the discussions that go on endlessly. When it comes to spending, of course, there are many of us in this body who were sent here by our constituents to see if we can't limit the growth of Government, and we have succeeded some in the last couple years. Even though it was a large one, the growth in last year's budget was something around 3 percent, which was about the inflation rate, which is considerably less than it has been over the last 10 years, where the rate has gone up much higher than that.

Did we hold down spending enough? No, I don't believe so. To do that, we have to have a little different system this year. Hopefully, we will do that. I think we are already beginning to deal with the budget, with the appropriations, so that we don't end up at the end of the session with a huge bill that many people are not even familiar with all the content. So we need to do that.

I am one who believes we ought to be setting about to hold down the size of the Federal Government rather than to expand it. I am one who believes there is a limit to the kinds of things the Federal Government is designed to do. I think that is very clear in the Constitution. We have exceeded that in many ways, but it is not too late to take a look at what we are doing and say, is that the appropriate thing for the Federal Government to do? Are these the things the Federal Government can do better than any other government? I don't think so. When we talk about States and the differences we have among States, certainly, I come from a State that is the eighth largest State in the Union, one of the smallest in population. Our needs and methods of delivery of health care, the management of public lands, all those things are quite different in Wyoming than they are in Rhode Island or Pennsylvania, and properly so, which seems to me to be a good indication that we should not be continuing to have the one-size-fits-all kind of Federal pronouncements from the Congress and from the bureaucracy in Washington.

One of the things I hope we do over time is change our system to biennial budgeting, where we have a budget that lasts for 2 years. It seems to me it is very appropriate to do that. Most States do it that way. For one thing, the agencies then have a longer time to know what their spending restrictions are for a period of 2 years. Maybe more importantly, however, we have an opportunity to exercise the oversight which is the responsibility of Congress, which we don't do very well. Unfortunately, we spend so much of our time on appropriations and other things that the idea of ensuring that the laws which are passed are carried out consistent with the intent of the law is something we don't spend enough time doing.

I want to come back to the floor next week and talk a little bit about that provision in, I think, a 1996 law which provides that regulations that are put together by the bureaucracies must come to the House and the Senate to be reviewed. Seldom does that ever happen. I think only one or two times has there been some kind of a motion to change those, and none have succeeded because the system is not workable. A great idea, and we have that in most legislatures where there is oversight of the legislature by the regulations that come out to augment the laws that have been passed. We don't do that here. So we ought to hold down spending. We ought to have smaller Government. We ought to seek to review the kinds of things the Federal Government has involved itself in and ensure that there are reasonable things that are best done here. That doesn't mean there isn't a role for government. Of course there is. But often that role can be best implemented at the State and local level.

We need to talk about reducing the Federal debt in a real way. We have been doing some work on that for the first time in 40 years, I think. We have not spent Social Security. We balanced the budget for the first time in 25 years. We are using Social Security money to pay down the publicly held debt, which is a good idea. It reduces the cost of that debt. It takes the Social Security money out of the opportunity to be spent. That is good. Nevertheless, the key there is that it is reducing publicly held debt. We are replacing one debt with another kind of debt. When these young people are eligible for benefits from Social Security, those dollars that have been put into a trust fund to replace debt will have to be recovered from the taxpayers at that time. So we need to do something more than that.

In my opinion, we ought to set about to figure out some kind of a process over a period of time that we commit ourselves to a payment each year to pay off the debt out of operating funds, that we do it much like a mortgage on your home. We can decide that we will pay off $15 billion, or whatever it is, each year, and do that over a period of time. That would be real debt reduction. That would be reduction that would help to keep the so-called surplus from being spent to increase the size of Government. So we can do that and reduce our debt in a real way.

We also, hopefully, will pursue—when we have a surplus—what are considered to be the real needs of the Federal Government, and after we secure Social Security and pay down some of the debt, that money will then be returned to the taxpayers so it can be used to buoy the economy. Otherwise, frankly, the money left floating around is going to be spent. If you don't like the concept of increasingly large Government, when there is money beyond what there is a target for, then it ought to be sent back to the people who paid it in in the beginning.

What are the priorities? They are pretty clear. They have been the same for several years and will continue to be. I think that is where we ought to focus. Certainly, most people would consider education to be the issue we are most concerned with—having an opportunity for all young people to have an education. Obviously, money is not the total answer. There has to be accountability, training, and there have to be things that happen within the school system in addition to money. You can't do it without money, however; it is essential.

Health care is one issue, obviously, about which everybody is concerned. We are trying to do some things about that. We need to continue to do that. I am proud of the health care system we have in this country, certainly in terms of quality. On the other hand, we have to start to be a little careful about what that quality costs—affordability. But we can do some things about the health care.

Social Security. There is no question but that we have to change Social Security if we are to have it for these young people who start to pay in the very moment they get a job, and most of whom now don't expect to have benefits in 30, 40, 50 years. We need to change it so that the benefits will be there. There are several alternatives that can be used to change that. Certainly there needs to be a continued reduction in taxes.

In education, I am proud of what we have done so far. This GOP Congress provided more funding in the last year than the President requested. We did get into a hassle, of course, about how the money is spent. You may recall the President insisted it be spent on 100,000 teachers. I can tell you, there are schools where I live where additional teachers are not the issue; there are other things that need to be done. So we need to give the flexibility to the State and local school boards as to how they spend the money to strengthen education. We will insist on that being part of the system we produce this year. The elementary and secondary education bill this year, I hope, will be passed for safe schools and keeping the parents involved, and particularly making sure that all children have a chance for quality education.

I am interested, of course, in access to education in rural communities. I am also particularly, for a number of reasons, and personally interested in special education for special kids. My wife has been a special education teacher for 25 years, and I am very proud of that. Education will be one issue we will continue to press on.

Health care, of course, we will continue to have on our agenda, and it will be one of the most important things we pass. We passed a number of things last year. In my State, for example, in small towns, we have hospitals that won't be able to have a full series of services and up until now could not be certified and did not receive dollars from HCFA. We changed that so they can be something much like a clinic and have emergency care, so patients can be transferred on—sort of a wheel-and-hub concept. We did that last year.

Certainly, we need to increase the funding for Medicare and hospitals and all kinds of service providers.

A Patients' Bill of Rights, we will be working to try to do something on that. The controversy basically is how you have appeals. There have been changes, apparently, on the part of the health care providers, managed care providers, to provide more medical decisionmaking in the process, which is exactly what we need, rather than legal or nonmedical accounting kinds of decisions. So we need to pass that this year. I feel confident we will. It will be a priority.

I also believe we will make some real progress—and it is time to make progress—with regard to pharmaceuticals. We can do that. Actually, health care is something of which we should be quite proud. We have the greatest health care in the world. We also have great problems with the rising costs of health care. There are problems with HMOs and access to some breakthrough drugs. We have too many uninsured. Despite that, we have great health care, and I think it is largely because we continue to keep it in the private sector.

We need to ensure that our seniors can continue to have Medicare and that it covers their needs. We probably need to look at another change, some structural changes, so that there are choices there, where a Medicare recipient can stay where they are if they like or, indeed, set up a little like the Federal health program, where you have some choices. If you would like to add dollars to it, you can go to a different coverage than the basic one you had. I think we can do that.

I mentioned the bill of rights. It looks as if we will be able to resolve that this time, the emphasis being on decisions being made by medical providers as opposed to the economic people in the managed care system. We will be doing more research, of course, on insured, which continues to be a problem we will be able to persist with, I believe; and I don't think we will solve that by just putting a ton of money out there without making some changes.

I mentioned education, of course, and we will continue to work at that. I think our focus will continue to be funding with local decisions being made.

Social Security. I think there are resolutions on Social Security. Whether we will get to it this year, I don't know. I hope so. I think we should. Almost everyone agrees that if we continue to do what we have been doing, we won't be able to pay the benefits at the end of this period. Much of it is simply the change in the structure of our society. I think when we started Social Security back in the thirties, there were 25 or 30 people working for every beneficiary. Now there are three. We are readily on the way to having two.

So a change would be substantially in the nature of how we pay for Social Security.

One of the opportunities of change, of course, would be to decrease benefits. Not many people are for that. Some would say we could increase taxes. The Social Security tax is the largest tax that most people pay these days.

The third one is to increase the return we have on the money in the trust fund. It seems to me to be a very logical opportunity for us to take a portion of the money people pay in—I think the caveat is that probably for most people over 50 or 55 it would not change; they would continue to go on as they are, but for younger people who are starting to pay in, part of their Social Security payment would be put into an individual account that is owned by that person. It would be invested in their behalf by contractors and it would be invested in equities. It could be in equities. It could be in bonds. It could be a combination of that, such as the plan for Federal employees. You could raise substantially the return on that money. Over a period of a person's lifetime of paying in, it would make a great deal of difference and probably ensure that those benefits would be there at the end of a period of time.

Significant change? Sure. Difficult to make? Of course. But it can be made. When you get to the options, then at least in my judgment that could become the option.

Those are some of the things I think are most important to us. We find ourselves now faced with a great opportunity to put together a priority agenda for this year. The majority party will be doing that and has done that. It will include education. It will include health care. It will include Social Security. It will include paying down the debt. It will include some kind of tax relief on an equitable basis.

It seems to me that those are the things we ought to put in as priorities. It is great to list the whole thing. It is great to go into great debates and filibusters almost by offering everything on the floor that you know is not going to happen, but I am hopeful we do not find ourselves in the position of raising issues more for the political benefit they might have in the election year as opposed to finding resolutions to those issues. It seems to me that is the challenge that lies before us.

I am very pleased to be joined during this hour by one of the leaders of our party, the chairman of our Policy Committee, the Senator from Idaho.

I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank the Senator from Wyoming for yielding.

Let me also join him in his analysis, and certainly the hope that he speaks to as it relates to an agenda that the Congress might direct itself toward this year, away from, of course, the pitfalls of the kind of political rhetoric that I think we oftentimes find ourselves in especially in Presidential election years. We are now well into this Presidential year.

THE STATE OF THE UNION ADDRESS

Mr. CRAIG. Mr. President, I come to the floor as one who spent over 90 minutes on the floor of the House last week listening to the President's State of the Union Message.

For a few moments, I would like to kind of analyze that State of the Union Address as seen through the eyes of this Senator reflective of what I believe to be, shall I say, self-evident truth.

There is no question that our President is a gifted speaker. He waxed eloquently while spending our children's heritage and vastly increasing the size and the parental meddling of our Government by all of the new programs that he has proposed to create while claiming credit for virtually every good thing that has happened in the last century, including those things which were accomplished despite his opposition and his veto.

I say: Lyndon Johnson, move over; you heard a speech the other night that would cause your ghost to shudder. You had the record as being the biggest spending Government creator since FDR. Let me propose that this President is now vying for first place.

Let me start by analyzing his spending spree.

In his speech, President Clinton called for continued fiscal discipline while at the same time suggesting that we do a lot of other things and buying down the Federal debt.

I say, Mr. President, what hypocrisy. Until the Republican Congress imposed fiscal discipline, until the American people demanded fiscal discipline, the President consistently proposed budgets with spending and debt and deficits as far as the average person's eye could see and the greatest prognosticator of the Office of Management and Budget could look in his crystal ball and predict. He didn't refuse to stray from the path of fiscal discipline. He simply did it. We forced him to get to that path. That election occurred in 1994. We know the rest of that story. Yet what has he proposed in his last State of the Union Message?

The Senate Budget Committee made a preliminary estimate of the new spending proposed by the President at about $343 billion. That is about $3.8 billion a minute for his 89-minute speech. Not bad spending, Mr. President—the most expensive speech given in the history of this country, I suggest. If the Treasury can only print about $262 billion a year with the presses running nearly 24 hours a day, you even outspent, Mr. President, the ability of the U.S. Treasury to print it.

What about the taxpayers whose earnings the President would spend so freely?

Last week, the Congressional Budget Office, using its most pessimistic estimate, announced that there would be an $838 billion non-Social Security surplus over the next 10 years. That is phenomenal. That is wonderful for this country. Yet the Clinton speech mentioned he would give back only about $250 billion of it. That is less than 30 percent of the excessive income tax paid by the American people who that $838 billion represents. However, even this paltry $250 billion tax cut wasn't real. Much of it is disguised in new spending. Even the Washington Post, sometimes as difficult as it finds criticizing the President, said that he has artfully couched many of these new tax cuts in new spending programs. Thank you, Washington Post, for pointing that out.

What is worse? This $343 billion in spending is just the tip of the iceberg, and the American taxpayers are riding on a potential *Titanic*.

The Clinton version of government is not the end of big government as we know it. That is what he said a few years ago. But then again let's remember the source. It is Bill Clinton.

More intrusive government? How about that.

Less personal responsibility? I think that was the message our President spoke to so clearly last week.

So let's talk about where he is, where I believe a Republican Congress is, and what I hope in the end we are able to do about it.

The President says he wants to make schools accountable—but to the Federal Government. The Republicans want to make schools accountable—but to the parents and to the young people who will be educated there. It takes Washington too long to realize the problems. Parents who deal with their children on a day-to-day basis know what the problem is very quickly.

According to the Heritage Foundation, one-third of college freshmen take remedial classes because our elementary and secondary schools are failing to teach them some of the basics. Those are the students lucky enough to go on to college. These kids don't need the Princeton Review, as the President suggests. They need quality teachers who are accountable to parents and the local school board.

What about health care?

In 1994, President Clinton tried to remake a national health care system in this country in the image of the U.S. Post Office. Thanks to bipartisan opposition he failed. The world recognized it, and our public cheered.

In 1996, he vowed to push for Government-run health care "a step at a time until eventually we finish this." Those are his words. He would go after health care "a step at a time"—that is Government-run health care—until "eventually we finish this." "This" meaning, of course, his U.S. Post Office-style health care system. Now the President has renewed his commitment to Government-run health care with legislation that would cancel the private coverage of over 2 million Americans so he can push them a step at a time into an expensive Government-run program.

Then there was that great but very soft and smooth Federal land grab statement he made the other evening. The President said:

> Tonight I propose creating a permanent conservation fund, to restore wildlife, protect our coastlines, save our national treasures. . . .

What he wants to do is annually take several billion dollars of oil and gas royalties paid to the Federal Government and buy more land and make it Federal Government land. If he is successful, it means Congress will have to find $2 billion elsewhere to fund programs. But more importantly, the ratios of private versus public ownership would change. The Government already owns 1 out of every 4 acres of the landmass of this country, primarily in Western States; 63 percent of my State is owned by the Federal Government. Idahoans do not want Bill Clinton buying one more acre of Idaho. Why? That is the tax base that funds our local governments and funds our schools. So, Mr. President, we won't give you that money. We should not give you that money. If the environment needs protection, we can find the necessary resources without giving you a blank check to buy more Federal land.

Mr. President, the very infrastructure of our National Park System is falling apart. How about putting some money there? That is where the American public wants to go recreate. Give our parks a chance to catch up with the traffic instead of shutting them down or closing people out of them. Let's let people into our parks. Let's invest in them. We don't need to buy more property; we need to take care of that which we have.

The President said:

> The major security threat this country will face will come from enemies of the nation state: the narcotraffickers and the terrorists and the organized criminals.

He boasts about "agreements to restrain nuclear programs in North Korea"—a program for direct U.S. subsidies for one of the most vicious, anti-American, terrorist-supporting, drug-trafficking regimes in the world, responsible for deaths of millions of its own people? Mr. President, I don't quite understand your priorities.

He is patting himself on the back for victory in Kosovo, a victory that means planting American troops in an alliance with what is known to be an organization of narcotrafficking terrorists and organized criminal cartels.

Mr. President, I am not quite sure you have made yourself quite clear to the American people. I think you are saying one thing when your actions clearly demonstrate you are doing something else.

The President highlights the needs for "curbing the flow of lethal technology to Iran." The Republican Congress passed a bill that would have done just that, the Iran Missile Proliferation Sanctions Act of 1997, that is H.R. 2709. And what happened on June 23 of 1998? The President vetoed it. Remarkably, President Clinton continues to support paper agreements rather than U.S. actions to keep Americans secure. Although he outlined real threats from ballistic missile proliferation in his speech, President Clinton refuses to deploy a national ballistic missile defense system to protect Americans from ballistic missile attacks. He even signed legislation calling for the deployment of such a system, although, in typical Clinton fashion, he has found many excuses to reinterpret the straightforward language of that legislation. Instead of defending America against a clear and present danger, the President hides behind outdated, ineffective, and obsolete arms control treaties.

Because of President Clinton, Americans remain defenseless against ballistic missile attack. It is interesting; the President is now calling for "constructive bipartisan dialog" on a Comprehensive Test Ban Treaty when the administration turned a deaf ear to the critical national security concerns being voiced by Republicans for the last good many months.

Despite President Clinton's best efforts to underfund and overextend U.S. military forces, it has been a Republican Congress that has consistently sent the President bills to keep our forces well trained and well equipped and properly paid. It was a Republican Congress that initiated the bill to improve the quality of life of our soldiers, sailors, airmen, and Marines, and helped retain those who were leaving who had already gained the kind of special skills that are so necessary in our military.

Hyperbole? Hypocrisy? Exaggeration? Shame on me for even suggesting that.

The President claimed credit in his speech for most of the good news in

America for the past several decades—the healthy economy, welfare reform, falling crime rates, balanced budgets, a cleaner environment, smaller Federal workforces, and social progress. Anybody who sits in the Presidency and possesses the bully pulpit when times are good can make claim and take credit, but just for a few moments let me talk about how it got done.

Mr. President, you are entitled to take credit but you can't steal Republican principles, Republican ideas, and the kind of work that went on in the Congress to make it happen. The President claimed that he ended welfare as we know it—after he vetoed it twice. Shame on you, Mr. President. It was a Republican Congress but, more importantly, it was Republican Governors out in the States who reformed welfare. We copied them. We didn't have the genius here. We were stuck in the old bureaucracy. We wanted to talk about reform but we took the ideas of the States, implemented them into the Federal program, and it worked. So, yes, you can take credit for it but you didn't do it. You vetoed the bills, you kept vetoing the bills, and on the very day that you signed them, you said we will be back to change them because we don't like this.

But, of course, it was an election year. You knew you had to sign it, and you took credit for it while at the same time you were criticizing it. I am sorry, Mr. President; I happen to read history and I happen to remember what you said. Shame on me.

On the environment, the President said:

> . . . one of the things I am grateful for is the opportunity that the Vice President and I have had to finally put to rest the bogus idea that you cannot grow the economy and the environment at the same time.

He said:

> . . . we have rid more than 500 neighborhoods of toxic waste, ensured cleaner air and water for millions of people. In the past 3 months alone, we have preserved over 40 million roadless acres in the national forests. . . ."

Mr. President, here is the rest of the truth. Those 500 neighborhoods you claim are a product of the Superfund laws that were passed long before you got here. Also, you are taking credit for cleaner air and water. Congress passed the Clean Air Act and Congress passed the Clean Water Act under Republican direction, and subsequently amendments to change that in a way that would make it more operative—and it has worked. But you are the one who ruined regulation, through ozone and particulate matter rules, for example, that have tried to pull it down and make it less operative.

Mr. President, why don't we both take credit for the environment: past Congresses, current Congress, past administrations, current administration. We have worked together and our environment is cleaner, and we are proud of that.

In 1995, President Clinton said balancing the budget was a bad idea. Let me repeat that. In 1995, Mr. President, you said balancing the budget was a bad idea, it was bad for the economy.

Going into 1996 and faced with poll data that indicated the American people were demanding a balanced budget, you decided to surrender on principle and argue about the details later. The size of our economic boom today is because Bill Clinton reluctantly went along with the core principles that swept Republicans into control of the Congress in 1994. That balanced budget did not happen until there was a Republican Congress shaping it and, Mr. President, you know it. Social Security taxes today are being locked up and protected to secure Social Security and, Mr. President, that was not your idea. In fact, you wanted to spend a big chunk of that money last year, and we simply would not let you do it.

President Clinton's greatest success story—the continued economic boom—is a direct result of the Republican fiscal policies enacted over the consistent objections of the President and his Democratic colleagues in the Congress. No, we will stand toe to toe on that debate. You cannot hide from your rhetoric and your actions of the past. Those were your policies before the American people said: We have gone too far; let's bring our Government under control.

President Clinton is a President who claims he wants to protect Social Security, but in 8 years, he has failed to submit a serious Social Security protection plan. And President Clinton is a President who claims he wants to protect Medicare, and yet, last year—we all know it—he whispered in the ears of those he put on that conference and said: Don't vote for it. That was a bipartisan proposal, and that is the way reform of Medicare must come.

Why didn't he want them to support it and to get it all wrapped up and finished in an election year? Because one could go out and point fingers and politicize Medicare and prescription drugs. Shame on you, Mr. President. Come back and work with us on that. Let's reinstitute the bipartisan agreement on which Democrats and Republicans stood. We will vote for it and you ought to sign it, Mr. President. And if you do, that could be your legacy. On that I would give you some credit.

> We have reinvented Government, transforming it into a catalyst for new ideas. . . . With the smallest Federal workforce in 40 years, we turned record deficits into record surpluses. . . .

I was quoting the President. Our record surpluses have little to do with the size of the Federal workforce. Record surpluses were created by hard-working Americans earning money and paying taxes and a highly productive economy. That is what has produced the surpluses, Mr. President, and it also produced record high taxes.

Another area on which I want to comment is foster care. It was fascinating to me and frustrating when the President talked about foster care. I know how that happened. I know Republicans and Democrats have their differences. We came together and we worked on it in Congress. It was not in the White House nor was it the President's idea. But because it was a strong bipartisan effort here, we happened to pass it. Democrats and Republicans at the congressional level did that, and the President has ridden on it ever since. Why? Because it worked, because children are less in foster care today, and we are finding them permanent, loving homes. No longer is the bureaucracy harboring them. Foster care is a good institution, but it is an institution that was reshaped.

Mr. President, because you signed the bill, I am willing to give you some credit for it, but that is all you did and that is all you deserve. .

Then, of course, there is that issue of guns. Last June, the President said: I will not send up a licensure bill on guns because the Congress won't pass it.

Even on less controlling issues, a Democratic vote in the House killed gun control ideas of this administration. So why did the President do it this time? For Bill and AL; that is Bill Bradley, of course, and AL GORE. They are out on the stump talking about it. His party failed to make guns a national issue, and the reason they failed is because the American people know there are over 40,000 gun control laws on the books today, and the American people have grown wise. If you do not enforce the laws, the criminal element still runs rampant and commits crimes with guns.

The American people are not asking for more gun control laws. They are asking for a Justice Department that will prosecute those who violate the law. Mr. President, that is the message and, of course, that is what we will do as a Congress. We are not going to stack up more gun laws; we are going to cause the Justice Department to enforce them.

There are myriad other points of discussion, but I wanted the public and the record to show there is a very real difference between what this President said in his State of the Union Address and what actually happened and what is happening because we do not stand with this President on a variety of his ideas, and Congress and the public have largely rejected them.

Republicans will not stand for a Government-run health care system. We will pass a Patients' Bill of Rights this year. We will allow citizens to be in control of their health care and their health care delivery, and we will enhance education this year. We will send it back to the States and local communities to control. We will save Social Security, as the Senator from Wyoming said, and I hope we can deal with Medicare.

Mr. President, what is important is that if you want to work with us to resolve these problems in the final hours of your administration, then let us sit down and begin to talk because the hour is late, and I believe you have already written your legacy. I do not think there are enough Federal dollars for you to buy a new one. The American people are going to remember Bill Clinton not for his big government ideas and his big spending but for something entirely different.

Let us begin our work in this Congress in the last session of the 106th Congress to balance the budget and to secure Social Security. I hope we can deal with a Patients' Bill of Rights. I would like to see us deal with pharmaceutical drugs for our elderly. I hope we can also deal with our farm crisis and assure a strong military.

I am not going to promise we can do all that Bill wants done and give tax cuts and buy down the debt because we cannot do all those things. Most important, we should not. I hope we can give a tax cut. We are buying down the debt. Most importantly, I say to the American people: We are not going to allow Government to grow in the image of Bill Clinton just for a legacy he would like to establish.

I thank my colleague from Wyoming for the liberty he has allowed me in the use of time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank my friend from Idaho. Certainly, we share all those thoughts and ideas. I want to expand in the few minutes we have remaining in our allotment of time the public land issue the Senator mentioned.

Public lands, of course, are very important to those of us in the West. As was pointed out, 1 out of every 4 acres in this country is owned by the public. My State of Wyoming is 50-percent owned by the Federal Government. Idaho is some 63-percent owned by the Federal Government. Nevada is 83-percent owned by the Federal Government. The management of these lands then, rightfully, is a public issue and one with which all of us need to be concerned.

It would not be a surprise to know that some of the issues with regard to the management of those lands are seen differently by the people who live there and who have access to the lands as opposed to those who equally own them and live many miles away. The fact is it is a public issue and it deserves public input.

There is a system that has been set up by the Congress and happens to be followed by everyone, except the administration, which allows for public input. It requires that all ideas be set forth so that they can be considered and there can be statements made on all these issues. Sometimes it takes an excruciatingly long time to do it, but nevertheless it is a vital concept.

Now, of course, we have a different thing going on in the administration. They call it a land legacy, an effort by the President in these remaining months to leave a Teddy Roosevelt land legacy for himself and his administration. In so doing, he has done a number of things quite different from what we have seen done before and, quite frankly, has created a good deal of controversy, particularly in the West.

There are different kinds of lands, of course, set out for different purposes. I happen to be chairman of the Parks Subcommittee, so I am very interested in that. I grew up right outside of Yellowstone National Park. As you know, Wyoming has several famous national parks. We are very proud of them. Those lands were set aside for a particular purpose. They were set aside because they were unique and they were different. They are used for a limited number of purposes.

We have the forest reserve which, by its nature, was set aside, was reserved for special uses. Although there are many, part of them are wilderness areas set aside by the Congress in specific acts that limit the use, and properly so, in my view.

Then there is the Bureau of Land Management, which has a very large section of lands. Those lands, rather than having been set aside for some particular purpose, were generally what was left after the Homestead Act was completed. They were sort of residual lands that were managed, first of all, by a different agency but now by the Bureau of Land Management—clearly multiple use lands. They are used for many things.

These are the kinds of things we have. We have seen suddenly a rush for doing something in public lands. The system being used now by the administration completely ignores the Congress, which should have a say in these kinds of things, and as a matter of fact generally ignores people. One of them is the 40 million acres of roadless areas nationwide that were declared by the Forest Service.

Frankly, I have no particular quarrel with the idea of taking a look at roadless areas in the forests, but each forest has a very extensive, very expensive, very important forest plan, a process that has been gone through that requires studies, that requires proposed regulation, that requires statements, that requires hearings. That is where those things ought to be done rather than having one EIS over the whole Nation, not for the Secretary of Agriculture to just come out and declare that there are going to be 40 million acres, and not even knowing exactly where they are.

As a matter of fact, we had a hearing with the Secretary and with the Chief of the Forest Service in which they could tell us very little about it.

Another is the $1 billion from offshore oil royalties that the administration has asked to be given to it to spend, without the approval of Congress, to acquire additional lands.

As the Senator from Idaho said, in the Western States the acquisition of new lands is not the issue. The care of those lands, the investment in parks, the investment in forests is where we ought to be, in my view.

The Antiquities Act, which is a legitimate act, has been on the books since 1905. Teddy Roosevelt put it there. As a matter of fact, Devils Tower, in my State, was put in by the Antiquities Act and was part of Teton National Park. But times have changed, and we understand now the President is going to have 18 different land areas changed in their designation without, really, any hearings—we had one last year in Utah that the Governor and the congressional delegation did not even know about until it was done. That is not the way to do these kinds of things.

They have a proposal to change the way the Land and Water Conservation Fund is allocated. It was set up by Congress to go half and half—State and national. Now the administration wants to spend all that money for land acquisition.

BLM now has a nationwide roadless plan in which there is very little, if any, input. They have the Clean Water Action Plan, which is something done by EPA, which has to do with the control of water, which is really a way of controlling land.

Each of these things probably has some merit, but they ought to be examined. They ought to go through the system. They ought to be talked about. They ought to be agreed to, rather than imposed unilaterally by an administration.

We can preserve public lands, and, indeed, we should: they are a legacy for us. We can have multiple use on those lands. We need them for the communities. We can have public involvement. That is the way it ought to be. We can have cooperating agency agreements in which the State and the local communities ought to have a real voice in doing this.

I hope we do not politicize public lands simply because it is an election year, to the distraction of public use, to the distraction of the economies that surround them. The purpose of public lands is to preserve the resources and give a chance for the owners to enjoy it. The owners, of course, are the taxpayers.

It is an issue on which I think we will have more and more input throughout the year. I hope we do.

Mr. President, our time is nearly expired. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. GRASSLEY. I think we are in morning business, right?

The PRESIDING OFFICER. That is correct.

THE PENTAGON'S ACTING INSPECTOR GENERAL

Mr. GRASSLEY. Mr. President, I would like to take a moment with my colleagues to discuss a recent article that was in the National Journal. It was about the Pentagon's Acting Inspector General, Mr. Donald Mancuso. The article was written by Mr. George Wilson. Mr. Wilson was a senior defense reporter at the Washington Post for many years. He left the Washington Post in 1991 to write books. He is now a columnist with the National Journal.

Mr. Wilson is a top-notch reporter. He is respected for being very thorough and very fair. But, above all, he is respected for an uncanny ability to find the nub of a complex issue and expose it to public scrutiny in an interesting and also informative way. He had a recent article in the National Journal that is no exception. It has exposed a very raw nerve. The article is entitled: "Tailhook May Soil Choice for Pentagon's Mr. Clean." It appeared in the January 22, 2000, issue of the National Journal on pages 260 and 261.

Mr. President, I ask unanimous consent to have that article printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRASSLEY. The article I refer to raises important questions, even new questions, about Mr. Mancuso's integrity and judgment. At some point down the road, this body may be called upon to confirm or not confirm Mr. Mancuso's nomination because it has been suggested that President Clinton is expected to nominate him to be the next Department of Defense Inspector General.

If that happens, then each Member of this body would need to weigh all the facts bearing on Mr. Mancuso's fitness to serve as the Pentagon's watchdog, which is also the Pentagon's top cop.

In October, my staff on the Judiciary Subcommittee on Administrative Oversight and the Courts issued, for me, a report on the Defense Criminal Investigative Service. I am going to refer to that, as it is always referred to, as the DCIS—Defense Criminal Investigative Service.

I strongly urge my colleagues to read this report. It substantiated allegations of misconduct on the part of senior DCIS management, including Mr. Mancuso, and at least one of his investigators, Mr. Mathew Walinsky. Mr. Mancuso at that time was Director of DCIS, and he was so from 1988 until 1997.

Since that report was issued in October, my staff has been inundated with new complaints about alleged misconduct by Mr. Mancuso and mismanagement at DCIS while Mr. Mancuso was the Director of DCIS. My staff is now in the process of evaluating these allegations to determine if they have merit. Once that review has been conducted, I may issue a second report.

Getting back to Mr. Wilson's article in the National Journal, by comparison, instead of my report opening up a new can of worms, Mr. Wilson's article has opened an old can of worms—in this case, Navy worms. It explores Mr. Mancuso's role in the investigation of misconduct at the infamous Tailhook convention in September 1991. By reopening this very unfortunate episode in naval history, Mr. Wilson has shed new light on Mr. Mancuso's fitness to move into the inspector general's slot.

Mr. Wilson reports that the U.S. Court of Military Appeals condemned Mr. Mancuso and the DCIS for, in their words, "heavy-handed investigative tactics that trampled constitutional rights." According to Mr. Wilson, Mr. Mancuso's tactics included "threats, intimidation, falsification of interviews, and overreliance on lie detectors."

In an opinion issued on January 11, 1994, on the Tailhook case, the U.S. Court of Military Appeals denounced Mr. Mancuso's tactics. The court compared the Tailhook case review process, which was set up by Mr. Mancuso, to sort of an assembly line justice, where investigative and judicial functions were merged and blurred. "Merged" and "blurred" are words the court used. "Assembly line" are words the court used. The court called Mr. Mancuso's assembly line justice "troublesome."

Going on to quote the court:

> At best, it reflects a most curiously careless and amateurish approach to a very high profile case by experienced military lawyers and investigators. At worst, it raises the possibility of a shadiness in respecting the rights of military members caught up in a criminal investigation that cannot be condoned.

That is what the U.S. Court of Military Appeals had to say. That is the highest military court in our land. It is often called the United States Court of Appeals of the Armed Forces. So this highest court has condemned Mr. Mancuso for "shadiness." The court said his practices were "careless and amateurish" and even "troublesome." The court said he and his investigators failed to respect the constitutional rights of members of the armed services.

I hope the Chair will agree that these are very serious charges about a person whom the President may nominate for our confirmation as inspector general of the Department of Defense. The court's criticism—again referring to the Court of Military Appeals—may help to explain why the Tailhook investigation was a total failure. The entire investigation probably cost the taxpayers close to $10 million and involved several thousand interviews. Unfortunately, not one single naval aviator who faced an assault charge was ever convicted by a court-martial.

As the Director of DCIS, Mr. Mancuso led the Tailhook investigation. He is accountable for failing to conduct it as a professional. A legitimate question for my colleagues and for the President: Should that same man, a man who used shady investigative tactics, a man who failed to respect naval judicial process in Tailhook, be confirmed as the Pentagon's watchdog? It is legitimate to ask if Mr. Mancuso is the best person to fill that position.

I leave those thoughts with my colleagues over the next several weeks as this nomination may come up for consideration.

I yield the floor.

EXHIBIT NO. 1

[From the National Journal, January 22, 2000]

TAILHOOK MAY SOIL CHOICE FOR PENTAGON'S MR. CLEAN

(By George C. Wilson)

The man President Clinton is expected to nominate as inspector general of the Defense Department—the Pentagon's top cop—is coming under increased scrutiny in the Senate for questionable official conduct. Questions surround his role in the Tailhook sexual assault investigation of the early 1990s and his handling of his own investigators, one of whom pleaded guilty to stealing a 13-year-old boy's identity to obtain a false passport.

Donald Mancuso, the Pentagon's acting inspector general and probable nominee for the permanent job, formerly led the Defense Criminal Investigative Service. DCIS, which conducts most of the fraud and misconduct investigations at the Defense Department, had taken over the Tailhook investigation in 1992 after the Navy was accused of botching it.

During the Tailhook investigation, naval aviators accused Mancuso's agents of heavy-handed tactics that trampled their constitutional rights. These tactics, they maintained, included threats, intimidation, falsification of interviews, and overreliance on lie detectors. In the end, no aviator was convicted at court-martial for misconduct at the Tailhook convention, which was held in September 1991 at the Las Vegas Hilton.

The U.S. Court of Military Appeals, in its review of the Tailhook cases, criticized military lawyers and the IG's investigators—who were supervised by Mancuso—for procedures that were "troublesome." The court faulted investigators for an approach that was "curiously careless and amateurish," and that didn't sufficiently respect the rights of suspects.

Several lawyers who defended Tailhook aviators told National Journal that they stand ready to cite examples of misconduct by DCIS agents if the Mancuso nomination moves forward. Their testimony could widen and escalate a battle over Mancuso that Sen. Charles Grassley, R-Iowa, began at the end of the past congressional session. White House attorneys had focused on Grassley's earlier objections, but they apparently had not looked into Mancuso's Tailhook role when they told National Journal recently that they saw no reason to recommend he not be nominated.

Grassley up to now had focused his objections on Mancuso's supposedly poor judgment while director of the Defense Criminal Investigative Service from 1988–97. Grassley accused Mancuso of coddling a deputy after the deputy confessed to stealing a dead boy's identity in an effort to get a false passport for still-mysterious reasons.

Defense Secretary William S. Cohen has mounted a stout defense of Mancuso and has told Grassley that none of the Senator's objections should bar him from advancement. However, the Tailhook connection, which Grassley's investigators have just begun to probe, may turn the Mancuso nomination into a "bolter"—pilot talk for an airplane that misses the arresting wires stretched across an aircraft-carrier deck and so fails to land. Grassley will do his best to exploit the Tailhook connection in hearings and on the Senate floor. Former Navy Secretary John W. Warner, R-Va., chairman of the Senate Armed Services Committee, which would hold confirmation hearings on a Mancuso nomination, is likely to plead with the President not to nominate anybody who would pull Congress back into the Tailhook swamp.

The U.S. Court of Military Appeals denounced the tactics of Mancuso's agents in an opinion issued on Jan. 11, 1994, on a Tailhook case against Navy Lt. David Samples. The defendant had been charged with participating in the "gantlet" in which drunken pilots groped, and in some cases assaulted, dozens of women who ventured down the third-floor hallway at the Hilton. Samples charged that he endured his own intensive gantlet of interrogations as one naval officer after another advised him to tell what he knew and, in his view, guaranteed him complete immunity if he did. After undergoing the Navy interviews, he was immediately interrogated by DCIS in assembly line fashion.

In court testimony, Special Agent Matthew A. Walinsky of DCIS attributed the assembly line idea to DCIS Director Mancuso: "We felt that, or the director [of the] DCIS felt that, it was one of the ways that we could have a resolution in the case and be fair to everybody that was involved in [the] case, so that they would have a walk-away" from any further entanglement in the Tailhook mess.

The U.S. Court of Military Appeals assailed the arrangement: "The assembly line technique in this case that merged and blurred investigative and justice procedures is troublesome. At best, it reflects a most curiously careless and amateurish approach to a very high profile case by experienced military lawyers and investigators. At worst, it raises the possibility of a shadiness in respecting the rights of military members caught up in a criminal investigation that cannot be condoned."

Mancuso, when asked by National Journal to respond to the court's denunciation, said: "The quote [from the decision] was taken out of context and exhibits a lack of understanding of the technique being discussed. . . . DCIS played a minor role in the 'assembly line technique' as described in the opinion. The DCIS investigation of the Tailhook matter was handled thoroughly and professionally."

But Charles W. Gittins of Middletown, Va., a defense attorney in the Tailhook case, charged in an interview with National Journal that Mancuso's DCIS agents "routinely violated naval officers' rights with threats of retribution for failure to cooperate," Gittins said that Mancuso's supervision of his investigators "left much to be desired. I would have concern if Mancuso became IG about his integrity and commitment to the rule of law." He added he would welcome the chance to give such testimony to Congress.

Robert B. Rae of Virginia Beach, Va.; another Tailhook defense attorney and a former U.S. attorney, said that Mancuso "abused his position [as DCIS director] and showed a general disregard for laws of military justice" during the Tailhook investigation. "He intentionally failed to comply with the judge's order to produce evidence and documents on several occasions. We need somebody [as inspector general] who makes the ethical decision, not the politically correct one. He [Mancuso] was politically motivated."

Mancuso told National Journal that "while I don't remember being directly involved with either of these defense counsels during the Tailhook investigation, it is not unusual for defense counsels to disagree with the government's investigation techniques. I categorically deny that I have ever intentionally failed to comply with any judge's order." He said that as DCIS director, he worked to ensure that both sides received all requested information promptly.

As Pentagon inspector general, Mancuso would be responsible for supervising 1,228 employees, including 323 criminal investigators, and for overseeing a budget of $136.8 million annually. He would be paid a salary of $118,400 a year.

Grassley is particularly vexed about what Mancuso did—and did not do—about Larry Joe Hollingsworth, a deputy at DCIS who was responsible for keeping agents in line, but who committed a felony that a hearing judge termed "bizarre." In 1992, Hollingsworth found in the records of a Florida library the obituary of Charles W. Drew, who died at age 13. Hollingsworth decided to assume the boy's identity. And by posing as the deceased boy's half brother, Hollingsworth obtained the identification papers he needed to apply for a passport in Charles' name. He appended pictures of himself to the passport application and signed it in such a muddled way that the State Department investigated, leading to Hollingsworth's arrest, indictment, and confession to one count of fraud.

Why would a 46-year-old, $92,926-a-year Pentagon executive with more than 20 years' experience investigating other people's crimes commit one himself? "In the last few years," Hollingsworth wrote right after his arrest, "I have seen repeated news stories about how easy it would be" to assume someone else's identity. "I decided to see if it was true. This was a Walter Mitty fantasy, however, for excitement and not to hurt anyone."

Special Agent Sean O'Brien of the State Department told investigators with Grassley's Senate Judiciary Administrative Oversight and the Courts Subcommittee that "there were at least 12 overt acts of fraud perpetrated by Mr. Hollingsworth over the course of one year." O'Brien told the investigators that "passport fraud is always committed in furtherance of a more serious crime . . ."

On April 29, 1996, Mancuso wrote, on assistant inspector general stationery, to federal Judge T.S. Ellis III of the U.S. District Court in Alexandria, VA., while the jurist was weighing what penalty to impose on Hollingsworth. "To this day," he wrote, "there is no evidence that Mr. Hollingsworth has ever done anything improper relating to his duties and responsibilities as a DCIS agent and manager. . . . It is our intention to consider removal action against him after the conclusion of the criminal charges. . . . I would ask that you also consider the severity of these administrative actions as you pronounce sentencing."

Grassley accused Mancuso of showing poor judgment in writing what the Senator considered a plea for leniency. Grassley also criticized Mancuso for letting Hollingsworth retire at 50 in 1996 with full pay, 12 years ahead of schedule—a decision that cost the taxpayers an extra $750,000, Grassley said.

Mancuso denied asking for leniency. He told National Journal that that "my intent in writing the letter was to advise the judge of SA [Special Agent] Hollingsworth's past job performance while assigned to DCIS, not to ask for leniency. In fact, nowhere in my letter is the term 'leniency' used."

Hollingsworth, after pleading guilty, was sentenced in June 1996 to supervised probation for two years and was fined $5,000, plus $195.30 a month to pay for the cost of supervising him while on probation. He also had to serve 30 days of jail time on weekends, perform 200 hours of community service, and pay a $50 special assessment.

The majority staff of Grassley's subcommittee on Nov. 2 filed a 64-page report highly critical of Mancuso's conduct. Cohen responded to Grassley on Dec. 28 that his staff had found nothing in the subcommittee's report to shake his "complete confidence in Mr. Mancuso's abilities and integrity. Nothing I have seen has caused me to doubt Mr. Mancuso's ability to ably, fairly, and honestly lead the Office of the Inspector General."

"Bill," Grassley wrote back to Cohen on Jan. 7, "you and I have known each other for many years. I know, if given an accurate report on the facts in the case, you would not defend the integrity of the acting IG."

Since vote-counters have apparently concluded that Grassley does not have enough Senate allies to defeat the nomination, the White House intends to nominate Mancuso when Congress reconvenes. Will the stubborn Iowan resort to a filibuster, or will he place a simple hold on the nomination, in light of Tailhook and other charges? "I don't know yet," Grassley replied.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to be allowed to speak as if in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PRESCRIPTION DRUG BENEFIT FOR MEDICARE

Mr. DORGAN. Mr. President, I would like to speak for a few moments today about the call in the State of the Union Address for a prescription drug benefit to be added to the Medicare program.

In all of the discussions about the State of the Union and what is happening to the health of the American people, one of the underlying issues is that people are living longer and better lives. When people live longer and better lives, it means we have more strain on Medicare and on Social Security. But, of course, all of that is born of good news: People are living longer. At the start of the last century, citizens of the United States were expected to live, on average, to about 48 years of age. One hundred years later, in the year 2000, you are expected to live to be about 78 years of age—a 30-year increase in life expectancy. That is really quite remarkable.

What are the reasons for that? There are a lot of reasons: Better nutrition, new medical technologies, and life-saving prescription medicines that have been developed to extend life. There are a lot of reasons for the increased longevity.

In 1965, we created a Medicare program that has contributed substantially to the increase in longevity in this country. Prior to that time, 50 percent of senior citizens had no health care coverage at all—none. Medicare provided health care coverage to all senior citizens, and now 99 percent of older Americans in this country have basic health care protection through Medicare. That clearly has extended life and has allowed people to live longer and better lives. But in 1965 when Medicare was created, many of the prescription drugs that now exist for extending life simply weren't available. There was not, therefore, a need for a prescription drug benefit in Medicare.

The call now by the President and by Members of Congress, myself included, Democrats and Republicans alike, is for a prescription drug benefit for the Medicare program. Why? Because senior citizens in this country comprise 12 percent of our population and consume 33 percent of the prescription drugs in our country.

Let me repeat that because it is important.

Twelve percent of our population are senior citizens, but yet they consume one-third of the prescription drugs.

The cost of prescription drugs last year increased nearly 16 percent—last year alone. Part of the reason for that increase was price inflation, and part of it was a dramatic increase in utilization. But we should, it seems to me, be especially concerned about senior citizens having access to the prescription drugs they need to extend and improve their lives.

As chairman of the Democratic Policy Committee, I have been holding hearings in various parts of the country on this very subject. For instance, I held a hearing with Senator SCHUMER in Westchester, NY, and a hearing recently with Senator DURBIN in Chicago. I guess I have held perhaps six or eight hearings on this subject.

It is heartbreaking sometimes to hear the stories told at these hearings. An oncologist came to a hearing I held. He told of one of his patients who was a senior citizen, a woman who had breast cancer. And he said: There is a medicine she needs to take following her surgery, chemotherapy, and radiation that will reduce the chances that she will have a recurrence of breast cancer. When I described this medicine to her, she said: What does it cost? The doctor told her what it cost. And she said: There isn't any way I can afford that medicine. I will just have to take my chances. I will just have to take my chances of the breast cancer recurring because I can't afford the medicine.

It breaks your heart to hear that.

Or to hear a senior citizen who said: When I go into the grocery store where I purchase my medications, the first stop for me must be the pharmacy counter because I must get my prescriptions filled, so then I will know how much money I have left for food. Only then will I know how much food I can buy.

Senior citizens will find in some circumstances that they take 4, 6, or 8, and in some cases 10 and 12, different kinds of medicines at the same time. Some of them are horribly expensive. Yet most older Americans have very little prescription drug coverage.

I would like to show some charts that describe these circumstances graphically, especially for senior citizens.

This chart shows that nearly a third of senior citizens spend $1,500 a year on prescription drugs. These are people who are living on fixed incomes, and 70 percent of them have incomes of $15,000 or less.

This chart shows that nearly 75 percent of Medicare beneficiaries have inadequate prescription drug coverage. In fact, 34 percent have no drug coverage at all—none, zero. So they must go to the drugstore to buy their prescription drugs, living on a fixed income, trying to balance the need to pay heat and light and rent and food, and then try to figure out how to pay for increasingly expensive prescription drugs. Many of them find they can't do it.

They tell me at these hearings some of the measures they are forced to take: I have heart trouble, or I have diabetes, they tell me, and what I do is buy the prescription drugs that the doctor says I must have, and cut the pills in half and take half the dose so it lasts twice as long. And they hope somehow that they will avoid medical problems by doing it. It breaks your heart to hear someone 85 years of age who knows he has to take medicine to deal with his heart disease and diabetes, but who says: I can't afford it so I don't take the medicine.

As this chart shows, this is especially a problem for older women. As you can see, the majority of women have no prescription drug coverage at all. That is a very serious problem.

This chart illustrates that rural beneficiaries are less likely to have prescription drug coverage across all income groups. I represent a rural State and the many hearings I have held in North Dakota confirm this fact.

We are going to be confronted in this Congress with the question of whether we should add a prescription drug benefit to the Medicare program. When I was in New York with Senator SCHUMER, Connie Pennucci, 77 years old, said she has no prescription drug benefits and pays $200 a month out of pocket for the medications she needs to treat her arthritis and osteoporosis.

In Illinois about 2 weeks ago, a woman named Anita Milton told Senator DURBIN and I that she had a double lung transplant. Because of the way Medicaid works, she gets help to pay for her prescription drugs one month, but then the next month she has no drug benefits at all. I think she told us that her prescription drugs to prevent the rejection of her new lungs cost $2,500 a month. Think of that, $2,500 a month.

At that same hearing, this wonderful woman who had a double lung transplant was joined by two people who had heart transplants. They told us the cost of their prescription drugs that are necessary to prevent rejection of their transplanted hearts. Is all of this miracle medicine? Of course it is. But it is only miraculous if you can afford the prescription drugs that must be taken on a daily basis to ward off the rejection of the transplanted organ.

There is an urgent requirement, in my judgment, for all of us in Congress to join together to find a way to add a prescription drug benefit to Medicare. We should do it in a way that is voluntary for senior citizens. We should do it in a way that doesn't break the Treasury, and pharmaceutical prices should be affordable. But we can do that. I hope Republicans and Democrats together will recognize the urgent need to do this.

I would like to address one other issue, and that is the issue of the price of prescription drugs. Why do prescription drugs cost so much, and what can we do about it? Let me say at the outset, I want the pharmaceutical industry to be successful. I want the drug companies to be successful. I want them to be profitable. I want them to continue to invest in new research and development to help discover new lifesaving medicines and drugs. As you know, the federal government provides a substantial investment in pharmaceutical research and development through the National Institutes of Health and tax credits. A substantial amount of research and development for new medicines is publicly funded. But the pharmaceutical industry does private research and development.

I want them to be successful. But I also want them to price pharmaceutical drugs fairly for all of the American people. In virtually every other country in which you purchase a prescription drug made by a pharmaceutical company in a plant inspected by the Food and Drug Administration, the same pill in the same bottle made by the same company costs double, sometimes triple the amount in the United States than in virtually any other country in the world. I will give you some examples.

Let me go back to some of the medications most frequently used by older Americans who consume a third of the prescription drugs in our country. If they take Zocor, a cholesterol-reducing drug, the same drug in the same dosage and quantity costs $106 in the United States, and only $43 in Canada, $47 in Mexico. These prices have been converted to U.S. dollars.

Or Prilosec, a drug for ulcers costs $105 in the U.S., $53 in Canada, and $29 in Mexico.

Zoloft, a drug for depression, costs $195 in America, $124 in Canada, and $155 in Mexico. The list goes on.

This chart shows it better. How much do we pay for prescription drugs? For every $1 that American consumers pay for a prescription drug, that same drug would cost much less in other nations. For every dollar Americans spend for prescription medications, Canadian consumers pay 64 cents, the English pay 65 cents, the Swedes pay $68 cents, and the Italians pay 51 cents.

Why do U.S. consumers pay the highest prices in the world for prescription drugs? The answer is because the pharmaceutical industry can charge as much as they want if they choose to do so —and they do.

I took a small group of senior citizens to Emerson, Canada, recently. They purchased prescription drugs at the pharmacy in Emerson. These are senior citizens with heart disease, osteoporosis, diabetes, and other illnesses. Guess what. We went 5 miles across the border into Canada and there they could buy the same prescription drugs at a small percentage of the price of the prescription drugs in this country. These are the same pills, made by the same company, often actually made in the United States and then shipped 5 miles north into Canada. Yet, if U.S. consumers were to buy them in the United States, they are charged much higher prices.

Is that fair? No. If this is truly a global economy, then it seems to me that pharmacists in this country ought to be able to access those same drugs in any market in the world and pass the savings on to their customers. That would, in my judgment, force the pharmaceutical industry to reprice their products in the United States.

As I said when I started, I want the pharmaceutical industry to make money. I want them to do good pharmaceutical. The Wall Street Journal calls the profits of the pharmaceutical industry "the envy of the corporate world." Why? At least in part, it seems to me, it is because the U.S. consumer is charged very, very high prices for the same drug that is marketed in the rest of the world at a much lower cost. I have introduced a piece of legislation, the International Prescription Drug Parity Act, that I and a bipartisan group of cosponsors are going to try to get passed in this Congress to address this problem.

These issues of pharmaceutical drug costs and a prescription drug benefit in Medicare are very important issues. Lifesaving medicine is only able to save lives if people can afford to have access to that medicine. Too many Americans find these prices are out of their reach. Too many senior citizens living on fixed incomes are finding they are not able to afford the medicines that are necessary for them to prolong their lives, to improve their lives, and to treat their diseases or illness. We in Congress can do something about that. But I would say this. Even as we try to add a prescription drug benefit to Medicare, we must find a way to put some downward pressure on prescription drug prices and provide some fairness relative to what the rest of the world pays for the same prescription drugs.

Mr. President, I again thank the Senator from Iowa for the courtesy. I know the bankruptcy bill is on the floor.

I yield the floor.

Mr. SPECTER. Mr. President, parliamentary inquiry: Are we still in morning business?

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. It would be appropriate to extend morning business. Under the order we are to go to S. 625.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2015 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

YONGYI SONG

Mr. SPECTER. Mr. President, I want to say a few words about a distinguished Pennsylvanian, the librarian from Dickinson College in Carlisle, PA, Mr. Yongyi Song, who was greeted tumultuously in Philadelphia on Saturday afternoon when he returned from the People's Republic of China after having been held in custody there since August 7.

Mr. Yongyi Song came to the United States some 10 years ago and has become a world-renowned scholar on the Cultural Revolution. In addition to his regular duties at Dickinson College, he has published extensively on the Cultural Revolution.

Last August, he and his wife Helen made a trip to the People's Republic of China so that he could continue his research. While there, he was taken into custody on August 7. Thereafter, his wife was released, but on Christmas Eve he was charged with transmitting state secrets.

A careful analysis of the case raises very severe questions as to whether there was ever any substance to the charges. A campaign was waged by scholars and academicians and by colleges and universities across the land to obtain his release. Dickinson College retained a very distinguished attorney, Jerome Cohen, an expert in Chinese affairs, who took up the cause.

A resolution was submitted last Wednesday by this Senator with quite a number of cosponsors—Senator BIDEN, the ranking member on the Foreign Relations Committee, being the principal cosponsor; in addition, Senator SANTORUM and others.

After consultation with Secretary of State Albright and others in the State Department, I sought a meeting with the Chinese Ambassador, which I had last Friday late in the morning.

Before going to the meeting, I heard rumors that Yongyi Song might be released. While I met with the Chinese Ambassador, I was delighted to find that he handed me a piece of paper announcing Mr. Song's release, and gave me the word that Mr. Song would soon be on a Northwest airliner headed for Detroit, and ultimately for Philadelphia.

We thank the People's Republic of China and we thank the Chinese Ambassador for Mr. Yongyi Song's release. We regret that he ever was taken into custody. But when he returned and commented to the news media, on a galaxy of cameras—both television and still cameras—and to many newspaper reporters, Mr. Song commented that he was not physically abused. He said he was subjected to a good bit of mental torture. He disputed the representations by the People's Republic of China that he had confessed or implicated others. But as Shakespeare would say, "All's well that ends well."

It has been reported that this is the first time there has been a release of anybody who was charged with stealing state secrets. It is my hope that this is a significant step forward for the People's Republic of China to recognize human rights. In an era when the People's Republic of China is seeking permanent most-favored-nation status and seeking entry into the World Trade Organization, it is my hope that they will accept at least minimal norms for due process, so that if someone is taken into custody, that person is entitled to confer with counsel, should be entitled to notice of the charges, should be entitled to an open trial, and should have the requirement that evidence be presented in an open forum before any determination of guilt.

The detention of Mr. Yongyi Song from August 7 until January 28, in my judgment, was excessive. But we are glad to have Yongyi Song back at his duties at Dickinson College and glad this has ended favorably. We do hope this is a first step in a continuing recognition by the People's Republic of China to give appropriate consideration to human rights.

Mr. President, I ask unanimous consent that a copy of the article entitled "Scholar Back in U.S. After China Detention" from The New York Times be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 30, 2000]

Scholar Back in U.S. After China Detention

(By Philip Shenon)

Philadelphia, Jan. 29—An American-based Chinese scholar who had been jailed in China for nearly six months returned to the United States today to say that he had been "mentally tortured" by Chinese security agents who demanded that he confess to espionage and implicate others.

"They didn't torture me physically, but I should say that they mentally tortured me," the scholar, Song Yongyi, a research librarian at Dickinson College in Carlisle, Pa., said after he was reunited with his wife in a tearful scene at Philadelphia's international airport. "It was very ruthless."

"When I come back to the United States, I really feel at home now," said Mr. Song, who was taken into custody by the Chinese last summer, only weeks before he had been scheduled to be sworn in as an American citizen. "Even though China gave me birth, the United States gave me spirit."

In an airport news conference and in a separate interview, the 50-year-old librarian, a specialist in the documents of the murderous decade from 1966 to 1976 known as the Cultural Revolution, denied a claim by the Chinese government that he was freed after he confessed to spying.

"I did not confess to anything," he said, crediting his release to pressure on Beijing from members of Congress who threatened to hold up vital trade legislation, and from Western scholars who campaigned for his freedom.

Scholars had warned that his arrest threatened to jeopardize academic exchange programs that China had carefully cultivated with the United States and other Western countries since the late 1970's.

"I say thank you to all the American people, because without them I cannot get released," Mr. Song said, his eyes brimming with tears, which he said were among the first he had shed since childhood. "During the past 30 years, I never cry, but last night I cry all night."

He was met at the airport by his wife, Helen Yao, a jewelry designer, and Senator Arlen Specter, the Pennsylvania Republican who introduced legislation demanding Mr. Song's release and granting him immediate American citizenship. He also threatened to block legislation intended to make way for China's entry into the World Trade Organization.

Mr. Song and his wife, who is also Chinese-born, were detained in August in Beijing, where he had been gathering yellowing Communist Party newspapers and handbills published during the Cultural Revolution, about which he has written two books and several articles. Ms. Yao was released in November and forced to leave China without her husband.

Mr. Song said today that the documents he had been gathering were published by the radicals known as the Red Guards and that they were available at the time to virtually everyone in China. He said there was nothing secret about them.

"You can purchase all those in public markets," he said. "You can purchase those in some book stores. This is not national security."

He said he argued the point with his guards over and over again. "I strongly argue that," he said in his sometimes broken English. "My question is: If you say this is a secret and I'm leaking the secret, then you should first say all the Chinese people are spies. Because they all touched those. They all know this, not only me."

The Cultural Revolution, in which millions of Chinese were persecuted as Mao tried to consolidate his power and "purify" the Communist Party, remains a subject of extreme sensitivity to Beijing, which continues to restrict access to official archives of the period.

During his early interrogations, Mr. Song said, his guards tried to coerce him with lies. He said they told him that his wife, who was being held in a separate detention center, was gravely ill, but that she could be freed for medical treatment if he confessed to spying.

"That was the worst moment of all," he said. "They say my wife is so sick and so weak, that I should think about my wife and how she could return home quickly."

When that did not work, he said, the guards tried to convince him that his wife had implicated him in spying and other crimes against the government. "Every time they question me, they say, your wife says such-and-such, your wife identifies such-and-such," Mr. Song said.

At one point, he said, security agents told him that his wife had identified him as a member of Falun Gong, the spiritual group that has been the subject of a vicious crackdown recently, and that he had smuggled its literature into China.

"I know nothing about Falun Gong," Mr. Song said, "I say, I believe this is not true. I say, bring my wife in. But then they become suddenly silent. They said, O.K., we move on to the next topic."

He said the experience of the last several months was far worse than his experience during the Cultural Revolution, when he was arrested and branded a counter-revolutionary.

"In the 1970's, I was beaten, I was tortured," he said. "But this was worse. With physical torture, they torture only you. This time, they arrest, and they try to mentally torture my wife. As a man, you feel so bad."

Mr. Song, who has bladder cancer that is in remission, said that he had repeatedly asked to see a doctor, but that his guards refused without explanation. "My health condition is not very good, and I asked them several times if I could get doctors to examine me, but they wouldn't," he said "As soon as I get home, I should see a doctor and get a full body examination."

As he set off from the airport after the news conference, Mr. Song was asked what he would do when he arrived home in Carlisle. He did not hesitate. "I think he will have some sweet talk with my wife," he said, his arm tightly around her shoulder.

He said Ms. Yao's confinement in China had changed her. "My wife became a very brave woman, so I'm very proud of her," he said. "Actually this is not her typical characteristic. The Chinese government, the Chinese national security police, they make a weak woman into a brave soldier."

Mr. SPECTER. I thank the Chair and my distinguished colleague from Iowa.

Mr. President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. Collins). Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 1999—Resumed

Mr. SESSIONS. I believe the pending order of business is the bankruptcy bill.

The PRESIDING OFFICER. That is correct.

Mr. SESSIONS. I would like to talk about the pending bankruptcy bill and give my full and total support to the work of Senator Grassley and others.

The PRESIDING OFFICER. The clerk will report the bill by title, since these will be the first comments.

The legislative clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Feingold modified amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SESSIONS. Madam President, I give my total support to this bill, which is a needed overhaul reform update and modernization of an act that is very important to America. It allows people every day—over a million a year—to totally wipe out debts that they owe, to start afresh and not pay people they have legally obligated themselves to pay. It is part of our historical constitutional process. We venerate that right to start anew.

Over the past years, we also have recognized there are a number of problems with the way bankruptcy is being handled. We believe we can make it better. I believe this bill does make it better. As a new Senator who has been here only 3 years, it has been somewhat frustrating to see that we cannot quite get a final vote on the bill. At one time or another, at the most inopportune moments, there has been a group of people who have come up with objections and delays, and we have now been on this for 3 years.

It has passed this body with over 90 votes. At one time it came out of the Judiciary Committee with a 16-2 vote. We have a good, broad, bipartisan bill that improves bankruptcy law, and it ought to be passed. The objections to this legislation have only been those of the most complex and minute nature. The overall aspects of this bill are sound. It has very little opposition.

Let me point out a few things.

Bankruptcies have increased 350 percent since 1980, during a time of great economic expansion. In 1980, there were 287,000 bankruptcies filed. In 1999, as this chart shows, there were 1,300,000 bankruptcies filed. And 1999, as the President told us the other night, was a great year for Americans economically.

How is this happening? Is this necessary? Are these all legitimate? What can we do about it? That is what this bill addresses.

I believe we do need reform because of an extraordinary increase in filings.

Some are saying we do not need this bill. There was an ad run in a local Washington newspaper that said: We do not need the bankruptcy legislation; we had a 7 percent drop last year in filings; so, therefore, you should just stop all the work that you have been doing.

I thought that was a silly ad. After a 350 percent increase, we have one of the best economic years ever and had a modest decline of 7 percent, and somehow that suggests we do not have a problem with filings? We do have a problem with filings. The numbers still are well over 1 million filings per year.

There is another reason we need bankruptcy reform. I am a lawyer. I served as a U.S. attorney. I am on the Judiciary Committee. I believe that the rule of law ought to be consistent and fair, worthy of respect. I also recognize that lawyers are strong advocates. I respect that. Sometimes they get unscrupulous and abuse the system, but generally what lawyers do is take the law we pass and use it for everything they are worth to benefit their client.

That is what has happened with the bankruptcy system. Since 1978—the last time we had bankruptcy reform—lawyers have learned how to manipulate the law. They have learned how to do things that have in many ways abused the operation of the system. It leads to hard feelings. It leads to a sense of unfairness and frustration when people feel their just debts are unfairly, without justification, wiped out and not paid because of a technicality in the bankruptcy law. People have to spend extraordinary sums of money to litigate an issue in bankruptcy court that should be decided easily by a clearly written statute. So we do have abuse of the system. No matter how many filings there are, we need a system that is fair for the filings that do occur. That is what we have worked on in these last several years.

We have a number of basic principles. If a person can pay the debts he or she justly obligated themselves to pay, that person should pay it or at least that portion of it they are able to pay. If they are unable to pay their debts, they ought to be able to wipe them out in bankruptcy.

What we are seeing today—and I am hearing this from people I talk to all over Alabama—is people who are making $80,000, $90,000, $100,000 and could easily pay back all or part of their debts are going into bankruptcy and wiping out every debt they owe. Often they are not paying the people they previously agreed to pay when they undertook the debt and got the loan or the benefits from the gas station or the automobile dealership or the furniture store. When they got those benefits, they agreed to pay them. The creditors or businesses don't make as much money as the debtors do, and they are able to go into court and wipe that out. If you think that is not happening, I can assure you that it happens every day in America. We allow that under present bankruptcy law. There is a section called substantial abuse that a judge can use to reduce the abuses under current law, but what our hearings have found is that it is totally ineffective and is almost never utilized in the American bankruptcy system today.

What we are trying to do is legislate precisely what a substantial abuse of the system is. For those who can pay a part of their debts, they ought to pay them. What could be more fair?

What we have come up with is a system called needs-based bankruptcy. That is, to the extent to which you need bankruptcy relief, you get it. But if you don't need it and can pay your debts, you ought to pay some of them or part of them. So the way the act is written, if a person can pay 25 percent of their nonpriority unsecured claims—setting aside as a priority child support and alimony—if you can, after paying that, pay 25 percent of your nonpriority unsecured claims, then you ought to pay those or $15,000, whichever is less, and we give the debtor 5 years in which to pay that. That is the kind of thing I think is the right step.

To have a bright line rule and to try to make sure we are not clogging the court with too much work, and that we are having a fair system, we have in the act provisions that say, in effect, that if a person makes above the median American income, they can't be forced to pay back some or all of their debt. They can still file, as they always have, in straight bankruptcy.

For example, a family of four who makes $44,000 is making the median income in America. If they are making $43,000, the presumption that they ought to and they can pay back some of their debt, does not apply to them because they will be making below the median income. So the new rule change only affects those who are making above the median income in America today. We think that is fair and reasonable. If you are making above the median income and you can pay back some of your debts, many times to people who make less than you do, you ought to pay those debts. I think that is a good step in the right direction.

There are a number of other abuses in the system. I mentioned child support and alimony. Under current law, half a dozen categories of debt are given repayment priority over child support and alimony. The sponsors of this bill, Senators GRASSLEY and HATCH, made clear at the very beginning we were going to move child support and alimony up to No. 1—there would not be any debate about that—even higher than lawyers fees. Of course, the lawyers are not too happy about that, but that is what we think about it: child support ought to be tops. So how anybody could go around and suggest, as some have, that this legislation is unfair to women and children is beyond my comprehension. It is baffling to me. I wonder how anyone can make that complaint and not be doing it with the most deliberate intent to smear this legislation. I think they need to read the bill.

It gives the highest, unprecedented priority to child support. If an individual files bankruptcy and they owe alimony or child support, the moneys they have will go first to pay alimony and child support before it even pays the lawyer and the bankruptcy trustees.

I know that Senator GRASSLEY felt strongly about another reform in this bill. Many of the people who are owed money, creditors, by people who have filed bankruptcy get a legal notice that they are to appear in court. They have to go out and hire a lawyer to send them to the courthouse and fight over a $2,000, $3,500 claim. Oftentimes the lawyer's fees cost more than the person actually collects. This legislation makes clear that if you have a claim, you can go to court and represent yourself without having to hire a lawyer.

I am quite confident that in most cases for smaller claims the bankruptcy judges are going to give a fair hearing to those people. Many times they will not need to hire an attorney to represent them in bankruptcy court. That is going to save a lot of money, in my view, for people who need it and don't need to be wasting it on unnecessary court hearings and fees.

There has been a real problem with repeat filers. People are repeatedly filing in bankruptcy. That is extraordinarily frustrating to people who observe the system. We have a Federal bankruptcy commission made up of Federal judges and top bankruptcy experts that has expressed its concern about these repeat filings. We have good provisions that will eliminate some of the abuses in repeat filings, something that is long overdue.

I felt strongly about, and debated with Senator KOHL and others, the reform of the unlimited homestead exemption. In several States—Texas, Florida, for example—no matter how much money you owe, you can keep your house, no matter how valuable that house is. It is quite clever that some people realize this and go out and buy multimillion-dollar mansions, pour all their assets into those homes and call it their homestead. Then they go bankrupt and don't pay their accountant, their doctor, their lawyer or anybody else, and they are sitting in a multimillion-dollar home. That is not right. Why should people who are living in modest houses not get paid by somebody who is living in a house worth several million dollars? We have had hearings about that. We have newspaper articles that actually identify people by name who have moved to Florida, moved to Texas, buy these mansions, and don't pay the people they owe. So we have at least capped that exemption at the level of $100,000. I think that is a bit high. However, the States can lower it. Some States have $15,000 as all you can keep in a homestead; others have $50,000. But the maximum now is $100,000, instead of just allowing quite a number of States to have unlimited homesteads. In fact, they will do things such as move out of a State where they owe a lot of debt, pump all their money into a homestead in another State, declare bankruptcy, and pay nobody back home where they left. That is an abuse we have eliminated in the legislation as it is today.

We had a common problem with landlord-tenant. If anybody has managed an apartment duplex, or maybe has had a garage apartment or a few housing units, and rented those, you know how difficult the eviction process is. Each State in this country has a complex system of eviction procedures so that tenants cannot be unfairly removed from their premises. Sometimes these laws are pretty complex and it takes a good bit of effort before somebody can be removed if they don't pay their rent, or if they are using drugs on the premises, or destroying the property, or disrupting the neighborhood. It is very difficult sometimes. But there is a procedure for it, and you can go to State court and evict someone.

We are finding that lawyers are running ads in the paper such as this: "Seven months free rent. Call me if you have a problem paying your rent. We guarantee you can live rent free for seven months." We have ads on that: "Seven months free rent, 100 percent guaranteed in writing. We guarantee you can stay in your apartment or house 2 to 7 months more without paying a penny of rent."

How can they do that? They are doing it because they get the person in and tell them to file bankruptcy, and usually they tell them to wait until the last step of the eviction process is about to be taken in State court, when the judge has heard the case and they are about to rule that you can be evicted, presumably. Then they file for bankruptcy.

What happens when you file an action in bankruptcy? It stays, or stops, automatically, all the proceedings in State court. So this stops the eviction proceeding, no matter how close it is to finality. And then the poor landlords—who opponents of the bill like to suggest are usually big wealthy people, but normally most of the landlords in America have smaller units of housing and don't have legal staffs and an ability to respond—now they have to go to bankruptcy court. The case is docketed, the judge sets a hearing, and somebody asks for a continuance, and they have to hire a lawyer. Now the tenant is fussing and saying he wasn't using drugs anyway and should not be kicked out. Now we have another trial going in Federal court over whether or not this person should be evicted. We found that, in California, 3,886 bankruptcy cases were filed simply to stop eviction proceedings by the sheriff's office in Los Angeles. That is an astounding number from just one county in America. It is this kind of ad that generates this kind of action.

I don't know for sure, but a lot of these people probably didn't need to file bankruptcy, but we are giving them a priority and advantages that other people who don't file bankruptcy don't get. It seems to me that, in effect, we are saying to a landlord: You have to be a private charity. You have to let this person stay in your premises for 7 months without paying rent before we can get him out of there, and we in the law can't do anything about it. That is the way the law is written.

Well, it is our job as Senators and Members of Congress to fix laws that have those kinds of loopholes. We are going to fix that one. We are not going to have that kind of abuse continuing to occur in America. It is not right. It is our responsibility to end this abuse. You can blame the lawyers all you want, but if the law allows them to do it, they can do it. It is our job to make the law, not the lawyers who are using it.

We have another idea that I thought about and believe in strongly. I have visited, in my hometown of Mobile, AL, a credit counseling agency. I spent nearly a full day there. These agencies are in existence virtually in every town in this country. They are very popular. People, more than you know, have financial troubles. It is the leading cause of family breakup in America—financial disputes among spouses. What we need more than we need bankruptcy relief in America is a system to encourage people to be good money managers, to recognize what their income is, to set a budget, and have the whole family agree to it and stand by it. When that occurs, we can avoid many of the problems we now see.

I will note that I don't dispute at all that quite a number—perhaps well over half of bankruptcies that are filed—are filed because of things beyond people's ability to control. Maybe it is because of an automobile accident, or a serious medical bill, or a business failure, or maybe a mental illness or something else in the family. So there are reasons. But for a large number of Americans, they don't need to be this bad off in this time of economic growth. A lot of it is just a simple inability to understand how to manage their money.

A credit counseling agency will bring the entire family in, and they will sit around the table and prepare a budget for the family and help them agree to it and have them sign that agreement. They will help them decide what debts to pay first. The credit counseling agency will call creditors demanding payment and say: We are here working with this couple. If you will give us 3 months to take care of some other bills, we will start paying you. We will start paying you so much a month, and we will pay this debt down. Give us that chance.

Creditors are able to do that on a regular basis. They work out things for these families and help them to not only avoid bankruptcy, they help them to pay off their debts and help them to generate a lifestyle of good money management, which will continue in the future and perhaps cause them to avoid filing bankruptcy again in the future. We like that idea.

Our legislation says that before you file bankruptcy, you must at least visit and talk with a credit counseling agency to see if they may be able to help you with an alternative to bankruptcy. Frankly, lawyers are not doing that. Basically, what is happening with lawyers today is, they are running ads in the paper, and people are coming in and meeting with paralegals who fill out the form, and they file the bankruptcy; they tell them how much the fee is going to be, and then they tell them how to get the money for the fee, to use credit cards and everything else, and don't pay any debts, take the money you make and give it to me as a lawyer fee, and I will file for you as soon as the money is there. That is basically what is happening. It is not good. We need to be concerned about families and try to get them on the right track of thinking about financial obligations and the need to repay them.

So there are some other matters in this bill—many more matters of great import. I am excited about it. I think it is overdue. I want to express my appreciation again for the leadership of Senator GRASSLEY. He has steadfastly, fairly, and in a bipartisan way, worked to move this bill to final passage.

I am convinced we are on the verge of that now. I thought we were previously. It slipped away from us. But we passed it twice in this body I think with overwhelming votes—one time, I believe with only one "no" vote.

We are going to pass this bill. It is a good bill. It will make our bankruptcy system a form of Federal court in which people who are unable to pay their debt can choose to go in and have those wiped out.

We are going to create a system that is better than the current system. The vast majority of filers will be able to wipe out all of the debt like they always have. But for those who can pay, they ought to be made to pay some of it and to allow the other abuses and costs that go with it to be eliminated.

Attorney fees and litigation can be eliminated. Some people are going to find maybe there is an alternative through a credit counseling agency rather than going through the process of filing bankruptcy. I think that will be a good step.

I am proud to have worked on this. I am proud to have worked with Senator GRASSLEY, whom I admire so greatly. I look forward to final passage and signing by the President of this important legislation.

Thank you, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, in a few moments, I will ask unanimous consent to proceed to the nuclear waste bill. However, I will withhold that request until Senator REID is able to reach the Chamber. I thought while we were waiting on his arrival I would go ahead and make some remarks about this very important legislation.

We will, for the information of all Senators, continue to work tomorrow on the bankruptcy reform package and the amendments that have been agreed to. We hope to make good progress tomorrow. We will have recorded votes on Tuesday, but as to exactly when we will be able to finish it will require some communication with both sides of the aisle. It could be that we will not be able to finish until sometime Wednesday. After that, of course, we hope to be on the nuclear waste issue.

NUCLEAR WASTE STORAGE

Mr. LOTT. Madam President, I urge my colleagues to allow the body to move forward with regard to the nuclear waste storage bill. More than 15 years ago, Congress directed the Department of Energy to take responsibility for the disposal of nuclear waste created by commercial nuclear powerplants and our Nation's defense programs. Today, there are more than 100,000 tons of spent nuclear fuel that must be dealt with.

Quite some time has now passed since DOE was absolutely obligated under the NWPA Act of 1982 to begin accepting spent nuclear fuel from utility sites.

All across this country, we have sites where nuclear waste products are in open pools, cooling pools. Many of those are filling up. A number of States have a major problem.

In my opinion, this is one of the most important environmental issues we have to face as a nation. We have to deal with this problem. There have been billions of dollars spent on it. There has been time put into thinking about the proper way to do it. States all across this country, from Vermont to Mississippi to Minnesota to Washington, believe very strongly that we need to address this issue.

Apparently today, DOE is no closer in coming up with a solution. This is totally unacceptable. This is, in fact, wrong, so say the Federal courts. The law is clear, and DOE has not met its obligation, so the Congress must act.

I am encouraged that Senator MURKOWSKI and his committee have addressed the issue and they have come up with a different bill than the one we considered the year before last. They have made concessions, they have made improvements, and I thought we had a bill that was going to be generally overwhelmingly accepted.

I do think when we get over procedural hurdles, when the final vote is taken on this nuclear waste disposal bill, the vote will probably be in the high seventies or eighties when it is actually voted on, and that is an important point. The Senate will vote by overwhelming numbers for this legislation, so we need to move through the process.

I know there is opposition from the Senators from Nevada, and they have to have an opportunity to make their case and offer amendments if they feel the need to do so, as well as other Senators. But I think it is so important that we cannot allow it to languish any longer. It is a bipartisan effort that came out of the committee. It is safe, practical, and it is a workable solution for America's spent fuel storage needs.

This is the proper storage of spent fuel, and it is not being done in a partisan way. It is dealt with as a safety issue. Where is DOE? Well, about where it is always, I guess. What is their solution? If not this, what?

They have not given us any answers or any indications of how they would like to proceed with this. All of America's experience in waste management over the last 25 years of improving environmental protection has taught Congress that safe, effective waste handling practices entail using centralized, permitted, and controlled facilities to gather and manage accumulated waste.

I took the time to go to Sweden and France and to meet with officials from the private sector in Britain. I looked at how they have dealt with their waste problem. They have dealt with it. Sweden has; France has; Britain and Japan; but not the United States. Why? We are the most developed country in the world, yet we have not dealt with this very important issue. So after over 25 years of working with this problem, DOE has still not made specific plans.

The management of used nuclear fuel should capitalize on the knowledge and experience we have. Nearly 100 communities have this spent fuel sitting in their "backyards," and it needs to be gathered, accumulated, and placed in a secure and safe place. This lack of a central storage capacity could very possibly cause the closing of several nuclear powerplants.

These affected plants produce nearly 20 percent of America's electricity. Closing these plants does not make sense. But if we do not do something with the waste, that could be the result.

Nuclear energy is a significant part of America's energy future and must remain part of the energy mix. America needs nuclear power to maintain our secure, reliable, and affordable supplies of electricity. At the same time, nuclear power allows the Nation to directly and effectively address increasingly stringent air quality requirements.

I challenge my colleagues in the Chamber, on both sides of the aisle, to get this bill done. We spent a lot of time on it the year before last. We ran into the blue slip problem with the House. We will not have that problem with this bill.

The citizens in these communities are looking for us to act. The nuclear industry had already committed to the Federal Government about $15 billion toward building the facility by 1998. The industry has continued to pay between $40 and $80 billion in fees for storage of this spent fuel.

It is time for the Federal Government to honor its commitment to the American people and to the power community. It is time for the Federal Government to protect these 100 communities to ensure that the Federal Government meets its commitment to States and electricity consumers. The 106th Congress must mandate completion of this program—a program that gives the Federal Government title to waste currently stored on-site at facilities across the Nation, a site for permanent disposal, and a transportation infrastructure to safely move the used fuel from plants to the storage facility.

Again, I have had people express concerns to me about how this can be done safely. I actually took the time to look at the equipment that is used to move this spent fuel in other countries, particularly in France, and they have done it safely, without a single incident—no problem ever. Again, they are doing it in France. Can't we do it in America?

Our foot dragging is unfortunate. It is unacceptable. Clearly, we must move this legislation. The only remedy to stop the delays—and it is a timely action—is for the Senate to consider this in the 106th Congress.

Let's move forward and get this legislation done.

Madam President, I see Senator REID is here.

UNANIMOUS CONSENT REQUEST—S. 1287

Mr. LOTT. Madam President, I ask unanimous consent that the Senate proceed to the nuclear waste bill, S. 1287, following passage of the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, I say to my friend, the majority leader, that on the surface it does appear that something needs to be done with nuclear waste. If you get under the surface, of course, there should be something done.

I am not going to give a long dissertation now on nuclear waste. We have had that in the past. But the fact of the matter is, really what should happen is, it should stay where it is. That is what the scientists say. It could be safely stored on site in dry cast storage containment, as is done in Calvert Cliffs, MD, for the next 100 years.

The nuclear power industry, which has created this fiasco, wants someone else to clean up their mess. They want it out of their hands. They want their hands washed of it.

The fact of the matter is, we are looking at this legislation. Senator MURKOWSKI is trying to come up with some alternative. I have been told by the minority on the Energy Committee that if that is the case, he is going to try to change the legislation that is now before this body. That is, the legislation now before this body would take the Environmental Protection Agency out of the mix; that is, the Environmental Protection Agency would not be setting the standards for Yucca Mountain, but it would be given to the Nuclear Regulatory Commission, which, in fact, is the one that does licensing. That really is literally having the fox guard the hen house.

In this legislation, we simply want things to remain the way they are—have the Environmental Protection Agency set the standards. But we understand there is a lot of agitation by the very powerful nuclear power industry, that wants to move this forward in spite of the fact that it could damage the country. We understand that. We hope good sense will prevail because the President has said he will veto this legislation. I think that is the reason Senator MURKOWSKI, the chairman of the committee, wants to come up with something that is going to be such that it will not create a fight here on the floor.

As the majority leader knows, we have enough votes to sustain a Presidential veto. We hope we will not get to the point where that is necessary.

Will the leader again state what the request is?

Mr. LOTT. The consent would be for the Senate to proceed to the nuclear waste bill, S. 1287, following passage of the bankruptcy bill.

Mr. REID. I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I understood the Senator would object.

I think it is very important, though, that we move this legislation forward.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Having heard the objection then, I move to proceed to S. 1287 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 180, S. 1287, the Nuclear Waste Amendments Act of 1999:

Trent Lott, Frank H. Murkowski, Jim Bunning, Thad Cochran, Kay Bailey Hutchison, Mike Crapo, Richard Shelby, Larry E. Craig, Craig Thomas, Judd Gregg, Jeff Sessions, Bob Smith of New Hampshire, Phil Gramm, Slade Gorton, Tim Hutchinson, and Don Nickles.

Mr. LOTT. Madam President, the cloture vote will occur on Wednesday, February 2. I will notify Members when the time has been established. Of course, I will confer with the Democratic leadership about the exact time.

In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived and the cloture vote occur immediately following the passage of the bankruptcy bill after the use or yielding back of 30 minutes of debate time, equally divided in the usual form.

Mr. REID. Reserving the right to object to that request of the leader, I am confident that request will be granted. I cannot do it right now, but I am sure we will be able to—my colleague from Nevada is on an airplane. I want to be able to confer with him. I think we will be able to do that without a problem.

Mr. LOTT. We appreciate that and look forward to conferring with the Senator on that. I will talk to Senator MURKOWSKI, too, about any plans he may have. I know he wants to get this done. But he is also sensitive to concerns that exist.

We will continue to work to find a way to make this happen.

Mr. REID. Mr. Leader, if I could say this, too. I say about Senator MURKOWSKI, we have been real adversaries on this issue, but I have to say that he has been a total gentleman about everything he has done on this. As bitter as are some of the pills he has asked us to swallow, the fact of the matter is he has never tried to surprise me. He has been very open and above board. I appreciate that very much about Senator MURKOWSKI.

Mr. LOTT. Madam President, we should go ahead and clarify, there was not objection to this?

The PRESIDING OFFICER. Is there objection to the request?

Mr. REID. I say to my friend, I do not know how, procedurally, we are going to go about doing this. I have to talk to Senator BRYAN before I can allow this to go forward. I cannot do that right now. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Let me revise that request and/or that notification and see if we can get unanimous consent that we have the cloture vote on Wednesday, February 3. We will notify Members exactly what the time will be. In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived and then not put in the limiting of the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Let me say, while I believe very strongly that this legislation needs to be passed and is an issue that has tremendous environmental consequences and concerns we have to address, I think the Senator from Nevada would also acknowledge that we have always been sensitive to the need for him and his colleague from Nevada to know what is going on, to not be surprised, have a chance to make their statements, offer amendments, and resist in every way. I am very sympathetic to the need for them to have that opportunity. We will protect their rights as we go forward. We appreciate the way the Senator has approached it also.

I now withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

Mr. LOTT. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Wellstone amendment to the bankruptcy legislation.

Mr. FEINGOLD. Madam President, I ask unanimous consent to speak for 8 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 8 minutes.

DECISION TO SUSPEND EXECUTIONS IN ILLINOIS

Mr. FEINGOLD. Madam President, earlier today, Governor George Ryan of Illinois made an announcement that is absolutely unprecedented for a sitting governor since the reinstatement of the modern death penalty almost 25 years ago. Governor Ryan plans to effectively block executions in Illinois by granting stays of all scheduled executions on a case-by-case basis until a State panel can examine whether Illinois is administering the death penalty fairly and justly. Governor Ryan is right to take this step, because real questions are being raised about whether innocent people are being condemned to die.

Since the U.S. Supreme Court's 1976 Gregg decision finding the death penalty constitutional, Illinois has executed 12 people and and found 13 people on death row to be innocent. This is truly extraordinary. After condemning people to death, Illinois has actually found more death row inmates innocent than it has executed! Some of the innocent were exonerated based on a new DNA test of forensic evidence. Others successfully challenged their convictions based on inadequate representation by disbarred or suspended attorneys or a determination that crucial testimony of a jailhouse informant was unreliable. Illinois has exonerated 13 individuals but the numbers are sure to grow, as other cases continue to be investigated and appeals make their way through the courts.

What is even more troubling is that the lives of some of these 13 innocent people were saved not by the diligence of defense counsel or a jury or judge, but by a group of students taking a journalism class at Northwestern University. These Northwestern University students uncovered evidence, which led to the exoneration of people like Anthony Porter, who spent 15 years on death row and came within 2 days of execution. The criminal justice system failed to do its job. These students and their journalism professor—actors very much outside the criminal justice system—did the footwork to uncover exculpatory evidence. Governor Ryan supports the death penalty as a form of punishment in Illinois. I do not. But he has courageously acknowledged what many lawyers, scholars, and journalists have argued for some time: the criminal justice system in Illinois is broken and it must be fixed.

I applaud Governor Ryan for what is unfortunately unusual courage. Many political leaders, even those who may be personally opposed to the death penalty, nevertheless feel it is somehow "political suicide" to support a moratorium on executions. They fear being labeled "soft on crime." But, last year, the Nebraska legislature passed a moratorium initiative, unfortunately, it was only to be vetoed later by the governor. But Governor Ryan—a Republican Governor and the Illinois chair of Republican Presidential hopeful George W. Bush's campaign—has decided he will lead the people of Illinois to expecting more from their criminal justice system. He has decided to hold out for what should be the minimum standard of any system of justice: that we do all that we can not to execute an innocent person.

As a result of the Governor's action, Illinois is the first of the 38 States with the death penalty to halt all executions while it reviews the death penalty procedure. But the problems of inadequate representation, lack of access to DNA testing, police misconduct, racial bias and even simple errors are not unique to Illinois. These are problems that have plagued the administration of capital punishment around the country since the reinstatement of capital punishment almost a quarter century ago. I hope the Federal government and the other 37 States with capital punishment follow the wisdom of Illinois and halt executions until they, too, review their administration of the death penalty. At the Federal level, I call on the President and the Attorney General to suspend executions until the Federal government reviews the administration of the Federal death penalty.

Are we certain that the Federal death penalty is being applied in a fair, just and unbiased manner? Are we certain that the Federal death penalty is sought against defendants free of even a hint of racial bias? Are we certain that the Federal death penalty is sought evenly from U.S. Attorney district to U.S. Attorney district across the Nation? I don't think we have a clear answer to these questions. Yet, these are questions, literally, of life or death.

There isn't room for even a simple mistake when it comes to the ultimate punishment, the death penalty. For a nation that holds itself to principles of justice, equality and due process, the Federal government should not be in the business of punishing by killing. As Governor Ryan's spokesperson aptly noted, "It's really not about politics. How could anyone be opposed to this when the system is so clearly flawed?"

Let us not let one more innocent person be condemned to die. Let us demand reform.

In a moment, I intend to offer an amendment to the bankruptcy bill. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. FEINGOLD. Madam President, I ask unanimous consent that the pending Wellstone amendment be set aside so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2747

(Purpose: To make an amendment with respect to consumer credit transactions)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2747.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title XI, insert the following:

SEC. 11 . CONSUMER CREDIT TRANSACTIONS.

(a) Definition.—Section 1 of title 9, United States Code, is amended—

(1) in the section heading, by striking "**and 'commerce' defined**" and inserting "**, 'commerce', 'consumer credit transaction', and 'consumer credit contract' defined**"; and

(2) by inserting before the period at the end the following: "; 'consumer credit transaction', as herein defined, means the right granted to a natural person to incur debt and defer its payment, where the credit is intended primarily for personal, family, or household purposes; and 'consumer credit contract', as herein defined, means any contract between the parties to a consumer credit transaction.".

(b) Agreements To Arbitrate.—Section 2 of title 9, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a written provision in any consumer credit contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of the contract, or the refusal to perform the whole or any part thereof, shall not be valid or enforceable. Nothing in this section shall prohibit the enforcement of any written agreement to settle by arbitration a controversy arising out of a consumer credit contract, if such written agreement has been entered into by the parties to the consumer credit contract after the controversy has arisen.".

Mr. FEINGOLD. Madam President, I rise today to introduce an amendment to the bankruptcy reform bill that will protect and preserve the American consumers' right to take their disputes with creditors to court. There is a troubling trend among credit card companies and consumer credit lenders of requiring customers to use binding arbitration when a dispute arises. Under this system, the consumer is barred from taking a dispute to court, even a small claims court.

While arbitration can certainly be an efficient tool to settle claims, it is credible and effective only when customers and consumers enter into it knowingly, intelligently, and voluntarily. Unfortunately, that is not what is happening in the credit card and consumer credit lending business. One of the most fundamental principles of our civil justice system is each American's right to take a dispute to court. In fact, each of us has a right in civil and criminal cases to a trial by jury. A right to a jury trial in criminal cases is contained in the sixth amendment to the Constitution. The right to a jury trial in a civil case is contained in the seventh amendment, which provides, "In suits at common law where the value and controversy shall exceed $20, the right of trial by jury shall be preserved."

It has been argued that Americans are overusing the courts. Court dockets across the country are said to be congested with civil cases. In response to these concerns, various ways to resolve disputes, other than taking a dispute to court, have been developed. Alternatives to litigating in a court of law are collectively known as "alternative dispute resolution," or ADR. Alternative dispute resolution includes mediation and arbitration. Mediation and arbitration can resolve disputes in an efficient manner because the parties can have their cases heard well before they would have received a trial date in a court. Mediation is conducted by a neutral third party, the mediator, who meets with the opposing parties to help them find a mutually satisfactory solution. Unlike a judge in a courtroom, the mediator has no independent power to impose a solution. No formal rules of evidence or procedure control mediation. The mediator and the parties mutually agree on how to proceed.

In contrast, arbitration involves one or more third parties—an arbitrator or arbitration panel. Unlike mediation but similar to a court proceeding, the arbitrator issues a decision after reviewing the merits of the case as presented by all parties. Arbitration uses rules of evidence and procedure, although it may use rules that are simpler or more flexible than the evidentiary and procedural rules that a party would follow or be subjected to in a court proceeding. And arbitration can be either binding or nonbinding.

Nonbinding arbitration means the decision issued by the arbitrator or arbitration panel takes effect only if the parties agree to it after they know what the decision is.

In binding arbitration, parties agree in advance to accept and abide by the decision, whatever it is. In addition, there is a practice of inserting arbitration clauses in contracts to require arbitration as the forum to resolve disputes before a dispute has even arisen.

Now, this is called mandatory arbitration. This means that if there is a dispute, the complaining party cannot file suit in court, and instead is required to pursue arbitration. It is binding, mandatory arbitration, and it therefore means that under the contract the parties must use arbitration to resolve a future disagreement, and the decision of the arbitration panel is final. The parties have no ability to seek relief in court or through mediation. In fact, if they are not satisfied with the arbitration outcome, they are probably stuck with the decision. Even if a party believes the arbitrator did not consider all the facts or follow the law, the party cannot file a lawsuit in court. A basis to challenge a binding arbitration decision exists only where there is reason to believe the arbitrator committed actual fraud, which is a pretty unlikely scenario.

In contrast, if a dispute is resolved by a court, the parties can potentially pursue an appeal of the lower court's decision.

Madam President, because binding mandatory arbitration is so conclusive, this form of arbitration can be a credible means of dispute resolution only when all parties know and understand the full ramifications of agreeing to it. I am afraid that is not what is happening in our Nation's business climate and economy in a variety of contexts ranging from motor vehicle franchise agreements, to employment agreements, to credit card agreements. I am proud to have sponsored legislation addressing employment agreements and motor vehicle franchise agreements. In fact, I am the original cosponsor, with my distinguished colleague from Iowa, Senator Grassley, the manager of the bankruptcy reform bill, of S. 1020, which would prohibit the unilateral imposition of binding, mandatory arbitration in motor vehicle dealership agreements with manufacturers. Many of our colleagues have joined us as cosponsors.

Similar to the problem in the motor vehicle dealership context, there is a growing, menacing trend of credit card companies and consumer credit lenders inserting binding, mandatory arbitration clauses in agreements with consumers. Companies such as First USA Bank, American Express, and Green Tree Discount Company unilaterally insert binding mandatory arbitration clauses in their agreements with consumers, often without the consumers' knowledge or consent.

The most common way the credit card companies have done so is often through the use of a "bill stuffer." Bill stuffers are the advertisements and other materials that credit card companies insert in envelopes with the customers' monthly statements. Some credit card issuers such as American Express have placed fine-print, mandatory arbitration clauses on bill stuffers. Let's take a look at what I am talking about.

I have in my hand a monthly statement mailing from American Express. Let's look inside.

First, we have the return envelope to pay your bill. And look at what is on the envelope. They have attached an advertisement.

So before you can mail your payment, you have to tear this advertisement off the back of the envelope. Otherwise you won't be able to seal it shut.

Then, if you look at what else is in the envelope, here is the monthly statement. It is a multipage printed form, front and back.

On this occasion, even though there was very little activity on this particular account—one charge and one credit—the statement is six pages long. The first page contains information about how much you owe American Express, charges made, payments received, finance charges applied, and so on. The reverse side of the first page also contains some fine print information about the account.

Then, if you look at pages 3 and 4 they contain additional fine-print information about the account; for example, what to do if your card is stolen or lost, and a summary of your billing rights.

If you keep reading at this point, you look at pages 5 and 6. They are chock full of advertising material. Target stores urge you to shop with them. The State of North Carolina encourages you to plan your next holiday in North Carolina.

This past spring, in addition to an American Express cardholder being bombarded with all of this information, American Express cardholders also received this—For Your Information, "FYI, A Summary of Changes to Agreements and Benefits." The summary is 10 pages long.

In addition to the multipage statement of charges, terms, and advertising material, the cardholder received another multipage document with fine-print terms and conditions.

If my colleagues are like me and most Americans, I review the statement of charges for accuracy, look at how much I owe, rip off the bottom portion, stick it and my check in the return envelope, and mail it to American Express. I don't spend a lot of time reading all of the fine-print information about the account or the ad. I certainly would not spend time reading a 10-page summary of changes to my statement. At most, I might scan these other pages and bill stuffers, but I would not spend time reading them in detail.

Let's look at the summary of changes. As I said, it is called, "FYI, A Summary of Changes to Agreements and Benefits." When you look at their summary, there are two things that hit you: The cartoon in the middle and the big letters, "FYI" in the upper left side of the first page. FYI, for your information, to me and most Americans means that it contains some information that may be of interest to me but nothing that requires serious thought or action from me. In reality, however, the summary of changes is a complex, fine-print document that almost reads like a legal document. It talks about changes to various privileges of the American Express card membership, American Express Purchase Protection Plan, Buyer's Assurance Plan, Car Rental Loss and Damage Insurance Plan, and Credit Protection Plan.

In addition, the summary contains an arbitration provision on page 2. Even though the document contains changes to the terms of the agreement with the cardholder—it actually changes the contract between the parties—it is simply labeled as an FYI, for your information, document. I find that troubling.

If we take a closer look at the arbitration provision, this arbitration provision is in condensed, fine print, to say the least. It is not exactly easy to read, even though this is an enlarged version of the original. The key clause in this arbitration provision is the following:

> If arbitration is chosen by any party with respect to a claim, neither you nor we will have the right to litigate that claim in court or have a jury trial on that claim.

I will repeat that.

If the cardholder has a dispute with American Express, the cardholder cannot take the claim to court or have a jury trial on the claim. This provision took effect on June 1 of last year. So if you are an American Express cardholder and you have a dispute with American Express, as of June 1999, you can't take your claim to court—even small claims court. You are bound to use arbitration, and you are bound to live with the final arbitration decision.

In this case, you are also bound to use an arbitration organization selected by American Express, the National Arbitration Forum.

Unfortunately, American Express isn't the only credit card company imposing mandatory arbitration on its customers. First USA Bank, the largest issuer of Visa cards, with 58 million customers, has been doing the same thing since 1997.

Here is the bill stuffer distributed by First USA. This is the inside of a folded, one-page insert. As you can see, similar to the American Express summary, this is another fine-print, condensed set of terms and conditions. It covers a wide variety of topics, including information on finance charges, termination and foreign currency transactions. Here in the last column are the three paragraphs on the arbitration provision. The language is similar to the American Express language and states that the cardholders' dispute will be resolved by arbitration. The cardholder will not be able to go to a court to resolve the claim. No "if's," "and's," or "but's" about it. Just plain and simple. The cardholder, by virtue of continuing to simply use the First USA card, gives up the right to go to court, even small claims court, to resolve the dispute.

Unfortunately, this problem also extends beyond credit cards. It is also a growing practice in the consumer loan industry. Consumer credit lenders such as Green Tree Consumer Discount Company are inserting mandatory arbitration clauses in their loan agreements. The problem is these loan agreements are usually adhesion contracts, which means that the consumer must either sign the agreement as is or forego a loan.

In other words, the consumer lacks the bargaining power to have the clause removed. More importantly, when signing on the dotted line of the loan agreement, the consumer may not even understand what mandatory arbitration means. The consumer in all likelihood does not understand that he or she has written away his or her right to go to court to resolve a dispute with the lender.

Arbitration in some ways, of course, is an efficient way to settle disputes. But it has to be entered into knowingly and voluntarily. That is not what is happening in either the consumer loan or credit card industries.

You might say that if consumers are not pleased with being subjected to a mandatory arbitration clause, consumers can cancel their credit card, or not execute on their loan agreement, and they can take their business elsewhere. Unfortunately, that is easier said than done. As I mentioned, First USA Bank, the Nation's largest Visa card issuer, is part of this questionable practice. In fact, the practice is becoming so pervasive that consumers may soon no longer have an alternative unless they forego use of a credit card or a consumer loan entirely. I think that is kind of a hefty price to pay to retain the longstanding right to go to court.

In my opinion, this is a decision that consumers should not be forced to make. Companies such as First USA, American Express, and Green Tree argue that they rely on mandatory arbitration to resolve disputes faster and cheaper than court litigation. The claim may be resolved faster, but is it really cheaper? Is it as fair as a court of law? I don't think so.

Arbitration organizations can charge exorbitant fees to the consumer who brings a dispute—often an initial filing fee plus hourly fees to the arbitrator or arbitrators involved in the case. These costs to consumers can be higher than bringing the matter to small claims court and paying a court filing fee.

For example, the National Arbitration Forum, the arbitration entity of choice for American Express and First USA, the National Arbitration Forum charges fees that are likely greater than if the consumer brought a dispute in small claims court. For a claim of less than $1,000, the National Arbitration Forum charges the consumer a $49 filing fee. In contrast, the consumer could have brought the same claim, in small claims court here in the District of Columbia and would have paid a fee of no more than $10. In other words, the consumer pays a fee to the National Arbitration Forum that is nearly five times more than the fee for filing a claim with small claims court.

That is bad enough, but the National Arbitration Forum's competitors are even worse. The American Arbitration Association charges a $500 filing fee for claims of less than $10,000, or more if the claim exceeds $10,000, and a minimum filing fee of $2,000 if the case involves three or more arbitrators. In addition to the filing fee, they also charge a hearing fee for holding hearings other than the initial hearing—$150 to be paid by each party for each day of hearings before a single arbitrator, for $250 if the hearing is held before an arbitration panel. The International Chamber of Commerce requires a $2,500 administrative fee plus an arbitrator's fee of at least $2,500, if the claim is less than $50,000. These fees are greater if the claim exceeds $50,000. This $5,000 or more fee could very well be greater than the consumer's entire claim. So, as you can see, the consumer's dispute is not resolved more efficiently with arbitration. It is resolved either at greater cost to the consumer or not at all, if the consumer cannot afford the costs, or the costs outweigh the amount in dispute.

The unilateral imposition of mandatory arbitration also raises fairness concerns. As I demonstrated earlier, typical cardholders are not likely to ever notice the arbitration provision. But even if they notice the provision and read the fine print, consumers nevertheless may not understand that their right to court has just been stripped away. So, what we have here is a small number of people who will actually read the bill stuffer and an even smaller number who will understand what it means.

Another problem with mandatory, binding arbitration is that the lender gets to decide in advance who the arbitrator will be. In the case of American Express and First USA, they have chosen the National Arbitration Forum. All credit card disputes with consumers involving American Express or First USA are handled by them. What does this mean? If you think about it, the arbitrator has a financial interest in reaching an outcome that favors the credit card company. If the National Arbitration Forum develops a pattern of reaching decisions that favor the cardholder, wouldn't American Express or First USA strongly consider taking their arbitration business elsewhere? I think there is a very good chance, I would say there is a significant chance that would happen.

There has been one important ruling on the enforceability of mandatory arbitration provisions in credit card agreements. That ruling involved a mandatory arbitration provision announced in mailings to Bank of America credit card and deposit account holders. In a 1998 decision by the California Court of Appeals, which the California Supreme Court refused to review, the court ruled that the mandatory arbitration clauses unilaterally imposed on the Bank's customers were invalid and unenforceable. As a result of that decision, credit card companies in California cannot impose mandatory arbitration in their disputes with customers. In fact, the American Express notice recognizes this fact and notes here at the bottom that the provision will not apply to California residents until further notice from the company. I think that was a wise, well-reasoned decision by the California appellate court, but Americans have no assurance that all courts will reach the same fair and reasonable decision.

My amendment extends the wisdom of the California appellate decision to every credit cardholder and consumer loan borrower in the country. It amends the Federal Arbitration Act to prohibit the unilateral imposition of mandatory, binding arbitration in consumer credit transactions. Let me be clear. I believe that arbitration can be an efficient way to settle disputes. I agree we ought to encourage alternative dispute resolution. But I also believe that arbitration is a fair way to settle disputes only when it is entered into knowingly and voluntarily by both parties to the dispute. My amendment does not prohibit arbitration of consumer credit transactions when entered into voluntarily and knowingly. It merely prohibits binding, mandatory arbitration imposed unilaterally without the consumer's knowledgeable and/or voluntary consent.

Credit card companies and consumer credit lenders are increasingly slamming the courthouse doors shut on consumers, often unbeknownst to them. This is grossly unjust. Let's restore fairness to the resolution of consumer credit disputes.

At some point I hope that my colleagues will join me in keeping the doors to the courthouse open to all American credit card users and consumer credit borrowers. At this time, however, I will not push for a vote on this issue. I have agreed to withdraw this amendment with the understanding from my friend from Iowa, Senator GRASSLEY, the manager of this bill and the chair of the Judiciary Subcommittee on Administrative Oversight and the Courts, that the issue of mandatory arbitration in consumer credit agreements will be part of a hearing to be held in the Courts Subcommittee on March 1. That hearing will address the Federal Arbitration Act and the problem of mandatory arbitration clauses inserted in contracts unilaterally. I appreciate Senator GRASSLEY's leadership and cooperation in reaching this accommodation. I look forward to working with him on this issue, as well as the broader issue of the growing, problematic trend of the unilateral imposition of mandatory arbitration in a variety of contracts.

I admire the leadership of the Senator on the overall issue in addition to the fact it has come up and is a serious problem in the consumer credit agreement area.

Mr. GRASSLEY addressed the Chair.

AMENDMENT NO. 2747 WITHDRAWN

Mr. FEINGOLD. Madam President, I withdraw the amendment and yield the floor.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I have had a chance to discuss this issue with the Senator from Wisconsin over a long period of time, both at the subcommittee level, the committee level, and during floor action on this bill which has been going on now since last October, with a long interim for a holiday break.

I appreciate what the Senator from Wisconsin is trying to do. We have joined together on a bill dealing with one aspect of this problem and that happens to be a bill which deals with arbitration in the automobile industry. As the lead Member of the Senate on alternative dispute resolution issues, I certainly do not want alternative dispute resolution to be used in unfair ways. So following up on the request of the Senator from Wisconsin that if we could make some sort of arrangement for his not offering his amendment at this time—and he has withdrawn it—I have scheduled a hearing in my judiciary subcommittee on our bill. I hope to air some of these other problems the Senator has raised.

I do have a great deal of sympathy for what the Senator from Wisconsin is attempting, but I think more groundwork needs to be done so we all have a better understanding of these issues before moving ahead at this time.

The bottom line, I say to the Senator from Wisconsin—and I hope he will answer yes or no—is that I wish to make sure he is working with us between now and our hearing so every commitment I have made in regard to his offering or not offering his arbitration amendment to this bill at this time is to his satisfaction.

Mr. FEINGOLD. Madam President, it is very much to my satisfaction. I am delighted to know we are going to look at a variety of contexts at this hearing, including this one with the credit card companies but also the one my colleague and I have had so much interest in regarding motor vehicles and also the employment discrimination area. To me, although I would be pleased to have this amendment on this bill, I think that is a good opportunity to point out the overall problem we have had, what my colleague described as the possibility arbitration would be used in a way that neither of us would like, that it would somehow become a method of unfairness instead of what we both hope, which is a way to resolve disputes more efficiently or economically, sometimes, than when you go to court. I think it is an excellent idea.

I look forward to working with the chairman in preparation for the hearing. I think it is a good way to work out all these issues, and, again, I thank the Senator from Iowa for being very easy to work with on this and being very serious about getting something done.

Mr. SARBANES. Madam President, I express my appreciation to the managers of the bankruptcy bill, Senators LEAHY, TORRICELLI, GRASSLEY, and HATCH, for accepting and including an amendment I had planned to offer on the floor as part of the managers' amendment to S. 625. My amendment requires that a simple yet important disclosure be made on credit card bills to help protect consumers.

During the bankruptcy reform debate in the last Congress, the Senate examined whether the increased rate of consumer bankruptcies in the Nation resulted solely from consumers' access to an excessively permissive bankruptcy process, or whether other factors also contributed to this increase. Ultimately we concluded that the record increase in bankruptcy filings across the nation was due not only to the ease with which one can enter the bankruptcy system, but also to the unparalleled levels of consumer debt—especially credit card debt—being run up across the country. As Senator DURBIN noted, and as the CBO, FDIC, and numerous economists have found, the rate of increase in bankruptcy filings paralleled the rate of increase in consumer debt.

This is not a coincidence. Rather, increased bankruptcies proceed directly from the fact that Americans are bombarded daily by credit card solicitations that promise easy access to credit without informing their targets of the implications of signing up for such credit.

During our debate in the last Congress, the Senate also concluded that irresponsible borrowing could be reduced, and many bankruptcies averted, if Americans were provided with some basic information in their credit card materials regarding the consequences of assuming greater debt. A consensus emerged that credit card companies have some affirmative obligation to provide such information to consumers in their solicitations, monthly statements, and purchasing materials, in light of their aggressive pursuit of less and less knowledgeable borrowers.

As a result of this consensus, the Senate's bankruptcy bill in the last Congress—S. 1301—contained several provisions in the managers' amendment addressing credit card debt, and requiring specific disclosures by credit card companies in their payment and solicitation materials. These provisions, which I sponsored along with Senators DODD and DURBIN, were vital to the Senate's success in adopting balanced bankruptcy reform legislation by the overwhelming margin of 97–1.

Unfortunately, the House-Senate conference committee struck these disclosure provisions from its final conference report, leaving the bankruptcy bill again a one-sided document that failed to account for the role credit card companies play in the accumulation of credit card debt and in increased consumer bankruptcy rates. As a result of the conference committee's actions, the conference report died in the waning days of the 105th Congress.

As we again debate bankruptcy legislation, it remains my firm belief that Congress must address both sides of the consumer bankruptcy equation—both the flaws in the bankruptcy system that make it easy for people to declare bankruptcy even if they have the ability to pay their debts, and the lending practices that encourage people with limited financial resources to accumulate debts that are beyond their ability to repay.

Last year, the Senate adopted an amendment to S. 625 that requires credit card issuers to give customers on their billing statements three disclosures: (1) warning that paying just the minimum monthly amount will increase the interest they pay and the time it takes to repay their balances; (2) a generic example; and (3) a toll-free number a customer can call for an estimate of how long he or she has to pay the minimum payment and the total payment to pay off his balance. However, the amendment contained an exception for certain credit card issuers that provide actual, instead of estimated, payment information. Such a credit card issuer would not have to disclose the warning, an example, or even the telephone number. This situation subverted the purpose of this section and distorted the balance contained in the original amendment.

My amendment would restore this balance by requiring some disclosures to be given by certain credit card issuers that have a toll-free number for informing customers of the actual number of months it takes to repay outstanding balances using minimum monthly payments requirement. It requires such credit card issuers to make two disclosures: (1) the telephone number and (2) a warning. My amendment requires the credit card bill to contain the statement, "Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: ______."

If we are going to make it harder for individuals to file for bankruptcy, we need to make certain that they are informed about their credit decisions. The minimal warning contained in my amendment helps credit card customers who pay the minimum monthly amount on their credit card bills better understand how long it will take and how much they will pay to work off the balance. The Financial Literacy Center has calculated that a consumer who, for example, has a $5,000 loan balance outstanding on which 17% interest is charged and who is paying 2% of the balance each month, will take 50 years to pay off the entire loan and end up paying $33,447. That is a very long time and a significant burden that, with the disclosures in my amendment, debtors will be able to better appreciate.

My amendment helps consumers get important information that will enable them to analyze how to manage their credit card borrowing more effectively.

MORNING BUSINESS

Mr. GRASSLEY. Madam President, on behalf of the majority leader, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL BIOTECHNOLOGY MONTH

Mr. HATCH. Madam President, as we come to the end of the first month of the new millennium, I want to make a few remarks about the great promise of biotechnology in benefitting the American public. In fact, January 2000 has been very appropriately designated as Biotechnology Month.

In my view, this first century of the new millennium will be remembered by historians for revolutionary advances in biomedical research. It is fitting that in the next few months scientists will complete the mapping of the human genome—the basic blueprint of the structure of human beings. This event ranks very high in the technological achievements of mankind.

It is also noteworthy that this task required the confluence of some of the best minds in the medical sciences and computer technology. Frankly, the mapping of the human genome simply would not have been possible at this time absent the development of the low-cost, high-speed computers that have been available to scientists in recent years. Over the next few decades perhaps no more valuable cargo will travel down the information highway of the Internet than the gene maps.

This new knowledge will not sit idly in digital databases. For once the detailed genetic structure is known and accessible, researchers will be better able to understand the function of individual genes and complex interactions among collections of genes. Once both structure and function are ascertained, diagnostic tools, therapeutic agents and preventives such as vaccines can be more easily developed. It is the American public who stands to benefit most from this new knowledge and products.

It would be difficult to underestimate the effect that biotechnology will have on health care delivery and, more to the point, on the health status of the American public and our neighbors throughout the world. In the area of cancer, for example, we are positioned to make substantial gains in knowledge that will make traditional treatments obsolete. I am pleased that the University of Utah and Myriad Genetics, a small Salt Lake City biotech firm, are at the forefront of the battle against breast cancer. Their work on the BRCA-I gene has contributed substantially to our understanding of how this terrible disease is triggered genetically. All of us wish success to these Utah scientists and their colleagues throughout the world in their efforts to curtail breast cancer.

Advances in biotechnology will also emanate from the medical device industry. For example, Paradigm Medical Industries, another Salt Lake City firm, is refining existing laser technology in order to develop a new "cold" laser that promises to reduce the adverse reactions rate associated with cataract surgery. While I may not be expert in all the scientific underpinnings of this new photon phacoemulsification system, I can say that since over 3 million cataract procedures are performed annually it is in the interest of the public to cut down on the current corneal burn rate of about 1,000 per day.

As a representative of the people of Utah, I am proud to report that my state is home to over 120 companies in the biosciences. These firms employ over 11,000 Utahns and an additional 2,500 individuals outside of Utah. Total annual revenues of these Utah bioscience firms is in excess of $1.6 billion. The aggregate estimated market value of these firms exceeds $8 billion.

The success of Utah in the exciting arena of biotechnology has been facilitated by the efforts the Utah Life Science Association—ULSA—and the State of Utah's Division of Business and Economic Development. I must commend the leadership of Governor Leavitt and Brian Moss of ULSA for their tireless efforts to promote the expansion of Utah's biotechnology sector.

Utah is certainly not alone in its activity in biotechnology. Nationally, there are over 1300 biotech companies. Collectively, these firms employ over 150,000 people. The biotechnology industry accounts for over $10 billion in research and discovery activities annually and revenues of over $18 billion.

Frankly, despite this impressive record of success, we have only scratched the surface of the future promise of this industry. About 90 biotechnology products have been approved by the Food and Drug Administration. More telling of the growing strength of this industry is the fact that over 350 biotechnology products are in late stage clinical trials. As these products move to the FDA approval stage, it seems foreseeable that in the next few years this research intensive sector, which recorded a net loss of $5 billion in 1998, will move into and stay in the black.

As Chairman of the Judiciary Committee and as a Senator with a long time interest in health care, I can assure my colleagues that I will do all in my power to ensure that our intellectual property laws are structured in a way to help assure that the promising work in biotechnology laboratories can be delivered to the bedside of American patients in a fair and expeditious manner. To meet the goal of delivering new therapies to the patients, we must also work to ensure that the FDA regulatory system promptly and consistently renders judgments based on science and that the laws affecting international trade do not result in unnecessary barriers to delivering these new breakthroughs worldwide.

In closing, I think it only fitting that the Senate has taken special note of the almost limitless frontier of biotechnology at the dawn of a new century and new millennium.

Ms. MIKULSKI. Madam President, I rise today in commemoration of January 2000, as National Biotechnology Month. In November, the Senate passed a resolution designating January 2000 as National Biotechnology Month.

Biotechnology is changing the face of medicine. The United States leads the world in biotechnology innovation. Approximately 1,300 biotech companies in this country employ more than 150,000 people. Biotech companies are on the cutting edge—working to develop innovative life-saving drugs and vaccines. The industry spent nearly $10 billion on research and development in 1998 while revenues totaled $18.4 billion. Product sales topped $13 billion. The industry recorded a net loss of $5 billion.

I'm proud that Maryland is home to over 200 biotechnology companies. Companies in Maryland are working to map the human genome and develop drugs to treat Alzheimer's, Parkinson's Disease, and diabetes. Biotechnology has grown in Maryland, in part because Maryland is a place for great medical innovations. Maryland is home to the "golden triangle"—private sector biotech companies, federal research laboratories, and universities. Maryland houses the National Institutes of Health (NIH), the Food and Drug Administration (FDA), other federal labs, outstanding academic research institutions such as Johns Hopkins University and the University of Maryland, and a growing number of biotech companies. The combination of these public and private sector entities creates a unique environment for research and new ideas to flourish.

Biotech companies will likely have an increasingly important role in providing medicines in the 21st century. The number of biotechnology drug approvals is increasing. More than 350 biotechnology medicines are already in late-stage clinical trials for heart ailments, cancer, and neurological diseases and infections. Some of these drugs will likely lead the way to improved health and well-being for millions of Americans. I salute the biotechnology companies in Maryland and across the country as they work to improve the lives of patients everywhere.

Mr. CRAIG. Madam President, I rise today on behalf of myself and my colleague Senator HARRY REID, and Senators ASHCROFT, BENNETT, BREAUX, CRAPO, GRASSLEY, MURRAY, ROBERTS, ROBB, and SARBANES to recognize January 2000 as National Biotechnology Month.

It is fitting that in the first month of this new year, at the start of a new century, we look to biotechnology as our greatest hope for the future.

Mapping the human genome, for example, is ahead of schedule and nearly complete. That achievement, begun 10 years ago, will rank as one of the most significant advances in health care by accelerating the biotechnology industry's discovery of new therapies and cures for our most life-threatening diseases.

Biotechnology not only is using genetic research to create new medicines, but also to improve agriculture, industrial manufacturing and environmental management.

The United States leads the world in biotechnology innovation. There are approximately 1,300 biotech companies in the United States, employing more than 150,000 people. The industry spent nearly $10 billion on research and development in 1998. Although revenues totaled $18.4 billion, the industry recorded a net loss of $5 billion because of the expensive nature of drug development.

In 1999, the U.S. Food and Drug Administration (FDA) approved more than 20 biotechnology drugs, vaccines and new indications for existing medicines, pushing the number of marketed biotech drugs and vaccines to more than 90. Total FDA biotech approvals from 1982 through 1999 reach more than 140 when adding clearances for new indications of existing medicines. The vast majority of new biotech drugs were approved in the second half of the 1990s, demonstrating the biotechnology industry's surging proficiency at finding new medicines to treat our most life-threatening illnesses.

Biotechnology is revolutionizing every facet of medicine from diagnosis to treatment of all diseases. It is detailing life at the molecular level and someday will take much of the guesswork out of disease management and treatment. The implications for health care are as great as any milestone in medical history. We expect to see great strides early in this century.

A devastating disease that has stolen many of our loved ones, neighbors and friends is cancer. Biotechnology already has made significant strides in battling certain cancers. This is only the beginning.

The first biotechnology cancer medicines have been used with surgery, chemotherapy and radiation to enhance their effectiveness, lessen adverse effects and reduce chances of cancer recurrence.

Newer biotech cancer drugs target the underlying molecular causes of the disease. Biotech cancer treatments under development, such as vaccines that prevent abnormal cell growth, may make traditional treatments obsolete. In addition, gene therapy is being studied as a way to battle cancer by starving tumor cells to death.

Many biotech drugs are designed to treat our most devastating and intractable illnesses. In many cases these medicines are the first ever therapies for those diseases. For example, advancements in research have yielded first-of-a-kind drugs to treat multiple sclerosis and rheumatoid arthritis as well as cancer.

Other medicines in clinical trials block the start of the molecular cascade that triggers inflammation's tissue damaging effects in numerous disease states. In diseases, such as Alzheimer's, Parkinson's and Huntington's, clinical trials are under way to test a variety of cell therapies that generate healthy neurons to replace deteriorated ones. Recent breakthroughs in stem cell research have prompted experts to predict cures within 10 years for some diseases, such as Type I (Juvenile) Diabetes and Parkinson's.

With more than 350 biotechnology medicines in late-stage clinical trials for illnesses, such as heart ailments, cancer, neurological diseases and infections, biotechnology innovation will be the foundation not only for improving our health and quality of life, but also lowering health care costs.

In the past 2 years Congress has increased funding for the National Institutes of Health's basic research programs by 15 percent per year. We are 40 percent of the way toward doubling the NIH budget. Health-care research, however, is not one-sided. The public funds we provide are for basic research. The private sector takes this basic science and then spends many times more than what the government has contributed to create new drugs and get them to patients. In today's world, biotechnology companies are among the greatest innovators and risk takers.

Biotechnology also is being used to improve agriculture, industrial manufacturing and environmental management. In manufacturing, the emphasis has shifted from the removal of toxic chemicals in production waste streams to replacement of those pollutants with biological processes that prevent the environment from being fouled. And because these biological processes are derived from renewable sources they also conserve a traditional energy resource. Industrial biotechnology companies are the innovators commercializing clean technologies and their progress is accelerating at an astonishing rate.

In agricultural biotechnology, crops on the market have been modified to protect them from insect damage thus reducing pesticide use. Biotech crops that are herbicide tolerant enable farmers to control weeds without damaging the crops. This allows farmers flexibility in weed management and promotes conservation tillage. Other biotech crops are protected against viral disease with the plant equivalent of a vaccine.

The number of acres worldwide planted with biotech crops soared from 4.3 million in 1996 to 100 million in 1999, of which 81 million acres were planted in the United States and Canada. Acceptance of these crops by farmers is one indication of the benefits they have for reducing farming costs and use of pesticides while increasing crop yields.

Biotech crops in development include foods that will offer increased levels of nutrients and vitamins. Benefits range from helping developing nations meet basic dietary requirements to creating disease-fighting and health-promoting foods.

Biotechnology is improving the lives of those in the U.S. and abroad. The designation of January 2000 as National Biotechnology Month is an indication to our constituents and their children that Congress recognizes the value and the promise of this technology. Biotechnology is a big word that means hope.

Mr. HARKIN. Madam President, I am pleased to join my Senate colleagues in recognizing January as National Biotechnology Month. At the dawn of this new century, it is fitting for us to recognize the promise and potential of biotechnology.

With the mapping of the human genome, we are on the brink of critical advances in health care and medical discovery. These advances can become new cures and new treatments, new industrial products, and improved agricultural products. Biotechnology is changing medical practice from the way diseases are diagnosed to the way they are treated. By helping us to understand life at the molecular level, biotechnology can help eliminate the guesswork of disease management and treatment.

Biotechnology researchers have already made dramatic strides in confronting some of our most devastating and tragic diseases, from cancer to multiple sclerosis to Alzheimers. Recent breakthroughs in human embryonic stem cell research have given us cause to predict cures for diseases such as Parkinsons, juvenile diabetes and spinal cord injury.

As Ranking Member of the Labor, Health and Human Services and Education Appropriations Subcommittee, I have been a long-time advocate for health research. Last year, ARLEN SPECTER and I took the lead in providing the National Institutes of Health (NIH) with a $2.3 billion increase, the largest in NIH history, bringing the agency's overall budget to $17.9 billion. This year, we plan to introduce a resolution calling for a $2.7 billion increase—keeping our commitment to double NIH funding over five years.

NIH provides funding for the basic science that underpins the important research and development done by the biotechnology industry. This strong public-private partnership has made our country the world leader in the area of biotechnology innovation. There are approximately 1300 biotech companies in the United States, employing more than 150,000 people. In my own state of Iowa, we have approximately 180 companies, with more than 10,000 employees. In 1999, the Food and Drug Administration approved 22 biotechnology drugs, vaccines and new indications for existing medicines. We currently have more than 90 biotech drugs and vaccines on the U.S. market. And I know this is only the beginning.

In addition to its medical applications, biotechnology offers many exciting possibilities in the field of agriculture as well. Through biotechnology scientists are already developing new varieties and strains of plants and animals that will help to solve myriad problems and challenges relating to agriculture. The results of advances in agricultural biotechnology, impressive as they already are, represent merely the infancy of this promising scientific field.

The fact that over 800 million of our fellow citizens on this planet suffer from hunger or undernourishment points to the tremendous challenge we face to produce enough food for an ever growing population. As it has in the past, biotechnology will contribute tremendously to meeting that challenge, through increased yields and production, improved productive efficiency and enhanced suitability for difficult environments. Developing new plant varieties that are more tolerant of drought or soil salinity would help to increase food production in areas of the world where people are now going hungry.

Biotechnology also promises to help solve environmental challenges in agriculture. For example, plants that are inherently resistant to diseases or insects reduce the amount of pesticides that would otherwise be applied and enter the environment. Biotechnology can also help to reduce the amount of tillage that is needed, thereby reducing energy consumption and soil erosion.

Thus far biotechnology has been applied for the most part at the level of the farm, and has not been perceived by consumers as directly benefitting them to a significant degree. That is about to change. We are already seeing the development of new strains of plants that have specific traits to improve the nutritional quality of foods derived from them. Work at Iowa State University, for example, has developed soybeans that produce a soybean oil with lower saturated fat than conventional soybeans. We are not far from having rice that contains Vitamin A, which would alleviate a great deal of human suffering in developing countries.

Perhaps the most fascinating area of biotechnology involves the potential for developing new crops and livestock designed to produce a variety of raw materials and substances, likely to be of high value, for use in very specific applications, including medicine. We can produce from plants everything we now rely on petroleum to produce: energy and industrial raw materials for a wide range of products. I believe there will be real economic opportunities for farmers in producing these higher value crops and animals, and for rural communities in processing them.

To be sure, if agricultural biotechnology is to meet its potential, we must ensure that all questions about its safety for consumers and for the environment are fully answered. I believe that those questions can and will be answered satisfactorily, using the best sound science available.

Mrs. FEINSTEIN. Madam President, as January 2000, National Biotechnology Month, comes to a close, I want to recognize the importance of the biotechnology to the nation and to commend this industry for its innovations in disease diagnosis, treatment, and prevention.

The United States is the leader in the biotechnology industry, and I am proud to say that California has the nation's largest concentration of health care technology companies. California, alone, is home to over 2,500 biomedical companies and employs over 241,000 people in health care technology and biomedical and clinical research fields. California's health care technology companies are producing leading edge products, for example, the first new therapy for cystic fibrosis in 30 years, Genetech; technology that enables doctors to do heart surgery without opening the chest cavity, Heartport; a cancer drug that is genetically engineered and stimulates the bone marrow to produce important white blood cells, Amgen; linear accelerators for treating cancer, Varian; and intraocular eye lenses, Allergan.

Biotechnology has enabled us to reduce hospital stays, to detect cancer and other life-threatening illnesses earlier in order to begin treatments earlier; to attack diseases cell by cell to eliminate unnecessary side effects, and to use vaccines to prevent abnormal cell growth. This is a critical time in biotechnology, as scientists continue to make strides in cellular and genetic research, and I am hopeful that this work will improve our health and well-being. I am confident that as this industry continues to grow, we will see treatments to greatly improve the lives of millions of Americans, and we will see cures to illnesses that we did not think were possible.

I commend the more than 150,000 employees of the biotech industry nationwide and join them in observing January as National Biotechnology Month.

Mr. WYDEN. Madam President, I rise today in recognition of National Biotechnology Month. Biotechnology has produced drugs that hold the promise for many to live healthier lives. Biotechnology also holds enormous promise to make even more profound contributions to public health in the future.

For example, biotechnology strategies include the development of cancer vaccines as well as drugs that target specific cancer antigens to stimulate a patient's own immune system to kill tumor cells. There are so many other diseases that devastate families, like Alzheimers and heart disease, which biotechnology could be applied to successfully.

The Federal government has increased funding for basic scientific research. Private sector investments and small business development should also be encouraged. As remarkable as some of its achievement so far, biotechnology is only beginning. It is appropriate to begin the 21st Century with National Biotechnology Month because biotechnology holds so much promise for medicine and improving the quality of life.

SUPER BOWL CHAMPION, ST. LOUIS RAMS

Mr. FITZGERALD. Madam President, it is with great pride that I rise today with my distinguished colleagues to express my sincere congratulations to the Super Bowl XXXIV Champion St. Louis Rams. In the aftermath of a heart-stopping NFC division victory over the Tampa Bay Buccaneers and an outstanding regular season record of 13 wins and 3 losses, the St. Louis Rams increased their intensity to win Super Bowl XXXIV, bringing home the most prized possession in the National Football League, the Lombardi Trophy. In an extraordinary effort and show of heart, the Rams countered the incredible second-half push by the Tennessee Titans in a game that more than lived up to its billing of "Super" and made history on Sunday, January 30, 2000, by pulling out a thrilling victory by the score of 23-16, becoming the Super Bowl XXXIV Champions.

This was Coach Dick Vermeil's third year as head coach of the Rams. Coach Vermeil previously led the Philadelphia Eagles to the Super Bowl in 1980, but had been away from coaching for almost 15 years. The passionate 63 year old coach showed he still had the stuff it takes to lead this team of stars to the championship. The fans of professional football have appropriately awarded Coach Vermeil by voting him the Staples Coach of the Year, the only NFL honor determined solely by a vote of the fans.

The three-year path to glory began slowly, with 9 wins and 23 losses over the previous two seasons, including just 4 victories last season, but the team turned it around this year. While the Rams were truly a team that played well together all year, this triumphant season can be attributed to the performance of several key players, including six players that were chosen to start in the Pro Bowl.

Kurt Warner, stepping in as the starter after Trent Green was injured in an early preseason game, enjoyed one of the best years ever for an NFL quarterback, throwing for 4,353 yards, 41 touchdowns and only 13 interceptions, a performance worthy of being awarded the NFL's Most Valuable Player and the Pro Bowl starting quarterback. This remarkable individual, in just his second season in the NFL, was bagging groceries in Waterloo, Iowa, just five years ago. While setting passing and scoring records in the Arena Football League for 3 seasons and one season in the NFL Europe, he never gave up his dream of playing in the NFL. Last night, he helped to bring the dream of a Super Bowl championship home to St. Louis.

Marshall Faulk, one of the league's premier running backs, set an NFL record this season for combined rushing and receiving yards from the line of scrimmage in a single season with 2,429, in addition to scoring 12 touchdowns. He was also chosen to start in the Pro Bowl.

All season long, the team benefitted from a stellar group of talented receivers, led by Isaac Bruce, who will join his teammates in the Pro Bowl; Torry Holt; Az-zahir Hakim; and Ricky Proehl. Proehl, you may remember, caught a clutch game-winning touchdown in the closing minutes of the Rams' win last week over the Tampa Bay Buccanneers, while Bruce made a truly spectacular play in the fourth-quarter of the Super Bowl by catching a 73 yard touchdown pass that sealed the championship. These stars helped the Rams to establish early on that they were an offensive-minded team, scoring a total of 526 points this season, the third-most in NFL history.

But as the saying goes, "Defense wins championships," and the Rams proved this adage, by leading the NFL in rushing defense, and ranking sixth in the league in overall defense. This season, the Rams' defensive end, Kevin Carter, led the league with 17 quarterback sacks and earned his first start in the Pro Bowl. After only 5 years in the league, this outstanding defender has developed a well-documented work ethic that has helped him achieve more sacks over the past two seasons than anyone else in the league.

We all know that to be champions requires a strong commitment to work harder and be more disciplined than the rest. The Rams' Super Bowl win is a credit to the extraordinary efforts by the entire Rams' organization. After moving to St. Louis in 1995, the management went to work in hiring excellent personnel and a committed coaching staff. This season, the organization's slogan was aptly and accurately versed: "Gotta go to work!" With the whole organization working as one cohesive unit and regularly working well beyond the hours of 9 to 5, they showed us just how much can be accomplished when everyone works together for a common goal and is committed to doing more than his or her fair share.

We would be remiss if we overlooked another admirable quality of this fine organization, and that is the commitment to the community. When the Rams relocated to St. Louis in 1995, the team identified community involvement as one of the top priorities. Since that time, many charitable organizations have benefitted from the time and resources of these big-hearted athletes, as various Rams players have dedicated dollars for every touchdown, interception, field goal, sack and more. Some examples of how these stars contribute to the community include:

1. The defensive line—donating $500 for every quarterback sack to a local homeless shelter.

2. Wide receiver Isaac Bruce—donating $500 for every touchdown to Edgewood's Childhaven, an educational center for children with learning disabilities.

3. Running back Marshall Faulk—continuing the "Marshall Plan" that began in Indianapolis by donating $2,000 for every touchdown that he scores to the Marshall Faulk Foundation.

4. Quarterback Trent Green—donating $300 for every Rams passing touchdown to the Trent Green Family Foundation.

5. Safety Keith Lyle—donating $500 for every interception to local literacy programs.

6. Kicker Jeff Wilkins—donating $50 for every field goal to Cardinal Glennon Children's Hospital.

7. Tight end Roland Williams—donating $86 for every catch to the Roland Williams Youth Life Line Foundation which supports children in Roland's hometown.

Most of these players have also been successful in receiving matching commitments from local businesses and individuals, helping to foster a true sense of community. In addition, each year, players make countless appearances at local schools, hospitals and youth centers to use their influence with children to stress the importance of education and making proper choices in life.

The hard work and dedication of the Rams to their team and the people of the St. Louis metropolitan area deserves our highest commendations. So, on behalf of myself and the good people of my state of Illinois, I congratulate Coach Dick Vermeil, Super Bowl Most Valuable Player Kurt Warner, Marshall Faulk, Issac Bruce, and the entire St. Louis Rams team on an outstanding performance.

Coach Vermeil, players, and fans: congratulations on a great season and an outstanding victory.

REPEAL OF THE EFFECTIVE CAPITAL GAINS TAX INCREASE IN THE TAX RELIEF EXTENSION ACT OF 1999

Mr. ABRAHAM. Madam President, I rise today to speak in favor of S. 2005 which would repeal the effective capital gains tax increase contained in the Tax Relief Extension Act of 1999. This legislation would protect small business owners from paying taxes on money not actually received.

Overlooked in last year's legislation was a provision that repealed the installment method for accrual method taxpayers when assets or entire businesses are sold. Under this new method, the seller of an asset or business is required to pay taxes on total gains in the first year of the sale, no matter when the actual proceeds are received. S. 2005 would revert this practice to its previous method in which the seller of an asset only paid taxes on the profits from the installment received in that year if he or she should receive payments in increments.

While this tax measure provides for only modest tax revenue, the negative impact on small business owners that this measure affects is quite significant. In effect, this tax increase cripples seller financing of small businesses and prevents thousands of men and women from purchasing small businesses. By potentially reducing the sale price of small businesses by up to 20 percent or more, small business owners will be much less likely to sell their businesses. Larger publicly traded corporations are not impacted as they tend to use other financing methods involving cash or stock transactions. So, this tax increase unfairly targets small business owners already overwhelmed with federal taxes and regulations.

Madam President, it makes common sense that taxes should only be paid when profits are realized—and not on money that will not be collected for years to come. Small businesses are an important provider of new jobs and a driving force in this nation's economy. We must not penalize or restrict such a vibrant source of innovation, invention and creativity that has enabled the United States to realize previously unimaginable prosperity.

I urge my colleagues in the Senate to join me in support of this legislation so essential in the success of this great nation.

MESSAGES FROM THE PRESIDING

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT TO THE CONGRESS ON THE STRATEGIC CONCEPT OF NATO—MESSAGE FROM THE PRESIDENT—PM 79

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Pursuant to the authority vested in me as President of the United States, including by section 1221(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65), I hereby determine and certify that the new NATO Strategic Concept imposes no new commitment or obligation on the United States. Further, in accordance with section 1221(c) of the Act, I transmit herewith the attached unclassified report to the Congress on the potential threats facing the North Atlantic Treaty Organization.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 31, 2000.

MESSAGE FROM THE HOUSE

At 12:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. RES. 402

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7013. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting pursuant to law, the report of a rule entitled "Approval of Post-1996 Rate of Progress Plan: Indiana" (FRL #6523–6), received January 18, 2000; to the Committee on Environment and Public Works.

EC–7014. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6525–5), received January 18, 2000; to the Committee on Environment and Public Works.

EC–7015. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" (FRL #6526–6), received January 18, 2000; to the Committee on Environment and Public Works.

EC–7016. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments for Testing and Monitoring Provisions" (FRL #6523–6), received January 18, 2000; to the Committee on Environment and Public Works.

EC–7017. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Notice of Availability; 1999 Update of Ambient Water Quality Criteria for Ammonia"; to the Committee on Environment and Public Works.

EC–7018. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Commonwealth of Puerto Rico Authorization Application"; to the Committee on Environment and Public Works.

EC–7019. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Missouri's Authorization Application"; to the Committee on Environment and Public Works.

EC–7020. A communication from the President, Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the 1999 consolidated annual report; to the Committee on Governmental Affairs.

EC–7021. A communication from the President, U.S. Institute of Peace, transmitting, pursuant to law, the consolidated annual report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal years 1997 and 1998; to the Committee on Governmental Affairs.

EC–7022. A communication from the Inspector General, Social Security Administration, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–7023. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7024. A communication from the Secretary of Education, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7025. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7026. A communication from the Special Counsel, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7027. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7028. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7029. A communication from the Special Counsel, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7030. A communication from the Chairman, and the General Counsel, National Labor Relations Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7031. A communication from the Chairman, Commodity Futures Trading Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7032. A communication from the Deputy Director, Federal Mediation and Conciliation Service, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7033. A communication from the Chairwoman, National Mediation Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7034. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7035. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7036. A communication from the Secretary of Transportation, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7037. A communication from the Chair, Federal Labor Relations Authority, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7038. A communication from the Archivist, National Archives, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7039. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7040. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7041. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7042. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7043. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7044. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7045. A communication from the Independent Counsel, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7046. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7047. A communication from the Director, Office of Personnel Management, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7048. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7049. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7050. A communication from the Chairwoman, Equal Employment Opportunity Commission, transmitting, pursuant to the

Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7051. A communication from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the quarterly Selected Acquisition Reports as of September 30, 1999; to the Committee on Armed Services.

EC–7052. A communication from the Secretary of Defense, transmitting, pursuant to law, the semi-annual report on audit and investigative activities for the period ending September 30, 1999; to the Committee on Governmental Affairs.

EC–7053. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of OMB Final Sequestration Report for fiscal year 2000, referred jointly pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; the Judiciary; Health, Education, Labor, and Pensions; Small Business; Veterans' Affairs; Intelligence; and Rules and Administration.

EC–7054. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amortization of Intangible Property" (RIN1545–AS77) (TD 8865), received January 24, 2000; to the Committee on Finance.

EC–7055. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employee Plans Compliance Resolution System" (Rev. Proc. 2000–16), received January 24, 2000; to the Committee on Finance.

EC–7056. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Termination of Puerto Rico and Possession Tax Credit; New Lines of Business Prohibited" (RIN1545–AV68) (TD 8868), received January 24, 2000; to the Committee on Finance.

EC–7057. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Master and Prototype Plan Program" (Rev. Proc. 2000–20), received January 24, 2000; to the Committee on Finance.

EC–7058. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (RIN1545–AS77) (TD 8865), received January 24, 2000; to the Committee on Finance.

EC–7059. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stock Transfer Rules" (RIN1545–AX64) (TD 8863), received January 24, 2000; to the Committee on Finance.

EC–7060. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stock Transfer Rules" (RIN1545–AI32) (TD 8862), received January 24, 2000; to the Committee on Finance.

EC–7061. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Amend 31 CFR Part 317 to Permit Non-Federally Chartered Credit Unions to Serve as Issuing Agents for United States Savings Bonds", received January 24, 2000; to the Committee on Finance.

EC–7062. A communication from the Administrator, Federal Aviation Administration, and the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to Subsonic Noise Reduction Technology; to the Committee on Commerce, Science, and Transportation.

EC–7063. A communication from the Attorney-Adviser, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Roof Crush Resistance. Final Rule, Partial Response to Petitions for Reconsideration; Technical Amendment" (RIN2127–AH74), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7064. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licenses to Engage in Two-Way Transmissions" (MM Docket 97–217) (FCC 99–178), received January 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7065. A communication from the Senior Attorney, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Petition for Declaration Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717" (FCC 98–2224) (CC Doc. 96–98), received January 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7066. A communication from the Deputy Assistant Administrator for Weather Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Collaborative Science, Technology, and Applied Research (CSTAR) Program" (RIN0648–ZA76), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7067. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Ambassador Construction Fireworks, Hudson River, Anchorage Channel (CGD01–99–180)" (RIN2115–AA97) (1999–0074), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7068. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Fireworks Display, Willamette River, Portland, OR (CGD13–99–046)" (RIN2115–AA97) (1999–0073), received January 4 , 2000; to the Committee on Commerce, Science, and Transportation.

EC–7069. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Lake Erie-Maumee River, OH (CGD09–99–085)" (RIN2115–AA97) (1999–0072), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7070. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas: Eagle Harbor, Bainbridge Island, WA (CGD13–98–004)" (RIN2115–AE84) (1999–0006), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 2014. A bill to provide technical corrections to chapter 1513 of title 36, United States Code, relating to the National Fallen Firefighters Foundation; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 2015. A bill to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI:

S. 2016. A bill to authorize appropriations for, and to improve the operation of, the Nuclear Regulatory Commission, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BUNNING:

S. 2017. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made to tobacco growers pursuant to Phase I or II of the Master Settlement Agreement between a State and tobacco product manufacturers; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBB:

S. Res. 248. A resolution to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week"; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 249. A resolution to authorize testimony, document production, and legal representation in Thomas Dwyer v. City of Pittsburgh, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 2015. A bill to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; to the Committee on

Health, Education, Labor, and Pensions.

STEM CELL RESEARCH ACT OF 2000

Mr. SPECTER. Mr. President, I have sought recognition to send to the desk, on behalf of Senator HARKIN and myself, a bill captioned the "Stem Cell Research Act of 2000." It is being introduced after a series of four hearings, which have been conducted in the Appropriations Subcommittee on Labor, Health, Human Services, and Education, which I chair and on which Senator HARKIN is the ranking Democrat.

The subject has been a very important one because approximately 15 months ago, there were disclosures about stem cell research which provided an opportunity for a veritable fountain of youth. The scientific discoveries have found that from the stem cells, new cells may be created which have the potential to cure a great many severe maladies. For example, on Parkinson's disease, stem cells are enormously helpful. There is potential for cures on Alzheimer's, on heart ailments, and really on the whole range of human ailments, illnesses, and diseases.

There has been a limiting factor on the use of stem cells because of a provision, which was inserted many years ago into the appropriations bill for our subcommittee, which limits Federal funding on research relating to stem cells.

The Department of Health and Human Services has handed down a ruling which would permit federal scientists to conduct research on stem cells that have been derived by private sources.

The concern has been that the human embryo, subjected to scientific research, would potentially destroy life. The fact is that the only human embryos which are used as a basis for stem cell research are human embryos from discarded in vitro fertilization clinics. It is not a matter of using a human embryo which has the potentiality for life to extract the stem cells because these are embryos which have been discarded.

Notwithstanding the legal opinion handed down by the general counsel of the Department of Health and Human Services, it is our view that there are still undue restrictions on scientific research from existing law. That is why this legislation has been introduced. It will eliminate the ban on the use of Federal funding for the research on stem cells.

There are a number of very important restrictions.

First, the research would not apply to the creation of human embryos for research purposes.

Second, the research would not result in the cloning of a human being.

Third, it would be unlawful for any person receiving Federal funds to knowingly acquire, receive, or transfer any human embryos for valuable consideration, even if the transfer affected interstate commerce.

These limitations have been engrafted into the legislation to be sure this kind of inappropriate conduct is being prohibited.

The legal opinion issued by the Department of Health and Human Services covers the statutory prohibition on the use of funds, stating that human embryo research would not apply to research utilizing human pluripotent stem cells because such stem cells do not constitute a human embryo. However, applying the Federal funding solely to pluripotent stem cells is not sufficient because there ought to be an opportunity for broader research, as I have suggested.

The controversy on stem cell research is very similar to the controversy which had existed on prohibiting research on fetal tissue when many people advanced the argument that it would induce abortions to secure fetal tissue. It soon became readily apparent that the research on fetal tissue was from discarded fetal tissue and that, in fact, there would not be an inducement of abortions to produce fetal tissue for research purposes. That is very similar, almost identical, except for what is involved with the issue of human embryos. Human embryos which will not be used for research for stem cells where there is any possibility that they might produce life and may be used only from discarded embryos, similarly to the discarded fetal tissue.

When the appropriations bill was considered last fall, a provision was inserted into the committee report which would eliminate the prohibition of use of funds for research on stem cells. When it became apparent that this provision would likely stall the progress of the appropriations bill, an agreement was reached to remove that provision in committee before the bill got to the floor under an arrangement with our distinguished majority leader, Senator LOTT, who agreed to bring up the legislation as a freestanding bill. That is the legislation Senator HARKIN and I are introducing today.

We intend to have an additional hearing within the next several weeks so that the stage will be set by late February or early March to proceed with the schedule of this bill as a freestanding measure and so that the Senate may vote up or down and the House of Representatives may ultimately have an opportunity to vote as well.

Over the past 14 months, the Labor, Health and Human Services and Education Subcommittee which I chair, held four hearings, the latest on November 4, 1999, to discuss the advances in stem cell research made by two research teams. One team, led by Dr. James Thompson at the University of Wisconsin, and the other headed by Dr. John Gearhart at Johns Hopkins University. Stem cell research is one area that holds particular promise for the development of future medical treatment and cures. Stem cells originating in an embryo have the unique ability, for a very limited period of time, to become any cell type of the body. This power, if harnessed by science, could lead to replacement therapies for failing cells, for example, or lead to organ tissues that could be implanted into a patient. Scientists are just beginning preliminary research into the potential practical applications of this line of work. At a Senate hearing convened by my subcommittee on December 2, 1998, Dr. Gearhart testified that he has been able to induce some stem cells to grow into nerve cells. Other scientists also stated that cures for Parkinson's, Alzheimer's, heart disease, diabetes, and other diseases and illnesses that plague mankind could be greatly accelerated by stem cell research. Some scientists, for example, believe that stem cell research could lead to tangible benefits to Parkinson's Disease patients in as soon as 7 to 10 years.

What has been delaying the advancement of this new line of research is a provision in the Labor-HHS appropriations bill that prohibits research on human embryos. On January 15, 1999, the Department of Health and Human Services issued a legal opinion finding that the statutory prohibition of the use of funds appropriated to HHS for human embryo research would not apply to research utilizing human pluripotent stem cells because such cells do not constitute a human embryo. But even this limited use of stem cells may be blocked by those who misunderstand its purpose. According to Dr. Harold Varmus, the former head of the National Institutes of Health, research on stem cells is not the same as research on human embryos. Stem cells do not have the capacity to develop into a human being.

While I applaud the HHS ruling, I do not believe that it goes far enough. To achieve the greatest and swiftest benefits, Federal researchers need their own supply of stem cells. Therefore, I am proposing this legislation to enable Federally-funded researchers to derive their own stem cells from spare embryos obtained from in vitro fertilization clinics. Allowing scientists to conduct human stem cell research would greatly accelerate advances in many avenues of study and, in collaboration with private industry, expedite the production and availability of new drugs and treatments. Enacting such legislation would clarify the boundaries governing Federally-funded researchers and make clear the commitment of this Congress to biomedical research.

Let me review the key provisions of this bill:

It would amend the Public Health Service Act and give permanent authority to the Secretary of Health and

Human Services to conduct, support, or fund research on human embryos only for the purpose of generating stem cells. Human embryonic stem cells may be derived and used in research only from embryos that would otherwise be discarded and donated by in vitro fertilization clinics and only with the written informed consent of the donors.

The Secretary shall issue guidelines governing human stem cell research, including definitions and terms used in such research.

All Federal research protocols and consent forms involving human pluripotent stem cell research shall be reviewed and approved by an institutional review board.

The Secretary shall annually submit to the Congress a report describing the activities carried out under this section during the preceding fiscal year, including whether and to what extent research has been conducted in accordance with this purpose.

The following restrictions would apply:

(A) The research shall not result in the creation of human embryos for research purposes.

(B) The research shall not result in the cloning of a human being.

(C) It shall be unlawful for any person receiving Federal funds to knowingly acquire, receive, or transfer any human embryos for valuable consideration if the transfer affects interstate commerce.

We have heard very compelling testimony from many individuals who are hoping for treatments and cures from stem cell research. One individual, Mr. Richard Pikunis of Malvern, New Jersey, a 27 year-old stricken with Parkinson's Disease, told the Subcommittee how the disease has affected every facet of his young life—from law school graduation to the birth of his son. Dr. Douglas Melton, a prominent professor at Harvard, told of the struggles of his son afflicted with juvenile diabetes. We also heard from Michael J. Fox, who implored us to do more for people with Parkinson's disease. Mr. Fox told of his daily medication routine and progressing physical and mental exhaustion. He asked for the Subcommittee's help to eradicate the disease so that he could dance at his children's weddings. Mr. Fox has just recently announced that he is leaving his popular television series to devote more time to his family and to advocate for more research on finding a cure for Parkinson's disease.

Mr. President, these are just a few of the voices pleading with us to allow this research to move ahead. While stem cell research does not guarantee that a cure will be found, without it the opportunity to halt their suffering may be denied then. The enactment of this legislation as soon as possible could give thousands of individuals a chance to see a cure within their lifetime.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stem Cell Research Act of 2000".

SEC. 2. RESEARCH ON HUMAN EMBRYONIC STEM CELLS.

Part G of the Title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 498B the following:

"SEC. 498C. RESEARCH ON HUMAN EMBRYONIC STEM CELLS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may only conduct, support, or fund research on, or utilizing, human embryos for the purpose of generating embryonic stem cells in accordance with this section.

"(b) SOURCES OF EMBRYONIC CELLS.—For purposes of carrying out research under paragraph (1), the human embryonic stem cells involved shall be derived only from embryos that otherwise would be discarded that have been donated from in-vitro fertilization clinics with the written informed consent of the progenitors.

"(c) RESTRICTIONS.—

"(1) IN GENERAL.—The following restriction shall apply with respect to human embryonic stem cell research conducted or supported under subsection (a):

"(A) The research involved shall not result in the creation of human embryos.

"(B) The research involved shall not result in the reproductive cloning of a human being.

"(2) PROHIBITION.—

"(A) IN GENERAL.—It shall be unlawful for any person receiving Federal funds to knowingly acquire, receive, or otherwise transfer any human gametes or human embryos for valuable consideration if the acquisition, receipt, or transfer affects interstate commerce.

"(B) DEFINITION.—In subparagraph (A), the term 'valuable consideration' does not include reasonable payments associated with transportation, transplantation, processing, preservation, quality control, or storage.

"(d) GUIDELINES.—

"(1) IN GENERAL.—The Secretary, in conjunction with the Director of the National Institutes of Health, shall issue guidelines governing human embryonic stem cell research under this section, including the definitions and terms used for purposes of such research.

"(2) REQUIREMENTS.—The guidelines issued under paragraph (1) shall ensure that—

"(A) all Federal research protocols and consent forms involving human embryonic stem cell research must be reviewed and approved by an institutional review board; and

"(B) the institutional review board is empowered to make a determination as to whether or not the proposed research is in accordance with National Institutes of Health Guidelines for Research Involving Human Pluripotent Stem Cells.

"(e) REPORTING REQUIREMENTS..—Not later than January 1 2001, and each January 1 thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the preceding fiscal year, and including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.".

Mr. HARKIN. Mr. President, I am pleased to join my distinguished colleague, Senator SPECTER, in the introduction of the "Stem Cell Research Act of 2000." I want to commend Senator SPECTER for having the leadership and foresight to introduce legislation which will broaden federally-funded scientists to pursue stem cell research, under certain, limited conditions.

From enabling the development of cell and tissue transplantation, to improving and accelerating pharmaceutical research and development, to increasing our understanding of human development and cancer biology, the potential benefits of stem cell research are truly awe-inspiring.

Stem cells hold hope for countless patients through potentially lifesaving therapies for Parkinson's, Alzheimers, stroke, heart disease and diabetes. Also exciting is the possibility that researchers may be able to alter stem cells genetically so they would avoid attack by the patient's immune system.

But all of these potential benefits could be delayed or even denied to patients without a healthy partnership between the private sector and the federal government.

While market interest in stem cell technology is strong, and private companies will continue to fund this research, the government has an important role to play in supporting the basic and applied science that underpins these technologies. The problem is that early, basic science is always going to be underfunded by the private sector because this type of research does not get products onto the market quickly enough. The only way to ensure that this research is conducted is to allow the NIH to support it.

The Department of Health and Human Services ruled last year that under the current ban on human embryo research, federally-funded scientists can conduct stem cell research if they use cell lines derived from private sources. This is a positive step forward, but it continues to handicap our researchers in the pursuit of cures and therapies that will help our citizens.

Last fall, the National Bioethics Advisory Commission (NBAC) released its final report, "Ethical Issues in Human Stem Cell Research." The Commission concluded that stem cell research should be allowed to go forward with federal support, as long as researchers were limited to only two sources of stem cells: fetal tissue and embryos resulting from infertility treatments. And they recommended that federal support be contingent on an open system of oversight and review.

NBAC also arrived at the important conclusion that it is ethically acceptable for the federal government to finance research that both derives cell lines from embryos and that uses those cell lines. Their report states, "Relying on cell lines that might be derived exclusively by a subset of privately funded researchers who are interested in this area could severely limit scientific and clinical progress."

The Commission goes on to say that "scientists who conduct basic research and are interested in fundamental cellular processes are likely to make elemental discoveries about the nature of ES [embryonic stem] cells as they derive them in the laboratory."

NBAC's report presents reasonable guidelines for federal policy. Our bill bans human embryo research, but allows federally-funded scientists to derive human pluripotent stem cells from human embryos if those embryos are obtained from IVF clinics, if the donor has provided informed consent and the embryo was no longer needed for fertility treatments. The American Society of Cell Biology estimates that 100,000 human embryos are currently frozen in IVF clinics, in excess of their clinical need.

In addition, our language requires HHS and NIH to develop procedural and ethical guidelines to make sure that stem cell research is conducted in an ethical, sound manner. As it stands today, stem cell research in the private sector is not subject to federal monitoring or ethical requirements.

Stem cell research holds such hope, such potential for millions of Americans who are sick and in pain, it is morally wrong for us to prevent or delay our world-class scientists from building on the progress that has been made.

As long as this research is conducted in an ethically validated manner, it should be allowed to go forward, and it should receive federal support. That is why Senator SPECTER and I have joined together on legislation that will allow our nation's top scientists to pursue critical cures and therapies for the diseases and chronic conditions which strike too many Americans. I urge my Senate colleagues to join us in supporting this bill.

By Mr. DOMENICI:

S. 2016. A bill to authorize appropriations for, and to improve the operation of, the Nuclear Regulatory Commission, and for other purposes; to the Committee on Environment and Public Works.

THE NUCLEAR REGULATORY COMMISSION AUTHORIZATION AND IMPROVEMENTS ACT OF 2000

Mr. DOMENICI. Mr. President, I rise today to introduce legislation important to the energy security of our country. This legislation entitled the "Nuclear Regulatory Commission Authorization and Improvements Act of 2000" not only includes provisions authorizing the annual funding for the Nuclear Regulatory Commission (NRC), but makes essential amendments to the Atomic Energy Act of 1954.

Mr. President, the legislation I am introducing today will assist the NRC in its efforts to achieve greater efficiencies and eliminate outdated restrictions within our nuclear energy sector. As mentioned, this legislation includes several amendments to the Atomic Energy Act, including the following:

Eliminating provisions in current law that preclude any foreign ownership of power and research reactors located in the United States. These outdated provisions are a significant obstacle to foreign investment or participation in the U.S. nuclear power industry and its restructuring. No valid reasons exist to prohibit investors from countries such as the United Kingdom from participating in the ownership of nuclear plants in this country. The provisions in current law that protect U.S. security interests are unchanged by my legislation.

Eliminationg the current statutory requirement that the NRC conduct an antitrust review in connection with licensing actions. Other federal agencies already have comprehensive responsibility to enforce antitrust laws affecting electric utilities. Requiring the NRC to do independent antitrust evaluations for licensing actions is redundant, time-consuming and unnecessary.

Simplifying the hearing requirements in a proceeding involving an amendment to an existing operating license, or the transfer of an existing operating license. The amendment provides that the Commission should not use formal adjudicatory procedures in such cases, but rather should comply with the informal rulemaking requirements contained in the Administrative Procedure Act.

Giving the NRC the authority to establish such requirements it deems necessary to ensure that non-licenses fully comply with their obligations to provide funding for nuclear plant decommissioning. This includes jurisdiction over non-licensees, i.e., those who have transferred their license but retain responsibility for decommissioning.

The proposed package also includes legislative provisions sought by the NRC. The foreign ownership and antitrust review changes just mentioned were included in the NRC's legislative proposals last year. Other provisions requested by the NRC should serve to enhance nuclear safety and physical security, increase efficiency, and enhance the economic use of Commission resources.

These changes are necessary to ensure that nuclear energy remains part of our nation's energy portfolio. Nuclear energy is a vital ingredient for providing U.S. base load capacity based on economic, environmental and electricity needs.

Mr. President, I am sure everyone is aware of my strong commitment to nuclear energy. This conviction is well-founded. One need only consider a few simple facts to find justification for my position.

Ensuring diversity and reliability in our nation's future energy portfolio is a critical national security concern. As just one example, our increasing dependence on imported fossil fuel is a cause for concern. Last year oil imports accounted for 54% of U.S. oil consumption. This dependence could create a national security crisis. This dependence may also contribute to an environmental crisis.

Similarly, although we continue to invest in renewable energy resources, the hard facts demonstrate that renewables alone cannot obtain sufficient energy generation to meet future needs.

An article by Richard Rhodes and Denis Beller in the most recent edition of Foreign Affairs argues the case for nuclear energy in detail. Mr. President, allow me briefly to review some facts found in this article that address some very important questions. These repeat the same points I made in a speech at Harvard in October of 1997 and have made many times since.

First, what estimated energy demands will the world face?

A 1999 report by the British Royal Society and Royal Academy of Engineering estimates that the consumption of energy will at least double in the next 50 years and grow by a factor of up to five in the next century.

The OECD projects 65% growth in world energy demand by 2020.

How can nuclear energy play a role in meeting future energy needs?

The anti-nuclear groups are dead wrong. Nuclear power is neither dead nor dying. France generates 79 percent of its electricity with nuclear power; Belgium, 60 percent; Sweden, 42 percent; Japan 34 percent; and the United States, 20 percent. The United States remains the largest producer of nuclear energy in the world, and the U.S. nuclear industry generated nine percent more nuclear electricity in 1999 than 1998. In order to sustain economic growth, China has plans for as many as 100 nuclear power plants, and South Korea will more than double its capacity by building 16 new plants.

Nuclear power's advantage is the ability to generate a vast amount of energy from a minute quantity of fuel. For example, whereas one kilogram of firewood can produce one kilowatt-hour of electricity and the ratio for oil is one-to-four, one kilogram of uranium fuel in a modern light-water reactor generates 400,000 kilowatts of electricity, even without recycling.

Nuclear safety and efficiency have improved dramatically in the last decade. For example, the average U.S. capacity factor in 1998 was 80 percent, compared to 58 percent in 1980 and 66 percent in 1990. The average production costs for nuclear energy are now at just under two cents per kilowatt-hour, while electricity produced from gas costs almost three and a half cents per kilowatt-hour. Most importantly, radiation exposure to workers and waste produced per unit of energy have hit new lows.

What about the risks from radioactivity?

Good evidence exists that exposure to low doses of radioactivity actually improves health and lengthens life through stimulation of the immune system. Unfortunately, U.S. standards, in particular those established by the Environmental Protection Agency, rely on a theory—the "linear no-threshold" theory (LNT)—that predicts exposure to trivial levels of radiation increases the risk of cancer. One should keep in mind that the levels argued to increase risk of cancer by this model are considerably less than preexisting natural levels of background radiation. Furthermore, this theory is by no means accepted by the entire scientific community.

According to recent studies by the Harvard School of Public Health, a 1,000 megawatt coal-fired power plant releases about 100 times as much radioactivity into the environment as a comparable nuclear plant. However, the same standards for radioactive releases do not apply to coal and nuclear plants. And, experts on coal geology and engineering have concluded that "radioactive elements in coal and fly ash should not be sources of alarm."

Can we not place more reliance on renewables?

Even if robustly subsidized, renewables will only move from their present 0.5 percent share to claim no more than five to eight percent by 2020.

The U.S. leads in renewable energy generation, but such production declined by 9.4 percent from 1997 to 1998: hydro by 9.2%, geothermal by 5.4%, wind by 50.5%, and solar by 27.7%.

Are we making smart investments for U.S. energy security?

Federal R&D investment per thousand kilowatt was only five cents for nuclear and coal, 58 cents for oil, and 41 cents for gas; however, it was $4,769 for wind and $17,006 for photovoltaics.

In brief, we need nuclear. Our economic growth and security depend on it. The benefits of nuclear outweigh the risks. Renewables cannot fill the gap—either between today's demands and future needs or today with nuclear and today without. Not only are coal, gas and oil finite resources, but their use is harmful to human health and the environment.

Mr. President, we must not fail to ensure that nuclear is part of our energy mix. Our nation's energy future must include nuclear in order to be sufficiently diverse, reliable and adequate to meet future energy needs.

The legislation I am offering today will help ensure that nuclear remains part of our energy mix.

Deregulation of the electric utility industry increases the need to keep operating costs low enough to be competitive. For this reason, nuclear energy's future rides on decreasing costs of regulation, especially that of the Nuclear Regulatory Commission.

With gentle prodding and some more overt tactics from the Congress, positive changes at the NRC have been forthcoming.

While holding fast to its primary health and safety mission, the NRC needed to move from a traditional deterministic approach to a more risk-informed and performance-based approach to regulation. In brief, the NRC needed to achieve a rapid transition to an entirely different regulatory framework, streamline its processes, and offer clear definitions, standards, and requirements.

Let me briefly highlight two of the milestones of the past year:

Reactor Oversight.—The NRC commenced with a pilot program for the new reactor licensee oversight process. This process will replace the current inspections, assessment and enforcement processes.

Plants will be evaluated in three key areas: reactor safety, radiation safety and security safeguards. Twenty "performance indicators" will assess overall performance in each area. Most stakeholders view this as a big step toward more consistent and objective assessments.

The NRC plans full implementation of this inspection regime for all nuclear plants this year.

Licensing Actions.—The NRC continued completion of licensing actions at a rate greater than NRC Performance Plan output measures and continued to reduce the licensing action inventory.

For instance, one indicator of greater efficiency in licensing actions is the age of the inventory. 1999 showed consistent improvements in turnaround time. For fiscal year 1998, the NRC licensing action inventory included 65.6% of licensing actions that were less than 1 year old; 86% that were less than 2 years old; and 95.4% that were less than 3 years old. By October 1999, 95% of the licensing action inventory was less than 1 year old; and 100% was less than two years old.

These are just two examples. With Congress and industry demanding regulatory change, the agency is responding. All elements of change, especially the overall shift from a deterministic to a risk-informed paradigm, remain work-in-progress. I believe, however, the general consensus is that the last couple years have been very positive.

At the same time, the NRC needs our assistance in removing outdated and unnecessary statutory provisions. This legislation will achieve that.

Mr. President, I close with the same thoughts as Richard Rhodes and Denis Beller: "Nuclear power is environmentally safe, practical, and affordable. It is not the problem—it is one of the best solutions."

Mr. President, I ask unanimous consent that a copy of the legislation and the Foreign Affairs article entitled "The Need for Nuclear Power" by Dr. Rhodes and Dr. Beller be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Regulatory Commission Authorization and Improvements Act of 2000".

SEC. 2. DEFINITIONS.

Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014) is amended—

(1) in subsection f., by striking "Atomic Energy Commission" and inserting "Nuclear Regulatory Commission"; and

(2) by adding at the end the following:

"(kk) NUCLEAR DECOMMISSIONING OBLIGATION.—The term 'nuclear decommissioning obligation' means an expense incurred to ensure the continued protection of the public from the dangers of any residual radioactivity or other hazards present at a facility at the time the facility is decommissioned, including all costs of actions required under rules, regulations and orders of the Commission for—

"(1) entombing, dismantling and decommissioning a facility; and

"(2) administrative, preparatory, security and radiation monitoring expenses associated with entombing, dismantling, and decommissioning a facility.".

SEC. 3. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking "; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia".

SEC. 4. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking "c. Each such" and inserting the following:

"c. LICENSE PERIOD.—

"(1) IN GENERAL.—Each such"; and

(2) by adding at the end the following:

"(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.".

SEC. 5. ELIMINATION OF FOREIGN OWNERSHIP PROHIBITIONS.

(a) COMMERCIAL LICENSES.—Section 103d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended in the second sentence—

(1) by inserting "for a production facility" after "license"; and

(2) by striking "any any" and inserting "any".

(b) Medical Therapy and Research and Development Licenses.—Section 104d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended in the second sentence by inserting "for a production facility" after "license".

SEC. 6. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

"(d) Applicability.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.".

SEC. 7. GIFT ACCEPTANCE AUTHORITY.

(a) In General.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by striking "g." and inserting "(g)(1)";

(2) by striking "this Act;" and inserting "this Act; or"; and

(3) by adding at the end the following:

"(2) accept, hold, utilize, sell, and administer gifts of real and personal property for the purpose of aiding or facilitating the work of the Commission.".

(b) Nuclear Regulatory Commission Fund.—

(1) In general.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 170C. NUCLEAR REGULATORY COMMISSION FUND.

"(a) Establishment.—There is established in the Treasury of the United States a fund to be known as the 'Nuclear Regulatory Commission Fund' (referred to in this section as the 'Fund').

"(b) Deposits in Fund.—Any gift accepted under section 161g.(2), or net proceeds of the sale of such a gift, shall be deposited in the Fund.

"(c) Use.—

"(1) In general.—Amounts in the Fund shall, without further Act of appropriation, be available to the Chairman of the Commission.

"(2) Consistency with gift.—Gifts accepted under this section 161g.(2) shall be used as nearly as possible in accordance with the terms of the gift, if those terms are not inconsistent with this section or any other applicable law.

"(d) Criteria.—

"(1) In general.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

"(2) Considerations.—The criteria under paragraph (1) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.".

(2) Conforming and technical amendments.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 2(b)) is amended by adding at the end the following:

"Sec. 170B. Uranium supply.
"Sec. 170C. Nuclear Regulatory Commission Fund.".

SEC. 8. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) In General.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 7(b)(1)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

"(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;" and

(2) by adding at the end the following:

"SEC. 170D. CARRYING OF FIREARMS.

"(a) Authority To Make Arrest.—

"(1) In general.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

"(2) Limitation.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

"(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

"(B) in the enforcement of—

"(i) a law regarding the property of the United States in the custody of the Department of Energy, the Commission, or a contractor of the Department of Energy or the Commission or a licensee or certificate holder of the Commission;

"(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

"(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

"(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

"(3) Other authority.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

"(4) Guidelines.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.".

(b) Conforming and Technical Amendments.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 7(b)(2)) is amended by adding at the end the following:

"Sec. 170D. Carrying of firearms.".

SEC. 9. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking "or which operates any facility regulated or certified under section 1701 or 1702,";

(2) by striking "section 483a of title 31 of the United States Code" and inserting "section 9701 of title 31, United States Code,"; and

(3) by inserting before the period at the end the following: "; and commencing on October 1, 2000, prescribe and collect from any other Government agency, any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law".

SEC. 10. HEARING PROCEDURES.

Section 189 a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following:

"(C) Hearings.—A hearing under this section shall be conducted using informal adjudicatory procedures established under sections 553 and 555 of title 5, United States Code, unless the Commission determines that formal adjudicatory procedures are necessary—

"(i) to develop a sufficient record; or

"(ii) to achieve fairness.".

SEC. 11. HEARINGS ON LICENSING OF URANIUM ENRICHMENT FACILITIES.

Section 193(b)(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2243(b)(1)) is amended by striking "on the record".

SEC. 12. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting "or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act" before the period at the end.

SEC. 13. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking "storage facility" and inserting "storage, treatment, or disposal facility";

(2) in paragraph (3)—

(A) by striking "such a utilization facility" and inserting "a utilization facility licensed under this Act"; and

(B) by striking "or" at the end;

(3) in paragraph (4)—

(A) by striking "facility licensed" and inserting "or nuclear fuel fabrication facility licensed or certified"; and

(B) by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility;".

SEC. 14. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

The Atomic Energy Act of 1954 is amended by inserting after section 241 (42 U.S.C. 2015) the following:

"SEC. 242. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

"(a) Definition of Facility.—In this section, the term 'facility' means a commercial nuclear electric generating facility for which a nuclear decommissioning obligation is incurred.

"(b) Decommissioning Obligations.—After public notice and in accordance with section

181, the Commission shall establish by rule, regulation, or order any requirement that the Commission considers necessary to ensure that a person that is not a licensee (including a former licensee) complies fully with any nuclear decommissioning obligation.".

SEC. 15. CONTINUATION OF COMMISSIONER SERVICE.

Section 201(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(c)) is amended—

(1) by striking "(c) Each member" and inserting the following:

"(c) Term.—

"(1) In general.—Each member"; and

(2) by adding at the end the following:

"(2) Continuation of service.—A member of the Commission whose term of office has expired may, subject to the removal power of the President, continue to serve as a member until the member's successor has taken office, except that the member shall not continue to serve beyond the expiration of the next session of Congress after expiration of the fixed term of office.".

SEC. 16. LIMITATIONS ON ACTIONS RELATING TO SOURCE, BYPRODUCT, AND SPECIAL NUCLEAR MATERIAL.

(a) Definition of Federally Permitted Release.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by striking the period at the end and inserting ", or any release of such material in accordance with regulations of the Nuclear Regulatory Commission following termination of a license issued by the Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or by a State acting under an agreement entered into under section 274b. of that Act (42 U.S.C. 2021b.).".

(b) Limitation on Actions.—Section 121(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(b)) is amended by adding at the end the following:

"(3) Limitation on actions relating to source, byproduct, and special nuclear material.—No authority under this Act may be used to commence an administrative or judicial action with respect to source, special nuclear, or byproduct material that is subject to decontamination regulations issued by the Nuclear Regulatory Commission for license termination under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or by a State that has entered into an agreement under section 274b. of that Act (42 U.S.C. 2021b.) unless the action is requested by the Nuclear Regulatory Commission or, in the case of material under the jurisdiction of a State that has entered into such an agreement, the Governor of the State.".

SEC. 17. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

(a) In General.—

(1) Salaries and expenses.—There is authorized to be appropriated to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) and section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875) $465,400,000 for fiscal year 2001, to remain available until expended, of which $19,150,000 is authorized to be appropriated from the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222).

(2) Office of inspector general.—There is authorized to be appropriated to the Office of Inspector General of the Nuclear Regulatory Commission $6,000,000 for fiscal year 2001, to remain available until expended.

(b) Allocation of Amounts Authorized.—

(1) In general.—The amounts authorized to be appropriated under subsection (a)(1) shall be allocated as follows:

(A) Nuclear reactor safety.—$210,043,000 shall be used for the Nuclear Reactor Safety Program.

(B) Nuclear materials safety.—$63,881,000 shall be used for the Nuclear Materials Safety Program.

(C) Nuclear waste safety.—$42,143,000 shall be used for the Nuclear Waste Safety Program.

(D) International nuclear safety support program.—$4,840,000 shall be used for the International Nuclear Safety Support Program.

(E) Management and support program.—$144,493,000 shall be used for the Management and Support Program.

(2) Limitation.—The Nuclear Regulatory Commission may use not more than 1 percent of the amounts allocated under paragraph (1) to exercise authority under section 31a. of the Atomic Energy Act of 1954, (42 U.S.C. 2051(a)) to make grants and enter into cooperative agreements with organizations such as universities, State and local governments, and not-for-profit institutions.

(3) Reallocation.—

(A) In general.—Except as provided in subparagraphs (B) and (C), any amount allocated for a fiscal year under any subparagraph of paragraph (1) for the program referred to in that subparagraph may be reallocated by the Nuclear Regulatory Commission for use in a program referred to in any other such subparagraph.

(B) Limitation.—

(i) Advance notification.—The amount made available from appropriations for use for any program referred to in any subparagraph of paragraph (1) may not, as a result of a reallocation under subparagraph (A), be increased or decreased by more than $1,000,000 for a quarter unless the Commission provides advance notification of the reallocation to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(ii) Contents.—A notification under clause (i) shall contain a complete statement of the reallocation to be made and the facts and circumstances relied on in support of the reallocation.

(C) Use of certain funds.—Funds authorized to be appropriated from the Nuclear Waste Fund—

(i) may be used only for the high-level nuclear waste activities of the Commission; and

(ii) may not be reallocated for other Commission activities.

(c) Limitation.—No authority to make payments under this section shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 18. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), this Act and the amendments made by this Act shall be effective on the date of enactment of this Act.

(b) Decommissioning and License Removal.—The amendments made by sections 14 and 16 take effect on the date that is 180 days after the date of enactment of this Act.

[From Foreign Affairs, January-February, 2000]

THE NEED FOR NUCLEAR POWER

(By Richard Rhodes and Denis Beller)

A CLEAN BREAK

The world needs more energy. Energy multiplies human labor, increasing productivity. It builds and lights schools, purifies water, powers farm machinery, drives sewing machines and robot assemblers, stores and moves information. World population is steadily increasing, having passed six billion in 1999. Yet one-third of that number—two billion people—lack access to electricity. Development depends on energy, and the alternative to development is suffering: poverty, disease, and death. Such conditions create instability and the potential for widespread violence. National security therefore requires developed nations to help increase energy production in their more populous developing counterparts. For the sake of safety as well as security, that increased energy supply should come from diverse sources.

"At a global level," the British Royal Society and Royal Academy of Engineering estimate in a 1999 report on nuclear energy an climate change, "we can expect our consumption of energy at least to double in the next 50 years and to grow by a factor of up to five in the next 100 years as the world population increases and as people seek to improve their standards of living." Even with vigorous conservation, would energy production would have to triple by 2050 to support consumption at a mere one-third of today's U.S. per capita rate. The International Energy Agency (IEA) of the Organization for Economic Cooperation and Development (OECD) projects 65 percent growth in world energy demand by 2020, two-thirds of that coming from developing countries. "Given the levels of consumption likely in the future," the Royal Society and Royal Academy caution, "it will be an immense challenge to meet the global demand for energy without unsustainable long-term damage to the environment." That damage includes surface and air pollution and global warming.

Most of the world's energy today comes from petroleum (39.5 percent), coal (24.2 percent), natural gas (22.1 percent), hydroelectric power (6.9 percent), and nuclear power (6.3 percent). Although oil and coal still dominate, their market fraction began declining decades ago. Meanwhile, natural gas and nuclear power have steadily increased their share and should continue to do so. Contrary to the assertions of antinuclear organizations, nuclear power is neither dead nor dying. France generates 79 percent of its electricity with nuclear power; Belgium, 60 percent; Sweden, 42 percent; Switzerland, 39 percent; Spain, 37 percent; Japan, 34 percent; the United Kingdom, 21 percent; and the United States (the largest producer of nuclear energy in the world), 20 percent. South Korea and China have announced ambitious plans to expand their nuclear-power capabilities—in the case of South Korea, by building 16 new plants, increasing capacity by more than 100 percent. With 434 operating reactors worldwide, nuclear power is meeting the annual electrical needs of more than a billion people.

In America and around the globe, nuclear safety and efficiency have improved significantly since 1990. In 1998, unit capacity factor (the fraction of a power plant's capacity that it actually generates) for operating reactors reached record levels. The average U.S. capacity factor in 1998 was 80 percent for about 100 reactors, compared to 58 percent in 1980 and 66 percent in 1990. Despite a reduction in the number of power plants, the U.S. nuclear industry generated nine percent more nuclear electricity in 1999 than in 1998. Average production costs for nuclear energy are now just 1.9 cents per kilowatt-hour (kWh), while electricity produced from gas costs 3.4 cents per kWh. Meanwhile, radiation exposure to workers and waste produced per unit of energy have hit new lows.

Because major, complex technologies take more than half a century to spread around the world, natural gas will share the lead in power generation with nuclear power over the next hundred years. Which of the two will command the greater share remains to be determined. But both are cleaner and more secure than the fuels they have begun to replace, and their ascendance should be endorsed. Even environmentalists should welcome the transition and reconsider their infatuation with renewable energy sources.

CARBON NATIONS

Among sources of electric-power generation, coal is the worst environmental offender. (Petroleum, today's dominant source of energy, sustains transportation, putting it in a separate category.) Recent studies by the Harvard School of Public Health indicate that pollutants from coal-burning cause about 15,000 premature deaths annually in the United States alone. Used to generate about a quarter of the world's primary energy, coal-burning releases amounts of toxic waste too immense to contain safely. Such waste is either dispersed directly into the air or is solidified and dumped. Some is even mixed into construction materials. Besides emitting noxious chemicals in the form of gases or toxic particles—sulfur and nitrogen oxides (components of acid rain and smog), arsenic, mercury, cadmium, selenium, lead, boron, chromium, copper, fluorine, molybdenum, nickel, vanadium, zinc, carbon monoxide and dioxide, and other greenhouse gases—coal-fired power plants are also the world's major source of radioactive releases into the environment. Uranium and thorium, mildly radioactive elements ubiquitous in the earth's crust, are both released when coal is burned. Radioactive radon gas, produced when uranium in the Earth's crust decays and normally confined underground, is released when coal is mined. A 1,000-megawatt-electric (MWe) coal-fired power plant releases about 100 times as much radioactivity into the environment as a comparable nuclear plant. Worldwide releases of uranium and thorium from coal-burning total about 37,300 tonnes (metric tons) annually, with about 7,300 tonnes coming from the United States. Since uranium and thorium are potent nuclear fuels, burning coal also wastes more potential energy than it produces.

Nuclear proliferation is another overlooked potential consequence of coal-burning. The uranium released by a single 1,000-MWe coal plant in a year includes about 74 pounds of uranium-235—enough for at least two atomic bombs. This uranium would have to be enriched before it could be used, which would be complicated and expensive. But plutonium could also be bred from coal-derived uranium. Moreover, "because electric utilities are not high-profile facilities," writes physicist Alex Gabbard of the Oak Ridge National Laboratory, "collection and processing of coal ash for recovery of minerals . . . can proceed without attracting outside attention, concern or intervention. Any country with coal-fired plants could collect combustion by products and amass sufficient nuclear weapons materials to build up a very powerful arsenal." In the early 1950s, when richer ores were believed to be in short supply, the U.S. Atomic Energy Commission actually investigated using coal as a source of uranium production for nuclear weapons; burning the coal, the AEC concluded, would concentrate the mineral, which could then be extracted from the ash.

Such a scenario may seem far-fetched. But it emphasizes the political disadvantages under which nuclear power labors. Current laws force nuclear utilities, unlike coal plants, to invest in expensive systems that limit the release of radioactivity. Nuclear fuel is not efficiently recycled in the United States because of proliferation fears. These factors have warped the economics of nuclear power development and created a politically difficult waste-disposal problem. If coal utilities were forced to assume similar costs, coal electricity would no longer be cheaper than nuclear.

DECLINE AND FALL OF THE RENEWABLES

Renewable sources of energy—hydroelectric, solar, wind, geothermal, and biomass—have high capital-investment costs and significant, if usually unacknowledged, environmental consequences. Hydropower is not even a true renewable, since dams eventually silt in. Most renewables collect extremely diluted energy, requiring large areas of land and masses of collectors to concentrate. Manufacturing solar collectors, pouring concrete for fields of windmills, and downing many square miles of land behind dams cause damage and pollution.

Photovoltaic cells used for solar collection are large semiconductors; their manufacture produces highly toxic waste metals and solvents that require special technology for disposal. A 1,000–MWe solar electric plant would generate 6,850 tonnes of hazardous waste from metals-processing alone over a 30-year lifetime. A comparable solar thermal plant (using mirrors focused on a central tower) would require metals for construction that would generate 435,000 tonnes of manufacturing waste, of which 16,300 tonnes would be contaminated with lead and chromium and be considered hazardous.

A global solar-energy system would consume at least 20 percent of the world's known iron resources. It would require a century to build and a substantial fraction of annual world iron production to maintain. The energy necessary to manufacture sufficient solar collectors to cover a half-million square miles of the Earth's surface and to deliver the electricity through long-distance transmission systems would itself add grievously to the global burden of pollution and greenhouse gas. A global solar-energy system without fossil or nuclear backup would also be dangerously vulnerable to drops in solar radiation from volcanic events such as the 1883 eruption of Krakatoa, which caused widespread crop failure during the "year without a summer" that followed.

Wind farms, besides requiring millions of pounds of concrete and steel to build (and thus creating huge amounts of waste materials), are inefficient, with low (because intermittent) capacity. They also cause visual and noise pollution and are mighty slayers of birds. Several hundred birds of prey, including dozens of golden eagles, are killed every year by a single California wind farm; more eagles have been killed by wind turbines than were lost in the disastrous Exxon Valdez oil spill. The National Audubon Society has launched a campaign to save the California condor from a proposed wind farm to be built north of Los Angeles. A wind farm equivalent in output and capacity to a 1,000–MWe fossil-fuel or nuclear plant would occupy 2,000 square miles of land and, even with substantial subsidies and ignoring hidden pollution costs, would produce electricity at double or triple the cost of fossil fuels.

Although at least one-quarter of the world's potential for hydropower has already been developed, hydroelectric power—produced by dams that submerge large areas of land, displace rural populations, change river ecology, kill fish, and risk catastrophic collapse—has understandably lost the backing of environmentalists in recent years. The U.S. Export-Import Bank was responding in part to environmental lobbying when it denied funding to China's 18,000–MWe Three Gorges project.

Meanwhile, geothermal sources—which exploit the internal heat of the earth emerging in geyser areas or under volcanoes—are inherently limited and often coincide with scenic sites (such as Yellowstone National Park) that conservationists understandably want to preserve.

Because of these and other disadvantages, organizations such as World Energy Council and the IEA predict that hydroelectric generation will continue to account for no more than its present 6.9 percent share of the world's primary energy supply, while all other renewables, even though robustly subsidized, will move from their present 0.5 percent share to claim no more than 5 to 8 percent by 2020. In the United States, which leads the world in renewable energy generation, such production actually declined by 9.4 percent from 1997 to 1998: hydro by 9.2 percent, geothermal by 5.4 percent, wind by 50.5 percent, and solar by 27.7 percent.

Like the dream of controlled thermonuclear fusion, then, the realty of a world run on pristine energy generated from renewables continues to recede, despite expensive, highly subsidized research and development. the 1997 U.S. federal R&D investment per thousand kWh was only 5 cents for nuclear and coal, 58 cents for oil, and 41 cents for gas, but was $4,769 for wind and $17,006 for photovoltaics. This massive public investment in renewables would have been better spent making coal plants and automobiles cleaner. According to Robert Bradley of Houston's Institute for Energy Research, U.S. conservation efforts and nonhydroelectric renewables have benefited from a cumulative 20-year taxpayer investment of some $30-$40 billion—"the largest governmental peacetime energy expenditure in U.S. history." And Bradley estimates that "the $5.8 billion spent by the Department of Energy on wind and solar subsidies" alone could have paid for "replacing between 5,000 and 10,000 MWe of the nation's dirtiest coal capacity with gas-fired combined-cycle units, which would have reduced carbon dioxide emissions by between one-third and two-thirds." Replacing coal with nuclear generation would have reduced overall emissions even more.

Despite the massive investment, conservation and nonhydro renewables remain stubbornly uncompetitive and contribute only marginally to U.S. energy supplies. If the most prosperous nation in the world cannot afford them, who can? Not China, evidently, which expects to generate less than one percent of its commercial energy from nonhydro renewables in 2025. Coal and oil will still account for the bulk of China's energy supply in that year unless developed countries offer incentives to convince the world's most populous nation to change its plan.

TURN DOWN THE VOLUME

Natural gas has many virtues as a fuel compared to coal or oil, and its share of the world's energy will assuredly grow in the first half of the 21st century. But its supply is limited and unevenly distributed, it is expensive as a power source compared to coal or uranium, and it pollutes the air. A 1,000-MWe natural gas plant releases 5.5 tonnes of sulfur oxides per day, 21 tonnes of nitrogen oxides, 1.6 tonnes of carbon monoxide, and

0.9 tonnes of partculates. In the United States, energy production from natural gas released about 5.5 billion tonnes of waste in 1994. Natural gas fires and explosions are also significant risks. A single mile of gas pipeline three feet in diameter at a pressure of 1,000 pounds per square inch (psi) contains the equivalent of two-thirds of a kiloton of explosive energy; a million miles of such large pipelines lace the earth.

The great advantage of nuclear power is its ability to wrest enormous energy from a small volume of fuel. Nuclear fission, transforming matter directly into energy, is several million times as energetic as chemical burning, which merely breaks chemical bonds. One tonne of nuclear fuel produces energy equivalent to 2 to 3 million tonnes of fossil fuel. Burning 1 kilogram of firewood can generate 1 kilowatt-hour of electricity; 1 kg of coal, 3 kWh; 1 kg of oil, 4 kWh. But 1 kg of uranium fuel in a modern light-water reactor generates 400,000 kWh of electricity, and if that uranium is recycled, 1 kg can generate more than 7,000,000 kWh. These spectacular differences in volume help explain the vast difference in the environmental impacts of nuclear versus fossil fuels. Running a 1,000-MWe power plant for a year requires, 2,000 train cars of coal or 10 supertankers of oil but only 12 cubic meters of natural uranium. Out the other end of fossil-fuel plants, even those with pollution-control systems, come thousands of tonnes of noxious gases, particulates, and heavy-metal-bearing (and radioactive) ash, plus solid hazardous waste—up to 500,000 tonnes of sulfur from coal, more than 300,000 tonnes from oil, and 200,000 tonnes from natural gas. In contrast, a 1,000-MWe nuclear plant releases no noxious gases or other pollutants n1 and much less radioactivity per capita than is encountered from airline travel, a home smoke detector, or a television set. It produces about 30 tonnes of high-level waste (spent fuel) and 800 tonnes of low- and intermediate-level waste—about 20 cubic meters in all when compacted (roughly, the volume of two automobiles). All the operating nuclear plants in the world produce some 3,000 cubic meters of waste annually. By comparison, U.S. industry generates annually about 50,000,000 cubic meters of solid toxic waste.

n1 Uranium is refined and processed into fuel assemblies today using coal energy, which does of course release pollutants. If nuclear power were made available for process heat or if fuel assemblies were recycled, this source of manufacturing pollution would be eliminated or greatly reduced.

The high-level waste is intensely radioactive, of course (the low-level waste can be less radioactive than coal ash, which is used to make concrete and gypsum—both of which are incorporated into building materials). But thanks to its small volume and the fact that it is not released into the environment, this high-level waste can be meticulously sequestered behind multiple barriers. Waste from coal, dispersed across the landscape in smoke or buried near the surface, remains toxic forever. Radioactive nuclear waste decays steadily, losing 99 percent of its toxicity after 600 years—well within the range of human experience with custody and maintenance, as evidence by structures such as the Roman Pantheon and Notre Dame Cathedral. Nuclear waste disposal is a political problem in the United States because of wide-spread fear disproportionate to the reality of risk. But it is not an engineering problem, as advanced projects in France, Sweden, and Japan demonstrate. The World Health Organization has estimated that indoor and outdoor air pollution cause some three million deaths per year. Substituting small, properly contained volumes of nuclear waste for vast, dispersed amounts of toxic wastes from fossil fuels would produce so obvious an improvement in public health that it is astonishing that physicians have not already demanded such a conversion.

The production cost of nuclear electricity generated from existing U.S. plants is already fully competitive with electricity from fossil fuels, although new nuclear power is somewhat more expensive. But this higher price tag is deceptive. Large nuclear power plants require larger capital investments than comparable coal or gas plants only because nuclear utilities are required to build and maintain costly systems to keep their radioactivity from the environment. If fossil-fuel plants were similarly required to sequester the pollutants they generate, they would cost significantly more than nuclear power plants do. The European Union and the International Atomic Energy Agency (IAEA) have determined that "for equivalent amounts of energy generation, coal and oil plants, . . . owing to their large emissions and huge fuel and transport requirements, have the highest externality costs as well as equivalent lives lost. The external costs are some ten times higher than for a nuclear power plant and can be a significant fraction of generation costs." In equivalent lives lost per gigawatt generated (that is, loss of life expectancy from exposure to pollutants), coal kills 37 people annually; oil, 32; gas, 2; nuclear, 1. Compared to nuclear power, in other words, fossil fuels (and renewables) have enjoyed a free ride with respect to protection of the environment and public health and safety.

Even the estimate of one life lost to nuclear power is questionable. Such an estimate depends on whether or not, as the long-standing "linear no-threshold" theory (LNT) maintains, exposure to amounts of radiation considerably less than preexisting natural levels increases the risk of cancer. Although LNT dictates elaborate and expensive confinement regimes for nuclear power operations and waste disposal, there is no evidence that low-level radiation exposure increases cancer risk. In fact, there is good evidence that it does not. There is even good evidence that exposure to low doses of radioactivity improves health and lengthens life, probably by stimulating the immune system much as vaccines do (the best study, of background radon levels in hundreds of thousands of homes in more than 90 percent of U.S. counties, found lung cancer rates decreasing significantly with increasing radon levels among both smokers and nonsmokers). So low-level radioactivity from nuclear power generation presents at worst a negligible risk. Authorities on coal geology and engineering make the same argument about low-level radioactivity from coal-burning; a U.S. Geological Survey fact sheet, for example, concludes that "radioactive elements in coal and fly ash should not be sources of alarm." Yet nuclear power development has been hobbled, and nuclear waste disposal unnecessarily delayed, by limits not visited upon the coal industry.

No technology system is immune to accident. Recent dam overflows and failures in Italy and India each resulted in several thousand fatalities. Coal-mine accidents, oil- and gas-plant fires, and pipeline explosions typically kill hundreds per incident. The 1984 Bhopal chemical plant disaster caused some 3,000 immediate deaths and poisoned several hundred thousand people. According to the U.S. Environmental Protection Agency, between 1987 and 1997 more than 600,000 accidental releases of toxic chemicals in the United States killed a total of 2,565 people and injured 22,949.

By comparison, nuclear accidents have been few and minimal. The recent, much-reported accident in Japan occurred not at a power plant but at a facility processing fuel for a research reactor. It caused no deaths or injuries to the public. As for the Chernobyl explosion, it resulted from human error in operating a fundamentally faulty reactor design that could not have been licensed in the West. It caused severe human and environmental damage locally, including 31 deaths, most from radiation exposure. Thyroid cancer, which could have been prevented with prompt iodine prophylaxis, has increased in Ukrainian children exposed to fallout. More than 800 cases have been diagnosed and several thousand more are projected; although the disease is treatable, three children have died. LNT-based calculations project 3,420 cancer deaths in Chernobyl-area residents and cleanup crews. The Chernobyl reactor lacked a containment structure, a fundamental safety system that is required on Western reactors. Postaccident calculations indicate that such a structure would have confined the explosion and thus the radioactivity, in which case no injuries or deaths would have occurred.

These numbers, for the worst ever nuclear power accident, are remarkably low compared to major accidents in other industries. More than 40 years of commercial nuclear power operations demonstrate that nuclear power is much safer than fossil-fuel systems in terms of industrial accidents, environmental damage, health effects, and long-term risk.

GHOSTS IN THE MACHINE

Most of the uranium used in nuclear reactors is inert, a nonfissile product unavailable for use in weapons. Operating reactors, however, breed fissile plutonium that could be used in bombs, and therefore the commercialization of nuclear power has raised concerns about the spread of weapons. In 1977, President Carter deferred indefinitely the recycling of "spent" nuclear fuel, citing proliferation risks. This decision effectively ended nuclear recycling in the United States, even though such recycling reduces the volume and radiotoxicity of nuclear waste and could extend nuclear fuel supplies for thousands of years. Other nations assessed the risks differently and the majority did not follow the U.S. example. France and the United Kingdom currently reprocess spent fuel; Russia is stockpiling fuel and separated plutonium for jump-starting future fast-reactor fuel cycles; Japan has begun using recycled uranium and plutonium mixed-oxide (MOX) fuel in its reactors and recently approved the construction of a new nuclear power plant to use 100-percent MOX fuel by 2007.

Although power-reactor plutonium theoretically can be used to make nuclear explosives, spent fuel is refractory, highly radioactive, and beyond the capacity of terrorists to process. Weapons made from reactor-grade plutonium would be hot, unstable, and of uncertain yield. India has extracted weapons plutonium from a Canadian heavy-water reactor and bars inspection of some dual-purpose reactors it has built. But no plutonium has ever been diverted from British or French reprocessing facilities or fuel shipments for weapons production; IAEA inspections are effective in preventing such diversions. The risk of proliferation, the IAEA has concluded, "is not zero and would not become zero even if nuclear power ceased to exist. It is a continually strengthened nonproliferation regime that will remain the cornerstone of efforts to prevent the spread of nuclear weapons."

Ironically, burying spend fuel without extracting its plutonium through reprocessing would actually increase the long-term risk of nuclear proliferation, since the decay of less-fissile and more-radioactive isotopes in spend fuel after one to three centuries improves the explosive qualities of the plutonium it contains, making it more attractive for weapons use. Besides extending the world's uranium resources almost indefinitely, recycling would make it possible to convert plutonium to useful energy while breaking it down into shorter-lived, nonfissionable, nonthreatening nuclear waste.

Hundreds of tons of weapons-grade plutonium, which cost the nuclear superpowers billions of dollars to produce, have become military surplus in the past decade. Rather than burying some of this strategically worrisome but energetically valuable material—as Washington has proposed—it should be recycled into nuclear fuel. An international system to recycle and manage such fuel would prevent covert proliferation. As envisioned by Edward Arthur, Paul Cunningham, and Richard Wagner of the Los Alamos National Laboratory, such a system would combine internationally monitored retrievable storage, the processing of all separated plutonium into MOX fuel for power reactors, and, in the longer term, advanced integrated materials-processing reactors that would receive, control, and process all fuel discharged from reactors throughout the world, generating electricity and reducing spend fuel to short-lived nuclear waste ready for permanent geological storage.

THE NEW NEW THING

The new generation of small, modular power plants—competitive with natural gas and designed for safety, proliferation resistance, and ease of operation—will be necessary to extend the benefits of nuclear power to smaller developing countries that lack a nuclear infrastructure. The Department of Energy has awarded funding to three designs for such "fourth-generation" plants. A South African utility, Eskom, has announced plans to market a modular gas-cooled pebble-bed reactor that does not require emergency core-cooling systems and physically cannot "melt down." Eskom estimates that the reactor will produce electricity at around 1.5 cents per kWh, which is cheaper than electricity from a combined-cycle gas plant. The Massachusetts Institute of Technology and the Idaho National Engineering and Environmental Laboratory are developing a similar design to supply high-temperature heat for industrial processes such as hydrogen generation and desalinization.

Petroleum is used today primarily for transportation, but the internal combustion engine has been refined to its limit. Further reductions in transportation pollution can come only from abandoning petroleum and developing nonpolluting power systems for cars and trucks. Recharging batteries for electric cars will simply transfer pollution from mobile to centralized sources unless the centralized source of electricity is nuclear. Fuel cells, which are now approaching commercialization, may be a better solution. Because fuel cells generate electricity directly from gaseous or liquid fuels, they can be refueled along the way, much as present internal combustion engines are. When operated on pure hydrogen, fuel cells produce only water as a waste product. Since hydrogen can be generated from water using heat or electricity, one can envisage a minimally polluting energy infrastructure, using hydrogen generated by nuclear power for transportation, nuclear electricity and process heat for most other applications, and natural gas and renewable systems as backups. Such a major commitment to nuclear power could not only halt but eventually even reverse the continuing buildup of carbon in the atmosphere. In the meantime, fuel cells using natural gas could significantly reduce air pollution.

POWERING THE FUTURE

To meet the world's growing need for energy, the Royal Society and Royal Academy report proposes "the formation of an international body for energy research and development, funded by contributions from individual nations on the basis of GDP or total national energy consumption." The body would be "a funding agency supporting research, development and demonstrators elsewhere, not a research center itself." Its budget might build to an annual level of some $25 billion, "roughly one percent of the total global energy budget." If it truly wants to develop efficient and responsible energy supplies, such a body should focus on the nuclear option, on establishing a secure international nuclear-fuel storage and reprocessing system, and on providing expertise for siting, financing, and licensing modular nuclear power systems to developing nations.

According to Arnulf Grubler, Nebojsa Nakicenovic, and David Victor, who study the synamics of energy technologies, "the share of energy supplied by electricity is growing rapidly in most countries and worldwide." Throughout history, humankind has gradually decarbonized its dominant fuels, moving steadily away from the more polluting, carbon-rich sources. Thus the world has gone from coal (which has one hydrogen atom per carbon atom and was dominant from 1880 to 1950) to oil (with two hydrogens per carbon, dominant from 1950 to today). Natural gas (four hydrogens per carbon) is steadily increasing its market share. But nuclear fission produces no carbon at all.

Physical reality—not arguments about corporate greed, hypothetical risks, radiation exposure, or waste disposal—ought to inform decisions vital to the future of the world. Because diversity and redundancy are important for safety and security, renewable energy source ought to retain a place in the energy economy of the century to come. But nuclear power should be central. Despite its outstanding record, it has instead been relegated by its opponents to the same twilight zone of contentions ideological conflict as abortion and evolution. It deserves better. Nuclear power is environmentally safe, practical, and affordable. It is not the problem—it is one of the best solutions.

ADDITIONAL COSPONSORS

S. 148

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 149

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 149, a bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun.

S. 171

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 206

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 206, a bill to amend title XXI of the Social Security Act to provide for improved data collection and evaluations of State Children's Health Insurance Programs, and for other purposes.

S. 285

At the request of Mr. Robb, his name was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 333

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 429

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 443

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 457

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 457, a bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes.

S. 494

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

S. 512

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 517

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 517, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 547

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 547, a bill to authorize the President to enter into agreements to provide regulatory credit for voluntary early action to mitigate potential environmental impacts from greenhouse gas emissions.

S. 599

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 599, a bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes.

S. 622

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 669

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 669, a bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements.

S. 686

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 686, a bill to regulate interstate commerce by providing a Federal cause of action against firearms manufacturers, dealers, and importers for the harm resulting from gun violence.

S. 708

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes, consistent with the Adoption and Safe Families Act of 1997.

S. 725

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 725, a bill to preserve and protect coral reefs, and for other purposes.

S. 757

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 796

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 802

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 802, a bill to provide for a gradual reduction in the loan rate for peanuts, to repeal peanut quotas for the 2002 and subsequent crops, and to require the Secretary of Agriculture to purchase peanuts and peanut products for nutrition programs only at the world market price.

S. 805

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 808

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 820

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 835

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 835, a bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 864

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 864, a bill to designate April 22 as Earth Day.

S. 866

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 926

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 936

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 936, a bill to prevent children from having access to firearms.

S. 965

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 965, a bill to restore a United States voluntary contribution to the United Nations Population Fund.

S. 1067

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1077

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1077, a bill to dedicate the new Amtrak station in New York, New York, to Senator DANIEL PATRICK MOYNIHAN.

S. 1100

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1100, a bill to amend the Endangered Species Act of 1973 to provide that the designation of critical habitat for endangered and threatened species be required as part of the development of recovery plans for those species.

S. 1118

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1118, a bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans to provide for the gradual elimination of the program.

S. 1131

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1144

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1200

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S.

1200, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1210

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1210, a bill to assist in the conservation of endangered and threatened species of fauna and flora found throughout the world.

S. 1225

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1225, a bill to provide for a rural education initiative, and for other purposes.

S. 1241

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1241, a bill to amend the Fair Labor Standards Act of 1938 to provide private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 1262

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1266

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1573

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1573, a bill to provide a reliable source of funding for State, local, and Federal efforts to conserve land and water, preserve historic resources, improve environmental resources, protect fish and wildlife, and preserve open and green spaces.

S. 1618

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1618, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purposes.

S. 1653

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1653, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1730

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1730, an original bill to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted.

S. 1731

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1731, an original bill to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted.

S. 1744

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1744, an original bill to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be submitted.

S. 1752

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1752, a bill to reauthorize and amend the Coastal Barrier Resources Act.

S. 1758

At the request of Mr. COVERDELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1758, a bill to authorize urgent support for Colombia and front line states to secure peace and the rule of law, to enhance the effectiveness of anti-drug efforts that are essential to impending the flow of deadly cocaine and heroin from Colombia to the United States, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1886

At the request of Mr. INHOFE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 1886, a bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirement for reformulated gasoline, to encourage development of voluntary standards to prevent and control releases of methyl tertiary butyl ether from underground storage tanks, and for other purposes.

S. 1951

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1951, a bill to provide the Secretary of Energy with authority to draw down the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, and to require the President, through the Secretary of Energy, to consult with Congress regarding the sale of oil from the Strategic Petroleum Reserve.

S. 1983

At the request of Mrs. MURRAY, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1983, a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Nebraska (Mr. HAGEL), the Senator from Alabama (Mr. SHELBY), the Senator from Michigan (Mr. ABRAHAM), the Senator from Alaska (Mr. STEVENS), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2006

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2006, a bill for the relief of Yongyi Song.

S. 2010

At the request of Mr. BROWNBACK, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2010, a bill to require the Federal Communications Commission to follow normal rulemaking procedures in establishing additional requirements for noncommercial educational television broadcasters.

S. CON. RES. 32

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Con. Res. 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 79

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 79, a concurrent resolution expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba.

S.J. RES. 30

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

S. RES. 196

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. Res. 196, a resolution commending the submarine force of the United States Navy on the 100th anniversary of the force.

SENATE RESOLUTION 248—TO DESIGNATE THE WEEK OF MAY 7, 2000, "NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK"

Mr. ROBB submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 248

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human being charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved, That the Senate designates the week of May 7, 2000, as "National Correctional Officers and Employees Week." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

SENATE RESOLUTION 249—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN THOMAS DWYER V. CITY OF PITTSBURGH, ET AL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 249

Whereas, in the case of *Thomas Dwyer* v. *City of Pittsburgh, et al.*, pending in the United States District Court for the Western District of Pennsylvania, testimony has been requested from Emmet Mahon, an employee in the office of Senator Rick Santorum;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Emmet Mahon is authorized to testify and produce documents in the case of *Thomas Dwyer* v. *City of Pittsburgh, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Emmet Mahon in connection with the testimony and document production authorized in section one of this resolution.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Madam President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on February 3, 2000 in SR-328A at 9 a.m. The purpose of this meeting will be to discuss Rural Satellite and Cable Systems Loan Guarantee Proposal and the Digital Divide in Rural America.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Madam President, I ask unanimous consent that Tim Sparapani, a legal intern on my staff, be granted the privilege of the floor for the remainder of the Senate's consideration of S. 625, the bankruptcy reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE WEYERHAEUSER COMPANY'S 100TH ANNIVERSARY

● Mrs. MURRAY. Madam President, I come to the floor today to recognize the Weyerhaeuser Company's 100th anniversary on Tuesday, January 18, 2000.

In 1990, a group of investors led by Frederick Weyerhaeuser incorporated the Weyerhaeuser Company. With three employees in Tacoma, Washington, Weyerhaeuser began one hundred years of expansion and growth across our State, Nation and international borders. Today, Weyerhaeuser is the world's largest owner of softwood timber, and the largest producer and distributor of engineered wood products.

An economic pillar in the Northwest and throughout the nation, Weyerhaeuser employs over 45,000 people. The company's current success is directly related to its commitment to sustainable forestry and community involvement. Frederick Weyerhaeuser's founding vision is captured in his statement "this is not for us, it is for our children." Steven R. Rogel, Weyerhaeuser's current chairman, CEO, and president has committed the company to "safety and to being a good corporate citizen. Weyerhaeuser continues to manage woodlands to sustain the supply of wood and protect the ecosystem." Through product research, Weyerhaeuser has successfully developed new products and services to meet changing customer demands.

Dedicated to the communities which support it, Weyerhaeuser has distributed over $127 million to communities for educational, environmental and other programs. Through the years, Weyerhaeuser has supported recycling programs becoming the third largest recycler in the Nation. The company's 24 recycling facilities collect nearly four million tons of paper each year. In 1980, Mt. St. Helens in Washington state erupted, destroying thousands of acres of forest. Weyerhaeuser salvaged timber and replanted 18 million seedlings in the volcanic area. The company joined the Department of Transportation to create the visitor center at Mt. St. Helens which educates people about the environment.

Over the years, Weyerhaeuser has become an international trade leader and an engine adding to the economic success of Washington state and the entire nation. I would like to congratulate the Weyerhaeuser Team on its past 100 years of business success. I know their innovation will carry them through the next century, and I look forward to the benefits Weyerhaeuser will continue to bring to the people of Washington State.●

TRIBUTE TO WINI YUNKER

• Mr. McCONNELL. Madam President, I rise today to pay tribute to a fine Kentuckian, Wini Yunker, as she prepares to serve the Peace Corps in the Ukraine.

Choosing to serve in the Peace Corps is an admirable decision for anyone to make but, especially for Ms. Yunker, who is making this decision later in life. At a time in her life when most people are beginning to think of retirement and slowing the pace of their lives, Ms. Yunker is instead boldly venturing out on a new journey. She is reaching high for a new goal that will not only make a lasting impact on her own life, but also on the lives of those she leaves the country to help.

Ms. Yunker enters the Peace Corps with the benefit of a lifetime of learning and preparation, making her an ideal candidate for service. She completed the necessary academic requirements by earning a college degree, and further earned a master's degree from the Patterson School of Diplomacy and International Commerce at the University of Kentucky.

The Peace Corps was created in 1961, by President John F. Kennedy, and is an international service organization dedicated to helping developing countries. My wife, Elaine L. Chao, headed the Peace Corps from 1991 to 1992, and it was under her tenure that service programs in the newly independent states of the former Soviet Union, including Ukraine, began. We take great personal pleasure that Ms. Yunker, a fellow Kentuckian, will be working in a service program Elaine helped create. Elaine's leadership of the Peace Corps made us both acutely aware of the kind of committed, hands-on approach to service that participation in the Corps entails. We applaud you, Ms. Yunker, for accepting the challenges the Peace Corps will surely present you over the next two years. The commitment you have made is admirable and your passion to serve others is an example to us all.

Congratulations, Ms. Yunker, on your acceptance into the Peace Corps, and thank you for your enthusiastic willingness to serve. On behalf of myself, my wife, and my colleagues in the United States Senate, I wish you the all the best.

Madam President, I ask that a Louisville Courier-Journal article from January 18, 2000, be printed in the RECORD.

The article follows:

[From the Louisville Courier-Journal, Jan. 18, 2000]

WOMAN REJECTED IN '61 GETS INTO PEACE CORPS

(By Chris Poynter)

NICHOLASVILLE, KY.—Thirty-nine years ago, the Peace Corps told Wini Yunker no.

She didn't have enough education, the Peace Corps said.

But it has now learned that you don't tell Wini Yunker no.

She graduated from college at age 58. She learned to ski a year later.

At 60, she earned a master's degree from the Patterson School of Diplomacy and International Commerce at the University of Kentucky.

Now, at 65, she's set to leave her home in Nicholasville to finally join the Peace Corps.

At the end of the month, she'll join 30 other Peace Corps volunteers who are teaching Ukrainians how to run a business in a free-market democracy, rather than under communism; the country was a republic of the former Soviet Union until 1991.

Yunker, born and raised in Nicholasville, just south of Lexington, said she's joining the Peace Corps because she wants a challenge, enjoys teaching and will feel good about helping a country become more democratic.

"I'm ready for a new phase in my life," she said.

The response is typical Yunker, who zigs when others zag. She's never been one to sit around and wait for life to come to her.

Some of her relatives think she's insane for leaving the comfort of her home and family to spend two years in an emerging democracy, where the winters are brutally cold.

Her brother-in-law tried to discourage her, sending her this rhyme: "If you have any sense in your brain, you will stay away from the Ukraine."

Yunker is one of a number of senior citizens who are joining the Peace Corps, which since its inception in 1961 has been populated mainly by freshly minted college graduates. The volunteers dedicate two years of their lives to working in developing countries.

When the Peace Corps was created by President John F. Kennedy, few members were senior citizens. This year, 7 percent—476—of the volunteers are over 50. Brendan Daly, a spokesman for the agency, said that figure has hovered between 6 percent and 8 percent in the 1990s, in part because seniors are more active and more educated than ever and are looking for something unusual to do.

In some respects, senior volunteers are better prepared than younger people. They have a wealth of life experiences to share and are enthusiastic about becoming part of a new culture, Daly said.

"They may not be the youngest in years, but they are the youngest in heart," he said.

Yunker definitely fits that description. Three years ago, she and her only child, 22-year-old Joe, rappelled off the scenic cliffs of Red River Gorge in Eastern Kentucky.

A colleague at work nicknamed her "Flash" because she's always darting around the factory at Sargent & Greenleaf in Nicholasville, which makes high-security locks for banks, vaults and safes.

Yunker will officially retire on Friday, after nearly 17 years with the company. But last Friday, the 160 employees came together to honor Yunker, a silver-haired woman who always wears a cheerful smile and is known for her long, dangling earrings.

Yunker is the administrative assistant to company President Jerry Morgan. Morgan told the employees Yunker will be missed. And he noted the she had raised her son in a single-parent home but still found time to earn two degrees, volunteer for the United Way and teach in a literacy program, Operation Read.

He presented her with a gold watch before she took the microphone. She cried at times as she read from a prepared speech, and some co-workers dabbed tears from their eyes.

Yunker preached about the importance of education and encouraged the company's employees to take advantage of its program that pays for college tuition if they maintain a B average.

That's how Yunker earned her marketing degree from Spalding University. Every third weekend for four years, she would drive about 70 miles to downtown Louisville, where she stayed in a dormitory and studied as part of Spalding's weekend program.

The entire Sargent & Greenleaf factory helped her earn her degree, she said. Workers in the manufacturing, sales and engineering departments aided her with homework, and Patsy Gray, the woman who hired her, proofread and edited her term papers and essays.

While she was a student at Spalding, Yunker remembered that day in 1961 when she was living in Washington and went to Peace Corps headquarters to inquire about joining. The Peace Corps was the idea of President Kennedy who, while campaigning in October 1960, proposed an international volunteer organization. Since then, more than 155,000 Americans, including 1,079 Kentuckians, have traveled across the globe, helping people in villages, towns, and cities with education, health, transportation, business and other needs.

Yunker remembers being disappointed when she was turned away in 1961 because she didn't have a college degree. So, after graduating from Spalding, she called to see if the Peace Corps still existed. When she learned it did, she began planning to join in seven years, when she would retire and her son would be old enough to live alone. A Peace Corps official suggested she earn a master's degree in the meantime. She did.

In 1998, she applied to the Peace Corps and had her employers and others write letters of recommendation. Last October, she learned that she had been accepted, but with some conditions.

For health reasons, she had to have three of her teeth, which had been capped, either replaced or removed. She chose removal to save money. She also had to have a bunion removed from one foot.

About the same time, Yunker decided to stop coloring her gray hair black. "I just decided I can't continue to be that vain if I'm going to be in a foreign country," she said.

On Jan. 31, she'll fly to Kiev, the capital of Ukraine, and take a bus to Cherkassy, a city of about 300,000 where she'll live with a family for four months while studying the language and culture eight hours a day. Then, she'll go to a university—she doesn't know which one or where—to teach business.

Her biggest concern is learning the language. She's not worried about the teaching. For six years, she had volunteered for Operation Read, and she recently taught English to a Korean immigrant who lives in Nicholasville.

"When we started in June, she couldn't speak English at all. And of course, I don't speak Korean," Yunker said. "And now, we can talk about even personal things and have conversations on the phone."

Velma J. Miller is among Yunker's coworkers concerned about her living in Ukraine.

Miller said Yunker, a longtime friend, is the kind of person who brought fresh flowers, food and cards when Miller was undergoing chemotherapy for breast cancer in 1998.

When Miller learned that Yunker had to have three teeth removed, she pulled her aside in the restroom and asked, "Wini, do you reckon that God's trying to tell you not to go?"

Yunker said her only worry is her five siblings, all of whom are older. She made each promise not to get sick while she was away.

Likewise, Yunker's son is worried, but also excited for his mother. Joe Yunker, an emergency medical technician in Jessamine County, said he knows that being a Peace Corps volunteer is one of his mother's life dreams. He's heard about it since he was 11.

"My mom can do anything," he said.●

"SAINT" RITA

● Mr. LEAHY. Madam President, earlier this month, the Burlington Free Press chose for its 1999 Vermonter of the Year, a woman who is widely recognized as the guardian angel of the homeless in Vermont, Rita Markley. For as long as I have known her, Rita has been a passionate, articulate, and very vocal advocate for our most needy residents. She has raised awareness that even in Vermont, there are people without a roof over their heads, and most importantly, that these people have names, and faces, and that many of them are children. They could not have a better defender. I would like to have printed in the Record the text of the Burlington Free Press article announcing the selection of Rita as Vermonter of the Year, and offer my congratulations and sincere thanks to our very own "Saint" Rita Markley. I ask that the article be printed in the Record.

The article reads as follows:

[From the Burlington Free Press, Jan. 1, 2000]

COTS Director Is Our Vermonter of the Year

(By Stephen Kieman)

They are the problem the world's richest country pretends it doesn't have. Curled up in doorways, or killing time on street corners, they are the vision more fortunate Vermonters have learned to look past.

In a booming economy, they are the bust. Amid records on Wall Street, they sleep on Main Street.

They are the homeless. And Rita Markley does not look past them. She does not pretend they do not exist. Most of all, she does not stop believing in them.

As director of the Committee on Temporary Shelter, the largest program for helping homeless people in Vermont, Markley provides them with shelter, and then a way up.

For her exemplary advocacy on behalf of homeless people, for her unstinting attention to an urgent social issue, and for her success in building a more aware and compassionate community, Rita Markley is The Burlington Free Press Editorial Board's choice for Vermonter of the Year.

A NEW PROBLEM

COTS began providing shelter on Christmas Eve, 1982. Homelessness in Vermont is that recent a phenomenon. Last year more than 4,000 Vermonters lacked housing at some point. Most of them turned to COTS.

In 1999, COTS provided 10,723 bed nights to people who otherwise would have slept in a car or on the street. COTS also gave shelter to nearly 300 families—including 534 children.

Indeed one of Markley's achievements has been educating Vermonters about who homeless people are. Granted, some are the bothersome substance abusers who elicit little sympathy, but that is a shrinking proportion.

Many homeless people are veterans. Many are victims of the national trend to close mental hospitals and other institutions, who have not subsequently received sufficient community services.

Mostly, the homeless are people that Vermonters in good homes interact with all the time—at restaurants, at cash registers, in hotels. Though this work formerly paid enough to support people, today a full-time job is no guarantee of a place to live.

Of the families who needed COTS last year, half had at least one person working. Yet wages at entry level jobs have fallen so far behind the cost of living in Vermont, the number of homeless families has quadrupled in only four years.

Meanwhile the federal government, which used to build affordable housing units by the tens of thousands, has stopped. Urban renewal programs have demolished low-income housing, worsening the supply shortage.

Housing development has focused on higher priced homes; the state's median house selling price rose 20 percent this decade, placing a solution farther out of reach.

The Clinton administration has responded by expanding rental assistance money. But in Vermont, roughly 1,000 people eligible for these funds face a major obstacle: no eligible apartments available. Burlington has it worst, with a vacancy rate near zero.

MORE THAN SHELTER

Markley came to COTS as a part-timer who wanted to write fiction. Now she is a full-time champion of people who otherwise would not have a voice—or a place to go.

COTS offers much more than a meal and a bed, though. It provides a continuum of services: health care, child care, job training, coaching for interviews, help with school, summer programs for children, mental health counseling, and on and on. For those who strive, these programs are a strong ladder into good housing and greater opportunities.

Most importantly, COTS offers its clients hope—that they can escape dependency and attain self-sufficiency. "Rita believes in the resourcefulness of the human spirit," said United Way executive director Gretchen Morse. "She never falters on that."

It works. Seventy percent of the people who complete COTS' training programs have a job and stable housing a year later. A new effort to link apartment hunters with landlords who accept federal subsidies has found 40 individuals and 60 families a place to live—even in this no-vacancy market.

COTS has therefore earned the national accolades that have poured in from advocacy groups and the U.S. Department of Housing.

COMPASSION, ABILITY

With so serious a problem affecting so vital a need of a population growing so quickly, you might expect their strongest advocate to be strident or self-righteous. In Markley's case, a better description would be jokester chocaholic.

Yes, she is capable of speaking with passion at COTS' annual candlelight vigil. Yes, she is articulate in the Statehouse and before community leaders. And yes, sometimes she is angry about Washington's indifference to the people who are not sharing in the nation's prosperity.

But Markley uses irreverent humor to protect her from the sometimes grimness of her task, and to thwart burnout. She is quick to praise others, and effusive in her thanks.

As a result she has made homelessness something Vermonters cannot ignore. Some 180 businesses support COTS financially or with in-kind services. Some 1,500 Vermonters walk for COTS each May. That means Markley is helping cultivate compassion across the community, a good deed that extends far beyond the mission of COTS.

It also means COTS has steadily diminished its reliance on government's help, now receiving two-thirds of it's funding from other sources. Services are not tailored to the eligibility requirements of some grant, but to what a homeless person actually needs.

Markley draws on a wealth of skills in her work. Sometimes she is the passionate advocate. Sometimes she is the skilled policy wonk. Sometimes she is the light-hearted comic who brings chocolate to a potentially controversial meeting.

Sister Lucille Bonvouloir, a founder of COTS, tells a story that reveals a seemingly bottomless reservoir of compassion and ability. A woman came into COTS in the 1980's and no one could communicate with her. Everyone wondered why the woman would not speak. Then Markley entered the room, and in a matter of minutes they had struck up a lively conversation.

In Russian.●

TRIBUTE TO THE EMPLOYEES OF CATERPILLAR

● Mr. COVERDELL. Madam President, every once in awhile, we are reminded that all the important issues we are working on pale in comparison to the countless acts of charity and compassion that occur all across America on a daily basis. I want to recount for my colleagues one such act, which occurred in my home state of Georgia, appropriately enough, during the holiday season—an act that puts a human face on the compassion that is innate in the American people.

A.J. Bentley III, 3½ years old, is a constituent of mine who is dying of brain cancer. While A.J.'s prognosis looks bleak, the disease has not taken away his passion and fascination with tractors, farm and earth moving equipment—the kind which Georgia is blessed to have plenty. Upon learning of A.J.'s terminal illness, our office contacted the good people at Caterpillar to see what they could do to lift the spirits of a dying boy and his family. Caterpillar reacted without hesitation and pulled out all of the stops. First, Caterpillar offered to have A.J. tour their plant in Peoria, Illinois so he could see first hand how all the equipment was built and how it worked. Unfortunately, A.J.'s medical condition prevented him from being able to fly to Illinois. Plan "B" was to have A.J. visit the Forest Products Division of Caterpillar in LaGrange, Georgia. On the day his dream would be fulfilled, A.J. was not feeling well and unable to make the 1 hour drive to LaGrange. Undeterred, the people of Caterpillar would not let A.J.'s illness keep them from fulfilling his dream. Because everyone at the LaGrange plant wanted a chance to help, there was a lottery that day, in LaGrange.

The grand prize was the chance to drive to A.J.'s hometown of Thomaston, Georgia and make his dream come true in person. The lucky few saw first-hand the joy of a young boy, decked out in his Caterpillar hat and playing on his new Caterpillar equipment that he loves so much. As the group was leaving to return to LaGrange, A.J. waved good-bye, then with a burst of energy proclaimed "this is the best day of my life". All who helped make this possible, I know, feel their own happiness that words could never adequately express.

There are days when all we seem to hear about is how people have become so self-absorbed in their own lives. I offer this example as a case in point of the compassion and good will that exists in LaGrange, in Georgia, and all across this Nation—people who are making a difference on a daily basis—one child, one American at a time. I salute the people of Caterpillar and I am humbled by their act of kindness. I know I speak for all of us when I say, A.J. has touched all of our hearts and he and his family will always be in our thoughts and prayers.•

TRIBUTE TO DR. M. GAZI YASARGIL

• Mrs. LINCOLN. Madam President, I rise today to pay tribute to the achievements of a distinguished member of the Arkansas medical community. Dr. M. Gazi Yasargil is recognized worldwide for his work in the field of neurosurgery and we in Arkansas are fortunate to benefit from his talents. Dr. Yasargil's contributions to his field were recently acclaimed when Neurosurgery, the official journal of the Congress of Neurological Surgeons, recognized him as "The Man of the Century." This honor acknowledges Dr. Yasargil's significant impact on the field of neurosurgery in the second half of the 20th century.

Professor Yasargil received his medical degree from the University of Basel, Switzerland, in 1950. Following his residency in neuroanatomy, psychiatry and neurology, internal medicine and general surgery, he began his training in neurosurgery in 1953 with Professor H. Krayenbuhl at the University Hospital, Zurich.

During the first decade of his career Professor Yasargil was involved with the development of cerebral angiography, publishing two monographs with his teacher, Professor H. Krayenbuhl. He introduced stereotactic surgery and high-frequency coagulation technique into Switzerland and operated on 800 patients for movement disorders. Additionally, Yasargil routinely performed all types of conventional neurosurgical procedures on both children and adults. Professor Yasargil spent 14 months in 1965–66 with Professor RMP Donaghy, in the Neurosurgical Department, University of Burlington, Vermont, where he learned microsurgical techniques in the animal laboratory, and developed microvascular surgery of brain arteries in animals. Upon his return to Zurich he began to apply the microtechnique to the entire field of neurosurgery. He developed the counter balanced operating microscope and numerous microsurgical instruments and vascular clips; he pioneered microsurgical approaches and treatments for occluded brain arteries, intracranial aneurysms, AVMs, caveronmas, and extrinsic and intrinsic tumors of the brain and spinal cord, in 7000 adults and 400 children. His surgical experiences have been published in 330 papers. The six volume publication Microneurosurgery is the comprehensive review of his broad experiences.

In 1973, Professor Yasargil became Chairman and Director of the Department of Neurosurgery, University Hospital, Zurich, until his retirement in 1993. He was President of the Neurosurgical Society of Switzerland 1973–75. Professor Yasargil has been awarded with honorary medical degrees by the Universities of Ankara and Istanbul in Turkey, also with honorary citizenship of Austin, Texas, and Urgup, Turkey, and honorary membership in 15 international medical societies. Professor Yasargil has received major awards and prizes including the highly regarded Marcel Benoit Prize from the Swiss Federal Government in 1975, Medal of Honor of the University of Naples, Italy, in 1988, Gold Medal of the World Federation of Neurological Societies in 1997, and he was honored as "Neurosurgeon of the Century" by the Brazilian Neurosurgical Society in 1998.

In 1994 Professor Yasargil accepted an appointment as Professor of Neurosurgery at the University of Arkansas for Medical Sciences (UAMS) in Little Rock where today he is active in the practice of microneurosurgery, research, and teaching. At UAMS, Dr. Yasargil has consistently provided superior treatment and care, attracting patients from all over the world. At the same time, he has continued to guide ground-breaking research initiatives and develop innovative surgical procedures.

Madam President, I take great pride in recognizing Dr. Yasargil's contributions to the quality of the lives of so many people in my home state and others around the world. I am equally proud of the quality care and cutting edge medical service the people at the University of Arkansas Medical Sciences provide so that Dr. Yasargil can share his talents. UAMS has been the state's primary source for healthcare education, biomedical and biotechnology research and clinical care for more than 100 years. The quality work and service that UAMS and Dr. Yasargil continue to provide should be a great source of pride for Arkansans.•

TRIBUTE TO C.M. NEWTON

• Mr. McCONNELL. Madam President, I rise today to pay tribute to my friend and fellow Kentuckian C.M. Newton on the occasion of his retirement as Athletics Director at the University of Kentucky.

C.M. Newton has made contributions to the University that are as great in number as they are significant in accomplishment in his 11 years as Wildcats Athletics Director. The positive changes and improvements he implemented over the years culminate into an unmatched legacy of excellence for C.M. and for the entire University of Kentucky community.

C.M.'s involvement with the Wildcats began long before his tenure as Athletics Director. He attended U.K. and received a bachelor's degree in 1952, and earned a masters degree in 1957. During his undergraduate years, C.M. played on the Wildcats basketball team and lettered on their 1951 NCAA championship team. He also pitched for the U.K. baseball team, and played quarterback for a Wildcats intramural football team.

In the years between his graduation from the University of Kentucky and his return in 1989, C.M. began his professional career in athletics. While serving in the Air Force in 1953, C.M. held his first official leadership position in athletics as the athletic officer for Andrews Air Force Base in Washington, D.C. He served as head basketball coach with Transylvania University, the University of Alabama, and Vanderbilt University, with a lifetime coaching record of 509 wins and 375 losses. He also served as Assistant Commissioner for the Southeastern Conference (SEC). C.M. approached these positions of leadership with a vigor, integrity, and enthusiasm that the world of sports took notice of by naming him Associated Press Southeastern Conference Coach of the Year in 1972, 1976, 1988 and 1989 and United Press International SEC Coach of the Year in 1972, 1978, and 1988.

C.M. also achieved a number of other honors, including membership on the Board of Directors of the National Association of Basketball Coaches, Chairman of the NCAA Basketball Rules Committee, Vice President and President of USA Basketball, Chairman of the USA Basketball Games Committee, membership in the NCAA Division I Basketball Committee, Chairman of the NCAA Basketball Officiating Committee, and membership on the FIBA Central Board.

It was with this vast list of accomplishments and honors that C.M. chose to return to the University of Kentucky on April 1, 1989. C.M. hit the ground running as Athletics Director and with his already well-established reputation for excellence and integrity, brought winning coaches and players to the Wildcats athletics programs. During C.M.'s leadership at U.K., the basketball and football teams soared, the men's and women's soccer teams received national attention, and the program grew to include 22 varsity sports—more than any other school in the SEC. The Wildcats athletic budget has more than tripled under C.M.'s tenure, allowing the school to expand and renovate several of the campus athletic facilities.

More than anything, though, C.M. Newton rejuvenated an excitement about athletics at the University of Kentucky. He led the Wildcats in a way that commanded respect—he led with dignity and embodied integrity.

Thank you, C.M., for your 11 years of dedicated service to the University of Kentucky, which resulted in winning teams, winning kids, and a top-quality program. Your spirit and legacy will continue to drive the Wildcats to victory for years to come. Best wishes in your retirement and may God bless you, Evelyn, and your family in this next phase of your life.●

TRIBUTE TO HAZEL WOLF

● Mrs. MURRAY. Madam President, it is with great respect and admiration that I rise today to pay tribute to Ms. Hazel Wolf, of Seattle, Washington, who passed away at the age of 101 on Wednesday, January 19, 2000. A tireless advocate for conservation and social justice, Ms. Wolf was an outstanding example for all Americans. She combined humor with persistence as she set about combating injustice. She will continue to live in the hearts and minds of the many who knew her. And there are many, for Hazel had the remarkable ability to engage just about anyone, from Senator to second grader.

Hazel Wolf was born in Victoria, British Columbia, on March 10, 1898. In 1923, she moved to the United States with her daughter, Nydia. She was a union organizer for the Works Progress Administration and avidly followed politics, eventually becoming a Democrat. Until 1965, she worked as a legal secretary for the Seattle civil rights lawyer John Caughlan. It wasn't until her retirement that she became such an involved environmental activist and leader.

Ms. Wolf began working with the Audubon Society in the early-1960s and helped start 21 of the 26 Audubon Society chapters in Washington State. In 1979, she worked to organize the first statewide conference to bring together environmentalists and Native American tribes, the Indian Conservationist Conference. She served as Secretary of the Seattle Audubon Society chapter for three decades, and for 17 years she edited an environmental newsletter, 'Outdoors West'. In 1990, her discussions with a Soviet delegation led to the creation of the Leningrad Audubon Society in Russia. Ms. Wolf was also a founder of Seattle's Community Coalition for Environmental Justice, which works to improve environmental safety in poor city neighborhoods. She also belonged to the Sierra Club, Greenpeace and the Earth Island Institute. Ms. Wolf was a frequent and favorite speaker at schools and environmental conferences throughout the Northwest.

In 1997, the National Audubon Society awarded her the prestigious Audubon Medal, for Excellence in Environmental Achievement. She received numerous other awards, including the State of Washington Environmental Excellence Award, the National Audubon Society's Conservationist of the Year Award and the Washington State Legislature Award for environmental work. To celebrate her 100th birthday in 1998, the Seattle Audubon chapter created the Hazel Wolf "Kids for the Environment" endowment, which will fund programs to provide urban children from lower-income communities with opportunities to experience the natural world. In Issaquah, Washington, there is a 116-acre wetland named after her. On the other side of the Cascade Mountains near Yakima, a bird sanctuary bears her name.

Hazel Wolf served as the environmental conscience of the Northwest, with her dedication to protecting forests, saving salmon, educating young people and preserving the outdoors for future generations to enjoy. The most significant and important tribute we can give to Hazel Wolf is to continue the work which she pursued with such vision and passion. We will miss you Hazel, but rest assured, we will continue the work you started.●

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. GRASSLEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 249, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 249) to authorize testimony, document production, and legal representation in Thomas Dwyer v. City of Pittsburgh, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a civil rights action in the United States District Court for the Western District of Pennsylvania. The action against local authorities in Pittsburgh arises out of a premises search and civil commitment proceedings they initiated. The plaintiff sought casework assistance from Senator RICK SANTORUM's office at around the same time that the plaintiff came to the attention of local authorities as a potential threat to himself or others. This resolution would permit an employee on Senator SANTORUM's staff to testify at a deposition, with representation by the Senate Legal Counsel, about his communications with the parties to this matter.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 249) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 249

Whereas, in the case of *Thomas Dwyer* v. *City of Pittsburgh, et al.*, pending in the United States District Court for the Western District of Pennsylvania, testimony has been requested from Emmet Mahon, an employee in the office of Senator Rick Santorum:

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Emmet Mahon is authorized to testify and produce documents in the case of *Thomas Dwyer* v. *City of Pittsburgh, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Emmet Mahon in connection with the testimony and document production authorized in section one of this resolution.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–17

Mr. GRASSLEY. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on January 31, 2000, by the President of the United States: Treaty on Mutual Legal Assistance in Criminal Matters with France, Treaty Document No. 106–17.

I further ask unanimous consent that the convention be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of France on Mutual Legal Assistance in Criminal Matters, signed at Paris on December 10, 1998. I transmit also, for the Senate's information, an explanatory note agreed between the Parties regarding the application of certain provisions. The report of the Department of State with respect to the Treaty is enclosed.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism and drug trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: obtaining the testimony or statements of persons; providing documents, records, and items of evidence; locating or identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000*.

ORDERS FOR TUESDAY, FEBRUARY 1, 2000

Mr. GRASSLEY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, February 1. I further ask that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 625, the bankruptcy reform bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. GRASSLEY. Madam President, for the information of all Senators, the Senate will resume consideration of the bankruptcy reform bill at 9:30 a.m. tomorrow, with Senator WELLSTONE in control of the first hour. There are other remaining amendments that will be debated and voted on throughout Tuesday's and Wednesday's session of the Senate, with a vote on final passage expected to occur no later than Wednesday. As a reminder, in addition, a cloture motion has been filed on the motion to proceed to the nuclear waste disposal legislation, and that vote will occur following the completion of the bankruptcy bill during Wednesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRASSLEY. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:44 p.m., adjourned until Tuesday, February 1, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 31, 2000:

DEPARTMENT OF COMMERCE

NICHOLAS P. GODICI, OF VIRGINIA, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS, VICE PHILIP G. HAMPTON, II.

FEDERAL DEPOSIT INSURANCE CORPORATION

RICHARD COURT HOUSEWORTH, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OFTHE TERM EXPIRING DECEMBER 25, 2001, VICE JOSEPH H. NEELY, RESIGNED.

DONNA TANOUE, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SCOTT O. WRIGHT, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 10, 2003, VICE JOSEPH E. STEVENS, JR.

HOUSE OF REPRESENTATIVES—*Monday, January 31, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 31, 2000.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MORNING HOUR DEBATES

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

U.S.-CHINA TRADE AGREEMENT

Mr. STEARNS. Mr. Speaker, as we begin the next session of the 106th Congress, we are going to engage in another heated discussion regarding normal trade relations with China.

In exchange for attaining membership in the World Trade Organization, China has made a number of commitments in regard to its trade policy. Among those commitments are improved market access, tariff reductions, elimination of nontariff quotas, open service sectors and elimination of export subsidies.

While many people are celebrating this alleged win for American businesses, I come this morning to question the actual benefit for the United States of America. China is the fourth largest supplier of U.S. imports and the thirteenth largest buyer of U.S. exports. In addition, the U.S. trade deficit with China has risen from $6.2 billion in 1989 to $57 billion in 1998.

Furthermore, China has a dismal record of complying with prior international agreements, and I think this is an important point. A blatant example concerns intellectual property rights.

The United States Trade Representative can specify under the 1974 Trade Act which countries are violators. They are the "Special 301 Priority Foreign Countries," sort of a designation and those countries that violate U.S. intellectual property rights are so designated. So let us look at the list when it comes to China.

In 1991, China was named a Special 301 violator for intellectual property rights. They sat down with them. They reached an agreement a year later and China said: We will agree to strengthen our intellectual property laws and improve protection for U.S. products in our country. But did they?

In 1994, the United States Trade Representative again identified China as a violator. At this time, many factories in China were pirating compact disks while China trade laws restricted U.S. market access. So an agreement was reached a year later again with China to stem this piracy and enforce the intellectual property rules.

But again in 1996, another year later, the USTR, the United States Trade Representative, designated China as a violator again for not complying. And only when they were threatened with a $2 billion sanction did China begin to comply.

So China has shown an ability to exploit loopholes in agreements regarding the transfer of military technology. In 1992, China agreed to abide by the rules of the Missile Technology Control Regime and then turned and sold ballistic missile components to Pakistan. Though no technical violation was made, the transfer, of course, was contrary to the spirit of the agreement. China has also aided Pakistan, Iran, and Algeria in the area of nuclear technology and equipment.

Another area of uneasiness is that China has made no attempt to conceal its aggressiveness dealing with military modernization. In addition to arms purchases, such as the Russian built SU-27 fighter, which holds near parity with our F-15 fighter, China has begun construction of two short-range missile bases which now can threaten Taiwan.

Mr. Speaker, we also need not forget the enormous damage called by China's espionage activities resulting in the theft of U.S. thermonuclear design information. The Cox report concluded that elements of this stolen information would help China in building its next generation of mobile ICBMs. In fact, the Washington Times reported on December 6 last year that China is working on a new strategic missile submarine containing smaller nuclear warheads similar to American weapons. Upon completion, China will have the ability to strike U.S. forces anywhere it chooses.

Mr. Speaker, I think the evidence is clear: this country is aggressively expanding its military complex, while at the same time blatantly disregarding international agreements and exploiting loopholes in others.

China has a history of torturing some of its religious leaders and arresting peaceful opposition demonstrators. China has stolen U.S. nuclear secrets and attempted to influence the U.S. political process through what I believe to be illegal campaign contributions.

Mr. Speaker, these are just a few illustrations I've outlined in the brief 5 minutes that I have here. There is a longer list of China's predatory tactics. Do we have assurance that China will keep its words the next time. I doubt it.

I bring this to the attention of my colleagues now so that when we have the heated discussion regarding the normalization of trade relations with China they will remember.

PRESIDENTIAL CANDIDATES SHOULD SERIOUSLY ADDRESS NATIONAL DEBT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, all the Presidential Republican candidates and Democrats are campaigning today for the Nation's first elections tomorrow. I would like to talk, Mr. Speaker, about what is happening with our national debt. The public debt of the United States that technically every citizen now or our kids and our grandkids eventually are going to have to pay off.

. Mr. Speaker, I hope every one of those candidates realizes that this talk about paying down the public debt is somewhat of an untruthful presentation of what is happening with the public debt of this country.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The way we do our bookkeeping here in Washington is sometimes confusing and unquestionably very complicated. But what we have right now is a public debt, as defined in law of $5.72 trillion, $5.72 trillion, approaching $6 trillion.

We made some good decisions this past year to not spend any of the Social Security surplus for other government spending. Excellent start. Excellent beginning. But still, our total national debt continues to increase. Why is the total debt of this country continuing to increase as we brag, and that is Republicans, Democrats, the President, brag that we are balancing the budget and paying down the Federal debt? Here is why.

We have about 112 trust funds. The largest, of course, is the Social Security Trust Fund. But we are borrowing from all of these other trust funds also. The Civil Service Retirement Trust Fund, the Highway Trust Fund, the Airport Trust Fund, the Medicare Trust Fund. From all of these trust funds we are taking the extra money, because we have charged additional taxes more and above what is needed in any particular one year of spending. Now, we are using that money for other government spending.

I am introducing legislation that says let us lower the total debt subject to the debt limit that Congress has to pass and the President has to sign. Let us lower that debt to where it will be at the end of this fiscal year next October 1, and then let us stick to it. Let us make sure that we have the kind of freeze that is going to take the burden off of our kids and our grandkids so that they are not going to end up having to pay for what we consider is very important spending this year.

Mr. Speaker, I am a senior member of the Committee on the Budget. This week we are holding what are called listening sessions, talking about what the Members are willing to do in terms of holding the line on spending.

I am a very strong advocate, and I will encourage at our meetings tomorrow, this week and next week, that we have spending caps for the kind of spending discipline that it allows us.

We have come a long ways. When I first came to Congress in 1993, the projected deficit, in addition to what we were borrowing from Social Security, was over $200 billion a year. Now, at least, we have balanced the budget in terms of Social Security spending, and that is the largest amount. There will be approximately $120 billion or $130 billion more money coming in from Social Security taxes than we need in any one year, so somehow we should be starting to talk about how do we reduce that burden on working men and women of America; and how do we save Social Security in the long run?

It is a huge challenge. We talk about millions and billions and trillions. But, Mr. Speaker, if anybody can conceive what a trillion dollars is, let me just give what is going to be required to pay out Social Security benefits over the next 75 years over and above what we are going to collect in Social Security taxes.

Over and above what we are going to collect in Social Security taxes over the next 75 years, it is going to take $120 trillion more money. That has got to either come from increased borrowing, increased taxes, because I suspect the way we have been going in Congress it is not going to be coming from reduced spending in other areas. There are huge challenges before us.

Mr. Speaker, I am a farmer. What we do on the farm is we try to pay off the farm so that our kids do not have to pay off that mortgage. In this country we are continuing to increase the debt to give a bigger mortgage to our kids and our grandkids. Let us turn that around. Let us have the presidential candidates start talking about the seriousness of saving Medicare and saving Social Security and paying down this huge public debt that is facing this country.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Our hearts and hopes and prayers are with all those who face any uncertainty for the day or who must meet the predicaments that each day presents. Where there is this uncertainty, we pray, O gracious God, that You would grant faith and trust; where there are the dilemmas of decisions or the compromises that shade our views, we pray for wisdom. O God, our help in ages past and our hope for years to come, lead us all in the way of peace and understanding and grant us confidence in Your love to us and to all people. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MUCH WORK LIES AHEAD

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today we face a new century in America and, as we begin the second session of the 106th Congress, much work lies ahead of us. Over the last few weeks I had the opportunity to tour my great State and meet many of the citizens of the State of Nevada, and during these meetings my constituents expressed what they expect from and need from their Federal Government.

They want a federal commitment to empower local communities to make decisions on school construction and modernization projects, not the Federal Government. They want a health care package which assures access to medically necessary treatments while not eroding the quality of our health care system. They want a real tax cut for hard working Americans that includes the elimination of the marriage penalty tax and the death tax, but these are only a few of the concerns which we will need to address this session.

Mr. Speaker, I am confident that we will rise to the challenge and pass responsible legislation which will meet the very needs of not just Nevadans but all Americans.

So let us do as my friend Mills Lane says: let us get it on.

THE TORTURE IN SIERRA LEONE MUST STOP

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, today I rise to speak about what has happened in the African country of Sierra Leone. The gentleman from Ohio (Mr. HALL) and I visited Sierra Leone this past December. We were horrified at the atrocities that we saw; men and women with their arms and legs and ears cut off. Throughout Sierra Leone, rebel groups have tortured and killed and maimed thousands to gain control of the country's diamond industry, and these rebels have committed unbelievable acts that are hard to even look at.

The gentleman from Ohio (Mr. HALL) has introduced legislation to stop the trafficking of conflict diamonds that have fueled so much of the death and destruction.

H.R. 3188 will require that all diamonds bought and sold in the U.S. be identified as to their country of origin.

I believe that the bill of the gentleman from Ohio (Mr. HALL) will help end the maiming and the killing in Sierra Leone, and I urge all Members to please call the office of the gentleman from Ohio (Mr. HALL) and cosponsor this bill so we can bring an end to the maiming and cutting off of legs and arms and the killing of people.

REPORT ON STRATEGIC CONCEPT OF NATO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–81)

The SPEAKER pro tempore (Mr. PETRI) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and ordered to be printed.

To the Congress of the United States:

Pursuant to the authority vested in me as President of the United States, including by section 1221(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65), I hereby determine and certify that the new NATO Strategic Concept imposes no new commitment or obligation on the United States. Further, in accordance with section 1221(c) of the Act, I transmit herewith the attached unclassified report to the Congress on the potential threats facing the North Atlantic Treaty Organization.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000*.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

REAUTHORIZING PRINTING OF CERTAIN PUBLICATIONS

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the concurrent resolution (H. Con. Res. 221) entitled "Concurrent resolution authorizing printing of the brochures entitled 'How Our Laws Are Made' and 'Our American Government', the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution."

The Clerk read as follows:

Senate amendment:

Strike out all after the resolving clause and insert:

SECTION 1. OUR AMERICAN GOVERNMENT.

(a) IN GENERAL.—The 1999 revised edition of the brochure entitled "Our American Government" shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $412,873, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 2. DOCUMENT-SIZED, ANNOTATED UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 1999 edition of the document-sized, annotated version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $393,316, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. HOW OUR LAWS ARE MADE.

(a) IN GENERAL.—An edition of the brochure entitled "How Our Laws Are Made", as revised under the direction of the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate, shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $200,722, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 4. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 20th edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $115,208, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 5. CAPITOL BUILDER: THE SHORTHAND JOURNALS OF CAPTAIN MONTGOMERY C. MEIGS, 1853–1861.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Capitol Builder: The Shorthand Journals of Captain Montgomery C. Meigs, 1853–1861", prepared under the direction of the Secretary of the Senate, in consultation with the Clerk of the House of Representatives and the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) a number of copies that does not have a total production and printing cost of more than $31,500.

SEC. 6. THE UNITED STATES CAPITOL: A CHRONICLE OF CONSTRUCTION, DESIGN, AND POLITICS.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "The United States Capitol: A Chronicle of Construction, Design, and Politics", prepared by the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 6,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $143,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 221, as amended by the Senate, authorizes the printing of six publications, of "How Our Laws Are Made"; "Our American Government"; the U.S. Constitution, the pocket-sized version; the U.S. Constitution, a document-sized version; the "Capitol Builder," which is a shorthand journal of Captain Montgomery C. Meigs; and the publication of the "U.S. Capitol: A Chronicle of Construction, Design and Politics."

The Senate amendment to the House resolution added both "The Capitol Builder" and "The U.S. Capitol" to the printing resolution.

The total cost from the GPO, their estimate for these publications, is approximately $1.3 million. I would ask my colleagues to join with me in approving this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Ohio (Mr. BOEHNER) has explained, the House originally proposed the printing of four documents about our government, all of which Members and their constituents find extraordinarily useful.

By its amendment, the Senate has proposed the printing of two additional documents. I believe those documents are appropriately added, and I certainly urge Members to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I thank my colleague from Maryland (Mr. HOYER), and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and concur in the Senate amendment to the concurrent resolution, H. Con. Res. 221.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERMITTING USE OF CAPITOL ROTUNDA FOR CEREMONY COMMEMORATING VICTIMS OF HOLOCAUST

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 244) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read as follows:

H. CON. RES. 244

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on May 4, 2000, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution authorizes the use of the Rotunda of the Capitol for the Holocaust Days of Remembrance ceremony. This ceremony will be on May 4, 2000.

The statute creating the U.S. Holocaust Memorial Council directs that the council shall provide for appropriate ways for the Nation to commemorate the Days of Remembrance as an annual, national, civic commemoration of the Holocaust, and shall encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States.

The purpose of the Days of Remembrance is to ask citizens to reflect on the Holocaust, to remember the victims, and to strengthen our sense of democracy and human rights.

The event in the Rotunda of the Capitol is the centerpiece of similar Holocaust remembrance ceremonies that take place throughout the United States.

The first Days of Remembrance ceremonies in the Rotunda occurred in 1979 and has been an annual event except during the period when the Rotunda was undergoing repairs.

The theme of this year's commemoration is, and I will quote, "The Holocaust and the New Century: The Imperative to Remember."

I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am once again pleased to cosponsor this resolution with the gentleman from California (Mr. THOMAS), the gentleman from Ohio (Mr. BOEHNER), and others.

This resolution, as the gentleman from Ohio (Mr. BOEHNER) has pointed out, provides for the annual commemoration of the Holocaust on May 4 of this year.

Mr. Speaker, there is no occasion more important for the international community and for humanity than to remember the tragedy that occurred in the 1930s and 1940s, the massive loss of life and the reality of man's inhumanity to man. It is appropriate, I believe, that we use the Rotunda, the location of so many historic events, again to draw attention and focus on one of the greatest tragedies in human history.

It reminds us, Mr. Speaker, that such events must never again be permitted to occur and that only through our vigilance will that be ensured.

The ceremony will be a part of the annual Days of Remembrance sponsored by the United States Holocaust Memorial Council. It is intended to encourage citizens to reflect on the Holocaust, to remember its victims and to strengthen our sense of democracy and human rights.

Mr. Speaker, I would observe that it is particularly important that succeeding generations who have largely grown up in a relatively peaceful world be called upon to remember this event. We have seen all too recently events similar in character, if not in scope, as we saw in Kosovo and in Bosnia. The gentleman from Virginia (Mr. WOLF) just mentioned Africa. The Holocaust is an event, a time in history, that we ought to remember so that successor generations never repeat it.

The theme of this year's Days of Remembrance is "The Holocaust and the New Century: The Imperative to Remember."

Mr. Speaker, I rise in strong support of this resolution and urge its adoption.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman from California (Mr. THOMAS) for bringing this measure to the floor at this time.

The commemoration of the Holocaust is so important, and the fact that we do it here in the Capitol Building, in the Rotunda, is an extremely important reminder to the entire world of the importance that we place on the Holocaust.

Mr. Speaker, I am pleased to be able to support the House Concurrent Resolution, H. Con. Res. 244, authorizing the use of the Capitol Rotunda for a ceremony commemorating the victims of the Holocaust.

That important ceremony is scheduled to take place in the Capitol on April 13, 2000, from 8 a.m. to 3 p.m.

The passage of this resolution and the subsequent ceremony of the Days of Remembrance will provide the centerpiece of similar Holocaust remembrance ceremonies that take place throughout our Nation.

This day of remembrance will be a day of speeches, reading and musical presentation, and will provide the American people and those throughout the world an important day to study and to remember those who suffered and those who survived.

Mr. Speaker, it is important that we keep the memory of the Holocaust alive as part of our living history. As Americans, we can be proud of our efforts to liberate those who suffered and survived in the oppressive Nazi concentration camps. Let us never forget the harm that prejudice, oppression and hatred can cause.

Mr. HOYER. Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague, the gentleman from Maryland (Mr. HOYER), for his support, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 244.

The question was taken.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMITTING OFFICIAL PHOTOGRAPHS OF HOUSE WHILE IN SESSION

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 407) permitting official photographs of the House of Representatives to be taken while the House is in actual session.

The Clerk read as follows:

H. Res. 407

Resolved, That at a time designated by the Speaker of the House of Representatives, official photographs of the House may be taken while the House is in actual session. Payment for the costs associated with taking, preparing, and distributing such photographs may be made from the applicable accounts of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

□ 1415

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is very straightforward and simply authorizes the use of the Chamber for a photo while we are in session. The Speaker would set the date for such photo and payment as authorized from the applicable accounts of the House.

As Members know, in the last session of Congress there was a photo taken of all of the Members of the House, something that was rather routine in sessions past, but over a period of 3 or 4 sessions it did not occur. Several years ago when this was done the Members were very supportive of the effort, and the Committee on House Administration voted for it. The Members thereof have suggested that the House take another photograph in this session.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my staff behind me has suggested that Members should not forget to smile. I think it is appropriate that we take a picture of the House of Representatives and its Members on an annual basis, or at least once during every Congress. I think this is not only a substantial memento for those who have the great honor and privilege of serving here, but as well, an historical record of those who are here, and of course I rise in strong support of the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that is House suspend the rules and agree to the resolution, H. Res. 407.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HILLORY J. FARIAS AND SAMANTHA REID DATE-RAPE DRUG PROHIBITION ACT OF 1999

Mr. UPTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2130) to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Gamma hydroxybutyric acid (also called G, Liquid X, Liquid Ecstasy, Grievous Bodily Harm, Georgia Home Boy, Scoop) has become a significant and growing problem in law enforcement. At least 20 States have scheduled such drug in their drug laws and law enforcement officials have been experiencing an increased presence of the drug in driving under the influence, sexual assault, and overdose cases especially at night clubs and parties.

(2) A behavioral depressant and a hypnotic, gamma hydroxybutyric acid ("GHB") is being used in conjunction with alcohol and other drugs with detrimental effects in an increasing number of cases. It is difficult to isolate the impact of such drug's ingestion since it is so typically taken with an ever-changing array of other drugs and especially alcohol which potentiates its impact.

(3) GHB takes the same path as alcohol, processes via alcohol dehydrogenase, and its symptoms at high levels of intake and as impact builds are comparable to alcohol ingestion/intoxication. Thus, aggression and violence can be expected in some individuals who use such drug.

(4) If taken for human consumption, common industrial chemicals such as gamma butyrolactone and 1.4-butanediol are swiftly converted by the body into GHB. Illicit use of these and other GHB analogues and precursor chemicals is a significant and growing law enforcement problem.

(5) A human pharmaceutical formulation of gamma hydroxybutyric acid is being developed as a treatment for cataplexy, a serious and debilitating disease. Cataplexy, which causes sudden and total loss of muscle control, affects about 65 percent of the estimated 180,000 Americans with narcolepsy, a sleep disorder. People with cataplexy often are unable to work, drive a car, hold their children or live a normal life.

(6) Abuse of illicit GHB is an imminent hazard to public safety that requires immediate regulatory action under the Controlled Substances Act (21 U.S.C. 801 et seq.).

SEC. 3. EMERGENCY SCHEDULING OF GAMMA HYDROXYBUTYRIC ACID AND LISTING OF GAMMA BUTYROLACTONE AS LIST I CHEMICAL.

(a) EMERGENCY SCHEDULING OF GHB.—

(1) IN GENERAL.—The Congress finds that the abuse of illicit gamma hydroxybutyric acid is an imminent hazard to the public safety. Accordingly, the Attorney General, notwithstanding sections 201(a), 201(b), 201(c), and 202 of the Controlled Substances Act, shall issue, not later than 60 days after the date of the enactment of this Act, a final order that schedules such drug (together with its salts, isomers, and salts of isomers) in the same schedule under section 202(c) of the Controlled Substances Act as would apply to a scheduling of a substance by the Attorney General under section 201(h)(1) of such Act (relating to imminent hazards to the public safety), except as follows:

(A) For purposes of any requirements that relate to the physical security of registered manufacturers and registered distributors, the final order shall treat such drug, when the drug is manufactured, distributed, or possessed in accordance with an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (whether the exemption involved is authorized before, on, or after the date of the enactment of this Act), as being in the same schedule as that recommended by the Secretary of Health and Human Services for the drug when the drug is the subject of an authorized investigational new drug application (relating to such section 505(i)). The recommendation referred to in the preceding sentence is contained in the first paragraph of the letter transmitted on May 19, 1999, by such Secretary (acting through the Assistant Secretary for Health) to the Attorney General (acting through the Deputy Administrator of the Drug Enforcement Administration), which letter was in response to the letter transmitted by the Attorney General (acting through such Deputy Administrator) on September 16, 1997. In publishing the final order in the Federal Register, the Attorney General shall publish a copy of the letter that was transmitted by the Secretary of Health and Human Services.

(B) In the case of gamma hydroxybutyric acid that is contained in a drug product for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (whether the application involved is approved before, on, or after the date of the enactment of this Act), the final order shall schedule such drug in the same schedule as that recommended by the Secretary of Health and Human Services for authorized formulations of the drug. The recommendation referred to in the preceding sentence is contained in the last sentence of the fourth paragraph of the letter referred to in subparagraph (A) with respect to May 19, 1999.

(2) FAILURE TO ISSUE ORDER.—If the final order is not issued within the period specified in paragraph (1), gamma hydroxybutyric acid (together with its salts, isomers, and salts of isomers) is deemed to be scheduled under section 202(c) of the Controlled Substances Act in accordance with the policies described in paragraph (1), as if the Attorney General had issued a final order in accordance with such paragraph.

(b) ADDITIONAL PENALTIES RELATING TO GHB.—

(1) CONTROLLED SUBSTANCES ACT.—

(A) IN GENERAL.—Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)) is amended in the first sentence by inserting after "schedule I or II," the following: "gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999),".

(B) CONFORMING AMENDMENT.—Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by striking ", or 30" and inserting "(other than gamma hydroxybutyric acid), or 30".

(2) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—

(A) IN GENERAL.—Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3)) is amended in the first sentence by inserting after "I or II," the following: "gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999),".

(B) CONFORMING AMENDMENT.—Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking "flunitrazepam)" and inserting the following: "flunitrazepam and except a violation involving gamma hydroxybutyric acid)".

(c) GAMMA BUTYROLACTONE AS ADDITIONAL LIST I CHEMICAL.—Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by redesignating subparagraph (X) as subparagraph (Y); and

(2) by inserting after subparagraph (W) the following subparagraph:

"(X) Gamma butyrolactone.".

SEC. 4. AUTHORITY FOR ADDITIONAL REPORTING REQUIREMENTS FOR GAMMA HYDROXYBUTYRIC PRODUCTS IN SCHEDULE III.

Section 307 of the Controlled Substances Act (21 U.S.C. 827) is amended by adding at the end the following:

"(h) In the case of a drug product containing gamma hydroxybutyric acid for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act, the Attorney General may, in addition to any other requirements that apply under this section with respect to such a drug product, establish any of the following as reporting requirements:

"(1) That every person who is registered as a manufacturer of bulk or dosage form, as a packager, repackager, labeler, relabeler, or distributor shall report acquisition and distribution transactions quarterly, not later than the 15th day of the month succeeding the quarter for which the report is submitted, and annually report end-of-year inventories.

"(2) That all annual inventory reports shall be filed no later than January 15 of the year following that for which the report is submitted and include data on the stocks of the drug product, drug substance, bulk drug, and dosage forms on hand as of the close of business December 31, indicating whether materials reported are in storage or in process of manufacturing.

"(3) That every person who is registered as a manufacturer of bulk or dosage form shall report all manufacturing transactions both inventory increases, including purchases, transfers, and returns, and reductions from inventory, including sales, transfers, theft, destruction, and seizure, and shall provide data on material manufactured, manufactured from other material, use in manufacturing other material, and use in manufacturing dosage forms.

"(4) That all reports under this section must include the registered person's registration number as well as the registration numbers, names, and other identifying information of vendors, suppliers, and customers, sufficient to allow the Attorney General to track the receipt and distribution of the drug.

"(5) That each dispensing practitioner shall maintain for each prescription the name of the prescribing practitioner, the prescribing practitioner's Federal and State registration numbers, with the expiration dates of these registrations, verification that the prescribing practitioner possesses the appropriate registration to prescribe this controlled substance, the patient's name and address, the name of the patient's insurance provider and documentation by a medical practitioner licensed and registered to prescribe the drug of the patient's medical need for the drug. Such information shall be available for inspection and copying by the Attorney General.

"(6) That section 310(b)(3) (relating to mail order reporting) applies with respect to gamma hydroxybutyric acid to the same extent and in the same manner as such section applies with respect to the chemicals and drug products specified in subparagraph (A)(i) of such section.".

SEC. 5. CONTROLLED SUBSTANCES ANALOGUES.

(a) RULE OF CONSTRUCTION REGARDING CONTROLLED SUBSTANCE ANALOGUES.—Section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)) is amended—

(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraph (C)";

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) The designation of gamma butyrolactone or any other chemical as a listed chemical pursuant to paragraph (34) or (35) does not preclude a finding pursuant to subparagraph (A) of this paragraph that the chemical is a controlled substance analogue.".

(b) DISTRIBUTION WITH INTENT TO COMMIT CRIME OF VIOLENCE.—Section 401(b)(7)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(7)(A)) is amended by inserting "or controlled substance analogue" after "distributing a controlled substance".

SEC. 6. DEVELOPMENT OF MODEL PROTOCOLS, TRAINING MATERIALS, FORENSIC FIELD TESTS, AND COORDINATION MECHANISM FOR INVESTIGATIONS AND PROSECUTIONS RELATING TO GAMMA HYDROXYBUTYRIC ACID, OTHER CONTROLLED SUBSTANCES, AND DESIGNER DRUGS.

(a) IN GENERAL.—The Attorney General, in consultation with the Administrator of the Drug Enforcement Administration and the Director of the Federal Bureau of Investigation, shall—

(1) develop—

(A) model protocols for the collection of toxicology specimens and the taking of victim statements in connection with investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving abuse of gamma hydroxybutyric acid, other controlled substances, or so-called "designer drugs"; and

(B) model training materials for law enforcement personnel involved in such investigations; and

(2) make such protocols and training materials available to Federal, State, and local personnel responsible for such investigations.

(b) GRANT.—

(1) IN GENERAL.—The Attorney General shall make a grant, in such amount and to such public or private person or entity as the Attorney General considers appropriate, for the development of forensic field tests to assist law enforcement officials in detecting the presence of gamma hydroxybutyric acid and related substances.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on current mechanisms for coordinating Federal, State, and local investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving the abuse of gamma hydroxybutyric acid, other controlled substances, or so-called "designer drugs". The report shall also include recommendations for the improvement of such mechanisms.

SEC. 7. ANNUAL REPORT REGARDING DATE-RAPE DRUGS; NATIONAL AWARENESS CAMPAIGN.

(a) ANNUAL REPORT.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall periodically submit to Congress reports each of which provides an estimate of the number of incidents of the abuse of date-rape drugs (as defined in subsection (c)) that occurred during the most recent one-year period for which data are available. The first such report shall be submitted not later than January 15, 2000, and subsequent reports shall be submitted annually thereafter.

(b) NATIONAL AWARENESS CAMPAIGN.—

(1) DEVELOPMENT OF PLAN; RECOMMENDATIONS OF ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall develop a plan for carrying out a national campaign to educate individuals described in subparagraph (B) on the following:

(i) The dangers of date-rape drugs.

(ii) The applicability of the Controlled Substances Act to such drugs, including penalties under such Act.

(iii) Recognizing the symptoms that indicate an individual may be a victim of such drugs, including symptoms with respect to sexual assault.

(iv) Appropriately responding when an individual has such symptoms.

(B) INTENDED POPULATION.—The individuals referred to in subparagraph (A) are young adults, youths, law enforcement personnel, educators, school nurses, counselors of rape victims, and emergency room personnel in hospitals.

(C) ADVISORY COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish an advisory committee to make recommendations to the Secretary regarding the plan under subparagraph (A). The committee shall be composed of individuals who collectively possess expertise on the effects of date-rape drugs and on detecting and controlling the drugs.

(2) IMPLEMENTATION OF PLAN.—Not later than 180 days after the date on which the advisory committee under paragraph (1) is established, the Secretary, in consultation with the Attorney General, shall commence carrying out the national campaign under such paragraph in accordance with the plan developed under such paragraph. The campaign may be carried out

directly by the Secretary and through grants and contracts.

(3) EVALUATION BY GENERAL ACCOUNTING OFFICE.—Not later than two years after the date on which the national campaign under paragraph (1) is commenced, the Comptroller General of the United States shall submit to Congress an evaluation of the effects with respect to date-rape drugs of the national campaign.

(c) DEFINITION.—For purposes of this section, the term "date-rape drugs" means gamma hydroxybutyric acid and its salts, isomers, and salts of isomers and such other drugs or substances as the Secretary, after consultation with the Attorney General, determines to be appropriate.

SEC. 8. SPECIAL UNIT IN DRUG ENFORCEMENT ADMINISTRATION FOR ASSESSMENT OF ABUSE AND TRAFFICKING OF GHB AND OTHER CONTROLLED SUBSTANCES AND DRUGS.

(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall establish within the Operations Division of the Drug Enforcement Administration a special unit which shall assess the abuse of and trafficking in gamma hydroxybutyric acid, flunitrazepam, ketamine, other controlled substances, and other so-called "designer drugs" whose use has been associated with sexual assault.

(b) PARTICULAR DUTIES.—In carrying out the assessment under subsection (a), the special unit shall—

(1) examine the threat posed by the substances and drugs referred to in that subsection on a national basis and regional basis; and

(2) make recommendations to the Attorney General regarding allocations and reallocations of resources in order to address the threat.

(c) REPORT ON RECOMMENDATIONS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report which shall—

(A) set forth the recommendations of the special unit under subsection (b)(2): and

(B) specify the allocations and reallocations of resources that the Attorney General proposes to make in response to the recommendations.

(2) TREATMENT OF REPORT.—Nothing in paragraph (1) may be construed to prohibit the Attorney General or the Administrator of the Drug Enforcement Administration from making any reallocation of existing resources that the Attorney General or the Administrator, as the case may be, considers appropriate.

SEC. 9. TECHNICAL AMENDMENT.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

Amend the title so as to read: "An Act to amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask my colleagues to join me in supporting the passage of H.R. 2130, the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act.

As you may recall, the House initially approved this legislation last October on a vote of 423 to 1. This evening we will vote on this legislation as amended by the Senate, and if the legislation is approved, it will go straight to the President to be signed into law.

The legislation we are considering today will amend the Controlled Substances Act to put GHB, a dangerous and sometimes fatal drug used to facilitate sexual assaults, in schedule 1 of the Controlled Substances Act, the most tightly regulated category of drugs with the strongest penalties for misuse.

It will also clamp tight controls on GBL, a precursor to GHB that is itself being used to facilitate sexual assaults.

This legislation is desperately needed. The abuse, trafficking, and diversion of GHB is rapidly increasing. The Drug Enforcement Administration has documented nearly 6,000 encounters of GHB. Deaths from the drug are escalating rapidly, from one in 1990 to 17 last year, for a total of 58 deaths. Emergency room episodes resulting from the use of the drug are also escalating rapidly, from 20 in 1992 to 762 in 1997, the last year for which data is available, for a total of more than 1,600 episodes.

Sadly, these numbers are reflecting only the tip of an iceberg. GHB is difficult to detect, almost impossible, in the body, within a few hours of its being ingested. Many law enforcement officers and emergency room personnel are not trained to look for it.

As an example, I heard from one source in Kansas City that they suspected thousands of date rape and drug abuse cases in the greater Kansas City region since 1993. The legislation before us was sparked by the death of two young, wonderful women, one in Texas and one in Michigan, whose drinks were spiked with GHB. Since then, five more women have died in Texas and another two in Michigan. We must act now before this tragic toll rises any further.

The FDA has issued consumer warnings about products containing GBL, which converts to GHB, when ingested in dietary supplements, and has asked companies marketing products containing GBL to recall them.

In August of last year the FDA sent a message to help professionals across the country, asking them to report adverse events associated with the consumption of these products. Since then, the agency has received 122 reports of serious adverse reactions, such as dangerously low respiration rates which may require intubation, unconsciousness, coma, seizures, irregular heartbeat, and yes, death.

Just this last month, as you may have read, Phoenix Suns player Tom Gugliotta suffered a seizure that caused him to stop breathing after taking an over-the-counter herbal supplement containing GBL. Similarly, a 16-year-old Peoria, Illinois high school student collapsed during a school gym class after taking a product containing GBL. He lost consciousness, stopped breathing, and had to be resuscitated by paramedics.

The Senate amended H.R. 2130 to further develop and strengthen the Department of Justice's focus on GHB and to provide for the development of forensic field tests for the detection of this substance. In all other respects, the Senate amendments have had the same effect as the legislation that we passed here in the House in October.

I wish to express my appreciation for the help of so many of my colleagues, the gentleman from Michigan (Mr. STUPAK), the gentlewoman from Texas (Ms. JACKSON LEE), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Virginia (Chairman BLILEY), the help that they have given in getting us to this point, and for the leadership of the Senate, particularly Senator ABRAHAM and Senator HATCH, in steering this legislation for Senate approval. This has been a bipartisan effort from day number one.

With all my heart, as the father of a daughter and son, I ask that the House approve this legislation tonight and send it to the President. Let us do this for all of our sons and daughters, who are at grave risk so long as these substances are so readily available.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the Committee on the Judiciary, the Subcommittee on Crime, I am delighted to join my colleague, the gentleman from Michigan (Mr. UPTON), a member of the Committee on Commerce, and thank him for his leadership.

In fact, his leadership was so strong that he was making sure that as I came in and landed at Reagan National, that I would hurry on, and I got here timely. I thank him very much for that.

This has been a very long journey, and the one thing that we can applaud, Mr. Speaker, is that we have worked together, the Committee on Commerce, the Committee on the Judiciary, and we have answered the call of so many victims, now I am told almost between 40 to 50 who have died.

There was an anecdotal story of a Texas young woman who begged for help, explaining that her whole body hurt so much that the only way to stop it is to take more GHB but she wanted desperately to quit. She had actually died two times on GHB and was brought back by paramedics. She was raped while on GHB. She had not reported it because she felt it was her fault for getting high.

I am gratified that Members of the Committee on Commerce, the gentlemen from Michigan, Mr. UPTON and Mr. STUPAK, and the gentleman from Virginia (Mr. BLILEY) and I introduced this bipartisan bill, the Hillory J. Farias Samantha Reid Date Rape Prevention Act of 1999.

Mr. Speaker, I am also grateful to the ranking member, the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), the gentleman from Florida (Mr. BILIRAKIS); members of my committee, the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Virginia (Mr. SCOTT), the gentleman from Illinois (Mr. HYDE), and the gentleman from Michigan (Mr. CONYERS). This was a bipartisan effort.

I am looking forward for this bill to be supported by my colleagues, and, as well, to go quickly to the desk of the President of the United States.

This is a victory for those of us who are concerned about date rape drugs. This drug, GHB, has been used in innumerable rapes around the country and has been implicated, as I have said, in at least 40 to 50 deaths. In addition to date rape, this drug is very popular on the party scene in many cities, and it is widely abused.

I was prompted to act to control the illicit use of GHB 3 years ago because of the death of Hillory J. Farias of LaPorte, Texas, on August 5, 1996. Our community was dumbfounded, baffled. I introduced a GHB bill in 1997, and have continued to advocate for its passage to prevent more women from being victimized by date rape drugs.

Hillory Farias was a 17-year-old high school senior, a model student and varsity volleyball player who died as a result of GHB being slipped into her soft drink. She was not a drug user.

Hillory and two other girlfriends went out to a club where they consumed only soft drinks. At some point during the evening GHB was slipped into Hillory's drink. Soon afterwards she complained of feeling sick with a severe headache. She went home to bed, but the next morning Hillory was found by her grandmother unconscious and unresponsive. She was rushed to the hospital where she later died, never resuming consciousness.

Unfortunately, Hillory's death was not the only tragedy of this drug. My office has been contacted by the families of several victims of the drug since March of last year. In January, 1999, 15-year old Samantha, a young lady from Michigan, died as a result of this drug being put in her soda while out with friends. Another 14-year-old girl was also poisoned with GHB and went into a coma. Four young men will go on trial for Samantha's murder this year. On January 2, Samantha would have been 16 years old.

Her death prompted other Members from the Michigan delegation to become interested in this issue, and thus this legislation is named for both of these young women whose lives were cut short by this drug. There is also another incident in Michigan where 14 teenagers at a party ingested GHB and lapsed into comas during the Fourth of July holiday last year.

In addition to the tragic stories of Hillory and Samantha, my office was contacted by the office of the gentleman from New York (Mr. LAFALCE) with the story of Kerri Breton from Syracuse, New York, who also died from this drug being slipped into her drink. Ms. Breton was away on a business trip and was having a drink in a hotel bar with a colleague. She was found next day dead on the bathroom floor of her hotel room. Her stepfather shared this painful story in the hope it would alert others to the dangers of this drug.

Mr. Speaker, this drug is not a respecter of any age. You do not have to be very smart, you do not have to be unsmart, if you will; you do not have to be educated or uneducated; you do not have to be rich or poor. This is a drug that respects no one and causes the loss of life of wonderful human beings.

A young man from the Chicago area overdosed and almost died last September. He was using the drug because he wanted to be a bodybuilder. Just recently I received more information about young people who are addicted to this drug. In Texas there is a young woman who was addicted to GHB and clinically died twice.

In addition, these tragedies underscore the importance of this legislation. All of these incidents among young people are stronger evidence that this drug has a high potential for abuse and must be placed on the schedule for the Controlled Substances Act.

A few months ago during the summer there was a rave party in California up in the mountains. Those who attended were alleged to have taken GHB, as has been noted by these rave parties that have gone on. A car loaded with young people went over the side of the mountain. Of course, they lost their lives leaving the rave party.

Without this bill, illicit use of GHB would increase dramatically. There are undoubtedly other deaths that may not have been classified as GHB-related because the drug is not part of the standard toxicology screen. That is why we are very grateful for this bill, that includes part of the responsibilities of FDA and the Justice Department, so that we will have those kinds of tools for law enforcement to utilize.

In addition, GHB has been used to render victims helpless to defend against an attack, and it even erases any memory of the attack. That is why it has been so difficult to prove rape.

As a drug of abuse, GHB is ingested orally after being mixed in a liquid. The onset of action is rapid and unconsciousness can occur in as little as 15 minutes. Profound coma can occur within 30 to 40 minutes after ingestion. GHB has also been used by drug abusers for its alleged hallucinogenic effects, and by bodybuilders.

I believe by classifying this drug now, we send a strong message to those who would use this drug and its analogs to commit crimes against women and others. In addition to being used for date rape, this drug is being used at alarming rates among young people.

However, my position does not mean I am insensitive to the concerns of patients who might be helped by this drug. This drug has shown some benefits to patients with a specific form of narcolepsy in clinical trials, those who suffer from sleeping sickness, and for those uses during trials to try to cure that disease.

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There is a possibility that GHB can be used for the treatment of such diseases. We want that to occur, because it is a rare disorder. We believe that this bill matches the medicinal needs along with the needs to protect our citizens from the devastation of illegal use of GHB, known to be made in bathtubs in large amounts.

The distribution of this drug would be strictly controlled to ensure that only patients in need of this drug would have access. This bill also provides for a grant by the Department of Justice to research a forensic test to assist law enforcement in detecting GHB on the street, one of our major problems in making the cases. This would improve the ability to prosecute date rape and other crimes involving this substance.

Mr. Speaker, this bill reaches a compromise; and I am glad. And as I stated earlier, we have been working a long time to pass this bill and to schedule this drug, because I do not want to see any more lives cut short by GHB.

I thank all the people who were involved in this. One of my sources for information was Trinka Porrata, a retired member of the Los Angeles Police Department. She has been a steady voice explaining to all of us that GHB is dangerous and can be devastating and causes the loss of lives. I thank Trinka for working with my staff for the past 3 years and coming to Washington, D.C. to testify twice in this journey that we have made.

Mr. Speaker, I would also like to thank the Farias family, her uncles and grandparents, for sharing their story to help us inform others about this drug. They did not need to come forward, but they did. I thank them for their courage.

I thank as well, Harris County Medical Examiner, Dr. Joy Carter, who was the one who discovered what was the cause of, of course, Hillary's death. And I would like to thank Samantha Reid's mother for support of our efforts.

Of course, I want to take note of the Senate's leadership as well; the families of other victims who have shared this devastation; and my colleagues, the gentleman from Michigan (Mr. UPTON), the gentleman from Michigan (Mr. STUPAK), the gentleman from Michigan (Mr. DINGELL), and Senator ABRAHAM and the other members of the Michigan delegation, and the gentlewoman from Michigan (Ms. STABENOW) for showing interest in this issue as well.

I would like to take time to thank the staff members of the Committee on Commerce for their hard work, especially John Ford with the minority staff and John Manthei with the majority staff. I would also like to thank Members of the Committee on the Judiciary for their work on this issue last year and this year, as I mentioned the gentleman from Virginia (Mr. SCOTT), the gentleman from Michigan (Mr. CONYERS), the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Illinois (Chairman HYDE). In 1998, we had a hearing on this issue in the Subcommittee on Crime and it shed a lot of light on date rape and the illicit use of GHB.

Often, they say that our two committees find it difficult to find compromise. I am very pleased to stand here today and acknowledge that they have. I also thank the staff members who worked on this as well in my office, Deena Maerowitz, Ayanna Hawkins, and Leon Buck. Finally, I thank all of those who are victims but yet still living. And let me promise the young people and others of the future that with the passage of this GHB legislation, we look to save more lives and I ask the President to sign this bill as quickly as possible.

I am pleased to stand here today in strong support of the Hillory J. Farias and Samantha Reid Date Rape Prevention Act of 1999. Last summer, I joined my Colleagues on the Commerce Committee, Representatives UPTON, STUPAK, and BLILEY, to introduce this bipartisan bill. I have waited a long time for this day, and I look forward to the next step for this legislation, which is getting President Clinton to sign this into law.

This day has been a long time coming, but it is a victory for those of us who are concerned about date rape drugs. This drug, GHB (Gamma Hydroxy-butyrate) has been used in innumerable rapes around the country and has been implicated in at least 40 deaths. In addition to date rape, this drug is very popular on the party scene in many cities and it is widely abused.

I was prompted to act to control the illicit use of GHB three years ago because of the death of Hillory J. Farias, of Laporte, Texas on August 5, 1996. I introduced a GHB bill in 1997 and I have continued to advocate for its passage to prevent more women from being victimized by date rape drugs.

Hillory Farias was a 17-year-old high school senior, model student and varsity volleyball player who died as a result of GHB slipped into her soft drink.

Hillory and two of her girlfriends went out to a club where they consumed only soft drinks. At some point during the evening, GHB was slipped into Hillory's drink and soon afterwards, Hillory complained of feeling sick with a severe headache.

She went home to bed, but the next morning, Hillory was found by her grandmother unconscious and unresponsive. Hillory was rushed to the hospital where she later died.

Unfortunately, Hillory's death was not the only tragedy of this drug. My office has been contacted by the families of several victims of this drug since March of last year.

In January 1999, 15 year old Samantha Reid, a young lady from Michigan, died as a result of this drug being put in her soda while out with friends. Another 14 year old girl who was also poisoned with GHB went into a coma.

Four young men will go on trial for Samantha's murder this year. On January 2, Samantha would have been 16 years old.

Samantha's death prompted other Members from the Michigan delegation to become interested in this issue and thus, this legislation is named for both of these young women whose lives were cut short by this drug. There was also another incident in Michigan where four teenagers at a party ingested GHB and lapsed into comas during the Fourth of July holiday last year.

In addition to the tragic stories of Hillory and Samantha, my office was contacted by Representative LAFALCE's office with the story of Kerri Breton, from Syracuse, New York who also died from this drug being slipped into her drink.

Ms. Breton was away on a business trip and was having a drink in the hotel bar with a colleague. She was found the next day dead on the bathroom floor of her hotel room. Her stepfather shared this painful story in hope that it would alert others to the dangers of this drug.

A young man from the Chicago area overdosed and almost died last September. He was a bodybuilder who had abused drugs for years. The doctors and law enforcement officials in the Chicago area did not know anything about GHB. If his sister had not been around when he lost consciousness, he would have surely died. She called my office to share the painful account of how her family almost had to prepare for her brother's death.

Just recently, I received more information about young people who are addicted to this drug. In Texas, there was a young woman who was addicted to GHB and clinically died twice.

She was also raped while on GHB, but she did not report it to the police because she felt that it was her fault for getting high. She is now in the process of rebuilding her life through a drug detox program.

These tragedies underscore the importance of this legislation. All of these incidents among young people are strong evidence that this drug has a high potential for abuse and must be placed on the schedule for the Controlled Substances Act.

Without this bill, illicit use of GHB would increase dramatically. There are undoubtedly other deaths that may not have been classified as GHB-related because the drug is not a part of a standard toxicology screen. So far, there have been close to 50 confirmed deaths.

GHB has been used to render victims helpless to defend against attack and it even erases any memory of the attack. The recipe for this drug and its analogs can be accessed on the Internet. Currently, GHB is not legally produced in the United States. It is being smuggled across our borders or it is being illegally created here by "bathtub" chemists.

As a drug of abuse, GHB is generally ingested orally after being mixed in a liquid. The onset of action is rapid, and unconsciousness can occur in as little as 15 minutes. Profound coma can occur within 30 to 40 minutes after ingestion.

GHB has also been used by drug abusers for its alleged hallucinogenic effects and by bodybuilders who abuse GHB for an anabolic agent or as a sleep aid.

I believe that by classifying this drug now, we send a strong message to those who would use this drug and its analogs to commit crimes against women. In addition to being used for date rape, this drug is being abused at alarming rates among young people.

However, my position on the illicit use of GHB does not mean that I am insensitive to the concerns of patients that might be helped with this drug. This drug has shown some benefits to patients with a specific form of narcolepsy in clinical trials.

There is a possibility that GHB can be developed for the treatment of cataplexy, a rare form of narcolepsy. Cataplexy is a rare disorder that causes sudden and total loss of muscle control. People with cataplexy are unable to work, drive or lead a normal life. Like my colleagues, I understand the situation that affects these patients and I am sensitive to their need for treatment of that disorder.

This bill reflects a compromise that takes into account the needs of the patient group and the needs of law enforcement. This bill enables law enforcement to prosecute anyone who abuses GHB to the full extent of the law by placing the drug on Schedule I of the Controlled Substances Act.

Scheduling GHB on the Federal Controlled Substances Act allows prosecutors to punish anyone who uses a scheduled drug in any sexual assault crime to suffer penalties under the Drug Induced Rape Prevention and Punishment Act. This bill would increase the sentence for someone using GHB to commit a sex crime to 20 years imprisonment.

However, this bill protects people with cataplexy by providing an exemption for those enrolled in clinical trials now, and later it reschedules the drug once it has been approved by the FDA.

The distribution of the drug would be strictly controlled to ensure that only patients in need of this drug would have access to it. Any illicit use of GHB would result in the enhanced sentence penalties.

This bill also provides for a grant by the Department of Justice to research a forensic test to assist law enforcement in detecting GHB on the street. This would improve the ability to prosecute date rape and other crimes involving this substance. This provision provides law enforcement with a crucial tool in fighting this drug on the street.

This bill reaches a compromise that will benefit the patients who desperately need this drug for treatment and law enforcement agencies that need the tools to fight the use of this drug among young people.

As I stated earlier, I have been working to pass legislation to schedule this drug for a long time now because I do not want to see any more young lives cut short by GHB. There are many people who have been resources to my staff these years and I would like to thank them publicly for their work.

I would like to thank all of the people who have been involved with this process from the beginning and who provided me with information about this drug. One of my sources for information was Trinka Porrata, a retired member of the Los Angeles police department. She has been a strong advocate for this legislation.

Trinka has worked with my staff for the past three years on this legislation. She has come to Washington to testify twice and she has been a valuable resource of information on how this drug has become popular on the street.

I would like to thank the Farias family for sharing their story to help us inform others about this drug. Their tragedy and loss cannot be overlooked and I appreciate their patience with us. We have worked closely with Hillory's family and the Harris County medical examiner, Dr. Joy Carter, since I first introduced this bill.

I would also like to thank Samantha Reid's mother for her support of our efforts as well. Last year when this bill came to the floor, she vowed to call everyone she could to see it pass, and I thank her for her willingness to turn her tragedy into action to help save other lives.

I would also like to thank the families of the other victims who have shared their stories with us as well. With the passage of this bill today, I hope that there will be some comfort brought to those families that their loved ones did not die or suffer in vain.

I thank my colleagues from Michigan—Representatives UPTON, STUPAK, and DINGELL—as well as Senator ABRAHAM who were instrumental in moving this legislation in memory of these young women. I would also like to thank my other colleagues on the Commerce Committee for helping to move this legislation through that Committee—Representatives BLILEY and BILIRAKIS.

I would also like to thank the staff members at the Commerce Committee for their hard work, especially John Ford with the Minority staff and John Manthei with the Majority staff.

I would also like to thank the Members of the Judiciary Committee for their work on this issue last year and this year—especially Representatives SCOTT, CONYERS, MCCOLLUM, and Chairman HYDE. In 1998 we had a hearing on this issue in the Crime Subcommittee and it shed a lot of light on the issue of date rape and illicit drug abuse of GHB.

Finally, I would like to thank my staff for their hard work on this issue. Again, I thank my colleagues for their support of this legislation.

Mr. Speaker, I was expecting another speaker, but I believe the travel difficulties have delayed this person's arrival, so I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to say with the passage of this bill tonight, we will certainly end a nightmare that no family ever wants to experience, whether it be in Texas, Michigan, California, or any of the other 50 States.

I want to particularly commend the hard work and diligence of all Members on this legislation. It was about a year ago that our subcommittee first became involved in this, moving from the good work that had been done in the Committee on the Judiciary from a previous Congress. We quickly discovered that, in fact, the laws were too loose, the loopholes ought to be closed. Sadly, we still saw deaths even when that information became public.

Mr. Speaker, these drugs are available on the Internet. It has to stop. This bill does that. I look forward to working with all Members tonight to make sure that this is passed and, obviously, with the administration as they have indicated that they are going to support this legislation as well.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 1230, "The Hillory J. Farias Date Rape Prevention Drug Act of 1999." This important, bipartisan legislation was unanimously approved by my Health and Environment Subcommittee in July of last year, and the House passed the bill in October. Today, the House will consider the Senate-passed version of this legislation, and I urge my colleagues to support this measure.

H.R. 2130 was introduced by Representative FRED UPTON, joined by Representatives TOM BLILEY, BART STUPAK and SHEILA JACKSON-LEE. The bill amends the Controlled Substances Act to make GHB a Schedule I drug, the DEA's most intensively regulated category of drugs. GHB is a central nervous system depressant that has been abused to assist in the commission of sexual assaults.

As a further protection, H.R. 2130 lists GBL, the primary precursor used in the production of GHB, as a List I chemical. These compounds—GHB and GBL—are more commonly known as "date-rape" drugs.

The bill before us includes language designed to protect very important and promising research on an orphan drug that contains GHB and is used in the treatment of narcolepsy patients. These provisions were adopted as an amendment when the bill was considered by my Health and Environment Subcommittee.

I urge my colleagues to join me in supporting passage of H.R. 2130.

Mr. STUPAK. Mr. Speaker, I rise in strong support of passage of H.R. 2130, the Hillory J. Farias Date Rape Prevention Act. In October, this House overwhelmingly passed this legislation and I urge my colleagues to do so again today.

As many of my colleagues know, I have long been concerned with the problem of drug abuse and date rape. In addition to other efforts, I am an original co-sponsor of H.R. 2130, the legislation we are considering here today. H.R. 2130, as amended, is the product of a compromise worked out by numerous parties in the Commerce Committee, Judiciary Committee and the Senate to address the concerns and needs of both law enforcement and patients.

I am sure that all the members of this body have heard or read about the terrible incidents surrounding GHB. GHB has been widely used by nefarious individuals to help commit date rapes. It has been widely abused by teenagers seeking an easily available illicit substance. GHB is one of the first drugs in which the recipe for manufacture at home was widely available over the Internet. People were literally cooking up the drug in their house by obtaining the ingredients and instructions over the Internet. H.R. 2130 addressed this issue by requiring tracking and reporting of possible misuse of GBL and other precursor chemicals. By requiring the Drug Enforcement Agency to schedule GHB, we will be giving the DEA strong controls over the drug and allowing them to combat the rampant abuse of this drug which we are currently seeing.

Finally, the bill requires the Department of Justice to develop a forensic test to aid law enforcement officials in determining when GHB or a GHB-related compound is involved in a criminal activity. This will be helpful to law enforcement officials who currently have no way of determining GHB's involvement in a crime or situation without laboratory testing.

However, this bill recognizes that well-designed legislative efforts should not throw the baby out with the bathwater, so to speak. By this, I mean that the abusive use of GHB we have been focusing on should not prevent possible legitimate or beneficial uses of the drug.

For example, GHB has shown considerable promise for the treatment of narcolepsy. Specifically, this drug could benefit the approximately 30,000 people who suffer with a form of cataplexy, or the sudden loss of muscle control. Good public policy recognizes these patients and the important research which is being done attempting to address their serious medical concerns.

The bill we are considering today, as passed by the Senate, is different from the legislation we passed in October in a significant respect. Since the Senate-passed version does not specifically schedule GHB on the list of controlled substances, but rather instructs the DEA about how the scheduling should occur. I want to make clear that Congress clearly intends that once GHB is approved by the FDA, the DEA should place the drug into Schedule III. We intend that this drug product be treated in every respect as a Schedule III controlled substance. Only in this way can we ensure that patients who need this drug will have access to it.

Mr. Speaker, a lot of work has gone into reaching this bipartisan legislation. I want to thank the gentlewoman from Texas, Ms. JACKSON-LEE, for working with me so diligently on this issue. I want to thank the Chairman of the Commerce Committee Mr. BLILEY, as well as Mr. UPTON and Mr. BILIRAKIS who were crucial in moving this bill through the Commerce Committee. Finally I would like to thank Mr. DINGELL, as well as Mr. BROWN and Mr. KLINK for working with us on our side to move this bill. I urge the House to pass this bill so we can prevent more deaths from the misuse of this dangerous substance.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 2130, as amended by the Senate, "the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999." As you know, along with Mr. UPTON, Mr. STUPAK, and Ms. JACKSON-LEE, I am one of the original sponsors of this important legislation to address the growing national problem of the abuse of date rape drugs to facilitate sexual assaults on unsuspecting victims. By passing this legislation today and sending it to the President to be signed into law, we will give the DEA and law enforcement organizations the tools they need to take a significant step forward in getting date rape drugs off of the streets and out of the hands of criminals to protect our Nation's youth.

Although H.R. 2130, as amended by the Senate, uses different language, the intent with respect to the scheduling of GHB under the Controlled Substances Act (CSA) and listing GBL as a List I chemical remains exactly the same as the bill that passed the full House last year. H.R. 2130, as amended, would place GHB into schedule I of the CSA. Schedule I gives the Drug Enforcement Administration its strongest control over the drug, and allows prosecutors to impose the harshest penalties for those who abuse GHB. Additionally, as in the bill passed in October, registered manufacturers and registered distributors possessing the drug pursuant to an FDA approved Investigation New Drug exemption (IND) would be subject to schedule III security requirements under the CSA and implementing regulations. This will protect patients with cataplexy—a severe and debilitating form of narcolepsy—by allowing years of promising research to continue.

Also, under H.R. 2130, as amended, if a drug product that contains GHB receives FDA approval, the approved GHB drug product will be placed in Schedule III of the CSA. However, given the dangers involving this drug, H.R. 2130 adds additional reporting and accountability requirements to conform with the requirements for schedule I substances, schedule II drugs, and schedule III narcotics, and, significantly would maintain the strict schedule I criminal penalties for the unlawful abuse of the approved drug product. Simply put, these additional requirements and penalties in my opinion are needed to provide greater protection to our nation's youth, and to give our law enforcement agencies the ability to penalize those who abuse this product to the fullest extent under the law.

These drugs are powerful sedatives, which in certain dosages can induce unconsciousness or even death. In addition to the risk that is posed by the misuse of these drugs by sexual predators, misuse of these drugs for recreational abuse is also a growing danger. The numbers of emergency room admissions for overdoses, drunk driving accidents, and other injuries which are related to these drugs are all increasing with no end in sight. Certainly, it seems like almost every week that we read a new report involving the abuse of GHB and GBL. As many of you know, H.R. 2130, as amended, is named after a young Texas woman, Hillory Farias, and a young woman from Michigan, Samatha Reid, who died after unknowingly ingesting GHB. We must do all that we can to ensure that similar tragic events do not occur again. By passing H.R. 2130 today, we will take a significant step forward in that direction. Once again, I would like to thank Mr. Upton for his leadership and tireless efforts on this issue, and I look forward to seeing H.R. 2130 signed into law.

Mr. HAYWORTH. Mr. Speaker, I commend and thank my colleague, Congressman FRED UPTON, for introducing H.R. 2130, the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act.

On December 17, 1999, Tom Gugliotta, who plays for the Phoenix Suns, suffered a seizure and was nearly killed after taking a form of furanone di-hydron, a generic chemical name for gamma butyrolactone (GBL). In the United States, products containing GBL have been marketed as dietary supplements and the sale of GBL is not regulated in most states.

GBL is the primary precursor used in the production of gamma-hydroxybutric acid (GHB). GHB has predominantly been abused by America's youth to produce euphoric and hallucinatory states, and for its alleged role as a growth hormone releasing agent to stimulate muscle. Additionally, GHB has been used to assist in the commission of sexual assaults.

The Drug Enforcement Administration (DEA) has documented over 5,700 overdoses and law enforcement encounters with GHB and 58 GHB-related deaths. GBL, once absorbed orally, is rapidly converted into GHB in the body and produces the same profile of physiological and behavioral effects as GHB. In 1999, the FDA issued several warnings about products that contain GBL and asked manufacturers to voluntarily recall all products. Unfortunately, products containing GBL remain available for sale over the Internet.

H.R. 2130 directs the Attorney General to schedule GHB (together with its salts, isomers, and salts of isomers) as a "Schedule I drug", the DEA's most regulated drug category, under the Controlled Substances Act (CSA). In addition, H.R. 2130 specifically names GBL as a "List I chemical", the DEA's most regulated chemical category.

Illicit use of many GHB analogues and precursor chemicals is a significant and growing law enforcement problem. Importantly, H.R. 2130 will help DEA not only control GHB, but the full range of CSA drug control measures would also apply to GBL.

It is imperative that the DEA has necessary tools to control these dangerous substances to further prevent incidents such as Tom Gugliotta's seizure. Therefore, I urge an aye vote on H.R. 2130.

Mr. PAUL. Mr. Speaker, today the Congress will collectively move our nation yet another step closer to a national police state by further expanding a federal crime to include amongst the list of controlled substances that of GHB, a nutrient used for 25 years with beneficial effects for those suffering from cataplexy, insomnia, narcolepsy, depression, alcoholism, opiate addiction and numerous other conditions. Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural limitation by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, and especially in an election year, wants to be amongst those members of Congress who are portrayed as being soft on drugs or rape, irrespective of the procedural transgressions and individual or civil liberties one tramples in their overzealous approach.

Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In his first formal complaint to Congress on behalf of the federal Judiciary, Chief Justice William H. Rehnquist said "the trend to federalize crimes that have traditionally been handled in state courts * * * threatens to change entirely the nature of our federal system." Rehnquist further criticized Congress for yielding to the political pressure to "appear responsive to every highly publicized societal ill or sensational crime."

Even if GHB is as potentially dangerous as the bill's advocates suggest, punishing possession of a useful substance because it potentially could be used in a harmful manner is as inconsistent with liberty as criminalizing the possession of handguns and cars.

Moreover, this bill empowers Health and Human Services to engage in a national propaganda campaign on the dangers of GHB, creates a special unit with the Drug Enforcement Agency to assess abuse and trafficking in GHB, and authorizes the Justice Department to issue taxpayer-funded grants for the development of police officer field-test equipment. Aside from being further abuses of enumerated powers doctrine, the substantive questions raised by this legislation make these usurpations of state government authority even more reprehensible.

Additionally, this Act undermines the recently enacted Dietary Supplement Health & Education Act (DSHEA) at the expense of thousands of consumers who have safely used these natural metabolites of the amino acid GABA. According to practicing physician Ward Dean, West Point graduate and former Delta Force flight surgeon, HR 2130 appears to be a case of pharmaceutical-company-protectionism. Because the substances restricted under this act are natural, and hence, non-patentable, the pharmaceutical concerns lose market-share in areas for which GHB is a safer and less expensive means of treating numerous ailments. In a recent letter from Dr. Dean, he states:

I have extensive experience in the clinical use of gamma hyudroxy butyric acid (GHB) . . . I have used these substances for over ten years on hundreds of patients (and have advised thousands through my books and articles on the subject). I have not had one instance reported to me of adverse effects in my patients. GHB is the safest, most nontoxic sleep inducing substance known. It has a wide range of other therapeutic uses. The therapeutic threshold for GHB is greater than almost any known pharmaceutical substance (the LD50 is 40–100 times greater than the sleep-inducing therapeutic dose of 3–6 grams!).

It is incongruous, to me, that a substance with such a wide range of documented benefits that is so overwhelmingly safe, can simultaneously be both a Schedule I and a Schedule III substance. GHB is a naturally occurring substance, present in all mammalian tissue as well as many foods. Consequently, everyone is in "possession" of this "controlled substance"—and every grocery store that sells meat is in "possession with intent to distribute." These are not frivolous statements. In states where GHB is a Schedule I substance, there have been several instances where the charges have been dropped by the prosecution upon receipt of documentation that GHB is in beef from the state in question. I believe alleged violations of this proposed federal law will be equally difficult to successfully prosecute.

Although GHB has been claimed to have been responsible for a small number of deaths, many of these cases are questionable. This is due to the fact that GHB is produced in significant quantities by the body post mortem, and is readily detectable in 96 out of 100 deceased persons even when no GHB has been consumed.

For each of the aforementioned procedural and substantive reasons, I must again oppose H.R. 2130, the Hillory J. Farias Date-Rape Prevention Drug Act.

Ms. STABENOW. Mr. Speaker, I rise today in support of H.R. 2130, and I commend the gentlemen from Michigan, Mr. UPTON, Mr. DINGELL, and Mr. STUPAK, as well as our other colleagues mentioned here today, for their work on this legislation. I am a cosponsor of this bill and I am glad we are making this one of our first priorities this session. I look forward to it becoming law very soon.

H.R. 2130 will classify gamma hydroxybutyric, or GHB, as a schedule I drug under the Controlled Substances Act, as it is in my home state of Michigan. This action is necessary due to the increased and pernicious use of this drug. According to the U.S. Drug Enforcement Agency (DEA), at least 32 deaths have been associated with GHB since 1990, while over 3,500 overdoses have occurred. Emergency room visits due go GHB increased nationally from 26 in 1992 to 629 in 1996.

Samantha Reid, one of the young women this bill is named after, was from Michigan. She died one year ago after unknowingly ingesting GHB at a party. She was 15 years old. It is this type of senseless tragedy that H.R. 2130 is meant to address. GHB is odorless and colorless and is easily slipped into a drink without the knowledge of the intended victim. It is generally used as a date-rape drug, a crime that affects women between the ages of 16 and 24 more than any other age group. It is estimated that one in four college women have been the victim of date-rape.

H.R. 2130 directs the Department of Justice to develop model protocols for taking toxicology specimens and victim's statements in association with drugs used to commit date-rape. This is important because this crime too often goes unreported. A recent study indicates that 84 percent of rape victims knew their attacker, and 57 percent of those were raped on a date. Moreover, GHB is hard to trace, often leaving the body within 24 hours. The DEA will also create a special unit to analyze the growing use of date-rape drugs and make recommendations to the Attorney General on how federal funds can best be used to combat this problem.

Mr. Speaker, I would again like to commend the work of my colleagues on this important legislation. I urge my colleagues to support its passage.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2130

The question was taken.

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ELECTRONIC BENEFIT TRANSFER INTEROPERABILITY AND PORTABILITY ACT OF 1999

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1733) to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

The Clerk read as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Benefit Transfer Interoperabilty and Portability Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the food stamp program;

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(4) to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program

SEC. 3. INTEROPERABILTY AND PORTABILITY OF FOOD STAMP TRANSACTIONS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

"(k) INTEROPERABILTY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELECTRONIC BENEFIT TRANSFER CARD.—The term 'electronic benefit transfer card' means a card that provides benefits under this Act through an electronic benefit transfer service (as defined in subsection (i)(11)(A)).

"(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

"(C) INTEROPERABILTY.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

"(D) INTERSTATE TRANSACTION.—The term 'interstate transaction' means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

"(E) PORTABILITY.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

"(F) SETTLING.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

"(G) SMART CARD.—The term 'smart card' means an intelligent benefit card described in section 17(f).

"(H) SWITCHING.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

"(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

"(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

"(4) STANDARDS.—Not later than 210 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

"(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

"(B) require that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.

"(5) EXEMPTIONS—

"(A) CONTRACTS.—The requirements of paragraph (2) shall not apply to the transfer of benefits under an electronic benefit transfer contract before the expiration of the term of the contract if the contract—

"(i) is entered into before the date that is 30 days after the regulations are promulgated under paragraph (4); and

"(ii) expires after October 1, 2002.

"(B) WAIVER.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

"(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);

"(ii) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

"(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

"(C) SMART CARD SYSTEMS.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

"(6) FUNDING.—

"(A) IN GENERAL.—In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions—

"(i) incurred after the date of enactment of this subsection and before October 1, 2002, if the State agency uses the standard of interoperability and portability adopted by a majority of State agencies; and

"(ii) incurred after September 30, 2002, if the State agency uses the uniform national standard of interoperability and portability adopted under paragraph (4)(A).

"(B) LIMITATION.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed $500,000.".

SEC. 4. STUDY OF ALTERNATIVES FOR HANDLING ELECTRONIC BENEFIT TRANSACTIONS INVOLVING FOOD STAMP BENEFITS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall study and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on alternatives for handling interstate electronic benefit transactions involving food stamp benefits provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including the feasibility and desirability of a single hub for switching (as defined in section 7(k)(1) of that Act (as added by section 3)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, S. 1733, the Food Stamp Electronic Benefit Transfer Interoperability and Portability Act. This bill was passed unanimously by the Senate last November, and today the House will act on that bill.

The bill provides for a national standard of interoperability and portability for the food stamp program. The bill requires the U.S. Department of Agriculture to set specific standards for States with electronic benefit transfer systems so that food stamp participants can redeem their benefits in neighboring States. Under the food stamp coupon system, participants can redeem benefits in any retail food store. States want to apply this same principle to the EBT system of delivery of food assistance benefits.

The gentleman from Virginia (Mr. GOODLATTE), chairman of the subcommittee with jurisdiction over the food stamp program, introduced a similar bill last year. I commend the chairman of the subcommittee for his attention to this matter and his work ensuring proper oversight of the food stamp program.

The Food Stamp Act already requires that all States issue food stamp benefits under an EBT system by the year 2002. The EBT is a more efficient and effective manner in which to provide food benefits for needy families. S. 1733 requires the USDA, within 7 months of enactment, adopt a uniform national standard of interoperability and portability so that State-issued EBT cards can be used in other States. The standards are to be based on the standards used by the majority of States, thereby enabling USDA to use flexibility in writing the standards.

The bill also provides for exemptions for States if they have entered into EBT contracts using other standards. Also, waivers are provided for States operating smart card food stamp systems rather than debit card systems, as most States do.

S. 1733 requires USDA to pay 1 percent of the costs of adopting these standards up to a maximum of $500,000 per year.

Mr. Speaker, I urge my colleagues to support S. 1733.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1733, the Electronic Benefit Transfer Interoperability and Portability Act. This legislation is designed to ease the current burdens on interstate transactions in the food stamp program.

In 1996, Congress amended the Food Stamp Act by requiring the Secretary of Agriculture to consider a cost-effective alternative to the use of food stamp coupons in order to reduce the cost of coupon redemption. The EBT system was developed.

The switch to EBT cards is clearly a practical policy objective. Unfortunately, there is a lack of uniformity among State EBT systems and this negatively affects the delivery of assistance to food stamp recipients, many of whom lose benefits when they travel from State to State. For example, the different EBT designs of Texas and Oklahoma limit a Texas food stamp participants's choice by preventing shopping in other States where the EBT system designs and procedures are not uniform. This was not the case under the previous inefficient coupon system.

S. 1733 addresses the uniformity issue in a practical and accountable manner. Specifically, it requires the Secretary of Agriculture to adopt a uniform national standard of interoperability and portability that is used by a majority of State agencies. At the present time a majority of States are using a standard referred to as "QUEST." This was developed by the National Automated Clearing House Association EBT Council which includes State food stamp program administrators, retailers, and food and nutrition officials.

Mr. Speaker, under S. 1733, the Secretary of Agriculture will be allowed to modify the QUEST rules in order to solve future problems. This discretionary authority is important to my State of Texas for a couple of reasons.

Texas operates the Nation's largest EBT system for food stamps, benefitting 1.5 million Texas recipients or 635,000 households per month. The real challenge for Texas is the search for a replacement of its full service EBT contract in a market with limited competition and increased pricing, lower levels of service and less State customization.

In order to remedy the lack of competition in the EBT market, Texas will serve as its own prime EBT contractor while issuing various subcontracts for specific EBT services, including the interoperability and portability components. This method will give Texas and other States a better chance of delivering uninterrupted, timely, and accurate food stamp benefits in a cost-effective manner.

The bill's language in section 4(a) accommodates these concerns by requiring the Secretary to use the QUEST rules as a starting point and permitting necessary changes to those rules as the dictates of the food stamp program require.

Finally, Mr. Speaker, this legislation sets an annual cap of $500,000 to pay for the switching and settling charges associated with interstate food stamp purchases. This cost issue has been the cause of some disagreement. The States were correct in their belief that the Food and Nutrition Service should pay for all of the costs associated with interstate transactions. We should not, however, set a precedent suggesting that the Federal Government will pay for every new technology advancement used by retailers who participate in the food stamp program.

National uniformity among State food stamp systems will mean that program participants will no longer encounter problems with the use of their EBT cards beyond the borders of the issuing State. I urge my colleagues to support the passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Texas (Mr. COMBEST), my chairman, for yielding me this time and for his support of this important legislation.

Mr. Speaker, on August 4, 1999, I introduced H.R. 2709, the Electronic Benefit Transfer Interoperability and Portability Act of 1999. The Senator from Illinois, Senator FITZGERALD, introduced an almost identical bill, S. 1733, which passed the Senate at the end of the first session of the 106th Congress; and it is that bill that we consider today.

The sole focus of my bill was to allow food stamp beneficiaries the ability to redeem their benefits in any general store, regardless of location. Beneficiaries had this ability under the old food stamp system, but lost it as States migrated to an electronic benefits transfer system.

Under the old paper food stamp system, recipients could redeem their food coupons in any authorized food store anywhere in the country. For example, a food stamp recipient living in Bath County, Virginia, could use their food stamps in their favorite grocery store, even if that happened to be in West Virginia. Similarly, a recipient living in Tennessee could visit their mother in Virginia and purchase food for their children while away from home.

Unfortunately, as we move to electronic delivery of benefits, this is currently not the case. My bill provides for the portability of food assistance benefits and allows food stamp recipients the flexibility of shopping at locations that they choose. Across the country we are finding that people live in one State and shop in another. This cross-border shopping is conducted for a variety of reasons. One of them is convenience. Another is the cost of goods.

The supermarket industry is very competitive. Every week, stores advertise specials in newspaper ads across the country. People not only shop at locations convenient to them but also shop around for the best prices. Customers paying with every type of tender except EBT have the flexibility to shop where they choose.

□ 1445

Why should recipients of food assistance benefits not be allowed to stretch their dollars in the same way that other consumers do without regard to State borders?

EBT portability is simply allowing recipients of benefits under the food stamp program to redeem those benefits without regard to State borders at the stores they choose. In addition to portability, my legislation allows for the interoperability of EBT transactions. Interoperability can be simply defined as the ability of various computers involved in authorizing, routing, and selling an EBT transaction to talk to each other.

I offered a Sense of the Congress amendment to the Welfare Reform bill that Congress passed in 1996. My amendment urged States to work together to achieve a seamless system of food stamp benefit redemption. States did a decent job considering the circumstances. They are now asking for an extra nudge to realize the goal of my earlier amendment.

My legislation requires States to conform their EBT standards to a national uniform operating system that the States themselves choose. The clear choice, the Quest operating system, has already been adopted by 33 States.

Pilot studies have been conducted to determine the cost and other efficiencies that might be realized by EBT interoperability. The pilot program determined my bill would only cost the food stamp program $500,000. That is not a lot of money for an $18 billion program.

Also, the State of Missouri found around $32 million in abuse of the program that they never would have found if their EBT system could not talk with neighboring State systems or they found people were getting dual food stamps, applying for and receiving food stamps in more than one State.

Mr. Speaker, the bill we consider today is simple. It returns the national redemption convenience to the beneficiaries of the program, gives the States the guidance they are look being for, and provides another tool in the fight against fraud, waste, and abuse in the food stamp program.

I thank my colleagues for this time, and I urge support from the membership for the Electronic Benefit Transfer Interoperability and Portability Act.

Mr. COMBEST. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I wish to congratulate the gentleman from Texas (Mr. COMBEST), the chairman of the committee, and the gentleman from Texas (Mr. STENHOLM), the ranking member, for the job that they have done.

Specifically, I want to congratulate the gentleman from Virginia (Chairman GOODLATTE) and commend him on his efforts here today regarding the EBT bill.

This common sense piece of legislation will achieve portability for the delivery of food stamp benefits in every State across the Nation. The legislation that my colleague has introduced is very important as the States make the transition from paper coupons or food stamps to a more efficient electronic system.

As my colleagues know, the State of Ohio has been an innovator in this area, having developed an extremely successful Smart Card program for the delivery of food stamp benefits to more than 300,000 recipients in my home State.

In this regard, I wish to engage my colleague from Virginia in a colloquy to receive assurances that his bill will in no way harm the innovative technology that Ohio has adopted for delivering benefits.

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Ohio for yielding to me and for his interest and support of this legislation. I very much appreciate his kind remarks and for bringing this particular concern to my attention.

In the legislation that the House is now considering, there are provisions that have been included to ensure that the two existing Smart Card programs that are currently in place, those being Ohio and Wyoming, will not be forced to make any changes that would result in either new or additional expenses for the States.

Ohio and Wyoming can continue using their Smart Cards until the Secretary determines that a practicable technological method is available for interoperability between electronic benefit transfer Smart Card systems and the magnetic stripe card systems that most other States are using.

Furthermore, the legislation provides safeguards so that these off-line programs are not jeopardized in any way.

It is my understanding that both Ohio and Wyoming chose to embrace this Smart Card technology for the delivery of benefits with the blessing and approval of the United States Department of Agriculture. Therefore, Ohio and Wyoming should not be required to change their systems until they are interested in doing so.

I wish to ensure my good friend and colleague from Ohio (Mr. BOEHNER) that the legislation's waiver section and the provision for specific exemptions for Smart Card systems were incorporated into these initiatives with Ohio and Wyoming's interest in mind.

As a footnote, I should mention that the technology is not currently available in the marketplace for on- and off-line systems to be compatible and interoperable. However, that day is rapidly approaching.

In the short term, it is my hope that the Congress will have the opportunity to work toward a national standard for Smart Cards as other States like Ohio and Wyoming begin to consider their own Smart Card projects for domestic feeding programs, unemployment compensation, health care, and other benefits. It is my view that there is much to learn from Ohio's leadership and experience in this area.

Mr. BOEHNER. Mr. Speaker, reclaiming my time, I want to thank the chairman for his comments.

As I understand his comments, Ohio would not, then, be required to change its off-line system to an on-line system under this proposal?

Mr. GOODLATTE. Mr. Speaker, if the gentleman will continue to yield, he is correct; Ohio, as well as Wyoming, would not be required to make any changes. And for that matter, those States currently using an on-line system that does not achieve the national interoperability standard would not be required to meet this standard until their current contracts expire.

Finally, I should point out that in the case of Ohio and Wyoming's Smart Card programs, the bill's waiver language and Smart Card provisions provide a clear exemption with no time limit imposed as to when changes would have to be made.

Mr. BOEHNER. Mr. Speaker, reclaiming my time, I appreciate these very important clarifications with regard to how legislation relates to Smart Card changes, especially my home State of Ohio.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time on this side. I would just conclude by thanking the gentleman from Virginia (Chairman GOODLATTE) and the gentleman from Texas (Chairman COMBEST) for their work on this piece of legislation, and I urge our colleagues to support it.

Ms. JACKSON-LEE of Texas. I rise to support this important bill that amends the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

This measure ensures that our citizens can use their food stamp cards in any state. Currently, citizens in my home State of Texas cannot use their cards in any other states—a situation that hinders their ability to obtain vital necessities while traveling to other states. Clearly, we do not want our citizens burdened when they cross state lines to visit friends and families.

By amending the Food Stamp Act of 1977 with this bill, we can provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions enhance food stamp interstate commerce. This measure would bring the food stamp process into a new age of technology by requiring systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards to be interoperable, and food stamp benefits to be made portable, among all States not later than October 1, 2002.

I appreciate that this bill works in conjunction with the Secretary of Agriculture. The measure appropriately directs the Secretary of Agriculture to promulgate regulations that adopt a national standard based upon a standard used by the majority of States and require any electronic benefit transfer contract (as defined by this Act) entered into 30 days or more after promulgation of such regulations be in accordance with the national standard.

The bill also includes language to rectify potential technological difficulties. This piece of legislation authorizes the Secretary to provide a requesting State with a temporary deadline waiver based upon unusual technological barriers.

It is also vitally important that we provide for an interim system until the electronic standard is completed. This bill directs the Secretary to allow a State using a smart card food stamp delivery system to continue such system until a technological method is available for electronic benefit transfer card interoperability. Sets forth the conditions for full Federal payment of State switching costs, including annual fiscal year caps.

In an effort to provide a thorough analysis of this undertaking, this measure directs the Secretary of Agriculture to conduct a study of alternatives for handling food stamp benefit electronic transactions, including use of a single switching hub.

I am aware that this measure passed the Senate, and I appreciate the bipartisan effort to enact this bill. I support this fine piece of legislation.

Mrs. EMERSON. Mr. Speaker, I rise today in support of S. 1733, the Electronic Benefit Transfer (EBT) Interoperability and Portability Act. I'd like to thank Chairman LARRY COMBEST and Chairman BOB GOODLATTE for bringing this bill to the floor today and for their strong leadership on this important issue.

Interoperability of food stamp EBT systems makes sense both for recipients and retailers. As USDA moves from paper food coupons to EBT cards, interoperability ensures that recipients will retain the same portability as before. Recipients will be able to access stores nearest to their homes and retailers will be able to serve their customers regardless of state boundaries. In areas of the country near state lines, such as in my Congressional District in Southern Missouri, incompatible EBT systems have been a significant problem for both groups. I am very pleased that the bill before us today will resolve this problem and bring the best technology to the food stamp program.

The government and the taxpayer, too, are well served by S. 1733, because it establishes a new mechanism for tracking and policing fraud and abuse in the food stamp program. In my home state of Missouri, the Department of Social Services estimates that an interoperable EBT system would save the federal government as much as $1 million annually in reduced fraud in Missouri alone.

One aspect of S. 1733 that I would like to highlight is that it provides 100% federal funding of the costs associated with switching and settling interstate transactions. These costs will not be imposed on other entities, such as retail food stores, states, and food stamp households. This is entirely appropriate because these costs are directly related to administering the program on a nationwide basis, not within a particular state.

Again, I would like to reiterate to my colleagues that this is a very sensible piece of legislation that deserves the support of this House. I urge a strong "Yes" vote.

Mr. STENHOLM. Mr. Speaker, I yield back the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Texas (Mr. COMBEST) that the House suspend the rules and pass the Senate bill, S. 1733.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1733.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 2 o'clock and 52 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 244, by the yeas and nays;

H.R. 2130, concurring in Senate amendment, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PERMITTING USE OF CAPITOL ROTUNDA FOR CEREMONY COMMEMORATING VICTIMS OF HOLOCAUST

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 244.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 244, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 339, nays 0, not voting 95, as follows:

[Roll No. 2]

YEAS—339

Ackerman
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
DeFazio
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sandlin
Sawyer
Saxton
Schakowsky
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—95

Abercrombie
Andrews
Barcia
Barrett (NE)
Bass
Bateman
Becerra
Berman
Boucher
Brown (FL)
Brown (OH)
Bryant
Burton
Campbell
Carson
Chambliss
Coburn
Cooksey
Cox
Davis (IL)
Deal
DeGette
Delahunt
DeMint
Diaz-Balart
Dingell
Ehrlich
Everett
Fattah
Fowler
Franks (NJ)
Gejdenson
Gephardt
Goodling
Graham
Hansen
Hefley
Hinojosa
Hulshof
Hunter
Isakson
Istook
Jefferson
Johnson (CT)
Kaptur
Kennedy
Kilpatrick
Kingston
Largent
Larson
Lewis (CA)
Lowey
Lucas (OK)
Markey
Matsui
McCollum
McCrery
McIntosh
Meehan
Miller (FL)
Miller, George
Mink
Myrick
Neal
Nethercutt
Owens
Payne
Peterson (PA)
Pombo
Price (NC)
Rivers
Rodriguez
Roukema
Sánchez
Sanders
Sanford
Scarborough
Schaffer
Scott
Shadegg
Shuster
Slaughter
Spence
Sweeney
Taylor (NC)
Tiahrt
Turner
Vento
Watkins
Watts (OK)
Weldon (FL)
Wexler
Wilson
Young (AK)
Young (FL)

□ 1825

Mr. PITTS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, on rollcall No. 2, I was unavoidably detained. Had I been present, I would have voted "yea." on rollcall No. 2.

Mr. SCARBOROUGH. Mr. Speaker, on rollcall No. 2, had I been present, I would have voted "yea."

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 2 on January 31, 2000 I was unavoidably detained. Had I been present, I would have voted "yea."

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote No. 2. Had I been present, I would have voted "yea" on rollcall vote No. 2.

Mr. ANDREWS. Mr. Speaker, on H. Con. Res. 244, due to travel restrictions, I was unavoidably detained and unable to cast my vote. Had I been present, I would have voted "yea."

HILLORY J. FARIAS AND SAMANTHA REID DATE-RAPE PREVENTION DRUG ACT OF 1999

The SPEAKER pro tempore (Mr. STEARNS). The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 2130.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2130, on which the yeas and nays are ordered.

This is a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 339, nays 2, not voting 93, as follows:

[Roll No. 3]

YEAS—339

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Burr
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks

Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
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Tauzin
Taylor (MS)
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Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
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Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn

NAYS—2

Chenoweth-Hage
Paul

NOT VOTING—93

Abercrombie
Barcia
Barrett (NE)
Bass
Bateman
Becerra
Berman
Boucher
Brown (FL)
Brown (OH)
Bryant
Burton
Campbell
Cannon
Carson
Chambliss
Coburn
Cooksey
Cox
Davis (IL)
Deal
DeGette
DeMint
Diaz-Balart
Dingell
Ehrlich
Everett
Fattah
Fowler
Franks (NJ)
Gejdenson
Gephardt
Goodling
Graham
Hansen
Hefley
Hinojosa
Hulshof
Hunter
Isakson
Istook
Jefferson
Johnson (CT)
Kaptur
Kennedy
Kilpatrick
Kingston
Largent
Larson
Lewis (CA)
Lowey
Lucas (OK)
Markey
Matsui
McCollum
McIntosh
Meehan
Miller (FL)
Miller, George
Mink
Myrick
Neal
Nethercutt
Owens
Payne
Peterson (PA)
Pombo
Price (NC)
Rivers
Rodriguez
Roukema
Sánchez
Sanford
Scarborough
Schaffer
Scott
Shadegg
Shuster
Slaughter
Spence
Sweeney
Taylor (NC)
Tiahrt
Turner
Vento
Watkins
Watts (OK)
Weldon (FL)
Weller
Wexler
Wilson
Young (AK)
Young (FL)

□ 1836

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WELLER. Mr. Speaker, on rollcall No. 3, I was inadvertently detained. Had I been present, I would have voted "yea."

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote No. 3. Had I been present, I would have voted "yea" on rollcall vote No. 3.

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 3, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. SCARBOROUGH. Mr. Speaker, on rollcall No. 3, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to district business, I was unable to be present at votes that occurred today. Had I been present, I would have voted "yea" on rollcall 2. H. Con. Res. 244, and "yea" on rollcall 3, H.R. 2130.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2990, QUALITY CARE FOR THE UNINSURED ACT OF 1999

Mr. BERRY. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2990.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2990 be instructed (1) to take all necessary steps to begin meetings of the conference committee in order to report back expeditiously to the House; and (2) to insist on the provisions of the Bipartisan Consensus Managed Care Improvement Act of 1999 (Division B of H.R. 2990 as passed by the House), and within the scope of the conference to insist that such provisions be paid for.

AIR QUALITY AND AIR POLLUTION IN THE STATE OF TEXAS MUST BE ADDRESSED

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this evening the environmental agency of the State of Texas will hold a meeting to address the question of air quality and air pollution in the City of Houston in the State of Texas. I rise to the floor to ask my constituents and the State of Texas to take seriously the devastation that we have experienced with poor air quality. Many of my constituents are already suffering from a high degree of respiratory illnesses. Houston has been noted as the number one city with air pollution.

In addition, we have not come up with solutions that can address the concerns and remedy the problem.

Tonight, although I will not be able to join my constituents in this meeting, I am pleading that we work with the Environmental Protection Agency; that we work with our State environmental agency; that we ask the governor of the State of Texas to join with us to expeditiously formulate a plan that will address the concerns that are devastating our community, poor air quality, poor health conditions; and that this evening we will have an open and vigorous debate and discussion that real solutions can come about at the meeting being held at the Houston-Galveston council tonight at 7:00 p.m. in Houston, Texas; and that we will realize that the Environmental Protection Agency is there to help and not to hurt; and that we will have a plan that will help to enhance the quality of life of all Houstonians in the State of Texas.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE TITANS ARE TRULY TENNESSEE'S TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. CLEMENT) is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, I rise today because of a great game that took place last night that we know of as the Super Bowl that not only captures the hearts and minds of the people in the United States but worldwide, because football is definitely a worldwide sport.

I am from the State of Tennessee. I represent the 5th Congressional District, Nashville, Tennessee, that is known as Country Music U.S.A., the Athens of the South; but we also have something that we are awfully proud of and we just completed a stadium that the Tennessee Titans, who used to be called the Houston Oilers, now play in. We are awfully proud of our team, the Tennessee Titans.

The Titans got their name from Nashville being known as the Athens of the South. We have a replica of the Parthenon in Nashville, Tennessee. So it seemed to make a lot of sense when we talk about why it was named Titans, because of Greek gods and Greek mythology. I might say that the Tennessee Titans rose to the occasion, and what a season they have had.

Mr. Speaker, I rise today in honor of the American Football Conference Champion Tennessee Titans from the 5th Congressional District of Tennessee. The Titans finished their inaugural season at the Adelphia Coliseum in Nashville with an all-time best 13–3 record, and then went on to defeat their foes the Buffalo Bills, the Indianapolis Colts, and the Jacksonville Jaguars, Mr. Speaker, that you supported, in outstanding play-off games, becoming the undisputed champions of the AFC.

The Titans then completed the year with a 16–4 overall record, playing in the football world championship, the Super Bowl, for the first time in the history of the franchise. The entire Titan team is to be commended for their courage, strength, and valor in this inaugural season in Nashville. They have faced adversity over the years, but now they can truly say they have come home to Tennessee.

I also want to congratulate owner Bud Adams, along with coach Jeff Fisher and the entire Titans' coaching staff for steering this team to victory after victory, as well as the Tennessee Titans' fans for being named the best fans in the NFL.

Tennessee may not have won the Super Bowl trophy, but the Titans played their hearts out down to the very last second and made every Tennessean proud. The Titans are truly Tennessee's team. On behalf of Titans' fans everywhere, I want to thank the team for giving us the best season we could have ever dreamed of and for letting the world know that Tennessee is a force to be reckoned with both on and off the field.

Mr. Speaker, I also want to congratulate the St. Louis Rams. What a great season they have had. I want to congratulate Kurt Warner. He is not only the quarterback for the St. Louis Rams but a great man, with great character and great vision who led them to victory last night.

□ 1845

I also want to say, on behalf of the people of Tennessee, we are pleased to have a professional football team in our great State. In a lot of ways, we thought Memphis deserved it a lot more than Nashville because Memphis had worked so hard for so many years to capture a team. It happened to fall our lot to have the Tennessee Titans, which we consider a State-wide team, not just a local or regional team. But the Tennessee Titans have truly shown that they have a lot of courage. They are going to have great years ahead of them as well, because we know that they are coming back and getting that much stronger.

I want to congratulate our quarterback, too, our quarterback for the Tennessee Titans and Eddie George and Al Del Greco, and we can go on and on with the great players we have had, and Marcus Robertson, who was hurt in the game before, who was decent enough through his foundation to give us or send four young people to Washington, D.C. to a youth violence event.

Those are the kinds of examples we need in the future, not just football players but football players with courage, football players with character that will set an example to our young people as we move into the 21st century and prepare for the future.

ELIAN AND FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, there are those who doubt the argument that returning Elian Gonzalez to Cuba actually means returning a 6-year-old boy to the Castro regime. There are those who question the importance or relevance of the sacrifice that Elian's mother made to ensure that he would live in freedom. There are still others who would question Elian's ability to express his own desires and to help determine his own fate.

However, those who have lived under totalitarian rule do not doubt. They know what it means to live in fear, in fear of persecution, in fear of arrest, in fear of torture and even death because of one's belief. They have suffered enslavement and subjugation by Communist regimes which not only stole their present but destroyed their future by exerting absolute control over their children's lives. Someone once said, it is easy to take liberty for granted when you have never had it taken from you.

I ask those who seek to oversimplify this case by advocating Elian's immediate return, without a court hearing and without following U.S. law, not to make that mistake. I ask them to hear the pleas of the members of organizations such as the Americans for Human Rights in Ukraine, who are appealing to Congress to act in Elian's case.

They write: "We know from recent past experience that Communist regimes are dangerous to the health and spirit of people under its control." For this reason, this group has asked us "to use our good offices to help a little boy to live in freedom."

I ask Members to listen to Vietnamese-American refugee advocate Hai Tran, who reminds us of how many Vietnamese mothers wiped off their tears and sent their children away to a seat on that rickety boat so that they might have a future, how many Vietnamese mothers and their children died at sea in search of freedom away from that bamboo gulag. Because he knows the value and the sanctity of freedom, Hai Tran believes it is Elian's right to life and liberty here in the United States.

I ask those who support INS's unilateral decision to return Elian to Cuba to heed the questions proposed by Susan Rosenbluth in her editorial for the newspaper Jewish Voice and Opinion. She writes, "Imagine a Jewish father in Addis Ababa circa 1983, or Moscow circa 1987, or Damascus circa 1990, or Tehran right now.

Imagine the boy's mother finds a way to escape with the child. In the midst of the plan, something goes wrong and she dies, but miraculously, the little boy makes it. When he wakes up, he finds himself in Tel Aviv surrounded by his family, but the father is still in the country where dictators have the last word. Would the boy be returned to whatever totalitarian nightmare his mother had rescued him from?"

Susan Rosenbluth continues, in the Jewish Voice and Opinion, "If our hearts know the right answer for the hypothetical Jewish child in that story, then we must understand that Elian Gonzalez, the little boy whose mother died trying to rescue him from Cuba, belongs in the U.S., and that if his loving father could speak freely, that is what he would say, too.

After focusing on these statements, it is difficult to discount the importance of considering the environment that Elian would be exposed to in Cuba. It becomes readily apparent that a forum must be provided where the mother's wishes and ultimate sacrifice are also evaluated. This can only take place, justice can indeed only be served by allowing a court of law to hear the case.

The INS disagrees because it is applying Cuban law to the case. Congress, however, must be guided by U.S. laws and international standards requiring due process.

President Harry Truman once said, you know that being an American is more than a matter of where your parents come from. It is a belief that all men are created free and equal, and that everyone deserves an even break.

That is my belief, and I know it is my colleagues', as well. I ask that we live up to our commitment to uphold and protect the rights endowed to all human beings, and that we search our consciences before making a summary judgment to send Elian back to Castro's Cuba.

We have an opportunity to make a difference in this little boy's life; to demonstrate, through our actions, our adherence to the principles that are the rubric of our democratic society; to send a message from our resolve on behalf of oppressed men, women, and children everywhere. Let us not squander it.

TRIBUTE TO KURT WARNER, A REAL AMERICAN HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about a tribute to a very special person. President Reagan once observed that those who say there are no more American heroes, well, they just do not know where to look.

Paul Simon asked a haunting question in his song many years ago, "Where have you gone, Joe DiMaggio? A Nation turns its lonely eyes to you." America has always wanted heroes, and too often in sports we have found counterheroes.

I want to pay tribute tonight to a real American hero, a gentleman by the name of Kurt Warner. The Warner story has been documented in the last week or so by many sports scribes, and I do want to ultimately submit for the RECORD an article which was written by the sports editor of our local newspaper, Bob Brown in the Rochester Post Bulletin.

I guess I have a special feeling for Kurt Warner for a lot of reasons. First of all, his grandparents are from Faribault, Minnesota, which is in my district. Second, he went to the same college that I did, the University of Northern Iowa in Cedar Falls, Iowa. Third, he worked for the Hy-Vee grocery store in Cedar Falls, Iowa, and so did I. Fourth, I guess I would have to say, his wife, Brenda, spent several of her formative years living in a home on West Ninth Street in Cedar Falls, Iowa, right next to my parents.

So I guess I have had a fairly special relationship, even though Kurt Warner and I have never met. But I have followed his career from the time he was at UNI, and I have come to appreciate not only his talents on the field, but the kind of human being that he really is. We saw that yesterday, and we have seen it as his career has developed.

He has kept his head on straight. He has kept his focus on the things that were important in his life. The story is just such a powerful story. It could not have happened to a nicer individual.

The story of Kurt Warner is one that every American should be proud of. He went to college and was red-shirted his first year, spent 3 years on the bench, and finally got his chance to play at the University of Northern Iowa. He led his team to the midconference championship. He was not drafted by anybody in the NFL, but he was allowed to come to the Packers' training camp. He was cut. After he was cut by the Packers he returned to Cedar Falls and worked at that Hy-Vee grocery store I talked about earlier.

The great thing about Kurt Warner is that he never lost his faith. Like the parable of the talents in the Bible, he understood that almighty God had given him special talents, and he was expected to make the most of them, so he stuck with those talents long after some of the experts would probably have encouraged him to give up.

But the story of Kurt Warner goes on. Not only did he go on to lead the Rams this year to the NFL championship in the Super Bowl and to the MVP award, but I think the story is much more powerful. After the game was over, he gave tribute and paid honor to where the real honor belonged, and he gave all of the glory to his savior, Jesus Christ. I just want to say, it took a special kind of courage for him to do that.

The story, as I say, goes on. Not only has Warner battled obstructions on the field to get where he is, but he has also had his share of off-the-field struggles, as well. His in-laws were killed in a tornado in Mountain View, Arkansas. Kurt and his wife Brenda's oldest son Zachary has been blind since suffering a head injury in an accident when he was a baby. Zachary is only able to see objects that are held very close to his face. He has been that way since he was an infant, when his father, Brenda's first husband, accidentally dropped the child during a bath.

Zachary has head injuries, but Kurt went on to adopt the child. He says later in this interview, "To go home and see how he struggles with everything he does helps keep things in perspective," Warner said. "I have realized how special a child he must be to go through life with the excitement and the joy he has, even though he has to struggle doing everything he does."

The story of Kurt Warner is a powerful story, and we in America I think owe him a big thank you, because for one brief, shining moment, we were all privileged to watch a real hero perform his art and perfect our lives.

On behalf of a grateful Nation, I would like to say a special thank you to Kurt Warner. Good luck to he and his wife Brenda. We wish them only the best. As Paul Harvey would say, lead on.

Mr. Speaker, I include for the RECORD the article of January 29, 2000, from the Post-Bulletin.

The article referred to is as follows:

[From the Post-Bulletin, January 29, 2000]

WARNER HAS STORY TO TELL: QUARTERBACK'S TALE IS MEMORABLE

The story of this Super Bowl is Kurt Warner.

What the St. Louis Rams' quarterback has gone through to become the National Football League's Most Valuable Player this season and to lead his team to the Super Bowl is amazing, utterly amazing.

Here are some things about Warner you might want to keep in mind as you watch him play in Super Bowl XXXIV Sunday against the Tennessee Titans.

He went to high school and college just down Highway 63 from us. Born in Burlington, Iowa, he attended Cedar Rapids Regis High School, lettering in football, basketball and baseball. He played college football at Northern Iowa University in Cedar Falls.

He was redshirted his first year at Northern Iowa, sat the bench for the next three years and started only as a fifth-year senior. Warner wasn't even on full scholarship until his last year in college. He did pass for 2,747 yards and led Northern Iowa to a Gateway Conference championship in 1993.

Warner wasn't drafted by any NFL teams. He went to the green Bay Packers' training camp in 1994. He was cut before camp was over, but he was there long enough for Packer quarterback Brett Favre to tag him with the nick-name "Pop" Warner.

After he was cut by the Packers he returned to Cedar Falls and worked for six months stocking shelves at the Hy-Vee grocery store there.

Warner went on to play with the Des Moines-based Iowa Barnstormers in the Arena Football League for the next three seasons. He holds virtually all the Barnstormers' passing records, including 79 touchdown passes in one season (1997). He passed for 10,164 yards and 183 touchdowns in three seasons in Iowa.

Warner signed as a free agent with the Rams on Dec. 26, 1997 and then spent the summer of 1998 playing in NFL Europe for the Amsterdam Admirals and led the league in passing and touchdowns.

Warner, a devout Christian, spent time in Amsterdam, a city known for its red light district, leading a bible study class.

Warner rejoined the Rams for the 1998 NFL season, and spent the first 14 games on the inactive list. He saw his first NFL action of his career in the fourth quarter of Rams' final game against San Francisco and completed four of 11 passes for 39 yards.

Warner was back with the Rams this season, only because the Cleveland Browns passed him over in the expansion draft. The line on Warner as he entered this season was: Has potential to develop into a solid quarterback in the league . . . raw talent with outstanding arm strength and accuracy.

The Rams had signed Trent Green who played at Washington last season, to be their quarterback, but he suffered a knee injury in the preseason and was out for the year. In stepped Warner and the rest is history. He led the NFL in passing and with his 41 touchdown passes became only the second player in NFL history to throw for more than 40 touchdowns in a season.

Not only has Warner battled obstacles on the field to get to where he is, but he has had his share of of-the-field hurdles, too. His in-laws were killed in a tornado in Mountain View, Ark., in 1996. Kurt and wife Brenda's oldest Zachary, has been blind since suffering a head injury in an accident when he was a baby.

Zachary, is only able to see objects that are held close to his face. He's been that way since he was an infant, when his father, Brenda's first husband, accidentally dropped the child during a bath. Zachary's head hit the side of the tub, which damaged his brain and ruptured his retinas.

The accident almost killed the child, and doctors warned Brenda that if Zachary lived he'd never be able to see or walk or talk. He survived, despite seizures in the hospital, and when the Warners got married, Kurt adopted the boy, and his sister, Jesse, 8.

"To go home and see how he struggles with everything he does helps me keep things in perspective," Warner said. "I have realized how special a child he must be to go through life with the excitement and joy he has even though he has to struggle doing everything he does."

So that is the Kurt Warner story. It's difficult not to pull for a guy like him.

Mr. DREIER. Mr. Speaker, if the gentleman will yield, I begin by congratulating my very good friend, the gentleman from Minnesota (Mr. GUTKNECHT) for his very thoughtful special order. Representing Los Angeles, the former home of the Rams, I would like to extend hearty congratulations to Kurt Warner and Dick Vermeil and all associated with the Rams organization for their very impressive and exciting victory towards the end yesterday.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1838, TAISWAN SECURITY ENHANCEMENT ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–490) on the resolution (H. Res. 408) providing for consideration of the bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes, which was referred to the House Calendar and ordered to be printed.

INTRODUCTION OF LEGISLATION TO PROMOTE PIPELINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, on June 10, 1999, a liquid gasoline pipeline owned by the Olympic Pipeline Company ruptured and spilled over 200,000 gallons of gasoline at Whatcom Falls Park, a 241-acre park in my district in the city of Bellingham. Gasoline was carried into Whatcom Creek, where it reportedly filled the creek at depths of up to 10 feet.

The spilled fuel was inadvertently ignited by two 10-year-old boys, Wade King and Stephen Tsiorvas, who were playing with bottle rockets at the creek. The resulting fireball raced down the length of the creek for a mile and a half, killing King, Tsiorvas, and an 18-year-old fly fisherman named Liam Wood. Swaths as wide as 200 feet along the creek were burned within minutes.

The explosion of June 10 caused millions of dollars in property damage and did immeasurable harm to the families and friends of Wade King, Stephen Tsiorvas, and Liam Wood.

I have long held reservations about our system of pipeline safety regulations. In 1996, I voted against the pipeline deregulation bill because I felt it removed too many essential safeguards. Since the tragedy, I have redoubled my efforts to improve the regulatory climate.

I have been in close contact with industry, public interest groups, local officials, Federal regulators, and constituents.

□ 1900

The bill that I have introduced today addresses several concerns. Under my legislation, number one, pipelines will be required to be inspected both internally and with hydrostatic tests. Pipelines with a history of leaks will be specifically targeted for more strenuous testing. All pipeline operators will be tested for qualifications and certified by the Department of Transportation.

The results of pipeline tests and inspections will be made available to the public and a nationwide map of all pipeline locations will be placed on the Internet where ordinary citizens can easily access it. All pipeline ruptures and spills of more than 40 gallons will be reported to the Federal Office of Pipeline Safety. And States will be able to set up their own pipeline safety programs for interstate pipelines.

In addition, the bill requires studies on various technologies that may improve safety such as external leak detection systems and double-walled pipelines.

The bill has already bipartisan support. My distinguished colleagues, the gentlewoman from Washington (Ms. DUNN), the gentleman from Washington (Mr. INSLEE), and the gentleman from Washington (Mr. SMITH) have agreed to cosponsor; and I thank them very much for that.

Mr. Speaker, we hope to move this legislation through Congress and I hope the rest of my colleagues can join with me in support of this bipartisan proposal.

CBO COST ESTIMATE ON H.R. 1838, TAIWAN SECURITY ENHANCEMENT ACT

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, set forth below is the cost estimate of the Congressional Budget Office on H.R. 1838, the "Taiwan Security Enhancement Act." This estimate was not available on October 28, 1999, when the Committee on International Relations filed its report on H.R. 1838.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—H.R. 1838, TAIWAN SECURITY ENHANCEMENT ACT

H.R. 1838 would emphasize the security relationship between the United States and Taiwan. Specifically, the bill would authorize an increase in the technical staff at the American Institute in Taiwan, and would require the Administration to report on Taiwan's defense needs, its security situation, and the United States' ability to respond to contingencies in the Asia-Pacific region. Also, the bill would require the Administration to enhance the opportunities for training and exchanges of Taiwanese officers at U.S. military schools and academies. CBO estimates that enacting the bill would have no significant budgetary effect.

According to the Department of Defense (DoD), implementing H.R. 1838 would not require any additional staff because DoD has already increased the number of technical staff at the American Institute in Taiwan during the last year. CBO estimates that preparing the required reports would not increase costs significantly, and any additional officer training and exchanges would be paid in full by Taiwan. The funds for training and exchanges would flow through the foreign military sales trust fund—a direct spending account. Because the bill could affect direct spending, pay-as-you-go procedures would apply; however, CBO estimates that the net effect of any increase in collections and outlays would not be significant.

H.R. 1838 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The estimate was prepared by Joseph C. Whitehill. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PRESIDENTIAL CANDIDATES SHOULD RAISE CAMPAIGNS TO HIGHER LEVEL OF TRUTHFULNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I know many Americans and also an awful lot of people in Washington, D.C., are focusing intently on what is going on in New Hampshire, not only tonight but over the past several weeks. We are obviously in the midst of a presidential primary season. It is very exciting to watch the democratic process playing itself out seeing who is going to be elected the next President of this great republic.

It has not been too surprising to see the differences between the Republican and the Democratic Party. The Republicans obviously have five or six conservative candidates whose fight mainly centers around who wants to cut taxes more, who wants to cut the size and scope of this mammoth bureaucracy, who wants to spend less and promote greater freedoms for individuals across the country.

Likewise, it is not a surprise that the Democratic primary has been consumed by battles, a left-wing battle for those swinging wildly for the most extreme elements of the Democratic left, whether it be in Iowa or New Hampshire.

They are fighting for bigger government. They are fighting for higher taxes, fighting for Federal funding of abortion on demand, not only here but also across the globe, and they are also fighting for socializing medicine, the same schemes that were rejected in 1994 by Americans.

Now, that is also not a surprise to most observers. But what is surprising, I think, to many observers have been the exploits of the Democratic front runner, ALBERT GORE. I say it is surprising because he has shown a remarkable disregard for telling the truth in his campaign battle against Senator Bradley.

In the USA Today today, Walter Shapiro, who is a regular columnist who writes "Hype and Glory," wrote this:

"To tell the truth, Al Gore is having trouble out there. There he goes again. Al Gore simply can't help himself. With his veracity challenged by Bill Bradley and questioned in recent news stories, Gore might have been expected to use his major campaign event Sunday to end the final weekend before the New Hampshire primary on a high note. Instead, the Vice President, stretching truth as if he were competing in a taffy pull, went after Bradley with the kind of rhetorical overkill that made . . . Ted Kennedy standing next to Gore seem like Caspar Milquetoast."

"Speaking to both passionate supporters and still-wavering undecided voters, Gore dispensed with any pretense of subtlety in his new super-hero role . . . Gore used the word 'fight' . . . 44 times in roughly a 20-minute speech . . . But what was the most stunning about the Gore speech was not the Rocky imagery, but unabashed and unashamed mendacity."

Shapiro goes on to say, "Remember, Gore is the same candidate who insisted in Wednesday night's debate that, 'There has never been a time in this campaign that I have said something that I know to be untrue.'" Shapiro went on to say either GORE, "in both his Gingrich and abortion comments, enjoys a very permissive definition of 'untrue' or else his judgment is highly suspect if he actually believes his own over-the-top claims."

And I am quoting still from Shapiro in USA Today: "The Boston Globe disclosed Friday that during Gore's stuttering presidential campaign in 1988, his press secretary . . . warned the candidate in a memo, 'Your main pitfall is exaggeration.' This character flaw, this relentless willingness to prevaricate and demonize his opponents, might have been barely excusable in a young Senator making a premature run for the White House. But," in the words of Shapiro, "it is deeply troubling in a senior statesman who has served two terms as Vice President."

Walter Shapiro concludes by talking about how Bill Bradley has been trying to elevate the Democratic primary, whether one agrees with some of the most liberal tenets in his platform or not. "But if politics is ever again to become a higher moral calling than, say, commodities trading or running a talent agency in Hollywood, then candidates must be held responsible for the tenor and the truthfulness of their campaigns. And that means you, Mr. Vice President."

Mr. Speaker, I have got to say, I was struck not only by the timing of this article, because I was absolutely stunned yesterday when AL GORE, campaigning in New Hampshire, criticized Bill Bradley for injecting Willie Horton into the New Hampshire primary, when all Mr. Bradley was saying was that it was Mr. GORE and not George Bush who injected Willie Horton into the campaign in 1988. And so then the Vice President turns around and attacks Bill Bradley for telling the American people who first introduced Americans to Willie Horton.

Likewise, he criticized Mr. Bradley for hurting the pro-choice movement for pointing out the fact that Mr. GORE has been extraordinarily inconsistent on the issue of pro-choice. I certainly hope that he and all other candidates, Republicans and Democrats, can raise this campaign to a higher level.

MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. WELLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELLER. Mr. Speaker, this is a great opportunity this evening to talk about an issue that many of us have raised in this Congress over the last several years. That is an issue that really is a fundamental issue of fairness, an issue of fairness that the American people have been asking some pretty basic questions about over the last several years.

I represent the south side of Chicago, the south suburbs in Cook and Will Counties, as well as bedroom communities and farm communities in Illinois. And I found, whether I was in the steel workers union hall in Hegwish or a neighborhood in Chicago or at the local legion post in Joliet or the local grain elevator in Tonica, people often ask a basic question: Is it right, is it fair that under our Tax Code that the average married working couple pays higher taxes just because they are married? They say why do the folks in Washington allow a Tax Code to be in place that tells us that if we choose to get married and work, we are going to pay more in taxes?

Mr. Speaker, they are stunned when they learn that 28 million married working couples pay an average $1,400 more in higher taxes just because they are married.

Clearly, the marriage tax penalty suffered by working married people is fundamentally wrong and something we should change. I am so pleased that the leadership of this House, the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), has made reduction and elimination of the marriage tax penalty the first priority this year. First out of the box and on a fast track as a tax-related initiative to help middle-class families.

The marriage tax penalty has been in place for almost 30 years, and no one has gone back to fix it. I am pleased this Republican Congress has made a decision to bring fairness to the Tax Code by working to eliminate the marriage tax penalty.

The marriage tax penalty is something that affects real people. I have a photo here of a young couple from Joliet, Illinois, Shad and Michelle Hallihan, two school teachers. They teach in the local public schools in Joliet. Shad and Michelle suffer a marriage tax penalty of almost a thousand dollars because they are married. They recently had a child, a baby. And as Michelle Hallihan pointed out to me, she said that $1,000 the marriage tax penalty that they suffer, that is 3,000 diapers that they can buy for their child that goes to Uncle Sam instead of taking care of their child. It is real money.

Mr. Speaker, $1,400 in Joliet, Illinois, where Shad and Michelle live is one year's tuition at Joliet Community College, and it is 3 months of day care at a local day care center.

Let me explain how it came about. Our Tax Code has grown more complicated and since the late 1960s, married working couples, moms and dads, husbands and wives with two incomes have paid higher taxes just because they are married. Of course, we have made this a priority, and I would like to announce, of course, this Wednesday, the Committee on Ways and Means is going to be marking up, committee action will occur on legislation essentially to wipe out the marriage tax penalty for almost 28 million married work couples. A real change that is going to help people.

Mr. Speaker, this is how the marriage tax penalty works. Take a machinist and a school teacher in the south suburbs of Chicago. They have identical incomes. This machinist is making $31,500 as a single person. Under our Tax Code, he is going to be taxed at 15 percent rate. So he meets a school teacher, a gal with an identical income of $31,500, and they choose to get married. And at the point they choose to get married, they begin filing their taxes jointly.

When we file our taxes jointly, we combine our two incomes. In this case, this machinist and school teacher who previously were taxed at 15 percent, because they chose to get married, their combined income pushes their combined income to $63,000. They pay almost $1,400 more in higher taxes because they are pushed, under our Tax Code, into the 28 percent tax bracket, the higher tax bracket. That is wrong, but today that is the current situation for working married couples. So, really, the incentives is in the wrong place. Marriage is one of the most basic institutions in our society, and our Tax Code punishes marriage.

I would point out that had this machinist and school teacher chose to live together outside of marriage, they would not suffer that extra tax. Only when they choose to get married do they pay that higher tax. And I think we all agree, that is wrong that we impose higher taxes on married working people.

I am proud to say that the House Republican leadership, under the leadership of Speaker Hastert, has made elimination of the marriage tax penalty our first initiative in an effort to bring fairness to the Tax Code and lower the tax burden on working families. This afternoon, the gentleman from Texas (Mr. ARCHER) unveiled the legislation that will provide tax relief for 28 million married working couples. It is similar, almost identical in many ways, to the Marriage Tax Elimination Act, H.R. 6, legislation that we introduced earlier this year which now has 230 cosponsors, and overwhelming majority of Republicans; and I am pleased that 12 Democrats have joined with us in an effort to make this a bipartisan proposal.

Mr. Speaker, let me briefly share what the proposal that we will be working on in the Committee on Ways and Means on Wednesday will do. It is the goal of the House to act and approve and send to the Senate by February 14, Valentine's Day, our effort to wipe out the marriage tax penalty.

Think about it. What better Valentine's Day gift to give 28 million married working people than elimination of the marriage tax penalty. This legislation will essentially wipe out the marriage tax penalty for almost everybody who suffers it. That will be a big change in our Tax Code.

The legislation that we will be acting on and voting out of the House in the next couple of weeks will help 28 million married working couples. For those who do not itemize their taxes, they will see immediately $230 dollars in marriage tax relief. For those who itemize because they own a home, they will see $1,400 marriage tax relief under this legislation.

I would point out that this makes a big difference. Under our plan, we provide immediate marriage tax relief in 2001, next year, helping millions of couples. And because we double the standard deduction for those who do not itemize for joint filers to twice that of singles, 3 million married working couples will see their Tax Code simplified because they will no longer need to itemize and fill out extra forms. So we make filing for taxes easier.

And for those who do itemize, primarily homeowners, they will see marriage tax relief as well. Twenty-eight million married work couples will see up to $1,400 in marriage tax relief as a result of what the Committee on Ways and Means will approve on Wednesday, and I expect that an overwhelming majority of this House will see it approved before Valentine's Day. What a great Valentine's Day gift that we can give 28 million married working couples, elimination of the marriage tax penalty.

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I am joined by a number of my colleagues today who have been real leaders in the effort to eliminate the marriage tax penalty.

As I pointed out earlier, of the 435 Members of this House, we need 217 to pass a bill. So an overwhelming majority of the House have joined in cosponsoring this bill. I am joined today by a number of cosponsors of this legislation who have stepped forward and fought hard to eliminate the marriage tax penalty.

Mr. Speaker, at this time I would like to yield to the gentlewoman from Illinois (Mrs. BIGGERT). I appreciate her participating in today's special order.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman very much for yielding.

I would like to commend my colleague from Illinois (Mr. WELLER) for his dedication and commitment to the issue of the marriage tax penalty that we are discussing here tonight.

Mr. Speaker, certainly the Federal Government taxes work, savings, investment, entrepreneurship, risk taking, creativity, ingenuity, even death. And you name it, Washington taxes it; and sometimes Washington taxes it twice or three times. So it should come as no surprise that the Federal Government taxes marriage.

That is right: 28 million working American couples pay higher taxes simply because they are married. The Tax Code punishes working couples by pushing them into a higher tax bracket, effectively taxing the income of the second wage earner at a much higher rate than if he or she were taxed only as an individual.

We are not talking about pennies, either. These families pay an average of $1,400 more in taxes. This is money that could be used to buy a family computer, improve their homes, or save for their children's education.

For years, Republicans, led by my colleague from Illinois (Mr. WELLER), have led the fight to eliminate the marriage penalty. A bipartisan majority of the House supports his legislation to do away with the marriage penalty. We included it in our tax relief bill last year.

Unfortunately, the President vetoed that bill and the significant marriage penalty relief it provided. Now we hear from the President that he wants to provide marriage penalty relief. I think that is great, and I think we would welcome his support. So next month, when the House passes the significant marriage penalty relief for the second time in the 106th Congress, and I think it is a great idea to have that on February 14, Valentine's Day, when we pass that in the House, the President will have the opportunity to prove that his support is more than the State of the Union talk.

There is no way around it. The Tax Code attacks one of society's most basic institutions, marriage. So with the President and the Congress in agreement on the need to provide marriage penalty relief, now is the time to back up our words with action and bring tax equity for working families.

So, again, I commend my colleague from the district right next to mine for the work that he has done. I think it is important to note that the bill that will be before the House Committee on Ways and Means will provide even more benefits and actually improves the bill that has been before us before in that it will provide relief in a shorter time and more relief. This is an area that we have been working on for so long.

Mr. WELLER. Mr. Speaker, reclaiming my time, I want to thank my friend and colleague from Illinois (Mrs. BIGGERT) for her leadership and efforts to eliminate the marriage tax penalty.

In suburban districts like my colleague from Illinois, we have many homeowners; and one of the provisions that is so important in our legislation that the committee will be acting on on Wednesday and the House voting on around Valentine's Day is that we help those who itemize who suffer the marriage tax penalty, as well.

If they own a home and they have to pay mortgage interest and they pay property taxes and they combine those two, that usually causes them to itemize their taxes. So I appreciate very much her leadership.

One other area I would like to point out that is so important about the legislation that we will be acting on in the Committee on Ways and Means and the House voting on within the next 2 weeks is that we help 28 million married working couples, and also we help those poor families, working families, who participate in earned income tax credit by working to offset a marriage tax credit that they suffer, as well. So low-income families and low-income working families benefit from the legislation that we are passing, as well.

Another thing I would like to point out is that people often say, if the House moves quickly and the House is really showing leadership on this, is the Senate going to act on it, too? I would like to point out, too, that Chairman ROTH of the Senate Finance Committee today praised the gentleman from Texas (Chairman ARCHER) for the speedy start of the House in this effort to eliminate the marriage tax penalty and that he intends to move similar legislation in the coming months.

That is good news because we want to make elimination of the marriage tax penalty our top priority first out of the box and on a fast track to help 28 million married working couples.

Mr. Speaker, I see the gentleman from Minnesota (Mr. GUTKNECHT), my friend, who has been a tremendous leader here on this effort to eliminate the marriage tax penalty and who is one of the first ones to say this is something that the House needs to do. I want to thank him for that.

I am happy to yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank my colleague from Illinois for yielding.

The gentleman from Illinois (Mr. WELLER) and I came together in the Class of '94, and there were a number of things that we learned when we first came here. First of all, we had this huge budget deficit that we were wrestling with, $240-plus billion.

When we first came here, the Congressional Budget Office told us after the President submitted his first budget that we would see deficits of over $200 billion as far as the eye could see.

There were a number of problems here in Washington. One of the first things we did is that we said we are going to make Washington live by the same laws as everybody else and so that Congress is no longer exempt when we pass new laws.

We balanced that budget. We reformed the welfare system. And today over half of the people who were receiving welfare checks 5 years ago are now receiving payroll checks. We made a tremendous contribution, and I think we have moved the country in the right direction. This is just the next installment of the Republican agenda.

I was surprised to learn how many people in America were paying extra taxes just because they were married. That is just not bad tax policy; that is not just bad family policy. At the end of the day there is something almost fundamentally immoral for us as a Federal Government to say they are going to pay extra taxes just because they have a marriage license. That is bad policy, and we are finally in a position where we can stop it.

I want to remind my colleagues and others who may be watching this that if they would just like to check and see, if they have got a married couple where they are both working, both earning approximately the same income, and I think the example of my colleague is a good one. I was in several schools in the last couple of weeks in my district talking with teachers about education policy and other things, but it was interesting how many times the issue of the marriage penalty came up in my conversations with teachers.

The reason is that there are an awful lot of teachers who are married to each other and they pay this marriage penalty. And so we have set up on our Web site and if people would go to "gil.house.gov" there is a calculator there and they can do a quick calculation. Now, it is not exactly IRS approved, but it will give them a very close calculation of what they are paying currently in terms of extra taxes just because they are married.

So if any of my colleagues would like to check that, they can go to my Web site. I think some other Members have it on their Web sites as well, but "gil.house.gov" and they can actually find out how much of a penalty in extra taxes they may be paying simply because they have a wedding license. Bad tax policy. Bad family policy. And as far as I am concerned, fundamentally immoral.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. WELLER) for his leadership. And I want to remind people that we are going to continue to do the hard work of balancing the budget, of saving Social Security, of paying down debt, and providing real tax relief for working families. They are not mutually exclusive.

One of the other issues that I have been pushing and I know my colleague has as well is that we are going to take these things one thing at a time. Last year we had a very good tax bill. It was $692 billion. But unfortunately I think in the eyes of a lot of Americans, 692 billion is sort of an amorphous thing. And so, this year we are going to tackle these issues one at a time as the resources, as the surpluses actually develop.

We are going to take the marriage penalty tax first. I would hope then very shortly afterwards as we develop more surpluses as the revenues come in that we would take a serious look at the death tax. And if we cannot eliminate it, let us at least simplify it and make the system fair. Because, again, I think it is fundamentally immoral to have a 55 percent tax rate, a tax rate that quickly escalates to 55 percent. That is confiscatory and, as I say, it is fundamentally immoral.

So there are some other things we need to tackle in this year, and I think we are going to demonstrate early on that we are going to continue to do the hard work of balancing budgets, of saving Social Security, of actually paying down some of that national debt, and at the same time providing significant and important tax relief for those working families out there who work so hard every week. We know, at the end of the day, those families know how to spend this money a whole lot smarter than bureaucrats here in Washington.

So I just wanted to rise and speak in strong support for this bill and do what we can to work through the process to get it through the House, get it through the Senate, and get it to the President's desk. Because I am convinced we are going to have overwhelming majorities on both sides of the political aisle here in the House and as well as the Senate; and I think that, at the end of the day, the President will sign this bill and very soon couples like this one will not have to pay extra taxes just because they are married.

Mr. WELLER. Mr. Speaker, reclaiming my time, I thank the gentleman from Minnesota (Mr. GUTKNECHT) for his leadership and for his participation tonight in explaining the marriage tax penalty, what it is and why it is wrong and what we are going to do about it.

I look back, in listening to my colleague's comments, to 5 years ago when he and I were elected as part of the Class of 1994; and if we think about it back then, think of the issues that were facing us. Congress and the President had just imposed the biggest tax increase in the history of this country on the American people, putting the tax burden at the highest level it had ever been in peacetime history. The Federal Government was looking at $200 billion to $300 billion in deficit spending for the foreseeable future. More children were living in poverty than ever before. There was a rogue IRS running amuck amongst families and small business.

We brought about some fundamental changes during the last 5 years. We balanced the budget for the first time in 28 years. We cut taxes for the middle class for the first time in 16 years. And in the State I represent, in Illinois, 3 million Illinois children now benefit from that $500-per-child tax credit that was part of our middle-class tax relief.

Remember all those times we were told time and time again that it was radical, it was crazy, how can you balance the budget and cut taxes at the same time?

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would continue to yield, I think the comment was that, if you go ahead with these reckless tax cuts, lowering capital gains tax rates, remember, we were going to lower the top capital gains tax rate from 28 percent to 20 percent. That represents a 30-percent cut. And some of our colleagues on the left said, well, you are going to blow a hole in the budget. I wonder how many times we heard that expression.

Well, the interesting thing is we lowered the capital gains tax rate, and we have actually seen more revenue coming into the Federal Government. As more people convert assets that are not producing the way they want to into other assets, they recognize that gain, they pay the taxes. When you increase economic activity, you increase revenue to the Federal Government. When you allow people to keep more of their own money, revenue to the Federal Government goes up because they spend that money, and it gets recycled through the private economy.

Here again is one classic example. This marriage penalty is the next big log that is going to fall. And this will be a tremendous victory. I was surprised to learn, 28 million American couples paying a penalty of an average of $1,400.

We have made tremendous progress. There is still a lot to be done, but we are not going to give up with just this. This will be the next step. As we go forward, I think more and more Americans will see that this will benefit not only a lot of working families but it will benefit the economy as well.

Mr. WELLER. Mr. Speaker, reclaiming my time, as the gentleman from Minnesota (Mr. GUTKNECHT) pointed out, there has been fundamental change over the last 5 years, balancing the budget, cutting taxes for the middle class. We, of course, passed welfare reform into law, the first real welfare reform in a generation. In my home State of Illinois, we have seen a 50-percent, one-half of our welfare roles have been cut in half as a result of welfare reform. We reformed the Internal Revenue Service, shifting the burden of proof off the backs of taxpayers onto the IRS. That is a fundamental change.

We also did something this past year that was very much in response to what I hear from the folks back home in Illinois. We stopped the raid on Social Security. For the first time in 30 years, we balanced the budget without spending one dime of Social Security, setting aside $137 billion of Social Security for Social Security and Medicare, a big fundamental change.

I am also asked about what are people doing about paying down the national debt. We have paid down $350 billion of the national debt. We are going to adopt a budget later this year that is going to eliminate the national debt over the next 13 to 15 to 20 years. That will be another fundamental change.

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That is why I am happy to yield to the gentleman from Virginia (Mr. GOODLATTE) who has been another real strong leader in our efforts to eliminate the marriage tax penalty and help 28 million married working couples. When we think about that, 28 million married working couples, that means 56 million working Americans suffer higher taxes just because they are married. I am happy to yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding. I especially want to thank and congratulate him for his effort in this matter. I know that he has introduced, along with the gentleman from Indiana (Mr. MCINTOSH) and the gentlewoman from Missouri (Ms. DANNER), a Democrat, H.R. 6 to eliminate the marriage tax penalty. I am pleased to be a cosponsor of that legislation along with the gentleman from Minnesota and many others because it is long overdue.

As has already been noted, we attempted to do that in the tax package that we passed last year that was unfortunately vetoed by the President. This time we are going to go back, put it right on the line and say that we are going to introduce a bill, produce a bill that simply eliminates the marriage tax penalty.

For the last year and a half, I have discussed it at every single one of the dozens of town meetings that I have conducted across my congressional district. Every time I bring this up, I can just see everybody in the audience nodding their heads in agreement. They understand this issue. I use exactly the illustration that the gentleman from Illinois referred to earlier and he has provided to other Members. I take that to them. I say, you have a couple, each earning $31,500 per year for a combined income of $63,000. If they are married, they will pay nearly $1,300 a year more than the same two people with the same two jobs living in the same household with the same income. People understand that that is totally contrary to good public policy. It discourages marriage, it discourages people from being forthright with their income and their taxes.

We need to change that. Fairness is fairness. The American public understands this. Poll after poll has reflected what each one of us knows from our meetings with our constituents as well.

There was a recent poll by Wirthlin Worldwide that showed that 85 percent of Americans believe that the marriage tax penalty is unfair, and 80 percent of them favor the elimination of the marriage tax penalty. Eighty-nine percent of married women and 89 percent of working and married mothers are among those who strongly believe that the marriage tax penalty is unfair. And more than two-thirds of all Americans, according to a Harris Poll, believe that the budget surplus should be used to eliminate or reduce the marriage tax penalty.

I think that this is something that the American people expect us to do. It is a disappointment when we put forward an effort like that along with other very reasonable tax cuts directed at improving our economy, creating more jobs and helping hardworking American families who right now face the highest level of taxation they have ever faced, to veto something like that. I am hopeful that this time we will have the President's help in getting real, meaningful tax cuts in place here.

If we look at the average American family, not wealthy people but the average American family, when we add up what they pay in Federal, State and local taxes, it comes to about 40 percent of the average family's income. That is more than the average family spends on food, clothing and shelter combined. When we add on top of that a penalty for being married and having both members of the household having to go out and work in order to support their family, it is truly an outrage that this condition in our tax code has been allowed to persist as long as it has. I am pleased with the commitment of our leadership to move this legislation forward. I know we will have bipartisan support for it. It is my hope that we will pass this legislation as quickly as possible and get this tax relief to working families as quickly as possible.

Mr. WELLER. I thank the gentleman from Virginia for his leadership and efforts on working to eliminate the marriage tax penalty. When we think about it, $1,400 in Washington, D.C. is a drop in the bucket. There are always those, particularly on the far left side of things, who think that we should keep this money in Washington. They think that $1,400 really does not matter much back in Illinois or Minnesota or in Virginia; and, of course, that is really nothing here when they spend billions of dollars in the Congress. But let me just share with my colleagues what $1,400 means in the south suburbs, in the south side of Chicago:

$1,400 is 3 months of child care at a local day care center in Joliet, Illinois. It is a year at Joliet Junior College, our local community college, 1 year's college tuition. $1400, the average marriage tax penalty, is 4 months of car payments for the average family. It is school clothes for the kids. As Michelle Hallihan pointed out, that $1,000 marriage tax penalty that Shad and Michelle Hallihan, two public school teachers in Joliet, Illinois, that they have to pay just because they are married, that $1,000 is 3,000 diapers for their newborn child.

Of course it is a family vacation. It is a computer for the kids to help them in their school. It is several months of health insurance premiums. It is a down payment for many first-time homebuyers on a home. It is also a majority of the contribution to an IRA. It is real money for real people. For some in Washington, it is no big deal. But for folks in Minnesota and Virginia and Illinois and all across this country, 56 million married people, it is real money, $1,400, the average marriage tax penalty.

Mr. GUTKNECHT. If the gentleman from Illinois will yield, it is interesting, we have had several of my staffers over the last couple of years who have gotten married. In fact, we had two people working on my staff who married each other. We did the calculation for them. It was $1,400, an extra $1,400 in taxes that they were going to have to pay that they would not have had to pay if they would have simply lived together.

We look at this wonderful picture of these two young people here and we think principally about young people getting married. But I was at a meeting with some seniors and one of them came up to me with kind of a funny look on his face and he said, "I hope you do something about this marriage penalty." I said, "Really? Why?" He said, "Well, I'm facing kind of an ethical dilemma myself as to whether or not this woman I'm now seeing and I should get married, because we realized with our particular financial situations, we're going to pay a penalty of over a thousand dollars if we get married. It really puts us in sort of a moral dilemma because we know what the right thing to do is but the government shouldn't encourage you to do the wrong thing."

As we look at the reforms that we have passed in the last 5 years, since the Republicans took control of this place, they really are about reversing what I think is one of the unwritten rules of Washington, and, that is, no good deed goes unpunished. That was the rule for many years in Washington. If you worked, you got punished. If you saved, you got punished. If you invested, you were punished. If you tried to create jobs and create wealth, you were punished, whether it was the EPA or the tax code or whatever.

There was sort of this unwritten rule. In fact, it even applied to Medicare. Some of us know that live in more rural parts of the country that our hospitals get lower reimbursements because they have lower cost hospitals. No good deed goes unpunished. This is one more example where we can strike a blow and say that unwritten rule of Washington needs to end.

It is not just about young people. It is about people of all ages. It is bad tax policy. We have a chance to eliminate it. I am delighted we are going to take this tax issue one slice at a time, starting with the marriage penalty. Let us put them on the President's desk and let him explain why if he thinks he should not sign this bill. Because I think the American people are way out in front of us on this.

Mr. GOODLATTE. If the gentleman will yield, I think the gentleman from Minnesota is right on when he points out that this is not just for newlyweds, it is for anybody who is married at any time in their life, for senior citizens who may have lost their spouse and are considering remarrying and they have got a whole host of questions to be answered about does it make sense to remarry or not or should we just live together, which I think is a real concern for a lot of senior citizens. We should take this issue off of the table for them. They should feel like if the thing that they need is to have a loved one sharing their home with them, that they can feel free to be married and not pay a $1,400 or more penalty.

The other point to make here is that while there is a diverse array of people who are benefited by this, one thing, the overwhelming majority of them have in common and that is that these are middle class and lower middle-income people in our country who are benefitting from this overwhelmingly. The vast majority of people are where the larger wage earner of the two is between $20,000 a year and $75,000 a year.

So we are talking about people who are working hard and needing every bit of the money that they earn in order to meet all of their obligations that they have in raising children and paying rent and putting food on the table and so on. This is something that really reaches out to people across all across America. I think it is overwhelmingly of benefit to, as I say, hardworking American families who are pressed into that category of spending an average of 40 percent of their income on taxes. They do not feel like they are getting 40 percent back of all that hard work in the form of benefits for those taxes compared to what they get for food and clothing and shelter that they spend less on than they spend on those taxes.

Mr. WELLER. The gentleman from Virginia made a good point. The marriage tax penalty is an issue that is faced by average, middle class Americans. If you pay the average marriage tax penalty, you make about $62,000 a year in combined income, between two hardworking Americans, husband and wife, joined together in marriage who under our tax code they file, they file jointly when they are married, are now paying the marriage tax penalty. It is very much a middle class issue. Of course, a proposal that we are going to be acting on in the Committee on Ways and Means on Wednesday and the House voting on by Valentine's Day, of course, will also help low-income families as well.

As I pointed out, we are working to address the marriage tax penalty, but for those who participate in the earned income credit, a program to help particularly families with children make ends meet, those who work hard, have low incomes and ensure that they have got enough to get by to take care of the kids' and their families' needs. We are not only working to help the middle class but we are also helping lower income working families as well with this initiative this House is going to vote on.

Mr. GUTKNECHT. If the gentleman will yield, we are probably going to hear from some of our friends on the left that if we provide this tax relief, it is going to mean that there is going to be less money to spend on education and health care and some other important things. But to paraphrase one of our colleagues over in the Senate, the other body, he once observed that this is not a debate about how much is going to be spent on children or education or health care, it is a debate about who gets to do the spending.

I know the family and I know the Federal Government, and I will bet on the family every single time, because that couple which represents those other millions and millions of couples around the country, I have every confidence that they know how to spend their money smarter than Washington does on their behalf. They are going to spend that money on children. They are going to spend that money on education. They are going to spend that money on health care. They are going to spend that money on making certain that their family's needs are met.

As our colleague from Virginia indicated earlier, right now in America today, this is a shocking statistic, that the average family spends more on taxes, we are talking about State, Federal and local but in total taxes, that average family spends more for taxes than they do for food, clothing and shelter combined. There is something wrong in America today when the tax collector takes first interest on all the money that families earn.

This is just one very small, well, not small, this is one major but very important step that we can strike on behalf of American families around the country. Again, I congratulate the gentleman from Illinois. I congratulate the leadership in this Congress. I do believe that it is going to pass overwhelmingly on a bipartisan vote and then go to the Senate.

I think some people are going to throw out the thing, well, it is going to blow a hole in the budget. That is not true. If we control Federal spending, there is more than enough money to balance the budget, make certain that every penny of Social Security taxes goes only for Social Security, there is more than enough money to begin to really pay down that debt, and there is more than enough money to make certain that American families are treated fairly. That is really what this is all about.

Mr. WELLER. The gentleman pointed out something that is so true. That is, that this year as we work to balance the budget for the fourth year in a row, we are going to be adopting a plan that once again sets aside 100 percent of Social Security for Social Security, walling off the Social Security trust fund so it cannot be used for anything else, stopping the raid on Social Security. Again which is one of the Republican priorities.

We are also going to, of course, strengthen our schools; and we are going to pay down the national debt. But as we work to address the issue of fairness in the tax code, I find in the south side of Chicago and in the south suburbs that I have the privilege of representing in Illinois, people say, "My tax burden is too high." They point out that 40 percent of the average Illinois family's income goes to government in Washington, in the State capital, the local courthouse, of course in local, State and Federal taxes and that it is the highest tax burden in peacetime history.

Only at the end of World War II has our tax burden on our Nation been higher than it is today. They complain about that. They are unhappy that this tax burden is so high. They are frustrated because they feel they can better spend those dollars. The other point they always make to me is they are frustrated about how complicated and unfair the tax code is. They think it is wrong that under our tax code that 28 million married working couples pay higher taxes just because they are married.

□ 1945

That is wrong. Think about it, $1,400, one year's college tuition. The gentleman from Minnesota also brought up another point. It is not just young couples, like Shad and Michelle Hallihan, but it is older Americans, retirees; and they have two pensions that they are collecting, and with their two pensions they are paying a marriage tax penalty.

If you think about it, those in their later years, health care costs are higher for them at that time, they are concerned about prescription drugs, and one of the priorities for this Republican Congress this year is passing a prescription drug benefit under Medicare that takes care of those 15 million seniors who do not have prescription drug coverage.

Well, by eliminating the marriage tax penalty for senior citizens who suffer it, they will have more of their own money to keep to meet their own needs, rather than going to Washington. It is just wrong.

We have all heard the story about the elderly couple that decided to get divorced because they found they could save money. That is wrong, that under our Tax Code, the incentives are to get divorced, rather than to get married, or not to get married in the first place. We want to strengthen families in our country, and that is why elimination of the marriage tax penalty is so important.

I would be happy to yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Just in closing, Congressman WELLER, I wanted to again thank you, because there are two issues that you have worked very hard to help reinforce that I think are sort of the mortar between the bricks that holds our whole culture and society together.

First of all, strong marriages, because we know that societies that have strong families are societies that need less government, they need less police protection, they need less in terms of criminal apprehension, they need less in terms of other social safety nets, if you will. So strong families are important, and this is one very important step to reinforce those.

The other area you have worked so hard on, and that is home ownership. The one thing we know is that societies that have strong families and a high level of home ownership are strong societies.

So I want to congratulate the gentleman on both of those fronts. I hope the Committee on Ways and Means will report out a strong bill in the next several days that we can have on the floor and get at the President's desk by Valentine's Day. I think that is a fantastic gift to give those millions of American couples.

Again, I thank the gentleman for his leadership and look forward to working as best we can to make certain that this one unfairness in the Tax Code is eliminated this year.

Mr. WELLER. Again, reclaiming my time, I thank the gentleman from Minnesota for his comments, and his leadership. The gentleman from Minnesota (Mr. GUTKNECHT) has been a real leader, one of the original leaders in our effort to eliminate the marriage tax penalty, one of the items of unfinished business that we have decided under the leadership this year of House Speaker DENNIS HASTERT to make first out of the box, put on a fast track, to help families by addressing the need to make our Tax Code more fair and more simple, and we will benefit 56 million working Americans who will benefit by eliminating the marriage tax penalty.

We have often asked over the last several years as House Republicans have worked to eliminate the marriage tax penalty, is it right, is it fair that under our Tax Code that 28 million married working couples pay more in taxes just because they are married.

The average marriage tax penalty is $1,400 in higher taxes just because they are married. In the south side of Chicago, the south suburbs and rural communities that I represent in Illinois, $1,400 is one year's tuition at the local community college; it is three months of daycare at the local daycare center; it is 3,000 diapers for a newborn baby if they suffer the marriage tax penalty.

I am so proud that this House has made it a priority once again. I was disappointed, in fact it broke my heart last year when President Clinton and Vice President Gore vetoed our efforts to eliminate the marriage tax penalty.

We sent to the President legislation which would wipe out the marriage tax penalty for a majority of those who suffer it. Unfortunately, because it was part of a package with a number of other initiatives, the President vetoed it. He said he wanted to spend the money on other things. Unfortunately, it fell victim to his desire to create new government programs.

We believe, and our hope is, this year the President will join with us. He mentioned in the State of the Union the other night the need to address the marriage tax penalty. We want to take him at his word. He has now made a promise, and we want him to keep it. We are going to eliminate the marriage tax penalty.

When you think about it, that $1,400 we are going to allow the average married couple to keep, that is going to be a big help to the folks back home. We believe that by sending the President stand-alone clean marriage tax elimination legislation, legislation that only has one item in it, which is our effort to eliminate the marriage tax penalty, that we will help 28 million working married couples, because it should receive overwhelming bipartisan support.

As I pointed out earlier, an overwhelming majority, almost 220 Republicans are cosponsoring the Marriage Tax Elimination Act, about a dozen Democrats. Hopefully more Democrats will join with us, because I believe our legislation that will move out of the Committee on Ways and Means this Wednesday will pass with overwhelming bipartisan support, and I believe that that signal that will be sent to the Senate will, of course, help the Senate maintain the discipline to move a bill quickly through the Senate to eliminate the marriage tax penalty; and, of course, then we can send it to the President, helping 28 million working married couples.

Frankly, what better gift to give 28 million married working couples on Valentine's Day than passage of legislation out of this House, which wipes out the marriage tax penalty for 28 million married working couples.

Let me again explain what the marriage tax penalty is for all those that are interested. And for my friends in the House I would like to point out, you know, the marriage tax penalty is a middle-class issue. It is a working family issue, because if you are a married couple and you work, you pay taxes, and if you are married, you pay higher taxes under our Tax Code.

In Joliet, Illinois, I will give you an example of a machinist and a schoolteacher. A machinist who works at Caterpillar, they make big heavy equipment, those big tractors and bulldozers in Joliet, and the machinist that works there, he makes $31,500.

As a single person this machinist at Caterpillar, at the Joliet Caterpillar plant, he pays at the 15 percent tax rate. He pays taxes at the most basic rate for average Americans, which is 15 percent. It is the lowest bracket in our Tax Code.

But if he meets a schoolteacher with an identical income, a tenured schoolteacher with an identical income, $31,500, of course, she pays in the 15 percent bracket if she stays single and is single, but if this machinist and schoolteacher in Joliet, Illinois, decide to get married, they have to file jointly, which means they have to combine their incomes.

Under our Tax Code today, this machinist and schoolteacher in Joliet, Illinois, they are pushed into the 28 percent tax bracket, and under our Tax Code, they pay almost $1,400 more in higher taxes just because they chose to get married.

Now, if they chose not to get married and made the choice of living together, they would not pay that marriage tax penalty; or if they were married and chose to get divorced, they would save money. Those incentives are just in the wrong place.

Now, under the proposal that the Committee on Ways and Means is going to act on on Wednesday, we are going to help this machinist in Joliet, Illinois, and this public schoolteacher in Joliet, Illinois, because we are going to pass legislation out of the Committee on Ways and Means and out of this House by Valentine's Day which will essentially wipe out the marriage tax penalty; and for couples, such as this machinist and schoolteacher, they will no longer be punished for being married with passage of our legislation that we are going to move out of the House the next couple of weeks.

What we do is we double the standard deduction immediately so that joint filers have a standard deduction twice that for single filers. Now, if you itemize your taxes, and most people who itemize their taxes are homeowners and you itemize because you combine your property taxes with your mortgage interest, and if that totals more than the standard deduction, you itemize your taxes.

But under our proposal that we are going to pass out of the House in the next couple of weeks, we double the standard deduction for joint filers to twice that of singles, so that wipes out the marriage tax penalty for those who do not itemize. We do that immediately in the year 2001, this coming year. Next year we double the standard deduction for those who do not itemize. So they are helped quite a bit.

I would point out by doubling the standard deduction for joint filers to twice those of singles, we also simplify the Tax Code, one of our other goals, because 3 million married working couples will no longer need to itemize their taxes because we double the standard deduction for joint filers to twice that of singles. So we simplify the paperwork they are required to file when they file taxes on April 15th. So it is a two-fer. We wipe out the marriage tax penalty, and we save them time on their taxes.

Now, for many homeowners, in fact, an awful lot of homeowners, particularly in the suburbs of Chicago and rural areas that I represent, they itemize their taxes, because when you add together your property taxes, you add together your mortgage interest and some of the other items you might be able to itemize, charity deductions, they are more than the standard deduction, so you itemize your taxes. We help them as well.

What we do in our proposal to help those who itemize their taxes in eliminating the marriage tax penalty is we widen the 15 percent bracket. Right now if you are single, you can make about $24,000 or $25,000 a year and be in the 15 percent tax bracket; but if you are married and you file jointly, you can only make about $44,000 a year.

That is wrong, because if you choose to get married, you pay higher taxes because of that. So we double it under this legislation. We widen that bracket so those in the 15 percent bracket that are joint filers can earn twice as much in their combined income as single filers, wiping out their marriage tax penalty as well. That is good news for married working couples. We help those who itemize; we help those who do not itemize.

One of the other points I would like to make as well, I am often asked, if you are going to eliminate the marriage tax penalty, does that mean you are going to raise taxes on single people in order to offset the loss of revenue for the Federal Government?

Well, we have addressed that issue. Under the legislation that the Committee on Ways and Means is going to act on on Wednesday and this House is going to pass by Valentine's Day, we wipe out the marriage tax penalty for almost 28 million married working couples, and we make the Tax Code essentially neutral, so you pay no more in taxes if you are married or single, so two people with identical incomes in identical circumstances pay no more in taxes if they are single or married.

That is fairness, bringing fairness to the Tax Code, because it responds to that fundamental question, and that is, is it right, is it fair that under our Tax Code that you pay more in taxes just because you are married.

I am so pleased and really pretty proud that the House leadership under the leadership of House Speaker DENNIS HASTERT has made elimination of the marriage tax penalty priority Number 1 when it comes to addressing the need to fix the Tax Code to make it fairer and simpler, and that we are going to give a Valentine's Day gift to 28 million married working couples by passing out of this House by Valentine's Day our legislation which will essentially wipe out the marriage tax penalty for a majority of those who suffer it.

I often refer to this young couple that came and talked to me about the need to eliminate the marriage tax penalty and what it meant to them. Whenever we talk about the marriage tax penalty, I think of couples such as Michelle and Shad Hallihan, two public school teachers in Joliet, Illinois, who made the decision to get married; and they made that decision knowing full well that under our Tax Code they were going to pay more in taxes just because they are married.

Well, it is young people like Michelle and Shad, as well as older folks who are retirees who suffer the marriage tax penalty, that we want to bring fairness to the Tax Code by eliminating the marriage tax penalty.

I really believe that this year we have an opportunity. Unfortunately, the President and Vice President Gore vetoed last year our efforts to eliminate the marriage tax penalty for a vast majority of those who suffer it, and it fell victim to the President's desire to spend more money on government programs. And while we wanted to eliminate the marriage tax penalty, we made a commitment last year that we were going to try again.

I am pleased that this House in the next 2 weeks is going to vote on legislation which will wipe out the marriage tax penalty for a majority of those that suffer it. That is good news. That is good news for 28 million married working couples. Fifty-six million Americans who are married and work will benefit from this legislation, and they will see anywhere from $230 to almost $1,400 in marriage tax relief as a result of this legislation. That is good news.

My hope is this entire House will vote yes. Now, there are 12 Democrats that have joined along with us, out of the 231 cosponsors of the Marriage Tax Elimination Act. The gentlewoman from Missouri (Ms. DANNER) has been a real leader. My friend, a Democratic Member from Missouri, has been a real leader in the effort to eliminate the marriage tax penalty, and I am so proud to have her as a partner, and she has been able to bring about a dozen of her Democratic colleagues with her.

My hope is and we want to extend an invitation to our Democratic friends to join with us and make this a bipartisan effort.

The President said in his State of the Union speech the other night that we should address the marriage tax penalty. We want to take the President at his word, so that when we place on the President's desk a stand-alone bill, clean marriage tax elimination legislation, that he will sign it into law, because it is going to provide real relief and address the need to bring fairness to the Tax Code when it comes to marriage.

You know, you think about it, our Tax Code has the incentives in the wrong place. We should be working to strengthen society's most basic institution. We can do that by eliminating the marriage tax penalty.

My hope is over the next 2 weeks we will be able to garner overwhelming bipartisan support to send with a strong message to the Senate our desire to eliminate the marriage tax penalty. I appreciate the comments of Chairman ROTH of Delaware, who has been a real leader in working to bring tax relief for middle-class families.

Again, as I pointed out earlier, Chairman ROTH, chairman of the Senate Finance Committee, praised the gentleman from Texas (Chairman ARCHER) for the speedy start to open this issue. Of course, Mr. ARCHER is chairman of the House Committee on Ways and Means, part of our leadership here in the House. Chairman ROTH indicated he intends to move shortly over the next few months similar legislation to eliminate the marriage tax penalty.

Let us keep this legislation on a fast track. There are 28 million married working couples, 56 million hard-working married people that are out there who need help. They need fairness in the Tax Code as it affects married people. We want to help them.

My belief is we have a tremendous opportunity, a clean stand-alone effort to eliminate the marriage tax penalty. It deserves overwhelming bipartisan support. It deserves to be signed into law. It is all about fairness.

Let us bring fairness to the Tax Code. Help couples such as Michelle and Shad Hallihan, public school teachers in Joliet, as well as 28 million other working couples, by eliminating the marriage tax penalty.

□ 2000

I thank the Speaker for the opportunity to address this House and our efforts to eliminate the marriage tax penalty and bring fairness to the Tax Code.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I would mention that I do not plan to use all of the time this evening that is allotted to me, but I do want to spend some time talking about the Democratic health care initiatives, particularly by reference to the President's State of the Union address last Thursday night where he outlined many of the Democratic health care initiatives, some of which have already had debate and been discussed extensively by me and by other Members of this House, others of which are somewhat new.

I would start out by pointing out that the Democrats and myself, we feel very strongly that the time has come to deal with three key health care issues. I do not say this because it is the Democratic agenda; I say it because I think it is America's agenda. These are the concerns and the problems that need to be dealt with, that I hear from my constituents in New Jersey in my congressional district, as well as from my colleagues here in Washington, D.C. on both sides of the aisle, when they come back, particularly from this 2-month period, this district work period or recess that we were in, and a lot of us had forums, a lot of us got input from our seniors, from our senior citizens, as well as from a lot of other people, and we are here back fresh for the second session of this Congress but we need to address these health care concerns.

Let me detail the three concerns that I have. First of all, it is time to pass the Patients' Bill of Rights, the HMO reform. We went for a year, the last session in 1999, trying to push the Patients' Bill of Rights, and we finally did get it passed in the House of Representatives, but it still has not passed, or a strong bill, I should say, has not passed in the Senate. It is now in conference between the two Houses, between the House of Representatives and the Senate, but we still have not had a meeting of the conference so that we can move forward in trying to adopt good HMO reform to deal with abuses of HMOs that are basically set forth in the Patients' Bill of Rights. We need to pass that. That is number one, and I will talk a little bit more about it later.

Number two, we need to address the problem of prescription drugs for seniors. Concerns about health care cross all generational lines and all class and income lines, but for seniors in particular the lack of a benefit under Medicare for prescription drugs, and the majority of the seniors do not have that kind of a benefit, is a particular problem because when I am in my district, or the forums in my district office, so many seniors call me or will come up to me and some of them will say they have prescription drug benefits but it is not sufficient, and the costs continue to escalate and they simply cannot afford it. So they either go without the drug or they take less than they are supposed to or they try to spread it out in some way.

This is not the way we should operate. Prescription drugs are a preventive benefit that should be provided under Medicare. Of course, the President talked about that as well and I will talk a little bit about it tonight.

The third health care issue, though, and concern that needs to be addressed is access for the uninsured. Since I have been a Member of Congress, and particularly in the last 5 years, the number of Americans who are uninsured who have no health insurance continues to skyrocket. It is about 45 million Americans now that have no health insurance, and keep in mind that these are pretty much middle class working people, because if you are poor enough to fall below a certain income you are eligible for medicaid. If you are a senior, regardless of income, you are over 65, you are eligible for Medicare, but if you are a working person whose income is just above the line for medicaid and you are not a senior citizen then you do not have any guarantee of health insurance.

What is happening increasingly is a lot of people simply do not get health insurance as part of their employment.

Years ago, most Americans, if they were working, their employer provided some sort of health insurance where the employer would pay part of it and the employee would pay part of it, but increasingly that is not the case. So we have about 45 million uninsured Americans, mostly working Americans, who simply do not have the ability through their job to get access to health insurance and we need to do something about it. The President has addressed that as well, and it is part of our Democratic agenda.

Now, let me take these in order and spend some time on each of these issues, if I can tonight, Mr. Speaker. First of all, I want to go back to HMO reform and the Patients' Bill of Rights. No one is suggesting that HMOs are a bad thing. We know that in many cases HMOs have actually helped to bring down the costs of health insurance. The bottom line is that there are many cases where there have been excesses or abuses within HMO networks, and oftentimes that manifests itself in that a physician will say to a particular patient that they need a particular operation or a length of stay in the hospital, or have to go to a particular provider or particular hospital or specialist for care.

The HMO does not allow it, either because there are certain types of operations that the HMO just will not pay for or they will say that you can only stay in the hospital a certain number of days for a certain procedure even though your physician thinks that you need to stay longer, and we have had people actually become very ill, even die, because of the denial of care in those abusive situations.

Well, we as Democrats put together a bill called the Patients' Bill of Rights. I am not saying that it is strictly a Democratic bill. We had some Republicans that cosponsored the bill and certainly some Republicans that voted for the bill when it was passed here in the House of Representatives, but unfortunately the Republican leadership in the House did not support the Patients' Bill of Rights and they continue to create problems in terms of its going to conference.

We heard from the Republican leadership I think a week or two ago that they say now that they will hold a conference, but it has not been held yet and the problem is that the conferees that the Republican leadership have appointed to this conference, even if it is held, are not people that support the Patients' Bill of Rights. They are specifically those who said that they would not support the Patients' Bill of Rights.

Well, what does the Patients' Bill of Rights do? Let me just give some indication of what this is all about and how it corrects some of the excesses or abuses with regard to HMOs. I am going to mention a few things with regard to access. One is emergency services. Individuals are assured under the Patients' Bill of Rights that if they have an emergency those services will be covered by their plan. The bill says that individuals must have access to emergency care without prior authorization in any situation that a prudent layperson would regard as an emergency.

So if you are the average guy and you feel that you have chest pains and that you need to go to the hospital and the emergency room because you think you might be having a heart attack, well, that is the average or prudent layperson. If you have to go to the nearest emergency room, even if the HMO says that that is not where you go and that is not one of the hospitals that are covered, they have to pay because it was an emergency. That is what the bill says.

Specialty care, Mr. Speaker, under this bill patients with special conditions must have access to providers who have the requisite expertise to treat their problem. The bill allows for referrals for enrollees to go out of the plan's network for specialty care at no extra cost to the enrollee if there is no appropriate provider available in the network for covered services. For individuals who are seriously ill or require continued care by a specialist, plans must have a process for selecting a specialist as a gatekeeper for their condition to access necessary specialty care without impediments.

So what we are saying here is if the HMO does not have a specialist that you need to handle your particular situation, then they have to pay for you to go to another specialist, and if you have the type of condition where you need to go to a specialist on a regular basis, you do not have to go to the primary care physician for a referral to that specialist every time. You just get basically registered with a specialty doctor and you continue to go to her or him.

Now those are some of the examples. I mean, there are a lot of others. I think one of the worst abuses that I know of is what they call the gag rule, where HMOs will write into their contract that if they do not provide a particular operation or service your physician cannot talk to you about it. In effect, he or she, your physician, is gagged from telling you what kind of procedure or operation you really need because the HMO will not cover it.

Well, that obviously needs to be eliminated. One of the provisions in our Patients' Bill of Rights says there cannot be any gag rules.

Let me go into some of the other areas. I had a number of senior forums in my district during the recess in December and January and a lot of them complained about not having adequate information provided by the HMO, that they do not even know what is covered, they do not know what physicians are in the network, they do not know basically what their insurance provides. Well, in the Patients' Bill of Rights, we say that managed care plans have to provide information so the consumers understand their health plan's policies, procedures, benefits and other requirements.

That may seem like it's not important, but I think it is very important. Also important, and I want to stress, is the grievance and appeals procedure. Right now if an HMO turns you down for a particular operation, how do you appeal that decision if you feel that that decision by the HMO was a wrong one? Well, with great difficulty, I should add. Oftentimes the HMO will have you go to an internal review board with members appointed from their own staff and so when you appeal you have no chance. Well, what we say in the Patients' Bill of Rights is that there has to be an internal appeal that basically is not influenced by the HMO, and then there has to also be an opportunity to go outside the internal review process within the HMO to an outside board that can make a decision to overturn the HMO's decision independent of the HMO, an external appeal.

Beyond that, though, there is also the opportunity to sue. One of the complaints that we hear from some of the opponents of the Patients' Bill of Rights is that it allows people to sue because right now if you fall under the Federal preemption under ERISA because your health plan is provided by an employer who is self-insured, which there are a lot in this country, you cannot sue the HMO. The Federal law prohibits you from suing the HMO. We eliminate that provision and say that if the reviews that I mentioned, internal and external, fail, that you have the option to go to court and sue to overturn the HMO's decision, which I think is a very valuable reform and protection, patient protection, under the Patients' Bill of Rights.

I do not want to continue to go on about the Patients' Bill of Rights and provide more details because I know that we have done that many times. I have talked about it many times. I think the time now is for action. The Republicans are in the majority. They control the agenda. They need to have a conference on the Patients' Bill of Rights. They need to have the conference include both Democrats and Republicans, and mostly including the people that supported the House version that actually passed here in the House of Representatives, and they need to act expeditiously so that we can get a bill out of conference and to the President that is actually a strong bill that protects patients' rights.

We will continue as Democrats to say over and over again that this must be done over the next few weeks, as we begin this new session of the Congress.

Now, let me, Mr. Speaker, if I can, move on to the second health care issue that I said earlier this evening is so important and again that the President addressed in his State of the Union address, and that is the issue of prescription drug benefits under Medicare.

When Medicare was started in the 1960s, when President Lyndon Johnson proposed it, prescription drugs were not that important. Medicare was started in the sixties primarily because of the huge costs of hospital care, and people did not rely on medication or prescription drugs so much as a preventive measure the way they do today, but yet now 30 years later we all understand why prescription drugs are needed and they are such a big part of our health care, not only in terms of our condition and whether we are going to be well and be active and not get sick, but even more so they take a big bite out of your budget if you have to pay for them privately.

We know that some people do get prescription drugs as part of Medicare. If they are in an HMO, the HMO might provide some coverage, but what we find is that increasingly more and more of the HMOs that were providing coverage for prescription drugs are cutting back, charging more in terms of copayments or even a premium, to the seniors that are enrolled in the HMO.

We still have a lot of seniors who are in the fee-for-service program, not part of an HMO. Some of them may have what we call Medigap, supplemental coverage that they pay for privately, that would include prescription drugs but again that is becoming increasingly prohibitive.

□ 2015

The costs keep rising, the coverage keeps diminishing. So even if you have a prescription drug benefit as part of Medicare or because you have a Medigap policy, you find yourself increasingly paying more and more money out of pocket.

Some people, if they have no benefits, are paying **$1,500, $2,000, $2,500** a year for prescription drugs, and they simply cannot afford it.

The easiest way to deal with this problem is to include it under Medicare as part of the basic benefit package and pass legislation that would accomplish that. I also think that it is important, though, that when we pass that legislation and that when we consider that legislation, that we put in some provision that allows for a better price negotiation, because right now what we find is that seniors that are not part of an HMO and who have to go buy a prescription at the drugstore themselves, even if they have some coverage under MediGap or whatever, they are paying exorbitant prices for the prescription drugs, way out of proportion to what they would pay if they were in an HMO or had some other way to negotiate a price on a large volume basis. So the bill, when passed, needs to address that price discrimination issue as well.

I just wanted to mention the President's proposal. The President has a very good Medicare prescription drug proposal. It is not the only one out there. I have one myself. There are other Members of the House on the Democratic side that have different proposals out there. But Democrats are united in saying that we want to have this benefit, that we support the President, that we need a prescription drug benefit under Medicare, and we need it now because of the crisis that we see out there.

Let me just talk a little bit, if I can, about the President's initiative in this regard. What he does, what he proposes, is establishing a new voluntary Medicare part D prescription drug benefit that is affordable and available to all beneficiaries. This is voluntary. This is like Part B. Part A is your hospitalization, Part B takes care of your doctor bills. This would be a new part D, again voluntary, where you pay so much of a premium per month and you get a certain prescription drug benefit. You do not have to do it if you think you have other options that are better for you.

What the President's drug benefit would provide is that there would be no deductible, but you would pay for half of the drug costs from the first prescription. So basically what the government would do is they would pay for half of the prescription drug, and that would begin with the first prescription that is filled. This would be up to $5,000 a year in spending when it is fully in place.

In other words, if you incur drug bills up to $5,000, half of it would be paid by Medicare, and it could be as little as $10 or $20, if that is all it costs over the course of the year, and half of that would be paid by Medicare.

The President's proposal would also ensure beneficiaries a price discount similar to that offered by many employer-sponsored plans for each prescription purchased, even after the $5,000 limit is reached. Again, there is going to be a price discount because you are going to be part of this Medicare program where the government or the intermediary can actually negotiate a better price for you.

The cost is about $24 per month beginning in 2002 when the coverage is capped at $2,000, and would rise to about $44 per month when fully phased in in about 6 to 7 years when the total benefit can go up to $5,000 in prescription drugs, which is about comparable to what we pay now for Part B for the doctor bills in terms of the premium.

Just like now in Part B for doctor bills, people who are at lower incomes at a certain level pay no premium. People who are a little above that lowest level pay part of that $44 a month premium. So we would ensure that beneficiaries with incomes below 135 percent of poverty, $11,000 for a single individual, $15,000 for a couple, would not pay anything for cost-sharing. People who are a little above that income would phase in and pay some of the premium but not all of it.

I do not want to go into more detail about this, Mr. Speaker. I just think it is a very good proposal. As I said, it is not the only proposal out there. But as Democrats, we are united in the idea that we need to have a Medicare prescription drug plan, because the crisis in terms of constituents and Americans being able to pay the bill and foot the bill is way out of line. I just do not want to see more people not take prescription drugs when they need them because they cannot afford to pay for them.

Let me go to the third issue I want to mention this evening with regard to health care, and again, part of the Democrats' agenda with regard to health care, and also something that the President talked about in his State of the Union again last Thursday night. This is the problem with access for the uninsured.

The number of uninsured continues to rise. I think I gave the figure of about 45 million Americans now that have no health insurance; working families, people that go out every day and work one, two, or sometimes more jobs, but do not have any coverage through their employer and cannot afford to pay for it privately.

Mr. Speaker, we know that when President Clinton was first elected to office going back I guess 7 years now he had put forward a comprehensive universal health care plan. That was shot down. I do not want to go into tonight whether it was a good or a bad plan or how people felt about it. Frankly, I thought it was a very good plan. I would have supported it. I think if it had been put into place, we would not have this 45 million uninsured and the number of uninsured continuing to rise every day if this had been put in place 6 or 7 years ago the way the President wanted it. But politically it was not possible to do so. The insurance companies attacked the President's proposal. The Harry and Louise ads were on TV. Basically, the proposal died. It never even came up on the House floor, on the Senate floor.

Ever since then, those of us who have been concerned about the problems of the uninsured on the Democratic side have been trying to sort of look at the target groups, the key groups within that 45 million uninsured people that perhaps we can help without moving into a universal coverage system which politically is simply not saleable at this point.

We started out targeting a number of different groups, most notably a couple of years ago children, because a big percentage of that uninsured group were children. We put in place the Kids Care initiative. We came out of the Health Care Task Force, which I cochair. We convinced enough Republicans to go along with it, and almost all, I think every Democrat voted for it, and enough Republicans to get the majority, so we passed the Kids Care initiative.

What we find is that, although we have addressed the problems of some of the children, we still have a lot of children that remain uninsured. Then we have a lot of parents of those children who are uninsured, because usually if a person is working and they get health care on the job, they can get their children covered as part of that policy. But the bottom line is that those parents that have uninsured children who have signed up for the Kid Care program, it is called CHIP, are usually uninsured themselves.

What the President has said is that initially what he wants to do, and this is part of the Democratic agenda, is try to expand the coverage for as many children as possible by expanding the eligibility for the Kids Care initiative, and also going out and trying to reach kids that may be even eligible for Medicare, which is at a lower-income bracket than Kids Care, and make sure that they get signed up, because we know that so many of them have not signed up for Medicaid or for the Kids Care initiative, even though they are eligible for it.

So there is an outreach component here among the Democrats' agenda, and there is also the component to raise the income level so that more children who are uninsured would be eligible for the Kids Care initiative.

Then the President and the Democratic agenda goes one step further. It says that a big part of this 45 million people who are uninsured is not only the children but their parents, as I mentioned before. Let us allow parents also to opt into the CHIP program. If they have children who are uninsured and are now signed up for it, let them sign up for it as well. The President provides in his State of the Union message and will provide in his budget for exactly that.

Just to give an idea, some statistics, over 80 percent of parents of uninsured children with incomes below 200 percent of poverty, which is about $33,000 for a family of four, and I want to stress that, we are not talking here about people that are on Medicaid, we are talking about a family of four making $33,000 a year. Some people would not consider that poor, but the bottom line is that a great percentage of those families do not have access to health insurance, even though they are working, because they cannot get it on the job and they cannot afford to buy it privately.

There are about they estimate 6.5 million uninsured parents with incomes in the Medicaid and the CHIP, which is the Kids Care, eligibility range for children, and what the administration does, what the President does in his budget is he creates a new family care program. It basically provides higher Federal matching payments for State coverage of parents of children eligible for Medicaid or the CHIP program.

Under family care, parents would be covered in the same plan as their children. States would use the same systems and follow most of the rules as they do in Medicaid and CHIP today, and the program would be overseen by the same State agency. There would be a match that is provided here. States would have to cover a certain percent and the Federal government would provide a certain percent.

I just think this is so important, because again, I was listening to my colleague earlier on the Republican side who was talking about the marriage tax penalty. I agree that the marriage tax penalty should be eliminated, and hopefully we will do that over the next couple of months here.

The bottom line, however, is that more important, really, to a family which has parents who are working, a working family, is the fact that they need health insurance, because if they do not have health insurance and they get sick, then they are basically dependent upon going to the emergency room, incurring huge bills that they probably can never pay, and this is not the way we should operate in this country today with the economy being the way it is and with the people that are working and trying to make a living.

I think that the President's initiative not only for expanding it for children but also for parents is really so important.

The other thing that I have not mentioned but I want to with regard to access to health care for the uninsured is that if we look at this 45 million people who are uninsured, I mentioned the kids initially, then I mentioned the parents of those children who are uninsured, another huge block of people are what we call the near elderly. These are people probably between the ages of 55 and 65 who are not eligible yet for Medicare but who basically are uninsured, either because maybe they were married to a spouse who had health insurance on the job but then that spouse died, so they do not have any health insurance themselves, or they were laid off, or they took an early retirement that did not provide health benefits.

What we find is that there are just a huge number of people between that 55 and 65 age range for whatever reason that are still not eligible for Medicare because they are not old enough, but find themselves without health insurance, either because they are not working or because their spouse died and they do not have it, and they have no way of buying health insurance privately because it is too expensive and they do not make enough money.

A couple of years ago, I think it was not this year but in the previous State of the Union Address, or maybe even prior to that, President Clinton proposed a Medicare buy-in for those individuals. In other words, we would figure out what the cost per month for the Medicare program is to the Federal government, and they would be able to simply purchase Medicare at that cost, which I think the President has estimated is somewhere between $300 and $400 a month.

I always thought that was a great idea, but the problem is for a lot of these people $300 to $400 is prohibitive. They cannot afford it.

There are different ways of trying to deal with that. I had advocated some kind of sliding scale subsidy for those individuals. The President in his State of the Union Address last week talked about using a tax credit as a way of helping these people so they could address and buy into Medicare.

What he basically says is that in order to make this buy-in more affordable, the President proposes a tax credit equal to 25 percent of the premium for participants in the Medicare buy-in.

□ 2030

I think that is good. Let me say this, the Congress has not addressed this at all. The House of Representatives has not considered this in committee, it has not come to the floor of the House.

So once again I call on my Republican colleagues who are in the majority to bring up the Medicare buy-in for the near-elderly and allow it to come to the floor, because I think it will pass if it comes to the floor. Number one, we have to allow the buy-in, which is not the law; and number two, we have to find a way through either a tax credit, as the President has proposed, or some subsidy to make it possible for more people to afford that buy-in. But right now, we do not have it at all.

So, again, access to health insurance coverage. What do we do? Address the problem with kids more extensively, address the problems of the parents of the kids, and the problem of the near-elderly. But the President and the Democrats have gone even further. We have 45 million Americans uninsured. If we are not able to cover all of them through some universal system, then we have to address it piecemeal.

Again, how have most Americans been covered traditionally? Through their employer. Unfortunately, the number of employers percentage wise that offer health insurance has decreased. But if we can create some sort of incentive so that those employers once again will offer health insurance, particularly the small businesspeople that have the most difficult time buying the policy and making it available to their employees, then we can also make, I think, a significant dent in this group of 45 million Americans who are uninsured.

Mr. Speaker, what the President has proposed, again, is to give small firms, those with fewer than 25 employees that have not previously offered health insurance, a tax credit equal to 20 percent of their contributions. And there are a number of other things here: Making COBRA continuation coverage more affordable; expanding State options to provide health insurance. There are a number of initiatives here that the President has put forward and that are part of the Democratic agenda. I am not going to go into all of them because I did promise that I would not take up all the time that was allotted.

But, Mr. Speaker, I want to stress again the importance of these three issues: HMO reform, pass the Patients' Bill of Rights; two, Medicare prescription drug coverage; and, lastly, trying to address the problem of access for the uninsured, those 45 million Americans who do not have health insurance.

I cannot think of anything that is more important for this House of Representatives to take up over the next 10 months or so between now and the November election, and I call upon my colleagues on the Republican side who are in the majority, the Speaker, the Majority Leader, to take up these issues and to pass legislation that addresses these concerns in a strong and effective manner.

We will be here as Democrats. I promise that I will be here. My colleagues will be here every night if we have to demanding action on these three health care issues because this is what our constituents talk to us about, this is what needs to be done. And it is not that difficult to do if only the Republicans would join with the Democrats in addressing these concerns.

A REPUBLIC, IF YOU CAN KEEP IT

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, I have taken this special order this evening to discuss the importance of the American Republic and why it should be preserved.

Mr. Speaker, the dawn of a new century and millennium is upon us and prompts many of us to reflect on our past and prepare for the future. Our Nation, divinely blessed, has much to be thankful for. The blessings of liberty resulting from the Republic our forefathers designed have far surpassed the wildest dreams of all previous generations.

The form of government secured by the Declaration of Independence, the American Revolution and the Constitution is unique in history and reflects the strongly held beliefs of the American revolutionaries. At the close of the Constitutional Convention in Philadelphia on September 18, 1787, a Mrs. Powel anxiously awaited the results and as Benjamin Franklin emerged from the long task now finished asked him directly, "Well, Doctor, what have we got? A republic or a monarchy?" "A republic, if you can keep it," responded Franklin.

The term "republic" had a significant meaning for both of them and all early Americans. It meant a lot more than just representative government and was a form of government in stark contrast to pure democracy where the majority dictated laws and rights. And getting rid of the English monarchy was what the revolution was all about, so a monarchy was out of the question.

The American Republic required strict limitation of government power. Those powers permitted would be precisely defined and delegated by the people with all public officials being bound by their oath of office to uphold the Constitution. The democratic process would be limited to the election of our leaders and not used for granting special privileges to any group or individual nor for defining rights.

Federalism, the binding together loosely of the several States, would serve to prevent the concentration of power in a central government and was a crucial element in the new republic. The authors of the Constitution wrote strict limits on the national government and strove to protect the rights and powers of the State and the people.

Dividing and keeping separate the legislative, executive, and the judiciary branches provided the checks and balances thought needed to preserve the Republic the Constitution created and the best way to preserve individual liberty.

The American Revolutionaries clearly chose liberty over security for their economic security and their very lives were threatened by undertaking the job of forming a new and limited government. Most would have been a lot richer and safer by sticking with the King. Economic needs or desires were not the driving force behind the early American patriotic effort.

The Revolution and subsequent Constitution settled the question as to which authority should rule man's action, the individual or the state. The authors of the Constitution clearly understood that man has free will to make personal choices and be responsible for the consequences of his own actions. Man, they knew, was not simply to be a cog in a wheel or a single cell of an organism or a branch of a tree but an individual with free will and responsibility for his eternal soul as well as his life on earth. If God could permit spiritual freedom, government certainly ought to permit the political freedom that allows one to pursue life's dreams and assume one's responsibilities.

If man can achieve spiritual redemption through grace which allows him to use the released spiritual energy to pursue man's highest and noblest goals, so should man's mind, body, and property be freed from the burdens of unchecked government authority. The founders were confident that this would release the creative human energy required to produce the goods and services that would improve the living standards of all mankind.

Minimizing government authority over the people was critical to this endeavor. Just as the individual was key to salvation, individual effort was the key to worldly endeavors. Little doubt existed that material abundance and sustenance came from work and effort, family, friends, church, and voluntary community action, as long as government did not obstruct.

No doubts were cast as to where rights came from. They came from the Creator. And if government could not grant rights to individuals, it certainly should not be able to take them away. If government could provide rights or privileges, it was reasoned, it could only occur at the expense of someone else or with the loss of personal liberty in general.

Our constitutional Republic, according to our founders, should above all else protect the rights of the minority against the abuses of an authoritarian majority. They feared democracy as much as monarchy and demanded a weak executive, a restrained court, and a handicapped legislature.

It was clearly recognized that equal justice and protection of the minority was not egalitarianism. Socialism and welfarism were never considered. The colonists wanted to be free of the King's oppressive high taxes and burdensome regulations. It annoyed them that even their trees on their own property could not be cut without the King's permission. The King kept the best trees for himself and his shipbuilding industry. This violation of property ownership prompted the colonists to use the pine tree on an early revolutionary flag to symbolize the freedom they sought.

The Constitution made it clear that the government was not to interfere with productive, nonviolent human energy. This is the key element that has permitted America's great achievements. It was a great plan. We should all be thankful for the bravery and wisdom of those who established this Nation and secured the Constitution for us. We have been the political and economic envy of the world. We have truly been blessed.

The founders often spoke of divine providence and that God willed us this great Nation. It has been a grand experiment, but it is important that the fundamental moral premises that underpin this Nation are understood and maintained. We, as Members of Congress, have that responsibility.

This is a good year to address this subject, the beginning of a new century and millennium provides a wonderful opportunity for all of us to dedicate ourselves to studying and preserving these important principles of liberty.

One would have to conclude from history as well as current conditions that the American Republic has been extremely successful. It certainly has allowed the creation of great wealth with a large middle-class and many very wealthy corporations and individuals. Although the poor are still among us, compared to other parts of the world, even the poor in this country have done quite well.

We still can freely move about from town to town, State to State, and job to job. Free education is available to everyone, even for those who do not want it or care about it. But the capable and the incapable are offered a government education. We can attend the church of our choice, start a newspaper, use the Internet and meet in private when we choose. Food is plentiful throughout the country and oftentimes even wasted. Medical technology has dramatically advanced and increased life expectancy for both men and women.

Government statistics are continuously reaffirming our great prosperity with evidence of high and rising wages, no inflation, and high consumer confidence and spending. The U.S. Government still enjoys good credit and a strong currency in relationship to most other currencies of the world. We have no trouble financing our public nor private debt. Housing markets are booming and interest rates remain reasonable by modern day standards. Unemployment is low.

Recreational spending and time spent at leisure are at historic highs. Stock market profits are benefiting more families than ever in our history. Income, payroll, and capital gains taxes have been a windfall for politicians who lack no creative skills in figuring out how to keep the tax-and-spend policies in full gear. The American people accept the status quo and hold no grudges against our President.

The nature of a republic and the current status of our own are of little concern to the American people in general. Yet there is a small minority ignored by political, academic, and media personnel who do spend time thinking about the importance of what the proper role for government should be. The comparison of today's government to the one established by our Constitution is the subject of deep discussion for those who concern themselves with the future and look beyond the fall election.

The benefits we enjoy are a result of the Constitution our founding fathers had the wisdom to write. However, understanding the principles that were used to establish our Nation is crucial to its preservation and something we cannot neglect.

Unbelievable changes have occurred in the 20th century. We went from the horse and buggy age to the space age. Computer technology and the Internet have dramatically changed the way we live. All kinds of information and opinions on any subject are now available by clicking a few buttons. Technology offers an opportunity for everyone who seeks to the truth to find it, yet at the same time it enhances the ability of government to monitor our every physical, communicative, and financial move.

Mr. Speaker, let there be no doubt. For the true believers in big government, they see this technology as a great advantage for their cause. We are currently witnessing an ongoing effort by our government to develop a national ID card, a medical data bank, a work data bank, "Know Your Customer" regulations on banking activity, a national security agent all-pervasive telephone snooping system called Echelon, and many other programs. There are good reasons to understand the many ramifications of the many technological advancements we have seen over the century to make sure that the good technology is not used by the government to do bad things.

□ 2045

The 20th century has truly been a century of unbelievable technological advancement. We should be cognizant of what this technology has done to the size and nature of our own Government. It could easily be argued that, with greater technological advances, the need for government ought to decline and private alternatives be enhanced. But there is not much evidence for that argument.

In 1902, the cost of Government activities at all levels came to 7.7 percent of GDP. Today it is more than 50 percent.

Government officials oversee everything we do, from regulating the amount of water in our commodes to placing airbags in our cars, safety locks on our guns, and using our own land. Almost every daily activity we engage in is monitored or regulated by some Government agency. If one attempts to just avoid Government harassment, one finds himself in deep trouble with the law.

Yes, we can be grateful that the technological developments in the marketplace over the last 100 years have made our lives more prosperous and enjoyable. But any observant person must be annoyed by the ever-present Big Brother that watches and records our every move.

The idea that we are responsible for our own actions has been seriously undermined. And it would be grossly misleading to argue that the huge growth in the size of government has been helpful and necessary in raising the standard of living of so many Americans.

Since government cannot create anything, it can only resort to using force to redistribute the goods that energetic citizens produce. The old-fashioned term for this is "theft."

It is clear that our great prosperity has come in spite of the obstacles that big government places in our way and not because of it. And besides, our current prosperity may well not be as permanent as many believe.

Quite a few major changes in public policy have occurred in this century. These changes in policy reflect our current attitude toward the American Republic and the Constitution and help us to understand what to expect in the future. Economic prosperity seems to have prevailed. But the appropriate question asked by too few Americans is, have our personal liberties be undermined?

Taxes: Taxes are certainly higher. A federal income tax of 35 to 40 percent is something many middle-class Americans must pay, while, on average, they work for the Government more than half the year. In passing on our estates from one generation to the next, our partner, the U.S. Government, decides on its share before the next generation can take over.

The estate tax certainly verifies the saying about the inevitability of death and taxes. At the turn of the century, we had neither. And in spite of a continuous outcry against both, there is no sign that either will soon be eliminated.

Accepting the principle behind both the income and the estate tax concedes the statist notion that the Government owns the fruits of our labor as well as our savings and we are permitted by the politicians' generosity to keep a certain percentage.

Every tax cut proposal in Washington now is considered a cost to Government, not the return of something rightfully belonging to a productive citizen. This principle is true whether it is a 1 percent or 70 percent income tax. Concern for this principle has been rarely expressed in a serious manner over the past 50 years. The withholding process has permitted many to believe that a tax rebate at the end of the year comes as a gift from Government.

Because of this, the real cost of Government to the taxpayer is obscured. The income tax has grown to such an extent and the Government is so dependent on it that any talk of eliminating the income tax is just that, talk. A casual acceptance of the principle behind high taxation with an income tax and an inheritance tax is incompatible with the principle belief in a true republic. It is impossible to maintain a high tax system without the sacrifice of liberty and an undermining of property ownership. If kept in place, such a system will undermine prosperity regardless of how well off we may presently be.

In truth, the amount of taxes we now pay compared to 100 years ago is shocking. There is little philosophic condemnation by the intellectual community, the political leaders, or the media of this immoral system. This should be a warning sign to all of us that even in less prosperous times we can expect high taxes and that our productive economic system will come under attack.

Not only have we seen little resistance to the current high tax system, it has become an acceptable notion that this system is moral and is a justified requirement to finance the welfare/warfare state.

Propaganda polls are continuously cited claiming that the American people do not want tax reductions. High taxes, except for only short periods of time, are incompatible with liberty and prosperity. We will, I am sure, be given the opportunity in the early part of the next century to make a choice between the two. I am certain of my preference.

Welfare: There was no welfare state in 1900. In the year 2000, we have a huge welfare state which continues to grow each year. Not that special interest legislation did not exist in the 19th century. But for the most part, it was limited and directed toward the monied interest, the most egregious example being the railroads.

The modern-day welfare state has steadily grown since the Great Depression of the 1930s. The Federal Government is now involved in providing healthcare, houses, unemployment benefits, education, food stamps to millions, plus all kinds of subsidies to every conceivable special interest group. Welfare is now a part of our culture, costing hundreds of billions of dollars every year. It is now thought to be a right, something one is entitled to. Calling it an entitlement makes it sound proper and respectable and not based on theft.

Anyone who has a need, desire, or demand and can get the politicians' attention will get what he wants even though it may be at the expense of someone else.

Today, it is considered morally right and politically correct to promote the welfare state. Any suggestion otherwise is considered political suicide.

The acceptance of the welfare ethic and rejection of the work ethic as the process for improving one's economic condition are now ingrained in our political institutions. This process was started in earnest in the 1930s, received a big boost in the 1960s, and has continued a steady growth even through the 1990s despite some rhetoric in opposition.

This public acceptance has occurred in spite of the fact that there is no evidence that welfare is a true help in assisting the needy. Its abject failure around the world where welfarism took the next step into socialism has even a worse record.

The transition in the past hundred years from essentially no welfare to an all encompassing welfare state represents a major change in attitude in the United States. Along with the acceptance, the promoters have dramatically reinterpreted the Constitution in the way it had been for our first 150 years.

Where the General Welfare clause once had a clear general meaning, which was intended to prohibit special interest welfare and was something they detested and revolted against under King George, it is now used to justify any demand of any group as long as a majority in the Congress votes for it.

But the history is clear and the words in the Constitution are precise. Madison and Jefferson, in explaining the General Welfare clause, left no doubt as to its meaning.

Madison said, "With respect to the words 'general welfare,' I have always regarded them as qualified by the detail of power connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution and to a character which there is a host of proof not contemplated by its creators."

Madison argued that there would be no purpose whatsoever for the enumeration of the particular powers if the General Welfare clause was to be broadly interpreted.

The Constitution granted authority to the Federal Government to do only 20 things, each to be carried out for the benefits of the general welfare of all the people.

This understanding of the Constitution, as described by the Father of the Constitution, has been lost in this century. Jefferson was just as clear, writing in 1798 when he said, "Congress has not unlimited powers to provide for the general welfare but only those specifically enumerated."

With the modern-day interpretation of the General Welfare clause, the principle of individual liberty in the Doctrine of Enumerated Powers have been made meaningless.

The goal of strictly limiting the power of our national Government as was intended by the Constitution is impossible to achieve as long as it is acceptable for Congress to redistribute wealth in an egalitarian welfare state.

There is no way that personal liberty will not suffer with every effort to expand or make the welfare state efficient. And the sad part is that the sincere effort to help people do better economically through welfare programs always fails. Dependency replaces self-reliance, while the sense of self-worth of the recipient suffers, making for an angry, unhappy and dissatisfied society. The cost in dollar terms is high, but the cost in terms of liberty is even greater but generally ignored; and, in the long run, there is nothing to show for this sacrifice.

Today there is no serious effort to challenge welfare as a way of life, and its uncontrolled growth in the next economic downturn is to be expected. Too many citizens now believe they are entitled to the monetary assistance from the Government anytime they need it and they expect it. Even in times of plenty, the direction has been to continue expanding education, welfare, and retirement benefits.

No one asked where the Government gets the money to finance the welfare state. Is it morally right to do so? Is it authorized in the Constitution? Does it help anyone in the long run? Who suffers from the policy? Until these questions are seriously asked and correctly answered, we cannot expect the march toward a pervasive welfare state to stop and we can expect our liberties to be continuously compromised.

The concept of the Doctrine of Enumerated Powers was picked away at in the latter part of the 19th century over strong objection by many constitutionalists. But it was not until the drumbeat of fear coming from the Roosevelt administration during the Great Depression that the courts virtually rewrote the Constitution by reinterpretation of the General Welfare clause.

In 1936, the New Deal Supreme Court told Congress and the American people that the Constitution is irrelevant when it comes to limits being placed on congressional spending. In a ruling justifying the Agricultural Adjustment Act, the Court pronounced, "The power of Congress to authorize appropriations of public money for public purposes is not limited by the grants of legislative power found in the Constitution."

With the stroke of a pen, the courts amended the Constitution in such a sweeping manner that it literally legalized the entire welfare state, which, not surprisingly, has grown by leaps and bounds ever since.

Since this ruling, we have rarely heard the true explanation of the General Welfare clause as being a restriction of government power, not a grant of unlimited power.

We cannot ignore corporate welfare, which is part of the problem. Most people think the welfare state involves only giving something to the unfortunate poor. This is generally true. But once the principle established that special benefits are legitimate, the monied interests see the advantages and influences the legislative process.

Our system, which pays lip service to free enterprise and private property ownership, is drifting towards a form of fascism or corporatism rather than conventional socialism. And where the poor never seem to benefit under welfare, corporations become richer. But it should have been expected that once the principle of favoritism was established, the contest would be over who has the greatest clout in Washington.

No wonder lobbyists are willing to spend $125 million per month influencing Congress; it is a good investment. No amount of campaign finance reform or regulation of lobbyists can deal with this problem. The problem lies in the now accepted role for our Government. Government has too much control over people and the market, making the temptation and incentive to influence government irresistible and, to a degree, necessary.

Curtailing how people spend their own money or their right to petition their government will do nothing to this influence peddling. Treating the symptoms and not the disease only further undermines the principles of freedom and property ownership.

Any serious reforms or effort to break away from the welfare state must be directed as much at corporate welfare as routine welfare. Since there is no serious effort to reject welfare on principle, the real conflict over how to divide what Government plunders will continue.

Once it is clear that it is not nearly as wealthy as it appears, this will become a serious problem and it will get the attention it deserves, even here in the Congress.

Preserving liberty and restoring constitutional precepts are impossible as long as the welfare mentality prevails, and that will not likely change until we have run out of money. But it will become clear as we move into the next century that perpetual wealth and the so-called balanced budget, along with an expanding welfare state, cannot continue indefinitely. Any effort to perpetuate it will only occur with the further erosion of liberty.

□ 2100

The role of the U.S. Government in public education has changed dramatically over the past 100 years. Most of the major changes have occurred in the second half of this century. In the 19th century, the closest the Federal Government got to public education was the land grant college program. In the last 40 years, the Federal Government has essentially taken charge of the entire system. It is involved in education at every level through loans, grants, court directives, regulations and curriculum manipulation. In 1900, it was of no concern to the Federal Government how local schools were run at any level.

After hundreds of billions of dollars, we have yet to see a shred of evidence that the drift toward central control over education has helped. By all measurements, the quality of education is down. There are more drugs and violence in the public schools than ever before. Discipline is impossible out of fear of lawsuits or charges of civil rights violations. Controlled curricula have downplayed the importance of our constitutional heritage while indoctrinating our children, even in kindergarten, with environmental mythology, internationalism and sexual liberation. Neighborhood schools in the early part of the 20th century did not experience this kind of propaganda.

The one good result coming from our failed educational system has been the limited, but important, revival of the notion that parents are responsible for their children's education, not the state. We have seen literally millions of children taken from the public school system and taught at home or in private institutions in spite of the additional expense. This has helped many students and has also served to pressure the government schools into doing a better job. And the statistics show that middle-income and low-income families are the most eager to seek an alternative to the public school system.

There is no doubt that the way schools are run, how the teachers teach and how the bills are paid is dramatically different from 100 years ago. And even though some that go through public schools do exceptionally well, there is clear evidence that the average high school graduate today is far less educated than his counterpart was in the early part of this century.

Due to the poor preparation of our high school graduates, college expects very little from their students since nearly everyone gets to go to college who wants to. Public school is compulsory and college is available to almost everyone, regardless of qualifications. In 1914, English composition was required in 98 percent of our colleges. Today, it is about one-third. Only 12 percent of today's colleges require mathematics be taught where in 1914, 82 percent did. No college now requires literature courses, but rest assured plenty of social babble courses are required as we continue to dumb down our Nation.

Federal funding for education grows every year, hitting $38 billion this year, $1 billion more than requested by the administration and 7 percent more than last year. Great congressional debates occur over the size of the classroom, student and teacher testing, bilingual education, teacher salaries, school violence and drug usage. And it is politically incorrect to point out that all these problems are not present in the private schools. Every year, there is less effort at the Federal level to return education to the people, the parents and the local school officials.

For 20 years at least, some of our presidential candidates advocated the abolishing of the Department of Education and for the Federal Government to get completely out of public education. This year, we will hear no more of that. The President got more money for education than he asked for and it is considered not only bad manners but also political suicide to argue the case for stopping all Federal Government education programs.

Talk of returning some control of Federal programs to the States is not the same as keeping the Federal Government out of education as directed by the Constitution. Of the 20 congressionally authorized functions granted by the Constitution, education is not one of them. That should be enough of a reason not to be involved. There is no evidence of any benefit and statistics show that great harm has resulted. It has cost us hundreds of billions of dollars, yet we continue the inexorable march toward total domination of our educational system by Washington bureaucrats and politicians. It makes no sense. It is argued that if the Federal funding for education did not continue, education would suffer even more. Yet we see poor and middle-class families educating their children at home or at private school at a fraction of the cost of a government school education, with results fantastically better, and all done in the absence of violence and drugs.

A case can be made that there would be more money available for education if we just left the money in the States to begin with and never brought it to Washington for the bureaucrats and the politicians to waste. But it looks like Congress will not soon learn this lesson, so the process will continue and the results will get worse. The best thing we could do now is pass a bill to give parents a $3,000 tax credit for each child they educate. This would encourage competition and allow a lot more choice for parents struggling to help their children get a decent education.

The practice of medicine is now a government managed care system and very few Americans are happy with it. Not only is there little effort to extricate the Federal Government from the medical care business but the process of expanding the government's role continues unabated. At the turn of the 19th century, it was not even considered a possibility that medical care was the responsibility of the Federal Government. Since Lyndon Johnson's Great Society programs of the 1960s, the role of the Federal Government in delivering medical care has grown exponentially. Today the Federal Government pays more than 60 percent of all the medical bills and regulates all of it. The demands continue for more free care at the same time complaints about the shortcomings of managed care multiply. Yet it is natural to assume that government planning and financing will sacrifice quality care. It is now accepted that people who need care are entitled to it as a right. This is a serious error in judgment.

There is no indication that the trend toward government medicine will be reversed. Our problems are related to the direct takeover of medical care in programs like Medicare and Medicaid. But it has also been the interference in the free market through ERISA mandates related to HMOs and other managed care organizations, as well as our tax code, that have undermined the private insurance aspect of paying for medical care. True medical insurance is not available. The government dictates all the terms.

In the early stages, patients, doctors and hospitals welcomed these programs. Generous care was available with more than adequate reimbursement. It led to what one would expect, abuse, overcharges and overuse. When costs rose, it was necessary through government rulemaking and bureaucratic management to cut reimbursement and limit the procedures available and personal choice of physicians. We do not have socialized medicine but we do have bureaucratic medicine, mismanaged by the government and select corporations who usurp the decision-making power from the physician. The way medical care is delivered today in the United States is a perfect example of the evils of corporatism and an artificial system that only politicians, responding to the special interests, could create. There is no reason to believe the market cannot deliver medical care in an efficient manner as it does computers, automobiles and televisions. But the confidence is gone and everyone assumes, just as in education, that only a Federal bureaucracy is capable of solving the problems of maximizing the number of people, including the poor, who receive the best medical care available. In an effort to help the poor, the quality of care has gone down for everyone else and the costs have skyrocketed.

Making generous medical savings accounts available is about the only program talked about today that offers an alternative to government mismanaged care. If something of this sort is not soon implemented, we can expect more pervasive government involvement in the practice of medicine. With a continual deterioration of its quality, the private practice of medicine will soon be gone.

Government housing programs are no more successful than the Federal Government's medical and education programs. In the early part of this century, government housing was virtually unheard of. Now the HUD budget commands over $30 billion each year and increases every year. Finances of mortgages through the Federal Home Loan Bank, the largest Federal Government borrower, is the key financial institution pumping in hundreds of billions of dollars of credit into the housing market, making things worse. The Federal Reserve has now started to use home mortgage securities for monetizing debt. Public housing has a reputation for being a refuge for drugs, crimes and filth, with the projects being torn down as routinely as they are built. There is every indication that this entitlement will continue to expand in size regardless of its failures. Token local control over these expenditures will do nothing to solve the problem.

Recently, the Secretary of HUD, using public funds to sue gun manufacturers, claimed this is necessary to solve the problems of crime which government housing perpetuates. If a government agency, which was never meant to exist in the first place under the Constitution, can expand their role into the legislative and legal matters without the consent of the Congress, we indeed have a serious problem on our hands. The programs are bad enough in themselves but the abuse of the rule of law and ignoring the separation of powers makes these expanding programs that much more dangerous to our entire political system and is a direct attack on personal liberty. If one cares about providing the maximum best housing for the maximum number of people, one must consider a free market approach in association with a sound, nondepreciating currency. We have been operating a public housing program directly opposite to this and along with steady inflation and government promotion of housing since the 1960s, the housing market has been grossly distorted. We can soon expect a major downward correction in the housing industry prompted by rising interest rates.

Our attitude toward foreign policy has dramatically changed since the beginning of the century. From George Washington through Grover Cleveland, the accepted policy was to avoid entangling alliances. Although we spread our wings westward and southward as part of our manifest destiny in the 19th century, we accepted the Monroe Doctrine notion that European and Asians should stay out of our affairs in this hemisphere and we theirs. McKinley, Teddy Roosevelt, and the Spanish American war changed all that. Our intellectual and political leaders at the turn of the last century brought into vogue the interventionist doctrine setting the stage for the past 100 years of global military activism. From a country that once minded its own business, we now find ourselves with military personnel in more than 130 different countries protecting our modern day American empire. Not only do we have troops spread to the four corners of the Earth, we find Coast Guard cutters in the Mediterranean and around the world, our FBI in any country we choose, and the CIA in places Congress does not even know about. It is a truism that the state grows and freedom is diminished in times of war. Almost perpetual war in the 20th century has significantly contributed to steadily undermining our liberties while glorifying the state.

In addition to the military wars, liberty has also suffered from the domestic wars on poverty, literacy, drugs, homelessness privacy and many others. We have in the last 100 years gone from the accepted and cherished notion of a sovereign Nation to one of a globalist new world order. As we once had three separate branches of our government, the United Nations proudly uses its three branches, the World Bank, the IMF and the World Trade Organization to work their will in this new era of globalism. Because the U.S. is by far the strongest military industrial power, it can dictate the terms of these international institutions, protecting what we see as our various interests such as oil, along with satisfying our military industrial complex. Our commercial interests and foreign policy are no longer separate. This allows for subsidized profits while the taxpayers are forced to protect huge corporations against any losses from overseas investments. The argument that we go about the world out of humanitarian concerns for those suffering, which was the excuse for bombing Serbia, is a farce. As bad as it is that average Americans are forced to subsidize such a system, we additionally are placed in greater danger because of our arrogant policy of bombing nations that do not submit to our wishes. This generates the hatred directed toward America, even if at times it seems suppressed, and exposes us to a greater threat of terrorism since this is the only vehicle our victims can use to retaliate against a powerful military state.

But even with the apparent success of our foreign policy and the military might we still have, the actual truth is that we have spread ourselves too thinly and may well have difficulty defending ourselves if we are ever threatened by any significant force around the world. At the close of this century, we find our military preparedness and morale at an all-time low. It will become more obvious as we move into the 21st century that the cost of maintaining this worldwide presence is too high and cutbacks will be necessary. The costs in terms of liberty lost and the unnecessary exposure to terrorism are difficult to determine but in time it will become apparent to all of us that foreign interventionism is of no benefit to American citizens but instead is a threat to our liberties.

Throughout our early history and up to World War I, our wars were fought with volunteers. There was no military draft except for a failed attempt by Lincoln in the Civil War which ended with justified riots and rebellion against it. The attitudes toward the draft definitely changed over the past century. Draftees were said to be necessary to fight in World War I and World War II, Korea and Vietnam. This change in attitude has definitely satisfied those who believe that we have an obligation to police the world. The idiocy of Vietnam served as a catalyst for an antidraft attitude which is still alive today. Fortunately we have not had a draft for over 25 years, but Congress refuses to address this matter in a principled fashion by abolishing once and for all the useless selective service system. Too many authoritarians in Congress still believe that in times of need, an army of teenage draftees will be needed to defend our commercial interests throughout the world. A return to the spirit of the republic would mean that a draft would never be used and all able-bodied persons would be willing to volunteer in defense of their liberty. Without the willingness to do so, liberty cannot be saved. A conscripted army can never substitute for the willingness of freedom-loving Americans to defend their country out of their love for liberty.

☐ 2115

The U.S. monetary system. The U.S. monetary system during the 20th Century has dramatically changed from the one authorized by the Constitution. Only silver and gold were to be used in payment of debt, and no paper money was to be issued. In one of the few restrictions on the states, the Constitution prohibited them from issuing their own money, and they were to use only gold and silver in payment of debt. No Central Bank was authorized.

The authors of the Constitution were well aware of the dangers of inflation, having seen the harm associated with the destruction of the Continental currency. They never wanted to see another system that ended with the slogan, "it's not worth a Continental." They much preferred sound as a dollar, or as good as gold, as a description of our currency.

Unfortunately, their concerns as they were reflected in the Constitution have been ignored and as this century closes we do not have a sound dollar as good as gold. The changes to our monetary system are by far the most significant economic events of the 20th Century. The gold dollar of 1900 is now nothing more than a Federal Reserve note with a promise by untrustworthy politicians and the central bankers to pay nothing for it.

No longer is there silver or gold available to protect the value of a steadily depreciating currency. This is a fraud of the worst kind and the type of a crime that would put a private citizen behind bars. But there have been too many special interests benefitting by our fiat currency, too much ignorance and too much apathy regarding the nature of money.

We will surely pay the price for this negligence. The relative soundness of our currency that we enjoy as we move into the 21st Century will not persist. The instability in world currency market because of the dollar's acceptance for so many years as the world's currency, will cause devastating adjustments that Congress will eventually be forced to address.

A transition from sound money to paper money did not occur instantaneously. It occurred over a 58 year period between 1913 and 1971, and the mischief continues today.

Our Central Bank, the Federal Reserve System, established in 1913 after two failed efforts in the 19th Century, has been the driving force behind the development of our current fiat system. Since the turn of the century, we have seen our dollar lose 95 percent of its purchasing power, and it continues to depreciate. This is nothing less than theft, and those responsible should be held accountable.

The record of the Federal Reserve is abysmal, yet at the close of the 20th Century, its chairman is held in extremely high esteem, with almost zero calls for study of sound money with the intent to once again have the dollar linked to gold.

Ironically, the government and politicians are held in very low esteem, yet the significant trust in them to maintain the value of the currency is not questioned. But it should be.

The reasons for rejecting gold and promoting paper are not mysterious, since quite a few special interests benefit. Deficit financing is much more difficult when there is no Central Bank available to monetize government debt. This gives license to politicians to spend lavishly on the projects that are most likely to get them reelected. War is more difficult to pursue if government has to borrow or tax the people for its financing. The Federal Reserve's ability to create credit out of thin air to pay the bills run up by Congress establishes a symbiosis that is easy for the politician to love.

It is also advantageous for the politicians to ignore the negative effects from such a monetary arrangement, since they tend to be hidden and disseminated. A paper money system attracts support from various economic groups. Bankers benefit from the float that they get with the fractional reserve banking that accompanies a fiat monetary system. Giant corporations who get to borrow large funds at below market interest rates enjoy the system and consistently call for more inflation and artificially low interest rates. Even the general public seems to benefit from the artificial booms brought about by credit creation, with lower interest rates allowing major purchases like homes and cars.

The naive and uninformed fully endorse the current system because the benefits are readily available, while the disadvantages are hidden, delayed or not understood. The politicians, central bankers, commercial banks, big business borrowers, all believe their needs justify such a system.

But the costs are many and the dangers are real. Because of easy credit throughout this century we have found out that financing war was easier than if taxes had to be raised. The many wars we have fought and the continuous military confrontations in smaller wars since Vietnam have made the 20th Century a bloody century. It is most likely that we would have pursued a less militaristic foreign policy if financing it had been more difficult.

Likewise, financing the welfare state would have progressed much slower if our deficits could not have been financed by an accommodative Central Bank willing to inflate the money supply at will.

There are other real costs as well that few are willing to believe are a direct consequence of Federal Reserve Board policy. Rampant inflation after World War I as well as the 1921 depression were a consequence of monetary policy during and following the war. The stock market speculation of the 1920s, the stock market collapse of 1929 and the depression of the 1930s causing millions to be unemployed, all resulted from Federal Reserve Board monetary mischief.

Price inflation of the early 1950s was a consequence of monetary inflation required to fight the Korean War. Wage and price controls used then totally failed, yet the same canard was used during the Vietnam war in the early 1970s to again impose wage and price controls, with even worse results.

All the price inflation, all the distortions, all the recessions and unemployment should be laid at the doorstep of the Federal Reserve. The Fed is an accomplice in promoting all unnecessary war, as well as the useless and harmful welfare programs, with its willingness to cover Congress' profligate spending habits.

Even though the Fed did great harm before 1971 after the total elimination of the gold-dollar linkage, the problems of deficit spending, welfare expansion and military-industrial complex influence have gotten much worse.

Although many claim the 1990s have been great economic years, Federal Reserve Board action of the past decade has caused problems yet to manifest itself. The inevitable correction will come as the new century begins, and it is likely to be quite serious.

The stage has been set. Rampant monetary growth has led to historic high asset inflation, massive speculation, overcapacity, malinvestment, excessive debt, a negative savings rate and a current account deficit of huge proportions. These conditions dictate a painful adjustment, something that would have never occurred under a gold standard.

The special benefits of foreigners taking our inflated dollars for low priced goods and then loaning them back to us will eventually end. The dollar must fall, interest rates must rise, price inflation will accelerate, the financial asset bubble will burst, and a dangerous downturn in the economy will follow.

There are many reasons to believe the economic slowdown will be worldwide, since the dollar is the reserve currency of the world. An illusion about our dollar's value has allowed us to prop up Europe and Japan in this pass decade during a period of weak growth for them, but when reality sets in, economic conditions will deteriorate. Greater computer speed, which has helped to stimulate the boom of the 1990s, will work in the opposite direction as all of the speculative positions unwind, and that includes the tens of trillions of dollars in derivatives.

There was a good reason the Federal Reserve rushed to rescue long-term capital management with a multibillion dollar bailout: It was unadulterated fear that the big correction was about to begin. Up until now, feeding the credit bubble with even more credit has worked, and is the only tool they have to fight the business cycle, but eventually control will be lost.

A paper money system is dangerous economically and not constitutionally authorized. It is also immoral for government to counterfeit money, which dilutes the value of the currency and steals values from those who hold the currency and those who do not necessary benefit from its early circulation.

Not everyone benefits from the largesse of government spending programs or systematic debasement of the currency. The middle class, those not on welfare and not in the military industrial complex suffer the most from rising prices and job losses in the correction phase of the business cycle.

Congress must someday restore sound money to America. It is mandated in the Constitution, it is economically sound to do so, and it is morally right to guarantee a standard of value for the money. Our oath of office obligates all Members of Congress to pay attention to this and participate in this needed reform.

Police state. A police state is incompatible with liberty. One hundred years ago the Federal Government was responsible for enforcing very few laws. This has dramatically changed. There are now over 3,000 Federal laws and 10,000 regulations, employing hundreds of thousands of bureaucrats diligently enforcing them, with over 80,000 of the bureaucrats carrying guns.

We now have an armed national police state, just as Jefferson complained of King George in the Declaration of Independence. "He has send hither swarms of officers to harass our people and eat out their substance."

A lot of political and police power has shifted from the state and local communities to the Federal Government over the past 100 years. If a constitutional republic is desired and individual liberty is cherished, this concentration of power cannot be tolerated.

Congress has been derelict in creating the agencies in the first place and ceding to the Executive the power to write regulations and even tax without Congressional approval. These agencies enforce their own laws and supervise their own administrative court system where citizens are considered guilty until proven innocent. The Constitution has been thrown out the window for all practical purposes, and although more Americans every day complain loudly, Congress does nothing to stop it.

The promoters of the bureaucratic legislation claim to have good intentions, but they fail to acknowledge the cost, inefficiency or the undermining of individual rights. Worker safety, environmental concerns, drug usage, gun control, welfarism, banking regulations, government insurance, health insurance, insurance against economic and natural disaster, and the regulation of fish and wildlife are just a few of the issues that prompts the unlimited use of Federal regulatory and legislative power to deal with perceived problems.

But, inevitably, for every attempt to solve one problem, government creates two new ones. National politicians are not likely to volunteer a market or local government solution to a problem, or they will find out how unnecessary they really are.

Congress' careless attitude about the Federal bureaucracy and its penchant for incessant legislation have prompted serious abuse of every American citizen. Last year alone there were more than 42,000 civil forfeitures of property occurring without due process of law or conviction of a crime, and oftentimes the owners were not even charged with a crime.

Return of illegally ceased property is difficult, and the owner is forced to prove his innocence in order to retrieve it. Even though many innocent Americans have suffered, these laws have done nothing to stop drug usage or change people's attitude toward the IRS.

Seizure and forfeitures only make the problems they are trying to solve that much worse. The idea that a police department under Federal law can seize property and receive direct benefit from it is an outrage. The proceeds can be distributed to the various police agencies without going through the budgetary process. This dangerous incentive must end.

The national police state mentality has essentially taken over crime investigation throughout the country. Our local sheriffs are intimidated and frequently overruled by the national police. Anything worse than writing traffic tickets prompts swarms of Federal agents to the scene. We frequently see the FBI, the DEA, the CIA, the BATF, Fish and Wildlife, the IRS, Federal marshals and even the Army involved in local law enforcement. They do not come to assist, but to take over.

The two most notorious examples of federal abuse of police powers were seen at Ruby Ridge and Waco, where non-aggressive citizens were needlessly provoked and killed by government agents. At Waco, even Army tanks were used to deal with a situation that the local sheriff could have easily handled.

These two incidents are well-known, but thousands of other similar abuses routinely occur with little publicity. The Federal police state seen in the action the Ruby Ridge and Waco hopefully is not a sign of things to come, but it could be, if we are not careful.

If the steady growth of the Federal police power continues, the American republic cannot survive. The Congresses of the 20th Century have steadily undermined the principle that the government closest to home must deal with law and order, and not the Federal Government.

The Federal courts also have significantly contributed to this trend. Hopefully in the new century our support for a national police state will be diminished. We have in this past century not only seen the undermining of the Federalism that the Constitution desperately tried to preserve, but the principles of separation of powers among the three branches of government has been severely compromised as well.

The Supreme Court no longer just rules on Constitutionality, but frequently rewrites the laws with attempts at comprehensive social engineering. The most blatant example was the Roe v. Wade ruling. The Federal court should be hearing a lot fewer cases, deferring as often as possible to the states courts.

Throughout the 20th Century, with Congress' obsession for writing laws for everything, the Federal courts were quite willing to support the idea of a huge interventionist Federal Government. The fact that the police officers in the Rodney King case were tried twice for the same crime, ignoring the constitutional prohibition against double jeopardy, was astoundingly condoned by the courts, rather than condemned. It is not an encouraging sign that the concept of equal protection under the law will prevail.

□ 2130

Mr. Speaker, I will yield back the few minutes I have left because I plan to complete my special order on this subject on Wednesday evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. ABERCROMBIE (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BROWN of Ohio (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Ms. SÁNCHEZ (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Ms. CARSON (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. TURNER (at the request of Mr. GEPHARDT) for today, February 1 and 2 on account of family medical emergency.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. SANFORD (at the request of Mr. ARMEY) for today and February 1 on account of personal reasons.

Mr. SCHAFFER (at the request of Mr. ARMEY) for today on account of travel delay.

Mr. KINGSTON (at the request of Mr. ARMEY) for today on account of flight delays.

Mr. WATKINS (at the request of Mr. ARMEY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. JONES of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. CLEMENT, for 5 minutes, today.

(The following Members (at the request of Mr. METCALF) to revise and extend their remarks and include extraneous material:)

Mr. PICKERING, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today, February 1 and 2.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, February 1.

Mrs. CHENOWETH-HAGE, for 5 minutes, February 1.

Mr. METCALF, for 5 minutes, today.

Mr. GILMAN, for 5 minutes, today.

Mr. SCARBOROUGH, at his own request, for 5 minutes, today.

OMITTED FROM THE CONGRESSIONAL RECORD OF THURSDAY, JANUARY 27, 2000, PAGE 155

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 241. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Tuesday, February 1, 2000, at 9:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5877. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Sanitation Requirements for Official Meat and Poultry Establishments [Docket No. 96-037F] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5878. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly; Regulated Areas, Regulated Articles, and Treatments [Docket No. 99-075-2] received December 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5879. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Extension of Tolerance for Emergency Exemptions [OPP-300955; FRL-6395-5] (RIN: 2070-AB78) received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5880. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Metsulfuron methyl; Pesticide Tolerances for Emergency Exemptions [OPP-300950; FRL-6391-8] (RIN: 2070-AB78) received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5881. A communication from the President of the United States, transmitting the budget request for the Department of Health and Human Services' Low Income Home Energy Assistance Program; (H. Doc. No. 106-183); to the Committee on Appropriations and ordered to be printed.

5882. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Technical Amendment to the Section 8 Management Assessment Program (SEMAP); Final Rule [Docket No. FR-4498-F-02] (RIN: 2577-AC10) received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5883. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule—Loans in Areas Having Special Flood Hazards [Regulation H; Docket No. R-1052] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5884. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Special Education-Personnel Preparation to .Improve Services and Results for Children with Disabilities (RIN: 1820-AB46) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5885. A letter from the Deputy Executive Secretary, Head Start Bureau, Department of Health and Human Services, transmitting the Department's final rule—Head Start Program (RIN: 0970-AB98) received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5886. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [Region VII Tracking No. MO-074-1074a; FRL-6512-2] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5887. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans: Delaware, Maryland, Pennsylvania, and Virginia; Approval of National Low Emission Vehicle Programs [DE 047-1024a, MD 089-3042a, PA 140-4092a, VA 104-5043a: FRL-6483-9] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5888. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN110-1a, FRL-6483-2] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5889. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [Region VII Tracking No. MO 083-1083a; FRL-6510-9] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5890. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production [FRL-6513-4] (RIN: 2060-AE36) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5891. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision to Promulgation of Federal Implementation Plan for Arizona—Maricopa Nonattainment Area; PM-10 [AZ 012-FIP; FRL-6511-3] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5892. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas Repeal of Board Seal Rule and Revisions to Particulate Matter Regulations [TX-79-1-7439; FRL-6510-5] received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5893. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: New Jersey; Motor Vehicle Inspection and Maintenance Program [Region II Docket No. NJ41-207, FRL-6509-4] received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5894. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 038-0193a; FRL-6510-7] received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Commerce.

5895. A letter from the Director, Office of Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Data Sharing Committee Recommendations for Lead and Copper—received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5896. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Drinking Water State Revolving Fund (DWSRF) Program Policy Announcement: Eligibility of Using DWSRF Funds to Create a New Public Water System [FRL-6183-2] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5897. A letter from the Assistant Division Chief, Policy Program Planning Division, Federal Communications Commission, transmitting the Commission's final rule—Deployment of Wireline Services Offering Advanced Telecommunications Capability [CC Docket No. 98–147] and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 [CC Docket No. 96–98] received December 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5898. A letter from the Secretary, Bureau of Consumer Protection/Enforcement Division, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")—received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5899. A letter from the Director, Regulations Policy and Management Staff, FDA, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 99F–1423] received December 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5900. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting Directive 5.6 "Integrated Materials Performance Evaluation Program (IMPEP)," pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5901. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—International Services Surveys: BE–80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons [Docket No. 9906111599276–02] (RIN: 0691–AA35) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5902. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received December 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5903. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions and Deletions—received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5904. A letter from the Chairman, Postal Rate Commission, transmitting the report on the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

5905. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Illinois Regulatory Program [SPATS No. IL–097–FOR, Part II] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5906. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Sidalcea oregana var. calva (Wenatchee Mountains Checker-Mallow) received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5907. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program [VA–116–FOR] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5908. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Valid Existing Rights (RIN: 1029–AB42) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5909. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: New Years Eve '99 Fireworks Display, Southampton, NY [CGD 01–99–184] (RIN: 2115–AA97) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5910. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Arrival Notification and Year 2000 (Y2K) Reporting Requirements for Vessels Transiting the Cape Cod Canal [CGD01–99–150] (RIN: 2115–AE84) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5911. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Navesink River, NJ [CGD01–99–075] (RIN: 2115–AE47) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5912. A letter from the Chief, Office of Regulation and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regatta and Marine Parades [CGD 95–054] (RIN: 2115–AF17) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5913. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration Policy and Final Guidance Regarding Benefit Cost Analysis (BCA) on Airport Capacity Projects for FAA Decisions on Airport Improvement Program (AIP) Discretionary Grants and Letters of Intent (LOI)—received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5914. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Award of Grants for Special Projects Authorized by this Agency's FY 1999 Appropriations Act—received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5915. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Award of Grants for Special Projects Authorized by this Agency's FY 1997 Appropriations Acts—received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5916. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Award of Grants for Special Projects Authorized by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104–134)—received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5917. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Supplemental Guidance for the Award of Section 319 Nonpoint Source Grants in FY2000—received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5918. A letter from the Trial Attorney, Federal Railroad Administration, transmitting the Administration's final rule—Annual Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents and Other Technical Amendment [FRA–98–4898, Notice No. 2] (RIN: 2130–AB30) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5919. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Continuity of Interest on Repurchase of Issuer's Shares [Rev. Rul. 99–58] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5920. A letter from the the Director, the Office of Management and Budget, transmitting the final OMB sequestration report to the President and Congress for Fiscal Year 2000, pursuant to 2 U.S.C. 901; (H. Doc. No. 106–182); to the Committee on the Whole House on the State of the Union and ordered to be printed.

5921. A communication from the President of the United States, transmitting a report on the State of the Union; (H. Doc. No. 106–160); to the Committee on the Whole House on the State of the Union and ordered to be printed.

5922. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the six month suspension and periodic report under section 6 of the Jerusalem Embassy Act of 1995 [Presidential Determination No. 00–0 8]; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DIAZ-BALART: Committee on Rules. House Resolution 408. Resolution providing for consideration of the bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes (Rept. 106–490). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on January 28, 2000]

Pursuant to clause 5 of rule X, the Committee on Education and the Workforce discharged. H.R. 3081 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CHENOWETH-HAGE:

H.R. 3552. A bill to require that agricultural products imported into the United States be subject to the same sanitary or phytosanitary measures as the same products of the United States, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3553. A bill to establish a grant program in the Department of Defense to assist States and local governments in improving their ability to prevent and respond to domestic terrorism; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland (for himself and Mr. Hostettler):

H.R. 3554. A bill to name the United States Army missile range at Kwajalein Atoll in the Marshall Islands for former President Ronald Reagan; to the Committee on Armed Services.

By Mr. FRELINGHUYSEN:

H.R. 3555. A bill to ensure the efficient allocation of telephone numbers; to the Committee on Commerce.

By Mr. CASTLE (for himself and Mr. Pitts):

H.R. 3556. A bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. FOSSELLA (for himself, Mr. Bliley, Mr. Oxley, Mr. King, Mr. Reynolds, Mr. Sweeney, Mr. McGovern, Mr. Sherwood, Mr. DeLay, Mr. Crowley, Mr. Shimkus, Mrs. McCarthy of New York, Mr. Meeks of New York, Mr. Boehlert, Mr. Owens, Mr. Quinn, Mrs. Kelly, Mr. Gallegly, Mr. Ehlers, Mr. Engel, Mr. Saxton, Mrs. Maloney of New York, Mr. Gibbons, Mr. Rangel, Mr. Chabot, Mr. Largent, Mr. LaHood, Mr. Lampson, Mr. Pitts, Mr. Holden, Mr. Gillmor, Mr. Tiahrt, Mr. Ehrlich, Mr. Camp, Mr. Blunt, Mr. Smith of New Jersey, Ms. Eshoo, Mr. Tancredo, Mr. Coyne, Mr. Forbes, Mr. Wolf, Mr. Walsh, Mr. Coburn, Mr. Neal of Massachusetts, Mr. Costello, Mr. Gilman, Mr. LaTourette, Mr. Wamp, Mr. McNulty, Mr. Lazio, Mr. McHugh, Mr. Weiner, Mr. Kucinich, Mr. Knollenberg, Mr. Souder, Mr. Doyle, Mr. Vitter, Ms. DeLauro, Mr. Tauzin, Mr. Hyde, Mr. Dickey, and Mr. Ryan of Wisconsin):

H.R. 3557. A bill to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian; to the Committee on Banking and Financial Services.

By Mr. METCALF (for himself, Mr. Inslee, Ms. Dunn, and Mr. Smith of Washington):

H.R. 3558. A bill to amend title 49, United States Code, to improve pipeline safety; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself, Mr. Davis of Virginia, and Mr. Moran of Virginia):

H.R. 3559. A bill to designate certain facilities of the United States Postal Service; to the Committee on Government Reform.

By Mr. FRELINGHUYSEN:

H.R. 3560. A bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes; to the Committee on Commerce.

By Mr. SCHAFFER (for himself, Mr. Roemer, Mr. Tancredo, Mr. Hoekstra, Mr. LaHood, Mr. McIntosh, Mr. Baker, Mr. Chabot, and Mr. King):

H. Res. 409. A resolution honoring the contributions of Catholic schools; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. Frelinghuysen.

H.R. 44: Mr. Foley.

H.R. 65: Mr. Foley.

H.R. 73: Mr. Barr of Georgia and Mr. Rogan.

H.R. 205: Mr. Lampson.

H.R. 303: Mr. Skelton and Mr. Owens.

H.R. 353: Mr. Ballenger, Mrs. Northup, Mrs. Roukema, and Mr. Allen.

H.R. 382: Ms. DeGette.

H.R. 405: Ms. McCarthy of Missouri.

H.R. 406: Mr. Kleczka.

H.R. 460: Mr. Herger.

H.R. 534: Mr. Hill of Montana, Mr. Spratt, Mr. Collins, Mr. Clyburn, Mr. Norwood, and Mr. Isakson.

H.R. 601: Mr. Foley.

H.R. 654: Mr. Stark and Mr. Towns.

H.R. 711: Mr. Foley.

H.R. 721: Mr. Gary Miller of California.

H.R. 786: Mr. Doolittle.

H.R. 865: Mr. Reyes.

H.R. 963: Mr. Evans.

H.R. 984: Mr. Davis of Illinois and Mr. Goss.

H.R. 995: Mr. Shadegg.

H.R. 1062: Mr. Abercrombie.

H.R. 1272: Mr. Shadegg.

H.R. 1285: Ms. Lee and Mr. Towns.

H.R. 1304: Mr. Gillmor, Mr. Wise, Mr. Payne, and Mr. DeFazio.

H.R. 1357: Mr. Fattah.

H.R. 1363: Mr. Goss and Mr. Kucinich.

H.R. 1413: Mr. Foley.

H.R. 1485: Ms. Eshoo.

H.R. 1547: Mrs. Emerson.

H.R. 1593: Mr. Nussle.

H.R. 1634: Mr. Traficant.

H.R. 1671: Mr. Gejdenson.

H.R. 1732: Mr. Klink.

H.R. 1839: Mr. Stupak and Mr. Hilleary.

H.R. 1850: Ms. Baldwin.

H.R. 1870: Mr. Pastor, Mr. Mascara, Mr. Wise, Mr. McGovern, Mr. Hinchey, and Mr. Wynn.

H.R. 1890: Mr. Gary Miller of California.

H.R. 1997: Mr. Blagojevich.

H.R. 2000: Mr. Shaw.

H.R. 2128: Mr. Bass.

H.R. 2298: Ms. Kaptur.

H.R. 2437: Mr. Barr of Georgia.

H.R. 2539: Mr. Baca.

H.R. 2543: Mr. Tauzin, Mr. Udall of Colorado, Mr. Oberstar, and Mr. Nussle.

H.R. 2553: Mr. Stupak.

H.R. 2623: Mr. Gejdenson.

H.R. 2720: Mr. Goode, Mrs. Christensen, Mr. Hutchinson, Mr. Wise, Mr. Delahunt, Mr. Bass, and Mr. Pickett.

H.R. 2890: Mr. Frank of Massachusetts and Mr. Towns.

H.R. 2900: Mr. Blumenauer, Mr. Hoeffel, Mr. Stark, Ms. DeGette, Mr. Shays, Mr. Gilman, Mr. Davis of Illinois, Mr. Towns, Ms. Berkley, and Mr. Fattah.

H.R. 2907: Mr. Minge and Mr. Pickett.

H.R. 2929: Mr. Filner, Mr. McNulty, and Mr. Engel.

H.R. 2966: Mr. Doolittle, Mr. Larson, Ms. Sánchez, and Mr. Tanner.

H.R. 2980: Mr. Sanders and Ms. Baldwin.

H.R. 3003: Mr. Smith of New Jersey.

H.R. 3008: Mr. Bonior, Mr. Cummings, and Mr. DeFazio.

H.R. 3071: Ms. Pelosi, Mr. Jackson of Illinois, and Mr. Conyers.

H.R. 3087: Mr. Baca.

H.R. 3091: Ms. Rivers, Mr. Gekas, Mrs. Maloney of New York, Mr. Towns, Mr. McHugh, Mr. Meeks of New York, Mr. Pomeroy, Mr. Kanjorski, Mr. Goodlatte, Mr. King, Ms. Schakowsky, Mr. Scott, Mr. Fattah, and Mr. Hinchey.

H.R. 3100: Mr. Gejdenson.

H.R. 3192: Mr. Boehlert, Mr. Campbell, Mrs. Morella, and Ms. Roybal-Allard.

H.R. 3212: Mr. McCollum and Mr. Baca.

H.R. 3235: Mr. LaFalce.

H.R. 3295: Mr. Ackerman, Mr. LaHood, Mr. Reyes, Mr. Clyburn, and Mr. Hastings of Florida.

H.R. 3315: Mr. Davis of Illinois, Mr. McHugh, Mr. Capuano, and Mr. Owens.

H.R. 3439: Mr. Coble, Mr. Bonilla, Mr. Sweeney, Mr. Moran of Kansas, and Mr. Foley.

H.R. 3455: Mrs. Maloney of New York, Mrs. Jones of Ohio, Mr. Lewis of Georgia, Mrs. Clayton, Mr. Underwood, Ms. Carson, and Mr. George Miller of California.

H.R. 3518: Mr. Cox, Mr. Hastings of Washington, Ms. Granger, Mr. Souder, Mr. LoBiondo, and Mr. Nethercutt.

H.R. 3525: Mr. Ehrlich, Mr. Clement, Mr. Cramer, Mr. Spence, Mr. Doyle, Mrs. Myrick, Mr. Hayworth, Mr. Watkins, Mr. Brady of Texas, Mr. Doolittle, and Ms. Pryce of Ohio.

H.R. 3536: Mr. LoBiondo.

H.R. 3539: Mr. Stump, Mr. Barrett of Nebraska, Mr. Tancredo, Mr. Hilleary, Mr. Coble, and Mr. Duncan.

H.R. 3543: Mr. Owens, Mrs. Kelly, Mr. English, Mrs. Maloney of New York, Mr. Costello, and Mr. McHugh.

H.J. Res. 48: Ms. Woolsey.

H. Con. Res. 77: Mr. Tierney, Mr. Visclosky, and Mr. Stupak.

H. Con. Res. 119: Mr. Pickett and Mr. Barcia.

H. Con. Res. 123: Mr. Martinez, Mr. Stupak, Mr. Sisisky, and Mr. McGovern.

H. Con. Res. 240: Mr. Cummings, Mr. Bishop, Mr. Kanjorski, Mrs. Jones of Ohio, Mr. Nadler, Mr. Becerra, Mr. Hoeffel, Mrs. Christensen, Ms. Pelosi, Ms. Slaughter, Mr. Baird, Mr. Boehlert, Mr. Baca, Mr. Stark, Ms. Kilpatrick, Mr. Sanders, Mr. Dingell, Mr. McNulty, Mr. Jefferson, and Mr. Pascrell.

H. Con. Res. 244: Mr. GEJDENSON, Mr. FATTAH, Mr. DAVIS of Florida, Mr. KUYKENDALL, and Mr. REGULA.

H. Res. 107: Mr. SHERMAN, Mr. UDALL of Colorado, and Mr. OWENS.

H. Res. 146: Mrs. JONES of Ohio.

H. Res. 314: Mr. HOLDEN.

H. Res. 380: Mr. TANCREDO, Mrs. MYRICK, and Mr. MILLER of Florida.

EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION TO DESIGNATE THE "JOEL T. BROYHILL POSTAL BUILDING" AND THE "JOSEPH L. FISHER POST OFFICE"

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. WOLF. Mr. Speaker, it is a privilege as the representative of the 10th Congressional District of Virginia to introduce today legislation which would designate two U.S. postal buildings located in Northern Virginia to honor former Congressmen Joel T. Broyhill and Joseph L. Fisher, both of whom served as the representative of Virginia's 10th District. Joining me in support are Northern Virginia Congressmen TOM DAVIS and JIM MORAN.

THE HONORABLE JOEL T. BROYHILL

Born in Hopewell, Virginia, November 4, 1919, the Honorable Joel T. Broyhill was first elected to the Eighty-third Congress in 1952 as a Republican and served for 22 years as the representative of the 10th District. He was the first Member of Congress to represent the newly created congressional district. He began his congressional service as a member of the then House Post Office and Civil Service Committee and District of Columbia Committee and later became a member of the House Ways and Means Committee.

Assisting the people he represented was the cornerstone of his service in Congress. According to the Almanac of American Politics 1972: "There were few offices that took care of constituents' needs and complaints with more efficiency." The Almanac also describes Congressman Broyhill as a Member of Congress that "should be credited with voting his conscience"

Congressman Broyhill is a decorated veteran and for four years served bravely along with thousands of other young American soldiers in World War II as a captain in the 106th Infantry Division. At the age of 25, Captain Broyhill fought in one of the most decisive and costly conflicts of WWII—the "Battle of Bulge." He was taken prisoner and held in a German POW camp until he heroically escaped and was able to rejoin advancing Allied forces.

Congressman Broyhill has dedicated most of his life to serving his country in both a public and military capacity. His commitment and devotion to public service is deserving of recognition, and it is appropriate that the postal building at 3409 Lee Highway in Merrifield, Virginia, be renamed in his honor. Congressman Broyhill is the father of three daughters and one stepdaughter, and resides today in Arlington, Virginia.

THE LATE HONORABLE JOSEPH L. FISHER

Born in Pawtucket, Rhode Island, January 11, 1914, the late Congressman Joseph L. Fisher was first elected as the representative of the 10th District in 1974 as a Democrat and began his service in the Ninety-fourth Congress. He served for three terms as the second Member of Congress to represent Virginia's 10th Congressional District.

Congressman Fisher held a Ph.D. in Economics from Harvard University and served as a Senior Economic Advisor on the Council of Economic Advisors during the Truman Administration. During his six years in Congress he was a member of the House Ways and Means and Budget committees and earned a reputation for his diligent work on taxation, energy and budget policy. He also served as the chair of seven task forces all charged with important national policy issues.

He held the position of economist at the U.S. Department of State, before serving his country in World War II in the Pacific theater from 1943 to 1946. He was elected to the Arlington County Board in 1963 and became an advocate for regional air, water pollution, and transit improvement projects. He also served as chairman of the Washington Metropolitan Area Transit Authority.

After his service in Congress, he continued his public service during Virginia Governor Charles S. Robb's administration as secretary of human resources for the Commonwealth of Virginia. He was also a professor of political economy at George Mason University and chairman of the National Academy of Public Administration. He also served as head of the Unitarian Universalist Association, the church's international administrative body.

Former Virginia Governor L. Douglas Wilder once stated, "Joe proved how well one can serve the people. He did it every day, pushing for the kinds of things that would truly improve the quality of life for all of his constituents."

Congressman Fisher dedicated his life to public service and was a committed advocate of the causes in which he believed. It is fitting to recognize his service and commitment by renaming the post office located at 3118 Washington Boulevard, Arlington, Virginia, in tribute to him. Congressman Fisher died in Arlington, Virginia, February 19, 1992, and is survived by his wife Margaret, seven children, 16 grandchildren, and two great grandsons.

Mr. Speaker, I urge our colleagues to join me in supporting this legislation to honor two former members for their dedicated public service.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOEL T. BROYHILL POSTAL BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, shall be known and designated as the "Joel T. Broyhill Postal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Joel T. Broyhill Postal Building".

SEC. 2. JOSEPH L. FISHER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, shall be known and designated as the "Joseph L. Fisher Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Joseph L. Fisher Post Office".

COMMENDING DAVE SHEA OF COLCHESTER, CT, FOR 38 YEARS OF TEACHING

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to commend Dave Shea of Colchester, Connecticut for 38 years of teaching in eastern Connecticut. Mr. Shea exemplifies the extraordinary dedication and commitment of teachers across our nation.

Mr. Shea began his teaching career nearly four decades ago in the RHAM school system. After one year, he joined the faculty of Bacon Academy in Colchester where he taught until his retirement. Dave Shea has taught science and physical education. During his career at Bacon, he also served as the long-time coach of the boys' varsity basketball team. Dave has said that one of his most memorable moments came when the team won the State Championship in 1981. Dave has achieved many other milestones during his coaching career, including being one of only sixteen coaches statewide to have 400 wins in any one sport. He has also been recognized by his peers for his achievements. He was named Basketball Coach of the Year in 1983 by the Connecticut High School Association and Eastern Connecticut High School Coach of the Year in 1998. Dave has also coached baseball and girl's basketball. He will continue to remain active at Bacon as a coach in the years ahead.

Mr. Speaker, on January 3, after 38 years of teaching, Dave Shea retired from Bacon Academy. Although he will not be presiding over gym class on a daily basis, he will continue to be involved in his community as a coach, a mentor and a resource for those entering the teaching profession. I join the residents of Colchester in wishing Dave Shea all the best. We look forward to seeing him on the sidelines and in the community for years to come.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING DON ABRAM, FEDERAL MAGISTRATE JUDGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to congratulate Don Abram on his retirement after 18½ years of service as a Federal magistrate judge.

Don, who resides in Greenwood Village, Colorado, fondly remembers serving as a lawyer and on the bench both as a State judge in Pueblo and a federal judge in Denver. Don attended the University of Colorado and earned his law degree in 1963. He then joined Phelps, Fonda, Hayes law firm in Pueblo. His dream, however, was to be a judge. That dream became reality when he was appointed as district judge in 1975. During his service as a federal magistrate judge, Don was elected by his peers to be president of the Federal Magistrate Judge Association.

Don's family is very important to him. When an accident left his son paralyzed, Don realized that all the small things in the world don't matter, as long as you have your family. After retiring, Don is looking forward to spending more time with his family.

It is with this, Mr. Speaker, that I would like to congratulate Don and thank him for his dedication to serving the judiciary for over 36 years.

TRIBUTE TO GABE FONDARIO

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Gabe Fondario for going above and beyond the call of duty in making the City of Montclair a better place to live.

Mr. Fondario was selected as the Montclair Fire Department's Employee of the Year based on his dedication to work and his close working relationship with local apartment owners. He has worked very hard to make the City of Montclair a better place for apartment owners to live. On his own initiative, Mr. Fondario started Citizens Against Unwanted Trash in Our Neighborhoods (CAUTION) program. Through CAUTION, Mr. Fondario brings community members together and organizes neighborhood cleanups in neglected apartment areas. These cleanups have had outstanding participation from apartment owners and tenants, and the results have been remarkable.

I commend Mr. Fondario for his sense of civic responsibility and for his hard work for the people of the City of Montclair.

IN MEMORY OF COLONEL (RETIRED) CHESTER BAILEY McCOID

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Colonel (Retired) Chester Bailey McCoid, United States Army, of Westfield, Connecticut. He was 77.

Colonel McCoid, the son of the late Colonel Chester B. McCoid and the late Florence Addis, was born on July 31, 1922. He lied about his age at 16 years old to enter the Army. By the time he left the service, he had fought as a combat infantryman in World War II, Korea and Vietnam. Colonel McCoid was one of only 294 three-time holders of the prestigious Combat Infantry Badge, awarded for direct engagement with enemy ground forces in a conflict.

During the invasion of Normandy on D-Day in June 1944, Colonel McCoid led a parachute rifle company of the 82nd Airborne Division and later refused to stop fighting after being wounded by an enemy gunner. After fighting in Korea, he was an exchange officer with the United States Navy for four years and he served as a member of the Army General Staff at the Pentagon. In 1966, Colonel McCoid began serving the first of three tours in Vietnam for a total of 51 months spread over the next seven years. He was Deputy Commander of the Independent 1st Brigade, 101st Airborne Division and commanded the 2nd Brigade, 1st Cavalry Division (airmobile) while in the Southeast Asia theater. In an unusual assignment heading the American Element of The Four Party Military Commission, Region Two, he oversaw the United States' interests in negotiations with the representatives of the Communists and South Vietnam to end the war. Colonel McCoid left for the United States on March 29, 1973, the last ground soldier to serve outside Saigon in the Vietnam War.

In his 34 years of dedicated service, Col McCoid received the Distinguished Service Medal, the Silver Star, five Legions of Merit, five Bronze Stars and two Purple Hearts. He was also decorated by France twice and eight times by the Republic of Vietnam. He graduated from the Naval War College at Newport, Rhode Island, and the Army War College at Carlisle Barracks, Pennsylvania.

Mr. Speaker, Chester McCoid was a professional soldier and great American. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife of more than 54 years, Dorothy M. Jamison McCoid; his two sons, Chester B. McCoid III and Scott C. McCoid; his two daughters, Maureen Kennedy and Naomi Litecky; his brother and two sisters; and seven grandchildren.

ON THE RETIREMENT OF JAMES TURNER

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to offer best wishes to James E. Turner, Jr. on his retirement as President of General Dynamics. Mr. Turner has played a leading role in strengthening American shipbuilding and ensuring that the Navy has the most sophisticated technology available to safeguard our national security.

Jim Turner joined General Dynamics in September 1988 as Vice President and General Manager of Electric Boat, the Company's nuclear submarine division. He was named Executive Vice President of the corporation in February 1991 with responsibility for marine, land systems and services businesses. In addition to these duties, he became President of Electric Boat in April 1993. In 1995, Mr. Turner became President of General Dynamics.

Mr. Turner's retirement will leave a huge void in Navy shipbuilding circles. Throughout the industry, few others match Mr. Turner's technical expertise, leadership and integrity. His deep understanding of shipbuilding has significantly contributed to the fact that this country produces the finest submarines in the world. In recognition of his contributions, Mr. Turner was elected to the National Academy of Engineering, which honored him for "* * * leading the implementation of innovative engineering and design processes, and establishing a new standard for ship design and acquisition." he received the Navy League's Admiral Chester W. Nimitz Award in 1999. This award honors industry leaders who have made major contributions to U.S. maritime strength.

Jim Turner was one of the first in the industry to recognize that the end of the Cold War would require defense-related companies to reorganize in order to remain competitive and successful. Without his insight, technical acumen and leadership, our country might have lost a vital element of shipbuilding capability that is absolutely essential to meeting our national security needs in the years ahead.

Mr. Speaker, the shipbuilding industry will certainly miss Jim Turner's steady presence at the helm. I know many members join me in thanking Mr. Turner for his many years of service to our country. We wish him, and his wife Elizabeth, the very best in the years ahead.

HONORING RICHARD C. WEBER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember the life of Richard Weber who sadly passed away on December 16, 1999. He was 87 years old.

Richard was born on September 19, 1912 in Canton, Oklahoma. He moved to Dove Creek, Colorado in May of 1946, and became very active in his community. In 1947, Richard donated land for the Weber Park and in the 1950's he developed the Weber Subdivision. Richard was a faithful member of the Dolores County Republican Committee for 40 years, a school board member, Dolores County Commissioner and a member of the Lions Club and the Southwest Cattlemen's Association.

It is with this, Mr. Speaker, that I would like to pay tribute to Richard Weber. He was a great American and always strived to make his community a better place to live. He will be missed by all those who knew him.

TRIBUTE TO UNITED PARCEL SERVICE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend United Parcel Service (UPS) for earning Forbes Magazine's 1999 Company of the Year Award.

UPS is an integral part of our nation's economy with 331,000 employees, 610 aircraft, and 157,000 ground vehicles, all used to deliver three billion parcels and documents each year. As Internet business continues to grow, UPS will become an even more important engine of economic development.

One of the critical aspects of UPS's success is happy employees. UPS has an employee retention rate of over 90 percent, and tenures typically span decades. Many of the UPS executives worked their way up from driver or loader jobs.

The UPS center in Ontario, California is a big part of the success of UPS, and I want to acknowledge their important contribution to commerce. As the Congressman for Ontario, I know firsthand that the hardworking UPS employees in Ontario deserve recognition for their commitment to excellence.

UPS, a quality company that takes care of its customers and employees, is poised to deliver our nation into a high tech economy. Once again, I congratulate UPS on earning the distinction of Forbes Magazine 1999 Company of the Year.

CONGRATULATING CAPTAIN JOHN CHERREY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate U.S. Air Force Captain John A. Cherrey on being chosen for recognition by President Clinton at this year's State of the Union Address, Captain Cherrey, a New Jersey native, is one of the most courageous, honorable patriots in the United States military and is destined to become a top leader among the men and women who put their lives on the line to defend the precious freedoms of this great nation.

In a wonderful tradition initiated by President Reagan in 1981, Presidents Reagan, Bush and Clinton have recognized one or more American heroes each year during their annual report to Congress.

Captain Cherrey was chosen for that high honor this year because of the extraordinary bravery he exhibited after an F–117 Stealth fighter was shot down near Novi Sad, Serbia, last March and its American pilot was stranded in hostile Serbian territory. Captain Cherrey, flying a single-seat A–10 attack fighter as combat search and rescue mission commander, led five other pilots past Serbian ground missiles to locate the pilot, and protect him until helicopters could arrive and carry him to safety. During the mission, Captain Cherrey was repeatedly targeted by missile installations, threatened by enemy aircraft and had to purposely maneuver into range of the missiles in order to lead the enemy away from the downed pilot. Despite being critically low on fuel and in danger of being shot down himself, Captain Cherrey remained on the scene until the downed pilot was safe.

Captain Cherrey's bravery in that incident won him the Silver Star, the nation's third-highest military honor. The captain "distinguished himself by gallantry," his superiors said in the citation accompanying the medal. The 33-year-old father of two "flew into the teeth of the Serbian air defenses * * * at extreme risk to his life * * * with impeccable courage. * * * By his gallantry and devotion to duty, Captain Cherrey has reflected great credit upon himself and the United States Air Force."

The Silver Star is the crowing achievement in an exemplary military career. Captain Cherrey received the Distinguished Flying Cross for stopping three convoys of armored vehicles while under fire in western Kosovo, also last year. He has also been awarded the Meritorious Service Medal, the Air Medal (one oak leaf cluster), the Aerial Achievement Medal (nine oak leaf clusters), the Commendation Medal (one oak leaf cluster) and the Achievement Medal.

As a senior pilot with more than 2,250 hours of fighter experience, he has flown more than 150 contingency sorties over Korea, Kuwait and Bosnia, and more than 30 combat sorties over Serbia and Kosovo. He has served as a flight instructor and test pilot and is currently assistant director of operations at the 81st Fighter Squadron at Spangdahlem Air Base in Germany. As such, his duties include supervising the intelligence, weapons and tactics, and mission-planning activities of the Air Force's only A/OA–10 squadron in Europe.

In recognition of his achievements, Captain Cherrey has been chosen for promotion to the rank of Major next month.

Leaders such as Captain Cherrey are trained and nurtured by the military, but the basis of their leadership ability is rooted in their families and upbringing. Captain Cherrey is the son of James Cherrey, a teacher, and the Rev. Heather Cherrey, pastor of St. Paul's Congregational Church in Nutley. The Rev. Cherrey follows politics, especially foreign affairs, closely, and has written to me regularly on subjects such as deployment of U.S. troops to Bosnia and Haiti. The Cherrey's clearly instilled a sense of patriotism and courage in their son, whose military accomplishments have made them justly proud.

Born in Englewood, Captain Cherrey was raised in Dumont and graduated from Dumont High School. He attended Stevens Institute of Technology on an ROTC scholarship, graduating with a bachelor's degree in engineering physics before starting active duty in 1989.

Mr. Speaker, retention of the best and brightest has become a serious problem in the military. These highly trained, highly talented experts excel in their fields and often love their military jobs—yet they know they could provide a more prosperous, more stable life for their families in the private sector. National heroes like Captain Cherrey are no exception.

While Captain Cherrey was in Washington for the State of the Union Address, his wife, Lisa, remained behind in Germany with their 4-year-old son, Andrew, and 9-month-old daughter, Jenna. Like many members of the military, deployments and temporary duty assignments have caused Captain Cherrey to endure long separations from his family, a situation particularly painful for those with young children at home. While these separations are a fact of military life, we in Congress must do all we can to ensure that military families are provided with decent housing, schools, services, and other amenities that help in a small way to make up for the absence of their loved ones. As John Milton said, "They also serve who * * * stand and wait."

Mr. Speaker, we are proud of the men and women of our armed forces and owe them our full support. I ask my colleagues in the House of Representatives to join me in congratulating Captain John Cherrey and in pledging him and his fellow airmen, sailors, soldiers and marines that support.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. TIAHRT. Mr. Speaker, on January 31, I was unavoidably detained and missed roll call vote numbers 2 and 3. Had I been present, I would have voted "yes" on H. Con. Res. 244, Permitting the Use of the Capitol Rotunda to Commemorate Victims of the Holocaust; and "yes" on H.R. 2130, the Hillory J. Farias Date-Rape Prevention Drug Act of 1999. I would request that my statement be placed in the appropriate location in the CONGRESSIONAL RECORD.

IN MEMORY OF COLONEL CHESTER B. McCOID of MIDDLETOWN, CT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to honor the memory of Colonel Chester B. McCoid of Middletown, CT. Colonel McCoid, who passed away on January 2, was a true American Hero, a veteran of three of the century's largest military conflicts and a patriot of the highest order.

Colonel McCoid began his 34 year military career by concealing his age to enlist in the Army in World War II. The Colonel became a member of the fabled 82nd Airborne Division and parachuted into Normandy on D-Day. Wounded by ground fire before even exiting the aircraft, Colonel McCoid nevertheless landed with his unit and moved to carry out its mission. Steve Ambrose has recently written a testament to the extraordinary efforts of the men who struggled ashore on Utah and Omaha beaches and parachuted into the Norman countryside on June 6, 1944. In assessing the success of the Allied campaign on D-Day, Mr. Ambrose concluded that ". . . in the end success or failure in Operation Overlord came down to a relatively small number of junior officers, noncoms, and privates or seamen in the American, British, and Canadian armies, navies, air forces, and coast guards." Colonel McCoid and other brave young men made the difference that day and laid the foundation for defeating the Nazis in Europe.

After recovering from his wound, Colonel McCoid returned to active duty and was again wounded in combat. Following the War, he received a commission in the Army. He went on to serve in Korea and in a number of positions in the Pentagon before beginning duty in Vietnam in 1966. Over the next eight years, Colonel McCoid would spend fifty-one months on active duty commanding the 2nd Brigade, 1st Cavalry Division and acting as Deputy Commander of the Independent 1st Brigade, 101st Airborne Division. Near the end of the American involvement in the conflict, Colonel McCoid headed the American Element of the Four Party Military Commission encompassing the City of Da Nang and three surrounding provinces. In this capacity, he directly participated in negotiating the terms under which American forces would withdraw. On March 29, 1973, Colonel McCoid was the last ground force soldier outside of Saigon to leave Vietnam.

Colonel McCoid received many decorations and awards during his military career, including the Distinguished Service Medal, the Silver Star, five Legions of Merit, five Bronze Stars and two Purple Hearts. The Colonel is one of less than 300 Americans who have been awarded the Combat Infantry Badge three times. This honor is bestowed on American service men and women who have been engaged in direct combat with enemy forces.

Although these awards tell us much about the Colonel's bravery and valor, we can learn as much about his character based on an account of a decoration he would not accept. According to retired Army Colonel John Collins, Colonel McCoid refused to accept the Distinguished Service Cross for his actions in Southeast Asia. Colonel McCoid declined saying that he had done much more in World War II and didn't receive the medal so he didn't see why he should receive it later in his career. Colonel McCoid made a powerful statement about honoring veterans who came before—and later—by declining to accept an award he did not believe he had earned.

Mr. Speaker, Colonel Chester B. McCoid was an American hero. He answered his nation's call to service and distinguished himself at every turn. He helped to ensure the freedom of the world and to safeguard the rights we hold so dear. I extend my sympathy to his family and ask all members to join me in remembering Colonel McCoid for his extraordinary service to our country.

HONORING A FORMER STATE SENATOR, WILLIAM SMITH "BILL" GARNSEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause to remember the life of William Smith "Bill" Garnsey who sadly passed away, he was 88 years old.

Bill was born on November 5, 1911 in Billings, Montana. He moved to Greeley, Colorado with his family in 1919. Bill graduated from Yale University with letters in football and crew.

Bill was elected to the State Senate in 1967 and served until 1975. He was the chair of the Finance and Business and Labor committees. Bill was a strong supporter of the University of Northern Colorado and was instrumental to the institution when it was granted University status. In 1966, Bill received an honorary doctorate from the University of Northern Colorado for his services to that esteemed institution of higher education.

It is with this, Mr. Speaker, that I would like to pay tribute to Bill Garnsey. He was dedicated to serving the people of Colorado and will be missed by all those who knew him. Bill's service will long be remembered by the people he served in Colorado.

TRIBUTE TO STEVE JACKSON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Steve Jackson for his hard work and dedication which have earned him the honor of Firefighter of the Year for the City of Montclair.

Mr. Jackson was selected as Firefighter of the Year based on his dedication and perserverence in completing a very difficult paramedic certification program. The Montclair Fire Department does not currently have a paramedic program so Mr. Jackson completed his training during his personal time off using educational grant money. The certification required six months and a minimum of 1,032 hours to complete. As a member of the Montclair Fire Department's Emergency Medical Service (EMS) Committee, Mr. Jackson is now trying to bring a paramedic training program to Montclair.

I commend Mr. Jackson for his desire to improve himself and be excellent in his work.

THE WHITE CLAY CREEK WILD AND SCENIC RIVERS ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. CASTLE. Mr. Speaker, I rise today with my colleague JOE PITTS to introduce legislation to officially designate White Clay Creek and its tributaries as part of the National Park Service's National Wild and Scenic Rivers System.

This bill is the culmination of over 30 years of grassroot efforts to bring attention to the unique qualities of White Clay Creek and to build consensus to protect its beauty from the adverse consequences of urban sprawl. White Clay Creek is located in the densely populated area between Philadelphia, Pennsylvania and Newark, Delaware. Eight million people live within two hours of the watershed.

White Clay Creek is worth protecting. There are 38 properties in the watershed that have been listed on the National Register of Historic Places. In addition, the watershed is home to three endangered plant species and 100 more plant species of "special concern" to the State of Delaware. With regard to wildlife, the endangered bog turtle is found in the watershed along with 38 "rare" animal species on Delaware's list of "special concern." Because the watershed is located in the middle of the Atlantic Flyway, it is the northern boundary for many southern species of birds and the southern boundary for many northern species of birds. In total, there are about 200 bird species in the watershed, including the American Bald Eagle. White Clay Creek serves as a vital source of drinking water for New Castle County, Delaware and Chester County, Pennsylvania. Finally, White Clay Creek watershed is a popular location for fishing (particularly trout fishing), hiking, jogging, swimming, birdwatching, horseback riding, skating, sledding, cross-country skiing, photography, and limited deer hunting.

In September 1999, the National Parks Service released its final report, as ordered by Congress in the 1992 amendments to the National Wild and Scenic Rivers Act, recommending the size and scope of the Wild and Scenic designation for White Clay Creek. The study confirmed the beliefs of the citizens living in the watershed that there was popular support for protecting the watershed's natural, historic, and recreational resources. In fact, 89% of the landowners surveyed agreed to support land use regulations and programs to conserve and protect the watershed. At the same time a majority believed that there must be room for planned residential, commercial, and industrial growth.

Therefore, a White Clay Creek Task Force of private landowners, river-related organizations, and all levels of government developed the White Clay Creek Management Plan to designate a total of 191 miles, 24 miles as scenic and 167 miles as recreational, of White Clay Creek as suitable for the National Wild and Scenic River System. All fifteen of the local governments in the watershed, including the City of Newark and New Castle County, passed resolutions supporting the management plan. The designated scenic areas flow through the White Clay Creek Preserve, the White Clay Creek State Park, and the Middle Run Natural Area.

Mr. Speaker, I would like to take this opportunity to describe exactly what it means and what it does not mean for White Clay Creek to be designated wild and scenic. This bill means that the river receives permanent protection from federally-licensed or assisted water resource projects (dams, diversions, channelization, etc.) that would have a direct and adverse effect on its free-flowing condition or outstanding remarkable resources. It does not mean that existing wastewater treatment plants or potential reservoir sites cannot be expanded to accommodate carefully planned residential, commercial, and industrial growth. New Castle County is actively seeking solutions to water shortage problems, and this bill does not limit options that are in the best interests of the citizens of Delaware. The legislation does not open private lands to public access, nor does it usually affect existing uses of private property. This legislation does not replace the authority of state, county, and municipal governments to regulate land use in the watershed. In fact, there are no federal lands within the watershed and this bill does not authorize federal funds to be used to purchase land. It simply prohibits federal funds from being used to interfere with the free-flowing nature of the river or its unique resources. In doing so, it elevates the status of the river in competing for federal preservation grants. Finally, it mobilizes the states, local governments, and communities in the watershed to work together to preserve this unique, free flowing river.

Mr. Speaker, clearly the combination of White Clay Creek watershed's unique features and the strong local support for protecting the watershed justify its designation as a wild and scenic river. I hope the House Resources Committee will make it a priority to hold hearings on this bill. I am confident the Committee will agree that federal funds should not be used to obstruct the free flow or harm the unique resources of White Clay Creek.

HONORING THE DISTINGUISHED CAREER OF PAUL SCHAFER UPON HIS RETIREMENT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

> Paul Schafer has spent his life serving the people. He was born June 15th, 1933 to Franklin and Mary Davis Schafer. Paul was the youngest of five children who grew up near Bethesda, Ohio. Paul served in the U.S. Army from 1953 to 1955 in Korea and Japan. In 1953, he married Mary Ellen Dougherty and the couple had three children Cindy, David and Doug.
>
> Paul's career with the Ohio Department of Transportation began in July of 1978 as he served as Highway Maintenance Superintendent, a position he held until 1983. That year, he became Project Inspector of Construction. Throughout his career with ODOT, Paul also served as Construction Project Specialist, Technical Supervisor, and Transportation Manager.
>
> In addition to all of these efforts, Paul has also been an active member of his community. He is a member of the Bethesda United Methodist Church and serves on the church administrative board. Paul is also a member of the Hazen Lodge 251 F & AM, the American Legion Epworth Post #90, and the Belmont Bethesda Rotary Club. He is also a former member of the Belmont County Republican Central Committee.

Mr. Speaker, I ask that my colleagues join me in honoring the career of Paul Schafer. His lifelong service and commitment to Belmont County is to be commended.

SOUTH BRONX MENTAL HEALTH COUNCIL, INC., NINTH PATIENT RECOGNITION AND EMPOWERMENT DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SERRANO. Mr. Speaker, I rise today to once again pay tribute to the South Bronx Mental Health Council, Inc., which tomorrow will celebrate its ninth annual "Patient Recognition and Empowerment Day."

Created in 1968 as Lincoln Community Mental Health Center, the South Bronx Mental Health Council, Inc., is a community-based organization which provides treatment and mental health services to the local population and to area schools and senior centers. It is committed to helping empower its patients and their families through the rehabilitation of patients and their reintegration in their communities.

All of us, I am sure, have known someone who, whether we were aware of it or not, struggled with some form of mental illness. Tragically, a suicide or other crisis is all too often our first—and only—indication of the individual's suffering.

While it is important, and appropriate, to recognize the care givers who provide these services, it is even more important that those individuals who have made special efforts to overcome their challenges also receive our attention and support.

Mr. Speaker, I ask my colleagues to join me in saluting our friends at the South Bronx Mental Health Council, who on Friday, January 28, will celebrate the eighth annual Patient Recognition and Empowerment Day.

IN MEMORY OF ROGER V. LAFRANCOIS OF JEWETT CITY, CT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today in memory of Roger V. LaFrancois who was an extraordinary figure in sports in eastern Connecticut for decades. Roger LaFrancois exemplified good sportsmanship, the spirit of competition and fairness.

Roger LaFrancois was a legendary player and official in Connecticut. He started his career as a catcher for several minor league baseball teams. He also served as a scout for the Houston Astros professional baseball team. However, he is most widely known in eastern Connecticut as an umpire on the field and as the long-time Commissioner of the International Association of Approved Basketball Officials Eastern Board No. 8 after many years as a top-flight basketball referee in the high school ranks. As Commissioner, Roger managed officiating schedules for more than 80 high schools, 200 officials and thousands of baseball and basketball games. According to the Norwich Bulletin, Roger accomplished this incredible feat of organization using only a 3-ring binder.

Roger LaFrancois was a presence behind home plate at countless baseball games throughout Windham and New London counties. According to people who knew him best, Roger had a great impact on players and other umpires on the baseball diamond. He is well-remembered for his absolute fairness, calm demeanor and the complete respect he received from players and coaches alike. However, he was much more than an official. He was a mentor to hundreds of young athletes and aspiring umpires. Officials across eastern Connecticut have spoken about how Roger taught them about the game, and life.

Mr. Speaker, I join residents across our region in expressing my sympathy to his family. We can take comfort knowing that Roger LaFrancois' memory will live on in eastern Connecticut through the players and officials he has touched.

2000 COLORADO BUSINESS HALL OF FAME INDUCTEE, ALLAN PHIPPS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an inductee for the 2000 Colorado Business Hall of Fame, Mr. Allan Phipps.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present, publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system. From their ownership of the Denver Broncos to the innovation that has preserved the Winter Park ski area, one cannot look at the history of Colorado and not find evidence of the Phipps' brothers outstanding accomplishments.

Allan was born on October 3, 1912, in Denver, Colorado. For generations, the Phipps family has been important to Colorado. Lawrence Phipps Sr. was a United States Senator and his wife, Margaret Rogers Phipps, was the founder and president of the Denver Symphony.

Allan loved Denver, but when Congress declared war on Japan in 1941, he joined the

United States Navy. After the war he returned to Colorado. Allan practiced law.

Allan and his brother, Gerald, purchased the Denver Broncos franchise and turned expenses into revenue. Their purchase was instrumental in keep the Broncos in Colorado.

Allan was also very active in the community through civic organizations and boards. He served on the board of trustees for the Denver Museum of Natural History, board of managers for Columbia Presbyterian-St. Luke Hospital, was active on the boards for the Denver Symphony Society, Red Rocks Summer Festival, Williams College, Graland School and Clayton College.

Sadly, Allan Phipps passed away in 1997. Many people have been inspired by the leadership of Allan Phipps and even more have respected him.

It is with this, Mr. Speaker, that I would like to recognize an inductee of the 2000 Colorado Business Hall of Fame, Mr. Allan Phipps, a truly great businessman and American.

COMMENDING MEL WOODS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Mr. Mel Woods for his work to improve mental health services for Californians.

Mr. Woods worked tirelessly to promote legislation to improve access to medication that treats schizophrenia. As a result of his work, Californians suffering from schizophrenia have access to medications that help them live happy and productive lives, without fear of debilitating side effects.

With the retirement of Mr. Woods, California has lost a strong advocate for Mental Health care. We commend Mr. Woods for his effort, and wish him a rewarding retirement.

DR. KAREN FORYS SELECTED AS WASHINGTON STATE SUPERINTENDENT OF THE YEAR

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. INSLEE. Mr. Speaker, I rise today to pay tribute to an outstanding educator in my district, Dr. Karen Forys. The Washington Association of School Administrators recently selected Dr. Forys, the Northshore School District Superintendent, as Washington State Superintendent, 2000. The Northshore School District is responsible for over 20,000 students in King and Snohomish Counties, and is the eighth largest school district in Washington State.

Dr. Forys, in her sixth year at Northshore, has served as superintendent in the Clover Park and Riverview School Districts. She obtained her Ph.D. at the University of Arizona and conducted post-gratuate work at Columbia University.

The support that Dr. Forys receives from the teachers, parents, and board members is indeed inspiring. They all recognize Dr. Forys as an educational leader in her unwavering commitment to the students of Northshore. The deep level of respect and admiration can be seen in the Northshore School District's nomination letter. They write:

> . . . Clearly, Karen exemplifies excellence in educational leadership . . . She is steadfast in providing varied learning opportunities, teaching styles and career choices for our students. Karen Forys personifies our District's mission statement. She truly seeks to strengthen our community through excellence in education.

I am also proud that Dr. Forys was among the first to champion High Tech Learning Centers (HTLCs) for every high school. Thanks to Dr. Forys' vision, HTLCs currently prepare high school students for post-secondary education in information technology and for careers in these fields. She clearly recognizes that the students of today must receive a high tech education in order to make them competitive in the global economy of the 21st century. This is particularly important for the 1st Congressional District, home to many exciting and innovative software, electronic, and biotech companies.

I am proud to have school administrators like Dr. Forys preparing our students for the future, and I ask my colleagues to join me in congratulating Dr. Forys as Washington State Superintendent, 2000.

IN MEMORY OF THE HONORABLE RUSSELL J. McFATRICH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of the Honorable Russell J. McFatrich of Sedalia, MO.

Russell McFatrich was born May 14, 1923, near Bahner, MO, a son of James H. and Cleo E. Rhodes McFatrich. He was an active member of his community, generously sharing many of his diverse interests and talents. In 1965–66, he and his wife received the State and County Extension Farm Management Award. Mr. McFatrich served as Pettis County Commissioner for the Eastern District from 1975 to 1979. He was a board member of many organizations, including the Salvation Army, Production Credit Association, Mid-America Dairymen, Farm and Home Administration, the Children's Therapy Center, Community Bank, and the County Extension Council. He also was a member of Rotary and was named Rotarian of the Year in 1994 and a Paul Harris Fellow.

Russell McFatrich was a 4–H leader, a State Fair Statesmen, and a member of Sedalia Knife and Fork. He also sang tenor beautifully and was asked to sing at many weddings, funerals, church services and community events. He was a life-long United Methodist Church member and attended the New Bethel United Methodist Church.

I know the Members of the House will join me in extending heartfelt condolences to his family: his wife of 54 years, Helen Lucille Franklin McFatrich; his son, Jerry; his two daughters, Carolyn and Mitzi; his mother, his brother and four sisters, seven grandchildren, and five great-grandchildren.

2000 COLORADO BUSINESS HALL OF FAME INDUCTEE, MR. GERALD PHIPPS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an inductee for the 2000 Colorado Business Hall of Fame, Mr. Gerald Phipps.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present, publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system.

From their ownership of the Denver Broncos to the innovation that has preserved the Winter Park ski area, one cannot look at the history of Colorado and not find evidence of the Phipps' brothers outstanding accomplishments and contributions.

Gerald Phipps was born on March 4, 1915, in Denver, Colorado. For generations, the Phipps family has been important to Colorado. Lawrence Phipps, Sr. was a United States Senator and his wife, Margaret Rogers Phipps, was the founder and president of the Denver Symphony.

When Congress declared war on Japan in 1941, Gerald joined the United States Navy. After the war he returned to Colorado. Gerald's construction company, Gerald H. Phipps, Inc., built the Boettcher Conservatory at the Botanic Gardens, the business administration building and general classroom building at the University of Denver, and recently the company has begun work on the new Denver Bronco football stadium.

Gerald and his brother, Allan, purchased the Denver Broncos franchise and turned expenses into revenue. Their purchase was instrumental in keeping the Broncos in Colorado.

They were also very active in the community through civic organizations and boards. Gerald was the first and only non-player member of the Denver Broncos Ring of Fame, president of Gerald H. Phipps, Inc., Colorado College Board of Trustees, Diocese of Colorado Board of Trustees and various hospital projects throughout Colorado.

Sadly, Gerald passed away in August of 1993. Many people have been inspired by the leadership of Gerald Phipps and even more have respected him.

It is with this, Mr. Speaker, that I would like to recognize an inductee of the 2000 Colorado Business Hall of Fame, Mr. Gerald Phipps, a truly great businessman and American.

NATIONAL BIOTECHNOLOGY MONTH

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. BILBRAY. Mr. Speaker, I rise today to recognize and celebrate the designation of January as "National Biotechnology Month."

Today, Americans are living longer and healthier lives, thanks in part to modern medicine. Death rates from heart disease, cancer, and stroke are going down, and hundreds of new medicines are being developed to combat diseases, including Alzheimer's, Parkinson's, and arthritis.

Biotechnology not only creates new medicines and treatments, but it also improves the livelihood of individuals and our community at large. More than 212,000 Californians are employed due to biomedical research and development, earning an average salary of $64,000. They are developing products that generate more than $4.2 billion in exports. In San Diego, the University of California at San Diego, Scripps Research Institute, and the Salk Institute lend their expertise to and participate in a biotechnology cluster of over 27,000 jobs. In addition, San Diego County is privileged to have hundreds of small start-up biotech companies producing innovative and life-saving drugs, biologics and devices.

Mr. Speaker, as a follow-up to a CALBIO Summit meeting in which Congressman BURR and I participated this past fall, I followed up with many of the biotechnology companies that are members of BIOCOM, San Diego. What I learned from these technology leaders is that Congress must work to assist these companies and enable them to produce these life-saving drugs and devices, while not hindering their growth and innovation.

For example, every company that I met with expressed their frustration with the lack of stability in securing reimbursement from the Health Care Financing Administration (HCFA). Not only do these companies have to work their way through the FDA approval process, but after they toil for years and finally receive FDA approval, they then have to begin an often arduous fight with HCFA to receive adequate reimbursement for their products. Mr. Speaker, I have had companies in my district dissolve because they have lost the battle with HCFA, after receiving approval for their products from the FDA. We must address this serious issue and develop a solution to ensure that these companies do not become financially insolvent as a result of bureaucratic delay.

While this is a serious problem faced by the biotech industry, we must also praise their hard work and innovation, which improves all of our lives and the community at large. I commend the biotechnology industry and the many companies in California and San Diego that are producing innovative and life-saving drugs and devices. I urge my colleagues to lend their support and appreciation to this crucial and resourceful industry.

A TRIBUTE TO DEACONESS ROSA A. JENNINGS, LIFELONG DISTRICT OF COLUMBIA RESIDENT, JANUARY 26, 1914–JANUARY 26, 2000

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Ms. NORTON. Mr. Speaker, Deaconess Rosa Jennings, affectionately referred to as "Rosie", was born in Freedman's Hospital, Washington, DC. She resided in the District of Columbia until her husband's death, in 1994. Rosa Jennings was the daughter of the late Wallace and Mary Toles. She committed her life to Christ in her early teens and she had been a member of the 12th Street Christian Church for her entire adult life. She loved her church and was willing to lend a helping hand. She was very active in the flower club, and the nursing unit. She also found time to sing in the Senior Choir, and ultimately became a faithful Deaconess.

Ms. Jennings was educated in the Washington, DC public school system, graduating from M Street High (Dunbar High School). She completed two years of higher education at Minor Teacher's College. She was a Federal service employee for over 36 years, retiring as a military personnel supervisor at the Pentagon. She received several letters and certificates of commendation and appreciation, during her Federal service.

Rosie was actively involved in volunteer community organizations, within the Washington, DC area, following her retirement from the Federal Government. As a longstanding resident of Washington, DC, she served as a volunteer worker at various voting poll locations, during every city-wide election. She loved caramel popcorn and looked forward to attending the Circus each year. She was a very quiet person in nature, but her presence was felt by all that knew her.

Peacefully, on Wednesday, January 26, 2000 (her birthday), she quietly obeyed God's call to enter his holy gates. She fought the battle, keeping the faith, and now is resting in peace. She was preceded in death by her husband William Jennings, her three siblings, Arthur Toles, Gladys King, Lois Akins, and a loving daughter, Theresa Curtis and her husband, Everett Curtis.

She leaves behind to mourn her loving daughter Sylvia B. Miller, and her husband, Vandy L. Miller; eight grandchildren—Kerwin Miller, Karen Saunders, Karmen Miller, William Jennings, Lois Williams, Joyce Middleton, Michelle Curtis and Everett Curtis, Jr.; five great grandchildren—Robyn Williams, Markia Burch, LaShawn White, Phillip Brooks and Vandy Brooks; a loving niece and nephew, Rosa Lee and Monty Denny; three grandsons-in-law—Russell Saunders, Gregory White and Bobby Williams; five sisters-in-law-Carrie Toles, Belle Jennings, Margaret Hargrove, Hazel Williams, Gwen Anderson; and a host of other relatives and friends.

CONTINUED SUPPORT FOR A FREE TIBET

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GUTIERREZ. Mr. Speaker, I rise today to give my full support once again to the work of Chicago civil and human rights leader Reverend Ronald I. Schupp, who is embarking on his fourth annual peaceful twenty-four hour fast and vigil outside of the Chinese Consulate in Chicago. Reverend Schupp is calling upon the government of the People's Republic of China to grant independence to Tibet and its people.

His vigil will be held on March 10, the day that is known each year as Tibetan National Day. This day recognizes the ongoing efforts and continuing struggle of the Tibetan people to gain their freedom.

The fourteenth Dalai Lama, who in 1989 won the Nobel Peace Prize for his continuing efforts for a non-violent and peaceful solution to end the occupation of Tibet, is still laboring ceaselessly to accomplish this goal. I fully support Reverend Schupp and the vigil he is undertaking once again.

HONORING CHARLES H. GREEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to remember the life of a man that will be missed by all those who knew him, Charles H. Green who passed away while visiting friends in Arkansas on November 24, 1999.

Mr. Green was born on September 29, 1933, in Kansas City, Missouri to Dorris Irwin and Henry Green. He was raised in Chicago and studied electrical engineering at DeVrey Institute. Charles displayed loyalty to his country by serving in the United States Army for two years.

Mr. Green relocated to Glenwood Springs in 1972. He was the owner of Summit Heating and Sheet Metal, worked in real estate and then established Air Maintenance Company. Charles liked to travel across the country and in Canada and Mexico. Charles loved boating, hiking and was pursuing his lifelong dream of learning to fly.

It is with this, Mr. Speaker, that I wish to remember Mr. Charles H. Green for being a loving and caring person that will be missed by all those who knew him.

HONORING ERIN BREEZE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Erin Breeze, one of my constituents from Nederland, Colorado who was one of twelve Americans selected as an inaugural George J. Mitchell Scholar.

Erin was selected from more than 250 applicants in a nationwide competition to pursue one year of post-graduate study at a university in Ireland or Northern Ireland. The scholarship is named in honor of former Senator George Mitchell's contribution to the Northern Ireland peace process and is awarded to individuals who have shown academic distinction, commitment to service and potential for leadership. Indeed, Erin has rose to the occasion. Erin will graduate in May with a degree in International Affairs from the University of Colorado. She is a Dean's Scholar, recipient of a service learning scholarship and member of numerous honor societies.

Erin spent a year as a volunteer for AmeriCorps, where she completed 1800 hours of service in the areas of education, environment, and public safety. While tutoring first and second grade students in San Diego, CA, Erin also assisted the school district in assessing the needs and conditions of primary and secondary schools. Additionally, after becoming a certified wildland firefighter, she helped develop a community education project with the Flagstaff Fire Department in Flagstaff, AZ and provided disaster relief to residents in Lama, NM following a forest fire.

As an intern for the Youth Volunteer Corps in Santa Rosa, CA, Erin designed an educational seminar to teach seventh grade students about the subject of child labor. She then led a group of students through the organization and completion of a school supplies drive for their peers in the Philippines. Recently, Erin returned from Geneva, Switzerland where she was an intern at the International Peace Bureau and The Hague Appeal for Peace.

As a George J. Mitchell Scholar, Erin will be enrolled at the University of Limerick for a master's degree in Peace and Development Studies. Her long-term goal is to pursue a career in which she can facilitate collaborative approaches to peacebuilding.

Mr. Speaker, for the past year we have heard so much about how our young people are being led astray and turning to violence. However, from my visits with young people in my district, I have seen how they are showing great promise for our nation's future. Erin Breeze is one of those promising individuals who is making a difference both in her local community and the global community. Because of her unswerving dedication and talent, I have no doubt that Erin will be a future world leader for peace.

NATIONAL BIOTECHNOLOGY MONTH

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GREENWOOD. Mr. Speaker, I rise today on behalf of myself and Representative CLIFF STEARNS to recognize January 2000 as National Biotechnology Month.

It is fitting that in the first month of this new year, at the start of a new century, we look to biotechnology as our greatest hope for the future.

Mapping the human genome, for example, is ahead of schedule and nearly complete. That achievement, begun 10 years ago, will rank as one of the most significant advances in health care by accelerating the biotechnology industry's discovery of new therapies and cures for our most life-threatening diseases.

Biotechnology not only is using genetic research to create new medicines, but also to improve agriculture, industrial manufacturing and environmental management.

The United States leads the world in biotechnology innovation. There are approximately 1,300 biotech companies in the United States, employing more than 150,000 people. The industry spent nearly $10 billion on research and development in 1998. Although revenues totaled $18.4 billion, the industry recorded a net loss of $5 billion because of the expensive nature of drug development.

In 1999, the U.S. Food and Drug Administration (FDA) approved more than 20 biotechnology drugs, vaccines and new indications for existing medicines, pushing the number of marketed biotech drugs and vaccines to more than 90. Total FDA biotech approvals from 1982 through 1999 reach more than 140 when adding clearances for new indications of existing medicines. The vast majority of new biotech drugs were approved in the second half of the 1990s, demonstrating the biotechnology industry's surging proficiency at finding new medicines to treat our most life-threatening illnesses.

Biotechnology is revolutionizing every facet of medicine from diagnosis to treatment of all diseases. It is detailing life at the molecular level and someday will take much of the guesswork out of disease management and treatment. The implications for health care are as great as any milestone in medical history. We expect to see great strides early in this century.

A devastating disease that has stolen many of our loved ones, neighbors and friends is cancer. Biotechnology already has made significant strides in battling certain cancers. This is only the beginning.

The first biotechnology cancer medicines have been used with surgery, chemotherapy and radiation to enhance their effectiveness, lessen adverse effects and reduce chances of cancer recurrence.

Newer biotech cancer drugs target the underlying molecular causes of the disease. Biotech cancer treatments under development, such as vaccines that prevent abnormal cell growth, may make traditional treatments obsolete. In addition, gene therapy is being studied as a way to battle cancer by starving tumor cells to death.

Many biotech drugs are designed to treat our most devastating and intractable illnesses. In many cases these medicines are the first ever therapies for those diseases. For example, advancements in research have yielded first-of-a-kind drugs to treat multiple sclerosis and rheumatoid arthritis as well as cancer.

Other medicines in clinical trials block the start of the molecular cascade that triggers inflammation's tissue damaging effects in numerous disease states. In diseases, such as Alzheimer's, Parkinson's and Huntington's, clinical trials are under way to test a variety of cell therapies that generate healthy neurons to replace deteriorated ones. Recent breakthroughs in stem cell research have prompted experts to predict cures within 10 years for some diseases, such as Type I (Juvenile) Diabetes and Parkinson's.

With more than 350 biotechnology medicines in late-stage clinical trials for illnesses, such as heart ailments, cancer, neurological diseases and infections, biotechnology innovation will be the foundation not only for improving our health and quality of life, but also lowering health care costs.

In the past two years Congress has increased funding for the National Institutes of Health's basic research programs by 15 percent per year. We are 40 percent of the way toward doubling the NIH budget. Health-care research, however, is not one-sided. The public funds we provide are for basic research. The private sector takes this basic science and then spends many times more than what the government has contributed to create new drugs and get them to patients. In today's world, biotechnology companies are among the greatest innovators and risk takers.

Biotechnology also is being used to improve agriculture, industrial manufacturing and environmental management. In manufacturing, the emphasis has shifted from the removal of toxic chemicals in production waste streams to replacement of those pollutants with biological processes that prevent the environment from being fouled. And because these biological processes are derived from renewable sources they also conserve traditional energy resources. Industrial biotechnology companies are the innovators commercializing clean technologies and their progress is accelerating at an astonishing rate.

In agricultural biotechnology, crops on the market have been modified to protect them from insect damage thus reducing pesticide use. Biotech crops that are herbicide tolerant enable farmers to control weeds without damaging the crops. This allows farmers flexibility in weed management and promotes conservation tillage. Other biotech crops are protected against viral diseases with the plant equivalent of a vaccine. Biotech fruits and vegetables are tastier and firmer and remain fresher longer.

The number of acres worldwide planted with biotech crops soared from 4.3 million in 1996 to 100 million in 1999, of which 81 million acres were planted in the United States and Canada. Acceptance of these crops by farmers is one indication of the benefits they have for reducing farming costs and use of pesticides while increasing crop yields.

Biotech crops in development include foods that will offer increased levels of nutrients and vitamins. Benefits range from helping developing nations meet basic dietary requirements to creating disease-fighting and health-promoting foods.

Biotechnology is improving the lives of those in the U.S. and abroad. The designation of January 2000 as National Biotechnology Month is an indication to our constituents and their children that Congress recognizes the value and the promise of this technology. Biotechnology is a big word that means hope.

A MODEL OF COMMUNITY SERVICE FROM SOUTHWEST MISSOURI

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. BLUNT. Mr. Speaker, I rise today to commend a resident of the Seventh Congressional District of Missouri who can teach all of us something about commitment. Jerry L. Sumners Sr. has touched his community in Aurora, Missouri. His philanthropy and vision have given new and expanded opportunities to his community to grow and develop services and facilities that have benefited kids, the environment and the city's business climate.

Jerry Sumner's full time job is running Service Vending Company, a multi-state enterprise with 50 employees. The firm specializes in the sale of gumballs, treats and toys from coin-operated dispensers found in most supermarkets and convenience stores. The company that earns two-bits a sale, has given Jerry the ability to be a civic dynamo—a role he takes very seriously. He may be Aurora, Missouri's greatest cheerleader. Jerry Sumners has unselfishly given his time, energy and support to his community.

Jerry's approach to business and life is simple and direct. "Be organized, do things the same way all the time; get the facts; don't tell me the problem, give me the solution."

Jerry, an avid pilot, understood the need for expanding the city's airport. In 1999 he donated $100,000 to the Aurora Airport to extend the present runway. That same year he provided a major gift to build a concession stand at Aurora's Baldwin Park with an additional gift to add dressing rooms for the baseball players to be completed by 2002.

Between 1990 and 1998, it was Jerry Sumners who contributed at least $180,000 to expand the Little League program from one baseball field to four. Jerry Sumners annually sponsors various baseball, basketball, softball and soccer squads. Jerry has given significant donations to the Aurora Main Street program to modernize the look of the business community and was a major supporter of the city's Christmas lights project. Jerry Sumners has sponsored the annual Applefest pageant in Marionville the last two years and is a leading sponsor in the annual 4th of July fireworks in Aurora.

When a local youth sports team wants to compete on the road, Jerry makes sure they have the resources to go. He also contributed to the new band building at Southwest Missouri State University and to improvements at the Wilson's Creek National Battlefield near Springfield.

Jerry's company has prospered in the small town setting. His family of four sons and two daughters have gone to school and grown up in Aurora. Jerry and wife, Theresa, are both active in the community and live on a 300 acre farm where they raise cattle.

In short, if it has something to do with improving the community of Aurora or adding to the quality of life, chances are that Jerry Sumners has taken an active role in it. He has earned the title of "community leader."

Saturday, January 29, the Aurora Chamber of Commerce gave Jerry L. Sumners Sr. their highest honor—"The Community Service Award"—in recognition of his contributions to improve the community. Jerry, who turned 65 on January 27, has no plans to either slow down or end his commitment to the betterment of his community.

I know my colleagues in the House join with me in honoring him for his dedication and his commitment to his community, neighbors and his friends.

HONORING DAVID BRYCEON PALO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to ask that we all pause for a moment to remember a man that many knew and loved, David Bryceon Palo. Sadly, Mr. Palo died on November 15, 1999.

Mr. Palo was born on November 9, 1930, to Andrew and Janet Lucile Walsh Palo in Great Falls, MT. He attended the University of Colorado on a NROTC Scholarship and was then commissioned into the U.S. Navy. He served as a line officer aboard the carrier USS *Rendova* and also served aboard the USS *Firm*. After his service in the Navy, Mr. Palo returned to the University of Colorado to attend law school. Mr. Palo worked with the law firm of Adams, Heckman, Traylor & Ela before starting one of his own in Grand Junction.

After retirement, Mr. Palo served on many boards and committees in his community. He was a very active individual that cared a great deal about the betterment of his community.

Mr. Palo will be remembered as a great public servant, a devoted husband, father, grandfather, uncle, and a committed Christian. He is survived by his wife, Margaret Palo, a son, daughter, granddaughter, and nieces and nephews. Like his family, we will all miss Mr. Palo's friendship and service.

IN RECOGNITION OF GEORGIA O'BRIEN'S 30TH YEAR OF SERVICE TO RESIDENTS OF MINNESOTA'S FIFTH CONGRESSIONAL DISTRICT

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SABO. Mr. Speaker, today I would like to recognize a member of my staff, Georgia O'Brien, as she marks her 30th year of service on behalf of the constituents of Minnesota's Fifth Congressional District.

Georgia O'Brien has served as a caseworker in my Congressional office in Minneapolis since I began my tenure as a United States Representative in 1979. Prior to joining my staff, Georgia served on the staff of my predecessor in the United States House of Representatives, the Honorable Don Fraser (D–MN), from 1970 to 1978.

Since the day she joined my staff—and, I am certain, during the years she spent serving in the office of Congressman Fraser—Georgia has served as a tireless advocate on behalf of those residents of the Fifth Congressional District who have needed federal assistance in resolving a problem.

Georgia has proven herself an invaluable asset to my office through her countless hours of hard work, commitment to public service, and success in resolving problems for so many constituents. I am proud to count her as a member of my staff.

Mr. Speaker, today I congratulate Georgia O'Brien for 30 years of thoughtful service to the citizens of Minnesota's Fifth Congressional District. I thank Georgia for the 21 years she has served on my staff, and I am confident that she will continue working hard to improve the lives of many more Minnesotans in the years to come.

IN MEMORY OF JAMES R. "JIM BOB" WALLACE OF BELLAIRE, OH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. NEY. Mr. Speaker, I rise today in memory of James R. "Jim Bob" Wallace, who passed away on January 20, 2000. James was born on March 5, 1924 to Everett "Dick" and Jenny Irene Darnley Wallace.

Mr. Wallace, a veteran of World War II, was a member of American Legion Post 52, Disabled American Veterans Post 117 and VFW Post 626, of which he was past commander. But his service was not limited to the military, James went out of his way to be an active member of his community as well. He was a member of Neffs United Methodist Church, the Fraternal Order of Eagles 456, the Order of Elks 419, the Sons of Italy 754 and served as the past president of the Timberwolf Association.

Mr. Speaker, it is a privilege for me to pay my last respects to a man who gave so much of himself to his country, his community and his family. James will be missed by all whose lives he touched. I am honored to have represented him and proud to call him a constituent.

TRIBUTE TO RETIRING LAKE CITY ARMY AMMUNITION PLANT EMPLOYEE DALE T. POLLARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished civil service career has come to an end. Mr. Dale T. Pollard, of my hometown of Lexington, Missouri, recently retired after 58 years of extraordinary service to the Lake City Army Ammunition Plant.

Mr. Pollard's career began nearly 60 years ago as an Assistant Chief Factory Clerk at Remington Arms Company, Incorporated. He willingly left the ammunition plant to enlist in the Army during World War II and saw combat in the European Theater, earning the combat infantrymen badge and the Bronze Star for valor. He immediately returned to the plant at the end of the war and dedicated himself to government service for the next five decades. Mr. Pollard served in many capacities at the plant, always determined to ensure that Soldiers, Sailors, Airmen and Marines were supplied with the highest quality ammunition and that Americans were receiving every penny's worth of their defense dollar.

At 81 years old, Mr. Pollard could have retired many years ago. Instead, he remained in federal service because he loved his work and was committed to Lake City, the Ordnance Corps, and the U.S. Army.

Mr. Speaker, Dale Pollard has been an inspiration to all who had the pleasure of working with him at Lake City. I know all Members of Congress will join me in paying tribute to the outstanding public service of my good friend.

TRIBUTE TO NORMA RIVERA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Norma Rivera, an outstanding individual who has dedicated 48 years of her life to community service, and to wish her a happy retirement.

Born on June 1, 1935, in Ponce, Puerto Rico, Mrs. Rivera moved to Buffalo and graduated from high school in 1952. In 1953 she moved to the Bronx where she has been living since.

Mr. Speaker, Mrs. Rivera worked in a factory for three years before joining a housing court agency that was located on Park Avenue in the Bronx. She worked at that agency for eight years. In 1964 she left the housing court agency to work as a counselor and a program coordinator at Sport's for the People, a medically supervised outpatient program. In 1984 she was employed by Lincoln Hospital working in medical records until her retirement in December of last year. Norma is also the President of People's Voice Democratic Club in the Bronx.

Mrs. Rivera is the proud mother of six, Victor, Debbie, Jacqueline, Manuel, Jeanette, and Frances and grandmother of twelve, Lisette, Angie, Kennedy, Michael, Alexis, Matthew, Charles, Denise, Samantha, Brittany, Norma Luz, and Francine.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Norma Rivera for her enduring commitment to the community, and in wishing her a happy retirement.

HONORING ETHEL McALPINE JAMESON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember a woman that many knew and loved, Mrs. Ethel McAlpine Jameson.

Mrs. Jameson was a long-time Republican Party activist and a very politically involved person. Mrs. Jameson was co-chair of the election campaigns for a former United States Representative and Senator. She served on the board of the Tri-County Mental Health Association in the Denver area and was also active in musical circles and the Episcopal Church.

Mrs. Jameson is survived by her son, seven grandchildren and six great-grandchildren.

It is with this, Mr. Speaker, that I wish to remember Mrs. Jameson for being a great activist and caring wife, mother and grandmother. She was a great American whose service and friendship will be greatly missed.

HONORING CHAIRMAN TOM BLILEY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. COBLE. Mr. Speaker, in just a few days—February 8, to be exact—we will acknowledge the fourth anniversary of the signing of the historic Telecommunications Act of 1996. And so, it is fitting that we acknowledge one of the act's key sponsors, my good friend, the gentleman from Richmond, Chairman TOM BLILEY.

As part of the act's anniversary activities, the Competitive Telecommunications Association, more easily referred to as CompTel, is honoring Chairman BLILEY as one of the two "Champions of Competition," the other being Senator FRITZ HOLLINGS from the State of North Carolina. Both will be duly recognized, and rightly so, for their outstanding leadership and bipartisan spirit throughout the nearly decade-long debate in the Congress to update the 1934 act.

Mr. Speaker, the Telecom Act provides for a procompetitive, deregulatory national policy framework designed to accelerate rapid private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition.

Well, Mr. Speaker, I can assure you that the results are in following 4 years after enactment of this historic piece of legislation. Thanks to Chairman BLILEY's persistence in crafting proper safeguards to ensure open competition to all players, we see today the fruits of his labor.

Finally, Mr. Speaker, in addition to commending Mr. BLILEY for his role in bringing competition to the local market, I would note that his good work on this historic bill has brought hundreds of new companies competing in today's marketplace offering better products and services than have ever been developed and deployed in our lifetime. With that said, it's important to note that not only are consumers better served with many choices, but served at lower prices. Mr. BLILEY and the act intended this to happen. Mr. Speaker, I raise my hat to Chairman TOM BLILEY and congratulate him on being named the Champion of Competition.

IN HONOR OF HAZEL WOLF

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. INSLEE. Mr. Speaker, I rise today to honor the life of an exceptional environmental and social activist who recently passed, Ms. Hazel Wolf. Ms. Wolf, originally from Victoria, British Columbia, spent most of her life in Seattle, and her final years in Port Angeles. One daughter, five grandchildren, five great-grandchildren, and four great-great grandchildren survive her.

Ms. Wolf's commitment to the environment was strong throughout her 101 years. As an active member of the Audubon Society for 38 years, she helped to establish Audubon chapters within Washington State, recruit new members, and fought tirelessly to protect our natural resources. The Hazel Wolf Wetlands on Sammamish Plateau was named in her behalf. She was also the recipient of a number of other conservation awards, including the Audubon Medal for Excellence in Environmental Achievement in 1977, the Washington State Department of Game's Award for services in protection of wildlife in 1978, and the State of Washington Environmental Excellence Award in 1978, and the Seattle's Spirit of America Award in 1999. Many in my community cheered heartily when, on her 98th birthday, Washington State Governor Mike Lowry declared March 10th as "Hazel Wolf Day." She understood clearly that if we do not act now to safeguard our precious resources, we will be responsible for the destruction of irreplaceable wilderness areas and wildlife communities.

She was also committed to the idea of women's suffrage, social justice, and civil rights, and never hesitated to practice what she preached. Many years ago, during the era in which many public places were segregated, Ms. Wolf asked to swim specifically when the YWCA pool was set aside for African-American women. Her swim spoke volumes about her beliefs.

Mr. Speaker, the recent death of Hazel Wolf has made me realize, once again, what an awesome responsibility we have as Members of Congress. Ms. Wolf's fight to protect the rights of the working poor, religious and ethnic minorities, and our natural resources is a fight that I am proud to carry forth as a United States Congressman. I know the thoughts and prayers of many of us in the Seattle area go out to Ms. Wolf's entire family. Her life was a shining example of devotion, in so many ways, to a better world for all of us.

SOUTH FLORIDA FOOD RECOVERY: FEEDING THE POOR, NEEDY AND HOMELESS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mrs. MEEK of Florida. Mr. Speaker, South Florida Food Recovery recently completed its eighth "Toys for Tots" program, in cooperation with the U.S. Marine Corps Reserve and sponsored by the city of North Miami Beach. This effort was an enormous success, helping make the holidays brighter for more than 5,000 children.

Our entire community appreciates the efforts of the hundreds of contributors, sponsors, and volunteers. I want to particularly recognize the efforts of South Florida Food Recovery's founder, the Honorable Jule Littman, who has served the city of North Miami Beach with distinction in many official capacities and who continues to dedicate his efforts to helping the neediest people in our community. Congratulations to him and to his entire staff for another job well done.

Mr. Speaker, I would like to share with my colleagues an article on this matter that appeared in the Community Newspapers of Miami. I hope it will inspire more communities to follow the example set by South Florida Food Recover.

[From the Community Newspaper, Dec. 27, 1999]

SFFR JOINS MARINES TO BRING HOLIDAY CHEER TO NEEDY KIDS

(By Bari Auerbach)

More than 20,000 toys and 7,000 leather sneakers were distributed recently to needy children during the eighth annual "Toys for Tots" giveaway hosted by South Florida Food Recovery (SFFR) and the U.S. Marine Corps at Patricia A. Mishcon Park in North Miami Beach.

Santa Claus (alias Bill Lindsay, a SFFR volunteer) helped distribute toys to at least 5,000 children from all over Miami-Dade County. The toys were donated by many corporations and members of the community.

In addition to pony and railroad car rides, there were special treats for hungry appetites including 10,000 slices of pizza donated by Papa John's, 5,000 hot dogs served by such civic organizations as the North Miami Beach Kiwanis Club and the North Bay Village Optimist Club, plus cake, ice cream, cookies, milk in mugs, soda, candy and more.

The North Miami Pops Orchestra played holiday classics, plus favorite characters like Burnie, the Miami Heat mascot, and a purple dinosaur mingled with the children while BellSouth Mobility offered free calls to send holiday greetings anywhere in the U.S.

"This year's Toys for Tots event was bigger and better than ever, thanks to the generous support of many sponsors," said Jule Littman, executive director of South Florida Food Recovery.

"Special thanks goes out to the City of North Miami Beach, City of North Miami, City of Miami, United Way of Miami-Dade, McArthur Dairy, Publix: Costco, 7-11, Papa John's, Flemings, Mahi Shrine Clowns, Bill Seidel Motors, BellSouth, Americare, North Miami Beach Pops Orchestra, North Miami Beach Kiwanis and Feed the Children."

The concept for South Florida Food Recovery originated about 20 years ago when a truckload of cheese was inherited by the City of North Miami Beach and Littman arranged to have the cheese distributed to the needy.

"Much to everyone's surprise, there were many men, women and families with small children who lined the street for the free cheese giveaway," Littman said.

Once the need was recognized, Littman, along with civic minded volunteers and food administering agencies, started their mission to feed the poor, needy and homeless by bringing together food items and supplies from a variety of industries.

Today, South Florida Food Recovery, a non-profit organization, recovers and distributes food, free of charge, without discrimination to needy people in Florida on a regular basis and to disaster zones in times of emergency.

To inquire about volunteering for future SFFR events or to donate items, phone 305-891-8811.

REMEMBERING A LIBRARY VISIONARY, FRANK BARKMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to ask that we pause for a moment to remember the life of a great advocate for the City of Pueblo, Mr. Frank Barkman.

Mr. Barkman and his wife, Marie Lamb Barkman, have been financial and personal pillars of the Pueblo Library District. They donated funds to construct several libraries, including the Frank I. Lamb Branch and the Frank and Marie Barkman Branch.

Frank and Marie were the leading advocates for Pueblo's library system over the years and were active in the community in many other ways. Mr. Barkman served as the President of the Library Board for more than twelve years. He was also active in Rotary and was a supporter of the YMCA and the El Pueblo Boys Ranch.

It is with this, Mr. Speaker, that I would like to pay tribute to a man that has given so much to his community. The City of Pueblo will miss his friendship, leadership and service.

THE EVIL PEN

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. METCALF. Mr. Speaker, I submit for the RECORD the following article:

THE EVIL PEN

(By Balint Vazsonyi)

[First published August 31, 1999, in The Washington Times, under the title "Guiding the pen."]

On August 23, Frank J. Murray presented an exhaustive special report in the Washington Times on the subject of executive orders. Early on, he quotes Paul Begala, 5-star general in President Clinton's personal army. "Stroke of the pen, law of the land. Kind of cool," says Mr. Begala.

Indeed.

During the early 1980's, on a concert tour of Hungary, I found myself commenting to a friend about the general easing of the political atmosphere, plenty of food, people saying more frequently what they really thought—all in stark contrast to other colonies of the Soviet Socialist Russian Empire, such as East Germany or Czechoslovakia.

"Don't be fooled," my friend retorted, "the pen that can wipe out a man's very existence is still there. Right now, the pen is held by a more decent hand, that's all."

One of the many ways of defining fundamental differences between socialism and America is to point out that the U.S. Constitution does not provide such a pen to any individual.

Nevertheless, Mr. Murray's research shows generous use of just such a pen by all recent presidents. While Presidents Kennedy and Carter hold a comfortable lead, President Ford is not far behind, and Bill Clinton's average falls between those of Presidents Reagan and Bush.

So why the sudden concern?

Because the pen is now held by a hand that is unrestrained by any of the considerations which informed and guided American presidents since George Washington. The hand is attached to a body whose heart, brain, and other parts have made mockery of the oath the mouth had recited—not once but twice—before taking office.

A review of executive orders currently in force cannot fail to alarm the most placid and trusting soul among us. "They include," writes Mr. Murray, "vast powers to seize property, commodities, fuel and minerals; organize and control the means of production, including compulsory job assignments for civilians; assign military forces abroad; institute martial law and force civilian relocation; seize and control all forms of transportation and restrict travel; seize communications and health facilities; regulate operation of private enterprise; require national registration through the postal service, or otherwise control citizens' lives."

True—many of these were first issued by others and only confirmed, renewed and consolidated by Mr. Clinton. But the end result is that, for all practical intents and purposes, Mr. Clinton can declare himself dictator of America with yet another stroke of the pen. He can choose to do so at, say, 3:00 a.m. so that we wake up to a country of which we are not longer citizens, but prisoners.

The reality, of course, is that no sane person would have thought past presidents—such as Carter, Reagan or Bush—capable of imposing their personal rule upon the United States of America.

But it is also a reality that no sane person could think Mr. and Mrs. Clinton incapable of imposing their personal rule upon the United States of America.

No one before presumed to say that the American people cannot be trusted to make proper use of the money they had earned.

No one before has placed an ever-growing circle of fortifications between the People and the People's House.

No one before has populated an entire administration with purely political appointees. Unlike the age-old system of patronage, as practiced by both major parties, a cadre of operatives now runs the executive branch. Their primary qualification is the contempt they share with the presidential pair—contempt for the American People and their Constitution. Previous administrations expected loyalty. The present one requires obedience, even from legislators.

The practice of giving police powers to one citizen over another is an import from the worst regimes in this, or any other, century. In a heartbeat, it can turn decent, ordinary Americans into commissars.

All of the above is happening because we are letting it happen. Congress lets it happen. The courts let it happen. The Founders knew better.

Yet many in our midst will recite the mantra according to which "a lot of time has passed since the Founding . . ." "They didn't even have electric light, knew nothing about moon shots—how could they have foreseen the world for which they were providing guidance . . ." "We must treat the Constitution as a living-breathing document and change it as needed . . ."

But the miracle of the American Founding was precisely that they knew. Without electricity, without computers and space flights, they knew. They wrote provisions so one person could not dictate. They made certain America's future would not depend on whether "the hand" was decent or not. They had seen how quickly rulers become corrupted.

They knew the mortal danger of the evil pen.

Apparantly, we don't.

A TRIBUTE TO OFFICER JAMES DRESS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GILMAN. Mr. Speaker, during our recent recess, a constituent of mine performed an heroic act which saved the life of a fellow law enforcement officer and earning him a place as one of the genuine heroes of our Hudson Valley region.

James Dress of Tappan, NY, is a rookie officer of the 49th Precinct in New York City, and is also chief of the South Orangetown Ambulance Corps in my Congressional District. Two days before New Year's Day, Officer Dress arrived at the scene of a shooting in which an undercover detective was seriously wounded. Utilizing his experience as an EMT, Officer Dress realized that the wound was too serious to await an ambulance. He and a fellow officer performed emergency procedures on the undercover policeman and rushed him themselves to Jacobi Medical Center, where he was admitted in critical condition with extensive internal injuries.

Mr. Speaker, I invite my colleagues to join me in congratulating Officer Dress and I am pleased to insert into the RECORD at this point a profile on Officer James Dress, which appeared in the "Our Town" newspaper soon after his act of heroism:

[From Our Town, Jan. 5, 2000]

A "HERO" LABEL 12 YEARS IN THE MAKING

(By Arthur R. Aldrich)

Not every NYC rookie cop gets the "hero" label pinned on him after only a few months on the job. Some complete their careers quietly doing their jobs with little public recognition. But when the moment came for action, James Dress of Tappan was prepared. He had been preparing since 1987.

Dress is chief of the S. Orangetown Ambulance Corps, elected to his third term as head of the unit. He joined the corps in 1987 while still at Tappan Zee High School, learning first aid riding the rigs as a youth corps member. While still at TZ, Dress took and passed the 120-hour EMT certification course to qualify as a full-fledged corps member.

Even while he completed his college work at SUNY Oneonta, Dress returned to Tappan and rode the rigs as often as he could. At Oneonta, he was among the founders of the student Medical Response Team, usually first on the scene at campus emergencies, and trained to administer first aid.

"I was looking at corporate law for a career," Dress concedes. But at Oneonta he switched his major from political science to business economics and marketing.

But under all his other career ambitions was lurking a desire for law enforcement. "I took the tests in Rockland for police officer," Dress says, "and came in as a finalist for appointment in Orangetown." All the while he continued to volunteer as an EMT and answer calls with the S. Orangetown Corps.

But Orangetown never appointed Dress; instead, he took the New York City Police exams, qualified, and was graduated from the Police Academy in April, 1999.

Instead of landing in a corporate law office, Dress found himself on the streets of the Bronx, a rookie assigned to the 4–9 Precinct in Baychester. His unit concentrates on quality of life crimes; but of course, performs all other police duties as well.

Assigned to the 5:30 p.m. to 2:05 a.m. patrol, Dress was riding with his sergeant, Ed Warren, in a patrol car at 12:35 a.m. on Wednesday, December 29, when he responded to a call of a shooting. Pulling up at E. Gun Hill Road and Sexton Place, the officers discovered a man lying on the sidewalk and a small crowd.

According to Dress, he determined the man on the sidewalk had been shot in the stomach. Others in the crowd had also been injured by gun shots, but less seriously.

"I put in a rush call for an ambulance," Dress says, "and began first aid." But when Dress realized how serious the injury was, he made the decision to put the wounded man in the patrol car and take him to Jacobi Medical Center, a few minutes away.

"We could have waited for the ambulance," Dress says, "but we didn't know how, long it would take, and where it would have to come from."

Dress' evaluation of the situation and prompt administration of appropriate first aid is credited for saving the man's life.

Only later did Dress and the other officers learn that the wounded man was an undercover NYC police officer. The investigation into the shooting is continuing.

As an EMT, Dress' first obligation is always to treat the patient. As a police officer, Dress also had to obligation to try to get information from the shooting victim while he was treating him.

"He was trying to give me a name," Dress says, "but he was in a lot of pain." At Jacobi, doctors determined that the bullet had pierced the undercover officer's heart and had lodged near his spine.

On Saturday, Dress and other officers visited the wounded man, still in intensive care, whose name is not being released because he is an undercover policeman.

"He seemed to be improving; he shook hands with me. His wife and children were there, too. His two year-old son also hugged me and thanked me." The wounded officer is now reported to have regained some feeling in his legs, leading to hope for a more complete recovery.

Dress is the first to disclaim the hero label. "I did what I was trained to do. Any police officer would have done the same thing; we're all trained in first aid. I think was EMT experience made the difference in evaluating the situation."

Dress is back on duty, having been given New Year's Eve off at the discretion of his unit commander. And he still spends his days off working at the S. Orangetown ambulance headquarters, and riding the rig when needed.

His hope for the new year? That the man whose life he helped save makes a full and complete recovery.

NATIONAL BIOTECHNOLOGY MONTH

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. DOOLEY of California. Mr. Speaker, I rise today on behalf of myself and Mr. GREENWOOD of Pennsylvania, Mr. BURR of North Carolina, Ms. DUNN of Washington, and Mr. TANNER of Tennessee to recognize January 2000 as National Biotechnology Month.

It is fitting that in the first month of this new year, at the start of a new century, we look to biotechnology as our greatest hope for the future.

Mapping the human genome, for example, is ahead of schedule and nearly complete. That achievement, begun 10 years ago, will rank as one of the most significant advances in health care by accelerating the biotechnology industry's discovery of new therapies and cures for our most life-threatening diseases.

Biotechnology not only is using genetic research to create new medicines, but also to improve agriculture, industrial manufacturing and environmental management.

The United States leads the world in biotechnology innovation. There are approximately 1,300 biotech companies in the United States, employing more than 150,000 people. The industry spent nearly $10 billion on research and development in 1998. Although revenues totaled $18.4 billion, the industry recorded a net loss of $5 billion because of the expensive nature of drug development.

In 1999, the U.S. Food and Drug Administration (FDA) approved more than 20 biotechnology drugs, vaccines and new indications for existing medicines, pushing the number of marketed biotech drugs and vaccines to more than 90. Total FDA biotech approvals from 1982 through 1999 reach more than 140 when adding clearances for new indications of existing medicines. The vast majority of new biotech drugs were approved in the second half of the 1990s, demonstrating the biotechnology industry's surging proficiency at finding new medicines to treat our most life-threatening illnesses.

Biotechnology is revolutionizing every facet of medicine from diagnosis to treatment of all diseases. It is detailing life at the molecular level and someday will take much of the guesswork out of disease management and treatment. The implications for health care are as great as any milestone in medical history. We expect to see great strides early in this century.

A devastating disease that has stolen many of our loved ones, neighbors and friends is cancer. Biotechnology already has made significant strides in battling certain cancers. This is only the beginning.

The first biotechnology cancer medicines have been used with surgery, chemotherapy and radiation to enhance their effectiveness, lessen adverse effects and reduce chances of cancer recurrence.

Newer biotech cancer drugs target the underlying molecular causes of the disease. Biotech cancer treatments under development, such as vaccines that prevent abnormal cell growth, may make traditional treatments obsolete. In addition, gene therapy is being studied as a way to battle cancer by starving tumor cells to death.

Many biotech drugs are designed to treat our most devastating and intractable illnesses. In many cases these medicines are the first ever therapies for those diseases. For example, advancements in research have yielded first-of-a-kind drugs to treat multiple sclerosis and rheumatoid arthritis as well as cancer.

Other medicines in clinical trials block the start of the molecular cascade that triggers inflammation's tissue damaging effects in numerous disease states. In diseases, such as Alzheimer's, Parkinson's and Huntington's, clinical trials are under way to test a variety of cell therapies that generate healthy neurons to replace deteriorated ones. Recent breakthroughs in stem cell research have prompted experts to predict cures within 10 years for some diseases, such as Type I (Juvenile) Diabetes and Parkinson's.

With more than 350 biotechnology medicines in late-stage clinical trials for illnesses, such as heart ailments, cancer, neurological diseases and infections, biotechnology innovation will be the foundation not only for improving our health and quality of life, but also lowering health care costs.

In the past two years Congress has increased funding for the National Institutes of Health's basic research programs by 15 percent per year. We are 40 percent of the way toward doubling the NIH budget. Health-care research, however, is not one-sided. The public funds we provide are for basic research. The private sector takes this basic science and then spends many times more than what the government has contributed to create new drugs and get them to patients. In today's world, biotechnology companies are among the greatest innovators and risk takers.

Biotechnology also is being used to improve agriculture, industrial manufacturing and environmental management. In manufacturing, the emphasis has shifted from the removal of toxic chemicals in production waste streams to replacement of those pollutants with biological processes that prevent the environment from being fouled. And because these biological processes are derived from renewable sources they also conserve traditional energy resources. Industrial biotechnology companies are the innovators commercializing clean technologies and their progress is accelerating at an astonishing rate.

In agricultural biotechnology, crops on the market have been modified to protect them from insect damage thus reducing pesticide use. Biotech crops that are herbicide tolerant enable farmers to control weeds without damaging the crops. This allows farmers flexibility in weed management and promotes conservation tillage. Other biotech crops are protected against viral diseases with the plant equivalent of a vaccine. Biotech fruits and vegetables are tastier and firmer and remain fresher longer.

The number of acres worldwide planted with biotech crops soared from 4.3 million in 1996 to 100 million in 1999, of which 81 million acres were planted in the United States and Canada. Acceptance of these crops by farmers is one indication of the benefits they have for reducing farming costs and use of pesticides while increasing crop yields.

Biotech crops in development include foods that will offer increased levels of nutrients and vitamins. Benefits range from helping developing nations meet basic dietary requirements to creating disease-fighting and health-promoting foods.

Biotechnology is improving the lives of those in the U.S. and abroad. The designation of January 2000 as National Biotechnology Month is an indication to our constituents and their children that Congress recognizes the value and the promise of this technology. Biotechnology is a big word that means hope.

HONORING LARRY LEDERHAUSE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to pause and remember the life of Larry Lederhause who passed away on December 11, 1999. Many relatives and close friends will miss this remarkable person.

Larry Lederhause was born on January 30, 1963. He attended Eagle Valley Junior/Senior High School in Gypsum, Colorado. He was very involved in 4–H and Future Farmers of America projects. He served as a volunteer with the Gypsum Fire Department. Larry attended college in Oregon at Western Baptist College.

Larry returned to Colorado and worked for the Garfield County Airport. He then owned and operated L&L Sanitation Service.

Larry loved animals, especially his dog, Happy. Larry also sang with the "Sagebrush Singers" of the Battlement Mesa and liked to go hunting, hiking, swimming and flying.

It is with this, Mr. Speaker, I would like to remember Mr. Larry Lederhause, a great American who was loved and cherished my many.

THE FEDERAL COMMUNICATIONS COMMISSION STATEMENT IN REFERENCE TO CERTAIN TYPES OF RELIGIOUS BROADCASTING

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. PICKERING. Mr. Speaker, in December of last year, the Federal Communications Commission (FCC) overstepped its bounds and authority by issuing statements that if enforced, would restrict certain types of religious broadcasting.

I am happy to report that the FCC reversed its decision on Friday. I applaud the decision of the FCC but am troubled that such a decision was ever made.

While issuing a ruling on a routine license transfer, the FCC editorialize about new, strict standards for educational programming that could have affected many non-commercial, educational television broadcasters. The FCC stated that "religious exhortation, proselytizing, or statements of personnally-held religious views and beliefs generally would not qualify as 'general education' programming. Thus, church services generally will not qualify as 'general education' under our rules."

It is arrogance of the highest form for the FCC to attempt to determine what is—and—what is not educational. The FCC's statements amount to an unconstitutional restriction on religious speech. This type of content regulation and suppression of religious expression is not acceptable. The FCC is neither qualified nor does it have any legal authority to engage in this sort of line drawing.

The FCC was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable. The FCC's jurisdiction covers the 50 states, the District of Columbia, and U.S. possessions. The Federal Communications Commission (FCC) is an independent United States government agency, directly responsible to Congress.

Shortly after reading the FCC's anti-religious statements, Reps. MIKE OXLEY, STEVE LARGENT, CLIFF STEARNS and I wrote the Chairman of the FCC to remind him that the FCC is still directly responsible to Congress and that he should reverse the anti-religious statements or he could stand by and see it overturned by Congressional action.

Last week, we introduced H.R. 3525—The Religious Broadcasting Freedom Act to overturn the ruling issued by the FCC and did so with over 60 cosponsors. The FCC is accountable to the Congress and I believe we have demonstrated that we will take decisive action when the FCC or any other federal agency exceeds its authority—and especially when such actions threaten our religious freedoms.

The FCC's action was an unprecedented action by a government agency in an attempt to decide what is acceptable religious programming and content. The fact is, it is not the place of any government agency to determine what is acceptable religious speech because religious freedom and freedom of speech are both protected by the Constitution.

I have heard from many religious broadcasters in Mississippi and across the country who expressed outrage at the FCC and their actions. I am pleased to tell them that we have stopped this un-Constitutional decision in its tracts. Yet, I urge my colleagues to remain vigilant. I assure you that if the FCC takes any actions that suggest they may attempt to pursue this action in any other format, I will fight it once again.

TRIBUTE TO PHIL BLAZER

HON. HENRY A. WAXMAN
OF CALIFORNIA
HON. HOWARD L. BERMAN
OF CALIFORNIA
HON. BRAD SHERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 31, 2000

Mr. WAXMAN. Mr. Speaker, my colleagues Mr. BERMAN and Mr. SHERMAN, and I rise today to ask our colleagues to join us in honoring the extraordinary career of our dear friend Phil Blazer. Phil has dedicated his thirty-five-year career to serving the Jewish community as editor and publisher of the Jewish News and as an effective activist for important Jewish and human rights causes.

Phil began his career as an eager and wide-eyed seventeen-year-old radio announcer at KVFM in the San Fernando Valley of California. He moved to Minnesota for college and continued his radio career at KUXL, and quickly began a Jewish community radio program for Minneapolis and St. Paul. After college, he retuned to KVFM as station manager and continued his Jewish community program in the San Fernando Valley. Phil's current radio program is now on KIEV and is heard throughout Southern California. He has many devoted listeners who depend on his program for news, perspective, and insight.

In 1977, Phil started a television program, which still airs today and is now carried in over 300 communities in Southern California. It is also broadcast in New York City and New Jersey on Sundays. His audience numbers over 250,000 people and he has become an icon to his audiences throughout the nation.

Perhaps Phil's greatest contribution has been his newspaper, The Jewish News, which he founded in 1973. Hardly a local paper, it now serves 73 countries worldwide. The Jewish News serves to connect distinct Jewish communities by sharing local, national and international news and trends. It is a beloved paper and a staple of Los Angeles Jewish life.

Phil's career has also been dedicated to human rights work and Jewish causes. He is a visionary leader who has worked to shape critical historical events. In 1973, he helped smuggle a Torah into Leningrad to support the Jews of Russia. In 1978, he traveled to Washington, D.C. at the invitation of former Secretary of State Cyrus Vance to confer with the State Department and the White House as a participant in the redirection of U.S. Middle East policy.

Also in 1978, Phil attended the historic Begin/Sadat meeting in Jerusalem. The following year he aired a landmark broadcast of his radio program via satellite from the studios of Radio Cairo as the guest of Anwar Sadat.

Phil's philanthropic work continued in 1985 when he organized the now famous Operation Joshua, which succeeded in rescuing nearly 1,000 Ethiopian Jews from refugee camps in Sudan and resettling them in Israel. In 1992, Phil developed California legislation with Assemblyman Richard Katz that mandated a course of study about the Holocaust be taught in all California public schools. This bill was signed into law by the Governor of California on September 21, 1992.

These are a few examples of Phil's tireless dedication to Jewish causes and human rights around the world. His real gift, however, is his compassion and love for humankind. While successfully building his own media empire, Phil has never lost sight of his commitment to better the human condition in every way possible. He is truly an example of one person making a difference in thousands of people's lives.

Mr. Speaker, we ask our colleagues to join us in honoring Phil Blazer for his remarkable accomplishments over the past thirty-five years and in wishing him continued success and happiness in all future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 1, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 2

9:30 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine gene therapy, focusing on promoting patient safety.
SD–430

Armed Services
To hold hearings on the situation in Bosnia and Kosovo; to be followed by a closed hearing (SR–222).
SR–253

10 a.m.
Budget
To hold hearings to examine federalism in the information age, focusing on internet tax issues.
SD–608

Finance
To hold hearings on the status of Internal Revenue Service reform.
SD–215

Intelligence
To hold hearings to examine world threats.
SH–216

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

FEBRUARY 3

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the proposed loan guarantee program, focusing on rural satellite and cable system delivery of local broadcast stations to viewers not having access to local television stations.
SR–328A

9:30 a.m.
Armed Services
To hold hearings on current and future worldwide threats to the national security of the United States; followed by a closed hearing (SH–219).
SH–216

10 a.m.
Appropriations
Transportation Subcommittee
Budget
To hold joint hearings to examine modernizing the Federal Aviation Administration.
SD–608

Environment and Public Works
To hold hearings on the nomination of Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation; and the nomination of W. Michael McCabe, of Pennsylvania, to be Deputy Administrator of the Environmental Protection Agency.
SD–406

Finance
To hold hearings on the nomination of George L. Farr, of Connecticut, to be a Member of the Internal Revenue Service Oversight Board; the nomination of Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board; the nomination of Nancy Killefer, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board; the nomination of Larry L. Levitan, of Maryland, to be a Member of the Internal Revenue Service Oversight Board; the nomination of Steve H. Nickles, of North Carolina, to be a Member of the Internal Revenue Service Oversight Board; the nomination of Robert M. Tobias, of Maryland, to be a Member of the Internal Revenue Service Oversight Board; and the nomination of Karen Hastie Williams, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board.
SD–215

2 p.m.
Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings to examine the Report of the Commission on the Advancement of Federal Law Enforcement Commission Members.
SD–226

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

FEBRUARY 8

10 a.m.
Budget
To hold hearings on the President's proposed budget request for fiscal year 2001.
SD–608

Banking, Housing, and Urban Affairs
To hold hearings on S. 1879, to promote international monetary stability and

to share seigniorage with officially dollarized countries.

SD–628

FEBRUARY 9

9:30 a.m.

Governmental Affairs

To hold hearings to examine the rising cost of college tuition and the effectiveness of the Federal financial aid.

SD–342

10 a.m.

Budget

To continue hearings on the President's proposed budget request for fiscal year 2001.

SD–608

10:30 a.m.

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.

SR–253

FEBRUARY 10

10 a.m.

Governmental Affairs

To continue hearings to examine the rising cost of college tuition and the effectiveness of the Federal financial aid.

SD–342

FEBRUARY 11

10 a.m.

Budget

To resume hearings on the President's proposed budget request for fiscal year 2001.

SD–608

SENATE—*Tuesday, February 1, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have created us in Your own image; forgive us when we return the compliment by trying to create You in our image, projecting onto You human judgmentalism. We evade Your judgment of our judgments. Our judgments divide us from one another. We condemn those who differ with us; we miss Your lordship by lording it over others. We need to be reconciled to You, Lord. Forgive any pride, prejudice, or presumption. Our Nation is deeply wounded by cutting words and hurting attitudes toward other religions, races, and political parties. We are divided into camps of liberal and conservative, Republican and Democrat, and from each camp we shout demeaning criticisms of each other. Forgive our arrogance, but also forgive our reluctance to work together with those with whom we differ. We confess that Your work in our Nation is held back because of intolerance.

We know that You are the instigator of our longing to be one and the inspiration of our oneness. Bind us together with the triple-braided cord of Your acceptance, atonement, and affirmation. In Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Utah is recognized.

SCHEDULE

Mr. HATCH. Mr. President, today the Senate will immediately resume consideration of the bankruptcy bill under the previous order. Senator WELLSTONE will be in control of the first hour to debate his amendments regarding lifeline accounts and debt collection. There are other remaining amendments that will be debated and voted on throughout today's session with a vote on final passage expected to occur no later than tomorrow.

As a reminder, a cloture motion was filed on the motion to proceed to the nuclear waste disposal legislation during Monday's session, and by previous consent that vote will occur following completion of the bankruptcy bill during Wednesday's session of the Senate.

I thank my colleagues for their attention.

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 625, which the clerk will report.

The bill clerk read as follows:

> A bill (S. 625) to amend title II, United States Code, and for other purposes.

Pending:

> Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.
>
> Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.
>
> Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.
>
> Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.
>
> Feingold modified amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. shall be under the control of the Senator from Minnesota, Mr. WELLSTONE, to speak on amendments Nos. 2537 and 2538.

The Senator from Nevada.

Mr. REID. Mr. President, a couple things before we get to Senator WELLSTONE.

It is my understanding, I say to the acting majority leader, Mr. HATCH, there will be no votes this morning and the first vote may occur after the caucuses.

I also ask unanimous consent that the Senator from Minnesota be allowed 1 hour rather than terminating his remarks at 10:30, that he should be entitled to 1 hour.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. If I may infringe on my colleague's time just for a minute——

Mr. REID. Does the Senator accept that unanimous consent request?

The PRESIDING OFFICER. Is the Senator objecting to the unanimous consent request?

Mr. HATCH. As I understand it, the unanimous consent request is that there will be no votes until 2:15, Senator WELLSTONE having the first hour.

Mr. REID. Yes, he gets an hour rather than being cut off at 10:30.

Mr. HATCH. Yes. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. The two WELLSTONE amendments, they have been filed, haven't they?

The PRESIDING OFFICER. They are pending.

Mr. HATCH. Then I ask unanimous consent that the votes occur with respect to the pending amendments in stacked sequence beginning at 2:15 p.m. today and that there be 5 minutes for debate to be equally divided for closing remarks prior to the votes.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. I move to table both amendments.

I ask unanimous consent that it be in order for me to move to table each amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. WELLSTONE. Mr. President, we are talking about tabling the amendments this afternoon; is that right—not now?

Mr. HATCH. No. When they occur, they will be tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

AMENDMENTS NOS. 2537 AND 2538

Mr. WELLSTONE. Mr. President, first of all, I remind my colleagues of what I said last week about this legislation which I think, with all due respect to my colleague—I do have a lot of admiration for Senator HATCH—is still fundamentally flawed legislation. It contains numerous provisions which are unbelievably harsh toward those citizens who are most vulnerable in our society, and that troubles this Senator.

I think the entire concept of the bill is wrong. It addresses a crisis that appears to be self-directed. It rewards predatory and reckless lending by banks and credit card companies which fed the crisis in the first place, and it does nothing to actually prevent bankruptcy by closing economic security to working families. I reject the notion the Senate should assume that there

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

are problems with the bankruptcy code because more people are going bankrupt.

Real bankruptcy reform would address the root causes of bankruptcy. It would address the concentration of financial markets which are increasing the clout and power of big banks and credit card companies to unprecedented levels. It would make working families more financially secure. It would address skyrocketing medical expenses. It would confront the economic balkanization in this country, the increasing schism between the wealthy and the rest of America.

This bill does none of these things. It imposes harsh penalties on families who, by and large, file for bankruptcy in good faith because it is the only option they have.

The two amendments I have offered to this bill—the payday loan amendment, which would curb a form of predatory lending which targets low- and moderate-income working families, and also the low-cost basic banking amendment, which would require big banks with more than $200 million in assets to offer low-cost banking services to their customers if they wish to be able to make claims against debtors in bankruptcy proceedings—would go a long way toward making this bill more fair and more balanced.

When I spoke last week, I said the bankruptcy crisis is over and it ended without Congress passing legislation. I cited the fact that bankruptcy proceedings actually fell last year—fell last year, I repeat—by 112,000 cases.

My good friend from Alabama came to the floor and said something that, actually, I think is true: This bill doesn't have anything to do with the number of bankruptcies. I think he was more right than probably any of us want to seem to admit. But the decrease in bankruptcy filings is significant, and let me explain why.

Ironically, the bankruptcy crisis probably ended because Congress has not passed a bill. The bean counters in the consumer credit industry realized that all of these bankruptcies were not good for profits, so they started lending less money. They were more careful about to whom they lent the money. In fact, overall consumer debt actually declined in 1998. And guess what. There were fewer bankruptcies. But if S. 625 becomes law, bankruptcy protection will be harshly rolled back. It will even be more profitable to overburden folks with debt, and the banks and credit card companies will fall over themselves trying to do it. But this time, America's working families are going to pay even more of a price.

This argument isn't purely historical or theoretical. Empirical data backs it up. I want to take my colleagues through a little bit of history. I want to read from an article published in the August 13, 1984, issue of Business Week. The article was entitled: "Consumer Lenders Love the New Bankruptcy Laws." It was written in the aftermath of Congress' last tightening of the bankruptcy code in 1984. Here is how the article goes:

> It doesn't take much to get a laugh out of Finn Casperson these days. Just ask him the outlook for Beneficial Corp. now that the U.S. has a tough new bankruptcy law. "It looks a lot rosier," says the chairman of the consumer finance company, punctuating the assessment with a hearty chuckle.

The article then explains what the banks and credit card industries got back in 1984:

> But when someone seems to be abusing the revised law, a judge can, on his or her own, throw a case out of Chapter 7, leaving the debtor to file under Chapter 13. And in Chapter 13, where an individual works out a repayment plan under court supervision, lenders now can get a court order assigning all of a borrower's income for three years to repaying debts . . .

Anyway, it goes on to say that the lender does not have to worry any longer and they can have these predatory practices and they can target people and they do not have to worry if there is no protection for people. But there is protection for them.

Does this sound familiar to my colleagues? These "reforms"—and I put "reforms" in quotes—are substantially similar to what the industry says are desperately needed now—that means to curb abusive filings. That is exactly what the Congress gave the credit card industry in 1984. But the question is, After we passed that bill in 1984, how did lenders behave after the "strengthening" of the bankruptcy code? That story will help us answer the question: If we give them this new, stricter, lopsided law in 2000, what will they do with it?

From the same 1984 Business Week article:

> Lenders say they will make more unsecured loans from now on, trying to lure back the generally younger and lower-income borrowers recently turned away.

Why not? We are giving them all the protection in the world. They can go about with all kinds of unscrupulous practices that I am going to talk about: Target poor people, target single parents, target young people, and not have to worry.

But that is exactly the problem. The consumer finance industry went after these folks with a vengeance post 1984. Lenders felt so protected by the new bankruptcy law that they eventually threw caution to the wind and began using the same aggressive, borderline deceptive and abusive tactics that are now common in the industry. That is exactly what we are going to do with this law—give them a blank check to continue with this deception.

In a 1999 Harvard Business School study entitled, "The Rise of Consumer Bankruptcy: Evolution, Revolution, or Both?" David Moss of the Harvard Business School and Gibbs Johnson, an attorney, lay out the case. They say—colleagues and staff listening to this debate, I think this is an important piece:

> It is conceivable, therefore, that the pro-creditor reforms of 1984 actually contributed to the growth of consumer (bankruptcy) filings. This could have occurred if the reforms exerted a larger impact in encouraging lenders to lend—and to lend more deeply into the income distribution—than they did in deterring borrowers from borrowing and filing.

Mark Zandi, in the January 1997 edition of the Regional Financial Review, writes:

> While forcing more households into a Chapter 13 filing, though an income test would raise the amount that lenders would ultimately recover from bankrupt borrowers, it would not significantly lower the net cost of bankruptcies.

I emphasize:

> Tougher bankruptcy laws will simply induce lenders to ease their standards further.

That is exactly what we are doing with this bill.

Again, we know this is exactly what happened. Credit card companies sent out over 3.5 billion solicitations last year. They use aggressive tactics to sign up borrowers. Is there anything in this "reform" legislation that holds them accountable? No. Once again, the big givers and heavy hitters and well-connected dominate. But when it comes to the poor, when it comes to single-parent families, when it comes to senior citizens, when it comes to the people who are most vulnerable, we have unbelievable harshness in this legislation.

These credit card companies use aggressive tactics to sign up borrowers—and to keep you in debt once they get you. They also go after low-income individuals, even though they might not be good credit risks. Why? Because they are desperate for credit. They have a captive audience. Poor people can be charged exorbitant interest rates and fees. Despite the fact that there are hundreds of credit card firms targeting low-income borrowers, interest rates and terms on these cards have not been driven down by the supposed "competition."

For these borrowers, for low-income people, the market is failing.

In a June 3, 1999, interview in USA Today, Joe Lee, a respected bankruptcy judge for over 37 years in the Eastern District of Kentucky, placed the blame for the current high number of bankruptcies squarely on the backs of the banks and the credit card companies. There is not a word in this legislation holding them at all accountable for their unscrupulous practices; they all target people who are desperate for credit and have no other choice but to receive loans on horrible terms, the poor and the vulnerable.

When asked if he had seen many people file for bankruptcy who could afford to pay most of their debts, he said—because that is the premise of this legislation, that you have all this abuse—

> No. It's simply not true. Most of them are very poor, drowning in debt. The target (of bankruptcy reform) should be the consumer credit [card] industry and the laws governing extension of consumer credit. Instead they're robbing the poor to enrich the rich.

That is exactly what this legislation does. But these poor people are invisible. They have no clout. They have no power. They have no lobbyists. They are not the heavy hitters. They are not the big givers. They are left out.

USA Today also asked Judge Lee if he thought there was less stigma attached to bankruptcy than there used to be. He said:

> I've been on the bench now for 37 years, working on 38. I never have seen this business about debtors being cavalier about bankruptcy.
>
> Look at it from the point of view of the debtor. They have mothers and fathers. They go to church. They have neighbors. They have to walk into the office after filing for bankruptcy and explain it to other employees, and this is not easy to do. There's the additional stigma that bankruptcy remains on your credit report for 10 years. You have trouble getting credit other than at high interest rates. You have difficulty buying a home. You have lots of problems.

What Judge Lee is saying is borne out by the facts. Remember, as I stated last year, the vast majority of families who file for bankruptcy are not trying to beat the system. They file for a fresh start. That is what bankruptcy provides for them. It is the only way they can get out from crushing medical bills or other debts brought on by unforeseen circumstances. Only a very small percentage—perhaps 3 percent—of those who file for bankruptcy file abusively, according to the American Bankruptcy Institute. The American Bankruptcy Institute says about 3 percent of the people abuse this system. The Justice Department goes higher. For that, we have this wide, broad net that punishes the poor and the most vulnerable.

A constituent from Crystal, MN, wrote to my office in July to tell me about her experience with bankruptcy:

> What I want you to know specifically is that this one credit card company would not offer any reductions in the interest rate, demanded over one quarter of my entire monthly income, did not care if I could not meet my payments for the most basic requirements of human existence, suggested that I use a food shelf, and they refused to acknowledge that my child was suicidal and that their harassing phone calls to my house nearly caused her to overdose on the only nonprescription pain relievers that I could have for myself.

What was the reason for that? Her life was like ours. Actually, we make a lot more money than she made. She was a worker. She had a factory job. An injury forced her to leave the job. For all I know, it could have been a ruptured disk. I know what a ruptured disk is like. She worked multiple minimum-wage jobs for several years. Her marriage fell apart, and her daughter fell into deep clinical depression. No fault of hers; no fault of her daughter's. In the meantime, she enrolled in computer school so she could pursue a career that would give her some income and would also help her help her daughter. She purchased a computer on credit so she could spend more time working at home. In time the payments on the computer, her mortgage, and her daughter's medical bills became too much, and she fell behind on debt payments. When the creditors approached her, she tried to work out a repayment schedule she could meet, and then the quote I read is what happened to her. So she filed for bankruptcy.

She has begun to rebuild her life. She ended her letter by saying this:

> Please do not vote for Senate Bill 625 or any other bill that makes bankruptcy harder for people who find themselves caught in the unforeseen predicaments of life for which they have no control. It is not fair to pass a bill that helps the credit card companies by hurting people like me without forcing them to look at what they are doing and how they respond. They have many options that could be used without creating the emotional trauma that forces hard working people to choose the relief of bankruptcy.

I ask my colleagues, is there one thing in this piece of legislation that could have helped this woman head off bankruptcy, a Minnesotan? Absolutely not. This bill would simply have made it harder for her to get the relief necessary for her to take care of herself and her daughter. Why aren't we talking about what could have kept this woman out of bankruptcy? What does this bill have to do with helping a woman or a man educate themselves so they can do better for their family? The answer: Nothing. What does this bill do to help ordinary people who are overwhelmed by medical expenses? The answer is: Absolutely nothing. What does this bill do to promote economic stability for working families? Absolutely nothing.

I believe if my colleagues wanted to reduce the number of bankruptcies, they would focus more on providing a helping hand rather than removing a safety net. If my colleagues wanted to tackle bankruptcy, they would take on the credit card companies and their abusive tactics. No, we don't want to take on those interests. Unfortunately, my constituent's story, a woman from Minnesota, single parent, is becoming increasingly typical. All too often overburdened families, the vast majority of them single-wage-earner families headed by a woman, have to deal with these circumstances all the time.

This year more than a half million women-headed households filed for bankruptcy. Women-headed households are the poorest group of families in America. They are the largest group who have to file for bankruptcy. Ironically, the credit card industry has run advertisements—I cannot believe this—during debate on this bill talking about how friendly this piece of legislation is toward women and children. They have no shame. This is ridiculous.

I will read from a letter signed by approximately 70 scholars at our Nation's law schools who are opposed to this legislation.

I ask unanimous consent that this letter, along with a list of a variety of consumer, women, and union organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 2, 1999.

Re: The Bankruptcy Reform Act of 1999 (S. 625)

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. PATRICK LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS: In a letter to you dated September 7, 82 professors of bankruptcy law from across the country expressed their grave concerns about some of the provisions of S. 625. In a public letter dated September 16, two professors took the opposing view. One of the principal concerns of the 82 professors was that S. 625 "may adversely affect women and children."

Proponents of the bill—namely, the consumer credit industry—have responded to the concerns raised about the effects of the bill on women and children with a media blitz trumpeting the view that "Bankruptcy reform helps women and children." A September 14 letter from consumer credit issuers proclaims that "S. 625 vastly improves the position of women and children who depend on family support payments from an absent parent who has filed for bankruptcy." A full-page advertisement also dated September 14 asserts, "The truth is that bankruptcy reform gives much-needed help to single parents and their children who are dependent on family support payments." The advertisement cautions in large type: "Distorting the facts about reform helps no one."

The undersigned professors agree that "distorting the facts about reform helps no one." The real distortion is the assertion that S. 625 would benefit women and children. The truth is that, notwithstanding the pleas of the bill's proponents, S. 625 does not help women and children. Thirty-one organizations devoted exclusively to promoting the best interests of women and children continue to oppose the pending bankruptcy bill. The concerns expressed in the professors' letter of September 7 regarding how S. 625 would hurt women and children have not been resolved—they have not even been addressed.

First, one of the biggest problems the bill presents for women and children was stated in the September 7 letter:

"Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy."

This increased competition for women and children will come from many quarters: from powerful credit card issuers, whose credit card claims increasingly will be excepted from discharge and remain legal obligations of the debtor after bankruptcy; from large retailers, who will have an easier time obtaining reaffirmations of debt that legally could be discharged; and from creditors claiming they hold security, even when the alleged collateral is virtually worthless. None of the changes made to S. 625 and none being proposed addresses these problems. The truth remains: if S. 625 is enacted in its current form, women and children will face increased competition in collecting their alimony and support claims after the bankruptcy case is over.

Second, it is a red herring to argue, as do advocates of the bill in touting how the bill will "help" women and children, that it will "Make child support and alimony payments the top priority—no exceptions." True enough—but, as the law professors pointed out in the September 7 letter: "Giving 'first priority' to domestic support obligations does not address the problem."

Granting "first priority" to alimony and support claims is not the magic solution the consumer credit industry claims because "priority" is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95% of bankruptcy cases make NO distributions to any creditors because there are no assets to distribute. Granting women and children a first priority for bankruptcy distributions permits them to stand first in line to collect nothing.

The hard-fought battle is over reaching the ex-husband's income after bankruptcy. Under current law, child support and alimony share a protected post-bankruptcy position with only two other collectors of debt—taxes and student loans. The credit industry asks that credit card debt and other consumer credit share that position, thereby elbowing aside the women trying to collect on their own behalf. The credit industry carefully avoids discussing the increased post-bankruptcy competition facing women if S. 625 becomes law. As a matter of public policy, does this country want to elevate credit card debt to the preferred position of taxes and child support?

In addition to the concerns raised on behalf of the thousands of women who are struggling now to collect alimony and child support after their ex-husband's bankruptcies; we also express our concerns on behalf of the more than half a million women heads of household who will file for bankruptcy this year alone. As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the provisions that apply without regard to income, will fall hardest on them. A single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income still would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was impossible.

These two facts are unassailable: S. 625 forces women to compete with sophisticated creditors to collect alimony and child support after bankruptcy. S. 625 makes it harder for women to declare bankruptcy when they are in financial trouble. We implore you to look beyond the distorted "facts" peddled by the credit industry. Do not pass a bill to hurt women and children.

Thank you for your consideration.

Respectfully yours,

Sixty-nine (69) Professors

Charles J. Tabb, Professor of Law, University of Illinois College of Law; Peter A. Alces, Professor of Law, College of William and Mary School of Law; Peter Alexander, Professor of Law, The Dickinson School of Law, Pennsylvania State University; Thomas B. Allington, Professor of Law, Indiana University School of Law (Indianapolis); John D. Ayer, Professor of Law, University of California at Davis School of Law; Laura B. Bartell, Associate Professor of Law, Wayne State University Law School; Patrick B. Bauer, Professor of Law, University of Iowa College of Law; Susan Block-Lieb, Professor of Law, Seton Hall University School of Law; Douglass G. Boshkoff, Robert H. McKinney Emeritus Professor of Law, Indiana University School of Law (Bloomington); Amelia Boss, Professor of Law, Temple University School of Law.

Jean Braucher, Roger Henderson Professor of Law, University of Arizona, James E. Rogers College of Law; Ralph Brubaker, Associate Professor of Law, Emory University School of Law; Mark E. Budnitz, Professor of Law, Georgia State University College of Law; Daniel J. Bussel, Professor of Law, UCLA School of Law; Marianne B. Culhane, Professor of Law, Creighton University School of Law; Susan DeJarnatt, Assistant Professor, Beasley School of Law of Temple University; Paulette J. Delk, Associate Professor of Law, Cecil C. Humphreys School of Law, The University of Memphis; A. Mechele Dickerson, Associate Professor of Law, College of William and Mary School of Law; Samuel J.M. Donnelly, Professor of Law, Syracuse University College of Law; Scott B. Ehrlich, Associate Dean and Professor of Law, California Western School of Law; Thomas L. Eovaldi, Professor of Law, Northwestern University School of Law.

Jeffrey T. Ferriell, Professor of Law, Capital University School of Law; Wilson Freyermuth, Associate Professor of Law, University of Missouri-Columbia School of Law; Christopher W. Frost, Professor of Law, University of Kentucky College of Law; Nicholas Georgakopoulos, Professor of Law, University of Connecticut School of Law; S. Elizabeth Gibson, Burton Craige Professor of Law, University of North Carolina School of Law; Marjorie L. Girth, Professor of Law, Georgia State University College of Law; Karen Gross, Professor of Law, New York Law School; Matthew P. Harrington, Associate Dean for Academic Affairs and Director, Marine Affairs Institute, Roger Williams University School of Law; Joann Henderson, Professor of Law, University of Idaho College of Law; Richard A. Hesse, Professor of Law, Franklin Pierce Law Center; Ingrid Michelson Hillinger, Associate Professor of Law, Boston College Law School; Margaret Howard, Professor of Law, Vanderbilt University Law School; Ted Janger, Associate Professor, Brooklyn Law School; Lawrence Kalevitch, Professor of Law, Nova Southeastern University Law Center; Allen R. Kamp, Professor of Law, John Marshall Law School; Lawrence P. King, Charles Seligson Professor of Law, New York University School of Law; Kenneth N. Klee, Acting Professor of Law, UCLA School of Law; John W. Larson, Associate Professor of Law, Florida State University College of Law; Robert M. Lawless, Associate Professor of Law, University of Missouri-Columbia School of Law; Lynn M. LoPucki, Security Pacific Bank Professor of Law, UCLA School of Law; Lois R. Lupica, Associate Professor of Law, University of Maine School of Law; William H. Lyons, Professor of Law, University of Nebraska College of Law.

Bruce A. Markell, Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas; Nathalie Martin, Assistant Professor of Law, University of New Mexico School of Law; Judith L. Maute, Professor of Law, University of Oklahoma Law Center; Jeffrey W. Morris, Professor of Law, University of Dayton School of Law; Spencer Neth, Professor of Law, Case Western Reserve University Law School; Gary Neustadter, Professor of Law, Santa Clara University School of Law; Dean Pawlowic, Professor of Law, Texas Tech University School of Law; Lawrence Ponoroff, Vice Dean and Professor of Law, Tulane Law School; Nancy B. Rapoport, Dean and Professor of Law, University of Nebraska College of Law; Doug Rendleman, Huntley Professor, Washington and Lee University School of Law; Alan N. Resnick, Benjamin Weintraub Professor of Law, Hofstra University School of Law.

Linda J. Rusch, Professor of Law, Hamline University School of Law; Charles J. Senger, Professor of Law, Thomas M. Cooley Law School; Charles Shafer, Professor of Law, University of Baltimore School of Law; Melvin G. Shimm, Professor of Law Emeritus, Duke University; Philip Shuchman, Weintraub Professor of Law, The State University of New Jersey, Rutgers School of Law (Newark); Marshal Tracht, Associate Professor of Law, Hofstra University School of Law; Bernard R. Trujillo, Assistant Professor, University of Wisconsin Law School; Valorie K. Vojdik, Assistant Professor of Law, Western New England College, School of Law; William T. Vukowich, Professor of Law, Georgetown University Law Center; Thomas Ward, Professor of Law, University of Maine School of Law; Elizabeth Warren, Leo Gottlieb Professor of Law, Harvard Law School; Jay L. Westbrook, Benno C. Schmidt Chair of Business Law, University of Texas School of Law; Michaela M. White, Professor of Law, Creighton University School of Law; Mary Jo Wiggins, Professor of Law, University of San Diego School of Law; Peter Winship, James Cleo Thompson Sr. Trustee Professor of Law, Southern Methodist University School of Law.

ORGANIZATIONS OPPOSED TO S. 625, THE "BANKRUPTCY REFORM ACT"

Among the organizations that have voiced their opposition to S. 625 are:

AFL–CIO, Alliance for Justice, American Association of University Women, American Federation of Government Employees (AFGE), American Federation of State, County and Municipal Employees (AFSCME), American Medical Women's Association, Association for Children for Enforcement of Support, Inc. (ACES), Business and Professional Women/USA, Center for Law and Social Policy, Center for the Advancement of Public Policy, Center for the Child Care Workforce, Church Women United, Coalition of Labor Union Women, Communications Workers of America, Consumer Federation of America, Consumers Union, Equal Rights Advocates.

Feminist Majority, Hadassh, International Association of Machinists & Aerospace Workers (IAM), International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, International Brotherhood of Teamsters, International

> Women's Insolvency & Restructuring Confederation, Ralph Nader, National Association of Commissions for Women, National Black Women's Health Project, National Center for Youth Law, National Consumer Law Center, National Council of Jewish Women, National Council of Negro Women, National Council of Senior Citizens, National Organization for Women, National Partnership for Women and Families, National Women's Conference.
>
> National Women's Law Center, Northwest Women's Law Center, NOW Legal Defense and Education Fund, Public Citizen, Union of Needletrades, Industrial & Textile Employees (UNITE), United Automobile, Aerospace and Agricultural Implement Workers of America/UAW, United Food & Commercial Workers International Union, United Steelworkers of America, U.S. Public Interest Research Group, Wider Opportunities for Women, The Woman Activist Fund, Women Employed, Women Work!, Women's Institute for Freedom of the Press, Women's Law Center of Maryland, Inc., YWCA of the U.S.A.

Mr. WELLSTONE. The letter begins:

> In a letter to you, dated September 7, 82 professors of bankruptcy law from across this country expressed their grave concerns about some of the provisions of S. 625. In a public letter dated September 16, two professors took the opposing view. One of the principal concerns of the 82 law professors was that S. 625 may adversely affect women and children.
>
> Proponents of the bill—namely, the consumer credit industry—have responded to the concerns raised about the effects of the bill on women and children with a media blitz. . . .

They have the money for a media blitz. These women and children don't have the money for that.

> . . . trumpeting the view that "Bankruptcy reform helps women and children." A September 14 letter from the consumer credit issuers proclaims that "S. 625 vastly improves the position of women and children who depend on family support payments from an absent parent who has filed for bankruptcy." A full-page advertisement also dated September 14 asserts, "The truth is that bankruptcy reform gives much-needed help to single parents and their children who are dependent on family support payments." The advertisement cautions in large type: "Distorting the facts about reform helps no one." The undersigned professors agree that "distorting the facts about reform helps no one." The real distortion is the assertion that S. 625 would benefit women and children.

You can pass this legislation but I am not going to let you get by with that claim.

> The truth is that notwithstanding the pleas of the bill's proponents, this legislation does not help women and children. Thirty-one organizations devoted exclusively to promoting the best interests of women and children continue to oppose this pending bankruptcy bill. The concerns expressed in the professors' letter of September 7 regarding how S. 625 would hurt women and children have not been resolved—they have not even been addressed.

Reading from one other section of the letter:

> We also express our concerns on behalf of the more than half a million women heads of household who will file for bankruptcy this year alone. As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the provisions that apply without regard to income, will fall hardest on them. A single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income still would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of the repayment plan was impossible.

I don't think the choice could be framed any more starkly. Here is the core question:

Will Senators be on the side of these women who are struggling to raise their families or do they see these women as the banks and the credit card companies do—as an economic opportunity, ripe for exploitation?

Mr. President, I hope my colleagues will recognize as they take a second look at this legislation that a vote for this bill is a vote against consumers; it is against women, it is against children, and it is against working families.

I believe our country and our society and this Senate should be judged by how we treat our society's most vulnerable members. By this standard, this is an exceptionally harsh piece of legislation. All the consumer groups oppose this bill; 31 organizations that are devoted to women and children's issues oppose this bill.

The two amendments I will speak to after I have given them context are my payday loan amendment, which would curb a form of predatory lending that targets low- and moderate-income and working families, and the low-cost, basic banking amendment, which would require big banks with more than $200 million in assets to offer low-cost, basic banking services to customers if they wish to be able to make claims against the debtors in bankruptcy proceedings. I think that would make the legislation at least a little bit more fair and balanced.

First, let me speak to my payday loan amendment. This is one that should have the vote of 100 Senators. This amendment would prevent claims in bankruptcy on high-cost transactions in which the annual rate exceeds 100 percent. That is what I am going to ask Senators to vote on. We would prevent claims in bankruptcy on transactions in which the annual rate exceeds 100 percent—such as payday loans and car title pawns. Now, these loans are marketed as giving the borrower a "little extra until payday."

Do you know what happens with these loans? It is incredible. You have hard-pressed people, poor people, senior citizens, women, people of color, people who live in our rural and urban areas, and they can't get the credit any other way, so they get a loan for $100, which will hold them over until they get their paycheck. They get charged these huge fees—15 percent or more. These credit companies, unscrupulous companies, can put a lien on their car and even require that they give them the key to the car, and then when they can't pay it back—which is often the case—they just keep rolling the loan over and over and over again. For example, a $15 fee on a 2-week loan of $100 ends up being an annual rate of about 391 percent because people ask for the loans over and over again. Rates can be actually as high as 2,000 percent per year, or they take title to the car.

This is absolutely incredible. Someone can take out a $100 loan, and the car might be worth $2,000, and these companies that we don't do a darn thing about—I know some of the national media has had some exposure, thank God. I just hope the Senate is sensitive to this question. They are hard-pressed people with nowhere to go for a $100 loan. Maybe there has been an illness in the family or the car broke down, or whatever the case is. They end up getting charged 300, 400, 500, 600 percent. Then they get harassed and they say: We have the check you made out to us. We are going to cash the check and you will be charged with writing a bad check and you can go to prison. These are unscrupulous practices. If the car is worth $2,000, they can basically repossess the car, sell the car, and in a lot of States they don't even have to give back to the owner anything that they make over what the owner owed them. Can you imagine that that goes on in this country? Why in this "bankruptcy reform" legislation have we not at least paid a little bit more attention to how we can protect some of our consumers?

Now, nobody needs to charge this type of interest rate for a loan. Indeed, this industry is grossly profitable as a result. Stephens Incorporated, one of our investors, says they can expect a return of 48 percent in 9 months to a year and can expect profit margins in excess of 30 percent. Stevens Incorporated reported that there were 6,000 storefronts making payday loans in 1999 across the country but estimates the potential "mature" market as being 24,000 stores nationwide generating $6 billion in fees. With these kinds of profits, only your conscience will keep you out of this business.

With these kinds of profits, only your conscience will keep you out of this business. It is amazing. You make these loans, you say you are going to help people, you charge them high fees, and you roll it over and over again.

You end up charging way above 100 percent per year. You repossess their car. You sell the car. You don't even give them back the additional money you make beyond what they owed you. You do all this with impunity, and these are the poorest people, most vulnerable people who are targeted, and we don't have anything in this legislation to protect them. Let me tell you, Senators, if you want to protect them, you will and you should vote for this amendment.

I say to my colleagues that these sleazy debt merchants, expanding their tentacles into our cities and towns, are the mirror image of the retreat of our Main Street and mainstream financial institutions from the same communities. Some of my colleagues on the floor know this. When we had our community banks and smaller banks, they cared. They helped small businesses out and helped out hard-pressed people. They were willing to help out. But now that we have moved to these branch banks and all of this consolidation, they don't. So people have to rely on these kinds of loans.

According to an analysis by the brokerage firm Piper Jaffrey, as reported in the Washington Post, "established customers" of one payday lender engaged in 11 transactions a year and could end up paying $165 to $330 for a $100 loan.

This vote is going to be watched. This is one I think national media will pay attention to because we have had some horror stories. We know about what has happened to people. The question is, Whose side are we on? Are we on the side of vulnerable people or on the side of single-parent households headed by women, on the side of children, or are we on the side of these unscrupulous credit card companies?

The following June 18 New York Times piece is typical of the horror stories associated with payday lending:

> Shari Harris, who earns around $25,000 a year as an information security analyst, was managing money well enough until the father of her two children, 10 and 4, stopped paying $1,200 in child support. "And then," Ms. Harris said, "I learned about the payday loan places." She qualified immediately for a two-week $150 loan at Check Into Cash, handing it a check for $183 to include the $33 fee. "I started maneuvering my way around until I was with seven of them," she said. In six months, she owed $1,900 and was paying fees at a rate of $6,000 a year. "That's the sickness of it," Ms. Harris said. "I was in a hole worse than when I started. I had to figure out a way to get out of it."

Mr. President, here is where we are. If you have desperate customers—the most vulnerable—and these are the kinds of loans they are dependent upon, where the terms are outrageous—only somebody with no alternative would seek to borrow money at such scandalous rates.

The Consumer Federation of America noted in a September 1999 report entitled "Safe harbor for Usury" that, quote:

> Consumers who are desperate enough for credit to pay triple digit interest rates for two week loans have very little market power to bring rates down. The real costs of payday loans made in small sums for very short periods of time may not be clear to unsophisticated consumers. When lenders deny that their cash advances are 'loans' and fail to comply with Truth and Lending Act disclosures of Annual Percentage Rates, consumers do not have the key price tag needed to comparison shop for credit. If, as the industry claims, payday loan customers have nowhere else to go for small loans, rate regulation is necessary to prevent abuse of a captive market.

That is what is going on. The industry is saying to Senators: Oh, no, you can't do anything about this because these people are desperate and they come to us for loans and we perform a vital service. But does that justify scandalous fees? On the contrary, it justifies stringent regulation to protect the most vulnerable citizens. What are we about if we cannot at least extend this kind of protection?

If it is poor credit which drives a borrower to a payday lender, the borrower is likely to find himself in still deeper water after taking one of these high interest loans. For example, in Tennessee—the state with the highest bankruptcy rate in the country—payday lending is becoming an increasing problem for the bankruptcy system. As one Chapter 13 bankruptcy trustee, as quoted in the March 18th edition of The Tennessean put it, quote:

> I see them (payday lenders) as the last straw. I would certainly say they are compounding the problem. We are dealing with a bankruptcy filing rate that's through the roof. You are looking at one of the basic causes: lending to people who are not credit worthy and extracting exorbitant interest rates from them.

Why aren't we doing something about this? This amendment says if you have a 100-percent interest charge over a year, you are not at the table when it comes to bankruptcy, and the collections of these payday loans can be coercive.

For example, in September, the Cook County, Illinois State's Attorney filed suit against Nationwide Budget Finance, a St. Louis based payday lender, alleging multiple violations of Illinois Consumer Installment Loan Act and Consumer Fraud Act, charging that Nationwide threatened consumers with criminal charges and lawsuits when it had no intention of taking such action. The State's attorney stated, quote: "Apparently, pay day loan businesses are so lucrative that it is more cost-effective to write off bad debts rather than to try and collect them, even though they harass and intimidate their customers." Additionally, the company required borrowers to list four references on the loan application. But the references weren't used for the loan approval, instead Nationwide would place harassing calls to the people listed if the borrower defaulted.

That is why this amendment amends the Fair Debt Collection Practices Act to prohibit coercive collecting tactics in lending transactions where deferred cashing of a check is involved.

I should also point out that, at the very minimum, if we are going to be talking about accountability and responsibility, why don't we make it a little more lenient with this piece of legislation? It takes two to tango. These unscrupulous credit card companies have something to do with bankruptcy.

Such loans are patently abusive. They should not be protected by the bankruptcy system. And because they are so expensive, they should be completely dischargeable in bankruptcy so that debtors can get a true fresh start, and so that more responsible lenders' claims are not "crowded out" by these shifty operators.

Consider that. Why should we penalize some of our good companies that are responsible lenders by letting these unscrupulous loan sharks be at the table? Why should unscrupulous lenders have equal standing in bankruptcy court with a community banker or a credit union that tries to do right by their customers? And lenders should not be able to take advantage of their customers' vulnerability through harassment and coercion.

That is what this amendment is about.

Mr. President, my amendment simply says: if you charge over 100% annual interest on a loan, and the borrower goes bankrupt, you cannot make a claim on that loan or the fees from the loan.

Colleagues, you have such a clear choice. There is no reason in the world that you should not vote for this amendment.

I grant you that I come to the floor today to speak for some people who haven't been included in the system. They are just poor and they are vulnerable, and therefore they are fair game for these companies.

I have just said to you that my amendment says if you charge over 100 percent as an interest rate and the borrower goes bankrupt, you cannot make a claim on that loan or on the fees on the loan.

Why don't we make the legislation just a teeny bit fairer? Why don't we have just a little bit more balance? Why don't we go after these unscrupulous operators?

The second amendment I've offered on this bill is my low cost, basic banking amendment. This important consumer amendment would require big banks with more that $200 million in assets to offer low-cost basic banking services to their customers if they wish to be able to make claims against debtors in bankruptcy proceedings.

We have been talking about responsibility. What about the responsibility of the banks and the lending institutions to offer inexpensive means to conduct financial transactions and to save money for low-income people?

Right now, the minimum balance that people are supposed to have in their accounts and the high fees mean that for about 12 million Americans, they can't afford to open up an account; they can't afford to have a checking account. What happens when people can't afford to open up a checking account? They are forced to complete their financial transactions either through costly check-cashing operations or they carry around whatever sums of money they have when they go out to purchase groceries or to pay their rent. These are risks that people should not have to take.

For example, ACE Cash Express, a national check-cashing company, charges between 3 and 6 percent of a check's value to convert the check into cash. That is what poor people are forced to do. There would be a charge of between $15 and $30 on a paycheck of $500. While that may not seem to be much money to many of my colleagues, to many low- and moderate-income families who live paycheck to paycheck, that $30 could be a meal; that $30 could be a piece of clothing they could buy for their child; that $30 could mean they could go visit a doctor.

We have been passing legislation that has driven these small banks out, that has led to all of these mergers and acquisitions, with these huge branch banks making billions and billions of dollars. All I am saying is, why can't we at least say to them: You have some community responsibility; you ought to at least give people low-cost basic bank services. If you do not, then you are not at the table in bankruptcy proceedings against such a bank.

This amendment focuses on banks with more than $200 million. I want to be crystal clear that I am not talking about the smaller banks because the smaller banks have done a good job. Much of my work is in rural America. The smaller banks and the community banks have done a good job. They go out of their way to help. But the problem is that these small community banks that have been connected to Main Street have been connected by these huge financial conglomerates that are much more connected to Wall Street. They don't really know the people. They don't know them at all. They sure as heck don't go out of their way to help them.

Would this amendment present an unfair burden to these larger banks, as some of my colleagues may argue? Not according to a survey of the Consumer Bankers Association. According to the CBA, 70 percent of the institutions found that offering a basic bank account did not result in a financial loss for their bank or impose a burden on their operation.

What in the world is going to happen to seniors? What is going to happen to low-income elderly people? As the U.S. Government begins to make the shift to electronic distribution of benefits, pensions, and wages, consumers must have access to banking services. Now more than ever, the 6.5 million recipients of Social Security and SSI, the Supplemental Security Income program, who do not have a checking account, will face even a steeper uphill battle in their attempts to access these funds. They currently cannot afford the monthly fees, nor do they have the money to keep the minimum balance in their checking accounts necessary to complete these financial transactions.

What are we saying to senior citizens who in the future will need a bank simply to get their electronically transferred Social Security check? Let's not forget that it is not just the financial giants that are affected by this process of modernization. It is everyone. We should not try to close the door to low-income consumers who desperately need access to basic banking services. If we provide wider access to bank accounts, we will reduce bankruptcy, we will promote financial literacy, and we will reduce low- and moderate-income families' reliance on high-cost check cashers and payday lenders.

Why should bankers who are unwilling to promote the general good be given the same standing in bankruptcy court as those who do? I am tired of seeing the folks in the private sector who do the right thing being put at a competitive disadvantage because their competitors will not.

I will conclude by characterizing the debate this way: Over the past several decades, our economy has become more and more balkanized. We have, indeed, seen an economy that is booming. But I come from a State where we have had an economic convulsion in agriculture and our family farmers and our rural citizens are falling behind. The U.S. economy is becoming more and more balkanized. More wealth and more economic power is concentrated among a few. What we have been doing in the Senate over the past several years is passing legislation which provides the lion's share of benefits for those at the top of the heap, those with the big bucks. The two amendments I have introduced give us an opportunity, in a small way, to reverse this trend.

This bill is already an enormous giveaway to the financial services industry. It basically rewards lenders for their aggressive, irresponsible lending habits. I went over that already. So I say to colleagues, since we seem to be on our way to changing the rules for America's working families with this legislation, since we seem to be about to ratify the scandalous lending practices of the banking industry, let the Senate adopt several amendments that balances this legislation. Both of these amendments test whether we are serious about curbing bankruptcy. These two amendments, the payday loan amendment and the lifeline banking amendment, are antibankruptcy amendments. A vote for either of these amendments is a vote to promote responsible financial habits among consumers and responsible lending from the credit card companies—responsible lending from the credit card companies. A vote against these amendments sanctions the abandonment by big banks of poor people and, increasingly, the middle class, and ratifies the stranglehold that unscrupulous lenders have on low-income and moderate-income and working families. There is no doubt in my mind this is a flawed piece of legislation. It punishes the vulnerable and rewards the big banks and credit card companies for their own poor practices.

Earlier I used the word "injustice" to describe this legislation. That is exactly right. It will be a bitter irony if the creditors are able to use a crisis, largely of their own making, to convince Congress to reduce borrowers' access to bankruptcy relief. That is exactly what is going on.

I said at the beginning of my statement that real bankruptcy reform would address the concentration of financial markets, which are increasing the power and clout of the big banks and credit card companies to unprecedented levels. It would make working families more secure. It would deal with the crisis in agriculture and what is happening in rural America. It would address skyrocketing medical expenses. It would confront the economic balkanization of the country. It would confront the increasing chasm between the wealthy and the rest of America.

But instead of lifting up low-income and moderate-income and working-income families, this bill punishes them. I hope my colleagues reject this legislation. I strongly urge the Senate to at least provide some balance to this legislation and to accept my amendments.

I have also a document from the Department of Labor, written by an officer, Capt. Robert W. "Andy" Andersen, and I believe this was written to Senator LIEBERMAN. In this letter, he is talking about these payday loans. What he is saying is we have this problem in the military. We have our military people who are underpaid—we know all about this—so they end up having to rely on these payday loans, and the same thing happens to them, to men and women in the Armed Forces. We do not pay them enough, we don't reward their work, we don't provide them the salaries they and their families deserve—just like other low- and moderate-income people—and then they rely on these payday loans. They are desperate. They take out a loan for $100 which then gets rolled over and over and over again or have liens put on their car, they lose that car, they get charged interest rates of 300, 400, 500 or 600 percent a year, and it is a living hell for their families, because of the same practices by unscrupulous lenders who are making billions of dollars. I think we ought to be on the side of these men and women in our military who are confronted with this.

But you know what, I am not going to use this as the big emotional argument in this debate. It is not just the military. It is low- and moderate-income people. It is men and women in the Armed Forces. It is a lot of single-parent families, I am sorry to say most of them headed by women. It is some of our senior citizens. Contrary to the stereotype, the income profile of elderly Minnesotans and elderly people in Utah and around the country is not very high. It is basically the most vulnerable citizens in our country.

I will speak to this payday loan. I would like to know why in the world there would be opposition to this amendment. We are saying if you are charging over 100 percent interest a year, you are not going to be at the table. I thought we were on the side of consumers when it comes to people being charged exorbitant fees and interest rates. It says you cannot use these coercive practices that the State of Illinois is going after these consumers on wherein they threaten people and tell them they are going to cash their checks and then they are going to end up going to prison.

I believe the vote on these amendments—and I am going to focus on the payday amendment—is a test case. This is a test case vote. Whatever you think about the overall bill—I have laid out my case against it—on this amendment this is a test case as to whether or not we can at least provide some protection to the most vulnerable citizens, whether or not we are on the side of the most vulnerable people, women and children, whether we are on the side of low- and moderate-income, working-income families, whether we are on the side of hard-pressed people, whether we are on the side of regular people, whether we are on the side of ordinary citizens, or whether we are on the side of unscrupulous loan shark companies that have no conscience and no soul and exploit people.

I urge my colleagues to support this amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. HATCH). Who seeks recognition? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is always a pleasure to listen to the Senator from Minnesota because whether he is right or wrong, he always speaks with a great deal of passion. I want people who have ideas to have passion for those ideas. Senator WELLSTONE is a person who speaks with a great deal of passion and conviction.

I disagree with a lot of the points he has made; otherwise, we would not have this legislation before us. On the other hand, on the subject of concentration, which he brought up, I have some sympathy for what he has said. The solution to the concentration problem is we should get this administration to vigorously enforce the antitrust laws both within the Justice Department and the Federal Trade Commission. There is a general feeling among people about whether the marketplace is working adequately and, consequently, support the antitrust laws. The antitrust laws are well written and have withstood a period of time, but enforcement is very much an issue.

We are not talking about concentration, and we are not talking about enforcement of the antitrust laws when we deal with bankruptcy. We have a very real problem. We have seen a dramatic increase in bankruptcies over the last 6 or 7 years. In 1993, we had 875,202 bankruptcies, and in 1998, it shot up to 1,442,549.

We have seen this dramatic increase in the number of bankruptcies during one of the most prosperous times in the history of our country. It has been the most prosperous for several reasons: One, information technology is helping to expand our economy and make it more efficient than ever before.

The globalization of our economy has also reduced consumer costs, giving consumers more money to expend on other things. We have seen Congress balance the budget in the last 3 years, and it worked toward that for the last 6 years and made considerable progress. Now we are paying down the national debt for the third year in a row. All that has contributed to it.

We are in the 18th year of economic expansion, which started in the second year of Ronald Reagan's administration. We had a turnaround in the economy after the stagflation of the seventies, and except for a 6-month period of time in 1992, we have had 18 years of economic expansion. During that period of economic expansion, we have had this very dramatic increase in bankruptcies.

Why? I wish I could say there is just one reason, as the Senator from Minnesota seems to imply; that it is credit being extended too easily, too many credit cards. I agree that is a reason, but that is only one of the reasons.

Another reason is we have a bankruptcy bar that has, quite frankly, encouraged bankruptcies. We have shown during previous debates on this bill where bankruptcy lawyers in California advertise in the media how to get out of paying alimony and child support by going into bankruptcy. These types of practices, obviously, are not ethical but are still being used.

We also have the bad example set by the Federal Government of 30 years of deficit spending. If Uncle Sam can borrow money into the trillions of dollars over a period of 30 years, isn't it all right for Mary Smith and Tom Jones or the people who are working in Anywhere USA to go into debt as well? Uncle Sam did not set a very good example. Congress, doing the fiscal policy for Uncle Sam, did not set a very good example. It says to others: Yes, it's OK for you to go in debt.

The Federal Government has turned that around in 3 years by balancing the budget and paying down some of the national debt and is on the road to paying down the national debt very dramatically over the next 10 to 15 years.

We also have a situation where somehow financial responsibility is not considered a personal responsibility anymore. In other words, it is OK to go into debt and not pay your bills. There used to be a certain amount of shame connected with bankruptcy that does not seem to be there now.

I gave four reasons—and there may be a lot more—of why we are probably in this situation where we have had 18 years of economic expansion since the second year of the Reagan administration and yet have a historically high number of bankruptcies, and during the best years of our economy, we have seen bankruptcies almost double in a period of 6 or 7 years.

Consequently, we have this legislation before us. I do not disregard the words of the Senator from Minnesota that there are some people who are vulnerable and for whom we need to be concerned, but I say to the Senator from Minnesota, we are not extinguishing the principle that has been a part of the bankruptcy law for the last 102 years, permanent bankruptcy legislation. There are segments of our population in bad financial trouble, through no fault of their own, who need the help of bankruptcy. That could be death, divorce, a lot of medical expenses, a natural disaster, for instance, if you are a farmer or some other small businessperson, or maybe even a homeowner who had a natural disaster that was not properly insured.

Our code says there are select groups of people who are in a bad financial situation, through no fault of their own, who should have a fresh start. I say to the Senator from Minnesota and all the other Senators who question this legislation, we keep that principle, but we also say this Congress has to send a clear signal to the 270 million people in this country that if you have the ability to repay some or all of your debt, you are not going to get off scot-free. There are large numbers of people who are getting off scot-free, albeit they may be a minority, but they are a significant minority, and it does not set a very good example for some people to be able to use the bankruptcy code as part of financial planning.

We are saying to those who can repay that they have to repay, but we are also sending a signal through this legislation to credit card companies that are willy-nilly sending out credit cards that encourage bankruptcy or even a lack of personal responsibility.

We are saying it has to be a new day. We want to discourage those people who maybe are low income, who should not have gotten, through their own fault, into debt, and are not in the classification of people who I say are entitled to a fresh start—that somehow they should think again about going into bankruptcy and only use bankruptcy as a last resort.

We find that the 1978 law, obviously, has contributed some to the big increase in bankruptcies. This legislation passed by a very wide margin. So I do not think it was intended that the 1978 law ought to make it easier to go into bankruptcy. But, obviously, it sent that signal to a lot of people in America, as we have seen that the number of bankruptcies in 1980 was only 331,000 and now 18 years later, in 1998, the figures are 1,442,000.

Something has happened recently. Again, I do not pretend to stand before the American people, or my colleagues in the Senate, and say passing a law is going to solve all these problems. I wish it would. It is going to be a combination of several things: the credit card companies or credit-granting companies to be more careful in who they grant credit to; a Congress to be financially responsible and, hence, set a good example for every taxpayer and citizen in this country that debt isn't OK; the bankruptcy bar to be a little more careful about encouraging people to go into bankruptcy and not to advertise that bankruptcy is OK as a way out; and then the law itself, by discouraging people who can repay to use the bankruptcy code for financial planning.

In this whole process, I hope we then enhance personal responsibility. By enhancing personal responsibility, then we can reduce these numbers of bankruptcies and then reduce the economic problem we have—because we are not talking about something that does not make an impact upon everybody.

Some people have put this at a $40 billion problem—$40 billion owed by those who go into bankruptcy and do not pay. Then every other consumer in America picks up part of that tab. We have no doubt about it, if you are shoplifting, the honest consumer, who does not shoplift, is going to pay the cost of shoplifting. This is somewhat the same. If you are a businessperson, and somebody does not pay their bills by declaring bankruptcy, the honest person buying goods from that same business is going to pick up the tab. And $400, on average, for a family of four, is what we pay for other people who do not pay.

We hope to enhance personal responsibility. We hope to help the economy in the process. But most importantly, this is something that must be dealt with, and I think this legislation deals with it.

That is the background for this legislation. I think it is necessary to give some of that background, as I respond to some of the specific issues that the Senator from Minnesota brought up.

First of all, he mentioned the point that there has been some decline in the rate of growth of bankruptcies in recent years. We think that is true. It is a little bit too early to make that judgment. I hope it is true. I think it is a direct result of Congress talking about this horrible economic problem we have of $40 billion and the lack of personal responsibility which goes with that economic problem. Perhaps it is sending signals to some of the consumers to think twice about whether bankruptcy is the right direction to go in. Maybe it sent a signal to some of the bankruptcy lawyers in America to counsel people not to go into bankruptcy.

I hope the leadership of this Congress over the last 3 years, in discussing this legislation—actually having passed it in the last Congress in both Houses, but not getting the final product to the President in time before adjournment—has done some good.

So we have had a very modest decline in bankruptcies in 1999 as compared to 1998. But if you take the historical look—and I have referred to some of those figures since 1980—Senator WELLSTONE's point that the bankruptcy crisis is going away turns out to be false. I have referred to the 330,000 bankruptcies we had in 1980, the year the new code went into effect. But that has gone up to just under 1.4 million in 1999. Unlike the Senator from Minnesota, I think 1.4 million bankruptcies per year is a real crisis.

In the past, in the middle 1980s, and even once during the 1990s, we have had some minor dips in the bankruptcy filings; but since then, as I have referred to, we have had this dramatic increase, almost doubling, in the last 6 or 7 years.

I ask unanimous consent to have printed in the RECORD a table of the total filings, business filings, nonbusiness filings, and the percentage of consumer filings of total filings.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. BANKRUPTCY FILINGS 1980–1998

[Business, Non-Business, Total]

Year	Totals filings	Business filings	Non-business filings	Consumer filings as a percentage of total filings
1980	331,264	43,694	287,570	86.81
1981	363,943	48,125	315,818	86.78
1982	380,251	69,300	310,951	81.78
1983	348,880	62,436	286,444	82.10
1984	348,521	64,004	284,517	81.64
1985	412,510	71,277	341,233	82.72
1986	530,438	81,235	449,203	84.69
1987	577,999	82,446	495,553	85.74
1988	613,465	63,853	549,612	89.59
1989	679,461	63,235	616,226	90.69
1990	782,960	64,853	718,107	91.72
1991	943,987	71,549	872,438	92.42
1992	971,517	70,643	900,874	92.73
1993	875,202	62,304	812,898	92.88
1994	832,829	52,374	780,455	93.71
1995	926,601	51,959	874,642	94.39
1996	1,178,555	53,549	1,125,006	95.46
1997	1,404,145	54,027	1,350,118	96.15
1998	1,442,549	44,367	1,398,182	96.92

Mr. GRASSLEY. The Senator from Minnesota also made reference to some changes in the bankruptcy code that were made by Senator Dole in 1984 which allowed judges to dismiss chapter 7 cases in cases of—these are the words from the statute—"substantial abuse" of the bankruptcy code.

I spoke to this point a week ago. Obviously, the Senator from Minnesota did not have an opportunity to hear my remarks. But he would have heard me state, in detail, how the 1984 legislation has not worked at all, regardless of its good intentions. Because under the 1984 legislation, creditors are banned by law from bringing evidence of abuse to the attention of the judge.

Here we have a law that says if there is substantial abuse of the bankruptcy code, then the judge can determine that that certain bankrupt does not have a right to be in bankruptcy court. But then we have another section that says creditors who might know about this abuse cannot bring evidence of that abuse to bankruptcy court.

So it seems that the 1984 legislation was designed not to work. We correct that in this legislation by making it possible for people to bring evidence of such substantial abuse to the bankruptcy judge, for it to be considered, and if the judge agrees, then that person cannot continue to abuse the public at large by making misuse of the bankruptcy courts to get out of paying debt.

I also remember the Senator saying that tightening bankruptcy law will not reduce the costs of bankruptcy. All I can say is, the Clinton administration's own Treasury Secretary, Larry Summers, said in one of our hearings that reducing bankruptcies could help reduce interest rates. And what helps lower-income people more in America than reducing interest rates?

It really helps the very people the Senator from Minnesota speaks of as being vulnerable and as a class of citizens about whom we should all have concern, and I believe all do have concern.

I have an example of a vulnerable person at the other end, a person who has been substantially harmed by somebody who went into bankruptcy.

It isn't just people who go into debt who are vulnerable and can be hurt by bankruptcy; there are a lot of other hard-working people who are hurt by other people who go into bankruptcy. I hope this body will remember that every abusive bankruptcy hurts scores of Americans.

I will read, without using names, from a constituent in Keokuk, IA, writing to me about the need for the passage of this legislation. She had read a headline in the local paper that said: The Senate may toughen bankruptcy laws.

"My son"—I will not use the name—"works for a local electric company as a meter reader full time during the day and then goes right to work nearly every evening and on Saturdays with his own growing washing, vacuuming business. He works so hard to do a good job for his customers. He takes his responsibilities as a father of five very seriously. During the last 3 to 4 months, he has been doing a job for an out-of-town gentleman." Then the last name is given. "I believe he is in the Des Moines area. I have learned that he has several businesses and is known to be a crook." That is why I don't want to use the names; I don't know whether he is a crook or not, but that is the writer's judgment.

"Of course—then she uses the name of her son—" had no idea about this person's background, but he eagerly wanted the work and took the work. He felt especially good about it because one of his men is very poor, one of the workers he hires for his moonlighting business, and so he turned the job over to him so he could make extra money.

"The sorry ending of this story is, as you might have guessed, just last week Kenny called the original hiring company where Kenny works directly doing cleanup jobs. And before he could talk to the manager about not being paid by this gentleman from Des Moines, Mike told Kenny that he had just called to inform him that he had declared bankruptcy. He owed Kenny over $3,600. To him, this might as well have been $36,000 because of some new, very expensive equipment purchased to be able to handle the additional work.

"Something must be done to keep crooks from sticking hard-working people like my son, who associate with him in good faith, from dropping the hatchet—you know the numbers when it comes to poor management—and then take the easy way out at everyone else's expense." Then in capital letters: "It is wrong and it should not be allowed."

So there are hard-working mothers and fathers in America, I say to the Senator from Minnesota, who are vulnerable and hurt by other people who take advantage of them and go into bankruptcy.

On another point the Senator from Minnesota made, perhaps he isn't aware that the organization of prosecutors who enforce child support says this bill, S. 625, will help women and children who are owed child support. On this point, in fact, there is no point. Both parties have worked hard on this legislation in the compromises that have taken place over the last 2 or 3 years. We are not going to let people use the bankruptcy code to get out of paying child support. Yet we are still hearing, this very day, that old argument that may have had some credibility 2 or 3 years ago but that we had taken care of almost that long ago because it was a very important point raised. But those points are still being made.

So I ask my colleagues, as they consider that point made by the Senator from Minnesota, to whom are you going to listen: The people who actually collect child support—that is, the organization of prosecutors who enforce child support who say this is a good bill and will help women and children—or are you going to listen to Washington special interest think tanks that are using smoke and mirrors to say this bill will make it more difficult to collect child support? I think those who prosecute know the difficulty of collecting that. I hope my colleagues will listen to the prosecutors who get child support who say this bill will help women and children.

Finally, I wish the Senator from Minnesota had at least mentioned title II, subtitle A, which is entitled: Abusive Creditor Practices. We know creditors can be abusive, and we address that problem to make sure there is a level playing field between creditors and debtors when it comes to the bankruptcy courts. We have numerous new consumer protections. Understand, there are some customers who don't want to go into bankruptcy, and they try to negotiate with their creditor to avoid going to court. That is a good step we want to preserve and encourage. But if that customer then has to declare bankruptcy because of not being able to negotiate, then the creditor is severely limited in his ability to collect that debt. To me, this is real consumer protection that should not be forgotten as we vote on this legislation.

I will now turn to a specific amendment the Senator from Minnesota is offering as well and to oppose his amendment that is referred to as the payday loan. For those who don't know, this type of loan happens when a borrower gives a personal check to someone else and that person gives the borrower cash in an amount less than the amount of the personal check. The check isn't cashed if the borrower redeems the check for its full value within 2 weeks. The fact is that payday loans are completely legal transactions in many States. If a financial transaction is explicitly legal under State law, to me, it isn't wise that we use the bankruptcy code to try to undo that transaction.

First of all, using the bankruptcy code for this purpose leads to perverse results because the only people who will receive any benefit or relief will be those who file for bankruptcy. Then you have all those other people who are using payday loans who never file for bankruptcy. These people who have taken out loans but don't take the easy way out in bankruptcy court will still have to pay back their loan. So if this is a problem, it seems to me the Senator from Minnesota ought to work to help everybody, not only those who go into bankruptcy court. Then you also have the perverse result of people who don't have the money to file for bankruptcy who will have to pay the loan as agreed. Even if you share Senator WELLSTONE's distaste for payday loans, this amendment won't benefit the poorest of the poor because most of the poorest of the poor don't seek bankruptcy relief.

Earlier during the course of the debate, my colleague from Utah, Senator HATCH, sought to include language in an amendment that would have changed the Fair Debt Collection Practices Act. This act is in the jurisdiction of the Banking Committee. At that very time, the ranking Democrat on the Banking Committee, the Senator from Maryland, indicated that he would not consent to allowing changes to the Fair Debt Collection Practices Act on a bankruptcy bill. So to be fair, then, the portion of Senator WELLSTONE's amendment changing the Fair Debt Collection Practices Act should be stricken out in deference to the jurisdictional objections that have been lodged by the ranking Democrat on the Banking Committee. So I am asking Senator WELLSTONE to listen to the arguments of his fellow Democrat about jurisdiction and respect the jurisdiction of the particular committees.

If the Senator from Minnesota doesn't want to honor this objection, I think his proposed changes to the Fair Debt Collection Practices Act represent poor policy at least. His amendment would not say that lenders can't offer payday loans. His amendment would say that you aren't allowed to use State courts to collect the debt, even if the debt is completely legal under that same State law. In fact, the State of Minnesota specifically allows payday loans, as does my home State of Iowa. I don't think the Federal Government has any business telling State judges they can't enforce debts that are fully legal under the laws of that particular State. I would have confidence in my State legislature correcting this economic and social problem, if it is one in our State. I haven't studied it enough to know whether it is, but I have confidence that my State legislators would correct that. I hope the Senator from Minnesota has the same confidence that his State legislators know what is best for Minnesota, not those of us in the Congress of the United States.

I also think this amendment would have the effect of making it harder for the poor and those with bad credit histories to gain access to cash—the very people the Senator from Minnesota is so concerned about because, in his words, "they are so vulnerable." People who use payday loans simply can't get loans through traditional sources because they are too risky, so a payday loan may be the only way they can get quick cash to pay for family emergencies or essential home and auto repairs.

I know the intentions of my good friend from Minnesota are honorable, but the effect of this amendment would be to make it harder for poor people to get help when they need that help the most. I hope this amendment by the Senator from Minnesota will be defeated.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak in opposition to the amendments offered by the distinguished Senator from Minnesota. His amendment is, in fact, two amendments—one to the bankruptcy laws and one to the Fair Debt Collection Practices Act.

The debt collection amendment would prohibit anyone, such as a grocery store or a hotel, who cashes checks for a fee and defers depositing the check from notifying the writer of a check which is later bounced that they will seek civil or criminal penalties for that bounced check. It is important to keep in mind that under most State laws writing bad checks is a crime and many States allow for civil and/or criminal penalties against those who write fraudulent checks.

The other part of this amendment would disallow in bankruptcy claims arising from a deferred deposit loan—a so-called payday loan—if the annual percentage rate of the loan exceeds 100 percent.

Although well intentioned, this amendment is misplaced. So-called payday loans are made when a borrower writes a check for the loan amount plus a fee. The lender typically gives the borrower the loan amount and holds the check until a future date. In making payday loans, these lenders provide a vital service to the poorest borrowers. Because sometimes it is more convenient to go to a hotel, grocery store, gas station, or other similar businesses that may keep longer hours than banks, many consumers choose to cash a check at these types of places when they need small amounts of money to overcome an emergency.

With this check cashing service, borrowers can get the emergency cash they need without telling the boss they need a cash advance or giving up their televisions and furniture. This is a legitimate service that many honest consumers use and in which established businesses engage.

If adopted, this amendment may operate to the detriment of the very people it is intended to help. So I urge colleagues to vote against that amendment.

The lifeline account amendment would disallow the bankruptcy claims of certain banks and credit unions. In particular, it would disallow claims by larger institutions, such as banks with more than $200 million in aggregate assets that offer retail depository services to the public, unless they offer the specific services required by this amendment. First, these institutions would be required to offer both checking and savings accounts with "low fees" or no fees at all. Second, they would have to offer "low" or no minimum balance requirements for checking and savings accounts—and to any consumer, regardless of income level. Further, the "penalty" for not providing these particular services is the disallowance of the bank's claim in bankruptcy. That is a harsh penalty, indeed, and a windfall for bankrupts.

Let me explain what this means. It means someone with the resources of, let's say, Steve Forbes can walk into one of these banks, and if he is denied a "low fee" or no fee account, then any claim that bank has in any bankruptcy proceeding—not just Steve's bankruptcy—then the bank's claims are disallowed. I emphasize that any claim in any bankruptcy will be disallowed because the bank did not offer Steve Forbes a "low" or no fee checking account. Let me substitute Bill Gates' name for Steve Forbes here.

I should also note that this amendment does not describe what a "low fee" account is. Whose standard of low are we to base this dictated fee on? This is bad policy that would effectively dictate to banks the specific services they must offer, whether or not consumers need or want them. This is Government interference with free markets at its worse. Whenever such rules are forced on businesses, the offsetting costs inevitably occur. In other words, consumers will end up paying for mandated low fee or free checking in the form of higher prices for other services. Alternatively, other services by banks may be discontinued to offset the costs of these new requirements, not to mention the costs of the penalties. I don't believe this kind of regulatory interference with the markets is either warranted or wise. I urge colleagues to oppose this amendment.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Minnesota for raising this important consumer issue. Seven weeks ago, I held a forum on payday lending to help educate myself and the public on this troubling consumer credit practice. At the forum, we heard from representatives of the payday industry, consumer advocates, state regulators, and a credit union representative. We also were fortunate to hear from two Navy servicemen, one a payday borrower and one a commander who provides financial counseling to his sailors. Their stories of military personnel caught in cycles of debt to payday lenders helped me realize the impact this issue can have on individuals' lives. For example, Captain Robert W. Andersen, commanding officer of Patrol Squadron 30 in Jacksonville, FL, testified that sailors who take payday loans are often victims of a "snowball effect or financial death spiral they cannot recover from."

For those who aren't familiar with payday lending, let me explain how it works. Someone who is short of cash can borrow money using his or her future paycheck as security. The borrower usually writes a check for the loan amount plus a fee, and then the lender agrees not to cash the check until after the borrower's next paycheck comes in.

Payday lenders commonly promote their product as quick and easy cash. But what they don't usually advertise is that this is one of the most expensive consumer credit products in existence. Interest rates on payday loans average about 500 percent annually, with some loans going well over 1000 percent APR. Among the frequent borrowers who pay these high fees are those with particularly limited ability to repay the loan, including enlisted military personnel, college students, and senior citizens on fixed incomes.

Despite the fact that payday loans are marketed as short-term credit, intended to help people get through one rough pay period, a disturbingly high number of payday borrowers apparently soon discover that they can't pay their loan off immediately, and so they end up rolling their loan over for another—and another, and another—term. According to a study by the Indiana Department of Financial Institutions, 77 percent of all payday loan transactions are rollover transactions, and the average annual number of renewals per borrower is over ten. As a result, consumers can end up paying amounts in interest and fees that dwarf their initial loans—and make it very difficult for them to repay the principal. One borrower in Kentucky, for example, ended up paying $1,000 in fees for a loan of only $150 over a period of six months—and the borrower still owed the $150. It is cases like these that has led the Consumer Federation of America to call payday lending "legal loan sharking." As the American Association of Retired Persons (AARP) stated in written testimony provided for the forum:

> It is not difficult to see how a borrower could become mired in debt. A person so desperate for money that he or she is willing to pay a three-digit APR is not likely to have the cash—plus the fee—two weeks after taking out a loan. . . . Taking out a loan at 391% APR, with the obligation to repay the principal and interest charge in *two weeks*, is not going to help consumers who do not have the cash to cover the checks they write. (emphasis in original)

And that's not the worst of it: state efforts to control rollovers appear to be failing; lenders and customers find any number of ways to roll over a loan, even if rollovers are limited or prohibited. The Illinois Department of Financial Institutions has concluded that rollover rules have "been ineffective in stopping people from converting a short term loan into a long term headache." At the forum, Mark Tarpey, Consumer Credit Division Supervisor with the Indiana Department of Financial Institutions, testified:

> The problem with renewals is that you have an incentive for the lender to continue to collect fees as long as the customer pays them. There is no incentive to limit renewals/rollovers. Even if you statutorily prohibit or limit renewals/rollovers, you have the problem of a customer coming in and paying cash and the lender then giving them the same funds back and calling it a new loan. There are other practices to conceal transactions from being deemed a renewal/rollover.

The industry acknowledges that loan renewal is a problem, although there is dispute over just how big a problem it is. Both of the trade associations represented at the forum I held in December have adopted "best practices" guidelines that attempt to address this issue, but because the borrower drives the decision to renew a loan, it would be difficult for the industry guidelines to succeed.

Equally disturbing are the practices that some in the payday industry have used to collect on delinquent loans—and I recognize and appreciate that the amendment offered by the Senator from Minnesota addresses this problem. At the forum in December, Leslie Pettijohn, the Consumer Credit Commissioner in Texas, testified:

> From a regulator's perspective, one of the most objectionable practices of these transactions is the threat of criminal prosecution against the consumer. When a check bounces, lenders frequently file charges against consumers with law enforcement officials and attempt to collect this debt by means of criminal prosecution. In a single precinct in Dallas County, more than 13,000 of these charges were filed by these kind of companies in one year.

As I mentioned, payday lending uses as security a live check that both the borrower and the lender know is no good at the time it is written. Just as we don't imprison people for failure to pay their credit card bills or meet their mortgage payments, I do not believe that a borrower—unless he committed fraud—should be subject to threat of such severe measures for failure to make good on a payday loan, particularly because the very premise of the loan was the borrower's willingness to write a bad check. The amendment offered by the Senator from Minnesota would prevent the misuse of these "bad check" laws, but it would still permit a fraud prosecution where appropriate. That is an important step.

Again, I thank the Senator from Minnesota for raising this important issue, and I look forward to working with him to address it further in the future.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the next amendment has 2 hours equally divided.

The Chair recognizes the Senator from Michigan.

Mr. LEVIN. I thank the Chair.

AMENDMENT NO. 2658

(Purpose: To provide for the nondischargeability of debts arising from firearm-related debts, and for other purposes.)

Mr. LEVIN. Mr. President, I call up amendment No. 2658.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN) for himself, Mr. DURBIN, Mr. WYDEN, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. SCHUMER proposes an amendment numbered 2658.

Mr. LEVIN. Mr President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 124, between lines 14 and 15, insert the following:

SEC. . CHAPTER 11 NONDISCHARGEABILITY OF DEBTS ARISING FROM FIREARM-RELATED DEBTS.

(a) IN GENERAL.—Section 1141(d) of title 11, United States Code, as amended by section 708 of this Act, is amended by adding at the end the following:

"(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt that is—

"(A) related to the use or transfer of a firearm (as defined in section 921(3) of title 18 or section 5845(a) of the Internal Revenue Code of 1986); and

"(B) based in whole or in part on fraud, recklessness, misrepresentation, nuisance, negligence, or product liability.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 901(d) of this Act, is amended—

(1) in paragraph (27), by striking "or" at the end;

(2) in paragraph (28), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (28) the following:

"(29) under subsection (a) of this section, of—

"(A) the commencement or continuation, and conclusion to the entry of final judgment or order, of a judicial, administrative, or other action or proceeding for debts that are nondischargeable under section 1141(d)(6); or

"(B) the perfection or enforcement of a judgment or order referred to in subparagraph (A) against property of the estate or property of the debtor.".

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

Our amendment would change the bankruptcy code so that a firearm manufacturer or distributor who is found liable or may be found liable for negligence or reckless action cannot escape accountability by filing for reorganization in bankruptcy.

Our amendment has the endorsement of the National League of Cities, the U.S. Conference of Mayors, Handgun Control, Inc., which is Sarah Brady's organization, and the Violence Policy Center. The amendment is cosponsored by Senators DURBIN, WYDEN, KENNEDY, FEINSTEIN, LAUTENBERG, and SCHUMER, and I thank them for their persistence and their hard work on this important issue.

Under the current bankruptcy code, firearm manufacturers are able to "take advantage of the system." Those are not my words. Those are the words of Lorcin Engineering Company, a manufacturer of cheap, semiautomatic handguns. Lorcin told Firearms Business, an industry publication, that it was "taking advantage of the system" by filing for chapter 11 bankruptcy protection in 1996. At the time, Lorcin was one of the chief producers of Saturday night specials or junk guns. Their semiautomatic pistol was number two on the Alcohol, Tobacco, and Firearms list of guns traced to crimes. Some of their cheaply constructed guns were made so poorly they did not meet basic safety requirements to be eligible even for importation.

Lorcin sought to evade responsibility for the damages caused by their negligence by filing for chapter 11. Other manufacturers are following their lead, seeking to evade accountability for their wrongdoing by filing in bankruptcy court. For instance, Davis Industries, another producer of poorly constructed semiautomatic firearms, has also sought refuge in bankruptcy court. The New York Times reported on June 24, 1999, that a spokesman for Davis Industries said, "I'm sure other companies will do the same thing."

On July 19, 1999, at a creditors meeting for Davis Industries, the owner was asked a few questions by the bankruptcy trustee about his chapter 11 bankruptcy petition.

> Question: Now, the reasons for filing sounded to me like you're getting sued by all the municipalities in the United States. Is that pretty close to correct?

> Answer: I think you hit the button on the nose.

Lorcin Engineering and Davis Industries found a loophole in our Federal bankruptcy law and the list of these companies grew and is still growing.

When the bankruptcy code was enacted, its primary goal was debtor rehabilitation, to provide a fresh start to "honest but unfortunate debtors" through the discharge of debts. The code gives debtors the opportunity to shed indebtedness, but there are exceptions. These exceptions to the discharge of a debtor's liability were based on public policy or wrongful conduct of the debtor. Currently, the bankruptcy code defines 18 specific categories of debt that are nondischargeable. These exceptions have been created because of an overriding public purpose.

A report issued by the National Bankruptcy Review Commission, an independent commission established by Congress to investigate and study issues relating to the bankruptcy code, says this about nondischargeability:

> Debts excepted from the discharge obtain distinctive treatment for public policy reasons. Many nondischargeable debts involve "moral turpitude" or intentional wrongdoing. Other debts are excepted from discharge because of the inherent nature of the obligation, without regard to any culpability of the debtor. Regardless of the debtor's good faith, for example, support obligations and many tax claims remain nondischargeable. Society's interest in excepting those debts from discharge outweighs the debtor's need for a fresh economic start.

Among the debts that we exempt from discharge for public policy reasons are debts which arise from death or personal injury caused by the debtor's operation of a motor vehicle while intoxicated, debts incurred by fraud or falsehood, debts incurred by willful and malicious injury, family support obligations, taxes, educational loans, fines, and penalties payable to a governmental entity, et cetera. These exceptions reflect Congress' intent to carve out exceptions to dischargeability for important public interest policy considerations.

One category of debt that was added not too long ago to the code ensures that debtors cannot escape debts incurred by a debtor's operation of a motor vehicle while intoxicated. This change, which was first introduced by Senators Danforth and Pell in the early 1980s, was considered part of an "all-out attack on drunk driving." Congress was persuaded to amend the Federal bankruptcy code with respect to this important policy initiative. At the time, drunk driving accidents killed tens of thousands of Americans and disabled hundreds of thousands of people annually. Senator Danforth argued that drunk driving has caused insurmountable human suffering and economic loss, and in his words:

> We must assure victims and their families that if they win a civil damage award against the drunk driver, they need not fear that the offender will use Federal law to escape his debt.

We should do no less for victims of negligence and recklessness and wrongdoing of gun manufacturers and distributors.

Senator Danforth told us:

> It is a national scandal that 50,000 Americans are smashed and slashed to death on our highways and that 2 million people suffer disabling injuries in car accidents every year.

He went on to say:

> The greatest tragedy is that we have become desensitized to the meaning of these statistics. We have almost come to accept this carnage as the unfortunate price we must pay for the mobility we enjoy. However, if we look behind the mind-numbing statistics—if we ask why so many people are suffering—we will see over half of this bloodshed results from our unwillingness to put a halt to the most frequently committed violent crime in America: drunk driving.

The reduction of alcohol-related driving fatalities was an important public policy issue, and by making those debts nondischargeable, Congress acted wisely to protect victims of drunk driving and to deter drunk driving.

Congress acted against those endless tragedies and senseless deaths and human suffering by amending the bankruptcy code so a drunk driver could not escape his debt by going bankrupt. Like debts incurred by drunk driving, debts for death or personal injury and costs to communities resulting from the unsafe manufacture or distribution of unsafe firearms and their negligent distribution should also not be dismissed in bankruptcy. The public policy involved here is an overriding one, given the damage caused by the unsafe manufacture and distribution of guns.

Senator Danforth's plea to curb drunk driving is very similar to our people's plea to reduce gun violence. Week after week, Americans are lost to the senselessness of gun violence. Year after year, some 30,000 of us are lost to murder or suicide or unintentional shootings and tens of thousands of Americans are treated for firearm injuries. Many of these deaths and injuries are to children. When the carnage results from the unsafe manufacture or distribution of a firearm, we should not allow the manufacturer or distributor to evade the responsibility for its wrongdoing by reorganizing in bankruptcy.

Cities around the country and their residents are taking on this problem on their own. Thirty cities and counties have filed lawsuits alleging negligence, wrongdoing, unsafe practices on the part of gun manufacturers or distributors. New Orleans started in October of 1998, followed by Chicago; Miami; Dade County; Bridgeport, CT; Atlanta, GA; Cleveland, OH; Cincinnati, OH; Wayne County, MI; and Detroit, MI; St. Louis, MO; San Francisco, and others.

Citizens want the firearm industry to be accountable for unsafe actions on their part. They want firearm manufacturers to be held responsible for poorly constructed and unsafe products. Citizens want firearm manufacturers and distributors to be accountable for wrongful injuries resulting in public outlays for medical care, emergency rescue, and police investigative costs.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. LEVIN. I thank the Chair and yield myself an additional 3 minutes.

One way to deter such misconduct is to say that you cannot avoid that accountability by filing for reorganization in bankruptcy any more than you can evade a judgment for damages resulting from drunk driving.

Sound public policy also dictates that the debt incurred by a company's action should not be ducked by a company reorganizing under chapter 11 while the company goes on its merry way and the victims are victimized twice.

This amendment does not judge the merits of any lawsuit or the liability of any parties involved in these lawsuits. The amendment simply gives our citizens the assurance that if they win a civil damage award against a firearm manufacturer or distributor, the damages caused by the perpetrator cannot be evaded by being dismissed in bankruptcy court.

Mr. President, I ask unanimous consent that letters from the U.S. Conference of Mayors, the National League of Cities, the Violence Policy Center, and Handgun Control, which is chaired by Sarah Brady, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE U.S. CONFERENCE OF MAYORS,
Washington, DC, November 17, 1999.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the United States Conference of Mayors, I am writing to express our strong support for your amendment, No. 2658, to the Bankruptcy Reform Act of 1999 (S. 625).

For over 30 years, The U.S. Conference of Mayors has supported comprehensive efforts to promote gun safety and help keep guns away from kids and criminals. At our Annual Conference of Mayor in New Orleans this past June, we adopted a strong policy in support of broad gun safety legislation, and on September 9, over 50 mayors, 30 police chiefs and leaders from the interfaith community took our call for action to Washington on "Gun Safety Day."

During our New Orleans Annual Meeting we adopted an equally strong policy opposing any state or federal promotion of local government access to the court system on behalf of local citizens. To that end, gun manufacturers, distributors and dealers should not be allowed to use federal statute to evade legal claims for damages by filing for bankruptcy—which would amount to a de facto preemption of local rights to protect public safety and to recoup public revenues. The threat of this action is real with Lorcin Engineering Co., one of the chief manufacturers of "Saturday Night Specials" or "junk guns," having filed for Chapter 11 bankruptcy in 1996, and several other gun manufacturers recently following the same course of action.

Currently, 18 categories of debt are non-dischargeable under the Bankruptcy Code. The Code makes certain debts nondischargeable when there is an overriding public purpose. We believe that there is no higher public purpose than protecting public safety, and that your amendment will allow these judicial proceedings to continue without the improper use of federal law to preempt this important process.

Therefore, The U.S. Conference of Mayors strongly supports adoption of amendment No. 2658.

Yours truly,

WELLINGTON E. WEBB,
President,
Mayor of Denver.

NATIONAL LEAGUE OF CITIES,
Washington, DC, November 16, 1999.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of our 135,000 municipal elected officials, the National League of Cities strongly supports your amendment, S. AMT. No. 2658, to the Bankruptcy Reform Act of 1999 (S. 625). In prohibiting manufacturers, distributors and dealers of firearms from discharging debts which are firearm-related, incurred as a result of judgments against them based on fraud, recklessness, misrepresentation, nuisance, negligence, or product liability, this amendment effectively stops an abuse of the bankruptcy system. More importantly, the measure helps insure that municipal lawsuits against the gun industry, are not undermined by firearms companies seeking to potentially avoid their culpability through the use of the bankruptcy code.

While NLC does not support some amendments to the Bankruptcy Reform Act (particularly the Ross-Moynihan Amendment, S. AMT. No. 2758) that would preempt state and local government interest rates that apply to Chapter 11 corporate repayments, we believe that this particular amendment helps cities and towns recover monies expended for numerous criminal investigations, litigation fees, health costs, and other resources needed to address incidents of gun violence. The National League of Cities has a long history of supporting legislation to reduce gun violence and gun-related criminal activity. Like debts incurred by drunk driving, Congress must send a clear and convincing message that it will not permit debtors to escape debts incurred by improper conduct. It is crucial that the federal government do all that it can to help local law enforcement effectively address gun violence with common sense legislation that curtails access to firearms including altering the bankruptcy code.

An unfortunate example of such abuse occurred in 1996 when Lorcin Engineering Co., a manufacturer of cheap handguns, filed for Chapter 11 bankruptcy protection. Lorcin was one of the nation's chief manufacturers of "Saturday Night Specials" or "junk guns," and in 1998, their inexpensive semiautomatic pistol was number two on the list of guns traced to crime scenes by the Bureau of Alcohol, Tobacco and Firearms. Lorcin's low quality and unsafe firearms caused innumerable deaths in our nation's cities and towns because of their cheap construction and easy availability in urban areas.

Moreover, Lorcin's weapons were the basis of more than two dozen product liability lawsuits. Once Lorcin decided they could not defend their practices against the multiple liability claims filed against them, they decided to protect themselves by using the bankruptcy system to settle these lawsuits for pennies on the dollar and be exempted from an additional lawsuit filed by the city of New Orleans.

Senator Levin, we support this amendment, and strongly advocate its inclusion in any final bankruptcy reform measure enacted that does not undermine municipal finances. Additionally, you will find an enclosed resolution passed by the National League of Cities' Public Safety and Crime Prevention Steering Committee that supports your proposed amendment.

Sincerely,

CLARENCE E. ANTHONY,
President, Mayor, South Bay, Florida.

Enclosure.

PROPOSED RESOLUTION—PSCP #9—CITIES LAWSUITS AGAINST THE FIREARM INDUSTRY

Whereas, gun violence results in great costs to cities and towns, including the costs of law enforcement, medical care, lost productivity, and loss of life; and

Whereas, it is an essential and appropriate role of the federal government, under the Constitution of the United States, to remove burdens and barriers to interstate commerce and protect local governments from the adverse effects of interstate commerce in firearms; and

Whereas, firearm manufacturers, distributors, and retailers, and importers have a special responsibility to take into account the health and safety of the public in marketing firearms; and

Whereas, to the extent possible, the costs of gun violence should be borne by those liable for them, including negligent firearm manufacturers, distributors, and retailers, and importers; and

Whereas, the firearm industry has generally not included numerous safety devices with their products, including devices to prevent the unauthorized use of a firearm, indicators that a firearm is loaded, and child safety locks, and the absence of such safety devices has rendered these products unreasonably dangerous; and

Whereas, the firearm industry has potentially engaged in questionable distribution practices in which the industry oversupplies certain legal markets with firearms with the knowledge that the excess firearms will be potentially distributed not nearby illegal markets; and

Whereas, it is fundamentally the right of local elected officials to determine whether to bring suits against firearm manufacturers on behalf of their constituents to best serve the needs of their city or town; and

Whereas, across the nation, cities are bringing rightful legal claims against the gun industry to seek changes in the manner in which the industry conducts business in the civilian market in their communities: Now, therefore, be it

Resolved, That cities and towns be able to bring suits against manufacturers, dealers, and importers to determine their possible culpability for firearm violence; and be it further

Resolved, That the National League of Cities opposes any federal preemption that would undermine the authority of state and local officials to bring suits against firearm manufacturers on behalf of their citizens; and be it further

Resolved, That the National League of Cities urges better cooperation between firearm manufacturers and local elected officials to prevent firearm violence and ensure less firearm injuries and costs to cities and towns.

VIOLENCE POLICY CENTER,
Washington, DC.

DON'T LET GUN MANUFACTURERS "TAKE ADVANTAGE OF THE SYSTEM"

SUPPORT THE LEVIN AMENDMENT TO THE BANKRUPTCY BILL TO HOLD GUNMAKERS RESPONSIBLE FOR DEFECTIVE GUNS

The Levin amendment to S. 625 will ensure that gun manufacturers cannot discharge debts incurred as a result of consumer lawsuits for defectively designed and manufactured firearms.

The Levin amendment is necessary to ensure that firearm manufacturers—which are exempt from federal health and safety regulation—remain accountable for civil liability to consumers injured by negligent or reckless industry behavior. Lack of health and safety regulation means that the civil justice system is the only mechanism available to regulate the conduct of gun manufacturers.

At least three major gun manufacturers have sought bankruptcy protection specifically to protect themselves from product liability claims.

Lorcin Engineering arrogantly stated in 1996 that it was filing for bankruptcy to protect the company from at least 18 pending liability suits. Lorcin officials stated to Firearms Business—a gun industry trade publication—that the company chose to "take advantage of the system" when it decided that it could not defend against liability claims. Furthermore, at a 1996 meeting of creditors, the U.S. Bankruptcy Trustee posed the following question to Lorcin's attorney, "The triggering factor [of the bankruptcy] was the Texas lawsuit, but there were three or four others that could also be a problem?" Lorcin's lawyer responded, "Yep."

In 1993, Lorcin was the number one pistol manufacturer in America, churning out 341,243 guns. Many of Lorcin's handguns are of such poor quality they are ineligible for importation under the Bureau of Alcohol, Tobacco and Firearms (ATF) "sporting purpose" test. Lorcin's .380 pistol regularly tops the list of all guns traced to crime by ATF.

Davis Industries, also motivated by pending product liability claims as well as lawsuits filed by U.S. cities including Chicago, New Orleans, Miami, Atlanta, Cleveland, Los Angeles, and Detroit filed for bankruptcy protection in May 1999. Davis manufactured nearly 40,000 guns in 1997, the last year for which figures are available.

Sundance Industries also sought bankruptcy protection in August 1999. As a result, the Superior Court of California enjoined the City of Los Angeles from pursuing Sundance in the city's lawsuit to recover costs inflicted on the city as a result of gun violence.

Many more gun manufacturers may soon choose to follow in the footsteps of Lorcin, Davis, and Sundance to escape responsibility for suits filed recently by U.S. cities.

More than 25 cities and counties have filed lawsuits against the gun industry. These lawsuits allege that firearm manufacturers have produced and sold defectively designed firearms, and engaged in negligent marketing and distribution practices resulting in countless deaths and injuries in America's cities. The NAACP has filed a similar lawsuit. Lawyers for the cities are very concerned that bankruptcy will become a common gun industry defense tool.

Many other consumer lawsuits are pending against gun manufacturers.

For example, Glock is the defendant in a case recently certified as a nation-wide class action. The class includes individuals and police officers injured by unintentional discharges of Glock handguns. The suit alleges that Glock handguns, including those used by many police departments, contain design defects long known to the manufacturer.

Gun manufacturers must not be allowed to use bankruptcy to escape accountability when their reckless or negligent conduct causes death and injury. Vote to protect victims of gun violence. Support the Levin amendment to S. 625.

Handgun Control,
Washington, DC, November 9, 1999.

Hon. Carl Levin,
U.S. Senate,
Washington, DC.

Dear Senator Levin: I am writing in support of the amendment to S. 625, the Bankruptcy Reform Act of 1999 sponsored by Senators Levin, Durbin, Wyden, Kennedy, Feinstein, Lautenberg, and Schumer. This amendment would prevent firearm manufacturers, distributors and dealers from filing for Chapter 11 bankruptcy protection to evade wrongful death and personal injury lawsuits caused by their dangerous products.

As you know, several cities and their residents have filed suits against the gun industry to recover some of the costs of gun violence and to attempt to encourage more responsible conduct by the industry in the future. These suits attack two basic problems caused by irresponsible practices of the gun industry. One is the failure to make guns as safe as possible and failing to include many simple, live-saving safety devices in their guns. The other is the irresponsible distribution of guns which enables and fosters the criminal use of guns.

Gun manufacturers, distributors, and dealers should not be able to evade these legitimate claims for damages by filing for bankruptcy. In 1996, Lorcin Engineering Company, one of the chief manufacturers of "Saturday Night Specials" or "junk guns" filed for Chapter 11 bankruptcy to protect itself from multiple product liability lawsuits. Other gun manufacturers, like Davis industries and Sundance Industries, have followed Lorcin's lead and have filed for bankruptcy to avoid liability. We must not allow other firearms companies to take advantage of the bankruptcy system.

I urge you to support this important amendment.

Sincerely,

Sarah Brady,
Chair.

Mr. LEVIN. My friend from Illinois is not here, so I simply yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak in opposition to the amendment offered by the Senator from Michigan. This amendment makes debts owed by a corporation on account of firearms non-dischargeable in a chapter 11 reorganization bankruptcy proceeding if the debt arose out of an action for fraud, misrepresentation, negligence, nuisance, or product liability. In addition, this amendment excepts such debts from the automatic stay protection provided in a bankruptcy proceeding.

This amendment effectively singles out both gun manufacturers and those who legally transfer guns, including major retailers who sells guns in compliance with all laws, and prevents them from successfully reorganizing under the bankruptcy laws, if they should need such reorganization. If a large product liability suit succeeds against a gun manufacturer, this amendment virtually ensures that the companies affected will be driven out of business and its workers will lose their jobs.

In addition to being just bad policy, the amendment is also self-defeating. Here is why: it effectively assures that only a fraction of the judgment against the affected company will be paid, if at all. That is because those manufacturers that could pay off the judgment over time will not be able to do so, and will be forced into liquidation. This is neither good for the lawful business, nor for those other investors or creditors with legitimate claims against the company.

I also want to point out to my colleagues that as a matter of longstanding bankruptcy policy in the United States, it has been universally recognized that if a company with manufacturing expertise suffers an unexpected financial setback—whether from a huge products liability judgment or business reverses—everyone is better off if it can at least try and restructure the business to preserve its legitimate business lines. Workers can save their jobs and creditors can be paid off over time from the operating revenues of the restructured company, receiving much more than they would from liquidation. It is not as if this amendment, much to the dismay of its supporters, will wipe out the second amendment's protection to bear arms. What this amendment will do is ensure that the manufacture of legal arms, and the corresponding jobs it creates, will move overseas.

Longstanding bankruptcy policy in this country has been that bankruptcy laws should apply to all lawful products and industries in a similar fashion; not pick and choose between unpopular, but legal, industries. This amendment unfairly singles out one industry for unfavorable treatment, and does so in an unprecedented fashion. In my view, Congress should be loathe to single out companies that legally manufacture or sell lawful products for unfavorable treatment, simply because they are unpopular. Which industry will be targeted next?

We should not be setting the precedent that lines of business that are unpopular with some in the Congress, but legal, will be denied the ability to reorganize in bankruptcy. If we do this to firearms manufacturers, what about companies involved in other industries, such as medical devices, drug manufacturing, or automobile makers? The basic social policy that it is better to keep the company operating and paying off the judgment than liquidating it should not be narrowed company by company, industry by industry.

Plain and simple, this amendment is designed to encourage lawsuits by trial lawyers against gun manufacturers and retailers who sell guns. And I think this amendment is part of an effort to put the firearms industry out of business.

Let me emphasize that I am very concerned about the gun violence our country has experienced in recent years. However, I am a firm believer in second amendment rights. The amendment encourages the new wave of lawsuits we have all been hearing about, in which gun manufacturers are being sued for the conduct of third-party criminals. Liberals have been unable to eliminate the second amendment or the gun industry through direct legislation, so they are attempting to eliminate it through this kind of backdoor "policy through litigation" approach.

This amendment promotes an issue that has nothing to do with real bankruptcy reform and sets an undesirable precedent. Accordingly, I urge my colleagues to vote against this amendment.

It is time for us in the Congress to grow up with regard to firearms matters in our country. There is no use kidding ourselves. We have passed some 20,000 rules, regulations, and laws in this country against the use of firearms that have limited our second amendment rights and privileges. There are some legitimate arguments against this type of legislation. I believe it is far preferable for us to uphold second amendment rights and privileges and get tougher on criminals.

Our problem in this country, and especially over the last 7 years, is that this administration has not been serious about getting tough on criminals. Under Project Triggerlock, the number of gun prosecutions under that approach, which was working very well under President Bush, has now dropped by 50 percent. No wonder the President in his State of the Union Address said: We are going to start doing something about gun crimes.

They caught 12,000 people illegally taking guns to school in the last few years, and there have been only 13 prosecutions. Last year, up to January 1, they caught 100,000 people under the instant check system. They call that Brady, as if that were a victory by the administration. Brady was first a 7-day waiting period which devolved into 5 days. In order to not prevent decent, law-abiding citizens from purchasing their guns, we instituted the instant check system, and it has worked magnificently.

Of the 100,000 people they caught last year trying to illegally purchase weapons, I do not recall one single prosecution. I understand that 200 have been recommended for prosecution, one-fifth of 1 percent. I could go on and on.

This administration has not been serious about gun crimes, and we have not had a lot of help from people who are opposed to the second amendment in helping to resolve these problems. The juvenile justice bill is caught up in a conference that is impossible to resolve unless we get rid of this issue and do what has to be done in the interest of juvenile justice.

The fact of the matter is, there is always going to be somebody trying to—and sincerely so—make political points on the issue of guns and weapons. This is not the bill on which they should be making those political points. This would be a very disastrous approach towards bankruptcy law. It means that anytime you find enough popular business a majority of Members of Congress can stick it to, they are going to be able to do it under the bankruptcy laws. That is ridiculous. When we start showing preferences for certain political points of view in bankruptcies to the exclusion of common sense, then it seems to me we are all going to suffer. Sooner or later, it is going to affect something that each one of us treasures or thinks is particularly important.

I speak in opposition to this amendment. This amendment would do an injustice to the bankruptcy laws. In the process, I think we will not accomplish what my friends on the other side, who are sincere about it—at least I believe most of them are sincere about it—really want to do. It is better for us to battle out these issues in Congress. I, for one, will be opposed to any diminution in our second amendment rights and privileges. If you want to diminish the second amendment, then you ought to do it by constitutional amendment. You shouldn't be doing it by bits and tatters. It ought to be done straight up, and it ought to be done in a way that is constitutionally justifiable, and not in these bits and pieces that literally make political points but do not belong in something as important as this bankruptcy bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I am more than happy to rise in support of what I consider to be a very important and valuable amendment in this debate on the bankruptcy bill.

I am not one who is in favor of abolishing the second amendment, nor, I am sure, is the Senator from Michigan. What we are attempting to do in this bill is address a very serious problem. For those who believe the second amendment is somehow an absolute right to bear arms, I will just tell them, there are no absolute rights under the Constitution of the United States. Each and every right that is guaranteed to us as individual citizens can be limited. Whether it is the right of free expression limited by the libel laws or even the right to life limited by death penalties that are imposed in many States, all of these things suggest that no right is absolute, and certainly the right to bear arms is not either.

We have had regulations throughout our modern history that have limited the rights of those who care to bear arms in the interest of the public good. That is what this amendment is all about.

Why are we debating guns on a bankruptcy bill? It gets down to the very basics. The bankruptcy law is designed so a person who has reached an economic position in life where they can't see a good future can go to the court and ask for relief from their debts, whether that is an individual or a family or a business. We say, for almost two centuries in this country, that bankruptcy is a right of individuals under our Federal court system. Again, we make exceptions and say that some people who come to court will be limited in the types of debts they can discharge.

We make a list, a pretty lengthy list, of some 17 or 18 exceptions. They include such things as debts incurred by fraud that can't be discharged in bankruptcy court, alimony and child support, student loans, debts from death or personal injury resulting from driving while intoxicated, court fees. There are several others. It suggests that when the Congress wrote the bankruptcy laws and continued to amend them, we said there are certain things in a bankruptcy court from which you cannot escape. If you have been guilty of certain conduct, if you have not met certain obligations, the bankruptcy court will not be your shield or your shelter.

What the Senator from Michigan is doing with his amendment is saying that the gun industry, the gun manufacturers, if they have engaged—and I will quote directly from the amendment—if they have engaged in fraud, recklessness, misrepresentation, nuisance, or product liability, they cannot race to the bankruptcy court and escape their responsibility to the American people. It is just that straightforward.

Those who are arguing that we should carve out some special exception for these gun manufacturers are the same people who are loath to regulate these businesses in the first place.

Several firearm manufacturers have recently been sued in cases that have been brought by cities and municipalities and counties and other local governments that have, frankly, been victimized by gun crimes. These people, in their lawsuits, are alleging that the gun manufacturers have been guilty of misconduct beyond selling the gun, that they have been involved in marketing practices, for example, that end up putting guns in the hands of those who commit crimes. Those lawsuits are still pending, but the interesting response from the gun manufacturers is: So what, sue us if you want to. Ultimately, if you win your verdict, we will go to bankruptcy court, and we are going to escape any liability to the citizens of these cities and counties and States which are bringing these lawsuits.

Two companies have already sought bankruptcy protection: Lorcin Engineering and Davis Industries. The Lorcin .380 pistol tops the list of all guns traced by the Bureau of Alcohol, Tobacco and Firearms for its involvement in crime. By virtue of the bankruptcy law, these manufacturers are able to make millions of dollars flooding the market with low-quality firearms of little appeal to legitimate sportsmen and hunters but of great appeal to criminals and gang bangers.

Once these companies are sued, because they are flooding the market with these cheap Saturday night specials, they simply declare bankruptcy and walk away free from any financial responsibility for their misconduct. The owners of these companies remain free to start up a new company under a new name making the same weapons, wreaking havoc across America because they are flooding us with these guns.

Lorcin officials stated to Firearms Business, a magazine that is published by the gun industry, that the company chose to "take advantage of the system" when it decided it couldn't defend against liability claims. What Senator LEVIN is doing—and I am happy to join him—is to say to Lorcin and other companies: Not so fast. If you are going to flood the markets of America with these cheap Saturday night specials, if you are going to be liable for increasing crime and increasing violence in America, you cannot use the Federal law as your shield or shelter when it comes to our bankruptcy court. I think Senator LEVIN is on the right track.

For those who would argue, as I have already heard on the floor, we already have too many laws when it comes to guns, they are just not enforced, let me be quick to add that when it comes to standards for the manufacture of firearms in this country, we virtually have no laws whatsoever. The Consumer Product Safety Commission has the responsibility of regulating virtually every product for household or recreational use. In fact, the toy guns sold for Christmas and birthday gifts are subject to regulation by the Consumer Product Safety Commission. But the real guns, the Saturday night specials and the firearms that could be the subject of these lawsuits, are not subject to any Federal safety regulations at all. The gun industry, by its power in Washington, has successfully lobbied to keep a law in place that protects them from any regulation on the safety of their product.

So for those who are supporting the gun industry, they want it both ways. They don't want the Government to impose any standard on the product that is sold, and they don't want the companies held liable if that product turns out to be dangerous, if that firearm leads to crime and violence and death across America.

Senator LEVIN has said if these manufacturers come to court and they are found guilty of recklessness, fraud, misrepresentation, nuisance, or product liability, they cannot escape that liability because of the bankruptcy law.

How important is it to America? It is important because the costs of gun violence in both human lives and health care continue to escalate. All those who argue that the laws Congress has contemplated in the past are somehow restricting gun ownership in this country cannot answer the most basic question: If gun ownership is so restrictive in this country, how do we happen to have over 200 million firearms already in a nation of 275 million people?

The fact is, these guns are readily available, and on the average almost 90 people are killed, including 12 children, every day because of the proliferation of firearms and the fact that they get into the wrong hands. Gun manufacturers understand that they are finally going to be held accountable. These lawsuits are going to accomplish what legislatures across the Nation and this Congress have failed to face; that is, the fact that American families are fed up with this gun violence. They expect Members of the Senate and the House to come forward with reasonable suggestions to make their neighborhoods safe and take guns out of the hands of those who would misuse them and out of the hands of children.

Senator LEVIN has a valuable amendment here. He is saying to these companies: You will be held responsible. Even if this Congress cannot muster the courage to regulate the safety of a firearm that is sold in the United States, we will not let these manufacturers escape their liability in a court of law. Cities around the country—Chicago, New York, New Orleans, Atlanta, Bridgeport—have initiated suits against the industry to try to force changes to make guns safer and less likely to end up in the hands of criminals. Certainly, automobile manufacturers have faced a spate of lawsuits that really challenge them to use the most modern technology to make our cars safe.

Why are we not holding this industry to the same standard of responsibility? And why, if they are found guilty of fraud or recklessness in the products they sell, should they be able to get off the hook in a bankruptcy court? That is the gist of the Levin amendment—to hold these companies accountable. To say there are no privileged classes—if you engage in this conduct, you will be held as responsible as any other company or person for their wrongdoing.

The gun industry has long placed profits above the safety of America. I think it is interesting that an industry that can cause politicians to cower before them are scared to death to face a jury in a courtroom in our country. I strongly support Senator LEVIN's amendment. By adopting it, we will further the goal of reducing abuses of the bankruptcy system. Remember, that is why this debate is underway. We are considering bankruptcy reform because many came to us and said that folks are abusing the bankruptcy system. Don't let the gun manufacturers abuse the bankruptcy system. Make certain that they are held accountable for the wrongdoing and the violence and death that results from their recklessness and fraud and the negligent use of their products. We should be on record as opposing bankruptcy abuse, whether it is the result of individual misconduct or the misconduct of gun manufacturers.

I yield the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I would be happy to alternate back and forth. If nobody is seeking recognition on that side, I will yield 6 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I commend Senator LEVIN for taking the initiative to close a gaping loophole that allows gun manufacturers, distributors, and dealers to use the Bankruptcy Code to avoid judgments against them based on fraud, recklessness, negligence or product liability. Firearms manufacturers and dealers should not be able to use bankruptcy to escape liability.

Under current law, many types of debt are dischargeable under the Bankruptcy Code. However, the Code makes certain debts nondischargeable, due to public policy concerns, such as debts incurred by the operation of a motor vehicle while legally intoxicated.

Recently, private citizens and local governments have sued the gun industry to hold it accountable for deaths and injuries caused by firearms. The current litigation can be an effective way of assessing responsibility and providing remedies for obvious harm, in accord with the long-standing traditions of the law.

Many of these lawsuits have been brought by federal and state governments against firearms manufacturers. Opponents of these lawsuits argue that the industry cannot afford them, and that the suits may well force some firms into bankruptcy.

The entire focus of the current lawsuits is the wrongdoing of the defendant corporations. The authority of the court to award damages against these defendants requires a judicial finding that the company engaged in misconduct in the manufacturing or marketing of its product. In the absence of such a finding, there is no liability.

At long last, the American people are getting their day in court against the gun industry, and the gun manufacturers and the NRA fear that justice will be done.

Everyday, 13 more children across the country die from gunshot wounds. Yet, the national response to this death toll continues to be grossly inadequate. The gun industry has fought against reasonable gun control legislation. It has failed to use technology to make guns safer. It has attempted to insulate itself from its distributors and dealers, once the guns leave the factory door.

Studies estimating the total public cost of firearm-related injuries put the cost at over one million dollars for each shooting victim. According to the Centers for Disease Control, cities, counties and states incur billions of dollars in costs each year as a result of gun violence—including the costs of medical care, law enforcement, and other public services.

Communities across the country are attempting to deal with the epidemic of gun violence that claims the lives of so many people each year. Law enforcement officials, community leaders, parents and youth are struggling to deal with this continuing epidemic of gun violence. But the gun industry, and Congress, and most state legislatures have persistently ignored these concerns.

Now, when the courts are likely to hold them accountable, some gun manufacturers are attempting to avoid their responsibility by filing for bankruptcy. One example is Lorcin Industries. During its heyday, Lorcin was one of the largest manufacturers of "affordable" guns. Law enforcement and gun-control advocates call them "Saturday night specials"—the inexpensive, easily concealed handguns often used in crimes.

Lorcin is one of several companies that sprang up after a 1968 law banned imports of "Saturday night specials" but permitted domestic manufacturing. Studies have found that these products are characterized by short "time to crime"—the brief period between sale and the time when the guns are used in criminal acts.

Lorcin Engineering Co. has been named as a defendant in 27 lawsuits. The suits charge that Lorcin and other firearm manufacturers do not provide adequate safety devices, and that they negligently market their products, so that their weapons are too easily accessible to criminals and juveniles. Lorcin was also the subject of at least 35 wrongful-death or injury claims involving people killed or wounded when their Lorcin pistols accidentally discharged. Lorcin settled at least two dozen of the 35 claims, ranging from a few thousand dollars to $495,000.

Lorcin sought refuge from these product liability lawsuits by filing for Chapter 11 bankruptcy in October 1996. In bankruptcy, Lorcin was able to settle its lawsuits for pennies on the dollar, when tens of millions of dollars in damages were at stake. One of the major issues raised by creditors in the Lorcin bankruptcy case was whether the company was using the ability to reorganize its operations under the bankruptcy code as a way to avoid paying large sums to plaintiffs if it lost the suits.

Last January, Lorcin was released from a lawsuit filed by the City of New Orleans. It petitioned the court to be removed from another lawsuit filed by the City of Chicago, because the company was reorganizing itself under Chapter 11 of the Bankruptcy Code when the cities filed their lawsuits.

The litigation has prompted two other gun manufacturers to seek refuge in bankruptcy. Sundance Industries of Valencia, California filed for Chapter 7 bankruptcy. The owner said he has been worn down by the legal assault on the gun industry. In addition, Davis Industries of Mira Loma, California sought Chapter 11 protection in the U.S. Bankruptcy Court on May 27, 1999.

According to a lawyer who represented creditors in the 1996 bankruptcy of Lorcin, "Bankruptcy is a very useful negotiating tool and predictably the more suits that are filed, the more these gun companies are going to file for bankruptcy."

A lawyer for one of the cities suing the gun-makers said that bankruptcy "is going to be a huge pain," because it will require much more time and expense for the cities, limit the amount of damages they can collect, and, perhaps most important, put the litigation in federal bankruptcy court.

Litigation may well be the only means to hold gun manufacturers accountable for the harm caused by their products. As we have seen with litigation against the tobacco industry, manufacturing secrets and marketing secrets often come to light in a courtroom. Public interest lawsuits have changed the balance of power between the public and the mammoth industries long thought to be invincible. The Levin amendment supports the citizens harmed by these powerful industries. It deserves to be supported by the Senate, and I urge the Senate to approve it.

Mr. President, in summation, I congratulate my friend, the Senator from Michigan, Mr. LEVIN, for the development of this particular amendment, and I join with others to recommend it strongly to the Senate. I am hopeful that it will be successful.

The Levin amendment, as has been pointed out, takes the initiative to close a gaping loophole that allows the gun manufacturers and distributors and dealers to use the bankruptcy code to avoid judgments against them based on fraud, recklessness, and negligence, or product liability. Firearm manufacturers and dealers should not be able to abuse the bankruptcy laws to escape liability.

We can ask ourselves, is this a problem? The answer is yes. Do the gun manufacturers intend to utilize bankruptcy to basically avoid responsibility to families across the country and because of the basis of negligence, recklessness, or fraud? The answer is yes to that, too, which undermines the importance of this particular amendment.

America has a gun problem and it is massive. The crisis is especially serious for children. Every day, 13 more children across the country die from gunshot wounds. For every child killed with a gun, four are wounded. Yet the national response to this death toll continues to be grossly inadequate.

The gun industry has fought against reasonable gun control legislation. It has failed to use the technology to make guns safer. All we have to do is remember the debates we had on the violence against youth legislation at the end of last year. We saw the efforts to try to provide common sense solutions to those who make these weapons available to individuals in our society who should not have these weapons, and how that was frustrated in important ways by the gun manufacturers. They were able to keep that piece of legislation that was passed with regard to gun show loopholes tied up in conference. How many weeks and how many months have passed when we have been unable to address this issue either in conference or back on the floor of the U.S. Senate? Those efforts continue to go on even today.

Here we find in the bankruptcy legislation another attempt by the gun manufacturers to exercise their muscle by giving them a special consideration at a time when the problems they foist on the American families are so significant.

The gun industry has attempted to insulate itself from its distributors and dealers once the guns leave the factory door. Guns are the only consumer product exempt from safety regulations.

Cities, counties, and States incur billions of dollars in costs each year as a result of gun violence, including the costs of medical care, law enforcement, and other public services. Studies estimating the total public cost of firearm-related injuries put the cost at over $1 million for each shooting victim.

Communities across the country are attempting to deal with the epidemic of gun violence that claims the lives of so many people each year. Law enforcement officials, community leaders, parents, and youth are struggling to deal with this continuing epidemic of gun violence. But the gun industry, Congress, and most State legislatures have persistently ignored these concerns.

At long last, the American people are getting their day in court against the gun industry. Individuals, organizations, and municipalities are making progress in their effort to hold the industry liable for its failure to incorporate reasonable safety designs in the guns they sell, including features that would prevent gun use by children and other unauthorized users. Personalizing or childproofing guns would dramatically reduce the number of unintentional shootings, teenage suicides, and criminal offenses using stolen weapons.

One such lawsuit was filed in Massachusetts on behalf of the parents of Ross Mathieu, a 12-year-old boy who was killed in 1996 when a friend the same age unintentionally shot him with a Beretta pistol, believing that the gun was unloaded. In 1997, a suit was filed against Beretta in Federal court in Boston alleging that Beretta caused the death by failing to include with the pistol either a magazine disconnect safety device, a chamber-loaded indicator, or a locking device that would have "personalized" the gun.

Last summer, the city of Boston filed a suit against gun manufacturers, distributors, and trade associations whose manufacturing decisions, marketing schemes, and distribution patterns have injured the city and its citizens. Boston is one of 30 cities and counties to have filed groundbreaking lawsuits to reform the gun industry.

When the courts seem likely to hold the industry accountable, some gun manufacturers are attempting to avoid their responsibility by filing for bankruptcy. We have heard the example that the Senator from Illinois pointed out, Lorcin Industries, one of the largest manufacturers of the Saturday night specials. We heard how they have attempted to use the bankruptcy laws to their financial advantage and to the disadvantage of the families who have legitimate interests in pursuing their rights in a court of law.

As a result, Lorcin was able to settle its lawsuit for pennies on the dollar when tens of millions of dollars in damages were at stake. One of the major issues raised by creditors in the bankruptcy case was whether the company was using the ability to reorganize its operations under the bankruptcy code as a way of avoiding paying large sums to plaintiffs if it lost the suits.

That has been replicated by Sundance Industries of Valencia, CA, who filed for chapter 7 bankruptcy. The owner said he had been worn down by the legal assault on the gun industry. In addition, last May, Davis Industries of Mira Loma, CA, sought protection in the U.S. bankruptcy court.

According to a lawyer who represented creditors in the 1996 bankruptcy of Lorcin, "Bankruptcy is a very useful negotiating tool, and predictably the more suits that are filed, the more these gun companies are going to file for bankruptcy."

A lawyer for one of the cities suing the gun manufacturers said that bankruptcy "is going to be a huge pain" because it will require much more time and expense for the cities.

Litigation may well be the only means to hold the gun manufacturers accountable for the harm caused by their products. Public interest lawsuits have changed the balance of power between the public and the mammoth industries long thought to be invincible.

At long last, the American people are getting their day in court against the gun industry. The gun manufacturers and the NRA should not be allowed to hide behind the bankruptcy laws to prevent liability. The Levin amendment supports the citizens and cities harmed by this powerful industry. It deserves to be supported by the Senate, and I urge the Senate to approve it.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 4 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, I commend our colleague from Michigan for a very important amendment which I think has one central point. Pass the Levin amendment and we will end the legal gymnastics that gun manufacturers have used to dodge their responsibilities. Pass the Levin amendment and the U.S. Senate sends a clear and simple message to these gun manufacturers that have played games with bankruptcy. Our message is the game is over. There is absolutely no reason to allow fraudulent activity by gun manufacturers to go without sanction. I am very troubled as I read through the history of what my colleagues have talked about—the Senator from Illinois and the Senator from Massachusetts—what it says about the nature of this debate. There are gun manufacturers who are actually bragging that they are taking advantage of the system when they know they cannot win on the merits.

We have a situation where as we debate the bankruptcy law and talk about making sure it is fair to all sides—good people may have fallen on hard times—and at the same time sensitive to the needs of business and others who otherwise wouldn't be able to get the funds they need that are so central in a marketplace kind of system, all of those people, it seems to me, end up without the treatment they deserve. They are, in effect, put in an unfavorable light when, in fact, the gun manufacturers are given a free ride.

Let us make sure that everybody is treated fairly—small businesses that have these claims, and many people we are seeing who have fallen on hard times and need a fresh start. But let us not send the worst possible message, which is that if you engage in the kind of reprehensible conduct my colleagues have documented, in effect, you will get a free ride if you are a gun manufacturer.

It is important to vote for this bankruptcy legislation. I voted for it last year, as did 96 of my colleagues. It is important to ensure that we have fairness for all parties.

Unless the Levin amendment is adopted, it seems to me that we allow a continuation of these legal gymnastics that are being practiced by gun manufacturers. That is wrong.

I urge my colleagues to support the Levin amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I had a chance to listen very closely to what the Senator from Michigan said. As the sponsor of the amendment, he ought to have the attention of those of us who oppose his amendment.

I say that this amendment detracts some from the purpose of the legislation. Maybe it is meant to. To the extent it is, I hope people will vote against it. To the extent that people see this as a legitimate part of what we are debating, then I would offer this point. I am going to offer more than one point very central to the amendment, and then I will stick to my remarks. But the fact is there is a way to handle this problem to make sure that these companies don't get off scot-free.

I am going to refer to a product that Senator Heflin from Alabama—before he retired from the Senate—and I worked very closely on, which was bankruptcy legislation. During the years he and I served together—I think 14 or 16 years—during that period of time when we were in the majority on this side, I chaired the committee and he was the ranking minority member. When his party was in control, he was chairman and I was the ranking minority member. I am going to refer to some legislation we were able to get passed in 1994 when he was chairman of the committee. I think it is a thoughtful and bipartisan way to deal with this.

First of all, I believe this amendment proposed by the Senator from Michigan is unsound as a matter of policy. Congress has previously dealt with difficult questions of what to do about companies facing massive tort liability and then filing for bankruptcy. We dealt with this, as I indicated, in a bipartisan way, and I think in a way that had a great deal of thought behind it.

In 1994, I worked with Chairman Heflin to create a very specific process for asbestos companies that were filing for bankruptcy as a result of a massive number of lawsuits against asbestos manufacturers by those people who had asbestosis. Senator Heflin and I wanted to help these companies continue as an ongoing business concern, but we also wanted to ensure that the victims of asbestos-related illnesses wouldn't be left out in the cold.

In the 1994 bankruptcy bill, we created a process where asbestos companies could be discharged of their tort liabilities but only if they created a trust fund, under the control of a bankruptcy judge, to pay victims. This process has worked well and has received favorable comment by the National Bankruptcy Review Commission.

This amendment from Senator LEVIN, however, doesn't use a similar approach. This amendment merely provides that gunmakers and sellers can't discharge their tort liabilities. As a result, the amendment has no concern for the employees of the makers or retailers of guns. Under this amendment, retailers from giants such as Wal-Mart and Kmart all the way down to the small family-owned stores could face massive liabilities and be forced to lay off workers.

In the case of the Heflin-Grassley legislation of 1994, as I indicated, we allowed the companies to continue to operate and to continue to have their employment, and in the process victims were not harmed in any way because of the trust fund. It seems to me, unless there is some ulterior motive other than helping victims with this legislation, that we should think about that approach—an approach that protects victims, an approach that makes the person who is guilty of wrongdoing have tort apply to pay that tort. Consequently, if that is not the approach, I think it reveals the real purpose of the amendment. I question that the amendment might be about making sure that tort plaintiffs receive compensation if any of the questionable antigun lawsuits were to succeed because that is not what is going to happen. This amendment is merely an effort to drive all segments of American industry involved with guns out of business, even if thousands of innocent, hard-working American employees have to pay the price.

Consequently, I urge my colleagues to vote against this amendment.

One other thing about the amendment is the presumption is so stated by the Senator from Michigan that this is just one addition—I think he would say that this is the 19th addition—to a long list of exceptions that are nondischargeable through the bankruptcy court.

I think he is mistaken about how bankruptcy works for corporations and chapter 11 because his amendment applies just to corporations.

Section 1141 of chapter 11 has two separate discharge provisions. It has one section for corporations and it has one for individuals. The discharge provision for corporate debtors discharges all debts. The discharge provision for individuals lists nondischargeable debts.

So the idea this exception to discharge is just one more of a long list of 18 is flatout wrong.

From this standpoint, then, the amendment by the Senator from Michigan is unprecedented, and I will be glad to share the code sections with my colleagues, if they desire. But subsection (a) discharges a debtor from any debt that arose and that applies to the corporations. But subsection (2) says the confirmation of a plan does not discharge an individual debtor. From that standpoint, this is not one of a long list of things that are nondischargeable.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, will the Senator from Utah yield time to the Senator from Idaho?

Mr. HATCH. I am happy to yield time to the distinguished Senator.

Mr. CRAIG. Mr. President, I thank the Senator from Utah, and let me also thank the Senator from Iowa for bringing what I think is necessary to bring to this debate as it applies to the Levin amendment, and that is common sense. Is, in fact, this amendment the kind of legislation we want to see? If you support the bedrock policy of bankruptcy law, I do not know how you can support the Levin amendment because it undermines basically all of those policies.

The bankruptcy code establishes a structure that ensures everyone who is owed money by the debtor will be treated fairly when the debtor is given, in essence, a fresh start under the law. The main purpose of the bankruptcy reform measures we are working on is to get more debtors to pay back more of the debts they owe to more of their creditors. That is a rather simple principle before this Senate. This issue has been with us. The Senator from Iowa and the Senator from Utah and others have struggled with it mightily for the last good number of years, to bring fairness and equity in it, but also to say to debtors there is a credibility here and a responsibility you owe to your creditors. There needs to be a greater sense of fairness and balance brought. I think the fundamental underlying bill offers that.

The Levin amendment is a carve-out, and I think it flies in the face of those general policies. The supporters of the Levin amendment say they are trying to prevent firearm manufacturers from escaping accountability for bad acts that result in a civil judgment against them. That is rather straightforward.

It is not only manufacturers; it is retailers and it is corporations. So it is a broad brush. While they would like, I am sure, to create the image that there is a manufacturer out there who produces a firearm and somehow it is evil, are Wal-Mart and Kmart and hardware stores that sell legitimately as federally licensed firearms dealers evil? In the eyes of some, they probably are. That is not the debate, nor is that the issue. Let's look at what the amendment does. It is unfair because it picks out a specific industry and it restricts the bankruptcy relief available to that industry.

In other words, if we in the Senate have now decided we are going to pick winners and losers who are politically correct or politically incorrect based on your particular philosophy or point of view, that is what the Levin amendment, the Levin carve-out does. Is this Senate going to start picking winners and losers amongst businesses in our country? We never have. We created certain conditions or certain things that are special within the law but never politically have we said: You are a winner, you are safe under the law; you are a loser, you lose. That is not what we do. We let the marketplace generally do that, and we let consumers generally do that.

Today it is the firearm manufacturers and tomorrow is it an industry that produces alcohol; or a fatty product, and we have decided in our society that fat consumption is no longer good for the American consumer, even though as free citizens they ought to have a right to choose.

"That sounds silly, Senator CRAIG. You ought not be saying things like that."

When I watched the trial lawyers organize and convince the attorneys general that going after the tobacco companies was good because the tobacco companies had fallen out of favor and it was a politically correct thing to do, I said, "And next will be firearms." There were some who chuckled. Of course, guess what. Next were the firearm manufacturers. That is what is going on out there today. Municipalities that do not enforce the law but, most important, municipalities that arrest people who illegally use firearms do not have a Justice Department that backs them up.

The Clinton administration ran from enforcement for 7 years. Of course, just this year they got a new religion out there because they have seen the polls and they have seen what the American people have said: Enforce the laws, Mr. President.

I wonder how my friends across the aisle would react if I proposed a similar amendment making bankruptcy relief unavailable to former Presidents of the United States? "That would be foolish, LARRY. You should not do something such as that."

That spells the intent of this amendment. I think the Senator from Iowa was a little kinder than I am, suggesting maybe there was an ulterior motive and it was probably more political than it was legally substantive. I think he is right.

It is also unfair because it would have the effect of putting the interests of some creditors ahead of others. The lawsuits we are talking about are not claims for real injuries resulting from somebody's bad acts. Instead, they are treasure hunts. We saw the hundreds of millions of dollars the trial attorneys made, and now States are getting, from the settlements from the tobacco industry. The treasure hunt resulted; the treasures were found. They are looking for multimillion-dollar verdicts or settlements to go to the trial lawyers and municipal governments they represent.

If there are legitimate creditors out there in a bankruptcy settlement, they are no longer protected because we have taken those companies out and they simply fall away. The effect of the Levin amendment would be that lawyers and government bureaucrats get paid first. Remember that: Lawyers and government bureaucrats get paid first. If there is anything left in this kind of bankruptcy of these multimillion-dollar verdicts, then and only then will a creditor get a dime.

The Levin amendment would also hurt the very people it claims to help because it would make it unlikely that more than a fraction of the judgments, if that much, would ever get paid off. This is because it would prevent more companies from taking a reorganization bankruptcy. Instead, it would simply, in all reality, force them into liquidation, where the creditors get nothing. Is that the intent of the Levin amendment? My guess is, if it is not the intent, it clearly is the result.

What is the practical effect of all of this? It means instead of a company continuing to exist, a company being allowed to stay in business, to reorganize, to keep its employees intact, they close their doors, they lay off their employees, and their creditors go wanting. Not only are the creditors not going to be there to get the benefit of it, the jobs are lost.

It means there will be no business-generating income to continue to pay the debts it created. Whatever you can squeeze out of a business today is all you are going to get. That is the result of this amendment. Maybe that is the intent of the amendment. If it is, why don't we be honest with ourselves? This amendment is not substantively charged, it is politically charged. I think all of us understand that. My guess is that is how the vote breaks out on an issue such as this. In short, the amendment turns bankruptcy policy on its head.

It is designed to destroy legitimate and law-abiding businesses. It injures consumers, and it destroys jobs. The Levin amendment is clear and simply bad policy for this country, and I hope the Senate will choose to defeat it. We should not mix that kind of politics with this kind of constructive policy change that these Senators have worked to bring to the floor. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Chair, and I thank my colleague from Michigan for yielding time and for his leadership on this outstanding amendment.

Before I speak to the substance of the amendment, whenever we talk about gun issues, it seems some who are opposed say that is making it political. I do not quite get that. People on this side have as firmly held beliefs as the people on the other side. Most Americans seem to support what we are for, and if that is political, so be it. That is democracy.

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. I will be happy to yield.

Mr. HATCH. I ask the Senator, since he is just starting his remarks, if he will yield to the distinguished Senator from Alaska who has a very short statement.

Mr. SCHUMER. I will be happy to yield as long as the rest of my time is reserved.

Mr. HATCH. We will go right back to the Senator from New York. I thank my colleague for his courtesy.

The PRESIDING OFFICER. The Senator from Alaska.

ALASKA AIRLINES FLIGHT 261

Mr. STEVENS. Mr. President, I am here because I am deeply saddened to report to the Senate a very serious loss, as far as the country is concerned and a real sad loss for myself personally. I was saddened last night when my wife and I received a call about the loss of Alaska Airlines Flight 261 on a flight from Puerto Vallarta, Mexico, to San Francisco.

Eighty-eight people were on board that plane, many of them apparently employees or relatives or friends of employees of that airline. While the search continues, we have been told now that no survivors have been found. My thoughts and prayers and I hope all of our thoughts and prayers are with the families of these people who have perished.

Among those on the plane were at least five Alaskans. We think there were more. One was one of my very close and dear friends, Morris Thompson—we called him Morrie—his wife Thelma and their daughter Cheryl.

Morrie Thompson has been a respected leader of the Native community of our State and a businessman. Just last fall, he retired as the chief executive officer of Doyon Limited, which is one of 12 regional corporations for our Alaska Native people. Because of Senate business, I was unable to attend that retirement dinner in Fairbanks, but my granddaughter Sara went as my representative.

Morrie had a tremendous background. He was not only a great leader for the Native people of Alaska, but he was a leader in his own right nationally. He was a member of the University of Alaska's Board of Regents. He served as president of the Alaska Federation of Natives. During the Nixon administration, he was the Commissioner of the Bureau of Indian Affairs for our Nation in Washington, DC, and a special assistant to the Secretary of the Interior for Indian Affairs in the Department of the Interior. He was president of the Fairbanks Chamber of Commerce and in 1997 was named Business Leader of the Year by the University of Alaska.

He is going to be remembered for his work on the Alaska Native Claims Settlement Act, landmark legislation in 1971, which was a tremendous economic boost for our Native people. His greatest legacy will be among the young people of our State who have benefited from Morris Thompson's fellowship program and the Doyon Foundation, which he created to subsidize tuition for Native students in Alaska.

My heart goes out to the Thompsons' surviving daughters, Nicole and Allison, and to all the members of their family. Morrie has not just been a political friend or a business friend. We have joined one another in each other's homes for dinner and raised our children together in a way.

There are many families, I am sure, mourning over this terrible tragedy. Also on that plane was the son of a former State legislator, Margaret Branson. Her son Malcolm and his fiancee Janice Stokes, both of Ketchikan, were returning from a vacation in Mexico.

I have this report for the Senate. I have been in touch with Jim Hall of the National Transportation Safety Board and the Secretary of Transportation, Secretary Slater. It is my intention to go to California on Thursday to meet with NTSB officials in Oxnard and the Coast Guard officials in Port Hueneme, CA, concerning the crash.

I say to the Senate that Alaska Airlines has an exemplary safety record. In my State, their pilots and planes fly in the most challenging terrain and weather of our whole Nation, if not the world. This is a great tragedy for that small airline and for our State.

My thoughts are with those people who are involved in trying to make certain the airline continues and their personal families of that airline who are affected by this tragedy are cared for as well as the relatives of people who have lost their lives.

I thank my colleagues very much for their courtesy in allowing me to make this report to the Senate.

The PRESIDING OFFICER. Under the previous agreement, the Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank the Senator from Alaska for his remarks and say to him that—and I am sure I speak for all the people of my State—we share the grief of the families who have lost loved ones and all those who have been affected by this terrible tragedy. To hear of an outstanding citizen and his wife and daughter losing their lives on that flight reminds us all that there but for the grace of God go each of us.

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. SCHUMER. Mr. President, before I get into the substance of my remarks, every time some of us on this floor bring up gun issues—not to eliminate them, but to make sure those who should not have them do not get them—we hear from those who are opposed to us that we are being political.

I do not understand that remark other than it being a defensive remark. First, I believe my views as strongly, say, as the Senator from Idaho believes his. I do not think I am being any more or any less political than he is by defending that viewpoint. That is what the Senate is all about.

Second, if one wants to argue about politics, a vast majority of Americans support the position I support. That is what democracy is all about, and politics is a good thing if you are representing people's views and trying to do good for your country, your State, and your communities. So I do not quite get the political nature of the comment.

Third, we are not saying that all gun manufacturers are subject to suit or subject to successful suit. I heard the Senator from Idaho mention Wal-Mart. This is not a suit aimed at Wal-Mart. This is a suit aimed at dealers, often a handful of dealers, who are reckless, or worse, in the way they distribute guns.

About 6 months ago, my office issued a report which showed that 1 percent of the dealers issued close to 50 percent of the guns traceable in crimes. These were not the 1 percent who had the greatest volume. These were obviously the 1 percent who, for some reason, were not living up to their responsibilities under the Brady law, which is the law of the land. That kind of fact is what brought these suits about.

The suit, for instance, brought forward by the City of Chicago claims that some manufacturers and some dealers are completely reckless in how they distribute guns. If each dealer were careful, if each dealer and manufacturer did what the law says, the number of people killed with guns by criminals and the number of children who get guns would decline. These lawsuits are a very legitimate part of American life.

I wish we didn't need lawsuits, but since this Senate has stymied every single measure to bring rationality to our laws about guns, not to take people's guns away, as some of the opponents argue in terms of setting up a straw man, but to say that the same responsibilities that someone who drives a car or practices free speech has, because none of those rights is absolute, should be visited upon gun manufacturers, gun dealers and, yes, gun owners. If this Chamber had moved forward in accordance with the will of the American people, we wouldn't have these lawsuits. But that is not the case. One can speculate as to why.

We have a Senate totally deadlocked, a Congress unable to even pass something as minute as closing the gun show loophole. So we have these suits. They are legitimate lawsuits. They are tried by a jury in accordance with American law.

Mr. President, I ask the Senator from Michigan to yield me 3 additional minutes.

Mr. LEVIN. I yield my friend from New York 3 additional minutes.

The PRESIDING OFFICER. We have approached the time for the recess.

Mr. SCHUMER. I thank the Chair for his courtesy.

It is not the major gun dealers who are seeking the shield of bankruptcy; it is the companies, sometimes small, often nasty, that have sought this. Look at the so-called ring of fire, gun manufacturers around the city of Los Angeles that manufacture cheap handguns, who know darn well that those handguns are often ending up in the hands of young people who shouldn't have them. They are the people against whom the Senator from Michigan so wisely is seeking to allow the court process to continue. It would be the height of special interest folly if we allowed dealers to escape the punishment meted out by a civil court through a bankruptcy loophole that was never intended to allow people to evade justice.

This amendment is about justice, pure and simple. It doesn't preordain what the courts will decide, but it clearly states that if the court should decide a gun manufacturer or a gun dealer was reckless, was negligent, then they can be held accountable. If we don't pass it, it is another in a long line of sops to the gun lobby in which this Chamber has unfortunately participated over the last several years. I hope this body has the courage to stand tall and pass an amendment that we all know is right.

I thank the Chair for his courtesy.

Mr. LIEBERMAN. Mr. President, I rise to express my opposition to Senator LEVIN's amendment, which would deny bankruptcy protection to gun companies, and to explain the reasons for my position. I intend to vote against Senator LEVIN's amendment despite the fact that I have consistently supported gun control legislation.

I know my colleague's intentions are good, but this amendment is not the right way to address the serious problem of gun violence in our nation. It would establish a dangerous new precedent in our Bankruptcy Code, and it would unfairly discriminate against an entire category of companies, regardless of whether a given company is behaving responsibly. In Connecticut, for example, Colt's Manufacturing, which has been at the forefront of developing new technologies to make guns safer, teeters at the edge of bankruptcy because it has been caught up in the tide of lawsuits against gun companies. Would it be fair to deny Colt the normal protections afforded to any company trying to reorganize? My colleague from Michigan refers to the irresponsible practices of a few gun companies, but his amendment could cripple reputable companies such as Colt's.

Senator LEVIN seeks to amend the Bankruptcy Code so that firearm manufacturers filing for reorganization would not be entitled to the ordinary protections from product liability lawsuits. He argues that a loophole in the bankruptcy system allows gun companies to stay lawsuits and discharge their debts. In fact, the stay of lawsuits and discharge of debts to which Senator LEVIN refers is no loophole, but is essential to the proper operation of Chapter 11 of the Bankruptcy Code. On more than one occasion, otherwise healthy companies have been hit with huge numbers of product liability cases simultaneously, and had to file for protection under Chapter 11. One recent example is Dow Corning, which filed for reorganization in response to the thousands of lawsuits over silicone breast implants, and which is now paying out claims in an orderly and expeditious process. If the lawsuits are not stayed by the bankruptcy court, then resolved in one tribunal, the company would be more likely to fail before all claimants can litigate their cases. Chapter 11 does not allow a company to evade lawsuits, but rather to pay out claims proportionately and fairly to all claimants, hopefully in a way that keeps the company afloat.

This rationale for Chapter 11 bankruptcy applies to the gun industry as well. I understand why my colleague criticizes the practices of companies such as Lorcin, which churn out the "Saturday Night Specials" favored by criminals. But his amendment to the Bankruptcy Code is not narrowly drafted to target those companies. Many municipalities and gun control groups have adopted a strategy of filing multiple, simultaneous product liability lawsuits, in which all gun companies are named as defendants irrespective of their particular practices. The lawsuits have not succeeded on the merits thus far, but the costs of litigation are threatening the financial viability of many of the smaller companies.

Colt's Manufacturing, which is among the most progressive firearms manufacturers in the country, has been drawn into the same lawsuits. Seventy percent of Colt's sales are to law enforcement and defense agencies, and the company does not produce "Saturday Night Specials." Although Colt's has limited assets, it has been working to develop "smart gun" technology and other innovations that will reduce handgun violence. Nevertheless, Colt's has been named as a defendant in all 29 lawsuits filed so far. Despite the fact that Colt's has won four decisions and lost no final judgments, insurance companies are pulling their coverage and investors have been reluctant to provide new capital. In one year, the company has gone from 1,200 to 400 employees. Colt's reports that it is in financial jeopardy as a result of the lawsuits, and may soon have to file for reorganization under Chapter 11, as it did several years ago. The amendment we are considering today would be devastating to Colt's. Rather than being given a chance to reorganize, the company would slowly be bled dry. Along with lost jobs in my state, the nation would lose a responsible company with a history of great craftsmanship which has been looking for solutions to the epidemic of handgun violence.

No industry has ever been singled out in the Bankruptcy Code for this sort of discriminatory treatment. The case has not been made for why Chapter 11 should not apply equally to all sectors of the economy. There are many possible legislative approaches for addressing the appalling rates of gun violence in the United States, but this is not one of them. I urge my colleagues to oppose the amendment.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I ask unanimous consent to speak as in morning business for up to 10 minutes, at the conclusion of which time I will propound a unanimous consent request regarding Senate Resolution 250 related to the Super Bowl champions, the St. Louis Rams.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

SUPER BOWL CHAMPIONS ST. LOUIS RAMS

Mr. ASHCROFT. Mr. President, I appreciate this opportunity to make a comment on an event which is very important to the State of Missouri, very important to the city of St. Louis, very important to this Senator.

It happens that over the weekend, the St. Louis Rams encountered a very energetic and talented team, the Tennessee Titans, in Atlanta to settle the issue of who would be the Super Bowl NFL champions this year. In a very hard fought game that represented the highest of effort by both teams, the Rams prevailed. There are those who from time to time ask me if I was nervous at any time. I think they were hoping I would say I was never nervous. Well, I got pretty nervous toward the end of the game. But I was very pleased with the result because there is no team more worthy of having won this game than the St. Louis Rams.

I will just say a few things about the St. Louis Rams, about that marvelous effort of a crew we call the "go to work," "gotta go to work" crew in St. Louis. Different football teams are understood and known for different things. The St. Louis Rams have a slogan: Gotta go to work. I don't think there is a better slogan anywhere for a sports team than a sports team that elevates the idea of work. It is work that brings us to any goal, to the achievements we enjoy. It is work that gives us successful families. It is work that allows America to compete successfully around the world. It is that work ethic, expressed by the St. Louis Rams, that made them world champions.

For me to have the opportunity to stand today and say a few words about the St. Louis Rams, the fact that they had the work ethic necessary to prevail in the Super Bowl over an excellent team from Tennessee, is something for which we are all grateful.

I will talk a little bit about the kind of statistical year the Rams had. We had Kurt Warner, who is one of the great Horatio Alger stories of America. People talk about rags to riches. I don't know if he has gotten to riches yet. He was at the minimum wage in the National Football League before they decided to give him a bonus this year, and I don't know that he was in rags, but 5 years ago he was bagging groceries in Iowa because he hadn't quite gotten the opportunity to demonstrate his skills in football. Maybe this would be called from bags to riches.

The truth is, it is a heroic story of an individual who has not only great football skills but whose inspirational life is the kind of leadership we need more of in this country. When asked about his own inspiration, he said he gets inspiration from his family and the handicapped member of the family who every day, when falling down, gets back up. For the most valuable player in the Super Bowl, the most valuable player in the National Football League, to understand that we can all learn from each other and we can learn from even those in their heroic efforts who have not the talents that we do but have the courage to get back up, that is a tremendous thing.

It is with that in mind that I will talk a bit about the St. Louis Rams today, the Ram team, including Kurt Warner, and then Marshall Faulk, who set the all-time record for combined yardage this year. I thrill to the fact that there are youngsters in my State and across America who are saying: I want to be like Marshall Faulk; I want to be like Kurt Warner and this team of individuals who are such outstanding individuals; Isaac Bruce, who has been so productive as a football player and such an exemplary leader in our community.

There are statistics about this team. They won the West divisional title with a 13 and 3 record. They posted an undefeated record at home. That is something special to me because that was in the TWA Dome. When I was Governor of the State of Missouri, it was my responsibility to be involved in the construction of that dome and to see to it that it came in under budget and on time and was a great facility. But no facility ever achieves greatness unless there are great things done there—to have the team come and be undefeated there this year and, of course, have other great things there. The Pope visited St. Louis and was at the TWA Dome, and Billy Graham came to St. Louis this year and was at the TWA Dome. There are some people who think it is important to invite the Pope and Billy Graham back next year so we can go undefeated another time. We would be pleased to have them come back because they bring the kind of presence to St. Louis that all of us cherish and want.

To watch our quarterback, Kurt Warner, who enjoyed one of the best seasons ever by an NFL quarterback, becoming only the second player in history to throw more than 40 touchdown passes and to realize that he wasn't discovered as a starting quarterback until this year's circumstances thrust him into the position, it was an amazing thing: completing 66 percent of his passes; 10 300-yard games in the season; setting a new Super Bowl record for 414 yards in passing. The offense of the Rams team: 526 points, the third highest single-season record ever.

Of course, Kurt Warner was named the NFL player of the year. He took his $30,000 award and gave it to Camp Barnabus, which is a camp for young people in southern Missouri. This wasn't a $30,000 donation by someone who is making the big salaries; this was a $30,000 donation by someone who is earning the minimum wage in the NFL. I could go on. The resolution that I will propound not only talks about Kurt Warner but extols the greatness of Marshall Faulk. These individuals are as great, or greater, off the field than they are on the field. That is what is so inspiring—their commitment to community.

Isaac Bruce caught 77 passes for 1,165 yards and 12 touchdowns in the regular season and led the Rams to a Super Bowl victory with 6 receptions for 162 yards, including a game-winning 73-yard touchdown reception that, frankly, required him to make a very big effort to come back and get the ball and go get the score. What a tremendous inspiration it was.

On defense, Todd Lyght led the Rams with a regular season career high of six interceptions, including a touchdown. He started in 97 straight games. Now, there is durability. Talk about having to go to work. That is the longest current streak with the team.

Rams' linebacker Mike Jones ended the very spectacular and heroic effort of the Tennessee Titans on the 2-yard line with the game-winning tackle as the time ran out in the Super Bowl.

I could also talk about wide receiver Terry Holt and about Coach Dick Vermeil, named NFL coach of the year, the oldest coach ever to win a Super Bowl. He, of course, retired from coaching, but he came back because he still had a burning capacity within him to motivate and help young people, and the football team reached the maximum of its potential.

It is with that in mind I wanted to propound a resolution to congratulate not only the team, the St. Louis Rams, but, frankly, the fans of St. Louis. No group of fans that I know of is more intelligent, understanding of the game, and more supportive of a team than the fans in St. Louis. The fans came together with the team over and over again. They stuck with the team in previous years when we were the worst in the league and helped carry the team when we were first in the league. That is very important.

I was at a tremendous celebration in St. Louis, and the individual who announces the team onto the field in each game, who is also a disc jockey at KSD FM, Smash, Asher Benrubi, was leading this rally. It became very apparent to me that the biggest contribution of the St. Louis Rams is the contribution of community, because the community has come together around this team in a special way that unites us all. Unity is the most important characteristic of any organization. When you can be unified and work together, that is something to behold.

It struck me at the time that the last five letters of the word "community" are the word "unity." Those things, those challenges in our lives, and those opportunities in our lives, those victories and, yes, even defeats bring us together and are valuable to us. It is with that in mind I thank Smash for his great leadership as the MC of that rally. I thank the fans of St. Louis.

RECOGNIZING THE ACHIEVEMENT OF THE ST. LOUIS RAMS IN WINNING SUPER BOWL XXXIV

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 250, submitted earlier by me, Senator ASHCROFT, along with Senator KIT BOND and Senator PETER FITZGERALD, and Senator DURBIN of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 250) recognizing the outstanding achievement of the St. Louis Rams in winning Super Bowl XXXIV.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 250) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 250

Whereas, in 1995 the Los Angeles Rams relocated to St. Louis, Missouri and became the St. Louis Rams;

Whereas, the arrival of the St. Louis Rams ushered in a new era of unity in the St. Louis community fortified by the enthusiasm and energy of the St. Louis Rams' fans and the spirit and drive of the St. Louis Rams organization;

Whereas, the St. Louis Rams' fans have incorporated the unifying spirit of the Rams into the community, making the St. Louis area an even better place to live and work;

Whereas, the members of the St. Louis Rams' team, including Kurt Warner, Marshall Faulk, and Isaac Bruce, exemplify the character, sportsmanship, and integrity—both on and off the field—to which all Americans can aspire;

Whereas, the St. Louis Rams' rallying cry, "Gotta Go To Work," embodies the great American work ethic, and symbolizes the perseverance, dedication, talent and motivation of the St. Louis Rams football team and the St. Louis community;

Whereas, in the 1999–2000 season, the St. Louis Rams committed themselves to the motto, "Gotta Go To Work," and achieved record accomplishments:

The Rams won the NFC West divisional title with a 13–3 record;

The Rams posted an undefeated record at home, winning all ten games in the Trans World Dome, the longest home winning streak for the Rams since 1978;

Rams' quarterback Kurt Warner enjoyed one of the best seasons by a quarterback in NFL history, becoming only the second player to throw 40 or more touchdown passes in a season (41), recording the fifth-best passer rating in league history, completing a league-best 65 percent of his passes, modeling consistency with ten 300-yard games, and setting a new Super Bowl record of 414 passing yards;

The Rams' offense produced 526 points, the third-highest single regular season total;

Rams' quarterback Kurt Warner was named the Miller Lite NFL Player of the Year, donating the $30,000 award to Camp Barnabas, a Missouri-based Christian summer camp for disabled children, and became only the sixth player to capture both the National Football League's Most Valuable Player and the Super Bowl Most Valuable Player in the same season;

Rams' running back Marshall Faulk, in the regular season, set an all-time record for yards from scrimmage with 2,429, became the second player in NFL history with 1,000 yards rushing and receiving in the same season, had the highest average yards per rush in the league and caught 87 passes, the fourth highest in the NFC;

Rams' wide receiver Isaac Bruce caught 77 passes for 1,165 yards and 12 touchdowns in the regular season and led the Rams in Super Bowl XXXIV with six receptions for 162 yards, including the winning 73-yard touchdown in the fourth quarter;

Rams' left corner back Todd Lyght led the Rams with a regular season career-high six interceptions, including one touchdown, and has started in 97 straight games, the longest current streak with the team;

Rams' linebacker Mike Jones had four interceptions in the regular season, two of which he returned for touchdowns, and had the game winning tackle on the last play of Super Bowl XXXIV; Rams' wide receiver Torry Holt set a Super Bowl rookie record with seven catches for 109 yards in Super Bowl XXXIV, including a nine-yard touchdown pass in the third quarter.

Whereas, the St. Louis Rams Head Coach Dick Vermeil was named NFL's coach of the year, and is the oldest coach to win a Super Bowl;

Whereas, the St. Louis Rams lead the league with 6 players chosen to start in the 2000 Pro Bowl; and,

Whereas, the St. Louis Rams won Super Bowl XXXIV, defeating the valiant Tennessee Titans 23–16 in the most exciting finish in Super Bowl history. Now, therefore, be it

Resolved, That the Senate

(1) commends the unity, loyalty, community spirit, and enthusiasm of the St. Louis Rams fans;

(2) applauds the St. Louis Rams for their commitment to high standards of character, perseverance, professionalism, excellence, sportsmanship and teamwork;

(3) praises the St. Louis Rams' players and organization for their commitment to the Greater St. Louis, MO community through their many charitable activities;

(4) congratulates both the St. Louis Rams and Tennessee Titans for providing football fans with a thrilling Super Bowl played in a sportsmanlike manner;

(5) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the St. Louis Rams win Super Bowl XXXIV;

(6) commends the St. Louis Rams for their victory in Super Bowl XXXIV on January 30 2000; and

(7) directs the Secretary of the Senate to make available enrolled copies of this resolution to the St. Louis Rams' owners, Georgia Frontiere and Stan Kroenke, and to the St. Louis Rams' Head Coach, Dick Vermeil.

Mr. ASHCROFT. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, the Senate is in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed; whereupon, at 2:15 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

BANKRUPTCY REFORM ACT OF 1999—Continued

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Wellstone amendment No. 2537 to S. 625. Under the previous agreement, there will be 5 minutes equally divided.

Who yields time?

Mr. WELLSTONE. Mr. President, I wonder whether I could ask unanimous consent that the vote be first on the payday amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. I thank my colleagues. I thank Senator GRASSLEY from Iowa.

AMENDMENT NO. 2538

The PRESIDING OFFICER. If the Senator will yield for a moment, the question is on agreeing to the motion to table amendment No. 2538 by Senator WELLSTONE.

Mr. WELLSTONE. I thank the Chair.

Mr. President and colleagues, I was on the floor earlier talking about this whole problem of payday amendments, payday loans, and car title pawns. To make a long story short, it is a very unscrupulous practice. You have targets of low-income, you have targets of women, you have targets of seniors who basically get a loan because of something that happened in the family—medical emergency, you name it, for $100, $200. It is rolled over and over again. They can end up being charged 300, 400, or 500 percent a year—or a lien can be put on their car. The car can be repossessed and sold. There isn't a requirement in many States that these families at least get back what they no longer owe to these creditors. I don't know why, when it comes to bankruptcy, those lenders who in good faith have provided loan money to people should be crowded out.

This amendment simply says if you are charging over 100 percent in annual interest on a loan and the borrower goes bankrupt, you cannot make a claim on that loan or the fees from that loan.

This is all about whether we are on the side of a lot of vulnerable citizens—

on the side of single parents, families, women, on the side of moderate-income citizens—or on the side of these loan sharks.

This amendment, I believe, should get a huge vote. Every consumer organization is for this amendment, and many other organizations representing women and labor and low- and moderate-income people are for this amendment. I certainly hope the Senate will vote for this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Minnesota is asking the Senate to put these provisions in law in the bankruptcy code for loans that are legal under State law.

He would have this done in two ways: No. 1, he would say that the State judges could not enforce these debt collections; and, No. 2, he would say that in bankruptcy it could not be recovered in bankruptcy.

First of all, these are legal contractual relations. They are legal under State law. So it ought to be questioned whether or not the Senate of the United States or the legislatures of Minnesota and Iowa ought to be making these determinations. It is my judgment that we should not use the bankruptcy code to upset the legal bankruptcy laws of the respective States.

I ask my colleagues to vote this amendment down.

Mr. WELLSTONE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 seconds remaining.

Mr. WELLSTONE. Mr. President, I want to point out to my colleagues that a lot of these unscrupulous credit companies get around State regulations and protections through Federal law. A lot of them are chartered by Federal law.

So it is certainly appropriate to take this action if we want to protect consumers and not be on the side of these loan sharks.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. I yield my time.

The PRESIDING OFFICER. All time is yielded. The vote will now occur on the tabling motion.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 2538. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Lincoln
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—2

Gregg
McCain

The motion was agreed to.

AMENDMENT NO. 2537, WITHDRAWN

Mr. WELLSTONE. Mr. President, I ask unanimous consent to withdraw amendment No. 2537.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2667

(Purpose: To encourage the democratically elected government of Indonesia and the armed forces of Indonesia to take such additional steps as are necessary to create a peaceful environment in which the results of the August 30, 1999, vote on East Timor's political status can be implemented)

Mr. FEINGOLD. Mr. President, I call up amendment No. 2667.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2667.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

TITLE —EAST TIMOR SELF-DETERMINATION ACT OF 1999

SEC. 01. SHORT TITLE.

This title may be cited as the "East Timor Self-Determination Act of 1999".

SEC. 02. FINDINGS; PURPOSE; SENSE OF SENATE.

(a) CONGRESSIONAL FINDINGS.—

(1) On August 30, 1999, in accordance with the May 5, 1999, agreement between Indonesia and Portugal brokered by the United Nations, and subsequent agreements between the United Nations and the governments of Indonesia and Portugal, a popular consultation took place, in which 78.5 percent of East Timorese rejected integration with Indonesia, setting the stage for a transition to independence pursuant to the terms of the May 5, 1999, agreement.

(2) On October 19, 1999, the Indonesian People's Consultative Assembly agreed to ratify the August 30, 1999, vote results, leading the United Nations Security Council, on October 25, 1999, to authorize a United Nations Transitional Administration in East Timor (UNTAET), which was to include deployment of an international police and military force with up to 1,640 officers and 8,950 troops.

(3) The United Nations Commission on Human Rights, in a special session meeting on September 27, 1999, called on the United Nations Secretary General to establish an international commission of inquiry to investigate violations of human rights in East Timor, and urged the cooperation of the Indonesian government and military.

(4) The Secretary General subsequently directed Mary Robinson, the United Nations High Commissioner on Human Rights, to appoint a United Nations commission on October 15, 1999, which is due to report its conclusion to the Secretary General by December 31, 1999.

(5) The Indonesian People's Consultative Assembly on October 20, 1999, chose Abdurrahman Wahid as President of the Republic of Indonesia and the next day also chose as Vice President, Megawati Soekarnoputri

(6) President Wahid has invited Xanana Gusmao to meet and has written to the United Nations Secretary General officially informing him of the decision to end Indonesia's administration of East Timor, and of East Timor's independence, and expressing his hope "that East Timor will become an independent state".

(7) As of late October 1999, according to United Nations officials and other independent observers, more than 200,000 East Timorese remain displaced in camps in West Timor and elsewhere in Indonesia, under constant threat by civilian militia and in some cases denied access to assistance by the United Nations humanitarian agencies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should congratulate the people of Indonesia on its democratic transition and welcome the efforts of the new Indonesian government to bring a peaceful end to the crisis in East and West Timor;

(2) the results of the August 30, 1999, vote on East Timor's political status, which expressed the will of a majority of the Timorese people, should be fully implemented;

(3) economic recovery in Indonesia is essential to political and economic stability in the region; and

(4) the President, the Secretary of State, the Secretary of the Treasury, and Congress should work with the people of Indonesia to restore Indonesia's economic vitality.

(c) PURPOSE.—The purpose of this Act is to encourage the government of Indonesia and the armed forces of Indonesia to take such additional steps as are necessary to create a peaceful environment in which the United Nations Assistance Mission to East Timor (UNAMET), the International Force for East Timor (INTERFET), and the United Nations Transitional Administration in East Timor (UNTAET) can fulfill their mandates and implement the results of the August 30, 1999, vote on East Timor's political status.

SEC. 03. SUSPENSION OF SECURITY ASSISTANCE.

(a) SUSPENSION AND SUPPORT.—

(1) ASSISTANCE.—None of the funds appropriated or otherwise made available under the following provisions of law (including unexpended balances of prior year appropriations) may be available for Indonesia:

(A) The Foreign Military Financing Program under section 23 of the Arms Export Control Act.

(B) Chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance).

(C) Chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training assistance).

(D) Section 2011 of title 10, United States Code.

(2) LICENSING.—None of the funds appropriated or otherwise made available under any provision of law (including unexpended balances of prior year appropriations) may be available for licensing exports of defense articles or defense services to Indonesia under section 38 of the Arms Export Control Act.

(3) EXPORTATION.—No defense article or defense service may be exported or delivered to Indonesia or East Timor by any United States person (as defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415)) or any other person subject to the jurisdiction of the United States except as may be necessary to support the operations of an international peacekeeping force in East Timor or in connection with the provision of humanitarian assistance.

(4) PROHIBITION ON PARTICIPATION IN ASIA-PACIFIC CENTER FOR SECURITY STUDIES.—Programs of the Asia-Pacific Center for Security Studies may not include participants who are members of the armed forces of Indonesia or any representatives of the armed forces of Indonesia.

(5) PROHIBITION ON ASSISTANCE THROUGH MILITARY-TO-MILITARY CONTACTS.—The authority for military-to-military contacts and comparable activities under section 168 of title 10, United States Code, may not be exercised in a manner that provides any assistance to the government or armed forces of Indonesia.

(b) INAPPLICABILITY TO CERTAIN ITEMS AND SERVICES ON THE UNITED STATES MUNITIONS LIST.—Paragraphs (2) and (3) of subsection (a) do not apply to the export, delivery, or servicing of any item or service that, while on the Commerce Control List of dual-use items in the Export Administration Regulations, was licensed by the Department of Commerce for export to Indonesia but is in a category of items or services that, within two years before the date of the enactment of this Act, was transferred by law to the United States Munitions List for control under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(c) CONDITIONS FOR TERMINATION.—Subject to subsection (b), the measures described in subsection (a) shall apply with respect to the government and armed forces of Indonesia until the President determines and certifies to the appropriate congressional committees that the Indonesian government and the Indonesian armed forces are—

(1) taking effective measures to bring to justice members of the Indonesian armed forces and militia groups against whom there is credible evidence of human rights violations;

(2) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian armed forces and militia groups responsible for human rights violations in Indonesia and East Timor;

(3) taking effective measures to bring to justice members of the Indonesian armed forces against whom there is credible evidence of aiding or abetting militia groups;

(4) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(5) not impeding the activities of the International Force in East Timor (INTERFET) or its successor, the United Nations Transitional Administration in East Timor (UNTAET);

(6) ensuring freedom of movement in West Timor, including by humanitarian organizations; and

(7) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor.

SEC. 04. MULTILATERAL EFFORTS.

The President should continue to coordinate with other countries, particularly member states of the Asia-Pacific Economic Cooperation (APEC) Forum, to develop a comprehensive, multilateral strategy to further the purposes of this Act, including urging other countries to take measures similar to those described in this title.

SEC. 05. REPORT.

Not later than 30 days after the date of enactment of this Act, and every 6 months thereafter until the end of the UNTAET mandate, the Secretary of State shall submit a report to the appropriate congressional committees on the progress of the Indonesian government toward the meeting the conditions contained in paragraphs (1) through (7) of section 03(c) and on the progress of East Timor toward becoming an independent nation.

SEC. 06. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

Mr. FEINGOLD. Mr. President, as I understand it, I have 30 minutes under my control for purposes of this amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. I thank the Chair. I intend to withdraw this amendment after I and other Senators interested in the amendment have had a chance to talk within the 30-minute period.

As I said late last year, this amendment is considerably different from my original bill, S. 1568, the East Timor Self-Determination Act. I made significant alterations to it in order to respond to changing events and the concerns of other Senators and the administration.

My amendment would have suspended all military and security assistance to Indonesia until clear steps had been taken to stop the harassment of East Timorese refugees, to end the collusion between violent militia groups and the Indonesian military, and to hold those responsible for recent atrocities accountable for their actions.

My amendment would have put this body on the record in recognition of the need to use United States military and security assistance responsibly in Indonesia.

My original bill, which passed the Foreign Relations Committee on September 27 by an overwhelming vote of 17–1, was introduced in the wake of the violence that erupted after the results of East Timor's historic referendum were announced on September 4. It was cosponsored by the chairman of the Foreign Relations Committee, the distinguished Senator from North Carolina, as well as many other Members of the Senate.

I took that action, in cooperation with my colleagues, because events in East and West Timor demanded it.

While I am very pleased to have the opportunity to finally call up my legislation on the Senate floor, it is unfortunate that this is being squeezed in to a debate on the bankruptcy bill rather than standing alone. It is unfortunate that we are here debating this amendment more than 4 months after the events in East Timor that gave rise to it. It is unfortunate and it is inappropriate, because the events in East Timor that originally cried out for this legislation are deadly serious. And the encouraging events that justified changes in the legislation are critically important. Both deserved thoughtful consideration from the Senate.

On August 30, well over 99 percent of registered voters in East Timor courageously came to the polls to express their will regarding the political status of that territory.

More than 78 percent of those voters marked their ballot in favor of independence.

But weeks of violence dampened the jubilation that immediately followed the vote, as the Indonesian military—a military that the United States has long supported—colluded with militia groups in waging a scorched earth campaign throughout the territory.

Thousands of people were forced to leave, and many were killed.

But for the East Timorese run out of their homes in the fray, the nightmare did not end there.

Just days ago, the Independent newspapers of London reported on the horrible conditions in the remaining refugee camps in West Timor. In one part of West Timor, UNICEF has found that 25 percent of refugee children are malnourished.

To this day, militia members harass and intimidate East Timorese in West Timor's refugee camps. According to the United Nations High Commissioner for Refugees, between 100,000 and 150,000 refugees remain, in many cases against their will, in the refugee camps.

But some will say that we should remain silent on these matters, and continue to let events in Timor and Indonesia unfold without comment. Some will say that the time for action has passed. They will point to the recent democratic elections in Indonesia, and to the Indonesian government's stated willingness to accept the results of the August 30 ballot. They will note the many encouraging steps that President Wahid has taken in the direction of reform. And they will point to President Wahid's most recent, public commitment to holding military officers accountable for their actions—actions now described in both Indonesian and U.N. investigations.

They are right to emphasize the positive signals coming from the new government, and they are right to point out that the situation in Indonesia has changed significantly in the past four months. I recognize those changes, and I have tried to respond to them as my legislation has wended its way through this body.

Make no mistake—the Indonesians were aware of the original legislation. And over the last few months they have undoubtedly taken note of the changes that were made in this amendment—changes that sent a clear signal that the United States recognizes that the government of Indonesia is moving toward democracy and accountability, and we are very interested in partnership with that kind of Indonesia.

While I support the notion that now is an important time to reach out toward the new government in Jakarta, I reject the idea that we should no longer maintain intense pressure on the Indonesian military.

Whether or not the Indonesian military is committed to serving under the new, promising, democratically-elected regime remains to be seen. Recently, rumors of coup plots and a possible military takeover of this fledgling democracy circulated in Jakarta and abroad. In recent months, ethnic and religious violence erupted in Aceh, the Spice Islands, and elsewhere in Indonesia. Many reports indicate that elements of the Indonesian military continue to stand by and do nothing to help the people they are supposed to protect.

So as we extend a welcome to Indonesia's new government, we must send a strong message about the kind of behavior that we do not welcome, and about the kinds of abuses that we will not ignore. It remains as crucially important today as it ever was to pressure violent elements in Indonesia to do the right thing. And I serve notice to my colleagues and to the administration—I stand ready to do just that. If U.S. policy fails to send a strong message in favor of reform and accountability, I will seize any legislative opportunity necessary to fight for a responsible policy—one that serves United States and Indonesian interests in stability and justice.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. DEWINE). The Senator has used 6 minutes and 40 seconds.

Mr. FEINGOLD. I yield such time as he wishes to the distinguished Senator from Rhode Island, who has truly been a great leader on this issue, making not only an effort on the Senate floor but a personal effort to visit and see exactly what is happening in East Timor itself. I yield the Senator from Rhode Island such time as he needs.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first, let me commend the Senator from Wisconsin for his efforts. He has spoken out forcefully and clearly and correctly for so many months about our obligation to see that the people of East Timor have a chance to chart their own course, to reach their own destiny, to rule themselves. I thank him for his efforts.

Today this amendment is being withdrawn, but this withdrawal should not be a signal that we are turning away from East Timor. Indeed, it is once again an opportunity to speak out and demand that we do, in fact, attend to the needs of this emerging country.

As the Senator from Wisconsin pointed out, I traveled to East Timor twice last year. The first time was a week before the referendum. I traveled with Senator HARKIN and our colleague from the other body, Congressman JIM MCGOVERN of Massachusetts. We were there a few days before the election. What struck us was the incredible courage of the people of East Timor. It was an ominous and foreboding atmosphere. Armed militias were roaming the countryside threatening people and making it clear that their goal was to intimidate all of the East Timorese either not to vote or to vote for continued association with Jakarta, with Indonesia. Despite this, we saw countless East Timorese who were willing to risk their lives, declaring to us that they would vote, they would risk their lives.

I had occasion in Suai to be speaking at a church where there were thousands of displaced persons gathered around this church in the protection of three priests. I told them that the vote is more powerful than the army. Not only did they believe that, but they risked their lives to prove it. Sadly, with the conclusion of the referendum, the militias went wild, conducting a rampage throughout East Timor. In fact, the three priests in Suai who were leading their congregations were slaughtered by the militias because they chose to talk about democracy and independence and self-determination.

I returned back to East Timor in the first week of December. Since the election had taken place, the United Nations had authorized the intervention of international forces, and we owe a great deal to the armed forces and the Government and the people of Australia because they launched thousands of Australian soldiers to enter that country, to stabilize that country, and literally to give a chance to the people of East Timor to build a democratic society.

The United States also contributed roughly 200 troops. The troops were led by our U.S. Marine Corps. The bulk of the troops were U.S. Army forces. These troops, once again, displayed magnificently the ability of American forces to respond to a crisis and to bring to bear not only our technology, but our values, as they supported that struggling democracy, struggling to emerge in East Timor. Now, the Indonesian Government has formally renounced the claims of East Timor. It is being administered in the interim by the United Nations.

We had the chance in our last visit at the end of November, beginning of December, to meet with the leadership of the United Nations. They are led by a very accomplished diplomat, Sergio DeMello. But I have to say that their efforts to date are quite feeble when it comes to the difficult challenges they face. So I think the whole international community has to step up and assist this effort of reconstruction because one thing was painfully obvious to us as we traveled through East Timor—the country was deliberately, cynically destroyed. Every building that was worth habitation was burned. Ironically and interestingly—because I think the Indonesian military was calling all the shots—they didn't touch the churches because they knew that would probably make CNN. But a few feet away from every church, rows and rows of buildings were destroyed. We met the people of East Timor, people who are struggling for the basic subsistence now after all the mayhem and destruction. Once again, I commend the military forces—particularly ours—that are there today helping out.

We have a great deal to do to ensure that our words about independence, our words about the value of democracy, and our words about self-determination are transferred into palpable progress for the people of East Timor. We have an opportunity, I say an obligation, to give them resources to get the job done. I believe we should start with an appropriation of $25 million for humanitarian assistance so they can reconstruct their schools and infrastructure. Literally, the militias and Indonesian Army destroyed all records—postal records, all identification records, all land records. This country has been totally devastated, deliberately and cynically destroyed. We have an obligation to help them rebuild. They are a people who want to rebuild, who want to make progress and go forward.

I also had the chance while I was in East Timor to travel to West Timor, which is still part of Indonesia. I went to these camps where there are thousands of East Timorese, many of whom were taken against their will from their homes and brought into these camps. These camps are not a place where a person can stay indefinitely. It is a transitory shelter. Many people are there because they are intimidated by the militias still lurking in the camps. Others are fearful and afraid of going home because they might run into retribution by those who stayed behind, the proliberation democracy forces. But in any case, they are creating a huge problem of assimilation and a huge drain on the resources of the villages of West Timor.

I had a chance to meet with the Catholic Relief Service, which is doing great work there, and representatives of the Catholic Church. We have a real obligation, also, to see that these displaced people in West Timor are allowed to go home safely and to reintegrate into their society, into the new country of East Timor. The work is substantial.

Today's effort by the Senator from Wisconsin, after many days to get this measure to the floor, should, as I say, not be a signal that the problem is solved and that we can withdraw—since no longer is East Timor capturing the front page headlines—it should be rather an opportunity for us to recommit ourselves to do the work of helping these people build a just, decent, and viable society and country.

Let me say a final word because we are all here today talking about an issue that has been on the minds of the world for the last year because of the publicity. But long before East Timor was a well-known word in the United States and around the capitals of the world, there was one Member of this Senate, Claiborne Pell, who strove mightily to point out the injustice and the need for freedom. In 1992, Senator Pell traveled to Indonesia, saw President Suharto, and asked him to hold a plebiscite on self-determination. That was a full 7 years, or more, before this referendum was held. He also wanted to visit East Timor but was denied permission to meet with Xanana Gusmao, then in a Jakarta prison. He held hearings and he kept this issue on the forefront of the consciences of many in the world. In a very particular way, the freedom of East Timor today is a tribute to his quiet, persistent efforts through many years. The fact that today Xanana Gusmao is back home in East Timor, is a leader in that community, a community that will decide its own fate, a free country, emerging in the world, is a tribute again to Senator Pell.

Let me conclude by thanking, once again, Senator FEINGOLD for his great effort, his clear voice, his dedication and commitment to principle. Let us all resolve today that we have just begun to help these people to rebuild their country, their society, and to create a society that will have our values, but will also definitely have their own perspective as East Timorese.

I yield back my time.

Mr. FEINGOLD. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 13 minutes remaining.

Mr. FEINGOLD. Mr. President, I thank the Senator from Rhode Island for his extremely dedicated work on this issue. It has been a pleasure working with him on it. I wish to reiterate what he said, which is that this is another opportunity for us to tell our colleagues, as well as Indonesia and the rest of the world, that we are watching this on a daily basis and we are prepared to act again. The legislation is very viable and we are prepared to offer it as an amendment to another bill if the situation becomes difficult.

At this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, at this time I am delighted to yield the remaining time we have on the amendment to the distinguished Senator from Iowa who, along with the Senator from Rhode Island, has shown not only a tremendous interest and dedication on the issue of East Timor but took the time and risks associated with actually visiting East Timor at a very critical point and came back here to be key to the entire effort to lead the East Timorian independence. Senator HARKIN, Senator REED, I, and others are going to watch this every day to make sure this situation moves in the right direction and we don't go backwards.

I yield whatever time is necessary to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Chair. I thank my colleague and friend from Wisconsin for yielding time to me but, more importantly, for his strong and continued leadership on this issue of East Timor.

As we all know, East Timor is a small, new nation in a faraway place. A lot of times we tend to forget about it and push it off to the side. But we can't. We can't forget about what happened in East Timor. I think it is incumbent upon us, as the leader of the world's democracies and as the nation that holds out to oppressed peoples all over the world the ideals of self-determination and democratic institutions, because we are in that position, that we have to take a leadership position among world communities, focusing and keeping our attention focused on East Timor.

These brave people for almost 25 years have continued their struggle—peacefully, I might add—for their own right to self-determination. When the Portuguese left in 1975, of course, Indonesia annexed East Timor. The East Timorese people had no say in that whatsoever. Yet they continued a worldwide campaign for their right to self-determination.

What didn't they do? What didn't the East Timorese people do? They didn't plant any bombs. They didn't sabotage anything. They didn't blow up airliners. They didn't commit acts of terrorism against the Indonesia Government or the Indonesia people, but forcefully, day after day and year after year, they went to the world community and pricked our conscience. They went to the U.N. They came here. They went to Europe. There was no accident that Bishop Belo and Jose Ramos-Horta both won the Nobel Peace Prize for their activities because they pursued their right to self-determination as Gandhi or Dr. Martin Luther King, Jr., would have done, in a peaceful, nonterrorist way. When they finally had this vote late last summer, they voted overwhelmingly for separation, to have their own nation.

Senator REED and I, along with Congressman MCGOVERN from Massachusetts, were there right before the vote about a week before. We traveled extensively around the country. You could already see the militias and what they were trying to do and the intimidation. It was after that trip that the three of us had conversations with our Secretary of State, with Kofi Annan, the Secretary General of the United Nations, Secretary Cohen, our Secretary of Defense, and people at the White House. We talked to everyone, saying: Look. We need to have things in place there. There is going to be a blood bath. We hope there isn't. But our sense is that everything we had ever seen before in our lives, in our history—you could almost smell it. You could almost sense what was going to happen in East Timor. A powder keg was ready to go.

We met with General Anwar. We went back to Indonesia, and we told President Habibie at the time: If your orders are right, there should be a peaceful transition and a peaceful election. This General Anwar is not carrying out your orders. He is either not carrying out your orders or you are not giving the right orders. But something is not adding up here. The same with General Wiranto, the head of the armed services.

I ask unanimous consent that an article and an editorial from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 1, 2000]

E. TIMOR PANEL BLAMES ARMY FOR ATROCITIES

(By Keith B. Richburg)

JAKARTA, INDONESIA, JAN. 31.—A government commission charged today that the Indonesian military and its militia surrogates carried out an orchestrated campaign of mass killing, torture, forced deportation, rape and sexual slavery in East Timor. It named six top generals—including Gen. Wiranto, the former army chief—for possible criminal prosecution.

The findings of the government commission of inquiry were more sweeping and harder-hitting than had been expected, coming on top of a recommendation from a U.N. inquiry that the United Nations set up a special tribunal to try those accused of atrocities in East Timor. They brought to a head a confrontation between Indonesia's new democratic government, which has made human rights and accountability a major priority, and the powerful military establishment that has seen its traditional role undercut and its past abusive practices put under intense public scrutiny.

President Abdurrahman Wahid, who is in Davos, Switzerland, for the World Economic Forum, said after the findings were made known that he will fire Wiranto from the cabinet. "I will ask him, to use a polite word, ask him to resign," Wahid told a television interviewer.

Wiranto stepped aside as armed forces commander in October, after the violence against East Timorese that broke out last September over their decision to secede from Indonesia. But he still wields considerable influence in the military as cabinet coordinating minister for political affairs and security.

The East Timorese resistance leader and Nobel laureate, Jose Ramos-Horta, said in Singapore that Wiranto should be tried and not just removed from the cabinet. "In this day and age, you cannot kill hundreds of people, destroy a whole country, and then just get fired," he said.

Among its findings, the commission also said the military actively tried to cover up evidence of its "crimes against humanity," including moving victims' bodies to remote locations.

"The mass killings claimed the lives mostly of civilians," said the commission chairman, Albert Hasibuan. "They were conducted in a systematic and cruel way. Many were committed in churches and police headquarters.

Australian-led peacekeeping troops in East Timor have unearthed hundreds of bodies in scattered grave sites, many in the East Timorese exclave or Oe-Cussi near the border with Indonesia. Villagers have said bodies were moved there before foreign troops arrived, but today's report provided the first confirmation of an effort to conceal the extent of the killings.

The commission forwarded to Attorney General Marzuki Darusman the names of 33 people, including Wiranto, who it said should be investigated for prosecution, and Marzuki promised to begin his own probe. Among those named are Maj. Gen. Adam Damiri, the regional commander in charge of East Timor in the months leading up to the Aug. 30 U.N.-backed independence referendum; Zacky Anwar Makarim, the army intelligence chief in East Timor; and Tono Suratman and Noer Muis, the two commanders based in Dili, the East Timorese capital.

Also named were the commanders of various militia groups, including Joao Tavares, who called himself the commander in chief of all the militias, and the flamboyant Eurico Guterres, head of the feared Aitarak, or "Thorn," militia, who in the days before the referendum vowed to turn Dili into a "sea of fire" if voters supported independence.

The bloodbath unleashed in East Timor sparked international outrage and turned Indonesia into something of a pariah state, criticized by friends and slapped with economic sanctions. Hundreds of thousands were forcibly deported to Indonesian-controlled western Timor, homes and buildings in Dili were looted and set ablaze and the few foreigners left in the capital huddled inside the U.N. compound, along with frightened Timorese, with little food or water.

The killing and destruction continued until former president B.J. Habibie bowed to international pressure and allowed in foreign troops to restore order. At the time, Wiranto conceded some Indonesian army troops, from two indigenous East Timorese battalions, were involved in the violence. But he repeatedly insisted the outbreak was spontaneous, that there was no evidence of widespread killings and that he was trying his best to bring the situation under control.

The report today found Wiranto "fully acknowledged and realized" the extent of the violence and destruction in East Timor but failed to take action. "Therefore, General Wiranto, as the TNI [Indonesian army] commander, should be the one to take responsibility," the report reads.

While the Indonesian attorney general deals with this report, U.N. Secretary General Kofi Annan must decide whether to accept the recommendation of the separate U.N. investigation and ask for a human rights tribunal for East Timor. Indonesia vehemently objects to any U.N. tribunal, saying the country is capable of punishing those responsible. Analysts have said a credible report from the Indonesian commission was a crucial first step in dissuading the United Nations from setting up a tribunal.

[From the Washington Post, Feb. 1, 2000]

JUSTICE FOR TIMOR

Not long ago, the armed forces pretty much ran the show in Indonesia; now they are under investigation. A human rights commission formed by that nation's new democratic government yesterday issued a stinging indictment of the military, including its former leader and five other generals, for orchestrating, condoning and taking part in the destruction of East Timor last summer. The report, with its call for criminal prosecution, is an important step. Now comes the hard part for President Abdurrahman Wahid; he deserves the support and encouragement of other nations as he moves forward.

East Timor, a small half-island at the remote eastern end of Indonesia's archipelago, voted for independence from Indonesia in a United Nations-sponsored referendum Aug. 30. Indonesia's Gen. Wiranto promised security for the voters; they instead were subjected to a spasm of murder, rape, looting and other violence. At the time, Gen. Wiranto and Indonesia's government blamed the violence on rogue anti-independence militias. But the government's unflinching report, based on many interviews and on-site investigation, rejects that excuse and sees unquestioned official complicity.

President Wahid is under pressure from the military not to treat its generals too roughly. Ethnic violence is breaking out in many places; without unified armed forces, some say, Mr. Wahid cannot hold the country together. There have been rumors of a coup. But as much as it needs a strong military, Indonesia needs one subservient to new civilian powers; without progress in that direction, many restive regions will find it intolerable to remain inside the country. So Mr. Wahid is right to dismiss Mr. Wiranto from his cabinet and allow criminal prosecution of those named in the human rights report.

A United Nations inquiry released yesterday came to many similar conclusions about the violence in East Timor. Some U.N. officials now favor an international tribunal. Since the United Nations sponsored East Timor's referendum, the organization has a continuing role to play in seeking justice for the Timorese. Its investigation should continue.

But before a Bosnia-style tribunal is created, Indonesia should be given a chance to judge its own. Its new democratic government well understands the importance of that process.

Mr. HARKIN. I give the Indonesians credit.

The article says that this new government commission ". . . named six top generals—including Gen. Wiranto . . . and General Anwar for possible criminal prosecution" and that the "militia" with their "surrogates carried out an orchestrated campaign of mass killing, torture, forced deportation, rape and sexual slavery in East Timor."

The East Timorese resistance leader and Nobel laureate, Jose Ramos-Horta, said in Singapore that Wiranto should be tried and not just removed from the cabinet. "In this day and age, you cannot kill hundreds of people, destroy a whole country, and then just get fired."

These are crimes against humanity.

I wholeheartedly commend the present Government of Indonesia and its human rights commission for their bravery in doing this investigation and coming up with this finding. I think it moves the democratic forces far ahead in Indonesia because they were able to come out with this finding.

I am very supportive of the sense-of-the-Senate resolution that is offered by the Senator from Wisconsin. We have to make some statements about East Timor. We have to be in the lead on this, and the fact that the human rights commission of the present Government in Indonesia made these findings ought to give us comfort that we are not undermining the Government of Indonesia in helping the East Timorese.

I was not privileged to go back with Senator REED when he went there in

December. I talked to him. Senator REED said:

> You would not believe the places we were, that we saw with our own eyes. They were leveled. Buildings were burnt. Some of the church houses were burned down and people just disappeared, all driven across the border. We were up in this one town on the border. He said it was like a ghost town. All of these people were forcefully deported into West Timor, and even yet today they are not letting these people come home.

I think the focus of world opinion and public opinion and attention has to be again on East Timor. What the Indonesian military did there is unconscionable. I don't blame the Indonesian people. I talked to too many Indonesians who were opposed to what their military was doing in East Timor, who thought it was a right of the East Timorese, because of their history and their past, to have self-determination.

I in no way cast any blame upon the Indonesian people themselves. But I do single out General Wiranto, General Anwar, and the people at the human rights commission who were in charge of aiding, abetting, and fostering the militia that did these terrible things to East Timor—as Senator REED said—vindictively burning down things, destroying telephone lines, destroying bridges, just crazy things such as that, just to leave the country in total waste.

Again, I thank the Senator from Wisconsin and the Senator from Rhode Island for their strong support of the brave people of East Timor.

I hope we in the Senate, if not today, at some point shortly can express our support on this sense-of-the-Senate resolution so the brave people of East Timor and the democratic forces in Indonesia know we will support this and we will do everything we can to help them rebuild this country again as a signal to the rest of the world that we will support peaceful self-determination and the right of people to have their own democratic governments. This is as good a place as any to start.

Again, I thank the Senator from Wisconsin for his strong, continued leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield time to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished manager of the bill.

I rise today because I feel very strongly about what we are considering. Today we in the Congress are being asked to consider our first statement on Indonesia since the country's elections last fall. Everyone is familiar with it. Everyone has watched CNN and watched the bloodshed and horror that occurred in East Timor and other places in Indonesia. That was prior to the Indonesian elections, and it had taken place under a severely weakened and ineffective leader.

Last fall, the Parliament completed the first election cycle that was truly free in the country's history by electing a new President, President Abdurrahman Wahid. I just returned from Indonesia, where I not only met with President Wahid but the Vice President, the Foreign Minister, the Speaker, and the Head of Parliament. I met with Indonesian citizens, Americans living over there, and most important of all, I met with our very astute and very able Ambassador, Bob Gelbard, and the staff we have in Indonesia to help us formulate policy with respect to that country.

Unfortunately, our press, which gave us a lot of information about East Timor, has not paid much attention to the free elections. It has paid little attention to the work of the new Government and its efforts to lead a transition to democracy. This is truly a time of rapid change in Indonesia, and it is a time of great challenge for Indonesian leadership and others in the world who support democracy, freedom, human rights, civilian control of the military, and religious tolerance for all people.

Regretfully, some Members of this body seem determined to stay in the past. Things are moving in the right direction, and it is time, in my view, for the United States to support the new Government, to work to make sure that this Government succeeds, and that the noble objectives we support are carried out.

President Wahid's job in this situation could not be more difficult. He has to bring democracy and a better standard of living to people who were living under a totalitarian government in a situation that bordered on chaos. He has to bring under control the ethnic and religious conflicts that are breaking out all over the country. Perhaps most difficult of all, he has to overcome the well-entrenched and powerful interests that want him to fail, that would be delighted to bring the country straight back into chaos.

From everything I saw, and from what our distinguished Ambassador and his staff tell us, President Wahid has not disappointed. He wakes up every day and makes bold and courageous decisions and he doesn't bother to take polls on what people want. He is simply concerned about moving his country in the right direction.

I hope we will have the opportunity to welcome President Wahid to Washington, DC, and to give him an opportunity to address the Congress to talk about the challenges he faces and his commitment to the American ideals of democracy, freedom, human rights, and cleaning up corruption in all areas of government and private sector activity.

In a very short time, the changes in Indonesia have been marked and profound. On the issues the sponsors of this amendment are concerned about, President Wahid has agreed to work with the U.N. Security Council to track down and bring to justice those who were responsible for the bloodshed in East Timor. The Indonesian Government, as has been noted already, has impaneled their own commission to investigate what took place in East Timor and bring those to justice. The panel has identified six high-ranking military officers. The President has indicated they will all be removed from the military and has given every indication they will be brought to justice.

When the spokesman for the military said the military should not be subject to the control of the civilian-elected Government, the President moved and cut him off. We in Congress cannot continue to put our heads in the sand with these monumental changes going forward. Even the European Union recognizes the tremendous progress President Wahid and his Government are making. The E.U. has lifted the ban on certain arms sales. They pledged to begin military training.

I regret to tell you the situation in Indonesia and East Timor is not as simple as some of my colleagues would have you believe. Secretary Cohen traveled there and laid out what we expect of the new Government. The Government has complied, but in the interim we have cut off our ability to have any positive influence by ending military to military contact. I say let's listen to our former colleague, now Defense Secretary Bill Cohen, who is well informed about what is going on in that area. I suggest we listen to the people in our State Department—a State Department run by the party of my colleagues who have introduced this resolution—and ask them what we can do to help move the Government, move the cause of democracy and freedom, in the right direction. At a time such as this, we should be sending to the people of Indonesia a loud message, and a clear message, that we support their efforts to achieve democracy and we will support the new Government in its efforts to bring democracy to its 210 million people.

The resolution, as I have just seen it, as I quickly calculate, dedicates 14 lines to congratulating the people of Indonesia and encouraging the Government of this country to work with the struggling democracy and then dedicates several pages to those things we as a government should be denying the Indonesian Government. Here is a country emerging from all the problems of the past. They need a hand up, not another bucket of water dumped on their heads.

Secretary Cohen delivered a clear message during his trip to the country that it was time for military reform.

The Indonesian people responded. Today, the Indonesian military is under civilian control. In a clear move to curb the power of the army, the position of commander in chief has been given to an admiral in the Indonesian Navy, considered to be the most progressive and professional of the military branches. Under pressure from Secretary Cohen, the military vacated East Timor. There have been positive reports coming in that the military has been cooperating with the international community. Some members are working actively to frustrate the efforts of pro-Jakarta militias to conduct any further raids on refugees or East Timor towns.

On the human rights front, a new attorney general has been selected. Our State Department has great confidence in his commitment to the rule of law and protection of human rights. The Indonesian Government has also created a new position within the Government, the State Commission on Human Rights, a position that has been filled by a former political prisoner from Aceh.

These are not insignificant steps. In fact, they are enormous steps that show the tremendous effort on the part of the new Government and the people of Indonesia.

The outcome of the election could have been very different. It was not. There was no mass violence in the streets, and there was no military coup. The result was democracy in action.

The bottom line is the Indonesians have been doing everything we asked them to do. Now, with this proposed resolution, we are being urged not to offer congratulations, not to extend a helping hand but, rather, to poke a sharp stick in their eye.

This resolution endorses a cutoff of military-to-military contact, education, and military assistance. But the administration promptly cut off assistance and contact after the violence broke out. The Department of Defense and our Department of State can be a very positive force for reform, but this amendment would propose to limit their ability to do so. The violence happened under a different government with a weak president.

Make no mistake about it, this resolution will be looked upon by the Indonesian people as a repudiation of the direction they have chosen and of the work of their democratically elected President and Vice President. It will be taken as a clear sign that the United States is not interested in being a positive force for change.

I urge—I beg my colleagues to stay involved and to pay attention because this is a vitally important part of the world. When I was in Southeast Asia 9 months ago, when I asked in one country or another how things were going, everybody would say: We are doing well, but we are worried about Indonesia.

We ought to be worried about Indonesia because they are the fourth largest country in the world. They have an opportunity to join the list of countries that are democracies, that are committed to human rights and freedom. They deserve to be part of the enlightened leadership of the world.

It is time we provided support to that effort. It is vital the United States continue to support the development of democracy and of civilian control of the military. We need to begin the process of engagement, to provide their military with the assistance and training they need to ensure that the functions of security are carried out effectively and properly. Our government has pressured the Indonesian government to restrain the military and make reforms. Now the situation is getting out of control. The military has lost its ability to respond to regional outbreaks of violence. Rather than being an impediment to progress, we ought to be in there helping them to reestablish the rule of law and order and peace and security for all people and all religious groups in Indonesia.

We have a tough battle ahead. There have been atrocities that are mind boggling. I join with the sponsors of the resolution who understand how terrible these depredations were. But times are changing. We need to be a positive force, to encourage those changes, to keep them on the right track, and not punish a government that is trying to move in the direction we laid out for them.

Mr. President, I am sure we will visit this issue again. In the meantime, I urge all my colleagues to seek counsel from our own State Department, our own Department of Defense. This Democratic administration has excellent people who are well aware of what is going on there. Let's find out from them what is happening and what we can do to be a positive force.

I hope my colleagues on both sides of the aisle will listen to them so we can be positive in our efforts and in our results.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent for an additional 5 minutes on this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, we would like an opportunity to briefly respond to the comments of the Senator from Missouri. I could have sworn the Senator had not heard my remarks earlier because his remarks suggest an analysis that has something to do with their original legislation. I took great pains throughout my comments to indicate exactly what the Senator from Missouri was indicating, that there are some very positive developments in Indonesia, and in particular that Government there, the democratically elected Government, is struggling to keep that nation strong, to keep that nation together, and to get control over the military.

So I find it very ironic that the Senator would come down here and say we need to be fair to that Government when you look at the comments in the last 48 hours. What has happened in the last 48 hours? President Wahid of Indonesia said, I say to the Senator from Missouri, that it may be necessary for Mr. Wiranto to resign. That is what the democratically elected President of Indonesia said when he heard about the investigations and reports of the United Nations.

What did Mr. Wiranto say with regard to that suggestion of the President of Indonesia? He said he was going to brush aside calls to resign from government and stand trial for his alleged role in human rights abuses in East Timor last year. "Like a good soldier, I am going to continue to fight for the truth."

In other words, the Senator from Missouri asks us to support the President and the nation of Indonesia. But instead what he is really doing is giving support and sanction to the attitude of Mr. Wiranto, the person who many believe had a great deal to do with the atrocities in East Timor.

I did not come today to actually seek a vote on this amendment. I did indicate I would withdraw the amendment from this bankruptcy bill. We wanted to serve notice that we will continue to monitor this situation, and we are doing it in a balanced way that indicates our support for the positive developments in Indonesia.

The Senator from Missouri complains that our resolution is mostly negative with regard to things that happened in East Timor and with regard to Indonesia. This resolution is not about Indonesia in general. If the Senator wants to promote a resolution praising Indonesia and the positive things that have happened in Indonesia in the last couple of months, I may well join him. But this is about what happened in East Timor.

The Senator apparently took a trip recently to Indonesia, but the people who were on the floor to talk today—Senator REED and Senator HARKIN—have actually been to East Timor. You can add to that a key person of the Clinton administration he kept mentioning, our distinguished Ambassador to the United Nations, Richard Holbrooke, who also went to East Timor in late November and came back and told me and others that the conditions and circumstances with regard to the refugees in West Timor, many of whom want to get home to East Timor, are not good. He has a long and distinguished record of seeing these kinds of situations throughout the world in the over 30 or 40 years he has been in diplomacy. He was deeply troubled by the fact the job was not done.

The people of East Timor and the people of East Timor who are in West Timor and want to come home have not had their rights fully protected. That is why we are trying to put pressure on the military in Indonesia. That is not an unfriendly act to the Government of Indonesia. That is a friendly act because that is the toughest challenge the President of Indonesia has right now—making sure the military accepts democratic rule of that country. We are in an effort to support democracy in Indonesia, and it cannot go forward as the kind of democracy we support unless this situation in East Timor is properly resolved. That is the spirit of our amendment, and that is the spirit of our bill. I appreciate the additional time.

Let me add, Senator LEAHY is another who has done an enormous amount on this issue of East Timor and can certainly tell you the job is not done with regard to using our leverage and our ability to persuade and make sure the people of East Timor have full independence and that the people who want to return to East Timor have the opportunity to do that.

AMENDMENT NO. 2667, WITHDRAWN

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. FEINGOLD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I commend Senator FEINGOLD, Senator REED of Rhode Island, and Senator HARKIN for the leadership they have shown on the East Timor issue. They have all been to East Timor and have consistently spoken out in support of independence for East Timor and human rights for its people.

Senator FEINGOLD's resolution would end all U.S. military cooperation with Indonesia on account of the Indonesian military's appalling abuses in East Timor. This would send an unequivocal message, not only there but throughout the world, that the United States will not resume any relationship with the Indonesian military until it is thoroughly reformed, and not only reformed, but the members who are responsible for the abuses are punished.

Some of these abuses, well documented by independent news media and eyewitness accounts, are so horrible they are reminiscent of the Dark Ages. I understand the resolution is going to be withdrawn on account of the progress being made by the Indonesian Government in asserting control of the military. However, Senator FEINGOLD's determination to keep the Senate's attention on this important issue is well worthwhile.

Last September we watched in horror as a systematic campaign of terror and destruction waged in East Timor: Hundreds of innocent people were killed, hundreds of thousands more were forcibly uprooted from their homes, villages and towns were ransacked and family members were killed in front of other family members. Even today, U.N. investigators are unearthing what we are seeing too often in modern times: bodies in mass graves.

In the past two days, an Indonesian Government commission and a United Nations commission independently concluded that the Indonesian military bears ultimate responsibility for the bloodbath, and must be held accountable for its abuses in East Timor. This is an extremely important and encouraging step.

Under tremendous pressure—tremendous pressure to turn a blind eye to what happened in East Timor—and at great personal risk, Indonesian investigators have done a commendable job in determining the extent of the violence and identifying the individuals responsible, including not only those who gave the orders but those who had the power to stop the mayhem and instead simply stood by and let it happen.

There are sins of comission and there are sins of omission. If you are a military officer with the power to stop something from happening—an atrocity, a murder—and you stand by and allow it to go on, in my mind you are as equally guilty as those who commit the act.

As the leader of Indonesia's new democratic government, President Wahid has courageously voiced his willingness to confront the powerful Indonesian military establishment. He has called for the prosecutions of army leaders, including General Wiranto, former commander of the Armed Forces, who, until recently, was lauded by officials of our own Pentagon.

The United Nations commission called for the establishment of an independent national tribunal to bring those responsible for the violence in East Timor to justice. It is a proposal which the Indonesian Government has rejected, insisting it is capable of punishing the perpetrators itself.

While it is too early to say whether an Indonesian tribunal would have sufficient resources or authority to conduct what are likely to be long and expensive trials of military leaders, one thing is clear: now is not the time for the United States to follow the European Union's recent example of renewed military assistance or sales of military equipment to Indonesia. With all due respect to our European friends, sometimes I think they have a terribly short memory.

Indonesia is at a critical juncture in its transition to democracy. The commission's findings will heighten the already tense relationship between the Indonesian Government and the Indonesian military. As pressure on the military increases, it is likely that rumors of a coup will become louder and more threatening. I believe the United States has to continue to show strong support for President Wahid and for an end to the long history of impunity and immunity enjoyed by members of the Indonesian military.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTHERN IRELAND

Mr. LEAHY. Mr. President, I don't pretend to know all the history or intricacies of the effort to bring about peace in Northern Ireland, notwithstanding the number of visits I have made there, notwithstanding the historic ties to that island that I have through my father's family, or even with the work I have done with our distinguished former colleague, George Mitchell, a man who deserves the highest credit for his tireless efforts towards peace in Northern Ireland. But I have met with those who are key figures in Ireland: David Trimble from the loyalists side; Seamus Mallon, Gerry Adams, and another key figure, John Hume. Mr. Trimble and Mr. Hume shared the Nobel Peace Prize for the work they did, and deservedly so.

I was one of those in the Senate who urged, near the beginning of President Clinton's term in office, to give a visa to Gerry Adams, the head of Sinn Fein and the one most visibly connected in this country with the IRA. I recall the State Department and the Justice Department being opposed to that visa, and the President courageously saying we are going to give him a visa. I think most people now accept the fact that because the President overrode the qualms of his own State Department and Justice Department in giving that visa, that we moved forward on peace for the first time.

For people who have always looked at each other through distrust and hatred—many times because of killings on both sides, killings of Catholics by Protestants and Protestants by Catholics, apparently all in the name of the greater good—they have come far and put together a government in Northern Ireland, which can start to govern itself. Men and women of good will on both sides of this issue—men and women who a few years ago would never speak to each other—have come together.

This was recently disturbed by articles in the press indicated that the IRA still refuses to turn over any of their weapons. Ironically enough, this is at a time when the Republic of Ireland and authorities in Northern Ireland continue to find and destroy caches of weapons belonging to the IRA. I don't know what kind of stubborn humility or holding of ancient grudges would not allow the IRA to make this move. I brook no favor for those on either side who have been involved in atrocities because whether it is from the Ulster side or from the IRA side, there are atrocities aplenty—innocent people killed because of their religion, because of their allegiance.

In many ways, I want to say a pox on both your houses. But that only means that generations from now the fighting will continue over things that gain nothing for anybody, feuds of hundreds of years, and memories sometimes of just a few years. It is time, in a new century, to stop the killings, to finally allow Northern Ireland, this beautiful land, to move forward and join the rest of the island in the new economic prosperity—but in peace.

As a group of mothers, Catholic and Protestant, told me once—together—they agreed with my speech of the night before in which I had said in Belfast—or just outside of Belfast—that I condemn violence from either side. They said how much they agreed, and what they wanted was for their children to be able to go to school and be educated, to live in peace, to walk down the street without worrying about being shot. What mother would want otherwise?

Frankly, those in Sinn Fein who have called on their friends here in the Congress to help them with visas, to help them move forward, best help themselves because it would be tragedy compounded on tragedy if after all these years of seeking peace, after all the work of people such as John Hume and George Mitchell, David Trimble, and Gerry Adams—people who might not want their names put in the same sentence—after all their work, what a tragedy it would be if one party, one piece of this puzzle opted out by not at least doing the first necessary steps to build confidence; that is, give over their weapons.

(Mr. GORTON assumed the Chair.)

THE GROWING CRISIS IN THE ADMINISTRATION OF CAPITAL PUNISHMENT

Mr. LEAHY. Mr. President, I wish to call attention to a growing national crisis in the administration of capital punishment. People of good conscience can and will disagree on the morality of the death penalty. But I am confident that we should all be able to agree that a system that may sentence one innocent person to death for every seven it executes has no place in a civilized society, much less in 21st century America. But that is what the American system of capital punishment has done for the last 24 years.

A total of 610 people have been executed since the reinstatement of capital punishment in 1976. During the same time, according to the Death Penalty Information Center, 85 people have been found innocent and were released from death row. These are not reversals of sentences, or even convictions on technical legal grounds; these are people whose convictions have been overturned after years of confinement on death row because it was discovered they were not guilty. Even though in some instances they came within hours of being executed, it was eventually determined that, whoops, we made a mistake; we have the wrong person.

What does this mean? It means that for every seven executions, one person has been wrongly convicted. It means that we could have more than three innocent people sentenced to death each year. The phenomenon is not confined to just a few States; the many exonerations since 1976 span more than 20 different States. And of those who are found innocent—not released because of a technicality, but actually found innocent—what is the average time they spent on death row, knowing they could be executed at any time? What is the average time they spent on death row before somebody said, we have the wrong person? Seven and a half years.

This would be disturbing enough if the eventual exonerations of these death row inmates were the product of reliable and consistent checks in our legal system, if we could say as Americans, all right, you may spend 7½ years on death row, but at least you have the comfort of knowing that we are going to find out you are innocent before we execute you. It might be comprehensible, though not acceptable, if we as a society lacked effective and relatively inexpensive means to make capital punishment more reliable. But many of the exonerated owe their lives to fortuity and private heroism, having been denied commonsense procedural rights and inexpensive modern scientific testing opportunities—leaving open the very real possibility that there have been a number of innocent people executed over the last few decades who were not so fortunate.

Let me give you a case. Randall Dale Adams. Here is a man who might have been routinely executed had his case not attracted the attention of a filmmaker, Earl Morris. His movie, "The Thin Blue Line," shredded the prosecution's case and cast a national spotlight on Adams' innocence.

Consider the case of Anthony Porter. Porter spent 16 years on death row. That is more years than most Members of the Senate have served. He spent 16 years on death row. He came within 48 hours of being executed in 1998, but he was cleared the following year. Was he cleared by the State? No. He was cleared by a class of undergraduate journalism students at Northwestern University, who took on his case as a class project. That got him out. Then the State acknowledged that it had the wrong person, that Porter had been innocent all along. He came within 48 hours of being executed, and he would have been executed had not this journalism class decided to investigate his case instead of doing something else. Now consider the cases of the unknown and the unlucky, about whom we may never hear.

Last year, former Florida Supreme Court Justice Gerald Kogan said he had "no question" that "we certainly have, in the past, executed . . . people who either didn't fit the criteria for execution in the State of Florida, or who, in fact, were, factually, not guilty of the crime for which they have been executed." This is not some pie-in-the-sky theory. Justice Kogan was a homicide detective and a prosecutor before eventually rising to Chief Justice.

This crisis has led the American Bar Association and a growing number of State legislators to call for a moratorium on executions until the death penalty can be administered with less risk to the innocent. This week, the Republican Governor of Illinois, George Ryan, announced he plans to block executions in that State until an inquiry has been conducted into why more death row inmates have been exonerated than executed since 1977 when Illinois reinstated capital punishment. Think of that. More death row inmates exonerated than executed.

Governor Ryan is someone who supports the death penalty. But I agree with him in bringing this halt. He said: "There is a flaw in the system, without question, and it needs to be studied." The Governor is absolutely right. I rise to bring to this body the debate over how we as a nation can begin to reduce the risk of killing the innocent.

I hope that nobody of good faith—whether they are for or against the death penalty—will deny the existence of a serious crisis. Sentencing innocent women and men to death anywhere in our country shatters America's image in the international community. At the very least, it undermines our leadership in the struggle for human rights. But, more importantly, the individual and collective conscience of decent Americans is deeply offended and the faith in the working of our criminal justice system is severely damaged. So the question we should debate is, What should be done?

Some will be tempted to rely on the States. The U.S. Supreme Court often defers to "the laboratory of the States" to figure out how to protect criminal defendants. After 24 years, let's take a look at that lab report.

As I already mentioned, Illinois has now had more inmates released from death row than executed since the death penalty was reinstated. There have been 12 executions, and 13 times they have said: Whoops, sorry. Don't pull the switch. We have the wrong person. This has happened four times in the last year alone.

In Texas, the State that leads the Nation in executions, courts have upheld death sentences in at least three cases in which the defense lawyers slept through substantial portions of the trial. The Texas courts said that the defendants in these cases had adequate counsel. Adequate counsel? Would any one of us if we were in a taxicab say we had an adequate driver who was asleep at the wheel? What we are saying is with a person's life at stake the defense lawyer slept through the trial, and the Texas courts say that is pretty adequate.

Meanwhile, in the past few years, the States have followed the Federal lead in expanding their defective capital punishment systems, curtailing appeal and habeas corpus rights, and slashing funding for indigent defense services. The crisis can only get worse.

The States have had decades to fix their capital punishment systems, yet the best they have managed is a system fraught with arbitrariness and error—a system where innocent people are sentenced to death on a regular basis, and it is left not to the courts, not to the States, not to the Federal Government, but to filmmakers and college undergraduates to correct the mistakes. History shows that we cannot rely on local politics to implement our national conscience on such fundamental points as the execution of the innocent.

What about the Supreme Court? In a 1993 case, it could not even make up its mind whether the execution of an innocent person would be unconstitutional. Do a referendum on that one throughout the Nation. Ask people in this Nation of a quarter billion people whether they think executing an innocent person should be considered constitutional or unconstitutional. Most in this country have no doubt that it would be unconstitutional, but that really does not matter: executing an innocent person is abhorrent—it is morally wrong. Whether you support the death penalty or not, executing an innocent person is wrong, and we in this body have the moral duty to express and implement America's conscience. We should be the Nation's conscience. The buck should stop in this Chamber where it always stops in times of national crisis.

How do we begin to stem the crisis? I have been posing this question to experts across the country for nearly a year. There is a lot of consensus over what must be done. In the next few weeks, I will introduce legislation that will address some of the most urgent problems in the administration of capital punishment.

Two problems in particular require our immediate attention. First, we need to ensure that defendants in capital cases receive competent legal representation at every stage in their case. Second, we have to guarantee an effective forum for death row inmates who may be able to prove their innocence.

In our adversarial system of justice, effective assistance of counsel is essential to the fair administration of justice. It is the principal bulwark against wrongful conviction.

I know this from my own experience as a prosecutor. It is the best way to reduce the risk that a trial will be infected by constitutional error, resulting in reversal, retrial, cost, delay, and repeated ordeals for the victim's family. Most prosecutors will tell you they would much prefer to have good counsel on the other side because there is less apt to be mistakes, there is less apt to be reversible error, and there is far more of a chance that you end up with the right decision.

Most defendants who face capital charges are represented by court-appointed lawyers. Unfortunately, the manner in which defense lawyers are selected and compensated in death penalty cases frequently fails to protect the defendant's rights. Some States relegate these cases to grossly unqualified lawyers willing to settle for meager fees. While the Federal Government pays defense counsel $125 an hour for death penalty work, the hourly rate in many States is $50 or less, and some States place an arbitrary and usually unrealistically low cap on the total amount a court-appointed attorney can bill.

New York recently slashed pay for counsel in capital cases by as much as 50 percent. They might say they are getting their money's worth if they cut out all the money for defense counsel. The conviction rate is probably going to shoot up. Let me tell you what else will go up—the number of innocent people who will be put to death.

Congress has done its part to make a bad situation worse. In 1996, Congress defunded the death penalty resource centers. This has sharply increased the chances that innocent persons will be executed.

You get what you pay for. Those who are on death row have found their lives placed in the hands of lawyers who are drunk during the trial—in some instances, lawyers who never bothered to meet their client before the trial; lawyers who never bothered to read the State death penalty statute; lawyers who were just out of law school and never handled a criminal case; and lawyers who were literally asleep on the job.

Even some of our best lawyers, diligent, experienced litigators, can do little when they lack funds for investigators, experts, or scientific testing that could establish their client's innocence. Attorneys appointed to represent capital defendants often cannot recoup even their out-of-pocket expenses. They are effectively required to work at minimum wag or below while funding their client's defense out of their own pockets.

Although the States are required to provide criminal defendants with qualified legal counsel, those who have been saved from death row and found innocent were often convicted because of attorney error. They might not have had postconviction review because their lawyer failed to meet a filing deadline. An attorney misses a deadline by even 1 day, and his death row client may pay the price with his life.

Let me be clear what I am talking about. I am not suggesting that there is a universal right to Johnnie Cochran's services. The O.J. Simpson case has absolutely nothing to do with the typical capital case, in which one or possibly two underfunded and underprepared lawyers try to cobble together a defense with little or no scientific or expert evidence and the whole process takes less than a week. These are two extremes. You go from the Simpson case, where the judge let the whole thing get out of control and we had a year-long spectacle, to the typical death penalty case which is rushed through without preparation in a matter of days. Somewhere there must be a middle ground.

Let me give three examples of some of the worst things that have happened—but not untypical.

Ronald Keith Williamson. In 1997, a Federal appeals court overturned Williamson's conviction on the basis of ineffectiveness of counsel. The court noted that the lawyer, who had been paid a total of $3,200 for the defense, had failed to investigate and present a fact to the jury. What was that fact? Somebody else confessed to the crime. If I were the defense attorney, I think one of the things that I would want to bring to the jury is the fact that somebody else confessed to the crime; Williamson's lawyer did not bother. Then, two years after the appeals court decision, DNA testing ruled out Williamson as the killer and implicated another man—a convicted kidnapper who had testified against Williamson at trial. Of course, he did. He is the one who committed the crime.

Let's next consider George McFarland. According to the Texas Court of Criminal Appeals, McFarland's lawyer slept through much of his 1992 trial. He objected to hardly anything the prosecution did. Here is how the Houston

Chronicle described what happened as McFarland stood on trial for his life. This is not for shoplifting. He is on trial for his life.

Let me quote from the Houston Chronicle:

> Seated beside his client . . . defense attorney John Benn spent much of Thursday afternoon's trial in apparent deep sleep. His mouth kept falling open and his head lolled back on his shoulders, and then he awakened just long enough to catch himself and sit upright. Then it happened again. And again. And again.
>
> Every time he opened his eyes, a different prosecution witness was on the stand describing another aspect of the Nov. 19, 1991, arrest of George McFarland in the robbery-killing of grocer Kenneth Kwan.
>
> When state District Judge Doug Shaver finally called a recess, Benn was asked if he truly had fallen asleep during a capital murder trial. "It's boring,'" the 72-year-old longtime Houston lawyer explained. . . . Court observers said Benn seems to have slept his way through virtually the entire trial.

Unfortunately for McFarland, Texas' highest criminal court, several of whose members were coming up for reelection, concluded that this constituted effective criminal representation.

I guess they felt because the lawyer was in the courtroom, even though sound asleep, that would be effective representation. If you read the decision they probably would have ruled the same way if he had been at home sound asleep, so long as he had been appointed at some time.

McFarland is still on death row for a murder he insists he did not commit, on the basis of evidence widely reported by independent observers to be weak.

Then we have Reginald Powell, a borderline mentally retarded man who was 18 at the time of the crime. Mr. Powell was eventually executed. Why? Because he accepted his lawyer's advice to reject a plea bargain that would have saved his life.

There were a number of attorney errors at the trial. The advice he received seems to be very bad advice. Some may feel this advice, the advice given to this 18-year-old mentally retarded man, was affected by the flagrantly unprofessional conduct of the attorney, a woman twice Powell's age, who conducted a secret jailhouse sexual relationship with him during the trial. Despite this obvious attorney conflict of interest, Powell's execution went ahead in Missouri a year ago.

I ask each Member of the Senate when you go home tonight, or when you talk to your constituents, and when you consider the bill I will be introducing, to remember these cases and consult your conscience to ask whether these examples represent the best of 21st century American justice.

The judge who presided over McFarland's trial summed up the Texas court's view of the law quite accurately when he reasoned that, while the Constitution requires a defendant to be represented by a lawyer, it "doesn't say the lawyer has to be awake." If your conscience says otherwise, maybe we ought to do something.

My proposal rests on a simple premise: States that choose to impose capital punishment must be prepared to foot the bill. They should not be permitted to tip the scales of justice by denying capital defendants competent legal services. We have to do everything we can to ensure the States are meeting their constitutional obligations with respect to capital representation.

Can miscarriages of justice happen when defendants receive adequate representation? Yes, they can still happen. So I think it is critical to ensure that death row inmates have a meaningful opportunity—not a fanciful opportunity but a meaningful opportunity—to raise claims of innocence based on newly discovered evidence, especially if it is evidence that is derived from scientific tests not available at the time of the trial.

Perhaps more than any other development, improvements in DNA testing have exposed the fallibility of the legal system. In the last decades, scores of wrongfully convicted people have been released from prison—including many from death row—after DNA testing proved they could not have committed the crimes for which they were convicted. In some cases the same DNA testing that vindicated the innocent helped catch the guilty.

Most recently, DNA testing exonerated Ronald Jones. He spent close to 8 years on death row for a 1985 rape and murder that he did not commit. Illinois prosecutors dropped the charges against Jones on May 18, 1999, after DNA evidence from the crime scene excluded him as a possible suspect.

It was also DNA testing that eventually saved Ronald Keith Williamson's life, as I discussed earlier. He spent 12 years as an innocent man on Oklahoma's death row.

Can you imagine how any one of us would feel, day after day for 12 years, never knowing if we were just a few hours or a few days from execution, locked up on death row for a crime we did not commit?

Some of the major hurdles to postconviction DNA testing are laws prohibiting introduction of new evidence—laws that have tightened as death penalty supporters have tried to speed executions by limiting appeals. Only two, States, New York and Illinois, require the opportunity for inmates to require DNA testing where it could result in new evidence of innocence. Elsewhere, inmates may try to get DNA evidence for years, only to be shut out by courts and prosecutors.

What possible reason could there be to deny inmates the opportunity to prove their innocence—and perhaps even help identify the real culprits—through new technologies? DNA testing is relatively inexpensive. But no matter what it costs, it is a tiny price to pay to make sure you have the right person.

The National Commission on the Future of DNA Evidence, a Federal panel established by the Justice Department and comprised of law enforcement, judicial, and scientific experts, issued a report last year urging prosecutors to consent to postconviction DNA testing, or retesting, in appropriate cases, especially if the results could exonerate the defendant.

In 1994, we set up a funding program to improve the quality and availability of DNA analysis for law enforcement identification purposes. The Justice Department has handed out tens of millions of dollars to States under this program. Last year alone, we appropriated another $30 million for DNA-related grants to States. That is an appropriate use of Federal funds. But we should not pass up the promise of truth and justice for both sides of our adversarial system that DNA evidence holds out. We at least ought to require that both sides have it available.

By reexamining capital punishment in light of recent exonerations, we can reduce the risk that people will be executed for crimes they did not commit and increase the probability that the guilty will be brought to justice. We can also help to make sure the death penalty is not imposed out of ignorance or prejudice.

I learned, first as a defense attorney and then as a prosecutor, that the pursuit of justice obliges us not only to convict the guilty, but also to exonerate the wrongly accused and convicted. That obligation is all the more urgent when the death penalty is involved.

Let's not have the situation where, today in America, it is better to be rich and guilty than poor and innocent. That is not equal justice. That is not what our country stands for.

I was proud to be a defense attorney. I was very proud to be a prosecutor. I have often said it was probably the best job I ever had. But there was one thought I always had every day that I was a prosecutor. I would look at the evidence over and over again and I would ask myself, not can I get a conviction on this charge, but will I be convicting the right person. I had cases where I knew I could get a conviction, but I believed we had the wrong person, and I would not bring the charge. I think most prosecutors feel that way. But sometimes in the passion of a highly publicized, horrendous murder, we can move too fast.

I urge Senators on both sides of the aisle, both those who support the death penalty and those who oppose it, to join in seeking ways to reduce the risk of mistaken executions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. SMITH of New Hampshire. Mr. President, I would like to speak briefly about two amendments that are before the Senate—the Schumer amendment on abortion and the Levin amendment dealing with the so-called gun carve-out.

When I took my oath of office on the floor of the Senate, I swore to support and defend the Constitution of the United States. I am amazed sometimes at the type of things we face in the Senate with amendments and bills that I find to be unconstitutional, at least the way I read it.

These two amendments I am referring to essentially harass Americans who are defending three of our most important constitutional rights—the right to life, which is guaranteed by the 5th and the 14th amendments, the right to free political speech, as guaranteed by the 1st amendment, and the right to keep and bear arms, as guaranteed by the 2nd amendment.

It is interesting, as one listens to the debate on these respective amendments, some take the position that it is OK to support the 2nd but not the 1st; it is OK to support the 1st but not the 2nd; some say it is OK to support the 1st and the 2nd but not the 5th and the 14th. But they are all part of the Constitution. Unless you are going to remove an amendment, as we did once with the 21st amendment repealing the 18th, then I do not think we have the right to stand here and say one thing is constitutional and something else is not.

The Schumer amendment tries to exempt abortion protesters from claiming bankruptcy. This is an amendment that unfairly targets a legitimate form of civil disobedience. I believe there are some acts for which people should not be allowed to file for bankruptcy—such willful acts that might lead to a personal injury or the destruction of property. That is not what we are talking about here. I believe most student loans, taxes, child support, and alimony payments also should not be dischargeable.

This amendment adding abortion protesters to the nondischargeable list under bankruptcy laws—let's call it what it is. It is nothing more than another attempt to financially bankrupt and silence free speech of those who peacefully—peacefully—want to speak out against something they believe in so strongly or oppose so strongly, and that is abortion, those who want to defend the constitutionally guaranteed right to life.

On a talk show yesterday, this issue came up, this supposedly Roe v. Wade rule that abortion is legal under the Constitution. If someone can find the word "abortion" in the Constitution, where it says abortion is legal, I will be happy to change my position. If somebody will come down to the floor and point out to me where the word "abortion" and the right to an abortion appears in the Constitution—of course, it does not, and if it is not in there, then any power not specifically outlined in the Constitution belong to the States and the people.

There is no right to an abortion under the Constitution. Roe v. Wade was a bad decision; it is an unconstitutional decision. Judges are fallible, they make mistakes, and they made a mistake when they passed that awful decision which has taken the lives of 40 million children—40 million children since Roe v. Wade passed in 1973, 40 million children who will never have the opportunity to live their dreams, never have the opportunity to be a Senator, to be a President, to be a doctor, to be a mom, a dad. Gone. We took them away, almost one-sixth of the entire U.S. population, under that decision, and it is an unconstitutional decision because a young child inside the womb or outside has a constitutional right to life.

Let's talk about what this amendment does.

Antiabortion protests, no matter how you feel about abortion, is political speech, I say to my colleagues. This is political speech. They have a right to speak. I am not talking about protesters who commit violent acts or commit bodily harm to others. I am not in favor of that, nor should we tolerate that. I am talking about people standing outside a clinic holding a sign, praying, protesting peacefully. That is what this amendment is going after. People who do that are now going to be subjected to this provision on bankruptcy, an unfair provision.

It is political speech for somebody to peacefully protest abortion just as much as it is political speech for union organizers or urging other workers not to cross a picket line. What is the difference? Why don't we single them out? But we are not.

My colleague Senator SCHUMER singles out one type of protest, a protest on an issue with which he disagrees. It is not constitutional, and it is not fair. It is political speech just as much as when the NAACP enforced its boycott of southern businesses. The Supreme Court in NAACP v. Claiborne Hardware said so. We already have enough laws on the books harassing abortion protesters, including the Freedom to Access Clinic Entrances, so-called FACE, and the Racketeer-Influenced and Corrupt Organizations Act, known as RICO. The financial penalties under these laws are harsh, unusually harsh for one specific type of protest or protester—a peaceful protester.

This amendment proposes to give these protesters absolutely no way to deal with the treble damages against them under RICO. A recent RICO case against protesters who carried posters of aborted children resulted in $109 million against the pro-lifers; $109 million for peacefully protesting without harming anyone's person or property. It is outrageous. That ought to be enough to chill anyone's free speech. What is next? Free speech under the Constitution is protected.

Another one of the RICO cases currently pending involves a Catholic bishop and religious brother praying the rosary in their car in the driveway of an abortion clinic peacefully.

A pro-life gentleman in another case was standing on a walkway near an unused locked door of a clinic and was not blocking access to that clinic.

How much are they going to have to pay for standing up for what they believe in, such as the marchers did during the civil rights movement when they sat at the lunch counters and marched in the streets? $200 million? $1 billion? Where is it going to stop?

Can you imagine RICO, which was originally drafted to fight mobsters and organized crime, now being used against civil rights demonstrators or antiwar protesters, or abolitionists protesting slavery? What will we say then? We know what we would say. We would say it is wrong, and it is wrong to protest those who respectfully, quietly, peacefully protest what they believe in, which is the right to life.

It is a violation of the first amendment. This is a patently unfair discriminatory amendment, and it does not deserve even the dignity of being offered because it is so flagrantly unconstitutional.

I urge my colleagues, when the vote comes tomorrow, to vote no on the Schumer amendment. Get it off the floor of the Senate because it does not belong here. We should not be talking about unconstitutional bills on the floor of the Senate.

Another amendment which will be offered tomorrow is called the gun carve-out amendment, again, a discriminatory amendment against one group. The Levin amendment proposes to exempt gun manufacturers from bankruptcy laws. In other words, if you are a gun manufacturer, you cannot claim bankruptcy, you cannot be treated like everybody else.

Why? Because the author of the amendment doesn't like gun manufacturers. I guess he believes they shouldn't be allowed to manufacture guns. Under current law, businesses and corporations can discharge their debts through bankruptcy unless the debt is incurred through negligence or intentional misconduct. I agree businesses should be held accountable if they are so irresponsible or malicious to knowingly sell harmful products, but are we really at the point in America when we are going to say if we produce a gun, manufacture a gun, legitimately, as a manufacturer, and then if somebody gets ahold of that gun and commits a crime, that now the manufacturer is responsible? Is this where we have come in our society now, no personal accountability, no personal responsibility?

Why don't we do it with automobiles? Why not? You drive your 1999 Chevy down the road, you hit somebody and kill them, it must be the automobile manufacturer's fault, not you. You are behind the wheel. You can't have any accountability or responsibility. Name another product—a hamburger. There are people who say meat is bad for you. Maybe we should hold all of the cattle growers responsible for producing hamburger. Maybe we should hold the people who work in the meat packing plants accountable. Where is the individual personal responsibility and accountability?

This is a discriminatory piece of legislation. Again, I regret it is here. The gun industry is selling a legitimate and lawful product. If it is banned, at least that is an honest amendment. I wouldn't agree with it, but at least it would be more honest than it is to say what we are saying, that we are going to exempt you from bankruptcy laws. It is, in fact, a product that is constitutionally protected and specifically mentioned in the second amendment. Everybody knows what it says. There is no secret. It is No. 2 on the amendment list, the Bill of Rights. The right of the people to keep and bear arms shall not be infringed, period. No qualifiers in there. It doesn't say what kind of gun; doesn't say how many guns; doesn't say manufacturer, no exceptions. It just simply says the right of the people—we are people—to keep and bear arms shall not be infringed. That is all it says. And if you have that right under the Constitution to have that weapon to protect yourself, as many do, then you ought to have the right to manufacture it.

This amendment encourages litigation against gun manufacturers and should be called the legislation through litigation amendment. This amendment will have the effect, as follows: If someone sues a gun manufacturer, the manufacturer's bankruptcy will not stop the lawsuit. Outrageous. Gunmakers are already being forced out of business by frivolous, illegitimate, and unconstitutional government-sponsored lawsuits against them. How much more do they have to take? This is a constitutional amendment that specifically says you have the right to keep and bear arms and that right would not be infringed. There is no gray area. It is not as if there is something we have to interpret. There is nothing to interpret. It is right there. When the founders put the ten amendments, the Bill of Rights, onto the Constitution, they made it No. 2.

This amendment singles out a legal industry for unfavorable treatment in bankruptcy proceedings. If successful, it is only going to hasten the demise of the gun industry. That is the purpose of it. That is what is behind this. It is the Bill Clinton agenda. It is being carried out in the Senate. Shut down gun shows. Shut down gun manufacturers. Stop the production of guns in America. Blame the gun manufacturers. Blame everybody except the person behind the gun who commits the crime. For goodness' sake, we wouldn't want to punish that person. Somebody else has to bear the blame. Maybe he had a bad childhood. It must be his father's fault, his mother's fault, the gun manufacturer's fault, the gun seller's fault—everybody but the fault of the person who uses the weapon.

This is what we have come to in America. It is not going to stop here. If legislation such as this slips through, it will be a whole lot of things—hamburger, cars, cigarettes. How about a desk, a chair? You could hurt somebody with that chair if you hit them with it. Well, maybe we ought to sue the manufacturer of the chair. That is what it is coming to. That is how ridiculous it is. Right here in the Senate, we allow it to happen. We debate it day after day trying to stop this stuff as it comes at us in waves, unconstitutional laws. Somebody has to stand up—and some of us do—to stop it because it is outrageous.

Gun controllers cannot win legislatively so they litigate. That is the way to do it. They can't get the American people on their side so they get a few unelected judges on their side. There are many industries that can be considered dangerous, as I said: Carmakers, alcohol, tobacco, fast food, whatever—legal businesses. Are they being singled out in this bankruptcy bill? No, not this one, but maybe next year or next week. Who knows? Just wait. It is going to happen sooner or later. These government-sponsored lawsuits against gun manufacturers and tobacco companies are just the beginning because we have now opened the Pandora's box. We have said defendants should be held liable for damage caused by others even if the damage was totally beyond the defendant's control.

It goes against common sense, and that is what has served our Nation so well, common sense and individual responsibility. That is what America is about. It is not about this kind of nonsensical legislation that puts the blame and the burden on people who shouldn't have the blame and the burden.

I had a shotgun next to my bed as a young man, probably 7 or 8 years old. I used it. I shot it frequently. I didn't shoot at anybody. I didn't take it to school and kill anybody, nor did any of my friends who also had shotguns. Why is that? Why is it that suddenly now all this is a big issue? Because we are trying to pass the burden of responsibility on to somebody else other than ourselves.

We have a cultural problem in this country of the highest magnitude. It isn't about exempting the gun industry from bankruptcy laws. That is not going to get it right. Believe me, what is going to get it right is when we start exercising responsibility in this country again.

The Founding Fathers would turn over in their graves if they could hear this stuff. I can't imagine what Daniel Webster, who wasn't a founder, but he was sitting at the desk that I sit at right over there about 150 years ago, I can't imagine what he would think to be on this floor and debating, blaming the gun manufacturer for somebody else's crime, exempting them from bankruptcy laws. I can't imagine what he would think or Washington or Jefferson or Adams or Madison or Hamilton or any of the great founders who wrote that Constitution, what they would think. In many ways, I am glad they are not here to see it.

In October of 1999, an Ohio court dismissed a suit against the gun industry stating that the suit "is an improper attempt to have this court substitute its judgment for that of the legislature, something which this court is neither inclined nor empowered to do." That was the City of Cincinnati versus Beretta USA Corporation.

In addition, court decisions in Connecticut and Florida this past December ruled that State lawsuits against gun manufacturers have no legal basis whatsoever. Yet here we are on the floor of the Senate trying to do it. The judges in those cases saw that the actions of criminals cannot be controlled by any industry. They were right. So why are we here? Because people are trying to make something happen that they know the American people don't support. So we try to do it this way.

I am heartened by recent polls which show that an overwhelming majority of Americans believe that gun manufacturers should not be blamed for crimes committed with guns. Even if you think there are too many guns, even if you believe that, you better think very carefully before you vote on this as to what might be next. Should we be responsible for the actions of our adult children if they commit a crime? Where is it going to stop?

If there is even one single successful judgment against the gun industry, those who seek to destroy it, and along with it the second amendment, will have a ready means to do so. That is what will happen. So we have two amendments that propose to violate the constitutional rights of the American people, two politically motivated proposals that target politically incorrect targets for unfair treatment; dump on them while they are down. Let me again remind my colleagues of the oath we all took right there at the desk to defend and support the Constitution and abide by American standards of fairness and democracy that have served our Nation so well. Vote no on these two amendments. No matter how you feel about the two issues in question, vote no on these two amendments.

ELIAN GONZALEZ

Mr. SMITH of New Hampshire. Mr. President, on the case of Elian Gonzalez, the young Cuban boy who is now in Miami, I support Senator MACK's private relief bill to give Elian Gonzalez U.S. citizenship. This is something I believe should be done. It is not necessarily going to stop him from being sent back to Cuba, but it is the right thing to do.

I met Elian Gonzalez personally and the great uncle in Little Havana in Miami on January 8. I took the time to go meet Elian. I wanted to talk with him myself. I wanted to look him in the eye and find out how he felt about the ordeal he went through. Unfortunately, the Attorney General didn't take the time to do that. Elian wasn't important enough for the Attorney General or any of the Attorney General's representatives to meet with him.

On January 6, Attorney General Reno said:

> If there is any information that we are not privy to—I never say I won't reverse myself. I try to be as open minded as I can. But based on all the information we have to date, I see no basis for reversing it.

"It" being the decision to send Elian back to Cuba.

On January 8, after meeting with Elian Gonzalez, I wrote Attorney General Reno to request a meeting to discuss new information I obtained regarding Elian Gonzalez.

In that meeting on January 8, at the request of the Gonzalez family, I sat with Lazaro Gonzalez, Elian's great-uncle, in a relaxed, informal, nonstressful setting. I spent 2 hours speaking with Elian and members of his family there at the home. Based on those discussions, I have concluded that there are four areas that are critical to this case I would like to briefly share with my colleagues before this vote.

One, and most important, Elian does not want to go back to Cuba. He does not want to go back to Cuba. You might say he is 6 years old and he doesn't know what he wants. If his mother had lived, we would not be talking about this case. He would have his right to be here. She died. She can't speak for him. But he spoke. He made it very clear to me. On several occasions, I looked Elian right in the eye and asked him directly, "Do you want to go back to Cuba?" He repeatedly and emotionally said, "No, no, no." In Spanish, he said, "Ayudame, por favor," meaning: Help me, please; I don't want to go back to Cuba.

The second point is very important. Ms. Reno was not interested in hearing it because she never responded to my request. She totally ignored a U.S. Senator's request for a phone conversation, even though I know for a fact she didn't have the information I had to share with her. Elian's father was aware of his son's planned departure from Cuba. Listen carefully to what I am saying. Elian's father is being held in Cuba today against his will. They are not reporting that frequently, but he is. He was aware of his son's departure. Elian's paternal grandfather, who lives in the same household with Elian's father, notified relatives in America that Elian and his mother departed Cuba and to be on the lookout for them.

Third, there is reason to believe that Elian's father intended to defect at a later date with his current wife and child. I was told by Elian's great-uncle that two cousins of Elian's father, now in America, were told directly by Elian's father 5 or 6 months ago that he intended to leave Cuba with his new wife and child.

Fourth, there is reason to believe that intimidation tactics are being used by the Castro government on Elian's father, Juan Gonzalez. Reports from family members say Juan has been removed from his home and is not speaking of his own free will and may even be under psychiatric care.

Let me just say that this is a close-knit family. I am not a family member or a personal friend of the family, but I took the time to sit down and talk with them. I didn't talk with the grandmothers. But the grandmothers, Juan Gonzalez, the uncle, and family members are a family. People say, "Why are you politicians getting into this?" Because the mistake was made by this administration by not insisting that the family come here from Cuba and sit down and talk about this as a family. They can't do it because Fidel Castro won't let Juan Gonzalez out. They won't let him out. Even the appointed nun, the go-between, arbitrator, the impartial person who was sent to set up the meeting between the grandmothers and Elian—she is a friend of Janet Reno's—she said the same thing: They are under pressure and Elian should not go back.

So the integrity of American immigration policy rests on due process and fairness. I was shocked to learn that INS Commissioner Doris Meissner never requested a meeting with Elian and never heard his voice.

Now, maybe some of you sitting out there who are going to vote on this and maybe some of my friends out in America across the land can be callous enough to say you don't care what that little boy thinks, he is 6 years old, what does he know. Let me tell you what he knows and what he has experienced. He sat in an inner tube. You know what that is; it is a small tube that is big enough to fit inside of a tire of an automobile. That is an inner tube. He floated around in that inner tube for 2 and a half days in the open sea—sometimes 30-foot seas—and bounced around out there, and he survived. He was picked up by a fisherman. He lived, but he watched his mother die. The last words his mother said to the two other survivors were, "Get Elian to America." That is what he went through.

As an adult, how would you like to go through that—to sit on a tube in 30- or 40-foot seas for 2 and a half days, floating from the north of Cuba to Fort Lauderdale, FL, and go through that when your mother tried to get you here for freedom, and you would send him back without so much as even giving him the opportunity to talk. If we do that, then what has this country come to?

The fisherman who picked him up out of the water gave an emotional comment about it. He said, "I am an American. I was born here. I plucked this kid out of the ocean. If you send him back, you are doing the wrong thing and I don't know what happened to my country." The equivalent would be, during the Cold War a mother with a child in her arms races to the Berlin Wall, shots are fired, and she tosses her child over the Berlin Wall to freedom. Would we send him back? Apparently so, under this administration.

This isn't about father and son separation; this is about bringing the father and the grandparents and the rest of them here to America where they can decide without the pressure of Fidel Castro. Let's find out what they can say and do without Fidel Castro there. Had Elian's mother lived, right now Elian would be enjoying due process under the Cuban Adjustment Act. Elian Gonzalez, my colleagues, is being punished because his mother died. I don't want to punish Elian Gonzalez for his mother's death. I can't believe any of my colleagues would want to do it either.

This case is about one thing: the best interest of a little boy who sought freedom from Communist Cuba with his family. Sending Elian back to Cuba without due process and allowing Castro to exploit this brave, courageous kid who drifted helplessly at sea for 2 days on an inner tube in a desperate search for survival and freedom would not only be an outrage, it would be the grossest miscarriage of justice I can think of in my lifetime. Yet we have people in this very body who say we should do just that.

I met with the other two survivors, a young married couple. When the boat sank, Nivaldo Fernandez and Arriane Horta were with Elizabet when she was on the boat that made the trip to the Florida coast. She told them, "Please make sure that my son makes America. Save my son. Please see that he gets to the United States." Nivaldo showed me his leg, which was scarred because he was bitten by fish while floating off the coast of Florida. You can still see the effect this had on him, and he is an adult.

Yet this little boy who was so brave—can you imagine, after enduring all of that, when people would come to his house —when I came, and I am a pretty big guy, he wanted to know: "Hombre malo" or "hombre bueno"? Good man or bad man. He wanted to know whether I was a good guy who was going to be nice to him or bad guy coming to take him away.

Can you imagine this poor little boy sitting in that home, when somebody comes to the door, thinking the INS is going to take him out of his home in the dark of night and take him back to Cuba? That is what he is living through now after enduring 2 and a half days in the open sea. This is a child, and he doesn't have any rights? Baloney. Yes, he does have rights. We should be protecting them.

As I said, I met another brave individual, Donato Dalrymple, the fisherman. He was very touched. He asked me personally to help Elian because he told him the same thing: "I don't want to go back to Cuba."

Based on this new information that Elian's father was planning to come, and some other information, I asked the Attorney General to meet with me or take a phone call. She refused either. Not only did she refuse to do that, she put on an artificial deadline that caused the family more consternation and the Cuban American community more concern by having this arbitrary deadline that says: OK, on January 14 you go back. Then they rolled that back. That is fine. It is very nice to say, OK, we have a deadline; but how would you like to be little Elian, knowing that and wondering what happens on midnight of January 14? Where is the concern for this brave little kid?

I support this private relief bill which grants Elian immediate U.S. citizenship, and I further support allowing the courts to make this decision with the family, without the pressure of Fidel Castro, and I hope the Senate will support me on that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 2021 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWNBACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORRIE THOMPSON

Mr. MURKOWSKI. Mr. President, I rise to pay tribute to a very dear friend of mine who was in the Alaska Airlines plane that had the tragic accident yesterday afternoon off the coast of California near Los Angeles.

Morrie Thompson and I go back a long way, all the way to Fairbanks, AK, when I first became involved in banking activities in that community. He was a young Native leader. The paths that we took after that time in the early 1970s resulted in numerous meetings and conversations. His temperament and sensitivity to the advancement of the Native people of Alaska are almost as though he came on the scene to be a man of his time. I speak about that in reference to the significant portion of our aboriginal community, our Alaskan Natives, people who were in a transition from a subsistence, nomadic lifestyle into contemporary competition for education, competition for jobs, competition for development.

Morrie and his companion, Thelma, not only were good friends, but the contribution they made to the community of Alaska as a whole, Native and non-Native alike, was a powerful one. What they leave is a legacy that we can all share with pride and a sense of a job well done by Morrie and Thelma, because what they have left in the formation of the Alaska Native community is a structure where our Native people have an ownership, not only in the village corporations, but the regional corporations from which their traditional geographic association springs and their well being can be secured.

As a consequence of that, if you look at the Native American on the reservation systems throughout the United States and see the comparison with the advancement of the settlement in Alaska, the results speak for themselves—due, in no small measure, to the guidance of Morrie Thompson.

He and I served together when I was running a financial institution in Alaska. We had a large number of branches in smaller communities: Barrow, Tok, Nenana, Koyukuk, Nome. As president of that organization, I found the advice and counsel of Morrie Thompson most valuable as we addressed our responsibility in meeting the needs of Alaska's developing Native community.

A few months ago, Morrie Thompson announced he intended to step down as chairman and chief executive officer of the Doyon Corporation, the regional Native corporation. There was a retirement party for Morrie. There was a great tribute paid to him by the men and women who knew him, loved him, and worked with him. A very substantial fund was established in his name for the benefit of young Native Alaskans.

I think that area, young Native Alaskans, is where the real tribute to Morrie Thompson belongs because he encouraged involvement and education to maintain the attributes of our Native people allowing them to be competitive in job markets and educational opportunities.

As a consequence of the terrible tragedy that took his life and that of his wife and daughter—he leaves two other daughters and he leaves grandchildren—he leaves a legacy for all of us to reflect on: a legacy of leadership, a legacy of inspiration, a legacy of genuine trust.

He was probably one of the nicest and most decent men I have ever met. As we note the passing of Morrie Thompson, I say to his family and friends, he will be deeply missed, but his legacy and contribution will live in Alaska.

THE HIGH PRICE OF OIL

Mr. MURKOWSKI. Mr. President, I would like to reflect a little bit on what is happening in our Nation. We got a little snow outside. Snow is not unknown to me or the State I represent. It is part of our livelihood. We live with the cold weather. We know how to handle it.

But there is suddenly a great concern among a number of my colleagues and their constituents about the high price of heating and transportation fuels in the country, particularly in the northeastern part of the Nation. This morning in New Hampshire they said it was cold and clear. People were out to vote, but they were worried about the price of heating oil. I would like to discuss for a moment why some of these price increases are occurring, as well as appropriate and perhaps inappropriate ways we could respond.

In mid-January, spot prices for heating oil spiked by about 50 cents. At one point, they closed at $1.36 per gallon. Gulf coast prices spiked, but they were pulled up, to a large degree, by the spike in New York State. One of the first places where consumers felt the impact was in home heating oil prices where, on January 21, they were up anywhere from 35 cents to 60 cents per gallon in the Northeast over the prior week. This was also felt in diesel prices, which have also risen dramatically. This is causing our trucking industry to seriously consider steep price increases, or even parking some of their trucks for a while.

If you have not bought an airplane ticket this month, you should try it because you will find there is a $20 surcharge added to your ticket. This is to offset the increased costs of fuel oil. You cannot run these aircraft on hot air. You run them on kerosene.

What is the cause of this price increase? For the most part, there are short-term causes that have so dramatically impacted the price in the Northeast, but there are also long-term issues that have impacted and will continue to impact the Nation.

If we are looking at a quick fix, we can do that or we can look at the long run and figure out how we are going to take care of this problem.

The short term problems include the combination of relatively low stocks of inventory, forecasts for colder than normal weather through early February, some barges being delayed because of storms, and some unexpected refinery problems.

Additionally, we have refineries that were in transition. We have not built any new refineries in this country for a couple of decades for a very good reason: Nobody wants to invest in them because of the concern over the environmental consequences, the Superfund exposure, and so forth.

Here we are, on the one hand, with an increasing demand for petroleum products, but because of the laws that were made by Congress which are so draconian, the investment community is reluctant to put in new, efficient refineries.

As a consequence of the low stocks, the existing refiners are scurrying to locate immediate supplies, a number of utilities are chasing the limited supply, and we have a peaking cold weather demand. As you walk home tonight you will feel it. In short, it was a basic problem of too much demand chasing too little supply.

There is some relief in that the New York spot distillate problem appears to be easing because the current refinery capacity currently is adequate to meet the needs, but there is going to be some delay in getting the supply delivered. Additionally, the good news about the high prices is that it usually speeds the arrival of product from someplace else. Indeed, it has been reported that at least a dozen tankers full of heating oil are on their way from Europe heading to the East Coast right now. There is an indication that as a result of this the price has dropped in the last few days.

Unfortunately, even when this immediate problem is resolved, it is possible recurrences will happen as stocks are likely to stay low for the remainder of the winter.

According to the Energy Information Agency, the EIA, "the low-stock situation is worldwide and is not necessarily limited to distillate. It stems directly from what is happening in the crude oil markets." That is what we have to look toward. A continuing crude oil supply shortage is driving crude prices up, causing refiners worldwide to draw down stocks as the higher crude prices squeeze margins.

What is happening in those crude markets? If one looks at the worldwide crude market, it is evident there has been more petroleum demand than supply, requiring the use of stocks to meet petroleum demands.

Following the extremely low prices at the beginning of 1999, OPEC, the Organization of Petroleum Exporting Countries, as well as Mexico, agreed to remove about 6 percent of the world's production from the market in order to work off excess inventories. And what else? To bring prices back. And they have been successful.

Remarkably, the producing countries have shown strong discipline in adhering to these quotas. This has caused worldwide stocks, including those in the U.S., to be drawn down at very low levels. In particular, refiners drew stocks down in the fall rather than build them up for the winter.

We are now in the middle of that winter, the usual high point of world demand, and we have low stocks. On top of this, OPEC members have been indicating that they will maintain their production cutbacks at least through March and possibly June, so there is no panacea here. The news, along with the cold weather, increased demand in Asia due to a faster than expected recovery of the Asian economy is behind the current crude surge which pushed west Texas intermediate crude past $30 a barrel briefly in January.

There is a response to this. One I think is inappropriate and the other is appropriate. Let's look at the first one: How should we react.

A number of my colleagues and some senior members of the administration have made suggestions about how we should react to this. The first suggestion made by some of my colleagues is let's release the oil from the Strategic Petroleum Reserve, or SPR, to combat the high price of crude. This is the reserve we have in the salt caverns in the southern part of Louisiana and other areas. That oil is there for the national and energy security of the country in case there is an emergency.

I believe such a decision to sell that oil would be disastrous from the standpoint of both national and security policy. Our Government has never tapped SPR to manipulate crude prices, and I do not think they should do so now. It is fair to say the administration tapped SPR to meet some of their budget requirements, but to manipulate crude prices is totally inappropriate.

SPR was set up as a way to protect us from a severe supply disruption. By tapping SPR to manipulate price, we make ourselves even more vulnerable to the supply disruption. We need to recognize that price volatility has been a fundamental feature of crude oil markets for three decades and is common in the commodity markets.

We also need to recognize we have made some classic policy blunders in attempting to reduce this volatility. Invariably, these measures, such as price controls in the seventies, clearly aggravated and perpetuated what would otherwise have been a much shorter lived problem.

The second problem with this approach is it would only represent a partial plan. We cannot move forward with an energy strategy of "sell oil when prices are high" and not have a companion strategy of "buy oil when prices are low." We have to mix the price structure in SPR. At one time, the administration proposed to buy and was buying at $40. The next minute, they wanted to sell at $27. There is a mentality up there that we somehow can make up the difference in volume. That does not work. What would be the purpose of depleting a reserve if we do not have a concrete plan to fill it?

The second suggestion is to encourage other countries to ramp up their production levels so the United States can import more of their oil. Think about that. We are encouraging other nations to increase their production so we can get more of their oil so that we can be even more vulnerable to that particular supply. Even some of my friends on Pennsylvania Avenue have advocated this as a resolve.

The Secretary of Energy has been quoted as saying: I am going to meet with the oil ministries of Venezuela, of Norway, Saudi Arabia, and others. This is a strategy to encourage the Venezuelans and Saudis to produce more oil and for the United States to become more dependent on those sources.

Their strategy is to spend millions of dollars supporting development of oil fields in other nations. Here is the kicker: They have even supported policies that have allowed the Iraqis to produce more oil. That is our good friend, Saddam Hussein. Are the people of Iraq benefiting or are his Republican Guards? I do not have to tell you, Mr. President, because you know as well as I do.

Their answers lead to nothing more than the export of American jobs and increased imports of foreign oil. Their answers make us more susceptible to price volatility in the future, not less.

Finally, the third suggestion is that Congress appropriate more money next year to subsidize the Low-Income Housing Energy Assistance Program. I do not oppose this. However, throwing more money toward that program will not solve the underlying problem, and the underlying problem is very simple: We are not producing enough oil and gas in the United States. This is not to imply nothing can be done to protect ourselves from vulnerability to aggressive price policy by OPEC, there is a solution, and it begins at home.

The old adage, charity begins at home, is a far better approach to reducing our vulnerability to OPEC pricing, and that should begin by addressing the problems of our domestic U.S. oil and gas industry. We can do that very easily. We do not have the luxury in the United States of manipulating stocks and influencing price. The reason we do not is because we are 56-percent dependent on imported oil. We are currently not that big, in terms of oil production, to manipulate world prices. We have to make our strategic decisions through drilling strategies, and when we look at what has happened to drilling in the United States, we ought to be gravely concerned about the future volatility of heating and transportation fuel prices in the U.S.

In 1998, there was a decline of almost 60 percent in rigs drilling for oil in the United States. This was followed by a decline in the number of new and producing oil wells which was followed by a drop in our reserves. In 1998, only 24 percent of our domestic oil production was replaced by proven oil reserves.

The bare results of 1998 was that thousands of oil industry workers were laid off, drilling contractors were cut to the bone, our stripper wells went dry, and marginal wells were shut in.

This did not just happen. The administration knew what was going on. What did it do? It continued to thwart access by our domestic oil and gas industry to Federal lands where there was a promising likelihood of discovery.

It continues to try to force an unfair rule change for calculating oil royalties down the throats of our domestic producers. This is a not-so-subtle message to our domestic producers—you are not wanted here. The only effect these policies will have is to ensure that we continue to be susceptible to being taken hostage by aggressive OPEC pricing strategies and that we continue to encourage an outflow of U.S. capital, ingenuity, and investment to foreign shores to produce foreign oil so we can become more dependent on those sources.

Common sense tells us that if we are to become less dependent on OPEC pricing, if we want to be better able to respond to future price fluctuations, we must reinforce our domestic petroleum industry.

I understand my Northeast colleagues' concern about their constituents paying too high a price for heating and transportation oil. Frankly, we pay a higher price in Alaska. But I am not here to debate that issue at this time. I am also puzzled that many of those same Members of this body have continued to support efforts that would increase our susceptibility to this price volatility. You can't have it both ways. We are dependent on foreign stocks for 56 percent of our supplies. The only way we are ever going to break this cycle of dependence on foreign oil and our vulnerability to price is by boosting our own production here at home.

I can suggest that a good place to start is on the west coast. A good place to start is in my State of Alaska, where we have been supplying this Nation with 20 percent of its domestic oil for the last 20 years. Recently the U.S. Geologic Survey estimated that an area set aside by Congress for an evaluation of its oil and gas potential could have up to 16 billion barrels of recoverable oil. The 1998 estimate is the highest estimate ever published regarding the 1002 area. This body voted in 1995 to support environmentally sound exploration in this area. The Senate voted on this bill, but the Clinton administration vetoed the bill. They vetoed the ANWR bill. It has become a cry for environmentalism all over the country. If you initiate oil exploration in ANWR, you are going to violate this area, this pristine area.

How many people have taken the time to understand the significance of ANWR? There are 19 million acres in ANWR. It is an area about the size of the State of South Carolina. What have we done to try to maintain protection in these areas? We have taken 8 million acres of the 19 million acres and put it in wilderness in perpetuity. We have taken another 9.5 million acres and protected it as a refuge in perpetuity. But we set aside 1.5 million acres in the coastal plain, the so-called 1002 area, under the jurisdiction of the Congress to make a determination whether that portion and that portion only could be opened up for exploration.

Some of my colleagues talk about charity beginning at home, and suggest we ought to open up SPR. These are temporary measures that are basically impractical, that cut to the crux, if you will, of our national security interests, and don't resolve a long-term solution. What we should do is continue to advance science and technology, and develop domestic petroleum reserves.

The conclusion is obvious: If you don't support the industry's expertise and capability through advanced technology to continue to explore whether it be onshore or offshore, then you better be prepared for higher prices and the Northeast corridor better be prepared for price hikes as a consequence of cold weather, because we are looking right down the double barrels of the guns of control. Those guns of control come from the Mideast countries.

I think Secretary of Energy Bill Richardson has been quite correct in his response. He has agreed that the Strategic Petroleum Reserve is to be used only for emergencies associated with our national energy security interests and not for price manipulation. He has also postponed delivery on 5 million barrels of oil that the SPR would take at this time, an action which I think is responsible because it is intended to put more oil into the market and ease prices. It is going to help, but it is not going to help enough.

The President has released 44 million in emergency heating fuel funds. While I support these efforts, they alone are not enough. These are stopgap measures. They don't address the real problem of our continuing reliance on foreign oil and the resulting fact that we are going to be dancing to the tune of OPEC for the foreseeable future until we have the intestinal fortitude to recognize that we can develop domestic sources of oil and gas in the United States, and we can keep our jobs at home and lessen our dependence on imported oil.

Look at the facts. The fact is, during the tenure of this administration, U.S. demand for oil has increased 14 percent, and our domestic production, strangled by this administration's policies, has decreased 17 percent. You can't have it both ways. I am sympathetic to those Members who represent the Northeast corridor and are feeling the impact of a cold winter and high fuel prices. I would propose the following to address these concerns through the enhancement of a domestic industry policy.

First, give the industry greater access to Federal lands in the United States, both on and offshore, limiting to those States that want OCS activity. Louisiana is a good example; Texas is another. They recognize the contribution. They recognize the capability of the industry to do it safely. For the most part, the industry has done a pretty good job.

We should, second, develop incentive programs to make the U.S. oil and gas market more competitive in the world market. We should open up that tiny area of the Arctic oil reserve to environmentally sound exploration. Let's face it. Alaska produces 20 percent of the crude oil that this country enjoys today. That was authorized by the Senate on a tie vote where the Vice President had to break the tie to authorize the development of that.

There was great speculation that the 800-mile pipeline would somehow stop the caribou, would stop the moose. That has survived earthquakes, dynamite, shootings. It is one of the construction wonders of the world. Where would we have been without it? You would have had higher prices today, Mr. President.

Third, strengthen the Department of Energy's research and development program. We are going to be using petroleum products for a long, long time. You are not going to fly an airplane on solar or wind. You are going to fly it on fuel. Fourth, once and for all, throw out the MMS's attempts to change the rules on oil valuation.

Finally, let me refer to some who suggest that we don't need to look to the future of oil. We have a lot of gas in this country. It is just a matter of time. Gas is cheap. Let me refer you to a recent report by the National Petroleum and Gas Council. The demand for gas is going to be increasing about one-third in the next 10 years. There are going to be about 14 million new hookups for gas. The expenditure for that gas is going to be about $1.5 trillion. Hearings that we have had in the Energy and Natural Resources Committee show us that we do not have the infrastructure in place and we don't have access domestically to areas that have the potential for producing gas because the administration won't open them up for exploration.

I see my good friend from New York on the floor. I know of his interest in this crisis that is hitting the Northeast corridor. I encourage him and others to look toward a long-term solution. A long-term solution speaks for itself. It suggests through technology, with proper environmental safeguards, we can encourage more oil and gas exploration and development right here in this country, as opposed to increasing our dependence on OPEC where we are going to continue to have this problem, not just this February, but we are going to have it this March. And we are going to have it next November and December and January, only by that time we might be 60 to 65 percent dependent on imported oil, as the Department of Energy suggests. Then you are going to have prices that are going to be coming down around our ears, and inflation will be attributed to a large degree to the price of oil and gas as a consequence to our increased dependence on imports.

Bottom line: Charity begins at home.

Mr. SCHUMER. Will the Senator from Alaska yield?

Mr. MURKOWSKI. I am happy to yield for a question.

Mr. SCHUMER. I thank the Senator.

First, I thank him not only for his leadership on this issue but for his very thoughtful remarks, which I will certainly chew over and look at. I saw them on the screen and wanted to do that. I certainly agree with the Senator from Alaska, that what he is talking about deals with the long-term problem which we have to deal with and what myself and the Senator from Maine, Ms. Collins, and some of us have been talking about as a short-term problem, which is the oil. For instance, home heating oil is higher in my State than it has ever, ever been, even though the price of oil itself is not higher than it has ever, ever been.

I would like to ask the Senator a question. On the short-term issue, which I understand the Senator's point, which is you are not going to solve the long-term issue. You will be back with short-term issues time and time again. But given the crisis that we have, the proposal that Senator Collins and I have made is to not deplete the oil reserve, the SPR, but rather to at this point sell a small amount of it, let's say 500,000 barrels a day, from now until March 31, that the experts we have talked to have told us that that is likely to crack OPEC's unity, and also not just OPEC, but Mexico and Norway, which in the past had not always marched in lockstep with OPEC. I would be against depleting the reserve. The first question I ask the Senator is: If he was assured that the oil would be bought back at either a higher or lower price—and most experts think it would be considerably lower—would that assuage some of his concerns? I don't want to burden the Senator, but he is an expert, and I would like to get the benefit of his wisdom.

If a program were developed of swaps and were put in automatically so that oil was bought for the SPR when the price was rather low, oil was sold when the price was rather high, but there was a guaranteed commitment that if the oil was sold during a high price, that it would be bought back at a low price, and you could put a time limit on—one of the things mentioned was that you would have to do it in a year regardless—would that not deal with the long-term problem that the Senator is addressing in most of his remarks? But would that assuage some of his concerns about the short-term issue that many of us in the Northeast have such problems with?

I yield to the Senator to answer that question.

Mr. MURKOWSKI. I will respond to that. I recognize the sensitivity of my good friend, and the Senator from Maine, also. There are a couple of factors I think are very important to understand, and that is the ability of the strategic petroleum reserve to be moved out in a relatively short period of time the crude it has accumulated, or any portion of it, and transport it to refineries that aren't already up to the maximum capacity of their refining capability, and then move it to market because this winter isn't going to last forever. But right now, it is significant and very meaningful, as evidenced by the price associated with heating oil.

As I indicated in my floor statement, we have evidence by the Department of Energy that there are a number of ships in transit from Europe bringing heating oil. So there will be price relief soon. As you and I know, the price goes up a lot faster than it comes down. The idea of swaps certainly has merit and has been done before. But, traditionally, the manner in which the Federal Government in manipulating the sales of SPR has resulted in a situation where we have purchased high and sold low, and there is a mentality that suggests that we will make up the difference, with the taxpayers taking it in the shorts, so to speak—I am not suggesting we would not go back and replace SPR. Indeed, there are some logistic problems with the idea. One, you don't move it out of SPR very fast because it is in the salt caverns and there is only so much pumping capability and you have to move it to the refinery and then you have to refine it. The realization is that the refineries, as I understand it, in proximity to the SPR are pretty much up to their designed capacity. So what we need is an SPR of heating oil for you. That would be my best assessment of the current situation. But I am sensitive to the Senator's concern.

Mr. SCHUMER. I know the Senator is sensitive to that, and I very much appreciate that. The experts with whom I have checked at least have said it would take about 30 days from the time the President were to order selling of the SPR to the time it could be removed and refined appropriately. I think more to the point —or maybe not more to the point but also to the point, many people, certainly the majority I have talked to, believe that even if we were to announce we were going to sell some of the SPR on the open market, the odds are quite high that from that point, the OPEC nations, countries such as Mexico and Norway—that would crack their unity.

My main goal, at least, in offering this solution is not simply to temporarily reduce the price of oil but rather to sort of break OPEC. In the past, what our Government would do would be go to the governments of Mexico and Norway and say, hey, help us out. In the past, they would. When they pumped a little more oil, the unity of the 11 OPEC nations would crack. Well, Mexico and Norway are not fulfilling that role for a variety of reasons, some of which I am aware and some of which I am not. So we would be fulfilling the same role.

I guess my only question to the Senator from Alaska, chairman of the Energy and Natural Resources Committee, is—and maybe my information is wrong—if it would take 30 days, would that change his view? Secondly, does he think that it might have a good chance, if we did even announce this and began to do it, to crack OPEC's unity and that would solve our problem—short-term admittedly and not long-term—right away rather than pumping small amounts of oil ourselves?

Mr. MURKOWSKI. In response to my good friend from New York, I anticipate it would take at least 30-plus days to see any significant movement from the SPR, which is crude oil transported to a refinery in enough time to relieve the crisis of the high price in the Northeast. The problem is, the reserves of heating oil are down. I have discussed the rationale of why the reserves are low, but the fact is they are low. So as a consequence, we are left with a situation where price follows supply and demand, and we are certainly feeling the price. I think we should converse with our Secretary of Energy, who is attempting to interject with the Saudis, Venezuelans, Norwegians, and other oil-producing countries to try to encourage them to, if you will, increase their OPEC volume, which they have been remarkably solid in their ability to hold together and not do that.

They operate under two theories. One is they would like to have the highest possible price and produce the least amount of oil. But if that cartel cracks, then they still have to have the same volume of dollars to benefit their government, so they will produce more oil to get it. What we have seen as a consequence is the cartel coming together and holding tough. Subject to the ability of the Secretary of Energy to convince them to do otherwise, I would not look for immediate relief from that area. I think there is relief coming, but your constituents are going to be exposed to some high prices. As sympathetic as I am, I don't know the answer.

I just don't think SPR is going to be able to meet the demand in a timely enough manner by the time you get past another 30 days and some of this production in to your constituents. I don't think that is going to do what the market is doing now, which is bringing more heating oil that is already refined in Europe into the United States. I would much rather work ultimately for a long-term solution to our exposures because you have to look at the reality. We are going to be more and more exposed to the whims of OPEC. We have allowed Saddam Hussein and Iraq to come in with another 2 million barrels a day. That helps us and hurts us when you think about it. Who benefits from that? It is a complex problem. I have a hard time accepting that part of the role of SPR is to meet the domestic price manipulations as opposed to the philosophy that went into SPR, which was its design to be a strategic petroleum reserve in the sense of a time when our supplies may be cut off. There has been a great deal of criticism in my committee of the ability of SPR to be able to produce if a demand is there. There are a lot of shortcomings within SPR's makeup.

Mr. SCHUMER. I thank the Senator.

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with each Senator permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, January 31, 2000, the Federal debt stood at $5,711,285,168,951.46 (Five trillion, seven hundred eleven billion, two hundred eighty-five million, one hundred sixty-eight thousand, nine hundred fifty-one dollars and forty-six cents).

Five years ago, January 31, 1995, the Federal debt stood at $4,815,827,000,000 (Four trillion, eight hundred fifteen billion, eight hundred twenty-seven million).

Ten years ago, January 31, 1990, the Federal debt stood at $2,974,584,000,000 (Two trillion, nine hundred seventy-four billion, five hundred eighty-four million).

Fifteen years ago, January 31, 1985, the Federal debt stood at $1,679,916,000,000 (One trillion, six hundred seventy-nine billion, nine hundred sixteen million).

Twenty-five years ago, January 31, 1975, the Federal debt stood at $494,140,000,000 (Four hundred ninety-four billion, one hundred forty million) which reflects a debt increase of more than $5 trillion—$5,217,145,168,951.46 (Five trillion, two hundred seventeen billion, one hundred forty-five million, one hundred sixty-eight thousand, nine hundred fifty-one dollars and forty-six cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT TO THE CONGRESS ON THE U.S. ARCTIC RESEARCH PLAN—MESSAGE FROM THE PRESIDENT—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the sixth biennial revision (2000–2004) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 1, 2000.*

REPORT TO THE CONGRESS ON PRESIDENTIAL DETERMINATION 99–37 RELATIVE TO THE AIR FORCE'S OPERATING LOCATION NEAR GROOM LAKE, NEVADA—MESSAGE FROM THE PRESIDENT—PM 81

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works.

To the Congress of the United States:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 20, 1999, I issued Presidential Determination 99–37 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 99–37 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000.*

REPORT TO THE CONGRESS ON THE AGREEMENT BETWEEN THE U.S. AND LATVIA CONCERNING FISHERIES OFF THE COASTS OF THE U.S.—MESSAGE FROM THE PRESIDENT—PM 82

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committees on Commerce, Science, and Transportation; and Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia extending the Agreement of April 8, 1993, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (the "1993 Agreement"). The present Agreement, which was effected by an exchange of notes at Riga on June 7 and September 27, 1999, extends the 1993 Agreement to December 31, 2002.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000.*

MESSAGE FROM THE HOUSE

At 10:20 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1733. An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 244. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 2130) to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the resolution (H. Con. Res. 221) authorizing printing of the brochures entitled "How Our Laws Are Made" and "Our American Government," the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution."

The message further announced that pursuant to section 702(b) of the Intelligence Authorization Act for fiscal year 2000 (50 U.S.C. 401) and the order of the House of Thursday, November 18, 1999, the Speaker on Wednesday, January 12, 2000, appointed the following Member of the House to the National Commission for the Review of the National Reconnaissance Office: Mr. GOSS of Florida; and from private life: Mr. Eli S. Jacobs of New York and Mr. Larry D. Cox of Maryland.

The message also announced that pursuant to section 5(a) of the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development Act (42 U.S.C. 1885a) and the order of the House of Thursday, November 18, 1999, the Speaker on Monday, January 3, 2000, appointed the following individuals on the part of the House to the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development to fill the existing vacancy thereon: Mr. Charles E. Vela of Maryland.

The message further announced that pursuant to section 852(b) of Public Law 105–244 (as amendment by Public Law 106–113), the Chairman of the Committee on Education and the Workforce appointed the following Member to the Web-Based Education Commission: Mr. ISAKSON of Georgia.

At 4:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 245. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 764.

MEASURE REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 244. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on Rules and Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7071. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Acquisition Regulation; Miscellaneous Revisions" (RIN2535–AA25) (FR–4291–F–02), received January 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7072. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Acquisition Regulation; Miscellaneous Revisions" (RIN2535–AA24) (FR–4115–F–03), received January 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7073. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold; Corrections" (RIN2501–AB57) (FR–3482–C–07), received January 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7074. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison being conducted at the Air Force Reserve Personnel Center in Denver, CO; to the Committee on Armed Services.

EC–7075. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Elmendorf Air Force Base, AK; to the Committee on Armed Services.

EC–7076. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Westover Air Reserve Base, MA; to the Committee on Armed Services.

EC–7077. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–7078. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California: Decreased Assessment Rate" (Docket Number FV00–932–1 IFR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7079. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 1999–2000 Marketing Year" (Docket Number FV00–932–1 IFR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7080. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas: Decreased Assessment Rate" (Docket Number FV00–959–1 FR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7081. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida: Decreased Assessment Rate" (Docket Number FV99–966–1 FIR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7082. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–7083. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule entitled "Additions to the Procurement List", received January 24, 2000; to the Committee on Governmental Affairs.

EC–7084. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–168, "Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Nonservice Nonprovider Clarifying and Technical Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7085. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–169, "Advisory Neighborhood Commission Procurement Exclusion Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7086. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–170, "Advisory Neighborhood Commission Vacancy Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7087. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–181, "Office of the Inspector General Powers and Duties Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7088. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–171, "Management Supervisory Service Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7089. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–186, "Retail Service Station Amendment Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC–7090. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–205, "Motor Coach Vehicles Tax Exemption Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7091. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–204, "Campaign Finance Reform Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7092. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–196, "Elections Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7093. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–194, "Blanket Order Blitz Increased Opportunity for Local, Small, and Disadvantaged Business Enterprises Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7094. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–191, "Choice of Driver's License Number Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7095. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–192, "Digital Audio Radio Satellite Service Companies Tax Exemption Act of 1999"; to the Committee on Governmental Affairs.

EC–7096. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–190, "Safe Teenage Driving Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7097. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of 28 rules relative to Regatta Regulations (RIN2115–AE46), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7098. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of 254 rules relative to Safety/Security Zone Regulations (RIN2115–AA97), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7099. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Trip Limit Reduction of the Commercial Hook-and-Line Fishery for King Mackerel in the West Coast Subzone", received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7100. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Vessels Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands", received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7101. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the First Half of 2000", received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7102. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Pollock Fisheries off Alaska" (RIN0648–AM32), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7103. A communication from the Secretary of Transportation, transmitting, a report relative to air service between the U.S. and Murtula Mohammed International Airport, Nigeria; to the Committee on Commerce, Science, and Transportation.

EC–7104. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Changes in Permissible Stage 2 Airplane Operations; Notice of Statutory Changes [12/17–12/20]" (RIN2120–ZZ23), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7105. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Jet Routes J–78 and J–112; Evansville, IN Docket No. 99–AGL–48 [12/20–12/20]" (RIN2120–AA66) (1999–0402), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7106. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FAA Policy and Final Guidance Regarding Benefit Cost Analysis on Airport Capacity Projects for FAA Decisions on Airport Improvement Program Discretionary Grants and Letters of Intent [12/15–12/16]" (RIN2120–ZZ22), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7107. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Various Transport Category Airplanes Equipped With Mode 'C' Transponder(s) With Single Gillham Code Altitude Input; Request for Comments; Docket No. 99–NM–328 (11/12–11/18)" (RIN2120–AA64) (1999–0449), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7108. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Certification Requirements: Aircraft Dispatchers (12/8–12/6)" (RIN2120–AG04), received December 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7109. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights Within the Territory and Airspace of Sudan; Withdrawal" (RIN2120–AG67) (1999–0001), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7110. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 91 Amendment; General Operating and Flight Rules; Technical Amendment; Docket No. 29833; (11/30–12/2)" (RIN2120–ZZ21), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7111. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of VOR Federal Airways; AK Docket No. 98–AAL–14 [11/29–12/2]" (RIN2120–AA66) (1999–0379), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7112. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

“Change in Name of Using Agency For Restricted Area R–5203; Oswego, NY; Docket No. 99–AEA–12 [11/8–11/18]” (RIN2120–AA66) (1999–0365), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7113. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Emission Standards for Turbine Engine Powered Airplanes; Correction” (RIN2120–AG68) (1999–0002), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7114. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Flight Plan Requirements for Helicopter Operations Under Instrument Flight Rules [1/20–1/20]” (RIN2120–AG53), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7115. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revisions to Digital Flight Recorder Requirements for Airbus Airplanes; Correction [1/14–1/20]” (RIN2120–AG88) (2000–0001), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7116. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 1967 [12–30/12–30]” (RIN2120–AA65) (1999–0062), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7117. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (40); Amdt. No. 1966 [1–5/1–6]” (RIN2120–AA65) (2000–0001), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7118. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (76); Amdt. No. 1964 [12–20/12–20]” (RIN2120–AA65) (1999–0061), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7119. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (60); Amdt. No. 1965 [12–20/12–20]” (RIN2120–AA65) (1999–0060), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7120. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (34); Amdt. No. 1961 [11–19/11–22]” (RIN2120–AA65) (1999–0057), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7121. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (60); Amdt. No. 1959 [11–9/11–18]” (RIN2120–AA65) (1999–0055), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7122. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (66); Amdt. No. 1958 [11–9/11–18]” (RIN2120–AA65) (1999–0054), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7123. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (56); Amdt. No. 1963 [12–2/12–2]” (RIN2120–AA65) (1999–0059), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7124. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 418 [11–24/12–2]” (RIN2120–AA63) (1999–0004), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7125. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (56); Amdt. No. 1962 [12–2/12–2]” (RIN2120–AA65) (1999–0058), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7126. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (23); Amdt. No. 420 [1–14/1–20]” (RIN2120–AA63) (2000–0001), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7127. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 419 [11–24/12–2]” (RIN2120–AA63) (1999–0005), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7128. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Stigler, OK; Direct Final Rule; Request for Comments; Docket No. 2000–ASW–02 [1–21/1–24]” (RIN2120–AA66) (2000–0013), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7129. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Burlington, VT; Direct Final Rule; Request for Comments; Docket No. 99–ANE–92 [1–26/1–27]” (RIN2120–AA66) (2000–0015), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7130. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Burlington, VT; Direct Final Rule; Request for Comments; Docket No. 99–ANE–91 [12–6/12–13]” (RIN2120–AA66) (1999–0393), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7131. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Okeechobee, FL; Docket No. 99–ASO–21 [12–29/12–30]” (RIN2120–AA66) (1999–0415), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7132. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; St. Michael, AK; Final Rule; Correction; Docket No. 99–AAL–21 [11–19/11–22]” (RIN2120–AA66) (1999–0396), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7133. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Koliganek, AL; Docket No. 99–AAL–15 [11–22/11–29]” (RIN2120–AA66) (2000–0372), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7134. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Pine River, MN; Docket No. 99–AGL–47 [12–3/12–9]” (RIN2120–AA66) (1999–0391), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7135. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Montague, CA; Docket No. 95–AWP–44 [11–18/11–18]” (RIN2120–AA66) (1999–0367), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7136. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Batesville, IN, CA; Docket No. 99–AGL–44 [11–22/11–29]” (RIN2120–AA66) (1999–0375), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7137. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Leonardtown, MD; Docket No. 99–AEA–13 [1–5/1–6]" (RIN2120–AA66) (2000–0002), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7138. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Camberon, MO; Docket No. 99–ACE–49 [12–29/12–30]" (RIN2120–AA66) (1999–0409), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7139. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fredericktown, MO; Docket No. 99–ACE–47 [12–29/12–30]" (RIN2120–AA66) (1999–0410), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7140. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Glendive, MT; Docket No. 99–ANM–08 [12–22/12–23]" (RIN2120–AA66) (1999–0408), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7141. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Brownsville, PA; Docket No. 99–AEA–16 [1–5/1–6]" (RIN2120–AA66) (2000–0011), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7142. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Puerto Rico, PR; Docket No. 99–ASO–17 [1–18/1–20]" (RIN2120–AA66) (2000–0008), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7143. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Herington, KS; Docket No. 99–ACE–41 [12–6/12–13]" (RIN2120–AA66) (1999–0392), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7144. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Marshall, MO; Direct Final Rule: Request for Comments; Docket No. 99–ACE–5 [1–31/1–20]" (RIN2120–AA66) (2000–0010), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7145. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Winfield/Arkansas City, KS; Direct Final Rule: Confirmation of Effective Date; Docket No. 99–ACE–44 [12–3/12–6]" (RIN2120–AA66) (1999–0380), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7146. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Emmetsburg IA; Direct Final Rule: Confirmation of Effective Date; Docket No. 99–ACE–39 [12–6/12–13]" (RIN2120–AA66) (1999–0397), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7147. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Malden, MO; Direct Final Rule: Confirmation of Effective Date; Docket No. 99–ACE–42 [12–6/12–13]" (RIN2120–AA66) (1999–0396), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7148. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Sikeston, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–43 [12–6/12–13]" (RIN2120–AA66) (1999–0395), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7149. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Hutchinson, KS; Direct Final Rule; Request for Comments; Docket No. 99–ACE–48 [12–6/12–13]" (RIN2120–AA66) (1999–0394), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7150. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Iowa City, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–50 [12–29/12–30]" (RIN2120–AA66) (1999–0414), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7151. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Mountain View, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–46 [12–29/12–30]" (RIN2120–AA66) (1999–0413), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7152. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Marshalltown, IA; Direct Final Rule: Request for Comments; Docket No. 99–ACE–52 [12–29/12–30]" (RIN2120–AA66) (1999–0411, received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7153. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Estherville, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–54 (1–5/1–6)" (RIN2120–AA66) (2000–0001), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7154. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Lewiston, ID; Establishment of Class E Airspace; Grangeville, ID; Docket No. 99–ANM–01 [11–23/11–29]" (RIN2120–AA66) (1999–0370), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7155. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D and Establishment of Class E Airspace; Fort Rucker, AL; Correction; Docket No. 99–ASO–14 [11–22/11–29]" (RIN2120–AA66) (1999–0371), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7156. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Popint Lay, AK; Docket No. 99–AAL–12 [11–22/11–29]" (RIN2120–AA66) (1999–0370), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7157. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; El Paso, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–26 [1–6/1–10]" (RIN2120–AA66) (2000–0005), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7158. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Beaumont, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–25 [1–6/1–10]" (RIN2120–AA66) (2000–0004), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7159. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Mineral Wells, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–20 [12–9/12–9]" (RIN2120–AA66) (1999–0386), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7160. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

"Revision to Class E Airspace; Corpus Christi, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-22 [12-9/12-9]" (RIN2120-AA66) (1999-0384), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7161. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Alice, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-23 [12-9/12-9]" (RIN2120-AA66) (1999-0387), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7162. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Falfurrias, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-21 [12-9/12-9]" (RIN2120-AA66) (1999-0382), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7163. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Georgetown, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-18 [12-9/12-9]" (RIN2120-AA66) (1999-0385), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7164. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Corsicana, TX; Direct Final Rule; Request foe Comments; Docket No. 2000-ASW-0 [1-21/1-24]" (RIN2120-AA66) (2000-0012), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7165. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Artesia, NM; Direct Final Rule; Request for Comments; Docket No. 99-ASW-30 [12-17/12-20]" (RIN2120-AA66) (1999-0406), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7166. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Carrizo Springs, TX; Direct Final Rule; Request for Comments; Docket No. 99-ASW-29 [12-17/12-20]" (RIN2120-AA66) (1999-0405), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7167. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Lake Jackson, TX; Direct Final Rule; Request for Comments; Docket No. 99-ASW-27 [12-17/12-20]" (RIN2120-AA66) (1999-0404), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7168. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Georgetown, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-18 [12-9/12-9]" (RIN2120-AA66) (1999-0385), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7169. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Fulton, MS; Docket No. 99-ASO-22 [12-3/12-3]" (RIN2120-AA66) (1999-0388), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7170. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Maple Lake, MN; Docket No. 99-AGL-45 [11-22/11-29]" (RIN2120-AA66) (1999-0374), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7171. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fort Wayne, IN; Docket No. 99-AGL-46 [11-22/11-29]" (RIN2120-AA66) (1999-0376), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7172. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Willows-Glen County Airport, CA; Docket No. 99-AWP-22 [11-8/11-18]" (RIN2120-AA66) (1999-0368), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7173. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Caledonia, MN; Docket No. 99-AGL-49 [12-3/12-6]" (RIN2120-AA66) (1999-0381), received December 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7174. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marquette, MI; Revocation of Class E Airspace; Sawyer, MI, and K.I. Sawyer; Docket No. 99-AGL-42 [12-3/12-9]" (RIN2120-AA66) (1999-0390), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7175. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the San Juan Low Offshore Airspace Area, PR; Docket No. 99-ASO-1 [11-8/11-18]" (RIN2120-AA66) (1999-0366), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7176. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Jacksonville, NAS, FL; Docket No. 99-ASO-10 [1-1/1-10]" (RIN2120-AA66) (2000-0007), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7177. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Jacksonville Whitehouse NOLF, FL; Docket No. 99-ASO-27 [1-10/1-10]" (RIN2120-AA66) (2000-0006), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7178. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Eastover, SC; Docket No. 99-ASO-18 [12-14/12-16]" (RIN2120-AA66) (1999-0399), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7179. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Elgin AFB, FL; Docket No. 99-ASO-19 [12-14/12-16]" (RIN2120-AA66) (1999-0398), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7180. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Jacksonville, NAS Cecil Field , FL; Docket No. 99-ASO-20 [12-14/12-16]" (RIN2120-AA66) (1999-0007), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7181. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Jacksonville Whitehouse NOLF, FL; Docket No. 99-ASO-27 [1-26/1-27]" (RIN2120-AA66) (2000-0014), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

- Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. Abraham, and Ms. Snowe):

S. 2018. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program; to the Committee on Finance.

By Mr. KYL:

S. 2019. A bill for the relief of Malia Miller; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. Lott):

S. 2020. A bill to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. Leahy, Mr. Cochran, Mr. Jeffords, Mr. Helms, Mr. Durbin, Mr. Lugar, Mr. Edwards, Mr. Voinovich, Mr. McCain, and Mrs. Feinstein):

S. 2021. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ASHCROFT (for himself, Mr. Bond, Mr. Fitzgerald, and Mr. Durbin):

S. Res. 250. A resolution recognizing the outstanding achievement of the St. Louis Rams in winning Super Bowl XXXIV; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. Abraham, and Ms. Snowe):

S. 2018. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program; to the Committee on Finance.

THE AMERICAN HOSPITAL PRESERVATION ACT

Mrs. HUTCHISON. Mr. President, I rise today to introduce, along with my distinguished colleague from Michigan, Mr. Abraham, the American Hospital Preservation Act.

This legislation builds upon legislation we introduced last year to preserve the ability of American hospitals to continue to provide the highest level of health care to be found anywhere in the world. The bill will fully restore scheduled cuts in annual inflation adjustments for in-patient services given to hospitals under the Medicare program.

Mr. President, last year Congress passed legislation restoring almost $17 billion over five years in scheduled cuts and reductions in increases in provider reimbursement payments for various Medicare services. While some of these cuts were mandated by the 1997 Balanced Budget Act, or "BBA," which laid the historic foundation for the balanced federal budget we enjoy today, many more of the cuts and the dramatic impact of some of the cuts came as a direct result of policies and practices of the Health Care Financing Administration. All told, Medicare providers faced an estimated $200 billion in reduced payments over the next five years, far in excess of the 1997 estimate of $116 billion in savings. On top of this, in 1999 the Clinton Administration proposed an additional $9 billion in cuts from the Medicare program, on top of the BBA savings.

All of this began to spell disaster for American hospitals, the backbone of our nation's health care delivery system and those health care providers most heavily dependent on, and sensitive to, the Medicare system. Last year, I and many of my colleagues in Congress began to hear from hospital administrators, trustees, and health professionals that they were struggling to maintain their quality and variety of health services in the face of mounting budgetary pressures. With the HCFA-imposed cuts they were seeing, many well-reputed and efficiently run hospitals even began for the first time to run deficits and to project closure in the next few years.

For many of these hospitals, particularly those in the rural areas of our nation, to close would mean not only the loss of life-saving medical services to the residents of the area, but also the loss of one of the core components of the local community. Jobs would be lost, businesses would wither, and the sense of community and stability that a local hospital brings would suffer.

The Balanced Budget Refinement Act Congress passed last year made the situation a little brighter for a number of these struggling hospitals. It eases the transition from cost-based reimbursement to prospective payment for hospital outpatient services, it restores some of the cuts to disproportionate share ("DiSh") payments, and it provides targeted relief for teaching hospitals and cancer and rehabilitation hospitals.

I was particularly pleased that the bill contained a portion of the legislation I introduced last year, an expanded version of which I am introducing today. While my bill proposed restoring in-patient inflation adjustments for all hospitals, the final legislative package included such relief only for fiscal year 2000 and only for designated "sole community provider" hospitals. While this was a step in the right direction, more must be done not only to ensure survival among our nation's hospitals, but also to ensure that they continue to be able to provide the highest level and quality of care that they can to their patients.

Hospitals continue to struggle to meet the continued rise in personnel costs, prescription drugs, and blood supplies, just to name a few areas. And this is coming at a time when hospitals are being doubly squeezed by the pressures of flat or reduced government health care reimbursement rates and the rapid growth of cost-conscious managed care private insurance.

The bill we are introducing today will make sure that hospitals are able to adjust to these changes by ensuring that their Medicare payments for their in-patient services actually keep up with the rate of hospital inflation. It will restore the full 1.1 percent in scheduled reductions from the annual inflation updates for in-patient services called for by the BBA. Moreover, rather than just applying to a small group of hospitals, this legislation would benefit every hospital in America, providing an estimated $6.9 billion in additional Medicare payments over the next five years.

Mr. President, I realize that this bill will require some budgetary offset, and that the overall goal of maintaining a solvent and strong Medicare system for our nation's seniors is and will remain the overriding goal. I look forward to working with my colleagues on both sides of the aisle to ensure that this bill meets that objective and fits within our overall budget constraints.

But I believe that, as we enter a new millennium and a new era of medical breakthroughs the likes of which we can only now dream about, we simply must continue to invest in the core infrastructure of our nation's health delivery system—our hospitals. Doing so will ensure the future health and longevity of all Americans. This bill will take a significant step in that direction, and I urge my colleagues to cosponsor and support it.

By Mr. BROWNBACK (for himself, Mr. Leahy, Mr. Cochran, Mr. Jeffords, Mr. Helms, Mr. Durbin, Mr. Lugar, Mr. Edwards, Mr. Voinovich, Mr. McCain, and Mrs. Feinstein):

S. 2021. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991; to the Committee on the Judiciary.

HIGH SCHOOL AND COLLEGE GAMBLING PROHIBITION ACT

Mr. BROWNBACK. Mr. President, today I introduce a bill along with Senators Leahy, Cochran, Jeffords, Helms, Durbin, Lugar, Edwards, Voinovich, McCain, and Feinstein, which seeks to protect the integrity of high school and college sports and reduce the unseemly influences that gambling has on our student athletes.

I think you can tell by the coalition of people putting in this bill we are introducing today that this is a bipartisan issue that crosses virtually all ideological lines but is deeply concerned about the integrity of intercollegiate athletics and amateur sports. What we are seeking to do by this bill is to make it clear that it is illegal to wager on intercollegiate athletics, to wager on the Olympics.

The High School and College Gambling Prohibition Act is in direct response to recommendations made by the National Gambling Impact Study Commission (NGISC), which last year concluded a 2-year study on the impact of legalized gambling on our country.

The recommendation called for a ban on all legalized gambling on amateur sports and is supported by the National Collegiate Athletic Association (NCAA), which represents more than 1,000 colleges and universities nationwide. This bipartisan bill will prohibit all legalized gambling on high school and college sports, as well as the Summer and Winter Olympic Games.

Gambling on college games and student athletes is not only inappropriate, it can be disastrous. There have been more point-shaving scandals on our colleges and universities in the 1990's than in every other decade before it combined.

There have been 10 such cases in the 1990s. Those are the ones who were caught. How many went on that we don't know about? These scandals are a result of an increasing amount of gambling that is taking place on amateur sports. We now have annually around $1 billion a year bet legally on amateur athletic games. That may sound like a lot, and it is. It is a lot to influence those games, but for the overall gambling industry it is a small percentage. It is less than a half of 1 percent. So to the industry that is small. To amateur athletics it is big, and it is leading to a burgeoning problem that we are having of point shaving cases amongst college athletics.

The scandal also points to another problem, and this gambling increase actually points to another problem.

A recent Gallup poll found that betting on college sports was twice as prevalent among teenagers (18%) as adults (9%). The American Academy of Pediatrics estimates that there are more than a million compulsive teenage gamblers, whose first experience with gambling is on sports. The National Gambling Impact Study Commission warned that sports gambling "can serve as gateway behavior for adolescent gamblers, and can devastate individuals and careers."

Critics have claimed this is a State issue, not a Federal one. Certainly, I am listening to that debate and am a person who is a strong supporter of States rights and believe strongly in devolution of authority from the Federal Government to the State government. But this argument just doesn't hold water.

Congress already determined that it is a federal issue with the passage of Professional and Amateur Sports Protection Act (PASPA) in 1992. In addition, while Nevada is the only state where legal gambling on collegiate and Olympic sporting events occurs, Nevada's gaming regulations prohibit gambling on any of Nevada's own teams because of the potential to jeopardize the integrity of those sporting events.

Let me give you the truth of the situation. You can go to Nevada and you cannot bet on UNLV in the basketball game. But you can bet on the University of Kansas basketball team and game. The reason the Nevada Legislature, I understand, took issue with betting on Nevada teams is by saying, well, it creates an unseemly situation and the potential for abuse. If the potential is there in Nevada, it is there across the rest of the country. That is what the NCAA is citing, and that is why this is their top legislative issue. They are saying this is important because it is starting to influence more and more sporting events and that we are afraid that may happen in the future.

The NCAA used to be headquartered in Kansas. Until recently, it was headquartered in my State.

We all consider ourselves to be advocates of state's rights, but in our eyes that means a state's authority to determine how best to govern within that state's own boundaries—not the authority to set laws that allow a state to impose its policies on every other state while exempting itself. Gambling on college sports, both legal and illegal, threatens the integrity of the game—and that threat extends beyond any one state's border.

This legislation will have minimal economic impact on the Nevada casino industry. The NCAA has reported that sports betting makes up less than 1% of the total revenue by casinos in Las Vegas. The National Gambling Impact Study Commission Report recognized that sports wagering does not "contribute to local economies or produce many jobs or create other economic sectors."

This is not an economic issue. It is not even a gambling issue. This is about the integrity of amateur athletics. It is about the integrity of the Olympics and whether or not there are going to continue to be more and more of these point-shaving cases involved because of the amount of money involved in the gambling and the ability to impact some of the athletes who are involved.

I want to make one other point too; that is, we are not talking about office pools or "March Madness" and people having an office pool that looks at the NCAA Final Four. Those activities we are not talking about at all. They go on. But we are not addressing that issue in this bill. What we are talking about is the legalized sports betting that takes place in casinos in Nevada and how those large-scale bets impact on intercollegiate athletics across this country.

Senator LEAHY was on the floor earlier. And I, along with Senator DURBIN and TIM ROEMER from the House of Representatives had a press conference earlier today with the NCAA. At that press conference, we had the gentleman who orchestrated the northwest football point-shaving scheme problem that they had during the decade of the 1990s. He said if it wasn't for the ability to place the $20,000 legal bet in Nevada, he wouldn't have had the system in place to be able to organize and put the money out there to organize this scheme. He had a powerful statement of his personal contrition and how he feels about having been a part of that. He blames only himself. But he said the system was there—and the temptation clearly is. We are trying to move collegiate athletics into a legal area.

This nation's college and university system is one of our greatest assets. We offer the world the model for post-secondary education. Gambling on the outcome of college sporting events tarnishes the integrity of sports and diminishes respect and regard for our colleges and universities. This bill removes the ambiguity that surrounds gambling on college sports. It sends the clear and unmistakable message that it is illegal. We should not gamble with the integrity of our colleges, or the future of our college athletes. Our young athletes deserve legal protection from the seedy influences of the gambling industry, and fans deserve to know that athletic competitions are honest and fair. This legislation ensures that it will be so. I welcome your support.

I welcome anybody in this body and the House of Representatives to support us in this effort. It is important. I fear if we don't pass something like this, you are going to see more and more of these point-shaving scandals come about, as you see more and more athletes having the pressure they are facing with the potential for dollars occurring.

In the decade of the 1990s—I want to repeat this one fact because I think it is so important—there were 10 illegal point-shaving cases the NCAA caught and prosecuted. Those were the ones caught. During the decade of the 1980s, there were two; in the 1970s, one; and in the prior fifties and forties, one each. So we had won, one, two in the 1980s, and then 10 in the 1990s that we know about. How many more were there? Or worse still, how many more will there be in this decade of 2000 to 2010? Let's stop that. Let's send that clear message, that signal. Let's help our student athletes. Let's protect the integrity of the sport.

I introduce this bill, and I welcome any cosponsors.

Mr. LEAHY. Mr. President, I am pleased to join the senior senator from Kansas today to introduce legislation to ban all betting on college and high school sporting events, the High School and College Sports Gambling Prohibition Act. The recent report of the National Gambling Impact Study Commission recommended this ban and the National Collegiate Athletic Association (NCAA) strongly supports it to protect the integrity of college sports across the nation. I look forward to working with the Chairman of the Senate Judiciary Committee to pass our bipartisan legislation this year.

Our bipartisan bill would close a loophole in the Professional and Amateur Sports Protection Act of 1992. That law prohibits most sports betting on amateur events but continued to grandfather some sports gambling activity that our bill would now prohibit in light of the recent recommendations of the National Gambling Impact Study Commission.

I believe our legislation is needed to ensure the integrity of college sports across the country. Sports betting puts student athletes in vulnerable positions and threatens their integrity and the integrity of college and Olympic sports. It can devastate individuals and careers. In the past decade, college sports has suffered too many gambling scandals involving student athletes. For example, four football players at Northwestern University pled guilty to perjury charges related to gambling on their own games and, one player admitted to intentionally fumbling near the goal line in a 1994 game against Iowa. Just last year, a California State University at Fullerton student was charged with point shaving after allegedly offering $1,000 to a player on the school's basketball team to shave points in a game against the University of the Pacific. Other sports gambling scandals have rocked the football programs at Boston College and the University of Maryland, and the basketball programs at Arizona State University and Bryant College, in the 1990s.

Legal college sports betting undermines college sports across the country and encourages gamblers to tempt college students into gambling problems and point-shaving schemes. A national ban on college and high school sports betting will send a strong message to students that sports gambling and point shaving schemes will not be tolerated in this country, and it will help prevent these ravages.

In addition, the National Gambling Impact Study Commission found in its June 1999 report that sports wagering has serious social costs. Indeed, the Commission reported: "Sports wagering threatens the integrity of sports, it puts student athletes in a vulnerable position, it can serve as gateway behavior for adolescent gamblers, and it can devastate individuals and careers." A national ban on amateur and college sports betting may help prevent these ravages of sports wagering.

The Commission concluded that legal sports betting spurs illegal gambling, finding "legal sports wagering—especially the publication in the media of Las Vegas and offshore-generated point spreads—fuels a much larger amount of illegal sports wagering." Many newspapers publish point spreads on college games because wagers can be legally placed on college sporting events given the loophole in current law. Point spreads do not contribute to the popularity of sport; they only contribute to the popularity of sports gambling.

As a result of all of these findings, the Commission recommended that "the betting on collegiate and amateur athletic events that is currently legal be banned altogether." I wholeheartedly agree. Closing this loophole is one of the Commission's clearest recommendations, and it is also a step that can find a clear consensus in Congress.

In addition, our legislation outlaws betting on competitive games at the Summer or Winter Olympics. The Olympic tradition honors sport at its purest level. We, in turn, should honor that proud tradition by cherishing the integrity of the Olympics and prohibiting gambling schemes on the Summer or Winter Games. There have been enough stories about corruption in connection with bidding on venues for Olympic Games. We do not need a scandal having to do with gamblers seeking to influence the outcome of Olympic events. If we act soon, we have the opportunity to put this into place before the next Olympic games.

During my time in the Senate, I have always tried to protect the rights of Vermont state and local legislators to craft their laws free from interference from Washington. As a defender of states' rights, I carefully considered the imposition of a total Federal ban on high school and college sports. After careful thought I have come to the conclusion that this ban is appropriate. Congress has already established a national policy against high school and college sports betting with passage of the Professional and Amateur Sports Protection Act of 1992. Our bill closes a loophole in that law.

I want to make it clear that gambling on professional sports is also a serious matter, worthy of national attention. Congress recognized this fact explicitly when it passed the Professional and Amateur Sports Protection Act of 1992 to arrest the growth of state sponsored sports gambling. By focusing our legislation today on amateur sports gambling, we take a first step toward resolving a fundamental problem. In hearings before the Senate Judiciary Committee, I am confident that the companion subject of gambling on professional sports will be addressed.

Mr. President, our bipartisan bill is supported by a broad coalition of organizations dedicated to excellence in education and athletics.

Mr. President, I urge my colleagues to support the High School and College Sports Gambling Prohibition Act and I urge its swift passage into law.

I ask unanimous consent that a letter endorsing our legislation from more than 25 of these organizations be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 1, 2000.

Hon. SAM BROWNBACK,
Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS BROWNBACK AND LEAHY: The undersigned wish to express their full endorsement for the legislation you have introduced to eliminate all exceptions for legalized betting on high-school, college and Olympic sports. We urge the U.S. Senate to pass this bill that will send a clear, no-nonsense message that it is wrong to gamble on college students.

The proposed legislation is especially important to our community because it will:

Eliminate the use of Nevada sports books for gain in point shaving scandals.

Eliminate the legitimacy of publishing point spreads and advertising for sports tout services.

"Re-sensitize" young people and the general public to the illegal nature of gambling on collegiate sports.

Reduce the numbers of people who are introduced to sports gambling.

Eliminate conflicting messages as we combat illegal sports wagering that say it is okay to wager on college some places but not in others.

We stand ready to provide support as this bill progresses through the legislative process.

The National Collegiate Athletic Association; The American Council on Education; National Association of Independent Colleges and Universities; American Association of State Colleges and Universities; Conference Commissioners Association; National Association of Collegiate Directors of Athletics; National Association of Collegiate Women Athletics Administrators; American Football Coaches Association; National Association of Basketball Coaches; American Federation of Teachers; U.S. Olympic Committee; National Federal of State High School Associations; American Association of Universities; Divisions I, II and III Student Athlete Advisory Councils; The National Football Foundation and College Hall of Fame.

The Atlanta Tipoff Club Naismith Awards; The American Association of Collegiate Registrars and Admissions Officers; College Golf Foundation; College Gymnastics Association; USA Volleyball; National Field Hockey

Coaches Association; USA Track and Field; Team Handball; National Soccer Coaches Association of America; American Volleyball Coaches Association; American Association of Community Colleges; Golf Coaches Association of America.

ADDITIONAL COSPONSORS

S. 285

At the request of Mr. McCAIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. SMITH of Oregon) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 344

At the request of Mr. BOND, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 708

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1007

At the request of Mr. JEFFORDS, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from Indiana (Mr. LUGAR), the Senator from New York (Mr. MOYNIHAN), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1396

At the request of Mr. FITZGERALD, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1396, a bill to amend section 4532 of title 10, United States Code, to provide for the coverage and treatment of overhead costs of United States factories and arsenals when not making supplies for the Army, and for other purposes.

S. 1413

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1413, a bill to amend the Internal Revenue Code of 1986 to increase the deduction from the estate tax for family-owned business interest.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Mr. GRAMS), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1653

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1653, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1716

At the request of Mr. TORRICELLI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1716, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

S. 1822

At the request of Mr. McCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1874

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. EDWARDS), the Senator from Virginia (Mr. ROBB), the Senator from Connecticut (Mr. DODD), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the names of the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. SARBANES), the Senator from Illinois (Mr. DURBIN), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 1984

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. HAGEL), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 1984, a bill to establish in the Antitrust Division of the Department of Justice a position with responsibility for agricultural antitrust matters.

S. 1995

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1995, a bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program.

S. 2003

At the request of Mr. JOHNSON, the names of the Senator from Kentucky (Mr. BUNNING), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2004, a bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Georgia (Mr. COVERDELL), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S.J. RES. 30

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Virginia (Mr. ROBB), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

S. RES. 247

At the request of Mr. CAMPBELL, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

SENATE RESOLUTION 250—RECOGNIZING THE OUTSTANDING ACHIEVEMENT OF THE ST. LOUIS RAMS IN WINNING SUPER BOWL XXXIV

Mr. ASHCROFT (for himself, Mr. BOND, Mr. FITZGERALD, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 250

Whereas, in 1995 the Los Angeles Rams relocated to St. Louis, Missouri and became the St. Louis Rams;

Whereas, the arrival of the St. Louis Rams ushered in a new era of unity in the St. Louis community fortified by the enthusiasm and energy of the St. Louis Rams' fans and the spirit and drive of the St. Louis Rams organization;

Whereas, the St. Louis Rams' fans have incorporated the unifying spirit of the Rams into the community, making the St. Louis area an even better place to live and work;

Whereas, the members of the St. Louis Rams' team, including Kurt Warner, Marshall Faulk, and Isaac Bruce, exemplify the character, sportsmanship, and integrity—both on and off the field—to which all Americans can aspire;

Whereas, the St. Louis Rams' rallying cry, "Gotta Go To Work," embodies the great American work ethic, and symbolizes the perseverance, dedication, talent and motivation of the St. Louis Rams football team and the St. Louis community;

Whereas, in the 1999–2000 season, the St. Louis Rams committed themselves to the motto, "Gotta Go To Work," and achieved record accomplishments:

The Rams won the NFC West divisional title with a 13–3 record;

The Rams posted an undefeated record at home, winning all ten games in the Trans World Dome, the longest home winning streak for the Rams since 1978;

Rams' quarterback Kurt Warner enjoyed one of the best seasons by a quarterback in NFL history, becoming only the second player to throw 40 or more touchdown passes in a season (41), recording the fifth-best passer rating in league history, completing a league-best 65 percent of his passes, modeling consistency with ten 300-yard games, and setting a new Super Bowl record of 414 passing yards;

The Rams' offense produced 526 points, the third-highest single regular season total;

Rams' quarterback Kurt Warner was named the Miller Lite NFL Player of the Year, donating the $30,000 award to Camp Barnabas, a Missouri-based Christian summer camp for disabled children, and became only the sixth player to capture both the National Football League's Most Valuable Player and the Super Bowl Most Valuable Player in the same season;

Rams' running back Marshall Faulk, in the regular season, set an all-time record for yards from scrimmage with 2,429, became the second player in NFL history with 1,000 yards rushing and receiving in the same season, had the highest average yards per rush in the league and caught 87 passes, the fourth highest in the NFC;

Rams' wide receiver Isaac Bruce caught 77 passes for 1,165 yards and 12 touchdowns in the regular season and led the Rams in Super Bowl XXXIV with six receptions for 162 yards, including the winning 73-yard touchdown in the fourth quarter;

Rams' left corner back Todd Lyght led the Rams with a regular season career-high six interceptions, including one touchdown, and has started in 97 straight games, the longest current streak with the team;

Rams' linebacker Mike Jones had four interceptions in the regular season, two of which he returned for touchdowns, and had the game winning tackle on the last play of Super Bowl XXXIV;

Rams' wide receiver Torry Holt set a Super Bowl rookie record with seven catches for 109 yards in Super Bowl XXXIV, including a nine-yard touchdown pass in the third quarter.

Whereas, the St. Louis Rams Head Coach Dick Vermeil was named NFL's coach of the year, and is the oldest coach to win a Super Bowl;

Whereas, the St. Louis Rams lead the league with 6 players chosen to start in the 2000 Pro Bowl; and,

Whereas, the St. Louis Rams won Super Bowl XXXIV, defeating the valiant Tennessee Titans 23–16 in the most exciting finish in Super Bowl history. Now, therefore, be it

Resolved, That the Senate

(1) commends the unity, loyalty, community spirit, and enthusiasm of the St. Louis Rams fans;

(2) applauds the St. Louis Rams for their commitment to high standards of character, perseverance, professionalism, excellence, sportsmanship and teamwork;

(3) praises the St. Louis Rams' players and organization for their commitment to the Greater St. Louis, MO community through their many charitable activities;

(4) congratulates both the St. Louis Rams and Tennessee Titans for providing football fans with a thrilling Super Bowl played in a sportsmanlike manner;

(5) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the St. Louis Rams win Super Bowl XXXIV;

(6) commends the St. Louis Rams for their victory in Super Bowl XXXIV on January 30 2000; and

(7) directs the Secretary of the Senate to make available enrolled copies of this resolution to the St. Louis Rams' owners, Georgia Frontiere and Stan Kroenke, and to the St. Louis Rams' Head Coach, Dick Vermeil.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, February 22, 2000 at 3:00 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1722, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State, and for other purposes; and it's companion bill H.R. 3063, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; and S. 1950, a bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on Agriculture, Nutrition, and Forestry be authorized to meet during The session of The Senate on Tuesday, February 1, 2000 at 9:00 a.m., in SR–322, to conduct a full committee hearing to review The authority of The Grain Inspection, Packers and Stockyards Administration (GIPSA).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on Banking, Housing, and Urban Affairs be authorized to meet during The session of The Senate on Tuesday, February 1, 2000, to conduct a markup on The renomination of Alan Greenspan to be Chairman of The Board of Governors of The Federal Reserve System, and concurrently a hearing on "Loan Guarantees and Rural Television Service".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Medical Errors: Understanding Adverse Drug Events" during The session of The Senate on Tuesday, February 1, 2000, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered. Subcommittee on Technology, Terrorism and Government Information

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on The Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Tuesday, February 1, 2000, at 10:00 a.m, in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that intern Livia Vedrasco be allowed privilege of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RETIREMENT OF ELMER GATES

• Mr. SANTORUM. Mr. President, I rise today to recognize Elmer Gates as he retires from the Fuller Company of Bethlehem, Pennsylvania, where he served as Chairman, President, and CEO. Mr. Gates joined the Fuller Company as President and Chief Operating Officer in 1982 after a thirty-one year career with General Electric. His mission was to restore Fuller Company to sustained profitability, and under his leadership Fuller not only accomplished this goal but became a world leader in the cement industry. During his tenure at Fuller, Elmer Gates combined his spirit of entrepreneurship with the discipline essential for long term business success.

Throughout his distinguished career, Elmer Gates operated under a business philosophy that put a strong emphasis on the customer while maintaining a high level of quality. He firmly believes that community involvement is crucial for businesses, and that a business leader's first responsibility to the community is to run a profitable business so that good jobs are available, which in turn will improve the community.

Mr. Gates' career has been a model for aspiring community servants to follow. He currently serves as Director of PP&L Resources, chairs their Finance Committee, and serves on their Corporate Governance Committee. He also chairs the Boards of the Lehigh Valley Economic Development Corporation and SI Handling Systems, Inc., and was the Founding Director of Ambassador Bank of the Commonwealth. In addition, Mr. Gates was a member of the U.S. Export-Import Bank Advisory Committee, and was appointed by the State legislature and the Governor to the IMPACT Commission and follow-up PRIME Council, to study and make recommendations for ways to reduce the cost of government while improving service levels. These are but a few of the countless contributions Elmer Gates has made, which have served not only his immediate community, but also his State and Country.

Over his remarkable career, Elmer Gates has received numerous awards for his contributions, including the Distinguished Citizen Award from the Minsi Trail Council of Boy Scouts of America, Americanism Awards from B'nai B'rith and the U.S. Marine Corps League, and the Distinguished Community Leadership Award from the Bethlehem Chamber of Commerce. I would like to join these organizations in recognizing the tremendous contributions of Elmer Gates, and wish him continued success in all of his future endeavors.•

IN CELEBRATION OF JACK McKEON DAY IN SOUTH AMBOY

• Mr. TORRICELLI. Mr. President, I rise today in behalf of Jack McKeon, a South Amboy native, who led the Cincinnati Reds to within one game of the 1999 National League Playoffs. It is a pleasure for me to be able to recognize his accomplishments.

During his 50 years in Major League Baseball, Jack McKeon has been honored as both "National League Manager of the Year" and as "Major League Manager of the Year." In his 26 years of major league managing he has won nearly 700 games with the Kansas City Royals, Oakland Athletics, San Diego Padres, and Cincinnati Reds. In addition, Jack McKeon has also served as General Manager, receiving the "General Manager of the Year" award.

Before Jack began his distinguished career, he had already made an impact in New Jersey. As a member of the McKeon Boys Club, Jack played his first organized baseball and went on to become an all-county catcher as a student at St. Mary's High School.

Jack's playing career spanned 10 years in the minor leagues. During that time he discovered his natural ability to lead. His first pro coaching assignment came at the young age of 24, in which he led his club to a 70-67 record. His later success as a rookie manager of the Kansas City Royals in 1973 brought the foundering team new respect in the American League with a 2nd place finish. His later managerial and executive positions led to greater renown as he approached the 1999 season. The strong finish of the Cincinnati Reds earned Jack the respect of his peers and the national press which named him Manager or the Year.

So it gives me great pleasure to recognize a leader of great stature in New Jersey. His tremendous accomplishments in baseball, as a player, manager, and executive have made a significant contribution to the national pastime. I am pleased that one of New Jersey's native sons is now being honored, and I hope my colleagues join me in congratulating Jack on his success.•

ON PASSING OF GEORGE ORESTIS

• Ms. SNOWE. Mr. President, I rise to pay tribute to a remarkable man and cherished member of the community of Lewiston-Auburn, Maine who sadly passed away in December at the age of 86.

When I learned of the passing of George Orestis, I was stricken by the news. George was quite honestly one of the finest people I have ever had the privilege to know—a remarkable man and true gentleman who cared deeply about the community he loved, and was a devoted leader of my church, Holy Trinity Greek Orthodox Church of Lewiston, Maine. He was one of those rare individuals who could make you feel a better person just for having met him. Indeed, by always seeing the best in people, he helped others to see the best in themselves—and his compassion for humankind has left an indelible mark on all those whose hearts he touched.

My memories of George go back to my earliest days, and they are fond ones. He was a wonderful and dear friend, whose generous spirit I will feel fortunate to carry with me throughout my days. His loss is especially difficult for all of us in Maine's Greek-American community—his kindness and spirituality formed the heart and soul of our Church, and his devotion was the bedrock upon which Holy Trinity Church was quite literally built.

As the Church's chanter for over two decades, he expressed his faith with soaring eloquence and brought us all closer to God. His words reached out to us in a warm embrace, comforting us in our darkest days. George was always there for us, and today we know that he is now in the company of angels, dwelling forever in the glow of God's eternal love.

George Bernard Shaw once said, "Life is no brief candle to me—it is like a splendid torch which I have hold of for the moment, and I want it to burn as brightly as possible before handing it over to the next generation." For 86 years, George Orestis shined as brightly as any mortal being could, and his is a light that will never be diminished for any of us who knew and loved him. In particular, I know what a special and loving relationship he and his wife Toni shared. My thoughts and prayers continue to be with Toni and her entire family—my love is with them always.

With his values and beliefs—in the way he conducted his life—George was as close to God as one could ever hope to be. We will miss you, George, more than words have the power to convey. We were so very grateful to have you in our lives—now, you belong to God.

Mr. President, I request that the following article from the Lewiston Sun Journal regarding the life of George Orestis be printed in the RECORD.

The article follows:

[From the Lewiston Sun Journal, Dec. 14, 1999]

LEADER OF THE BANK—FRIENDS RECALL GEORGE ORESTIS AS 'A BACKBONE'

(By Michael Gordon)

AUBURN—George Orestis had a politician's love for the microphone—but he spoke much better.

William Hathaway acknowledges it. He remembers the night three decades ago that Orestis outshined both him and Sen. Edward "Ted" Kennedy at the dais.

Hathaway had recently been elected to the U.S. House, and he brought the Democratic senator from Massachusetts to Lewiston for a fund-raiser to pay off some campaign debts. Orestis was Hathaway's campaign treasurer.

All three men addressed the audience, and "George made a better speech than both of us," Hathaway said Monday.

Orestis was a natural in front of an audience, smooth, charming, a skill he'd honed in the 1930s as the leader of Rudy Vallee's band, the Fenton Brothers Orchestra.

He loved to entertain. Just as much, Orestis loved to stand up and tell people's stories, to celebrate their accomplishments, to sing their praises.

"He remembered everything about you," said George Simones, a lifelong friend.

On Monday, it was Simones, Hathaway and others who were doing the talking, the remembering, about a good man and a good friend.

On Sunday, 10 days after his 86th birthday, Orestis died at Central Maine Medical Center in Lewiston. His funeral will be at 11 a.m. Wednesday at the Greek Orthodox Church of the Holy Trinity on Hogan Road in Lewiston; The Most Rev. Metropolitan Mothodies of Boston will preside.

A son of Greek immigrants, Orestis took great pride in his heritage and was "a backbone" of the local church, said its priest, Harry Politis. Orestis led the fund drive to build the church, and was its chanter for 27 years.

"He was a great singer, even when he was losing his hearing. He never missed a note," said George Simones, Jr., who sang in the choir Orestis directed.

His service to the Orthodox church had no bounds. He served on the executive councils of both the National Archdiocese and the New England Archdiocese. Twice he was awarded the Cross of St. Andrew.

The poor and handicapped knew his kindness. Orestis established the area's first Good Will store. As a Kiwanian, he led the organization's effort to help the mentally retarded.

"George had a great respect for every human being," Politis said. "He was able to confront every situation. He had a very realistic point of view."

"Whatever life dealt, he would say those are the circumstances," said Orestis' nephew, George. He was named for his uncle.

"That's kind of a Greek expression," he said. "When things are not going so well, you sort of say, 'Well, circumstances.' and get on with it."

"He'd break into song, he'd tell jokes; he was very personable. I think what was responsible for all the affection others had for him was he was so approachable," his nephew said.

Born in Nashua, N.H., Orestis grew up in Lewiston and went to school there.

Simones remembers him as a leader even then among the boys of the Greek neighborhood.

Orestis attended Bates College, and studied composing, conducting and arranging with Rupert Neily of Portland. In 1929, he landed the job leading the Fenton Brothers Orchestra. It turned into a 12-year gig. At one point, Simones said, the band made the top 10 in the "Lucky Strike Parade."

When America went to war, Orestis joined the U.S. Army. Commissioned as a second lieutenant, he was assigned to the medical corps.

When the fighting was over, he came home, not to the sound of waltzes but of washing machines. He ran the family's laundry business, American Linen, from 1947 to 1961.

When I think of my uncle, I think of the four brothers in the laundry, how a small immigrant family took a business and made it a big success. That's the sort of thing Uncle George would do," his nephew said. He said the family sold the company in the mid-1960s.

In 1962, Orestis married Antoinette "Toni" Marois. They later became the owners of her family's restaurant on Lisbon Street.

On Monday night, Simmons held a Christmas party there for his own employees. He wanted to reschedule, out of respect for the Orestis family, but he said Toni Orestis insisted it be held.

"She said, 'George would always say, the show must go on.' And she's right," he said.

Now living in McLean, Va., Hathaway was a lawyer in Lewiston when he met Orestis around 1953. Hathaway lived on Webster Avenue and sent his laundry to American Linen. He and Orestis would meet for lunch.

When the lawyer decided to run for Congress, Orestis offered his help.

"I don't think George was too much for politics," Simones recalled. Hathaway agreed. But he capitalized on his friend's skill as an orator. He said Orestis could give a five-minute impromptu speech better than most people who prepared one. Orestis later used that talent in helping his nephew, John, get elected as the mayor of Lewiston.

In 1975, Gov. James Longley, also a Lewiston native, appointed George Orestis as the first director of the Maine State Lottery. He served for four years.

Orestis never liked gambling, Simones noted. Smiling, he said his friend "always wanted the sure thing."

To his many friends, Orestis was a sure thing.

"Anything you wanted, he was there," Simones said. "There isn't enough you could do for George. He's one in a million."●

ON THE SERVICE OF RED WOOD TO SULLIVAN'S ISLAND

● Mr. HOLLINGS. Mr. President, I rise today to recognize my friend William J. "Red" Wood who, since 1948, has been making Sullivan's Island, SC a better place to live and work. He came to the island, married, bought a home and raised six children, all the while giving back to a community that he deeply loves.

Red Wood's decades of service to Sullivan's Island make him one of the town's most valuable resources. It is only fitting that the Moultrie News recently recognized his achievements. Red has never hesitated to get involved. He joined the volunteer fire department during his early years on the island and helped to organize the Island Club, which sponsored the local Boy Scout troop. Red also helped start the island's Little League program and served on the township's recreation committee.

He has served on the town council for five terms and, during his first term, held the building inspector's post. In that capacity, he worked on several significant projects including East Cooper Hospital and the first hotel built in Mount Pleasant, SC. He believes his greatest civic achievement, however, is having a hand in incorporating Sullivan's Island.

Red worked for over 30 years in the engineering department of the Charleston Naval Shipyard and has devoted his time to numerous commitments on Sullivan's Island, his wife Monica and their children.

My wife, Peatsy, and I salute all of Red's accomplishments and his continuing service to Sullivan's Island. We wish him many peaceful days of fishing and shrimping. He certainly deserves them.●

IN RECOGNITION OF CULLMAN COUNTY

● Mr. SHELBY. Mr. President, I rise today to recognize the work of the Cullman County Commission in Cullman County, Alabama, for its positive work in the community. I specifically want to pay tribute to Mr. George Spear, the Commission Chairman, as an individual who exemplifies the positive impact a public official can have on a community. Through his direct efforts, Mr. Spear has established the Cullman 2000 Committee, a year-long celebration bringing together both young and old in the area to honor the county's unique heritage and shared future.

Founded in 1873 by Col. John G. Cullmann, the county's roots are firmly entrenched in Alabama history. Cullman County is well known for its industry, modern health care, and agriculture production, which ranks at the top of the state. The many events planned throughout the year are designed to celebrate the county's history and successes and to give residents a sense of pride in their community and the common bond they share as members of the county. It will give all residents of Cullman County a sense of their place in county history.

I commend the Cullman County Commission and particularly Mr. Spear for his hard work and sense of civic pride. Without the efforts of the Commission, the Cullman 2000 Committee would not have been possible. As Cullman County looks toward the future, it is reassuring to know that the leaders of the county are keeping in mind the importance of the county's colorful past.●

APPOINTMENT OF ENVIRONMENTAL REPRESENTATIVES TO INDUSTRY SECTOR ADVISORY COMMITTEES

● Mr. BAUCUS. Mr. President, I rise today to express my deep disappointment at the administration's decision to appeal the Federal District Court decision that requires the appointment of environmental representatives to the advisory committees, the ISACs, that advise the Commerce Department and USTR on trade policy with respect to forest products.

At the recent WTO meeting in Seattle, President Clinton reminded all of us of the importance of making the trade policy process more open and transparent. I share the view that incorporating environmental and labor concerns into our trade policy is a necessary element in ensuring confidence in the global trading system. The need for openness and transparency is not only for international negotiations and dispute resolution, but also for the establishment of trade policy here at home. Indeed, the Clinton administration has been the principal advocate of this.

It is, therefore, surprising and disappointing that the administration seems reluctant to bring more openness and transparency into its own trade policy advisory committees. Specifically, in the case of the administration's proposals to reduce or eliminate tariffs on forest products (a goal that I share), environmental groups have raised legitimate issues about the impact on conservation. This should be part of our domestic debate.

I understand that enhancing the role of environmental and other groups in this advisory process raises some concerns at USTR and the Commerce Department. We don't want to make the process inefficient, and we must continue to protect confidential information. But, to my mind, we can increase openness and transparency without compromising efficiency or confidentiality.

I call on the administration to reconsider its policy and take the necessary measures to incorporate fully those who are trying to express legitimate environmental concerns.

Finally, let me be clear. If the decision by the Western District of Washington is overturned on appeal, I will introduce legislation mandating the appointment of representatives of the environmental community to these two advisory committees.

At this critical time when concerns over globalization threaten the consensus for expanding global trade, we must increase public confidence in government. That means more openness and transparency, not less.●

RECOGNITION OF JOHN S. BROUSE

● Mr. SANTORUM. Mr. President, I rise today to recognize John S. Brouse, who will receive the American Heritage Award from the Anti-defamation League on Thursday, February 3. Mr. Brouse, President and CEO of Highmark, Inc. will be honored for his professional accomplishments, concern and commitment to his community.

As President and CEO of Highmark, Inc., John Brouse is responsible for the day-to-day business operations of a health insurance corporation that exceeds $7.5 billion in annual revenues and has more than 18 million customers nationwide. Mr. Brouse was the architect of Highmark's national business strategy for dental and vision programs, and has had a tremendous impact on the success of the corporation. Prior to becoming President of Highmark, Mr. Brouse served as Senior Vice President and Chief Operating Officer for Pennsylvania Blue Shield, where he was responsible for the administration and overall operations of the organization.

In addition to his successful career achievements, John Brouse has always maintained a commitment to serving his community. Mr. Brouse serves on the Board of Directors of the Blue Cross and Blue Shield Association, and is a member of the Association's Executive Committee. He is also on the Boards of Inter-County Health Plan, Inc. and Inter-County Hospitalization, Inc., and is a member of the Board and Executive Committee of Keystone Central. Mr. Brouse serves on numerous other business, civic and cultural boards including the Greater Pittsburgh Chamber of Commerce, the Western Pennsylvania Caring Foundation for Children, and the Advisory Committee for the Caring Place.

Over his remarkable career, John Brouse has shown in countless ways that he is deserving of the Anti-defamation League's American Heritage Award. His dedication and leadership have had an immeasurable impact on his community, from assuring quality health care coverage for millions of Americans to participating in local community organizations. I would like to join the Anti-defamation League in honoring John S. Brouse, a man who is truly deserving of recognition.•

KURT WARNER OF THE ST. LOUIS RAMS

• Mr. HARKIN. Mr. President, I rise to pay tribute to the two Iowans who led the St. Louis Rams to victory in Sunday's Super Bowl. Quarterback Kurt Warner, a native of Cedar Rapids, Iowa and Offensive Lineman Adam Timmerman, a native of Cherokee, Iowa. It is a bittersweet irony that a third Iowa native, injured Quarterback Trent Green, couldn't play this season and so Kurt Warner stepped in to the position.

Nobody—I mean nobody—could have predicted that Kurt Warner would be holding the Super Bowl trophy under the Georgia Dome last Sunday. Not Kurt Warner who was stocking the shelves of the Hy-Vee Market in Cedar Falls, Iowa a few years ago. Not Kurt Warner who was bypassed by the NFL draft out of college and went straight to the Iowa Barnstormers and then the Amsterdam Admirals. And certainly not the Kurt Warner who warmed the bench at the University of Northern Iowa.

This is a true American success story. An Iowa boy comes from the bench to Super Bowl 2000 where he sets a Super Bowl record for passing yards—414 yards in all, topping Joe Montana's 1989 Super Bowl record of 357 yards. It doesn't get much better than that!

And Kurt Warner had help from another Iowa boy, Adam Timmerman, the Rams offensive lineman, a native of Cherokee, Iowa. Timmerman and the Rams offensive line held the Titans to one sack in the entire game, allowing Warner time to complete the passes that won him his Super Bowl record.

You know, I am sure many of you have heard me talk about the ladder of opportunity, about leaving the ladder down so others can climb up. Well, Kurt Warner built his own ladder of opportunity, sticking with it at every turn, persevering against odds that would sink a weaker man. It is great to see him at the top.

Iowa is proud of its native sons and daughters. For the past several months, Iowa has been in the public eye because of the caucuses. And now that the Iowa caucuses are behind us, Iowans are proud to share the spotlight with homegrown heroes Kurt Warner and Adam Timmerman. I know we all wish Kurt and Adam good luck in this Sunday's Pro Bowl in Honolulu.•

ELIAN GONZALEZ

• Mr. LEVIN. Mr. President, there are few, if any, who haven't been moved by the triumphant story of Elian Gonzalez, a brave young boy found clinging to a raft on Thanksgiving Day. Elian endured a harrowing journey from Cuba to Florida, after his mother was lost at sea.

Now, Elian finds himself in the center of an international tug-of-war. Both sides are entrenched in an emotional debate, that centers more around the Castro regime than it does around the young boy.

No matter how hard it may be, for Elian's sake, politics must be taken out of the equation. The Immigration and Naturalization Service has made its ruling, that Elian father's has the authority to speak for his son. His father, Juan Gonzalez, has asked that applications for admission and asylum for Elian be withdrawn.

Congress should not ignore the bond between father and child, and the responsibility a father has for his son, regardless of where they reside.

People with a legal interest in the matter may test the INS order in Court. Congress should not undermine, the Court proceedings, and in the process, possibly trample on the family values we so often claim to honor.

Elian's extended relatives in Miami filed their lawsuit in federal court to block the child's return, and any action by Congress to bypass the Court on this matter is inappropriate. The Court will hopefully analyze the facts and decide Elian's future based on his interests, not heated debate or political rigidity. This is an issue that deserves an appropriate forum, one away from politics, where Elian's future can be based on the rules of law that this country has held out to the world.•

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through January 27, 2000. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2000 Concurrent Resolution on the Budget (H. Con. Res. 68). The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks.

The estimates show that current level spending is above the budget resolution by $10.3 billion in budget authority and below the budget resolution by $2.3 billion in outlays. Current level is $17.8 billion above the revenue floor in 2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $20.6 billion, which is $5.7 billion below the maximum deficit amount for 2000 of $26.3 billion.

Since my last report, dated September 28, 1999, the Congress has passed and the President has signed the following acts: Veterans, HUD and Independent Agencies Appropriations Act, 2000 (P.L. 106–74), Agriculture and Rural Development Appropriations Act, 2000 (P.L. 106–78), Defense Appropriations Act, 2000 (P.L. 106–79), Gramm-Leach-Bliley Act (P.L. 106–102), an Act Making Consolidated Appropriations for FY 2000 (P.L. 106–113), Veterans' Millennium Health Care and Benefits Act (P.L. 106–117), an act to convey property in Sisters, Oregon (P.L. 106–144), an act to require the Secretary of the Treasury to mint various commemorative coins (P.L. 106–126), Foster Care Independence Act of 1999 (P.L. 106–169), and Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106–170). These actions have changed the current level of budget authority, outlays, and revenues. This is my first report for the second session of the 106th Congress.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 28, 2000.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 2000 shows the effects of Congressional action on the 2000 budget and is current through January 27, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000. The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks. These revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last report, dated October 6, 1999, the Congress has passed, and the President has signed the following acts: Veterans, HUD and Independent Agencies Appropriations Act, 2000 (P.L. 106–74), Agriculture and Rural Development Appropriations Act, 2000 (P.L. 106–78), Defense Appropriations Act, 2000 (P.L. 106–79), Gramm-Leach-Bliley Act (P.L. 106-102), an Act Making Consolidated Appropriations for FY 2000 (P.L. 106–113), Veterans'

Millennium Health Care and Benefits Act (P.L. 106–117), an act to convey property in Sisters, Oregon (P.L. 106–144), an act to require the Secretary of the Treasury to mint various commemorative coins (P.L. 106–126), Foster Care Independence Act of 1999 (P.L. 106–169), and Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106–170). These actions have changed the current levels of budget authority, cutlays, and revenues. This is my first report for the second session of the 106th Congress.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, JANUARY 27, 2000

[In billions of dollars]

	Budget resolution	Current level[1]	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,455.0	1,465.2	10.3
Outlays	1,434.4	1,432.2	–2.3
Revenues:			
2000	1,393.7	1,411.5	17.8
2000–2009	16,139.1	16,914.0	774.9
Deficit[2]	26.3	20.6	–5.7
Debt Subject to Limit	5,628.4	5,686.9	58.5
OFF-BUDGET			
Social Security Outlays:			
2000	327.3	327.2	[3]
2000–2009	3,866.9	3,866.6	–0.3
Social Security Revenues:			
2000	468.0	467.8	–0.2
2000–2009	5,681.9	5,681.8	–0.1

[1] Current level is the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

[2] Section 314 of the Congressional Budget Act of 1974, as amended, requires the deficit in the budget resolution to be changed to reflect increases in outlays as the result of funding for specific actions (emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks). Sec. 211 of the Concurrent Resolution on the Budget for Fiscal Year 2000 (H. Con. Res. 68) allows for a decrease in revenues by an amount equal to the on-budget surplus on July 1, 1999, as estimated by CBO, but does not allow an equal adjustment to the deficit. Therefore, the deficit number for the budget resolution shown above reflects only the outlay increases made to the budget resolution between May 19, 1999, and November 1, 1999.

[3] Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, JANUARY 27, 2000

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues			1,408,082
Permanents and other spending legislation		874,007	
Appropriation legislation		247,166	
Offsetting receipts	–295,703	–295,703	
Total, enacted in previous sessions	616,573	825,470	1,408,082
Enacted this session:			
Signed into law:			
1999 Education Flexibility Partnership Act (P.L. 106–25)		32	
1999 Miscellaneous Trade and Technical Corrections Act (P.L. 106–36)		–2	–19
Water Resources Development Act (P.L. 106–53)	–19	–19	
National Defense Authorization Act, 2000 (P.L. 106–65)	–97	–97	
Gramm-Leach-Bliley Act (P.L. 106–102)	–35	–31	1
Veterans' Millennium Health Care and Benefits Act (P.L. 106–117)	61	–4	
An act to require the Secretary of the Treasury to mint various coins (P.L. 106–126)	–1	–1	
An act to convey property in Sisters, Oregon (P.L. 106–144)	1	1	
Foster Care Independence Act of 1999 (P.L. 106–169)	39	–22	
Emergency Supplemental Appropriations Act, 1999 (P.L. 103–31)	1,955	7,360	
Emergency Steel Loan and Emergency Oil and Gas Guaranteed Loan Act (P.L. 106–51)		19	
Agriculture and Rural Development Appropriations Act, 2000 (P.L. 106–78)	68,641	48,539	
Defense Appropriations Act, 2000 (P.L. 106–79)	265,366	176,618	13
Military Construction Appropriations Act, 2000 (P.L. 106–52)	8,374	2,459	
Legislative Branch Appropriations Act, 2000 (P.L. 106–57)	2,457	2,111	
Treasury and General Government Appropriations Act, 2000 (P.L. 106–58)	27,929	24,970	
Energy and Water Appropriations Act, 2000 (P.L. 106–60)	21,280	13,297	
Transportation Appropriations Act, 2000 (P.L. 106–69)	14,369	17,883	
Veterans, HUD and Independent Agencies Appropriations Act, 2000 (P.L. 106–74)	95,850	55,861	
An Act Making Consolidated Appropriations for FY 2000 (P.L. 106–113)[1]	334,111	251,109	3,330
Ticket to Work and Work Incentives Improvement Act (P.L. 106–170)	18	18	116
Total, enacted this session	840,299	600,101	3,441
Entitlements and mandatories:			
Adjustments to appropriated mandatories to reflect baseline estimates	8,362	6,580	
Total Current Level	1,465,234	1,432,151	1,411,523
Total Budget Resolution	1,454,952	1,434,420	1,393,684
Current Level Over Budget Resolution	10,282		17,839
Current Level Under Budget Resolution		2,269	
Memorandum:			
Emergency designations	31,309	27,279	

[1] Public Law 106–113 provides funding for five regular appropriation bills: District of Columbia; Commerce, Justice, State; Foreign Operations; Interior; and Labor, HHS, Education. This act also incorporates by reference a miscellaneous appropriations bill and two bills that affect direct spending.

Source: Congressional Budget Office.

P.L. = public law; HHS = Health and Human Services; HUD = Housing and Urban Development.•

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–18

Mr. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 1, 2000, by the President of the United States:

Treaty with the Hellenic Republic on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 106–18).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 26, 1999.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism and drug-trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes taking testimony or statements of persons; providing documents, records, and other items; locating and identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings relating to immobilization and forfeiture of assets, restitution, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 1, 2000.*

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that immediately following the completion of the bankruptcy bill and notwithstanding rule XXII, the Senate proceed to executive session and the consideration of the nomination of Alan Greenspan. I further ask unanimous consent that there then be the following debate time, to be divided as follows:

Senator LEAHY, 20 minutes; Senator DORGAN, 30 minutes; Senator HARKIN, 60 minutes; Senator WELLSTONE, 60 minutes; Senator REID, 30 minutes; the chairman and ranking member, 90 minutes equally divided.

I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination at a time to be determined by the two leaders. I finally ask unanimous consent that following the vote, the President be notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, FEBRUARY 2, 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, February 2. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 625, the bankruptcy reform bill, and Senator SCHUMER be recognized to call up his two remaining amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. Mr. President, for the information of all Senators, the Senate will resume consideration of the bankruptcy reform bill at 9:30 a.m. tomorrow. There are several amendments remaining, and these amendments will be debated throughout the morning. All votes, including final passage of the bankruptcy legislation, will be stacked and are expected to occur at approximately 12 noon. After disposition of the bankruptcy bill, the Senate is expected to begin consideration of the nomination of Alan Greenspan to continue as chairman of the Federal Reserve.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:14 p.m., adjourned until Wednesday, February 2, 2000, at 9:30 a.m.

NOMINATIONS

Executive Nominations Received by the Senate February 1, 2000:

DEPARTMENT OF STATE

ROSS L. WILSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATHAN O. HATCH, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE JOHN HAUGHTON D'ARMS, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. ERNEST R. RIUTTA, 2216

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. THOMAS H. COLLINS, 9096

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM N. SEARCY, 9559

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTION 9333(B):

To be colonel

MARK K. WELLS, 2227

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

WILLIAM P. ABRAHAM, 9047
MICHAEL J. AINSCOUGH, 2857
CARL M. ALLEY, 2348
KATHRYN M. AMACHER, 3624
DOUGLAS J. AMMON, 0405
DAVID P. ARMSTRONG, 2247
JEFFERY W. ARMSTRONG, 0718
ANTHONY H. ARNOLD, 3341
WENDALL C. BAUMAN, 1894
MARCUS P. BEYERLE, 4889
DAVID L. BROWN, 2732
*JOHN B. BUDINGER, 5171
STEPHEN M. BURNS, 0578
JAMES L. BYERS, 6114
*BYRON C. CALHOUN, 2349
STEVEN L. CARDENAS, 7409
ROBERT E. CARROLL, 4761
*STEPHEN F. W. CAVANAH, 1731
PETER J. CHENAILLE, 1092
MATTHEW COATSWORTH, 7680
KORY G. CORNUM, 3611
STEVE R. CURTIS, 6507
DAVID E. DEAS, 3596
MALCOLM M. DEJNOZKA, 6139
ROBERT L. DITCH, 7566
DANIEL J. DONOVAN, 4254
*JOHN R. DOWNS, 2123
LOUIS D. ELDREDGE, 0960
*JOHN E. EVERETT, 7491
BRYAN J. FUNKE, 6269
DENNIS C. FUREY, 8850
GARY L. GEORGE, 5493
WILLIAM J. GRAY, 8278
*TIMOTHY K. GUTHRIE, 5504
*JAMES C. HAAK, 2565
FRED M. HANNAN, 8508
KAREN L. HARTER, 6741
BETH HASELHORST, 2091
ARNE HASSELQUIST, 5737
WILFRID J. HILL, 9290
GLORIA J. HOBAN, 1385
SUSAN L. HUFSMITH, 5039
JAMES S. ICE, 0429
WALTER J. JAMES, 4970
KAREN E. JONES, 0046
ROBERT P. KADLEC, 9146
DAVID N. KENAGY, 6733
*JAMES E. KING, 0466
*KID KUSS, 0994
JOHN R. LAKE, 1818
HOBSON E. LEBLANC, 9959
JAMES R. LITTLE, 7080
*JUDITH A. LOMBEIDA, 3905
DAVID J. LOUIS, 1159
PETER B. MAPES, 5076
ABUBAKR A. MARZOUK, 3146
MARGARET B. MATARESE, 1935
MARK F. MATHEWS, 6862
PATRICK A. MATTIE, 0263
JOHN C. MC CAFFERTY, 4474
*GREGORY P. MELCHER, 7745
BENNY C. MERKEL, 7514
JEFFREY L. MIKUTIS, 1537
WILLIAM J. MITCHELL, 7844
ANDREW R. MONTEIRO, 2571
MARYANN MORREALE, 4855
SEAN L. MURPHY, 9198
RONALD G. NELSON, 0212
KAY L. NESS, 4463
JAY C. NEUBAUER, 7136
DANNY W. NICHOLLS, 3832
FRANCESCO R. OLIVITO, 3141
PAUL A. ONNINK, 7486
KEVIN P. N. OSHEA, 4430
CARROLL A. PALMORE, 5647
LEE E. PAYNE, 6332
ALAN L. PEET, 5747
ROBERT PERSONS, 9492
JAMES PETTEY, 9622
KEVIN A. POLLARD, 5895
MARK A. PRESSON, 7852
ROBERT G. QUINN, 7034
KENNETH G. REINERT, 2647
ROLLAND C. REYNOLDS, 9234
*JOSE E. RODRIGUEZVAZQUEZ, 7986
ROBERT M. SAAD, 8554
VICTOR P. SALAMANCA, 4790
FREDERICK L. SCHAEFER, 9443
JAMES W. SCHUMACHER, 7554
JOE D. SPARKS, 3235
MICHAEL W. SPATZ, 2546
DAVID A. STANCZYK, 6597
WILLIAM C. STENTZ, 4050
DONALD E. TAYLOR, 9755
*JEFFREY M. THOMPSON, 9525
ROBERT F. TODARO, 0300
RUSSELL A. TURNER, 8203
SCOTT W. VANVALKENBURG, 2359
ANN M. VRTIS, 9337
NANCY A. WAITE, 9874
DOUGLAS J. WASSON, 3942
STEVEN J. WHITNEY, 8327
ROBERT A. WILLIAMSON, 4216
DAVID E. WOMACK, 0664

To be lieutenant colonel

*ROBERT M. ABBOTT, 1099
RONALD A. ABBOTT, 8209
*JOHN L. ANDRESHAK, 7047
*KATHLEEN M. ANKERS, 4172
DAVID A. ARRIGHI, 0219
*STEPHEN S. BAKER, 3803
*WOODY C. BAKER, 4124
THOMAS S. BINGHAM, 0722
DAVID P. BLAKE, 9395
*RICHARD E. BRANSDORF, 3350
*THOMAS M. BROWN, 0744
*LESLIE R. BRYANT, 1022
*DANIEL G. BURNETT, 0011
MARK S. CAMPBELL, 5411
*CRAIG Y. CASTILLO, 4002
RICHARD D. CESPEDES, 0003
*ROBERT G. CHANDLER, 1915
WILBERT E. CHARLES, 4231
*DAVID B. CHIESA, 8432
*CHARLES R. CLINCH, 2666
*JOHN M. COCUZZI, 7746
*LEONARD G. COINER, 2239
*JULIE M. COLLINS, 9784
JAN C. COLTON, 8382
JOHN J. DEGOES, 0665
*ROBERT I. DELO, 4681
*PAUL D. DEVEAU, 1621
ROBERT J. DIGERONIMO, 1737
PAUL S. DOAN, 5598
*GINA R. DORLAC, 6816
WARREN C. DORLAC, 2123
*MARY D. DVORAK, 9614
KATHLEEN B. ELMER, 2857
*DREW W. FALLIS, 1623
*MICHAEL FERGUSON, 4220
*PAUL M. FORTUNATO, 4280
DAIN N. FRANKS, 9238
SPENCER J. FRINK, 8063
EMILY M. GARSCADDEN, 3686
*JAMES W. GASQUE, 0604
*MARC V. GOLDHAGEN, 6990
*SCOTT L. GOLDSTEIN, 6834
TERESA D. GOODPASTER, 2959
*DWIGHT E. GURLEY, 6272
*DANIEL HABERMAN, 0290
*JENNIFER A. HARTE, 8790
*TERRY L. HASKE, 5136
*PAUL H. HAYASHI, 1373
*BRIAN P. HAYES, 3741
*DAVID J. HEICHEL, 6347
*JAMES H. HENICK, 8954
*LINWOOD J. HENRY, 8875
STEPHEN W. HIGGINS, 0032
*DONALD R. HOAGLIN, 4448
*HARRY HOLIDAY, 5042
*HELEN M. HOOTSMANS, 2726
*BRYAN N. HOUSE, 6234
DARRYL C. HUNTER, 0715
*TIMOTHY A. HURSH, 2080
*MARK D. IAFRATI, 6803
*KENNETH K. KNIGHT, 4940
MARK A. KOENIGER, 7398
EDWARD R. KOST, 7265
*JOSEPH S. KROBOCK, 9083
*TIMOTHY J. LACY, 8728
*KI HYEOK LEE, 6491
JOHN G. LEVASSEUR, 9365
VIKI T. LIN, 3375
*STEVEN J. LIPSCOMB, 5940
*DAVID S. LOUDER, 8890
MICHAEL D. MANN, 0137
*THOMAS O. MARKEL, 1478
*MICHAEL J. MAYERCHAK, 8614
*KENNETH P. MC DONNELL, 4975
KRISTA L. MC FARREN, 5022

*ROBERTA M. MELTON, 4530
*ROBYN R. MILLER, 9390
*RONALD J. MORRELL, 9080
MICHAEL R. MURCHLAND, 5324
*KEVIN J. MURPHY, 7755
*DIANE C. NAPOLI, 3474
*JARED W. NELSON, 9357
*SCOTT B. NORRIS, 4157
*JOSEPH E. NOVAK, 1564
*SANDRA S. OSSWALD, 8848
RANDALL A. OW, 9261
CRAIG S. PACKARD, 7255
*RONALD W. PAULDINE, 1113
*DE TAGLE SUSAN M. PEREZ, 1636
*GERALD E. PETERS, 3489
GORDON C. PETERS, 7367
*DAVID H. PFOTENHAUER, 1385
*MICHAEL S. PHILLIPS, 9577
*KRISTINA H. PHILPOTT, 2451
*GARY M. PIORKOWSKI, 8012
*THOMAS W. POLLARD, 3833
*DAVID B. POWERS, 8982
DAVID W. RIRIE, 2166
*EUGENIO RIVERA, 1100
TIMOTHY D. ROBINETTE, 4666
*JEFFREY S. SCHACK, 5591
CHRISTINE M. SCHAFER, 8777
*MARTHA P. SCHATZ, 5722
*MICHAEL D. SIGNORELLI, 4629
GALE J. SKOUSEN, 4024
*DAVID M. SMITH, 0826
*ROY E. SMITH, 6680
*JOHN B. STEA, 8297
ERIC B. STONE, 5069
*JOHN A. SUNDELL, 9258
*JEFFREY S. THOMPSON, 2726
*WILLIAM E. VENANZI, 9603
JOSE VILLALOBOS, 6974
*RODNEY M. WAITE, 9921
*LISA J. WAIZENEGGER, 1521
*JAMES F. WALROTH, 6449
*KAREN L. WATSONRAMIREZ, 9460
MARK E. WERNER, 5900
*DEAN H. WHITMAN, 1313
*GERALD V. WIEST, 3817
*JOHN M. WIGHTMAN, 6027
*DAVID A. WILLIAMS, 6750
*ROBERT B. WORTHINGTON, 8002
*ERIC G. YOUNG, 9741

To be major

ANTHONY J. ABENE, 2068
JAVIER A. ABREU, 8637
MICHAEL J. ACHINGER, 8131
PATRICK J. AHRENS, 1387
BRADLEY W. ANDERSON, 9987
ROBERT J. ANDERSON, 0941
THOMAS T. ANDREW, 6259
SCOTT K. ANDREWS, 8050
LLOYD H. ANSETH, 4398
LENA M. ARVIDSON, 7560
BONNIE C. ARZE, 8598
GARTH A. ASHBECK, 6456
ERIC J. ASHMAN, 4738
JEFFREY E. ASKEW, 8911
DAVID E. BACHOFER, 0409
JOSEPH C. BAER, 7019
MATT A. BAPTISTA, 7540
PHILIP R. BARONE, 9947
DEBORAH L. BARUCHBIENEN, 9345
KIMBERLY C. BAY, 9376
BRADY N. BENHAM, 2212
JEFFREY S. BENNETT, 9243
ERIC B. BENZ, 6256
JOSEPH R. BERGER, 1356
ANDREW T. BERGGREN, 9263
TODD M. BERTOCH, 5354
NINA LUCAS BETETA, 2826
DAVID W. BIDDLE, 0551
MARK R. BIEDRZYCKI, 0194
VIJAY K. BINDINGNAVELE, 9373
TODD E. BLATTMAN, 2451
TIMOTHY D. BODE, 6757
WILLIAM F. BODENHEIMER, 8987
ROBERT M. BOLDY, 0240
DONATO J. BORRILLO, 2922
RYAN G. BOSCH, 9160
LARS O. BOUMA, 1168
ANDREW N. BOWSER, 5329
DALE J. BRADLEY, 3963
JENNINE M. BRANDT, 6641
JOHN G. BRAWLEY, 5167
CHRISTINE E. BRICCETTI, 0311
KEITH R. BRILL, 4473
TRACY L. BROBYN, 5459
LAURA A. BRODHAG, 5509
ELISA L. BROWN, 2330
JOSEPH M. BRUNO, 5962
HANS C. BRUNTMYER, 7073
JAMES E. BRYANT, 3888
JOHN E. BUCK, 0657
MARK A. BUONO, 3089
DAVID M. BUSH, 4690
AMY E. BUTLER, 5647
THATCHER R. CARDON, 6682
STEVE J. CASEY, 9897
ERIC L. CATHEY, 9671
MARY E. CHAPPELL, 5614
MICHAEL A. CHEEK, 2180
MARTIN S. CHIN, 6595
YUN C. CHONG, 4015
DANIELLE B. CLAIR, 9458
STEVEN L. CLARK, 9245
CHRISTINE S. CLARKE, 9398
GEORGE A. CLARKE, 8095
DAVID S. COCKRUM, 4351
KIMBERLY A. COLLINS, 1231
MARK R. COMNICK, 4029
GREGREY A. COMPTON, 8164
GISELLE M. CONLIN, 5067
KEVIN P. CONNOLLY, 7028
THOMAS J. CONNOLLY, 4512
MARK O. COVINGTON, 4700
RONALD L. COX, 0816
GLYNDA G. CRABTREE, 1376
HARRY S. CRAWFORD, 3746
DANA K. CRESSLER, 2963
JOHN W. CROMMETT, 2928
JIM D. CROWLEY, 4787
JEFFREY R. CUMMINGS, 2169
TIMOTHY M. CURLEY, 8454
JOSEPH J. CZARNECKI, 5396
SMITH MARY F. DAILEY, 1120
CHEVAUGHN V. DANIEL, 3263
ERIC C. DAUB, 2483
PATRICK G. DAUS, 9642
ELIZABETH E. DAVIES, 6211
JOSEPH Y. DEJESUS, 2423
CHRIS T. DERK, 1101
PETER K. DERUSSY, 7999
GREGORY A. DEYE, 8732
JAMES D. DIXON, 1524
SARA A. DIXON, 3724
KEVIN M. DRECHSEL, 5736
ERIC J. DUDENHOEFER, 4260
JOSIAH W. DUKE, 9555
JAMES S. DUNN, 0520
STEVEN J. DURNING, 9794
MARK A. EASTERDAY, 4177
RICHARD J. ECKERT, 1581
ROBIN M. EICKHOFF, 8720
MARK L. ELDORE, 7911
STEPHEN C. ELIASON, 6893
MARK A. ENGLEMAN, 0351
TONTA L. FANCHER, 1800
RAYMOND FANG, 4769
SUSAN C. FARRISH, 7278
JILL C. FEIG, 3941
JAMES E. FEISTE, 9869
STEVEN L. FINEBERG, 1585
PATRICK J. FITZSIMMONS, 4096
DEANNE L. FOSNOCHT, 5321
ANGELA G. FOWLER, 3561
CHRISTOPHER M. FOWLER, 5875
FARON J. FOX, 0248
DENISE WRIGHT FRANCOIS, 0587
LAUREN B. FRANKLIN, 2856
JEFFREY J. FREELAND, 4919
CARL A. FREEMAN, 3818
DOUGLAS J. FREEMAN, 0982
KRISTEN A. FULTSGANEY, 7261
THOMAS J. GAL, 9962
STEPHEN M. GALVIN, 5931
FANG YUN GAN, 0407
MERRI A. GANDHI, 9440
RICHARD F. GARRI, 7289
JUAN GARZA, 4797
TINA C. GAUNT, 2644
MARTIN F. GIACOBBI, 7787
MICHAEL W. GISH, 7068
ROBERT A. GOINS, 8949
KAREN M. GOLD, 7186
TRACEY A. GOLDEN, 5141
RUSSELL S. GORNICHEC, 0571
STEVEN M. GRAY, 6606
BARRY J. GREER, 1839
MICHAEL S. GRIMLEY, 3069
KEVIN A. HACHMEISTER, 3985
JOHN D. HALLGREN, 9761
WILLIAM HALLIER, 8960
DEREK B. HAMBLIN, 2275
BRIAN R. HAMLIN, 2349
CHRISTINE D. HAMRICK, 1946
VERN A. HARCHENKO, 1995
DONALD S. HARPER, 4691
SCOTT A. HARTWICH, 5077
GRANT E. HASSON, 6592
BOBBI J. HAWK, 7970
DEREK G. HEBERT, 6600
RICHARD A. HEINER, 0313
CHRISTINA L. HELTERBRAND, 2778
DAVID L. HEMPHILL, 5534
ANDRE A. HENRIQUES, 5621
GEORGE E. HERRIOTT, 5735
SUSAN L. HILL, 6984
JEANNEMARIE D. HINKLE, 6985
MARK A. HINTON, 9125
JACQUELINE HO, 7127
ERRIN J. HOFFMAN, 3824
GREGORY D. HOMER, 0981
DREW M. HORLBECK, 4154
MARK T. HORROCKS, 8988
KAI YUN HSU, 2244
JEFFREY M. HUFFMAN, 7236
DUSTAN T. HUGHES, 6700
JOHN W. HULTQUIST, 3928
CELESTA M. HUNSIKER, 5216
TIMOTHY J. HUSCHKE, 3728
BRENDON B. HUTCHINSON, 2875
CHRISTOPHER S. HYDO, 4030
ANTHONY M. INAE, 6698
ALAN J. IVERSON, 7417
DARIN R. JACOBY, 1825
KELSEY G. JAMES, 0860
MICHAEL J. JENKS, 2115
MONICA L. JOHNSON, 3551
KATHLEEN M. JONES, 7837
RAYMOND C. JONES, 5215
WAYNE P. JUSTICE, 6809
BENJAMIN C. KAM, 1723
MICHELLE Y. KARNEY, 6857
JAY D. KERECMAN, 1533
DAVID B. KIESER, 8148
KIKU E. KIM, 3036
KYUWON KIM, 0241
BRIAN D. KIMBALL, 2430
HENRY J. KISER, 9625
SVEN KLAUSS, 2661
TAMMY M. KNAPP, 1682
COLIN G. KNIGHT, 6590
MARK W. KOLASA, 7234
THOMAS E. KOLKEBECK, 3211
AARON B. KOONCE, 2222
MICHAEL R. KOTELES, 1381
JANE P. KRAMAR, 7434
KYLE R. KREINBRING, 1891
ROY E. KUHL, 6164
JOHN I. KUNG, 0525
SHARI J. KUSHWAHA, 4347
DAE T. KWAK, 6394
JERRY D. LABSON, 9700
ROBERT E. LACLAIR, 6728
JOHN C. LACUNZA, 8913
DAVID M. LAMBERT, 4760
DANIEL R. LANCE, 7467
JENNIFFER L. LAPOINTE, 3148
JEFFRY J. LARSON, 5236
JAMES LEE, 0334
JACK B. LEWIS, 7084
KENNETH M. LIGHTHEART, 4868
RODNEY D. LINDSAY, 7193
ROBERT F. LINN, 4062
PAUL M. LITTLE, 0316
KAMALA H. LITTLETON, 8255
BRADLEY A. LLOYD, 3468
DEBORAH S. LOMAKOSKI, 6943
LARRY K. LONG, 8456
ANN LOPES, 6918
JAMES D. LOWE, 1894
DERON J. LUDWIG, 2368
ANDREA L. LUNDELL, 8576
JAMES J. LYONS, 3459
KAI WOOD MA, 3766
DANIEL M. MACALPINE, 6156
JUSTYN H. MACFARLAND, 7239
MARK E. MANLEY, 7904
CHERIE R. MANY, 4456
DAVID L. MAPES, 3042
JEFFREY E. MAPLE, 5830
JORGE A. MARQUIS, 2020
MICHAEL R. MARTIN, 3399
DAWN L. MARTINHERRING, 1988
MARK A. MASSEY, 7445
MARK A. MATHURIN, 0455
DAVID B. MAYBEE, 6256
PATRICIA M. MAYER, 8201
SUMNER T. MCALLISTER, 4380
CARL L. MCGLOSTER, 7538
RHETT F. MCLAREN, 5035
CYNTHIA G. MCNALLY, 8799
KEVIN E. MCVANEY, 4697
MICHAEL R. MEASE, 6408
JOSEPH B. MENDOZA, 1435
KURT D. MENTZER, 0172
CHRISTINA L. MERSKI, 6339
MICHELLE F. METZGER, 1225
MICHAEL T. MEYER, 3397
SCOTT R. MEYER, 8111
GIOVANNI G. MILLARE, 8286
DAVID P. MILLER, 6802
GARY K. MILLER, 1619
PATRICK J. MILLER, 1376
WILLIAM H. MILLER, 9428
JESSICA T. MITCHELL, 5069
PATRICK B. MONAHAN, 8138
ROBERT M. MONBERG, 7936
LISA A. MONKMAN, 8274
RICHARD L. MOONEY, 9257
BRADLEY B. MOORE, 9330
SUSAN O. MORAN, 6394
ROBERT F. MORELAND, 2505
DARIN K. MORGAN, 9387
WILLIAM P. MUELLER, 9005
CHRISTOPHER C. MUENCHEN, 3815
JOSEPH A. MUHLBAUER, 5218
MICHAEL J. MULLEN, 1151
HOLLY C. MUSGROVE, 6202
BASEEMAH S. NAJEEULLAH, 8177
MICHAEL T. NAPIERKOWSKI, 6219
RAJ I. NARAYANI, 1405
PAIGE L. NEIFERT, 8603
PETER E. NEIFERT, 8609
DANA L. NELSON, 3049
MARY E. NEWMAN, 0753
KHOI N. NGUYEN, 0192
NGHIA H. NGUYEN, 5252
TAN LOC P. NGUYEN, 3082
GRACE S. NIEVES, 5294
JENNIFER M. NIXON, 3836
TERRI J. NUTT, 4989
MICHAEL P. O'BRIEN, 4758
CAREY L. O'BRYAN, 0243
WENDELL C. OCASIO, 6253
ANTHONY B. OCHOA, 9672
KELLY A. OFFUTT, 4025
RICHARD M. OLEY, 0999
KENNETH D. OSORIO, 1830
ALBERT L. OUELLETTE, 7058
MARK D. PACKER, 8370
ANTS PALMLEIS, 9494
MYUNG S. PARK, 6367
GERALD L. PARKER, 8472
PAUL C. PARRISH, 6960
JOSEPH R. PARSONS, 7094
ERIC P. PECK, 4649
STEVEN J. PECKHAM, 4416
BRETT A. PENNEY, 6983
DAWN E. PEREDO, 6682
LEONLOURDES DAPH PEREZROMAN, 2923
FREEDOM F. PERKINS, 9539
PAUL C. PETERSON, 5148
JAMES A. PHALEN, 9364
CHRISTOPHER P. PILLER, 4324
LAURA L. PLACE, 3510
SHAWN G. PLATT, 5780
PAUL W. PLOCEK, 8129
RAY L. PLUMLEY, 6296
MATTHEW C. POLING, 5076
BRENT A. PORTER, 9695
HARRIS R. PRAGER, 8150
SUSAN J. QUICK, 0440
JOHN C. RABINE, 1427
KEVIN J. RAINSFORD, 2313
MICHAEL RAJNIK, 7923
STEVEN E. RASMUSSEN, 8416
JON D. RAWLING, 1306
LINDA M. REICHLER, 3323
CHARLES D. REILLY, 6133
XIAO LI REN, 6870
BRIAN S. RETHERFORD, 6711
MARK S. REYNOLDS, 5211
SCOTT A. RIISE, 3873
STUART O. RIMES, 1493
MATTHEW J. RIVARD, 9460
ERIC D. ROBERSON, 0543
KENNETH E. ROBINSON, 0621
JAMES A. ROCHESTER, 4429
MICHAEL D. ROLLER, 8890
HENRY M. ROQUE, 2310
KAREN J. ROSE, 9134
JOSHUA S. ROTENBERG, 7630
MILDRED A. ROTZOLL, 9001
RYLLIS A. ROUSSEAU, 5268
JAMES L. RUBLE, 9667
TIMOTHY P. RYDELL, 1411
RUBEN S. SAGUN, 4484
JAMES L. SANDERSON, 0289
JEFFREY R. SANTI, 8139
DANIEL A. SAVETT, 0030
KATHRYN M. SCHAT, 3613
LARRY R. SCHATZ, 7922
MARK D. SCHENKMAN, 5533
JEFFERSON A. SCHOTT, 9169
REBEKAH R. SCHROEDER, 7855
DARLENE P. SCHULTZ, 1731
SARAH A. SCHWEN, 0884
DIETLINDE D. SCOTT, 4038
JEFFREY H. SEDGEWICK, 6007
DALE M. SELBY, 1353
ROBERT S. SHEPERD, 3371
JON R. SHERECK, 6322
STEVEN D. SHOTTS, 1606
BILLY G. SHUMATE, 9105
JOHN U. SIEGRIST, 3366
DANA L. SIMPSON, 6335
PAUL A. SKLUZACEK, 3371
DANIEL T. SMITH, 6358
JAMES D. SMITH, 9760
MENSAH WILLIAM H. SMITH, 8438
RANDALL D. SMITH, 3471
TONY D. SMITH, 7166
JOHN A. SNYDER, 5275
DEBORAH M. SONG, 2374
ROSSANNE M. SOSA, 3039
VERONICA M. STASA, 1072
JOHN J. STEELE, 9939
JOHN P. STEINLAGE, 9760
MICHAEL D. STEVENS, 1438
JAMES A. STITH, 9758
DONALD F. STOREY, 5384
TONI C. STRONG, 7862
ERIKA J. STRUBLE, 5284
ERIC A. SUESCUN, 4194
JAY W. SWETT, 6241
WADE R. TALLEY, 6761
ERIC S. TAUSCHER, 5452
GERALD N. TAYLOR, 2507
ANTHONY A. TERRERI, 7165
TODD A. THAMES, 0337
CHRISTINE THOMAS, 5845
LYNNE D. THOMAS, 2775
MARK J. THOMPSON, 4725
VALERIE V. F. TIGNO, 4251
DAVID A. TILLES, 7639
JOSIAH B. TILTON, 5586
HERBERT J. TOMASO, 2991
BRADLEY J. TOUCHET, 9376
GEOFFREY D. TOWERS, 9207
JAMES B. TRUMBLE, 7245
BLAINE A. TUFT, 1228
CHARLES A. TUJO, 3073
TERRANCE C. TUOMINEN, 5094
BRIAN K. TWEDT, 5196
DONALD TYLER, 4592
LALITHA VADLAMANISIMMERS, 8783
SCOTT A. VANDEHOEF, 0815
RANDALL E. VILLALOVAS, 4949
TERRI L. VITAL, 7771
BRIAN A. VROON, 0844
TIFFANY L. VROON, 0332
RICHARD A. WACHS, 7380
LINCOLN R. WALLACE, 1132
MICHAEL C. WALTERS, 6408
DAI YUAN WANG, 7105
JAMES M. WARD, 8989
HARRISON F. WARNER, 9816
NATHAN P. WATKINS, 2255
CHARLES N. WEBB, 9182
MARK A. WEISKIRCHER, 7336
KYLE S. WENDFELDT, 9900
CHRISTINA G. WESTON, 5658
JACQUE R. WETTLAUFER, 2011
DANIEL W. WHINNEN, 1835
DARLA D. WHITFIELD, 2206
JEFF T. WILKINS, 8486
DAVID B. WILSON, 6287
JENNIFER M. WILSON, 5948
ANITA JO ANNE WINKLER, 6296
JERALD L. WINTER, 0153
LINDY W. WINTER, 8391
MARY H. WITT, 6191
STEPHEN D. WITZKE, 1390
RANDY W. WOBSER, 8638
LAURA ANN WOLFF, 0499
MATTHEW P. WONNACOTT, 0083
DAVID A. WOOD, 4423
DAVID A. WOOD, 4654
MICHAEL J. WOOD, 3137
RAWSON L. WOOD, 5462
SAMUEL K. WOOD, 2628
TIMOTHY G. WOODS, 4472
DARWIN B. WOOTEN, 9551
KEITH R. WORKMAN, 7147
DAE YOUNG YANG, 7369
SCOTT TZU CHING YANG, 5250
JEFFREY L. YEE, 8997
KIMSEY P. YOUNG, 1036
KENNETH C. Y. YU, 0052

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BRUCE H. BARLOW 0873

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

COL. ROBERT E. GAYLORD, 8602

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general, medical corps

BRIG. GEN. KEVIN C. KILEY, 1471
BRIG. GEN. DARREL R PORR, 8386

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT L. HALVERSON, 5509

To be brigadier general

COL. EDMUND T. BECKETTE, 5971
COL. JAMES J. BISSON, 6236
COL. RAYMOND C. BYRNE, JR., 5792
COL. DANIEL D. DENSFORD, 0210
COL. JEFFREY L. GIDLEY, 9702
COL. DANNY H. HICKMAN, 0335
COL. JAMES D. JOHNSON, 9083
COL. DENNIS M. KENNEALLY, 2586
COL. DION P. LAWRENCE, 1257
COL. ROBERT G. MASKIELL, 9965
COL. DARYL K. MCCALL, 2627
COL. TERRELL T. REDDICK, 9266
COL. RONALD D. TAYLOR, 4916
COL. JOHN T. VON TROTT, 1310
COL. WILLIAM H. WEIR, 0308
COL. DEAN A. YOUNGMAN, 4722
COL. WALTER E. ZINK II, 8489

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

ANDRE H. SAYLES, 7549

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JACK A. DAVIS, 8721

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. GORDON S. HOLDER, 2235

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN G. COTTON, 6982
REAR ADM. (LH) STEPHEN S. ISRAEL, 3464
REAR ADM. (LH) HENRY F. WHITE, JR., 1081

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. MICHAEL F. LOHR, 1245

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5148:

To be judge advocate general of the united states navy

REAR ADM. DONALD J. GUTER, 0275

HOUSE OF REPRESENTATIVES—*Tuesday, February 1, 2000*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 1, 2000.

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, it is a great day here and today we are, of course, responding to an important question that we have asked in this well of the House over the last several years and that is a pretty basic fundamental question. That is: Is it right, is it fair that under our Tax Code married working couples pay more in taxes than an identical couple in an identical situation living together outside of marriage? It is just wrong that under our Tax Code 28 million married working couples pay, on average, $1,400 more in higher taxes just because they are married.

Mr. Speaker, is it right that under our Tax Code that couples are punished, that they are penalized when they choose to participate in society's most basic institution?

That is the fact today. I represent a diverse district on the south side of Chicago. In the south suburbs in Cook and Will Counties, in Joliet and the bedroom and farm communities they all ask the same question. They wonder why for 30 years now Washington has punished marriage and no one has gone back to fix it.

I am pleased that under the leadership of the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), this House has made it a top priority to eliminate and wipe out the marriage tax penalty suffered by 28 million married working couples. The Speaker has said that the elimination of the marriage tax penalty will be fast out of the box and on a fast track through the Senate and to the President, wiping out the marriage tax penalty and stopping the Tax Code from punishing marriage.

The marriage tax penalty really results from our very complicated Tax Code. And, unfortunately, because we have a progressive Tax Code, if couples get married, they get punished. That is just wrong.

Mr. Speaker, here is how the marriage tax penalty works. Here is how it ends up. Say there is a machinist and a school teacher in Joliet, Illinois. A machinist who works at Caterpillar at the local plant. The machinist makes that heavy equipment, the big bulldozers and cranes and earth-moving equipment. He makes $31,500 a year. If he is single, he pays taxes in the 15 percent tax bracket.

Now, Mr. Speaker, if he meets a tenured public school teacher in the Joliet Public School System with an identical income, as long as she is single she pays in the 15 percent tax bracket. But if this school teacher and machinist choose to get married, when they are married they file jointly and add together their income. What happens then is their combined income is $63,000 and that pushes them into the 28 percent tax bracket, and they are punished with an almost $1,400 marriage tax penalty. If they chose to stay single and live together outside of marriage, they would avoid that marriage tax penalty.

In this case, because this machinist and school teacher chose to live in holy matrimony, society's most basic institution, they are punished under our Tax Code. I find most Americans, whether they live in the city or the suburbs or the country, think it is just wrong and they want Congress and the President to do something about it.

That is why I am so pleased, because I have a another couple from Joliet, Illinois, two public school teachers, Shad and Michelle Hallihan. They came and told me they suffered a marriage tax penalty of $1,000. They just had a baby. Michelle told me, "Congressman, tell your colleagues in the Congress that $1,000 average in marriage tax penalty is 3,000 diapers." Of course, they point out that $1,400, the average marriage tax penalty, is one year's tuition in the local community college.

Well, House Republicans are going to do something about this. We are going to work to eliminate the marriage tax penalty and the Speaker has put it on a fast track. This Wednesday, tomorrow, the House Committee on Ways and Means will have committee action on legislation that will essentially wipe out the marriage tax penalty for a majority of those who suffer it. We double the standard deduction for joint filers to twice that of singles, which will not only help 3 million couples who will no longer have to itemize their taxes, but will essentially wipe out their marriage tax penalty for those who do not itemize.

Of course, many homeowners itemize. In order to help homeowners and those who itemize from suffering the marriage tax penalty, we widen the 15 percent bracket so that joint filers can earn twice as much as single filers and still pay in the 15 percent bracket. And for low-income families who benefit from the Earned Income Tax Credit, we also provide marriage tax relief for poor families and low-income families who suffer from the marriage tax penalty.

Mr. Speaker, it is good, commonsense legislation and deserves overwhelming bipartisan support. There is no excuse to vote against legislation wiping out the marriage tax penalty. The Speaker of the House has also indicated that by Valentine's Day that we are going to pass this through to help couples like Shad and Michelle Hallihan who suffer the marriage tax penalty. And what better Valentine's Day gift to give 28 million married working couples than legislation which will eliminate the marriage tax penalty.

Think in these terms: $1,400 is a drop in the bucket here in Washington. It is chump change for the Washington bureaucrats and the big spenders here in Washington. But back home in Illinois, a $1,400 marriage tax penalty is one year's tuition at a local community college; 3 months of day care for Shad and Michelle for their child; it is several months' worth of car payments; it is most of the contribution to an IRA for Michelle. It is real money for real people.

House Republicans are making it a priority. We invite the Democrats to

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

join with us. Let us make it a bipartisan effort to eliminate the marriage tax penalty. What better Valentine's Day gift to give 28 million married working couples. I urge my colleagues to pass the legislation with bipartisan support and send it to the Senate and send it on the President.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

This month President Clinton gave his State of the Union Address outlining many of the things he will spend the budget surplus on. House Republicans want to preserve 100% of the Social Security surplus for Social Security and Medicare and use the non-Social Security surplus for paying down the debt and to bring fairness to the tax code.

A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton parades a long list of new spending totaling $72 billion in new programs—we believe that a top priority after saving Social Security and paying down the national debt should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it is fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it is fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $31,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $31,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE

	Machinist	School teacher	Couple	H.R. 6
Adjusted gross income	$31,500	$31,500	$63,000	$63,000
Less personal exemption and standard deduction	$6,950	$6,950	$12,500	$13.00 (singles x 2)
Taxable income	$24,550 x (.15)	$24,550 x (.15)	$50,500 (Partial x .28)	$49,100 x (.15)
Tax liability	$3682.5	$3682.5	$8635	$7,365

Marriage penalty, $1,270. Relief, $1,270.

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $63,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: A down payment on a house or a car, one year's tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, U.S. Representative DAVID McINTOSH and U.S. Representative PAT DANNER and I have authored H.R. 6, The Marriage Tax Elimination Act.

H.R. 6, The Marriage Tax Elimination Act will increase the tax brackets (currently at 15% for the first $24,650 for singles, whereas married couples filing jointly pay 15% on the first $41,200 of their taxable income) to twice that enjoyed by singles; H.R. 6 would extend a married couple's 15% tax bracket to $49,300. Thus, married couples would enjoy an additional $8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to $1,215 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $6,900) to twice that of singles (currently at $4,150). Under H.R. 6 the standard deduction for married couples filing jointly would be increased to $8,300.

H.R. 6 enjoys the bipartisan support of 223 co-sponsors along with family groups, including: American Association of Christian Schools, American Family Association, Christian Coalition, Concerned Women for America, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Family Research Council, Home School Legal Defense Association, the National Association of Evangelicals and the Traditional Values Coalition.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember that 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and gentlemen, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority.

Speaker HASTERT and House Republicans have made eliminating the marriage tax penalty a top priority. In fact, we plan to move legislation in the next few weeks.

Last year, President Clinton and Vice President GORE vetoed our efforts to eliminate the marriage tax penalty for almost 28 million married working people. The Republican effort would have provided about $120 billion in marriage tax relief. Unfortunately, President Clinton and Vice President GORE said they would rather spend the money on new government programs than eliminate the marriage tax penalty.

This year we ask President Clinton and Vice President GORE to join with us and sign into law a stand alone bill to eliminate the marriage tax penalty.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

The greatest accomplishment of the Republican Congress this past year was our success in protecting the Social Security Trust Fund and adopting a balanced budget that did not spend one dime of Social Security—the first balanced budget in over 30 years that did not raid Social Security.

Let's eliminate the marriage tax penalty and do it now!

ELIAN GONZALEZ AND WHAT AWAITS HIM IN CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, the case of Elian Gonzalez cannot be viewed through a prism of normalcy or merely by our views regarding the primacy of family and the rights of parents, because Castro's Cuba is not the United States. The totalitarian communist dictatorship in power since 1959 is not a Democratic government. The regime treats children, by law, as political raw material to be manipulated and exploited by the State.

Children are forced from infancy to prepare for the defense of the country and its regime. Parents who follow their conscience and try to shape their children's values and education are considered enemies of the State and are arrested or persecuted.

Those parents whose love for their children supersedes any individual concern for their safety are punished by the Castro regime, punished for violating Castro's laws. Laws such as the Code of the Child and Youth established by Law Number 16 published on June 30, 1978.

This law reiterates the requirement that the young generations must participate in the "construction of socialism," and that "the communist ideological formation of children and youth" must take place "through a coherent system . . . in which the Cuban Communist Party assumes the pivotal role of vanguard and protector of Marxist-Leninism." Those are the exact words.

The upbringing of Cuba's children, in other words, is the responsibility of the Cuban Communist Party. Based on this premise, the Code of the Child and Youth dictates in its first Article that the people, organizations, and institutions which take part in their education are obligated to "promote the formation of the communist personality in the young generations." That is their quote.

Mr. Speaker, if any doubt exists as to the true nature of this Code, Article 3 states that the communist ideological formation of the young generation is a primary goal of the State and, as such, the State works to instill in them, quote, "loyalty to the cause of socialism and communism and loyalty . . . to the vanguard of Marxist-Leninism, the Cuban Communist Party."

By the same token, the State must develop in the children "a sense of honor and loyalty to the principles of proletariat internationalism." Again, these are their words. "And the fraternal relations and cooperation with the Soviet Union and other socialist communist countries."

Absolute adherence to Marxism is the crux of the educational system in Cuba. Article 8, for example, underscores that, "Society and the State work for the efficient protection of youth against all influences contrary to their communism formation."

The regime equates Karl Marx with Cuban independence hero Jose Marti to mask the content of Article 14 of the Code, albeit unsuccessfully. Article 14 condones and advocates child labor as it dictates: "The combination of study and work . . . is one of the fundamentals on which revolutionary education is based. The principle is to be applied from infancy."

In this manner, Cuba's youth "acquire proper labor habits and other aspects of the communist personality are developed." The supremacy of Marxism is irrefutable as evident in Article 33: "The State bestows particular attention to the teachings of Marxism-Leninism for its importance in the ideological formation and political culture of young students."

Is this the totalitarian society, where the communist party and the State dictates the education, the upbringing of every child, is this what our Justice Department, our INS and the National Council of Churches seek to send young Elian Gonzalez back to? What a travesty.

Mr. Speaker, I commend to our colleagues an article published this week in the Wall Street Journal by James Taranto called "Havana's Hostages" which talks about a case of a congressional constituent in my district, Jose Cohen, who has three of his children, Yamila, Isaac and Yanelis, along with his wife back in Cuba, even though they have U.S. exit visas and have been approved for many, many years and Castro will not allow them to come to the United States. This story, Mr. Taranto points out, shows how little the Cuban dictator cares about family unity and how much his communist code that is in force in Cuba cares about communist ideology and loyalty to the socialist Marxist-Leninist cause and not loyalty to true family unity.

CANADIAN HEALTH CARE IS A COLOSSAL FAILURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, back in the 1970s when Canada unveiled its national health care program, it promised its citizens universal and free health care. In fact, in 1984 the Canadian Government promised that it would make available to all its citizens health that would be, "universal, portable, comprehensive and accessible."

Now, we can learn a lesson from Canada because the promises that were made have not been kept. Far from it. Before I elaborate on why I believe it is a mistake for this country to go down the same road, I wish to point out that we have several candidates who are running for president on a national health care program much like Canada's. Of course, they talk about it differently, but basically they want to have the same health care plan that Canada has, even though the Canadians are swarming across the border because the waiting lines are so long in their country.

National health care often results in the rationing of health care itself. In his State of the Union address, the President outlined several new health care spending initiatives that would cost the taxpayers at least $150 billion. What troubles me about this is that the President's health care plan looks a lot like the plan they proposed several years ago. That plan would have put the Federal Government in charge of our entire health care delivery system.

□ 0945

And, as we remember, this was soundly defeated by the electorate.

By rejecting the Clinton administration's Health Security Act, the American people sent us a message. That message was that they did not want government-run health care. Countries such as Great Britain and Sweden are now moving toward privatizing their health care system because it has resulted in rationing of health care benefits.

Let us review the promises that were made and the reality of Canada's health care system. The Canadian government promised they would provide universal coverage. However, two provinces, British Columbia and Alberta, require that premiums are paid. And, if they are not, then the individual is not covered. In other provinces residents must register to be eligible for coverage. Studies show that in 1997 through 1998 approximately 170,000 people in British Columbia alone, that represents 4.2 percent of the population, were not covered.

In touting its national health care plan, the Canadian government also promised portability. If I might interject here, we enacted legislation to address the portability issue in 1996 here in Congress. Now, suppose a resident of Quebec became ill in another province. They must pay out of pocket for their health care services. Quebec will reimburse for those services, but will only reimburse them for what that service will cost in Quebec. Does that sound like something we have heard before or something that we would like to have?

The next promise was that it would be a comprehensive program. Let us take a closer look. Each province defines the services that are medically necessary and then only pays for those services. An interesting twist on this is that pharmaceutical and many surgical procedures are, for the most part, not covered for individuals under the age of 65, and only provide partial coverage for those above 65. Still not convinced?

The last promise made was that national health care would be accessible. Since the government has had difficulty in funding this program, it has resulted in rationing of services. I would like to share with my colleagues some excerpts from an article that appeared in The New York Times on January 16 of this year. It was aptly titled "Full Hospitals Make Canadians Wait and Look South." The article led by reciting an incident involving a Ms. Boucher at a hospital in Montreal. She ate breakfast on a stretcher in a hall under a note on the wall that marked her patient spot. Sixty-six other patients without rooms also waited in that corridor.

Mr. Speaker, I do not think this is what the American people want. Another very telling example is in Ontario, Canada, Canada's wealthiest province. The waiting list for a magnetic resonance imaging test is so long that one man recently reserved a test for himself at a private animal hospital that had this type of machine. He registered under the name of Fido. This is not a joke, and it certainly is not meant to be funny. It just illustrates how bad the Canadian health care system is now that it is being run by the government.

There are countless examples given in this feature story, and I ask my colleagues to review it. Mr. Speaker, I will ask the article to be made part of the RECORD.

[From the New York Times, Jan. 16, 2000]

FULL HOSPITALS MAKE CANADIANS WAIT AND LOOK SOUTH

(By James Brooke)

MONTREAL, JAN. 15.—Dressed in her orchid pink bathrobe and blue velour slippers, Edouardine Boucher perched on her bed at Notre Dame Hospital here on Friday and recounted the story of her night: electric doors constantly opening and closing by her feet, cold drafts blowing across her head each time an ambulance arrived in the subzero weather, and a drug addict who started shouting at 2:30 a.m., "Untie me, untie me."

But as nurses hurried by on Friday morning, no one thought it remarkable that Ms. Boucher, a 58-year-old grandmother awaiting open heart surgery, had spent a rough night on a gurney in an emergency room hallway. After all, other hallways of this 3-year-old hospital were lined with 66 other patients lying quietly on temporary beds.

To explain overflowing hospitals here and across the nation, Canadian health officials are blaming the annual winter flu epidemic.

But, at the mention of flu, Daniel Brochu, the veteran head nurse here, gave a smirk and ran his pen down the patient list today: "Heart problem, infection problem, hypertension, dialysis, brain tumor, two cerebral hemorrhages." On Thursday, he said, crowding was so bad that he was able to admit one patient only after the ambulance crew agreed to leave its stretcher.

When Canada's state-run health system was in its first bloom, in the 1970's, Americans regularly trooped up here on inspection tours, attracted by Canada's promise of universal "free" health care. Today, however, few Canadians would recommend their system as a model for export.

Improving health care should be the federal government's top priority, said 93 percent of 3,000 Canadians interviewed last month by Ekos Research Associates. In another poll last month, conducted by Pollara, 74 percent of respondents supported the idea of user fees, which have been outlawed since 1984.

"There is not a day when the newspapers do not talk of the health crisis," said Pierre Gauthier, president of the Federation of Specialist Doctors of Quebec. "It has become the No. 1 problem for Québécois and for Canadians."

In Toronto, Canada's largest city, overcrowding prompted emergency rooms in 23 of the city's 25 hospitals to turn away ambulances one day last week. Two weeks ago, in what one newspaper later called an "ominous foreshadowing," police officers shot to death a distraught father who had taken a doctor hostage in a Toronto emergency room in an attempt to speed treatment for his sick baby.

Further west, in Winnipeg, "hallway medicine" has become so routine that hallway stretcher locations have permanent numbers. Patients recuperate more slowly in the drafty, noisy hallways, doctors report.

On the Pacific Coast, ambulances filled with ill patients have repeatedly stacked up this winter in the parking lot of Vancouver General Hospital. Maureen Whyte, a hospital vice president, estimates that 20 percent of heart attack patients who should have treatment within 15 minutes now wait an hour or more.

The shortage is a case of supply not keeping up with demand. During the 1990's, after government deficits ballooned, partly because of rising health costs, the government in Ottawa cut revenue-sharing payments to provinces—by half, by some accounts. Today, the federal budget is balanced, but 7 hospitals in Montreal have been closed, and 44 hospitals in Ontario have been closed or merged.

Ottawa also largely closed the door to the immigration of foreign doctors and cut the number of spaces in Canadian medical schools by 20 percent. Today, Canada has one medical school slot for every 20,000 people, compared with one for 13,000 in the United States and Britain.

With a buyout program, Quebec induced 3,600 nurses and 1,200 doctors to take early retirement. And across the nation, 6,000 nurses and at least 1,000 doctors have moved to the United States in recent years.

At the same time, demands on Canada's health system grow every year. Within 30 years, the population over 65 is expected to double, to 25 percent.

Unable to meet the demand, hospitals now have operation waiting lists stretching for months or longer—five years in the case of Ms. Boucher.

As a result, Canada has moved informally to a two-tier, public-private system. Although private practice is limited to dentists and veterinarians, 90 percent of Canadians live within 100 miles of the United States, and many people are crossing the border for private care.

Last summer, as waiting lists for chemotherapy treatments for breast and prostate cancer stretched to four months, Montreal doctors started to send patients 45 minutes down the highway to Champlain Valley Physicians' Hospital in Plattsburgh, NY. There, scores have undergone radiation treatment, some being treated by bilingual doctors who left Montreal.

Business has been so good that the Plattsburgh hospital, which was on the verge of closing its cancer unit, has invested half a million dollars in new equipment. And on the Quebec side, the program has allowed health authorities to boast that they have cut the list of cancer patients who have to wait two months or more, to 368 today from 516 last summer.

In Toronto, waiting lists have become so long at the Princess Margaret Hospital, the nation's largest and most prestigious cancer hospital, that hospital lawyers drew up a waiver last week for patients to sign, showing that they fully understood the danger of delaying radiation treatment.

With the chemotherapy waiting list in British Columbia at 670 people, hospitals in Washington have started marketing their services to Canadians in Vancouver, a 45-minute drive.

A two-tier system is also being used for other kinds of operations.

"I would like to buy mother a plastic hip for Christmas, so she doesn't have to limp through the year 2000 in excruciating pain," Margaret Wente, a newspaper columnist for The Globe and Mail in Toronto, wrote last month. "I could just drive her to Cleveland, which is fast becoming the de facto hip-replacement capital of Southern Ontario."

Allan Rock, Canada's health minister, disapproves of such attitudes. In an essay in the same newspaper, he wrote sarcastically: "Forget about equal access. Let people buy their way to the front of the line."

In defense of Canada's state health system, he wrote, "Its social equity reflects our Canadian values." Mr. Rock, who hopes to become prime minister one day, said that health delivery could be improved through better, computerized planning. He attacked a proposal in Alberta to allow private hospitals, warning readers, "The precedent may be set for American for-profit health-care providers looking to set up shop in Canada."

But the idea that there may be room in Canada's future for private medicine is gaining ground.

"We have no significant crises in care for our teeth or our animals, largely because dentists and veterinarians operate in the private sector," Michael Bliss, a medical historian, wrote on Wednesday in The National Post, a conservative newspaper. "So we have the absurdity in Canada that you can get faster care for your gum disease than your cancer, and probably more attentive care for your dog than your grandmother."

In Ontario, Canada's wealthiest province, the waiting list for magnetic resonance imaging tests is so long that one man recently reserved a session for himself at a private animal hospital that had a machine. He registered under the name Fido.

To Ms. Boucher, who jealously guarded her 15 square feet of corridor space today, such cocktail circuit anecdotes were not amusing. Glumly eating her cold breakfast toast, she said, "It scares us to get sick."

PAYING DOWN THE DEBT

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I rise today to suggest that today is an important day up in the New England States. We are looking at the presidential candidates speaking before many listening groups, trying to express what the best course for our future is going to be. I hope the American people understand, Mr. Speaker, the consequences of fiscal irresponsibility in the United States Government.

I bring this chart to demonstrate that we are approaching a fiscal challenge trying to make the decision whether we will start paying down the federal debt or simply continue to spend more. The national debt of the United States, which is the debt subject to the debt limit continues to increase. Right now Congress has passed a budget for this year demanding we not borrow more money from Social Security and spend it on other programs. That's good! However, we still won't have a real balanced budget because we are spending $70 billion borrowed from the other 112 trust funds. Right now our public debt as defined in law is $5.72 trillion. If we stick to the budget caps that we set in 1997, by 2002 we could have a real balanced budget that does not use the surplus from any of the trust funds. We would start paying down the total public debt.

Wait a minute, you say, I heard on T.V. that we already have a balanced budget and that Washington is paying off the public debt, and we can do that in 12 or 13 or 15 years. That is not correct. It is dangerous ground because there is a certain degree of dishonesty that is going on, trying to tell the American people that we are paying down the public debt when we are not. There is a certain amount of hoodwinking in suggesting that we really have a balanced budget when we do not. It seems reasonable that we could define a balanced budget as a budget when the total public debt does not continue to increase.

Let me suggest that during the good times it is reasonable to start having a rainy day fund. But a rainy day fund for a government that now owes $5.72 trillion is starting to pay down that debt. I am a farmer from Michigan. We have always felt that one of our goals would be to try to pay off the mortgage or at least pay down the mortgage so there is a smaller debt load when we pass that farm on to our kids. But here at the Federal Government level we are doing just the opposite. We continue to increase that debt load that future generations are going to have to pay off one way or the other.

Allow me to review the last several years of the federal budget. When Republicans took the majority in 1995, there was a deficit, or overspending, every year between $200 billion to $300 billion.

Well, the good news is we have come a long ways. This year, for the first time, we are at least going to have a balanced budget without using the Social Security surplus. That is the good news. We have turned the corner. We have started slowing down the growth of government.

Here is the bad news. The total public debt is continuing to increase. There are 112 trust funds that the government has. In most of those trust funds we overtax or have higher fees so that there is more money coming into those trust funds than is needed to pay out the particular benefits or expenses in any one particular year right now. So what do we do with that extra money? What government has done and continues to do with that extra money is to spend it for other government programs and write out an IOU to those trust funds. The biggest trust fund is Social Security. We are looking at a surplus, or what is really overtaxation of the payroll tax, to bring in approximately $153 billion more than what is needed to pay Social Security benefits this year.

The other big trust fund, of course, is the Medicare, civil service pension, military retirement and other trust funds. These 112 other trust funds will bring in an extra $60 billion. So we are using all that extra money and spending it for other programs and writing an IOU.

So what does government do when those trust funds start needing more money than is coming in from those taxes? We do one of three things: first, we cut out other spending. That is pretty unlikely. We have never been able to do that. We have continued to expand the size of government. Second, we increase taxes. And we have done that all the time. Or we increase borrowing and of course Washington has been doing a lot of that.

I say let us be honest with the American people. Let us hold the line on spending and let us really start paying down this debt. Thank you.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 55 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Of all the good gifts that come our way and with all the good spirit that flows from above, we cherish the blessings of thanksgiving and praise. O gracious God, from whom all blessings flow, teach us to remember that spirit that truly marks us as human, the spirit of thankfulness, of appreciation and of celebration. And in that spirit of exaltation, we express our thanks to You, O God, for all the gifts we have received, the gifts of faith and hope and love, and may we take those gifts and express them in our daily life with deeds of justice to all members of the human family.

This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. INSLEE) come forward and lead the House in the Pledge of Allegiance.

Mr. INSLEE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

BELINDA McGREGOR

The Clerk called the Senate Bill (S. 452) for the relief of Belinda McGregor.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

RICHARD W. SCHAFFERT

The Clerk called the bill (H.R. 1023) for the relief of Richard W. Schaffert.

There being no objection, the Clerk read the bill as follows:

H.R. 1023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF TIME LIMITATIONS.

(a) IN GENERAL.—The limitations set forth in sections 6511 and 6514(a) of the Internal Revenue Code of 1986 (relating to period of limitation on filing claim and on allowance of credits or refunds for tax overpayment) shall not apply to a claim filed by Richard W. Schaffert of Lincoln, Nebraska, for credit or refund of an overpayment of the individual Federal income tax Richard W. Schaffert paid for the taxable year 1983.

(b) DEADLINE.—Subsection (a) shall apply only if Richard W. Schaffert submits a claim pursuant to such subsection within the 1-year period beginning on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

PLAYING WITH BLOCKS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, ensuring that our children have the best possible education should be a priority for all of us. However, we need to ensure that our education dollars fund programs that are actually and truly educating our children.

Awhile back I read an article detailing programs endorsed by the U.S. Department of Education which encouraged teaching middle school students to play with blocks and use calculators, rather than teach them basic math skills. These useless programs have prompted over 200 scholars recently to take out a full page ad in the Washington Post denouncing the programs and calling for Secretary Riley to stop endorsing them. But yet programs like these still exist and are still funded with the tax dollars of hardworking Americans.

Our children deserve more. They deserve educational programs that will actually prepare them for the 21st century. This year, let us make a commitment to our children. Let us raise test scores, but let us do it by supporting real education, not by lowering our standards.

Mr. Speaker, I yield back all the dumbed-down education programs that have failed to teach our children.

THE TIME TO ACT IS NOW

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, the Republican leadership likes to complain about bureaucracy, but when it comes time to do something about it, something their special-interest friends oppose, they are remarkably silent, because on this very day, as we speak, families across our country are being forced to wade through a seemingly endless bureaucracy, a mountain of paperwork, simply to get the care, the health care, they or their children need and deserve.

It does not need to be that complicated. If your child has fallen and hit his head, you should not have to call an insurance bureaucrat to see if you can go to an emergency room and you should not have to get authorization before taking your child in. You should be free to have only one thing on your mind, and that is your child's safety.

That is what the Patients' Protection Act ensures. It puts health care first and bureaucracy last. That is what we Democrats and some conscientious Republicans are fighting for. That is the reform the supposedly pro-family anti-bureaucracy Republican leadership has been stalling for years.

Mr. Speaker, the time for Republican stalling is over. The time to act is now. Let us vote for the motion to instruct conferees later today and move the Patients' Bill of Rights to the President's desk.

REPEAL THE MARRIAGE TAX PENALTY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the family is the fundamental building block of society. Our Tax Code for too long has punished Americans for getting married. This year, 28 million American couples will be penalized an average of $1,400, simply for committing their lives to each other.

It is past time to repeal the marriage tax penalty. In America, our tax policy should encourage family formation, not discourage it.

Mr. Speaker, we need to eliminate the marriage tax penalty for all married couples, not just some. If the marriage tax penalty is bad policy, it is bad policy for everyone. I urge this body to completely repeal the marriage tax penalty and honor all American marriages, not just some.

SAFE PIPELINES ACT OF 2000

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, on June 10th, last summer, a gasoline pipeline in Bellingham, Washington, ruptured, spilled hundreds of thousands of gallons of gasoline and ignited, and a huge fireball took the lives of two young boys and one young man. We now have huge holes in our safety system of pipelines in this country, and we need to act to plug those holes.

Accordingly, yesterday the gentleman from Washington (Mr. METCALF), the gentleman from Washington (Mr. SMITH), the gentlewoman from Washington (Ms. DUNN), and myself introduced the Safe Pipelines Act of 2000. This act will include a couple of common sense measures. It is common sense to require periodic regular inspection of these lines, it is common sense to require reporting of spills, and it is common sense to allow States to move forward to have more rigorous safety standards in our neighborhoods.

I would urge my colleagues to join me in supporting this bill. It is only asking these companies to act as a good neighbor when these pipelines run next to our back doors, to make sure they are safe. Let us require them to be good neighbors and pass this bill.

PASS MEANINGFUL MARRIAGE TAX RELIEF

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, it is good to hear that the President is joining our tax relief debate. Just last year the President vetoed our marriage tax relief plan. This year he thinks our idea is so great he has come up with his own proposal.

Unfortunately, his plan misses the mark. The President's plan would only affect a fraction of the 28 million couples helped by the Republican plan and would only save couples a meager $210 a year. Come on, Mr. President. The American people deserve better. On the other hand, the Republican plan would have provided married couples up to $1,400 in tax relief.

Mr. Speaker, in the next few weeks the House will consider a marriage tax fix even better than our proposal last year. I urge the President to join us this year to pass meaningful marriage tax relief. American couples deserve it, and it is the fair thing to do.

WAL-MART WIPING THEIR ASSETS WITH OLD GLORY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, so much for Wal-Mart's big buy-American promotion. Since 1985, Wal-Mart bought 4 tons of Chinese shoes. Meanwhile, 240 American shoe factories shut down and 30,000 American workers lost their jobs. If that is not enough to bust your bunions, Wal-Mart imports 18,000 tons of goods and products from China each year.

Think about it. While American soldiers literally died shouting "better dead than red," Wal-Mart has allowed China to wipe their assets with Old Glory.

I yield back the fact that Wal-Mart now owns, owns and sells 14 brands of shoes, and they are all made in China.

Beam me up.

ENDING ACRIMONY AND BITTERNESS ON THE HOUSE FLOOR

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, let me ask my colleagues on both sides of the aisle, if they will, to be a little patient. We are already hearing some "foot dragging" commentary on health care. We are hearing a lot of innuendos that somehow the Republicans are not getting to work. We just started.

But I will tell you some of the things we did do last year. Paid down the debt, over $151 billion; paid do you know what we owe the taxpayers of the United States of America. Now we are going to have a chance for marriage penalty elimination. Talk about sensible tax relief for all taxpayers.

So let us not start the rhetoric of this new year and this new millennium with accusations of foot dragging and partisanship. I implore the other side of the aisle to be calm, to be rational, and to be deliberate as we debate the very important issues confronting the

American people. But if we are going to start with these types of one minutes of accusation, innuendo and character assassination, then I think the year will start off just as it ended last year, with acrimony and bitterness.

Let us start for the American people a better way on this floor by proving we can legislate and not sit here and constantly belittle the other side of the aisle.

GETTING SERIOUS ABOUT REAL HMO REFORM

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I follow my colleague from Florida in saying that I agree that we should work together. In fact, last year this House passed and worked very hard on a bipartisan Norwood-Dingell bill, on managed care reform, but we have not seen any action in months.

We should stop the delay in managed care reform. We do not need gimmicks or watered down proposals that wind up doing nothing for patients.

In my home State of Texas, we passed these protections in 1997 included in the Norwood-Dingell bill, and there have been no massive premium increases or mass filing of lawsuits that are used against the bill. What Texas residents do have is elimination of gag clauses, open access to specialists, timely appeals processes, coverage for emergency care and holding the medical decision maker accountable.

We do not need any more delays. We need to act this year on a bipartisan basis and pass this bill. Hopefully, the conference committee will at last meet after all these months and pass real HMO reform, and today we will have that opportunity with the motion to instruct the conference committee. We need HMO reform now.

CONTINUING THE RECORD U.S. ECONOMIC EXPANSION

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it is generally known that success has 1,000 fathers and defeat is an orphan. I would like to stand here and go one step further and compliment the President, for in his State of the Union he used the plural "we" in describing the fact that as we mark this February 1, 2000, it is the anniversary of the longest economic expansion in our Nation's history. I am glad that he used the plural "we" in describing the fact that we have encouraged policies which have allowed the American people to bring about this economic expansion.

The real challenge is are we going to continue to do everything that we can to pursue those shared goals of maintaining a balanced budget, reducing the tax burden on working Americans, encouraging global trade, which is very, very key, making sure that we continue to reform welfare, and encourage work and productivity. I think we have a chance to do that.

HMO reform, I would say to my friend from Texas, is among those priorities. Congress adjourned before Thanksgiving. It is true that in the last couple of months we have not been working on it, but we are committed to moving ahead with that legislation just as quickly as we possibly can. I am glad that we are working together.

ENSURING STRONGEST POSSIBLE PATIENT PROTECTIONS IN HMO REFORM

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, this year Congress can begin to address one of America's most pressing problems, reforming managed care. But HMO reform will be meaningless if we do not have a real Patients' Bill of Rights with teeth.

Last year we got the process started. We passed the bipartisan Dingell-Norwood bill, which has real teeth in it. What do we need to do now? First, we need to get started. There has been too much delay. Let us convene the conference committee. Second, we need to insist on the part of the House that we include the tough standards that give patients the right to sue, that require utilization review, that require independent appeals processes and that enable constituents to have an explanation in writing of why they were denied care.

When people are denied care by HMOs, they are harmed. When HMOs harm citizens, they have to be held accountable. The way to hold them accountable is to insist that our legislation includes the tough standards that the House passed last year. We can do it together. I certainly believe this ought to be one of our first orders of business as we begin the new year. I think if we do that we can make real progress for the American people.

□ 1115

PATIENTS' BILL OF RIGHTS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, 4 months ago we passed a bipartisan Patients' Bill of Rights. This is a monumental piece of legislation to reform HMOs. It provides basic rights of care for all Americans. It ensures that we are able to choose our own doctors; that we have access to the nearest emergency room; that we have a specialist when we need one, if we need one for our health; and, yes, indeed, to hold HMOs accountable for the medical decisions that they are making every single day.

Unfortunately, the GOP leadership continues to stall this legislation. I call upon the Republican leadership to stop their delay tactics, pass meaningful HMO reform. This is a bipartisan bill; we have broad support amongst the rank and file Members. We must act to give 160 million Americans access to health care in this country. We owe it to the American people to enact this legislation and to enact these reforms now.

PATIENTS' BILL OF RIGHTS

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, now is the time for a real Patients' Bill of Rights; and today is the day that we should instruct the conferees to move quickly to pass a strong bill.

I have a letter from constituents.

> Dear Representative Schakowsky: We beg you to please do everything you possibly can to support a Patients' Bill of Rights for those of us who find ourselves in the merry-go-round of dealing with HMOs and reluctant insurance company benefit providers. It has gotten to the point of being ridiculous when patients are subjected to mental torture by these big companies.
>
> This certainly cannot be what our Founding Fathers had in mind. Ultimately, we have only one means of relief, the United States Congress. I understand the big providers have lobbyists, with deep pockets, fighting any legislation that would force them to be more fair and of understanding their responsibilities to their customers, but this cannot be allowed to interfere with what we all know to be basically right and wrong. This is what the average American cannot understand. Why cannot Congress just do what is right for the people whose well-being has been entrusted to them?

It has been entrusted to us. This is the day that we can act to say move quickly, move now.

PATIENTS' BILL OF RIGHTS

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, it is time for the conferees to move forward with a patients' bill of rights. The leadership of this Chamber, which has blocked the legislation for years now, has to recognize that the American people are rightly demanding that their elected leaders give them a fair chance at getting decent health care.

There are 47-some million Americans without health care. That is a tragedy and an embarrassment for this great Nation, but the fact the people who pay their premiums and expect to get care when they are ill, or their loved ones are in danger, end up fighting the bureaucracy of these large corporations with their hands tied behind them and virtually no rights, which is an outrage.

This House and the Senate need to come together and pass a real bill that gives citizens the right to protect themselves in these medical emergencies.

PATIENTS' BILL OF RIGHTS

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, I rise this morning with a hopeful heart. We return to Congress at the dawn of the millennium, and we face many challenges and opportunities. I wish to remind our colleagues that during the last session, the House approved legislation that greatly impacts Americans and assures their access to health care, but today, 4 months after the Patients' Bill of Rights was approved, we are still waiting for action.

We cannot allow any more delays that place the health of Americans at risk. Millions of American families suffer from managed care decisions made by HMO bureaucrats that are based on profits and not medical need. We must return medical decisions back to where they belong, to doctors and patients.

I urge conferees to produce a strong bill that will help families and give patients the right to make health and life decisions together with their doctors and not subject to the decisions of insurance bureaucrats.

WELCOME BACK TO OUR GREAT CITY

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I come to the floor to welcome back Members. Welcome back to the city that is still on the rise, about to report another surplus. Welcome back to the city that has been substantially helped by this Congress. Welcome back to a city whose improvements could be seen as one comes to the House this morning because the streets were, of course, cleared. The city now has the funds and the wherewithal to act like a city and do what cities do well.

I am very pleased that the Congress passed my $5,000 home-buyer credit because that has helped us to get more people in this city. We still need a couple hundred thousand more. And I am going to be coming to talk about that with bills this term, but I want to say for the people who live in this city that we are very pleased that Congress is back.

I want Members to know that if they have a problem, and inevitably even with a government in good working order there will be problems, I hope they will come to their Congresswoman while they are away from their districts, because that turns out to be me. I will be sending a letter to Members about how to do that and how they can maneuver their way through problems with the District government. Again, welcome home.

COMMUNICATION FROM RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 1, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 602(b) of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120), I hereby appoint the following member to the National Commission for the Review of the National Reconnaissance Office:

Mr. Dicks, WA.

Yours very truly,
RICHARD A. GEPHARDT.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any recorded votes on postponed questions will be taken up later.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. SCHAFFER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 409) honoring the contributions of Catholic schools.

The Clerk read as follows:

H. RES. 409

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 1998–1999 academic year was 2,646,844, the total number of Catholic schools is 8,217, and the student-teacher ratio is less than 17 to 1;

Whereas Catholic schools provide more than $17,200,000,000 a year in savings to the Nation based on the average public school per pupil cost;

Whereas Catholic schools teach a diverse group of students and over 25 percent of school children enrolled in Catholic schools are minorities;

Whereas the graduation rate of Catholic school students is 95 percent, only 3 percent of Catholic high school students drop out of school, and 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event sponsored by the National Catholic Educational Association and the United States Catholic Conference and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, America's Catholic schools are internationally acclaimed for their academic excellence. They also provide students more than a superior scholastic education. Catholic schools ensure a broad values-added education, emphasizing the life-long development of moral, intellectual, fiscal, and social values in America's young people. The total Catholic school student enrollment for 1998 and 1999 was 2,646,844. The total number of Catholic schools is 8,217, and the student/teacher ratio in those institutions is less than 17-to-1.

Catholic schools provide more than $17 billion a year in savings to the Nation based on the average school per pupil cost.

Catholic schools teach a diverse group of students and over 25 percent of school children enrolled in Catholic schools are minority students. The graduation rate of Catholic schools is 95 percent. Only 3 percent of Catholic high school students drop out of school and 83 percent of Catholic high school graduates go on to college.

Catholic schools produce students strongly dedicated to their faith, their values, their families and communities by providing an intellectually stimulating environment rich in spiritual character and moral development.

In 1972, a pastoral message was adopted by the National Conference of Catholic Bishops and it stated the following and I quote for the Chamber, education is one of the most important ways by which the church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the church, therefore, must be directed to forming persons and community, for the education of the individual Christian is important not only for his solitary destiny but also for the destinies of the many communities in which he lives.

It is on that basis, Mr. Speaker, that this resolution recognizes Catholic schools and Catholic Schools Week. This is an event sponsored by the National Catholic Education Association, which is, by the way, the largest private organization of professional teachers in the world. It is also sponsored by the United States Catholic Conference and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools.

So we here congratulate today Catholic schools, their students, their parents, teachers across the country, for their ongoing contributions to education and for the key role that they play in promoting and ensuring a brighter and stronger future for this Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, today's resolution recognizes the significant and important contributions of Catholic schools. Mr. Speaker, I myself attended Catholic schools. I received a high quality education from these schools and have benefited greatly. Also, children all across America have benefited from a Catholic education. Catholic education's place in America and our educational commitment is strong and dynamic.

Fortunately, the truly great aspect of the American educational opportunity is its diversity. We have educational systems that can provide anyone in any city, in any State, with the opportunity to succeed. This recipe for success certainly includes our Catholic schools, schools with other religious focuses, nonreligious private schools, along with our great public schools. It is this variety, Mr. Speaker, this diversity, that truly makes American education powerful and makes American education successful in its mission.

Mr. Speaker, today we are recognizing the educational and societal contributions that Catholic schools make to our Nation. We must recognize the importance and value that all parts of our educational structure have in our lives and the lives of our children.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHAFFER. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I rise today to support this resolution with respect to Catholic education, but to also share with my colleagues some of the history of Catholic schools in America, and particularly Catholic schools in the southwest.

In 1598, Juan de Onate came up the Rio Grande, and he included eight Francisan friars in his expedition. They reached the east bank of the Rio Grande River near its confluence with the Chama River, close to the present site of Espanola and established a permanent settlement. That is over 400 years ago, before Jamestown became Jamestown and the Catholic church was in the southwest.

The friars began teaching to the pueblos and mostly other children were taught at home for the first 100 years or so but in the 1800s, the Spanish government, cooperating with the Catholic church, began to establish schools in the territory of New Mexico. In 1850, the Bishop of Santa Fe, Juan Baptiste Lame, began to expand Catholic schools in New Mexico and brought the Sisters of Loretto to Santa Fe and the Christian Brothers came shortly thereafter to establish a school which still exists, Saint Mike's. The importance of these institutions and the history of New Mexico cannot be underestimated. Twenty percent of the people who participate in the constitutional convention in 1910 that established the Constitution for the State of New Mexico were graduates of Saint Mike's High School.

These two institutions, the Sisters of Loretto and the Christian Brothers began a long tradition of Catholic schools in New Mexico as they expanded many more schools throughout the territory.

It was only 1891 when New Mexico started establishing a system of public schools, and even then Catholic schools retained their importance. Four of the first teaching certificates issued in Albuquerque, my home, under this new public school law, were to Sisters of Charity. That was 300 years after the Catholic church began educating new Mexicans. Today there are five Catholic high schools in New Mexico, 29 elementary schools. To put that in context, there are a little less than 800 public schools in the entire State of New Mexico.

□ 1130

The great thing is how many kids go on. They graduate from Catholic high schools. In my hometown, Albuquerque, St. Pious High School has a graduation rate of 100 percent, and between 95 and 100 percent of those kids go on to college. They do a great job. They have impacted our history and our culture and our life, and we thank them very much for it.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, let me thank my colleague, the gentleman from Michigan (Mr. KILDEE), for yielding time to me.

Like the gentleman from Michigan, I also am a product of the Catholic schools, having attended St. Helen's Grade School, taught by the good Felician Sisters, and then on to high school, attending Don Bosco High School, which was taught by the Brothers of Mary.

So, I rise to support this resolution, but I would like to further the congratulatory portion of the resolution by including all the Catholic clergy in the country and all the good sisters who devoted their lives to teaching young students in the Catholic schools.

I extend this honor to the Catholic clergy, and wish that the Republican leadership would have done the same, when they had their chance to honor a Catholic clergyman by selecting the first choice of the bipartisan Chaplain Selection Committee, a Catholic priest, Father Tim O'Brien, who was passed over.

In checking back with the Committee on Education and the Workforce and with the Catholic Conference, I am told that this is the first time the House of Representatives has ever brought to the floor a resolution specifically congratulating Catholic schools.

I guess one could be suspicious of the timing. Here we are in the second session of the Congress, and one of the first items brought forward is a resolution congratulating Catholic schools. This naturally will make Catholics around the country very happy.

However, one could ask, why is this being done? We have had Catholic School Week celebrated in this country for years and years. One could ask, is this a way that some can clear their conscience? Is this resolution before us because maybe it is an attempt to repair some of the damage done to the Catholic vote in this country?

Mr. Speaker, I make a prediction. I would say after the debate on this resolution, a roll call vote will be requested. And later this afternoon when the vote is called, my Republican colleagues will stream to the floor and cast an aye vote for the resolution to show the entire world how pro-Catholic they are.

Mr. Speaker, I hope that same level of pro-Catholicism exists when the House later this month has before it the appointment of a chaplain for the House of Representatives, and when we will have the opportunity at that time to vote on naming the first Catholic priest in the history of this country to be chaplain of the United States House of Representatives.

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I would respond to some of the comments that were made by the previous speaker.

Mr. Speaker, with respect to the timing of this resolution, it is unfair, wholly unfair, to suggest that the Council of Catholic Bishops and the Catholic Educators Association somehow planned Catholic Education Week, this week, to correspond with the second issue that the gentleman spoke of.

It is certainly not the case. Catholic Schools Week is an annual event, and one this Congress has recognized in the past and participated in events. I have been part of those myself in years past.

Secondly, the gentleman asked, why is this resolution being introduced? This resolution was introduced because I wanted to introduce it. As a sponsor, I thought it was important. I am one who represents a district where a great many of my constituents educate their children in Catholic schools. They are thriving institutions. They provide a wonderful service, not only to the children who learn in those schools, but to the community at large.

I would submit that, from a cultural perspective, our Catholic schools have contributed greatly to our Nation, and it is right and it is fitting for this Congress and for this body to recognize their contributions to the country.

Fortunately, most children who are in Catholic schools today are learning and they are hopefully not observing today's proceedings, because how confusing it must be for them to observe Members of their Congress confusing an issue that is about those children and ought to be focused exclusively on those children and the great contributions of their teachers and administrators and those who have provided professional support for those kids. That is what this resolution is about. That is where our focus ought to remain.

I find it once again troubling and unfortunate that others would try to drag in secondary issues, other issues that are important to the Congress that will in due time be resolved by this Congress in an appropriate setting.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 3½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, first of all, as a Catholic, as a product of Catholic schools, including the University of Notre Dame in my district, someone educated by some of the Diocesan, some of the Holy Cross and Jesuits orders, I am very proud as an original cosponsor to rise in support of this resolution.

The success of the Catholic schools across the country and particularly in my home district makes me very proud. That is why I am a proud original cosponsor of this legislation.

The Catholic schools, Mr. Speaker, are traditionally very strong academically, with very good curricula. They have a very good parental involvement and they have few disciplinary problems. Catholic schools, Mr. Speaker, can often teach students not only the importance of academic achievements, but also provide them with the important perspective of life that promotes social justice and responsibility and social service and love and respect of one's neighbor. Catholic schools also have considerable ethnic and racial diversity.

We have also seen, Mr. Speaker, and I think it is very important to point this out, that there is about a 95 percent graduation rate from our Catholic schools, and about 83 percent of those students go on to college. I think it is important for us to look at why this is so. We have very many great public schools, but we have a real pattern here in our Catholic schools. We need to understand why this is.

Dr. Maureen Hallanan, with the Institute of Educational Initiatives at the University of Notre Dame, is working to do precisely this. She is conducting a comparative analysis of public and nonpublic schools and their effects on student achievement. This research will help identify the characteristics of those schools that successfully promote student achievement, especially, especially targeted for at-risk students. These would be important considerations for us to better understand.

So I hope that all my colleagues will join me in supporting this valuable research and supporting this resolution.

With respect to the comments that my good friend, the gentleman from Wisconsin, made, I think it is fair to bring up the situation of the Catholic chaplain as we consider and debate and talk about Catholic education and the importance of that Catholic education in America today.

Mr. Speaker, I think, sadly, it was a missed opportunity. I think Reverend Wright surely could and would make a very good chaplain here, and I have the highest respect for him. I certainly think the process probably could have been much fairer. I think basically it is a missed opportunity to be more inclusive. Mr. Speaker, I think it is generally a missed opportunity to be more inclusive.

Secondly, I think we could have reached out and shown the Catholic community throughout the country we embrace their diversity, and for the first time in the history of this Congress have a Catholic chaplain.

Thirdly, we have seen, through the centuries in this country in politics with Al Smith and John Kennedy, through the Ku Klux Klan, that we have had prejudice against the Catholics. This was an opportunity in this new century to show that we have overcome much of that prejudice. It is a missed opportunity, and I hope that it will not happen in the future.

Mr. SCHAFFER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in strong support of this resolution.

I can speak on this issue from personal experience. I have several people on my staff who are graduates of Catholic schools, including several who went through Catholic elementary school, high school, and college.

As well, I can also speak that my father was a graduate of Catholic schools, and my sister went to Catholic school as well. My parents actually wanted to send myself and my two sisters, younger sisters, to Catholic school, but like so many working class families, they could not afford it.

That is why I feel so strongly that we in this Congress should be doing everything we can to enable parents, working class parents, to have the ability to choose the educational environment for their kids that they would like, a choice that unfortunately today is primarily reserved for wealthy people and people who end up having to sacrifice a great deal. I know my parents sacrificed to send my sisters, and I have met many people who sacrificed a great deal to send their children to Catholic schools.

Why do they do that? Children who go to Catholic schools, they are much more likely, 95 percent of them graduate. There is a higher percentage of them who get into college. As well, there is a lower incidence of drug abuse. There are just so many amazing things that the Catholic schools have been able to do.

What is most amazing is that they actually do it with less money. They have demonstrated very clearly that they can do a better job with less, and that is why we in the Congress should be doing everything we can to encourage Catholic education in America for those who would choose to send their children there.

Most importantly, we should be encouraging school choice so that not just wealthy people can choose where they send their kids to go to school, and people are not forced to make incredible sacrifices, but that every

American, working class, poor, would have the ability to send their child to the school of their choice.

Yes, if we had an educational system in America that was like that, I believe millions more would choose Catholic education, because Catholic education has demonstrated clearly in that marketplace that they can do more with less. They can produce kids that are better equipped to go out in the world and be productive citizens.

Therefore, I am extremely pleased to be able to rise and speak in support of this resolution. I encourage all my colleagues to do the same.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of this resolution. I think it is a very important one. Certainly the Catholic schools of our great Nation have shaped and formed so many fine citizens.

I am a product of Catholic schools. I am proud to have paid my taxes for the public schools, and yet educated my children at Catholic schools as well. My daughter and son-in-law today are part of the faculty, high school faculty, in California at a very prestigious Catholic institution. Many of us I think have compared notes with one another talking about how the nuns shaped us, and it is them that we salute today. There are so many who have gone before us that we want to recognize when we recognize Catholic education in the United States.

It is really a real tribute to the Framers of the Constitution that we have the separation of church and State, and yet we recognize that we are one Nation under God, and that there is room in this country for private education and religious education.

It is my understanding that this is I think the very first time that the House of Representatives is entertaining a resolution honoring Catholic schools. I am grateful for that, and I salute that.

As a Member of the House Chaplain Search Committee, I would like to also say that the House and its leadership have the opportunity to recognize and to accept by the leadership for the first time in the history of our Nation a Catholic chaplain. Unfortunately, that has not happened. There are questions surrounding that, but we did miss a bipartisan opportunity and the opportunity to make history.

So while we recognize Catholic schools today, I am sorry that we have missed that opportunity. Mr. Speaker, I thank the sponsors of this important resolution.

□ 1045

Mr. SCHAFFER. Mr. Speaker, I have other speakers who are intending to be here who are not here now, so I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me this time.

Mr. Speaker, I also rise in strong support of this resolution this morning. It is also my understanding that this is the first time that such a resolution has come before the House.

I was privileged and honored to have been at a function last Saturday night where we recognized the supporters of Catholic education for the El Paso area. It is important to note, and I agree and want to associate myself with the comments of all of the comments this morning in extolling the virtues of Catholic education.

Mr. Speaker, I should say that, although I am a product of public schools, I deeply appreciate the value of a Catholic education, especially in a community like El Paso which services predominantly 80 percent of the Hispanics in that area.

I want to congratulate Bishop Armando Ochoa for the great job that they are doing. In El Paso there are 13 schools with 4,600 students employing about 300 educators. The oldest, which was honored on Saturday night, is Our Lady of Mount Carmel, which is celebrating its 81st year. The Father Yermo School is celebrating its 40th year in education.

I think it is important that we understand that the products of Catholic education are serving throughout the country in different capacities, both in private and public service. The superintendent of the Diocese of Catholic Schools is Sister Elizabeth Schwartz and she, with some degree of regret, did mention to me about the issue in terms of having missed an opportunity to select a Catholic for the chaplain.

Mr. Speaker, I appreciate the opportunity to speak on this important issue.

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate all the speakers today who have articulately spoken about the value and benefit of Catholic education and the contributions Catholic schools have made throughout the history of our country, right up to today and also that which we anticipate beyond.

There are a number of interesting statistics that I would like to remind the body about. First of all, just in terms of faith, I am Catholic and was educated in a Catholic high school in Cincinnati, Ohio, Moeller High School, and also Catholic University. It was my observation while I was there that clearly the majority of students who I attended school with were Catholic, but we had a great number of students from a wide variety of different Christian and non-Christian faiths who attended our school as well.

Almost 11.5 percent of Catholic elementary school students are from other faith backgrounds throughout the country. In some inner-city schools, the majority of students are non-Catholic. I think it speaks to the mission of Catholic educators to reach out to all students and provide academic and spiritual-based services to all those who wish to achieve a superior education in many settings throughout the United States of America.

Mr. Speaker, it is a remarkable accomplishment that the schools have achieved, and one worth noting today. As the gentleman from Florida mentioned a little earlier in terms of cost, the average tuition for children in a parish school setting is approximately $1,500 annually. Eighty-two percent of schools have some sort of tuition assistance. Over 60 percent of Catholic schools have a tuition scale for children from other parishes or other non-Catholic children. Over 80 percent of schools have some form of tuition assistance that is passed on to students that helps those students attend and achieve.

The average per pupil cost is $2,414 and 87 percent of the schools receive other subsidies from within the Catholic church and other Catholic endowments.

Based on the projected per pupil costs to educate a child in government-owned institutions during the most recent year that statistics are available, 1996 through 1997, it cost approximately $6,600 across the country to educate children. Parents of Catholic elementary school students provided a gift to local, State, and Federal governments of over $15 billion on that basis when we take into account the cost of educating those children in government-owned institutions, had those children had government schools as their only option; the cost of those entities would have been paid, if all Catholic elementary school attendees had attended those public schools.

Mr. Speaker, I want to talk about the teachers themselves. The teachers in Catholic schools are largely organized under the National Catholic Educational Association. That represents most of the U.S. Catholic elementary schools through the Department of Education.

The organization is a professional organization. As I mentioned earlier, it is the largest private professional educational organization in the world.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I would like to respond to the gentleman from Colorado (Mr. SCHAFFER). When he was speaking and basically chastising me for introducing the entire chaplain issue, I asked him to yield for one question. That question was: Where was this resolution last year? Where was the resolution the year before?

Mr. Speaker, this is the first time ever that I can find where we have had a resolution praising the Catholic schools of the country. Maybe one could say, and I agree, that it is about time we did so. However, we have to know the background.

There was a bipartisan chaplain selection committee appointed, nine Democrats, nine Republicans, who went on a very exhaustive search, over 35 candidates, to choose a new chaplain of the House. After their voting was completed, and I do not really understand the point system, but the person who received the highest number of votes for chaplain was Father Tim O'Brien, a Catholic priest who received 14. The next received 10.5 the third received 9.5.

The third one, the minister who received 9.5 points, was the one selected by the Speaker of the House and Majority Leader to be the next chaplain. We have not taken that issue up yet. That is coming up, I believe, in a couple of weeks.

So some of my colleagues have indicated that we have missed an opportunity in the House. No, that opportunity has not come before the House. I think we can right the wrong of the leadership in passing over Father Tim O'Brien, a Catholic priest.

PARLIAMENTARY INQUIRY

Mr. WELDON of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Wisconsin (Mr. KLECZKA) will have to yield for that.

Mr. WELDON of Florida. Will the gentleman yield for a parliamentary inquiry?

Mr. KLECZKA. Mr. Speaker, I yield.

Mr. WELDON of Florida. Mr. Speaker, is it not correct that we are supposed to be debating the resolution before us today?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. KLECZKA. Mr. Speaker, I have to question the timing of this first ever pro-Catholic resolution. And I think it is totally appropriate to bring it to the debate, the fact that if the people who are bringing this resolution forward are so pro-Catholic, let us see if that pro-Catholic feeling continues to exist when the House has before it the issue on electing, for the first time ever in the history of the House, the first Catholic chaplain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would correct his previous response to remind all Members that debate should be confined to the pending question.

Mr. SCHAFFER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Colorado (Mr. SCHAFFER) for yielding me this time.

Mr. Speaker, I did not think I was going to be speaking on this resolution. I have come to the floor because shortly we will be bringing forth a rule on the Taiwan security legislation. But I want to commend the gentleman from Colorado (Mr. SCHAFFER) for bringing forth this resolution.

Mr. Speaker, I have two sons. One of them is 16, the other has just turned 15. The 15-year-old is in ninth grade; the other one is in the eleventh grade. They both go to Catholic school.

In south Florida, we have a wonderful series of Catholic schools, both primary and secondary, as well as a wonderful Catholic university, Barry University. We are very proud of the education that those schools provide. So I think it is very appropriate that the gentleman from Colorado (Mr. SCHAFFER) brought forth this resolution that we are debating it today.

I do not know if it is the first resolution in history, Mr. Speaker. But I am glad that it has been done, because the reality of the matter is that the men and women who work in the Catholic schools throughout the United States deserve our commendation and they deserve our praise and we should go on record as expressing our appreciation for the work they do.

Mr. Speaker, I never cease to learn in this body, because I never thought that this would be a controversial resolution. I think that praising the men and women, both the religious and the lay folks, who work in Catholic schools is something that everybody would wish to do. So this has been an educational experience today that it has become controversial, but that is democracy. Even something like this can become controversial.

The reality of the matter is that I think we should all come together and praise the men and women who form the new generations who are privileged enough. Because all schools, whether they are private or public, are praiseworthy. But, specifically, definitely so are the Catholic schools and that is why I commend the gentleman from Colorado.

Mr. KILDEE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in conclusion, I would like to thank the Sisters of Saint Joseph of Nazareth, Michigan, who taught me at Saint Mary's school in Flint, Michigan. I would like to particularly thank Sister M. Hilary who helped change my life.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAFFER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I too would like to thank those who have spoken today on this important topic in reaching out to congratulate those involved in Catholic schools. The students, the administrators the teachers, all those who make Catholic education possible in the United States.

As a product of Catholic schools, I have learned myself that it is virtually impossible to disconnect the academic construction from the spiritual basis that all children in America need in order to advance and grow spiritually and personally. A great many parents throughout the country, even with the government-owned system that most children are educated in today, manage to instill in their children a strong spiritual basis as their children grow. But for many children, that is just an opportunity that is lost or missed.

The Catholic schools throughout the country provide a remarkable example and a remarkable model of academic institutions that result in thriving, growing, well-educated young men and women throughout the United States of America. And it is fitting for this body to recognize the contributions and accomplishments of Catholic schools today.

This is Catholic Schools Week all week long. There will be events taking place throughout the country. Our participation here is a symbolic one, but I think an important one as well to let them know that their job is one which is well done, one that is critical and essential to the maintenance of our union and the academic excellence of graduates and students who are in school today, and that they play a critically important role in the future growth and development of our Nation as a whole.

With that, Mr. Speaker, I ask the committee to consider favorably this resolution and that concludes the balance of my remarks.

Mr. CHABOT. Mr. Speaker, I rise in strong support of this important resolution that honors the contributions of Catholic schools in the United States. I am a product of that school system, I have been privileged to teach in a Catholic school, and my two children currently attend Catholic schools in our hometown of Cincinnati, Ohio.

In Cincinnati, we're very proud of our Catholic school system—one of the largest in the United States with 77 elementary and 16 secondary schools. Students in the system routinely score in the top one-third on nationally standardized tests. 98% graduate from high school. And 96% go on to pursue higher education.

Representatives from Catholic schools from all across the United States are in Washington this week to celebrate National Catholic Schools Week. We welcome them. And we thank them for building an exemplary education system that is based on academic achievement, community involvement, and strong values. Our Catholic schools have set a standard we can all be proud of.

Mr. Speaker, I strongly support this resolution.

Ms. SANCHEZ. Mr. Speaker, I rise today to honor America's Catholic schools.

It is fitting and appropriate that the Congress consider this legislation today. Our nation's Catholic schools are reputed not only for their academic excellence but also for their contributions to our communities.

Catholic schools—and their faculty, staff, students and families—go above and beyond the call of duty. Children educated in our Catholic institutions benefit from moral and social development along with superior intellectual challenge.

Millions of children attend thousands of Catholic schools every year in our nation. These schools boast diverse student bodies and exceptional success rates. Their graduates are not only skilled, but also devoted to their faith and community.

Right in my own district in Central Orange County, California, Catholic schools teach our children not only the knowledge they will need to succeed in the classroom, but develop the character children will need to thrive in the world.

In its 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community."

The Catholic school system has made invaluable contributions to our nation. Today I congratulate Catholic schools for their success and their continued role in promoting and securing a bright, strong future for our nation.

Mr. SWEENEY. Mr. Speaker, I rise today to voice my strong support for House Resolution 409, honoring the contributions of Catholic Schools. Over two and a half million students are currently enrolled at 8,217 Catholic schools across the country.

This week, as "Catholic Schools Week", provides us an important opportunity to recognize the outstanding performance of Catholic schools in the education of America's youth. I believe their successes truly hold some of the keys to improving our education system nationwide.

Catholic elementary and secondary school students consistently display superior results on national and science academic achievement tests. Catholic schools maintain a phenomenal graduation rate of 95%, compared to 66% for public schools. More importantly, Catholic schools provide their students with a strong sense of their faith, family and community. They provide a rich, intellectually stimulating environment in which today's youth learn the skills required to be tomorrow's leaders.

These schools teach the value of self discipline, tolerance and respect for one another. Catholic schools open their classrooms to economically and culturally diverse students, giving young people of all backgrounds the opportunity to succeed.

I also salute the Catholic school teachers who dedicate themselves to the teaching profession and take great pride in the success of their students.

Mr. Speaker, I commend the sponsors of this resolution, and appreciate the opportunity to honor the Catholic schools of our nation. I believe these schools are a model for success in the education of our youth. I urge my colleagues to support this important resolution.

Mr. McINTOSH. Mr. Speaker, today Congress passed a resolution congratulating America's Catholic schools, the students, the teachers, and especially the parents, who make many sacrifices to provide their children the education offered in Catholic schools. The outstanding contributions of Catholic schools to our Nation are worthy of celebrating, and as a co-sponsor of that resolution I offer heartfelt congratulations to all who participate in the work of Catholic education. I am especially proud of Catholic schools in Indiana which provide a great education to more than 62,000 children.

This week we celebrate the 26th annual Catholic Schools Week and commemorate the important role Catholic elementary and secondary schools across the country play in providing a values-added education for America's young people. We are proud of their educational network, emphasizing intellectual, spiritual, moral, and social values in their students.

Studies have shown that Catholic schools succeed because they employ a system that works: Site-based management; discipline and virtue; high academic standards, and parental involvement. These qualities contribute to a caring, well-ordered, safe and stimulating environment where children learn more than just academics. They learn individual responsibility, respect, moral conduct, and hard work.

Catholic schools work because they are entirely voluntary for both students and teachers. If students are unhappy, they may leave. Teachers are not tenured. Parents who sacrifice to send their children to school remain involved.

Cicero once said, "There are more men ennobled by study than by nature." However, if we are to ennoble the next generation, we must begin now by inducing positive changes in our education system so more children may have the opportunity to have the rich experience Catholic schools offer. We must introduce more examples of education excellence into the community, to kindle competition and bring excellence to all learning institutions public and private.

At the K–12 level, Indiana spends an average of $5,666 per student per year. Yet performance declines as the student progresses through the public school system.

For instance, in 1996, Indiana's 4th graders took the National Assessment of Education Progress math exam. They placed 4th out of 43 states that participated in the exam. Which is very good. However, Indiana's 8th graders ranked only 17th out of 43 states. On Math Advanced Placement exams, Indiana ranked last in comparison to other states and the District of Columbia in terms of the percentage of students who scored a 3 or higher out of 5. For Indiana high school students who are college-bound, their SAT scores are about 30 points below the national average. 46th in the nation.

We need to rethink our whole approach to elementary and secondary education. We need to look to examples of education systems which achieve great results so that we can make systemic changes. We also need to provide ways to help parents take advantage of the choices that exist.

Barbara is African-American and lives in inner city Indianapolis. She struggles to raise three boys. And Barbara has decided to become a leader in her community. She is president of a new grassroots organization called FORCE—short for Families Organized for Real Choice in Education.

A few years ago her son, Alphonso, had an opportunity to escape the inner city school system that was failing him. Through a private scholarship program started by Pat Rooney at Golden Rule Insurance Company, Alphonso has been able to attend Holy Cross Catholic School.

It was opportunity that enabled Alphonso to go to a better school. But it was Alphonso's own intellectual abilities and hard work that put him on the honor roll. His own athletic abilities that make him stand out on the football team. And his own leadership abilities that led his classmates to elect Alphonso to the student council.

I could tell you about studies that show the great academic achievements made by inner-city youth in Catholic schools. But Alphonso's success story speaks for itself. His real-life experience tells us so much more than mere statistics ever could. Catholic schools shine just a little brighter when more disadvantaged young people like Alphonso make the grade.

The author Victor Hugo once wrote, "There is one thing stronger than all the armies in the world, and that is an idea whose time has come." Excellence in education is the course of the future.

We will not let our children—our future—slip through the cracks. Our families will rebuild our education system so that our children grow up with the knowledge and the confidence to build a new day for our nation.

Mr. LARSON. I rise today to acknowledge the contributions made by Catholic schools, which build strong educational and moral foundations for our students.

As a former student of St. Rose's School in East Hartford, Connecticut, I would like to praise the outstanding efforts of the Sisters of Notre Dame for providing students with strong academic and moral values. My Catholic school education has given me a valuable framework for life, and has enabled me to achieve personal and professional goals.

Our nation's Catholic schools provide excellent opportunities for learning. With over 8,000 schools and current matriculating classes of greater than 2.6 million students (of which one-in-four are minorities), Catholic schools provide educational opportunities to a broad cross-section of our society. These schools encourage greater levels of student-teacher interaction through their small class-size ratio. As a result, Catholic school students achieve a graduation rate of 95%, while 83% continue on to a college education. This education model has been internationally acclaimed for its stellar academic reputation.

As we celebrate Catholic School Week, I am proud that these schools will continue to nurture students dedicated to their faith, to their values, to their communities and to their families. These schools develop the leaders of tomorrow with effective leadership and character. I am, therefore, proud to support H. Res. 409.

MR. SCHAFFER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. SCHAFFER) that the House suspend the rules and agree to the resolution, H. Res. 409.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1200

GENERAL LEAVE

Mr. SCHAFFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 409.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Colorado?

There was no objection.

TAIWAN SECURITY ENHANCEMENT ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 408 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 408

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; (2) an amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by the Minority Leader or a designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

Mr. Speaker, House Resolution 408 is a modified closed rule providing for the consideration of the Taiwan Security Enhancement Act, H.R. 1838.

House Resolution 408 provides for 1 hour of debate in the House, equally divided between the chairman and the ranking minority member of the Committee on International Relations.

The rule waives all points of order against consideration of the bill and, further, the rule provides that the amendment recommended by the Committee on International Relations now printed in the bill be considered as adopted.

The rule provides for consideration of the amendment printed in the CONGRESSIONAL RECORD, if offered by the minority leader or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

And, finally, the rule provides for one motion to recommit with or without instructions.

H.R. 1838, Mr. Speaker, seeks to enhance the security of Taiwan. I am pleased to be an original cosponsor of this legislation, which the majority whip, the gentleman from Texas (Mr. DELAY), introduced in large part to respond to increasing concern with the threat to the peace and stability of Taiwan in light of the actions of the People's Republic of China toward Taiwan.

Both the chairman and the ranking minority member of the committee of primary jurisdiction are cosponsors, along with four of my colleagues on the Committee on Rules. I believe that this legislation enjoys widespread bipartisan support in the House.

The Taiwan Security Enhancement Act increases military cooperation with and establishes direct military communication between forces in Taiwan and in the United States in an effort to help Taiwan protect itself from potential threats from China. The legislation increases the number of Taiwanese military officers and officials to be trained at U.S. military academies and the National Defense University and increases the technical staff at the American Institute in Taiwan.

In addition, the Taiwan Security Enhancement Act requires the President to justify any rejection of a Taiwanese defense request and requires annual reports by the defense secretary on Taiwan's security situation.

I believe that it is entirely appropriate for Congress to express itself strongly on the important matter of the security of Taiwan. Since the nationalist escape to the island after the Communist victory on the mainland of China in 1949, the close relationship between the United States and Taiwan, I think, has been mutually beneficial to both peoples.

The Taiwan Relations Act of 1979 established on the part of the United States a concern for Taiwan and its people, at a time when diplomatic relations switched on the part of the United States from Taiwan to the People's Republic of China. The Taiwan Security Enhancement Act clarifies and reiterates the commitments made in the Taiwan Relations Act.

The gentleman from Connecticut (Mr. GEJDENSON), the ranking minority member on the Committee on International Relations, stated in his testimony to the Committee on Rules that he was aware of no amendments to this legislation, and he was supportive of the request for a modified closed rule. As a firm supporter of this legislation, Mr. Speaker, I believe that the Committee on Rules has crafted a fair rule to provide for its consideration, and I would strongly urge the adoption of both the rule and the underlying bill.

Mr. Speaker, I would like to commend the gentleman from New York (Mr. GILMAN), and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), along with the majority whip, the gentleman from Texas (Mr. DELAY), and the many others who have worked on this legislation for their efforts in bringing forward this important piece of legislation. I believe House Resolution 408 is a necessarily structured rule, a fair rule, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Florida for yielding me the customary 30 minutes.

Mr. Speaker, the underlying bill, the Taiwan Security Enhancement Act, H.R. 1838, is a bill designed to reaffirm the Nation's commitment to Taiwan's security. It is my understanding that the bill was substantially modified in the Committee on International Relations and demonstrates a bipartisan effort to show some congressional support for maintaining Taiwan's ability to defend itself.

I have received numerous letters and petitions from Taiwanese Americans in my district urging passage of the bill. As Professor Ken Hsu of Pittsford, New York, notes, "This act will help maintain the peace and security of the Taiwan Strait." Over the past decade, Taiwan has become a full-fledged, multiparty democracy. Presidential elections are scheduled for March of this year. Taiwan fully respects human rights and civil liberties and is often touted as a model for democracy in East Asia.

Meanwhile, the People's Republic of China continues to jail citizens who simply want to express their views and represses the people of Tibet and other regions who long for freedom. Most importantly, China has spent the past few years actively building up its military capabilities. This buildup has included further development of advanced ballistic and cruise missiles and a significant increase in the size of China's missile force. That is a worry.

Mr. Speaker, this is a closed rule, with the possibility of a substitute amendment. And while I support a more open amendment process, in this case I am not aware of any amendments on our side and will not call for a recorded vote.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), the distinguished chairman of the Permanent Select Committee on Intelligence and my colleague on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my colleague from Florida for yielding me this time, and I rise in support of this appropriately crafted and, I believe, noncontroversial rule. This is obviously an extremely important and serious matter, and I believe a structured rule was necessary to ensure that the various views are aired in a productive way out here today.

Mr. Speaker, I come to this debate primarily focused on national security, obviously as chairman of the Permanent Select Committee on Intelligence, with very high hopes but also with some deep underlying concerns. I have high hopes that the United States can and will step up to the challenge of engaging the Asia-Pacific region while protecting U.S. interests and the interests of our friends and allies in that area and elsewhere.

I do remain concerned that we lack sufficient and sustained leadership on this issue from the Clinton-Gore administration, while at the same time we do have a wide range of vigorously conflicted, highly visible viewpoints on how we should proceed even within this Congress. As a result, we run the risk of sending mixed signals that could weaken rather than reinforce the message of resolve that we need to send to the Chinese leadership about our priorities. That is what we are here about, resolve.

Mr. Speaker I have just returned from leading the Permanent Select Committee on Intelligence on a trip to the South Pacific. I want to report that, without fail, what we heard over and over is that the area of greatest focus for U.S. officials and their counterparts in the region is the need for careful management of the explosive flash-point that exists in the Taiwan Strait. The Chinese hierarchy knows this and has demonstrated its willingness to capitalize on it by engineering provocations in order to promote its own agenda, including, apparently, gaining unfettered entry into world markets and trade organizations.

Let me state that I am certainly supportive of the substance of this legislation, inasmuch as it emphasizes and clarifies our defense posture when it comes to assisting the people of Taiwan and protecting their security. But I am also mindful of the larger picture, and I recognize that, as contorted as U.S. policy toward Taiwan and, by inference, China, has become, it is a policy that of necessity must find balance on an extremely narrow tightrope.

Our discussions here must not be misinterpreted to be our pushing the envelope on behalf of Taiwan. The issue is the defense and security of Taiwan. Proponents of today's legislation point out that the existing statutory foundation for our relationship with Taiwan is in need of greater elucidation. They seek to send a message to Beijing. But we must make sure that in the process of adding detail, specificity, and clarity to our current policy, we do not also generate the unintended consequences of provocation and perhaps dangerous escalation in our complicated and delicate diplomatic relations with China.

This matter is of vital significance to regional security and to global security, and it affects U.S. interests directly. Without doubt the Chinese leadership, as well as the people of Taiwan and our friends and enemies around the world, will be watching this debate and gauging our willingness to approach these tough issues with thoughtful, farsighted leadership, and unity of purpose.

As my colleagues know, one of the areas of jurisdiction of the Committee on Intelligence is to monitor and prepare capabilities for potential security crises around the world, and that certainly includes a careful eye toward China and Taiwan. I think I can say that the danger of miscalculation in the Taiwan Straits is at the top of the list of the gravest threat to today's world peace.

Our challenge in this debate is to ensure that it promotes solutions rather than contributing to a deadly miscalculation. I urge support for the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my friend and colleague from New York for yielding me this time.

I will rise in the strongest possible opposition to this legislation when it is offered, and I would like to ask my colleagues to pay careful attention to this legislation, which, while well-intentioned, will be wholly counterproductive and will dramatically enhance instability in the region.

Let me first say that during the course of the many years that we have debated the China issue, I am proud to have been one who has uniformly fought for human rights in China; who has uniformly fought for the right of the people of Tibet; who has uniformly rejected Most Favored Nation treatment for China, and will continue to do so.

What is at stake here is the unintended unraveling of a carefully crafted ambivalence in U.S. foreign policy towards China and Taiwan, a foreign policy which under Republican and Democratic administrations has succeeded in making Taiwan a strong, prosperous, and democratic society. What this legislation will do, it will enhance instability and uncertainty in the region, and it will not contribute one iota to the security of Taiwan.

□ 1215

Let me elaborate. When the question of an invitation to the distinguished President of Taiwan from his alma mater, Cornell University, came before our body, and the administration was committed to denying him a visa because that was part of our agreement with the government in Beijing, I introduced a resolution compelling the Department of State to issue a visa to the democratically elected President of Taiwan to go to Cornell to receive his honorary doctorate.

My legislation passed this body on May 2, 1995, by a vote of 390–0 and the Senate by a vote of 97–1. When the question of Chinese application to host the Olympic Games in the year 2000 came before our body, it was my pleasure to introduce a resolution expressing the strong view that this Congress will not countenance the holding of the Olympic Games in China as long as human rights violations are as widespread, as long as the denial to religious freedom are as widespread, as long as the practice of forced abortions are as widespread as they are in China. And this body and the Senate approved my legislation.

A short while before we left for our Christmas break, I had the privilege of speaking on behalf of a religious movement, global in nature, called Falun Gong that the Chinese Communist Government is persecuting, harassing, and imprisoning its leaders.

So I come to this debate as one whose opposition to the odious practices of the Chinese Communist regime have been on display for two decades. But I also come to this debate as one who has supported the Taiwan Relations Act, passed in 1979, which for the past 20 years has facilitated Taiwan's development as one of the most prosperous, advanced, and democratic societies on the face of this planet.

As a matter of fact, one of the few great achievements on a bipartisan basis of the administrations during the course of the last 20 years has been the tremendous development in Taiwan. Taiwan today is a powerful, prosperous, and democratic society.

Our relationship with Taiwan and China is predicated on the carefully crafted fiction that there is only one China; and this fiction, which we pay tribute to on a daily basis, has an ambassador in Beijing but no ambassador but somebody who acts like an ambassador in Taipei.

The Chinese Government in Beijing sends an ambassador here to represent China; and the Government of Taiwan sends someone who, while not with the rank of ambassador, ably and effectively represents the interest of Taiwan. When he visits me in my office, I refer to him as "Mr. Ambassador."

Now, this carefully crafted ambivalence and ambiguity has allowed us to support Taiwan's defense needs to the fullest possible extent. Taiwan today is stronger than it has ever been in its history. Speaking for myself, I will be voting for whatever defense requirements Taiwan comes to us with insofar as these requirements will be necessary for the defense of that island.

This piece of legislation, well-intentioned but totally counterproductive, will add nothing to the security of Taiwan. What it will do, it will stir up a hornet's nest in the region. It will enhance instability, anxiety, and uncertainty.

While the crafters of this legislation had good intentions, they clearly did not take into account that, in public diplomacy, ambivalence and ambiguity have a long established and distinguished place.

It is that ambiguity and ambivalence which the presence of our peculiar relationship with Taiwan so ably demonstrates which will be undermined and destroyed by this piece of legislation.

Now, this is not a partisan issue, Mr. Speaker. As was mentioned earlier, the chairman of the Committee on International Relations and the Ranking Member, both good friends of mine, are supporting this legislation. Some of the most distinguished Republicans on the Committee on International Relations joined me in opposing this legislation. So the issue has no partisan element. It has no partisan component.

The issue before us is very simple: Do we wish to enhance the stability of the region or do we wish to add to the periodic outbursts of instability that the passage of this legislation will surely bring about.

It is my considered judgment that it is in the national security interest of the United States to see this legislation defeated.

The President has indicated and his top foreign policy advisors have indicated that if the legislation is approved in its present form, they will recommend a veto. I hope the President will veto, and I will vote to sustain that veto.

It is unnecessary, it is counterproductive, it is nonsensical to bring into our complex relationship with China yet another divisive matter, the only consequence of which is to diminish the security of Taiwan, the exact opposite, the exact opposite that the crafters of this legislation intend.

Now, when my legislation was passed, Mr. Speaker, allowing the President of Taiwan to go to Cornell, the Chinese in Beijing went ballistic. They went ballistic to the point of engaging in military action in the waters around Taiwan. The invitation to President Lee was a matter of principle. This is not. This is a matter of bad policy judgment. But the reaction is predictable. It will create horrendous tensions in the Taiwan Straits. It will dramatically diminish the chances of cross-straits dialogue.

What every Member of this body wants is to see the China-Taiwan conflict resolved without military means, peacefully, constructively. This piece of legislation torpedoes that objective. When we will discuss this legislation, I will strongly urge my colleagues to vote against it.

I have nothing against the rule. The rule is not the issue in this instance, Mr. Speaker. But what is at issue is a fundamental bipartisan foreign policy successfully pursued by Republican and Democratic administrations for 21 years under President Carter, President Reagan, President Bush, and President Clinton.

Taiwan has thrived given our existing legislative framework vis-a-vis that country. This legislation will undermine that stability. It will threaten the stability and peace in the Taiwan Straits. And we shall rue the day if we were to pass this legislation as we see the consequences unfold.

We will have plenty of China issues to discuss in the next few months. Some in this body will be advocating Most Favored Nation treatment on a permanent basis to mainland China. I hope there will be enough of us to oppose that legislation when it comes to this floor. This is a piece of legislation that is counterproductive, poorly thought through, and hostile to the security interests of both Taiwan and the United States, and I strongly urge my colleagues to reject it.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Southern California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank my friend, the gentleman from Florida (Mr. DIAZ-BALART) for permitting me to speak in support of the rule; and I appreciate the remarks of my good friend, the gentleman from California (Mr. LANTOS) who has just finished another of his eloquent presentations before this body, however, a presentation that I must disagree with respectfully.

I stand in strong support of this rule and in strong support of the bipartisan Taiwan security enhancement act. I congratulate the House leadership of both parties for bringing this bill to the floor at this critical period while the people of Taiwan and the Republic of China on Taiwan are entering into the final month of their democratic presidential campaign.

There should be no doubt that the requirements in this bill to strengthen Taiwan's ability to defend its own people against air and missile attack is essential to maintaining peace and, yes, stability in the Taiwan Straits. It sends an undeniable message to the communist strongmen in Beijing and to our friends throughout the Pacific region that the American people are stalwart in defending democracy and honoring our treaty commitments.

With all due respect to my friend, the gentleman from California (Mr. LANTOS), ambiguity and ambivalence in the face of tyrants does not bring about the result the people would like to achieve. Seeking stability through ambiguity and ambivalence will lead not to stability but, instead, to conflict and war through miscalculation. Stability without regard to moral commitment and to liberty and justice is not a worthy goal and leads in the end to conflict.

We must give a specific message, we must not be ambiguous, to the people in Beijing so they will not miscalculate, so they will know what our commitment is and how far they can push us in the free world. This is the way to peace. It is not through ambiguity.

Specifically, we are today reaffirming the Taiwan Relations Act of 1979. The Act clearly authorizes the United States or any other country to provide defensive weapon systems to the Republic of China and Taiwan and restricts Beijing from using force against the people of Taiwan.

This is a legal understanding. We should not in any way hint to the strong men in Beijing that that understanding and that agreement has been altered or has evolved into something else than what it was whether that agreement was made. That is the way to have peace in the Taiwan Straits and to have stability in the Pacific, let people know we are holding them to their commitments and that we are strong and forceful in demanding our rights under agreements with those that we have made before.

The upcoming election in Taiwan marks an historic milestone. It is the first time in a thousand years of recorded Chinese history that a democratically elected Chinese leader, President Lee, will be peacefully handing over power to an elected successor.

The upcoming election and post-election periods present a very real danger of intimidation or even violent aggression by the communist regime in Beijing.

I recently returned from Taiwan where I visited the political and military leaders there, and I also visited their air national and missile defense centers as well as frontline bases in the Taiwan straits.

All the leaders in Taiwan that I met, the military leaders and political leaders, as well as people there who live there and are confronted with this challenge, expressed concern about the potential aggression from the PRC in the upcoming months.

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The threat from Communist China was underscored during the past few days with new public threats for the use of force against Taiwan by the government in Beijing.

I am submitting for the RECORD a copy of the January 31 report out of Hong Kong detailing exercises to be conducted immediately prior to the election in Taiwan by the People's Liberation Army Missile Command in Fujian Province, directly across from Taiwan.

Beijing needs to know that we are standing by the agreement we made with Beijing and that we will ensure Taiwan the defensive systems that we are permitted through that understanding to provide Taiwan. This is what will lead to more peace, not leaving Taiwan vulnerable, not being ambiguous but providing them the missile defense systems and the aircraft defense systems they need to deter aggression and to make a solid statement as this Congress is doing today in this debate that we are not ambiguous and not ambivalent in our commitment to Taiwan's security and the Taiwan Relations Act.

Mr. Speaker, I include the following material for the RECORD:

PRC TO STAGE ANTI-AIR MILITARY EXERCISE IN LATE FEBRUARY

(By special correspondent Hsiao Peng)

According to Jiang Zemin's requirements outlined at a recent meeting of the Central Leading Group for Taiwan Affairs on "preparations for both eventualities," the People's Liberation Army [PLA] is to stage a large-scale antiair exercise in Fujian in late February. Massive antiair missile forces and various types of warplanes recently have arrived in Fujian. For the first time, a newly established reserve missile brigade will participate in the military exercise.

CONDUCTING DEFENSE EXERCISE TO PREVENT GIVING US EXCUSE

A source pointed out that the mainland will conduct a completely defensive military exercise in the run-up to Taiwan's presidential elections. The antiair live-ammunition exercise involving a large number of antiair missiles and warplanes can put pressure on Taiwan independence forces. Because it is a "defensive exercise," it will not serve as an excuse for the United States and other countries to intervene in the mainland maneuver. The war game also is China's direct military response to Taiwan Vice President Lien Chan's clamor for the development of long-range missiles against the mainland. At the recent meeting of the Central Leading Group for Taiwan Affairs, Jiang Zemin reportedly decided that preparations for both eventualities—peaceful reunification and retaking Taiwan by force—should be taken as the mainland's basic principle on future Taiwan affairs. Meanwhile, the top Chinese leadership has made a clear-cut decision not to allow Taiwan authorities to indefinitely stall the Taiwan issue, and has set a timetable for the settlement of the Taiwan issue. Should new Taiwan leaders refuse to accept the principles of "one country, two systems and peaceful reunification" and pursue Taiwan independence by incorporating the "two-state theory" into the constitution and the law, the mainland is prepared to use force to resolve the Taiwan issue by means of "one country, two systems."

LARGE NUMBER OF ADVANCED ANTI-AIRCRAFT MISSILES TO BE SHOWCASED

The antiair exercise will involve the live firing of massive advanced PLA antiair missiles in Fujian. In addition to Taiwan warplanes, such as F–16, Ching-kuo, and Mirage 2000 fighters, the military exercise will take US F–117 and B–1 stealth bombers and cruise missiles as the main targets of attack in order to prevent US military intervention in mainland operations against Taiwan. It is understood that since Lien Chan, Liu Taiying, and other senior Taiwan officials threatened to countercheck the mainland, the top mainland leadership has attached great importance to its air defense against Taiwan. To strengthen Fujian's antiair capability against Taiwan, the mainland recently not only has deployed a large number of antiaircraft and ground-to-ground missiles in Fujian, but for the first time it also has established a reserve missile brigade to arm reserve units with various antiaircraft missiles, which have considerably enhanced Fujian's antiair capability. The brigade is Fujian's second air defense reserve unit since its reserves established an antiaircraft artillery division. It also is the first reserve unit armed with missiles. The upcoming military exercise will serve as a warning to Taiwan's arms expansion and is the first military maneuver intended to put pressure on Taiwan in the run-up to its presidential elections this year.

CHINA WARNS AGAINST MORE U.S.-TAIWAN MILITARY COOPERATION

A Chinese government spokesman today (Jan. 31) warned that passage of a law to improve U.S.-Taiwan military cooperation could threaten "peace and stability" in the region and damage relations with the U.S. The Clinton Administration should take "effective measures" to prevent adoption of the Taiwan Security Enhancement Act, according to Chinese embassy spokesman Yu Shuning.

The bill, H.R. 1838, is scheduled for a House vote on Feb. 1 or the following day. A Senate companion bill, S. 693, sponsored by the chairman of the Senate Foreign Relations Committee is pending before the panel after a hearing in August.

"If the U.S. restores its military ties with Taiwan . . . it will have a very serious consequences to our relationship," Yu told reporters in a briefing at the Chinese Embassy, "It could trigger another round of arms race and enhance the chance of military confrontation."

Yu called the act a "very serious infringement" of Chinese sovereignty and an encouragement of Taiwanese "separatists" who seek independence from China.

He identified passage of the bill as one of three problems facing the U.S.-China relationship. The second is the impact of any sale of advanced weaponry to Taiwan and the third is the U.S. sponsorship this year of a resolution in the United Nations Convention on Human Rights.

House International Committee Chairman Benjamin Gilman (R–NY) said last November that Clinton Administration pressure had prevented the bill from coming to a vote for fear it would damage negotiations for China's entry into the World Trade Organization.

MISSIONARIES: CLERICS KIDNAPPED, CHURCHES BURNED IN CHINA

VATICAN CITY (AP)—China has burned and blown up churches and taken dozens of clerics into custody in an intensified campaign against the underground Catholic church, the Vatican's missionary news service said Monday.

Some of the arrests cited by Fides were reported earlier by Catholics within China.

The alleged crackdown implements a plan outlined by the government in August to force Catholics worshipping illegally into the official state-registered church system, Fides said.

Officially atheist China limits worship to state-registered churches.

Millions of Chinese Roman Catholics worship secretly, illicitly recognizing the Vatican as their religious authority rather than the government.

China insists that its people have full freedom of religion; the parliament issued a statement Monday denying the existence of the underground Catholic church.

Religious meeting places are required to be registered with authorities only "to ensure that the religions can conduct their normal and lawful activities," the lawmakers' statement said.

Fides said Catholics are under increasing pressure to accept only the authority of the state-sanctioned church, the China Patriotic Catholic Association.

Children of families in underground churches are being barred from school, the news service said.

Two churches, built without government permit, were blown up at mid-December in the Wenzhou diocese, Fides said.

Other churches were burned; three were destroyed in the same northern diocese in April, Fides said.

"The diocese of Wenzhou is being subjected to pressure and violence," it said.

Authorities have taken away seven priests and the diocese's archbishop since September, Fides said.

Since early January, officials have forced at least 2,000 Roman Catholics in the region to register, some after days of detention. Other Catholics have fled rather than be forced into the state church, it claimed.

In all, at least six clerics have disappeared since their arrests, over a period of three years to a few months, it said.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. I thank my friend from New York for yielding me the time.

Mr. Speaker, I rise today in support of the rule on H.R. 1838, the Taiwan Security Enhancement Act. This bill as modified by the Committee on International Relations represents a concerted effort by a bipartisan group of Members who remain concerned about the longstanding tensions that exist between Taiwan and the PRC.

It is well known that since the inception of the PRC, the PRC has considered Taiwan a renegade province. The government in Beijing has long heralded the "one China" policy to reemphasize its claims to Taiwan and insist that foreign governments adhere to it as well. Officially, we support the "one China" policy while at the same time we insist that China relinquish the use of force in any reunification effort. Despite assurances by China to the world community to peacefully settle this sovereignty dispute, China refuses to disavow the use of force. To this end, China has often resorted to bullying tactics and demonstrative military exercises in a game of deadly brinksmanship.

The now infamous Chinese ballistic missile strike in the Straits of Taiwan during the 1996 presidential campaign in Taiwan has become a watershed event that underscores the calculated risk which Beijing is willing to make in order to intimidate Taiwan. So intent is China's concern over any display or mention of independence that it is willing to unleash a torrent of destruction in the Western Pacific. This sentiment was further acknowledged by the Chinese Premier, Zhu Rongji, who recently noted that the PRC considers violence an acceptable means to "discuss" the reunification of Taiwan.

In furtherance of their strategy of intimidation, the Chinese have conducted amphibious landing exercises near the straits, deployed theater missile launch sites adjacent to Taiwan, acquired long-range Su-30 bombers and is currently acquiring former Soviet naval destroyers. These efforts are meant to intimidate democracy's allies in Taiwan and around the world in light of the upcoming presidential elections in Taiwan.

Previously, the distinguished gentleman from California indicated that we should be ambiguous and ambivalent. We may be forced to be ambiguous in our diplomatic relations, but we should not be ambivalent in the message that we send to the PRC. We must pass this new Taiwan Relations Act.

The bill before the House today further refines and supplements the underlying relations act. This legislative supplement by Congress unambiguously and without ambivalence gives notice to Beijing that the United States is indeed committed to the security of Taiwan and will not tolerate an act of aggression to settle the sovereignty dispute.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

Mr. BEREUTER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule and the underlying legislation that will be made in order. There are two preliminary points I would like to make. First of all, I think all or nearly all Members approaching this issue on both sides of the aisle and both sides of the issue, do approach this debate with due gravity and concern and are attempting to do so with appropriate sensitivity to the delicate situation between the PRC and Taiwan.

I want to call attention, however, to my colleague from Florida's remarks. The gentleman from Florida (Mr. GOSS), the chairman of the House Permanent Select Committee on Intelligence, I think made a very thoughtful and incisive statement. He said Members that vote for this upcoming legislation, H.R. 1838, should not be deemed to be doing things that are intentionally provocative. That should not be our intent. Indeed it is not, I think, the supporters' intent that we are taking a provocative action. But, on the other hand, we need to, where appropriate, eliminate ambiguity; and we need to recognize that this is a sensitive area. The Taiwanese-Chinese and the Sino-American relationships are the most complicated issues that come before my subcommittee and we should not underestimate the reaction to the legislative vote on H.R. 1838.

One of my first votes as a Member in 1979 was cast in support of the Taiwan Relations Act, the TRA. This Member is a strong supporter of the TRA, for it introduced a very significant measure of coherence, consistency, and commitment to our security relationship with Taiwan. Under the TRA, the U.S. provides Taiwan with the defensive weaponry and technical expertise to defend itself. It is not a treaty relationship, but it does recognize that the military might of the People's Republic of China should not determine, simply by brutal force, the final status of the governance of Taiwan.

The second preliminary point I would like to make today for my colleagues who may have some questions about the timing of any action on H.R. 1838, and I have had those thoughts and concerns myself. There is never a perfect time; but, this is the issue that has been addressed or considered in the House International Relations Committee. The legislation we have before us today, after the Rule, H.R. 1838 is dramatically different than the bill introduced in the other body and the original content of this legislation. For example, Congress Daily's edition today is still in error. There are no specific references to weapons systems in this legislation as amended. The International Relations Committee, on a bipartisan basis, as the gentleman from Guam has indicated, has worked its will and made this legislation that I think should have strong support.

Today, H.R. 1838, expands upon the Taiwan Relations Act. It seeks to ensure that training and educational opportunities are available to military officers from Taiwan. It requires the executive branch of our government to report on the nature of the threat to Taiwan and to explain arms sales considered and the rationale of decisions. The Taiwan Security Enhancement Act delivers, I believe, a strong message that clarity, not ambiguity, is important in expressing our support for Taiwan and Taiwan policy.

Mr. Speaker, I believe it is important to emphasize again that legislation to be before us today has been heavily amended by the House International Relations Committee. The changes are primarily because of the efforts of these members and other members of my subcommittee but also due to other members of the full committee, and to the support and cooperation of the chairman, the gentleman from New York, Mr. GILMAN, and the ranking Democrat, Mr. GEJDENSON. They have all worked at perfecting legislation which we bring to the body today with some confidence.

Mr. Speaker, it is true that the executive branch had voiced great concerns about this legislation before these significant changes and still opposes the legislation. I think they do in part because they have not carefully examined the changes that have been made by the Committee. For example, the initial legislation listed the sale of specific weapons systems that were to be sold to Taiwan. Some of these systems are appropriate for sale. Some may not be appropriate for sale and some already have been provided very effectively in one way or another. Some weapons systems have, in fact, been made available but do not fit the priorities of the government of Taiwan themselves. Those facts were brought to the attention of Members in classified briefings, including the primary sponsors of the legislation or their staff.

Except in unusual circumstances, it admittedly is not an appropriate role for the legislative branch to dictate to the executive branch which weapons to sell to a friend. My colleagues should be reminded that we do not do this in this legislation and that President Reagan and President Bush, of course, would not have liked that kind of specific requirement. Neither will the next President of the United States. But we have taken the proper, responsible course by removing references to specific legislation and several other questionable or unnecessary directions.

Similarly, this legislation, which we are about to consider after approval of the Rule, as introduced, would require the allocation of additional military training positions over and above Taiwan's current generous quota at U.S. military academies and schools. The issue is not whether or not officers from Taiwan are permitted to train in the United States, for clearly they are permitted to do so and are being educated here. Rather, the legislation seeks to give additional emphasis to such training slots wherever it is possible. We must and do recognize that our own officers in fact have to have these courses, and we also need to provide this kind of training in our academies and in the defense training programs to a whole array of friends and allies across the world. It is a zero sum game, to some extent, and in H.R. 1838 we are not mandating any particular additional number.

Mr. Speaker, in summary, this Member would note that this legislation about to be considered has been significantly altered in numerous significant ways to address legitimate concerns. It would perhaps benefit from additional review and modifications, and this Member fully expects such modifications to occur as if this legislation moves forward to a conference. However, my colleagues can feel comfortable with H.R. 1838, and I hope for and recommend their positive vote. I thank the original introducers and especially all the colleagues in the International Relations Committee who have helped to perfect it.

Ms. SLAUGHTER. Mr. Speaker, if I could take 30 seconds out of order, I would like to wish a happy birthday on behalf of the House to the gentleman from California (Mr. LANTOS).

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I rise in support of the Taiwan Security Enhancement Act reported from the Committee on International Relations with 82 bipartisan cosponsors. The Taiwan Security Enhancement Act will advance our obligations under the Taiwan Relations Act and maintain stability within the region. According to the Pentagon report submitted to Congress earlier this year, China is currently engaged in a major buildup of ballistic missiles on its coast directly across the strait from Taiwan. Beijing is simultaneously increasing pressure on the U.S. to limit or decrease our sales of defensive weaponry to Taiwan.

Both of these factors represent a substantial threat to the balance of power and, therefore, the stability of the area. The United States must remain steadfast in our commitment to fulfilling our obligations under the Taiwan Relations Act in which the U.S. promises to provide Taiwan with the means to maintain a sufficient self-defense capability. Taiwan's defense capabilities are central to maintaining the balance of power in the region.

This bill is a necessary bipartisan step towards fulfilling our promise to Taiwan. It would increase Taiwan's defense capabilities while at the same time addressing any remaining deficiencies through establishment of direct communications between our militaries. This bill would reiterate the fundamental truth of democracy, that any determination of the ultimate status of Taiwan must have the express consent of the people of Taiwan.

Finally, the bill would require the President to submit an annual report to Congress on Taiwan's defense needs. I urge my colleagues to support this legislation.

I would finally, just in closing, talk to my colleagues about the original purpose of the Taiwan Relations Act and really to have an overall view of the region, because this bill is really tied into that perception of what is going on. I think all of us are unanimous, both supporters and opponents of this legislation, that the ultimate status really is self-determination of the people in the various locales in that region, on the island of Taiwan itself and in fact ultimately in China itself as well.

How can we expect that to occur if we do not provide defensive means, especially with the intentions that are there? We are not committing American troops by any stretch of the imagination, but we are hopefully giving the Taiwanese the tools to determine their own self-determination, which is a commitment that we have made and a commitment that they deserve in terms of their own future and their own system of government as well.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H. Res. 408, the proposed rule to govern debate on the Taiwan Security Enhancement Act, H.R. 1838. It is an appropriate rule for what will be a very important debate. The fact is that Taiwan's security is threatened by the aggressive policies and the military modernization program of the People's Republic of China. For almost 50 years, our Nation has maintained its commitment to Taiwan's defensive military capabilities. Ever since we have enacted the Taiwan Relations Act over 20 years ago, our Nation has been morally committed to assuring the security of the free people of Taiwan. In 1996, our Nation was called on to back up that commitment.

With the strong encouragement of both Houses of Congress, President Clinton deployed two aircraft carrier battle groups to the Taiwan Strait in response to Beijing's efforts to coerce the outcome in the election that Taiwan was holding that year.

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Beijing's program is clear: they want to increase their ability to coerce Taiwan with threats of military force, and they are determined to ensure that Taiwan will be helpless in the face of such threats. Our Nation, along with our allies, must stand firm in confronting that threat.

It was to underscore our refusal to be intimidated that, along with other bipartisan cosponsors of H.R. 1838, we introduced the Taiwan Security Enhancement Act last May. This legislation, H.R. 1838, as reported by our Committee on International Relations, is delicately balanced. It reflects a compromise worked out by two of our distinguished Members in this body with years of experience in Asian security matters, the gentleman from Nebraska (Mr. BEREUTER), the chairman of our Subcommittee on Asia and the Pacific, and the gentleman from California (Mr. COX), the chairman of our House Republican Policy Committee. They labored diligently for many weeks to work out language that they believe appropriately addressed the very sensitive security situation.

This is a fair and balanced rule deserving of our support. Accordingly, Mr. Speaker, I urge Members to vote in favor of the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I think it is important that we speak very clearly and distinctly to ensure that we protect stability and peace throughout the world, and that is why I rise today in support of this rule and the underlying legislation.

The Republic of China has proven itself to be a strong, independent democracy, in stark contrast from Mainland China's campaign of military and psychological intimidation.

We can take great comfort in our present state of affairs. However, we must realize that peace is difficult to achieve and its maintenance is fragile; and one of the greatest threats to that that exists anywhere in the world is no more so in the Taiwan Strait. Taiwan is a country that deserves our continuing support, especially during these critical times.

In 1979 the United States made an obligation to this nation to provide defensive arms "in such a quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." That was a direct quote and what should be a continuing commitment.

The Taiwan Security Enhancement Act continues to strengthen this commitment. As China continues its drive for military modernization and intensifies its efforts to procure weapons of mass destruction, cross-straight stability is at direct risk.

It is a known fact that China is using U.S. satellite and space technology to enhance its national defense economy and national prestige and thus poses a tremendous threat to Taiwan.

Mr. Speaker, today we have an opportunity to do something positive to counter such aggression. The Taiwan Security Enhancement Act is an excellent vehicle through which the United States can begin to rectify this growing imbalance.

Make no mistake, Mr. Speaker, China, Asia, and the rest of the world is watching to see our resolve in standing up for democracy in Taiwan. Our commitments today will have enormous implication on the future leadership role in Asia. China is counting on a reduced military presence in Asia while they are continuing their improvements. I urge all my colleagues to support this act.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in favor of this rule and in favor of this bill. This legislation is a response to a number of events that have happened over the last 5 years that have shaped the current United States-Taiwan relationship. The live-fire missile exercises in the Taiwan Strait by China and the strong U.S. response reinforced the fact that Taiwan must be strong militarily.

This legislation is an attempt to address these concerns and clarify some of the ambiguity that exists in the U.S.-Taiwan relationship. I commend the gentleman from New York (Chairman GILMAN) and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for improving this bill in the Committee on International Relations.

This bill would improve communications between the United States military and the Taiwan military, it would improve the sharing of data, it would improve training, it would improve our relations. And that is a very good thing to accomplish. It is my hope that House passage of this legislation would send a clear signal to China about the strong U.S. commitment to Taiwanese security.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, just 3 days ago I had the opportunity to meet in Los Angeles with Governor Annette Lu, who is one of the regional governors in Taiwan and also a vice-presidential candidate under the Democratic Progressive Party in Taiwan. The election that she is involved in will be concluded on March 18th.

We had about a half hour of conversation about this very issue. In that conversation, she was very direct in pointing out the importance of this Congress, speaking forcefully and boldly with respect to our relationship with Taiwan and our support for self-determination in Taiwan.

Mr. Speaker, from the perspective of this Congress, we really have not been ambivalent over the years about where we stand, where the people of the United States stand. That position, however, has been obscured somewhat by various diplomatic decisions that have been made, statements coming out of the White House and others. So it is important, I submit, to restate with further clarity and further definition our alliance with the people of Taiwan, our unification and our belief that democracy works, that freedom is always better than the tyranny of an oppressive political form of government, and, particularly at this time, where the people of Taiwan are poised to make a decision of paramount importance about their own individual future, their own individual liberty.

At this time there should be no confusion among those in Taiwan as to where we stand, which is shoulder to shoulder with the people of Taiwan. That is a policy that I, once again, Mr. Speaker, say has been clearly defined by this Congress, clearly defined by the people of the United States. It is one that needs to be restated right now at an important time, not only for ourselves, but for Taiwan as well. It is an important message to convey, not just to Beijing; it is an important message to convey here in Congress and on Capitol Hill, because we have seen the record in the past.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey, (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York for yielding me time.

Mr. Speaker, I rise in strong support of the cause of freedom, in strong support of a strong foreign policy for our country, in support of this rule and support of this bill. I congratulate and thank the gentleman from New York (Mr. GILMAN), the gentleman from Connecticut (Mr. GEJDENSON), and the gentleman from California (Mr. LANTOS) and his Democratic colleagues for bringing this important legislation forward.

I believe we have an emerging consensus about U.S. foreign policy that has two points. The first point is that we should use our military and diplomatic might to challenge those who would use brute force over the rule of law, which is why we successfully interceded in Kosovo, which is why we have been willing to exert that force in Bosnia, which is why we protected the people of the Persian Gulf against the tyranny of Saddam Hussein. It is a wise and judicious use of the global power that we have accumulated through the courage and conviction of our military leaders, our men and women in uniform, and our diplomats.

The second aspect of our foreign policy consensus is that we will reward and incentivise democracy, respect for human rights and the free flow of goods and services in the economic realm. I think that is a very wise and prudent course for us to follow.

Now, we have our disagreements as to how to apply those principles, and we will have those disagreements as the year goes on, but I believe that there is no piece of legislation more representative of that principle than the one that will be before us very shortly.

Mr. Speaker, the freedom-loving people of Taiwan deserve not only our commendation, but our support. The economic miracle over which they preside every day, the powerhouse of freedom and dynamism that their efforts represent, should receive our continuing support. But, more importantly, when they are menaced by the threat of being overwhelmed military, when there are nuclear weapons exercises, when there are hostile words spoken by the People's Republic of China, I believe we have a responsibility to act forcefully.

Acting forcefully means being prepared militarily. The essence of the bill that is before us is to enhance the preparedness of freedom-loving people in Taiwan and to support that preparedness here in the United States. Military training, the sharing of technology, the reaffirmation of principles that were enacted in the 1979 law are all very, very appropriate here.

The relationship between two countries is a complex phenomena. The relationship between us and the People's Republic of China is a relationship that will receive great attention on this floor this year. But I believe that one aspect of that relationship that needs to be reaffirmed with great clarity, that I would ask us to affirm with great clarity here today, is that freedom is not negotiable where we stand, and we do stand with the freedom-loving people of Taiwan.

Mr. Speaker, I urge the support and passage of this rule and this bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I am pleased to follow my colleague, the gentleman from New Jersey (Mr. ANDREWS). I agree entirely with what he said and with what speakers before him have said on both sides of the aisle, both on the subject of this rule and on the underlying bill.

The passage of this rule, which, as by now it is abundantly clear has won bipartisan support, will permit us to debate the Taiwan Security Enhancement Act, which will reaffirm America's long-standing Taiwan policy, in place since President Eisenhower.

In 1979 Congress passed the Taiwan Relations Act, and what we are doing today is making clear that we wish to see that act enforced in full. Today, even more than in 1979 when that law was passed, Taiwanese security is critical to America's interests. Taiwan is now America's seventh largest trading partner. Taiwan buys far more from the United States than does the People's Republic of China; the sea lanes surrounding Taiwan are vital to the economic health of Asia and to the sustained growth of U.S. exports to Asia; and, most important of all, a democratic Taiwan stands as a living example to all the people of China that they too can build a prosperous peaceful democracy.

Taiwan does not in any way pose a threat to the People's Republic of China; but Taiwanese example of democracy, freedom of speech and freedom of thought, do pose a threat to the Communist government in Beijing.

Fundamentally, this bill will allow our military to have relations with Taiwanese forces, as close as what the Clinton-Gore administration is already pursuing with the People's Liberation Army. This upgrading of our military relations with Taiwan must occur now, in a time of relative stability. It would be too late, if not too provocative, to accomplish these changes in a time of actual crisis. But the State Department currently bars senior U.S. military officers from meeting with their Taiwan counterparts, while, meanwhile, enhanced contacts between United States and People's Liberation Army officers of all ranks has been a priority for the Clinton-Gore administration.

The Taiwan Security Enhancement Act provides that our field rank officers can have the same level of relations with the friendly defensive force as they currently have with the Communist People's Liberation Army.

This rule and this bill are, as I said, hugely bipartisan. The vote in committee was 32 to 6. The vote today, I expect, on this rule and on the underlying bill will be similarly overwhelmingly bipartisan for one simple reason: this Congress, Democrats and Republicans alike, are committed to freedom and democracy for the people of Taiwan, for the people of Taiwan and for the people of all the world.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree fully with the premise of this legislation. There must be clarity and certainty in our commitment to the security of Taiwan, and the reunification of China can only occur peacefully. It must occur peacefully. Thus, we stand firmly with the security of our friends on Taiwan.

□ 1300

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GILMAN. Mr. Speaker, pursuant to the provisions of House Resolution 408, I call up the bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 408, the bill is considered read for amendment.

The text of H.R. 1838 is as follows:

H.R. 1838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.-

This Act may be cited as the "Taiwan Security Enhancement Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1949, the close relationship between the United States and Taiwan has been of enormous benefit to both societies.

(2) In recent years, Taiwan has undergone a major political transformation, and Taiwan is today a true multiparty democracy with a political system separate from and totally unlike that of the People's Republic of China.

(3) The economy of Taiwan is based upon free market principles and is separate and distinct from the People's Republic of China.

(4) Although on January 1, 1979, the United States Government withdrew diplomatic recognition of the government on Taiwan as the legitimate government of China, neither at that time nor since has the United States Government adopted a formal position as to the ultimate status of Taiwan other than to state that status must be decided by peaceful means. Any determination of the ultimate status of Taiwan must have the express consent of the people on Taiwan.

(5) The government on Taiwan no longer claims to be the sole legitimate government of all of China.

(6) The Taiwan Relations Act (Public Law 96–8) states that—

(A) peace and stability in the Taiwan Strait area are in the political, security, and economic interests of the United States and are of international concern;

(B) the decision of the United States to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(C) the United States would consider any effort to determine the future of Taiwan by other than peaceful means, including boycotts or embargoes, a threat to the peace and security of the Western Pacific region and of grave concern to the United States;

(D) the United States will maintain the capacity to resist any form of coercion that jeopardizes the security, or the social or the economic system, of the people on Taiwan; and

(E) the preservation and enhancement of the human rights of all the people on Taiwan are objectives of the United States.

(7) On the basis of these provisions, the Taiwan Relations Act establishes on the part of the United States a continuing connection with and concern for Taiwan, its people, and their ability to maintain themselves free of coercion and free of the use of force against them. The maintenance by Taiwan of forces adequate for defense and deterrence is in the interest of the United States in that it helps to maintain peace in the Taiwan Strait area.

(8) Since 1954, when the United States and Taiwan signed the Mutual Defense Treaty, the United States and Taiwan have maintained a defense and security relationship that has contributed greatly to freedom, peace, and stability in Taiwan and the East Asia and Pacific regions.

(9) The United States and Taiwan no longer conduct joint training missions, have no direct military lines of communication, and have only limited military-to-military contacts. This lack of communication and interoperation between the United States and Taiwan hinders planning for the defense of Taiwan and could prove detrimental in the event of future aggression against Taiwan.

(10) Since 1979, the United States has continued to sell defensive weapons to Taiwan in accordance with the Taiwan Relations Act, and such sales have helped Taiwan maintain its autonomy and freedom in the face of persistent hostility from the People's Republic of China. However, pressures to delay, deny, and reduce arms sales to Taiwan have been prevalent since the signing of the August 17, 1982, communique with the People's Republic of China. Over time, such delays, denials, and reductions could prevent Taiwan from maintaining a sufficient capability for self-defense.

(11) As has been affirmed on several occasions by the executive branch of Government, the provisions of the Taiwan Relations Act take legal precedence over any communique with the People's Republic of China.

(12) The People's Republic of China has consistently refused to renounce the use of force against Taiwan and has repeatedly threatened force against Taiwan, including implied threats by unnamed People's Republic of China officials on January 10, 1999, who warned Taiwan not to participate in the development of theater missile defense capabilities with the United States.

(13) The missile firings by the People's Republic of China near Taiwan in August 1995 and March 1996 clearly demonstrate the willingness of the People's Republic of China to use forceful tactics to limit the freedom of the people on Taiwan.

(14) As most nations in East Asia reduce military spending, the People's Republic of China continues a major and comprehensive military buildup.

(15)(A) This military buildup includes the development of advanced ballistic and cruise missiles that will incorporate precision guidance capability and the construction of new imaging, radar, navigation, and electronic intelligence satellites that will help target and guide ballistic and cruise missiles.

(B) According to the Department of Defense report entitled "The Security Situation in the Taiwan Strait", submitted to Congress in February 1999, the size of the missile force of the People's Republic of China is expected to grow substantially and, by 2005, the People's Republic of China will possess an "overwhelming advantage" in offensive missiles vis-a-vis Taiwan.

(C) The Department of Defense has also noted that the People's Republic of China may already possess the capability to damage satellite optical sensors with lasers, is researching advanced anti-satellite lasers that could blind United States intelligence satellites, and is procuring radio frequency weapons that disable electronic equipment.

(D) These missile and anti-satellite capabilities pose a grave threat to Taiwan.

(16) This military buildup also includes the construction or procurement from abroad of advanced naval systems, including Russian Kilo submarines that are difficult to detect, Russian technology to assist the development of new nuclear-powered attack submarines, Russian Sovremenny class destroyers armed with supersonic SS–N–22 Sunburn anti-ship missiles, a new long-range, all-weather naval attack aircraft called the JH-7, and new indigenous land-attack cruise

missiles that could be launched from submarines, ships, and naval attack aircraft. These naval capabilities pose a grave threat of blockade to Taiwan.

(17) This military buildup also includes the improvement of air combat capabilities by procuring and co-producing hundreds of Russian Sukhoi Su-27 fighters, seeking to purchase Russian Su-30 all-weather attack aircraft, arming these aircraft with advanced air-to-air missiles such as the Russian R-77 missile and other precision guided munitions, constructing the indigenously designed J-10 fighter, and seeking advanced airborne warning and control systems from abroad. These capabilities pose a grave airborne threat to Taiwan.

(18) Because of the introduction of advanced submarines into the Taiwan Strait area by the People's Republic of China and the increasing capability of the People's Republic of China to blockade Taiwan, Taiwan needs to acquire diesel-powered submarines in order to maintain a capability to counter a blockade, to conduct antisubmarine warfare training, and for other purposes.

(19) Because of the democratic form of government on Taiwan and the historically nonaggressive foreign policy of Taiwan, it is highly unlikely that Taiwan would use submarines in an offensive manner.

(20) The current defense relationship between the United States and Taiwan is deficient in terms of its capacity over the long term to counter and deter potential aggression against Taiwan by the People's Republic of China.

SEC. 3. SENSE OF CONGRESS.

(a) Training of Taiwan Military Officers.—It is the sense of Congress that the Secretary of Defense and the Secretaries of the military departments should make every effort to reserve additional positions for Taiwan military officers at the National Defense University and other professional military education schools specified in section 2162(d) of title 10, United States Code, and for prospective Taiwan military officers at the United States Military Academy, the United States Naval Academy, and the Air Force Academy.

(b) Foreign Military Sales.—It is the sense of Congress that the Secretary of State should, when considering foreign military sales to Taiwan—

(1) take into account the special status of Taiwan; and

(2) make every effort to ensure that Taiwan has full and timely access to price and availability data for defense articles and defense services.

SEC. 4. DETERMINATIONS OF DEFENSE NEEDS OF TAIWAN.

(a) Increase in Technical Staff of the American Institute in Taiwan.—Upon the request of the Defense Security Cooperation Agency, the President shall use funds available to the Department of Defense under the Arms Export Control Act for the assignment or detail of additional technical staff to the American Institute in Taiwan.

(b) Annual Reports.—Beginning 60 days after the next round of arms talks between the United States and Taiwan, and annually thereafter, the President shall submit a report to Congress—

(1) detailing each of Taiwan's requests for purchase of defense articles and defense services during the one-year period ending on the date of the report;

(2) describing the defense needs asserted by Taiwan as justification for those requests; and

(3) describing any decision to reject, postpone, or modify any such request that was made during the one-year period ending on the date of the report, the level at which the final decision was made, and a justification for the decision.

SEC. 5. STRENGTHENING THE DEFENSE OF TAIWAN.

(a) Maintenance of Sufficient Self-Defense Capabilities of Taiwan.—Congress finds that any determination of the nature or quantity of defense articles or defense services to be made available to Taiwan that is made on any basis other than the defense needs of Taiwan, whether pursuant to the August 17, 1982, Communique signed with the People's Republic of China, or any similar executive agreement, order, or policy would violate the intent of Congress in the enactment of section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)).

(b) Plan Regarding Combined Training and Personnel Exchange Programs.—

(1) Development.—The Secretary of Defense, in consultation with the Secretary of State, shall develop a plan for the enhancement of programs and arrangements for operational training and exchanges of personnel between the Armed Forces of the United States and the armed forces of Taiwan for work in threat analysis, doctrine, force planning, operational methods, and other areas. The plan shall provide for exchanges of officers up to and including general and flag officers in the grade of O-10.

(2) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress, in classified or unclassified form, containing the plan required under paragraph (1).

(3) Implementation.—Not later than 210 days after the date of enactment of this Act, the Secretary of Defense shall implement the plan required under paragraph (1).

(c) Communications Between United States and Taiwan Military Commands.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall establish secure direct communications between the United States Pacific military command and the Taiwan military command.

(d) Missile Defense Equipment.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, theater missile defense equipment and related items, including—

(1) ground-based and naval-based missile defense systems; and

(2) reconnaissance and communications systems, as may be necessary to target and cue missile defense systems sold to Taiwan.

(e) Satellite Early Warning Data.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, satellite early warning data.

(f) Air Defense Equipment.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, modern air-defense equipment, including the following:

(1) AIM-120 AMRAAM air-to-air missiles.

(2) Additional advanced fighters and airborne warning and control systems (AWACS).

(3) Equipment to better defend airfields from air and missile attack.

(4) Communications infrastructure that enables coordinated joint-force air defense of Taiwan.

(g) Naval Defense Systems.—Subject to subsection (h), the President is authorized to make available for sale to Taiwan, at reasonable cost, defensive systems that counter the development by the People's Republic of China of new naval capabilities, including defense systems such as—

(1) diesel-powered submarines;

(2) anti-submarine systems, including airborne systems, capable of detecting new Kilo and advanced Chinese nuclear submarines;

(3) naval anti-missile systems, including Aegis destroyers, capable of defeating foreign supersonic anti-ship missiles; and

(4) communications systems that better enable Taiwan to conduct joint-force naval defense operations.

(h) Relation to Arms Export Control Act.—Nothing in this section supersedes or modifies the application of section 36 of the Arms Export Control Act to the sale of any defense article or defense service under this section.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 1838, as amended, is as follows:

H.R. 1838

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taiwan Security Enhancement Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Since 1949, the close relationship between the United States and Taiwan has been of enormous benefit to both societies.

(2) In recent years, Taiwan has undergone a major political transformation, and Taiwan is today a true multiparty democracy with a political system separate from and totally unlike that of the People's Republic of China.

(3) The economy of Taiwan is based upon free market principles and is separate and distinct from the People's Republic of China.

(4) Although on January 1, 1979, the United States Government withdrew diplomatic recognition of the government on Taiwan as the legitimate government of China, neither at that time nor since has the United States Government adopted a formal position as to the ultimate status of Taiwan other than to state that status must be decided by peaceful means. Any determination of the ultimate status of Taiwan must have the express consent of the people on Taiwan.

(5) The People's Republic of China refuses to renounce the use of force against democratic Taiwan.

(6) The Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait and the Western Pacific since its enactment in 1979.

(7) The Taiwan Relations Act (Public Law 96-8) states that—

(A) peace and stability in the Taiwan Strait area are in the political, security, and economic interests of the United States and are of international concern;

(B) the decision of the United States to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(C) the United States would consider any effort to determine the future of Taiwan by other than peaceful means, including boycotts or embargoes, a threat to the peace and security of the Western Pacific region and of grave concern to the United States;

(D) the United States will maintain the capacity to resist any form of coercion that jeopardizes the security, or the social or economic system, of the people of Taiwan; and

(E) the preservation and enhancement of the human rights of all people on Taiwan are objectives of the United States.

(8) The Taiwan Relations Act establishes on the part of the United States a continuing connection with and concern for Taiwan and its people. Continued adherence to the Act will help Taiwan to maintain its democracy free of coercion and to safeguard its people from the use of force against them. Furthermore, the maintenance by Taiwan of forces adequate for its defense is in the interest of the United States in that it helps to maintain peace in the Western Pacific region.

(9) The military modernization and weapons procurement efforts by the People's Republic of China, as documented in the February 1, 1999, report by the Secretary of Defense on "The Security Situation in the Taiwan Strait", could threaten cross-Strait stability and United States interests in the Asia-Pacific region.

(10) The Taiwan Relations Act provides explicit guarantees that the United States will make available defense articles and services necessary in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

(11) The Taiwan Relations Act requires timely reviews by United States military authorities of Taiwan's defense needs in connection with recommendations to the President and the Congress.

(12) Congress and the President are committed by the Taiwan Relations Act to determine the nature and quantity of Taiwan's legitimate self-defense needs.

(13) It is the policy of the United States to reject any attempt to curb the provision by the United States of defense articles and services legitimately needed for Taiwan's self-defense.

(14) In accordance with the Taiwan Relations Act, the United States has, since 1979, sold defensive weapons to Taiwan, and such sales have helped Taiwan maintain its autonomy and freedom. The Congress supports the continued provision of additional defense articles and defense services in accordance with the Taiwan Relations Act.

(15) It is in the national interest of the United States to eliminate ambiguity and convey with clarity continued United States support for Taiwan, its people, and their ability to maintain their democracy free from coercion and their society free from the use of force against them. Lack of clarity could lead to unnecessary misunderstandings or confrontations between the United States and the People's Republic of China, with grave consequences for the security of the Western Pacific region.

(16) A possible consequence of such ambiguity and lack of clarity was the People's Republic of China's decision to conduct military exercises and live fire missile tests in the Taiwan Strait in March 1996, necessitating House Concurrent Resolution 148, approved by the House of Representatives by a vote of 369–14 on March 19, 1996, and by the Senate by a vote of 97–0 on March 21, 1996, which stated that "the United States, in accordance with the Taiwan Relations Act and the constitutional process of the United States, and consistent with its friendship with and commitment to the democratic government and people of Taiwan, should assist in defending them against invasion, missile attack, or blockade by the People's Republic of China.". Immediately following Congressional passage of House Concurrent Resolution 148, the United States deployed on an emergency basis two aircraft carrier battle groups to the Taiwan Strait, after which the People's Republic of China ceased further planned military exercises.

(17) An earlier consequence of such ambiguity and lack of clarity was the expressed surprise by the People's Republic of China that Congress and the American people fully supported President Lee Teng-hui's private visit to his alma mater, Cornell University, necessitating House Concurrent Resolution 53, approved by the House of Representatives by a vote of 390–0 on May 2, 1995, and by the Senate by a vote of 97–1 on May 9, 1995, which stated such support explicitly.

SEC. 3. TRAINING OF MILITARY OFFICERS AND SALE OF DEFENSE ARTICLES AND SERVICES TO TAIWAN.

(a) TRAINING OF TAIWAN MILITARY OFFICERS.—The Secretary of Defense and the Secretaries of the military departments shall make every effort to reserve additional positions for Taiwan military officers at the National Defense University and other professional military education schools specified in section 2162(d) of title 10, United States Code, and for prospective Taiwan military officers at the United States Military Academy, the United States Naval Academy, and the Air Force Academy.

(b) FOREIGN MILITARY SALES.—The Secretary of State shall, when considering foreign military sales to Taiwan—

(1) take into account the special status of Taiwan, including the defense needs of Taiwan in response to the military modernization and weapons procurement efforts by the People's Republic of China; and

(2) make every effort to ensure that Taiwan has full and timely access to price and availability data for defense articles and defense services.

SEC. 4. DETERMINATIONS OF DEFENSE NEEDS OF TAIWAN.

(a) INCREASE IN TECHNICAL STAFF OF THE AMERICAN INSTITUTE IN TAIWAN.—Upon the request of the Defense Security Cooperation Agency, the President shall use funds available to the Department of Defense under the Arms Export Control Act for the employment of additional technical staff at the American Institute in Taiwan.

(b) ANNUAL REPORTS.—Beginning 60 days after the next round of arms talks between the United States and Taiwan, and annually thereafter, the President shall submit a report to Congress, in classified and unclassified form—

(1) detailing each of Taiwan's requests for purchase of defense articles and defense services during the one-year period ending on the date of the report;

(2) describing the defense needs asserted by Taiwan as justification for those requests; and

(3) describing the decision-making process used to reject, postpone, or modify any such request.

SEC. 5. STRENGTHENING THE DEFENSE OF TAIWAN.

(a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE CAPABILITIES OF TAIWAN.—Congress finds that any determination of the nature or quantity of defense articles or defense services to be made available to Taiwan that is made on any basis other than section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)), whether such alternative basis is the August 17, 1982, communique signed with the People's Republic of China, or any similar executive agreement, order, or policy, would violate the intent of Congress in the enactment of such Act.

(b) COMBINED TRAINING AND PERSONNEL EXCHANGE PROGRAMS.—Not later than 210 days after the date of enactment of this Act, the Secretary of Defense shall implement a plan for the enhancement of programs and arrangements for operational training and exchanges of senior officers between the Armed Forces of the United States and the armed forces of Taiwan for work in threat analysis, doctrine, force planning, operational methods, and other areas. At least 30 days prior to such implementation, the Secretary of Defense shall submit the plan to Congress, in classified and unclassified form.

(c) REPORT REGARDING MAINTENANCE OF SUFFICIENT SELF-DEFENSE CAPABILITIES.—Not later than 45 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Congress, in classified and unclassified form, an annual report on the security situation in the Taiwan Strait. Such report shall include an analysis of the military forces facing Taiwan from the People's Republic of China, evaluating recent additions to the offensive military capability of the People's Republic of China. The report shall include, but not be limited to, an analysis of the surface and subsurface naval threats, the ballistic missile threat, the air threat, and the threat to the military and civilian communications links in Taiwan. The report shall include a review of the steps taken by the armed forces of Taiwan to address its security situation.

(d) COMMUNICATIONS BETWEEN UNITED STATES AND TAIWAN MILITARY COMMANDS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall certify to the Committee on International Relations and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate that direct secure communications exist between the armed forces of the United States and the armed forces of Taiwan.

(e) RELATION TO ARMS EXPORT CONTROL ACT.—Nothing in this section supersedes or modifies the application of section 36 of the Arms Export Control Act to the sale of any defense article or defense service under this section.

SEC. 6. REPORT REGARDING THE ABILITY OF THE UNITED STATES TO RESPOND IN ASIA-PACIFIC CONTINGENCIES THAT INCLUDE TAIWAN.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, and updated as appropriate, the Secretary of Defense shall prepare and submit to the chairmen and ranking minority members of the Committee on International Relations and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report in classified and unclassified form on the ability of the United States to successfully respond to a major contingency in the Asia-Pacific region where United States interests on Taiwan are at risk.

(b) CONTENTS.—The report described in subsection (a) shall include—

(1) a description of planning on the national, operational, and tactical levels to respond to, prosecute, and achieve United States strategic objectives with respect to a major contingency described in subsection (a); and

(2) a description of the confidence level of the Secretary of Defense in United States military capabilities to successfully respond to such a contingency.

(c) PREPARATION OF REPORT.—In preparing the report under subsection (a), the Secretary of Defense shall use the resources and expertise of the relevant unified commands, military departments, the combat support agencies, and the defense components of the intelligence community, as required, and other such entities within the Department of Defense as the Secretary considers necessary.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1838, the Taiwan Security Enhancement Act introduced in the House by the Majority Whip, gentleman from Texas (Mr. DELAY), which I am pleased to cosponsor.

Along with other Members on both sides of the aisle, I am increasingly concerned that the People's Republic of China, their security policy, and their unprecedented military modernization efforts, especially as it affects peace and stability across the Taiwan Strait, is deserving of our attention.

In fact, in September 1999, Chinese Premier Zhu Rongji warned that sooner or later the PRC would have to use force against Taiwan to unify it with the Mainland, and I quote, "because the Chinese people will become impatient," closed quote.

The reality is that China's military power is growing and the modernization of the People's Liberation Army, the PLA, is an important goal of the Chinese leadership and part of its game plan in regard to Taiwan. Reported plans to a transition from a defensive-oriented force to an offensive one, with power projection capabilities, should not be viewed as benign, as seen by some, but as part of Beijing's efforts to expand China's ability to address the Taiwan question militarily.

The PRC's conventional military buildup is evidenced by a growing short-range ballistic missile arsenal; the development of airborne warning and control systems and a variety of cruise missiles; and the purchases of advanced Russian fighters, destroyers and antiship missiles, air defense systems and submarines.

These military developments are further aggravated by Beijing's outright refusal to renounce the use of force against Taiwan and its increasingly aggressive rhetoric toward Taipei.

Regrettably, the policy of the PRC may ultimately force our Nation to undertake serious national security policy decisions involving the employment of American military forces in that region.

In response, our Nation has steadfastly met its security commitments to Taipei as stipulated in the 1979 Taiwan Relations Act, the TRA. This means insisting Taiwan maintain the military balance of power across the Taiwan Strait in the face of the PRC's unprecedented military buildup. A failure to meet Taiwan's legitimate defensive needs will make China's military dominance in the Taiwan Strait a reality and could encourage Beijing to seek the military solution to the Taiwan question.

Mr. Speaker, our Nation has security commitments to Taiwan. The TRA states that peace and stability in the area are in our Nation's interest. The future of Taiwan will be determined by peaceful means and any effort to determine the future of Taiwan by other than peaceful means will be considered a threat to the peace and security of the western Pacific and of grave concern to our Nation. The United States will provide Taiwan with arms of a defensive character while maintaining the capacity to resist any resort to force or other forms of coercion that would jeopardize the people of Taiwan.

An unwillingness to provide for Taiwan's legitimate defensive requirements, including anti-submarine warfare capacity, naval service combatants, missile and air defense systems, could lead to a miscalculation by Beijing and could lead to a conflict with Taiwan or even with our own Nation.

It is my belief, therefore, Mr. Speaker, that ensuring and enhancing Taiwan's ability to defend itself increases the prospects for continued peace and stability in northeast Asia and supports our own national interest. The Congress must act to make clear to Beijing that our Nation will continue its long-standing commitment to a peaceful resolution of the Taiwan issue. I, therefore, support this legislation's efforts to enhance Taiwan's self-defense capability and to strengthen American foreign policy in the Pacific.

Accordingly, I call upon the administration to develop a mechanism for consultation with Congress on arms sales to Taiwan as called for in this fiscal year's omnibus appropriations bill and the Taiwan Relations Act. The administration's refusal to consult with the Congress on this issue is unconscionable and stands in violation of the TRA.

Mr. Speaker, deterring conflict and promoting peace across the Taiwan Strait is an important American national interest. This bill supports those principles. I am proud to cosponsor this legislation. It has an impressive array of cosponsors from both sides of the aisle, and I want to remind our colleagues that it was a former Member of Congress, the chairman of our Committee on Rules, Mr. Solomon, that urged this many years ago. I urge my colleagues to strongly support this measure and to send a signal to the region that our Nation is engaged and committed to a peaceful resolution of Taiwan's future.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from New York (Chairman GILMAN) on the work he has done to make this a better piece of legislation. I think the committee's effort frankly created a product that the majority of Congress can be proud of.

What we have here in 1838, as it was reported from the Committee on International Relations, is a piece of legislation that clearly states the recognition that the United States Congress feels it is important for the United States to continue, as the Clinton administration has done and previous administrations have done, to maintain our relationship with a democratic government in Taiwan.

Taiwan is a country with full democratic institutions. It deserves to have a full measure of support from the United States Congress.

The People's Republic of China would have one believe that if the United States speaks clearly here, that somehow that is destabilizing. I would hope that the people in Beijing recognize that America's commitment to the independent political system that now exists on Taiwan is not an argument against some future mutually-agreed upon union, but we certainly oppose any militarily-imposed program.

We see the present situation as this: A clear statement for the United States about Taiwan's right to continue its political operations is critical to the whole world. We are particularly troubled by the Chinese Government and its recent repressive acts, as we see what has happened in China with a number of groups, attacks on the Internet; in Tibet, the situation there continues to worsen. We feel that this legislation is a clear statement of the commitment of the United States Congress to the Taiwan Relations Act and to strengthening relations between Congress and Taiwan.

Rather than worrying about this increasing tensions between the United States and the Mainland, it should clearly delineate our interests and our concerns. Where there is less confusion and less uncertainty, it should actually create a more stable situation.

China itself, the Mainland, has further developed its ballistic and cruise missiles. It has increased the size of its missile force. It has acquired and constructed advanced naval systems. It is in the process of, frankly, improving its air capabilities and has been a significant proliferator in a number of dangerous technologies around the planet, including in Asia and elsewhere, where Chinese military proliferation and technology has been quite destabilizing.

I believe the Clinton administration already fully complies with much of what is in this legislation. Under the Clinton administration, the U.S. has concluded nearly $2 billion in arms sales with Taiwan, which has consistently ranked among the top recipients of U.S. military equipment, and the Clinton administration is now in the process of looking at additional military transfers to Taiwan, as well as assistance in the training of the military personnel.

Communication between Taiwan and the United States will again, frankly, I think, create a more stable situation. The People's Republic of China continues to jail its citizens simply because they want to express their views. Whether they are Christians or in Tibet, whether they are part of the Falun Gong or other organizations, the Chinese Mainland has to end these restrictions against its own people if it wants to become a member of the wider world community.

The U.S. and the U.S. Congress has often been the first institution to speak out for democratic values and democratic countries around the world, and democratic aspirations. I think what we do here today sends a very clear signal that we continue to believe and speak strongly for those democratic values as they exist in Taiwan in the hope that we will see similar institutions develop on the Mainland.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I want to thank the ranking minority Member, the gentleman from Connecticut (Mr. GEJDENSON), for his supporting remarks.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SALMON), a member of our committee.

Mr. SALMON. Mr. Speaker, since I lived in Taiwan in the 1970s, I have seen the Republic of China emerge as a leading economic and political force throughout the world. The people of Taiwan have experienced unprecedented prosperity and freedom, liberties that we as Americans hold so dear. However, I am strongly opposed to this legislation.

I just led a congressional delegation to China with five of my colleagues, a bipartisan delegation, where we personally met with President Jiang Zemin and President Lee Teng-hui. I discussed the importance of constructive engagement between the United States and China and also stressed the significance of continued dialogue between Mainland China and Taiwan.

Specifically, I raised the issue of Mr. Song Yongyi, a Dickinson College librarian who was detained last August for allegedly trying to smuggle secret documents out of China.

After discussing very openly and honestly the facts surrounding Mr. Song's case, I appealed to President Jiang for his release.

On Friday, Mr. Song was released and returned to Pennsylvania where he was reunited with his wife. I greeted him Saturday at the airport in Philadelphia. I believe this gesture by the Chinese government speaks volumes.

Mr. Song's release is testimony that engagement, not isolationism, is the best course of action for U.S.-Sino relations.

While I know the intention of this legislation is to ease tensions and lessen ambiguity, I believe it will have the exact opposite effect. I believe the Taiwan Relations Act has effectively communicated the position of the United States regarding Taiwan.

Furthermore, I have reiterated our position to the Chinese Government that provocation of Taiwan is something we take very seriously and our support of Taiwan is unequivocal. If they attack Taiwan, we would defend her.

In fact, on my recent visit to China, I expressed my concern about China's position toward Taiwan to the chairman of the Association for Cross Strait Relations, Mr. Wang Daohan. He assured me that a one-China policy could mean many things and that they were very flexible on how to get there.

I can understand the rationale for bringing this legislation to the floor but there are far more productive ways to promote peace and security in the nation.

In summation, I would just like to say I think this will have the opposite of the intended effect. It will stifle dialogue between Taiwan and China. It will hurt Taiwan. I am pro-Taiwan. I know the gentleman from California (Mr. LANTOS) is pro-Taiwan, but we believe this is wrong.

Mr. GEJDENSON. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my friend, the gentleman from Connecticut (Mr. GEJDENSON), for yielding me this time.

Mr. Speaker, this is a fascinating debate because on many issues we clearly agree. We certainly agree that the United States is absolutely committed to the safety and security of Taiwan. As a matter of fact, it was the distinguished chairman of the Committee on International Relations who reminded us a few minutes ago that when the government in Beijing was making hostile moves, this administration sent two aircraft carrier battle groups to the Straits of Taiwan to underscore our unshakable commitment to the security of Taiwan.

We all agree on this. We all rejoice in the democracy that Taiwan has built and in the prosperity that its people have created.

This legislation, Mr. Speaker, will not add one single missile to Taiwan's defense capability and it will not take away one single missile from China's military capabilities.

□ 1315

It will do nothing, repeat, nothing to enhance the military security of Taiwan.

Many years ago, when I was a young faculty member at the University of Washington in Seattle, I had two friends, distinguished senior members of the faculty, both of whom hated smoking. One of them, who had considerable gravitas and enjoyed great respect, had a sign in his office which said "no smoking." Nobody ever smoked in that office. My other friend, much more easygoing, in some ways less respected, had a sign which said "positively no smoking." Every time you went into his office, you could barely see him because the smoke was so dense.

What we are doing now, we are saying the sign "no smoking" does not do the job, so we are going to say "positively no smoking," and we think that this will have a salutary impact.

Teddy Roosevelt reminded us a long time ago that for a superpower to be effective, it should talk softly and carry a big stick. It has been good advice since Teddy Roosevelt's day, and it is equally good advice in this instance.

I have not heard one of my colleagues make one single observation critical of the Taiwan Relations Act, under which we and Taiwan have functioned for over 20 years. The Taiwan Relations Act, which we all support, which has been on the books for more than two decades, was sufficient to provide Taiwan all the conceivable military equipment Taiwan needed. It provided a framework for Taiwan to develop one of the most prosperous economies, one of the most technologically advanced economies, on the face of this planet. And, to top it all, it allowed Taiwan to develop a full-fledged functioning political democracy, all this under the Taiwan Relations Act.

If my colleagues had been able to indicate that we need something new, something special which is not taking place today, I could see some reason for this legislation. Even on the issue of providing more space at our military academies for young, qualified Taiwanese officers, there is zero guarantee in this legislation that a single Taiwanese will be able to attend West Point or Annapolis or the Air Force Academy as a result of this legislation.

The legislation does no good. The question is, does it do any harm. I am convinced, Mr. Speaker, it does a great deal of harm. It exacerbates the already tenuous relationship across the Taiwan Straits. It physically provides nothing new for Taiwan except enhanced anxiety, and postpones the day when the cross-channel dialogue, the cross-straits dialogue, will bring about an amicable resolution of the Taiwan-China conflict.

We are equally committed, all of us in this Chamber, to Taiwan's physical security, economic prosperity, and political democracy. This measure is not only redundant, it is counterproductive. It will undermine and erode the stability, however tenuous, in the region without adding a single component which could be pointed to as positive, either in Taiwan-China relations or in U.S.-Taiwan relations or U.S.-China relations.

Sometimes in the legislative process bills are introduced, people get committed to them, and then it becomes embarrassing to say, well, maybe it was not necessary. Perhaps we should drop it. That is the situation in which we now find ourselves.

I have listened to this debate with great care. There has not been a single item advanced by any of my good friends on other side of the aisle that would persuade me in the slightest that this piece of legislation is needed.

Taiwan has received every single military item that it would be able to receive under this proposed new legislation. Our commitment has been steadfast. The President ordered two aircraft carrier battle groups to the Taiwan Straits when there was trouble. Should there be new trouble, this president or the next president will do the same. We know this. The Chinese know this.

This legislation is a redundancy at best, and counterproductive at worst. I strongly urge my colleagues to defeat it.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in strong support of the Taiwan Security Enhancement Act. This legislation represents a significant step to clearing up any ambiguities with regard to the United States' policies. It is the government of the Republic of China, not the Communist regime of the Peoples' Republic, that has free elections and a capitalistic system.

The Republic of China is America's ally. It is our strategic partner that supports America's goals in the Pacific region. In essence, we are partners in liberty. Both of our countries subscribe to the principles of freedom, the rule of law, human rights, peace, and economic prosperity. Our commitment to strengthening this partnership should be a priority.

Repeated Red Chinese military exercises in the Taiwan Straits and its pursuit to project military power beyond its own border continues to threaten Taiwan. These aggressive actions only serve to undermine the balance of security in the Pacific Rim and around the world.

Let me be very clear. The Communist regime of the People's Republic of China is actively working to undermine America's national security interests, not only in the Taiwan Straits but around the world. One only has to read the book "Unrestricted War." It was recently published by the Red Chinese military, and it outlines a strategy of how to undermine and defeat America's interests.

The tenets of this strategy include nontraditional methods of warfare, such as terrorism, drug trafficking, environmental degradation, computer virus propagation, as well as proliferation of weapons of mass destruction.

Chinese espionage activity and its continued pursuit of a combined arms warfare capability, missile launches in the Taiwan Straits, as well as Beijing's repeated rhetoric of political threats towards Taiwan, only serve to support the strategy.

Passage of this bill endorses and supports Taiwan and its hope for liberty and the pursuit of a freely elected and one democratic China. I urge my colleagues to adopt this resolution.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I rise today in strong support of the Taiwan Security Enhancement Act. I believe that once again the time has come for Congress to stand up for a democratic Taiwan, to reconfirm our commitment to Taiwan's security, and to act in such a way that we ensure the continuation of peace, stability, and security in the Taiwan Straits and the Pacific Rim.

Since the passage of the Taiwan Relations Act of 1979, the Congress has sought to strengthen U.S.-Taiwanese relations and ensure stability in the region by establishing that an attack against Taiwan is inimical to the security interests of the United States and will compel an American response.

China's true intentions towards Taiwan are clear. China is engaged in a military buildup in the Taiwan Straits. It is quite likely that the only deterrent to a Chinese invasion of Taiwan is the strong security commitment of the United States for its defense. I believe we must balance the desire by those in this House to trade with China with the resolve to send a clear message that that does not mean abandoning the Taiwanese.

The Taiwan Security Enhancement Act builds on a policy that has served American and Taiwanese interests well and fulfills our commitments to Taiwan's security as established by the Taiwan Relations Act. By doing several things that I believe are of consequence in terms of military cooperation with Taiwan, in terms of direct communications, in terms of Taiwan's military officers, in exchanges of senior officers, and in ensuring that they have full access to defense articles and defense services, we will uphold the detente of deterrence that has served us since 1979.

Congress was right in 1979 to stand up for our democratic ally, Taiwan, and we are right today to pass legislation that will ensure another 20-plus years of peace, stability, and security in the region.

I urge every Member to support this bill. It is a reaffirmation of our support, our support for a democratic Taiwan and the continuation of peace in Taiwan Straits.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), a member of our Committee on International Relations.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am not going to speak long, but I really am firmly opposed to this particular amendment. I do not know why we are doing this at this particular time. Our policy now is effective. It has worked for 21 years. Why do we change it now, particularly with the very sensitive elections coming up now?

It is very easy to sit back here and intellectualize on a particular issue from our base in Washington, but if you are over in that part of the world, it is perceived differently.

I always remember talking to one of our distinguished Secretaries of State about his setting up an agenda between President Nixon and the Chinese, which happened to be Chou En Lai. He had at the top of his agenda the Taiwan issue, and at the bottom of the Chinese agenda, much to his surprise, was the Taiwan issue. He said, I thought this was very important to you. The answer from the Chinese, they said, it is, but in a way, it isn't. The only thing we ask you is do not embarrass us.

This is going to embarrass the Chinese. It is not necessary. Our policy works now. It has worked for over two decades. We ought to continue it as it is.

I oppose the Taiwan Security Enhancement Act.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my distinguished leader, the gentleman from Connecticut, for yielding time to me.

Mr. Speaker, I rise in very strong support of a strong relationship between the people of the United States and the people of Taiwan, but in opposition to this particular legislation. I do so reluctantly, but I do so for three reasons: first of all, because of the timing of this particular legislation on the House floor today, when so many important issues are going to be coming up with Taiwan and the Peoples' Republic of China and our international relations in the ensuing months; secondly, because of the military aspects, that we do not need this, that we have a very strong relationship with the people of Taiwan now.

This is articulated very clearly in both the 1979 Taiwan Relations Act and in the subsequent Shanghai communiques. We do not need this. We just had an arms sale a few years ago on F-16s for the people of Taiwan. We will continue to consider their requests and probably grant those requests in the future. So why do this now, from a military perspective or from a timing perspective?

Thirdly, Mr. Speaker, most importantly, it very much muddles the very important relationship that we have between the people of Taiwan and the people of the Peoples' Republic of China. We want our message to be one of peaceful reconciliation, and that the people of Taipei and the people of Beijing work peacefully through this, and not that the United States stand up on the House floor talking about military answers to these problems in the future.

We have strong moral support for the people of Taiwan. We have strategic advice that we give them now. We know that they will defend themselves with the weapons that we sell them. Now is not the time for this bill to go to the House floor.

□ 1330

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today in strong support of H.R. 1838, the Taiwan Security Enhancement Act, which was passed out of the Committee on International Relations with bipartisan support. I believe that some day a peaceful Chinese nation can contribute positively to the international community, but at this time it is difficult to place trust in the Chinese government, given their aggressive posture toward Taiwan.

Mr. Speaker, I have been to China; and I have been to Taiwan. As a visitor, the first observable difference between the two is the mainland Chinese fear of speaking freely. Taiwan, however, reveals a different story. Free trade and travel with the global community have led to the importation of the United States' most precious principle, democracy.

Mainland China has never known such a freedom and has a long road to travel. Taiwan, I believe, provides mainland China a road map for progress. They are a shining light in a troubled region. We must make sure that Taiwan is given the chance to continue their progressive trek. The Taiwan Security Enhancement Act ensures that progress. This bill helps to foster a policy towards China similar to that of President Reagan's towards the communist Soviet Union: contain them militarily, engage them diplomatically, and flood them with Western goods and influence. It worked for Russia; it could work for China.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, I do support the legislation, as I supported the rule. There has been, I think, almost unanimous support expressed for the Taiwan Relations Act of 1979. This legislation has been said to be both extraordinarily significant or perhaps not needed at all. Both positions are probably exaggerations, but I would like to address one aspect of the Taiwan Relations Act that is not being implemented today thereby providing a justification for H.R. 1838.

Now, in the legislation before us, section 4(b) requires that beginning 60 days after the next round of arms sale talks between the U.S. and Taiwan, and one is ongoing now, the President shall submit a report to Congress in classified and unclassified form detailing each of Taiwan's requests, describing the defense needs asserted by Taiwan and its justification for these requests, and a description of the decision-making process used to reject, postpone, or modify any such request.

In order for Congress to play its appropriate role in foreign and defense relationships generally, but also in respect to our TRA commitment to Taiwan to provide them necessary defensive material, we must have this kind of report. Why? Because in the Taiwan Relations Act, section 3(b) provides:

> That the President and the Congress shall determine the nature and the quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with the procedures established by law.

Mr. Speaker, that provision of the Taiwan Relations Act of 1979 is being ignored by the Administration and therefore Congress is basically not able to determine what the Taiwanese are requesting, the nature of the justification given, or the Administration's responses to arms sale requests of the Taiwan government.

Now, we understand that the Administration's response and even the nature of the weapons being requested or considered cannot be broadly shared. But we provide them with a method of providing us this advice on a classified basis.

Mr. Speaker, in closing, I want to reassure my colleagues, by asking them to look at the legislation as amended. There are, for example, no specific references to weapon types. There are many, many important changes. I urge my colleagues that they can with assurance vote for this legislation. There is never a perfect time to pass such legislation in the House and I would have preferred that we act after the Taiwanese presidential election in April, but America's commitment to Taiwan's defense through the TRA is reinforced by this legislation.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise today in opposition to H.R. 1838, the Taiwan Security Enforcement Act. While supporters claim that the bill will increase Taiwan's security, the opposite is true. This legislation could have serious unintended consequences that could potentially threaten Taiwan's security, undermine our own national security interests, and jeopardize our relationship with China.

For more than 2 decades, under the leadership of Presidents Carter, Reagan, Bush and Clinton, the United States has pursued an extensive and successful military relationship with Taiwan through defensive weapons sales and informal military assistance.

The Taiwan Relations Act passed in 1979 has been proven an effective mechanism in helping Taiwan achieve security, prosperity, and freedom.

H.R. 1338 is simply unnecessary. Section 3 of the Taiwan Relations Act already allows the United States to make available to Taiwan such defense articles and defense services in "such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

The act further states that a determination of Taiwan's needs "shall include a review by the United States military authorities in connection with the recommendations to the President and Congress."

So as we can see, the passage of H.R. 1838 will not improve the existing act and provide additional security for the people of Taiwan, as supporters of the bill maintain. H.R. 1838 will instead undermine the principal objectives of the Taiwan Relations Act, which was to help maintain peace, security, and stability in the American Pacific.

Passage of the bill would formalize a military relationship with Taiwan and would be a significant departure from the "one China" policy that has been essential to maintaining stability in the region. Not only is the bill unnecessary, but the timing of H.R. 1838 is particularly bad. Recent public statements by Taiwan officials concerning its relationship with China have moved closer to the concept of sovereignty, which has escalated tensions and complicated our "one China" policy. Furthermore, Taiwan will be holding a presidential election in March and a new administration will be formed in May. We have been urging both sides of the Taiwan Strait to avoid any actions that could increase the risk of conflict and take advantage of possible new opportunities for dialogue. In addition, passage of this bill could potentially jeopardize our efforts to improve our relationships with China.

Let me make clear that I in no way condone any aggressive actions taken by China against Taiwan which threatens its security. But adopting policies that will further distance us from China and undermine opportunities for future dialogue would not be constructive U.S. policy. Undoing any progress that has been made in negotiations on such issues as trade and human rights will not only threaten the future security of Taiwan, but could impede U.S. abilities to advance democracy in the region.

Mr. Speaker, a policy of economic and political engagement is the surest way to promote U.S. interests in China, to advance democracy and human rights, and to secure future economic opportunities for Taiwan, China, and the United States.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER), one of the senior members of the Committee on International Relations.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of H.R. 1838. I would like to congratulate the gentleman from New York (Chairman GILMAN) for the strong leadership that he has provided us. He has been a stronger leader for peace and stability in the Pacific region than this administration, unfortunately.

What the gentleman has been leading is a bipartisan effort on the part of both sides of the aisle to make sure that the Communist regime in Beijing knows full well that we stand by our commitments in the Taiwan Relations Act and we expect Beijing to stand by its commitments to the Taiwan Relations Act.

In that agreement, we agreed to provide Taiwan the defensive weapons systems they needed to preserve their security and to maintain stability and peace in the Taiwan Strait. Today, we are restating that unambiguously so that it will be understood by friend and foe alike.

Mr. Speaker, this is the way to have peace in that region, to make sure America stands tall, keeps its commitments. Lets people know that we still believe in truth and justice and that as Taiwan moves forward towards its democratic elections, and we have this threatening time period where there are threats from communist China, that the United States is not backing down one bit from its commitments.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today in strong support of H.R. 1838, the Taiwan Security Enhancement Act. I believe this bill is an extremely important tool in maintaining the balance of power in the Pacific region. Mainland China, or the PRC, is currently engaged in a massive buildup of ballistic missiles capable of reaching the shores of Taiwan. When we passed the Taiwan Relations Act, the United States made a commitment to provide Taiwan with the capability of defending itself from aggression.

H.R. 1838 reaffirms that commitment, and I believe most importantly requires the Secretary of Defense to develop a program to enhance operational training exchanges between the militaries of the United States and Taiwan concerning threat analysis, force planning, and operational methods.

Mr. Speaker, H.R. 1838 is a necessary step in fulfilling our promises to Taiwan. By passing this legislation, the United States will make a powerful statement that aggression toward Taiwan will not be tolerated.

I urge all of my colleagues to support this important piece of legislation.

Mr. GILMAN. Mr. Speaker, I yield 5½ minutes to the gentleman from California (Mr. COX), chairman of the Republican Policy Committee.

Mr. COX. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, I too rise in strong support of this resolution offered by the gentleman from Texas (Mr. DELAY), my good friend and colleague.

This bill was reported from committee with an overwhelmingly bipartisan vote of 32 to 6. It is because this legislation strengthens and extends the long-standing U.S. policy toward Taiwan. That policy most recently was codified in the 1979 Taiwan Relations Act.

Today, even more than in 1979, Taiwan's security is critical to America's interests. Taiwan is now the seventh largest trading partner of the United States. Taiwan buys far more from the United States than does the People's Republic of China. The sea lanes surrounding Taiwan are vital to the economic health of Asia and to the steady growth of U.S. exports to Asia. But most important of all, a democratic Taiwan is a living example to all of the people of China that they too can build for themselves a peaceful, prosperous democracy.

Taiwan does not pose any military threat to the People's Republic of China. But Taiwan's democracy, its freedom of speech and freedom of thought, do pose a threat to the Communist government in Beijing.

This bill will allow our military to have relations with Taiwan's forces as close as what the administration is already putting together with the Communist People's Liberation Army. This upgrading of our military relations ought to occur now in a time of relative stability, because if we were to wait for a time of crisis, it would then be too late. Indeed, many would say then surely it was too provocative.

But the State Department currently bars senior U.S. military officers from meeting their Taiwanese counterparts. But enhanced contacts between the United States and People's Liberation Army officers of all ranks has been made a priority of the Clinton-Gore administration.

The Taiwan Security Enhancement Act that we are about to vote upon provides that our field rank officers can have the same level of relations with a friendly defensive force on Taiwan that already they have with the Communist People's Liberation Army.

Just 4 days ago, Deputy Chief of the General Staff of the People's Liberation Army, General Xiong Guangkai said this about Taiwan. "We," referring to the People's Republic of China and the People's Liberation Army, "we will never commit ourselves to renouncing the use of force." General Xiong said this not in some obscure Communist Party military publication. He said it here in Washington 4 days ago as a guest of the Clinton administration.

The Taiwan Security Enhancement Act will codify America's long-standing policy of peaceful cross-strait dialogue, peaceful conduct of relations between Beijing and Taipei, peaceful resolution of the Taiwan question. And it will codify, again, our long-standing commitments since President Eisenhower to provide Taiwan with the defensive military strength needs to deter the PRC.

The 1979 Taiwan Relations Act states, "The President and the Congress shall determine the nature and quantity of such defense articles and services that we will sell to Taiwan based solely upon their judgment of the needs of Taiwan."

□ 1345

This law calls for annual reporting to the Congress on those sales, because the administration has not been consulting Congress on these sales as have been required by the letter and spirit of the Taiwan Relations Act.

Lastly, it has been argued occasionally that the United States promised the People's Republic of China to reduce or even terminate arms sales to Taiwan, as a consequence of our growing political recognition of the Communists in Beijing. Nothing could be further from the truth.

The United States has always maintained that we would support the democracy in Taiwan; that we would support peaceful discussions; that we would support defensive weaponry for Taiwan for its legitimate defense needs.

At the time of the signing of the 17 August 1982 communique of U.S. arms sales to Taiwan, President Reagan wrote a four-paragraph memo elaborating what had been agreed to. He wrote that our policy was premised on the clear understanding the continuity of China's declared fundamental policy of seeking a peaceful resolution of the Taiwan issue, quote, "U.S. willingness to reduce its arms sales to Taiwan," President Reagan wrote, "is conditioned absolutely upon the continued commitment of China to the peaceful reunification or the peaceful resolution of this issue."

General Xiong's comments in Washington 4 days ago were not ambiguous; neither should United States' policy be ambiguous. Our goal here on the floor today is, once again, to come together as Democrats and Republicans to state clearly the view of the legislative branch on this subject.

The United States supports the democracy and the freedom of the people in Taiwan. We will continue to do so. We will continue to support their right to be free from aggression militarily by the People's Republic of China. We wish better relations with the PRC. Indeed, we wish for the people of China that the democracy already exemplified by the system that is developed in Taiwan will soon be theirs, that the freedom of speech, the freedom of thought, the freedom of action, the freedom of movement, the freedom of conscience, the freedom of religion that they all enjoy will also be the birthright of every man and woman born in China in the 21st century. That is the purpose of our vote today; that is why it is so fundamentally bipartisan; that is why the vote will be so overwhelming.

I urge all of my colleagues to vote aye in support of this resolution.

I congratulate the chairman and the ranking member for their hard work, their excellent work on this bill.

Mr. GEJDENSON. I yield myself such time as I may consume.

Mr. Speaker, I think that we have come here fairly unified, recognizing the need to make a clear statement about Congress' commitment to the people of Taiwan and their democratic institutions; that we believe any change in the relationship between Taiwan and the mainland must occur out of a mutual agreement, not through intimidation of force.

Traditionally, every administration would like to see the Congress disappear, not just from foreign policy, but from domestic policy as well. They rather not hear from us, and that is understandable.

When you are sitting in the White House, you are down at the Secretary of State's office, you think you are doing just fine and you do not need a lot of help; but I think one of the great things that this institution projects globally is the importance of a legislative body.

I can remember being on this floor year after year, cosponsoring and speaking on behalf of the resolutions for a free and independent Lithuania, Latvia, and Estonia; and oftentimes it did seem like a futile effort. And there are many years where it seemed just one more time we were stepping forward to restate our commitment to their independence, and it would be to no avail.

To most of the people's surprise and to, I think, the rejoicing of all of us, we finally saw the Baltic states free. I believe that our actions here today, in these measured terms that the chairman and I and the committee have worked out, simply restate the commitment of this Congress to the democratic institutions of the people of Taiwan and to the resolution of the differences between the mainland and Taiwan, not through military force but through a dialogue. That is what this legislation does. It is consistent with this administration in its actions to date; it is consistent with every administration since the Taiwan Relations Act has occurred.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the distinguished majority whip, and I thank the gentleman from Connecticut (Mr. GEJDENSON) for his supportive remarks.

Mr. DELAY. Mr. Speaker, I really appreciate all the hard work that the gentleman from New York (Mr. GILMAN) has done and the gentleman from Connecticut (Mr. GEJDENSON) has done on this bill. Working together they have done outstanding work, and I am very proud to support this bill.

I also want to thank the gentleman from Florida (Mr. DEUTSCH), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. ARMEY) for all their hard work on this legislation. This bipartisan dedication to this cause shows how both sides of the aisle can come together under the goal of peace through strength.

Mr. Speaker, I rise today because Taiwan desperately needs America's help. Throughout the 20th century, struggling democracies across this globe knew that they could always count on America for support when their freedom was threatened. At the dawn of a new century, the world must be reassured that the United States will continue to stick by their friends.

Taiwan has a strong and vibrant economy, and in March they will hold another free and open election. I ask all my colleagues, is this not the kind of system we should be backing? Would it not be a tragedy for this light to be extinguished because America had her head stuck in the sand?

Given the volatility of the situation in the Taiwan Strait, any mixed signals by our government can easily be read by the Communist Chinese as complacency. This Congress must erase any doubt as to whether or not we are fully committed to Taiwan, and that is the purpose of this bill.

Stability of the entire Asian region is predicated on a balance of power that keeps China in check. This bill stabilizes Taiwan and the Pacific region by strengthening U.S.-Taiwanese cooperation. It also reassures Japan, South Korea, and all of our Asian allies that we will not neglect their best interest under the shadow of a rapidly growing Communist China.

Despite countless claims by supposed experts that the People's Republic is not a threat, Chinese intentions to the contrary are very clear. In fact, they have been saber rattling for years. A clear message was sent when China fired missile tests off the coast of Taiwan in 1995 and 1996. Since then a massive Chinese missile and military logistical buildup across the Taiwan Strait has served as a constant threat. Waiting for the next shoe to fall would be a very costly mistake.

Ever since the annexation of Hong Kong and Macao, consuming Taiwan has become a pressing goal for the expansionist Communist government in Beijing. To this day the PRC refuses to denounce the use of force in its quest to take back Taiwan. While visiting Washington, D.C. just 6 days ago, a PRC general asserted, and I quote, "We will never commit ourselves to renouncing the use of force."

During the 50th anniversary celebrations of Chinese communism, held just last October, a leading reformer in the PRC leadership warned against U.S. support of Taiwan. "Sooner or later it will lead to an armed resolution of the question," he said. And this is from a so-called reformer.

Make no mistake about it, this is a gravely serious situation. Considering what is at stake, the cost of American assistance is very minimal. The Taiwanese are not asking us to send troops. They are not asking us to bomb anybody. They simply need strategic military advice, technological expertise, and access to purchase American defense systems so they can defend themselves.

Without any more hesitation, U.S. policy must support the continued vitality and security of this thriving nation. Under the TRA, the United States committed to providing defensive capability to Taiwan based on their defense needs. The need is pressing. The time to act on this promise is now.

Mr. Speaker, American prestige is on the line in the Taiwan Strait. The Taiwan Security Enhancement Act honors our commitment to stability in Taiwan by increasing cooperation between the U.S. and Taiwanese militaries. It fulfills promises this Congress has already made to Taiwan and reiterates our national agenda of seeking peace through strength.

Simply put, this Congress must support democracy in Taiwan. We must honor our commitments in the Far East. Supporting this bill accomplishes these goals.

Mr. GILMAN. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from New York (Mr. GILMAN) has 2½ minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, America is not just another country. We are the oldest revolutionary nation in the world and the world's oldest democracy. We have an obligation to the world, a mission, and that is to advance the cause of freedom around the world.

Mr. Speaker, I have said it before and I will say it again: no nation's people, ever, in the history of the world, have done as much as the American people have done in the cause of freedom, to sacrifice and inconvenience themselves not only for their own freedoms but, as we have seen so many times, even for the freedoms of others. This is a proud heritage we have, and it is a great responsibility we should keep.

Today we are looking at the Chinese people. Mr. Speaker, the Chinese people are a beautiful people. They are a wonderful people, and they are divided now between two different governments. One is a beautiful democracy, and the other one is not so grand. But the Chinese people, whether they live in Taiwan or on the mainland, deserve and want freedom as much as any people in the world, and we must respond to them.

This year the House will vote on two measures that will do that in the East Asia region. One is this bill, to strengthen our security relationship with democrat Taiwan. The other is a resolution, which we will vote on at our earliest possible moment, to establish permanent normal trade relations with China. Friends of Taiwan should not have fear of our greater trade with China, just as those who want more trade with China should not object to us helping Taiwan. Both measures serve exactly the same end, to advance the cause of freedom in East Asia and the Pacific and specifically on behalf of the Chinese people.

How does more trade with China help? Because aside from religious belief, trade is the single most powerful force of liberation in human history. With trade comes prosperity, and with prosperity comes wider sharing of power, a freer flow of information and the rule of law. That is happening in China today. As China becomes more integrated into the world economy, the Chinese leadership is finding it more and more difficult to stifle the aspirations of their own people.

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Just last week the Chinese Government announced a ludicrous effort to impose tight restrictions on the Internet. This is swimming against the tides, Mr. Speaker. The Internet, almost by definition, is something that defies government control. In fact, this effort is nothing but an unwitting tribute to the liberalizing power of the modern information age economy.

They cannot be part of the world economy without the Internet, but they cannot have the Internet without the free flow of ideas and information, including political ideas.

As long as we continue to expand our trade with China and bring China into the world economy, the Chinese leaders will have no choice but to allow greater freedom. Eventually the Chinese people will insist on the freedom to choose their own leaders. And when they do, they are not likely to select leaders who will make war on Taiwan or anyone else.

And how does helping Taiwan further the cause of freedom throughout the region? By strengthening our security ties with Taiwan, we make it clear that the American people will stand by Taiwan if they are attacked. That will discourage any country from doing anything foolish to jeopardize peace and prosperity in the area.

We all know that wars have often started from miscalculation. One country attacks another only after wrongly assuming that the other countries will not come to its aid. This bill will help maintain peace in the Taiwan straits by suggesting in advance that America will come to the aid of democratic Taiwan. It is entirely consistent with the Taiwan Relations Act.

Mr. Speaker, Taiwan is the first democracy in 5,000 years of Chinese history. It stands as a shining example to all the people on the mainland and elsewhere of how a country can be both rich and free. It shows how a nation can emerge from decades of dictatorial rule and create a government of the people, by the people, and for the people. If we truly love freedom, we must protect democratic Taiwan.

I ask all our Members to support both security for Taiwan and more trade with the Chinese people. Together, these policies will help make Asia and the Pacific prosperous, peaceful and, above all, free.

Mr. GILMAN. Mr. Speaker, I thank our majority leader, the gentleman from Texas (Mr. ARMEY), for his kind words of support.

Mr. OBERSTAR. Mr. Speaker, I rise today to express my opposition to H.R. 1838, the Taiwan Security Enhancement Act. I am greatly troubled by this effort to undermine the sound, bipartisan foreign policy of the United States. For more than 20 years, both Democratic and Republican Administrations have maintained a policy of "strategic ambiguity" regarding our relations between China and Taiwan, a policy that has served our nation well. The thrust of this legislation abandons the long-standing and successful policy of the Taiwan Relations Act of 1979, and I oppose this misguided attempt to impose a fundamental shift in our policy.

I firmly believe that over time, our strategic interest is best served through increased economic ties and expanded cultural relations with China. Efforts to promote travel and tourism to China and encouraging additional Chinese students to attend our universities will significantly improve our relations with China.

However, I do not want this vote to be misinterpreted. The United States and the world community do not approve the increasingly belligerent tone of rhetoric and actions on the part of China against Taiwan. China must understand that the world community expects a peaceful resolution of the China/Taiwan issue.

Ms. PELOSI. Mr. Speaker, I stand in support of H.R. 1838, the Taiwan Security Enhancement Act. I believe this bipartisan legislation will send a clear message that the U.S. will stand firm for democracy and human rights. We must support the right of the Taiwanese people to determine their future without outside military pressure.

We have good reason to be concerned about the rapid military buildup just across the Taiwan Strait. In 1995 and 1996, the Taiwanese people were making history by holding their first democratic presidential election. At the same time, the Chinese government conducted missile tests as a reminder of their true intentions. This was no coincidence. According to a recent Pentagon report, China has continued to build ballistic missiles just off the coast of Taiwan. As we approach the next presidential election this March, we must be aware of the imminent threat to the new democracy in Taiwan.

I believe this legislation would be successful in strengthening our commitment to the Taiwanese people. First, it would enhance Taiwan's self-defense capabilities. Second, this bill affirms that the status of Taiwan must have the consent of the people of Taiwan.

Our goals of securing peace and human rights in China are fully consistent with the goals of this legislation. I urge my colleagues to vote "yes" on this bipartisan legislation.

Mr. STARK. Mr. Speaker, I rise today to commend Taiwan for embracing democracy and striving for complete autonomy from the People's Republic of China (PRC). Taiwan has liberated itself from the oppressive Chiang Kai-shek regime only to be threatened by the current Chinese government. The PRC has a history of using coercion to get what it wants, and the recent missile tests are no different. We all know this is wrong and yet we continue a "strategic partnership" with this barbaric regime.

Today's resolution, H.R. 1838, the Taiwan Security Enhancement Act, antagonizes the PRC. The title of the bill is misleading. Sure, it professes the sense of Congress that we should offer them the military might of the United States, but it will not make Taiwan any more secure. It only raises tensions in the region.

To protect the free people of Taiwan and to help the process of democratization in the PRC, we need a coordinated, thoughtful, comprehensive China Policy.

This Resolution is not such a policy!

For example, China wants and needs integration into the world economy and the WTO. It needs the cooperation of the rest of the world to accomplish this goal. We need a concerted, comprehensive international effort to require that as a condition for the many objectives of the PRC, they give the world assurances of respect for international law, for the rights of the people of Taiwan, and indeed, for the rights of their own people.

Therefore, I will not support the Taiwan Security Enhancement Act.

Mr. ORTIZ. Mr. Speaker, I rise today in support of the Taiwan Security Enhancement Act. While I support this legislation, the timing of it is no small coincidence given the fact that Congress plans to take up unprecedented trade legislation this year involving this region. Over the years, I have witnessed firsthand the casual working relationship the people in both the Peoples Republic of China and the Republic of China have shared. They each have adapted to their special circumstances with relative ease.

I have always supported Taiwan's efforts to embrace democracy and stability in the region. Furthermore, I truly believe that our efforts to engage China and to bring them to the table to work and promote trade and growth will work only to the advantage of the United States. It is with this optimism that I ask my colleagues for the continued support of the people of Taiwan while we also work this session to further strengthen our relationship with China.

There are many that consider China a constant threat in the Taiwan Straits. That said, it is my hope that any country in the world, who moves aggressively toward another would be subject to consequences. Engaging and protecting the interests of our trading partners in the Far East is the single most important thing we can do for all our trading partners there.

I remain committed to the Taiwanese people and their outlook for the future of their citizens. I also remain committed to the economic engagement of China through trade and the power of the market place.

Mr. BARR of Georgia. Mr. Speaker, I rise today in support of H.R. 1838, the Taiwan Security Enhancement Act. This bill gives Taiwan at least some of the tools necessary to defend itself against possible future attacks from Communist China.

When Congress enacted the 1979 Taiwan Relations Act, the intent was to ensure Taiwan's security would not be compromised, and a self-defense capability would be maintained. The Clinton administration has wrongly interpreted this act as a "hands off" policy and continues to ignore the growing military force and threat of the Communist Chinese Government.

The utter disregard of the Taiwan Relations Act has placed Taiwan at a clear military disadvantage vis-s-vis mainland China. Reports indicate the People's Republic of China has a 65 to 4 advantage in submarines, and a 4,500 to 400 numerical advantage in aircraft. The Department of Defense has reported that by 2005, Communist China would have the capability to attack Taiwan with air and missile strikes, destroying both key military facilities and the island's economic infrastructure.

Beijing continues to maintain a large armed forces structure, with more than 2.5 million members in the People's Liberation Army (PLA), a million in the People's Armed Police (PAP), and a reserve-militia component of well over 1.5 million personnel. Still, the Clinton administration continues to assert that Communist China is not a threat. Yet, mainland China's growing advantage in military weapons and soldiers, and its increasingly bellicose policy statements point to the undisputable fact that Communist China is a real and growing threat, and continues to focus on defeating Taiwan militarily.

The United States must act. We are the only power that can provide Taiwan with the weapons it needs to counter any future mainland Chinese aggression. We have an obligation to re-establish oversight of arms sales to Taiwan, and force the President to provide Taiwan with the weapons and military training it needs. Even though Taiwan will never be on equal footing with China in terms of numbers, we must give Taiwan the means necessary to protect itself from attack.

The Taiwan Security Enhancement Act permits the sale of satellite early warning data, missile defense systems, modern air equipment, and naval defense systems. In addition, the Secretary of Defense would be required to report on Taiwan's requests for defense and hardware needs. By passing the Taiwan Security Enhancement Act Congress will empower Taiwan with the mechanism to improve its self-defense capability and protect itself from future coercion from Communist Chinese. It is a small, but vital price to pay, not only to ensure the survival of a key and loyal ally, but our very own survival as well.

Mr. TIAHRT. Mr. Speaker, I rise in strong support of H.R. 1838, the Taiwan Security Enhancement Act. This bipartisan legislation, which was reported out of the International Relations Committee by a vote of 32–6, reaffirms this Nation's commitment to peace through strength in the Taiwan Strait. I congratulate the House leadership for beginning the new session of Congress with the explicit message that the United States will meet its obligations under the Taiwan Relations Act of 1979.

Under the Taiwan Relations Act, this nation is committed to providing Taiwan with those defensive weapons systems necessary to protect Taiwan from any aggressive actions by Communist China. Unfortunately, by sending out mixed signals to the government of Taiwan while concurrently maintaining a policy of appeasement with the People's Republic of China, the Clinton administration has fostered the current environment of tension in the Taiwan Strait.

With this legislation, Congress is clearing up any confusion the Clinton administration has created regarding this Nation's commitment to a free and democratic Taiwan. Recently, the Pentagon reported that the People's Liberation Army of China has nearly 100 short-range ballistic missiles targeted at Taiwan. In addition to a real increased threat of Chinese cruise missiles and fighter-bombers, China's dangerous rhetoric and intimidation has led Taiwan to publicly express their concern of possible aggression in the near future. In 1996, China performed significant military operations across the strait from Taiwan and fired several ballistic missiles near Taiwan.

In addition to reconfirming this nation's military commitment to Taiwan, H.R. 1838 will provide for increased training for Taiwan's military officers in U.S. military schools and require the Secretary of State to make information regarding defense services fully available to the government of Taiwan in an expedited manner. Furthermore, this legislation will require the President to report to Congress regarding any and all of Taiwan's defense need requests and Administration decisions on those requests.

The best way to make sure China will take Taiwan seriously and treat them fairly in discussions regarding reunification is to send a clear and unmistakable message that the United States will stand by Taiwan if China takes any aggressive action in the Taiwan Strait. Today we have the opportunity to stand up for freedom and democracy and show our support for the people of Taiwan.

Mr. Speaker I urge a bipartisan yes vote for the Taiwan Security Enhancement Act.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to speak on the legislation before us, H.R. 1838, the Taiwan Security Enhancement Act, which seeks to promote stability between Taiwan, the People's Republic of China, and the United States.

At the outset, I would note that at the heart of the relationship between Taiwan and the United States lies the Taiwan Relations Act, which for over two decades has effectively laid and preserved the foundation for peace and stability in the Taiwan Strait.

When the security of our friends in Taiwan was threatened by China in spring of 1996, I joined with our colleagues in Congress in strongly supporting the Clinton administration's decision to send the *Nimitz* and *Independence* carrier groups to the Taiwan Strait to maintain peace. China's missile tests, military exercises, and threatened use of force contravened China's commitment under the 1979 and 1982 Joint Communiques to resolve Taiwan's status by peaceful means. The joint communiques, in concert with the Taiwan Relations Act, lay the framework for our "One China" policy, which fundamentally stresses that force shall not be used in resolution of the Taiwan question.

Mr. Speaker, the graphic response of the United States in 1996 sent an unequivocal message to Beijing, as witnessed by the world, that America would not stand by idly while Taiwan was threatened with China's military might. The formidable U.S. military presence in Taiwan's waters, along with the explicit warnings of grave consequences for Chinese use of force against Taiwan, concretely demonstrated our Nation's determination and resolve to aid Taiwan in the event of attack. In my view, Mr. Speaker, our actions that were taken then during the heat of the Taiwan Strait crisis continue to speak volumes today about

America's unquestioned and unshakeable commitment to Taiwan's security, much more than any policy statements we might adopt today.

Mr. Speaker, under the existing policy of the Taiwan Relations Act, our Nation and Taiwan have formed a close partnership that already encompasses military relations, meetings of high-level officials, and extensive transfers of high-tech defense weaponry.

As we examine the legislation before us, I ask our colleagues to question whether it actually enhances the security of Taiwan above and beyond what has, what is, and will be provided to Taiwan for its legitimate defense needs under existing policy.

Mr. Speaker, the United States is firmly and unequivocally committed to the protection of Taiwan's people and democracy, and certainly no nation knows this better than China. I am not persuaded that the legislation before us is necessary nor that it serves to enhance stability in the Taiwan Strait.

Mr. KNOLLENBERG. Mr. Speaker, I rise in support of H.R. 1838 and I thank my colleagues on both sides of the aisle for their efforts to bring this bill to the floor today.

The United States relationship with the Republic of China is vital to our economic and national security interests. Through its financial success and blossoming democracy Taiwan remains a model for other countries in Asia, including China, to follow.

The story of Taiwan's economic success is now widespread. During and after the Asian financial crisis, Taiwan's free-market economy fared much better than its centrally controlled neighbors. Their economy, in fact, maintained a GDP growth rate of 4.8 percent over 1998.

It is also wise for us to remember that Taiwan is the United States' 7th largest trading partner and an important part of the successful economy we enjoy today. In February 1998, Taiwan and the United States negotiated a market access agreement as a prelude to Taiwan's entry into the World Trade Organization.

This strong economic relationship with Taiwan and our successful negotiations with Taipei have helped to lead China into its own successful market access negotiations with the United States. Later this year in fact, Congress will pass legislation to grant China permanent normal trade relations status so that United States companies will benefit from China's entrance into the WTO. This will also improve our ability to provide support for the Chinese people who need our help the most.

Unfortunately, the administration's confused policies and actions in recent years have damaged our relationship with Taiwan and Congress must now pass this bill to steer us back on the right course.

The United States, as the world's leading democracy, has a responsibility to support the security of Taiwan, one of the world's smallest yet one of the most important democracies.

Mrs. FOWLER. Mr. Speaker, I rise in strong support of H.R. 1838, the Taiwan Security Enhancement Act.

This legislation is necessary to reaffirm our Nation's commitments to Taiwan, an important partner of our country in the realm of trade, and a strong proponent of democracy.

American policies, which oppose China's use of force against Taiwan, need reinforcement now, as Taiwan approaches presidential elections. Four years ago, China's leadership conducted a series of missile tests near Taiwan—a move meant to intimidate the Taiwanese people on the eve of elections then. In response, the United States was compelled to deploy two carrier battle groups in order to restore tranquility.

Today, China is engaged in a build-up of missile forces that again threatens Taiwan. These unwarranted, threatening developments make this bill's consideration today an imperative.

It is patently obvious that Taiwan poses no threat to China. Military training or other security measures provided to Taiwan by the United States is strictly oriented towards Taiwan's defense. As such, this bill merits our strong support.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 408, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX further proceedings on this motion will be postponed until later today.

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—THE CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Child Abuse Prevention and Enforcement Act".

SEC. 102. GRANT PROGRAM.

Section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(b)) is amended by striking "and" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting "; and", and by adding after paragraph (16) the following:

"(17) the capability of the criminal justice system to deliver timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that are engaged in the assessment of risk and other activities related to the protection of children, including protection against child sexual abuse, and placement of children in foster care.".

SEC. 103. USE OF FUNDS UNDER BYRNE GRANT PROGRAM FOR CHILD PROTECTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) by striking "and" at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting a semicolon; and

(3) by adding at the end the following:

"(27) enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect; and

"(28) establishing or supporting cooperative programs between law enforcement and media organizations, to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.".

SEC. 104. CONDITIONAL ADJUSTMENT IN SET ASIDE FOR CHILD ABUSE VICTIMS UNDER THE VICTIMS OF CRIME ACT OF 1984.

(a) IN GENERAL.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended—

(1) by striking "(2) the next $10,000,000" and inserting "(2)(A) Except as provided in subparagraph (B), the next $10,000,000"; and

(2) by adding at the end the following:

"(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the $10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 1404A.

"(ii) Amounts available under this subparagraph for any fiscal year shall not exceed $20,000,000.".

(b) INTERACTION WITH ANY CAP.—Subsection (a) shall be implemented so that any increase in funding provided thereby shall operate notwithstanding any dollar limitation on the availability of the Crime Victims Fund established under the Victims of Crime Act of 1984.

TITLE II—JENNIFER'S LAW

SECTION 201. SHORT TITLE.

This title may be cited as "Jennifer's Law".

SEC. 202. PROGRAM AUTHORIZED.

The Attorney General is authorized to provide grant awards to States to enable States to improve the reporting of unidentified and missing persons.

SEC. 203. ELIGIBILITY.

(a) APPLICATION.—To be eligible to receive a grant award under this title, a State shall submit an application at such time and in such form as the Attorney General may reasonably require.

(b) CONTENTS.—Each such application shall include assurances that the State shall, to the greatest extent possible—

(1) report to the National Crime Information Center and when possible, to law enforcement authorities throughout the State regarding every deceased unidentified person, regardless of age, found in the State's jurisdiction;

(2) enter a complete profile of such unidentified person in compliance with the guidelines established by the Department of Justice for the National Crime Information Center Missing and Unidentified Persons File, including dental records, DNA records, x-rays, and fingerprints, if available;

(3) enter the National Crime Information Center number or other appropriate number assigned to the unidentified person on the death certificate of each such unidentified person; and

(4) retain all such records pertaining to unidentified persons until a person is identified.

SEC. 204. USES OF FUNDS.

A State that receives a grant award under this title may use such funds received to establish or *expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 203(b).*

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2000, 2001, and 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. JENKINS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. JENKINS).

GENERAL LEAVE

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 764.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. JENKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 764, the child abuse prevention and enforcement act, as amended and passed by the other body on November 19, 1999.

This legislation was introduced by the gentlewoman from Ohio (Ms. PRYCE) last year; and on October 5, 1999, it passed the House by a vote of 425–2.

The purpose of this bill is to increase the funds available at the State and local level to combat and prevent child abuse and neglect. It will do this by amending existing grant programs that provide funds to States for crime-related purposes.

First, H.R. 764 will amend the Crime Identification Technology Act, a bill enacted in 1998 to improve the operation of the criminal justice system by upgrading criminal history and criminal justice record systems.

H.R. 764 will amend that Act to authorize grants that will help provide timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that conduct risk assessment and other activities related to the protection of children, including protection against child sexual abuse and the placement of children in foster care.

These agencies and organizations often do not have access to criminal history information and may be unaware that when they place a child in foster care or return a child to a parent that they are placing the child in the custody of a person with a criminal history. Allowing Federal funds to be used to provide these agencies access to State records will help alleviate this problem.

Second, H.R. 764 will modify the Federal Crime Control Assistance Program, known as the Byrne Grant Program. This program authorizes the Federal Government to award both block grant and discretionary grants for specified activities. Block grants are allocated to the States on the basis of population and are to be used for personnel, equipment, training, technical assistance, and information systems to improve criminal justice systems.

The discretionary program funds are distributed to non-Federal public and private organizations undertaking projects that educate criminal justice personnel or that provide technical assistance to State and local governments.

The Byrne Grant Program statute specifies 26 permissible uses for these funds. H.R. 764 will amend the Grant Program to add two additional permissible uses for these Federal funds.

The first of these was contained in H.R. 764 when it passed the House last fall and it would authorize grant money to combat and prevent child abuse and neglect.

The second permissible use was added by the other body by way of an amendment, and I support its inclusion in this bill. It will authorize funds to assist in establishing or supporting cooperative programs between enforcement and media organizations to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.

Third, H.R. 764 will amend the Victims of Crime Act of 1984, which created the Crime Victims Fund. The fund is financed through the collection of criminal fines, penalty assessments, and forfeited appearance bonds of persons convicted of crimes against the United States and provides money to States to compensate crime victims directly and to support public and nonprofit agencies that provide direct services to crime victims.

Under current law, the first $10 million deposited in the fund each year is earmarked for grants relating to child abuse prevention and treatment. As the fund grows in size, more money should be made available for child abuse prevention and treatment.

H.R. 764 will permit more money to be earmarked for this purpose for any fiscal year in which the amount of money deposited in the fund exceeds what was deposited in fiscal year 1998. When more than that amount of money is deposited, 50 percent of the excess would be allocated for child abuse prevention and treatment, but the total amount available in any fiscal year would not exceed $20 million.

Finally, H.R. 764 was amended by the other body to include Jennifer's Law, a bill introduced by the gentleman from New York (Mr. LAZIO) which passed the House last June by a vote of 370–4. Jennifer's Law will authorize the Attorney General to award grants to enable States to improve the reporting of unidentified and missing persons to Federal and State law enforcement agencies to increase the likelihood that they will be identified or found. The bill authorizes the appropriation of $2 million for each of three fiscal years beginning with this fiscal year.

Mr. Speaker, it has been brought to my attention that there is a one-word drafting error contained in the bill that is technical in nature. The error appears twice in the bill. Following consideration of this bill, I will ask unanimous consent that the House move to immediate consideration of a concurrent resolution I have introduced that directs the enrolling clerks to correct this minor error.

In conclusion, I believe the amendments made to H.R. 764, including Jennifer's Law, strengthen the bill; and I urge all of my colleagues to support this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the problem of child abuse and neglect is disturbing and far-reaching. The United States Department of Health and Human Services, in a report issued in April of last year, indicated that there were over 950,000 documented cases of child abuse and neglect in 1997.

Further, in an earlier report, HHS indicated that while the number of child abuse and neglect cases has increased since 1986, the actual number of cases investigated by State agencies has remained about the same. And, therefore, the proportion of cases investigated has decreased from 44 percent in 1986 to 28 percent in 1993.

The failure to adequately address the problem of child abuse and neglect is costly in many ways. First and foremost, there is the human tragedy related to the victimized child. Obviously, abused and neglected children carry physical and emotional scars with them forever affecting every aspect of their life.

In addition, the National Committee to Prevent Child Abuse estimated in 1993 that the annual cost of child welfare, healthcare, and out-of-home care for abused and neglected children totaled $9 billion. And I must add that this is a conservative estimate in light of the fact that it does not include other related costs, such as long-term physical and mental impairment, emergency room care, lost productivity, special education services, and the cost to adjudicate child abuse cases.

Yet another cost of child abuse is in the area of increased criminal activity. According to a 1992 Department of Justice report entitled "The Cycle of Violence", 68 percent of youths arrested had a prior history of neglect and abuse.

□ 1415

The study also indicated that childhood abuse increased the odds of future delinquency and adult criminality by approximately 40 percent.

On the positive side, Mr. Speaker, we know how to address the problem. The National Child Abuse Coalition reports that family support programs and parental education programs have demonstrated that prevention efforts work. As we have seen in other areas such as drug treatment programs, community-based programs supporting families can be implemented to prevent future child abuse at far less than the dollars that we now spend to treat and manage child abuse and neglect problems.

The legislation being considered today is a step in the right direction. The bill provides increased grant authority for services to abused and neglected children and also provides an increase in the existing set-aside for child abuse and neglect cases from the Victims of Crime Fund. In addition to these important provisions, the Senate has included a new section entitled "Jennifer's Law." The section provides for a grant program to improve the reporting for unidentified and missing persons and authorizes $2 million for that purpose in each of the next 3 fiscal years.

Finally, Mr. Speaker, this bill would not have been possible without the hard work and dedication of the gentlewoman from Ohio (Mrs. JONES) and the gentlewoman from Ohio (Ms. PRYCE). I would like to thank them personally for their leadership and bipartisan cooperation which has made this bill possible.

Mr. Speaker, it is clear that prevention and early intervention treatment for child abuse and neglect victims benefits everyone. This bill represents a positive step in that direction. I, therefore, ask my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent to claim the time allocated to the majority.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio (Ms. PRYCE), the author of this bill.

Ms. PRYCE of Ohio. I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, today we consider the Child Abuse Prevention and Enforcement Act, the CAPE Act, a bill that represents an important step in the fight against child abuse.

Children are our Nation's most precious resource. As a former judge and prosecutor, I have seen the terrible impact that abuse has on the lives of our children. It has an impact that robs them of their childhood and resonates throughout their adult lives, inflicting irreparable damage on these children, their families and society. As federal legislators, as parents, as individuals, we have no greater responsibility than to protect our children from this harm.

The CAPE Act focuses on two critically important aspects of child abuse, prevention and improved treatment of victims. In doing so, it recognizes that the people best equipped to make a difference for our children are those who are on the front lines: the child protection workers, the police, the judges, the court-appointed special advocates, the doctors and nurses, the foster families, the nonprofit volunteers. That is just naming a few. These are the people who offer the best hope of real progress in our ongoing battle against child abuse. We must provide them with the resources to coordinate their efforts so that recognition of abuse or potential abuse situations is swift and treatment of child abuse victims is handled in a manner that adds no more confusion or fear to an already traumatized child. The CAPE Act will do this.

Briefly, CAPE accomplishes this with three important steps. First, it provides State and local officials the flexibility of using existing Byrne law enforcement grants, the major source of federal funds to States for fighting crime, for child abuse prevention. Second, it increases the set-aside out of the Crime Victims Fund for improving child abuse treatment. The Crime Victims Fund comes from forfeited assets, forfeited bail bonds and fines paid to the government, not taxpayers' dollars. These funds can be used for training police investigators and child protective workers.

The funds can also be used for building more child advocacy centers, places where victims of child abuse can receive help and treatment in a manner that will not cause them further emotional and psychological stress. By creating these centers, we can overthrow the cold, bureaucratic maze of probing and prodding which children used to have to endure and replace it with a one-stop experience in a child-friendly environment so that examination by police, the prosecutors, the doctors, and the child protection workers does not have the unintended consequence of revictimizing the child abuse victim.

Third, the CAPE Act allows existing grant funds to be used by States to help provide child protective services workers access to criminal conviction records and provide law enforcement instant and timely access to court child custody, visitation, protection, guardianship, or stay-away orders. This will ensure that abused and neglected children are placed in foster and adoptive homes as expeditiously as possible so that they do not languish in bureaucratic limbo. Healing for abused and neglected children only begins when they are in a permanent, safe environment free from fear and danger. The CAPE Act accomplishes all this without tapping the United States Treasury.

Along with CAPE, today we will be passing Jennifer's Law, an inspirational piece of legislation sponsored by the gentleman from New York (Mr. LAZIO). It will take great strides in the effort to identify missing children and adults.

By taking these steps together, we can make a difference in the lives of children. And we can do this without additional cost to the taxpayer, as the CAPE Act will do nothing more than remove federally imposed straitjackets on federal funds and give local officials and workers the necessary flexibility to be successful in their struggle against abuse. Given that this bill requires so little from us and nothing additional from the Treasury, can we do anything less than pass it today?

Passage of this bill will strengthen the national arsenal of resources that can be used in the prevention and treatment of child abuse. I urge my colleagues' support. I am thankful for the continuous support and the hard work of the original cosponsors of this bill, the gentleman from Texas (Mr. DELAY), the gentlewoman from Ohio (Mrs. JONES), the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Illinois (Mr. EWING), and the help of the Committee on the Judiciary and all the staff involved. Their efforts toward ending child abuse should be commended by all.

We must never waver in our fight to protect our children from abuse and neglect. We must be ever vigilant, ever resourceful and always striving to do more to improve the lives of all the Nation's children.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES), the lead cosponsor on this piece of legislation who has worked diligently and in a bipartisan fashion.

Mrs. JONES of Ohio. Mr. Speaker, first of all I would like to thank the gentlewoman from Ohio (Ms. PRYCE) for her support and the work we have done together on this piece of legislation. We two have similar backgrounds, coming from the bench as well as serving as prosecutors; and we saw this area as an important part that we need to implement here in the Congress. I would like to thank the gentleman from Virginia (Mr. SCOTT) on the Committee on the Judiciary for kind of guiding me through this process. Without him, I would not have understood some of the things that happened with this piece of legislation as it went through the process.

I rise today to speak in strong support of the Child Abuse Prevention and Enforcement Act and Jennifer's Law. Together, these bills will mean a great deal for victims and their families throughout America. This legislation has deep and diverse support which is evidenced in the list of cosponsors on both sides of the aisle. The House has passed both of these bills on their own merit by wide margins in the last session of Congress. Now thanks to the foresight of the other body, we have the opportunity to send these bills to the President together.

Child abuse prevention is an extremely important issue. A child cannot grow in an environment in which he or she is subject to emotional and physical abuse. We can offer a helping hand to America's children through the passage of this legislation. Through CAPE, we are funding child advocacy centers and training those who deal with children who are abused. In Cuyahoga County, my experience as a prosecutor and as a judge told me and taught me that there are many instances in which many of our child-abuse protection workers are new to the job, they are undertrained, they are overworked and burnout reaches them very quickly. It is important that we give them an opportunity to have greater insight into the job that they need to perform as well as to give them an opportunity to step away, step back and be able to see situations as they arise. With better training they will be able to have an opportunity to prevent abuse and treat the victims of abuse.

CAPE will increase the funding available. This money will not cost taxpayers any extra money. It will come strictly from forfeited bail bonds and other fines paid to the government and taken from the Crime Victims Fund. The allocation of this money comes under the Byrne Law Enforcement Grant Program for Child Abuse Prevention and is allocated through State and local funding by local officials. As a former prosecutor, I served on the Byrne Grant Memorial Fund as a person who was responsible for the allocation of those funds. I can recall distinctly that in many instances there could have been opportunities where our children and family services unit could have applied for funds which were dedicated to other programs. I am so happy to be able to report to them that upon the passage of this bill, we will be specifically designating dollars to allow them to train their people as well as to create an advocacy center.

In my home, the State of Ohio, there is a child abused or neglected every 3 minutes. Every day throughout the country, 8,470 children are abused or neglected. Throughout America every day, 13 children are homicide victims and firearms kill 14 children.

CAPE is supported by the National Child Abuse Coalition, which includes the Children's Defense Fund and the Child Welfare League. It is supported by Prevent Child Abuse America, the Christian Coalition, the Family Research Council and the National Center for Missing and Exploited Children.

Attached to the CAPE Act is Jennifer's Law. This legislation is an excellent addition to the bill. The gentleman from New York (Mr. LAZIO) introduced this bill to create within the National Crime Information Center a link between missing persons files and unidentified persons files. This will allow the families of missing victims to know their loved one may have been found and end the doubt of not knowing the fate of one of their family members. Prior to this legislation, there was no sharing between these two computer systems. The cross-referencing system that Jennifer's Law will create will allow States to apply for competitive grants to cover the costs of linking to those computer systems.

I believe that this combined legislation will help victims and their families in crisis, help them treat victims and inform families of the status of their loved ones. This bill addresses all aspects of victimization. I strongly support the legislation and recommend to my colleagues that they vote in favor of this bill.

Again, I want to thank all of my colleagues on both sides of the aisle for the support that they have given to me in the process of putting this piece of legislation through. I look forward to working with them on other pieces of legislation that will impact families throughout America.

Mr. McCOLLUM. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I too want to congratulate the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Virginia (Mr. SCOTT) and especially the gentlewoman from Ohio (Ms. PRYCE) for all the hard work on this very, very important issue.

Mr. Speaker, abuse against children is one of the unpardonable sins we must all work to end in this century. This Child Abuse Prevention and Enforcement Act takes a very big step toward making America safer for all of our most vulnerable youngsters. Without question, too many of our young ones are having their innocence stripped away. Two years ago, there were 3 million cases of child abuse and neglect in this country. Today, as I speak, there are at least a half a million American kids in foster care because it is not safe enough for them to live with their own families.

At the federal level, we have to help lift these children out of despair while simultaneously giving more flexibility to States to deal with their local concerns. In other words, we must take action and get out of the way and not interfere with the good work that is already taking place.

Nationally, billions upon billions of dollars have been spent on child welfare programs, but money is not the solution and one-size-fits-all federal programs often allow too many children to fall through the cracks. Such failure directly translates into trouble for our communities in the future as children with a bad formation predictably make bad choices in life.

No one is surprised to learn that there is a correlation between adolescent crime and child abuse. But this is a cycle of trouble we can beat. CAPE is the first step toward this goal. This legislation allows State and local officials to take advantage of existing Byrne law enforcement grants for child abuse prevention work.

□ 1430

It also mandates that localities may use Identification Technology Act grants to provide criminal history records to child protection agencies. This bill also now includes Jennifer's Law, a sensible measure that simply makes certain that descriptive case information is reported to the FBI computer database. These measures simply make use of resources that already exist, while cutting out wasteful repetitive action from different agencies at different levels of government.

Along with these steps, CAPE also increases the set-aside for child abuse services in the Crime Victims' Fund, all of which comes from non-taxpayer dollars.

In short, this bill expands services, cuts red tape and works within already existing programs. It is good for government at the federal level, better for State governments; and, most importantly, it is great for the victims of abuse that it seeks to protect.

Just one example of the good work CAPE assists is the Court Appointed Special Advocates, COSA. COSA is a group of volunteers who provide millions of hours of courtroom support for abused children. In Texas alone, these programs save the Federal Government an estimated $80 million a year, at least, all while maximizing support services for children and minimizing their time in foster care. But this is just one program of many that do tremendously good work.

Mr. Speaker, there are no lack of ideas in the fight to prevent child abuse and neglect, but many people do not know where to start. Supporting this legislation is a good start.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS), a strong supporter of crime prevention initiatives and effective child advocate.

Mr. CUMMINGS. Mr. Speaker, as America's lawmakers, we direct the focus of our Nation through the stances we take, the resolutions we adopt, and the legislation we approve. It is important that we take a strong stand with regard to pressing issues, pressing issues like a child being reported abused every 12 minutes in my home State of Maryland; pressing issues like 50 out of 1,000 children currently being reported as maltreated; pressing issues like the 2,000 children a year who die from abuse or neglect.

It is time that we act for our children in the way of their protection. H.R. 764 acts by providing increased funding for prevention training, child advocacy and treatment, and increased access by protective service workers with regard to criminal conviction records.

It is important that the message we send to our children is that we are not afraid to act in their favor, that we realize that they are our future, and that they are invaluable. Support H.R. 764.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. LAZIO), who was a sponsor of Jennifer's Law.

Mr. LAZIO. Mr. Speaker, I want to begin by thanking the gentlewoman from Ohio (Ms. PRYCE) and the gentlewoman from Ohio (Mrs. JONES) for their great work; the majority whip, the gentleman from Texas (Mr. DELAY); and of course, the gentleman from Florida (Mr. MCCOLLUM). And I rise in strong support, Mr. Speaker, of the CAPE Act, which includes Jennifer's Law.

Mr. Speaker, just about everybody knows the famous line by Charles Dickens: "It was the best of times; it was the worst of times." As every parent knows, this is a shorthand for the conflicting feelings we all come to know once we have children. We start with the overwhelming joy of childbirth, when you first hold a beautiful new creation, life's greatest gift, in your arms. It is a humbling experience. The joys start immediately. The fears and uncertainties are not really very far behind.

For most of us, the fears will never fully be realized. Unfortunately, for more parents than we would like to admit, tragedy strikes and their lives become a nightmare from which they cannot awake.

Mr. Speaker, in 1993, 21-year-old Jennifer left her family's suburban New York home for California in pursuit of a dream, a dream to make it on her own. Nine months later Jennifer's mom sent her a plane ticket to return home for a visit. Jennifer never made it home. She disappeared that day and is still missing.

Jennifer's mom describes her daughter as an extraordinary, open, caring and sensitive child. At only 3 years old, Jennifer befriended a local homeless man. In her kindergarten class, a classmate wore a prosthetic arm. The teacher called Jennifer's mother one day very excited because Jennifer was the only classmate to hold this girl's hand. And in 5th grade, Jennifer threw a party for all the kids who never got invited to other parties.

Jennifer's disappearance has drained the life out of her family, parents and siblings alike. Jennifer's brother Steven was only 14 years old when he found out his sister had disappeared. His life began to question. He questioned his sister's existence and his own worth. He could not understand any of it.

Today, 6 years later, Jennifer's mom, Susan Wilmer, still suffers terribly, beside herself with sadness. And even though her intuition tells her that Jennifer is not alive, she has not allowed herself to grieve, and instead floats somewhere between hope and resignation.

Mrs. Wilmer came to me last year asking that I help her and other families who have suffered these types of losses. She told me her story. When Susan Wilmer reported Jennifer missing to the police, she breathed a sigh of relief, knowing that at least that Jennifer has not been found dead or lying in the hospital, unaware that there are people who loved her and missed her.

Then to her horror, 8 months into the search, she discovered that that wasn't the case. She found out that our Nation does not report bodies to a central agency. She found that, in many States, when a body is found, local attempts are made at identification, possibly through the local TV news or a local paper. She found if no one claims the body, it is buried in a Potter's field as a Jane or John Doe or a baby Doe. The family never gets notified. The victim's fingerprints are not taken. No dental records or DNA sample is gathered. Victims' families are left to wonder, going to their grave never quite knowing for sure what has happened to the child that they first brought into this world.

Unfortunately, Mr. Speaker, this story is all too common. People report thousands of missing persons each year. Sadly, many of these people will never be found, or are found and not identified.

For example, last year in New York State, more than 4,500 missing persons were reported, but only 279 unidentified persons. Back in my home county, Suffolk County, more than 2,200 children under the age of 17 were reported missing in 1999, and more than 700 adults shared the same fate. These missing persons sometimes tragically end up as unidentified victims. However, their families sometimes never find out that their loved ones have been found.

These statistics beg the big question: What might we do to bring some measure of peace of mind to these families? We can help them know the truth. The bill before us, the CAPE act, includes my legislation called Jennifer's Law. It will provide States the opportunity to apply for funding to help law enforcement agencies gather all the identifying information about unidentified victims. This information can then be entered into a national database that can be cross-referenced with missing persons' reports.

Currently this technology exists and is available to all law enforcement officials. However, the problem is that the system remains severely underutilized. The issue is not negligence, but instead stems from inadequate funding. The funds that Jennifer's Law will bring to the States can help eliminate the cruel phrase "unidentified deceased" from our vocabulary. Jennifer's Law is designed to bring an end to the unbearable uncertainty, the purgatory of the unknown.

Jennifer is a symbol of the value society places on a human life. Every person is important, unique, and has worth. Mr. Speaker, we vote today to recognize that worth, to restore the dignity of identity to the victims, and to give families the closure that they deserve.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. MCCOLLUM) for his leadership in bringing this bill to the floor, and particularly thank our two colleagues, the gentlewoman from Ohio (Mrs. JONES) and the gentlewoman from Ohio (Ms. PRYCE), for their dedication to our children and for demonstrating what can happen when we work together in a constructive, bipartisan planner. I frankly hope that their work on this bill will be a model to the way we handle other legislation on the floor.

Mr. Speaker, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Florida is recognized for 45 seconds.

Mr. McCOLLUM. Mr. Speaker, I just want to say that there is nothing more heart wrenching than child abuse cases, than missing children cases. This bill addresses both of those.

I, too, compliment the gentlewoman from Ohio (Ms. PRYCE) and the gentleman from New York (Mr. LAZIO) for the initiation of these pieces of legislation that combined here today are before us. What we are going to be doing here is providing additional grant money to the States to let them improve their systems, particularly on missing children and on the question of child abuse and neglect.

The bill will specifically provide the opportunity for welfare agencies and others who conduct risk assessments to get criminal history records that they have not had access to in the past. It will provide money that is long overdue in the sense of what is required with regard to a lot of the block grant programs that are out there that could not before be used for the child abuse-neglect arena, including the Byrne Grant program.

Mr. Speaker, I again compliment my colleague, the gentleman from Virginia

(Mr. SCOTT), for his work on it; the gentlewoman from Ohio (Ms. PRYCE); the gentleman from New York (Mr. LAZIO). And I encourage the passage of this important legislation on child abuse, neglect, and missing children.

Ms. STABENOW. Mr. Speaker, I rise today in support of H.R. 764, the Child Abuse Prevention and Enforcement Act. This legislation is similar to H.R. 3902, which I introduced during the 105th Congress. The bill provides funding for grants that will make the child abuse judicial process more effective and responsive to the needs of the participants. For example, this measure allows for the purchase of closed-circuit television equipment so children can record their testimony instead of appearing in court in person. It also provides for the use of additional court-appointed special advocates. These are people trained to work with families as they go through the court system. Both of these valuable provisions help to humanize what can be a very intimidating and frightening process.

During my 16-year career in the Michigan Legislature, I was a leading advocate on child abuse and family issues, and I appreciate the work of my colleagues Congresswomen DEBORAH PRYCE and STEPHANIE TUBBS JONES on this matter. Domestic violence and child abuse affect the victims for the rest of their lives. It is essential that we do everything in our power to make the courts accessible, empathetic institutions, capable of compassion as well as justice. Without this effort, the future is less bright for kids that have already been robbed of their innocence. I urge all of my colleagues to vote for this legislation.

Mr. WU. Mr. Speaker, I rise in strong support of H.R. 764, the Senate Amendments to Child Abuse Prevention and Enforcement Act. This is a solid piece of legislation that will help to prevent child abuse, provide assistance to victims, and help states to improve the reporting of unidentified and missing persons.

As the Health and Human Service Department (HHS) recently documented, there was nearly one million documented cases of child abuse and neglect in the United States in 1997. This number only reflect the cases that were reported and detected by the authorities.

In the most advanced economy in the world, I strongly believe that children should be allowed to grow up as children: To attend schools, to learn and play and enjoy their childhood. No child should be subjected to abuse and neglect.

I believe this bill provides a sensible approach to prevent child abuse and to provide much-needed assistance to the victims of abuse. H.R. 764 would authorize the release of additional funding from the Crime Victims Fund to be set aside for child abuse and domestic assistance program. The bill also expands the allowable uses of grant money to protect abused children from further trauma by testifying in court through electronic means, and authorized $6 million through FY 2000–2002 for states to improve the reporting of missing and unidentified persons.

Mr. Speaker, I believe this is a strong and sound piece of legislation that will help protect our nation's children and I strongly support H.R. 764.

Mrs. MORELLA. Mr. Speaker, I rise in strong support of the Child Abuse Prevention and Enforcement Act offered by Congresswoman DEBORARH PRYCE. This bill will expand child abuse grants and allow states flexibility in programs for child abuse protection services and programs to prevent the incidents of child abuse. I also want to thank Congressman RICK LAZIO for his work on Jennifer's Law. A missing loved one is a terrible trauma to endure and his efforts will provide those families and friends with a sense of closure.

Currently, about 47 out of every 1,000 children are reported as victims of child mistreatment. Based on these numbers, more than three children die each day as a result of child abuse or neglect or a combination of neglectful and physically abusive parenting. Approximately 45 percent of these deaths occurred to children known to child protective service agencies as current or prior clients.

The Child Abuse Prevention and Enforcement Act, expands as key element of preventing child abuse and neglect by providing access to services that address specific needs of local communities. Services must be responsive to the range of ongoing and changing needs of both children and families. This bill allows individual states and communities to develop and update their programs to meet these changing needs.

I urge my colleagues to support the amended CAPE Act.

Mr. EWING. Mr. Speaker, I rise today in support of the Child Abuse Protection and Enforcement Act—also known as the CAPE act.

The CAPE act is a much needed piece of legislation that will not only help children in my home state of Illinois, but children in every community across the nation.

In working on this legislation I was shocked to find out that:

Each day there are nearly nine thousand reported cases of child abuse or neglect in the United States. That's over 3 million cases per year. Keep in mind these are only the reported cases.

Since 1987 the total number of reports of child abuse nationwide have gone up by 47 percent.

Of the cases of abuse, 54 percent resulted in a fatality and over 18,000 children were permanently disabled as a result of physical abuse.

And finally, what is most concerning—

Many victims of abuse—as adolescents or adults—turn to crime, domestic violence and child abuse.

These statistics make it clear there is a problem, but for me, what illustrates the problem most clearly are the people that I talk to in my district who work with these kids every day.

We must put our best efforts forward to address the issue of child abuse here in America just as we have with many other problems in the past.

To help protect kids, the CAPE act allows local law enforcement and social service agencies greater flexibility in using federal grants to combat child abuse.

Under this proposal, we've also increased the earmarked money within existing accounts for assistance from $10 million to $20 million to help child abuse victims.

Mr. Speaker, I believe that individual communities can be encouraged to do a better job combating problems like child abuse if Washington steps back and gives them some breathing room.

The CAPE act does just that.

Mr. Speaker, I ask my colleagues, on both sides of the aisle to support the CAPE Act so we can truly begin to make a difference for abused children across America.

Mr. FOLEY. Mr. Speaker, thousands of children are reported missing each year. To many of us, the numbers are nothing more than statistics, albeit tragic statistics. But to a unique group of people, these numbers represent the pain and uncertainty that accompanies the loss of a child, grandchild, brother, sister, or friend.

We should be using every resource within our power to find children who are missing or to get information about them to their families. We have the technology to find most of these children, but as is often the case, the technology is not being used to its fullest capability.

Jennifer's law will help solve this dilemma. Linking national missing person files and unidentified persons files will make it much easier for local, State, and Federal law enforcement officials to get all of the information they need to solve a missing persons case.

We would like to reunite every missing child with their families, but in reality this is not always possible. Even so, families with missing children deserve to have an end to their suffering and a sense of closure. Jennifer's law will help make this possible.

The SPEAKER pro tempore. All time has expired. The question is on the motion offered by the gentleman from Tennessee (Mr. JENKINS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 764.

The question was taken.

Mr. McCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces that a 5-minute vote on the passage of H.R. 1838 will occur immediately following this vote.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 23, as follows:

[Roll No. 4]

YEAS—410

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne

Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Chenoweth-Hage
Paul

NOT VOTING—23

Barrett (NE)
Barton
Bass
Brown (FL)
Brown (OH)
Bryant
Campbell
Carson
Chambliss
DeMint
Fattah
Graham
Hinojosa
Jackson-Lee (TX)
Kaptur
Myrick
Rivers
Sánchez
Sanford
Tiahrt
Turner
Vento
Young (FL)

□ 1501

Mr. HILLIARD and Mr. WATKINS changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 4 on February 1, 2000, I was unavoidably detained. Had I been present, I would have voted "yea."

TAIWAN SECURITY ENHANCEMENT ACT

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The pending business is the question of the passage of the bill, H.R. 1838, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 341, nays 70, not voting 23, as follows:

[Roll No. 5]

YEAS—341

Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Napolitano
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—70

Abercrombie
Archer
Baca
Baldwin
Barrett (WI)
Blumenauer
Boehner
Borski
Capuano
Condit
Conyers
Davis (IL)
DeFazio
Delahunt
Doggett
Dooley
Ehlers
Evans
Filner
Hastings (FL)
Hill (IN)
Hinchey
Hooley
Houghton
Jackson (IL)
Jones (OH)
Kanjorski
Kolbe
Kucinich
LaFalce
Lantos
Lee
Lewis (CA)
Lofgren
Matsui
McDermott
McGovern
McKinney
Meek (FL)
Minge
Mink
Moran (VA)
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Paul
Payne
Peterson (MN)
Pickett
Pomeroy
Roemer
Rush
Sabo
Salmon
Sanders
Schakowsky
Scott
Serrano
Skelton
Snyder
Stark
Strickland
Thompson (CA)
Tierney
Waters

NOT VOTING—23

Barrett (NE)
Bass
Brown (FL)
Brown (OH)
Bryant
Campbell
Carson
Chambliss
DeMint
Fattah
Graham
Gutierrez
Hinojosa
Jackson-Lee (TX)
Kaptur
Myrick
Rivers
Sánchez
Sanford
Tiahrt
Turner
Vento
Young (FL)

☐ 1513

Mr. PAYNE and Mr. RUSH changed their vote from "yea" to "nay."

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FORD changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 5 on February 1, 2000 I was unavoidably detained. Had I been present, I would have voted "yea."

CORRECTING TECHNICAL ERRORS IN ENROLLMENT OF H.R. 764, CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 245) to correct technical errors in the enrollment of the bill H.R. 764, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. McCOLLUM) to explain the purpose of the resolution.

Mr. McCOLLUM. Mr. Speaker, the purpose of this request is to direct the Enrolling Clerk to correct a minor drafting error in the bill, H.R. 764, we just passed on child abuse.

☐ 1515

Failure to do so would result in a defective bill being sent to the President, which none of us want. It is strictly that: To correct a minor drafting error.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 245

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 764) to amend the Victims of Crimes Act of 1984, with respect to certain increases in funds, the Clerk of the House shall make the following corrections:

In section 104(a)(1), in the matter amending section 1402(d)(2) of the Victims of Crimes Act of 1984—

(1) strike "the next" the first place it appeas and insert "The first"; and

(2) strike "the next" the second place it appears and insert "the first".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Shermon Williams, one of his secretaries.

COMMUNICATION FROM CHAIRMAN OF DEMOCRATIC CAUCUS

The Speaker pro tempore (Mr. HASTINGS of Washington) laid before the House the following communication from the Hon. MARTIN FROST, Chairman of the Democratic Caucus:

DEMOCRATIC CAUCUS, HOUSE OF REPRESENTATIVES, LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, DC,
January 27, 2000.

Hon. DENNIS HASTERT,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you that the Honorable Virgil Goode of Virginia has resigned as a Member of the Democratic Caucus.

Sincerely,

MARTIN FROST,
Chairman, Democratic Caucus.

RESIGNATION AS MEMBER OF COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Appropriations:

JANUARY 31, 2000.

SPEAKER OF THE HOUSE,

DEAR SPEAKER HASTERT. It has been a privilege to serve on the Appropriations Committee at such an important time.

I appreciate your confidence in me and look forward to other opportunities to advance our agenda for America.

Please consider this letter my resignation from the Appropriations Committee as of the above date.

Sincere Regard,

ROY BLUNT.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2000.

Hon. LARRY COMBEST,
Committee on Agriculture,
Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative VIRGIL GOODE's election to the Committee on Agriculture has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2000.

Hon. JAMES A. LEACH,
Committee on Banking, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Virgil Goode's election to the Committee on Banking has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

ELECTION OF MEMBER TO COMMITTEE ON APPROPRIATIONS

Mr. WATTS of Oklahoma. Mr. Speaker, I offer a resolution (H. Res. 410) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 410

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Appropriations: Mr. Goode of Virginia.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON BANKING AND FINANCIAL SERVICES

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 411) and ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 411

Resolved, that the following named Member be, and is hereby, elected to the following standing Committee on the House of Representatives:

Committee on Banking: Ms. Lee of California to rank immediately after Mr. Meeks of New York.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2005, WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT OF 1999

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–491) on the resolution (H. Res. 412) providing for consideration of the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business, which was referred to the House Calendar and ordered to be printed.

MOTION TO INSTRUCT CONFEREES ON H.R. 2990, QUALITY CARE FOR THE UNINSURED ACT OF 1999

Mr. BERRY. Mr. Speaker, I offer a privileged motion to instruct conferees on the bill (H.R. 2990) to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Berry moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2990 be instructed.

(1) to take all necessary steps to begin meetings of the conference committee in order to report back expeditiously to the House; and

(2) to insist on the provisions of the Bipartisan Consensus Managed Care Improvement Act of 1999 (Division B of H.R. 2990 as passed by the House), and within the scope of conference to insist that such provisions be paid for.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. Berry) and the gentleman from California (Mr. Thomas), each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. Berry).

Mr. BERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been 3 months since the House passed a bipartisan Patients' Bill of Rights legislation. The American people still do not have protections they want and deserve. Mr. Speaker, last night, I offered the motion to instruct conferees. The conferees deserve the opportunity to meet on this legislation. We need to get to work on finishing the job the American people sent us here to do.

Last October, the House passed a strong bill. That is what I am asking the House to do now. Let the conferees meet. Let the Congress vote on a strong bill that will give the American people the patient protection they deserve and are asking for.

While we delay, millions of American families needlessly suffer from the consequences of allowing HMO bureaucrats to make medical decisions. Let us allow medical decisions to be made by doctors and patients, not someone behind a desk. Americans want a bill that has a strong independent review of HMO decisions. They want a bill that is going to address the unfortunate case when the HMO causes injury or wrongful death, that they will be held responsible like any other business in America.

Congress needs to take action on passing the bipartisan legislation to provide the American people with basic protections and basic guarantees when it comes to managed care.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is, once again, the kind of political move that belies the argument that people want to come to a successful conclusion on a Senate-passed bill and a House-passed bill. We would have no ability whatsoever to reconcile the differences between the bills if the Senate were to insist on its position and, in fact, the House voted, as this measure indicates they want us to vote, to lock ourselves into our position.

Now, first of all, we know that motions to instruct are not binding; that Members do not have to follow the vote one way or the other. But it is a clear indication that somebody wants political game playing rather than a solution.

Mr. Speaker, I stand prepared as a conferee, as I am sure all the other conferees are prepared, to sit down and, over some very difficult subject matter, come to mutual agreement so that, as the Constitution requires, bills that differ in passing the House and Senate can be reconciled, repassed by the House and Senate so the legislation can actually go to the President for his signature.

If somebody wants a patient protection bill with solid standards and with the acceptable practices that several years ago we voted very noncontroversially in the Medicare provisions, like emergency rooms, like no-gag rules, like the other provisions that we have already passed, then this is exactly the wrong motion to offer.

If Members want to keep a football kicking even after the Superbowl, if they want to play politics with the issue, this is exactly the kind of motion that they would offer.

So, Mr. Speaker, I am sorry that we are beginning this year with this kind of deceptive action, and I certainly would urge Members that what they ought to do is allow the conference to do its work, come to a successful conclusion, and not inhibit it by making demands that on their face cannot be met.

Mr. Speaker, I reserve the balance of my time.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Speaker, this is a very simple resolution. It is one upon which the House has, in substance, voted not once, but twice before. It is a good resolution. It simply says two things: One, that the conference should commence its business quickly; and two, that the conference should keep in mind and support the House-adopted position with regard to Patients' Bill of Rights.

I am rather distressed to hear the gentleman from California (Mr. Thomas), my old friend, talk about this as being political. It is not. It is simply orderly business of the House provided for in the rules. It is a resolution which is going to expedite the process. There is no politics here.

The House has spoken on this matter not once, but twice. The people want it. The country needs it. The House should vote affirmatively on this so that we can proceed in an orderly and speedy fashion towards the adoption of a piece of legislation that the people have said is not only needed, necessary, but badly wanted and very, very useful to the people in the country.

Mr. Speaker, I urge a favorable vote on the resolution, I commend my good friend for his resolution and I urge my colleagues to vote affirmatively and to do so amicably and in the goodwill that is deserved.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), the cosponsor of the legislation. And I would tell the gentleman from Michigan (Mr. DINGELL) that my point is substantiated by the next speaker. Most of us referred to that bill as the Dingell-Norwood bill.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for yielding me this time. Mr. Speaker, I want to be very clear. I certainly support the conference committee taking action on managed care reform as soon as possible, as Members on both sides of the aisle would agree to.

But we do have to ask ourselves why are we bringing this motion before the House again today? We have finally received a commitment from House and Senate leaders to produce a final bill by early April, which will include the ability to sue ERISA-governed HMOs that cause injury and death. This is a massive concession by many who have been opposed to restoring the rights to sue. They should be welcomed with open arms.

Instead, I fear we may be poisoning the negotiations by rewarding them with a political slap in the face. I do not know of any nonpolitical reason why we have the motion today. However, because I fully support patient protections, I will not vote against this motion. This is only our second day back to voting. People who have been our hard-core opponents are now offering an olive branch. We need to take it and make the best of it that we possibly can make.

For that reason, I will not vote for this new motion. For now I will simply vote "present." We need to encourage negotiation. The GOP leadership should be able to compromise in good faith on liability. Democratic leaders should be able to do the same on accessibility. I believe that President Clinton, the Republican leadership, the Democratic leadership, should accept immediately the 90 percent of the reforms that everyone agrees on that were in both the Norwood-Dingell and the Coburn-Shadegg bills, and all three should work out a compromise on liability and access.

Mr. Speaker, it can and it must be done, but now is not the time to embarrass anybody. Now is not the time for politics from either side. Now is the time for serious people to have a serious discussion about the policy, the health care policy in this Nation that affects every one of our constituents.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, it was last October when this House, this body acted on the Patients' Bill of Rights. Our colleagues ask why are we bringing this motion forward? We are bringing it forward because it is time for Congress to act. There is hardly a week that goes by that I don't receive letters and telephone calls from constituents that have been hurt by their HMOs, that have been denied access to emergency care and denied access to specialists, whose physicians spend more time on the telephone arguing with HMOs than treating their patients.

□ 1530

It is time for this Congress to act, and that is why my friend from Arkansas is offering this motion.

This bill has been in conference for too long. It is not a new issue. It has been with us now for several years. Let us schedule a meeting of the conference committee. Let us meet and act on the bill. We do not need to wait until April or May. This issue has been debated. People are being hurt. We know we need national legislation. It has been acknowledged in a bipartisan way by Democrats and Republicans alike.

So let us put the politics aside, and let us get down to work and bring this legislation forward. That is the essence of the motion of the gentleman from Arkansas (Mr. BERRY). I urge my colleagues to support the motion.

Mr. Speaker, I rise in support of this motion to instruct the conferees on H.R. 2990.

The American people have been waiting for years for Congress to enact meaningful, enforceable HMO reform. With more than 120 million Americans enrolled in managed care plans across the nation, we cannot afford to delay action any longer.

Mr. Speaker, our citizens worry that to save money, insurers are skimping on quality and endangering the health and lives of their members. Our papers and our mailboxes are filled with accounts of patients who are denied care on the basis of cost. Medical decisions are being made by insurance company accountants rather than by doctors and their patients.

Right now, our country has an illogical patchwork of state laws. This patchwork has prevented the enactment of national standards that guarantee all patients a set of basic rights. The right to be fully informed of treatment options, the right to emergency care based on a prudent layperson standard, the right to see a specialist, the right to be treated by the drugs that their doctor prescribes for their condition, the right to appeal health plan decisions to an independent review board, and the right of action when they are harmed by a health plan's decisions.

Our conferees have two bills before them that must be reconciled. Only the House bill, H.R. 2990, contains these important basic rights. Overwhelmingly, this body has supported not only the Norwood-Dingell Bipartisan Managed Care Improvement Act, but also my distinguished colleague from Michigan's motion on November 3 to instruct the conferees to adopt this bill as the final legislation.

Without further delay, it's time for this Congress to present a bill to the President that provides meaningful standards for all Americans in managed care plans. I urge adoption of this motion.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to respond to my friend from Maryland by saying that the actual process is one of accommodation and compromise between the House and the Senate. And I certainly would concur if this resolution or motion to instruct had only the first section, which was to announce immediately a time for a meeting. But the gentleman well knows that the second section requires on the part of the House to, without change or amendment, accept the bill that was voted on the floor of the House. That is pure unadulterated politics.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE), a doctor himself and someone who has worked long and hard on this issue.

Mr. GANSKE. Mr. Speaker, I thank my friends on both sides of the aisle who have supported patient protection legislation. We essentially have voted on this motion to instruct before, and I voted yes on that. But today I am going to vote present, and here is why.

Today, the Speaker has said that he wants the conference to convene in the next couple of weeks. The Speaker kept his word about bringing this issue to the floor when we did, and I trust that he will keep his word on getting this conference started.

Do I think, as one of the three coauthors of the bill that passed the House, that the House conferees should stick up for the bill that passed with a 275 vote margin? Of course I do. But I think that I am seeing some evidence of a softening of hard positions, and I think that it would be, as my colleague, the gentleman from Georgia (Mr. NORWOOD), said, if an olive branch is held out, we should take it in good spirit.

I think that we should move to getting this legislation passed this year, and that is why I am going to vote present. It does not indicate any weakening of my resolve on getting good patient protection legislation passed. I just simply think that at this point in time this resolution is not warranted. Why do we not wait to see what happens in the next few weeks?

Mr. BERRY. Mr. Speaker, could I ask how much time is remaining on each side?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Arkansas (Mr. BERRY) has 26½ minutes remaining and the gentleman from California (Mr. THOMAS) has 23 minutes remaining.

Mr. BERRY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for his leadership on this issue.

Too often an insurance clerk gets right in the middle of the relationship between doctor and patient, and the consequences of that interference can be absolutely disastrous. We want to do something meaningful about that problem. It is called a Patients' Bill of Rights.

The same Republican leadership that is up here today saying wait to the American people is the same leadership that fought tooth and nail to prevent us from ever taking up a Patients' Bill of Rights in the first place. The same folks that say wait today are the same people that came to this floor and voted for every amendment they could come up with to kill this Patients' Bill of Rights.

The same Republicans that are here today saying wait are the same Republicans that after their amendments were defeated, they all voted against a meaningful Patients' Bill of Rights. The same Republicans that say wait today are the same Republicans that, after the Senate appointed its conferees, dillydallied around here, they waited, they delayed, they did anything they could except act. They waited until the week before we went out of session to even name conferees.

The same Republicans that say wait today are the same Republicans that refused to even appoint the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), both doctors and Republicans who knew something about this issue and cared about patients. They would not even appoint them as conferees.

They say wait to the American people. We say do something to give them a meaningful Patients' Bill of Rights. Is there politics at issue here? You bet there is politics at issue today. It is the politics of inaction, which is the whole story of this worthless Republican leadership.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I am not here to talk about the politics of the situation, except that this is the time. This session we must pass a bipartisan HMO reform bill.

I want to encourage the conferees to maintain the many noncontroversial provisions in H.R. 2723 in the conference report, such as the requirements that managed care patients have access to emergency care without prior authorization; access to specialized treatment when it is medically necessary in the judgment of a health professional; and access to approved clinical trials where the plan must pay for the routine patient costs associated with the trials.

Also, I want to encourage the conferees to exclude medical savings accounts in the FEHBP. I oppose MSAs because they would cause cherry-picking in the FEHBP, resulting in higher premiums for those who are less healthy as relatively healthy enrollees are included.

So I just ask the conferees to meet, to resolve it. I believe that the Speaker is going to have a bill before us that will be bipartisan and that we can all agree on.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of the gentleman's motion to instruct conferees, to act quickly, and to pass the bipartisan House bill.

This morning I read a letter on the floor that I received from David and Suzanne Miller, two of my constituents from Niles, Illinois. They asked, and I quote, "Why can't Congress just do what is right for the people whose well-being has been entrusted to them?" Why indeed.

Last November we passed a bill that held out great promise for millions of patients in managed care plans. That bill, that particular bill, would make it easier for patients to enroll in clinical trials; give direct access to women for obstetrician-gynecological services; ensure that children could get to see their pediatricians and pediatric specialists; make sure patients undergoing treatment for serious illnesses can stay with their own doctors rather than being forced to switch; let health care professionals, not insurance company bean counters, make medical decisions; and, finally, hold health care plans accountable and let patients sue if they are injured by HMO decisions.

But, Mr. Speaker, it will do nothing if it is not enacted into law. Let us not let David and Suzanne Miller down or the millions of patients who count on us.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, one of my constituents, Miss Elizabeth Hines, stated very clearly my position on this issue when she wrote a letter to me saying, "As a registered nurse, I urge you to persuade your colleagues on the conference committee to move ahead and pass H.R. 2990, to honor the clear imperative from the American people for enactment of strong, comprehensive and enforceable protections embodied by the bipartisan Norwood-Dingell legislation. The final bill must include protection for nurses and other professionals who blow the whistle so that they can be advocates for their patients."

I agree with Miss Hines. We need to move now, not tomorrow, not next week, not next year. The American people are saying, "Pass it now."

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank the gentleman for his leadership and all those who stand here on behalf of the American people.

Not anywhere can we go in this country that people are not begging for a sensible health care delivery system. We passed this bill 4 months ago. There is no reason why the conference committee could not have acted back then. But we are desperate now and we do need this. People scream out for it.

I am a registered nurse, and I see the difference in the quality if we do not have any accountability. These companies dictate to physicians. We want to put the health care back into the hands of the caregiver, not the bureaucrat. Because, my colleagues, what happens is they dictate to the physicians, they dictate to the nurses, but they do not want to take the responsibility for it.

Patients need rights. They need to be able to complain when they have been wronged by the system. We cannot get it until we get a good, aboveboard nonpartisan approach to it. It is very, very important.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to simply say that I find it ironic that the gentleman from Texas used the phrase "you Republicans," "you Republicans," "you Republicans," when, in fact, as the gentleman from Illinois said, this is a bipartisan bill.

I also find it interesting that the two individuals on the bill who made it bipartisan, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Iowa (Mr. GANSKE) were our first two speakers, and they said this does not make a lot of sense. They are not going to vote for it.

It seems to me that the bipartisan part of my colleagues' argument has been shattered. If we have a procession of Democrats offering 1 minutes saying this has to be passed now, but the Republicans who made it bipartisan say this does not make a lot of sense, it looks like politics is being played, then I think it is fairly obvious. The answer is, politics are being played.

Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. SHADEGG), someone who has become very knowledgeable on this subject matter, has been a major contributor to the debate, and is a conferee.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to make it very clear that I oppose this motion to instruct, and I urge my colleagues to defeat it.

I think it is important that we look at precisely what the motion to instruct does. There are two pieces to it, as my colleague, the gentleman from Michigan (Mr. DINGELL), pointed out. The first one is that all necessary steps be taken to begin the meetings.

On that point I think it is very important to note, and for all our colleagues to understand that, in fact, there has now been an agreement that a meeting of the conference committee will occur. It will occur either next week or the week after. It will precede the February break, which is the week after that. And so steps to begin meetings have in fact been agreed to, making the first point of the motion to instruct moot.

I guess I would add on that point that I myself agree with the concern that the conferees should meet and that we should begin the process, because I wholeheartedly agree it is critically important work.

But the second portion of the motion to instruct is the portion of the motion I think our colleagues should be concerned about and, quite frankly, which is the portion of the motion to instruct which makes it technically flawed. And that is that we instruct the conferees that they insist that H.R. 2723 be included in the conference report. What that means is that we insist on the House position and the House position only.

Now, as a proud Member of the House, there might be occasions when I would like to insist on the House position and the House position only. But there is no one in this body, Republican or Democrat, who does not understand that in this conference committee if either the Senate or the House chooses to insist upon their position and their position only, the net effect will be tragic.

My colleague, the gentleman from Arkansas (Mr. BERRY), the proponent of this motion to instruct, said just a moment ago that people are suffering today and it would be tragic if we continued to delay because people will continue to suffer. Well, I think it is very important for our colleagues to understand that if either side, the House or the Senate, insists that it is their position in these negotiations or no position, then in fact what we will get is not a bill, it is not legislation, it is not relief for the American people, whom I believe are being abused, it is not legislation that will help them.

If we do as this motion to instruct requires, indeed demands, if we insist that it is our bill and our bill only, the Norwood-Dingell bill, which is bipartisan, if we insist that it is that bill and that bill only, then what we are saying is we do not intend to legislate on this issue this year; we do not intend to send the President a bill that he can and will sign, and we do not intend to help the American people.

□ 1545

Rather what we intend is to save for the election a political issue. I understand there are people in this body who want a political issue. I urge them to rethink their position. The reality is we need a compromise between the House and the Senate version, and we need legislation to help the American people.

And on that point, I would note that my colleagues, the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), who were plowing this ground long before I, and who know it well, stood up and noted that on the critical issue of liability, we have made great strides in just the last 3 weeks.

Just a few weeks ago, barely a week and a half ago, Mr. LOTT indicated that any legislation which passes this year must include a reasonable liability provision holding HMOs that hurt people accountable in a court of law for their conduct; that is a tremendous stride forward.

And I compliment the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD) for acknowledging that. But if we are making progress, then why step back from that? Why insist our way or no way? I suggest that is a tragic mistake being advocated by those who do not want to help the American people on this issue, but who rather want a political issue to go forward on.

And, again, the net effect of insisting our way or no way is that people will continue to suffer, the very goal this motion to instruct is designed to alleviate.

There is another critical important issue to be discussed here, and that is the contents of the bill on the issue of access. My colleagues on the other side, when the bill passed the House floor, every single one of them said, we do not want to accept nor will we embrace a single provision of H.R. 2990 that addresses the problems of access to care by the uninsured.

There are several pieces in H.R. 2990 that would help America's uninsured get care. While I heard some movement in the Senate side on the issue of liability, I have not heard today any movement on the House side on the issue of access to care. I think that would be a tragic mistake.

This is a once-in-a-lifetime chance for this Congress to do something, not just about HMOs and their abuses, but about America's 44 million uninsured. Clearly, we need to do something about that. Indeed in his State of the Union address just last week, the President talked about access to care. He proposes three solutions.

To sum it up briefly, the President in his State of the Union address proposed that we expand government-run health care from two ends, that we expand Medicaid to younger people and that we expand SCHIP. I would suggest that that is the best answer. But that the best answer is one that has a lot of bipartisan support and that is a tax credit, a refundable tax credit.

And I would note that just last week, our Majority Leader ARMEY and Senator BREAUX, a knowledgeable expert on the other side of this issue, proposed irrefundable tax credit. There are great things that can be done on health care this year. We can support a patients' bill of rights. We can enact legislation that will help the American people, but not by this motion to instruct, not by an arbitrary demand that it be our way or no way.

Mr. BERRY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 2990.

I rise in strong support of the motion to instruct the conferees to begin meetings of the House-Senate managed care conference committee and insist upon the provisions of the Dingell-Norwood Managed Care Reform bill. The Dingell-Norwood bill was passed by the House of Representatives by a strong bipartisan vote on October 7, 1999. Nevertheless, the Republican leadership has made no progress whatsoever towards the enactment of this critical legislation. There has not even been a single meeting of the conference committee since the bill was passed.

The Dingell-Norwood Managed Care Reform bill, also known as the Patients' Bill of Rights, would protect patients and their families from irresponsible actions by HMO's. It would prevent health insurance companies from rewarding doctors for limiting access to health care, and it would hold managed care plans legally accountable when their decisions to withhold or limit health care result in injury or death. The Patients' Bill of Rights would ensure that medical decisions are made by health care professionals and not bureaucrats.

Health care should be provided by doctors—not HMO bureaucrats! It is time that Congress hold health insurance companies accountable and protect the rights of American families to quality health care.

I urge my colleagues to support this motion to instruct the conferees and send the Patients' Bill of Rights to the President's desk without any further delay.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE) who has done great work on this issue and continues to provide great leadership, to try to help the American people get health care.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Arkansas for those kind remarks. And let me just say, I listened to the previous Republican speaker on the other side of the aisle, and after I listened to what he said, I am more than ever convinced why we need this motion to instruct. He said, well, we are going to schedule the conference. It will be scheduled sometime in February or early March.

Well, the bottom line is it has not been scheduled. The bottom line is that it has not been scheduled. It is 4 months since we passed this bill. I am tired of hearing about it is going to be scheduled, it is going to happen. I hope he is right. But I think that we must insist that we move to the conference straight with.

The other thing is there is a tremendous amount of frustration on the part of Democrats and myself on this side of the aisle because so many efforts have been made by the Republican leadership over the last 2 or 3 years to sabotage the effort to pass the Patients' Bill of Rights.

For 2 years, we saw both Houses of Congress pass what I considered bad bills, it did not really do any reform. And now the gentleman suggested somehow we have to wait on the access provisions and the larger issues of dealing with the uninsured or other health-care issues have to be brought into this. Again, I think that is nothing more than an effort to try to delay and delay and delay the Patients' Bill of Rights.

We know that there is almost unanimous support amongst the American people for this legislation the way the House passed it. We must insist on the House version. Because that is the only thing that is going to be signed into law. That is the only thing that will pass both Houses overwhelmingly, go to the President and be signed into law.

If they mess up this legislation with the Senate version that has the MSAs, even one of my Republican colleagues talked about how bad that is, the health marts and all these other poison pills that have been placed in this legislation and get to those other issues, all that means is that they are going to ruin any possibility of passing the Patients' Bill of Rights in the way it was passed in the House, the way the American people want it passed.

So I would maintain, after listening to my colleagues, I feel all the more we need this motion to instruct. We need to go to conference forthwith. We need to insist on the House version because that is the only thing that is going to pass.

Let us get passed what we can get passed and show the American people that we can accomplish something that helps them rather than dillydallying for the rest of this year and the rest of this Congress.

Mr. BERRY. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Arkansas (Mr. BERRY) has 19 minutes remaining, and the gentleman from California (Mr. THOMAS) has 16 minutes remaining.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, it has been 4 months since we passed the bipartisan Norwood-Dingell bill and nothing has been done. We have worked hard to reach that consensus, but the opposition continues to delay the real reform with gimmicks and watered down proposals that will wind up doing nothing for patients.

Not only is the conference committee stacked with Members who voted against the bill, Mr. Speaker, there has not been one meeting since the bill was passed 4 months ago. This is unacceptable, Mr. Speaker.

We have 48 million Americans who belong to self-funded health insurance plans that have very little protection from neglectful and wrongful decisions made by their insurance plans.

Now, I would like to have access like my colleague from Arizona talks about, but it does not do any good to have access if we do not have a plan that is worth anything, it is not worth the dollar that their employer or they pay for it. It is not worth it.

We cannot stand by and allow the delay and the maneuvering to continue to pass a weak bill. Millions of people need help and are suffering from the consequences and decisions not made by doctors but made by clerks. What I have heard is that some of the folks who are making those decisions do not even have the training that a first-year medical student may have even before they enter.

So we need to pass a strong bill. I am pleased that my colleague from Arkansas is offering this motion to instruct conferees. We are going to be here every week until we see some action from the conference committee. And 4 months is too long.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, it has been over 100 days since this House passed the Patients' Bill of Rights, 100 days. Nothing has happened.

I have here in my hand a little booklet "How Our Laws Are Made." We give this booklet to schoolchildren so they will understand.

I suggest the leadership of this House read this book. It is rather simple. The House passes a bill. The Senate passes a bill. And then conferees are appointed, and they come together and come up with a consensus that is then sent to the President for his signature.

We have done step one. We have done step two. It is time for step three.

I urge the leadership of this House to read this pamphlet and to get on with the business of the people of this country.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I do not know if it is a miracle or a coincidence, but for over 100 days after the House passed the bill there was no meeting scheduled of the conferees. Then last night we filed this motion calling for a meeting of the conferees, and we hear there is a meeting going to be scheduled.

It sounds to me like a trip to Lourdes took place and a miracle occurred, and we accept the miracle very happily.

I have no doubt that there are people in good faith on both sides that want to pass a real accountability bill for managed care. But I worry that we might be like the fans of the Tennessee Titans, like my friend the gentleman from Tennessee (Mr. FORD), who believes that if they had time for just one more play the other night, they would have tied the game and gone on to win the Super Bowl.

I do not want to be standing here in September or October and saying, if we just had one more week, just a little more time, we could have done what the huge majority of Americans want us to do.

Let us get to work right now. Let us have the conference meet, and let us pass a real Patients' Bill of Rights.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for his leadership in this.

Actually, this resolution should be encouraged from both sides of the aisle. Because health care for families and their children is the most pressing issue, and we should have to make sure we respond to this, not waiting and delay. We should be eager that this is here.

This is an opportunity to respond to a pressing need. All across America, in thousands of communities, families are trying to struggle how to get the health care they already paid for. They want to make sure that their adults and their children have emergency care. They want to make sure they have specialty care. Women and children want to have protective care. And certainly we want to have long-term continuity of care.

Patients want to know that their doctors are free to make medical necessity decisions, not just decisions based on how much to save the HMO. Good medical decisions by a physician is good for business, and it certainly should be good for the American people.

I urge the support of this resolution.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, we have begun a new year, some say a new millennium, and it is a new session of the Congress. Yet working families have come no closer, no closer, to reclaiming control of their medical decisions.

It is long past due that we enact the Patients' Bill of Rights. Let us put health-care decisions where they belong, in the hands of doctors and families.

Every single Member of this House has heard the heart wrenching accounts of the prescriptions and the procedures that have been denied. Quite frankly, that is why we were able to take that giant step forward last year when we passed a bipartisan Patients' Bill of Rights. It is a balanced bill. It would protect patients' rights without reducing health care coverage.

Unfortunately, the Republican leadership of this House has worked long and hard to try to kill managed care reform. It continues to stand in the way of this bill. Four months, 4 months they have taken, they stacked the deck against patient care when they chose to negotiate the final bill.

The fact of the matter is they are in charge, they could bring this bill up anytime they want. They are stalling. Let us stop.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for all his leadership.

I want to take just a personal privilege and thank the gentleman from New Jersey (Mr. PALLONE). When this bill is eventually signed into law, and we hope it resembles the Norwood-Dingell bill, the gentleman from New Jersey (Mr. PALLONE) should be standing right next to the President. There has not been a greater stalwart in the House in seeing this passed.

I thank the gentleman from Arkansas (Mr. BERRY) and all the others, but the gentleman from New Jersey (Mr. PALLONE) has been a great leader.

Cynicism abounds about what we do in this Congress and what we do not do. We passed a bill here in the Congress some 100 days or more, so many other colleagues have said, with clear instructions as to where this body stood on this issue, reflecting where the American people, regardless of what their political or party affiliations might be.

I was delighted to hear my friend the gentleman from California (Chairman THOMAS) say that we ought to adhere to what both the gentleman from Iowa (Mr. GANSKE) and what the gentleman from Georgia (Mr. NORWOOD) have said. I would hope that if some of my colleagues on this side choose to vote "present" on this bill, and I have not made my mind up, that they might change their opinion on this and support the Norwood-Dingell bill itself, urge the conferees, the lead Senator on the Senate side, Mr. FRIST, and all the others to do what is right on this bill, protect consumers and return medical decision making back to the doctors.

We have an opportunity here today, I say to both my friend from Iowa (Mr. BOEHNER) and the gentleman from California (Mr. THOMAS), to do right by the people and restore some confidence in this House in our ability to do our job.

□ 1600

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I would only note that the gentleman who just spoke said that he hopes the bill that comes out of conference resembles Dingell-Norwood. If this motion to instruct passes, it has to look exactly like it. So I think it is fairly clear that, just as the gentleman from Ohio holding up the Constitution said, that what we need is a consensus. I think if anybody looks up "consensus," it means an agreement by all parties. This motion to instruct says Members can only vote the bill that came off the floor. The gentleman from New Jersey said that is the only bill that will go to the President, which means, I guess, that they are going to be opposed to any reasonable compromise, or something that resembles Dingell-Norwood.

Once again, I think it clearly underscores what we are about is politics.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, this obviously is quite an emotional issue. When people talk about patients' rights, all of us want to protect patients' rights. I can understand how the gentleman from Texas and other speakers on the other side would say this is a partisan issue, because we can make it quite a partisan issue. But the point that I would like to make is that politics is the art of compromise. As the gentleman from Arizona said, many on that side of the aisle have taken the position, it is either our way or it is no way. They also would make the argument that government can best solve this problem.

Yes, I think government has a part and an important part in trying to solve this problem. But I would also remind everyone that this patient protection bill, we get the impression that it would affect every patient in America. That is really not true. It affects only those covered under ERISA plans, health plans provided by certain employers. Those employers have a vested interest in helping their employees with good health care. That is why they have initiated many of these plans. The reason that we want some flexibility for these conferees on the House side is that what the Senate passed is drastically different than what the House passed. It would be unwise, it could not work, if our conferees cannot have any flexibility whatsoever.

So if the other side really wants to try to solve this problem and have a meaningful bill that can protect patients under ERISA plans, then we need to defeat this motion. They can go to conference; they can have disagreements. We can come back and vote on it again. But to tie their hands before they even get there I think is not only a disservice to the House, not only a disservice to the conferees, but a disservice to the patients whose rights we are trying to protect.

Mr. BERRY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. DINGELL), who without his leadership we would not have passed this bill. He has provided the leadership to get this issue this far in the Congress and hopefully to serve the American people well very soon in their effort to obtain good health care.

Mr. DINGELL. Mr. Speaker, I want to thank my dear friend for his kindness to me for yielding this time. I do not need much. I would like to hear more from my distinguished friend from Arkansas.

We have here a chance simply to support what has been done by the House in two prior votes and to do so with regard to a matter which was decided in a thoroughly bipartisan fashion with leadership from Members not necessarily in the leadership of both sides but on both sides of the aisle. I would observe that we have a chance here to instruct the conferees again. There is strong need for this because I would note to my colleagues that the leadership on the other side of the aisle has given no comfort whatsoever to those of us who favor this legislation. They have included no strong friends on either the Senate band of conferees or the conferees from the House side on the Republican side of the conference.

How much better it would have been had we moved more speedily. How much better would it have been had we considered these matters in a fashion more consistent with the vote which was cast earlier by the House by including Members from the other side of the aisle who were in support of this. If the leadership wants to really demonstrate a measure of bipartisanship, they can show it. They can instruct the parties to the conference to move speedily. They also can construct a pattern of conference members who will give comfort to Members on this side.

I, for example, would be much more comfortable if I were to see the distinguished gentleman from Georgia (Mr. NORWOOD) or the distinguished gentleman from Iowa (Mr. GANSKE) or other Members on the Republican side who worked so hard in such a careful and thoughtful bipartisan fashion and see to it that the conferees in fact fairly represented the will of the House.

Clearly, events to this time show no comfort to any of us who believe in this piece of legislation. The conferees are rigged against us, over-long delay in appointing those conferees and exclusion of the two principal leaders on the Republican side. Until that kind of action is taken by the leadership on the Republican side, there will not be much comfort on this side of the aisle, and there will be strong reason in the minds of almost every Member who has supported this legislation to see to it that this resolution and other matters which can be done to move the process forward towards the House-passed bill are taken.

It is possible to say any number of things to the contrary, but nothing which is either factual or which will bear weight in the minds either of the been made by the Republican leadership over the last 2 or 3 years to sabotage the effort to pass the Patients' Bill of Rights.

For 2 years, we saw both Houses of Congress pass what I considered bad bills, it did not really do any reform. And now the gentleman suggested somehow we have to wait on the access provisions and the larger issues of dealing with the uninsured or other healthcare issues have to be brought into this. Again, I think that is nothing more than an effort to try to delay and delay and delay the Patients' Bill of Rights.

We know that there is almost unanimous support amongst the American people for this legislation the way the House passed it. We must insist on the House version. Because that is the only thing that is going to be signed into law. That is the only thing that will pass both Houses overwhelmingly, go to the President and be signed into law.

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So I would maintain, after listening to my colleagues, I feel all the more we need this motion to instruct. We need to go to conference forthwith. We need to insist on the House version because that is the only thing that is going to pass.

Let us get passed what we can get passed and show the American people that we can accomplish something that helps them rather than dillydallying for the rest of this year and the rest of this Congress.

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We have done step one. We have done step two. It is time for step three.

I urge the leadership of this House to read this pamphlet and to get on with the business of the people of this country.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I do not know if it is a miracle or a coincidence, but for over 100 days after the House passed the bill there was no meeting scheduled of the conferees. Then last night we filed this motion calling for a meeting of the conferees, and we hear there is a meeting going to be scheduled.

It sounds to me like a trip to Lourdes took place and a miracle occurred, and we accept the miracle very happily.

I have no doubt that there are people in good faith on both sides that want to pass a real accountability bill for managed care. But I worry that we might be like the fans of the Tennessee Titans, like my friend the gentleman from Tennessee (Mr. FORD), who believes that if they had time for just one more play the other night, they would have tied the game and gone on to win the Super Bowl.

I do not want to be standing here in September or October and saying, if we just had one more week, just a little more time, we could have done what the huge majority of Americans want us to do.

Let us get to work right now. Let us have the conference meet, and let us pass a real Patients' Bill of Rights.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for his leadership in this.

Actually, this resolution should be encouraged from both sides of the aisle. Because health care for families and their children is the most pressing issue, and we should have to make sure we respond to this, not waiting and delay. We should be eager that this is here.

This is an opportunity to respond to a pressing need. All across America, in thousands of communities, families are trying to struggle how to get the health care they already paid for. They want to make sure that their adults and their children have emergency care. They want to make sure they have specialty care. Women and children want to have protective care. And certainly we want to have long-term continuity of care.

Patients want to know that their doctors are free to make medical necessity decisions, not just decisions based on how much to save the HMO. Good medical decisions by a physician is good for business, and it certainly should be good for the American people.

I urge the support of this resolution.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, we have begun a new year, some say a new millennium, and it is a new session of the Congress. Yet working families have come no closer, no closer, to reclaiming control of their medical decisions.

It is long past due that we enact the Patients' Bill of Rights. Let us put health-care decisions where they belong, in the hands of doctors and families.

Every single Member of this House has heard the heart wrenching accounts of the prescriptions and the procedures that have been denied. Quite frankly, that is why we were able to take that giant step forward last year when we passed a bipartisan Patients' Bill of Rights. It is a balanced bill. It would protect patients' rights without reducing health care coverage.

Unfortunately, the Republican leadership of this House has worked long and hard to try to kill managed care reform. It continues to stand in the way of this bill. Four months, 4 months they have taken, they stacked the deck against patient care when they chose to negotiate the final bill.

The fact of the matter is they are in charge, they could bring this bill up anytime they want. They are stalling. Let us stop.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for all his leadership.

I want to take just a personal privilege and thank the gentleman from New Jersey (Mr. PALLONE). When this bill is eventually signed into law, and we hope it resembles the Norwood-Dingell bill, the gentleman from New Jersey (Mr. PALLONE) should be standing right next to the President. There has not been a greater stalwart in the House in seeing this passed.

I thank the gentleman from Arkansas (Mr. BERRY) and all the others, but the gentleman from New Jersey (Mr. PALLONE) has been a great leader.

Cynicism abounds about what we do in this Congress and what we do not do. We passed a bill here in the Congress some 100 days or more, so many other colleagues have said, with clear instructions as to where this body stood on this issue, reflecting where the American people, regardless of what their political or party affiliations might be.

I was delighted to hear my friend the gentleman from California (Chairman THOMAS) say that we ought to adhere to what both the gentleman from Iowa (Mr. GANSKE) and what the gentleman from Georgia (Mr. NORWOOD) have said. I would hope that if some of my colleagues on this side choose to vote "present" on this bill, and I have not made my mind up, that they might change their opinion on this and support the Norwood-Dingell bill itself, urge the conferees, the lead Senator on the Senate side, Mr. FRIST, and all the others to do what is right on this bill, protect consumers and return medical decision making back to the doctors.

We have an opportunity here today, I say to both my friend from Iowa (Mr. BOEHNER) and the gentleman from California (Mr. THOMAS), to do right by the people and restore some confidence in this House in our ability to do our job.

□ 1600

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I would only note that the gentleman who just spoke said that he hopes the bill that comes out of conference resembles Dingell-Norwood. If this motion to instruct passes, it has to look exactly like it. So I think it is fairly clear that, just as the gentleman from Ohio holding up the Constitution said, that what we need is a consensus. I think if anybody looks up "consensus," it means an agreement by all parties. This motion to instruct says Members can only vote the bill that came off the floor. The gentleman from New Jersey said that is the only bill that will go to the President, which means, I guess, that they are going to be opposed to any reasonable compromise, or something that resembles Dingell-Norwood.

Once again, I think it clearly underscores what we are about is politics.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, this obviously is quite an emotional issue. When people talk about patients' rights, all of us want to protect patients' rights. I can understand how the gentleman from Texas and other speakers on the other side would say this is a partisan issue, because we can make it quite a partisan issue. But the point that I would like to make is that politics is the art of compromise. As the gentleman from Arizona said, many on that side of the aisle have taken the position, it is either our way or it is no way. They also would make the argument that government can best solve this problem.

Yes, I think government has a part and an important part in trying to solve this problem. But I would also remind everyone that this patient protection bill, we get the impression that it would affect every patient in America. That is really not true. It affects only those covered under ERISA plans, health plans provided by certain employers. Those employers have a vested interest in helping their employees with good health care. That is why they have initiated many of these plans. The reason that we want some flexibility for these conferees on the House side is that what the Senate passed is drastically different than what the House passed. It would be unwise, it could not work, if our conferees cannot have any flexibility whatsoever.

So if the other side really wants to try to solve this problem and have a meaningful bill that can protect patients under ERISA plans, then we need to defeat this motion. They can go to conference; they can have disagreements. We can come back and vote on it again. But to tie their hands before they even get there I think is not only a disservice to the House, not only a disservice to the conferees, but a disservice to the patients whose rights we are trying to protect.

Mr. BERRY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. DINGELL), who without his leadership we would not have passed this bill. He has provided the leadership to get this issue this far in the Congress and hopefully to serve the American people well very soon in their effort to obtain good health care.

Mr. DINGELL. Mr. Speaker, I want to thank my dear friend for his kindness to me for yielding this time. I do not need much. I would like to hear more from my distinguished friend from Arkansas.

We have here a chance simply to support what has been done by the House in two prior votes and to do so with regard to a matter which was decided in a thoroughly bipartisan fashion with leadership from Members not necessarily in the leadership of both sides but on both sides of the aisle. I would observe that we have a chance here to instruct the conferees again. There is strong need for this because I would note to my colleagues that the leadership on the other side of the aisle has given no comfort whatsoever to those of us who favor this legislation. They have included no strong friends on either the Senate band of conferees or the conferees from the House side on the Republican side of the conference.

How much better it would have been had we moved more speedily. How much better would it have been had we considered these matters in a fashion more consistent with the vote which was cast earlier by the House by including Members from the other side of the aisle who were in support of this. If the leadership wants to really demonstrate a measure of bipartisanship, they can show it. They can instruct the parties to the conference to move speedily. They also can construct a pattern of conference members who will give comfort to Members on this side.

I, for example, would be much more comfortable if I were to see the distinguished gentleman from Georgia (Mr. NORWOOD) or the distinguished gentleman from Iowa (Mr. GANSKE) or other Members on the Republican side who worked so hard in such a careful and thoughtful bipartisan fashion and see to it that the conferees in fact fairly represented the will of the House.

Clearly, events to this time show no comfort to any of us who believe in this piece of legislation. The conferees are rigged against us, over-long delay in appointing those conferees and exclusion of the two principal leaders on the Republican side. Until that kind of action is taken by the leadership on the Republican side, there will not be much comfort on this side of the aisle, and there will be strong reason in the minds of almost every Member who has supported this legislation to see to it that this resolution and other matters which can be done to move the process forward towards the House-passed bill are taken.

It is possible to say any number of things to the contrary, but nothing which is either factual or which will bear weight in the minds either of the average Member of this body or the ordinary citizens of the country.

Mr. BERRY. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, just to respond briefly to my dear friend, the gentleman from California (Mr. THOMAS), all we want on this side are for meetings to be scheduled, for an opportunity for a consensus to be reached to actually be realized. Sure I would like the compromise or the consensus to look like the Norwood-Dingell, but I am not alone. 250 of my colleagues wanted the same thing, including three out of the five Republicans from my own State, the gentleman from Tennessee (Mr. WAMP), the gentleman from Tennessee (Mr. DUNCAN), and the gentleman from Tennessee (Mr. JENKINS). Unfortunately I cannot convince either of my Senators, Senators FRIST or THOMPSON, to support it; but hopefully if we can arrange the meetings, we can find a consensus.

My other colleague mentioned how this would only affect a small number of people, that we ought to be concerned with the uninsured. There is serious and vast concern on this side of the aisle for the uninsured, but why should we ignore the 160 million plus that this bill would cover? I support State tax relief. That would affect a small number of people. I support the capital gains tax relief. That would affect a small number of people. I support special ed, fully funding at the federal level. That would affect a small number of people. Do not act as if we are unaccustomed in this Congress to passing bills or offering public policy that would not affect everyone in America.

We have a chance to do what is right. Schedule the meetings and allow an opportunity or a forum for a consensus to be reached. Do not play games, leadership on the Republican side. Do what is right for the American people.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I tell my friend, the gentleman from Tennessee, that if this resolution was the first section only, which reads, "Take all necessary steps to begin meetings of the conference," that would have been a voice vote and it would have been agreed to, in my opinion, unanimously.

The concern obviously, as indicated by the two cosponsors of the bipartisan legislation, the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), is that by adding the second provision, it clearly means there is more of an interest in politics than in getting the conference going. The gentleman himself has been ambivalent in terms of his statement as to whether he is really going to support this resolution or not. I think he and I would agree both of us could support the first item. It is the addition of the second item that makes it partisan, and indeed I will enjoy watching the gentleman from Tennessee's mental wrestling bout with himself as to whether he decides to make it partisan by voting "yes" or that his conscience controls and he votes "no."

Mr. FORD. I will vote "yes."

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), someone who has been involved extensively in this information, the chairman of a subcommittee which is crucial to the resolution of this issue.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague from California for yielding me this time and remind my colleagues that this motion to instruct conferees is a nonbinding motion. It is within the rules of the House to allow the minority to bring the issue to the floor and to have a debate; but we all know that, any of us that have been in this body for some time, that it is an opportunity to make political hay. After all, it is an even-numbered year.

Now, we all know in even-numbered years that all of the Members of the House are up for reelection or there is going to be an election and all the seats are going to be contested. What that means to me in most cases, unfortunately, is that the rhetoric in this body will certainly increase. I think it is a little early in the year for that to occur, but obviously it is not too early for some.

We have had an awful lot of debate here, and we have heard mention about the 100 days that we have not acted on this bill. All of my colleagues know that we have been in recess, out of session, back in our districts for the last 2½ months. Since the week before Thanksgiving, we have been home with our families and our constituents trying to deal with what is happening out in the real world. To expect that Members were going to come back here over Christmas, as an example, to deal with this issue certainly is not realistic.

Having said all of that, the chairman of the conference, Senator NICKLES, has announced that the conferees are going to meet before the February recess. The Speaker of the House and the majority leader of the House, have made it clear that they want this issue on the floor of the House before the Easter recess.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, most Americans have to go to work every day. I know they appreciate the fact that we were out to enjoy time at home, being with our families.

Mr. BOEHNER. Reclaiming my time, certainly all of us, even though we were not here in Washington, were back in our districts working. Part of our job occurs in our districts. I am sure the gentleman from Tennessee was back in his district working diligently, every day, as I was around my district. So we are going to have this bill back on the floor. But one of the concerns that I have heard raised here subtly today I heard raised more pointedly yesterday in a different forum when we talked about the need for patients' rights, and we all understand that there is a reasonable way we can approach this.

But beyond the issue of patients' rights, we all know the number one issue in the health care system in America today is the fact that over 44 million Americans have no health insurance at all. We have to be very careful as we move to enact patients' rights that we do not increase the number of uninsured. We ought to follow the Hippocratic oath that says first do no harm. But as we try to provide better access for people who have no health insurance, one of my colleagues on the other side of the aisle yesterday actually termed it a poison pill for patients' rights. We have heard other references here today, rather subtle, that that can wait, that we can deal with that later.

Ladies and gentlemen, if we are going to move reasonable patients' rights to help the American people who are stuck in managed care, the least we can do is to do something to help the 44 million Americans who have no health insurance whatsoever. Why can we not provide association health plans for them, refundable tax credits for them, medical savings accounts if it will help? Anything that we can do to help employers provide more insurance to their employees, we ought to be doing it.

But the reason I think that we are hearing access provisions, helping the uninsured, it being described as a poison pill, it is kind of a code word, kind of a code word to what the real plan here is, because I think, as I said before, this is an election year; and I think some of my colleagues on the other side of the aisle would just as soon have this as a political issue in November than actually do something on behalf of the American people.

I am just listening, and I am watching and I am wondering why we are dealing with this motion to instruct on the floor today.

□ 1615

But I can tell you this: this conference will produce a reasonable approach to patients' rights and a reasonable approach to helping insure the 44 million Americans who have no health insurance. That bill will come back here to the floor of the House, and then I want to see where my colleagues are, whether they will be willing to stand up and deal with this issue in a balanced way. The time of truth will come very shortly.

Mr. BERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to acknowledge and express my appreciation for the gentleman from Georgia (Mr. NORWOOD), the gentleman from Iowa (Mr. GANSKE), the gentleman from Michigan (Mr. DINGELL), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New Jersey (Mr. PALLONE), and all the others that have worked on this bill, that have worked so hard to see that the American people get the kind of health care that they are paying for. A majority of the Members of the House voted for the Norwood-Dingell bill. Fifty-two Republicans voted for this bill. If we are not going to conference this bill now, when are we going to conference it?

Mr. Speaker, it is time that we move forward with the legislation that the American people have said they want, that we move forward with the legislation that the House has said it wants, in a bipartisan way. It is time that we deal with this issue and take the politics out of it.

If this resolution offends those that voted for it only 3 months ago, then they should express that today. This is their opportunity. If they thought it was the wrong thing to do, to support this bill, then this is their opportunity to say, I do not think we need the Norwood-Dingell bill, and we should know that.

This is a good bill. It is time for us to do this for the American people. I urge every Member to vote for this resolution and bring this issue to conference. Let us get the job done that the American people sent us here to do.

GENERAL LEAVE

Mr. BERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the motion to instruct conferees on H.R. 2990.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BERRY. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if you listened to the debate today, virtually the first day that we are back, and the argument, as the gentleman from Ohio clearly pointed out, that for a majority of the days since this legislation passed we were not in session, it was over the holidays and we were in our districts working, that there really is only one purpose to this resolution.

If my colleague from Arkansas (Mr. BERRY) had presented a resolution with the first provision, as I said, it probably would have passed unanimously. If you are shopping for future motions to instruct after this one is defeated, I would suggest perhaps that you look at information that was made available to us during that period when we were in recess, information that hospitals and doctors today are killing close to 100,000 Americans. Now, if the Hippocratic Oath is "do no harm," it seems to me not killing the patient falls in that category.

I listened carefully until the time was yielded back to see if one Member on the other side of the aisle thought that we ought to try to speed up the process to get an ability to get a handle on almost 100,000 Americans being killed in hospitals and by doctors every year. If you are looking for a Patients' Bill of Rights, if you are looking for patient protection, it ought to start with the most fundamental protections, and that is do not kill anybody.

But I listened in vain. All I heard was the usual rhetoric about taking their bill, as the gentleman from New Jersey (Mr. PALLONE) said, the only bill that will be successful, and that it has to be done now "on our terms," clearly underscores the fact that this is a political endeavor.

Two of the cosponsors of the bipartisan bill, the two Republicans, said this is not the thing to do, not now, it is not appropriate. I would support their position. It is not the thing to do; it is not appropriate.

Those gentlemen, understanding that they are in a very difficult situation, my father used to tell a story about a dog and fleas, but I do not remember the details so I will not be able to elaborate on it, but it seems to me that those of us who want responsible patient rights protection should do the responsible thing, and that is rather than vote present on this measure, vote no.

I would urge everyone on both sides of the aisle who want to speed up this process, to reach a consensus, to reach something that looks like the Dingell-Norwood bill, to vote no. By voting no, you actually enhance the opportunity for a true bipartisan agreement. If you vote yes, you guarantee the atmosphere around here becomes more partisan.

Let us lower the partisan rhetoric. Let us increase the accommodation and compromise, and we will deliver a reasonable and appropriate product.

Mr. Speaker, I would urge all my colleagues to vote no on this motion to instruct.

Mr. CLAY. Mr. Speaker, I rise in support of the motion to instruct conferees regarding the Bipartisan Consensus Managed Care Improvement Act.

Since this bill passed almost 4 months ago, the Republican leadership has purposefully delayed the start of the conference, giving more time to special interests seeking to undermine the strong support for patient protections demonstrated by the lopsided House vote in favor of the Norwood/Dingell bill. Well, Mr. Speaker, this tactic is clearly failing.

Just 2 weeks ago, a survey by the Kaiser Family Foundation found overwhelming public support for a strong patient's rights bill. The survey found that almost three out of four registered voters (72 percent) want strong protections against managed care abuses.

Despite this strong public support, it has unfortunately become necessary for the Members of this body to once again send a message to the Republican leadership that Americans want the freedom to choose their health care providers. They want to have treatment decisions made by physicians and not insurance company bureaucrats. They want health insurance companies held responsible for the physical injuries they cause.

Mr. Speaker, I urge the Republican leadership to stop stalling this critical managed care reform legislation.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arkansas (Mr. BERRY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BERRY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 207, nays 175, answered "present" 28, not voting 24, as follows:

[Roll No. 6]

YEAS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)

Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—175

Aderholt
Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Johnson (CT)
Johnson, Sam
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)

ANSWERED "PRESENT"—28

Bachus
Barr
Boehlert
Bono
Brady (TX)
Cook
Cooksey
Foley
Franks (NJ)
Frelinghuysen
Ganske
Gilman
Hunter
Jenkins
Jones (NC)
Kelly
King (NY)
LaTourette
LoBiondo
McCollum
McHugh
Metcalf
Norwood
Roukema
Saxton
Smith (NJ)
Weldon (FL)
Wolf

NOT VOTING—24

Barrett (NE)
Bass
Brown (OH)
Bryant
Campbell
Carson
DeMint
Fattah
Graham
Gutknecht
Hinojosa
Istook
Jackson-Lee (TX)
Myrick
Porter
Quinn
Rivers
Sánchez
Sanford
Tiahrt
Turner
Vento
Waters
Young (FL)

□ 1644

Messrs. BATEMAN, WELLER, CAMP, PORTMAN, CANNON, DICKEY, and Mrs. WILSON changed their vote from "yea" to "nay."

Mr. BACHUS changed his vote from "yea" to "present."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 6 on February 1, 2000, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. PORTER. Mr. Speaker, I was absent for the vote on the motion to instruct the conferees on H.R. 2990, the Bipartisan Consensus Managed Care Improvement Act of 1999. Had I been present I would have voted "nay."

Mr. GUTKNECHT. Mr. Speaker, I was unavoidably detained earlier today and was not present for rollcall vote No. 6. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, today I was unavoidably detained and missed rollcall vote Nos. 4, 5, and 6. Had I been present, I would have voted "yes" on H.R. 764, Child Abuse Prevention and Enforcement Act; "yes" on H.R. 1838, the Taiwan Security Enhancement Act; and "no" on the motion to instruct conferees on H.R. 2990.

PERSONAL EXPLANATION

Mr. DEMINT. Mr. Speaker, due to the untimely passing of one of my district staff members, I was detained from rollcall votes both yesterday and today. Had I been present today, I would have voted "yea" on passage of H.R. 764, the Child Abuse Prevention and Enforcement Act (rollcall vote 4), "yea" on passage of H.R. 1838, the Taiwan Security Enhancement Act (rollcall vote 5), of which I am a cosponsor, and "no" on the motion to instruct conferees on H.R. 2990 (rollcall vote 6).

In addition, had I been present yesterday, I would have voted "yea" on both rollcall vote 2 and rollcall vote 3.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 72

Mr. GALLEGLY. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 72.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from California?

There was no objection.

PRESIDENTIAL DETERMINATION 99-37 REGARDING EXEMPTIONS UNDER RESOURCE CONSERVATION AND RECOVERY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce.

To the Congress of the United States:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 20, 1999, I issued Presidential Determination 99-37 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 99-37 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000.*

□ 1645

AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF LATVIA CONCERNING FISHERIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mrs. BIGGERT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia extending the Agreement of April 8, 1993, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (the "1993 Agreement"). The present Agreement, which was effected by an exchange of notes at Riga on June 7 and September 27, 1999, extends the 1993 Agreement to December 31, 2002.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000.*

BIENNIAL REVISION TO UNITED STATES ARCTIC RESEARCH PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the sixth biennial revision (2000–2004) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 1, 2000.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CHALLENGE FACING CONGRESS AS IT DEVELOPS THE NEW BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I would like to talk a minute about the challenge facing this Congress as we develop next years new budget. Part of the question is, are we really going to pay down the debt, and do we really have a balanced budget. The answer is no on both counts.

As Members will notice this chart, I have divided our debt into three segments, because there is a great deal of confusion in terms of what our debt really is. Are we really paying down the debt? We hear the candidates running in this first primary today in New Hampshire talking about the importance of paying down the debt. Madam Speaker, the total debt of this country is now $5.72 trillion. This $5.72 trillion I have divided up into three categories.

One is what I call the Wall Street debt, or the debt held by the public. That is approximately $3.6 trillion. The other portion of the debt is the social security surplus about $1 trillion. Right now, because we are overtaxing American workers, we are bringing in about $153 billion this year more in social security taxes than is required for the payment of current benefits. For the last 40 years we have been using that extra social security surplus to fund on other government programs. The middle portion of this chart represents what we have borrowed from the other 112 trust funds.

Madam Speaker, I think it is so important that we not, if you will, hoodwink or mislead the American people that we are paying down the debt of the country when we really are not. As Members will see by this chart, the total debt continues to increase. This continued increase in debt is if we have a freeze, and continue to only spend at last year's spending level. Of course, last year we added another $20 billion of emergency spending. So if we add that spending to what we already spent last year and we froze at that level for that next 5 years, then we are going to continue to increase the national debt.

We talk about the words "balanced budget." Do Members not think it would be reasonable to define a balanced budget as a spending level when the total debt of the country does not continue to increase? I think it would.

I am a farmer. On the farm, a lot of us try to pay off the mortgage so our kids have a little better life, have a little better chance of making it, so we try to pay down the mortgage so their life does not have the kind of sacrifices that some of us went through.

But in this Congress, we are going just the other way. We are adding to the mortgage of the country, and we are asking our kids and our grandkids to sacrifice their living standards because we think our needs today are so great we should overindulge or overspend now. Let us start really balancing the budget. Let us stop borrowing from the 112 trust funds for other government spending.

On the top of this chart we see social security trust funds. That is the largest surplus we have coming from any of the trust funds. But then there is the Medicare trust fund and the others 111 trust funds. In the gray portion in the middle of this chart, we have represented another 112 trust funds we are borrowing from. Without that borrowing, we do not have a balanced budget.

Let me show Members this other chart. If we stick to our budget caps, this chart represents how we can pay down the Federal debt. It does not start to go actually down until 2003, but at least it starts to go down.

Let me suggest to Members and the President that increasing spending is not good public policy. I see keeping solvent both social security and Medicare a huge challenge. The actuaries at the Social Security Administration estimate that over the next 75 years, over the next 75 years, there will be $120 trillion less coming in from the social security tax than is needed to pay benefits.

Let me say that again. The social security actuaries at the Social Security Administration estimate that we are going to need $120 trillion more than what is expected to come in from the 12.4 percent social security tax over the next 75 years to pay the benefits that we have promised; a tremendous challenge in social security, a tremendous challenge of keeping solvent the Medicare program.

I think we have to be very careful about implementing what the President has suggested on increased spending. We cannot continue to expand the size of this government, to increase spending. Let us start solving the problems of social security, Medicare, and start paying down the debt.

Madam Speaker, during good times, it is reasonable, whether you are a family or a government, to have a rainy day fund. A rainy day fund for a government that owes $5.7 trillion is starting to pay down that debt. I ask my colleagues to resist the political temptation to increase spending.

CHARITABLE CONTRIBUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

THE SOCIAL SECURITY TRUST FUND

Mr. SOUDER. Madam Speaker, first, I would like to associate myself with comments of my friend, the gentleman from Michigan, on the trust fund. I think it is absolutely important, before we go on some sort of spending spree in this House, that we replenish our trust funds, which are somewhat inappropriately named. We have not kept that much in trust.

However, what I wanted to address this House for a few minutes on is possibly the most important way to achieve social change in this country to help those who are hurting, those who are in need through creative building up and strengthening of charitable and nonprofit organizations in this country.

I was pleased to see that President Clinton in his State of the Union Address has a proposal. I wanted to address a few others.

The Give Act, which I introduced in the last Congress and have many sponsors in this House for, would use the existing tax code by giving a 120 percent deduction for charitable contributions. It also allows non-itemizers who give more than a $1,000 to charity to deduct their contributions, and moves the filing deadline on the return to April 15 so people can calculate better how much they could get in an extra tax break by giving to charitable organizations.

Along with the gentleman from Virginia (Mr. SCOTT), we had an amendment in the Community Service Block Grant in 1998 to allow half of the State funds, which is 5 percent of the Community Services Block Grant, to be used to offset revenue losses associated with State charity tax credits.

So we have already passed one bill in this House. We have also, with a number of amendments that I and others have offered, allowed charitable choice in the human services reauthorization. We had it in the juvenile justice reauthorization and numerous other bills to allow charitable organizations to take part in government grant bidding.

I also support Governor Bush's efforts to advance this; in the name of compassionate conservatism, to expand the charitable deduction to non-itemizers, to provide a tax credit of up to 50 percent of the first $500 for individuals, up to $1,000 per couple, against State income or other taxes, to give permanent charitable contributions from IRA accounts for persons over the age of 59 without penalty, extend the proposed charitable State tax credit to corporations, raise the cap on corporate charitable donations, because the proposals of Governor Bush are another dynamic way to address this concern of how best to solve the social problems that are overwhelming many of our inner cities, our suburban areas and our rural areas, as well.

President Clinton the other night proposed the following initiatives: Allow non-itemizers to deduct 50 percent of contributions over $500 a year when fully phased in, simplify and reduce the excise tax on foundations by eliminating the current two-tiered system, and also to increase the limit on deductions for donations of appreciated assets, such as stock, real estate, and art, to charity from 30 to 50 percent of the adjusted gross income, and to private foundations from 20 to 30 percent.

President Clinton's proposals are an important first step. I hope he expands his charitable proposal. I hope that this House, when we move what is most likely to be some sort of a tax package, will look at Governor Bush's proposals, we will look at President Clinton's proposals, we will consider the proposals that the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Missouri (Mr. TALENT) have proposed, that we will look at the Give Act that I and over 20 other Members of Congress have proposed, because I do not think there is a single more important thing we can do to help rehabilitate our communities and families in this country than to get additional dollars into the hands of those who are sacrificing, who day-to-day are working in tutoring, in counseling in the schools, in housing rehabilitation, in drug rehab, in all sorts of outreaches to the families and children in this country who are hurting.

□ 1700

To the degree that in a tax package we ignore that, it will be on our heads. I really hope that our leadership and the Committee on Ways and Means will carefully consider these charitable tax proposals and include them in any tax package.

THE B.E.S.T. AGENDA

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Madam Speaker, I wanted to talk to the House tonight about the agenda which the Republican Conference is moving. We have worked closely with the White House and some Members of the Democratic Caucus on the BEST agenda, B-E-S-T. It is kind of easy to remember if we keep it in mind.

B: Building up the military.

One of the big problems we have is we are still in a dangerous world, and although the Soviet Union has fallen, we can still see, if we have watched Russia and Chechnya, that Russia really has not changed. Their political system has, but their philosophy of being an aggressive nation certainly has not. And they have a lot of military nuclear weapons over there. The question is what are they doing with that nuclear arsenal? One of the things is they are selling it to renegade countries. We need to keep an eye on them.

Madam Speaker, we cannot disengage from the world military scene. The world is still an unstable place. There are too many Saddam Husseins and North Koreas out there.

Also, we lose lots of soldiers because of the deployments. From World War II until 1989, there were 11 deployments. But since 1989, there have been 33 deployments. And all we have to do as a Member, and I recommend to all of the Members of Congress to do this, they should go talk to some of the military posts and bases in their district and find out how the recruitment is doing and the reenlistment is doing. They are losing lots of good soldiers.

Another reason is, despite the Republican 4.8 percent pay raise that we passed in this Congress last year, there is still a 13 percent pay gap between military and civilian pay.

These things have to be addressed, so the "B" in BEST is to build up the military.

E: E is for education.

The idea behind that is to return education to the local control. Think, Madam Speaker, about those great classic teachers that we were able to grow up and experience in our educational careers. The teachers who were just commander of the ship when we went in their classroom. They may have had a few extra rules. They worked us hard and were disciplinarians, but they changed our lives. And if we got a B in their class, it was worth an A in half a dozen other classes because that teacher got the best out of us.

Madam Speaker, those teachers are rare these days because they are tired of the bureaucracy. Is somebody up on the sixth floor or the third office down to the right in the cubical telling teachers in Georgia and Illinois and in Maine and in California and Miami how to teach? Come on. There is not a bureaucrat that smart in our town.

Return education to the local control. Let the teacher in the classroom get the dollars. Let the teacher run the show.

The S in BEST: Saving Social Security.

Last year in his State of the Union address, the President said let us spend 38 percent of the Social Security surplus on non-Social Security items. Actually, he said let us only save 62 percent, but doing the math, that would mean spending 38 percent of the Social Security surplus. That is not good enough.

We need to protect and preserve 100 percent of the Social Security surplus. Last year this Congress left town with $147 billion in the surplus trust fund so that our loved ones can retire to an income that is there because of the money they put in it.

And the T is tax relief.

Every day another couple gets married and when they do, they get a bill, $1400 for walking down the aisle together. We need tax relief for working America.

Madam Speaker, that is what it is. The BEST agenda.

There is one other angle in there that I want to say. Despite all the great prosperity and despite all the millionaires that have been made in the high-tech industry, one industry that has been left behind is agriculture. We need to reach out to America's farmers. Less than 2 percent of the population now feeds 100 percent of America, plus a great percentage of the whole world.

We need to make sure that our farm families are not left behind. How can they grow oats in Millen, Georgia, and compete against the foreign market that is subsidizing their farmer 30 percent in another country? They cannot do that. And yet we let our farmers get beat to death by foreign farmers whose governments subsidize them.

We need to try to close that. We need to help balance things. We need to have tough trade negotiations when we are negotiating multinational trade agreements. So these are things that we have worked on. We are going to continue to work on.

I believe that it is important for Democrats and Republicans to put aside partisan politics and, despite the hot air that is coming out of the cold State of New Hampshire, do what is best for America and do it here in Washington, D.C.

HOUSE AND SENATE CONFEREES SHOULD MEET IMMEDIATELY ON HMO REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. GREEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. GREEN of Texas. Madam Speaker, over the next hour, we will be hearing from lots of Members talking about not only the vote we took today on the motion to instruct conferees, but talk about the need for managed care reform and HMO reform. Because Congress, being out of session since late November, and having passed the managed care reform bill actually in early October, here we are February 1 and we are back in session with no hope in sight of the conference committee actually meeting. They have not met for 4 months.

Madam Speaker, that is the concern we have. That issue is still on the front burner for the American people. That is why today there was a great deal of time spent on H.R. 2990, instructing conferees on managed care that was authored by the gentleman from Arkansas (Mr. BERRY) who was trying to move that issue further along. In fact, since the motion to instruct passed, Madam Speaker, we hopefully will see our conference committee meeting not maybe at the end of February or March, but hopefully in the next 10 days; instead of seeing the delay, delay, delay that we have seen over the last 4 months, and not just over the last 4 months but over the last number of years whenever the House has considered managed care reform, even if a strong bill passes like it did this last time. And, particularly, when we see that the conference committee appointees from the majority side, not one of them voted for the bill that passed this House in early October.

So it kind of makes us a little suspicious that the bill that we worked so hard to pass on the bipartisan bill, Norwood-Dingell, and it is not as bipartisan as I would like, although it passed the House on a very bipartisan vote. And after months of negotiation we reached a consensus, again to have that bipartisan vote. It has been 4 months since we passed that bill, but we have not seen any action on the Norwood-Dingell HMO reform bill.

Our Republican leadership continues to, I do not know, maybe because we were out of session, but it seems like they delay. And when we talk about gimmicks and watered down proposals to take away the strength from a real managed care reform bill or HMO reform bill, because we heard today the bill that was actually considered had lots of different health care issues in it, including access.

I would like, as a Democrat, particularly to talk about access. We have 44 million Americans without some type of health insurance coverage. But I know we have 48 million Americans who have self-insured employer plans that do not have the protections that we need to have in this HMO reform bill.

So let us take it one step at a time and have it. Let us pass an HMO reform bill so those 44 million Americans, when they do get some type of insurance, hopefully we will pass some tax incentives and some encouragement for people to do it so that they will have a policy that will mean something instead of a worthless piece of paper.

Again, we have not had one meeting of the conference committee on the managed care reform bill. And I think this is unacceptable for not only those of us who voted in the majority, but those 44 million Americans who belong to the self-insured health insurance plans that oftentimes have little protections from neglectful and wrongful decisions made by their insurance plans.

My colleagues on the other side of the aisle, hopefully they are not choosing to ignore the will of the American people, because I have seen the poll numbers and they have been consistent for over a year. The people want a strong Patients' Bill of Rights and managed care reform bill so when they go to the doctor or to the hospital, that they will know that they have some protections. They will be able to choose to talk with their physician.

Our bill eliminates the gag clauses to where a physician and a patient can actually talk to each other without the managed care provider or the insurance company saying, No, we do not cover that procedure so you cannot even tell the patient that that is available; allows open access to specialists for women and children; gives patients timely access to an appeals process. And, again, health care delayed is health care denied. And if we do not have a swift and sure appeals process, then we are actually delaying health care and actually denying that health care.

It provides coverage for emergency care, and I see my colleague the gentleman from New Jersey (Mr. PALLONE) is here and he and I have talked for many months here on the floor that Americans should not have to drive by the closest emergency room to go to the one on their list. They ought to be stabilized at the closest one and then be transferred once they know whether the chest pains they are having is really the pizza they had last night or may actually be a heart attack. So we need to have the emergency care as soon as possible.

Ensure that patients can continue to see the same health provider, even if their provider leaves the plan or their plan changes. One of the concerns that we have is the continued changes in the plans. Physicians and providers go in and out of the plan, and also facilities, and the patients are the ones that seem like they are being whipsawed around and they are losing that health care in there.

One of the most important things that makes everything else in this laundry list important is the medical decision maker has to be held accountable. We have the health care provider, the doctor, held accountable under tort law. But if that doctor is being told by someone in Hartford or Omaha, No, you cannot do that, then that person needs to be responsible.

There is a fear that we have heard that employers are going to be sued. But in the bill that passed the House, that was not in the intent or the language of that bill, unless that employer is making that decision. But if an employer goes out and buys insurance and says, yes, I can afford this plan and I am going to pay for this plan, and turns it over to their carrier to make those decisions, then that carrier is the one, not the employer. And if there is better language to insulate the employer from being sued, I would hope the conference committee would consider it and hopefully even pass it.

In my home state of Texas which passed many of the patient protections included in the Norwood bill, there has been no premium increases based on HMO reform and there has been no mass lawsuits that have been filed, some of the things that we heard last year in some of the opposition. What Texas residents do have are health care protections that were in the Norwood-Dingell bill that we need to expand to all Americans, not just Texans who happen to have a policy that is licensed under the laws of the State of Texas.

In fact in my district in Houston, it is estimated that 60 percent of the people have an insurance plan which comes under ERISA or federal law and not under State law. So it does not do any good for the legislatures of all 50 States to pass these bills if 60 percent of the people are covered under Federal law. That is why I think it is important that we have all these protections in the bill; that a conference committee meet and come back with a strong bill as strong as that which passed the House.

Again, there may be some small nuances that need to be changed, but not something like what passed the U.S. Senate because that one I would hope would be vetoed. The Senate bill actually overturns some of the State laws that have been passed. That is why I was pleased when the gentleman from Arkansas (Mr. BERRY) offered a motion to instruct conferees to begin meetings and pass a bill that provides real protections for patients.

However, Madam Speaker, we should not have to resort to those tactics to have any action on managed care reform. We ought to be able to do it because it is right. We should not have stonewalling on a conference committee that actually should have been meeting for the last 4 months but has not. The American people have asked us to pass a real HMO reform bill and it should be at the top of our agenda and we should do it without any more delays.

The conference committee needs to meet and promptly decide on a bill that protects patients and pass real HMO reform.

With that, I yield to the gentleman from New Jersey (Mr. PALLONE), the chair of our Health Task Force in the Democratic Caucus. And I understand each conference has a task force and I am glad the gentleman is chair of ours.

Mr. PALLONE. Madam Speaker, I thank the gentleman from Texas for what he said. And, particularly, because he pointed out how HMO reform, or something very similar to the Patients' Bill of Rights, has been, in fact, law in Texas now for some time and is working very well. And that they have had very few lawsuits.

□ 1715

And as he mentioned, and I think it is so important, the reason there are so few lawsuits is because basically the patient protections that we are advocating here at the federal level are preventive measures. In other words, the HMOs, when they know they have to provide these protections, take more precautions, do the right thing; therefore, it is not necessary for them to be sued, except in very few cases.

I think that sort of belies the critics of the Patients' Bill of Rights who say it is going to be litigious and there are going to be so many lawsuits and that costs will go up. In fact, just the opposite has happened in Texas. But the problem, as my colleague has pointed out, we need this at the federal level because of the federal preemption of those people who come under ERISA; those who, through their employer, are in self-insured plans, which is millions and millions of Americans that come under that federal preemption, so they are not allowed to sue their HMO.

I do not want to stress the suit aspect, however, because I do not think that is as crucial as the fact that an individual needs an independent ability to appeal a denial of care. And that can be done under the Patients' Bill of Rights through a very good internal review, or internal appeal, as well as an external administrative appeal where an individual goes before a board that is not influenced by the HMO. And that board can overturn the decision of the HMO to deny care without having to go to court.

So there are a lot of ways that we achieve accountability in the Patients' Bill of Rights without actually having to bring suit. And as the Texas case points out, those situations where suits are brought are very, very few indeed.

Now, Mr. Speaker, the reason why the gentleman from Texas (Mr. GREEN) and myself are here today is because earlier today, maybe within the last half hour or hour, we passed in the House, by a considerable margin, a motion to instruct the conferees so that we go to conference on the Patients' Bill of Rights. And we also directed those conferees to stick with the House version of the bill, which is really the only true Patients' Bill of Rights. What the Senate passed, in my opinion, is really sham reform that does not add up to anything in terms of actually dealing with the excesses and the abuses that we have seen so many times with HMOs.

So I wanted to react to some of the comments that were made on the other side of the aisle by the Republicans in the leadership who said this motion to instruct was not necessary. Well, let me say this motion to instruct was necessary, and the majority of Members on both sides of the aisle voted for it because it is necessary. And it is necessary because 4 months have passed since this House took up and passed the Patients' Bill of Rights, a very strong HMO reform bill. And yet in those 4 months, even though the Senate had passed another bill, I think last July or so, we still have not seen any action to bring the House and the Senate together, represented by their conferees, to try to come up with a bill that both houses can agree on and send to the President.

So when the Republican leadership says give us more time, I think one of my colleagues said on the Republican side, well, we will get to this by the end of the month, meaning the end of February, my reaction is, well, they have already had 4 months and time is running out. There will not be many days left in this Congress. Certainly we are going to be out of here by October if not sooner. And if we do not start meeting and having the conferees meet and talk about the differences between these bills and what can be done to achieve a consensus, we will never get a good Patients' Bill of Rights passed.

The other thing I would point out is the reason we insisted on sticking with the House version, so that the House version should be the one, or something close to it should be the one that the conference adopts, is simply because there is such a disparity between the House bill, which basically is true HMO reform and protects against these abuses, as opposed to the Senate bill that really does not cover anybody.

My colleague from Texas was pointing to some of these things, but I just wanted to point out some of the gross disparities between the two bills. The Republican Senate bill leaves more than 100 million Americans uncovered, because most substantive protections in the bill apply only to individuals enrolled in private employment-based self-funded plans. Now, a self-funded plan is one in which the employer pays medical bills directly, rather than buying coverage from an HMO or insurance company. These are the ones that come under the ERISA exemption, or the ERISA preemption I should say.

There was a recent study in Health Affairs that found that only 2 percent of employers offer HMOs that would be covered by the standards in the Republican Senate bill and only 9 percent of employees are in such HMOs. Self-funded coverage is typically offered only by large companies. Of 161 million privately insured Americans, only 48 million are enrolled in such plans. And of these 48 million, only a small number, at most 10 percent, are in HMOs.

So when I say that the Senate Republican bill is sham HMO reform, I am not just making that up. We have data to show that because of the exclusions and because so many insurance plans, so many people covered by their insurance would not come under this bill and have the patient protections we are talking about, in effect the Senate bill is meaningless. It does not have any teeth to it at all because it does not even apply to most people with health insurance.

The list could go on. By contrast, I should point out, of course, the Democratic bill would apply to all those plans. And I should say it is not even the Democratic bill. It is the House-passed bill that was a Democratic bill that was passed on a bipartisan basis versus a Senate bill. All we are saying in this motion to instruct is that we must stick with the House version, because if we do not, we will not have a true Patients' Bill of Rights.

I wanted to give a few other examples. And I am not looking to beat a dead horse here, but I want to give a few more examples of the contrasts between this Republican Senate bill and this essentially Democratic House bill that we keep insisting on.

With regard to care for women in the Republican Senate bill, it does not allow designation of OB-GYN as a primary care physician. It does not require a plan to allow direct access to OB-GYN except for routine care. On the other hand, the Democratic bill, the House bill that we insisted on today in the motion to instruct, allows patients to designate OB-GYN as a primary care physician and provides direct access to OB-GYN for all OB-GYN services.

Specialty care. How many of our constituents have come to us and told us that some of the problems they have had with HMOs is they do not have access to the specialty care that they need. Well, in the Republican Senate bill there is no ability to go outside the HMO network at no extra cost if the HMO's network is inadequate with regard to a particular specialist or specialty care. Basically, what the Republican Senate bill does is to allow HMOs to write contracts rendering the patient protections meaningless. In other words, specialty care is covered under the contract only when authorized by a gatekeeper.

Well, what good is that? That is the problem that our constituents are complaining about, how they cannot go to a specialty doctor unless they get a referral each time; and a lot of times the specialty care is not even available within the network. This is all meaningless under the Republican Senate bill. The Democratic, the House passed bill, provides the right to specialty care if specialty care is medically indicated. And it ensures no extra charge for use of non-network specialists if the HMO has no specialist in network appropriate to treat the condition.

Just a couple of other things. Probably the most important thing, and I know my colleague from Texas would agree, is not only the ability to go for some kind of external review if someone has been denied care that is not biased against them, or ultimately the ability to bring suit, but also the whole definition of what is medically necessary. In other words, the problem that we face with so many of our constituents is that the decision of what kind of care they need, the decision of what is medically necessary, which is essentially the same thing, right now is basically made by the insurance company or the HMO.

What my constituents say to me is, I do not want the decision about what kind of operation I get or how long I stay in the hospital or what kind of equipment I am eligible to use; I do not want that to be made by the insurance company. I want it to be made by my physician, with me, because my physician knows what is best for me. He is the medical adviser. He is the doctor. He is the one that knows, not the nameless bureaucrat working for the insurance company.

Well, under the Republican Senate bill they allow the HMOs to define medically necessary, what is medically necessary. No matter how narrow or unfair to patients the HMO's definition, their definition controls in any coverage decision, including decisions by an independent third-party reviewer. So even if someone had the external review or had the right to bring suit, what good is it if all the external reviewer is going to go over or what the court looks at is how the HMO defines what is medically necessary? That just kills the whole thing. That makes the whole HMO reform meaningless, if that decision about how to define what is medically necessary is essentially made by the HMO.

What we say, and most importantly in the House-passed bill, the one that we have been insisting on today in the motion to instruct, is that that definition is made by the physician with the patient, and basically is a definition based on what the standard of care is within that specialty group, by the diplomates, the people that have the diploma in cardiac care or the people that have the expertise in other kinds of specialty care. Those are the people who should be defining what is medically necessary.

I could go on and on, and we will talk a little more about why this Democratic House bill is so much better than the Senate bill and why we need to insist on that in the conference; but the other thing that I wanted to mention, and then I will yield back to my colleague, and this came up again during the debate today on the motion to instruct, is that what I see happening here on the Republican side of the aisle with the Republican leadership is that they realize that the Patients' Bill of Rights has majority support in this House, and I think also in the Senate as well, and amongst the American people, and so they cannot really fight it any more by saying it is a bad bill. So what they are now trying to do is to change the subject.

Instead of talking about the Patients' Bill of Rights today, so many of my colleagues on the Republican side of the aisle tried to bring up other issues. One of my Republican colleagues talked about why we do not deal with the issue of medical mistakes, because that has become a major issue now. I am not saying it should not be addressed, but why are we mucking up the Patients' Bill of Rights when we know where we stand and we know we can pass that and send it to the President to sign? Why would we want to muck that up by dealing with the issue of medical mistakes, which will probably take another year or two to get that resolved and we can finally get a consensus on that.

Another Republican colleague talked about access for the uninsured. And I am totally in favor of more access for the uninsured. The President in his State of the Union address the other day, and my colleague from Texas, talked about how we have proposals now on the Democratic side that would expand health insurance coverage for more children, taking the parents of the kids that are part of the Kids' Care Initiative; address the problems of the near elderly so they can buy into Medicare. Sure, all these other access issues for the uninsured need to be resolved, but, again, we do not have a census on that. They are now in the formative stage in terms of the debate and where we are going to go. They have to have committee hearings, they have to be voted on the floor, they have to be addressed in both houses, and there is no consensus.

So, again, why would we want to muck up the issue of the Patients' Bill of Rights, which has the consensus and can get the votes and can pass and be signed by the President? Why would we want to throw in all these other things? Basically, it comes back to what the Republican leadership was doing all along with the Patients' Bill of Rights. They tried their darnedest to try to throw all kinds of poison pills into that debate and add all these amendments with the MSAs, the medical savings accounts, the health marts, and all these other things, even the issue of medical malpractice at one point. All these things they tried to throw in as poison pills so that we could not get to the heart of the issue where there was a consensus.

I simply say once again, based on that motion to instruct, do not fool around any more. Let us go to conference. We know we can deal with these HMO reform issues, these patient protections. Let us deal with them and resolve them in a way that protects the American people and not try all these other gimmicks to try to make it so we never get to what is really important here and what we can pass.

With that, I would yield back to my colleague.

Mr. GREEN of Texas. Well, just in closing, because I think this is important, the first day we have actually had votes, other than a rollcall vote last week, the HMO reform bill is literally the top priority for us. Sure, we have to deal with the budget and we need to deal with medical mistakes, and there are hearings in the Senate going on, because access is important; but let us deal with one issue at a time.

I think the American people understand that if someone is opposed to something and they do not really want to oppose it, they will throw up something else. It is kind of like juggling balls. If I throw the red one over here, maybe my colleague will look at that instead of what I am really doing. That is what concerns me after the debate today.

I would hope that that conference committee would meet. I am concerned because of the number of members on it who did not vote for the bill that passed the House. And there were lots of Republican Members who voted for the bill, but, again, it looks like it is stacked and it is weighted against a real HMO reform bill, particularly when we look at what the Senate passed and what the Senate side will be doing.

But I hope the American people understand that we will continue to talk about this over the next few months unless we have a vote.

□ 1730

And even if we have a vote, if they come back with a weak milquetoast piece of legislation, and next year let us pass something that sounds good, then I will be up here saying, no, it is not good. Let us not pass something that is really a fake, this is a fig leaf.

After 4 months of delay, I would think that now we may see some action. And if they come back, well, let us throw something out there and we want something that is really HMO reform patterned after what success that has happened not just in Texas but with States all over the country, we have a pattern that has worked.

For example, when we talk about the external appeals process, the external appeals work in Texas is they have the right to go to court afterwards. Fifty-two percent of the appeals are found in favor of the patient.

Now, sure, half of them, a little less than half, are found in favor of the insurance company. And so, if I as a patient take an appeal in the external appeals process and I am not entitled to that type of service or that type of treatment, then I am probably not going to go to the courthouse.

But I tell my colleagues, if 52, better than half, of the people in the insurance company are wrong the first time and if we do not pass a strong appeals process with a backup of the right to go to the courthouse, then those half of those people in Texas who are finding now, or more than half, that they really have some good coverage and they have that treatment that they need, they will be lost. And so, that is why this issue is so important not just for those of us who run for office and serve here but for the people we represent.

I represent both Democrats and Republicans, like my colleague; and I have found that in my district, I do not ask people whether they are Democrat or Republican when they call me, but it is interesting when the people who do call, we have a lot of people who say, I am a Republican but I need to have help with my HMO problem.

So I think it is an issue that cuts across party lines. It is important. The polls have shown that, not only Republicans and Democrats, but Independents. And that is why we had the vote and will continue this effort.

Mr. PALLONE. Mr. Speaker, I appreciate the comments of the gentleman.

If I could just add one thing before we conclude, one of the things that I found in the 2 months that we had the recess and we were back in our districts and I had a lot of forums on health care on seniors or just in general with my constituents in the various towns that I represent, we are living in very good economic times and the economy is good and generally most people are doing fairly well, but there is a tremendous frustration that the Government does not work. And it is I think, for whatever reason, Congress seems to be the main focus of that, the notion that somehow all we do down here is talk and we never get anything done.

The reason I was so frustrated today when I heard some of the arguments from the Republican side is because I know that this issue, the Patients' Bill of Rights issue, the HMO reform issue, is something that we can get done. Because the public wants it done. And we had Republicans join us on this Patients' Bill of Rights, and I know that the President will sign it. So I do not want this to be another issue that is important that falls by the wayside because the Congress and the President could not get their act together.

If there is anything that we can pass this year, this is the issue. And I think we just have an obligation to our constituents to show that, on something so important as this, that we can actually accomplish something and not just sit here and argue back and forth.

Obviously, we need to argue, otherwise my colleague and I would not be up here. But we also need to pass something. And that is what we are all about.

Mr. GREEN of Texas. Mr. Speaker, in closing, I would like to say, sure, I would like to talk about access, prescription medication for seniors, medical mistakes. Let us take it one step at a time.

ANTIBODIES TO SQUALENE IN GULF WAR SYNDROME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Madam Speaker, joined by several colleagues, today I wrote Secretary of Defense William Cohen asking for an objective analysis of the "Antibodies to Squalene in Gulf War Syndrome," an article that has just been published in the February 2000 issue of Experimental and Molecular Pathology.

This peer-reviewed article found anti-squalene antibodies in a very high percentage of sick Gulf War-era veterans. As a bio-marker for the disease process involved in Gulf War illnesses, the blood tests cited in the study could provide a vital diagnostic tool. We hope this will quickly lead to improved medical treatments for many who are suffering.

Many who have heard about this issue are anxious to understand the ramifications, especially those veterans and their families whose lives sadly have been directly affected.

We certainly acknowledge the need for further research. However, that should not preclude a vigorous examination of the immediate benefits this study may provide doctors treating those who suffer from Gulf War illnesses.

The House-passed version of the Fiscal Year 2000 Defense Appropriations Bill included report language instructing the Department of Defense to develop and/or validate the assay to test for the presence of squalene antibodies. This action was taken in response to DOD unwillingness to cooperate with the March 1999 General Accounting Office recommendation. It reflected my firm belief that the integrity of the assay was the first step in finding answers.

Now that this study has been peer-reviewed and published, we need to take the next step and build on established science. An internal review by the same individuals within DOD who were unwilling to cooperate for months does not constitute the kind of science that those who sacrificed for this Nation deserve. Given the published article, it seems prudent to use the assay if it could help sick Gulf War veterans. At this critical juncture, my colleagues and myself fervently hope that Secretary Cohen agrees.

We must stay the course and find the answers that will bring effective medical treatments for those who suffer from Gulf War illnesses. Let me assure my colleagues, Mr. Speaker, I intend to do so.

MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. HERGER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HERGER. Madam Speaker, our tax system is unfair, for many reasons. It punishes those who invest, those who succeed in business, even those who die. But one tax provision which seems particularly unfair is the marriage tax penalty. This tax penalty occurs when a married couple pays more in taxes by filing jointly than they would if each spouse could file as a single person.

For example, an individual earning $25,500 would be taxed at 15 percent, while a married couple with incomes of $25,000 each has a portion of their income taxed at 28 percent.

In addition, while two single taxpayers receive a standard deduction of $6,950 apiece, for a total of $13,900, a married couple only receives a standard deduction of $12,500.

Madam Speaker, that is simply unfair. When a couple says, "I do," they are not agreeing to higher taxes. When a couple gets married, they receive a number of nice presents, China, silverware, linens, appliances. But guess what they get from the IRS? A bill for an average of $1,400 in taxes.

Last year, 28 million Americans were subjected to this unfair, higher tax. For most families $1,400 means a down payment on a house or a car, tuition for in-state college, several months' worth of quality child care, or a home computer to help their children with their schoolwork.

Madam speaker, it makes common sense to end the unfair marriage tax penalty. That is why the House of Representatives is making marriage tax reform our first order of business this year.

Tomorrow the Committee on Ways and Means, a committee on which I serve, will consider a bill to provide married couples with relief from the marriage tax penalty. This bill increases the standard deduction for married couples to twice that of singles, beginning next year. It also provides up to $1,400 in relief to couples who itemize their taxes.

I am pleased that the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, have made the commitment to consider this important legislation as one of the first orders of business this year.

Madam Speaker, we have an opportunity this year to do the right thing for middle-class families. We can give them more control over their own hard-earned money. We have a chance to help working women and lower-income couples with children who are unfairly affected by the marriage tax penalty. We have an opportunity to allow common sense to prevail and to provide relief from the marriage tax penalty.

I would also like to take this moment to thank the gentleman from Illinois (Mr. WELLER) for his leadership on ending the marriage tax penalty. He has truly been dedicated to correcting this tax policy and to easing the tax burden for married couples.

Madam Speaker, a few details on what the marriage tax penalty would do. Our bill provides $182.3 billion in tax relief over 10 years for more than 50 million Americans.

President Clinton, who vetoed the marriage penalty last year, recently proposed a smaller marriage penalty proposal that provides only $45 billion in relief over 10 years. Our plan, the Republican plan, provides working couples with four times more marriage penalty tax relief than the President has proposed. But I do want to thank the President for recognizing this as a problem and becoming involved in this very important issue.

Our current Tax Code punishes working couples by pushing them into higher tax brackets. The marriage penalty taxes the income of the second wage earner, usually his wife, at a much higher rate than if she were taxed only as an individual.

Twenty-five million families pay an average of $1,400 marriage penalty according to the Congressional Budget Office. The number of dual earner couples has risen sharply since 1970 and is continuing to rise. By acting now, we will keep even more working couples from being punished in the future.

Marriage penalty relief is middle class tax relief. Middle-income families are hit the hardest by this penalty. Most married penalties occur when the higher earning spouses makes between $20,000 and $75,000.

By allowing working couples to keep more of their own money each year, our plan, the Republicans', are helping American families make their dreams come true. They can use the money to buy a family computer, make needed improvements in their home, or put toward their children's education.

Again, our marriage penalty relief bill that we are introducing tomorrow, February 2, is $182 billion in tax relief over 10 years. It doubles the standard deduction by the year 2001. It starts expanding 15 percent income brackets in the year 2003. It provides up to $1,400 in tax relief per couple.

□ 1745

It would help families who itemize deductions, homeowners and nonitemizers alike. It would help up to 28 million American couples.

Madam Speaker, tonight we have laid out the reasons why the marriage tax penalty must be reformed. This tax unfairly penalizes married couples, particularly those with low to average incomes. Providing marriage tax relief could result in up to $1,400 in savings for families currently affected by this tax. I say this is something we need to do.

Last year, Congress passed marriage penalty relief. Regrettably, the President chose to veto this relief bill. This year we are giving the President another opportunity. It is encouraging that he does have his own plan available. And I am encouraged that this year we will be successful in passing needed marriage penalty relief.

Madam Speaker, I yield to my good friend, the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Madam Speaker, I thank the gentleman from California for yielding.

I happened to be in my office watching the gentleman from California (Mr. HERGER) on the floor talking about this marriage tax, and I wanted to come down to help the gentleman from California out. As the gentleman is telling the people in Congress that we need to do something, instead of just talking about trying to help those people that have bonded based on the Bible and their belief that the Lord meant for us to marry, man and woman, that they should not be penalized.

And I just wanted to commend the gentleman from California, because many times people in my district tell me that they just cannot quite understand how we in Congress can forgive a $5 billion debt to Third World countries, how we can spend $10 billion in Bosnia, $12 billion, $14 billion in Yugoslavia, yet we cannot find the money to give tax relief to married people.

I was just so pleased to see the gentleman from California come down here and talk about this issue. And I wanted to join him for a few minutes.

Mr. HERGER. I thank my good friend, the gentleman from North Carolina (Mr. JONES). And, again, we are talking about allowing married couples to keep more of their own money.

Many times some in Congress, some in government tend to think that these tax dollars belong to government, they belong to Washington; not true. Madam Speaker, these dollars belong to the people who earn them. And they want their dollars to be spent very wisely, but also they want priorities set.

And certainly, as the gentleman has pointed out, what the government should not be doing is actually penalizing people for being married, penalizing them for having families. That is not what our country is about.

And I appreciate very much the support of the gentleman from North Carolina, his long time support in helping to correct this inequity in our Tax Code.

Mr. JONES of North Carolina. Will the gentleman yield for just one moment?

Mr. HERGER. Yes, I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Is it true that 25 million married couples in this country would be helped if we should pass this bill, if the President finally signed it into law? Is that about right?

Mr. HERGER. That is correct. Twenty-five million married couples, that is 50 million people, plus their families, their children would be assisted, if the President works with us. And, again, he has some legislation of his own, it only gives one quarter as much relief as our legislation that we will be introducing and be hearing in the Committee on Ways and Means tomorrow.

But it is encouraging that at least he is becoming involved. And I would hope that all of our listeners in America would contact the President and urge him to support our legislation, our Republican bill, which is really bipartisan, that goes four times further to correcting this very serious inequity.

Mr. JONES of North Carolina. If I can ask the gentleman just one more question, because I may have missed this. Again, I was trying to watch the gentleman in the office, and I can see some of our colleagues have joined us, and they want to take part in this effort.

Would the gentleman tell me again how much of a savings, if our bipartisan bill, as you said, should pass, how much savings this would be per married couple approximately?

Mr. HERGER. The average penalty for these 25 million couples is $1,400. So we are talking in the vicinity of $1,400 that these working families, married couples, would be able to keep of their own money, that other people, if they were working independently and were not married, a man and a woman who were not previously married, would not be paying that would be paying the very moment that they get married an average of $1,400 a year.

Mr. JONES of North Carolina. I just wanted to come down on the floor and thank the gentleman from California and my colleagues. I see the gentleman from South Dakota (Mr. THUNE) is here and the gentleman from Arizona (Mr. HAYWORTH) will be here in just a moment. I just wanted to let the gentleman know that I will do everything I can as one Member of Congress to help see that this legislation passes, because it has been needed for a long time.

We need to reward men and women that marry and live by the sanctity of our Lord. I just commend the gentleman from California and everybody else. I look forward to helping.

Mr. HERGER. I thank my dear colleague, the gentleman from North Carolina (Mr. JONES), very much for joining us this evening.

Madam Speaker, I yield to the gentleman from South Dakota, my good friend, (Mr. THUNE).

Mr. THUNE. Madam Speaker, I thank the gentleman from California for yielding and also our mutual friend and colleague, the gentleman from North Carolina (Mr. JONES) and appreciate the gentleman from California drawing attention to this issue.

This is a huge issue for the American people, and one which just is so fundamentally unfair. I cannot imagine how we ever got in our Tax Code to the point where we penalize people for being married, and the efforts that the gentleman has made to draw attention to this, to highlight this issue and the legislation that is underway to correct it is long overdue.

Frankly, this is something that I think hits right at the heart of middle income America. In fact, there was a situation, I had a gentleman come into my office a couple of weeks ago in Sioux Falls, South Dakota and share with me his personal situation. He is a young guy, married, has two children, 3½ and 16 months, and their marriage penalty, he went through the computation, did his calculation this year of what his taxes were going to be, because it is getting to be tax season.

For the benefit and privilege of being married, it is going to cost him an additional $1,953 this year. This is a young gentleman who is trying to make ends meet. He and his wife are both working, raising two children; and because of the marriage penalty in the tax code as it exists today, he is going to be assessed an additional $1,953. I think that is outrageous. We need to correct this for people like him and others and his family, those families, middle-income Americans who are adversely impacted, because they got married.

We all know it costs a lot to be married in the first place. Certainly we do not have to have the Internal Revenue Service and the tax code that we have in this country add to that cost and that burden by penalizing people in additional income tax for choosing to get married. I think what we ought to do in this country, frankly, is encourage marriage. We want to do that in every way that we can.

The legislation that you are discussing here this evening will do that. It will provide relief for 28 million American couples in a substantial way. Think of what one can do with $1,400 in average tax relief. Three months of child care, a semester of community college, 4 months of car payments, school clothes for the kids, a family vacation, home computer to help your kids' education, several months of health insurance premiums, a down payment on a home, a contribution to an IRA or retirement savings. The marriage penalty means real money for real people in this country.

Again, I come back to the basic premise in all this. Not only is it outrageous for the additional burden financially that it imposes on married couples, but it is fundamentally and on a basic level unfair to tax people in this country for being married. I hope that we can get this passed through the Congress, on the President's desk; and I hope that the President will have a change of heart about this. He has proposed something which is very small by comparison, which does not get at the real heart of this issue.

I think he needs to go with us all the way on this, get rid of this thing, make it effective in the year 2001, get rid of this onerous provision in the tax code and bring some much-needed relief to American people, particularly those married couples who are working hard to make ends meet, to raise their children, to live their lives and to provide a little bit for their retirement security.

Again, I commend the gentleman for raising the issue to be here on the floor this evening discussing it, and hopefully we will be able in a meaningful way to address the marriage penalty in this Congress and soon. It is long overdue. This ought to be the last tax year where the American people have to deal with this onerous provision in the tax code. I would say on behalf of the people that I represent in the State of South Dakota, most of whom are middle income, most of whom believe very profoundly in the concept of marriage and are very committed to their families, that this is just exactly the kind of thing that the United States Congress ought to be working on. I appreciate the hard work that the gentleman from California has put into this.

Mr. HERGER. I thank my good friend, the gentleman from South Dakota (Mr. THUNE), for his comments on this very important issue.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvanbia It is a pleasure to join the gentleman from California this evening to talk about something that is kind of incredible when we really stop and think about it. The old wise philosophers always say, if you want less of something, tax it. Well, we have taxed marriage, holy union between man and wife; and we have taxed it hard. Unfortunately in America we have less of it. It seems pretty incredible when a country like the USA has a tax policy that would suggest to young people who are struggling economically that it would be a great cost saving to live together without getting married, rather than to marry.

I think it is pretty basically fundamental that we ought to have a tax code that does not discourage people from living in marriage, which is what really this country was all about. It is interesting when the President stood here just a few nights ago. He sort of supported it a little bit. He has opposed it, but I think he is beginning to maybe, what they say, feel the heat, because 80 percent of Americans support doing away with the marriage tax penalty.

The President did not really come clean; he did not really support it wholeheartedly, but he at least supported the concept. Now, from my memory, he is willing to support this for the poorest of Americans, and I support that. And he is probably saying he does not want to support it for the richest of Americans. But the proposal that the President is talking about would not support it for middle America. We really need to look at America's tax code. It is the middle Americans who really pay the taxes. Most poor people in this country pay little or no federal or State income tax because they are indexed out of it. But it is the middle Americans who do not earn a lot of money, who do not have a lot of resources, who do not have a lot of wealth but who are raising families, raising children, maintaining a home, preparing for their college costs for their children. The people who make this country strong, the heart and soul of America, middle America, are the ones that would be left out of the President's marriage penalty tax help.

He says it is just for the rich, but that is not really true. I do not know what he qualifies as rich. But the President's plan would not really truly solve the marriage penalty for most working Americans. I believe that if the American public really understood how much extra they were paying over being married and maybe their neighbors who do not marry and live together, how much less they are paying, they would be totally outraged. But, of course, we do not get to compare pay stubs and tax forms with each other.

But the numbers are pretty significant, anywhere from $1,200, I heard as high as $1,900 per couple, in additional taxes just because you are married. That makes no public policy sense. It certainly is not an incentive to support holy matrimony and marriage, but it certainly sends the wrong message I think to young people in this country. I get a little tired of those who always talk about every tax cut is for the rich. We all know that the rich do not pay nearly as many taxes, because there are lots of ways they can avoid paying taxes. One is to invest their money in municipal bonds and things that are not taxable, and we do not tax those because we want people to have incentives to invest in governmental organizations' financial needs.

□ 1800

But the people who really pay and pay and pay are the working middle class. Representative Herger's proposal will really get at helping those who are the middle-class wage earners of this country, who struggle to pay the grocery bill, who struggle to pay their heating bill, who struggle to pay the insurance bill, who struggle to set a little bit of money aside for the college education for their children because the system does not give them free grants. Because they are middle-class wage earners, they do not get the grants to send their children to college free. They have to save.

So life sometimes gets a little meager in the middle class, when you stop and think about having to provide the education for your youth. You do not get any handouts or any help. You pay for it all yourself. So those are the people that are also paying this marriage penalty.

I believe the President will sign a good bill. I do not think he will be clapping his hands. I do not think he and AL GORE believe in this, but I think he knows that 80 percent of the American public do; and I am pleased that we have for the first time the marriage penalty where the American public can just hear that simple discussion.

It is simple, not very complex. For the first time they can hear the simple discussion here in Congress about the unfairness of the marriage penalty and how we want to eliminate it, not just a little bit of it, but eliminate it, so that whether you are two individuals living together or whether you are two individuals married, you will pay the same tax rate. That is only fair, and that is what America is about, fairness.

So I congratulate my friend from California for his long-time leadership on this issue. It is so basically simple, so basically fair, that finally I believe we can make it happen.

I am an optimist. There are those that think the President will not want to cooperate; but, you know, he has a pragmatic side that I admire. When Congress wins a public discussion, on welfare it took him two or three times. They had to pass it, and I was not here then, two or three times before he felt the heat from the public, because the public wanted welfare reform.

I think if we make the case real well, as the general public learns about this issue in detail and how much they are paying more, I think the general public, whether they are Republican, whether they are Democrat, whether they are independent, no matter what party they are from, they will be for the marriage penalty being done away with, because it is just not right.

Mr. HERGER. I want to thank my friend from Pennsylvania (Mr. PETERSON) for his comments. To think in this country, when we are taxed on virtually everything we do, to think that somehow the Government somehow has actually taxed this an average of $1,400 just to be married, is wrong; and we need to do the right thing. We need to correct that.

I would like to now recognize an individual who has been very active on this issue, the gentleman from Illinois (Mr. WELLER), who was very active the last couple of years and this year in leading the fight on correcting this. I yield to my good friend from Illinois.

Mr. WELLER. I want to thank my friend, the gentleman from California (Mr. HERGER), for the opportunity to say a few words on this important discussion tonight. I also want to commend the gentleman for his leadership in our efforts to eliminate the marriage tax penalty. Thanks to your effort, as well as the gentlemen from South Dakota and Pennsylvania, we now have 231 Members of the House of Representatives now joined as cosponsors of the Marriage Tax Elimination Act.

We have often asked in the well of this House, is it right or fair that under our Tax Code 28 million married working couples pay an average of $1,400 more in higher taxes just because they are married? Is that right? Certainly the folks back home in the south side of Chicago and the south suburbs that I represent say it is not. Whether you are in the union halls, or the VFW, or the Legion posts or the local coffee shop, the local grain elevator, people keep asking me, when are the folks in Washington going to eliminate the marriage tax penalty?

Of course, it broke my heart last year when President Clinton vetoed our efforts to eliminate the marriage tax penalty. It was part of a bigger package of tax relief. Fortunately, this year the Speaker of the House, DENNIS HASTERT, has made I think a very important strategic decision. The Speaker says no more excuses. We are going to send a stand-alone piece of legislation which wipes out the marriage tax penalty for the vast majority of those who suffer it by itself. It is the only thing the proposal is going to do.

Tomorrow the Committee on Ways and Means has scheduled to have committee action on H.R. 6, the Marriage Tax Elimination Act legislation, which will wipe out the marriage tax penalty, providing marriage tax relief for 28 million married working couples.

Let me introduce a couple that time and time again I have referred to in this debate over the need to wipe out the marriage tax penalty, and that is Michelle and Shad Hallihan. They are two public school teachers from Joliet, Illinois. They suffer about $1,000 in marriage tax penalty. Of course, that is a little bit less than the average marriage tax penalty.

But Shad and Michelle just recently had a baby. Michelle Hallihan said, "Tell your colleagues in the Congress what that marriage tax penalty means to us." She said, "They should know that that $1,000 would buy 3,000 diapers for our baby."

The marriage tax penalty, whether it is $1,000 for the Hallihans or $1,400 more for the average married couple, it is real money for real people. In fact, $1,400, the average marriage tax penalty in Joliet, Illinois, the home of Michelle and Shad Hallihan, is one year's tuition at Joliet Junior College, our local community college; it is 3 months of daycare at a local daycare center; it is several months' worth of car payments; it is the majority of an IRA contribution for their annual retirement account. It is really money for real people.

The legislation that, of course, we are going to be acting on in committee tomorrow, will wipe out the marriage tax penalty for a majority of those who suffer it by doubling the standard deduction for those who do not itemize for joint filers to twice that of singles. One of the benefits of that, not only will it provide marriage tax relief for many low and moderate income families who do not itemize their taxes, but 3 million married working couples will no longer need to itemize, simplifying their tax form.

For those who do itemize their taxes, like a homeowner, when you own a home, in many cases you itemize, or if you give to charity or have other deductible contributions, you itemize your taxes. Under this proposal, not only do we double the standard deduction, but we widen the 15 percent tax bracket. Every working American is in the 15 percent tax bracket, and under our legislation, by widening the tax bracket so that joint filers can earn twice what single filers can earn and be in the 15 percent tax bracket, we provide tax relief for those who itemize their taxes as well.

The third component is an important one as well. The earned income credit, which helps working poor families make their ends meet, there is a marriage penalty there as well. We adjust the income threshold so that joint filers, married couples, qualify equally with single people for the earned income credit.

So it is an issue of fairness, and I am proud that this House is now scheduled after the Ways and Means Committee acts tomorrow, to vote on our efforts to eliminate the marriage tax penalty a week from Thursday, on February 10th. That is good news. I really want to salute Speaker HASTERT and the House Republican leadership for making elimination of the marriage tax penalty first out of the box in our efforts to bring fairness to the Tax Code. I am proud of that.

I again want to thank the gentleman from California for his leadership in organizing today's discussion.

Mr. HERGER. I thank the gentleman from Illinois (Mr. WELLER) for leading a similar evening last night on this very important issue. But I believe it really shows just how important it is, how important it is to the leadership of this Congress, certainly to us as Republicans, that we do the right thing as far as families are concerned; and certainly this is where we, I believe, should be beginning and where we are beginning in this legislative year.

I would like to yield again to my friend from South Dakota (Mr. THUNE).

Mr. THUNE. I thank the gentleman from California for yielding.

I would again also say to the gentleman from Illinois who just finished speaking, that he has been a leader in this effort for some time and has introduced legislation which I have cosponsored in previous Congresses, as was noted earlier; and I think this is significant earlier this year; but last year, I should say in 1999, we passed tax relief legislation that would partially reduce the marriage penalty.

Unfortunately, again, the President vetoed that legislation, and, as the gentleman from Pennsylvania pointed out, I think sometimes it takes awhile for the President to recognize a good idea. But when he does discover that there is an idea that resonates with the American people, he soon is pretty quick to try to co-opt it.

I noted the other night in his State of the Union speech he addressed in some fashion this whole issue of the marriage penalty. Unfortunately, his effort is not bold enough, not by the least.

If you look at the relief that the President's proposal provides, it averages about $210 in tax relief to married couples, providing relief again from the marriage penalty, and does not address in a very fundamental way the serious issues at stake here.

In fact, the President's proposal on the marriage penalty helps about 9 million American couples. The legislation that will be acted on tomorrow in the House Committee on Ways and Means will in fact help about 28 million American couples, and to the tune of about $1,400 on average per working couple in this country. So to suggest for a minute here that we have total agreement on this I think would be a mistake, because I do not believe we yet have the President to a position where he is ready to sign off on this.

But I agree again with what the gentleman from California suggested earlier, and that is the President will do the right thing, because it is the right thing. It is a basic matter of fairness. It is a matter of principle, and that is exactly the kind of thing that we want to be, at least I want to be associated with around here, and that is doing the right thing for people in this country, who work hard and pay their bills, who try to make a living, who are trying to raise their kids, who are trying to put aside for college education, trying to put a little bit aside for retirement. And this effort is critical in that regard, because it does get at the heart and the core of what is a fundamentally unfair provision in the Tax Code and one which is desperately long overdue for elimination.

As I mentioned earlier this evening in my remarks, this is a real issue. This is a human issue. This is a personal issue for people. The young couple that I alluded to in my State of South Dakota that came into my office and gave me their situation, who in this next year are going to be punished to the tune of $1,953 because they chose to get married, and they are both working, they are raising two children, and they file jointly. If they filed separately, were not married, they would save about $1,900. That is just flat wrong, and it is something that we need to change. It is long overdue. It is something we have been leading the charge on for some time, and, as I indicated earlier, we have run into roadblocks at various places in the process. Last summer it was the presidential veto.

I hope that this legislation, as we move it through the House, hopefully as well through the Senate, by that time the President will have come around and been persuaded that this is the right thing to do, it is the right thing to do for the country.

I know there is a general resistance and reluctance to do anything that would reduce taxes, you know, at the other end of Pennsylvania Avenue. The White House is generally, as the President laid out the other night, $343 billion of new spending, or about $3.8 billion for every minute of his 89 minute address, that is where he would like to see the surplus dollars go.

We believe, again, in a fundamental way, that after we set aside money to protect Social Security and Medicare and put in place a systematic program for paying down the federal debt, that the dollars left over ought to go back to the American people and not be spent here in Washington. That is a fundamental difference we have; and, frankly, that is a debate we are going to have.

But I hope just on the issue of fairness, fundamental fairness, that the President will be persuaded as he looks at this and as we get this legislation moved through the Congress and to the President's desk, that this is the right thing to do, he needs to sign it into law, he needs to bring relief to married couples across this country, families like the one I mentioned in South Dakota, like so many others across this county, who day in and day out are rolling up their sleeves and going to work and hoping that there is going to be enough at the end of the month to pay the bills; and yet every year the Federal Government is taking $1,400 on average out of their pocket, $1,400 that could be used for many other things, important things, like putting aside for college for their children, for retirement for themselves, car payments, school clothes, family vacation, so many other things, health insurance. Those types of things are ways in which these dollars could be put to work by the American people.

That is why it is so important that we get the surplus dollars out of Washington and we do it in a way consistent with our values and principles, and that is to take this burden off of married couples in this country, to encourage and promote marriage and staying together; and, as I said earlier this evening, we all know that marriage can be sort of an expensive proposition from the get-go. We certainly do not need to add to the cost of that in the Tax Code. We can bring some much needed relief on an annual basis, every year when people fill out their tax returns, by getting rid of this marriage penalty.

So, again, I credit the gentleman from California. The gentleman from Pennsylvania is here this evening to discuss this. Another colleague from California is on the floor and I am sure would like to comment on this as well.

So I will yield back to the gentleman from California, and appreciate the opportunity to share in this discussion and to hopefully draw additional attention and to highlight what I think is an egregious example of an overreach by the Federal Government to tax people for the benefit and privilege of being married in this country.

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Mr. HERGER. I thank the gentleman from South Dakota (Mr. THUNE). As the gentleman mentioned part way through his talk was that the marriage penalty is flat wrong. I think that really says it. It is wrong. It is something that should have been corrected long ago.

We are encouraging the President and our colleagues on the other side of the aisle to work with us, it will be before the Committee on Ways and Means tomorrow, and to pass and to correct this.

At this time I would like to introduce a good friend of mine, my neighbor from northern California, an adjoining congressional district, the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from California (Mr. HERGER) for yielding me this time. The gentleman from California (Mr. HERGER) has been a leader in this.

I wanted to come down and visit briefly today on this particular subject, that being the marriage tax penalty. As has been recited very eloquently, the numbers and the facts and the figures of what this existing tax law provision causes, I want to talk about what the consequences of this $1,400 per year in added costs is to married couples. I happen to think that most young people, whether they be planning to get married or having been married planning for their family or their future, typically confront a month-to-month or week-to-week situation where their resources are constrained.

They struggle in many cases to make their ends meet, and to have the opportunity to send to the Federal Government an extra $1,400 a year by virtue of having become married certainly is a privilege that they probably regret having. So I would like to come down and add my voice to those that argue for changing that particular provision of law.

Now, the President has come forward very eloquently this past week suggesting at long last $45 billion worth over the next 10 years of tax relief for married couples, but I want to be clear in my comments that that really is a drop in the bucket. The President's proposals generally boil down to a doubling of the standard deduction and an across-the-board application of that, but he does not delve into the subject of the deductions that are available for married persons when their aggregate income exceeds a certain threshold.

It is there we differ with the President in large measure because we, in fact, on this side of the aisle are attempting to bring equity across the board to married persons, regardless of their situation.

Let me just highlight a few instances where that $1,400 comes into play, that annual $1,400 difference. That is a little bit over $110 a month. That is a night out for mom or for dad or for the two of them, after a long week of taking care of the kids. That is a new car, the difference between being able to make the payment or not make the payment. Perhaps that is the cost to add a room to their house if they have a new child. That is $1,400 a year into their retirement program that they otherwise might not have to make. $1,400 over a lifetime's career is a huge amount of money for retirement security. These are just a couple of the different consequences of providing this tax relief to married persons, and it comes at no cost to unmarried persons. It, in fact, is the same benefit unmarried persons enjoy today.

So what I want to do, what I came down to do, was to back up the arguments that my good friend from northern California makes, and my good friend from Pennsylvania and so many of us make on a day-to-day basis; the arguments that I made when I campaigned for this office, that we ought to have a tax code that treats person number one the same as person number two, regardless of marital position. It should not make any difference. Those who are married should not be punished for being married. Those who have the privilege of being married should be treated equitably, without discrimination, and yet embedded in our Tax Code is this discrimination to the tune of potentially $1,400 per year that adversely impacts their finances.

I for one strongly urge the President and this Congress to change the Tax Code to allow for an across-the-board equitable treatment of people, regardless of whether they are married or not. That is what the American theme has always been, and I encourage this body to take it up as soon as we can.

I look forward to tomorrow's committee hearing; and, as always, it is a pleasure to be here with my good friend from the north.

Mr. HERGER. Well, I thank my good friend from California (Mr. OSE) for his comments.

The gentleman from California was alluding to some of the comparisons of the two bills of President Clinton's and the House Republican bill, and I would just like to continue that, if I could, for a moment. The President's marriage penalty plan would give relief of $45 billion over 10 years. Our legislation would give relief of $182 billion, about four times more, in tax relief over those same 10 years. The President's plan doubles the standard deduction over 10 years. Our plan doubles the standard deduction by next year, within one year as opposed to 10. The President's plan does not expand the 15 percent income bracket. The Republican plan starts expanding 15 percent income bracket in 2003.

The President's plan provides up to $210 in tax relief per couple per year. Our plan provides up to not $210 but $1,400 in tax relief per couple. The President's plan would help only nonitemizers. So those people who owned a home, who are itemizing, would not be affected by the tax relief. Our plan would help families who itemize deductions, homeowners and nonitemizers.

The President's plan would help 9 million American couples. The Republican plan would help up to 28 million American couples.

So, again, I think the comparison is there. I do want to commend the President for at least becoming involved, for recognizing that there is a problem. I just feel that the President's plan does not go nearly far enough. We need to erase this horrible tax on American couples, and we need to work to do it completely.

At this time I would like to recognize again my friend, the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from California (Mr. HERGER) for yielding me this time.

Mr. Speaker, just to follow up on this, the one point I want to mention again and make specifically clear, the President has agreed to double the standard deduction, but he is not going to double it for 10 years. It is going to take 10 years so one is going to get a little bit more next year and a little bit more the next year. Even though that is only one piece of the overall fix to this, he is going to string it out for 10 years.

Why would he do that? Because it is going to have very little impact in this year's budget, and this is the last budget he is concerned about. He wants to spend that money. He does not want to give it back to the married couples of America.

If one listened to the President the other night, it was issue after issue that he spent $20 billion, $30 billion, $10 billion. If I had had an adding machine, I am not so sure I would not have run out of paper because every time he switched gears it was another spending proposal and many people wondered what the figure would really be.

Now, when he came to some issues, I was pleased to hear him talk about defense for the first time and defending this country, making it safe, but he did not give any numbers. He just said we need to make this country safe and we need to strengthen defense, but on many of his issues he gave large numbers of increases. I think a lot of that is about election year politics, too.

Why are people opposed to cutting taxes? They want to spend the money. It has been my view watching Congress for many years that Congress was elected on what they were willing to give the American public, and the American public bought that because they did not stop to think that every new benefit they received that they had to pay for it.

So the Federal Tax Code, as complex as it is, gives us annual tax increases without legislative authority because as our incomes grow, as we sell and buy and do business, we pay taxes.

So it was interesting for over a decade of the eighties and into the nineties, our government growth was three times the rate of inflation. When we stop and think about that, that is three times faster than the growth of our economy.

Now, if the Federal Government continued to grow at that rate it would soon consume everything, because we cannot have one part of our economy growing at three times the rate of inflation without it just taking over.

We have been able to slow that down, and we have been able to stop deficit spending now for 2 years. It is time that we look for some fairnesses in the Tax Code and this is one of the fairness issues, just being fair.

I am sure if we would put the $182 billion on the table over 10 years, or let us talk about a 1-year figure, $18.5 billion is what it will cost each and every year for the next 10 years, that figure, if we were willing to replace that with another tax I am sure the President and the Vice President would both be right down here saying let us do it because they would still have the money to spend, because that is how they hope to get elected in November by offering the American public some more goodies.

What people need to learn is that when they send money to Washington they do not get it all back. Recently in education, I have noticed that from my State less than half of the education dollars ever get back into the classrooms at our schools. So is it wise to send money to Washington and get 40 some cents on the dollar back at our school districts?

We fund this huge bureaucracy over at the Education Department. The State bureaucracies are basically funded with Federal dollars, and we fund regional bureaucracies in every region of the State called intermediate units. In different States they are called different things. In some that is what they are called. All by Federal dollars, but only less than half of the money gets back.

This shell game has been going on in Washington here for a long time, and I do not think the President has learned that the American public basically do not want more government. They do not want to pay more taxes, and if we do not cut taxes they will be paying more taxes because of the complexity of our Tax Code.

Let us just share what some people say about this. Marriage taxes can impose a nearly 50 percent marginal tax rate on second earners, most of whom are wives and mothers. This is a State-sponsored discrimination against women, the unintended consequence of which is to discourage women from entering the labor force. If Congress is sincere in improving the lives of American women and their families, it will eliminate the tax loopholes that choke their paychecks, Independent Women's Forum, Barbara Ledeen, Executive.

From Center for Enterprise and Opportunity, since women still make up the preponderance of secondary earners in married households, these quirks and kinks of the system hit working women hardest. They force married women into a competitive disadvantage since their tax considerations necessarily affect their professional choices. We welcome the marriage tax elimination introduced today by representatives so and so. This bill can be a first step in recognizing in law that the family is the first church and the first school, the first government, the first hospital, the first economy, the first and most vital mediating institution in our culture. In order to encourage stable two-parent, marriage-bound households we can no longer support a Tax Code that penalizes them. That is the Catholic Alliance.

Current law forces many married Americans to pay a higher tax bill than if they remained single and had the same combined income so what we really do is tax the two incomes as if it was one, when it is really two Americans earning an income.

Such a double standard is wholly at odds with the American ideal that taxes should not be a primary consideration in any individual's economic or social choices. That is from the National Taxpayers Union.

Government, by taxing married couples at higher rates than singles, has far too long been a part of the problem. At a time when family break-ups, and think about this, are so common, in most family break-ups that I know there are financial considerations. They are having difficulties meeting their budget. Congress should pass legislation to encourage marriage and ease the burden of families trying to form and stay together.

This legislation places government on the side of families, from the Christian Coalition.

The list goes on of all the organizations that support this.

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Most of them are organizations that are on the side of the taxpayer and on the side of families. If we do not get back to supporting families in this country, this country's future will be bleak.

All of the problems that we deal with, from Columbine on down, are the deterioration of the American family. We have overtaxed the American family and penalized the holy marriage, and that needs to stop in this country. We need to support families. We need to support marriage. I know that if all Americans understood this issue, it would not be 80 percent of them supporting, it would be 100 percent.

Mr. HERGER. I thank the gentleman from Pennsylvania. I think those are points that are very well taken. I thank him for his participation and his help with this this evening on this very important issue.

I again yield to my good friend, the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from northern California for yielding to me.

Mr. Speaker, this past Saturday I had a great opportunity. I was in Sacramento. I went to the Sacramento Hispanic Chamber of Commerce dinner.

I had what I consider to be the privilege to sit with two young men. One was named Moses, one was named Nils. They worked at Intel. Moses is 20, Nils is 25. As I sat with those young men, both of them unmarried, we talked about what do they do at Intel and how is their compensation level, do they participate in the retirement programs, and what have you.

I must say that we have some remarkable young people working in this country. Let me just tell Members a little bit about these two fellows. Both were enrolled in the retirement program. Nils stays in the house owned by Moses. Moses is 20 years old. He has worked at Intel for 3 years.

They are both quality engineers. In other words, what the chip makers produce comes to their shop, and then they check it for quality control. Then, as they both described, they tend to have to send it back to the chip engineers, as they described the flaws.

The substance of the conversation was that both of these young men are enjoying remarkable success in a competitive world environment. Both of them at some point in the coming years, being 20 and 25, will consider the question of whether or not to enter into marriage. These are fellows that have taken the time to gain the skills to give them the opportunity to compete in the employee workplace and enjoy the benefits therefrom.

They are going to confront the question of whether to get married. They are smart, make no doubt about it. There is no doubt about it, these kids are smart. They are going to run through the numbers, as they should in any analysis, and they are going to ask, why is it, when I come home from a long day's work, when I take my money on Saturday and Sunday and I go out and buy real estate or I buy automobiles or I support the communities, the charities in the communities in which I live, why is it that if I get married to another engineer at Intel or a successful young woman in her own business, why is it when we aggregate our income together, so that the total exceeds a certain threshold, why is it that we suffer a discount to the deductions we would otherwise get by virtue of our investments?

Why is it that once we pass this threshold, that the money we pay for property taxes no longer is worth dollar for dollar on our income tax returns? Why is it that the money we pay for maintenance on real estate or investment advisory fees no longer is worth dollar for dollar on our income tax returns what we paid for it?

That is at the heart of the marriage tax penalty. That is, when two people get together in marriage and their incomes exceed a certain level, then the expenses that they confront, whether it be for education or home ownership or investment for their retirement security or what have you, charity, what have you, those contributions, if you will, something that we support, education, investment, real estate ownership, those contributions no longer enjoy the same valuation as someone who is below that income level, that threshold.

What we need to do is to bring equity to that situation. That is what this is all about is giving not only those two young men but every young man and woman in the country who is considering their prospects for the future and the reality that at some point or another they are going to meet Mr. Right or Ms. Right and they are going to get married, that is what this is all about is giving those young people the opportunity to get together and enjoy all those things that at least my wife and I have enjoyed and hundreds of thousands of other couples have, too, and to have no financial disincentive for doing it.

It is not the role of government to place financial disincentives in the way of young people looking to get married, or those who already are. That is why I support this so wholeheartedly. That is why I encourage Members' votes. That is why I applaud the President for coming at least as far as he has, and I encourage him to come all the way.

The gentleman from California (Mr. HERGER) has done great work for bringing this to this point. I thank the gentleman for the opportunity to come down here and visit with him.

Mr. HERGER. Mr. Speaker, I thank the gentleman from California (Mr. OSE) for his work on this, and I thank him for his articulate statements. I thank him very much for joining us.

Mr. Speaker, this is really, I believe, what it is all about: Are we as Americans going to allow a tax that basically tells a young couple, a man and a woman who want to get married, that we are going to penalize them an average of $1,400 for just getting married?

What are we telling them? Are we really encouraging them, to say if they are not married and they live together, they are not going to pay this? Is this the message we want to send them? It certainly is not.

Mr. Speaker, tonight we have laid out the reasons why the marriage tax penalty must be reformed. This tax unfairly penalizes married couples, particularly those with low to average incomes. Providing marriage tax relief could result in up to $1,400 in savings per family currently affected by this tax.

I say that this is something we need to do. Last year Congress passed marriage penalty relief. Regrettably, President Clinton chose to veto our tax relief bill.

Mr. Speaker, we are offering it again. We will be hearing it in committee, marking it up, H.R. 6 tomorrow. We are urging President Clinton to do the right thing. Just last week the President indicated a willingness to work with Congress on the marriage tax penalty issue. Mr. Speaker, we welcome this commitment and look forward to working with the President on this issue, one that should go beyond party politics. It is an issue of common sense and fairness for American families, the backbone of this great Nation. If we can change our Tax Code to make their lives better, then it is our obligation to do so.

Mr. Speaker, I want to thank all of my colleagues who joined me here tonight to express their commitment to passing the marriage penalty relief.

HERITAGE AND HORIZONS, THE AFRICAN-AMERICAN LEGACY AND THE CHALLENGES OF THE 21ST CENTURY, AN IMPORTANT THEME FOR BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. REYNOLDS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. LEWIS) is recognized for 60 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I want to thank the gentleman so much for yielding to me.

Mr. Speaker, today is February 1, the first day of Black History Month. We thought it will be a good time for us to open up some discussion of what we consider to be a very, very important theme for this year's celebration. The theme for the year 2000 is heritage and horizons, the African-American legacy and the challenges of the 21st century.

Mr. Speaker, as I think about this theme, I think about two quotations, the first written by George Santayana, who wrote that "Those who cannot remember the past are condemned to repeat it." I think all of us remember the past of this great Nation. It is a past that is very checkered.

All of us are aware of the history of the African-American experience in these United States, having arrived here as a people in 1619, at a time when they were considered to be property and brought against their will to serve out an existence of 244 years in slavery. That is ten generations.

In 1863, our Nation brought an end to that institution. So for the past 137 years, African-Americans have lived an existence in our Nation as free people, albeit at one point upon the institution of freedom we were only counted as three-fifths of a person.

When I think about that 137 years since 1863, Mr. Speaker, I think about another quotation that I want to use to lay the foundation for what I would like to say here this evening. It is a quotation from Winston Churchill, who says that, "If we open up a quarrel between the past and the present, we shall find that we have lost the future."

So we come tonight not to open up a quarrel between our past and our present. Instead, we come to celebrate a very appropriate theme. We come to understand and appreciate and embrace our past. Just as importantly, we must acknowledge and celebrate the accomplishments of today, and address the challenges which we face in this new century, in this new millennium.

As we prepare for African-American history month celebrations, I would hope that we will focus on critical issues that cry out for solutions. I would hope that all of us as Americans will look to the future with renewed hope.

Mr. Speaker, I am proud to celebrate a portion of South Carolina in this august body. South Carolina has engraved on its great seal the Latin words "dum spero spiro." Translated, that means "As I breathe, I hope." It is with that sort of hope that I come tonight to call upon our citizens the Nation over to think about the challenges that we face as a people, as a Nation, as we celebrate this great history, this great legacy that African-Americans have in our Nation.

I want to mention a couple of things before yielding the floor to my good friend, the gentleman from Georgia (Mr. LEWIS), that I would hope that we will begin to think about as we think about this legacy.

One of the challenges I think that we face this year as we lay the groundwork for this new millennium has to do with the judiciary. We still have in our Nation a problem with fair and proper representation of African-Americans in the judicial arena.

For instance, South Carolina is located in the Fourth Circuit Court of Appeals.

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It is one of five States, the other four being North Carolina, Virginia, West Virginia, and Maryland. There are 14 or 15 judges that sit on that court. And as

I speak, there are four vacancies on that court. One of those vacancies has been there since 1991, 9 years. And in that 9-year period, we have had four nominations of African-Americans to that court. Four nominations, three different African-Americans. In all four instances, those nominations have not been considered by the other body.

Now, four vacancies, four nominations, no consideration. That might not be all that important but for one thing. That is in the long history of this great Nation there has never been an African-American to sit on the Fourth Circuit Court of Appeals. There is something wrong with that picture. I do not think one has to be a rocket scientist to figure out what is wrong.

As I speak, there is a nomination pending in the other body. It has been there for more than a year, yet no consideration being given to that nomination.

We think that this year will be a good time for us to break with that past. This year would be a good time for us to shut down the quarrel that currently exists between our past and our present so that we will not run the risk of losing our future.

Mr. Speaker, if we look beyond the symbolism of judicial appointments and look at the meting out of justice, we find other threats to the credibility of our judicial system. One of them is something we call mandatory minimums.

Now, the problem I have with mandatory minimums, and the challenge that it offers for the future, is the fact that many of the offenses that carry the most egregious mandatory sentences are offenses that have historically been looked upon as being those offenses that are more often the antisocial behavior of African-American offenders. Now, the problem with this, Mr. Speaker, is that in an instance such as drug crimes, if we look at the drug of cocaine, we will find that crack cocaine carries a 100-to-1 disparity in sentences over powder cocaine.

The scientists have told us that there is no scientific difference between the two. So then the question must be asked why is there such a big difference in the sentences for the two?

All the studies have indicated that there is only one difference between these two drug offenses. One of them is that in the instance of crack cocaine, it is more often African-Americans, and powder cocaine, more often white Americans.

Here is the problem with that. If we were to look at the penalties for 5 grams of powder cocaine, one will get a probationary sentence and be charged with a misdemeanor. But 5 grams of crack cocaine is a 5-year mandatory jail sentence and a felony.

Now, what has been the result of this discrepancy? As I stand here tonight, in the States of Alabama and Florida over 31 percent of African-American males have permanently lost the right to vote. Permanently, over 31 percent. In five other States, that figure is over 25 percent. And in six other States, 20 percent. Some of the experts have predicted by the year 2010 at the rate we are going, 40 percent of African-American men in this country will be permanently without the right to vote.

We think that the time has come and one of the challenges for us this year in this new century, this new millennium, is for us to revisit this issue and remove this impediment to citizenship because it is unfair and we ought to correct it forthwith.

Mr. Speaker, let me give one other example about this, and then I will yield the floor to the gentleman from Georgia (Mr. LEWIS). Let us take the instance of a 16-year-old who makes the mistake and is arrested for possession of 5 grams of crack cocaine. Even if that 16-year-old pleads guilty to avoid, as happens so often, a jail sentence, he or she has just pled to a felony and will have permanently lost the right to vote in at least 17 of our states. Which means that at 36, 20 years later, if this young man grows up and for 20 years lives an impeccable life, genuinely regrets the mistake, attempts to raise a family and raise children, at 36 in 17 of our states he or she will not be able to vote and would not be able to be a full citizen ever again under our current laws.

We think there is something wrong with that. One of the challenges that we must face up to this month, this year during African-American History Month, is to look at these kinds of discrepancies.

We have these kinds of discrepancies in the health care field as well. We have them in housing and education, employment and the census. And I call upon all Americans, as we pause this month to celebrate African-American History Month, let us not use it for vacations. Let us not use it to recite poetry, though poetry is great. Let us not use it solely to celebrate the great heritage, the great past that so many have left to us. But let us use this month to accept the challenges that are out there ahead of us.

Let us join hands, black and white, young and old, rich and poor, of all walks of life and let us celebrate African-American History Month of the year 2000 by accepting these challenges and doing what we can to get these challenges that form so many impediments to a full quality of life for so many of our citizens removed from our national psyche.

Mr. Speaker, with that I yield the floor now to the gentleman from Georgia (Mr. LEWIS), whose history we all are proud to celebrate, but whose service here in this body and whose future I think is worth all of our participation.

Mr. LEWIS of Georgia. Mr. Speaker, let me thank my friend, the gentleman from South Carolina (Mr. CLYBURN), a wonderful human being, a great leader as head of the Congressional Black Caucus, for helping to organize this special order tonight. We thank the gentleman for his very kind words, as well as the other participants.

Mr. Speaker, I want to take a brief moment as we celebrate and commemorate African-American History Month to pay tribute to a group of young people. Mr. Speaker, on this day 40 years ago, history was made. February 1, 1960, four young black men, Joseph McNeil, Ezell Blair, Franklin McCain and David Richmond, all freshmen students at North Carolina A&T College, took seats at an all-white lunch counter in a little 5 and 10 store in downtown Greensboro, North Carolina. They ignited what became known as the sit-in movement. They changed our Nation forever.

The sit-ins spread across the south like wildfire. In Nashville, Tennessee, we had been having what we called test sit-ins for several months. We had been studying the philosophy and discipline of nonviolence. We would go into a store and ask to be served, and if and when we were refused, we would leave. We would not force the issue. We would not cause a confrontation. We would go to establish the fact that we would be denied service because of the color of our skin.

Every single day during the month of February for many of us as young black college students, we would sit in or sit down at lunch counters in an orderly and peaceful fashion. Doing our homework. Not saying a word. Someone would come up to us and put a lighted cigarette out in our hair or down our backs, pour hot water, hot coffee or hot chocolate on us. Beat us and pull us off the lunch counter stools. We did not strike back because we had accepted the philosophy and the discipline of nonviolence.

The number of students who wanted to participate in the sit-in grew. Most of them had not prepared as we had, so it was my duty and my responsibility as one of the students to draw up the basic "do's and don'ts" of the sit-in movement that read like: Do not strike back if abused. Do not lash out. Do not hold conversations with floor walkers. Do not leave your seat until your leader had given you permission to do so. Do not block entrance to stores outside and aisles inside.

□ 1900

It went on to say, "Do show yourself friendly and courteous at all times. Sit straight. Always face the counter. Report all serious incidents to your leader. Refer information seekers to your leader in a polite manner. Do remember the teachings of Jesus, Gandhi, and Martin Luther King, Jr.: Love and nonviolence is the way."

These were the do's and don'ts of the sit-in movement that every student that got arrested in Nashville, Tennessee, on February 27, 1960, had a copy of. The fact is that no matter how well you had prepared, no matter how much you planned what you would do and would not do, in the end you had to hand it over to what we called the spirit. You just had to let the spirit take control. That is why the song came along during the height of the movement, the song we would sing over and over again during this sit-in movement and later, "I am going to do what the spirit says do. If the spirit says sit in, I am going to sit in. If the spirit says march, I am going to march. If the spirit says go to jail, I am going to jail. I am going to do what the spirit says do."

During the sit-in movement in 1960, in February, 40 years ago, so many young people, 16, 17 and 18 years old, grew up. They grew up while sitting down on lunch counter stools by sitting in, by sitting down, and by standing up for the very best in American tradition.

As we celebrate African American history month, we pay tribute to the hundreds and thousands of young people that changed America forever. Tonight, Mr. Speaker, we pay tribute to the young people, young students, black and white, who were born only with a dream, who had the raw courage to put their bodies on the line. We all salute them tonight for their work, for their commitment and for their dedication to bringing down those signs that I saw when I was growing up in the American South that said white men, colored men; white women, colored women; white waiting, colored waiting.

We live in a different America, in a better America because these young people, these young children made history. So tonight, Mr. Speaker, I would like to take the time to yield time to the gentleman from the great State of Illinois, the city of Chicago (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman. I was just thrilled to listen to him give that history, that great and glorious history of which he was such an integral part and provided so much of the leadership for.

I could not help but smile, both internally and externally, thinking about how meaningful that period was to those of us who were indeed teenagers at the time, to those of us who had the opportunity to simply take an idea, not really knowing where it was going to take us or what would happen as a result of the action, but simply an idea that, as the gentleman indicated, four freshmen college students would sit down, and because of the fact that they sat down, America ended up standing up.

So I just want to commend the gentleman from Georgia (Mr. LEWIS) for being a part of the leadership of that movement, but then never stopping and understanding that it was the movement that undergirded him and prepared him for the continuation of the great work that he has done for the rest of his life. I am just pleased to be associated with him, and with my other colleagues who kick off Black History Month, African American History Month, in this manner.

I also want to reinforce the comments that were made by the chairman of the caucus, the gentleman from South Carolina (Mr. CLYBURN), whose leadership has been impeccable during this past year. And as he begins this year talking about the unfulfilled dreams, the unmet needs, I was listening to his wise counsel as he suggested to all of us throughout America that in addition to looking at the past, in addition to reflecting in the accomplishments that have been made, that in addition to just looking at the great academicians, athletes, entertainers, builders and developers and other heroes of African American life, those who have contributed so richly and so greatly to this country, that in addition to looking at that, in addition to looking at what Frederick Douglass taught us, that struggle, struggle, strife and pain are the prerequisites of change, rather than just talking about it, that we really need to use this month to be engaged in it.

We really need to be making sure that all people who are not registered to vote in African American life make absolutely certain that, in honor of Black History Month, that in honor of Martin Luther King and Medgar Evers, that in honor of Jim Farmer, all of the others, that we make absolutely certain that during the month of February we make sure that we are registered to vote and that all of those who will receive census forms, rather than reciting the creation that James Weldon Johnson wrote, or rather than talking about the great portrait of Langston Hughes, or rather than just reminiscing about the tremendous music of Duke Ellington, that in addition to that, we make absolutely certain that everybody fills out their census form and sends it in so that each and every person in our community will in fact be counted, so that nobody can be missed, so that we will never be three-fifths of a person again.

So it is just a joy, it is a pleasure, and it is a delight to be here with the gentleman from Georgia (Mr. LEWIS) and the rest of my colleagues who use this evening to be so didactic, to be so informative, to be so inspirational, and to be so accurate and correct as we kick off the beginning of Black History Month, and I thank the gentleman and yield back to him.

Mr. LEWIS of Georgia. Mr. Speaker, I thank my friend and my colleague for those very moving words and thank him for his participation, and I thank him for keeping the faith and for keeping his eyes on the prize.

Mr. DAVIS of Illinois. Well, we have had some great role models. My father is 87 years old, and we just moved him to Chicago from Arkansas, where he was living alone. And we were chatting the other day, and he said to me that in spite of how far we have come, we still have a long way to go. And I think he was absolutely correct. So I thank the gentleman.

Mr. LEWIS of Georgia. There is still history to be made.

Mr. Speaker, what I would like to do now is to yield to my good friend and colleague, the gentleman from the great State of North Carolina, from the city of Charlotte (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. JOHN LEWIS), and what I thought I would like to do in tribute to this Black History Month celebration and in tribute to the wonderful four gentlemen who sat in at the Greensboro lunch counter is to read some excerpts from a publication called "Weary Feet, Rested Souls."

Before I do that, I just find it so ironic that we could be here in the chamber with people like the gentleman from Georgia (Mr. LEWIS) and kind of take for granted that he is our friend and our colleague and never really think of him as a hero, yet understand how heroic the things that he did to make our being here possible, how historic and heroic those things are.

I feel much the same way about my good friend Franklin McCain. Franklin McCain and I have been good friends for a long time. I did not know him when he was one of the four participants at the Woolworth sit-ins in Greensboro, North Carolina; but not long after I moved back to Charlotte in 1970–71, I met Franklin McCain. We turned out to be in the same fraternity, and our friendship has grown. His wife and my wife both worked in the school system there in Charlotte. We never think of Franklin McCain as a hero either, but we know that the things that he and the three colleagues of his who started the sit-ins in Greensboro, North Carolina, did were heroic, and we pay tribute to him. And I would like to do it in this way, by reading some excerpts.

On February 1, 1960, after a late-night discussion, four black freshmen from North Carolina A&T University decided to try to get served in the sprawling Woolworth store. A half hour before it closed, they bought a few small items then sat down at the counter and waited. One asked for a cup of coffee. There was no violence, no arrest, no media, and no service. When the store closed, they got up and walked out, peacefully, just like the gentleman from Georgia described earlier in his comments.

Just as the somber-faced foursome left the building, a Greensboro News and Record photographer took the only surviving photograph of this historic event. The first three of these four had been members of the NAACP youth group in Greensboro, which had been active since the 1940s. On the left was David Richmond, wearing a beret. Next to him was the person that I now know as a friend and colleague, not as a hero or a superhero, next to him was Franklin McCain, the tallest of the group.

And Franklin I would characterize as a gentle giant. He is about 6–4, 6–5, but he is about as nice a guy as a person would ever want to meet. He would not harm a fly.

Wearing a soldier's cap, Ezell Blair, Jr., was carrying a paper bag in one hand. And Joseph McNeil from Wilmington, North Carolina, wore a white coat.

From the beginning, the Greensboro sit-ins electrified those who looked for a way to demonstrate discontent with segregation outside the courtroom.

□ 1915

The following day, on February 2, 23 men and women, mostly from North Carolina A&T University, visited the Woolworth's store with similar results to the day before. The next day the sit-ins had filled 63 of the 66 seats at the counter.

Dr. George Simkins, a former constituent of mine until they changed my congressional district and again a person who I never think of as a hero but as a wonderful person and constituent now, was the President of the Greensboro NAACP and he called on CORE for advice about how to keep the campaign going.

With CORE's help and the media spotlight, news of the sit-ins spread like concentric ripples on a still pond. Floyd McKissick, who later headed CORE, led sit-ins in Durham on February 8. "CORE has been on the front page of every newspaper in North Carolina for 2 days" exulted an organizer traveling to colleges and high schools in Greensboro, Raleigh, Chapel Hill, and High Point.

Lincoln's birthday brought the first demonstrations in South Carolina, led by 100 students in Rock Hill. The next day, CORE led a sit-in in Tallahassee, Florida. By the end of March, the sit-ins had spread to 69 southern cities. Woolworth's national sales showed a 9 percent drop from the previous March as a result of the boycott and the commotion caused by the sit-ins. These efforts produced the first wave of agreements to integrate not just Woolworth's itself but all the main downtown stores.

By July, Greensboro and 27 other border State cities had adopted integration in some form. By spring 1961, 140 had come around. Pledges to desegregate hardly brought calm to Greensboro. In spring of 1963, more than a thousand protesters led by North Carolina A&T student council president Jesse Jackson, again a person that we know and respect but never think of as a hero, marched each night, raising the arrest totals to more than 900.

On May 19, CORE president James Farmer held a march of 2,000 to the Greensboro Rehab Center, then serving as a makeshift jail. Swayed by these massive turnouts and boycott of Greensboro businesses, the city agreed to a bi-racial commission and marches were suspended. Greensboro was slow to implement changes, however, prompting 500 exuberant students to occupy the area in front of city hall.

The following week, 50 Greensboro restaurants, motels, and theaters abolished the color line in exchange for an end to street demonstrations.

I bring this to a conclusion with this kind of fitting note.

Woolworth's closed its doors here in Greensboro in 1993. The final meal at the counter was attended by all four original protesters, and the management reverted to its 1960 menu prices as a "tribute" to the four of them. Today plans are afoot for a three-floor museum created by a nonprofit group called Sit-in Movement, Inc. A portion of the counter, now shaped like four successive horseshoes, ringed with turquoise and pink vinyl seats, will remain on street level in the back. Portions of the original counter are in the Greensboro Historical Museum as part of an exhibit, but one section of the original remains in the store.

Outside on the sidewalk are bronze footprints of the four original protesters, people that we never think of as heroes but who laid the groundwork for us to be able to sit at lunch counters and share, in an integrated setting, food and camaraderie and in a special way pave the way for us to be here as Members of this body and pave the way for me to be here as the representative of the part of Greensboro North Carolina where these sit-ins commenced 40 years ago today.

Mr. Speaker, I thank the gentleman from Georgia (Mr. LEWIS) for leading this special order. And more so, I thank him and Franklin McCain and people that we never think of as heroes for the heroic actions and steps that they took to make it possible for us to be here and make this tribute today.

Mr. LEWIS of Georgia. Mr. Speaker, I say to my friend and my brother, the gentleman from North Carolina (Mr. WATT), I think it is so fitting and appropriate for him to be standing here as a representative of the great State of North Carolina because so much did take place in North Carolina, not just the sit-ins in Greensboro that got spread throughout the State and around the South, but a few months later in Raleigh, North Carolina, at Shaw University the founding of the Student Nonviolence Coordinating Committee, where many of the young people gathered under the leadership of Martin Luther King, Jr., where we really did come together to learn more about the philosophy and the discipline of nonviolence.

Mr. WATT of North Carolina. Mr. Speaker, if the gentleman would continue to yield just for an afterthought. Because on the Martin Luther King holiday, we had a wonderful tribute in Charlotte in which I read part of Lincoln's words to the backdrop of our Charlotte symphony orchestra; and during the reading, they were showing on a television screen kind of excerpts from the sit-ins, and later that night as I was taking my mother home, she said, You know, I saw your brother in those clips that they were showing. I said, You saw my brother? What do you mean you saw my brother? It turned out that my oldest brother, who was about the same age as Franklin McCain, was a student at Johnson C. Smith University and participated in the original sit-ins in Charlotte, and he was right in the front of the sit-in clippings that were shown on that evening.

I certainly never thought of my brother as a hero of sorts. But it is amazing the heroic steps that people like my colleague and Franklin McCain and even my brother took in those trying times. And we of the younger generation that have a little bit more hair than the gentleman from Georgia (Mr. LEWIS) thank him so much for everything that he did.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for his kind words and thank him for participating in this special order.

Mr. Speaker, what I would like to do now is to yield to my friend and colleague from the great State of Brooklyn, New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I thank the gentleman from Georgia for yielding to me. I, too, would like to congratulate him on launching Black History Month in the very appropriate way that he is launching it.

For years we have seen Black History Month take on different meanings for different people and great emphasis has been on the factual reciting of various achievements by blacks, people of African descent because of the fact that in history books and in the popular culture all of the facts of our positive achievements have been left out, and in the schoolbooks they have been left out.

I, as a librarian in the Brooklyn Public Library, working with many teachers to try to get together a united effort to get the Board of Education of the great City of New York to have a more inclusive curriculum with respect to black history, just to get the facts out was always so difficult.

Facts are just the beginning. And, of course, the facts are very important.

The details of some of the kinds of things that the gentleman from North Carolina (Mr. WATT) has just recited are still unknown. The details of the development of the whole movement is not known.

I did not know that 400 to 500 students eventually sat down in Greensboro and made the whole city of Greensboro respond across the board, the hotels and stores, everybody. I did not know that fact, and I followed it pretty closely.

The important thing that I would like to add to the dialogue tonight is the fact that what those students did and what the gentleman from Georgia (Mr. LEWIS) did as a member of the Student Nonviolence Coordinating Committee did was to set in motion a process which was the real legacy of the civil rights struggle and of the people of African descent in the United States that ought to be highlighted and carried forward during every Black History Month, and that is the legacy of resistance, you know, resistance to oppression.

The victims resisted and they resisted nonviolently and they resisted en masse. And there was a whole chain reaction of events that led to successful resistance that the whole world now has copied. We do not realize how unique it was.

I was born in Memphis, Tennessee, raised in a city right between Arkansas and Mississippi. The brutality of the oppressive class at that point, the oppressive white leadership at that point, the brutality that you confronted when you tried to do anything, the danger of being lynched, the danger of being brutalized was so very real until most people do not realize what those students did when they went up against established order.

They had to summon up a great deal of courage, and my colleague, of course, repeatedly had to summon up a great deal of courage against very violent attacks. The violence and the brutality was such that when I graduated from Morehouse College in 1956, I left the South defeated, feeling that nothing much was ever really going to change.

I am so happy that those who came after us just 4 years later in 1960 were proving that that was not the case, that if students stood up, they could set in motion a whole series of events which not only electrified a mass movement in Greensboro, in Nashville, all over the South, but it came north.

I was an old man with kids in 1963, but as a member of Brooklyn CORE, we led a movement which had 800 people get arrested protesting discrimination in the employment industry. And of course, it went all over the country. And beyond that, we must realize it went all over the world, that when the Berlin Wall fell, they were singing "We Shall Overcome" in the streets of Berlin. When the Czechoslovakian people celebrated the withdrawal of the Soviet troops, they were in the street are singing "We Shall Overcome."

The whole pattern and whole message has gone out to the whole world. Victims do not have to accept it. The victims can resist. The victims can resist with nonviolence, and they can organize in such a way to prevail. That is the greatest legacy that the descendants of the American slaves have left to the world, the legacy that the victims can resist, the victims can overcome.

Singing "We Shall Overcome" is quite appropriate. When we do it with nonviolence, when we resist, we are able to overcome. I salute the gentleman and all of my colleagues for getting this Year 2000 celebration of Black History Month off to a great start, emphasizing that legacy which is so important and which we have contributed not only to ourselves and to this Nation but to the entire world. We shall overcome.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS), my colleague and associate, so much for his leadership. I thank him for all he did as head of CORE in Brooklyn and for being here tonight to participate in this special order.

It is appropriate for him to mention the theme song of the movement "We Shall Overcome." After the 1960 effort, 5 years later, the President of the United States, President Lyndon Johnson, came and spoke to a joint session of the Congress when he introduced the Voting Rights Act and he said, "We Shall Overcome" several times. He said it to the Congress, but he said it to the nation, "We Shall Overcome."

So we have come a distance, we have made a lot of progress since February 1, 1960.

It is now, Mr. Speaker, my pleasure and delight to yield to the gentleman from New Jersey (Mr. PAYNE), my good friend from the city of Newark.

Mr. PAYNE. Mr. Speaker, let me first of all commend the gentleman from the great State of Georgia (Mr. LEWIS) for calling this special order highlighting the Greensboro sit-in that began on February 1, 40 years ago. I rise to join my colleagues in honoring this very important and historical day in history.

☐ 1930

Let me begin by asking, What is a patriot? Usually the term "patriot" evokes images of our first President, George Washington. As a young boy, every class that I went to in my elementary and secondary schools in Newark, New Jersey, had a picture of George Washington. He was the patriot, he was the father of our Nation.

If you were to ask me what a patriot is, however, I would certainly say George Washington was one, but I also would think of the four particular young men who we have been talking about tonight in 1960: Ezell A. Blair, now Jibreel Khazan; Franklin E. McCain; Joseph A. McNeil; and David L. Richmond. These were young men who were patriots, also, because they sparked an American revolution of their own. As we think of these two images, they may seem unrelated, but they are in fact joined by the underlying principle of their actions, liberty, freedom and fairness.

These young men were in search of more than just food and beverages. Their hunger and thirst was much deeper. They wanted to drink from the fountain of equality and freedom and were therefore attacking the social order of the time. The first day there were four; the second day 20. What ensued was that thousands started. As they say, "If you start me with 10 who are stout-hearted men, then I'll soon give you 10,000 more." Of course today we have to be gender sensitive, so I would paraphrase it by saying, "Start me with 10 who are stout-hearted men or women and I'll soon give you 10,000 more."

They used to say, "It is better to build boys than to mend men." We have a difficult time making it fit, but I say men and women, too. But let me say that these four young men started a revolution.

So in a world full of images and symbols, I can think of nothing more powerful than the idea of these four young men, because it is said that nothing is as important as a dream whose time has come. As these men sat silently and calm at Woolworth's lunch counter in Greensboro, North Carolina, in 1960, it showed the courage and image that embodied a movement that changed the face of America.

As I conclude, Frederick Douglass once said, in 1857, "Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its waters. Power concedes nothing without a demand. It never did and it never will."

I conclude again by saying that we are thankful for those young men at that time. I also participated in Newark by us supporting them in those days, picketing Newark's Woolworth's store. I know recently Woolworth's announced the closing of 500 or so stores. I was just wondering whether that lunch counter in Greensboro, North Carolina, was one of those that finally closed.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to thank my friend and colleague, the gentleman from New Jersey, for those kind and moving words.

I yield to my friend and colleague from the great State of Iowa (Mr. GANSKE).

Mr. GANSKE. I thank my friend from Georgia for yielding.

Mr. Speaker, between 1882 and 1968, thousands of black men and women and children were hanged, burned, shot or tortured to death by mobs in the United States. Of those crimes, only a handful ever went to a grand jury. In New York City at this moment, there is a photo exhibition in which 60 small black and white photographs are on display. The name of this exhibition is Witness. It is at the Roth Horowitz Gallery. I am looking on page 17 of the latest New Yorker Magazine which shows one of the photographs from this exhibit. It shows two men, James Allen and John Littlefield, two black men, who in August 1930 were lynched. It shows them hanging from a tree. It shows a large crowd at their feet. There are 13- and 14-year-old young girls in this crowd. Some of them hold ripped swatches of the victims' clothing as souvenirs. This photograph became a souvenir and 50,000 of these postcards were sold at 50 cents each.

I thank the gentleman for having this special order tonight. Here in Washington, we have a Holocaust museum. It would be my sincere hope that this photographic exhibit of 60 small photographs comes to Washington and travels around the country. I think every American should see this as part of a very tragic part of our American history.

Mr. LEWIS of Georgia. I want to thank the gentleman from Iowa for bringing that to our attention. I have seen the exhibit. I have seen the book. It is very, very moving. It makes me very sad sometimes to think that in our recent history that our fellow Americans would do this to other Americans. Some of these photographs makes me want to really cry. It is very painful to see. I think that is a wonderful suggestion, to bring this exhibit to Washington, let it travel around America, because we must not forget this part of our history. Just maybe we will never ever let something like this happen again in our own country.

Mr. Speaker, I want to thank all of my colleagues for participating in this special order.

THE INTERNATIONAL GLOBAL ECONOMY AND PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, tonight I want to talk about two issues. First I want to talk about the international global economy, and then I want to say a few words about patient protection legislation, just so I will not disappoint any of my colleagues.

While the international global economy is no longer a vision of the future, it is here, it is a reality, we are now establishing the rules that govern this economy; and the outcomes of these debates will have a direct impact upon my State of Iowa as well as on the country as a whole.

Our country and my State have benefited greatly from the growing international marketplace and American efforts to reduce tariffs and trade barriers. For example, my home State of Iowa's exports increased nearly 75 percent over 5 years to $5 billion in 1998. Export sales from Des Moines alone totalled nearly half a billion dollars in 1998. This growth was a two-way street. My State has attracted more than $5 billion in foreign investment. This level of international trade and investment supports thousands of jobs in Iowa and across the country, and it greatly benefits our economy in general.

Over the past 30 years, we have made significant progress in breaking down barriers to trade. The General Agreement on Tariffs and Trade, or GATT; the World Trade Organization, or WTO; and the North American Free Trade Agreement have been effective in promoting the development of free trade. Yet we need to do much more. I have a book in my office published each year by the Office of the U.S. Trade Representative entitled "National Trade Estimate Report on Foreign Trade Barriers," not exactly something that you want to read if you want to stay awake late at night. The 1999 edition is more than 400 pages long, but those 400 pages detail the impediments that still exist to fully achieving a free international economy. America as the largest economic force in the world will benefit greatly if we eliminate those barriers.

So tonight I want to talk about some of the trade issues Congress may be addressing this year and how they tie into the goal of expanding market access and promoting free trade.

One of the first things Congress could do is to enact sanctions reform. The United States uses trade sanctions to apply economic pressure against countries to force them to modify their policies. Our trade sanctions against Cuba are an example. Often, these sanctions prohibit the export of food and medical products. These sanctioned markets currently buy $7 billion in agricultural commodities each year from the international community. That is $7 billion in agricultural commodities that they are not buying from us. The Department of Agriculture estimates that rural communities lose $1.2 billion in economic activity annually as a result of these unilateral sanctions. For this and other reasons, we need to end unilateral sanctions on food and medicine, except in cases of national security.

First, they do not work. Our allies freely supply these products to the sanctioned states, undermining our efforts and taking away potential markets. Second, withholding food and medicine from civilians because we disagree with their governments' policies, in my opinion, is less than civilized. And, third, these unilateral sanctions punish America's farmers and further depress commodity prices by denying access to significant international markets. When our Nation's farmers are struggling for survival, that is not acceptable. By exempting agricultural and medical products from unilateral sanctions, we can provide our farmers with additional market opportunities and provide a humanitarian service to people living under those oppressive regimes.

Another tool we can implement to promote free trade is fast-track negotiating authority. Fast track allows the President to negotiate international trade agreements and then bring those agreements to Congress for an up-or-down vote without amendments. This authority is authorized for limited periods of time. Beginning in 1974, fast track was extended several times, until its most recent expiration in 1994. Armed with that fast-track authority, Presidents were able to assure our trading partners that they have the necessary authority to negotiate trade agreements and that Congress will not change the conditions of those agreements.

It was under such authority that two multilateral trade agreements were reached under GATT, including the Uruguay Round which produced great dividends for U.S. farmers, U.S. interests and established the WTO, the World Trade Organization. Fast track also helped America reach free trade agreements with Israel in 1985 and Canada in 1988, as well as the North American Free Trade Agreement, or NAFTA, in 1993. But in 1994, authorization for fast track expired; and it has not yet been reauthorized.

Now, last year President Clinton announced in his State of the Union address that he would again seek renewed fast-track authority. Unfortunately, that was followed by a rather anemic and unsuccessful effort by President Clinton in 1998. So today, we still do not have fast-track authority.

I believe that if we wish to continue making substantial improvements and advances in promoting free trade and if we want to shape or have input in the current negotiations of WTO, we need to reauthorize fast-track authority. In this year's State of the Union address just last week, President Clinton spoke about nearly everything, except fast-track authority.

□ 1945

I hope the President and Vice President put full White House support behind an effort to reauthorize fast track, and I hope we in Congress can pass it before we adjourn this fall.

While sanctions reforming fast track will help America's efforts to enhance free trade and market opportunities for our industry and farmers, we must also engage other nations in multilateral agreements if we hope to get anything done. This can be done most effectively through international trade organizations.

The system that has received the most attention lately is the World Trade Organization, the WTO. Everyone is aware of the events that took place in Seattle with the tear gas and the rioting in the streets. The Republican presidential primary candidates have been debating the merits of U.S. participation in WTO.

Despite some of the concerns being expressed, I fully support U.S. membership in WTO and other international trade organizations. Opponents of trade organizations like to focus on the apparent negative effects of an international market. In the current international economic system, nations are looking for competitive advantages. The United States, for example, has great technology and we have an agricultural surplus, so we seek to promote these for our benefit. Others do for their particular industries.

Many have argued that international agreements threaten to weaken other segments in our economy and should therefore be avoided. Some argue that we should not participate in these agreements because they threaten our national sovereignty.

Well, I understand the concerns about opening our markets to other nations and the need to secure ourselves from threats against our sovereignty, and we must never relinquish control over our own destiny. However, these opponents fail to consider that these agreements in which we are involved were reached with our input. The rules of these organizations exist to ensure fair treatment from market to market and to reduce tariffs and restrictions, concepts that have greatly benefited America.

One of the most effective agreements America has brokered is NAFTA. NAFTA has had a significant impact on Iowa's economy since it went into effect in January 1994. The agreement set a schedule for reduction and eventual limitation of tariffs between the United States and our neighbors, Canada and Mexico. This has resulted in a terrific growth for North American trade, greatly increasing our export market.

For example, my home state of Iowa. Exports to Canada and Mexico nearly doubled in NAFTA's first 4 years. In 1998 alone, Canada and Mexico imported $2.3 billion in Iowa products, more than 44 percent of Iowa's export total. This growth supports thousands of jobs and has brought substantial economic benefits to our businesses and agricultural communities.

NAFTA serves as a model for the international community. It reduces barriers, it promotes trade, and it capitalizes on America's advantages. The goal of the World Trade Organization is "to help trade flow smoothly, freely, fairly, and predictably." I believe the WTO has significantly improved the international economy.

The Uruguay Round which produced the WTO established a system of rules for member nations to ensure fair market treatment. In addition, it established a process by which member nations could seek redress for their grievances without resorting to immediate trade retaliation. That action helps prevent disruptions in international markets, and the result has been a global lowering of tariffs, an easing and elimination of import quotas and an overall more free system of trade. These are essential components to future prosperity for America and our trading partners.

Of significant importance to our Nation's agricultural trade was the implementation of the Sanitary and Phytosanitary Agreement, or SPS. This states that a nation or trading block cannot impose restrictions on the import of agricultural or food products based on a health concern unless that concern can be backed by scientific evidence.

This strikes at the heart of many of the barriers that other nations have erected to keep out our American agricultural products. It helps open markets that have traditionally been closed to our farmers.

But I want to talk for a minute about the role of WTO in resolving trade disputes, because it is this function that is at the heart of many of the criticisms of WTO. The set of rules by which members must abide were agreed to by all of the members. However, nations sometimes violate those rules, despite their commitments. When this happens, the WTO dispute settlement process offers a forum through which nations can seek solutions to their differences without immediately imposing trade barriers.

When a member files a complaint, a WTO-appointed commission reviews the case and issues an opinion. Countries have the ability to appeal those findings. After the appeals process is exhausted, the loser of the case must modify their policies to comply with the rules to which they themselves agreed.

Now, the WTO does not have enforcement authority, but it does have international opinion and the collective will of the members of the organization in an enlightened way and enlightened self-interest to encourage nations to comply with World Trade Organization rules. Thus, the WTO is only as strong as the commitment of its member nations. But the collective will of the international market is a significant factor in reducing barriers to trade.

The current round of WTO trade negotiations must address the issue of compliance while seeking to further reduce barriers to trade. If the European Union, one of the largest members of WTO, continues to violate the rules of the agreement, the future of WTO is in jeopardy.

The future of WTO will be determined in the next couple of years, determined by the new round of negotiations and determined by the potential accession of China to the World Trade Organization.

I was very disappointed with events in Seattle at the end of last year. I believe this new round is a terrific opportunity for us to expand our role in the international economy by improving market access for Iowa's products. For the opening session to be disrupted in the way it was was very unfortunate, to say the least. This round will determine the future effectiveness of the World Trade Organization, and the United States should use the WTO to make significant advances in the reduction of barriers to America's goods.

An issue that may change the international market significantly is the prospect of China joining the WTO. The United States and China a few months ago reached a bilateral agreement on China's accession to the World Trade Organization. This agreement looks very promising, and I would like to point out a few details that may interest you.

Overall, China agreed to cut tariffs from an average of 24.6 percent in 1997 to an average of 9.4 percent by the year 2005. For U.S. priority products, tariffs will be cut to 7.1 percent. That is a 62 to 71 percent drop in tariff rates on most imported goods. In addition, China agreed to phase out most import quotas by the year 2005, making these new tariff rates applicable to most products, regardless of quantity.

China also agreed to give American companies more control of the distribution of their products at both the wholesale and the retail levels. American suppliers will no longer have to go through state trading enterprises or Chinese middlemen. American companies will be allowed to provide maintenance and services for their products, something particularly important, for instance, with automobiles.

In agriculture, China agreed to lower the average tariff on American agricultural products from nearly 40 percent to 17 percent. In addition, it will set tariffs on U.S. priority products, such as pork, beef and cheese, at 14.5 percent. That is a significant concession.

The agreement also establishes tariff rate quotas which represent the maximum level of imported product for which lower tariffs are applied. The goal of trade negotiations are to increase those quotas and eventually eliminate them, thus producing the greatest possible benefits for the exporting nation.

For example, China agreed to eliminate oil seed quotas by the year 2006 and to increase the quota for corn to 7.2 million metric tons by the year 2004. By comparison, China currently imports only 250,000 metric tons of American corn.

China also agreed to abide by the Phytosanitary Safety Agreement and to accept the U.S. Department of Agriculture certification that American meat and poultry is safe. What this means is that China will now open its market to U.S. pork, beef, and poultry, access which has been denied because of China's claim that American meat is not safe enough for consumption.

I can guarantee you, America's meat is safe for export. I go overseas to Third World countries. Let me tell you, on most any given day, I would rather have an American piece of meat.

In addition, China pledged not to provide export subsidies for its agricultural products. Let me repeat that. China pledged not to provide export subsidies for its agricultural products. So they are opening up their market, they are reducing their quotas, they are reducing their tariffs, and they are also agreeing not to subsidize their own producers, giving them an unfair or uncompetitive advantage. These agricultural concessions are very attractive and they hold forth the promise of significant growth for our nation's farmers.

We passed the Freedom to Farm Bill here a few years ago. I think overall moving away from restrictions on planting and giving farmers freedom to plant the crops that they want is a good move, but part of the bargain of that bill is also that we work hard to remove export barriers and import barriers in other countries. This is part of what we are doing with the accession agreement with China.

Another component of the agreement of interest to our nation is in the area of financial services. Currently foreign insurance companies are allowed to operate in only two cities in China. This bilateral agreement will remove all geographic limitations for insurance companies within 3 years. Within 5 years, foreign insurers will be able to offer group, health and pension insurance, which represents 85 percent of all premiums sold.

Foreign firms will be allowed under this agreement 50 percent ownership for life insurance and will be allowed to choose their own joint venture partners. Non-life insurance companies will be allowed to establish local branches, hold 51 percent ownership upon accession, and form wholly-owned subsidiaries within 2 years.

In addition, China agreed to lower tariffs on American automobiles to 25 percent from the current rate of 80 to 100 percent, and American financing programs for these cars would also be available. Tariffs on information technology like computers and Internet-related equipment would be eliminated by the year 2005 and banks and financial institutions would have unprecedented access to the Chinese population. China promised to conduct business in a fair, non-discriminatory manner, and in accordance with WTO rules.

The United States also ensured that its existing anti-dumping protection provisions and product safeguard programs will remain in place for the next 12 to 15 years.

Well, despite the apparent benefits of this agreement, I still think we need to be careful. China does not have a great track record in complying with trade agreements. Currently our trade relationships with China continue to be tilted in favor of China. Despite continued engagement and extension annually of normal trade relations or most-favored-nation status, the U.S. trade deficit with Beijing has increased from $6.2 billion in 1989 to $56.9 billion in 1998.

In 1992, we signed a memorandum of understanding to improve market access between the United States and China.

□ 2000

The Chinese Government has failed to reduce significant trade barriers to U.S. products. In addition, our bilateral agreement is not the final document concerning China's membership in the World Trade Organization.

China must now complete bilateral agreements with the European Union, with Canada and with other trading partners. These agreements will then be combined into a comprehensive, multilateral package, that would be presented to Congress. Congress must then decide whether to grant China permanent Most Favored Nation status, or normal trade relations.

A year ago, I opposed a 1-year extension of NTR to China. I did so for several reasons, the unfair balance of our trade relationship; the 40 percent import tariffs that China puts on our agricultural products, I do not think that is fair; China's violations of our national security; their disregard for human rights and their threatening posture towards their neighbors.

Additionally, I did not feel that past extensions of NTR had greatly benefited America's interests. Rather, despite NTR, China's actions jeopardized our national and economic security. However, this bilateral accession agreement could open a tremendous market for American and Iowan products, if, and this is the big if, China actually complies with the provisions of the treaty.

The unprecedented access for international businesses would expose Chinese society to outside influences like never before. While the jury is still out, the fine print has not yet been made available for review, I expect the President will request Congress to waive the Jackson-Vanick amendment which requires annual extension of NTR for China and ask us to improve permanent NTR status.

This is going to lead to a vigorous and energetic debate on this floor of the House of Representatives. The stakes are very high. This may sound like an arcane subject. Maybe it is not as personal as the patient protection legislation that I am going to be talking about in a few minutes, but I can say what we decide on the floor of this Congress on this treaty could have significant impact on each and every one of us in this country in terms of how our economy is going to do.

If Congress approves permanent normal trade relations for China and abandons the annual review requirement, do we risk losing valuable leverage in future negotiations? If we grant permanent NTR, will we actually experience significant reform in the Chinese markets, or will China renege on its promises as it has in the past?

If we do not grant permanent normal trade relations, will we be watching from the sidelines as other nations take advantage of new market opportunities to 1 billion people? These are some of the questions that Congress will have to ask this session. I look forward to the debate, and I am learning more about the fine print of this agreement.

In summary, I think the United States must pursue free trade whenever possible. This includes reforming our sanctions policies to provide American food and medicine to needy civilians. It involves granting the President fast track negotiating authority to ensure our place in global trade negotiations. It involves participating in international trade organizations to open new and expanding markets. It involves reducing trade barriers in order to spur further economic growth for our economy, but we must remain aware of the implications such action may have on our security, and we must make those decisions appropriately.

At this time, I am leaning towards a yes vote on permanent normal trade relations with China, and I am looking forward to the debate.

PATIENT PROTECTION LEGISLATION

Mr. GANSKE. Mr. Speaker, I want to say a few words about patient protection legislation, particularly in response to what I consider to be a rather inaccurate publication that has been sent to Congress, all Members of Congress recently, by the HMO industry.

Before I go any further, I want to be crystal clear what my position has been throughout this long debate. As we have developed patient protection legislation, I have always believed that any entity, whether a doctor, a health plan or a business, that makes decisions on medical necessity must be held responsible for those decisions. Moreover, I find it reprehensible that there are those who would promote the argument that an entity should be able to wrongfully cause the death of a patient and be shielded from legal responsibility.

Currently, doctors are held responsible for the medical decisions they make, but health plans and even employers can dodge such responsibility through the ERISA preemption clause. Recognizing that plan sponsors and some employers do make these decisions, the Norwood-Dingell-Ganske bill, the Bipartisan Consensus Managed Care Improvement Act of 1999, erases this unintended shield by making those plans responsible for any decision they make regarding medical necessity.

Of those lawsuits that are brought, most would not be against employers or plan sponsors because they are generally not involved in the medical necessity decisions that could lead to a personal injury or death. Therefore, our bill protects health plans and employers by ensuring that they can only be sued if they decide to do more than offer health insurance. In a recent communication entitled Health Plan Liability, What You Need to Know, the American Association of Health Plans makes a number of dubious assertions about the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Improvement Act of 1999. I would advise my colleagues to take this with a grain of salt. In fact, my colleagues may want to take it with a whole truckload of salt that is currently cruising the streets here in Washington.

To begin with, the AAHP implies that supporters of the Norwood-Dingell-Ganske bill are promoting lawsuits, but the supporters of the Norwood-Dingell-Ganske bill believe that patients should have an opportunity to pursue internal and external review in a timely fashion before they are harmed. It is the appeals process with an independent review panel that will improve quality of care and ensure that patients receive necessary health care, but as Governor Bush says, "at the end of the day, HMOs must be responsible for their actions."

Then AAHP claims that HMOs already can be sued under ERISA. Well, again, take that characterization with a huge grain of salt, because it is true that under ERISA HMOs can be sued but only for the costs of treatment denied. Now, how is that a just outcome for a child that has already lost his hands and his feet or somebody else who has lost their life? It is a travesty that many of these people and their families find that their legal remedy, under ERISA, through their employer plan, for their loss, is only the cost of treatment denied.

That is an unfair burden on patients. It was never the congressional intent and the Norwood-Dingell-Ganske bill provides appropriate liability and external appeals process protections for patients and their families.

Next, the American Association of Health Plan little manual says, "The current medical malpractice system demonstrates that making correct decisions does not preclude lawsuits," but under the Norwood-Dingell-Ganske bill the external appeals panel makes a determination on the appeals that are brought before it. If the health plan does not abide by the panel's decision, then the patient and his family have the ability to pursue liability action. However, if the plan abides by the independent panel's decision, then it is protected under our bill, the bill that passed this House by a vote of 275 to 151, it is protected from the punitive damages that the health plans are so concerned about.

On this point, an additional claim that our bill, "requires external review to be completed in all cases before an individual can sue the plan. Therefore, few claims will ever reach court," AAHP then states that the Norwood-Dingell-Ganske bill would, "allow enrollees to bypass external review when an enrollee claims that he or she had been harmed before an external review is initiated."

AAHP fails to point out that the Norwood-Dingell-Ganske bill allows them to go directly to State court only, I repeat only, if they have suffered personal injury or wrongful death. After a patient has already been killed, seeking any further treatment or an appeal is absurd. On external review AAHP says that we say, "expanded health plan liability is necessary because plans may not adhere to the decisions of the external review even at this time."

AAHP states that, "There is no evidence demonstrating that in States that have a binding external review system, health plans do not adhere to the decision of external review entities."

However, in the House Committee on Commerce, we heard testimony from Texas that refutes this statement by the HMO industry. That lawsuit, Plocica versus NYLCare is a case in which the managed care plan in Texas did not obey the law, and a man died. This case exemplifies why we need accountability at the end of the review process.

Mr. Plocica was discharged from a hospital suffering from severe clinical depression. His treating psychiatrist informed the plan that he was suicidal and required continued hospitalization until he could be stabilized. Texas law requires an expedited review by an independent review organization, one of those IROs that Governor Bush speaks about. Prior to discharge, such a review was not offered to the family by the plan, by the HMO.

Mr. Plocica's wife took him home. During the night he went to his garage. He drank half a gallon of antifreeze and he died a horrible, painful death.

This case shows that external review and liability go hand in hand. Without the threat of legal accountability, HMO abuses like those that happened to Mr. Plocica will go unchecked.

The lesson from Texas also is that there will not be an avalanche of lawsuits. In fact, when HMOs know that they will be held accountable, there will be fewer tragedies like those that happened to Mr. Plocica.

A couple of Sundays ago, just before the Iowa caucuses, AARP, the American Association of Retired Persons, ran a one-hour infomercial on TV. They interviewed all of the Presidential candidates on their positions on a number of issues interesting and of importance to senior citizens. One of the questions that they asked was, what is your opinion on patient protection legislation? And they had quotes from all of the candidates, both Republicans and Democrats.

I want to read a transcript of what Texas Governor George W. Bush had to say about this issue. These are Governor Bush's words. "As governor of Texas, I have led the way in providing for patient protection laws when it comes to managed care programs. I am proud to report that our State is on the leading edge of reform. People who are in managed care programs in the State of Texas have the right to choose their own doctor so long as it does not run up someone else's premium. People in my State are able to take advantage of emergency room needs and yet be covered by managed care. Women have direct access to OBGYNs. Doctors are not subject to gag rules."

Governor Bush continued. "We have information systems now that are made available for consumers who are in managed care programs. We have done a good job of making the managed care systems in our Texas consumer friendly, as well as provider friendly."

Governor Bush continued. "I have also allowed a piece of legislation to become law that allows for people to take disputes with managed care companies to an objective arbitration panel called an independent review organization."

□ 2015

"It is a chance for the insurance provider and for consumers to resolve any disputes that may arise."

Here is the important part of this statement. These are in Governor Bush's words. This is from the Texas experience.

"If after the arbitration panel makes a decision, and if the HMO ignores that decision, i.e., in this gentleman's case where he drank half a gallon of antifreeze case and died because of that HMO's medical necessity decision, then consumers in the State of Texas will be able to take the HMO to a court of law to be able to adjudicate their dispute."

George Bush finished his statement by saying, "I believe this brings accountability to HMOs, and I know it gives consumers the opportunity to take their case to an objective panel. This law is good for Texas. I believe this law will be good law for America, as well."

Mr. Speaker, the bill that we passed here a few months ago, the Bipartisan Managed Care Consensus Reform Act of 1999, the Norwood-Dingell-Ganske Act, was modeled after the Texas laws. Let me give some examples.

The Norwood-Dingell proposal on utilization review, when a plan is reviewing the medical decisions of its practitioners, it should do so in a fair and rational manner. The bipartisan consensus bill lays out basic criteria for good utilization review: physician participation in development of review criteria, administration by appropriately qualified professionals, timely decisions. All of these things, and the ability to appeal those decisions, are in the Norwood-Dingell bill.

Guess what, this became law in Texas in 1991. These provisions that were in the Norwood-Dingell bill were enhanced in Texas law in 1995.

How about internal appeals? The bill that passed the House says, "Patients must be able to appeal plan decisions to deny, delay, or otherwise overrule doctor-prescribed care and have those concerns addressed in a timely manner. Such an appeal system must be expedient, particularly in situations that threaten the life and health of the patient, and conducted by appropriately credentialed individuals."

What is the situation in Texas? In 1995, these internal appeals were promulgated by regulations by the Texas Department of Insurance.

How about external appeals? In the Norwood-Dingell-Ganske bill, individuals must have access to an external independent body with the capability and authority to resolve disputes for cases involving medical judgment. The plan must pay the costs of the process. Any decision is binding on the plan. If a plan refuses to comply with the external reviewer's determination, the patient may go to court to enforce the decision. The court may award reasonable attorneys' fees in addition to ordering the provision of the benefit.

What is the Texas law? The same thing. It became law in 1997. Since it has been enacted, 700 patients plus have appealed their health plan's decisions, with 50 percent of the decisions falling in favor of the patients and 50 percent of the decisions in favor of the health plan. The Texas external appeals process is being challenged in court. It could be overturned unless we act here in Congress.

How about insurer accountability? In the Norwood-Dingell-Ganske bill, health plans are currently not held accountable for decisions about patient treatment that result in injury or death under ERISA.

Currently, the Employee Retirement Income Security Act preempts State laws and provides essentially no remedy for injured individuals whose health plan decisions to limit care ultimately cause harm. If the plan was at fault, the maximum remedy is the denied benefit. The bipartisan consensus bill would remove ERISA's preemption and allow patients to hold health plans accountable according to State law.

However, plans that comply with the external reviewer's decision may not be held liable for punitive damages. That is those $50 million or $100 million awards. Additionally, any State law limits on damages or legal proceedings would apply. What is the situation in Texas? The same thing. It became law in 1997. Since that time, only three lawsuits are known to have been filed as a result of the Texas managed care accountability statute.

Mr. Speaker, this missive that we need to take with a truckload of salt put out by AHP says, oh, yes, but there are a bunch of cases out there in Texas that have not been filed, so we do not really know. I would point out that Texas is tracking suits filed, not decided. In Texas, there is a 2-year statute of limitations on bringing suits. If those suits were out there, we would know about them because they would have to be filed. It simply is not happening.

Before Texas passed this law in 1997, the insurance industry, the HMOs, said the sky would fall, the sky would fall. There would be a plethora of lawsuits. Instead, we have seen three filed. However, we have seen probably over 1,000 of those disputes resolved before an injury occurred. That is what we want to do.

Choice of plans, the provision that is in the Norwood-Dingell-Ganske bill, the same thing in Texas, became law in 1999.

Provider selection provisions, those regulations have already been promulgated by the Texas Department of Insurance in 1995. Women's protections that are in the bipartisan consensus bill became law in Texas in 1997. Access to specialists in the Norwood-Dingell-Ganske bill, the bipartisan bill, were promulgated by regulation in Texas by the Texas Department of Insurance in 1995.

Drug formulary, prescriptions. The provisions that are in our bill that passed this House with a vote of 275 became law in Texas in 1999.

Mr. Speaker, maybe Governor Bush and for that matter Senators MCCAIN and HATCH, Senator LOTT, the majority leader, the gentleman from Texas (Mr. ARMEY), and presidential candidate Gary Bauer are also aware of the December poll by the Harvard School of Public Health and the Kaiser Family Foundation which found that nearly 70 percent, let me repeat that, 68 percent, to be precise, of Republican respondents, that is two out of three, more than two out of three Republicans, said that they would favor patients' rights legislation that included the right to sue their health plans.

It is awfully hard for somebody to argue that an industry which is making life and death decisions should have a shield from liability that no other industry in this country has. Do automobile makers have a shield from liability if they make a car that explodes? Do medical manufacturers have a shield from liability if their product causes a patient to die? No. I do not know of too many Americans that think they should.

When each and every one of us is not only a purchaser but a participant in this health system, when we know that a member of our family or a friend or a colleague at work has been mistreated by their HMO and denied medically necessary care, that is why about 85 percent of the people in this country think that this Congress ought to pass strong bipartisan patient protection legislation.

I sincerely hope that we move in that direction before the end of this session. I look forward to working with my colleagues on both sides of the aisle to try to effect a bill that we can get on the President's desk, get it signed into law, that handles the medical necessity issue and that provides an effective enforcement mechanism.

AMERICA'S PROBLEMS WITH ILLEGAL NARCOTICS AND DRUG ABUSE

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to return to the floor in really the second half of this session of Congress to renew my continued efforts to bring to the attention of the Members of this body and the American people the problem that we as a Nation face in our tremendous problem of illegal narcotics and drug abuse that have ravished our land.

Tonight I will probably begin my 20-something special order of the 106th Congress by first of all reviewing a little bit of what has taken place in some of the omissions of the President in his State of the Union Address, particularly in regard to the threat we face as a Nation from illegal narcotics.

Then I would like to focus a bit on a General Accounting Office report that I requested last year which is on drug control. It was released a few weeks ago, the end of the last year, in December. It is entitled "Assets That DOD

Contributes to Reducing the Illegal Drug Supply Have Declined." I will speak about that particular report that I requested, along with one of my colleagues from the other body.

Tonight again I think it is important that I cover and the Congress pay attention to items relating to illegal narcotics and drug abuse that were not mentioned by the President of the United States, and as this problem affects our state of the Union.

Just a few days ago, last week, the President took the podium behind me and he gave only glancing lines, one or two lines, a sentence or two, in a very lengthy presentation to the Congress and the American people on the State of the Union, and in particular, with regard to illegal narcotics and drug abuse. I will try to fill in some of the gaps in what really is probably the most serious problem facing us as a Nation, the most difficult social and judicial problem that we face, and one that I have a small responsibility in trying to develop a policy for in the Congress, particularly in the House of Representatives, as chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

I think that anyone who just takes a few minutes to look at social problems facing us has to be struck by the sheer magnitude of the illegal narcotics problem. Since President Clinton took office in 1993, and he did not mention these figures, nearly 100,000 Americans have lost their lives as a direct result of illegal narcotics, overdoses and activities related to illegal narcotics and drug abuse. That is only the tip of the iceberg because there are many, many tens of thousands of other deaths related to illegal narcotics that are not even reported in statistics and in the numbers that I have cited.

Just in the most recent reporting period, over 15,900 Americans lost their lives as a result of narcotics in our land. The problem is not diminishing, the problem is in fact growing. That is confirmed by just about every statistical report our subcommittee has received, and also by the sheer facts that we see in picking up our daily newspapers, whether it is in our Nation's Capital, Washington, D.C., or throughout this land.

This problem we did not hear the President talk about has resulted in the incarceration of an unprecedented number of Americans, with over 1.9 million Americans in jail today. It is estimated 60 to 70 percent of those individuals behind bars are there because of drug-related offenses.

The toll goes on and on. The most recent statistic cited in this GAO report has identified $110 billion in costs to our economy.

□ 2030

And if all the costs related with this social problem are added up, it could be as much as $250 billion a year.

So the cost is dramatic. The cost in dollars is dramatic, but the cost in destroyed lives across this land is absolutely incredible.

Mr. Speaker, it is something to talk to parents who have lost a young life and drugs, illegal narcotics particularly, impact our youth population. But to try to understand the agony of people that must deal with addiction, the agony of people that have young or adult individuals in their family hooked on illegal narcotics, the ravages that this has done to our economy and what could otherwise be productive lives is just untold.

So we have a problem that has been swept under the table. It was not mentioned by the President in his address, but again except a glancing and I think talking briefly about aid to Colombia, and I will talk about that very shortly.

But we got into this particular situation not by accident, I believe, because in the 1980s under the leadership of President Ronald Reagan and President George Bush, we began a decline. At that point we had a cocaine epidemic and drug epidemic in the early 1980s that we were beginning to get under control. If we look at the statistics, we see clear evidence that, in fact, drug use and prevalence of drugs, particularly among our young people was on the decline. That there was, in fact, a war on drugs in the 1980s and the beginning of 1989.

Mr. Speaker, that multifaceted and comprehensive program was, in fact, dismantled beginning in 1993 with the Clinton administration taking office. Very purposefully, the President began dismantling that effort. Some of that dismantling is detailed in this report that I requested. And, again, not my statistics, but actual statistics compiled by and information compiled independently by the General Accounting Office we will go over a bit tonight.

But the first thing that was done was the dismantling of the drug czar's office which was slashed from 120 staffers to 20 staffers. I ask, how can we conduct a war or a concentrated effort against narcotics, against the scourge of drugs by slashing the command structure? I say that is impossible, but that was the very first step in this process.

The next step, and I brought these charts up before, but let me just bring them out again, was dramatic declines starting in 1992–93, here we see dramatic declines in drug spending for international programs. Now, many people might wonder what international programs are. International programs would be stopping drugs at their source.

So this war on drugs or fighting a war on drugs is not really rocket science. It does not take somebody years and years to develop a strategy, because we know that 100 percent of the cocaine that is produced, I will say 99.5 percent of it that is produced, there might be a little bit somewhere else, but we know that it is produced in Bolivia, Peru and Colombia. Again, not rocket science.

We know that it is very cost-effective for a source country eradication program to deal with the problem. We tried it and if we eliminate drugs where they are grown, coca that produces cocaine in a limited area of the world where it can be grown, we do not have a lot of cocaine production. Simple.

We also know that today some 65 to 70 percent of the heroin produced in the world that is on our streets, and we know factually that it is on our streets from the fields of Colombia, comes from, in fact, Colombia. We know where the heroin comes from that is spilling over in unbelievable quantities on our streets and throughout our communities.

The reason that we have incredible supply of drugs in this country is basically because in 1993–1994, during the Clinton administration and a Democrat-controlled Congress, they made a very direct decision to cut these cost-effective eradication crop alternative and drug programs in source countries.

Actually, this chart shows the 1995–96, the period the new majority and Republicans took over, that we have begun to restore funds. If we use 1992 dollars in 1999, we are just about back to the 1995 levels.

The same thing happened in interdiction. Let me put this chart up if I may. Again, we are going to stop and think about this. It is a common sense approach. If they cannot produce drugs and we stop them at their source, we have stopped some of the supply. Now, the next most cost-effective way to stop illegal narcotics and a huge supply from reaching our streets is simple. It is to stop it as it is leaving the source where it is produced. That can be very cost-effectively done, as the Reagan administration demonstrated and the Bush administration, with interdiction programs.

We brought the military into the process in the 1980's, not for our military to be law enforcement officers, not for them to conduct combat against illegal narcotics traffickers, but to provide surveillance intelligence information.

Now, first of all we have to realize that our military is conducting this around the world all the time. I must admit some of our resources have been strained to the limit because this President has deployed more forces in various deployments throughout the world than probably any President in the history of the Nation. But in any event, we have in this arena for the most part military, and we have resources in this area. So what they have been supplying is intelligence, surveillance, and information. That is the interdiction program heart and soul.

Now, again, using the military in this fashion, again, 1993, we see a dramatic reduction. In fact, a 50 percent slash. This GAO report which I will cite tonight details even more what took place. It is pretty startling what took place about taking the military and our assets out of this effort.

Again, if we look back here in the Republican administration actually, the Republican control of the House of Representatives and the other body in 1995–96, we began to restore the funds. And, again, because of 1992 dollars versus 1999 dollars, we are just about back at those levels. But, in fact, it has been very difficult to put together those resources. Again, in interdiction programs also with a Department of Defense, which this report outlines that has not really been willing to cooperate, and an administration, starting with the Commander in Chief who has not wanted to conduct a real cost-effective and targeted war on illegal narcotics.

So, again, stopping drugs at the source is most cost-effective, and then the second most cost-effective thing is getting the drugs as they are coming from the source. What is interesting too is that practice, and what I am talking about in interdiction really does not require forces of the United States to go after these. These would be primarily giving intelligence and working in a cooperative international effort with countries like Bolivia, Peru, and Colombia where the heroin and cocaine is produced. We then allow them, and they have, except where the administration has blocked the information and the intelligence, gone after the drug traffickers, in some cases shot them down or had the information and the surveillance fed to them so that they could cost effectively go after drugs as they came from the source but before they reached our border.

Now, this administration has picked the least cost-effective way of going after the war on drugs in my opinion. In 1992 or 1993, they began an effort to, in fact, put most of our war on drugs in the treatment category. Most of the expenditures from the Congress were dedicated or redirected towards treatment. Now, treatment by itself is very necessary, but alone it will not solve the problem. And it is very costly and sometimes fairly ineffective, particularly public sponsored treatment programs which have a 60 to 70 percent failure rate.

I compare this a little bit, if one is going to conduct a war, they target the source, which was not done by the Clinton administration. Then one tries to get at the target as the destruction comes from the source, which is interdiction. This method of the Clinton administration has been pretty much just treating the wounded in the battle, and that is those who were afflicted by illegal narcotics.

In fact, we have almost doubled since 1993 the amount of money for treatment. Now, the President also came up with his 100,000 cops on the street and put the Congress in a bind to fund those. We have funded those. I submit tonight that that is probably one of the most costly approaches to fighting this war on drugs. And we can continue to put cops on the street, it can be effective. Tough enforcement can be very effective. But it is a costly way of doing it, as opposed to putting a few dollars at the source country to stop drugs before they ever get to the street.

The difficulty is once they reach our borders, illegal narcotics, it is almost impossible for all the law enforcement agencies at every level, whether it is local, State or national, to get all the drugs; particularly in the huge quantities that are coming across our borders, again, because the drugs have not been stopped at their source.

So there has been, in my estimation, a major flaw in the whole strategy of the Clinton administration and really a misappropriation of resources in this effort. The results are pretty dramatic. In fact, let me leave this interdiction chart up here. Let me show here the long-term trend and lifetime prevalence of heroin use. As we see in the Reagan and Bush administration, there is some activity here and a decline, activity, and a decline. With the institution of the Clinton-Gore policy in 1992–93 here, this is where it would take effect, we see a dramatic rise in the prevalence of heroin use.

It is amazing how this chart, if we took it and had an overlay of the previous two charts, would show, again, the failure of the current drug policy of this administration.

□ 2045

That is probably why President Clinton did not want to talk about it the other night when he came before the Congress. We see here a slight decline, and that is with the advent of a Republican-controlled policy and the beginning of our trying to get resources back in place.

One of the problems we have here is the Clinton administration blocking assistance to Colombia. It was their policy that got us into a situation where the President next week is going to make a request to the Congress for $1.5 or $1.6 billion. Now, he sort of mumbled over the situation in Colombia, but Colombia, in his term of office, has become the major producer of cocaine and heroin.

Again, in 1992–1993, there was almost no coca production in Colombia. Almost no heroin production. Almost zip in Colombia. And what the President did through very direct actions, and I will be glad to detail them for the House of Representatives, he actually began the increase of heroin and cocaine production in Colombia.

The first step was in 1994. And having served in the House of Representatives during the 1993–1994 period, let me detail what took place. I served on the committee that oversaw drug policy. I was in the minority at that time. I personally requested and had 130-plus Members, Republicans and Democrats, request a hearing on this change that the Clinton administration had made, on the Clinton's so-called drug policy, the changes that were made. Because I saw then the beginning of a disaster. That request was ignored. One hearing was held. One hearing specifically on the drug policy. There were cursory hearings on the budget items.

In contrast, when the Republicans took control of the House of Representatives, we held dozens and dozens of hearings, both under Mr. Zeliff, who chaired the subcommittee with drug policy responsibility, and then under the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House and former chairman who was involved in restarting most of the anti-narcotics effort in the Congress, and particularly in the House of Representatives as chair of that subcommittee.

But the first step in this disaster and how we were going to end up, the taxpayers of this country, with a $15.5, $1.6 billion next week, is that on May 1, 1994, the sharing of drug trafficking intelligence and information with the governments of Peru and Colombia ceased. This was a, and I am sorry to put this into the RECORD, but a cockamamie plan and decision by the administration and out of the Department of Defense under the Clinton administration, that we would cease sharing intelligence information with Colombia.

Actually, this raised the ire on both sides of the aisle. And I remember meeting the President at the Hemispheric Conference in Miami. He was inundated by protest from Members on both sides of the aisle, and in a closed-door meeting he said he did not know that this had taken place. In fact, the administration fought us in trying to restart this effort, claiming they needed additional legislative authority.

And I might say that the House of Representatives and the Congress did act. And a GAO report in May of 1994 said the decision of the administration to not share this information with Colombia made life easier for drug traffickers. But Congress did step in, passed a law that would require the administration to provide intelligence and information. And even then, after that took place and the damage that was done from that, the administration continued to block aid and assistance to Colombia.

Incidentally, in January of 1995, under heavy pressure from both Democrats and Republicans, the intelligence sharing was resumed. The problem was again in actions by the administration, this administration, to cut off assistance to Colombia so it could effectively bring a halt to narcotics trafficking and narcoterrorism in its country.

In 1995 to 1996, I remember writing a request to the administration and to others to try to get aid to that country. In 1997, critically needed law enforcement assistance, such as helicopters, to replace those shot down; defensive ammunition and ballistic protective equipment was delayed by the Department of Defense.

I also brought, and was able to find, a letter dated August 25, 1994, asking the then drug czar to respond to Mr. Clinger about information, intelligence sharing, with the governments of Colombia. And this was in response to protests from Congress about the policy that the administration had adopted dealing with providing that needed intelligence information to Colombia. I just thought it was interesting that we have good documentation of showing exactly how this administration and various agencies thwarted every attempt of the Congress and request of the Congress to get needed critical equipment to Colombia.

Unfortunately, the policy of decertifying Colombia as not participating in the war on drugs was inappropriately handled by the administration. Having dealt in the development of that law in the 1980s, there is a provision in decertification law to allow the President, when they consider whether a country should be eligible for aid and assistance, to grant a national interest waiver so that assistance, such as counternarcotics aid, can get to that country. The administration failed to implement the waiver and kept any type of assistance in the war on drugs from reaching Colombia during a critical period.

So first we take away information sharing up to 1995, and then from 1995 into 1998 we decertify Colombia and not make it eligible in a manner that could be done with a waiver to get aid and assistance so they could find narcoterrorism and drug production and trafficking in that country. The results are absolutely incredible.

As I said, now we have 65 to 75 percent of the heroin that enters the United States coming from Colombia. We have a majority of the cocaine produced in Colombia today. And again, some 6 or 7 years ago Colombia was not even in the production business of either of these hard narcotics.

Tonight I wanted to focus on a report that I requested, and requested it last year with the Senate caucus chairman on International Narcotics Control, the Honorable CHARLES GRASSLEY. This report, prepared by the GAO, details exactly what we suspected about this administration's policy. The GAO report is entitled "Assets DOD Contributes to Reducing the Illegal Drug Supply Have Declined."

The report details some of that decline, and again the Clinton administration's dismantling of anything that could be termed even close to a war on drugs. The report states, in fact on page 4, the number of flight hours dedicated to detecting and monitoring illicit drug shipments declined from approximately 46,000 to 15,000, or a 68 percent decline from 1992 through 1999. Likewise, the GAO report says that the number of shipped days declined from about 4,800 to 1,800, or 62 percent over the same period.

Again, this report details a dismantling of any type of an effort that might even be termed close to a war on drugs. The decline in DOD assets that DOD uses to carry out its counter-drug responsibility is, according to this report, due to a lower priority assigned to the counter-drug mission and, secondly, they say, to reduction in defense budgets and force levels.

Now, I might say that most of the reductions, and we looked at the interdiction, most of the reductions to the war on drug effort were instituted in 1993–1994 by a Democrat-controlled Congress. Only in the last several years have we been able to up the spending in the defense category. And even some of the money that we have appropriated for anti-narcotics efforts has been diverted, according to this report. And even some of the assets have been diverted to other deployments, according to this report, such as Kosovo, Haiti, and other activities directed by the President.

The GAO report also is very critical of DOD's really basic activities or commitments in the war on drugs. It says that DOD has failed to develop measures to assess the effectiveness of its counter-drug activities and recommends that such a system of measuring the effectiveness of its counter-drug activities be instituted.

DOD officials noted that the level of counter-drug assets will continue to be restrained by DOD's requirement to satisfy other priorities. So basically, drugs have not become a priority.

It is also interesting to see the results of the change in policy by the administration. And again I just want to show what has taken place since 1980 with Ronald Reagan and the long-term trend in lifetime prevalence of drug use. In the 1980s we see the beginning of a decline down through the end of President Reagan's term, and on down to a bottom when President Bush left office. The policy adopted by this administration, back again in 1993, with the election of President Clinton and Vice President Gore, shows a steep return to the prevalence of drug use. And this is lifetime drug use.

If we took this chart and just showed our youth, the statistics are even more dramatic.

□ 2100

Now, this report that again I bring before the House tonight, the GAO report on the decline of our military assets in the war on drugs, has some startling information and comments. I want to take them right out of the report.

According to General Wilhelm, and General Wilhelm is the general in charge of SOUTHCOM, SOUTHCOM is the Southern Command, which is in charge really of this surveillance operation, the detection and interdiction effort. According to General Wilhelm, the Southern Command commander, the Command can only detect and monitor 15 percent of key routes in the overall drug trafficking area about 15 percent of the time. And this is in the report, and I met with General Wilhelm during the recess and he confirmed this statement.

What is even of greater concern and should be a concern to every Member of Congress and every American citizen is not only have they closed down any semblance of the war on drugs and cost-effectively dismantled interdiction and we are down to this capability, but even as this report was written, we had the further damage done to this whole effort by the United States last May being dislodged from Howard Air Force base in Panama.

Almost all of the operations for forward surveillance and forward operating locations in the war on drugs is located at Howard Air Force Base in Panama. All flights ceased last May 1. So we have had an incredible gap left wide.

That is why we continue to see incredible amounts of heroin. And this is not the heroin of the 1980s that was 10 percent pure. This is the heroin of the 1990s that is now 70 and 80 percent pure. That is why we continue to see the death and destruction that we see.

I come from an area that has had heroin overdose deaths, particularly among its young people, that now exceed the homicides in Central Florida. And I represent one of the most prosperous, well-educated districts in the Nation. So we have seen an incredible number of deaths.

I met with local law enforcement officials and particularly the High Intensity Drug Traffic Area Group that I helped establish to deal with this problem of, again, drugs coming into our region in Central Florida. I met with them during the recess, and I was stunned to hear their commentary that the deaths have basically leveled out. We have still a record number of deaths but they have leveled out some. But the overdoses continue to explode.

The only reason that the deaths are not greater in my area and other areas is that medical emergency treatment has become better in helping save young lives and people who suffer from drug overdose. That is sort of a sad commentary that we have even more overdoses, and the only way that we are really making any slight progress is through additional and swifter and better medical treatment for overdose folks.

But if my colleagues want to know where the illegal narcotics are coming from, this basically says that the war on drugs was closed down in 1993 by the Clinton administration. It does not paint a very pretty picture and I know that people are not happy to see this by the commander of our Southern Command who is in charge of that effort, but that basically is what has taken place.

The report is even more disturbing in that in this chart we conducted a hearing the morning of the President's State of the Union address on January 27 and had DOD, the Coast Guard, and U.S. Customs come in, whose activities are also detailed in this record, but we use this chart and it is taken right from the report again and it shows that in the blue here it shows the requested assets of the Department of Defense by SOUTHCOM.

So our commander who is in charge of the interdiction, the important part of keeping drugs from our shores, requested, and these are his requests in blue and part of the graph here in red is what asset he received from DOD.

So we see the requests here again in blue and the red is actually what he got. This is even more disheartening because Congress has put more money into defense and defense in this administration are providing fewer and fewer assets in the war on drugs.

Now, I take great exception to anyone who tells me that the war on drugs is a failure. Because the war on drugs, and I can bring back the chart of the Clinton administration and the Bush-Reagan administration, here, my colleagues, is the failure. It is very evident. This details exactly what took place. That is the failure. And how in heaven's name can Congress appropriate additional money to DOD, and we have appropriated some of the first increases since again the fall of communism and the Berlin Wall to defense.

Now, I know a lot of that has been diverted to Kosovo, Bosnia, Haiti, and Somalia, but even in this scenario it is just unbelievable that very few assets and the policy of this administration has diverted assets again from this effort.

Now they are coming forward with an emergency appropriation for Colombia. The situation in Colombia, as I said, was really generated by direct policy decisions of this administration, and we are now going to pay for them in a very big way with a very big tab. But this shows again the lack of putting any real cost-effective method of fighting illegal narcotics.

This chart, and I will hold it up for just a minute, shows the decline in the assets that DOD contributes to reducing illegal drugs. And in this chart, this center red here shows DOD decline. A little bit of the slack has been taken up since 1995 by the Coast Guard, which is in this line, I believe it is green, you are dealing with a color blind Member of Congress; and this blue line here is the total assets contributed.

So some of the slack has been taken up by the Coast Guard and also by U.S. Customs. That is the only reason things are not even worse today even with the commitment that the new majority has made since 1995 in the war on drugs.

And again this is the result of what we see today. And these are the latest statistics on heroin. This is provided to me by DEA, our Drug Enforcement Agency, and they can tell us because of scientific analysis, just like DNA analysis, where heroin is coming from. We know South America, and this is all Colombia, 65 to 70 percent is coming from there.

What is scary here is the chart I got from 1997 shows Mexico, which again in the early 1990s was a very, very small producer of heroin, is now a 17-percent producer. And that is also I think directly as a result of this administration's policy of give Mexico every possible trade benefit, give Mexico every possible financial benefit, give Mexico access to our financial and international assistance programs, and get nothing in return.

And what we have gotten in return is an increase in heroin produced in that country. And then southeast Asia produces about 14 percent. But the bulk of the heroin that we have seen that is flooding into our streets and our communities, and we have to remember that this red portion would not even have appeared in the early 1990s has been as a direct result of not targeting, going after, the source of illegal narcotics and again in a very cost effective way.

Now, you may say can that be effective. Let me say, since 1995 when we took over, I went with Mr. Zeliff and then also with the gentleman from Illinois (Mr. HASTERT) who chaired this subcommittee into Peru and Bolivia. We met with President Fujimori, we met with Hugo Banzer Suarez and other leaders of those countries and asked what will it take to reduce cocaine production. And we got small amounts of money, it is almost insignificant in the amounts of money that we are spending and the impact on our economy, but somewhere between $20 million or $40 million out of $178 billion to those countries.

In 2 years of work and 2 years of planning, we have been able to reduce the cocaine production in Bolivia by 53 percent and by almost 60 percent in Peru, which is absolutely remarkable. So very little money has helped curtail that.

Now, there is one problem that we have seen, and in fact that is production of cocaine, and this is from one of the newspapers just a few days ago, January 19 in an Associated Press, "Cocaine Production Surges in Colombia."

Why is it surging in Colombia? Because the resources that Colombia has requested still have not gotten to Colombia, the resources that this Congress appropriated to Colombia. We appropriated $300 million to Colombia in the last fiscal year, which ended in December. We are into October in a new fiscal year.

To date, this administration has continued to block or bungle getting aid to Colombia. The record is just unbelievable.

Now, my colleagues may have heard that Colombia is now the third largest recipient of United States foreign assistance. Well, that would be all well and great and factual if they got that money. But, in fact, the record of this administration in blocking and thwarting and bungling getting aid to Colombia is just unbelievable.

Our hearing helped detail some of that. Our closed-door meetings with the Department of Defense, Department of State and other agencies indicated a horrible job and failure in getting assistance there.

Let us take a minute and look at what has happened with the $300 million that Congress appropriated in the past fiscal year. Where is that money? Less than $100 million, a third of that, is actually in Colombia today. Most of $100 million, or one-third of that, is in the form of three Blackhawk helicopters.

It is absolutely unbelievable. It is mind boggling. Every Member of Congress should be contacting the Department of State tomorrow and asking why those helicopters that we have given to and asked for for 3 or 4 years and finally gotten down to Colombia late last fall are still not flying because they do not have protective armor, they do not have ammunition to even conduct combat or participate in the war on drugs.

□ 2115

What an incredible bungling. We did not hear anything about that from the President when he spoke at the podium last week. We will not hear about that next week when the President asks for $1.5 or $1.6 billion of hard-earned taxpayer money. We will not also hear the incredible story, I do not have this totally documented but I am told by staff that during the holidays when everyone was concerned about the terrorist threat and everything, that the ammunition that was to be delivered years ago and requested and appropriated partly through the $300 million and even promised before that as surplus material for the war on drugs to Colombia, the ammunition was delivered to the back door loading dock of the State Department. This in fact is not only the administration that closed down the war on drugs, this is the administration that bungled the war on drugs. I do not mind putting whatever resource we can cost effectively into these countries to combat illegal narcotics. But what an incredible fiasco to find out that the helicopters that we paid for still are not conducting a war on drugs, to find out they are not armed, to find out they are idled, to find out that the ammunition we have requested time and time again cannot even be delivered to the country in an orderly and timely fashion.

And what do we see? Cocaine production surges in Colombia. Now, I wonder why.

This report also details an incredible story about a request from the United States Ambassador to Peru. Now, that would be a Clinton appointee. The U.S. Ambassador to Peru on page 17 and 18 of this report warned in an October 1998 letter to the State Department that the reduction in air support could have a serious impact on the price of coca and coca production in Peru. Here we put in place a very cost-effective and effective program and we have gotten a 60 percent reduction in cocaine and coca production in Peru. The Ambassador asked for assistance and warned that the reduction that is detailed here, the reduction that this administration has directed basically taking us out of this effort is going to result in additional coca production. I was stunned to learn by information provided to me at the Southcom briefing in Miami by our leaders down there that for the first time they are now seeing an increase in production of cocaine and coca in Peru again. It is incredible that we cannot get minimal resources and cost-effective resources to the source countries to stop illegal narcotics production and then get the drugs before they get to our shores, interdict them and at least provide the intelligence and surveillance information to countries that have the will like President Fujimora who instituted a shootdown policy. The drug dealers go up and they shot them down. Some people did not want us to provide that information to the government of Peru. Some people said that was cruel and unusual punishment on those drug dealers. I would like to take those who believe that and let them talk to the mothers and fathers in my district that have lost a young person to drug overdose. I would like to take them to the 15,900 Americans who just in 1 year to their families, the survivors who have lost a loved one and see what they think about this failed policy.

I think it is also important to see what this policy has wrought on this Nation of late. Just during the recess in the last few days, there was a report, and actually this is from last week, this is January 27, ironically the same day the President stood a few feet from where I am now standing and talked to us about the State of the Union. He did not talk about the State of the Union in this headline: Drug Use Explodes in Rural America. Not only have our urban centers been decimated by illegal narcotics, not only has now our suburban area, the other parts of the country, and I represent a suburban area that had really not been victim here, but now, thanks to this great policy and this great failure, we have managed to make our rural areas a killing fields. The statistics are unbelievable. The percent of eighth graders who said they used a drug at least once, the highest percentage of this use in marijuana, cocaine, crack, heroin and amphetamines is now in our rural areas. We did not hear the President talk about that. Nor did we hear him talk about this failed policy. And now we know why, because the legacy of this administration to address the most serious social problem we face in our Nation, that is again destroying countless lives, that again is impacting our youth in every part of our country, metropolitan, suburban and now rural, we see why we have gotten ourselves into this situation by again failed policies.

It is nice to talk about who failed, and I do not want to be partisan in that, but I think people must be held accountable. I should also report that the Republican majority has begun to put this effort back together. We have begun to restore the cost-effective programs, the one I described in stopping cocaine production in Peru and Bolivia. We would like to restart it in Colombia, but we need an administration that is capable of at least delivering the resources to our allies in this effort and restarting a real war on drugs where the drugs are produced, where the drugs are coming from. Additionally, we have brought the Coast Guard back and United States customs and provided additional funding and resources. We are back up to the 1992–1993 funding levels for that.

Now, we know that just restarting interdiction and source country programs is not the answer. I had proposed legislation that would require our media and particularly those broadcast media, because I know television, radio impact our lives and particularly our young people, influence their opinion more than just about anything today. But I had proposed that they devote more of their time. In fact, we mandate that that time, public airtime be given to drug messages and not just at odd hours but throughout prime time. The President, of course, has had a different approach, which was spending, and he proposed expenditure and purchase of those. The compromise, and, of course, we must deal in a compromise situation to get anything done here because we have a great diversity and a very narrow majority, the compromise was a plan that combined my plan with the President's plan, and we have $1 billion appropriated for 3 years for drug education, we are 1 year into it, and the other part of the compromise was to have at least a match in donated time. We are 1 year into it. I am not real pleased with the beginning. I thought it was not a good start. Hopefully we will have even more effective drug and antinarcotics ads, education ads for our young people and adults, because it is important that education along with eradication, interdiction, enforcement and also treatment be part of a multifaceted approach.

I look forward to working with my colleagues and bringing that multifaceted approach. I am pleased to report again on this issue to the Congress and the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. Jackson-Lee of Texas (at the request of Mr. Gephardt) for today after 12 p.m. on account of family matters.

Mr. Larson (at the request of Mr. Gephardt) for January 31 on account of airport delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. McNulty) to revise and extend his remarks and include extraneous material:)

Mr. Kind, for 5 minutes, today.

(The following Members (at the request of Mr. Stearns) to revise and extend their remarks and include extraneous material:)

Mr. Jones of North Carolina, for 5 minutes, today and February 2.

Mr. Sweeney, for 5 minutes, February 8.

Mr. Metcalf, for 5 minutes, today.

Mr. Smith of Michigan, for 5 minutes, today and February 2.

Mr. Scarborough, for 5 minutes, today.

Mr. Kingston, at his own request, for 5 minutes, today.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 2, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5923. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Technical Amendments to FDIC Regulations Relating to Rules of Practice and Procedure and Deposit Insurance Coverage (RIN: 3064-AC30) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5924. A letter from the Director, Office of Thrift Supervision, transmitting the annual report on the national flood insurance program, pursuant to Public Law 103-325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

5925. A letter from the Secretary of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for fiscal year 1999, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

5926. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the quality of ground water in the nation and the effectiveness of state ground water protection programs; to the Committee on Commerce.

5927. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Irradiation in the Production, Processing, and Handling of Food [Docket No. 94F-0455] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5928. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Revocation of Cardiac Pacemaker Registry [Docket No. 85N-0322] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5929. A letter from the Inspector General, Corporation for National Service, transmitting Results of audits conducted by the Office of Inspector General and the Corporation's Report of Final Action, pursuant to 5 app; to the Committee on Government Reform.

5930. A letter from the Office of the Chairman, Panama Canal Commission, transmitting the semiannual report for the period April 1, 1999 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5931. A letter from the Secretary of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period April 1, 1999 through September 30, 1999, pursuant to 5 app.; to the Committee on Government Reform.

5932. A letter from the Assistant Attorney General, Department of Justice, transmitting the report entitled "Entry into the United States of Salvador Generals Jose Guillermo Garcia Merino and Carlos Eugenio Vides Casanova"; to the Committee on the Judiciary.

5933. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of the Army, transmitting notification of plans to implement the project through the normal budget process; (H. Doc. No. 106-185); to the Committee on Transportation and Infrastructure and ordered to be printed.

5934. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of the Army, transmitting notification of plans to implement the project through the normal budget process; (H. Doc. No. 106-186); to the Committee on Transportation and Infrastructure and ordered to be printed.

5935. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of the Army, transmitting the authorization and plans to implement the project through the normal budget process; (H. Doc. No. 106-188); to the Committee on Transportation and Infrastructure and ordered to be printed.

5936. A letter from the the Assistant Secretary of the Army, Civil Works, the Department of Army, transmitting notification of plans to implement the project through the normal budget process; (H. Doc. No. 106-184); to the Committee on Transportation and Infrastructure and ordered to be printed.

5937. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule—Domestic Baggage Liability [Docket No. OST-1996-1340, formerly Docket 41690] (RIN: 2105-AC07) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5938. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Gas and Hazardous Liquid Pipeline Repair [Docket No. RSPA-98-4733; Amdt. 192-88; 195-68] (RIN: 2137-AD25) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5939. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace and establishment of Class E Airspace; Dayton, Wright-Patterson AFB, OH [Airspace Docket No. 99-AGL-50] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Alice, TX [Airspace Docket No. 99-ASW-23] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5941. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Fulton, MS [Airspace Docket No. 99-ASO-22] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Mineral Wells, TX [Airspace Docket No. 99-ASW-20] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Georgetown, TX [Airspace Docket No. 99-ASW-18] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5944. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Corpus Christi, TX [Airspace Docket No. 99-ASW-22] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Falfurrias, TX [Airspace Docket No. 99-ASW-21] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5946. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Standard Measurement System Exemption from Gross Tonnage [USCG-1999-5118] (RIN: 2115-AF76) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5947. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS: BellSouth Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida [CGD07-99-082] (RIN: 2115-AE46) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5948. A letter from the The American Legion, transmitting the proceedings of the 81th National Convention of the American Legion, held in Anaheim, California from September 7, 8 and 9, 1999 as well as a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 106-187); to the Committee on Veterans' Affairs and ordered to be printed.

5949. A letter from the Director, Statutory Import Programs Staff, Department of Commerce, transmitting the Department's final rule—Extended Production Incentive Benefits to Jewelry Manufacturers in the U.S. Insular Possessions [Docket No. 990813222-9309-02] (RIN: 0625-AA55) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 412. Resolution providing for consideration of the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business (Rept. 106-491). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BILBRAY (for himself and Mr. LIPINSKI):

H.R. 3561. A bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA:

H.R. 3562. A bill to amend title 37, United States Code, to authorize the Secretary of

Defense to set the rates for the basic allowance for housing for members of the uniformed services based on the costs to members for adequate housing and to remove the limitation on the total amount of all such allowances that may be paid in a fiscal year; to the Committee on Armed Services.

By Mr. BLAGOJEVICH:

H.R. 3563. A bill to prevent the theft of firearms from commercial carriers; to the Committee on the Judiciary.

By Mr. ISAKSON:

H.R. 3564. A bill to amend chapter 11 of title 31, United States Code, to include projected 3 percent cuts in the budget of each department or agency of the Government within the President's annual budget submission; to the Committee on the Budget.

By Mr. NETHERCUTT:

H.R. 3565. A bill to amend title 10, United States Code, to provide that covered beneficiaries under chapter 55 of such title shall not be required to pay a copayment for health care services received under TRICARE Prime; to the Committee on Armed Services.

By Mr. SHUSTER (for himself, Mr. Oberstar, Mr. Boehlert, and Mr. Borski):

H.R. 3566. A bill to provide off-budget treatment for the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EWING (for himself, Mr. Stump, Mr. Young of Florida, Mr. Spence, Ms. Baldwin, Mr. Rogan, Mr. LaTourette, Mr. Smith of New Jersey, Mr. Abercrombie, Mr. Frelinghuysen, Mr. Gallegly, Mrs. Meek of Florida, Mr. Murtha, Mr. Foley, Mr. Shows, Mr. Cramer, Mr. Boehlert, Mr. Oberstar, Mr. Spratt, Mr. Largent, Mr. Lampson, Mr. Herger, Mr. Gibbons, Mr. Doyle, Mr. Deal of Georgia, Mr. John, Mr. Franks of New Jersey, Mr. Gutierrez, Mrs. Emerson, Mr. Packard, Mr. McHugh, Mr. Miller of Florida, Mr. Goode, Mr. Sweeney, Ms. Danner, Mr. Wamp, Mr. Kennedy of Rhode Island, Mrs. Mink of Hawaii, Mr. Obey, Mr. Mica, Mr. Dixon, Mr. Jenkins, Mr. Hinchey, Mr. Forbes, Mr. Rahall, Mr. Filner, Mr. Walsh, Mr. Peterson of Minnesota, Mr. Rohrabacher, Mr. Bachus, Mr. Wexler, Mr. Goss, Ms. Roybal-Allard, Mr. Thompson of California, Mrs. Morella, Mr. Stearns, Mr. Lucas of Oklahoma, Mr. LoBiondo, Mr. Skelton, Mr. Traficant, Mr. Lipinski, Mr. Bonilla, Mr. Buyer, Mr. Romero-Barceló, Mrs. Jones of Ohio, Mr. Bilbray, Mr. Hefley, Mr. Borski, Mr. Evans, Mr. Bartlett of Maryland, Mr. Underwood, Mr. Oxley, Mr. McGovern, Mr. Watts of Oklahoma, Mr. Baker, Mr. Pickering, Mr. Capuano, Mr. Owens, Mr. Pascrell, Mr. Frost, Mr. Cunningham, Mrs. Napolitano, Mr. Metcalf, Mr. Barrett of Nebraska, Mr. Rangel, Mr. Martinez, Mr. Coble, Mr. Weiner, Ms. Kaptur, Mr. Shimkus, Mr. Stenholm, Mr. Farr of California, Mr. Condit, Mr. Gejdenson, Mr. Pomeroy, Mr. Matsui, Mr. Shays, Mr. Blagojevich, Mr. Mascara, Mr. Meehan, Mr. Sam Johnson of Texas, Mr. Tancredo, Mr. LaHood, Mr. Riley, Mrs. Kelly, Mr. Dingell, Mr. Conyers, Mr. Smith of Texas, Mr. King, Ms. Eshoo, Mr. Bilirakis, Ms. Brown of Florida, Mr. Mollohan, Mr. Visclosky, Mr. Wolf, Mr. Leach, Mrs. Capps, Mr. Terry, Mr. Lewis of California, Mr. Toomey, Mr. Stupak, Mr. Cooksey, Mr. Sawyer, Mr. Castle, Mr. Waxman, Mr. Norwood, Mr. McNulty, Mr. Hobson, Mr. Payne, Mr. Moore, Mr. Kingston, Ms. Granger, Mrs. McCarthy of New York, Mr. Hall of Ohio, Mr. Pickett, Mr. Hansen, Mr. Horn, Mr. Kuykendall, Mr. Moran of Virginia, Mrs. Myrick, Mr. Green of Texas, Mr. Snyder, Mr. Hutchinson, Mr. Taylor of North Carolina, Ms. Carson, Mr. Talent, Mr. McIntyre, Mr. Inslee, Mr. DeLay, Mr. Ford, Mr. Armey, Mr. Delahunt, Mr. Ryan of Wisconsin, Mr. Reyes, Mr. Schaffer, Mr. Lucas of Kentucky, Mr. Gutknecht, Mr. Sisisky, Ms. Hooley of Oregon, Mr. Pallone, Mrs. Biggert, Mrs. Wilson, Mr. DeMint, Mrs. Clayton, Mr. Thune, Mr. Rush, Mr. Manzullo, Mrs. Northup, Mr. Green of Wisconsin, Mrs. Fowler, Mr. Hoyer, Mr. Ehrlich, and Mr. Gekas):

H.J. Res. 86. A joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes; to the Committee on Armed Services.

By Mr. JENKINS:

H. Con. Res. 245. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 764; considered and agreed to.

By Mr. KUYKENDALL:

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress regarding elimination of the portion of the national debt held by the public by 2015 or earlier; to the Committee on Ways and Means.

By Mr. WATTS of Oklahoma:

H. Res. 410. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FROST:

H. Res. 411. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 113: Mr. Hall of Texas.

H.R. 175: Mr. Hastings of Washington.

H.R. 355: Mr. Kuykendall.

H.R. 460: Mr. Stupak and Mr. Hinchey.

H.R. 531: Mr. Gillmor.

H.R. 583: Mr. Price of North Carolina and Mr. Shows.

H.R. 623: Mr. Weldon of Florida and Mr. Boehner.

H.R. 670: Mr. Hoekstra and Mr. Mollohan.

H.R. 688: Mr. Toomey.

H.R. 721: Mr. Burton of Indiana and Ms. DeLauro.

H.R. 802: Mr. Lampson.

H.R. 809: Mr. Moran of Virginia and Mr. Walsh.

H.R. 826: Mr. Holt and Mr. LaFalce.

H.R. 827: Mr. Lampson.

H.R. 860: Ms. DeLauro.

H.R. 900: Mr. Diaz-Balart.

H.R. 923: Mr. McIntyre, Mr. Shimkus, and Mr. Pallone.

H.R. 937: Mr. Baker.

H.R. 959: Mr. Wu.

H.R. 1032: Mr. Kolbe.

H.R. 1046: Mr. Crowley, Mrs. Wilson, Mr. Pallone, Mr. Martinez, Mr. Evans, and Mr. Gejdenson.

H.R. 1093: Mr. John.

H.R. 1130: Mr. Hall of Ohio and Mr. Thompson of California.

H.R. 1172: Mr. Frelinghuysen and Mr. Chabot.

H.R. 1260: Ms. Lee.

H.R. 1304: Mr. Sawyer and Mr. Rangel.

H.R. 1313: Mr. DeFazio, Mr. Nadler and Mr. Capuano.

H.R. 1387: Mr. Ewing.

H.R. 1450: Mr. Lampson.

H.R. 1488: Mr. Evans and Mr. Hall of Texas.

H.R. 1592: Mr. Reyes, Mr. Dingell, and Mr. Ganske.

H.R. 1625: Mr. Matsui, Mr. Nadler, Mr. Martinez, Mr. Conyers, and Mr. Hall of Ohio.

H.R. 1760: Mr. Upton, Ms. DeLauro, and Mr. McIntyre.

H.R. 1793: Mr. Baca.

H.R. 1917: Mr. Lampson.

H.R. 1933: Mr. Shadegg, Mr. Shays, and Mr. Lipinski.

H.R. 2059: Mr. Hutchinson, Mr. Rahall, and Mr. Metcalf.

H.R. 2166: Mr. Ackerman and Mr. Nadler.

H.R. 2192: Mr. Kennedy of Rhode Island.

H.R. 2282: Mr. Vitter, Mr. Dickey, and Mr. Isakson.

H.R. 2298: Mr. Sabo.

H.R. 2345: Ms. Lee, Ms. Rivers, and Mr. Gutierrez.

H.R. 2372: Mr. Jenkins.

H.R. 2463: Mr. Udall of New Mexico.

H.R. 2620: Mrs. Maloney of New York, Mr. Smith of Texas, Mr. Thornberry, and Mr. Kuykendall.

H.R. 2631: Mr. Conyers.

H.R. 2645: Mr. Davis of Illinois.

H.R. 2655: Mr. Hefley.

H.R. 2680: Mr. Olver.

H.R. 2686: Mr. Moran of Virginia.

H.R. 2697: Mrs. Kelly.

H.R. 2706: Mr. Gutierrez.

H.R. 2749: Mr. Kuykendall.

H.R. 2750: Mr. Salmon.

H.R. 2812: Mr. English, Mr. Pastor, Mr. Meeks of New York, Mr. Clyburn, and Mrs. Christensen.

H.R. 2867: Mr. Gallegly.

H.R. 2870: Mr. McDermott.

H.R. 2945: Ms. Lee, Mr. Price of North Carolina, Mr. Stark, Mr. Upton, Mr. Cunningham, Mr. Gejdenson, Mr. Berman, Mr. DeFazio, Mrs. Lowey, Mr. Kennedy of Rhode Island, Mr. Wynn, and Ms. Eshoo.

H.R. 2947: Mr. Minge, Mr. Tierney, Mr. Walden of Oregon, Ms. Hooley of Oregon, and Ms. Baldwin.

H.R. 2966: Mr. Radanovich, Mr. Bachus, Mr. Bilirakis, and Mr. Watt of North Carolina.

H.R. 2992: Mr. Campbell.

H.R. 3103: Mr. Matsui.

H.R. 3136: Mr. Farr of California.

H.R. 3144: Mr. Barcia.

H.R. 3161: Mr. Boucher.

H.R. 3174: Mr. Hobson, Mr. Stump, and Mr. Burton of Indiana.

H.R. 3180: Ms. Rivers, Ms. Woolsey, Mr. LaTourette, Mr. Gejdenson, Mr. Ewing, and Mr. Strickland.

H.R. 3193: Mr. Inslee, Mr. Oberstar, Mr. Kleczka, Mr. Moore, Mr. Delahunt, Mr. Foley, and Mr. Rangel.

H.R. 3195: Mr. WAXMAN, Mr. POMEROY, Mr. OWENS, Mr. ROMERO-BARCELÓ, Mr. HASTINGS of Washington, Ms. KILPATRICK, Mr. BENTSEN, Mr. KUCINICH, Mr. STENHOLM, and Mr. LAHOOD.

H.R. 3222: Mr. BLUNT.

H.R. 3278: Mr. PRICE of North Carolina and Mrs. MYRICK.

H.R. 3293: Mr. WEINER, Mr. PICKERING, Mrs. JOHNSON of Connecticut, Mr. QUINN, Mr. SKELTON, and Mr. CAMP.

H.R. 3329: Mr. LANTOS and Mr. FRANKS of New Jersey.

H.R. 3377: Mr. LATOURETTE, Mr. PALLONE, Mr. OLVER, Mr. MOAKLEY, Mr. MARKEY, Mr. UDALL of Colorado, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. NADLER, Mr. MCGOVERN, Mr. WYNN, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. DELAHUNT, Ms. MCKINNEY, Mr. BARRETT of Wisconsin, and Mr. CLAY.

H.R. 3405: Mr. TANCREDO, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. GUTIERREZ, Mr. SPRATT, Mr. BORSKI, Mr. FROST, Mr. ACKERMAN, Mr. TRAFICANT, Mrs. MORELLA, Mr. BURTON of Indiana, Mr. PASCRELL, Mr. FOLEY, Mr. PORTER, Mr. HASTINGS of Florida, Mr. DOYLE, Mr. SALMON, Mr. DIAZ-BALART, Mr. MCNULTY, Mr. WAXMAN, and Ms. BERKLEY.

H.R. 3420: Mr. HUTCHINSON and Mr. BACA.

H.R. 3439: Mr. COSTELLO, Mr. LATHAM, Mr. PHELPS, Ms. BERKLEY, Mr. HILL of Montana, Mr. DICKEY, and Mr. GALLEGLY.

H.R. 3520: Mr. CASTLE.

H.R. 3525: Ms. DUNN, Mr. BILIRAKIS, Mrs. EMERSON, Mr. GREEN of Wisconsin, and Mr. GEKAS.

H.R. 3530: Mr. BONILLA, Mr. MCINNIS, Mrs. MYRICK, Mr. GREENWOOD, Mr. HUTCHINSON, Mr. SOUDER, Mr. MCHUGH, Mr. PITTS, Mr. TOOMEY, Mrs. NORTHUP, and Mr. LARGENT.

H.R. 3539: Mr. HEFLEY.

H.R. 3540: Mr. SHIMKUS, Mr. GUTKNECHT, and Mr. SMITH of Washington.

H.R. 3546: Mr. EHRLICH, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mr. PASCRELL, Mr. BLUMENAUER, and Mr. MEEHAN.

H. Con. Res. 74: Mr. FARR of California and Mr. MARTINEZ.

H. Con. Res. 77: Ms. RIVERS.

H. Con. Res. 177: Ms. HOOLEY of Oregon, Mr. BERMAN, Ms. STABENOW, Mr. DAVIS of Illinois, and Mr. PRICE of North Carolina.

H. Con. Res. 209: Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. GIBBONS, Mr. FILNER, Mr. OXLEY, and Mr. HOLT.

H. Con. Res. 226: Mr. SHOWS, Mr. LATOURETTE, Mr. RAHALL, Mr. CROWLEY, Mr. SANDERS, Ms. DANNER, Mr. STRICKLAND, Mr. TIERNEY, Mr. STUPAK, Mr. BACA, Mr. FOLEY, Mr. RANGEL, and Mrs. EMERSON.

H. Con. Res. 238: Mr. STUPAK, Ms. BALDWIN, Mr. LUTHER, Mr. BONIOR, and Mr. KLECZKA.

H. Con. Res. 240: Mr. FARR of California, Mr. STENHOLM, Mr. OLVER, Mr. KLECZKA, Mr. CLAY, and Mr. COYNE.

H. Res. 347: Mr. TANCREDO, Mr. STUPAK, and Mr. DINGELL.

H. Res. 388: Mr. TANCREDO.

H. Res. 406: Mrs. MCCARTHY of New York.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 72: Mr. GALLEGLY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2005

OFFERED BY MR. CHABOT OF OHIO

AMENDMENT NO. 1: Page 2, strike lines 10 through 20 and insert the following:

(1) no civil action may be filed against the manufacturer or seller of a durable good for damage to property arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee; and

(2) no civil action may be filed against the manufacturer or seller of a durable good for damages for death or personal injury arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee and if—

H.R. 2005

OFFERED BY: MR. CHABOT

AMENDMENT NO. 2: 1. Page 2, strike lines 10 through 20 and insert the following:

(1) no civil action may be filed against the manufacturer or seller of a durable good for damage to property arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee;

(2) no civil action may be filed against the manufacturer or seller of a durable good for damages for death or personal injury arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee and if—

2. Page 2, line 14, delete the "." and insert "; and".

3. Page 2, insert after line 14 the following:

(3) subparagraph (a)(1) of this section does not supersede or modify any statutory or common law that authorizes an action for civil damages, cost recovery or any other form of relief for remediation of the environment as defined in section 101(8) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended (42 U.S.C. 9601(8)).

H.R. 2005

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 3, strike lines 15 through 19 and redesignate the succeeding subsection accordingly.

H.R. 2005

OFFERED BY: MR. TERRY

AMENDMENT NO. 4: Page 3, insert the following after line 14:

(4) PRODUCTS NOT STATE-OF-THE-ART.—This Act shall not apply in the case of a durable good that, at the time it was produced, was not state-of-the-art.

EXTENSIONS OF REMARKS

RECOGNIZING THE DUTY OF THE MARIANAS SCOUTS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. UNDERWOOD. Mr. Speaker, on January 31, 2000, a ceremony will take place in the Commonwealth of the Northern Mariana Islands honoring and recognizing the service of a small group of civilian men who, during WWII on the island of Saipan, willingly put themselves in harm's way to ensure that American soldiers could defeat the occupying Japanese military forces. Commonwealth of the Northern Mariana Islands Resident Representative, the Honorable Juan Babauta, has been key in making sure the sacrifice and service of these men are recognized by the United States. I commend Mr. Babauta for his persistence and wish to submit his statement honoring the "Marianas Scouts" for the RECORD.

AT LAST AMERICA REMEMBERS MARIANAS SCOUTS

They helped American Marines find their way on unfamiliar ground during one of World War II's fiercest battles. And once the Japanese-held island of Saipan was "secure" they continued to help: rooting out the hundreds of enemy soldiers who remained a menace, lurking in the dense jungle and hidden deep in limestone caves.

But when the fighting was finally over, the fifty Chamorro and Carolinian men who had volunteered to join the US military after the invasion of Saipan were forgotten by the US. They received no discharges, no campaign ribbons, none of the benefits accorded other US veterans. Only their families and friends remembered the valor of these "Marine Scouts."

On Monday, January 31, at least America will remember.

In a ceremony to be attended by Brigadier General R.E. Parker, Commanding General of the US Marine Corps Base in Hawaii and personal representative of Marine Corps Commandant General James L. Jones, the twenty-one surviving Scouts and the memory of those who have already passed on will finally receive the recognition they deserve.

General Parker will present the Scouts or their survivors with the ribbons and medals acknowledging service in the Asiatic-Pacific Campaign and commemorating Victory in the World War II. The men will also receive their official discharges at the rank of corporal.

The Marianas Campaign of 1944 was critical to the outcome of World War II. The fall of the Marianas led directly to the fall of the government in Tokyo, because now America was within bomber range of the Japanese home islands. That strategic significance was reflected in the ferocity of the fighting here and the tenacity of the Japanese defenders.

Even after the battle of Saipan was official over and the Japanese military command had surrendered, still there were hundreds of Japanese soldiers hidden in the dense jungle, squeezed into pockets of limestone in the hillsides. At night they materialized to harass; by day their sniper shots struck without warning. Americans continued to die.

The US Commander of the Military Government decided that local men, who best knew the local terrain and spoke Japanese, could best track down these holdouts.

Fifty Chamorros and Carolinians were selected and put under the command of the 6th Provisional Military Police Battalion. They were issued Marine Corps uniforms, trained to use rifles and grenades, and instructed in hand-to-hand fighting.

Once on duty, platoons of these local Marine Scouts, as they were known, combed Mt. Tapotchau, the hills of Laulau and Kagman, and the ridges of Marpi, exposing and capturing Japanese. The Scouts also took part in the American expeditions to round up the hundreds of Japanese troops on the islands of Pagan and Maug.

The service of these men of the Marianas saved American lives. But their service was never fully acknowledged.

It took six years of work, beginning with exhaustive research in military archives at the National Archives, the Marine Corps Historical Center, and the Naval Archives, through some 50,000 pages of war records and diaries, to uncover the few sentences attesting to the Scouts' service. For the men themselves had no paper record, only their memories.

Then, the materials had to be presented to the Department of Defense Civilian/Military Service Review Board for its scrutiny. On September 30, 1999, two years after the original submission, the decision came down:

"In accordance with the provisions of Public Law 95–202 and upon the recommendation of the Department of Defense Civilian/Military Service Review Board, the Secretary of the Air Force, acting as the Executive Agent of the Secretary of Defense, determines . . . the service of . . . three scouts/guides, Miguel Tenorio, Benedicto Taisacan, and Cristino Dela Cruz, who assisted the U.S. Marines in the offensive operations against the Japanese on the Northern Mariana Islands from 'June 19, 1994, through September 2, 1945,' shall be considered 'active duty' for purposes of all laws administered by the Department of Veterans Affairs.

"Additionally, the service of a group described as 'the approximately 50 Chamorro and Carolinian former, native policemen who received military training in the Donnay area of central Saipan and were placed under the command of Lt. Casino of the 6th Provisional Military Police Battalion to accompany United States Marines on active, combat-patrol activity from August 19, 1945, to September 2, 1945,' shall be considered 'active duty' for purposes of all laws administered by the Department of Veterans Affairs."

Now, on Janaury 31, the Scouts will receive their discharges, medals, and ribbons.

Among those who should be recognized for their efforts to make this day possible are: Mr. Joseph C. Reyes, President of the US Armed Forces Veterans Association in the Northern Marianas, who was tireless in pursuit of this goal; former members of the Northern Marianas Legislature Crispin I. Deleon Guerrero and Vicente C. Guerrero, who would not let our men be forgotten; both Joseph Palacios, the former Director of the CNMI Veterans Office, and Jesus C. Muna, the present Director, who have been most supportive; Mr. Pete Callahan, Commander of Veterans of Foreign Wars Post 3457, who helped mobilize national recognition; Senator Daniel Akaka of Hawaii, a vet himself, who weighed in with the Pentagon when we needed him; and the Northern Marianas Legislature, under the leadership of Speaker Diego T. Benavente and President Paul A. Manglona, which passed two resolutions on behalf of our World War II veterans, spurred to act by Representatives Frank G. Cepeda and David M. Apatang. Major Harry Blanco, should also be recognized; he extended PX privileges to the Scouts, even before they were declared to be vets; a much appreciated act of faith.

THE ROSTER OF SCOUTS

Ignacio Reyes Ada, Antonio M. Aguon, Antonio Angailen, Pedro SN. Attao, Santiago Miyasaki Babauta, Antonio Manahane Benavente, Juan V. Benavente, Daniel T. Borja, Gregorio Flores Borja, Gregorio Camacho Cabrera, Juan Camacho Cabrera, Albert S. Camacho, Lorenzo Tudela Camacho, Cristino S. Dela Cruz, Joaquin Duenas Dela Cruz, Bernardo C. Deleon Guerrero, Joaquin C. Deleon Guerrero, Jose S. Deleon Guerrero, Lorenzo Diaz Deleon Guerrero, Serafin Borja Kaipat, Juan Limes, Rafael C. Mafnas, Jose Blas Magofna, Miguel Blaz Magofna, Pedro Mettao, Nicolas Quidachai Muna, Francisco Nekai, Juan Quitugua Norita, Isidro Limes Ogarto, Francisco C. Palacios, Joaquin B. Pangelian, Juan San Nicolas Pangelian, Edward M. Peter, Jose Roberto Quitano, Benigno A. Rabauliman, Antonio T. Rogolofoi, Isidro R. Rogopes, Vicente T. Rosario, Ignacio Mangarero Sablan, Segundo Tudela Sablan, Herberto San Nicolas, Pedro F. Sakisat, Felipe Agulto Salas, Gofredo Aguon Sanchez, Juan A. Sanchez, Guillermo P. Saures, Felipe Mazinnis Seman, Juan Malus Tagabuel, Benedicto Satur Taisacan, Antonio Camacho Tenorio, Antonio P. Tenorio, Vicente Olaitiman Taman, Miguel Pangelinan Tenorio, Pedro Peter Teregeyo, and Manuel Seman Villagomez.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. WELLER. Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This month President Clinton gave his State of the Union Address outlining many of the things he will spend the budget surplus on. House Republicans want to preserve 100% of the Social Security surplus for Social Security and Medicare and use the non-Social Security surplus for paying down the debt and to bring fairness to the tax code.

A surplus provided by the bipartisan budget agreement which cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton parades a long list of new spending totaling $72 billion in new programs—we believe that a top priority after saving Social Security and paying down the national debt should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it's fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it's fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a years are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In mahy cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE

	Machinist	School Teacher	Couple	H.R. 6
Adjusted Gross Income	$31,500	$31,500	$63,000	$63,000
Less Personal Exemption and Standard Deduction	6,950	6,950	12,500	[1] 13,900
Taxable Income	24,550 (x .15)	24,550 (x. 15)	50,500 (Partial x.28)	49,100 (x.15
Tax Liability	$3,682.5	$3,682.5	$8,635	$7,365
Marriage Penalty			$1,270	
Relief				$1,270

[1] Singles times 2.

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of a downpayment on a house or a car, one year's tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, U.S. Representative DAVID MCINTOSH (R–IN) and U.S. Representative PAT DANNER (D–MO) and I have authored H.R. 6, the Marriage Tax Elimination Act.

H.R. 6, the Marriage Tax Elimination Act will increase the tax brackets (currently at 15% for the first $24,650 for singles, whereas married couples filing jointly pay 15% on the first $41,200 of their taxable income) to twice that enjoyed by singles; H.R. 6 would extend a married couple's 15% tax bracket to $49,300. Thus, married couples would enjoy an additional $8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to $1,215 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $6,900) to twice that of singles (currently at $4,150). Under H.R. 6 the standard deduction for married couples filing jointly would be increased to $8,300.

H.R. 6 enjoys the bipartisan support of 223 co-sponsors along with family groups, including: American Association of Christian Schools, American Family Association, Christian Coalition, Concerned Women for America, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Family Research Council, Home School Legal Defense Association, the National Association of Evangelicals and the Traditional Values Coalition.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentlemen, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority.

Speaker HASTERT and House Republicans have made eliminating the marriage tax penalty a top priority. In fact, we plan to move legislation in the next few weeks.

Last year, President Clinton and Vice-President GORE vetoed our efforts to eliminate the marriage tax penalty for almost 28 million married working people. The Republican effort would have provided about $120 billion in marriage tax relief. Unfortunately, President Clinton and Vice President GORE said they would rather spend the money on new government programs than eliminate the marriage tax penalty.

This year we ask President Clinton and Vice-President GORE to join with us and sign into law a stand alone bill to eliminate the marriage tax penalty.

Of all the challenges married couples face in providing home and health to America's children, the U.S. tax code should not be one of them.

The greatest accomplishment of the Republican Congress this past year was our success in protecting the Social Security Trust Fund and adopting a balanced budget that did not spend one dime of Social Security—the first balanced budget in over 30 years that did not raid Social Security.

Let's eliminate the Marriage Tax Penalty and do it now!

KOREAN WAR ANNIVERSARY

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. EVANS. Mr. Speaker, I am proud to join with TOM EWING, my colleague from Illinois, as an original cosponsor of this legislation recognizing the 50th anniversary of the Korean war.

On June 25, 1950, Communist North Korea initiated the conflict by invading South Korea with approximately 135,000 troops. President Harry S. Truman and the United Nations drew a line in the sand, committing ground, air, and naval forces. Approximately 5,720,000 members of the Armed Forces served during the Korean war. These men and women deserve our gratitude and respect.

Unfortunately, there was a time when people referred to the Korean war as the Forgotten War. The decisive struggles of this century have been the wars against totalitarianism. The World War II generation faced the Axis powers with honor and great courage. That same honor and courage were displayed in a long series of wars and struggles that led to the fall of the Soviet empire. Korea was the initial confrontation of the nuclear age.

I am honored to cosponsor this bipartisan joint resolution recognizing the 50th anniversary of the Korean war and honoring the sacrifice of those who served. We are introducing the legislation today, calling upon our fellow Members of Congress to support us.

CONGRATULATIONS ON YOUR 100TH BIRTHDAY, ANNIE GOFFREDI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a woman who has recently celebrated her 100th birthday.

Annie Goffredi was born on January 5, 1900, in Missouri. She moved to Colorado with her husband so that he could mine for coal.

Annie acknowledges that many changes have taken place in the last 100 years. She has been witness to the first uses of many inventions including: washing machines, electricity, cars and even musical instruments. Annie's first memories of a car involve a man that would give the children rides after school. Annie also rode in a car to go into town to vote.

Annie has enjoyed being able to travel to Russia and Europe. She also enjoys reading and attributes that interest to her father.

Although she does not have an anecdote for living to be 100 years old, Annie says that she is grateful to just live.

It is with this, Mr. Speaker, that I would like to offer my congratulations and best wishes for Annie Goffredi as she celebrates her 100th birthday.y

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PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Monday, January 31, 2000, I was unable to cast my floor vote on rollcall Nos. 2–3. The votes I missed include rollcall vote No. 2 on Suspending the Rules and agreeing to H. Con. Res. 244, Authorizing the Use of the Rotunda for Holocaust Memorial; and rollcall vote No. 3 on Suspending the Rules and Agreeing to Senate Amendments to H.R. 2130, the Hillory J. Farias and Samantha Reid Date-Rape Prevention Drug Act of 1999.

Had I been present for the votes, I would have voted "aye" on rollcall votes Nos. 2 and 3.

IN TRIBUTE TO THE HONORABLE LLOYD DUXBURY

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. SABO. Mr. Speaker, today it is my pleasure to pay tribute to a great American, my former Speaker in the Minnesota State House of Representatives—the Honorable Lloyd Duxbury. After 50 years of distinguished service to the people of Minnesota and the Nation, "Dux" has announced his retirement.

During World War II, Lloyd Duxbury served in the U.S. Army, and then went on to finish his undergraduate work at Harvard. After graduating from Harvard Law School in 1949, he returned to his hometown of Caledonia, MN, to join his father's law practice. In 1950, he was elected to the Minnesota State House of Representatives, where he served as Minority Leader from 1959 to 1963, and Speaker from 1963 to 1971.

After leaving the Minnesota State House, Dux made his way to Washington, DC to work as an advocate for Burlington Northern Railroad. He went on to serve on the staff of the U.S. Senate Special Aging Committee. In 1989, Dux joined the staff of the National Committee to Preserve Social Security and Medicare, where for the past 10 years he has served as a tireless advocate for our Nation's seniors.

Although Lloyd Duxbury and I served on different sides of the aisle of the Minnesota State House, I cherish the years I worked with him. His leadership in the legislature was always marked by the finest traditions of public service. I learned a lot from Dux, who is one of the hardest working people I have known. I also remember him as the quickest gavel around—especially during the years when he served as Speaker of the House and I served as Minority Leader. Whenever I turned around, it seemed, there he was, banging his gavel yet again.

On a more serious note, it is clear to me—and to all of us who served with him—that Lloyd Duxbury always considered it a privilege to serve his constituents. I consider myself lucky to have served with him. As he retires and embarks upon a new path in his life back in Minnesota, I know we in Washington will miss Dux's advice and counsel on issues important to Minnesota and the Nation.

Today, Lloyd Duxbury celebrates his 78th birthday. Mr. Speaker, in addition to offering my warmest birthday wishes to my friend Dux, I would like to wish him the best of luck and good health always.

DEPUTY SECRETARY OF STATE STROBE TALBOTT DISCUSSES THE FUTURE OF RUSSIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. LANTOS. Mr. Speaker, I would like to call the attention of my colleagues to an excellent speech given by our outstanding Deputy Secretary of State, Strobe Talbott. The speech was given at All Souls College at Oxford University on January 21 of this year. The speech was published in The Washington Times on January 28. I ask that the text of Deputy Secretary Talbott's speech be placed in the RECORD. The future of Russia is a matter of great interest and great concern to the American people. In this speech Strobe Talbott gives us the benefit of his long experience with Russia and his critical insight, and I urge my colleagues to give his comments thoughtful attention.

[From the Washington Times, Jan. 28, 2000]

WHICH WAY RUSSIA? CHECHNYA IS THE TEST

(By Strobe Talbott)

In many ways, Russia is a self-liberated country, but it's also in many ways an unhappy, confused and angry one. That's partly because almost every good thing that has happened there over the past decade—and there are many—has had its dark underside.

For example, the implosion of the monolithic police state has left a vacuum of the kind that nature—especially human nature—abhors. In place of the old, bureaucratized criminality there is a new kind of lawlessness. It's what my friend and colleague Bronislaw Geremek has called "the privatization of power." And it has, quite literally, given a bad name to democracy, reform, the free market, even liberty itself. Many Russians have come to associate those words with corruption and with the Russian state's inadequacy in looking after the welfare of its citizens. For all these reasons, Russia's first decade as an electoral democracy has been a smutnoye vremya, or "time of troubles."

That brings me to Chechnya, which is the most visible and violent of Russia's troubles. That republic is one of 89 regions of Russia—it constitutes less than one-tenth of 1 percent of landmass that stretches across 11 time zones. But with every passing week, the horror unfolding there becomes increasingly the focus of Russia's attention—and the world's condemnation. In just the past few days, Russian forces have renewed their onslaught against Grozny, where thousands of civilians remain trapped, unable to flee to safety. There are reports of Chechen rebels using civilians as human shields, of Russian military units using incendiary devices and fuel-air explosives.

What we are seeing is a gruesome reminder of how hard it is for Russia to break free of its own past. Indeed, Chechnya is an emblematic part of that past. The region has been a thorn in Russia's side for about 300 years. Leo Tolstoy served in the czarist army there and wrote about the often-losing struggle to make those mountain warriors loyal subjects of the Russian Empire. In 1944, Josef Stalin had the perfect totalitarian solution to the problem: wholesale deportation of the Chechen people—or what we would call today ethnic cleansing.

In this decade, Chechnya has been a recurrent obstacle to Russia's movement in the direction that we, and many Russians, hope will mark its course. While elsewhere across the vastness of Russia, reformers have been experimenting with what they call new thinking, the seemingly intractable conflict in the North Caucasus has brought out the worst of old thinking: namely, the excessive reliance on force and the treatment of entire categories of people as enemies.

And by the way: It's not just the old-thinkers who are to blame for this relapse. From 1992 through 1993, a reform-ist government in Moscow left Chechnya largely to its own devices. The combination of Moscow's neglect and miserable local conditions whetted the Chechens' appetite for total independence. Had Chechnya attained that status, it would immediately have qualified as a failed state. Kidnapping, drug trafficking and every other form of criminality were rampant. It was an anarchist's utopia and any government's nightmare.

When Russia tried to reimpose control, the result was a bloody debacle. The first Chechen war, from '94 to '96, ended, in significant measure, because it was so unpopular. Boris Yeltsin wanted the fighting over before he faced re-election, so he ended it on terms that granted the Chechen authorities even more autonomy.

But once again, Moscow, having extricated itself, averted its gaze. The central government made virtually no effort to help establish Chechnya as a secular, peaceful, prosperous polity within the Russian Federation. The deteriorating conditions and free-for-all atmosphere became an even stronger magnet for secessionists, Islamic radicals and other extremists, many indigenous but some foreign as well. Last summer, some of these elements used Chechen territory as a base of offensive operations against other parts of Russia.

Now, here's where the irony is most acute: Unlike the one four years ago, the current war has had broad popular support. That's primarily because most Russians have no doubt that this time, rather than their army being bogged down in some remote and basically alien hinterland, this time it's defending a heartland that is under attack from marauding outsiders—including outsiders within—that is, non-Russians living in Russia.

Thus, Chechnya has fanned the resurgence of another ism—nationalism. That phenomenon was the target of particular passion and eloquence on the part of Sir Isaiah Berlin, the late British historian of ideas. He saw nationalism as inherently conducive to intolerance and friction, both inside states and between them. He recognized that national consciousness exists, by definition, in all nations; but he warned that when the nation in question feels afflicted by the "wounds" of "collective humiliation" nationalism becomes what he called "an inflamed condition."

Russia today suffers from just such a condition. Chechnya has generated fears, resentments and frustrations in its own right. But it has also come to symbolize for many Russians a more general sense of grievance and vulnerability after a decade of other difficulties and setbacks, real and imagined—most conspicuously the enlargement of NATO and the Kosovo war.

But while there are these ominous trends, they haven't by any means won. The political environment of their ebb and flow is still pluralistic. Atavistic voices and forces are contending with modern ones that advocate an open, inclusive society and an open, cooperative approach to the outside world.

When I was in Moscow last month, I heard the word zapadnichestvo. It might loosely be translated as Russia's pursuit of its Western vocation. Zapadnichestvo is not an ism: It's in some ways the opposite—an endorsement of a liberal antipathy to isms. Moreover, I heard this word used in a favorable and even optimistic context by at least one of Vladimir Putin's erstwhile political allies on what Russians call "the right" of the—that is, what we would call the liberal-democratic end of the political spectrum. Zapadnichestvo derives from the 19th-century debate between the Westernizers and the Slavophiles.

There was at least an echo of the concept of zapadnichestvo in what Mr. Putin himself told me when I saw him on that same trip: He said he wants to see Russia as "part of the West." Granted, he has sent other, quite different signals to other, quite different audiences.

He's been doing so rather dramatically in recent days. We can speculate together—and that's all we can do at this point—on exactly what he's up to in his recent parliamentary maneuvers. But one theme that he strikes consistently, whomever he's addressing, is a desire to see Russia regain its strength, its sense of national pride and purpose. In and of itself, that goal is not only understandable—its achievement is indispensable. No country can succeed without those ingredients.

It all depends on how Russia defines strength, how it defines security. Will it do so in today's terms, or yesterday's—in terms that are proving successful elsewhere, or in terms that have already proved disastrous for Russia under Soviet rule? Will Russia recognize that in an age of global—and regional—interdependence, the porousness of borders is a necessity out of which a viable state must make a virtue? Or will it fall back into the habit of treating this and other facts of life as a vulnerability to be neutralized, or—that most Soviet of all verbs—to be liquidated? Will Russia understand that indiscriminate aerial attacks, forced movement of populations and civilian round-ups—no matter what the original provocation and ongoing threat—are the acts of a weak and desperate state, not a strong and clear-headed one?

This is the vexing question, not just about Mr. Putin but about his country as a whole. It's a genuinely open question. Moreover, the answer will probably be evolutionary, not revolutionary. Russia has had its revolution, and its counterrevolution. The last thing its people want or need is another upheaval.

Evolutions, by definition, take a long time—surely a generation or more. In the final analysis, it's the Russians themselves and no one else who will decide on the character of their state.

2000 COLORADO BUSINESS HALL OF FAME INDUCTEES, MR. DICK ROBINSON AND MR. EDDIE ROBINSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize two inductees for the 2000 Colorado Business Hall of Fame, Mr. Dick Robinson and Mr. Eddie Robinson.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present, publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system.

Best known for their leadership of Robinson Dairy, a major food processor and distributor in Colorado for more than 114 years, the Robinsons have left their mark beyond the day-to-day operations of their plan. The family-run business is a leading role model for community development and betterment programs.

The Robinsons serve on boards and committees promoting economic development, medical and health care issues and cultural improvement in communities across Colorado. Dick is currently a board member for the Columbia/HealthONE, Children's Hospital, Ocean Journey and the Denver Art Museum and chair of the Rose Community Foundation. Eddie is active on the Metropolitan State College of Denver Foundation and has chaired the National Jewish Center for Immunology and Respiratory Medicine Board of Directors, St. Joseph Hospital Foundation Board and the Denver Zoological Foundation Board of Trustees.

The Robinson brothers have been honored repeatedly for their involvement in the community. Being inducted into the Colorado Business Hall of Fame is another award to add to the vast collection. Clearly, it is a fitting tribute to two eminently deserving individuals.

It is with this, Mr. Speaker, that I would like to congratulate two assets of the Denver Community, Dick Robinson and Eddie Robinson, for being inducted into the Colorado Business Hall of Fame.

IN MEMORY OF ALWINE FENTON, ORGANIZER AND FRIEND OF THE ARTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. STARK. Mr. Speaker, I would like to take a moment to remember a dear friend of the Hayward, California community who has recently passed on.

Alwine Fenton was a great supporter of cultural awareness in the Hayward community. She was very involved in many local art programs, and was dedicated to introducing children to the arts, especially music, in various ways.

From 1949 until 1986, Mrs. Fenton taught music in Hayward's elementary schools. In addition to teaching, Mrs. Fenton was the cofounder, officer and director of the Southern Alameda County Youth Orchestra, introducing children to orchestral and symphonic music. She also arranged concerts with the Classical Philharmonic Orchestra of San Leandro for thousands of Hayward area children.

Not only was Mrs. Fenton committed to promoting musical awareness, but she also dedicated a great deal of her time to the visual arts in the Hayward area. She was a member of the Hayward Arts Council, which arranges art exhibits in downtown storefronts and throughout the community. Mrs. Fenton had arranged art exhibits in the City Hall since June of 1998.

After her retirement, Mrs. Fenton continued to remain active in the Hayward community. She was a member of the California Retired Teachers Association as well as the Eden Garden Club. She was also a member of the Friends of the Hayward Library group and the Kaiser Hospital support group for heart patients.

Mrs. Fenton's accomplishments have not gone unnoticed. During her time as an educator, Mrs. Fenton received several awards from the California Teachers Association. In 1998, the Hayward Lions Club recognized Mrs. Fenton with the Distinguished Citizen of the Year Award.

I ask my colleagues to join with me in paying tribute to this great community leader. Mrs. Fenton will truly be missed by all members of the Hayward community. Her dedication to promoting cultural awareness, especially in the arts, will be remembered for many years to come.

A TRIBUTE TO CORPUS CHRISTI CHURCH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mrs. NITA LOWEY. Mr. Speaker, I rise today to recognize the 75th anniversary of Corpus Christi Parish in Port Chester, NY.

Since its founding, Corpus Christi Church has been a cornerstone of its community, offering spiritual and material support to its parishioners, while reflecting the values and growth of Port Chester itself.

Port Chester's large Italian-American population dates to the late nineteenth century, when immigrants flocked to the New York area in search of a better life for themselves and their families. Many settled in Port Chester's Washington Park area, a welcoming neighborhood, but one which lacked a Catholic Church.

In 1912, a Salesian priest from Holy Rosary Church was appointed to offer Holy Mass on Sundays to the people of Washington Park. Two years later a basement chapel was inaugurated on South Regent Street. But it was not until January 3, 1925, that Corpus Cristi was established as a parish in its own right by Patrick Cardinal Hayes.

Nothing better exemplifies the community spirit of Corpus Christi Church than the inspiring fashion in which the new building was constructed. A team effort from start to finish, the project brought together laborers from every trade and families of every kind. Working day and night, contributing portions of their modest income, and volunteering in countless ways, the parishioners of Corpus Christi Church were able to lay the cornerstone of their new building on September 27, 1925, and to welcome Cardinal Hayes to the completed structure in October 1927.

In the time since, Corpus Christi Church has had the good fortune to be guided by a number of exceptionally gifted spiritual leaders. Father Peter Mayerhofer, Father Alfonso Volonte, and Father Peter Rinaldi, among others, contributed mightily to Corpus Christi's growth. That tradition of dedication and vision is well-served by today's Pastor, Father Jim Marra.

Corpus Christi Church is now a center of community life. It boasts a school of 500 youngsters, a youth center, and well-known Holy Shroud Shrine.

As Corpus Christi Church observes its 75th anniversary with the motto "Remembering our past, celebrating our present, believing in our future," I know that I speak for all residents of Port Chester when I express my great pride in and thanks for this remarkable center of spiritual and civic progress.

SUPPORT FOR WASHINGTON STATE BIOTECH INDUSTRY

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. SMITH. Mr. Speaker, I rise to express my support for the biotechnology industry in Washington State and throughout the country. The Puget Sound region of Washington State, which I represent, has a vibrant economy and the area leads the United States as a haven for new, innovative, cutting-edge companies. A major contributor to this economy are the many biotechnology companies that have been established in our State. Washington State is currently home to 116 biotechnology companies and the industry employs over 7,000 people in the State. I believe these companies do more than make our State a leader, but also put the United States in a position as a worldwide leader for developing products that improve lives.

The United States leads the world in biotechnology innovations. These products benefit hundreds of millions of people worldwide with life-threatening illnesses, such as heart disease, cancer, neurological diseases, infectious diseases, and obesity. The advances by the biotechnology industry are revolutionizing every face of medicine, from diagnosis to treatment of all diseases, not just bacterial infections. It is detailing life at the molecular level and someday will take much of the guesswork out of disease management and treatment.

I am happy to support the biotechnology industry and commend the important investments the industry makes in research and development. I believe it is the responsibility of Congress to continues to spend money on basic research, which the industry can build on to develop products. I also believe it is important for Congress to assure the policies of our Federal Government to encourage the continued innovation of this ever growing industry.

2000 COLORADO BUSINESS HALL OF FAME INDUCTEE, HORACE TABOR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an inductee for the 2000 Colorado Business Hall of Fame, Mr. Horace Tabor.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present, publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system.

Horace was born in Holland, VT in 1830. He grew up on a farm and became a school teacher. He moved to Topeka, KA, where he was appointed to the Topeka legislature. Following rumor of gold being discovered in Colorado, Horace and his family moved again.

In 1878, Horace hired two shoemakers for a prospecting campaign resulting in the discovery of Little Pittsburgh, which turned out to be rich in silver. With his fortune, Horace began to give back to Colorado.

Horace donated to schools and churches, placing special emphasis on Leadville and Denver. He was honored by the state of Colorado in many ways. He served as Leadville's first Mayor, appointed Lieutenant Governor of Colorado and served as a United States Senator. He built the Tabor Opera House in Leadville, the Tabor Grand Opera House in Denver, the Bank of Leadville and the Tabor Block, now replaced by the Tabor Center in downtown Denver.

Horace Tabor passed away on April 10, 1899, but he is remembered by friends and family as a generous, dedicated man who gave immensely to the state of Colorado.

It is with this, Mr. Speaker, that I would like to honor the 2000 Colorado Business Hall of Fame Inductee, Horace Austin Warner Tabor, a great American and humanitarian.

IN RECOGNITION OF THE MARTIN LUTHER KING'S DAY PROGRAM CAMP LEJEUNE, NC

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mrs. CLAYTON. Mr. Speaker, on Saturday, January 15, 2000, some 71 years to the date that Dr. Martin Luther King, Jr., was born, a special program was held in his honor. This program deserves to be acknowledged because it reflected the true meaning of what Dr. King stood and fought for throughout his life.

The Program was the 13th Annual Dr. Martin Luther King Black and White Scholarship Ball, held at the Marine Corps Base in Camp LeJeune, NC. The Ball was sponsored by the Ladies Auxiliary of the Montford Point Marine Association, whose President is Mrs. Louise

Greggs. More than a thousand persons attended this event, which included an impressive blend of military and civilian citizens. The evening included dinner, speeches, top level entertainment and dancing. It was, by all accounts, a delightful evening.

But, more importantly and of greater relevance, the event raised a significant amount of money to be used for scholarships for young people. To that end, Dr. King's words were given new meaning and new life.

In order to benefit from the guidance of those with wisdom like Dr. King, we must not only hear what they say, we must also do what they mean for us to do.

History is the recording of important events, a pattern of timeless moments. History provides a looking glass to the past through which we can learn and benefit.

The history of Dr. King is perhaps best captured in his own words. If we are to learn from the history of Dr. King's life and untimely death, we must not only consider what he said, we must also do what he meant for us to do.

In accepting the Nobel Peace Prize, on December 11, 1964, he stated, "Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation." And, Dr. King in that same speech concluded, "The foundation of such a method is love." That is what he said.

Dr. King dreamed of an America where all would be judged by the content of their character rather than the color of their skin. That is what we all want.

By holding the Black and White Scholarship Ball, the Montford Point Marine Association Ladies Auxiliary did what Dr. King said to do.

The Members of that Organization listened, heard, and responded accordingly.

While such an event required the tireless efforts of many, there are two who deserve our applause and special recognition. Mrs. Jacqueline Barton, the Ball Chairperson and Mrs. Cushmeer Singleton, the Co-Chair went above and beyond the call of duty in planning, preparing, organizing and executing the Scholarship Ball. I am told it was the most successful ever.

Much of our hope for the future is engendered by Dr. King's glorious past. Recall what he told us.

> When we allow freedom to ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: "Free at last! Free at last! Thank God Almighty, we are free at last."

In these very troubling times for our youth, freedom is ringing for some of our young people because of the work of the Montford Point Marine Association Chapter 10 and Ladies Auxiliary and because of the efforts of Mrs. Jacqueline Barton and Mrs. Cushmeer Singleton.

PERSONAL EXPLANATION

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mrs. FOWLER. Mr. Speaker, on Monday, January 31, 2000, I was unavoidably absent from this chamber due to business in my district and therefore missed rollcall vote 2 (on passage of H. Con. Res. 244) and rollcall vote 3 (on passage of H.R. 2130). Had I been present, I would have voted "yes" on both rollcall votes 2 and 3.

TRIBUTE TO THE SOCIETY OF GYNECOLOGIC ONCOLOGISTS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the Society of Gynecologic Oncologists as they gather in San Diego for their 31st Annual Meeting this week. The Society of Gynecologic Oncologists is a nonprofit, international organization dedicated to improving the care of women with gynecologic cancer, raising standards of practice in gynecologic oncology and encouraging ongoing research.

An estimated 12,800 cases of invasive cervical cancer occurred in the United States in 1999, which lead to 4,800 deaths. These cases occur predominantly among the economically disadvantaged. This cancer has a well recognized preinvasive state; and enrolling more of the cases with preinvasive disease into ongoing vaccine trials would give us an opportunity to prevent cervical cancer, which would be a benefit not only to the United States, but to the 400,000 women world wide who develop cervical cancer each year.

In 1999, an estimated 37,400 women were diagnosed with endometrial cancer and 6,400 of these women will die from this disease. This cancer too has a premalignant state which may be reversed with exposure to progesterone compounds. Such trials are ongoing and also represent an opportunity to prevent this most common gynecologic cancer.

Ovarian cancer strikes 1 in 55 women and an estimated 14,500 women die from it each year. Five to 10 percent of these cancers arise in families with mutations, and efforts underway to study these families are critical to understanding how the disease arises and may someday be prevented.

Clinical trials are frequently the best option of state-of-the-art cancer treatment. Approximately 2 to 3 percent of adults diagnosed with cancer participate in clinical trials. The current trends with regard to participation in clinical research for adults diagnosed with cancer are jeopardizing our ability to facilitate progress against cancer in this country. Clinical trials are the best way to translate research progress into effective cancer treatments and preventive strategies that might save the lives of the approximately 563,100 Americans who will die from cancer each year.

As a strong supporter of medical research, clinical trials, and the efforts of SGO's President, William J. Hoskins, M.D., at Memorial Sloan-Kettering Cancer Center, I commend the Society of Gynecologic Oncologists and its members, some of who reside in my district, for their dedication and commitment to improving the quality of care for our mothers, grandmothers, and daughters in their fight to win the battle against gynecologic cancers.

HONORING FRANCIS S. BRAMWELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember a lifelong resident of Chromo, Colorado, Mrs. Francis S. Bramwell who died on November 17, 1999.

Mrs. Frances Shahan Bramwell was born on September 3, 1911, in Chromo, Colorado. She married Edwin J. Bramwell in 1941 and the couple ranched in Chromo for many years.

Mrs. Bramwell was active in 4–H, serving as an Archuleta County leader for several years. She was a member of the Colorado Cowbells and served as president of the local chapter.

She will be remembered by all of those who knew her as a generous person who enjoyed cooking and helping those in need. She was also a cherished mother and grandmother who loved spending time with her family.

It is with this, Mr. Speaker, that I would like to pay tribute to Mrs. Bramwell and her efforts to make her community a better place to live.

HONORING DR. CHARLES H. McCOLLUM

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. GREEN of Texas. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Dr. Charles H. McCollum. Dr. McCollum has been selected by the Houston Surgical Society to receive their "Distinguished Houston Surgeon" award for 2000. Dr. McCollum has a long and honorable list of achievements and service to both our nation and our local community.

Dr. McCollum was born in Fort Worth, TX in 1934. He graduated from the University of Texas in Austin with a bachelor of arts degree in 1955. Dr. McCollum then continued his education at the University of Texas Medical Branch in Galveston, where he received his medical degree. Soon after completing his residency at the University of Pennsylvania, Dr. McCollum was promoted to captain of the U.S. Army Reserve, where he served until 1969.

In 1975, he was named president of the Texas Chapter of American College of Chest Physicians. In 1977, he was named an officer with the Michael E. DeBakey International Surgical Society, a position he held until 1992. He has also been president of the Houston Surgical Society, Southwestern Surgical Society, and the Texas Surgical Society. Dr. McCollum has also held several appointments with Baylor College of Medicine including his present position as professor of surgery.

Mr. Speaker, this is only a brief glimpse of Dr. McCollum's illustrious career in serving our community, State, and country. I ask that my colleagues join me today in honoring Dr. Charles H. McCollum.

TRIBUTE TO JUSTICE STANLEY MOSK

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to one of the giants of American jurisprudence, California Supreme Court Justice Stanley Mosk.

Justice Mosk is recognized as one of the finest constitutional lawyers in the United States. He was appointed to the Supreme Court by Governor Edmund G. "Pat" Brown in 1964 and was confirmed for a new 12-year term in 1986. This month, he becomes the longest serving justice in the history of the California Supreme Court.

I am honored to ask that the United States House of Representatives take note of this milestone—yet another in the career of this distinguished jurist. His lifetime is one marked with superlatives.

Early in his career, he served four years as executive secretary and legal advisor to Culbert Levy Olson, the first Democratic Governor of California of this century. From 1943 to 1958, he served as a judge of the Superior Court of Los Angeles—the youngest Superior Court judge in history. In 1958, he was elected Attorney General of California with more than a million vote margin over his opponent, the largest majority of any contest in America that year. He was overwhelmingly re-elected in 1962.

As Attorney General, Mosk issued about 2,000 written opinions, argued before the U.S. and California supreme courts and authored some of California's most innovative legislative proposals in the area of crime and law enforcement. He was the creator of new divisions in the Attorney General's office to handle anti-trust, constitutional rights, consumer fraud and investment fraud problems.

As a justice on the California Supreme Court, he has authored many of the court's most important opinions and is a distinguished and sought-after author, lecturer and teacher nationally and internationally.

Earlier this year, Justice Mosk was honored by the California State Bar with the prestigious Bernard E. Witkin Medal. This award reads as follows: "Unfailing in courtesy, kindness and collegiality, Justice Mosk's modest demeanor belies the magnitude of his contributions to the development of California law."

That "magnitude of his contributions" was recently described in the Albany Law Review: "An institution, an icon, a trailblazer, a legal scholar, a constitutional guardian, a veritable living legend of the American judiciary, Justice Mosk has courageously and wisely labored for more than three decades as one of the most influential members in the history of one of the most influential tribunals in the western world."

I ask my colleagues now to join me in honoring Justice Mosk for his extraordinary contributions and achievements. I am extremely proud to celebrate his years of service to California and to the Nation.

IN HONOR OF FR. GERALD KELLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father Keller's twenty-five years as Pastor of St. Adalbert Church. Father Keller has dedicated his life to serving his church and community. His love and caring have touched all those who know him.

Father Keller was appointed Pastor of St. Adalbert Parish on October 25, 1974. From this date on, he employed his deep faith and enthusiasm to meet whatever challenges awaited him. In addition to providing weekday and weekend masses, wedding and funeral liturgies, monthly baptisms, and annual communal anointing of the sick, Father Keller has introduced the program of Christ Renews his Parish, begun a Baptismal program for parents, chaplained the Southwest Hospital, and initiated the Spiritual Life Commission. Through the years since 1974 the Parish has also initiated Holy Hour on Saturday afternoons, retreats for parish youth, Vacation Bible School, separate Men's and Women's retreats, and parish missions. Through his selfless work and dedication, Father Keller has created a church abound with opportunities for spiritual growth.

Born on April 2, 1938, to John and Josephine Keller, Father Keller entered St. Gregory's Seminary in Cincinnati in September of 1956. On May 22, 1965 Father Keller was ordained. The following day he offered his first Mass at his home parish, Nativity of the B.V.M. Father Keller was later assigned to St. Matthew's Parish, and then to St. Barnabas, a larger suburban parish with greater demands, before joining St. Adalbert Church.

Looking back at the past twenty-five years, Father Keller finds that it has been a time of change and growth for himself and for his parish. For his thirty-five years of priesthood, Father Keller has provided patience and listening to all those in need. His true depth of heart is apparent in his statement to his Congregation that, "I am more present to myself with you than when I am entirely alone." I urge all of my colleagues to please join me in honoring Father Keller's twenty-five years as Pastor of St. Adalbert Church.

TRIBUTE TO HAZEL WOLF

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. SMITH of Washington. Mr. Speaker, I rise today to pay tribute to a true leader and pioneer who touched the hearts of the people of Washington state. Hazel Wolf, who passed away on January 20, 2000, spent her 101 years as a passionate environmentalist, fervent human rights activist, and a fighter for the underdog. She is a shining example of a person with passion who truly made a contribution to life in the Pacific Northwest in the 20th Century.

Born in 1898 in British Columbia, Ms. Wolf led an extraordinary life. During the Depression, employed by the Works Project Administration, she set about unionizing workers. In 1979, she helped to organize the Indian Conservationist Conference. In 1990, Ms. Wolf met a Soviet delegation and held discussions which paved the way for the founding of the Leningrad Audubon Society. Like former President Jimmy Carter and Senator Dan Evans, she was sent as an observer to the 1990 Nicaraguan elections.

Ms. Wolf has played a prominent role in environmental efforts in local national and international arenas. In addition to co-founding the Seattle Audubon Society, where she worked as secretary for 26 years, she set up more than 20 other local chapters, like the Black Hills Audubon Society. Ms. Wolf was also the president of the Federation of Outdoor Clubs and editor of its magazine, Outdoor West, member of the National Audubon Society, the Sierra Club, Greenpeace, and the Earth Island Institute. Her endeavors to improve environmental safety in low income inner-city housing were through the Community Coalition for Environmental Justice, which she also co-founded.

Ms. Wolf was a recipient of a number of awards. These include the Washington State Department of Game's Award for services in protection of wildlife (1978); the State of Washington Environmental Excellence Award (1978); State University of New York's Sol Feinstein Award for her work with Seattle Audubon's Trailside Series of books on the Northwest; the National Audubon Society's Conservationist of the Year Award (1978); the Association of Biologists and Ecologists of Nicaragua's Award for nature conservation (1988); the People's Daily World's Newsmaker Award; and the Washington State Legislature Award for environmental work. The Women in Communications group bestowed her with their top honor, the Matrix Award for Women of Achievement.

Hazel Wolf made an indelible mark on our community, our environment and our heart. She will be missed and I hope the Washington state community will work hard to continue the efforts for the causes she fought so hard for throughout her life.

2000 COLORADO BUSINESS HALL OF FAME INDUCTEE, ED McVANEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an inductee for the 2000 Colorado Business Hall of Fame, Mr. Ed McVaney.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present, publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system.

One of this year's inductees, Ed McVaney, is the cofounder and chairman of J.D. Edwards, a Denver-based software company that develops highly functional enterprise resource planning software to facilitate the operation and management of complex enterprises.

Ed McVaney graduated from the University of Nebraska-Lincoln in 1964 with a bachelor's degree in mechanical engineering. Ed began work as an operations research engineer and software specialist for Bell Systems while still in college. He earned an MBA from Rutger's University in 1966. He worked in the software area of Grant Thronton & Co. and Peat, Marwick Mitchell.

Mr. McVaney and his wife, Carole, have always been strong advocates of higher education. They have given generous donations to the University of Nebraska-Lincoln. The donation established the J.D. Edwards Honors Program for Computer Science and Management.

Mr. McVaney's contributions to the software industry as well as the Denver economy are unmatched. It is because of these contributions, his leadership and vision that Ed McVaney is so well-known and widely respected in Colorado.

It is with this, Mr. Speaker, that I would like to congratulate Mr. Ed McVaney and thank him for his commitment to his field and our community.

CELEBRATING THE 20TH ANNIVERSARY OF THE LATINO LEARNING CENTER

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. GREEN of Texas. Mr. Speaker, I rise today to celebrate the 20th anniversary of the Latino Learning Center and to express my appreciation to everyone associated with this wonderful organization. The Latino Learning Center was founded in November 1979 to provide employment and educational needs in our community and is governed by a 15-member board of directors comprising of community, civic and corporate leaders. This mission of the Latino Learning Center is to see that all low-income people in Houston, specifically the residents of near East End and near North Side communities, have the opportunity for education and human support services.

Since its inception, the Latino Learning Center has dutifully provided these services and has positively impacted the lives of our citizens. The Latino Learning Center's success is widely known and has resulted in more than 6,000 individuals graduating from its training programs.

The Latino Learning Center has a very interesting history. It was established as a Texas nonprofit organization. It received a donation of land and buildings in 1981–82 from the Magnolia Business Center, Inc. Since the buildings were previously used as warehouses, significant renovation was necessary in order to upgrade the facility. The Latino Learning Center's founders embarked upon an aggressive fundraising campaign to secure the initial $150,000 necessary for the renovation process.

As the result of the boards diligence, sufficient charitable gifts from the private sector were obtained to structurally transform the building and acquire adjacent parking space. Due to generous philanthropic participation of many Houstonians, private sector support and some public sector funds, the Latino Learning Center became an established reality. In July 1984, an open house ceremony was held and classes and community services began within the year.

Over the past 20 years, the Latino Learning Center has established strong ties with the community by serving as a Multipurpose center. The Latino Learning Center is utilized by many civic organizations including LULAC, the American GI Forum, the Mexican-American Sheriff's Organization, the Union of Hispanic METRO employees, the Hispanic Organization of Postal Employees—HOPE, and many others. It is also used to conduct meetings, plan events of benefit for the community, conduct community/media press conferences, and perform special events such as dispensing food baskets for the poor during the holiday season.

Mr. Speaker, I am proud to congratulate the Latino Learning Center on its 20th anniversary, and I hope they remain in our community for many years to come. I also ask that my colleagues in the House join me in expressing our appreciation for the services and the commitment of everyone associated with this wonderful center.

IN HONOR OF THE 50TH ANNIVERSARY OF THE REPUBLIC OF INDIA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate the Federation of India Community Associations of N.E. Ohio on the 50th Anniversary of the establishment of the Indian Republic. On January 26, 1950, India proclaimed itself a sovereign nation governed by its own Constitution. Republic Day is celebrated on the 26th of January each year. It is a major national holiday in India celebrating the culmination of the Indian movement toward self-government that began on August 15, 1947, with India's Declaration of Independence. FICA has celebrated this important event with an annual dinner for over thirty years. Governor Robert Taft of Ohio recognized the significance of this day by proclaiming January 26, 2000 Republic of India day for Ohio.

India is a highly diverse country with more than fourteen major languages and at least as many distinct cultures. The Federation of India Community Associations is an umbrella organization for various Asian Indian groups throughout Northeast Ohio. For the past thirty years it has published The Lotus, a monthly community newspaper, and organized celebrations for major Indian holidays and festivals. FICA maintains the India Community Center in Cleveland Heights and supports community service to the more needy in the area. The Asian Indian community in Greater Cleveland contributes extensively to the economic, social and cultural richness of the area. Members' work in government, education, business, medicine, science, law and social service has created strong and lasting relationships with the entire community.

My fellow colleagues, join with me in congratulating this great cultural organization, along with all the people of India and Indian descent, on the 50th anniversary of the establishment of the Republic of India.

TRIBUTE TO ILSE KAHN AND SUHAILA NASSER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Ilse Kahn and Suhaila Nasser, who this year are receiving the Lifetime Commitment to Peace Award from the American Friends of Neve Shalom/Wahat Al-Salam Southern California Chapter. Ilse Kahn and Suhaila Nasser, who live in Southern California, have made their own outstanding contribution to the cause of peace and understanding in the Middle East. They embody the new spirit of reconciliation in the region.

A survivor of the Holocaust, Mrs. Kahn has worked tirelessly to bring together Arab and Jewish children in an environment of peace and friendship. She was one of the founders of the Southern California chapter of Neve Shalom/Wahat Al-Salam, the joint Palestinian/Jewish community in Israel. Mrs. Kahn has been active in the bilingual and bicultural nursery, kindergarten and primary school located in the community. Her efforts have helped a generation of Palestinian and Jewish children build strong ties and close relationships.

As busy as she is with the Southern California chapter, Mrs. Kahn somehow finds the time to be involved with other special causes, including LA's Best, an enrichment program for school age children in Watts. She is also a member of the League of Women Voters.

Suhaila Nasser, a Palestinian born in Jerusalem, immigrated to the United States in

1961. Despite living far from her native region, she has immersed herself in the task of providing medical assistance to the Palestinian people. In 1988, after undergoing a mastectomy, Mrs. Nasser formed the Palestinian Children's Relief Fund, a non-profit organization dedicated to securing medical treatment for suffering children.

Thanks to Mrs. Nasser's efforts, since 1990 more than 100 children have been brought to the United States for reconstructive surgery and specialized medical services. In addition, six teams of doctors from the United States, Italy, England, and Belgium have traveled to Jerusalem and the West Bank to operate on children.

I ask my colleagues to join me in saluting Ilse Kahn and Suhaila Nasser, whose dedication to the plight of children living in the Middle East inspires us all. I salute them for their courage and commitment to a just cause.

HONORING RAY LITTLEFIELD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause in remembrance of a man that will be missed by everyone that knew him, Mr. Ray Littlefield.

Raymond Littlefield was born in Houston, Texas on March 8, 1929, and passed away on November 26, 1999, in Albuquerque, New Mexico.

Mr. Littlefield served as a second lieutenant in the United States Naval Reserve, past president of the North Austin Rotary Club, past president of Austin Woods and Water Club, past president of Austin Apartment Association, a member of the Association of General Contractors and a member of the American Institute of Architecture.

Mr. Littlefield moved to Pagosa Springs, Colorado in 1984. He was the founder, architect and developer of the Pine Ridge Extended Care Center. His experience and lifelong love of the Colorado Rockies and the Pagosa Springs area placed him in the unique position to recognize the need for a facility that cares for the elderly. Pine Ridge Extended Care Center became just that.

It is with this, Mr. Speaker, that I would like to pay tribute to Mr. Littlefield for all that he did in order to make Pagosa Springs a better community.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. ISAKSON. Mr. Speaker, on rollcall Nos. 2 and 3, I was unavoidably detained due to inclement weather. Had I been present, I would have voted "yes" on both bills.

RESOLVING THE CONFLICT IN SRI LANKA

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. CAPUANO. Mr. Speaker, I submit the following article from The Boston Globe on December 23, 1999 for the RECORD. The author of this article, Shri Srithilliampalam, is very active in calling for observance of human rights in Sri Lanka and a peaceful settlement to the 17-year conflict. We must encourage the parties involved to stop the terror and negotiate a peaceful end to this war.

[From The Boston Globe, Dec. 23, 1999]

PROMOTING PEACE IN SRI LANKA

Bosnia, Chechnya, Kosovo, East Timor—these are the civil and intercommunal wars that have aroused horror and sympathy in the past few years. But in Sri Lanka there is another internecine conflict no less tragic, a war that has waxed and waned intermittently since 1983, destroying more than 60,000 lives.

Now, with the results in from Tuesday's presidential election and Chandrika Kumaratunga re-elected with a dramatically reduced majority of only 51 percent, the time is ripe for an international peacemaking initiative. All the humanitarian justifications for saving lives in Kosovo, Bosnia, East Timor, and Chechnya apply in the conflict between the Sinhalese majority in Sri Lanka and the Tamil minority. Civilians, conscripts, and victims of terrorist bombings all deserve to be saved from a senseless repetition of murder and mayhem that can be ended only by a negotiated solution. Chandrika, as the president is known to her compatriots, was elected five years ago as the leader who would bring peace to Sri Lanka. But instead of trying to end the killing by granting autonomy to the Tamil areas in the north and east of the country, she yielded to hard-line arguments for a decisive military solution. In turn, the Tamil Tigers have shown no willingness to end their campaign of murder and terror.

In a scorched-earth offensive this year, government troops occupied most of the Tamil homeland. But this fall the Liberation Tigers of Tamil Eelam overran one government outpost after another. It should be clear by now that the government's tactics succeeded only in driving the moderate Tamil population of the north and east into the hands of the Tigers. The war is unwinnable.

The time has come for third-party mediation. Washington is unwilling to play that role, but just as Norway originally midwifed the Oslo accords between Israelis and Palestinians, an impartial country could mediate peace talks. Such talks should be preceded by a cease-fire, a withdrawal of government troops, and the provision of food and medical aid to civilians in the north and east. If the principle of an international humanitarian obligation is to have any meaning, it must be applied consistently.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. OWENS. Mr. Speaker, I was unavoidably absent on a matter of critical importance and missed the following recorded votes:

On H. Con. Res. 244, authorizing use of the rotunda for a Holocaust memorial introduced by the gentleman from California, Mr. THOMAS, I would have voted "yea."

On H.R. 2130, the Hillory J. Farias Date-Rape Prevention Act introduced by the gentleman from Michigan, Mr. UPTON, I would have voted "yea."

2000 COLORADO BUSINESS HALL OF FAME INDUCTEE, KATHRYN "KITTY" HACH-DARROW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an inductee for the 2000 Colorado Business Hall of Fame, Ms. "Kitty" Hach-Darrow.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present, publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system.

One of the leading producers of laboratory and water monitoring equipment in the country, the Hach Chemical Co., as it was known originally, was started in 1948 by Kathryn and Clifford Hach. Kathryn was the first woman director of the American Water Works Association and has served on numerous committees. She was the first woman to serve as director of the First National Bank of Loveland and currently serves on the executive committee of Northwood University. She was named the 1993 Woman of the Year by the Colorado Women's Chamber of Commerce and is a founding member of the Committee of 200 Executive Women.

In addition to her professional accomplishments, Kitty received her pilot's license in 1954 and has been flying ever since. She is a member of the Ninety-Nines, an international organization of licensed women pilots.

Kathryn's legacy will continue to live on in the company she built as well as her unfailing commitment to excellence in her personal and professional lives.

It is with this, Mr. Speaker, that I would like to congratulate "Kitty" on being a 2000 Colorado Business Hall of Fame Inductee. She is an inspiration to many and a great American.

RECOGNIZING PRESIDENT LYNDON B. JOHNSON'S ACCOMPLISHMENTS IN THE 20TH CENTURY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. GREEN of Texas. Mr. Speaker, it is no secret that I greatly admire President Lyndon B. Johnson. Beginning last year, I have submitted, for the CONGRESSIONAL RECORD, several well written articles regarding the accomplishments of this historic Texan. Even today, his domestic agenda still influences our lives.

On December 31, 1999, the Houston Chronicle published an article written by Stuart Lutz in which he makes the case that President Johnson should be considered the most influential American of the past 50 years. In his article, Mr. Lutz writes that "the 36th president, in his 62-month term, radically advanced civil rights, initiated dozens of progressive federal programs to eradicate poverty and train new workers, expanded a small war in Southeast Asia and caused Americans to question the integrity of the presidency." He concludes by stating that "it is hard, however, to see that anyone has had a greater influence on Americans' everyday lives over the past 50 years than the Texas giant, Lyndon Johnson."

Mr. Speaker, I would like to conclude my remarks by including, in its entirety, this very important article

THE CASE FOR A TEXAS GIANT AS MAN OF THE HALF CENTURY

(By Stuart Lutz)

The Great Society, the Civil Rights Act of 1964, the Gulf of Tonkin, Medicaid, the credibility gap, Vietnam and the War on Poverty. These actions and events are among the most powerful of the second half of the 20th century. They also all have the indelible stamp of Lyndon Baines Johnson, the most influential American of the past 50 years.

The 36th president, in his 62-month term, radically advanced civil rights, initiated dozens of progressive federal programs to eradicate poverty and train new worker, expanded a small war in Southeast Asia and caused Americans to question the integrity of the presidency. His forceful actions that greatly changed America for the better and worse came in four distinct areas: civil rights; Vietnam; governmental lying; and progressive domestic legislation. Let's examine them one by one:

Civil rights. Johnson desperately wanted to be remembered as the president who did more for African-Americans than anyone since Abraham Lincoln. Using his trademark legislative maneuvering in the wake of the Kennedy assassination, he secured passage of the 1964 Civil Rights Act. In a few pen strokes, he outlawed segregation in employment and public accommodations, thus giving Dr. Martin Luther King Jr's goal of racial equality a legislative framework.

To further his commitment to civil rights, LBJ signed the 1965 Voting Rights Act that banned literacy tests, encouraged minority voter registration and empowered the federal government to enforce its provisions. He also appointed Thurgood Marshall as the first African-American Supreme Court justice. Johnson's actions changed voting blocs and paved the way for minority Cabinet members, mayors and governors. Most importantly, to America's youth today, "Colored" signs and segregated accommodations are antiques of the foggy past.

Vietnam. This was the most important and influential American event in the second half of the 20th century. Johnson turned a small conflict into a war involving over 500,000 American troops. After the manufactured Gulf of Tonkin "incident" in August 1964, Johnson secured the right to wage virtually unlimited war on North Vietnam and knowingly lied about the war's failing results. Vietnam assumes such overriding importance in the second half of the century because it is the defining and dividing event for the baby boom generation, since virtually all males needed to decide whether to be drafted, evade the military either legally or illegally, or flee to Canada.

Since Lyndon Johnson's war, the American public has been reluctant to allow presidents to send troops abroad—whether to Grenada, Iraq or Bosnia. Vietnam caused American foreign policy to become more isolationist and made Americans reconsider Teddy Roosevelt's vision of our role as the world's policeman.

Government lying. When Johnson was inaugurated at Dallas' Love Field following John Kennedy's assassination, Americans respected and generally believed their presidents. By early 1968, LBJ's self-created "credibility gap" forced him to give speeches only at military bases, and he chose not to run for re-election. Johnson's falsehoods about Vietnam led Sen. Robert Kennedy of New York, his challenger for the Democratic nomination, to state that Johnson "tells so many lies that he convinces himself he's telling the truth."

Although Richard Nixon was the only president to resign, LBJ's administration set the stage. Since Johnson's term in office, the American public has never fully believed the statements of succeeding presidents, whether it was Ronald Reagan's poor recollection of the Iran-contra scandal or Bill Clinton's "I didn't inhale" statement.

Progressive legislation. Lyndon Johnson wanted to be best remembered as "the president who educated young children . . . helped to feed the hungry . . . and helped the poor to find their own way." Johnson's progressive domestic legislation, popularly known as the Great Society, included Medicare and Medicaid, the Job Corps, Head Start, the Water Quality Act, the Clean Air Act, the Fair Packaging and Labeling Act and the Highway Safety Act. These laws not only increased the power of the federal government and made it a watchdog for citizens, they provided a safety net for all, particularly the poor, elderly and disadvantaged.

With the exception of Franklin Roosevelt, no other 20th-century president has passed so much influential domestic legislation. Today, Johnson's three-decade-old vision is hotly debated on Capitol Hill as Congress tries to decentralize welfare and keep Medicare afloat.

Many Americans have had a profound effect over the past half century. It is hard, however, to see that anyone has had a greater influence on Americans' everyday lives over the past 50 years than the Texas giant, Lyndon Johnson.

IN HONOR OF ROGER J. SUSTAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Roger J. Sustar who has assumed the role of Chairman of the Board of the National Tooling and Machining Association (NMTA).

Roger J. Sustar's choice for the year 2000 theme, "Training Today for Tomorrow's Workforce," demonstrates his dedication to education and to the skill trades workforce. Mr. Sustar, a native of Cleveland, Ohio, has been involved in the Machine Trades Industry since his first job with Non Ferrous Metals Fabricating in 1965. He has been with Fredon Corporation since 1969 (celebrating its 31st anniversary this year) and in 1985 became the sole owner and President of Fredon. Fredon Corporation became the area's first Boy Scout's of America Explorer Post 2600 to offer an opportunity for students to explore the Machine Trades Industry.

Mr. Sustar is a true believer and promoter of apprenticeship and training programs that advocate Machine Trades Industry and Manufacturing careers. His leadership in organizations such as the National Tooling and Machining Association, both the Cleveland Chapter and the National Association, and the Ohio Tooling and Machining Association, which he cofounded in 1990, show his commitment to the industry.

Mr. Sustar is also an active member of the local community serving on many business advisory councils for educational facilities such as Cuyahoga Community College and Mentor Public Schools. He is also a member of the Board of Trustees for Lakeland Community College for 11 years where he established a Machine Trades Apprenticeship Program.

Roger J. Sustar has been featured in many publications and has been a guest speaker at many business and education lectures where he continues to promote the industry. He has also received many awards and honors for his work in the machine trades industry.

My fellow colleagues, join me in congratulating Roger J. Sustar for his achievements and for assuming the position of Chairman of the Board for the National Tooling and Machining Association.

PERSONAL EXPLANATION

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. BATEMAN. Mr. Speaker, I missed two votes on January 31, 2000. Had I been present, I would have voted as follows: Rollcall vote No. 2, H. Con. Res. 244, "aye". Rollcall vote No. 3, H.R. 2130, "aye".

HONORING BESSIE CROUSE BOREN MILLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember the life of a woman that always had an open heart and hand to all, Mrs. Bessie Crouse Boren Miller.

Mrs. Miller was born on February 4, 1920, in Montezuma, Kansas, to Joseph Oliver Crouse and Edith Angelique Fincher Crouse. She moved with her family to the Eastern slope of Colorado in a covered wagon. There, in Villgreen, Colorado, she attended school. She was known as a very athletic person and loved to run track.

Mrs. Miller was known for her cooking in all of the local cafes. She was also known for welcoming anyone and doing anything she could to help. Mrs. Miller loved to read and sing old hymns.

It is with this, Mr. Speaker, that I would like to pay tribute to the life of Mrs. Miller, a woman with a heart of gold.

REMARKS ON ALASKA AIRLINES FLIGHT 261 CRASH

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in regards to yesterday's crash of Alaska Airlines Flight 261. In all, an estimated 88 people lost their lives off the southern coast of California at 4:36 p.m. Unfortunately, it is too early to know the cause of this devastating crash. Our prayers go out to all the family and friends of those who lost their loved ones in the crash.

Among Alaska Airlines Flight 261 were an estimated five Alaskans. Included were Malcolm Branson and his fiance, Janice Stokes, both of Ketchikan. Also onboard the airplane was Morris Thompson, age 61, his wife Thelma and daughter Sheryl. The Thompson's were returning to Alaska after a family vacation in Mexico.

Morris Thompson, Thelma, Lu and I have been friends for more than 40 years. Thelma, an experienced dog musher and Morris were married a year after Lu and I were married. Morris and I followed each other on similar paths to public office. Oftentimes we spent time together in Juneau, Alaska, when I served in the State Legislature and later in Washington, DC where I served as Congressman and Morris served as commissioner of the Bureau of Indian Affairs.

After his public service, Morris became president and chief executive officer of Doyon, Ltd., a Native Corporation formed in 1971 as part of the Alaskan Native Claims Settlement Act. At Doyon, Morris turned an operating loss of $28 million into $70.9 million in revenues and the largest private landowning corporation in America. Morris Thompson retired in January and was considered a great Native leader, businessman, and friend. I had a conversation with Morris just last month and he was describing to me the cabin he planned to build on the Yukon River and his optimism for the future.

Morris Thompson, his wife Thelma and daughter Sheryl spent a great deal of time with me and my family. In fact, we rang in the New Millennium with Sheryl. Sheryl Thompson grew up with our daughters and became so close to our family that we considered her part of the family. Morris is survived by two young daughters named Nicole and Allison and two grandsons Christopher and Warren.

I will always have fond memories of the Thompson family. Such as Morris and I duck hunting on the Yukon River, Thelma mushing her dog's, and Sheryl managing the extreme skiing association in Valdez. God Bless the memories we have.

Morris was a good father, leader and friend, as well as being one of the great leaders among the Native community. Lu, and I are in shock over this tragic loss. Our prayers go out to the Alaska Airlines employees and their families, and the families and relatives of the 88 passengers that were lost.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. EVERETT. Mr. Speaker, on January 31, I was unavoidably detained and missed rollcall vote numbers 2 and 3. Had I been present, I would have voted "yes" on H. Con. Res. 244, Permitting the Use of the Capitol Rotunda to Commemorate Victims of the Holocaust; and "yes" on H.R. 2130, the Hillory J. Farias Date-Rape Prevention Drug Act of 1999.

RECOGNITION OF NATIONAL BIOTECHNOLOGY MONTH

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. TOOMEY. Mr. Speaker, I rise today to commend workers in the biotechnology industry for their progress in improving the lives of all Americans. We just concluded National Biotechnology Month, and I would like to take a brief moment to highlight the potential that biotechnology has for us in the 21st century.

Biotechnology companies are developing treatments and vaccines for devastating diseases—such as Parkinson's, Alzheimer's, cancer, and AIDS—that will improve the lives of millions of Americans afflicted with these ailments. They are also responsible for developing treatments for smaller diseases harming perhaps just a few hundred people, but nonetheless just as debilitating. In addition, biotechnology is about more than just medical research. Scientists are beginning to use biotechnology for other uses, such as environmental remediation.

Furthermore, the biotechnology industry has also had a significant positive impact on our nation's economy. A recent report by the Joint Economic Committee stated that the biotechnology industry spent $10 billion on research and development in 1998, while employing 150,000 workers nationwide. My home state of Pennsylvania has helped lead the way in biotechnology, ranking second in the nation in the number of jobs based on biotechnology.

Congress needs to continue to work with the biotechnology industry for an equitable public-private sector partnership, and make sure new technologies are not unnecessarily slowed by over-burdensome regulations. I congratulate the biotechnology industry on its accomplishments and its bright future.

LAW OFFICER OF THE YEAR, SHERIFF JOHN EBERLY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the Law Officer of the Year recipient, Otero County Sheriff John Eberly of La Junta, Colorado.

This award was presented by the Colorado Cattlemen's Association and the Colorado Brand Board and recognizes Colorado lawmen whose efforts to uphold the state's livestock law have benefitted the entire livestock industry.

During his 25 years with Otero County, Sheriff Eberly has been instrumental in continuing and improving the livestock law training classes for law enforcement. Working with the National Guard, Sheriff Eberly and his staff coordinated the rescue and helicopter feeding operations for stranded livestock during the 1997 blizzard. When floods threatened the Arkansas Valley in 1999, his experience and knowledge was important to the area's ranching businesses.

It is with this, Mr. Speaker, that I would like to congratulate Sheriff John Eberly and also thank him for his tireless commitment to making his community a better place.

TRIBUTE TO THE SOUTHWEST TEXAS STATE UNIVERSITY ALL-GIRL CHEERLEADING SQUAD

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. PAUL. Mr. Speaker, I rise today to congratulate the members of the 1999–2000 Southwest Texas State University All-Girl Cheerleading Squad. They recently won first place in the All-Girl Cheer Division at the Universal Cheerleading Association's 2000 College Cheerleading and Dance Team National Championship. The competition was held during the Universal Cheerleading Association's 2000 Championship at Walt Disney World in Orlando, Florida, on January 7, 2000.

Located in the Texas Hill Country city of San Marcos, Southwest Texas State University is justifiably proud of their award winning

All-Girl Cheerleading Squad; Karla Brown, Charissa Canuelle, Lexi Chaleff, Alexandrea Collie, Krystal Davis, Patricia Goolsby, Ashley Harmon, Robyn Kyrish, Sara Martinez, Shavaun Moynahan, Aimee Moyers, Nicki O'Riley, Kristi Oberpriller, April Rheinlaender, Jennifer Rogers, and Brandi Wilkie. These talented young women received outstanding leadership and support from their coach, Jason Anderson, and the team's trainer, Scott Chambers.

On January 25, 2000, a ceremony was held at the Texas State Capitol Building in Austin, Texas, in honor of the squad. At one o'clock, in the historic chambers of the Texas House of Representatives, State Representative Rick Green presented each of the young champions a copy of a resolution congratulating them on their achievement. A Texas flag flown at the request of Representative Green and a flag of the United States flown at my request were presented to the team. These flags, flown in recognition of their victory, now frame the young women's trophy proudly displayed at their university.

The squad's hard work and dedication to purpose reflects the will that built the great State of Texas and our nation. By continuing this same dedication and work ethic throughout their lives, these young women will succeed in all of their future endeavors. It is my pleasure to be able to congratulate and recognize these fine young Texans in their achievement.

"TAKE DOWN THE FLAG"

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. CLYBURN. Mr. Speaker, I rise to speak about an issue that is involving my home State of South Carolina in a national discussion. In recent weeks, the discussion over the confederate flag flying atop the Statehouse in Columbia, South Carolina, has moved from a State issue to a national debate. Of all of the opinions that have been shared throughout this debate, I find the following letter the most cogent and concise on this very emotional issue. Mr. Speaker, I submit for the RECORD the following letter written by Michael A. Allen which appeared in the Post and Courier of Charleston, South Carolina, on Tuesday, January 25, 2000.

[From the Post and Courier, Jan. 25, 2000]

TAKE DOWN THE FLAG

As a promoter and preserver of cultural heritage, the South Carolina African American Heritage Council has a keen appreciation and understanding of those who defend the flying of the Confederate battle flag on that basis. The flag in and of itself is indeed a part of South Carolina's heritage. Let's indeed preserve the flag and its legacy, even though that legacy means different things to different people.

Also in our position as preservers of cultural heritage, the council board of directors recognizes the fact that there are places inappropriate for the conspicuous display of historic relics. We defend the right of flag supporters to defend the banner as a relic of cultural integrity.

However, we contend that it is indeed a historic relic and that its position above the Statehouse and in the House and Senate chambers is indefensible. The Confederate battle flag in question never truly held a place of sovereignty even in the days of the Confederacy in the 19th century, but was carried by troops in battle. This makes it reprehensible and even baffling to the impartial and reasoning mind that such a relic would occupy such a position of sovereignty in 21st-century South Carolina.

Not every South Carolinian is a native Southerner. Not every South Carolinian had ancestors who fought, or fought willingly, for the Confederacy in the Civil War. Not all South Carolinians, even native white South Carolinians, believe in the ideas of the Confederacy fought to uphold. And not every South Carolinian feels good about a flag flown by the Ku Klux Klan, neo-Nazis and other racial and ethnic hate groups also hanging in and flying over the halls of government of their state, as if to give the impression, though the impression may be false, that this flag is who we all are and what we all stand for.

Therefore, the South Carolina African American Heritage Council now adds its voice to the evergrowing chorus of those calling for the removal of the Confederate flags from atop the South Carolina Statehouse, from the Senate and House chambers, from the front ground foyer of the Statehouse, and for them to be put in a place more fitting for the preservation of cultural heritage.

MICHAEL A. ALLEN,
Former Chairman,
S.C. African American Heritage Council.

TRUTH IN BUDGETING ACTS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. SHUSTER. Mr. Speaker, with several of my colleagues from the Transportation and Infrastructure Committee, today I'm introducing the third in a series of "Truth in Budgeting Acts." This bill focuses solely on water transportation—specifically the Harbor Maintenance Trust Fund (HMTF) and the Inland Waterways Trust Fund (IWTF). As you know, the previous bills also included the Highway Trust Fund and the Airport and Airway Trust Fund.

All of the bills have a common theme: taking transportation trust funds "off budget" to help meet our Nation's critical infrastructure needs and to inject some truth serum into the budgeting process. If we take the HMTF and the IWTF off budget, we not only restore the trust of those who pay into the funds, we remove the budget-driven incentive to build a surplus to mask potential deficits and justify other types of spending.

No one should question the wisdom of investing in our Nation's water transportation infrastructure. Our coastal ports and inland waterways have shaped the country's commercial and cultural history and, if properly developed and adequately maintained, will be critical to our country's leadership in the global economy of the 21st century. For example, the tugboat, towboat, and barge industry, which has operations along the Nation's 25,194 miles of inland and intracoastal waterways, contributes $5 billion a year to the Nation's economy and moves 15 percent of the Nation's freight for less than 2 percent of the Nation's total freight bill. Ports generate significant local and regional economic growth, as well, and move nearly 93 percent of all U.S. waterborne commerce in a given year. With the volume of imported cargo moving through U.S. ports expected to triple by the year 2020, investment in our Nation's port infrastructure is all the more critical.

The infrastructure needs continue to grow. The Nation's locks and dams are aging. Many are more than 50 years old. Long delays at inland locks add to the cost of transporting goods from our farms, mines, and mills to our coastal ports. The Nation's harbors and seaports need continued maintenance and improvement as well. Dredging channels, like clearing snow from highways, is a necessary fact of life—particularly in an age when domestic and international trading depends on adequate intermodal connections. The size and number of vessels in the world's fleet continues to increase; America's ports need to accommodate these changes to ensure a position of leadership in the global economy.

While current and future needs continue to grow, unfortunately the trust funds continue to accumulate surpluses. The current balance of the HMTF is approximately $1.9 billion and is expected to rise to $2.5 billion by FY 04. The IWTF current balance is approximately $370 million, and we are told the Corps has the capability of spending $300 million annually by 2004. Something is wrong when the needs increase, the funds are available, and the moneys remain "locked up" in the trust funds.

Mr. Speaker, this is important legislation that, if properly implemented, would make significant reforms in our current transportation infrastructure financing policy. Let me assure my colleagues, however, this bill is not meant as the single solution or response to the many issues surrounding the Supreme Court's March 1998 ruling in *U.S.* v. *U.S. Shoe Corporation*, which invalidated the Harbor Maintenance Tax as applied to exports. That issue has prompted significant debate and controversy, particularly the Administration's proposed harbor services user fee and harbor services fund. There are other proposals as well that deserve our serious consideration. I am also aware that final changes to the budgeting process involving the IWTF will need to be discussed with Members and the various constituencies involved in inland waterways transportation.

I look forward to working with my colleagues, including the Ranking Member of the Committee (JIM OBERSTAR), the Chairman of the Water Resources and Environment Subcommittee (SHERRY BOEHLERT), the Ranking Member of the Subcommittee (BOB BORSKI), the Administration, and others. Water transportation infrastructure will be a priority for the Transportation and Infrastructure Committee throughout the Second Session, particularly as we press for truth in water transportation budgeting and for enactment of a Water Resources Development Act of 2000.

INDIA SHOULD BE DECLARED A TERRORIST STATE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. TOWNS. Mr. Speaker, the time has come to declare India a terrorist state. India is one of the leading practitioners of terrorism in the world, but they get away with it by cloaking it under a mask of democracy. India practices terrorism internally against its minorities and externally against its neighbors.

The Coordination Committee on Disappearances in Punjab identified 838 victims of India's mass cremation policy in a preliminary report last year. It published their names and addresses. These young Sikhs were abducted by the police, tortured, and murdered, then the police disposed of their bodies. This policy amounts to nothing less than terrorism against the Sikhs of Punjab, Khalistan.

Tens of thousands of Sikh political prisoners continue to rot in Indian jails without trial. They are not the only ones. After an Indian airliner was hijacked in November, India agreed to release several prisoners. According to the Los Angeles Times, India violated international law by holding these prisoners without charge or trial.

On December 20, according to Reuters News Service (as reported in India West), Pakistani police arrested a man who confessed that he was an Indian agent and that he planted bombs that killed 9 people. Clearly, this is a terrorist act sponsored by the Indian government.

The book Soft Target, written by two Canadian journalists, proved that India blew up its own airliner in 1985, killing 329 people. In 1991, the Indian intelligence service, RAW, masterminded a hijacking of an Indian plane. These acts give us reason to suspect that India's hand may have been behind the recent Air India hijacking.

In November 1994, the Hitavada, a well respected newspaper in India, reported that the Indian government paid Surendra Nath, the late governor of Punjab, one and a half billion dollars to foment terrorism in Punjab, Khalistan and in Kashmir. Can anyone deny that a country which would do this is a terrorist nation?

The Indian government intelligence wing, RAW, supported the militant Liberation Tigers of Tamil Eelam to gain control of the port of Trincomelli. India Today magazine reported that the leader of the LTTE was entertained by the Indian government in one of Delhi's best hotels. Later, India turned against the LTTE and invaded Sri Lanka to crush the LTTE freedom movement. The Indian government has blood on its hands.

The Indian government has murdered minorities in massive numbers. Over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, more than 65,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalits, and others have been murdered by the government of India. The State Department reported in 1994 that the government of India paid more than 41,000 cash bounties to police officers for murdering Sikhs.

Hindu militants allied with the government have burned down Christian churches and prayers halls, murdered priests, and raped nuns. Hindus affiliated with the Vishwa Hindu Parishad surrounded the jeep of missionary Graham Staines and his two sons, ages 8 and 10, and burned them to death. The VHP is part of the same umbrella organization as the ruling BJP. In 1997, police broke up a Christian religious festival with gunfire.

Last year, Indian Defense Minister George Fernandes organized and led a meeting with the Ambassadors from Cuba, Red China, Russia, Iraq, and Libya aimed at creating a security alliance "to stop the U.S." India supported the Soviet invasion of Afghanistan and votes against American interests consistently. The time has come to take strong measures against India's brutality and terrorism by declaring India a terrorist nation.

Mr. Speaker, recently the Council of Khalistan issued a news release on Indian state terrorism. I would like to place it into the RECORD for the information of my colleagues.

[From the Council of Khalistan, Washington, DC, Jan. 13, 2000]

U.S. SHOULD DECLARE INDIA A TERRORIST STATE

WASHINGTON, D.C., JANUARY 13, 2000.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, called on the United States government to declare India a terrorist state. "India is one of the leading sponsors of terrorism in the world," he said.

Earlier this week, Mandeep Singh Sodhi, a 27-year-old Sikh in Uttar Pradesh burned himself to death to protest police abuses against his family. The Los Angeles Times reported that India violated international law by holding the prisoners who were released without charge or trial. There are tens of thousands of Sikh political prisoners rotting in Indian jails without trial. On December 20, according to Reuters News Service and India West, Pakistani police arrested a man who confessed to being an Indian agent and to planting bombs that killed 9 people.

Responding to some recent reports, Dr. Aulakh said that he "would not put it past" the Indian government to organize the hijacking themselves to justify a new wave of terror in Kashmir. "They have created incidents to promote terror in Punjab, Khalistan, Assam, Nagaland, Tamil Nadu, and other places within their artificial borders." he said.

The book Soft Target, written by two Canadian journalists, proved that India blew up its own airliner in 1985, killing 329 people, to blame the Sikhs. In 1994, the Hitavada, a well respected Indian newspaper, reported that the Indian government paid the late governor of Punjab, Surendra Nath, $1.5 billion to organize and support covert state terrorism in Punjab, Khalistan and in Kashmir.

The Indian government intelligence wing, RAW, infiltrated the militant Liberation Tigers of Tamil Eelam (LTTE) and supported the LTTE to gain control of the port of Trincomelli. When the Sri Lankan government agreed to give India control of the port, India turned against the LTTE and invaded Sri Lanka to crush the LTTE freedom movement. The Indian army suffered heavy losses at the hands of the LTTE freedom fighters and withdrew from Sri Lanka. Rajiv Gandhi, the ex-Prime Minister of India under whose government this took place, was blown up by a female Tamil freedom fighter.

The Indian government has murdered over 250,000 Sikhs since 1984. They have also killed over 200,000 Christians in Nagaland since 1947, more than 65,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalits, and others. "Only a terrorist state could commit atrocities of this magnitude," said Dr. Aulakh.

The U.S. State Department reported that the Indian government paid more than 41,000 cash bounties to police to murder Sikhs. One of these bounties was collected by police officers who killed a three-year-old boy, his father, and his uncle "Would you call this democracy or terrorism?," Dr. Aulakh asked.

Government-allied Hindu militants have burned down Christian churches and prayer halls, murdered priests, and raped nuns. The Vishwa Hindu Parishad, which is affiliated with the parent organization of the ruling BJP, described the rapists as "patriotic youth" and called the nuns "antinational elements." Hindus affiliated with the VHP surrounded the jeep of missionary Graham Staines and his two sons, ages 8 and 10, poured gasoline on it, set it on fire, and surrounded it, chanting "Victory to Lord Ram." In 1997, police broke up a Christian religious festival with gunfire. "Only a terrorist government could allow these kinds of atrocities," Dr. Aulakh pointed out.

Last year, Indian Defense Minister George Fernandes led a meeting with the Ambassadors from Cuba, Red China, Russia, Iraq, and Libya aimed at constructing a security alliance "to stop the U.S." "How could India form an alliance against the world's oldest democracy and then ask for help?," Dr. Aulakh asked. "Based on these and other pieces of India's pattern of terrorism, the time has come for Indian to be declared a terrorist state," Dr. Aulakh said.

TRIBUTE TO AMBASSADOR JULIUS L. KATZ

HON. BILL ARCHER

OF TEXAS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. ARCHER. Mr. Speaker, we rise today to pay tribute to an exceptional human being. Ambassador Julius L. Katz, who died last Thursday, January 27, at the age of 74, was a man of extraordinary intelligence, integrity and courage, who devoted more than 30 years to the service of his country.

Ambassador Katz first demonstrated his courage and devotion to service when, at 18, he enlisted in the U.S. Army and joined the 90th Infantry Division during World War II, leading at Normandy and fighting in the Battle of the Bulge. His experience during the war helped to shape his goals and ambitions for the rest of his life, as he fought to build and strengthen an international trading system not only for its substantial economic benefits, but as a bulwark against political conflicts among nations, misunderstanding, isolationism and, ultimately, war.

Upon his return from Europe, Ambassador Katz attended the George Washington University, and graduated with a degree in international relations and economics. In 1950, he joined the Department of State, working on various assignments, including supervision of U.S. aid programs in Yugoslavia and Poland, and negotiation of financial and property claims agreements in the U.S.S.R. Poland, Czechoslovakia and Romania.

Ambassador Katz contributions to the field of international trade accelerated in the mid-1960's as he assumed the position of Director of the Office of International Trade. There, he led U.S. delegations to meetings at the General Agreement on Tariffs and Trade (GATT) and participated in the Kennedy Round of trade negotiations.

In 1968, Ambassador Katz was named Deputy Assistant Secretary for International Resources and Food Policy, a position in which he was responsible for formulating U.S. international commodity policies. In 1974, he was appointed Senior Deputy Assistant Secretary, in which capacity he led various U.S. delegations on international trade issues, including the establishment of the International Energy Agency.

In 1976, Ambassador Katz was appointed Assistant Secretary of State for Economic and Business Affairs. As Assistant Secretary, he participated in a large number of trade negotiations, from the Tokyo Round of GATT negotiations, to civil aviation agreements with Japan, to various international trade matters with Canada and a natural gas supply agreement with Mexico. Ambassador Katz was one of only a few senior State Department officials asked to remain on in the Carter Administration, where he continued to serve until 1980. Among the honors and awards he received during his career in the State Department were the Wilbur J. Carr Award and the Distinguished Honor Award from the State Department and the Distinguished Service Medal from the Department of Energy, the highest awards conferred by those agencies.

In 1980, Ambassador Katz left government service to work in the private sector, also promoting international trade. In 1989, U.S. Trade Representative Carla A. Hills, on the recommendation of all of her immediate predecessors, former USTRs Yeutter and Brock and former Special Trade Representative Strauss, asked Ambassador Katz to return to public service as Deputy U.S. Trade Representative. Ambassador Katz agreed. Once again serving with distinction, Ambassador Katz was the Chief Negotiator for the North American Trade Agreement, led negotiations on the 1990 U.S.-U.S.S.R. trade agreement, chaired the Trade Policy Review Group sub-cabinet interagency committee that coordinates U.S. trade policy, and provided senior management coordination for the Uruguay Round of trade negotiations, particularly in areas such as agriculture.

Mr. Speaker, Ambassador Katz's career reads like an encyclopedia of the accomplishments of U.S. international trade policy since World War II. That, in and of itself, would be a fitting tribute to this man, born in New York City to a family of modest means. In the post-war era, it is difficult to think of any person who was more involved in more aspects of formulating U.S. international trade policy. Certainly, no one was more knowledgeable or committed to advancing the goals of that policy.

What is particularly remarkable about Ambassador Katz, however, cannot be gleaned only from his long and impressive list of accomplishments. Rather, it was his personal qualities that we in Congress who worked with him and knew him will miss so greatly. Jules Katz was a person of unimpeachable integrity—who spoke his mind clearly and eloquently. He was a teacher—to Cabinet officials and Presidents, as well as to younger trade policy officials who served under him. And, if his patience with himself, with events, and even with colleagues, on occasion deserted him, his restlessness helped to inspire and motivate those around him to come up with better analyses and more creative solutions. And, he more than made up for it with a sense of fairness that never left him, a warmth that led dozens to regard him as their mentor, and a sense of humor that disarmed adversaries and reenergized colleagues even at the most grueling moments of a negotiation.

Mr. Speaker, Ambassador Julius L. Katz epitomized the finest in public service to our nation. We owe this man a great debt of gratitude. Let his example inspire others who seek to contribute to this vital area of U.S. public policy. His legacy will live on in the many agreements that bear his imprint and the many people he worked with who carry inside of them a part of the flame that was his courage, integrity, ability and passion.

GREAT PROGRAM NATIONAL PRINCIPAL OF THE YEAR, DENNIS DEARDEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize Principal Dennis Dearden. He is a man that has worked very hard to reduce the numbers of gangs and violence in schools across the State of Colorado. Recently, his work was rewarded when he was named the National Principal of the Year.

Gang Resistance Education and Training (GREAT) program, backed by the United States Bureau of Alcohol, Tobacco and Firearms, teaches students how to resolve conflicts, avoid peer pressure and set personal goals. It also helps the students to understand cultural differences and how gangs negatively impact the quality of life.

As a result of the program implemented by Dennis, violence declined tremendously at Mount Garfield and drug-related calls to law enforcement dropped from 34 to zero. These astounding figures appeared in a report presented to Congress in support of the GREAT program.

Dennis was nominated for the award by Colorado State Trooper and Western Slope Coordinator of GREAT, Don Moseman. His nomination was chosen out of more than 3,000 principals across the nation.

It is with this, Mr. Speaker, that I say thank you to Principal Dennis Dearden for his dedication to our youth and the fight he has waged against gangs and violence. In addition, to our thanks, Dennis deserves our congratulations on being named Principal of the Year. Clearly, Dennis is eminently deserving of this high honor.

CONTINUING REMARKS HONORING DON K. CLARK, DIRECTOR OF THE HOUSTON DIVISION OF THE FBI

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening to commend a true Texas and American hero, Don Clark. Mr. Clark strode stoically into Houston like the lone sheriffs of lore. Standing alone, he quickly took matters into his own hands. Not only did he face down the criminal elements that plagued our fine city, but he also pierced that invisible wall that separated minorities from high ranking, law enforcement posts. Mr. Clark leaves his impressive imprint upon the city of Houston, and I congratulate him on his well-deserved retirement. He will be missed, but he will never be forgotten.

Given his vast accomplishments, it should not surprise anyone that Mr. Clark is a native Texan. Like a true Texas hero, he forged a legacy upon hard work and dedication. He built this foundation upon his commitment to academia and military training. He received a Bachelor of Science degree in Engineering and a regular Army commission as a 2nd Lieutenant from Prairie View A&M University in 1967. As a long-time supporter of this Historically Black University, I take pride in the fact that Mr. Clark achieved such high excellence at this institution. He also attended Long Island University and completed course work for a Master of Science degree in Public Administration and graduated from Harvard University's John F. Kennedy School of Government Program for Senior Managers in Government.

Mr. Clark served in the U.S. Army from May, 1967, to November, 1976, attaining the rank of Captain in the Infantry. In 1973, I am proud to say that he was selected by the Chief of Staff of the Army to command an Airborne Ranger Company in a newly created ranger battalion.

Because of his outstanding academic and military achievements, Mr. Clark earned his position as a Special Agent of the FBI on November 7, 1976. His impressive service included assignments in Miami, New York, Los Angeles, Newark, San Antonio, and Washington, D.C. His extraordinary experience included foreign counterintelligence, counterterrorism, violent crimes, organized crime/drug and other FBI investigative programs.

Because of Mr. Clark's diligence, he obtained far greater responsibilities, and as an African-American, I proudly watched as he rocketed through the ranks. And his brilliance was clearly evident during several high profile FBI investigations. In 1979, during the Iranian Hostage Crisis, Mr. Clark supervised the Iranian terrorism investigation and handled the movement of the Shah of Iran from New York City to San Antonio, Texas. Moreover, in 1985, Mr. Clark played a key role in the supervision of the terrorist attack aboard the Achille Lauro ship which claimed the life of passenger Leon Klinghoffer.

Mr. Clark's work with high profile cases continued into the 1990s. In February, 1993, Mr. Clark was assigned to manage the World Trade Center Bombing investigation. On April 1, 1996, while serving as the Special Agent in Charge in San Antonio, Mr. Clark was detailed to serve as one of the Special Agents in Charge of the Freemen crisis in Jordan, Montana.

On July 2, 1996, Texas history was forever altered when Director Freeh appointed Mr. Clark as the Special Agent in Charge of the Houston Division, one of the FBI's Top Ten Field Divisions. He has been a model government official and a model citizen for the Houston community. He is living proof that commitment brings one's aspirations into vivid reality.

Mr. Clark maintained numerous responsibilities while working for the FBI. He is a member of the International Association of Chiefs of Police and the National Organization of Black Law Enforcement Executives. He has attended the FBI's Executive Development Institute, is a trained SWAT member, bombing instructor, and police training instructor.

Mr. Clark's dedication is not only evident in his own work, it is also manifest in his numerous achievements, including high school class valedictorian, Who's Who in America's Colleges and Universities, Distinguished Military Graduate receiving a regular Army commission, and many awards and recognitions from both the U.S. Army and the FBI.

I am most proud of the fact that Mr. Clark earned two Bronze Stars for Bravery while serving in Vietnam and the FBI Medal for Meritorious Achievement during law enforcement action. These awards clearly reveal Mr. Clark's strength of character and dedication to our country.

Again, I wish Mr. Clark well as he embarks on his retirement. His exploits paint a vivid picture across the canvas that weaves among the United States, and for his work, he truly has earned his days of rest. I thank him for his efforts.

RECOGNIZING MR. BILL POLACEK

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. MURTHA. Mr. Speaker, I enclose in the RECORD, an article from the December 27, 1999 "Tribune-Democrat", of Johnstown, PA, concerning the community involvement and efforts of Mr. Bill Polacek.

It's these kinds of selfless acts helping individuals that are such a hallmark of the principles that have made our Nation great, and of the personal spirit that must dominate our Nation not only during the Holidays but throughout the year.

I commend Bill Polacek, and I'm glad to enclose this article on his efforts.

AREA MAN MAKES SURE NEEDY HAVE CHRISTMAS

(By Tom Lavis)

Bill Polacek of Richland Township learned the true meaning of Christmas when he was only 6.

That's the reason that for the last three years, Polacek, 38, has donated a Christmas present to each man, woman and child who comes to Christmas Eve dinner at St. Vincent de Paul Family Kitchen at 231 Bedford St., Johnstown.

Polacek owns Johnstown Welding and Fabrication Industries, 1363 Broad St.

A tall dark-haired man who towers over most people, Polacek is one of nine children in a family where money was always tight.

"When I was 6, my father shattered his ankle right before Christmas and the only money coming in was 50 percent of his supplemental pay from Bethlehem Steel," Polacek said, as he and his family distributed gifts to the needy as they left the pantry.

"We weren't going to have much of a Christmas that year," he said.

"To this day, we don't know who it was, but someone left bags of groceries, presents and a small amount of money on our porch so that our parents could give us a nice Christmas. That's why I do this. I'll never forget what that gesture meant. My mother cried," he said.

Joe Bartko, director of the kitchen, said he admires Polacek because he and his family give without expecting any fanfare. He said it is heart-warming to have people like the Polaceks who think of the less fortunate.

"The people's faces say it all when they get a gift in addition to a meal," Bartko said. "It has gotten to a point that many of these people look forward to this because this is the only Christmas they will have. They have nothing."

After enjoying a traditional Christmas dinner that included turkey with stuffing, ham steak, mashed potatoes, corn, salad and pears and poppy-seed rolls for desert, people were treated to a gift when they left.

George Karadeanes, 61 who lives in the Solomon Homes, said everyone appreciates what the Polaceks are doing.

"Last year, I got a sweatshirt and some gloves," Karadeanes said, as he was sweeping his plate with a dinner roll to finish a last bit of turkey gravy. "I still have the gloves and they keep me warm. I have no family and this is my celebration."

Twelve-year-old Mikey Wiesinger of Kernville squealed with glee as he was handed a stuffed Barney doll. He was at the dinner with his parents, Brian and Diane Wiesinger, and his 13-year-old brother, Brian.

If any of the 25 volunteers who prepared and served the dinner or members of the Polacek family wanted to know if their efforts were appreciated, they only had to look at Mikey's face while he clutched the purple dinosaur to know that they brought joy to the boy's Christmas.

Ada Szewczyk, 62, of Johnstown, was chatting with friends at one of the long tables, and I noticed that her gift was on the table unopened. I asked her why.

"I'm saving it so I have something to open Christmas morning," she said.

This was the first year that Szewczyk attended the dinner when presents were given.

"I was surprised, but that man (Polacek) knows that Christ was born on Christmas and I hope God blesses him," she said.

A mountain of presents was stacked near the door of the pantry and Polacek; his wife, Shari; and their four children were busy distributing gifts to people who waited in an orderly fashion.

Mrs. Polacek said she is pleased that the family could bring some joy to people, and she wanted her children to learn that it is better to give than receive and that some people are struggling. The children are Bill Jr., 10; Blake, 7; Madison, 4; and Carter, 10 months.

"Last year, we lost track of Blake and couldn't find him anywhere until we looked back at the tables where people were eating," Mrs. Polacek said.

"There he was eating a turkey dinner and joining right in with some of the folks. We try to teach the kids that in terms of values, you get what you give."

Also on hand were Mr. Polacek's mother, Sarah, and stepfather, George Mihalaki of Windber. Polacek's father, John is deceased.

Mrs. Mihalaki said that one act of kindness many years ago has left an impression on the entire family.

"We created the Polacek Family Human Needs Fund, where we all initially donated money to give to a charity," she said.

"Now we have fund-raisers during the year to raise a little more. We usually earmark the money to one charity a year."

But the St. Vincent de Paul effort is separate from the family's donation.

Mr. Polacek said he usually gives up to $2,500 for the gifts.

"I buy from Boscov's and they generously give a discount on each item," he said.

"That way we can give more gifts and the store even gift wraps each present."

The dinner also marked the first time that someone spent the afternoon singing carols for the people.

Shawn McConville of Geistown entertained to the delight of every one on hand.

It was a wonderful Christmas celebration.

There was good food, good music, laughter and fun. Most of all, there was love.

TRIBUTE TO MRS. ANNIE JEAN CAMPBELL

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. THOMPSON. Mr. Speaker, it gives me great pleasure to stand here today on the first day of "Black History Month" to record yet another first for African-Americans in my home state of Mississippi. On November 2, 1999, Mrs. Annie Jean Campbell became the first African-American woman to be elected to serve on the Board of Supervisors in Montgomery County, MI.

Mrs. Campbell, the daughter of Joe and Annie Roby not only became the first African-American woman to be elected to the position, but she is the first woman ever. Mrs. Campbell has lived in Montgomery County all of her life and is dedicated to the service of the people. As wife and mother of three, Ms. Campbell has already exemplified the patience and understanding needed to be an effective representative to the public.

Mr. Speaker, as I stand here and think of the accomplishment Mrs. Campbell has made, I become re-energized in the fact that there is always a possibility to change and that Mississippi continues to progress and create a new legacy.

MARKING THE RETIREMENT OF JOHN P. WEISS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to commend John P. Weiss for nearly thirty years of service to the U.S. Immigration and Naturalization Service. John is more than an extraordinary public servant, he is a humanitarian and a great advocate on behalf of the American people.

On January 3, 2000, John Weiss officially retired as Officer in Charge of the Hartford, Connecticut INS Office. John's leadership and commitment to excellence has ensured high quality and efficient service for immigrants and their families living in Connecticut. John set a standard that all of us in public service should work to emulate.

In 1988, my office was inundated with calls from U.S. citizens who were filing their I–130 petitions for their foreign born spouses at the INS Service Center in Vermont. Unfortunately, the processing time in Vermont was quite lengthy. After approaching John with this problem and expressing the frustration of my constituents, he agreed to look into the problem. John then implemented a new processing policy for I–130 and I–485 petitions filed by citizens on behalf of their spouses. He clearly empathized with the stress they were feeling due to being separated from their spouses. John allowed the Hartford INS office to begin accepting I–130 petitions from citizens for their spouses. This accelerated the processing time tremendously. He truly made a positive difference in the lives of thousands of people. Families were able to reunite much sooner than they had originally expected.

I have remarked many times throughout the years that Connecticut is indeed very lucky to have such a compassionate and caring individual such as John Weiss running the INS office. John's career is quite distinguished. One of his most remarkable assignments began in 1973 when he was assigned to investigate Nazi war criminals. John spent a great deal of time interviewing Holocaust victims and chronicling the atrocities that occurred during the Second World War and tracking war criminals who might have attempted to fraudulently enter the United States. I know this was an experience that deeply affected John's life and perspective on the world.

Whenever John Weiss learned about a problem or an individual with extenuating circumstances, he took steps to address it. It never mattered how busy he was with his duties, he always made time to address the needs of every constituent. In this respect, he is a model for all of us in public service.

Mr. Speaker, John Weiss is a public servant in the very best tradition of our country. He has worked tirelessly on behalf of the citizens of Connecticut and provided the highest quality service. He has also brought a sense of compassion to his work.

I am proud to be able to join his former colleagues and members of the community in thanking John for his service and commitment to bettering the lives of immigrants and their families.

HOUSE OF REPRESENTATIVES—*Wednesday, February 2, 2000*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Oh, gracious and loving God, as we come together in this time of prayer, we celebrate the diversity of our own lives and in the lives of the people around us.

As we see the differences in our own heritage and in our own histories, we are grateful that we can learn from each other, tell our stories and ideas and traditions and deepen our understanding of our shared humanity.

Even as we see that which makes us distinctive, so at that moment we marvel at the beauty of Your mighty creation and the grandeur and the miracle that You have made us as one people. Bless us this day and every day we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Washington (Ms. DUNN) come forward and lead the House in the Pledge of Allegiance.

Ms. DUNN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONGRESSIONAL GOLD MEDAL FOR THE REAGANS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, next week, the gentlewoman from Washington (Ms. DUNN) and I will introduce legislation to award the Congressional Gold Medal to former President and First Lady, Ronald and Nancy Reagan, in recognition of their distinguished record of service to the United States.

I encourage my colleagues on both sides of the aisle to join us in commemorating the Reagans and their service to our great Nation.

Under President Reagan's leadership, the United States experienced unprecedented economic growth and gained a renewed sense of national pride.

Known as the Great Communicator, Ronald Reagan maintained his unique poise and uncanny wit during his tenure in office and throughout his life.

His wife, Nancy, served as gracious First Lady and as the tireless leader of the well-known anti-drug "Just Say No" campaign. She held her own.

Together, the Reagans have been dedicated to promoting national pride and improving the quality of life in America. Ronald Reagan will celebrate his 89th birthday this weekend. Awarding the Congressional Gold Medal to the Reagans would certainly make a wonderful birthday gift; but more importantly, the award would be a fitting tribute for their contributions to our country.

DEPLORING NEOFASCISM IN AUSTRIA

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, on whatever side my colleagues were last night in the New Hampshire primary, I am calling on all of them to join me as I introduce a resolution this morning with respect to the outrageous neofascist developments in Austria.

Austria for decades paraded as Hitler's first victim, when in point in fact Austria was Hitler's first ally. Now, the neo-Nazi leader is about to be admitted to the Austrian government. All other 14 nations of the European Union are downgrading diplomatic relations with Austria, and my resolution calls for a voluntary boycott of tourism to Austria, the purchase of Austrian products, the use of Austrian Airlines, and the downgrading of our own diplomatic relations with Austria.

Mr. Speaker, this is not a time to introduce fascism into the New Europe. I applaud the European leadership for denouncing this outrageous neofascist development.

MARRIAGE TAX PENALTY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I rise today to remind my colleagues of the fact that the Committee on Ways and Means is marking up marriage penalty relief and also to talk about the negative impact of the marriage penalty.

Under current law, 21 million couples are required to pay on average an additional $1,400 a year in taxes simply because they are married. The marriage penalty is a ridiculous policy that is undermining the institution of marriage and making it harder for working families to get ahead.

Mr. Speaker, the marriage penalty is especially hard on the family's second wage earner, often the wife's salary, because their income is taxed at higher marginal rates. In response to these higher rates, many people, especially the second earners, choose not to work or to work less. This not only makes these couples worse off because of their decreased income, because it also reduces the national output. In short, the marriage penalty punishes success.

I commend the leadership for making the marriage penalty relief a top priority, and I urge my colleagues on both sides of the aisle to pass this commonsense legislation.

HONORING MONROE SWEETLAND

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, as the voters of New Hampshire salvage some dignity from the presidential nominating process, it was keenly observed in Oregon by Monroe Sweetland, the father of Oregon's modern Democratic Party.

Last month in Portland, we gathered to celebrate his 90th birthday. Although a partisan Democrat, he was introduced at this gathering by his good friend, Republican Senator Mark Hatfield.

Monroe was a confidant of Eleanor Roosevelt and ally of President Truman. He was in Indonesia during "the year of living dangerously" and then returned to the United States to be political director for Western States of the NEA for over a decade.

Monroe is a journalist, State senator, and small businessman who last year ran a very competitive race for State senate. Legally blind for years, his slogan was that his eyesight may be dim, but his vision is clear. I am proud of the many contributions of this great man and look forward to his next decade of public service. He shows how politics should be conducted while living life to the fullest.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ELIAN GONZALEZ AND FAITH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, weak and thirsty, Elizabet spent the last hours of her life praying to God to protect her son, Elian; to guide him to safety in the land of liberty. She shaded Elian with her own body, gave him bottled water so he would not dehydrate, did everything humanly possible so that he would live.

As darkness enveloped her frail body and before she disappeared into the depths of the Atlantic, she turned to Elian and said to him, "My child, remember that prayer I taught you? Pray to your guardian angel. Ask him to watch over you, for you are in God's hands now."

Elizabet succumbed to the power of the sea, but Elian continued to pray and on Thanksgiving Day, he would be saved under what one of his rescuers has classified as miraculous circumstances.

Mr. Speaker, one cannot help but wonder if there was divine intervention. As former President Ronald Reagan has said: without God, there is no prompting of the conscience.

So I ask my colleagues to search their conscience and consider what is right and just before making a decision on Elian's case. We can still hear his mother's last wishes from the depths of the sea.

IRS INVESTIGATED

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after destroying lives and ruining families for years, reports now say that the IRS is being investigated for targeting political opponents. Being one, I find it amusing that all of the sudden files are missing, agents have amnesia, and evidence just cannot be found.

Truth is, the IRS has been lying through their teeth for so long, they need braces. Think about it. Little Punxsutawney Phil can find his shadow, but the big bad IRS cannot find their laptops.

Beam me up, Mr. Speaker.

It is time to abolish both the income tax and the IRS. Replace it with a national retail sales tax.

Mr. Speaker, one last thing. I yield back the lies, crimes, dental needs, and amnesia of the "Internal Rectal Service."

CONGRESSIONAL GOLD MEDAL FOR RONALD AND NANCY REAGAN

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, on February 6, Ronald Reagan will be celebrating his 89th birthday. To commemorate this occasion, I will be joining my colleague, the gentleman from Nevada (Mr. GIBBONS), in introducing legislation to award the Congressional Gold Medal to Ronald and Nancy Reagan.

Together with his devoted First Lady, Ronald Reagan believed in the promise of the American dream. In an era of growing cynicism, the Reagans worked in their own optimistic, upbeat way to make America a place where everyone can rise as high and as far as her ability will take her.

In 1989, I had an opportunity personally to thank Ronald Reagan for his contributions to America. This was shortly after the Berlin Wall was taken down and the land he once declared an "evil empire" began to be dissolved. Now is the time to broaden this "thank you" so that it comes from all the American people.

Mr. Speaker, we can begin this process here in the Congress in a bipartisan way by awarding him and his First Lady the Congressional Gold Medal.

Mr. and Mrs. Reagan, this "thank you" is long overdue.

GOOD POLICY MAKES GOOD POLITICS

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I rise today to congratulate the winners in the New Hampshire primary yesterday: Vice President AL GORE and Senator JOHN MCCAIN. Let us be truthful, there are consistencies in their message that the voters are obviously responding to, one of which is the need to clean up the campaign finance mess that exists here in Washington, D.C. The other is their fiscally responsible message that I believe both of these individuals are delivering to sustain economic growth.

Mr. Speaker, it is a message that says before we get carried away with these projected budget surpluses, we still have existing obligations that we need to take care of. Obligations such as shoring up Social Security, Medicare, paying down the $5.7 trillion national debt, before we embark on large new tax cuts or large new spending programs.

In short, good policy is making good politics in these campaigns. Perhaps it would be wise for us Members in this chamber to wake up and realize what the American people are responding to and embracing, and work in a bipartisan fashion to address these very crucial issues before we embark on irresponsible fiscal policy in the coming year.

CIVILIANS MURDERED IN INDONESIA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to talk about what is happening to the people of Ambon in Indonesia. Over 2,000 people have been killed in the past few months; hundreds have been severely wounded; dozens of churches have been burned, all as a result of fighting in Ambon and approximately 1,000 extremists having traveled to the area to wage jihad on the inhabitants.

Unfortunately, the Indonesian military has played a role in the death and terrorizing of civilians. In one report, a church was being guarded by its congregation when soldiers arrived. The military went into the church, started shooting, killed 24 men, dragged the bodies outside and burned them beyond recognition. The soldiers apparently belonged to the elite strategic reserve command and the paramilitary police.

Observers in local hospitals have heard numerous stories of people shot by soldiers of the Indonesian army.

Mr. Speaker, I commend President Wahid for his efforts to end this violence and I urge him to take the needed steps to bring the military under control and to bring to justice those responsible for brutally murdering innocent civilians.

OAK CREEK, WISCONSIN, HIGH SCHOOL STUDENTS WANT TO SEE CHANGE

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of Wisconsin. Mr. Speaker, at a time when many adults question the seriousness and maturity of high school students, it is important for us to take a moment to pause to commend the group of high school students in Oak Creek, Wisconsin, who not only are doing something to improve our democracy, but I think challenge this very chamber to act in a responsible way.

A group of students in Oak Creek, Wisconsin, have formed their own political action committee entitled the Oak Creek High School FECA Fighters, for the Federal Election Campaign Act. They are collecting dollars and coins in a 5-gallon drum and will contribute it to presidential candidates who are supporting ways to change the way elections are financed. They do not like the law and want to see it changed.

Mr. Speaker, I commend these young students for getting involved in the democratic process, because this democracy only works as well as we make it work. It is the ultimate participatory sport, and these young people recognize that for this sport to continue, for this democracy to continue, they have to be involved. They are challenging us to reform the campaign laws. Let us follow their challenge and pass Shays-Meehan and make it law.

MARRIAGE PENALTY: TAX CODE PUNISHES TRADITIONAL, TWO-PARENT FAMILY

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, at a time when the traditional two-parent family becomes increasingly rare, the Internal Revenue Service continues to punish this important institution. Studies consistently confirm what common sense already has told us: more two-parent families mean healthier children with a much greater hope at success in school, on the job, and in life.

The marriage penalty affects about 28 million working couples. They pay an average of $1,400 in additional tax burden simply by saying "I do."

That is money that could be used to purchase a family computer, save for a child's college education, or make the car payments. Congress must address this immoral tax and strengthen the two-parent family, not punish it.

Mr. Speaker, I urge President Clinton to help Republicans enact significant relief from the marriage penalty this year. Republicans will not rest until the marriage penalty tax has been eliminated once and for all.

THE IMPORTANCE OF FISCAL RESPONSIBILITY

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, I join with my colleagues in the New Democratic Coalition in addressing the House today on the importance of fiscal responsibility. There is huge pressure on us. Pressure to adopt the huge tax cuts proposed by George W. Bush, the governor of Texas; pressure to adopt hundreds of new government programs. With today's surplus, we can afford some responsible tax cuts and we can afford some additional efforts to deal with intractable social problems.

☐ 1015

But we should remember that the economic expansion that we are in now has already done more for the poor than 100 Great Society programs and has already done more for business than every tax gismo put into the 1981 tax bill that was designed to use the Tax Code and tax cuts to incentivize business expansion.

Mr. Speaker, we need fiscal responsibility and to pay down the debt for our seniors to keep Social Security solvent; for our children, so that we do not leave them a mountain of debt. But even perhaps, more importantly, we need fiscal responsibility. We need to be paying down the national debt in order to continue this unprecedented economic expansion.

MARRIAGE TAX PENALTY RELIEF

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, last year this Congress passed legislation to end the unfair marriage tax penalty. Regrettably, President Clinton chose to veto it. If he had signed our legislation into law, 28 million married couples could have had up to $1,400 in additional tax relief this year. Especially, this extra money would have meant a lot to couples just starting out together.

Instead of having the choice to invest this money for their future or use it for everyday expenses they are forced to hand this hard-earned money over to the IRS. And this tax hits average wage earners the hardest. This is unfair.

Mr. Speaker, this House is still committed to ending the tax on married people. This year we will fix the marriage tax penalty.

I urge the President to work with us this time to make it happen.

DISCRIMINATION CLAIMS AGAINST LOCKHEED MARTIN

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, I thought Southern good ol' boys were a dying breed. How mistaken could I have been? They must have all just been hiding in Lockheed Martin's management suites.

Now, why do I say this? Just imagine a black woman having to get a bathroom pass from her white coworkers and then one of them having to escort her to the rest room to make sure she actually tinkles in the toilet.

And if you are in need of Ku Klux Klan robes and membership cards, I know where you can find some.

Just imagine coming to work and finding a noose hanging around your tool box.

Also, seems Lockheed has found the fountain of youth. How else could they have so many 50-year-old black boys working for them? Not surprisingly, discrimination claims are being filed against Lockheed Martin all across the South from Alabama to North Carolina.

Mr. Speaker, if John Rocker needs a job, I think I found the perfect place to hide him.

TOTAL U.S. DEBT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I bring this chart because I think if we do nothing else, we should be up front, very honest. We should not continue to hoodwink the American people in talking about reducing the debt of this country.

I bring this chart, the total debt of this country is $5.72 trillion. I divide it in three segments: The Social Security debt, which is now about a trillion; the other trust fund debts are about a $1.1 trillion; and the debt held by Wall Street or the debt held by the public is now $3.6 trillion.

What we are doing, when we are saying everybody in Washington says we are paying down the debt, we are borrowing from Social Security; that is why the Social Security debt gets bigger.

Mr. Speaker, we are using those dollars borrowed from the Social Security trust fund to pay down the Wall Street debt, so the net total debt, subject to the debt limit, the total debt of this country that we are passing on to our kids continues to go up.

Let us be honest about it. Let us try to achieve a real balanced budget, and that means the total debt of this country does not continue to rise.

REPUBLICAN LEADERSHIP CONTINUES TO STALL ATTEMPTS TO PASS MEASURES HELPING MIDDLE CLASS FAMILIES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last year the Republican majority failed to act on the basic issues facing hard working Americans. Time and time again, they sided with special interests over the public interest.

Today, the Republican leadership continues to stall attempts to pass measures that would help middle class families such as saving Social Security and Medicare, improving our public schools and passing real HMO reform.

The American public wants to protect Social Security and Medicare first. We should also be paying down the debt, instead of giving tax breaks to the top 5 percent. We need to pass a real Patients' Bill of Rights that lets doctors and patients make medical decisions, not HMO bureaucrats. And we need to provide a prescription drug benefit for all seniors. These should be our top priorities.

The Republican leadership needs to put the public's interest ahead of the special interests. Our families and our communities deserve a Congress that fights for them. We need the opportunity to address the real needs of the American people.

BIENNIAL BUDGET PROCESS WOULD ELIMINATE ELECTION YEAR GRIDLOCK

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I support the biennial budget process. That is that we should have: The budget process every 2 years and not every year. I have a bill, H.R. 493, to provide such a process. Senator DOMENICI, in the Senate, has a companion bill.

Why is this an improvement over the current process? I believe that by adopting such a measure we would remove all this political in-fighting partisanship every year, plus all the pork barreling that occurs so often.

What I would like to see is that in the first session we pass the first 13 appropriations bills, then in the second session we do oversight to find out what has happened with all this legislation that we passed. Is it working? The second session could also be reserved for looking at the emergency spending.

I think the current process is very partisan and we should remove it. So please support H.R. 493, the biennial budget process.

CONGRESS SHOULD PUT ITS FINANCIAL HOUSE IN ORDER

(Mr. MOORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, it is time we put our financial House in order. We have the opportunity for the first time in a generation to do the right thing for ourselves, for our country, and for future generations.

We must begin to conduct our financial affairs in this country the way families across America have for years and years. For years they have observed three very simple but unspoken rules: Number one, do not spend more money than is made. Number two, pay off debts. And number three, take care of basics.

The basics for our country, Mr. Speaker, are Social Security, Medicare, national defense, and a number of other things that we could all talk about here.

Our willingness to do the right thing now will pay tremendous dividends to us now and to our children and grandchildren in the future in terms of lower interest rates, and in terms of $243 billion that we paid in 1998 as interest on the national debt.

If we do this now, Mr. Speaker, we will do a tremendous thing for our country, and I ask all of my colleagues in Congress to join with me in an effort to begin the debate to pay down our national debt.

DO AWAY WITH MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, over the last several years many of us have asked a very fundamental question, and that is, is it right, is it fair that under our Tax Code if individuals get married they pay higher taxes than if they stay single? Is it right, is it fair that under our Tax Code that 28 million married working couples pay on average $1,400 more in higher taxes just because they are married?

Well, this House, under the leadership of the Speaker, is going to do something about that. Today, the House Committee on Ways and Means is going to have committee action on H.R. 6, legislation which will wipe out the marriage tax penalty for the vast majority of those who suffer it, providing marriage tax relief for 28 million married working couples; couples such as Shad and Michelle Hallihan, two public school teachers from Joliet, Illinois, who suffer the marriage tax penalty just because they are married.

Now, their marriage tax penalty is about $1,000, just below average. But Michelle Hallihan told me, she said, "Tell your friends in Washington that the marriage tax penalty is real money for real people." That thousand dollar marriage tax penalty that Shad and Michelle suffer, they just had a baby, and she pointed out that that $1,000 would purchase for her and her husband and her child 3,000 diapers.

Let us eliminate the marriage tax penalty. I am pleased a dozen Democrats have finally joined with us. We are going to make a bipartisan effort and wipe out the marriage tax penalty.

NEW DEMOCRATIC BUDGET

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, last week the Congressional Budget Office released its latest estimates for the budget surplus. The CBO laid out three different on-budget surplus estimates ranging from $800 billion to $1.9 trillion.

Depending on the actions of this Congress, we can use the surplus wisely or it can be unwisely spent, without paying off the debt, shoring up Social Security, or funding desperately needed programs, such as providing prescription drug coverage for Medicare recipients and school construction and modernization of our schools.

Mr. Speaker, it is imperative that we pay down the national debt. I fully support the President's goals stated in his State of the Union Address to eliminate public debt by 2013.

As has been indicated, this Congress, and implied by my colleagues on the other side of the aisle, the Republican leadership will not adhere to the spending caps in the fiscal year 2001 budget. For this reason, it is imperative that we use the surplus to ensure the long-term solvency of Social Security and pay off the national debt.

Once we have done this, we can then use the remaining surplus and the money saved in interest payments on our debt to enact a voluntary prescription drug plan so that seniors do not have to choose between food and medication. We can help our crumbling schools and build new classrooms to relieve a system bursting at its systems. And, yes, we can even give targeted tax cuts to help hard working American families make ends meet.

ELIMINATE THE MARRIAGE TAX PENALTY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, 20 years ago my wife, Libby, and I walked down the aisle. And we were lucky, we had a lot of family and friends there, who showered us with gifts. My wife seemed to have written thank you notes for a month or two afterwards trying to catch up.

Now, we got married in October. Well, come April we got a little notice from Uncle Sam. It was not a wedding gift, though. It was the marriage tax penalty. Because we decided not to live with each other; because we decided to get married, we had to pay more money. And just like Michelle and Shad Hallihan in Joliet, Illinois, we in Savannah, Georgia, had to pay extra.

Now, as the gentleman from Illinois (Mr. WELLER) said, Michelle is pregnant. She is going to have a baby. Uncle Sam is going to take away about $1,000 worth of diapers because of the marriage tax penalty. But they will also be having to buy diaper changing tables and cribs and all kinds of other things, such as car seats and so forth. Why? Because they are doing the right thing. Because they are making a lifetime commitment.

Because they are going to become property taxpayers, to send their kids to the schools, they are going to contribute to the United Way and to all the charities and the churches, for that Uncle Sam is penalizing them. Common sense says we need marriage tax relief. It is a good bill. I hope that we can pass it soon.

WHEN AND HOW MARRIAGE TAX PENALTY IS ELIMINATED IS IMPORTANT

(Mr. MINGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, it appears that the debate of the day is over the marriage tax penalty, and we have had a very attractive picture of a young couple at their wedding and an indication of what it costs that young couple. I do not think there is any real disagreement in this body over the importance of eliminating the marriage tax penalty. The real question is when do we do it and how do we do it.

There have been estimates circulating in Washington that the plan that the Republican leadership will be trotting out this week will cost three times as much as would be necessary to eliminate the marriage tax penalty if it were limited to moderate income taxpayers, such as the couple whose picture we have seen.

Also, there is a great deal of concern as to how we avoid simply being caught up in the enthusiasm of doing something by Valentine's Day. Well, for one thing, we ought to at least be adopting a budget in this body on a timely basis and making sure that our elimination of the marriage tax penalty fits into the budget that we are dealing with.

So, Mr. Speaker, I think that we would do well to admonish ourselves to proceed in a very deliberate fashion, to consider the alternatives, and to make sure that by the time we are done we are proud of our product and we are proud of our process.

□ 1030

MARRIAGE TAX PENALTY

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, the problem is there is no surplus. Even though CBO has projected a $1.9 trillion surplus over the next 10 years, they made false assumptions in coming up with that surplus.

For example, if we project the current level of appropriations and only increase by the rate of inflation, not assuming population changes or any attempt to improve quality of life of the American people, then more than a trillion dollars is going to be used up in meeting just the need to increase by inflation. It does not assume that we will sustain any of the tax extenders.

Obviously, we are going to do that. It does not assume that we will fix the alternative minimum tax. If we do not do that by 2009, we are going to have more than 15 million people paying the alternative minimum taxes. It is going to reach down to people with incomes below $50,000 a year. That has to be fixed.

It is going to cost as much as $230 billion just to sustain the kind of rational tax cuts that are necessary. We want the marriage penalty fixed but not when half of the people that are benefited are now getting a marriage bonus. Because they get married, they pay less taxes. Half of the money in today's bill that is being marked up would go to those families. That is not of the best use of our resources.

PROVIDING FOR CONSIDERATION OF H.R. 2005, WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT OF 1999

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 412 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 412

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 412 is a modified open rule providing for the consideration of H.R. 2005, the Workplace Goods Job Growth and Competitiveness Act. The rule provides for one hour of general debate, equally divided between the chairman and ranking member of the Committee on the Judiciary.

After general debate, the bill will be considered under an open amendment process, during which any Member may offer any germane amendment as long as it is preprinted in the CONGRESSIONAL RECORD.

And the minority will have an additional opportunity to change the bill through the customary motion to recommit, with or without instructions.

So I think it is fair to say that this rule encourages a full debate and accommodates any Member who wants to improve upon the underlying legislation.

Mr. Speaker, this act is a bipartisan bill that creates a uniform statute of repose for durable goods. In layman's terms, that means that 18 years after a product is sold, durable goods manufacturers will have some protection from the liability for injury caused by use of their products.

The thinking behind this legislation is that if a product has been used safely for a substantially long period of time, it is not likely that it was defective when it was originally purchased. If an injury occurs after almost two decades of use during which time the manufacturer had no control over the product, it is more likely that the product was either misused or not well maintained. In such cases, it is unfair to hold the manufacturer liable.

The encouraging news is that, in most cases when manufacturers are sued for injuries caused by old products, the manufacturer wins; but this justice is not won without a price. The costs of defending a case involving an old product are more burdensome because establishing a strong defense may involve tracking down an employee who has long since retired, indeed may no longer be alive, digging up old records, and recalling events that occurred many, many years ago.

The time and money required to litigate such cases divert resources that could otherwise be spent on developing innovation, increasing production, creating jobs, or providing benefits to employees.

H.R. 2005 strives for a balance by providing remedies for legitimate claims and at the same time protecting manufacturers from the cost of unreasonable and unnecessary litigation.

The bill is narrow in its application of the liability protection it provides. The death and personal injury section of the bill is limited to those eligible for Worker's Compensation.

The bill also takes into account latent injuries, which may not manifest themselves for years, by exempting cases where harm is caused by toxic chemicals. Exemptions are also provided for cars, boats, aircraft, or passenger trains.

Further, if a product is covered by a warranty that exceeds 18 years, the bill allows suits to be filed until the end of the warranty period.

Establishing a national statute of repose for durable goods is not a new idea. Bills containing a national statute of repose have been considered by every Congress for almost 2 decades. And currently 19 States have statutes of repose laws covering a variety of products and ranging from 6 to 15 years.

But durable goods are often sold nationally, which creates a disparity of results for claimants and manufacturers in different States. The provisions of H.R. 2005 would preempt State law, thereby extending the 18-year time limitation for workers and States that have statute of repose laws and creating a uniform law in the 30 States that do not have these laws on the books.

Statute of repose laws are not unique to the United States. European and Japanese manufacturers benefit from statute of repose laws that provide a competitive advantage in the amount of time and resources they save, which then can be used to grow their businesses and market their products.

These are many of the arguments in favor of H.R. 2005. But this legislation does not have its opponents. And while the Committee on Rules did not hear from the Members who have concerns about this bill, the committee recognizes that some disagree with the provisions, which is why the rule allows for a full debate and a limited number of amendments.

So, Mr. Speaker, I would urge all of my colleagues, regardless of their views on H.R. 2005, to support this fair and open rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding to me the customary 30 minutes.

Mr. Speaker, I am a cosponsor of the underlying bill, the Workplace Goods Job Growth and Competitiveness Act, H.R. 2005. This bill establishes a uniform nationwide 18-year time limit on the civil liability of manufacturers of durable goods, such as machine tools.

Under the measure, civil suits for damages against durable goods manufacturers could be brought only within 18 years after the product enters the stream of commerce. This is a common sense reform proposal that would promote the competitiveness of American manufacturers while simultaneously protecting U.S. workers.

My district in Rochester, New York, is a large manufacturing district. We are the proud birthplace of a number of Fortune 500 companies, such as Eastman Kodak, Xerox Corporation, Bausch & Lomb, and Johnson & Johnson. Indeed, we are the largest per capita exporting city in the United States. This region exports more than all but nine States. We are among the top 10 exporting areas in the entire country.

But the durable goods manufacturing industry is subject to frequent product liability lawsuits targeted against products that are often decades old and have been resold or modified without the original manufacturer's knowledge or control. The potential liability in these products is literally endless.

Wasting money on everyone but the injured parties in these lawsuits is inefficient and does little good. In fact, it hurts American workers, businesses, and consumers. And our foreign competitors do not have the same risks and costs as the United States manufacturers.

The European Union and Japan both have a 10-year statute of repose, so they maintain a distinct cost advantage from pricing products. And implementing the 18-year limit would help to even the playing field.

Moreover, the measure would not harm workers on the ability to be justly compensated in the event of injury. In fact, the measure guarantees the worker would be eligible for Worker's Compensation. The worker could also have a cause of action for negligent maintenance of the machine.

The bill provides a valid solution to a problem facing durable goods manufacturers while ensuring the injured claimants will recourse to benefits in the Worker's Compensation system. It is a modest, targeted bill that deserve Congress' support.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2 minutes to my distinguished colleague, the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, we are going to hear a lot of talk today about the details in this bill. I would like to offer just a few general thoughts.

It is important for us to recognize that this bill will not cause injured parties to go uncompensated. The bill does not apply unless injured parties are covered by Worker's Compensation. This bill does not override more protective, more generous express warranties that these products might have. And this bill is very limited in terms of both the time period and the goods that it covers.

What this bill does do, importantly, is it separates out the least productive portion of the cost, the price, of goods and services in this country, the litigation-driven costs. It separates those out and tries to get a handle on them.

The National Association of Manufacturing Technology says that one-third of respondents say they have been sued in these types of lawsuits, suits against manufacturing equipment; and while it is true that only five percent of these claims actually make it to trial, and of those that actually make it to trial, the vast majority result in favor of the manufacturer, the fact that they have to constantly defend these suits is a litigation-driven cost, it is a litigation tax not borne by these employers but borne by consumers because it raises the cost of all of their products.

And unless we create a national standard, those manufacturers who have to deal with a multitude of States also have to follow a multitude of liability provisions, increasing their costs.

So this is a tax on every good and service. It makes our goods less competitive worldwide. As my colleagues have already heard, the European Union and Japan have a more limited statute of repose. This is a tax, a drag on the economy. It costs us jobs.

I would urge all of my colleagues to support not only this very reasonable rule but also the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding, and I rise in support of this rule and the legislation it deals with.

□ 1045

This bill before us today is about helping create American jobs. I represent the town of Vero Beach, Florida, the home of Piper Aircraft. Let me share with my colleagues what has happened to this company and their employees over the past 15 years. In 1988, Piper had about 3,000 employees and produced more than 500 aircraft per year. Just 3 years later, in July of 1991, Piper Aircraft was forced into Chapter 11 bankruptcy and the workforce had declined from 3,000 to 400.

What happened? Why did 2,600 Americans lose their jobs? Yes, 2,600 Americans lost their jobs. They lost their jobs because of excessive lawsuits. The courts held Piper liable for every aircraft that they had produced since 1937. Piper may not have seen an aircraft since it was sold and left their facility since 1940, yet they were being held liable in courts, even if the plane had been significantly altered or had been poorly maintenanced for 50 years. This was wrong. Yet it was happening.

Piper could not purchase liability insurance. No one would insure that kind of liability. Piper had to pay for lawsuits and settlements out of their own pocket. This led to their having to file Chapter 11 bankruptcy and the loss of jobs to more than 2,600 Americans.

Around this same time, a French airplane manufacturer made significant gains in providing aircraft to the U.S. market. Aerospatiale gained a significant share of the U.S. market because U.S. manufacturers of small aircraft had been forced into bankruptcy. Our liability laws had resulted in the destruction of jobs here in the U.S. and the creation of jobs in France. I believe our business in Congress should be to create U.S. jobs, not jobs for foreign competitors.

In 1994, the Congress passed legislation limiting liability to 18 years for aircraft produced in the United States. What has this done for Piper Aircraft? These liability limitations have resulted in the creation of over 1,000 jobs in Vero Beach, Florida. Today, 5 years after Congress passed that liability limitation, Piper now employs 1,500 people; and I believe they will continue to grow in the years ahead. This year, Piper will again produce 500 aircraft, four times what they had produced 5 years ago.

Liability reform creates jobs. Do we want to create more jobs here in America by establishing reasonable liability limits? H.R. 2005 will do this for the rest of American industries like the reforms that were passed in 1994 and have worked so well. If Members want to create more jobs here in the United States, support this rule and support the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would just repeat that this is a modified open rule which only limits amendments through a preprinting requirement that the gentleman from California (Mr. DREIER) announced last Thursday. All of the Members who wish to participate in debate or offer thoughtful amendments may do so under this process. I urge support for this fair rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the RECORD on H.R. 2005, the legislation under consideration.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from Ohio?

There was no objection.

WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 412 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2005.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as Chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. QUINN) to assume the chair temporarily.

□ 1049

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business, with Mr. QUINN, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

I would first like to thank the bipartisan cosponsors of this bill, the gentlewoman (Ms. KAPTUR), a Democrat; the gentleman from Illinois (Mr. SHIMKUS), a Republican; and the gentlewoman from New York (Ms. SLAUGHTER), another Democrat, for their strong support of this bill.

Our bill, the Workplace Goods Job Growth and Competitiveness Act of 1999 is a straightforward, commonsense product liability reform measure that limits frivolous lawsuits while ensuring that no injured party ever goes uncompensated. This modest proposal is critically needed to encourage economic growth, maintain the competitiveness of American durable good manufacturers and keep U.S. manufacturing jobs from moving overseas.

I hope that today we can engage in an honest and principled debate over this very important issue. However, I should warn my colleagues that opponents of this bill may, and I want to emphasize may, try to cloud the debate with anecdotes that do not hold up under closer scrutiny.

In the Committee on the Judiciary, for example, we heard opponents allude to various cases to make their points, but they did not tell us all the facts. In one case, they did not tell us that as the technology improved, the company developed a new safety device and began to retrofit their products. They did not tell us that the company sent out 13 notices to past purchasers to inform them of the new safety technology. They did not tell us that the printing press in question was 20 years old or had been resold five times and that the current owner, a leasing company, did not make the safety repairs. They did not tell us that the company leasing the machine deliberately altered the press and removed other safety guards. And they certainly did not mention that the employee who was injured was injured when he deliberately and inexplicably reached into the moving printing press.

So I ask that Members consider this bill on its merits and not be swayed by unreliable stories from those who continue to support frivolous lawsuits, lawsuits that are devastating to small business owners, devastating to their employees, and ultimately very expensive to consumers and to taxpayers.

Our bipartisan bill would help remedy this problem by recognizing that after a reasonable length of time, 18 years, manufacturers should not bear the burden of capricious litigation over products that have functioned safely for many, many years. It is essentially a statute of limitations past which a company cannot be sued for an injury caused by an overage product.

However, unlike a statute of limitations, a statute of repose measures the time available to file a claim for personal or property injuries from the date of the initial sale of the capital equipment. This limitation would not apply in any case where the injured party is not eligible to receive workers' compensation, ensuring that all employees retain the ability to seek compensation. I want to emphasize that, that if workers' comp does not cover the employee, this statute has absolutely no effect at all, so we are not jeopardizing anybody's right to recover here.

This is a reasonable proposal, based in part on the General Aviation Revitalization Act of 1994 which created a similar 18-year statute of repose for the general aviation industry. The General

Aviation Revitalization Act overwhelmingly passed Congress and was signed by the President. It is now the law of the land. It is also important to note that 19 States have already enacted some form of a statute of repose, all of them shorter than 18 years. Our bill will create a uniform standard that will discourage forum shopping by creative trial lawyers.

Mr. Chairman, even though manufacturers of durable goods are targeted as deep pockets, the vast majority of these product liability cases never actually go to trial or are won by the defendant manufacturers. However, these suits result in extremely high costs for small businesses and for their employees, with most of the money going to trial lawyers and expenses, not to the injured plaintiffs.

These suits involve decades-old equipment, once considered state of the art, which has been modified without the original manufacturer's knowledge or products that are not even being used for their intended purchase oftentimes. Obviously, lawsuits related to these overage products, some of which have been out of control of the original manufacturer for 20, 50 or even 100 years, can be endless. They are unfair.

I ask my colleagues on both sides of the aisle to join us in our efforts to help small businesses and workers and consumers and taxpayers by supporting the Workplace Goods Job Growth and Competitiveness Act which is a commonsense reform measure that ensures compensation for all employees while seeking to end frivolous lawsuits.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to observe that the danger of the legislation before us is that it would cut off the right of workers to hold wrongdoers accountable when they are injured by a defective product that is more than 18 years old, regardless of how long the product was built to last and regardless of whether or not the potential plaintiff has suffered an injury yet.

So while this bill is a dangerous piece of tort reform, the most egregious aspect of this measure is that it singles out American workers injured or killed on the job and prevents them from recovering damages from manufacturers of the defective workplace machinery. How can we start off the 21st century in the United States of America under such prosperous circumstances by the first thing we handle out of the Committee on the Judiciary in the year 2000 is a measure to further limit the right of recovery of workers injured by defective products that may be more than 18 years old?

I suggest this is a return to the middle ages. We are turning the clock back rather than moving into the new century. The measure that we are discussing today is inherently unfair to American workers, because under this measure they would only have access to their State workers' compensation system which typically only allows for lost wages and medical expenses. But if an innocent bystander, who happens to be nearby and is injured by the same piece of machinery under the same circumstance as the worker, the bystander can sue for lost damages for medical expenses, for future lost wages and for pain and suffering, loss of limb and permanent disfigurement.

What we are creating is a measure that the bystander can receive full compensation while the worker's recovery can be drastically limited. Are we seriously about to do that here today in the House of Representatives? This is why the working families are currently permitted under State law to sue the responsible third party, the manufacturer, and under the measure before us this bill cuts off that right.

And so the bill is unfair to workers, but it is also unfair to employers. Here we get both the employees and the employers. The employers will suffer how? First, they will not be able to recover for any property damage they suffer when older equipment fails and damages the workplace.

Secondly, the employers would no longer be able to recover the funds paid to an injured employee through workers' compensation. Currently, employers can recover these workers' compensation payments for many damages awarded employees in court.

□ 1100

Now, the bill also raises concerns that deal with the issue of Federalism. This measure may run afoul of the commerce clause limiting congressional authority to the regulation of interstate commerce and the 10th Amendment, which reserves all of the enumerated powers to the States.

So here we have before us a measure, the first out of the Committee on the Judiciary in the year 2000, a measure that takes away the rights of working families, the rights of their employers, and the rights of States all at once. Is there any surprise that the labor movement in the United States opposes the measure? The AFL–CIO, the United Auto Workers, the Communication Workers, the Machinists, the Teamsters all oppose this measure, and it is very significant that the White House has issued an advisory that suggests that the President will veto this measure.

Now, the measure before us is not about growth or competitiveness; it is about limiting in a mean-spirited way the rights of American workers and their employers in a very important area. So I hope that as the Members of the House listen to this debate, that they will join with those of us who have vowed to oppose it and to vote against it.

Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), a senior member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I rise to oppose H.R. 2005 because it establishes a partial statute of repose. I say "partial" because it only applies to suits brought by employees. Supposedly they are covered by Worker's Compensation, but Worker's Compensation only covers 40 percent. Anyone else injured, killed or maimed by defective products can get full recovery. This partial statute of repose only applies to employees; and is, therefore, a mean-spirited application, just hurting the employees and nobody else.

Now, the statute of repose is generally a bad idea because it gives a disincentive to manufacturers to make sure that their products are safe, and when they find out those products are not safe, they have a disincentive in repairing them. If you are late in this time period, say 17 years, you are better off just running out the clock, just letting the time run, because you know that you will not have the responsibility after 18 years. If you try to fix it, then you find the situation where the 18-year clock starts all over again, and therefore there is a disincentive to come and fix dangerous materials and let people know and recall the goods so that the workers will be protected.

But this is just another mean-spirited attempt to deny opportunities for workers, and applies the statute of repose so that those employees who are killed or maimed will not be able to get full recovery.

It is for that reason, Mr. Chairman, that I would hope that we would defeat this bill, and let the law stand as it is.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH), who has worked on labor issues and is the former mayor of the largest city in Ohio.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in defense of workers and in defense of injured workers. I rise in strong opposition to H.R. 2005. With its title it implies job growth or encouragement of competitiveness. The bill instead deprives Americans of their rights when they are at work.

H.R. 2005 is a radical change from current law. It turns all American workers into second-class citizens. Under this bill, if you are working when you are injured by a defective piece of equipment, you can no longer seek compensation for your pain and suffering, loss of limb or loss of life.

This bill actually bars injured workers from being fully compensated for injuries caused by a manufacturer's defective product after an 18-year period.

H.R. 2005 takes away rights of workers when they are on the job. It discriminates against workers and their families by depriving them of the right to remedies granted to all other citizens under State law. This bill could be called the "Workers' Right to a Safe Workplace Repeal Act."

Everyone here knows, or ought to know, that intrusion into the availability of State tort remedies is grossly inappropriate absent compelling evidence that the manufacturers need this bill's special protections. This bill fails to demonstrate legally why manufacturers should receive privileges outweighing current law that entitles workers to be fully compensated for their injuries.

This bill also fails morally in attempting to deprive injured workers of just recourse due to faulty equipment. If after 18 years a manufacturer is still making money from the use of old equipment, then the manufacturer should be held liable for injuries to workers using the equipment. If a manufacturer gets a benefit, they should also pay when workers are hurt.

The bill's sponsors have failed to identify a liability crisis or widespread pattern of abuse of costs associated with defending product liability cases. In fact, according to their own 1998 product liability survey, only six product liability cases went to trial, and in only one case did the jury find for the plaintiff.

U.S. manufacturers do not need H.R. 2005 to be competitive. What they do need is enforcement of our trade laws that prevent dumping, something that I have been on this floor on their behalf for, and they need laws that ban the import of products made by child and prison labor, something I also support.

In conclusion, there is virtually no reason to believe that H.R. 2005 will benefit manufacturers to the extent that would be worth depriving American workers of their rights and of their ability to be fully compensated under existing State laws.

I strongly urge my colleagues to vote no on H.R. 2005.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, there is one point that I think needs to be made, and it can be made very briefly, and that is when you deny the employee the right to recover, if the Worker's Compensation had been paid by the employer and there is a recovery from the manufacturer of the dangerous product, the employer gets his Worker's Compensation back. So we are shifting the burden of the loss from the employee, who would get full recovery, and the employer, who would get his Worker's Compensation back, and the entire benefit of this goes to the manufacturer of the dangerous product, who could have in fact known of the danger, but because of this legislation did not bother to tell anybody that there was a fix that was needed.

This not only hurts the employee, but it also hurts the employer, and the bill should be defeated.

Mr. CONYERS. Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, although today the sun is shiny and bright outside, it is a rainy, dreary day for American workers. We have left workers out to dry while the umbrellas of safety and seller-manufacturer responsibility have been folded. American workers, whose productivity make for the great part of our economic growth, deserve better.

Mr. Chairman, I am opposed to H.R. 2005 for many reasons. First, it does not adequately protect injured workers. Second, it provides more protection for machines than people. Third, this bill hurts small businesses, as well as employees.

Mr. Chairman, the heart of this debate is not about frivolous lawsuits. We all stand opposed to frivolous lawsuits. I personally stood opposed to frivolous lawsuits as an attorney, judge, and county prosecutor. Really, as I stand here on the floor in Congress, I want to stand up on behalf of trial lawyers, because trial lawyers are the people who work on behalf of the injured and the sick and the lame. We all recognize and realize that frivolous lawsuits are extremely costly and burdens our legal and judicial system. H.R. 2005 is not about frivolous lawsuits; it is about responsibility.

Mr. Chairman, H.R. 2005 is misguided and misplaced. We have State laws that work. Sellers and manufacturers have a duty to ensure equipment or defective products under their care are safe. This duty is not an extreme one. It is the part of the trade-off between workers and producers.

Mr. Chairman, I submit that H.R. 2005 is truly about manufacturers and sellers not taking responsibility. Basically, manufacturers and sellers are abdicating their responsibility for their equipment under this rule.

Mr. Chairman, is it not ironic that in these same hallowed chambers we often speak of civic responsibility, family responsibility, and financial responsibility; but yet today we stand muted to the basic responsibility owed to the workers of America.

This bill will allow some manufacturers to escape responsibility for allowing dangerously defective products in the workplace. We cannot stand idly by and allow injured workers and their families to suffer this fate.

Workers' rights are cut off if they are injured by a defective product that is more than 18 years old, regardless of how long the product was built to last, its useful life. Working people are singled out. They stand to lose rights while their employers gain rights dealing with the same defective product.

H.R. 2005 is also devastating to small business. As a member of the Committee on Small Business, we must realize that this bill eliminates the rights of business owners. This legislation extinguishes a business owner's right to hold the manufacturer of a defective workplace product responsible for the property losses the products caused or the business's Worker's Compensation deductible.

Damage to property arising out of the accident is cut off. Who then will pay to renovate or refurbish property?

In closing, Mr. Chairman, just imagine the countless factory workers and American citizens who use industrial machinery and construction tools injured at work or at home from defective products which may be 18 years old or older. I represent the 11th Congressional District of Ohio, a district filled with both manufacturers and workers. We cannot turn a deaf ear on workers who keep this Nation strong.

I want it said that I am not anti-manufacturer; but I also believe, as my parents often told me, it is better to be safe than sorry. Let us be safe for American workers.

In closing, our society, traditionally the number 18 symbolized a greater degree of freedom. At 18, many young people receive their driver's license; at 18, young people register to vote; at 18, young persons receive a greater degree of freedom in and around their homes.

However, H.R. 2005 takes the number 18 and snatches freedom, limits rights of injured workers and does not even allow employers to recover for property damage by older equipment.

Mr. Chairman, I remember 18, and it was a time of bad decision making and risk taking. H.R. 2005, with this statute of repose of 18 years, is a bad decision. It is bad for workers, it is bad for America. I wholeheartedly oppose H.R. 2005.

□ 1115

Mr. CHABOT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Ohio (Mr. CHABOT) for yielding the time.

Mr. Chairman, I rise in support of the proposition that we ought to be defining a statute of repose and ought to bring about an enactment of an end to litigation wherever we can, always keeping in mind the rights of the pursuant of rights, the litigants, the plaintiffs, et cetera.

The statute of limitations and the statute of repose have come down to us here in our time from well-developed and historic beginnings both in England and later in American law. It says in pure language there comes a time when no longer is it feasible, nor does it do a societal good, to allow litigation to occur.

The statute of limitations is one where we know that after 2 years or 4 years or 6 years, whatever the particular issue might require, there comes an end to the litigation. Yet we still hear people saying, well, why can we not open it to somebody who was injured after 2 years or had a contract dispute after 6 years? Why can we not open it?

The courts have time and time again said, the end of litigation is just as important to our society as is the beginning of legislation and litigation. So just as it is a right for everyone to sue and to gain benefits, there is a concomitant right in people to resist that right when it becomes too ancient in time, too removed from the evidence that prompted the suit, to allow a societal good to emerge.

So that is why the statute of limitations and the statute of repose are a part of the body of law. There has to come a time for the good of the entire civilized world of law for an end to litigation in a particular field.

For that reason, I support the effort of the gentleman from Ohio (Mr. CHABOT) to bring about this sensible legislation.

Mr. Chairman, I rise in strong support of H.R. 2005, the Workplace Goods, Jobs Growth, and Competitiveness Act. This legislation would create a national statute of repose for 18 years, providing American manufacturers with much needed protection.

This legislation is simple, and I commend my colleague from Ohio for his common-sense approach to this problem.

Although older machines may appear old, obsolete and inefficient when compared to modern manufacturing processes, they often represented state-of-the-art technology at the time they were sold. For example, I ask my colleagues, particularly those who question the wisdom of this legislation, to take a walk through the Smithsonian's Museum of American History, and look at the older manufacturing machines. Although many of the machines in the exhibit look like they belong in a museum, rather than still in use, they may have been considered modern miracles when compared to the technology of the time—and those are, in many cases, precisely the machines that we are talking about in this legislation. We are not talking about state-of-the-art, modern miracles of science and technology, but machines that may have been developed and manufactured in the 1940's, 50's and 60's, or even prior to that. These machines have operated for years without any problems, and yet opponents of this legislation would propose that they be held to today's manufacturing standards. This is unrealistic and expensive and blatantly unfair.

This legislation would give the manufacturers of those older machines protection from product liability suits based on the theory that there was a defect in the machine. If a machine has worked flawlessly for over 18 years, it should be presumed that the machine is safe and free of defects, and therefore the manufacturer should be shielded from product liability claims.

I would also like to take a moment to speak in opposition to an amendment that may be offered later today by my colleague from Nebraska, Mr. TERRY.

Mr. TERRY's amendment unfortunately would substantially weaken the underlying legislation. What this legislation seeks to accomplish—i.e., protect manufacturers from suits over older machines, would be stripped by this amendment. If enacted, this amendment would require defendants to litigate not only what the definition of "state of the art" for any particular product is, but would result in extensive discovery over what was and is the state of the art, increasing legal fees, costs, and time wasted in defending this type of suit. Thus, rather than protecting small businesses from frivolous suits, this amendment would expand the number of these types of suits.

I hope that my colleagues will join me in supporting this fair, common-sense reform to help ensure America's competitiveness, here and abroad.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have been very touched by the notion of my friend, the gentleman from Pennsylvania (Mr. GEKAS), that we need the time to cut off litigation is very important. But should we cut off the litigation of an injured employee who is the victim of a defective product that was supposed to last far longer than 18 years, because today we have a bill on the floor that says 18 years will be the limit and after that one is on their own?

I say no. I say that we do not cut off the right of a person to sue under those circumstances. In many other cases, I would be inclined to agree with my colleague from the Committee on the Judiciary about the time that we need to cut off and limit litigation, but not here.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in opposition of H.R. 2005. Regardless of what we are being told today, this legislation will not help people back in Oregon or anywhere else in the United States find safer or better paying jobs. We have worker safety laws to ensure that people are not exposed to dangerous machinery at their place of employment; and, frankly, whether this equipment was bought last week or during World War II it should be up to our State government, not Congress, to decide what is best for their citizens and to regulate the statute of limitations as they pertain to industrial machinery.

Mr. Chairman, in Oregon we already have workplace product liability laws and statutes of repose for durable goods in the workplace and they have done a terrific job in protecting the millions of people in my State that work with their hands for a living.

So with that in mind, I will oppose this legislation and urge my colleagues to join me in saying that it is okay for our State governments to run their own affairs, not Congress telling them what to do.

Mr. CHABOT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, I thank the gentleman from Ohio (Mr. CHABOT) not just for yielding to me but for his leadership on this important legislation.

Mr. Chairman, H.R. 2005 is designed to free manufacturers from unnecessary legal costs and litigation costs and to enhance America's manufacturing competitiveness around the world. This bill will accomplish these goals by limiting product liability suits against durable good manufacturers after 18 years.

Faced with the threat of potential lawsuits, many innocent manufacturers settle these suits rather than face the expense and uncertainty associated with protracted litigation that could be decades old. The cost to our society in the forms of higher prices on products, the flight of American manufacturers abroad and higher insurance rates, are already too high to American workers. No longer should lawyers and their clients be able to make a quick buck on the back of hard working people.

This bill also will help promote competitiveness in the American manufacturing market, creating more jobs for skilled American workers. Currently, American durable good manufacturers are liable indefinitely for products they sell to the public. Japanese and European durable good manufacturers operate under a 10-year statute of repose in their home markets. This shorter period of exposure to litigation decreases their operating costs.

Finally, this bill will protect the safety of American workers, and the public, should injuries occur as a result of defective products. This bill only will apply if a claimant receives worker's compensation. If a claimant is not covered by worker's compensation, he can sue the manufacturer of a durable good under existing law. This bill ensures that claimants will absolutely be able to recover for their lost income and medical costs.

This is a good bill for American workers. It is a good bill for our economy. It is a good bill for our national competitiveness, and I want to thank my colleague again for his leadership on this measure.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, what better way to begin this Congress in the new millennium, when we have a leadership here in the House that is engaged in a perpetual debate, should the Congress do nothing or should the Congress do just a little?

With plans for doing so little, perhaps absolutely nothing for the typical American working family, it should come as no surprise that one of the first pieces of legislation, indeed the first piece of major legislation, that this House would take up in the new millennium is one that says the House is not going to do anything for working people; and we want to be sure that another branch of government cannot do anything for working people either.

We want to say to the judge and jury across America that has the audacity to suggest that just because a product is old a manufacturer ought to be responsible for the harm done by a defect in that product, no, let us throw that out and let us substitute the views of a do-nothing House to totally insulate from any accountability, any sense of personal responsibility, that manufacturer for the damage that is done.

They say that 18 years is the cutoff. I do not know why it should be 18 years and why they do not lower it to 6. We have had Republicans in charge of this House for 6 years. That seems interminable to some of us, and though it is soon going to come to an end they have pulled 18 out of the air.

Currently, a judge and a jury can consider as a part of determining whether a product is defective how old the product is. They apply the standard of knowledge that was available when the product was manufactured.

Who are some of the people that are going to be impacted by the decision today? They are going to be the delivery person who just happens to be walking through the manufacturing setting at the time the product blows up, no right of recovery under this bill. They are going to be the repair person who happens to be there repairing another piece of equipment and when a fire begins as a result of a defective product, no right of recovery.

It is wrong and this legislation should be rejected.

Mr. CHABOT. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman from Ohio (Mr. CHABOT) for his leadership on this very important, commonsense issue that is currently before the House today.

Despite the immediate preceding remarks by the gentleman from Texas (Mr. DOGGETT), in an effort to throw out all of the little partisan slogans that their polsters and focus groups tell them to use, this is not a partisan issue. It is not even a political issue in any sense of the word. It is a commonsense issue that simply brings some rationality and uniformity to a problem that is facing our courts all across this land and facing manufacturers and workers all across this land.

It is a very limited, very focused, very directed piece of legislation that has been very carefully crafted and very thoroughly thought out by the gentleman from Ohio (Mr. CHABOT) and others on the Committee on the Judiciary in particular who have looked at it.

Let us first start, Mr. Chairman, with what this legislation does not do. It does not take rights away from anybody. It does not apply to all goods. It does not void express warranties. It does not take the ability of a worker who is truly injured without recourse away. It is not inconsistent with existing policies in some States. It simply, though, brings uniformity within the realm of Federal jurisdiction to all the States.

Nobody is pulling anything out of thin air, as the former speaker, the gentleman from Texas (Mr. DOGGETT), indicated. The years that are contained in this piece of legislation, 18 years, is well established. It has precedent, and it actually extends further than the years that are provided for in some nearly 20 States, I believe, Mr. Chairman, who already have statutes of repose similar to this.

So in many respects, it is providing additional relief, a longer period, within which an action can be brought than is established under the laws of all of the different States that have addressed this.

The fact of the matter is, Mr. Chairman, this is a national problem. This is a problem that currently gives rise to very lengthy, very costly, very unfair litigation, without anything approaching uniformity across the land for products such as these that move in interstate commerce, for example.

In our district, in Georgia, Mr. Chairman, as probably in almost every district across the country, we have manufacturing plants; and I, as I am sure most if not all Members have done, have toured those manufacturing plants to shake hands with the workers, to meet with management, to simply tour the physical plant and get a better feel for the products produced and the men and women who are producing those products in their home districts.

Much of the equipment in some of those plants that I have visited is very old. One can tell. These are magnificent pieces of machinery, but in many instances they are very old pieces of machinery. In many instances, one can tell, even through the untrained eye, that these pieces of manufacturing equipment, these durable goods, have been modified extensively over the years. They have to be. In the course of normal business, when a machine breaks down, one fixes it, one modifies it.

To say that a piece of equipment that might have been in this particular plant or any number of plants but has simply fortuitously wound up in one particular plant that might have been manufactured a hundred years ago or 75 or 80 years ago, and has been modified many, many times since then, clearly and obviously unbeknownst to the manufacturer of that product, to now say that in all instances the manufacturer of that product is liable for all subsequent injuries, without any limitation whatsoever, notwithstanding the fact that they may have no control and almost always have no control over modifications to the machinery, is absolutely unfair.

□ 1130

This legislation says nothing to limit the liability of any person or company that may modify that piece of equipment, and through that modification or through that misuse of the equipment, cause injury and be liable for it.

So I think the starting point, Mr. Chairman, for the debate and my urging our colleagues to vote for this piece of legislation is to recognize, as I have said and as the proponent has said, what it does not do, and to focus, instead, on the fundamental fairness, not only to American workers and American businesses of this piece of legislation, but also the rationality that it brings to our court system, and that it is not at all inconsistent with existing laws and existing procedures and public policy.

So I commend the gentleman from Ohio for thinking through this legislation, for working on it so diligently, and for those Members who have spoken out for it here today and in committee.

I urge our colleagues to pass this very, very limited, targeted, commonsense, fair piece of legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. BECERRA), a former member of the Committee on the Judiciary.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it is somewhat eerie that just two days after the Alaska Airlines disaster, where an MD-80 jetliner crashed and killed some 88 passengers, we are now talking about absolving companies that manufacture defective products of their liability for those products.

California, January, 1995, Reginald Gonzalez, 47 years of age, was operating a printing press designed and manufactured in 1973, 22 years earlier, by Heidelberg, Incorporated, when his hand became caught in the rollers, resulting in the traumatic amputation of his arm at the shoulder.

Testimony during the trial revealed that the company that manufactured the product had added safeguards to the printing press model in 1974 after it had been manufactured initially, and again in 1980, yet never took steps to notify the prior owners of the machine's dangerous defect.

It was also learned in 1995 that at least eight other pressmen had their arms amputated or crushed while operating those pre-1974 presses. A jury found in favor of Mr. Gonzalez in the amount of $4 million for the loss of his ability to work.

North Dakota, 1983, Todd Hefta was crushed to death while working for the city of Williston. Hefta was standing behind a 12-ton earth packer machine when another worker started the packer in gear. The packer, which was manufactured in 1963, 20 years earlier, by Ingraham Company, suddenly lunged backward at a rapid rate of speed, crushing Mr. Hefta.

In both of those cases, if this bill were law, none of those individuals would get any compensation whatsoever. They would be having to rely, if they happened to have survived, on workers compensation. In the case of Mr. Hefta, who passed away, he is out of luck.

If we pass this legislation today and if it were signed by the President today, any product manufactured prior to February 2, 1982, would now be absolved of any type of liability. That means any earth-moving machine, any assembly line machine that happens to cause damage to the workplace and certainly injury or death to the worker would be allowed to go forward without any type of liability. We cannot do that. Let us not pass this legislation. Vote against H.R. 2005.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from California referred to the Gonzalez case. That particular case is an example of why H.R. 2005 should be enacted. The Gonzalez case involved a manufacturer that designed, built, and marketed the printing press in question in 1973 to the prevailing standards of the time. The next year it retrofit subsequent printing presses with a guard over the area that Mr. Gonzalez was injured by, to comply with revisions in German safety standards that required all running nib points to be guarded.

Contrary to assertions that were made, there had been no reported injuries on the pre-1974 model when the new barrier guard was added, and several years later injuries were reported on these models, and Heidelberg began sending out a series of retrofit notices, 13 in total, between 1986 and 1993.

The printing press in question had been resold five separate times, and it was only by chance that the current owner, which was a leasing company, received the notice because they had purchased a similar press from the manufacturer in the 1970s.

The leasing company failed to initiate the repairs and did not forward the warnings to its lessee, Mr. Gonzalez's employer. Next, Mr. Gonzalez's employer deliberately altered the press and removed or bypassed other factory-installed guards. Mr. Gonzalez, the injured claimant in that particular case who had worked as a pressman operator for 26 years, informed his employer before the accident that the press guards were missing from the machine. The company never bothered to order or replace the missing equipment.

Finally, Mr. Gonzalez, contrary to his extensive experience in manufacture, warnings, and job training, deliberately reached into the running printing press that was rotating at speeds between 8,000 and 10,000 times per hour to remove a spot of debris.

After the accident, OSHA issued numerous citations and fines against Mr. Gonzalez's employer, including failure to have an injury prevention program in place. Heidelberg, after having no control over the printing press for over 20 years, after having sent out 13 retrofit notices, and because a negligent employer was protected from liability by the workers compensation system, ended up paying out $2.5 million to an injured worker who engaged in risky and unsafe work practices.

This is precisely why a statute is needed.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding to me.

Do I understand, without getting into all the factual context of that particular case, that if you have a situation where the manufacturer knows without a doubt that there is a defect, a hidden danger in their product, and they have an inexpensive way to fix and prevent that defect, and they receive reports that dozens of other workers have been maimed or killed as a result of that defect, and the manufacturer simply sits on their hands and does absolutely nothing, that as long as the product is 18 years old, under those conditions it will totally absolve the manufacturer from its responsibility?

Mr. CHABOT. Reclaiming my time, that is not the point of the bill at all.

Mr. DOGGETT. That is the effect, is it not?

Mr. CHABOT. Under workers compensation, that is the only time under which this particular bill would have any effect at all. The employee is covered under workers compensation. That is the only time a statute of repose would have any effect at all.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. I thank the gentleman for yielding time to me, Mr. Chairman.

Let me first say to my good friend, the gentleman from Hamilton County, how proud I am of the work he has done in leading this effort from the Committee on the Judiciary.

As one who has been a member of the Committee on Commerce for a number of years, and have had many issues with the Committee on the Judiciary, I want to congratulate him on this effort.

I think it is important to point out that this is a very limited effort that the gentleman from Ohio is putting forth. It is limited to capital goods in the workplace. It does not really affect planes and automobiles for hire that would not be covered by the act.

No injured party will go uncompensated, because if he is not covered by some form of workers compensation in that particular State, then the action will be exempted from coverage by the statute.

This is also important from the standpoint of the commerce clause. As I stand here as a member of the Committee on Commerce, it is important to point out that clearly Congress does have the authority to step in and legislate in this area because of the need to do this. The need arises from forum shopping, in which very clever lawyers file suits in States where they can get the best deal. This would certainly eliminate that possibility.

A national statute of repose will also help improve our competitiveness here in the United States. While a typical U.S. company in many cases has liability exposure for machines, machine tools up to 100 years, our foreign competitors in many cases have only that exposure for 20 years, and the competitors in many cases in Europe and in Asia have a 10-year statute of repose in their home markets.

I also want to point out that not only is this a competitiveness issue for American manufacturers, but it is indeed a commerce issue, as well. This American manufacturing machinery industry, which has had a huge presence in our home State of Ohio, is the very foundation of our industrial economy. They make the tools that make the tools. That is why it is so important to our economy.

Lastly, Mr. Chairman, this legislation is similar to the General Aviation Revitalization Act, which passed this Congress and was signed by the President. As a result of that kind of reasonable legislation, over 25,000 new jobs have been created in the general aviation industry, so we have an indication of how successful that legislation can be.

Once again, the gentleman from Ohio has done the American economy a service by sponsoring this legislation. I would ask all of my colleagues to support this bill.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this malicious bill threatens workers' safety and strips injured workers of their rights.

The gentleman from Ohio (Mr. CHABOT) did not want to answer the question, but if a manufacturer under this bill knew his product was unsafe, knew it was killing workers, knew it was injuring workers, and sat on his hands and did not fix it, did not do anything, he cannot be sued by the workers as long as the piece was over 18 years old.

If in fact a durable good malfunctions and workers were injured, they would not have the right to sue the manufacturer for their injury, no matter how negligent it was, but the business owner would still have his full rights to recover for business interruptions due to the defective machinery. So the business owner gets to recover damages and the workers do not. This bill is effectively saying that profits are more important than physical injuries.

Why the inconsistency? Either the manufacturer should be held responsible for his product or he should not. If the manufacturer cannot be held responsible for workers' injuries after 18 years, why should he still be responsible for the business owner's economic loss after 18 years? And conversely, if he is still responsible for the business owner's economic losses, why not for the injuries to the worker?

This bill, Mr. Chairman, simply shows contempt for the workers of the country. It is an outrage. It should be defeated. I challenge the gentleman from Ohio (Mr. CHABOT) or anybody else on the other side to answer the question, not to say it is not the point of the bill, but is it not the effect of the bill that even if the manufacturer, after 18 years, knows his product is killing people or injuring people, knows how to fix it, knows he should warn people, and does not, he cannot be sued for physical injury; he can be sued for business damages, but he cannot be sued for physical injury?

Why should he not be subject to suit for physical injury in that case? Why is the business owner's economic damages more important than the worker's physical injuries, more important than loss of a limb or loss of fertility or life or permanent disfigurement? In what contempt do we hold the workers of the country? How contemptuous of the workers' safety is this bill?

I challenge the gentleman from Ohio to answer these questions.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, despite some of the inflammatory language that we have heard this morning, I would argue that this is a very commonsense, a very modest approach to tort reform. There are absolutely no workers who will not be covered under this particular piece of legislation. It is a fairly narrow bill. It does not affect all products. We are essentially talking about durable goods, capital goods. These are machines that are found in machine shops in factories all over this country.

A very good example of how a bill similar to this worked extremely well in this country is the General Aviation Revitalization Act of 1994. We had an industry, the small aircraft industry in this country, that was going down the tubes. After this legislation was passed, we have seen it increase substantially. We have seen this industry substantially increase in how it has worked in this country. We have seen twice the number of workers. Now we have 25,000 additional workers in that field. The industry, as the gentleman who spoke earlier today has said, has been revitalized in a number of areas around the country.

The United States also is at a competitive disadvantage to many of our other trading partners. For example, the Europeans and the Japanese do not have an 18-year statute of repose, they have a 10-year statute of repose.

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A number of States have looked at this, and they have even shorter periods of statute of repose from 6 to 15 years. I think we have been very generous in making it an 18-year statute of repose. I think that is very reasonable. Under the circumstances, it avoids forum shopping. It avoids very high costs of litigation.

The bottom line is, in these types of cases a very significant amount of the money that is won or settled, because most of these cases end up getting settled and not actually going to contract it, ends up in the lawyers' pockets. It does not go to the plaintiffs. It does not go to the claimants. It goes to the lawyers. And that is why they have been particularly vociferous.

But that is one of the reasons we are seeing such a spirited debate from some folks on the other side of the aisle. But the bottom line is, this is good legislation for this country.

I would urge its passage. I would yield to either one of the gentlemen.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, there are two questions, sir: One, the question of the gentleman from Texas (Mr. DOGGETT), is it not true that the effect, if not the intent, and the point of the bill that even if a company, manufacturer, knows its goods are injuring or killing people and it sits on that knowledge, does not tell anybody, does not fix it, it would under this bill not be liable for anything?

Mr. CHABOT. On that point, reclaiming my time, the gentleman must have a very low evaluation of what most of the business owners and people in this country have in this country.

Mr. NADLER. Yes or no?

Mr. CHABOT. I think it is fairly ludicrous that people would sit on that type of thing. I do not acknowledge that is what the effect of this would be. And the bottom line is, all workers are going to be covered under Worker's Compensation or this law has no effect at all.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Michigan (Mr. CONYERS) has 4½ minutes remaining and may yield time now.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding me this time.

Mr. Chairman, this bill bars workers who are eligible for Worker's Compensation from suing a manufacturer or seller of equipment, such as printing presses and machine tools, if more than 18 years has elapsed since the product was manufactured.

The Republican leadership is bringing forth this bill to the floor under the guise of reasonably limiting litigation and helping manufacturers. Sure, it protects manufacturers. It protects negligent manufacturers. It protects reckless manufacturers. It protects these negligent and reckless manufacturers at the expense of our Nation's workers and employers.

This bill will limit the employees to Worker's Compensation. That is two-thirds of their pay at best, no matter how severe the injuries are. Worker's Compensation does not make a person whole. It provides medical costs and very limited disability payments to cover some period, not their whole life, just some period of lost wages, no matter how severe the injury; no matter if someone loses a limb or the ability to work again.

H.R. 2005 promotes inequality and injustice to one of our country's most important groups, the workers who toil in the manufacturing places of our factories every day, who frequently work with dangerous machinery.

Owners of businesses and owners of management are generally excluded from Worker's Compensation plans. They still will be able to sue and recover for all their losses. But the workers, the very people who are the most at risk, will be limited to the few remedies offered by Worker's Compensation. I cannot support this biased proposal against America's workers.

Why do my Republican colleagues think that the manufacturers need this protection? The Bureau of Labor Statistics has reported that injuries for the year 1998 dropped to their lowest level since the 1970's. There is no flood of injuries or litigation requiring reform. The judicial process works. Frivolous claims get weeded out, and meritorious claims go forward. That is how our legal system works.

I urge my colleagues to vote "no" on this legislation.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. WATT), a member of the Committee on the Judiciary.

The CHAIRMAN pro tempore. The gentleman from North Carolina (Mr. WATT) is recognized for 2½ minutes.

Mr. WATT of North Carolina. Mr. Chairman, sometimes we get lost in the technicalities of these legal bills. But we should start with the proposition that our liability laws in this country actually reflect the values of our country that personal responsibility and corporate responsibility are at the top of what we value in this country.

So a question of who has responsibility for paying for a person's injuries boils down to a question of who has responsibility for causing those injuries. That is the whole basis of our liability law in this country.

In this case, what this bill does is it says that, even if a manufacturer is responsible for the injury of a worker and the worker has absolutely no responsibility after 18 years, that worker is just dead out of luck.

That is what this bill says. Regardless of how egregious the conduct in designing the equipment is of the manufacturer, how reckless they are, we are going to shift the responsibility for paying for the injury to an innocent party. That is completely contrary to our whole concept in this country of personal and corporate responsibility.

That is the first objection I have to this bill. The second objection is that, in addition to undercutting the rights of employees and consumers in that substantial way inconsistent with public policy, we are saying to employers and to insurance carriers that even if they pay for that cost, they cannot even go back and make a claim against the negligent or reckless manufacturer who did nothing to take this equipment out of the stream of commerce.

So whether my colleagues support the consumer, whether they support the employee, whether they support the insurance carrier, whether they support the employer, what they have done is shifted the cost to them, even though they had nothing to do with causing the injury. The cost has been taken away and the responsibility is taken away from the very corporate citizen and individuals on which the responsibility should be imposed, based on our public policy rationales.

Ms. PELOSI. I rise to strongly oppose this anti-labor legislation that undermines the rights of hard working Americans. The "Workplace Goods Job Growth Competitiveness Act", H.R. 2005, sets an arbitrary cutoff date limiting injured workers from holding manufacturers accountable for defective products that harm workers. This bill discriminates against workers injured and killed on the job by preventing them and their survivors from recovering damages from a manufacturer or seller of durable goods more than 18 years after the durable good was first purchased or leased.

Workers should not be limited by this arbitrary 18 year cutoff on manufactured products when many of America's industrial plants, machinery, and regularly used products, like elevators, are far older than 18 years. Many manufactured goods are clearly produced to have longer life spans and many manufacturers distribute marketing materials publicizing this fact in their sales pitch.

This anti-labor bill would adversely affect injured workers who are covered by workers' compensation and drastically limits their potential recovery. Most state workers' compensation laws only compensate workers for medical costs and limited disability assistance and most do not compensate for non-financial damages, including loss of a limb; loss of fertility, permanent disfigurement; and related pain and suffering. When hard working Americans are injured by defective products, they deserve compensation for their injuries and suffering.

In addition, this bill takes away the business community's right for compensation from defective manufacturers for related property damage to the business' owned property. The bill denies also businesses recovery of their costs for workers compensation payments paid to injured workers. By limiting employee and employer rights to recover damages, this bill increases costs and unfairly subsidizes the manufacturers of defective products at the expense of employers and the workers' compensation system.

H.R. 2005 unfairly targets workers and treats them differently from other Americans. Suppose a 25 year old elevator were to malfunction and crash, severely injuring an elevator operator and a tourist. This bill would allow the tourist to sue for compensation and deny the elevator operator this same right. This provision is inequitable, unjust, and must be opposed.

In addition to difficulties this bill inflicts on America's workforce and businesses, the bill also triggers Constitutional concerns. The Justice Department is concerned that this legislation violates the Commerce Clause which limits congressional authority to regulate interstate commerce and violates the Tenth Amendment, which reserves all unenumerated powers to the states. For all these reasons, the President is expected to veto this bill.

I urge my colleagues to join with the AFL–CIO; the Machinists; the Teamsters; Communications Workers of America; and Public Citizen in opposing H.R. 2005. Vote "no" on H.R. 2005.

Mr. SENSENBRENNER. Mr. Chairman, I rise in strong support of H.R. 2005, the Workplace Goods Job Growth and Competitiveness Act of 1999. H.R. 2005 is premised on the notion that a product which is used safely for a substantial period of time is not likely to have been defective at the time of manufacture, sale, or delivery. Any injury incurred after a reasonably long period of time is likely to have been due to either misuse or improper maintenance by someone other than the manufacturer. The longer the product is in use, the more difficult it is for the manufacturer to prove its product was not defective at the time it was manufactured. H.R. 2005 creates a uniform federal statute of repose for cases involving injury caused by durable goods. Currently, nineteen states have statutes of repose.

I have long recognized the need for a national statute of repose for products, including workplace durable goods. In fact, my first year as a Member of this body, I introduced one of the first federal statute of repose bills.

In sum, H.R. 2005 provides a balanced solution to the problem of endless liability, while protecting a claimant's right to bring suit for injuries incurred during the repose period. It places a reasonable outer time limit on litigation involving older products in the workplace, where injured claimants will have recourse to benefit from the worker compensation system. I commend my colleague, Mr. CHABOT, for all his hard work on this long overdue, much needed legislation. I urge the passage of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 2005, The Workplace Goods Job Growth and Competitiveness Act of 1999.

I understand the sentiment of the proponents of this measure. Certainly, after a reasonably long period of time, manufacturers should no longer have to defend lawsuits based on products that have long since left their control and may have been subject to misuse or improper maintenance by others.

With that said, H.R. 2005 is an improper remedy. This proposed national statute of repose would extinguish valid lawsuits that would otherwise be permitted to proceed under state law. This is clearly an intrusion into the availability of state tort remedies, and there is compelling and well-documented evidence that the defendants' need for civil immunity outweighs the strong policy that individuals and businesses be able to seek relief for their injuries.

I share the Department of Justice's prescient view that H.R. 2005 is flawed in myriad ways. The bill in its present form creates an absolute bar on recovery for property damage involving a durable good if the action is filed more than 18 years after the first purchase or lease of the good. H.R. 2005 would also bar civil actions for death or personal injury involving a durable good against a manufacturer or seller of a durable good filed more than 18 years after the durable good was first bought or leased, if the claimant is eligible for workers compensation and the injury does not involve "toxic harm." H.R. 2005 provides exceptions to the 18-year bar for products used primarily to transport passengers for hire, products for longer than 18 years, and products already covered by the statute of repose in the General Aviation Revitalization Act of 1994.

Mr. Chairman, I am opposed to H.R. 2005 for other reasons. The bill, in its present form, would bar certain property damage claims and, unlike personal injury in the workplace, there is no alternative administrative relief for such claims by individuals or businesses. This irrationally bars some state lawsuits. Additionally, the bill would bar some State law claims in which an individual or company has been seriously damaged by a product—and even before some victims will be injured by the defective good—although the manufacturer was negligent or knew the product was dangerous or defective. Finally, I am opposed to H.R. 2005 because it usurps State policies on providing an avenue for redress for personal or property damages to individuals or small businesses caused by durable goods.

Mr. Chairman, we need to get on with the business of tending to real issues confronting the American people: education, healthcare, social security and many other issues that are urgent. There is no hue and cry from the American people to establish a national statute of repose. I strongly urge my colleagues to oppose this bill. H.R. 2005 is a bad bill.

Mr. MANZULLO. Mr. Chairman, I rise in general support of this bill, H.R. 2005, because I represent a congressional district that as many durable good manufacturers. There is an issue of state preemption, and to that issue, I have been given assurance of leadership that if a conference committee is established that this issue will be discussed.

Mr. Chairman, make no mistake about it. This is a vote about keeping basic manufacturing in the United States.

With all the wonderful economic statistics, few people know that there is a crisis in durable goods manufacturing. I represent Rockford, Illinois, a center of machine tool manufacturing. For the past 18 months, I have heard from business leaders and workers back home that they have never had it this bad. The situation facing machine tool manufacturers is even worse than the recessions of the early 1980's and 1990's. Some old timers even believe that business prospects are even worse than the Great Depression of the 1930's.

Monthly U.S. machine tool consumption once again declined 18 percent in November. Exports of U.S. machine tools also dropped 65 percent in November. Compounding this decrease is that fact that machine tool imports are taking a greater share of the declining U.S. market—rising from 50 percent in 1995 to an estimated 60 percent in 1999.

Why is this happening? One reason is that foreign machine tool competitors are able to price their product more competitively because their liability exposure is relatively small. Both Europe and Japan have a 10 year statute of repose. They are seizing market share from American machine tool workers right here in the United States! H.R. 2005 would begin to level the playing field for U.S. workers making machine tools.

Let me give you one concrete example. Rockford used to have Mattison Technologies, a manufacturer of large grinder machines. This small business used to employ 150 workers. Shortly after celebrating its 100th birthday, Mattison went bankrupt because it could not pay a $7.5 million product liability verdict on a machine built over 50 years ago. In fact, at the time the company closed, Mattison Technologies had received a summons suing them for a machine built in 1917—when the Czar still ruled Russia! Passing an 18 year statute of repose would go a long way towards helping the 60,000 American workers still employed in the U.S. machine tool industry.

It's too late for the 150 workers at Mattison. Let's not repeat this mistake. Vote for H.R. 2005.

Mr. EVANS. Mr. Chairman, I rise today in strong objection to H.R. 2005, the Workplace Goods Job Growth and Competitiveness Act of 1999.

The title of this bill gives the erroneous impression that it will encourage "job growth and competitiveness." Instead, it will only serve to harm workers and employers. The so-called Workplace Goods Job Growth and Competitiveness Act would terminate any rights of workers to hold wrongdoers accountable for a defective product over 18-years-old, even if the product was designed to be used for many more years.

Some workers would be able to collect workers' compensation. However, that does not provide for noneconomic damages such as physical disfigurement, loss of limbs, blindness, infertility or pain and suffering. We cannot allow these workers to be sacrificed for the profit of manufacturers.

This bill would also discourage manufacturers from notifying consumers of possible defects. H.R. 2005 makes it more cost effective to ignore a malfunction when they are discovered near the end of the 18-year period than to publicize the defect or correct it.

By adopting this 18-year statute of repose, Congress would send the message to America's working families that their injuries and costs are of less importance than any other victim of product malfunction. For example, if a worker and a visitor to the worksite are both injured in the same event, only the visitor would be able to seek damages.

I urge my colleagues to see this bill for what it really is: an attack on the workers of America. If you really want to fight for American families, vote "no" on H.R. 2005.

Mr. CHABOT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workplace Goods Job Growth and Competitiveness Act of 1999".

SEC. 2. STATUTE OF REPOSE FOR DURABLE GOODS USED IN A TRADE OR BUSINESS.

(a) IN GENERAL.—Except as otherwise provided in this Act—

(1) no civil action for damage to property arising out of an accident involving a durable good may be filed against the manufacturer or seller of the durable good more than 18 years after the durable good was delivered to its first purchaser or lessee; and

(2) no civil action for damages for death or personal injury arising out of an accident involving a durable good may be filed against the manufacturer or seller of the durable good more than 18 years after the durable good was delivered to its first purchaser or lessee if—

(A) the claimant has received or is eligible to receive worker compensation; and

(B) the injury does not involve a toxic harm (including, but not limited to, all asbestos-related harm).

(b) EXCEPTIONS.—

(1) IN GENERAL.—A motor vehicle, vessel, aircraft, or train, that is used primarily to transport passengers for hire shall not be subject to this Act.

(2) CERTAIN EXPRESS WARRANTIES.—This Act does not bar a civil action against a defendant who made an express warranty in writing as to the safety or life expectancy of a specific product which was longer than 18 years, except that this Act shall apply at the expiration of that warranty.

(3) AVIATION LIMITATIONS PERIOD.—This Act does not affect the limitations period established by the General Aviation Revitalization Act of 1994 (49 U.S.C. 40101 note).

(c) EFFECT ON STATE LAW; PREEMPTION.—This Act preempts and supersedes any State law that establishes a statute of repose to the extent such law applies to actions covered by this Act. Any action not specifically covered by this Act shall be governed by applicable State law.

(d) TRANSITIONAL PROVISION RELATING TO EXTENSION OF REPOSE PERIOD.—To the extent that this Act shortens the period during which a civil action could be otherwise brought pursuant to another provision of law, the claimant may, notwithstanding this Act, bring the action not later than 1 year after the date of the enactment of this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) CLAIMANT.—The term "claimant" means any person who brings an action covered by this Act and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(2) DURABLE GOOD.—The term "durable good" means any product, or any component of any such product, which—

(A)(i) has a normal life expectancy of 3 or more years; or

(ii) is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986; and

(B) is—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, training, demonstration, or any other similar purpose.

(3) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the foregoing.

SEC. 4. EFFECTIVE DATE; APPLICATION OF ACT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act shall take effect on the date of the enactment of this Act without regard to whether the damage to property or death or personal injury at issue occurred before such date of enactment.

(b) APPLICATION OF ACT.—This Act shall not apply with respect to civil actions commenced before the date of the enactment of this Act.

The CHAIRMAN pro tempore. No amendment to that amendment shall be in order except those printed in the portion of the Congressional Record designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the Record may be offered only by the Member who caused it to be printed or his designee and shall be also considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. Chabot:

1. Page 2, strike lines 10 through 20 and insert the following:

(1) no civil action may be filed against the manufacturer or seller of a durable good for damage to property arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee;

(2) no civil action may be filed against the manufacturer or seller of a durable good for damages for death or personal injury arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee and if—

2. Page 2, line 14, delete the "." and insert "; and".

3. Page 2, insert after line 14 the following:

(3) subparagraph (a)(1) of this section does not supersede or modify any statutory or common law that authorizes an action for civil damages, cost recovery or any other form of relief for remediation of the environment as defined in section 101(8) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended (42 U.S.C. 9601(8)).

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have placed at the desk. I have given a copy to the minority.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 2 offered by Mr. Chabot:

Page 2, strike lines 10 through 20 and insert the following:

(1) no civil action may be filed against the manufacturer or seller of a durable good for damage to property arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee; and

(2) no civil action may be filed against the manufacturer or seller of a durable good for damages for death or personal injury arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee and if—

Page 3, insert the following after line 14:

(4) Actions involving the environment.—Subsection (a)(1) does not supersede or modify any statute or common law that authorizes an action for civil damages, cost recovery, or any other form of relief for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

Page 3, line 15, strike "This" and insert "Subject to subsection (b), this".

Mr. CHABOT (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, some of us do not have the modification. I am sure the committee has it, but I just came on the floor.

Mr. CHABOT. Mr. Chairman, we will provide that to the gentleman immediately.

Mr. WATT of North Carolina. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. Chabot) is recognized for 5 minutes.

Mr. CHABOT. Mr. Chairman, I will not take the entire time. At this time I would like to introduce a perfecting amendment which was filed yesterday in accordance with the rule, and the amendment as modified also here today.

This amendment does two things. First, it clarifies that this bill would in no way interfere with existing State statutes of limitation. This amendment simply states that the 18-year period runs to the date of the accident or harm and not to the date of the filing of the claim. This further ensures that all claimants will have adequate time to prepare and file suit. This simply clarifies the original intent of the bill and guarantees that claimants will always have the full time period allowed by the applicable State statute of limitations.

Second, my amendment clarifies that this bill does not interfere in any way with the assertion of claims for remediation of environmental hazards, such as lead paint or asbestos, caused by a durable good that is more than 18 years old. Although we believe that this bill as currently drafted does not cover environmental remediation claims, we want to make that absolutely clear.

My amendment expressly states this bill does not supersede or modify any statutory or common law that authorizes an action for civil damage or other relief for remediation of the environment. Our bill, the Workplace Goods Job Growth and Competitiveness Act of 1999, is a straightforward, common sense product liability reform measure that limits frivolous lawsuits, while ensuring that no injured party ever goes uncompensated.

We have worked carefully with Members on both sides of the aisle to address legitimate concerns and craft a solid piece of legislation that benefits small businesses, employees, taxpayers, and consumers. I urge my colleagues to approve this amendment and support the passage of H.R. 2005.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to advise the gentleman from Ohio (Mr. Chabot) that this amendment, as reported and modified, is one that I have no objection to. But I would like to point out to him that it does not in any way change the objection that American workers are relegated to a second-class legal status with rules that apply to no one else. That is not corrected by this perfecting amendment.

I would like to have him reflect on the fact that only American workers will be barred from recovery of many types of damages for death and disfigurement that occurs from injuries that involve older equipment. That has not changed by this amendment.

Neither does it change the fact that this bill, H.R. 2005, does not apply to the rest of the public who could be injured by older equipment. Nor does the perfecting amendment change the fact that Worker's Compensation laws do not cover noneconomic damages that would otherwise be available to workers for injuries that result in death and disfigurement.

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The perfecting amendment shifts the considerable cost to small business who will have to, as a result of this measure, pay higher premiums and who will be unable to recover for many property damages caused by defective machinery.

Finally, this amendment does not change the fact that the opposition by workers and unions and the administration and consumer groups remains, notwithstanding this amendment.

Mr. DOGGETT. Mr. Chairman, I move to strike the last word.

Unfortunately, this bill is made only marginally better by the amendment that is offered. It is called a repose bill, but what we are doing in this debate on the amendment is the expose part. And if my colleagues will just listen to a little of this debate, what they will know that both sides agree on is that, by their silence, the proponents of this bill, if a manufacturer manufactures a dangerous product that can cause death or can cause serious injury, that manufacturer is totally absolved from any responsibility once that product reaches its 18th birthday. No more need it worry. Even though it knows how to correct the defect, even though it knows that dozens of people have been killed or maimed or burned alive as a result of the defect, the manufacturer need do absolutely nothing. And the only answer that the proponent, the author, of this amendment says is, well, we all seem to have kind of a bad attitude about the willingness of American manufacturers to correct the defects in their product.

What this bill does is to assure the lowest common denominator of the worst and most irresponsible manufacturer is now the law of the land. It says that those manufacturers, indeed even if they put a silver medallion on the side of the printing press and they say this printing press is good for 25 years, and they know it is defective, they know how to repair the defect and they know dozens of Americans are being hurt by that product, they do not have to do a single thing. Zip. Nada. Nothing. That is what this bill does. That is what this reasonable bill does.

Every Member that votes on this bill needs to know what they are voting to do, to totally absolve that manufacturer.

There is the second issue, and the chairman-to-be just made that point, and it is one that has not gotten the emphasis that it needs, and that is the very strong anti-business bias to this bill. What am I talking about when I say an anti-business bias? It is designed to protect and absolve the giant multinational equipment manufacturers. But who does it ask to foot the bill when the sponsor says, well, we will just let the workers' compensation. Do not worry about it, the worker is going to be compensated.

Those workers' compensation premiums are not free. Who does my colleague think pays those premiums? The thousands of small businesses around this country that are out there generating new jobs. Now they are going to have shifted to them the total responsibility for covering that same dangerous product that has the silver medallion that says it is good for 25 years and it causes harm. Now we are going to shift to the small businesses of America the responsibility of paying for damages that they did not cause. Some irresponsible manufacturer caused that damage.

I would say anyone that is concerned about the growth of small business ought to vote against this bill, because it is an anti-small business bill.

Third, what about the workers? It is so good to hear that they do not have anything to worry about; that they are going to be fully covered by workers' compensation. I have a feeling that the sponsors of this bill never had to try to live on workers' compensation in most of this country. That worker that lost his arm, that the gentleman from California (Mr. BECERRA) talked about out in California, would have to live on a subsistence level under workers' compensation, and usually it is for a fixed period of time. It does not offer lifetime benefits to someone who just merely lost the use of their arm at the most productive time of their life.

If a secretary was in that printing shop to pick up the stationery and she is burned and she is disfigured as a young woman, what will she get if this bill passes? Absolutely nothing from the manufacturer. If the Federal Express delivery person happens through there, what will they get if they are burned and have to go through the pain of a skin graft? Absolutely nothing under this bill.

If that worker who is going to be so generously compensated with subsistence workers' compensation has to go through, as happened to a man in Texas, skin grafts because a defective product causes him to be burned over 30 percent of his body by hot spewing oil from a defective valve that was 20 years old, if he has to go through one skin graft after another and suffers with pain in going through that, how much does he get out of workers' compensation for that? Absolutely nothing for the pain and suffering of going through that process.

The people who might be affected who are not workers are not fully compensated.

I heard the gentleman say in his opening remarks that what he wanted is uniformity. Well, he is not providing any uniformity so that the workers of this land who would suffer as a result of these defective and dangerous products so that they would get a uniform amount that they can live on and support their families on. Some States provide practically nothing with reference to workers' compensation.

This bill is wrong. Let us expose what repose is all about.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio.

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. TERRY

Mr. TERRY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TERRY:

Page 3, insert the following after line 14:

(4) PRODUCTS NOT STATE-OF-THE-ART.—This Act shall not apply in the case of a durable good that, at the time it was produced, was not state-of-the-art.

Mr. TERRY. Mr. Chairman, this amendment, I believe, is truly a compromise position, kind of splitting the difference between the two arguments that we have heard here today, albeit it may create as many questions as it resolves.

This amendment, I think, protects the manufacturers who sell good products at the time that it was made and sold but, because of advances in technology, may become different than a standard that we may apply today.

For example, a machine is produced, made, manufactured in 1975, and this is the issue that my friend from Ohio is trying to resolve. When it was manufactured in 1970 or 1975 or 1980, it was made to the state-of-the-art. It was a good product. It was not defective. But perhaps on a year 2000 scale, it is now defective, based on our technology of today. It is somewhat unfair to hold those manufacturers to that standard.

So that is what my amendment addresses, but yet says if the product that was manufactured more than 18 years ago was defective, that jeopardized the safety of workers and Americans, that that manufacturer should not be immune after 18 years from that negligent act of putting out into the marketplace a defective product. So it is exempted if it could be proved that it was defective at the time.

Now, each of us here, as much as we adhere to a philosophical premise, we are also a product of our life experiences; and let me tell my colleagues a story that I was personally involved with that I think exemplifies some of the issues of a statute of repose, albeit the fact the question here does not exactly duplicate what my friend from Ohio is attempting here.

I knew a family and worked with this family. They bought a boat. It was an 11-year-old boat. I hail from a State that has a 10-year statute of repose. This boat, one time when they put it on the water and started it, blew up, killing one person and blowing the leg off literally of a 13-year-old boy and burning him from the waist down.

Now, granted that fact pattern does not meet this piece of legislation, because he is not a worker and this is not in the workplace, and the boat is not a piece of machinery that one finds in a workplace. But, under Nebraska law, this boy was prevented, the man who was killed was prevented by a statute of repose from suing the manufacturer. And what we found out is that that boat was defective because it did not have a blower system the day it left. It was probably the only boat manufacturer at that time that was still manufacturing boats without this type of safety mechanism in it.

Now, should they be rewarded for not adhering to the standards of the industry or using state-of-the-art technology at the time? No, they should not.

So it is those types of life experiences and real life examples that I bring with me and we all bring with us that shape our views on such things as statute of reposes. But this does create some issues. First of all, it does create a desire for a national standard for product liability suits at a time when some of us are resisting trying to make national standards. So we do not improve the situation there at all.

The gentleman from Ohio (Mr. CHABOT) brought up earlier in the discussion that this amendment probably does not eliminate suits, and he is right. It does not create more litigation, as someone said, but he is probably right that it does not eliminate it.

So while I believe it is a good compromise, and it is truly the middle ground by protecting those manufacturers who deserve to be protected, yet not protecting those who do not deserve the protection, it does, unfortunately, raise as many questions as it resolves.

Mr. TERRY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN. The gentleman's amendment is withdrawn.

Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore (Mr. MANZULLO). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. MANZULLO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business, pursuant to House Resolution 412, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 18, as follows:

[Roll No. 7]

YEAS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Clay
Clayton
Clyburn
Coble
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Forbes
Ford
Frost
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—18

Brown (OH)
Campbell
Carson
Davis (FL)
Doyle
Hall (OH)
Hinojosa
Leach
Meehan
Myrick
Rivers
Sánchez
Saxton
Tauzin
Towns
Turner
Vento
Wamp

□ 1235

Mr. WATT of North Carolina, Ms. BERKLEY, Mr. ROTHMAN and Ms. KILPATRICK changed their vote from "yea" to "nay."

Mr. CUNNINGHAM and Mr. RILEY changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 7, I was unavoidably detained. Had I been present, I would have voted "no."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2005, WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT OF 1999

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the Clerk be directed to make technical and conforming changes in the bill, H.R. 2005, to accurately reflect the actions of the House.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the majority leader for the purpose of inquiring about the schedule for the remainder of the week and next week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have completed our first week of legislative business in the new year. There will be no recorded votes in the House Thursday or Friday.

The House will meet next for legislative business on Tuesday, February 8, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices later this week. On Tuesday, we do not expect recorded votes until 6 p.m.

On Wednesday, February 9, and Thursday, February 10, the House will meet and consider H.R. 2086, the Networking and Information Technology Research and Development Act, subject to a rule; and, Mr. Speaker, I am pleased to announce that as a special Valentine's Day preview, the House will be taking up H.R. 6, the Marriage Penalty Relief Act.

Mr. Speaker, on Friday, February 11, no votes are expected.

Mr. BONIOR. Can the gentleman tell us what day the vote and debate on the marriage penalty legislation will be?

Mr. ARMEY. I thank the gentleman for asking. If the gentleman will yield further, we expect that that vote will be taken on Thursday of next week.

ADJOURNMENT FROM THURSDAY, FEBRUARY 3 TO MONDAY, FEBRUARY 7, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 3, 2000, it adjourn to meet at 2 p.m. on Monday, February 7.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, FEBRUARY 8, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday February 7, 2000, it adjourn to meet at 12:30 p.m. on Tuesday, February 8 for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HIP HIP HOORAY TO SUPER BOWL CHAMPION ST. LOUIS RAMS

Mr. ARMEY. Mr. Speaker, on behalf of myself, the minority leader, Mr. GEPHARDT, and the entire Missouri delegation, I ask unanimous consent that this body give a hip hip hooray to the Super Bowl champion St. Louis Rams.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1598

Mr. WEXLER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1598.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A REPUBLIC, IF YOU CAN KEEP IT, PART 2

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, on Monday, I took a special order to discuss the importance of the American Republic and why it should be preserved. Today, I will continue with that special order.

When it comes to executive orders, it has gotten completely out of hand. Executive orders may legitimately be used by a President to carry out his constitutionally authorized duties, but that would require far fewer orders than modern day Presidents have issued as the 20th century comes to a close, we find the executive branch willfully and arrogantly using the executive order to deliberately circumvent the legislative body, and bragging about it.

Although nearly 100,000 American battle deaths have occurred since World War II and both big and small wars have been fought almost continuously, there has not been a congressional declaration of war since 1941. Our Presidents now fight wars not only without explicit congressional approval but also in the name of the United Nations, with our troops now serving under foreign commanders.

Our Presidents have assured us that U.N. authorization is all that is needed to send our troops into battle. The 1973 War Powers Resolution meant to restrict presidential war powers has either been ignored by our Presidents or used to justify war up to 90 days. The Congress and the people too often have chosen to ignore this problem, saying little about the recent bombing in Serbia. The continual bombing of Iraq which has now been going on for over 9 years is virtually ignored.

If a President can decide on the issue of war without a vote of the Congress, a representative republic does not exist. Our President should not have the authority to declare national emergencies and they certainly should not have authority to declare martial law, a power the Congress has already granted to any future emergency.

Economic and political crises can develop quickly and overly aggressive Presidents are only too willing to enhance their own power in dealing with them. Congress sadly throughout this century has been only too willing to grant authority to our Presidents at the sacrifice of its own.

The idea of separate but equal branches of government has been forgotten and the Congress bears much of the responsibility for this trend. Executive powers in the past 100 years have grown steadily with the creation of agencies that write and enforce their own regulations and with Congress allowing the President to use executive orders without restraint.

But in addition, there have been various other special vehicles that our Presidents use without congressional oversight. For example, the exchange stabilization fund set up during the depression has over $34 billion available to be used at the President's discretion without congressional approval. This slush fund grows each year as it is paid interest on the securities it holds. It was instrumental in the $50 billion Mexican bailout in 1995.

The CIA is so secretive that even those Congressmen privy to its operation have little knowledge of what this secret government actually does around the world.

☐ 1245

We know, of course, it has been involved in the past 50 years in assassinations and government overthrows on frequent occasions. The Federal Reserve operation, which works hand in hand with the administration, is not subject to congressional oversight. The Fed manipulates currency exchange rates, controls short-term interest rates, and fixes the gold price, all behind closed doors.

Bailing out foreign governments, financial corporations and huge banks can all be achieved without congressional approval. One hundred years ago when we had a gold standard, credit could not be created out of thin air, and, because a much more limited government philosophy prevailed, this could not have been possible. Today it is hard to even document what goes on, let alone expect Congress to control it.

The people should be able to closely monitor the Government, but as our government grows in size and scope, it, the Government, seeks to monitor our every move. Attacks on our privacy are an incessant and always justified by citing so-called legitimate needs of the State, efficiency and law enforcement.

Plans are laid for numerous data banks to record everyone's activities. A national ID card using our Social Security number is the goal of many, and even though we achieved a significant delivery in delaying its final approval last year, the promoters will surely persist in their efforts.

Plans are made for a medical data bank to be kept and used against our wishes. Job banks and details of all our lending activities continue to be of interest to all our national policy agencies, to make sure they know exactly where the drug dealers, the illegal aliens, and tax dodgers are and what they are doing, it is argued.

For national security purposes, the Echelon system of monitoring all overseas phone calls has been introduced, yet the details of this program are not available to any inquiring Member of Congress.

The Government knew very little about each individual American citizen in 1900. But, starting with World War I, there has been a systematic growth of Government surveillance of everyone's activities, with multiple records being kept. Today, true privacy is essentially a thing of the past. The FBI and the IRS have been used by various administrations to snoop and harass political opponents, and there has been little effort by Congress to end this abuse. A free society, that is, a constitutional republic, cannot be maintained if privacy is not highly cherished and protected by the Government, rather than abused by it. We can expect it to get worse.

Secretary of Defense Bill Cohen was recently quoted as saying, "Terrorism is escalating to the point that U.S. citizens may have to choose between civil liberties and more intrusive forms of protection." This is all in the name of taking care of us.

As far as I am concerned, we could all do with a lot less Government protection and security. The offer of Government benevolence is the worst reason to sacrifice liberty, but we have seen a lot of that during the 20th century.

Probably the most significant change in attitude that occurred in the 20th century was that with respect to life itself. Although abortion has been performed for hundreds, if not for thousands, of years, it was rarely considered an acceptable and routine medical procedure without moral consequence.

Since 1973, abortion in America has become routine and justified by a contorted understanding of the right to privacy. The difference between American rejection of abortion at the beginning of the century compared to today's casual acceptance is like night and day. Although a vocal number of Americans express their disgust with abortion on demand, our legislative bodies and the courts claim that the procedure is a constitutionally protected right, disregarding all scientific evidence and legal precedents that recognize the unborn as a legal, living entity, deserving protection of the law.

Ironically, the greatest proponents of abortion are the same ones who advocate imprisonment for anyone who disturbs the natural habitat of a toad. This loss of respect for human life in the latter half of the 20th century has yet to have its full impact on our society. Without a deep concern for life and with the casual disposing of living human fetuses, respect for liberty is greatly diminished. This has allowed a subtle but real justification for those who commit violent acts against fellow human beings.

It should surprise no one that a teenager delivering a term newborn is capable of throwing the child away in a garbage dumpster. The new mother in this circumstance is acting consistently, knowing that if an abortion is done just before a delivery, it is legally justified and the abortionist is paid to kill the child. Sale of fetal parts to tax-supported institutions is now an accepted practice. This moral dilemma that our society has encountered over the past 40 years, if not resolved in the favor of life, will make it impossible for a system of laws to protect the life and liberty of any citizen.

We can expect senseless violence to continue as the sense of worth is undermined. Children know that mothers and sisters, when distraught, have abortions to solve the problem of an unwanted pregnancy. Distraught teenagers in coping with this behavior are now prone to use violence against others or themselves when provoked or confused. This tendency is made worse because they see in this age of abortion their own lives as having less value, thus destroying self-esteem.

The prime reason government is organized in a free society is to protect life, not to protect those who take life. Today, not only do we protect the abortionist, we take taxpayers' funds to pay for abortions domestically as well as overseas. This egregious policy will continue to plague us well into the 21st century.

A free society designed to protect life and liberty is incompatible with Government sanctions and financing abortion on demand. It should not be a surprise to anyone that as abortion became more acceptable, our society became more violent and less free. The irony is that Roe v. Wade justified abortion using the privacy argument, conveniently forgetting that not protecting the innocent unborn is the most serious violation of privacy possible.

If the location of the fetus is the justification for legalized killing, the privacy of our homes would permit the killing of the newborn, the deformed and the elderly, a direction, unfortunately, in which we find ourselves going. As government-financed medical care increases, we will hear more economic arguments for euthanasia, that is, mercy killing, for the benefit of the budget planners. Already we hear these economic arguments for killing the elderly and terminally ill.

Last year the House made a serious error by trying to federalize the crime of killing a fetus occurring in an act of violence. The stated goal was to emphasize that the fetus deserved legal protection under the law, and, indeed, it should and does at the State level. Federalizing any act of violence is unconstitutional. Essentially, all violent acts should be dealt with by the States, and, because we have allowed the courts and Congress to federalize such laws, we find more good State laws are overridden than good Federal laws written.

Roe v. Wade federalized State abortion laws and ushered in the age of abortion. The Unborn Victims of Violence Act, if passed into law, will do great harm by explicitly excluding the abortionist, thus codifying for the first time the Roe v. Wade concept and giving even greater legal protection to the abortionist.

The responsibility of Congress is twofold: first, we should never fund abortions. Nothing could be more heinous than forcing those with strong right-to-life beliefs to pay for abortions.

Second, Roe v. Wade must be replaced by limiting jurisdiction, which can be done through legislation, a constitutional option. If we as a Nation do not once again show respect and protect the life of the unborn, we can expect the factions that have emerged on each side of this issue to become more vocal and violent. A Nation that can casually toss away its smallest and most vulnerable members and call it a "right" cannot continue to protect the lives or rights of its other citizens.

Much has changed over the past 100 years, where technology has improved our living standards. We find that our Government has significantly changed from one of limited scope to that of pervasive intervention.

One hundred years ago it was generally conceded that one extremely important function of government was to enforce contracts made voluntarily in the marketplace. Today, government notoriously interferes with almost every voluntary economic transaction. Consumerism, labor laws, wage standards, hiring and firing regulations, political correctness, affirmative action, the Americans with Disability Act, the Tax Code, and others place a burden on the two parties struggling to transact business.

The EPA, OSHA and government-generated litigation also interferes with voluntary contracts. At times, it seems a miracle that our society adapts and continues to perform reasonably well in spite of the many bureaucratic dictates.

As the 20th century comes to a close, we see a dramatic change from a government that once served an important function by emphasizing the value of voluntary contracts to one that excessively interferes with them. Although the interference is greater in economic associations than in social, the principle is the same. Already we see the political correctness movement interfering with social and religious associations. Data banks are set up to keep records on everyone, especially groups with strong religious views and anybody to be so bold as to call himself a patriot. The notion that there is a difference between murder and murder driven by hate has established the principles of a thought crime, a dangerous trend indeed.

When the business cycle turns down, all the regulations and laws that interfere with economic and personal transactions will not be as well tolerated, and then the true cost will become apparent. It is under the conditions of a weak economy that such government interference generates a reaction to the anger over the rules that have been suppressed.

To the statist, the idea that average people can and should take care of themselves by making their own decisions and that they do not need Big Brother to protect them in everything they do is anathema to the way they think.

The bureaucratic mindset is convinced that without the politicians' effort, no one would be protected from anything, rejecting the idea of a free market economy out of ignorance or arrogance. This change in the 20th century has significantly contributed to the dependency of our poor on Government handouts, the recipients being convinced that they are entitled to help and that they are incapable of taking care of themselves. A serious loss of self-esteem and unhappiness results, even if the system in the short run seems to help them get by.

There were no Federal laws at the end of the 19th century dealing with drugs or guns. Gun violence was rare and abuse of addictive substances was only a minor problem. Now, after 100 years of progressive Government intervention in dealing with guns and drugs, with thousands of laws and regulations, we have more gun violence and a huge drug problem.

Before the social authoritarians decided to reform the gun and drug culture, they amended the Constitution enacting alcohol prohibition. Prohibition failed to reduce alcohol usage and a crime wave resulted. After 14 years, the American people demanded repeal of this social engineering amendment, and got it.

Prohibition prompted the production of poor quality alcohol with serious health consequences, while respect for the law was lost as it was flagrantly violated., At least at that time the American people believed the Constitution had to be amended to prohibit the use of alcohol, something that is entirely ignored today in the Federal Government's effort to stop drug usage.

In spite of the obvious failure of alcohol prohibition, the Federal Government, after its repeal, turned its sights on gun ownership and drug usage. The many Federal anti-gun laws written since 1934, along with the constant threat of outright registration and confiscation, have put the FBI and the BATF at odds with millions of law abiding citizens who believe the Constitution is explicit in granting the right of gun ownership to all nonviolent Americans.

□ 1300

Our government pursued alcohol prohibition in the 1920s and confiscation of gold in the 1930s, so it is logical to conclude that our government is quite capable of confiscating all privately-owned firearms. That has not yet occurred; but as we move into the next century, many in Washington advocate just that and would do it if they did not think the American people would revolt, just as they did against alcohol prohibition.

Throughout this century, there has been a move toward drug prohibition starting with the Harrison Act of 1912. The first Federal marijuana law was pushed through by FDR in 1938, but the real war on drugs has been fought with intensity for the past 30 years.

Hundreds of billions of dollars have been spent and not only is there no evidence of reduced drug usage, we have instead seen a tremendous increase. Many deaths have occurred from overdoses of street drugs since there is no quality control or labeling. Crime as a consequence of drug prohibition has skyrocketed and our prisons are overflowing. Many prisoners are nonviolent and should be treated as patients with addictions, not as criminals. Irrational mandatory minimum sentences have caused a great deal of harm. We have nonviolent drug offenders doing life sentences, and there is no room to incarcerate the rapists and murderers.

With drugs and needles illegal, the unintended consequence of the spread of AIDS and hepatitis through dirty needles has put a greater burden on the taxpayers who are forced to care for the victims.

This ridiculous system that offers a jail cell for a sick addict rather than treatment has pushed many a young girl into prostitution to pay for the drugs priced hundreds of times higher than they are worth, but the drug dealers love the system and dread a new approach.

When we finally decide that drug prohibition has been no more successful than alcohol prohibition, the drug dealers will disappear. The monster drug problem we have created is compounded by moves to tax citizens so government can hand out free needles to drug addicts who are breaking the law in hopes that there will be less spread of hepatitis and AIDS in order to reduce government health care costs.

This proposal shows how bankrupt we are at coming to grips with this problem, and it seems we will never learn.

Tobacco is about to be categorized as a drug and prohibition of sorts imposed. This will make the drug war seem small if we continue to expand the tobacco war. Talk about insane government policies of the 20th century, tobacco policy wins the prize. First, we subsidize tobacco in response to demands by the special interests, knowing full well even from the beginning that tobacco had many negative health consequences. Then we spend taxpayers' money warning the people of its dangers, without stopping the subsidies.

Government then pays for the care of those who choose to smoke, despite the known dangers and warnings. But it does not stop there. The trial lawyers' lobby saw to it that the local government entities could sue tobacco companies for reimbursement of the excess costs that they were bearing in taking care of smoking-related illnesses, and the only way this could be paid for was to place a tax on those people who did not smoke.

How could such silliness go on for so long? For one reason. We as a nation have forgotten the basic precept of a free society, that all citizens must be responsible for their own acts. If one smokes and gets sick, that is the problem of the one making the decision to smoke or take any other risk for that matter, not the innocent taxpayers who have already been forced to pay for the tobacco subsidies and government health warning ads.

Beneficiaries of this monstrous policy have been tobacco farmers, tobacco manufacturers, politicians, bureaucrats, smokers, health organizations, and physicians, and especially the trial lawyers. Who suffers? The innocent taxpayers that have no choice in the matter and who acted responsibly and chose not to smoke.

Think of what it would mean if we followed this simple logic and implemented a Federal social program, similar to the current war on smoking, designed to reduce the spread of AIDS within the gay community. Astoundingly, we have done the opposite by making AIDS a politically correct disease. There was certainly a different attitude a hundred years ago regarding those with sexually transmitted diseases like syphilis compared to the special status given AIDS victims today.

It is said that an interventionist economy is needed to make society fair to everyone. We need no more government fairness campaigns. Egalitarianism never works and inevitably penalizes the innocent. Government in a free society is supposed to protect the innocent, encourage self-reliance and impose equal justice while allowing everyone to benefit from their own effort and suffer the consequences of their own acts. A free and independent people need no authoritarian central government dictating eating, drinking, gambling, sexual, or smoking habits.

When the rules are required, they should come from the government closest to home as it once did prior to America's ill-fated 20th Century experiment with alcohol prohibition. Let us hope we show more common sense in the 21st Century in these matters than we did in the 20th.

A compulsive attitude by politicians to regulate nonviolent behavior may be well intentioned but leads to many unintended consequences. Legislation passed in the second half of the 20th Century dealing with drugs and personal habits has been the driving force behind the unconstitutional seizure and forfeiture laws and the loss of financial privacy.

The war on drugs is the most important driving force behind the national police state. The excuse given for calling in the Army helicopters and tanks at the Waco disaster was that the authorities had evidence of an amphetamine lab on the Davidian property. This was never proven, but nevertheless it gave the legal cover but not the proper constitutional authority for escalating the attack on the Davidians which led to the senseless killing of so many innocent people.

The attitudes surrounding this entire issue needs to change. We should never turn over the job of dealing with bad habits to our Federal Government. That is a recipe for disaster.

America has not only changed technologically in the last 100 years but our social attitudes and personal philosophies have changed as well. We have less respect for life and less love for liberty. We are obsessed with material things, along with rowdy and raucous entertainment. Needs and wants have become rights for both poor and rich. The idea of instant gratification too often guides our actions, and when satisfaction is not forthcoming anger and violence breaks out. Road rage and airline passenger rage are seen more frequently. Regardless of fault, a bad outcome in almost anything, even if beyond human control, will prompt a lawsuit. Too many believe they deserve to win the lottery and a lawsuit helps the odds.

Unfortunately, the only winners too often are the lawyers hyping the litigation. Few Americans are convinced anymore that productive effort is the most important factor in economic success and personal satisfaction. One did not get rich in the 1990s investing in companies that had significant or modest earnings. The most successful investors bought companies that had no earnings and the gambling paid off big. This attitude cannot create perpetual wealth and must some day end.

Today, financial gurus are obsessed with speculation in the next initial public offering and express no interest in the cause of liberty without which markets cannot exist.

Lying and cheating are now acceptable by the majority. This was not true 100 years ago when moral standards were higher. The October 1999 issue of U.S. News and World Report reveals that 84 percent of college students believe cheating is necessary to get ahead in today's world, and 90 percent are convinced there is no price to pay for the cheating. Not surprisingly, 90 percent of college students do not believe politicians, and an equal number of percentage believes the media cheats as well.

There is no way to know if this problem is this bad in the general population, but these statistics indicate our young people do not trust our politicians or media. Trust has been replaced with a satisfaction in the materialism that speculative stock markets, borrowing money, and a spendthrift government can generate.

What happens to our society if the material abundance which we enjoy is ephemeral and human trust is lost? Social disorder will surely result and there will be a clamor for a more authoritarian government. This scenario may indeed threaten the stability of our social order and significantly undermine all our constitutional protections, but there is no law or ethics committee that will solve this problem of diminishing trust and honesty. That is a problem of the heart, mind and character to be dealt with by each individual citizen.

The importance of the family unit today has been greatly diminished compared to the close of the 19th Century. Now, fewer people get married, more divorces occur and the number of children born out of wedlock continues to rise. Tax penalties are placed on married couples. Illegitimacy and single parenthood are rewarded by government subsidies, and we find many authoritarians arguing that the definition of marriage should change in order to allow non-husband and -wife couples to qualify for welfare handouts.

The welfare system has mocked the concept of marriage in the name of political correctness, economic egalitarianism, and heterophobia. Freedom of speech is still cherished in America but the political correctness movement has seriously undermined dissent on our university campuses. A conservative or libertarian black intellectual is clearly not treated with the same respect afforded an authoritarian black spokesman.

We now hear of individuals being sent to psychiatrists when personal and social views are crude or out of the ordinary. It was commonplace in the Soviet system to incarcerate political dissenters in so-called mental institutions. Those who received a Soviet government designation of socially undesirable elements were stripped of their rights. Will this be the way we treat political dissent in the future?

We hear of people losing their jobs because of socially undesirable thoughts or for telling off-color jokes. Today, sensitivity courses are routinely required in America to mold social thinking for the simplest of infractions. The thought police are all around us. It is a bad sign.

Any academic discussion questioning the wisdom of our policies surrounding World War II is met with shrill accusations of anti-Semitism and Nazi lover. No one is ever even permitted, without derision by the media, the university intellectuals and the politicians, to ask why the United States allied itself with the murdering Soviets and then turned over Eastern Europe to them while ushering in a 45-year saber-rattling, dangerous Cold War period.

Free speech is permitted in our universities for those who do not threaten the status quo of welfarism, globalism, corporatism, and a financial system that provides great benefit to the powerful special interests. If a university professor does not follow the party line, he does not receive tenure.

We find ourselves at the close of this century realizing all our standards have been undermined. A monetary standard for our money is gone. The dollar is whatever the government tells us it is. There is no definition and no promise to pay anything for the notes issued ad infinitum by the government. Standards for education are continually lowered, deemphasizing excellence. Relative ethics are promoted and moral absolutes are ridiculed. The influence of religion on our standards is frowned upon and replaced by secular humanistic standards. The work ethic has been replaced by a welfare ethic based on need, not effort. Strict standards required for an elite military force are gone and our lack of readiness reflects this.

Standards of behavior of our professional athletes seem to reflect the rules followed in the ring by the professional wrestlers where anything goes. Managed medical care driven by government decrees has reduced its quality and virtually ruined the doctor-patient relationship.

Movie and TV standards are so low that our young people's senses are totally numbed by them. Standards of courtesy on highways, airplanes, and shops are seriously compromised and at times leads to senseless violence.

With the acceptance of abortion, our standards for life have become totally arbitrary as they have become for liberty. Endorsing the arbitrary use of force by our government morally justifies the direct use of force by disgruntled groups not satisfied with the slower government process. The standards for honesty and truth have certainly deteriorated during the past 100 years.

□ 1315

Property ownership has been undermined through environmental regulations and excessive taxation. True ownership of property no longer exists. There has been a systematic undermining of legal and constitutional principles once followed and respected for the protection of individual liberty.

A society cannot continue in a state of moral anarchy. Moral anarchy will lead to political anarchy. A society without clearly understood standards of conduct cannot remain stable any more than an architect can design and build a sturdy skyscraper with measuring instruments that change in value each day. We recently lost a NASA space probe because someone failed to convert inches to centimeters, a simple but deadly mistake in measuring physical standards. If we as a people debase our moral standards, the American Republic will meet a similar fate.

Many Americans agree that this country is facing a moral crisis that has been especially manifested in the closing decade of the 21st century. Our President's personal conduct, the characters of our politicians in general, the caliber of the arts, movies, and television, and our legal system have reflected this crisis.

The personal conduct of many of our professional athletes and movie stars has been less than praiseworthy. Some politicians, sensing this, have pushed hard to write and strictly enforce numerous laws regarding personal nonviolent behavior with the hope that the people will become more moral.

This has not happened, but has filled our prisons. This year it will cost more than $40 billion to run our prison system. The prison population, nearing 2 million, is up 70 percent in the last decade, and two-thirds of the inmates did not commit an act of violence. Mandatory minimum drug sentencing laws have been instrumental in this trend.

Laws clearly cannot alter moral behavior, and if it is attempted, it creates bigger problems. Only individuals with moral convictions can make society moral. But the law does reflect the general consensus of the people regarding force and aggression, which is a moral issue. Government can be directed to restrain and punish violent aggressive citizens, or it can use aggressive force to rule the people, redistribute wealth, and make citizens follow certain moral standards, and force them to practice certain personal habits.

Once government is permitted to do the latter, even in a limited sense, the guiding principle of an authoritarian government is established, and its power and influence over the people will steadily grow, at the expense of personal liberty. No matter how well-intentioned, the authoritarian government always abuses its powers. In its effort to achieve an egalitarian society, the principle of inequality that freedom recognizes and protects is lost.

Government, then, instead of being an obstruction to violence, becomes the biggest perpetrator. This invites all the special interests to manipulate the monopoly and evil use of government power. Twenty thousand lobbyists currently swarm Washington seeking special advantage. That is where we find ourselves today.

Although government cannot and should not try to make people better in the personal, moral sense, proper law should have a moral, nonaggressive basis to it: no lying, cheating, stealing, killing, injuring, or threatening. Government then would be limited to protecting contracts, people, and property, while guaranteeing all personal nonviolent behavior, even the controversial.

Although there are degrees in various authoritarian societies as to how much power a government may wield, once government is given the authority to wield power, it does so in an ever-increasing manner. The pressure to use government authority to run the economy in our lives depends on several factors. These include a basic understanding of personal liberty, respect for a constitutional republic, economic myths, ignorance, and misplaced good intentions.

In every society there are always those waiting in the wings for an opportunity to show how brilliant they are as they lust for power, convinced that they know what is best for everyone. But the defenders of liberty know that what is best for everyone is to be left alone, with a government limited to stopping aggressive behavior.

The 20th century has produced socialist dictators the world over, from Stalin, Hitler, and Mao to Pol Pot, Castro, and Ho Chi Minh. More than 200 million people died as a result of bad ideas of these evil men. Each and every one of these dictators despised the principle of private property ownership, which then undermined all the other liberties cherished by the people.

It is argued that the United States and now the world have learned a third way, something between extreme socialism and mean-spirited capitalism. But this is a dream. The so-called friendly third way endorses 100 percent the principle that government authority can be used to direct our lives and the economy. Once this is accepted, the principle that man alone is responsible for his salvation and his life on Earth, which serves as the foundation for free market capitalism, is rejected.

The third way of friendly welfarism or soft fascism, where government and businesses are seen as partners, undermines and sets the stage for authoritarian socialism. Personal liberty cannot be preserved if we remain on the course at which we find ourselves at the close of the 20th century.

In our early history, it was understood that a free society embraced both personal civil liberties and economic liberties. During the 20th century this unified concept of freedom has been undermined. Today we have one group talking about economic freedom while interfering with our personal liberty, and the other group condemning economic liberty while preaching the need to protect personal civil liberties. Both groups reject liberty 50 percent of the time. That leaves very few who defend liberty all the time. Sadly, there are too few in this country who today understand and defend liberty in both areas.

A common debate that we hear occurs over how we can write laws protecting normal speech and at the same time limiting commercial speech, as if they were two entirely different things.

Many Americans wonder why Congress pays so little attention to the Constitution and are bewildered as to how so much inappropriate legislation gets passed.

But the Constitution is not entirely ignored. It is used correctly at times when it is convenient and satisfies a particular goal, but never consistently across-the-board on all legislation.

Two, the Constitution is all too frequently made to say exactly what the authors of special legislation want it to say. That is the modern way language can be made relative to our times, but without a precise understanding and respect for the supreme law of the land, that is, the Constitution, it no longer serves as the guide for the rule of law. In its place, we have substituted the rule of man and the special interests.

That is how we have arrived at the close of this century without a clear understanding or belief in the cardinal principles of the Constitution: the separation of powers and the principle of Federalism. Instead, we are rushing toward a powerful executive, centralized control, and a Congress greatly diminished in importance.

Executive orders, agency regulations, Federal court rulings, unratified international agreements, direct government, economy, and foreign policy. Congress has truly been reduced in status and importance over the past 100 years. When the people's voices are heard, it is done indirectly through polling, allowing our leaders to decide how far they can go without stirring up the people.

But this is opposite to what the Constitution was supposed to do. It was meant to protect the rights of the minority from the dictates of the majority. The majority vote of the powerful and influential was never meant to rule the people.

We may not have a king telling us which trees we can cut down today, but we do have a government bureaucracy and a pervasive threat of litigation by radical environmentalists who keep us from cutting our own trees, digging a drainage ditch, or filling a puddle, all at the expense of private property ownership.

The key element in a free society is that individuals should wield control of their lives, receiving the benefits and suffering the consequences of all their acts. Once the individual becomes a pawn of the state, whether a monarch- or a majority-ruled state, a free society can no longer endure.

We are dangerously close to that happening in America, even in the midst of plenty and with the appearance of contentment. If individual liberty is carelessly snuffed out, the creative energy needed for productive pursuits will dissipate. Government produces nothing, and in its effort to redistribute wealth, can only destroy it.

Freedom too often is rejected, especially in the midst of plenty, when there is a belief that government largesse will last forever. This is true because it is tough to accept personal responsibility, practice the work ethic, and follow the rules of peaceful coexistence with our fellow man.

Continuous vigilance against the would-be tyrants who promise security at minimum cost must be maintained. The temptation is great to accept the notion that everyone can be a beneficiary of the caring state and a winner of the lottery or a class action lawsuit. But history has proven there is never a shortage of authoritarians, benevolent, of course, quite willing to tell others how to live for their own good. A little sacrifice of personal liberty is a small price to pay for long-time security, it is too often argued.

I have good friends who are in basic agreement with my analysis of the current state of the American republic, but argue it is a waste of time and effort to try and change the direction in which we are going. No one will listen, they argue. Besides, the development of a strong, centralized, authoritarian government is too far along to reverse the trends of the 20th century. Why waste time in Congress when so few people care about liberty, they ask? The masses, they point out, are interested only in being taken care of, and the elite want to keep receiving the special benefits allotted to them through special interest legislation.

I understand the odds, and I am not naive enough to believe the effort to preserve liberty is a cake walk. I am very much aware of my own limitations in achieving this goal. But ideas based on sound and moral principles do have consequences, and powerful ideas can make major consequences beyond our wildest dreams.

Our Founders clearly understood this, and they knew they would be successful, even against the overwhelming odds they faced. They described this steady confidence they shared with each other when hopes were dim as "divine Providence."

Good ideas can have good results, and we must remember, bad ideas can have bad results. It is crucial to understand that vague and confusing idealism produces mediocre results, especially when it is up against a determined effort to promote an authoritarian system that is sold to the people as conciliatory and nonconfrontational, a compromise, they say, between the two extremes.

But it must be remembered that no matter how it is portrayed, when big government systematically and steadily undermines individual rights and economic liberty, it is still a powerful but negative idea and it will not fade away easily.

Ideas of liberty are a great threat to those who enjoy planning the economy and running other peoples' lives. The good news is that our numbers are growing. More Americans than ever before are very much aware of what is going on in Washington and how, on a daily basis, their liberties are being undermined. There are more intellectual think tanks than ever before promoting the market economy, private property ownership, and personal liberty.

The large majority of Americans are sick and tired of being overtaxed, and despise the income tax and the inheritance tax. The majority of Americans know government programs fail to achieve their goals and waste huge sums of money. A smoldering resentment against the unfairness of government and efforts to force equality on us can inspire violence, but instead, it should be used to encourage an honest system of equal justice based on individual, not collective, rights.

Sentiment is moving in the direction of challenging the status quo of the welfare and international warfare state. The Internet has given hope to millions who have felt their voices were not being heard, and this influence is just beginning. The three major networks and conventional government propaganda no longer control the information now available to everyone with a computer.

The only way the supporters of big government can stop the Internet will be to tax, regulate, and monitor it. Although it is a major undertaking, plans are already being laid to do precisely that. Big government proponents are anxious to make the tax on the Internet an international tax, as advocated by the United Nations, apply the Eschelon principle used to monitor all overseas phone calls to the Internet, and prevent the development of private encryption that would guarantee privacy on the Internet.

These battles have just begun. If the civil libertarians and free market proponents do not win this fight to keep the Internet free and private, the tools for undermining authoritarian government will be greatly reduced. Victory for liberty will probably elude us for decades.

The excuse they will give for controlling the Internet will be to stop pornography, catch drug dealers, monitor child molesters, and do many other so-called good things. We should not be deceived. We have faced tough odds, but to avoid battle or believe there is a place to escape to, someplace else in the world, would concede victory to those who endorse authoritarian government.

The grand experiment in human liberty must not be abandoned. A renewed hope and understanding of liberty is what we need as we move into the 21st century. A perfectly free society we know cannot be achieved, and the ideal perfect socialism is an oxymoron. Pursuing that goal throughout the 20th century has already caused untold suffering.

The clear goal of a free society must be understood and sought, or the vision of the authoritarians will face little resistance and will easily fill the void.

There are precise goals Congress should work for, even under today's difficult circumstances. It must preserve in the best manner possible voluntary options to failed government programs.

□ 1330

We must legalize freedom to the maximum extent possible.

1. Complete police protection is impossible; therefore, we must preserve the right to own weapons in self-defense.

2. In order to maintain economic protection against Government debasement of the currency, gold ownership must be preserved, something taken away from the American people during the Depression.

3. Adequate retirement protection by the Government is limited, if not ultimately impossible. We must allow every citizen the opportunity to control all of his or her retirement funds.

4. Government education has clearly failed. We must guarantee the right of families to home school or send their kids to private schools and help them with tax credits.

5. Government snoops must be stopped. We must work to protect all privacy, especially on the Internet, prevent the national ID card, and stop the development of all Government data banks.

6. Federal police functions are unconstitutional and increasingly abusive. We should disarm all Federal bureaucrats and return the police function to local authorities.

7. The Army was never meant to be used in local policing activities. We must firmly prevent our Presidents from using the military in local law enforcement operations, which is now being planned for under the guise of fighting terrorism.

8. Foreign military intervention by our Presidents in recent years to police the American empire is a costly failure. Foreign military intervention should not be permitted without explicit congressional approval.

9. Competition in all elections should be guaranteed, and the monopoly powers gained by the two major parties through unfair signature requirements, high fees, and campaign donation controls should be removed. Competitive parties should be allowed in all government-sponsored debate.

10. We must do whatever is possible to help instill a spirit of love for freedom and recognize that our liberties depend on responsible individuals, not the group or the collective or the society as a whole. The individual is the building block of a free and prosperous social order.

The Founders knew full well that the concept of liberty was fragile and could easily be undermined. They worried about the dangers that lay ahead. As we move into the new century, it is an appropriate time to rethink the principles upon which a free society rest.

Jefferson, concerned about the future wrote, "Yes, we did produce a near-perfect republic, but will they keep it? Or will they, in the enjoyment of plenty, lose the memory of freedom? Material abundance without character is the path of destruction."

"They," that he refers to are "we." And the future is now. Freedom, Jefferson knew, would produce plenty, and with material abundance it is easy to forget the responsibility the citizens of a free society must assume if freedom and prosperity are to continue.

The key element for the Republic's survival for Jefferson was the character of the people, something no set of laws can instill. The question today is not that of abundance, but of character, respect for others, and their liberty and their property. It is the character of the people that determines the proper role for government in a free society.

Samuel Adams, likewise, warned future generations. He referred to "good manners" as the vital ingredient that a free society needs to survive. Adams said, "Neither the wisest Constitution nor the wisest laws will secure the liberty and happiness of a people whose manners are universally corrupt."

The message is clear. If we lose our love of liberty and our manners become corrupt, character is lost and so is the Republic. But character is determined by free will and personal choice by each of us individually. Character can be restored or cast aside at a whim. The choice is ours alone, and our leaders should show the way.

Some who are every bit as concerned as I am about our future and the pervasive corrupt influence in our Government in every aspect of our lives offer other solutions. Some say to solve the problem all we have to do is write more detailed laws dealing with campaign finance reform, ignoring how this might undermine the principles of liberty. Similarly, others argue that what is needed is merely to place tighter restrictions on the lobbyists in order to minimize their influence. But they fail to realize this undermines our constitutional right to petition our Government for redress of grievances.

And there are others with equally good intentions that insist on writing even more laws and regulations punishing nonviolent behavior in order to teach good manners and instill character. But they fail to see that tolerating nonviolent behavior, even when stupid and dangerous to one's own self, is the same as our freedom to express unpopular political and offensive ideas and to promote and practice religion in any way one chooses.

Resorting to writing more laws with the intent of instilling good character and good manners in the people is anathema to liberty. The love of liberty can come only from within and is dependent on a stable family and a society that seeks the brotherhood of man through voluntary and charitable means.

And there are others who believe that government force is legitimate in promoting what they call "fair redistribution." The proponents of this course have failed to read history and instead adhere to economic myths. They ignore the evidence that these efforts to help their fellow man will inevitably fail. Instead, it will do the opposite and lead to the impoverishment of many.

But more importantly, if left unchecked, this approach will destroy liberty by undermining the concept of private property ownership and free markets, the bedrock of economic prosperity.

None of these alternatives will work. Character and good manners are not a government problem. They reflect individual attitudes that can only be changed by individuals themselves. Freedom allows virtue and excellence to blossom. When government takes on the role of promoting virtue, illegitimate government force is used and tyrants quickly appear on the scene to do the job. Virtue and excellence become illusive, and we find instead that the government officials become corrupt and freedom is lost, the very ingredient required for promoting virtue, harmony, and the brotherhood of man.

Let us hope and pray that our political focus will soon shift toward preserving liberty and individual responsibility and away from authoritarianism. The future of the American Republic depends on it. Let us not forget that the American dream depends on keeping alive the spirit of liberty.

SECRETARY BILL RICHARDSON AND BILL HEDDEN: A POWERFUL TEAM TO SAVE THE SOUTHWEST'S WATER AND NATIONAL PARKS.

The SPEAKER pro tempore (Mr. LaTourette). Under a previous order of the House, the gentleman from California (Mr. Filner) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today in honor and in thanks to two powerful "Bills." Not the legislation we introduce here, but as in Bill Richardson and Bill Hedden, for their work to move the largest uranium mine tailings pile that has ever threatened the drinking water in the United States.

Secretary of Energy, Bill Richardson, and Bill Hedden, the Utah Conservation Director of the Grand Canyon Trust, are two lifesaving "Bills" who have shown incredible leadership in pushing to move a uranium tailings pile that currently sits only 750 feet away from the Colorado River near Moab, Utah.

A few days ago, Secretary Richardson unveiled an innovative agreement that would result in moving the tailings pile that is slowly leaching radioactive waste into the Colorado River. And just last night, our other hero, Bill Hedden, was honored by the Project on Government Oversight, or POGO, for his tireless efforts to move this poisonous pile. Both men see how important it is to move the tailings pile, which is as big as 118 football fields, rather than capping it in its place. This capping would only ensure that the poisonous waste would continue to leach into the Colorado River for up to 3 centuries.

Because of these visionary "Bills," 25 million people who live down the Colorado River and who depend on it for their drinking water not be doomed to poor "bills" of health from the pollution.

Our "Bills" are working to ensure that one-seventh of the United States, including Las Vegas, Arizona, and the Southern California urban areas of Los Angeles and the city I represent, San Diego, will have water free from this pollution.

Our hero "Bills" are trying to save us from the bill that the Nuclear Regulatory Commission, or the NRC, was trying to stick us with. The NRC said that capping the poisonous pile was good enough. The NRC did not care that they were sentencing our children, our grandchildren, and great grandchildren to 270 years of having this radioactive waste leach into our water supply.

These white-hatted "Bills" know that our Nation must protect our water, our animals, and our beautiful National Parks that we have set aside because they are our treasures.

As one of our "Bills," Secretary Richardson, said a few weeks ago, "The time to act is now. Radioactive waste sits at the gateway of two National Parks, Arches and Canyonlands. This area is a geological wonderland, nested in a valley with scenic red cliffs and rugged, beautiful desert terrain. The Department of Energy has the expertise and experience to relocate the material in a secure, permanent location that is safely away from the Colorado River and our National Parks."

Mr. Speaker, I tip my hat to these two courageous "Bills," Secretary Richardson and Grand Canyon Trust's Bill Hedden, for saving us the bill of misery, ill health, and heartache that would go with permanently enshrining this huge pile of waste in the backyard of our National Parks where it would surely and forever pollute the Southwest's drinking water.

I commit, Mr. Speaker, and I hope my colleagues will join me in this pledge, to push through legislation that will make the work of these visionary "Bills" a reality. We must pass our bill necessary to put the jurisdiction for this poisonous pile where it belongs, in the hands of the Department of Energy.

MILITARY FAMILY FOOD STAMP TAX CREDIT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I wanted to come to the floor and talk about a bill that I introduced last year, H.R. 1055, the Military Family Food Stamp Tax Credit Act. I have approximately 61 of my colleagues on both sides, Republican and Democrat, who have signed this bill.

Mr. Speaker, there are probably as many as 12,000 men and women in uniform who are willing to die for this country today that are having to live on food stamps. I think that is unacceptable and deplorable that any person that is willing to die for this country would have to be on food stamps.

So we looked at how we could help those in the military that are on food stamps, and we came up with the suggestion from several different sources that probably the best thing we could do was to provide a $500 tax credit for men and women in uniform.

Mr. Speaker, I bring this photograph of a Marine in my district. This Marine is getting ready to deploy for Bosnia for 6 months. We can see standing on his feet a beautiful little girl, and in his arms a new baby girl. And I looked at this photograph, it was in the Raleigh paper in my State of North Carolina, and it has so much meaning and depth to it that I thought I would have it blown up so that I could bring it to the floor of the House or take it to a committee to remind my colleagues who make the decision on how we pay our military and make the decisions on what we can do to help those men and women in uniform on food stamps.

We have approximately 60 percent of the men and women that serve this Nation that, again, are willing to die for this Nation, that are married. I think this family from Camp Lejeune getting ready to deploy shows just how fortunate we are to have men and women who have families that are willing to serve this Nation.

When I looked at the fact that we in Congress last year passed $15 billion in foreign aid for countries overseas, and I realize that we have to have foreign aid and we should have northern aid, but I think we could reduce it, frankly. I think I voted against that bill because we need to take care of the American people first. And we certainly need to take care of those in the military that are serving this Nation.

Then I looked at the fact that the President recommended that we eliminate the debt of $5 billion to 36 countries that owe the American taxpayer $5 billion. So, therefore, we have excused that debt. I look at what we have spent in Bosnia already, somewhere around $5 billion. I look at what we spent in Yugoslavia last year, $11 billion.

Mr. Speaker, to help 12,000 men and women in uniform on food stamps would only cost $59 million over 10 years.

I want to also make the point that this Congress last year passed an Omnibus Budget bill that had in excess of $13 billion in pork barrel spending. Mr. Speaker, I say again, those of us who have the privilege to serve in the House and Senate, we must work together to help get these men and women off food stamps that are willing to die for this country.

Mr. Speaker, I plan to come to the floor on a regular basis until the leadership, both Republican and Democrat, work together to help get these men and women off food stamps, because they are so important to the defense of this Nation. We owe them everything that we can give them and especially to help get them off food stamps. I thank the Members of this House, Republican and Democrat, who have cosponsored this bill, H.R. 1055, the Military Family Food Stamp Tax Credit Act; and I hope this year we, as a Congress, will do what is necessary to get these men and women off food stamps.

□ 1345

MARKING 4TH ANNIVERSARY OF CROWN CENTRAL PETROLEUM LOCKOUT

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I share the concern of my colleague from North Carolina on our military pay. Hopefully we made a down payment last year and will continue it this year.

My concern, Mr. Speaker and Members, and what I want to talk about today is, we are marking the 4th anniversary for one of the longest lockouts in U.S. history that is in my district. On February 5, 1996, the management of Crown Central Petroleum ordered the union workers to leave its refinery in Pasadena, Texas, and lock the gates behind them. By the next day, the company had replaced all 252 union members with lower cost and inexperienced temporary workers.

What caused the lockout? The only possible reason is Crown Petroleum wanted to break the union. During the contract negotiations, the union stated they had no intentions of striking. In fact, Crown Petroleum's reaction was to order an immediate lockout. Before negotiators for the employees had a chance to react, they were escorted out of the refinery. Crown tried to justify the lockout by saying that they had committed actions of sabotage, and yet Crown later invited these same employees to return to work provided they agreed to the company's demands.

The concern I have, Mr. Speaker, is if someone did sabotage the plant, they need to be prosecuted under the laws, but management should not use it as a reason for not allowing these people to come back to work who had been there many years.

If they agreed to the company demands, it would have been an elimination of over 40 percent of the work force. These highly sensitive jobs, that are now performed by temporary and less skilled workers, were issues at the negotiating table that were very contentious.

The company was trying to rewrite the entire union contract and eliminate a third of the employees and eliminate the worker protections for older employees. The employees were willing to negotiate, but Crown not only wanted to have their demands met, they opted for a lockout. Four years, Mr. Speaker, is one of the longest lockouts in history.

Four years later, friends and neighbors, my constituents, are still not working. Their lives have been radically changed for standing up and insisting on safe and fair working conditions. Employees like Marshall Norman, a 16 year employee, had his medical insurance canceled while his wife was pregnant and his daughter was diagnosed with leukemia.

Another constituent, John Grant, served his country in Vietnam and as a Marine guard in the White House. He has only worked sporadically since the lockout. Hardy Smith, a 25 year employee, lost his credit and went from making $18 an hour to $6.50 an hour. Henry Godbolt, a 24-year employee, is struggling to make ends meet for his family, including paying for his daughter's education. He is working odd jobs like mowing lawns and washing windows.

These are good and honest hard working Americans who are being forced to struggle because their employer locked them out. We need to have an end to this madness.

For the last year, Mr. Speaker, I have tried to work and offer whatever assistance my office could to sit down and work it out between the plant owners and the employees, and we have not had any luck. Despite many years of hardships and fighting back to reclaim their lives, the Paper, Allied-Industrial and Chemical Energy Workers Union, PACE, which used to be the Oil Chemical and Atomic Workers Union, is the union that represents these locked out workers, along with the AFL-CIO, and they have been boycotting the Crown gasoline stations and convenience stores.

The locked out workers have traveled to Maryland, Virginia, North Carolina and South Carolina, Georgia and Alabama to promote this boycott and have urged union members as well as other concerned citizens to support them. The boycott, or the "Don't Buy Crown Gasoline" campaign is endorsed by groups ranging from the Rainbow/Push Coalition to the Environmental Defense Fund to the Labor Union Women. This is only a small sample of a long list of groups who have supported this boycott.

With the employees' hard work and persistence, along with the support of many groups and individuals, the boycott has been successful in decreasing the sales of Crown gasoline and its products. The boycott may become our only hope to bring reason back to this issue. I would hope that the management and the owners of Crown would realize that not only my constituents but their former employees want to work and want to do a good job and make that a producing plant. Let us end this nightmare.

Mr. Speaker, this Saturday, February 5, from 11 a.m. to 2 p.m., many of these hard working employees will mark the 4th anniversary of the lockout at the PACE local union at 704 Pasadena Freeway.

Mr. Speaker, I was home last week and met with a few of the members, and, believe me, I bought this T-shirt because they could not afford to give it to us, but it talks about trying to end the lockout at Crown Petroleum. I would hope that through this special order today that we could encourage not only the employees but also the management to sit down and get these people back to work.

ELIMINATE MARRIAGE TAX PENALTY IN A RESPONSIBLE WAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, we have returned here in the year 2000 to begin our work as the U.S. House of Representatives. One of the first bills that we will take up will come on, I expect, February 14. The purpose of this is to address a problem which has been a festering issue in our Tax Code; namely, the so-called marriage tax penalty.

There has been widespread recognition that it simply is unfair and is inconsistent with public policy to have a Tax Code which places a burden on folks that choose to get married. Now, as we analyze the Tax Code, there is both a marriage bonus and a marriage tax penalty. It is a fairly complex issue as we work through it. And trying to root it out of the Tax Code is not necessarily easy nor is it inexpensive.

The Committee on Ways and Means, I understand, has marked up this bill today and will be sending it to the floor for consideration by Valentine's Day. That certainly is an appropriate or a fitting tribute to marriage as an institution in our Nation, but I submit that this is premature in terms of consideration on the floor of the House in the sense that there is a fairly high price tag to the bill that is coming from the Ways and Means, and we still have not had any opportunity to formulate a budget for operations here in the year 2000.

I would like to just briefly, for the benefit of my colleagues, point out some of the budget considerations that make this an awkward and inappropriate time here in February to take up the marriage tax penalty legislation.

This pie chart shows the available surplus according to the last estimates or projections from the Congressional Budget Office. The total surplus over the next 10 years, if there is an absolute freeze on spending, is projected to be $1.8 trillion. Now, this is a happy state of affairs. It is a surplus without using the Social Security Trust Fund and the money that is accumulating there.

Of this surplus, over $1 trillion would be used if we simply continued the programs that we have had, with the caps but with adjustments for inflation. So this leaves us with a more modest surplus, which is actually around $837 billion. And this again is over a 10-year period of time. It would be the green and the orange portions of this pie chart.

Now, a portion of even that $837 billion is not necessarily as easily available as we would like to think, and that is because we have certain tax provisions which are set to expire. And if they are to be extended, and we have routinely extended these tax provisions for the benefit of taxpayers in our society; and if we consider the farm aid legislation, which is expected to be passed this year and succeeding years, as it has been in previous years, about $230 billion, or more than 25 percent of the $837 billion, would be used for those tax benefit pieces of legislation and for farm aid legislation. This leaves us with the green portion, about $607 billion.

Even that has a certain duplicitous character to it because it fails to recognize that about $200 billion of the green portion is actually a surplus that is being generated in the Medicare trust fund.

Now, we have all taken a fairly solemn pledge that we will not go into the Social Security Trust Fund to finance government expenditures or to finance tax reduction that Social Security has to be protected from that type of invasion. But I submit that if we are hearing from our hospitals and other health care providers at home, we are preparing ourselves to make a parallel commitment to the Medicare program. Medicare is financially more precarious than Social Security, and we certainly have thousands and thousands of health care providers around the country that have been sharing with us the struggle that they are going through with the cutbacks that have been made in financing Medicare.

So I would submit that there are several hundred billion dollars there that is also unavailable. So what I would urge my colleagues to do is to make sure that we responsibly deal with the marriage tax penalty legislation so that we do not somehow handicap ourselves in developing a proper budget.

ELIMINATING THE MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Indiana (Mr. MCINTOSH) is recognized for 60 minutes.

Mr. MCINTOSH. Mr. Speaker, my topic today will be exactly the topic that the gentleman prior to me spoke about, the elimination of the marriage tax penalty. And, in a way, I am glad he came and spoke to us about that, because the point he made is we have to do this within the context of a balanced budget. But he talked about a surplus of $1.8 trillion over the next 10 years. The bill that is being marked up today in committee, which is a bipartisan bill, the Weller-McIntosh-Danner Marriage Penalty Elimination Bill, that will impact that budget only by one-tenth of that projected surplus, or $180 billion.

So I say to my colleagues that I disagree with the gentleman from Minnesota (Mr. MINGE). We must move forward now, in fact, we should have done it yesterday, to eliminate this marriage penalty in our Tax Code.

Now, there are organized lobbies for all the other things he mentioned. There are organized lobbies for payments to hospitals, payments to farmers; there are organized lobbies for tax credits to businesses; there are organized lobbies that petition us daily to spend money on all of that reflected on his pie chart. But there are no organized lobbies here in Washington saying protect families from having to pay an additional burden on their taxes.

I want to thank my cosponsors, the gentleman from Illinois (Mr. WELLER) and the gentlewoman from Missouri (Mrs. DANNER), for helping me to create the bipartisan momentum so that this Congress now can finally do something for those families. We do not have to wait. We should not wait. We know what needs to get done.

Now, let me share with my colleagues during this hour some of the complex parts of this marriage penalty, and then I want to also introduce some of our friends and colleagues who have been supporters of it. But I want to start this with a reflection of 3 years ago. Three years ago this month I received a letter that changed my career in Congress. It was a letter from a constituent of mine talking about how the marriage penalty affected her and urging me to do something about it. And that changed my priorities on what I was going to fight for here in Washington, and I have been fighting to eliminate that marriage penalty really ever since I got that letter.

So I want to share with my colleagues now, 3 years later, what a young lady from my Congressional District, a young lady named Sharon Mallory, wrote to me that got me thinking about our priorities here. She said, "Dear Representative McIntosh: My boyfriend, Darryl Pierce, and I have been living together for quite some time. We would very much like to get married. We both work at the Ford Electronics in Connersville." It is a factory there. "We both make less than $10 an hour, however, we try to work overtime whenever it is available, and also Darryl does some farming on the side."

□ 1400

So my colleagues can see Sharon and Darryl are your typical middle-class working family. She goes on to say, "I can't tell you how disgusted we both are over this tax issue. If we get married, not only would I forfeit my $900 tax refund check, we would be writing a check to the IRS for $2,800. This amount was figured for us by an accountant at the local H&R Block office in New Castle.

"Now, there is nothing right about this. After we continually hear government preach to us about family values. Nothing new about the hypocrites in Washington." As my colleagues can see, Sharon had some harsh words for us here, "Why don't we do away with the current tax system? It is old and outdated, antiquated.

"The flat tax is the most sensible method to use, and no one is being penalized; everyone would be treated the same. I don't understand how the government can ask such questions as are you single? Are you married? Do you have any dependents? Employers, bankers, realtors and creditors are forbidden by law to ask these questions. The same should apply to the government."

This is what really got my attention, I have to share with my colleagues when I read this letter, "Darryl and I would very much like to be married. And I must say it broke our hearts when we found out we cannot afford it. We hope some day, some day, the government will allow us to get married by not penalizing us, Sharon Mallory and Darryl Pierce."

As I said, that letter changed my life, because it changed the priorities that I have in working here in Washington. I brought Sharon and Darryl out here to a hearing a few years ago. They shared with my colleagues the penalty that is stopping them from getting married. They shared with the Speaker the plight they had. He became a cosponsor of our bill.

My fondest hope is when I return home after this session of Congress I can get together with Sharon and Darryl and say we did it; we eliminated the marriage penalty tax for you and married couples all over this country.

Now, let me introduce a gentleman who has been waiting very patiently today to join us in this special order, a colleague of mine who has a lot of experience and wisdom about how this process works.

I yield to the gentleman from New Mexico (Mr. SKEEN) to talk about this issue.

Mr. SKEEN. Mr. Speaker, I want to thank the gentleman from Indiana for yielding to me to speak in support of H.R. 6, the Marriage Tax Penalty Relief Act of the year 2000.

Americans, I think, have spoken loud and clear on this issue. I have heard from several of my constituents in Southern New Mexico who feel that the current tax on married couples is blatantly unfair.

During their marriage ceremony, couples say "I do" to a lifetime of love and devotion, not higher taxes.

The institution of marriage is the foundation of our country's past, its present, and its future. It is hard to imagine our Nation having a tax code and structure which unfairly taxes those who get married and have a family. That is not right, and it is very unfair.

It is time to end the marriage tax penalty. In fact, our current Tax Code punishes working couples by pushing them into higher tax brackets, taxing the income of the second wage earner at a much higher rate than individuals who are unmarried.

On average, this penalty amounts to almost $1,400 per year, more than enough to pay for a ROTH or Education IRA account, buy a family computer with an Internet highway ramp, pay some mortgage payments on the family home, or buy important necessities for the family home such as clothes and food.

This unfair tax most often hits middle-income Americans, people who earn from $25,000 per year to $75,000 per year.

In the State of the Union message to Congress last week, the President proposed abolishing this tax over the next 10 years. Folks, our families cannot wait that long.

Mr. Speaker, by acting now, we will prevent even more working couples from being punished in the future. By acting now, we will help working couples keep more of their own money, each year helping American families make their dream come true.

By acting now, it will end this unfair tax which penalizes married couples.

I have already added my strong support to the Marriage Tax Penalty Relief Act of 2000. I call for all of my colleagues to support this bill as soon as it reaches the floor of the House of Representatives.

We can do no less to right this wrong. I thank the gentleman for the time he has yielded and for the interest he has shown in letting young people be young people, but married, and for strengthening this country.

Mr. McINTOSH. I thank the gentleman from New Mexico (Mr. SKEEN) and thank him for his support of this bill. It means a lot to me.

Mr. SKEEN. It is a pleasure.

Mr. McINTOSH. Mr. Speaker, let me also yield to a colleague of mine. Although, we are on opposite sides of the aisle, and that sometimes means you do not get to work closely together with each other, but someone who I have come to admire greatly. We shared an office down the hall from each other.

I know in her heart she cares about people. She cares about families. She has been good enough to join us as one of the lead cosponsors on this bill, making it a strong bipartisan bill.

I yield to the gentlewoman from Missouri (Ms. DANNER).

Ms. DANNER. Mr. Speaker, first of all, I would like to thank my colleague for the courtesy of asking me to be the Democrat lead cosponsor. I am pleased to be able to do that because I feel very strongly about this bill.

Mr. Speaker, I know that other speakers have talked about this issue, we have heard several already, about the benefits of eliminating the marriage tax penalty.

Today, I would like to share with my colleagues and with the public Missouri's experience, my home State's experience, and, indeed, Missouri's leadership on this issue.

My colleague, the gentleman from New Mexico (Mr. SKEEN) mentioned marriage and taking the vows. When the minister utters that phrase "for better or worse," although the couple does not realize it at the time, that phrase applies to how they are going to file their State and Federal income tax. Obviously, they are thinking of something else at that moment in time. But that will come home to haunt them, I am afraid, "the better or worse" with regard to the tax issue. For some taxpayers, it is better than for others.

These are the couples who file in a State which, like my home State of Missouri, permit married couples to file separately on the same tax form.

Despite the loss of revenue that has been mentioned before when people are not paying in as singles but paying in as a married couple, once again, my State of Missouri has consistently been able to refund money to those who pay State income tax.

Missouri is known, I think many of my colleagues know, as the "Show Me" State. And I think it has shown the Federal Government that there should be and is fairness and equity in the way our State income tax system addresses the issue of taxes levied upon married couples.

Married couples filing in Missouri have two options. They can file jointly or separately, using whichever option imposes the least amount of taxes upon their income. That is, I think, as it should be.

Many years ago, Missouri's General Assembly, where I served proudly as a State senator for 10 years, so I know a bit about Missouri's General Assembly, gave couples relief from the marriage penalty; and last year our State still provided income tax payers with a refund.

I believe that the Congress can and should do no less than to afford those who pay the Federal income tax the same option that Missourians have, to file a tax return that causes them the least amount of taxes to be paid.

Once again, I thank my colleague. It is a pleasure to join with him in this very, very worthwhile piece of legislation, a piece of legislation that he and I and literally hundreds of our colleagues who have signed onto H.R. 6 know will benefit the people that we serve.

Mr. McINTOSH. Mr. Speaker, I thank the gentlewoman from Missouri (Ms. DANNER) for her leadership on this.

There were a lot of skeptics when we first started. Does it make a difference? How can we fit it into the budget with our other priorities? And she was instrumental in helping us build a bipartisan body of support for that and convincing many of our colleagues that this needs to be a priority.

I suppose I am quite confident that her leadership on that helped this year with the President's support for Congress doing something to eliminate the marriage penalty, and that is important that we get everybody behind this.

Ms. DANNER. Mr. Speaker, one of the things that I was very excited about in the State of the Union address was the fact that the President did include that. And so, it shows you, it shows me, it shows our colleagues that we have some mutual interests there and that what we have to do is bring these two bills, his ideas and our ideas, to some kind of a mutual agreement that we can all support.

And I have been reading several things lately that indicate to me that the executive branch is very, very willing to work with those of us in the legislative branch to accomplish that purpose.

Mr. McINTOSH. Mr. Speaker, I thank the gentlewoman for her comments, and her participation helps enormously.

I know what it is like to be working in an executive branch and to wonder if a Congress controlled by the other party is doing what is right or trying to do something that gets a political advantage. And I think when they see leadership from someone of her stature and her caring on the same political side, they realize that this is what is good for Americans, it is not about politics; it is what is good for Americans.

So her leadership in that way will bring a lot towards getting this bill passed, and I thank her for that.

Ms. DANNER. Mr. Speaker, it is a pleasure to work with my colleague on this.

Mr. McINTOSH. Mr. Speaker, let me share with my colleagues and folks who may be watching. They may ask themselves, how did we get into this position of having a marriage penalty tax. Surely, Congress never voted to suddenly start taxing marriage. And to be honest, it happened very quietly, very subtly that people did not really focus on around here.

For 30 years now, there have been two things in the Tax Code that ultimately effectively created that marriage penalty tax. The first is that there is a difference in the amount they get as a standard deduction.

If they are two single people, both of them earning a living, living together, not living together, they get a standard deduction that is about $4,200. We would think that would double, so it would be $8,500. If they get married, they only qualify for a standard deduction of $7,100. So there is a $1,400 difference in the amount they get as a standard deduction off their taxes. That means they end up paying more taxes when they get married.

The second way that this marriage penalty has crept into our tax system is through the bracket creep. If they are both earning, say, $30,000, the gentleman may be a carpenter who earns $30,000 and he marries a young lady who is a teacher who is earning $30,000, they both pay as single people in the 15 percent bracket. That is how much their tax burden is, 15 percent of their income after they adjust for the deductions. If they get married, they get thrown into a higher tax bracket because then they are making $60,000 together.

And because those brackets are not doubled, where if they are two people they get twice as much before they get kicked into the next bracket, they effectively pay a higher rate on their combined income just because they are married. Those are the two major ways in which our Tax Code ends up inflicting a marriage penalty tax.

Now it affects 40 million families in this country. It affects them on average by asking them to pay $1,400 more just because they are married.

Let me share with my colleagues what does our bill do, what H.R. 6, the Weller-McIntosh-Danner bill, does to relieve that marriage penalty.

First, it immediately equalizes that difference on the standard deduction. So that, beginning in 2001, if they are a single person, their standard deduction is $4,250. If they are married and filing jointly, they get double that for two people. No difference, no marriage penalty in the standard deduction starting immediately.

Second, it phases in a gradual increase in the 15-percent bracket cutoff. So that when they are married, they do not ultimately get thrown into a higher tax bracket, at least for that 15-percent level.

That, by the way, helps all taxpayers. Because we all pay some of our income at 15 percent. If we make more, we pay the rest of it at a higher rate.

The third thing it does is it increases the beginning point of a phase-out of the marriage penalty for those working families that are at the low end of the scale and they are getting earned income tax credit.

What it essentially does is, say they are a single dad and they are working in a low-income wage, minimum wage, and they are a single mom also making minimum wage, if they start a new family together, they will give up what the Government helps them with earned income tax credit. And a lot of times they go from receiving an earned income tax credit to paying more in income taxes.

□ 1415

So it is a true burden on those who can least afford to pay it. Our bill gives them an extra $2,000 of leeway in that program on the earned income tax credit.

Mr. Speaker, I notice that one of our colleagues who has been a strong supporter of eliminating the marriage penalty and sits on the important committee to help us make sure we can afford to do that in the rest of the budget is with us.

I yield to my good friend and colleague the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman from Indiana for yielding to me. I want to commend him on his work for what he is doing. It is amazing that in this society where our government has all kinds of rules, regulations and taxes to encourage and to discourage certain behaviors, that here we have really a frontal assault on married couples all over America, saying that if you get married, we are going to penalize you. If you want to just live together, it is no problem, we will not increase your taxes.

It is ridiculous when we think about the importance of marriage as an institution for our economic stability, for our social stability, really as a way to continue the race, if you will, marriage is a profound institution. Here we are talking about two potential plans. One plan basically almost gives you a car payment, a monthly car payment, $210. The kind of bombs that I drive, you cannot even get financing on, but if you could $210 would certainly pay for it. The other one is good for maybe 3 months' worth of house payments, to say to a married couple, we want to help you and here is one worthy place because you are going to need a house, to put that money, that makes sense. Serving 28 million people versus 9 million people. I think that it is proper for us to aggressively try to help as many married couples as possible and not try to take the Washington approach where, yes, if you vote for this lesser plan, you can leave Washington and you can go back home to the Rotary clubs and the Kiwanis clubs, the folks in your church and synagogue and say, "Oh, yeah, I'm a strong supporter of the marriage tax penalty," because technically you can. But there is an old expression we used to say in the Georgia legislature, it is like holding up a little fish and saying, "Hold still, little fish, I'm not going to do anything but gut you." That is what the administration and the Democrat proposal does. Yes, it is a marriage tax penalty relief bill but it basically guts the entire intent of it. It does not help a broad spectrum of people and it does not give any real help to those it can. It is ironic that those who a few years ago were laughing at our $500 per child tax credit, saying what is that going to do to help people, now want to have full election-year bragging rights on a $210 tax credit. It does not make sense. I plan to support the legislation that the gentleman from Indiana is cosponsoring. I encourage him to keep up the good work.

Mr. MCINTOSH. Mr. Speaker, let me share with the gentleman from Georgia and my colleagues the chart that I have next to me that really shows the differences between the President's proposal and our Republican congressional proposal. Let me say at the outset, I was happy that President Clinton put that on the agenda in the State of the Union address, because now we have gotten over the threshold question on both sides of the aisle, of do we do anything to help married families. For a long time, there was resistance for doing anything about this. So it is a step in the right direction that President Clinton has come forward with this proposal. But I think we could do much better.

On the left-hand side of this chart, we see the details about President Clinton's marriage penalty plan. It is $45 billion in tax relief over 10 years. The Republican plan is four times that, $180 billion in tax relief. To put that in context, as the gentleman from Minnesota (Mr. MINGE) pointed out, over those same 10 years, we have 10 times that, or $1.8 trillion in projected surplus. So this is a drop in the bucket when we are dealing with the surpluses we are expecting here in Washington.

The second line shows that the total relief is limited, it is capped in the President's proposal to $210 per couple. That is less than half of that $500 per child tax credit that we passed, and much less than half of the total burden that the average married couple will pay when they are hit with a marriage penalty.

The Republican plan gives relief up to $1,400 per couple, roughly seven times the President's does if you are at that maximum level.

The third point is that if you look at what the President has done, he has eliminated just one of the two major causes of the marriage penalty. His proposal is to double that standard deduction, eliminate that first problem we talked about. But he does nothing about the brackets, and the fact that you get thrown into a higher tax bracket when both the husband and the wife are working and earning income. He also does not do it right away. He phases it in over that 10-year period. Our proposal is to eliminate that standard deduction problem immediately, so that in 2001, there is no difference, if you are married or if you are single, everybody gets the same standard deduction. Then we go beyond that and we start to tackle that problem of the differences in the tax brackets, so that over the 10-year period, we have equalized the difference in the 15 percent tax bracket. That is the tax bracket that most working middle-class Americans have to pay. Right now if you are a working-class family where you are earning $30,000, the husband is, and the wife is earning another $30,000, you would stay in that 15 percent bracket if you were divorced or if you were single, two individual people, but the minute you get married, part of your income gets thrown into that higher bracket, the 28 percent bracket. You start to be treated as somebody in the upper middle class would be taxed. And so we would phase out that difference and allow everybody to have relief from that tax bracket creep.

The fourth point on the chart shows who would be helped by this. Under the President's plan, only those individuals who use the short form, or the 1040-EZ form, would benefit. By the way, they do not benefit by very much at the beginning. Ten years from now, they get the full benefit when that standard deduction is equalized. Our proposal helps all families who are hit with the marriage penalty, whether you use a short form, an EZ form or whether you deduct. A lot of homeowners have to deduct, because that is the only way that they can take that deduction for interest on their mortgage. Under the President's plan, they do not qualify for any kind of marriage penalty relief. Under our plan, they would get equal treatment. And then the bottom line there shows how many people would be benefited by the two plans. Under President Clinton's plan, only 9 million Americans would be affected by this.

I am not saying that is bad. We need to help those 9 million Americans, and I am delighted that the President has put this on the table in his State of the Union address. But our plan goes way beyond that. We help three times the number of Americans who are married, earning a living, trying to save for the future for their children. The reason I brought this chart out here is it is easy to see for me, by far, the best plan is the one that we are going to be producing on the floor of this House, the Weller-McIntosh-Danner bill that the committee is marking up. We need to step back and look at this and say, Let's do something real. Let's not do a kind of cheap thrills, down-and-dirty version where we get political credit. Let's do something that helps people who are being hit with this marriage penalty.

What does all of this mean for the average family? We talk about budgets of $1.8 trillion, we talk about an impact of a bill of $180 billion over 10 years. But what does it really mean for an average family in this country? The average family with two incomes, when our bill is fully in force, will have $1,400 more in income. That is 3 months of child care. That is a semester of tuition at a community college. It is 4 months of the typical car payment. It can buy school clothes and supplies for children. It can pay for a family vacation. It helps with escalating health insurance premiums. For some families it lets them keep a down payment. I got some e-mails from people who told me when they were first married, they had saved two or $3,000, and then they did their taxes and suddenly found they had to pay all of that in extra income taxes and so their savings account that they had saved up hoping that they would be able to afford a down payment on a house as a newly married young couple suddenly was not there for them anymore. This tax relief will make a big difference on the bottom line for the average American family.

The marriage penalty is particularly bad for women. I often think of it as the women's discriminatory tax provision, because what happens is for many women in our society, they begin with a career, and then at some point in their life, they start a family. They make a choice. Some people do not have this choice but many make the choice of scaling back, or stopping working for a period of time to raise their children. When their children are old enough, they may want to go back into the workforce and have a chance once again to pick up their careers. Today if they do that and this marriage penalty tax is on the books, they get hit effectively with a 50 percent marginal income tax rate, because all of that tax comes out of that additional income.

The demographic statistics from CBO show that almost three-quarters of America's families are two-earner couples. Obviously a record number of women are deciding to pursue their careers and enter the workforce. It is wrong that we have a tax provision, an antiquated tax provision that penalizes and discriminates against women who want to contribute to their family income.

The marriage penalty is also disproportionately burdensome for minorities. African Americans are particularly devastated by the marriage tax. The marriage penalty occurs when both spouses work and make roughly the same income. Women in black families have historically entered the workforce in much larger numbers and earn a much larger percentage of the household income than society as a whole. In fact, 73 percent of the married black women are breadwinners and black women contribute approximately 40 percent of their household income. That is a much higher percentage than the typical family in our society. They are paying more taxes when they are married and contributing to that family income. Our legislation will bring fairness back to that, so that minorities will not be hit with this unfair marriage penalty tax.

One of the things that people ask me is, "Will it make a difference? You have talked about needing the strength in families and one of the reasons you bring this bill to the House floor is so that we can strengthen families, but does it make a difference? You cannot tell me that $1,400 really makes a difference in what people do in their family life."

I wish that were the case. Statistics show that financial difficulty is the number one reason for breakdowns of families in our society.

I want to share with my colleagues an e-mail that I received. I have received over 1,000 of them since we started 3 years ago on this crusade to eliminate the marriage penalty tax. This one came from a young man from Virginia, a young man named Tom Flynn. I will share with my colleagues what he had to say about this:

"I am a very concerned young taxpayer who has been married for just over 2 years." He wrote this in 1997. "I am 26 years old and my wife turns 25 in December. I cannot accurately estimate how much my wife and I have been penalized by the marriage penalty since we just got married. However, judging by the information you have posted on your website, we certainly fit the category of those affected by this outrage. My wife and I will now make approximately $70,000 in combined income. We are trying to save as much as we can but it seems that we just get by paying bill after bill month after month. Regardless, taxes are killing my wife and I and many other young people just like us. We hope to start a family next year. But are afraid to do so because we feel we are not financially ready. When is Congress going to keep its promise and deliver some real tax relief to people like my wife and me?"

One of the things that we also received is an e-mail from a young gentleman, also from Virginia, Andrew Barrington, who described what happened in his life. They, too, had been married a little over 2 years. He goes on to say in his e-mail, "We grew up together and began dating when we were 18. After dating for 3 years, we decided that the next natural step in our lives together would be to get married. I cannot tell you how much joy that has brought us. But I must tell you that the tax penalty that was inflicted on us has been the only real source of pain that our marriage has suffered. The first year we paid taxes and it was bad, but we were able to get on top of it and pay for those taxes. The second year was more, and more than we could have ever expected, and we are still paying the government monthly for it. It scares us what next year will hold for us as far as taxes are concerned. By the time we finish paying this year's taxes, we will need to start all over again. If last year is any indication, it will only get worse. Thank you for doing everything you can to eliminate the marriage penalty tax."

□ 1430

I can share with you other e-mails. One young lady wrote to me that her family, which was now a broken family, her marriage that did not succeed, she thinks the problems started back when they first got married and they did not realize they would get hit with this financial penalty and they started fighting about finances. So she said, "You know, in a way, the marriage penalty probably was the reason our marriage broke apart." It was a sad e-mail to read.

This is something we must take seriously. Strong families are key to the success in our future and our community. It is no coincidence that the marriage penalty went into the books 30 years ago and that we have seen a steady decline in families and the health of families in this country ever since.

For the average American today, the probability if they get married of that marriage succeeding and not ending in divorce is less than 50 percent. Chances are, 60 percent of the time that marriage will fall apart.

The percentage of married couples households has plummeted from 71 percent of all households to just barely over half the households, 55 percent. It is bad for single moms. You see more of them; it is bad for single dads who have this pressure. And I have nothing against single parents.

By the way, my mom raised me and my two sisters and a brother as a single mom when my dad passed away from cancer when I was just 5 years old. I have a lot of admiration for her and women like her struggling to raise their families. But we knew life would have been better if my father would have been there, and I think everybody in that circumstance knows if you can have an intact family, you can do more for your children.

Why put an extra burden in the Tax Code to families who are already struggling to raise children?

Let me share with you what some of the studies show happens when the family breaks apart. It is bad for parents. They have a shorter life expectancy; they have a greater incidence of disease, suicide and accidental mortality. The death rate among men who are non-smokers but divorced is almost the same as married men who smoke, and we recognize around here that smoking is deadly. But in fact the statistics show that for men who are divorced and do not smoke, they are at as great a risk as men who smoke in a married family.

Overall, the premature death rate is four times higher among divorced white men than that amount for their married counterparts. They are in worse physical health. They develop greater incidence of lung disease and psychiatric disorder. They are at lower economic well-being.

Many divorced adults, particularly young mothers, are thrown into poverty. Today, 50 percent of the single-mother families are poor. In stark contrast, only 8 percent of families with a mother and dad are in the category labeled poor. The average income for a single-mother family is $13,000; $13,000 for average families with a single mom raising their children. As I said, I know what it is to be there; and I know the sacrifices those moms are making for those children, because my mom did the same thing for me.

But contrast that to the average income in a married household with a mother and father. The average is $40,000 in this country. Now, it is even more problematic when you look at what is happening to our children, because children from broken families are four times more likely to use drugs; they are three times more likely to commit suicide; and they are twice as likely to drop out of school.

Children of broken families end up being more likely to engage in violent crimes. Seventy-two percent of the young people who end up murdering someone grew up without a father. Sixty percent of America's rapists grew up in homes without a father. Seventy percent of the juveniles in State reform institutions grew up with a single-parent or no-parent family. The influence of good families is critical for these young people.

Again I ask the question, why should we make it harder for those families to stay together by taxing them more when they are married? It is wrong, and we must do something to eliminate that in our Tax Code.

Statistics show that alcohol and drug abuse goes way up. The absence of a father, reports the Study on Fatherhood, from the home, affects significantly the behavior of adolescents, and results in greater use of alcohol and marijuana.

Suicide, 75 percent of the teenage suicides occur in households that have been a broken household.

Poorer school performance, at least one-third of children experiencing a parental separation demonstrate a significant decline in academic performance. Fatherless children, as I mentioned earlier, are twice as likely to drop out of school.

Welfare dependency, over 50 percent of the new welfare cases are due to births of unmarried women. Ninety percent of children on welfare are from homes with only one parent.

So we can see this is having a devastating impact upon our young people, our children. And if it just helps one family to meet the bills they need to pay, to be able to stay together through tough times, if the love that they started out with when a young man and young woman get married starts to dim because they are struggling to pay the bills and struggling to make ends meet, if we can just help one of those families make it through those tough times, to realize that a strong family will bring them numerous joys and stick together and help their children, then this bill would have been worth every penny of the $180 billion in revenue that stays in the hands of the American taxpayer.

By the way, I would share with my colleagues that the American people are with us. There may not be a lot of lobbyists here in Washington beating down our doors saying "eliminate the marriage penalty tax," and there may be a lot of competition for other people for the tax dollars that we collect here, but 85 percent of the Americans polled say the marriage penalty tax is unfair, sixty-one percent think it is extremely unfair, and 80 percent of the Americans favor elimination of the marriage penalty tax.

We need to listen to those voices. They know intuitively that we have to strengthen families in this country. They know intuitively it is wrong for married couples to pay more in taxes just because they are married. They know in their hearts that we must do better and we must eliminate the marriage penalty tax.

I want to now turn to one of my colleagues who has been a strong advocate of strengthening families in the Congress, a gentleman who has been a leader in the Family Caucus, a strong supporter of our bill to eliminate the marriage penalty tax, my good friend and colleague, the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. I thank the gentleman, and I appreciate his yielding. I definitely want to thank the gentleman from Indiana (Mr. McINTOSH) for the leadership he has provided on this critical issue.

We have had several Members of our Republican Conference who have led the charge, so to speak. The gentleman from Illinois (Mr. WELLER) is one, and the other one that comes to my mind is yourself.

The Tax Code, as everybody knows, is very complicated and so is knowing how to repair it so that it is not a Tax Code that encourages people to live out of wedlock, how do we repair it to make sure it is not a Tax Code that discourages marriage. I first became interested in this subject actually years before I got elected to the U.S. House when I was still practicing medicine, and I had people coming in my office who I knew were living together physically as husband and wife, but they had different last names, not because the wife chose to keep her maiden name, but because they had actually not married.

Some of these individuals were senior citizens, which was another thing that amazed me. They knew when I talked to them about this issue, they knew they were setting a bad example for their grandchildren, living out of wedlock together, but always it was the same story. "If we get married, our tax burden would go up so much, that we live together out of wedlock."

To me, in my opinion, this is a moral issue. This is an example of how our laws in Washington encourage a bad thing. It is actually morally wrong to have a Tax Code that discourages marriage and encourages people to live out of wedlock, especially people who say they would like to get married, they want to get married, but they do not do so because of the code.

One of the biggest reasons why we have so many features in our Tax Code like this is this desire on the part of so many liberals in this city to create a Tax Code where tax breaks and tax benefits phase out if you make above $60,000, or above $50,000, or above $80,000 or above $100,000, this desire to always tax the rich. One of the consequences of that is if you get two working people who come together, they are immediately in this tax bracket where all of their tax benefits or breaks disappear and they are better off not getting married.

One of the things that has been shown repeatedly by psychologists is that one of the things that is most critical and most helpful to the proper intellectual development of a child, growing up in a family, in terms of are they going to stay off of drugs, are they going to have good academic performance, are they going to do well in school, is a healthy, stable, married family environment, that they have a mother and a father in the home, and that every social scientist and every politician who follows these statistics, they all go around saying that we need to encourage marriage and we need to do what we can to support marriage in the United States, but yet they will stand by idly and do nothing about this problem.

I want to address this proposal by the President. This proposal by the President is a day late and a dollar short, as far as I am concerned. No, it is not a day late, it is 8 years late; and it is not a dollar short, it is about $10 or $20 billion a year short.

His proposal just does not go far enough. It is going to help some people, true; but for an awful lot of people, they will continue to have the same choice put before them. It will be get married and pay higher taxes or live together out of wedlock.

The Republican GOP plan is real marriage penalty relief. The President's plan is, again, the same sort of status quo. The marriage penalty will remain for millions of Americans. Actually, the difference is about 17 million Americans.

Our proposal is easily paid for. We are looking at close to $2 trillion of surplus over the next 10 years, and this proposal is going to cost $180 billion over the next 10 years. Essentially one-tenth of the surplus would go to correcting this measure in our Tax Code.

It is a good plan. I believe the President should sign this. I commend again the gentleman from Indiana for his work in this area. I believe ultimately the President will sign this once the public begins to see and analyze the features of this bill and how it really would be good for our Nation to get rid of these problems in the Tax Code.

Mr. McINTOSH. Mr. Speaker, I thank the gentleman for his good work and strong support of this bill. I appreciate it enormously, working with the gentleman.

Mr. Speaker, let me now yield time to a good friend of mine, also from Indiana, we have worked in the trenches together on this and many projects, my good friend the gentleman from the 4th District of Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank my friend from Indiana. It was great to see our friend from Florida. This is such a Midwestern value; it is great to see it is a Southern value as well, along with the gentleman from Illinois (Mr. WELLER) and the gentleman from Indiana (Mr. McINTOSH). But this has support from all across America because of the inequity of the Tax Code.

I want to congratulate my colleague for his leadership and persistence in pushing this and not going away when people said, no, we want to do other things, and his persistence, along with the gentleman from Illinois (Mr. WELLER). If this indeed happens and with the President at least paying lip service to part of it, this is the year when this may actually happen, and it will be a great crowning achievement as you go back to lead us in Indiana.

Let me mention a couple of things. There are different types of tax cuts. Some types of tax cuts are oriented toward economic growth, where we try to say how can we keep our interest rates down, how can we keep our inflation down, how can we keep this tremendous growth going in the economy. Capital gains, investment tax credits, targeted inheritance tax relief, those things keep our economy going, but some tax relief is necessary because they plain flat out are unfair.

□ 1445

In the marriage penalty, one of the problems here is that it just discriminates; it is a lack of equity and it catches and punishes one group of people and benefits another group of people.

There are several letters and e-mails here to the gentleman from Indiana (Mr. McINTOSH), but I wanted to read a couple of them because sometimes when we hear statements like the gentleman from Florida (Mr. WELDON) made, well, people might make decisions on their marriage based on the tax liability, one goes, oh, no, come on, you right-wingers, you are just making this kind of stuff up.

But here is one from Montana to Dave that says, my husband and I both work. We are 50 and 55 years old. This is a second marriage for both of us. We delayed our marriage for a number of years because of the tax consequences and lived together. It caused a great deal of stress and lots of anguish. My son and his fiance simply have not married also for tax reasons. They would take a large tax hit if they married.

Do not say it is some hypothetical, paranoia, conservative thing. There are actually people in America, right or wrong, who are making these decisions because tax policy does have actual consequences on people's behavior because it is a lot of money. They are trying to figure out what can we do to start a home, how can we buy a house, how can we get the best education for our kids, how can we get good health care, and then the government hammers you if you get married. It can cause people at the margin to do that.

Here is another letter to the gentleman from Indiana (Mr. McINTOSH): My husband and I are both 81 years old. Before we married our lawyers advised us that we would be better off financially to remain single. We listened but did not heed. The full impact of what we were told struck us after our accountant computed our income tax. With approximately the same income, my portion of the tax increased from $4,200 to $10,000. My husband's portion of the tax also increased dramatically.

We were shocked, to say the least, and have actually considered an annulment or divorce to avoid a recurrence of this situation.

This one is from Florida. I have had people call me on the phone, come up to meetings, tell me they have calculated how much they would have saved if they had each been single. They not only would have gotten tax benefits, they might have been eligible for Pell grants for college as opposed to having to fund their college. There are all sorts of government programs that we have that are really penalties for being married as opposed to being single, but the marriage penalty is the most flagrant. We have it built into our Tax Code.

Let me make one other comment here. I find one of the greatest ironies in America is right now is how we deal with the marriage penalty. The President appears to want to cap this to only let some people benefit from it. The irony with this is the primary beneficiary in the marriage penalty relief is going to be working women. Because of the way families are traditionally structured, it is that additional income that is really getting whacked, and they are making decisions of how many hours they work, how much they are in the workforce.

The President in the State of the Union address came down here, talked about comparable worth. He talked about how women were not making as much as men in society, talked about glass ceilings. The marriage penalty is a glass ceiling on the income of women in America; and if you cap that, as the President has proposed to do, rather than the type of legislation that the gentleman from Indiana (Mr. McINTOSH) and the gentleman from Illinois (Mr. WELLER) are proposing to do, what you are doing is saying it is okay for women to make a certain amount of money but after someone adds a second income to their family, or in cases of some families where the woman is the primary and the highest income and the man adds a second income, after a certain point we are going to tax them differently than if they stayed single.

This has inadvertently become one of the primary reasons we have a glass ceiling in this country. It is one of the primary reasons why there are earning differentials. The last thing we need to do is change the marriage penalty to make it more progressive, to put a penalty on those who are actually advancing. One does not want to be in an employer situation where they have an outstanding employee and they say, well, would you like to work additional hours, we would like to promote you and that person says, but the marriage penalty is capped. If I go up in a promotion here in this firm, my husband and my income will go over a certain point and all of a sudden we will be taxed differently.

If we start capping the marriage penalty as some are proposing to do, while it might sound good the fact is that the bias is being reinforced not only against marriage in this society, but it is also discriminating in the most degree against working women who are advancing to higher income salaries.

I thought one of our primary goals was to open up opportunities for women in this country to move up in the corporate ladder, to earn higher incomes. In most cases, not all cases but in most cases, the marriage penalty is a disincentive to women often who have not had the opportunities, who have gone back to school, who have been homemakers, they come back in and all of a sudden get whacked with this additional tax. So the irony is the double standard in the same speech of capping the marriage penalty and also talking about how to open up opportunities for women and all Americans to increase their salary.

You cannot talk out of one side of your mouth one way and out of the other side of your mouth the other. So I thank the gentleman from Indiana (Mr. MCINTOSH) not only for his leadership in the marriage penalty but for having an elimination of the marriage penalty that is actually responsive to the type of concerns that Americans are having and that would really promote sexual equity in this country and marriage equity in this country rather than the other types of forms of this bill that lead to other unintended consequences.

Mr. MCINTOSH. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. SOUDER) for his comments.

I would say to the gentleman from Indiana (Mr. SOUDER) that his point is really telling. The President wants to get political bonus points by saying let us get rid of the glass ceiling and political bonus points by saying let us have something on the marriage penalty, but when we look at it, the way he does it, by putting that cap on there he undoes everything we would want to do to help women who want to pursue their careers.

I appreciate the gentleman making that point to our colleagues and to the people listening.

Let me close today by saying it was 3 years ago, almost to the day, when Sharon Mallory took out pen to paper and sent me this letter that launched my effort in eliminating the marriage penalty tax. I have teamed up with a great colleague, the gentleman from Illinois (Mr. WELLER), and another great colleague, the gentlewoman Missouri (Ms. DANNER). This has become a bipartisan effort, because everyone realizes it is the right thing to do. There was a chart that was out here earlier, I wish I still had it, that showed how that $1.8 trillion surplus could break up over the next 10 years. Half of it went to spending. There are plenty of lobbyists here in Washington who come and tell us how we can spend more money.

Another portion went for tax breaks to business and others, and farmers and others. There are plenty of lobbyists here to tell us how we can give tax breaks for businesses and other interests, but there was no place on that pie chart for families, because there are no lobbyists in Washington for families.

Families are spending their money paying their bills, helping their children to save for college, trying to make ends meet, planning for the future, trying to provide a vacation for their family. We need to do what is right even when there are no lobbyists, so that people like Sharon Mallory and Darryl Pierce do not have to write their congressman and say: Darryl and I would very much like to be married, and I must say it broke our hearts when we found out we cannot afford it because of the marriage penalty tax.

It will be a great day in this institution when we get rid of the marriage penalty tax once and for all.

I urge my colleagues to join us in the coming week as the leadership brings forth this bill so we can send a message and pass into law something that would be good for families throughout this land, the marriage penalty elimination bill.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Mr. GEPHARDT) for February 3 through February 15 on account of official business.

Mr. VENTO (at the request of Mr. GEPHARDT) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SLAUGHTER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

(The following Member (at the request of Mr. LOBIONDO) to revise and extend his remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, February 8.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MINGE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1733. An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

ADJOURNMENT

Mr. MCINTOSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 54 minutes p.m.), the House adjourned until tomorrow at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 1999 by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during fourth quarter of 1999, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the calendar year 1999 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Constance Morella	8/7	8/13	Armenia		800.00		660.00		70.00		
James Wilson	8/19	8/21	Italy		372.00						
Marc Chretien	8/19	8/21	Italy		372.00						
James Schuman	8/19	8/21	Italy		372.00						
David Rappallo	8/19	8/21	Italy		372.00						
Hon. John Mica	8/28	8/30	Slovakia		589.00		60.00		52.00		
	8/31	9/2	Romania		548.00		55.00		72.00		
	9/2	9/4	Bulgaria		593.00		60.00		72.00		
	9/4	9/6	Hungary		603.00		90.00		52.00		
	9/6	9/7	Netherlands		207.00		30.00		32.00		
Hon. Bernie Sanders	8/28	8/30	Slovakia		589.00		60.00		52.00		
	8/31	9/2	Romania		548.00		55.00		72.00		
	9/2	9/4	Bulgaria		593.00		60.00		72.00		
	9/4	9/6	Hungary		603.00		90.00		52.00		
	9/6	9/7	Netherlands		207.00		30.00		32.00		
Sharon Pinkerton	8/28	8/30	Slovakia		589.00		60.00		52.00		
	8/31	9/2	Romania		548.00		55.00		72.00		
	9/2	9/4	Bulgaria		593.00		60.00		72.00		
	9/4	9/6	Hungary		603.00		90.00		52.00		
	9/6	9/7	Netherlands		207.00		30.00		32.00		
Sean Littlefield	8/28	8/30	Slovakia		589.00		60.00		52.00		
	8/31	9/2	Romania		548.00		55.00		72.00		
	9/2	9/4	Bulgaria		593.00		60.00		72.00		
	9/4	9/6	Hungary		603.00		90.00		52.00		
	9/6	9/7	Netherlands		207.00		30.00		32.00		
Kevin Long	8/28	8/30	Slovakia		589.00		60.00		52.00		
	8/31	9/2	Romania		548.00		55.00		72.00		
	9/2	9/4	Bulgaria		593.00		60.00		72.00		
	9/4	9/6	Hungary		603.00		90.00		52.00		
	9/6	9/7	Netherlands		207.00		30.00		32.00		
Committee total					14,988.00		2,135.00		1,470.00		18,593.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Nov. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Aug. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Stephanie Peters	8/7	8/11	Egypt		904.00						904.00
	8/12	8/16	Azerbaijan		1,468.00						1,468.00
	8/16	8/19	Russia		1,062.00						1,062.00
	8/19	8/23	Italy		1,366.00						1,366.00
Commercial airfaire							6,748.62				6,748.62
Leon Buck	8/8	8/11	Egypt		687.00						687.00
Commercial airfaire							4,888.66				4,888.66
Hon. Henry J. Hyde	8/8	8/10	Norway		641.00		(3)				641.00
	8/10	8/13	Germany		718.00						718.00
	8/13	8/15	France		536.00						536.00
	8/15	8/17	Netherlands		528.00						528.00
Hon. Melvin L. Watt	8/8	8/10	Norway		641.00		(3)				641.00
	8/10	8/13	Germany		718.00						718.00
	8/13	8/15	France		536.00						536.00
	8/15	8/17	Netherlands		528.00						528.00
Thomas Mooney	8/8	8/10	Norway		641.00		(4)				641.00
	8/10	8/13	Germany		718.00						718.00
	8/13	8/14	France		268.00						268.00
Commercial airfaire							731.90				731.90
Mitch Glazier	8/8	8/10	Norway		641.00		(3)				641.00
	8/10	8/13	Germany		718.00						718.00
	8/13	8/15	France		536.00						536.00
	8/15	8/17	Netherlands		528.00						528.00
Robert Jones	8/8	8/10	Norway		641.00		(3)				641.00
	8/10	8/13	Germany		718.00						718.00
	8/13	8/15	France		536.00						536.00
	8/15	8/17	Netherlands		528.00						528.00
Judy Wolverton	8/8	8/10	Norway		641.00		(3)				641.00
	8/10	8/13	Germany		718.00						718.00
	8/13	8/15	France		536.00						536.00
	8/15	8/17	Netherlands		528.00						528.00
Hon. John Conyers, Jr.	9/10	9/12	Haiti		183.00		(3)				183.00
Carl LeVan	9/10	9/12	Haiti		183.00		(3)				183.00
Committee total					19,586.00		12,369.18				31,955.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Air transportation was provided by the Department of Defense.

[4] One-way air transportation was provided by the Department of Defense.

HENRY J. HYDE, Chairman, Nov. 18, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 7 AND AUG. 17, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jesse L. Jackson, Jr	8/8	8/9	Norway		276.00		(3)				276.00
	8/9	8/11	Germany (Berlin)		254.00		(3)				254.00
	8/11	8/13	Germany (Munich)		232.00		(3)				232.00
	8/13	8/15	France		227.00		(3)				227.00
	8/15	8/17	Netherlands		247.00		(3)				247.00
Committee total					1,236.00						1,236.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JESSE L. JACKSON, Jr.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Roscoe Bartlett	8/8	8/10	Norway		641.00		(3)				641.00
	8/10	8/13	Germany		718.00						718.00
	8/13	8/15	France		536.00						536.00
	8/15	8/17	Netherlands		528.00						528.00
Committee total					2,423.00						2,423.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

F. JAMES SENSENBRENNER, Jr., Chairman, Nov. 4, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND OCT. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LAMAR SMITH, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John Stopher, Staff	7/4	7/8	Australia		1,045.00						1,045.00
							(3)				
Merrell Moorhead, Staff	7/14	7/16	Europe		500.00						500.00
Commercial airfare							6,268.16				6,268.16
John Stopher, Staff	7/14	7/16	Europe		500.00						500.00
Commercial airfare							6,268.16				6,268.16
Beth Larson, Staff	7/14	7/16	Europe		500.00						500.00
Commercial airfare							6,268.16				6,268.16
John Mills, Staff	8/16	8/20	Europe		972.00						972.00
	9/2	9/4	Europe		660.00						660.00
Commercial airfare							5,980.45				5,980.45
Beth Larson, Staff	8/8	8/27	Europe		5,150.00						5,150.00
Commercial airfare							6,633.71				6,633.71
Wyndee Parker, Staff	8/8	8/27	Europe		5,150.00						5,150.00
Commercial airfare							6,633.71				6,633.71
Patrick Murray, Staff	8/17	8/24	Europe		1,900.00						1,900.00
Commercial airfare							5,885.91				5,885.91
Merrell Moorhead, Staff	8/17	8/24	Europe		1,900.00						1,900.00
Commercial airfare							5,885.91				5,885.91
Jay Jakub, Staff	8/17	8/24	Europe		1,700.00						1,700.00
Commercial airfare							4,555.47				4,555.47
Committee total					19,977.00		54,379.64				74,356.64

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

PORTER GOSS, Nov. 19, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Frank Lucas	12/11	12/18	South Africa		[3] 400.00		(4)				400.00
			Zimbabwe								
			Botswana								
Hon. Collins Peterson	12/11	12/18	South Africa		[3] 400.00		(4)				400.00
			Zimbabwe								
			Botswana								
Hon. Bob Schaffer	12/19	12/24	Russia		1,600.00		(4)				1,600.00
			Moldova				2,672.78				2,672.78
			Ukraine								
Committee total					2,400		2,672.78				5,072.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Total per diem not including lodging costs which were not provided by the State Department.
[4] Military air transportation.

LARRY COMBEST, Chairman, Jan. 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John T. Blazey II	10/17	10/20	Brazil		825.00						825.00
	10/20	10/21	Chile		270.00						270.00
	10/21	10/22	Peru		263.00						263.00
							(3)				(3)
Hon. Charles H. Taylor	10/25	10/26	Spain		273.00						273.00
Commercial airfare							6,303.44				6,303.44
Edward E. Lombard	10/22	10/26	Spain		1,365.00						1,365.00
	10/26	10/28	Austria		454.00						454.00
	10/28	10/30	Netherlands		541.00						541.00
Commercial airfare							5,035.31				5,035.31
Richard E. Efford	11/16	11/18	Canada		475.00						475.00
									10.00		10.00
Commercial airfare							505.39				505.39
Hon. Robert E. Bud Cramer	11/20	11/21	Moldova		225.00						225.00
	11/21	11/24	Russia		1,143.00						1,143.00
	11/24	11/25	Norway		276.00						276.00
							(4)				(4)
Hon. Marcy Kaptur	11/21	11/23	Ukraine		532.00						532.00
	11/23	11/24	Russia		381.00						381.00
	11/24	11/25	Norway		276.00						276.00
Unused per diem refunded to State					– 11.00						– 11.00
Commercial airfare							0				0
Hon. John P. Murtha	11/19	11/21	Macedonia		200.00						200
							(4)				
Gregory R. Dahlberg	11/19	11/21	Macedonia		200.00						200
							(4)				
Hon. Frank R. Wolf	11/30	12/3	Benin		388.00						388.00
	12/3	12/4	Ivory Coast		322.00						322.00
	12/4	12/6	Guinea		250.00						250.00
	12/6	12/8	Sierra Leone		218.00						218.00
Unused per diem refunded to State					– 387.20						– 387.20
Commercial airfare							5,138.09				5,138.09
Hon. Charles H. Taylor	11/28	12/4	Russia		2,300.00						2,300.00
Commercial airfare							5,291.85				5,291.85
Edward E. Lombard	11/28	12/4	Russia		2,300.00						2,300.00
Commercial airfare							5,703.85				5,703.85
John G. Shank	11/29	12/3	Egypt		904.00						904.00
Commercial airfare							4,362.53				4,362.53
John T. Blazey II	11/26	12/3	Thailand		1,500.00						1,500.00
Commercial airfare							3,516.00				3,516.00
Cheryl Smith	11/26	12/3	Thailand		1,500.00						1,500.00
Commercial airfare							2,712.45				2,712.45
Hon. James T. Walsh	12/2	12/4	Northern Ireland		897.00						897.00
Commercial airfare							6,038.86				6,038.86
Committee total					17,879.80		44,607.77		10.00		62,497.57

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Agency Aircraft (FAA).
[4] Military air transportation.

BILL YOUNG, Chairman, Jan. 27, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Frederick A. Brugger	10/23	10/29	Korea		1,272.00		3,393.39		31.00		4,696.39
Gerald T. Coughlin	10/12	10/16	Mexico		976.50		1,828.23		49.23		2,853.38
Norman H. Gardner	10/07	10/10	Austria		451.00		4,890.28		12.10		5,353.38
	10/10	10/11	Croatia		280.00						280.00
	10/11	10/13	Bosnia		692.00						692.00
	10/13	10/14	Macedonia		120.00						120.00
	10/14	10/15	Serbia		178.75						178.75
	10/15	10/16	Albania		270.00						270.00
	10/16	10/18	Hungary		402.00						402.00
Norman H. Gardner	11/14	11/19	India		1,209.50		6,659.79				7,869.29

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Carroll L. Hauver	11/14	11/19	India		1,209.50		6,659.79		102.47		7,971.76
James A. Higham	11/14	11/19	India		1,209.50		6,659.79		26.84		7,896.13
Dennis K. Lutz	10/23	10/29	Korea		1,272.00		4,099.23		26.04		5,397.27
Robert Makay	10/12	10/16	Mexico		976.50		1,828.23		104.27		2,909.00
Robert J. Reitwiesner	10/23	10/29	Korea		1,272.00		3,396.39		72.82		4,741.21
R.W. Vandergrift, Jr.	10/07	10/10	Austria		451.00		4,890.28		462.57		5,803.85
	10/10	10/11	Croatia		280.00						280.00
	10/11	10/13	Bosnia		692.00						692.00
	10/13	10/14	Macedonia		120.00						120.00
	10/14	10/15	Serbia		178.75						178.75
	10/15	10/16	Albania		270.00						270.00
	10/16	10/18	Hungary		402.00						402.00
	11/14	11/19	India		1,209.50		6,659.79		191.49		8,060.78
T. Peter Wyman	10/07	10/10	Austria		451.00		4,890.28		12.30		5,353.58
	10/10	10/11	Croatia		280.00						280.00
	10/11	10/13	Bosnia		692.00						692.00
	10/13	10/14	Macedonia		120.00						120.00
	10/14	10/15	Serbia		178.75						178.75
	10/15	10/16	Albania		270.00						270.00
	10/16	10/18	Hungary		402.00						402.00
	11/14	11/19	India		1,209.50		6,659.79		42.30		7,911.59
H.C. Young	10/23	10/29	Korea		1,272.00		3,933.33		51.81		5,257.14
Committee total					20,269.75		66,448.59		1,185.24		87,903.58

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL YOUNG, Chairman, Jan. 27, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM LEACH, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCTOBER 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WAYNE STRUBLE.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at the right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Jan. 24, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 17 AND NOV. 22, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dana Rohrabacker	11/18	11/22	Kuwait	277.7	887		5,586			277.7	6,473
Committee total					877		5,586				6,473

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANA ROHRABACHER, Dec. 22, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 28 AND DEC. 8, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tony P. Hall	11/29	12/08	England[3]		1,484/00		6,773.49				8,257.49
Committee total					1,484/00		6,773.49				8,257.49

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] England, Benin, Ivory Coast, Sierra Leone.

DAVID DREIER, Chairman, Jan. 26, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 AND JAN. 1, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expeditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM TALENT, Chairman, Jan. 24, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
William Courtney		11/6	United States				6,207.79				6,207.79
	11/7	11/11	Turkey		4,278.00						4,278.00
	11/11	11/12	Serbia		155.00						155.00
	11/12	11/13	Slovenia		174.00						174.00
	11/13	11/20	Turkey		1,622.30						1,622.30
Orest Deychakiwsky		10/26	United States				4,926.60				4,926.60
	10/27	11/3	Ukraine		1,574.00						1,574.00
	11/6	11/10	Turkey		1,122.20		2,792.32				3,914.52
	11/10	11/11	Belarus		146.00						146.00
John Finerty		12/7	United States				5,556.69				5,556.69
	12/8	12/16	Russia		2,051.00						2,051.00
	12/16	12/18	England		606.00						606.00
Chadwick R. Gore		12/3	United States				5,125.07				5,125.07
	12/4	12/9	Jordan		760.00						760.00
Robert Hand		10/26	United States				1,755.29				1,755.29
	10/27	11/2	Macedonia		820.00						820.00
		11/6	United States				2,695.54				2,695.54
	11/7	11/11	Turkey		1,098.20						1,098.20
	11/11	11/12	Serbia		407.00						407.00
	11/12	11/15	Macedonia		578.00						578.00
		12/30	United States				3,661.63				3,661.63
	12/30	1/500	Croatia		820.00						820.00
Janice Helwig	10/1	11/7	Austria		3,696.63		516.27				4,212.90
	11/7	11/22	Turkey		3,383.38						3,383.38
	11/22	12/10	Austria		10,033.61						10,033.61
	12/10		United States				2,073.07				2,073.07
Karen Lord		12/9	United States		7,242.45						7,242.45
	12/10	12/11	England		314.93						314.93
	12/11	12/13	Uzbekistan		849.65						849.65
	12/15	12/17	Turkmenistan		570.17						570.17
	12/17	12/20	Azerbaijan		1,105.00						1,105.00
Ronald McNamara		11/6	United States				4,999.52				4,999.52
	11/7	11/10	Turkey		823.65						823.65
	11/10	11/11	Belarus		146.00						146.00
Michael Ochs		10/3	United States				7,069.20				7,069.20
	10/4	10/4	England		324.00						324.00
	10/5	10/12	Kazakstan		1,827.00						1,827.00
		10/25	United States				5,379.32				5,379.32
	10/26	11/3	Georgia		1,760.57						1,760.57
		12/9	United States				7,242.45				7,242.45
	12/10	12/11	England		388.00						388.00
	12/11	12/13	Uzbekistan		849.00						849.00
	12/15	12/17	Turkmenistan		405.00						405.00
	12/17	12/21	Azerbaijan		1,403.00						1,403.00
Erika Schlager		9/20	United States				4,927.83				4,927.83
	9/21	10/5	Austria		2,478.00						2,478.00
Dorothy Douglas Taft		11/6	United States				4,301.35				4,301.35
	11/7	11/11	Turkey		1,006.36				188.23		1,194.59
	11/11	11/12	Serbia		133.23						133.23
	11/12	11/13	Slovenia		129.51						129.51
		12/7	United States				6,497.52				6,497.52
	12/8	12/11	Russia		523.33						523.33
	12/11	12/14	Uzbekistan		740.95						740.95
	12/15	12/18	Turkmenistan		384.00						384.00
Maureen Walsh		9/25	Unnited States				4,630.41				4,630.41
	9/26	9/30	Austria		574.00						574.00
	9/30	10/2	Germany		352.00						352.00
		12/7	United States				4,651.85				352.00
	12/8	12/16	Russia		1,905.00						1,905.00
Representational Funds[3]									2,580.00		2,580.00
Committee total					52,317.67		92,252.17		2,768.23		147,338.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Representatioinal Funds for U.S. and Turkish NGOs in Istanbul, Turkey, Nov. 8, 1999.

CALVIN SMITZ.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO MOLDOVA, RUSSIA, AND OSLO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 20 AND NOV. 25, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Curt Weldon (HASC)	11/20	11/21	Moldova		225.00						
	11/21	11/24	Russia		1,143.00						
	11/24	11/25	Oslo		276.00						
Hon. Nathan Deal (Commerce)	11/20	11/21	Moldova		225.00						
	11/21	11/24	Russia		1,143.00						
Hon. Ed Royce (IR)	11/20	11/21	Moldova		225.00						
	11/21	11/24	Russia		1,143.00						
	11/24	11/25	Norway		276.00						
Hon. Jim Saxton (HASC)	11/20	11/21	Moldova		225.00						
	11/21	11/24	Russia		1,143.00						
	11/24	11/25	Norway		276.00						
Hon. Roscoe Bartlett (HASC)	11/20	11/21	Moldova		225.00						
	11/21	11/24	Russia		1,143.00						
	11/24	11/25	Norway		276.00						
Committee total					7,944.00						7,944.00
Hon. Bud Cramer (App.)	11/20	11/21	Moldova		225.00						
	11/21	11/24	Russia		1,143.00						
	11/24	11/25	Oslo		276.00						
Chris Frenze (JEC)	11/20	11/21	Moldova		225.00						
	11/21	11/24	Russia		1,143.00						
David Trachtenberg (HASC)	11/20	11/21	Moldova		225.00						
	11/21	11/24	Russia		1,143.00						
Greg Wierzynski (Banking)	11/20	11/21	Moldova		225.00						
	11/21	11/24	Russia		1,143.00						
	11/24	11/25	Oslo		276.00						
Committee total					6,024.00						6,024.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CURT WELDON, Dec. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO KUWAIT, EXPENDED BETWEEN NOV. 17 AND NOV. 22, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Al Sanoli	11/18	11/22	Kuwait	277.7	$887.00		$5,586.00			277.7	6,473.00
Committee total					887.00		5,586.00				6,473.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AL SANTOLI, Dec. 22, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, U.S. HOUSE OF REPRESENTATIVES, TRAVEL TO ENGLAND, BENIN, IVORTY COAST, AND SIERRA LEONE, EXPENDED BETWEEN NOV. 28 AND DEC. 8, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Richard Carne	11/29	12/8			1,484.00		6,386.73				7,870.73
Committee total					1,484.00		6,386.73				7,870.73

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TONY P. HALL, Jan. 17, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO BENIN, IVORY COAST, GUINEA, AND SIERRA LEONE, EXPENDED BETWEEN NOV. 30 AND DEC. 8, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Charles E. White		11/30	United States				5,138.09				5,138.09
	12/1	12/3	Benin		388.00						388.00
	12/3	12/4	Ivory Coast								
	12/4	12/6	Guinea		250.00						250.00
	12/6	12/7	Sierra Leone		218.00						218.00
	12/8		United States								
					[3] – 270.00						[3] – 270.00
Committee total					586.00		5,138.09				5,724.09

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Less $270.00 unused per diem returned to State Department.

CHARLES E. WHITE, Dec. 15, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO BENIN, IVORY COAST, GUINEA, AND SIERRA LEONE, EXPENDED BETWEEN NOV. 30 AND DEC. 8, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Frank R. Wolf		11/30	United States			5,138.09					5,138.09
	12/1	12/3	Benin		388.00						388.00
	12/3	12/4	Ivory Coast		322.00						322.00
	12/4	12/6	Guinea		250.00						250.00
	12/6	12/7	Sierra Leone		218.00						218.00
	12/8		United States								
					[3] −387.20						[3] −387.20
Committee total					790.80						5,928.89

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Less $387.20 unused per diem returned to State Department.

FRANK R. WOLF, Jan. 13, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO ENGLAND, EXPENDED BETWEEN DEC. 5 AND DEC. 9, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Charles W. Johnson	12/5	12/9	England	952.50	1,524.00		584.00				2,108.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES W. JOHNSON, Dec. 13, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO ENGLAND, EXPENDED BETWEEN DEC. 5 AND DEC. 9, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Theodore J. Van Der Meid	12/5	12/9	England		1,524.00		584.00				2,108.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THEODORE J. VAN DER MEID, Dec. 14, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO O.S.C.E. PARLIAMENTARY ASSEMBLY TO RUSSIA, EXPENDED BETWEEN JULY 5 AND JULY 11, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Benjamin L. Cardin	7/5	7/11	Russia		1,792.00		(3)				1,792.00
Hon. John Cooksey	7/5	7/11	Russia		1,792.00		(3)				1,792.00
Hon. Pat Danner	7/5	7/10	Russia		1,585.00		(3)				1,585.00
Hon. Alcee Hastings	7/5	7/11	Russia		1,792.00		(3)				1,792.00
Hon. Steny Hoyer	7/5	7/11	Russia		1,636.00		(3)				1,636.00
Hon. Marcy Kaptur	7/5	7/11	Russia		1,636.00		(3)				1,636.00
Hon. Martin Sabo	7/5	7/11	Russia		1,792.00		(3)				1,792.00
Hon. Matt Salmon	7/5	7/11	Russia		1,792.00		(3)				1,792.00
Hon. Thomas Sawyer	7/5	7/11	Russia		1,792.00		(3)				1,792.00
Hon. Louise Slaughter	7/5	7/11	Russia		1,792.00		(3)				1,792.00
Hon. Christopher Smith	7/5	7/11	Russia		1,792.00		(3)				1,792.00
Hon. Cliff Stearns	7/5	7/11	Russia		1,636.00		(3)				1,636.00
Hon. Thomas Tancredo	7/5	7/11	Russia		1,792.00		(3)				1,792.00
Hon. John Tanner	7/5	7/11	Russia		1,792.00		(3)				1,792.00
William Courtney	7/5	7/11	Russia		1,792.00		(3)				1,792.00
Dr./RADM John Eisold	7/5	7/11	Russia		1,636.00		(3)				1,636.00
John Finerty	7/5	7/11	Russia		1,636.00		4,338.21				5,974.21
Mark Gage	7/5	7/09	Russia		1,274.00		5,041.13				6,315.13
Chadwick Gore	7/5	7/11	Russia		1,636.00		4,338.21				5,974.21
Marlene Kaufmann	7/5	7/11	Russia		1,636.00		[2] 2,161.04				3,797.04
Kathleen May	7/5	7/11	Russia		1,636.00		(3)				1,636.00
Ronald McNamara	7/5	7/11	Russia		1,636.00		(3)				1,636.00
Marilyn Owen	7/5	7/11	Russia		1,636.00		5,749.13				7,385.13
Scott Palmer	7/5	7/11	Russia		1,636.00		(3)				1,636.00
Dorothy Taft	7/5	7/11	Russia		1,636.00		(3)				1,636.00
Fred Turner	7/5	7/11	Russia		1,636.00		4,338.21				5,974.21
Maureen Walsh	7/5	7/11	Russia		1,636.00		4,338.21				5,974.21
Committee total					45,475.00		30,304.14				75,779.14

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

CHRISTOPHER SMITH.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY TO THE NETHERLANDS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 10 AND NOV. 16, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Tom Bliley	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Sherwood Boehlert	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Marge Roukema	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Paul Gillmor	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Joel Hefley	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Vernon Ehlers	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Peter Deutsch	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Norm Sisisky	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Owen Pickett	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. John Tanner	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Pat Danner	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Jim Davis	11/12	11/16	Netherlands		1,208.00						1,208.00
Hon. Scott McInnis	11/12	11/16	Netherlands		1,208.00						1,208.00
Olson, Susan	11/11	11/16	Netherlands		1,478.00		2,590.20				4,068.20
Weber, Josephine	11/11	11/16	Netherlands		1,478.00		2,590.20				4,068.20
Herzberg, John	11/12	11/16	Netherlands		1,208.00						1,208.00
Gross, Jason	11/11	11/16	Netherlands		1,208.00						1,208.00
Doherty, Carol	11/11	11/16	Netherlands		1,208.00						1,208.00
Evans, Robin	11/11	11/16	Netherlands		1,208.00						1,208.00
Pedigo, Linda	11/11	11/16	Netherlands		1,208.00						1,208.00
Committee total					21,076.00		5,180.40				26,256.40

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Jan. 27, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5950. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Liechtenstein Because of BSE [Docket No. 98-119-2] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5951. A letter from the Secretary of Defense, transmitting notification that the Department of the Army plans to destroy lethal chemical warfare agent in the State of Utah, at Dugway Proving Ground, using the Munitions Management Device, Version 1 (MMD-1); to the Committee on Armed Services.

5952. A letter from the Asssistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold; Correction [Docket No. FR-3482-C-07] (RIN: 2501-AB57) received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5953. A letter from the Secretary of Education, transmitting Final Regulations—State-administered Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

5954. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Roof Crush Resistance [Docket No. 2000-6798] (RIN: 2127-AH74) received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5955. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—FY 2000 UST Grant Guidance (AL)—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5956. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—FY 2000 UST/LUST Program Grant Guidance—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5957. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—FY99 N/A UST/LUST Program Grant Guidance—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5958. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Grant Guidance for Fiscal Year 2000—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5959. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Public Water System Supervison Program Generic Grant Workplan Guidance—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5960. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 1, 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Tranmissions [MM Docket No. 97-217 File No. RM-9060] Request For Declaratory Ruling on the Use of Digital Modulation by Multipoint Distribution Service and Instructional Television Fixed Service Stations—received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5961. A letter from the Senior Attorney, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—In the matter of petition for declaratory ruling and request for expedited action on the July 15, 1997 order of the Pennsylvania Public Utility Commission regarding area codes 412, 610, 215, and 717 [CC Docket No. 96-98 NSD File No. L-97-42] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5962. A letter from the Director, Regulations and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 86F-0312] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5963. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services (Transmittal No. 00-24), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5964. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 00-27), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5965. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Finland for defense articles and services (Transmittal No. 00-25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5966. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Netherlands for defense articles and services (Transmittal No. 00-26), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5967. A communication from the President of the United States, transmitting the 1999 Report to the Congress on the Loan Guarantees to Israel Program, pursuant to Public Law 102-391, section 601 (106 Stat. 1701); to the Committee on International Relations.

5968. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of

State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5969. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the forty-seventh report on the extent and disposition of United States contributions to international organizations for fiscal year 1998, pursuant to 22 U.S.C. 262a; to the Committee on International Relations.

5970. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-216, Executive Service Residency Requirement received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5971. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-215, "Closing of a Public Alley in Square 105, S.O. 97-245, Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5972. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-214, "Dedication of Land within Square 557 for Public Alley Purposes, S.O. 93-207, Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5973. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-213, "Closing of a Public Alley in Square 486, S.O. 99-67, Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5974. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-217, "Performance Rating Levels Temporary Amendment Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5975. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-218, "Management Supervisory Service Exclusion Temporary Amendment Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5976. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-219, "School Proximity Traffic Calming Temporary Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5977. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-235, "Housing Authority Temporary Amendment Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5978. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-220, "Citizens with Mental Retardation Substituted Consent for Health Care Decisions Temporary Amendment of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5979. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-236, "Advisory Neighborhood Commissions Management Control Temporary Amendment Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5980. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-224, "Dedication and Designation of Harry Thomas Way, N.E. Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5981. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-237, "Disposal of District Owned Surplus Real Property Temporary Amendment Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5982. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-233, "Closing of a Public Alley in Square 1942 S.O. 98-21, Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5983. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-238, "Board of Trustees of the University of the District of Columbia Temporary Amendment Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5984. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-234, "Technical Amendments Act of 1999" received February 1, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5985. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Pollock Fisheries Off Alaska [Docket No. 000119015-0015-01; I.D. 010500A] (RIN: 0648-AM32) received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5986. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the First Half of 2000 [I.D. 121399A] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5987. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 970930235-7235-01; I.D. 012100A] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5988. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Victim and/or Witness Notification: State Custody Transfers [BOP-1085-F] (RIN: 1120-AA80) received December 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5989. A letter from the Acting Chief, Office of Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Puget Sound Vessel Traffic Service [USCG-1999-6141] (RIN: 2115-AF92) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5990. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area, Eagle Harbor, Bainbridge Island, WA [CGD13-98-004] (RIN: 2115-AE84) received January 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5991. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: Lake Erie—Maumee River, Ohio [CGD 09-99-085] (RIN: 2115-AA97) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5992. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE REGULATION; Fireworks Display, Willamette River, Portland Oregon [CGD13-99-046] (RIN: 2115-AA97) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5993. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: Ambassador Construction Fireworks, Hudson River, Anchorage Channel [CGD01-99-180] (RIN: 2115-AA97) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Jacksonville NAS, FL [Airspace Docket No. 99-ASO-26] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5995. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Wetlands Grants 2000—Call for Proposals—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5996. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Wetlands Grants 2000—Grants Guidance—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5997. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting a report on U.S. and international funding strategy and program priorities for the Cooperative Threat Reduction (CTR) Program (Enclosure); jointly to the Committees on Armed Services and International Relations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEFAZIO (for himself, Mr. WALDEN of Oregon, Mr. BLUMENAUER, Mr. WU, and Ms. HOOLEY of Oregon):

H.R. 3567. A bill to amend title 28, United States Code, to provide for an additional place of holding court in the District of Oregon; to the Committee on the Judiciary.

By Mr. KLECZKA:

H.R. 3568. A bill to restore the right of accrual basis taxpayers to use the installment method for Federal income tax purposes; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. TOWNS, Mr. LATOURETTE, Mr. WAXMAN, and Mr. SANDERS):

H.R. 3569. A bill to amend the Public Health Service Act to establish an independent office to be known as the Office for Protection of Human Research Subjects, and to assign to such Office responsibility for administering regulations regarding the protection of human subjects in Federal research projects; to the Committee on Commerce.

By Mr. LATOURETTE (for himself and Mr. PASCRELL):

H.R. 3570. A bill to amend the Federal Water Pollution Control Act to establish nationally consistent requirements for controlling urban wet weather flows, to provide additional funds to municipalities to meet those requirements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York:

H.R. 3571. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs.

By Mrs. MEEK of Florida (for herself, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, and Mr. DEUTSCH):

H.R. 3572. A bill to extend the deadlines for applying for relief under section 902 of the Haitian Refugee Immigration Fairness Act of 1998 and section 202 of the Nicaraguan Adjustment and Central American Relief Act; to the Committee on the Judiciary.

By Mr. SHOWS (for himself and Mr. NORWOOD):

H.R. 3573. A bill to restore health care coverage to retired members of the uniformed services; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself and Mr. TRAFICANT):

H.R. 3574. A bill to provide for the improvement of the processing of claims for veterans compensation and pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GILCHREST:

H. Res. 413. A resolution expressing suport for a National Foster Parents Day; to the Committee on Government Reform.

By Mrs. MALONEY of New York (for herself and Mrs. MORELLA):

H. Res. 414. A resolution expressing the sense of the House of Representatives supporting Federal funding directed toward human pluripotent stem cell research to further research into Parkinson's disease and other medical conditions; to the Committee on Commerce.

By Mrs. MINK of Hawaii:

H. Res. 415. A resolution expressing the sense of the House of Representatives that there should be established a National Ocean Day to recognize the significant role the ocean plays in the lives of the Nation's people and the important role the Nation's people must play in the continued life of the ocean; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. PICKETT, Mr. THOMAS, and Mr. CAMP.

H.R. 72: Mr. BALLENGER, Mr. WAMP, and Mr. FOLEY.

H.R. 82: Mr. STUPAK and Mr. HULSHOF.

H.R. 141: Mr. RANGEL and Mr. DOYLE.

H.R. 303: Mr. MANZULLO and Ms. SLAUGHTER.

H.R. 460: Mr. GEKAS.

H.R. 534: Ms. LOFGREN.

H.R. 583: Mr. OWENS.

H.R. 612: Mr. FATTAH.

H.R. 678: Mr. KUYKENDALL.

H.R. 721: Mr. BAKER.

H.R. 783: Mr. MANZULLO.

H.R. 837: Ms. DELAURO, Mr. RANGEL, Mr. OWENS, and Mrs. MINK of Hawaii.

H.R. 876: Mr. KUYKENDALL.

H.R. 937: Mr. ISAKSON.

H.R. 1071: Ms. PELOSI.

H.R. 1111: Mr. HULSHOF.

H.R. 1196: Mr. EVANS.

H.R. 1229: Mr. WISE.

H.R. 1248: Mr. WATT of North Carolina, Mr. ACKERMAN, and Mr. PASCRELL.

H.R. 1304: Mr. SHIMKUS.

H.R. 1432: Mr. BURTON of Indiana and Mr. MANZULLO.

H.R. 1456: Mr. DOOLEY of California.

H.R. 1577: Mr. TOOMEY.

H.R. 1601: Ms. LEE, Mrs. ROUKEMA, Mr. ENGEL, Mr. GIBBONS, Mr. WALDEN of Oregon, Mr. VITTER, Mr. RANGEL, Mr. UDALL of Colorado, Mr. BOYD, Mr. OWENS, Mr. CANNON, and Mr. PACKARD.

H.R. 1621: Mr. OLVER, Ms. WOOLSEY, Mr. MCINTYRE, Mr. PAYNE, and Mr. OBEY.

H.R. 1671: Mr. EWING.

H.R. 1795: Ms. WOOLSEY, Mrs. CLAYTON, Ms. KILPATRICK, Mr. GEJDENSON, Mr. DEAL of Georgia, Mr. RANGEL, Mr. LAFALCE, Mr. PICKERING, Mr. PAYNE, Ms. MILLENDER-MCDONALD, Mr. WYNN, Mr. PETERSON of Minnesota, Mr. NADLER, and Mr. BARRETT of Wisconsin.

H.R. 1870: Mr. GEKAS, Ms. DELAURO, Mr. GILMAN, and Mr. GUTIERREZ.

H.R. 1885: Mr. KOLBE, Mr. LATOURETTE, and Mr. FRANK of Massachusetts.

H.R. 1893: Mr. MANZULLO.

H.R. 2060: Mr. LATOURETTE, Mr. BOUCHER, Mr. MEEKS of New York, and Mr. BLUMENAUER.

H.R. 2129: Mr. KLINK, Mr. GREEN of Wisconsin, Mr. STUMP, Mr. BARCIA, Mr. FOSSELLA, Mr. LEWIS of Georgia, and Mr. RYAN of Wisconsin.

H.R. 2341: Mr. GILCHREST, Mr. TRAFICANT, and Mr. UDALL of Colorado.

H.R. 2382: Mr. GARY MILLER of California, Mr. PITTS, and Mr. BACA.

H.R. 2498: Mr. OXLEY.

H.R. 2538: Mr. QUINN, Mr. HALL of Ohio, Mr. HOLDEN, Mr. WYNN, and Mr. EVERETT.

H.R. 2611: Mr. MARTINEZ, Mr. PAUL, Mr. BACA, Mr. OWENS, and Mr. FATTAH.

H.R. 2686: Mr. WOLF.

H.R. 2697: Mr. SAXTON.

H.R. 2702: Mr. GREENWOOD.

H.R. 2774: Mr. GUTIERREZ.

H.R. 2901: Mr. LUCAS of Kentucky.

H.R. 2966: Mr. GRAHAM and Mr. ORTIZ.

H.R. 3020: Mrs. MCCARTHY of New York.

H.R. 3059: Mr. ANDREWS and Mr. WELDON of Pennsylvania.

H.R. 3083: Mr. BAIRD, Mrs. CLAYTON, Mr. STARK, and Mr. BLUMENAUER.

H.R. 3091: Mr. MCNULTY and Mr. FORBES.

H.R. 3115: Mr. WATKINS.

H.R. 3116: Mr. BEREUTER and Mr. PASCRELL.

H.R. 3161: Mr. HINCHEY.

H.R. 3193: Mr. MANZULLO.

H.R. 3235: Mr. ROTHMAN.

H.R. 3293: Mr. KENNEDY of Rhode Island, Mr. SMITH of Washington, Mr. BACHUS, Mr. GEKAS, and Mr. WEYGAND.

H.R. 3326: Mr. MALONEY of Connecticut and Mr. GUTIERREZ.

H.R. 3386: Mr. FROST, Mr. WAXMAN, and Mr. KUCINICH.

H.R. 3408: Mr. HINCHEY, Mr. LARGENT, and Mr. RODRIGUEZ.

H.R. 3430: Mrs. CLAYTON, Mr. KLECZKA, Ms. JACKSON-LEE OF TEXAS, Mr. HILLIARD, Mr. BACA, Mr. TOWNS, Mr. BROWN of Ohio, Ms. ROYBAL-ALLARD, Mr. WEYGAND, and Mr. DEUTSCH.

H.R. 3485: Mr. ROTHMAN.

H.R. 3504: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. DEGETTE.

H.R. 3519: Ms. LEE and Ms. MILLENDER-MCDONALD.

H.R. 3543: Ms. SLAUGHTER and Mr. OLVER.

H.R. 3552: Mr. DOOLITTLE and Mr. TRAFICANT.

H.R. 3564: Mr. KASICH.

H.J. Res. 53: Mr. BARTLETT of Maryland.

H.J. Res. 77: Mr. RADANOVICH and Mrs. BONO.

H.J. Res. 86: Mr. MALONEY of Connecticut and Mr. ROTHMAN.

H. Con. Res. 152: Ms. JACKSON-LEE of Texas.

H. Res. 107: Mr. FORBES and Mr. BECERRA.

H. Res. 389: Mr. BERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1598: Mr. WEXLER.

SENATE—*Wednesday, February 2, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Luis Leon, St. John's Episcopal Church, Washington, DC. He is a guest of Senator MARY LANDRIEU.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Luis Leon, offered the following prayer:

Gracious God, who has given us this good land for our heritage, we humbly pray that we may always prove ourselves a people mindful of the grace You have granted us. Bless our land with honorable industry, sound learning, and faithful leadership. Save us from violence and discord, confusion and chaos, pride and arrogance. Defend our liberties and fashion into one Nation the good people brought here out of many lands and languages. Endue with a spirit of wisdom those to whom in Your name we entrust the authority of government, especially the President and the Congress of the United States, that there may be justice and mercy in this land. Strengthen our resolve to see fulfilled all hopes for a lasting peace among all nations. In a time of prosperity, fill our hearts with thankfulness, and in a day of trouble remind us that we still belong to You. All this we ask in Your name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ORRIN HATCH, a Senator from the State of Utah, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). Senator GRASSLEY is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, for the leader, I would like to give today's schedule.

Today the Senate will resume consideration of the bankruptcy reform bill. Senator SCHUMER will be recognized to debate his amendments regarding safe harbor and clinic violence. There are several other amendments remaining, and those amendments will be debated throughout this morning's session.

All votes, including final passage, will be stacked and are expected to begin at approximately 12 o'clock noon. After disposition of the bankruptcy bill, the Senate is expected to begin consideration of the nomination of Alan Greenspan to continue as Chairman of the Federal Reserve Board.

The leader thanks all Senators for their attention.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 625, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Feingold modified amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Levin amendment No. 2658, to provide for the nondischargeability of debts arising from firearm-related debts.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could say to the acting majority leader, we do hope to finish the bankruptcy bill this morning. As I have indicated, we have Senators FEINGOLD and LEVIN coming over shortly after 11 o'clock. It will take until 11 o'clock with what Senator SCHUMER has to work on.

I would also say that we want to make sure the record is clear; the leader was wondering about the vote that was originally scheduled on the nuclear waste motion to proceed, whether or not that needed to go forward. I want the record to reflect that the Senators from Nevada withdraw their objection and that the vote need not go forth.

Mr. GRASSLEY. I have been informed by staff that we will work on that agreement, and it seems that can be accomplished.

The PRESIDING OFFICER. Under the previous order, the Senator from New York, Mr. SCHUMER, is recognized to call up his amendments.

Mr. SCHUMER. I thank the Chair.

First, I ask that the amendment be considered as read. It is at the desk.

The PRESIDING OFFICER. To which amendment is the Senator referring?

Mr. SCHUMER. Amendment No. 2763. On the other amendment, I just inform my good friend from Iowa, we are trying to work out a compromise and we may not have to debate it—the one on the safe harbor.

Mr. GRASSLEY. We think we can.

Mr. SCHUMER. So we now call up amendment No. 2763, and if we cannot work out a compromise on the other, then I would reserve the right to bring it up.

AMENDMENT NO. 2763

(Purpose: To ensure that debts incurred as a result of clinic violence are nondischargeable)

The PRESIDING OFFICER. Amendment No. 2763 is currently pending before the Senate.

The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. DURBIN, proposes an amendment numbered 2763.

The amendment is as follows:

On page 124, between lines 14 and 15, insert the following:

SEC. 322. NONDISCHARGEABILITY OF DEBTS INCURRED THROUGH THE COMMISSION OF VIOLENCE AT CLINICS.

Section 523(a) of title 11, United States Code, as amended by section 224 of this Act, is amended—

(1) in paragraph (18), by striking "or" at the end;

(2) in paragraph (19)(B), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(20) that results from any judgment, order, consent order, or decree entered in any Federal or State court, or contained in any settlement agreement entered into by the debtor, including any damages, fine, penalty, citation, or attorney fee or cost owed by the debtor, arising from—

"(A) an actual or potential action under section 248 of title 18;

"(B) an actual or potential action under any Federal, State, or local law, the purpose of which is to protect—

"(i) access to a health care facility, including a facility providing reproductive health services, as defined in section 248(e) of title 18 (referred to in this paragraph as a 'health care facility'); or

"(ii) the provision of health services, including reproductive health services (referred to in this paragraph as 'health services');

"(C) an actual or potential action alleging the violation of any Federal, State, or local

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

statutory or common law, including chapter 96 of title 18 and the Federal civil rights laws (including sections 1977 through 1980 of the Revised Statutes) that results from the debtor's actual, attempted, or alleged—

"(i) harassment of, intimidation of, interference with, obstruction of, injury to, threat to, or violence against any person—

"(I) because that person provides or has provided health services;

"(II) because that person is or has been obtaining health services; or

"(III) to deter that person, any other person, or a class of persons from obtaining or providing health services; or

"(ii) damage or destruction of property of a health care facility; or

"(D) an actual or alleged violation of a court order or injunction that protects access to a health care facility or the provision of health services.".

Mr. SCHUMER. Mr. President, I ask unanimous consent that Senators SNOWE, REID, JEFFORDS, and KENNEDY be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I am offering this amendment along with Senators SNOWE and REID, JEFFORDS, FEINSTEIN, LEAHY, MURRAY, KENNEDY, LAUTENBERG, and DURBIN to ensure justice is served for those who willfully and gleefully thumb their noses at clinic protection laws by feigning bankruptcy. This amendment makes debts incurred as a result of acts of clinic violence nondischargeable under the bankruptcy code, and it does this clearly and unequivocally. In other words, this amendment will hold the perpetrators of clinic violence responsible for the damage they incur when they imperil, through either violence or intimidation, a woman's legal right to choose.

The history of this amendment goes back several years. Before 1994, a woman's right to choose, guarded carefully by the Supreme Court, was imperiled. That is because a small and radical minority sought to intimidate, to harass, and ultimately commit violence against clinics that offered women their right, their constitutional right for an abortion.

The chart tells the story. Acts of violence were way up, to 437. It reached its peak in 1993. Acts of disruption went to 3,379 and blockades, including arrests, went to 3,885. In many parts of this country a constitutional right—whether one agrees with it or not—was being prohibited by a very small minority who believed their view was more important than our democratically chosen, American people chosen view.

As a result, this body, in a fine moment, gathered together and said the rule of law must prevail whatever our views, pro-choice or pro-life. I was sponsor of the FACE Act in the House. Senator KENNEDY was the sponsor of the FACE Act in the Senate. Very simply, it said this kind of violence and intimidation had to stop. The major tool it used was to give these beleaguered clinics the right to sue those who committed violence.

It was a proud moment on the floor of this body when, with strong bipartisan support and strong support across pro-choice and pro-life lines, this amendment was agreed to, 69–30, in 1994. It was a proud moment for me in the House when I joined with my friend, Congressman HENRY HYDE—perhaps the leading voice of true conviction on the pro-life side—to support this amendment. Congressman HYDE knew that America depended on the rule of law.

The act had dramatic effects. If you look at the statistics, acts of violence went down, from 437 in 1993 to 113 in 1998. Similarly, acts of disruption went down, from 3,379 down to 2,600. The law was working. But, unfortunately, that extreme few has found a new way to avoid the law and threaten the kind of stasis, the kind of peace, the kind of coming together we had found in this body. What they have done is, when they get a judgment against the type of violence depicted here, they declare bankruptcy and the law cannot be enforced against them.

Randal Terry has $1.6 million in judgments against him. So far not a nickel has been collected. Flip Benham brags he will never pay a cent.

Perhaps the most extreme is the case of the Nuremberg Files, which has, today, its 1-year anniversary of a jury verdict of $109 million against those who put it together. The Nuremberg Files was a group of extremists. They published the names of doctors and accused them of murder. They published the addresses where their children went to school. Their graphic on the computer had blood dripping from the pictures of the doctors. They published the name of Dr. Slepian, who was murdered, and after a doctor was injured they put the name in gray. After a doctor was killed, as in Dr. Slepian's case, from my State of New York, up in Buffalo, they put an X through the name.

Because of their activities, because of the "wanted" posters, where three doctors were killed once they put out "wanted" posters, a Federal court in Oregon urged the judgment against them. That judgment, the jury verdict, was 1 year ago today.

What did the defendants in that case do? The judge knew they would try to clean themselves of their assets and divest them. So the judge ordered them not to divest themselves of their assets. In each case, 2 or 3 days before they were to come to the court for a disposition of how they were going to pay their fine, they went back to their home States and declared bankruptcy. This horrible, horrible situation was compounded by the use of a bankruptcy law that no one in this body or anywhere else intended to be for that purpose.

This is what the attorney for the defendants in the Nuremberg Files case said:

> The jury charge in this case created a negligence standard for threats. The charge on punitive damages embraces reckless or malicious conduct and my understanding is that reckless conduct does not preclude a discharge in bankruptcy.

Anyone who says our present laws cover this horrible situation and the many others like it ought to listen to the very lawyer in the Nuremberg Files case.

So no money has been collected, not only from the Nuremberg Files defendants but from all the others who are laughing at our law. They have gone back to their States and now the whole issue will be litigated again. Because we do not have a law, they will debate again whether the conduct was reckless—which is what the lawyers claim the jury verdict called for—or whether it was violent, in which case it would be covered by present law.

So the reason we are here today, the reason this vote has been so contested, is because a major tenet of our democracy is at stake—the rule of law. We talked about the rule of law last year at this time in this Chamber. If there was ever a case that cried out for Democrats and Republicans coming together, for pro-choice and pro-life people coming together, it is this very case.

Let me answer a few questions that have been brought up about this amendment. First, is this a move by the pro-choice movement to move the goalposts? Absolutely not. My lead cosponsor on the Democratic side, Senator REID, is probably the foremost advocate on the pro-life side on our side. I respect his view. HENRY HYDE supported the FACE law. Others who disagree with my view on choice have also come to support FACE and the amendment. It is not pro-life or pro-choice, it is pro rule of law. It is pro-American.

Second, some say it is already covered by the willful and malicious exception in the bankruptcy law. It is true that if there is a willful, intentional, malicious tort, it might be covered by the bankruptcy law. But it would have to go to each bankruptcy court, as in the Nuremberg Files case, after the judgment. Without our statute, it would have to go back to each bankruptcy court in the State and be litigated. Then there would be one determination or another.

But what about these types of cases? What about situations where there is reckless conduct but not malicious conduct? The lawyer in the Nuremberg Files matter—clearly conduct we wish to prohibit—said it was reckless, not malicious, and would not be covered by the exception in the bankruptcy law.

What about the case where there is no intent? Thousands come and blockade a clinic but they say: My intent was not to create any violence. Then you would have to prove, for each one of those defendants, their own intent, a next to impossible job.

What about contempt orders? Everyone agrees that contempt orders are not covered by the exception.

So for anyone to argue the present law covers this, I say two things to you: No, it does not. And if you believe it does, there is no reason not to make sure that it does by passing our amendment.

How about some from the other side who argue bankruptcy should not be used to promote public policy? We are not promoting public policy. In fact, it is those who have declared bankruptcy after committing terrible acts who are seeking to use the bankruptcy code for public policy goals. The bankruptcy code was never intended that way. What we are doing by this amendment is protecting the bankruptcy code from those who seek to twist it and turn it and use it for their goals in public policy. In fact, we have done it before in this Chamber. We did it, with almost unanimous support, for drunken drivers. There is an exception in the code for that. It is a horrible thing—so is this.

I argue one more thing to my colleagues. This is the first time we have had an organized movement in America that seeks to use the bankruptcy code for these purposes. They tell people how to declare bankruptcy. One of the major organizations says you have to be judgment proof before you can join it. I have never seen that before in this country—I don't think anyone has—where an organized group seeks to subvert the law and then tells its members you can avoid its consequences by declaring bankruptcy.

One final question. I do not know if my colleagues from the other side will have an amendment similar to this. The Senator from Iowa is shaking his head no. But we have not seen one so far, and the amendment can only argue one of two things.

Mr. GRASSLEY. I just don't know.

Mr. SCHUMER. He doesn't know. I appreciate my friend's candor, although we have been debating this. This amendment came up in the Judiciary Committee in October or November and we do not know. But I argue to my colleagues, whatever you think of the other amendment, if it covers this it cannot hurt to have this one. If it does not cover it, we need it.

I do not have any predisposition, having not seen the amendment, whether you vote for or against an alternative. But voting for or against that alternative will not solve the problem. Voting yes or no on this amendment will.

In conclusion, this amendment and this debate—on its surface about somewhat arcane provisions in the bankruptcy law—is what America is all about. We have always had people with deeply felt views. The bishop in my community every month says the Rosary in front of an abortion clinic.

I disagree with his views. Bishop Daily is a fine man. I would defend his right to do that. I would vote for legislation that would allow him to do that.

We have always had people in America of strongly held views, but every so often we have people whose views not only are strongly held but who believe because they believe it, they should subvert the will of the American people, they should take the law into their own hands.

This happened shortly after the founding of the Republic. It happened throughout the 19th century. It happened throughout the 20th century. Every time that has happened, the Members of this distinguished body have risen and said we must defend the rule of law because nothing is more sacred to America.

People have uttered courageous speeches on the floor of this Chamber about that, even if they did not agree with the specific view. This is one such moment.

The vote is close. It is neck and neck. The Vice President has graciously agreed to interrupt his schedule to be here because the vote is so close and because this bill and this amendment is so important.

I urge my colleagues to look into your hearts and souls. You walk with America. We do it every day in this Chamber. Do not turn your back on what you know is right. Do not turn your back on the rule of law. Do not turn your back on what our Founding Fathers shed blood for, which is the right of a democracy to make its own decisions and not have a small band of people, for whatever reason, take decisions into their own hands.

I urge my colleagues to support this amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume. I hope my friend, Senator HATCH, will debate the fine points of the law with the Senator from New York because I am not a lawyer. I have strong feelings on the issue of abortion which do not have to be expressed today. My friend, the Senator from New York, has opposite views on that issue and he has not expressed them and does not have to express them as far as this amendment is concerned. I oppose this amendment simply because it is not needed.

First, I will comment on the possibility of the Vice President of the United States having to vote today to break a tie. I predict that if the Vice President is in town and this vote is that close, the Vice President will be here and will have an opportunity to cast that vote. If the Vice President is in town to break a tie, there is going to be at least one person who supports that amendment who is going to vote against it just so we can have a tie vote, just so the President can cast his vote because the Vice President running for President of the United States is not going to break into his schedule with the tight vote he had in New Hampshire last night and avoid campaigning in the other States and waste his time here if he does not actually have to cast that vote.

We are in for not only political moments on this issue, but we are in for some very constitutional moments on this issue as well.

I like the theater that is going on this morning. We have seen it at least once before, and we may see it several times between now and November. I do not blame the people on the other side for creating this theater because I think the Vice President is going to need it between now and the November election if he intends to be elected President of the United States.

Mr. SCHUMER. Will the Senator from Iowa yield?

Mr. GRASSLEY. Of course, I will yield. I know what you are going to say—that everything I have said is not true. I have seen it happen before.

Mr. SCHUMER. Let me explain to the Senator from Iowa what happened, and I realize he has not intended to cast stones.

I have been lobbying Members on this vote for the last several weeks. As the Senator knows, this amendment held up the bankruptcy bill from being voted on last year because many of us felt so strongly about it.

As of yesterday, it looked as if the vote was dead even. That is the count we have. Last night, I called the Vice President and said: It looks dead even. You make a decision, but it is an important issue to us. And he determined to come back. It has nothing to do with theater. It has nothing to do with, frankly, the politics of this campaign. It has to do with the fact that so many of us consider the FACE law—both pro-life and pro-choice—so important that we could not bear to see it undermined, particularly if it lost by a very narrow margin.

I do not know what the vote will be. I do not know what kind of arm twisting will go on between now and then. I do know there has been dramatic resistance to this amendment which held up a bill that large numbers of people on both sides of the aisle wanted very much to have come to the floor last year, and I think the remarks of the Senator from Iowa do not fit the facts in this situation regarding the Vice President.

I thank him for the graciousness of yielding.

Mr. GRASSLEY. Mr. President, before I proceed, I presume the Senator from New York is willing to have the time for his remarks come out of his time and not out of my time. I hope he will agree to that.

Mr. SCHUMER. I ask unanimous consent that each side be given an additional 10 minutes because this is an important amendment. I ask unanimous consent we each be given an additional 10 minutes.

The PRESIDING OFFICER. Is there objection to the request?

Mr. GRASSLEY. I still want the time to come out of his side.

Mr. SCHUMER. I will accept that.

The PRESIDING OFFICER. And it will be charged.

The Senator from Iowa.

Mr. GRASSLEY. I give the Senator from New York and all the other people on the other side of the aisle the benefit of the doubt, but as a matter of constitutional fact, there is always some theater when the Vice President has to cast a tie-breaking vote. Also, there is some justification for what I said, not based upon what I know is going to happen this time but what I have seen happen in the past.

The other thing I want to tell the Senator from New York, regardless of what I said about the theater, I want to base my remarks upon what I think is unneeded legislation. This gets to some of the finer points of law that I am not going to argue and debate with the Senator from New York because he would say under certain circumstances, because of intent or because of court orders, the necessity to go back to State courts, his amendment will enhance the protection of people about whom he is concerned. Those are not serious considerations. His amendment is not needed.

First of all, it is very necessary to say, and I hope the Senator from New York will not take offense with this, that we would not even be debating this amendment or anything with bankruptcy if he had his way because he was one of those who voted against the bankruptcy legislation. I do not fault the Senator from New York for doing that. That is, obviously, his right.

He can say he wants bankruptcy legislation and he voted against it because this amendment was not included or maybe he is against bankruptcy generally, but the fact is that he voted against the bankruptcy reform bill we have before us.

People who generally do not want a bankruptcy reform bill have proposed some pretty politically sensitive amendments—and this is one of them—that are basically a distraction from the real issue of why we need bankruptcy reform. I do not need to repeat what I said yesterday, such as we have had a 100-percent increase in personal bankruptcies over the last 7 or 8 years. From that standpoint, we have a very serious social and economic problem with which we have to deal, and particularly the way the present bankruptcy code is written, the amendment is not needed. I want to state why it is not needed because my colleagues are entitled to know.

I hope a lot of the people in this Chamber who want a bankruptcy reform bill will view this amendment in its proper context of being proposed as a distraction from the real issues of bankruptcy reform, particularly since I am going to convince them that this amendment is not needed based upon the way the present law is written.

But putting aside the obvious political nature of the amendment, this amendment should fail on its merits. The amendment would make judgments resulting from violent as well as nonviolent activities engaged in by pro-life activists nondischargeable in chapter 7 bankruptcy.

The amendment does not provide for the same treatment for violent or nonviolent activities engaged in by prochoice activists. In other words, this amendment does not even pretend to be fair and balanced. It is an effort aimed only at one side of this very hot political debate that is known as the abortion debate. I do not think the Senate should change bankruptcy policy in such a one-sided way.

But the amendment does not even accomplish its one-sided goal. The amendment only affects chapter 7 bankruptcy. So I want to give you a second reason for being against it, based upon the fact that it fails on its own merits. Since it only affects chapter 7 bankruptcy, there is another way that people who are affected by this amendment, who want to go into bankruptcy to protect themselves, can do it. They can do that through chapter 13 because the amendment does not make any new debts nondischargeable in chapter 13. So any of the people to whom the Senator from New York refers to that his amendment is necessary for could file under chapter 13, pay pennies on the dollar, and walk away from debt.

As I said when I voted on this amendment in the Judiciary Committee, the nonpartisan Congressional Research Service has concluded that court judgments resulting from violations of the FACE Act are already nondischargeable in chapter 7 under politically neutral provisions of section 523 of the code. This amendment, the Congressional Research Service says, isn't needed.

Finally, it is worth noting that some Senators on the Democratic side have been very critical of making new categories of nondischargeable debts. If you listen to the White House—and we have listened to the White House quite a bit on this bill and have tried to satisfy people by making changes in it that have not hurt our general approach—if you listen to these same people, who have been listened to by me and other people in this body who want bankruptcy reform, you hear that anytime you create nondischargeable debts, the collection of child support suffers. I will bet the Senator from New York has made this same point on other nondischargeable debts concerning child support.

Some of those concerns have been very legitimate. We have responded to them. I guess I would have to say, from where I started 2 years ago on this legislation, I have been educated on some of the writing of our original bill to make those changes so that we make child support No. 1 in our considerations in bankruptcy courts.

But the White House, regardless, is saying nondischargeable debts make collection of child support much more difficult. But here we have an amendment from the minority to create a nondischargeable debt. So based on the arguments of the White House, this amendment should be rejected because it hurts child support claimants.

This is a very serious inconsistency on the part of people, particularly on the other side of the aisle, in proposing this amendment. The fact is, bankruptcy reform is so popular with the American people, so popular with Members of the Senate, that those who oppose real bankruptcy reform look for distractions, distractions based on the merits of their amendment, based on their opposition to the legislation, but also a needless distraction.

If, in their good conscience, they believe their amendment is needed, it in fact isn't needed because our bankruptcy code already deals, in a nonpolitical way, with these political questions that people believe can only be responded to by making one more thing nondischargeable.

This amendment is, on balance, a distraction and should fail for the reason it was offered. But, most importantly, it should fail on its merits. The merits just do not call for its adoption. I have expressed my views on that.

I yield the floor and ask our people to vote against it.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from New York.

Mr. SCHUMER. I yield 4 minutes to the distinguished Senator from the State of Washington, a cosponsor of this legislation.

The PRESIDING OFFICER. The Senator from Washington is recognized for 4 minutes.

Mrs. MURRAY. Mr. President, let me assure my colleagues, this issue is not about theater. It is about the very real issue of violence against women. I join with my colleague, the Senator from New York, and thank him for his work on this amendment and urge my colleagues to support it.

This amendment is not about abortion. This amendment is about violence against women. We cannot allow violent extremists to use the bankruptcy code to carry out their agenda of violence.

If anyone thinks this is simply another abortion or choice issue, let me point out to all of you, there are groups and individuals who teach violent protesters how to protect their financial assets in the event of a civil or criminal penalty. There are classes one can take or pamphlets one can read spelling out how violent protesters can get around any punitive financial damage by simply running to bankruptcy court.

It is simply beyond comprehension how we can allow those convicted of violence and intimidation to be excused from punitive financial penalties. If we are serious about reducing violence and sending the right message to our children, we must support the Schumer amendment.

In 1998, there were two murders and one attempted murder of clinic workers. Since 1990, abortion clinic arson and bombings have resulted in over $8.5 million in damages. Two bombs were recently discovered at clinics in Kentucky and Ohio. Every day, women are harassed and intimidated as they seek proper health care services. This violence must stop, and those responsible must be held accountable.

Passage of the Schumer amendment will send the message that violence will not be tolerated. Peaceful protests will continue. Each individual has a right to freely express their views and their opinions. But no one has a right to carry out a campaign of fear and violence.

For too many women, these clinics are their only access to health care, including cancer screening and prenatal care. Constant and violent threats diminish access to health care for hundreds of women and subject them to unreasonable abuse and intimidation. Do not reward those who seek to deny women access to legal, affordable health care services.

Mr. President, I urge my colleagues to do the right thing and support the Schumer amendment.

I yield back my time to the Senator from New York.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 17½ minutes remaining.

Mr. SCHUMER. Mr. President, how much on our side?

The PRESIDING OFFICER. The Senator from New York has 9 minutes remaining.

Mr. SCHUMER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, bankruptcy law already covers willful, malicious, intentional conduct about which the distinguished Senator from Washington has been talking.

I rise to speak in opposition to this amendment offered by the Senator from New York. Nobody in this body condones violence of any kind. There is no excuse for it; that is, whether it is committed at an abortion clinic, whether it is committed by labor unions, or whether it is committed against churches, or for any other reason. But this amendment has nothing legitimate to do with bankruptcy reform. In my view, we should focus on our task of providing real bankruptcy relief for the American people.

This amendment is unnecessary. It provides that debts and liabilities arising from abortion clinic violence would not be dischargeable in bankruptcy. There simply is no need to place damages regarding access to abortions in a special class with special protections above other damages for other actions, including, for example, actions under civil rights laws. Not only is it poor policy to segregate certain classes of violence for special status in bankruptcy, but the bankruptcy code already allows for the nondischargeability of debts for "willful and malicious injury by the debtor." This is already taken care of, if that is what the Senator is really concerned about, willful and malicious injury caused by the debtor. Indeed, I asked to include a summary of a recent case in the RECORD.

In that case, the Behn case, it is said, in a newspaper report of that case:

> A veteran anti-abortion protester cannot use bankruptcy to erase a debt of more than $50,000 in court-imposed fines, legal fees and interest she owes a Buffalo clinic that performs abortions, a federal judge has ruled.
>
> "If anyone thought they might escape penalties for violating a judge's order through bankruptcy," said Glenn E. Murray, a lawyer who represented the clinic, "they should read this decision."

Already the law takes care of what the distinguished Senator from New York would like to have taken care of.

Notwithstanding that this amendment is entitled "Nondischargeability of Debts Incurred Through the Commission of Violence at Clinics," its reach extends much more broadly. That is where the danger comes in.

For example, the amendment, by its own terms, is not limited to acts of violence, as the title would lead us to believe, but covers acts of "interference with" a person seeking an abortion, whatever that means. In addition, the amendment refers to "an actual or potential action under any Federal, State, or local law" having to do with providing abortions.

As I read this language, it goes far beyond the discrete issue of violence at abortion clinics. In fact, if you read this language in the actual amendment, it has some very strange language in it. It says, in paragraph (3)(C):

> an actual or potential action alleging the violation of any Federal, State, or local statutory or common law, including chapter 96 of title 18 and the Federal civil rights laws (including sections 1977 through 1980 of the Revised Statutes) that results from the debtor's actual, attempted, or alleged—(i) harassment of, intimidation of, interference with, obstruction of . . .

Then it gets into injury to, threat to, or violence against any person. Look at that language: harassment, intimidation, interference. My goodness.

I urge my colleagues to read the actual text of the amendment before they vote. If they believe they are voting on an amendment that strictly covers acts of violence at abortion clinics, they are mistaken. Who knows how this amendment is going to be applied otherwise. The bankruptcy law already takes care of violence, abortion clinic violence, if you will. It does not discharge that in bankruptcy. The cases so state. I do not think we should fail to recognize that the bankruptcy code already provides or allows for the nondischargeability of debts "for willful and malicious injury by the debtor."

This goes far beyond real injury. This actually could be used to oppress people who legitimately feel otherwise than the abortion clinic does. I urge my colleagues to reject this amendment. At the appropriate time, I am sure the distinguished Senator from Iowa or myself will move to table the amendment. I hope we can reject this amendment. I hope it is not necessary for the Vice President to come and break a tie vote on this matter. I think this would be catastrophic language in the bankruptcy code, which already does take care of violence at abortion clinics. Case law so states.

This is just another overreach by those who want to make a political issue out of something that does not deserve to be in the bankruptcy code, although I believe it is a sincere overreach that perhaps is not considered such by my dear friend from New York, for whom I have a lot of esteem in the law. I am concerned about this kind of language. It is very broad, very undefined. No question that it goes far beyond actual injury, far beyond malicious conduct, far beyond willful and malicious injury that the bankruptcy code already covers. We have enough in the code to take care of problems at abortion clinics without putting in harassment, intimidation, interference, and obstruction into the bankruptcy code.

I reserve the remainder of our time.

Mr. SCHUMER. Mr. President, I yield 3 minutes to the distinguished Senator from Nevada, cosponsor of this amendment and one of its leaders.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 3 minutes.

Mr. REID. Mr. President, I appreciate very much the statement of the Senator from Iowa where he tried to indicate that the Vice President was coming here because of some problem in the campaign. I direct the attention of the Senator from Iowa to what really took place in New Hampshire last night. As every political pundit in America has stated, Democrat and Republican, those who are neutral, Bush was bushwhacked in New Hampshire. That is the real problem. I appreciate the Senator's attempt to divert attention from the fact that there really was a problem in New Hampshire for Governor Bush.

In the year 1215, in a meadow in England, a group of barons were with King John. King John couldn't sign his name, but he did affix his cross, his X, to a document that we now call the Magna Carta. The reason that was so important in our history is because it was the beginning of common law. It was the beginning of the rule of law that we adopted when we became a nation. We followed the English common law which started with Runnymeade and the Magna Carta. It established the rule of law, not a rule of kings, not a rule of demagogues, not a rule of zealots but a rule where we follow the law.

That is what this debate is about today. There are a group of people in America today who recognize there is a law, but they are above it. They don't have to follow it. They can go and use butyric acid, fire, bullets, guns, causing murder, disruption of businesses. They can, of course, cause all these blockades, and people who disagree have said what you are doing is wrong. You are avoiding the law, and we are going to take you to court and have a court of law determine that you are wrong, and you are going to have to respond in money damages for the violence and the disruption in business and the damage that you have caused. They have gone to court and they have won those lawsuits. They have had money judgments rendered against them. These people who caused this disruption of business, who threw this acid in people's faces in clinics, who set fires, who murdered people, they say we are above the law; we don't have to follow it because we disagree with the law.

We are a country that has a rule of law. These people should not be able to discharge these debts in bankruptcy. That is what this amendment is all about.

We recognize that violence and terror are worsening every day in this world, and we have to stop it. This is one method of stopping it. One of the reasons these people flout the law is they say don't have to follow the law.

Mr. President, these people intimidate. They recognize that they do not have to be held accountable. Today, what we are saying is we must act to ensure that we live in a law-abiding society. This amendment does that by saying that those who have a judgment rendered against them in a court of law, where the court has determined that they engaged in unlawful acts of intimidation and violence, can't escape responsibility for their actions in bankruptcy court.

I believe in our system of justice, where courts and juries make decisions that we as the American public must follow. Some people don't believe in our system of justice; they don't believe in our system of trial by jury and court determinations. They believe money damages awarded against them mean nothing because they are going to discharge them in bankruptcy. In effect, they believe the law is for everybody else but them. We think that is wrong and that is why we should have an overwhelming vote in the Senate. The Vice President, even though he is going to be here, should not have to break a tie. People of good conscience on both sides of the aisle should vote in favor of this amendment. It is the right thing to do because it upholds the rule of law.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, look, let's not get this amendment mixed up. The current law takes care of actual injury. It takes care of malicious injury and willful injury by the debtor. That is not discharged in bankruptcy. So it has nothing to do with violence. The current law takes care of that.

None of us condone violence. That is not what this amendment is about. Look at the doggone language of this amendment. It is unbelievable. What it says here is, "an actual or potential action alleging the violation of any Federal, State, or local statutory or common law" and "that results from the debtor's actual, attempted, or alleged harassment. . ."

What does that mean? "Intimidation of. . ." What does that mean? If somebody says "boo," are they intimidating and they could not be discharged in bankruptcy, in an unjust case in bankruptcy where they haven't caused any harm or willful malicious injury? Interference with? Obstruction of? This is an overreach if there ever was one, since we already have bankruptcy law that provides nondischargeability of debts of a debtor who has caused willful or malicious injury to another person, or even to the clinic, I suppose. We should not get into a type of social engineering in the bankruptcy code since we already take care of willful and malicious activities. When you start talking about harassment, intimidation, obstruction, interference—these are words that can be used in a criminal code, but they should not be used in the bankruptcy code which already provides for willful, malicious injury by the debtor as nondischargeable in bankruptcy. I think when we get into that stuff we are getting into areas that basically disrupt the code and should not be part of the code.

None of us tolerate or approve of violence at the abortion clinics. Some of these anti-abortion people who have committed violence should be punished to the full extent of the law. They should not be allowed to get away with it. Whichever side you are on in this issue ought to be a side of debate and a side of honest debate, not a side of violence. But we take care of willful and malicious injury, which may not even be violence. It may be something that even involves negligence, I suppose. We take care of it in the current code.

Why should we amend the code just because some would like to do so with this strange and very undefined language. Plus, it is something that everybody ought to think about—improper and illegal, or should I say nonlegal, to argue that this amendment is all about violence. It is not at all. It is about extending what is already covered to areas that literally do not involve violence or malicious injury or willful and violent and malicious conduct. That is not what the bankruptcy code should be all about. I hope our colleagues will vote this amendment down.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. SCHUMER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 6 minutes.

Mr. SCHUMER. I yield myself 3 minutes.

Mr. President, I greatly respect my friend from Utah, who is a fine legislator and a fine human being. He is just dead wrong on this. Let me just answer this. He said we don't need this law, first, because the present code covers it. CRS, which is hardly known as either a pro-life or a pro-choice organization, is respected for their analysis and they say in a memorandum of June 8:

> We conclude, for the reasons discussed below, that the Schumer proposal, which would add a new subsection 19 to 523(a), is far broader in scope and would encompass a far wider range of potential debtor liability than is currently covered by 523(a)(6).

Don't rely on Senator HATCH, don't rely on Senator SCHUMER, but on 523. One other point. The Senator from Utah says everything is covered. Let's hear what the attorney said in that Nuremberg Files case, that horrible and devastating case—so bad that a jury in Oregon awarded $109 million in damages, realizing what has happened in America in terms of the death of doctors. Here is what the lawyer said:

> Your clients are nothing more than nonpriority, unsecured judgment creditors, with other judgment creditors ahead of them . . . even a car loan has priority over your judgment.

Let me repeat that so maybe my friend from Utah can hear me in the Cloakroom: ". . . even a car loan has priority over your judgment."

Is that what we wanted in the present law? No, absolutely not. The record is clear. There are certain instances where the present law would cover it—narrow instances, and even in those cases, you would have to go all the way back to bankruptcy court and relitigate. But in many of these cases, the law is not clear, and in every one of these cases, you make them litigate two, three, four times. We know what the policy of these violent extremists is. It is to delay and delay and delay. They should not be allowed to use the bankruptcy code to do that.

One other point. I think my good friend from Iowa said, well, it doesn't stop violence. That might be done by pro-choice groups. Not so. If a pro-choice group were to decide to blockade a clinic, or threaten a doctor, or use violence because they did not like what that clinic was doing, they would be equally subject to the law.

The reason that statement is so absurd is because we don't have a grand movement on the pro-choice side seeking to use violence. Read the works of Randal Terry and Flip Benham and everybody else. They believe because they are morally superior to the rest of us that they have the right to take the law into their own hands and use violence.

The PRESIDING OFFICER. The Senator's 3 minutes has expired.

Mr. SCHUMER. I thank the President.

The PRESIDING OFFICER. The Senator from New York has 3 minutes remaining, and the Senator from Iowa has 6 minutes remaining.

Mr. GRASSLEY. Mr. President, we have a speaker on his way. Senator SESSIONS wants to speak.

Mr. REID. Mr. President, I am wondering. Senator LEAHY, the ranking member of the committee, could speak. Until everyone is ready, why don't we suggest the absence of a quorum so the time is reserved. I suggest the absence of a quorum and ask unanimous consent that the time not be charged to the respective sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent, given we don't have any other business scheduled until 11 o'clock—we have other Members coming from both sides who wish to speak—that each side be given an additional 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object to that. Let's wait until we use our time and make that decision at that particular time.

The PRESIDING OFFICER. Objection is observed. The absence of a quorum has been suggested, and the clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, will the Senator from New York yield 2 minutes?

Mr. SCHUMER. I am happy to yield 2 minutes to the distinguished ranking member of the Judiciary Committee, who has been a guiding inspiration.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I very proudly cosponsored the amendment of the Senator from New York. Senator SCHUMER's amendment on debts incurred through the commission of violence to health service clinics is a good one. It closes a real-life loophole in our bankruptcy code because some people are using the bankruptcy laws to avoid paying debts arising from clinic violence.

That is a dangerous precedent that Congress should stop. It would be the same if somebody was doing this using the bankruptcy laws to escape paying bills for violence against anybody, whether groups with which I agree or groups with which I disagree.

We should not use the bankruptcy laws for this. It is wrong to allow court judgments under the Freedom of Access to Clinic Entrances Act to be discharged under our bankruptcy laws. In fact, 12 individuals who created the Nuremberg Files web site filed bankruptcy to avoid their debts under the law.

If I could make a personal note on this, at a time when a doctor was murdered in New York because his name was on the Nuremberg Files, within days they determined that the chief suspect was a man from Vermont. I went to the Nuremberg Files. My name was listed among those to be shot.

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Mr. LEAHY. I ask for another 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. This was a very chilling thing for both me and my family. To think somebody could use laws to escape any penalties they might receive under their use of our bankruptcy laws is wrong.

I agree with the Senator from New York.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields time, it will be charged equally between the two sides.

Mr. SCHUMER. Mr. President, might I renew the request of Senator REID that we have a quorum call not to be counted against either side until Senator SESSIONS can get here? Is there a way?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. We have done it that way already.

Mr. REID. I am sorry. I sure wasn't in on the request.

Mr. SCHUMER. If I might answer the question—Mr. President, may I respond to Senator REID's question?

The PRESIDING OFFICER. Is the Senator from New York suggesting the absence of a quorum without the time being charged to either side?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I discussed this with the Senator from Iowa, and he has graciously agreed to 1½ additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Then all time will have expired. Is that right? OK.

I thank the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa has 6 minutes.

Mr. GRASSLEY. We will take care of ours. We will yield it.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I say in conclusion to my colleagues that this is an extremely important amendment to keep a bipartisan law, the FACE law, alive and well. If we don't pass this amendment, there will be hundreds and hundreds of instances where people perpetrate violence, and violate the FACE law, and they will not be held accountable.

Let me repeat again what the Nuremberg Files people, who list Members of this body as people who ought to be looked at, say:

> The judgment in this case, in my view, is not only . . . non-priority unsecured debt but fully dischargeable debt.
>
> Even a car loan has priority over your judgment.

That makes a mockery of the rule of law in this country. This is not a pro-choice or a pro-life law. This is the law that says those who seek violence, threat, and intimidation against legal clinics in America because they somehow feel they have a moral superiority to every one of us will be punished for their actions.

It is a desperately needed proposal. I urge my colleagues to support it.

I yield the floor.

Mr. L. CHAFEE. Mr. President, clinics that provide family planning services and counseling as well as abortions are engaged in an honest, law-abiding activity. These services enable women to exercise their right to make reasoned and informed decisions about their reproductive futures. Yet, given the escalating culture of violence surrounding these clinics, abortion providers and clinic workers risk their lives coming to work each day.

In my own state of Rhode Island, I have heard troubling reports of clinic violence from people such as Pablo Rodriguez M.D., medical director of Planned Parenthood Rhode Island.

Although Congress has made strides to stem clinic violence by passing the Freedom of Access to Clinic Entrances Act (FACE), this statute has not been a panacea. While FACE empowered those victimized by clinic violence to sue, many plaintiffs found liable in civil court for clinic violence seek refuge under our nation's bankruptcy law to avoid paying the financial penalties levied against them.

Providing women's health services is legal; clinic violence is not. I believe we must do anything we can to discourage these horrible acts of violence. Senator SCHUMER's amendment closes a loophole that allows perpetrators of clinic violence to escape the consequences of their actions.

The bankruptcy code was intended to provide a fresh start for honest debtors, not those who have violated the law and endangered innocent lives. Therefore, I urge my colleagues to vote in favor of Senator SCHUMER's amendment.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent the 10 minutes set aside for the Harkin amendment be given to Senator KENNEDY to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Following the statement by Senator KENNEDY, the amendment will be withdrawn.

The PRESIDING OFFICER. The Harkin amendment is not pending.

Mr. REID. I ask unanimous consent the amendment that is now pending be set aside and the Harkin amendment be in order.

The PRESIDING OFFICER. For 10 minutes?

Mr. REID. Yes, and following the statement by Senator KENNEDY, the amendment be withdrawn. And, of course it goes without saying, the time of the majority would be reserved, not be taken as a result of this unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I thank the Chair.

AMENDMENT NO. 2770

(Purpose: Invalidating hidden security interests on nearly valueless household liens)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HARKIN, proposes an amendment numbered 2770.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following section:

SEC. . (a) INVALIDATING HIDDEN SECURITY INTERESTS AND NEARLY VALUELESS HOUSEHOLD LIENS

(1) EXEMPT PROPERTY.—Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

"(4) A lien held by a creditor on an interest of the debtor in any item of household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, or jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor shall be void unless—

"(A) the holder of the lien files with the court and serves on the debtor, within 30 days after the meeting of creditors or before the hearing on confirmation of a plan, whichever occurs first, a sworn declaration that the purchase price for the particular item that is subject to such lien exceeded $1,000 or that the item was purchased within 180 days prior to the filing of the bankruptcy petition, and

"(B)(i) the debtor does not timely object to such declaration; or

"(ii)(I) the debtor objects to such declaration; and

"(II) the court finds that the purchase price of the item exceeded $1,000 or that the item was purchased within 180 days prior to the filing of the bankruptcy petition and that such lien is not avoidable under paragraph (f)(1) of this section.".

(2) CONFORMING AMENDMENTS—Section 104(b)(1) of title 11, United States Code, is amended by inserting '522(f),' after '522(d)'.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. I thank the leaders.

Mr. President, I yield myself 8 minutes at this time.

The PRESIDING OFFICER. The Senator will be recognized for 8 minutes.

Mr. KENNEDY. Mr. President, as the Senate completes its work on the bankruptcy bill, we are more aware than ever of the potential impact of this legislation on American citizens and businesses.

This legislation purports to reform the bankruptcy system and eliminate debtor abuses, and the banking and credit card industries have been urging action on it for the past two years. They argue that during this time of economic expansion, Congress should deal with the increase in bankruptcy filings by curtailing pervasive debtor fraud. If Congress doesn't act, they say, the economy will suffer.

But the industry's cure is worse than the disease. First, they fail to acknowledge a key fact—the steady decline in bankruptcy filings. Without any action by Congress, the number of bankruptcy filings is going down. Filings have dropped in 42 states. Overall, there were 112,000 fewer personal bankruptcies in 1999 than in 1998—the largest one-year drop on record.

Leading economists believe that the bankruptcy crisis is self-correcting. The significant drop in filing is ample indication that a harsh bankruptcy bill is not needed.

It is abundantly clear that the bill before us is unnecessarily harsh. As House Judiciary Committee Chairman HENRY HYDE acknowledged, it contains dozens of provisions that favor creditors, and it fails to address the serious problems that often force citizens into bankruptcy.

The bill will make it more difficult for thousands of debtors who file for bankruptcy because of the layoffs and corporate downsizing that take place after mergers, and that are ordered by businesses to improve profits.

This bill also makes it more difficult for families already torn apart by divorce—particularly divorced women, who are four times more likely to file for bankruptcy than married women or single men.

The bill would also have a devastating effect on the millions of Americans who have no health insurance or substandard coverage. For almost 20 percent of those filing for bankruptcy protection, a health-related problem led to their economic problems.

Earlier in the debate we took the time of the Senate to go through each of those categories, the numbers of people who went into bankruptcy as a result of the mergers and downsizing of major companies and corporations. These are American men and women who have worked hard all of their lives and through no fault of their own were put in very difficult economic straits and run into bankruptcy.

Because of the escalation of divorce, large numbers of single women are particularly vulnerable, because of their credit situation, to run into problems with bankruptcy. We have seen with the decline of health care coverage, particularly among older workers in their fifties, before they are eligible for Medicare, they have been the increasing targets of bankruptcy. These are groups of Americans who have been hard-working all of their lives and now are going to be caught up in this particular legislation which I think is particularly harsh on these individuals, and needlessly so.

In addition, this bill fails to significantly address the serious problems created by the credit card industry. In an average month, 7 percent of all households in the country receive a credit card solicitation. In recent years, the credit card industry has also begun to offer new lines of credit targeted at people with low incomes—people they know cannot afford to pile up credit card debt.

Facts such as these have reduced the economic stability of millions of families, and have led many of them to file for bankruptcy. Two out of every three bankruptcy filers have an employment problem. One out of every five has a health-care problem. Divorced or separated people are three times more likely than married couples to file for bankruptcy. Working men and women in economic free fall often have no choice except bankruptcy.

Although the Senate spent two weeks debating and amending the bankruptcy bill last year and several additional days this year, this bill still does not acknowledge the problems that force so many Americans into bankruptcy. It remains heavily tilted toward the financial services industry, and many needed amendments were defeated.

Simultaneously, amendments were adopted that should be an embarrassment to the Senate. By a one-vote margin, the Senate adopted an amendment that provides for school vouchers, as well as harmful changes in the nation's anti-drug policy.

The Republican leadership offered a watered-down minimum wage increase, tied to a poison pill that cuts overtime pay, and an enormous $71 billion in tax breaks that disproportionately benefit the wealthiest Americans. Those provisions are now part of this bankruptcy bill—making a bad bill even worse.

By failing to increase the minimum wage last year, Congress failed the American people. It is time—long past time—to raise the minimum wage.

Our proposal is modest—a one dollar increase in two installments—50 cents now, and 50 cents a year from now. Over 10 million American workers will benefit. Our position is clear, it's "50-50 or fight!"

Our Democratic proposal to increase the minimum wage by a dollar over the next year will make a significant difference in the lives of all workers who earn the minimum wage and their families.

Unlike the Republican proposal, our Democratic proposal will give minimum wage workers the pay raise they need and deserve, so that they can care more effectively for their families and pay for the food and clothing and housing they need.

We shouldn't delay an increase. We shouldn't stretch it out. We shouldn't use it to slash overtime pay. We shouldn't use it as an excuse to give tax breaks to the wealthy.

Raising the minimum wage is an issue of fairness and dignity. No one who works for a living should have to live in poverty.

Before casting our final votes on this legislation, we have the opportunity to adopt several very important amendments that deserve our support. Yesterday, we started debate on the Levin-Durbin gun amendment, which would prevent gun manufacturers from abusing the bankruptcy system.

Today, Senator SCHUMER offered an amendment that eliminates a loop-hole currently being exploited by perpetrators of clinic violence.

Senator SCHUMER's proposed amendment is neither a prochoice amendment nor an anti-choice amendment. At its heart, it is not about abortion at all. Rather, it is about accountability for violent, illegal acts. It is about preventing those who use tactics of violence and intimidation against reproductive health clinics from using the bankruptcy laws as a shield from financial liability for their unlawful acts.

In response to a wave of violence which included murder, arson, bombing and harassment, Congress enacted the Freedom of Access to Clinic Entrances Act in 1994. That Act established criminal penalties and financial penalties for violence and intimidation directed against reproductive health service patients and providers.

I'm proud to be the Senate author of that legislation because since its passage, incidents of clinic violence have declined significantly. In addition, under the act and other federal and state laws, victims of clinic violence have been able to obtain remedies, and perpetrators of unlawful clinic violence have paid substantial fines and civil penalties.

Unfortunately, some of these offenders are attempting to evade their liability by exploiting the bankruptcy system.

For example, last year a federal judge ordered two anti-abortion groups and twelve individuals to pay in excess of $107 million for anti-choice activities and threats. However, within the last few months, five of those defendants, who collectively owe more than $45.5 million in clinic-violence debts, filed for bankruptcy to avoid the judgments.

For over 100 years, our bankruptcy system has enabled honest debtors to receive a fresh start—but, the bankruptcy laws were never intended to be a safe haven for the deliberate disregard of Federal or State laws.

The Schumer amendment preserves the integrity of the bankruptcy laws, and I urge my colleagues to support it.

The Schumer amendment, the Levin amendment, and others are critical in the needed effort to salvage this bill. Our goal is to enact responsible bankruptcy reform, not a sweetheart deal for the credit card industry.

Mr. President, at the appropriate time, I intend to offer a motion to instruct the conferees on the bankruptcy bill to fix the deeply flawed minimum wage proposal contained in the bill. The watered-down wage proposal in this bill is an insult to the hard-working men and women earning the minimum wage. In this time of plenty, we must not shortchange these workers. We should provide a 50-cent raise now and 50 cents a year from now.

Finally, it is fair to ask when we look at any piece of legislation we do who is going to benefit and who is going to lose. As has been demonstrated during the hearings and during the debate, just about every thoughtful person who has studied the bankruptcy bills remarks about how Congress, over the history of our Nation, has proposed bankruptcy bills which have been balanced between the debtor and the creditor, with the understanding that there are so many millions of Americans who may fall onto hard times briefly but are hard-working, decent people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Mr. President, I ask unanimous consent that 2 minutes of the time that has been set aside for Senator FEINGOLD be allotted to Senator KENNEDY. I have cleared this with Senator FEINGOLD.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, it has been remarkably balanced, with the exception of this legislation.

Finally, when you come down to it, one has to ask who benefits and who loses. It is very clear the winners in this are the credit card companies and the losers are the hard-working men and women who have fallen on difficult times, in most instances due to no fault of their own. They are men and women who have been downsized as a result of mergers. They are men and women who have fallen into serious economic times because of the failure of their health insurance to cover those individuals. They are primarily women who, as a result of their personal relationships, have been divorced and find it difficult to maintain a system of credit.

One can look back over all of these and find they are the victims of this legislation and they are the ones who are going to suffer the harsh penalties of it. It is fundamentally wrong. We have not had the opportunity in this debate to see protections for children and mothers. The reason for the Dodd amendment is to give special protections which historically have been a part of our bankruptcy laws. That has been defeated, as well as the amendments to remedy some of the harsh provisions of the means test.

This legislation is not the legislation that passed the Congress a little over a year ago in which I joined others in supporting. This is not balanced legislation.

For those reasons, plus the fact we have $73 billion of tax breaks for wealthy individuals in here and a denial to the hardest working Americans for fairness in treating them with a minimum wage, it ought to be voted down.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield 6 minutes, or whatever he consumes of the time I have remaining on the Schumer amendment, to the Senator from Alabama. What he does not use I will yield back.

The PRESIDING OFFICER. The Schumer amendment is now pending. The Senator from Alabama is recognized.

AMENDMENT NO. 2650, AS FURTHER MODIFIED, AS PREVIOUSLY AGREED TO

Mr. SESSIONS. Mr. President, my good friend Senator Reed and I have worked together for quite some time now to adopt a provision involving reaffirmations, amendment No. 2650. We have a few technical corrections to which we have agreed, and we have reached an agreement to make these technical corrections.

I send to the desk a modified amendment which includes the technical corrections. I ask unanimous consent that the original amendment No. 2650 be vitiated and that the modified amendment be accepted, substituted, and adopted in its place.

The PRESIDING OFFICER. Under the agreement, the Senator has that right. The Senator from Nevada.

Mr. REID. I have checked with the staff of Senator Reed and the floor staff on this side, and there is no objection to the unanimous consent request of the Senator from Alabama.

Mr. REED. Mr. President, I rise to speak briefly on a technical amendment offered by myself and Senator Sessions. Senator Sessions and I are offering this technical amendment merely to correct some provisions which we felt were needed in order to avoid an unintended reading of the amendment. Reaffirmations are essentially agreements between creditors and consumers whereby the consumer agrees to continue to repay the debt owed the creditor, even after all other debts may be discharged in bankruptcy. Unfortunately, there have been many instances in the past in which consumers have not been well-informed going into these agreements, and in some cases have been coerced into signing them. As some of my colleagues may recall, in offering our original amendment on reaffirmations, Senator Sessions and I had two major goals: the first was to improve consumer's understanding of what they are doing when they agree to reaffirm a debt that they were entitled to, under the law, have discharged. The second goal was to promote efficient handling of reaffirmations in the bankruptcy process. Our November amendment developed a uniform disclosure form that is to be filed with the court along with the reaffirmation agreement into which the consumer is entering. The amendment also expands the authority of the bankruptcy court to review those reaffirmations that are most likely to fail, such as debtors whose income and other expenses clearly indicate that they do not have the ability to repay the debt which they are reaffirming. In that respect, the Reed-Sessions amendment seeks to provide courts with the information they need to determine quickly and efficiently whether these reaffirmations are appropriate or not. The specific changes that we are making today to our original amendment simply clarify certain points we felt may be open to misinterpretation. For example, we want to make it clear that the debt a consumer is reaffirming includes two totals: First is the total amount of the debt the consumer owes, and second is the total amount of any other costs accrued by the consumer since the date they were given the disclosure statement. At another point, we wanted to make clear to the consumer that the payments they would be making on the reaffirmed debt are subject to change, based on their reaffirmation or original credit agreement.

In the part of the amendment detailing certain steps the consumer needs to undertake, we wanted to make clear that consumers would not be penalized if their attorney decides not to sign the reaffirmation agreement and the disclosure statement.

We also want to make clear to consumers that in certain circumstances, they can also redeem the item, rather than reaffirming the debt they have on it. to redeem it, they can simply make one payment equal to the actual value of the item.

All of these mostly minor changes will make the original amendment that much more clear and easier for the consumer to understand when they are going through the unpleasant process of bankruptcy. With all that said, it was my hope to have another point included in the final version of this amendment, but I have agreed not to push for its inclusion at this time. This last piece that I was seeking deals with the amount of time one has to file reaffirmations. I would first like to make it clear that it is not my intention to suggest that the original Reed-Sessions amendment was unclear about the need for timely filing of reaffirmations and the new disclosure form with the court. However, in the course of discussions with consumer advocacy groups, there were strong arguments that it could be interpreted that way. Therefore, I sought what I thought was a judicious approach, which was to create a 50-day window—between the first meeting a debtor has with creditors until the time of discharge—to enter into a reaffirmation agreement. The original Reed-Sessions amendment goes to some length to carefully define the information that must be presented to the debtor, the instructions that the debtor must receive, and the conditions under which this information must be presented to the courts. However, I think we will all recognize that this information is most useful to the courts if it can be provided in a timely manner.

The underlying bill already contains a number of provisions that outline certain deadlines for actions that the consumer must undertake within the course of bankruptcy. Therefore, this new deadline would be entirely consistent with those others already present in the bill. I believe a deadline of some kind is necessary in this case as we have seen certain abuses in the past, most notable in the case of Sears, where there appeared to be no effort to file these reaffirmation agreements with the court, yet all the while consumers continue to pay as if they had been. I would also like to point out that several advocates and bankruptcy judges were consulted on the timing issue, notably Judge Eugene Weedoff of Chicago and Judge Thomas Carlson of California, as well as Professor Elizabeth Warren of Harvard University. However, I'm pleased to say that I have come to an agreement with Senator Sessions on the technical amendment and on addressing the timing issue with regard to filing reaffirmations. Therefore, I would urge the support of this amendment.

The amendment (No. 2650), as further modified, as previously agreed to, reads as follows:

SEC. 1. REAFFIRMATION.

In S. 625, strike section 203 and section 204(a) and (c), and insert in lieu of 204 (a) the following—

"(a) In general.—Section 524 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) In subsection (c) by striking paragraph (2) and inserting the following:

"(2) the debtor received the disclosures described in subsection (i) at or before the time the debtor signed the agreement.

(2) By inserting at the end of the section the following—

"(i)(1) the disclosures required under subsection (c) paragraph (2) of this section shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement, statement, declaration, motion and order described, respectively, in paragraphs (4) through (8) of this subsection, and shall be the only disclosures required in connection with the reaffirmation.

"(2) Disclosures made under this paragraph shall be made clearly and conspicuously and in writing. The terms "Amount Reaffirmed" and "Annual Percentage Rate" shall be disclosed more conspicuously than other terms, data or information provides in connection with this disclosure, except that the phrases "Before agreeing to reaffirm a debt, review these important disclosures" and "Summary of Reaffirmation Agreement" may be equally conspicuous. Disclosures may be made in a different order and may use terminology different from that set forth in paragraphs [(2) through (8)], except that the terms "Amount Reaffirmed" and "Annual Percentage Rate" must be used where indicated.

"(3) The disclosure statement required under this paragraph shall consist of the following—

"(A) The statement: "Part A: Before agreeing to reaffirm a debt, review these important disclosures:";

"(B) Under the heading "Summary of Reaffirmation Agreement", the statement: "This Summary is made pursuant to the requirements of the Bankruptcy Code";

"(C) The "Amount Reaffirmed", using that term, which shall be (I) the total amount which the debtor agrees to reaffirm and (II) the total of any other fees or cost accrued as of the date of the disclosure statement."

"(D) In conjunction with the disclosure of the "Amount Reaffirmed", the statements

(I) "The amount of debt you have agreed to reaffirm"; and

(II) "Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement";

"(E) The "Annual Percentage Rate", using that term, which shall be disclosed as —

"(I) If, at the time the petition is filed, the debt is open end credit as defined pursuant to the Truth in Lending Act, title 15 United States Code section 1601 et. seq., then

"(aa) the annual percentage rate determined pursuant to title 15 United States Code section 1637(b)(5) and (6), as applicable, as disclosed to the debtor in the most recent periodic statement print to the agreement or, if no such periodic statement has been provided the debtor during the prior six months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

"(bb) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed; or

"(cc) if the entity making the disclosure elects, to disclose the annual percentage rate under (aa) and the simple interest rate under (bb).

"(II) if, at the time the petition is filed, the debt is closed end credit as defined pursuant to the Truth in Lending Act, title 15 United States Code section 1601 et. seq., then

"(aa) the annual percentage rate pursuant to title 15 United States Code section 1638(a)(4) as disclosed to the debtor in the most recent disclosure statement given the debtor prior to the reaffirmation agreement with respect to the debt, or, if no such disclosure statement was provided the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor; or to the extent this annual percentage rate is not readily available or not applicable, then

"(bb) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed; or

"(cc) if the entity making the disclosure elects, to disclose the annual percentage rate under (aa) and the simple interest rate under (bb)."

"(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given pursuant to the Truth in Lending Act, title 15, United States Code, section 1601 et. seq, by stating "The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower."

"(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the obligations you are reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan."

"(H) At the election of the creditor, a statement of the repayment schedule using one or a combination of the following—

"(I) by making the statement: "Your first payment in the amount $ is due on but the future payment amount may be different. Consult your reaffirmation or credit agreement, as applicable.", and stating the amount of he first payment and the due date of that payment in the places provided;

"(II) by making the statement: "Your payment schedule will be:", and describing the repayment schedule with the number, amount and due dates or period of payments scheduled to repay the obligations reaffirmed to the extent then known by the disclosing party; or

"(III) by describing the debtor's repayment obligations with reasonable specificity to the extent then known by the disclosing party.

"(I) The following statement: "Note: When this disclosure talks about what a creditor "may" do, it does not use the word "may" to give the creditor specific permission. The word "may" is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirmation or what the law requires, talk to the attorney who helped you negotiate this agreement. If you don't have an attorney helping you, the judge will explain the effect of your reaffirmation when the reaffirmation hearing is held.";

"(J) The following additional statements:

"Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

"1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

"2. Complete and sign part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

"3. If you were represented by an attorney during the negotiation of the reaffirmation agreement, the attorney must have signed the certification in Part C.

"4. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, you must have completed and signed Part E.

"5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

"6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in part D."

"7. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your agreement. The bankruptcy court must approve the agreement as consistent with your best interest, except that no curt approval is required if the agreement is for a consumer debt secured by a mortgage, deed of trust, security deed or other lien on your real property, like your home.

"Your right to rescind a reaffirmation. You may rescind (cancel) your reaffirmation at any time before the bankruptcy court enters a discharge order or within 60 days after the agreement is filed with the court, whichever is longer. To rescind or cancel, you must notify the creditor that the agreement is canceled.

"What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy. That means that if you default on your reaffirmed debt after your bankruptcy is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if your are reaffirming an open end credit agreement, the creditor may be permitted by that agreement and/or applicable law to change the terms of the agreement in the future under certain conditions.

"Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

"What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A "lien" is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your state's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court."

"(4) To form of reaffirmation agreement required under this paragraph shall consist of the following—

"Part B: Reaffirmation Agreement. I/we agree to reaffirm the obligations arising under the credit agreement described below.

"Brief description of credit agreement:

Description of any changes to the credit agreement made as part of this reaffirmation agreement:

Signature: Date:

Borrower:

Co-borrower, if also reaffirming:

Accepted by creditor:

Date of creditor acceptance:";

"(5)(i) The declaration shall consist of the following:

"Part C: Certification by Debtor's Attorney (If Any)

I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor(s); (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

Signature of Debtor's Attorney: Date:";

(ii) In the case of reaffirmations in which a presumption of undue hardship has been established, the certification shall state that in the opinion of the attorney, the debtor is able to make the payment."

"(6) The statement in support of reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following—

"Part D: Debtor's Statement in Support of Reaffirmation Agreement.

1. I believe this agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $, leaving $ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here:

2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.";

"(7) The motion, which may be used if approval of the agreement by the court is required in order for it to be effective and shall be signed and dated by the moving party, shall consist of the following—

"Part E: Motion for Court Approval (To be completed only where debtor is not represented by an attorney.) I (we), the debtor, affirm the following to be true and correct:

"I am not represented by an attorney in connection with this reaffirmation agreement.

"I believe this agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement above, and because (provide any additional relevant reasons the court should consider):

"Therefore, I ask the court for an order approving this reaffirmation agreement."

"(8) The court order, which may be used to approve a reaffirmation, shall consist of the following—

"Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.";

"(j) Notwithstanding any other provision of this title—

"(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement with the court.

"(2) A creditor may accept payments from a debtor under a reaffirmation agreement which the creditor believes in good faith to be effective.

"(3) The requirements of subsections (c)(2) and (i) shall be satisfied if disclosures required under those subsections are given in good faith.

"(k) Until 60 days after a reaffirmation agreement is filed with the court (or such additional period as the court, after notice and hearing and for cause, orders before the expiration of such period), it shall be presumed that the reaffirmation agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of the reaffirmation agreement required under subsection (i)(6) of this section is less than the scheduled payments on the reaffirmed debt. This presumption must be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation which identifies additional sources of funds to make the payments as agreed upon under the terms of the reaffirmation agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove the agreement. However, no agreement shall be disapproved without notice and hearing to the debtor and creditor and such hearing must be concluded before the entry to the debtor's discharge."

SEC. 2. JUDICIAL EDUCATION.

Add at the appropriate place the following:

"( ) JUDICIAL EDUCATION.—The Director of the Administrative Office of the United States Courts, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing the act, including the requirements relating to the 707(b) means test and reaffirmations."

The PRESIDING OFFICER. The Senator from Alabama still has the floor.

REAFFIRMATIONS

Mr. SESSIONS. Mr. President, I would like to address an issue that Senator REED and I have been working on for many months. We have sought to reform the process of reaffirmations, to fully inform debtors of the details and consequences of reaffirming debts, to prevent abuse of this process by dishonest debtors and creditors, and protect honest individuals who wish to enter a reaffirmation agreement. Senator REED and I have worked for months to reach this point, and we have tried to craft a balanced amendment that protects the interests of everyone involved. That amendment passed the Senate last year. At this point, Senator REED and I have agreed on a few technical changes, and identified one substantive issue that remains outstanding. The substantive issue concerns the time limit for reaffirmation agreements to be approved by the court. Current law provides 90 days, and Senator REED would prefer 50 days. Given the support for the underlying amendment, Senator REED and I were most concerned with making the technical changes to ensure that the agreement that was reached accurately represented the common intent and to reserve the timing issue for conference.

Mr. REED. Mr. President, my friend from Alabama is correct. I believe that we have an honest, fair reform to the reaffirmation process and procedure. I know there has been a great deal of work dedicated to this end, and I am pleased we have arrived at this common ground. I have some concerns about the time limits for approval of these reaffirmation agreements. I had hoped this timing issue would be resolved, but I share Senator SESSIONS' desire to see this amendment passed with the technical corrections. I would ask my friend if he shares my interest in addressing this timing issue in conference?

Mr. SESSIONS. I believe your concern is reasonable, and I will work with you to see that this issue is addressed in conference. I am confident that we can reach a consensus on the timing issue, and that all sides will be able to accept the change.

Mr. REED. I thank the Senator.

Mr. SESSIONS. Mr. President, I will briefly say in response to the comments made by the distinguished senior Senator from Massachusetts that this is a fair and balanced bill. It does a number of good things to help those who have financial difficulties. It closes loopholes and ends unfairness in provisions that are being abused and making a mockery out of legitimate bankruptcy law.

For example, children or those who are eligible to receive child support and alimony are raised to the highest possible level, even above attorney fees and trustee fees in bankruptcy. They are the highest possible level. If an individual owes a number of debts and one of those is for child support, the child support is to be paid first.

There is nothing in this bill that is harsh. Any American making below the median income level will fundamentally find their bankruptcy filing procedure under the needs-based rule has not changed. It is only for those who make above the median income that a question will be raised as to whether or not they can pay back some of their debts.

There are literally thousands of individuals in America today who owe limited debts, who may have incomes of $80,000, $90,000, or $200,000, and choose to file for bankruptcy. Under the current law, they can wipe out all their debts, even those owed to people much less wealthy than they, and not pay any debts.

Under this provision of law, if you have an income above the median income level, the bankruptcy court may conclude you can pay some of your debts, and if you can, you are given 5 years to pay some of those debts to somebody from whom you have received a benefit or else you would not have a debt.

I thank Senator GRASSLEY for his work on this bill. I am troubled that anyone would say it is unfair and does not help make this system better. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. We have now yielded back all time on the SCHUMER amendment. It is my understanding this side has 10 minutes reserved under the Harkin amendment.

The PRESIDING OFFICER. The Senator from Iowa is correct.

All time has expired on the SCHUMER amendment.

AMENDMENT NO. 2770

Mr. GRASSLEY. I yield myself such time as I might consume on the Harkin amendment. I will not use all of the time because I want to encourage Senator FEINGOLD or Senator LEVIN to go ahead with their amendments.

Mr. REID. I say to my friend from Iowa, as soon as the Senator completes his statement the Senator from Michigan is ready to proceed.

Mr. GRASSLEY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I wish to respond to what the Senator from Massachusetts spoke about so passionately. I probably do not speak with the same passion he does, but I do want to say that he has it completely wrong. You cannot ignore the fact that since 1980 bankruptcies have increased from around 330,000 in that year to just under 1.4 million in 1999. That is a fact that cannot be ignored.

Consequently, it seems to me to be completely wrong for some other Senator to say we do not have a bankruptcy problem in the United States. Congress ought to deal with it, and changing the law will help. I do not pretend changing the law is going to entirely respond to that problem, but the extent to which it does, we should do it because this increase in bankruptcies is a huge increase. The small dip in the filings that Senator KENNEDY has referred to will not erase this very basic, fundamental problem we have in our economy with the bankruptcy laws. We have a real bankruptcy crisis on our hands. We cannot ignore that.

Perhaps the Senator from Massachusetts does not remember what his own President said in the State of the Union Address. The President of the United States said, just a few days ago, these are prosperous times. People are not in bankruptcy then because of hard times. If this is a problem when we have very prosperous times, what sort of a bankruptcy problem are we going to have when we have a recession or a depression?

One other point that the Senator from Massachusetts spent a great deal of time on is how he sees the problems of minimum wage in this bill. There is a minimum wage increase in this bill. It isn't there because we Republicans sought to join minimum wage with the bankruptcy bill. We were going to debate minimum wage at another time. We were going to increase minimum wage at another time, but it was the Democratic Party that made a decision to put minimum wage on the bankruptcy bill.

I do not even like nongermane things being included on other pieces of legislation, but it is a pattern too often adopted and too readily accepted in the Senate. So it is done. But on this side of the aisle, I argued that we should not mix minimum wage with bankruptcy. I do not want the weight of that issue, as important as increasing the minimum wage is, with the issue of reforming the bankruptcy code. But on the other side of the aisle they chose to do it. So what do we hear?

Now we are hearing complaints about the minimum wage bill on the bankruptcy bill. We are hearing threats about instructing conferees to do something about it. If it is a problem, it is a problem because the other side of the aisle made it a problem by including it. I remind them that they ought to be very careful what they wish for because sometimes they get it.

The Senator from Massachusetts has asked who will win and who will lose. Under this bill, the honest American people, who have to pay the higher prices because other people go into bankruptcy and do not pay their bills—because we have deadbeats out there—are the ones who will win by this legislation.

We still preserve the historic principle of our bankruptcy laws that some people who are in debt, through no fault of their own, are entitled to a fresh start. But when it comes to this basic principle of economics that there is no free lunch, there is no free lunch in bankruptcy, either. Somebody pays.

In this particular instance, the honest American consumer is paying $400, for a family of four, to cover debts of somewhere between $30 billion and $50 billion a year that go unpaid because of people who ought to be paying their bills. Worse yet, we have a situation where some people who do have the ability to pay their bills are not paying their bills, either. We are sending a clear signal that those who have the ability to pay are not going to get off scot-free.

I relinquish the remainder of our time. Hopefully, we can proceed, then, to the next amendment.

The PRESIDING OFFICER. Time has expired on the Harkin amendment.

AMENDMENT NO. 2770, WITHDRAWN

Mr. REID. Mr. President, it is my understanding that automatically, based on the unanimous consent request previously agreed to, the Harkin amendment is withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending business is the Schumer amendment No. 2763.

AMENDMENT NO. 2748, AS MODIFIED

(Purpose: To provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed, and for other purposes)

Mr. FEINGOLD. Mr. President, I ask unanimous consent that amendment be temporarily laid aside so I can call up amendment No. 2748, as modified by amendment No. 2779.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2748, as modified.

Mr. FEINGOLD. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 108, line 15, strike "; and" and insert a semicolon.

Beginning on page 108, strike line 18 and all that follows through page 109, line 7, and insert the following:

"(23) under subsection (a)(3) of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property—

"(A) on which the debtor resides as a tenant under a rental agreement; and

"(B) with respect to which—

"(i) the debtor fails to make a rent payment that initially becomes due under the rental agreement or applicable State law after the date of filing of the petition or within the 10 days prior to the filing of the petition, if the lessor files with the court a certification that the debtor has not made a payment for rent and serves a copy of the certification to the debtor; or

"(ii) the debtor's lease has expired according to its terms and (a) or a member of the lessor's immediate family intends to personally occupy that property or (b) the lessor has entered into an enforceable lease agreement with another tenant prior to the filing of the petition, if the lessor files with the court a certification of such facts and serves a copy of the certification to the debtor;

"(24) under subsection (a)(3) of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property, if during the 1-year period preceding the filing of the petition the debtor—

"(A) commenced another case under this title; and

"(B) failed to make a rent payment that initially became due under an applicable rental agreement or State law after the date of filing of the petition for that other case; or

"(25) under subsection (a)(3), of an eviction action based on endangerment of property or the use of an illegal drug, if the lessor files with the court a certification that the debtor has endangered property or used an illegal drug and serves a copy of the certification to the debtor''; and

(4) by adding at the end of the flush material at the end of the subsection the following: ''With respect to the applicability of paragraph (23) or (25) to a debtor with respect to the commencement or continuation of a proceeding described in that paragraph, the exception to the automatic stay shall become effective on the 15th day after the lessor meets the filing and notification requirements under that paragraph, unless the debtor takes such action as may be necessary to address the subject of the certification or the court orders that the exception to the automatic stay shall not become effective or provides for a later date of applicability.''.

Mr. FEINGOLD. Mr. President, how much time am I allotted on this amendment?

The PRESIDING OFFICER. The Senator from Wisconsin has 13 minutes on this amendment.

Mr. FEINGOLD. Mr. President, this amendment is what we have referred to in this debate on the bankruptcy bill as the ''landlord-tenant amendment.'' We had extensive debate on this amendment in November before we recessed for the year. We did make some progress in identifying the areas of dispute and, I think, in narrowing our differences as well.

To remind my colleagues, this amendment is designed to reduce the harsh consequences of section 311 of the bill on tenants, while at the same time protecting legitimate financial interests of landlords.

To review, current law provides for an automatic stay of eviction proceedings upon the filing of a bankruptcy case. Landlords can apply for relief from that stay so the eviction can proceed, but it is a process that often takes a few months.

What section 311 of the bill does is eliminate the stay in all landlord-tenant cases so an eviction can proceed immediately, completely, regardless of the circumstances.

What my amendment would do is allow tenants to remain in their apartments as they try to sort out the difficult consequences of bankruptcy, if—and only if—they are willing to pay the rent that comes due after they file for bankruptcy or that comes due within the 10 days before bankruptcy. If the tenant fails to pay rent, the stay can be lifted without further proceedings 15 days after the landlord provides notice to the court that the rent has not been paid. If the reason for the eviction is drug use or property damage, the stay can also be lifted after 15 days. Finally, if the lease has actually expired by its terms—in other words, if there is no more time on the lease—and if the landlord or a member of his or her family plans to move in to the property, then again, after 15 days notice, the eviction can proceed.

There is no 15-day notice period, with a chance for the tenant to go into court and challenge the allegations of the landlord, if the tenant has filed for bankruptcy previously. In other words in cases of repeat filings, the stay never takes effect, just as under section 311 in this bill. That is the main abuse that has been alleged in Los Angeles County, where unscrupulous bankruptcy petition preparers advertise filing bankruptcy as a way to live ''rent free.'' So under my amendment, a debtor can never live ''rent free.'' The debtor has to pay rent after filing for bankruptcy. If a debtor misses a rent payment, the stay will be lifted 15 days later. And the automatic stay does not take effect at all if the tenant is a repeat filer.

So my amendment gets at the abuse, and it protects the rights and economic interests of the landlord. What it eliminates is the punitive aspect of Section 311, and the possibility that tenants who are willing and able to pay rent once they get a little breathing room from their other creditors will instead be put out on the street. I am frankly disappointed that my colleague from Alabama, with whom I have had a good debate on this issue, and the property owners organizations are insisting on the harsh aspects of section 311 when my amendment would get at the problems they have identified just as well.

It is also important to note that even in cases where a tenant pays the rent that is due after filing for bankruptcy, my amendment leaves intact the current law that allows landlords to get relief from the automatic stay. Let me be very clear about that. My amendment does not eliminate the ability of landlords to apply for relief from the stay under current law. The law now gives debtors some breathing room in legal proceedings, including eviction proceedings. But landlords can apply for relief from the stay. It is not an abuse of the law to take advantage of the automatic stay to get your affairs in order. Many tenants use that time to work out a payment schedule for their back rent so they can avoid eviction altogether.

Most landlords don't want to throw people out on the street—they just want to be paid. My amendment requires that they be paid once bankruptcy is filed, or the eviction can proceed immediately. But even if the rent is paid while the bankruptcy case is pending, a landlord can still seek relief from stay under the normal procedures and press forward with the eviction.

I have a letter from the National Association of Realtors, a powerful lobbying association, that is unalterably opposed to my amendment. This letter is dated January 24, 2000, several days ago. It urges opposition to my amendment, which it says will ''seriously weaken'' the bill. But listen to what it says about the bill. The letter says that current law allows for ''serious fraud and abuse.'' But my amendment deals with the cases of fraud and abuse by disallowing the automatic stay in the case of repeat filings. And the Realtor's letter says that current law allows tenant to ''live rent free at the expense of the property owner.'' But my amendment does not allow tenants to live rent free. They have to pay rent once the bankruptcy is filed. And it says that prospective tenants often ''have to wait 6 months or longer, as they do now, to get into rental property units occupied by residents overstaying their lease.'' Well that is simply not true under my amendment. This amendment allows for expedited relief from stay in any case where the lease has expired according to its terms and the landlord has entered into a valid rental agreement with another tenant prior to the filing of the bankruptcy petition.

Every single one of the arguments made by the National Association of Realtors against the amendment is refuted by the amendment itself, every one. Yet this group persists in urging the Senate to reject the amendment. It says, speaking about the provisions of the bill that the amendment will modify: ''we believe these common sense provisions will curb abusive use of the Bankruptcy Code.'' If the Realtors were honest, they would admit that my amendment will do exactly the same thing. It will curb abusive use of the Bankruptcy Code. But it will also continue to allow the code to provide protection to people who are not abusing the system, but simply using it to get back on their feet, and keep a roof over their heads. Those people would be treated too harshly by the current bill, and it is unfortunate that the Realtors, in their zeal to get as many advantages for landlords as they can, refuse to see that.

I have modified this amendment in the spirit of compromise to address all of the concerns that the Senator from Alabama raised in debate last year. This amendment addresses the abuse, it is fair to landlords and makes sure they are not economically harmed when a tenant files for bankruptcy, and it is fair to debtors who file for bankruptcy in good faith and simply need a little breathing space to get their lives in order.

I urge my colleagues to look carefully at this amendment, and I hope they will support it.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, the Senator from Alabama wants to speak against the amendment of the Senator from Wisconsin and also against the amendment of the Senator from Michigan very shortly. The manager of the bill has asked permission that we go immediately to the Levin amendment and reserve the remainder of the time of the Senator from Wisconsin, and that the Senator from Alabama, Mr. SESSIONS, be allowed to speak at the same time against both amendments. Does the Senator from Wisconsin have objection to that?

Mr. FEINGOLD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin has 6 minutes remaining on his amendment.

The Senator from Michigan.

AMENDMENT NO. 2658

(Purpose: To provide for the nondischargeability of debts arising from firearm-related debts, and for other purposes)

Mr. LEVIN. Mr. President, what is the pending matter?

The PRESIDING OFFICER. The clerk will report the Levin amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. DURBIN, Mr. WYDEN, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. SCHUMER, proposes an amendment numbered 2658.

The amendment is as follows:

On page 124, between lines 14 and 15, insert the following:

SEC. . CHAPTER 11 NONDISCHARGEABILITY OF DEBTS ARISING FROM FIREARM-RELATED DEBTS.

(a) IN GENERAL.—Section 1141(d) of title 11, United States Code, as amended by section 708 of this Act, is amended by adding at the end the following:

"(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt that is—

"(A) related to the use or transfer of a firearm (as defined in section 921(3) of title 18 or section 5845(a) of the Internal Revenue Code of 1986); and

"(B) based in whole or in part on fraud, recklessness, misrepresentation, nuisance, negligence, or product liability.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 901(d) of this Act, is amended—

(1) in paragraph (27), by striking "or" at the end;

(2) in paragraph (28), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (28) the following:

"(29) under subsection (a) of this section, of—

"(A) the commencement or continuation, and conclusion to the entry of final judgment or order, of a judicial, administrative, or other action or proceeding for debts that are nondischargeable under section 1141(d)(6); or

"(B) the perfection or enforcement of a judgment or order referred to in subparagraph (A) against property of the estate or property of the debtor.".

The PRESIDING OFFICER. The Senator from Michigan is recognized for 20 minutes.

Mr. LEVIN. I thank the Chair.

This amendment, which is cosponsored by a number of our colleagues, provides that gun manufacturers and distributors cannot evade responsibility for damages that are caused by their reckless or negligent conduct or their fraudulent conduct by seeking reorganization in bankruptcy court. It is that straightforward. We already have about 18 provisions in the bankruptcy law based on public policy which provide that certain kinds of debts are not dischargeable.

For instance, we have in the law a provision that says if you drive while drunk and you injure somebody, you cannot discharge that obligation by going bankrupt. Senator Danforth made an eloquent statement on this floor arguing for justification for that particular exception, that nondischargeability, when he said:

> Today there exists an unconscionable loophole in the bankruptcy statute which makes it possible for drunk drivers who have injured, killed or caused property damage to others to escape civil liability for their actions by having their judgment debt discharged in Federal bankruptcy court. This loophole affords opportunities for scandalous abuse of the judicial process.

Following Senator Danforth's and others' pleas that we make liability resulting from drunken driving nondischargeable in bankruptcy, this Congress added another nondischargeable obligation in our bankruptcy law. We have about 18 of those provisions. We have a provision that says if you have an obligation to the Government for a student loan, you are not going to be able to get rid of that by going bankrupt. We have a provision in the bankruptcy law which says if you have an obligation to a co-op or to a condo for a fee you owe to them, under certain circumstances that is not going to be dischargeable in bankruptcy.

And what we are saying now in this amendment is that where a gun manufacturer or a distributor, through his own reckless, negligent, or fraudulent conduct causes damages to individuals or our communities, they should not be able to reorganize in bankruptcy court and get rid of that debt.

This is the public policy purpose beyond this particular provision. It has the support of many organizations such as Handgun Control, which is Sarah Brady's group, has written in support of this amendment, saying:

> Gun manufacturers, distributors, and dealers should not be able to evade these legitimate claims for damages.

In 1996, Lorcin Engineering Company, one of the chief manufacturers of Saturday night specials, or junk guns, filed for chapter 11 bankruptcy. Other gun manufacturers such as Davis Industries and Sundance Industries have followed Lorcin's lead and have filed for bankruptcy to avoid liability. We must not allow other companies to take advantage of this bankruptcy system.

We have an unusual provision in the law that exempts the gun industry from safety and health regulation. It is the only industry that is explicitly exempt from health and safety regulations and from the jurisdiction of the Consumer Product Safety Commission. No agency has safety oversight over manufacturers who have produced unsafe firearms, and so litigation serves as the only mechanism that can hold the industry responsible.

What this amendment says is that where there is damage caused by fraud or reckless or negligent conduct of a manufacturer or distributor, that manufacturer or distributor should not be able to reorganize itself out of accountability, away from responsibility by going to bankruptcy court. The public policy purpose behind this amendment is a powerful one, indeed.

In addition to Sarah Brady's organization, which I have mentioned, the National League of Cities supports this amendment. They have written a letter dated November 16:

> Like debts incurred by drunk driving, Congress must send a clear and convincing message that it will not permit debtors to escape debts incurred by improper conduct. It is crucial that the Federal Government do all that it can to help local law enforcement effectively address gun violence with common-sense legislation that curtails access to firearms, including altering the bankruptcy code.

Too many of these companies have already said they are going to try to reorganize to escape liability. It is a tactic they are using. That is not what the bankruptcy law is all about. The bankruptcy law is not intended to provide that kind of a haven for companies that have engaged in reckless conduct or negligent conduct, to evade responsibility for their obligations.

Now, the reasons the National League of Cities has taken this position are many, but one of them is that 30 cities and counties have filed lawsuits against gun manufacturers or distributors alleging reckless, negligent, or fraudulent conduct on the part of those manufacturers or distributors. New Orleans, LA; Chicago, IL; Miami, FL; Atlanta, GA; Cleveland and Cincinnati, OH; Detroit, MI; San Francisco, CA; St. Louis, MO; and other cities and communities have filed lawsuits alleging reckless conduct, negligent conduct, or fraudulent conduct on the part of a gun manufacturer or distributor. They very strongly support this amendment, as does the U.S. Conference of Mayors and the Violence Policy Center.

The Violence Policy Center issued a statement saying that this amendment is necessary to ensure that firearm manufacturers, which are exempt from Federal health and safety regulation—and I emphasize the only group that is exempt from Federal health and safety regulation explicitly is the firearms manufacturers. They have gotten that exemption. Yet when it comes to trying to close a loophole in the bankruptcy law, which they are using tactically to evade responsibility, they claim they are being singled out. Indeed, they have singled themselves out in gaining exemption from Federal health and safety regulation, and the only way in which they can be held accountable is through the civil justice system. That is why the Violence Policy Center has written a letter of support, indicating that lack of health and safety regulation means the civil justice system is the only mechanism available to regulate the conduct of gun manufacturers.

Mr. President, this amendment is in response to a tactic that has now been declared by a number of gun manufacturers, that when faced with allegations or judgments based on damages caused by reckless or negligent misconduct, they will seek protection through reorganization in the bankruptcy courts. We are trying to reduce the level of gun violence in this country, and one way to do it, a way to support the cities and the mayors and the individuals who have been victimized by reckless or negligent manufacture or distribution, is to close a loophole in the bankruptcy system which a number of gun manufacturers have explicitly said they will use tactically to try to evade responsibility for their misconduct.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator has 11 minutes remaining.

Mr. GRASSLEY. Mr. President, I yield such time as he consumes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 2748, AS MODIFIED

Mr. SESSIONS. Mr. President, Senator FEINGOLD has again presented an amendment involving landlords and eviction cases. It is one of the biggest problems we have in the bankruptcy code. He has made some progress from his original amendment, but it still basically makes a Federal case out of eviction proceedings. Under Senator FEINGOLD's amendment, when a lease has expired, tenants can go to bankruptcy court to delay and file motions and have hearings that can draw out the case even longer than the time that the Senator has suggested would normally occur. That ought to be done in State systems where eviction cases are traditionally litigated—not in Federal Bankruptcy court.

Every State has a procedure and remedies and rights for tenants being evicted. That is where those cases ought to be handled, not in bankruptcy court. We know that 3,886 people filed bankruptcy in Los Angeles County in 1996 simply for the purpose of defeating eviction. We have seen advertisements in newspapers saying, "hire us as your bankruptcy lawyer and we can delay your eviction for 7 months." This is the kind of thing that is not healthy, the kind of thing that has disrupted and distorted bankruptcy law. I believe bankruptcy law upsets legitimate landlords, many of whom are retirees and people who have only a few apartments or a duplex that they manage, when they can't get a tenant out.

So this amendment that he proposes, in effect, continues the process of allowing the tenant to take his eviction case to bankruptcy court. This is what has been happening and what will continue to happen if the Senator's amendment is adopted. A tenant contests an eviction in State court, and as he moves toward the conclusion of that case, he then has his bankruptcy lawyer file bankruptcy. An automatic stay would occur even with this notice Senator FEINGOLD proposes, at least for 2 weeks. Then they would be eligible for a hearing in bankruptcy court on the certification that had been submitted, and then that would delay things.

After the landlord eventually wins, for example, in a case in which the lease has expired, the case still then has to go back to State court and has to be revived because it is at the bottom of the judge's docket. The landlord has to go back to the State court lawyer to proceed with it. I think that is a completely unworkable proposal. I do understand the Senator's concern. We ought to do all we can to help those who are homeless. We have many provisions for dealing with homeless people, but mandating private landlords to provide housing for people who do not have a valid lease is not the right approach, in my view.

Mr. President, with regard to the gun issue, I think we need to think clearly about what we are doing. We are talking about removing bankruptcy protection from two kinds of judgments: Judgments incurred by people who "potentially" violate the law near an abortion clinic and judgments incurred by firearms manufacturers or dealers when some third party breaks the law by using a firearm to injure another person.

Each of us has a special responsibility, I believe, to this Senate and our constitutional responsibilities to create a coherent, fair justice system for allowing citizens' debts to be discharged. That is what bankruptcy is. Every time someone declares bankruptcy, someone whom he or she justly owes is not paid—a store owner, a doctor, a bank, or whoever.

So most of us are here to achieve honest bankruptcy reform. These amendments, however, involving the abortion clinic exception and the gun manufacturers exception have all the earmarks of partisan injection of politics into the bankruptcy code and an attack on people who are unpopular, particularly groups or institutions that are unpopular with the political left. These political attacks come at the expense of the integrity and consistency of our bankruptcy system. We should not allow these kinds of attacks to happen. It is our duty to create a legal system for all Americans and not just to pursue special interest politics.

One Senator who proposed this amendment said, well, if it is political, it is popular. I do not believe it would be popular if we had a group of citizens and we explained exactly with regard to the abortion clinic or with regard to the gun manufacturers how they were being targeted specifically in ways that similar businesses and institutions were not being targeted and were not being given an exemption from bankruptcy.

I suggest that this is not a targeting of violence. These amendments are basically targeting political enemies. The amendments create an exception to the generally applicable bankruptcy protections for two specific classes: Pro-life activists who are overzealous and may violate Federal law, and firearms manufacturers that in general adhere to the law with great attention and, as a matter of fact, do what they are supposed to do and sell firearms according to Federal regulations.

Remember that by the established rule of law, any debt that arises from "wilful or malicious" conduct by any institution today is not dischargeable in bankruptcy. In other words, if you commit an action that is malicious or willful and you go into bankruptcy court, you can't wipe out that debt; you still have to pay it.

If we remove the general bankruptcy protection for court judgment against these targeted groups, why aren't we eliminating these protections for other types of debtors whose acts other people may not like in this country? If the goal were to stop violence and protect children from exposure to bad products, you might expect my colleagues who support this amendment to offer amendments that remove generally applicable bankruptcy protections from other entities.

For example, I don't see them proposing to remove protections for union leaders who may acquiesce in strike violence around a plant, or environmental terrorists or their organization who may damage the equipment of logging companies. They are not proposing we provide special protections for Hollywood production companies that inundate our children with smut and violence.

Take, for example, the Hollywood entertainment industry. Through pornographic, violent movies and other activities, this industry pumps violent images into the minds of our people, especially children.

Michael Carneal, the high school student in Paducah, KY, who killed several of his classmates, stated that the violent Hollywood movie, "The Basketball Diaries," which featured a disaffected high school student who shoots a gun into a classroom of students, influenced him to commit his horrible crime.

Eric Harris and Dylan Klebold—the killers in the Littleton, CO, Columbine

High School—were avid players of the video game "Doom" in which they hunted down and shot their victims. As the New York Times stated, "the search for the cause in the Littleton shootings continues, and much of it has come to focus on violent video games."

Will there be lawsuits against those companies?

Who can forget Ted Bundy, a serial killer who preyed on young co-eds, who was convicted and sentenced to death in the electric chair? He confessed that he became addicted to pornography and that pornography played a major role in developing his homicidal fantasies that led to his violent and horrific crimes.

As Senator HATCH's recent Report entitled, "Children, Violence, and the Media" noted: "The debate is over," begins a position paper on media violence by the American Psychiatric Association, "[f]or the last three decades, the one predominant finding in research on the mass media is that exposure to media portrayals of violence increases aggressive behavior in children." In the words of Jeffrey McIntyre, legislative and federal affairs officer for the American Psychological Association, "To argue against it is like arguing against gravity."

But Hollywood and other activist groups are not targets of these bankruptcy penalties. Why? Because they are friends of some of the people proposing these amendments.

After criticizing Hollywood in public for violent movies and video games that could be responsible for tragedies such as the one at Columbine High School, President Clinton that same day went to a fundraiser in which Hollywood contributors gave $2 million to the Democratic Party.

Supporters of this amendment say they want to stop those who peddle violence to children; that is, punish gun manufacturers, they say. But what about these others who could be sued and have judgments against them? I could say let's provide an exception to them. But, really, that is not the right approach for us to take. We ought not to be carving out exceptions and protections and targeting groups we don't like. We need to create a basic bankruptcy law that treats all lawful businesses the same.

It certainly strikes me as odd that we would want to target people who feel deeply about an issue such as abortion and who, through perhaps excess zeal, may potentially violate the law when protesting against abortion. But what about other groups? Union leaders are also picketing. Civil rights groups, ACLU groups—why aren't they being singled out by this amendment?

These amendments do not represent a high-minded, moral stance against the marketing of violence or against violence itself. Instead, the real reason behind these proposals, it appears to me, is to attack political enemies of certain people.

I could consider offering amendments to include groups such as pornographers, but I don't think that is the right approach. I believe we ought to stay with the historic general principles of law that say those who are willful and those who are malicious cannot discharge their debt.

I would like to say a couple of things about the gun manufacturer lawsuits.

Mr. REID. Mr. President, will the Senator withhold?

Mr. SESSIONS. I will.

Mr. REID. We had a number of Senators calling to find out when the votes are going to occur. I think we are in a position now where we could, with the courtesy of the Senator from Alabama, ask unanimous consent to set a time for the votes.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent the amendments be voted in the order in which they were debated today, with 4 minutes prior to each vote for explanation, divided equally.

I ask unanimous consent the remaining parameters of the consent agreement then be in place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Therefore, a series of votes will shortly occur in the following order, with passage the last in this series: Schumer amendment No. 2763, Feingold amendment No. 2748, Levin amendment No. 2658, and the Schumer amendment No. 2762.

I might mention that on the last amendment there is a possibility we may be able to resolve that amendment. If we do, then there will only be three votes and final passage. If we cannot resolve it, we will have four votes and final passage.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Was that a unanimous consent request?

Mr. HATCH. Yes. We already had that.

Mr. LEAHY. I beg the indulgence of the Senator from Alabama. I am hoping we can resolve the last amendment of the Senator from New York. I think it is one that makes sense and one that has broad agreement on both sides.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. SESSIONS. I thank the Senator from Arizona.

The PRESIDING OFFICER. Alabama.

Mr. SESSIONS. Pardon me, that is not the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Alabama is not the Senator from Georgia, and the acting Presiding Officer apologizes to the distinguished Senator from Alabama.

Mr. SESSIONS. I thank the Presiding Officer from——

The PRESIDING OFFICER. Kansas.

Mr. SESSIONS. I trust we will remember next time.

The argument was made previously that we target and provide an exception in the bill for drunk drivers and drunk boaters. Yes, the current law does do that. But drunk drivers and drunk boaters are the people who conduct themselves in a reckless and endangering way. They ought to be punished. It is legitimate for us to give them a different treatment. But the proposed amendment dealing with gun manufacturers does not target the illegal or irresponsible gun user. It targets a responsible, federally licensed, law-abiding gun manufacturer. That is a big difference.

I have not heard any of my colleagues across the aisle argue that automobile and boat manufacturers should have their product liability debt classified as "nondischargeable." And they should not be. Because those manufacturers, as firearm manufacturers, are not at fault. It is the irresponsible driver or the irresponsible shooter.

Briefly, I will say this. With regard to the suits against gun manufacturers, I think it is very instructive to note the Department of Justice, the Presidentially appointed Attorney General, has not agreed to file these lawsuits. The reason is there is no legal basis for them. Two of them have already been dismissed. They have conjured up a political appointee in HUD, the Department of Housing and Urban Development, to come up with this idea that if you sell a gun precisely according to Federal law, with all the regulations and do everything you can possible, and then the buyer goes out and uses it illegally, the seller or manufacturer is liable. That is not going to hold up in a court of law. If they want to make that law, let's pass a law, let's put it on the floor and vote for it. We have to stop utilizing the litigation process to set public policy in this country. And that is what this is. It is a dangerous trend.

Indeed, a number of institutions which you would not expect, and individuals, have commented on this. The Washington Post, which is absolutely committed to gun control in America, as much as any institution I know of, wrote this recently, on the threats of HUD to file a lawsuit. The Post said:

> It seems wrong for an agency of the Federal Government to organize other plaintiffs to put pressure on an industry—even a distasteful industry—to achieve policy results the administration has not been able to achieve through normal legislation and regulation.

They went on:

> It is an abuse of a valuable system, [the legal system] one that could make it less valuable [the legal system could be less valuable] as people come to view the legal system as nothing more than an arm of policymakers.

I remember a number of years ago, Hodding Carter, who used to serve President Jimmy Carter, said on a national TV program, we liberals have gotten to the point where we want to use the legal system to carry out our agenda we can no longer win at the ballot box.

Robert Reich, President Clinton's former Secretary of Labor, has characterized these tactics as:

> . . . blatant end-runs around the democratic process . . . and nothing short of a faux legislation, which sacrifices democracy to the discretion of administrative officials operating under utter secrecy. . . .

Mr. Reich goes on to say:

> The way to fix everything isn't to turn our backs on the democratic process and pursue litigation as the administration [his former administration] is doing.

That is precisely what we are doing. A lawsuit by lawyers who file these actions to set public policy is dangerous because they were not elected to set that policy. They are not accountable to the people, as we are. If we want to pass a law to burden gun manufacturers further, so be it. We are accountable to the American people and we are responsible for the law. But who are these people who, through lawsuits and secret negotiations, are going do that? That is how we got into this. I don't think these lawsuits are going to be successful, but I certainly do not believe we ought to provide a particular exception, that if somehow they are successful and judgments are rendered so the companies have to go into bankruptcy, somehow they cannot even go into bankruptcy and discharge their debts. That is what we are talking about.

With regard to both of these amendments, they are targeted. They have the earmarks of having a political agenda behind them. They interfere with the objectivity and fairness of the bankruptcy code. We ought not pass them. We ought to reject them both, and we ought to reject the Feingold amendment on rent because we do not need to continue to provide a Federal court trial of matters involving eviction.

I yield the floor.

The PRESIDING OFFICER. Does the distinguished Senator from the great and sovereign State of Alabama, where he served as attorney general, the great State of Alabama, wish to be recognized any further?

Mr. SESSIONS. The Senator from Alabama yields the floor and thanks the Chair.

Mr. FEINGOLD. Mr. President, I will oppose the Levin-Durbin amendment, which would make certain judgments against gun manufacturers non-dischargeable in Chapter 11 bankruptcy proceedings. I appreciate the sincere views of my friends from Michigan and Illinois who have proposed this amendment as a way to highlight the serious issues of gun violence in this country. I do not believe, however, that this amendment is necessary, and I think it has the potential to set a dangerous precedent in our business bankruptcy system.

First, there is a real question of whether this amendment is necessary. Chapter 11 business bankruptcy is not like Chapter 7 personal bankruptcy where debts are simply wiped out by the bankruptcy decree. In a Chapter 11 bankruptcy, a business's reorganization plan must receive the approval of the court and of the other creditors. It is far from clear that the kind of judgments that are at issue in the Levin amendment will automatically be discharged in a bankruptcy reorganization.

In addition, Chapter 11 bankruptcy often provides a useful forum for making sure that all claimants against a company are treated fairly. We have seen that happen with respect to suits against asbestos and IUD manufacturers. Without it, plaintiffs may end up in a race to the courthouse to try to claim the limited assets of a company.

Because I have some doubt that the amendment is necessary, and whether it is advisable even from the point of view of potential plaintiffs against gun manufacturers, I am reluctant to set the precedent of using the business bankruptcy system in this way. I believe this amendment is different from some of the non-dischargeability provisions already applicable to personal bankruptcies or that will be voted on here before we complete this bill. Whereas we can say to someone who is contemplating personal bankruptcy that it is our judgment that certain debts simply should not be discharged because of the circumstances or culpability that led to the bankruptcy in the first place, it is hard to see how delivering that message in this particular narrow business bankruptcy context accomplishes the same goal. I will therefore vote against this amendment.

Mr. BYRD. Mr. President, I oppose this amendment offered to the bankruptcy reform bill by Senator LEVIN that would prohibit gun manufacturers from discharging debt associated with firearm sales.

Currently, the families of victims who have been harmed by a firearm can sue the gun manufacturer for financial damages in civil court. The bankruptcy code allows for the gun manufacturer to file for bankruptcy protection and discharge the debt that the manufacturer may owe to the victim's family. This amendment would prohibit a gun manufacturer from discharging that debt.

I am voting against this amendment because, at this time, I have not received significant evidence to suggest that gun manufacturers are abusing loopholes in the bankruptcy code to avoid paying their liabilities. Additionally, this amendment is not narrowly tailored to gun manufacturers who are illegally selling firearms. It targets the industry as a whole, and would set an unfortunate precedent by legally separating this industry from other industries in the bankruptcy code.

While I understand the concerns of people who would argue that gun manufacturers are abusing the bankruptcy code, I cannot support the separate treatment of certain industries under our nation's bankruptcy laws absent more significant evidence of actual abuse.

The PRESIDING OFFICER. Who yields time? The distinguished Senator from New York.

Mr. LAUTENBERG. Mr. President, the Senator from New Jersey seeks recognition.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LAUTENBERG. I thank the Senator from Kansas for his recognition.

Mr. President, I rise in strong support of the amendment being offered by my friends and colleagues, Senators LEVIN and DURBIN. It would prevent gun manufacturers from using the bankruptcy system to evade responsibility for the damage caused by their deadly products.

It is time for this Congress to catch up with the American people. The public is demanding an end to the epidemic of gun violence that has turned parts of this country into shooting galleries. Criminals are amassing arsenals of deadly weapons and using them to gun down whole groups of people, from Hawaii to Seattle, from Texas to Kentucky, yet Congress has failed to see the lesson in these tragedies.

As a result, the American people in cities across the country are turning to the legal system, desperate for help. Thirty cities and counties are suing gun manufacturers for death and injuries caused by firearms. Individual families are suing to hold gunmakers accountable for the loss or harm brought to loved ones.

These lawsuits are already making significant headway against the formidable power of the gun industry. In the case of Hamilton v. Accutek, a jury in Brooklyn, NY, found several gun manufacturers responsible for the damage caused by that product.

In Georgia, a judge allowed a suit filed by Atlanta against the gun industry to move forward.

In California, a Federal judge barred gun manufacturers from using bankruptcy as a shield when their products caused death or injury.

It was not long ago that gunmakers would laugh when you suggested they take some responsibility for the devastation firearms have caused. But the tears of our citizens have finally wiped away the smile now that 30 cities and counties across the country are taking them to court.

Today, gun manufacturers are talking about making safer firearms and working to keep guns away from criminals, things they never would have considered discussing just a year ago.

They are making these changes because gun victims are holding them accountable in court. Families, friends, and neighbors of gun victims are using the legal system to seek some measure of solace. Congress ought not to get in the way. The Levin-Durbin amendment sends a clear message that the gun industry must face up to its responsibilities, that it will not find an easy escape in the bankruptcy court when families bring valid lawsuits.

And this Congress has to do more to stop gun violence. It is disgraceful that the Congress has not passed reasonable gun safety measures, including my amendment that requires criminal background checks at gun shows. It is especially troublesome when one stops to consider that the Nation's largest gun manufacturer, Sturm, Ruger and Co., has expressed concern about the sale of its guns at gun shows.

The gunmakers themselves are seeing the light, but Congress is still fumbling for the switch. Most Americans assumed the horrific shootings in Columbine would be enough. Most Americans thought the vision of two high school students systematically killing 12 classmates and a teacher and wounding 23 others would finally spur this Congress to action.

April 20 will mark one year since that terrible tragedy at Columbine, and it would be outrageous for Congress to let that day pass without having passed a single piece of gun safety legislation. The Senate did pass sensible gun safety measures as a part of the juvenile justice bill, including the amendment I offered that would prevent criminals from getting guns at gun shows, but we simply need to finalize a good, tough bill and send it to the President.

While this legislation is technically stuck in conference, I am afraid it is being held hostage by the extremists at the National Rifle Association, and we should not allow that to continue. I am going to continue to speak on the Senate floor. I will take whatever other steps are necessary to engage Congress in that action.

When the Congress wants to act quickly, it does. We often push legislation through the process in a matter of days, but not legislation aimed at reducing gun violence. Those measures run into one delay after another, even though the vast majority of the American people are pleading for action. Failing to act by that horrible anniversary date, April 20, will be a travesty. How will we be able to answer the families who ask what we have done to stop the killing?

I urge my colleagues to join me and others in bringing this nationwide epidemic under control. The forces on the other side are powerful, but we have to help keep our families and communities safe and make the gun industry accountable. Support the Levin-Durbin amendment, and then we ought to complete the work on the gun safety measures in the juvenile justice bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, how much time is left for this side on the Levin amendment?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. GRASSLEY. I yield such time as he might consume to the Senator from Idaho.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized.

Mr. CRAIG. I thank the distinguished Presiding Officer from Kansas for recognizing the Senator from Idaho.

Mr. President, I said yesterday—and I meant it most sincerely—that I am very respectful of the Senator from Iowa and the Senator from Utah who have tried to reshape bankruptcy law in this country to be fair and equitable and representative of those who find themselves in desperate straits as a result of debt and the need to reorganize and reshape that and, in some instances, to discharge it altogether. We have said historically that those who willfully, maliciously, or recklessly cause endangerment cannot do that. That has been the standard, and that ought to remain the standard.

Today, there is an attempt by the Senator from Michigan to use the bankruptcy code to be politically correct, to be more political than substantive as it relates to the law; that is, to single out an industry and that industry's legal distributors as somehow being separate, special, and unique and, therefore, not being allowed to use the bankruptcy law.

It is a great mistake for the Senate to begin to play that kind of game. That is raw politics, and we have not done that in the past. I am not sure we should ever do it for any reason other than the ones we have already said: a willful, malicious kind of action.

They say this is for gun manufacturers, those folks whom they attempt to paint as a very evil group who produce a legal and legitimate product and sell it through federally licensed dealers. Somehow they are all wrong now because the Senator from Michigan and the Senator from New Jersey say the American people sweepingly demand that we change. The American people do not sweepingly demand this change; they demand that the Justice Department enforce the laws, which we know they have not, and, as a result, some misuse of firearms has certainly gone on in our country.

The issue is not with the Kmarts, it is not with the Wal-Marts, it is not with the local hardware dealer, and it should not be with the manufacturer. But for some reason today, for political correctness in this Chamber, that is exactly what they are attempting to do. I hope my colleagues understand and recognize that we are not shielding somebody who acts willfully and maliciously but who acts knowing their action endangers others. They are not going to be exempt because they are not now and they will not be later.

The Senator from Alabama is right; judges are already dismissing these kinds of frivolous, politically motivated lawsuits, and they will keep filing them hoping someday they can find a judge on whom they can hang it and he will say OK.

If that happens, then what happens? If a company that finds itself in this situation is not allowed to use chapter 11 to reorganize, then they will use chapter 7. What does that mean? It means they will go bankrupt, they will liquidate, they will go overseas, if they need to, to manufacture their product, and jobs on Main Street in a lot of our communities can and will be lost.

Is this a jobs issue? It can be when you straitjacket the law, when you pick winners and losers, when you want to play the politically correct game against someone who, by their judgment, has fallen out of favor with the American people. I hope we do not use bankruptcy law or any other part of the Federal code of this country for that kind of political gamesmanship.

Last year, my colleagues on the other side of the aisle worked overtime trying to make guns an issue, and they failed. The reason they failed is that the American people said: Wait a moment; there are tragedies being perpetrated out there and guns being used in those tragedies, and there are 60,000 gun laws in America and the Justice Department is not enforcing them.

Somehow we just stack more laws up and the world becomes safer? No. The American people are way ahead of us by last year's polling and this year's current polling. They say: Don't do that. More laws do not a safer world make unless the laws are effectively enforced and administered against the criminal element of our society or those who would misuse their rights.

Here the Senator from Michigan is deciding who is going to be criminal and who is going to be malicious by standing in this Chamber and saying: I think I will find these people less than popular in my judgment because back home it might be politically correct with my base of support.

That is not good policy. It may be good politics. We have already found even that politics is not working very well.

I ask my colleagues to join in a motion to table. We should not mess up the bankruptcy law. It ought to be used for the purposes it is being used, and those who find themselves misusing the laws of our land or acting in a reckless, willful, malicious way are going to be treated appropriately within the law; that is, to not discharge their debt or their liability if they find themselves in this kind of an environment.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

AMENDMENT NO. 2762, AS MODIFIED

Mr. GRASSLEY. Mr. President, I have an opportunity to avoid one vote by sending to the desk a modified amendment. It is amendment No. 2762. So I send it to the desk and ask unanimous consent that the amendment be modified and that the modified amendment be agreed to, and the motion to reconsider be laid upon the table. If necessary, I ask unanimous consent to lay the pending amendment aside.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2762), as modified, was agreed to, as follows:

On page 14, strike lines 8 through 14 and insert the following:

"(5)(A) Only the judge, United States trustee, bankruptcy administrator, or panel trustee may bring a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the data of the order for relief, when multiplied by 12, is equal to or less than—

"(i) the national or applicable state median family income reported for a family of equal or lesser size, whichever is greater; or

"(ii) in the case of a household of 1 person, the national or applicable State median household income last reported by the Bureau of the Census for 1 earner, whichever is greater.

"(B) Notwithstanding subparagraph (A), the national or applicable State median family income for a family of more than 4 individuals shall be the national or applicable State median family income last reported by the Bureau of the Census for a family of 4 individuals, whichever is greater, plus $583 for each additional member of that family.".

Nothing in this title shall limit the ability of a creditor to provide information to a judge, U.S. trustee, Bankruptcy administrator or panel trustee.

Mr. GRASSLEY. Does the other side of the aisle have speakers?

Mr. LEVIN. Mr. President, I think we are ready to yield back whatever time we have, if the other side is ready to yield back whatever time they have.

I withdraw that.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin is recognized.

AMENDMENT NO. 2748, AS MODIFIED

Mr. FEINGOLD. I believe I have 6 minutes remaining, is that correct?

The PRESIDING OFFICER. The Senator has 6 minutes remaining on his amendment.

Mr. FEINGOLD. I ask if I can use a portion of that time at this point to respond on the landlord-tenant amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I wish to respond briefly to the short remarks the Senator from Alabama made with regard to the landlord-tenant amendment.

I want to reiterate, as the Senator from Alabama acknowledged, that he raised a whole series of concerns out here on the floor in the course of our debate on the amendment a few months ago. And he does not dispute that we addressed every single one of those concerns, as we modified the amendment. We have been very attentive to the fact there were aspects of the amendment that made the Senator, and others, uncomfortable. We made changes in the spirit of compromise in order to try to get something done.

By eliminating the automatic stay, section 311 of this bill is an enormous change in the law in favor of landlords. What the Senator does not make clear is that we are not undoing that change with this amendment. What our amendment does is streamline the process for lifting the automatic stay, rather than eliminating the stay altogether. So instead of a 6- or 8-week period, or longer, to get the stay lifted, our amendment provides a 15-day period, and the State eviction proceedings go forward. But those proceedings cannot go forward when the tenant is paying rent.

All we are saying is that if a person is truly trying to get his or her act together, and is willing, from the time of the bankruptcy filing forward, to pay rent every month, on time, then in those cases the stay should be in place. I think that is enormously reasonable.

For the Senator to suggest this is somehow federalizing this area is the opposite of what is going on. In fact, this bill, as it will undoubtedly pass, will remove Federal court, in effect, in an awful lot of cases that currently are protected by Federal bankruptcy proceedings because of the automatic stay. And so will our amendment. If a tenant misses a rent payment, or is damaging the apartment, all the landlord has to do is file a simple one page certification to that effect with the bankruptcy court and the stay is lifted.

All we are saying is, in some cases there still needs to be that stay in place where someone is honestly trying to stay in that apartment, someone is truly trying to get their life together, and is willing to make the rent payments.

So it is simply incorrect to say this is going to gut the provision in the bill. Our amendment still is a dramatic change from current law. It is a change that is very pro-landlord. All we are saying is, let's be fair.

It is not accurate when the Senator from Alabama says there is automatically going to be a hearing at the end of the 15 days. That is not the case. Yes, it is conceivable that tenants could come and seek a hearing if they claimed that the landlord's certification was inadequate or mistaken, but there is no automatic right to a hearing. If those 15 days lapse, that is it. The State eviction proceeding goes ahead, the automatic stay is lifted.

In summary, I think this is a classic case of where, instead of there being a fundamental disagreement that we cannot bridge, we tried very hard to add a few elements of fairness to the bill. I think the Senator from Alabama would have to concede we did do that. It would be appropriate for Members to take a good look at this modified amendment and adopt it to make sure we do not have an unduly harsh change in the law. I cannot believe even the harshest landlord would want to have some of the consequences that could result if we do not adopt the reasonable modifications contained in this amendment.

Mr. President, with that, I ask, how much time is remaining?

The PRESIDING OFFICER. The distinguished Senator has 3 minutes remaining.

Mr. FEINGOLD. Mr. President, with the understanding the other side will yield their time, I will yield my time, as well. But if, instead, they wish to speak again, I will keep the 3 minutes.

Mrs. FEINSTEIN. Mr. President, after much deliberation, I am voting in favor of tabling the Feingold amendment on the use of the automatic stay in eviction proceedings.

In California, we have had very serious problems with bankruptcy mills, fly-by-night firms that have advised tenants to avoid eviction by filing for bankruptcy. These firms have even gone so far as to place ads in newspapers which encourage renters to "stop evictions from one to six months by filing for bankruptcy," or promise to "legally stop your eviction for up to 120 days at rock bottom prices."

In 1996 alone, the Los Angles County Sheriff's Department reported 3,800 cases in which the tenant filed for bankruptcy after all state eviction proceedings were exhausted—causing an extra $6 million in costs.

While the Feingold amendment is well-intentioned, it does not adequately address the misuse of the "automatic stay" in eviction proceedings.

Let me explain why:

First, once an individual files for bankruptcy, the Feingold amendment only permits an eviction to go forward if the tenant subsequently fails to pay rent again. Thus, a debtor could refuse to pay debts for many months, and when the landlord begins the eviction proceeding, the landlord's hands would be tied if the debtor then starts paying the rent.

This in effect gives a renter the ability not to pay rent, go through bankruptcy, and, by agreeing to pay future rent, get to keep the apartment even if no back rent is paid. In the meantime, he could have had eight or ten or twelve months of free rent.

Second, the amendment gives landlords the incentive to evict tenants immediately upon non-payment. If, according to the Feingold amendment, the landlord begins eviction proceedings more than 10 days after nonpayment of rent and then the tenant files bankruptcy, the eviction would be subject to the automatic stay. This quirk in the amendment could deter landlords from entering into negotiations with tenants and lead to quicker evictions.

Finally, I have concerns about the impact of this amendment on small landlords. I have received letters from small, private landlords about the burden of current bankruptcy law. These landlords, who may own just one or two apartments, report that the nonpayment of rent by tenants threatens their own ability to meet mortgage payments.

I believe strongly in protecting the rights of tenants. However, the Feingold amendment tips the scales too far. A more balanced approach is needed.

Mr. GRASSLEY. Mr. President, how much time do we have on the amendments?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. GRASSLEY. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, I wish to take this particular time to not speak on either one of the amendments before us but to speak about the necessity of passing this bill. Because we have votes on two or three amendments and then final passage, I will not take the time of the Senate at the time of final passage.

As we prepare for final passage on this bankruptcy bill, I remind all my colleagues what we are voting for and on. The most fundamental question we face with this bill is whether or not people should repay their debts.

This bill says that when someone can repay their debts, they are not going to be able to take the easy way out. This bill will end the free ride for wealthy freeloaders and deadbeats who walk away from their debts and pass the bill on to the rest of us, to the consumers, who are honest and who should not pick up the tab for those who are not.

We have a real bankruptcy crisis in need of action. This bill does it without violating the principle that people who are entitled to a fresh start have that fresh start.

As a result of an amendment offered by Senator TORRICELLI and myself, this bill contains the most sweeping, wide-ranging set of consumer protections the Senate has enacted in a long time.

Those of us from farm country have an extra reason to vote for this bill since it contains crucial protections for family farmers who may face bankruptcy due to low commodity prices. Chapter 12 will expire in June unless we pass this bill. Under this bill, farmers in chapter 12 will get significant tax relief when they sell off assets.

Mr. President, this bill is fair and balanced and deserves to be passed by an overwhelming vote.

Mr. President, I ask unanimous consent that two newspaper articles on the subject of bankruptcy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, May 20, 1999]

THE BANKRUPTCY PARADOX

If you are a single parent in Iowa whose spouse takes the family car, takes the family bank account and takes a powder, society will provide you with something over $300 per month, plus health care and food stamps while you hunt a job. If you don't get on your feet in the alloted time, society may take action to take your kids away.

If you have some assets but have managed to go thousands of dollars in debt by losing big at the casino, society will forgive your debt immediately and let you keep the house and car and continue to gamble. If you're back in the red in a few years, society will bail you out again. And again.

That's the paradox posed by bankruptcy laws. The average American declaring bankruptcy is forgiven $11,000 in debt with no obligation to pay it back. Instead, society pays it. The deadbeat's debts show up in the higher prices you pay and the higher interest on borrowed money.

Don't look for help from the consumer groups or the civil-rights groups or the bankruptcy attorneys. They're fighting against efforts to hold debtors more responsible, and blaming the credit-card industry for luring the reckless into bankruptcy. No question but that the industry is guilty of inviting deadbeats to go into debt by its indiscriminate pushing of credit cards. For the industry to now complain because some are defaulting is the height of chutzpah.

Their critics argue that the lenders simply want the government, by tightening bankruptcy laws, to become a collection agency for them.

There's plenty of blame for everyone. Too many Americans are flat-out irresponsible in handling money; too many lenders are equally irresponsible in taking advantage of that irresponsibility, and our bankruptcy laws are too eager to make responsible society pay for the mess. As usual.

It's impossible to legislate responsibility. But steps could be taken. We could discourage the credit-card industry from offering credit without checking creditworthiness. We could require that lenders describe credit terms exactly, and explain why paying only the "minimum balance" is like owing your soul to the company store. We could eliminate "Chapter 7" bankruptcies, which free debtors of any responsibility.

Legislation tightening up the bankruptcy law has cleared the House, with "yea" votes from the entire Iowa delegation. Unfortunately, it lets state bankruptcy laws continue to allow the bankrupt to keep their homes, no matter how expensive. Millionaires can still sell their homes, buy mansions in certain states like Florida and Texas, and become "bankrupt" millionaires, paying their creditors nothing.

The saddest aspect of the credit mess is in its indictment of the integrity of modern culture. Today's society no longer sees bankruptcy as carrying any stigma, seems no longer to attach any guilt to financial irresponsibility, and teaches that when anything goes wrong in one's personal affairs, it is someone else's fault, and the bailout is someone else's duty.

The price we will eventually pay for this collective soft-headedness could be staggering.

[From the Omaha World-Herald, May 10, 1999]

BANKRUPTCY IS FOR THE NEEDY

The ability to declare bankruptcy and dump one's debts should not become regarded as merely another financial management tool to facilitate irresponsible spending. Such a remedy should be limited to people who truly cannot repay their creditors. That is one of the principles underlying legislation passed by the House despite a veto threat by the White House.

The proposal is an attempt to slow a flood of bankruptcies in the United States. Nearly 1.4 million people filed for personal bankruptcy protection last year, an increase of 95 percent since 1990.

Bankruptcy is a substantial problem. While no official figures exist, creditors have said that the amount of debt that gets wiped out by bankruptcy proceedings each year totals between $30 billion and $50 billion. Some people might say that's good. But such a view would be uninformed. Debts that the law forces creditors to forgive are ultimately paid by others in the form of higher prices.

All sides in the debate agree that current law allows debts to be written off even though the debtor is capable of partial repayment. Studies by the Justice Department and the American Bankruptcy Institute, a nonpartisan think tank in Alexandria, Va., indicate the figure is between $800 million and $1 billion. A study paid for by major credit-card companies came up with $3 billion.

The legislation, pushed by credit card companies, would make it nearly impossible for people earning more than the national median income ($50.000 for a family of four) to wipe out their debts entirely. Rather, the higher income family would have to gradually repay its debts on a schedule set by the court.

Blame for the surge in bankruptcies can be spread widely. Lenders suggest that the number has risen because the laws making it easier to take cover under the bankruptcy laws. Consumer organizations have asserted that lenders, particularly credit-card issuers, are largely at fault because they aggressively push credit—even households with marginal financial resources are targeted by many companies these days.

Clinton administration officials object to the legislation, arguing that it would hurt people who are not capable of repaying their debts.

Debtor attorneys and some bankruptcy experts have said that the new law would bring increased paperwork, raising the cost of filing bankruptcy and making it more difficult for low-income families to take advantage of it.

> The problems seem small, however, in relation to the worthy principle that would be strengthened. Anyone who can repay his debts should do so. Period. Bankruptcy should not be an easy out for people who live it up beyond their means. The proposed legislation would redirect the law to cut off their escape route.

Mr. GRASSLEY. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

Mr. GRASSLEY. Mr. President, before we have a quorum call, I have a message from Senator SESSIONS, that Senator SESSIONS is willing to have me yield back our time on our side if Senator FEINGOLD is willing to yield back the time on his side.

Mr. FEINGOLD. With that understanding, I yield back my remaining time.

Mr. GRASSLEY. We yield back the time on our side.

The PRESIDING OFFICER. All time has been yielded back.

Mr. REID. Mr. President, parliamentary inquiry: Would the Chair inform the Senators how much time remains? It is my understanding Senator LEVIN has approximately 4 minutes on his amendment. Is that true?

The PRESIDING OFFICER. The time remaining is 4 minutes for the distinguished Senator from Michigan and 2 minutes for the distinguished Senator from Iowa.

Mr. REID. What other time is remaining on the amendments?

The PRESIDING OFFICER. All of the other time has expired.

Mr. REID. I suggest the absence of a quorum, with the time running against both the majority and minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, at the end of this matter we are going to vote on these amendments. Then we will have a managers' amendment and finish the bill.

I want to personally express my respect for and appreciation of both Senators GRASSLEY, TORRICELLI, and others for the hard work they have done in bringing this bill through the subcommittee and through the Judiciary Committee and on to the floor. Senator SESSIONS has been a very solid supporter of good bankruptcy legislation, as well as others on the Judiciary Committee—I hate to leave anybody out—but especially Senators GRASSLEY and TORRICELLI. They deserve a lot of respect for what was a very difficult bill to bring through even a subcommittee, let alone the full committee and the floor.

I am hopeful we will get this bill all the way through and signed by the President. It is a bill that will make a great deal of difference in everybody's lives and, I think, will set the bankruptcy code in the direction it should go and stop some of the fraud and some of the misuses of bankruptcy that are going on currently in our bankruptcy system.

There are some things we will have to work on in conference; there is no question about that. We will try to perfect this bill as best we can, hopefully, so that both sides are pleased with it. There are some problems that naturally do exist, but we will work with our friends on the other side and see what we can do to resolve any conflicts we have.

Again, I thank the distinguished ranking member on the Judiciary Committee, Senator LEAHY. He and his staff have played an excellent role, along with the staffs of Senators GRASSLEY and TORRICELLI, in helping to bring this about.

I thank my own staff for the work they have done. All of these staff members have worked diligently to do what is a very good job on bankruptcy.

Having said that, I suggest the absence of a quorum.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there are 4 minutes remaining for the Senator from Michigan.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I yield those to the Senator from Vermont, ranking member of the committee.

The PRESIDING OFFICER. The distinguished Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I intend to vote for the Bankruptcy Reform Act to send it to conference in the hope that we can continue to improve the bill so that a balanced bankruptcy reform bill can be signed into law by President Clinton this year.

We have adopted 45 amendments during the floor debate on this bill—amendments offered by Republicans and Democrats.

During the course of our floor debate, Senators from both sides of the aisle have come forward to made bipartisan progress to improve this bill from that reported by the Judiciary Committee. I want to thank Chairman HATCH and Senator GRASSLEY for working with us, with me and Senator REID and Senator TORRICELLI, and with the proponents of many amendments. This debate has not been easy with more than 300 amendments filed to the bill back in November. We have worked through those amendments.

Let there be no confusion: This is certainly not the bill that I would have drafted, even now after the amendment process. This is not as good or as balanced a bill as that which the Senate passed by a 97 to one vote in 1998. Still, it has been significantly improved in its bankruptcy provisions through a bipartisan amendment process.

We have worked in good faith with the Republican managers to have an open debate. This is how the Senate works and how it should work. From a total of 320 amendments, we have now worked through them all. That is a bipartisan accomplishment of which we can all be proud.

I have tried during the course of this consideration to protect the rights of Democratic Senators to offer and debate their amendments. While we have not always prevailed after a vote, we have at least been faithful to our Senate tradition and preserved the opportunity to offer, debate and vote in relation to those amendments.

In some significant regard, we have been successful in improving this bill. Over the course of the last three years we have been able to help reshape the bill to protect child support payments as a priority in bankruptcy.

We added modest but essential credit industry reforms to the bill. The millions of credit card solicitations made to American consumers the past few years have caused, in part, the rise in consumer bankruptcies. The credit card industry should bear some responsibility for these problems. The improvements to the Truth In Lending Act that we have been able to add to this measure provide for more disclosure of information so that consumers may better manage their debts and avoid bankruptcy altogether.

We adopted other important amendments to improve the bill, as well. Indeed, we adopted amendments during Senate debate on this bill. I want to list just a few of these important amendments for the record.

The Senate overwhelmingly voted to close the homestead exemption loophole in the Bankruptcy Code. By a vote of 76 to 22, the Senate adopted the Kohl-Sessions amendment to cap any homestead exemption at $100,000. In States such as Florida and Texas, debtors have been permitted to take an unlimited exemption from their creditors for the value of their home. This has lead wealthy debtors to abuse their State laws to protect million dollar mansions from creditors. This has been a real abuse of bankruptcy's fresh start protection.

We adopted the Leahy-Murray-Feinstein amendment to clarify that expenses to protect victims of domestic abuse are necessary expenses in a bankruptcy proceeding. We adopted a Feingold amendment to clarify the long-term expenses of a debtor caring for a nondependent parent or relative are necessary expenses in a bankruptcy proceeding. We adopted the Kennedy amendment to protect a debtor's Social

Security benefits in a bankruptcy proceeding. These are good amendments that improve the bill.

We adopted the Grassley-Torricelli-Specter-Feingold-Biden amendment to provide bankruptcy judges with the discretion to waive filing fees for low-come debtors. Bankruptcy is the only civil proceeding without in forma pauperis filing status and this amendment corrects that anomaly. And we adopted the Feingold-Specter amendment that struck the bill's requirement that a debtor's attorney must pay a trustee's attorney fees if the debtor is not "substantially justified" in filing for chapter 7. That requirement could have discouraged honest debtors from filing for chapter 7 for fear of paying future attorney fees. Together these amendments improve the fairness of bankruptcy proceedings.

We adopted the Leahy amendment that struck the bill's mandate for all debtors to file past tax returns and instead permits parties in interest to request tax information if needed. The wasteful provision stricken by my amendment should save taxpayers an estimated $24 million over the next five years by cutting down on unnecessary storage costs and paperwork burdens.

We adopted the Reed-Sessions amendment to protect debtors by giving them adequate information for decisions about reaffirmations of unsecured and low-value secured debt. We adopted the Sarbanes-Durbin amendment on disclosure of consumer credit information.

Forty-three amendments were adopted to the Committee bill, many made important improvements, many on a bipartisan basis.

Unfortunately, while we made progress on the underlying bill in many regards, it still lacks the balance that it needs to become good law and remains tilted too far toward making taxpayers and the bankruptcy courts pay for the excesses of the credit industry. It is my hope that with the help of the Administration and the continuing cooperation of Chairman HATCH and Senator GRASSLEY and our House counterparts that we can continue to improve this measure during the course of a House-Senate conference and report a consensus bill that we can all proudly support.

Most threatening to the prospects of this bill becoming law are the nonrelevant, nongermane amendments adopted last November to this bill. Last year, Senate adoption of those nonrelevant, nongermane amendments quite properly led to a presidential veto threat. I will work in the House-Senate conference to have those amendments removed from the conference report and final bill. If they are not, I have grave doubt whether any bankruptcy reform bill can become law this year.

Regrettably the Senate rejected the Kennedy amendment to provide a real minimum wage increase and, on a virtual party line vote, chose to adopt an amendment that includes unpaid tax breaks and a watered down increment in the minimum wage for working people. The President noted that the Republican majority used its amendment "as a cynical tool to advance special interest tax breaks."

Last year, the Senate also adopted by a one-vote margin, a poison pill amendment regarding sentencing policy. I opposed this amendment because it attempted to solve the unfair discrepancy between sentences for powder and crack cocaine in precisely the wrong way—by increasing the use of mandatory minimums for those who possess, import, manufacture, or distribute powder cocaine, without taking any steps to reduce the use of disproportionate mandatory minimums for those who commit crack cocaine offenses.

I have repeatedly stated my objections to the shortsighted use of mandatory minimums in the battle against illegal drugs, and my objections are all the more grave when an attempt is made to increase the use of mandatory minimums through provisions placed in the middle of a unrelated bill offered at the end of a session. Returning to the failed drug policies of the recent past is not the way to enact a fair and balanced bankruptcy reform bill.

The bipartisan methamphetamine legislation included in that amendment was passed separately at the end of the last session. Accordingly, the only portion of that amendment worth voting for has already been passed separately. That nonrelevant, nongermane amendment should also be jettisoned in conference.

The Senate's actions last year in adopting the two Republican nonrelevant and nongermane amendments were both unfortunate and unwise. I hope the House-Senate conference committee will discard these two poison pill amendments as we craft a final bankruptcy reform bill that can become law.

I look forward to working with the Senate and House conferees to improve the Bankruptcy Reform Act in conference. I hope the majority has learned from the mistakes made during the bankruptcy reform conference in the last Congress two years ago. This year, we should work together to make further improvements and add balance to the Bankruptcy Reform Act.

Finally, I want to commend Chairman HATCH and Senator GRASSLEY for their management of this bill and thank Senator REID, our Assistant Democratic Leader, for all his effort and assistance in connection with this matter.

Senator GRASSLEY has persevered in this effort when lesser men would have given up and he continues to work with us in good faith to craft reform legislation.

Chairman HATCH has returned to his important leadership responsibilities in the Senate without missing a step. He is a legislator of the first order with whom I am glad to work on many matters. Today we culminate our work together on initial Senate passage of the Bankruptcy Reform Act so that we can continue our efforts in a House-Senate conference.

Senator REID has worked with me to protect the rights of Democratic Senators and to improve the bill. I have thanked him many times in the days and weeks that we have been on the Senate floor together working to improve this bill and do so, again, today.

I look forward to working together with Chairman HATCH, Senator GRASSLEY, Senator TORRICELLI, the House conferees, and the Clinton Administration on a conference report that leads to enactment of a fair and balanced Bankruptcy Reform Act.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa.

Mr. GRASSLEY. Mr. President, we yield back the remainder of the time on our side.

Mr. LEAHY. We will on this side, too.

AMENDMENT NO. 2763

The PRESIDING OFFICER. By previous agreement, the amendment pending is on the Schumer amendment No. 2763, with 4 minutes equally divided for final argument and explanation. Who seeks time?

Mr. HATCH. Mr. President, the distinguished Senator from New York is coming to the floor. I suggest the absence of a quorum until we start the 2 minutes of debate on each side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I reiterate to my colleagues how important this amendment is. Six years ago, the rule of law was challenged in this country because some who believed that they had more moral authority than the rest of us could take the law into their own hands and commit acts of violence against clinics, against doctors, against health care workers. They could harass; they could threaten; they could blockade, because they thought they had more moral authority than the rest of us.

The FACE law, a bipartisan law even supported by Henry Hyde, caused that violence to decline significantly. Now they have found a new way against these clinics; that is, once a judgment is made against them because they have violated the law, to hide behind the false shield of bankruptcy.

We will see violence increase. We will see a woman's right to choose impinged upon if we don't pass the Schumer-Reid-Snowe-Jeffords amendment. This is not an issue of simply pro-choice or pro-life. This is an issue about violence against women. This is an issue about the rule of law in America. I urge my colleagues to support the Schumer amendment and preserve a woman's right to make her own decision on the issue of choice.

The VICE PRESIDENT. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, many Members have come to different conclusions as to the need for this amendment concerning the dischargeability of debts related to abortion clinic violence. It is clear from today's debate, nobody in the Congress supports violence at abortion clinics, or at any other venue. Those of us who support bankruptcy reform do not believe that the bankruptcy laws should be used to shield any acts of violence.

Many of us believe that current law already precludes those found guilty of violent activities at abortion clinics from discharging debts arising from such activity in bankruptcy. But apparently the sponsors of the amendment believe there is more than can be done in this area.

Although I believe this amendment to be tremendously flawed, the majority leader, Senator GRASSLEY, and I recommend that members on both sides vote for this amendment. We will, in good faith, in conference correct the amendment and resolve these problems at that time. With this amendment accepted, nobody will be able to politically demagogue this issue in the context of true bankruptcy reform.

We pledge to work with our friends on both sides of the aisle who are interested in this issue during conference to make sure that the law is clear, that with due respect for the first amendment, debts arising from violent acts cannot be discharged in bankruptcy.

Mr. President, have the yeas and nays been ordered?

The VICE PRESIDENT. They have not.

Mr. HATCH. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from New York.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote "no."

The result was announced—yeas 80, nays 17, as follows:—

[Rollcall Vote No. 2 Leg.]

YEAS—80

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Frist
Gorton
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—17

Allard
Brownback
Bunning
DeWine
Enzi
Gramm
Grams
Helms
Hutchinson
Kyl
Lugar
Nickles
Roberts
Sessions
Smith (NH)
Thompson
Voinovich

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—2

Burns
McCain

The amendment (No. 2763) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, could we have order, please.

The VICE PRESIDENT. The Senate will be in order. Senators will cease all conversation or retire to the Cloakrooms.

The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent the next series of votes be limited to 10 minutes in length.

The VICE PRESIDENT. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object.

The VICE PRESIDENT. The Senator from Vermont.

Mr. LEAHY. Mr. President, reserving the right to object, and I will not object, I did want to thank the Presiding Officer. I know he has had a busy day and evening and night. I thank him for coming back and joining those of us who supported this amendment.

I will not object.

The VICE PRESIDENT. Without objection, it is so ordered. There remains 4 minutes equally divided on the Feingold amendment.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, my amendment is designed to lessen the harsh effects of section 311 of the bill on tenants, while at the same time protecting the legitimate financial interests of landlords.

Mr. WELLSTONE. Mr. President, could we have order in the Chamber, please?

The VICE PRESIDENT. Senators will cease audible conversation. Even on the dais.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, current law provides for an automatic stay of eviction proceedings upon the filing of a bankruptcy case. Landlords can apply for relief from that stay so eviction can proceed, but under current law the process often takes several months. Section 311 of the bill eliminates the stay in all landlord-tenant cases so eviction can proceed immediately.

My amendment would allow tenants to remain in their apartments as they try to sort out the difficult consequences of bankruptcy, if and only if they are willing to pay the rent that comes due after they file for bankruptcy. If the tenant fails to pay the rent, the stay can be lifted 15 days after the landlord provides notice to the court that the rent has not been paid. So no hearing and no delay. If the reason for the eviction is drug use or property damage, the stay can also be lifted after 15 days. Under the amendment, this 15-day notice period does not apply if the tenant has filed for bankruptcy previously. In other words, in the case of repeat filings, the automatic stay would never take effect, just as under section 311 in the bill.

Under my amendment, therefore, you could never live rent free as some of the opponents suggest. The debtor has to pay rent after filing for bankruptcy. If a debtor misses a rent payment, the stay will be lifted after 15 days. So the amendment gets at the abuse and it protects the rights and economic interests of the landlord. What it does eliminate is the punitive aspect of the bill. We have modified this so it is fair. The major reform in favor of landlords still holds, but there has to be some fairness and balance with regard to the effect of the bill on evictions. That is what I am trying to protect through this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The time allotted to the distinguished Senator has expired. The Senator from Iowa is recognized for 2 minutes. The Senate will be in order.

The Senator from Iowa?

Mr. GRASSLEY. I yield my time to the Senator from Alabama.

The PRESIDING OFFICER. The distinguished Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Chair. You got it right.

Mr. President, I must register my strongest opposition to this amendment. It continues the one thing that causes so much grief. It makes a Federal case out of eviction proceedings. We know that in Los Angeles 3,886 bankruptcy cases were filed in 1996 simply to delay the eviction cases that were pending in the State court. In other words, if you file for eviction, under the current law when a person files bankruptcy, that eviction case is stayed. It then goes to bankruptcy court.

The landlord, many of whom are individual people without great wealth, have already hired a lawyer to handle the eviction and now has to hire a Federal court bankruptcy lawyer to go into Federal court. After they win, as they always do because an expired lease is not an asset of the estate and cannot be subject to the control of the bankruptcy judge, they have to then go back to State court, ask the State judge to pick up the litigation, and proceed.

The 15-days that the Senator suggests is better than his first amendment, but it does in no way deny the person from going to Federal court. They can then have a hearing after the 15 days. They can contest whether the tenant used drugs or not in Federal court. They are evicting them from the apartment because of drug use or other reasons.

We simply should not do this. The true fact is that eventually all these contests in bankruptcy court are eventually lost. Why go through the process? Let the State court eviction proceedings hold sway and make the decisions where they have always been made.

Mr. FEINGOLD. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BUNNING). The yeas and nays have been requested. Is there a sufficient second?

Mr. GRASSLEY. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2748, as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote "yea."

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Campbell
Chafee, Lincoln
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—2

Burns
McCain

The motion was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2658

The PRESIDING OFFICER. Under a previous order, there are 4 minutes divided on the Levin amendment. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, my amendment very simply provides that gun manufacturers or distributors cannot evade responsibility for damages which are caused by their reckless or negligent conduct or their fraudulent conduct by reorganizing in bankruptcy.

The question has been raised, why single out one industry? The answer is, there are 18 exemptions in the bankruptcy law. We have singled out 18 different instances where public policy is such that we have decided people should not be able to discharge their debts. For instance, students who take out student loans cannot discharge their obligations in bankruptcy. So where public policy indicates we should say something is not dischargeable, we have done that on 18 different occasions.

This amendment is strongly supported by the League of Cities and by the Conference of Mayors. About 30 cities have initiated lawsuits, cities from all parts of the country: New Orleans, Chicago, Atlanta, Cleveland, Cincinnati, St. Louis, and San Francisco being among them.

This is a response to a tactic which is being used by a number of gun manufacturers that are being sued for reckless or negligent or fraudulent conduct, saying: No, we are going to hold you accountable. You cannot reorganize yourself in bankruptcy out of accountability and responsibility for the damages that have been caused by your own reckless or negligent conduct.

I hope this amendment will pass. It has the support of the Violence Policy Center which points out that the gun industry is the only industry that is exempt from Federal health and safety regulations. There is no other industry explicitly exempt except for firearms manufacturers. Insisting they not be able to escape liability for their own reckless or negligent conduct is certainly in keeping with the exemption they sought from Federal health and safety regulations since judicial liability is the only way in which they can be held accountable.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Utah.

Mr. HATCH. Mr. President, I have said before, this amendment bars firearm manufacturers and sellers, including retailers, from business reorganization under the bankruptcy code by not allowing the discharge of debts that might result from one of these recently filed tort suits. That means a major retailer could go bankrupt and would not be able to reorganize to be able to pay off their debts. It would just gradually be sold off to meet the needs of this particular amendment. Manufacturers that could pay off injured parties substantially in full over time would simply not be able to do so under this amendment. Instead, they would be forced into liquidation.

It is both poor policy and a dangerous precedent to single out an unpopular industry for unfavorable treatment under the bankruptcy code. This is political correctness gone awry. As I recall, there are 18 exemptions on the personal side but none on the corporate side in this bill so far. Let us keep the bankruptcy laws nondiscriminatory in the sense of attacking and loading it up on an unpopular business just for political purposes. That is the wrong political correctness to be used. In this particular case, it just doesn't make sense. We ought to want them to go into reorganization so the debts could be paid and the business might be able to survive. That is why this amendment needs to be voted down.

I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. All time has expired.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2658. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Arizona (Mr. McCAIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote "no."

The result was announced—yeas 29, nay 68, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—29

Akaka
Biden
Boxer
Chafee, L.
Cleland
Daschle
Durbin
Feinstein
Graham
Harkin

Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Levin
Mikulski
Moynihan

Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—68

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Byrd
Campbell
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici

Dorgan
Edwards
Enzi
Feingold
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kyl
Landrieu
Leahy
Lieberman
Lincoln

Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—2

Burns
McCain

The amendment (No. 2658) was rejected.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 625) was ordered to be engrossed for a third reading and was read the third time.

BANKRUPTCY JUDGESHIPS

Mr. COVERDELL. Mr. President, the Judicial Conference recommends that Congress authorize 24 new bankruptcy judgeship positions in districts where bankruptcy filings and judicial caseloads are particularly burdensome. S. 625 authorizes 18 of these judgeships; these same positions were included in the conference report to the bankruptcy legislation in the 105th Congress. S. 625 does not, however, include six positions that the Judicial Conference submitted to Congress on March 24, 1999.

I thank the chairman of the Subcommittee on Administrative Oversight and the Courts for working so closely with me in my efforts to include these judges in the pending legislation. The chairman conducted a joint hearing with the House Judiciary Committee on November 2, 1999 to consider these six additional judgeships and has given them appropriate scrutiny. I have consulted with the Chairman both before and after this hearing regarding these judgeships, and I believe I have his commitment to address these positions when S. 625 is conferenced with the House.

Mr. GRASSLEY. If the Senator from Georgia will yield. I can assure him that during the conference with the House on S. 625, I will in good faith address the Judicial Conference's recommendation for the additional judgeships. The hearing in November was indeed useful in helping us assess the merits of authorizing these additional judgeships. Subsequent to that hearing, my staff and I have engaged in discussions with the Administrative Office to clarify some remaining questions and concerns. I can report that most of my requests have been satisfactorily addressed. However, I am still awaiting some additional information, and so I am reluctant to add these positions to S. 625 at this time.

Mr. COVERDELL. I thank the Chairman for his efforts and assurances. As a fiscal conservative myself, I understand and appreciate his dedication to ensuring that these positions are truly warranted.

One of these new judgeships would help address a judicial caseload problem in Georgia. This new position would actually provide relief to two Georgia districts where caseloads far exceed the national average. By authorizing a new judgeship for the Southern District, an existing judgeship that is currently split between the Southern and Middle districts would move full-time to the Middle District.

Mr. GRASSLEY. I thank the Senator for his statement and for his efforts in moving this issue forward.

Mr. MOYNIHAN. Mr. President, I rise today to voice my concern over the bankruptcy bill that is before the Senate. I do this not because I am an expert on bankruptcy law, but because I have been involved with social policy for almost a half-century and can tell you that this is no way to reform the bankruptcy system.

A May 9, 1999, New York Times editorial said that the House bill is "bankruptcy reform that spares the wealthy . . . and makes life harder for poor and middle-class people who file for bankruptcy." Representative HENRY HYDE (R-IL) said the bill is "truly tilted toward the creditors." The Senate bill is not much better. The effect of the bill is not complicated—the wealthy benefit, the poor suffer. After the President signed the Personal Responsibility and Work Opportunity Act of 1996—the so-called welfare reform bill—I stated that "this act terminates the basic Federal commitment of support for dependent children in hopes of altering the behavior of their mothers." That bill broke the Social Contract of the 1930s. We would care for the elderly, the unemployed, the dependent children. Drop the latter; watch the others fall. We broke the social contract then, and will again if this bill passes.

We were born a nation of debtors. A large number of early European settlers came here indentured. The British rejection of debtor relief laws in Massachusetts and Virginia was one of the precipitating factors of the Revolutionary War. In justifying its actions, the British Board of Trade noted that 9 out of every 10 creditors resided in Great Britain—the Americans were the debtors. Shays' Rebellion, which followed the War of Independence, was a direct response by farmers to the courts' attempt to imprison fellow farmers for their debts.

Daniel Webster understood the tension and possible dangers that could arise between debtor and creditor. Speaking in Congress on the Bankruptcy Act of 1841, the Massachusetts statesman remarked on the post-Revolutionary crisis:

> The relation between debtor and creditors, always delicate, and always dangerous, whenever it divides society, and draws out the respective parties into different ranks and classes, was in such condition in the years 1787, 1788, and 1789 as to threaten the overthrow of all government; and a revolution was menaced, much more critical and alarming than that through which the country had recently passed.

In an attempt to address the relationship between debtor and creditor, the U.S. Constitution was adopted with explicit bankruptcy authority granted to Congress. Congress came up with the Bankruptcy Act of 1800, which was similar to the English law in effect at the time of independence. The 1800 Act was repealed in 1803. One of the unfortunate stories from this period was that of Robert Morris, who had the honor to sign the Declaration of Independence, the Articles of Confederacy, and the U.S. Constitution. After creating the budget for the early American government and heading the Yorktown campaign, he experienced considerable misfortune speculating on land out West, incurring debts that landed him in Philadelphia's Prune Street Jail from 1798 to 1801. Morris was eventually relieved by the Bankruptcy Act of 1800.

Following the devastating Panic of 1837, the controversial Bankruptcy Act of 1841 became law. It was repealed 18 months later. The 1841 Act for the first time in British or American law allowed the debtor to file for bankruptcy. Until this time, only creditors could put a debtor into bankruptcy, which made it easier to collect their debts. Although the Supreme Court did not address the 1841 Act before it was repealed in 1843 because of political resistance, its constitutionality was upheld at the circuit level, bringing voluntary bankruptcy by non-merchants within the scope of Congress' bankruptcy power.

Under the 1841 Act, 33,739 debtors were adjudicated bankrupt, of whom only 765 were denied a discharge. (If you were to declare bankruptcy in Illinois, your attorney very likely would have been Abraham Lincoln.)

The panic of 1857 and the devastation of the Civil War brought enactment of the Bankruptcy Act of 1867, repealed in 1878. The 1867 Act allowed the debtor to retain increased exempt property under state or Federal exemptions and required a 50 percent distribution to creditors and creditor consent as preconditions to a discharge. But, the 1867 Act contained so many grounds for denying discharge that fewer than one-third of the debtors filing under the Act ever received one discharge.

These three laws were born and died amid controversy. But taken together, they contained grand innovations that greatly helped ordinary American debtors: Individual debtors were given voluntary access to bankruptcy relief, to broader state exemptions, and to the discharge of their debts with less creditor approval.

The Bankruptcy Act of 1898, largely with us today in concept although supplanted by the 1978 Bankruptcy Reform Act and subsequent amendments, consolidated and improved many of these innovations for the benefit of debtors.

In 1934 the United States Supreme Court encapsulated the American view toward the discharge of individual debtors through bankruptcy as follows:

> One of the primary purposes of the Bankruptcy Act is to relieve the honest debtor from the weight of oppressive indebtedness and permit him to start afresh free from the obligations and responsibilities consequent upon business misfortunes. This purpose of the act has been again and again emphasized by the courts as being of public as well as private interest, in that it gives to the honest but unfortunate debtor who surrenders for distribution the property which he owns at the time of bankruptcy, a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of pre-existing debt.

America is truly the land of the second chance. To repeat the Supreme Court, our nation believes in a bankruptcy system that "gives the honest but unfortunate debtor who surrenders for distribution the property which he owns at the time of bankruptcy, a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of pre-existing debt." This nation has been blessed with a hard-working, independent, creative, and risk-taking citizenry. We also have embraced a free-market economy that has brought us great wealth and prosperity. But with this economic system comes great risks (and opportunities) for our citizens, and relatively meager safety nets are provided. The fresh start that bankruptcy provides is one of those safety nets. Let's not shred that safety net with this bill.

The bill before us contains an arbitrary means test that makes it harder for low to moderate income people to wipe out their debts and start clean, includes provisions favoring the credit card industry, provides inadequate consumer protections, incorporates insufficient privacy safeguards, and will have a disproportionately negative impact on individuals with lower incomes, minorities, and older Americans.

This bill punishes the wrong people. We seem hell-bent to punish elderly people who incur unexpected health bills or individuals who unexpectedly lose their jobs. Instead, why don't we address the credit card industry's predatory practices? Credit card issuers mailed out 3.45 billion—not million but billion—solicitation letters last year. Professor Elizabeth Warner of Harvard Law School said that banks make so much money on unpaid credit card balances—thanks to interest rates much higher than those of home mortgages, car loans or other forms of "secured" debt—that they deliberately lure people into borrowing beyond their means. Now, they are trying to get Congress to rig rules so their own loan losses will be reduced. This is special interest legislation at its worst.

Locke wrote that government has a fiduciary responsibility to act in the best interest of the people. If we pass this bill, we will be breaching that duty and undermining the fundamental sense that our government is founded on the twin principles of decency and fairness, a unique system that believes in extending a helping hand rather than a boot across the throat.

Mr. DURBIN. Mr. President, the Senate has been debating, S. 625, the bankruptcy reform bill for weeks. I am happy to say that many Democratic amendments have been accepted which have brought much needed balance to the bill.

The issue of bankruptcy is a highly technical and convoluted area of our law replete with terms like cram downs, reaffirmations, panel trustees, automatic stays, nondischargeable debt, priority debt, secured debt, and even something known as a "superdischarge."

And the bankruptcy code is not only complex and arcane. It is the fulcrum point of a delicate balance. When you push one thing, almost invariably something else will give. That's because no matter how hard you try there is a limited resource pie. All we do many times is increase the fighting over the small pie—and usually no one really wins that fight.

The Senate made several improvements to ease the burdens on low income debtors while making sure that wealthy debtors pay their fair share. The Senate adopted my amendment to allow debtors to attend mandatory credit counseling by telephone or over the Internet, which will make it easier for debtors with transportation difficulties. By adopting a cap on the homestead exemption of $100,000, Congress will continue the longstanding policy of giving a debtor a fresh start—not a windfall.

Improvements were also made to make the bill more cost effective and less expensive for taxpayers. My amendment to streamline the means test for debtors between 100 and 150% of the median income was adopted and will save the taxpayers $8 million a year in administrative costs. In addition, Senator LEAHY's amendment to exempt certain debtors from the requirement of filing 3 years of tax returns will reduce both costs and undue burdens on low income debtors.

Finally, tremendous progress was made on the bill in the area of credit card disclosure. If we are going to make it harder for people to file for bankruptcy, then we need to provide them enough information to ensure they are making informed decisions about their credit.

I was happy to join Senator SARBANES in an effort to require creditors to warn consumers about interest costs and provide toll free numbers where debtors can learn how long it will take to eliminate a credit card balance by making only the minimum monthly payment.

I will be watching the bankruptcy conference closely to ensure that all of the hard fought amendments adopted on the Senate floor remain in the bill through conference. If these provisions are stripped out in conference, then this bill will likely face the same fate as last year's bill—it will never become law.

Because of improvements in areas of concern to me, I will vote for the underlying bankruptcy legislation, but I want to make clear my opposition to the Republican minimum wage measure. It was clear from last year's debate and it's clear today that the Republican minimum wage does little to help America's lowest wage earners. In fact, it's a slap in the face for all of our hardworking citizens who strive every day to lift themselves out of poverty and into a better way of life.

Over the next three years, a minimum wage worker would receive over

$1,200 less under the GOP version than the Democratic proposal. Let's break that down, Mr. President, into real terms. For America's lowest wage earners: $1,200 a year translates into over four months worth of groceries, over three months of rent, almost half a year worth of utilities. For the lucky ones, that's one full year of tuition and fees at a two-year college. Yet, the Republicans want to deny their constituents this opportunity and I can't understand why.

Mr. President, this Republican minimum wage proposal sounds vaguely familiar to us. You may recall how the other side of the aisle tried to stretch out tax refunds for our lowest income workers under the Earned Income Tax Credit. We grant tax relief to those that need it most and then the Republicans turn around and try to delay their refunds. These types of delaying tactics didn't work for the EITC and they certainly won't work for an increase in the minimum wage.

Something I've heard very little about, and maybe it's because the Republicans don't want you to know about it, is Section Two of their amendment that effectively repeals overtime pay provisions of the Fair Labor Standards Act that have been the law for over 60 years. This provision would eliminate the requirement that bonuses, commissions, and other compensations based on productivity, quality, and efficiency be considered part of a worker's "regular rate" of pay for purposes of calculating overtime pay. Because overtime pay is based on one and a half times regular pay, overtime pay is lower if a worker's regular pay is lower. Today, almost 73 million Americans are entitled to overtime pay and the GOP provision jeopardizes their overtime benefits. Think about it. If employers can pay less for overtime, they have a financial incentive to require workers to work overtime without getting the pay they deserve. That's another slap in the face on top of the one they get from this half-hearted attempt to raise their wages from $5.15 an hour.

Mr. President, it's clear that the Democratic bill would do a better job at getting a pay increase to those who need it most. On our side of the aisle, we believe it's not only our obligation, but our duty to help those who need it the most. It is my hope that the conference committee will wake up and remedy this malady that will be imposed on the American people by the Republicans should this bill become law.

Mr. ROBB. Mr. President, I would like to begin by thanking my colleagues, Senators TORRICELLI and GRASSLEY, for their leadership in putting together the bankruptcy legislation that is before us today. I was one of the co-sponsors of the initial bankruptcy bill and continue to support the legislation that is before us today. I'm concerned, however, that we are including a tax provision which runs counter to the entire essence of the bill.

As we finish debate on this measure, we ought to focus on one overriding theme: responsibility. In the context of bankruptcy, this includes both financial and social responsibility. Debtors need to be more responsible when making decisions about purchasing goods or services. And just as we expect those who purchase goods and services to pay for these benefits, we expect lenders and sellers to be responsible in their business practices. This is going to be a difficult balancing act—both sides are going to have to give a little bit. Right now, I hope that we are closer to fixing many of the problems that needed to be addressed.

Financial responsibility, however, is not just relevant for our debate today—it needs to become a theme for this Congress. This bankruptcy bill is based on a simple premise: if you are able to pay your debts, you should. I believe this premise should also be applied to the federal government. For decades, the government spent more than it took in. It ran up a $5 trillion debt. We are now in a position to pay our debts. Before we go on a massive tax-cutting or spending binge, we should focus on reducing our debt. It rings hollow for us to insist upon financial responsibility from individuals and then fail to exercise financial responsibility ourselves.

We should start this session exercising fiscal restraint, and we should begin with this bill. It is ironic that this bill contains a tax cut that costs more than it should and fails to hit its target. Although the tax package contained in this bill is being described as helping small businesses, it is poorly targeted and will provide little help to the businesses that will be most affected by the minimum wage bill.

If minimum wage legislation continues to move forward, I urge my colleagues to look once again at S. 1867, The Small Business Tax Reduction Act of 1999, the bill that Senator BAUCUS and I introduced last November. This tax package offers real relief to those employers who will be most affected by the minimum wage increase. That was the purpose of the minimum wage tax bill, and our bill accomplishes that goal.

For instance, our bill would accelerate the full deduction for self-employed health insurance so that it takes effect immediately instead of delaying it for several more years. Our bill would increase the expensing limit for small businesses so they can purchase new and better equipment. We would also raise the business meals deduction from 50% to 60% to help restaurants accommodate increased labor costs.

At the same time, we would provide estate tax relief for small family-owned farms and businesses. Death is an inappropriate catalyst for the forced sale of a family-held business or farm. Farmers would benefit as our bill would be sure that income averaging does not increase a farmer's potential Alternative Minimum Tax liability. We also provide farmers with a longer period to use their net operating losses if they have them. These are real tax provisions that help real people.

The Small Business Tax Reduction Act of 1999 also contains provisions targeted to geographic areas with the greatest need of economic assistance. The New Markets proposal, for example, would reward employers who operate in economically distressed areas, where the minimum wage is the most prevalent. It also includes a credit that encourages employers to give their lower income employees information technology training. We also expand current empowerment zones credits so that more communities and more people are able to take advantage of these credits. These are all provisions that will provide assistance to areas that are most in need of help.

Moreover, the pension provisions in our bill are designed to address the needs of small employers struggling to develop effective retirement plans for their employees. For example, we would allow small businesses to take plan loans as large businesses can, and we have included Senator BAUCUS' proposal to provide a credit for new small business pension plans. Everyone benefits when small businesses are better able to offer their employees retirement plans.

In short, the tax package I offered accomplishes the purpose of providing relief to those employers who will have higher costs when the minimum wage increases. And it is responsible. It does not squander the surplus that we have fought so hard to achieve, but rather maintains it for debt reduction. At the same time, it protects Social Security Trust Funds from being misallocated to other programs and expenditures. The tax package that is currently contained in the bill is not responsible and must be substantially improved in conference. We are going to face several tough issues this year. I hope that our colleagues agree that this is the time to start.

Mr. KOHL. Mr. President, I rise today to express my guarded support for the Bankruptcy Reform Act currently before the Senate. The troubling and dramatic rise in the number of bankruptcy filings demands our careful attention, and this legislation—if balanced and fair—will shore up the most significant cracks in our current system, but still grant a "fresh start" to those debtors who truly deserve it.

One of the ways this bill works to eliminate the most egregious abuses of the bankruptcy code is by finally placing a federal cap on the unlimited homestead exemption. This provision, which I introduced with Senators SESSIONS and GRASSLEY, would close an inexcusable loophole which currently allows millionaire deadbeats to keep their luxury homes while their legitimate creditors get left out in the cold. A cap is not only the best policy, it sends the best message: that bankruptcy is a tool of last resort, not a tool for financial planning.

And don't just take my word for it: ask my colleagues in the Senate. At the end of last session, we passed our $100,000 homestead cap by an overwhelming margin of 76–22.

However Mr. President, if this legislation comes out of Conference unbalanced, rest assured that I will be happy to vote against final passage of the bill, as I did last Congress. A major factor in my determination of what constitutes "balance" will be the status of the homestead cap.

That said, I support this bill today because I believe it will repair and improve our bankruptcy system, and help restore the stigma to bankruptcy. But without the homestead cap, this bill will likely fall short of its goal.

Mr. LEVIN. Mr. President, in the 105th Congress, the Senate passed a meaningful bankruptcy reform bill by an almost unanimous vote. I voted for that bill because I thought it was a well-balanced reform bill that would discourage abuse of the system and provide enhanced protections and reasonable information to consumers. The final version of that bill was not approved in the 105th Congress, and so, once again, we engaged in debate over how to restructure the nation's bankruptcy laws. When we started debate on this bill, it was substantially different from the moderate, bi-partisan bill of last Congress. I was particularly concerned with the provisions relative to the means-test and consumer credit card disclosures. However, over the course of this debate, the Senate has adopted more than 40 amendments, making this a more reasonable approach to bankruptcy reform.

As reported out of the Judiciary Committee, the bankruptcy reform bill did not include consumer protections providing reasonable disclosures of unsecured credit such as credit cards. Studies show that bankruptcy filings increase as household debt increases. High debt-to-income ratios makes working Americans more vulnerable to financial emergencies. I am pleased that the Senate accepted an amendment to provide enhanced access to consumer credit information. Creditors will be responsible for warning debtors about potential dangers of paying only minimum monthly payments and will make a toll free number available to the debtor for more specific information. Although this is not as helpful as the Senate's 1998 bill, it is a step in the right direction. The previous bankruptcy bill gave specific information to consumers about the months and years it would take for consumers to pay off their debts by paying the minimum payment and provided them with their total costs in interest and principle. A more detailed disclosure regarding minimum monthly payments will help families exercise personal responsibility and limit financial vulnerability.

In addition, the Senate has made modest steps relative to the bankruptcy bill's means-test. The purpose of a means-test is to prevent consumers, who can afford to repay some of their debts, from abusing the system by filing for Chapter 7. Directing so-called abusive debtors away from Chapter 7, where debts are forgiven, and into Chapter 13, where the debtor must enter into a debt repayment plan, makes sense. But an inflexible means test, with virtually no exceptions, will, in the words of HENRY HYDE, "deprive debtors and their families of the means to pay for their basic needs." I hope that in conference, the Senate-House conferees will work toward establishing a more flexible means-test, one that makes allowances for basic expenses such as transportation, food and rent.

I am pleased that two amendments I sponsored, a credit card redlining study and the prohibition of retroactive interest charges, were accepted by the Senate. The redlining amendment requires the Federal Reserve to conduct a study and report to the Banking committee about whether financial institutions use place of residence as a factor in determining credit worthiness. It is an important study that will bring to light the problem of unequal credit opportunity.

My other amendment seeks to clarify what credit card companies refer to as a "grace period." Credit card lenders use complicated definitions to explain that "grace periods" only apply if the balance is paid in full. For example, assume that a consumer charges an average of $1000 each month and always repays in full on time. If one month, due to an error he writes a check that is $10 less than the full amount he owes, but which is paid on time and is within the "grace period," he probably would expect to pay the $10 charge and the interest on the $10 unpaid balance. However, he is really charged retroactively on the full $1,000 balance to the date the charges were made, even though he had paid 99% of the balance. This consumer's $10 error ends up costing him up to four times that in interest charges.

Current practice by these companies undermines reasonable consumer expectations about what how a grace period for their payment works and results in monetary penalties from the application of interest charges. This amendment makes clear that the definition of a grace period is one where a consumer is extended credit. No finance charge can be imposed on the amount paid before the end of the "grace period."

I have decided to support this bill. However, I am very concerned by the inclusion of non-germane tax provisions which spend $76 billion of the projected non-Social Security surplus over the next ten years. While some of the provisions included in this package make sense, it is premature and unwise for the Congress to begin spending a surplus which is uncertain before we have begun to pay down the national debt and assured that our priorities in protecting Social Security and Medicare, investing in education, and considering other types of tax cuts have been met. For that reason, should this legislation come back from conference with some of these tax provisions or without the modest amendments we adopted in the Senate, I will consider opposing the bill at that time.

Mr. BYRD. Mr. President, I shall vote in favor of S. 625, the Bankruptcy Reform Act of 1999, in order to restore fiscal responsibility to the nation's bankruptcy code. Last year, a record 1.4 million people declared bankruptcy, which was almost triple the number in 1988 (549,612) and five times the number in 1980 (287,057). That the number of households in severe financial difficulty has risen so dramatically is perplexing, given the prosperous economy, and suggests that some filers are abusing the bankruptcy code to erase debts they are able to pay. The dramatic rise in bankruptcy filings may also suggest that there is no longer a stigma attached to bankruptcy filers, and that the bankruptcy laws are seen more as a financial planning tool rather than a system of last resort. This bill would curb potential abuses of the bankruptcy code by channeling debtors away from chapter 7 liquidation, where a debtor's liabilities are erased, and towards chapter 13 repayment, where debts are reorganized under a repayment plan. While I am not satisfied that this bill will decrease the bankruptcy rate as dramatically as advocates claim, I am convinced that S. 625 is a worthwhile effort in restoring fiscal responsibility.

However, during the bankruptcy debate, the Republican-controlled Senate passed an amendment that would attach $75 billion in tax cuts over ten years to the bankruptcy bill. These tax cuts were adopted in lieu of targeted cuts that would have benefitted low-income and rural families, which I supported, and that would have been fully paid-for by closing down tax loopholes that would force businesses to pay their fair share of taxes. Instead, the Senate adopted a tax package that would not have been paid-for, and would largely benefit high-income taxpayers. This means that Congress may have to borrow needed money or cut spending to vital programs that benefit hundred of thousands of West Virginians in order to pay for these tax cuts. It is almost ironic that Congress attached these unpaid-for tax cuts to the bankruptcy bill. Here we are today voting on a bill that would demand financial prudence of debtors at the same time that Congress is providing for $75 billion in unpaid-for tax cuts.

In addition to these tax cuts, the Senate rejected a minimum wage proposal by Senator KENNEDY, which I supported, that would have raised the minimum wage from $5.15 to $6.15 over two years. Instead, the Senate adopted a one dollar rise in the minimum wage over three years that was proposed by Senator DOMENICI. This would effectively delay a pay raise to minimum wage workers, and cost year-round, full-time minimum wage workers approximately $1,200 over three years. I have always supported the minimum wage because of the 11.4 million workers who rely on it to support their families. The two-year minimum wage proposal would have provided an additional $2,000 a year for 11.4 million minimum wage workers. That $2,000 translates into an additional seven months of groceries, five months of rent, almost ten months of utilities, and eighteen months of tuition and fees at a two year college.

My hope and expectation is that the three year minimum wage hike and $75 billion tax cut provisions will be replaced with a two year minimum wage rise and more targeted tax package when the conferees from the House of Representatives and the Senate meet in the coming months to work out the differences between the House- and Senate-passed versions of this legislation. Consequently, I have joined with forty-four other senators in sending a letter to the bankruptcy conferees urging that they remove the Domenici provisions and accept the Kennedy proposal.

Mrs. LINCOLN. Mr. President, I voted for final passage of the Bankruptcy Reform Act today because bankruptcy reform has been desperately needed in this country and I have worked throughout my public career to bring it about. This bill, however, is not without its problems. It is my sincere hope that the Bankruptcy bill that emerges from the Conference Committee will be just that, a Bankruptcy Bill. I believe that the non-bankruptcy and poison pill riders that were added to the bill on the floor should be stripped, or at least reformed in Conference, so that we can move forward on bankruptcy. Our country needs, and we owe to our constituents, a bankruptcy bill that the President will sign.

Mr. President, we made various amendments to this bill which should be readdressed in Conference and changed. For instance, I am pleased that this body passed an increase in the minimum wage for working families in Arkansas. However, I urge my Colleagues in Congress to strengthen this provision in Conference implementing the $1.00 increase over two years instead of three.

I also support tax cuts, however, the tax cuts in this bill are not paid for and will do nothing to help small business and working people. I am especially disappointed that this body failed to pass the needed estate tax relief for family farms and small businesses that was included in the tax amendment offered by the Minority.

The Senate also agreed to an amendment during consideration of this bill designed to combat the spread of methamphetamine use in rural and urban areas. While I agree we must do something to stop the terrible spread of meth use in our country, I voted against that amendment because, as the language stands, it will allow federal education funding to be spent for tuition at private and religious schools. Everyone wants to fight the scourge of drugs. Let's have a clean amendment so we can move forward as a nation and fight against methamphetamine with a concerted effort.

These are just a few examples of what needs to be fixed in this bill. If we really want bankruptcy reform to become a reality we have to craft a bill that the President will sign. Without a hard working conference and bipartisan efforts, this can't possibly happen. I urge my colleagues to work together to bring a clean bill back from the conference, and to bring needed bankruptcy reform home to the American people.

Mrs. FEINSTEIN. Mr. President, I rise to support the underlying goal of the bankruptcy bill, which is to promote personal financial responsibility. Bankruptcy filings have increased at an astonishing pace since the last overhaul of the Bankruptcy Code in 1978. In 1978, there were 182,000 consumer bankruptcy filings. Twenty years later in 1998, 1,444,812 people filed for bankruptcy. Bankruptcy has become so commonplace that more than one in a hundred households will file for bankruptcy this year.

The rise in bankruptcy filings is particularly disconcerting given the record expansion of our economy, which this week became the longest expansion in our Nation's history.

Bankruptcy should be a last-resort legal option, and not a vehicle for avoiding personal responsibility. People should not be able to file bankruptcy if they can easily pay back their debts.

Another key aspect of bankruptcy reform is the need to address the growth of consumer credit. It's a simple matter of arithmetic. The typical family filing for bankruptcy in 1998 owed more than one-and-a-half times its annual income in short-term, high-interest debt. This means the average family in bankruptcy with a median income of just over $17,500, and $28,955 in credit card and other short-term high interest debt.

There are over a billion credit cards in circulation—a dozen credit cards for every household in the country. Three-quarters of all households have at least one credit card. Credit debt has doubled between 1993 and 1997 to $422 billion from just over $200 billion.

A constituent from Lakewood, California describes the situation aptly: "What really bugs me about this is that credit card companies send out these solicitations for their plastic cards and then when they get burned, they start crying foul. They want all kinds of laws passed to protect them from taking hits when it's their own practices that caused the problem."

This legislation has taken some steps to address the problem of consumer credit, but more needs to be done.

One of the major reasons that I am supporting the bill is that it includes my amendment to require the Federal Reserve Board to investigate the practice of issuing credit cards indiscriminately, without taking steps to ensure that consumers are capable of repaying their debt, or in a manner that encourages consumers to accumulate additional debt.

The amendment allows the Federal Reserve Board to issue regulations that would require additional disclosures to consumers, and to take any other actions, consistent with its statutory authority, that the Board finds necessary to ensure responsible industry-wide practices and to prevent resulting consumer debt and insolvency.

In addition, I am pleased that the bill requires credit card companies to warn consumers about interest costs, and provide a toll-free phone where they can find out how long it would take to eliminate a balance when just paying the minimum balance each month. Credit card companies also are required to better explain teaser rates and late fees in their solicitations.

The Senate also has made important improvements to this bill, both in the Judiciary Committee and on the floor. In my home state of California, for example, we have suffered from the abusive practices of bankruptcy mills including price gouging of debtors, incompetent service, and fraud. The bill includes an amendment to curb this abusive practice.

However, I remain very concerned about the minimum wage and tax amendments attached to this bill. Let me first say that I am strong supporter of raising the minimum wager. In the four years since Congress last past a minimum wage increase, the U.S. economy has continued to surge at an unprecedented rate.

Nine million new jobs have been added to the economy. More than a million of those are in the retail sector. Unemployment is down and the number of jobs for women, African-Americans, Hispanic Americans, and teenagers has grown. Clearly the increase in the minimum wage has helped working families and it is time to do so again.

The problem with the minimum wage increase in this bill is that it is spread out over too long a period of time. The amendment would raise the minimum wage by $1 in three steps of 35 cents, 35 cents, and 30 cents.

California's minimum wage is $5.75. Under this proposal, working families there would not benefit at all in the first year, receive only a 10 cent wage increase in the second year, and would not feel the full increase until 2003. That is simply unacceptable.

The time to raise the minimum wage is not when the economy is ailing. It's when the economy is flush and that time is now.

Congress should raise the minimum by $1 over two years as proposed by Democrats and we should do it now.

The bill also contains a $77 billion tax package whose benefits are skewed toward upper-income taxpayers. Specifically, the package has health insurance and long-term care provisions which would disproportionately benefit higher income taxpayers. I am also concerned about the fairness of the package's pension provision which would principally benefit highly-compensated employees.

In summary, I think there is a lot of good in the bankruptcy bill, and I intend to vote for it because it can still yield a worthwhile final product. However, extensive improvements are still needed in conference. The Conference negotiations must resolve the minimum wage and tax problems, and other deficiencies is the bill.

I need to work with my Senate colleagues to implement these needed changes.

Mr. KERRY. Mr. President, today we will vote overwhelmingly in support of a measure to dramatically reform the bankruptcy system. I join my colleagues in support of this bill, because I believe it is time we repair the bankruptcy system and I believe that this bill should progress to conference. However, the bill we support today is seriously flawed. It is my hope that some of the bill's more serious problems will be addressed in conference.

The Bankruptcy Reform Act fails to provide disclosures which would tell consumers how long it would take to pay off their balance at the minimum rate and what their total costs in interest and principle would be. Without this simple provision, American consumers will not receive the kind of specific information that will encourage them to pay their balance off more quickly, and avoid falling into debt in the first place.

I am also concerned that this bill fails to protect women and children who are entitled to child support and alimony. The bill increases the amount of debt for which debtors will remain liable through the creation of new types of nondischargeable debts to credit card companies and by permitting coercive "reaffirmation" agreements. With more competition for limited debtor resources, the bill fails to insure that parents and children will prevail over credit card companies and banks.

This bill includes an arbitrary and inflexible means test to determine which debtors must file Chapter 7 bankruptcy instead of Chapter 13. It is based on IRS standards not drafted for bankruptcy purposes that do not take into account individual family needs for expenses like transportation, food and rent. If we are going to shift individuals from Chapter 7 to Chapter 13 bankruptcies, we must ensure that we are taking into account individual needs and do not inadvertently harm those who need bankruptcy protections the most.

The bill also contains a number of nongermane provisions that concern me. The methamphetamine amendment increases the sentences for powder cocaine, thereby causing further overcrowding in prisons and increasing the representation of young minority males in prisons. I am also opposed to another provision that authorizes the use of public funds to pay for private school tuition for students who were injured by violent criminal offenses on public school grounds.

Despite its flaws, which I sincerely hope will be addressed in conference, the bill has a number of provisions I support, I take this opportunity to thank the managers of this bill, Senators GRASSLEY, TORRICELLI, and Ranking Member LEAHY for their consideration and assistance in accepting three amendments that I believe are important to fishermen in Massachusetts and small businesses across America.

First, I believe that the small business provisions originally in this bill establish too short a time for small businesses that must resort to bankruptcy. These provisions are counter to this country's long held policy of fostering small business creation and expansion. The amendment to the bill which was accepted will increase the time for small businesses to develop a reorganization plan to 300 days. This will allow small businesses to continue to have adequate time to develop a reorganization plan during bankruptcy proceedings. The amendment will also allow bankruptcy judges more discretion to develop an appropriate time frame for small business reorganization.

I thank Senator COLLINS and her staff for their fine work in developing an amendment which was accepted to make Chapter 12 of the Bankruptcy Code, which now applies to family farmers, applicable for fishermen. I was proud to be the lead Democratic cosponsor of this amendment that will make bankruptcy a more effective tool to help fishermen reorganize effectively and allow them to keep fishing while they do so.

The final amendment which was accepted allows the expansion of the credit committee membership under Chapter 11 bankruptcies to include a small business when it is determined that the small business' claims are disproportionally large to its gross revenues. This will ensure better access to information for those small businesses not included in the committee by allowing the committee to be open for comment and subject to additional reports or disclosures.

It is my hope that each of these amendments will be included in the Conference Report for the Bankruptcy Reform Act of 1999. I look forward to working with the Managers of the bill during Conference on these and other issues.

Mr. HATCH. Mr. President, S. 625, the Consumer Bankruptcy Reform Act, is one of the most important legislative efforts to reform the bankruptcy laws in decades.

I want to thank a few of the people who have worked on this bill. Let me first acknowledge the Majority Leader, who has worked very hard to keep this bill moving forward. Given the demanding Senate schedule, it would have been easier for him to have refused to take up the bill, but because of his dedication to the important reforms in this bill, we now have legislation that makes enormous strides in eliminating abuse in the bankruptcy system. I am also grateful to the assistant majority leader, Senator NICKLES, along with Senators DASCHLE and REID for their efforts in working with us to move the legislation forward.

Let me also acknowledge the Ranking Member of the Senate Judiciary Committee, Senator LEAHY, who has worked tirelessly to reach agreement on many of the bill's provisions, and who ably managed the bill for his side of the aisle. I also want to commend my colleagues, Senators GRASSLEY and TORRICELLI, the Chairman and ranking minority member of the Subcommittee on Administrative Oversight and the Courts, respectively, for their tremendous efforts in crafting this much needed legislation. I particularly appreciate the dedication they have shown in making the passage of this bill an inclusive and bipartisan process.

Also, let me express my thanks to Senator SESSIONS who has shown unwavering dedication to accomplishing the important reforms in this bill, to

Senator BIDEN for his efforts over the past two years in helping see sensible reform through the Senate, and to the many other members of the Senate for their hard work and cooperation.

At the Committee staff level, let me acknowledge a few people who have worked very hard on this bill. Kolan Davis and John McMickle of the Administrative Oversight and the Courts Subcommittee staff, along with Ed Haden, Kristi Lee and Sean Costello of the Youth Violence Subcommittee staff deserve praise for their impressive efforts on this legislation. In addition, Judiciary Committee Counsels Makan Delrahim, who was the lead counsel on this bill, Rene Augustine, and Kyle Sampson, as well as staff assistant Karen Wright, are to be commended for their hard work on this important bill. Thanks as well should be given to the Judiciary Committee's Chief Counsel and Staff Director, Manus Cooney, one of the most able and hard-working Chief Counsels the Committee has had.

On Senator LEAHY's Committee staff, I want to acknowledge Minority Chief Counsel Bruce Cohen, along with counsel Ed Pagano for their efforts. In addition, I want to recognize the tireless efforts of Eric Shuffler and Jennifer Leach of Senator TORRICELLI's staff, as well as the hard work of Jim Greene of Senator BIDEN's staff, the Youth Violence Subcommittee's Minority Chief Counsel Sheryl Walter, as well as Ben Lawsky of Senator SCHUMER's staff.

I also want to commend Jim Hecht of the majority leader's staff, Stewart Verdery, Eric Ueland, and Matt Kirk of the assistant majority leader's staff, Jonathan Adelstein of Senator DASCHLE's staff, and Eddie Ayoob and Peter Arapis of the Minority Whip's staff for their efforts on this legislation.

The compelling need for this reform is underscored by the dramatic rise we have seen over the past several years in bankruptcy filings. The Bankruptcy Code was liberalized back in 1978, and since that time, consumer bankruptcy filings have risen at an unprecedented rate.

Mr. President, the bankruptcy system was intended to provide a "fresh start" for those who truly need it. We need to preserve the bankruptcy system within limits to allow individuals to emerge from severe financial hardship. What we do not need is to preserve the elements of the system that allow it to be abused—that allow some debtors to use bankruptcy as a financial planning tool rather than as a last resort. I firmly believe that by allowing people who can repay their debts to avoid their financial obligations, we are doing a disservice to the honest and hardworking people in this country who end up paying for it.

Mr. President, again I would like to applaud the bipartisan efforts of my colleagues who have made S. 625 a broadly-supported bill. The impact of this important legislation not only will be to curb the rampant number of frivolous bankruptcy filings, but also will be to give a boost to our economy.

The PRESIDING OFFICER. The clerk will report the House bill.

The bill clerk read as follows:

A bill (H.R. 833) to amend title 11 of the U.S. Code, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Without objection, all after the enacting clause of H.R. 833 is stricken and the text of S. 625, as amended, is inserted in lieu thereof.

The question is on the third reading of the bill.

The bill (H.R. 833), as amended, was ordered to a third reading and was read the third time.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 83, nays 14, as follows:—

[Rollcall Vote No. 5 Leg.]

YEAS—83

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Bryan
Bunning
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—14

Boxer
Brownback
Dodd
Feingold
Graham
Harkin
Hutchison
Kennedy
Lautenberg
Moynihan
Reed
Sarbanes
Schumer
Wellstone

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—2

Burns
McCain

The bill (H.R. 833), as amended, was passed.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House. S. 625 is returned to the calendar.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senate has taken an important step toward real bankruptcy reform on a bipartisan basis. None of this would have been possible without the hard work and cooperation of the ranking member on the subcommittee, Senator TORRICELLI. We introduced the bill together.

We have a good bill that will restore personal responsibility and crack down on abuses of debt collectors and provide key information to credit card customers about the problems of minimum payment.

I believe we go into conference in a strong position. I think our bill in the Senate is better than the House companion. We will have a spirited conference, I believe, but this year will be easier than last year since the bills are much closer.

In any event, the Senate has done a good job. I thank Senators HATCH, SESSIONS, REID, TORRICELLI, BIDEN, and LEAHY for the strong support they showed for reform.

I also thank Rene Augustine and Makan Delrahim of Senator HATCH's staff; Jennifer Leach and Eric Shuffler of Senator TORRICELLI's staff; Jim Greene of Senator BIDEN's staff; Eddie Ayoob of Senator REID's staff; and Kolan Davis and John McMickle of my own staff for their hard work on this bill.

I also thank Ed Haden and Sean Costello of Senator SESSIONS' staff.

Of course, this bill would not be here if not for Senator REID working with us on the floor and Senators HATCH and LEAHY helping steer this very difficult bill through the Senate as they helped get it out of the Senate Judiciary Committee. Of course, in this regard, I also thank the people who supported our legislation.

Most important, if anybody had asked me when we adjourned last year if we could have passed the bill this early this year, if at all, I would have been very pessimistic about it. But because of the cooperation we have had on the other side of the aisle, it was possible. Once again, in a very generic sense, I thank all who made this a bipartisan effort and made it possible to accomplish this goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Iowa for his kind remarks. He has persevered in this effort. He and I talked about this last fall when we were about ready to recess. We both committed ourselves to the fact that if this came back up this year, we would try to make it work. We told our respective leaders, Senator LOTT and Senator DASCHLE, that we would continue to work whittling down amendments. We were able to dispose of, I believe, well over 300 amendments.

The distinguished Senator from New Jersey, Mr. TORRICELLI, and the distinguished Senator from Utah, Mr. HATCH, worked so hard on this. Lesser people might have given up. They did not. They continued on.

The chairman, Senator HATCH, returned to his important leadership responsibilities without missing a step. I have been glad to work with him on this. We culminated our work on initial Senate passage of this bankruptcy act. Now we can go to conference.

Senators TORRICELLI and GRASSLEY will have their work cut out for them, as well as the rest of us, in trying to work that out. We will not have the help of the distinguished Senator from Nevada, Mr. REID, in removing a lot of amendments for us as he did on the floor. He has been tremendous in working that out.

On this side of the aisle, he worked to protect the rights of Democratic Senators and to improve the bill, and he has worked with his counterparts on the other side of the aisle in our joint effort to get amendments off this bill.

As the Senator from Iowa and I discussed earlier, we both have been here long enough to know we did have an enormous number of amendments to a bill, but we also know many are called but few are chosen.

So we will work together with Chairman HATCH, Senator GRASSLEY, Senator TORRICELLI, the House conferees, and the Clinton administration on a conference report that I think will be well worthwhile.

I hope we will not make the mistake of the past Congress where we came out of conference with something that never went anywhere. We have demonstrated in the Senate now twice, in lopsided votes, that we can pass a bankruptcy reform act. I hope we will come out of the conference with something that we can pass.

Lastly, I know a number of staff members, all of whom deserve praise, have been mentioned on this floor, but it is often said Senators are usually only constitutional necessities to the staff who really do the work around here. In that regard, Bruce Cohen and Ed Pagano of the Senate Judiciary Committee staff have worked long hours, many weekends, and late nights to get us this far, and they deserve a great deal of credit.

I see my good friend from New Jersey, the ranking member of the subcommittee, who told us it would be possible to get a bill through here back when many thought it would not be possible. He was right. He worked very hard. He deserves a great deal of credit.

I yield the floor to him.

Mr. TORRICELLI. I thank Senator LEAHY for his very kind comments and leadership in bringing this legislation to the floor, as well as, certainly, Senator GRASSLEY, who began this effort so long ago and worked so very hard. So many Senators have played an important role that I think it bears some analysis of how we came to this point. And there are some provisions of the bill that should be mentioned before we go to conference in order to set our clear agenda.

I know there are those from the outset who doubted whether, indeed, real reform of bankruptcy law could be achieved in this Congress. There was some reason to be skeptical because there were some conflicting provisions. Some of us had some very real needs that had to be met before the beginning legislation could ever be enacted.

The PRESIDING OFFICER (Mr. HUTCHINSON). If the Senator would suspend, there is a previous order. It will take unanimous consent for the Senator to continue.

Mr. TORRICELLI. I ask unanimous consent that the order be postponed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Most important of these objectives, in my mind, was dealing with the need for some consumer credit protection because, indeed, while there may be abuses in bankruptcy by debtors, to be certain, there are clearly problems in the credit industry.

I believe several important amendments have achieved this goal. Most importantly, in my mind, was the adoption of the Grassley-Torricelli disclosure amendment. Other important amendments were additions by Senators SCHUMER and SARBANES that will together provide real consumer protection.

All three amendments are based on the belief that if consumers have knowledge, they will make rational choices. Simply providing information will avoid many credit problems from which the American people are currently suffering. These include—if you look at the Torricelli-Grassley, Schumer, and Sarbanes amendments—a combination of disclosing prominently on credit documents: The effects of only making minimum payments on your account every month; second, when late fees will be imposed; and, third, the date on which introductory or teaser rates will expire and what the permanent rate will be upon that expiration.

Additionally, the Grassley-Torricelli amendment includes a provision authored by Senator JACK REED prohibiting the canceling of an account because the consumer pays the balance in full every month. That was a growing problem where people with good credit and good bill-paying habits were being penalized unnecessarily. That provision is now in the bill.

For all of these good additions that have made this better legislation, there are some problems which I hope and trust can be resolved in conference so that this can genuinely be bipartisan legislation, broadly accepted, and signed by the President.

The principal obstacle between what we want to achieve and that reality is obviously the minimum wage provisions in this legislation.

Mr. President, 12 million Americans continue to earn the minimum wage. Although they work all day, every day, throughout the year, they are in a daily struggle simply to survive. A mother of two working at the minimum wage earns only $10,712 per year, 22 percent below the poverty line, a wage at which it is impossible to provide housing and food and clothing for a child, no less two children—or even a person, no less a family. It is not a minimum wage; it is a poverty wage.

In the last 15 years, inflation rose by 86 percent, but the minimum wage rose by only 37 percent. The fact remains that the United States is allowing a standard of living by working people below what those who stood in this institution only 15, 20, and 25 years ago were permitting by law.

We in America are allowing the establishment of a near-permanent underclass of working people doomed to poverty and children who do not have a chance of breaking out of these circumstances, who are likely to enter life malnourished, poorly clothed, inadequately housed, knowing only poverty.

We need to reach the same judgment that our grandparents and our parents have reached for 70 years: A working, fair minimum wage.

With the proposed new minimum wage, a full-time worker will have an annual income of $12,700, an increase of $2,000 a year. The problem with our bill is that this change is brought over the course of 3 years rather than 2 years, as many of us have proposed.

If it is the right thing to do, upon which most Senators seem to agree, it is the right thing to do now. Leaving millions of American children in poverty for this extra time makes no sense, and it is indefensible.

Indeed, during that extra time it denies $1,200 to families who are struggling trying to work their way out of poverty.

I can think of no better addition to legislation dealing with debts and the struggling realities of American economic life in this reform of bankruptcy legislation than including a real minimum wage.

It is obviously my hope that when the bill returns from conference we will return to a 2-year increase in the minimum wage rather than the 3-year provisions in this legislation.

The second area of concern—for all that we have achieved in this legislation—is the creation of a new school voucher program which was contained in a Republican antidrug amendment.

I want to make clear that I voted against this amendment last fall. I did so not because of objections to the underlying amphetamine prevention legislation, which I voted for in the Judiciary Committee, but to the voucher program.

When we considered this provision in the Judiciary Committee, it did not have this voucher provision. It actually was dealing with narcotics problems in schools with younger people. It was a good provision. It has now been changed on the floor to include this voucher program. It is a simple diversion of desperately needed public moneys in the public schools, which can only make the problem worse. Money that would go to children at risk to deal with many problems, including narcotics problems, would now be removed from the schools. This provision does not make sense. It should be removed.

I believe if these objections are dealt with, we can return to this floor with a conference committee report of which we can all be proud.

For all the divisions we might have faced when this legislation began, I think we all now understand there is a problem with bankruptcy abuse in the United States. In 1998, 1.4 million Americans sought bankruptcy protection. Something is wrong. There either are not adequate credit protections to ensure people under the circumstances when they borrow money, or the law does not properly deal with their filings for bankruptcy, or both and other factors. In my judgment, it is all of these things.

Currently, 70 percent of bankruptcy petitions are filed in chapter 7, which provides relief from most unsecured debt. Just 30 percent of petitions were filed under chapter 13, which requires a repayment of debt.

More than anything else, in addition to consumer protection, we will assure that people who can pay back part of these debts will do so. That is not simply a benefit to the financial industry; it is also a benefit to every mom-and-pop store, every small business in America that is being abused by these unnecessary filings for bankruptcy. Indeed, it is estimated by the Department of Justice that 182,000 people every year can afford to pay back some of the debts they are now escaping by inappropriate filings. This means $4 billion to creditors, financial institutions, to be sure, but also many small businesses that cannot afford losing these funds.

I conclude, once again, by thanking Senator GRASSLEY for his extraordinary leadership, Senator LEAHY for his patience through this process, Senator HATCH in chairing our committee and bringing us to this point, and the very great contributions made by Senators BIDEN, REID, SCHUMER, and Senator DURBIN who worked on this legislation so tirelessly in the last Congress.

This is good legislation. We can be proud of it. With modest adjustments, we can, indeed, make it something that both parties in both Chambers can bring to the President for his signature.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I understand we are about to go into executive session for the consideration of the nomination of Alan Greenspan. I wish to speak on another subject, so I ask unanimous consent that the order be set aside and I be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COSTS OF WTO MINISTERIAL

Mr. GORTON. Mr. President, earlier this afternoon the distinguished Senator from Vermont, Mr. LEAHY, welcomed to the chair in which the Acting President now sits the Vice President of the United States in his capacity as President of the Senate. It was out of order for me to speak at that point, and I regret the fact that I was unable to do so because my message is to the Vice President of the United States.

Leaving this place, he is now on his way to Seattle, my home State, in pursuance of the Democratic nomination for the Presidency. On a number of occasions during the course of the last year when the Vice President has graced us with his presence, I have asked on this floor and elsewhere that he address some of the controversial and burning issues in the Pacific Northwest, usually without getting a particularly significant response.

I don't intend to do that today. I welcome the Vice President to Seattle, and I am going to ask him for his help and for a favor to the people of that city and the region.

Early last year, the Clinton administration picked Seattle out of 40 city applicants to host a conference by the World Trade Organization for an extended period of time. Careful preparations for that meeting were made by the administration, by State officials, by officials in the city of Seattle and in the surrounding area, and by private organizations that desired to take part in the WTO meetings.

We, as is customary when a major international conference goes to an American city, recognized the extra costs that would accrue to Seattle and the region by directing the State Department to reimburse Seattle and surrounding communities by upwards of $5 million for the extra costs of law enforcement that were inevitably to be a part of that WTO conference. Senator MURRAY, my colleague, and I joined in strongly supporting that proposal, and it was accepted, not only by the Senate but by the Congress, memorialized in the Commerce-State-Justice appropriations bill.

As we all know now, to our regret, the preparations for that WTO meeting were inadequate to meet the deluge of demonstrators who descended on Seattle, some of them quite violent in nature. While in my view our law enforcement officers performed in exemplary fashion under extremely difficult circumstances, neither the political preparation for that meeting on the part of their superiors, the disposition of the law enforcement officers, nor their leadership was up to the task. We ended up with a very regrettable and probably disastrous experience in the city with security for the organization, added to, very significantly, for the future of our trade relations by what I consider to be the utterly inappropriate performance of the President of the United States in undercutting his own negotiators.

Nevertheless, the net result was approximately a cost of $12 million to law enforcement over and above what would normally have been the circumstances. Not only does that exceed by a margin of more than 2 to 1 the $5 million that we directed be added as assistance for those efforts, but the State Department of the United States of America has flatly refused to reimburse Seattle or any of the other communities in the area by so much as $1.

I may say, the State Department seems quite happy to reimburse the costs of all of the Members of both Houses of Congress who went to Seattle for that conference, but a direction from this Congress, a direction from this Senate, that the Seattle area deserved a $5 million contribution to these law enforcement problems has, to this point, been utterly ignored by the State Department. Seattle and other local officials have been spurned in all of their efforts to get that assistance by what I consider to be weak and inadequate grounds.

Mr. President, I have come to the point. Yesterday I wrote a letter to the Vice President of the United States that I ask unanimous consent be printed in the RECORD in full at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GORTON. I asked in the letter that the Vice President, in his exalted position in this administration, do his very best to see to it that the State Department ends this arbitrary action and promptly reimburses the region with that entire $5 million figure, to be distributed as is most just among the various agencies that incurred those costs. This is a simple request. It is a request to the Vice President of the United States to see to it that the United States keeps its obligations, obligations which to this point have been disgracefully ignored.

I am certain the Vice President has sufficient authority and importance in the administration that his views on this case, if they are made known forcibly and well, will be acted upon. I hope very much he will do exactly that and help us, at least for a modest degree of compensation for what was an extremely unhappy experience in the community as a whole and among our law enforcement officials.

EXHIBIT 1

U.S. SENATE,
Washington, DC, February 1, 2000.

Hon. AL GORE,
The White House,
Washington, DC.

DEAR MR. VICE PRESIDENT: Last spring, the administration selected the City of Seattle from a list of 40 entries to be the honorary host site for the largest trade meeting ever held on U.S. soil, the World trade Organization Ministerial. While the outcome of the event was not what we might have liked, hosting the Ministerial imposed a severe financial burden on the City of Seattle and surrounding communities.

Recognizing that the city and other involved jurisdictions would need assistance and support for security, members of the Washington State Delegation in the House and Senate supported language in the Fiscal Year 2000 Commerce, Justice, State and Judiciary Appropriations bill to provide $5 million to be used for costs related to the WTO Ministerial in Seattle. Just as the trade event was set to convene and the first foreign dignitaries were arriving in Seattle, this language and allocation became law.

Unfortunately, at the same time that foreign and U.S. Trade representatives were convening in Seattle for the initiation of a new round of trade agreements, so too did tens of thousands of protestors, including many who had every intent of disrupting the Ministerial. While I have expressed reservations about how the City of Seattle chose to deal with the onslaught of protesters, I believe that the enacted financial assistance is not only required, but overdue.

To make matters worse, as Seattle continues the task of mending its wounds, the U.S. State Department has refused to release one nickel of the aforementioned allocation. Seattle, its residents and law enforcement still feel the sting of the black eye endured during the week of the WTO.

Preliminary estimates suggest that local taxpayers spent more than $12 million for security expenses related to the WTO, and the Washington State Patrol suggests that at least $2.3 million was absorbed for overtime security expenses. To expect local communities to absorb such security costs for a major international event is unjustified.

As you visit Seattle this week to curry favor with our voters, I will not chastise you, as I have done in the past, for not speaking out on key issues facing the Northwest. Instead, I ask you to assist our community by placing a call to your colleague, Secretary of State Madeleine Albright and demand that the funds prescribed in the FY2000 CJSJ Appropriations bill be released to Seattle.

Thank you in advance for your assistance.

Sincerely,

SLADE GORTON,
U.S. Senator.

EXECUTIVE SESSION

NOMINATION OF ALAN GREENSPAN, OF NEW YORK, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the nomination of Alan Greenspan, of New York, which the clerk will report.

The legislative clerk read the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mr. GRAMM. Mr. President, we have an unusual time agreement where we have 4 hours 50 minutes. I have asked, as chairman of the committee, to have 45 minutes under my control to make the case for Chairman Greenspan, the President's nominee.

I have a very small number of people who wish to speak. Senator SARBANES, as ranking member, has made a similar request for 45 minutes. I think the normal procedure would be to run off time proportionately among those who have asked for time. But since Senator SARBANES and I have such a small amount of time, and many other Members who aren't members of the committee have more time reserved than we do, I would like to begin, so that there will be no dispute, no misunderstanding, by asking unanimous consent that the time be charged proportionately to the two sides. The minority side has 4 hours 5 minutes. The majority side has 45 minutes. I ask unanimous consent that the time be charged proportionately.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAMM. Secondly, let me say that when we do have the minority side represented on the floor, I am going to seek to amend that to protect the time of the distinguished ranking member of the committee, Senator SARBANES, and to protect my time. I urge those who have reserved up to an hour each in some cases to come to the floor and speak.

With that, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, parliamentary inquiry: What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the nomination of Alan Greenspan.

Mr. SARBANES. I thank the Chair.

Mr. President, I rise in support of the nomination of Alan Greenspan to be Chairman of the Federal Reserve Board. As I mentioned in the Banking Committee when we held the hearing on the nomination of Alan Greenspan to a fourth term as Chairman of the Federal Reserve Board, one of the distinctive aspects of the Federal Reserve Board as an institution has been its remarkable stability of leadership.

Since 1934, when President Franklin Roosevelt appointed Marriner Eccles to be Federal Reserve Board Chairman until today—a period of over 65 years—there have been only seven Federal Reserve Board Chairmen; only seven. Among them are some of the outstanding economic leaders of our country. Marriner Eccles himself served 14 years as Chairman of the Federal Reserve. William McChesney Martin served 19 years. Arthur Burns and Paul Volcker each served 8 years.

If Chairman Greenspan is confirmed—I am assuming, I think reasonably so, that would be the case—and serves the full length of his fourth term, as I expect he will, he will be the second longest serving Chairman of the Federal Reserve Board. I think it is fair to say, in looking at his tenure as Chairman, that he will take his place among those other outstanding public servants who have provided exceptional economic leadership to our country.

Earlier this week, the U.S. economy achieved the longest expansion in its history with 107 months of continuous growth. We have achieved high levels of growth that have brought us the lowest levels of unemployment in 30 years, and all of this has been accomplished with the lowest levels of inflation in 30 years.

We have had a very virtuous economy in terms of low unemployment and low inflation. The expansion has now gone on long enough that its benefits have begun to be felt by the hardest to employ workers in our economy. Many companies now have instituted training programs which, of course, is all to the good. It enables us to improve the skills and the abilities of our workforce. It enables us to draw people into the workforce who heretofore have not been a part of it. A strongly vibrant economy is important to the success of any Welfare-to-Work initiative. One of the reasons that Welfare to Work has shown some of the results which it has shown is because it has taken place in the context of an economy moving towards or at full employment.

The performance of the economy has defied the conventional wisdom once held by some in the economic profession that there was some arbitrary rate of unemployment below which the economy could not go without triggering inflation.

Credit for this achievement should be shared. President Clinton and former Treasury Secretaries Bentsen and Rubin deserve credit for their disciplined leadership on fiscal policy which has eliminated our budget deficit and moved us into budget surpluses. The Congress also should share in that credit for maintaining fiscal discipline which has enabled us to come out of a deficit budget situation into a surplus budget situation, although I would add as a word of caution that I think we need to be extremely careful and prudent now in the steps we take.

These surpluses about which so many people are talking in terms of what are they going to do with them are projected surpluses. They are not surpluses in hand and they depend very much on the continued healthy performance of the economy. I think it is imperative that we not go to excesses, whether on the spending side or the tax-cutting side, which would knock this economic engine off the track.

In addition—obviously highly relevant to the subject before us—Chairman Greenspan deserves credit for complementing the tight fiscal policy of the administration and the Congress with a monetary policy that has allowed our economy to grow. In doing so, he focused on the evidence before him and was not bound by arbitrary assumptions about the limits of our economy's ability to grow without triggering inflation.

I think the Chairman has been very pragmatic as he has made his judgments. I think he has been very much driven by the facts of the situation and has not come at it with these ideological presuppositions into which he then tries to bend the facts but has taken the facts, evaluated them, and made his judgments.

I am reminded of the fact that some years back within the Federal Reserve System there was a regional bank president who asserted that if the economy started growing and drove the unemployment rate down or looked as though it was going to be below 6.7 percent unemployment, then inflation would virtually automatically start to rise and, therefore, the Fed had the responsibility—the Open Market Committee—as the economy was growing in this direction to start curtailing the economy, of slowing it down by raising the interest rates because unless they did that, a strongly growing economy would bring the unemployment rate down below 6.7 percent. And that was the magic point at which the inflation rate would start going up.

Fortunately, the Chairman, Chairman Greenspan, and a majority of his colleagues, never bought into this theory. Now we see the fact we have brought unemployment down to just over 4 percent, and we have no significant inflation problem before us.

There is a lot of credit that can go around. I mean, when you have success, everyone has fostered it. But I am quite happy certainly to allocate a portion of that to the Chairman and the policies of the Federal Reserve Board.

I have disagreed with Chairman Greenspan in the past about monetary policy, and may well disagree with him again in the future. I have been very much oriented to growth and jobs. I have always been deeply concerned about these so-called preemptive strikes against inflation where you slow growth and job production without any visible sign of inflation—simply some sort of anticipation of it. I have always argued that we ought to let the economy run for a while and see what it produces. The recent experience, of course, has been very encouraging because we brought unemployment down very significantly and have not triggered an inflation problem.

All in all, though, I think it is more than fair to say that Alan Greenspan has been a skillful and dedicated Chairman of the Federal Reserve Board and merits confirmation for another term.

I urge my colleagues in the Senate to join in supporting this nomination of Alan Greenspan to another 4-year term as Chairman of the Federal Reserve Board.

Mr. President, I yield 5 minutes to the able Senator from New York, and not only a member but a very strongly contributing member of our committee.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Maryland, not only for the generous yielding of time but for his thoughtful remarks—as always. I think the name "SARBANES" and the word "thoughtful" are almost attached in this body, and with good reason.

I rise today in full support of the nomination of Alan Greenspan. I do it for a whole variety of reasons. Before I get into those reasons, I am holding something in my hand. Senator GRAMM's staff gave us the application of a man of such gravity and success and magnitude, it is kind of funny to hold an application where he lists his schooling. Even on the last page, there is a section that says "qualifications," why he would be a good Chairman of the Federal Reserve. But he begins by saying, "I have been an economist for almost half a century." One does not have to read this application, fortunately, to know of Chairman Greenspan's merit to be renominated as Chairman of the Federal Reserve.

First, I am proud personally, and I know the other representatives of my State are proud, because Alan Greenspan is one of New York's contributions to the national economy. He is a true New Yorker, born in the Bronx, attended George Washington High School, got his B.S., M.A., and Ph.D. from NYU. When you think about it, the two men who have had their hand on the economic tiller for a large part of the past decade, Bob Rubin and Alan Greenspan, are both New Yorkers. We are proud of our contribution. We have always been proud, in New York, that we send men and women around the country in so many different fields who make real contributions to America. Sometimes America does not recognize it as much as we would want, but it is true. I think there can be no one we can be more proud of, at least in the last decade, than Alan Greenspan.

Alan Greenspan is the perfect man for the job. He is thoughtful. I regularly eat breakfast with him at the Fed. I will never forget the first time we had breakfast together. I really didn't know him that well. He had been Chairman of the Fed for maybe 3 or 4 months.

I said, "Mr. Chairman, how do you like the job?"

He said, "I love it."

"What do you like best about it?"

His eyes lit up. He rubbed his hands together, and he said, "The data."

That, I think, is at the root of Alan Greenspan's great success as Chairman of the Fed—his knowledge. He knows the economy. He is a careful man. Those of us who have sat in the Banking Committee, both in the Senate and the House, as I did before I was lucky enough to become a Senator, know he is a careful thinker—almost too careful sometimes, when we ask questions. But that is his job, not to reveal too much. At the root of his merit for the position is the fact that he believes knowledge should guide his decisions, the data should guide his decisions.

He has also been a very careful Chairman of the Fed, and that is a job where care is important. I was always opposed to some of the people in my party who wanted to tie the hands of the Fed or subject the Fed to more popular whim because, frankly, monetary policy is one of those areas of policy that should have some distance from the popular whim. That is because monetary policy takes a while; it takes a while to formulate, and then it takes a while to have its effect once it is implemented. To have it subject to the political vicissitudes and whims to too great an extent would be a tragedy and would make no sense for this country.

In fact, I always marvel at the genius of our Founding Fathers in setting up the structure of merit. But one of the great additions that was made was made in 1912 or 1913 when the Federal Reserve System was finally established. Over the years, we have seen the merit to that system. Yes, there is some popular control, but there is also some distance. I think Chairman Greenspan understands that very well.

There is a third reason I think he makes such a fine Chairman.

I ask unanimous consent I be given 3 additional minutes.

Mr. SARBANES. Yes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. SCHUMER. Not only his thought and care but his solid and sound judgment. The Chairman told me, and he said it repeatedly, he always had a slight lean towards combating inflation. It was not an ideological lean, as opposed to stimulating the economy or combating inflation. But he always said, once you let the genie out of the bottle, it is very hard to get it back. So he erred on the side of caution in terms of letting the economy overheat. My goodness, has that served us well during his 12 years as Chairman.

His steadiness, his intelligence, his judgment, his thoughtful care, his knowledge, all add up to the fact that this is a wonderful day, not only for him—and I hope he will be approved unanimously by this body. This should not be a nomination where ideology—I think he is a Republican, actually. I think he served in the Council of Economic Advisers under, I guess it was President Ford. It is not one where ideology or party should play but, rather, the good of America.

So it is my honor to cast my vote for a great New Yorker, a great American, a great Chairman of the Federal Reserve, and someone who is truly a national treasure. I will be proud to vote for Alan Greenspan.

I thank the Chair and yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is reserved?

The PRESIDING OFFICER. The Senator from Vermont has 19 and one-half minutes.

Mr. LEAHY. I thank the Chair.

Mr. President, the economy is now entering its 107th month of expansion. That is almost 9 years out of the 25 years I have had the pleasure to serve in this Chamber. Not since the 1960s has the economy experienced such an extended period of growth.

A number of Senators have spoken on the floor today to commend Alan Greenspan for his foresight and his quick hand in raising interest rates to keep inflation in check. The actions of Alan Greenspan and the Fed have certainly contributed to our unprecedented growth—growth that has also been sustained by the sound fiscal policies of President Clinton and Congress. I would remind the Congress, that we can also do our part to help the economy by continuing to pay down our national debt.

Today the Fed is meeting again to consider another possible rate hike. The American economy was certainly on fire during the fourth quarter of 1999. Mr. Greenspan and the Fed have hesitated little in hiking rates to nip inflation in the bud. Last year, the Fed raised interest rates three times by a quarter point each—three times over the short span of 6 months. Such vigilance has been one important part of maintaining the unprecedented growth of our economy.

While it might be blasphemy among macroeconomic economists, I would like to take a moment to urge members of the Federal Open Market Committee to consider the disproportionate effect that these hikes have on low and middle income families. As the Fed mulls rate policy as we speak, I would urge Mr. Greenspan to be doubly sure about raising rates when such hikes, while keeping the economy strong to the benefit of wealthy Americans, may also be tying the hands of low and middle income Americans.

Each time the Fed raises interest rates, average Americans are hit by an immediate increase in mortgage costs, car payments, and credit card rates. These payments are a disproportionate burden on lower and middle income Americans.

For the past week we have been debating a reform of our country's bankruptcy laws. During the course of debate, we have talked at length about the rise in credit card debt. By December of 1999, Americans racked up nearly $589 billion in revolving credit debt. This burden is carried primarily by low and middle income families. An increase in interest rates is likely to pinch these individuals and make it more difficult to pay off their debt and save for the future.

I have been contacted by Vermonters who say they are struggling to pay off their debt and save money to buy homes. These Vermonters face a major setback each time the Fed makes the decision to increase interest rates. In its meeting today and in the future, I urge the Federal Reserve to consider the effect of raising rates on these individuals.

With all the praising being done of Chairman Greenspan today, I wish to note there are a number of Vermonters who contacted me who feel quite a bit differently. Nobody doubts a strong economy, an expansive economy. I think much of the credit, frankly, goes to those who, in 1993, were willing to face down the naysayers and take the first step to have a real balanced budget in the Congress. It sent a signal to the financial markets that for the first time, certainly in my lifetime, the Congress was serious about balancing the budget.

During the 1980s we had seen all the lip service paid and the sloganeering about balancing the budget, while during the 1980s we tripled the national debt and ran the biggest deficits of any nation in the history of the world.

In 1993 I heard many voices, actually on the other side of the aisle, saying if we cast these votes to bring about balancing the budget, it would bring about economic collapse. It would bring about staggering unemployment. It would bring about runaway inflation. And it would bring about huge deficits. It did just the opposite. The unemployment rate has dropped, inflation came to a standstill, the economy boomed, the deficits disappeared, and now we have a budget surplus. Many Members of Congress were courageous enough to cast the real votes that might do that—as compared to simply the sloganeering and doing nothing—and many of them lost their place in the House and Senate for doing it, even though they made a better country for all of us and for our children.

I note that because I believe that vote was as significant a part of bringing about the credibility necessary for a strong economy as anything we have done. The expansion of the information technology industries, high tech, and so forth, also were part of it and a steadying influence by Chairman Greenspan and the Fed.

But this idea that one person controls this economy by himself is something that even some who sit here in the Senate cannot say with a straight face. As many Vermonters have told me, when they see interest rates being raised over and over and over again at a time when there is no inflation, when the economy has more and more people coming into the workforce—because every time you have a merger, thousands of people are laid off. They go and seek jobs in other parts of the labor market. We see all these things and question why interest rates go up. The interest rates going up apparently have given a great benefit to the wealthiest of Americans but has done very little for the average man and woman, certainly in my State.

In my State, we have seen oil prices and heating oil costs go up substantially this winter, and now the Fed is about to tell everybody: We are going to raise your interest rates again; we are going to raise your mortgages rates again; we are going to raise the interest rates on your credit cards again. If you are a small business, we are going to raise your costs of doing business again.

I am not sure what is gained by these interest rate hikes. It puts a very heavy burden on those families where the husband and wife are both working and trying to pay the kids' tuition, pay the bills, and pay the mortgage. It certainly puts a heavy burden on small businesses in my State.

It will help some bankers, absolutely. It will help credit card companies, absolutely. It will help some of the wealthiest, absolutely. And maybe there is a plan in here that by helping all of them, some day it may help the people who keep the country going and pay the bills. Possibly.

I share the skepticism of those Vermonters, and I hope when this vote is cast, which I assume will be overwhelming for the reconfirmation of Chairman Greenspan, that he will not take this as some kind of an accolade that nobody disagrees with what he has done; that he will understand there are those who actually have to pay their mortgages, those who do not have millions of dollars, those who do not have six-figure incomes and are hurt by these interest rate hikes; that they are the ones who see no inflation and probably have been laid off from jobs because of mergers and are out seeking another job and are now hit with an extra whammy of paying more for their mortgages, their credit cards, for the things they need.

Some of the thoughts of the Fed that the boom will not continue, that inflation was around the corner has not been proven, and I do not think the steps they are taking are right. That is one person's opinion. Obviously, it is very much a minority opinion but certainly an opinion that is felt strongly by the average man and woman who are earning a weekly salary and paying the bills.

I hope the Fed will look at some of the data they have available to them and understand there are other ways of combating inflation than simply raising interest rates and that the country will realize there are a lot of very courageous people who voted for a balanced budget in 1993. Rather than simply talking about it, all those courageous people who lost their places in Congress for doing that are also the ones who deserve an enormous amount of credit today for the huge economy we have underway.

Mr. President, how much time does the Senator from Vermont have remaining?

The PRESIDING OFFICER. The Senator has 11½ minutes remaining.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time I have remaining be turned over to the Senator from Maryland for such use as he may wish to make of it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, what is the time situation now?

The PRESIDING OFFICER. The time situation is as follows: The Senator from Maryland controls 38½ minutes; the Senator from Texas controls 42 minutes; the Senator from Minnesota, Mr. WELLSTONE, controls 58 minutes; the Senator from Iowa, Mr. HARKIN, controls 58 minutes; the Senator from Nevada, Mr. REID, controls 29 minutes; and the Senator from North Dakota, Mr. DORGAN, controls 29 minutes.

Mr. SARBANES. I simply make the observation for those Members of the Senate who wish to be heard on this nomination that this is an opportune time, and that includes members of the committee and others who will seek either Senator GRAMM or myself to yield time to them in order to speak. There are other Members who have been actually allocated time specifically. Of course, we presume they will be coming to the floor in order to use that time.

I put an inquiry to the Chair: I understand that if no one speaks, the time will be charged proportionately to all those to whom time has been allocated?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. Mr. President, I cease and allow that circumstance to prevail.

The PRESIDING OFFICER. Time will be charged proportionately to those who have time reserved.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, we are experiencing the longest economic expansion in the history of this country. As of the end of January, we underwent 107 consecutive months of economic growth. Much of this can be attributed to the economic policies of Federal Reserve Chairman Alan Greenspan.

In the midst of this unprecedented prosperity, it's easy to say, let's not change anything. Let's not rock the boat. Things are great, why rain on the parade? Why even ask tough questions that might upset the delicate and fine-tuned mechanism of the economy?

But I think that we have to ask those questions.

Today the Senate is considering the President's nomination of Mr. Greenspan to his fourth consecutive four-year term as Chairman of the Federal Reserve Board of Governors. In my opinion, if we are to confirm him to serve in that post again, we should not do so simply to reward him for the good that he has accomplished over the last few years—we should only do so because we think that he is the best person for the job for the next four years.

In making that decision, we have to take a hard look at everything that has happened under Chairman Greenspan's watch—the bad as well as the good.

We are considering him not only for his views on the economy, but for his ability as a manager, as the head of the largest, most powerful. institutions in the world.

Viewing his record as a whole, Mr. President, I am not convinced that Chairman Greenspan is the best man to guide the Fed for the next four years. I intend to vote against his confirmation.

Let me make this clear: I rise today not to criticize Alan Greenspan as a person, or to criticize his economic policies. Chairman Greenspan is a fine man, who has worked hard for this Nation. The results of Chairman Greenspan's monetary policies over the last 10 years speak for themselves, in rather eloquent terms.

The Federal Reserve is one of the most powerful institutions in the world. It makes decisions that fundamentally change our economy, and the world economy.

It is also, as columnist Jack Anderson wrote, a secret government of unaccountable, unelected bankers and bureaucrats that has long resisted Congressional oversight, and that is completely exempt from the Congressional budgeting process.

For the past six years, Senator DORGAN and I have worked to try to achieve greater accountability over the Federal Reserve. Last year, we added an amendment to the Financial Services Modernization Bill that would have required a consolidated yearly audit covering the operations of each Federal Reserve Bank, the Federal Reserve Board of Governors and the Federal Reserve System.

Our amendment was all about accountability in the day-to-day operations of the Fed. It did not seek to interfere with monetary policy. That is an area that should be kept separate, for good reason. Our amendment sought to open the doors of a taxpayer-financed institution which has been closed to Congressional oversight or review for more than 80 years.

Unfortunately, our amendment was stripped down in conference. That happened in part because the Federal Reserve strongly opposed any kind of audit or oversight.

In 1993, Senator DORGAN and I asked the GAO conduct a review of the Fed's operation and practices. The review found a number of disturbing revelations about the way the Federal Reserve does its business, including evidence of serious mismanagement at the highest levels.

Significantly, many of the incidents of waste and mismanagement have increased since 1988, the year Mr. Greenspan first became Chairman.

(1) The Report found numerous and significant weaknesses in the Fed's planning, budgeting, oversight, and audit processes that have resulted in unnecessary waste in the Fed's operating costs.

(A) The Fed's operating policies and practices do not include cost-minimizing that are commonplace in private-sector entities and even other government agencies.

(B) Overall Federal Reserve operating expenses increased from $1.36 billion in 1988, to $1 billion in 1994:

A 50 percent increase that was more than twice the rate of inflation during that same time period;

The increase in operating expenses also exceeded the rate of increase in the Fed's revenues; and

It also far exceed the 17-percent increase in overall federal discretionary spending.

(C) The report concluded that, among other things, the Federal Reserve could reduce its personnel benefits and travel-related reimbursements without affecting its operation:

The employee benefits paid by the Fed for even low-level employees were called "generous" compared to other government agencies and comparable financial institutions; and

Travel reimbursement policies among the various Reserve banks varied widely

(D) The report found that the Fed's Interdistrict Transportation Service has been engaging in questionable practices such as the implementation of non-competitive contracts, gifts of payments for missing backup and grounded aircraft to non-performing contractors, and a disturbing pattern of indifference to fraud, waste and abuse.

(2) The Board's internal oversight mechanisms were called "fragmented, inefficient, and lacking in independence."

(A) Operating costs vary among Reserve banks because the Federal Reserve has not established consistent policies.

(B) Several Reserve banks used contracting and procurement policies that violated written government policies, and which resulted in favoring some sources over others—raising questions of conflicts of interest, favoritism, and whether the Federal Reserve is receiving the best services and most favorable prices.

(C) The Los Angeles branch alone documented over $121 million in bookkeeping errors in a single month.

(3) The Fed maintains a reserve account of $5.2 billion dollars which could be re-directed into the Federal Treasury. That fund is intended to protect the Fed against unexpected losses.

But the Fed has recorded substantial net profits for 84 straight years, and the fund has never been used since it was created in 1913. Nonetheless, the size of that fund has increased nearly 150 percent in only the last ten years, rising from $2.1 billion in 1988 to $5.2 billion in 1998.

Most important, the report raised serious questions about Mr. Greenspan's ability to manage the Fed in a time of rapid economic change.

The Report concluded that numerous technological, political, and marketplace developments could profoundly affect the Fed's mission and operation in the years to come, and which require the Fed's careful attention and leadership.

(A) Increased competition from private institutions and a shift to electronic banking could significantly reduce the Fed's revenues, particularly in areas such as check-clearing. The Fed has not taken sufficient steps to compensate for these shrinking revenue sources.

(B) A major consolidation in the banking industry is going on that could significantly affect the Fed's oversight and review activities.

Changes in the number and location of bank-holding companies the Fed oversees could require adjustments in Fed staffing at the various Reserve banks.

To pay for these changes, the Fed's oversight staff could charge local banks a fee for their oversight activities, but choose not to, resulting in taxpayers paying the bill for those activities to the tune of $388 million a year.

The Fed's Reserve banks have not changed their geographic location since 1913, despite major shifts in population demographics and economics, raising question of whether the Fed's oversight functions are being performed effectively and equally around the country.

(C) Overall, increasing competition from private-sector suppliers of financial services, coupled with changes in technology and commerce, and increasing globalization of economic policy," present significant challenges to the Federal Reserve to rethink many aspects of its operations and raise important questions regarding the future role of the Reserve banks, their management structures, their locations"—and "call for a careful re-examination of the Federal Reserve's mission, structure, and work processes." But it appears that no such re-examination has taken place in the five years since the report was issued.

The report concluded that if the Federal Reserve Board is to plan strategically for the future, so that it can continue to deliver services efficiently in a world that is changing rapidly and substantially, it will need the Board's "sustained leadership." That sustained leadership appears to have been absent.

If this report had been made about a Cabinet Secretary, the Congress and the public would demand answers. If it were about the CEO of a private corporation his board would probably send him packing.

We live in a world of change.

Only a few years ago, nobody had heard of the Internet, and electronic commerce didn't exist.

Nobody bought stock on-line.

Only a few years ago, the European Economic Union was a pipe dream.

GATT and NAFTA didn't exist.

Japan's economy was the envy of the world, and the United States was thought to be in decline.

Nobody can predict what the world will be like years from now. But one thing we do know, is that if the Fed is to continue its ability to successfully manage our economy, change will be necessary. Not superficial tinkering, but fundamental, structural changes.

I do not believe that Mr. Greenspan is the right kind of manager to drive that change.

Let me read to you from the GAO report:

> The Federal Reserve must create the necessary self-discipline for the institution to adequately control its costs and respond effectively to future challenges. However, GAO found weaknesses in the planning and budgeting processes that are key mechanisms for accomplishing those goals . . . the Federal Reserve did not have an integrated, systemwide strategic plan that identified the emerging issues and challenges affecting the entire system and how to effectively address them.

In a climate of rapid change, that is a recipe for disaster.

For these reasons, I do not believe that Alan Greenspan is the right man for the job, and I intend to vote against his confirmation, and I urge my colleagues to do the same.

Mr. DORGAN. Mr. President, does the unanimous consent agreement include a time for me to speak?

The PRESIDING OFFICER. It does. The Senator has 24 minutes remaining.

Mr. DORGAN. Mr. President, I understand we are here on the floor of the Senate to talk about the renomination of Alan Greenspan as Chairman of the Federal Reserve Board. I want to start my presentation by saying it is not my intention to come to the floor of the Senate to persuade people Mr. Greenspan is not a good person or has not been a good public servant—I do not believe that. He is someone with great skill and great devotion to public service.

But I do come to say that I have profound differences with Mr. Greenspan over monetary policy issues and I believe his stewardship with the Federal Reserve Board, while widely hailed by many, falls short of what I think should have been done at the Fed during the same period. I would like to spend some time describing that.

As I begin this discussion, let me point out, that just this afternoon the Federal Reserve Board has announced yet another interest rate hike. They have announced today that the Federal Open Market Committee is hiking short-term interest rates another one quarter of 1 percent.

What does that mean? A lot of people will not think much about the one quarter of 1 percent in terms of what it means to them. It means the Federal Reserve Board is imposing a tax on every single American with these interest rate hikes because they are worried about some new wave of inflation that does not exist in our country. I had some work done at the North Dakota State University by Dr. Won Koo in the Department of Agricultural Economics. I asked him to tell me what it means, just in terms of North Dakota, when the Federal Reserve Board has now on four occasions in a matter of 8 months raised interest rates by 1 percent. What does it mean when we have a 1-percent interest rate increase?

The additional average interest payments for North Dakota farmers will be nearly $23 million a year as a result of the actions of the Federal Reserve Board, or about $719 per farm annually.

A typical North Dakota household will see their interest charges go up by an additional $356 a year because of the four Fed interest rate hikes. The Federal Reserve Board is imposing a tax on every single American with these four rate hikes.

I will explain more later why I think the rate hikes are unjustifiable. But these rate hikes are unjustifiable because the Federal Reserve Board is searching for inflation that does not exist. Inflation has gone down, down, way down, all the while the Federal Reserve Board has insisted the fires of inflation are just around the corner. The Fed has been consistently wrong on that. And there seems to be almost no debate about it. It is OK if the Fed decides it wants to increase interest rates and effectively tax all the American people with higher interest rates.

Some of those who come to the floor of the Senate who are the most aggressive people in opposition to any kind of a tax increase, sit silently while the Federal Reserve Board says: We want to impose new costs on the American people in the form of mandated higher interest charges. That is rather curious to me. Why so silent when the Federal Reserve Board does this without justification, I might add.

Here is the Federal Reserve Board. And I do this to give the American people a sense of who makes monetary policy. We have a Board of Governors. There are two seats that are currently vacant. We are hoping maybe we can get someone appointed to the Federal Reserve Board who cares something about consumers and family farmers and others who will have to pay the higher interest charges. It is not likely to happen, but we are trying. None of the current Board members is from our part of the country. There have only been three Board members from the Upper Midwest appointed to the Board of Governors since it was created. We are hoping maybe somebody who might take one of these vacant seats will be somebody who knows how to make something, to produce something, who does something every day and will come here not representing the money center bankers' interests but representing the interests of consumers, family farmers, or Main Street businesses.

The Board of Governors and, the presidents of the regional Fed banks on a rotating basis, go in a room, shut the door, and in secret decide what kind of monetary policy they want to employ and whether they want to increase interest rates. The American people were not present in the room and I was not present in the room because we are excluded from these deliberations by the Federal Reserve Board.

These are the folks who went into that room: Roger W. Ferguson, Jr., Alan Greenspan, Edward Gramlich, Edward W. Kelley, Jr., Laurence Meyer; and then these folks from the Fed regional banks, the ones with the gold stars: Robert Perry, Jack Guynn, Mr. Broaddus, Mr. Jordan, and Mr. McDonough. They apparently think the American people's interest charges are not high and decided to raise it one-quarter of 1 percent, a total of 1 percent over the last four rate hikes. The question is why.

It is interesting, the Chairman of the Federal Reserve Board says he does this because there is a threat of new inflation in this country. Over the past 12 months, however, inflation has been well under control. The CPI has risen 2.7 percent in the last 12 months. In the last 3 months, the CPI has risen at an annual rate of 2.2 percent, and the core CPI—if you take out volatile food and energy prices, has risen 1.9 percent in the last 12 months, the lowest it's been since 1965.

In addition, Mr. Greenspan has come to the Capitol and said: We think the CPI overstates inflation by 1.5 percent. I do not think he is right about that, but if he is right, we have effectively no inflation in this country. If we have no inflation in this country, what on Earth are these folks doing in a secret meeting downtown, wearing suits and glasses and talking in bankerspeak, deciding to increase taxes in the form of a higher interest rate on every American? What are they doing? How do they justify that? Why do those in this Congress who wail so much about taxes sit silently while the Federal Reserve Board does this without justification? You tell me where the new fires of inflation exist.

Alan Greenspan for years came to counsel us on Capitol Hill. He said: We cannot countenance economic growth in this country more than 2.2 or 2.5 percent without risking substantial new waves of inflation—just can't do it. He was wrong. Again and again he was wrong. Economic growth has been well above 2.5 percent, and inflation has been way down, not up. Mr. Greenspan came to Congress and gave us the sage advice that if we saw unemployment fall below 6 percent, we risked new fires of inflation. He was wrong again and again. He was wrong.

Yet we hear people come to the floor to say he is the greatest American ever. He is a nice enough fellow. I have nothing against him personally. His policies, in my judgment, have imposed an added financial burden on the American people in the form of higher interest charges than is justifiable. I ask all of you who know these numbers, evaluate what have been the interest rates relative to inflation—that is, the real rate of interest—in the Greenspan years versus pre-Greenspan years. What is the real economic rent for money? What kinds of policies imposed by the Greenspan years at the Fed have resulted in what kinds of charges to the American people relative to what had been done before Mr. Greenspan came to the Fed?

I will tell you the answer. The answer is, interest rates on a real basis have been higher in the Greenspan years by about one-half of 1 percent than the pre-Greenspan years. Can you justify that? I do not think so. And Mr. Greenspan, leading this Fed—and make no mistake, he is in charge, it is his policy, no one would contest that—has said over the years: We must grow more slowly; we cannot support higher growth; we must shade on the area of having more people unemployed rather than fewer people unemployed, and because of the risks of having too few people out of work and too much economic growth, we must retain interest rates at a level that is higher than historically justified relative to the rate of inflation.

Some might come to the floor and be able to justify that in their own minds. I certainly cannot. I do not think the American people believe either that Mr. Greenspan's higher interest rates relate to this new economy that can grow faster with lower unemployment numbers than most economists ever thought available or doable.

Let's talk just about the numbers for a few minutes. I mentioned that the core rate of inflation is now 1.9 percent over the last 12 months, the lowest its been since 1965. I mentioned Mr. Greenspan thinks the CPI overstates the rate of inflation by a percent and a half. That means we have virtually no inflation. But today the Fed said we are worried about inflation, therefore we must increase interest rates once again. The Fed is wrong once again.

In 1999, the GDP grew at 4 percent; in 1998, 4.3 percent; in 1997, 4.5 percent. In other words, in the two previous years to 1999, we had higher rates of growth than in the last year, and yet the Fed today, by its interest rate increase, says our economy is growing too fast. Again, in my judgment, it is implausible. This Fed Chairman steers the Fed on monetary policy on the side of money center banks. I think monetary policy ought to be steered in a direction and on a course that relates to all of the needs and all of the interests of this economy and of the American people.

I talked a little about unemployment. In the past, the Fed has preached that the non-accelerating inflation rate of unemployment was 6 percent. In short, if the unemployment rate goes below 6 percent, consumer prices will go up. The Fed's reliance on this and other buggy-whip approaches to economic analysis have been terribly misdirected given the globalization and the galloping globalization of the workforce.

The unemployment rate has been below 6 percent for 64 consecutive months, over 5 years, without a peek at a new wave of inflation. Today, unemployment rates are at a 30-year low of 4.1 percent, and our economy is growing at a healthy rate without a shred of evidence that there is a new threat of inflation.

Some say Mr. Greenspan is increasing interest rates not so much because he is worried about inflation, although that is what he says, but because he wants to curb speculation in the stock market. He thinks there is something in the stock market; he said once "irrational exuberance"—whatever that means to economists. I used to teach economics ever so briefly. Irrational exuberance, he says—it is interesting—irrational exuberance on the part of those who are engaging in transactions on Wall Street that are presumably market transactions, and presumably in a circumstance where the market works. It is interesting that Mr. Greenspan decides, because of this irrational exuberance, he wants to impose a penalty on all the American people through higher interest rates rather than deal with what I think may be the cause of this so-called irrational exuberance.

If Mr. Greenspan really wants to try to bust some of the bubble on Wall Street, maybe he ought not raise interest rates that cause direct and immediate harm to families and to producers, but maybe he ought to consider taking real steps to put limits on the use of "margins" by investors to buy stocks.

It is interesting, the amount borrowed by investors to buy equity securities is growing to levels of significant concern.

Last November, the margin amount increased by 13.2 percent in 1 month alone—the largest monthly increase since 1971. Perhaps Mr. Greenspan might want to put some limits on the use of margins; but, no, not Mr. Greenspan. He would sooner impose an added interest charge on all Americans.

Let me talk for a moment about what I think is the low watermark of the Fed in recent times. That is the issue of Long-Term Capital Management, the ill-fated hedge fund, because it relates not only to the management of the Fed, but it relates to what the Fed is interested in and relates to the Fed's, in my judgment, insensitivity of or, perhaps in a stronger sense, blindness to solve the risks that exist that they ought to be concerned about but are not.

Long-Term Capital Management.

Mr. President, how much of my time remains?

The PRESIDING OFFICER. Eleven minutes.

Mr. DORGAN. Mr. President, some while ago the Federal Reserve Board orchestrated a $3.6 billion bailout of something called Long-Term Capital Management, the highflying hedge fund, which I think calls into question the leadership at the Federal Reserve Board and calls into question what they think is important and what they are willing to ignore.

The federally insured banks were lenders and investors in this Long-Term Capital Management fund. The GAO, in its 1999 report, requested by myself and Congressman MARKEY, Senators HARKIN and REID, found that federal regulators failed to detect lapses in risk management by lenders, and others, that allowed Long-Term Capital Management to become large and excessively leveraged until after the crisis.

Mr. Greenspan testified that the intervention in the Long-Term Capital Management debacle was needed to prevent a crisis in the global financial markets. But then he appears just as quickly to dismiss the Fed role in the bailout as little more than a spectator providing office space.

What makes this more troublesome, to me, is that just days before the Federal officials visited Long-Term Capital Management in Connecticut to discuss its financial problems, Chairman Greenspan was testifying before the House Banking Committee that: "Hedge funds were strongly regulated by those who lend the money." Of course, nothing could have been further from the truth, as was uncovered by the GAO's 1999 investigation of the Long-Term Capital Management's near collapse.

The independent report reveals that our Federal regulators, including the Fed, allowed this speculative hedge fund to load up with $1.4 trillion notional value in derivatives, which threatened to bring chaos in financial markets here and around the world.

While I am on this subject of unregulated hedge funds, which the Fed on a Sunday had to bail out by arranging bank loans, shortly after they said: Gee, there is no problem here with hedge funds.

Let me add that the subject of derivatives ought to have some attention by not only our committees but by the Fed and other banking regulators, as well. There is something around $33 trillion notional value derivatives by banks in this country, and we have banks whose deposits are insured by the Federal Government, doing proprietary trading on derivatives on their own accounts.

They could just as well put a craps table in the lobby of a bank. They could just as well put a roulette wheel in the lobby of a bank. A bank, with federally insured deposits, trading on its proprietary accounts in derivatives, and nobody seems to care. But someday, some way, someone will care because this is going to go the way of Long-Term Capital Management, unless there is adequate supervision. When those cards collapse, that collapse is going to be significant.

We need, in my judgment, strong management. We need assertive oversight by our committees. We need strong, aggressive oversight in the regulatory approaches by the Federal Reserve Board. Regrettably, that is not the case these days with respect to the Federal Reserve Board.

Since the chairman of the Banking Committee is here, I will say that I urge the committee to pay some attention. You probably already have. I am not suggesting you have not. I don't know what your agenda is. I hope very much the issue of derivatives and the issue of the regulation of hedge funds, or at least the concern about what hedge funds are doing in light of Long-Term Capital Management scandal, is something that is part of the agenda of the Banking Committee in this Congress.

I have described, at the start of my presentation, it is not my intention, nor would I expect it to be the intention of the Senator from Iowa, Mr. HARKIN, or others, to come to the floor to say that the Chairman of the Federal Reserve Board is a bad person. I do not believe that. I met him. I like him. I think he is a good public servant. I think he has given a great deal to this country.

He and I simply have fundamental differences on monetary policy. He has run monetary policy with a tight fist, believing a certain way, and those beliefs include that we could not allow more growth. We had to have slower growth in order to avoid inflation. We had to have more people unemployed in order to avoid inflation. He was wrong on both counts, wrong consistently.

My point is, I think it is time—and I have told this to the President—I think it is time for new blood at the Federal Reserve Board.

I say to the Senator from Iowa, who has come to the floor, look at this Board. I, from time to time, as a public service—because the Fed is so closed and so secretive; it is the last dinosaur on the American landscape in public policy—I bring pictures to the floor to show people what the Fed looks like. Here is who they are. Here is where they graduated from. Here is what their degrees are. Put a gray suit on all these folks, and they all look the same, talk the same, and think the same. That is why this policy is a homogenized policy that does not provoke any debate in this country about monetary policy.

A century ago they used to debate monetary policy in bars and barbershops. I thought that was healthy. Fifty years ago and 40 years ago, when McChesney Martin was running the Federal Reserve Board up here, he was going to raise interest rates by one quarter of 1 percent, and Lyndon Johnson got him down to the ranch in the Perdinales in Texas and darn near broke his shoulders he was squeezing him so tight.

The point is, it was front page headlines around the country because McChesney Martin was going to have the Fed raise interest rates by a quarter of 1 percent. The President got so upset he even called McChesney Martin down to the ranch. The Fed did not have to respond to Lyndon Johnson, but my point is, back then interest rate policy was a matter of public concern, of public debate. These days, these folks go in that well-paneled room and shut the door, and it is all done in secret. Then they open the door and say: Guess what we have done for you. There are too many people working. We are growing too fast, so therefore we have increased a tax on all the American people by increasing interest rates once again.

Four successive interest rate increases—1 full percent. Again, let me say that the average North Dakota household, which pays $356 a year more in interest rate charges—that is a new tax on the American consumer in my State and around the country.

Mr. HARKIN. That is true.

Mr. DORGAN. It was not a tax debated on the floor of the Senate. If we had that debate, my friend from Texas, Senator GRAMM, the distinguished chairman of the Banking Committee, would be on the floor, I guarantee you, because when we debate taxes he is on the floor. He is a passionate combatant in those debates. But we cannot have that debate on the floor of the Senate because the Federal Reserve Board does not have a debate in public. It does it in secret.

What I am saying is, I think the Federal Reserve Board process needs to be more open. I know the response and the rejoinder to that will be: Well, the Senator wants to make the Federal Reserve Board process politics on the floor of the Senate. That is not my point. My point is, I think there ought to be, leading into this process somehow, some interests of the American people. It does not exist at the moment.

It is my intention to not support this renomination. I expect this renomination will carry with a very large vote in the Senate, but it will not carry with my vote because I believe monetary policy ought to change in this country. I do not believe our country is growing too fast. I do not believe too few people are unemployed. I do not share that view, that is too often shared in the bowels of the Federal Reserve Board. I would like someday for us to have a monetary policy that represents the entire interests of our country, not just the interests of money center banks.

Mr. HARKIN. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Mr. HARKIN. I thank the Senator for his statement on the floor, pointing out that what this interest rate increase is is a tax on hard-working Americans, a very insidious kind of tax, too. It is going to have other repercussions.

The question I have to ask of the Senator is this: The Senator talked about the Federal Reserve Board meeting in secret and not knowing what is going on. I don't want to make it political either. No one wants to make it political. But I think we do have a right to know why they make the decisions they make.

It is my understanding that the transcripts of the meetings of the Fed are kept secret for 5 years, if I am not mistaken. It may be a shorter period. I stand to be corrected. We don't know for years why they made the decisions they made. What is so secretive about this?

Even if they do meet in secret, it seems to me that within 1 month or 3 months or 6 months we ought to at least have the transcript so we would know what was the discussion that went into why the Board raised interest rates a quarter of a point today; what the discussions were last year that caused them to raise interest rates three times. Keep in mind, the Fed has raised interest rates four times in a 1 year period. A little nick here, a little nick there, pretty soon you are bleeding pretty badly. Four times in a 1 year period. What were the reasons for it? We don't know because they meet in secret. Again, it is my understanding—I stand to be corrected—that the transcripts are kept secret for 5 years.

Again, the Senator from North Dakota has pointed this out many times, the Federal Reserve was not created by the Constitution of the United States. The Federal Reserve was created by legislation. It is a creature of Congress created by legislation. It seems to me we have a right and a responsibility to have a better understanding not only of how the Fed operates but why they make the decisions they do. I ask the Senator that question, about opening up the transcripts so we know why they make those decisions.

Mr. DORGAN. I don't know what length of time they keep the transcript private. However, the Federal Reserve Board is enormously private. I have said it is the last dinosaur. A little sunlight would be a great disinfectant for monetary policy.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. DORGAN. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. There is so little known about the Federal Reserve Board that when Senator REID and I had a GAO report done recently, they said that the Federal Reserve Board has stashed away now close to $6.4 billion—then I believe it was $3.7 billion—in a kind of a rainy day fund. The rainy day fund was described by the Fed as a surplus fund that was to be used in the event they needed it if they suffered a loss.

This is an institution that makes money. This is an institution that has never had a loss, will never have a loss, and stashes away a cash reserve in the event that it has a rainy day. The GAO report, of course, was very critical of the management of the Fed on a wide range of things. But I will not put it in the RECORD.

The PRESIDING OFFICER. The Senator's additional minute has expired.

The Senator from Texas.

Mr. GRAMM. Mr. President, I thank Senator HARKIN. It is my understanding that since the distinguished Senator from Missouri wanted to speak only 3 or so minutes, that he had agreed that after I speak—and I should speak only 5 or 10 minutes—the Senator from Missouri could speak 3 or 4 minutes before Senator HARKIN takes the floor. I think he has an hour. I thank him for that.

I hope people are watching this debate. Our dear colleague from North Dakota does an excellent job of presenting his point of view. It is not a point of view I agree with, but it is a point of view that obviously he believes and he presents very effectively, as does Senator HARKIN.

For people who believe that there are no differences among Members, that parties don't make any difference, that Democrats and Republicans are identical, I hope they are listening to this debate because we are getting to the very heart of the fundamental differences that separate us and, in separating us, serve the country. In the process, we have an opportunity to present competing visions. Then every 2 years, on the first Tuesday after the first Monday of November, people decide whose vision they want to follow.

I think this debate is very informative and very important. I have asked for a fairly short amount of time. I think the minority side has 4 hours 5 minutes. I have asked that our side have 45 minutes because I think our case is a very strong one, and we don't think we have to be repetitive to make it.

As I look down the list of Americans who have served as Chairmen of the

Board of the Federal Reserve Board, it reads like a Who's Who in economics and banking: Paul Volcker, Arthur Burns, William McChesney Martin. These are Americans who have provided distinguished service to our country. But as I look at the record of Alan Greenspan, I can stand on the floor of the Senate and say, without any fear of contradiction, that Alan Greenspan's record is the finest record that has ever been established by a Chairman of the Board of Governors of the Federal Reserve Board since we created the Federal Reserve and it began operating in 1913.

I go further in saying that whether we are talking about Nicholas Biddle at the Second Bank of the United States or about monetary policy conducted by the Treasury or about any central banker in any monetary center anywhere on the planet, I believe a strong case can be made that Alan Greenspan is the greatest central banker in the history of the world.

Why do I say these things? Let the record speak for itself in terms of what has happened under Alan Greenspan's leadership. First, how many people have been appointed to the highest appointed position in the land by Ronald Reagan, George Bush, and Bill Clinton? Is there any other person who has been appointed to a high position of public trust by those three men? The answer is no. And why have three successive Administrations appointed Alan Greenspan to be Chairman of the Board of Governors of the Federal Reserve Board? Because he is the best central banker we have ever had.

As we all debate this issue and have our opportunity to second-guess Alan Greenspan, let me talk about the record. The day Alan Greenspan became Chairman of the Board of Governors of the Federal Reserve Board in 1987, long-term interest rates were 8.98 percent. Today they are 6.42 percent. As a result, millions of Americans who did not have the opportunity to build and buy their own homes the day Alan Greenspan became Chairman of the Federal Reserve Board, now have that opportunity, and they are seizing it in record numbers.

The day Alan Greenspan became Chairman of the Board of Governors of the Federal Reserve Board, the Dow Jones Industrial Average stood at 1,938.83. Today the Dow stands at over 11,000. In other words, the equity value of the broad cross-section measure of the fundamental industry in America has risen during the period that Alan Greenspan has been Chairman of the Board of Governors of the Federal Reserve Board by nearly 500 percent.

Today, schoolteachers, firemen, insurance salesmen, and coaches find that the value of their 401(k)s and their IRAs have skyrocketed, and as a result, their financial security has grown. They approach retirement in a better position than anyone could have ever expected. And that wealth is widely distributed. More Americans own part of the equity value of America than ever before in history. Indeed, we have come the closest of any society in history of fulfilling the Marxist dream of workers owning the means of production—only we have done it the real way, not with the government stealing it and claiming that workers own it; workers really do own it.

The unemployment rate the day Alan Greenspan became Chairman of the Board of Governors of the Federal Reserve Board stood at 5.7 percent. Today, it is 4.1 percent—the lowest level in 30 years. In fact, when you look at the array of social programs in the economy and their impact on the incentive of people to take jobs, when you look at the environment in which that 4.1 percent exists, I doubt if there has ever been a day in American history where the unemployment rate was effectively lower than it is today. The wonderful thing about this growth in employment is that it is not just the same people who are always getting jobs. A Congressman's daughter and the son of the bank president get jobs—good times and bad times.

What is wonderful about the golden economic age in which we are living is that employment among minorities is growing faster than employment in the economy as a whole. We have had an explosion in the number of women who have gone into business and succeeded, and the benefits of this economic growth are being more widely shared today than any economic growth that we have ever achieved.

The rate of inflation on the day Alan Greenspan became Chairman of the Board of Governors of the Federal Reserve Board was 4.5 percent, and we were grateful. Today, the inflation rate is just 2.7 percent. As one of our colleagues already noted, if we could account for quality differences, if we could take into account the quality differences in a new Suburban versus a Suburban 10 years ago, or the quality difference in a Sony television as compared to 10 years ago, that inflation rate would be virtually zero.

Just as Alan Greenspan was beginning his service as chairman of the Federal Reserve Board in 1987, we had a stock market drop of 500 points. That was a time when 500 points were real and represented a dramatic drop in equity values. Some argued that the Government had to intervene; too many people are investing in the equity market; we have to have dramatic reforms. But under the stable leadership of Alan Greenspan, and several other members of the Working Group that was put together at that time, we basically set about to strengthen the system in terms of liquidity and transparency, and Government kept its cold, dead hand off the equity market, and we have seen in the 1990s what the result has been.

At the end of the 1980s, we experienced the S&L collapse, the greatest financial crisis during my period of service in Congress. It cost $100 billion to fix. It could have been avoided had we put up money earlier and acted earlier, as President Reagan urged. But under the leadership of Alan Greenspan, while nobody knew it at the time, we instituted a procedure of closing troubled thrifts and selling off assets, which the whole world looks at as the standard of how you deal with a financial crisis.

Have we forgotten the Mexican peso crisis? Have we forgotten the Asian economic crisis? Can you remember when it was conventional wisdom that the collapse in Asia was going to mean an economic downturn in America? I missed that downturn, and so did America. Under Alan Greenspan's leadership, we have set a course that helped Asia regain its footing. Korea, through reforms, has done it. Other countries will achieve greater stability when they reform. Have we forgotten the Russian economic collapse? Have we forgotten the Brazilian currency collapse?

In other words, Alan Greenspan's stewardship as chairman has not been uneventful. But the net result is that the American economy has stayed on track. It is easy for us to second-guess the policies of the Federal Reserve Board, but who thought Alan Greenspan would raise interest rates on the very day that we are considering his confirmation? If that is not a statement of confidence in him, I don't know what is, and I don't see any reason to be second-guessing Alan Greenspan's record.

If I have a concern today as we move toward this vote, it is what are we going to do when Alan Greenspan is gone. I hope there is someone out there who will be capable of matching this record. But I am not sure there is such a person, and it worries me. My grandmother used to say, "The graveyard is full of indispensable men." Alan Greenspan is not going to have this job forever. But as long as he wants it, and I have a vote about whether he is going to get it, based on this record, I am going to vote to give him the opportunity to continue to serve.

Let me conclude with a final remark, and then I will turn it over to my colleague. Our founders were afraid of men on white horses. They tried to write a system so that it didn't make any difference how elections turned out. They tried to make it so that it didn't matter who was appointed to various positions because they knew that people were fallible. They tried to write a system that was relatively infallible. And so when someone achieves a record like this, while you can't give Alan Greenspan all the credit—I think a lot of the credit goes back to Ronald Reagan and the reforms that we undertook then, and I am willing to give some credit to Bill Clinton and some to Congress. But if you were going to pick anybody who is currently holding a position of public trust and ask who has had more to do with the success we have had in this last decade—the last 12 years, really—of unparalleled economic achievement, I think you would have to give the prize to Alan Greenspan.

So there are two sides to the story. I hope people will listen to these arguments. This is serious business when you are talking about the Chairman of the Board of Governors of the Federal Reserve Board. I hope they will listen to these arguments and that they will see that there are differences among Members, differences between the two parties. As long as there are people like Alan Greenspan who are willing to serve, I think America is in good shape. I am eager to see him have the opportunity to serve for another 4 years. I hope he is blessed with health that will allow him to continue in this job for a very long period of time.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the distinguished chairman of the Banking Committee for giving me the opportunity to make these remarks. I hope our colleagues are listening to his remarks. As a former economics professor, he has been able to bring to common terms, in understandable language, the message that is so important in economics.

I have stayed awake longer listening to his treatises on economics than I have on most of the ones I had in school. While the record is not perfect, at least it is better. We appreciate his kind words.

I also thank my colleague from Iowa for permitting me to make these remarks.

Mr. President, I rise to express my strong support for the nomination of Alan Greenspan for his fourth term as Chairman of the Board of Governors of the Federal Reserve System.

As has just been said, since Chairman Greenspan was originally appointed in 1987, his wise stewardship of the monetary policy of this country has in no small part contributed to the best economic times in our country's history.

Yesterday we reached a milestone of economic expansion. Our country has a record 107 consecutive months of economic growth. At no other time in our history have we experienced uninterrupted economic growth that has lasted this long. Moreover, it does not appear that this growth is slowing. Unemployment is at record lows. Consumer confidence is at record highs. Inflation, the unfortunate byproduct of expansion in the past, has been kept under control.

Some of our colleagues on the other side of the aisle have raised questions about the way Chairman Greenspan and the Federal Reserve have conducted their business. Make no mistake—it is an arcane science. Maybe it is an art. I am never sure whether it is an art or a science. Make no mistake about the fact that the Chairman of the Federal Reserve and the Board itself have tremendous power in this economy. It can cause inflation or it can foster low inflation. It can promote sound economic growth or it can cause a depression. As tough as that job is—and probably none of us here in this body would fully understand it—fortunately, we have a means of judging the success of the work that is done by the Chairman and by the Federal Reserve. In no place can I think of a better application for the admonition that you shall be judged by your works or, as we say at home in Missouri and in the country: Show me. Don't tell me what you are going to do; show me what you have done. Under that test, Alan Greenspan has received the highest marks.

When you look at what has happened, more people are working. More people can buy homes. More people can keep their jobs. And they can see that their savings are not eroded by inflation.

It was only about 20 years ago we saw inflation destroying savings and driving the price of homes out of reach of almost every American—a tremendous crisis—because monetary policy had gotten out of control. Today we see monetary policy under control; we see growth; we see opportunity. All American citizens stand to benefit from this growth, and I think they owe a debt of gratitude to the dedicated public service of Chairman Greenspan.

Many economists did not believe low unemployment and low inflation could exist for a significant period of time. Indeed, our colleagues on the other side of the aisle have cited the fact that even Chairman Greenspan has learned as he has gone along. As he stated in his remarks, he has seen that there is a new paradigm. There is a new operation in effect. Times have changed, and we are learning more about economics.

But as we learn more about them and how monetary policy affects our country, the Chairman's firm hand on the rudder of economic policy has been responsible for keeping us on the straight and steady course. He wisely steered America clear of the potential harm that may have resulted from the Asian financial crisis and, as the chairman of the Banking Committee said, the other crises back through the savings and loan debacle.

In addition, he has provided unwavering support for fiscally conservative budgetary policy and has been of enormous assistance to this body. He explained to us even recently, as he probably well needed to, the necessity of continuing to link sound monetary and sound fiscal policy. I believe if you translate what he said in his speech, it was: Don't blow the surplus on big spending programs. That is an important message for us.

As we look to the future, we see that the near-term economic future of this country looks promising. There are clearly—and we all recognize it—dangers to our prosperity that will likely arise, including inflation fears, increasing labor costs, dampening market problems, and structural problems in the economy. But Chairman Greenspan's thoughtful leadership over the last 12 years will serve us well in the coming years.

I am very proud to add my name in support of Alan Greenspan for another term as Chairman of the Federal Reserve. I congratulate and I thank President Clinton for nominating him because I think not only we as a country are grateful that he has agreed to accept a fourth term but we will all benefit from his service in that term.

I urge all of my colleagues to support his nomination.

I thank the Chair. I thank my colleague from Iowa.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. VOINOVICH). Forty nine and one half minutes.

Mr. HARKIN. I would like to let my fellow Senators know I don't intend to take that much time.

Mr. President, I noted with some interest that the chairman of the committee, Senator GRAMM from Texas, when he started speaking a few moments ago said this debate we were having—and he mentioned the Senator from North Dakota, he mentioned this Senator—indicated the fundamental difference between the parties. I waited to see just exactly what he meant by that. I never heard an explanation.

But maybe this debate does show some fundamental differences. For example, we are for openness. We believe the Federal Reserve ought to meet in the open, that it shouldn't meet in private. We believe transcripts ought to be made available to the public sooner than they are. Of course, we believe in lower interest rates. We want open meetings and lower interest rates, and the other side wants private meetings and higher interest rates. Perhaps that is really the fundamental difference we are talking about. I say it only tongue in cheek. But it does, I think, really say what this is all about.

That is whether or not we are going to have some more accountability and openness in the Federal Reserve rather than what we have had in the past. Its decisions affect every American's life. It affects all of us. This recent interest rate increase today, as the Senator from North Dakota said, is a tax on all

Americans. We are all going to pay for it. Some of us can afford to pay it a lot more easily than others. If you are a creditor, if you are part of the creditor class in America where your income exceeds your outgo, where you are able to save, where you have a lot of assets, and you are into investing and lending, higher interest rates may not be such a bad idea.

However, if you are in the lower income sector of our economy, you need to buy a new car to get to work and the old one has run out, you do not have enough money, you have to put some money down, pay for it on time, or roll your interest on your credit cards month to month, maybe you need to make your house payment, maybe your kids are in college, you need to make some college payments, and you are an individual making less than $30,000 a year as a family, this is a real tax. It is going to cost you more money. Yet we don't know what the debate was. We don't know the details of why they did this. We will not know for years.

I believe there is an important difference. The Open Market Committee just announced another quarter-point interest rate from 5.5 to 5.75 and an increase in the discount rate as well.

This makes four times in 1 year that we have had interest rate increases—four times, three times last year, and then once this month.

These increases hurt prospective homeowners. It is going to hurt the housing market. I want to say at the outset, we all want Americans to save more money. For modest-income Americans, the best savings program they have is owning their own homes. For modest-income Americans, when they are through with their working lives and they retire and they are on Social Security, the biggest asset they have, and in many cases the only asset they have, is the equity they have in their homes. So we want Americans to become homeowners.

This interest rate increase will hurt Americans hoping to own their own homes. It will decrease the number of Americans who can own their own homes and have that as their savings vehicle. It will hurt small businesses and manufacturing. My farmers, who are already hurting enough and who have to borrow every year to get their crops in, they are going to get hit again. Everyone will be hurt one way or another. Some will feel it more profoundly than others. The prime rate is moving up today from 8.5 percent to 8.75 percent. That means the real interest rate, not the nominal but the real interest rate, adjusted to inflation, is close to 6.55 percent.

Again, it is the real interest rate that you feel, not the nominal. For example, if interest rates were at, say, 10 percent, and inflation were at 8 percent, the real rate of interest would be 2 percent. If, however, interest rates are 8.75 percent, and inflation is only 2.2 percent, your real rate of interest is 6.55 percent. That hurts you more.

When our economy was flourishing in the 1960s with the highest growth rates we ever had, our real prime rates ran around 2 percent to 3 percent. In other words, the real interest rates were 2 to 3 percent. Today it is about 6.55 percent. Think about that.

Hopefully, the Fed will not be continuing this process because this hurts people, and there is no reason for it. That is really the essence of my remarks today. Mr. Greenspan and the Federal Reserve Board seemed to think they needed to make a preemptive strike on inflation before we see clear signs of inflation out there. This view, if aggressively acted upon, would place an absolute cap on our economy's ability to grow. It would destroy much of our potential for growth. That is a tragedy.

Back in 1996, I opposed the renomination of Mr. Greenspan along with a number of my colleagues—a small number. I said at the time, and I say again today, I have no personal animus toward Mr. Greenspan. I agree with those who said he has had a distinguished career in public service. I think he is a bright individual. Like I say, I have only met him, as I can remember, once in my entire lifetime, so I have no personal animosity toward him. I think he is an honorable individual, exceptionally smart—bright.

I did have one thing someone brought to my attention at one time. They said back in his youth he was a follower of Ayn Rand, and was with some little group with Ayn Rand in New York City. I said: Don't hold that against him. I said: If you can't test way-out theories, far-out kinds of philosophies when you are young, when are you ever going to test them? I assume Mr. Greenspan has moved on from his youthful days of following that way-out philosophy of Ayn Rand's and is now more mainstream and more centrist than that. But like I say, that is fine. I don't mind what people do in their youth. That is the time to test theories and philosophies, when you are young.

As the Senator from North Dakota said, I have no personal animosity toward Mr. Greenspan. I just have a problem with what I believe the philosophy is at the Fed. I don't think it just applies to Mr. Greenspan. It applies to a lot of people at the Federal Reserve Board.

In 1996, I opposed the renomination because I feared that he, along with others, had a history of jumping to raise interest rates and to choke off economic growth too soon, blocking the economy from growing at its potential and keeping millions of modest-income, middle-income Americans from benefiting from their hard work.

A former Chairman of the Fed, William McChesney Martin, once said it was the Fed's job to remove the punch bowl at the party. At some point that should be done. But doing it too early kills our chance for growth, for jobs. It effectively kills any chance for the maximum number of Americans to climb the ladder of opportunity.

Prior to 1996, Mr. Greenspan showed very little concern in that regard. He was focused on the possibility of accelerating inflation. He had, in the past, I believe—and again I say he and the others on the Fed—had damaged the economy by moving too quickly to raise rates and choking off our growth potential.

For some time, a lot of economists, not all but a lot of economists took the view that NAIRU, the nonaccelerating inflation rate of unemployment, was 5½ or 6 percent; in other words, that if unemployment went below 5½ or 6 percent for a period of time, then inflation would take off. Once it started to accelerate, it would be very hard to stop. So that view was once unemployment got down to that level for a period of time, one had to raise interest rates and stop unemployment from being too low.

At the same time, the orthodox view among a lot of economists about how fast could the economy grow over the long term was about 2.3 percent; somewhere between 2 and 2.5 percent.

I must again be very frank. That was the administration's estimate of the economy's potential for sustainable growth. That was in President Clinton's budget's economic assumptions for FY 97 and I opposed that. I said to the President and his economic advisers at the time: That is nonsense. You are following some of these economists who do not understand the new economy that is out there. They do not understand the new rate of productivity growth and what is causing it. They are still looking back. They are back in the eighties and not in the 1990s.

So it was not just the Fed at that time, it was also the administration of President Clinton and the CBO.

They saw it as a simple calculation. You take the increased expected productivity of the economy, estimated at 1.2 percent—again, very low—add the increase to the labor pool—about 1.1 percent—and you get a 2.3-percent rate of growth.

Again, they said if economic growth exceeded 2.3 percent over time, or if unemployment fell below 6 percent, the alarm bells would have to go off. It was prudent to raise interest rates or we would be on the perilous path of accelerating inflation.

So in 1996, viewing that, I feared we would never get a chance to see what our economy was really capable of doing. That is why I opposed the renomination of Mr. Greenspan in 1996. I suggested in 1996, that the supporters of NAIRU were wrong, that it was an outdated concept. I said at the time we could have unemployment at 4.5 percent or less, and I said it was possible because of increased productivity due to the new technologies, because of the greater integration of the world economy, the new marketing techniques that are taking place in America and that NAIRU was wrong and ought to be thrown out the window.

I suggested in 1996 that we ought to give our economy a chance to do better or we would limit our economic growth and limit the ability of average Americans to see their incomes rise.

Mr. Greenspan indicated that he would not raise rates simply because of the NAIRU. That was a good statement, but again we had a history of these preemptive strikes, and I feared we would not let the economy reach its potential.

I believed Mr. Greenspan would be quick to see the specter of inflation behind some little statistic. I am here to say fortunately I was wrong about that. Mr. Greenspan and the Fed have allowed the economy to grow. Part of the reason was particular situations, such as the crash of the Asian economies, but I believe there was a willingness to let the economy grow and a new attitude that there were some new things happening in the economy.

I read a speech Mr. Greenspan gave in which he mused about the increase in productivity and how it did not seem to have any end, the use of computers and how they helped to control inventories. Quite frankly, there seemed to be a shift then at the Fed at that time.

The results have been very impressive. Gross domestic product has been increasing at an average rate of about 4.3 percent since Greenspan was last confirmed. Unemployment has gone down by over a percentage point. The portion of our population over 16 in the workforce is at or near a record high. Unemployment for minorities, teenagers, traditionally hard-to-employ groups are at record lows. Incomes for those at the middle are rising—not as much as I would like—and, to some extent, those at the bottom are rising.

What has happened is unemployment fell below 6 percent and inflation did not take off; economic growth was near 3 percent and inflation did not take off. And then unemployment came down to 5.5 percent and nothing happened. Then unemployment went below 4.5 percent. It has been under 4.5 percent for almost 2 years now. No inflation. We are seeing our GDP increase at over 4 percent on average per year, almost twice what people were saying a feasible sustainable rate of growth of 2.3 percent and there is no inflation and productivity continues to increase.

That was in the initial years. Then starting last year Mr. Greenspan seems to have shifted his view. The concern was not NAIRU. It was irrational exuberance in the stock market. Therefore, we had to put interest rates back up. Last year, there were three ticks up. Today there was another tick up; bringing us to a 1-percent increase in 1 year. It almost seems as Fed are looking for something out there. If it is not NAIRU, which has been discarded, then it is something else out there as to why we have to raise interest rates. There is something else out there lurking that is going to cause inflation to happen.

Is it irrational exuberance in the stock market. What this is going to mean is that, quite frankly, we are going to have more ticks up in the interest rate, enough till we see the rate of unemployment start to rise again.

I believe that would be a tragic mistake. People need to be employed. We still have people out there who need job training and skill upgrading. Can unemployment stay this low without causing accelerating inflation? Absolutely. The common wisdom is that we have a pool of low-skill workers still to be tapped. All they need is job training and skill upgrading, but they are there.

Robert Lerman, in an October 26, 1998, Washington Post article said:

> Differences between the groups entering and leaving the workforce explains the surprisingly high qualifications of newly employed adults. Older workers without a high school degree are retiring, replaced by younger, better educated workers. In the past 6 years, the population of college graduates aged 25 and over increased by about 20 percent, well above the 7 percent growth in total adult population. Meanwhile, the population of high school dropouts declined by nearly 3 million.

We are getting that higher skilled workforce, and they are more productive. The economy is also attracting people who were not considering work to come back into the work force.

The job market has been tight in most places. In Iowa, we have a low rate of unemployment, about 2.2 percent, and that is good. Are wages skyrocketing in Iowa because we have low unemployment? No. Are they rising modestly? Yes, and they should. With this booming economy and 4-percent growth in our GDP, wages ought to be going up.

As an aside, I find it more than passing strange that here we are in the second week back this year and we could move through the Banking Committee at almost light speed the renomination of a central banker, Mr. Greenspan, to be head of the Fed, but we cannot do it to raise the minimum wage. We cannot do anything to help low-income people get a better share of the economic growth of this country. Gosh, we could sure move fast to help the banking system out, but not to help modest-income Americans.

Many economists now come to conclude that NAIRU should not be used to predict a new wave of inflation. Quite frankly, I am happy it is dead. We had this irrational exuberance in the stock market. Now we have a new concept. As I said, if it is not NAIRU, then it is this irrational exuberance. The new concern is the wealth effect. Mr. President, have you heard about the wealth effect? Mr. Greenspan is talking about the wealth effect as a reason we should fear inflation and that we should have some preemptive strike. You have to have something, there has to be something out there. Chairman Volcker had the money supply. Now we have the wealth effect.

In a speech at the Economic Club in New York earlier this month, Chairman Greenspan noted the possible negative impacts of the wealth effect. He said that estimates of the wealth effect on the GDP has hovered around 1 percent of the GDP since late 1996. He then said, in part:

> . . . the impetus to spending by the wealth effect by its very nature clearly cannot persist indefinitely. In part, it adds to the demand for goods and services before the corresponding increase in output fully materializes. It is, in effect, increased purchasing from future income, financed currently by greater borrowing or reduced accumulation of assets.

There are always limits, aren't there? Economists were right not to clamp down on the economy until we see real signs of inflation. The Fed should stick with that view. Today's increase makes me believe the Fed will endanger the economy by not waiting for real signs of inflation, and now the wealth effect has become the latest reason, despite the fact inflation is nowhere in sight, except for the runup in oil prices caused, in large part, by OPEC's setting of limits on oil production. The Fed raising interest rates will have no effect on that. I think everyone agrees with that.

This wealth effect is estimated by some to add about 4 cents in extra spending per dollar of increased wealth. A prominent study by senior vice president Charles Steindel and economist Sydney Ludvigson, both with the New York Fed, concluded the wealth effect was likely to be between 3 and 4 cents per dollar in annual consumption. They also said it is impossible to predict how quickly the wealth effect will kick in. It can take years for consumer spending to reach a permanently higher level. They said:

> Forecasts of future consumption growth are not typically improved by taking changes in existing wealth into account.

So I guess what I am saying is the wealth effect—just like NAIRU, should not be the reason for raising interest rates, simply because of the fear that it will cause an inevitable cascade of economic effects leading to accelerating inflation.

As the Senator from North Dakota said earlier, I believe if the Fed wants a more targeted instrument to more carefully check some of the excesses in the stock market, they should look at margin requirements for buying stock on credit. But raising the interest rates is not going to do it without great harm to the economy as a whole.

So quite frankly, again, we see no signs of higher inflation. We have had inflation down from 3.3 percent in 1996 to 1.7 percent in 1997, and 1.6 percent in 1998, and in 1999 it jumped to 2.7 percent.

Is that a problem? It sounds like a problem until we take out food and energy. Without food and energy, the core inflation rate continues to improve on a December-to-December basis. In 1996 it was 2.6 percent, in 1997 it was 2.2 percent, in 1998 it was 2.4 percent, and in 1999 it dropped to 1.9 percent—when you take out food and energy.

So inflation is going down. Inflation is dropping. And the Fed is raising interest rates. Please, will some economist tell us what is going on here?

Again, inflation took a jump in December two-tenths of a percent. But, again, without food and energy. And energy—that was the culprit, not food—energy prices shot up 1.4 percent that month. Raising the interest rate is not going to cure that. I do not know of anyone who says it will.

Petroleum prices move with the OPEC cartel's production, not by the effects of interest rate increases. I will repeat that. We all understand petroleum prices move with the OPEC cartel's production and not by the effects of interest rate increases.

So again, I repeat, last year inflation actually went down on a December-to-December basis. Yet we had three increases in interest rates last year and another increase just today.

Why? What is happening out there? This is hitting our farmers. It is hitting our working families. It may not be hitting Senators and Congressmen making 130-some thousand dollars a year. It is not hitting people making money in the stock market. We have our share of megamillionaires in this body. It is not hurting us, not hurting them.

But you go out and talk to that husband and wife who are both working jobs, and they have a couple of kids at home, and they are making $40,000 a year, and they are trying to pay a mortgage on a house, trying to keep a car—maybe two cars; they need two for both of them with their jobs—and keeping their kids in clothes. This is a tax on them.

We have no signs of accelerating inflation. I believe we are going down the wrong path in raising interest rates.

I basically believe we ought to have the lowest possible reasonable interest rates at all times, and only when we see clear signs of inflation should we then begin the process of ratcheting up interest rates. We have had a period of quality growth and we should be doing all that we can to sustain it.

Again, I have a lot more I could say about this and what we ought to be doing. What we should be doing is keeping interest rates low. We ought to be taking the surpluses we have, not using them for a tax cut, which, again, would be the wrong thing to do at this time. That would do more to stimulate inflation than anything, having some tax cut that is going to stimulate and fuel even more demand out there.

What we ought to be doing is using the surplus we have now to buy down the national debt. This is where I do agree with Mr. Greenspan: Buy down the national debt. He is right in that regard. I do agree with him on that.

But we also need to use some of the surplus to invest in our children's education so they can partake of the new economies as they grow older. Every child in grade school today ought to have access to computers and to the Internet. Every teacher who teaches in grade school today ought to be fully trained in teaching the new kinds of skills using the new technologies.

We need to reeducate those already in our workforce with job training. We need to upgrade our infrastructure. There are $100 billion in needed repairs in our schools in America. I understand the President's budget was going to have $1.3 billion for that.

We need to improve our infrastructure. We need to improve our transportation infrastructure in this country. These are the things we ought to be doing. This would help to keep our GDP high, keep our workforce employed, keep unemployment low, and keep inflation down. It would not be a tax on working Americans like raising the interest rates that the Fed is doing right now.

Productivity is good. Productivity is increasing. We hope it will get back to where it was in the 1960s. Long term high productivity. A lot of people think we are more productive today than in the 1960s. From 1960 to 1970, our productivity increased by 31.8 percent. From 1990 to the year 2000, it increased 21 percent, although we are doing a lot better in the last half of the 90s. So we have a ways to go before we are as productive as in the 1960s. But I believe that will happen in the next decade if we have reasonable policies. In the next decade, I believe our productivity will continue at a high level and further increase and will closely approximate what we had in the 1960s.

I was chastised back in 1996 when I opposed the Greenspan nomination. I was on a couple talk shows, and people asked: What do you think the growth rate could be, the sustained growth rate? I said: At least 3.5 percent, 3 to 3.5 percent without any problem. I got hit by a few economists who said: Oh, HARKIN is way out on that one.

Since 1996 we have had—what?—4 percent and no inflation. So even I—as optimistic as I am about the American economy and the ability of our workforce—was a little underestimating the real rate of growth we could have.

I am just saying, in the next 10 years we can still maintain a 3- to 4-percent growth rate. I believe we can maintain an honest average of over a 3-percent growth in the next decade. It is not going to happen if this Federal Reserve continues to raise these interest rates. They are going to choke it off. And they are going to choke it off for no good reason whatsoever.

We can improve the quality of the lives of Americans, and we can invest in our future, and we can buy down the national debt. We can do all those wonderful things. But if the Fed persists in raising interest rates, it is going to choke off our rate of growth. All of the good we do here—in terms of keeping a surplus, in getting rid of the national debt, of investing in young people and in education—all that will be for naught because our rate of growth will be choked off. When that rate of growth is choked off, unemployment is going to go up.

The Fed talks about a soft landing. If you are flying well and the airplane is working and you have a lot of fuel and the sky is clear, why are you worried about a landing? Why are they talking about a landing? This economy, I believe, can grow at a 3-percent plus rate for the next decade. We will have a landing all right. If they keep raising interest rates, we will have a landing.

Let me close by saying I think there is a reverse side to the wealth effect. I coin the term the "poor effect." Some economists believe that shrinking wealth has an even bigger effect on spending than growing wealth. If we push the economy into a dive, we will experience the poor effect again. Economist Mark Zandi suggests that declining wealth reduces spending by about 7 cents per dollar of wealth lost. So if the wealth effect is 3 to 4 cents a dollar, declining wealth reduces spending by 7 cents per dollar, almost twice as much. So any danger that is out there of accelerating inflation must be weighed against the possible result of slowing the economy and what I call the poor effect, not the wealth effect but the poor effect.

Rural Iowa, my State, experienced the poor effect in a deep agricultural recession in the mid-1980s. The value of land fell by more than 50 percent as our rural economy crumbled. I saw grown friends of mine cry in public, farmers lose their lands, and some of them took their own lives. Families fell apart; couples divorced. The economy of rural Iowa shrunk. Let's not jump too quickly to use the club of higher interest rates.

The Federal Reserve has two mandates in law. The Federal Reserve is not a creature of the Constitution of the United States. You won't find it in the Constitution anywhere. It is a creature of Congress. We legislatively created it. We gave it two mandates: to balance concerns about inflation on the one hand and to stimulate full employment on the other. Those goals were placed in the law in 1978.

Prior to 1978, there was no specific mention of inflation at all in the law. It was not in any of the laws about the Fed going all the way back to its founding in 1913. By the Full Employment and Balanced Growth Act of 1978, the Congress, in the exercise of its constitutional power, said to the Fed: You have two functions now: check inflation and stimulate full employment. That law we passed in 1978 set a goal of 4-percent unemployment for those 16 and older, 3 percent for those over 19. We are near 4 percent now. Throughout the 1980s and 1990s, conservative economists laughed at those goals. They said they were ridiculous targets set by politicians. That is the law of the land, and it sure doesn't look so silly now.

I worry that the Fed has a hard time maintaining a balance between inflation and full employment concerns. They are only focused on the specter of inflation, and there is no inflation out there. As I said, new advances in our technology, in our computers, designing products at high speed, the rapid replacement of parts, tight controls on inventories at lower cost, reduces the inventory buildup, one of the classic causes of past recessions. Communications costs are dropping like a rock. Every day I get something in the mail that I can make long-distance calls cheaper than I did the day before. Now you can get computers individually tailored for retail customers under $1,000 from Gateway Computer. Amazing, a world economy, capital flowing around the world.

I know others want to speak. I see my good friend from Minnesota, who has been a great leader on this in the past, on the floor. I know he wants to speak. I took this time because, as I said, I don't want anyone to mistake that I have some personal animosity toward Mr. Greenspan. That is not so. I do have very deep-seated questions about the direction of the Fed, the fact they are raising interest rates without any inflation, and they are going to choke off this great growth we are having in this country with a series of interest rate increases. They are going to push up unemployment.

I will yield the floor with the final statement that we need to open up the Federal Reserve System's meetings. I don't want to make them political. It should not be political. We need to know why they are making the decisions they make. The decision they make on raising interest rates taxes every working American. How would they feel if we debated tax policy behind closed doors? I don't want to make it political, but I think it ought to be open. Secondly, I believe the Fed should pay more attention to unemployment and to growth and not just get so fixated on some specter of inflation that is not even out there.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my colleague from Virginia is here. I have a fairly lengthy statement. I know our colleague from Virginia wants to speak. I wish to take a few minutes. I ask the Chair, are we going to vote tomorrow? Do we have a time limit today or not?

The PRESIDING OFFICER. We do have a time limit. The Senator has 49 minutes remaining.

Mr. WELLSTONE. If I take a few minutes now and then come back after the Senator from Virginia speaks, are we going to be in session for a while tonight speaking on this? Will I be able to do that?

The PRESIDING OFFICER. The Chair is not aware of any time limit.

Mr. WELLSTONE. I thank the Chair.

Mr. WARNER. I wonder, if I took but 3 minutes, would that convenience my colleague?

Mr. WELLSTONE. I have to leave anyway in a few minutes for a meeting with some farmers. Let me take a few minutes, and I will be done. Then I will be pleased to yield the floor and then come back later.

Mr. President, first of all, let me thank the Senator from Iowa for his comments. I think I can be brief because much of what he says I am in such strong agreement with.

Mr. President, tomorrow morning, do we have any time for debate before the vote?

The PRESIDING OFFICER. There are no orders that have been entered for tomorrow as of yet.

Mr. WELLSTONE. Is there a scheduled vote tomorrow at a particular time?

The PRESIDING OFFICER. Nothing has been ordered yet for tomorrow, so the Senator can assume there might be some time.

Mr. WELLSTONE. I ask unanimous consent that I may have 20 minutes to speak tomorrow morning.

Mr. WARNER. Reserving the right to object, I suggest that the manager of this nomination be consulted first. Can the Senator withhold that and as a matter of courtesy discuss it with the manager and leadership of the Senate? I think that would be an important consideration. At this time, with no discourtesy to my colleague, I register an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Forty-two minutes.

Mr. WELLSTONE. I yield the floor.

Mr. WARNER. Mr. President, I say with a great sense of humility that I have been privileged to be in public office for over 30 years. In the course of that time, I have had the privilege and wonderful opportunity to meet dozens and dozens of people who have held public office. I have listened to the very interesting comments of my colleagues with regard to the economy and interest rates and the like concerning the distinguished nominee, Mr. Greenspan. I simply go to a very simple but direct point with regard to this nomination; that is, dollars have a different meaning to people—savings, investments, and the like. But almost without exception they represent the efforts of hard work.

Therefore, when it comes time to preserve, invest, save, whatever you may do with those dollars—the man and woman primarily who have earned it—you want to know that the system, the value of that dollar, the protection of that dollar is there for your anticipated use and in many instances for the next generation. As to those people who are directly concerned with the regulatory process and decision process which vitally affects the value of the dollar and the protection of the investments, you want to know they are of unquestionable character.

I have known the nominee for many years and have had the privilege of working with him, playing golf and tennis with him. You get to know the totality of the man. This man is extraordinary. There will not be raised in the course of this debate, in my judgment, one single comment by any of my colleagues questioning this man's character. He is known by many in this community, he is known in this country, and he is known worldwide. The solidarity of his character and ethical standards is second to none. You may differ with him on some of his decisions, and that is understandable, but in terms of integrity, character, and ethics, he is beyond question. How fortunate we are that the President has selected this man to continue to serve this country and, indeed, the world because we are the world's leader in economics, national security, and in every other respect.

I am happy to add my few words and indicate my support that we are fortunate to have a person of his great character to step up once again and assume the arduous role and time-consuming lifestyle of this important post. But before we confer on him the advice and consent of the Senate and every other aspect, he is not infallible. As I said, I remember someone many years ago talking about Great Britain who said: You get to know a man—on the playing fields I think it was. He is not infallible. This man cannot keep a golf score. His partners constantly have to remind him. He cannot keep score in a tennis game. This is perplexing. I can bring witnesses to attest to this. But we have to overlook that minor matter as he deals with major figures, and we wish him luck with the anticipated action of this distinguished body.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be able to use as much time under Senator GRAMM's time allotment as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise in support of Alan Greenspan's nomination as Chairman of the Federal Reserve Board. Many years from now, historians may look at the Clinton Presidency and say that the best decision he made in office was to keep Alan Greenspan at the helm of the Federal Reserve.

Alan Greenspan, the individual, is a man of unquestioned integrity and intellect. I have known him for over two decades. He is truly one of our finest public servants. He has served at the Federal Reserve since 1987, and a steady hand at the wheel he has been. When the economy could have been volatile with a less experienced person, having him there caused the seas to be more tranquil. As my colleague Senator GRAMM has said, he may be the finest central banker we have ever had in the United States or, for that matter, the world has ever known.

In fact, it is the example he has shown that has caused many other countries to realize the importance of having a central bank of transparency, of having someone who is not political at the helm of Federal Reserve policy. This example is going to strengthen many new democracies we are seeing in the world today, and his example will be the one they follow.

I find it curious that there are some in opposition to this nomination, and it is really ironic in light of yesterday's headlines that the economic expansion that began in 1991 is now the longest in American history. That did not happen by accident. It did not happen by luck. It happened because there was a steady hand at the wheel. That may not be the only reason we have had economic expansion. Our creativity, the spirit of entrepreneurship in our country, also has a part in that. But if we had someone who was trigger happy at the Fed, someone who would jump too quickly and too far, it could have caused a very different result. I am very pleased that the President has renominated Alan Greenspan.

There is an old saying: If it "ain't" broke, don't fix it. It seems to me some of the Senators I have heard on the floor today speaking in opposition to Alan Greenspan's renomination are fixing a Maytag. In fact, this "ain't" broke, and the last thing we need to do is tinker with something that is working very well.

America is enjoying an unprecedented economic expansion. Of course, Alan Greenspan's steady hand at the Federal Reserve Board has allowed our economy to flourish and not be crippled by high inflation or interest rates. It has not been an easy task. Every time the Federal Open Market Committee meets, the airwaves are full of people saying the Fed either made the right decision or the wrong decision, they should have done more, they should have done less. It is a careful balancing act, but I can think of no one I would be happier to have in charge than Dr. Greenspan.

He knows the power of his words. Many times I have been in the audience when he has spoken, and he is very careful not to overstep. He knows that what he says is going to affect the stock market, and he does not want to have such an impact. He himself jokes sometimes to audiences: If you think you understand what I am about to say, you have misunderstood.

He does not want to do something that is going to have a drastic impact, that will have a 1-day impact or a 2-day impact or a 1-week impact. What he wants is to have a steady, noninflationary atmosphere so we will not have interest rates that are too high, interest rates that are too low, an economy that is too hot, an economy that is not hot enough. He understands these issues because of his experience.

We do not know what our economic future holds, but this much we do know: Whatever economic ups or downs may confront us in the future, and particularly economic ups and downs of other countries which we cannot control, the person most capable of dealing with them is Alan Greenspan. With him in charge, we are much more likely to avoid economic pitfalls for our country.

I urge the Senate to approve his nomination. I am certain it will. From the speeches I have heard on the floor today, the overwhelming sentiment is going to be to confirm Alan Greenspan.

He has been at the Federal Reserve for 13 years. He has presided over the greatest economic expansion in the world, and most surely we will be in our strongest position to withstand whatever might hit us in the future if we have someone with his experience, his integrity, and his intellect at the head of the Federal Reserve Board.

I hope my colleagues will confirm him tomorrow and that it will be an overwhelming vote. The time has come for us to move on this important nomination.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. VOINOVICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. VOINOVICH. Madam President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. VOINOVICH pertaining to the introduction of S.J. Res. 38 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. (Mr. SMITH of Oregon). The Senator from New York.

Mr. MOYNIHAN. Mr. President, as I did 4 years ago, I wish to record my emphatic and enthusiastic support for the nomination of the honorable Alan Greenspan to a fourth term as Chairman of the Board of Governors of the Federal Reserve System. He is a national treasure. He has served our Nation with principle and wisdom, and I shall attempt to show in these brief remarks, unprecedented success.

Let me cite four principal reasons—updated from four years ago—why he should again be confirmed by the Senate.

The economy is now in its 107th month of an expansion—the longest in American history—which shows no sign of ending.

The unemployment rate for December was 4.1 percent and has been below 5 percent for almost three years. Not too long ago, economists estimated that the NAIRU, as the acronym was for the nonaccelerating inflation rate of unemployment—what we might call full employment—was about 6 percent.

Next, inflation is in check. Measured by the CPI—which economists believe overstates inflation—consumer prices have increased by less than 3 percent per year for the past three years.

Finally, the misery index—the sum of the unemployment rate and the inflation rate—is about 7 percent, the lowest level in 30 years.

These outcomes are a tribute to Alan Greenspan's stewardship of our Nation's monetary policy for the past 13 years. But his wisdom and influence extend far beyond mere stewardship of monetary policy.

Last Wednesday, at his confirmation hearing before the Senate Committee on Banking, Housing, and Urban Affairs he had this to say in response to a question about the use of budget surpluses from Senator PHIL GRAMM, the Committee's Chairman, Dr. Greenspan said:

> . . . my first priority would be to allow as much of the surplus to flow through into a

reduction in debt to the public. . . . From an economic point of view, that would be, by far, the best means of employing it.

And last month, in remarks before the Economic Club of New York, Chairman Greenspan demonstrated why he has been so successful. He understands—as perhaps few others in high level economic policy positions—how the economy works. One can only marvel at the clarity and insights he brought to bear as he explained to his audience the impact on productivity of just-in-time inventories, and reasons why the wealth effect from the increase in the stock market has sustained the current expansion, while at the same time containing "the potential seeds of rising inflationary and financial pressures that could undermine the current expansion." Ever vigilant to these potential dangers explains why the FED, under Chairman Greenspan, today increased interest rates by one-quarter of a percentage point.

Based on his performance, Chairman Greenspan deserves to be reconfirmed. I have no doubt that the Senate will, in a near unanimous vote, concur.

I ask unanimous consent that remarks of Chairman Greenspan, at the Economic Club of New York be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks by Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System, before the Economic Club of New York, January 13, 2000

We are within weeks of establishing a record for the longest economic expansion in this nation's history. The 106-month expansion of the 1960s, which was elongated by the Vietnam War, will be surpassed in February. Nonetheless, there remain few evident signs of geriatric strain that typically presage an imminent economic downturn.

Four or five years into this expansion, in the middle of the 1990s, it was unclear whether going forward, this cycle would differ significantly from the many others that have characterized post-World War II America. More recently, however, it has become increasingly difficult to deny that something profoundly different from the typical postwar business cycle has emerged. Not only is the expansion reaching record length, but it is doing so with far stronger-than-expected economic growth. Most remarkably, inflation has remained subdued in the face of labor markets tighter than any we have experienced in a generation. Analysts are struggling to create a credible conceptual framework to fit a pattern of interrelationships that has defied conventional wisdom based on our economy's history of the past half century.

When we look back at the 1990s, from the perspective of say 2010, the nature of the forces currently in train will have presumably become clearer. We may conceivably conclude from that vantage point that, at the turn of the millennium, the American economy was experiencing a once-in-a-century acceleration of innovation, which propelled forward productivity, output, corporate profits, and stock prices at a pace not seen in generations, if ever.

Alternatively, that 2010 retrospective might well conclude that a good deal of what we are currently experiencing was just one of the many euphoric speculative bubbles that have dotted human history. And, of course, we cannot rule out that we may look back and conclude that elements from both scenarios have been in play in recent years.

On the one hand, the evidence of dramatic innovations—veritable shifts in the tectonic plates of technology—has moved far beyond mere conjecture. On the other, these extraordinary achievements continue to be bedeviled by concerns that the so-called New Economy is spurring imbalances that at some point will abruptly adjust, bringing the economic expansion, its euphoria, and wealth creation to a debilitating halt. This evening I should like to address some of the evidence and issues that pertain to these seemingly alternative scenarios.

What should be indisputable is that a number of new technologies that evolved largely from the cumulative innovations of the past half century have not begun to bring about awesome changes in the way goods and services are produced and, especially, in the way they are distributed to final users. Those innovations, particularly the Internet's rapid emergence from infancy, have spawned a ubiquity of startup firms, many of which claim to offer the chance to revolutionize and dominate large shares of the nation's production and distribution system. Capital markets, not comfortable dealing with discontinuous shifts in economic structure, are groping for sensible evaluations of these firms. The exceptional stock price volatility of most of the newer firms and, in the view of some, their outsized valuations, are indicative of the difficulties of divining from the many, the particular few of the newer technologies and operational models that will prevail in the decades ahead.

How did we arrive at such a fascinating and, to some, unsettling point in history? The process of innovations, of course, is never-ending. Yet the development of the transistor after World War II appears in retrospect to have initiated an especial wave of innovative synergies. It brought us the microprocessor, the computer, satellites, and the joining of laser and fiber-optic technologies. These, in turn, fostered by the 1990s an enormous new capacity to disseminate information. To be sure, innovation is not confined to information technologies. Impressive technical advances can be found in many corners of the economy.

But it is information technology that defines this special period. The reason is that information innovation lies at the root of productivity and economic growth. Its major contribution is to reduce the number of worker hours required to produce the nation's output. Yet, in the vibrant economic conditions that have accompanied this period of technical innovation, many more job opportunities have been created than have been lost. Indeed, our unemployment rate has fallen notably as technology has blossomed.

One result of the more-rapid pace of IT innovation has been a visible acceleration of the process of "creative destruction," a shifting of capital from failing technologies into those technologies at the cutting edge. The process of capital reallocation across the economy has been assisted by a significant unbundling of risks in capital markets made possible by the development of innovative financial products, many of which themselves owe their viability to advances in IT.

Before this revolution in information availability, most twentieth-century business decisionmaking had been hampered by wide uncertainty. Owing to the paucity of timely knowledge of customers' needs and of the location of inventories and materials flowing throughout complex production systems, businesses, as many of you well remember, required substantial programmed redundancies to function effectively.

Doubling up on materials and people was essential as backup to the inevitable misjudgments of the real-time state of play in a company. Decisions were made from information that was hours, days, or even weeks old. Accordingly, production planning required costly inventory safety stocks and backup teams of people to respond to the unanticipated and the misjudged.

Large remnants of information void, of course, still persist, and forecasts of future events on which all business decisions ultimately depend are still unavoidably uncertain. But the remarkable surge in the availability of more timely information in recent years has enabled business management to remove large swaths of inventory safety stocks and worker redundancies.

Information access in real time—resulting, for example, from such processes as electronic data interface between the retail checkout counter and the factory floor or the satellite location of trucks—has fostered marked reductions in delivery lead times and the related workhours required for the production and delivery of all sorts of goods, from books to capital equipment.

The dramatic decline in the lead times for the delivery of capital equipment has made a particularly significant contribution to the favorable economic environment of the past decade. When lead times for equipment are long, the equipment must have multiple capabilities to deal with the plausible range of business needs likely to occur after these capital goods are delivered and installed.

With lead times foreshortened, many of the redundancies built into capital equipment to ensure that it could meet all plausible alternatives of a defined distant future could be sharply reduced. That means fewer goods and worker hours are caught up in activities that, while perceived as necessary insurance to sustain valued output, in the end produce nothing of value.

Those intermediate production and distribution activities, so essential when information and quality control were poor, are being reduced in scale and, in some cases, eliminated. These trends may well gather speed and force as the Internet alters relationships of businesses to their suppliers and their customers.

The process of innovation goes beyond the factory floor or distribution channels. Design times and costs have fallen dramatically as computer modeling has eliminated the need, for example, of the large staff of architectural specification-drafters previously required for building projects. Medical diagnoses are more thorough, accurate, and far faster, with access to heretofore unavailable information. Treatment is accordingly hastened, and hours of procedures eliminated.

Indeed, these developments emphasize the essence of information technology—the expansion of knowledge and its obverse, the reduction in uncertainty. As a consequence, risk premiums that were associated with all forms of business activities have declined.

Because the future is never entirely predictable, risk in any business action committed to the future—that is, virtually all business actions—can be reduced but never eliminated. Information technologies, by improving our real-time understanding of production processes and of the vagaries of consumer demand, are reducing the degree of uncertainty and, hence, risk.

In short, information technology raises output per hour in the total economy principally by reducing hours worked on activities needed to guard productive processes against the unknown and the unanticipated. Narrowing the uncertainties reduces the number of hours required to maintain any given level of production readiness.

In economic terms, we are reducing risk premiums and variances throughout the economic decision tree that drives the production of our goods and services. This has meant that employment of scarce resources to deal with heightened risk premiums has been reduced.

The relationship between businesses and consumers already is being changed by the expanding opportunities for e-commerce. The forces unleashed by the Internet are almost surely to be even more potent within and among businesses, where uncertainties are being reduced by improving the quantity, the reliability, and the timeliness of information. This is the case in many recent initiatives, especially among our more seasoned companies, to consolidate and rationalize their supply chains using the Internet.

Not all technologies, information or otherwise, however, increase productivity—that is, output per hour—by reducing the inputs necessary to produce existing products. Some new technologies bring about new goods and services with above average value added per workhour. The dramatic advances in biotechnology, for example, are significantly increasing a broad range of productivity-expanding efforts in areas from agriculture to medicine.

Indeed, in our dynamic labor markets, the resources made redundant by better information, as I indicated earlier, are being drawn to the newer activities and newer products, many never before contemplated or available. The personal computer, with ever-widening applications in homes and businesses, is one. So are the fax and the cell phone. The newer biotech innovations are most especially of this type, particularly the remarkable breadth of medical and pharmacological product development.

At the end of the day, however, the newer technologies obviously can increase outputs or reduce inputs and, hence, increase productivity only if they are embodied in capital investment. Capital investment here is defined in the broadest sense as any outlay that enhances future productive capabilities and, consequently, capital asset values.

But for capital investments to be made, the prospective rate of return on their implementation must exceed the cost of capital. Gains in productivity and capacity per real dollar invested clearly rose materially in the 1990s, while the increase in equity values, reflecting that higher earnings potential, reduced the cost of capital.

In particular, technological synergies appear to be engendering an ever-widening array of prospective new capital investments that offer profitable cost displacement. In a consolidated sense, reduced cost generally means reduced labor cost or, in productivity terms, fewer hours worked per unit of output. These increased real rates of return on investment and consequent improved productivity are clearly most evident among the relatively small segment of our economy that produces high-tech equipment. But the newer technologies are spreading to firms not conventionally thought of as high tech.[1]

It would be an exaggeration to imply that whenever a cost increase emerges on the horizon, there is a capital investment that is available to quell it. Yet the veritable explosion of high-tech equipment and software spending that has raised the growth of the capital stock dramatically over the past five years could hardly have occurred without a large increase in the pool of profitable projects becoming available to business planners. As rising productivity growth in the high-tech sector since 1995 has resulted in an acceleration of price declines for equipment embodying the newer technologies, investment in this equipment by firms in a wide variety of industries has expanded sharply.

Had high prospective returns on these capital projects not materialized, the current capital equipment investment boom—there is no better word—would have petered out long ago. In the event, overall equipment and capitalized software outlays as a percentage of GDP in nominal dollars have reached their highest level in post-World War II history.

To be sure, there is also a virtuous capital investment cycle at play here. A whole new set of profitable investments raises productivity, which for a time raises profits—spurring further investment and consumption. At the same time, faster productivity growth keeps a lid on unit costs and prices. Firms hesitate to raise prices for fear that their competitors will be able, with lower costs from new investments, to wrest market share from them.

Indeed, the increasing availability of labor-displacing equipment and software, at declining prices and improving delivery lead times, is arguably at the root of the loss of business pricing power in recent years. To be sure, other inflation-suppressing forces have been at work as well. Marked increases in available global capacity were engendered as a number of countries that were previously members of the autarchic Soviet bloc opened to the West, and as many emerging-market economies blossomed. Reductions in Cold War spending in the United States and around the world also released resources to more productive private purposes. In addition, deregulation that removed bottlenecks and hence increased supply response in many economies, especially ours, has been a formidable force suppressing price increases as well. Finally, the global economic crisis of 1997 and 1998 reduced the prices of energy and other key inputs into production and consumption, helping to hold down inflation for several years.

Of course, Europe and Japan have participated in this recent wave of invention and innovation and have full access to the newer technologies. However, they arguably have been slower to apply them. The relatively inflexible and, hence, more costly labor markets of these economies appear to be an important factor. The high rates of return offered by the newer technologies are largely the result of labor cost displacement, and because it is more costly to dismiss workers in Europe and Japan, the rate of return on the same equipment is correspondingly less there than the United States. Here, labor displacement is more readily countenanced both by law and by culture, facilitating the adoption of technology that raises standards of living over time.

There, of course, has been a substantial amount of labor-displacing investment in Europe to obviate expensive increased employment as their economies grow. But it is not clear to what extent such investment has been directed at reducing existing levels of employment. It should always be remembered that in economies where dismissing a worker is expensive, hiring one will also be perceived to be expensive.

An ability to reorganize production and distribution processes is essential to take advantage of newer technologies. Indeed, the combination of a marked surge in mergers and acquisitions, and especially the vast increase in strategic alliances, including across borders, is dramatically altering business structures to conform to the imperatives of the newer technologies.[2]

We are seeing the gradual breaking down of competition-inhibiting institutions from the keiretsu and chaebol of East Asia, to the dirigisme of some of continental Europe. The increasingly evident advantages of applying the newer technologies is undermining much of the old political wisdom of protected stability. The clash between unfettered competitive technological advance and protectionism, both domestic and international, will doubtless engage our attention for many years into this new century. The turmoil in Seattle last month may be a harbinger of an intensified debate.

However one views the causes of our low inflation and strong growth, there can be little argument that the American economy as it stands at the beginning of a new century has never exhibited so remarkable a prosperity for at least the majority of Americans.

Nonetheless, this seemingly beneficial state of affairs is not without its own set of potential challenges. Productivity-driven supply growth has, by raising long-term profit expectations, engendered a huge gain in equity prices. Through the so-called "wealth effect," these gains have tended to foster increases in aggregate demand beyond the increases in supply. It is this imbalance between growth of supply and growth of demand that contains the potential seeds of rising inflationary and financial pressures that could undermine the current expansion.

Higher productivity growth must show up as increases in real incomes of employees, as profit, or more generally as both. Unless the propensity to spend out of real income falls, private consumption and investment growth will rise, as indeed it must, since over time demand and supply must balance. (I leave the effect of fiscal policy for later.) If this was all that happened, accelerating productivity would be wholly benign and beneficial.

But in recent years, largely as a result of the appreciating values of ownership claims on the capital stock, themselves a consequence, at least in part, of accelerating productivity, the net worth of households has expanded dramatically, relative to income. This has spurred private consumption to rise even faster than the incomes engendered by the productivity-driven rise in output growth. Moreover, the fall in the cost of equity capital corresponding to higher share prices, coupled with enhanced potential rates of return, has spurred private capital investment. There is a wide range of estimates of how much added growth the rise in equity prices has engendered, but they center around 1 percentage point of the somewhat more than 4 percentage point annual growth rate of GDP since late 1996.

Such overall extra domestic demand can be met only with increased imports (net of exports) or with new domestic output produced by employing additional workers. The latter can come only from drawing down the pool of those seeking work or from increasing net immigration.

Thus, the impetus to spending from the wealth effect by its very nature clearly cannot persist indefinitely. In part, it adds to

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Footnotes at end of Remarks.

the demand for goods and services before the corresponding increase in output fully materializes. It is, in effect, increased purchasing from future income, financed currently by greater borrowing or reduced accumulation of assets.

If capital gains had no evident effect on consumption or investment, their existence would have no influence on output or employment either. Increased equity claims would merely match the increased market value of productive assets, affecting only balance sheets, not flows of goods and services, not supply or demand, and not labor markets.

But this is patently not the case. Increasing perceptions of wealth have clearly added to consumption and driven down the amount of saving out of current income and spurred capital investment.

To meet this extra demand, our economy has drawn on all sources of added supply. Our net imports and current account deficits have risen appreciably in recent years. This has been financed by foreign acquisition of dollar assets fostered by the same sharp increases in real rates of return on American capital that set off the wealth effect and domestic capital goods boom in the first place. Were it otherwise, the dollar's foreign exchange value would have been under marked downward pressure in recent years. We have also relied on net immigration to augment domestic output. And finally, we have drawn down the pool of available workers.

The bottom line, however, is that, while immigration and imports can significantly cushion the consequences of the wealth effect and its draining of the pool of unemployed workers for awhile, there are limits. Immigration is constrained by law and its enforcement; imports, by the willingness of global investors to accumulate dollar assets; and the draw down of the pool of workers by the potential emergency of inflationary imbalances in labor markets. Admittedly, we are groping to infer where those limits may be. But that there are limits cannot be open to question.

However one views the operational relevance of a Phillips curve or the associated NAIRU (the nonaccelerating inflation rate of unemployment)—and I am personally decidedly doubtful about it—there has to be a limit to how far the pool of available labor can be drawn down without pressing wage levels beyond productivity. The existence or nonexistence of an empirically identifiable NAIRU has no bearing on the existence of the venerable law of supply and demand.

To be sure, increases in wages in excess of productivity growth may not be inflationary, and destructive of economic growth, if offset by decreases in other costs or declining profit margins. A protracted decline in margins, however, is a recipe for recession. Thus, if our objective of maximum sustainable economic growth is to be achieved, the pool of available workers cannot shrink indefinitely.

As my late friend and eminent economist Herb Stein often suggested: If a trend cannot continue, it will stop. What will stop the wealth-induced excess of demand over productivity-expanded supply is largely developments in financial markets.

That process is already well advanced. For the equity wealth effect to be contained, either expected future earnings must decline, or the discount factor applied to those earnings must rise. There is little evidence of the former. Indeed, security analysts, reflecting detailed information on and from the companies they cover, have continued to revise upward long-term earnings projections. However, real rates of interest on long-term BBB corporate debt, a good proxy for the average of all corporate debt, have already risen well over a full percentage point since late 1997, suggesting increased pressure on discount factors.[3] This should not be a surprise because an excess of demand over supply ultimately comes down to planned investment exceeding saving that would be available at the economy's full potential. In the end, balance is achieved through higher borrowing rates. Thus, the rise in real rates should be viewed as a quite natural consequence of the pressures of heavier demands for investment capital, driven by higher perceived returns associated with technological breakthroughs and supported by a central bank intent on defusing the imbalances that would undermine the expansion.

We cannot predict with any assurance how long a growing wealth effect—more formally, a rise in the ratio of household net worth to income—will persist, nor do we suspect can anyone else. A diminution of the wealth effect, I should add, does not mean that prices of assets cannot keep rising, only that they rise no more than income.

A critical factor in how the rising wealth effect and its ultimate limitation will play out in the market place and the economy is the state of government, especially federal, finances.

The sharp rise in revenues (at a nearly 8 percent annual rate since 1995) has been significantly driven by increased receipts owing to realized capital gains and increases in compensation directly and indirectly related to the huge rise in stock prices. Both the Administration and the Congress have chosen wisely to allow unified budget surpluses to build and have usefully focused on eliminating the historically chronic borrowing from social security trust funds to finance current outlays.

The growing unified budget surpluses have absorbed a good part of the excess of potential private demand over potential supply. A continued expansion of the surplus would surely aid in sustaining the productive investment that has been key to leveraging the opportunities provided by new technology, while holding down a further reliance on imports and absorption of the pool of available workers.

I trust that the recent flurry of increased federal government outlays, seemingly made easier by the emerging surpluses, is an aberration. In today's environment of rapid innovation, growing unified budget surpluses can obviate at least part of the rebalancing pressures evident in marked increases in real long-term interest rates.

As I noted at the beginning of my remarks, it may be many years before we fully understand the nature of the rapid changes currently confronting our economy. We are unlikely to fully comprehend the process and its interactions with asset prices until we have been through a complete business cycle.

Regrettably, we at the Federal Reserve do not have the luxury of awaiting a better set of insights into this process. Indeed, our goal, in responding to the complexity of current economic forces, is to extend the expansion by containing its imbalances and avoiding the very recession that would complete a business cycle.

If we knew for sure that economic growth would soon be driven wholly by gains in productivity and growth of the working age population, including immigration, we would not need to be as concerned about the potential for inflationary distortions. Clearly, we cannot know for sure, because we are dealing with world economic forces which are new and untested.

While we endeavor to find the proper configuration of monetary and fiscal policies to sustain the remarkable performance of our economy, there should be no ambiguity on the policies required to support enterprise and competition.

I believe that we as a people are very fortunate: When confronted with the choice between rapid growth with its inevitable insecurities and a stable, but stagnant economy, given time, Americans have chosen growth. But as we seek to manage what is now this increasingly palpable historic change in the way businesses and workers create value, our nation needs to address the associated dislocations that emerge, especially among workers who see the security of their jobs and their lives threatened. Societies cannot thrive when significant segments perceive its functioning as unjust.

It is the degree of unbridled fierce competition within and among our economies today—not free trade or globalization as such—that is the source of the unease that has manifested itself, and was on display in Seattle a month ago. Trade and globalization are merely the vehicles that foster competition, whose application and benefits currently are nowhere more evident than here, today, in the United States.

Confronted face-on, no one likes competition; certainly, I did not when I was a private consultant vying with other consulting firms. But the competitive challenge galvanized me and my colleagues to improve our performance so that at the end of the day we and, indeed, our competitors, and especially our clients, were more productive.

There are many ways to address the all too real human problems that are the inevitable consequences of accelerating change. Restraining competition, domestic or international, to suppress competitive turmoil is not one of them. That would be profoundly counterproductive to rising standards of living.

We are in a period of dramatic gains in innovation and technical change that challenge all of us, as owners of capital, as suppliers of labor, as voters and policymakers. How well policy can be fashioned to allow the private sector to maximize the benefits of innovations that we currently enjoy, and to contain the imbalances they create, will shape the economic configuration of the first part of the new century.

FOOTNOTES

[1] Since the early 1990s, the annual growth rate in output per hour of nonfinancial corporate businesses outside high tech has risen by a full percentage point.

[2] For example, the emergence of many alternate technologies in areas where only one or two will set the standard and survive has created high risk, high reward outcomes for their creators. The desire to spread risk (and the willingness to forgo the winner-take-all return) has fostered a substantial number of technology-sharing alliances.

[3] The inflation expectations employed in this calculation are those implicit in the gap between the interest rates on ten-year Treasury inflation-indexed notes and those on a nominal security derived from Treasury STRIPS constructed to have comparable duration. The latter are used because, they have the same relatively limited liquidity as inflation-indexed notes.

Mr. MOYNIHAN. I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, about the only chance we ever have to discuss interest rates and monetary policy in this body is when Alan Greenspan gets renominated to the Federal Reserve Board, which admittedly seems to happen on a fairly regular basis.

That is a shame, because there aren't many issues we debate in the Senate that have a bigger impact on the average American family. Why are interest rates so important? Well, for one thing, the decision to raise or lower interest rates directly affects pretty much every single American, in one way or another. Small businesses and farmers who need to take out loans. Families who want to buy a home or a car. Parents who need a loan to send their children to college. The economic future of all these people may hinge on the decisions of the Federal Reserve Board.

More importantly, the decision to raise or lower interest rates has a direct effect on anybody who has or wants a job. Interest rates have got to be the single most important factor determining the rate of unemployment. They're also tremendously important in determining how fast our economy grows. If the Fed slams the brakes on the economy, consumer demand falters, inventories pile up, employers lay workers off, and millions of lives are disrupted. The health and vitality of every community in every corner of every state depends to some extent on monetary policy decisions made by the Federal Reserve Board in Washington.

The importance of monetary policy has only grown over time. As former Labor Secretary Bob Reich likes to point out, we used to have two accelerator pedals for the economy. One was cutting interest rates. The other was government stimulus. But now that we're locked into running surpluses for as far as the eye can see, fiscal policy is pretty much dead. Interest rates are the main policy tool we have left for influencing the economy. Indeed, interest rates have a greater impact on most American families than the budgets we pass and most of the legislation we consider.

Yet for some reason monetary policy has fallen off the political radar screen. At one time, of course, it was a front-burner political issue. Certainly in the late 19th century, there were few issues that inspired more heated debate among farmers in the Midwest than the gold standard and monetary policy. And for decades after the Great Depression, one of our most pressing national political issues was full employment, which was—and is—integrally connected to interest rates.

While interest rates and monetary policy have become the most important instruments of U.S. economic policy, they have also been virtually walled off from democratic decision-making and debate. In this as in so many other areas, there seems to be an inverse relationship between an issue's importance to the American people and the amount of time we spend debating it here on the floor of the U.S. Senate.

I don't think that's the way it ought to be. That's not the way a democratic government should operate. These are vitally important issues, and they deserve a full and open debate involving broad public participation.

We did have something of a debate on monetary policy the last time Mr. Greenspan was renominated to the Board. Looking back on that discussion, I'm proud to say it was a substantive one. It focused not on personal criticisms, but on the important issues of monetary policy that affect all of our constituents.

I also think the arguments raised in the 1996 debate can serve as a useful starting point for today's deliberations. We have a record from that debate, and we have four years of economic experience to compare it against. And based on that record and that experience, we can draw certain conclusions.

The conclusions I draw are as follows. I think monetary policy over the past 4 years has been a pleasant surprise for some of us, in ways that I'll discuss in a moment. Nevertheless, it seems to me that the premise of the current movement toward higher interest rates is not only unfounded—but also contradicted by our experience of the last four years. In other words, I'm less troubled by where we've been than by where I see us heading in the near future.

The past four years have been a tremendously successful experiment in monetary policy. I would hope we could all draw the right lessons from that success. During this entire period, we have had relatively low levels of unemployment and strong economic growth. Yet throughout that time, we have also heard repeated demands from various quarters for the Fed to raise its rates.

We all know what these appeals sound like, but let me just give a couple examples. In January 1997, soon after the conclusion of our last debate, the Bond Buyer quoted an analyst from Merrill Lynch as saying,

> If we see further employment gains that are above the equilibrium level, it looks like wage acceleration will get worse and that will be about as bad a news as we could have for the markets.

In the January 1997 American Banker, an analyst from Chase Manhattan issued a very similar warning:

> The labor market is growing progressively tighter because of job growth, unemployment is near 20-year lows and there is an unambiguous acceleration in wage rates when you get beyond the volatility. At some point the Fed is going to have to raise interest rates.

Another banker quoted in the January 1997 American Banker said,

> The Fed is going to have to do something to slow the economy down. If you want to have an impact and want to slow the economy down, you hit it with the big stick first.

And so on and so forth. There is nothing unusual about these appeals from inflation hawks. We hear them all the time, no matter what economic conditions may be. The Fed hears them all the time from the Reserve Banks. In fact, Chairman Greenspan makes the same argument himself from time to time. This is more or less the same argument he made last month in his speech before the Economic Club of New York.

The difference is that back is 1997 and 1998, Mr. Greenspan and the Federal Reserve ignored those repeated and urgent appeals for higher rates to put a lid on wage growth. For its wise and dovish stance on interest rates in 1997 and 1998, I think the Fed deserves a great deal of credit.

The important thing for us to realize is that this unexpected experiment in monetary policy worked. The Fed's unusual deviation from tight money orthodoxy was clearly successful. Yesterday the President was handing out kudos for the longest economic expansion in our history. He did praise Chairman Greenspan, but I think we need to be more specific in our praise. The key policy choice we should be focusing on is the Fed's reluctance to raise rates during a critical period in the mid to late 1990's.

The results of that policy choice have been much-discussed elsewhere, so I don't need to go into all the details here. But there is one thing I want to emphasize: the importance of sustained low unemployment for people on the lower end of the income scale. Finally, in the last couple years we are beginning to see wage gains for lower-income workers—for the first time since the 1970's. Unemployment for workers who haven't completed high school was only 6 percent in December, an historical low. And low unemployment is especially important for minorities, who traditionally experience higher rates of joblessness. Black male joblessness has fallen to its lowest level in 30 years, through it's still about twice the rate for whites.

The benefits of low unemployment and strong economic growth extend beyond the people who found jobs or are starting to see higher wages for the first time in a long time. We all benefit. The principal reason why the federal budget went into surplus four years ahead of schedule—in 1998 rather than 2002—was because of higher-than-expected economic growth. That wouldn't have been possible had the Fed slammed on the brakes.

Higher economic growth also extended the life of the Social Security

Trust Funds, demonstrating how probably the best thing we can do to protect Social Security is to ensure strong economic growth in the future. Because of lower unemployment and higher growth, crime rates declined, as many people who would otherwise have no hope were able to obtain stable employment. And finally, it goes without saying that the consequences of welfare reform would have been much more devastating had the Fed followed the advice of those inflation hawks and raised interest rates.

There is one other milestone decision by the Fed that deserves to be singled out for praise. In September 1998, I and several other senators spoke on the floor about the need for interest rate reductions to address the instability in the global economy in the wake of the Asian Crisis and the collapse of the Russian economy. The Fed acted quickly and decisively. It not only resisted calls to raise rates in 1998; it actually lowered them by ¾ of a percentage point between September and November. I'm convinced that those rate reductions made a decisive contribution towards stabilizing global financial markets.

So much for my sweet talk about the Federal Reserve. Today I also want to express my deep concern about where the Fed appears to be headed in the next few months. I'm troubled that the Board may be unlearning the lessons of its successful recent experiment in monetary policy and reverting to its old ways. Already in June, August, and November of last year, the Fed raised rates by ¼ of a percentage point. These hikes effectively restored rates to where they were before the Russian crisis of 1998.

In his speech last month, Chairman Greenspan announced that he is once again worried about wage-induced inflation. Virtually everyone understood those remarks as another signal that the Fed will raise rates soon. The Federal Open Markets Committee (FOMC) has been meeting yesterday and today, and today announced another increase of ¼ percent. Some economists believe there could be a total of four rate increases by the end of June.

To panic over inflation in the present economic circumstances strikes me as something close to irrational paranoia. Inflation is the true "Phantom Menace." First of all, the core inflation rate last year fell to 1.9 percent in 1999, the lowest it's been since 1965. Let me repeat that: core inflation is the lowest it's been since 1965. It's true that consumer prices rose faster than that last year, but this was due to sharply higher energy prices, which should not lead to higher rates. Most commodity prices are still at record lows.

In his speech last month, Chairman Greenspan spelled out his concerns. He underscored the danger that rising wages could cause inflation to spiral out of control. I find this argument very troubling. It seems to disregard our experience since 1996, for which the Fed deserves, as I said, a great deal of credit. Just a moment ago I was praising the Federal Reserve for rejecting this very same argument in 1997 and 1998.

Simply put, I do not believe there is any credible indication that labor costs are about to send inflation spinning out of control. Wage growth actually slowed in the last year, despite persistently low unemployment. In the fourth quarter of 1999, average hourly wages increased at an annual rate of 3.3 percent. That's less than the 4 percent they increased from 1997 to mid-1999. Measured a different way, wage growth fell from 4.1 percent in 1999 to 3.6 percent in 1998. Wage growth could not have been slowing down over the past couple years if labor markets were operating as Chairman Greenspan describes.

As Chairman Greenspan and the President have both pointed out, a remarkable feature of the current recovery is that workers' wage demands have been lower than their historical levels. Yesterday the President claimed the reason why American workers have not made "enormous wage demands" is that they have become "very sophisticated about the way the world economy works." That's an interesting comment. He seems to be suggesting that the way the world economy works is to depress wages.

In his now-famous testimony before the Senate Budget Committee in January 1997, Mr. Greenspan had a slightly less upbeat explanation for slackening wage demands. He pointed to job insecurity. "Heightened job insecurity explains a significant part of the restraint on compensation," he testified. Of course, Chairman Greenspan raised this issue because he was concerned the situation could not continue forever: "At some point in the future," he said, "the trade-off of subdued wage growth for job security has to come to an end."

There are several reasons why workers would be more insecure in today's economy, but it's hard for me to consider any of them good news. An unprecedented wave of mergers and corporate restructurings has led to layoffs for many senior employees. Labor unions have lost a great deal of its bargaining power, for various reasons. These include deregulation, a trade deficit that destroys unionized manufacturing jobs, and competition from low-wage imports.

But even if wage growth really were picking up steam, it would not necessarily lead to inflation. I think pretty much every economist would agree that wages can increase at least as fast as productivity growth—without causing a rise in prices. That's because when there's more wealth to go around due to greater efficiencies, more of that wealth can be shared with workers without asking consumers to pay more.

And that's exactly what's been happening. Ever since 1996, productivity has been rising at about 1 percent above the expected trend line. For the past couple of years productivity has been rising at about 2 percent, though real wages rose only 1.5 percent last year. Unit labor costs have fallen since 1996, meaning that wages have not been keeping up with productivity. Moreover, productivity growth is expected to remain strong in the future. There is plenty of room for more wage growth.

One of the lessons of this recovery is that low unemployment can actually lead to higher productivity. It makes sense. For one thing, when labor markets are tight, businesses have to make more efficient use of their workers. That leads to higher efficiency and more wealth that can then be shared with workers. It's a virtuous cycle.

In fact, this recovery has taught us several lessons which don't seem to be reflected in the Fed's recent shift toward higher rates. First and foremost, the theory that there is a natural rate of unemployment—around 5.5 or 6 percent—below which inflation will spiral out of control appears to be thoroughly discredited.

In June 1996, when we were debating Mr. Greenspan's previous renomination, I came to the floor to take issue with this theory, which is called the NAIRU (Non-Accelerating Inflation Rate of Unemployment). At that time, unemployment was 5.6 percent. I was arguing that unemployment could go lower without sending wages—and therefore prices—into an upward spiral.

Let's look at the record since 1996. Unemployment has been below 6 percent the entire time, with no inflationary spiral in sight. Unemployment has been 4.1 percent for four months now. It's been below 5 percent for 30 months. It's been below 4.5 percent for 14 months. Not only is inflation not spiraling out of control, it's pretty hard to detect any sign of inflation at all. Core inflation is the lowest it's been since 1965.

In the most recent issue of the American Prospect, the economist James K. Galbraith writes,

> Faced with such embarrassing facts, only a handful of economists continue to defend the natural rate idea. And yet, the natural rate movement still influences policy. Some of its survivors vote on the Federal Reserve's Open Market Committee. They are presently driving interest rates upward on precisely the pretext that low unemployment must otherwise soon bring rising inflation. It is a notion for which no evidence exists. And except for the damage that higher interest rates will do, it would be hard not to laugh.

The case for raising interest rates is also exceedingly weak. In fact, the very arguments made recently by Chairman Greenspan and various Wall Street analysts should actually persuade us to keep rates where they are. Yes, sustained low unemployment is having some effect on wages, especially at the lower end. It's not sending inflation spiraling out of control, but it is having an effect. But this is a positive phenomenon that we should be attempting to prolong, for all the reasons I listed before in praising the Fed's performance in 1997 and 1998. The price of raising rates now is all the benefits we've seen flowing from lower unemployment and faster growth.

After all, many working people are only now beginning to feel the effects of this recovery. Only in the last two years have wage increases given workers back some of what they had lost over the past two decades. During most of the recovery of the 1990s, the median wage actually fell. Wages for low and middle-income workers dropped sharply in the early 1990's, due in part to an unnecessarily tight monetary policy by the Federal Reserve.

This trend didn't start to reverse itself until 1996—thanks to a looser monetary policy from the Federal Reserve, as well as an increase in the minimum wage. It wasn't until 1999 that median wages regained their peak level from 1989, before the last recession. That's where most workers are today: about where they were before the last recession. This is no time to actively dampen wage growth—precisely at the moment when workers are starting to benefit from this recovery. The policies that brought about these much-delayed benefits for working people are precisely the ones that the Federal Reserve is now poised to reverse.

I think we have an obligation to make sure all Americans, not just corporate CEOs and those at the top of the income ladder, can benefit from this recovery. Just recently, the Center on Budget and Policy Priorities and the Economic Policy Institute released a report on income inequality in America. This is what they found. Despite strong economic growth, income disparities were significantly greater in the late 1990's than they were in the 1980's. In two-thirds of all states, income inequality between the top 20 percent and the bottom 20 percent increased. The earnings of the poorest fifth of American families rose less than 1 percent between 1988 and 1998, but the earning of the richest fifth jumped 15 percent. The income gap significantly narrowed in only three states—Alaska, Louisiana, and Tennessee.

Even my friend JOHN MCCAIN has noted the widening gap between the haves and the have-nots in America, and that message seemed to go over pretty well in New Hampshire.

Raising interest rates now could also have an indirect effect on inequality—by raising the value of the dollar and therefore contributing to the problems of our trade deficit. In the last 4 years, our trade deficit has grown from less than 1.0 percent of GDP to almost 3.5 percent of GDP in the fourth quarter of 1999. This is unprecedented.

The burgeoning trade deficit has contributed to inequality by resulting in the loss of manufacturing jobs. We lost 248,000 manufacturing jobs in 1999, and 520,000 since March 1998. Because of low unemployment, those job losses are generally made up by job creation elsewhere. But the new jobs tend to be nonunionized, with lower pay and fewer benefits. In the last two years, job growth has occurred exclusively in the service industries, where wages and benefits are often much lower.

A second problem with the trade deficit is that it casts a pall over this recovery. We are now the world's largest debtor nation. We have accumulated over $2 trillion in trade deficits over the last couple decades. Yesterday, even President Clinton said he worried that if foreign investors lost confidence in our economy and pulled out their money, they could do major damage to the economy.

We have to consider the danger that unmanageable trade deficits or unnecessary monetary tightening could not only erase wage gains for lower-income workers, but could actually send the economy into a tailspin. This recovery has been kept alive by Americans who have been spending more than they earn, partly due to the "wealth effect" of soaring stock prices. Lowering growth with higher interest rates could cause investors to reassess their rosy assumption about future growth and puncture the speculative bubble on Wall Street.

In fact, in his speech last month in New York, Chairman Greenspan also mentioned the danger of a stock market correction. If the goal is to curb "irrational exuberance" on Wall Street, there are much better ways of doing that. In the 1950's and 1960's, Fed Chairman William McChesney Martin, Jr., repeatedly raised margin requirements, but Mr. Greenspan has refused to take that step.

Given the sizable dangers involved—both in terms of the damage it would do to lower-wage workers and to the overall economy—I think raising interest rates at this time would be extremely unwise. If an inflationary situation actually materializes and turns out not to be a figment of bankers' collective imaginations, the Fed can always deal with that problem if and when it arises. Recent evidence suggests that interest rate moves no longer operate with a lag due to the increased openness of the Fed.

We have made a tremendous advance in the four years since we last debated this issue. We have discovered that the three-decade-old mystery over falling wages and rising inequality turns out to be not so mysterious after all. The fact is, we know how to raise wages and reduce inequality. We do not have to reinvent the wheel. Among other things, we need to maintain low unemployment over a sustained period. We've done this before and we can do it again. It would be a tragedy if an unjustified fear of rising wages or an economic downturn kept us from continuing that progress.

I think Chairman Greenspan's performance at the Fed has been very helpful in drawing out these lessons over the past 4 years. It would be a tragedy—both for our country and especially for workers at the lower end of the income scale—if he were to ignore those lessons to once again focus on putting a stop to rising wages.

Mr. President, it is kind of ironic that about the only time relevant to really discuss monetary policy or have a debate about monetary policy is when Alan Greenspan gets renominated to the Federal Reserve Board. It is a shame because there is probably not an issue that has greater impact on people's lives. People just do not know that much about monetary policy. But the fact is, when you look at the real interest rates, you are talking about a policy that dramatically affects small business people, dramatically affects family farmers, dramatically affects the industrial base of our country, dramatically affects low- and moderate-income people, and it is critically important to policy.

There was a time in the history of our country, in the late 1800s, when there was a tremendous emphasis on monetary policy and the need to keep real interest rates down. There was a time post-Depression when there was a real focus on employment policy and the need to move toward full employment, and the whole question of what the tradeoff was between having high interest rates that would choke off economic growth, and then people would not be able to find jobs at decent wages.

I think in 1996 we had a very good debate. I don't think the debate was so much about Alan Greenspan—I voted against Alan Greenspan's nomination then—but it had more to do with the debate about monetary policy.

What was going on during that debate is that many of us were saying we were very concerned about the Federal Reserve policy. We were concerned about the focus on raising interest rates, and what we argued was all this discussion about NAIRU, all this discussion that you could not have low levels of officially defined unemployment without at the same time setting off an inflationary cycle, was simply wrong. What we were saying is it is extremely important to have a public policy which puts as our first priority that people should be able to obtain jobs at decent wages and that this was critically important when you looked at monetary policy. That is because when interest rates go up, then in fact it is very difficult to sustain this kind of growth.

I am pleased to say tonight—I think this is the irony—I was right about the policy and wrong about Alan Greenspan. I think I was right to say that the Fed is not accountable to citizens in this country. There is no democratic accountability, with a small "d." These are critically important decisions that are sort of walled off from any kind of public accountability. I think that is a profound mistake. This is a decisionmaking body with enormous power that crucially defines the quality or lack of quality of people's lives. But what we were saying, some of us, was that we took exception to the Fed's policy of always seeing inflation right around the corner when it did not exist, a kind of phantom inflation, and raising interest rates and having as its conscious policy: We are going to raise interest rates because unemployment is falling too low and we have to do something because surely there will be inflation.

Therefore, many people still do not get jobs or the jobs they get are jobs at fairly low wages. And, when real interest rates go up, it has a draconian effect, again, on small businesspeople, a horrible effect on farmers and producers in my State, and a very harsh effect on low- and moderate-income people, a harsh effect on home buyers, a harsh effect on people who do not have a lot of money who are trying to buy a car.

I give Alan Greenspan credit. What has happened in 1997 and 1998 is that Alan Greenspan did a superb job of being a dove. He was a dove. He did not raise the interest rates. There were many people in the Banking Committee, many people in the financial community, who kept saying he needed to raise those interest rates. He did not do so. I think his stewardship has been very important. As a result of that, this is what has happened. As a result of not raising these interest rates up until this past year, as a result of not accepting this orthodoxy, what have we been able to accomplish? Record low levels of unemployment—that is very important to communities of color; very important to people who are traditionally the ones who are most affected by high levels of unemployment. It is very important to the basic idea of economic opportunity in America because the key to economic opportunity is to be able to find a job, even more a job at a decent wage, even more a job at a decent wage under civilized working conditions.

What else has been accomplished? Because we have had low levels of unemployment, finally we have seen the lowest wage workers be able to bid up their wages because this is a good market for them. We are beginning to see some closing of the gap. It is closing very little, but up until the past couple of years, or this past year, we had not seen much improvement at all in terms of real wages. We have seen some improvement.

What have we been able to accomplish? Record surpluses. What have we been able to accomplish? The Social Security trust fund appears much stronger than it did because of economic performance. What have we been able to accomplish? High levels of productivity. By the way, if your productivity is ahead of your wage increases, I do not believe you are ever going to have to be concerned about an inflationary cycle.

So I come to the floor of the Senate to say it was important we had this debate about monetary policy in 1996. I think those of us who took exception to the Fed's policy of continuing to raise interest rates were correct. Those of us who did not accept NAIRU and this whole argument that below a certain level of unemployment you could not go any further, I think we were correct. Those of us who argued it was important to keep interest rates down for economic growth and economic recovery and jobs at decent wages, that it was important to keep interest rates down for the sake of our producers, for the sake of the manufacturing sector, for the sake of small businesses, for the sake of moderate- and middle-income households were right. I was wrong about Alan Greenspan because, as it turns out, under his guidance, the Fed has what I think is a pretty darned good record.

Therefore, I now come to part three. I am perplexed that now, again today, we saw an increase. The Fed is now raising interest rates, this past year I think three or four times. Yet inflation is at a record low level, and the only sector of the economy where we see inflation is energy costs, which has a whole lot to do with the OPEC cartel and does not have anything to do with ordinary families in the United States of America.

So it seems to me, for reasons I cannot explain, Mr. Greenspan and the Fed are ignoring the very success that they have had. I do worry because I think if we continue to raise the interest rates, not only is it going to undercut our economic growth, not only will it have a disproportionate negative effect on those Americans who struggle the most, much less middle-income families, not only is it going to add to our already serious trade imbalance which plays havoc—which is both a result of and plays havoc with our industrial sector—but I think if it is going to continue to raise these interest rates, it threatens this unbelievable economic performance we have seen.

One final point I make tonight is that during this period of economic growth we have not all grown together. To a certain extent we have grown apart. Actually, the gap between the richest 20 percent and poorest 20 percent grows wider and wider. Why, given the success of the Federal Reserve, why, given the success of this economic performance while keeping interest rates down, why, given some improvement for the lowest wage workers, why, given the surpluses, why, given the Social Security trust fund looking better because people are working, because people are making better wages, why at this point in time does Mr. Greenspan and the Federal Reserve seem to be going down the path of raising interest rates in direct contradiction to a policy that has been successful? That is the question.

I wanted to come to the floor to speak because I find it, as a teacher, much less a Senator, to be just an interesting and, to a certain extent, perplexing irony. In 1996, we had a debate about monetary policy. It only comes up when the Greenspan nomination comes up. I think we should be debating monetary policy more. Once upon a time it was a front burner issue. But then Alan Greenspan has surprised me and kept real interest rates down. I want to give him all the credit in the world for that, and I think it has been very important and tied to our economic performance. It is very important to the people with the least amount of economic clout in our country who do not do as well financially. But now it looks as if Alan Greenspan and the Federal Reserve have been going in the exact opposite direction of what has been a successful economic policy. That I fear, that I worry about, that I dissent from, and that I wanted to speak about as a Senator.

SECURITY CONCERNS

Mr. WELLSTONE. Mr. President, I just finished speaking with our Sergeant at Arms on the Senate side, Jim Ziglar. He is in full accord with what I am about to say.

Many of us, perhaps all of us, attended the services for Officer Chestnut and Agent Gibson. I think one of the things we all agreed on is there were many ways we were going to honor these officers. One of them was to make sure we provided the utmost support and security for them, much less security for the Congress and the citizens who visit the House and the Senate.

What I have noticed is that we have still been having single posts, where you have one officer at a very busy post with many people streaming in. I have raised this question for quite a few months now. I have never spoken about it on the floor of the Senate, but I am intending to try to put some pressure on as a Senator because we have to do something about this.

I know the Senate Sergeant at Arms feels strongly about this. I have talked to many police officers whom I think all of us respect, and we owe them a real debt of gratitude for their service. Frankly, this is no way to say thank you to the Capitol Police—to have one officer at a station where you have all sorts of people coming in, it is an impossible security situation. It is impossible. I have seen this with my own eyes. I have had police officers come up to me and say, "This is just intolerable. We thought there was going to be a change."

I want to say on the floor of the Senate—and I have waited month after month to do this, but again I see it with my own eyes, and police officers come to me about this—I believe there has to be change. I don't think there can be any possible excuse for not living up to our commitment that at least two police officers be at every one of these posts.

One example: One officer was at a post where during his shift 700 people came in—one officer. This is unacceptable, absolutely unacceptable. I think we have to do much better.

I am not going to be a know-it-all, I am not going to tell you that I know how much additional money needs to be spent, or whether this is a systems or management issue, or whether there is some slowness on the House side. I don't know what is going on. I just know there is no excuse for it.

We did a supplemental appropriation after these two officers were slain, murdered, of a little over a million dollars, about $50 million each year. That was for weapons, vests, for security enhancement, and for overtime staffing up in ways that we need to staff up. I don't know what has happened with this appropriation, whether we need more money, more authorization, or something. The only thing I know is we have a situation right now—after two officers were murdered—where we have at some of these posts just one officer. There should be two officers at every post. I believe that is a commitment we have made. I speak on the floor of the Senate to say that we have to do better for these police officers, and the sooner we do, the better.

I say to my colleague from Virginia, I think I will come back every day and speak to this situation that exists. I will defer to my colleague from Virginia and I say to the Chair that I hope to come back this evening.

SENATE PASSAGE OF IMPORTANT HISTORIC PRESERVATION MEASURES

Mr. LOTT. Mr. President, unfortunately this statement was inadvertantly left out of the CONGRESSIONAL RECORD at the end of last session. Therefore, today, I would like to recognize that on November 19th the United States Senate unanimously passed much needed legislation to protect some of America's most threatened historic sites, the Vicksburg Campaign Trail and the Corinth battlefield.

S. 710, the Vicksburg Campaign Trail Battlefields Preservation Act of 1999, is a bipartisan measure that authorizes a feasibility study on the preservation of Civil War battlefields and related sites in the four states along the Vicksburg Campaign Trail.

As my colleagues know, Vicksburg served as a gateway to the Mississippi River during the Civil War. The eighteen month campaign for the "Gibraltar of the Confederacy" included over 100,000 soldiers and involved a number of skirmishes and major battles in Mississippi, Arkansas, Louisiana, and Tennessee.

The Mississippi Heritage Trust and the National Trust for Historic Preservation named the Vicksburg Campaign Trail as being among the most threatened sites in the state and the nation. S. 710 would begin the process of preserving the important landmarks in the four state region that warrant further protection. I appreciate the cosponsorship of Chairman MURKOWSKI, Chairman THOMAS, and Senators LANDRIEU, BREAUX, COCHRAN, HUTCHINSON, and CRAIG on this measure.

Mr. President, the Senate also approved S. 1117, the Corinth Battlefield Preservation Act of 1999, a measure that establishes the Corinth Unit of the Shiloh National Military Park.

The battle of Shiloh was actually part of the Union Army's overall effort to seize Corinth. This small town was important to both the Confederacy and the Union. Corinth's railway was vitally important to both sides as it served as a gateway for moving troops and supplies north and south, east and west. The overall campaign led to some of the bloodiest battles in the Western Theater. In an effort to protect the city, Southern forces built a series of earthworks and fortifications, many of which remain, at least for now, in pristine condition. Unfortunately, the National Park Service in its Profiles of America's Most Threatened Civil War Battlefields, concluded that many of the sites associated with the siege of Corinth are threatened.

S. 1117 would give Corinth its proper place in American history by formally linking the city's battlefield sites with the Shiloh National Military Park.

Mr. President, I want to thank Senators ROBB, COCHRAN, and JEFFORDS for cosponsoring this measure.

I would also like to express my appreciation to Chairman THOMAS for his ever vigilant efforts on parks legislation, and in particular, for moving both the Vicksburg Campaign Trail and Corinth battlefield bills forward.

I would also like to take this opportunity to recognize Chairman MURKOWSKI for his continued stewardship over the Senate Energy and Natural Resources Committee.

Mr. President, I also want to recognize Ken P'Pool, Deputy State Historic Preservation Officer for Mississippi; Rosemary Williams, Chairman of the Siege and Battle of Corinth Commission; John Sullivan, President of the Friends of the Vicksburg Campaign and Historic Trail; and Terry Winschel and Woody Harrell of the United States Park Service for their support and guidance on these important preservation measures.

Lastly, I would like to recognize several staff members including Randy Turner, Jim O'Toole, and Andrew Lundquist from the Senate Energy Committee, Darcie Tomasallo from Senate Legislative Counsel, and Stan Harris, Angel Campbell, Steven Wall, Jim Sartucci, and Steven Apicella from my office, for their efforts to preserve Mississippi's and America's historic resources.

Mr. President, as a result of the Senate's action today, our children will be better able to understand and appreciate the full historic, social, cultural, and economic impact of the Vicksburg Campaign Trail and the Siege and Battle of Corinth.

GREENSPAN CONFIRMATION VOTE

Mrs. BOXER. Mr. President, I was informed that the vote on the Greenspan nomination would be at 6 p.m. on Wednesday, so I had rearranged my schedule to return to my State. As I am unable to be present for the 10:30 a.m. Thursday vote, I ask that the RECORD show that if I were present to vote, I would vote in favor of confirming Alan Greenspan for another term as Chairman of the Federal Reserve Board of Governors.

ANNOUNCEMENT OF ABSENCE

Mr. STEVENS. Mr. President, I want the RECORD to show that I ask unanimous consent to be excused from voting on Thursday and Friday of this week. I am leaving for the West Coast for a matter of urgent personal concern in connection with the airline crash, and I will not be here to vote. I want the RECORD to show why I am not here.

The PRESIDING OFFICER. Without objection, the RECORD will so reflect.

PEACEKEEPING THE DEMOCRATIC REPUBLIC OF THE CONGO

Mr. FEINGOLD. Mr. President, I rise to speak about the crisis in the Democratic Republic of the Congo. In that devastated country, we see one of the worst international crises of the last decade. It is a bloody and brutal conflict, one that has drawn country after country into an un-winnable struggle, one that has cost the lives of thousands of civilians and has displaced hundreds of thousands more, and one about which this body has been strangely quiet.

Congo's conflict is as complex as it is destructive. It is born of the long absence of any semblance of political legitimacy in the government of that battered state, it is fed by the horrifying legacy of the Rwandan genocide, and it is intensified by the constant struggle for resources and wealth in the region. The litany of the causes of the war in Congo is a catalogue of the problems that plague the heart of Africa. Its outcome will likely determine the course of the region's future.

Mr. President, we need to wake up and realize that the U.S. has a stake in that future. Our interests in global peace and stability, the rule of law, and respect for basic human rights are bound up in Congo's future. Africans and their potential American trading partners can have no hope of realizing Africa's vast economic potential until the region's cycles of violence come to an end. And America urgently needs to stop the spread of infectious disease, to address environmental degradation, and to build a global coalition to fight international crime—but these needs cannot be met without stability in central Africa.

And Mr. President, global forces of instability will thrive, and their insidious influence will grow, when parties to the conflict in Congo turn to them, in desperation, for support.

Mr. President, central Africa's leaders know that the region cannot prosper while the war in the D.R.C. continues. For that reason, last summer the parties to the conflict signed a blueprint for ending the conflict—the Lusaka Agreement. That Agreement calls for an end to the fighting, for a free political dialogue within Congo, and lays out the path to the withdrawal of foreign forces.

Mr. President, I traveled to many of the countries involved in the crisis at the end of last year. In Angola, Zimbabwe, and Namibia, in Uganda and Rwanda, and in the D.R.C. itself, I personally heard heads of state acknowledge the importance of making the Lusaka Agreement work. They understand the challenge before them, the precious opportunity embodied by Lusaka.

Last week the parties to the Congo conflict renewed their commitment to the Lusaka Agreement in a series of extraordinary meetings at the United Nations in New York. They have all agreed to a facilitator, former President Masire of Botswana, to move the inter-Congolese dialogue forward. And all parties have called for a strengthening of the Joint Military Commission that is at the heart of the framework for peace.

Mr. President, just as the U.S. has a stake in the outcome, the United States also has a role to play in supporting these efforts. The U.N. has already deployed a small team of liaison officers to the scene. Now, the United Nations Secretary General has issued a report laying out the next phase of U.N. involvement. It calls for the deployment of 500 monitors, with a 5,000-strong force providing security and logistical support to their mission. They will have a robust mandate that ensures their ability to protect themselves.

Mr. President, none of the troops would be American, and that is as it should be. In fact, in my meetings with heads of state in the region, I explicitly asked about their expectations with regard to American troops, and I can report that no one has visions of a large American presence on the ground in Congo. But by creating the breathing room necessary to allow the belligerents to move toward peace, these troops will serve American interests.

The U.N. Secretary-General has endorsed a good plan. Its value comes, in part, from what it does not do. The U.N. does not plan to send tens of thousands of troops into Congo to impose peace on hostile parties. Nor does the U.N. intend to stand by while the most brutal elements in Congo seize power through violence and impose their will on civilians.

Instead, the plan that has emerged in New York harnesses international support to the commitment of the parties to the conflict. It recognizes that the only viable peace to be found in Congo is a peace created by the belligerent parties themselves. It acknowledges African responsibility for this African war, and strengthens the Joint Military Commission created by combatants when they signed the Lusaka accords. At the same time, this plan ensures that the international community does not turn its back on Africa.

There can be no double-standard, whereby African conflicts are measured by a different scale than that used for conflicts in Europe or Asia. The plan for the deployment of the monitors and their supporting team has been vetted as thoroughly as any U.N. project. The stakes—in terms of human life and regional stability—are unquestionably high enough to meet the threshold for international action. Now, the U.N. has an opportunity to get it right in Congo.

Supporting this U.N. mission is the least we should do to secure our interests and fulfill our responsibilities as responsible members of the international community. Should we fail to support it, should we ignore this terrible conflict any longer, we will weaken the international community's mechanisms for burden-sharing at the dawn of this new century. And we will lose an opportunity to reinforce a model for ending conflict and embracing a better future.

I want to say, because obviously this has to be true and I am concerned about it, that the plan is not guaranteed to succeed.

Little worth attempting ever is. Zambian President Frederick Chiluba was right when he said, last week, that no peacekeeping operation anywhere in the world is risk-free. But Mr. President, this is the best chance for shoring up the Lusaka Agreement and helping African states to end the conflict that we are likely to see.

I strongly urge my colleagues to look at this program that is being suggested and to give it their support.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, February 1, 2000, the Federal debt stood at $5,702,651,446,667.03 (Five trillion, seven hundred two billion, six hundred fifty-one million, four hundred forty-six thousand, six hundred sixty-seven dollars and three cents).

One year ago, February 1, 1999, the Federal debt stood at $5,588,099,000,000 (Five trillion, five hundred eighty-eight billion, ninety-nine million).

Five years ago, February 1, 1995, the Federal debt stood at $4,810,860,000,000 (Four trillion, eight hundred ten billion, eight hundred sixty million).

Ten years ago, February 1, 1990, the Federal debt stood at $2,994,932,000,000 (Two trillion, nine hundred ninety-four billion, nine hundred thirty-two million).

Fifteen years ago, February 1, 1985, the Federal debt stood at $1,672,555,000,000 (One trillion, six hundred seventy-two billion, five hundred fifty-five million) which reflects a debt increase of more than $4 trillion—$4,030,096,446,667.03 (Four trillion, thirty billion, ninety-six million, four hundred forty-six thousand, six hundred sixty-seven dollars and three cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:09 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1023. An act for the relief of Richard W. Schaffert.

H.R. 1838. An act to assist in the enhancement of the security of Taiwan, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes.

The message further announced that, pursuant to section 702(b) of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106-120), the Minority Leader has appointed the following Member to the National Commission for the Review of the National Reconnaissance Office: Mr. DICKS of Washington.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1733 An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

The enrolled bill was signed subsequently by the Vice President (Mr. GORE).

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1023. An act for the relief of Richard W. Schaffert; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported on today, February 2, 2000, he had presented to the President of the United States, the following enrolled bill:

S. 1733. An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7182. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E and Class D Airspace; El Toro MCAS, CA; Docket No. 99-AWP-19 [11-30/12-2]" (RIN2120-AA66) (1999-0378), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7183. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace and Establishment of Class E Airspace; Dayton, Wright-Patterson AFB, OH"; Docket No. 99-AGL-50 [12-3/12-9]" (RIN2120-AA66) (1999-0389), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7184. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Del Rio, TX; Direct Final Rule: Request for Comments; Docket No. 99-ASW-31 [12-17/12-20]" (RIN2120-AA66) (1999-0407), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7185. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; NAS JRB, Fort Worth, TX; Docket No. 99-ASW-19 [12-17/12-20]" (RIN2120-AA66) (1999-0401), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7186. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; Hobbs, NM; Direct Final Rule; Request for Comments; Docket No. 99-ASW-32 [1-18/1-20]" (RIN2120-AA66) (2000-0009), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7187. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rule to Implement Major Provisions of the American Fisheries Act" (RIN0648-AM83), received January 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7188. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications" (RIN0648-AN36), received January 18.2000; to the Committee on Commerce, Science, and Transportation.

EC-7189. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Marine Mammals; Incidental Take During Specified Activities" (RIN1018-AF87), received January 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7190. A communication from the Chairman, Merit Systems Protection Board transmitting, pursuant to law, a report relative to appeals submitted to the Board for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7191. A communication from the Comptroller General transmitting, pursuant to law, the report of the General Accounting Office reports for November 1999; to the Committee on Governmental Affairs.

EC-7192. A communication from the Comptroller General transmitting, pursuant to law, a report relative to bid protests for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7193. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC-7194. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program", received January 28, 2000; to the Committee on Energy and Natural Resources.

EC-7195. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Addition to Quarantined Areas" (Docket # 00-004-1), received January 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7196. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Quarantined Areas and Treatment" (Docket # 98-125-2), received January 31, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7197. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Additional Guidance on Cash or Deferred Arrangements" (Rev. Rul. 2000-8), received January 28, 2000; to the Committee on Finance.

EC-7198. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Substantiation of Business Expenses" (RIN1545-AV87) (RIN1545-AT97), received January 28, 2000; to the Committee on Finance.

EC-7199. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Title IV-E Foster Care Eligibility Reviews and Child Care and Services State Plan Reviews" (RIN2970-AA97), received January 31, 2000; to the Committee on Finance.

EC-7200. A communication from the Secretary of Veterans Affairs and the Secretary of Defense transmitting jointly, pursuant to law, a report relative to the implementation of that portion of "The Department of Veterans Affairs and the Department of Defense Health Resources Sharing and Emergency Operations Act" dealing with sharing of healthcare resources between the two departments; to the Committee on Veterans' Affairs.

EC-7201. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the allotment of emergency funds to eleven states under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Health, Education, Labor, and Pensions.

EC-7202. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (Docket No. 98F-0569), received January 31, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7203. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Device Reporting; Manufacturer Reporting, Importer Reporting, User Facility Reporting, Distributor Reporting" (RIN0910-ZA18), received January 31, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7204. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Endangered Status for 'Erigeron decumbens var. decumbens (Willamette daisy)' and Fender's blue butterfly (Icaricia icariodes fenderi) and Threatened Status for 'Lupinus sulphureus ssp. kincaidii' (kincaid's lupine)" (RIN1018-AE53), received January 18, 2000; to the Committee on Environment and Public Works.

EC-7205. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rule to List the Yreka Phlox (Phlox hirsuta) as Endangered" (RIN1018-AE82), received January 28, 2000; to the Committee on Environment and Public Works.

EC-7206. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Designation of Critical Habitat for the Woundfin and Virgin River Chub" (RIN1018-AD23), received January 20, 2000; to the Committee on Environment and Public Works.

EC-7207. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Determination of Endangered Status for Blackburn's Sphinx Moth from the Hawaiian Islands" (RIN1018-AE20), received January 28, 2000; to the Committee on Environment and Public Works.

EC-7208. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report entitled "1996 CERCLA/SARA Activities" dated December 1999; to the Committee on Environment and Public Works.

EC-7209. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7210. A communication from the Attorney General, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7211. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7212. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7213. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7214. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7215. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7216. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7217. A communication from the Office of Independent Counsel, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7218. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7219. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7220. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7221. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7222. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7223. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7224. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7225. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7226. A communication from the Federal Co-Chairman, Appalachian Regional Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7227. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7228. A communication from the Chief Executive Officer, Corporation for National Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7229. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7230. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; and the report of the Executive Director of the Pension Benefit Corporation; to the Committee on Governmental Affairs.

EC-7231. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the management report for the period April 1 , 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7232. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7233. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7234. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7235. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7236. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7237. A communication from the Chairman, National Endowment of the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7238. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7239. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7240. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7241. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the report of the

Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7242. A communication from the Chairwoman, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7243. A communication from the Chairman, and the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7244. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7245. A communication from the Acting Director, the Peace Corps, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7246. A communication from the Board of Directors, Panama Canal Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7247. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7248. A communication from the Chairman, Corporation for Public Broadcasting, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7249. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on management decisions and final actions on the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7250. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Hebbronville, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–24 [1–6/1–10]" (RIN2120–AA66) (2000–0003), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7251. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Request for Comments; Docket No. 99–NM–260" (RIN2120–AA64) (1999–0485), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7252. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Request for Comments; Docket No. 99–NM–260" (RIN2120–AA64) (1999–0485), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7253. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Series Airplanes; Docket No. 99–NM–186" (RIN2120–AA64) (1999–0530), received December 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7254. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, –200C Series Airplanes; Docket No. 98–NM–189" (RIN2120–AA64) (1999–0528), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7255. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–400, and 767 Series Airplanes powered by P & W 4000 Series Engines; Docket No. 99–NM–114" (RIN2120–AA64) (1999–0527), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7256. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–600, –700, –800 Series Airplanes; Docket No. 99–NM–134 [12–20/12–23]" (RIN2120–AA64) (1999–0526), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7257. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200, and –300 Series Airplanes; Correction; Docket No. 99–NM–323 [12–22/12–23]" (RIN2120–AA64) (1999–0523), received December 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7258. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Series Airplanes; Correction; Docket No. 98–NM–383 [12–13/12–16]" (RIN2120–AA64) (1999–0516), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7259. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Request for Comments; Docket No. 99–NM–361 [1–7/1–10]" (RIN2120–AA64) (2000–0012), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7260. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200, –200PF, and –200CB Series Airplanes; Docket No. 98–NM–323 [1–3/1–6]" (RIN2120–AA64) (2000–0011), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7261. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes; Docket No. 97–NM–241 [1–4/1–6]" (RIN2120–AA64) (2000–0005), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7262. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200, and –300 Series Airplanes; Request for Comments; Docket No. 99–NM–323 [12–8/12–13]" (RIN2120–AA64) (1999–0509), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7263. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Docket No. 99–NM–47 [11–19/11–29]" (RIN2120–AA64) (1999–0480), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7264. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767–200, and –300 Series Airplanes; Request for Comments; Docket No. 99–NM–303 [11–19/11–22]" (RIN2120–AA64) (1999–0461), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7265. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 99–NM–46 [11–30/12–2]" (RIN2120–AA64) (1999–0498), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7266. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200, and –300 Series Airplanes; Docket No. 99–NM–89 [11–30/12–2]" (RIN2120–AA64) (1999–0497), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7267. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Request for Comments; Docket No. 99–NM–332 [11–30/12–2]" (RIN2120–AA64) (1999–0490), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7268. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200 Series Airplanes; Docket No. 98–NM–374" (RIN2120–AA64) (2000–0041), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7269. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes; Docket No. 98–NM–351 [1–25/1–27]" (RIN2120–AA64) (2000–0049), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7270. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–300, –400, –500, –600, –700, and –800 Series Airplanes; Request for Comments; Docket No. 99–NM–342 [1–14/1–20]" (RIN2120–AA64) (2000–0033), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7271. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Series Airplanes; Docket No. 99–NM–58 [1–14/1–20]" (RIN2120–AA64) (2000–0034), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7272. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A300–600, and A310 Series Airplanes; Request for Comments; Docket No. 2000–NM–09 [1–25/1–27]" (RIN2120–AA64) (2000–0047), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7273. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A340-211, 212, 213, 311, 312, 313 Series Airplanes; Request for Comments; Docket No. 99–NM–336 [1–6/1–10]" (RIN2120–AA64) (2000–0016), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7274. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, B4–203 Series Airplanes; Request for Comments; Docket No. 99–NM–327 [1–4/1–6]" (RIN2120–AA64) (2000–0010), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7275. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes; Docket No. 98–NM–284 [12–8/12–13]" (RIN2120–AA64) (1999–0510), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7276. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600R and A300 F4–600R Series Airplanes; Docket No. 99–NM–130 [1–4/1–6]" (RIN2120–AA64) (2000–0009), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7277. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes; Docket No. 99–NM–222 [1–4/1–6]" (RIN2120–AA64) (2000–0002), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7278. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes; Docket No. 96–NM–92 [12–28/12–30]" (RIN2120–AA64) (1999–0538), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7279. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A310, 600 Series Airplanes; Docket No. 98–NM–303 [12–13/12–16]" (RIN2120–AA64) (1999–0519), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7280. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–301, 321, 322 and A340–211, 212, 213, 311, and 313 Series Airplanes; Docket No. 99–NM–195 [12–20/12–20]" (RIN2120–AA64) (1999–0521), received December 21, 1999, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7281. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; Docket No. 99–NM–248 [12–21/12–23]" (RIN2120–AA64) (1999–0532), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7282. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310– and A300–600 Series Airplanes; Docket No. 96–NM–194 [12–21/12–23]" (RIN2120–AA64) (1999–0534), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7283. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Request for Comments; Docket No. 99–NM–262 [12–20/12–23]" (RIN2120–AA64) (1999–0529), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7284. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–7 Series Airplanes; Docket No. 99–NM–165 [12–20/12–20]" (RIN2120–AA64) (1999–0520), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7285. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Series Airplanes; Docket No. 99–NM–71 [12–13/12–16]" (RIN2120–AA64) (1999–0518), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7286. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes; Docket No. 99–NM–05 [12–27/12–30]" (RIN2120–AA64) (1999–0537), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7287. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–167 [11–19/11–22]" (RIN2120–AA64) (1999–0476), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7288. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes; Docket No. 98–NM–309 [1–25/1–27]" (RIN2120–AA64) (2000–0039), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7289. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–90 Series Airplanes; Docket No. 99–NM–209 [1–19/1–20]" (RIN2120–AA64) (2000–0032), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7290. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes; Docket No. 99–NM–217 [1–19/1–20]" (RIN2120–AA64) (2000–0035), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7291. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model 4101 Airplanes; Docket No. 99-NM-306 [1-27/1-27]" (RIN2120-AA64) (2000-0043), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7292. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes; Docket No. 99-NM-147 [11-22/11-22]" (RIN2120-AA64) (1999-0464), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7293. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BFGoodrich Main Brake Assemblies as Installed on Airbus A319 and A320 Airplanes; Request for Comments; Docket No. 99-NM-341 [12-8/12-9]" (RIN2120-AA64) (1999-0507), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7294. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model 4101 Airplanes; Docket No. 99-NM-296 [12-8/12-9]" (RIN2120-AA64) (1999-0508), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7295. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model 4101 Airplanes; Docket No. 99-NM-302 [12-28/12-30]" (RIN2120-AA64) (1999-0539), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7296. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes; Docket No. 99-NM-31 [1-4/1-6]" (RIN2120-AA64) (2000-0003), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7297. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAe 146 and Avro 146RJ Series Airplanes ; Docket No. 98-NM-331 [12-28/12-30]" (RIN2120-AA64) (1999-0536), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7298. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes; Docket No. 99-NM-147" (RIN2120-AA64) (1999-0483), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1053. A bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999 (Rept. No. 106–228).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2022. A bill to provide for the development of remedies to resolve unmet community land grant claims in New Mexico; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. SANTORUM, Ms. LANDRIEU, Mr. ABRAHAM, Mrs. FEINSTEIN, Mr. ROBB, and Mr. BAYH):

S. 2023. A bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2024. A bill to amend title 28, United States Code, to provide for an additional place of holding court in the District of Oregon; to the Committee on the Judiciary.

By Mr. GRAMS:

S. 2025. A bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. SMITH of Oregon, and Mr. KENNEDY):

S. 2026. A bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS efforts; to the Committee on Foreign Relations.

By Mr. VOINOVICH (for himself and Mr. GRAMM):

S.J. Res. 38. A joint resolution to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. TORRICELLI, Mr. ABRAHAM, Mr. BIDEN, Mr. DEWINE, Mr. DODD, Mr. HARKIN, Mr. KENNEDY, Mr. KOHL, Ms. MIKULSKI, Mr. ROBB, Mr. ROTH, Mr. THOMAS, Mr. WARNER, Ms. LANDRIEU, Mr. MOYNIHAN, Mr. SARBANES, Mr. LAUTENBERG, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FITZGERALD, Mrs. MURRAY, Mr. DURBIN, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. GRASSLEY, Mr. STEVENS, Mr. SCHUMER, Mr. REED, Mr. LEVIN, and Mr. ENZI):

S. Res. 251. A resolution designating March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. Res. 252. A resolution expressing the sense of the Senate that Rebiya Kadeer, her family member and business associate, should be released by the People's Republic of China; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2022. A bill to provide for the development of remedies to resolve unmet community land grant claims in New Mexico; to the Committee on Energy and Natural Resources.

NEW MEXICO COMMUNITY LAND GRANT REVIEW ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce a bill, along with Senator DOMENICI, which will move us toward resolving a long standing issue of great controversy in my State of New Mexico.

Today marks the anniversary of one of the most significant dates in the creation of modern America. On this date one hundred and fifty-two years ago, our government and the government of Mexico entered into an agreement which ended a bloody war, and which brought a huge swath of territory into the United States.

The addition of this new territory, which became the American Southwest, forever changed the makeup of our nation, its place on the world stage, and its culture. The infusion of a large Hispanic population and a myriad of Native American communities into the fabric of American society enriched the diversity of country and strengthened the dynamism of our culture.

It is a day which should be one for celebration. A day in which New Mexicans should reflect on the confluence of cultures which make up our state. It is a day to remember the sweat and grit of the people who traveled north up El Camino Real (the Royal Road) passing through one area that was so arduous that it was known as La Jornada del Muerte (the Journey of Death), and those who came west over the Santa Fe trail to reach New Mexico and who, together with the Pueblo, Apache, and Navajo peoples who had already carved a life out of this arid land, built our modern culture.

It is a day for celebration, but unfortunately it is also a day which recalls great pain for many. For that agreement between nations which established the American Southwest, the Treaty of Guadalupe-Hidalgo, also carried with it a promise to the new citizens of America. That promise was that their ownership of lands established under Spanish and Mexican law would be respected and validated by their new government. Many who would be celebrating today do not believe that that promise was kept. The serious questions that have been raised concerning the validation of Spanish and Mexican community land grant claims in New Mexico cast a cloud over this day, and a cloud over our national honor.

Given the long history of dispute over community land grant claims in New Mexico, and the large amount of disputed land, a credible neutral analysis of the United States' implementation of the Treaty has been needed. To that end, Senator DOMENICI and I have requested that the General Accounting Office review the United States' legal obligations under the Treaty and whether the Federal government met those obligations with regard to community land grant claims.

This will be the first national study of the issue, and it is overdue. Given how long it has taken for the heirs of these land grants to get a credible review of their claims, it is that important that this study not end up gathering dust on some shelf. If the GAO finds that the United States denied these communities their rights under the treaty, then it is imperative that the Federal government develop a remedy to resolve this issue.

Therefore I, along with Senator DOMENICI, am introducing a bill today which will move us in that direction. This bill would require that, should the GAO find that the United States has failed to meet its Treaty obligations, the Justice Department prepare for the President a list of methods to remedy the problem, and that the President must propose to Congress his preferred remedy.

Unlike the Treaty of Guadalupe-Hidalgo, which was an agreement between nations, this bill represents a promise directly to land grant heirs that their claim will be fully considered by the United States Government. I hope we can pass this measure, and make that promise to them.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered tob e printed in the RECORD, as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Mexico Community Land Grant Review Act."

SEC. 2. PURPOSE, DEFINITIONS, AND FINDINGS.

(a) PURPOSE.—The purpose of this Act is to provide for the development of potential remedies to resolve unmet obligations by the United States with regard to community land grant claims in New Mexico under the Treaty of Guadalupe-Hidalgo.

(b) DEFINITIONS.—As used in this Act:

(1) TREATY OF GUADALUPE-HIDALGO.—The term "Treaty of Guadalupe-Hidalgo" means the Treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe-Hidalgo), between the United States and the Republic of Mexico, signed February 2, 1848, with the amending Protocol of Queretaro signed May 26, 1848; entered into force on May 30, 1848 (TS 207; 9 Bevans 791).

(2) COMMUNITY LAND GRANT.—The term "community land grant" means a village, town, settlement, or pueblo consisting of land held in common (accompanied by lesser private allotments) by three or more families under a grant from the King of Spain (or his representative) before the effective date of the Treaty of Cordova, August 24, 1821, or from the authorities of the Republic of Mexico before May 30, 1848, in what became the State of New Mexico, regardless of the original character of the grant.

(3) LAND GRANT CLAIM.—The term "land grant claim" means a claim to land owned by a community land grant.

(4) GAO.—The term "GAO" means the United States General Accounting Office.

(c) FINDINGS.—The Congress finds:

(1) New Mexico has a unique and complex history regarding land ownership due to the substantial number of land grants awarded by the King of Spain and the Republic of Mexico as an integral part of the colonization of New Mexico prior to the takeover of the area by the United States under the Treaty of Guadalupe-Hidalgo.

(2) Under the Treaty of Guadalupe-Hidalgo, the United States agreed to respect valid land grants claims.

(3) Several studies, including the New Mexico Land Grant Series published by the University of New Mexico, have called into question whether the United States has fulfilled its obligations under the Treaty. There continue to be claims that citizens of the United States were illegally deprived of the property rights protected by the Treaty of Guadalupe-Hidalgo through the actions of the Office of the Surveyor General established in 1854, the Court of Private Land Claims established in 1891, and the Territory of New Mexico.

(4) There was a remarkable difference in outcomes between the land claims adjudications in the State of California, where approximately 73 percent of the claimed acreage was confirmed, and the former Territory of New Mexico, where only 24 percent of the claimed acreage was confirmed. This difference in outcomes raises serious questions as to whether adjudications in New Mexico were equitably and fairly administered.

(5) Following the United States' war with Mexico and for much of this century, the economy of New Mexico was dependent on land resources. When the land grant claimants lost title to their land, the predominantly Hispanic communities in New Mexico lost a keystone to their economy, and the effects of this loss had long lasting economic consequences for these communities.

(6) Whether the United States failed to meet its obligations under the Treaty of Guadalupe-Hidalgo has been a source of continuing controversy and has left a lingering sense of injustice in some communities in New Mexico over the last one-hundred and fifty years.

(7) This issue, which regards the integrity of the United States with regards to its international commitments and its commitments to its citizenry, must be resolved.

(8) The GAO has been requested to review how the United States implemented the provisions of the Treaty of Guadalupe-Hidalgo which pertain to the protection of community land grant claims New Mexico, and to provide a report to the Congress and the President by December 31, 2002, which includes an assessment of whether the procedures established by the United States to implement the treaty appear to have been adequate, and whether the community land grants claims appear to have been equitably adjudicated.

SEC. 3. DEVELOPMENT OF REMEDY RECOMMENDATIONS AND PRESIDENTIAL PROPOSAL.

If the GAO concludes, in the report to Congress and the President described in Section (2)(c)(8) of this Act, that the obligations of the United States under the Treaty of Guadalupe-Hidalgo regarding the protection of the community land grant rights do not appear to have been met, the Department of Justice shall prepare for the President a list of alternative methods to remedy the problem. The President shall then submit to Congress recommendations to resolve these claims within six months of the submission of the GAO report. In no event shall these recommendations include the divestiture of private property rights.●

● Mr. DOMENICI. Mr. President, I am pleased to be joining Senator BINGAMAN in introducing legislation to help resolve whether the federal government inadequately implemented the Treaty of Guadalupe-Hildalgo in New Mexico. Today is the 152d anniversary of the signing by the United States of the Treaty of Guadalupe-Hidalgo with Mexico. Under this 1848 treaty, the United States acquired the territory that is now California, Nevada, Utah, Arizona, New Mexico, Colorado and Wyoming. Unfortunately, the potential failure of this country to meet its obligations under the Treaty of Guadalupe-Hildalgo has been a source of continuing controversy, and many New Mexicans claim they were illegally deprived of property rights by the federal government. For example, in California, about seventy-three percent of land grant claims have been confirmed compared to only twenty-four percent in New Mexico, which raises questions as to whether adjudications in New Mexico were equitably and fairly administered.

We must take the opportunity to reverse the heritage of ill-will between the Hispanic people of New Mexico and the Federal government. Hispanic descendants in our state have been waiting over 150 years to get the federal government to fairly look into the community land grants issue. In 1848, land grant claimants were led to believe that their property rights would be honored and protected, but they have repeatedly been frustrated by government officials. One Surveyor General for New Mexico has been described by historians as "steeped in prejudice against New Mexico, its people and their property rights." Other opportunists used long legal battles to acquire empires that extended over millions of acres—all at the expense of local Hispanics.

In 1891, the Surveyor General was replaced by the Court of Private Land Claims, but the court's procedures heavily favored the government. The Court of Claims required that claimants prove that the Spanish or Mexican granting official had the legal authority to issue the land grant. The claimants did not have access to necessary documentation, and often did not speak English. Consequently, the court rejected two-thirds of the New Mexico claims presented before it. Ultimately, by one account written by Richard Griswold del Castillo, only eighty-two grants received Congressional confirmation. This represented only six percent of the total area sought by land claimants, leaving a bitter legacy.

In the 105th Congress, Congressman Redmond was able to pass a bill out of the House of Representatives creating a Presidential Commission to evaluate the community land grants located in New Mexico. I was proud to introduce a companion bill, including a few changes based on the lessons I learned from talking to the heirs of some of the land grants; from reviewing the history; and from talking to scholars, historians and land grant lawyers.

After hearings and continuing dialog with land grant heirs, we realized that the natural first step in the process was determining whether the grantees' rights had been violated under the Treaty. It became clear that adequate time for a thorough study of the issue was needed. Documents had to be gathered. Resolution of the dispute must take into account intervening legal rights.

Last year, Senator BINGAMAN and I originally proposed that the Attorney General, acting through the Assistant Attorney General for Civil Rights, should investigate whether the United States properly implemented the provisions of the Treaty of Guadalupe-Hidalgo which pertain to the protection of valid land grant claims in New Mexico. If that investigation found that the federal government needed to rectify past abuses, the President would submit a proposal to Congress to resolve those claims. The Senate supported our desire last fall to include in the Commerce, Justice, State Appropriations bill the requirement that the Justice Department conduct such a study. However, the Justice Department objected on the grounds that it could not be a neutral examiner of the legal obligations of the United States in this situation.

The General Accounting Office (GAO) was recommended by House appropriators as an alternative, and language directing GAO conduct a study was included in the original conference report for Department of Justice appropriations. However, that provision was written in the waning hours of the conference, without time for consultation with the GAO, and while the focus of the conference was turned to other matters. Consequently, we believed that language was inadequate to serve New Mexico's needs. At our request, the appropriations conferees removed the inadequate study language from the final version of the CJS conference report.

I must say that I respectfully disagree with the Justice Department's contention that they could not properly conduct such a study. What better arm of the government should investigate whether the United States properly implemented the provisions of the Treaty of Guadalupe-Hidalgo which pertain to the protection of valid land grant claims in New Mexico?

Nonetheless, after meeting with top-level representatives at the Department of Justice, Senator BINGAMAN and I met with GAO's General Counsel Robert Murphy and Principal Assistant Comptroller General Gene Dodaro to craft language that more closely reflected the needs of New Mexico, and the capabilities of the GAO. We have formally asked GAO to review how the United States implemented the provisions of the Treaty of Guadalupe-Hidalgo which pertain to the protection of community land grant claims in New Mexico.

The GAO will submit an interim report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and to the Committee on Resources of the House of Representatives and to the President of the United States, by the end of this year. A final report will be submitted by the end of 2002. This will allow the GAO adequate time to investigate this complicated issue.

The report will include a description of the legal obligations of the United States to protect the rights of community land grants and its actions in carrying out the provisions of the treaty, an assessment of the issues raised concerning the implementation of the treaty provisions, and identification of potential methods of resolving any failure by the United States with regard to community land grant claims. The GAO shall also discuss the potential effects of resolution options on intervening legal rights and on Tribal land claims. In no event should any identification of remedies include divestiture of private property rights.

The bill we introduce today directs that if the GAO concludes that the obligations of the United States under the Treaty of Guadalupe-Hidalgo regarding the protection of the community land grant rights do not appear to have been met, the Department of Justice shall prepare for the President a list of alternative methods to remedy the problem. The President will then submit to Congress recommendations to resolve these claims within six months of the submission of the GAO report. Again, we also wish to ensure that no recommendations include the potential divestiture of private property rights. We do not wish to transplant one potential injustice with another.

Trying to do justice 150 years after the fact is complicated. I am hopeful that this bill can address what has been, for too long, a tale of land loss and bitterness between the United States and some of its New Mexico citizens.●

By Mr. LIEBERMAN (for himself, Mr. SANTORUM, Ms. LANDRIEU, Mr. ABRAHAM, Mrs. FEINSTEIN, Mr. ROBB, and Mr. BAYH):

S. 2023. A bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes; to the Committee on Finance.

SAVINGS FOR WORKING FAMILIES ACT OF 2000

● Mr. LIEBERMAN. Mr. President, I rise today to proudly introduce with my esteemed colleagues, Senators SANTORUM, ABRAHAM, FEINSTEIN, LANDRIEU, BAYH, and ROBB, the Savings for Working Families Act of 2000. This legislation directly addresses a problem that is now starting to receive the attention that it deserves: the growing wealth gap in our country. This legislation builds on a bipartisan effort begun last session to help more low-income working families join our country's economic mainstream by addressing that wealth gap. Passing this legislation will help expand our economic winner's circle to include more working families. Because what goes up for the richest families, particularly in these boom times, need not come down for other families.

Today with my colleagues, I put forward a modest yet promising proposal that we believe will help more low income families share in our country's economic prosperity. Today we will introduce new legislation to support the expansion of Individual Development Accounts, or IDAs, an innovative and powerful tool to help the working poor save and develop the assets they need to get ahead and thrive in the new economy—to enter the winner's circle.

The Savings for Working Families Act of 2000 will benefit working, low-income families across this country to share in the unprecedented prosperity of our booming economy. Our bill brings together Republicans and Democrats, policy wonks and working mothers, and even financial institutions and consumers, all in support of a new approach to sustaining some American ideals—hard work, thrift, individual responsibility, and entrepreneurship. The Savings for Working Families Act of 2000 provides the real incentives and real opportunities for the working poor to build assets, both human and financial capital, which they in turn will be able to invest in our national economy.

Today's economy is defying gravity. The stock market is jumping to record highs while inflation and unemployment are hovering at record lows. Millions of Americans are reaping the benefits of the longest economic expansion in our history, including millions of working middle class families. Unfortunately, millions more are not.

Several recent studies have documented a growing income gap in the U.S.—an increasing income disparity between the rich and poor with declining incomes for both poor and low-income families. In addition to that income gap, a report released recently by the Federal Reserve Bank, has identified a significant asset gap in this country. A gap where the net worth—or assets—of the typical American family has risen substantially since 1989, while the net worth—or assets—of lower income families has actually declined during the economic boom of recent years.

According to the Fed report, families earning under $10,000 a year had a median net worth of $1,900 in 1989. That climbed to $4,800 in 1995, but had slipped back to $3,600 by 1998. Those families earning $10,000 to $25,000 saw their net worth drop from $31,000 in 1995 to $24,800 in 1998. More specifically, while the percent of all U.S. families that own a home or business has risen during the boom years of 1995–98, the percent among lower income families has decreased. For example, in 1995, 36.1% of families earning under $10,000 annually owned their home. By 1998 the rate had dropped to 34.5%. The drop for families earning $10,000 to $25,000 was from 54.9% to 51.7%. The same story is true for the percent of lower income families owning a business.

The Savings for Working Families Act of 2000 will directly address exactly this asset gap. Our bill seeks to address this imbalance by dramatically expanding the use of IDAs. IDA programs do work and are reporting real success in spurring savings and asset building on a small scale in hundreds of communities across the country. Already 27 states have passed some form of IDA program legislation.

In my home state of Connecticut, there is today only one pilot IDA program in existence. A handful of low income individuals are now starting to take part in a strong IDA program run by the Committee for Training and Employment, or CTE, a cutting edge community-based organization providing a range of services and activities to address poverty issues in the greater Stamford area. In Connecticut we are hopeful that we will soon be seeing an expansion of IDA accounts and programs. A statewide IDA Task force, convened by Connecticut State Treasurer, Denise L. Nappier, recently released a report to jump-start more IDA activity in the state. Its thoughtful analysis and authoritative recommendations will certainly help to increase IDAs in our state. The Savings for Working Families Act of 2000 was drafted in consideration of the excellent IDA work under way in states and communities all across the country.

The idea is simple, but powerful. Low income workers who put their hard earned dollars into IDAs would get matching funds from financial and other private entities. A federal tax credit will provide the incentives for those private sector investments in IDAs. The IDA savings could then be used by low income working families to develop assets, specifically for the purchase of a home, the pursuit of a post-secondary education, or to start a business. In essence, this legislation extends to lower income working families the type of incentives for building assets, such as the home mortgage interest deduction, preferential capital gains rates and pension funds exclusions and incentives, that are now available on a large scale to the non-poor and wealthy.

Just last week, President Clinton underscored the promise of this approach in his State of the Union Address, when he put forward his Retirement Savings Account (RSA) proposal. Those RSAs are similar to the IDAs in this bill. In his proposal, the President rightly identified the potential of the private sector in strengthening the economic security of many of our most vulnerable citizens. Just as important, he made clear, as we do in the Savings for Working Families Act, that these IDA accounts are not simply an empty promise for a handout. They are a means to integrate more Americans into the broader economic mainstream.

In drafting this new IDA legislation, our objective was to keep it simple and based closely on S. 895, a bill that Senator SANTORUM and I introduced last year and that enjoyed strong bipartisan support. Modifications in the Savings for Working Families Act of 2000 are primarily technical in nature, recognizing that the IDA field has grown and evolved in the last year. We have also made a concerted effort in the new bill to realize the potential of critical private sector and nonprofit organizations to be effective IDA providers, including credit unions and community service organizations.

Moving forward, we are confident that we can get this bill passed because it addresses a threat to our fundamental faith in the American dream and to the vitality and long-term stability of our national economy. Our bill cannot singlehandedly eliminate the wealth gap, but we are confident that it will help carve out a little more space in that winner's circle and move us a step closer to making the American dream real for more working families.

Finally, I would like to thank each of the cosponsors of this bill, especially Senators SANTORUM and ABRAHAM. Through their hard work, and in conjunction with the financial services industry and the IDA field, we have legislation that achieves a very public interest. In particular, I would like to note the leadership of the Corporation for Enterprise Development (CFED) for helping to bring the voice of the IDA community to this creation of this bill. With the Savings for Working Families Act of 2000, we are able to harness the creative forces of the marketplace to help secure our core democratic values, holding out the hope of free enterprise without the false promise of a free lunch, and giving some tangible meaning to those core values of community, opportunity and responsibility. In expanding the use of IDAs across the country as an empowerment tool for working families, this legislation speaks to our shared aspirations as Americans.•

Mrs. BOXER (for herself, Mr. SMITH of Oregon, and Mr. KENNEDY):

S. 2026. A bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS efforts; to the Committee on Foreign Relations.

THE GLOBAL AIDS PREVENTION (GAP) ACT OF 2000

• Mrs. BOXER. Mr. President, last month, the United States held the rotating presidency of the U.N. Security Council. And something historic happened. Under the leadership of Ambassador Holbrooke and Vice President Gore, the Security Council for the first time ever discussed an international health issue.

The issue was the spread of AIDS, particularly in sub-Saharan Africa. In raising the profile of this issue—in putting it before the U.N. Security Council—there was a recognition that the AIDS crisis is a security threat—a threat to the peace, stability, and prosperity of nations around the world.

Nowhere is that more true than in sub-Saharan Africa, where the United Nations has said that AIDS is "the worst infectious disease catastrophe since the bubonic plague."

Since the beginning of the HIV/AIDS epidemic, 13.7 million people in sub-Saharan Africa have died of AIDS. That is 84 percent of all the people in the world who have died of AIDS since the beginning of the epidemic. Last year, two-thirds of all new cases of HIV/AIDS were in sub-Saharan Africa. And of all the people in the world living with HIV/AIDS, 69 percent of them live in sub-Saharan Africa.

Mr. President, this is not just a matter of more deaths and more cases because there are more people. Of adults in sub-Saharan Africa who are aged 15-49, eight percent of them have HIV/

AIDS. Percentages from specific countries are even more dramatic. In Zimbabwe, it is estimated that 26 percent of all adults aged 15–49 are living with the disease. In Botswana, it is 25 percent, and in Namibia, it is 20 percent.

Unlike any other area of the world, the HIV/AIDS epidemic in sub-Saharan Africa is predominately a woman's disease. A majority of infected adults—55 percent to be exact—are women.

This creates ripple effects. When women get the disease, they often pass it along to their unborn babies. As a result, about 10 percent of the HIV/AIDS cases in sub-Saharan Africa are children. More dramatically, when women die, their children often become orphans. By the end of this year, the HIV/AIDS epidemic will be the reason that over 10 million children in sub-Saharan Africa are orphans.

How many children is that? There are about 10 million people 18 years old and younger in California. Imagine if every single one of them was an orphan. That is what we are talking about in sub-Saharan Africa. Ten million children. Even worse, according to those who are working on this issue in Africa, the number of children orphaned there because of HIV/AIDS could double, triple, or even quadruple in the next decade.

I have mentioned, Mr. President, a lot of statistics, a lot of numbers. but behind each number there is a face. A face of a man living with HIV; a face of a woman dying of AIDS; a face of an orphan with no family and no place to go. In Sub-Saharan Africa, there are faces upon faces upon faces.

This is a global tragedy, a global catastrophe, a global emergency. It requires a global response. And the United States must lead the way.

So today, I am introducing, along with my colleague on the Foreign Relations Committee, Senator GORDON SMITH, the Global AIDS Prevention Act—the GAP Act. It calls on the United States Agency for International Development—USAID—to make HIV/AIDS a priority in the foreign assistance program and to undertake a comprehensive, coordinated effort to combat HIV/AIDS. That effort must include primary prevention and education; voluntary testing and counseling; providing medications to prevent the transmission of HIV/AIDS from mother to child; and care for those living with HIV/AIDS.

To accomplish this, the GAP Act would increase funding for USAID's international HIV/AIDS effort. Over five years, the bill would authorize $2 billion for the fight against AIDS, and at least $1 billion of that is dedicated to the problem in sub-Saharan Africa.

I want to commend the work done so far by USAID. This year, the Agency will spend $200 million to fight HIV/AIDS abroad. Unfortunately, this is the first time in six years that there has been an increase in the funding for this important effort. And it is still far short of what is needed. It is time to close the gap. Passing the GAP Act would be a great step forward.

Now, Mr. President, I have talked about the problem in sub-Saharan Africa. That is where the problem is the worst and where the need is most urgent. It has also been the focus of most of the public attention in the last few months.

But, be warned. We must not fool ourselves into thinking that sub-Saharan Africa is the only place with a problem. In terms of raw numbers, India has more people living with HIV/AIDS than any other nation in the world. And experts tell us that in the near future, the problem may actually grow faster in Southeast Asia than in Africa.

The GAP Act recognizes the need to be flexible. As I mentioned, it dedicates at least 50 percent of the funding to sub-Saharan Africa. USAID is actually spending about 65 percent of its AIDS dollars in that region now. This bill will continue to allow USAID to spend that higher percentage, but it will also provide the Agency with the flexibility to address the problem elsewhere in the world.

As I mentioned, Mr. President, I am joined in this effort by Senator GORDON SMITH. He and I worked together last summer in introducing a bill to fight the international tuberculosis problem. I am pleased and honored to join with him again in introducing bipartisan legislation to address an urgent international health problem.

Mr. President, in the United States, When the epidemic first hit two decides ago, too many people in positions to make a difference ran inside, locked the doors, closed the curtains, and just hoped it would go away. The victims were blamed instead of helped. Those at risk were ridiculed instead of educated. Those who were dying were shunned instead of cared for.

We did not begin to make progress against HIV/AIDS in this country until we discussed the problem in the light of day and until we made a serious investment in education, prevention, treatment, care, and research. Progress will not be made in Africa or anywhere else in the world unless we do the same. Now is not the time to pretend the problem does not exist or that it does not matter to us. Now is the time to act.

The GAP Act would help to close the gap between what we need to fight this disease and what we are now spending. The GAP Act would help to close the GAP between the developed and the developing world in dealing with this epidemic. The GAP Act would help to close the gap between our words and our actions. I ask my colleagues to close these gaps by cosponsoring the GAP Act.

Finally, I ask that a copy of the bill and a letter of endorsement from Family Health International be inserted in the RECORD.

The material follows:

S. 2026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global AIDS Prevention Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since the beginning of the HIV/AIDS epidemic 2 decades ago, more than 16,300,000 people worldwide have died of the disease.

(2) More than 33,600,000 people in the world are living with HIV/AIDS; more than 3,000,000 of them are children.

(3) Sub-Saharan Africa has been particularly hard hit by the disease, as the region has accounted for—

(A) 84 percent of the worldwide deaths from HIV/AIDS;

(B) two-thirds of the new infections in 1999; and

(C) 69 percent of those living with the disease.

(4) In sub-Saharan Africa, 55 percent of the infected adults are women and, as a result, more than 10,000,000 children have been orphaned in sub-Saharan Africa because of HIV/AIDS—a figure that could double or triple in the next decade.

(5) According to the United Nations, HIV/AIDS in sub-Saharan Africa is the "worst infectious disease catastrophe since the bubonic plague".

(6) The HIV/AIDS problem in Southeast Asia is growing dramatically. In 1999, 20 percent of the new infections in the world were in Southeast Asia.

(7) New investments and treatments hold out promise of making progress against the HIV/AIDS epidemic. For example, a recent study in Uganda demonstrated that a new drug could prevent almost one-half of the HIV transmissions from mothers to infants, at a fraction of the cost of other treatments.

(8) Making progress against HIV/AIDS requires a global commitment, with a leadership role from the United States.

SEC. 3. AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following new paragraph:

"(4)(A) Congress expects the agency primarily responsible for administering this part to make HIV/AIDS a priority in the foreign assistance program and to undertake a comprehensive, coordinated effort to combat HIV/AIDS. This effort shall include providing—

"(i) primary prevention and education;

"(ii) voluntary testing and counseling;

"(iii) medications to prevent the transmission of HIV/AIDS from mother to child; and

"(iv) care for those living with HIV/AIDS.

"(B)(i) In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President to carry out this paragraph $300,000,000 for fiscal year 2001, $350,000,000 for fiscal year 2002, $400,000,000 for fiscal year 2003, $450,000,000 for fiscal year 2004, and $500,000,000 for fiscal year 2005.

"(ii) Not less than 50 percent of funds made available each fiscal year under clause (i) shall be used to combat the HIV/AIDS epidemic in sub-Saharan Africa.

"(iii) Funds appropriated under this subparagraph are authorized to remain available until expended.".

FAMILY HEALTH INTERNATIONAL,
FAMILY HEALTH INSTITUTE,
Arlington, VA, January 31, 2000.

Hon. BARBARA BOXER,
Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: Based on Family Health International's 14 years of experience managing more than 1,200 HIV/AIDS prevention and care projects in 60 countries—the majority in sub-Saharan Africa—we strongly support The Global AIDS Prevention Act of 2000.

The need for scaling up HIV/AIDS prevention and care programs in Africa is urgent. We know firsthand that the United States needs to provide more assistance than it has in the past to save more lives, bolster regional security and protect the interests of the United States not only in sub-Saharan Africa, but around the world.

We are pleased that you and members of the U.S. Senate and Congress recognize the urgency of this need and the crucial role the United States plays in international HIV/AIDS prevention and care programming. We have the tools and expertise needed to make a dramatic difference in preventing more people from being infected with HIV and caring for people living with HIV/AIDS. But, this difference can only be made by providing the level of resources it will take to greatly expand the initiatives the United States already has underway with our hundreds of local partners overseas.

We appreciate your recognition and support for the critically important work being done by nongovernmental organizations, including Family Health International, and the United States Agency for International Development. Continuing leadership by the United States on HIV/AIDSs initiatives is needed more urgently now than ever before: by the end of this year, some 60 million people, including over a million Americans, will have been infected with HIV since this global pandemic began.

Your support and that of the U.S. Senate is needed now more than ever, Senator Boxer. We need much more support to save more lives, increase the basic health, well-being and productivity of millions threatened by, infected with or affected by HIV/AIDS, including millions of children, worldwide.

Sincerely,
PETER R. LAMPTEY, M.D. DR. P.H.,
Director, IMPACT Project,
Senior Vice President, AIDS Programs.

Mr. SMITH of Oregon. Mr. President, I rise today to join Senator BOXER in introducing the Global AIDS Prevention Act. This legislation authorizes $2 billion over the next five years to support the Agency for International Development's [AID] efforts to prevent and treat HIV/AIDS abroad. Fully half of the funds authorized would go to fight AIDS in sub-Saharan Africa. The remainder will go to other areas, including some countries of Southeast Asia where infection rates are growing at alarming rates.

While the nations of sub-Saharan Africa have faced a myriad of disasters in the last decades of the 20th century, few reach the cataclysmic proportions that the spread of AIDS has wrought on every level of life in that area. The statistics are mind-numbing—in some countries, one of four adults are living with HIV/AIDS. Life expectancies in those countries over the next 5 years have been slashed from the mid-60s to the early forties. Cumulative deaths attributable to AIDS numbered over 13 million by 1999 and the number of children orphaned by AIDS is estimated between 7 and 10 million. An estimated 1 million children in Africa are HIV positive.

These numbers impact every facet of life in this region of Africa. Where populations of adults aren't likely to enter the workforce or care for their children, an economy cannot prosper and grow. Where millions are orphaned, many times watching their parents die, a future that includes any basic education is likely not to happen. Where governments struggle with civil strife, the basic medical needs of its populations go unmet. I am proud of the private and religious organizations that have heroically struggled to fight the impact on families, however it is clear that the scope of the AIDS crisis requires additional support.

In an area where some country infection rate reaches one out of four of the adult population, our diplomatic efforts must first and foremost include a means to stop this epidemic. While the internal political strife in some of these countries can be equally heartbreaking in outcome, the ongoing devastation spread by AIDS in some of these countries needs to be addressed in a broad and immediate way.

I would like to commend my colleagues from California for her strong leadership in this area and I call on my colleagues on both sides of the aisle to support this legislation and meet this devastating epidemic.

By Mr. VOINOVICH (for himself and Mr. GRAMM):

S.J. Res. 38. A joint resolution to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. VOINOVICH. Mr. President, the Congressional Budget Office, CBO, released figures last week showing that the United States is on track to achieve a $23 billion on-budget surplus this fiscal year. If CBO's figures hold up, then the United States will have achieved a true, on-budget surplus for the first time in 40 years.

In addition, the United States could enjoy an on-budget surplus ranging somewhere between $11 billion and $69 billion in fiscal year 2001, depending on which set of figures you use.

But what I find truly amazing is what CBO reports could occur over the next 10 years. Under the most realistic assumptions about discretionary spending, CBO estimates we could achieve an on-budget surplus of nearly $900 billion.

As good as this sounds, we must remember not to get ahead of the game. Just because we could obtain an on-budget surplus, does not mean we have obtained an on-budget surplus.

Whatever on-budget surplus we actually achieve this year—and the years that follow—is predicated on the ability of Congress and the President to resist the urge to spend it. Unfortunately, with an amount of unobligated money that large, there will be calls from all segments of society and Government to increase funding for this program, or create that program, or institute massive tax cuts.

That is why the very first priority for this year must be to oppose the temptation to squander this year's surplus on a pork-laden supplemental appropriations bill. I implore my colleagues to maintain the necessary discipline that will let these surpluses grow.

Even though I am cautiously optimistic about the on-budget surpluses projected for this year and the next, I still do not believe we should treat CBO's projections as the gospel truth as we plan 10 years, or even 5 years, down the road.

That is because, as most any economist will tell you, the only thing certain about projections is their uncertainty.

In testimony before the House Banking Committee last year, Federal Reserve Chairman Alan Greenspan said:

> . . . it's very difficult to project with any degree of conviction when you get out beyond 12, 18 months.

In addition, he stated:

> Projecting five or ten years out is a very precarious activity, as I think we have demonstrated time and time again.

Last July, CBO Director Dan Crippen said, in testimony before the Senate Budget Committee that "10-year budget projections are highly uncertain" and that "economic forecasting is an art that no one has truly mastered." And that is from the Director of CBO—the man in charge of making Congress' surplus projections.

More alarming, as we all know, these surplus projections don't reflect the ticking time bomb of Social Security and Medicare costs that will explode when the baby boomers begin to retire—something that Congress and the President must address now.

More importantly as we bask in the euphoria of these projected surpluses, we must not forget the sobering fact that we still have a $5.7 trillion national debt—a national debt that costs us more than $224 billion a year to service. That is more than $600 million a day in interest costs alone.

Out of every Federal dollar spent, 13 cents goes to pay the interest on the national debt.

In comparison: 16 cents goes for national defense, 18 cents goes for nondefense discretionary spending, and 53 cents goes for entitlement spending.

Here is the chart. I think most people are not familiar with it. This shows where the Federal dollar goes: net interest, 13 percent; national defense, 16 percent; nondefense discretionary spending, 18 percent; and 53 percent for mandatory spending.

Think about it. We spend more on interest each year than we spend on Medicare. It is easy to understand our difficulty in reforming Medicare or providing a prescription drug benefit or funding countless other beneficial programs when the money we could use to pay for such programs or activities is being spent on interest.

That is why I believe every fiscal decision we make from here on must be measured against the backdrop of how it will decrease our $5.7 trillion national debt.

In fact, in testimony before the Senate Budget Committee last week, CBO Director Crippen stated:

> Most economists agree that saving the surpluses, paying down the debt held by the public, is probably the best thing that we can do relative to the economy.

On the very same day, Federal Reserve Chairman Greenspan said,

> My first priority would be to allow as much of the surplus to flow through into a reduction in debt to the public. From an economic point of view, that would be, by far, the best means of employing it.

Lowering the debt sends a positive signal to Wall Street and to Main Street. It encourages more savings and investment which we really need in the country, and, in turn, it fuels productivity and continued economic growth. It also lowers interest rates, which in my view, is a "bird-in-the-hand" cost reduction for most Americans, and better than the "two-in-the-bush" tax-reduction proposals floating around this Congress.

Furthermore, devoting on-budget surpluses to debt reduction is the only way we can ensure that our Nation will not return to the days of deficit spending should the economy take a sharp turn for the worse or a national emergency arise.

As Alan Greenspan recently testified:

> A substantial part of the surplus . . . should be allowed to reduce the debt, because you can always increase debt later if you wish to, but it's effectively putting away the surplus for use at a later time if you so choose.

Even as most economists agree that the best use of any surplus is to apply it against the debt, the bad news is, the President and some of my colleagues believe the best use of this possible surplus is to increase spending and provide tax expenditures.

By merely proposing his plan, as he outlined at his State of the Union Address, the President has assured a path of confrontation both with this Congress and within this Congress.

I believe that Congress and the President need to avoid such partisan politics and work together on reaching an agreement as to how best to utilize these surpluses.

Further, I believe the best option available to us is to agree on a realistic adjustment to the 1997 budget caps, do the best we can to respond to the needs of the American people within that limit, and use the balance of the surplus to pay down the national debt.

If we can't start paying down our national debt now, with the longest period of economic growth in the history of our Nation, with record low unemployment and low inflation, when will we ever be able to do it?

We have a moral obligation to do it now.

I am ashamed, and so should my colleagues be ashamed, that because of 30 years of irresponsible fiscal policies our national debt has increased 1,300 percent. My granddaughters, Mary Faith and Veronica, and my 2-week-old grandson, John, have each inherited a debt of nearly $21,000 because Members of Congress and our Presidents weren't willing to pay for the things they wanted, or, in the alternative, do without those items they could not afford.

I agree with General Accounting Office Comptroller General David Walker, who, in testimony before the House Ways and Means Committee said:

> This generation has a stewardship responsibility to future generations to reduce the debt burden they inherit, to provide a strong foundation for future economic growth, and to ensure that future commitments are both adequate and affordable. Prudence requires making the tough choices today while the economy is healthy and the workforce is relatively large—before we are hit by the baby boom's demographic tidal wave.

Fortunately, that message is starting to be heard. Last month, Speaker of the House, Dennis Hastert, announced his goal of eliminating all federal debt held by the public by 2015. Not soon enough, but Speaker Hastert gets it. And I hope my colleagues on both sides of the aisle join us in supporting debt reduction as our primary fiscal goal because it is in the best interest of this nation.

In order to ensure fiscal discipline and prevent us from "backsliding" into the fiscal mess we've been in for the past 30-plus years, I am introducing today a Balanced Budget Amendment to the Constitution, or what I like to refer to as the "backbone budget amendment."

I believe it is the only guarantee that we will never return to the days of deficit spending and the accumulation of debt, and we should do it now. Now! The time is right, and those of my colleagues who have championed this in the past should seize upon this opportunity to join me in this effort, because, as they know, or should know, a Balanced Budget Amendment is the most effective method of keeping a handle on spending.

My proposal is a departure from previous proposals by stipulating that Social Security surpluses be exempt from deficit calculations. That is, a true balanced budget must be achieved without using off-budget Social Security surpluses to finance spending in other areas. A federal balanced budget constitutional amendment will help Congress and the President make the hard decisions because they will no longer be able to tap the Social Security surplus.

It is a simple matter of fact that without constitutional and statutory balanced budget provisions at the state and local level, many of our state and local governments would be in the same degree of debt as the federal government.

And let me just touch on my own personal experience, because I've had to deal with very real financial problems in my state. Without a charter provision and a constitutional requirement, it would have been virtually impossible for me to bring the City of Cleveland out of the default I inherited when I was Mayor, and to deal with Ohio's $1.5 billion deficit when I was Governor.

Think about it—if we had a Balanced Budget Constitutional Amendment, and if we were to have a President who didn't want to make tough budget choices on his or her own, the Balanced Budget Constitutional Amendment would give the President the backbone he or she needs to make those tough choices.

And believe me, I've discovered after just 1 year in the Senate, this Congress needs the "Backbone Budget Amendment" to force us to make those tough choices. If we pass the amendment, I'm confident that three-fourths of our state legislatures would ratify it without question, because most of them are required by laws in their respective states to balance their budgets.

And there is one other thing we need to do now, and that is enact Senator DOMENICI's biennial budget legislation.

I am a co-sponsor of this legislation because I believe it is an important tool to help use federal funds more efficiently and strengthen Congress' proper oversight role.

Right now, we spend far too much time debating the federal budget, particularly discretionary spending. Conversely, we don't devote nearly as much time as we should on oversight of the federal agencies because of the time and energy consumed by the budget resolution, budget reconciliation and the appropriations process.

Indeed, when he introduced his legislation last year, Senator DOMENICI pointed out in his statement that in 1996, 73% of the votes taken in the Senate that year were related to the budget—often the same subject is voted upon 3 or 4 times a year.

A biennial budget will help Congress and the Executive Branch avoid the annual, lengthy budget and appropriations process and allow us to increase our attention on the government oversight portion of our job.

As Chairman of the Subcommittee on Oversight of Government Management and Restructuring, I have noted that GAO report after GAO report sits on the shelf and no one does anything about them because no one has the time to conduct the follow-up.

And from career bureaucrats to Cabinet Secretaries, nearly everyone in the Executive branch knows that when they're asked to come up to the Hill for an oversight hearing, once it's over, it's over—rarely do they have to worry about any follow-up hearings because Congress just doesn't have the time.

Unfortunately, that reality can create problems that impact public safety or national security.

As a freshman Senator, I was shocked to learn when we had hearings this past year regarding Dr. Lee and the situation at the Los Alamos National Lab that for 20 years we've had a problem with security at the Department of Energy, and no one did anything about it. But GAO knew: they've released 31 major reports on nuclear-security problems at the Department since 1980. That's just incredible!

We need the time for oversight, and the 2-year budget cycle will make that possible, just like it did when I was Governor of Ohio.

There is an old saying, "prepare for tomorrow, today." The President and Congress must make a real commitment to fiscal responsibility, and if we need an example, all we have to do is emulate what most American families do when they have extra money. They don't go out and start spending wildly. They look to pay off their debts—their credit cards, their loans and their mortgages.

With our booming economy and with inflation and unemployment at historically low levels, there exists the best opportunity in a generation to pay down the national debt, reform and preserve Social Security and Medicare and ensure that our Nation meets its constitutional obligations. Such a legacy of fiscal responsibility would be the best possible gift we could give to our children and grandchildren, and to our Nation.

Mr. President, I ask unanimous consent to print a copy of my legislation in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 3. Any surplus of receipts (including attributable interest) over outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds shall not be counted for purposes of this article. Any deficit of receipts (including attributable interest) relative to outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds shall be counted for purposes of this article, and must be completely offset by a surplus of all other receipts over all other outlays.

"SECTION 4. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 5. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 6. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 7. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 8. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

ADDITIONAL COSPONSORS

S. 189

At the request of Mr. INOUYE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 189, a bill to restore the traditional day of observance of Memorial Day.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 1045

At the request of Mr. L. CHAFEE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1045, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on persons who acquire structured settlement payments in factoring transactions , and for other purposes.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1163

At the request of Mr. BENNETT, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1163, a bill to amend the Public Health Service Act to provide for research and services with respect to lupus.

S. 1237

At the request of Mr. HUTCHINSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1237, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1895

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1895, a bill to amend the Social Security Act to preserve and improve the Medicare program.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1934

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1934, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for business-provided student education and training.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. DEWINE), the Senator from Washington (Mr. GORTON), the Senator from Florida (Mr. MACK), the Senator from Tennessee (Mr. FRIST), and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2010

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2010, a bill to require the Federal Communications Commission to follow normal rulemaking procedures in establishing additional requirements for noncommercial educational television broadcasters.

S. 2013

At the request of Mr. CONVERDELL, his name was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. CON. RES. 69

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S. RES. 128

At the request of Mr. COCHRAN, the names of the Senator from Utah (Mr. HATCH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Rhode Island (Mr. REED), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Res. 128, a resolution designating March 2000, as "Arts Education Month."

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Nevada (Mr. BRYAN), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Nebraska (Mr. HAGEL), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Mr. SARBANES), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. Res. 248, a resolution to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week."

AMENDMENT NO. 2763

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. SNOWE), the Senator from Nevada (Mr. REID), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Amendment No. 2763 proposed to S. 625, a bill to amend title 11, United States Code, and for other purposes.

SENATE RESOLUTION 251—DESIGNATING MARCH 25, 2000, AS "GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY"

Mr. SPECTER (for himself, Mr. TORRICELLI, Mr. ABRAHAM, Mr. BIDEN, Mr. DEWINE, Mr. DODD, Mr. HARKIN, Mr. KENNEDY, Mr. KOHL, Ms. MIKULSKI, Mr. ROBB, Mr. ROTH, Mr. THOMAS, Mr. WARNER, Ms. LANDRIEU, Mr. MOYNIHAN, Mr. SARBANES, Mr. LAUTENBERG, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FITZGERALD, Mrs. MURRAY, Mr. DURBIN, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. GRASSLEY, Mr. STEVENS, Mr. SCHUMER, Mr. REED, Mr. LEVIN, and Mr. ENZI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 251

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas the heroism displayed in the historic World War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II;

Whereas President Clinton, during his visit to Greece on November 20, 1999, referred to modern day Greece as "a beacon of democracy, a regional leader for stability, prosperity and freedom, helping to complete the democratic revolution that ancient Greece began;"

Whereas these and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 2000, marks the 179th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, today I am pleased to submit a resolution along with 25 of my colleagues to designate March 25, 2000, as "Greek Independence Day: A Celebration of Greek and American Democracy."

One hundred and seventy-nine years ago, the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." It is fitting, then, that we should recognize the anniversary of the beginning of their efforts to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we have gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government.

It is my hope that strong support for this resolution in the Senate will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar resolutions have been signed into law each of the past several years, with overwhelming support in both the House of Representatives and the Senate. Accordingly, I urge my Senate colleagues to join me in supporting this important resolution.

Mr. TORRICELLI. Mr. President, I rise today in support of the resolution submitted by Senator SPECTER designating March 25, 2000 as Greek Independence Day. The Greek-American community has made significant contributions to the United States. It is in honor of those achievements that we recognize Greek Independence Day.

The ancient Greeks conceived the very notion of democracy when they placed the power to govern in the hands of the people. Our founding fathers relied on the political and philosophical experiences of ancient Greece to create the government we have today. As a result, America's close relationship with Greece is long and historic. I believe that James Monroe best expressed America's feelings toward Greece when he said, "The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feeling of which our nature is susceptible."

As Greece fought for its independence in the 1820s, the American Revolution became a driving ideal. In fact, Greek intellectuals translated our own Declaration of Independence to use as their statement of freedom. By the end of World War II, Greece was one of our most important allies in the region as it fought to stem the Communist tide across Europe. In 1953, President Dwight D. Eisenhower appropriately noted this effort when he said, ". . . Greece asked no favor except the opportunity to stand for the rights which it believed, and it gave to the world an example of battle, a battle that thrilled the hearts of all free men and free women everywhere."

Today, we know that Greece is one of only three nations in the world which has allied itself with the United States in every major international conflict this century. Through immigration, we have grown even closer. During the early 1900s, one out of every four Greek males between the ages of 15 and 45 emigrated to the United States. Greek-Americans have the highest median educational attainment among all American ethnic nationalities, and they are now a successful and integral part of this country.

The relationship between Greece and America is a unique one which has survived the test of war and the looming threat of Communism. We owe a great deal to Greece, and to its people who have chosen to make America their home. Greek civilization touches our lives as Americans and enhances the cultural existence of this great nation. I hope my colleagues will join me in expressing our gratitude to Greece and all Greek-Americans for the role they have played in building this country.

SENATE RESOLUTION 252—EXPRESSING THE SENSE OF THE SENATE THAT REBIYA KADEER, HER FAMILY MEMBER AND BUSINESS ASSOCIATE, SHOULD BE RELEASED BY THE PEOPLE'S REPUBLIC OF CHINA

Mr. WELLSTONE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 252

Whereas members of the Uighur minority population in Xinjiang, China, are subject to ongoing repression and violations of their internationally recognized rights of free expression, association, and belief;

Whereas on August 11, 1999, the Government of the People's Republic of China arbitrarily detained Rebiya Kadeer, a prominent and respected Uighur businesswoman well-known in the United States;

Whereas from 1993 to 1998, Ms. Kadeer was an elected member of the Provincial People's Political Consultative Conference in Xinjiang;

Whereas in 1995, Ms. Kadeer was a delegate to the United Nations Fourth World Conference on Women in Beijing;

Whereas the police have detained Ms. Kadeer previously and kept her under close surveillance, threatening her because of the alleged separatist activities of her husband, who came to the United States in 1996 and was granted political asylum after publishing articles critical of the Chinese Government;

Whereas on September 2, 1999, Chinese authorities formally charged Ms. Kadeer with "illegally offering state secrets across the border", and she is currently detained in Urumqi, the capital of Xinjiang;

Whereas Ms. Kadeer's son, Ablikim Abdyirim, and her secretary, Kahriman Abdukirim, were also arbitrarily detained by Chinese security forces in August 1999 in Urumqi, without any justification or evidence of their involvement in criminal activities of any kind; and

Whereas on November 20, 1999, Ablikim Abdyirim was sent for 2 years to the Wulabai Reeducation Through Labor School, without charge or judicial review, in clear violation of international human rights standards, and Kahriman Abdukirim received a 3-year sentence in the same facility: Now, therefore, be it

Resolved, that the President should express to the representatives of the Government of the People's Republic of China the sense of the Senate that Ms. Kadeer, her family members and business associate, should be immediately and unconditionally released.

Mr. WELLSTONE. Mr. President, China's terrible treatment of ethnic minority Uighurs, a Muslim community in the northwestern province of Xinjiang, has not received the same level of international attention as that of the Tibetans. The Uighurs are also subject to ongoing repression and violations of their internationally recognized rights of free expression, association and belief. The Chinese government is cracking down on a separatist movement in Xinjiang as part of its overall strategy of maintaining "stability" at all costs. According to human rights organizations such as Amnesty International and Human Rights Watch, over the past year China has used draconian measures including public sentencing rallies, long prison terms, and—alarmingly—a rising number of executions of suspected "splittists."

In an apparent attempt to stop the flow of information overseas about this crackdown, Chinese security officials arbitrarily detained a prominent Uighur businesswoman, Ms. Rebiya Kadeer, this past August in Urumqi, the capital of Xinjiang. Her husband is a U.S. resident who broadcasts on Radio Free Asia and the Voice of America, championing the cause of his people.

For years, Ms. Kadeer has been praised by the Chinese government for her efforts to promote development in Xinjiang, including a project helping Uighur women develop their own businesses. She has also been praised in the Wall Street Journal for her business savvy. She owns a department store in Urumqi as well as a profitable trading company.

But now she has been put out of business, is being held in prison awaiting trial, charged last September with "illegally offering state secrets across the border." Even worse, her son and her secretary were also detained and have already been sent to a labor camp. If Ms. Kadeer is convicted, she could be sent to prison for many years.

Ms. Kadeer's case demonstrates that even business people in China are not safe from the arbitrary use of state power. As China tries to become a member of the World Trade Organization, this reality is crucial to bear in mind—both for Chinese and foreign investors.

I urge my colleagues to call on the President to seek the immediate, unconditional release of Ms. Kadeer, her son, and secretary. Today I offer a sense of the Senate resolution urging their release, and hope it can be considered quickly and adopted unanimously by this body.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, February 2, 2000, in open session, to receive testimony on the situation in Bosnia and Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on February 2, 2000 at 10:00 a.m. to hear testimony regarding the status of Internal Revenue Service Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on "Gene Therapy: Promoting Patient Safety" during the session of the Senate on Wednesday, February 2, 2000, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 2, 2000 at 10:00 a.m. To hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 2, 2000 at 2:00 p.m. To hold an closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING JIM ATKINSON

• Mr. BAUCUS. Mr. President, I rise today to honor a true Montana hero—Jim Atkinson. His death, after a long battle with leukemia last December, was a great loss to me personally and to the State of Montana.

You know, we always talk about how important education is. Especially here in Congress, we talk about how children are the future and that we need to invest in that future, and that's true. But Jim Atkinson did more than just talk about education; he lived it. He was on the front lines every day, as a principal at Charlo Elementary and later as the vice president of the Montana Association of Elementary and Middle School Principals.

As an Administrator in the Montana school system, Jim was instrumental in the effort to modernize our State's schools. He realized quickly how important technology would be to students, and set up a computer lab for the Charlo school. Without people like Jim all our talk about education wouldn't amount to anything. His foresight and dedication to education in Montana made him a true hero. But there was more to Jim than just his job.

Originally a native of Abington, PA, it was the outdoors and the land that brought Jim to Montana. He was an accomplished mountain climber and fly fisherman. Montana's rugged peaks and blue ribbon trout streams had a hold on Jim's soul. And Jim was a true family man. He is survived by his wife, Luan, and his two sons, Sam and Tyson.

Mr. President, Jim was a young man. He was only forty-eight at the time of his death. He spent his life serving his community, educating children, raising his family and enjoying the land of our majestic State. Many men would be lucky to accomplish this much in a hundred years. I expect Jim's legacy will last much longer than that.•

RECOGNITION OF MATTHEW E. SCHLIMME

• Mr. ASHCROFT. Mr. President, across America, buildings are named for great Americans and fallen heroes so that the living might memorialize the legacy of those who have died. Petty Officer 3rd Class Matthew E. Schlimme was just such an American. He was an extraordinary hero in service to his nation and fellow man.

Raised on a farm in Southeast Missouri, Matthew knew the value of hard work, the necessity for respect and consideration of others, and the need to overcome obstacles. One such obstacle he had from an early age was a fear of the water. Not only did Matthew join the U.S. Coast Guard to overcome his fear, but in doing so he served his country and saved a life.

On February 12, 1997, Officer Schlimme and two other Coast Guardsmen were thrown overboard in 24-foot seas while attempting to rescue a sailboat. Before going overboard, Schlimme was able to buckle in Seaman Apprentice Benjamin Wingo. Mr. Wingo was the sole survivor. Officer Schlimme lost his life, but gained the thanks of a nation.

Mr. Schlimme's parents, Larry and Haroletta Schlimme, of Burfordville, Missouri, were present at the January 27, 2000, dedication of the Matthew E. Schlimme Industrial Facility in St. Louis. The building will provide a production site for navigation equipment and will house the St. Louis Electronic Support Detachment.

Mr. and Mrs. Schlimme can be proud of their son's bravery and courage. His act of heroism has been remembered in the hearts of many Missourians. All of Missouri is deeply grateful to Officer Schlimme for his bravery and ultimate sacrifice.•

MAESTRO YURI TEMIRKANOV

• Mr. SARBANES. Mr. President, I am most pleased to join with the citizens of Maryland, Governor Parris Glendening, and other colleagues in government in welcoming Maestro Yuri Temirkanov, one of the most talented and gifted conductors of our time, as the new Music Director of the Baltimore Symphony Orchestra.

Maestro Temirkanov's inspired energy, imagination, and popularity, coupled with the renowned excellence and stellar reputation of the Baltimore Symphony Orchestra, promises Marylanders and the nation an unprecedented artistic combination. As the eleventh Music Director in the Orchestra's 83-year history, Maestro Temirkanov will oversee all artistic programming of the BSO, conduct twelve subscription concerts, the opening fundraising gala, any recordings, and will lead tours as well.

The Baltimore Symphony Orchestra, through its critically-acclaimed concert tours, Grammy Award-winning recordings, and cutting-edge concert formats, has earned deserved respect in the world of classical music. The addition of Maestro Temirkanov takes the BSO to the highest echelon of musical excellence and achievement. A recent article from the Baltimore Sun included the following quote from Mikhail Baryshnikov:

> Baltimore audiences can look forward to special excitement, because Yuri Temirkanov is one of the truly inspired maestros of today.

Mr. President, as a strong supporter of the arts, and on behalf of the citizens of Maryland, I take great pleasure in welcoming Maestro Temirkanov to the Baltimore Symphony Orchestra and ask that recent articles from the Baltimore Sun, Baltimore Magazine, and the Washington Post, be printed in the RECORD.

The articles follow:

[From the Baltimore Sun, Jan. 21, 2000]

TEMIRKANOV POWERFUL IN BSO DEBUT

(By Terry Teachout)

So how does a brand-new music director go about making a really big impression at his inaugural concert?

Yuri Temirkanov, who took the helm of the *Baltimore Symphony Orchestra* last night, did it by detonating a performing of Gustav Mahler's 90-minute-long "Resurrection" Symphony at Joseph Meyerhoff Symphony Hall, aided and abetted by soprano Janice Chandler, mezzo-soprano Nancy Maultsby and the Baltimore Symphony Chorus. Short of inviting John Waters to set off nuclear weapons at midnight in the Chesapeake Bay, you can't get much bigger than that.

The 61-year-old Temirkanov is not a household name outside his native Russia, where he took over the legendary St. Petersburg Philharmonic in 1968 (back when it was the Lenigrad Philharmonic) and led it by all accounts with great distinction.

But he has already made waves in Baltimore. Several inches of snow didn't stop local music lovers from turning out in force to hear his official debut, and Mayor Martin O'Malley was on hand to declare him an honorary citizen of the city, expressing the hope that "what is now great will become even greater."

Though he's a certified performer, the major is hardly a full-fledged music critic. Still, I think he's onto something. Temirkanov gave us a "Resurrection" that was weighty, emphatic, deliberate and eloquent, with a resplendent finale full of great sunbursts of sound. What's more, the BSO has very clearly taken to him—with good reason. He is a powerful musical communicator with something strongly individual to say. Furthermore, it's clear that he has the kind of personality that makes orchestras long to play their best.

To be sure, orchestras almost always play their best when Mahler is on the program. He has become so popular in recent decades that it is hard to remember a time when he was ever anything else. Yet in his own time and for long afterward, the extreme emotional weather of his music struck most concertgoers as peculiar at best, neurotic at worst. Though his proteges, Bruno Walter and Otto Klemperer among them, resolutely insisted on programming and recording his symphonies, he was widely thought to be little more than a virtuoso conductor who composed on the side; in Ralph Vaughan Williams' wrong-headed but witty summing up, his years of podium experience had turned him into "a tolerable imitation of a composer."

We know better now, but do we really know Mahler? And are his violent passions likely to wear well in our icy age of Irony Lite? Certainly anyone who sees him as a musical special-effects man, or his colossal symphonies as turn-of-the-century equivalents of such movies as "Independence Day," is missing the point. Mahler was nothing if not serious, especially about spiritual matters. Above all, he was (in Walter's apt phrase) "a God-seeker," and his search was fraught with angst.

When rehearsing the "Resurrection" Symphony for his 1907 farewell concert with the Vienna Philharmonic, he went so far as to confess to that hard-boiled bunch of conductor-haters that it was a musical portrayal of "the wrestling of Jacob with the Angel, and Jacob's cry to the Angel: 'I will not let thee go except thou bless me.'" Whatever else that is, it isn't cool.

If the Second Symphony, completed in 1894, is a supreme masterpiece of religious art, it is one whose essential character is as much theatrical—even operatic—as it is spiritual. The expansive first movement was conceived as a free-standing symphonic poem called "Todtenfeier" (Funeral Rites), and the four sharply contrasting movements that follow describe a journey from fathomless despair to the ecstatic deliverance of the Last Judgment.

Like Beethoven in his Ninth Symphony, Mahler ups the expressive ante by introducing vocal soloists and a chorus, who sing of the world's end and the heavenly life to come: "All that has perished must rise again! Cease from trembling! Prepare to live!"

As it happens, the BSO is scarcely in need of resurrection. In his 13 years at the orchestra's helm, David Zinman deprovincialized what had long been perceived in the music business as a stodgy second-tier ensemble and turned it into one of America's strongest orchestras.

Among countless other good things, he taught the BSO how to play Mahler's demanding music. His 1995 performance of the Third Symphony is one of the happiest and most vivid memories of my concert-going life. In all the hoopla surrounding Temirkanov's arrival, it's worth remembering that what happened last night would not have been possible had it not been for Zinman's superb stewardship.

But Temirkanov is very much his own man, and he has had a striking effect on the sound of the BSO. Zinman was a quirky, intelligent modernist; Termirkanov is a high-octane romantic of the old school. A slight man who conducts without a baton, he makes large but straightforward gestures with his startlingly long and supple arms; he likes a dark, full sound, built from the basses up, and he favors plenty of portamento, the great swooping string slides that are so stylish in Mahler.

He doesn't value precision for its own sake—the first movement was expansive rather than tightly controlled, not always to its best advantage—but he knows how to rise to an expressive occasion, and the great choral finale was beautifully controlled and superbly passionate.

On the whole, this was a rather slow performance, more like Leonard Bernstein than Klemperer, and my taste runs to a Mahler that is tauter and more sardonic. Yet there a more than one way to make magic, and Temirkanov's interpretation seemed to me indelible. Indeed, the finale brought tears to my eyes, and I doubt I was alone.

The soloists, not surprisingly, were excellent. Janice Chandler was bright and pure, Nancy Maultsby ripe-voiced and warm. The Baltimore Symphony Chorus did itself proud and deserved its share of the 12-minute standing ovation at evening's end.

Aside from everything else, last night's concert (which will be repeated tonight at 8 p.m. and tomorrow at 11 a.m.) and next week's follow-up, an all-French program featuring pianist Leon Fleisher, are obviously designed to send out a subliminal message about the BSO's new boss. Most Russian conductors are perceived in the West as one-trick ponies, and Temirkanov is no exception: Of his 26 recordings, all but two are of Russian music.

To kick off his first season with Mahler, Debussy and Ravel is thus to issue a bold declaration of independence from repertoire stereotypes, which bodes well for a conductor who will be rightly expected to play the field. Judging by last night's performance, I'd say he's off to a terrific start. I plan to return next week to hear the second chapter in what promises to be a fascinating musical story. You come, too.

[From the Baltimore Magazine, Sept. 1999]

From Russia, With Love

(By Max Weiss)

Yuri Temirkanov cannot tell a joke. He starts to tell it—in Russian, of course—and then halfway through, he starts to laugh. And then you start to laugh, because even though you haven't the faintest clue what he's saying, when Temirkanov laughs, it's impossible not to laugh with him. By the time, he spits out the punchline, tears are streaming down his face; he's laughing this joyous, exuberant, completely guileless guffaw. And pretty soon, tears are streaming down your face even though his interpreter—the inscrutable Mariana Stokes—has barely started translating. At this point, the joke is completely irrelevant.

But, just for the record, Temirkanov favors viola jokes. (Violas, in case you didn't know, are the Rodney Dangerfield of the orchestra.) And here's the first (of many) viola jokes Temirkanov tells:

How do you teach a viola player to play staccato?

You write out a whole note and tell him it's a solo.

(Okay, so maybe it's funnier in Russian.)

When David Zinman announced his retirement as music director of the Baltimore Symphony Orchestra two years ago, you could feel the panic in the music community. It was Zinman who had put the BSO on the map—made it artistically viable, world-renowned, even cutting edge. And it was Zinman who had really connected to Baltimore audiences with his regular-guy, artist-as-mensch persona. How could we possible replace him?

Enter Yuri Temirkanov.

It's not just that the 59-year-old Temirkanov—the music director of the St. Petersburg Philharmonic Orchestra and the former principal conductor of the Royal Philharmonic in London—is widely considered one of the most prodigiously talented conductors alive. It's also that Temirkanov is so completely lovable.

There are some people who exude empathy, whose every facial expression, gesture, vocal inflection conveys an emotion. That's Temirkanov. You can see this remarkable body language when he conducts. As he dances on the podium, waving his arms (he doesn't use a baton), he looks like he's playing an elaborate game of charades. Here he's petting a horse. Here he's churning butter. Here he's tinkling at an imaginary piano in the air. And yet every gesture is eminently clear. The horse petting thing: That's Temirkanov trying to get the brass to play with a more emphatic rhythm. The butter churning, that's urging for a more blended, sweeping sound. The tinkling in the air, that's to suggest the tossed-off nature of a woodwind arpeggio.

"He's very clear with what he wants," says Phillip Kolker, the orchestra's principle bassoonist. "He doesn't speak much, but he has a very effective way of communicating."

Because of his emotional expressiveness—coupled with his puckish good looks (he suggests a smaller, older Kenneth Branaugh), his romantic sensibilities (he has a penchant for lush interpretations of Beethoven and Shostakovich), and his insouciant charm (at a spring press conference, reporters hung delightedly on his every word)—Temirkanov is already a big hit with Baltimore fans.

When he performed his first concert series as BSO music director last March, the crowds were simply ecstatic. It was as if the audience wanted to embrace Temirkanov with a giant bear hug of applause and appreciation.

Temirkanov is humbled by this warm response—"it's incredibly touching," he says—but it's a safe bet that he wasn't happy with any of his first three performances.

"I never had a concert where I said to myself, 'Ahhh, that was really something!'" he explains, munching on a cannoli at Vaccaro's Italian pastry cafe in Little Italy. "When I play the concert, I know exactly what has gone wrong. And when people say, 'Wonderful! Wonderful!' I listen to the compliments with pleasure. But I know it wasn't that good."

He equates the praise of concertgoers with well-wishers at a funeral. Then he giggles at the thought: "Have you ever heard a bad word at a funeral? If only the people could hear what is said about them! No one felt this so strongly when they were alive!"

To Temirkanov, a true artist is never satisfied with his work. "It will mean that I'm beginning to die as an artist," he says.

Striving to be a great artist is the focal point of Temirkanov's life. Sure, he has hobbies—fishing, cartoon-drawing (he can whip off a giant-schnozzed, Hirschfield-like caricature of himself in 30 seconds flat). And of course he has family: His son plays violin with the St. Petersburg Philharmonic Orchestra, and his beloved wife died in 1997. But it's clear that music shuts out most other earthly concerns. As such, he is notorious for eschewing such modern trappings as computers and televisions and cars.

Once, ill-advisedly, the trusty Marina Stokes—who has been with the maestro as an assistant and friend for over 15 years—tried to teach Temirkanov to drive.

"It was a disaster," she says with thinly concealed mirth. "He drove over a flower bed."

"You see!" laughs Temirkanov. "Even my left foot is romantic! I don't drive into cars. I drive into flower beds."

[From The Washington Post, Jan. 21, 2000]

BALTIMORE SYMPHONY'S MAN OF SUBSTANCE

(By Philip Kennicott)

The solid and sensible Baltimore Symphony Orchestra, which puts its decidedly working-man's city on the cultural map, has an aristocrat at its head. Yuri Temirkanov, the eminent and respected Russian conductor, gave his inaugural concert as the BSO's music director last night. If his tenure builds on the strengths of this performance, the Temirkanov years could be legendary.

Baltimore is a lucky city. Fifteen years ago, when the Cold War was still in progress, the idea that one of the Soviet Union's foremost and distinguished artists would take the head artistic job at the BSO was inconceivable. Temirkanov was the chief of Leningrad's Kirov Opera, and within a few years, would take the helm of the country's most respected orchestra, the St. Petersburg Philharmonic. He was a blue-blood musician, if not in the traditional sense, in the artistic sense, a man of wide culture, immense influence and a reputation for artistic and personal integrity. He could afford to take risks that would have sunk a lesser figure.

Then the Cold War ended, and with it the subsidies that made the Soviet musical scene flourish. The St. Petersburg Philharmonic, which he still leads, maintains its quality but is threatened by dwindling audiences and dwindling resources. To keep it afloat, Temirkanov must tour the orchestra, and when he does, foreign audiences want him to bring Russian repertoire—Tchaikovsky, Shostakovich, Prokofiev.

But Temirkanov doesn't want to be pigeonholed. One might have expected that the world's very best orchestras would offer one of the finest living conductors the chance to conduct Elgar and Mahler; yet Baltimore secured him, and now a very good orchestra has a very great conductor. Early signs suggest that both will flourish.

Temirkanov chose Mahler's Symphony No. 2 for his first official concert as music director. Like Beethoven's Symphony No. 9, which also does service for large, ceremonial occasions, Mahler's Second is best heard infrequently; even for listeners who love it beyond reason, it takes discipline to keep its brutality raw and its sentimentality delicate and unself-conscious. Although it lasts at least an hour and a half, it is perhaps Mahler's most succinct statement: Everything that he does before and after this symphony is here in germ, the funeral marches, the bucolic alpine sounds, the despair of death and the frisson of hope that perhaps this world is not wrought from cold, insensible iron.

The new music director conducts Mahler with little wasted motion. In this often violent and saturnine work, Temirkanov called for only those cataclysms necessary to make the composer's point. He is a purist on the podium, attending diligently if not slavishly to the score, taking the spare theatrical liberty that proves he is confident of the audience's attention. He will extend a pause to the breaking point or allow the sound of offstage horns to die into protracted silences, but these exceptional moments only underscore his judicious, masonry approach.

The excitement of the performance was the excitement of comprehension. One heard Mahler's effort to build a new psychology for the orchestra while remaining somewhat distant from the music's bellicose and sloppy extremes. It made Mahler unfold the way Beethoven unfolds, though at a much more geological pace.

This runs counter to misguided expectations about how Russian-trained conductors conduct, and how Mahler is supposed to be played. Temirkanov's interpretation was not a cinematically sweeping approach, nor an overly personal one. But it invited serious listening, appreciation of the orchestra's manifold strengths and respect for the conductor's attention to balance.

Temirkanov was rewarded by his new orchestra with ferocious attention. String sounds were clear and incisive, woodwind playing precise and balanced, horns and trumpets warm and blended. Chaos was always intentional, never an unfortunate accident. Soprano Janice Chandler and mezzo-soprano Nancy Maultsby were well chosen, and used as elements within the musical construct rather than soloists dominating it. The BSO chorus sang its opening whisper of resurrection—"Auferstehen"—with a sound familiar from Robert Shaw, a fully fleshed whisper, at the limit of a large chorus's ability to sing a shade above silence.

Baltimore and the orchestra made the evening an event. Outside the Meyerhoff Symphony Hall, a searchlight cut laserlike swaths through the cold night sky. Mayor Martin O'Malley gave the new conductor honorary Baltimore citizenship. But musical protocol and political protocol don't mix well; Mahler's monumental symphony was the point of the evening, and Temirkanov seemed uncomfortable receiving his first huge ovation before having conducted a note. But that discomfort represents the strengths this cultured, dignified and exceptional conductor will bring to the orchestra: a style long on substance and refreshingly free of empty gestures and self-aggrandizement.●

MEMORIAL OF MRS. JEAN MACARTHUR

● Mr. BOND. Mr. President, I rise today to recognize the passing of a wonderful woman and a great American. On the 21st of January, at the age of 101, Mrs. Jean MacArthur passed away at Lenox Hill Hospital in New York.

In 1988, President Reagan recognized her contribution to America by presenting her the Presidential Medal of Freedom. As you know, the Medal of Freedom is the highest award our country can give to a civilian. The citation for the award recognized that "Jean MacArthur has witnessed the great cataclysms of our time, survived war and peace, conquered tragedy and known triumph." President Reagan also referred to her as "a shining example, a woman of substance and character, a loyal wife and mother, and like her General, a patriot."

The General and Mrs. MacArthur were married in 1937. Mrs. MacArthur remained devoted to her husband until his death in 1964. Her devotion to him was not only emotional, but involved a great deal of physical sacrifice. You see, Mr. President, Mrs. MacArthur lived with the General in Manila until they were forced to retreat to Corregidor by the Japanese. While on Corregidor, she endured daily air attacks while raising their 4 year old son, Arthur. Furthermore, when it was obvious the Japanese would take the Philippines, the president of the Philippines offered passage for her and her son to Australia. She replied: "We have drunk from the same cup; we three shall stay together." She then continued to stay with her husband in the field until General MacArthur finally accepted the surrender of the Japanese in Japan.

After the death of General MacArthur, Mrs. MacArthur lived out her life in New York where she remained active in philanthropic activities. She even served as the honorary chairman of the MacArthur Foundation, which was created in honor of her husband.

The spouses of our Americans in uniform seldom receive the recognition they deserve for their contribution to the valor, patriotism, and loyalty of our fighting forces. Her contribution to America cannot be quantified, but it must not be forgotten. It's no wonder that General MacArthur often introduced her as "my finest soldier."

Mr. President, I ask my colleagues to join me today in paying tribute to this outstanding woman and her sterling contribution to America.●

TRIBUTE TO THOMASINA "TOMMY" ROGERS

● Ms. MIKULSKI. Mr. President, I rise today to congratulate the Administration on the selection of Thomasina "Tommy" Rogers, a constituent and friend, to serve as the Chairman of the Occupational Safety and Health Review Commission. Ms. Rogers was confirmed by the U.S. Senate and has served on the Commission since November 1998. On June 4, President Clinton designated her Chairman.

Ms. Rogers, a resident of Upper Marlboro, MD, has held a number of high ranking positions in the federal government, both as a career civil servant and as a political appointee. She entered the Senior Executive Service in 1987. At the U.S. Equal Employment Opportunity Commission, she served as Legal Counsel where she received numerous awards for exemplary performance. She was later nominated and confirmed to chair the Administrative Conference where she served until 1995.

Ms. Rogers received a law degree from Columbia University and an undergraduate degree in journalism from Northwestern University. She has served on the Boards of Directors of Children's National Medical Center in Washington D.C. and the American Arbitration Association since 1995.

Ms. Rogers is the first woman to be designated Chairman and the first African American to serve as a member of the Commission. She is married to another outstanding Marylander, and friend, Gregory Gill. They have a daughter, Cleo.

I want to commend the Administration for it's excellent choice and look forward to Ms. Rogers' tenure as Chairman.●

RELIGIOUS LEADERS ON RECONSTRUCTION AND DEVELOPMENT IN SOUTHEASTERN EUROPE

● Mr. LUGAR. Mr. President, the World Conference on Religion and Peace (WCRP) is an organization that is dedicated to promoting cooperation among the religions of the world on behalf of peace while maintaining respect for religious differences.

Since its founding in 1970, the WCRP has become a genuinely global movement with over 30 national chapters and members in over 100 countries.

Two months ago, in Amman, the capital city of Jordan, the WCRP held its 7th World Assembly, which brought together senior leaders of many of the major religions of the world as well as their civil and political counterparts.

The Assembly was held on November 26 and 27, 1999, under the patronage of King Abdullah II and the chairmanship of Prince El Hassan bin Talal, and was attended by some 1,300 delegates from 68 countries.

I note that among the participants in the Amman Assembly was our distinguished former colleague, a Member from Indiana for 22 years of the House of Representatives, where he was Majority Whip, and is now President Emeritus of New York University, Dr. John Brademas.

Dr. Brademas, who is also Chairman of the National Endowment for Democracy (NED), presided at a discussion in Amman on "The Shape of the Future as a Challenge to Religion."

Mr. President, the Assembly also convened a "Forum of South Eastern European Religious Leaders" to promote inter-religious cooperation for reconciliation, reconstruction and development in the region. Representatives from more than 25 different religious communities in 10 countries from South Eastern Europe participated in the forum.

I am pleased to note that the person who organized and chaired this forum, James Cairns, WCRP Project Director, South Eastern Europe, Sarajevo, lived several years in Elkhart, Indiana, where his father was a Presbyterian Church pastor.

As the Secretary-General of WCRP, Dr. William F. Vendley, observed, "This unprecedented gathering of religious leaders from South Eastern Europe will initiate a process of contact and a dialogue among the religious communities both within specific states and throughout the region to develop concrete inter-religious cooperation."

Mr. President, together this group of leaders of several faiths, drawing on their diverse traditions and working together, produced a statement calling for the promotion of reconciliation, democracy and the peaceful development of South Eastern Europe, and committing themselves to opening dialogue among their communities.

Mr. President, because of the great importance of the events in this troubled part of the world and the significant role of religious leadership in South Eastern Europe, I ask to have the statement printed in the RECORD.

The statement follows:

STATEMENT OF RELIGIOUS LEADERS ON RECONSTRUCTION AND DEVELOPMENT IN SOUTH EASTERN EUROPE

As leaders and responsible representatives of religious communities from South Eastern Europe we have gathered at this Forum in Amman Jordan on 26–27 November 1999, in the context of the Seventh World Assembly of the World Conference on Religion and Peace, to discuss the current situation in our region and to identify how our communities can work together to promote reconstruction and development both within our respective states and throughout the region as a whole.

As religious people, we must affirm that in each of our traditions human life is sacred. Any violation of the rights of any person is not acceptable and must be condemned. Our religious traditions all seek to promote fullness of life through peace, justice, mercy and love.

CONFLICT IN SOUTH EASTERN EUROPE

Sadly, our recent experience in South Eastern Europe has been filed with conflict that has denied these to many people. After the fall of communism, our region has suffered through unrest and conflict. These conflicts have rekindled old prejudices and created mutual distrust and division among peoples. We regret that key actors in the international community lacked the vision, commitment and preventive strategies to prevent these catastrophes. Even countries that have escaped the violence that has afflicted the states of the former Yugoslavia have faced serious social crises that have created considerable instability in their societies.

We are proud of the role that our religions have played in the history, culture and traditions of the nations and peoples of our region. Our religious identities have been and will continue to be an essential part of who we are as believers and as people. But, we are also aware that this close identity between religious and national communities has been misused by those in positions of influence and power. Too often, within our ethnic and religious c0ommunities there have been efforts to portray others as the enemy and a danger to the safety of our own community. We must resist and overcome such stereotyping to ensure that our heritage can serve to build strong futures for all people and not simply be used to perpetuate the myth that security comes only in ethnically pure states.

JUSTICE AND FORGIVENESS

We regret and mourn the destruction and death of so many innocent victims in the conflicts that have raged through the region, as well as the destruction of religious objects in all our communities. We are challenged to ask for forgiveness and seek reconciliation across communities, not because religious communities are responsible for these conflicts, but because religion must set the example for the rest of the society to follow. We acknowledge that as members of communities we cannot escape a sense of collective shame for what has occurred, but we must preserve the principle of individual guilt and responsibility for acts and atrocities committed during these conflicts, particularly those leaders who were instrumental in creating these crises. The deep principle of justice in each of our traditions requires that those responsible be judged based on international standards of law without guilt being assigned to entire communities. Punishing entire populations simply multiplies injustices and the suffering of the innocent.

THE ROLE OF CIVIL SOCIETY

As we look to the future, religious communities can and must play a central role in building strong civil society throughout the region. Political leaders and institutions have a primary role and responsibility for building strong states, but material reconstruction and development can be long lasting only with a corresponding moral and social reconstruction and development. Religious communities must be decisive leaders in a process of promoting truth, justice and reconciliation in their societies so that all persons and groups can have their rights respected and protected throughout the region. In this regard, we must develop a new concept of security. Security cannot be based solely on armaments and military strength, but must be based on strong and open societies, in which all are protected and cared for and in which conflicts are resolved through dialogue and negotiation rather than through violence. Therefore, we urge the governments in our region to reduce their militaries and armaments and to work to reduce the presence of arms among their populations.

As religious leaders and representatives from the region, we are encouraged by the efforts of the international community to develop the Stability Pact of Reconstruction and Development in South Eastern Europe. We must remind both international authorities and our own national leaders, however, that the welfare of human beings individually and as groups must remain at the center of such efforts. Without this human dimension no amount of good works will provide true security, peace and prosperity.

In this regard, we express our solidarity with the brothers and sisters in each of our faith communities in Yugoslavia. Both for stability and successful regional integration it is essential for Yugoslavia to be part of the Stability Pact process as soon as possible. In the meantime, however, humanitarian assistance must not be denied to those in need and we urge the international community to allow basic foodstuffs, medicines, and heating fuel to be provided to the people of that country without delay.

A COMMON CALL TO THE GOVERNMENTS OF SOUTH EASTERN EUROPE

Almost all of our communities are emerging from a communist period that severely marginalized religion in society. Together we seek to promote a strong civil society and the essential role of religious communities in that process, but we cannot accomplish this goal alone. Therefore, we call on civil authorities at the local, state, regional and international level:

To promote and actively practice democracy, human rights, and the rule of law, with particular protection for minority groups, in all states in the region.

To respect and establish the formal separation of political and religious institutions so that each can freely perform its own tasks and respect the functions of the other.

To regard religious communities, which possess both infrastructure and expertise in providing social services to the people and which have an essential role in protecting the social security of all people, as legitimate partners in the work of reconstruction and development.

To provide support for the development of strong civil society through adopting appropriate laws, financial regulations, and other policies that will provide the necessary environment for religious communities and other civic organizations to thrive.

To allow free practice of religious belief for all persons and to ensure the availability of religious service in the military and other social institutions.

To promote policies of economic development that are sustainable and humane and can ensure economic security for all people in the region. Integration into broader European structures is an important dimension of this process.

To adopt and implement laws on restitution of property to religious communities that was nationalized or expropriated by previous regimes. This property is essential for religious communities to retain their independence from political control and to carry out their religious and social mission.

To develop media practices that do not promote division, mistrust and hostility among peoples, but can contribute to building healthy democratic societies. In this regard we call for greater access for all religious communities to the media in their respective countries.

OPENING RELIGIOUS DIALOGUE

As representatives of our respective religious communities, we know that there is no alternative to dialogue both within and among our communities, and we commit ourselves to take the following steps to promote dialogue and cooperation among ourselves and to enhance the role of our communities as important social institutions in our societies:

We will seek partnerships with other civic and social organizations in our societies to carry out social welfare activities for which we share a common concern.

We will educate all persons to understand and respect our different faith traditions in order to prevent ignorance and fear from once again fueling violence. To this end we must ensure that school curriculums and textbooks treat each religious tradition in a way that individuals from that tradition can recognize themselves. We will also provide basic information about each religious community and organize teacher exchanges in our own religious institutions to promote better understanding and mutual respect.

We commit ourselves to pray for and to promote tolerance, coexistence and peace both within our own communities and for our brothers and sisters in other communities. We also pledge ourselves to promote a climate of peace within our communities by stressing to our own officials that preaching must not interpret our own faith by attacking others. We must show respect to others by not using inflammatory language in our public statements.

We encourage the formation of inter-religious working committees in each state to foster contact and dialogue among the communities as a first step towards practical cooperation.

We will work to take part in joint public meetings and visits by religious leaders within our own states and around the region to promote the idea of tolerance and common living among communities and peoples.

We pledge ourselves to find the means to provide mutual assistance for those who suffer in whatever way in our societies. In these efforts, we want to state that majority religious communities have a particular responsibility to protect the human and religious rights of smaller or minority communities in their areas.

Our region continues to face considerable challenges in the process of reconstruction, reconciliation and development. We believe that religious communities can play a vital role in this process, and we are thankful to God that we have had the opportunity to meet together and discuss such critical issues, and we express our appreciation to the World Conference on Religion and Peace for convening this important meeting. We commit ourselves to pursuing contact and dialogue with each other both within the states of South Eastern Europe and across the region as a whole for the purpose of building active instruments of interreligious cooperation, and we ask for the World Conference on Religion and Peace to continue to assist us in facilitating this process of building cooperation in our region.

FORUM OF SOUTH EASTERN EUROPEAN RELIGIOUS LEADERS, WORLD CONFERENCE ON RELIGION AND PEACE

PARTICIPANTS LIST

Islamic

Mr. Mehmet Emin Aga, Mufti of Xanthi, Greece.

Dr. Rexhep Bojaj, Mufti and President, Islamic Community of Kosovo.

H.E. Dr. Mustafa Cerię, Reisu-l-Ulema, Islamic Community of Bosnia-Herzegovina.

Mr. Idriz Demiroviç, Mufti and President, Islamic Community of Montenegro.

Mr. Moustafa Alich Hadji, Grand Mufti, Islamic Community of Bulgaria.

Mr. Aziz Hasanoviç, Senior Imam, Zagreb, Croatia.

Mr. Hamdija Jusufspahiç, Mufti, Islamic Community of Serbia.

H.E. Mr. Sulejman Red'epi, Reis-ul-Ulema, Islamic Community of Macedonia.

Mr. Selim Stafa, Deputy Chairman, Islamic Community of Albania.

Mr. Ibrahim Serif, Mufti of Komotini, Greece.

Mr. Muamer Zukorliç, Mufti, Islamic Community of Sand'ak.

Orthodox

His Beatitude Anastasios, Archbishop of Tirana and All Albania, Albanian Orthodox Church.

Very Rev. Ieronim Cretu, Superior of Romanian Orthodox Church in Jerusalem.

Prof. Georgios Filias, Professor, Theological Faculty, Greek Orthodox Church.

H.E. Timotej Jovanovski, Metropolitan of Debar-Ki-evo, Macedonian Orthodox Church.

H.E. Nikolaj Mrla, Metropolitan of Dabrobosnia, Serbian Orthodox Church.

His Grace Artemije Radosavljeviç, Bishop of Raska-Prizren, Serbian Orthodox Church.

H.E. Gligori Stefanov, Metropolitan of Veliko Tirnovo, Bulgarian Orthodox Church.

Roman Catholic

Fr. George Frendo, Vicar General, Archdiocese of Durres-Tirana, Albania.

Dr. Karl Ocvrik, Professor, Theological Faculty, Archdiocese of Ljubljana, Slovenia.

H.E. Vinko Cardinal Puljiç, Archbishop of Vhrbosna (Sarajevo).

Msgr. Marko Sopi, Bishop of Prizren, Kosovo.

Jewish

Rabbi Menachem Hacohen, Great Rabbi, Jewish Community of Romania.

Mr. Emil Kalo, President of Organization of Jews in Bulgaria ñ Shalom.

Dr. Ognjen Kraus, President of Coordinating Board of Jewish Communities in Croatia.

Mr. Aca Singer, President of Federation of Jewish Communities in Yugoslavia.

Protestant

Dr. Peter Kuzmiç, President, Council of Evangelical Churches in Croatia.●

RESTORATION OF LITHUANIA'S INDEPENDENCE

● Mr. ABRAHAM. Mr. President, on February 6 of this year, in the Divine Providence Church, in Southfield, Michigan, several hundred Lithuanian Americans will gather to mark the tenth anniversary of the restoration of Lithuania's independence. Joined by Lithuania's ambassador to the United States, His Excellency, Stasys Sakalauskas, they will be celebrating their nation's original, modern independence day, February 16, 1918, as well as the events of March 1, 1990, the date on which Lithuania was finally and irrevocably released from the grip of Soviet communism.

Michigan's Lithuanian-American community also will celebrate the perseverance and sacrifice of their people, which enabled them to achieve the freedom they now enjoy.

I have reviewed the bare facts before: On March 11, 1990, the newly elected Lithuanian Parliament, fulfilling its electoral mandate from the people of Lithuania, declared the restoration of Lithuania's independence and the establishment of a democratic state. This marked a great moment for Lithuania and for lovers of freedom around the globe.

The people of Lithuania endured 51 years of oppressive foreign occupation. Operating under cover of the infamous Hitler-Stalin Pact of 1939, Soviet troops marched into Lithuania, beginning an occupation characterized by communist dictatorship and cultural genocide.

Even in the face of this oppression, the Lithuanian people were not defeated. They assisted their oppressors and kept their culture, their faith and their dream of independence very much alive even during the hardest times.

The people of Lithuania were even able to mobilize and sustain a non-violent movement for social and political change, a movement which came to be known as Sajudis. This people's movement helped guarantee a peaceful transition to independence through full participation in democratic elections on February 24, 1990.

Unfortunately, as is so often the case, peace and freedom had to be purchased again and again. In January of

1991, ten months after restoration of independence, the people and government of Lithuania faced a bloody assault by foreign troops intent on overthrowing their democratic institutions. Lithuanians withstood this assault, maintaining their independence and their democracy. Their successful use of non-violent resistance to an oppressive regime is an inspiration to all.

Lithuania's integration into the international community has been swift and sure. On September 17, 1991, the reborn nation became a member of the United Nations and is a signatory to a number of its organizations and other international agreements. It also is a member of the Organization for Security and Cooperation in Europe, the North Atlantic Cooperation Council and the Council of Europe.

Lithuania is an associate member of the European Union, has applied for NATO membership and is currently negotiating for membership in the WTO, OECD and other Western organizations.

The United States established diplomatic relations with Lithuania on July 28, 1992. But our nation never really broke with the government and people of Lithuania. The United States never recognized the forcible incorporation of Lituania into the U.S.S.R., and views the present Government of Lithuania as a legal continuation of the inter-war republic. Indeed, for over fifty years the United States maintained a bipartisan consensus that our nation would refuse to recognize the forcible incorporation of Lithuania into the former Soviet Union.

America's relations with Lithuania continue to be strong, friendly and mutually beneficial. Lithuania has enjoyed Most-Favored-Nation (MFN) treatment with the United States since December, 1991. Through 1996, the United States has committed over $100 million to Lithuania's economic and political transformation and to address humanitarian needs. In 1994, the United States and Lithuania signed an agreement of bilateral trade and intellectual property protection, and in 1997 a bilateral investment treaty.

In 1998 the United States and Lithuania signed The Baltic Charter Partnership. That charter recalls the history of American relations with the area and underscores our "real, profound, and enduring" interest in the security and independence of the three Baltic states. As the Charter also notes, our interest in a Europe whole and free will not be ensured until Estonia, Latvia, and Lithuania are secure.

Mr. President, I commend the people of Lithuania for their courage and perseverance in using peaceful means to regain their independence. I pledge to work with my colleagues to continue working to secure the freedom and independence of Lithuania and its Baltic neighbors, and I join with the people of Lithuania as they celebrate their independence.•

RECOGNITION OF THE NACHES VALLEY HIGH SCHOOL LEADERSHIP CLASS

• Mr. GORTON. Mr. President, as the Senate prepares to debate the Elementary and Secondary Education Act in the coming weeks, one of the topics we will no doubt address is this issue of school safety.

I want to recognize the extraordinary efforts of a group of students and teachers in eastern Washington in addressing violent crime in their community and making their school a safer place for all students. The Leadership Class at Naches Valley High School has done an excellent job at incorporating creative solutions and programs to curb gang activity and encourage fellow students to do well in school. For their efforts, I am presenting these students and their teacher, Mr. Sanford Jetton with my "Innovation in Education" award.

Naches Valley is a rural school district at the foot of the eastern side of the Cascade Mountains. For years, Naches Valley High School reflected the small community values with little conflict between students. In 1996, it discovered it was not immune from the problems that are common-place in most large urban schools—gangs, drugs, depression, crime, to name a few.

When the high school had its first incident of gang violence, students in the Leadership class were both frightened and angry. While such a reaction was anything but typical. Not only did the students confront the gang members, challenging them to be positive contributors to the school atmosphere, but they proactively worked with their principal, their Leadership teacher Sanford Jetton, the Mayor, and the deputies from the sheriff's department to address the problem.

The students helped write a town ordinance which declared the local park to be part of the school grounds for an hour' before and an hour after school, or whenever that park is being used for school activities. This allows for disruptive students to be dealt with both by law enforcement and the school's own "zero tolerance" gang policy.

As a result of this direct intervention, most of the gang members relinquished that affiliation and eventually graduated from Naches. In addition, there have been no further incidences of gang violence at Naches Valley High School since 1996.

The Leadership class did not stop with the problem of gang violence. Its members looked for innovative ways to promote drug and violence prevention through school and community service. The list of student-initiated accomplishments is quite impressive:

The class established a Student Accountability Board (S.A.B.) which provides alternative consequences for students pulled over by the sheriff's office for traffic violations. The S.A.B. has resulted in a 50 percent reduction in traffic citations. Seat belt use among students has also risen from 63 percent in 1997 to 93 percent in 1999.

Working with the University of Washington, the class prepared a suicide awareness program which has since spread to six other schools.

The class initiated a "Student Sharing Solutions" program which teams up schools throughout the Yakima Valley for such events as a countrywide graffiti paint-out.

The class has also taken the lead in such projects as replenishing local food banks and in raising money for a fellow NVHS student who was severely injured in a car crash and whose family has no medical insurance.

These young leaders, and their teacher have been recognized in their community at problem solvers and generous servants. In 1998, the Naches Valley Leadership Class received the Greater Yakima Chamber of Commerce Service Award.

As the Senate prepares to take on the reauthorization of the Elementary and Secondary Education Act, I believe we in Congress would do well to trust students and teachers, like Sanford Jetton and his Leadership class with more freedom and flexibility to create these types of innovative programs.

That is why I have introduced my Straight A's education bill to give parents, teachers, principals, superintendents and school board members with the flexibility to make the best decisions about how to educate our children and provide measures to keep states accountable for the results.•

SUPER BOWL CHAMPION, ST. LOUIS RAMS

• Mr. FITZGERALD. Mr. President, it is with great pride that I rise today with my distinguished colleagues to support the pending resolution and express my sincere congratulations to the Super Bowl XXXIV Champion St. Louis Rams. In the aftermath of a heart-stopping NFC division victory over the Tampa Bay Buccaneers and an outstanding regular season record of 13 wins and 3 losses, the St. Louis Rams increased their intensity to win Super Bowl XXXIV, bringing home the most prized possession in the National Football League, the Lombardi Trophy. In an extraordinary effort and show of heart, the Rams countered the incredible second-half push by the Tennessee Titans in a game that more than lived up to its billing of "Super" and made history on Sunday, January 30, 2000, by pulling out a thrilling victory by the score of 23–16, becoming the Super Bowl XXXIV Champions.

This was Coach Dick Vermeil's third year as head coach of the Rams. Coach Vermeil previously led the Philadelphia Eagles to the Super Bowl in 1980, but had been away from coaching for almost 15 years. The passionate 63-year-old coach showed he still had the stuff it takes to lead this team of stars to the championship. The fans of professional football have appropriately awarded Coach Vermeil by voting him the Staples Coach of the Year, the only NFL honor determined solely by a vote of the fans.

The three-year path to glory began slowly, with 9 wins and 23 losses over the previous two seasons, including just 4 victories last season, but the team turned it around this year. While the Rams were truly a team that played well together all year, this triumphant season can be attributed to the performance of several key players, including six players that were chosen to start in the Pro Bowl.

Kurt Warner, stepping in as the starter after Trent Green was injured in an early preseason game, enjoyed one of the best years ever for an NFL quarterback, throwing for 4,353 yards, 41 touchdowns and only 13 interceptions, a performance worthy of being awarded the NFL's Most Valuable Player and the Pro Bowl starting quarterback. This remarkable individual, in just his second season in the NFL, was bagging groceries in Waterloo, Iowa, just five years ago. While setting passing and scoring records in the Arena Football League for 3 seasons and 1 season in the NFL Europe, he never gave up his dream of playing in the NFL. Last night, he helped to bring the dream of a Super Bowl championship home to St. Louis.

Marshall Faulk, one of the league's premier running backs, set an NFL record this season for combined rushing and receiving yards from the line of scrimmage in a single season with 2,429, in addition to scoring 12 touchdowns. He was also chosen to start in the Pro Bowl.

All season long, the team benefited from a stellar group of talented receivers, led by Isaac Bruce, who will join his teammates in the Pro Bowl; Torry Holt; Az-zahir Hakim; and Ricky Proehl. Proehl, you may remember, caught a clutch game-winning touchdown in the closing minutes of the Rams' win last week over the Tampa Bay Buccaneers, while Bruce made a truly spectacular play in the fourth quarter of the Super Bowl by catching a 73 yard touchdown pass that sealed the championship. These stars helped the Rams to establish early on that they were an offensive-minded team, scoring a total of 526 points this season, the third-most in NFL history.

But as the saying goes, "Defense wins championships," and the Rams proved this adage, by leading the NFL in rushing defense, and ranking sixth in the league in overall defense. This season, the Rams' defensive end, Kevin Carter, led the league with 17 quarterback sacks and earned his first start in the Pro Bowl. After only 5 years in the league, this outstanding defender has developed a well-documented work ethic that has helped him achieve more sacks over the past two seasons than anyone else in the league.

We all know that to be champions requires a strong commitment to work harder and be more disciplined than the rest. The Rams' Super Bowl win is a credit to the extraordinary efforts by the entire Rams' organization. After moving to St. Louis in 1995, the management went to work in hiring excellent personnel and a committed coaching staff. This season, the organization's slogan was aptly and accurately versed: "Gotta go to work!" With the whole organization working as one cohesive unit and regularly working well beyond the hours of 9 to 5, they showed us just how much can be accomplished when everyone works together for a common goal and is committed to doing more than his or her fair share.

We would be remiss if we overlooked another admirable quality of this fine organization, and that is the commitment to the community. When the Rams relocated to St. Louis in 1995, the team identified community involvement as one of the top priorities. Since that time, many charitable organizations have benefited from the time and resources of these big-hearted athletes, as various Rams players have dedicated dollars for every touchdown, interception, field goal, sack and more. Some examples of how these stars contribute to the community include:

1. The defense live—donating $500 for every quarterback sack to a local homeless shelter.

2. Wide receive Isaac Bruce—donating $500 for every touchdown to Edgewood's Childhaven, an educational center for children with learning disabilities.

3. Running back Marshall Faulk—continuing the "Marshall Plan" that began in Indianapolis by donating $2,000 for every touchdown that he scores to the Marshall Faulk Foundation.

4. Quarterback Trent Green—donating $300 for every Rams passing touchdown to the Trent Green Family Foundation.

5. Safety Keith Syle—donating $500 for every interception to local literacy programs.

6. Kicker Jeff Wilkins—donating $50 for every field goal to Cardinal Glennon Children's Hospital.

7. Tight end Roland Williams—donating $86 for every catch to the Roland Williams Youth Life Line Foundation which supports children in Roland's hometown.

Most of these players have also been successful in receiving matching commitments from local businesses and individuals, helping to foster a true sense of community. In addition, each year, players make countless appearances at local schools, hospitals and youth centers to use their influence with children to stress the importance of education and making proper choices in life.

The hard work and dedication of the Rams to their team and the people of the St. Louis metropolitan area deserves our highest commendations. So, on behalf of myself and the good people of my state of Illinois, I congratulate Coach Dick Vermeil, Super Bowl Most Valuable Player Kurt Warner, Marshall Faulk, Isaac Bruce, and the entire St. Louis Rams team on an outstanding performance.

Coach Vermeil, players, and fans: congratulations on a great season and an outstanding victory.•

CONGRATULATIONS TO THE ST. LOUIS RAMS

• Mr. BOND. Mr. President. On January 30th, the St. Louis Rams faced the Tennessee Titans in one of the most spectacular Super Bowls ever. Both teams played valiantly, and in the end, the Rams were triumphant.

The Rams' victory in Super Bowl XXXIV was the only fitting ending for a season that one expects to find in a movie script. From day one, the Rams' motto was "Gotta Go To Work." Embracing that attitude, the Rams posted one of the best seasons ever. Quarterback Kurt Warner, the regular season and Super Bowl MVP, came from bagging groceries and playing in the arena football league to lead his team to the most coveted prize in football. He became only the second man ever to throw 40 or more touchdown passes in one season. Runningback Marshall Faulk set a new record for total yards from scrimmage. The offense scored 526 points, the third highest total ever. Head Coach Dick Vermeil was named the NFL's coach of the year. Six Rams were chosen to start in the Pro Bowl. The team's defense was top rated in the NFL against the run.

Perhaps even more impressive than the Rams' regular season was their performance in the Super Bowl. The Rams, living their slogan "Gotta Go To Work," played like a team possessed. Warner set a new Super Bowl record with 414 yards passing. Wide receiver Isaac Bruce caught a 73-yard touchdown pass. Wide receiver Torry Holt set a rookie record with 7 catches for 109 yards—and a touchdown. The defense, led by defensive end Kevin Carter and linebacker London Fletcher, never yielded for a moment. When their backs were up against the wall, linebacker Mike Jones heroically tackled the Tennessee Titan's wide receiver Kevin Dyson to seal the victory.

My congratulations go out to the Rams players, the coaching staff, and the loyal St. Louis fans, who have supported the Rams in anticipation of this moment.

The spirit of the St. Louis Rams provides an example for St. Louis, and all of America, of how to live and work. I commend Kurt Warner, Isaac Bruce, Mike Jones and all of the Rams for the sense of unity and pride they have brought to St. Louis.•

CLOTURE VOTE VITIATED—S. 1287

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the cloture vote with respect to the nuclear waste legislation be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–19

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on February 2, 2000, by the President of the United States: Treaty with Egypt on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 106–19).

Further, I ask unanimous consent the treaty be considered as having been read for the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Arab Republic of Egypt on Mutual Legal Assistance in Criminal Matters, signed at Cairo on May 3, 1998. I transmit also a related exchange of diplomatic notes for the information of the Senate. The report of the Department of State with respect to the Treaty is enclosed.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism and drug-trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes taking the testimony or statements of persons; providing documents, records and items of evidence; locating or identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 2, 2000.*

SEQUENTIAL REFERRAL—S. 1977

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Governmental Affairs Committee reports S. 1977, the bill then be sequentially referred to the Committee on Finance for a period of up to 45 days during which the Senate is in session. I further ask unanimous consent that if the bill is not reported by the end of that period, it be discharged from the Finance Committee and placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 3, 2000

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m. on Thursday, February 3. I further ask consent that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a vote on the confirmation of the nomination of Alan Greenspan to be chairman of the Board of Governors of the Federal Reserve system.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. VOINOVICH. Mr. President, for the information of all Senators, when the Senate convenes tomorrow, it will immediately proceed to a vote on the Greenspan nomination. Therefore, Senators can expect the first vote to occur at approximately 10:30 a.m. tomorrow. Following that vote, the Senate will proceed to a period of morning business for general floor statements and bill introductions. Further, to accommodate the Democratic conference, the Senate will not be in session this Friday, February 4. On Monday, it is expected that the Senate will begin consideration of S. 1052, the Mariana Islands legislation, and on Tuesday the Senate should begin debate on the nuclear waste bill. Senators can expect votes throughout next week's session.

ORDER FOR ADJOURNMENT

Mr. VOINOVICH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator MURRAY.

The PRESIDING OFFICER. Without objection, it is so ordered.

REIMBURSEMENTS FOR THE WTO MINISTERIAL

Mrs. MURRAY. Mr. President, I come to the floor today as part of my ongoing work to ensure that the city of Seattle gets the money it should receive for security costs incurred during the 1999 World Trade Organization Ministerial.

Mr. President, I have been working with the city of Seattle, the administration, and others on this issue for more than a year and let me say that I welcome Senator GORTON's interest in this topic earlier today.

Actually, back in 1994, I worked to resolve a similar problem associated with Seattle's hosting of the Asia Pacific Economic Cooperation forum. In 1994, working with the Clinton administration, we were able to provide the city of Seattle with close to $1 million for APEC related costs.

Mr. President, for the record, I want to walk my colleagues through some of the history of the issue of the funding of the WTO that was discussed on the floor earlier today.

From the moment Seattle was awarded the WTO Ministerial meeting, I worked with the city of Seattle and others to ensure Seattle was given an opportunity to successfully host the WTO. For almost a year, I met with the city, the Seattle Host Organization, our Trade Representative Charlene Barshefsky and others within the executive branch. At every opportunity, I stressed the importance of supporting the city of Seattle in its efforts to provide the necessary security arrangements to the delegates and other WTO visitors.

The Clinton administration—in its fiscal year 2000 budget—requested $2 million in State Department money for WTO related expenses. This request was formulated months before a U.S. host city for the WTO was selected. From the very beginning, the Washington congressional delegation and WTO organizers in Washington state realized this request would be inadequate.

Beginning in March of 1999, with my appropriations request letter to the

Commerce, Justice, State appropriations subcommittee, I encouraged the Congress to provide $5 million to the State Department for WTO related expenses. And I urged the Congress to essentially earmark one-half of this money for Seattle to meet a portion of the WTO security expenses.

The Senate Commerce, Justice, State bill did provide the State Department with $5 million for WTO related expenses, but the House version did not. During the conference report, I worked with my Washington state congressional colleagues to protect the $5 million in new WTO money.

Unfortunately, the original CJS conference report did not provide new money. Instead, it said the State Department could take up to $5 million for existing accounts and move them over to be used for WTO expenses.

When I saw that language, I was concerned. To me, it increased the likelihood that the State Department would not assist Seattle with WTO security related costs. Fortunately, as often happens with appropriations bills, the final product is a compromise between the Congress and the administration.

On several occasions, I continued to express to the administration the need for securing $5 million in new money—rather than relying on the State Department to move old money around.

Mr. President, I asked unanimous consent to print in the RECORD a letter dated September 28, 1999.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 28, 1999.

Hon. JUDD GREGG,
Chairman, Subcommittee on Commerce, Justice, State, and the Judiciary, Senate Appropriations committee, The Capitol, Washington, DC:

DEAR SENATOR GREGG: As you know, the World Trade Organization (WTO) Ministerial will be held in Seattle later this year. The Seattle Host Organization is busy preparing to host the largest trade meeting ever held in the United States. About 5,000 official delegates from 135 nations as well as thousands of reporters, demonstrators and other interested parties will converge on Seattle to participate in WTO Ministerial events. In addition, President Clinton and numerous heads of state are expected to attend the meetings and play an active role in the Ministerial.

The City of Seattle and other local law enforcement officials are spending considerable time and resources preparing for the numerous security issues associated with the high-profile event. The Senate-passed fiscal year 2000 Commerce, Justice and State Appropriations Act provides $5 million to the State Department for WTO-related expenses. This is the only federal contribution directed to the WTO Ministerial. The House bill, unfortunately, did not include any federal commitment for WTO expenses. In conference, I strongly encourage you to protect the Senate's $5 million WTO appropriation. Additionally, I urge you to include the following report language in the conference report.

"Requested Conference Report language: The conference recommendation directs that $5 million be made available from this account for the costs associated with hosting the World Trade Organization conference in Seattle, WA and that 50% of such funds be allocated for reimbursement, through the City of Seattle, of local law enforcement and fire agencies for costs incurred in providing security for the meeting, including costs for overtime and motorcade expenses."

I look forward to your continued attention and support for this important issue.

Sincerely,

PATTY MURRAY,
U.S. Senator.

Mrs. MURRAY. This letter was written to the Commerce, Justice, State Appropriations Committee and in close consultation with WTO organizers in Seattle, including the City of Seattle. Unfortunately, despite efforts by my office and the City of Seattle, no other Senators signed the letter urging the Appropriations Committee to provide the WTO funding, as well as earmark funds for the City of Seattle.

I worked to make it a bipartisan letter. Perhaps if other Senators had signed the letter when I asked last year, we would have been able to provide earmark money for Seattle and avoid part of the problem now facing my state, as was discussed by my colleague from Washington earlier today.

The WTO was a difficult period for my constituents. We are continuing to deal with the many issues raised for our state during the ministerial. The city of Seattle and other local governments have been forced to bear $12 million in security costs. this is a far higher cost than anyone anticipated. It threatens to force other budget cuts to make up for the State Department's refusal to work with my constituents.

Congress—with strong assistance from the President and Vice President—did provide $5 million in WTO money. The issue before us now is between my constituents—who have been asked to absorb virtually all WTO security costs—and the State Department.

Obviously, this issue will not go away. And I have already begun to work with the administration to get further support in forcing the State Department to assume some responsibility for the $12 million in WTO security costs.

Now is not the time for the State Department to discredit or deny the legitimate issues raised by my constituents. And now is not the time to politicize an issue that remains difficult and volatile for my constituents. Seattle and Washington state want to heal the WTO wounds

This administration has been enormously helpful to Washington state interests. Across the board, the President and the Vice President, have both devoted time, energy and resources to Washington state's problems fighting for jobs for aerospace workers, supporting our high tech economy, devoting new resources to environmental problems, and addressing our difficult transportation problems are all examples of the close working relationship between this administration and Washington state.

And I expect the same degree of support in trying to resolve the current problem on WTO security related costs incurred by the city of Seattle and other local governments in Washington state.

Mr. President, I encourage my colleagues to join me in working with the administration to address this very difficult problem. The best way to do this is through cooperation—by trying to convince the State Department that in hosting international events, we must be careful not to ask local governments to assume costs that are clearly federal responsibilities.

Mr. President, I will continue my efforts to ensure that the city of Seattle and other local governments are not left holding the bag, and once again, I welcome my colleagues to join me in this effort.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned under the previous order.

Thereupon, the Senate, at 6:52 p.m., adjourned until Thursday, February 3, 2000, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 2, 2000:

DEPARTMENT OF STATE

THOMAS G. WESTON, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL COORDINATOR FOR CYPRUS.

SUSAN S. JACOBS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SOLOMON ISLANDS, AND AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

KARL WILLIAM HOFMANN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

JOHN F. TEFFT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

JANET A. SANDERSON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

DONALD Y. YAMAMOTO, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

DEPARTMENT OF LABOR

LAURESS L. WISE II, OF VIRGINIA, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 2003, VICE PASCAL D. FORGIONE, JR. TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RALPH S. CLEM, 2429
BRIG. GEN. JOHN M. DANAHY, 2107
BRIG. GEN. JOSEPH G. LYNCH, 4963
BRIG. GEN. JEFFREY M. MUSFELDT, 8617
BRIG. GEN. ROBERT B. SIEGFRIED, 5248

To be brigadier general

COL. GERALD A. BLACK, 3573
COL. RICHARD B. FORD, 5811
COL. JACK C. IHLE, 1006
COL. KEITH W. MEURLIN, 1682
COL. BETTY L. MULLIS, 0954
COL. SCOTT R. NICHOLS, 8603
COL. DAVID A. ROBINSON, 7497
COL. RICHARD D. ROTH, 8023
COL. RANDOLPH C. RYDER, JR., 0160
COL. JOSEPH L. SHAEFER, 8844
COL. CHARLES E. STENNER, JR., 3274
COL. THOMAS D. TAVERNEY, 6191
COL. JAMES T. TURLINGTON, 4611

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAVID E. GLINES, 0418

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) WILLIAM J. LYNCH, 1963
REAR ADM. (LH) JOHN C. WEED, JR., 2952

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LARAINE L. ACOSTA, 0328
MARC C. ALBERTSEN, 3827
VICKI A. ALLEN, 7423
LESLIE R. ANZJON, 6824
RONALD B. ARENSTEIN, 6160
SONIA M. ASTLE, 1095
LOU ALLEN A. ASTON, 4843
SHANNA D. ATNIP, 1515
MARCIA J. BACHMAN, 4666
CATHERINE T. BACON, 1026
PAUL L. BAILEY, 7184
THOMAS F. BALDY, 3845
WAYNE J. BARNUM, 0286
PATRICIA W. BATTLES, 3428
DAVID A. BEARDEN, 0407
WAYNE A. BEAVER, 9952
BENITA H. BECKLES, 0911
WILLIAM E. BEST, 9072
ROGER A. BINDER, 5131
GEORGE L. BONDAR, 2313
SUSAN E. BOWMAN, 0377
KERRY A. BREED, 1934
BAIRD S. BREHM, 8960
STEPHANIE A. BROTHERTON, 2470
CHARLES A. BROWN, JR., 9616
OLIVIA A. BURGESS, 2130
MARK B. BURQUEST, 7721
KEVIN A. BUSHEY, 5534
GORDON M. CALLISON, 3330
KATHLEEN M. CAMPBELL, 9579
KATHLEEN M. CANFIELD, 9710
STEVEN L. CARNES, 7598
CAROLYN S. CARNEY, 4764
ROBIN E. CHANDLER, 1839
KENNETH P. CHATELAIN, 7617
GEORGE L. CLARK, 0230
DAVID L. COMMONS, 9630
JODY C. COOK, 7533
JAMES R. COOKE, 0333
MICHAEL D. CORNELL, 0089
JUAN C. CORVALAN, 7029
SCOTT A. CRISLIP, 5122
MARK A. CULBERTSON, 4017
JAMES B. DABNEY, 2749
LAWRENCE M. DANNER, 3729
ROBIN L. DAVITT, 1497
MAX H. DELLAPIA, 0092
LEONARD P. DIGREGORIO, 6966
HENRY H. DORTON, JR., 0487
CHRISTINE J. DRAKE, 3912
BERNADETTE B. DSOUZA, 3786
PAULA A. H. DUNAWAY, 6923
DANIEL L. DUROCHER, 9940
WARREN L. EASTMAN, 1758
OMAR ETON, 5448
RANDALL G. FALCON, 6530
GLEN P. FIKE, 1737
MARTHA E. FINN, 3076
KATHLEEN A. FITZGERALD, 0903
DERENCE V. FIVEHOUSE, 7200
CHARLES V. FLOCK, 1498
MICHELE M. FORMICOLA, 3909
LINDA K. FORTMEIERSAUCIER, 9883
LAWRENCE A. FRANKLIN, 8297
LINDA P. FREDRICKSON, 8801
BRUCE R. FREUND, 7450
GERALD M. FRIEDMAN, 8509
RUSSELL A. FRIEMEL, 5885
WILLIAM T. GARDNER, JR., 9803
MARY B. GIBBONS, 4387
DALE G. GOODRICH, 8893
MARY J. GRABULIS, 7490
GEORGE H. GROBERG, 7439
JANICE L. GUNNOE, 0340
MAN MOHAN GURSAHANI, 4417
LEE D. GUSTIN, 3239
JEFFREY L. HACKETT, 4166
RICHARD L. HAMILTON, 2641
WILLIAM L. HAMMOND, JR., 2084
EDWARD W. HATCH, 9805
JANICE E. HAWKINS, 0238
JOYCE E. HEISER, 8980
THOMAS F. HENNESSY, III, 3892
RICHARD F. J. HENTERLY, JR., 4617
KLAUS J. HOEHNA, 3025
STEPHEN J. HOGAN, 2278
GREGORY P. HOLDER, 9030
ELIZABETH A. HUNT, 9671
RICHARD A. HUOT, 3459
BRENT T. INMAN, 0195
CARRIE M. ISHISAKA, 1032
ANN G. JACKSON, 1218
GARRY C. JACKSON, 6934
JAMES F. JACKSON, 6539
LEROY C. JAN, 3372
MELVIN L. JEFFERS, JR., 5143
DENNY A. JOBES, 2313
RONALD L. JOHNSTON, 9562
RAYMOND P. JOINSON, 5808
STEPHEN M. KEEN, 1943
GLENN P. KINDER, 6051
HENRY B. KINTNER, 0312
RAYMOND M. KLEIN, 8188
MICHAEL J. KRAMER, 8079
JAMES E. KUHNS, 5894
JOHN F. KURZAK, 2411
EVA K. LAEVASTU, 5914
BRIAN J. LALLY, 8470
JEAN L. LAUZON, 0387
LEO J. LAWRENSON, 4645
BEVERLY L. LEE, 8798
LOUIS J. LELI, 3683
JAMES D. LYND, 4716
JAMES P. LYNOTT, 1367
MICHAEL L. MAQUET, 0150
PETER L. MARCUZZO, 3375
RICHARD L. MARSH, 8366
WILLIAM C. MARSHALL, 6150
THOMAS A. MAUZAKA, 6136
JOEL R. MAYNARD, 7737
MIKE H. MCCLENDON, 6584
KATHLEEN M. MCCORMICK, 2131
BETTY C. MCCOY, 5842
JANIE L. MCKENZIE, 6496
PRISCILLA E. MERRILL, 0597
PHILIP C. METEER, 5062
MIRIAM G. MICHAEL, 6093
WALTER S. MICHAEL, JR., 6181
GEORGE M. MIHELICK, 2495
MILLARD E. MOON, 0271
NORMAN L. MOORE, JR., 9826
DONALD T. MORLEY, 5926
BELINDA R. MORRONE, 9394
KARIN G. MURPHY, 6613
PHILIP D. MYKYTIUK, 3649
ROBERT L. NERENBERG, 0911
DONNA R. NOLTER, 5619
JODY E. NYVALL, 1569
JOHN J. O'CONNOR II, 6505
MICHAEL J. ONISICK, 9489
CHARLES A. ORR, 2745
FRANK J. PADILLA, 8474
ARTHUR J. PATEFIELD, 5917
ALLAN D. PAYNE, 9086
DAVID C. PEEL, 6542
MICHAEL D. PEFLEY, 5498
LOREN S. PERLSTEIN, 3289
PENNY F. PIERCE, 5087
GILDA C. PRICE, 0507
PATRICIA A. QUISENBERRY, 8392
TRAVIS P. RATTAN, 0783
PATRICIA R. REFSDAL, 5521
KATHERINE A. B. REPKO, 4644
JOHN A. RICHARDSON II, 9711
WILLIAM S. RICHARDSON, 8261
JOHN E. RILEY, JR., 2155
REBECCA J. RITCHEYFRITZ, 6054
RONALD R. ROJAS, 7150
GARY E. ROMSAAS, 0090
KRISTIN L. RUDIN, 7624
JAMES C. RUEHRMUND, JR., 5495
JOHN M. SALMON, 0160
CHARLES M. SCHENCKE, 5264
RICHARD D. SCHIKORA, 6128
MARK C. SCHWING, 7452
THOMAS C. SELVAGGI, 8464
LEE W. SERGI, 6649
HARVEY C. SHAPIRO, 5821
MARK E. SHEPROW, 7430
MICHAEL G. SHOOK, 2842
HENRY R. SKILLERN, 9445
STEVEN H. SLICK, 7324
DANA M. SMERCHEK, 4707
BRIAN L. SMITH, 2704
ELLIS P. SMITH, 9468
EMILY J. SMITH, 3749
JAMES F. SMITH, 8418
SAMMIE M. SMITH, 7489
VANCE M. SMITH, 7733
KENNETH N. SNYDER, 2287
QUAY C. SNYDER, 6012
ROBERT G. SPEER, 7226
GREGORY H. STANLEY, 6842
JUDY M. STEPLER, 1353
DAVID E. STINE, 5677
ROBERT R. STORMES, 1834
GERRY D. STOVER, 9947
OLIVIA Y. STRINGER, 9933
MICHAEL K. SUMIDA, 9074
CATHY W. SWAN, 5058
JOHN A. TALL, 8069
ROBERT O. TARTER, 9864
ROGER K. THOMSON, 9433
JACOB G. THORN, JR., 3446
JULIE A. TIZARD, 4195
RAYMOND B. TORGERSON, 9268
MICHAEL A. TORRES, 5019
PAULA H. TSUFIS, 0899
ROBERT T. ULRICH, 3437
RIDLEY NORTMAN USHERWOOD, 2982
SUBRAHMANYAM VADLAMANI, 2850
JAMES C. VANHOUSEN, 9576
PAUL M. VANSICKLE, 8889
RAYMOND J. VEATCH, 0124
RAYMOND T. VIZZONE, 5368
EVA T. WALLACE, 8226
SHERMAN S. WALLEN, 1901
JEFFREY L. WALLER, 8960
MICHAEL F. WALSH, 3024
SANFORD E. WAY, 2134
MICHAEL J. WEININGER, 2151
MARILYN A. WELCH, 3694
FREDERICK L. WHITICAN, 6538
DAVID P. WIDAUF, 4986
SUSAN M. WILKERSON, 0967
ANTONY G. WILLIAMS, 8166
SUSAN J. WILLIAMSON, 7854
DALE A. WOLFE, 1072
WILLIAM E. WOODS II, 4055
ROGER A. WUJEK, 4721

THE FOLLOWING NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531.

To be captain

SYNYA K. BALANON, 3633
ANTHONY S. BANKES, 6520
JOSEPH R. BEARD IV, 1616
MATTHEW R. BONZANI, 3879
JOHN S. BRUUN, 5266
STEPHEN R. CHEN, 4391
COLLEEN M. CHRISTENSEN, 9359
CHRISTOPHER A. COOP, 5065
ELVIN J. CRUZZENO, 0229
KAREN I. DACEY, 4728
KRISTINA F. DIFRANCESCO, 7048
LORI R. DISEATI, 1350
PATRICK M. ELLISON, 0587
ROBERT L. ELWOOD, 2198
CHRISTIAN T. HANLEY, JR., 4583
BRANDON R. HORNE, 8421
KIRK E. JENSEN, 2042
MATTHEW C. KATUS, 4370
COLLEEN M. KERSGARD, 0185
MARIA R. J. KOSTUR, 2982
MICHAEL J. KOZNARSKY, 8618
KERRY P. LATHAN, 0881
ALARIC C. LEBARON, 9052
DANETTE S. LEBARON, 1639
MONICA M. LOVASZ, 6135
JUSTIN Q. LY, 3536
DANIEL S. MADSEN, 4854
MICHAEL J. MCBETH, 0065
JOHN V. MONTORELLO, 4319
ALI D. MORRELL, 0939
PATRICK M. MUEHLBERGER, 4696
AMY L. PARKER, 4854
TARA N. PIECH, 6173
BRIAN A. SHANER, 0619
LUKE B. SIMONET, 4533
MARK A. SLABAUGH, 7205
ADRIAN K. STULL, 3624
KEITH A. SWARTZ, 7151
MARK W. TRUE, 1786
DMITRY TUDER, 8609
JANET L. VEESART, 3379
MEGUMI M. VOGT, 8041
ANDREW L. WINGE, 3057
EDWARD K. YI, 1729
AMY L. PARKER, 4854
TARA N. PIECH, 6173
BRIAN A. SHANER, 0619
LUKE B. SIMONET, 4533
MARK A. SLABAUGH, 7205
ADRIAN K. STULL, 3624
KEITH A. SWARTZ, 7151
MARK W. TRUE, 1786
DMITRY TUDER, 8609
JANET L. VEESART, 3379
MEGUMI M. VOGT, 8041
ANDREW L. WINGE, 3057
EDWARD K. YI, 1729

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE NURSE CORPS, MEDICAL SERVICE CORPS, MEDICAL SPECIALIST CORPS AND VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JAIME ALBORNOZ, 1249
CARLOS M. ARROYO, 7347
KATHERINE A. BABB, 9355
JOHN M. BEUS, 8366
JAMES A. BLAGG, 4172
LARRY G. CARPENTER, 5798
DAVID S. CARTER, 3446
MICHAEL B. CATES, 7519
MAUREEN COLEMAN, 6247
BRIAN J. COMMONS, 1838
PATRICIA A. CORDTS, 8233
MICHAEL D. DALEY, 8967
WILLIAM G. DAVIES, 9650
STEPHEN L. DENNY, 3776
SHARON S. DERUVO, 8470
MARY R. DEUTSCH, 3204
DONNA M. DIAMOND, 4611
KATHLEEN N. DUNEMN, 5181
PRINCESS L. FACEN, 1594
BRADLEY D. FREEMAN, 2403
TIMOTHY D. GORDON, 2817
GREG A. GRIFFIN, 5461
DAVID S. HEINTZ, 3714
JOSEPH C. HIGHTOWER, 8333
NANCY S. HODGE, 8354
SALLY S. HOEDEBECKE, 2277
WILLIAM J. HULEATT, JR., 6709
DORENE HURT, 9177
LELAND L. JURGENSMEIER, 7111
WILLIAM S. KIRK, 4238
BRIAN E. KNAPP, 8394
JEFFREY N. LEGRANDE, 4883
LARRY C. LYNCH, 3940
FRANCIS L. MCVEIGH, 7663
ELIZABETH A. MILFORD, 8805
JUDITH J. MINDERLER, 5385
BRENDA F. MOSLEY, 0259
ROGER W. OLSEN, 8892
ANALIZA Y. PADDERATZ, 7621
ROBERT M. PONTIUS, 2233
NATHANIEL POWELL, JR., 7782
ANN B. RICHARDSON, 5892
DOUGLAS S. RINEHART, 4106
MARGARET RIVERA, 0840
LYNELE ROCKWELL, 5375
GEMRYL L. SAMUELS, 6750
CATHERINE M. SCHEMPP, 8156
SCOTT R. SEVERIN, 0859
KATHLEEN Y. SHACKLE, 8440
RONALD L. SHIPPEE, 8360
DEBRA L. SPITTLER, 5804
DANIEL A. STRICKMAN, 6262
ROBERT J. THOMPSON, 8658
WREN H. WALTERS, JR., 9310
LISA D. WEATHERINGTON, 2162
NOEL R. WEBSTER, 1400
BETTY J. WILEY, 4137
TIMOTHY D. WILLIAMSON, 9949

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

THOMAS E. AYRES, 6834
GREGORY T. BALDWIN, 5108
TRACY A. BARNES, 6944
PETER G. BECKER, 2584
ELIZABETH D. BERRIGAN, 7490
JOSEPH H. BESTUL, 8002
DAVID L. CONN, 7989
TIMOTHY M. CONNELLY, 2330
DENISE A. COUNCILROSS, 6147
FLORA D. DARPINO, 0018
JAMES J. DILIBERTI, 0567
FRED K. FORD, 4318
PAUL D. HANCQ, 3166
MICHAEL J. HARGIS, 4890
FRANK M. HRUBAN, 1413
ROBIN L. JOHNSON, 0238
KEVIN D. JONES, 7036
RANDY T. KIRKVOLD, 1727
CHRISTINE LERCH, 7932
MAURICE A. LESCAULT, JR., 1825
EDWARD J. MARTIN, 0034
MICHAEL A. NEWTON, 7715
CHRISTOPHER J. O'BRIEN, 0576
TARA A. OSBORN, 7495
CURTIS A. PARKER, 7398
CHARLES N. PEDE, 5203
JODY M. PRESCOTT, 4715
JOHN P. SAUNDERS, 6172
LISA M. SCHENCK, 4013
BERTIE A. SMISEK, 7995
MICHAEL E. SMITH, 9219
PERKUCHIN K. SPAULDING, 1133
PAMELA M. STAHL, 2605
FRED P. TAYLOR, 4582
GUY JOHN TAYLOR, 2127
MARK W. TOOLE, 6140
DAVID A. WALLACE, 7088
JOEL E. WILSON, 3125

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be colonel

ROBERT B. ABERNATHY, JR., 7564
WILLIAM G. ADAMS, 4428
CHARLES R. ALEXANDER, JR., 2444
HAL K. ALGUIRE, 7991
KENNETH R. ALLEN, JR., 3572
MICHAEL J. ALTOMARE, 6057
MICHAEL P. ANDERSON, 1204
RONALD J. ANDREWS, 7735
JOAN C. ARNOLD, 9528
PAUL L. ASWELL, 0396
STEFAN M. AUBREY, 4453
ALLISON T. AYCOCK, 2987
DENNIS J. BALDRIDGE, 2978
BRIAN R. BALDY, 3842
STEPHEN C. BALL, 7242
ALBERT E. BALLARD, JR., 6578
ELISHA L. BALLARD, 2016
JAMES R. BARTRAN, 5404
JAMES M. BATES, JR., 4834
MICHAEL W. BECHTOLD, 9217
MARK A. BELLINI, 0763
KEVIN C. BENSON, 6517
MICHAEL W. BIERING, 6877
BRIAN F. BOCKLAGE, 4509
DOUGLAS A. BOONE, 3263
JAMES C. BOOZER, SR., 1513
MICHAEL R. BORDERS, 4110
MICHAEL BOSACK, 3093
JODY L. BRADSHAW, 0938
WILLIAM C. BRADSHAW, 1524
ARNOLD N. BRAY, 2301
DALLAS C. BROWN III, 6900
JOSEPH A. BROWN, 8982
MARY K. BROWN, 5045
ULYSSES BROWN, JR., 1907
BRUCE E. BRYDGES, 6641
JAMES J. BUDNEY, JR., 8409
GLENN L. BURCH, 1789
CARLOS A. BURGOS, 3562
BENJAMIN H. BUTLER, 8193
DONALD M. CAMPBELL, JR., 3215
WILLIAM M. CANIANO, 2585
PAUL R. CAPSTICK, 7526
RICHARD G. CARDILLO, JR., 5867
CRAIG L. CARLSON, 8062
PATRICK O. CARPENTER, 1817
CARL J. CARTWRIGHT, 2682
DANNY N. CASH, 6384
ALAN C. CATE, JR., 9938
JOSEPH D. CELESKI, 8148
BROOKS B. CHAMBERLIN, 2394
PETER M. CHAMPAGNE, 9930
ALEJANDRO L. CHAMPIN, 7759
JAMES A. CHEN, 0270
TIMOTHY D. CHERRY, 8692
MARK A. CIANCHETTI, 0544
MICHAEL G. CLARK, 5257
ARNALDO CLAUDIO, 3816
MARK W. CLAY, 7120
TERRY L. CLEMONS, 2326
CHARLES T. CLEVELAND, 7375
JAMES H. COFFMAN, JR., 7226
HOWARD I. COHEN, 6469
THOMAS A. COLE, 4284
THOMAS M. COLE, 9526
GLEN C. COLLINS, JR., 0927

MICHAEL COLPO, 9936
KEVIN T. CONNELLY, 1338
MICHAEL J. CONRAD, JR., 8634
JOSEPH CONTARINO III, 4466
TERRY P. COOK, 8060
KEITH L. COOPER, 8316
PETER C. COOPER, 5554
RONALD C. CORDELL, 5937
RADAMES CORNIER, JR., 6116
ROBERT D. COX, 6104
DAVID B. CRIPPS, 6839
LARRY W. CROCE, 6425
KENNETH E. CROWDER, 8544
KENNETH M. CROWE, 8335
DONALD R. CURTIS, JR., 4918
DANIEL G. DALEY, 2455
ARTHUR K. DAVIS, 6594
RODNEY M. DAVIS, 5497
GENARO J. DELLAROCCO, 9829
JAMES N. DELOTTINVILLE, 6914
JAMES M. DEPAZ, 4303
TERRY K. DEROUCHEY, 6150
SHANE M. DEVERILL, 7059
PETER J. DILLON, 5965
ALFRED E. DOCHNAL, 0992
RICHARD C. DOERER, 9428
MARK T. DOODY, 8074
PATRICIA A. DOOLEY, 1084
RICK A. DORSEY, 1956
KENNETH S. DOWD, 7036
BILLY J. DOWDY, 6730
ROBERT H. DRUMM, JR., 1138
DONALD G. DRUMMER, 3980
GLEN P. DUDEVOIR, 2492
DOUGLAS R. ELLER, 7328
PAUL L. ENGLISH, JR., 3041
CHRISTOPHER G. ESSIG, 3569
JEFFERSON G. EWING, 2938
DAVID G. FARRISEE, 2953
DAVID J. FARRUGGIA, 8139
ORLANDO J. FERNANDEZ, 8578
DENNIS E. FIELDS, 8896
MICHAEL D. FITZGERALD, 1682
ROBERT G. FIX, 9244
ANN G. FLETCHER, 0794
JOSEPH F. FONTANELLA, 7943
BARRY J. FOWLER, 4130
MELVIN R. FRAZIER, 4832
MARY C. FRELS, 4205
JOHN R. FREUND, 2505
WILLIAM H. FRITZ, JR., 0191
LOUIS L. FUERTES, 7571
JOSEPH L. GARNES, 5167
JOHN F. GARRITY III, 3337
MICHAEL J. GEARTY, 1437
ROGER A. GERBER, 5752
DANIEL M. GERSTEIN, 5963
THOMAS J. GIBBONS, 4700
PETER J. GITTO, 8214
TIM R. GLAESER, 3633
STEVEN M. GONZALES, 3634
EMILIO T. GONZALEZ, 2095
TED M. GOOD, 6728
MONICA M. GORZELNIK, 9178
MARK A. GRABLIN, 0213
WILLIAM J. GRAHAM, JR., 4723
FRANK J. GRAND III, 0600
MICHAEL O. GRANT, 5206
WILLIAM G. GRAVES, 5014
WILLIAM L. GREER, 6739
WILLIAM A. GUINN, 3226
MICHAEL J. GUTHRIE, 8091
ROBERT G. GUTJAHR, 1008
MARK L. HAINES, 5638
DAVID C. HALL, 7159
STUART B. HAMILTON, 8336
JACK W. HAMPTON, JR., 3526
DAVID L. HANSEN, 8485
MARK D. HANSON, 7340
PERRY HARGROVE, 6540
JAMES E. HARRIS III, 3110
LEE A. HARRIS, 2052
ROBERT L. HARRISON, 2224
EDWARD A. HART, 5201
SAMMIE E. HASKIN, 3502
RICHARD G. HATCH, 8300
ROY HAWKINS, 0384
THOMAS W. HAYDEN, 6225
JACOB N. HAYNES, 5708
PETER T. HAYWARD, 7136
THOMAS K. HEINEKEN, 6532
RONALD P. HEITER, 6333
RICHARD N. HELFER, 3936
JAMES A. HELIS, 9088
DAVID S. HENDERSON, JR., 7767
DONALD J. HENDRIX, 1089
TOMMY G. HENNESSEE, 0356
MARK R. HENSCHEID, 7841
DAVID M. HERGENROEDER, 1776
SAMUEL J. HERNANDEZ, 9319
JYUJI D. HEWITT, 2321
CHARLES W. HIGBEE, 4565
RONALD P. HIGHAM, JR., 6027
JAMES L. HODGE, 5525
RICHARD A. HOEFERT, 5899
MICHAEL E. HOFFPAUIR, 6691
JACK D. HOGGE, JR., 0193
RICHARD M. HOLCOMB, 8178
SHARON L. HOLMES, 1166
TIMOTHY W. HOPE, 6435
ANN L. HORNER, 9650
ROBERT L. HOUSE, 3581
DONALD T. HOWARD, 1901
FLOYD E. HUDSON, JR., 9990
JAMES L. HUGGINS, JR., 5147
RICHARD P. HUGHES, 1743
FRANK R. HULL, 9793
ERIC D. HUTCHINGS, 0407
DAVID F. IFFLANDER, 9402
KENNETH M. IRISH III, 4209
WILLIAM A. JENKS, 4319
JEFFREY F. JOHNS, 1697
ORLEY H. JOHNS, 3339
ALBERT JOHNSON, JR., 0040
ALVIE JOHNSON, 9202
BRENT A. JOHNSON, 0745
MICHAEL E. JOHNSON, 7688
NANCY A. JOHNSON, 7188
ROBERT L. JOHNSON, JR., 0270
THEODORE E. JOHNSON, 0863
THOMAS C. JOHNSON, 2738
WILLIAM R. JOHNSON, JR., 3087
MARK W. JONES, 7927
REUBEN D. JONES, 2033
JEFFREY D. JORE, 9376
CHARLES H. JORGENSON, 5044
SUSAN L. JUNKER, 7670
PAUL C. JUSSEL, 1871
NICKOLAS G. JUSTICE, 3718
JAMES J. KARR, 0454
ROBERT V. KAZIMER, 6226
ROBERT B. KEYSER, 1134
FREDERICK R. KIENLE, 7247
JAMES E. KNAUFF, JR., 4932
DONALD P. KOTCHMAN, 4783
THOMAS A. KRUEGLER, 9162
MARK M. KULUNGOWSKI, 6088
WILLIAM G. LAKE, JR., 9192
MICHAEL J. LALLY III, 3775
PATRICK G. LANDRY, 5538
GEORGE A. LATHAM II, 0977
JAMES F. LAUFENBURG, 3502
MICHAEL E. LAVALLE, 5569
DAVID L. LAWRENCE, 6189
SUSAN S. LAWRENCE, 4034
KIM C. LEACH, 1780
JOHN R. LEE, 2862
CRAIG W. LEEKER, 1712
KEVIN A. LEONARD, 9827
CHARLES S. LEWIS, 8199
RICHARD G. LEYDEN, 2896
GEORGE T. LOCKWOOD, 7337
WILLIAM M. LONG, 3218
ARMANDO LOPEZ, JR., 2990
DAVID LOPEZ, 9732
WARREN J. LOPEZ, 5002
CECIL L. LOTT, JR., 3389
TROY L. LOVETT, 5990
ALBERT LUSTER, 1010
ANNE F. MAC DONALD, 8579
ELIZABETH A. MAC GUIRE, 1746
RODNEY A. MALLETTE, 3279
MICHAEL J. MALLORY, 9198
MARDI U. MARK, 4062
GREGG F. MARTIN, 8042
MICHAEL R. MARTINEZ, 0058
ROGER F. MATHEWS, 3771
JORGE R. MATOS, 1694
JODY A. MAXWELL, 9199
KELLY L. MAYES, 5902
BRIAN K. MAYS, 2357
MARK G. MC CAULEY, 6534
JOHN F. MC CUE, JR., 4709
JAMES M. MC DONALD, 3211
RICHARD P. MC EVOY, 9562
JAMES P. MC GAUGHEY, 2205
PHILLIP E. MC GHEE, 6765
KEVIN P. MC GRATH, 3394
MICHAEL J. MC KINLEY, 9121
KURT A. MC NEELY, 0458
PATRICK B. MC NIECE, 5519
RICHARD R. MC PHEE, 1921
PATRICIA E. MC QUISTION, 4806
ISRAEL R. MC REYNOLDS, 6768
GORDON H. MERENESS, JR., 2708
PATRICK J. MICHELSON, 6962
JOHN P. MIKULA, 4659
LLOYD MILES, 7819
GREGORY S. MILLER, 4776
STEVEN R. MIRR, 1516
GERALD A. MOCELLO, 9452
JOSEPH I. MOORE, 1308
WAYNE A. MOORE, 1814
STEVEN C. MOORES, 9221
JAMES K. MORGAN, 2354
ROBERT C. MORRIS, JR., 7094
WILLIAM R. MOYER, 5177
LLOYD E. MUES, 0061
JOHN F. MULHOLLAND, 5953
MIKE G. MULLINS, 7250
RANDALL P. MUNCH, 2010
JOSEPH D. MYERS, 5831
HUBERT W. NEWMAN, 3714
STEVEN H. NICHOLS, 6790
HENRY C. O'BRIEN, 1645
JOHN B. O'DOWD, 0652
RODGER A. OETJEN, 2213
ROBERT D. OGG, JR., 2880
JAMES R. OMAN, 5414
TIMOTHY O'NEIL, 2426
JAMES M. PALERMO, 1216
ROY J. PANZARELLA, 8345
CHRISTOPHER R. PAPARONE, 3487
CHRISTOPHER J. PARKER, 2584
JAY M. PARKER, 7823
GARY L. PARRISH, 6794
MELISSA E. PATRICK, 7958
SCOTT E. PATTON, 1547
FOSTER P. PAYNE II, 4388
JOHN W. PEABODY, 1226
DAVID G. PERKINS, 8615
STEVEN R. PERRY, 4530
FRANK S. PETTY, 7045
WILLIAM H. PHELPS, 6451
JOSE A. PICART, 5429
KENNETH L. PIEPER, 0279
JAMES F. PIKE, 4816
PAUL R. PLEMMONS, 8869
STEVE M. POET, 0811
RICHARD L. POLCZYNSKI, 7752
GERALD J. POLTORAK, 7863
RONALD W. PONTIUS, 4891
GINGER T. PRATT, 0210
WILLIAM H. PRATT, 0497
TIMOTHY J. QUINN, 7529
DUANE T. RACKLEY, 4247
ROBERT W. RADCLIFFE, 7473
JOHN L. RAMEY, 1760
JOE E. RAMIREZ, JR., 1924
ALLEN D. RAYMOND IV, 0387
DENNIS K. REDMOND, 3227
GEORGE E. REED, 7397
GREGORY R. REID, 2694
WILLIAM B. REILLY, 4633
JAMES E. RENTZ, 8779
ROBERT L. REYENGA, 4620
MARTIN I. REYES, 9299
SANDRA V. RICHARDSON, 7540
MICHAEL N. RILEY, 0980
LEOPOLDO A. RIVAS, 8241
MARK D. ROCKE, 9474
CARLOS RODRIGUEZ, 6728
DENNIS E. ROGERS, 6273
JAMES E. ROGERS, 7358
MICHAEL D. ROSENBAUM, 2313
JERRY H. ROTH, 7251
THOMAS J. ROTH II, 7211
JAMES R. ROWAN, 0971
LARRY D., RUGGLEY, 5675
MICHAEL A. RYAN, 0558
JOHN R. SADLER, 4057
SCOTT W. SALYERS, 6710
LUIS D. SANS, 8423
LAWRENCE H. SAUL, 2266
STEVEN B. SBOTO, 6172
JACK V. SCHERER, 0723
JAMES S. SCHISSER, 0769
THOMAS A. SCHNEIDER, 7034
CHARLES M. SELLERS, 5366
JULIA K. SENNEWALD, 0781
MICHAEL C. SEVCIK, 5676
DAVID G. SHADDRIX, 6405
MICHAEL A. SHALAK, 8634
WENDELL K. SHELTON, 0279
GUY T. SHIELDS, 2609
KEVIN A. SHWEDO, 6245
ROBERT W. SIEGERT III, 4328
STEVEN C. SIFERS, 0902
JAMES V. SLAVIN, 9166
CARLETON M. SMITH, 7204
DAVID J. SMITH, 8898
JEFFREY G. SMITH, JR., 5557
KEVIN M. SMITH, 0241
CHARLES O. SMITHERS III, 8214
JOHN C. SNIDER, 6068
THOMAS J. SNUKIS, 9921
TEDDY R. SPAIN, 5151
THOMAS W. SPOEHR, 9998
PATRICK A. STALLINGS, 7091
DANIEL L. STEADMAN, 5583
RALPH R. STEINKE, 9854
GEORGE W. STEUBER, 9391
MARK A. STEVENS, 1986
LARRY STUBBLEFIELD, 5514
DANIEL V. SULKA, 3197
GARRETT J. SULLIVAN, 4477
JACK N. SUMME, 1036
ROBERT L. SUTHARD, JR., 9698
GLENN H. TAKEMOTO, 5591
DANIEL L. TAYLOR, 5459
SAMUEL T. TAYLOR III, 5350
STUART S. TAYLOR, 2126
MICHAEL J. TERRY, 4150
DAVID J. THOMAS, 5745
LARRY L. THOMAS, 6113
RICHARD G. THOMPSON, 4465
JOSE A. TORRES, JR., 4645
SIMEON G. TROMBITAS, 2948
MICHAEL S. TUCKER, 4884
GERRY B. TURNBOW, 2532
CECILIA K. TYLER, 5389
NELVIN E. TYLER, JR., 5440
LANE M. VANDESTEEG, 8607
PETER J. VARLJEN, 3838
JAMES E. VEDITZ, 2331
MATHIAS R. VELASCO, 3035
EDWARD R. VISKER, 5932
KEITH R. VORE, 2772
JAMES I. VOSLER, 6255
JOSEPH L. VOTEL, 9002
MARTIN L. VOZZO, 1690
DWAYNE K. WAGNER, 0565
JOSEPH L. WALDEN, 2339
STEPHEN L. WALKER, 1602
ROY A. WALLACE, 5885
WENDELL C. WARNER, 1492
LEONARD D. WATERWORTH, 0193
GAYLE L. WATKINS, 8532
THOMAS W. WEAFER, 0040
JAMES E. WEGER, 3018
JOHN M. WELSH, 4495
KEVIN R. WENDEL, 0434
JEFFREY S. WHITE, 3100
FRANCIS J. WIERCINSKI, 6785
STEVE T. WILBERGER, 7034
KEVIN V. WILKERSON, 0694
WILLIAM M. WILKINSON, 5369
GREGORY M. WILLIAMITIS, 5921
THOMAS W. WILLIAMS, 5784
WILLIAM R. WILSON, 2503
WILLIAM T. WOLF, 2298
TERRY A. WOLFF, 8867
ALLEN F. WOODHOUSE, 5627
KEVIN V. WRIGHT, 0871
CHRISTOPHER J. YOUNG, 9889
DON C. YOUNG, 3630
JOSEPH D. YOUNG, 3677
MORRIS M. YOUNG, 9419
PAUL A. ZACHARZUK, 7013
JAMES E. ZANOL, 8189
MARK J. ZODDA, 2695
MICHAEL A. ZONFRELLI, 0059
X4527
X4568

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHAEL C. ALBO, 9349
BERNAL B. ALLEN, JR., 8568
GEORGE J. ALLEN, 1911
RONALD L. BAILEY, 2330
ROBERT G. BAKER, 2018
BRUCE M. BARNES, 1393
DAVID L. BARRACLOUGH, 6888
DENNIS W. BEAL, 0405
DREW A. BENNETT, 2905
INGRID E. BERGMAN, 3469
GLENN C. BIXLER, 9719
BARRY B. BIZZELL, 7598
LEONARD A. BLASIOL, 9250
ROBERT M. BRADY, 9447
DANNY L. BRUSH, 3015
SHERROD L. BUMGARDNER, JR., 6378
SALVADOR J. CALLEROS, 3947
WILLIAM M. CALLIHAN, 6114
RICHARD A. CHRISTIE, 9135
PAUL CROISETIERE, 9318
ROBERT B. CRONIN, 0255
WILLIAM R. CRONIN, 4380
DANIEL E. CUSHING, 3611
GEORGE M. DALLAS, 5242
EUGENE T. DANIELS, JR., 5962
HENRY C. DEWEY III, 9470
RONALD G. DODSON, JR, 9807
HENRY J. DONIGAN III, 5272
ROSE M. FAVORS, 1814
WILLIAM S. FEBUARY, 5368
MARC W. FISHER, JR., 9253
JEFFREY E. FONDAW, 1779
STEPHEN L. FORAND, 6149
STEPHEN H. FOREMAN, 1959
RAYMOND C. FOX, 7722
BRUCE A. GANDY, 3937
GEORGE P. GARRETT, 9178
THOMAS C. GREENWOOD, 9881
THOMAS E. GREGORY, 5780
DARCY E. GRISIER II, 3439
CRAIG L. GROTZKY, 9921
GORDON B. HABBESTAD, 3481
WALTER B. HAMM, 9186
TIMOTHY C. HANIFEN, 3096
THOMAS L. HANKS, 9685
WILLIAM E. HARDY, 2444
ANTHONY M. HASLAM, 3978
KEVIN A. HOEY, 0287
RANDALL W. HOLM, 3769
TIMOTHY B. HOWARD, 4064
FRED S. HUDSON, JR., 9235
DOUGLAS R. ISLEIB, 7400
MICHAEL K. JOHNSON, 0990
DANIEL L. KARLS, 2175
ELLIOT S. KATZ, 9284
JAMES R. KEADLE, 0276
JAMES J. KINNERUP III, 7841
TIMOTHY J. KOLB, 0019
DANIEL D. LESHCHYSHYN, 0774
WILLIAM R. LISTON, 0649
ROBERT E. LOVE, 2437
WILLIAM LUCENTA, 0610
MARK D. MAHAFFEY, 4582
MICHAEL P. MARLETTO, 7539
LANCE R. MC BRIDE, 9048
RONNELL R. MC FARLAND, 5331
DAVID W. MC LAWHORN, 7833
WILLIAM J. MILES, 4344
CLAYTON F. NANS, 9162
PATRICK M. O'DONOGUE, 5904
KEVIN P. O'KEEFE, 6571
STEPHEN W. OTTO, 6848
JONATHAN T. PASCO, 0879
STEPHEN M. POMEROY, 4634
JOHN J. POMFRET, 0945
JEFFREY A. POWERS, 4143
JOHN M. REED, 2910
RICHARD M. REED, 4026
VICTOR J. RILEY III, 7993
MARK R. SAVARESE, 1741
JONATHAN R. SCHARFEN, 3492
RAYMOND E. SCHWARTZ III, 6585
DAVID L. SHELTON, 6336
HARMON A. STOCKWELL, 7959
GARY S. SUPNICK, 8544
THOMAS B. SWARD, 5005
STEVEN J. THOMPSON, 6623
ANTHONY E. VANDYKE, 3297
DENISE R. VANPEURSEM, 0416
CLIFTON E. WASHINGTON, 0186
ERIC C. WEBER, 2250
EARL S. WEDERBROOK, 6897
CHRISTOPHER M. WELDON, 8740
JEFFREY A. WHITE, 3733
JOHN D. WILLIAMS, 0285
JOSEPH R. WINGARD, 3940
JOHN E. WISSLER, 6593
RICHARD W. YODER, 4077

EXTENSIONS OF REMARKS

STAY THE COURSE—DON'T TAP OUR STRATEGIC OIL RESERVES

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. SANDLIN. Mr. Speaker, I welcome an apparent change in direction by Energy Secretary Bill Richardson away from draining millions of barrels of oil from the strategic Petroleum Reserve (SPR) in the coming weeks.

Draining the Strategic Petroleum Reserve and dumping foreign oil on our market is a dangerous precedent, both from an economic standpoint and as a national security issue. I am glad that Secretary Richardson backed down.

The Administration's strategy on dealing with rising oil prices has been unclear. Last month, Secretary Richardson indicated that the Energy Department might move to open the SPR and encourage foreign countries to dump oil on the U.S. market in an effort to reduce prices. The New York Times reported Sunday that Secretary Richardson is reluctant to open the reserves, but Time reports this week that "Richardson is quietly but vigorously pushing a proposal that would pour millions of barrels of oil from America's Strategic Petroleum Reserve onto the market in the coming weeks."

Mr. Speaker, I have been a vocal critic of plans to use oil from the SPR in response to the rising price of oil. Doing so would be extremely dangerous to our economy and our national security. The reserve was created to fill any gaps in oil supply during war or other emergencies. Using it to manage price is improper and contrary to long-standing practices.

It now appears that the White House has decided to stay the course. I have told the Administration that releasing oil from the reserves would not only threaten oil producers, but sets a dangerous precedent. Our Strategic Petroleum Reserve must be closely guarded in order to maintain our national security.

Large-scale government intervention in the oil market would hurt domestic oil producers. I know that high heating oil prices are a serious problem for working families in the Northeast, but Texas oil producers are not to blame. If we open our reserves every time the price of oil moves, we invite even more harassment from OPEC and the threat of an actual supply disruption.

Mr. Speaker, this entire episode highlights the fact that we need a national energy policy. Right now, all we do is respond to the emergency of the moment. We have no plan, no policy.

Secretary Richardson has wandered all over the map on this issue. I'm glad that good policy and reason prevailed.

President Clinton needs to take the long view of America's energy issues. I am hopeful that the White House will focus its energy on developing a long-term energy policy that will protect American consumers and producers and while ensuring our national security.

HONORING VICTORIA CRISTIANO MARION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a woman who is a woman who has made a difference in her community.

Victoria Cristiano Marion was born to immigrant parents in Pueblo, Colorado. She knows that as long as there is family and education, little else matters. From the first day of school, Victoria knew that respect for education and for teachers was very important. She always knew she wanted to be a teacher and after she graduated from high school, Victoria attended summer classes at Western State College in Gunnison, Colorado. She passed the state exam that qualified her to teach in Colorado.

Victoria's first teaching position was in Pueblo County at Pleasant View School. After that, she worked at Danforth School and became a full-time teacher when she received her life certificate in teaching in 1929. She taught at Bessemer for four years and then accepted a position at Strack School.

In 1943, Victoria passed the principal's exam and was appointed teacher-principal at Strack. Victoria was principal at Strack, Edison School, Washington School, Goodnight School and Sunset Park School. She retired from Sunset in 1973.

During World War II, Victoria was called upon to sponsor Italian prisoners of war who were stationed in Pueblo. She taught them about life in America and also about the democratic form of government. Many of those soldiers immigrated to the United States after the war. One of those soldiers eventually became her husband. Victoria married Vincent Marion and they shared 40 years together.

Victoria taught naturalization classes for Italians that wished to become American citizens after the war. She also helped organize the local Dante Alighieri Society, an organization dedicated to preserving the Italian language. She received the honor of Cavaliere of the Italian Republic for her many years of service to the Italian people.

It is with this, Mr. Speaker, that I would like to offer a tribute to Victoria Cristiano Marion. She is a great American, dedicated to education and people.

HONORING MR. CLARENCE E. EGER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. MURTHA. Mr. Speaker, this month, Mr. Clarence E. Eger marked his 50th year as a Cresson Township Supervisor.

During this half-century of public service, Mr. Eger has worked day and night on all facets of Township activity—always willing to help, and always anxious to serve the people in the region. Such service has resulted in an extremely high quality of community service.

The type of dedication to public service shown by Mr. Eger serves as a hallmark of the kind of selfless dedication and commitment that are the very heart and spirit of the United States of America. We're fortunate in our area to still have such strong commitment from so many individuals, and it's one of the characteristics that make communities like Cresson Township one of the best places to live.

It's an honor and pleasure for me to commend Mr. Eger on his 50 years of public service, and to make these remarks as a reminder to all Americans of how this type of dedication can improve the lives of so many people, produce tremendous progress in a community, and serve as the guideposts that keep our Nation the greatest in the world.

I congratulate Mr. Eger and wish him many more years of service.

IN MEMORY OF SGT. GEORGE R. DINGWALL OF THE MIDDLETOWN, CONNECTICUT POLICE DEPARTMENT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to join members of the Middletown Police Department, thousands of residents of the city and his home town of Haddam, and his family in remembering Sgt. George R. Dingwall. Sergeant Dingwall was killed in the line of duty on January 28 while attempting to apprehend two burglary suspects. Sergeant Dingwall made the supreme sacrifice in order to protect residents of his community and our State.

Sergeant Dingwall was a 19-year veteran of the Middletown Police Department. After joining the force in 1981, he served in a number of capacities, including in the traffic division, as a detective and as a member of the Department's SWAT team. He was promoted to Sergeant in 1989.

George Dingwall is described by those who knew him best—his colleagues, family and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

neighbors—as "a nice person," "a great guy" and "a great neighbor." Police Chief Edward Brymer has stated that Sergeant Dingwall "had a distinguished career and was well respected by all of us at the Middletown Police Department." Lt. David Gervais, who joined the force with Sergeant Dingwall, commented that "he would drop everything to help family and friends." Sergeant Dingwall was also well-known as a loving husband and father.

Mr. Speaker, I extend my deepest sympathy to Sergeant Dingwall's family and friends, members of the Middletown Police Department, and residents of Middletown and Haddam. Sgt. George Dingwall is an American hero and he exemplifies the qualities of an extraordinary public servant—dedication to community, courage and selflessness.

HONORING CHARLES M. BURT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Charles M. Burt for being named the Irrigation Person of the Year by the California Irrigation Institute. Dr. Burt is currently a professor in the BioResource and Agricultural Engineering Department at the California Polytechnic State University, as well as the Director of the university's Irrigation Training and Research Center. Dr. Burt is being honored on January 24th at the California Irrigation Institute's 38th Annual Meeting.

Charles M. Burt is being recognized for his many contributions to education and the advancement of irrigation knowledge and practice. In addition to his roles as a professor and the Director of the Irrigation Training and Research Center, Burt is a member of several related organizations. He belongs to the American Society of Agricultural Engineers, the Water Resources Engineering Division of the American Society of Civil Engineers, and the Irrigation Association. He is also a member of the Advisory Board for the Office of Water Conservation, the American Society of Agronomy, the United States Committee on Irrigation and Drainage (USCID), and numerous others.

Dr. Burt began his irrigation career in 1975, when he designed several large drip systems in the USSR and Iran, as a Keller Engineering Irrigation System Designer. He worked on this through 1976 until he worked as an Irrigation System Designer for Wren-Oneal Co. in Fresno. In 1981 and 1982 Dr. Burt worked on irrigation design and project planning as the Chief Engineer and partner of JM Lord, Inc. Since that time, he has continued his commitment to irrigation and education at the California Polytechnic State University.

Mr. Speaker, I want to congratulate Charles M. Burt for being named Irrigation Person of the Year. I urge my colleagues to join me in wishing Dr. Burt many more years of continued success.

HONORING COUNTY COMMISSIONER RALPH JOHNSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember a man who surpassed personal challenges to give fully to his community. Mr. Ralph Johnson passed away on December 28, 1999. He was 51.

Ralph served as a County Commissioner in Elbert county since 1996. He was a rancher who spent most of his life in the small town of Agate, Colorado. Before he was elected County Commissioner, Ralph served on the Agate School Board. In his younger days, he was a rodeo rider. In 1974 he was involved in an accident that nearly took his life. Ralph lived, but he lost the use of his legs and the accident caused health problems that eventually lead to his death.

Ralph was a soft-spoken cowboy who brought dedication and a sense of humor to his public service. He was always committed to his community. He will be remembered for his dedication and his readiness to do anything it took to serve the people.

It is with this, Mr. Speaker, that I would like to offer tribute in memory of Ralph Johnson, a cowboy's cowboy and a great American.

THE SHANGHAI SYNAGOGUE: A VERY SPECIAL JEWISH COMMUNITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. LANTOS. Mr. Speaker, this past December, Congregation B'nai Emunah in San Francisco marked its fiftieth anniversary. This Saturday, the congregation will celebrate this important milestone. I invite my colleagues to join me in congratulating this very special Jewish community on its longevity, unique history, and contributions to our city.

The name of the Congregation—B'nai Emunah—means "Children of Faith," and its history is truly unique. After Jewish businesses and synagogues were destroyed by the Nazis in 1938, many countries closed their borders to Jewish migrants who sought to flee the racism, terror and persecution they found under Nazi rule.

One stunning exception to this was the city of Shanghai, China. There threatened remnants of the Jewish community from Germany and Austria found refuge. Shanghai was a free city governed by the international Shanghai Municipal Council. The city and the Chinese people had already welcomed thousands of Russian Jewish refugees after the Soviet revolution of 1917. In 1938 Shanghai required no visas or other formalities for the more than 20,000 Jewish immigrants from Germany and Austria who flocked to that safe haven.

Mr. Speaker, immediately upon arriving in Shanghai, the German and Austrian Jewish community rebuilt in camps the sanctuaries that they had watched the Nazi mob destroy in their homelands. When the war in the Pacific broke out in 1941, the community was ghettoized in a dilapidated Chinese slum, but their synagogues continued to function. They survived and flourished even under Japanese occupation and occasional mistaken bombs from U.S. Air Force planes.

Following World War II and the outbreak of the Civil War in China, the entire Jewish community in Shanghai left China and dispersed. Thousands relocated to San Francisco, the nearest American port. In 1949 a group of dedicated Jews met with one of the rabbis from Shanghai and made the decision to reestablish the synagogue they had twice lost. The new congregation embraced all the elements of the late Shanghai community—Russian, Sephardim and German/Austrian—and was named congregation B'nai Emunah, although it has always been known as "The Shanghai Synagogue."

In the last fifty years, Congregation B'nai Emunah has expanded and flourished. A new generation has emerged to whom the Shanghai story is as important to their own identity as it was to the preceding generation. This jubilee fiftieth year will see the building of the "Shanghai Center," which will house a museum, library and archive. Mr. Speaker, I invite my colleagues to join me in extending congratulations to Congregation B'nai Emunah on this very important occasion.

A TRIBUTE TO SONIA SANCHEZ

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to pay tribute to a woman who has become a living legend in Philadelphia and around the world, Sonia Sanchez. Sonia Sanchez deserves our praise for reasons more numerous than can be listed here. Her leading roles as a mother, activist, professor, and poet have made her a beacon of hope to people who have traditionally been marginalized in our society, including people of color, homosexuals, women, the poor and the young. A petite, African-American woman born into a poor family in Alabama, Sonia Sanchez transcended what most would consider a modest existence to become one of Temple University's most cherished professors. It is with a hint of sadness that I reflect on her accomplishments today, for last month Sonia decided to retire from Temple University, after 22 years of service.

To realize the significance that Sonia has had on our community, one need look no further than her resume, which serves as a testament to Sonia's courage and the strength of her convictions. She is the author of 16 books including Homecoming, We a BaddDDD People, and Homegirls and Handgrenades, for which she won the American Book Award in 1985. Sonia has also edited two anthologies; We Be Word Sorcerers: 25 Stories by Black Americans and 360 Degrees of Blackness Coming at You. She was furthermore a contributing editor to The Black Scholar and The

Journal of African Studies. Sonia has won a multitude of national awards for her accomplishments in literature including the Governor's Award for Excellence in the Humanities in 1988 and the Outstanding Arts Award from the Pennsylvania Coalition of Black Women.

Sonia's works are now recognized all over the world. She has lectured at over 500 universities and colleges in the United States and has traveled extensively, reading her poetry in Africa, Cuba, England, the People's Republic of China, Norway, and Canada. Despite such international acclaim, Sonia has always focused her efforts to the shaping of young minds, which for the past 22 years has been back in Philadelphia at Temple University. Her brilliant career in education, which began on the west coast at San Francisco State University (where she started one of the first black studies curriculums in the United States) has always pushed the edges, breaking down barriers between men and women, whites and blacks, and intellectuals and the working class.

This unique contribution has not gone unnoticed at Temple University. Sonia was the first Presidential Fellow at Temple University and currently holds the Laura Carnell Chair in English as well as being the Chairperson of the Women's Studies Program. As you can see, Temple University will sorely miss the presence of Sonia Sanchez. However, I am confident that retirement will not mute the voice that has influenced so many of us over the past 65 years. It is with great pride that I reflect on these past years in which Philadelphia has been home to Sonia Sanchez. And it is with great enthusiasm that I hope for many more.

HONORING DR. ROBERT S. YOUNG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember a man that will be missed by many people in Southern Colorado. Dr. Robert S. Young passed away on January 19, 2000. He was 85 years old.

Dr. Young was the medical director of CF&I Steel Corporation from 1969 to 1984 and again in the early 1990's. He loved working at the steel mill. He was dedicated to assuring that workers followed safety rules to prevent injuries suffered from occupational hazards. When injuries did occur, Dr. Young was always ready to make sure the employee was fully recovered before returning to the workplace. He enjoyed the associations he developed with staff and employees. His relationships at the mill were the most satisfying part of his career.

Dr. Young was a medic in World War II and during his time overseas, he worked with Dr. Hatt from Massachusetts who was in charge of the Shiners Hospital. Dr. Young worked at the Shiners Hospital for Crippled Children in Honolulu after the war.

Dr. Young had a private practice in Fort Scott, Kansas and Pueblo, Colorado for 26 years. He will always be remembered for giving the best care to his patients .

It is with this, Mr. Speaker, that I would like to offer this tribute in memory of Dr. Robert Young. His memory will live forever in the commitment of quality care for patients.

TRIBUTE TO REV. PAUL BINION, EDWARD RICHARDSON, JUDGE IVY GLOVER ROBERTS, CYNTHIA ANN STERLING, AND JOE WILLIAMS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Rev. Paul Binion, Edward Richardson, Judge Ivy Glover Roberts, Cynthia Ann Sterling, and Joe Williams, for being selected the Year 2000 Portraits of Success by KSEE 24 and Companies that Care. In celebration of African-American History Month, these five distinguished local leaders are being honored for their unique contributions to the betterment of their community.

Rev. Paul Binion has served the Westside Church of God for the past twenty-one years as Senior Pastor. In addition, he serves on many boards and committees: Evangelicals for Social Action, Black Californians for Life, Prison Fellowship of Central California, and Interstate Association of the Church of God. He also serves on the No-Name Fellowship Steering Committee, Fresno Leadership Foundation, Parents Aware, Fresno Pacific University Service Corp., Fresno Institute for Urban Leadership, and West Fresno Ministerial Alliance.

Edward Richardson was the first African-American building contractor to be licensed in the City of Fresno by the State of California. Mr. Richardson has become a mentor for other African-Americans starting his or her own construction companies. He is soon to be inducted into the African-American Museum for the work he has done in the Central Valley.

Judge Ivy Glover Roberts maintains a private law practice, in addition to her duties as the University Complex Developer for Wilberforce University. Previously she was an administrative law judge for the State of California for eight years, and was Criminal Courts Commissioner, Deputy District Attorney, and Deputy Probation Officer for Los Angeles County.

Cynthia Ann Sterling is a full-time funeral director and grief counselor, as managing director of Sterling Funeral Home, Inc. In addition, she serves on the Fresno City Planning Commission, is State President of the National Funeral Directors & Morticians Association, President of Fresno African-American Ministries, and a Board member of the Girl Scouts of America. Sterling Funeral Home is a Fresno tradition, founded in 1949 by Cynthia's parents, Elma and Feltus Sterling.

Joe Williams is CEO of Richard Heath & Associates, responsible for the day-to-day operation of this $2 million corporation that has contracts with the State of California Healthy Families Program, energy conservation programs with PG&E, Southern California Gas, San Diego Gas & Electric, and Southern California Edison. He is former executive director of Fresno County Economic Opportunities Commission, responsible for Head Start, refugee services, youth-at-risk services, and many others.

Mr. Speaker, it is with great honor that I pay tribute to Rev. Paul Binion, Edward Richardson, Judge Ivy Glover Roberts, Cynthia Ann Sterling, and Joe Williams for being recognized as the KSEE 24 Companies that Care 2000 Portraits of Success honorees. I applaud the contributions, ideas, and leadership they have exhibited in our community. I ask my colleagues to join me in wishing these fine people many more years of continued success.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. BASS. Mr. Speaker, I was regrettably absent on Monday, January 31, and consequently missed a recorded vote on H. Con. Res. 244. Had I been present, I would have voted "yea" on rollcall vote No. 2.

HONORING JAMES A. BARRETT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember the life of a World War II veteran who sadly passed away on January 4, 2000.

James A. Barrett was born on January 5, 1919 to James and Ida Barrett in Cortez, Colorado. James attended school in Cortez and graduated from Cortez Union High School. During World War II, James served in the United States Army and Air Force. For nearly two years, he was held captive as a prisoner of war in Germany.

James was a life member of the Cortez Elks Lodge #1789, a member of the Mancos Veteran's of Foreign Wars, and the Mancos Lodge of Masons. He married Frances Normera Petty in 1940 and they celebrated 59 years of marriage.

It is with this, Mr. Speaker, that I would like to offer this tribute in James memory and honor. He was a great American who greatly contributed to his country and community.

HONORING THE NATIONAL APPRECIATION DAY FOR CATHOLIC SCHOOLS

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the National Appreciation Day For

Catholic Schools. As a former Catholic school student, I know first hand the value of a Catholic education. Catholic schools teach students faith, discipline, pride, and a respect for learning. They instill a strong moral foundation necessary for children to grow while distinguishing right from wrong. Catholic schools are unique in that they allow students to grow and learn in a spiritual environment, establishing the body as a whole; mind and soul.

I especially wish to recognize the delegation of students, teachers, and parents that make the National Appreciation Day For Catholic Schools a special day. Their commitment to ensuring an exceptional Catholic education and maintaining quality Catholic schools ensures that Catholic students in the future will continue to benefit from outstanding educational opportunities. An overwhelming percentage of students in our Diocese of Cleveland attend college, which is a sign of the excellent work of our local Catholic School systems are doing.

I would also like to recognize the National Catholic Educational Association (NCEA) for their efforts to promote educational and catechetical goals. By sponsoring events like the Seton Awards, which recognize individuals who have made outstanding contributions to Catholic education, the NCEA works diligently to insure better education across America.

Providing excellent educational opportunities for all children is one of the most important goals in our society. I am encouraged by the involvement of the students, teachers and parents who are observing the National Appreciation Day For Catholic Schools.

A TRIBUTE TO REV. VERNAL E. SIMMS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Rev. Vernal E. Simms, the newly-elected President of Black Clergy of Philadelphia and a distinguished member of the church. Rev. Simms was born and raised in Boston, Massachusetts. Throughout his life, he has made undying efforts to serve the community and push forward to better the church and its people. He has spent tireless days helping in the production and creation of community developments such as weekly and monthly food programs, day care centers, and facilities to accommodate the older generation of his community. Rev. Simms has managed to organize a new way of life for many and continues to provide consistent efforts in furthering these ideas and expanding on the future of all communities that surround him. In the course of sharing his knowledge and compassion he has touched many while pastoring in Plymouth, Massachusetts; Chatham, New York; Brooklyn, New York; and Moorestown, New Jersey.

Rev. Simms currently serves as the pastor of Morris Brown African Methodist Episcopal Church in North Philadelphia, and the Vice President of the African Methodist Episcopal Preacher's meeting of Philadelphia and the Vicinity. While assuming such immense and prestigious responsibilities, he has found time to be a loving father of four and the husband of Mary L. Boxley.

Mr. Speaker, I ask my fellow Philadelphians to join me today in congratulating Rev. Vernal E. Simms, Sr. on his election as President of Black Clergy of Philadelphia and vicinity. I am confident that this organization will continue to grow and prosper under his leadership. I look forward to his successful future.

HONORING DONALD R. D'AMICO, WINNER OF THE AMERICAN CENTURY AWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor a winner of the American Century Award, Ronald R. D'Amico, Retired Colonel of the United States Air Force.

Colonel D'Amico served in the USAF for nearly 30 years, most of which were as a combat and fighter pilot. He flew 129 combat missions during the Korean War and over 100 missions in Vietnam during three tours of duty. Colonel D'Amico was awarded four Distinguished Flying Crosses for heroism, two Purple Hearts, and thirteen Air Medals among a total of 50 awards and decorations.

Colonel D'Amico also displayed a quality of character that makes us all proud to be Americans. During the Korean conflict, Don used some of his spare time to help an orphanage for Korean children. He would gather milk that the soldiers would not drink and take it to the orphanage along with other supplies, some of which were donated and mailed from his parents' church in Rochester, New York. Even now, Don keeps pictures of the children he helped.

During the Vietnam Conflict, Don nearly lost his life after being shot down during an attack on a heavily fortified enemy position. Fortunately, he and his crew were rescued and after nine months in the hospital, Don returned for two more tours of duty.

Since retiring from the Air Force in 1977, Don continues to be involved with issues and community service. In the 1980's, he volunteered with a variety of organizations that worked to educate America about the dangers of Communism. In 1989, he joined the Board of Directors of Street-Smart Inc., a program helping inner-city youth avoid the dangers of gang involvement. In 1990, Street-Smart was recognized by President Bush as one of the "Thousand Points of Light".

It is with this, Mr. Speaker, that I would like to honor Donald R. D'Amico, American Century Award Winner. He risked his life in defense of freedom and still gives selflessly to his country and community.

IN MEMORY OF DON HUTSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Don Hutson, of Lebanon, Missouri. He was 68.

Mr. Hutson was born on November 4, 1931, in Kansas City, MO, to Alpha Henry and Lola Hutson. He graduated as valedictorian from Oak Grove High School and went on to graduate with honors from Central College. In 1958, he earned a juris doctor degree with honors from George Washington University Law School. He then spent 4 years as a staff assistant to Senator Stuart Symington. This gave him an opportunity to work on many legislative issues beneficial to the state of Missouri.

Mr. Hutson was a well known and respected attorney, who practiced law in Kansas City and Lebanon for 40 years. Prior to entering private practice, he was appointed assistant prosecuting attorney for Jackson County, serving as chief trial attorney for most of the major felony cases in Kansas City. He was commended for successfully prosecuting and convicting dozens of organized-crime figures during one of the first national organized-crime drives.

Mr. Hutson was recognized for his numerous achievements throughout his life. He was named in Who's Who in American Colleges and Universities, Who's Who in America, Who's Who in the Midwest and Who's Who in American Law. In addition, he was active in his community and civic affairs. Mr. Hutson was an ordained minister in the Christian Church and served as a Christian Church minister at Oak Grove, Lone Jack and other churches in Missouri. He was the founder of the Lebanon Arts Council and involved with the Lebanon Chamber of Commerce and the Lebanon Concert Association.

I know the Members of the House will join me in extending heartfelt condolences to his family: his son, Eric; his three daughters, Sheila, Robin, and Heather; and five grandchildren.

A TRIBUTE TO REV. RANDALL McCASKILL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Rev. Randall McCaskill and commend him for his accomplishments during his 3 year tenure as head of the Black Clergy of Philadelphia and the surrounding vicinity. Rev. McCaskill has inspired and aided countless citizens of Philadelphia during his leadership. Working together with the Rendell administration in fostering improved inter-racial relations, Rev. McCaskill gave his unique insight during such trying times as the 1998 Grays Ferry incident. It was in times of urgency such as this that Rev. McCaskill showed us how truly important he is to our city. As President of the

Black Clergy of Philadelphia, he recognized his role as a motivating force in our community. He consistently offered solutions to numerous problems our city faced, maybe best illustrated by his diplomatic efforts during the sensitive School Board of Philadelphia budget negotiations of 1998–99 and his key role in resolving the potentially crippling dispute between SEPTA management, and its union heads and employees.

Rev. Randall McCaskill has been anything but passive in his efforts to help Philadelphians in need. He has assumed massive responsibility within a diverse body of national and local organizations, most obvious being his role as founder and pastor of the Olivet Baptist Church. As pastor, McCaskill manages the fiscal solvency of the church, which offers day care, job training, medical services, etc. Furthermore, Rev. McCaskill is a member of the original charter founders of the Opportunities Industrialization Centers and is Vice-President of the Strawberry Mansion Corporation, which manages a $4 million budget neighborhood investment project. He is Vice-President of the Community Development Corporation, a multi-million dollar corporation which addresses issues of housing, rehabilitation, weatherization, and other related redevelopment issues. Rev. McCaskill is also Chair of the Community Renaissance Alliance, Inc., an organization that works toward building low income housing for Philadelphia Senior Citizens.

Mr. Speaker, Rev. McCaskill is more than just a dynamic leader and a man of God, Randall McCaskill is my friend. I know I speak for all Philadelphians when I say thank you to him for his continued participation in the struggle to improve the conditions of our proud city. We are eternally grateful to him for showing us that where there is a will there is a way. By breaking down barriers along racial lines, socio-economic lines, etc., Rev. McCaskill has become the personification of our city's age-old tradition of "brotherly love"; a truly remarkable accomplishment for a truly remarkable man.

HONORING FORMER COLORADO LEGISLATOR AND FBI SPECIAL AGENT, ROBERT DENIER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a true advocate of crime prevention.

Robert DeNier has played a role in trying to stop criminal activity in Southwestern Colorado for most of his life. Robert served as a special agent in the FBI for 27 years. During that time, he worked hard to eliminate crime.

Robert also served in the Colorado State House of Representatives from 1976 to 1982 and in the State Senate from 1986 to 1990. While in office, Robert tried to pass legislation appropriating funds to be designated for youth crime intervention. Legislation on the issue never passed while Robert was in office. However, in 1995, under a bill co-sponsored by State Senator Jim Dyer and State Senator Ben Alexander, legislation and an appropriation to build a detention center passed through both houses and became reality.

The center is located in Durango and, after a unanimous vote of the Colorado General Assembly, is named after Robert. The Robert DeNier Youth Services Center was opened on January 25, 2000.

It is with this, Mr. Speaker, that I would like to offer this tribute in honor and thanks to Robert DeNier, a man that is dedicated to making Colorado a better place to live.

HONORING WILLIAM M. LYLES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor William M. Lyles for being named the 1999 Entrepreneur in Residence, a program of the Sid Craig School of Business at California State University, Fresno. Each year the program hosts a successful entrepreneur in order to stimulate local business interest.

William M. Lyles is the president and chief executive officer of Fresno-based Lyles Diversified, Inc. Lyles was selected as the 1999 Entrepreneur in Residence because of his tremendous qualifications and service to both the community at large and the business community.

Mr. Lyles' extensive business involvement includes: W.M. Lyles Co., a general engineering contractor engaged primarily in underground pipeline and utility construction, and Kaweah Construction Co., a general engineering contractor specializing in heavy concrete and mechanical construction. He is also involved in American Paving Co., a general engineering contractor with interests primarily in paving residential and commercial property, and Saratoga Capital, Inc., a San Jose-based property management corporation, handling rental properties and real estate sales. In addition, Lyles also holds a partnership in Pelco, a Clovis-based company designing, manufacturing, and marketing components for closed circuit television security and surveillance systems.

Lyles Diversified, Inc. is a California corporation engaged in construction and manufacturing. The company's varied interests include subdivision and industrial tract developments, real estate ownership and management, shopping centers, and farming interests. Lyles plays an active role in all of his business ventures.

Lyles has received several awards, including the 1991 Leon Peters Award, the 1992 Outstanding Philanthropist, and the Purdue Alumni Citizenship Award, among others.

Mr. Speaker, I rise to honor William L. Lyles for his achievements as a businessman. I urge my colleagues to join me in wishing Mr. Lyles many more years of continued success.

TRIBUTE TO ROBERT D. SQUIER

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. WEYGAND. Mr. Speaker, I would like to take a few minutes today to pay tribute to Robert D. Squier who passed away last week after a long illness. While his name may be familiar to some, particularly those with an interest in politics, people around the United States and even in some foreign countries know him by his work. Bob was a political consultant. He advised Presidents and would-be Presidents, Senators and those wishing to be Senators and Governors and hope-to-be Governors on how to conduct their campaigns and how to communicate their dreams, beliefs and accomplishments to the voters.

Bob believed deeply in his craft and in our political system. Despite what many think of his profession, he knew how important it is to reach out to voters. But he also knew his role. In an interview several years ago, he remarked, "the candidate is always more important than the consultant. The consultants that do poorly in this business are the ones who begin to forget that."

Bob only worked for Democrats, and the list of politicians he advised over the years is a who's who of Democratic politicians and a modern American history book itself. Squier began his career while still in college when he produced a campaign commercial for Orville Freeman, then Governor of Minnesota who would later become Secretary of Agriculture. He would later be hired by President Lyndon Johnson as a television advisor, and he went on to work for Hubert Humphrey's Presidential campaign. In the years that followed, the list of those that sought and benefited from his wisdom continued to grow; Muskie, Carter, DODD, ROCKEFELLER, Bumpers, Simon, Hart, BYRD, BIDEN, GRAHAM, ROBB, Pell, Richards, Clinton, GORE to name but only a few.

It is fair to say that politics was in his blood. I know, however, that it was also in his genes. I have been fortunate for many years to know and work with his son, Mark, who learned at his feet and went on to open his own firm. I extend to Mark and his brother, Robert, their 3 children, and Bob's wife, Prudence, my deepest sympathy.

HONORING ROLF FUNK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a man from Colorado who has displayed tremendous amounts of determination and strength to overcome a life-threatening injury.

Mr. Rolf Funk, of Silverthorne, Colorado, has always had a love for skiing. During his sophomore year of high school, in 1951, Rolf started to pursue his passion and began ski jumping. After ten years of training and competition, Rolf decided to train for the Olympics.

He became the first person to use a 900 meter ski jump. For the next 35 years, Rolf competed and won various medals and awards. In 1994, Rolf competed in the United States National Competition and finished in third place.

Then in 1995 tragedy struck. Many people believed that Rolf would never walk again, much less ski.

While Rolf was training in Breckenridge, Colorado, he was going down a run and struck a mogul unexpectedly. The impact was to Rolf's neck and back and he laid in the snow, unable to move. Ski Patrol units moved quickly to stabilize Rolf and to try to minimize the injuries and transport him to a medical facility.

Rolf was air-lifted to Denver Swedish Hospital. The verdict was a spinal cord injury that was initially paralyzing. Rolf was unable to move any of his extremities and the doctors decided that surgery was needed to relieve pressure to the spinal cord. It was unclear to the surgeon whether or not Rolf would receive any motor functions after the surgery. The surgery was a success, but at first there were no signs that it would help Rolf recover any mobility in his legs or arms. Day by day, however, Rolf began to get physical movements back in his extremities.

Rolf was transferred to Craig Hospital where specialists could concentrate on helping him recover. Rolf was convinced, in his heart, that he would not only walk again, but that he would continue his love, skiing. Just a few short weeks after the accident, Rolf was released from the hospital and he returned to Breckenridge to continue physical therapy. He worked hard and miraculously, in a relatively short time, Rolf was skiing again.

Just fourteen months after his accident, Rolf entered in the USSA Masters Competition. He did not place in that competition, but just participating was winning for him. The members of the USSA Masters presented Rolf with an honorary medal.

It is with this, Mr. Speaker, that I would like to offer tribute to Rolf Funk and congratulate him on a miraculous recovery, his patience, strength and faith. Rolf's resilliance and undying passion for life is an inspiration to us all.

SIKH BURNS SELF TO DEATH TO PROTEST POLICE BRUTALITY IN INDIA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. DOOLITTLE. Mr. Speaker, I was distressed to hear that Mandeep Pal Singh Sodhi, a 27-year-old Sikh man, burned himself to death in front of the Uttar Pradesh Legislative Assembly building. His self-immolation was reported in the Hindustan Times on January 11. He was protesting police brutality against his family. Mandeep Pal Singh Sodhi's brothers were detained and brutalized by police. Their mother was promised an inquiry, but nothing happened.

Recently, the Committee for Coordination on Disappearances in Punjab, led by Hindu human rights activist Ram Narayan Kumar, issued a preliminary report that included the names and addresses of 838 Sikhs who were picked up, tortured, murdered, and secretly disposed of by the police. According to figures compiled by the Punjab State Magistracy and by human rights groups, the Indian government has killed over a quarter of a million Sikhs since 1984.

It is not just Sikhs who have suffered this kind of oppression. The Indian government has victimized Christians, Muslims, Dalits, and others. Groups associated with the ruling BJP have burned down Christian churches and prayer halls. Allies of the government have murdered nuns, priests, and missionaries.

The self-immolation of Mandeep Pal Singh Sodhi should serve as a wake-up call to the country that proudly proclaims itself "the world's largest democracy." It should serve as a call to India to begin living up to the democratic principles that it proclaims. India must stop this police brutality and release its political prisoners. It must hold a free and fair internationally-supervised plebiscite on the issue of independence in Khalistan, Kashmir, Nagaland, and wherever else people within India are struggling for freedom. Until then, the U.S. should stop its aid to India and encourage it to act like the democratic country it claims to be.

Mr. Speaker, I would like to submit the Hindustan Times article into the RECORD.

[From the Hindustan Times, Jan. 11, 2000]

SELF IMMOLATION IN FRONT OF UP ASSEMBLY

(By Bhupendra Pandey)

LUCKNOW, JANUARY 10—Motorists, pedestrians and policemen watched in shock as a young man, allegedly because of police harassment, immolated himself on the busy road opposite the Vidhan Sabha on Monday afternoon.

The 27-year-old youth, identified as Mandeep Pal Singh Sodhi, a resident of Krishna Nagar, suffered 70 per cent burns and died on way to hospital.

Later, the police inspector posted at Krishna Nagar was sent to the police lines for illegally detaining the deceased's brother and harassing his family members: Chief Minister Ram Prakash Gupta has announced a financial assistance of Rs 1 lakh to the dependents of the victim. The District Magistrate of Lucknow has directed the ADM, City, to probe the incident.

According to eyewitnesses, Mandeep got off a bus near the Royal Hotel intersection and doused himself with kerosene. Then, he went towards the Assembly and set himself on fire and started running. Soon, he was transformed into a ball of fire.

After he collapsed and lay writhing on the road, three policemen tried feebly to rescue him. Others also joined them, but by then Mandeep had already suffered excessive burns.

Thereafter, he was taken to the nearby Shyama Prasad Mukherjee Hospital from where he was referred to the KGMC. But he succumbed to burn injuries on the way.

Initially, policemen were unable to identify the youth but later found a slip of paper tucked in his shoes. According to it, Mandeep ran a small chemists shop outside a private nursing home in Krishna Nagar.

Meanwhile, Mandeep's mother, Mrs. Manpreet Kaur, has accused the police of forcing her son to commit suicide. "Fed up with police harassment, my son committed suicide," she said.

According to her, her husband, Surendra Pal Singh, who died five years ago, ran a flourishing transport business. But it ran into tough times after his death. She said that her tale of woes began a year ago when the SO of Sarojini Nagar raided her house and detained her two sons, Yashpal and Inderpal, without specifying the charges. Later, they were booked in a case of a motorcycle theft. In March last year, the two were again booked in a case of another motorcycle theft and jailed. The two brothers were also booked under the Gangster Act.

Mrs. Kaur said that she had earlier met then Chief Minister Kalyan Singh and also the Circle Officer of Sarojini Nagar. She had been assured of an inquiry into the matter. But nothing happened. In fact, Yashpal was picked again on Saturday night in connection with a recent case of motorcycle theft in Krishna Nagar.

Today, Mrs. Kaur decided to complain to the District Magistrate and despite Mandeep's request to her to stay at home, she left for the DM's office. Soon after Mandeep too boarded a bus for the Vidhan Sabha.

Mrs. Kaur learnt about her son's immolation in the afternoon when she came home after meeting the DM. Yashpal was released by the police following the DM's intervention.

STEM CELLS MAY BE THE KEY TO CURING PARKINSON'S AND MANY OTHER DISEASES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to introduce a resolution to allow Federal Funding of human pluripotent stem cell research to help us further understand Parkinson's disease and other medical conditions. I am asking for no specific amount of money, nor to direct disease-specific research. I am only asking that Federal money be allowed to be used to utilize the next best chance science has, to not only treat, but to cure, debilitating and life threatening illnesses that afflict millions of Americans.

Many people have been confusing human pluripotent stem cell research with human embryo research. Stem cells are not embryos. There is a ban on the use of Federal funds for human embryo research in the United States. Stem cells cannot develop into a complete human being, and therefore, under the law, they are not embryos.

Stem cells are a type of cell that can be turned into almost any type of cell or tissue in the body. With further research, these cells may be used as "replacement" cells and tissues to treat many diseases including Parkinson's disease, Alzheimer's disease, diabetes, AIDS, Lou Gehrig's disease and others. Stem cell research holds hope of one day being able to treat brain injury, spinal cord injury, and stroke for which there is currently no treatment available. And they may solve the problem of the body's reaction to foreign tissue, resulting in dramatic improvements in the treatment of a number of life-threatening conditions, such as burns and kidney failure, for which transplantation is currently used.

The resolution discusses Parkinson's disease in particular for many reasons. My family has been personally affected by this devastating illness and I am proud to serve as co-chair of the Congressional Working Group on Parkinson's Disease. However, it is science that makes the best argument to lead with this disease. With all that is already known about Parkinson's disease, it is believed that with Federal funds and stem cell research it is very possible that Parkinson's disease could not only be treatable, but curable within as little as five years!

Dr. Gerald D. Fischback, the Director of National Institute of Neurological Disorders and Stroke, in testimony last year to the Senate said, "I concur that we are close to solving—and I mean the word 'solving'—Parkinson's Disease. I hesitate to put an actual year number on it. I think, with all the intensive effort, with a little bit of skill and luck, five to ten years is not unrealistic. We will do everything possible to reduce that below five years. I would not rule that out."

Mr. Speaker, here is why that is possible. Parkinson's disease is a progressive degenerative brain disease which kills a specialized and vital type of brain cell, a cell which produces the substance dopamine, that is essential for normal movement and balance. The loss of these dopamine-producing cells causes symptoms, including slowness and paucity of movement, tremor, stiffness, and difficulty walking and balancing, which makes the sufferer unable to carry out the normal activities of daily living. In 30% of the cases those symptoms include dementia. As the disease progresses, it inflicts horrific physical, emotional, and financial burdens on the patient and family, requiring the caregiver to assist in the activities of daily living, and may eventually lead to placement in a nursing home until death.

With further research into stem cells, scientists will be able to "reprogram" the stem cells into the dopamine-producing cells which are lost in Parkinson's disease.

Parkinson's disease affects at least one million Americans. Fifty-thousand are diagnosed each year and for every one diagnosed, two who have Parkinson's disease are not diagnosed. It is alarming to think that two million Americans with Parkinson's disease are undiagnosed.

Parkinson's disease costs the Federal Government approximately $10 billion in healthcare costs, and on average, the cost per patient is $5,000 per year. As a society, we spend $15 billion a year on Parkinson's disease and that is only in direct costs for treatments that only bring temporary relief.

Building on the technology developed from research on Parkinson's disease makes treatments and even cures possible for many conditions. These include Alzheimer's, diabetes, AIDS, Lou Gehrig's, brain injury, spinal cord injury, stroke, and problems with the body's reaction to foreign tissue. It may even provide for safer and more effective ways to test drugs without experimenting on humans and animals. We cannot allow the opportunities afforded us by stem cell research to go untapped!

The National Institutes of Health has proposed guidelines to human stem cell research to address the legal and ethical issues surrounding this particular type of research. It is being approached in a responsible way to utilize the technology while being sensitive to the ethical questions raised. The National Bioethics Advisory Commission (NBAC) even felt they could have gone further and is very supportive of allowing this type of research to continue with Federal funding. The NBAC points out that Federally funding this research will allow Federal oversight to ensure this type of research continues ethically. And finally, the American people support stem cell research as shown by a nationwide survey conducted by Opinion Research Corporation International last year that found that 74% of those polled favored funding of stem cell research by NIH.

Federal funds are crucial to allow scientists to proceed with stem cell research and to exploit fully this novel, innovative, and groundbreaking technology.

HONORING JOHN MUMMA ON HIS RETIREMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a man who has demonstrated deep care for his country and community.

John Mumma will be retiring after acting as a public servant for over 27 years. John, Division of Wildlife Director, decided that he needed to spend more time with his family. John realized that he was spending all of his time at work and that his family was paying the price.

After serving the Forest Service for over 27 years, John will be sorely missed. He has had a long and distinguished career in public service. John became the Director of the Division of Wildlife in November of 1995. Just after he was named director, the division faced the daunting task of completely revamping its management structure. He had the ability to lead the agency through that massive project and many great successes during his distinguished tenure.

It is with this, Mr. Speaker, that I would like to offer this tribute in honor of John's service with the Division of Wildlife over the last 27 years. The State of Colorado will be hard pressed to find another leader like him.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. BASS. Mr. Speaker, I was regrettably absent on Monday, January 31, and consequently missed a recorded vote on H.R. 2130. Had I been present, I would have voted "yea" on rollcall vote No. 3.

A TRIBUTE IN HONOR OF ELEANOR NADOBNY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. BARCIA. Mr. Speaker, I rise today to honor a wonderful lady, Ms. Eleanor Nadobny, of Bay City, MI, on the occasion of her retirement from Local 362 United Auto Workers. Both in character and spirit, Eleanor is an inspiration to those around her and will be sorely missed by her boss and her co-workers.

Eleanor was born on October 2, 1920, in my home town of Bay City, and has lived and contributed to our community her entire life. Like so many of our neighbors, her father immigrated from Poland, having made his way from Ellis Island to eventually raise his family in Michigan.

Eleanor has been a member of the Saint Stanislaus Church in Bay City most of her life. She is much loved by parishioners for her faithful presence and contributions to the Church.

On September 6, 1941, Eleanor married Mr. Arthur John Nadobny. They had three children—Barbara, Carolyn, who later married Gary Ciaciuch, and Arthur, who married Janie Nalazek. And in a sad turn of fate, her husband passed away on February 16, 1960. Eleanor became a widow with three children to support.

At that time, she was working from her home as a photograph colorist. For each photograph that she hand colored, she was paid only $1.25. And from that, she had to buy her paints, her brushes, and support her family.

On March 26, 1967, she was hired by Local 362 as a bookkeeper. At that time, Local 362 represented some 3,400 members of GM-Powertrain. She has worked for those members, and their sons and daughters for the past 33 years. Those who have ever asked for Eleanor's help on a problem, or her advice on a pressing issue, know that she is, indeed, a treasure.

Eleanor's retirement from Local 362 is a great loss for the union, but her family is sure to benefit. She is known to be a great cook, and makes a homemade dinner for her family every Sunday. On that day, her eight grandchildren—Susan and Mark Rosebrock, Michelle Ciaciuch, Mark and Lisa Ciaciuch, Chad Nadobny, Kari Nadobny, and Scott Clerc—and her great grandchild Brooke Rosebrock, sit down for a wonderful meal. Eleanor's Polish meatballs and golabki are particularly famous.

I'm sure Eleanor will have much happiness during her retirement, and hope that she continues cooking, traveling, and enjoying one of her favorite activities, going to Branson, MO, to attend the great performances there.

Mr. Speaker, I invite you and our colleagues to join me today in honoring Ms. Eleanor Nadobny for her fine work these many years on behalf of Local 362. Please join me, on the occasion of Eleanor's retirement, in wishing her many more wonderful years with her family, and saying thank you for the many years she has invested on behalf of the working men and women of GM-Powertrain.

WILLIAM N. BALTZ, MEMBER OF CONGRESS, 22ND CONGRESSIONAL DISTRICT-ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the memory of a former colleague, the Honorable William N. Baltz, D-Millstadt, who represented the 22nd Congressional District of Illinois from March 4, 1913 to March 3, 1915.

The Baltz family came originally from Hessen-Darmstadt, Germany. Early records indicate that most members of their family were engaged in agricultural pursuits. One was a blacksmith, while another served as the Mayor of Gross Bierbrau. Johann II and his wife Maria along with their seven children departed Bremen, Germany on June 3, 1834 and arrived in Baltimore on August 25. One son disappeared in Philadelphia on their trek westward. Johann and his family traveled by wagon and boat down the Ohio River valley to St. Louis and in December of that year they settled in Sugar Loaf Township, just west of Millstadt, Illinois, where that home still stands. Five children were born there and their legacy continues today.

The descendants of Maria and Johann are numerous. The Baltz family served as farmers, teachers, storekeepers, postmaster, lawyers, bankers, physicians, millers, dentists, engineers, scientists, writers, church, school and also civic leaders. Among the most prominent of these descendants was William Nicolas Baltz, a farmer and staunch democrat. He was born in Millstadt, Illinois on February 5, 1860 and attended the public schools in Millstadt. In addition to farming, he engaged in milling and banking, helping to establish the First National Bank of Millstadt. He served as the President of the Millstadt Board of Education from 1892–1917 and also served on the St. Clair County Board of Supervisors from 1897 to 1913. He was the County Board's Presiding Officer from 1908 to 1911.

William was elected to the 64th United States Congress on March 4, 1913 and represented the Illinois 22nd Congressional district in Woodrow Wilson's first administration up to March 3, 1915. Referred to as "Honest Bill" by his constituents, Congressman Baltz played as the catcher for the annual House vs. Senate baseball game, I might add, without a glove. In the 1914 game, William hit a three bagger off the wall of Griffith stadium in Washington and that year the Democrats beat the Republicans. William's father, Phillip, was also an appointee of President Andrew Johnson serving as the Postmaster of Millstadt. William and a brother G.F. (Gus) married two Diesel sisters, Katherine and Otillia. Gus, also a lover of baseball, graduated from ISNU in 1900 and captained that year's baseball team as a center fielder.

William and his brothers, Richard G. and Fred L., also founded the Millstadt Milling Company in 1893. It was purchased by Golden Dipt Corp. in 1957. The brothers organized the First National Bank of Millstadt in 1903 and it's chief operating officials are still in the Baltz family.

William was unsuccessful in his re-election efforts to the Congress and soon thereafter served along with his brother Fred as the Mayors of Millstadt. William resumed his agricultural and business pursuits for the rest of his life until he passed away on August 22, 1943. He lies at Mount Evergreen Cemetery in Millstadt, IL.

As the century ended and the new millennium begins, the work of William N. Baltz and the entire Baltz family stands as a testament to the courage and determination of our immigrant past. Their selfless efforts at continuing to support the community both in the last century and this century reminds us of our Nation's heritage and the symbol of what makes America the greatest nation on Earth.

Mr. Speaker, I ask my colleagues to join me in honoring the service and memory of U.S. Congressman William N. Baltz.

HONORING JOHN McGUINNESS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to remember the life of a man that meant a great deal to the State of Colorado. John McGuinness recently passed away in Broomfield, CO. He was 67 years old.

John was born on June 10, 1932, in Queens, NY. He received a bachelor's degree in marketing from Fordham University. He attended graduate school at Columbia University and also worked in live television in the 1950's.

John decided to move to Colorado in 1958. He worked in advertising sales for KWGN–TV, he was involved in early FM stations in Denver and did political consulting for many campaigns. He later founded McGuinness and Associates and returned to consulting for radio and cable television. In the late 1980's, he became the court assigned operator of KDEN, a Denver radio station.

John's marketing degree was helpful when he was appointed to the Colorado State Fair Commission in 1983 by former Colorado Governor Roy Romer. After the general manager resigned, John took over as the acting director and served with great distinction in that capacity until his resignation in December of 1999.

It is with this, Mr. Speaker, that I would like to offer tribute in memory of John McGuinness. He was a great man that will be missed by all those who knew him.

RIGHT-WING EXTREMISM HAS NO PLACE IN AUSTRIA'S DEMOCRACY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. GILMAN. Mr. Speaker, recent elections in Austria produced the disturbing result of the far right Freedom Party receiving the second most votes among all the parties. The Freedom Party's leader, Joerg Haider, has been an advocate of anti-immigrant policies, and has voiced supportive opinions regarding certain policies of the Nazi era in Austria and Germany. Today, Austrian President Klestil is faced with a choice of accepting a governing coalition that would include Mr. Haider's party as a partner with the center right People's Party.

Such a government would call into question Austria's longstanding reputation for tolerance, and as a haven for refugees from less fortunate countries, its strong championship of human rights, and its repudiation of its own unfortunate past history. As someone who has viewed himself as a friend of Austria, I believe it is incumbent that all of us in this body who value human rights to speak up and urge President Klestil and the Austrian people not to follow the extremist path represented by Mr. Haider and the Freedom Party's followers.

We should be mindful that the Austrian Freedom Party is not a unique political phenomenon in Europe. There are other nations in which far right parties have enjoyed increasing popularity. Our position with regard to the next government in Austria will be closely watched by leaders of those other extremist parties.

Our friends in the European Union have taken a strong position, indicating that they will take all possible steps to isolate Austria within the EU if Haider is part of the Austrian Government. As Portugal's Prime Minister Gutteres, speaking as President of the EU, has said "There comes times when we have to be faithful to our values." Our Government and the Congress should also be forthright in expressing our views on the unacceptability of views such as those expressed by Mr. Haider throughout his political career.

In doing so we must be clear that we respect the Austrian people, and believe that Austria's rightful place is among those nations that have striven for peace, justice, and human rights. We urge them at this critical juncture in Austria's history not to depart from the path they have followed for more than 50 years. Whatever social or other problems they believe they face, the answer does not lie in the kinds of policies and beliefs voiced by Joerg Haider. We want to see Austria anchored firmly in those trans-Atlantic and European institutions that represent a community of shared values and political beliefs, but we will firmly defend those very values and beliefs that give our community its definition and leadership role in the world today. Right wing extremism should have no place in our community of nations.

WASHINGTON & LEE REPUBLICAN MOCK CONVENTION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. GOODLATTE. Mr. Speaker, I rise today to commend my alma mater, Washington and Lee University, on its recent 2000 Republican Mock Convention.

Every four years since 1908, the students of Washington and Lee have gathered at the

Mock Convention to attempt to correctly predict the presidential nominee of the political party currently out of the White House. Over the years, W&L students have had a remarkable success rate in their predictions—in fact, since 1948, the Mock Convention has only erred once in correctly predicting the presidential nominee, when it selected Edward Kennedy over George McGovern in 1972.

Washington and Lee has received national acclaim for its Mock Convention from numerous sources over the years. The Washington Post has declared the Washington and Lee Mock Convention "one of the nation's oldest and most prestigious mock conventions," and Time Magazine has called it the "biggest and boomingest" of all amateur gatherings.

Last Saturday, Washington and Lee held its 2000 Mock Convention, which was a great success. I was privileged to join a very distinguished group of Federal, State, and local leaders in addressing the Convention, and the W&L students were as engaged and energized as ever.

Mr. Speaker, I would like to commend Washington and Lee University on another excellent Mock Convention, and I am confident that the students of W&L have yet again correctly chosen the next Republican presidential nominee. Congratulations to W&L on a very successful 2000 Mock Convention.

HONORING DR. GERALD E. HOWE UPON HIS RETIREMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a true asset to the medical profession who has recently retired after three decades of change. Dr. Gerald E. Howe officially retired from active medical practice on December 31, 1999.

Born in Deadwood, SD, Gerald undertook his undergraduate studies at the University of Colorado and the University of South Dakota, then medical school at Temple University in Philadelphia. Gerald and his family decided that they wanted to move from the crowed east coast and Vermont. Milder winters and nearby mountains lead them to Montelores, CO in 1969.

Gerald has served in many medical staff leadership positions throughout his career. He has been chief of medical staff several times and served on the hospital board. He was on the hospital board which supported the development of Montezuma County Hospital District and was instrumental in the building of the Vista Grande Nursing Home facility at its present location.

Gerald has always considered patient care to be the most important issue in the medical profession. With changes in policy and technology, Gerald still regards the patient as the "hallmark of medical care."

It is with this, Mr. Speaker, that I would like to offer tribute in honor of Dr. Gerald Howe's retirement and thank him for his years of hard work, dedication and service.

ELECTRONIC BENEFIT TRANSFER INTEROPERABILITY AND PORTABILITY ACT

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mrs. CLAYTON. Mr. Speaker, I rise today to join with my colleagues in support of the electronic Benefit Transfer Interoperability and Portability Act of 1999. This legislation will enable food stamp shoppers to redeem their nutrition benefits electronically in authorized stores located beyond the borders of their States. The need for this legislation is significant.

According to a recent study conducted by Benton International on behalf of the National Automated ClearingHouse Association (NACHA), there were 1,685,857 interstate food stamp transactions during a 6-month period. If we assume that interstate food stamp transactions existed nationwide for the entire year of 1999, the projected annual nationwide volume of food stamp interstate transaction would be 5.7 million. Although the vast majority of food stamp recipients spend their benefits at retailers close to home, the Benton study proves that a significant number of shoppers need the flexibility to shop at stores across State lines, which is a program benefit enjoyed without restrictions under the previous coupon redemption system.

When the U.S. Department of Agriculture Food and Nutrition Service (FNS) replaced food stamp coupons with "Electronic Benefit Transfer" cards, program participants and retailers experienced enormous difficulty since there was lack of uniformity among State EBT equipment. Furthermore, FNS incurs additional costs to implement its regulation requiring States to equip authorized food retailers, upon request, with EBT-only terminal. For example, using a leasing fee of $21.50 per month per terminal, the annual cost of the government for EBT-only terminal deployment nationwide may range from $25,000 to 75,000. Even with the EBT-only terminal, the different designs and procedures in State equipment continued to prevent shopping in other States.

S. 1733 is a practical legislative solution to these problems. First it gives the Secretary of Agriculture the authority to develop a national uniform standard of interoperability based on the "QUEST" rules which were developed by retailers, State Food Stamp Program Administrators, and the Food and Nutrition Service under the guidance of the NACHA EBT Council. Although the QUEST rules are being used by a majority of the States, this legislation gives the Secretary authority to make the changes needed to fit the goal of the Food Stamp Program.

Also, S. 1733 limits the annual costs of switching and settling fees at $500,000.00. This is a positive change from the original draft of this legislation because the Federal Government should not finance new technology utilized by retailers.

From the outset, the administration has worked tirelessly to ensure the success of the Food Stamp Program's conversion to electronic benefit delivery, and I offer my continued commitment and support in making sure that this critical nutrition assistance is provided efficiently and effectively.

Mr. Speaker, I urge all of my colleagues to support this legislation.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, on January 31, 2000, I was unavoidably detained and consequently missed two votes. Had I been here I would have voted: "yes" on the passage of H. Con. Res. 244, rollcall vote No. 2; "yes" on the passage of H.R. 2130, rollcall vote No. 3.

DAVE M. DAVIS, RECIPIENT OF THE 2000 GOVERNOR'S AWARD FOR EXCELLENCE IN THE ARTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the winner of the 2000 Governor's Award for Excellence in the Arts, Dave Davis.

Dave was nominated by the Grand Junction Commission of Arts and Culture for his activism as founder of Art on the Corner, a former executive director of the Art Center, a past appointee of former Colorado Governor, Roy Romer, to the Colorado Council on the Arts, and one of the leading artists in the Grand Valley since the late 1970's.

Dave was Executive Director of the Western Colorado Center for the Arts for 9 years. During his tenure he created a multitude of innovative programs, quality exhibits, outreach efforts to underserved areas, and expansion of facilities, collections, and classes. Dave's belief that the Grand Valley could become a renowned arts community is the foundation of everything he does.

Dave opened an exhibit, Art on the Corner, in downtown Grand Junction in 1984. This unique outdoor sculpture exhibit began as a display of 33 sculptures by Dave and other area artists along Main Street. Every year the exhibit is rotated and has grown to include over 100 works of art.

Dave is a native of Boulder, CO who moved with his family to Grand Junction in 1972. He attended Mesa State College. Dave's full-time pursuit of the arts began in 1977. He creates abstract and realistic sculpture. He is adamant in his desire to promote the arts both as a major economic force and as an industry. He is adamant in his desire to promote the arts both as a major economic force and as an industry.

It is with this, Mr. Speaker, that I would like to offer this tribute to Dave Davis with congratulations on being named the recipient of the 2000 Governor's Award for Excellence in the Arts.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to recognize the contributions and the importance of education preparation in Catholic schools. For decades, they have enriched the lives of children past and present. I was educated at Holy Family High, a Catholic school in my hometown and I have felt the benefits throughout my life. The importance of education is one value that has remained with me through my years as a parent, an educator, and as a Congresswoman. Education is very significant in the continued success of our great Nation. A Catholic institution provides a balance of strong education complimented by the support of a strong moral and spiritual environment to prepare well-balanced young persons for entering our society.

Statistics have shown that the United States has gained immense benefits from the Catholic education system, educating some 2.6 million students at a saving to our Nation of more than $17.2 billion dollars. Further, Catholic education has an impressive graduation rate of 95 percent and more than 83 percent of those graduates go on to college. Catholic schools focus not only upon intellectual encouragement and development but also on the moral and spiritual fiber of each student. These students preserve this enriched relationship with their faith, families and community.

Recognizing Catholic schools for their contributions to the community of the United States shows the respect we have for these institutions and to thank the dedicated faculties and administrators for the care they have taken of the students entrusted to their guardianship. Educating our youth is perhaps our greatest responsibility as a Nation, and I am thankful for the daily contributions made by these institutions toward that aim.

TRIBUTE TO THE VIRCO MANUFACTURING CO.

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor the Virco Manufacturing Co., an important business within my district. Virco today celebrates its 50th year as the largest manufacturer of educational furniture in the country.

Shortly after World War II, Julian Virtue bought the Slauson Aircraft Co. on February 2, 1950, and converted the war equipment manufacturing company to a firm specializing in the production of educational furniture. It was under the leadership of Julian Virtue and his son Robert, now chairman of the board and CEO, that Virco went on to become an industry leader.

Virco is a leading supplier of tables, chairs, and storage equipment for schools, convention centers, auditoriums, places of worship, and hotels. Virco employs 2,400 individuals nationwide, including 700 jobs at its headquarters in Torrance, CA.

The Virco Manufacturing Co. is a valuable member of the Torrance community. Their contributions have been numerous. I congratulate Virco and its employees on this milestone and I wish them continued success.

1999 CONTRACTOR OF THE YEAR, GREGG RIPPY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the 1999 Contractor of the Year. Mr. Gregg Rippy was nominated for the award by the Colorado Contractors Association.

The Colorado Contractors Association emphasizes skill, integrity and responsibility as key traits of its members. These qualities are also what the association requires for the Contractor of the Year award. Another quality that Gregg displays amply is leadership.

Gregg has been a Colorado Contractors Association member for 17 years and has won numerous awards from both the state and national levels. During his recent presidency of Grand River Construction Company in Glenwood Springs, Colorado, the company was named chapter of the year on the national level by the Associated General Contractors of America and Gregg was named national chapter president of the year. He is now a national director with Associated General Contractors of America and has served as chairman of the Colorado Contractors Association legislative committee for four years. Gregg is also a co-owner of Rocky Mountain Redi-Mix.

A Colorado native, Gregg has followed a family tradition by becoming a contractor. His father, grandfather and uncle were all in the construction business. He first joined Grand River Construction after graduating from Colorado State University and eventually became president of the company.

It is with this, Mr. Speaker, that I would like to offer this tribute to my dear friend, Gregg Rippy, 1999 Contractor of the Year. His commitment to his country, his community and his profession is deeply admirable and highly commendable.

TAIWAN SECURITY ENHANCEMENT ACT

SPEECH OF

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise to support H.R. 1838, the Taiwan Security Enhancement Act.

This legislation is important because it reaffirms our commitment to support democracy and economic stability in Asia. In 1979, Congress passed the Taiwan Relations Act which ensured Taiwan's security by providing it with sufficient defensive weapons so it may protect and maintain its own national defense. While the U.S. and Taiwan do not share full diplomatic ties, our unique relationship with Taiwan demonstrates that Taiwan's security should be reinforced and enhanced.

The government of Taiwan is a representative democracy and the people of Taiwan will elect a new President next month. Taiwan is a bright example of how a democratic government which allows the free market to operate becomes a region of peace coupled with remarkable economic growth. Taiwan is the world's 15th largest economy and is the United States' 7th largest trading partner, while the United States is Taiwan's largest export market.

Given the events which have transpired over the past several years, it is essential that we protect American interests by promoting peace in the Taiwan Straits. H.R. 1838 will augment the process for defense sales to Taiwan by requiring the President to report annually to Congress Taiwan's requests for defense products, detailing why Taiwan needs these items, ad justifying any decision that the United States makes to reject or postpone such arms sales to Taiwan. Furthermore, H.R. 1838 will address the deficiencies in Taiwan's readiness by supporting Taiwan's increased participation at U.S. defense colleges, requiring the enhancement of our military exchanges and joint training, and require the Secretary of Defense to develop a program to enhance operational training and exchanges between the Taiwanese and U.S. militaries on the issues of threat analysis, force planning, and operational methods.

Taiwan is and continues to be a strong U.S. ally. For this reason, I believe the priorities outlined in H.R. 1838 are imperative if we are to maintain peace and stability in this region of the world. Given the People's Republic of China's tendency to engage in aggressive rhetoric and brinkmanship, Taiwan's self-defense capability should be improved and strengthened. A secure Taiwan would provide a better foundation and possible progress for cross-Strait dialogue.

I believe we must honor our commitments in the Taiwan Strait. The Republic of China is a vibrant nation with an expanding economy, and it is my belief that America should support Taiwan in its endeavors to remain free and democratic. •

TIME FOR HAITIANS, NICARAGUANS AND CENTRAL AMERICANS TO ADJUST THEIR STATUS UNDER HRIFA AND NACARA

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mrs. MEEK of Florida. Mr. Speaker, today, I am introducing a bill to extend the time for eligible Haitians, Nicaraguans, and Central Americans to apply to adjust their status and become permanent residents under the Haitian Refugee Immigration Fairness Act of 1998

[HRIFA] and the Nicaraguan Adjustment and Central American Relief Act [NACARA]

My bill would extend the time for eligible persons to apply to adjust their status under HRIFA and NACARA to October 1, 2001 or until 12 months after the date that the INS adopts final regulations implementing HRIFA and NACARA, whichever date is later.

Presently, under HRIFA and NACARA, eligible Haitians, Nicaraguans and Central Americans must apply to adjust their status to permanent residency by April 1, 2000 or they will lose their right to do so. The INS estimates that at least 50,000 Haitians are eligible to adjust their status under HRIFA. The Haitian community estimates the number as closer to 100,000 people. To date, only about 18,000 eligible Haitians have applied. Similarly, there are thousands of qualified Nicaraguans and Central Americans who have yet to adjust their status under NACARA.

Qualified applicants must pay very substantial filing fees to adjust their status under HRIFA and NACARA. For large families, these fees can amount to thousands of dollars. I have been told of a case where a person working full-time, earning a $20,000 income, had to pay over $2,000 in filing fees for his family. Many eligible applicants who are working are finding it very difficult to come up with the filing fees. These fees are extremely burdensome. We should be reducing them. At a minimum, we should give people more time to earn them.

Moreover, because of language and cultural barriers, many eligible applicants are not even aware of their rights to adjust their status under HRIFA and NACARA. Finally, there have been very substantial bureaucratic delays in the issuance of regulations implementing HRIFA and NACARA. The INS received many public comments on its proposed HRIFA and NACARA regulations and these comments are still being reviewed and considered.

To date, final regulations have not been issued under either HRIFA and NACARA. As a result, the INS has not even definitively stated the standards that will govern its interpretation and implementation of HRIFA and NACARA. Simply put, the regulatory climate remains unsettled.

Mr. Speaker, HRIFA and NACARA were designed to allow eligible Haitians, Nicaraguans and Central Americans to become permanent residents. We must not allow high filing fees, language or cultural barriers, or delays in the issuance of implementing regulations to frustrate the intention behind these bills. We need to extend the filing deadline to assure that all eligible Haitians, Nicaraguans, and Central Americans receive a full and fair opportunity to adjust their status.

We must assure that all eligible persons are fully informed of their rights to adjust their status, that they know definitively the final regulations under which their rights will be determined, and that they receive an adequate period of time to earn the substantial filing fees that presently must accompany applications under HRIFA and NACARA.

Mr. Speaker, Representatives Lincoln Diaz-Balart, Ileana Ros-Lehtinen, Alcee Hastings and Peter Deutsch are original cosponsors of my bill. I urge all my colleagues to support this critically important legislation.

SAN LUIS VALLEY PEACE OFFICER OF 1999, GEORGE DINGFELDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to congratulate the San Luis Valley Peace Officer of 1999.

Officer George Dingfelder, based in Alamosa, Colorado, has won this disguished award due to his high standard of professionalism and outstanding commitment to his field. George has made it a personal pledge to fight drunk driving and drug use in the San Luis Valley. George has made several contacts with drunk drivers and drug traffickers. He has recorded more than 500 drunk driving arrests and confiscated several hundred pounds of marijuana in his five year career. George was honored by Mothers Against Drunk Driving in 1998 for his efforts stopping drivers from being on the road while intoxicated.

George is also a local hero. He and his wife, Stephanie, saved a young boy when his life was threaten by a leopard at the Cheyenne Mountain Zoo. The leopard attacked the boy through a fence, but George and Stephanie were successful at fending off the rather large cat. As a result of their bravery, George and Stephanie were awarded Colorado's Life Saving Award by Colorado Governor Bill Owens.

It is with this, Mr. Speaker, that I would like to offer this tribute to Officer George Dingfelder for his outstanding bravery and commitment to uphold the law. He has truly made a difference in the San Luis Valley.

HONORING ROBERT H. MILLER, A TRUE AMERICAN HERO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and recognize the life of a true American Hero. Robert Miller, who was a World War II veteran, passed away on January 12, 2000. He was 75 years old.

Bob served in the United States Armed Forces during one of the most infamous days in history. On June 6, 1944, Bob made it up only 15 feet on Omaha Beach before a sniper's bullet severed his spine. He was only 20 years old, and he would never walk again.

Bob received the Purple Heart and his unit, B Company of the 149th Combat Engineers, was awarded a presidential unit citation and the French Croix De Guerre.

After returning to the United States to recover from his injuries, Bob met his future bride, Pat Korber. They were married in 1950.

Bob attended the Kansas City Art Institute and earned a degree in commercial design. He worked for Goldblatt Tool Company until his retirement in 1978.

Bob and Pat moved to Pueblo, Colorado in 1980.

A very patriotic man, Bob never missed an opportunity to fly the flag or to visit with old military friends. In 1999, Bob drove to Des Moines, Iowa for a reunion. He knew no limits when it came to serving his country or staying in contact with those who had served with him. Bob was also in charge of a project to make a memorial to their military unit more conspicuous. The Air Force even flew a piece of granite for them to France.

Bob also liked to play wheelchair basketball. In 1973, he was one of the first people inducted into the National Wheelchair Basketball Hall of Fame. He served as the National Wheelchair Basketball Association's first president.

Bob was very involved in his community and his parish, Our Lady of the Meadows.

It is with this, Mr. Speaker, that I would like to offer tribute to Bob Miller. He was a man that will be missed by his community and everyone who knew him. He was a great American who deserves our highest praise and regard.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 3, 2000 may be found in the Daily Digest of today's Record.

MEETINGS SCHEDULED

FEBRUARY 8

9:30 a.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense, and the future years defense program.

SD–106

Aging

To hold hearings on certain provisions of S. 1895, to amend the Social Security Act to preserve and improve the medicare program, focusing on its overall restructuring plan, and prescription drug coverage.

SD–562

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on suicide, focusing on prevention and awareness.

Room to be announced

10 a.m.
Budget
To hold hearings on the President's proposed budget request for fiscal year 2001.
SD-608

Banking, Housing, and Urban Affairs
To hold hearings on S. 1879, to promote international monetary stability and to share seigniorage with officially dollarized countries.
SD-628

10:30 a.m.
Foreign Relations
To hold hearings on the President's proposed budget request for fiscal year 2001 for foreign aid, and to review U.S. foreign policy.
SD-419

FEBRUARY 9

9:30 a.m.
Governmental Affairs
To hold hearings to examine the rising cost of college tuition and the effectiveness of the Federal financial aid.
SD-342

10 a.m.
Budget
To continue hearings on the President's proposed budget request for fiscal year 2001.
SD-608

Banking, Housing, and Urban Affairs
To hold hearings to examine loan guarantees and rural television service.
SD-628

10:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Environment and Public Works
Business meeting to consider pending calendar business.
SD-406

Foreign Relations
To hold hearings to examine U.S. foreign policy priorities.
SD-419

FEBRUARY 10

10 a.m.
Governmental Affairs
To continue hearings to examine the rising cost of college tuition and the effectiveness of the Federal financial aid.
SD-342

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine e-commerce, federal policies, and consumer protection.
SD-192

10:30 a.m.
Foreign Relations
To hold hearings on the President's proposed budget request for fiscal year 2001 for foreign aid, and to review U.S. foreign policy.
SD-419

2 p.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine enhancing border security.
SD-226

FEBRUARY 11

10 a.m.
Budget
To resume hearings on the President's proposed budget request for fiscal year 2001.
SD-608

FEBRUARY 22

3 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1722, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State; H.R. 3063, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State; and S. 1950, to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana.
SD-366

FEBRUARY 23

10:30 a.m.
Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Environmental Protection Agency.
SD-406

FEBRUARY 24

10 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Army Corps of Engineers.
SD-406

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget extimates for fiscal year 2001 for the the Department of Commerce.
SD-138

FEBRUARY 29

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Justice.
SD-192

MARCH 2

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of State.
S-146, Capitol

MARCH 7

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Bureau of Investigation, Drug Enforcement Administration, and Immigration and Naturalization Service, all of the Department of Justice.
SD-192

MARCH 21

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Excahnge Commission.
S-146, Capitol

MARCH 23

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.
S-146, Capitol

POSTPONEMENTS

FEBRUARY 8

10 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine issues relating to identity theft.
SD-226

HOUSE OF REPRESENTATIVES—*Thursday, February 3, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 3, 2000.

I hereby appoint the Honorable PAUL RYAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Chaplain, Lutheran Social Services, Fairfax, Virginia, offered the following prayer:

O, God of power and of love; we acknowledge You to be Creator of all things, both the great and the small; protector of all people, both the strong and the weak; and the source of hope for all people, both the proud and the forlorn.

May our national and individual prayer, this day and always, be for peace in our time and our lives, mercy when our choices do more harm than good, courage to face our greatest challenges, and wisdom to know righteousness for our lives and, thereby, to live justly with our neighbor. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

Mr. RYAN of Wisconsin led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. LOIS CAPPS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Sharon Siegel, District Director of the Honorable LOIS CAPPS, Member of Congress.

HOUSE OF REPRESENTATIVES,
January 27, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: this is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a hearing subpoena for testimony issued by the Superior Court for Santa Barbara County, California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

SHARON SIEGEL,
District Director.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Monday next.

There was no objection.

Accordingly (at 10 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Monday, February 7, 2000, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5998. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-205, "Motor Coach Vehicles Tax Exemption Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5999. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-204, "Campaign Finance Reform Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6000. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-196, "Elections Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6001. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-194, "Blanket Order Blitz Increased Opportunity for Local, Small, and Disadvantaged Business Enterprises Temporary Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6002. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-193, "Burial Assistance Program Reestablishment Temporary Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6003. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-192, "Digital Audio Radio Satellite Service Companies Tax Exemption Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6004. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-191, "Choice of Driver's License Number Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6005. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-181, "Office of the Inspector General Powers and Duties Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6006. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-186, "Retail Service Station Amendment Temporary Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6007. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-190, "Safe Teenage Driving Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6008. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-171, "Management Supervisory Service Temporary Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6009. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-170, "Advisory Neighborhood Commission Vacancy Temporary Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6010. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-169, "Advisory Neighborhood Commission Procurement Exclusion Temporary Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6011. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-168, "Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Non-service Nonprofit Provider Clarifying and Technical Temporary Amendment Act of 1999" received January 27, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6012. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Department's final rule—Special Local Regulations for Marine Events; Sharptown Outboard Regatta, Nanticoke River, Sharptown, Maryland [CGD 05-99-029] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6013. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Alexandria 250th Birthday Celebration Fireworks Display, Potomac River, Alexandria, Virginia [CGD 05-99-057] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6014. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; New Bern July 4 Fireworks Display, Neuse River, New Bern, North Carolina [CGD 05-99-058] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6015. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS: Bay View, Catano, Puerto Rico [CGD07-99-012] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6016. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS; Air & Sea Show, Fort Lauderdale, Florida [CGD07-99-017] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GRAHAM (for himself, Mr. McINTOSH, and Mr. GREENWOOD):

H.R. 3575. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991; to the Committee on the Judiciary.

By Ms. GRANGER:

H.R. 3576. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program; to the Committee on Ways and Means.

By Mr. SIMPSON:

H.R. 3577. A bill to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; to the Committee on Resources.

By Mr. SUNUNU:

H.R. 3578. A bill to modify the annual reporting requirements of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 914: Ms. BALDWIN.

H.R. 1322: Mr. GEKAS and Mr. KUYKENDALL.

H.R. 1363: Mr. GEKAS.

H.R. 2201: Mr. GIBBONS and Mr. DUNCAN.

H.R. 2727: Mr. GOODLATTE.

H.R. 2859: Mr. CROWLEY, Mr. WATT of North Carolina, and Mr. ABERCROMBIE.

H.R. 2966: Mr. SUNUNU and Mr. UDALL of New Mexico.

H.R. 3065: Mr. BROWN of Ohio.

H.R. 3115: Mr. LUCAS of Oklahoma.

H.R. 3252: Mr. OXLEY and Mr. GEKAS.

H.R. 3256: Mr. FOLEY.

H.R. 3295: Ms. WOOLSEY.

H.R. 3521: Mr. SIMPSON.

H.R. 3540: Mr. WU, Mr. LEACH, Mr. CLYBURN, Mr. VITTER, Mr. RAHALL, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. GREEN of Texas, Mr. COOKSEY, Mr. WAMP, Mr. KIND, Mr. BARRETT of Nebraska, Mr. HILLIARD, Mr. PRICE of North Carolina, Mr. EVANS, Ms. ESHOO, Mr. KILDEE, and Mr. TALENT.

H. Con. Res. 240: Mr. DELAHUNT, Mr. PAYNE, Mr. RUSH, and Ms. WOOLSEY.

H. Res. 146: Mrs. CAPPS.

SENATE—*Thursday, February 3, 2000*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, thank You for the gift of prayer. You always are the Initiator. You call us to prayer because You want to communicate Your love, forgiveness, guidance, and power. It is awesome that You, Creator and Sustainer of the universe, know each of us and care about what concerns our Nation. Time with You changes things. It changes us, our attitudes, our circumstances, and the people of our lives.

Today, as we met for the National Prayer Breakfast, we prayed specifically for our President, Bill Clinton. Bless him in this last year of his Presidency. Grant him Your grace and peace, wisdom and guidance. Strengthen the lines of communication with the Senate so that consensus may be achieved on matters of crucial legislation.

We commit our day to continuous conversation with You so that all we say and do may be under Your control and for Your glory. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BUNNING). The acting majority leader is recognized.

NATIONAL PRAYER BREAKFAST

Mr. THOMAS. Mr. President, many of us have just returned from the National Prayer Breakfast, and I certainly commend Senator MACK and others who were responsible for putting it together. It is one of the outstanding events of our year. And thanks, too, to the Chaplain for his work.

SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will immediately proceed to the vote on the confirmation of the nomination of Alan Greenspan. The leader would like to announce that this will be the only vote of the day.

Following the vote, the Senate will proceed to a period of morning business for general floor statements and bill introductions.

As previously announced, the Senate will not be in session tomorrow to accommodate the Democrat conference meeting. On Monday, it is expected the Senate will begin consideration of S. 1052, the Mariana Islands legislation. And on Tuesday the Senate should begin debate on the nuclear waste bill.

I thank my colleagues for their attention.

The PRESIDING OFFICER. The minority whip.

Mr. REID. We appreciate the statement of the acting majority leader. Also, on behalf of Senator AKAKA, I express appreciation to the majority for allowing the Mariana Islands bill to go forward, as it was indicated it would be done before February 15. We are grateful for that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ALAN GREENSPAN TO BE CHAIRMAN OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM—Resumed

The PRESIDING OFFICER. The Senate will resume consideration of the nomination, which the clerk will report.

The legislative clerk read the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System.

● Mr. HAGEL. Mr. President, I strongly support Alan Greenspan's nomination to a fourth term as Chairman of the Board of Governors of the Federal Reserve System. While Congress and the President continue to claim credit for our strong economy and projected budget surpluses, one person truly deserves the nation's gratitude for this unprecedented economic expansion—that is Alan Greenspan. His tenure has been a spectacular success.

Chairman Greenspan's decisions regarding monetary policy have helped lead us to low unemployment, low interest rates and the longest period of sustained economic growth in the nation's history. Given his remarkable record, it is easy to forget that circumstances have not always been this good for him. Chairman Greenspan has also been tested by periods of adversity during his tenure at the Federal Reserve. Immediately following the October 1987 crash on Wall Street, Chairman Greenspan worked with money center banks to ensure that the brokerage firms continued to have the liquidity necessary to calm both markets and investors. Even in times of adversity, his was a steady hand.

Last year, during debate on the financial modernization legislation, Chairman Greenspan served as a crucial advisor to the Members of the Conference Committee. He added indispensable expertise to enacting legislation that will help maintain the competitiveness of our financial services industry in a global economy while ensuring the safety and soundness of our financial markets.

Unfortunately, I will not be present for the full Senate vote on the Chairman's nomination. I have the responsibility of leading a bipartisan congressional delegation to Wehrkunde, the annual world security conference in Munich, Germany and to Moscow, where we are to meet with acting Russian President Vladimir Putin.

I voted for Chairman Greenspan's nomination during the Banking Committee's markup and would vote for his renomination before the full Senate had I been present. I urge all my colleagues to do the same.●

● Mr. KOHL. Mr. President, I strongly support Alan Greenspan's renomination to Chair the Federal Reserve Board for a fourth term.

The United States is currently enjoying the longest period of economic growth in our history, with price stability and record low unemployment. Welfare rolls have been dramatically reduced, and we have more Americans in homes of their own and invested in the burgeoning stock market than ever before.

As Chairman of the Federal Reserve Board for the past 12 years, Dr. Greenspan deserves no small amount of the credit for this unprecedented growth and prosperity. Chairman Greenspan has consistently steered American monetary policy on a prudent and responsible course. He has won the respect and confidence of policymakers, the financial services industry and the American people. Indeed, we have witnessed that Alan Greenspan's words alone have the potential to trigger fluctuations on the global markets. Commendably, Chairman Greenspan has also upheld a high standard of evenhanded, apolitical management of our nation's money supply. And last year, Chairman Greenspan played a critical leadership role in the passage of the Financial Services Modernization Law to expand the market powers and competitiveness of our financial institutions, while lowering fees and promoting financial product innovation to the benefit of all Americans.

And this strong economy has coincided with fiscal discipline on our part, rather than the deficit spending of the past. The Federal budget is balanced, and, this year, we will hopefully take continued steps to retire more of the $5 trillion national debt. As Chairman Greenspan has advised, retiring the debt is one of the most important steps we can take to promote continued economic growth and plan for the future financial challenges of the aging of the baby boomer generation. There is room for tax cuts. There is room to increase spending on important domestic priorities, but debt reduction should remain a centerpiece of our economic agenda.

We can be confident that Alan Greenspan will continue providing vital leadership of monetary policy toward our common goal of keeping the economy robust. Considering his past record and looking to the future, he deserves reappointment, and I urge my colleagues to support his renomination.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Alan Greenspan to a fourth term as Chairman of the Board of Governors of the Federal Reserve.

Mr. President, our economy has just completed its 107th month of expansion—a record period of growth in peacetime or war in our Nation. Our economy is the marvel of the world, and for good reason. The unemployment rate is at a record low, and the Gross Domestic Product grew at a rate of almost 6 percent in the second half of 1999.

Despite this low unemployment and high growth, factors that can typically bring about strong inflation, inflation has been kept in check. Part of the reason for this is due to increases in productivity, which resulted in large part from the pro-growth economic policies of the 1980s as well as stunning technological advances.

These technological advances are revolutionizing the way America does business and are changing the face of our economy. Some are calling it a "new economy," because it seems to defy some of the conventional forces that shaped the economy in the past. Some are going so far as to suggest that the economic cycle may be dead and that we do not need to worry as much about these old forces.

Now that the economy has surpassed all previous records of growth, there are signs that it is perhaps overheating. Yesterday, the Federal Open Market Committee and the Federal Reserve, under the leadership of Chairman Greenspan, raised the federal funds and the discount rates as a further measure to counter this possible overheating. Some are criticizing these moves, saying they are unnecessary and that the "new economy" does not need the same kind of restraint as did the old.

But, Mr. President, I would certainly be cautious about second-guessing the wisdom of Alan Greenspan. Over the past 13 years, Alan Greenspan has been the voice of steady reason and common sense for our monetary policy. His policies have shown prescience, and his stewardship has been confident and strong. Chairman Greenspan has been the voice of common sense that the financial markets listen to and respect. I believe we are indeed fortunate to have had the services of Chairman Greenspan over the past 13 years, and I commend the President for reappointing him to this key post. I am greatly pleased and relieved that he is willing to serve another term. We need his experience. We need his wisdom. And we need his continuing steady hand at the helm of our monetary policy.

Whether or not we truly have a new economy that will continue to defy traditional forces, I don't know. But I am very pleased that Alan Greenspan is here to guide us and I enthusiastically support his confirmation and urge my colleagues to do the same.

Mr. FEINGOLD. Mr. President, I will vote to confirm the nomination of Alan Greenspan to another term as Chairman of the Federal Reserve Board of Governors. While I continue to have some concerns about some of the day-to-day management of the Federal Reserve System, he has helped sustain a period of economic growth that few would have predicted a few years ago.

Mr. President, when I first ran for the U.S. Senate in 1992, my highest priority was reducing the Federal budget deficit. In 1992, that deficit stood at $340 billion. This past fiscal year, we balanced the budget. That is an enormous achievement, and it was due to the tough fiscal policies of Congress, particularly the 1993 deficit reduction package, and Chairman Greenspan stewardship at the Federal Reserve. Both were integral to our economy's growth and to the resulting improvement in our budget picture, and I credit Chairman Greenspan for his part in that effort.

I do want to make clear that I have some continuing concerns regarding the Federal Reserve, concerns that stem in part from a 1996 General Accounting Office report which reviewed the Federal Reserve System. Noting that there were no strong external forces to minimize Federal Reserve costs, the report identified weaknesses in existing oversight and budgetary processes which resulted in a number of troubling issues. The GAO found a $4 billion cash reserve known as a Surplus Account that the Federal Reserve exempted from its policy of returning all its net profits to the Treasury. The report found evidence from its policy of returning all its net profits to the Treasury. The report found evidence of inefficiencies and excessive spending, and specifically identified the construction of a Federal Reserve Bank as well as overly generous travel, salaries, and employee benefits.

The report noted at least one major instance, the construction of the Dallas Federal Reserve Bank, in which the Federal Reserve missed an opportunity to save money, including the purchase of unnecessary land at the cost of $7 million.

The GAO also reported that some employees had home security systems installed by the Federal Reserve, costing from $2,500 to $8,000, while others had home-to-work transportation using Federal Reserve vehicles. And the GAO found Federal Reserve travel expenses had risen by nearly 67 percent between 1988 and 1994, from $28.5 million in 1988 to $47 million in 1994, compared to only 26 percent for the Federal government.

Mr. President, it should be noted that the Federal Reserve did respond to the GAO findings by establishing annual audits of their Reserve banks, and I credit that action.

Those annual audits have since been codified, along with annual audits of the Federal Reserve Board and the Federal Reserve System by a provision added to the financial modernization bill, the Gramm-Leach-Bliley Act. That audit provision was added to the financial modernization bill by the Senator from Nevada (Mr. REID) and the Senator from North Dakota (Mr. DORGAN). They have been vigilant on this matter, and in fact they were the original requesters of the 1996 GAO report.

The Reid-Dorgan audit requirements are an important step, and I am greatly encouraged by it, but we should go further. I feel strongly that we should ask the GAO to update its 1996 report on the Federal Reserve, and hope Chairman Greenspan will join in such a request.

We cannot have a complete understanding of current management practices at the Fed until we hear from the GAO again on this matter, however, I am willing to give Chairman Greenspan the benefit of the doubt. The audit requirements added to the Gramm-Leach-Bliley Act do represent an improvement, and I was encouraged by the modest step taken by the Fed in response to the 1996 GAO report.

Mr. President, I opposed this nomination four years ago, and I very much look forward to a needed update of the GAO audit of the Federal Reserve. However, given his remarkable record in helping to sustain the economic growth of the past several years and in the improvement in our budget picture, I will vote to confirm Chairman Greenspan.

Mr. DASCHLE. Mr. President, a couple of days ago marked the longest economic expansion in U.S. history: 107 months. Alan Greenspan deserves credit for coordinating closely with the administration foster that growth.

Mr. Greespan has been described as a master of the art of monetary policy. He has certainly learned and grown in office. His renomination deserves our full support.

President Clinton renominated Chairman Greenspan for two reasons: Our unprecedented record of economic success; and his ability to coordinate Fed monetary policy with our fiscal policy.

Those two reasons are, in fact, inseparable. It is the marriage of fiscal and monetary policy that created and has sustained current economic expansion. This successful working partnership has worked despite his being a lifelong Republican—though we would gladly welcome him as a Democrat.

The best illustration of Mr. Greenspan's ability to coordinate closely with administration is the 1993 economic plan. Mr. Greenspan signaled that if the new President attacked the deficit aggressively, it would produce lower interest rates. The President followed that advice. A Democratic Congress passed that plan.

As a result, we have gone from the biggest budget deficits in U.S. history to the biggest surplus. Largely as a result of the 1993 economic plan, we now have the lowest interest rates since WWII. We have created more than 20 million new jobs. Unemployment is at the lowest level in 30 years. The poverty rate is the lowest in two decades. Homeownership is at an all-time high. Real wages have grown faster and longer than at any time in more than two decades.

What is most remarkable is that we have achieved all of this while keeping inflation under control: 2.7% inflation last year. It used to be an article of faith among many conservative economists that you had to have at least 6% unemployment or you would trigger inflation. Chairman Greesnpan had the courage to challenge that orthodoxy and prove it wrong. The result is millions of people are working today who would not have had jobs under the old rules.

He has done so without sacrificing his commitment to taming inflation and has succeeded in maintaining record low inflation.

We should confirm Chairman Greenspan for a fourth term as Fed Chairman. We should also continue to uphold our end of the partnership. We have confidence Chairman Greenspan will continue to exercise strong monetary leadership. We should commit ourselves to continuing to exercise strong fiscal discipline.

People sometimes find Chairman Greenspan's messages a little difficult to decipher. They tend to look for shades of meaning in his statements. But on the question of our national debt, he has been absolutely clear and unequivocal. He has said over and over: We must pay down the debt. Huge new tax cuts or excessive Government spending could destroy our prosperity. He could not be clearer on that point.

We need to listen to Chairman Greenspan. Many inside this Congress—and outside—are now seizing on new surplus estimates from the Congressional Budget Office to justify massive new tax breaks. Their plans stand in direct contradiction to Chairman Greenspan's advice to us. Their plans represent a total abdication of the fiscal discipline that has helped get us to this point.

Our best first use of the surplus is not to pay for an election-year tax cut. It is to pay down the debt. That will enable us to protect this economic recovery today and protect Social Security and Medicare tomorrow.

We support tax cuts to help working families with real, pressing needs like child care and college tuition. We support tax cuts to help working families care for sick and aging relatives. We support eliminating the marriage penalty tax.

The American people have made it clear that these are the kinds of tax cuts we should aim for: tax cuts that expand our prosperity, not undermine it; that help all Americans, not just a privileged few. We should listen to them. But we also share Mr. Greenspan's view that the best tax cut for America's families and businesses is to pay down the debt. This year because of the progress we have made since 1993 in eliminating the deficit and reducing the debt, the average American family will save: $2,000 on its mortgage; $200 on its car loan; and $200 more on student loans.

Shortly after it was clear the Asian "flu"—the Asian monetary crisis—had been successfully contained, Time magazine ran a cover story. The picture on the cover showed Alan Greenspan and, standing behind him, Bob Rubin and Larry Summers. The headline read: "The Committee that Saved the World: The inside story of how the Three Marketeers * * * prevented a global economic meltdown."

That is strong praise and it is deserved. Chairman Greenspan, working with this Administration, has earned our vote of confidence. I am proud to cast my vote in support of is renomination.

Mr. President, I am very pleased that this nomination is before us, and I am hopeful that we will see an overwhelming vote in favor of Alan Greenspan this morning. We have made remarkable progress in this economy and in our country, in large measure because of the marriage between fiscal and monetary policy.

That monetary policy was created because of the leadership of Chairman Greenspan. He has been a leader not only in creating monetary policy but in setting the tone for this country as we make some difficult choices in our fiscal policy.

He has said to all of us we need to be very prudent in making decisions about how we spend our surplus, about how we manage our budget, about the commitments we make to tax cuts we cannot afford, about the importance of paying off the debt and bringing long-lasting fiscal responsibility by eliminating the public debt.

That kind of advice is advice we all ought to take. It is the kind of advice that has given us the longest economic expansion in history. It is an expansion that ought to be continued for years and years to come. It will if we follow the advice of Alan Greenspan. It will if we keep this marriage of fiscal and monetary policy. It will if we pay off the debt and do what we should to ensure the fiscal prudence we have demonstrated in our budgets over the last couple of years.

I very enthusiastically endorse this nomination and hope that on a bipartisan basis we can provide the kind of vote of confidence this Chairman deserves.

I yield the floor.

Mr. THOMAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System? The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS), the Senator from Arizona (Mr. McCAIN), the Senator from Nebraska (Mr. HAGEL), the Senator from Alaska (Mr. STEVENS), and the Senator from Arizona (Mr. KYL) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote "yea."

Mr REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Rhode Island (Mr. REED) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) would vote "aye."

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 4, as follows:

[Rollcall Vote No. 6 Ex.]

YEAS—89

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—4

Dorgan
Harkin
Reid
Wellstone

NOT VOTING—7

Boxer
Burns
Hagel
Kyl
McCain
Reed
Stevens

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the exception of myself, and that I be permitted to control up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Texas.

THE ALAN GREENSPAN CONFIRMATION

Mrs. HUTCHISON. Mr. President, I extend my congratulations to Alan Greenspan. I think the Senate has done exactly what it should have done, which is overwhelmingly approve the nomination of the Chairman of the Federal Reserve Board. He has been in that position for 13 years and has guided our country on a very even keel while going through an economy that could have been volatile but because of his leadership has not been. I look forward to continuing this long string of prosperity in the economy we have been able to have under the leadership of Chairman Greenspan.

THE MARRIAGE TAX PENALTY

Mrs. HUTCHISON. Mr. President, today, for the next 30 minutes, we are going to talk about a subject that I think perhaps is the highest priority we have in Congress; and that is to correct a terrible inequity in the tax laws of our country—a penalty that we exact on married couples.

You may ask, penalty on married couples? Are you serious? Well, the fact is, yes, I am serious. The Tax Code, over the years, has not kept up with what has happened in our country demographically, which is that over 64 percent of the married couples in this country today have two incomes; both spouses work outside the home, in addition to working inside the home. The Tax Code has not caught up to treating them fairly when they get married. In fact, what has happened is that we have not increased the standard deduction to be double for a two-income-earning couple; nor have we expanded the tax brackets for a two-income-earning couple. So if you take the example of a schoolteacher and a sheriff's deputy or a policeman, one of whom makes $27,000 a year, the other of whom makes $31,000 a year, they will pay an extra $717 in taxes just because they got married.

Now, generally, this is a young couple who is getting married, who need the extra money now more than ever. It is a couple who want to buy their first home, want to have their first child, want to buy the extra car they will need to fulfill their responsibilities. But, in fact, we take money away from their ability to fulfill their hopes and dreams.

Americans should not have to choose between love and money and, most certainly, the Government should not encourage this. We need to have policies that encourage marriage, encourage families.

I read an interesting article recently pointing out that marriage is one of the key factors in determining poverty. One in three poor families is headed by an unmarried parent. In contrast, 1 in 20 married couples are considered to be in poverty. So being married is one of the factors in people being able to lift themselves out of poverty. So, of course, knowing this, we should be even more attuned to this inequity.

The Congressional Budget Office estimated that 21 million married couples are paying this penalty; that is, 42 million Americans are paying a higher tax because they are married. This tax hits hardest those couples with two incomes. Two-thirds of those married couples, that have two incomes, will pay a tax penalty simply for being married. These couples are paying an average of $1,400 more; that is $29 billion in taxes being sent to Washington—money which our Treasury should not be receiving—$29 billion in money just because people are married and not single.

Why are many people working? In many instances, it is because of the incredibly high tax burden. We have the highest tax burden since World War II on families in this country. Nearly 40 percent of the income families earn goes straight to the tax collector. How can we solve this problem? We can start by increasing the standard deduction for married couples from $7,200 to $8,600. This would make it exactly double what is available to single taxpayers.

Senator ASHCROFT, Senator BROWNBACK, and myself have introduced legislation to do exactly this. That should be our very first step. In fact, that is exactly what the Congress passed last year and sent to the President, but he vetoed it. It was part of a balanced tax package that would have put $790 billion back in the pockets of the taxpayers of this country. But the President chose to veto that legislation.

This same legislation was introduced this week by Congressman ARCHER, chairman of the Ways and Means Committee on the House side. His legislation would increase the standard deduction in 2001 for married couples to twice the rate applicable to singles.

The second thing we can do is to widen the tax bracket for married couples so that it is twice the size of the corresponding bracket for singles.

Let me give you an example.

A married couple is taxed at the 15-percent rate up to $43,350 in income. But if two single people make the same salary, they could be taxed at 15 percent on income up to $50,700. That means $7,350 is taxed just because people are married.

We need to change this policy. Senator ASHCROFT, Senator BROWNBACK, and myself have introduced a bill that would adjust every bracket so that married couples would not pay a penalty. They would not go into higher tax brackets just because they are married. If one person makes $20,000 a year, and another makes $55,000 a year, they should pay taxes on what they earned, not putting it together and penalizing them by making the entire $20,000 that is earned by one spouse to be taxed at the higher 28-percent bracket of the other spouse.

This week, Congressman ARCHER introduced legislation that would widen the 15-percent bracket. This is clearly the right direction. But I also want to make sure we don't forget those people in the 28-percent bracket. They get hit hard by the marriage penalty as well. The people who move up to the 28-percent bracket when they are earning the

15-percent bracket salaries should not pay that penalty. That is what we are trying to correct.

Senator ASHCROFT, Senator BROWNBACK, and I have introduced this legislation for 3 straight years. We have tried to get the President to sign tax relief for our married taxpayers.

Yesterday, the House Ways and Means Committee reported legislation out, and it will be considered on the House floor next week. This is a great step forward. It is a step in the right direction. I commend Chairman ARCHER for acting so quickly.

I hope we can pass a balanced tax bill this year. I hope we can make the linchpin of that bill the marriage tax penalty relief.

But that is not the only tax relief that our people in this country deserve, and the working families deserve. They also deserve tax credits for education expenses, and tax credits for caring for elderly parents, which is becoming a bigger problem—a bigger issue—as our population is aging.

We want to make sure small businesses and farmers and ranches don't have to be broken up because of the inheritance tax.

We want to try to make sure we have capital gains tax reductions so that people will be encouraged to invest in our country to help spur our economy forward.

We have a lot of wage earners who will be coming into our economic system. We want to make sure we can absorb them. The way we can do this is by creating new jobs. The way you create new jobs is to invest in capital.

I want a balanced, good tax cut bill. I want to say very clearly that we are not talking about taking the entire surplus and giving it back to the taxpayers of our country. We have bifurcated our surplus. We have said that trillion dollar plus in surplus funds that belongs to Social Security is going to stay in Social Security, so that will always be there. It will be part of a trust fund, and Social Security will be safe forever.

What we are talking about is an income tax withholding surplus. This is the surplus that people have sent to Washington in income taxes—not Social Security taxes. We are talking about taking approximately one-third of the income tax withholding surplus and giving it back to the people who sent it to Washington because it is very clear that if we don't give it back to the people who sent too much, it will sit here and it will eventually go away. There is nothing like the creativity of the Federal Government when it comes to spending more money.

Mr. President, we want to give people the bonus they have sent to the Federal Government back. We want them to make the decisions for their children about how they are going to spend the money they earned that belongs to them. That is the bonus they deserve.

We are going to make marriage tax penalty relief the linchpin of our balanced tax cut plan, and we are going to put in capital gains tax relief and inheritance tax relief and relief for people who are sending their children to college, or perhaps to a private school that has a huge tuition fee. That is very difficult for the family to absorb.

Sometimes when I talk to my friends and people who I meet in airports and in cities I visit, the second spouse is working for education expenses for their children, or for the expense of caring for an elderly parent. We want to help them.

I think we can get a balanced tax cut for the working people of this country that will give them the relief they deserve because they sent more money to Washington than we need for the services we must cover.

I am very proud that I have two cosponsors who have worked so diligently with me to try to keep this issue in the forefront of issues the Senate will address. Senator ASHCROFT from Missouri and Senator BROWNBACK from Kansas have been cosponsors of my legislation every time we have tried to push it through. Last year, we won. But the President said no. We are coming back until we win this for the married couples of this country so they get the money they earned in their pocketbooks to decide what is best for their families—not somebody in Washington, DC, they have never met making that decision for them.

I am proud Senator BROWNBACK is here to talk about how this affects families in Kansas, his home State. And later I am hoping Senator ASHCROFT will be able to also come and talk about the legislation we have tried so hard to push through, and which I hope this year will be the one that we see the victory for the hardworking people of our country.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, thank you.

Mr. President, I am delighted to join my colleague from Texas, Senator HUTCHISON, in this effort yet again. We are going to keep pushing this ball up the hill until we get it over. I think this is the year we will get that done—to finally do away with this marriage penalty that impacts nearly 21 million American families in a very adverse and a terrible way—and an awful signal it sends to the married couples: Well, if you are going to get married, that is fine, but we are going to tax you for it.

I think if there is one thing we ought to try to figure out, it is how not to tax the institution of marriage, which is in so much trouble. And there is so much pressure in this country already. The last thing it needs is more pressure by the taxation system, the Tax Code.

This is the year for us to be able to get this done.

I hope at the end of the day we can put together the marriage penalty and the estate tax, which is another family tax—particularly in my State with family farmers and small businesses—and pass a family tax cut bill of those two items, send it through, pass it by the House, and put it on the President's desk and ask him: Mr. President, please sign this on behalf of the working families of this country to be able to maintain these businesses, farms, and these marriages—that all of us ought to be strongly supporting and working with.

It is interesting that the marriage penalty currently affects almost 50 percent of America's families. Fifty percent of America's families are impacted negatively by the marriage penalty today. On average—this is an old figure. People have heard this one but it is true, and it is so stark—they pay an additional $1,400 in taxes. You have 50 percent of married couples in America impacted by this tax and on average paying $1,400 a year more for the pleasure and the privilege in America to be married. It is a terrible signal and bad policy. This is the year to do away with it.

It is critically important that during this second session of the 106th Congress we take the steps finally to eliminate the marriage penalty and alleviate its impact on our working families in this country.

I applaud the work of Chairman ARCHER over in the House in advance of his proposal to double the standard deduction and widen the 15-percent bracket and to adjust the earned-income tax credit in order to alleviate the impact of the marriage penalty for America's working families. His proposal is an important first step in our effort to rid our Tax Code of this onerous penalty to our families.

The Congressional Budget Office has announced that the expected on-budget surplus—I want to make this clear; it is the on-budget surplus; it is not Social Security—for this fiscal year is $233 billion. Clearly, we have the funds available on budget to do this tax cut and to start it this year. We need to begin by making an investment in America's families. Using the on-budget surplus to rid the Tax Code of this unfair tax is one way to make such an investment. We clearly have the funds to do this for both the marriage penalty and the estate tax, starting this year and phasing that out over a period of 5 years.

The Government should not use the coercive power of the Tax Code to erode the foundation of our society—working families. We should quit incentivizing that erosion resulting from this taxation. Normally in the Tax Code we try to encourage work; we try to encourage families; we try to encourage good things. Yet these are two areas where we are discouraging two of our greatest things. One is the creation of families—good, strong, healthy families that are absolutely critical for vibrant societies. The second is working families, so they do not have what they labor for stolen from them by the taxation system upon death, so they can pass it on to their heirs, so they can hold the farm together.

Some years ago I was an extension specialist for Kansas State University, and I worked with farm couples who were facing two facts of life at that point in time. One I was hoping we could get rid of. One was that they were all going to die. The second was they were very fearful they would have to break the farm up, rather than being able to pass it on to a son or daughter to farm as an intact unit; they were going to have to break it up to pay a portion of the estate taxes.

These were good, hard-working people who worked all of their lives. Because they were frugal and saved and poured the money back into the farm, bought farmland, bought equipment, didn't go out and live luxuriously and take lots of vacations—they stayed there and worked and saved, all of which are laudable things for which we should be applauding them—here were people I was working with, couple after couple, saying: We just really want to have our son be able to farm, or our daughter and son-in-law be able to farm, but if we break this farm up they are not going to be able to have an economical-size unit. They are going to have to work in town and subsidize the farm because farming is a very capital intensive operation; it takes a lot of capital and there is very little return on the investment. We are afraid we will have to break the farm up to pay the estate taxes, so our son or daughter will not be able to farm.

They worked hard and saved and we are going to tax them so they have to break up the farm.

I worked with a whole bunch of other family farmers who said they would organize around this estate tax. They would go and work setting up a trust, a limited partnership, starting a gifting program here. So we have organized five different units to be able to break the assets up so they could get it to the next generation with a minimal amount of tax.

That is a very uneconomical thing to do. Lawyers make money; accountants make money doing that. For farming, it is a bad thing to do because you are breaking your economical unit up into five and trying to figure it out, focusing so much on avoiding taxes rather than the profitability of the farm. It is ridiculous but it is the policy of the United States.

We now have people basically paying as much to get around paying estate taxes as they pay in estate taxes. But that is only the apparent, on-the-surface costs. It says nothing about the economic cost—what happens to that farm and small business by focusing so much time on tax reduction rather than how do I run this business. How do I try to remain profitable when we have wheat prices the way they are today? Instead, I am focusing on how do I hold my capital together.

It is a very counterproductive tax. We have the opportunity, the resources, the wherewithal, and the will this year to do two things: eliminate the marriage penalty and eliminate the estate tax. We should put them together as a family tax cut package and get it done. It sends good signals to our families; they need a good signal. Marriage in America has enough difficulty without the penalty from the Federal Government.

I wish to give you a statistic from Rutgers University, a study they did about marriage being in the state of decline it is today. From 1960 to 1996, the annual number of marriages per 1,000 adult women declined by almost 43 percent, a precipitous falloff in the number of people getting married in a period of about 36 years. At the same time that fewer adults are getting married, far more young adults are cohabiting. In fact, between 1960 and 1998, virtually the same period, the number of unwed cohabiting couples increased by 1,000 percent. We gave them a tax subsidy for doing that. We taxed the married people. Is that the proper signal for Government to send?

When marriage as an institution breaks down, children suffer. The past few decades have seen a huge increase in out-of-wedlock births—we are at nearly 30 percent of our population born to single mothers—and divorce, the combination of which has substantially undermined the well-being of children in virtually all areas of life: physical and psychological health, socialization, academic achievement, and even in the likelihood of suffering physical abuse.

That is not to say some single parents do not struggle heroically to raise children. They do, and many get it done. It is simply to say it is far more difficult, and the numbers are bearing that out for us as a society that this is a very difficult thing to do, and has an enormous social cost in the aggregate associated with it.

Study after study has shown that children do best when they grow up in a stable home, raised by two parents who are committed to each other through marriage. It should not take studies to tell us that. That is basic common sense and the experience we have. Newlyweds face enough challenges without paying punitive damages in the form of a marriage tax. Think of that. It really is basically punitive damages. If you get married, we are going to sock you with punitive damages in the amount of $1,400 a year. The last thing the Federal Government should do is penalize the institution that is the foundation of a civil society. We must eliminate the marriage penalty.

The surging surplus is a result of nonpayroll tax receipts. In other words, the surplus is really a tax overpayment to the Government—personal income and capital gains taxes. We must give the American people the growth rebate they deserve and return this overpayment in the form of the marriage penalty elimination and the estate tax elimination. We can. We should start now. I believe we must do it for a healthy society, for a healthy married society, for a healthy family society, for a healthy economical society, for small businesses and family farms. To rid the American people of the marriage tax penalty and the estate tax is something we can and we should do this year.

I am delighted Senator HUTCHISON from Texas continues this fight; that Senator ASHCROFT from Missouri has been one of the leaders in this fight. You can start to taste victory. It is going to be a tough fight. Clearly, there is not an excuse not to do it this year. We are starting early. We have the resources. The American people want us to do this. We need to send this signal to a society which is asking us: Where are the values in society? Where is the morality?

We need to rebuild the civil society. These are enormously positive messages and notes we can send by doing this.

With that, I call on my colleagues, all, to vote for these proposals. Do it together in a family tax cut and eliminate these two taxes.

I yield the floor to my good friend and colleague from the State of Missouri. He has been a leader for many years on rebuilding civil society. Here is one more area and effort he is leading, in working for the elimination of this marriage penalty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am delighted to have the opportunity to commend the House for beginning to move through its process, specifically the House Ways and Means Committee, the Marriage Tax Penalty Relief Act of the year 2000.

I am delighted that my colleagues in the Senate, including Senator BROWNBACK of Kansas and Senator HUTCHISON of Texas, have been so aggressive in talking about what this tax means to America.

Almost all of us realize that if you tax something, you get less of it, and if you give something a subsidy, you get more of it. It occurs to me that we do not need less marriage, less family, and fewer intact households in America. We need strong, durable, lasting families that reflect the kind of commitments for which marriage really stands.

It is possible for people to be committed to each other without the formal institution of marriage, but the data indicates that possibility does not find its way into reality very often. Marriage is not something that is against the interests of America. Marriage is something that is advancing the interests of America because it is in our homes and in our durable, lasting, persistent relationships, loving relationships, that we teach the fundamental values so important to this culture—values of responsibility, values of work and, yes, values of caring. We learn that we have responsibility and duty to each other. If someone in our family is in trouble, our first turn is not outside the family to get help; we first turn toward each other to help. One of the greatest values any culture can have is learning how to care one for another, and it happens in our families.

I plan to talk for a few minutes today about a real problem we have in this country, and that is that our Tax Code is at war with some of the fundamental values and attributes and characteristics in our culture. I think it is wrong for our Government to be attacking the very institution in society which provides the best support for what we otherwise achieve governmentally. Someone far more wise than I said it first when they said the family is the best department of social services, the family is the best department of education, the family is the best department of health and welfare. One would think if the family were doing this job and doing it well and relieving Government of its backstopping responsibility in these places, we would want to encourage the family; we would want to support it; we would want to sustain it; we would want to provide incentives for it rather than a penalty.

That is the thing that confounds us—that we are providing a penalty. Some great industrialist once said: Your system is perfectly designed to give you what you are getting, basically saying if you are not getting what you want, you should change your system.

Senator BROWNBACK eloquently cited the data. We are not getting what we want. We are getting fewer marriages instead of more marriages. We are getting less durability in these relationships instead of more. Look at the reason for the family breakups we have, and almost every sociological study says at the heart of it is the financial stress in the family.

What is Government doing in regard to marriage and stress that financially threatens and sometimes disrupts those marriages? It is adding to the stress instead of relieving the stress. Forty-two percent of all married couples suffer a marriage penalty, meaning the Government taxes them more for being married than they would be paying if they were not married.

We have already heard the data, and I do not think it is important to have the data, but it is there: About $1,400 per couple per year on average for the 21 million couples who suffer this $29 billion a year disadvantage imposed by Government against the very institution that should carry us into this next century.

When the House Ways and Means Committee marked up the Marriage Tax Penalty Relief Act, they were simply saying it is time for us to start peace negotiations; stop the war between Government and families; let's start having incentives for helping families. At least let us have a neutral environment so we do not have a situation where families are discriminated against by the Tax Code of the United States.

In my home State of Missouri, there are 1 million potential marriage tax victims because of family standing. According to the Treasury Department, 42 percent—over 4 out of every 10 married couples—pay a penalty for being married. I find that to be a tragedy.

According to the Tax Foundation, an American family spends more of its family budget on taxes than on health care, food, clothing, and shelter combined. When you say this is the kind of tax bite the American family is paying—it pays more for Government than health care, food, clothing, and shelter combined—Government is taking a big bite. It is taking a big bite from every citizen. Then add to that a Government penalty, a financial stigma imposed, saying we are going to tax you more because you are married than you would pay otherwise. This is wrong. It is simply that we have found a way, unfortunately, to get additional resources for Government at the expense of resources to the family.

In some measure, this really calls upon us to ask ourselves where our faith is for the future of America. What do we believe will sustain America in the future? Is it going to be big Government or will it be strong families? Will it be a culture that teaches responsibility, duty, compassion, and caring, one for another, or will it be a massive Government? If we really believe families are irrelevant, we should take more and more of their money and pour it into the bureaucracy. But I do not believe bureaucracies are the hope of America or of the world tomorrow.

Responsible citizenship, the kinds of values that are engendered in families, these are the elements of America's future. These are the bright lights that allow us to believe the best is yet to come, and we should stop eroding the funding for families by giving it all to Government.

If our faith is in families, we should help families. How do we help families? The first thing we do is let them keep some of the money they earn. Penalizing families is the wrong way to go about that. Unfortunately, Treasury Secretary Larry Summers announced on Tuesday that he will advise the President to oppose the House bill, less than 1 week after the President announced his support for marriage penalty tax relief.

The marriage penalty may actually contribute to one of society's most serious and enduring problems. There are now twice as many single-parent households in America as there were when this penalty was first enacted. I cannot say it is a cause, but it is hard to believe it is not a contributor. In our Government policies, we should not be intensifying the problems; we should be eliminating the problems and mitigate the damages they cause.

Our Government should uphold the basic values that give strength and vitality to our communities and to our culture. Sound families do that, and the science which supports that proposition is sound and complete and uncontradicted. Marriage and family are a cornerstone of who we are and what we stand for as a civilization, but the heavy hand of Government which imposes a penalty against marriage distorts the system and lacks the fairness we want in the tax system, and, frankly, it undermines our potential for the kind of future that good families, allowed to reserve some of their resources for their own use and development, could provide.

It is with that in mind that I commend the House for its action, and I look forward to the day when we in the Senate can do what we almost got done last year. We did it in the Senate. We had a major tax relief for the American family through the abolition or mitigation of the marriage penalty tax, sponsored by Senator HUTCHISON of Texas, Senator BROWNBACK of Kansas, and I was privileged to be a cosponsor. It went to the President and was vetoed in the overall tax package.

This concept the President has endorsed, which I think America understands, to bring parity to families so they are not discriminated against, because they are a part of the enduring, lasting, persistent, valuable relationship of marriage, is a concept whose time has come.

I am grateful for the action taken by the House and look forward to the opportunity of implementing, otherwise enhancing, that relief for American families in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from Missouri and the distinguished Senator from Kansas for joining me today to talk about this very important issue.

The House is getting ready to take action. We have spoken once on this issue. We have taken the lead to give relief to the hard-working taxpayers of our country. We do not think people should have to choose between having the money they earn to spend for their families or sending it to Washington, when it is already in excess because we have income tax withholding surpluses.

I appreciate the leadership of Senators ASHCROFT and BROWNBACK on this issue. We will not give up. We will not walk away from this issue. Before we leave the Senate, the married people of this country will be treated equally by the IRS Code across the board. It is our responsibility, and we will not walk away from it.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HARKIN. I understand, Mr. President, we are in morning business.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Mr. President, are there time limits on how long we may talk in morning business?

The PRESIDING OFFICER. Ten minutes.

Mr. HARKIN. Ten minutes.

Mr. President, I see my colleague from Minnesota has arrived on the floor. I want to take this time today to talk a little bit about——

Mr. WELLSTONE. Could I ask my colleague to yield for one second?

Mr. HARKIN. I am delighted to yield.

Mr. WELLSTONE. I thank the Senator.

I have a group of students outside. I would like to follow the Senator. I ask unanimous consent that I be allowed to follow Senator HARKIN in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair. We are each allowed 10 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. I have never heard Senator HARKIN speak for only 10 minutes. I ask Senator HARKIN, can you make your statement in 10 minutes?

Mr. HARKIN. I am sorry.

Mr. WELLSTONE. I said, I have never heard you be able to make an argument in 10 minutes.

Mr. HARKIN. I may ask unanimous consent to extend my morning business remarks.

The PRESIDING OFFICER. The Senator from Iowa.

THE ADMINISTRATION'S FARM SAFETY NET PROPOSAL

Mr. HARKIN. Mr. President, I want to talk on the issue of agriculture and rural America, and the administration's proposal announced by Secretary Glickman yesterday for improving the farm safety net.

At the outset, I am pleased that the administration has recognized that the Freedom to Farm bill has failed. The proposal the administration came up with is an impetus for change, and I think it will do a good deal to remedy the shortcomings of the Freedom to Farm bill.

I think the administration proposals of yesterday are a good step forward. I will go through a number of those. However, I want to forewarn my colleagues, while I think there is a lot in the administration's proposal that is good and positive and moves us ahead, I believe there are some shortcomings in it also.

First, on the conservation end, I believe the administration's proposal is a good step forward. It has some very positive features. The administration is proposing, for example, that we extend the conservation reserve program by 3.6 million acres up to 40 million acres. I believe that is a good proposal. That will do a lot to help conserve land and water and take some land out of production. It will help our wildlife. I think this is a good step.

There is a proposal for $600 million for the conservation security program. This is a program that is designed after a bill I authored to set up a conservation security program whereby farmers and ranchers could, on a voluntary basis, carry out certain conservation measures on their land, and then they would receive payments for doing so. This program would be administered by the Natural Resources Conservation Service. Again, this is fully voluntary, but it is another means whereby farmers could, by engaging in certain conservation practices, shore up their income.

The wetland reserve program has a cap right now of 975,000 acres. The administration would enroll an additional 210,000 acres in 2001 and another 250,000 acres in each subsequent year—again, a very positive step forward, to enroll land in the wetland reserve program.

There are several other conservation proposals: new funding for the farmland protection program, the wildlife habitat incentives program, and the environmental quality incentives program. All of these are extremely good measures that will both help conservation but also improve farm income.

The risk management provisions are positive. The administration is proposing about $640 million for a premium discount program for farmers and ranchers who take buy-up levels of crop insurance. That would help them reduce the cost and get better coverage. The administration also is proposing $100 million annually to develop a policy that covers multiyear losses. In places such as North Dakota, South Dakota, some parts of Minnesota, and others, we have had areas where they have had 3, 4, 5 years of drought, floods, crop disease or other damaging conditions. We need a risk management program that covers those multiyear losses. I am glad to see the administration taking a step to address this problem in the budget.

The administration is also proposing to establish a pilot program for insuring livestock. Currently there is no such insurance program. I hear a lot from livestock producers in Iowa that there should be some form of a risk management program, an insurance program for livestock production. Half of all our farm receipts come from livestock or livestock products. The administration is proposing a pilot program of $100 million annually to provide livestock producers with some form of price protection. I believe that is another good provision in the administration's proposal.

There is another area I am very pleased to see the administration addressing. That is using $130 million in the next couple of years to establish new cooperative development programs to provide equity capital for new livestock and other processing cooperatives. This proposal would address concerns about market concentration by encouraging new entrants into the livestock processing market. It would also provide an additional source of income for farmers through the ownership of value-added processing. This is key. We have to help farmers to form more cooperatives, both for the marketing of their grains and livestock and also to develop value-added processing plants and enterprises that would help farmers obtain more of the value added to the livestock and crops they produce. Again, this is a good proposal.

The administration is proposing to develop a new bioenergy program to encourage greater use of farm products for production of biofuels. Again, by supporting ethanol and other bioenergy feedstocks, we can use some of our land, perhaps even some of our conservation land, to produce energy sources such as switch grass, which can then be used to generate energy. We have a project ongoing in Iowa right now that will do that so we can use land set aside in the conservation reserve program. We can grow products such as switch grass. We can cut that switch grass and burn it for energy. So we get conservation, plus the farmer will get some additional income, plus it will cut down on our need for imported energy into this country. I am delighted the administration is moving ahead on that.

Lastly, the area I am concerned about with the administration's proposal is sort of the heart and soul of it, which is farm income support. Again, the administration recognizes that we need some kind of countercyclical type of support. That is true. That is what we need. That is what Freedom to Farm does not provide. It does not provide an adequate safety net. It does not provide for countercyclical help. Nevertheless, the administration proposal misses the mark. They are proposing that under this program they are going to have supplemental government payments, in addition to the AMTA payments under Freedom to Farm, to eligible producers if projected gross income for the crop falls below 92 percent of the preceding 5-year average. Gross income would include gross market revenues for the crop plus government payments, including AMTA payments, marketing loans, and loan deficiency payments.

That is where I have a problem with the administration's proposal. First of all, they are going to use a 5-year average. That is fine. But what are they using? They are using gross income over 5 years. They are throwing into the gross income all of the government payments, loan deficiency payments, marketing loan gains, everything. Farm income should not be looked upon as government payments. Farm income ought to come from the marketplace. That is where the farmer ought to get a better share of the marketing dollar. If you are going to use gross income for 5 years, what about the farmer's costs? Seed goes up in price; fertilizers go up; fuel costs are sky-rocketing; machinery and equipment continue to go up. And, thanks to the Federal Reserve System, interest rates are going up. So if you are just going to take gross income over the last 5 years and not take into account the cost to the farmer, you are already downgrading the net income farmers get.

A farmer can tell you—I don't care how much gross income they get—they have to know what their bottom line is. You might say a farmer has a gross income of $100,000. That sounds great. But you add up all the costs of feed, seed, fertilizer, machinery, fuel, equipment, interest rates and the like; if his costs are $92,000, the farmer has made $8,000. That is what we are seeing happening out there. To use gross income over 5 years, I think, is inadequate, ineffective, illogical, and not in the best interest of trying to get net income up to farmers.

That is what I am interested in—net income. I don't care about gross income. I want to know what the net income of farmers is. What are they going to have left afterward to put away for a rainy day, to help their bottom line, to help put their kids through school, to keep a roof overhead, to help buy some better machinery in the future, to help provide for their retirement, to pay off their land costs? This is what we ought to be thinking about.

I am disappointed that the administration would use gross income over 5 years and average it out that way. Again, that is better than the Freedom to Farm bill, which is fixed and declining payments based upon acreages and yields from 20 years ago. That is totally illogical. So is this better than Freedom to Farm? Yes, a little bit, but it still shortchanges farmers. Quite frankly, I think we are going to have to modify that. I am disappointed, I must say, in the administration for using gross income figures over 5 years. That is not the right way to base the income support.

Again, they have tried to target the payments to family-size farms. I am all for that principle, and, quite frankly, the way they have figured it, most of the income support would go to the bulk of the farmers who need the help. I won't get into the mechanics of that, but it basically looks that way at this point. The idea of sending the bulk of the support to family farms who need the help is good, but they are basing it over income of 5 years—gross income—and farmers would be getting shortchanged.

Secondly, the administration, in establishing and sort of outlining and coming up with this program, said in their release:

> Rising crop surpluses, continued low prices and declining incomes will contribute to increasing farm financial stress in 2000, indicating a need for further Federal assistance. However, added assistance should not be made in the form of emergency legislation with the bulk of the payments in the form of Agricultural Market Transition Act payments. That approach, taken the past two years, is not in the best interests of farmers and taxpayers, as the assistance is ad hoc and ineffectively targeted.

Well, that is partially true—certainly about the AMTA payments. Listen to this again:

> Rising crop surpluses, continued low prices, and declining incomes will contribute to increasing farm financial stress in 2000, indicating a need for further Federal assistance.

There is nothing in their program—the administration's proposal—that will tend to reduce crop surpluses. A little bit of the land taken out for the CRP, or WRP, that is fine. That is mostly marginal land anyway. But there is nothing in here that will tend to get our surpluses down and thus, increase the market price, or the price farmers get when they sell their crops. That is the problem.

It seems to me that the administration has sort of bought into the idea that we are going to plant fence row to fence row, we are going to continue to produce everything we can produce—the sky is the limit—and we are going to come in with some kind of targeted Federal assistance. On the one hand, I believe we do need some Federal assistance. On the other hand, we need to get out of the mindset we are in; we need to have a different mindset, one which says we can shape programs that will help get the surpluses down and thus increase the price at the farm gate.

I would hope that we can put some money into a shorter-term reserve program, something that would be 2 years, or maybe a 3-year program, to facilitate taking some land out of production and putting it into conservation use for a while. I am talking about land we will not get into the 10-year CRP. Farmers will not tie up relatively productive land by agreeing to take it out for 10 years. You can't pay them enough to do it. But I believe they will take some land out in this period of very low commodity prices for maybe 2 years. That should help alleviate the surpluses and improve market prices. I would think we would have a target of saying we want to enroll a certain number of acres in a short-term program, which would tend to get some of our surpluses down. So I hope we can come up with the funding to attract land into a shorter-term reserve or paid set-aside program.

Lastly, there is nothing in the administration's proposal that will provide farmers the assistance they need to store grain so they can market their grain in a more orderly fashion. The Farmer Owned Reserve was taken away by the Freedom to Farm bill. It was one of the best programs we ever had. Right now, farmers harvest grain and they can put it under loan for a time, but there are no storage payments. And then they have to sell their crops even if the price is very low. Well, we need a program for on-farm storage, where they can store it at the farm or in an elevator, but the payments ought to go to the farmers.

There is nothing in the administration's proposal that would do that. Now, there is a provision—and I haven't looked at it that closely—which says:

> Using existing authorities to implement a new on-farm storage loan program to facilitate farmers' marketing opportunities.

Well, I don't know exactly what that is, a loan program. I am talking about storage payments to farmers, which we had before, and not some kind of a loan program just for the facilities. So I think while there are some good things in their proposal in terms of the conservation programs that are in there, the new amount of money for cooperatives, to encourage cooperatives for marketing—I ask unanimous consent for another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. There is a good proposal in there on the bioenergy. But when you get to the heart of it, and what we are going to do to get away from this mindset of the Government supplying the income to the farmers—that is the heart of what the problem is—and get to the mindset of how do we get the prices up at the farm gate, this is where the administration's proposal falls short. I am hopeful as we move ahead we can convince the administration to get off of that mindset, to provide for perhaps some increased loan rates for farmers, to provide for storage payments to farmers, and to provide for a shorter-term paid set-aside program. Again, as the administration said in their proposal:

> Rising crop surpluses, continued low prices, and declining incomes will contribute to increasing farm financial stress in 2000, indicating a need for further Federal assistance.

We have to get off of that mindset. We have rising surpluses. Well, let's get them down and provide for the kind of programs that will get the surpluses down. Continued low prices—get those low prices back up at the farm gate—that is the mindset we have to get on, and I hope we can take the good things in the proposal, but get to the heart and soul of it, which is getting farm income up—not from Government payments, but from the prices farmers receive for their products. That is what we have to do.

I see my friend from Minnesota is here to speak on this. Again, we have talked about this, and we share the same strong feelings that this is not adequate, this needs some additional work in the Congress. I hope we can get the administration to help us on that.

I yield the floor.

Mr. WELLSTONE. Mr. President, I say to the Senator from Iowa—and I see the Senator from Oregon—I want to come out on the floor next week with some other Senators from farm country, and I think we should talk more about it. As I understand the Senator from Iowa—and he can correct me if I am wrong—it is that we don't want to wait until 2002 for a new farm bill. We want to reopen this farm bill and give our farmers some leverage so they can get a decent price.

What we are doing is essentially saying to these grain companies and to these packers: Go ahead. You can get by with not having to worry about paying producers as little as possible because you have all the power of the marketplace. Then they will have enough money to support their families. Then we come in and provide them with some money so they can support their families. We are basically subsidizing these big grain companies and these packers. We are not getting to the root of the problem. If it is a farmer-owned reserve we are talking about, CRP, mid-size and family farmers, that is what people want. Zeroing in on mid-size farmers is what people want. They want to be able to make a decent price.

Isn't that really what the Senator from Iowa was saying?

This will be on my time.

Mr. HARKIN. It is exactly what we are talking about. I point out that in the administration's proposal for their farm support this year, they will use a 5-year average of gross income—gross income. Look, what about the increased price of fuel, machinery, fertilizer, seed, and, thanks to the Federal Reserve System, increased interest rates? I said before and I say to my friend again that the farmer has a $100,000 gross income averaged over 5 years. But if his costs are $92,000, what does that mean? It doesn't mean anything.

Mr. WELLSTONE. I say to my colleague from Iowa the other thing which worries me is we had an estimate the other day by the USDA that net farm income was going to go down 17 percent this year. As I look at their figure for some sort of income support, it isn't going to be enough to provide even a safety net. But the point is it doesn't deal with the root causes.

Let's have some fight. Let's say this farm bill is a miserable failure. Let's have some antitrust action. Let's have a level playing field. Let's give our farmers some leverage so they can get a decent price in the marketplace.

I think there are a number of us who are going to come out on the floor with just those proposals.

Am I correct?

Mr. HARKIN. The Senator is absolutely correct. I look forward to working with him and others to set forth proposals that will move us in the right direction.

Mr. WELLSTONE. I will make one final point, I say to the Senator from Oregon. It looks to me as if—I think it is going to happen—the religious community, the AFL-CIO, the farm organizations, and the environmental organizations are all beginning to organize for March 20–21. Basically, rural America is coming here to raise the roof. I think it will be healthy for all of us.

I think the pressure should be put on dealing with the price crisis and dealing with other issues that are important to rural America, which for too long have been out of sight and out of mind. I think we have to get off the dime. We have to make a difference.

Mr. President, I want to reinforce what my colleague from Iowa said. I think what the President and the administration suggested for family farmers is too timid. Where is the fight? I appreciate getting some help to people—sort of safety-net help. Getting some income to our family farmers is not going to be enough. It doesn't deal with the root of the problem. We don't want to wait until 2002 to write a farm bill. It is a failed farm bill. It is a failed farm policy. We are grinding family farmers up into pieces. We are driving people off the land. It is an economic convulsion, and it calls for bold action.

I don't know where the fight is. To tell you the truth, I don't see the fight. I say to the Senator from Iowa that we have different positions in the Presidential race. This has nothing to do with who we are supporting.

But where is the fight? Where is the boldness? Where is the leadership? We need people—starting with the President—to come out and say this "freedom to fail" bill has not worked. There is tremendous economic pain. Time is not on our side. There is an economic convulsion out there. Family farmers in rural communities want a decent price. We want farmers to get a fair shake in the market. We want antitrust action. We want a fair trade policy. We want stable agriculture. We want a different farm policy. In all due respect, this proposal will only help people somewhat. Thank you. But we have to do a lot more.

Mr. HARKIN. Will the Senator yield on that?

Mr. WELLSTONE. I am pleased to yield.

Mr. HARKIN. We have to get away from thinking that agriculture is some sort of a minor entity out there, some kind of a sidebar issue. Agriculture is still, if I am not mistaken, something like 20 percent of our gross national product. I think we are up from 20 percent, if I am not mistaken. People still have to eat. Food is one thing we can't do without. Yet we sort of treat agriculture as sort of—well, it is sort of a sidebar, sort of a side item. We have to think of agriculture as a central, integral part of our entire economic structure in America.

Mr. WELLSTONE. I thank my colleague.

SECURITY FOR CAPITOL HILL

Mr. WELLSTONE Mr. President, I want to repeat what I said yesterday. I am going to come out on the floor every day and spend a few minutes on this question.

Many of us attended the services for Officer Chestnut and Agent Gibson, the two officers who were slain. I believe we all made a commitment to making sure that we were going to have security for our police officers, much less for the general public.

Starting back in October, I realized we have a single-person post. We have posts—I say to my colleague from Oregon, who has always cared about these questions—where you have one officer with lots of people streaming in. This is unconscionable. It puts these officers at great risk. It puts all of us at great risk. You could have one deranged person who could show up at any of these stations with other people coming in, and God knows what would happen.

After these two police officers were slain, we passed a supplemental appropriations bill that was a little over $1 million. It was to go for weapons, investigations, security, and if we needed more overtime so we could staff these stations through overtime. The Sergeant at Arms of the Senate has made it crystal clear we have to change this situation. I have talked to him. I told him I was going to speak on the floor. He said: Please do so.

I am not going to point my finger and say this particular person or that particular person is at fault. I am just going to say this: We should be able to do better for these Capitol Hill police officers. They do well for us.

We made a commitment that we would not put them in a situation where we did not have real security. We are doing that.

We still have single-person posts. I raised this question back in October before we adjourned. I was told there would be changes. But we still have not put the resources into this. I say to my colleagues if this is an issue of spending and we need to spend more money and we need to have more police officers, then let's do it. If this is some sort of an internal issue where we somehow need to figure out how to use overtime pay to staff up, then let's do it.

I don't know what the policy answer is. I will leave that up to other people. I am not going to be the one to micromanage. But I will say this as a Senator: Every day I am going to come out on the floor, and every day I am going to say we lost two police officers; that we made a commitment in their memory to make sure we would have security; we made a commitment to make sure that we would not have single-person posts. That was a promise we made. We have still not lived up to that promise. We should do better. We should do better for the Capitol Hill police. We should do better for the general public. The sooner we do, the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

I want to tell the Senator from Minnesota how much I appreciate him speaking up for the Capitol Hill police officers. When we think about the many people in this country who are decent and caring, right up at the top of the list are those folks who serve this country as Capitol Hill police officers. I commend the Senator for his persistence in being willing to speak up for those folks day after day. I will find time to come out and join him.

Mr. WELLSTONE. I thank the Senator from Oregon.

PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

Mr. WYDEN. Mr. President and colleagues, I have made it clear my top priority for this session of Congress is to make sure that we finally add prescription drug coverage for senior citizens to the Medicare program.

Towards that end, I have teamed up for more than a year with Senator OLYMPIA SNOWE of Maine with a proposal we believe can win bipartisan support in this Congress and effectively respond to the enormous need that all of us are seeing as we go home to our communities and visit with older people. The Snowe-Wyden prescription drug legislation is bipartisan. It is marketplace oriented—we use competitive forces as a tool to hold down the prescription drug bills for senior citizens. All of us in the Senate can identify with the approach we are using because the Snowe-Wyden legislation is modeled after the Federal Employee Health Benefit Plan which all of us in the Congress are fortunate to enjoy.

As part of our campaign to get this bipartisan legislation enacted, I have made a commitment to come to this floor again and again and urge senior citizens, as this poster says, to send in copies of their prescription drug bills. We would like seniors to send in copies of their bills to each of us in the Senate, Washington, DC 20510.

As part of the effort to win passage of this legislation or a similar approach to it, I am going to come to the floor of the Senate again and again and again and read from some of the letters I am receiving from older people.

For example, recently I had a chance to hear from an elderly woman who lives in Yoncalla, in southern Oregon. It is a small town. Her closest pharmacy is about 30 miles away. She has diabetes; she has osteoporosis. Her Social Security check, the entire source of her income, is $567 a month. She is taking eight different medications for her health problems. Her monthly drug costs come to about $400 a month. That leaves this elderly woman in southern Oregon with less than $200 a month to live on after she is done paying her prescription drug bill. Think about that, think about what it is like for an older person in this country having just a couple hundred dollars a month to pay for food and heat or other medical expenses.

She told us she has had to basically cut back on buying her drugs on a monthly basis because she knows, unless she juggles all her bills, she is not going to be able to come close to meeting all of her obligations. She has $567 a month, lives in a small town, Yoncalla, Oregon. The pharmacy is a pretty good distance away; she has diabetes; she has osteoporosis, and when she is done paying her prescription drug bill, she has only about $200 a month left to live on. That is a disgrace. That is wrong in a country as rich and good and powerful as ours.

Under the Snowe-Wyden bipartisan prescription drug legislation, with a modest copayment that woman would be able to get health insurance to cover her prescription drug bill. Our legislation would pick up essentially completely the prescription drug portion of her health insurance premium.

The reality is, a person such as that older woman in Yoncalla is hit by a double whammy. Medicare does not cover prescription drugs and hasn't since the program began in 1965; and, second, she is in effect subsidizing big buyers, health maintenance organizations, big health plans that go out and negotiate discounts. It is no wonder that very often we see older people in our communities in this situation. This story is representative. I am getting accounts similar to this continuously. In every community in this country there are similar people who are walking an economic tightrope, seniors who, every month, balance their food bill against their fuel costs, and fuel costs against medical expenses. If they have any unexpected expenses at all that month, they fall off the economic tightrope and go further and further into the hole.

Another older couple I heard from recently, this time from my hometown in Portland, told me they spend $5,264 a year on medications. This older couple gets Social Security benefits. The husband has a veteran's pension. Between the various sources of income they have, they receive just under $12,000 a year. They have to spend over $5,000 of it on prescription medicines. I am not going to go into all the details of this, but they sent me an itemized bill of four pages that outlines the prescriptions they are paying for on a regular basis. Mr. President, $5,000 a year of their $12,000 income goes to pay for these medicines.

I think we can come up with a bipartisan approach to deal with this issue, one that is marketplace oriented. We have a good model in the Federal Employees Health Plan. Senator SNOWE and I are very proud that when we brought the funding plan for our legislation to the floor of the Senate as part of the budget last session we got 54 votes. A majority of the Senate is now on record in support of ensuring we fund prescription drug coverage for older people.

I was very pleased with how the President handled the prescription drug issue at the State of the Union Address. He made it clear he was not interested in scapegoating anybody or saying Republicans were at fault or somebody else was at fault for not getting this enacted. He made it clear he wanted to work with the U.S. Congress. He said the need is urgent. He left open the opportunity to work with Republicans and Democrats on the particulars. Senator SNOWE and I believe our approach is one that makes sense. We are proud of the fact we got the majority of the Senate on record voting for a funding approach for it.

But our colleagues have lots of other good ideas. We recognize that. Our bill is called SPICE, the Seniors Prescription Insurance Coverage Equity Act. Other colleagues have other ideas as well. I hope seniors across the country will consider this poster I have up here that says, "Send In Your Prescription Drug Bill," to each of us in the Senate, Washington, DC 20510.

I am going to keep coming to the floor of the Senate, reading from these letters, reading from these accounts. Today you heard about an older person in Yoncalla, an older woman in southern Oregon literally with less than a couple hundred dollars a month left to live on when she is done paying for her prescription drug bill, and an elderly couple in Portland who worked hard all their lives, always played by the rules, who are spending more than half their income on prescription drugs.

I will wrap up with this point. We as a nation are just starting to have the debate about whether we can afford to cover prescription drugs. My view is we cannot afford not to cover prescription drugs. If that older woman in Yoncalla cannot get help with her prescriptions when she has diabetes and osteoporosis and she is taking eight medications, if that couple in Portland cannot afford their medications, all of the gerontological research proves what is going to happen. Those folks are going to get sicker. They are going to land in the hospital where they need much more expensive care under what is called Part A of the Medicare program.

I see my friend from Minnesota. He and I have worked often on these issues. The Presiding Officer of the Senate handled the Social Security issues in the House. We know what needs to be done. We know it needs to be done in a bipartisan way. We can only get important issues addressed in Washington, DC, if we work in a bipartisan way. That is what I have teamed up with Senator SNOWE for more than a year to do.

I hope, as I bring additional cases to the floor of the Senate and talk about the extraordinary suffering we are seeing among our seniors, that we can come together on a bipartisan basis to deal with this issue. I have spoken with Senator DASCHLE and Senator LOTT about it. I know Senator SNOWE is doing so as well. This is an issue to which every single Member of the Senate can point as an achievement if we come together and address it in a bipartisan way.

Towards that end, I intend to keep coming to this floor and describing these cases. I have believed since the days I was codirector of the Oregon Gray Panthers that this was an important issue to address. It becomes even more important by the day as these new drugs are key to keeping seniors well and keeping them from landing in the hospital and incurring greater expenses.

I hope seniors will take heed of this poster and send copies of their prescription drug bills to their Senators in Washington, DC 20510.

I will keep coming to the floor of this body again and again urging bipartisan support on this issue. It is my top priority for this session, and it ought to be a top priority for every Senator.

I look forward to working with my colleagues to have this issue addressed in this session of Congress and give our older people meaningful relief from their prescription drugs bills.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

DAIRY

Mr. GRAMS. Mr. President, I take this opportunity to address concerns about the direction our country is taking in agriculture policy for our Nation. It has been very frustrating to me that our Federal dairy policy has been driven by what I can only describe as urban myths about the supposed benefits of dairy compacts in our country. These myths, just like stories on the street, have been repeated so many times in Congress that they are assumed to be true, despite their total lack of a factual basis.

I would today like to discuss the myth that dairy compacts are necessary to provide an adequate supply of fresh, locally produced milk to consumers. As I have said before, I believe this assertion is a deliberate attempt to mislead consumers into believing that if we do not have compacts, there may not be milk in the dairy case the next time they go to the grocery store. Perhaps the statement is not a total deception because it says that the dairy compact is designed to guarantee fresh, locally produced milk. But as we enter the 21st century, we as consumers know that a product in the grocery store does not have to be produced locally to be "fresh." If it is produced locally, all the better, but we regularly go to the grocery store and buy fresh, perishable food that comes from all over the United States, including fruits, vegetables, meats, poultry, and any of a number of other foods. Similarly, fresh milk and dairy products can now be safely and rapidly shipped all over the country in refrigerated trucks—there is no need to restrict interstate trade in our country to guarantee fresh milk to our consumers.

One of the reasons that America thrives economically is because we allow individuals to produce what they are most skilled at producing. And this principle extends to geographic regions of the country. As an example, Americans buy most of their citrus products from Florida and California, cotton and rice from the South, and potatoes from the West. Economists call this "comparative advantage"—regions produce and sell whatever they are most efficient at producing, and everyone benefits because trade and efficiency is maximized. Lower price; better products to the consumer. It all seems very simple, but it is not allowed to work that way in our dairy industry.

The upper Midwest, due in part to its climate, low feed prices, and an abundant water supply happens to have a comparative advantage in milk and dairy products. However, unlike the rest of the country, it is not permitted to freely sell the product that it so efficiently produces. Instead, Congress has chosen to protect entire regions of the milk industry against competition from the upper Midwest through dairy compacts and/or outdated milk marketing orders.

Basically, in dairy, the Government is picking winners and losers, not who can produce the best, not who can be competitive, what area of the country it is. But under a Government program, the Government is saying who is a winner and who is a loser when it comes to the dairy industry.

Dairy compacts require that processors pay a minimum price for the milk they sell for fluid consumption. Compact proponents will claim that producers outside the compact region are not prevented from selling into the region, but for all practical purposes, this is exactly what it does. If you have a floor price, it eliminates the ability of lower cost producers to sell in that region. There is no incentive for processors to buy from producers outside the region because the price they pay is already set. So they are not able to buy at the lower price or more competitive supply, but because of the compact setting the price, that is where they buy it.

It is interesting that the argument that compacts are necessary to guarantee a supply of fresh milk to a region was also made to justify the unreasonably high support prices in the 1980s that resulted as you will remember, in massive government purchases of surplus dairy products. The Federal Government spent $2.6 billion on surplus purchases in 1983 alone, more than 12 percent of U.S. milk production. Congress consequently had to begin a dairy termination program which paid dairy farmers not to produce milk for 5 years.

Congress today is perpetuating the same myths as in past years, with the same predictable results of producer surpluses and higher milk prices to consumers. Upper Midwest producers could sell cheaper milk to consumers almost nationwide, but instead, not only can they not compete for markets outside the region, but their prices in cheese markets are depressed by the oversupply of production in the compact region that flood into the Midwest.

Finally, it appears that not only are dairy compacts not necessary to guarantee a fresh supply of milk to consumers, but they seem to only offer

Government protection to dairy farmers within the compact area and guarantee decreased consumption by families due to the high milk prices. If something costs more, you sell less of it, and milk is no different. For example, in 1998, each consumer drank an average of 23.8 gallons of fluid milk products. That is compared to 56.1 gallons of soft drinks, 15 gallons of fruit juices, and 14 gallons of bottled water. Moreover, beverage milk consumption declined from 28.6 gallons in 1975 to 23.9 gallons in 1997. This is not a trend we can ignore. If we went to encourage milk consumption, we cannot do so by artificially raising the price and keeping less expensive, domestically produced milk out of the market.

As we begin the second session of the 106th Congress, I ask my colleagues to be truthful in the dairy debate and not perpetuate the falsehood that compacts are necessary to ensure a fresh supply of milk to consumers. There are, unfortunately, other dairy myths to be exposed, so you can look forward to me returning to the Senate floor to make sure Congress and the American people learn the truth about our Federal dairy policy.

We need some fairness in our dairy policy.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

LONGEST ECONOMIC EXPANSION

Mr. CONRAD. Mr. President, we have now reached a milestone in our economic history with the report the other day that our economic expansion is now the Nation's longest. We have now enjoyed economic expansion of 107 months. That is the longest economic expansion in our Nation's history. I thought it might be useful to reflect on some of the policies that have contributed to that success.

First and foremost is the fiscal policy of the Nation. The policies that determine our economic success are the fiscal policy of the United States and the monetary policy of the United States.

The fiscal policy of America is controlled by the President, working with the Congress of the United States. That is the spending policy and the tax policy of America.

The monetary policy is controlled by the Federal Reserve Board. Of course, we had a vote this morning on the question of the continued leadership of Chairman Greenspan over the monetary policy of our country.

With respect to the fiscal policy of the country, I thought it would be useful to compare and contrast the records of our last three Presidents.

Under President Reagan, starting in 1981, we saw a dramatic increase in Federal budget deficits. In fact, they nearly tripled from $79 billion a year, when he came into office, to over $200 billion a year. Then we saw some improvement in the final 2 years of his administration.

Then, with President Bush, we saw a dramatic increase in our Federal budget deficits, going from $153 billion in his first year to $290 billion in his final year in office. At that point, we were advised that we could expect red ink for as far into the future as anybody could project. In fact, they were expecting, at that point, this year we would have budget deficits of over $600 billion if there was failure to act.

Thank goodness we did not fail to act because in 1993 President Clinton came into office, put forward an ambitious 5-year plan to reduce the budget deficit, and we were able to pass that plan. We were able to pass that plan; and for the next 5 years, under that 5-year plan, each and every year the budget deficit came down, and came down sharply, to $22 billion at the end of that 5-year plan.

At that point, we passed, on a bipartisan basis—unlike in 1993, where nobody on the other side of the aisle in either Chamber supported the 5-year plan put forward by President Clinton—but in 1997, we joined hands, on a bipartisan basis, to finish the job.

Indeed, we did finish the job, so that in 1998 and 1999 we saw unified budget surpluses. In fact, in 1999, we had a surplus of $124 billion, on a unified basis—that means counting all of the accounts of the Federal Government. And even better news: we were able to balance that year without counting Social Security.

This year, the year we are currently in, we anticipate a $176 billion unified budget surplus, again, without counting Social Security.

Those are very dramatic improvements that we have had in the fiscal policy of the United States.

I will go to this chart first because it shows the changes that were made in the two key elements in determining whether or not you have a budget deficit. The blue line is the outlays of the Federal Government; that is, the spending. The red line is the revenues. You can see, we had a big gap between the two for many years. That is why we had a budget deficit. We were spending more than we were taking in.

In 1997, when we passed that 5-year plan to close the gap, you can see from the chart we reduced expenditures and we raised revenue. That combination has eliminated the budget deficit. That is why we are in surplus today.

Let's go back to the chart that shows, on the spending side of the ledger, how things changed.

We are now at the lowest level of Federal spending in 25 years as measured against our gross domestic product, as measured against our national income, which is the fairest way to measure these things so you see changes over time, so that you are able to put in context the time value of money.

What you see is, we are now spending 18.7 percent of our national income on the Federal Government. That is, again, the lowest level since 1974, 25 years ago. If we stay on this course, you can see we will continue to see declines down to about 17 percent of our national income going to the Federal Government. That is a dramatic improvement over where we were back in 1992, when we were spending over 22 percent of our national income on the Federal Government.

Some have said: We have the highest taxes in our history.

Let me go back to the chart that shows revenue and spending. This, again, is measured against our gross domestic product, our national income.

The red line is the revenue line. It is true that the revenue line has gone up, just as the spending line has come down. That is how we balance the budget. We cut spending and we raised revenue so we could eliminate the deficit.

One of the key reasons we have more revenue is because the economy is doing well. It has been revived because we got our fiscal house in order in this country. Some say that translates into the highest taxes individuals have paid. That is not the case.

The fact is, the tax burden is declining for a family of four. This is not the Senator from North Dakota's analysis. This is the respected accounting firm of Deloitte & Touche, that compares the tax burden for a family earning $35,000 a year in 1979 to 1999. This chart shows their overall tax burden. This includes payroll taxes, income taxes. It shows that their tax burden has declined. The same is true of a family income of $85,000 a year. Their taxes have not gone up. Their taxes have gone down. Their taxes have been reduced.

Overall, revenue has increased because the economy is strengthened. Goodness knows, anybody who looks around at America's economy understands we are in the best shape we have been in in anybody's memory.

How do we keep this successful economy going? I think it is useful to reflect on how very important the successful economic policy we have been pursuing has been. It has produced the lowest unemployment rate in 41 years. This chart shows the dramatic improvement in the unemployment rate in this country. We have also experienced the lowest inflation rate in 33 years.

You remember we used to talk about the misery index. We used to combine the unemployment rate and the inflation rate and look at the so-called misery index. The misery index would be as favorable as it has been in almost anybody's lifetime because we have seen unemployment and the inflation rate come down dramatically.

The fact is, this economic policy has been working—a policy of balancing the budget and getting our fiscal house in order.

Now the question is, What do we do going forward? We have these projections that say we are going to be experiencing substantial surpluses in the future.

Chairman Greenspan, who we voted for overwhelmingly on the floor of the Senate, has given his recommendation. As recently as January 27, he told Congress: "Pay down the debt first." That is what he is urging. He is saying: Continue the policy that we have pursued to eliminate deficits, reduce debt because that lifts an enormous burden off of the American economy. We reduce the interest costs; we reduce the competition for funds; we reduce the Government's call on money that is available in this economy; and there is more money available for the private sector at lower interest rates. That means higher rates of investment. That means stronger economic growth. We ought to pay attention to what Chairman Greenspan is telling us: "Pay down the debt first."

I wish to talk a little about these projections of surpluses we have heard about. When the Congressional Budget Office released their projections, they put out three different calculations of what the surpluses might be over the next 10 years.

The first one was based on an assumption that we have a so-called capped baseline; that is, we go back to the 1997 agreement. That would mean very sharp cuts in spending this year over the spending we had last year. In fact, this baseline assumes that we would cut spending this year by $66 billion over last year's spending.

Now, that is not going to happen. We have had a Republican-controlled Congress the last 2 years. They have not been reducing spending from the previous year. They have been increasing the spending, even though the caps existed. In fact, we shattered the caps last year. So it is an unrealistic expectation to suggest that all of a sudden we are going to start following them this year. In fact, that would require a $66 billion cut in spending to get the projection of a non-Social Security surplus over the next 10 years of $1.9 trillion.

The second estimate put out by CBO was, if we froze all domestic spending for the next 10 years, that would give us a non-Social Security surplus of $1.8 trillion. Again, how realistic is that? Are we really going to freeze for the next 10 years all the spending on education? Are we going to freeze for the next 10 years all the spending on defense? Are we going to freeze for the next 10 years all the spending on law enforcement? Are we going to freeze for the next 10 years all the spending on parks in this country, roads, and highways? That is not a realistic projection. That is not an honest projection.

The third estimate put out by the Congressional Budget Office is if we adjusted for inflation each of the years going forward for the next 10 years. That resulted in a non-Social Security budget surplus of $838 billion. In order to evaluate how reasonable that forecast is, I think you have to look at what has happened the last 2 years. This Republican-controlled Congress has been increasing spending by higher than the rate of inflation, which would reduce this number even further. That means instead of a $1.9 trillion Social Security surplus that has been bandied about in the press, or a $1.8 trillion surplus over the next 10 years that has been discussed in some circles, we are much more likely to face a surplus over the next 10 years in the non-Social Security accounts of about $800 billion. That is reality, that is facing the most likely prospect, instead of the kind of dreamworld anticipations we have had in the first two scenarios.

In the proposal of Governor Bush and the Republican side over the next 10 years, he is proposing a tax cut of $1.3 trillion, when we only likely will have a non-Social Security surplus of $800 billion. That means Governor Bush would have to take $500 billion out of Social Security to pay for his tax cut scheme, a tax cut scheme that gives 60 percent of the benefit to the wealthiest 10 percent in this country. That is a dangerous plan for this Nation's economy.

Instead of further reducing the debt with this non-Social Security surplus, he would devote every penny of it to a tax cut disproportionately going to the wealthiest 10 percent in this country. That is a dangerous plan.

It is especially dangerous in light of what Chairman Greenspan has told us, which is that the highest priority ought to be to pay down the debt—not to have a massive tax cut scheme, not to have a massive new spending scheme, but to have our first priority being to pay down the debt. Goodness knows, our generation ran up this debt. We have a responsibility to pay it down. Not only do we have a moral obligation, but it is the best economic policy for this country. It will take pressure off interest rates. It will mean greater economic growth. It will mean we are preparing for the baby boom generation, which all of us know is coming.

I am a baby boomer; many of us are. We know there is a huge bulge in the population. When these baby boomers start to retire, they are going to put enormous pressure on Social Security spending, on Medicare spending, and we ought to get ready for that day. We ought to be responsible. The responsible thing to do is not to engage in some big new spending scheme, not to engage in some massive tax cut scheme, but to have a balanced approach, one that puts the priority on paying down this debt, one that puts a priority on strengthening Social Security, extending the solvency of Medicare, and also addressing certain high-priority domestic needs such as education and defense, which I think many of us in this Chamber believe needs to be strengthened.

I come from agriculture country. I come from a farm State. Agriculture needs attention. That is a domestic priority for many of us.

Finally, yes, we can have tax reduction as well, but we certainly shouldn't put that as the highest priority. We certainly should not take all of the non-Social Security surplus and devote it to that purpose. We absolutely must not take money out of Social Security to provide a tax cut. That is irresponsible. That is dangerous. That threatens our economic security and our economic expansion.

Over 5 years, the Bush tax cut plan is even more dramatic in terms of its effect on Social Security. I talked about a non-Social Security surplus over 10 years of just over $800 billion. Over 5 years, it is about $150 billion. Yet the Bush tax cut plan over 5 years approaches $500 billion. Let me say that again. Over the next 5 years, the most realistic projection of surpluses is just under $150 billion. Yet the Bush tax cut plan over 5 years is over $480 billion. Where is the difference coming from? It can only come from one place. That is the Social Security surplus. That is profoundly mistaken, profoundly wrong. That is exactly what we should not do in terms of the fiscal policy of this country. The last thing we should do is put this thing back in the old ditch of deficits and debt.

I end as I began. Chairman Greenspan has advised us that what we ought to do as the highest priority is pay down this debt—$5.6 trillion of total debt, $3.6 trillion of publicly held debt. Let us keep our eye on the ball. Let us put as our highest priority the paying down of this national debt. Our generation ran it up. We have an obligation to pay it down.

I thank the Chair and yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak for such time as I may require as in morning business and that, by unanimous consent, Senator FEINGOLD be recognized to speak directly following the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIV/AIDS IN AFRICA

Mrs. FEINSTEIN. Mr. President, this afternoon Senators will come to the floor to speak about a problem we believe is a very serious one; that is, the HIV/AIDS epidemic in Africa. I know the distinguished Senator from Illinois, Mr. DURBIN, will speak, and the Senator from Wisconsin, Mr. FEINGOLD will speak. I believe others will as well.

Mr. President, I rise to join my colleagues here this afternoon to address what I consider to be one of the most pressing and important national security and international health issues that we will face in the coming decades: The HIV/AIDS pandemic, which is currently sweeping Africa.

I wish to begin by giving my colleagues a sense of the scope and scale of this problem.

Sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world. Today, 23.3 million adults and children are infected with the HIV virus in Africa, which only has about 10 percent of the world's population, but nearly 70 percent of the worldwide total of infected people.

Worldwide, about 5.6 million new infections will occur this year, with an estimated 3.8 million in sub-Saharan Africa—3.8 million people will contract HIV. Every day, 11,000 additional people are infected—1 every 8 seconds.

All told, over 34 million people in Africa—the population of my State of California—have been infected with HIV since the epidemic began, and an estimated 13.7 million Africans have lost their lives to AIDS, including 2.2 million who died in 1998.

Each day, AIDS buries 5,500 men, women, and children. We saw a very compelling documentary made by the filmmaker Rory Kennedy, which showed the burials of some of these children as well as the enormous cultural problems that exist in Africa because of HIV/AIDS. By 2005, if policies do not change, the daily death toll will not be 5,500, it will be 13,000—double what it is now—with nearly 5 million AIDS deaths that year alone, according to the White House Office of AIDS Policy.

AIDS has surpassed malaria as the leading cause of death in Africa, and it kills many times more people on that continent than war.

The overall rate of infection among adults is about 8 percent, compared with a 1.1-percent infection rate worldwide. In some countries of southern Africa, 20 to 30 percent of the adults are infected.

AIDS has cut life expectancy by 4 years in Nigeria, 18 years in Kenya, and 26 years in Zimbabwe. As these numbers suggest, AIDS is devastating Africa.

AIDS is swelling infant and child mortality rates, reversing the declines that had been occurring in many countries during the 1970s and 1980s. Over 30 percent of all children born to HIV-infected mothers in sub-Saharan Africa will themselves become HIV infected. Let me say again, 30 percent of all of the children born to HIV-infected mothers will become HIV infected.

There are many explanations for why this epidemic is sweeping across sub-Saharan Africa. Certainly the region's poverty, which has deprived much of Africa from effective systems of health information, health education and health care, bears much of the blame. Cultural and behavioral patterns, which have led to sub-Saharan Africa becoming the only region in which women are infected with HIV at a higher rate than men, may also play a role.

HIV/AIDS is becoming a major woman's issue. AIDS has largely impacted the heterosexual community in Africa, and it has established itself in such a way that it sweeps across and wipes out entire villages.

Because of the region's poverty, all too often treatment of AIDS sufferers with medicines that can result in long-term survival has not been widely used in Africa.

But I strongly believe that if the international community is to be successful, we must make every effort to get appropriate medicine into the hands of those in need.

For too many years there were no effective drugs that could be used to combat HIV/AIDS, but now, thanks to recent medical research, we do have effective drugs. For example, some recent pilot projects have had success in reducing mother-to-child transmission by administering the anti-HIV drug AZT, or a less expensive medicine, Nevirapine, during birth and early childhood.

New studies indicate that Nevirapine can reduce the risk of mother-to-child transmission by as much as 80 percent. NVP is given just once to the mother during labor, once to the child within 3 days of birth. Taking three or four pills can mean that a child is prevented from being born with HIV. In fact, for $4 a tablet—a little more than the cost of a large latte at Starbuck's, which is not a lot here, but a great deal in Africa—this drug regime has created an unprecedented opportunity for international cooperation in the fight against AIDS. I, frankly, believe it is the single most cost-effective thing that can be done. Currently, however, less than 1 percent of HIV-infected pregnant women have access to interventions to reduce mother-to-child transmission.

Administered in a treatment regimen known as HAART—highly active antiretroviral therapy—antiretroviral drugs can allow people living with AIDS to live a largely normal life and use of the drugs can lead to long-term survival rather than early death. Such treatment is proven highly effective in developed countries, including our very own.

My understanding is that most antiretrovirals are relatively inexpensive to produce. AIDS Treatment News recently reported:

> AZT in bulk can be purchased for 42 cents for 300 milligrams from the worldwide suppliers; this price reflects profits not only to the manufacturer, but also to the middleman bulk buyer. The same drug retails at my local pharmacy for $5.82 per pill. This ridiculous price bears no relation to the cost of production.

Unfortunately—and inexplicably, in my view—access for poor Africans to costly combinations of AIDS medications, or antiretrovirals, is perhaps the most contentious issue surrounding the response to the African epidemic.

As the U.S. Development Program head, Mark Brown, said at the U.N. Security Council meeting on AIDS in Africa last month:

> We cannot lapse into a two-tier treatment regime: drugs for the rich, no hope for the poor. While the emphasis must be on prevention, we cannot ignore treatment, despite its costs.

I agree with that. Although it is true that the cost of combination therapy is beyond the means of most people living with HIV/AIDS and governments in sub-Saharan Africa—combination therapy in South Africa, incidentally, was estimated at $334 a month, or $4,000 per individual per year, and UNAIDS reports that Brazil treated 75,000 people with antiretrovirals in 1999 at a cost of $300 million—or, again, $4,000 a person.

I believe we have a strong moral obligation to try to save lives when the medications for doing so exist. There are several things the United States can do to increase access to lifesaving drugs.

First, the U.S. should work with others in the international community to provide support to make these drugs affordable and to strengthen African health care systems so that drug therapies can be effectively administered. The plan for combating HIV/AIDS in Africa recently put forward by the President and Vice President goes a long way towards seeing that the U.S. meets its commitment to this goal.

Second, it should be possible for African governments and donor agencies to achieve reductions in the cost of antiretrovirals through negotiated agreements with drug manufacturers. The British pharmaceutical firm Glaxo Wellcome, a major producer of antiretrovirals, has already stated that it is committed to "differential pricing," which would lower the cost of AIDS drugs in Africa.

Third, I strongly believe that the United States must work to advocate "parallel imports" of drugs and "compulsory licensing" by African governments to lower the price of patented medications so that HIV/AIDS drugs are more affordable, and more people in Africa will be able to have access to them.

Through parallel importing, patented pharmaceuticals could be purchased from the cheapest source, rather than from the manufacturer. Under "compulsory licensing" an African government could order a local firm to produce a drug and pay a negotiated royalty to the patent holder.

Both parallel imports and compulsory licensing are permitted under the World Trade Organization agreement for countries facing health emergencies. There can be little doubt that Africa is facing a health emergency of monumental proportions.

That is why I, along with my colleague from Wisconsin, introduced an Amendment to the Africa Growth and Opportunity Act last year to allow the countries of Sub-Saharan Africa to pursue "compulsory licensing".

Without "compulsory licensing", which would allow access to cheaper generic drugs, more people in Sub-Saharan African will suffer and die.

For those of my colleagues who may be concerned that this Amendment may undermine wider Intellectual Property Rights, this Amendment acknowledges that the World Trade Organization (WTO) Agreement on Trade Related Aspects of Intellectual Property (TRIPS) is the presumptive legal standard for intellectual property rights (IPR).

The WTO, however, allows countries flexibility in addressing public health concerns, and the compulsory licensing process under this Amendment is consistent with the WTO's approach to balancing the protection of intellectual property with a moral obligation to meet public health emergencies such as the HIV/AIDS epidemic in Africa.

In other words, this Amendment does not create new policy or a new approach on IPR issues under TRIPS, nor does it require IPR rights to be rolled back or weakened. All it asks is that in approaching HIV/AIDS in Africa, U.S. policy on compulsory licensing remains consistent with what is accepted under international trade law.

By doing so, this Amendment will allow the countries of Sub-Saharan Africa to continue to determine the availability of HIV/AIDS pharmaceuticals in their countries, and provide their people with affordable HIV/AIDS drugs.

These drugs exist. We need to get them to where this epidemic is reaching monumental proportions.

I was pleased to work with the Managers of this bill when the African Growth and Opportunity Act was on the floor of the Senate last November, to modify my Amendment to meet some of their concerns, and to have their support in seeing it included in the final Senate-passed version of this bill.

Unfortunately, several pharmaceutical manufacturers are strongly opposed to this measure, and, as I understand it, there are efforts to have this Amendment taken out of the final bill that will be reported out of Conference.

I believe that such efforts are reprehensible, and I am determined not to allow this to happen.

And if, behind closed doors, this amendment is indeed removed from this bill, I intend to do all I can to—I hope I will be joined by my colleagues—make sure that an African Growth and Opportunity bill without this provision does not pass this Congress.

What good is an African trade bill if Africa is going to get wiped out from AIDS?

It is clearly in the interest of the United States to prevent the further spread of HIV/AIDS in Africa, and I believe that the "compulsory licensing" amendment was a necessary addition to the Africa Growth and Opportunity Act if we are to continue to assist the countries of this region in halting the number of premature deaths from AIDS. Antiretroviral drugs can do much to improve quality and length of life. The United States has the power to make these life-saving drugs more affordable and accessible to Africans. We cannot turn our backs on Africa. Our assistance is truly a matter of life and death.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senator from Illinois, Mr. DURBIN, be recognized after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Thank you, Mr. President.

Let me first thank my colleague from California, Senator FEINSTEIN, for her comments and leadership on this issue, and in particular the work we started together last fall and her determination with regard to the amendment that we are quite determined to make sure stays in the African Growth and Opportunity Bill.

I also especially thank Senator DURBIN, who came back from Africa in December with a tremendous passion on this issue, for using his enormous leadership skills to bring us together on a bipartisan basis to try to help fight this problem. I am grateful for his leadership and for his having the idea that we should come together in the Chamber to make some comments.

As the ranking member of the Subcommittee on Africa, I have always felt very strongly about the issue of AIDS in Africa. I have raised it in the context of the African debate. I have had success in some areas but not in others. I had a chance to raise it in December in personal meetings in their own countries with 10 different African Presidents.

I applaud the United Nations Security Council's decision to address the crisis last month. I want to especially mention our Ambassador to the U.N., Richard Holbrooke, whose idea it was to have such a session, and I support the administration's call to increase the resources directed at the crisis. I am especially pleased to stand with my colleagues to raise the issue again today.

I have heard some of the statistics, but I think they bear repetition.

In 1998 alone, AIDS killed 2 million Africans. At least 12 million Africans have been killed by AIDS since the onset of the crisis. Africa accounts for over half of the world's cases of HIV. According to World Bank President James Wolfensohn, the disease has left 10 million African children in its wake.

In Botswana, Namibia, Zambia, and Zimbabwe, 25 percent of the people between the ages of 15 and 19 are HIV positive.

By 2010, sub-Saharan Africa will have 71 million fewer people than it would have had if there has been no AIDS epidemic.

My recent trip to 10 African countries only renewed my resolve to address this matter with the urgency and seriousness it deserves.

In Namibia, HIV-positive citizens pulled up to a meeting in a van with curtained windows, and they hurried to the safety of the meeting room as soon as they arrived. They feared that their identity would be revealed, and that the stigma still attached to the disease would cause them to lose their jobs and perhaps even to be disowned by their families. It was shocking—in a country gripped by the epidemic, people are still afraid to acknowledge the crisis.

In Zambia I visited an orphanage of sorts, where 500 children, many of them orphaned when AIDS killed their parents, gathered by day. At night, there is only room for 50 of them—the rest must make their own arrangements, and many end up sleeping on the streets, sometimes prostituting themselves—thereby risking exposure to HIV in their struggle to survive.

In Zimbabwe, life expectancy has dropped from 65 to 39. Let me repeat that: life expectancy in Zimbabwe dropped from 65 to 39. Walking past the Parliament building one day, I asked how old one had to be to become a legislator there. The answer was 40. That exchange helped me to grasp how far-reaching the consequences of this disease really are—no society is structured in a way that prepares it to deal with an unchecked epidemic like AIDS.

In July 1999, the National Institutes of Health released a report on the effectiveness of a drug called nevirapine, the drug Senator FEINSTEIN mentioned, in preventing mother-to-child transmission of HIV. Studies indicate that this drug can reduce the risk of mother-to-child transmission by as much as 80 percent.

As she said, NVP costs $4 per tablet. This relatively simple and inexpensive drug regimen has created an unprecedented opportunity for international cooperation in the fight against the vertical transmission of HIV.

It should be recognized that Uganda is making real headway with regard to prevention. Since 1992, the Ugandan government's very frank and high-profile public education efforts have helped to reduce the incidence of HIV infection by more than 15 percent.

But despite these positive signs, there are many fronts on which there has been very little progress. Virtually no one has access to drugs to treat the disease. Prevention is unquestionably the most important element of the equation, but treatment cannot be ignored. Poverty should not be a death sentence—not when the infectious disease that is destroying African society can be treated.

Again, because Senator FEINSTEIN and I, and I know Senator DURBIN, are determined on this, we offered an amendment to the African Growth and Opportunity Act that was accepted into the Senate version of that legislation. It prohibits federal money from being used to lobby governments to change TRIPS-compliant laws allowing access to HIV/AIDS drugs. Basically, it just says that taxpayer money shouldn't be used to prevent countries from taking international legal measures in this AIDS emergency. I strongly urge the conferees to support that amendment.

The AIDS crisis in Africa is just what the TRIPS agreement was meant to address. This is a crisis, an emergency on an incomprehensibly vast scale. This is the rare and urgent situation that calls for something beyond a dogmatic approach to intellectual property rights.

If allowing for a TRIPS-compliant response seems expensive, think how expensive it will be, in the long run, not to do so. Even beyond the human tragedy, there are vast economic costs to this epidemic. AIDS affects the most productive segment of society. It is turning the future leaders of the region into a generation of orphans.

It is simply unconscionable for the U.S. government to fight the legal efforts of African states to save their people from this plague. I cannot imagine why any of my colleagues would support such action. Those dissatisfied with the TRIPS agreement should focus their efforts on changing it—not on twisting the arms of countries in crisis who comply with international law.

I thank my colleague from Illinois and I look forward to all the efforts we will take on together on this issue, and I look forward to working with Members of the other party on this as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleagues, Senators FEINSTEIN and FEINGOLD, for joining me to speak about AIDS today. I might add there are others who were not able to be here because of scheduling problems.

I, too, have just returned from a trip to Africa. Let me say at the outset there are some who question the value of Congressional travel. I wish they would look at it from a different perspective. I think the Senators who spoke on the floor on this issue, Senator FEINGOLD included, have benefited greatly from traveling to Africa, not just because we have seen firsthand this epidemic and its devastation, but frankly because it is energizing. Seeing people, real people and their travails, their hardships because of this epidemic, causes many of us to dedicate ourselves to do something.

In an epidemic of such Biblical proportions as the AIDS epidemic in Africa, many of us are humbled, as we should be. I came back and met up with Senator FEINGOLD, whom I know had a similar interest, and Senator FEINSTEIN, who helped introduce the amendment which was discussed earlier, and I spoke with Senator ORRIN HATCH, a Senator from Utah, who has a similar passion on this issue. I have spoken to Senator BILL FRIST, a Senator from Tennessee, chairman of the Foreign Relations Subcommittee on African Affairs. I sincerely believe on this issue, more than any other issue, we should put party labels aside. I think we are dealing with not merely another political issue, and certainly not any political agenda; when we speak of AIDS in Africa we are dealing with a Holocaust without a Hitler. We are dealing with the greatest moral challenge of our time. Those are large statements, I understand. But as you listen to the statistics that have been noted in earlier debate about the epidemic, I do not believe I am overstating it at all.

Sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world. Approximately 23 million adults and children are infected with HIV in that part of the world. They have about 10 percent of the world's population, 70 percent of the world's HIV-infected people. Though an estimated 13.7 million Africans have already lost their lives to AIDS, including 2.2 million who died in 1998, we are going to see these numbers increase dramatically.

This was my first trip to Africa. I tried to make an earlier trip with a Congressional delegation 10 years ago, and I was denied a visa by the South African Government. Those were the days of apartheid, and as a Congressman I had voted consistently against apartheid. They obviously had read my voting record and said they wanted me to stay home; they did not want me to visit their country.

Things have changed. Apartheid is over. There is majority rule in South Africa. Under the inspired leadership of Nelson Mandela and now President Mbeki, this country has a great future. They offered a visa and an invitation to come visit, and I did. I visited Kenya and Uganda as well.

I started out this trip thinking I would focus on issues I am familiar with such as food aid. I have been involved in agriculture and food assistance for as long as I have been in the House of Representatives and the Senate. I think these programs are so essential, where America takes its bounty and shares it with people who are hungry, people who are starving, around the world.

I also wanted to focus on microcredit. Ten years ago in Bangladesh, I learned of the Grameen Bank and similar microcredits that were producing miraculous results. These are small loans, $50, $100, $200, primarily to women to give them a chance to buy a cow or some chickens or some goats or some tools or to expand their stall at the marketplace. Mr. President, 98 percent of these microcredit loans are repaid. It is a wonderful program, and it elevates people to a much higher level in terms of their living standards.

So I went looking for food and microcredit programs, realizing I would be discussing the AIDS issue as part of it. I quickly came to the realization that AIDS is an issue which is overwhelming the continent of Africa. Every other issue takes second tier to the AIDS issue. That became the focal point of the trip.

The three countries we visited, South Africa, Kenya, and Uganda, represent such different attitudes and different approaches when it comes to the AIDS epidemic.

South Africa: I have a photo I took and have blown up. This is a rural health clinic in Ndwedwe, which is right outside of Durban, South Africa. This was a lovely young mother and her beautiful little boy who sat in the front row of this clinic which I visited.

Americans help this clinic stay open. Americans help this clinic have a nurse come in each day and have a doctor come in once a month. These villagers walk sometimes hours to bring their children and members of their families in for medical care.

This beautiful little boy, as you can see—maybe you cannot see on the television—has the traditional Zulu bracelet made out of hair. His mother has the scarring on the cheeks, which is part of the ceremony of the Zulu tribes. They invited me to this clinic to meet some of the people being served.

There was a lady sitting right behind this mother and child, and she came up to speak. When she stood up, you could tell she was nervous. She had on a T-shirt and, over that, a long-sleeved shirt. This was a few weeks ago, and it was very warm in South Africa at that time.

As she came forward, she was clearly nervous about speaking with us. She very calmly buttoned every button on her shirt all the way up to her neck. She stood in front of this assembled group, and she was very quiet. Then she said in Zulu: Unity, unity, unity, unity; in unity there is strength. Every time she said the word, the crowd answered her. Then she summoned her courage and told her story about how 2 years ago she was diagnosed with tuberculosis and has heart problems and may need surgery and how important this clinic is to her.

At the very end of her talk, she said: And I have AIDS, and I don't know what will happen to my children. And she started crying.

The man who was the master of ceremonies at this little gathering asked her to sit down on a bench next to me as she was crying. I reached up and put my arm on her shoulder, and this audience, wide-eyed, gasped that I would touch her. A doctor who traveled with us stood up and said to the people assembled on this porch: Do you see this? Do you see this American politician? He is touching her. You will not get this AIDS epidemic if you just touch someone.

That reflects the level of ignorance, the level of denial in South Africa about an epidemic that has reached and touched 4 million people out of some 40 million. They do not understand the basics.

In 1998 on World AIDS Day, a South African woman stood up and said: I have AIDS. She returned to her village that evening and was beaten to death because they believed that was how you could end the scourge.

The Chicago Tribune did an amazing series about the AIDS epidemic, one that I took out of the paper recently. They talked about another town in South Africa, Esidubwini, and they told a story about a lady, Thandiwe Mwandla, who was diagnosed with AIDS, and after the diagnosis, no one would buy her sugarcane, her bananas, her peaches. They would not buy anything she touched. She said at one point that her neighbors walked a broad circle around her. She had the stigma of AIDS. She said: We get sick, and we get poor, and we die lying to ourselves.

The Tribune wrote in this story what I consider to be a very inspiring paragraph:

> Staring into the abyss of an incomprehensibly brutal epidemic, it is plain how the 23 million people who live with HIV in Africa can drift easily into numbing fatalism, or a fierce, hardening shell of denial.

We saw that shell of denial in South Africa, a country which looks more like Europe than any other part of Africa, a country which accounts for 30 percent of the economy of sub-Saharan Africa, a country where many people are pinning their hopes that they see the rebirth of Africa in the 21st century. Yet, devastated by this disease, it has been unwilling to face it.

From there we went to Kenya. In Kenya, there is a different circumstance—some positive, some not so positive. First, this is a photo we took of this little fellow in a slum in Nairobi, Kenya. It is called Kibera. It is a squatters slum in the middle of the city. People from the rural countryside who cannot make a living pile into this slum. They squat, set up their huts, and try to create a life and existence.

I asked how many people live in this slum. They said: Somewhere between 500,000 and 800,000; we are not sure, it changes so quickly. There is virtually no sanitation, no water. It all has to be brought in. And there certainly is no health care.

Kenya is ravaged by AIDS as well. Sadly, for a long period of time they denied it. They did little about it. Just recently there was an indication that they are going to start admitting it and dealing with it. This political denial is part of the problem, and we in the United States have to be part of the solution in convincing these governments in Africa that what is at stake is not just this little boy but the future of a continent.

From Kenya we went to Uganda, and thank God it was the last stop on the trip because what we saw in Uganda suggested to me that there is no reason to despair, we should keep our hope alive, there is a chance to deal with this epidemic.

The reason Uganda is so far ahead of many other Third World countries is an interesting story.

About 10 years ago, President Museveni of Uganda sent some of his Ugandan soldiers to Cuba to be trained to fight rebels in the countryside. After a few weeks, he received a message from the Cuban Government. They said: We are sending your soldiers home. Of course, his Government asked why. And they said: Because half your soldiers you sent to Cuba have HIV.

That was 10 years ago. It was stunning for them to realize that what they thought was an isolated disease now infected half of the military.

We met some of the soldiers—in fact, some were HIV positive—in each of these countries who have now come forward and dealt with this in a more open and forthright way.

When those soldiers came back from Cuba to Uganda, at about that same time, one of the more prominent figures in music in Uganda, a man by the name of Philly Lutaaya, announced publicly that he had AIDS. By going public and talking to the people of Uganda, he achieved, in many ways, what Magic Johnson achieved in the United States. He suddenly raised our eyes from our other life's undertakings to look straight into the eyes of someone whom we knew and admired and thought this would never happen to.

Uganda then set out on a program to reduce the incidence of HIV infection, and when they tested the pregnant women of that country, they found that 30 percent of them were HIV positive. They started pushing for abstinence, faithfulness, and condoms as an effort to reduce the incidence of HIV infection. Ten years later, they cut that down from 30 percent of pregnant women to 15 percent—a dramatic improvement. Yet, in this country of 17 million people, there are some 1.7 million AIDS orphans today.

If you travel around Uganda and see how they have dealt with this epidemic and the success they have achieved, you come to understand human nature and the strengths of people who are facing the worst possible outcome: an early death from an incurable disease.

We went to a clinic called The AIDS Support Organization, TASO. It started many years ago with a handful of people and has grown into tens of thousands of HIV-positive people who come there when they have a problem, when they are fighting off an infection. They do not have the AZT cocktail. They can never dream of that. Countries which spend $2, $3 per capita annually on public health cannot even imagine spending $1,000 to treat AIDS. It is beyond their comprehension.

How do they get by? With the basics: With some antibiotics to try to get through each infection. They talk about nutrition and improving their lifestyle, eliminating alcohol and all sorts of things to make them stronger so they can cope with these infections.

There is another element that is equally, if not more, important. At TASO, there is a choir, a group of about 30, who perform for those who visit. They are all men and women, mothers and fathers, who have AIDS themselves. They sing when you come by.

In Africa, it is not unusual that when you go to a group, they will sing, hello; when you leave, they sing, good-bye. When you are there, they sing about what they are thinking about. It is an African style that really grows on you.

But the TASO choir sang some songs they had written. Some of them are very basic—"When We Come Together We Feel Strong." This support group keeps the people going, day in and day out, to know that others suffer from this disease and that they can rely on one another for consoling and for strength. I am proud that the U.S. Government, through the US Agency for International Development, helps support this TASO clinic.

As I watched this choir and listened to them sing—and they were very good—I looked into their eyes and thought: There must be some anger or resentment about this.

There is almost a resignation to this disease, this HIV. One of the songs, which a young lady named Grace had written for the TASO choir is entitled "Why Me?" It just breaks your heart to hear them sing: "Why me? Why him? Why her? Why you? Why me?"

We went to another project, which I think is a good investment, a support group called NACWOLA, the National Community of Women Living with AIDS. It is a group that counsels women with AIDS and children. They have a little house in which they come together and meet on a regular basis. They talk to one another and try to help one another.

They have a special project. It is called the "Memory Book." Mothers sit down and try to write their life's story in this book, with family photos, and they talk about where they came from and who their parents were and experiences they have had. And they talk about their children because, you see, they want to leave these books for their kids, so that when they are gone—and they know that day is coming—their children will have this memory book to look at.

I sat on the porch there at the NACWOLA house in Kampala, Uganda, as two of the mothers, Beatrice and Jackie, read to me from their books. I realized then that I was in a nation that had turned into a hospice. These people were not crying. They were not angry. They were doing all they could do. They were trying to get by every day and leave a legacy for the kids who were playing in the yard.

The kids gathered around us and started singing. When they started singing, they talked about their future. They know their parents have AIDS. They know their lives are uncertain. They said: We hope we don't end up with cruel stepparents. We hope we don't end up on the streets. As they were singing, I looked behind me, and there were the mothers holding the Memory Books.

That is the state of Africa today. Some people ask: Why should we care? It is half a world away. We will never see these people. Of course, a lot of things have devastated Africa through the generations. I think there is more to the story.

The AIDS epidemic, most people believe, started in Africa. It is questionable when it started, but most people think it started there. It is now a worldwide epidemic. It is naive to believe that you can contain this kind of health problem and believe that it is not going to travel beyond other countries' borders.

Equally important, I think we understand, as Americans, one of the things that makes us different from some other people in the world is that we do care and we do try to make a difference. I think we can make a significant difference when it comes to this AIDS epidemic in Africa.

Let me tell you some of the things we can do and some of the things we are doing.

Senator FEINGOLD talked about the medical research going on in Africa. It is not at the same level as medical research in the United States. You do not have drug companies that are inspired by huge profits and think if they can find the cure to AIDS they are going to make billions of dollars. That isn't going to happen. These folks are looking at medical research at a much different level.

At Mulago Hospital in Kampala, Uganda, they have a project underway where they are testing this drug, Nevirapine. Nevirapine has been mentioned on the floor a couple times. A dosage of this drug to a mother at the time she goes into labor, and then a dose to the baby, basically cuts in half the transmission of AIDS from mother to child. This is a simple drug, at $4 a dose, which can make a big difference. It is not likely to be a big seller in the United States because no drug company will get rich at $4 a dose. But it works. It appears to work very well.

Thank goodness the Centers for Disease Control—part of our Government—Johns Hopkins University in Baltimore, and this hospital have come together. They are showing how it can make a difference.

They are looking for supplements to diet—for example, whether additional vitamin A can mean that a person with HIV can live longer and be healthier.

They are operating at a lower level because that is all they have to work with. It is a survivalist approach. But it is making life better and longer for a lot of people. It is working. We are helping it to work. I am glad the United States is part of that.

There is a woman who has become somewhat legendary. Anyone who has not seen this I hope will get a chance to see this Newsweek cover story: "10 Million Orphans." It talks about the AIDS epidemic in Africa. Her name is Bernadette Nakayima, and she lives near Kampala, Uganda. She had 11 children. Ten of her children died of AIDS. They are buried on a hillside by their home. The one surviving daughter lives nearby.

This 69-year-old grandmother, after her 10 children died, brought in the orphans to her home. She has 35 orphans in her home. How does she get by? Well, according to the Newsweek story, at one point she did not think she could. She gathered all the children in a room and said: Close the doors and lock them. We're just going to starve to death here. We can't make it. But luckily somebody knocked on the door and said: Come out. We're going to try to help you. People are trying to help.

As I speak here on the floor today, Sandra Thurman, who is the head of the effort to deal with AIDS, is in the gallery. I was in Africa with her. She has visited Bernadette many times. She draws the same inspiration, as everyone who goes there, to think of the strength of this woman who, in advancing years, is trying to raise 35 grandchildren, one of whom, incidentally, is HIV positive.

How is she getting by? It points to another thing at which we should look; that is the fact that she is part of something called FINCA. FINCA is a microcredit program in Africa. Microcredit, as I mentioned earlier, is a small loan, primarily to women where they can dramatically improve their lives by having a little additional income.

Women like Bernadette are able to bring in AIDS orphans and help them lead normal lives in a family setting rather than on the streets.

One of the meetings I had with a FINCA group was in Lugazi, Uganda. I will not soon forget where we had the meeting. Our meeting of 20 women, who were coming to report on their loans and to seek additional credit assistance, took place in a little hut that a few days before had been a chicken coop. The chickens, who had been moved out of that coop to the adjoining room, squawked during the whole meeting. But these ladies were not going to be deterred by a few angry roosters. They were there to get on with the business. The business was borrowing money to improve their lives.

I asked one of the ladies: What have these microcredit loans meant to you? She said, through an interpreter: Because of these loans, my knees have gone soft. I had no idea what she was talking about. She explained. She said: Before I had microcredit, before I had more income, I used to have to crawl on my knees to my husband to beg for money for food for the children and to send the kids to school. Now I have some money. I don't have to crawl. My knees are going soft.

That story was repeated over and over again by the 20 women gathered there. I said: How many of you who are borrowing this money, by these small loans that make such a difference, have brought in AIDS orphans to your home? Half of them raised their hand—two children here, and four here, and six here. They had the wherewithal to do it.

In countries where people survive on 30 cents a day, it does not take much to dramatically improve the quality of life and keep these children within the extended family. It can help. It can work.

The second thing that is helping is food assistance. We are directing food assistance in areas where we know that we have serious problems with AIDS orphans. We need to do more in this regard.

I use these examples so that people who might otherwise want to throw up their hands and say: Well, it is a problem we should worry about, but how can we possibly address it if there are so many people victimized by it? There are things we can do, small things for a great nation to do, that can make a great difference, small things that can save lives and give families a chance.

I am going to introduce legislation today which is entitled: "The AIDS Orphans Relief Act of 2000." It addresses microcredit to try to increase it as an effort to help AIDS orphans find homes and to increase food assistance for that same purpose.

This is not going to solve the problem, by a long shot. There is so much we need to do in the areas of research and prevention, creating an infrastructure for distributing the medicines that are available in Africa. I hope this will be one part of an agenda, that we can gather together and speak, as Senator FEINGOLD and Senator FEINSTEIN did, about the pharmaceutical side of it, address the larger issues that the World Bank might be able to help us with, through Senator JOHN KERRY'S bill and Congressman JIM LEACH'S bill, and invite all of the Members of the Senate to focus on this issue in a bipartisan fashion. I believe sincerely we can make a difference.

It has been said earlier that this devastating disease is lowering the life expectancy of people in Africa. You find, when you go to some countries, such as South Africa, that employers will hire two people for a skilled position because they know one is not going to survive. Those are the odds. That is what they are up against. It calls on us to focus on what we can do to help.

A little while ago we had a meeting of Democratic Senators not far from the floor, and Sandy Thurman, our AIDS director, was there, as well as a young woman named Rory Kennedy. She is the daughter of Robert Kennedy. She has been recognized for her skill as a producer of documentary films. She presented for us a 12-minute documentary film on the AIDS epidemic in Africa. It is a film she put together when she visited with a group not that long ago. It really does put in human terms what I am trying to say in words.

You see the faces of those little children. You see the trips to the graveyard to bury babies who have died because of HIV. You go down the road, as you would in Kampala, Uganda, and you notice the stalls of produce. Then at the end, you see the huge sign that says "coffins."

When I spoke to the Ambassador, Martin Brennan, he told of going to a village outside of Kampala and seeing in the town square stacks and stacks of coffins. It, unfortunately, is a big growth industry in Africa. It calls on us to address this in so many different ways.

Let me tell you another way that may not seem obvious that is part of this as well. While we were traveling in Uganda, we went to an agricultural research station. This is a station which brought together some ag research which the United States has supported for years. Cassava is a basic root crop used as a staple for the diet of many people in central and eastern Africa. Not that long ago, there was this virus that affected this crop and dramatically reduced it. People were going hungry and starving to death. Because of this research at this station they have found ways to end this so-called mosaic virus. People are now seeing this cassava grow, and they are once again feeding their families.

It was a little thing, lost in the budget of the Department of Agriculture, which means that millions have a chance to live. Some people will question ag research from time to time, even mock it. Yet we see day to day in Africa and in the United States that it pays off. This is a part of the world that has been ravaged by civil war, ravaged by famines as bad as the potato famine, ravaged by epidemic, now as bad as the bubonic plague, all of these things are coming down on central Africa like four horsemen of the apocalypse. They are coping with it every single day.

We need to do all we can to make sure that our country, working with other countries, can try to stop this crisis from getting any worse. The lessons we will learn in Africa will help us save lives there. It will help us take the message to other parts of the world, such as India and other parts of Asia, that are threatened with this epidemic. But there is something else we will learn. We will learn from the courage and compassion of the people who live in this area that there is strength in the darkest hour.

I came back from this trip determined to do something. I hope that with this meeting today of several Senators on the floor of the Senate we can start this dialog. I think we cannot only reach across the aisle to my friends on the Republican side and share our feelings, but reach out beyond this Chamber and beyond this Government. I think we can reach out to churches across America.

I have written a letter to the Catholic bishops in my home State of Illinois. There, as a little boy growing up, I used to give pennies and nickels every day to the missions. It was something they did automatically in Catholic schools when you were growing up. I didn't know where that money was going. I barely knew what the missions were. But when I went to Sunday Mass at the basilica in Nairobi, Kenya, and saw 2,000 people, standing room only, I found out where that money went. It converted a lot of people to Catholicism, as the Anglican Church converted a lot of people to their religion. Now we have a chance to say to some of these religions, such as Catholicism and others: We made an investment in Africa at a time when they needed our help, and now they need it again. Can we bring together the religions of the United States that have focused on Africa and try to cope with this crisis?

The head of the National AIDS Commission in Uganda is a retired Catholic bishop. I think that says a lot. It says that they are crossing religious boundaries in an attempt to deal with this epidemic and this crisis.

When it comes to the security side of this issue, I have spoken about the military in Uganda, and I am afraid it is the case in so many other countries. They, too, are infected, and that is a source of concern for all of us. If your military cannot respond to a crisis in the country, it fosters instability. It creates security problems which reach far beyond that country, that may even involve the United States, as in the past 10 years we have been to Africa on peacekeeping missions, some with tragic results.

So if we can work, and I hope we can, through our skills and our military to help them cope with this disease in the ranks of the militaries in Africa, it is good for them and their countries. It is good for our world. I will be working with my colleagues to see if we can achieve that.

Let me close by thanking the Chair for this opportunity to speak. I have gone beyond the usual allotment of time. I thank the Chair for his patience in that regard. I hope in this session of Congress we can come together as they do at TASO in Kampala, Uganda, and find the strength and support to care for people halfway around the world, people perhaps of different color from some of us, but people who are our brothers and sisters.

I yield the floor.

Mr. KENNEDY. Mr. President, HIV/AIDS in Africa has become a global emergency unlike anything that public health has seen in this century. According to Archbishop Desmond Tutu of South Africa, "AIDS in Africa is a plague of biblical proportions. It is a holy war that we must win."

The number of HIV-infected individuals in Africa has now reached 22.5 million. As a nation, America is all too familiar with the devastation that AIDS causes. Nearly 10 years ago, Senator HATCH and I sponsored the Ryan White CARE act, the legislation that helped begin the long battle to deal with the AIDS epidemic in this country. The situation has steadily improved in the United States, because extensive efforts have been made and needed systems of care have been put in place. The CARE Act has helped us make great progress.

We began our fight against AIDS in the United States with the advantage of having the world's most advanced health care infrastructure, but the situation in the developing world is much different. Resources are scarce, infrastructure is limited, and the people of Africa face a situation that is not improving but is steadily growing worse.

Officials at UNICEF have described the situation that many nations in sub-Saharan Africa face as a "tripod of deprivation" that involves poverty, debt and AIDS. Any of these three crises would be severe on its own. Taken together they are devastating. The result for the African continent is enormous pain, suffering, and death. Decades of progress on economic growth, infant mortality, and life expectancy are all threatened. The AIDS virus is infecting every aspect of life for the people of Africa, from work and family to education and even national stability.

The effect on the African workforce is especially ominous. African nations have worked hard for the economic development that is emerging. But HIV is striking vast numbers of individuals during their most productive years, and all of this recent progress is being placed in jeopardy. AIDS directly undermines productivity by increasing absenteeism. It raises the cost of business through increased need for benefits. Costs of recruiting and training employees are rising, as current employees die or become disabled. Higher costs also threaten international investment in Africa, which is essential for future economic development.

Over 8 million children have already been orphaned by AIDS in Africa. In the next decade, that number will reach 40 million, a number equal to the total number of children in the United States who live east of the Mississippi River. Children are forced to leave their schools in order to care for dying parents and put food on the table for themselves and their family. Many of these children are already suffering emotionally from the loss of one or both of their parents, and now they are losing the vital educational opportunities they need and deserve.

HIV infection rates are as high as 80 percent in some African military forces, and the disease is threatening the security and stability of these nations. Forces that have been weakened by disease are less capable of defending their nations, maintaining order, or protecting citizens. The concern is immediate. A 1998 UNAIDS study reported that in both Zimbabwe and Cameroon, HIV infection rates were three to four times higher in the military than in the civilian population.

While new therapies have begun to offer hope in the fight against AIDS in the United States, the cost of these treatments has put them out of reach for developing countries, where the epidemic is raging out of control. During the past six years, there has been a 300 percent increase in annual cases of HIV/AIDS in sub-Saharan Africa. Yet until this year, U.S. funding for AIDS programs overseas had remained level-funded at $125 million. When inflation is taken into account, level funding means a 25 percent decrease between 1993 and 1999.

Last year, many of us in Congress and the administration worked hard to obtain an additional $100 million to fight the HIV/AIDS epidemic in Africa. This funding was a vital first step towards turning the tide, but it is not nearly enough. This money will be used for prevention efforts, counseling and testing, direct medical services, and also to assist the millions of children orphaned by AIDS in the region. The additional $100 million that President Clinton has included in his FY2001 budget will enable us to reach an even greater proportion of people infected with HIV in Africa.

Yesterday I cosponsored the bipartisan legislation introduced by Senator BARBARA BOXER and Senator GORDON SMITH that extends the U.S. commitment to sub-Saharan Africa through 2005. We know that increased U.S. aid for Africa is essential. In partnership with other donors, the U.S. invested $46 million in HIV prevention and care in Uganda, and helped cut the HIV rates by more than half.

Prevention is effective, but it costs money. Treatment and care also cost money. Yet the nations of sub-Saharan Africa are among the poorest in the world, and they cannot and should not bear this burden alone. The U.S. is the leading donor of development assistance for HIV/AIDS prevention and control in the developing world, but our response to this crisis has so far been inadequate. The United States currently ranks ninth in terms of the percentage of GNP devoted to international AIDS programs. This is not the leadership that this country has shown in the past, when nations have been torn apart by tragedy.

I recently learned about a couple in Senegal who were both stricken by HIV. They have a small shop that sells newspapers, candy and other goods, and are economically well-off in comparison to many of their fellow citizens. Their financial situation allowed them to afford some AIDS drugs, but the cost of basic treatment for one person takes thirty percent of their monthly income. They have been forced to choose which one of them will take these life-saving medications. That is a decision that no couple should have to make.

The rate at which AIDS has spread in developing countries should alarm all nations and peoples. The world is too small for us to think that a virus which has infected 34 million people and killed 14 million is under control and will not continue to infect our own country.

This global epidemic has already taken more lives than all but one of the major conflicts of this century. Only World War II surpasses AIDS in terms of human devastation in this century. We cannot stand by and let this level of suffering continue.

We can and must do more as a nation to fight this growing global epidemic. It is estimated that by the year 2005 more than 100 million people worldwide will have become infected with HIV—100 million people. The magnitude of the emergency is immense. What will we tell our children and our grandchildren about how we faced the largest human tragedy of our time? I hope that we can tell them that we reached across the aisle and then across the ocean to help those caught in this relentless epidemic. This is not about Democrats or Republicans.

This is about America, and what we stand for as a nation and as a world leader. I urge my colleagues to do all we can to save lives and ease this tragic suffering.

MICROSOFT AND THE AMICUS BRIEF

Mr. GORTON. Mr. President, this is an appropriate time to bring my colleagues up to speed on the continuing saga that is the Microsoft anti-trust trial. Since I last came to the floor to discuss this issue, the industry, of which Microsoft is a part, has once again changed dramatically. For instance, American Online recently triggered the largest corporate merger in history with the acquisition of Time-Warner. This media giant is now poised to compete vigorously in every aspect of the Internet, from the wires that connect you, to the content you watch. To meet this challenge, Microsoft and a legion of its competitors must be allowed to compete vigorously in the ever-changing landscape of the information technology industry.

My fellow Senators will soon receive a "dear colleague" letter endorsing an amicus brief filed on behalf of Microsoft by the Association for Competitive Technology (ACT). ACT is a nonprofit association representing more than 9,000 companies in the information technology industry. ACT's membership is made up mostly of small and medium sized businesses but includes household names such as CompUSA, Excite at Home, Intel, Microsoft and Symantec. These members come from all walks of the industry, unified by the cause of protecting competition and innovation in the industry.

This brief was prepared by a bi-partisan group of legal heavyweights including former White House Counsels Lloyd Cutler and C. Boyden Gray as well as former Attorneys General Griffin Bell and Nicholas Katzenbach. It eloquently reinforces many of the points that I have made on the Senate floor for over a year now. In the end, I think you will agree that this document reveals the glaring weaknesses in the DoJ's case against Microsoft.

The amicus brief reinforces the point that current antitrust laws expressly allow, and even encourage, the kind of competitive activity that the government seeks to stop; the kind of competition that continues to benefit not only consumers, but the hundreds of thousands of high-tech workers and entrepreneurs in the software and hardware industries as well. It also sounds the familiar refrain that the government needs to take a highly pragmatic and cautious approach to antitrust enforcement in this dynamic industry.

Unfortunately, Judge Jackson found last year that Microsoft's Windows holds a lawfully acquired monopoly of the market for "operating systems" for Intel-compatible personal computers. Although Microsoft may later challenge this finding, the brief assumes for purposes of argument that the finding is correct.

The plaintiffs (the federal government and several states) charge that Microsoft, in adding the Internet Explorer browser to Windows and marketing the package, violated antitrust laws. The amicus brief—and the Supreme Court cases on which it relies—demonstrates that the purpose of the antitrust laws is to protect consumers and competition—not competitors—and that Microsoft, far from violating the antitrust laws, competed vigorously to the immense benefit of consumers.

Vigorous competition, which antitrust laws are designed to protect, produces innovation, better products, more efficient distribution, and lower prices. All of these results of competition are to the benefit of consumers. The antitrust laws do not require competing firms to be nice to one another, or protect firms against their more powerful rivals. It is not wrong for any company to want to take business away from its rivals.

The antitrust laws encourage a firm that holds a lawfully acquired monopoly to compete hard to keep that monopoly. They also encourage such a firm to enter other fields where, by competing with better and cheaper products, it can benefit consumers.

Judge Jackson found that the widespread use of the Windows operating system has made it is a platform for a vast range of computer applications that consumers now enjoy.

Judge Jackson also found that when Microsoft added a superior Internet browser (Internet Explorer) and offered it to consumers at no extra charge, these actions gave consumers better access to the Internet and spurred its rival Netscape to improve the quality of its "Navigator" browser and to distribute it at no charge.

Microsoft did not drive Netscape's Navigator out of the browser market. On the contrary, even Judge Jackson found that Netscape's "installed base" has more than doubled since 1995 and will continue to grow in the future. Browser competition remains vigorous.

Microsoft did successfully break into the browser market and did obtain a share of that market for itself. The single most important reason, as even Judge Jackson found, is that Microsoft rival AOL itself chose and re-chose Internet Explorer over Navigator, even though AOL now owns Netscape. AOL made that choice because Microsoft offered a better product, better service, and better marketing support than did Netscape.

Microsoft's agreements with PC manufacturers and Internet access providers to distribute Internet Explorer were lawful agreements designed to help Microsoft break into a browser market in which Netscape was the overwhelmingly dominant firm. It was good for competition and consumers, for Microsoft to introduce competition into that market.

The plaintiff's theory is essentially that Microsoft, once it had a lawful monopoly in the operating systems market, should not have aggressively entered the browser market, because Netscape's dominance of that market might have led to more competition in operating systems. That theory is bad law. Again, the law protects consumers, not competitors. Consumers benefit when any firm, including one holding a lawful monopoly, competes aggressively to challenge another firm's incipient monopoly in a related field.

This competition helped usher in the most important change occurring on earth today. The power of information has been taken from a few large centralized institutions and put directly into the hands of people in every town and village across our globe via the Internet.

Not only is the number of users increasing exponentially, but the amount of information available to them is also growing at an unprecedented rate. The International Data Corporation estimated the number of web pages on the World Wide Web at 829 million at the end of 1998, and projects that the number will be 7.7 billion by 2002.

The explosive growth of the Internet will eventually have a fundamental impact on every aspect of American life, and will introduce a vastly different landscape in high-technology than exists today. Users will not necessarily use stationary personal computers to access information, but instead rely on Web phones, palmtop computers and similar technology that is developing at an exponential rate. Microsoft must be allowed to compete in order to survive this transition.

Although Microsoft is a large and powerful company, it faces aggressive present and future competition in every field it enters, and if it wants to maintain its present position it must compete vigorously on every front, with innovations, improved quality and lower prices. That is exactly what antitrust policy seeks to promote.

For a court to enter into this vitally important and rapidly changing field and seek to dictate what products shall be made and sold by which firms would be a tragic mistake. For example, if a few years ago a court had ordered Microsoft not to add Internet Explorer to Windows, there would today be fewer hardware manufacturers, fewer software developers, fewer applications, and a far less developed Internet, and the world would be a poorer place.

The best solution for both the administration and the courts is to retire from the field and to allow the most dynamic company in the history of technology to continue its growth in a competitive market, free from government interference.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 2, 2000, the Federal debt stood at $5,702,134,559,981.88 (Five trillion, seven hundred two billion, one hundred thirty-four million, five hundred fifty-nine thousand, nine hundred eighty-one dollars and eighty-eight cents).

One year ago, February 2, 1999, the Federal debt stood at $5,594,817,000,000 (Five trillion, five hundred ninety-four billion, eight hundred seventeen million).

Five years ago, February 2, 1995, the Federal debt stood at $4,814,204,000,000 (Four trillion, eight hundred fourteen billion, two hundred four million).

Ten years ago, February 2, 1990, the Federal debt stood at $2,987,306,000,000 (Two trillion, nine hundred eighty-seven billion, three hundred six million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,714,828,559,981.88 (Two trillion, seven hundred fourteen billion, eight hundred twenty-eight million, five hundred fifty-nine thousand, nine hundred eighty-one dollars and eighty-eight cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:52 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2005. An act to establish a statute of repose for durable goods used in a trade of business.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2005. An act to establish a statute of repose for durable goods used in a trade of business; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7299. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes; Request for Comments; Docket No. 99–NM–317" (RIN2120–AA64) (1999–0517), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7300. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes; Request for Comments; Docket No. 99–NM–236 (1–6/1–10)" (RIN2120–AA64) (2000–0015), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7301. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050 Series; Request for Comments; Docket No. 99–NM–235 (12–29/1–3)" (RIN2120–AA64) (1999–0545), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7302. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes and Model F27 Mark 050 Series Airplanes; Docket No. 99–NM–153 (11–22/11–29)" (RIN2120–AA64) (1999–0477), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7303. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050 Series; Request for Comments; Docket No. 99–NM–316 (11–19/11–22)" (RIN2120–AA64) (1999–0457), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7304. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050 Series; Request for Comments; Docket No. 99–NM–318 (1–49/1–20)" (RIN2120–AA64) (2000–0031), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7305. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Series Reciprocating Engines; Docket No. 95–ANE–39 (11–29/12–2)" (RIN2120–AA64) (1999–0501), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7306. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Aircraft Engines CF34 Series Turbofan Engines; Request for Comments; Docket No. 98–ANE–19 (11–19/11–29)" (RIN2120–AA64) (1999–0481), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7307. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines; Request for Comments; Docket No. 99–NE–62 (1–6/1–10)" (RIN2120–AA64) (2000–0013), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7308. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6–80E1A2 Series Turbofan Engines; Request for Comments; Docket No. 99–E–52" (RIN2120–AA64) (1999–0487), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7309. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Model 182S Airplanes; Docket No. 98–CE–125" (RIN2120–AA64) (2000–0044), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7310. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company 300 and 400 Series Airplanes; Request for Comments; Docket No. 97–CE–67" (RIN2120–AA64) (2000–0030), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7311. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.a. Model AB412 Helicopters; Request for Comments; Docket No. 98–SW–69 (1–26/1–27)" (RIN2120–AA64) (2000–0046), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7312. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.a. Model A109A and A109A II Helicopters; Request for Comments; Docket No. 99–SW–91 (1–5/1–6)" (RIN2120–AA64) (2000–0006), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7313. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.a. Model AB412 Helicopters; Docket No. 99–SW–63 (12–20/12–20)" (RIN2120–AA64) (1999–0522), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7314. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.a. Model 109A and 109A II Helicopters; Request for Comments; Docket No. 99–SW–64 (12–20/12–23)" (RIN2120–AA64) (1999–0531), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7315. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–1A11 (CL600), CL–600–2A12 (CL601), and CL–600–2B16 (CL601–3A, 3R, and CL–604) Series Airplanes; Docket No. 99–NM–166 (12–28/12–30)" (RIN2120–AA64) (1999–0541), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7316. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–7 and –8 Series Airplanes; Docket No. 99–NM–152 (11–22/12–2)" (RIN2120–AA64) (1999–0503), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7317. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–7–100 Series Airplanes; Docket No. 99–NM–107 (1–27/1–27)" (RIN2120–AA64) (2000–0042), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7318. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model 382 Series Airplanes; Docket No. 98–NM–371 (12–3/12–6)" (RIN2120–AA64) (1999–0504), received December 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7319. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model L1011 385 Series Airplanes; Docket No. 99–NM–122 (11–30/12–2)" (RIN2120–AA64) (1999–

0496), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7320. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model 1329–23 and 1329–25; Docket No. 99–NM–151 (11–22/11–22)" (RIN2120–AA64) (1999–0473), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7321. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model L–14 and L–18 Series Airplanes; Docket No. 99–NM–142 (11–22/11–22)" (RIN2120–AA64) (1999–0472), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7322. A communication from the Associate Administrator, Procurement, National Aeronautics and Space Administration transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations", received January 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7323. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "McLeod v. United States", received February 1, 2000; to the Committee on Finance.

EC–7324. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Passive Foreign Investment Companies; Definition of Marketable Stock" (RIN1545–AW69) (TD8867), received February 1, 2000; to the Committee on Finance.

EC–7325. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Export Certificates for Sugar-Containing Products Subject to Tariff-Rate Quota" (RIN1515–AC55), received February 1, 2000; to the Committee on Finance.

EC–7326. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992, as amended; to the Committee on Health, Education, Labor, and Pensions.

EC–7327. A communication from the Acting Director, Defense Security Cooperation Agency, Department of Defense transmitting, pursuant to the Arms Export Control Act, a report of the status of loans and guarantees issued under the Act as of September 30, 1999; to the Committee on Foreign Relations.

EC–7328. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Regulatory Program", received February 2, 2000; to the Committee on Energy and Natural Resources.

EC–7329. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–238, "Board of Trustees of the University of the District of Columbia Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7330. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–237, "Disposal of District Owned Surplus Real Property Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7331. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–234, "Technical Amendments Act of 1999"; to the Committee on Governmental Affairs.

EC–7332. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–236, "Advisory Neighborhood Commissions Management Control Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7333. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–235, "Housing Authority Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7334. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–213, "Closing of a Public Alley in Square 486, S.O. 99–67, Act of 1999"; to the Committee on Governmental Affairs.

EC–7335. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–214, "Dedication of Land within Square 557 for Public Alley Purposes, S.O. 93–207, Act of 1999"; to the Committee on Governmental Affairs.

EC–7336. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–215, "Closing of a Public Alley in Square 105, S.O. 97–245, Act of 1999"; to the Committee on Governmental Affairs.

EC–7337. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–218, "Management Supervisory Service Exclusion Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7338. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–217, "Performance Rating Levels Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7339. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–219, "School Proximity Traffic Calming Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC–7340. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–220, "Citizens with Mental Retardation Substituted Consent for Health Care Decisions Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7341. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–224, "Dedication and Designation of Harry Thomas Way, N.E. Act of 1999"; to the Committee on Governmental Affairs.

EC–7342. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–216, "Executive Service Residency Requirement Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7343. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–233, "Closing of a Public Alley in Square 1942, S.O. 98–21, of 1999"; to the Committee on Governmental Affairs.

EC–7344. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Well Classification for Downhole Hydrocarbon/Water Separators; UIC Program Guidance #82"; to the Committee on Environment and Public Works.

EC–7345. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: New Hampshire; Plan for Controlling Emissions from Existing Hospital/Medical/Infectious Waste Incinerators" (FRL #6532–2), received February 1, 2000; to the Committee on Environment and Public Works.

EC–7346. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District" (FRL #6530–6), received January 28, 2000; to the Committee on Environment and Public Works.

EC–7347. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland, Post-1996 Rate of Progress Plan for Cecil County and Revisions to the 1990 Base Year Emissions Inventory" (FRL #6530–8), received January 27, 2000; to the Committee on Environment and Public Works.

EC–7348. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; 15 Percent Rate of Progress Plan for the Baltimore Ozone Nonattainment Area" (FRL #6531–1), received January 27, 2000; to the Committee on Environment and Public Works.

EC–7349. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District" (FRL #6529–4), received January 27, 2000; to the Committee on Environment and Public Works.

EC–7350. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District" (FRL #6528–5), received January 27, 2000; to the Committee on Environment and Public Works.

EC–7351. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; California State Implementation Plan Revision, Kern County, San Diego County, San Joaquin Valley Unified County Air Pollution Control Districts and South Coast Air Quality Management Districts" (FRL #6529–6), received January 27, 2000; to the Committee on Environment and Public Works.

EC–7352. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of State Implementation Plans; South Dakota; Revisions to Performance Testing Regulation" (FRL #6527–2), received January 27, 2000; to the Committee on Environment and Public Works.

EC–7353. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District" (FRL #6529–1), received January 24, 2000; to the Committee on Environment and Public Works.

EC–7354. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to Enhanced Inspection and Maintenance Portion" (FRL #6528–9), received January 24, 2000; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 2027. A bill to authorize the Secretary of the Army to design and construct a warm water fish hatchery at Fort Peck Lake, Montana; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mr. ABRAHAM, and Mr. LEAHY):

S. 2028. A bill to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself, Mr. ROBB, Ms. COLLINS, Mr. HELMS, Mr. LEAHY, Mr. REED, Mr. SESSIONS, Mr. ABRAHAM, Mr. DURBIN, Mrs. MURRAY, and Mr. HOLLINGS):

S. 2029. A bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 2030. A bill to authorize microfinance and food assistance for communities affected by the Acquired Immune Deficiency Syndrome (AIDS), and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD:

S. 2031. A bill to amend the Fair Labor Standards Act of 1938 to prohibit the issuance of a certificate for subminimum wages for individuals with impaired vision or blindness; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN (for himself and Mr. FEINGOLD):

S. 2032. A bill to amend the Foreign Assistance Act of 1961 to address the issue of mother-to-child transmission of human immunodeficiency virus (HIV) in Africa, Asia, and Latin America; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. DURBIN):

S. 2033. A bill to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic; to the Committee on Foreign Relations.

By Mr. CAMPBELL:

S. 2034. A bill to establish the Canyons of the Ancients National Conservation Area; to the Committee on Energy and Natural Resources.

S.J. Res. 39. A joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 2027. A bill to authorize the Secretary of the Army to design and construct a warm water fish hatchery at Fort Peck Lake, Montana; to the Committee on Environment and Public Works.

THE FORT PECK FISH HATCHERY AUTHORIZATION ACT OF 2000

• Mr. BURNS. Mr. President, I rise today to introduce the Fort Peck Fish Hatchery Authorization Act of 2000. As you may know, the Fort Peck project was built in the 1930s to dam the Upper Missouri River. The original authorization legislation for the Fort Peck project, and subsequent revisions and additions, left a great many promises unmet. A valley was flooded, but originally Montana was promised increased irrigation, low-cost power, and economic development. Since the original legislation, numerous laws have been enacted promising increased recreational activities on the lake, and also that the federal government would do more to support the fish and wildlife resources in the area.

In this day and age, economic development in rural areas is becoming more and more dependent upon recreation and strong fish and wildlife numbers. The Fort Peck area is faced with a number of realities. First, the area is in dire need of a fish hatchery. The only hatchery in the region to support warm water species is found in Miles City, Montana. It is struggling to meet the needs of the fisheries in the area, yet it continues to fall short. Additionally, an outbreak of disease or failure in the infrastructure at the Miles City hatchery would leave the entire region reeling with no secondary source to support the area's fisheries.

We are also faced with the reality that despite the promises given, the State of Montana has had to foot the bill for fish hatchery operations in the area. Since about 1950 the State has been funding these operations with little to no support from the Corps of Engineers. A citizens group spanning the State of Montana finally decided to make the federal government keep its promises.

Last year the citizens group organized, and state legislation subsequently passed to authorize the sale of a warm water fishing stamp to begin collecting funds for the eventual operation and maintenance of the hatchery. I helped the group work with the Corps of Engineers to ensure that $125,000 in last year's budget was allocated to a feasibility study for the project, and Montanans kept their end of the bargain by finding another $125,000 to match the Corps expenditure. Clearly, we are putting our money, along with our sweat, where our mouth is.

Recreation is part of the local economy. But the buzzword today is diversity. Diversify your economy. The Fort Peck area depends predominately on agriculture. More irrigated acres probably aren't going to help the area pull itself up by its boot straps. But a stronger recreational and tourism industry sure will help speed things up.

A lot of effort has already gone into this project. A state bill has been passed. The Corps has dedicated a project manager to the project. Citizens have raised money and jumped over more hurdles than I care to count. But the bottom line is that this is a great project with immense support. It is a good investment in the area, and it helps the federal government fulfill one thing that it ought to—its promises.

Mr. President, I want to acknowledge that this legislation is still a work in progress and many of the specifics will change as the Corps completes its feasibility study on the project. It may cost slightly more. It may cost less. The cost share requirement may need to be altered to make the project work, but I feel this legislation must be introduced now to expedite its consideration.•

By Mr. WYDEN (for himself, Mr. ABRAHAM, and Mr. LEAHY):

S. 2028. A bill to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet; to the Committee on

Commerce, Science, and Transportation.

INTERNET NON-DISCRIMINATION ACT

Mr. WYDEN. Mr. President, today, I am introducing the Internet Non-Discrimination Act. The central principle of this bill is that our tax policy should not discriminate against the most vibrant part of our nation's economy. The legislation would extend indefinitely the Internet Tax Freedom's Act's three-year moratorium on discriminatory taxes against the Internet and electronic commerce. I am pleased to be joined in this effort by Senators ABRAHAM and LEAHY.

Three years ago, when Congressman CHRIS COX and I introduced the Internet Tax Freedom Act (ITFA), we said you can't squeeze the new economy into a set of rules written for smokestack industry. At that time, opponents predicted that retailers would vanish from Main Streets across America. Transcripts from hearings held on the legislation in the summer of 1997 are replete with opponents' predictions that a parade of horribles would be visited on every small merchant in every town in the United States. I am pleased to report that none of the horribles has come to pass.

In fact, this is what has happened in the 15 months since the Internet Tax Freedom Act was passed by the Senate 98-2 and became law:

States and localities have continued to collect sales and use taxes, and state budgets ended fiscal 1999 with a $35 billion surplus. In California—one of the most wired states—1999 sales tax collections are up 20 percent over 1998.

Traditional bricks and mortar retailers had one of their best holiday seasons, recording a nearly 8% jump in sales over the previous year.

A recent survey of 1,500 Main Street businesses nationwide found that 74 percent have gone online since 1997.

E-commerce has become part of the retail landscape, but still accounts for only $^{3}/_{10}$s of one percent of total retail sales.

States with the highest level of Internet use are also those with some of the largest gains in tax revenues.

It is clear to me that while state and local tax collectors sat wringing their hands, America's merchants were working on web pages. Main Street merchants seized the opportunity to expand their sales to new markets by going online. They also recognized the efficiencies of conducting their business-to-business transactions online. Rather than weaken Main Street merchants, the Internet has strengthened them. Rather than drain state and local tax coffers, the technological neutrality of the Internet Tax Freedom Act allowed online business to grow and state and local authorities to continue to collect lawful, nondiscriminatory taxes. The technological neutrality of the ITFA contributed to the rapid transformation of a bricks and mortar economy into a clicks and mortar economy.

I want the success of the bricks and clicks economy to continue, but consumers and businesses need some certainty. They need to know they won't have to start paying new taxes targeted specifically at e-commerce when the current moratorium expires in October 2001. That's why the ban on discriminatory taxes against the Internet and e-commerce should be made permanent.

The Internet Non-Discrimination Act we are introducing today will do just that. It continues the policy of technological neutrality. It allows state and local tax authorities to continue to collect lawful, nondiscriminatory sales or use taxes on online sales. It will give the governors time to see if they can move forward with their technological fix for collecting remote sales and use tax—a voluntary plan which will require the cooperation of every business in this nation, from Bandon, Oregon to Bangor, Maine. And, finally, it extends permanently a policy that has worked well for the last 15 months and under which consumers, businesses and state and local tax collectors have lived—and thrived.

In about two months the Advisory Commission on Electronic Commerce will issue its final report. After having talked yesterday with the Chairman of the Commission, Virginia Governor James Gilmore, I am hopeful that the Commission will endorse the approach we are taking in this bill.

If Congress does not act this year to extend the technologically neutral policy that is at the heart of the Internet Non-Discrimination Act, consumers and businesses will face thousands of tax authorities in this country jumping into their pockets when the current moratorium expires in October 2001. Consumers and businesses want certainty that they won't suddenly be facing an onslaught of new, confusing and discriminatory taxes.

A companion bill is being introduced in the House of Representatives today by Congressman CHRIS COX, with whom I've worked on this issue for four years now. I am hopeful that this, our fourth bipartisan Internet effort, will be as successful as our previous three. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Nondiscrimination Act".

SEC. 2. REPLACEMENT OF MORATORIUM WITH PERMANENT BAN ON NEW, MULTIPLE, AND DISCRIMINATORY TAXES ON THE INTERNET.

Section 1101(a) of title XI of division C of Public Law 105–277 is amended by striking "during the period beginning on October 1, 1998, and ending 3 years after the date of enactment of this Act" and inserting "on or after October 1, 1998."

Mr. ABRAHAM. Mr. President, I rise today to join my colleague, Senator WYDEN, in introducing legislation to extend indefinitely the current moratorium on new and discriminatory Internet taxes. Once again, Senator WYDEN has demonstrated his grasp of the crucial issues surrounding electronic commerce and has moved rapidly to assure that potential barriers to the new economy are eliminated before they do any harm. I am pleased to join him in his latest effort.

By now, it is obvious to everyone that e-commerce is the wave of the future. As a matter of fact, it's safe to say that the future is already here. During the week of December 6 alone, Americans bought $1.22 billion of merchandise online. Sales for 1999 should reach $64.8 billion. Beyond shopping, 5.3 million households had access to financial transactions like electronic banking and stock trading by the end of last year.

The rate of growth for Internet commerce has been exponential for the past several years. Unfortunately, it's also a tempting target for taxation by the Federal Government, States and localities. And that could slow the growth of e-commerce and of our entire economy.

We responded to this potential problem by passing Senator WYDEN's legislation in 1998, to place a three-year moratorium on new or discriminatory Internet taxes, fees or charges. That legislation also established a Commission to explore the issue of Internet taxation and to submit to Congress a list of recommendations on how the Federal Government should legislate in this area.

We are only halfway through the moratorium, but already it seems there are only two possible conclusions to the Commission. The first is that the wide differences of opinion within the Commission will make it impossible for the members to muster the majority of support necessary to submit a report. This is worrisome, Mr. President, because, unless action is taken by this Congress, the moratorium will expire and the door will be opened to new, discriminatory taxes on the Internet.

The other possibility, more recently offered, is that the Commission may actually recommend an extension of the current moratorium. Whatever the conclusion therefore, the role of Congress is clear; the Internet Tax Moratorium must be extended indefinitely. And because of the limited number of legislative days scheduled in this election year, the process of doing so should begin now.

As everyone knows, the current moratorium only precludes new and discriminatory taxes. It does not address the more difficult question of how to apply existing, State sales taxes to Internet transactions. The Supreme Court has spoken to this issue, ruling that States can indeed impose taxes on transactions much like Internet sales—namely catalog sales. However, States cannot force a business to collect sales taxes on purchases made to States where they have no physical presence or "nexus." This discrepancy in sales taxation between main street businesses and those that sell goods over the Internet will be difficult to address for the following reasons:

First, very soon every business will be an e-business in the sense that they will be using the Internet for sales, supplies, contracting and other purposes. We couldn't stop this process if we wanted to, and we shouldn't want to. According to one recent survey, 74 percent of brick and mortar, main street businesses have added "click and mortar" Internet services to their business.

Second, the border less nature of the Internet is going to make it difficult—if not impossible—to determine what constitutes "nexus." For example, what happens when someone in California uses America Online in Virginia to order fudge from the "shopmackinac" website in Michigan, and ships them to a friend in Rhode Island? Which State should claim "nexus?"

Perhaps a "destination-based" Internet sales tax regime would be more effective in terms of collecting State sales taxes. Whatever the eventual outcome, I believe that in light of the present uncertainty it would not be proper for Congress to intervene on this issue. The States must have every opportunity to debate and possibly even initiate a model for addressing the current impasse.

What is necessary is Congressional action to ensure that new, discriminatory taxes are not levied on the Internet by States or localities as a means of substituting perceived lost revenue. Many Governors—including Governor Engler of Michigan—support an extension of the current Internet tax moratorium.

Access fees and similar Internet taxes, whether imposed by the States, localities, or the Federal government, pose a grave threat to the continued evolution of the Internet. America is experiencing a record period of growth and prosperity. In my view, the continued expansion of the economy is due primarily to electronic commerce. The spirit of entrepreneurship which has energized our nation, the adoption of new business models to more fully explore marketing and sales possibilities and the dramatic increase in consumer and business services are all largely the product of our new e-economy. Why on earth would anyone, or any government, want to threaten this dynamic medium when it is still in its infancy by increasing the cost of doing business over the Internet? I certainly do not, and I will continue to work to ensure that neither the Federal government nor other units of government threaten electronic commerce.

If we are able to keep the government focused on removing impediments to electronic commerce rather than interfering in the development and implementation of new technologies then very soon the e-economy will simply be the economy, and our nation will be more prosperous as a result.

By Mr. FRIST (for himself, Mr. ROBB, Ms. COLLINS, Mr. HELMS, Mr. LEAHY, Mr. REED, Mr. SESSIONS, Mr. ABRAHAM, Mr. DURBIN, Mrs. MURRAY, and Mr. HOLLINGS):

S. 2029. A bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE KNOW YOUR CALLER ACT OF 2000

Mr. ROBB. Mr. President, I'm pleased to join today with my friend from Tennessee, Senator FRIST, to introduce the Know Your Caller Act of 2000—a bill that will make a real and immediate difference in the lives of all Americans.

Not a week goes by that I don't hear from Virginians about the intrusion of telemarketers into their homes. Although Congress passed the Telephone Consumer Protection Act, or TCPA, in 1991, the law is widely abused—telemarketers openly disregard the law, refusing to identify themselves when asked, and ignoring requests to be placed on "do not call lists."

In recent years, consumers have turned to caller ID services to help them screen out unwanted calls and report those who violate current law to the authorities. Unfortunately, most telemarketers actively block their number from being displayed on caller ID systems, making it difficult to determine the name and employer of the telemarketer. We already require telemarketers to identify themselves when they call, and we should apply this same requirement to their caller ID information.

The Know Your Caller Act of 2000 will prevent companies from blocking their identities on caller ID. Our legislation will require every phone solicitor to reveal the name of the telemarketer who is making the call, as well as a valid telephone number where that company can be reached for purposes of being placed on the do-not-call lists required under current law.

It's time that we gave consumers a way to fight back against these intrusions into their homes, and this bill is the perfect way to do so: by putting an end to caller ID blocks, we can empower the consumer to take action against violators of the TCPA and regain control of their telephones. I urge all of my colleagues to join Senator FRIST and me in supporting this important consumer protection bill.

By Mr. MOYNIHAN (for himself and Mr. FEINGOLD):

S. 2032. A bill to amend the Foreign Assistance Act of 1961 to address the issue of mother-to-child transmission of human immunodeficiency virus (HIV) in Africa, Asia, and Latin America; to the Committee on Foreign Relations.

MOTHER-TO-CHILD HIV PREVENTION ACT OF 2000

Mr. MOYNIHAN. Mr. President, today I rise to introduce, along with my distinguished colleague from Wisconsin, Mr. FEINGOLD, the Mother-to-child HIV Prevention Act, a bill that seeks to address mother-to-child transmission of HIV in developing regions of Africa, Asia, and Latin America.

According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), nearly 4.5 million children below the age of 15 years have been infected with HIV since the AIDS epidemic began. More than 3 million have already died of AIDS. Children are becoming infected at the rate of nearly one child every minute, and the overwhelming majority of these children acquired the infection from their mothers.

In July 1999, the National Institutes of Health released a report on the effectiveness of a drug called nevirapine (NVP) in preventing mother-to-child transmission of HIV. NVP is given just once to the mother during labor and once to the baby within three days after birth. It costs $4 per tablet. The discovery of this relatively simple and inexpensive drug regimen—along with others like it—has created an unprecedented opportunity for international cooperation in the fight against the vertical transmission of HIV.

USAID is currently engaged in four of the eleven vertical transmission pilot projects in Asia, Africa, and Latin America. These studies will be completed within the year, at which point the intervention programs can undergo a significant increase in scale. But additional funding is needed.

The cost-effectiveness of these programs is clear. New antiretroviral drug strategies can be a force for social change, providing the opportunity and impetus needed to address long-standing problems in the health care system and the profound stigma associated with HIV-infection and the AIDS disease.

Naturally, primary prevention strategies should remain the top priority in the fight against AIDS, which is why I am requesting these funds in addition to our current efforts. This legislation would give the U.S. Agency for International Development (USAID) an additional $25 million every year—for the next five years—to address the growing international dilemma of child victims of the AIDS epidemic.

Mr. President, this bill has the potential to improve the lives of hundreds of thousands of children whose lives are marred by this disease. I urge my colleagues to support this legislation, and I urge its swift passage into law.

By Mr. CAMPBELL:

S. 2034. A bill to establish the Canyons of the Ancients National Conservation Area; to the Committee on Energy and Natural Resources.

THE CANYONS OF THE ANCIENTS NATIONAL CONSERVATION AREA ACT

Mr. CAMPBELL. Mr. President, today I am introducing legislation that will help ensure that priceless public lands, including the Yellow Jacket Canyon in the Southwestern corner of my beautiful home state of Colorado, are preserved and managed in the most farsighted and balanced manner possible.

I have developed this legislation with the Department of the Interior and the local government bodies. It successfully takes into account the concerns of all interested parties. The lands I hope we can protect were the home to a rich civilization before the existence of this hemisphere was known to the western world.

It is imperative we protect these lands now in a reasonable manner to recognize the historical, archeological and cultural value they hold. But, I do not believe we should lock these lands from the public. When public lands are suddenly grabbed away by executive decree it creates ill feelings and distrust.

The hardest hit are those people who live near the land, know it the best and whose livelihood is most connected to it. These are almost always hard working families. Elected local and state governments are also losers. Land grabs seriously erode the very tax base that enables towns, counties and states to provide the services the people need, including schools, law enforcement, and fire protection. Finally, participatory democracy, our nation's bedrock, also loses when an executive decree is used to end run the American people and those they have chosen to represent them in Congress.

Through close consultation with the acting BLM director, Tom Fry, I have drafted a bill which should take into consideration the views of interested parties. I will submit for the record at the conclusion of my statement a number of letters from local organizations and elected officials who support this effort to designate a National Conservation Area. It will allow many of the area's current uses to stay intact while preserving the ancient treasures found there.

I consider the declaration of national monuments by this administration by executive order another example of restricting the use of more public land without working with Congressional delegations, local officials, and other interested parties, as was the case with the Grand Staircase-Escalante Monument designation in Utah.

My bill makes sure that the involved parties take part in land management decisions in Colorado. I am trying to ensure that all of the concerns of the people who live and work in the area are heard and addressed before any designation is made by the administration on these public lands.

My bill would require public hearings which would allow everyone involved from local ranchers, recreational users, and all local elected officials to be involved with preserving this area.

As I stated in a letter to Interior Secretary Babbitt on June 8, 1999, Coloradans do not want to see another Grand Staircase-Escalante Monument designation in Colorado. Secretary Babbitt in a letter to Mr. Ed Zink dated November 9, 1999, declared his intent to designating the Anasazi area a national monument by the authority of the Antiquities Act of 1906. My bill proposes a compromise to preserve this area with local input, and avoid the heavy handed action of a monument designation by the President.

My legislation will create a National Conservation Area which will allow the historic uses to take place while efforts are made to conserve the area. I am introducing this legislation to alert the president and the secretary that the citizens in Southwest Colorado desire protection of the area but oppose an executive action that bypasses Congress. This can be accomplished through the legislative process with a hearing scheduled on my bill early this year during the second half of the 106th Congress.

Some in the administration will say that they are currently trying to work with the local community since they held a series of six scheduled town meetings on the proposed withdrawal. From the input that I have received, no one seems sold on the idea at the local level that a monument designation is the only option available to protect the ancient treasures in Southwestern Colorado.

The Southwest Resource Advisory Council was formed to bring forth a wide variety of issues to take into consideration before the Secretary of the Interior moves forward with his intended move to remove the public from the area. The report addresses everything from recreation and tourism to oil and gas development in the area which is how these small communities survive economically. In our efforts to preserve the culture of the area, we cannot continue to lock up all of our public land which so many small towns in the West depend upon.

Our small communities in Southwestern Colorado know how to be good stewards of the land and my bill allows everyone from the local citizens, the Department of Interior, and Congress to work in a collective effort to save this area for future generations.

I urge my colleagues to join me in supporting this important bill. I ask unanimous consent that the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Canyons of the Ancients National Conservation Area Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that certain areas located in Dolores and Montezuma Counties, Colorado—

(1) contain unique and valuable historical, cultural, scientific, archaeological, natural, and educational resources; and

(2) should be protected and enhanced for the benefit and enjoyment of present and future generations.

(b) PURPOSE.—The purpose of this Act is to establish the Canyons of the Ancients, Colorado, as a National Conservation Area.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Canyons of the Ancients National Conservation Area established by section 4(a).

(2) COUNCIL.—The term "Council" means the Canyons of the Ancients National Conservation Area Advisory Council established under section 5(a).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan developed for the Conservation Area under section 4(e).

(4) MAP.—The term "Map" means the map entitled "Canyon of the Ancients National Conservation Area Proposal" and dated January 6, 2000.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 4. CANYONS OF THE ANCIENTS NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—There is established the Canyons of the Ancients National Conservation Area in the State of Colorado.

(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 164,000 acres of public land in Dolores and Montezuma Counties, Colorado, as generally depicted on the Map.

(c) MAPS AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) FORCE AND EFFECT.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Copies of the map and legal description shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management;

(B) the appropriate office of the Bureau of Land Management in Colorado; and

(C) the offices of the county clerks of Montezuma and Dolores Counties, Colorado.

(d) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area in a manner that—

(A) conserves, protects, and enhances the resources of the Conservation Area specified in section 2(a); and

(B) is in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(ii) other applicable law, including this Act.

(2) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines will further the purposes for which the Conservation Area is established.

(3) VEHICULAR ACTIVITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and as needed for administrative purposes or to respond to an emergency, use of motorized vehicles or mechanized transport in the Conservation Area shall be permitted only on roads and trails designated for vehicular use under the management plan.

(B) ACCESS TO LEASES.—Nothing in this Act prohibits vehicular access to any oil, gas, or carbon dioxide lease by road or pipeline right-of-way.

(4) WITHDRAWALS.—

(A) IN GENERAL.—Subject to valid existing rights (including lease rights) and historic rights of access, and except as provided in subparagraph (B), all Federal land within the Conservation Area and all land and interests in land acquired for the Conservation Area by the United States are withdrawn from—

(i) all forms of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) disposal under the mineral leasing, mineral materials, and geothermal leasing laws.

(B) OIL AND GAS LEASING.—Notwithstanding subparagraph (A), nothing in this Act prohibits the leasing of oil, gas, or carbon dioxide (including resulting operations) within the Conservation Area under the mineral leasing laws.

(5) HUNTING AND TRAPPING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this Act affects hunting and trapping within the Conservation Area conducted in accordance with applicable laws (including regulations) of—

(i) the United States; and

(ii) the State of Colorado.

(B) HUNTING AND TRAPPING ZONES.—The Secretary, after consultation with the Colorado Division of Wildlife, may promulgate regulations designating zones where and establishing periods when no hunting or trapping shall be permitted in the Conservation Area for reasons of—

(i) public safety;

(ii) administration; or

(iii) public use and enjoyment.

(6) GRAZING.—The Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the same laws (including regulations) and executive orders followed by the Secretary in issuing and administering grazing leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Conservation Area.

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(ii) other applicable law, including this Act;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land within or adjacent to the Conservation Area; and

(D) give appropriate consideration to the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(f) NO BUFFER ZONES.—

(1) IN GENERAL.—There shall be no protective perimeter or buffer zone around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity on land or a use of land in the Conservation Area is not permitted inside the Conservation Area shall not preclude the activity on land or use of land outside the boundary of the Conservation Area (or, in the Conservation Area, on land that is privately held), consistent with other applicable law.

(g) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-federally owned land in the Conservation Area only—

(A) from a willing seller; and

(B) through purchase, exchange, or donation.

(2) MODIFICATION OF BOUNDARY.—On acquisition of land under paragraph (1), the Secretary shall modify the boundary of the Conservation Area to include the acquired land.

(3) MANAGEMENT.—Land acquired under paragraph (1) shall be managed as part of the Conservation Area in accordance with this Act.

(h) INTERPRETIVE SITES.—The Secretary may establish sites in the Conservation Area to interpret the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(i) WATER RIGHTS.—Nothing in this Act constitutes an express or implied reservation of any water right.

(j) WILDERNESS ACTS.—Nothing in this Act alters any provision of the Wilderness Act (16 U.S.C. 1131 et seq.) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) that applies to wilderness resources within the Conservation Area.

(k) NATIONAL PARK SERVICE LANDS.—Nothing in this Act affects the management of land that is within the Conservation Area and under the jurisdiction of the National Park Service.

SEC. 5. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the "Canyons of the Ancients National Conservation Area Advisory Council".

(b) DUTY.—The Council shall advise the Secretary with respect to preparation and implementation of the management plan.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall consist of 15 members, to be appointed by the Secretary, as follows:

(1) A member of or nominated by the Dolores County Commission.

(2) A member of or nominated by the Montezuma County Commission.

(3) 13 members residing in, or within reasonable proximity to, southwestern Colorado with recognized backgrounds reflecting—

(A) the purposes for which the Conservation Area was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

GENERAL ASSEMBLY,
STATE OF COLORADO, DENVER,
January 10, 2000.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washingon, DC.

DEAR SENATOR CAMPBELL: We are writing in support of your efforts to introduce National Conservation Area legislation to address the future of the BLM Anasazi ACEC in Southwest Colorado. Our support is predicated on legislation that addresses the concerns and recommendations outlined in the Working Group Report that was issued by the local ACEC Subcommittee and transmitted by the Southwestern RAC in August of 1999.

We are in agreement with the Montezuma County Commission that the Working Group Report provides the local consensus upon which to develop a legislative framework that addresses the protection of archaeological resources in a manner that protects critical multiple uses on BLM land, respects adjacent private property rights, and insures future opportunities for meaningful local involvement. The prospects for a constructive and locally acceptable outcome through an open legislative process are far superior to a unilateral National Monument designation, which would be totally unacceptable to the local community.

We offer our assistance to you and the coalition that is emerging in support of a responsible and locally acceptable legislative resolution concerning the future of the ACEC in Southwest Colorado.

Sincerely,

MARK LARSON,
State Representative.
KAY ALEXANDER,
State Representative.
JIM DYER,
State Senator.

MONTEZUMA COUNTY,
BOARD OF COUNTY COMMISSIONERS,
Cortez, CO, December 13, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: We are writing to ask for your leadership in the drafting of National Conservation Area Legislation for the BLM Anasazi ACEC, most of which lies in Western Montezuma County. We ask that the NCA legislation be drafted in keeping with the summary report drafted by the ACEC Working Group.

After carefully considering the public input reflected in the Working Group Report, we have spent several months exploring our options. We have concluded that NCA Legislation is the only way to avoid a unilateral National Monument designation which would be totally unacceptable.

We are prepared to work with you and the Department of Interior in any way necessary to support the development and adoption of NCA legislation that is in keeping with the goals and concerns outlined in the Working Group Report.

Sincerely yours,
G. Eugene Story.
Glenn E. Wilson, Jr.
J. Kent Lindsay.

Colorado Farm Bureau,
Denver, CO, December 27, 1999.

Hon. Ben Nighthorse Campbell,
U.S. Senate,
Washington, DC.

Dear Senator Campbell: Colorado Farm Bureau, the state's largest farming and ranching organization, opposes the designation of the Anasazi Cultural Area of Critical Environmental Concern (ACEC) as a national monument. As an alternative, we encourage you to introduce legislation that would designate the Anasazi Area of Critical Environmental Concern as a National Conservation Area. After reviewing many options with our members, we feel that legislation to designate the area as a National Conservation Area would be in the best interests of farmers and ranchers in southwest Colorado.

Farm Bureau policy supports local communities, counties, landowners and cities must be allowed input into any designation of national monuments, national parks or conservation use areas as these designations change the current multiple use of public lands and adversely effect adjacent private property rights.

It is our understanding that a National Conservation Area designation would allow continued multiple use on these lands, a Farm Bureau priority. There would also be increased funding to the Bureau of Land Management to protect significant archaeological sites and develop a management plan. A designation would also allow for more local input and avoid a National Monument designation by the administration, which Farm Bureau is opposed to.

Colorado Farm Bureau would like to thank you for your continued support of multiple uses on public lands and offers any assistance in developing legislation. If you have any further questions, please contact Bob Frankmore, Director, National Affairs, (303) 749-7508.

Sincerely,
Ray Christensen,
Executive Vice-President.

CLUB 20, "Voice of the Western Slope, Since 1953."
Grand Junction, CO, January 17, 2000.

Hon. Ben Nighthorse Campbell,
U.S. Senate,
Washington, DC.

Dear Senator Campbell: On behalf of the Board of Directors of CLUB 20, I would like to convey our support of legislation designating a National Conservation Area which will encompass the Anasazi ACEC. CLUB 20 has been following the efforts of Montezuma County and the BLM RAC group throughout their study process. Designation of the area to be protected needs to be done by legislation, not administrative directives!

CLUB 20 will make every effort to support you and our Montezuma County membership in attaining a legislative solution to the needs of the resource to be protected.

On February 8, 2000, our Natural Resources and Public Lands Committee will be meeting to review issues and recommend resolutions to our Board of Directors. If you feel it beneficial, I will recommend they take action on a definitive resolution that supports the National Conservation Area legislation.

Please keep us posted and let me know how we can help your effort. Thanks for your continued hard work on West Slope issues!

Sincerely,
Stan Broome,
President.

Colorado Environmental Coalition—Sierra Club—The Wilderness Society,
December 26, 1999.

Hon. Ben Nighthorse Campbell,
Russell Senate Office Building,
Washington, DC.

Dear Senator Campbell: We are writing concerning the management of the Anasazi Area of Critical Environmental Concern (ACEC) in Southwest Colorado. As you know, Secretary Babbitt convened a working group of local interested parties to gather and compile public input on how the area should be managed so as to protect its plethora of archaeological sites and natural values. The ACEC contains not only the highest concentration of ancient Puebloan sites anywhere in the nation, but pristine wilderness values as well. We have long advocated for the designation of the Cross, Cahone, and Squaw/Papoose Wilderness Study Area (WSA) in the ACEC as wilderness, as the most effective way to protect these unique resources.

There are several options for protecting the area's resources that would provide real protection for sensitive sites, and maintain the region's traditional character. First, the Montezuma County Commission has proposed a draft budget for BLM management of the ACEC that significantly increases the funding for research, site preservation, NEPA analysis, and law enforcement. We think that this budget is a good starting point for discussions on how to adequately fund needed management by the BLM.

In addition, two protective designations for the area have been discussed: National Monument and National Conservation Area. We believe either of these could provide the needed management for the area if they provide strong protection for archaeological sites from impacts of motorized recreation and oil and gas development. However, in deference to local concerns about increased impacts of tourism with a National Monument, our preference is for the delegation to work together on legislation establishing a National Conservation Area, including the designation of the above-mentioned WSA's as wilderness. We believe this represents the best middle ground mechanism for protecting the area's archaeological resources while also maintaining its rural character.

Wilderness designation for Cross, Cahone, and Squaw/Papoose Canyons would give the best protection to their archaeological sites, while allowing the continuance of traditional activities such as the grazing leases currently in effect. There would be little effect on oil and gas development in the area, since there has been no activity in the canyons, and any future development of existing leases could be accommodated with directional drilling from outside the wilderness boundaries.

Finally, we support Montezuma County's notion of funding part of BLM's management activities for the area through royalties from oil and gas production. Since oil and gas development represents some of the greatest impacts in the area, it stands to reason that some of the royalty funds should remain in the area and provide for its protection.

We urge you to consider these various approaches—increasing funding for management of the area, and designating a National Conservation Area, with wilderness status for the most pristine parts of the ACEC—as a workable solution that addresses local concerns as well as critical protection needs. We look forward to working with you on legislation to address all of these needs.

Sincerely,
Jeff Widen,
Colorado Environmental Coalition.
Mark Pearson,
Sierra Club.
Suzanne Jones,
The Wilderness Society.

By Mr. CAMPBELL:

S.J. Res. 39. A joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes; to the Committee on the Judiciary.

RESOLUTION RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR

Mr. CAMPBELL. Mr. President. This year will mark the 50th anniversary of America's effort in Korea to halt the spread of Communist aggression. Today, I am introducing a bill that is of great importance to me and the more than 1.5 million American men and women who so valiantly fought and supported the U.S. effort in Korea.

On June 25, 1950, the Communist North Korean military invaded South Korea, provoking a swift U.S. response. Two days later, President Truman ordered the intervention that eventually involved 22 nations. In the three years that the U.S. led this multinational force, more than 54,000 Americans gave their lives in the fight to preserve our freedom and democratic way of life. As many as 92,000 soldiers were wounded and more than 8,000 were left behind.

Despite this struggle and sacrifice, I can clearly remember as a young man, returning home from my years in Korea, feeling as if no one knew that we had ever been gone. It was a harsh, painful conflict that America very quickly wanted to place well behind it. I knew then and understand now why Korea came to be known as "The Forgotten War."

If you visit the Korean War Memorial at the end of the Mall here in Washington, you will see the patrolling squad of 19 weary soldiers frozen in motion, their rustled ponchos and obstacles beneath them a testament to the harsh conditions and terrain that were endured each day of ground combat. On the adjacent granite wall, one will see the faint etchings of 2,400 unnamed faces of the men and women who contributed in the effort in so many different ways. Clearly displayed beyond these images is the message that so profoundly reminds us, "Freedom is Not Free."

Mr. President, the joint resolution that I introduce today marks the passage of these 50 years since the Korean War and recognizes its extraordinary significance in our history. Most importantly, it thanks and honors the brave men and women who fought so hard to defeat the spread of Communism and preserve our freedom and democracy. I urge my colleagues to join me in supporting this resolution to recognize our nation's Korean War veterans and mark this historic anniversary.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 39

Whereas on June 25, 1950, Communist North Korea invaded South Korea with approximately 135,000 troops, thereby initiating the Korean War;

Whereas on June 27, 1950, President Harry S Truman ordered military intervention in Korea;

Whereas approximately 5,720,000 members of the Armed Forces served during the Korean War to defeat the spread of communism in Korea and throughout the world;

Whereas casualties of the United States during the Korean War included 54,260 dead (of whom 33,665 were battle deaths), 92,134 wounded, and 8,176 listed as missing in action or prisoners of war; and

Whereas service by members of the Armed Forces in the Korean War should never be forgotten: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the historic significance of the 50th anniversary of the Korean War;

(2) expresses the gratitude of the people of the United States to the members of the Armed Forces who served in the Korean War;

(3) honors the memory of service members who paid the ultimate price for the cause of freedom, including those who remain unaccounted for; and

(4) calls upon the President to issue a proclamation—

(A) recognizing the 50th anniversary of the Korean War and the sacrifices of the members of the Armed Forces who served and fought in Korea to defeat the spread of communism; and

(B) calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 12

At the request of Mrs. HUTCHISON, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 12, a bill to amend the Internal revenue Code of 1986 to eliminate the marriage penalty by providing that income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals.

S. 56

At the request of Mr. KYL, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 56, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 116

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 116, a bill to establish a training voucher system, and for other purposes.

S. 459

At the request of Mr. BREAUX, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 463

At the request of Mr. ABRAHAM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 463, a bill to amend the Internal Revenue Code of 1986 to provide for the designation of renewal communities, to provide tax incentives relating to such communities, and for other purposes.

S. 469

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 741

At the request of Mr. GRAHAM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 741, a bill to provide for pension reform, and for other purposes.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies; or other government officials or entities acting under color of State law, and for other purposes.

S. 1128

At the request of Mr. KYL, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1446

At the request of Mr. LOTT, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1795

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1795, a bill to require that before issuing an order, the President shall cite the authority for the order, conduct a cost benefit analysis, provide for public comment, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1992

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1992, a bill to provide States with loans to enable State entities or local governments within the States to make interest payments on qualified school construction bonds issued by the State entities or local governments, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. RES. 251

At the request of Mr. SPECTER, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Mr. BREAUX), the Senator from Nevada (Mr. REID), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. CRAIG), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. Res. 251, a resolution designating March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, February 10, 2000 at 10:00 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1797, a bill to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, Alaska, and for other purposes; S. 1192, a bill to designate national forest land managed by the Forest Service in the Lake Tahoe Basin as the Lake Tahoe National Scenic Forest and Recreation Area, and to promote environmental restoration around the Lake Tahoe Basin; S. 1664, a bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; and S. 1665, a bill to direct the Secretary of the Interior to release reversionary interests held by the United State in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; H.R. 2863, a bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; H.R. 2862, a bill to direct the Secretary of the Interior to release revisionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; S. 1936, a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey (202) 224–2878.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, February 23, 2000 at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on the White River National Forest Plan.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey (202) 224–2878.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 2, 2000 at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey (202) 224–2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, February 3, 2000. The purpose of this meeting will be to discuss rural satellite and cable systems loan guarantee proposal and the digital divide in rural America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 3, 2000 at 9:30 a.m., in open and closed sessions, to receive testimony on current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 3, at 11 a.m. to receive testimony from Eric D. Eberhard, nominated by the President to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation; and W. Michael McCabe, nominated by the President to be Deputy Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on February 3, 2000 at 10 a.m. to consider the nominations to the Internal Revenue Service Oversight Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 3, 2000 at 2 p.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Thursday, February 3, 2000, at 2 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Natacha Blaine of my staff be granted the privilege of the floor during debate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that a fellow by the name of Charity Bracy be given floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that Lori Way, a legislative fellow from the Department of Commerce, and Wayne Pieringer, a legislative fellow from the Air Force, be granted the privilege of the floor for the 106th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

STRENGTHENING EDUCATION TECHNOLOGY THROUGH PARTNERSHIP

• Mr. JEFFORDS. Mr. President, the federal investment in the area of education technology has been and continues to be critical in ensuring that schools in all of our states not only have technological capacity but are able to effectively integrate technology into the curriculum for the benefit of all children. The federal government has shown extraordinary leadership in this area through the funding it provides through the E-rate, the Technology Innovations Challenge Grant and Literacy Challenge Fund programs, to name a few. Still, making technology integral to and effective in the learning process is not something that can be done by the federal government alone. To be successful, it will require creating strong and committed partnerships of schools, teachers, institutions of higher education, local and state governments and of course the business community.

There are many businesses that are leading by doing—creating partnerships for the educational benefit of kids. They are investing time and resources in our Nation's schools to help make technology a positive and powerful educational tool. Intel is one such company.

The Intel Teach to the Future program brings together expertise and resources from leading high-tech companies to improve technology use in the classroom. This comprehensive teacher development initiative has been designed to address the barriers teachers face in effectively applying computer technology to enhance student learning. In spite of the potential for technology to improve education, only 20% of today's 3.17 million teachers feel prepared to use technology in the classroom. Barriers to success include: lack of access to adequate equipment; lack of training on specific software tools; lack of training on tools to evaluate how, when and where technology should be applied to teach specific subject matter; and finally, lack of an evaluative process that measures success and provides for continuous improvement. Intel has learned from its own and others' experiences and partnered with leaders in the computer industry to deliver a program that can tackle these barriers head-on.

The Teach to the Future program provides a flexible, modular curriculum delivered by teachers for teachers. The training incorporates the use of the Internet, web page design and multimedia software. Every participant is guaranteed access in their classrooms to the hardware and software necessary to put their training into practice. The training of a cadre of local master teachers ensures the knowledge and expertise remains within the school district and provides for ongoing support.

Key elements of the Teach to the Future program include hands-on, face-to-face learning. The curriculum is based on the award-winning Intel ACE Project, authored by the Institute for Computer Technology. It has been delivered to some 3,200 teachers in nine communities over the last two years in cooperation with Microsoft Corporation and Hewlett-Packard Company. Responses from Intel ACE participants show that 98% of the participants found the training to be valuable; 97% developed new skills and knowledge and 94% felt the training would benefit their students. A follow-up study with teachers who participated in the training in 1998 found that more than 84% felt the use of computers had improved their instruction and more than 80% felt their students' learning was enhanced. I heard a great deal about the program that Intel sponsored in Washington, DC and was excited to learn of what a positive impact it had on students and teachers there.

Intel will develop online communities via its web site to support the Regional Training Agencies, Master Teacher and teacher participants. Some of the areas will facilitate administration of the program itself such as registration and evaluation; other services include case studies, a lesson plan database, and chat capability.

In its first three years the program will reach 100,000 teachers in the United States. Giving teachers the tools, know-how and confidence to apply technology effectively in the classroom will have a big payoff in improving educational opportunities for our Nation's young people. I applaud Intel and its partners as well as all the other businesses for their commitment to education in the 21st century.•

REAR ADMIRAL JOAN M. ENGEL

• Mr. INOUYE. Mr. President, I would like to take a moment to honor Rear Admiral (Upper Half) Joan M. Engel as she retires after more than thirty years of active duty service in the United States Navy. Rear Admiral Engel culminates her distinguished career as the Assistant Chief for Operational Medicine and Fleet Support at the Bureau of Medicine and Surgery. As the first non-physician officer in medical department history appointed to this position, Rear Admiral Engel brought a fresh dedication to improving Navy Medicine's ability to deploy health care worldwide. She formally directed sweeping changes to the missions of her subordinate commands and instituted many progressive initiatives such as: a robust Force Health Protection program; Chemical, Biological, Radiological and Environment agent threat assessment and education programs; the creation of Forward Deployed Preventive Medicine Units; the establishment of the Navy Operational Medicine Institute, a new command focused on advanced operational aviation, undersea, and surface medicine training; and the complete restructuring of Navy Medical Research and Development laboratories and programs.

Rear Admiral Engel was the first female, and first Nurse Corps officer, to be selected by a board to the rank of a two-star Admiral within the Navy Medical Department. She served as the Director of the Navy Nurse Corps and Assistant Chief for Education, Training, and Personnel at the Bureau of Medicine and Surgery. Through collaboration with other military nursing leaders, Rear Admiral Engel ensured that a Bachelor of Science degree became the minimum level of education for entry into practice for military nurses, and championed the establishment of a military nursing constituency within the American Nurses Association. Rear Admiral Engel was instrumental in advancing the extensive Tri-Service Nursing Research Program which focuses on research to develop best practices for nursing care. Attuned to issues related to women in the Navy, her participation in the landmark 1990 Navy Women's Study Group was the catalyst for enhancing the delivery of culturally competent women's health care and increasing the number of operational assignments for Navy nurses. Her contributions are far-reaching, and will positively impact military nursing and health care for years to come.

Mr. President, more than fifty years ago, as I was recovering in a military hospital, I began a unique relationship with military nurses. Rear Admiral Engel embodies what I know military nurses to be—strong, dedicated professional leaders, stepping to the forefront to serve their country and committed to caring for our Sailors, Marines, Airmen, Soldiers and family members during peacetime and at war. Rear Admiral Engel's many meritorious awards and decorations demonstrate her contributions in a tangible way, but it is the legacy she leaves behind for the Navy Nurse Corps, the United States Navy and the Department of Defense for which we are most appreciative. It is with pride that I congratulate Rear Admiral Engel on her outstanding career of exemplary service.•

WINNERS OF THE 1999–2000 EIGHTH GRADE YOUTH ESSAY CONTEST

• Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 1999–2000 Eighth Grade Youth Essay Contest which I sponsored in association with the Indiana Farm Bureau and Bank One of Indiana. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, "International Market Baskets Begin on Hoosier Farms." Considering the importance of our expanding global economy, students were asked to imagine themselves shopping in an exotic marketplace, anywhere in the world, and then describe what Hoosier agricultural products they might find there. I would like to submit for the RECORD the winning essays of Clayton Owsley of Washington County and Emily Ripperger of Franklin County. As state winners of the Youth Essay Contest, these two outstanding students are being recognized on Friday, February 4, 2000 during a visit to our Nation's Capitol.

The essays are as follows:

INTERNATIONAL MARKET BASKETS BEGIN ON HOOSIER FARMS

(By Clayton Owsley, Washington County)

Our ship arrived on the Island of Aruba early this morning. Our family had been sailing on the Caribbean all night.

Our first stop was to shop in the town of Oranjestad. As we browsed in the marketplace, we saw Aruban art and merchants selling fresh fish off their boats.

While we were in the marketplace we picked up some items to take back to the condominium. I forgot to pack my toothpaste, so I purchased a tube of Crest (peppermint flavored). As I was paying for it, I realized the peppermint used in it could have originated in Indiana. Indiana is the 4th leading peppermint exporter in the United States.

My dad loves popcorn, so he bought some microwave popcorn to fix in the room. I told dad this popcorn might have come from Indiana, since Indiana is the number one popcorn exporter in the United States.

Before we left to go back to our room we ate lunch at a restaurant by the marketplace. The special of the day was roast duckling, which is another export of Indiana. We tried to find many items on the menu that could have originated in Indiana. The vegetable oil and dressings may have come from Indiana soybeans. The soy sauce used to marinate the duckling could also have come from Indiana soybeans.

Dad reminded us that the ketchup on the table could also have come from diced tomatoes grown in Indiana. He informed us that 55% of Aruban imports come from the United States. So it is possible these things could have originated in Indiana.

We realized that there is a little bit of Indiana all over the world.

INTERNATIONAL MARKET BASKETS BEGIN ON HOOSIER FARMS

(By Emily Ripperger, Franklin County)

Have you ever wondered where Hoosier crops are sent after they are harvested? When I took my first trip to Europe, I found the answers to this question.

It began a few years ago, when I visited London, England, and was amazed at what I found. After visiting famous landmarks, I arrived at Portobello Market, which is on the west side of the city. When I got there, I was in awe at the sights and the sounds of this new place. People were walking down the crowded roads, talking in different languages, and there were more booths than imaginable. As I pushed my way through the crowds, I found myself gazing at crates filled with almost every kind of foreign fruit or vegetable that you could think of. Then, something caught my eye. There were boxes of soybeans, corn, tomatoes and other familiar things. Immediately, I recognized this as something from my home state, Indiana. This really came to me as a shock, because being in a foreign country, I had the impression that I would only be seeing foreign objects. I spoke to the merchant, and he told me that although some of these crops were grown locally, most of them, even the peppermint and spearmint, were grown on Indiana farms. This information sparked my interest, so I did some extensive research. It turns out that Native Americans who lived mostly around the Ohio Valley, and the Great Lakes brought many of these crops grown in Indiana, there. When I returned home, I thought about Hoosier farms and the workers who help keep them running, in a new way.

Going to Europe made me realize the importance of Indiana farms and crops, and how they are useful, not only in the United States, but all around the world.

1999–2000 DISTRICT ESSAY WINNERS

District 1: Wyatt Reidelbach (Pulaski County), Emily Ann Lawrence (Starke County)
District 2: Drew Englehart (Noble County), Alyxandra Schlotter (Noble County)
District 3: Kent Kohlhagen (Jasper County), Laura Lachmund (White County)
District 4: Brad Rogers (Howard County), Jenell Hierholzer (Miami County)
District 5: Matthew Fry (Putnam County), Tarrah Bernhardt (Hendricks County)
District 6: David Baird (Wayne County), Cassie Bird (Hamilton County)
District 7: Shawna Asher (Knox County)
District 8: Jonathan Brookbank (Union County), Emily Ripperger (Franklin County)
District 9: Drew Baker (Posey County), Amy Moore (Posey County)
District 10: Clayton Owsley (Washington County), Paige Roberts (Washington County)

1999–2000 COUNTY ESSAY WINNERS

Cass: Jeff Plummer, Mollie Graybeal
Delaware: Jason Perkins, Amanda Pollard
Dubois: Dustin Schwartz
Fayette: Ashley Steele
Franklin: Zackary Reisert, Emily Ripperger
Hamilton: Ryan Kunkel, Cassie Bird
Hancock: Shelby Gues
Hendricks: Nathan Bayliss, Tarrah Bernhardt
Henry: Rebecca Robertson
Howard: Brad Rodgers
Jasper: Kent Kohlhagen, Cristen Liersch
Jay: Danielle Look
Knox: Shawna Asher
Madison: Zamir Wolfe, Jessica Loveall
Marion: Mike James, Jessica Davis
Miami: Jenell Hierholzer
Newton: Curt Schriner, Lacy Padgett
Noble: Drew Englehart, Alyxandra Schlotter
Orange: Ryan Barwe, Kimberly Kee
Posey: Drew Baker, Amy Moore
Pulaski: Wyatt Reidelbach
Putnam: Matthew Fry
St. Joseph: Colin Ethier, Julie Vander Weide
Shelby: Amanda Denton
Starke: David Jensen, Emily Ann Lawrence
Union: Jonathan Brookbank
Vermillion: William Ealy, Alyssa Burch
Wabash: Greg Martin, Tiffany Livesay
Warrick: A.J. Wilks, Alyssa Davis
Washington: Clayton Owsley, Paige Roberts
Wayne: David Baird, Katy Baumer
White: Austin Waibel, Laura Lachmund•

CELEBRATING ST. PAUL SCHOOL

• Mr. BIDEN. Mr. President, today I rise to tell you about St. Paul School in my hometown of Wilmington, Delaware. In a country that can only be measured by the well-being of its least-advantaged citizenry, St. Paul has a special story that is too often left untold.

St. Paul Church and the adjoining school are landmarks on the Wilmington skyline, visible from Interstate 95 heading North through Wilmington. Surrounding it are remnants of a once heavily-populated Irish and German immigrant communities and now is in the heart of the Hispanic section of the city. It sits at the base of the West Side and since the 1800's, has been a safe haven for generations of children and families newly arriving to American shores and settling in our community.

St. Paul School was founded in 1874. Its 125 year history is clear—providing quality education to immigrant and minority children. Yet at St. Paul, there is a much deeper, much more powerful message. While St. Paul is a school of 235 kindergarten through eighth graders, 99% of whom are urban children of color from some of Wilmington's most distressed areas, its students are prepared well and consistently perform above the national indicators of student achievement.

There is no culture of poverty or sense of hopelessness in any child, in any classroom in this school. St. Paul's dispels the assumptions and myths about the innate inability of inner-city minority children from very precarious circumstances to succeed academically and socially in mainstream society. At St. Paul, parents are properly engaged, teachers are supremely dedicated and most important, children come ready to learn. This in a school where more than half the students enter with limited English-speaking ability, most of the families live on the margins of poverty and the teachers and administration work for pay well-below their parochial, public and private counterparts.

St. Paul is indeed a special place, but in my view, it is one of so many other stories we need to find out about, embrace and share with America. Furthermore, it is the reason that we must continue to invest in the education of our children. On February 9, 2000 in Wilmington, there will be a Commemorative Mass benefiting the Saint Paul School Scholarship Fund. It is a time when St. Paul School will take center stage for many in our community. It makes perfect sense because every day, education and its importance takes center stage in the lives of St. Paul children.

Our community—both now and in future—will be better because of the efforts of schools like St. Paul around the country where truly no one child is left behind. We in Wilmington salute St. Paul School.●

RECOGNITION OF STEPHEN AND LAURA ERDEL

● Mr. BOND. Mr. President, I rise today to recognize a couple that has had a tremendous impact on my hometown of Mexico, Missouri; my good friends Stephen and Laura Erdel. Mr. President, these two have served the community in a variety of roles and on January 22 they were the recipients of the Mexico Area Chamber of Commerce 1999 Community Service Award.

Steve has served as a member of the Board of Directors of the Handishop, Inc. the Handi-Shop Endowment Fund, the Mexico Rotary Club, The Mexico Country Club, The Arthur Center Advisory Board, Mexico/Audrain County Community Development, Enterprise Development Corporation, Audrain Medical Center Charitable Foundation, the Advanced Technology Center Foundation, the Westminister College Board of Trustees, Missouri Military Academy, the Alan Woods Scholarship Foundation, the Roy Creasey Scholarship Foundation and the Ross D. Ferris Scholarship.

He has served as president of the Mexico Area Chamber of Commerce and as vice president of Economic Development. He was also president of the following organizations: Handishop, Inc., Mexico Country Club, Arthur Center Advisory Board and as chairman of the Audrain Medical Center Charitable Foundation, the Advanced Technology Center Foundation and as their fundraising chairman. He is currently on the Westminster College Executive Committee.

Mr. President, Laura Erdel also has an outstanding record of community service. Laura served as a member of the Mexico Board of Education for 6½ years. In 1996 she was the first woman to be elected president of the school board. She was vice president of the board for four years and is certified by the Missouri School Board Association. For seven years she also served as a weekly volunteer at Eugene Field School.

Laura was co-founder of the A+ for Mexico Education, Inc. and president for two years. She has served as a board member of the Methodist Preschool and on various committees of the Eugene Field PTO, Mexico Junior High School PTA, and Mexico High School PTA.

As a member of the White family, long-time publishers of the Mexico Ledger, Laura has supported the Audrain Historical Society as publicity chairman for five years, ans was co-chairman of the Audrain County Fair in 1990. She is currently a member of the Presser Hall Restoration Society and has served on their board of directors. She has been a strong supporter of the YMCA as a board member and has worked on numerous fund drives.

Laura is a former member of the Mexico Women's Club, a past president of the Wednesday Club and served as president of P.E.O. Chapter MB from 1989 to 1991 and again in 1998–99. Furthermore, Laura was also the physician recruiter for Audrain Medical Center for ten years and has been a freelance reporter for the Mid-Missouri Business Journal.

Mr. President, it is people like this, who are willing to serve, that make our communities better places to live. I ask that my colleagues join me in recognition of Steve and Laura Erdel, who serve as an example to us all.●

A TRIBUTE TO U.S. ATTORNEY MICHAEL SKINNER

● Mr. BREAUX. Mr. President, I wish to note the departure from public life of one of our state's most gifted public servants. Michael Skinner, who has served for the past six years as U.S. Attorney for the Western District of Louisiana, the largest geographical district in my home state, left office on January 15 and has returned to the private practice of law in Lafayette.

It is no exaggeration to say that Michael Skinner will be remembered as the most effective and successful U.S. Attorney in the history of the Western District of Louisiana. From almost his first day in office, he set about to make it clear to the people of his district that the U.S. Attorney's office was their office, administering justice on their behalf and for their benefit. In short order, he threw open the doors of his office, demystified the work of the U.S. Attorney and instilled a renewed sense of confidence and enthusiasm for the administration of justice in the Western District of Louisiana. Judges, attorneys, citizens and scores of public officials from Lafayette to Lake Charles to Alexandria to Shreveport to Monroe agreed that Michael Skinner's appointment was a true breath of fresh air.

Mr. Skinner's record as U.S. Attorney is an impressive one. He successfully prosecuted scores of cases involving public corruption, violent crime, drugs, health care and other types of program fraud, environmental crime and civil rights violations. Some of his most successful cases included: Food stamp and Medicaid/Medicare indictments and convictions that uncovered millions in fraud; a child pornography investigation that broke a child prostitution ring in South Louisiana; an environmental investigation that resulted in the cleanups of several south Louisiana toxic waste dumps; and the prosecution of literally hundreds of drug dealers who admitted or were convicted of selling drugs in Louisiana.

Mr. President, I am proud to have recommended Michael Skinner's nomination to President Clinton in 1993. In the years since his confirmation by this body, I have watched with a mixture of pride and admiration as he performed the duties of his office with a rare combination of skill, integrity, compassion and determination. Mike Skinner represents the best that our country has to offer in its public servants and I believe that he will serve as the model for every person who follows him in that office. I know that I speak for the citizens of Louisiana and for every member of this body in thanking him for a job well done and in wishing he and his family all the best in this new phase of their lives.●

IN MEMORY OF EMILY ANN JORDT

● Mr. GRASSLEY. Mr. President, I rise today to honor the memory of an extraordinary and courageous young lady. Emily Ann Jordt, daughter of Bill and Deb Jordt of Hinton, Iowa, passed away on March 15, 1999, after fighting cancer for three years. My heart is heavy for the Jordt family. No one would disagree that cancer is a devastating illness. However, when cancer touches the life of a child, it seems an especially harsh reality. I know from personal experience the difficulties that follow a cancer diagnosis. My wife, Barbara, is a breast cancer survivor and we believe early detection saved her life. I have long supported biomedical research, and Emily's story reminds all of us the importance of remaining vigilant in providing funding for cancer research. To quote Emily, "We can do this together." It is my hope that by sharing Emily's story with my colleagues in the Senate, Emily's memory may be truly honored.

EMILY'S STORY—A LIFE OF STRENGTH AND COURAGE

Emily was diagnosed with rhabdomyosarcoma, an aggressive childhood cancer, in 1996 when she was only nine years old. While this cancer is usually found in muscle tissue in an extremity, Emily's was in her jaw and neck. Emily was frightened. Her grandfather had died of lung cancer. Emily came to understand that there were many kinds of cancers, and that not everyone dies of this disease. Emily joined her family and doctors in what was to become a three-year fight for her life.

Emily had surgery to remove a tumor below her lower right jaw. Her best chance for remission was simultaneous radiation and chemotherapy treatment. Even though interruptions in the harsh protocol were needed for her body to recover, radiation was completed, and chemotherapy resumed.

After radiation Emily had difficulty with muscles of her tongue and throat. A feeding tube was surgically implanted and she used a suction machine to clear her throat and airways. She bravely adjusted to this life-style.

Emily dearly loved school. She maintained an A-B average throughout her illness. She played trumpet in the school band. When a facial nerve was impaired because of surgery, she switched to percussion and continued on. She served as a customer representative of the Westerner Bank in her school. She was an ardent fundraiser for school projects. Her classmates regarded her as a peacemaker.

Emily played soccer in a YMCA league throughout her treatment. She loved the sport. She was back on the soccer field and played most of a full game only 11 days after having major surgery to remove the tumor a second time.

Emily planned and presented a writer's workshop entitled "Getting through the Tough Stuff" where she encouraged young people her age to use writing as a vehicle to deal with the difficult challenges of life and be sensitive and caring to others.

Picture a nine-year-old presenting her concerns about and suggestions for pediatric care to the Board of Directors of the hospital where she spent a great deal of time. Emily did it. She believed that one person can make a difference. And Emily did make a difference.

Emily was active in 4-H, serving as vice-president of her club. She chose many categories in which to participate, everything from showing her 4-month old filly to playing the piano in Share the Fun. She presented a written and visual display of items used throughout her surgeries and treatment. For this she was awarded an Outstanding Junior Achievement Ribbon.

Emily took an active part in Relay for Life in her county. She served as Junior Chairperson, giving a speech the night of the event. She enlisted the help of her classmates and teachers to help publicize events.

As only a child can, Emily leaned on her faith to see her through. Church was important to Emily. She took communion instruction, participated in youth group activities, sang and provided special music for worship. She willingly served church dinners. She helped to organize a basketball team and enlisted a neighbor to be their coach. This team won the Good Sportsmanship trophy.

Emily maintained a positive and determined attitude. When traditional treatments became ineffective, she willingly tried non-traditional methods. She clung to the hope that she would again be as normal as the other kids. While the disease took her life on March 15, 1999, it could not crush her spirit. It was that very same spirit that caused her to fight to the very end.

Emily fought this illness for three long years, showing that with strength, determination, and courage, life is to be lived. Emily strongly believed the scripture verses that say, "Let the children come to me for such is the kingdom of God," and "A Child Shall Lead." Let us capture the essence of Emily's spirit, follow her lead, and make a difference.

IN MEMORY AND CELEBRATION OF THE LIFE OF EMILY ANN JORDT, FEBRUARY 15, 1987–MARCH 15, 1999

Emily's life is meant to be more than just one more sad account of how a child, a person, died from cancer. It is meant to make us uncomfortable. It is meant to make us weep. Then, it is meant to make us determined to act—to do something.

Finding a cure for cancer is a very difficult but not impossible task. What is needed to do that? An open mind. When we keep our minds open, ideas and possibilities can flow. One of Emily's favorite movies as a young child was Cinderella. In that movie we hear the line, "Impossible things are happening every day."

As lawmakers, do not tie the hands of researchers because dollars are limited. Do not tie the hands of researchers from exploring avenues that may be out of the ordinary.

Emily did not care about the insurance companies and the drug companies playing the games that they play to control what happens to people's lives. What she cared about was playing soccer, learning, sharing her talents, having birthday parties, being a friend, all the things that children do best.

We must listen to her story with renewed commitment of why most of you were elected, to make a difference.

Emily continues to make a difference each time her story is told. Her video continues to play at fundraisers for Children's Miracle Network. Each time "Em's Environmental Mobile Lab" (that was purchased through memorials and a grant) is taken on site to provide hands on learning for the students at Akron-Westfield Community School, Emily continues to make a difference. When the CEO of the hospital where Emily spent so much times says, "I am a different person because of what Emily has taught me and that will make me a better CEO," you know that Emily has truly made a difference!

Have you made that kind of difference? Emily sacrificed her life so that we, you and I, might see more clearly what our job is.

A phrase that Emily and her family adopted as their motto is, "We can do this together." We as her family and friends are making a difference by addressing you as our representatives. Now, It is your chance to make a difference, to vote for additional funding for cancer research, and to clear the way for the impossible to happen.

"Let us capture the essence of Emily's spirit, follow her lead, and make a difference."

DEBRA L. JORDT.
WILLIAM G. JORDT.
BETTY V. JORDT.●

BRIGADIER GENERAL BETTYE H. SIMMONS

● Mr. INOUYE. Mr. President, I would like to take a moment to honor Brigadier General Bettye H. Simmons as she retires after twenty-nine years of active duty service in the United States Army. General Simmons culminates her distinguished career as Chief, Army Nurse Corps and Commander, United States Army Center for Health Promotion and Preventive Medicine.

General Simmons' distinguished career began in 1971 when she entered the Army nurse Corps through the Army Student Nurse Program. Her numerous military assignments have been diverse, including leadership roles in clinical services, staff education and development, and Army Medical Service administration and policy. As the Chief, Army Nurse Corps, General Simmons demanded the highest standards for military nursing. With other military nursing leaders, General Simmons ensured that a Bachelor of Science education is the minimum qualification for entry on to active duty for any military nurse. She was the driving force behind the multi-million dollar Triservice Nursing Research Program, a program focused on research that develops best practices for nursing care. General Simmons initiated a post-deployment program for injured Army Reserve soldiers that determined the appropriate level of medical care before the soldier returns home. This program saved countless dollars in civilian health care costs and honored the commitment to care for our Reserve Forces. As Command Surgeon for Forces Command, General Simmons improved unit medical readiness by 20 percent. She redesigned the battlefield evacuation process, providing a lightweight, robust capability to ensure the right medical care is provided to the soldier at the right time and at the right place. Her contributions are far-reaching, and will impact military nursing and health care for years to come.

Mr. President, more than fifty years ago, as I was recovering in a military hospital, I began to understand the critical role of military nurses. General Simmons embodies what I know military nurses to be—strong, professional leaders who are committed to serving their fellow comrades in arms and their country. General Simmons' many meritorious awards and decorations demonstrate her contributions in a tangible way, but it is the legacy she leaves behind for the Army Nurse Corps for which we are most appreciative. It is with pride that I congratulate General Simmons on her outstanding career of exemplary service.●

RECOGNITION OF BRENT STANGHELLE

● Mr. BURNS. Mr. President, I rise today to recognize Brent Stanghelle who has been an integral asset to Montana's agricultural scene.

Brent Stanghelle has been the voice of agriculture for North Central Montana for several years. Broadcasting from Great Falls, Montana at KMON, Brent has brought the agricultural news to producers faithfully. Brent has proven himself to be a true friend of Montana's natural resource-based economy.

Brent Stanghelle has made the decision to move on and pursue other agriculturally related interests in his life. With his parting, there will be a quiet spot on the air for many listeners.

I extend my thanks to Brent Stanghelle for a job well done. He was trusted and relied upon by many producers. He has dedicated many years to keeping the voice of agriculture alive and "on the air" in North Central Montana. His work and dedication have not gone unnoticed.●

CATHOLIC SCHOOLS WEEK

• Mr. FITZGERALD. Mr. President, today is the fifth day of the 26th annual Catholic Schools Week, and tomorrow, we will observe National Appreciation Day for Catholic School Teachers. I want to take this opportunity to recognize the 167,000 teachers in our nation's Catholic schools for their valuable contributions to the education of many of America's children.

There are over 2 million students enrolled in the nation's 8,217 Catholic elementary and secondary schools today. These schools are attractive to many parents because they combine an intellectually stimulating environment with an emphasis on the spiritual and moral development of their students.

Catholic school teachers are widely recognized for offering an excellent scholastic education, which may explain why 41 percent of these schools have a waiting list for admission. According to the National Catholic Educational Association, the student-teacher ratio in Catholic schools is 17 to 1, and the graduation rate of Catholic school students is an extraordinary 95 percent. Only 3 percent of Catholic high school students drop out of school, and 83 percent of Catholic high school graduates go on to college, the Association has estimated.

But Catholic school teachers provide students with more than just a solid academic background. They encourage the spiritual and moral development of their students as well.

Catholic school teachers are educating an increasingly diverse group of students. Since 1970, the percentage of minorities enrolled in Catholic schools has more than doubled to 25 percent. More and more non-Catholic students are enrolling in Catholic schools: today, as many as 13 percent of Catholic school students are non-Catholic, according to the National Catholic Educational Association (compared to 2.7 percent in 1970). In some city schools, a majority of the students are non-Catholic.

This week, a delegation of over 100 Catholic school teachers, students, and parents are in Washington, D.C. to meet with Members of Congress. They hand-delivered information about Catholic schools to every congressional office yesterday, which was National Appreciation Day for Catholic Schools. I would like to close by welcoming these teachers, students, and parents to the Nation's Capitol, and by congratulating the Catholic schools across the country that received Excellence in Education Awards from the U.S. Department of Education.•

THE TENNESSEE TITANS' SEASON

• Mr. THOMPSON. Mr. President, I rise today to congratulate the Tennessee Titans on their outstanding season and tremendous effort in Super Bowl XXXIV.

This past Sunday, football fans across America and around the world witnessed the most exciting and hard-fought Super Bowl in recent memory, if not all-time. Trailing by sixteen points in the third quarter, the Titans rallied to tie the game. They fell behind once again, but drove down to the St. Louis one-yard-line before time ran out.

The road to Atlanta was not an easy one for the Tennessee Titans. The team has played in four stadiums in three cities and two states in four years. But, despite this adversity, Titans Coach Jeff Fisher motivated his players, orchestrated comebacks and led a team that fought until the last second, the last yard. Ultimately, they ran out of time.

Who will forget Kevin Dyson stretching to reach the goal line when the clock ran out on the most important game of his life? Who could ever forget the Titans' "Music City Miracle," the kick-off return that clinched a play-off victory over the Buffalo Bills, the outstanding defensive effort in the win at Indianapolis, the incredible second half in Jacksonville that propelled the team to the Super Bowl, the indomitable will of Steve McNair or the power and determination of Eddie George? The Titans came so close to winning it all, and they have so much of which they can be proud.

The Tennessee Titans can be proud of the way they played with heart and introduced the world to a team that many hadn't heard much about. The Titans energized the state of Tennessee and nearly shocked the world. Most important, the Titans gave their young fans an example of the character and sportsmanship to which we should all aspire. And they inspired us with their refusal to give up when they were pegged the underdogs.

Mr. President, I'd also like to congratulate my good friends from the state of Missouri on the success of the St. Louis Rams. They too overcame a tough recent history and many naysayers to win the most exciting Super Bowl in history. Their wide receiver, Isaac Bruce, a former player for my alma mater the University of Memphis, stunned us all with his winning 73-yard touchdown in the fourth quarter. And the Super Bowl's most valuable player, Kurt Warner, is an inspiration on the football field and in his personal life. I congratulate them both and all of their Rams teammates.•

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106-20

Mr. GORTON. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 3, 2000, by the President of the United States:

Treaty with Romania on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 106-20).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Romania on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 26, 1999. The report of the Department of State with respect to the Treaty is enclosed.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism and drug trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes taking the testimony or statements of persons; providing documents, records, and items of evidence; locating or identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 2000.*

ORDERS FOR MONDAY, FEBRUARY 7, 2000

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, February 7. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business with Senators speaking for up to 10 minutes each, with the following exceptions:

Senator DURBIN, or his designee, from 12 noon to 1 p.m.;

Senator THOMAS, or his designee, from 1 p.m. to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I further ask unanimous consent that at 2 p.m. the Senate proceed to the consideration of S. 1052, the Mariana Islands bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. For the information of all Senators, when the Senate convenes on Monday, it will be in a period of morning business until 2 p.m. Following morning business, the Senate will begin consideration of the Mariana Islands legislation. Any votes ordered on that bill will be scheduled to occur on Tuesday, February 8. Therefore, Senators may expect the first vote of next week to occur on Tuesday at a time to be determined. Also, on Tuesday the Senate is expected to begin consideration of the nuclear waste bill. It is hoped that action on that legislation can be completed by the end of the week.

ORDER FOR ADJOURNMENT

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator DODD and Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. It is.

Mr. DORGAN. I ask unanimous consent to speak for as much time as I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIDS IN AFRICA

Mr. DORGAN. Mr. President, I know we are nearing the end of the day, and there are no further votes today or tomorrow. I will be reasonably brief.

I wanted to come to the floor when my colleague, Senator DURBIN, and others were speaking about the crisis dealing with AIDS in Africa. I wasn't able to come. I would like to mention that issue for a couple of moments; then I would like to talk about the issue of trade.

Today in the Democratic Policy Committee luncheon, we heard from the President's chief adviser on the subject of AIDS policy, and we also heard from Rory Kennedy, who has done a 12-minute documentary film, an award-winning film on the issue of AIDS in Africa. I know my colleagues came out to the floor and spoke on that subject following the Democratic Policy Committee luncheon.

It is almost unthinkable what has happened, especially in Africa, with respect to the subject of AIDS. AIDS is a scourge, a plague that is affecting the entire world. It is the first plague since the bubonic plague for which there is no cure, no vaccination, no significant remedy. It is devastating to a number of parts of this world, especially the continent of Africa. Twenty million people have died in Africa from AIDS; 14 million people are currently infected with HIV or AIDS in the continent of Africa.

We can't pretend it doesn't matter to us. AIDS is affecting all of the world, including our country. It has a devastating effect on Africa, a devastating impact on the millions and millions of children in Africa who now have no parents, who are left homeless by this scourge called AIDS. We must, as a country, gather with others in the world and combat this deadly plague.

We are spending substantial resources to try to find a cure for AIDS. We are also joining with others to try to find ways to educate people about how to stop the spread of HIV and AIDS. Some countries in Africa have begun to take emergency steps and have been successful and are beginning to stem the tide of the spread of AIDS, but it is not nearly rapid enough. These steps need to be taken with much greater urgency, and our country needs to be a part of that with other countries in the international community.

I would first like to compliment Rory Kennedy, who appeared today and played for us a 12-minute documentary film that almost takes your breath away when you see on film what has happened to the children and the families in Africa with the decimation of so many families as a result of death from AIDS.

We must do more. I compliment my colleagues, Senator DURBIN, Senator BRYAN, Senator FEINSTEIN, Senator FEINGOLD, and others, many of whom have traveled to Africa in recent months, and my colleagues on the other side of the aisle as well who are involved in this. We must work together to address this issue.

THE TRADE DEFICIT

Mr. DORGAN. I will talk for a moment about the issue of the trade deficit that faces this country. I would like to do so, understanding that this country is full of good economic news. And there is a lot of reason for all of us to be optimistic about the future. The good economic news that was described last week—in fact, a week ago this evening—by President Clinton in the State of the Union Address tells us that unemployment is way down and more people are working than virtually ever before in this country; home ownership is up at record levels; inflation is down, down, way down; income is up; the stock market is up. There are so many evidences of good news in our country. Crime rates are also down. There is evidence all around us that things are better in America. All of us feel good about that. We live at a wonderful time in a wonderful country. It is quite a remarkable opportunity all of us have.

But we must be vigilant about some storm clouds on the horizon. One of those storm clouds for this country's economy is the burgeoning trade deficit, the imbalance between what we buy from other countries and what we sell to other countries and the resulting deficit that comes from selling less and buying more.

The trade deficit in this country is virtually exploding. We have a trade deficit that is higher than any trade deficit ever experienced anywhere on this Earth at any time. Does it matter? Is anybody talking about it? Was it mentioned in the State of the Union Address last week? No. Everyone wants to ignore the fact that we are rolling around pretty well, even though the trade deficit is increasing dramatically, and it somehow doesn't matter. We have wrestled this "500-pound gorilla" called the Federal budget deficit, with great pains, over many years. Finally, the scourge called the budget deficit, which was growing like a tumor—growing forever—is now gone.

But the budget deficit, while gone, is being replaced by a trade deficit that is growing at an alarming rate. I want to describe part of that today. Everyone talks about the past 107 months of economic expansion. I want to talk about that, but I also want to talk about the trade deficit that could put an end to that economic expansion if we don't do something to resolve this burgeoning deficit.

I will put up a chart that describes what we face for a trade deficit. This chart goes back to 1991. It shows the amount of goods and services we export and the amount we import. The red, of course, represents the imbalance, the trade deficit. In January, the Commerce Department announced that the trade deficit had widened to $26.5 billion in November alone, a new monthly record. But a new monthly record was set in 8 of the last 11 months. Our goods and services trade deficit—that is, all goods and services—in 1999 will be $266 billion. That will exceed the previous year's $164 billion by 62 percent. Understand that the goods and services trade deficit will have ratcheted up by 62 percent in 1 year alone.

We imported $92 billion worth of goods and exported $59.5 billion in goods in November. Now, if current trends continue, the growth in our international debt will simply not be sustainable. The foreign debt in this country is projected to be $1.7 trillion in 1999. That is not debt we owe to ourselves as the Federal budget deficit was; that is debt owed to foreigners who have a claim to assets in this country—$1.7 trillion. Almost all economists will tell us that is not sustainable and we must do something to address it.

When we become more dependent on receiving and retaining foreign capital to finance this imbalance, the day will come when foreigners lose faith in this economy and begin to pull out of our financial markets. When that happens, the value of the dollar will fall, interest rates will rise, corporate profits and stock prices will decline, and then we will have a slowdown in this economy.

Senators BYRD and STEVENS and I authored legislation, which is now law, creating a trade deficit review commission. That commission is now impaneled and underway, looking into the nature, causes, consequences, and remedies of this trade deficit. They will report their findings in August. In the meantime, this trade deficit escalates. This is the deficit in goods alone—what is called the merchandise trade deficit. This shows what happens to your manufacturing base. This is the most alarming deficit of all—$343 billion—and you can see what has happened to this trade deficit since 1991. It is a dramatic escalation—$343 billion in a single year.

It would be useful to look at how our bilateral agreements have contributed to our bilateral goods deficit.

Between 1998–99, our merchandise trade deficit with Canada went from $14 billion to $28 billion. Mexico—incidentally, I might mention that, before Congress passed NAFTA—without my vote; I didn't vote for it—we had a trade surplus with Mexico and a relatively small deficit with Canada. NAFTA turned that into a large deficit with Canada and a very large deficit with Mexico.

The European Union: You can see what happened in the last year with respect to trade deficits with the European Union. They have increased dramatically.

China and Japan: What happened there is almost unforgivable in terms of an economic relationship. China had, in 1999, a merchandise trade deficit of over $60 billion with the United States, up from about $53 billion in the previous year. Japan's is $67 billion. These aren't getting better, they are getting worse.

What does all that mean for this country? We just negotiated a trade agreement with China. One of the major issues of great controversy in this Chamber in the coming months will be whether China should be granted permanent normal trade relations, the same as we grant other countries. We will debate that sometime soon.

That will be the source of great controversy for a number of reasons. Some in this Chamber will believe the Chinese have not made progress on human rights. Others will perhaps believe the Chinese are not abiding by fair labor standards that we would consider important in this country. Still others will believe China hasn't complied with previous trade agreements. So there will be a substantial amount of debate about this issue.

I have been interested in the bilateral trade agreement negotiated with China because we have a very large trade deficit with China. I wonder, when our negotiators negotiated, did they negotiate with some idea that we will bring that into balance? Can we send more goods into China? Can we sell more to China? Or will we simply continue to be a sponge for China and watch their goods come here while they still retain a relatively closed market to many of our goods?

Once when I was in China, I met with the President of that country. I talked to the President of China about trade issues. I said: You must buy more pork from the United States. You must buy more wheat from the United States. You must buy more from the United States. You ship us your trousers, your shirts, your shoes, your trinkets. Boats come from China loaded with all of the things you produce. Our consumers are happy to buy them. But we are not so lucky when American producers are trying to sell goods into the Chinese economy. We are told: No, you can't sell wheat in these circumstances in China; no, we won't purchase your pork; or, no, we won't purchase this or that. In fact, the things we do have, you want to make copies and violate the intellectual property rights of our producers. And we are not going to enforce that. We are going to look the other way when your plants press out the CDs with copyrighted music made by American artists.

My point is this: I think China is a very big, strong, interesting country that is going to be a significant part of our lives in the future. I am not sure what kind of influence they will have on our future, but it will be significant. I want China to play a constructive role in our future. I want us to play a constructive role in their future. So I want us to have engagement and opportunity. I want us to have trade relationships that are fair. I want China to move in a more significant way to improve their record on human rights and to move in a way that provides more opportunity for their workers to have a fair say in their economy. But having said all of that, I don't have great confidence that the trade agreements we have with countries such as China are intent on ending these kinds of trade circumstances that are unfair to our country.

Two weeks ago, for example, after a bilateral trade negotiation with China was announced as a great success, the Chinese WTO negotiator, Vice Minister Long Yungtu, went to Kweichow in south China to talk about it. He was quoted in the South Asia Post as saying: You know, the agreement we have with the United States, this notion of buying a certain number of millions of tons of wheat doesn't mean we are going to buy any wheat in the United States. That is just theory. That is all theoretical. The notion that we will now accept meat from several thousand meat-packing plants in the United States doesn't mean we intend to have any U.S. meat come into our country. That is all just theoretical.

When I read what Minister Long, the man who negotiated the Chinese side of the agreement, said, I wrote to him and asked about that. I understand people get misquoted from time to time. I also asked Charlene Barshefsky, our trade ambassador, to find out what this means. So far I have not heard a word from the Chinese negotiator. I have not heard a word from the U.S. trade ambassador. I hope to hear from both.

I would like to see some progress in these areas. I want us to have a good trading relationship with China, Japan, Europe, Canada, and Mexico. But a good trading relationship to me is not defined as a circumstance where they plug our market with all of the goods from their country and then keep their market closed to many of our producers of commodities and goods. That doesn't make any sense to me.

This country can't allow that to happen any longer. We must insist on a reciprocal opportunity in foreign markets. A trade relationship with another country must be mutually beneficial to us and to them. We have far too often negotiated trade agreements that are one-way streets with foreign goods coming into the U.S. economy, but not a similar opportunity for U.S.-produced goods, including agricultural commodities and manufactured goods, to go into other economies. That is one of the reasons we have this massive trade deficit that is growing at an alarming rate.

I was going to speak about our situation with Canada and durum. I will reserve that for another time. I know we are nearing the end of the day. Some have other things they want to do. I am going to close with a point about trade enforcement.

It is one thing to have trade agreements that are bad agreements. We have had plenty of those. Our trade negotiators have not done well for this country, in my judgment. But it is another thing to have trade agreements that are reasonably decent but are unenforceable. That is also, I think, what happens even with those agreements that were decent agreements in the first place.

In the Department of Commerce where we monitor trade agreements, the number of people whose job it is to work on enforcement issues with respect to China and our trade agreements with China is 10. We have nearly a $65 billion merchandise trade deficit with China. We have all kinds of problems getting into the Chinese marketplace with American goods, and we have 10 people whose job it is to work on the issue—10.

Or Japan—we have had a trade deficit with Japan of $45 billion to $60 billion forever. Do you know how many people work on that issue? Sixteen.

Canada and Mexico together—we turned a surplus with Mexico into a big deficit, and we doubled the deficit with Canada. That is all the result of this wonderful trade agreement called NAFTA for which we had people stand up and brag on the floor of the Senate saying that you have to pass this because if you do we will have more American jobs. It will be better for everybody.

I didn't vote for NAFTA. But the Congress passed it. Guess what. All of those economists are now unwilling to show their face around here because they predicted several hundred thousand new American jobs. In fact, we lost several hundred thousand opportunities, and a trade surplus with Mexico turned into a huge deficit. And a trade deficit with Canada doubled because this country didn't negotiate a reasonable trade agreement with Canada and Mexico. This country lost. Do you know how many people are working on this issue at the Department of Commerce? Ten for two countries, and a combined trade deficit of over $50 billion. We have 10 people working on it.

There was a story not too long ago that said that U.S. officials who are responsible for monitoring trade agreements sometimes couldn't even locate the text of the agreements. It is one thing to be incompetent. It is another thing to exercise benign neglect over things that are your responsibility. But it is quite another thing to be in charge of something and then just lose it.

Do those of us who have concerns about this have legitimate concerns? Yes. We need to negotiate better trade agreements. We need to enforce trade agreements. And we need to make certain that the relationships we have with other countries are mutually beneficial to us and to them. That has not been the case, sadly.

At the WTO conference in Seattle, which turned out to be such a fiasco with demonstrators in the streets, with some thugs in the streets who defaced buildings, broke windows, and that sort of thing, one thing happened that was quite remarkable. I want to say, however, there were very few people who I call thugs who used paint cans up and down the streets of Seattle. It was regrettable that they defaced buildings and destroyed property. But the bulk of the people in the streets of Seattle—literally tens of thousands of them—were perfectly peaceable. They demonstrated up and down the streets in ways that were perfectly peaceable. They were there to demonstrate for legitimate reasons. They demonstrated about a range of issues about which they cared deeply and passionately.

There will never be, in my judgment, a place in the world where there are negotiations about trade in which there won't be people showing up to ask legitimate questions about labor standards and environmental standards because you can't fight in a country such as ours for 75 years and have people die in the streets demonstrating for the right to form unions and then decide, well, we will just pole-vault over all of those things and go and produce our goods in Sri Lanka or some other country where you do not have to worry about labor unions because they don't allow workers to form unions. We won't pay a livable wage, we won't have safe workplaces, and we won't restrict people from dumping chemicals into the streams and into the air. We'll hire kids for 12 cents an hour, work them 12 hours a day, and put them in unsafe plants. And, if you do not like it, tough luck.

That is the attitude of some in the rest of the world, and the people who demonstrate in the street are saying that isn't fair because we fought 75 years in this country for a minimum wage, for safe labor standards, and for a whole range of issues that are very important to who we are and what we are, and we are not going to allow those to be traded away in trade agreements. They have a legitimate concern. There will always, in my judgment, be Americans in the streets unless they are part of the negotiations. That is why the WTO needs to be much more open and much more inclusive. Having secret negotiations and excluding people is not a way to resolve these issues.

Globalization, galloping along, must be accompanied by rules that are fair and thoughtful dealing with these serious issues of labor standards, environmental standards, and other issues. They must be accompanied by thoughtful rules.

In Seattle, I met with a group of Parliamentarians from Europe. I and a number of my Republican and Democrat colleagues went together to the WTO meetings in Seattle with great hope, and regrettably those meetings didn't produce much in terms of agreement. They produced a great deal of chaos in the streets, and among the negotiators nothing much happened. But during one memorable meeting for me with a group of Parliamentarians from Europe something happened that was quite remarkable. Michel Rocard, who was a former Prime Minister of France and is now a member of the European Parliament in Europe, leaned across the table to me and said something interesting. He said:

> We talk about the beef dispute, beef hormones, and the dispute with Roquefort cheese, and all of these issues we have with Europe. They are nettlesome, difficult issues with Europe on the trade disputes.

As we were talking about the differences between Europe and the United States, Mr. Rocard, who was the former Prime Minister of France, leaned forward to me and he said:

> I want you to understand something, Mr. Senator. We talk about our differences, but I want you to understand something about how I feel about your country. I was a 14-year-old boy standing on the streets of Paris, France, when the U.S. Army came in to kick the Nazis out of our country. A young black American soldier handed me an apple as he walked past. It was the first apple I had seen in several years. I will never forget how a 14-year-old boy felt about this young American soldier walking down the street in Paris, to liberate my country, and this young soldier handing me, this young French boy, an apple.

It occurred to me that we forget, I think, what this country means, what it has been to so many others in the world; what we have done and what we have yet to do in the world. I tell you that story only to say that while we have substantial trade disputes, our country has done a lot for a lot of people around the world. We liberated Europe. We beat back the forces of fascism. This country was perhaps the only country that was capable of doing that at that time.

After the Second World War, for the first 25 years after that, we said to Europe not only did we kick the Nazis out of France and American soldiers moved across Europe and liberated the Europeans and defeated Hitler, not only that, but this country has decided to create a Marshall Plan to rebuild Europe. We rebuilt the economies of Europe.

For 25 years, in addition to spending money for the Marshall Plan to rebuild Europe and rebuild the economies of Europe, we also said our trade policy will be our foreign policy. We made concessional trade agreements with everybody because it was not a problem for us. We were big enough and strong enough so that with one hand tied behind our backs, we could beat almost anybody in the world with international trade. So our trade policy was our foreign policy, and it was to help other countries get back on their feet.

But things changed. After about a quarter of a century, from the Second World War on, at that point we began to see our allies gaining strength, having better economies, doing a better job. All of a sudden, we had some tough, shrewd economic competitors. And in the second 25 years post-Second World War, our competition has changed. Our competition has been tougher in international trade. But in this country, much of our trade policy has remained foreign policy.

Instead of our being hard-nosed competitors with a reasonable trade policy that cares about our producers and the economic health of our producers, our trade policy has remained largely focused on foreign policy. That needs to change. We cannot always say it does not matter what our deficits are with China or Japan. We cannot say it does not matter—of course it matters. This has economic consequences to us. Our trade policy with respect to Japan needs to be a hard-nosed trade strategy that says you have tough competitors. But we need to compete with fair rules, and the rules of trade between the United States and Japan are fundamentally unfair. They are fundamentally unfair. I will come some other time to talk about the specifics of that. That was all fine, post-Second World War for a quarter of a century, but it is not fine anymore, and it is going to begin to injure this country and sap economic strength from this country.

No one wants a future of economic growth for this country more than I do. But the way to assure continued months of economic prosperity and continued years of prosperity will be to deal with problems that exist. One set of problems and storm clouds on this country's horizon is a huge, growing trade deficit that nobody seems to care about and nobody seems to want to talk about and no one seems willing to do anything about. I just hope one of these days enough of us in the Senate can say to our colleagues, can say to the administration, and can say to our trading partners and our allies, that things are going to have to change. We believe in the global economy. I believe in expanding trade opportunities. I do not believe in putting up walls, and I do not believe in restricting trade. But I believe very much this country needs to say to our trading partners that we insist and demand fair trade rules. We demand it.

It was fine 40 years ago that we did not have them because we did not need them and we were helping other countries get back on their feet. That is not the case any longer. With Japan, we need some equilibrium and fairness. If you want to ship your products to this country, God bless you. They are welcome, and our consumers will be advantaged by having the ability to buy them. But we demand the same of your consumers. We demand the ability of your consumers to buy that which is produced in this country.

When you go to a grocery store in Tokyo and pay $30 or $35 for a pound of T-bone steak, you do that because they do not have enough beef. They don't have enough beef. That is because we don't get enough American beef in, because it is limited. Why? Because we have a trade agreement that provides, as we speak, a 40-percent tariff on every single pound of American beef going into Japan. If we did that on anything Japan sends into this country, it would be considered an outrage. We would be held up to ridicule, saying how on Earth dare the United States do this? Yet for every single pound of U.S. beef going into Japan as I speak, today, there is a 40-percent tariff attached to it. It is not fair.

My point is this country can compete. Its producers can compete anywhere in the world any time. But only if we negotiate trade agreements and enforce trade agreements that are fair to our country and our producers and that are mutually beneficial to us and to our trading partners.

Mr. President, I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 7, 2000

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 12 noon on Monday, February 7, 2000.

Thereupon, the Senate, at 4:36 p.m., adjourned until Monday, February 7, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 3, 2000:

NUCLEAR REGULATORY COMMISSION

EDWARD MCGAFFIGAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2005. (REAPPOINTMENT)

DEPARTMENT OF STATE

LUIS J. LAUREDO, OF FLORIDA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE VICTOR MARRERO, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

PEACE CORPS

MARK L. SCHNEIDER, OF CALIFORNIA, TO BE DIRECTOR OF THE PEACE CORPS, VICE MARK D. GEARAN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF EDUCATION

FRANK S. HOLLEMAN III, OF SOUTH CAROLINA, TO BE DEPUTY SECRETARY OF EDUCATION, VICE MADELEINE KUNIN, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL LABOR RELATIONS BOARD

LEONARD R. PAGE, OF MICHIGAN, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE FREDERICK L. FEINSTEIN, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CLIFFORD GREGORY STEWART, OF NEW JERSEY, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF FOUR YEARS (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE

UNITED STATE PAROLE COMMISSION

JANIE L. JEFFERS, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE JASPER R. CLAY, JR., TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MARIE F. RAGGHIANTI, OF TENNESSEE, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE GEORGE MACKENZIE RAST, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CONFIRMATION

Executive Nomination Confirmed by the Senate February 3, 2000:

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

ALAN GREENSPAN, OF NEW YORK, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATION APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

SUPPORT THE STUDENT ATHLETE PROTECTION ACT

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 2000

Mr. ROEMER. Mr. Speaker, I am pleased to join today with Representative LINDSEY GRAHAM in introducing legislation to prohibit legal betting on high school, college and Olympic sporting events.

Our bill has the strong support of the NCAA, coaches, athletes and a broad spectrum of the education community. It is intended to help protect the integrity and purity of amateur athletics from the growing and increasingly negative influence of legal sports betting.

In my home state of Indiana, we take our high school and college sports very seriously. You can't get a ticket to a high school basketball game in my district on a Friday night, or to a Notre Dame football game on a Saturday afternoon. They are sold out for months and even years in advance.

Why is that? What's the magic of high school and collegiate sports that attracts so many student-athletes to compete, and draws so many fans to watch?

To me, it's the purity and uncertainty of amateur sports. In an era of movies and television shows, where the outcomes are scripted in advance, you just don't know what's going to happen when a 17-year-old boy or girl steps to the line to attempt a game-winning free throw or kick a winning field goal. Your home team may win, they may lose, but at least you know the players tried their best in the pure spirit of competition.

Today, that purity and integrity is being threatened by the growing influence of gambling. Not by small-time office betting pools or parking lot wagers, but by high-stakes, legal, government-sanctioned gambling: some $2.3 billion worth last year alone in the Nevada sports betting parlors.

As the popularity of sports betting has increased, so too have the number of scandals involving collegiate athletics. According to the NCAA, more point-shaving and game-fixing scandals occurred during the 1990's than the previous five decades combined. Let me repeat: more scandals in the 1990's than the previous five decades combined!

As long as that kind of big money is out there, and sports betting is both legal and indeed encouraged through the publication of betting lines, the temptation to shave points or throw a game will always be there. We will no longer know if a player misses a layup, or drops a pass deliberately, or if he just plain misses. And once we lose that certainty, we'll no longer know if amateur sports are still an act of competition, or just another act that has been scripted not in Hollywood, but in the back rooms of the legal gambling parlors.

It's not the right to gamble that is at stake with this legislation. It is not office pools on NCAA "final four" teams that we are out to ban. It's not tailgate party wagers we are out to ban. People are always going to place those kinds of bets on sporting events whether this bill passes or not. Rather, it's the integrity of athletic competition which players and fans have come to love and trust, and which has become such an integral part of our American panorama. The stakes are high. Protecting our teenagers' integrity and virtue is the heart and soul of the legislation.

By banning legal sports betting on high school, collegiate and Olympic events, we can put the emphasis back where it belongs: on athletes playing their best, not placing their bets. On beating the competition, not beating the spread.

Let's keep high school and collegiate sports as an institution which all Americans can value and trust.

A TRIBUTE IN HONOR OF MR. HENRY G. MARSH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 2000

Mr. BARCIA. Mr. Speaker, I rise today to honor Mr. Henry G. Marsh on the occasion of his receiving the Image Award, which is given to Saginaw, MI residents who have contributed greatly to our community. It is a well-deserved award for Mr. Marsh, and I invite you, and my colleagues, to join with me in congratulating him.

Mr. Marsh graduated from Knoxville College in 1947 and, in 1950, graduated from law school from Wayne State University. He is a former president of the Saginaw County Bar Association and has been in general practice since 1954. He has served as a member of the State Commission on Law Enforcement and Criminal Justice, as a member of the Saginaw County Chamber of Commerce and as a member and chairman of the board of trustees of Knoxville College in Tennessee.

Mr. Marsh has contributed greatly to our community and is one of our finest leaders. He served on the Saginaw City Council from 1961 to 1969 and was mayor pro-temp from 1965 to 1967, and later mayor, from 1967 to 1969. Additionally, he served as a member of the board of trustees of the Michigan Municipal League, chairman of its Employees Relations Committee, and as a member of the Advisory Committee of the Conference of Mayors.

During the sixties, Mr. Marsh was instrumental to the success of the Saginaw Human Relations Commission, and served as chairman for many years. He served on the Governor's Committee on Higher Education and has served as a member of the board of directors of St. Mary's Hospital. He is also a member of the Community Affairs Committee, the economic forum and chairman of the Ruben Daniels Educational Foundation.

In addition to his law practice and his civic involvement, Mr. Marsh was a founder and general counsel to the First State Bank of Saginaw. Later he served as the bank's director and chairman of the board. He is also a former member of the board of trustees of the International City Manager's Association Retirement Corporation.

Mr. Marsh is blessed with a lovely family, and is married to the former Ruth Claytor.

They have three children, Michael, Walter and Teresa. Michael and Walter followed in their father's footsteps, and became members of the Michigan Bar. Michael is an assistant prosecutor with Saginaw County and Walter is a vice-president with the National Bank of Detroit.

Mr. Speaker, I invite you and my colleagues to join with me today in honoring Mr. Henry Marsh for his many contributions to the Saginaw Community. He is indeed a model for us all.

TRIBUTE TO THE SANTA ANA COMMUNITY COLLEGE MEN'S SOCCER TEAM

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 2000

Ms. SANCHEZ. Mr. Speaker, today I rise to congratulate this years national men's community college soccer champions, the Dons of Santa Ana Community College. After finishing the season with a 25–0 record and outscoring their opponents 147 goals to 17 goals, the team has proven its soccer dominance throughout the State of California.

Coach Justo P. Frutos should be commended for leading his team to a victorious season. Over the past 2 years, the Dons have achieved what no other community college soccer team in California has accomplished, compiling an incredible 50-game unbeaten streak, including 47 straight wins and back-to-back state titles.

I am proud to say that many of the team's players also received individual honors. Forward Thomas Serna was named the conference Most Valuable Player and selected All-American for the second straight season. Also, by virtue of the team's State championship, each player received the coveted honor of All-American. I would like to take this opportunity to acknowledge each team player. The Dons' roster included: Sasha Addeo, Andres Arroyo, Jose Barillas, Jose Barron, Keith Buckley, Martin Carrington, Robert Corona, Arnulfo Garcia, Luis Gutierrez, Alejandro

Licea, Victor Licea, Carlos Rangel, Jose Retiz, Oscar Retiz, Fernando Rica, Fernando Rojas, Thomas Serna, Ruben Veliz, Sergio Viera, and Randy Zepeda.

Once again, I congratulate the Santa Ana Community College Dons and their coaching staff. These hard-working individuals deserve our praise for their perseverance and discipline. We are very fortunate to have the Dons in Orange County.

RECOGNITION OF NATIONAL GROUNDHOG JOB SHADOW DAY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 2000

Mr. WHITFIELD. Mr. Speaker, I rise in recognition of the third National Groundhog Job Shadow Day on February 2, 2000 as an opportunity to recognize and celebrate the importance of students experiencing the workplace firsthand through mentoring and job shadowing.

Local companies will recognize the importance of partnerships between schools and businesses to ensure the economic prosperity of Kentucky and the ability of our students to participate in the global workplace of tomorrow. Students will spend one day shadowing various professions in an effort to see how their classroom lessons are put into action in the workplace.

Mr. Speaker, Job Corps, America's Promise, the National School-to-Work Opportunities Office, Junior Achievement and the American Society of Association Executives have joined together in a national effort to encourage students to explore and experience a wide range of career choices.

My district is fortunate to have two Job Corps Centers participate on February 2, 2000. They are the Earl C. Clements Job Corps Center in Morganfield, KY and the Earl C. Clements Job Corps Center Satellite Operations in Greenville, KY.

Mr. Speaker, I offer this statement as a token of my appreciation for the effort by our Job Corps centers and other organizations to provide this valuable learning experiences to young people in the first congressional district.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 2000

Mr. BASS. Mr. Speaker, I was regrettably absent on Tuesday, February 1, and consequently missed a recorded vote on H.R. 764. Had I been present, I would have voted "yea" on rollcall vote No. 4.

A TRIBUTE IN HONOR OF MS. E. ZIPPORAH THOMPSON

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 2000

Mr. BARCIA. Mr. Speaker, I rise today to honor a wonderful lady, Ms. Zipporah Thompson, on the occasion of her receiving the Image Award, which is given to honor the contributions of community leaders. She is a fine individual and is a model for all of us in Saginaw, Michigan. I invite you, and our colleagues, to join me in honoring her today.

Ms. Thompson was born in Holly Springs, Mississippi. She received her Bachelor of Arts degree in English from Mississippi Industrial College. Later, she went on to complete graduate work at Atlanta University and the University of Wisconsin.

Originally, Ms. Thompson taught English and Drama in Brookhaven, Mississippi. She also taught Physical Education, and became one of the most well-known and well-liked basketball and track and field coaches in the state.

We are fortunate that Ms. Thompson decided to move to Michigan, where she has taught for over twenty-three years in the Buena Vista School District. As many generations of young people can attest, Ms. Thompson is both inspirational as a teacher, and as a friend and mentor.

Ms. Thompson has received many awards during her teaching career. She is a charter member and past President of Phi Delta Kappa, one of our nation's finest organizations that honor our teachers. She was awarded the Outstanding Educator Award and Teacher of the Year for Buena Vista School District. She has also received the Mary Bethune Award.

In addition to her teaching career, Ms. Thompson has been very active in the community, for which we are all very grateful. She was instrumental in helping to organize the Xinos Youth Guidance Group and now serves as its advisor. For many years now, Ms. Thompson has coordinated the annual Martin Luther King, Jr. Commemorative Service in Saginaw. She is a member of the National Association for the Advancement of Colored People and Friends of Claytor Branch Library. For her efforts, she has received the Professional Award from the National Association of Negro Professionals and Business Club.

Mr. Speaker, I ask that you, and our colleagues, join me in honoring this unique individual. She has chosen a noble profession, and then became the best in her field, as her fortunate students attest. Her contributions to our community are truly extraordinary, and we thank her. I wish Ms. Thompson much success in the future, and congratulate her on the occasion of her receiving the Image Award.

HOUSE OF REPRESENTATIVES—*Monday, February 7, 2000*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 7, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for those people who devote their energies to the public good and who use the natural gifts that come from Your hand in ways that promote justice and freedom in our land.

On this special day we mourn the death of our former Speaker, Carl Albert, and offer our condolences to those that were near and dear to him. We recall his devotion to this institution, the House of Representatives, and his commitment to the ideals of this assembly and his sense of fairness and respect to those who served with him. We laud the strength of his intellect and the power of the words that he used to present his values and beliefs. As a leader who was elected by his peers to the highest position of responsibility, we remember with gratitude the strength of his character and the wisdom of his ways.

May Your blessing, O God, that is new every morning and with us until the end of the day, be with those who mourn his death, even as we celebrate the witness of his life. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

Mr. PEASE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 7, 2000 at 12:08 p.m. and said to contain a message from the President whereby he transmits to the Congress the Budget of the United States Government for fiscal year 2001.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2001—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-162)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

The 2001 Budget, which I am submitting to you with this message, is the fourth balanced budget of my Administration. This budget upholds my policy of fiscal discipline and promises new opportunity for our Nation.

We have made great progress in the last seven years, rejecting the fiscal disarray of an earlier era and in its place, asserting a steadfast commitment to live within our means, balance the budget, and uphold fiscal discipline. As a result, we have created the conditions for unprecedented prosperity. The longest peacetime economic expansion in American history has produced more than 20 million new jobs. Unemployment has hit its lowest level in a generation. Today, more Americans own their own homes than ever before in our Nation's history.

Our success in reversing what once seemed to be uncontrollable growth in the Federal budget deficit has created more than prosperity. We have restored to America a spirit of purpose and confidence. This is a rare moment in history. Few nations are blessed with a combination of economic prosperity and social stability at home and with the security of a relatively peaceful world. It is time to make the most of this moment of promise to extend prosperity to all corners of our Nation.

My first budget of the new century is built upon a commitment to expanding opportunity, promoting responsibility, and building community. It includes my New Markets Initiative, which relies on public and private sector cooperation to spur economic development in areas of our Nation that have not yet fully benefited from this wave of prosperity. It includes an expansion of the Earned Income Tax Credit to lift more hard-pressed working families out of poverty. It expands health insurance coverage to more uninsured low-income children and extends this coverage to their hard-working parents.

Because education is fundamental to creating opportunity, my budget contains resources to prepare the next generation for the future with new and expanded efforts to improve the quality of our schools, prepare our students for college, and make college more accessible. It includes efforts to narrow the digital divide, the gap that separates those who have access to information technology and those who do not, so that all will be equipped with the technological tools they need to succeed. It also includes a science and technology initiative to lay the foundation for new scientific breakthroughs.

This budget responds to the pressing needs of today and builds an America of the future by making our Nation debt free by 2013. To be prepared for the retirement of the baby boom generation, my budget also provides a framework to extend the life of the Social Security and Medicare trust funds, while modernizing Medicare with a needed prescription drug benefit.

This budget uses the same straightforward approach of relying on conservative assumptions, as have all the budgets of my Administration. This conservative approach has built confidence in our budgets, because when unforeseen results have materialized, an inevitable development in forecasting, they have always brought good

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

news. In turn, reversing recent trends, my 2001 Budget builds on the tradition of straightforward budgets to meet the pressing needs of today in a balanced plan that adheres to the principles of fiscal discipline and debt reduction. This budget also maintains a strict set of budget rules upholding our long commitment to fiscal discipline, which has sustained the conditions for our economy to flourish.

The 2001 Budget continues to project that the Federal budget will remain in surplus for many decades to come, provided that a responsible fiscal policy holds course, to foster sustained economic growth. Our challenge now, in this era of surplus, is to make balanced choices to use our resources to meet the pressing needs of today, and the needs of generations to come.

BUILDING ON THE SUCCESS OF OUR FISCAL DISCIPLINE

When I took office in 1993, the current strength of our economy seemed beyond possibility. At that point, both the Federal budget deficit and the national debt had exploded, threatening our economic future. The costs of massive Federal borrowing drove interest rates up, incomes were stagnant for all but the most well off, and the economy had barely grown during the prior four years. The Nation needed a new course, and we worked hard to secure the passage of legislation, with the support of Democrats in Congress, to get the economy moving again.

My three-part economic strategy, built upon reducing the deficit, investing in the American people, and engaging the international economy yielded results. The budget deficit quickly began to drop from its peak of $290 billion, and in 1997, we pressed ahead with our deficit reduction efforts as Congress passed the Balanced Budget Act on a bipartisan basis to finish the job. Four years ahead of schedule, the budget reached balance and is projected this year to produce its third surplus in a row. We have started to pay down the national debt and are on a path to make the Nation debt free by 2013 for the first time since 1835.

Throughout the past seven years, my Administration has been committed to creating opportunity for all Americans, demanding responsibility from all Americans, and strengthening the American community. The crime rate, which had tripled during the previous three decades, continues to fall and crime is down in every region of the Nation. We have reformed the welfare system, and more than seven million Americans in the past seven years have made the transition from welfare to work.

Most of all, the prosperity and opportunity of our time offers us a great responsibility—to take action to ensure that Social Security is there for the elderly and the disabled, while ensuring that it not place a burden on our children, that the life of Medicare is extended for future generations, and that we modernize Medicare with a needed prescription drug benefit. If we continue to follow sound fiscal policy, we can provide for the future, produce a balanced tax cut and meet the needs of today, while sustaining the conditions that have brought us this current wave of prosperity. All this can be done, but balanced and sound fiscal policy is the key.

IMPROVING PERFORMANCE THROUGH BETTER MANAGEMENT

At the start of this Administration, the Vice President and I set out to create a Government that works better, costs less, and gets results Americans care about. We believe that with better stewardship, the Government can better achieve its mission and improve the quality of life for all Americans. The success of these efforts is reflected in the significant changes of the past seven years in the way Government does business.

We have streamlined Government, cutting the civilian Federal work force by 377,000, giving us the smallest work force in 39 years. We have done more than just reduce or eliminate hundreds of Federal programs and projects. We have also empowered government employees to cut red tape, and used partnerships to get results.

While we have made real progress, there is still much work to do. We are forging ahead with new efforts to improve the quality of the service that the Government offers its customers. My Administration has identified its highest priorities—24 Priority Management Objectives listed in this budget, that will receive heightened attention to ensure positive changes in the way Government works. It is a mark of our success that in early 2000, we were able to remove last year's number one objective from the list: Manage the Year 2000 (Y2K) Computer Problem. Due largely to the efforts of Federal employees and the leadership provided by my Council on Year 2000 Conversion, the Federal Government's Y2K efforts were, beyond all expectation, remarkably trouble free. We will continue to move ahead to address other priorities, including modernizing student aid delivery, implementing IRS reforms, and strengthening the management of Health Care Financing Administration, which oversees Medicare.

I believe the steps we have taken to change and improve the way Government works have also changed the way Americans view their Government, increasing the confidence and trust of the American public. It is our job to keep at this task, so that the Federal Government continues to improve its performance and the American public is better served. I am determined that we will do more to solve the very real management challenges before us.

STRENGTHENING OUR NATION IN THE 21ST CENTURY

Education, in our competitive global economy, has become the dividing line between those who are able to move ahead and those who lag behind. For this reason, I am committed to ensuring that we have a first-rate system of education and training in place for Americans of all ages. Over the last seven years, we have worked hard to ensure that every boy and girl is prepared to learn, that our schools focus on high standards and achievement, that anyone who wants to go to college can get the financial help to attend, and that those who need another chance at education and training, or a chance to improve or learn new skills, can do so. My budget builds on the commitment to make college more affordable by expanding the tax credits for higher education and increasing Pell Grants and other college aid beyond the record levels already reached. It promotes smaller learning environments in high schools and invests in reducing class size by recruiting and preparing thousands more teachers and building thousands more classrooms, as well as providing for urgent and essential school repairs.

My budget includes significant increases to expand access to after-school and other extended learning time opportunities, a central element of my accountability agenda to help children, especially in the poorest communities, reach challenging academic standards while supporting efforts to demand more from schools and support them in return. It promotes efforts to recruit teachers in high-poverty areas and includes a peer review initiative to help school districts raise teacher standards and teacher pay. The budget proposes improving school accountability by holding States, districts and schools accountable for results by providing resources to identify and turn around the worst-performing schools, and incentives to reward States that do the most to improve student performance and close the achievement gap. It invests in programs to help raise the educational achievement of Latino students. And my budget supports efforts to narrow the digital divide by expanding resources for technology centers to make computers accessible in low-income community areas.

During the past seven years, we have taken many steps to help working families, and we continue that effort with this budget. We cut taxes for 15 million working families, provided a tax credit to help families raise their children, ensured that 25 million Americans a year can change jobs without losing their health insurance, made it easier for the self-employed and those with pre-existing conditions to get health insurance, provided access to health care coverage for up to five million uninsured children, raised the minimum wage, and provided guaranteed time off for workers who need to care for a newborn or to address the health needs of a family member.

I am proposing a significant expansion of the Earned Income Tax Credit to provide support to America's hard working, low-income families, especially larger families who are more likely to be poor than families with only one or two children. My budget also significantly increases 21st Century Learning Community Centers and expands after-school learning time. It makes child care more affordable by expanding tax credits for middle-income families and for businesses that provide child care services to their employees, by assisting parents who want to attend college meet their child care needs, as well as making a child care tax credit available to parents who choose to stay at home to raise a young child. My budget proposes to create an Early Learning Fund and builds on our expansion of the successful Head Start program to help meet the goal of serving one million children by 2002. And it promotes responsible fatherhood by proposing tough new measures to ensure that all parents who can afford to pay child support do so, while providing support to increase the employment earnings and child support payments of low-income fathers. My budget includes efforts to increase access to food stamps for the working poor, in part by proposing that low-income working families, who need efficient transportation to get to work, be permitted to own a modest vehicle and retain food stamp eligibility. And, it proposes resources to provide health care to legal immigrant children, to restore Supplemental Security Income benefits to legal immigrants with disabilities, and to restore food stamp benefits to legal immigrants in families with eligible children.

We have continued to improve health care for millions of Americans. Since the establishment of the State Children's Health Insurance Program in 1997, two million children have enrolled in programs across all 50 States. I am proposing a significant expansion of this successful program to extend health coverage to more children in hard working, low-income families. My budget also extends this coverage to their parents, low-income working adults who lack health insurance, which will help increase the enrollment of their children by enabling entire families to receive coverage through the same program. My budget contains other significant incentives to increase access to affordable health care, including tax credits for small businesses and a provision to allow hundreds of thousands of Americans aged 55 to 65 to purchase Medicare coverage.

My budget puts forth a plan that extends Medicare solvency to at least 2025, respects fiscal discipline, and eliminates the national debt. My plan will modernize Medicare with a needed drug benefit, expand access to preventative benefits, and improve Medicare management. I intend to keep pressing ahead and working with Congress to enact essential patient protections including emergency room access and the right to see a specialist. By Executive Order, I have extended these rights to 85 million Americans covered by Federal health plans, including Medicare and Medicaid beneficiaries and Federal employees.

Most Americans are enjoying the fruits of our strong economy, yet we must do more to bring this prosperity to all corners of our great Nation. We must use this moment of promise to spread the values of community, opportunity, and responsibility, and to help create the conditions for all to share in our prosperity. My New Markets Initiative, an expanded approach built upon the same public-private cooperation at the center of last year's plan, will provide tax credit and loan guarantee incentives to stimulate tens of billions of dollars in new private investment in distressed rural and urban areas. It will build a network of private investment institutions to funnel credit, equity, and technical assistance into businesses in America's untapped markets, and provide the expertise to targeted small businesses that will allow them to use investment to grow. I am also proposing to expand the number of Empowerment Zones, which provide tax incentives and direct spending to encourage the kind of private investment that creates jobs, and to provide more capital for lending through my Community Development Financial Institutions program. My budget also includes significant funding increases for Native American communities to help this generation and future generations receive greater opportunities. It provides additional funds to enforce the Nation's civil rights laws, and strengthens the partnership we have begun with the District of Columbia. In addition, my budget proposes an $11 billion package for farmers in need and to help mend the farm safety net by providing assistance when crop prices are low.

Our anti-crime strategy is working. Serious crime has fallen without interruption, and the murder rate is at its lowest point in three decades. Building on our successful community policing (COPS) program that is helping communities fund 100,000 cops on the beat, the 21st Century Policing initiative was enacted last year to put us on track to fund new anti-crime technology and 50,000 more police. This year, I am launching the largest gun enforcement initiative ever, adding funds to hire 500 new ATF agents, 1,000 State and local gun prosecutors and funds for smart gun technology. The budget also provides funds to prevent violence against women, and to address the growing law enforcement crisis on Indian lands. To boost our efforts to control illegal immigration, the budget provides resources to strengthen enforcement, particularly on the Southwest and Northern borders, and to remove illegal aliens. To combat drug use, particularly among young people, my budget expands programs that stress treatment and prevention, law enforcement, international assistance, and interdiction.

During the past seven years, I have sought to strengthen science and technology investments in order to serve many of our broader goals for the Nation in the economy, education, health care, the environment, and national defense. Building on the balanced portfolio of basic and applied research in the 21st Century Research Fund, my budget includes a Science and Technology Initiative which places special emphasis on high-priority, long-term basic research, including nanotechnology, the manipulation of matter at the atomic and molecular level, which offers the promise that medical science may one day be able to detect cancerous tumors when they are comprised of only a few cells. My budget also increases resources for the Information Technology research and development program to invest in long-term research in computing and communications. It will accelerate development of extremely fast supercomputers to support civilian research, enabling experts to develop life-saving drugs, provide earlier tornado warnings, and design more fuel-efficient, safer automobiles. The budget provides strong support for the Nation's two largest sources of civilian basic research funding for universities: the National Science Foundation and the National Institutes of Health.

The Nation does not have to choose between a strong economy and a clean environment. The past seven years are proof that we can have both. We have set tough new clean air standards for soot and smog that will prevent up to 15,000 premature deaths a year. We have set new food and drinking water safety standards and have accelerated the pace of cleanups of toxic Superfund sites. We expanded our efforts to protect tens of millions of acres of public and private lands, including Yellowstone National Park, Florida's Everglades, and California's redwoods. Led by the Vice President, the Administration reached an international agreement in Kyoto that calls for cuts in greenhouse gas emissions. My budget significantly expands support for the environment, by establishing dedicated funding and increasing resources for the historic interagency Lands Legacy initiative to preserve the Nation's natural and historic treasures. My budget also supports the Clean Energy initiative to reduce the threat of global warming, and the Greening the Globe initiative to save tropical and other forests around the globe. It provides resources to support farm conservation to upgrade water quality, the Clean Water Action plan to clean up polluted waterways, and climate change technology efforts to increase energy-efficient technologies and renewable energy to strengthen our economy while reducing greenhouse gases.

In the past year, America's leadership was essential to the success of the NATO alliance in halting the ethnic cleansing of Kosovo's ethnic Albanians and containing the risk of wider war at the doorstep of our allies. The United States has played a critical role in the strides made toward lasting peace in Northern Ireland, the Middle East, and Sierra Leone. The United States has worked to detect and counter terrorist threats and continue efforts with Russia and other former Soviet nations to halt the spread of dangerous weapons materials. My budget seeks to build on these efforts, proposing funding to build a democratic society and stronger economy in Kosovo, initiatives to further protect our men and women overseas, and a 2000 emergency supplemental to provide critical assistance to the Government of Colombia in its fight against narcotics traffickers. My budget also proposes funding to promote international family planning, contain the global spread of AIDS, promote debt forgiveness to help people in the world's poorest countries join the global economy, and promote trade by opening global markets.

The Armed Forces of the United States serve as the backbone of our national security strategy. As it did successfully last year in Kosovo, the military must be in a position to protect our national security interests and guard against the major threats to U.S. security. These include regional dangers, such as cross-border aggression; the proliferation of the technology of weapons of mass destruction; transnational dangers, such as the spread of illegal drugs and terrorism; and, direct attacks on the U.S. homeland from intercontinental ballistic missiles or other weapons of mass destruction. To ensure that the military can fulfill this mission, I made a major commitment last year to maintain our military readiness, which this budget builds upon with additional resources to ensure that the services can meet required training standards, maintain equipment in top condition, recruit and retain quality personnel, and procure sufficient spare parts and other equipment. To help improve the quality of life and strengthen the Department's ability to attract and retain quality individuals, this budget includes a major initiative to reduce servicemembers' out-of-pocket costs for off-base housing. In addition, this budget provides resources for the Department of Defense and other agencies to combat emerging threats, including terrorism and weapons of mass destruction, and to provide for critical infrastructure protection. It provides funds to support counter-narcotics efforts, including a 2000 supplemental to increase assistance to the Government of Colombia in their fight against narcotics traffickers. It also provides additional funding for contingency operations in Southwest Asia, Bosnia, and Kosovo.

BUILDING PROSPERITY FOR THE FUTURE

This is a rare moment in American history. Never before has our Nation enjoyed so much prosperity, at a time when social progress continues to advance and our position as the global leader is secure. Today, we are well prepared to make the choices that will shape our Nation's future for decades to come.

By reversing the earlier trend of fiscal irresponsibility, balancing the budget, and producing a historic surplus, we have restored our national spirit and produced the resources to help opportunity and prosperity reach all corners of this Nation. We have it within our reach today, by making the right choices, to offer the promise of prosperity to generations of Americans to come. If we keep to the path of fiscal discipline, we can build a foundation of prosperity for the Nation's future.

My plan to extend the solvency of Social Security and Medicare allows the United States to become debt-free in the next 13 years, for the first time since 1835. Eliminating the debt will strengthen our economy, devote resources to Social Security, and prepare us to meet the challenges of the aging of America. Through fiscal discipline and wise choices we can extend the life of Social Security to the middle of the century, extend the solvency of Medicare until 2025, and modernize Medicare with a needed prescription drug benefit.

By continuing to maintain discipline, we can provide for the aging of America and for the investments of the future—including education, the environment, research and development, and defense—which are central to our economic growth, health, and national security. By making choices that respect fiscal discipline, we can make room to provide both for a balanced tax cut and for investments that will help this Nation stay strong in the future.

This new century is filled with promise, for we live at a remarkable time. By making wise choices, we have it within our power to extend the same promise and prosperity to generations to come.

WILLIAM J. CLINTON.

February 7, 2000.

□ 1415

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 7, 2000 at 12:08 p.m. and said to contain a message from the President whereby he transmits a 6-month periodic report with regard to terrorists who threaten the Middle East peace process.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS THREATENING TO DISRUPT MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-190)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703, I transmit herewith a 6-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 7, 2000.*

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 4, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 702(b) of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106-120), I hereby appoint the following member to the

National Commission for the Review of the National Reconnaissance Office:

Mr. Tony Beilenson, Chevy Chase, MD.

Yours Very Truly,

RICHARD A. GEPHARDT.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. BROWN of Ohio (at the request of Mr. GEPHARDT) for the week of February 7 on account of illness.

Mr. VENTO (at the request of Mr. GEPHARDT) for today and the balance of the month on account of illness.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday, February 8, 2000, for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 8, 2000, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6017. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Decreased Assessment Rate [Docket No. FV00–932–1 IFR] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6018. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 1999–2000 Marketing Year [Docket No. FV00–982–1 IFR] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6019. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Decreased Assessment Rate [Docket No. FV99–966–1 FIR] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6020. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Onions Grown in South Texas; Decreased Assessment Rate [Docket No. FV00–959–1 FR] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6021. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Phosphine; Pesticide Tolerance [OPP–300961; FRL–6484–8] (RIN: 2070–AB78) received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6022. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 98F–0569] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6023. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Montana; Revisions to the Missoula County Air Quality Rules [MT–001–0016a; FRL–6506–1] received December 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6024. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Illinois [IL177–1a; FRL–6506–3] received December 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6025. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Georgia; 15 Percent Rate-of-Progress Plan and 9 Percent Rate-of-Progress Plan for the Atlanta Ozone Nonattainment Area [GA 34–9919(c), GA25–1–9805(c); FRL–6515–8] received December 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6026. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—State of Alabama; Underground Injection Control (UIC) Program Revision; Approval of Alabama's Class II UIC Program Revision—received December 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6027. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations for Lead and Copper [FRL–6515–6] (RIN: 2140–AC27) received December 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6028. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution from New Motor Vehicles: Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements [AMS–FRL–6516–2] (RIN: 2060–AI23) received December 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6029. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District [CA172–0209a; FRL–6529–4] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6030. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport [FRL–6515–5] received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6031. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [OPPTS–50635; FRL–6055–2] (RIN: 2070–AB27) received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6032. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Monterey Bay Unified Air Pollution Control District [CA236–0204; FRL–6528–5] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6033. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County, San Diego County, San Joaquin Valley Unified County Air Pollution Control Districts [CA 234–0187a FRL–6529–6] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6034. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan; South Dakota; Revisions to Performance Testing Regulation [SD–001–0007a and SD–001–0008a; FRL–6527–2] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6035. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Party Committee Coordinated Expenditures; Costs of Media Travel with Publicly Financed Presidential Candidates [Notice 1999–13] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6036. A letter from the Director, Fish and Wildlife Service, Division of Endangered Species, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Determination of Endangered Status for Blackburn's Sphinx Moth from the Hawaiian Islands (RIN: 1018–AE20) received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6037. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Hook-and-line or Pot Gear in the Bering Sea and Aleutian Islands [Docket No. 990304063–9063–01; I.D. 120299A] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6038. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS: Bahia De Mayaguez, Puerto Rico [CGD07–99–020] (RIN: 2115–AE46) received January 27, 2000, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6039. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS: "Thunder Over Charlotte Amalie" The 14th Annual Virgin Islands Carnival Fireworks Display, Saint Thomas, USVI [CGD07 99-029] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6040. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS: Moonlight Fireworks Display, Water Bay, Saint Thomas, USVI [CGD07 99-031] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6041. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS: Moonlight Fireworks Display, Caneel Bay, Saint John, USVI [CGD07 99-032] (RIN: 2115-AE47) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6042. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS: Savannah Waterfront Association's July 4th fireworks display, Savannah, GA [CGD07 99-041] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6043. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Baltimore Inner Harbor, Baltimore, Maryland [CGD 05-99-025] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6044. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Baltimore Inner Harbor, Baltimore, Maryland [CGD 05-99-028] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6045. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS: Palm Beach County Offshore Grand Prix, Riviera Beach, Florida [CGD07-99-059] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6046. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS: Moonlight Fireworks Display, Great Bay, St. Thomas, U.S.V.I. [CGD07-99-006] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6047. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Burlington, VT [Airspace Docket No. 99-ANE-91] received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6048. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zones, Security Zones, And Special Local Regulations [USCG-1999-5938] received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6049. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: City of Clarksville Riverfest; Cumberland River mile 126.5 to 128.5, Clarksville, TN [CGD08-99-054] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6050. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: July 4th Celebration; Ohio River Mile 943.0-944.3; Metropolis, IL [CGD08-99-045] received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6051. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: July 4th Celebration: Ohio River Mile 934.0-935.0; Paducah, KY [CGD08-99-044] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6052. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; East West Powerboat Shoot Out Offshore Boat Race Corpus Christi Ship Channel, Corpus Christi, Texas [CGD08-99-043] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6053. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Eskimo Escapades, Tennessee River Mile 647.7, Knoxville, TN [CGD08-99-003] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6054. A letter from the Chief, Regulations Unit, Department of the Treasury, transmitting the Service's final rule—Master and prototype plan program [Rev. Proc. 2000-20] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6055. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Stock Transfer Rules [TD 8862] (RIN: 1545-AI32) received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6056. A letter from the Chief, Regulations Unit, Internal Revenue Sérvice, transmitting the Service's final rule—Employee Plans Compliance Resolution System [Rev. Proc. 2000-16] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6057. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Termination of Puerto Rico and Possession Tax Credit; New Lines of Business Prohibited [TD 8868] (RIN: 1545-AV68) received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6058. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Stock Transfer Rules: Supplemental Rules [TD 8863] (RIN: 1545-AX64) received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6059. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2000-8] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6060. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Amortization of Intangible Property [TD 8865] (RIN: 1545-AS77) received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6061. A letter from the Acting Assistant Secretary for Economic Development, Department of Commerce, transmitting the Department's final rule—Economic Development Administration Regulations: Revision to Implement Economic Development Administration Reform Act of 1998 [Docket Nos. 990106003-9169-03 and 980813217-9141] (RIN: 0610-AA56 and 0610-AA59) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

[Omitted from the Record of February 3, 2000]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on Science. H.R. 1656. A bill to authorize appropriations for fiscal years 2000 and 2001 for the commercial application of energy technology and related civilian energy and scientific programs, projects, and activities of the Department of Energy, and for other purposes; with an amendment (Rept. 106-492 Pt. 1). Ordered to be printed.

[Filed on February 7, 2000]

Mr. ARCHER: Committee on Ways and Means. H.R. 6. A bill to amend the Interval Revenue Code of 1986 to eliminate the marriage penalty by providing that the income rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amount applicable to unmarried individuals; with amendments (Rept. 106-493). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE. Committee on the Judiciary. H.R. 2366. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; with an amendment (Report. 106-494 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of February 3, 2000]

H.R. 1656. Referral to the Committees on Commerce and Education and the Workforce extended for a period ending not later than April 14, 2000.

[The following occurred on February 7, 1999]

H.R. 2366. Referral to the Committee on Commerce extended for a period ending not later than February 14, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 3579. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the environmental cleanup of certain contaminated industrial sites designated as brownfields; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. Foley, Ms. Granger, and Mr. Quinn):

H.R. 3580. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself and Mrs. Meek of Florida):

H.R. 3581. A bill to make additional funds available to the Secretary of Commerce for purposes of the 2000 decennial census, and for other purposes; to the Committee on Government Reform.

By Mr. CONYERS (for himself, Mr. Hastings of Florida, and Mr. Wexler):

H. Res. 416. A resolution condemning the conduct of U.S. District Judge Alan McDonald for bringing the appearance of improper racial, ethnic, and religious bias upon the Federal Judiciary, urging the Federal Judiciary to protect against the perception of racial, ethnic, and religious bias within their ranks, and calling for the nomination and confirmation of candidates to the Federal bench that reflect the diversity of American society; to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 230: Mr. Ryan of Wisconsin.

H.R. 735: Mr. Kuykendall.

H.R. 742: Mr. Pickett.

H.R. 860: Mr. Weiner.

H.R. 864: Mrs. Jones of Ohio.

H.R. 865: Mr. Foley.

H.R. 997: Mr. Neal of Massachusetts and Mr. Markey.

H.R. 1044: Mr. Smith of Michigan, Mrs. Chenoweth-Hage, and Mr. McIntyre.

H.R. 1062: Mr. Moran of Virginia, Ms. Schakowsky, Mr. Sherman, Ms. Pelosi, Ms. Velázquez, and Mr. Shays.

H.R. 1082: Mr. Kuykendall.

H.R. 1304: Mr. Metcalf, Mr. Hall of Ohio, Mr. Skelton, and Mr. Calvert.

H.R. 1349: Mrs. Fowler.

H.R. 1367: Mr. Minge and Mr. Smith of New Jersey.

H.R. 1389: Mr. Coburn and Mr. Wu.

H.R. 1398: Mr. Wamp.

H.R. 1443: Mr. Moran of Virginia and Mr. Bonior.

H.R. 1824: Ms. Velázquez.

H.R. 2086: Ms. Hooley of Oregon, Mr. Walden of Oregon, and Mr. Blumenauer.

H.R. 2128: Mr. Gekas.

H.R. 2544: Mr. Petri.

H.R. 2564: Mr. Boswell.

H.R. 2655: Mr. Blunt.

H.R. 2662: Mr. Cunningham.

H.R. 2687: Mr. Blumenauer.

H.R. 2814: Mr. Bartlett of Maryland.

H.R. 2900: Mr. Frank of Massachusetts and Mrs. Lowey.

H.R. 2966: Mr. Berman, Mr. Hoyer, Mr. Meehan, Mr. Pastor, Mr. Skeen, and Mr. Wexler.

H.R. 2985: Mr. Sessions and Mrs. Roukema.

H.R. 3040: Mr. Skeen and Mr. Kolbe.

H.R. 3144: Mr. Kanjorski.

H.R. 3193: Mr. Skelton, Mr. Baldacci, Mrs. Myrick, and Mr. Romero-Barcelo.

H.R. 3256: Mr. Evans, Mr. Filner, and Mr. Doyle.

H.R. 3399: Mr. Istook.

H.R. 3439: Mr. Watkins, Mr. Thune, Mr. Aderholt, Mr. Hutchinson, Mr. Lewis of Kentucky, and Mr. Sessions.

H.R. 3514: Ms. Pelosi, Mr. Latham, Mrs. Mink of Hawaii, and Ms. Rivers.

H.R. 3525: Mr. Barr of Georgia, Mr. Kasich, Mr. Fletcher, Mr. Tancredo, Mr. Stump, Mr. Isakson, Mr. Sandlin, Mr. Lucas of Oklahoma, Mr. Bartlett of Maryland, and Mr. Buyer.

H.R. 3535: Mr. Maloney of Connecticut, Mr. Weldon of Pennsylvania, Mr. Pallone, Mr. Gallegly, Mr. Gejdenson, Mr. Delahunt, Mr. Tierney, Mr. Packard, Mr. Weiner, and Mr. Peterson of Minnesota.

H.R. 3573: Mr. Bachus, Mr. Barcia, Mr. Barr of Georgia, Ms. Berkley, Mr. Bilbray, Mr. Blagojevich, Mr. Blunt, Mr. Boehlert, Mr. Bonior, Mrs. Bono, Ms. Brown of Florida, Mr. Brown of Ohio, Mr. Callahan, Mrs. Christensen, Mrs. Clayton, Mr. Cook, Mr. Cooksey, Mr. Cunningham, Mr. DeFazio, Mr. Delahunt, Mr. Dicks, Mr. Dixon, Mr. Doyle, Mr. Ehrlich, Mrs. Emerson, Ms. Eshoo, Mr. Faleomavaega, Mr. Filner, Mr. Forbes, Mr. Ford, Mr. Franks of New Jersey, Mr. Gonzalez, Mr. Green of Texas, Mr. Green of Wisconsin, Mr. Hall of Texas, Mr. Hansen, Mr. Hastings of Washington, Mr. Hayworth, Mr. Hinchey, Mr. Hoyer, Mr. Hunter, Mr. Istook, Mr. Jenkins, Mrs. Jones of Ohio, Mr. Kennedy of Rhode Island, Ms. Kilpatrick, Mr. Kingston, Mr. LaTourette, Mr. Lucas of Kentucky, Mr. Martinez, Mr. Matsui, Mr. McCollum, Mr. McIntyre, Mr. Metcalf, Mr. Mica, Mrs. Morella, Mrs. Napolitano, Mr. Neal of Massachusetts, Mr. Oberstar, Mr. Ortiz, Ms. Pelosi, Mr. Quinn, Mr. Radanovich, Mr. Rahall, Mr. Rogan, Mr. Sanders, Mr. Sandlin, Mr. Saxton, Mr. Scarborough, Mr. Sessions, Mr. Sununu, Mr. Taylor of North Carolina, Mr. Terry, Mr. Thompson of Mississippi, Mr. Thompson of California, Mr. Towns, Mr. Traficant, Mr. Upton, Mr. Walden of Oregon, Mr. Wamp, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Wexler, Mr. Whitfield, and Mr. Wynn.

H. Con. Res. 76: Mrs. Clayton, Mr. Thompson of California, Mr. Greenwood, Mr. Shimkus, and Mr. Schaffer.

H. Con. Res. 77: Mrs. Fowler.

H. Con. Res. 123: Mr. Manzullo.

H. Con. Res. 228: Mr. Wu and Mr. Ewing.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2086

Offered by Mr. Capuano

Amendment No. 1: Page 20, line 21, through page 21, line 7, strike section 9.

SENATE—*Monday, February 7, 2000*

The Senate met at 12:01 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we begin this new week with a renewed commitment to You. The words of Mother Teresa of Calcutta stimulate greater depth in our prayer: "Here I am Lord, body, heart, and soul. Grant that with Your love I may be big enough to reach the world and small enough to be at one with You."

We echo this sentiment, Father. As we begin this new week, astound us again with the limitless resources You offer us to do Your work. Remind us that Your power is released for leadership that follows Your priorities of righteousness, justice, and mercy. May our constant question be: "Lord, what do You want us to do?" Keep us humble with the conviction that we could not breathe a breath, think a thought, write with clarity, nor speak with persuasion without Your grace and gifts. So we move into this new week with deeper dependence on You and greater dedication to give You the glory for all that we are and have and are able to do. You are our Lord and our Saviour. Jehovah, our God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ARLEN SPECTER, a Senator from the State of Pennsylvania, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the distinguished President pro tempore.

SCHEDULE

Mr. SPECTER. On behalf of our distinguished majority leader, Mr. President, I have been asked to make the following announcement.

Today, the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will begin consideration of S. 1052, the Mariana Islands legislation. As previously announced, there will be no votes during today's session of the Senate. Therefore, any votes ordered on the Mariana Islands bill will be scheduled to occur on Tuesday. Also on Tuesday, the Senate is expected to begin consideration of the nuclear waste bill. It is hoped that action on that legislation can be completed by the end of the week. I thank my colleagues for their attention.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I now ask unanimous consent that I may be permitted to speak in morning business next and following that, my distinguished colleague from Iowa, the senior Senator, Mr. GRASSLEY, may be permitted to speak in morning business for up to 8 minutes.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the introduction of S. Res. 253 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

PERMANENT NORMAL TRADING RELATIONS WITH CHINA

Mr. GRASSLEY. Mr. President, I want to spend a few minutes talking about two very important issues, one of which will come before the Senate later on this year, and that is the trade agreement with China which has just been negotiated. We call that permanent normal trading relations. The other subject is the WTO, which is an ongoing situation on which we probably will not take any action—at least negative action—this year, but it is something we always have to consider because every day and every hour there are certain decisions and discussions going on at the World Trade Organization that affect the U.S. economy.

On China and the permanent trade relations vote we are going to have, it is very important that we do this right and do it soon but not do it before we have all the information we need. It is also important to get China into the World Trade Organization.

We do not vote on China going into the World Trade Organization as a Senate, but it seems to me it is very necessary that we establish China with permanent normal trading relations with the United States in order to set the stage for China to be in the WTO.

This is the first time China has agreed to submit itself to international trade disciplines. That, in and of itself, is a very historic and important development. Clearly, China acts in its own national interest and, of course, the United States should act in its own national interest. That is why I say it is most important to our national interest to agree to rules by which we can conduct more open commerce with China. Common sense dictates that it is a win-win situation for the United States since we have few restrictions on imports of China's products into the United States. Basically, it is a no-brainer, as far as I am concerned, to accept their lowering barriers to our exports to that 1-billion-people Nation.

As far as the issue of human rights and national security—and they always come up when we discuss this issue with China—I believe the United States is big enough, the United States is strong enough, we are sophisticated enough, and we are smart enough to serve more than one vital national interest at the same time.

In other words, we can be concerned about human rights, we obviously have to be concerned about our national security because no other nation will be, but we can also be concerned about our commerce with other countries, particularly the biggest country in the world, a country that has reduced, through this agreement, barriers for our goods to go to their country; in other words, setting the stage for a more level playing field because we already let a lot of Chinese goods into this country. There are very few restrictions.

We can take our commerce into mind, we can take human rights and national security into mind, and we do not have to compromise. We can and must have a national security policy that protects our vital security interests. When there is a breakdown that threatens our security, we must and will fix it. We can and must speak out for the oppressed who cannot speak for themselves, and we can and must advance our interests in open markets and trade liberalization.

We can and must do all these things at the same time. We can do this because trade, in and of itself, has so many different dimensions. Through trade, we export more than goods. We export more than manufactured products and services. When we have people-to-people relations that come about through commerce, we export part of our values, part of what makes America great: our American values. We also export, it seems, part of our society. That is why we must engage China commercially.

While I would like to see the Senate vote to approve permanent trading relations for China as soon as possible, the timing of this vote is not entirely in the Senate's hands.

First, China has to complete its remaining bilateral negotiations, especially with the European Union. The European Union may conclude a bilateral deal with China later this month. But some tough issues still remain between those two giants. So it is not clear when these bilateral talks will end.

If China finishes its negotiations with the European Union, China still has to conclude negotiations with 10 other trading partners, as well as the Association of Southeast Asian Nations.

Second, we have to complete work on the protocols that provide the underpinnings for the United States-China agreement that was signed last November and which is the basis for permanent normal trading relations between the United States and China. Several challenging protocol issues remain to be resolved.

In my view, we can only have the permanent normal trading relations vote after all these steps in the process are completed. Senators, including this Senator, of course, will want to carefully review—in fact we have the responsibility to make sure we carefully review—the results of the protocol working party, which may be held in March, and carefully look at all the details before we schedule the permanent normal trading relations vote.

As far as the Senate action on normal trading relations is concerned, I expect that every aspect of the agreement be transparent. That means everything besides the protocols—meaning the written protocols, including side letters, oral or even wink-of-the-eye understandings—must be put on the table before the Senate so that each of the 100 Senators are aware of them. That is what I mean when I say transparency.

As Senators, we cannot make the same mistake we made with the Canadian Free Trade Agreement, of being oblivious to the side letter, the agreement contents of which have been unfair to our wheat farmers ever since. Senators never knew about that until about 5 or 6 years after the Canadian Free Trade Agreement was voted on by the Senate. That is why, when it comes to normal trading relations with China—and it is very important we approve that agreement—everything has to be on the table.

On the issue of the World Trade Organization, the most shocking thing that happened in Seattle—apart from the riots and the mindless destruction—was that there was no consensus to move forward. No agenda was agreed to. This lack of consensus is especially shocking when you consider how much trade has helped bring unprecedented prosperity not only to the United States but around the world.

In 1947, when this all started with the first round of multilateral trade negotiations—that was called the Geneva Round—the total world value of trade was only $50 billion. Today, it is $7 trillion. It is hard to think of a moment in history when such prosperity has been generated in such a short period of time.

But despite this huge increase in our collective wealth, the world's trade ministers in Seattle could not reach agreement over how to keep this great economic engine going and create even more prosperity that will naturally result not just to the United States but to everybody in the world through freer trade. It does not take a rocket scientist to understand how much greater our national wealth is because of freer trade. Common sense dictates that we should continue down this path.

The mandated negotiations on agriculture and services, the so-called building agenda, are now underway in Geneva. We may even have a special agricultural negotiation process to continue the agricultural portions of the talks. But I do not think we will see any quick agreement on the items that were left on the table in Seattle or even on the question of whether to restart the negotiations on drafting a ministerial declaration.

Instead, I think we will see, in Geneva, a period of quiet consultation and consensus building. Considering the disaster that took place in Seattle, maybe it is easy to conclude that we do need a period of quiet consultation, and particularly consensus building, because nothing happens in the WTO except by consensus. So if everybody worries about America's interests being compromised at the WTO, just remember, it is done by consensus. If the United States does not agree to it, it will not get done.

Seattle, of course, was a huge shock to the World Trade Organization and the process. We must try to restore mutual confidence among all the parties. The negotiators will need some time, perhaps even a few months, to refine their positions after the start of consultations.

In summary, I see the next few weeks and months in Geneva as a period where we try to restore faith in the World Trade Organization and in each other and try to rebuild the groundwork for the process of establishing a consensus on trade. Progress may be incremental, but I believe we can achieve it.

When it comes right down to it, rebuilding this confidence is not just a job for the WTO or just for our negotiators; it is a challenge we will have to address in the Senate, particularly in the Finance Committee and in my trade subcommittee.

How can we get there? I believe there is one way. We must make a moral case for free trade. We must do a better job of making the case that free trade has helped us keep the peace, that free trade has brought freedom and prosperity to millions, that it has helped families and nations attain new levels of economic progress. I believe it is up to Congress to help make the moral case for free trade. The future of our international trading system may depend upon how well we do it. I intend to address this topic of the moral case for free trade many times this year. It may be one of the most important things we do this year in the Senate.

Mr. President, I notice there are no other Members who have come to speak, so I ask unanimous consent to continue on my time in morning business to address another issue. I ask unanimous consent for 15 minutes at the most.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADMINISTRATION'S FARM ASSISTANCE PROPOSAL

Mr. GRASSLEY. Mr. President, I come to the floor this afternoon to discuss the recent farmer assistance package outlined in the President's budget proposal. It is often the case that these proposals are complicated and difficult to explain. But this proposal can actually be explained with one word. That word is "awful." The administration's proposal is simply an awful idea.

I am not one to usually criticize anybody who brings ideas to the table that in any way will assist American farmers, but in this instance I believe I must call it what it really is—an awful proposal. In fact, I am embarrassed by the administration's proposals. I can think of all the Democratic Senators who have been on this floor over the last year—the last 12 months—who have chastised Republicans for not doing enough to help farmers, and doing it in the right way, being embarrassed by the paltry sum of money the President has included and, more importantly, the complicated formula by which they arrive at this assistance.

Just recently, we had the Vice President in Iowa stumping for political support in the famous Iowa caucuses. He told my fellow farmers he supports a "sound, sensible farm policy." Those are his words. If this is what the administration means by "sensible," they should have saved the effort put into this meaningless gesture and left it to individuals who actually know what is going on in rural Iowa and rural America.

While our Nation has enjoyed one of the longest periods of economic growth in our history, the agricultural industry has not fared as well in recent years. Just last year, prices of all kinds of livestock and grain commodities were at their lowest levels since the 1970s, and the outlook for next year is mixed at best. According to the Food and Agricultural Policy Research Institute located at Iowa State University, prices for corn are expected to hover around $2 a bushel this year and soybean prices will average near $4.50 a bushel. Prices have improved somewhat from last year but not significantly, and obviously it is still, at these prices, a losing proposition; in other words, a nonprofitable situation for farmers.

Last year, we in the Congress provided $8.7 billion in economic relief and disaster payments, simply keeping our promise we made to the farmers of America under the 1996 farm program of having an adequate safety net for farmers. We were just keeping our promise with that $8.7 billion. That was divided into three or four different parts. The largest part was the Market Loss Assistance Program payments, and these alone were $5.5 billion.

The administration's proposal is for $600 million compared to that $5.5 billion. It obviously believes that payments to farmers under the supplemental income assistance program will satisfy rural America's needs in this year of continuing low prices. The proposal definitely shows me and should show every farmer that the administration does not really care what happens to the family farmer. I could speak for hours about its shortcomings, but let me try to boil it down to three major points. Democratic Senators, speaking on the floor of this body last week, condemned this same proposal. I say this so people won't consider this a partisan shot. I associate myself with the remarks of some of those Senators who considered this to be a paltry and complicated approach to helping farmers and the Congress keep its promise to the American farmers made under the 1996 bill, that we would maintain a safety net for our farmers.

On the administration's approach, first, it attempts to establish a countercyclical program. The proposal seemingly is based on a system that pays out when the per acre national gross revenue for a crop falls below a set percentage of the 5-year average of the crop's per acre national gross revenue. The significant shortcoming of the administration proposal is that a program based on national revenue will not capture all regional disasters.

As an example from my own State of Iowa, everybody remembers the 500-year flood of 1993. It was a disastrous year for the vast majority of my State. Experts described this 500-year flood as something that is never going to occur again. But production throughout the rest of the Nation during the time that it was ruined in Iowa was strong enough that, under the President's proposal, no payment would have been made to Iowans in need of assistance. Iowans would have been left with absolutely no assistance in the midst of one of the worst natural disasters in decades.

I also draw awareness to the administration's belief that this grand plan assists small- and medium-sized producers. It does harm to these classes of farmers who, particularly, the other side of the aisle thinks we ought to have so much concern for—and we ought to have. The fact that their administration doesn't give concern to the small- or medium-sized farmer in their plan ought to be an embarrassment to my Democrat colleagues.

Well, if the payment was actually triggered and the farmer wasn't drawing more than a $30,000 Agricultural Market Transition payment, the individual would be subject to the $30,000 combined payment cap. This means that the sum of regular AMTA payments plus the payments under the supplemental income assistance program could not exceed $30,000. In my opinion, this program actually hurts the small farmer and mortally wounds the medium-sized farmer. If we want to guarantee the failure of the medium-sized farmer in the Nation, the farmer who is big enough that he doesn't have time to have nonfarm income but not big enough to weather all the natural disasters that one can have or 3 years of low prices, the President's program is the best way to accomplish the failure of the medium-sized farmer in our Nation.

It is simple math that brings me to this point. A farmer with a corn base of 600 acres would receive an AMTA payment of approximately $19,800 this year. But if the market crashed and he qualified for the maximum amount of assistance under the administration's proposal, he would only receive an additional $10,200. Regardless of how much money a farmer has lost, the most he could hope to receive is $10,200.

In comparison, the same farmer would have received $19,000 in economic assistance last year due to the Market Loss Assistance payment Congress voted late last year. The administration's approach is $9,600 less for that farmer than he could have received under Congress' approach last year. If we were to revisit historic lows this summer, which could trigger the SIAP-type payment that the President is proposing, the small- and medium-sized producers could not receive more than that $30,000 cap. Due to this cap, the administration's approach ultimately limits potential assistance to small- and medium-sized producers.

Some people might think I am comparing apples and oranges when I talk about the two packages, but in the end, the important factor is how much aid are we willing to provide to the farmer. The administration has said that assistance wouldn't be paid to the largest producers. But at the end of the day, it is not just the larger growers who will be left out in the cold, it is going to be pretty darn cold for everyone in the middle and chilly for the smaller producers as well.

This proposal reminds me of what a number of Iowa pork producers called the "4-H" payments. Remember SHOP 1 and SHOP 2 payments to the pork producers last year? Those payments didn't amount to much either. The administration billed that as a significant measure to help pork producers facing abysmal prices, a 60-year low in hog prices last year. Yet today the number of pork producers has dropped by 3,000, since we experienced these historic lows.

Ultimately, the largest producers will still have $40,000 due to the AMTA cap, and the smaller guys will have a $30,000 cap, a $10,000 bonus to the larger farmer the President says he does not want to help, compared to what the small- and medium-sized farmer gets. Does it really matter what the assistance is called? Was that the administration's goal, of hurting the smaller and medium-sized farmers?

My final point is this: Who is the administration really then trying to help? It is true that farmers with 450 acres or less in corn base could possibly double their AMTA payment. That is the same approach Congress used last year under the administration's proposal. In fact, this is probably a great deal for all those producers with 100 acres or less. But the fact is that a person who is farming 450 acres or less is probably, to make ends meet, also engaged in some occupation other than farming.

I am not saying that most farmers don't have jobs off the farm. In today's economy, more and more farmers are taking jobs off the farm just to help pay the bills. But as I see it, the medium-sized producer, the producers with 500 to 1,000 acres, are almost entirely dependent upon the profitability of their crops. If they don't receive much-needed assistance, they are probably going to have a hard time staying on the farm, and the administration's proposal does almost nothing to help these individuals.

Now, as I indicated earlier, this is by no means a complete list of all the problems with the administration's approach, but these are a few of the issues that I expect Congress will have to consider. The fact is that if the administration really wants to help farmers, it will immediately announce it will block any efforts to waive the Clean Air Act's oxygenated requirements by the Environmental Protection Agency. If the President would do just this, ethanol can replace MTBE, which is poisoning the ground water now, and it would increase farm income by $1 billion per year—it would do it from the marketplace, not from the Federal Treasury—and create 13,000 new jobs in America in the process.

The Senate may not be able to unilaterally agree upon exactly what should be done to assist family farmers this year, but I think we can probably agree that the administration's proposal is off base and, most frankly, out of touch with real America. It does not accomplish the goals that they want to accomplish of saving the small and medium-sized farmers and not helping the well-off farmer.

So I look forward to working with my constituents, various agricultural groups, commodity groups, and my colleagues in Congress to give family farmers the economic security that they deserve.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I thank my colleague from Wyoming for his graciousness. I will take 3 minutes at the most. I appreciate him giving me some Republican time for this.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 minutes.

THE CAPITOL HILL POLICE

Mr. WELLSTONE. Mr. President, I have made a commitment that I would come to the floor every day to speak about the Capitol Hill police but also about the public. Again, I want to repeat what I have said the last couple of days. As did many of my colleagues, I went to the service for officers Chestnut and Gibson. It was an unbelievably horrible and painful time—first of all, for their families. I do believe, at that time and since then, we made a commitment for our police officers, and for that matter for the public, that we would do everything we possibly could—albeit nothing is 100-percent effective—to make sure such a tragedy would never happen again.

I have come to the floor several times to point out that at too many posts, or at least at some times at some of our posts, we only have one officer. When you have lots of people coming in and you have one officer, if, God forbid, you have somebody who is deranged, that officer is in real peril and so is the public.

I know we have made the commitment over and over again to have two officers at every post. I am not pretending to be the expert as to all the budgets, where the money has been spent, but I know this: We can do better by the Capitol Hill police officers, and we should. We can do better by the public. Whatever it takes, we need to honor our commitment and we need to make sure we have the necessary resources so we have two officers at these posts.

There are many other issues. I am not going to get involved in these other issues because I am not the expert. I know what I have observed. I know the police officers with whom I have talked. I know the commitment we made to these police officers. So I am going to continue to speak about this a couple of minutes every day. I am hoping the appropriators and others will come through.

I thank my colleague from Wyoming. I think all of us are in agreement on this; I believe this is not a Democrat or Republican debate at all.

So I thank my colleague from Wyoming and yield the floor.

The PRESIDING OFFICER (Mr. KYL). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I believe this next hour is allocated to the majority party, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMAS. Mr. President, we are pleased to have a little time to talk about some of the issues that will come up, some of the issues that are on the agenda and some that are not. I appreciate the comments of my friend from Minnesota. Certainly that is an issue we are all interested in, and I appreciate the effort he is making on that.

Mr. WELLSTONE. I thank my colleague.

THIS YEAR'S AGENDA

Mr. THOMAS. Mr. President, in this coming session—which is going to be relatively short, as it always is on election years, but particularly this year—we have to focus if we intend to accomplish things. I hope we do. As is often the case in election years, there are times when people are more interested in creating the issue than they are in resolving the issue. I think we will see a considerable amount of that, of course, going out towards the Presidential election and trying to find the issues the party will be for—which is all part of the system. But I am hopeful we can concentrate and focus on the issues that we think are most important.

We have had some experience, unfortunately in the last several weeks, and certainly even last year, that quite often the minority chose to bring up issues they knew would not be resolved but brought them up continuously to diffuse the issues on which we have been working. In this body, that is easy. One person very readily can hold up things, unless we can get 60 votes to do something different.

In any event, I am hopeful that will not be the case. We are going to focus on some things that we have decided upon. This will be more refined as time goes on, but certainly education will be one. The issue of education, of course, is not whether we try to improve it, but how we fund those improvements. I do not believe that we should have one-size-fits-all regulations that come from some bureaucracy in Washington. We should distribute our education funding in a manner that allows the States and local school boards to make those decisions.

Certainly the needs in Pinedale, WY, are going to be different than in Philadelphia. That is as it should be. We need to allow for this type of flexibility.

Another area that we will be focusing on is health care. We did some work last year on strengthening Medicare, doing something particularly in rural areas so outpatient care can be better financed. We intend to continue to do that, at the same time doing whatever is necessary to ensure Medicare continues to provide the benefits it is designed to provide.

Certainly one of the issues that will be difficult and controversial, yet I think most people want to do something about, is providing the opportunity for everyone to have pharmaceuticals available if they cannot afford them; hopefully to protect the programs we have now, to encourage and in fact assist people who now get their own supplementals, but be able to help those people who are not able to do that.

Social Security will continue to be an area of great concern. We have made some progress in not spending Social Security money in the operational budget. However, that is not all that is necessary. If the young people who will start making Social Security payments at their first job can expect some benefits 30, 40, 50 years from now, then things will have to be done differently. Obviously, we have alternatives. We can increase taxes—but not many people are for that. Social Security payments are one of the highest taxes many people pay in the United States. We could reduce benefits—again, there is not much support for that. Or we could, indeed, increase the return on the money that is in a trust. We think that is an excellent idea, to provide individual accounts so at least a portion of the money that is in the fund would belong to you and belong to me. I suspect people over 50 or so would not see any difference, but younger people would have an account that would be theirs and, indeed, could be invested in equities for a much better return.

So, along with reducing the debt, those are some of the things, with which we will be involved.

GUN CONTROL

Mr. THOMAS. Mr. President, unfortunately, one of the issues that continues to show up and seems to have nine lives—or more than nine, is the matter of gun control. We have seen it every session a number of times. I am sure we will see it again. I think it is something about which we ought to talk. I believe most people have come to the conclusion that the passage of additional laws is not going to make a great deal of difference in the behavior of criminals. Sadly, law abiding citizens who are exercising their constitutional rights are the ones who will be impacted by additional gun control laws. But it would not affect those who do not intend to abide by the law. Therefore, the idea of additional laws certainly is questionable.

In my mind, it is not the direction we ought to take. Fortunately, I think the majority of people in this country also believed the passage of new laws is not the solution. We need to enforce the numerous gun laws that are on the books.

Thankfully for our country, the President has not been able to carry out his continuing agenda of wanting more and more gun laws. But, regrettably, he has not been able to make enforcement more effective. More laws are not going to keep those who are willing to break the law from doing things illegally. Stronger enforcement of existing laws is the answer. The administration, however, has not presented such a program. Certainly, we need to move in that direction.

When tragedies occur, as they did in Colorado and a number of other places, of course all of us wonder what we can do to ensure that these tragedies do not happen again. The first impulse in a legislative body is to pass more laws.

Unfortunately, that is often the most political thing to do. But the fact of the matter is, in almost every instance numerous gun laws were broken when these terrible acts were committed. One might say, what advantage is there in passing more? Indeed, what we ought to be doing is talking about enforcement.

As many of you know, the administration has been busy developing new gun control initiatives and additional laws—everything from threatening gun manufacturers with Federal lawsuits to mandatory licensing of new handgun purchases. Currently, there are 26 municipalities that have filed lawsuits against the gun industry, and they are shown on this chart. These lawsuits seek to make gun manufacturers liable for the criminal misuse of firearms. Interestingly enough, three cases have been thrown out by judges in Cincinnati, OH, Bridgeport, CT, and Miami-Dade County, FL.

These cases are interesting. For instance these judges noted:

> . . . the City's complaint is an improper attempt to have this Court substitute its judgment for that of the legislature[.] Only the legislature has the power to engage in the type of regulation. . . .

The city of Cincinnati.

> The plaintiffs have no statutory of common law basis to recoup their expenditures. . . .

The city of Bridgeport.

> . . . the Plaintiffs have not directed this Court to any statute or case that would allow a city or county to proceed against a group of manufacturers. . . .

Miami-Dade County, FL.

The courts have pointed out municipal lawsuits are not the answer. Interestingly enough, the President has announced the Justice Department will pursue a similar lawsuit against the gun manufacturers on behalf of HUD. Basically, the Federal Government is trying to pressure gun manufacturers into settling their current cases.

Once again, the action highlights the President's failure to pass gun control legislation. Instead of bringing forth legislation, he is seeking to go through the judiciary to do what he has been unable to accomplish in Congress.

This next graph shows the results of a poll taken recently by CNN and USA Today. It was conducted between December 9 and 12 of last year. Let me read it:

> As you may know, the U.S. Justice Department is considering filing a lawsuit against the gun manufacture industry seeking to recover the costs associated with gun-related crimes. The companies that manufacture guns in the U.S. have stated the charges have no merit. Which side do you agree with more in this dispute: the Justice Department (or) the gun manufacturers?

The result was, those who agreed with the lawsuit by Justice were 28 percent, and those who agreed the lawsuit had little merit were 67 percent. I really believe this poll reflects how American's feel about a government lawsuit against the gun industry.

In the President's State of the Union address he spoke about the idea of having individual states regulate the sale of handguns by requiring a photo ID and documentation of the successful completion of a safety course—just to purchase a handgun. This is clearly another attempt by the President to tighten gun laws on law-abiding citizens. Of course, criminals do not register their guns. Enforcement, however, is how we get guns out of the hands of the criminals. Republicans have continued to support law enforcement efforts.

Project Exile, for example, which has been put into place around the country, has dropped the murder rate in Richmond, Virginia by 30 percent each year that it has been in place.

Unfortunately, President Clinton cannot say the same for his gun control efforts. This is a graph of ATF gun referrals, prosecutions, and convictions in 1992 and 1998. Between 1992 and 1998 ATF referrals for prosecution went down by 5,500 or 44 percent; prosecutions have dropped 40 percent; and, finally, convictions have dropped 31 percent.

This graph shows just how tough the administration has been since 1992 regarding the enforcement of existing federal gun laws.

Last year, I asked the General Accounting Office (GAO) to conduct an audit of the National Instant Check System (NICS). The system was put in place in November 1998 as phase 2 of the Brady Act. I asked the GAO for an audit to see if, indeed, it is operating as Congress intended it to. I am confident when the report is released—and it has not yet been released but will be very soon—we will have results that show the NICS has not been as effective as we hoped it would be.

Lastly, since last November, there have been numerous news articles from around the country that highlight the publics disfavor with attempts by the President to add more gun control laws. I want to take a minute to highlight a couple of these. One is titled, it is the "Wrong Approach," by the Cheyenne Tribune Eagle, which suggests:

> Since the President has been unable to ban individuals from owning guns, Mr. Clinton has decided to do an end run around the Constitution.

That is the point of view of that particular paper.

Another is titled, "Gun Deaths, Injuries on Decline." This article speaks about a government study which shows that gun deaths have declined since the late 1960's.

Mr. President, I ask unanimous consent to print these articles in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Cheyenne Tribune Eagle, Dec. 16, 1999]

WRONG APPROACH—FEDERAL LAWSUIT IGNORES RIGHTS OF GUN MAKERS

Once again, President Bill Clinton, our national embarrassment, is showing utter contempt for our Constitution as well as for the basic rights of the individual and the concept of freedom.

Since he has been unable to ban individuals from owning guns, Mr. Clinton has decided to do an end-run around the Constitution by threatening to sue gun manufacturers. Mr. Clinton is exactly the type of despotic leader the Framers had in mind when they wrote the Second Amendment.

As Thomas Jefferson said, "The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government."

But Mr. Clinton and his elk, meaning the liberals in Congress and all who would idly sit back and allow government to infringe upon a right our framers declared "shall not be infringed," are guilty of abridging our freedoms, endangering our lives and threatening the future of the very government they were elected to preserve.

Mr. Clinton has failed to get Congress to completely ignore the Constitution and ban guns so now he has decided to turn to the courts to get his way.

He said his administration would sue the gun manufacturers, much in the same fashion as the administration sued the tobacco industry, in order to force the private companies to bend to Mr. Clinton's will and his socialistic and erroneous world view.

The president's dubious claim is that the industry's marketing and manufacturing methods are responsible for violent crime at the nation's 3,000 public-housing authorities.

What Clinton fails to comprehend is that government is mostly responsible for the conditions that breed violent crime in public housing.

If Mr. Clinton wishes to end violence in public-housing complexes, he should end public housing. It is a drain on society and ultimately harms the individuals government purports to help. Besides, government has no Constitutional authority to offer public housing.

Another government action that leads to unnecessary violence is its war on drugs. Prohibiting individuals the freedom to pursue drug use is also not authorized by the Constitution. The decriminalization of drugs would have the end result of lessening the burden on our prison system and dramatically reducing violence, much like the repeal of the prohibition against alcohol.

Ultimately, however, the criminal is the one to blame for his actions. Just because a person uses a gun while committing a crime is no reason to blame gun manufacturers. That is tantamount to blaming automakers for every car accident or burger joints for every heart attack.

Mr. Clinton knows he can cripple the gun makers by suing them. Just the cost of defending against a government lawsuit can be cost prohibitive. In effect, it is government banning guns by economically destroying the makers in what can only be termed thuggery. Already 24 cities, including Cincinnati and Cleveland, and two states have filed lawsuits against gun makers.

Hearings are expected to begin in January. We will be watching this one closely.

[From the Washington Post, Nov. 19, 1999]

Gun Deaths, Injuries on Decline—1997 Fatalities Were Lowest Since '60s; Many Reasons Cited

ATLANTA, Nov. 18.—Gun deaths in the United States dropped 21 percent between 1993 and 1997 to the lowest level in more than 30 years, and firearm-related injuries fell 41 percent, the government reported yesterday.

Experts cited such reasons as tougher gun control laws, a booming economy, better police work and gun safety courses.

The study by the Centers for Disease Control and Prevention looked at all gunshot wounds reported at emergency rooms, whether they were intentional, accidental or self-inflicted.

The number of fatalities dropped from 39,595—15.4 gun deaths per 100,000 people—in 1993, to 32,436—12.1 per 100,000—in 1997.

The rate "is the lowest it's been since the mid-'60s," said J. Lee Annest, a CDC statistician. "This progress is really encouraging and really says that joint prevention efforts of public health officials, legislators and law enforcement should continue."

The drop was not unexpected: Homicide rates in the 1990s have fallen to levels not seen since the 1960s, and about two-thirds of all homicides are committed with guns. But the latest figures also include suicides and accidental deaths.

Moreover, nonfatal shootings fell from 104,390 to 64,207 in the same period, or from 40.5 per 100,000 to 24.0.

Jim Manown, a spokesman for the National Rifle Association, said the numbers prove that more gun laws are not needed, only that the laws on the books need to be enforced.

"It is a fact that this substantial drop in gun violence directly correlated to a big increase in gun enforcement by police," said Lawrence W. Sherman, a University of Pennsylvania professor who has studied gun policy. "Police were not treating guns in a preventive sense prior to 1993 and now they are."

Some experts also credit a strong economy that has helped reduce overall crime rates and suicide attempts. Margaret A. Zahn, a North Carolina State University criminology professor, said prosperity has also allowed governments to spend more on services that prevent gun violence, such as domestic violence shelters and youth recreation programs.

The CDC also listed such possible factors as an aging population, increased gun safety measures and the waning of the crack trade.

Gun control advocates said they are encouraged, but pointed out that even so, an average of 265 people a day were shot in 1997.

"People shouldn't be satisfied," said Nancy Hwa, spokeswoman for Handgun Control and the Center to Prevent Handgun Violence. "Everybody is still at risk, and the presence of guns should still be a major concern."

[From the Wall Street Journal, Jan. 12, 2000]

Don't Democrats Believe in Democracy?

(By Robert B. Reich)

If I had my way there would be laws restricting cigarettes and handguns. But Congress won't even pass halfway measures. Cigarette companies have admitted they produce death sticks, yet Congress won't lift a finger to stub them out. Teenage boys continue to shoot up high schools, yet Congress won't pass stricter gun controls. The politically potent cigarette and gun industries have got what they wanted: no action. Almost makes you lose faith in democracy, doesn't it?

Apparently that's exactly what's happened to the Clinton administration. Fed up with trying to move legislation, the White House is launching lawsuits to succeed where legislation failed. The strategy may work, but at the cost of making our frail democracy even weaker.

The Justice Department is going after the tobacco companies with a law designed to fight mobsters—the 1970 Racketeer Influenced and Corrupt Organizations chapter of the Organized Crime Control Act. Justice alleges that the tobacco companies violated RICO by conspiring to create an illegal enterprise. They did this by agreeing to a "concerted public-relations campaign" to deny any link between smoking and disease, suppress internal research and engage in 116 "racketeering acts" of mail and wire fraud, which included advertisements and press releases the companies knew to be false.

A few weeks ago, the administration announced another large lawsuit, this one against America's gun manufacturers. Justice couldn't argue that the gun makers had conspired to mislead the public about the danger of their products, so it decided against using RICO in favor of offering "legal advice" to public housing authorities organized under the Department of Housing and Urban Development, who are suing the gun makers on behalf of their three million tenants. The basis of this case is strict liability and negligence. The gun makers allegedly sold defective products, or products they knew or should have known would harm people.

Both of these legal grounds—the mobster-like conspiracy of cigarette manufacturers to mislead the public, and the defective aspects of guns or the negligence of their manufacturers—are stretches, to say the least. If any agreement to mislead any segment of the public is a "conspiracy" under RICO, then America's entire advertising industry is in deep trouble, not to mention health-maintenance organizations, the legal profession, automobile dealers and the Pentagon. And if every product that might result in death or serious injury is "defective," you might as well say good-bye to liquor and beer, fatty foods and sharp cooking utensils.

These two novel legal theories give the administration extraordinary discretion to decide who's misleading the public and whose products are defective. You might approve the outcomes in these two cases, but they establish precedents for other cases you might find wildly unjust.

Worse, no judge will ever scrutinize these theories. The administration has no intention of seeing these lawsuits through to final verdicts. The goal of both efforts is to threaten the industries with such large penalties that they'll agree to a deal—for the cigarette makers, to pay a large amount of money to the Federal Government, coupled perhaps with a steep increase in the price of a pack of cigarettes: and for the gun makers, to limit bulk purchases and put more safety devices on guns. In announcing the lawsuit against the gun makers HUD Secretary Andrew Cuomo assured the press that the whole effort was just a bargaining ploy: "If all parties act in good faith we'll stay at the negotiating table."

But the biggest problem is that these lawsuits are end runs around the democratic process. We used to be a nation of laws, but this new strategy presents novel means of legislating—within settlement negotiations of large civil lawsuits initiated by the executive branch. This is faux legislation, which sacrifices democracy to the discretion of administration officials operating in secrecy.

It's one thing for cities and states to go to court (big tobacco has already agreed to pay the states $246 billion to settle state Medicaid suits, and 28 cities along with New York state and Connecticut are now suing the gun manufacturers); it's quite another for the feds to bring to bear the entire weight of the nation. New York state isn't exactly a pushover, but its attorney general, Eliot Spitzer, says the federal lawsuit will finally pressure gun makers to settle. New York's lawsuit is a small dagger, he says, "the feds' is a meat ax."

The feds' meat ax may be a good way to get an industry to shape up, but it's a bad way to get democracy to shape up. Yes, American politics is rotting. Special-interest money is oozing over Capitol Hill. The makers of cigarettes and guns have enormous clout in Washington, and they are bribing our elected representatives to turn their backs on these problems.

But the way to fix everything isn't to turn our backs on the democratic process and pursue litigation; as the administration is doing. It's to campaign for people who promise to take action against cigarettes and guns, and against the re-election of House and Senate members who won't. And to fight like hell for campaign finance reform. In short, the answer is to make democracy work better, not to give up on it.

[From the Wall Street Journal, Nov. 22, 1999]

Liberals Have Second Thoughts on the Second Amendment

(By Collin Levey)

It's the year of Littleton, "smart guns" and city lawsuits against gun makers. So where are the law professors speaking up for gun control? In the past few years, many of the premier constitutional experts of the left have come to a shocking conclusion: The Second Amendment must be taken seriously.

Back in 1989, the University of Tennessee's Sanford Levinson became something of a maverick by writing an article in the Yale Law Journal called "The Embarrassing Second Amendment," in which he maintained that the amendment guaranteed an individual right to own guns. Mr. Levinson's argument flew in the face of the interpretation that had prevailed since a 1939 Supreme Court ruling, which held that the amendment's reference to a "well-regulated militia" meant it only guaranteed a "collective" right to bear arms.

Until recently, few legal scholars had done much research on the Second Amendment. "One came up knowing it was a collective right—not because we learned about it in law school, but because we read the occasional op-ed," says Dan Polsby of Virginia's George Mason Law School. "Sandy Levinson made it respectable to think that heterodoxy might be possible."

The most prominent of the converts is Harvard's Laurence Tribe, once touted as a potential Supreme Court appointee in a Democratic administration. Mr. Tribe surprised many of his fellow liberals when the latest edition of his widely used textbook, "American Constitutional Law," appeared this year. Previous versions had virtually ignored the Second Amendment. The new one gives it a full work-up—and comes down on the side of Mr. Levinson.

Mr. Tribe believes the right to bear arms is limited, subject to "reasonable regulation in the interest of public safety," as he and Yale Law Professor Akhil Reed Amar wrote in the New York Times last month. But Mr. Tribe has written that people on both sides of the policy divide face an "inescapable tension . . . between the reading of the Second Amendment that would advance the policies they favor and the reading of the Second Amendment to which intellectual honesty, and their own theories of Constitutional interpretation, would drive them."

Journalist Daniel Lazare, a liberal gun-control advocate, acknowledges the tension, writing in Harper's: "The truth about the Second Amendment is something that liberals cannot bear to admit: The right wing is right." Mr. Lazare argues for amending the Constitution to repeal the Second Amendment.

What accounts for the change in Second Amendment interpretation? One of the catalysts has been a recently unearthed series of clues to the Framers' intentions. These include early drafts of the amendment penned by James Madison in 1789. In his original version he made "The right of the people" the first clause, indicating his belief that it is the right of the people to keep and bear arms that makes a well-regulated militia possible. State constitutions of the era confirm this interpretation: Pennsylvania accorded its citizens the "right to bear arms for the defense of themselves and the state."

In a letter to English Whig John Cartwright, Thomas Jefferson wrote that "the constitutions of most of our states assert, that all power is inherent in the people; . . . that it is their right and duty to be at all times armed." These cross-Atlantic discussions are important, since the Framers were distinguishing the right of Americans to bear arms from English law's treatment of the question. Joyce Lee Malcolm, a professor at Bentley College, has examined the Second Amendment in light of English law. She concludes that the Colonists had intended to adopt basic ideas of English governance but to strengthen the people's rights. A right to "keep and bear" was seen as a bulwark against oppressive government.

Other scholars have found supporting evidence in the 14th Amendment, which bars states, in addition to the federal government, from restricting certain rights of citizens. According to Robert Cottrell of George Washington University, in the aftermath of slavery, with no real police presence, this protection was critical to preventing the monopoly of guns from resting in the hands of white officials, many of whom moonlighted in white hoods. The 14th Amendment has been a powerful force in constitutional law, playing a key role in the development of free-speech jurisprudence.

"The emaciated condition of the Second Amendment now is very similar to the condition of the First Amendment in 1908," says Duke University Law professor William Van Alstyne. In the aftermath of World War I, Supreme Court Justices Oliver Wendell Holmes and Louis Brandeis began writing dissents in favor of a broader reading of the First Amendment. But not until the 1930s did courts begin adopting their arguments.

The new reading of the Second Amendment may get a hearing if a gun control case, Emerson v. Texas, makes it to the Supreme Court. In a divorce proceeding, Timothy Joe Emerson was issued what's been called a "y'all be civil" restraining order—routine in Texas divorce cases. Unknown to him, one provision barred him from possessing a gun. When he took his 9mm Beretta out of a desk drawer during an argument with his wife, he was charged with violation of a federal gun control law.

U.S. District Judge Sam Cummings ruled that the order violated Mr. Emerson's Second Amendment rights. As Mr. Polsby puts it, "If you're simply attaching a firearms forfeiture to a person who has no such designation as a dangerous person, that's not acceptable if the Second Amendment means anything."

The state of Texas has appealed to the Fifth U.S. Circuit Court of Appeals. If that court's ruling makes it to the Supreme Court, it would be the first gun-control case heard by the justices since 1939's U.S. v. Miller, which set the precedent for the collective-right interpretation. In that case, the Supreme Court held that a bootlegger was rightly convicted of transporting a sawed-off shotgun across state lines, on the grounds that the weapon had no legitimate use in a militia.

Today, two Supreme Court justices have suggested interest in a reading of the Second Amendment as guaranteeing an individual right. Clarence Thomas has noted the law-review articles piling up on the side of an expanded interpretation, suggesting it may be time to reconsider Miller. And Antonin Scalia, in a decision on an unrelated matter, referred to "the people' protected by the Fourth Amendment, and by the First and Second Amendments."

"As a liberal and a humanist," Prof. Tribe says today, "people thought I was betraying them by saying that the Second Amendment is part of the Constitution." But, he adds, "what is being knocked away now is a phony pillar and a mirage."

[From the Washington Post, Aug. 29, 1999]

ATF Firearms Prosecution Referrals Drop—Study Says Criminal Cases Have Fallen Since 1992, But Picked Up Last Year

(By Edward Walsh)

There has been a steady decline during the Clinton administration in the number of weapons-related criminal cases that the Bureau of Alcohol, Tobacco and Firearms (ATF) has turned over to federal prosecutors for legal action according to a new study made public yesterday.

The study by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University, which analyzes law enforcement data, said the number of ATF referrals to federal prosecutors has dropped by 44 percent since 1992, when there were 9,885 referrals. Last year, the agency charged with enforcing federal firearms laws referred 5,510 cases to federal prosecutors, according to TRAC. Most ATF referrals to federal prosecutors involve alleged weapons offenses.

It also said that until last year there has been a matching decline in the number of federal prosecutions of ATF weapons cases, which fell from 4,108 in 1992 to 2,165 in 1997. But in 1998, that trend was reversed with the prosecution of 2,710 ATF weapons cases, a 25 percent increase over the previous year, the report said.

The TRAC researchers, who analyzed data from the Justice Department, the Office of Personnel Management and ATF, said one reason there may be fewer criminal referrals is that ATF's work force is smaller now than it was earlier in the decade. The agency's total force has declined by 8 percent since 1992 and there has been an even sharper drop of 14 percent in the number of its criminal investigators. ATF had 2,072 criminal investigators in 1992 and 1,779 last year, according to the report.

The findings are likely to fuel the gun control debate in Congress, where opponents, such as the National Rifle Association, argue that there is no need for new gun control laws and that the administration should concentrate on enforcing existing laws.

Administration officials did not dispute the trend toward fewer federal prosecutions, but said part of this was due to a decision by ATF to concentrate more of its resources on complex investigations of major gun traffickers and less on individual firearms law violations.

A Justice Department spokeswoman, who declined to be identified, also disputed the accuracy of some of the numbers in the TRAC report. The report said that in 1998 there were 2,528 federal prosecutions under two frequently used federal firearms laws, but Justice Department records show that 5,876 defendants were prosecuted under those laws that year, she said.

She said the number of federal firearms violators who have received sentences of more than five years in prison has increased by more than 25 percent since 1992, reflecting ATF's decision to focus more on gun traffickers.

"There is a decline in those [firearms] charges, but it is not as dramatic as portrayed here, the spokeswoman said.

"The number of low-end federal offenders is down because the ATF is strapped for resources and made a conscious decision to focus on traffickers and because the states are doing a better job so we don't have to do those cases."

An ATF spokeswoman, who also did not want her name used, said the agency experienced a 20 percent reduction in field agents between 1993 and 1997, losing some of its most experienced agents to retirement. ATF is now aggressively hiring agents, she said, but it will take time to train them and get them in the field.

The ATF spokeswoman also said that statistics on prosecutions do not reflect all of the agency's activities, which in the 1990s have included major investigations of the bombings of the World Trade Center in New York and the federal building in Oklahoma City.

Mr. THOMAS. Mr. President, I believe all of us want to find a better solution to illegal gun use. We intend to do that. People in my State believe more laws are not the answer, that, indeed, the enforcement of gun laws is the answer. We are pleased to see that the administration has finally added increased funding for the enforcement of existing gun laws—something we have been talking about over the last 7 years. The dollars alone, however, will not do it. There has to be some oversight. We have to make sure there is an effective use of law enforcement.

Mr. President, I yield time to my friend from Idaho.

Mr. GREGG. Will the Senator from Wyoming yield?

Mr. THOMAS. Absolutely.

Mr. GREGG. I understand the Senator from Wyoming controls the time. I wonder if, after the Senator from Idaho speaks for 5 or 10 minutes, the Senator will be willing to give me 5 or 10 minutes on a separate subject.

Mr. THOMAS. Will it be possible to let Senator SMITH speak for a couple of minutes and then Senator GREGG can wind up our hour? Mr. President, will that be all right?

Mr. GREGG. That will be fine.

Mr. THOMAS. That way, we will hear from the Senator from Idaho, the Senator from New Hampshire, Mr. SMITH, and the Senator from New Hampshire, Mr. GREGG.

The PRESIDING OFFICER. Before the Senator from Idaho begins, has the Senator from Wyoming propounded a unanimous consent request?

Mr. THOMAS. I ask unanimous consent that the Senator from Idaho be allowed to speak and then the Senator from New Hampshire, Mr. SMITH, and then the Senator from New Hampshire, Mr. GREGG, in that order.

The PRESIDING OFFICER. Senator GREGG from New Hampshire being the third speaker.

Mr. GREGG. Reserving the right to object, I simply ask the Senator from Wyoming if I may be reserved 10 minutes within that timeframe.

Mr. THOMAS. Absolutely.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank the Senator from Wyoming, Mr. CRAIG THOMAS, for coming to the floor today once again to shape and clarify some of these issues that are going to be front and center before this Congress and this Senate over the coming months as we deal with Presidential initiatives, Presidential budgets, and some of the issues that are going to be, by fall and November, election-time issues.

Last week, I took issue with the President's State of the Union Address in a broad sense as it related to the budget and some of the initiatives he propounded within the State of the Union. Today, I will focus, as my colleague from Wyoming has focused, on the element in the President's speech dealing with guns and gun violence.

Last November, the Centers for Disease Control reported 34,000 Americans die every year from firearm injuries. If there is good news to be found in that terrible statistic, it is that the number has declined every year for the last 4 years. It is fewer than the 43,000 Americans who die every year from motor vehicle accidents. And yet when we have some of our colleagues on the floor pounding their podiums and saying how terrible it is—and it is terrible—they forget to put it in relation to other kinds of accidents and/or intentional acts that produce deaths among the American citizenry.

That figure of 34,000 is far less than the 44,000 to 98,000 patients who die every year by medical error. That is right. I am talking about errors made in the delivery of medicine. It is estimated that 44,000 to 98,000 patients die every year by medical error—that is a statistic which comes from the Institute of Medicine—and yet somehow when such a tragedy happens, it does not make the headline in the paper; it simply makes the obituary page.

When we consider there are over 200 million privately owned guns in the United States, we cannot escape the conclusion that the overwhelming majority of America's 80 million gun owners are peaceful and extremely responsible and using their constitutional rights in a responsible-citizen way. There are 80 million gun owners and 200 million privately owned guns in America.

We in the Government are charged with the responsibility of seeing that guns are used appropriately within the Constitution. That is, in part, our job. It is an American right and responsibility of all Americans, should they wish to exercise it. We are here to deal with those who use guns to intimidate, to steal, to rape, to murder. That is what the Government is for. That is our job, not to restrict or control the right of the free citizen in the exercise of his or her constitutional right, but to go at those who do the opposite, who use the right in the wrong way—to steal, to rape, or to murder. This duty comes before any other matter that we would want or should want to consider on the issue of guns.

We know when the Government takes this responsibility seriously, we save lives. You can come to the floor and pass all of the politically driven bills that you want to, but if they are not enforced or not enforceable, then it is a political statement, not a responsible act of our Government.

In Richmond, VA, a Republican initiative called Project Exile has stepped up and prosecuted the gun-toting criminals and cut the murder rate by 30 percent every year since it was enacted in 1997. That is in Richmond, VA. In fact, it is said in Richmond that a man walked into a 7-Eleven with a baseball bat to rob it. They caught him. They said: Why didn't you use a gun? He said: You get locked up if you use a gun.

Isn't it amazing that the criminal element of our society will read and respond to the effective and targeted enforcement of a law? As a result of that, in a city that was plagued by what any person would judge as a high rate of crime and murder, it has dropped that precipitously, since the targeted direction of law enforcement not only to arrest but to prosecute and lock up those who misuse their gun rights.

How does the administration address the duty to the American people? Over the past 7 years, the Clinton-Gore administration has cut the ATF's pursuit of criminals who use guns by nearly half. The number of prosecutions fell by nearly as much, and the number of gun-toting criminals convicted fell by one-third. This isn't an NRA statistic; this is an independent Syracuse University statistic. It is objective by every politician's measurement.

This is how it profiles on a chart. Last year, in this Chamber, Vice President AL GORE cast the tiebreaking vote in favor of interfering with peaceful, law-abiding, responsible gun ownership—not criminals, but responsible citizens exercising their right to go out and buy a firearm for their personal ownership and possibly for their personal protection.

It was quite a moment for the Vice President. There he sat in that chair, the image of leadership. He was able to tell Americans how concerned he was about gun violence because he had cast the tiebreaking vote to impose greater restrictions on law-abiding Americans.

But I wonder, when this administration was gutting the enforcement of laws against gun violence, was the Vice President casting his vote then? No. Here is the Vice President's record, right here on this chart. This is where he and the President took over the law enforcement responsibilities of the Justice Department of this country.

Look what happened during the Reagan and the Bush years—aggressive efforts to go at the criminals; arrests went up; crime began to go down.

Here the Clinton-Gore administration backed off. They cut budgets. You know the rest of the story. When this administration was letting violent criminals off, I have a simple question to ask: Where was AL?

How many gun-toting criminals would be locked up today if the Clinton-Gore administration had merely kept pace with the Reagan-Bush administration's record portrayed on this chart? I would like to hear the Vice President answer this question to American mothers. It is the right question to ask. It is a response that all deserve.

But there is more disturbing evidence that this administration does not take seriously its duty in law enforcement.

The national instant check system is designed to immediately notify the FBI if a criminal is trying to purchase a gun. I support that. Every Senator supports the ability of someone going into a licensed firearm dealer to buy a firearm immediately being checked, just like swiping your credit card through a machine at any retail outlet in America and instantly finding whether you have credit on your card so you can make that purchase.

We want the same kind of response when it comes to the purchase of a gun. We are nearly there. We have nudged, we have pushed, we have cajoled this administration and their Justice Department until they have finally done it—although they dragged their feet progressively over the last 8 years.

According to a staff report of the Senate Judiciary Committee, since November of 1998, this Republican initiative, started here on this floor—the instant check system background check—has stopped over 100,000 criminals from purchasing guns. That represents an enormous number of bad actors who need to be put back in jail. How many have the administration put back in jail? To my knowledge, none.

You heard the President in the well of the House in the State of the Union Address talk about all of these criminals detected and stopped from buying a gun. If a criminal walks into a hardware store or a gun shop and attempts to buy a gun over the counter from a licensed firearm dealer, and his background is checked, and he is a felon with a record, he has violated a law. He is in violation of the law. Yet the ATF has referred only one-fifth of 1 percent of these criminals acting illegally to the Justice Department for prosecution.

Mr. President, I am sorry. You can talk all you want about guns, but your actions show you don't care. You only want the politics of it.

Last year, this Congress said: No. We do not want the politics of it. We will not take that effort. We want substance. The administration claims it has increased the referral of firearms cases back to the States for prosecution. But that is the same as letting a criminal off the hook.

That is not an accusation of the States. These are Federal firearms violations. They deserve Federal prosecution. State prosecutors have fewer resources than Federal prosecutors, and State firearm convictions result in shorter sentences. Moreover, with a budget that grew 65 percent from 1992 to 1998, I am sorry, Janet Reno, we gave you the money; you didn't do the job. That growth in budget was the Justice Department.

The Clinton-Gore administration even lets convicted felons off the hook. Last September, we came to the floor to speak about it. This President, with his Executive power, granted clemency to 12 terrorists convicted of 36 counts of violating Federal firearms laws. I am amazed at you, Bill Clinton, that you can stand on the floor of the U.S. House of Representatives and, with a straight face, talk about firearms control, when you turned loose convicted felons, convicted of firearms violations.

As recently as last year, the President said he would spend not more than $5 million on the programs such as Project Exile, the kind I just outlined used in Richmond, VA. We asked for $50 million. The President largely got his way. The final figure was about $7 million. Sorry, Mr. President. Last year at this time you didn't deserve credit for any of it. Now you have stepped up. Now you are saying you want $280 million to hire new investigators and prosecutors, both at the Federal and the State level. I ask you why, Mr. President? I think I know the answer. It is polling well. You went out and asked the question of the American people about law enforcement, something every Senator knows about, and it polled well. It got in the State of the Union.

It is far from clear that inadequate funding is the problem. The drop in prosecutions we have seen under this administration cannot be explained entirely by staff levels. The ATF observers at Syracuse University attest, "other unknown forces or policies changes are apparently at work." Many observers believe the administration already has the resources it needs to increase as dramatically as they want the prosecutions necessary.

I ask unanimous consent to continue for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. One other issue I think is important: The President did something the other night that is the most radical expression on gun control by any President in the history of this country—I think that is worth repeating—the most radical proposal on gun control by any President in the history of this country. Here is what he said:

> Every state in this country already requires . . . automobile drivers to have a license. I think they ought to do the same thing for handgun purchases.

Mr. President, it is obvious you don't understand.

What the President failed to grasp is that no State requires a license to purchase a car. If you want to have it hauled home to your ranch out in Wyoming and you stay on your ranch and you never get off on the public road, you, Senator CRAIG THOMAS, do not need a license to own a car. You need a license to drive a car on a public right of way, on a public road. States do not require a license to drive a car except on public roads. That is the whole point the President made. The average American scratches his head and says, yes, license cars, license guns. But the President said you had to have a license to buy a gun, a direct statement of violation of the second amendment of our Constitution.

I can understand why Americans are frustrated, but I doubt the President has had a driver's license, maybe a valid one, in a long while. He has not needed one. I doubt he has ever waited in line at the Department of Motor Vehicles to get a license or to take the test in a long while. So if the President wants to license handguns like cars, then he is talking about issuing licenses to take a firearm out in public because it would be against the Constitution to require a license to buy one, so he must be talking about taking a license out to take a gun out in public. Well, we already do that. It is called concealed carry permits. Thirty States already say you can get a license to carry a gun in public, and it is called a concealed carry. The State of Vermont doesn't require a license at all.

I regret to inform you, President Bill Clinton, that what you are talking about is something I don't think you understand. No State requires a person to have a driver's license to purchase a car, nor should this Federal Government ever require a free citizen in our country the need to have a license to purchase a gun.

Mr. President, are you then talking about a national concealed carry law? That is probably a pretty good idea. For those who want to carry in public, you could say you have to have a certain safety record and safety standard and experience and all of those kinds of things if you want—not to own, now, but to carry openly in public. I think that is what the President is not talking about at all.

My time is up and there are a good many other facts to be dealt with. In States that have concealed carry, crime drops; when the criminal element knows that the citizen out there is armed for his or her self-protection, for the protection of their private property and their personal rights and their person itself.

Extensive study has also shown that when states begin issuing concealed carry permits, murders drop by about 8 percent, rapes fall by 5 percent and aggravated assaults drop by 7 percent.

Moreover, as economist John Lott notes, states that began issuing nondiscretionary permits between 1977 and 1992 "virtually eliminated mass public shootings after four or five years."

Why does crime fall when citizens' right to bear arms is protected? Because there is nothing a criminal fears more than a citizen who can defend himself.

The President's comments were, of course, a plug for the Vice President, who has been talking for some time about regulating guns like cars.

I wonder if that's really what either of them wants. In the words of second amendment scholar David Kopel, "if Gore follows through on his promise to treat guns like cars, he will oversee the most massive decontrol of firearms in America since 1868, when the 14th Amendment abolished Southern states' Black Codes, which prohibited freedmen from owning guns."

Preserving and strengthening the second amendment would suit most Americans just fine. I hope that's really what the President and Vice President want. But I suspect it isn't. And I worry that if word gets out, some poor White House speechwriter is going to lose his job.

These are issues we will debate at length on the floor of the Senate over the coming months. I thought it was important to come to the floor to begin to understand, to begin to explain so the American people can more clearly understand the kind of irrational approach this administration is currently proposing and certainly the less than legitimate record they have in the area of law enforcement when it comes to the use of a firearm.

I thank my colleague from Wyoming for taking out this time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague from Wyoming for yielding me the time, and I thank him for his leadership in defense of the second amendment, as well as my colleague from the State of Idaho, who has been a long-time advocate of the second amendment.

I regret I have to stand up here again with my colleagues and defend the second amendment because we should not have to do that. I am honored to do it, but it is one of our amendments. It is No. 2 in the Constitution.

I find myself wondering why so many of our colleagues come here over and over again to try to take second amendment rights away. The right to keep and bear arms is one of the most fundamental rights we possess. You can't pick and choose which amendment you support in the Constitution, nor should you pick and choose what paragraph you support in the Constitution. If it is in the Constitution, we ought to abide by it and honor it.

The framers knew it, and that is why they placed the second amendment right up there at No. 2 in the Bill of Rights. They did not want the Federal Government to interfere with this basic right. It was part of the Bill of Rights for the people, and it was No. 2.

I get a kick out of listening to so many of our colleagues on the other side of the issue who, in their eloquence, can knock the second amendment down. It is interesting, though, when we hear from the folks who were actually on the scene when the second amendment was written, folks such as Samuel Adams, who said:

> Among the natural rights of the colonists are these—first, the right to life; secondly to liberty; thirdly to property; together with the right to defend them in the best manner they can.

Basically talking about the right to bear arms. John Adams:

> Arms in the hands of the citizens may be used at individual discretion for the defense of the country, the overthrow of tyranny or private self-defense.

These are the founders. Patrick Henry:

> Guard with jealous attention the public liberty . . . The great object is that every man be armed. Everyone who is able may have a gun.

Thomas Jefferson:

> The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government.

This is important business we are talking about. This was a basic right. Noah Webster:

> Before a standing army can rule, the people must be disarmed, as they are in almost every kingdom of Europe. The Supreme power in America cannot enforce unjust by the sword because the whole of the people are armed, and constitute a force superior to any band of regular troops.

Richard Henry Lee:

> To preserve liberty it is essential that the whole body of the people always possess arms.

With all due respect to my colleagues who speak on this issue in opposition to the second amendment, I don't think they are as eloquent or as knowledgeable, and I know they weren't there. These guys knew what they were talking about because they wrote it. So let's not talk about revisiting the Constitution and being politically correct and changing things we can't change.

These are the giants in history, the people who were there on the scene. Yet, in the past year or so on this floor, I and many of my colleagues hear over and over again: gun control, gun control, gun control. Some of it is enacted, which infringes on the second amendment of millions of law-abiding Americans. You cannot trample on the Constitution of the United States and stand up there and take that oath and say you are going to defend it. It is simply inconsistent.

Despite what history and the second amendment tell us, some keep trying to come up with new and inventive ways to subvert that Constitution. I don't hear any of these people coming down and saying we are going to eliminate the first amendment, but I do hear them saying we ought to eliminate the second amendment.

The gun control provisions in the juvenile justice bill that were spurred on by the tragedy at Columbine used that tragedy, frankly. There were already 20,000 existing gun laws when that happened, but the killings were not stopped. Do we think more gun laws are going to stop something such as that from happening?

There was a recent amendment to stop gun manufacturers from declaring bankruptcy. Down the line they come, time after time again, singling out one legal product for discrimination: guns. No other lawful industry is treated so unfairly. Fortunately, my colleagues voted overwhelmingly to reject that amendment.

The Clinton administration said it will file a Federal lawsuit against gun manufacturers. Here is an article from the Washington Post—it is interesting coming from the Washington Post—reporting how two State courts dismissed lawsuits against gun manufacturers. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, December 1999]

FIREARMS MAKERS WIN DISMISSAL OF LAWSUITS IN 2 STATES

In back-to-back victories for the firearms industry, judges in two states have dismissed lawsuits against gun manufacturers and dealers.

A state judge in Florida tossed out a suit by Miami-Dade County yesterday, three days after a Connecticut state judge dismissed a similar lawsuit brought by the mayor and city of Bridgeport.

The two lawsuits mirror other suits filed by municipalities that allege that guns have created a public nuisance, threatening residents' health and safety, and that gun manufacturers, like polluters, should have to pay for the cleanup.

But in their separate decisions, the judges in Connecticut and Florida reached the same conclusion: The governments lack legal standing to sue.

"The plaintiffs have no statutory or common-law basis to recoup their expenditures," ruled the judge in Bridgeport. "Public nuisance does not apply to the design, manufacture, and distribution of a lawful product," said the Florida judge.

The mayors of Bridgeport and of Miami-Dade County sued the firearms industry, claiming negligence, product liability and public nuisance. Those mayors said that the industry was responsible for the illegal flow of handguns into their areas.

The mayors want to recover gun violence costs for police, fire and emergency services. Bridgeport further sued to recover money lost from depressed property values and businesses that moved out of the city.

Bridgeport and Miami-Dade are among 29 cities and counties—including Chicago, San Francisco and Los Angeles—suing more than two dozen gun makers. In October, an Ohio judge threw out a similar lawsuit filed by the city of Cincinnati.

In one setback for the firearms industry, a state court judge in Georgia earlier had ruled that Atlanta could pursue its negligence claims against gun makers.

Last week, President Clinton said his administration is thinking about filing a federal lawsuit on behalf of the 3 million people living in public housing. Clinton's move was an attempt to force the industry into negotiations to settle the municipalities' lawsuits.

Anne Kimball, a Chicago lawyer representing Smith & Wesson Corp. and other gun makers, said the judges saw that the actions of criminals cannot be controlled by the firearms industry. "There is no quarrel that everyone is concerned about violence . . . The question is what to do about it. But these lawsuits are wrong," she said.

Mr. SMITH of New Hampshire. They are basically saying they are going to throw these suits out. That is the gist of it. They are not constitutional. The courts recognize that. The judges said they were completely lacking any legal basis.

Now the President wants to license and register all guns, like automobiles, as my colleague from Idaho referred to. The last time I checked, there wasn't a constitutional right to drive. Does anybody know about that? I don't think they knew what a car was when the Constitution was written. There is no comparison between the two issues. I never heard anything from the Founding Fathers about the right to wagons or horses during that time. I never heard Patrick Henry say: Give me mobility or give me death. He said: Give me liberty or give me death. That is because driving a car is a privilege, not a right. It is a privilege. Gun owners would love to have guns treated as cars, with no background checks, no waiting periods, no age limit; it might be a good thing.

Tyranny isn't always obvious. It isn't always about killing and communism and all that. Tyranny can be much more subtle, piecemeal, gradual—like violating our oath of office and voting against our constitutional rights. It happens all the time in this place. History will judge us for it; it will judge us on the basis of how many times we stood here after having taken the oath of office and then having ignored that oath.

The second amendment guarantees that the right to keep and bear arms shall not be infringed. If you are for gun control—and you have a right to be—then you are against the Constitution of the United States. Change the amendment if you think you can do it. But don't keep passing gun control legislation time after time after time. That is what we are doing in these proposals and laws. We are doing it quietly, without violence, and with an air of respectability, which is what troubles me—as if it is right to do it here because it is on the floor of the Senate.

We are violating the constitutional rights of millions of law-abiding American citizens across the country, and any way you slice it that is still tyranny. That is why I am proud to stand here, as I have done many times—and I will do it every day, if I have to, until the last day I am in the Senate—in defense of the second amendment. I am pleased and proud to support the second amendment.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, the other Senator from New Hampshire will be here shortly. I thank my friends for talking about the issue. I think it is one that is clearly important to many of us. It is constitutional. It is right. It is something we all support. It is something, however, we don't want to constantly have before us as each new issue comes up. This can be brought up as an amendment or as a way of stalling going on to other things. I appreciate very much the opportunity to do this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1052, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1052) to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE AND PURPOSE.

(a) This Act may be cited as the "Northern Mariana Islands Covenant Implementation Act".

(b) STATEMENT OF PURPOSE.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intention of Congress in enacting this legislation—

(1) to ensure effective immigration control by extending the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), in full to the Commonwealth of the Northern Mariana Islands, with special provisions to allow for the orderly phasing-out of the nonresident contract worker program of the Commonwealth of the Northern Mariana Islands, and the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth of the Northern Mariana Islands;

(2) to minimize, to the greatest extent possible, potential adverse effects this orderly phase-out might have on the economy of the Commonwealth of the Northern Mariana Islands by:

(A) encouraging diversification and growth of the economy of the Commonwealth of the Northern Mariana Islands consistent with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America through consultation with the Governor and other elected officials of the Government of the Commonwealth of the Northern Mariana Islands by Federal agencies and by considering the views and recommendations of such officials in the implementation and enforcement of Federal law by Federal agencies;

(C) assisting the Commonwealth of the Northern Mariana Islands to achieve a progressively higher standard of living for its citizens through the provision of technical and other assistance;

(D) providing opportunities for persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor; and

(E) ensuring the ability of the locally elected officials by the Commonwealth of the Northern Mariana Islands to make fundamental policy decisions regarding the direction and pace of the economic development and growth of the Commonwealth of the Northern Mariana Islands, consistent with the fundamental national values underlying Federal immigration policy.

SEC. 2. IMMIGRATION REFORM FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) AMENDMENTS TO ACT APPROVING THE COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA.—Public Law 94-241 (90 Stat. 263), as amended, is further amended by adding at the end thereof the following:

"SEC. 6. IMMIGRATION AND TRANSITION.

"(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—Effective on the first day of the first full month commencing one year after the date of enactment of the Northern Mariana Islands Covenant Implementation Act (hereafter the "transition program effective date"), the provisions of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.) shall apply to the Commonwealth of the Northern Mariana Islands: Provided, That there shall be a transition period ending December 31, 2009 (except for subsection (d)(2)(I)), following the transition program effective date, during which the Attorney General of the United States (hereafter "Attorney General"), in consultation with the United States Secretaries of State, Labor, and the Interior, shall establish, administer, and enforce a transition program for immigration to the Commonwealth of the Northern Mariana Islands provided in subsections (b), (c), (d), (e), (f), (g), and (j) of this section (hereafter the "transition program"). The transition program shall be implemented pursuant to regulations to be promulgated as appropriate by each agency having responsibilities under the transition program.

"(b) EXEMPTION FROM NUMERICAL LIMITATIONS FOR H–2B TEMPORARY WORKERS.—An alien, if otherwise qualified, may seek admission to the Commonwealth of the Northern Mariana Islands as a temporary worker under section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)) without regard to the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)).

"(c) TEMPORARY ALIEN WORKERS.—The transition program shall conform to the following requirements with respect to temporary alien workers who would otherwise not be eligible for nonimmigrant classification under the Immigration and Nationality Act:

"(1) Aliens admitted under this subsection shall be treated as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258), or adjustment of status, if eligible therefor, under this section and section 245 of such Act (8 U.S.C. 1255).

"(2)(A) The United States Secretary of Labor shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each temporary alien worker who would not otherwise be eligible for admission under the Immigration and Nationality Act. This system shall provide for a reduction in the allocation of permits for such workers on an annual basis, to zero, over a period not to extend beyond December 31, 2009, and shall take into account the number of petitions granted under subsection (j). In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the United States Secretary of Labor to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, taking into consideration the objective of providing as smooth a transition as possible to the full application of federal law.

"(B) The United States Secretary of Labor is authorized to establish and collect appropriate user fees for the purposes of this section. Amounts collected pursuant to this section shall be deposited in a special fund of the Treasury. Such amounts shall be available, to the extent and in the amounts as provided in advance in appropriations acts, for the purposes of administering this section. Such amounts are authorized to be appropriated to remain available until expended.

"(3) The Attorney General shall set the conditions for admission of nonimmigrant temporary alien workers under the transition program, and the United States Secretary of State shall authorize the issuance of nonimmigrant visas for aliens to engage in employment only as authorized in this subsection: Provided, That such visas shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except the Commonwealth of the Northern Mariana Islands. An alien admitted to the Commonwealth of the Northern Mariana Islands on the basis of such a nonimmigrant visa shall be permitted to engage in employment only as authorized pursuant to the transition program. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under paragraph (2) have been met.

"(4) An alien admitted as a nonimmigrant pursuant to this subsection shall be permitted to transfer between employers in the Commonwealth of the Northern Mariana Islands during the period of such alien's authorized stay therein, without advance permission of the employee's current or prior employer, to the extent that such transfer is authorized by the Attorney General in accordance with criteria established by the Attorney General and the United States Secretary of Labor.

"(d) IMMIGRANTS.—With the exception of immediate relatives (as defined in section 201(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)) and persons granted an immigrant visa as provided in paragraphs (1) and (2) of this subsection, no alien shall be granted initial admission as a lawful permanent resident of the United States at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands.

"(1) FAMILY-SPONSORED IMMIGRANT VISAS.—For any fiscal year during which the transition program will be in effect, the Attorney General, after consultation with the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, and in consultation with appropriate federal agencies, may establish a specific number of additional initial admissions as a family-sponsored immigrant at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, pursuant to sections 202 and 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152 and 1153(a)).

"(2) EMPLOYMENT-BASED IMMIGRANT VISAS.—

"(A) If the Attorney General, after consultation with the United States Secretary of Labor and the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, finds that exceptional circumstances exist with respect to the inability of employers in the Commonwealth of the Northern Mariana Islands to obtain sufficient work-authorized labor, the Attorney General may establish a specific number of employment-based immigrant visas to be made available during the following fiscal year under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)). The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this subsection.

"(B) Upon notification by the Attorney General that a number has been established pursuant to subparagraph (A), the United States Secretary of State may allocate up to that number of visas without regard to the numerical limitations set forth in sections 202 and 203(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1152 and 1153(b)(3)(B)). Visa numbers allocated under this paragraph shall be allocated first from the number of visas available under section 203(b)(3) of such Act (8 U.S.C. 1153(b)(3)), or, if such visa numbers are not available, from the number of visas available under section 203(b)(5) of such Act (8 U.S.C. 1153(b)(5)).

"(C) Persons granted employment-based immigrant visas under the transition program may be admitted initially at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as lawful permanent residents of the United States. Persons who would otherwise be eligible for lawful permanent residence under the transition program, and who would otherwise be eligible for an adjustment of status, may have their status adjusted within the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence.

"(D) Any immigrant visa issued pursuant to this paragraph shall be valid only for application for initial admission to the Commonwealth of the Northern Mariana Islands. The admission of any alien pursuant to such an immigrant visa shall be an admission for lawful permanent residence and employment only in the Commonwealth of the Northern Mariana Islands during the first five years after such admission. Such admission shall not authorize residence or employment in any other part of the United States during such five-year period. An alien admitted for permanent residence pursuant to this paragraph shall be issued appropriate documentation identifying the person as having been admitted pursuant to the terms and conditions of this transition program, and shall be required to comply with a system for the registration and reporting of aliens admitted for permanent residence under the transition program, to be established by the Attorney General, by regulation, consistent with the Attorney General's authority under chapter 7 of title II of the Immigration and Nationality Act (8 U.S.C. 1301–1306).

"(E) Nothing in this paragraph shall preclude an alien who has obtained lawful permanent resident status pursuant to this paragraph from applying, if otherwise eligible, under this section and under the Immigration and Nationality Act for an immigrant visa or admission as a lawful permanent resident under the Immigration and Nationality Act.

"(F) Any alien admitted under this subsection, who violates the provisions of this paragraph, or who is found removable or inadmissible under section 237(a) (8 U.S.C. 1227(a)), or paragraphs (1), (2), (3), (4)(A), (4)(B), (6), (7), (8), (9), or (10) of section 212(a) (8 U.S.C. 1182(a)), shall be removed from the United States pursuant to sections 235, 238, 239, 240, or 241 of the Immigration and Nationality Act, as appropriate (8 U.S.C. 1225, 1228, 1229, 1230, and 1231).

"(G) The Attorney General may establish by regulation a procedure by which an alien who has obtained lawful permanent resident status pursuant to this paragraph may apply for a waiver of the limiting terms and conditions of such status. The Attorney General may grant the application for waiver, in the discretion of the Attorney General, if—

"(i) the alien is not in removal proceedings;

"(ii) the alien has been a person of good moral character for the preceding five years;

"(iii) the alien has not violated the terms and conditions of the alien's permanent resident status; and

"(iv) the alien would suffer exceptional and extremely unusual hardship were such limiting terms and conditions not waived.

"(H) The limiting terms and conditions of an alien's permanent residence set forth in this paragraph shall expire at the end of five years after the alien's admission to the Commonwealth of the Northern Mariana Islands as a permanent resident. Following the expiration of such limiting terms and conditions, the permanent resident alien may engage in any lawful activity, including employment, anywhere in the United States. Such an alien, if otherwise eligible for naturalization, may count the five-year period in the Commonwealth of the Northern Mariana Islands towards time in the United States for purposes of meeting the residence requirements of title III of the Immigration and Nationality Act.

"(I) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT IN THE TOURISM INDUSTRY AFTER THE TRANSITION PERIOD ENDS.—

"(i) During 2008, and in 2014 if a five year extension was granted, the Attorney General and the United States Secretary of Labor shall consult with the Governor of the Commonwealth of the Northern Mariana Islands and tourism businesses in the Commonwealth of the Northern

Mariana Islands to ascertain the current and future labor needs of the tourism industry in the Commonwealth of the Northern Mariana Islands, and to determine whether a five-year extension of the provisions of this paragraph (d)(2) would be necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry. For the purpose of this section, a business shall not be considered legitimate if it engages directly or indirectly in prostitution or any activity that is illegal under Federal or local law. The determination of whether a business is legitimate and whether it is sufficiently related to the tourism industry shall be made by the Attorney General in his sole discretion and shall not be reviewable. If the Attorney General after consultation with the United States Secretary of Labor determines, in the Attorney General's sole and unreviewable discretion, that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry, the Attorney General shall provide notice by publication in the Federal Register that the provisions of this paragraph will be extended for a five-year period with respect to the tourism industry only. The Attorney General may authorize one further extension of this paragraph with respect to the tourism industry in the Commonwealth of the Northern Mariana Islands if, after the Attorney General consults with the United States Secretary of Labor and the Governor of the Commonwealth of the Northern Mariana Islands, and local tourism businesses, the Attorney General determines, in the Attorney General's sole discretion, that a further extension is required to ensure an adequate number of workers for legitimate businesses in the tourism industry in the Commonwealth of the Northern Mariana Islands. The determination as to whether a further extension is required shall not be reviewable.

"(ii) The Attorney General, after consultation with the Governor of the Commonwealth of the Northern Mariana Islands and the United States Secretary of Labor and the United States Secretary of Commerce, may extend the provisions of this paragraph (d)(2) to legitimate businesses in industries outside the tourism industry for a single five year period if the Attorney General, in the Attorney General's sole discretion, concludes that such extension is necessary to ensure an adequate number of workers in that industry and that the industry is important to growth or diversification of the local economy. The decision by the Attorney General shall not be reviewable.

"(iii) In making his determination for the tourism industry or for industries outside the tourism industry, the Attorney General shall take into consideration the extent to which a training and recruitment program has been implemented to hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in such industry. The determination by the Attorney General shall not be reviewable. No additional extension beyond the initial five year period may be granted for any industry outside the tourism industry or for the tourism industry beyond a second extension. If an extension is granted, the Attorney General shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives setting forth the reasons for the extension and whether he believes authority for additional extensions should be enacted.

"(e) NONIMMIGRANT INVESTOR VISAS.—

"(1) Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), the Attorney General may, upon the application of the alien, classify an alien as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

"(A) has been admitted to the Commonwealth of the Northern Mariana Islands in long-term investor status under the immigration laws of the Commonwealth of the Northern Mariana Islands before the transition program effective date;

"(B) has continuously maintained residence in the Commonwealth of the Northern Mariana Islands under long-term investor status;

"(C) is otherwise admissible; and

"(D) maintains the investment or investments that formed the basis for such long-term investor status.

"(2) Within 180 days after the transition program effective date, the Attorney General and the United States Secretary of State shall jointly publish regulations in the Federal Register to implement this subsection.

"(3) The Attorney General shall treat an alien who meets the requirements of paragraph (1) as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii) until the regulations implementing this subsection are published.

"(f) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IMMIGRATION LAW.—

"(1) No alien who is lawfully present in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be removed from the United States on the ground that such alien's presence in the Commonwealth of the Northern Mariana Islands is in violation of subparagraph 212(a)(6)(A) of the Immigration and Nationality Act, as amended, until completion of the period of the alien's admission under the immigration laws of the Commonwealth of the Northern Mariana Islands, or the second anniversary of the transition program effective date, whichever comes first. Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of such an alien at any time, if the alien entered the Commonwealth of the Northern Mariana Islands after the date of enactment of the Northern Mariana Islands Covenant Implementation Act, and the Attorney General has determined that the Government of the Commonwealth of the Northern Mariana Islands violated subsection (f) of such Act.

"(2) Any alien who is lawfully present and authorized to be employed in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be considered authorized by the Attorney General to be employed in the Commonwealth of the Northern Mariana Islands until the expiration of the alien's employment authorization under the immigration laws of the Commonwealth of the Northern Mariana Islands, or the second anniversary of the transition program effective date, whichever comes first.

"(g) TRAVEL RESTRICTIONS FOR CERTAIN APPLICANTS FOR ASYLUM.—Any alien admitted to the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands or pursuant to subsections (c) or (d) of this section who files an application seeking asylum or withholding of removal in the United States shall be required to remain in the Commonwealth of the Northern Mariana Islands during the period of time the application is being adjudicated or during any appeals filed subsequent to such adjudication. An applicant for asylum or withholding of removal who, during the time his application is being adjudicated or during any appeals filed subsequent to such adjudication, leaves the Commonwealth of the Northern Mariana Islands of his own will without prior authorization by the Attorney General thereby abandons the application, unless the Attorney General, in the exercise of the Attorney General's sole discretion determines that the unauthorized departure was for emergency reasons and prior authorization was not practicable.

"(h) EFFECT ON OTHER LAWS.—The provisions of this section and the Immigration and Nationality Act, as amended by the Northern Mariana Islands Covenant Implementation Act, shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth of the Northern Mariana Islands relating to the admission of aliens and the removal of aliens from the Commonwealth of the Northern Mariana Islands.

"(i) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED.—No time that an alien is present in violation of the immigration laws of the Commonwealth of the Northern Mariana Islands shall by reason of such violation be counted for purposes of the ground of inadmissibility in section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

"(j) ONE-TIME GRANDFATHER PROVISION FOR CERTAIN LONG-TERM EMPLOYEES.—

"(1) An alien may be granted an immigrant visa, or have his or her status adjusted in the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence, without regard to the numerical limitations set forth in sections 202 and 203(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1152, 1153(b)), and subject to the limiting terms and conditions of an alien's permanent residence set forth in paragraphs (C) through (H) of subsection (d)(2), if:

"(A) the alien is employed directly by an employer in a business that the Attorney General has determined is legitimate;

"(B) the employer has filed a petition for classification of the alien as an employment-based immigrant with the Attorney General pursuant to section 204 of the Immigration and Nationality Act, as amended, not later than 180 days following the transition program effective date;

"(C) the alien has been lawfully present in the Commonwealth of the Northern Mariana Islands and authorized to be employed in the Commonwealth of the Northern Mariana Islands for the five-year period immediately preceding the filing of the petition;

"(D) the alien has been employed continuously in that business by the petitioning employer for the 5-year period immediately preceding the filing of the petition;

"(E) the alien continues to be employed in that business by the petitioning employer at the time the immigrant visa is granted or the alien's status is adjusted to permanent resident;

"(F) the petitioner's business has a reasonable expectation of generating sufficient revenue to continue to employ the alien in that business for the succeeding five years; and

"(G) the alien is otherwise eligible for admission to the United States under the provisions of the Immigration and Nationality Act, as amended (8 U.S.C. 1101, et seq.).

"(2) Visa numbers allocated under this subsection shall be allocated first from the number of visas available under paragraph 203(b)(3) of the Immigration and Nationality Act, as amended (8 U.S.C. 1153(b)(3)), or, if such visa numbers are not available, from the number of visas available under paragraph 203(b)(5) of such Act (8 U.S.C. 1153(b)(5)).

"(3) The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(a)(5)) shall

not apply to an alien seeking immigration benefits under this subsection.

"(4) The fact that an alien is the beneficiary of an application for a preference status that was filed with the Attorney General under section 204 of the Immigration and Nationality Act, as amended (8 U.S.C. 1154) for the purpose of obtaining benefits under this subsection, or has otherwise sought permanent residence pursuant to this subsection, shall not render the alien ineligible to obtain or maintain the status of a nonimmigrant under this Act or the Immigration and Nationality Act, as amended, if the alien is otherwise eligible for such nonimmigrant status.".

(b) CONFORMING AMENDMENTS.—(1) Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended:

(A) in paragraph (36), by deleting "and the Virgin Islands of the United States." and substituting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.", and;

(B) in paragraph (38), by deleting "and the Virgin Islands of the United States" and substituting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.".

(2) Section 212(l) of the Immigration and Nationality Act (8 U.S.C. 1182(l)) is amended—

(A) in paragraph (1)—

(i) by striking "stay on Guam", and inserting "stay on Guam or the Commonwealth of the Northern Mariana Islands",

(ii) by inserting "a total of" after "exceed", and

(iii) by striking the words "after consultation with the Governor of Guam," and inserting "after respective consultation with the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands,";

(B) in paragraph (1)(A), by striking "on Guam", and inserting "on Guam or the Commonwealth of the Northern Mariana Islands, respectively,";

(C) in paragraph (2)(A), by striking "into Guam", and inserting "into Guam or the Commonwealth of the Northern Mariana Islands, respectively,"; and

(D) in paragraph (3), by striking "Government of Guam" and inserting "Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands".

(3) The amendments to the Immigration and Nationality Act made by this subsection shall take effect on the first day of the first full month commencing one year after the date of enactment of the Northern Mariana Islands Covenant Implementation Act.

(c) TECHNICAL ASSISTANCE PROGRAM.—The United States Secretaries of Interior and Labor, in consultation with the Governor of the Commonwealth of the Northern Mariana Islands, shall develop a program of technical assistance, including recruitment and training, to aid employers in the Commonwealth of the Northern Mariana Islands in securing employees from among United States authorized labor, including lawfully admissible freely associated state citizen labor. In addition, for the first five fiscal years following the fiscal year when this section is enacted, $500,000 shall be made available from funds appropriated to the Secretary of the Interior pursuant to Public Law 104–134 for the Federal-CNMI Immigration, Labor and Law Enforcement Initiative for the following activities:

(1) $200,000 shall be available to reimburse the United States Secretary of Commerce for providing additional technical assistance and other support to the Commonwealth of the Northern Mariana Islands to identify opportunities for and encourage diversification and growth of the Commonwealth economy. The United States Secretary of Commerce shall consult with the Government of the Commonwealth of the Northern Mariana Islands, local businesses, the United States Secretary of the Interior, regional banks, and other experts in the local economy and shall assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the Commonwealth economy. All expenditures, other than for the costs of Federal personnel, shall require a non-Federal matching contribution of 50 percent and the United States Secretary of Commerce shall provide a report on activities to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives by March 1 of each year. The United States Secretary of Commerce may supplement the funds provided under this section with other funds and resources available to him and shall undertake such other activities, pursuant to existing authorities of the Department, as he decides will encourage diversification and growth of the Commonwealth economy. If the United States Secretary of Commerce concludes that additional workers may be needed to achieve diversification and growth of the Commonwealth economy, the Secretary shall promptly notify the Attorney General and the United States Secretary of Labor and shall also notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of his conclusion with an explanation of how many workers may be needed, over what period of time such workers will be needed, and what efforts are being undertaken to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in such businesses.

(2) $300,000 shall be available to reimburse the United States Secretary of Labor for providing additional technical and other support to the Commonwealth of the Northern Mariana Islands to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, to fill employment vacancies in the Commonwealth of the Northern Mariana Islands. The United States Secretary of Labor shall consult with the Governor of the Commonwealth of the Northern Mariana Islands, local businesses, the College of the Northern Marianas, the United States Secretary of the Interior and the United States Secretary of Commerce and shall assist in the development and implementation of such a training program. All expenditures, other than for the costs of Federal personnel, shall require a non-Federal matching contribution of 50 percent and the United States Secretary of Labor shall provide a report on activities to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives by March 1 of each year. The United States Secretary of Labor may supplement the funds provided under this section with other funds and resources available to him and shall undertake such other activities, pursuant to existing authorities of the Department, as he decides will assist in such a training program in the Commonwealth of the Northern Mariana Islands.

(d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF LABOR OPERATIONS.—The Attorney General and the United States Secretary of Labor are authorized to establish and maintain Immigration and Naturalization Service, Executive Office for Immigration Review, and United States Department of Labor operations in the Commonwealth of the Northern Mariana Islands for the purpose of performing their responsibilities under the Immigration and Nationality Act, as amended, and under the transition program. To the extent practicable and consistent with the satisfactory performance of their assigned responsibilities under applicable law, the United States Departments of Justice and Labor shall recruit and hire from among qualified applicants resident in the Commonwealth of the Northern Mariana Islands for staffing such operations.

(e) REPORT TO THE CONGRESS.—The President shall report to the Senate Committee on Energy and Natural Resources, and the House Committee on Resources, within six months after the fifth anniversary of the enactment of this Act, evaluating the overall effect of the transition program and the Immigration and Nationality Act on the Commonwealth of the Northern Mariana Islands, and at other times as the President deems appropriate. The report shall describe what efforts have been undertaken to diversify and strengthen the local economy, including, but not limited to, efforts to promote the Commonwealth of the Northern Mariana Islands as a tourist destination.

(f) LIMITATION ON NUMBER OF ALIEN WORKERS PRIOR TO APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED, AND ESTABLISHMENT OF THE TRANSITION PROGRAM.—During the period between enactment of this Act and the effective date of the transition program established under section 6 of Public Law 94–241, as amended by this Act, the Government of the Commonwealth of the Northern Mariana Islands shall not permit an increase in the total number of alien workers who are present in the Commonwealth of the Northern Mariana Islands on the date of enactment of this Act.

(g) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section and of the Immigration and Nationality Act with respect to the Commonwealth of the Northern Mariana Islands.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Senate proceed to S. 1052 for opening statements only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, the legislation before the Senate will extend the provisions of the Immigration and Nationality Act to the Commonwealth of the Northern Mariana Islands for 1 year after the date of enactment of the legislation.

To minimize adverse effects on the local economy, a number of transition provisions have been incorporated in the legislation, including funding for technical assistance to diversify and strengthen the local economy of those islands. The transition period will end December 31, 2009, but the special provisions for employment—employment-based visas—may be extended for legitimate businesses in the tourism industry for not to exceed two 5-year periods and for a single 5-year period for other legitimate business.

I think it is reasonable to question how this situation arose. The Marianas was one district of the old United States Nation's Trust Territory of the Pacific islands, and the United States was the administrating authority. The residents of the Marianas wanted them to become a U.S. territory and obtain local government and U.S. citizenship similar to the neighboring island of Guam. Guam is the southern most of the Mariana Islands and was acquired from Spain back in 1898. The United States and local officials in the Marianas negotiated a covenant to establish a Commonwealth of the Northern Mariana Islands in political union with the United States. That included all the islands, with the exception of Guam; specifically, Saipan, Tinian, and Rota.

That covenant was approved overwhelmingly in a local United Nations-observed plebiscite and then by this Congress in 1976. The early negotiations assumed the trusteeship would terminate for the Marianas. The agreement was approved and assumed the full extension of Federal immigration laws at the same time the United States sovereignty was extended to the area. When negotiations on other portions of the trust territory stalled and the United States decided not to seek piecemeal termination of the trusteeship, the Marianas justifiably wanted as much of the covenant implemented under the trusteeship as possible. The agreement was to implement these provisions of the covenant that were consistent with the continued status of the area under the trusteeship and defer those provisions that were tied to U.S. sovereignty. One of these provisions was Federal immigration law. That is what we are dealing with today.

It was abundantly clear the United States could extend those laws as soon as the trusteeship was terminated. The report accompanying the joint resolution of approval noted only that we hoped we could include an "adequate protective provision" to deal with the concern in the Marianas that their islands could be overrun with immigration.

Had we acted in 1986 to extend Federal immigration laws, we wouldn't be here today. The Marianas economy would not be so captive to the use of temporary contract workers and many of the abuses of workers would not have occurred. On the other hand, the level of prosperity on the islands might not be the same.

What has happened in the Marianas? When the covenant was negotiated, all parties assumed economic development would occur around tourism and anticipated Department of Defense basing in Tinian and Saipan. That followed the pattern in Guam. Tourism did develop; the military activities did not.

Others, however, noticed the unique combination of authorities and moved in to try and take advantage. Because the Marianas had control of immigration, it could set its own minimum wage and had the ability to import goods into the U.S. Customs territory without duty and labeled that it had been made in the United States, foreign garment operations—especially those from China—sought to locate in the Marianas.

The difficulty of a small island population trying to effectively administer a comprehensive immigration system also led to other abuses in those taking advantage of the situation. Exploiters induced people in Bangladesh to pay enormous amounts of money to go to the Marianas where there were jobs. Other aliens arrived; some of them were not paid. Many alien workers were abused. The Committee on Energy and Natural Resources heard testimony from a young lady who had been brought to Saipan as a minor, forced to perform in a club, and was used for prostitution. The Federal Government has brought a prosecution in that instance on several counts, including trafficking in human beings. This was occurring under the U.S. flag, and supposedly with the protections all U.S. citizens enjoy under our Constitution.

I have a series of charts I will discuss in detail but in deference to my good friend, Senator BINGAMAN from New Mexico, the ranking member of the committee, I defer to him, and then perhaps he can defer back to me. I yield to my good friend and ranking member from New Mexico, Senator BINGAMAN.

Mr. BINGAMAN. Mr. President, I appreciate the chairman, Senator MURKOWSKI, yielding.

First, I compliment him and, of course, Senator AKAKA, who is the moving force behind this legislation on the Democratic side. I think this legislation, S. 1052, is a very important and overdue piece of legislation.

I know both Senator AKAKA and Senator MURKOWSKI have worked tirelessly and persistently to bring these issues to our attention. I compliment them on that. I will give a short statement, and then Senator AKAKA will be managing the bill on the Democratic side. I am sure he has much more information to provide on the legislation.

Both Senator MURKOWSKI and Senator AKAKA traveled to the Commonwealth of the Northern Mariana Islands and witnessed the problems there firsthand. I am very glad to join them as a cosponsor on this important piece of legislation. Our committee held several hearings over the years and established a record concerning the very serious problems that exist in the CNMI. Moreover, three successive administrations from both parties, beginning with the Reagan administration, have expressed concerns about the situation in the CNMI. Many problems have been identified, and they have been discussed over many years.

However, clearly the central problem relates to this immigration issue. S. 1052 only addresses immigration. This bill represents a modest step toward implementing the reforms that are long overdue. The current immigration system, administered by the local government, is inconsistent with longstanding U.S. immigration policy in several respects. Let me just detail some of that.

U.S. policy, first of all, does not allow the importation of temporary workers for permanent jobs. Second, it allows people coming into the United States for permanent jobs to have the opportunity to become participating members of society, including the right to vote and to be eligible for citizenship. Local CNMI immigration law not only allows large-scale use of temporary alien workers for permanent jobs, it also prohibits temporary alien workers from settling permanently in the CNMI and becoming U.S. citizens.

The most disturbing result of the CNMI's current immigration system is the documented, consistent and even increasing human rights abuses which these alien workers suffer. Moreover, despite promises of the American dream, alien laborers coming to CNMI often sign contracts waiving rights and freedoms guaranteed to U.S. workers. These include the right to change employers, the right to participate in religious and political activities, and in some cases even the right to marriage.

This bill before us is not a controversial bill. It should not be a controversial bill. It was reported from the Energy and Natural Resources Committee by a voice vote with no dissenting opinions expressed. Last Congress, the committee reported a similar bill. In order to address concerns by the local CNMI government that the bill will adversely affect their economy, the bill also contains many special provisions. Among these special provisions is one that requires the Secretary of Commerce and the Secretary of Labor to provide financial and technical assistance to help them diversify their economy and train local workers.

I hope the Senate will act quickly and pass this bill. I again compliment Senator AKAKA and Senator MURKOWSKI for their leadership on this important matter.

I yield the floor. I know at some point Senator AKAKA wishes to speak to the matter as well.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my good friend and colleague, the ranking member of the Senate Energy and Natural Resources Committee, the Senator from New Mexico, for his comments and for his support.

This legislation was reported unanimously by the Committee on Energy and Natural Resources. S. 1052, as reported by the Committee on Energy and Natural Resources, will extend the provisions of the Immigration and Nationality Act to the Commonwealth of the Northern Mariana Islands one year after the date of enactment of the legislation. To minimize adverse effects on the local economy, a number of transition provisions have been incorporated in the legislation. The transition period will end on December 31, 2009, but the special provisions for employment based visas may be extended for legitimate businesses in the tourism industry for not to exceed two five-year periods and for a single five-year period for other legitimate businesses.

This legislation is the result of several years work by the Committee, including a visit that I made to the Northern Marianas in February 1996. I was accompanied by Senator AKAKA, who has cosponsored this legislation and was also a cosponsor of legislation that I introduced in the last Congress. This is bipartisan legislation that is long overdue. The administration would prefer a far more draconian approach with a minimum of transition and little economic or training assistance to the Northern Marianas. The Marianas, on the other hand, would prefer that we did nothing. I don't think that either approach is responsible.

There are legitimate concerns by some in the Northern Marianas over what the effect of this legislation may be. We have tried to address those concerns, as I will describe later. For example, one of the ways that the Northern Marianas has tried to deal with the concern over alien workers remaining for indefinite periods without any political rights is to limit the time that any worker can remain in the Marianas. One effect of that approach, however, is to frustrate the ability of employers to recruit, train, and hire personnel. From experience, I can testify that the last thing any employer wants to do is commit resources to training individuals only to have them leave for other employment. It is far worse when the government says that your most valuable employees must not only leave your employ, but must also leave the country. Lynn Knight, the new president of the Saipan Chamber of Commerce, noted that she had one employee who had been with her firm for several years and would have to leave. Another skilled professional could remain since he was a U.S. citizen. Similar situations are likely in other businesses, and I would expect especially in the tourism industry. To deal with that problem, the committee has included a special provision (the new section 6(j) to the Covenant Act) that provides a one-time grandfather provision for long-term employees in legitimate businesses. The provision would allow employers to sponsor current employees who had been employed for five years. If the alien is otherwise eligible for admission to the United States, that employee may be granted an immigrant visa or have his status adjusted to a person lawfully admitted for permanent residence without regard to any numerical limitations in the Immigration Act.

I mention this one provision to illustrate that the committee has tried its best to deal with any legitimate concerns with the legislation and, as in the case of Ms. Knight, problems with the current local laws. Unfortunately, obtaining specific comments and recommendations has not been the easiest task before the committee. While the Governor has been forthright, the tactics taken by others has been more to obstruct the legislation than to provide useful comments and suggestions. The Governor has lowered the tone of the debate on this issue, although his example has not been followed by others.

I would refer my colleagues to the report of the committee on this legislation for a detailed history on how we arrived at this situation where the United States does not control the terms of entry to its shores, what that exemption turned into, and how we have dealt with legitimate concerns about the long overdue extension of federal legislation.

In brief, however, in 1976, Congress approved a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States (PL 94-241). The Covenant formed the basis for the termination of the United Nations Trusteeship with respect to the Northern Mariana Islands. Termination occurred in 1986 for the Commonwealth of the Northern Mariana Islands and for the Republic of the Marshall Islands and the Federated States of Micronesia. Prior to termination, those provisions of the Covenant that were consistent with continued status of the area as part of the Trust Territory were made applicable by the U.S. as Administering Authority. Other provisions (such as the extension of U.S. sovereignty) were not made applicable. Among those laws was the Immigration Act. Had the United States sought piece-meal termination of the trusteeship, as some advocated at the time, or if agreement with the other districts had not proved so elusive, the immigration laws of the United States would have been extended to the Northern Marianas as they applied to Guam. We would not be here today.

The Covenant permitted a unique system in the Commonwealth of the Northern Mariana Islands under which the local government controlled immigration and minimum wage levels and also had the benefit of duty and quota free entry of manufactured goods under the provisions of General Note 3(a) of the Harmonized Tariff Schedules. My colleagues should be aware that these provisions are not subject to mutual consent and can be modified or repealed by the Congress. The section-by-section analysis of the committee report on the Covenant provides in part:

> SECTION 503.—This section deals with certain laws of the United States which are not now applicable to the Northern Mariana Islands and provides that they will remain inapplicable except in the manner and to the extent that they are made applicable by specific legislation enacted after the termination of the Trusteeship. These laws are:
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> The Immigration and Naturalization Laws (subsection (a)). The reason this provision is included is to cope with the problems which unrestricted immigration may impose upon small island communities. Congress is aware of those problems. . . . It may well be that these problems will have been solved by the time of the termination of the Trusteeship Agreement and that the Immigration and Nationality Act containing adequate protective provisions can then be introduced to the Northern Mariana Islands. . . .

Until termination of the trusteeship, the United States possessed and exercised plenary power, including control over entry into the area. The committee anticipated that by the termination of the Trusteeship, the federal government would have found some way of preventing a large influx of persons into the Marianas, recognizing the constitutional limitations on restrictions on travel, and that we would extend federal immigration laws when we extended United States sovereignty over the area. We neglected to do so.

Upon termination of the trusteeship, the Commonwealth of the Northern Mariana Islands became a territory of the United States and its residents became United States citizens. What transpired thereafter, however, was precisely what we sought to prevent. Because we had not enacted legislation extending federal immigration laws, however, persons were free to enter the Northern Marianas under local law. Although the population of the Commonwealth of the Northern Mariana Islands was only 15,000 people in 1976 when the Covenant was approved, the population (July, 1999) is now estimated at 79,429. The rapid increase in population coincides with the assumption of immigration control by the Commonwealth of the Northern Mariana Islands. According to the most recent statistical survey by the Commonwealth of the Northern Mariana Islands, in 1980, 78 percent of the Commonwealth of the Northern Mariana Islands population were U.S. citizens. That figure had declined to less than 47 percent by 1990 and by 1991, the percentage on Saipan, where most of the population resides, the figure was 42 percent.

The majority of the population resides on Saipan, which is the economic and government center of the Commonwealth of the Northern Mariana Islands. The most recent statistics (March 1999) from the Commonwealth of the Northern Mariana Islands estimate the population of Saipan at 71.790. U.S. citizens are estimated at 30.154 of whom 24.710 are Commonwealth of the Northern Mariana Islands born. There are 41.636 aliens of whom about 4.000 are from the freely associated states. By contrast, in 1980, non-U.S. citizen residents for the entire Northern Marianas totaled only 3,753 of whom 1,593 were citizens of the freely associated states and only 2,160 came from outside Micronesia. There is also a significant population of illegal aliens with estimates ranging from 3,000 to as high as 7,000 illegal aliens.

Whatever the number, with the exception of those from Micronesia, none of these almost 40,000 persons entered under United States law and none has any of the rights of persons who legally enter the United States to work or reside.

Repeated allegations of violations of applicable federal laws relating to worker health and safety, concerns with respect to immigration problems, including the admission of undesirable aliens, and reports of worker abuse, especially in the domestic and garment worker sectors, led to the inclusion of a $7 million set aside in appropriations in 1994 to support federal agency presence in the Commonwealth of the Northern Mariana Islands and increased enforcement of federal laws.

During the 104th Congress, the Senate passed S. 638, legislation reported by the Committee on Energy and Natural Resources and supported by the administration. Concern over the effectiveness of the Commonwealth of the Northern Mariana Islands immigration laws and reports of the entry of organized criminal elements from Japan and China led the committee to include a provision to require the Commonwealth "to cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States." (Sec. 4 of S. 638) No action was taken by the House.

In February, 1996, I visited the Commonwealth of the Northern Mariana Islands with Senator AKAKA and met with local and federal officials. In addition, we inspected a garment factory and met with Bangladeshi security guards who had not been paid and who were living in substandard conditions. As a result of the meetings and continued expressions of concern over conditions, the committee held an oversight hearing on June 26, 1996. We were assured that conditions would improve.

The U.S. Commission on Immigration Reform conducted a site visit to the Northern Marianas in July 1997 and issued a report which in general supported extension of immigration laws. The report found problems in the Commonwealth of the Northern Mariana Islands "ranging from bureaucratic inefficiencies to labor abuses to an unsustainable economic, social and political system that is antithetical to most American values" but "a willingness on the part of some Commonwealth of the Northern Mariana Islands officials and business leaders to address the various problems".

The report found that:

The Department of Labor and Immigration "does not have the capacity, nor is it likely to develop one, to prescreen applicants for entry prior to their arrival on Commonwealth of the Northern Mariana Islands territory." This leads to the situation of the Bangladeshi workers who arrive and find there is no work as well as to the entry of those with criminal or other disqualifying records. Federal law enforcement officials are mentioned as not providing information to the Commonwealth of the Northern Mariana Islands due to concerns over security and corruption.

The levels of immigration led to dependence on government employment or benefits for U.S. residents (since cheap foreign labor was available even for specialized trades such as accountants, doctors, and managers) and younger residents having to leave to find work. The report also noted that those on welfare could still hire domestics.

The economy is unsustainable because there will be no advantage for the garment industry when the multifibre agreement comes into force in 2005. My colleagues should note that the perception that the garment industry presence in the Commonwealth of the Northern Mariana Islands is temporary is also shared by others. In September 1997, the Bank of Hawaii concluded that the presence of the garment industry was a result of "a unique and temporary comparative economic advantage" and that the Commonwealth of the Northern Mariana Islands should begin to plan for a "transition to an exclusively tourism-driven economy". The Bank of Hawaii repeated that conclusion in its October, 1999 report.

Foreign workers are exploited with retaliation against protestors, failure of the Commonwealth of the Northern Mariana Islands government to prosecute, unreliable bonding companies, exorbitant recruitment fees, suppression of basic freedoms, and flagrant abuses of household workers, agricultural workers, and bar girls.

The Commonwealth of the Northern Mariana Islands has entered into agreements with the Philippines and China over State objections dealing with trade and immigration.

The Commonwealth of the Northern Mariana Islands has no asylum policy or procedure placing the U.S. in violation of international obligations.

The temporary guest worker for permanent jobs creates major policy problems as well as creating a two class system where the majority of workers are denied political and social rights. In the U.S. proper, such workers would be admitted for residence and could become citizens. Worse, the children of these workers are U.S. citizens. The children of foreign mothers now account for 16 percent of U.S. citizens.

The presence of a large alien population in the Commonwealth of the Northern Mariana Islands is not simply a matter of local concern. Although temporary workers admitted into the Commonwealth of the Northern Mariana Islands may not enter the United States and their presence in the Commonwealth of the Northern Mariana Islands does not constitute residence for the purpose of obtaining U.S. citizenship, that is not true for their children. Persons born in the Commonwealth of the Northern Mariana Islands obtain U.S. citizenship by birth and eventually will be able to bring their immediate families into the United States. There is an increasing number of births to non-citizen mothers. In 1985, of 675 births, 260 were to non-citizen mothers. While the number of U.S. citizen mothers remained relatively constant, the number of non-citizen mothers increased to 581 by 1990, 701 in 1991, 859 in 1992, and continued around 900-1000 with the exception of 1,409 in 1996. For that year, total births were 1,890 with the percentage of U.S. citizen mothers at 25 percent. While some of the presumed non-citizen mothers are likely to be married to Commonwealth of the Northern Mariana Islands residents, others are not, and all entered outside of federal immigration laws. The result is that there is an increasing number of persons obtaining U.S. citizenship outside the boundaries of U.S. immigration and naturalization laws. There are also incidental effects on various federal programs, such as education, that the children and their immediate relatives will be eligible for.

To the extent that the current Commonwealth of the Northern Mariana Islands immigration system results in structural unemployment among resident U.S. citizens, there are also effects on federal programs providing assistance to the poor. In addition, in recent years, the Commonwealth of the Northern Mariana Islands has doubled its public sector employment to absorb local workers. Public sector wages now represent the largest component of the local budget. Unless the Commonwealth of the Northern Mariana Islands takes action to develop or open private sector employment for U.S. residents, it will have a difficult time reducing its workforce. The recent downturn in the Asian economy has hit the Commonwealth of the Northern Mariana Islands hard and the Commonwealth of the Northern Mariana Islands is facing a significant deficit without the ability to trim its workforce. If layoffs are inevitable, it is likely that local and federal assistance costs will escalate.

Concerns have also arisen over the use of the Northern Marianas for importation and transhipment of drugs. The June 17 Marianas Variety reported the Finance Department's Division of Customs to have confiscated over $2.5 million of crystal methamphetamine in 1998 with an increasing number of drug arrests. A related concern raised by the administration has been the ability of the Commonwealth of the Northern Mariana Islands to exclude individuals, especially members of organized crime from Japan and China. The Commonwealth of the Northern Mariana Islands does not have a data base to screen immigrants, and accomplishes most of its screening on arrival. The federal government, however, for those countries that require visas, does its screening in the foreign country. Federal law enforcement agencies have cited security concerns as a major impediment to sharing information with the Commonwealth of the Northern Mariana Islands government.

Mr. President, this is a situation that should never have been allowed to occur. This is not a matter of local self-government. The control of borders and the conditions for entry, work, residence, and citizenship in the United States are federal matters. No one should ever have expected the Northern Marianas to replicate the resources and capability of the federal government, and in fact we did not. As our committee noted in its report on the Covenant, by the time the Trusteeship ended, we anticipated that federal immigration laws would be extended. We didn't do that and permitted this situation to occur. With the exception of American Samoa, the federal government conducts those activities throughout the United States. We have allowed the creation of a country within a country where the majority of the workforce are denied political and civil rights.

Neither do I accept the argument that economic development is inconsistent with the application of federal immigration laws. With the exception of American Samoa, all other areas of the United States are under federal immigration law. I can assure my colleagues that the constraints on economic development in Alaska are not found in federal immigration law. Neither has federal immigration law been an impediment to the development of economies in the Virgin Islands, Puerto Rico, or Guam. If those areas are not fully to the levels of Stateside economies, they are nonetheless all self-supporting without the need for annual appropriations for government support. The Northern Marianas has a tourism industry and the opportunity for it to expand. There are other opportunities that should be explored, and this legislation contains provisions to assist the Commonwealth government in exploring those options.

Comments have been made that this legislation will destroy the garment industry. That is simply not true unless the industry is adverse to having workers who either are or could become United States citizens. In addition, even the Governor in his testimony said that the garment industry in Saipan was temporary and that they needed to begin to transit to a new economy. The Bank of Hawaii has twice cautioned that the peculiar circumstances that provide an economic advantage in the Marianas will disappear shortly. As the Governor stated, we need to begin the transition now. This legislation will have only a minor effect on the garment industry. The legislation does not go into effect for a year. All contract workers on island can remain for two years or the length of their contract, whichever is less. There is a program to provide permits for temporary alien workers that will gradually be reduced and eliminated by December 31, 2009. All of this extends well past the time that every legitimate analysis of the Marianas economy indicates that the garment industry will have relocated or severely contracted.

Mr. President, I will list some of the changes that we made in this legislation to address concerns over the effect of the imposition of federal immigration laws. I have already mentioned the special grandfather provision included as a result of Lynn Knight's concern over the status of current employees. These concerns were raised by the Chamber of Commerce or the representatives of the Commonwealth government—the Governor, the President of the Senate, the Speaker of the House, and the Resident Representative.

The legislation limited post-transition relief to only the hotel industry. That has been expanded to include not only legitimate businesses throughout the tourism industry, but all other legitimate businesses in the Commonwealth;

A new statement of policy to guide implementation has been inserted that makes clear that the transition from a non-resident contract worker program is to be orderly and that potential adverse effects are to be minimized;

An explicit recognition of local self-government has been added together with more detailed requirements for consultation with local officials and consideration of their views as well as a straightforward statement that fundamental policy decisions regarding the direction and pace of economic development and growth will be made by local officials and not dictated by the federal government;

Although the legislation limits the ability of the Attorney General to provide additional extension of the temporary worker program to two five-year periods for legitimate businesses in the tourism industry and for a single five-year period for other legitimate businesses, it also requires the Attorney General to notify the Congress of the reasons for the extension and whether we should consider providing additional authority for further extensions;

A detailed technical assistance program is included to assist in the transition and to broaden and strengthen the local economy. In addition to existing authorities and programs, the Secretary of Commerce is provided $200,000 in matching grants to assist in the development and implementation of a process to diversify and strengthen the local economy. The Secretary is to consult not only with local officials, but also with local businesses and regional banks and other experts. The Secretary of Labor is provided an additional $300,000 in matching grants to provide technical and other support for the training, recruitment, and hiring of persons authorized to work in the United States to fill jobs in the Commonwealth. In addition to local officials and businesses, the Secretary is to work with the College of the Northern Marianas and the Secretary of Commerce.

A specific requirement has been included for the federal government to promote the Northern Marianas as a tourist destination.

Numerous technical and other changes have been made in response to the comments that we received, mainly to ensure full and complete consultation with local officials as this legislation is implemented.

I want the record to reflect that I believe that this Governor has attempted to deal with the allegations of worker abuse that have occurred in the Northern Marianas. I think the garment industry has also acted to improve conditions and practices, at least to minimum federal requirement. After all, that is an industry that shipped over $1 billion worth of garments into the United States customs territory last year. By virtue of the exemption from tariffs, they avoided over $200 million in tariffs. Cleaning up conditions is a minor price to pay for that subsidy. Not all problems, however, are capable of resolution. The system where workers are on temporary contract and subject to deportation creates a climate where abuse can occur. Since the workers have no right to remain in the Marianas, their ability to complain is limited. If they have significant recruitment or other fees to repay, they are effectively indentured.

The ability of the Northern Marianas government to respond is also limited. In response to the exploitation of workers from Bangladesh who paid large recruitment fees for non-existent jobs, the Marianas could only ban the importation of workers from that area for those jobs. The exploiters simply moved to Nepal. When the Governor tried to limit workers from China to deal with repatriation problems, however, those industries relying on easy access to those workers quickly brought enough pressure to reverse the decision. Efforts to limit the number of alien workers become more and more difficult as the Marianas government becomes increasingly dependent on those businesses importing those workers for the revenues to provide jobs in the public sector.

Asking the Northern Marianas government to assume and adequately implement and enforce an immigration program within the framework of federal policy is simply setting them up. A central element of federal policy is that permanent jobs are to be filled by permanent workers—persons who may live and reside in the United States, and in the case of aliens, who have the ability to eventually become citizens and full members of the political, social, and economic community. The Marianas does not have that ability. If they allow foreign workers to remain indefinitely, local businesses—such as Lynn Knight's—will prosper. However the workers will not obtain civil and political rights. They may not become United States citizens and they can not enter any other part of the United States. They are trapped. If the Marianas responds, as it did, to limit the length of stay for those workers, then businesses suffer because they can not retain trained workers and the workers themselves suffer.

This is a situation that should never have been allowed to occur. We allowed it to happen, partially through a misplaced idea that we were enhancing local self-government. We now need to act to formally bring the Northern Marianas under the federal system as a part of the United States. We need to let them devote their resources to local concerns rather than having them attempt to replicate federal responsibilities. We need to make the transition as smooth as possible and we need to act to strengthen and diversify the local economy. This legislation as reported unanimously from the Committee on Energy and Natural Resources will do that. It should be enacted promptly.

Mr. President, the effort we are about to proceed with today is a result of a recognition that, indeed, there simply has to be a change in the immigration situation with regard to Saipan and the other islands of the Mariana Islands as a consequence of an effort that began many years ago to encourage development. But clearly the situation ran away with itself over a period of time when the immigration system just got beyond the management capability of the islands.

I have had an opportunity to work with Senator AKAKA on this legislation. I know how sensitive he is because a good deal of his constituency extends a little further out than the Hawaiian Islands into the CNMI. My constituency in Alaska does not quite extend that far. Nevertheless, as chairman of the committee, I have the responsibility to try to bring about corrective action. Through the efforts of Senator AKAKA and his staff and with the help of Senator BINGAMAN and the professional staff of the committee, I think we have been able to achieve that in this legislation.

With the concurrence of Senator AKAKA, I will proceed with the charts. Senator AKAKA is very prominent in some of the charts we are going to be presenting. In some cases I assume he has not seen these pictures yet. I am not suggesting either one of us is particularly photogenic, but we have living proof we were there on the ground and saw the situation as it really does exist.

The first chart I am going to show is a little bit of what has happened over a period of time in the CNMI. It is a chart of population by citizenship.

On the chart, the lower area is the growth in the number of U.S. citizens. That is in blue. You will see back in 1980 it was somewhere in the area of 14,000 or thereabouts. In the upper area is the growth in the number of aliens. Those aliens are primarily Chinese women coming in and working in the garment business. They come in under a contract for 2 or 3 years. Their living conditions leave a little bit to be desired, but I will go into that a little later.

I do want my colleagues to understand, though, that as we look at the difference in the number of U.S. citizens over a period of time from 1980 to 1999, the growth of that group is relatively modest. But if we look, from 1980 to 1999, at the growth in the number of non-U.S. citizens, we see phenomenal growth. That is a result of these workers coming in and working in sweatshops in a way we would certainly not allow anywhere in the United States.

The population of the Mariana Islands, as I indicated, was about 15,000 in 1976 when the covenant was approved. As of July 1999, that figure has now risen to close to 80,000, as the chart shows.

In 1978, 78 percent of the population were U.S. citizens. By 1990, that figure went down to 47 percent. By 1999, in Saipan where most of the population resides, that figure was down to 42 percent.

With the exception of about 4,000 residents from the freely associated states in Micronesia, there were over 41,000 aliens who entered this portion of the United States outside of our conventional Federal immigration laws because the immigration laws were controlled by the island.

In February of 1996, Senator AKAKA and I, accompanied by a very outstanding group of our professional staff who are with me today, went to visit the islands. Let me give you a little report on what we found. We were not looking for a situation that suggested the immigration was out of control. But in our visit there, and in followup on reports, we did find worker abuse and other problems associated with immigration and labor.

We had an extensive and productive series of meetings during our brief visit. We had an opportunity to meet with the Governor. We were briefed by his various departments on how they were attempting to deal with this situation. We met with law enforcement officials and representatives from the Department of Labor and other agencies. We met with Federal District Court Judge Munson, a very capable Federal judge, and the U.S. attorneys for the area. We met with the leadership of the legislature. We met with various groups, including the Chamber of Commerce and others.

We also visited around the island. We visited garment factories. We met with the workers who heard we were on the island and wanted to convey their concern. Without notice, we met with some of the Bangladeshi security guards. Let me show you what we saw.

Here we are, actually visiting one of the garment factories.

A picture cannot capture the atmosphere, but my colleagues can get some idea of the work. This is a pile of red, what we call gaucho sports shirts. There is quite a pile of them. On the next table, there is another pile. It goes right on down the line.

These women, virtually without exception, are young women who have come over from China on a contract working at these sewing machines and putting these garments together. These are the general types of working conditions and the building.

Behind this working area is their living quarters. The living quarters are pretty rough. We went into some of them. There are four to six women in one room. The beds look like little more than an enlarged children's crib. On the other hand, one has to wonder what kind of conditions they would ordinarily be living in in China. One has to bear that in mind.

This gentleman in red—a different color T-shirt than the pile of shirts—is Senator AKAKA. I am wearing a blue T-shirt. We were going through this factory.

Notice that many of the women do not look up from their machines or even look at strangers, which surprised us. I assume they were told to work, keep their heads down, and mind their own business. Nevertheless, this gives some idea of what is inside one of the garment factories.

There is a barbed wire fence around the barracks where the women live. It is certainly fair to say we would not want to live in those conditions. It was hot. There was air circulating.

I have another picture. Obviously, I had a big dinner that day, so I will not reflect at any great length on that. These are the shirts that are going into various markets in the United States. The extraordinary thing I found is that right at the factory where the garments are put together, not only are the price tags put on but the encoded tag one finds on the garment at sale is put on. When we looked at these labels, we saw the May Company, we saw Hecht's, and a number of noted commercial department stores in the United States.

We found they had a red dot on the other sale items on the garments made in Saipan. Not only are they tagged with the price and the store to which they are going, but this label says "Made in America," and these are made in America because, clearly, Saipan is a territory of the United States. They go in duty free.

Also, these are young women, and this has certain consequences for both the Mariana Islands and the U.S. Federal Government which I am going to mention shortly.

What has attracted this industry, of course, is the availability of workers who come from China on a 3-year contract, and they work very hard. It is a piecemeal-type work. As a consequence, when their turn is to leave, why, there are others who are waiting to come in under contract as well.

We tried to find out terms and conditions under which they were hired, but that is pretty difficult to do. There are those in China who recruit, if you will, and what they get paid to buy a Chinese woman who wants to come over and work is anybody's guess. There seems to be an unlimited supply as these women go back and, in many cases, of course, they have saved a good deal of the money they have made; others perhaps are not so lucky. In any event, we saw other exceptions that were not quite as pleasant.

This is a picture of Senator AKAKA and me in front of what really was a hovel. This is behind one of the major hotels, the Hyatt hotel. There were a series of shacks. This is a gentleman from Bangladesh. He was hired to be a security guard. We found an area where there was no water, no sewer, no electricity. They were heating inside on a kerosene stove. The concern he had is he had not been paid. He had been given checks by his employer, and those checks had been returned for nonsufficient funds. He had three checks.

He said: What am I to do? I work, I am paid, but the checks are no good. I go to the Federal Government representatives on the island, and they are so burdened down with requests such as this that they can't do anything for me; I don't have enough money to go back to my country. What am I to do?

These are people who, obviously, thought they were given an opportunity for a better lifestyle. Clearly, once they arrived there, they found themselves helpless.

This is the exception, not the rule. But there are enough of the exceptions to suggest there is little means for these people to seek relief, to go to their employer, and get paid: Run the check through again next week and maybe there will be money to cover. That is a pretty tough set of circumstances under the American flag.

I refer to another chart on the makeup of the CNMI population by citizenship. If one looks closely at the chart and the growth of populations in the Mariana Islands, one will note the growth rate for U.S. citizens began to rise in roughly 1990. The blue bar is U.S. citizens, and the red bar is the growth of non-U.S. citizens.

There is a ready explanation. If my colleagues will recall, many of the alien contract workers are young women. I have another chart, and this is a chart on infant births. Again, if one looks at the blue from 1985 to 1998, one sees the births by mothers' nationality. The blue represents U.S. citizens and the red is non-U.S. citizens. In 1985, of 675 live births, 260 were to noncitizen mothers. While the number of citizen mothers remains fairly consistent, the number of noncitizen mothers rose to 581 in 1990, 701 in 1991, 859 in 1992, and then continues around 900 to 1,000 thereafter. The exception was 1996 when there were 1,409 recorded live births to noncitizen mothers. Fully 75 percent of all births were to noncitizen mothers.

One might ask: Why are you spending so much time on this statistic? For those who thought these alien contract workers were only temporary and only presented a challenge for the Northern Mariana Islands, reconsider for a moment because every one of these children is a U.S. citizen because that child was born in the United States. As a consequence, at some point in time, undoubtedly, they will come to the United States—either stay in the Mariana Islands or go back to China with the mother and then reenter the United States at a later time because that child is a U.S. citizen.

That is a significant obligation that the United States picks up when it allows this type of immigration—young women coming into these sweatshops, working for a couple of years, and many of them becoming pregnant and those children becoming U.S. citizens. Some of the women are likely married to U.S. citizens.

We do not know the circumstances of all, except for one fact, and that fact is that each of them entered on to U.S. soil outside of our immigration system. They did not come through our immigration system, but they became U.S. citizens anyway.

I have another chart, and this is a chart of employment by private and public sectors. I think it is important that we recognize what we are looking at.

What has this economic boom that has occurred on the islands and access to alien workers at low wages really meant? One thing it has meant is a steady growth in employment.

I think this chart is illuminating. As you can see, in the public sector, virtually all the jobs have gone to U.S. citizens. This is the public sector in blue. What is the public sector? The public sector is government. That is where the U.S. citizens have found their jobs.

Many of the aliens are in the medical and health field. But most of the private-sector jobs go to the aliens. The aliens, of course, are shown on the chart in red as non-U.S. citizens. That is where the growth has been in the private sector.

You probably would not be surprised to know there is a significant difference in wages.

The July 1999 data I have from the Marianas Department of Commerce provides mean-wage data for various sectors of the local economy.

For nondurable goods manufacturing, mean wages were about $2.51 per hour in 1980, $2.94 in 1990, and $2.33 in 1995.

For the same period, in restaurants, mean wages were $2.17 in 1980, $3.84 in 1990, and $3.80 in 1995.

For the public sector, however, mean wages were $4.03 in 1980, $9.20 in 1990, and $11.81 in 1995.

You can see the variance, where the higher wages are in the public sector. What has happened is that the public sector has been forced to expand to provide jobs for local residents and increase the level of wages.

The Governor, when we were over there, noted, and in his testimony later expressed, he was trying to trim the level of government but that it was difficult.

Salaries and related expenses consume over half the budget of the Marianas. They have a carryover deficit of about $70 million, I might add. Even with the growth of the private sector to absorb local residents seeking employment, it is simply not enough.

Let's look at Saipan's unemployment rate by citizenship. This chart shows the unemployment rate by citizenship from 1980. Again, the blue represents U.S. citizens. The red represents non-U.S. citizens. As you can see, in 1980, after approval of the covenant but before the trusteeship ended and the Marianas fully took over immigration, the unemployment rate for U.S. citizens was 3 percent.

By 1990, as immigration began to accelerate and businesses found you could hire foreign labor on short-term contracts, the rate climbed to 5.5 percent. By 1995, even with the significant expansion of the public sector, the rate soared to 13.3 percent.

As you may recall, the use of alien workers was also rising. Now we have 12.6 percent unemployment.

I do not know how the Governor plans to trim the public-sector workforce with that level of unemployment for U.S. citizens, but we wish him well. I know he is very serious about trying to deal with unemployment and the size of the government. This is one of the results, however, of the current immigration system.

What Senator AKAKA and I are proposing is legislation that is bipartisan. It has the support of the administration. As Senator BINGAMAN noted, it was reported out of the committee unanimously. We attempted to address every legitimate concern that the Governor, the Resident Representative, the Speaker of the House, and the President of the Senate from the Marianas raised.

We also met with the business community and other leaders. Throughout, the general approach was to simply oppose the legislation. As a consequence, what we have done is try to make changes to deal with concerns that were raised by those I have mentioned.

Let me briefly go through some of the changes that are in the committee amendment.

First is the grandfathering for existing long-term workers.

One criticism of the current situation in the Marianas is that workers can remain for extended periods—in effect, workers in permanent jobs—and therefore they have no political or civil rights.

Unlike the United States, the Marianas cannot provide for workers to eventually become citizens and enter the community. To respond to that complaint, the Marianas have enacted laws to require all aliens to leave the Commonwealth after a certain timeframe.

One effect of that approach, however, is to frustrate the ability of the employers to recruit, train, and hire personnel. From my experience, I can personally testify that the last thing any employer wants to do is commit resources to training individuals only to have them leave for other employment. It is far worse when the Government says your most valuable employees not only must leave your employ but must also leave the country as well.

The president of the Saipan Chamber of Commerce, Lynn Knight, noted that she had one employee who had been with her firm for several years and would have to leave while another skilled professional could remain since he was a U.S. citizen. Similar situations are likely in other businesses, and I would expect especially in the tourism industry.

To deal with that problem, the committee has included a special provision—this is the new section 6(j) to the Covenant Act—that provides a one-time grandfather provision for long-term employees in legitimate businesses. The provision would allow employers to sponsor current employees who have been employed for 5 years or more.

If the alien is otherwise eligible for admission to the United States, that employee may be granted an immigrant visa or have his status adjusted to a person lawfully admitted for permanent residence without regard to any numerical limitations in the Immigration Act.

This provision would ensure that for those businesses that have long-term employees and want to retain them, this legislation would mean nothing more than their employees would obtain green cards and be authorized to work in the United States. I thank the chamber and Ms. Knight for highlighting this situation because I think this provision will go a long way to ease the transition for legitimate businesses.

Briefly, I will list some of the other changes Senator AKAKA and I made through the hearing process to try to address and accommodate the local concerns of the people there. One is that the legislation limited posttransition relief to only the hotel industry. That has been expanded to include not only legitimate businesses throughout the tourism industry but all other legitimate businesses in the Commonwealth as well.

Further, a new statement of policy to guide implementation has been inserted that makes clear that the transition from a nonresident contract worker program is to be orderly and that potential adverse effects are to be minimized.

An explicit recognition of local self-government has been added together with more detailed requirements for consultation with local officials and consideration of their views.

We have included a straightforward statement, at the request of the Governor, that fundamental policy decisions regarding the direction and pace of economic development and growth will be made by local officials and not dictated by the Federal Government.

Although the legislation limits the ability of the Attorney General to provide additional extension of the temporary worker program to two 5-year periods for legitimate businesses in the tourism industry and for a single 5-year period for other legitimate businesses, it also requires the Attorney General to notify the Congress of the reasons for the extension and whether we should consider providing additional authority for further extensions.

A detailed technical assistance program is included to assist in the transaction and to broaden and strengthen the local economy.

In addition to existing authorities and programs, the Secretary of Commerce is provided **$200,000** in matching grants to assist in the development and implementation of a process to diversify and strengthen the local economy. The Secretary is to consult not only with local officials but also with local businesses, regional banks, and other experts. Now the Secretary of Labor is involved. He is to provide an additional **$300,000** in matching grants to provide technical and other support for the training, recruitment, and hiring of persons authorized to work in the United States to fill jobs in the Commonwealth. In addition to local officials and businesses, the Secretary is to work with the College of the Northern Marianas and the Secretary of Commerce.

A specific requirement has been included for the Federal Government to promote the Northern Marianas as a tourist destination. The resident representative, Juan Babauta, was very forceful in advocating the need for assistance to diversify and strengthen the local economy and provide training for the workers even absent the legislation. Although he and other officials oppose the legislation, I thank him and the others for their concerns. I think they are well founded, and we have sought to try and deal with them.

I am not going to go into all the reasons why this legislation is needed. I think they were fully laid out in the committee hearings and in our committee report. I do not ever want to see a situation where I have to convene a closed hearing and hear from a young lady who is forced to endure what this particular young lady, coming over from China, was forced to endure. The price of local control over Federal functions should not be measured in lost childhood and innocence.

I am not fully happy with how determined Federal law enforcement personnel are, but I am encouraged by the inclusion of funding in their budgets for the first time because they have been working under extraordinary circumstances of inadequate funds.

The General Counsel for the INS testified in strong support of this legislation. I appreciate the technical assistance of their personnel and the provisions and material they have provided us.

It is probably appropriate to conclude with a few comments on the position of some in the opposition, including control over borders and the conditions to enter the United States, work and reside, and become a citizen. Some suggest these are matters of Federal, not local, law. Well, this is not a matter of local self-government. In fact, by requiring the Marianas to develop and implement an immigration system, we diverted important resources they could have dedicated to important matters of local concern, and seriously harmed local self-government.

Neither do I nor others believe the Marianas cannot have a healthy and diversified economy under Federal immigration laws. They certainly can. The islands of the Marianas have the physical and human resources for tourism, as well as the geographic location for other activities and businesses. We have provided in this bill the training and other assistance we think the Marianas will need.

Yes, there will be some changes, but in the long run, they will be for the better for all the residents of the Marianas, and we will not have under the U.S. flag the sweatshop conditions that exist there today. The only losers will be those who made their fortunes by exploiting the situation and exploiting the workers from China who live in conditions that are absolutely unsuitable and unacceptable under the American flag. It is not a healthy economy when employment is 13 percent for local residents, and the only job opportunities seem to be in the area of local government. The current system is denying opportunities to the youth of the Marianas and will force them to leave home for Guam or other areas to obtain work.

In conclusion, I particularly and personally thank Senator AKAKA, who has been such a strong advocate of reform and has patiently worked with us to make this a better bill. I urge my colleagues to adopt the committee amendment and the legislation. Again, I recognize my good friend Senator AKAKA, who is prepared to make an opening statement at this time.

I yield the floor to Senator AKAKA.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I extend my appreciation to our chairman, Senator MURKOWSKI, for all he has done. He has given an extraordinary and accurate and descriptive report of our visit to CNMI. I will follow with some remarks.

At this time, I yield to my friend from Wisconsin, Senator FEINGOLD, for his remarks, to be recognized after he has concluded.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise today because I share the concern of many of my colleagues about the situation in the Commonwealth of the Northern Mariana Islands. I especially thank my colleagues from Alaska and Hawaii for their leadership, and I am very glad this legislation is before us. Allegations of human trafficking, grossly sub-standard working conditions, deceitful recruitment practices, even indentured servitude, must be taken seriously—particularly when these practices are alleged to occur on American soil.

I also rise to highlight some very relevant issues about which I am deeply concerned. As we consider the case of the CNMI, we must recognize that there are other examples of this kind of international exploitation, and that such practices often find their roots in organized crime syndicates that span boundaries, and patterns of corruption that cross borders.

In fact, according to a report issued by the nongovernmental organization, the Global Survival Network, on the situation in the CNMI,

> . . . organized crime groups from the People's Republic of China, South Asia, and Japan reap large profits from human trafficking. Chinese provincial government agencies reportedly collude with Chinese traffickers by pocketing a percentage of passport fees paid by Chinese immigrants. Chinese criminal groups have moved part of their operations to the CNMI, where they operate significant gambling and money-lending operations. Japanese organized crime groups also operate in Saipan, where they control a large part of the sex tourism sector.

Let this be a wake-up call for all of us—international crime is an increasingly disturbing problem, and it is not something that happens only in other parts of the world. This is an issue that I intend to work on in the months ahead.

According to NGO estimates, between 1 million and 2 million women are trafficked each year for the purposes of forced prostitution, many of them from Russia and other parts of Eastern Europe and Central Asia. In 1998, the FBI indicated that, of the Russian crime cases they had investigated abroad, 55 percent involved fraud, 22 percent money laundering, and the rest murder, extortion, and the smuggling of people, arms, and drugs. These kinds of activities are global phenomenon, and the United States is not immune to these forces.

Members of this body are all too familiar with the role of Colombian and Nigerian criminal organizations in the drug trade that casts a shadow over virtually every American community today—including my own hometown.

We have all been alarmed by last year's revelations about the laundering of Russian money through U.S. banks. Recent reports indicate that Poland is overwhelmed in its efforts to combat money laundering schemes—many of which have an international component.

In fact, some 170 Polish gangs have ties with criminal groups abroad. Too often, money-laundering schemes entail the buying-off of corrupt officials, creating a cycle of complicity that undermines the rule of law, stability, and the very legitimacy of government itself.

Few would dispute the fact that corruption played a role in the Asian financial crisis of 1997 and 1998, or that it hampers political, social, and economic development throughout a region that I care deeply about—sub-Saharan Africa, a region where international crime and corruption often go hand-in-hand. The GAO has reported that Americans lose up to $2 billion per year to African-based white collar crime syndicates. In Angola and Sierra Leone, corruption fuels the trade in illicit diamonds, which in turn finances brutally violent conflicts. There can be no doubt that international crime and corruption are critical security issues and economic issues—but there can also be no doubt that they are human rights issues, and social development issues as well.

These patterns will increasingly have an impact on the lives of Americans in this new century, and the manner in which we respond will determine, in part, the degree to which all people of all nations can achieve a better life in the years ahead.

Mr. President, I intend to look more closely at these trends in international crime and corruption in the months ahead.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Hawaii is recognized.

Mr. AKAKA. Madam President, I thank my friend from the State of Wisconsin for his statement. I also thank him for saying what he felt about the CNMI.

I express my gratitude to the majority leader for scheduling this bill today and also the Democratic leader for supporting it. I look forward to working out this bill with my friend, the chairman, Senator MURKOWSKI.

As we begin today's debate, I want to express my sincere thanks to the leadership of the Committee on Energy and Natural Resources for their commitment to CNMI immigration reform. The Senator from Alaska, Chairman MURKOWSKI, and the Senator from New Mexico, Senator BINGAMAN, understand that a great injustice is taking place far from the Nation's Capitol. That is why they have brought this legislation to the Senate floor. Their efforts prove that they live by the words of one of our Senate titans, Daniel Webster, who proclaimed justice the "great interest of man on earth."

Perhaps some Senators, and many viewers who are watching these proceedings in the gallery or on television, are wondering, "Why is the United States Senate—that great deliberative body in the world's strongest democracy—taking time from its busy schedule to debate legislation that affects a distant island community with a population of only 70,000 people?" You might ask, "Why don't we work on other important legislation, such as nuclear waste policy, judicial nominations, or health care for our armed forces?"

The answer to these questions is that conditions in the Commonwealth of the Northern Mariana are an affront to democratic values. The answer is that the CNMI immigration system has sparked international protests from our Pacific allies.

Immigration in the Commonwealth violates fundamental standards of morality and human decency. That's why we must pass the reform measure pending in the Senate.

Chairman MURKOWSKI is a longstanding champion of CNMI immigration reform.

He is the only Senator in recent memory to visit the Commonwealth, where he witnessed the profound problems caused by their local immigration law.

I doubt that many of my colleagues know very much about the CNMI, a U.S. Island territory located 1,500 miles south of Tokyo.

Those Senators who are familiar with the territory have probably read the growing number of articles on the immigration and labor abuse in the Commonwealth. Yet only Chairman MURKOWSKI has visited the islands to get a first-hand understanding of their problems. I joined him on his tour of the CNMI in February of 1996.

The statement that was made by the chairman on what we saw there, as I said, is accurate and very descriptive. It was a shame to see that a part of the United States is living under those conditions.

The legislation before us won't correct all of the Commonwealth's problems, but it will address the most significant concern, immigration abuse. Chairman MURKOWSKI is a man of the Pacific who understands the need to have an immigration policy that reflects America values.

The states we represent, Alaska and Hawaii, are closest to our Pacific neighbors, and we recognize the need to respond to problems that generate strong protests from other Pacific nations. I am honored to join him as a cosponsor of S. 1052, legislation to reform immigration abuses in the CNMI.

When the CNMI became a U.S. commonwealth in 1976, Congress granted it local control over immigration at the request of island leaders. This means that the Immigration and Nationality Act does not apply in the CNMI. We now know this decision was a great mistake.

Using its immigration authority, the Commonwealth has created a plantation economy that relies upon wholesale importation of low-paid, short-term indentured workers. Indentured servitude, a practice outlawed in the United States over 100 years ago, had resurfaced in the CNMI.

Foreign workers pay up to $7,000 to employers or middlemen for the right to a job in the CNMI. When they finally reach the Commonwealth, they are assigned to tedious, low paying work for long hours with little or no time off. At night they are locked in prison-like barracks.

If they complain, they are subject to immediate deportation at the whim of their employer.

Some arrive in the islands only to find that they were victims of an employment scam. There are no jobs waiting for them, and no way to work off their bondage debt.

Concern about the CNMI's long-standing immigration problems has historically been bipartisan. In fact, officials in the Reagan administration first sounded the alarm about the runaway immigration policies that the Commonwealth adopted.

The administration of every President in the past 16 years—the Reagan, Bush, and Clinton administrations—has consistently criticized the Commonwealth's immigration policy.

Bipartisan studies have also condemned CNMI Immigration.

The Commission on Immigration Reform called the CNMI system of immigration and indentured labor "antithetical to American values." According to the Commission, no democratic society has an immigration policy like the CNMI.

The closest equivalent is Kuwait, where foreign workers constitute a majority of the workforce and suffer harsh and discriminatory treatment by the citizen population.

For this reason, the CNMI has also become an international embarrassment for the United States.

We have received complaints from the Philippines, Nepal, Sri Lanka, and Bangladesh about immigration abuse and the treatment of workers. The failure of the Commonwealth to reform its immigration system has seriously tarnished our image in the region.

Concerns about the CNMI are not new. Perhaps we should be criticized for not acting sooner. Yet, despite a 14-year effort by the Reagan, Bush, and Clinton administrations to persuade the CNMI to correct immigration problems, the problems persist.

After 14 years of waiting for the Commonwealth to implement reform, it is time for Congress to act. Statistics on Commonwealth immigration provide compelling evidence of the need for reform.

Twenty years ago, the CNMI had a population of 15,000 citizens and 2,000 alien workers.

Today, the citizen population stands at 28,000, but the alien worker population has mushroomed to 42,000. That's a 2,000 percent increase.

The Immigration and Naturalization Service reports that the CNMI has no reliable records of aliens entering the Commonwealth, how long they remain, and when, if ever, they depart. One CNMI official testified that they have "no effective control" over immigration in their islands.

The CNMI shares the American flag, but it does not share our immigration system. When the Commonwealth became a territory of the United States, we allowed them to write their own immigration laws.

After twenty years of experience, the CNMI immigration experiment has failed.

Conditions in the CNMI prompt the question whether the U.S. should operate a unified immigration system, or whether a U.S. territory should be allowed to establish laws in conflict with national immigration policy.

Common sense tells us that a unified system is the only answer. If Puerto Rico, or Hawaii, or Arizona, or Oklahoma could write their own immigration laws—and give work visas to foreigners—our national immigration system would be in chaos.

America is one country. We need a uniform immigration system, not one system for the 50 states and another system for one of our territories.

I don't represent the CNMI, but the Commonwealth is Hawaii's backyard. I speak as a friend and neighbor when I say that this policy cannot continue. The CNMI system of indentured immigrant labor is morally wrong, and violates basic democratic principles.

We hope that our colleagues will hear our voices and will join us in passing S. 1052.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NAVY SUPER HORNET PROGRAM

Mr. FEINGOLD. Mr. President, I have been a long-time critic of the Navy's F/A-18 E/F Super Hornet program. For years, I have come to the floor to highlight this program's shortcomings, and I have offered bills to kill the program and amendments to try to achieve greater scrutiny over the program. Sometimes my colleagues have agreed with me, and more often than not, they have not on this particular issue. I understand that, in all probability, the Super Hornet program will get its final green light this spring, and it will go into full-rate production.

However, I will continue to fight for responsible defense spending and continue to try to enlighten my colleagues about this inferior, unnecessary, and expensive program.

With that in mind, I have asked Secretary Cohen to delay his production decision until he reviews a GAO audit of the Super Hornet program's Operational Evaluation.

I will read an opinion-editorial by Lieutenant Colonel Jay Stout, a highly-regarded, active duty Marine fighter pilot of the F/A-18C, and combat veteran. The Virginian-Pilot published his opinions this past December.

Rear Admiral J.B. Nathman, the Navy's director of air warfare, wrote the requisite, tired response, with a little personal invective thrown in.

A subsequent piece by James Stevenson, a well-known aviation writer, rebuts each of Admiral Nathman's arguments. I will read Stevenson's letter, as well.

I will read the article by Mr. Stout, and I ask unanimous consent that two other articles, plus a December 13, 1999, article from Business Week be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FEINGOLD. The first article is Mr. Stout's piece from the Virginian-Pilot entitled, "The Navy's Super Fighter Is A Super Failure."

The article reads as follows:

I am a fighter pilot. I love fighter aircraft. But even though my service—I am a Marine—doesn't have a dog in the fight, it is difficult to watch the grotesquerie that is the procurement of the Navy's new strike-fighter, the F/A-18 E/F Super Hornet.

Billed as the Navy's strike-fighter of the future, the F/A-18 E/F is instead an expensive failure—a travesty of subterfuge and poor leadership. Intended to overcome any potential adversaries during the next 20 years, the aircraft is instead outperformed by a number of already operational aircraft—including the fighter it is scheduled to replace, the original F/A-18 Hornet.

The Super Hornet concept was spawned in 1992, in part, as a replacement for the 30 year-old A-6 Intruder medium bomber. Though it had provided yeoman service since the early 1960s, the A-6 was aging and on its way to retirement by the end of the Gulf War in 1991. The Navy earlier tried to develop a replacement during the 1980s—the A-12—but bungled the project so badly that the whole mess was scrapped in 1991. The A-12 fiasco cost the taxpayers $5 billion and cost the Navy what little reputation it had as a service that could wisely spend taxpayer dollars.

Nevertheless, the requirement for an A-6 replacement remains. Without an aircraft with a longer range and greater payload than the current F/A-18, the Navy lost much of its offensive punch. Consequently it turned to the original F/A-18—a combat-proven performer, but a short-ranged light bomber when compared to the A-6. Still stinging from the A-12 debacle, the Navy tried to "put one over" on Congress by passing off a completely redesigned aircraft—the Super Hornet—as simply a modification of the original Hornet.

The obfuscation worked. Many in Congress were fooled into believing that the new aircraft was just what the Navy told them it was—a modified Hornet. In fact, the new airplane is much larger—built that way to carry more fuel and bombs—is much different aerodynamically, has new engines and engine intakes and a completely reworked internal structure. In short, the Super Hornet and the original Hornet are two completely different aircraft despite their similar appearance.

Though the deception worked, the new aircraft—the Super Hornet—does not. Because it was never prototyped—at the Navy's insistence—its faults were not evident until production aircraft rolled out of the factory. Among the problems the aircraft experienced was the publicized phenomenon of "wing drop"—a spurious, uncommanded roll, which occurred in the heart of the aircraft's performance envelope. After a great deal of negative press, the Super Hornet team devised a "band-aid" fix that mitigated the problem at the expense of performance tradeoffs in other regimes of flight. Regardless, the redesigned wing is a mish-mash of aerodynamic compromises which does nothing well. And the Super Hornet's wing drop problem is minor compared to other shortfalls. First, the aircraft is slow—slower than most fighters fielded since the early 1960s. In that one of the most oft-uttered maxims of the fighter pilot fraternity is that "Speed is Life," this deficiency is alarming.

But the Super Hornet's wheezing performance against the speed clock isn't its only flaw. If speed is indeed life, then maneuverability is the reason that life is worth living for the fighter pilot. In a dog fight, superior maneuverability allows a pilot to bring his weapons to bear against the enemy. With its heavy, aerodynamically compromised airframe, and inadequate engines, the Super Hornet won't win many dogfights. Indeed, it can be outmaneuvered by nearly every frontline fighter fielded today.

"But the Super Hornet isn't just a fighter," its proponents will counter. "It is a bomber as well." True, the new aircraft carries more bombs than the current F/A-18—but not dramatically more, or dramatically further. The engineering can be studied, but the laws of physics don't change for anyone—certainly not the Navy. From the beginning, the aircraft was incapable of doing what the Navy wanted. And they knew it.

The Navy doesn't appear to be worried about the performance shortfalls of the Super Hornet. The aircraft is supposed to be so full of technological wizardry that the enemy will be overwhelmed by its superior weapons. That is the same argument that was used prior to the Vietnam War. This logic fell flat when our large, expensive fighters—the most sophisticated in the world—started falling to peasants flying simple aircraft designed during the Korean conflict.

Further drawing into question the Navy's position that flight performance is secondary to the technological sophistication of the aircraft, are the Air Forces' specifications for its new—albeit expensive—fighter, the F-22. The Air Force has ensured that the F-22 has top-notch flight performance, as well as a weapons suite second to none. It truly has no rivals in the foreseeable future.

The Super Hornet's shortcomings have been borne out anecdotally. There are numerous stories, but one episode sums it up nicely. Said one crew member who flew a standard Hornet alongside new Super Hornets: "We outran them, we out-flew them, and we ran them out of gas. I was embarrassed for those pilots." These shortcomings are tacitly acknowledged around the fleet where the aircraft is referred to as the "Super-Slow Hornet."

What about the rank-and-file Navy fliers? What are they told when they question the Super Hornet's shortcomings? The standard reply is, "Climb aboard, sit down, and shut up. This is our fighter, and you're going to make it work." Can there be any wondering at the widespread disgust with the Navy's leadership and the hemorrhaging exodus of its fliers?

Unfortunately, much of the damage has been done. Billions of dollars have been spent on the Super Hornet that could have been spent on maintaining or upgrading the Navy's current fleet of aircraft. Instead, unacceptable numbers of aircraft are sidelined for want of money to buy spare parts. Paradoxically, much of what the Navy wanted in the Super Hornet could have been obtained, at a fraction of the cost, by upgrading the current aircraft—what the Navy said it was going to do at the beginning of this mess.

Our military's aircraft acquisition program cannot afford all the proposed acquisitions. Some hard decisions will have to be made. The Super Hornet decision, at a savings of billions of dollars, should be an easy one.

Again, what I have just been reading for several minutes is an op-ed from Lt. Col. Jay Stout, somebody who actually knows this airplane well.

Now I would like to read a brief letter that rebuts Admiral Nathman's letter, which was in response to Lt. Col. Jay Stout's piece.

In his response to Lt. Col. Jay Stout's Dec. 15 op-ed criticism of the F-18E Super Hornet, Rear Adm. John Nathman accused Stout (letter, Dec. 23) of "unfounded assertions."

What this letter then says is:

Nathman claimed that the F-18E has completed "the most rigorous and scrutinized process of procurement, acquisition and evaluation in recent Department of Defense and naval history." On the contrary, the F-18E was initially rejected by the Navy and only rushed into the budget at the last minute when the A-12 was canceled.

In the fall of 1990, the Navy re-examined its requirements for a deep strike aircraft. It dismissed the F-18E as unacceptable in both range and stealth. As to stealth, it concluded that ordnance hanging under the F-18E would provide too good a target on radar.

When then Defense Secretary Richard Cheney canceled the A-12, the Navy pushed the F-18E onto center stage, ignoring regulations that required a new design number for "major design changes within the same mission category." Instead, the Navy gave the new aircraft a new series letter, to make this new aircraft appear as a mere modification. The Navy did this to avoid approximately 25 specific oversight steps.

In so doing, the Navy insured that the F-18E would avoid, from its inception, the "scrutinized process of procurement, acquisition and evaluation," about which Nathman wrote.

The Navy's attempt to minimize oversight extended to the Congress. The Navy flight test director, in October 1996 and March 1997, issued two F-18E deficiency reports. In spite of these reports, the Chief of Naval Operations wrote four months later to the chairman of the Senate National Security Committee as follows:

The F/A-18 E/F has flawlessly progressed through every required milestone to include operational requirements, mission needs, cost and threat analysis, and engine development . . . Testing results have clearly exceeded all specific performance parameters.

Rear Adm. Nathman states that the F-18E has 40 percent more range. Such a statement is misleading. In 1993, the Navy admitted that under the same conditions and weapons loads, the promised range of the F-18E was between 15 and 19 percent less than the original F-18A specification.

It remains for Nathman to provide evidence that the F-18E's performance is now greater than its 1993 promise.

Finally, Nathman complained that Stout wrote his article "without checking some readily available factual information." From what we have seen, even those charged with oversight—our congressmen—cannot obtain "readily available factual information." Stout got his information from sources that are more reliable than the CNO's communication with Congress.

If Stout had continued his investigation, he would have learned that far from pushing "current technology to its limit," the Navy will give future naval aviation—for twice the program unit cost—an airplane that, below 20,000 feet with pylons on, cannot fly supersonic. There is some question as to whether this fact is included within the "readily available" information of which Nathman spoke.

Madam President, that is the response of James Stevenson to the Navy's letter questioning Lt. Col. Jay Stout's comments. I offer these as evidence that we are about to embark on an F/A–18E and F airplane that, frankly, after having been looked at for several years, at best is not better than the current plane, and probably is worse, and is enormously more expensive than continuing with the FA–18C and D plane.

Exhibit 1

[From the Virginian-Pilot, Dec. 23, 1999]

Look at the Facts: The Navy's New Hornet Is Super Indeed

(By Rear Admiral J.B. Nathman)

It is healthy to bring opposing views forward in open and honest discussion. Unfortunately, this was not the case in a Dec. 15 oped column on the F–18E/F Super Hornet. ("The Navy's super fighter' is a super failure"). This article was apparently written without checking some readily available factual information.

As the one responsible for establishing naval aviation requirements, I can set the record straight with regard to the performance and warfighting capabilities of the Super Hornet. I would also like to speak for the thousands of individuals, both military and civilian, whose efforts were involved in bringing the Super Hornet's warfighting capability to our Naval Air Force.

The F–18E/F Super Hornet has just completed the most rigorous and scrutinized process of procurement, acquisition and evaluation in recent Department of Defense and naval history. Going into the final evaluation process, the Super Hornet met or exceeded every established performance milestone. The Super Hornet was designed from Day One to be a decisive strike-fighter, equipped to handle the threats and win in today's environment and for the foreseeable future.

Achieving this goal required years of planning and pushed current technology to its limits to obtain the most combat "bang for the buck" for the US Navy and American taxpayer. As compared to the current model F–18, proven enhancements include:

40 percent increase in mission combat radius.

50 percent increase in combat on-station time.

Three times the carrier recovery payload—safer carrier operations for our pilots.

Improved survivability, lethality and greater penetration into the enemy's battle space.

Growth potential for future combat enhancements and mission requirements.

In today's environment, the calculus of combat effectiveness is much more than just speed. With its superb combat maneuverability, radar and weapons systems, impressive suite of electronic countermeasures, ability to withstand greater combat damage and increased fuel capacity, the Super Hornet is not only more survivable but three to five times more combat effective than any other naval aircraft in the inventory.

The author's unfounded assertions with regard to performance are simply not borne out by the facts and do not reflect the performance of the combat-ready Super Hornet.

Naval Aviation has made tough but sound choices with the Super Hornet program. Some trade-offs are inevitable and appropriate, particularly in an austere defense budget climate, but this aircraft answers the Navy's needs.

The F/A–18E/F is an outstanding investment for the American taxpayer and will serve as a model for future Navy programs and procurement. The Super Hornet is being delivered on time, on budget and is at the heart of naval aviation's ability to fight and win in the 21st Century.

In the final analysis, hard fact—not innuendo, anecdote or rumor—will establish the operational supremacy of this aircraft. By every measure, Boeing and the Navy's new Hornet are indeed super. The aircraft is in great shape as it completes final evaluation.

Because the Virginian-Pilot is read by thousands of men and women in the naval aviation community, both active-duty and retired, I felt it was my responsibility to respond to a column riddled with inaccuracies.

[From Business Week, Dec. 13, 1999]

The (Not So) Super Hornet—Why the Navy Is Spending Billions on a Fighter Jet With Flaws That Costs Twice as Much as Its Predecessor

(By Stan Crock)

Pentagon analyst Franklin C. Spinney remembers the conversation with crystal clarity. Over dinner with a Marine flier in late 1991, talk turned to Navy plans for a new version of the F–18 Hornet. Earlier in the year, the Pentagon had killed the new A–12 bomber. Other Navy planes were decades old. And the service thought existing F/A–18s couldn't fly long-range missions. To fill carrier decks, the Navy decided to rely on an upgrade of the F–18 used by the fabled Blue Angels. "We've got to have this even if it doesn't work," the pilot confided.

HOW PROPHETIC

On Nov. 16, the F/A–18E/F Super Hornet finished operational-evaluation flights, the last step before full production, set for this spring. And Congress in September approved a five-year, $9 billion authorization for the fighter-attack aircraft, which will cost $47 billion through 2010. But by many accounts, the $53 million-a-copy plane is only slightly better than its predecessor, the F/A–18C/D, which costs half as much. And the E/F's flying performance "is almost unambiguously a step backward," says Spinney.

As a debate rages on Capitol Hill over the Pentagon's ambitious plans to buy three new aircraft for an astounding $340 billion over the next three decades, Boeing Co.'s Super Hornet has managed to fly under the radar with political, if not technological, stealth. The saga of how it has done so shows just how hard it will be to kill off any of the three: the Super Hornet, the Air Force's F–22 Raptor, and the Joint Strike Fighter. The ingredients of the F/A–18E/F's tale include a Navy anxious not to cede missions to the Air Force, an ailing defense contractor, and lawmakers looking to preserve defense jobs.

The Pentagon and Boeing staunchly defend the program. The E/F won a Pentagon award in 1996 for excellence in engineering and development. And supporters note it's on schedule and under budget. Says Patrick J. Finneran, Boeing's F–18 czar: "This thing gets gold stars."

The General Accounting Office, Congress' watchdog agency, begs to differ. It noted in a June, 1999, report that as full production neared, the plane had 84 deficiencies, including radar that couldn't tell the direction of oncoming threats. It recommended—in vain—that Congress reject a multiyear commitment to the program. Critics say one reason for the Super Hornet's woes is that the Navy dubbed the E/F a modification of its C/D predecessor. That was true even though the E/F has a different wing, fuselage, and engine, and is 25% heavier. About 85% of the wing and airframe components are different from those of the F/A–18C/D, according to an analysis by the Cato Institute, a conservative think tank. All of this led some experts to say it's a new aircraft.

REELING

But a new plane would have been harder to sell to Congress and wouldn't have been exempt from some lengthy procurement requirements. Most important, St. Louis-based McDonnell Douglas Corp., the F–18's builder, would not have been guaranteed the work. At the time, McDonnell Douglas, which Boeing acquired in 1997, was reeling from cost overruns on other programs and the A–12's termination.

The shorter procurement process for a modification meant McDonnell Douglas didn't have to build a prototype to help iron our kinks. The risks from this approach became apparent in March, 1996, during the Super Hornet's seventh test flight. The plane suddenly started to roll as it approached supersonic speed. A blue-ribbon panel said in a Jan. 14, 1998, report that the wing-drop phenomenon "could put flight safety at risk." And the flaw would make it tough for pilots to track enemy aircraft.

The Navy downplays the issue, saying wing drops had cropped up—and been solved—in previous programs. But fixing the problem proved difficult. One solution—a new wing covering—caused yet another problem: vibrations so severe that pilots had trouble reading the display.

Another shrewd Navy ploy was to lower the bar for performance standards. When the Navy brass debated whether the E/F should be required to turn, climb, accelerate, and maneuver better than the C/D version, Vice Admiral Dennis V. McGinn, then the head of naval air warfare, rejected all but acceleration. A good thing, too, because the E/F doesn't perform so well in the other areas. In a Jan. 19, 1999, memo, Phillip E. Coyle, a top Defense Dept. weapon systems evaluator, says such Russian fighters as the Su-27 and Mig-9 "can accelerate faster and out-turn all variants of the F/A–18 in most operating regimes." The memo says while that's the price for more payload and range, the Navy plans to use air-combat tactics that won't require the capabilities of the earlier F/A–18 models.

Despite efforts to compensate for shortcomings, a July, 1997, report by an advisory board of Pentagon and contractor representatives warned that evaluators may find the plane "not operationally effective" even if it meets all requirements. One solution proposed: "aggressive indoctrination of operational community to help them match expectation to reality of F/A–18E/F." Translation: Lower pilots' expectations.

Early on, one of the Super Hornet's key selling points was a projection that the plane would fly 40% farther than its predecessor. But the longer-range figure assumed that 80% of the fleet would be one-seater planes. One-seaters carry more fuel than two-seaters and thus can fly farther. But now the Navy wants just 55% of the fleet to be one-seaters. While this lets it replace the ancient F–15 Tomcat—a two-seater—it undercuts the longer-range promises. In actual performance, the one-seater shows a range of 444 nautical miles, only 20% above the older F/A–18C's 369-mile range, the GAO says.

The Navy also says the E/F will have 17 cubic feet more room for high-tech gear than the C/D. But the GAO found only 5.46 cubic feet were usable—and that nearly every upgrade could be installed on the C/D. And the Navy claims that the Super Hornet performs a crucial function better than the C/D: Returning to a carrier with unusual munitions. But critics say it would be cheaper to dump the bombs in the ocean than to pay $30 million extra for the E/F.

Boeing's Finneran disputes the GAO's findings. He says recent tests show the planes have exceeded range goals, and he rejects the notion that the C/D has the space to be upgraded. Still, looking at the broad picture, former National Security Adviser Brent Scowcraft would kill the program because the E/F "has the least modernization" of the three new planes under development.

The Super Hornet has plenty of support on Capitol Hill, though. When a House National Security subcommittee threatened funding for the program in 1996, House Minority Leader Richard A. Gephardt of Missouri called every Democrat on the full committee. Representative Jim Talent (R-Mo.) collared his GOP brethren. The funding cuts were restored. Even GOP Presidential hopeful Senator John McCain, who often attacks Pentagon waste, backs the program.

The upshot? The Navy will get its plane, regardless of how it works. But Marine pilots won't fly it. They're waiting for the stealthy Joint Strike Fighter, slated for production around 2008. "If we were going to spend dollars, we wanted to spend them on something that was a leap in technology," says recently retired General Charles C. Krulak, a former Marine commandant who opted not to buy the Super Hornet. Indeed, Marine pilots' fears now are quite different from those Spinney heard in 1991. "If the Joint Strike Fighter dies," frets one airman, "we're stuck with the Super Hornet."

WORDS OF WARNING

Official Evaluation—The Operational Test and Evaluation Force "may find the F/A–18E/F not operationally effective/suitable even though all specification requirements are satisfied" Translation—This plane may have plenty of problems even if it meets our specs.

Official Evaluation—How to mitigate the problem: "aggressive indoctrination of operational community to help them match expectation to reality of F/A–18E/F." Translation—We oversold this plane and now need to lower pilots expectations.

Mr. FEINGOLD. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT—Continued

Mr. MURKOWSKI. Madam President, I ask unanimous consent that there be 1 hour for debate, equally divided, with respect to S. 1052; and, further, no amendments or motions be in order other than the committee substitute and one technical amendment offered by the chairman. I finally ask consent that following the debate time, the bill be read for a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2807

(Purpose: To clarify that visas and admissions under the legislation are not to be counted against numerical limitations in the Immigration and Nationality Act, and for other purposes)

Mr. MURKOWSKI. Madam President, on behalf of Senator AKAKA and myself, I send a series of amendments to the committee substitute to the desk and ask that they be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] for himself and Mr. AKAKA, proposes an amendment numbered 2807.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 20–21, strike "regard to" and insert "counting against".

On page 34, lines 7–8, strike "to be made available during the following fiscal year" and insert "that will not count against the numerical limitations".

On page 34, strike line 15 and all that follows through page 35, line 4.

On page 34, strike "(C)" and insert "(B)".

On page 35, strike line 20 and all that follows through page 36, line 18.

On page 36, strike "(E)" and insert "(C)".

On page 37, strike line 3 and all that follows through page 38, line 9.

On page 38, strike line 10 and all that follows through line 24.

On page 39, line 1, strike "(I)" and insert "(D)".

On page 40, line 6, strike "and reviewable".

On page 41, lines 3–6, strike "The determination as to whether a further extension is required shall not be reviewable.".

On page 41, lines 20–21, strike "The decision by the Attorney General shall not be reviewable.".

On page 42, lines 6–7, strike "The determination by the Attorney General shall not be reviewable.".

On page 45, line 16, strike line 16 and all that follows through page 46, line 10.

On page 46, line 11, strike "(h)" and insert (g)".

On page 46, line 20, strike "(i)" and insert "(h)".

On page 47, line 3, strike "(j)" and insert "(i)".

On page 47, line 9, strike "regard to" and insert "counting against".

On page 47, line 14, strike "(C) through (H)" and insert "(B) and (C)".

On page 48, line 5, strike "five-year" and insert "five-year" and insert "four-year".

On page 48, line 9, strike "5-year" and insert "four-year".

On page 48, line 18, strike "five years" and insert "four years".

On page 48, strike line 23 and all that follows through page 49, line 4.

On page 49, line 5, strike "(3)" and insert "(2)".

On page 49, line 10, strike "(4)" and insert "(3)".

On page 49, between lines 21 and 22, insert the following new subsection:

"(K) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to count the issuance of any visa to an alien, or the grant of any admission of an alien, under this section toward any numerical limitation contained in the Immigration and Nationality Act.".

Mr. MURKOWSKI. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 2807) was agreed to.

Mr. MURKOWSKI. I yield back any time to my good friend, Senator AKAKA.

Mr. AKAKA. Madam President, I rise to add a bit to my statement. In my statement, I mentioned that Senator MURKOWSKI was the only Senator who went to CNMI. But Senator HARKIN also went to CNMI in August.

The PRESIDING OFFICER. Is all time yielded back?

Mr. AKAKA. I yield back my time.

Mr. MURKOWSKI. Madam President, how much time is remaining?

The PRESIDING OFFICER. Fifty-nine minutes is remaining.

Mr. MURKOWSKI. Madam President, we yield back all time.

I thank Senator BINGAMAN and his staff, minority staff of the Energy and Natural Resources Committee, for their work in this regard and, of course, my good friend, Senator AKAKA, and his staff.

I thank specifically David Garman, my legislative director; Kira Finkler, who has been working with the minority on this; Chuck Kleeschulte, David Dye, Sam Fowler, and Andrew Lundquist; a former staffer of mine, Deanna Okun, who has taken a position with the Federal International Trade Commission. There are others who have worked long and hard to bring about this much-needed change with regard to immigration in the Marianas, but particularly Senator AKAKA's efforts over an extended period of time to clearly right a wrong. I think this legislation has achieved that today. I commend my good friend.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, I thank Chairman MURKOWSKI, who has done a great job in shepherding and crafting this bill and bringing it to the floor of the Senate. This has been a tough few years because there have been some objections along the way. I think we are doing it correctly. We are taking care of the concern of embarrassment for the United States that would be faced when we pass this bill. This is a bipartisan bill. The chairman has diligently worked, as have staff on both sides of the aisle, well to bring us to this point. I am glad I had a chance to be a part of it and know this is the right thing for our country; that is, for us to pass S. 1052 with its amendments.

I thank the Chair and yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, before we go into morning business, I alert my colleagues that tomorrow, at approximately 11 o'clock, we will be taking up the nuclear waste bill. Senator BINGAMAN and I have worked hard, as well as our staffs, to try to bring this to some conclusion. I put all of my colleagues on notice that, unfortunately, tomorrow's debate will not be as expeditious as the debate today. Hopefully, we will have resolve that.

The PRESIDING OFFICER. If the Senator will withhold, the committee amendment, as amended, is agreed to.

The bill (S. 1052) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Northern Mariana Islands Covenant Implementation Act".

(b) STATEMENT OF PURPOSE.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intention of Congress in enacting this legislation—

(1) to ensure effective immigration control by extending the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), in full to the Commonwealth of the Northern Mariana Islands, with special provisions to allow for the orderly phasing-out of the nonresident contract worker program of the Commonwealth of the Northern Mariana Islands, and the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth of the Northern Mariana Islands;

(2) to minimize, to the greatest extent possible, potential adverse effects this orderly phase-out might have on the economy of the Commonwealth of the Northern Mariana Islands by:

(A) encouraging diversification and growth of the economy of the Commonwealth of the Northern Mariana Islands consistent with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America through consultation with the Governor and other elected officials of the Government of the Commonwealth of the Northern Mariana Islands by Federal agencies and by considering the views and recommendations of such officials in the implementation and enforcement of Federal law by Federal agencies;

(C) assisting the Commonwealth of the Northern Mariana Islands to achieve a progressively higher standard of living for its citizens through the provision of technical and other assistance;

(D) providing opportunities for persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor; and

(E) ensuring the ability of the locally elected officials by the Commonwealth of the Northern Mariana Islands to make fundamental policy decisions regarding the direction and pace of the economic development and growth of the Commonwealth of the Northern Mariana Islands, consistent with the fundamental national values underlying Federal immigration policy.

SEC. 2. IMMIGRATION REFORM FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) AMENDMENTS TO ACT APPROVING THE COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA.—Public Law 94-241 (90 Stat. 263), as amended, is further amended by adding at the end thereof the following:

"SEC. 6. IMMIGRATION AND TRANSITION.

"(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—Effective on the first day of the first full month commencing one year after the date of enactment of the Northern Mariana Islands Covenant Implementation Act (hereafter the "transition program effective date"), the provisions of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.) shall apply to the Commonwealth of the Northern Mariana Islands: *Provided*, That there shall be a transition period ending December 31, 2009 (except for subsection (d)(2)(D)), following the transition program effective date, during which the Attorney General of the United States (hereafter "Attorney General"), in consultation with the United States Secretaries of State, Labor, and the Interior, shall establish, administer, and enforce a transition program for immigration to the Commonwealth of the Northern Mariana Islands provided in subsections (b), (c), (d), (e), (f), and (i) of this section (hereafter the "transition program"). The transition program shall be implemented pursuant to regulations to be promulgated as appropriate by each agency having responsibilities under the transition program.

"(b) EXEMPTION FROM NUMERICAL LIMITATIONS FOR H-2B TEMPORARY WORKERS.—An alien, if otherwise qualified, may seek admission to the Commonwealth of the Northern Mariana Islands as a temporary worker under section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)).

"(c) TEMPORARY ALIEN WORKERS.—The transition program shall conform to the following requirements with respect to temporary alien workers who would otherwise not be eligible for nonimmigrant classification under the Immigration and Nationality Act:

"(1) Aliens admitted under this subsection shall be treated as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258), or adjustment of status, if eligible therefor, under this section and section 245 of such Act (8 U.S.C. 1255).

"(2)(A) The United States Secretary of Labor shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each temporary alien worker who would not otherwise be eligible for admission under the Immigration and Nationality Act. This system shall provide for a reduction in the allocation of permits for such workers on an annual basis, to zero, over a period not to extend beyond December 31, 2009, and shall take into account the number of petitions granted under subsection (i). In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the United States Secretary of Labor to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, taking into consideration the objective of providing as smooth a transition as possible to the full application of federal law.

"(B) The United States Secretary of Labor is authorized to establish and collect appropriate user fees for the purposes of this section. Amounts collected pursuant to this section shall be deposited in a special fund of the Treasury. Such amounts shall be available, to the extent and in the amounts as provided in advance in appropriations acts, for the purposes of administering this section. Such amounts are authorized to be appropriated to remain available until expended.

"(3) The Attorney General shall set the conditions for admission of nonimmigrant temporary alien workers under the transition program, and the United States Secretary of State shall authorize the issuance of nonimmigrant visas for aliens to engage in employment only as authorized in this subsection: *Provided*, That such visas shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except the Commonwealth of the Northern Mariana Islands. An alien admitted to the Commonwealth of the Northern Mariana Islands on the basis of such a nonimmigrant visa shall be permitted to engage in employment only as authorized pursuant to the transition program. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under paragraph (2) have been met.

"(4) An alien admitted as a nonimmigrant pursuant to this subsection shall be permitted to transfer between employers in the Commonwealth of the Northern Mariana Islands during the period of such alien's authorized stay therein, without advance permission of the employee's current or prior employer, to the extent that such transfer is authorized by the Attorney General in accordance with criteria established by the Attorney General and the United States Secretary of Labor.

"(d) IMMIGRANTS.—With the exception of immediate relatives (as defined in section 201(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)) and persons granted an immigrant visa as provided in paragraphs (1) and (2) of this subsection, no alien shall be granted initial admission as a lawful permanent resident of the United States at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands.

"(1) Family-sponsored immigrant visas.—For any fiscal year during which the transition program will be in effect, the Attorney General, after consultation with the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, and in consultation with appropriate federal agencies, may establish a specific number of additional initial admissions as a family-sponsored immigrant at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, pursuant to sections 202 and 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152 and 1153(a)).

"(2) Employment-based immigrant visas.—

"(A) If the Attorney General, after consultation with the United States Secretary of Labor and the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, finds that exceptional circumstances exist with respect to the inability of employers in the Commonwealth of the Northern Mariana Islands to obtain sufficient work-authorized labor, the Attorney General may establish a specific number of employment-based immigrant visas that will not count against the numerical limitations under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)). The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this subsection.

"(B) Persons granted employment-based immigrant visas under the transition program may be admitted initially at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as lawful permanent residents of the United States. Persons who would otherwise be eligible for lawful permanent residence under the transition program, and who would otherwise be eligible for an adjustment of status, may have their status adjusted within the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence.

"(C) Nothing in this paragraph shall preclude an alien who has obtained lawful permanent resident status pursuant to this paragraph from applying, if otherwise eligible, under this section and under the Immigration and Nationality Act for an immigrant visa or admission as a lawful permanent resident under the Immigration and Nationality Act.

"(D) Special provision to ensure adequate employment in the tourism industry after the transition period ends.—

"(i) During 2008, and in 2014 if a five year extension was granted, the Attorney General and the United States Secretary of Labor shall consult with the Governor of the Commonwealth of the Northern Mariana Islands and tourism businesses in the Commonwealth of the Northern Mariana Islands to ascertain the current and future labor needs of the tourism industry in the Commonwealth of the Northern Mariana Islands, and to determine whether a five-year extension of the provisions of this paragraph (d)(2) would be necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry. For the purpose of this section, a business shall not be considered legitimate if it engages directly or indirectly in prostitution or any activity that is illegal under Federal or local law. The determination of whether a business is legitimate and whether it is sufficiently related to the tourism industry shall be made by the Attorney General in his sole discretion and shall not be reviewable. If the Attorney General after consultation with the United States Secretary of Labor determines, in the Attorney General's sole discretion, that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry, the Attorney General shall provide notice by publication in the Federal Register that the provisions of this paragraph will be extended for a five-year period with respect to the tourism industry only. The Attorney General may authorize one further extension of this paragraph with respect to the tourism industry in the Commonwealth of the Northern Mariana Islands if, after the Attorney General consults with the United States Secretary of Labor and the Governor of the Commonwealth of the Northern Mariana Islands, and local tourism businesses, the Attorney General determines, in the Attorney General's sole discretion, that a further extension is required to ensure an adequate number of workers for legitimate businesses in the tourism industry in the Commonwealth of the Northern Mariana Islands.

"(ii) The Attorney General, after consultation with the Governor of the Commonwealth of the Northern Mariana Islands and the United States Secretary of Labor and the United States Secretary of Commerce, may extend the provisions of this paragraph (d)(2) to legitimate businesses in industries outside the tourism industry for a single five year period if the Attorney General, in the Attorney General's sole discretion, concludes that such extension is necessary to ensure an adequate number of workers in that industry and that the industry is important to growth or diversification of the local economy.

"(iii) In making his determination for the tourism industry or for industries outside the tourism industry, the Attorney General shall take into consideration the extent to which a training and recruitment program has been implemented to hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in such industry. No additional extension beyond the initial five year period may be granted for any industry outside the tourism industry or for the tourism industry beyond a second extension. If an extension is granted, the Attorney General shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives setting forth the reasons for the extension and whether he believes authority for additional extensions should be enacted.

"(e) Nonimmigrant Investor Visas.—

"(1) Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), the Attorney General may, upon the application of the alien, classify an alien as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

"(A) has been admitted to the Commonwealth of the Northern Mariana Islands in long-term investor status under the immigration laws of the Commonwealth of the Northern Mariana Islands before the transition program effective date;

"(B) has continuously maintained residence in the Commonwealth of the Northern Mariana Islands under long-term investor status;

"(C) is otherwise admissible; and

"(D) maintains the investment or investments that formed the basis for such long-term investor status.

"(2) Within 180 days after the transition program effective date, the Attorney General and the United States Secretary of State shall jointly publish regulations in the Federal Register to implement this subsection.

"(3) The Attorney General shall treat an alien who meets the requirements of paragraph (1) as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii) until the regulations implementing this subsection are published.

"(f) Persons Lawfully Admitted Under the Commonwealth of the Northern Mariana Islands Immigration Law.—

"(1) No alien who is lawfully present in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be removed from the United States on the ground that such alien's presence in the Commonwealth of the Northern Mariana Islands is in violation of subparagraph 212(a)(6)(A) of the Immigration and Nationality Act, as amended, until completion of the period of the alien's admission under the immigration laws of the Commonwealth of the Northern Mariana Islands, or the second anniversary of the transition program effective date, whichever comes first. Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of such an alien at any time, if the alien entered the Commonwealth of the Northern Mariana Islands after the date of enactment of the Northern Mariana Islands Covenant Implementation Act, and the Attorney General has determined that the Government of the Commonwealth of the Northern Mariana Islands violated subsection (f) of such Act.

"(2) Any alien who is lawfully present and authorized to be employed in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be considered authorized by the Attorney General to be employed in the Commonwealth of the Northern Mariana Islands until the expiration of the alien's employment authorization under the immigration laws of the Commonwealth of the Northern Mariana Islands, or the second anniversary of the transition program effective date, whichever comes first.

"(g) Effect on Other Laws.—The provisions of this section and the Immigration and Nationality Act, as amended by the Northern Mariana Islands Covenant Implementation Act, shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth of the Northern Mariana Islands relating to the admission of aliens and the removal of aliens from the Commonwealth of the Northern Mariana Islands.

"(h) Accrual of Time for Purposes of Section 212(a)(9)(B) of the Immigration and

NATIONALITY ACT, AS AMENDED.—No time that an alien is present in violation of the immigration laws of the Commonwealth of the Northern Mariana Islands shall by reason of such violation be counted for purposes of the ground of inadmissibility in section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

"(i) ONE-TIME GRANDFATHER PROVISION FOR CERTAIN LONG-TERM EMPLOYEES.—

"(1) An alien may be granted an immigrant visa, or have his or her status adjusted in the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence, without counting against the numerical limitations set forth in sections 202 and 203(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1152, 1153(b)), and subject to the limiting terms and conditions of an alien's permanent residence set forth in paragraphs (B) and (C) of subsection (d)(2), if:

"(A) the alien is employed directly by an employer in a business that the Attorney General has determined is legitimate;

"(B) the employer has filed a petition for classification of the alien as an employment-based immigrant with the Attorney General pursuant to section 204 of the Immigration and Nationality Act, as amended, not later than 180 days following the transition program effective date;

"(C) the alien has been lawfully present in the Commonwealth of the Northern Mariana Islands and authorized to be employed in the Commonwealth of the Northern Mariana Islands for the four-year period immediately preceding the filing of the petition;

"(D) the alien has been employed continuously in that business by the petitioning employer for the four-year period immediately preceding the filing of the petition;

"(E) the alien continues to be employed in that business by the petitioning employer at the time the immigrant visa is granted or the alien's status is adjusted to permanent resident;

"(F) the petitioner's business has a reasonable expectation of generating sufficient revenue to continue to employ the alien in that business for the succeeding four years; and

"(G) the alien is otherwise eligible for admission to the United States under the provisions of the Immigration and Nationality Act, as amended (8 U.S.C. 1101, et seq.).

"(2) The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this subsection.

"(3) The fact that an alien is the beneficiary of an application for a preference status that was filed with the Attorney General under section 204 of the Immigration and Nationality Act, as amended (8 U.S.C. 1154) for the purpose of obtaining benefits under this subsection, or has otherwise sought permanent residence pursuant to this subsection, shall not render the alien ineligible to obtain or maintain the status of a nonimmigrant under this Act or the Immigration and Nationality Act, as amended, if the alien is otherwise eligible for such nonimmigrant status.".

"(j) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to count the issuance of any visa to an alien, or the grant of any admission of an alien, under this section toward any numerical limitation contained in the Immigration and Nationality Act.".

(b) CONFORMING AMENDMENTS.—(1) Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended:

(A) in paragraph (36), by deleting "and the Virgin Islands of the United States." and substituting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.", and:

(B) in paragraph (38), by deleting "and the Virgin Islands of the United States" and substituting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.".

(2) Section 212(l) of the Immigration and Nationality Act (8 U.S.C. 1182(l)) is amended—

(A) in paragraph (1)—

(i) by striking "stay on Guam", and inserting "stay on Guam or the Commonwealth of the Northern Mariana Islands",

(ii) by inserting "a total of" after "exceed", and

(iii) by striking the words "after consultation with the Governor of Guam," and inserting "after respective consultation with the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands,";

(B) in paragraph (1)(A), by striking "on Guam", and inserting "on Guam or the Commonwealth of the Northern Mariana Islands, respectively,";

(C) in paragraph (2)(A), by striking "into Guam", and inserting "into Guam or the Commonwealth of the Northern Mariana Islands, respectively,"; and

(D) in paragraph (3), by striking "Government of Guam" and inserting "Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands".

(3) The amendments to the Immigration and Nationality Act made by this subsection shall take effect on the first day of the first full month commencing one year after the date of enactment of the Northern Mariana Islands Covenant Implementation Act.

(c) TECHNICAL ASSISTANCE PROGRAM.—The United States Secretaries of Interior and Labor, in consultation with the Governor of the Commonwealth of the Northern Mariana Islands, shall develop a program of technical assistance, including recruitment and training, to aid employers in the Commonwealth of the Northern Mariana Islands in securing employees from among United States authorized labor, including lawfully admissible freely associated state citizen labor. In addition, for the first five fiscal years following the fiscal year when this section is enacted, $500,000 shall be made available from funds appropriated to the Secretary of the Interior pursuant to Public Law 104–134 for the Federal-CNMI Immigration, Labor and Law Enforcement Initiative for the following activities:

(1) $200,000 shall be available to reimburse the United States Secretary of Commerce for providing additional technical assistance and other support to the Commonwealth of the Northern Mariana Islands to identify opportunities for and encourage diversification and growth of the Commonwealth economy. The United States Secretary of Commerce shall consult with the Government of the Commonwealth of the Northern Mariana Islands, local businesses, the United States Secretary of the Interior, regional banks, and other experts in the local economy and shall assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the Commonwealth economy. All expenditures, other than for the costs of Federal personnel, shall require a non-Federal matching contribution of 50 percent and the United States Secretary of Commerce shall provide a report on activities to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives by March 1 of each year. The United States Secretary of Commerce may supplement the funds provided under this section with other funds and resources available to him and shall undertake such other activities, pursuant to existing authorities of the Department, as he decides will encourage diversification and growth of the Commonwealth economy. If the United States Secretary of Commerce concludes that additional workers may be needed to achieve diversification and growth of the Commonwealth economy, the Secretary shall promptly notify the Attorney General and the United States Secretary of Labor and shall also notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of his conclusion with an explanation of how many workers may be needed, over what period of time such workers will be needed, and what efforts are being undertaken to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in such businesses.

(2) $300,000 shall be available to reimburse the United States Secretary of Labor for providing additional technical and other support to the Commonwealth of the Northern Mariana Islands to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, to fill employment vacancies in the Commonwealth of the Northern Mariana Islands. The United States Secretary of Labor shall consult with the Governor of the Commonwealth of the Northern Mariana Islands, local businesses, the College of the Northern Marianas, the United States Secretary of the Interior and the United States Secretary of Commerce and shall assist in the development and implementation of such a training program. All expenditures, other than for the costs of Federal personnel, shall require a non-Federal matching contribution of 50 percent and the United States Secretary of Labor shall provide a report on activities to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives by March 1 of each year. The United States Secretary of Labor may supplement the funds provided under this section with other funds and resources available to him and shall undertake such other activities, pursuant to existing authorities of the Department, as he decides will assist in such a training program in the Commonwealth of the Northern Mariana Islands.

(d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF LABOR OPERATIONS.—The Attorney General and the United States Secretary of Labor are authorized to establish and maintain Immigration and Naturalization Service, Executive Office for Immigration Review, and United States Department of Labor operations in the Commonwealth of the Northern Mariana Islands for the purpose of performing their responsibilities under the Immigration and Nationality Act, as amended, and under the transition program. To the extent practicable and consistent with the satisfactory performance of their assigned responsibilities under applicable law, the United States Departments of

Justice and Labor shall recruit and hire from among qualified applicants resident in the Commonwealth of the Northern Mariana Islands for staffing such operations.

(e) REPORT TO THE CONGRESS.—The President shall report to the Senate Committee on Energy and Natural Resources, and the House Committee on Resources, within six months after the fifth anniversary of the enactment of this Act, evaluating the overall effect of the transition program and the Immigration and Nationality Act on the Commonwealth of the Northern Mariana Islands, and at other times as the President deems appropriate. The report shall describe what efforts have been undertaken to diversify and strengthen the local economy, including, but not limited to, efforts to promote the Commonwealth of the Northern Mariana Islands as a tourist destination.

(f) LIMITATION ON NUMBER OF ALIEN WORKERS PRIOR TO APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED, AND ESTABLISHMENT OF THE TRANSITION PROGRAM.—During the period between enactment of this Act and the effective date of the transition program established under section 6 of Public Law 94-241, as amended by this Act, the Government of the Commonwealth of the Northern Mariana Islands shall not permit an increase in the total number of alien workers who are present in the Commonwealth of the Northern Mariana Islands on the date of enactment of this Act.

(g) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section and of the Immigration and Nationality Act with respect to the Commonwealth of the Northern Mariana Islands.

Mr. MURKOWSKI. I thank the Chair. I compliment the Chair for her diligence and expedience in resolving this CNMI effort that has languished so long in this body. It is nice to see something concluded.

MORNING BUSINESS

Mr. MURKOWSKI. Madam President, I ask unanimous consent that there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING WORK PAY FOR WORKING FAMILIES

Mr. BAYH. Madam President, I rise today to speak in support of increasing the minimum wage. I am aware that the bankruptcy reform bill that we recently passed in this chamber contains an amendment that will increase the minimum wage by $1 over a three-year period. While I voted for passage of the final bill, the minimum wage amendment it contained was constructed in a way that is sure to draw a Presidential veto, thereby endangering not only a wage increase for working families but also the months of work that all of us have put into reforming our bankruptcy laws.

The amendment that the bill contained was deeply flawed. I hope that the amendment will be stripped in conference so that we can send a bankruptcy reform bill to the President that he will sign. Then, perhaps we can move forward on a real increase in the minimum wage, perhaps in a package that contains some meaningful tax cuts for small business.

Madam President, we are living in a time of unprecedented economic prosperity. A few days ago, we reached an important milestone: We are now enjoying the longest economic expansion in our nation's history. Economic growth has been so strong that in 17 of the last 24 quarters, real GDP grew at a rate of three percent or more. Innovation, productivity, and fiscal discipline have all contributed to this expansion. Unemployment is at historic lows, real wages are increasing for many, and we have replaced welfare with work in record numbers.

But not everyone is realizing the prosperity many have enjoyed. While many workers in the economy have enjoyed sizeable raises, those workers at the bottom are still working hard just to make ends meet. Consider a minimum wage worker, working 40 hours a week. We want this worker to stay off of welfare, to be a responsible citizen and contribute to society, yet the minimum wage of $5.15 an hour allows this worker to earn just $10,700—nearly $3,000 below the poverty level for a family of three. Add to this the fact that most of these workers receive no pension or paid vacation, few receive child care, and many lack employer-provided health insurance. There is no question that it is very difficult in our society to be a worker at the very bottom of the income scale.

It is important that we recognize the contributions that these workers make to our economy and our society, and that we act to ensure that the purchasing power of their income does not erode over time. Today's minimum wage is more than 20 percent lower in real terms than it was in 1979. The proposed increase to $6.15 simply restores the minimum wage back to its purchasing power in 1982. Would any of us deny that it's just as tough, or tougher, for a low-income family to make ends meet today as it was in 1982?

Raising the minimum wage by $1 an hour will directly help more than 11 million workers and their families, as well as the millions more earning between the current minimum of $5.15 and the new minimum of $6.15 who will also see their wages rise. It will reward the responsibility of these workers with a more living wage. It will send the message that we understand that being a member of the "working poor" is one of the toughest places to be in America, with obstacles to reaching the middle class turning up at every turn. Raising the minimum wage would reduce one such obstacle. Nearly 200,000 workers in Indiana would benefit directly from a minimum wage increase.

Some argue that raising the minimum wage will lead to higher unemployment. I am happy to say that has not been the case in Indiana. Since September 1996, the last time the Senate passed a minimum wage increase, 133,000 new jobs have been created in my home state. Unemployment has dropped by 26 percent and now stands at 2.9 percent, significantly lower than the national average.

The good news in this debate is that it appears we all agree the minimum wage should be increased. We have our differences over the timing but by and large both Republicans and Democrats realize it is time to make work pay.

The bad news is that there is a poison pill buried in this legislation. At the same time that they seek to raise the take home pay of working families, the Republican minimum wage proposal contains a provision that could reduce the wages of approximately 73 million American workers who are eligible to receive overtime pay.

This overtime pay repeal provision would allow employers to eliminate the requirement that bonuses, commissions, and other forms of compensation based on productivity, quality and efficiency be part of a worker's "regular rate" of pay for purposes of calculating overtime pay. Eliminating this provision, and allowing bonuses to be excluded from overtime pay, would nullify the purposes for which the Fair Labor Standards Act was created. Employers would be provided an incentive to slash hourly pay rates or reduce the number of new jobs they create. Such cynical actions explain why so many Americans are frustrated with politics.

Raising the minimum wage is something that most Americans regard as fair, given our economic prosperity, and 75 to 80 percent support an increase in every opinion poll. Yet some refuse to act in a way that genuinely responds to this concern. What's more, the bill in its current form will almost certainly provoke a presidential veto.

Madam President, we have been down this road before. Both sides agree on an issue that needs to be addressed and then allow a partisan squabble to prevent us from getting it done. The American people did not send us here to spend all of our time arguing over our differences. They sent us here—and I came here—to find the common ground on which we agree.

Now that the bankruptcy reform bill has passed the Senate, I urge my colleagues to work these issues out in conference. Let's begin the year focused not on what divides us but what unites us in the interests of America's working families.

Madam President, I want to also take a moment to discuss the Hatch Amendment that is now part of this legislation. While I believe that the methamphetamine provisions of this amendment are good and something I could support, I voted against this amendment last year for I do not support the voucher language contained in this amendment. I do not support diverting needed resources from our public schools for voucher proposals. Deserting our public schools is not the answer to the problem. I believe we need greater flexibility and greater accountability in our nation's schools. This voucher language is of great concern to me. I sincerely hope that my colleagues will do the right thing and remove the voucher language from this bill during conference.

SAVINGS FOR WORKING FAMILIES ACT OF 2000

Mr. ABRAHAM. Madam President, this week, I joined with my good friends, Senator LIEBERMAN and Senator SANTORUM, to introduce the Savings for Working Families Act of 2000. This important legislation would enable low-income working Americans to increase their savings and build assets, thus allowing them to enter and become a contributing part of America's economic mainstream and benefit from its unprecedented period of economic growth.

Right now, despite the fact that the net worth of American families has increased dramatically over recent years, the net worth of families with incomes below $25,000 per year has actually decreased. As many as 20 percent of American families are "unbanked"—meaning that they do not have either a checking or a savings account.

This disparity has had a severe and damaging affect not only on the ability of lower-income Americans to obtain financial assets but it has drastically reduced the chances of the working poor to achieve upper, or even middle class status. Even more distressing is the impact this disparity has had on children and minorities: one-third of all American households, and 60 percent of African-American households, have zero or negative net financial assets and 40 percent of all white children, and a staggering 73 percent of all Black children, grow up in households with zero or negative net financial assets.

The lack of financial assets creates almost insurmountable obstacles against purchasing a home, starting a small business or investing in a post-secondary education—all investments which would enable these families to better their economic status and fully participate in the American dream, a dream which should be available to all American's willing to put forth the effort and initiative.

And, Madam President, providing economic opportunity to all Americans is not only the right thing to do morally, but it is the right thing to do economically. Not only will this legislation empower our lower-income working Americans but it will benefit the entire society in the form of new businesses, new jobs, increased earnings, greater tax revenue, reduced welfare expenditures and a higher national savings rate. Case-in-point, Mr. President, IDAs yield over $5 for every $1 invested.

Simply put, Madam President, without productive assets such as a home, a college education or a business upon which to build a successful financial future, the working poor may continue to work but they will also continue to remain poor.

The legislation we are introducing today, the Savings for Working Families Act of 2000, recognizes the need to invest in the working poor: empower them with the ability to build assets, own a piece of their neighborhood and achieve wealth.

Specifically, this legislation would establish Individual Development Accounts for poorer Americans, through which account holders can deposit any discretionary earned income and their Earned Income Tax Credit refund and have up to $500 of their savings matched, each year, by a financial institution. A tax credit would be made available to financial institutions and for investment in qualified non-profits administering qualified IDA programs, in order to provide incentives to match, dollar-for-dollar, IDA account savings, up to $500 per person per year.

In order to promote asset building, the matched savings accounts would be restricted to buying a first home, receiving post-secondary education or training, or starting a small business. In addition, account holders would participate in classes designed to increase their financial literacy and better prepare them for full and successful participation in the mainstream economy.

Madam President, I am also pleased to note that Congress has already recognized the important contributions that IDAs make to our communities and our economy in several important ways. In 1996, Congress included in the 1996 welfare overhaul law, a provision allowing states to include IDAs in their Temporary Assistance to Needy Families (TANF)—welfare-to-work—plans. Since then, 28 states have included IDAs in their state TANF plans, 27 states have passed some form of IDA legislation, and five more states have IDA legislation pending. In addition, Congress established the Assets for Independence Act in 1998, which provided $125 million over 5 years for IDA demonstration programs. This Act is expected to reach an additional 30,000 to 40,000 working-poor Americans by 2003.

Last summer, the Senate tax bill included a provision, similar to this bill, which would also have established tax incentives to encourage financial institutions to match the savings of lower-income account holders. I feel privileged to have voted for the tax bill, which included many pro-family and pro-community provisions such as the establishment of the Individual Development Accounts.

Lastly, I am proud to be the lead sponsor of comprehensive bi-partisan and bi-cameral community development and renewal legislation, the American Community Renewal Act, which includes IDAs as a means by which communities can help themselves. Please allow me to take this opportunity and thank Senators LIEBERMAN and SANTORUM for their continued support and effort of IDAs and the American Community Renewal Act.

In closing, Madam President, the Savings for Working Families Act of 2000 provides a common sense long-term solution by providing working lower-income Americans the education and the tools by which they gain the financial know-how necessary to succeed in today's economy.

It is important to recognize that achieving family development, neighborhood revitalization and community resurgence begins by empowering people to help themselves—this legislation provides this opportunity. I am looking forward to working with my colleagues this session to ensure the passage of the Savings for Working Families Act into law.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, February 4, 2000, the Federal debt stood at $5,691,096,297,325.05 (Five trillion, six hundred ninety-one billion, ninety-six million, two hundred ninety-seven thousand, three hundred twenty-five dollars and five cents).

One year ago, February 4, 1999, the Federal debt stood at $5,584,640,000,000 (Five trillion, five hundred eighty-four billion, six hundred forty million).

Fifteen years ago, February 4, 1985, the Federal debt stood at $1,672,705,000,000 (One trillion, six hundred seventy-two billion, seven hundred five million).

Twenty-five years ago, February 4, 1975, the Federal debt stood at $487,665,000,000 (Four hundred eighty-seven billion, six hundred sixty-five million) which reflects a debt increase of more than $5 trillion—$5,203,431,297,325.05 (Five trillion, two hundred three billion, four hundred thirty-one million, two hundred ninety-seven thousand, three hundred twenty-five dollars and five cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT TO THE CONGRESS ON THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT—PM 83

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 7, 2000*.

REPORT TO THE CONGRESS ON THE FISCAL YEAR 2001 BUDGET—MESSAGE FROM THE PRESIDENT—PM 84

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations and the Budget.

To the Congress of the United States:

The 2001 Budget, which I am submitting to you with this message, is the fourth balanced budget of my Administration. This budget upholds my policy of fiscal discipline and promises new opportunity for our Nation.

We have made great progress in the last seven years, rejecting the fiscal disarray of an earlier era and in its place, asserting a steadfast commitment to live within our means, balance the budget, and uphold fiscal discipline. As a result, we have created the conditions for unprecedented prosperity. The longest peacetime economic expansion in American history has produced more than 20 million new jobs. Unemployment has hit its lowest level in a generation. Today, more Americans own their own homes than ever before in our Nation's history.

Our success in reversing what once seemed to be uncontrollable growth in the Federal budget deficit has created more than prosperity. We have restored to America a spirit of purpose and confidence. This is a rare moment in history. Few nations are blessed with a combination of economic prosperity and social stability at home and with the security of a relatively peaceful world. It is time to make the most of this moment of promise to extend prosperity to all corners of our Nation.

My first budget of the new century is built upon a commitment to expanding opportunity, promoting responsibility, and building community. It includes my New Markets Initiative, which relies on public and private sector cooperation to spur economic development in areas of our Nation that have not yet fully benefited from this wave of prosperity. It includes an expansion of the Earned Income Tax Credit to lift more hard-pressed working families out of poverty. It expands health insurance coverage to more uninsured low-income children and extends this coverage to their hard-working parents.

Because education is fundamental to creating opportunity, my budget contains resources to prepare the next generation for the future with new and expanded efforts to improve the quality of our schools, prepare our students for college, and make college more accessible. It includes efforts to narrow the digital divide, the gap that separates those who have access to information technology and those who do not, so that all will be equipped with the technological tools they need to succeed. It also includes a science and technology initiative to lay the foundation for new scientific breakthroughs.

This budget responds to the pressing needs of today and builds an America of the future by making our Nation debt free by 2013. To be prepared for the retirement of the baby boom generation, my budget also provides a framework to extend the life of the Social Security and Medicare trust funds, while modernizing Medicare with a needed prescription drug benefit.

This budget uses the same straightforward approach of relying on conservative assumptions, as have all the budgets of my Administration. This conservative approach has built confidence in our budgets, because when unforeseen results have materialized, an inevitable development in forecasting, they have always brought good news. In turn, reversing recent trends, my 2001 Budget builds on the tradition of straightforward budgets to meet the pressing needs of today in a balanced plan that adheres to the principles of fiscal discipline and debt reduction. This budget also maintains a strict set of budget rules upholding our long commitment to fiscal discipline, which has sustained the conditions for our economy to flourish.

The 2001 Budget continues to project that the Federal budget will remain in surplus for many decades to come, provided that a responsible fiscal policy holds course, to foster sustained economic growth. Our challenge now, in this era of surplus, is to make balanced choices to use our resources to meet the pressing needs of today, and the needs of generations to come.

BUILDING ON THE SUCCESS OF OUR FISCAL DISCIPLINE

When I took office in 1993, the current strength of our economy seemed beyond possibility. At that point, both the Federal budget deficit and the national debt had exploded, threatening our economic future. The costs of massive Federal borrowing drove interest rates up, incomes were stagnant for all but the most well off, and the economy had barely grown during the prior four years. The Nation needed a new course, and we worked hard to secure the passage of legislation, with the support of Democrats in Congress, to get the economy moving again.

My three-part economic strategy, built upon reducing the deficit, investing in the American people, and engaging the international economy yielded results. The budget deficit quickly began to drop from its peak of $290 billion, and in 1997, we pressed ahead with our deficit reduction efforts as Congress passed the Balanced Budget Act on a bipartisan basis to finish the job. Four years ahead of schedule, the budget reached balance and is projected this year to produce its third surplus in a row. We have started to pay down the national debt and are on a path to make the Nation debt free by 2013 for the first time since 1835.

Throughout the past seven years, my Administration has been committed to creating opportunity for all Americans, demanding responsibility from all Americans, and strengthening the American community. The crime rate, which had tripled during the previous three decades, continues to fall and crime is down in every region of the Nation. We have reformed the welfare system, and more than seven million Americans in the past seven years have made the transition from welfare to work.

Most of all, the prosperity and opportunity of our time offers us a great responsibility—to take action to ensure that Social Security is there for the elderly and the disabled, while ensuring that it not place a burden on our children, that the life of Medicare is extended for future generations, and that we modernize Medicare with a needed prescription drug benefit. If we continue to follow sound fiscal policy, we can provide for the future, produce a balanced tax cut and meet the needs of today, while sustaining the conditions that have brought us this current wave of prosperity. All this can be done, but balanced and sound fiscal policy is the key.

IMPROVING PERFORMANCE THROUGH BETTER MANAGEMENT

At the start of this Administration, the Vice President and I set out to create a Government that works better, costs less, and gets results Americans care about. We believe that with better stewardship, the Government can better achieve its mission and improve the quality of life for all Americans. The success of these efforts is reflected in the significant changes of the past seven years in the way Government does business.

We have streamlined Government, cutting the civilian Federal work force by 377,000, giving us the smallest work force in 39 years. We have done more than just reduce or eliminate hundreds of Federal programs and projects. We have also empowered government employees to cut red tape, and used partnerships to get results.

While we have made real progress, there is still much work to do. We are forging ahead with new efforts to improve the quality of the service that the Government offers its customers. My Administration has identified its highest priorities—24 Priority Management Objectives listed in this budget, that will receive heightened attention to ensure positive changes in the way Government works. It is a mark of our success that in early 2000, we were able to remove last year's number one objective from the list: Manage the Year 2000 (Y2K) Computer Problem. Due largely to the efforts of Federal employees and the leadership provided by my Council on Year 2000 Conversion, the Federal Government's Y2K efforts were, beyond all expectation, remarkably trouble free. We will continue to move ahead to address other priorities, including modernizing student aid delivery, implementing IRS reforms, and strengthening the management of Health Care Financing Administration, which oversees Medicare.

I believe the steps we have taken to change and improve the way Government works have also changed the way Americans view their Government, increasing the confidence and trust of the American public. It is our job to keep at this task, so that the Federal Government continues to improve its performance and the American public is better served. I am determined that we will do more to solve the very real management challenges before us.

STRENGTHENING OUR NATION IN THE 21ST CENTURY

Education, in our competitive global economy, has become the dividing line between those who are able to move ahead and those who lag behind. For this reason, I am committed to ensuring that we have a first-rate system of education and training in place for Americans of all ages. Over the last seven years, we have worked hard to ensure that every boy and girl is prepared to learn, that our schools focus on high standards and achievement, that anyone who wants to go to college can get the financial help to attend, and that those who need another chance at education and training, or a chance to improve or learn new skills, can do so. My budget builds on the commitment to make college more affordable by expanding the tax credits for higher education and increasing Pell Grants and other college aid beyond the record levels already reached. It promotes smaller learning environments in high schools and invests in reducing class size by recruiting and preparing thousands more teachers and building thousands more classrooms, as well as providing for urgent and essential school repairs.

My budget includes significant increases to expand access to after-school and other extended learning time opportunities, a central element of my accountability agenda to help children, especially in the poorest communities, reach challenging academic standards while supporting efforts to demand more from schools and support them in return. It promotes efforts to recruit teachers in high-poverty areas and includes a peer review initiative to help school districts raise teacher standards and teacher pay. The budget proposes improving school accountability by holding States, districts and schools accountable for results by providing resources to identify and turn around the worst-performing schools, and incentives to reward States that do the most to improve student performance and close the achievement gap. It invests in programs to help raise the educational achievement of Latino students. And my budget supports efforts to narrow the digital divide by expanding resources for technology centers to make computers accessible in low-income community areas.

During the past seven years, we have taken many steps to help working families, and we continue that effort with this budget. We cut taxes for 15 million working families, provided a tax credit to help families raise their children, ensured that 25 million Americans a year can change jobs without losing their health insurance, made it easier for the self-employed and those with pre-existing conditions to get health insurance, provided access to health care coverage for up to five million uninsured children, raised the minimum wage, and provided guaranteed time off for workers who need to care for a newborn or to address the health needs of a family member.

I am proposing a significant expansion of the Earned Income Tax Credit to provide support to America's hard working, low-income families, especially larger families who are more likely to be poor than families with only one or two children. My budget also significantly increases 21st Century Learning Community Centers and expands after-school learning time. It makes child care more affordable by expanding tax credits or middle-income families and for businesses that provide child care services to their employees, by assisting parents who want to attend college meet their child care needs, as well as making a child care tax credit available to parents who choose to stay at home to raise a young child. My budget proposes to create an Early Learning Fund and builds on our expansion of the successful Head Start program to help meet the goal of serving one million children by 2002. An it promotes responsible fatherhood by proposing tough new measures to ensure that all parents who can afford to pay child support do so, while providing support to increase the employment earnings and child support payments of low-income fathers. My budget includes efforts to increase access to food stamps for the working poor, in part by proposing that low-income working families, who need efficient transportation to get to work, be permitted to own a modest vehicle and retain food stamp eligibility. And, it proposes resources to provide health care to legal immigrant children, to restore Supplemental Security Income benefits to legal immigrants with disabilities, and to restore food stamp benefits to legal immigrants in families with eligible children.

We have continued to improve health care for millions of Americans. Since the establishment of the State Children's Health Insurance Program in 1997, two million children have enrolled in programs across all 50 States. I am proposing a significant expansion of this successful program to extend health coverage to more children in hard working, low-income families. My budget also extends this coverage to their parents, low-income working adults who lack health insurance, which will help increase the enrollment of their children by enabling entire families to receive coverage through the same program. My budget contains other significant incentives to increase access to affordable health care, including tax credits for small businesses and a provision to allow hundreds of thousands of Americans aged 55 to 65 to purchase Medicare coverage.

My budget puts forth a plan that extends Medicare solvency to at least 2025, respects fiscal discipline, and eliminates the national debt. My plan will modernize Medicare with a needed drug benefit, expand access to preventative benefits, and improve Medicare management. I intend to keep pressing ahead and working with Congress to enact essential patient protections including emergency room access and the right to see a specialist. By Executive

Order, I have extended these rights to 85 million Americans covered by Federal health plans, including Medicare and Medicaid beneficiaries and Federal employees.

Most Americans are enjoying the fruits of our strong economy, yet we must do more to bring this prosperity to all corners of our great Nation. We must use this moment of promise to spread the values of community, opportunity, and responsibility, and to help create the conditions for all to share in our prosperity. My New Markets Initiative, an expanded approach built upon the same public-private cooperation at the center of last year's plan, will provide tax credit and loan guarantee incentives to stimulate tens of billions of dollars in new private investment in distressed rural and urban areas. It will build a network of private investment institutions to funnel credit, equity, and technical assistance into businesses in America's untapped markets, and provide the expertise to targeted small businesses that will allow them to use investment to grow. I am also proposing to expand the number of Empowerment Zones, which provide tax incentives and direct spending to encourage the kind of private investment that creates jobs, and to provide more capital for lending through my Community Development Financial Institutions program. My budget also includes significant funding increases for Native American communities to help this generation and future generations receive greater opportunities. It provides additional funds to enforce the Nation's civil rights laws, and strengthens the partnership we have begun with the District of Columbia. In addition, my budget proposes an $11 billion package for farmers in need and to help mend the farm safety net by providing assistance when crop prices are low.

Our anti-crime strategy is working. Serious crime has fallen without interruption, and the murder rate is at its lowest point in three decades. Building on our successful community policing (COPS) program that is helping community fund 100,000 cops on the beat, the 21st Century Policing initiative was enacted last year to put us on track to fund new anti-crime technology and 50,000 more police. This year, I am launching the largest gun enforcement initiative ever, adding funds to hire 500 new ATF agents, 1,000 State and local gun prosecutors and funds for smart gun technology. The budget also provides funds to prevent violence against women, and to address the growing law enforcement crisis on Indian lands. To boost our efforts to control illegal immigration, the budget provides resources to strengthen enforcement, particularly on the Southwest and Northern borders, and to remove illegal aliens. To combat drug use, particularly among young people, my budget expands programs that stress treatment and prevention, law enforcement, international assistance, and interdiction.

During the past seven years, I have sought to strengthen science and technology investments in order to serve many of our broader goals for the Nation in the economy, education, health care, the environment, and national defense. Building on the balanced portfolio of basic and applied research in the 21st Century Research Fund, my budget includes a Science and Technology Initiative which places special emphasis on high-priority, long-term basic research, including nanotechnology, the manipulation of matter at the atomic and molecular level, which offers the promise that medical science may one day be able to detect cancerous tumors when they are comprised of only a few cells. My budget also increases resources for the Information Technology research and development program to invest in long-term research in computing and communications. It will accelerate development of extremely fast supercomputers to support civilian research, enabling experts to develop life-saving drugs, provide earlier tornado warnings, and design more fuel-efficient safer automobiles. The budget provides strong support for the Nation's two largest sources of civilian basic research funding for universities: the National Science Foundation and the National Institutes of Health.

The Nation does not have to choose between a strong economy and a clean environment. The past seven years are proof that we can have both. We have set tough new clean air standards for soot and smog that will prevent up to 15,000 premature deaths a year. We have set new food and drinking water safety standards and have accelerated the pace of cleanups of toxic Superfund sites. We expanded our efforts to protect tens of millions of acres of public and private lands, including Yellowstone National Park, Florida's Everglades, and California's redwoods. Led by the Vice President, the Administration reached an international agreement in Kyoto that calls for cuts in greenhouse gas emissions. My budget significantly expands support for the environment, by establishing dedicated funding and increasing resources for the historic interagency Lands Legacy initiative to preserve the Nation's natural and historic treasures. My budget also supports the Clean Energy initiative to reduce the threat of global warming, and the Greening the Globe initiative to save tropical and other forests around the globe. It provides resources to support farm conservation to upgrade water quality, the Clean Water Action plan to clean up polluted waterways, and climate change technology efforts to increase energy-efficient technologies and renewable energy to strengthen our economy while reducing greenhouse gases.

In the past year, America's leadership was essential to the success of the NATO alliance in halting the ethnic cleansing of Kosovo's ethnic Albanians and containing the risk of wider war at the doorstep of our allies. The United States has played a critical role in the strides made toward lasting peace in Northern Ireland, the Middle East, and Sierra Leone. The United States has worked to detect and counter terrorist threats and continue efforts with Russia and other former Soviet nations to halt the spread of dangerous weapons materials. My budget seeks to build on these efforts, proposing funding to build a democratic society and stronger economy in Kosovo, initiatives to further protect our men and women overseas, and a 2000 emergency supplemental to provide critical assistance to the Government of Colombia in its fight against narcotics traffickers. My budget also proposes funding to promote international family planning, contain the global spread of AIDS, promote debt forgiveness to help people in the world's poorest countries join the global economy, and promote trade by opening global markets.

The Armed Forces of the United States serve as the backbone of our national security strategy. As it did successfully last year in Kosovo, the military must be in a position to protect our national security interests and guard against the major threats to U.S. security. These include regional dangers, such as cross-border aggression; the proliferation of the technology of weapons of mass destruction; transnational dangers, such as the spread of illegal drugs and terrorism; and, direct attacks on the U.S. homeland from intercontinental ballistic missiles or other weapons of mass destruction. To ensure that the military can fulfill this mission, I made a major commitment last year to maintain our military readiness, which this budget builds upon with additional resources to ensure that the services can meet required training standards, maintain equipment in top condition, recruit and retain quality personnel, and procure sufficient spare parts and other equipment. To help improve the quality of life and strengthen the Department's ability to attract and retain quality individuals, this budget includes a major initiative to reduce servicemembers' out-of-pocket costs for off-base housing. In addition, this budget provides resources for the Department of Defense and other agencies to combat emerging threats, including terrorism and weapons of mass destruction, and to provide for critical infrastructure protection. It provides funds to support counter-narcotics efforts, including a 2000 supplemental to increase assistance to the Government of Colombia in their fight against narcotics traffickers. It also provides additional funding for contingency operations in Southwest Asia, Bosnia, and Kosovo.

BUILDING PROSPERITY FOR THE FUTURE

This is a rare moment in American history. Never before has our Nation enjoyed so much prosperity, at a time when special progress continues to advance and our position as the global leader is secure. Today, we are well prepared to make the choices that will shape our Nation's future for decades to come.

By reversing the earlier trend of fiscal irresponsibility, balancing the budget, and producing a historic surplus, we have restored our national spirit and produced the resources to help opportunity and prosperity reach all corners of this Nation. We have it within our reach today, by making the right choices, to offer the promise of prosperity to generations of Americans to come. If we keep to the path of fiscal discipline, we can build a foundation of prosperity for the Nation's future.

My plan to extend the solvency of Social Security and Medicare allows the United States to become debt-free in the next 13 years, for the first time since 1835, Eliminating the debt will strengthen our economy, devote resources to Social Security, and prepare us to meet the challenges of the aging of America. Through fiscal discipline and wise choices we can extend the life of Social Security to the middle of the century, extend the solvency of Medicare until 2025, and modernize Medicare with a needed prescription drug benefit.

By continuing to maintain discipline, we can provide for the aging of America and for the investments of the future—including education, the environment, research and development, and defense—which are central to our economic growth, health, and national security. By making choices that respect fiscal discipline, we can make room to provide both for a balanced tax cut and for investments that will help this Nation stay strong in the future.

This new century is filled with promise, for we live at a remarkable time. By making wise choices, we have it within our power to extend the same promise and prosperity to generations to come.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 7, 2000*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7355. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the management response to the Inspector General's report for the six months ended September 30, 1999, and the report required by the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–7356. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the transfer of the battleship ex-New Jersey to the Home Port Alliance of Camden, NJ; to the Committee on Armed Services.

EC–7357. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: All Industries-Cafeteria Plan/Qualified Retirement Plan Hybrid Arrangement" (UIL–125.05–00), received February 1, 2000; to the Committee on Finance.

EC–7358. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the DoD annual audit of the American Red Cross; to the Committee on Health, Education, Labor, and Pensions.

EC–7359. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Aluminum in Large and Small Volume Parentaerals Used in Total Parenteral Nutrition" (RIN0910–AA74), received February 3, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7360. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for December 1999; to the Committee on Governmental Affairs.

EC–7361. A communication from the Director, National Counterintelligence Center transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on the Judiciary.

EC–7362. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "FY 2000 UST Grant Guidance (AL)", received January 24, 2000; to the Committee on Environment and Public Works.

EC–7363. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "FY 2000 UST/LUST Program Grant Guidance", received January 24, 2000; to the Committee on Environment and Public Works.

EC–7364. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "FY 99 N/A UST/LUST Program Grant Guidance", received January 24, 2000; to the Committee on Environment and Public Works.

EC–7365. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Grant Guidance for Fiscal Year 2000", received January 24, 2000; to the Committee on Environment and Public Works.

EC–7366. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Public Water System Supervision Program Generic Grant Workplan Guidance", received January 24, 2000; to the Committee on Environment and Public Works.

EC–7367. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Wetlands Grants 2000—Call for Proposals", received January 24, 2000; to the Committee on Environment and Public Works.

EC–7368. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Wetlands Grants 2000—Grants Guidance", received January 24, 2000; to the Committee on Environment and Public Works.

EC–7369. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL # 6532–7), received February 2, 2000; to the Committee on Environment and Public Works.

EC–7370. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Guidance on Monitoring and Reporting Requirements for Class II–D and II–R Injection Wells Underground Injection Control Program"; to the Committee on Environment and Public Works.

EC–7371. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State Designations; California, Pennsylvania, and Puerto Rico" (Docket # 99–063–2), received February 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7372. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands", received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7373. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska; Pollock in the Gulf of Alaska", received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7374. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska-Modification of a Closure (opens directed fishing for pollock by catcher vessels that are non-exempt under the American Fisheries Act in Statistical Area 610 and the Shelikof Strait)", received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7375. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska-Closure (closes directed fishing for pollock in Statistical Area 630 outside the Shelikof Strait conservation area in the Gulf of Alaska", received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7376. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model Hawker 1000 Airplanes; Docket No. 99–NM–156 [11–12/11–18]" (RIN2120–AA64) (1999–0440), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7377. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D–200 Series Turbofan Engines; Docket No. 99–NE–32 [12–21/12–23]" (RIN2120–AA64) (1999–0535), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7378. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D–209, –217, –217A, –217C, and –219 Series Turbofan Engines; Docket No. 98–ANE–80 [12–29/1–3]" (RIN2120–AA64) (1999–0544), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7379. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT9D–TR4 Series Turbofan Engines; Correction; Docket No. 99–NE–06 [11–18/11–22]" (RIN2120–AA64) (1999–0463), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7380. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT9D Series Turbofan Engines; Docket No. 95–ANE–69 [11–19/11–22]" (RIN2120–AA64) (1999–0474), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7381. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT9D Series Turbofan Engines; Docket No. 98–ANE–47 [1–19/1–20]" (RIN2120–AA64) (2000–0029), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7382. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A, 340B, and 2000 Series Airplanes; Docket No. 99–NM–148 [11–22/11–22]" (RIN2120–AA64) (1999–0466), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7383. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A, 340B Series Airplanes; Docket No. 99–NM–200 [1–4/1–6]" (RIN2120–AA64) (2000–0001), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7384. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes; Docket No. 99–NM–150 (11–22/11–22)" (RIN2120–AA64) (1999–0467), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7385. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes; Docket No. 99–NM–219 [1–27/1–27]" (RIN2120–AA64) (2000–0045), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7386. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce Limited Dart Series; Docket No. 99–NE–30 [12–29/1–3]" (RIN2120–AA64) (1999–0542), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7387. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BMW Rolls-Royce GmbH Models BR700–710A1–10 and BR700–710–20 Turbofan Engines; Request for Comments; Docket No. 98–ANE–74 [11–19/11–22]" (RIN2120–AA64) (1999–0459), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7388. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS–350B, B1, B2, B3, BA, and D, and AS–355E, F, F1, and N Helicopters; Request for Comments; Docket No. 99–SW–41 [11–30/12–2]" (RIN2120–AA64) (1999–0493), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7389. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GmbH Model EC 135 P1 and EC 135 T1 Helicopters; Request for Comments; Docket No. 99–SW–74 [1–25/1–27]" (RIN2120–AA64) (2000–0040), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7390. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GmbH Model BO–105CB–5 and BO–105CBS–5 Helicopters; Request for Comments; Docket No. 99–SW–58 [11–18/11–22]" (RIN2120–AA64) (1999–0462), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7391. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; de Havilland Model DHC–8–100, –200, and –300 Series Airplanes; Docket No. 98–NM–179 [1–26/1–27]" (RIN2120–AA64) (2000–0048), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7392. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company 170, 172, 175, and 177 Series Airplanes; Request for Comments; Docket No. 99–CE–24 [12–29/1–3]" (RIN2120–AA64) (1999–0546), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7393. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFE Company Model CFE738–1–1B Turbofan Engines; Docket No. 99–NE–39 [1–6/1–10]" (RIN2120–AA64) (2000–0014), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7394. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Model YS–11 and YS011A Series Airplanes; Docket No. 99–NM–140 [11–22/11–29]" (RIN2120–AA64) (1999–0479), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7395. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Jetstream Model BAe ATP Series Airplanes; Docket No. 99–NM–145 [11–22/11–29]" (RIN2120–AA64) (1999–0478), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7396. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CASA C212 and CN–235 Series Airplanes; Docket No. 99–NM–149 [11–22/11–22]" (RIN2120–AA64) (1999–0471), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7397. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saberliner Model NA-265-40, NA-265-60, NA-70, and NA-265-80 Series Airplanes; Docket No. 99-NM-127 [11-22/11-22]" (RIN2120-AA64) (1999-0470), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7398. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AlliedSignal Instrument Landing System Navigation Receivers-Airbus A300 Series Airplanes and Boeing Model 747 Airplanes; Request for Comments; Docket No. 99-NM-257 [11-19/11-22]" (RIN2120-AA64) (1999-0458), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7399. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aircraft Belts, in Model CS, FM, FN, GK, GL, JD, JE, 4JT, JU, MD, ME, MM, MN,NB, PM, PN, RG, and RH Seat Restraint Systems; Docket No. 98-SW-33 [12-10/12-13]" (RIN2120-AA64) (1999-05132), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7400. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Transport Category Airplanes Equipped with Mode 'c' Transponder(s) with Single Gillham Code Altitude Input; Request for Comments; Docket No. 99-NM-328 [12-16/12-16]" (RIN2120-AA64) (1999-0515), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7401. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers SD3-30, SD3-60, SDS-SHERPA, and SD#-60 SHERPA Series Airplanes; Docket No. 99-NM-154 [11-22/11-22]" (RIN2120-AA64) (1999-0468), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7402. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers Model SD3-3) SHERPA, AD3-SHERPA, and SD3-30 Series Airplanes; Docket No. 99-NM-223 [1-25/1-27]" (RIN2120-AA64) (2000-0038), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7403. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empressa Brasileira de Aeronautica SA Model EMB-135 and EMB-145 Series Airplanes; Docket No. 99-NM-340 [11-20/12-2]" (RIN2120-AA64) (1999-0494), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7404. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream America Model G-73 and G-73T Series Airplanes; Docket No. 99-NM-141 [11-22/11-29]" (RIN2120-AA64) (1999-0482), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7405. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystere-Falcon 50 and 900 Series Airplanes, Falcon 900EX Series Airplanes, and Falcon 2000 Series Airplanes; Docket No. 98-NM-266 [12-8/12-13]" (RIN2120-AA64) (1999-0511), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7406. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR-42 and ATR-72 Series Airplanes; Docket No. 99-NM-144 [11-22/11-22]" (RIN2120-AA64) (1999-0470), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7407. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model BAe 125 Series 1000A and 1000B, and Model Hawker 1000 Series Airplanes; Docket No. 99-NM-176 [11-20/12-2]" (RIN2120-AA64) (1999-0491), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7408. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC 12/45 Airplanes; Docket No. 99-CE-54 [11-26/12-2]" (RIN2120-AA64) (1999-0502), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7409. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CL-604 Variant of Bombardier Model Canadair CL-600-2B16 Series Airplanes Mod. in Accordance with Sup. Type Cert. SA806NM-D, SA8072NM-D, or SA8086NM-D; Request for Comments; Docket No. 2000-NM-05 [1-21/1-24]" (RIN2120-AA64) (2000-0036), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7410. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-25, PA-25, 235, 260, PA-28S-160, -180, PA-32S-300, PA-28-151, and PA-28-161 Airplanes; Request for Comments; Docket No. 99-CE-69 [12-14/12-16]" (RIN2120-AA64) (1999-0514) , received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7411. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fairchild Model F-27 and FH-227 Series Airplanes; Docket No. 99-NM-143 [11-22/11-22]" (RIN2120-AA64) (1999-0465), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7412. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace BAe Model ATP Series Airplanes; Docket No. 99-NM-201 [12-28/12-30]" (RIN2120-AA64) (1999-0540), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7413. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hartzell Propeller, Inc. Model HD-E6C-3 Propellers; Request for Comments; Docket No. 99-NE-18 [12-3/12-6]" (RIN2120-AA64) (1999-0505), received December 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7414. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; International Ero Engines AF V2500-A1 Turbofan Engines; Docket No. 98-ANE-76 [12-3/12-6]" (RIN2120-AA64) (1999-0506), received December 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7415. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Precise Flight, Inc. Model SVS III Standby Vacuum Systems; Docket No. 98-CE-87 [11-30/12-2]" (RIN2120-AA64) (1999-0499), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7416. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Kaman Aerospace Corporation Model K1200 Helicopters; Request for Comments; Docket No. 99-SW-72 [1-24/1-24]" (RIN2120-AA64) (2000-0037), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7417. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron-Manufactured Model HH-1K, TH-1F, Th-1L, UH-1A, Uh-1B, Uh-1E, UH-1F, UH-1H, and UH-1P Helicopters; and Southwest Flora Aviation Helicopters; Docket No. 99-SW-02 [12-8/12-13]" (RIN2120-AA64) (1999-0512), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7418. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Convention on Cultural Property Implementation Act, the report of two actions taken in response to requests from the Republic of Cyprus and the Kingdom of Cambodia; to the Committee on Finance.

EC-7419. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Additives for Use in Meat and Poultry Products: Sodium Diacetate, Sodium Acetate, Sodium Lactate and Potassium Lactate", received January 31, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7420. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting a report relative to the WIC Program's rating in the American Customer Satisfaction Index; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7421. A communication from the Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Certification Integrity" (RIN0584-AC76), received February 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7422. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to General Accounting Office employees detailed to congressional Committees; to the Committee on Governmental Affairs.

EC-7423. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Processing Garnishment Orders for Child Support and/or Alimony and Commercial Garnishment of Federal Employees' Pay" (RIN3206-AI91), received February 3, 2000; to the Committee on Governmental Affairs.

EC-7424. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-7425. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, transmitting, pursuant to law, the report of a rule entitled "Drinking Water Tribal Set-Aside Grants Guidance to Applicants", received February 4, 2000; to the Committee on Environment and Public Works.

EC-7426. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, transmitting, pursuant to law, the report of a rule entitled "Guidance on Project Eligibility and Design under the Region IX Tribal Border Infrastructure Program", received February 4, 2000; to the Committee on Environment and Public Works.

EC-7427. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rule to List Kneeland Prairie Penny-Cress (Thaspi californicum) as Endangered" (RIN1018-AE55), received February 4, 2000; to the Committee on Environment and Public Works.

EC-7428. A communication from the Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report relative to a proposed deep draft navigation and ecosystem restoration project for Oakland Harbor, CA; to the Committee on Environment and Public Works.

EC-7429. A communication from the Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report relative to the construction of a flood damage reduction project along the Rio Grande de Manati at Barcelona, PR; to the Committee on Environment and Public Works.

EC-7430. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure for Pollock in Statistical Area 610 of the Gulf of Alaska", received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7431. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska-Closure for Pollock in Statistical Area 620 Outside the Shelikof Strait Conservation Area in the Gulf of Alaska", received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-400. A joint resolution adopted by the Legislature of the State of Maine relative to the protection and restoration of the Atlantic Salmon; to the Committee on Environment and Public Works.

JOINT RESOLUTION

Whereas, the Federal Government, through the United States Fish and Wildlife Service and the National Marine Fisheries Service, has proposed to list the Atlantic salmon in 8 Maine rivers under the federal Endangered Species Act and has indicated a potential to include additional Maine rivers to the detriment of the agriculture, manufacturing, forest products and aquaculture industries of Maine on the basis of limited scientific evidence;

Whereas, Maine is strongly committed to the restoration of the Atlantic salmon to its waters, as demonstrated through the development of a comprehensive and cooperative Salmon Conservation Plan, which was produced over the course of 3 years with input from federal officials, relevant state departments, local conservation groups, affected businesses, farmers and riverside residents; and

Whereas, since the area covered by these 8 rivers and other rivers that may be included in the listing in the future contains ⅓ of the human population of Maine and virtually all of the aquaculture industry, all of Maine will feel the impact of the naming of the Atlantic salmon to the Endangered Species List; and

Whereas, adding the Atlantic salmon to the Endangered Species List in order to help the return of the Atlantic salmon in significant numbers to Maine's waters compromises partnership between Maine and the Federal Government, which has had a history of good faith; and

Whereas, there exist many significant threats to the Atlantic salmon that lie beyond the influence of Maine that also affect the prospects of long-term Atlantic salmon restoration to the rivers of Maine; and

Whereas, Maine is strongly committed to the restoration of the Atlantic salmon to its waters, has committed millions of dollars to its plan to produce this result and feels that the naming of the Atlantic salmon to the Endangered Species List is premature: now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States, the Secretary of the Interior Bruce Babbitt, the Secretary of Commerce William Daly and the Congress of the United States reconsider the intent to include the Atlantic salmon on the Endangered Species List as it would benefit neither the Atlantic salmon nor the people of Maine and allow Maine to continue to execute its own comprehensive plan to restore the Atlantic salmon to its waters; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives of the United States, to the Secretary of the Interior Bruce Babbitt, to the Secretary of Commerce William Daley and to each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Special Committee on Aging: Special Report entitled "Developments in Aging: 1997 and 1998" (Rept. 106-229).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. SCHUMER, Mrs. MURRAY, Mr. DODD, Mr. WELLSTONE, Mr. TORRICELLI, Mr. SARBANES, Mr. INHOFE, Mr. ROBB, Ms. MIKULSKI, and Mr. GRAMM):

S. 2035. A bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH of New Hampshire:

S. 2036. A bill to make permanent the moratorium on the imposition of taxes on the Internet; read the first time.

By Ms. SNOWE (for herself and Mr. HELMS):

S. 2037. A bill to amend title XVIII of the Social Security Act to extend the option to use rebased target amounts to all sole community hospitals; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. HARKIN, Mr. MACK, Ms. MIKULSKI, Mr. FRIST, Mr. SCHUMER, Mr. SARBANES, Ms. COLLINS, Mr. DEWINE, Mr. HUTCHINSON, Ms. SNOWE, Mr. COCHRAN, and Mr. SANTORUM):

S. Res. 253. A resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,700,000,000 in fiscal year 2001; to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. HELMS):

S. 2037. A bill to amend title XVIII of the Social Security Act to extend the option to use rebased target amounts to all sole community hospitals; to the Committee on Finance.

SOLE COMMUNITY HOSPITAL FAIR PAYMENT ACT OF 2000

• Ms. SNOWE. Mr. President, I rise today to introduce the Sole Community Hospital Fair Payment Act. This legislation will correct an unintended drafting error involving Medicare reimbursements for the Sole Community Hospital program, enacted last year as part of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act (P.L. 106–113).

Medicare designates Sole Community Hospitals based on factors such as isolated location, weather or travel conditions, or the absence of other hospitals within a 35 road-mile radius. These hospitals are considered the only source of inpatient services that are reasonably available in a geographic area. Sole Community Hospitals are reimbursed for services on either a federal national standardized amount or on a hospital-specific target amount that is based on either updated FY 1982 or updated FY 1987 costs.

Last year, Congress passed legislation updating the federal rate reimbursement level to costs based on Fiscal Year 1996. A drafting error in the bill, however, unintentionally updated the reimbursements for hospitals that are paid on a specific rate—leaving out 327 hospitals across the country that Congress intended to help.

If this error had not been made America's rural hospitals would be expecting an additional $600 million over five years. Without correction, the error could cost four hospitals just in my state approximately $2.84 million annually that had been anticipated from this legislation. These hospitals—Mayo Regional Hospital in Dover-Foxcroft, Down East Community Hospital in Machias, Northern Maine Medical Center in Fort Kent, and Rumford Community Hospital in Rumford—are a vital part of their communities and had expected these additional funds.

Small hospitals across the country are facing an increasingly uncertain future, and we cannot afford to lose any more of our rural health care providers. This funding is critical to these small hospitals and the communities they serve. These facilities and the patients they serve should not be penalized for a mistake made by Congress. I urge my colleagues to join me in supporting this legislation and I urge the Senate to pass this technical correction bill immediately.•

ADDITIONAL COSPONSORS

S. 285

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 290

At the request of Mr. ABRAHAM, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 290, a bill to establish an adoption awareness program, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 861

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 861, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1086

At the request of Mrs. HUTCHISON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1086, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, . and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1446

At the request of Mr. LOTT, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1680

At the request of Mr. ASHCROFT, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1680, a bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes.

S. 1756

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1756, a bill to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes.

S. 1941

At the request of Mr. DODD, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1946

At the request of Mr. INHOFE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1946, a bill to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act," to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes.

S. 2032

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2032, a bill to amend the Foreign Assistance Act of 1961 to address the issue of mother-to-child transmission of human immunodeficiency virus (HIV) in Africa, Asia, and Latin America.

S. CON. RES. 76

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 76, a concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico and for other purposes.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from New Jersey

(Mr. LAUTENBERG) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

S. RES. 247

At the request of Mr. CAMPBELL, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Georgia (Mr. CLELAND), the Senator from South Dakota (Mr. DASCHLE), the Senator from Connecticut (Mr. DODD), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Res. 248, a resolution to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week."

S. RES. 251

At the request of Mr. SPECTER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Oregon (Mr. WYDEN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alabama (Mr. SHELBY), the Senator from Hawaii (Mr. INOUYE), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 251, a resolution designating March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE RESOLUTION 253—TO EXPRESS THE SENSE OF THE SENATE THAT THE FEDERAL INVESTMENT IN BIOMEDICAL RESEARCH SHOULD BE INCREASED BY $2,700,000,000 IN FISCAL YEAR 2001

Mr. SPECTER (for himself, Mr. HARKIN, Mr. MACK, Ms. MIKULSKI, Mr. FRIST, Mr. SCHUMER, Mr. SARBANES, Ms. COLLINS, Mr. DEWINE, Mr. HUTCHINSON, Ms. SNOWE, Mr. COCHRAN, and Mr. SANTORUM) submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 253

Whereas past investments in biomedical research have resulted in better health, an improved quality of life for all Americans and a reduction in national health care expenditures;

Whereas the Nation's commitment to biomedical research has expanded the base of scientific knowledge about health and disease and revolutionized the practice of medicine;

Whereas the Federal Government represents the single largest contribution to biomedical research conducted in the United States;

Whereas biomedical research continues to play a vital role in the growth of this Nation's biotechnology, medical device, and pharmaceutical industries;

Whereas the origin of many of the new drugs and medical devices currently in use is based in biomedical research supported by the National Institutes of Health;

Whereas women have traditionally been under represented in medical research protocols, yet are severely affected by diseases including breast cancer, which will kill over 43,300 women this year, ovarian cancer which will claim another 14,500 lives; and osteoporosis and cardiovascular disorders;

Whereas research sponsored by the National Institutes of Health is responsible for the identification of genetic mutations relating to nearly 100 diseases, including Alzheimer's disease, cystic fibrosis, Huntington's disease, osteoporosis, many forms of cancer, and immune deficiency disorders;

Whereas many Americans still face serious and life-threatening health problems, both acute and chronic;

Whereas neurodegenerative diseases of the elderly, such as Alzheimer's and Parkinson's disease threaten to destroy the lives of millions of Americans, overwhelm the Nation's health care system, and bankrupt the Medicare and Medicaid programs;

Whereas 2.7 million Americans are currently infected with the hepatitis C virus, an insidious liver condition that can lead to inflammation, cirrhosis, and cancer as well as liver failure;

Whereas 297,000 Americans are now suffering from AIDS and hundreds of thousands more with HIV infection;

Whereas cancer remains a comprehensive threat to any tissue or organ of the body at any age, and remains a top cause of morbidity and mortality;

Whereas the extent of psychiatric and neurological diseases poses considerable challenges in understanding the workings of the brain and nervous system;

Whereas recent advances in the treatment of HIV illustrate the promise research holds for even more effective, accessible, and affordable treatments for persons with HIV;

Whereas infants and children are the hope of our future, yet they continue to be the most vulnerable and underserved members of our society;

Whereas approximately one out of every six American men will develop prostate cancer and over 40,000 men will die from prostate cancer each year;

Whereas diabetes, both insulin and non-insulin forms, afflict 16 million Americans and places them at risk for acute and chronic complications, including blindness, kidney failure, atherosclerosis and nerve degeneration;

Whereas the emerging understanding of the principles of biomimetrics have been applied to the development of hard tissue such as bone and teeth as well as soft tissue, and this field of study holds great promise for the design of new classes of biomaterials, pharmaceuticals, diagnostic and analytical reagents;

Whereas research sponsored by the National Institute of Health will map and sequence the entire human genome by 2003, leading to a new era of molecular medicine that will provide unprecedented opportunities for the prevention, diagnoses, treatment, and cure of diseases that currently plague society;

Whereas the fundamental way science is conducted is changing at a revolutionary pace, demanding a far greater investment in emerging new technologies, research training programs, and in developing new skills among scientific investigators; and

Whereas most Americans show overwhelming support for an increased Federal investment in biomedical research: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Biomedical Revitalization Resolution of 2000".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that funding for the National Institutes of Health should be increased by $2,700,000,000 in fiscal year 2001 and that the budget resolution appropriately reflect sufficient funds to achieve this objective.

Mr. SPECTER. Mr. President, this morning President Clinton announced the budget for the administration for fiscal year 2001. It has a large number of new programs and has a very substantial increase in spending, up to $1.835 trillion. In examining the budget as to its applicability to the Departments of Labor, Health, Human Services and Education on items which I chair, the appropriations subcommittee, I am concerned about the number of new programs.

On Education, there are 19 new programs. In the Department of Labor, there are nine new programs. It is a matter of concern when the President proposes programs which have mandates directing the local school districts as to what they should be doing without giving discretion to local school districts as to specific needs which they might have which might be in a somewhat different category. For example, this year the 19 new programs will increase expenditures by $2 billion 951 million—almost $3 billion. Let's put it that way, round it up a little bit.

Within these programs, there is a new program for school renovation of $1.3 billion. While there may be some merit to that specific kind of program, it may well be that the local school district could better use that money, depending upon local needs, for matters such as a science program, for laboratory equipment, for computers, for teacher training depending upon what the needs are in the local school district.

Last year, we had a considerable amount of controversy on the President's program for new teachers, a commendable objective, but it may well be that there are many school districts where the needs for some alternative programs are more pressing there. So I express a concern about the budget with its increased spending up to $1.835 trillion, and the mandate of a great many new programs which have not been authorized by the appropriate authorizing committees in the Congress.

When it comes to the question of paying for these programs, the President has proposed raising the caps by some $62 billion, but it is highly questionable whether that raise in the caps will accommodate all the programs which he has proposed. I think there is agreement between the Congress and the administration that Social Security and Medicare have to be kept inviolate and that there not be expenditures which would threaten Social Security.

On the face and on the figures, the President's budget does not invade Social Security, but there is the lurking possibility that Social Security could be invaded with the tremendous number of new programs which the President has proposed.

Last year, when the President came forward with his budget, he had proposals for some $18 billion in offsets: Federal tobacco revenues of $6 billion, FAA user fees of $1 billion, and so on, down to some $18 billion, none of which materialized. So when we take a look at the President's proposed offsets, we have to take them with more than a grain of salt as to whether they ever will materialize.

The President has proposed this year to have offsets for penalties for tobacco companies where they fail to live up to the reduction on teenage smoking. The administration's budget will cut youth smoking in half by charging the tobacco industry an assessment for every underage smoker, with an estimated penalty of $3,000 for each underage smoker. It does not pick up until some of the out years.

This is an illustration of where the President is proposing alleged cuts which may well never materialize.

There is one item where the Clinton administration budget is not adequately funded, and that is for the National Institutes of Health. In 1997, the sense-of-the-Senate resolution called for a doubling of the NIH budget over a 5-year period.

During the course of the last 3 years, very substantial advances have been made on funding for the National Institutes of Health, although we are not quite yet on target. That has been a real battle because although the Senate passed a sense-of-the-Senate resolution in 1997 calling for doubling within 5 years, when the issue has come before the budget resolution on amendments sponsored by Senator HARKIN, who is the ranking Democrat, and myself as chairman of the relevant appropriations subcommittee, those increases in funding have been rejected. But with a sharp pencil and with very substantial help from staff on allocation of funding, we have succeeded in increasing the funding for the National Institutes of Health by more than $5 billion over the last 3 years.

Three years ago, the Senate passed an increase of $950 million. It was pared down somewhat in conference to $907 million. Two years ago, we increased NIH funding by some $2 billion, and last year we increased National Institutes of Health funding by $2.3 billion.

It is true the National Institutes of Health is the crown jewel of the Federal Government. In fact, it may be the only jewel of the Federal Government. This year, with a long list of cosponsors who are being added incrementally each day—and I expect quite a few more by the end of the day, and more even before Senator HARKIN, the principal cosponsor, and I offer this for a budget resolution—we are proposing an increase in funding of $2.7 billion, which is the minimal amount necessary to keep funding for the National Institutes of Health on a track to approximate the goal of doubling NIH funding over the 5-year period.

In addition to Senator HARKIN and myself, we have cosponsorship by Senator MACK, Senator MIKULSKI, Senator FRIST, Senator SCHUMER, Senator COLLINS, Senator DEWINE, Senator SARBANES, and Senator HUTCHINSON. The advances which have been made by NIH over the course of the past several years have truly been astounding with the projection that Parkinson's may be on the verge of being solved within a 5-year period, enormous advances on Alzheimer's, enormous advances on a variety of cancer problems—breast cancer, prostate cancer, cervical cancer—enormous advances on heart disease. As a capital investment in the health of America, there is no better investment. As a capital investment for cutting costs for Medicare and Medicaid, there is no better investment.

Last year, the Clinton administration proposed an increase of some $300 million which was far under the mark. That was raised by Congress to $2.3 billion and signed into law by the President.

This year, I think, noting the strong congressional support, the administration has proposed an increase of $1 billion in NIH funding, but that, too, is short of the mark on meeting the objective of doubling NIH funding within a 5-year period.

I have sought recognition today to submit, with my distinguished colleague Senator HARKIN, an important resolution calling for increased funding for the National Institutes of Health, to keep us on track to double NIH funding by 2002. Specifically, the resolution which we are offering today calls for the fiscal year 2001 Budget Resolution to include an additional $2.7 billion in the health account, to be allocated for biomedical research at the National Institutes of Health.

As chairman of the Appropriations Subcommittee for Labor, Health and Human Services, Education and Related Agencies, I have said many times that the National Institutes of Health is the crown jewel of the Federal Government—perhaps the only jewel of the Federal government. We all remain enthralled by the advances realized by the National Institutes of Health, which has spawned innumerable breakthroughs in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, severe mental illnesses, diabetes, osteoporosis, heart disease, and many others. It is clear that a substantial investment in the NIH is crucial to allow the continuation of these advances into the next decade.

On May 21, 1997, the Senate passed a Sense of the Senate resolution submitted by our distinguished colleague, Senator MACK, which stated that funding for the National Institutes of Health should be doubled over five years. Regrettably, even though that resolution was passed by an overwhelming vote of 98 to nothing, when the budget resolution was considered on the Senate floor, the appropriate health account had a reduction of $100 million. That led to the introduction of an amendment to the resolution by myself and Senator HARKIN. We sought to add in $1.1 billion to carry out the expressed sense of the Senate. Our amendment, however, was defeated 63-37. We were extremely disappointed that while the Senate had expressed its druthers on a resolution, they were simply unwilling to put up the actual dollars to accomplish this vital goal.

The following year, during debate on the fiscal year 1999 Budget Resolution, Senator HARKIN and I again introduced an amendment which called for a $2 billion increase for the National Institutes of Health, and which provided sufficient resources in the budget to accomplish this. While we gained more support on this vote than in the previous year, our amendment was again defeated, this time by a vote of 57-41. Not to be deterred, Senator HARKIN and I again went to work with our Subcommittee and we were able, by making economies and establishing priorities, to add an additional $2 billion to the NIH account for fiscal year 1999, which at the time was the largest increase in history.

Most recently, for fiscal year 2000, Senator HARKIN and I again introduced an amendment to the Budget Resolution which would have added $1.4 billion to the health accounts, over and above the $600 million which had already been provided by the Budget Committee. Despite this amendment's defeat by a vote of 47-52, we were able to provide, through the maximization of our limited resources, a $2.3 billion increase for fiscal year 2000—truly an historic accomplishment.

In 1981, when I was first elected to the Senate, NIH funding was less than

$3.6 billion; for fiscal year 2000, it is $17.9 billion, a 95% inflation-adjusted increase. Through several years and several Subcommittee Chairs—Senator Weicker, Senator Chiles, Senator HARKIN, and myself—the budgets were always tight and frequently faced Administration-proposed cuts. Still, we managed to increase NIH funding tremendously. This resolution seeks to reiterate the intent of the Senate to double our investment in the National Institutes of Health: we must provide $2.7 billion to stay on track to reach that goal. I believe that this goal can be achieved if we make the proper allocation of our resources.

Our investment has resulted in tremendous advances in medical research. A new generation of AIDS drugs are reducing the presence of the AIDS virus in HIV infected persons to nearly undetectable levels. Death rates from cancer have begun a steady decline. The human genome is on track to be 90 percent mapped by this spring, and fully sequenced by 2003. We are seeing the advent of a relatively new field of pharmacogenomics, which seeks to solve whether there is something about an individual's genetic instructions which prevent them from metabolizing a particular drug as intended. In essence, drugs may soon be designed to fit the patient's genetic makeup. I anxiously await the results of all of these avenues of remarkable research.

I, like millions of Americans, have benefitted tremendously from the investment we have made in the National Institutes of Health. But to continue that commitment takes actual dollars, not just the discussion of dollars. That is why we offer this resolution today—to call upon the Budget Committee to add $2.7 billion to the health accounts so we can carry forward the important work of the National Institutes of Health.

AMENDMENTS SUBMITTED

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

MURKOWSKI (AND AKAKA) AMENDMENT NO. 2807

Mr. MURKOWSKI (for himself and Mr. AKAKA) proposed an amendment to the bill (S. 1052) to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; as follows:

On page 29, lines 20-21, strike "regard to" and insert "counting against".

On page 34, lines 7-8, strike "to be made available during the following fiscal year" and insert "that will not count against the numerical limitations".

On page 34, strike line 15 and all that follows through page 35, line 4.

On page 34, strike "(C)" and insert "(B)".

On page 35, strike line 20 and all that follows through page 36, line 18.

On page 36, strike "(E)" and insert "(C)".

On page 37, strike line 3 and all that follows through page 38, line 9.

On page 38, strike line 10 and all that follows through line 24.

On page 39, line 1, strike "(I)" and insert "(D)".

On page 40, line 6, strike "and reviewable".

On page 41, lines 3-6, strike "The determination as to whether a further extension is required shall not be reviewable.".

On page 41, lines 20-21, strike "The decision by the Attorney General shall not be reviewable.".

On page 42, lines 6-7, strike "The determination by the Attorney General shall not be reviewable.".

On page 45, line 16, strike line 16 and all that follows through page 46, line 10.

On page 46, line 11, strike "(h)" and insert "(g)".

On page 46, line 20, strike "(i)" and insert "(h)".

On page 47, line 3, strike "(j)" and insert "(i)".

On page 47, line 9, strike "regard to" and insert "counting against".

On page 47, line 14, strike "(C) through (H)" and insert "(B) and (C)".

On page 48, line 5, strike "five-year" and insert "four-year".

On page 48, line 9, strike "5-year" and insert "four-year".

On page 48, line 18, strike "five years" and insert "four years".

On page 48, line 23 and all that follows through page 49, line 4.

On page 49, line 5, strike "(3)" and insert "(2)".

On page 49, line 10, strike "(4)" and insert "(3)".

On page 49, between lines 21 and 22, insert the following new subsection:

"(k) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to count the issuance of any visa to an alien, or the grant of any admission of an alien, under this section toward any numerical limitation contained in the Immigration and Nationality Act.".

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "The President's Fiscal Year 2001 Budget Request for the Small Business Administration." The hearing will be held on Thursday, February 24, 2000, beginning at 9 a.m. in room 428A of the Russell Senate Office Building.

ADDITIONAL STATEMENTS

INTEL'S TEACH TO THE FUTURE PROGRAM

• Mr. BINGAMAN. Madam President, I wanted to take a few minutes to talk about an exciting new project that was announced recently—Intel's "Teach to the Future" program. Intel has joined forces with Microsoft and a number of other companies to train 100,000 of our elementary and secondary school teachers in how to use information technology to improve what our kids learn. Intel will invest $100 million in this project and Microsoft will contribute more than $300 million in software, its largest donation ever. Intel and its partners deserve to be strongly commended by the Senate and the Congress for their forward thinking efforts.

The goal of Intel's Teach to the Future Program is to train 100,000 American teachers in 1,000 days. This year Intel will make grants to 5 regional training agencies in Northern California, Oregon, Texas, and Arizona that will each train 100 Master Teachers in a 40-hour curriculum on effectively applying computer technology to improve student learning. This award-winning curriculum was developed over the last two years by the Institute for Computer Technology; over 80% of the teachers who've been trained by it felt that it enhanced their student's learning. These 500 Master Teachers will return to their school districts, embedding the expertise locally by training an additional 20 teachers. By the end of this year, 10,000 teachers will be trained. Next year, the program will expand to include my home state of New Mexico, along with Washington State, Massachusetts, Utah, Southern California, Washington, DC, and elsewhere in order to train 40,000 teachers. Finally, the program will again expand to train 50,000 teachers in 2002.

We have been working hard on the federal, state, and local levels to provide schools with computers, software and access to the Internet. I authored several programs in the Elementary and Secondary Education Act in 1994 that have gone a long way toward these goals. Studies of the existing uses of technology in schools demonstrate, however, that these investments have not been optimized because teachers have not been adequately trained in its use—particularly its curriculum-based use. The availability of hardware is irrelevant if teachers are not properly trained, because it's teachers who teach, not technology.

Only 20% of today's teachers feel really prepared to use technology in the classroom. Given the dynamic nature of technology and the influx of new teachers we expect to enter the classroom in the next few years, it's easy to see how this problem could get worse if we don't focus on it. The average school spends less—often significantly less—than 1% of its technology funds on training. The Department of Education, the CEO Forum and other experts have determined that the appropriate investment should be closer to 30%.

In response to this need, I have worked closely with Senator Murray to secure funding for a pre-service technology training program in the education budget. As we approach reauthorization of the Elementary and Secondary Education Act, I also have made teacher training the centerpiece of my proposal for reauthorization of the Education Technology programs in ESEA—"S. 1604: the Technology for Teaching Act." Even with the continued commitment of companies like Intel, we must provide federal support and leadership for technology training for all teachers in all fifty states.

Intel's "Teach to the Future" project is an outstanding example of good corporate citizenship; one that should be instructive for politicians, educators, and corporations across the nation. Intel and its corporate partners clearly recognize that—just as information technology has revolutionized the workplace and the marketplace—it also promises to transform the schoolhouse. Perhaps, more importantly, however, these companies recognize that we must transform the schoolhouse in order to continue the economic revolution. We in Congress must support their efforts by increasing the federal commitment to educational technology and teacher training in this area.•

PRAISING FORD MOTOR COMPANY FOR COMPUTER DONATIONS TO EMPLOYEES

• Mr. ABRAHAM. Mr. President, I rise today to praise Ford Motor Company's president and chief executive, Mr. Jacques Nasser, and Ford Motor Company's unprecedented gift of a home computer, color printer and unlimited access to the Internet to each and every one of Ford's 350,000 employees worldwide.

Through this act, Ford Motor Company has shown that it has truly recognized the need to provide all Americans with computer and Internet access. Not a single Ford employee will be left out of Ford's initiative to provide its people with access to the Information Age. To its great credit, Ford has recognized that competing in today's high-tech global marketplace means doing everything possible to secure and train a skilled and informed workforce.

What is more, Mr. President, Ford has recognized that any company that wants to continue to succeed must see to it that everyone in its workforce, and not just a select few "specialists" be fully plugged in to the Information Age.

Mr. President, there is a growing digital divide in this country. Although over 40 percent of all households owned computers and one-quarter had Internet access by the end of 1998, figures show a disturbing and significant gap between two growing classes: the technical haves and the technical have-nots. This divide is defined by income and education levels, race and geographical location.

Household with incomes of $75,000 and greater are more than twenty times more likely to have Internet access in the home than households in the lowest income levels. Wealthier families are nine times as likely to have a computer in the home. Whites are more likely than African Americans or Hispanics to have Internet access from any location, including work and the home. In addition, where a family lives can impact the likelihood of having computer and Internet access, regardless of income level. Americans living in rural areas are lagging behind in Internet access. Even at the lowest income levels, households in urban areas are more than twice as likely as their rural counterparts to have Internet access.

We are all aware that the increasing dominance of computers throughout the workplace demands computer proficiency. Right now, 60 percent of all jobs require high-tech skills. Mr. President, it is only through readily available access and consistent use of computers and technology that Americans will gain the skills necessary to participate and succeed in the New Economy. And, it is only through a skilled and educated workforce that the United States will continue to maintain its dominance in the New Economy.

That means, Mr. President, that we cannot afford to leave anyone behind in our journey into the New Economy. We will need everyone to help us face the tasks ahead. I take this challenge seriously. That is why my New Millennium Classrooms Act would give businesses increased incentives to donate used but still highly useful computers to our schools. It's unconscionable that 32 percent of public schools have only one classroom with access to the Internet when U.S. businesses are trying to figure out what to do with literally millions of used computers. It's also bad policy.

We need to get everyone onto the information superhighway. And I strongly believe, Mr. President, that Ford's exceptional program will help us in that effort. It will ensure access to the fundamental tools of the digital economy, and that is one of the most significant investments in our country that we can make. Ford's initiative not only benefits their immediate workforce, but their families and our greater communities. I would encourage all of our companies to look closely at Ford's contributions and the overwhelming good it creates.

Again, please allow me to commend Mr. Nasser and Ford Motor Co, for their dedication and invaluable contribution.

I ask that the full texts of the February 4, 2000 Washington Post and Detroit News articles be printed in the RECORD immediately following my statement.

The articles follow:

[From the Washington Post, Feb. 4, 2000]

FORD OFFERS HOME PC TO EVERY EMPLOYEE

(By Warren Brown and Frank Swoboda)

Ford Motor Co. said yesterday that it will provide every one of its 350,000 employees worldwide with home computers, color printers and unlimited access to the Internet for as little as $5 a month.

Leapfrogging across the "digital divide" that some fear separates wealthy computer users from people unable to afford them, Ford is the first major company to offer every employee, from the loading dock to the boardroom, the tools to participate in the Information Age.

"It is clear that individuals and companies that want to be successful in the 21st century will need to be leaders in using the Internet and related technology. That is what this program is all about," Chairman Bill Ford said.

Ford, the nation's second-biggest company in terms of revenue, is betting the estimated $300 million cost of the program will be quickly offset by gains in making all its employees computer literate.

"We're committed to serving consumers better by understanding how they think and act," said Jacques Nasser, Ford's president and chief executive. "Having a computer and Internet access in the home will accelerate development of these skills, provide information across our businesses, and offer opportunities to streamline our processes."

Ford said it may offset some of its costs by selling advertisements to run on the Internet service its employees will use. But even with that, the ambitious program appears unique in corporate America. Even Microsoft Corp. has nothing similar. And Hewlett-Packard Co., which is supplying the hardware under contract with Ford, provides computers only to employees who need them for work.

The program results from a contract settlement negotiated last year between the automaker and the United Auto Workers union. But Nasser said the computer program would cover all employees, even those not represented by the UAW. "We're not leaving out anyone," Nasser said.

Edward Hay, president of UAW Local 919 at the Ford pickup-truck plant in Norfolk, called the computer plan a "really good thing. The way the modern world is going, it's all going to be about computers and we've got to get up to speed."

Many members of the local put off buying computers at Christmas in anticipation of a Ford computer program. But Hay said no one on the local predicted the deal would be this good. UAW officials said the local predicted the deal would be this good. UAW officials said they have talked to both General Motors Corp. and DaimlerChrysler AG about similar deals, but officials at those companies said they now have no plans to follow Ford. The three U.S. automakers, however, have in the past tended to match each others' benefits programs.

There are no strings attached to the computer deal for individual employees and no requirement that the PCs be used for work. Both Ford and UAW officials said there will be no monitoring of how employees use their computers or Internet access.

Company sources said the price tag could be as much as $300 million over three years, but Ford officials declined to confirm that. Ford last year netted $7.2 billion. It has another $28 billion in the bank.

In the United States, Ford workers will pay $5 a month for the basic package put together by San Francisco-based PeoplePC Inc. Hewlett-Packard Corp. will supply the computers and printers, and Fairfax-based

UUNet Technologies Inc., a subsidiary of MCI WorldCom Inc., will provide the Internet access.

After three years—and a total payment of $180 per employee—the hardware will be the worker's property, though Ford officials said it isn't clear yet if employees will have to continue to pay for Internet access.

Elsewhere in the world, the monthly fee will be adjusted for household incomes and living standards.

The $5 fee is largely symbolic. It hearkens back to 1914, when Henry Ford, the company's founder, introduced the then-revolutionary industrial wage of $5 a day. Chairman Bill Ford, Henry's grandson, said the $5-a-month computer offer is equally revolutionary.

The base computer will have a 500-megahertz Intel Celeron chip, 64 megabytes of RAM, a 4.3 gigabyte hard disk, CD–ROM drive, 15-inch monitor, speakers and a modem. The printer will be a color inkjet.

Hardware will start going out to Ford employees in April. All Ford employees who want to participate in the program should receive the necessary equipment within 12 months, according to the company and UAW officials.

Hewlett-Packard sold 7.6 million personal computers worldwide last year, 4 million in the United States. If 300,000 Ford employees take advantage of the program, as Hewlett-Packard projects, the deal would represent nearly 4 percent of the company's worldwide computer sales. Weis said yesterday that it was one of the biggest single computer sales contracts for the company.

Over the past year, Ford has moved aggressively to establish itself as the e-business leader, at least in the automotive industry. Under Nasser's prompting, the company has entered into deals with Oracle Corp. to use the Internet to speed up transactions and cut costs in dealing with suppliers. The company has also struck deals with Microsoft Corp., CarPoint and Yahoo Inc. to help customers shop for cars and trucks and other Ford-provided automotive services.

Ford announced another agreement Wednesday, this one with UPS Logistics Group, to drastically reduce the delivery times of components to Ford factories and products to consumers.

Organized labor is getting into the low-price computer business with the creation last fall of Workingfamily.com, which has already signed up more than a dozen unions representing approximately half the 13 million members of the AFL–CIO. But the lowest price the unions have come up with so far is $8 a week.

[From the Detroit News, Feb. 4, 2000]

FREE PCs GIVE FORD WEB EDGE—COMPUTERS, INTERNET ACCESS PUT WORKERS IN HIGH-TECH AGE

(By Mark Truby)

DETROIT.—In .announcing plans to offer personal computers and Internet access to all Ford Motor Co. employees for $5 a month, Chairman William Clay Ford Jr. evoked his great-grandfather's decision to pay employees $5 a day.

For sheer impact, it may not match Henry Ford's seminal 1914 wage decision that gave assembly line workers the wherewithal to buy the product they built.

But the world's No. 2 automaker is making a bold statement—unprecedented in the industrial world—about its commitment to electronic connectivity.

With a dizzying series of alliances with high-technology companies in recent weeks, Ford already has committed to using the World Wide Web to revamp trade with suppliers, connect drivers to the Internet and communicate with dealers and buyers.

Now, in offering entry to cyberworld cheaply to 350,000 employees worldwide, Ford is seeking to change its corporate culture—and at cyberspeed.

"Jac Nasser (Ford's chief executive) is working very hard to drive an e-culture into the economy," said David Cole, the University of Michigan's top auto expert.

"When Nasser talks about Ford becoming an e-company, he is not talking about inanimate objects. He is talking about people of Ford."

IDEA BORN IN '99

The idea first emerged during negotiations last year between Ford and the United Auto Workers, UAW President Stephen Yokich said. An arrangement in which Ford and UAW would share the cost was originally floated.

Nasser instead decided Ford would foot the bill alone and the company would offer the computers and Internet service to the company's 100,000 hourly workers in the United States, 100,000 salaried employees worldwide and 150,000 hourly employees outside the United States.

Workers at Visteon Automotive Systems, the auto-parts unit that Ford wants to spin off later this year, will be eligible, as will employees at Ford's Volvo and Jaguar units.

Ford hasn't decided whether to extend the offer to employees of Mazda Motor Corp., which is controlled by Ford.

COMPANY IS COMMITTED

"It is clear that individuals and companies that want to be successful in the 21st century will need to be leaders in using the Internet and related technologies," Ford said at a press conference. "That is what this program is all about."

Nasser said the company is committed to serving consumers better by understanding how they think and act. "Having a computer and Internet access in the home will accelerate the development of these skills," he said.

General Motors Corp. and DaimlerChrysler AG have not announced any plans to match Ford's program and would not say Thursday whether they are considering it.

"We are always willing to look at anything that would benefit our workforce, but any discussions of this nature are internal," said Trevor Hale, a DaimlerChrysler spokesman.

Ford plans to start the program in the United States in April and complete it in 12 months.

FORD'S DECISION RECALLED

Employees who sign up will receive a Hewlett-Packard computer with a 500-megahertz processor, 64 megabytes of RAM and a 4.3 gigabyte hard disk. A 15-inch monitor and color ink jet printer computer will be included.

Employees can upgrade to three more powerful computers at their expense.

"It does remind me of Henry Ford's decision to pay his employees enough so they could afford his products," said Malcolm Maclachlan, an e-commerce research analyst for International Data Corp. in Mountain View, Calif.

"It sort of goes against the grain of corporate America in the last 20 years. It's an enlightened idea."

The alliance is a boon for slumping Hewlett-Packard, which expects to ship 300,000 computers and printers for the Ford program.

PeoplePC Inc. of San Francisco is coordinating the program and UUNET of Fairfax, Va., will provide the Internet and e-mail service.

$175-MILLION PRICE TAG

Employees will access the Internet through a special portal that will offer direct links to many Ford services and information and will be customized for different regions of the world.

Ford assured employees it would not be monitoring their e-mails and Internet surfing. The network could eventually be used for company announcements such as temporary plant closings.

Ford would not discuss costs, but the program could cost upwards of a $175 million or more.

"It's a very bold move," said Cole, head of U-M's Office for the Study of Automotive Transportation. "It's really very clearly out-of-the-box thinking. They are really going beyond what you would expect from a company that really watches their pennies."

While the primary goal is to create a computer-savvy, Internet-oriented workforce, Ford expects to enjoy the ancillary benefit of goodwill with its employees.

"It's like a reward to employees," Cole said. "It's a nice surprise."

UAW MEMBERS HAIL MOVE

At a news conference announcing the program Thursday, UAW members asked detailed questions about the computers' capabilities and features, and said some of their fellow employees were considering delaying retirement until they get their computers.

"It's very much in the conversation of folks around here," said Tim Devine, a lawyer who works in Ford's Office of General Counsel.

"My wife and I were fairly skeptical about the Internet at first and we have sort of surprised ourselves by how useful we find it," Devine said.

"I think the same thing will happen and the company ends up with families whose lives are enriched."

REPORT FROM THE CENTER ON HUNGER AND POVERTY

• Mr. KENNEDY. Mr. President, recently, Tufts University's Center on Hunger and Poverty released a far-reaching report, "Paradox of Our Times: Hunger in a Strong Economy." The report emphasizes that numerous studies on hunger in America have concluded that low-income working families do not have access to adequate food, despite the nation's economic prosperity. The report's conclusion is supported by research from the General Accounting Office, the U.S. Department of Agriculture, the U.S. Conference of Mayors, numerous state agencies, academic researchers, and policy analysts, including the Urban Institute and the Center on Budget and Policy Priorities. The Tufts study will be of interest to all of us in Congress who care about this issue, and I ask that the attached Parts I and II of the report be printed in the RECORD.

The material follows:

[From the Center on Hunger and Poverty, Tufts University, Medford, Massachusetts]

PARADOX OF OUR TIMES: HUNGER IN A STRONG ECONOMY

(By Sandra H. Venner, Ashley F. Sullivan, and Dorie Seavey)

"It was, the best of times, it was the worst of times . . ." Charles Dickens.

I. INTRODUCTION

America today is haunted by the paradox of hunger and food insecurity amidst unprecedented prosperity. Despite a record economic expansion that is now in its ninth year, accompanied by an historic mix of low inflation and low unemployment, millions of American households are struggling to find sufficient resources to feed their family members.

Signs of our economy's unparalleled prosperity are everywhere: the national unemployment rate, currently at 4.1 percent, is the lowest in thirty years; after-tax average income is expected to be 20% higher in 1999 than in 1977 after adjusting for inflation; the stock market toys repeatedly with new highs; consumer spending is at an all-time high; the federal budget surplus is positive for the first time since the sixties; and even the poverty rate has edged downward with fewer children living in poverty today than at any time since 1980.[1] Among the industrialized economies of the world, the United States has emerged from a period of heavy corporate restructuring and deregulation, and stands vibrant and flexible, leading the world in technological innovation.

According to our national leaders, significant social goals have also been accomplished during this period. Over the last half decade, a profound transformation of our social welfare system has occurred as key elements of the New Deal framework have been replaced by time-limited public assistance and an arrangement in which states have great flexibility over the design and implementation of their welfare programs. Congressional intent to reduce the number of poor families receiving government benefits has been achieved in a remarkably short period of time. The percentages of Americans currently on welfare (2.7%) or receiving food stamps (6.6%) are at historic lows: for welfare cash assistance, the participation rate is the lowest in more than three decades while the food stamp participation rate is the lowest since 1978 ("Green Book", 1998).

The hallmark of these economic and policy accomplishments, however, is paradox. Beneath the surface of almost unparalleled economic vitality and the touted "success" of the 1996 welfare reform law lie deep contradictions and mismatches in the nation's social and economic fabric. The most troubling aspect of our times is that the country's economic prosperity has not been broadly or deeply shared. And perhaps the most glaring manifestation of this fact is the level of food insecurity and hunger in our society. Hunger persists in every region of the country and in every state—in urban, rural, and suburban areas, in households with children, among the elderly and other adults who live on their own, among minority and immigrant communities. Indeed, in some pockets of our society, food insecurity and hunger are at levels that pose significant public health problems, seriously compromising individual and family health and well-being while generating a myriad of societal costs.

This report constitutes a new and somewhat disturbing look into America in 2000. Focusing on families with children, it has three main purposes. The first is to present the most current evidence on the problem of food insecurity and hunger in America, synthesizing information from three key sources: national studies, state and local studies, and finally, reports concerning the use of the non-governmental emergency food system. The second purpose is to identify the key forces driving food insecurity and hunger within what is now the longest economic expansion since the Vietnam War. In particular, we examine two sets of factors: problematic aspects of the two major programs designed to assist poor families—Temporary Assistance to Needy Families and the Food Stamp Program—and at a more systemic level, economic forces that are creating growth but also are increasing inequality, insecurity, and wage stagnation at the lower end of the labor market.

The final purpose of this report is to provide a framework for a comprehensive approach to the problem of hunger and food insecurity in America. A three-pronged approach is suggested: (1) attending to the immediate need to improve access to the Food Stamp Program for people who do not have secure and safe sources of sufficient food, (2) recasting the Food Stamp Program to orient it more to the needs of low-income working families, and (3) addressing the deepest roots of hunger in America through a fundamentally new paradigm for domestic social policy that responds to—rather than lags behind—the country's new social and economic realities. Among the key components of such a framework must be a revamped social insurance system (including improved unemployment insurance and portable benefits), more comprehensive income support programs that help families supplement their earnings and stabilize their economic circumstances, and opportunities for individuals and families to build their assets and economic security over the various stages of life.

II. HUNGER AND FOOD SECURITY IN THE UNITED STATES: WHAT DOES THE EVIDENCE TELL US?

Information about the extent and severity of hunger and food insecurity[2] in the U.S. comes from several sources. To provide information about circumstances at the national level, in 1995 the U.S. government began to annually collect data on the prevalence of food insecurity and hunger among households. State and local studies of household food security, typically conducted by non-governmental organizations, also contribute important information. Finally, evidence of food insecurity comes from studies that document changes in emergency food demand in various parts of the country. These varied sources of information capture different aspects of food insecurity and hunger in America today, and taken together constitute a composite of the problem.

NATIONAL DATA ON FOOD INSECURITY AND HUNGER

Prior to the mid-1990s, estimates of the number of households or individuals who were hungry or at risk of hunger relied upon extrapolations of the poverty rate. With the development and implementation of the USDA Food Security Measure,[3] the ability to consistently and reliably measure the prevalence of hunger improved dramatically. The U.S. government now collects information on the food security of households in all states, and reports on an annual basis the food security status of population groups over time.

The United States Department of Agriculture (USDA) has released four years of household food security data, which together cover the period from 1995 to 1998.[4] The most recent data released (1998 figures) show that an estimated 10.5 million households experienced some degree of food insecurity, or 10.2% of all households in the United States. Of the more than 30 million people who lived in these households, nearly 40% (or 12.4 million) were children. Over 9 million households (3.6%) experienced hunger, the most severe state of food insecurity (USDA, 1999).

In 1998, households with children—the focus of this report—experienced food insecurity at more than double the rate for households without children (15.2% versus 7.2%). Households with the youngest children (under six) experienced an even higher level of food insecurity (16.3%). Of the different types of households with children, those headed by single females showed the highest food insecurity and hunger levels, with nearly one in three reporting food insecurity and one in ten experiencing hunger (USDA, 1999).

Food insecurity prevalence for households with children under 18 remained virtually unchanged across the four-year period ending in 1998 at about 15% (see table below), although the data indicate a small decline in the prevalence of hunger. Given the unprecedented strength of economic indicators during this period, a decline in the national food insecurity prevalence could reasonably have been expected. Instead, the data indicate that food insecurity remains a serious, persistent problem in the U.S. with a significant proportion of families and individuals struggling to meet their basic food needs.

FOOD SECURITY PREVALENCE ESTIMATES FOR CHILDREN AND HOUSEHOLDS WITH CHILDREN 1995 AND 1998

	1995		1998	
	000s	%	000s	%
Households with children under 6	18,003	100.0	17,176	100.0
Food insecure	3,047	16.9	2,796	16.3
Without hunger	2,149	11.9	2,132	12.4
With hunger	898	5.0	664	3.9
Households with children under 18	37,520	100.0	38,178	100.0
Food insecure	5,791	15.4	5,812	15.2
Without hunger	3,940	10.5	4,216	11.0
With hunger	1,851	4.9	1,596	4.2
Children in households	70,279	100.0	71,463	100.0
Food insecure	12,231	17.4	12,373	17.3
Without hunger	8,131	11.6	9,114	12.8
With hunger	4,100	5.8	3,259	4.6

Source: U.S. Department of Agriculture (1999). Advance Report on Household Food Security in the United States, 1995–1998. Nord, M. (September 28, 1999). ERRATA Table 2D in Household Food Security in the United States 1995–1998 (Advance Report).

In addition to the USDA, the Urban Institute also documents food insecurity and other measures of economic well-being as part of a multi-year national monitoring project. This effort includes the fielding of a nationally representative survey called the National Survey of America's Families (NSAF). Based on a sample of 44,461 households in 13 states, the 1997 NSAF found that half of all families at 200% of the poverty line or below worried about food shortages or had difficulty affording food (Urban Institute, 1999).[5] In their examination of low-income households, the USDA reported that nearly 40% of all households whose incomes were below half of the poverty line experienced food insecurity in 1998 (USDA, 1999).

STATE AND LOCAL FOOD INSECURITY PREVALENCE

Studies that measure state and local food insecurity prevalence differ in scope and methodology. Some studies of household food insecurity provide evidence of the statewide prevalence, while others detail the characteristics of household food insecurity on a local level.[6] Studies of economic well-being often incorporate a measure of food insecurity as well. Depending upon the scope of the study, samples range from random, representative samples to convenience samples of at-risk populations. Although studies use questions from the USDA Food Security Core Module, each sampling approach provides specific information about households that experience food insecurity and hunger.

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[1] Footnotes at end of article.

Food insecurity and hunger prevalence appears to vary considerably at the state level. USDA data shows that the percentage of households experiencing food insecurity ranged from 4.6% of households in North Dakota to 15.1% of households in New Mexico (calculated as a three-year average over the period of 1996–1998) (Nord et al., 1999). The Urban Institute survey found that the percentage of low-income families who worried about food or had difficulty purchasing food among the 13 states surveyed ranged from 47% in Wisconsin to 61% in Texas (Urban Institute, 1999).

These survey results have been augmented by a number of recent studies conducted by citizen groups, academic institutions, and state government agencies:

A survey of at-risk households in Green Bay, Wisconsin conducted at 21 meal sites in April and May 1998 found that 66% of respondents reported food insecurity with varying degrees of hunger. Of these, well over half (58.1%) suffered moderate to severe hunger (Kok, 1998).

A California study of 823 families with incomes below the poverty line seeking emergency services in April and May 1998 found that 27% of households experienced food insecurity with severe hunger, and 33% were food insecure with moderate hunger present—an overall hunger prevalance of 60% (California Food Policy Advocates, Persons . . ., 1998).

Using the USDA's Core Food Security Module, the Rhode Island Department of Health conducted a pilot food security assessment of households residing in poverty census tracts. Of the 410 households surveyed, 24.4% were determined to be food insecure. Among food insecure households, 15.6% were food insecure without hunger and 8.8% of households experienced hunger (RIDOH, 1999).

Food Insecurity Among Former Welfare Recipients

In addition to the sources cited above, documentation on the food security status of former welfare recipients is being collected by states in their examination of the effects of policy changes on former recipients. While many studies of the economic well-being of this population are currently underway, some results are available. These studies, though different in their methodologies, document persistent food insecurity among former welfare recipients.

According to Urban Institute's national study more than one-third (38%) of former recipients reported that they ran out of food and did not have money for more (Loprest, 1999). A number of state surveys of former welfare recipients report similar outcomes:

In a Wisconsin welfare "leaver" study, 375 former recipients were asked if there was ever a time after leaving welfare when they could not buy food; 32% of those families responded "yes." Of those unable to purchase food, 49% reported going either to a church, food pantry, food kitchen, or shelter at some point; 46% went to friends and relatives, and 5% reported going hungry (WDWD, 1999).

In 1997, 17% of 384 South Carolina survey respondents reported that there were times, after leaving the welfare program, when they had no way to buy food (SCDSS, 1999).

A post-time limit welfare tracking study in Connecticut found that 22% of 421 respondents indicated that they "sometimes" or "often" did not have enough to eat. Of these respondents, 96% reported that the food they bought did not last and they did not have money to buy more sometime during the three months after the benefit termination (Hunter-Manns et al, 1998).

In Michigan, 27% of families who had their cash assistance benefits terminated due to sanctions reported not having sufficient food (Colville et al, 1997).

REPORTS FROM EMERGENCY FOOD ASSISTANCE PROVIDERS

Emergency food providers, like soup kitchens and food pantries, help supplement the food obtained through federal food assistance programs, and also provide food to those who are either ineligible for or do not participate in government assistance programs. In addition to receiving commodities through the Temporary Emergency Food Assistance Program (TEFAP), emergency food providers obtain food supplies from food banks and food rescue organizations, known collectively as food recovery organizations (Youn, 1999).

When families experience food shortages, some turn to emergency food programs, yet, many households remain food insecure. In fact, the very act of seeking emergency food assistance implies that families are unable to meet their food needs after pooling resources from their own households, federal food programs, or friends and family. Utilization of emergency food assistance programs is therefore an indicator of food insecurity.

Emergency Food Demand High Nationwide

Recent national studies document persistent, and even increased, demand for emergency food assistance. Second Harvest reported that its emergency food programs across the country served over 21 million people (an unduplicated count) in 1997. Of the clients interviewed, 78.5% had insufficient income for food and relied upon agency or government food programs. Over one-quarter (27.5%) of Second Harvest clients reported that adults in their household missed meals during the previous month because they did not have enough food or money to buy food. Of those households with children, 9.1% reported that children missed meals in the prior month for similar reasons (Second Harvest, 1998). In addition, Catholic Charities reported that during 1998, the demand for emergency food assistance rose an average of 38% among reporting agencies (GAO, July 1999).

The recently-released U.S. Conference of Mayors survey of 26 major cities reveals that 85% of respondent cities reported a rise in emergency food assistance demand between November 1998 and October 1999, with requests increasing by an average of 18% over the previous year. For those cities reporting increases, the rising demand for emergency food ranged from 1% in Chicago to 45% in Los Angeles. Nearly 60% of those requesting food assistance were children and their parents. In addition, over two-thirds (67%) of adults requesting food assistance were employed. In all of the cities surveyed, people relied upon emergency food assistance facilities not only in emergencies but also as a steady source of food over long periods of time. Officials in virtually every city surveyed anticipate increased requests for emergency food assistance in 1999, especially among families with children (U.S. Conference of Mayors, 1999).

State and Local Emergency Food Programs Seeing More Families

Reports from states and metropolitan areas present a similar, if not a more striking, picture of emergency food demand in various regions throughout the United States. Of those studies reviewed, recent increases in the number of clients ranged from 14% to 36%.

Maryland emergency providers reported that from September 1997 to September 1998, soup kitchens experienced a 25% increase in the number of children served, a 24% increase in the number of women served, and a 19% increase in the number of families served. Food pantries reported an 8% increase in children, a 21% increase in women, and a 24% increase in the number of families served (Center for Poverty Solutions, 1998).

A Massachusetts study of 98 emergency providers found that between 1996 and 1997, 63% experienced a rise in the total number of emergency food requests, with clients served increasing an average of 22.4%. Over half (52.4%) of the clients requesting emergency food assistance were families with children, and nearly half of the programs reported an increasing number of families with children requesting services. (Project Bread and the Center on Hunger and Poverty, Tufts University, 1998).

A recent survey of 330 New York City providers revealed that emergency food requests at each site increased an average of 36% from January 1998 to January 1999. Providers reported a 72% increase in the number of families with children seeking emergency food assistance (New York City Coalition Against Hunger, 1999).

Of the greater Philadelphia community food providers surveyed between April 1998 and April 1999, 67% reported a greater demand for food assistance during this time period. Overall, providers reported an 18% increase in the number of individuals seeking food assistance compared to the previous year, with 45% of their clients from families (Philabundance, 1999).

Connecticut also reported higher demand for food assistance. Of the 128 food sites that reported an increased demand for assistance between October 1997 and October 1998, the number of persons served grew by an average of 24% (Connecticut Association for Human Services, 1999).

At emergency food programs in Utah, researchers found a 24% increase in the number of individuals served from 1997 to 1998, and an astonishing 107% increase over the prior two-year period (Utah Food Bank, 1999).

An Oregon survey of over 680 regional food providers reported that the number of people who received emergency food boxes increased 14% from 1997 to 1998, to a high of 458,208 individuals, or 1 in 8 people in Oregon and Clark County, Washington (Oregon Food Bank, 1999).

Emergency Food Providers Struggling to Meet Demand

Emergency food providers are struggling to meet the increased food needs of their clients. Although the provider network continues to grow, reports indicate that it is unable to meet the demand for assistance, and providers must sometimes either turn clients away or provide them with less in order to stretch resources over a growing client population. For example, the U.S. Conference of Mayors report that in 1998, on average, 21% of requests for emergency food assistance went unmet (U.S. Conference of Mayors, 1999).

Studies also indicate a shift in the composition of people using emergency food programs. Soup kitchens, which have traditionally served homeless adults, report an increase in the number of families with children. Pantries report increased requests for evening hours in order to serve needy working parents. And food bank directors report increased regular use of their programs by clientele who used to stop in occasionally for a bag of food.

Taken together, this evidence raises red flags concerning the depth of food insecurity experienced by many families. Typically, seeking out emergency food assistance is an end-stage coping strategy. As such, emergency food program activity constitutes a unique barometer for gauging the paradox of hunger in a strong economy, and is evidence of the numbers of households and individuals for whom neither employment in the strong economy nor federal safety nets are providing the support necessary to ensure their food security.

SUMMING UP THE EVIDENCE

Based on data from national, state and local studies as well as reports from emergency food providers, the evidence on hunger and food insecurity in the United States can be summarized as follows.

The national data show remarkably persistent levels of aggregate household food insecurity over the last four years that appear unresponsive to favorable national economic trends. Approximately one in ten households in the US report food insecurity; over 30 million adults and children live in these households.

Household food security at the state level varies widely around the national average, ranging from less than 5% to over 15%.

Local studies using the same food security survey instrument used by the USDA have found hunger prevalence rates among various at-risk groups that are 5 to 10 times the overall national rate.

Recent reports from emergency food assistance providers across the country indicate greater dependence of food insecure families on the emergency food system, increased regular reliance on this system to meet household food needs, a significant number of unfulfilled requests, and greater numbers of families with children among their clientele.

FOOTNOTES

[1] Shapiro and Greenstein (1999): U.S. Census Bureau, Statistical Abstract of the United States 1999.

[2] Food insecurity occurs whenever the availability of nutrionally adequate and safe food, or the ability to acquire acceptable foods in socially acceptable ways, is limited or uncertain. Hunger is defined as the uneasy or painful sensation caused by a recurrent or involuntary lack of food and is a potential, although not necessary, consequence of food insecurity. Over time, hunger may result in malnutrition.

[3] The USDA Food Security Core Module consists of an 18-item instrument constructed as a scale measure. The items ask about a household's experiences of increasingly severe circumstances of food insufficiency and behaviors undertaken in response to them during the 12-month period preceding the survey (Hamilton et al, 1997).

[4] The Advance Report (Nord, 1999) builds on an earlier historic report released in 1997 that presented the first-ever national prevalence estimates of food security using 1995 data collected by the U.S. Census Bureau.

[5] To assess household food security, the NSAF includes three questions from the USDA's Food Security Core Module.

[6] The studies reviewed for this report were published or released after January 1998 and represent only a portion of available data. For a more comprehensive collection of state and local food security studies, see the compilation of studies released in February 1999 by the Food Security Institute at the Center on Hunger and Poverty.•

KAZAKHSTAN

• Mr. DEWINE. Mr. President, last November, Akezhan Kazhegeldin, who served as Prime Minister of Kazakhstan from 1994 to 1997, was the featured speaker at the City Club of Cleveland. His remarks summarize the many challenges and struggles in Kazakhstan and how the United States can be a partner for progress and democracy in Central Asia.

I have a copy of Mr. Kazhegeldin's remarks, as well as a copy of the story on his visit that appeared in the Cleveland Plain Dealer, and I ask that both appear in the RECORD following the conclusion of my remarks.

The material follows:

REMARKS OF THE HONORABLE AKEZHAN KAZHEGELDIN

Ladies and Gentlemen!

First of all, I would like to thank those who arranged this radio forum and asked me to appear before you. This is not only an honor for me, but also a great responsibility. At this rostrum I have been preceded by many respected politicians, among them presidents of the United States. Now the chance to be heard here, in Ohio—the very heart of the United States, has been given not only to me, Akezhan Kazhegeldin, economist and politician, but through me to all of Kazakhstan.

My country lies in the very center of Asia between Russia and China, between Siberia and the great deserts. Poets say that Kazakhstan is the very heart of Asia. For me, therefore, this appearance before the citizens of Ohio represents a conversation between two hearts, a true heart-to-heart talk.

American society needs first-hand knowledge about what is happening in the countries which were formerly parts of the Soviet Union. American corporations, working in Kazakhstan, may have knowledge and understanding of geological resources, but no more than that. I am sure that the oil companies which worked in Iran under Shah Pahlevi had the most detailed and accurate geophysical maps. But these maps could not have predicted that the Shah would be replaced by the Khomeini regime.

In many of the former Soviet republics one can clearly see the possibility or the actual threat of new anti-democratic regimes arising. They are not necessarily linked to religious extremism. And even less to Islam. The Serbian leader Milosevich is not an Islamic extremist. He is a Christian extremist, a nationalist. But that does not make him any less dangerous.

ABOUT KAZAKHSTAN

My country has been in existence as an independent state for only eight years. I am not surprised that not everyone can find it on a map. And yet in recent times American newspapers have been writing about Kazakhstan more frequently. So it is harder nowadays to miss Kazakhstan. Some may say that Kazakhstan is simply a splinter of the former Soviet empire. If so, it is a very large splinter. The largest if one does not count Russia. The territory of Kazakhstan covers 2.7 million square kilometers. This huge territory is inhabited by fifteen million people. This is a bit more than the population of the greater New York metropolitan area. I suspect that it will be a long time before we enter the international discussion of world overpopulation. Imagine the reaction of Japanese businessmen during a four-hour flight from Almaty, our southern capital, to Atray, the center of the oil production region in the western part of the country, when they are told by the stewardess that on their way they will pass over all of three towns. On the other hand, Kazakhstan businessmen are equally stunned when they find out the size of the assets of Japanese and American banks. The total annual state budget of Kazakhstan is somewhere in the area of six billion dollars. That sum passes through a New York bank during one week. And I am not specifically speaking of the Bank of New York.

THE RESOURCES OF DEMOCRACY

When I speak of money, I have no intention of asking for a donation of a certain number of millions to Kazakhstan. This in spite of the catastrophic lack of funds for everything and anything, from formula for the newborn to pensions for the aged. The envoys of the current president regularly come to Washington to ask for credits and donations. But we, the opposition, expect a different kind of aid from America. You probably know the ancient saying that one can give a hungry man a fish or one can teach him how to fish. This holds true not only for Kazakhstan but for all other newly independent states. People in those countries do indeed need the means to exist, but what they need even more is the ability to earn these means within the framework of a unified world market.

God has not been ungenerous to Kazakhstan when He distributed natural resources. Oil is far from being our only treasure. Kazakhstan possesses deposits of almost all metals, including gold, aluminum, copper, titanium, uranium, zinc and others. All of these resources were being used in one form or another under the Soviet regime. Kazakhstan was then one of the key regions impacting on the growth of the military and industrial might of the Soviet Union.

When I entered the government in 1993 after having held the position of President of the Entrepreneurs' Union, I considered it my main task to attract foreign investment capital. I traveled the world meeting with businessmen and touting our mineral resources, our highly qualified labor force and engineers, and the possibility of unlimited new markets.

During the four years that I held the position of prime-minister we were able to attract to our country hundreds of Western, primarily American, companies. Their investments totaled 9 billion dollars. We not only managed to avoid defaulting on the multi-billion debt incurred by the previous regime, but we created gold and hard currency reserves of a size remarkable for a country such as Kazakhstan.

But I have to confess that during my tenure I failed to achieve the most important goal—that of creating a sufficient reserve of democracy in our society. Parallel with the development of a liberalized economy an authoritarian and anti-democratic regime was emerging in Kazakhstan—the regime of President Nazarbaev.

And, unfortunately, I myself helped solidify it. As a young politician and, more accurately, a technocrat, I believed that everything would develop on its own as it should. Together with my reform-minded colleagues I thought that once a market economy was established, democracy would follow; once Western investments started coming, society would automatically become transparent; once a middle class had emerged and defined its interests, a multi-party system would appear.

We were wrong. Even while still in the position of prime-minister I began to notice that foreign investors would frequently find themselves in conflict with local administrations and would always lose in the end.

The courts and media controlled by local officials invariably took the side of their bosses. Foreign investors and ambassadors applied to me and in each specific case I was forced to use my authority as prime-minister.

Our own businessmen found themselves in an even worse situation. They became hostages to the officials. They did not have embassies on their side, and their complaints were not being heard by the international arbitration board in Stockholm. Without the administration's patronage they were unable to conduct their business.

At the same time more and more positions in government were being occupied by the President's relatives. Other positions went to nephews, to fellow-villagers and former colleagues in the Communist Party.

Combining business holdings, obtained without investment or qualifications, with power, they created a unique sort of capitalism profiting an oligarchy determined by clan and family ties. It was futile to expect of these people either democratic views or even professional managerial conduct.

At this point I left the government and dedicated myself to political activity. I became the head of the Union of Industrialists and Entrepreneurs of Kazakhstan and later the chairman of the Republican National Party of Kazakhstan. These organizations formed an opposition to President Nazarbaev, and I personally was forced to leave my country and seek temporary asylum in Western Europe.

AMERICAN AID

I recently read in the New York Times a commentary by Tina Rosenberg on the work of one of the specialists of the Carnegie Endowment for Peace dealing with the effectiveness of America's "export of democracy". I have not as yet seen the book myself, but I noted the following figure: Seven hundred nineteen million dollars were spent last year on US government support of democracy in other countries.

Thomas Carothers attempted to estimate the effect of such investment in democracy. This is an extremely important question. In the case of Kazakhstan, I see how often such aid is being used by anti-democratic forces for their own purposes. I will give you an example: The International Financial Corporation opened the printing house "Franklin" in Almaty. At first it printed a number of newspapers expressing different viewpoints, among them "Karavan", the most widely read and independent of the newspapers of Kazakhstan.

However, just before last year's presidential elections the authorities forced the owner to sell the newspaper together with the printing house to a relative of President Nazarbaev. Since then the facility has printed nothing but pro-government publications, and the opposition has been forced to print its materials a thousand miles away in Russia and ship them secretly into Kazakhstan.

As you know, barely a month ago parliamentary elections were held in Kazakhstan. They were carried out with massive violations of voting procedures and false vote counts. As a result, the majority of the seats in parliament went to the candidates of the powers that be and to government officials. This happened in spite of the fact that sociological polling and the monitoring of voting precincts on election day indicated that the opposition candidates were in the lead across the country.

It is not surprising that all this falsification was carried out and later covered up by the Central Electoral Commission. The Commission was created and is controlled by President Nazarbaev. It is, therefore, understandable that local electoral commissions composed of government employees and controlled by local administrators and governors added fake ballots and issued false election returns.

What is amazing is the fact that on the eve of the elections international organizations conducted serious work of "educating" the members of these electoral commissions. Dozens of experts from Western Europe and the United States lectured on the subject of how ballots must be handled and counted correctly and honestly. Members of the Central Electoral Commission went abroad for training. Instructions and methodological materials were printed, seminars conducted. I do no know how much all of this cost, but I suspect that millions were spent. We, the citizens of Kazakhstan, watched all this as a performance of the theater-of-the-absurd.

Why were all these efforts and funds, among them those of the American taxpayers, expended in vain? As recently as in January of this year, these very same electoral commissions had falsified the results of the presidential elections. The free press had been annihilated and many members of the opposition had been denied their civil rights. I was one of them.

The Organization for Cooperation and Security in Europe, a number of Congressional committees and the Administration of President Clinton have condemned those elections as incompatible with democratic norms. The authorities of Kazakhstan never intended to hold honest elections or to admit opposition candidates to parliament. Could the Administration and the agencies involved in foreign aid have deemed it possible that, having falsified the presidential election, Nursultan Nazarbaev would allow honest parliamentary elections? That is hard to believe.

THE SECRET STRATEGY OF DICTATORS

It seems to me that after the dissolution of the Soviet bloc and the Soviet Union, the West was caught in a trap set by crafty post-Soviet leaders. These people have learned the lesson of history, they have understood that one cannot openly reject democratic principles. They determined that it is much better to verbally acknowledge common human values, to proclaim them loudly at every turn, to promise to stop all violations of human rights, and—most of all—to abstain from polemics with the West.

Then one can pay yearly visits to Washington, make speeches before members of the various think tanks about progress towards democracy, and acquire the reputation of being "our man". And meanwhile in one's own country one can destroy the free press, quash the opposition, and prevent any possibility of a transfer of power by constitutional means.

At the same time, these leaders, trying to preempt criticism, are asking the West for help in building democracy. They say that because of long years of Soviet dictatorship, their citizens are unable to absorb such concepts as equality before the law, freedom of speech, political competition and the division of power.

Thus in April of this year, President Nazarbaev during his appearance at the Carnegie Endowment asserted in all seriousness that America had needed two hundred years to build its democracy and that, therefore, no demands in that respect could be made on Kazakhstan.

Had I been present at that meeting, I would have answered my president by saying: "Had American presidents allowed themselves to rig elections and prolong their terms in office at will, even five hundred years would not have been enough for building democracy in the United States."

It is hard to say how many American consultants have visited Kazakhstan and how many proposals and memorandums they have written for the government. All of them were qualified experts, all of them believed that the government was just waiting for their recommendations to make one more step toward genuine democracy. But none of these recommendations are implemented if they go contrary to the preservation of power by the new "nomenklatura".

You must realize that the elective nature of local government has been abolished in Kazakhstan. All regional governors and local mayors are appointed by the President. There is a Ministry of Information and Social Concensus which controls the media and printing. What kind of recommendations can one give to these institutions? All this reminds one of a discourse between a cannibal and dieticians. The members of the rubber-stamp parliament have frequently visited Washington on the invitation of their colleagues, the US legislators. They pretended to admire the perfection of the American system of division of power and then returned home to vote for granting President Nararbaev additional powers and authority and extending his term of office from five to seven years. There is a Russian proverb "The oats were of no profit to the horse". I think it fits the situation.

A year ago a ban was placed on the publication of my book "The Right to Choose", which exposed the true nature of the current regime. More than three hundred thousand copies published in the Kazakh language were destroyed. For the last two years the authorities have been denying registration to the newspaper "Respublika". During the presidential elections twelve opposition papers and two radio stations were closed down. Three printing houses were confiscated and have not been returned to their owners. Quite recently the owner of the independent radio station RIK was forced to leave for Canada.

I was outraged when I heard the testimony of Kazakhstan's ambassador to Washington Nurgaliev at the hearings before the Congressional Committee on Cooperation and Security in Europe. He was trying to convince Congress that democracy was indeed evolving in Kazakhstan, that it was becoming an accomplished fact. As proof thereof he cited the cooperation of his government with international organizations and American consultants.

And this at a time when it is clear to any objective observer that Kazakhstan is moving swiftly away from democracy and mutating towards a classic dictatorship. What is encouraging is that US legislators do not allow themselves to be duped by such litanies of "good deeds" and continue to condemn the anti-democratic practices of the current regime.

Does this mean that the United States should abandon their efforts to export democracy to post-Soviet states? Not at all! But it would be useful to analyze the correlation between cost and effect.

When viewed from that perspective, the most effective aid turns out to be that which is given not to governmental bodies, but to specific opposition groups, to independent newspapers to intellectuals, to unofficial trade unions. It is such aid that proved to be decisive in Poland. A simple Xerox machine in the hands of "Solidarity" proved to be a more powerful weapon than the guns and clubs of the secret police.

But one must remember that the new dictators are extremely resourceful. For the benefit of the West they create a large number of seemingly non-governmental and quite democratic organizations: "pocket" trade-unions, environmental movements, women's movements, fake political parties.

It would seem, that a foreigner would be incapable of telling a genuine human rights advocate from a false one, a real democratic movement from a fictional one. But in actuality, it is all quite simple: There is only one criterion and it is well known to your journalists and diplomats who work in Kazakhstan: Does this or that opposition group allow itself to criticize the President?

All the "pocket" dissidents and fictional opponents are permitted to severely criticize and expose regional governors and even government ministers, but will never dare to point out that, if corruption has pervaded the highest levels of government, the President is obviously aiding and abetting it. Once you identify the "upper limit of criticism", you can determine whether the organization in question is really independent of the government and the secret police.

THE VOICE OF AMERICA MUST BE TRULY HEARD

The credit for the fact that the Soviet Union crumbled of its own accord without anybody coming to its defense belongs to a greater degree to the radios "Liberty" and "Voice of America" than to the Pentagon and the CIA. I hope that the workers of those two venerable agencies will not feel offended.

But it is precisely from those broadcasts that I myself gained my basic understanding of a free society and of a market economy. At that time the broadcasts were being heavily jammed, but we listened anyway. We did so because man has, among other instincts, the very basic instinct, the unquenchable desire to know the truth. The great Russian writer and the great dissident of the Soviet era, Nobel Prize Laureate Alexander Solzhenitsyn proclaimed that "God is to be found in truth, not in might". It is because of this that Brezhnev feared him more than any other of his enemies.

This is why, when I meet with members of Congress and the Administration in Washington, I ask them again and again not to cut down on broadcasts to the former Soviet republics, but to create broadcast services for each of the new states of Central Asia. My people need information as much as they need bread.

You cannot imagine to what length my fellow-citizens will go to obtain truthful information. Because of the difference in time zones, they watch Russian TV broadcasts deep into the night trying to find out what is really happening in Kazakhstan. Early in October the New York Times published an article about the fact that the Swiss police had frozen the personal bank account of President Nazarbaev in the amount of eighty five million dollars. As soon as reports about this event began to be broadcast by Russian television stations, all Russian TV channels were blocked for three days in Kazakhstan.

I am sure that you find it hard to believe. But this is indeed so. Try to imagine it. Try to imagine how hard it is for people to live not only in poverty but surrounded by lies. Help people in all post-Soviet states to turn from mere populations into civic societies. The broadcasts of the Voice of America and of Radio Liberty must not be curtailed.

Full-fledged programs for each of these states in its own language must be created. One should not economize on truth and freedom of information. The United States, as the last of the superpowers, bear the responsibility for maintaining not only peace but truth. I repeat the words of Solzhenitsyn: "God is to be found in truth, not in might".

THE THREAT TO THE WEST

No one can say that Kazakhstan and other states of Central Asia are being ignored by American diplomats and non-governmental experts. But this is so mainly because of their oil and the question of its delivery to Western markets. The bloody conflict in Chechnya and the armed religious movements in these countries are viewed merely as arguments pro or con for one or the other route the future gigantic pipeline might take.

I am convinced that world history is driven not by oil, but by blood. The danger of terrorist movements lies not in the fact that they may hinder the building of this or that pipeline, but in the fact that they disrupt and destroy human lives. Remember Bosnia and Kosovo. There is no oil in the Balkans, but the threat to peace which arose there forced the United States and NATO to send their troops.

If after the passing of Tito the West had not abandoned Yugoslavia to the tender mercies of Milosevich, if the democratic movements there had received support in the nineteen eighties, the dissolution of that state would not have been as tragic and prolonged. If a radio "Free Serbia" had begun broadcasting early enough, Milosevich would have left the scene five years ago. Instead, just as the presidents of some of the CIS countries, among them President Nazarbaev, had done, he placed his daughter at the head of state television and radio. The Serbian people became the victims of nationalist lies and have suffered for it.

Nationalism and religious extremism are the two main threats to a happy and prosperous future. Do they threaten Kazakhstan? To a great extent they do, unless the opposition forces and world opinion counter them with a democratic alternative. Otherwise no strong-hand tactics, not dictatorial regime will stand up to that threat.

Conversely, dictatorship and the corruption it breeds is likely to lead to an explosion of religious, and particularly Islamic, fanaticism. In a poor country where the ruling elite cynically robs the people and deprives them of the opportunity to express their aspirations, the emergence of religious extremism becomes unavoidable.

The average person sees that he or she cannot change anything, becomes desperate and ready to do anything. And at this moment a preacher inevitably appears saying that God will bless your protest and forgive any bloodshed. All that remains is to find the weapons, and that is not difficult in our world today.

So wherein lies the true source of religious extremism—in religion or in dictatorship which pushes people towards violence? The answer is self-evident. Leaders of some CIS regimes find it useful to have a few extremist Islamic groups handy to frighten the West.

They tell you: "Only dictatorship can stop Islamic terror. If you do not support me, your oil pipelines will suffer". This is a lie. This is a total reversal of cause and effect. The longer dictatorial clan-based regimes remain in power, the greater will the influence of religious fanatics become, and the more blood will be spilled eventually.

For Kazakhstan the threat of national and religious extremism is especially great. In our country there are as many Kazakhs as non-Kazakhs, as many Muslims as there are Orthodox Christians. If the danger of religious extremism arises in the predominantly Kazakh south, the Russian population which is concentrated in the north will turn to Russia for aid. The oil-rich western part of the country will proclaim its own interests. In that case the "balkanization" of Kazakhstan will become inevitable.

It pains me to say all this. I am asking you to help my country avoid this fate. There is no other way to achieve this than to help the people of Kazakhstan to secure those freedoms which were initially promised by the Constitution but which were then stolen: the freedom of speech, the freedom of forming political organizations, the freedom to choose one's representatives in the governing bodies. And, I beg, do not help dictators stay in power.

Our world stands on the threshold of a new millennium. There is a saying: "As you greet the New Year, so will you live in it". If this is true, then equally true would be the conclusion that "as you greet a new century, so will you live in it", or "as you greet a new millennium, so will you live in it". During most of the first millennium of the new era East and West existed apart from each other. During the second millennium they fought a great deal. Let us live the third millennium in peace, justice and prosperity.

I thank you for your interest in my country, Kazakhstan, and its people.

NATIONAL EXILE WARNS OF EXTREMIST THREAT IN KAZAKHSTAN

[From the Cleveland Plain Dealer, OH, Nov. 13, 1999]

(By Joe Frolik)

A Kazakhstani dissident leader in exile since April warns that his resource-rich homeland could fall prey to religious or nationalist extremists if the current regime continues to resist democratic reforms.

Akezhan Kazhegeldin told a City Club of Cleveland audience yesterday that United States and other democratic countries should continue pressing the former Soviet Republic of Kazakhstan to hold open elections, to allow a free press and to permit political dissent.

"When the average person sees that he or she cannot change anything, they become desperate and ready to do anything," said Kazhegeldin, Kazakhstanÿs Prime Minister before he broke with President Nursultan Nazarbaev in 1997. "It pains me to say all this. I am asking you to help my country avoid this fate."

Nazarbaev was Kazakhstan's communist boss at the end of the Soviet Union and became president of the newly independent republic. He has concentrated economic and political power in family members and sponsored a series of elections that have been criticized by outside observers, including the Organization for Security and Cooperation in Europe.

Last year, Nazarbaev suddenly moved the date of the next presidential election ahead two years.

Then his election commission disqualified Kazhegeldin, who most Western observers consider the country's most popular opposition figure. The reason: He had delivered a speech to an "unauthorized" group—Kazakhstanis for Free Elections. Kazhegeldin also was barred from last month's parliamentary ballot, though by then he had fled to Moscow and then London after being shot at and accused of corruption and money laundering.

He has denied the charges.

Nazarbaev himself is widely suspected of having profited from power.

The Guardian newspaper last year reported that he was the eighth wealthiest person in the world.

Kazakhstan covers 1 million square miles of Central Asia and borders both Russia and China.

It is believed to contain the world's largest untapped pool of oil, as well as large deposits of gold and titanium.

But unemployment is high and the average annual income is less than $1,300, according to the State Department.

Foreign investors are afraid to set up shop in Kazakhstan, Kazhegeldin said, because of an unreliable legal system.•

RECOGNITION OF ANNE SWANT'S AP BIOLOGY CLASS IN WALLA WALLA

• Mr. GORTON. Mr. President, in November I had the pleasure of joining a unique group of students on a field trip to Coppei Creek outside of Walla Walla, Washington. The Advanced Placement biology class from Walla Walla high school, led by their teacher Anne Swant, has been engaged in an innovative program to study wild steelhead restoration and monitor water quality.

The Coppei Creek project is a collaboration between the Walla Walla conservation district, Tri-State Steelheaders, City of Waitsburg, and local landowners. This group came together after severe flooding damaged property and habitat in 1996. Their goal was to restore stream habitat for threatened steelhead while providing necessary flood control for adjacent farmlands.

As part of the "Four Schools" project Anne Swant's class has teamed up with John Geidl, a retired educator and executive secretary of Tri-State Steelheaders, to institute a "classrooms in the stream" project—teaching biology and scientific research techniques through real-life applications.

In addition to the work at Coppei Creek, the students helped design and construct in-stream habitat and riparian buffers for a fish-bearing stream on their own school campus.

For their leadership in this revolutionary program, I was proud to award Anne Swant and John Geidl one of my "Innovation in Education" awards for excellence and creativity in hands-on science learning and leadership in teaching community conservation.

This program, and the Coppei Creek restoration project are models of locally-driven conservation and education initiatives. This community has taken it upon itself, without unnecessary pressure from Washington DC bureaucrats, to engage in salmon habitat restoration and use it as an educational experience for future stewards of this precious resource.

Clearly, a good education in today's world requires much more than just solid academic instruction—it must also include a broader understanding of the application of those skills learned in the classroom. The Four Schools Project is an excellent example of this principle in action. I propose to my colleagues here in the Senate that this successful project is further proof that local educators will be able to make the best decisions about the unique needs of their students.•

THE WATCHDOGS PROGRAM

• Mr. HUTCHINSON. Mr. President, I rise today to commend a special program that is having a positive impact on schools throughout my home State of Arkansas. This program is called WatchDOGS, and was founded to combat school violence in the wake of the Jonesboro tragedy by Jim Moore, PTA President of Gene George Elementary School in Sprindgale, Arkansas. Jim has informed me that the program has rapidly expanded to about 35 schools and I share in his goal of seeing it implemented in schools throughout the State of Arkansas. Furthermore, it is my hope that this program will be implemented in schools throughout the nation.

In a WatchDOGS program, fathers and grandfathers of students volunteer to spend at least one day a year in their child's school. By doing so, they not only provide unobtrusive security, but they also serve as positive role models for the children. Each school has a WatchDOGS coordinator who schedules the shifts to ensure that there is a father or grandfather on the premises at all times. WatchDOGS participate in a wide variety of school activities. For example, they read to and tutor students, participate in playground activities, eat lunch with students, and assist in the loading and unloading of school buses.

I believe that this program can be a great tool in our efforts to prevent school violence and to improve student performance because it increase parental initiative and involvement in their children's education. It can often be implemented without any expenditure of school funds as the only supplies necessary are a pair of walkie-talkies and identifying t-shirts, which are usually donated by local merchants or the PTA.

I hope that my colleagues will ask the school superintendents and principals in their respective home states to consider implementing this program in their schools. Finally, I wish to thank Jim Moore, Gene George Elementary School Principal Jim Lewis, and all the other people who have worked so hard to develop and implement the WatchDOGS program. Thank you for helping to make Arkansas schools the safe havens of learning that they are meant to be.•

BANKRUPTCY REFORM ACT OF 1999

H.R. 833, as amended and passed by the Senate on February 2, 2000, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 833) entitled "An Act to amend title 11 of the United States Code, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bankruptcy Reform Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Findings and study.
Sec. 104. Notice of alternatives.
Sec. 105. Debtor financial management training test program.
Sec. 106. Credit counseling.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
Sec. 203. Discouraging abuse of reaffirmation practices.

Subtitle B—Priority Child Support

Sec. 211. Definition of domestic support obligation.
Sec. 212. Priorities for claims for domestic support obligations.
Sec. 213. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. 214. Exceptions to automatic stay in domestic support obligation proceedings.
Sec. 215. Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. 216. Continued liability of property.
Sec. 217. Protection of domestic support claims against preferential transfer motions.
Sec. 218. Disposable income defined.
Sec. 219. Collection of child support.
Sec. 220. Nondischargeability of certain educational benefits and loans.

Subtitle C—Other Consumer Protections

Sec. 221. Amendments to discourage abusive bankruptcy filings.
Sec. 222. Sense of Congress.
Sec. 223. Additional amendments to title 11, United States Code.
Sec. 224. Protection of retirement savings in bankruptcy.
Sec. 225. Protection of education savings.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Reinforcement of the fresh start.
Sec. 302. Discouraging bad faith repeat filings.
Sec. 303. Curbing abusive filings.
Sec. 304. Debtor retention of personal property security.
Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 306. Giving secured creditors fair treatment in chapter 13.
Sec. 307. Exemptions.
Sec. 308. Residency requirement for homestead exemption.

Sec. 309. Protecting secured creditors in chapter 13 cases.
Sec. 310. Limitation on luxury goods.
Sec. 311. Automatic stay.
Sec. 312. Extension of period between bankruptcy discharges.
Sec. 313. Definition of household goods and antiques.
Sec. 314. Debt incurred to pay nondischargeable debts.
Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.
Sec. 316. Dismissal for failure to timely file schedules or provide required information.
Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.
Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.
Sec. 319. Sense of the Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.
Sec. 320. Prompt relief from stay in individual cases.
Sec. 321. Chapter 11 cases filed by individuals.
Sec. 322. Excluding employee benefit plan participant contributions and other property from the estate.
Sec. 323. Clarification of postpetition wages and benefits.
Sec. 324. Limitation.
Sec. 325. Exclusive jurisdiction in matters involving bankruptcy professionals.
Sec. 326. United States trustee program filing fee increase.
Sec. 327. Compensation of trustees in certain cases under chapter 7 of title 11, United States Code.
Sec. 328. Nondischargeability of debts incurred through the commission of violence at clinics.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Sec. 401. Rolling stock equipment.
Sec. 402. Adequate protection for investors.
Sec. 403. Meetings of creditors and equity security holders.
Sec. 404. Protection of refinance of security interest.
Sec. 405. Executory contracts and unexpired leases.
Sec. 406. Creditors and equity security holders committees.
Sec. 407. Amendment to section 546 of title 11, United States Code.
Sec. 408. Limitation.
Sec. 409. Amendment to section 330(a) of title 11, United States Code.
Sec. 410. Postpetition disclosure and solicitation.
Sec. 411. Preferences.
Sec. 412. Venue of certain proceedings.
Sec. 413. Period for filing plan under chapter 11.
Sec. 414. Fees arising from certain ownership interests.
Sec. 415. Creditor representation at first meeting of creditors.
Sec. 416. Definition of disinterested person.
Sec. 417. Factors for compensation of professional persons.
Sec. 418. Appointment of elected trustee.
Sec. 419. Utility service.
Sec. 420. Bankruptcy fees.
Sec. 421. More complete information regarding assets of the estate.

Subtitle B—Small Business Bankruptcy Provisions

Sec. 431. Flexible rules for disclosure statement and plan.
Sec. 432. Definitions; effect of discharge.
Sec. 433. Standard form disclosure statement and plan.
Sec. 434. Uniform national reporting requirements.
Sec. 435. Uniform reporting rules and forms for small business cases.
Sec. 436. Duties in small business cases.
Sec. 437. Plan filing and confirmation deadlines.
Sec. 438. Plan confirmation deadline.
Sec. 439. Duties of the United States trustee.
Sec. 440. Scheduling conferences.
Sec. 441. Serial filer provisions.
Sec. 442. Expanded grounds for dismissal or conversion and appointment of trustee.
Sec. 443. Study of operation of title 11, United States Code, with respect to small businesses.
Sec. 444. Payment of interest.
Sec. 445. Technical correction.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Sec. 501. Petition and proceedings related to petition.
Sec. 502. Applicability of other sections to chapter 9.

TITLE VI—IMPROVED BANKRUPTCY STATISTICS AND DATA

Sec. 601. Audit procedures.
Sec. 602. Improved bankruptcy statistics.
Sec. 603. Uniform rules for the collection of bankruptcy data.
Sec. 604. Sense of Congress regarding availability of bankruptcy data.

TITLE VII—BANKRUPTCY TAX PROVISIONS

Sec. 701. Treatment of certain liens.
Sec. 702. Treatment of fuel tax claims.
Sec. 703. Notice of request for a determination of taxes.
Sec. 704. Rate of interest on tax claims.
Sec. 705. Priority of tax claims.
Sec. 706. Priority property taxes incurred.
Sec. 707. No discharge of fraudulent taxes in chapter 13.
Sec. 708. No discharge of fraudulent taxes in chapter 11.
Sec. 709. Stay of tax proceedings limited to prepetition taxes.
Sec. 710. Periodic payment of taxes in chapter 11 cases.
Sec. 711. Avoidance of statutory tax liens prohibited.
Sec. 712. Payment of taxes in the conduct of business.
Sec. 713. Tardily filed priority tax claims.
Sec. 714. Income tax returns prepared by tax authorities.
Sec. 715. Discharge of the estate's liability for unpaid taxes.
Sec. 716. Requirement to file tax returns to confirm chapter 13 plans.
Sec. 717. Standards for tax disclosure.
Sec. 718. Setoff of tax refunds.
Sec. 719. Special provisions related to the treatment of State and local taxes.
Sec. 720. Dismissal for failure to timely file tax returns.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

Sec. 801. Amendment to add chapter 15 to title 11, United States Code.
Sec. 802. Amendments to other chapters in title 11, United States Code.
Sec. 803. Claims relating to insurance deposits in cases ancillary to foreign proceedings.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

Sec. 901. Bankruptcy Code amendments.
Sec. 902. Damage measure.
Sec. 903. Asset-backed securitizations.
Sec. 904. Effective date; application of amendments.

TITLE X—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

Sec. 1001. Reenactment of chapter 12.
Sec. 1002. Debt limit increase.
Sec. 1003. Elimination of requirement that family farmer and spouse receive over 50 percent of income from farming operation in year prior to bankruptcy.
Sec. 1004. Certain claims owed to governmental units.
Sec. 1005. Prohibition of retroactive assessment of disposable income.
Sec. 1006. Family fishermen.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

Sec. 1101. Definitions.
Sec. 1102. Disposal of patient records.
Sec. 1103. Administrative expense claim for costs of closing a health care business.
Sec. 1104. Appointment of ombudsman to act as patient advocate.
Sec. 1105. Debtor in possession; duty of trustee to transfer patients.
Sec. 1106. Establishment of policy and protocols relating to bankruptcies of health care businesses.
Sec. 1107. Exclusion from program participation not subject to automatic stay.

TITLE XII—AMENDMENTS TO FAIR LABOR STANDARDS ACT OF 1938

Sec. 1201. Minimum wage.
Sec. 1202. Regular rate for overtime purposes.

TITLE XIII—TAX RELIEF

Sec. 1300. Amendment of 1986 code.

Subtitle A—Small Business Tax Relief

Sec. 1301. Increase in expensing limitation to $30,000.
Sec. 1302. Repeal of temporary unemployment tax.
Sec. 1303. Full deduction of health insurance costs for self-employed individuals.
Sec. 1304. Permanent extension of work opportunity tax credit.
Sec. 1305. Small businesses allowed increased deduction for meal and entertainment expenses.

Subtitle B—Deduction for Health and Long-Term Care Insurance

Sec. 1311. Deduction for health and long-term care insurance costs of individuals not participating in employer-subsidized health plans.

Subtitle C—Pension Tax Relief

PART I—EXPANDING COVERAGE

Sec. 1321. Increase in benefit and contribution limits.
Sec. 1322. Plan loans for subchapter s owners, partners, and sole proprietors.
Sec. 1323. Modification of top-heavy rules.
Sec. 1324. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 1325. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 1326. Elimination of user fee for requests to IRS regarding pension plans.
Sec. 1327. Deduction limits.
Sec. 1328. Option to treat elective deferrals as after-tax contributions.

PART II—ENHANCING FAIRNESS FOR WOMEN

Sec. 1331. Catchup contributions for individuals age 50 or over.

Sec. 1332. Equitable treatment for contributions of employees to defined contribution plans.

Sec. 1333. Faster vesting of certain employer matching contributions.

Sec. 1334. Simplify and update the minimum distribution rules.

Sec. 1335. Clarification of tax treatment of division of section 457 plan benefits upon divorce.

Sec. 1336. Modification of safe harbor relief for hardship withdrawals from cash or deferred arrangements.

PART III—INCREASING PORTABILITY FOR PARTICIPANTS

Sec. 1341. Rollovers allowed among various types of plans.

Sec. 1342. Rollovers of IRAs into workplace retirement plans.

Sec. 1343. Rollovers of after-tax contributions.

Sec. 1344. Hardship exception to 60-day rule.

Sec. 1345. Treatment of forms of distribution.

Sec. 1346. Rationalization of restrictions on distributions.

Sec. 1347. Purchase of service credit in governmental defined benefit plans.

Sec. 1348. Employers may disregard rollovers for purposes of cash-out amounts.

Sec. 1349. Minimum distribution and inclusion requirements for section 457 plans.

PART IV—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

Sec. 1351. Repeal of 150 percent of current liability funding limit.

Sec. 1352. Maximum contribution deduction rules modified and applied to all defined benefit plans.

Sec. 1353. Excise tax relief for sound pension funding.

Sec. 1354. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.

Sec. 1355. Protection of investment of employee contributions to 401(K) plans.

Sec. 1356. Treatment of multiemployer plans under section 415.

PART V—REDUCING REGULATORY BURDENS

Sec. 1361. Modification of timing of plan valuations.

Sec. 1362. ESOP dividends may be reinvested without loss of dividend deduction.

Sec. 1363. Repeal of transition rule relating to certain highly compensated employees.

Sec. 1364. Employees of tax-exempt entities.

Sec. 1365. Clarification of treatment of employer-provided retirement advice.

Sec. 1366. Reporting simplification.

Sec. 1367. Improvement of employee plans compliance resolution system.

Sec. 1368. Modification of exclusion for employer-provided transit passes.

Sec. 1369. Repeal of the multiple use test.

Sec. 1370. Flexibility in nondiscrimination, coverage, and line of business rules.

Sec. 1371. Extension to international organizations of moratorium on application of certain nondiscrimination rules applicable to State and local plans.

PART VI—PLAN AMENDMENTS

Sec. 1381. Provisions relating to plan amendments.

Subtitle D—Revenue Provisions

Sec. 1391. Modification of installment method and repeal of installment method for accrual method taxpayers.

Sec. 1392. Modification of estimated tax rules for closely held real estate investment trusts.

TITLE XIV—TECHNICAL AMENDMENTS

Sec. 1401. Definitions.

Sec. 1402. Adjustment of dollar amounts.

Sec. 1403. Extension of time.

Sec. 1404. Technical amendments.

Sec. 1405. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.

Sec. 1406. Limitation on compensation of professional persons.

Sec. 1407. Effect of conversion.

Sec. 1408. Allowance of administrative expenses.

Sec. 1409. Exceptions to discharge.

Sec. 1410. Effect of discharge.

Sec. 1411. Protection against discriminatory treatment.

Sec. 1412. Property of the estate.

Sec. 1413. Preferences.

Sec. 1414. Postpetition transactions.

Sec. 1415. Disposition of property of the estate.

Sec. 1416. General provisions.

Sec. 1417. Abandonment of railroad line.

Sec. 1418. Contents of plan.

Sec. 1419. Discharge under chapter 12.

Sec. 1420. Bankruptcy cases and proceedings.

Sec. 1421. Knowing disregard of bankruptcy law or rule.

Sec. 1422. Transfers made by nonprofit charitable corporations.

Sec. 1423. Protection of valid purchase money security interests.

Sec. 1424. Extensions.

Sec. 1425. Bankruptcy judgeships.

Sec. 1426. Family fishermen.

Sec. 1427. Compensating trustees.

Sec. 1428. Amendment to section 362 of title 11, United States Code.

Sec. 1429. Provision of electronic FTC pamphlet with electronic credit card applications and solicitations.

Sec. 1430. No bankruptcy for insolvent political committees.

Sec. 1431. Federal election law fines and penalties as nondischargeable debt.

Sec. 1432. Prohibition on certain retroactive finance charges.

Sec. 1433. Sense of Senate concerning credit worthiness.

Sec. 1434. Judicial education.

Sec. 1435. United States trustee program filing fee increase.

Sec. 1436. Providing requested tax documents to the court.

Sec. 1437. Definition of family farmer.

Sec. 1438. Encouraging creditworthiness.

Sec. 1439. Property no longer subject to redemption.

Sec. 1440. Availability of toll-free access to information.

TITLE XV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

Sec. 1501. Effective date; application of amendments.

TITLE XVI—FINANCIAL INSTITUTIONS INSOLVENCY IMPROVEMENT

Sec. 1601. Short title.

Sec. 1602. Treatment of certain agreements by conservators or receivers of insured depository institutions.

Sec. 1603. Authority of the corporation with respect to failed and failing institutions.

Sec. 1604. Amendments relating to transfers of qualified financial contracts.

Sec. 1605. Amendments relating to disaffirmance or repudiation of qualified financial contracts.

Sec. 1606. Clarifying amendment relating to master agreements.

Sec. 1607. Federal Deposit Insurance Corporation Improvement Act of 1991.

Sec. 1608. Recordkeeping requirements.

Sec. 1609. Exemptions from contemporaneous execution requirement.

Sec. 1610. SIPC stay.

Sec. 1611. Federal Reserve collateral requirements.

Sec. 1612. Effective date; application of amendments.

TITLE XVII—METHAMPHETAMINE AND OTHER CONTROLLED SUBSTANCES

Sec. 1701. Short title.

Subtitle A—Methamphetamine Production, Trafficking, and Abuse

CHAPTER 1—CRIMINAL PENALTIES

Sec. 1711. Enhanced punishment of amphetamine laboratory operations.

Sec. 1712. Enhanced punishment of amphetamine or methamphetamine laboratory operators.

Sec. 1713. Mandatory restitution for violations of Controlled Substances Act and Controlled Substances Import and Export Act relating to amphetamine and methamphetamine.

Sec. 1714. Methamphetamine paraphernalia.

CHAPTER 2—ENHANCED LAW ENFORCEMENT

Sec. 1721. Environmental hazards associated with illegal manufacture of amphetamine and methamphetamine.

Sec. 1722. Reduction in retail sales transaction threshold for non-safe harbor products containing pseudoephedrine or phenlypropanolamine.

Sec. 1723. Training for Drug Enforcement Administration and State and local law enforcement personnel relating to clandestine laboratories.

Sec. 1724. Combating methamphetamine and amphetamine in high intensity drug trafficking areas.

Sec. 1725. Combating amphetamine and methamphetamine manufacturing and trafficking.

CHAPTER 3—ABUSE PREVENTION AND TREATMENT

Sec. 1731. Expansion of methamphetamine research.

Sec. 1732. Methamphetamine and amphetamine treatment initiative by Center for Substance Abuse Treatment.

Sec. 1733. Expansion of methamphetamine abuse prevention efforts.

Sec. 1734. Study of methamphetamine treatment.

CHAPTER 4—REPORTS

Sec. 1741. Reports on consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

Sec. 1742. Report on diversion of ordinary over-the-counter pseudoephedrine and phenylpropanolamine products.

Subtitle B—Controlled Substances Generally

CHAPTER 1—CRIMINAL MATTERS

Sec. 1751. Enhanced punishment for trafficking in list I chemicals.

Sec. 1752. Mail order requirements.

Sec. 1753. Increased penalties for distributing drugs to minors.

Sec. 1754. Increased penalty for drug trafficking in or near a school or other protected location.

Sec. 1755. Advertisments for drug paraphernalia and schedule I controlled substances.

Sec. 1756. Theft and transportation of anhydrous ammonia for purposes of illicit production of controlled substances.

Sec. 1757. Criminal prohibition on distribution of certain information relating to the manufacture of controlled substances.

CHAPTER 2—OTHER MATTERS

Sec. 1761. Waiver authority for physicians who dispense or prescribe certain narcotic drugs for maintenance treatment or detoxification treatment.

Subtitle C—Cocaine Powder

Sec. 1771. Short title.
Sec. 1772. Sentencing for violations involving cocaine powder.

Subtitle D—Education Matters

Sec. 1781. Safe schools.
Sec. 1782. Student safety and family school choice.
Sec. 1783. Transfer of revenues.

Subtitle E—Miscellaneous

Sec. 1791. Notice; clarification.
Sec. 1792. Domestic terrorism assessment and recovery.
Sec. 1793. Antidrug messages on Federal Government Internet websites.
Sec. 1794. State schools.
Sec. 1795. Student safety and family school choice.
Sec. 1796. Transfer of revenues.
Sec. 1797. Increased penalties for distributing drugs to minors.
Sec. 1798. Increased penalty for drug trafficking in or near a school or other protected location.
Sec. 1799. Severability.

TITLE XVIII—PROTECTION FROM THE IMPACT OF BANKRUPTCY OF CERTAIN ELECTRIC UTILITIES

Sec. 1801. Short title.
Sec. 1802. Findings and purposes.
Sec. 1803. Unlawful contract and amended contract.
Sec. 1804. Exclusive enforcement.

TITLE XIX—CONSUMER CREDIT DISCLOSURE

Sec. 1901. Enhanced disclosures under an open end credit plan.
Sec. 1902. Enhanced disclosure for credit extensions secured by a dwelling.
Sec. 1903. Disclosures related to "introductory rates".
Sec. 1904. Internet-based credit card solicitations.
Sec. 1905. Disclosures related to late payment deadlines and penalties.
Sec. 1906. Prohibition on certain actions for failure to incur finance charges.
Sec. 1907. Dual use debit card.
Sec. 1908. Study of bankruptcy impact of credit extended to dependent students.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting "or consents to" after "requests".

SEC. 102. DISMISSAL OR CONVERSION.

(a) In General.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 707. Dismissal of a case or conversion to a case under chapter 11 or 13";

and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking "but not at the request or suggestion" and inserting ", panel trustee or";

(II) by inserting ", or, with the debtor's consent, convert such a case to a case under chapter 11 or 13 of this title," after "consumer debts"; and

(III) by striking "substantial abuse" and inserting "abuse"; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

"(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims in the case; or

"(II) $15,000.

"(ii)(I) The debtor's monthly expenses shall be the applicable monthly (excluding payments for debts) expenses under standards issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the entry of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent. In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as identified under section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408), or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court.

"(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor that are reasonable and necessary for care and support of an elderly, chronically ill, or disabled household member or member of the debtor's immediate family (including parents, grandparents, and siblings of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case) who is not a dependent and who is unable to pay for such reasonable and necessary expenses.

"(iii) The debtor's average monthly payments on account of secured debts shall be calculated as—

"(I) the sum of—

"(aa) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

"(bb) any additional payments to secured creditors necessary for the debtor, in filing a plan under chapter 13 of this title, to maintain possession of the debtor's primary residence, motor vehicle, or other property necessary for the support of the debtor and the debtor's dependents, that serves as collateral for secured debts; divided by

"(II) 60.

"(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as—

"(I) the total amount of debts entitled to priority; divided by

"(II) 60.

"(B)(i) In any proceeding brought under this subsection, the presumption of abuse may be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly total income. In order to establish special circumstances, the debtor shall be required to—

"(I) itemize each additional expense or adjustment of income; and

"(II) provide—

"(aa) documentation for such expenses; and

"(bb) a detailed explanation of the special circumstances that make such expenses necessary and reasonable.

"(ii) The debtor, and the attorney for the debtor if the debtor has an attorney, shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

"(iii) The presumption of abuse may be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) multiplied by 60 to be less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims; or

"(II) $15,000.

"(C)(i) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that shows how each such amount is calculated.

"(ii) The Supreme Court shall promulgate rules under section 2075 of title 28, that prescribe a form for a statement under clause (i) and may provide general rules on the content of the statement.

"(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not apply or has been rebutted, the court shall consider—

"(A) whether the debtor filed the petition in bad faith; or

"(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.".

(b) Definition.—Title 11, United States Code, is amended—

(1) in section 101, by inserting after paragraph (10) the following:

"(10A) 'current monthly income'—

"(A) means the average monthly income from all sources which the debtor, or in a joint case, the debtor and the debtor's spouse, receive without regard to whether the income is taxable income, derived during the 180-day period preceding the date of determination; and

"(B) includes any amount paid by any entity other than the debtor (or, in a joint case, the debtor and the debtor's spouse), on a regular basis to the household expenses of the debtor or the debtor's dependents (and, in a joint case, the debtor's spouse if not otherwise a dependent), but excludes benefits received under the Social Security Act;"; and

(2) in section 704—

(A) by inserting "(a)" before "The trustee shall—"; and

(B) by adding at the end the following:

"(b)(1) With respect to an individual debtor under this chapter—

"(A) the United States trustee or bankruptcy administrator shall review all materials filed by the debtor and, not later than 10 days before the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

"(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

"(2) The United States trustee or bankruptcy administrator shall not later than 30 days after receiving a statement filed under paragraph (1) file a motion to dismiss or convert under section 707(b), or file a statement setting forth the reasons the United States trustee or bankruptcy administrator does not believe that such a motion

would be appropriate, if based on the filing of such statement with the court, the United States trustee or bankruptcy administrator determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

"(A) the highest national or applicable State median family income reported for a family of equal or lesser size, whichever is greater; or

"(B) in the case of a household of 1 person, the national or applicable State median household income for 1 earner, whichever is greater.

"(3) In any case in which a motion to dismiss or convert, or a statement is required to be filed by this subsection, the United States trustee or bankruptcy administrator may decline to file a motion to dismiss or convert pursuant to section 704(b)(2) or if the product of the debtor's current monthly income multiplied by 12—

"(A)(i) exceeds 100 percent, but does not exceed 150 percent of the national or applicable State median household income reported for a household of equal size, whichever is greater; or

"(ii) in the case of a household of 1 person, exceeds 100 percent but does not exceed 150 percent of the national or applicable State median household income reported for 1 earner, whichever is greater; and

"(B) the product of the debtor's current monthly income (reduced by the amounts determined under section 707(b)(2)(A)(ii)) (except for the amount calculated under the other necessary expenses standard issued by the Internal Revenue Service and section 707(b)(2)(A) (iii) and (iv)) multiplied by 60 is less than the greater of—

"(i) 25 percent of the debtor's nonpriority unsecured claims in the case; or

"(ii) $15,000.

"(4)(A) The court shall order the counsel for the debtor to reimburse the panel trustee for all reasonable costs in prosecuting a motion brought under section 707(b), including reasonable attorneys' fees, if—

"(i) a panel trustee appointed under section 586(a)(1) of title 28 brings a motion for dismissal or conversion under this subsection; and

"(ii) the court—

"(I) grants that motion; and

"(II) finds that the action of the counsel for the debtor in filing under this chapter was frivolous.

"(B) If the court finds that the attorney for the debtor violated Rule 9011, at a minimum, the court shall order—

"(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

"(ii) the payment of the civil penalty to the panel trustee or the United States trustee.

"(C) In the case of a petition referred to in subparagraph (B), the signature of an attorney shall constitute a certificate that the attorney has—

"(i) performed a reasonable investigation into the circumstances that gave rise to the petition; and

"(ii) determined that the petition—

"(I) is well grounded in fact; and

"(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

"(5)(A) Except as provided in subparagraph (B) and subject to paragraph (6), the court may award a debtor all reasonable costs in contesting a motion brought by a party in interest (other than a panel trustee or United States trustee) under this subsection (including reasonable attorneys' fees) if—

"(i) the court does not grant the motion; and

"(ii) the court finds that—

"(I) the position of the party that brought the motion was not substantially justified; or

"(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

"(B) A party in interest that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A).

"(6)(A) Only the judge, United States trustee, bankruptcy administrator, or panel trustee may bring a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the date of the order for relief, when multiplied by 12, is equal to or less than—

"(i) the national or applicable State median family income reported for a family of equal or lesser size, whichever is greater; or

"(ii) in the case of a household of 1 person, the national or applicable State median household income last reported by the Bureau of the Census for 1 earner, whichever is greater.

"(B) Notwithstanding subparagraph (A), the national or applicable State median family income for a family of more than 4 individuals shall be the national or applicable State median family income last reported by the Bureau of the Census for a family of 4 individuals, whichever is greater, plus $583 for each additional member of that family.".

(c) Nonlimitation of Information.—Nothing in this title shall limit the ability of a creditor to provide information to a judge, United States trustee, bankruptcy administrator or panel trustee.

(d) Dismissal for Certain Crimes.—Section 707 of title 11, United States Code, as amended by subsection (a) of this section, is amended by adding at the end the following:

"(c)(1) In this subsection—

"(A) the term 'crime of violence' has the meaning given that term in section 16 of title 18; and

"(B) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18.

"(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, or at the request of a party in interest, shall dismiss a voluntary case filed by an individual debtor under this chapter if that individual was convicted of that crime.

"(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.".

(e) Clerical Amendment.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

"707. Dismissal of a case or conversion to a case under chapter 11 or 13.".

SEC. 103. FINDINGS AND STUDY.

(a) Findings.—Congress finds that the Secretary of the Treasury has the inherent authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) Study.—

(1) In general.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Director of the Executive Office of United States Trustees, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Secretary concerning the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of those standards has had on debtors and on the bankruptcy courts.

(2) Recommendation.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Secretary of the Treasury under paragraph (1).

SEC. 104. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

"(b)(1) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, that individual shall be given or obtain (as required in section 521(a)(1), as part of the certification process under subchapter I of chapter 5) a written notice prescribed by the United States trustee for the district in which the petition is filed under section 586 of title 28.

"(2) The notice shall contain the following:

"(A) A brief description of chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters.

"(B) A brief description of services that may be available to that individual from a nonprofit budget and credit counseling agency that is approved by the United States trustee for that district.".

SEC. 105. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) Development of Financial Management and Training Curriculum and Materials.—The Director of the Executive Office for United States Trustees (in this section referred to as the "Director") shall—

(1) consult with a wide range of individuals who are experts in the field of debtor education, including trustees who are appointed under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors; and

(2) develop a financial management training curriculum and materials that may be used to educate individual debtors concerning how to better manage their finances.

(b) Test.—

(1) In general.—The Director shall select 3 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) Availability of Curriculum and Materials.—For a 1-year period beginning not later than 270 days after the date of enactment of this Act, the curriculum and materials referred to in paragraph (1) shall be made available by the Director, directly or indirectly, on request to individual debtors in cases filed during that 1-year period under chapter 7 or 13 of title 11, United States Code.

(c) Evaluation.—

(1) In general.—During the 1-year period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the report of the National Bankruptcy Review Commission issued on October 20, 1997, that are representative of consumer education programs carried out by—

(i) the credit industry;

(ii) trustees serving under chapter 13 of title 11, United States Code; and

(iii) consumer counseling groups.

(2) Report.—Not later than 3 months after concluding the evaluation under paragraph (1), the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs.

SEC. 106. CREDIT COUNSELING.

(a) Who May Be a Debtor.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

"(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the 180-day period preceding the date of filing of the petition of that individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted that individual in performing a related budget analysis.

"(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved nonprofit budget and credit counseling agency for that district is not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from that agency by reason of the requirements of paragraph (1).

"(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter. Notwithstanding the preceding sentence, a nonprofit budget and credit counseling service may be disapproved by the United States trustee or bankruptcy administrator at any time.

"(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

"(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

"(ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

"(iii) is satisfactory to the court.

"(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition, except that the court, for cause, may order an additional 15 days.".

(b) Chapter 7 Discharge.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking "or" at the end;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111.".

(c) Chapter 13 Discharge.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

"(g) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

"(h) Subsection (g) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved instructional courses are not adequate to service the additional individuals who would be required to complete the instructional course by reason of the requirements of this section.

"(i) Each United States trustee or bankruptcy administrator that makes a determination described in subsection (h) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.".

(d) Debtor's Duties.—Section 521 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The debtor shall—"; and

(2) by adding at the end the following:

"(b) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

"(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 109(h); and

"(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).".

(e) General Provisions.—

(1) In general.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"§ 111. Nonprofit budget and credit counseling agencies; financial management instructional courses

"(a) The clerk of each district shall maintain a list of nonprofit budget and credit counseling ageancies that provide 1 or more programs described in section 109(h) and a list of instructional courses concerning personal financial management that have been approved by—

"(1) the United States trustee; or

"(2) the bankruptcy administrator for the district.

"(b) For inclusion on the approved list under subsection (a), the United States trustee or bankruptcy administrator shall require the credit counseling service, at a minimum—

"(1) to be a nonprofit budget and credit counseling agency, the majority of the board of directors of which—

"(A) are not employed by the agency; and

"(B) will not directly or indirectly benefit financially from the outcome of a credit counseling session;

"(2) if a fee is charged for counseling services, to charge a reasonable fee, and to provide services without regard to ability to pay the fee;

"(3) to provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

"(4) to provide full disclosures to clients, including funding sources, counselor qualifications, and possible impact on credit reports;

"(5) to provide adequate counseling with respect to client credit problems that includes an analysis of their current situation, what brought them to that financial status, and how they can develop a plan to handle the problem without incurring negative amortization of their debts; and

"(6) to provide trained counselors who receive no commissions or bonuses based on the counseling session outcome.

"(c)(1) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

"(2) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

"(A) any actual damages sustained by the debtor as a result of the violation; and

"(B) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.".

(2) Clerical amendment.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"111. Nonprofit budget and credit counseling agencies; financial management instructional courses.".

(f) Limitation.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

"(i) If a case commenced under chapter 7, 11, or 13 is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.".

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) Reduction of Claim.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on unsecured consumer debts by not more than 20 percent of the claim, if—

"(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed by an approved credit counseling agency acting on behalf of the debtor;

"(B) the offer of the debtor under subparagraph (A)—

"(i) was made at least 60 days before the filing of the petition; and

"(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

"(C) no part of the debt under the alternative repayment schedule is nondischargeable.

"(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

"(A) the creditor unreasonably refused to consider the debtor's proposal; and

"(B) the proposed alternative repayment schedule was made in the 60-day period specified in paragraph (1)(B)(i).".

(b) Limitation on Avoidability.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment plan between the debtor and any creditor of the debtor created by an approved credit counseling agency.".

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title) in the manner required by the plan (including crediting the amounts required under the plan) shall constitute a violation of an injunction under subsection (a)(2).".

SEC. 203. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.

(a) In General.—Section 524 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (c) by striking paragraph (2) and inserting the following:

"(2) the debtor received the disclosures described in subsection (i) at or before the time the debtor signed the agreement.";

(2) by inserting at the end of the section the following:

"(i)(1) The disclosures required under subsection (c) paragraph (2) of this section shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement, statement, declaration, motion and order described, respectively, in paragraphs (4) through (8) of this subsection, and shall be the only disclosures required in connection with the reaffirmation.

"(2) Disclosures made under this paragraph shall be made clearly and conspicuously and in writing. The terms 'Amount Reaffirmed' and 'Annual Percentage Rate' shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases 'Before agreeing to reaffirm a debt, review these important disclosures' and 'Summary of Reaffirmation Agreement' may be equally conspicuous. Disclosures may be made in a different order and may use terminology different from that set forth in paragraphs (2) through (8), except that the terms 'Amount Reaffirmed' and 'Annual Percentage Rate' must be used where indicated.

"(3) The disclosure statement required under this paragraph shall consist of the following:

"(A) The statement: 'Part A: Before agreeing to reaffirm a debt, review these important disclosures:';

"(B) Under the heading 'Summary of Reaffirmation Agreement', the statement: 'This Summary is made pursuant to the requirements of the Bankruptcy Code';

"(C) The 'Amount Reaffirmed', using that term, which shall be—

"(i) the total amount which the debtor agrees to reaffirm, and

"(ii) the total of any other fees or cost accrued as of the date of the disclosure statement.

"(D) In conjunction with the disclosure of the 'Amount Reaffirmed', the statements—

"(i) 'The amount of debt you have agreed to reaffirm'; and

"(ii) 'Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.'.

"(E) The 'Annual Percentage Rate', using that term, which shall be disclosed as—

"(i) if, at the time the petition is filed, the debt is open end credit as defined pursuant to the Truth in Lending Act, title 15, United States Code, section 1601 et. seq., then—

"(I) the annual percentage rate determined pursuant to title 15, United States Code, section 1637(b) (5) and (6), as applicable, as disclosed to the debtor in the most recent periodic statement prior to the agreement or, if no such periodic statement has been provided the debtor during the prior six months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

"(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed, or

"(III) if the entity making the disclosure elects, to disclose the annual percentage rate under (I) and the simple interest rate under (II);

"(ii) if, at the time the petition is filed, the debt is closed end credit as defined pursuant to the Truth in Lending Act, title 15, United States Code, section 1601 et seq., then—

"(I) the annual percentage rate pursuant to title 15, United States Code, section 1638(a)(4) as disclosed to the debtor in the most recent disclosure statement given the debtor prior to the reaffirmation agreement with respect to the debt, or, if no such disclosure statement was provided the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

"(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount redffirmed, or

"(III) if the entity making the disclosure elects, to disclose the annual percentage rate under (I) and the simple interest rate under (II).

"(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given pursuant to the Truth in Lending Act, title 15, United States Code, section 1601 et seq., by stating 'The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.'.

"(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the obligations you are reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan.

"(H) At the election of the creditor, a statement of the repayment schedule using one or a combination of the following—

"(i) by making the statement: 'Your first payment in the amount $ is due on but the future payment amount may be different. Consult your reaffirmation or credit agreement, as applicable.', and stating the amount of the first payment and the due date of that payment in the places provided;

"(ii) by making the statement: 'Your payment schedule will be:', and describing the repayment schedule with the number, amount and due dates or period of payments scheduled to repay the obligations reaffirmed to the extent then known by the disclosing party; or

"(iii) by describing the debtor's repayment obligations with reasonable specificity to the extent then known by the disclosing party.

"(I) The following statement: 'Note: When this disclosure talks about what a creditor "may" do, it does not use the word "may" to give the creditor specific permission. The word "may" is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirmation or what the law requires, talk to the attorney who helped you negotiate this agreement. If you don't have an attorney helping you, the judge will explain the effect of your reaffirmation when the reaffirmation hearing is held.'.

"(J) The following additional statements:

"'Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

"'1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

"'2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

"'3. If you were represented by an attorney during the negotiation of the reaffirmation agreement, the attorney must have signed the certification in Part C.

"'4. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, you must have completed and signed Part E.

"'5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

"'6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D.

"'7. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your agreement. The bankruptcy court must approve the agreement as consistent with your best interests, except that no court approval is required if the agreement is for a consumer debt secured by a mortgage, deed of trust, security deed or other lien on your real property, like your home.

"'Your right to rescind a reaffirmation. You may rescind (cancel) your reaffirmation at any time before the bankruptcy court enters a discharge order or within 60 days after the agreement is filed with the court, whichever is longer. To rescind or cancel, you must notify the creditor that the agreement is canceled.

"'What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy. That means that if you default on your reaffirmed debt after your bankruptcy is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement and/or applicable law to change the terms of the agreement in the future under certain conditions.

"'Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

"'What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A "lien" is often referred to as a security interest, deed of trust, mortgage, or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.'.

"(4) The form of reaffirmation agreement required under this paragraph shall consist of the following:

"'Part B: Reaffirmation Agreement. I/we agree to reaffirm the obligations arising under the credit agreement described below.

"'Brief description of credit agreement:

"'Description of any changes to the credit agreement made as part of this reaffirmation agreement:

"'Signature: Date:

"'Borrower:

"'Co-borrower, if also reaffirming:

"'Accepted by creditor:

"'Date of creditor acceptance:'.

"(5)(A) The declaration shall consist of the following:

"'Part C: Certification by Debtor's Attorney (If Any).

"'I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor(s); (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

"'Signature of Debtor's Attorney: Date:'.

"(B) In the case of reaffirmations in which a presumption of undue hardship has been established, the certification shall state that in the opinion of the attorney, the debtor is able to make the payment.

"(6) The statement in support of reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"'Part D: Debtor's Statement in Support of Reaffirmation Agreement.

"'1. I believe this agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $, leaving $ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here: .

"'2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

"(7) The motion, which may be used if approval of the agreement by the court is required in order for it to be effective and shall be signed and dated by the moving party, shall consist of the following:

"'Part E: Motion for Court Approval (To be completed only where debtor is not represented by an attorney.). I (we), the debtor, affirm the following to be true and correct:

"'I am not represented by an attorney in connection with this reaffirmation agreement.

"'I believe this agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement above, and because (provide any additional relevant reasons the court should consider):

"'Therefore, I ask the court for an order approving this reaffirmation agreement.'.

"(8) The court order, which may be used to approve a reaffirmation, shall consist of the following:

"'Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.'.

"(j) Notwithstanding any other provision of this title:

"(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement with the court.

"(2) A creditor may accept payments from a debtor under a reaffirmation agreement which the creditor believes in good faith to be effective.

"(3) The requirements of subsections (c)(2) and (i) shall be satisfied if disclosures required under those subsections are given in good faith.

"(k) Until 60 days after a reaffirmation agreement is filed with the court (or such additional period as the court, after notice and hearing and for cause, orders before the expiration of such period), it shall be presumed that the reaffirmation agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of the reaffirmation agreement required under subsection (i)(6) of this section is less than the scheduled payments on the reaffirmed debt. This presumption must be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation which identifies additional sources of funds to make the payments as agreed upon under the terms of the reaffirmation agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove the agreement. However, no agreement shall be disapproved without notice and hearing to the debtor and creditor and such hearing must be concluded before the entry of the debtor's discharge.".

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules

"(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

"(b) UNITED STATES DISTRICT ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION—The individuals referred to in subsection (a) are—

"(1) a United States attorney for each judicial district of the United States; and

"(2) an agent of the Federal Bureau of Investigation (within the meaning of section 3107) for each field office of the Federal Bureau of Investigation.

"(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall have primary responsibility for carrying out the duties of a United States attorney under section 3057.

"(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case which may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.".

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

"(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

"(A) owed to or recoverable by—

"(i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or

"(ii) a governmental unit;

"(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated;

"(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

"(i) a separation agreement, divorce decree, or property settlement agreement;

"(ii) an order of a court of record; or

"(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

"(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt.".

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking "First" and inserting "Second";

(4) in paragraph (3), as redesignated, by striking "Second" and inserting "Third";

(5) in paragraph (4), as redesignated, by striking "Third" and inserting "Fourth";

(6) in paragraph (5), as redesignated, by striking "Fourth" and inserting "Fifth";

(7) in paragraph (6), as redesignated, by striking "Fifth" and inserting "Sixth";

(8) in paragraph (7), as redesignated, by striking "Sixth" and inserting "Seventh"; and

(9) by inserting before paragraph (2), as redesignated, the following:

"(1) First:

"(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

"(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former

spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a government unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.''.

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

''(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.'';

(2) in section 1208(c)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.'';

(3) in section 1222(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.'';

(4) in section 1222(b)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;'';

(5) in section 1225(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.'';

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid'' after ''completion by the debtor of all payments under the plan'';

(7) in section 1307(c)—

(A) in paragraph (9), by striking ''or'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.'';

(8) in section 1322(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding in the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.'';

(9) in section 1322(b)—

(A) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and'';

(10) in section 1325(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid amounts payable after the date on which the petition is filed.''; and

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid'' after ''completion by the debtor of all payments under the plan''.

SEC. 214. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) under subsection (a)—

''(A) of the commencement or continuation of a civil action or proceeding—

''(i) for the establishment of paternity;

''(ii) for the establishment or modification of an order for domestic support obligations;

''(iii) concerning child custody or visitation;

''(iv) for the dissolution of a marriage except to the extent that such a proceeding seeks to determine the division of property which is property of the estate; or

''(v) regarding domestic violence;

''(B) the collection of a domestic support obligation from property that is not property of the estate;

''(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation pursuant to a judicial or administrative order;

''(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

''(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

''(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

''(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).'';

SEC. 215. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

''(5) for a domestic support obligation;'';

(B) in paragraph (15)—

(i) by inserting ''to a spouse, former spouse, or child of the debtor and'' before ''not of the kind'';

(ii) by inserting ''or'' after ''court of record''; and

(iii) by striking ''unless—'' and all that follows through the end of the paragraph and inserting a semicolon; and

(C) by striking paragraph (18); and

(2) in subsection (c), by striking ''(6), or (15)'' and inserting ''or (6)''.

SEC. 216. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) a debt of a kind specified in paragraph (1) or (4) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(4));''; and

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting ''of a kind that is specified in section 523(a)(4); or''.

SEC. 217. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

''(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation; or''.

SEC. 218. DISPOSABLE INCOME DEFINED.

(a) Confirmation of Plan Under Chapter 12.—Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date on which the petition is filed'' after ''dependent of the debtor''.

(b) Confirmation of Plan Under Chapter 13.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date on which the petition is filed'' after ''dependent of the debtor''.

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) Duties of Trustee Under Chapter 7.—Section 704 of title 11, United States Code, as amended by section 102(b) of this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(10) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (a)(10), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666, respectively) for the State in which the holder resides for assistance in collecting child support during and after the bankruptcy procedures;

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(iii) include in the notice an explanation of the rights of the holder of the claim to payment of the claim under this chapter; and

"(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 727, notify the holder of that claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (a)(7), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1141, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (3), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(c) DUTIES OF TRUSTEE UNDER CHAPTER 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (b)(6), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1228, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (3), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(d) DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d); and

"(7) provide information relating to the administration of cases that is practical to any not-for-profit entity which shall provide information to parties in interest in a timely and convenient manner, including telephonic and Internet access, at no cost or a nominal cost.

An entity described in paragraph (7) shall provide parties in interest with reasonable information about each case on behalf of the trustee of that case, including the status of the debtor's payments to the plan, the unpaid balance payable to each creditor treated by the plan, and the amount and date of payments made under the plan. The trustee shall have no duty to provide information under paragraph (7) if no such entity has been established."; and

(2) by adding at the end the following:

"(d)(1) In any case described in subsection (b)(6), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666, respectively) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (3), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

"(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for—

"(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

"(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

"(B) any other educational loan that is a qualified education loan, as that term is defined in section 221(e)(1) of the Internal Revenue Code of 1986, incurred by an individual debtor;".

Subtitle C—Other Consumer Protections

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting ", under the direct supervision of an attorney," after "who";

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: "If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the preparer shall be required to—

"(A) sign the document for filing; and

"(B) print on the document the name and address of that officer, principal, responsible person or partner.";

(B) by striking paragraph (2) and inserting the following:

"(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice to debtors concerning bankruptcy petition preparers, which shall be on an official form issued by the Judicial Conference of the United States.

"(B) The notice under subparagraph (A)—

"(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

"(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

"(iii) shall—

"(I) be signed by—

"(aa) the debtor; and

"(bb) the bankruptcy petition preparer, under penalty of perjury; and

"(II) be filed with any document for filing.";

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) For purposes" and inserting "(2)(A) Subject to subparagraph (B), for purposes"; and

(ii) by adding at the end the following:

"(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the preparer."; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking "(d)(1)" and inserting "(d)"; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

"(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

"(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

"(i) whether—

"(I) to file a petition under this title; or

"(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

"(ii) whether the debtor's debts will be eliminated or discharged in a case under this title;

"(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

"(iv) concerning—

"(I) the tax consequences of a case brought under this title; or

"(II) the dischargeability of tax claims;

"(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

"(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

"(vii) concerning bankruptcy procedures and rights.";

(6) in subsection (f)—

(A) by striking "(f)(1)" and inserting "(f)"; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking "(g)(1)" and inserting "(g)"; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

"(h)(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.";

(C) in paragraph (2), as redesignated by subparagraph (A) of this paragraph—

(i) by striking "Within 10 days after the date of filing a petition, a bankruptcy petition preparer shall file a" and inserting "A";

(ii) by inserting "by the bankruptcy petition preparer shall be filed together with the petition," after "perjury"; and

(iii) by adding at the end the following: "If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).";

(D) by striking paragraph (3), as redesignated by subparagraph (A) of this paragraph, and inserting the following:

"(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

"(i) rendered by the preparer during the 12-month period immediately preceding the date of filing of the petition; or

"(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

"(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

"(C) An individual may exempt any funds recovered under this paragraph under section 522(b)."; and

(E) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by striking "or the United States trustee" and inserting "the United States trustee, or the court, on the initiative of the court,";

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

"(i) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on motion of the debtor, trustee, or United States trustee, and after the court holds a hearing with respect to that violation or act, the court shall order the bankruptcy petition preparer to pay to the debtor—";

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking "a violation of which subjects a person to criminal penalty";

(ii) in subparagraph (B)—

(I) by striking "or has not paid a penalty" and inserting "has not paid a penalty"; and

(II) by inserting "or failed to disgorge all fees ordered by the court" after "a penalty imposed under this section,";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued upon motion of the court, the trustee, or the United States trustee."; and

(11) by adding at the end the following:

"(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

"(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

"(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

"(B) advised the debtor to use a false Social Security account number;

"(C) failed to inform the debtor that the debtor was filing for relief under this title; or

"(D) prepared a document for filing in a manner that failed to disclose the identity of the preparer.

"(3) The debtor, the trustee, a creditor, or the United States trustee may file a motion for an order imposing a fine on the bankruptcy petition preparer for each violation of this section.

"(4) All fines imposed under this section shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this paragraph shall be available to fund the enforcement of this section on a national basis.".

SEC. 222. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. 223. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Section 507(a) of title 11, United States Code, as amended by section 212 of this Act, is amended by inserting after paragraph (9) the following:

"(10) Tenth, allowed claims for death or personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.".

(b) VESSELS.—Section 523(a)(8) of title 11, United States Code, is amended by inserting "or vessel" after "vehicle".

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, as amended by section 215 of this Act, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking "(2)(A) any property" and inserting:

"(3) Property listed in this paragraph is—

"(A) any property";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.";

(B) by striking paragraph (1) and inserting:

"(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.";

(C) in the matter preceding paragraph (2)—

(i) by striking "(b)" and inserting "(b)(1)";

(ii) by striking "paragraph (2)" both places it appears and inserting "paragraph (3)";

(iii) by striking "paragraph (1)" each place it appears and inserting "paragraph (2)"; and

(iv) by striking "Such property is—"; and

(D) by adding at the end of the subsection the following:

"(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

"(A) If the retirement funds are in a retirement fund that has received a favorable determination pursuant to section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303 of this title, those funds shall be presumed to be exempt from the estate.

"(B) If the retirement funds are in a retirement fund that has not received a favorable determination pursuant to such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

"(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

"(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

"(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

"(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, pursuant to section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that direct transfer.

"(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that distribution.

"(ii) A distribution described in this clause is an amount that—

"(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

"(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount."; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (b)(2)"; and

(B) by adding at the end the following:

"(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.".

(b) Automatic Stay.—Section 362(b) of title 11, United States Code, as amended by section 214 of this Act, is amended—

(1) in paragraph (18), by striking "or" at the end;

(2) in paragraph (19), by striking the period and inserting "; or";

(3) by inserting after paragraph (19) the following:

"(20) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, pursuant to the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

"(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) in the case of a loan from a thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of such title;"; and

(4) by adding at the end of the flush material at the end of the subsection, the following: "Nothing in paragraph (20) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(c) Exceptions to Discharge.—Section 523(a) of title 11, United States Code, is amended by adding at the end the following:

"(18) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, pursuant to—

"(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) a loan from the thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of such title. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title."

(d) Plan Contents.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

"(f) A plan may not materially alter the terms of a loan described in section 362(b)(20).".

SEC. 225. PROTECTION OF EDUCATION SAVINGS.

(a) Exclusions.—Section 541 of title 11, United States Code, as amended by section 903, is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (6) as paragraph (8); and

(B) by inserting after paragraph (5) the following:

"(6) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

"(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

"(B) only to the extent that such funds—

"(i) are not pledged or promised to any entity in connection with any extension of credit; and

"(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

"(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

"(7) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

"(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

"(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

"(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000; or"; and

(2) by adding at the end the following:

"(g) In determining whether any of the relationships specified in paragraph (6)(A) or (7)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.".

(b) Debtor's Duties.—Section 521 of title 11, United States Code, as amended by sections 105(d), 304(c)(1), 305(2), 315(b), and 316 of this Act, is amended by adding at the end the following:

"(k) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).".

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. REINFORCEMENT OF THE FRESH START.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking "by a court" and inserting "on a prisoner by any court",

(2) by striking "section 1915(b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915", and

(3) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(3) if a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

"(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease will terminate with respect to the debtor on the 30th day after the filing of the later case;

"(B) upon motion by a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

"(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors, if—

"(I) more than 1 previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was pending within the preceding 1-year period;

"(II) a previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

"(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

"(bb) provide adequate protection as ordered by the court; or

"(cc) perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded—

"(aa) if a case under chapter 7, with a discharge; or

"(bb) if a case under chapter 11 or 13, with a confirmed plan which will be fully performed; and

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

"(4)(A)(i) if a single or joint case is filed by or against an individual debtor under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

"(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

"(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

"(C) a stay imposed under subparagraph (B) shall be effective on the date of entry of the order allowing the stay to go into effect; and

"(D) for purposes of subparagraph (B), a case is presumptively not filed in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors if—

"(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

"(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to pay adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to action of such creditor.".

SEC. 303. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

"(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 224 of this Act, is amended—

(1) in paragraph (19), by striking "or" at the end;

(2) in paragraph (20), by striking the period at the end; and

(3) by inserting after paragraph (20) the following:

"(21) under subsection (a), of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order, except that the debtor, in a subsequent case, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing; or

"(22) under subsection (a), of any act to enforce any lien against or security interest in real property—

"(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.".

(c) MODIFICATION OF A RESTRICTION RELATING TO WAIVERS.—Section 522(e) of title 11, United States Code, is amended—

(1) in the first sentence, by striking "subsection (b) of this section" and inserting "subsection (b), other than under paragraph (3)(C) of that subsection"; and

(2) in the second sentence—

(A) by inserting "(other than property described in subsection (b)(3)(C))" after "property" each place it appears; and

(B) by inserting "(other than a transfer of property described in subsection (b)(3)(C))" after "transfer" each place it appears.

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a), as so redesignated by section 106(d) of this Act—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) in an individual case under chapter 7, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in that personal property unless, in the case of an individual debtor, the debtor within 45 days after the first meeting of creditors under section 341(a)—

"(A) enters into an agreement with the creditor under section 524(c) with respect to the claim secured by such property; or

"(B) redeems such property from the security interest under section 722."; and

(D) by adding at the end the following:

"(c) For purposes of subsection (a)(6), if the debtor fails to so act within the 45-day period specified in subsection (a)(6), the personal property affected shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee, and after notice and a hearing, that such property is of consequential value or benefit to the estate."; and

(2) in section 722, by inserting "in full at the time of redemption" before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362—

(A) in subsection (c), by striking "(e), and (f)" and inserting "(e), (f), and (h)"; and

(B) by redesignating subsection (h), as amended by section 227 of this Act, as subsection (j) and by inserting after subsection (g) the following:

"(h)(1) Subject to paragraph (2), in an individual case under chapter 7, 11, or 13 the stay provided by subsection (a) is terminated with respect to property of the estate securing in whole *or in part a claim, or subject to an unexpired lease, if the debtor fails within the applicable period of time set by section 521(a)(2) to—*

"(A) file timely any statement of intention required under section 521(a)(2) with respect to that property or to indicate therein that the debtor—

"(i) will either surrender the property or retain the property; and

"(ii) if retaining the property, will, as applicable—

"(I) redeem the property under section 722;

"(II) reaffirm the debt the property secures under section 524(c); or

"(III) assume the unexpired lease under section 365(p) if the trustee does not do so; or

"(B) take timely the action specified in that statement of intention, as the statement may be amended before expiration of the period for taking action, unless the statement of intention specifies reaffirmation and the creditor refuses to reaffirm on the original contract terms.

"(2) Paragraph (1) shall not apply if the court determines on the motion of the trustee, and after notice and a hearing, that such property is of consequential value or benefit to the estate."; and

(2) in section 521, as amended by section 304 of this Act—

(A) in subsection (a)(2), as redesignated by section 106(d) of this Act—

(i) by striking "consumer";

(ii) in subparagraph (B)—

(I) by striking "forty-five days after the filing of a notice of intent under this section" and inserting "30 days after the first date set for the meeting of creditors under section 341(a)"; and

(II) by striking "forty-five. day period" and inserting "30-day period"; and

(iii) in subparagraph (C), by inserting "except as provided in section 362(h)" before the semicolon; and

(B) by adding at the end the following:

"(d) If the debtor fails timely to take the action specified in subsection (a)(6), or in paragraph (1) or (2) of section 362(h), with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement that has the effect of placing the debtor in default under that lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.".

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) In General.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

"(i) the plan provides that—

"(I) the holder of such claim retain the lien securing such claim until the earlier of—

"(aa) the payment of the underlying debt determined under nonbankruptcy law; or

"(bb) discharge under section 1328; and

"(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and".

(b) Restoring the Foundation for Secured Credit.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following flush sentence:

"For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the debt that is the subject of the claim was incurred within the 5-year period preceding the filing of the petition and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 6-month period preceding that filing.".

(c) Definitions.—Section 101 of title 11, United States Code, as amended by section 211 of this Act, is amended—

(1) by inserting after paragraph (13) the following:

"(13A) 'debtor's principal residence'—

"(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

"(B) includes an individual condominium or cooperative unit;"; and

(2) by inserting after paragraph (27), the following:

"(27A) 'incidental property' means, with respect to a debtor's principal residence—

"(A) property commonly conveyed with a principal residence in the area where the real estate is located;

"(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

"(C) all replacements or additions;".

SEC. 307. EXEMPTIONS.

Section 522(b)(3)(A) of title 11, United States Code, as so designated by section 224 of this Act, is amended—

(1) by striking "180" and inserting "730"; and

(2) by striking ", or for a longer portion of such 180-day period than in any other place".

SEC. 308. RESIDENCY REQUIREMENT FOR HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, as amended by section 307 of this Act, is amended—

(1) in subsection (b)(3)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

"(n) For purposes of subsection (b)(3)(A), and notwithstanding subsection (a), the value of an interest in—

"(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(3) a burial plot for the debtor or a dependent of the debtor;

shall be reduced to the extent such value is attributable to any portion of any property that the debtor disposed of in the 730-day period ending on the date of the filing of the petition, with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b) if on such date the debtor had held the property so disposed of.".

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) Stopping Abusive Conversions From Chapter 13.—Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B)—

(A) by striking "in the converted case, with allowed secured claims" and inserting "only in a case converted to chapter 11 or 12 but not in a case converted to chapter 7, with allowed secured claims in cases under chapters 11 and 12"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) with respect to cases converted from chapter 13—

"(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding; and

"(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.".

(b) Giving Debtors the Ability To Keep Leased Personal Property by Assumption.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

"(2)(A) In the case of an individual under chapter 7, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may, at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

"(B) If within 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

"(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

"(3) In a case under chapter 11 in which the debtor is an individual and in a case under chapter 13, if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.".

(c) Adequate Protection of Lessors and Purchase Money Secured Creditors.—

(1) Confirmation of plan.—Section 1325(a)(5)(B) of title 11, United States Code, is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking "or" at the end and inserting "and"; and

(C) by adding at the end the following:

"(iii) if—

"(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and

"(II) the holder of the claim is secured by personal property the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or".

(2) Payments.—Section 1326(a) of title 11, United States Code, is amended to read as follows:

"(a)(1) Unless the court orders otherwise, the debtor shall—

"(A) commence making the payments proposed by a plan within 30 days after the plan is filed; or

"(B) if no plan is filed then as specified in the proof of claim, within 30 days after the order for relief or within 15 days after the plan is filed, whichever is earlier.

"(2) A payment made under this section shall be retained by the trustee until confirmation, denial of confirmation, or paid by the trustee as

adequate protection payments in accordance with paragraph (3). If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid and not yet due and owing to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).

"(3)(A) As soon as is practicable, and not later than 40 days after the filing of the case, the trustee shall—

"(i) pay from payments made under this section the adequate protection payments proposed in the plan; or

"(ii) if no plan is filed then, according to the terms of the proof of claim.

"(B) The court may, upon notice and a hearing, modify, increase, or reduce the payments required under this paragraph pending confirmation of a plan.".

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

"(C)(i) for purposes of subparagraph (A)—

"(I) consumer debts owed to a single creditor and aggregating more than $250 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

"(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

"(ii) for purposes of this subparagraph—

"(I) the term 'extension of credit under an open end credit plan' means an extension of credit under an open end credit plan, within the meaning of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.);

"(II) the term 'open end credit plan' has the meaning given that term under section 103 of Consumer Credit Protection Act (15 U.S.C. 1602); and

"(III) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.".

SEC. 311. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 303(b) of this Act, is amended—

(1) in paragraph (21), by striking "or" at the end;

(2) in paragraph (22), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (22) the following:

"(23) under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement;

"(24) under subsection (a)(3), of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated under the lease agreement or applicable State law; or

"(25) under subsection (a)(3), of eviction actions based on endangerment to property or person or the use of illegal drugs.".

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking "six" and inserting "8"; and

(2) in section 1328, by inserting after subsection (e) the following:

"(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for by the plan or disallowed under section 502 if the debtor has received a discharge in any case filed under this title within 5 years before the order for relief under this chapter.".

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term 'household goods' means—

"(i) clothing;

"(ii) furniture;

"(iii) appliances;

"(iv) 1 radio;

"(v) 1 television;

"(vi) 1 VCR;

"(vii) linens;

"(viii) china;

"(ix) crockery;

"(x) kitchenware;

"(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor, but only 1 personal computer only if used primarily for the education or entertainment of such minor children;

"(xii) medical equipment and supplies;

"(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor; and

"(xiv) personal effects (including wedding rings and the toys and hobby equipment of minor dependent children) of the debtor and the dependents of the debtor.

"(B) The term 'household goods' does not include—

"(i) works of art (unless by or of the debtor or the dependents of the debtor);

"(ii) electronic entertainment equipment (except 1 television, 1 radio, and 1 VCR);

"(iii) items acquired as antiques;

"(iv) jewelry (except wedding rings); and

"(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.".

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

(a) In General.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

"(14A)(A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228(a), 1228(b), or 1328(b), or any other provision of this subsection, if the debtor incurred the debt to pay such a nondischargeable debt with the intent to discharge in bankruptcy the newly created debt; except that

"(B) all debts incurred to pay nondischargeable debts shall be presumed to be nondischargeable debts if incurred within 70 days before the filing of the petition (except that, in any case in which there is an allowed claim under section 502 for child support or spousal support entitled to priority under section 507(a)(1) and that was filed in a timely manner, debts that would otherwise be presumed to be nondischargeable debts by reason of this subparagraph shall be treated as dischargeable debts);".

(b) Discharge Under Chapter 13.—Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) provided for under section 1322(b)(5);

"(2) of the kind specified in paragraph (2), (3), (4), (7), or (8), of section 523(a);

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

"(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.".

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) Notice.—Section 342 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by striking ", but the failure of such notice to contain such information shall not invalidate the legal effect of such notice"; and

(2) by adding at the end the following:

"(d) At any time, a creditor, in a case of an individual debtor under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case. Five days after receipt of such notice, if the court or the debtor is required to give the creditor notice, such notice shall be given at that address.

"(e) An entity may file with the court a notice stating its address for notice in cases under chapters 7 and 13. After 30 days following the filing of such notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (d) with respect to a particular case.

"(f)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor. If the creditor designates a person or department to be responsible for receiving notices concerning bankruptcy cases and establishes reasonable procedures so that bankruptcy notices received by the creditor are to be delivered to such department or person, notice shall not be considered to have been brought to the attention of the creditor until received by such person or department.

"(2) No sanction under section 362(h) or any other sanction that a court may impose on account of violations of the stay under section 362(a) or failure to comply with section 542 or 543 may be imposed on any action of the creditor unless the action takes place after the creditor has received notice of the commencement of the case effective under this section.".

(b) Debtor's Duties.—Section 521 of title 11, United States Code, as amended by section 305 of this Act, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) file—

"(A) a list of creditors; and

"(B) unless the court orders otherwise—

"(i) a schedule of assets and liabilities;

"(ii) a schedule of current income and current expenditures;

"(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

"(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition under section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

"(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

"(iv) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

"(v) a statement of the amount of projected monthly net income, itemized to show how the amount is calculated; and

"(vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing"; and

(2) by adding at the end the following:

"(e)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who request those documents.

"(2)(A) At any time, a creditor in a case under chapter 13 may file with the court notice that the creditor requests the plan filed by the debtor in the case.

"(B) The court shall make such plan available to the creditor who request such plan—

"(i) at a reasonable cost; and

"(ii) not later than 5 days after such request.

"(f) An individual debtor in a case under chapter 7, 11, or 13 shall file with the court at the request of any party in interest—

"(1) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

"(2) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order of relief;

"(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

"(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

"(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

"(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

"(g)(1) A statement referred to in subsection (f)(4) shall disclose—

"(A) the amount and sources of income of the debtor;

"(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

"(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

"(2) The tax returns, amendments, and statement of income and expenditures described in paragraph (1) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection (h).

"(h)(1) Not later than 30 days after the date of enactment of the Bankruptcy Reform Act of 2000, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

"(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

"(3) Not later than 1 year after the date of enactment of the Bankruptcy Reform Act of 2000, the Director of the Administrative Office of the United States Courts shall prepare and submit to Congress a report that—

"(A) assesses the effectiveness of the procedures under paragraph (1); and

"(B) if appropriate, includes proposed legislation to—

"(i) further protect the confidentiality of tax information; and

"(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

"(i) If requested by the United States trustee or a trustee serving in the case, the debtor shall provide—

"(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; and

"(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.".

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by section 315 of this Act, is amended by adding at the end the following:

"(j)(1) Notwithstanding section 707(a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

"(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

"(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.".

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

(a) Hearing.—Section 1324 of title 11, United States Code, is amended—

(1) by striking "After" and inserting the following:

"(a) Except as provided in subsection (b) and after"; and

(2) by adding at the end the following:

"(b) The hearing on confirmation of the plan may be held not later than 45 days after the meeting of creditors under section 341(a).".

(b) Filing of Plan.—Section 1321 of title 11, United States Code, is amended to read as follows:

"§ 1321. Filing of plan

"Not later than 90 days after the order for relief under this chapter, the debtor shall file a plan, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.".

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Section 1322(d) of title 11, United States Code, is amended to read as follows:

"(d)(1) Except as provided in paragraph (2), the plan may not provide for payments over a period that is longer than 3 years.

"(2) The plan may provide for payments over a period that is longer than 3 years if—

"(A) the plan is for a case that was converted to a case under this chapter from a case under chapter 7, or the plan is for a debtor who has been dismissed from chapter 7 by reason of section 707(b), in which case the plan shall provide for payments over a period of 5 years; or

"(B) the plan is for a case that is not described in subparagraph (A), and the court, for cause, approves a period longer than 3 years, but not to exceed 5 years.".

SEC. 319. SENSE OF THE CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that Rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted only after the debtor or the debtor's attorney has made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

"(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

"(B) that 60-day period is extended—

"(i) by agreement of all parties in interest; or

"(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.".

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) Property of the Estate.—

(1) In general.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

"§ 1115. Property of the estate

"In a case concerning an individual, property of the estate includes, in addition to the property specified in section 541—

"(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

"(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.".

(2) Clerical amendment.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1115. Property of the estate.".

(b) Contents of Plan.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.".

(c) Confirmation of Plan.—

(1) Requirements relating to value of property.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

"(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 3-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer.".

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ", except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)".

(d) EFFECT OF CONFIRMATION—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "The confirmation of a plan does not discharge an individual debtor" and inserting "A discharge under this chapter does not discharge a debtor"; and

(2) by adding at the end the following:

"(5) In a case concerning an individual—

"(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all payment under the plan; and

"(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

"(i) for each allowed unsecured claim, the value as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

"(ii) modification of the plan under 1127 of this title is not practicable.".

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

"(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

"(2) extend or reduce the time period for such payments; or

"(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.

"(f)(1) Sections 1121 through 1128 of this title and the requirements of section 1129 of this title apply to any modification under subsection (a).

"(2) The plan, as modified, shall become the plan only after there has been disclosure under section 1125, as the court may direct, notice and a hearing, and such modification is approved.".

SEC. 322. EXCLUDING EMPLOYEE BENEFIT PLAN PARTICIPANT CONTRIBUTIONS AND OTHER PROPERTY FROM THE ESTATE.

(a) IN GENERAL.—Section 541(b) of title 11, United States Code, as amended by section 903 of this Act, is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

"(6) any amount—

"(A) withheld by an employer from the wages of employees for payment as contributions to—

"(i) an employee benefit plan subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.); or

"(ii) a health insurance plan regulated by State law whether or not subject to such title; or

"(B) received by the employer from employees for payment as contributions to—

"(i) an employee benefit plan subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.); or

"(ii) a health insurance plan regulated by State law whether or not subject to such title;".

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall not apply to cases commenced under title 11, United States Code, before the expiration of the 180-day period beginning on the date of the enactment of this Act.

SEC. 323. CLARIFICATION OF POSTPETITION WAGES AND BENEFITS.

Section 503(b)(1)(A) of title 11, United States Code, is amended to read as follows:

"(A) the actual, necessary costs and expenses of preserving the estate, including wages, salaries, or commissions for services rendered after the commencement of the case, and wages and benefits awarded as back pay attributable to any period of time after commencement of the case as a result of the debtor's violation of Federal or State law, without regard to when the original unlawful act occurred or to whether any services were rendered;".

SEC. 324. LIMITATION.

(a) EXEMPTIONS.—Section 522 of title 11, United States Code, as amended by sections 224 and 307 of this Act, is amended—

(1) in subsection (b)(3)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

"(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.".

(b) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "522(d)," and inserting "522 (d) or (n),"; and

(2) in paragraph (3), by striking "522(d)," and inserting "522 (d) or (n),".

SEC. 325. EXCLUSIVE JURISDICTION IN MATTERS INVOLVING BANKRUPTCY PROFESSIONALS.

Section 1334 of title 28, United States Code, is amended—

(1) in subsection (b) by striking "Notwithstanding" and inserting "Except as provided in subsection (e)(2), and notwithstanding"; and

(2) amending subsection (e) to read as follows:

"(e) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction—

"(1) of all the property, wherever located, of the debtor as of the commencement of such case, and of property of the estate; and

"(2) over all claims or causes of action that involve construction of section 327 of title 11, United States Code, or rules relating to disclosure requirements under section 327.".

SEC. 326. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) For a case commenced—

"(A) under chapter 7 of title 11, $160; or

"(B) under chapter 13 of title 11, $150.".

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) 40.63 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

"(B) 70.00 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;";

(2) in paragraph (2) by striking "one-half" and inserting "three-fourths"; and

(3) in paragraph (4) by striking "one-half" and inserting "100 percent".

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931" and inserting "under section 1930(b) of title 28, United States Code, and 31.25 percent of the fees collected under section 1930(a)(1)(A) of that title, 30.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title".

SEC. 327. COMPENSATION OF TRUSTEES IN CERTAIN CASES UNDER CHAPTER 7 OF TITLE 11, UNITED STATES CODE.

Section 326 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a case that has been converted under section 706, or after a case has been converted or dismissed under section 707 or the debtor has been denied a discharge under section 727—

"(1) the court may allow reasonable compensation under section 330 for the trustee's services rendered, payable after the trustee renders services; and

"(2) any allowance made by a court under paragraph (1) shall not be subject to the limitations under subsection (a).".

SEC. 328. NONDISCHARGEABILITY OF DEBTS INCURRED THROUGH THE COMMISSION OF VIOLENCE AT CLINICS.

Section 523(a) of title 11, United States Code, as amended by section 224 of this Act, is amended—

(1) in paragraph (18), by striking "or" at the end;

(2) in paragraph (19)(B), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(20) that results from any judgment, order, consent order, or decree entered in any Federal or State court, or contained in any settlement agreement entered into by the debtor, including any damages, fine, penalty, citation, or attorney fee or cost owed by the debtor, arising from—

"(A) an actual or potential action under section 248 of title 18;

"(B) an actual or potential action under any Federal, State, or local law, the purpose of which is to protect—

"(i) access to a health care facility, including a facility providing reproductive health services, as defined in section 248(e) of title 18 (referred to in this paragraph as a 'health care facility'); or

"(ii) the provision of health services, including reproductive health services (referred to in this paragraph as 'health services');

"(C) an actual or potential action alleging the violation of any Federal, State, or local statutory or common law, including chapter 96 of title 18 and the Federal civil rights laws (including sections 1977 through 1980 of the Revised Statutes) that results from the debtor's actual, attempted, or alleged—

"(i) harassment of, intimidation of, interference with, obstruction of, injury to, threat to, or violence against any person—

"(I) because that person provides or has provided health services;

"(II) because that person is or has been obtaining health services; or

"(III) to deter that person, any other person, or a class of persons from obtaining or providing health services; or

"(ii) damage or destruction of property of a health care facility; or

"(D) an actual or alleged violation of a court order or injunction that protects access to a health care facility or the provision of health services.".

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

"§ 1168. Rolling stock equipment

"(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that the right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

"(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract that—

"(i) occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

"(ii) occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default or event of the default; or

"(II) the expiration of such 60-day period; and

"(iii) occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

"(2) The equipment described in this paragraph—

"(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

"(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.

"(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.".

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

"§ 1110. Aircraft equipment and vessels

"(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

"(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

"(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract that occurs—

"(i) before the date of the order is cured before the expiration of such 60-day period;

"(ii) after the date of the order and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default; or

"(II) the expiration of such 60-day period; and

"(iii) on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

"(3) The equipment described in this paragraph—

"(A) is—

"(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued under chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

"(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

"(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.".

SEC. 402. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, as amended by section 306(c) of this Act, is amended by inserting after paragraph (48) the following:

"(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 311 of this Act, is amended—

(1) in paragraph (24), by striking "or" at the end;

(2) in paragraph (25), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (25) the following:

"(26) under subsection (a), of—

"(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

"(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by the securities self regulatory organization to enforce such organization's regulatory power; or

"(C) any act taken by the securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements.".

SEC. 403. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.".

SEC. 404. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking "10" each place it appears and inserting "30".

SEC. 405. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

"(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected and the trustee shall immediately surrender that nonresidential real property to the lessor if the trustee does not assume or reject the unexpired lease by the earlier of—

"(i) the date that is 120 days after the date of the order for relief; or

"(ii) the date of the entry of an order confirming a plan.

"(B) The court may extend the period determined under subparagraph (A) only upon a motion of the lessor.".

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: "On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.".

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

"(3) A committee appointed under subsection (a) shall—

"(A) provide access to information for creditors who—

"(i) hold claims of the kind represented by that committee; and

"(ii) are not appointed to the committee;

"(B) solicit and receive comments from the creditors described in subparagraph (A); and

"(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).".

SEC. 407. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection designated as subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (i); and

(2) by adding at the end the following:

"(j)(1) Notwithstanding section 545 (2) and (3), the trustee may not avoid a warehouseman's lien for storage, transportation or other costs incidental to the storage and handling of goods.

"(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any applicable State statute that is similar to section 7–209 of the Uniform Commercial Code.".

SEC. 408. LIMITATION.

Section 546(c)(1)(B) of title 11, United States Code, is amended by striking "20" and inserting "45".

SEC. 409. AMENDMENT TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a)(3) of title 11, United States Code, is amended—

(1) by striking "(A) the; and inserting "(i) the";

(2) by striking "(B)" and inserting "(ii)";

(3) by striking "(C)" and inserting "(iii)";

(4) by striking "(D)" and inserting "(iv)";

(5) by striking "(E)" and inserting "(v)";

(6) in subparagraph (A), by inserting "to an examiner, trustee under chapter 11, or professional person" after "awarded"; and

(7) by adding at the end the following:

"(B) In determining the amount of reasonable compensation to be awarded a trustee, the court shall treat such compensation as a commission based on the results achieved.".

SEC. 410. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

"(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.".

SEC. 411. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

"(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

"(B) made according to ordinary business terms;";

(2) in paragraph (7) by striking "or" at the end;

(3) in paragraph (8) by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.".

SEC. 412. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting ", or a nonconsumer debt against a noninsider of less than $10,000," after "$5,000".

SEC. 413. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking "On" and inserting "(1) Subject to paragraph (1), on"; and

(2) by adding at the end the following:

"(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

"(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.".

SEC. 414. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking "dwelling" the first place it appears;

(2) by striking "ownership or" and inserting "ownership,";

(3) by striking "housing" the first place it appears; and

(4) by striking "but only" and all that follows through "but nothing in this paragraph" and inserting "or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot, and until such time as the debtor or trustee has surrendered any legal, equitable or possessory interest in such unit, such corporation, or such lot, but nothing in this paragraph".

SEC. 415. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting after the first sentence the following: "Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.".

SEC. 416. DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

"(14) 'disinterested person' means a person that—

"(A) is not a creditor, an equity security holder, or an insider;

"(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

"(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;".

SEC. 417. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3)(A) of title 11, United States Code, as amended by section 409 of this Act, is amended—

(1) in clause (i), by striking "and" at the end;

(2) by redesignating clause (v) as clause (vi); and

(3) by inserting after clause (iv) the following:

"(v) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field;".

SEC. 418. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

"(B) Upon the filing of a report under subparagraph (A)—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(C) In the case of any dispute arising out of an election described in subparagraph (A), the court shall resolve the dispute.".

SEC. 419. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following:

"(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—

"(i) a cash deposit;

"(ii) a letter of credit;

"(iii) a certificate of deposit;

"(iv) a surety bond;

"(v) a prepayment of utility consumption; or

"(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

"(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

"(2) Subject to paragraphs (3) through (5), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 20-day period beginning on the date of filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

"(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

"(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

"(i) the absence of security before the date of filing of the petition;

"(ii) the payment by the debtor of charges for utility service in a timely manner before the date of filing of the petition; or

"(iii) the availability of an administrative expense priority.

"(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of filing of the petition without notice or order of the court.".

SEC. 420. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the parties" and inserting "Subject to subsection (f), the parties"; and

(2) by adding at the end the following:

"(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

"(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor whose income is less than 125 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved is unable to pay that fee in installments.

"(3) A filing fee referred to in paragraph (2) is—

"(A) a filing fee under subsection (a)(1); or

"(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

"(4) In addition to waiving a fee under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual with an income at a level described in paragraph (2) is unable to pay that fee in installments.".

SEC. 421. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) In General.—

(1) Disclosure.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for the United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) Information.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) Purpose.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

Subtitle B—Small Business Bankruptcy Provisions

SEC. 431. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) Notwithstanding subsection (b), in a small business case—

"(1) in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information;

"(2) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

"(3) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

"(4)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

"(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 20 days before the date of the hearing on confirmation of the plan; and

"(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.".

SEC. 432. DEFINITIONS; EFFECT OF DISCHARGE.

(a) Definitions.—Section 101 of title 11, United States Code, as amended by section 402 of this Act, is amended by striking paragraph (51C) and inserting the following:

"(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

"(51D) 'small business debtor'—

"(A) subject to subparagraph (B), means a person (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning and operating real property and activities incidental thereto) that has aggregate noncontingent, liquidated secured and unsecured debts as of the date of the petition or the order for relief in an amount not more than $3,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has appointed under section 1102(a)(1) a committee of unsecured creditors that the court has determined is sufficiently active and representative to provide effective oversight of the debtor; and

"(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $4,000,000 (excluding debt owed to 1 or more affiliates or insiders);".

(b) Conforming Amendment.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting "debtor" after "small business".

SEC. 433. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of the enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 434. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) Reporting Required.—

(1) In General.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

"§ 308. Debtor reporting requirements

"(1) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

"(2) A small business debtor shall file periodic financial and other reports containing information including—

"(A) the debtor's profitability;

"(B) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

"(C) comparisons of actual cash receipts and disbursements with projections in prior reports;

"(D)(i) whether the debtor is—

"(I) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

"(II) timely filing tax returns and other required government filings and paying taxes and other administrative claims when due; and

"(ii) if the debtor is not in compliance with the requirements referred to in clause (i)(I) or filing tax returns and other required government filings and making the payments referred to in clause (i)(II), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

"(iii) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

"308. Debtor reporting requirements.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 435. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms to be used by small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative claims when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) the small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help the small business debtor to understand the small business debtor's financial condition and plan the small business debtor's future.

SEC. 436. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by section 321 of this Act, is amended by adding at the end the following:

"§1116. Duties of trustee or debtor in possession in small business cases

"In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

"(1) append to the voluntary petition or, in an involuntary case, file within 7 days after the date of the order for relief—

"(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

"(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

"(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances;

"(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

"(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

"(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

"(6)(A) timely file tax returns and other required government filings; and

"(B) subject to section 363(c)(2), timely pay all administrative expense tax claims, except those being contested by appropriate proceedings being diligently prosecuted; and

"(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1116. Duties of trustee or debtor in possession in small business cases.".

SEC. 437. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) In a small business case—

"(1) only the debtor may file a plan until after 180 days after the date of the order for relief, unless that period is—

"(A) extended as provided by this subsection, after notice and hearing; or

"(B) the court, for cause, orders otherwise;

"(2) the plan, and any necessary disclosure statement, shall be filed not later than 300 days after the date of the order for relief; and

"(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e), within which the plan shall be confirmed, may be extended only if—

"(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

"(B) a new deadline is imposed at the time the extension is granted; and

"(C) the order extending time is signed before the existing deadline has expired.".

SEC. 438. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a small business case, the plan shall be confirmed not later than 175 days after the date of the order for relief, unless such 175-day period is extended as provided in section 1121(e)(3).".

SEC. 439. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases;";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting "; and"; and

(4) by inserting after paragraph (6) the following:

"(7) in each of such small business cases—

"(A) conduct an initial debtor interview as soon as practicable after the entry of order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

"(i) begin to investigate the debtor's viability;

"(ii) inquire about the debtor's business plan;

"(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

"(iv) attempt to develop an agreed scheduling order; and

"(v) inform the debtor of other obligations;

"(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor and ascertain the state of the debtor's books and records and verify that the debtor has filed its tax returns; and

"(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

"(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.".

SEC. 440. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking
", may";

(2) by striking paragraph (1) and inserting the following:

"(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and"; and

(3) in paragraph (2), by striking "unless inconsistent with another provision of this title or with applicable Federal Rules of Bankruptcy Procedure,".

SEC. 441. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, is amended—

(1) in subsection (j), as redesignated by section 305(1) of this Act—

(A) by striking "An" and inserting "(1) Except as provided in paragraph (2), an"; and

(B) by adding at the end the following:

"(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) against such entity shall be limited to actual damages."; and

(2) by inserting after subsection (j) the following:

"(k)(1) Except as provided in paragraph (2), the filing of a petition under chapter 11 operates as a stay of the acts described in subsection (a) only in an involuntary case involving no collusion by the debtor with creditors and in which the debtor—

"(A) is a debtor in a small business case pending at the time the petition is filed;

"(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

"(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

"(D) is an entity that has succeeded to substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C).

"(2) Paragraph (1) does not apply to the filing of a petition if the debtor proves by a preponderance of the evidence that—

"(A) the filing of that petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

"(B) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.".

SEC. 442. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Except as provided in paragraph (2), in subsection (c), and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, if the movant establishes cause.

"(2) The relief provided in paragraph (1) shall not be granted if the debtor or another party in interest objects and establishes by a preponderance of the evidence that—

"(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

"(B) if the grounds include an act or omission of the debtor—

"(i) for which there exists a reasonable justification for the act or omission; and

"(ii) which will be cured within a reasonable period of time fixed by the court.

"(3) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion within 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

"(4) For purposes of this subsection, cause includes—

"(A) substantial or continuing loss to or diminution of the estate;

"(B) gross mismanagement of the estate;

"(C) failure to maintain appropriate insurance that poses a risk to the estate or to the public;

"(D) unauthorized use of cash collateral harmful to 1 or more creditors;

"(E) failure to comply with an order of the court;

"(F) repeated failure timely to satisfy any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

"(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under Rule 2004 of the Federal Rules of Bankruptcy Procedure;

"(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee;

"(I) failure timely to pay taxes due after the date of the order for relief or to file tax returns due after the order for relief;

"(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

"(K) failure to pay any fees or charges required under chapter 123 of title 28;

"(L) revocation of an order of confirmation under section 1144;

"(M) inability to effectuate substantial consummation of a confirmed plan;

"(N) material default by the debtor with respect to a confirmed plan;

"(O) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

"(5) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion within 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.".

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee or an examiner is in the best interests of creditors and the estate.".

SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of the enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General of the United States, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 444. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting "or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later" after "90-day period)"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) the debtor has commenced monthly payments that—

"(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

"(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or".

SEC. 445. TECHNICAL CORRECTION.

Section 365(b)(2)(D) of title 11, United States Code, is amended by striking "penalty rate or provision" and inserting "penalty rate or penalty provision".

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting ", notwithstanding section 301(b)" before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "A voluntary";

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.".

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901(a) of title 11, United States Code, is amended—

(1) by inserting "555, 556," after "553,"; and

(2) by inserting "559, 560," after "557,".

TITLE VI—IMPROVED BANKRUPTCY STATISTICS AND DATA

SEC. 601. AUDIT PROCEDURES.

(a) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and"; and

(2) by adding at the end the following:

"(f)(1)(A) The Attorney General shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

"(B) Those procedures shall—

"(i) establish a method of selecting appropriate qualified persons to contract to perform those audits;

"(ii) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

"(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

"(iv) include procedures for providing, not less frequently than annually, public information concerning the aggregate results of the audits referred to in this subparagraph, including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

"(2) The United States trustee for each district may contract with auditors to perform audits in *cases designated by the United States trustee according to the procedures established under paragraph (1).*

"(3)(A) The report of each audit conducted under this subsection shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case where a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

"(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

"(i) report the material misstatement, if appropriate, to the United States Attorney under section 3057 of title 18; and

"(ii) if advisable, take appropriate action, including commencing an adversary proceeding to revoke the debtor's discharge under section 727(d) of title 11.".

(b) AMENDMENTS TO SECTION 521 OF TITLE 11, UNITED STATES CODE.—Paragraphs (3) and (4) of section 521(a) of title 11, United States Code, as amended by section 315 of this Act, are each amended by inserting "or an auditor appointed under section 586 of title 28" after "serving in the case" each place that term appears.

(c) AMENDMENTS TO SECTION 727 OF TITLE 11, UNITED STATES CODE.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) the debtor has failed to explain satisfactorily—

"(A) a material misstatement in an audit performed under section 586(f) of title 28; or

"(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and any other papers, things, or property belonging to the debtor that are requested for an audit conducted under section 586(f).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. IMPROVED BANKRUPTCY STATISTICS.

(a) AMENDMENT.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"§ 159. Bankruptcy statistics

"(a) The clerk of each district court shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Office').

"(b) The Director shall—

"(1) compile the statistics referred to in subsection (a);

"(2) make the statistics available to the public; and

"(3) not later than October 31, 1999, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

"(c) The compilation required under subsection (b) shall—

"(1) be itemized, by chapter, with respect to title 11;

"(2) be presented in the aggregate and for each district; and

"(3) include information concerning—

"(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed under section 2075 and filed by those debtors;

"(B) the total current monthly income, projected monthly net income, and average income, and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 111, 521, and 1322 of title 11;

"(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

"(D) the average period of time between the filing of the petition and the closing of the case;

"(E) for the reporting period—

"(i) the number of cases in which a reaffirmation was filed; and

"(ii)(I) the total number of reaffirmations filed;

"(II) of those cases in which a reaffirmation was filed, the number in which the debtor was not represented by an attorney; and

"(III) of the cases under each of subclauses (I) and (II), the number of cases in which the reaffirmation was approved by the court;

"(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

"(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

"(II) the number of final orders determining the value of property securing a claim issued;

"(ii) the number of cases dismissed for failure to make payments under the plan; and

"(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the date of filing;

"(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

"(H) the number of cases in which sanctions under Rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's counsel and damages awarded under such rule.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"159. Bankruptcy statistics.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 603. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by inserting after section 589a the following:

"§ 589b. Bankruptcy data

"(a) Within a reasonable period of time after the effective date of this section, the Attorney General of the United States shall issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

"(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

"(2) periodic reports by debtors in possession or trustees, as the case may be, in cases under chapter 11 of title 11.

"(b) Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum practicable access of the public, by—

"(1) physical inspection at 1 or more central filing locations; and

"(2) electronic access through the Internet or other appropriate media.

"(c)(1) The information required to be filed in the reports referred to in subsection (b) shall be information that is—

"(A) in the best interests of debtors and creditors, and in the public interest; and

"(B) reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system.

"(2) In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

"(A) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system; and

"(B) economy, simplicity, and lack of undue burden on persons with a duty to file reports.

"(d)(1) Final reports proposed for adoption by trustees under chapters 7, 12, and 13 of title 11 shall include with respect to a case under such title, by appropriate category—

"(A) information about the length of time the case was pending;

"(B) assets abandoned;

"(C) assets exempted;

"(D) receipts and disbursements of the estate;

"(E) expenses of administration;

"(F) claims asserted;

"(G) claims allowed; and

"(H) distributions to claimants and claims discharged without payment.

"(2) In cases under chapters 12 and 13 of title 11, final reports proposed for adoption by trustees shall include—

"(A) the date of confirmation of the plan;

"(B) each modification to the plan; and

"(C) defaults by the debtor in performance under the plan.

"(3) The information described in paragraphs (1) and (2) shall be in addition to such other matters as are required by law for a final report or as the Attorney General, in the discretion of the Attorney General, may propose for a final report.

"(e)(1) Periodic reports proposed for adoption by trustees or debtors in possession under chapter 11 of title 11 shall include—

"(A) information about the standard industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

"(B) the length of time the case has been pending;

"(C) the number of full-time employees—

"(i) as of the date of the order for relief; and

"(ii) at the end of each reporting period since the case was filed;

"(D) cash receipts, cash disbursements, and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

"(E) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

"(F) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those that would not have been so incurred); and

"(G) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.

"(2) The information described in paragraph (1) shall be in addition to such other matters as are required by law for a periodic report or as the Attorney General, in the discretion of the

Attorney General, may propose for a periodic report.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"589b. Bankruptcy data.".

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) it should be the national policy of the United States that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public subject to such appropriate privacy concerns and safeguards as the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)" after "under this title";

(2) in subsection (b)(2), by inserting "(except that such expenses, other than claims for wages, salaries, or commissions which arise after the filing of a petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)" after "507(a)(1)"; and

(3) by adding at the end the following:

"(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

"(1) exhaust the unencumbered assets of the estate; and

"(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of that property.

"(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

"(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(4).

"(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(5).".

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.".

SEC. 702. TREATMENT OF FUEL TAX CLAIMS.

Section 501 of title 11, United States Code, is amended by adding at the end the following:

"(e) A claim arising from the liability of a debtor for fuel use tax assessed consistent with the requirements of section 31705 of title 49 may be filed by the base jurisdiction designated pursuant to the International Fuel Tax Agreement and, if so filed, shall be allowed as a single claim.".

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

Section 505(b) of title 11, United States Code, is amended—

(1) in the first sentence, by inserting "at the address and in the manner designated in paragraph (1)" after "determination of such tax";

(2) by striking "(1) upon payment" and inserting "(2)(A) upon payment";

(3) by striking "(A) such governmental unit" and inserting "(i) such governmental unit";

(4) by striking "(B) such governmental unit" and inserting "(ii) such governmental unit";

(5) by striking "(2) upon payment" and inserting "(B) upon payment";

(6) by striking "(3) upon payment" and inserting "(C) upon payment";

(7) by striking "(b)" and inserting "(2)"; and

(8) by inserting before paragraph (2), as so designated, the following:

"(b)(1)(A) The clerk of each district shall maintain a listing under which a Federal, State, or local governmental unit responsible for the collection of taxes within the district may—

"(i) designate an address for service of requests under this subsection; and

"(ii) describe where further information concerning additional requirements for filing such requests may be found.

"(B) If a governmental unit referred to in subparagraph (A) does not designate an address and provide that address to the clerk under that subparagraph, any request made under this subsection may be served at the address for the filing of a tax return or protest with the appropriate taxing authority of that governmental unit.".

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§ 511. Rate of interest on tax claims

"(a) If any provision of this title requires the payment of interest on a tax claim or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be the rate shall be determined under applicable nonbankruptcy law.

"(b) In the case of taxes paid under a confirmed plan under this title, the rate of interest shall be determined as of the calendar month in which the plan is confirmed.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 510 the following:

"511. Rate of interest on tax claims.".

SEC. 705. PRIORITY OF TAX CLAIMS.

Section 507(a)(8) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting "for a taxable year ending on or before the date of filing of the petition" after "gross receipts";

(B) in clause (i)—

(i) by striking "for a taxable year ending on or before the date of filing of the petition"; and

(ii) by inserting before the semicolon at the end, the following: ", plus any time during which the stay of proceedings was in effect in a prior case under this title or during which collection was precluded by the existence of 1 or more confirmed plans under this title, plus 90 days"; and

(C) by striking clause (ii) and inserting the following:

"(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

"(I) any time during which an offer in compromise with respect to that tax was pending or in effect during that 240-day period, plus 30 days; and

"(II) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period; plus 90 days."; and

(2) by adding at the end the following:

"(H) An otherwise applicable time period specified in this paragraph shall be suspended for—

"(i) any period during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection action taken or proposed against the debtor; plus

"(ii) 90 days.".

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(9)(B) of title 11, United States Code, is amended by striking "assessed" and inserting "incurred".

SEC. 707. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 13.

Section 1328(a)(2) of title 11, United States Code, as amended by sections 105, 213, and 314 of this Act, is amended—

(1) by inserting "(1)(B), (1)(C)," after "paragraph"; and

(2) by inserting "and in section 507(a)(8)(C)" after "section 523(a)".

SEC. 708. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 11.

Section 1141(d) of title 11, United States Code, is amended by adding at the end the following:

"(5) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt for a tax or customs duty with respect to which the debtor—

"(A) made a fraudulent return; or

"(B) willfully attempted in any manner to evade or defeat that tax or duty.".

SEC. 709. STAY OF TAX PROCEEDINGS LIMITED TO PREPETITION TAXES.

Section 362(a)(8) of title 11, United States Code, is amended by inserting ", with respect to a tax liability for a taxable period ending before the order for relief under this title" before the semicolon at the end.

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking "deferred cash payments, over a period not exceeding six years after the date of assessment of such claim," and all that follows through the end of the subparagraph, and inserting "regular installment payments in cash—

"(i) of a total value, as of the effective date of the plan, equal to the allowed amount of such claim;

"(ii) with interest thereon calculated at the rate provided in section 6621(a)(2) of the Internal Revenue Code of 1986;

"(iii) over a period ending not later than 5 years after the date of the entry of the order for relief under section 301, 302, or 303; and

"(iv) in a manner not less favorable than the most favored nonpriority unsecured claim provided for in the plan (other than cash payments made to a class of creditors under section 1122(b)); and"; and

(3) by adding at the end the following:

"(D) with respect to a secured claim which would otherwise meet the description of an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).".

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by striking the semicolon at the end and inserting ", except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law;".

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) Payment of Taxes Required.—Section 960 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Any"; and

(2) by adding at the end the following:

"(b) A tax under subsection (a) shall be paid on or before the due date of the tax under applicable nonbankruptcy law, unless—

"(1) the tax is a property tax secured by a lien against property that is abandoned within a reasonable period of time after the lien attaches by the trustee of a bankruptcy estate under section 554 of title 11; or

"(2) payment of the tax is excused under a specific provision of title 11.

"(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

"(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or

"(2) before the due date of the tax, an order of the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.".

(b) Payment of Ad Valorem Taxes Required.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting "whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both," before "except".

(c) Request for Payment of Administrative Expense Taxes Eliminated.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding at the end the following:

"(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being an allowed administrative expense;".

(d) Payment of Taxes and Fees as Secured Claims.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting "or State statute" after "agreement"; and

(2) in subsection (c), by inserting ", including the payment of all ad valorem property taxes with respect to the property" before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking "before the date on which the trustee commences distribution under this section;" and inserting the following: "on or before the earlier of—

"(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

"(B) the date on which the trustee commences final distribution under this section;".

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) in the matter preceding clause (i), by inserting "or equivalent report or notice," after "a return,";

(B) in clause (i)—

(i) by inserting "or given" after "filed"; and

(ii) by striking "or" at the end; and

(C) in clause (ii)—

(i) by inserting "or given" after "filed"; and

(ii) by inserting ", report, or notice" after "return"; and

(2) by adding at the end the following flush sentences:

"For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.".

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

The second sentence of section 505(b) of title 11, United States Code, as amended by section 703 of this Act, is amended by inserting "the estate," after "misrepresentation,".

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, as amended by section 213 of this Act, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (7) the following:

"(8) if the debtor has filed all applicable Federal, State, and local tax returns as required by section 1308.".

(b) Additional Time Permitted for Filing Tax Returns.—

(1) In general.—Chapter 13 of title 11, United States Code, is amended by adding at the end the following:

"§ 1308. Filing of prepetition tax returns

"(a) Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

"(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the meeting of creditors is first scheduled to be held under section 341(a), the trustee may hold open that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

"(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that meeting; or

"(B) for any return that is not past due as of the date of the filing of the petition, the later of—

"(i) the date that is 120 days after the date of that meeting; or

"(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request is timely made, in accordance with applicable nonbankruptcy law.

"(2) Upon notice and hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by clear and convincing evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

"(A) a period of not more than 30 days for returns described in paragraph (1); and

"(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

"(c) For purposes of this section, the term 'return' includes a return prepared pursuant to section 6020 (a) or (b) of the Internal Revenue Code of 1986, or a similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal.".

(2) Conforming amendment.—The table of sections for chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1307 the following:

"1308. Filing of prepetition tax returns.".

(c) Dismissal or Conversion on Failure To Comply.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d), the following:

"(e) Upon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors and the estate.".

(d) Timely Filed Claims.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following ", and except that in a case under chapter 13, a claim of a governmental unit for a tax with respect to a return filed under section 1308 shall be timely if the claim is filed on or before the date that is 60 days after the date on which such return was filed as required".

(e) Rules for Objections to Claims and to Confirmation.—It is the sense of Congress that the Advisory Committee on Bankruptcy Rules of the Judicial Conference should, as soon as practicable after the date of enactment of this Act, propose for adoption amended Federal Rules of Bankruptcy Procedure which provide that—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, an objection to the confirmation of a plan filed by a governmental unit on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1308 and 1325(a)(7) of title 11, United States Code, shall be treated for all purposes as if such objection had been timely filed before such confirmation; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, no objection to a tax with respect to which a return is required to be filed under section 1308 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting "including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case," after "records"; and

(2) by striking "a hypothetical reasonable investor typical of holders of claims or interests" and inserting "such a hypothetical investor".

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, as amended by section 402 of this Act, is amended—

(1) in paragraph (25), by striking "or" at the end;

(2) in paragraph (26), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (26) the following:

"(27) under subsection (a), of the setoff under applicable nonbankruptcy law of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the order for relief against an income tax liability for a taxable period that also ended before the order for relief, except that in any case in which the setoff of an income tax refund is not permitted under applicable nonbankruptcy law because of a pending action to determine the amount or legality of a tax liability, the governmental unit may hold the refund pending the resolution of the action, unless the court, upon motion of the trustee and after notice and hearing, grants the taxing authority adequate protection (within the meaning of section 361) for the secured claim of that authority in the setoff under section 506(a).".

SEC. 719. SPECIAL PROVISIONS RELATED TO THE TREATMENT OF STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 346 of title 11, United States Code, is amended to read as follows:

"SEC. 346. SPECIAL PROVISIONS RELATED TO THE TREATMENT OF STATE AND LOCAL TAXES.

"(a) Whenever the Internal Revenue Code of 1986 provides that a separate taxable estate or entity is created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of such estate shall be taxed to or claimed by the estate, a separate taxable estate is also created for purposes of any State and local law imposing a tax on or measured by income and such income, gain, loss, deductions, and credits shall be taxed to or claimed by the estate and may not be taxed to or claimed by the debtor. The preceding sentence shall not apply if the case is dismissed. The trustee shall make tax returns of income required under any such State or local law.

"(b) Whenever the Internal Revenue Code of 1986 provides that no separate taxable estate shall be created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of an estate shall be taxed to or claimed by the debtor, such income, gain, loss, deductions, and credits shall be taxed to or claimed by the debtor under a State or local law imposing a tax on or measured by income and may not be taxed to or claimed by the estate. The trustee shall make such tax returns of income of corporations and of partnerships as are required under any State or local law, but with respect to partnerships, shall make said returns only to the extent such returns are also required to be made under such Code. The estate shall be liable for any tax imposed on such corporation or partnership, but not for any tax imposed on partners or members.

"(c) With respect to a partnership or any entity treated as a partnership under a State or local law imposing a tax on or measured by income that is a debtor in a case under this title, any gain or loss resulting from a distribution of property from such partnership, or any distributive share of any income, gain, loss, deduction, or credit of a partner or member that is distributed, or considered distributed, from such partnership, after the commencement of the case, is gain, loss, income, deduction, or credit, as the case may be, of the partner or member, and if such partner or member is a debtor in a case under this title, shall be subject to tax in accordance with subsection (a) or (b).

"(d) For purposes of any State or local law imposing a tax on or measured by income, the taxable period of a debtor in a case under this title shall terminate only if and to the extent that the taxable period of such debtor terminates under the Internal Revenue Code of 1986.

"(e) The estate in any case described in subsection (a) shall use the same accounting method as the debtor used immediately before the commencement of the case, if such method of accounting complies with applicable nonbankruptcy tax law.

"(f) For purposes of any State or local law imposing a tax on or measured by income, a transfer of property from the debtor to the estate or from the estate to the debtor shall not be treated as a disposition for purposes of any provision assigning tax consequences to a disposition, except to the extent that such transfer is treated as a disposition under the Internal Revenue Code of 1986.

"(g) Whenever a tax is imposed pursuant to a State or local law imposing a tax on or measured by income pursuant to subsection (a) or (b), such tax shall be imposed at rates generally applicable to the same types of entities under such State or local law.

"(h) The trustee shall withhold from any payment of claims for wages, salaries, commissions, dividends, interest, or other payments, or collect, any amount required to be withheld or collected under applicable State or local tax law, and shall pay such withheld or collected amount to the appropriate governmental unit at the time and in the manner required by such tax law, and with the same priority as the claim from which such amount was withheld or collected was paid.

"(i)(1) To the extent that any State or local law imposing a tax on or measured by income provides for the carryover of any tax attribute from one taxable period to a subsequent taxable period, the estate shall succeed to such tax attribute in any case in which such estate is subject to tax under subsection (a).

"(2) After such a case is closed or dismissed, the debtor shall succeed to any tax attribute to which the estate succeeded under paragraph (1) to the extent consistent with the Internal Revenue Code of 1986.

"(3) The estate may carry back any loss or tax attribute to a taxable period of the debtor that ended before the order for relief under this title to the extent that—

"(A) applicable State or local tax law provides for a carryback in the case of the debtor; and

"(B) the same or a similar tax attribute may be carried back by the estate to such a taxable period of the debtor under the Internal Revenue Code of 1986.

"(j)(1) For purposes of any State or local law imposing a tax on or measured by income, income is not realized by the estate, the debtor, or a successor to the debtor by reason of discharge of indebtedness in a case under this title, except to the extent, if any, that such income is subject to tax under the Internal Revenue Code of 1986.

"(2) Whenever the Internal Revenue Code of 1986 provides that the amount excluded from gross income in respect of the discharge of indebtedness in a case under this title shall be applied to reduce the tax attributes of the debtor or the estate, a similar reduction shall be made under any State or local law imposing a tax on or measured by income to the extent such State or local law recognizes such attributes. Such State or local law may also provide for the reduction of other attributes to the extent that the full amount of income from the discharge of indebtedness has not been applied.

"(k)(1) Except as provided in this section and section 505, the time and manner of filing tax returns and the items of income, gain, loss, deduction, and credit of any taxpayer shall be determined under applicable nonbankruptcy law.

"(2) For Federal tax purposes, the provisions of this section are subject to the Internal Revenue Code of 1986 and other applicable Federal nonbankruptcy law.".

(b) CONFORMING AMENDMENTS.—

(1) Section 728 of title 11, United States Code, is repealed.

(2) Section 1146 of title 11, United States Code, is amended by striking subsections (a) and (b) and by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

(3) Section 1231 of title 11, United States Code, is amended by striking subsections (a) and (b) and by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

SEC. 720. DISMISSAL FOR FAILURE TO TIMELY FILE TAX RETURNS.

Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(k)(1) Notwithstanding any other provision of this title, if the debtor fails to file a tax return that becomes due after the commencement of the case or to properly obtain an extension of the due date for filing such return, the taxing authority may request that the court enter an order converting or dismissing the case.

"(2) If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after a request is filed by the taxing authority under that paragraph, the court shall convert or dismiss the case, whichever is in the best interests of creditors and the estate.".

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

"CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

"Sec.

"1501. Purpose and scope of application.

"SUBCHAPTER I—GENERAL PROVISIONS

"1502. Definitions.
"1503. International obligations of the United States.
"1504. Commencement of ancillary case.
"1505. Authorization to act in a foreign country.
"1506. Public policy exception.
"1507. Additional assistance.
"1508. Interpretation.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"1509. Right of direct access.
"1510. Limited jurisdiction.
"1511. Commencement of case under section 301 or 303.
"1512. Participation of a foreign representative in a case under this title.
"1513. Access of foreign creditors to a case under this title.
"1514. Notification to foreign creditors concerning a case under this title.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"1515. Application for recognition of a foreign proceeding.
"1516. Presumptions concerning recognition.
"1517. Order recognizing a foreign proceeding.
"1518. Subsequent information.
"1519. Relief that may be granted upon petition for recognition of a foreign proceeding.
"1520. Effects of recognition of a foreign main proceeding.

"1521. Relief that may be granted upon recognition of a foreign proceeding.
"1522. Protection of creditors and other interested persons.
"1523. Actions to avoid acts detrimental to creditors.
"1524. Intervention by a foreign representative.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.
"1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
"1527. Forms of cooperation.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"1528. Commencement of a case under this title after recognition of a foreign main proceeding.
"1529. Coordination of a case under this title and a foreign proceeding.
"1530. Coordination of more than 1 foreign proceeding.
"1531. Presumption of insolvency based on recognition of a foreign main proceeding.
"1532. Rule of payment in concurrent proceedings.

"§ 1501. Purpose and scope of application

"(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

"(1) cooperation between—

"(A) United States courts, United States Trustees, trustees, examiners, debtors, and debtors in possession; and

"(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

"(2) greater legal certainty for trade and investment;

"(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

"(4) protection and maximization of the value of the debtor's assets; and

"(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

"(b) This chapter applies if—

"(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

"(2) assistance is sought in a foreign country in connection with a case under this title;

"(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

"(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

"(c) This chapter does not apply to—

"(1) a proceeding concerning an entity identified by exclusion in subsection 109(b);

"(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

"(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970 (84 Stat. 1636 et seq.), a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 1502. Definitions

"For the purposes of this chapter, the term—

"(1) 'debtor' means an entity that is the subject of a foreign proceeding;

"(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

"(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

"(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

"(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

"(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title; and

"(7) 'within the territorial jurisdiction of the United States' when used with reference to property of a debtor refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

"§ 1503. International obligations of the United States

"To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with 1 or more other countries, the requirements of the treaty or agreement prevail.

"§ 1504. Commencement of ancillary case

"A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

"§ 1505. Authorization to act in a foreign country

"A trustee or another entity, including an examiner, may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

"§ 1506. Public policy exception

"Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

"§ 1507. Additional assistance

"(a) Subject to the specific limitations under other provisions of this chapter, the court, upon recognition of a foreign proceeding, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

"(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

"(1) just treatment of all holders of claims against or interests in the debtor's property;

"(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

"(3) prevention of preferential or fraudulent dispositions of property of the debtor;

"(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

"(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

"§ 1508. Interpretation

"In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"§ 1509. Right of direct access

"(a) A foreign representative is entitled to commence a case under section 1504 by filing a petition for recognition under section 1515, and upon recognition, to apply directly to other Federal and State courts for appropriate relief in those courts.

"(b) Upon recognition, and subject to section 1510, a foreign representative shall have the capacity to sue and be sued, and shall be subject to the laws of the United States of general applicability.

"(c) Subject to section 1510, a foreign representative is subject to laws of general application.

"(d) Recognition under this chapter is prerequisite to the granting of comity or cooperation to a foreign representative in any Federal or State court in the United States. Any request for comity or cooperation by a foreign representative in any court shall be accompanied by a sworn statement setting forth whether recognition under section 1515 has been sought and the status of any such petition.

"(e) Upon denial of recognition under this chapter, the court may issue appropriate orders necessary to prevent an attempt to obtain comity or cooperation from courts in the United States without such recognition.

"§ 1510. Limited jurisdiction

"The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

"§ 1511. Commencement of case under section 301 or 303

"(a) Upon recognition, a foreign representative may commence—

"(1) an involuntary case under section 303; or

"(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

"(b) The petition commencing a case under subsection (a) must be accompanied by a statement describing the petition for recognition and its current status. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

"§ 1512. Participation of a foreign representative in a case under this title

"Upon recognition of a foreign proceeding, the foreign representative in that proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

"§ 1513. Access of foreign creditors to a case under this title

"(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

"(b)(1) Subsection (a) does not change or codify law in effect on the date of enactment of this chapter as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under section 507 or 726 shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

"(2)(A) Subsection (a) and paragraph (1) do not change or codify law in effect on the date of enactment of this chapter as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

"(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

"§ 1514. Notification to foreign creditors concerning a case under this title

"(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

"(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letters rogatory or other similar formality is required.

"(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

"(1) indicate the time period for filing proofs of claim and specify the place for their filing;

"(2) indicate whether secured creditors need to file their proofs of claim; and

"(3) contain any other information required to be included in such a notification to creditors pursuant to this title and the orders of the court.

"(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"§ 1515. Application for recognition of a foreign proceeding

"(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

"(b) A petition for recognition shall be accompanied by—

"(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

"(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

"(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

"(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

"(d) The documents referred to in paragraphs (1) and (2) of subsection (b) must be translated into English. The court may require a translation into English of additional documents.

"§ 1516. Presumptions concerning recognition

"(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding as defined in section 101 and that the person or body is a foreign representative as defined in section 101, the court is entitled to so presume.

"(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

"(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

"§ 1517. Order recognizing a foreign proceeding

"(a) Subject to section 1506, after notice and a hearing an order recognizing a foreign proceeding shall be entered if—

"(1) the foreign proceeding is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

"(2) the foreign representative applying for recognition is a person or body as defined in section 101; and

"(3) the petition meets the requirements of section 1515.

"(b) The foreign proceeding shall be recognized—

"(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

"(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

"(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding shall constitute recognition under this chapter.

"(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the granting of recognition. The case under this chapter may be closed in the manner prescribed for a case under section 350.

"§ 1518. Subsequent information

"After the petition for recognition of the foreign proceeding is filed, the foreign representative shall file with the court promptly a notice of change of status concerning—

"(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

"(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

"§ 1519. Relief that may be granted upon petition for recognition of a foreign proceeding

"(a) Beginning on the date on which a petition for recognition is filed and ending on the date on which the petition is decided upon, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

"(1) staying execution against the debtor's assets;

"(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation, or otherwise in jeopardy; and

"(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

"(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is decided upon.

"(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

"§ 1520. Effects of recognition of a foreign main proceeding

"(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

"(1) section 362 applies with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States;

"(2) a transfer, an encumbrance, or any other disposition of an interest of the debtor in property within the territorial jurisdiction of the United States is restrained as and to the extent that is provided for property of an estate under sections 363, 549, and 552; and

"(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the powers of a trustee under section 549, subject to sections 363 and 552.

"(b) The scope, and the modification or termination, of the stay and restraints referred to in subsection (a) are subject to the exceptions and limitations provided in subsections (b), (c), and (d) of section 362, subsections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560.

"(c) Subsection (a) does not affect the right to commence individual actions or proceedings in a foreign country to the extent necessary to preserve a claim against the debtor.

"(d) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

"§ 1521. Relief that may be granted upon recognition of a foreign proceeding

"(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

"(1) staying the commencement or continuation of individual actions or individual proceedings concerning the debtor's assets, rights, obligations or liabilities to the extent the actions or proceedings have not been stayed under section 1520(a);

"(2) staying execution against the debtor's assets to the extent the execution has not been stayed under section 1520(a);

"(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent that right has not been suspended under section 1520(a);

"(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

"(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

"(6) extending relief granted under section 1519(a); and

"(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, if the court is satisfied that the interests of creditors in the United States are sufficiently protected.

"(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

"§1522. Protection of creditors and other interested persons

"(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

"(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(2), to conditions that the court considers to be appropriate, including the giving of security or the filing of a bond.

"(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate the relief referred to in subsection (b).

"(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

"§1523. Actions to avoid acts detrimental to creditors

"(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) In any case in which the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

"§1524. Intervention by a foreign representative

"Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"§1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

"(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

"(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

"§1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

"(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

"(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

"§1527. Forms of cooperation

"Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

"(1) appointment of a person or body, including an examiner, to act at the direction of the court;

"(2) communication of information by any means considered appropriate by the court;

"(3) coordination of the administration and supervision of the debtor's assets and affairs;

"(4) approval or implementation of agreements concerning the coordination of proceedings; and

"(5) coordination of concurrent proceedings regarding the same debtor.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"§1528. Commencement of a case under this title after recognition of a foreign main proceeding

"After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a), and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

"§1529. Coordination of a case under this title and a foreign proceeding

"In any case in which a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) If the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

"(A) any relief granted under sections 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

"(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 1520 does not apply.

"(2) If a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

"(A) any relief in effect under sections 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

"(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

"(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

"§1530. Coordination of more than 1 foreign proceeding

"In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

"(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

"(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§1531. Presumption of insolvency based on recognition of a foreign main proceeding

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

"§1532. Rule of payment in concurrent proceedings

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.''.

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"15. Ancillary and Other Cross-Border Cases .... 1501".

SEC. 802. AMENDMENTS TO OTHER CHAPTERS IN TITLE 11, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: '', and this chapter, sections 307, 304, 555 through 557, 559, and 560 apply in a case under chapter 15''; and

(2) by adding at the end the following:

''(j) Chapter 15 applies only in a case under such chapter, except that—

''(1) sections 1513 and 1514 apply in all cases under this title; and

''(2) section 1505 applies to trustees and to any other entity (including an examiner) authorized by the court under chapter 7, 11, or 12, to debtors in possession under chapter 11 or 12, and to debtors under chapter 9 who are authorized to act under section 1505.''.

(b) DEFINITIONS.—Paragraphs (23) and (24) of section 101 of title 11, United States Code, are amended to read as follows:

''(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

''(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;''.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking ''and'' at the end;

(B) in subparagraph (O), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.''.

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c)(1) of title 28, United States Code, is amended by striking ''Nothing in'' and inserting ''Except with respect to a case under chapter 15 of title 11, nothing in''.

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by inserting ''15,'' after ''chapter''.

SEC. 803. CLAIMS RELATING TO INSURANCE DEPOSITS IN CASES ANCILLARY TO FOREIGN PROCEEDINGS.

Section 304 of title 11, United States Code, is amended to read as follows:

"§304. Cases ancillary to foreign proceedings

''(a) For purposes of this section—

''(1) the term 'domestic insurance company' means a domestic insurance company, as such term is used in section 109(b)(2);

''(2) the term 'foreign insurance company' means a foreign insurance company, as such term is used in section 109(b)(3);

''(3) the term 'United States claimant' means a beneficiary of any deposit referred to in subsection (b) or any multibeneficiary trust referred to in subsection (b);

''(4) the term 'United States creditor' means, with respect to a foreign insurance company—

''(i) a United States claimant; or

''(ii) any business entity that operates in the United States and that is a creditor; and

''(5) the term 'United States policyholder' means a holder of an insurance policy issued in the United States.

''(b) The court may not grant relief under chapter 15 of this title with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.''.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following:

''(B) a combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) an option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master netting agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B) or (C); or

''(E) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract, option, agreement, or transaction referred to in subparagraph (A), (B), (C), or (D), but not to exceed the actual value of such contract, option, agreement, or transaction on the date of the filing of the petition;'';

(B) by striking paragraph (47) and inserting the following:

''(47) 'repurchase agreement' and 'reverse repurchase agreement'—

''(A) mean—

''(i) an agreement, including related terms, which provides for the transfer of—

''(I) a certificate of deposit, mortgage related security (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loan, interest in a mortgage related security or mortgage loan, eligible bankers' acceptance, or qualified foreign government security (defined for purposes of this paragraph to mean a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development); or

''(II) a security that is a direct obligation of, or that is fully guaranteed by, the United States or an agency of the United States against the transfer of funds by the transferee of such certificate of deposit, eligible bankers' acceptance, security, loan, or interest;.

with a simultaneous agreement by such transferee to transfer to the transferor thereof a certificate of deposit, eligible bankers' acceptance, security, loan, or interest of the kind described in subclause (I) or (II), at a date certain that is not later than 1 year after the date of the transferor's transfer or on demand, against the transfer of funds;

''(ii) a combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii); or

''(iv) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a repurchase agreement under this subparagraph, except that such master netting agreement shall be considered to be a repurchase agreement under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), or (iii); or

''(v) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in clause (i), (ii), (iii), or (iv), but not to exceed the actual value of such contract on the date of the filing of the petition; and

''(B) do not include a repurchase obligation under a participation in a commercial mortgage loan;'';

(C) in paragraph (48) by inserting '', or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission'' after ''1934''; and

(D) by striking paragraph (53B) and inserting the following:

''(53B) 'swap agreement'—

''(A) means—

''(i) an agreement, including the terms and conditions incorporated by reference in such agreement, that is—

''(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

''(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

''(III) a currency swap, option, future, or forward agreement;

''(IV) an equity index or an equity swap, option, future, or forward agreement;

''(V) a debt index or a debt swap, option, future, or forward agreement;

''(VI) a credit spread or a credit swap, option, future, or forward agreement; or

''(VII) a commodity index or a commodity swap, option, future, or forward agreement;

''(ii) an agreement or transaction that is similar to an agreement or transaction referred to in clause (i) that—

''(I) is currently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference therein); and

''(II) is a forward, swap, future, or option on a rate, currency, commodity, equity security, or other equity instrument, on a debt security or other debt instrument, or on an economic index or measure of economic risk or value;

''(iii) a combination of agreements or transactions referred to in clauses (i) and (ii);

''(iv) an option to enter into an agreement or transaction referred to in this subparagraph;

''(v) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to such master netting agreement and without regard to whether such master netting agreement contains an agreement or transaction described in any such clause, but only with respect to each agreement or transaction referred to in any such clause that is under such master netting agreement; except that

"(B) the definition under subparagraph (A) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.";

(2) in section 741, by striking paragraph (7) and inserting the following:

"(7) 'securities contract'—

"(A) means—

"(i) a contract for the purchase, sale, or loan of a security, a mortgage loan or an interest in a mortgage loan, a group or index of securities, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

"(ii) an option entered into on a national securities exchange relating to foreign currencies;

"(iii) the guarantee by or to a securities clearing agency of a settlement of cash, securities, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

"(iv) a margin loan;

"(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

"(vi) a combination of the agreements or transactions referred to in this subparagraph;

"(vii) an option to enter into an agreement or transaction referred to in this subparagraph;

"(viii) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master netting agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

"(ix) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in this subparagraph, but not to exceed the actual value of such contract on the date of the filing of the petition; and

"(B) does not include a purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan;"; and

(3) in section 761(4)—

(A) by striking "or" at the end of subparagraph (D); and

(B) by adding at the end the following:

"(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

"(G) a combination of the agreements or transactions referred to in this paragraph;

"(H) an option to enter into an agreement or transaction referred to in this paragraph;

"(I) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that such master netting agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

"(J) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition.".

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, as amended by section 802(b) of this Act, is amended—

(1) by striking paragraph (22) and inserting the following:

"(22) 'financial institution' means—

"(A)(i) a Federal reserve bank, or an entity that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity; and

"(ii) if such Federal reserve bank, receiver, or conservator or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; or

"(B) in connection with a securities contract, as defined in section 741 of this title, an investment company registered under the Investment Company Act of 1940;";

(2) by inserting after paragraph (22) the following:

"(22A) 'financial participant' means an entity that is a party to a securities contract, commodity contract or forward contract, or on the date of the filing of the petition, has a commodity contract (as defined in section 761) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in any such agreement or transaction with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;"; and

(3) by striking paragraph (26) and inserting the following:

"(26) 'forward contract merchant' means a Federal reserve bank, or an entity, the business of which consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761, or any similar good, article, service, right, or interest that is presently or in the future becomes the subject of dealing or in the forward contract trade;".

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, as amended by subsection (b) of this section, is amended by inserting after paragraph (38) the following new paragraphs:

"(38A) the term 'master netting agreement'—

"(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with 1 or more contracts that are described in any 1 or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to 1 or more of the foregoing; except that

"(B) if a master netting agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), the master netting agreement shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any 1 or more of the paragraphs (1) through (5) of section 561(a);

"(38B) the term 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;".

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by section 718 of this Act, is amended—

(A) in paragraph (6), by inserting ", pledged to, and under the control of," after "held by";

(B) in paragraph (7), by inserting ", pledged to, and under the control of," after "held by";

(C) by striking paragraph (17) and inserting the following:

"(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with a swap agreement that constitutes the setoff of a claim against the debtor for a payment or transfer due from the debtor under or in connection with a swap agreement against a payment due to the debtor from the swap participant under or in connection with a swap agreement or against cash, securities, or other property held by, pledged to, and under the control of, or due from such swap participant to guarantee, secure, or settle a swap agreement;";

(D) in paragraph (26), by striking "or" at the end;

(E) in paragraph (27), by striking the period at the end and inserting "; or"; and

(F) by inserting after paragraph (27) the following:

"(28) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with 1 or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged or and under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue.".

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by section 441(2) of this Act, is amended by adding at the end the following:

"(l) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), or (17) of subsection (b) shall not be stayed by an order of a court or administrative agency in any proceeding under this title.".

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311 (104 Stat. 267 et seq.))—

(A) by striking "under a swap agreement"; and

(B) by striking "in connection with a swap agreement" and inserting "under or in connection with any swap agreement"; and

(2) by inserting before subsection (i) (as redesignated by section 407 of this Act) the following new subsection:

"(h) Notwithstanding sections 544, 545, 547, 548(a)(2)(B), and 548(b), the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement (except under section 548(a)(1)(A)).".

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking "and";

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.".

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 555. Contractual right to liquidate, terminate, or accelerate a securities contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting following:

"§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement";

(2) in the first sentence, by striking "termination of a swap agreement" and inserting "liquidation, termination, or acceleration of a swap agreement"; and

(3) by striking "in connection with any swap agreement" and inserting "in connection with the termination, liquidation, or acceleration of a swap agreement".

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—Title 11, United States Code, is amended by inserting after section 560 the following:

"§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

"(a) Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts or other transfer obligations arising under or in connection with 1 or more (or the termination, liquidation, or acceleration of 1 or more)—

"(1) securities contracts, as defined in section 741(7);

"(2) commodity contracts, as defined in section 761(4);

"(3) forward contracts;

"(4) repurchase agreements;

"(5) swap agreements; or

"(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

"(b)(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

"(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7—

"(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a), except to the extent that the party has positive net equity in the commodity accounts at the debtor, as calculated under such subchapter IV; and

"(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor against any claim arising under, or in connection with, other instruments, contracts, or agreements referred to in subsection (a).

"(c) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.".

(l) ANCILLARY PROCEEDINGS.—Section 304 of title 11, United States Code, is amended by adding at the end the following:

"(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case ancillary to a foreign proceeding under this section or any other section of this title, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms—

"(1) shall not be stayed or otherwise limited by—

"(A) operation of any provision of this title; or

"(B) order of a court in any case under this title;

"(2) shall limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11; and

"(3) shall not be limited based on the presence or absence of assets of the debtor in the United States.".

(m) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(n) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

"§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, financial participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(o) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(28), 555, 556, 559, or 560)" before the period; and

(2) in subsection (b)(1), by striking "362(b)(14)," and inserting "362(b)(17), 362(b)(28), 555, 556, 559, 560,".

(p) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking "financial institutions," each place such term appears and inserting "financial institution, financial participant";

(2) in section 546(e), by inserting "financial participant" after "financial institution,";

(3) in section 548(d)(2)(B), by inserting "financial participant" after "financial institution,";

(4) in section 555—

(A) by inserting "financial participant" after "financial institution,"; and

(B) by inserting before the period ", a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice"; and

(5) in section 556, by inserting ", financial participant" after "commodity broker".

(q) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections for chapter 5—

(A) by striking the items relating to sections 555 and 556 and inserting the following:

"555. Contractual right to liquidate, terminate, or accelerate a securities contract.
"556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.";

(B) by striking the items relating to sections 559 and 560 and inserting the following:

"559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

"560. Contractual right to liquidate, terminate, or accelerate a swap agreement.";

and

(C) by adding after the item relating to section 560 the following:

"561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.";

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.";

and

(B) by inserting after the item relating to section 752 the following:

"753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.".

SEC. 902. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561 the following:

"§562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

"If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761) repurchase agreement, or master netting agreement under section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

"(1) the date of such rejection; or

"(2) the date of such liquidation, termination, or acceleration."; and

(2) in the table of sections for chapter 5 by inserting after the item relating to section 561 the following:

"562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.".

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) A claim for damages calculated in accordance with section 561 shall be allowed under subsection (a), (b), or (c) of this section, or disallowed under subsection (d) or (e) of this section, as if such claim had arisen before the date of the filing of the petition.".

SEC. 903. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b), by striking "or" at the end of paragraph (4);

(2) by redesignating paragraph (5) of subsection (b) as paragraph (6);

(3) by inserting after paragraph (4) of subsection (b) the following new paragraph:

"(5) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent that such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a); or"; and

(4) by adding at the end the following:

"(e) For purposes of this section, the following definitions shall apply:

"(1) The term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, the most senior of which are rated investment grade by 1 or more nationally recognized securities rating organizations, issued by an issuer.

"(2) The term 'eligible asset' means—

"(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, including residential and commercial mortgage loans, consumer receivables, trade receivables, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

"(B) cash; and

"(C) securities.

"(3) The term 'eligible entity' means—

"(A) an issuer; or

"(B) a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto.

"(4) The term 'issuer' means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto.

"(5) The term 'transferred' means the debtor, under a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(5), irrespective, without limitation of—

"(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

"(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

"(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.".

SEC. 904. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—This title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of enactment of this Act.

TITLE X—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

SEC. 1001. REENACTMENT OF CHAPTER 12.

(a) REENACTMENT.—

(1) IN GENERAL.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), and amended by this Act, is reenacted.

(2) EFFECTIVE DATE.—Subsection (a) shall take effect on October 1, 1999.

(b) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, is amended by adding at the end the following:

"(4) The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection, beginning with the adjustment to be made on April 1, 2001.".

SEC. 1003. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking "the taxable year preceding the taxable year" and inserting "at least 1 of the 3 calendar years preceding the year".

SEC. 1004. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) CONTENTS OF PLAN.—Section 1222(a)(2) of title 11, United States Code, is amended to read as follows:

"(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

"(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

"(B) the holder of a particular claim agrees to a different treatment of that claim; and".

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(b) of title 11, United States Code, is amended by striking "a State or local governmental unit" and inserting "any governmental unit".

SEC. 1005. PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) IN GENERAL.—Section 1225(b) of title 11, United States Code, is amended by adding at the end the following:

"(3) If the plan provides for specific amounts of property to be distributed on account of allowed unsecured claims as required by paragraph (1)(B), those amounts equal or exceed the debtor's projected disposable income for that period, and the plan meets the requirements for confirmation other than those of this subsection, the plan shall be confirmed.".

(b) MODIFICATION.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

"(d)(1) A modification of the plan under this section may not increase the amount of payments that were due prior to the date of the order modifying the plan.

"(2) A modification of the plan under this section to increase payments based on an increase in the debtor's disposable income may not require payments to unsecured creditors in any particular month greater than the debtor's disposable income for that month unless the debtor proposes such a modification.

"(3) A modification of the plan in the last year of the plan shall not require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed unless the debtor proposes such a modification.".

SEC. 1006. FAMILY FISHERMEN.

(a) Definitions.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' includes—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products; and

"(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);";

"(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;";

(2) by inserting after paragraph (19) the following:

"(19A) 'family fisherman' means—

"(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquiculture for purposes of chapter 12)—

"(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

"(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership—

"(i) in which more than 50 percent of the outstanding stock or equity is held by—

"(I) 1 family that conducts the commercial fishing operation; or

"(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

"(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

"(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

"(III) if such corporation issues stock, such stock is not publicly traded;"; and

(3) by inserting after paragraph (19A) the following:

"(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;".

(b) Who May Be a Debtor.—Section 109(f) of title 11, United States Code, is amended by inserting "or family fisherman" after "family farmer".

(c) Chapter 12.—Chapter 12 of title 11, United States Code, is amended—

*(1) in the chapter heading, by inserting "**OR FISHERMAN**" after "**FAMILY FARMER**";*

(2) in section 1201, by adding at the end the following:

"(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

"(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.";

(3) in section 1203, by inserting "or commercial fishing operation" after "farm";

(4) in section 1206, by striking "if the property is farmland or farm equipment" and inserting "if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)"; and

(5) by adding at the end the following:

"§ 1232. Additional provisions relating to family fishermen

"(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

"(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

"(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

"(b) A lien described in this subsection is—

"(1) a maritime lien under subchapter III of chapter 313 of title 46, United States Code, without regard to whether that lien is recorded under section 31343 of title 46, United States Code; or

"(2) a lien under applicable State law (or the law of a political subdivision thereof).

"(c) Subsection (a) shall not apply to—

"(1) a claim made by a member of a crew or a seaman including a claim made for—

"(A) wages, maintenance, or cure; or

"(B) personal injury; or

"(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46, United States Code.

"(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.".

(d) Clerical Amendments.—

(1) Table of chapters.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

"12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income .... 1201".

(2) Table of sections.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

"1232. Additional provisions relating to family fishermen.".

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) Health Care Business Defined.—Section 101 of title 11, United States Code, as amended by section 1003(a) of this Act, is amended—

(1) by redesignating paragraph (27A) as paragraph (27B); and

(2) inserting after paragraph (27) the following:

"(27A) 'health care business'—

"(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

"(i) the diagnosis or treatment of injury, deformity, or disease; and

"(ii) surgical, drug treatment, psychiatric or obstetric care; and

"(B) includes—

"(i) any—

"(I) general or specialized hospital;

"(II) ancillary ambulatory, emergency, or surgical treatment facility;

"(III) hospice;

"(IV) home health agency; and

"(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

"(ii) any long-term care facility, including any—

"(I) skilled nursing facility;

"(II) intermediate care facility;

"(III) assisted living facility;

"(IV) home for the aged;

"(V) domiciliary care facility; and

"(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;".

(b) Patient Defined.—Section 101 of title 11, United States Code, as amended by subsection (a) of this section, is amended by inserting after paragraph (40) the following:

"(40A) 'patient' means any person who obtains or receives services from a health care business;".

(c) Patient Records Defined.—Section 101 of title 11, United States Code, as amended by subsection (b) of this section, is amended by inserting after paragraph (40A) the following:

"(40B) 'patient records' means any written document relating to a patient or a record recorded in a magnetic, optical, or other form of electronic medium;".

(d) Rule of Construction.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) In General.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

"§ 351. Disposal of patient records

"If a health care business commences a case under chapter 7, 9, or 11 and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

"(1) The trustee shall—

"(A) publish notice, in 1 or more appropriate newspapers, that if patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 90 days after the date of that notification, the trustee will destroy the patient records; and

"(B) during the 90-day period described in subparagraph (A), attempt to notify directly each patient that is the subject of the patient records and appropriate insurance carrier concerning the patient records by mailing to the last known address of that patient and appropriate insurance carrier an appropriate notice regarding the claiming or disposing of patient records.

"(2) If after providing the notification under paragraph (1), patient records are not claimed during the 90-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 90-day period a written request to each appropriate Federal agency to request permission from that agency to deposit the patient records with that agency.

"(3) If, following the period in paragraph (2) and after providing the notification under paragraph (1), patient records are not claimed during the 90-day period described in paragraph (1)(A) or in any case in which a notice is mailed under paragraph (1)(B), during the 90-day period beginning on the date on which the notice is mailed, by a patient or insurance provider in accordance with that paragraph, the trustee shall destroy those records by—

"(A) if the records are written, shredding or burning the records; or

"(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

"351. Disposal of patient records.".

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as that term is defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

"(A) in disposing of patient records in accordance with section 351; or

"(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business.".

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) IN GENERAL.—

(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

"§ 332. Appointment of ombudsman

"(a) Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall appoint an ombudsman with appropriate expertise in monitoring the quality of patient care to represent the interests of the patients of the health care business. The court may appoint as an ombudsman a person who is serving as a State Long-Term Care Ombudsman appointed under title III or VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq. and 3058 et seq.).

"(b) An ombudsman appointed under subsection (a) shall—

"(1) monitor the quality of patient care, to the extent necessary under the circumstances, including interviewing patients and physicians;

"(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

"(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

"(c) An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information.".

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

"332. Appointment of ombudsman.".

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter proceeding subparagraph (A), by inserting "an ombudsman appointed under section 331, or" before "a professional person"; and

(2) in subparagraph (A), by inserting "ombudsman," before "professional person".

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by section 219 of this Act, is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

"(A) is in the vicinity of the health care business that is closing;

"(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

"(C) maintains a reasonable quality of care.".

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended by striking "704(2), 704(5), 704(7), 704(8), and 704(9)" and inserting "704(a) (2), (5), (7), (8), (9), and (11)".

SEC. 1106. ESTABLISHMENT OF POLICY AND PROTOCOLS RELATING TO BANKRUPTCIES OF HEALTH CARE BUSINESSES.

Not later than 30 days after the date of enactment of this Act, the Attorney General of the United States, in consultation with the Secretary of Health and Human Services and the National Association of Attorneys General, shall establish a policy and protocols for coordinating a response to bankruptcies of health care businesses (as that term is defined in section 101 of title 11, United States Code), including assessing the appropriate time frame for disposal of patient records under section 1102 of this Act.

SEC. 1107. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 901(d) of this Act, is amended—

(1) in paragraph (27), by striking "or" at the end;

(2) in paragraph (28), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (28) the following:

"(29) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)) pursuant to title XI of such Act (42 U.S.C. 1301 et seq.) or title XVIII of such Act (42 U.S.C. 1395 et seq.).".

TITLE XII—AMENDMENTS TO FAIR LABOR STANDARDS ACT OF 1938

SEC. 1201. MINIMUM WAGE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.15 an hour beginning September 1, 1997,

"(B) $5.50 an hour during the year beginning March 1, 2000,

"(C) $5.85 an hour during the year beginning March 1, 2001, and

"(D) $6.15 an hour during the year beginning March 1, 2002.".

SEC. 1202. REGULAR RATE FOR OVERTIME PURPOSES.

Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)) is amended—

(1) by inserting before the semicolon at the end of paragraph (3) the following: "; or (d) the payments are made to reward an employee or group of employees for meeting or exceeding the productivity, quality, efficiency, or sales goals as specified in a gainsharing, incentive bonus, commission, or performance contingent bonus plan"; and

(2) by inserting after and below paragraph (7) the following:

"A plan described in paragraph (3)(d) shall be in writing and made available to employees, provide that the amount of the payments to be made under the plan be based upon a formula that is stated in the plan, and be established and maintained in good faith for the purpose of distributing to employees additional remuneration over and above the wages and salaries that are not dependent upon the existence of such plan or payments made pursuant to such plan.".

TITLE XIII—TAX RELIEF

SEC. 1300. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Small Business Tax Relief

SEC. 1301. INCREASE IN EXPENSING LIMITATION TO $30,000.

(a) IN GENERAL.—Paragraph (1) of section 179(b) (relating to limitations) is amended to read as follows:

"(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $30,000."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 1302. REPEAL OF TEMPORARY UNEMPLOYMENT TAX.

Section 3301 (relating to rate of unemployment tax) is amended—

(1) by striking "2007" in paragraph (1) and inserting "2000"; and

(2) by striking "2008" in paragraph (2) and inserting "2001".

SEC. 1303. FULL DEDUCTION OF HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Section 162(l)(1) (relating to allowance of deduction) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 1304. PERMANENT EXTENSION OF WORK OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Section 51(c) (defining wages) is amended by striking paragraph (4).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after June 30, 1999.

SEC. 1305. SMALL BUSINESSES ALLOWED INCREASED DEDUCTION FOR MEAL AND ENTERTAINMENT EXPENSES.

(a) IN GENERAL.—Subsection (n) of section 274 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following:

"(4) SPECIAL RULE FOR SMALL BUSINESSES.—

"(A) IN GENERAL.—In the case of any taxpayer which is a small business, paragraph (1) shall be applied by substituting 'the applicable percentage' for '50 percent'. For purposes of the preceding sentence, the term 'applicable percentage' means 55 percent in the case of taxable years beginning in 2001, increased (but not above 80 percent) by 5 percentage points for each succeeding calendar year after 2001 with respect to taxable years beginning in each such calendar year.

"(B) SMALL BUSINESS.—For purposes of this paragraph, the term 'small business' means, with respect to expenses paid or incurred during any taxable year—

"(i) any C corporation which meets the requirements of section 55(e)(1) for such year, and

"(ii) any S corporation, partnership, or sole proprietorship which would meet such requirements if it were a C corporation."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

Subtitle B—Deduction for Health and Long-Term Care Insurance

SEC. 1311. DEDUCTION FOR HEALTH AND LONG-TERM CARE INSURANCE COSTS OF INDIVIDUALS NOT PARTICIPATING IN EMPLOYER-SUBSIDIZED HEALTH PLANS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 is amended by redesignating section 222 as section 223 and by inserting after section 221 the following new section:

"SEC. 222. HEALTH AND LONG-TERM CARE INSURANCE COSTS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the applicable percentage of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.

"(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2002, 2003, and 2004	25
2005	35
2006	65
2007 and thereafter	100

"(c) LIMITATION BASED ON OTHER COVERAGE.—

"(1) COVERAGE UNDER CERTAIN SUBSIDIZED EMPLOYER PLANS.—

"(A) IN GENERAL.—Subsection (a) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any health plan maintained by any employer of the taxpayer or of the spouse of the taxpayer if 50 percent or more of the cost of coverage under such plan (determined under section 4980B and without regard to payments made with respect to any coverage described in subsection (e)) is paid or incurred by the employer.

"(B) EMPLOYER CONTRIBUTIONS TO CAFETERIA PLANS, FLEXIBLE SPENDING ARRANGEMENTS, AND MEDICAL SAVINGS ACCOUNTS.—Employer contributions to a cafeteria plan, a flexible spending or similar arrangement, or a medical savings account which are excluded from gross income under section 106 shall be treated for purposes of subparagraph (A) as paid by the employer.

"(C) AGGREGATION OF PLANS OF EMPLOYER.—A health plan which is not otherwise described in subparagraph (A) shall be treated as described in such subparagraph if such plan would be so described if all health plans of persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 were treated as one health plan.

"(D) SEPARATE APPLICATION TO HEALTH INSURANCE AND LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (C) shall be applied separately with respect to—

"(i) plans which include primarily coverage for qualified long-term care services or are qualified long-term care insurance contracts, and

"(ii) plans which do not include such coverage and are not such contracts.

"(2) COVERAGE UNDER CERTAIN FEDERAL PROGRAMS.—

"(A) IN GENERAL.—Subsection (a) shall not apply to any amount paid for any coverage for an individual for any calendar month if, as of the first day of such month, the individual is covered under any medical care program described in—

"(i) title XVIII, XIX, or XXI of the Social Security Act,

"(ii) chapter 55 of title 10, United States Code,

"(iii) chapter 17 of title 38, United States Code,

"(iv) chapter 89 of title 5, United States Code, or

"(v) the Indian Health Care Improvement Act.

"(B) EXCEPTIONS.—

"(i) QUALIFIED LONG-TERM CARE.—Subparagraph (A) shall not apply to amounts paid for coverage under a qualified long-term care insurance contract.

"(ii) CONTINUATION COVERAGE OF FEHBP.—Subparagraph (A)(iv) shall not apply to coverage which is comparable to continuation coverage under section 4980B.

"(d) LONG-TERM CARE DEDUCTION LIMITED TO QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.—In the case of a qualified long-term care insurance contract, only eligible long-term care premiums (as defined in section 213(d)(10)) may be taken into account under subsection (a).

"(e) DEDUCTION NOT AVAILABLE FOR PAYMENT OF ANCILLARY COVERAGE PREMIUMS.—Any amount paid as a premium for insurance which provides for—

"(1) coverage for accidents, disability, dental care, vision care, or a specified illness, or

"(2) making payments of a fixed amount per day (or other period) by reason of being hospitalized,

shall not be taken into account under subsection (a).

"(f) SPECIAL RULES.—

"(1) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—The amount taken into account by the taxpayer in computing the deduction under section 162(l) shall not be taken into account under this section.

"(2) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount taken into account by the taxpayer in computing the deduction under this section shall not be taken into account under section 213.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations requiring employers to report to their employees and the Secretary such information as the Secretary determines to be appropriate.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 is amended by inserting after paragraph (17) the following new item:

"(18) HEALTH AND LONG-TERM CARE INSURANCE COSTS.—The deduction allowed by section 222.".

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 is amended by striking the last item and inserting the following new items:

"Sec. 222. Health and long-term care insurance costs.

"Sec. 223. Cross reference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Subtitle C—Pension Tax Relief

PART I—EXPANDING COVERAGE

SEC. 1321. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "$160,000".

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking "$90,000" each place it appears in the headings and the text and inserting "$160,000".

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000'" and inserting "one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$160,000'".

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62".

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$90,000" in paragraph (1)(A) and inserting "$160,000", and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "$160,000", and

(ii) by striking "October 1, 1986" and inserting "July 1, 2000".

(5) CONFORMING AMENDMENT.—Section 415(b)(2) is amended by striking subparagraph (F).

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "$30,000" and inserting "$40,000".

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$30,000" in paragraph (1)(C) and inserting "$40,000", and

(B) in paragraph (3)(D)—

(i) by striking "$30,000" in the heading and inserting "$40,000", and

(ii) by striking "October 1, 1993" and inserting "July 1, 2000".

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking "$150,000" each place it appears and inserting "$200,000".

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "October 1, 1993" and inserting "July 1, 2000", and

(B) by striking "$10,000" both places it appears and inserting "$5,000".

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

"(1) IN GENERAL.—

"(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2001	11,000
2002	12,000
2003	13,000
2004	14,000
2005 or thereafter	$15,000."

(2) COST-OF-LIVING ADJUSTMENT.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount", and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) APPLICABLE DOLLAR AMOUNT.—

"(A) IN GENERAL.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2001	$11,000
2002	$12,000
2003	$13,000
2004	$14,000
2005 or thereafter	$15,000.

"(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount specified in the table in subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(f) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2001	$7,000
2002	$8,000
2003	$9,000
2004 or thereafter	$10,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2004, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2003, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Clause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) ROUNDING.—

"(A) $160,000 AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $40,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 1322. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) AMENDMENT TO 1986 CODE.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) LOAN EXCEPTION.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) AMENDMENT TO ERISA.—Section 408(d)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of paragraph (1)(A), the term 'owner-employee' shall only include a person described in clause (ii) or (iii) of subparagraph (A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made after December 31, 2000.

SEC. 1323. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i),

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than $150,000,",

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively, and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE", and

(B) by striking "5-year period" and inserting "1-year period".

(d) DEFINITION OF TOP-HEAVY PLANS.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(H) CASH OR DEFERRED ARRANGEMENTS USING ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—The term 'top-heavy plan' shall not include a plan which consists solely of—

"(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

"(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).".

(e) FROZEN PLAN EXEMPT FROM MINIMUM BENEFIT REQUIREMENT.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)", and

(B) by adding at the end the following:

"(iii) EXCEPTION FOR FROZEN PLAN.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no employee or former employee.".

(f) ELIMINATION OF FAMILY ATTRIBUTION.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

"(iv) FAMILY ATTRIBUTION DISREGARDED.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 1324. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 1325. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 1321, is amended to read as follows:

"(c) LIMITATION.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2000.

SEC. 1326. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) ELIMINATION OF CERTAIN USER FEES.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 7527 of the Internal Revenue Code of 1986 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the 5th plan year the pension benefit plan is in existence, or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) PENSION BENEFIT PLAN.—For purposes of this section, the term "pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term "eligible employer" has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) EFFECTIVE DATE.—The provisions of this section shall apply with respect to requests made after December 31, 2000.

SEC. 1327. DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) DEFINITION OF COMPENSATION.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation' shall include amounts treated as participant's compensation under subparagraph (C) or (D) of section 415(c)(3).".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 1328. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

"(a) GENERAL RULE.—If an applicable retirement plan includes a qualified plus contribution program—

"(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) QUALIFIED PLUS CONTRIBUTION PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified plus contribution program' means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) SEPARATE ACCOUNTING REQUIRED.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated plus accounts') for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) DEFINITIONS AND RULES RELATING TO DESIGNATED PLUS CONTRIBUTIONS.—For purposes of this section—

"(1) DESIGNATED PLUS CONTRIBUTION.—The term 'designated plus contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) DESIGNATION LIMITS.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) ROLLOVER CONTRIBUTIONS.—

"(A) IN GENERAL.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated plus account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) COORDINATION WITH LIMIT.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) DISTRIBUTION RULES.—For purposes of this title—

"(1) EXCLUSION.—Any qualified distribution from a designated plus account shall not be includible in gross income.

"(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) DISTRIBUTIONS WITHIN NONEXCLUSION PERIOD.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated plus contribution to such previously established account.

"(C) DISTRIBUTIONS OF EXCESS DEFERRALS AND EARNINGS.—The term 'qualified distribution' shall not include any distribution of any excess deferral under section 402(g)(2) and any income on the excess deferral.

"(3) AGGREGATION RULES.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) EXCESS DEFERRALS.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1) the following new sentence: "The preceding sentence shall not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year.", and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA.".

(d) REPORTING REQUIREMENTS.—

(1) W–2 INFORMATION.—Section 6051(a)(8) is amended by inserting ", including the amount of designated plus contributions (as defined in section 402A)" before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DESIGNATED PLUS CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as plus contributions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

PART II—ENHANCING FAIRNESS FOR WOMEN

SEC. 1331. CATCHUP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) IN GENERAL.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(v) CATCHUP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.—

"(1) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFERRALS.—

"(A) IN GENERAL.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(i) the applicable percentage of the applicable dollar amount for such elective deferrals for such year, or

"(ii) the excess (if any) of—

"(I) the participant's compensation for the year, over

"(II) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(B) APPLICABLE PERCENTAGE.—For purposes of this paragraph, the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in:	The applicable percentage is:
2001	10
2002	20
2003	30
2004	40
2005 and thereafter	50.

"(3) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution to a plan under paragraph (1)—

"(A) such contribution shall not, with respect to the year in which the contribution is made—

"(i) be subject to any otherwise applicable limitation contained in section 402(g), 402(h), 403(b), 404(a), 404(h), 408, 415, or 457, or

"(ii) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan, and

"(B) such plan shall not be treated as failing to meet the requirements of section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 401(m), 403(b)(12), 408(k), 408(p), 408B, 410(b), or 416 by reason of the making of (or the right to make) such contribution.

"(4) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or contained in the terms of the plan.

"(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) APPLICABLE DOLLAR AMOUNT.—The term 'applicable dollar amount' means, with respect to any year, the amount in effect under section 402(g)(1)(B), 408(p)(2)(E)(i), or 457(e)(15)(A), whichever is applicable to an applicable employer plan, for such year.

"(B) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(C) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(D) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (B)(iii) for any year to which section 457(b)(3) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2000.

SEC. 1332. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415",

(B) by striking paragraph (2), and

(C) by inserting "or any amount received by a former employee after the 5th taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Taxpayer Refund and Relief Act of 1999)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(D) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(E) Section 415(c) is amended by striking paragraph (4).

(F) Section 415(c)(7) is amended to read as follows:

"(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(G) Subparagraph (B) of section 402(g)(7) (as redesignated by section 1201) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Taxpayer Refund and Relief Act of 1999)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 1333. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) AMENDMENTS TO 1986 CODE.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan", and

(2) by adding at the end the following:

"(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.".

(b) AMENDMENTS TO ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (4), a plan", and

(2) by adding at the end the following:

"(4) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2000.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment), or

(ii) January 1, 2001, or

(B) January 1, 2005.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 1334. SIMPLIFY AND UPDATE THE MINIMUM DISTRIBUTION RULES.

(a) SIMPLIFICATION AND FINALIZATION OF MINIMUM DISTRIBUTION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall—

(A) simplify and finalize the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code of 1986, and

(B) modify such regulations to—

(i) reflect current life expectancy, and

(ii) revise the required distribution methods so that, under reasonable assumptions, the amount of the required minimum distribution does not decrease over a participant's life expectancy.

(2) FRESH START.—Notwithstanding subparagraph (D) of section 401(a)(9) of such Code, during the first year that regulations are in effect under this subsection, required distributions for future years may be redetermined to reflect changes under such regulations. Such redetermination shall include the opportunity to choose a new designated beneficiary and to elect a new method of calculating life expectancy.

(3) EFFECTIVE DATE FOR REGULATIONS.—Regulations referred to in paragraph (1) shall be effective for years beginning after December 31, 2000, and shall apply in such years without regard to whether an individual had previously begun receiving minimum distributions.

(b) REPEAL OF RULE WHERE DISTRIBUTIONS HAD BEGUN BEFORE DEATH OCCURS.—

(1) IN GENERAL.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) CONFORMING CHANGES.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "FOR OTHER CASES" in the heading, and

(ii) by striking "the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)" and inserting "his entire interest has been distributed to him,".

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking "clause (ii)" and inserting "clause (i)".

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "clause (iii)(I)" and inserting "clause (ii)(I)",

(ii) by striking "clause (iii)(III)" in subclause (I) and inserting "clause (ii)(III)",

(iii) by striking "the date on which the employee would have attained the age 70½," in subclause (I) and inserting "April 1 of the calendar year following the calendar year in which the spouse attains 70½,", and

(iv) by striking "the distributions to such spouse begin," in subclause (II) and inserting "his entire interest has been distributed to him,".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(c) REDUCTION IN EXCISE TAX.—

(1) IN GENERAL.—Subsection (a) of section 4974 is amended by striking "50 percent" and inserting "10 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 1335. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) IN GENERAL.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))", and

(2) in the heading, by striking "GOVERNMENTAL AND CHURCH PLANS" and inserting "CERTAIN OTHER PLANS".

(b) WAIVER OF CERTAIN DISTRIBUTION REQUIREMENTS.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2000.

SEC. 1336. MODIFICATION OF SAFE HARBOR RELIEF FOR HARDSHIP WITHDRAWALS FROM CASH OR DEFERRED ARRANGEMENTS.

(a) IN GENERAL.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(b) EFFECTIVE DATE.—The revised regulations under subsection (a) shall apply to years beginning after December 31, 2000.

PART III—INCREASING PORTABILITY FOR PARTICIPANTS

SEC. 1341. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) ROLLOVERS FROM AND TO SECTION 457 PLANS.—

(1) ROLLOVERS FROM SECTION 457 PLANS.—

(A) IN GENERAL.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) ROLLOVER AMOUNTS.—

"(A) GENERAL RULE.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and

section 402(f) shall apply for purposes of subparagraph (A).

"(C) REPORTING.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) DEFERRAL LIMIT DETERMINED WITHOUT REGARD TO ROLLOVER AMOUNTS.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) DIRECT ROLLOVER.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) WITHHOLDING.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A); or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) ELIGIBLE ROLLOVER DISTRIBUTION.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) LIABILITY FOR WITHHOLDING.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b).".

(2) ROLLOVERS TO SECTION 457 PLANS.—

(A) IN GENERAL.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) of an employer described in section 457(e)(1)(A).".

(B) SEPARATE ACCOUNTING.—Section 402(c) is amended by adding at the end the following new paragraph:

"(11) SEPARATE ACCOUNTING.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C) 10 PERCENT ADDITIONAL TAX.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) SPECIAL RULE FOR ROLLOVERS TO SECTION 457 PLANS.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).".

(b) ALLOWANCE OF ROLLOVERS FROM AND TO 403 (b) PLANS.—

(1) ROLLOVERS FROM SECTION 403 (b) PLANS.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) ROLLOVERS TO SECTION 403 (b) PLANS.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) EXPANDED EXPLANATION TO RECIPIENTS OF ROLLOVER DISTRIBUTIONS.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) SPOUSAL ROLLOVERS.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking "; except that" and all that follows up to the end period.

(e) CONFORMING AMENDMENTS.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.".

(8) Section 408(a)(1) is amended by striking "or 403(b)(8)" and inserting ", 403(b)(8), or 457(e)(16)".

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(10) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(11) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 1342. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) SIMPLE RETIREMENT ACCOUNTS.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 1343. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) ROLLOVERS FROM EXEMPT TRUSTS.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution to the extent—

"(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(b) OPTIONAL DIRECT TRANSFER OF ELIGIBLE ROLLOVER DISTRIBUTIONS.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

"(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).".

(c) RULES FOR APPLYING SECTION 72 TO IRAs.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

"(H) APPLICATION OF SECTION 72.—

"(i) IN GENERAL.—If—

"(I) a distribution is made from an individual retirement plan, and

"(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

"(ii) APPLICABLE RULES.—In the case of a distribution described in clause (i)—

"(I) section 72 shall be applied separately to such distribution,

"(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

"(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2000.

SEC. 1344. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) EXEMPT TRUSTS.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

"(3) TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

"(B) HARDSHIP EXCEPTION.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(b) IRAs.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 1343, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) WAIVER OF 60-DAY REQUIREMENT.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 1345. TREATMENT OF FORMS OF DISTRIBUTION.

(a) PLAN TRANSFERS.—

(1) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

"(D) PLAN TRANSFERS.—

"(i) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election,

"(V) if the transferor plan provides for an annuity as the normal form of distribution under the plan in accordance with section 417, the transfer is made with the consent of the participant's spouse (if any), and such consent meets requirements similar to the requirements imposed by section 417(a)(2), and

"(VI) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(E) ELIMINATION OF FORM OF DISTRIBUTION.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

"(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) AMENDMENT TO ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following:

"(4)(A) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

"(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

"(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

"(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election;

"(v) if the transferor plan provides for an annuity as the normal form of distribution under the plan in accordance with section 205, the transfer is made with the consent of the participant's spouse (if any), and such consent meets requirements similar to the requirements imposed by section 205(c)(2); and

"(vi) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(5) ELIMINATION OF FORM OF DISTRIBUTION.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This paragraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(A) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated; and

"(B) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(b) REGULATIONS.—

(1) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—The last sentence of paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended to read as follows: "The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment that does not adversely affect the rights of participants in a material manner.".

(2) AMENDMENT TO ERISA.—The last sentence of section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)(2)) is amended to read as follows: "The Secretary of the Treasury shall by regulations provide that this paragraph shall not apply to any plan amendment that does not adversely affect the rights of participants in a material manner.".

(3) SECRETARY DIRECTED.—Not later than December 31, 2001, the Secretary of the Treasury is directed to issue final regulations under section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974, including the regulations required by the amendments made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2001, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 1346. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) MODIFICATION OF SAME DESK EXCEPTION.—

(1) SECTION 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) IN GENERAL.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination", and

(II) by striking "the event" in clause (i) and inserting "the termination",

(ii) by striking subparagraph (C), and

(iii) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 1347. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) PLANS.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 PLANS.—

(1) Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

"(17) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(2) Section 457(b)(2) is amended by striking "(other than rollover amounts)" and inserting "(other than rollover amounts and amounts received in a transfer referred to in subsection (e)(17))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2000.

SEC. 1348. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) QUALIFIED PLANS.—

(1) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(2) AMENDMENT TO ERISA.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended by adding at the end the following:

"(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16) of the Internal Revenue Code of 1986.".

(b) ELIGIBLE DEFERRED COMPENSATION PLANS.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 1349. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) MINIMUM DISTRIBUTION REQUIREMENTS.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) INCLUSION IN GROSS INCOME.—

(1) YEAR OF INCLUSION.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) YEAR OF INCLUSION IN GROSS INCOME.—

"(1) IN GENERAL.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) SPECIAL RULE FOR ROLLOVER AMOUNTS.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) CONFORMING AMENDMENTS.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) BENEFITS OF TAX EXEMPT ORGANIZATION PLANS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR GOVERNMENT PLAN.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

PART IV—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

SEC. 1351. REPEAL OF 150 PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage", and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	The applicable percentage is—
2001	160
2002	165
2003	170.".

(b) AMENDMENT TO ERISA.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage", and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	The applicable percentage is—
2001	160
2002	165
2003	170.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 1352. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) SPECIAL RULE IN CASE OF CERTAIN PLANS.—

"(i) IN GENERAL.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

"(ii) PLANS WITH LESS THAN 100 PARTICIPANTS.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

"(iii) RULE FOR DETERMINING NUMBER OF PARTICIPANTS.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) PLANS ESTABLISHED AND MAINTAIN BY PROFESSIONAL SERVICE EMPLOYERS.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.".

(b) CONFORMING AMENDMENT.—Paragraph (6) of section 4972(c) is amended to read as follows:

"(6) EXCEPTIONS.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

"(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

"(B) the sum of—

"(i) the amount of contributions described in section 401(m)(4)(A), plus

"(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 1353. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) IN GENERAL.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) DEFINED BENEFIT PLAN EXCEPTION.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 1354. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) AMENDMENT TO 1986 CODE.—Chapter 43 of subtitle D (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

"(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the failure is corrected.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures that are due to reasonable cause and not to willful neglect, the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as one plan. For purposes of this paragraph, if not all persons who are treated as a single employer for purposes of this section have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(2) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) NOTICE REQUIREMENTS FOR PLANS SIGNIFICANTLY REDUCING BENEFIT ACCRUALS.—

"(1) IN GENERAL.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

"(2) NOTICE.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment.

"(3) TIMING OF NOTICE.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

"(4) DESIGNEES.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(5) NOTICE BEFORE ADOPTION OF AMENDMENT.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(f) APPLICABLE INDIVIDUAL; APPLICABLE PENSION PLAN.—For purposes of this section—

"(1) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means, with respect to any plan amendment—

"(A) any participant in the plan, and

"(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

who may reasonably be expected to be affected by such plan amendment.

"(2) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

"(A) any defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412,

which had 100 or more participants who had accrued a benefit, or with respect to whom contributions were made, under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective. Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.".

(b) AMENDMENT TO ERISA.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraph:

"(3)(A) A plan to which paragraph (1) applies shall not be treated as meeting the requirements of such paragraph unless, in addition to any notice required to be provided to an individual or organization under such paragraph, the plan administrator provides the notice described in subparagraph (B).

"(B) The notice required by subparagraph (A) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary of the Treasury) to allow individuals to understand the effect of the plan amendment.

"(C) Except as provided in regulations prescribed by the Secretary of the Treasury, the notice required by subparagraph (A) shall be provided within a reasonable time before the effective date of the plan amendment.

"(D) A plan shall not be treated as failing to meet the requirements of subparagraph (A) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 43 of subtitle D is amended by adding at the end the following new item:

"Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) TRANSITION.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986 and section 204(h)(3) of the Employee Retirement Income Security Act of 1974 (as added by the amendments made by this section), a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) SPECIAL RULE.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

SEC. 1355. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(K) PLANS.

(a) IN GENERAL.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(b) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

"(2) NONAPPLICATION TO PREVIOUSLY ACQUIRED PROPERTY.—The amendments made by this section shall not apply to any elective deferral which is invested in assets consisting of qualifying employer securities, qualifying employer real property, or both, if such assets were acquired before January 1, 1999.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 1356. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

PART V—REDUCING REGULATORY BURDENS

SEC. 1361. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) IN GENERAL.—Section 412(c)(9) (relating to annual valuation) is amended—

(1) by striking "For purposes" and inserting the following:

"(A) IN GENERAL.—For purposes", and

(2) by adding at the end the following:

"(B) ELECTION TO USE PRIOR YEAR VALUATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), if, for any plan year—

"(I) an election is in effect under this subparagraph with respect to a plan, and

"(II) the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)), determined as of the valuation date for the preceding plan year,

then this section shall be applied using the information available as of such valuation date.

"(ii) EXCEPTIONS.—

"(I) ACTUAL VALUATION EVERY 3 YEARS.—Clause (i) shall not apply for more than 2 consecutive plan years and valuation shall be under subparagraph (A) with respect to any plan year to which clause (i) does not apply by reason of this subclause.

"(II) REGULATIONS.—Clause (i) shall not apply to the extent that more frequent valuations are required under the regulations under subparagraph (A).

"(iii) ADJUSTMENTS.—Information under clause (i) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) ELECTION.—An election under this subparagraph, once made, shall be irrevocable without the consent of the Secretary.".

(b) AMENDMENTS TO ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting "(A)" after "(9)", and

(2) by adding at the end the following:

"(B)(i) Except as provided in clause (ii), if, for any plan year—

"(I) an election is in effect under this subparagraph with respect to a plan, and

"(II) the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)), determined as of the valuation date for the preceding plan year,

then this section shall be applied using the information available as of such valuation date.

"(ii)(I) Clause (i) shall not apply for more than 2 consecutive plan years and valuation shall be under subparagraph (A) with respect to any plan year to which clause (i) does not apply by reason of this subclause.

"(II) Clause (i) shall not apply to the extent that more frequent valuations are required under the regulations under subparagraph (A).

"(iii) Information under clause (i) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) An election under this subparagraph, once made, shall be irrevocable without the consent of the Secretary of the Treasury.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 1362. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 1363. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) IN GENERAL.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 1999.

SEC. 1364. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401 (k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan, and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401 (k) or (m).

(b) EFFECTIVE DATE.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 1365. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) IN GENERAL.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) QUALIFIED RETIREMENT PLANNING SERVICES DEFINED.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) QUALIFIED RETIREMENT PLANNING SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning service provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) NONDISCRIMINATION RULE.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 1366. REPORTING SIMPLIFICATION.

(a) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR OWNERS AND THEIR SPOUSES.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated), or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation),

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business,

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses),

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control, and

(E) does not cover a business that leases employees.

(3) OTHER DEFINITIONS.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR PLANS WITH FEWER THAN 25 EMPLOYEES.—In the case of a retirement plan which covers less than 25 employees on the first day of the plan year and meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2), the Secretary of the Treasury shall provide for the filing of a simplified annual return that is substantially similar to the annual return required to be filed by a one-participant retirement plan.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect on January 1, 2001.

SEC. 1367. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program,

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures,

(3) extending the duration of the self-correction period under the Administrative Policy Regarding Self-Correction for significant compliance failures,

(4) expanding the availability to correct insignificant compliance failures under the Administrative Policy Regarding Self-Correction during audit, and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 1368. MODIFICATION OF EXCLUSION FOR EMPLOYER-PROVIDED TRANSIT PASSES.

(a) In General.—Section 132(f)(3) (relating to cash reimbursements) is amended by striking the last sentence.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 1369. REPEAL OF THE MULTIPLE USE TEST.

(a) In General.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 1370. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) Nondiscrimination.—

(1) In general.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test, and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) Effective dates.—

(A) Regulations.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) Coverage Test.—

(1) In general.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) Effective dates.—

(A) In general.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) Line of Business Rules.—The Secretary of the Treasury shall, on or before December 31, 2000, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 1371. EXTENSION TO INTERNATIONAL ORGANIZATIONS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) In General.—Subparagraph (G) of section 401(a)(5), subparagraph (H) of section 401(a)(26), subparagraph (G) of section 401(k)(3), and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by inserting "or by an international organization which is described in section 414(d)" after "or instrumentality thereof)".

(b) Conforming Amendments.—

(1) The headings for subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) are each amended by inserting "AND INTERNATIONAL ORGANIZATION" after "GOVERNMENTAL".

(2) Subparagraph (G) of section 401(k)(3) is amended by inserting "STATE AND LOCAL GOVERNMENTAL AND INTERNATIONAL ORGANIZATION PLANS.—" after "(G)".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

PART VI—PLAN AMENDMENTS

SEC. 1381. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) In General.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 by reason of such amendment.

(b) Amendments to Which Section Applies.—

(1) In general.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2003.

In the case of a government plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2005" for "2003".

(2) Conditions.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted);

the plan or contract is operated as if such plan or contract amendment were in effect, and

(B) such plan or contract amendment applies retroactively for such period.

Subtitle D—Revenue Provisions

SEC. 1391. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) Repeal of Installment Method for Accrual Basis Taxpayers.—

(1) In general.—Subsection (a) of section 453 (relating to installment method) is amended to read as follows:

"(a) Use of Installment Method.—

"(1) In general.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

"(2) Accrual method taxpayer.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (l)(2).".

(2) Conforming amendments.—Sections 453(d)(1), 453(i)(1), and 453(k) of such Code are each amended by striking "(a)" each place it appears and inserting "(a)(1)".

(b) Modification of Pledge Rules.—Paragraph (4) of section 453A(d) (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: "A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.".

(c) Effective Date.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

SEC. 1392. MODIFICATION OF ESTIMATED TAX RULES FOR CLOSELY HELD REAL ESTATE INVESTMENT TRUSTS.

(a) In General.—Subsection (e) of section 6655 (relating to estimated tax by corporations) is amended by adding at the end the following new paragraph:

"(5) Treatment of certain REIT dividends.—

"(A) In general.—Any dividend received from a closely held real estate investment trust by any person which owns (after application of subsections (d)(5) and (l)(3)(B) of section 856) 10 percent or more (by vote or value) of the stock or beneficial interests in the trust shall be taken into account in computing annualized income installments under paragraph (2) in a manner similar to the manner under which partnership income inclusions are taken into account.

"(B) Closely held REIT.—For purposes of subparagraph (A), the term 'closely held real estate investment trust' means a real estate investment trust with respect to which 5 or fewer persons own (after application of subsections (d)(5) and (l)(3)(B) of section 856) 50 percent or more (by vote or value) of the stock or beneficial interests in the trust."

(b) Effective Date.—The amendment made by subsection (a) shall apply to estimated tax payments due on or after November 15, 1999.

TITLE XIV—TECHNICAL AMENDMENTS

SEC. 1401. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by section 1003 of this Act, is amended—

(1) by striking "In this title—" and inserting "In this title:";

(2) in each paragraph, by inserting "The term" after the paragraph designation;

(3) in paragraph (35)(B), by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)";

(4) in each of paragraphs (35A) and (38), by striking "; and" at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears; and

(B) by striking "thereto having aggregate" and all that follows through the end of the paragraph;

(6) by striking paragraph (54) and inserting the following:

"(54) The term 'transfer' means—

"(A) the creation of a lien;

"(B) the retention of title as a security interest;

"(C) the foreclosure of a debtor's equity of redemption; or

"(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

"(i) property; or

"(ii) an interest in property;";

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (55) (including paragraph (54), as amended by paragraph (6) of this section), by striking the semicolon at the end and inserting a period; and

(8) by redesignating paragraphs (4) through (55), including paragraph (54), as amended by paragraph (6) of this section, in entirely numerical sequence.

SEC. 1402. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "522(f)(3)," after "522(d)," each place it appears.

SEC. 1403. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. 1404. TECHNICAL AMENDMENTS.

Title 11, United States Code, is amended—

(1) in section 109(b)(2), by striking "subsection (c) or (d) of"; and

(2) in section 552(b)(1), by striking "product" each place it appears and inserting "products".

SEC. 1405. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking "attorney's" and inserting "attorneys'".

SEC. 1406. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. 1407. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 1408. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 1409. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by section 714 of this Act, is amended—

(1) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15), by transferring such paragraph so as to insert such paragraph after paragraph (14) of subsection (a);

(2) in subsection (a)(9), by striking "motor vehicle or vessel" and inserting "motor vehicle, vessel, or aircraft"; and

(3) in subsection (e), by striking "a insured" and inserting "an insured".

SEC. 1410. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that" and inserting "section 523, 1228(a)(1), or 1328(a)(1), or that".

SEC. 1411. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "student" before "grant" the second place it appears; and

(2) in paragraph (2), by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. 1412. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting "365 or" before "542".

SEC. 1413. PREFERENCES.

(a) In General.—Section 547 of title 11, United States Code, as amended by section 201(b) of this Act, is amended—

(1) in subsection (b), by striking "subsection (c)" and inserting "subsections (c) and (i)"; and

(2) by adding at the end the following:

"(i) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.".

(b) Applicability.—The amendments made by this section shall apply to any case that pending or commenced on or after the date of enactment of this Act.

SEC. 1414. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of";

(2) by striking "such property" and inserting "such real property"; and

(3) by striking "the interest" and inserting "such interest".

SEC. 1415. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009,".

SEC. 1416. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by section 502 of this Act, is amended by inserting "1123(d)," after "1123(b),".

SEC. 1417. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 1418. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 1419. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 1420. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)"; and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. 1421. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "'bankruptcy"; and

(B) by striking the period at the end and inserting "; and"; and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "'document"; and

(B) by striking "this title" and inserting "title 11".

SEC. 1422. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) Sale of Property of Estate.—Section 363(d) of title 11, United States Code, is amended by striking "only" and all that follows through the end of the subsection and inserting "only—

"(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

"(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.".

(b) Confirmation of Plan for Reorganization.—Section 1129(a) of title 11, United States Code, as amended by section 212 of this Act, is amended by adding at the end the following:

"(15) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.".

(c) Transfer of Property.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

"(f) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.".

(d) Applicability.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, except that the court shall not confirm a plan under chapter 11 of this title without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) Rule of Construction.—Nothing in this section shall be construed to require the court in which a case under chapter 11 is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. 1423. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking "20" and inserting "30".

SEC. 1424. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II), by striking "October 1, 2003, or"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "before October 1, 2003, or"; and

(ii) by striking ", whichever occurs first".

SEC. 1425. BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the "Bankruptcy Judgeship Act of 2000".

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) Two additional bankruptcy judgeships for the district of Maryland.

(E) One additional bankruptcy judgeship for the eastern district of Michigan.

(F) One additional bankruptcy judgeship for the southern district of Mississippi.

(G) One additional bankruptcy judgeship for the district of New Jersey.

(H) One additional bankruptcy judgeship for the eastern district of New York.

(I) One additional bankruptcy judgeship for the northern district of New York.

(J) One additional bankruptcy judgeship for the southern district of New York.

(K) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(L) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(M) One additional bankruptcy judgeship for the western district of Tennessee.

(N) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) that—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1);

shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under section 3(a) (1), (3), (7), (8), and (9) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship positions.

(d) TECHNICAL AMENDMENT.—The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: "Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located.".

SEC. 1426. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' includes—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products;

"(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A); and

"(C) the transporting by vessel of a passenger for hire (as defined in section 2101 of title 46) who is engaged in recreational fishing;

"(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;";

(2) by inserting after paragraph (19) the following:

"(19A) 'family fisherman' means—

"(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

"(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

"(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership—

"(i) in which more than 50 percent of the outstanding stock or equity is held by—

"(I) 1 family that conducts the commercial fishing operation; or

"(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

"(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

"(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

"(III) if such corporation issues stock, such stock is not publicly traded;"; and

(3) by inserting after paragraph (19A) the following:

"(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;".

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting "or family fisherman" after "family farmer".

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting "**OR FISHERMAN**" after "**FAMILY FARMER**";

(2) in section 1201, by adding at the end the following:

"(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

"(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.";

(3) in section 1203, by inserting "or commercial fishing operation" after "farm";

(4) in section 1206, by striking "if the property is farmland or farm equipment" and inserting "if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)"; and

(5) by adding at the end the following:

"§ 1232. Additional provisions relating to family fishermen

"(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

"(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

"(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

"(b) A lien described in this subsection is—

"(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

"(2) a lien under applicable State law (or the law of a political subdivision thereof).

"(c) Subsection (a) shall not apply to—

"(1) a claim made by a member of a crew or a seaman including a claim made for—

"(A) wages, maintenance, or cure; or

"(B) personal injury; or

"(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

"(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.".

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

"12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income .... 1201".

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

"1232. Additional provisions relating to family fishermen.".

(e) MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.—Nothing in this title is intended to change, affect, or amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 1427. COMPENSATING TRUSTEES.

Title 11, United States Code, is amended—

(1) in section 104(b)(1) in the matter preceding subparagraph (A) by—

(A) striking "and 523(a)(2)(C)"; and

(B) inserting "523(a)(2)(C), and 1326(b)(3)" before "immediately";

(2) in section 326, by inserting at the end the following:

"(e) Notwithstanding any other provision of this section, if a trustee in a chapter 7 case commences a motion to dismiss or convert under section 707(b) and such motion is granted, the court shall allow reasonable compensation under section 330(a) of this title for the services and expenses of the trustee and the trustee's counsel in preparing and presenting such motion and any related appeals."; and

(3) in section 1326(b)—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) if a chapter 7 trustee has been allowed compensation under section 326(e) in a case converted to this chapter or in a case dismissed under section 707(b) in which the debtor in this case was a debtor—

"(A) the amount of such unpaid compensation which shall be paid monthly by prorating such amount over the remaining duration of the plan, but a monthly payment shall not exceed the greater of—

"(i) $25; or

"(ii) the amount payable to unsecured nonpriority creditors as provided by the plan multiplied by 5 percent, and the result divided by the number of months in the plan; and

"(B) notwithstanding any other provision of this title—

"(i) such compensation is payable and may be collected by the trustee under this paragraph even if such amount has been discharged in a prior proceeding under this title; and

"(ii) such compensation is payable in a case under this chapter only to the extent permitted by this paragraph.".

SEC. 1428. AMENDMENT TO SECTION 362 OF TITLE 11, UNITED STATES CODE.

Section 362(b)(18) of title 11, United States Code, is amended to read as follows:

"(18) under subsection (a) of the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the filing of the petition.".

SEC. 1429. PROVISION OF ELECTRONIC FTC PAMPHLET WITH ELECTRONIC CREDIT CARD APPLICATIONS AND SOLICITATIONS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) INCLUSION OF FEDERAL TRADE COMMISSION PAMPHLET.—

"(A) IN GENERAL.—Any application to open a credit card account for any person under an open end consumer credit plan, or a solicitation or an advertisement to open such an account without requiring an application, that is electronically transmitted to or accessed by a consumer shall be accompanied by an electronic version (or an electronic link thereto) of the pamphlet published by the Federal Trade Commission relating to choosing and using credit cards.

"(B) COSTS.—The card issuer with respect to an account described in subparagraph (A) shall be responsible for all costs associated with compliance with that subparagraph.".

SEC. 1430. NO BANKRUPTCY FOR INSOLVENT POLITICAL COMMITTEES.

Section 105 of title 11, United States Code, is amended by inserting at the end the following:

"(e) A political committee subject to the jurisdiction of the Federal Election Commission under Federal election laws may not file for bankruptcy under this title.".

SEC. 1431. FEDERAL ELECTION LAW FINES AND PENALTIES AS NONDISCHARGEABLE DEBT.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14A) the following:

"(14B) fines or penalties imposed under Federal election law;".

SEC. 1432. PROHIBITION ON CERTAIN RETROACTIVE FINANCE CHARGES.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) PROHIBITION ON RETROACTIVE FINANCE CHARGES.—

"(1) IN GENERAL.—In the case of any credit card account under an open end credit plan, if the creditor provides a grace period applicable to any new extension of credit under the account, no finance charge may be imposed subsequent to the grace period with regard to any amount that was paid on or before the end of that grace period.

"(2) DEFINITION.—For purposes of this subsection, the term 'grace period' means a period during which the extension of credit may be repaid, in whole or in part, without incurring a finance charge for the extension of credit.".

SEC. 1433. SENSE OF SENATE CONCERNING CREDIT WORTHINESS.

The Board of Governors of the Federal Reserve System shall report to the Senate Committee on Banking, Housing, and Urban Affairs and the House of Representatives Committee on Banking and Financial Services within 6 months of enactment of this Act as to whether and how the location of the residence of an applicant for a credit card is considered by financial institutions in deciding whether an applicant should be granted such credit card.

SEC. 1434. JUDICIAL EDUCATION.

The Director of the Administrative Office of the United States Courts, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing this Act, including the requirements relating to the 707(b) means test and reaffirmations.

SEC. 1435. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) RIGHTS AND POWERS OF THE TRUSTEE.—Section 546(c) of title 11, United States Code, is amended to read as follows:

"(c)(1) Except as provided in subsection (d) of this section, and except as provided in subsection (c) of section 507, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of the business of the seller, to reclaim such goods if the debtor has received such goods within 45 days prior to the commencement of a case under this title, but such seller may not reclaim any such goods unless the seller demands in writing the reclamation of such goods—

"(A) before 45 days after the date of receipt of such goods by the debtor; or

"(B) if such 45-day period expires after the commencement of the case, before 20 days after the date of commencement of the case.

"(2) Notwithstanding the failure of the seller to provide notice in a manner consistent with this subsection, the seller shall be entitled to assert the rights established in section 503(b)(7) of this title.".

(b) ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) the invoice price of any goods received by the debtor within 20 days of the date of filing of a case under this title where the goods have been sold to the debtor in the ordinary course of such seller's business.".

SEC. 1436. PROVIDING REQUESTED TAX DOCUMENTS TO THE COURT.

In the case of an individual under chapter 7, the court shall not grant a discharge unless requested tax documents have been provided to the court. In the case of an individual under chapter 11 or 13, the court shall not confirm a plan of reorganization unless requested tax documents have been filed with the court.

SEC. 1437. DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A) by—

(A) striking "$1,500,000" and inserting "$3,000,000"; and

(B) striking "80" and inserting "50"; and

(2) in subparagraph (B)(ii) by striking "$1,500,000" and inserting "$3,000,000".

SEC. 1438. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the "Board") shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 1439. PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11 of the United States Code is amended by adding at the end the following:

"(6) any interest of the debtor in property where the debtor pledged or sold tangible personal property (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money, where—

"(A) the tangible personal property is in the possession of the pledgee or transferee;

"(B) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price; and

"(C) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or State law, in a timely manner as provided under State law and section 108(b) of this title.".

SEC. 1440. AVAILABILITY OF TOLL-FREE ACCESS TO INFORMATION.

Section 127(b)(11) of the Truth in Lending Act (15 U.S.C. 1637(b)), as added by this Act, is amended by adding at the end the following:

"(K) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay an outstanding balance shall include the following statement on each billing statement: 'Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: .'.".

TITLE XV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 1501. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided otherwise in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

TITLE XVI—FINANCIAL INSTITUTIONS INSOLVENCY IMPROVEMENT

SEC. 1601. SHORT TITLE.

This title may be cited as the "Financial Institutions Insolvency Improvement Act of 2000".

SEC. 1602. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—Section 11(e)(8)(D)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(i)) is amended by inserting ", resolution, or order" after "any similar agreement that the Corporation determines by regulation".

(b) DEFINITION OF SECURITIES CONTRACT.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause (other than subclause (II));

"(VII) means any combination of the agreements or transactions referred to in this clause (other than subclause (II));

"(VIII) means any option to enter into any agreement or transaction referred to in this clause (other than subclause (II));

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause (other than subclause (II)).".

(c) DEFINITION OF COMMODITY CONTRACT.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) a security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause.".

(d) DEFINITION OF FORWARD CONTRACT.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date that is more than 2 days after the date on which the contract is entered into, including a repurchase agreement, reverse repurchase agreement, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) a security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV).".

(e) DEFINITION OF REPURCHASE AGREEMENT AND REVERSE REPURCHASE AGREEMENT.—Section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

"(v) REPURCHASE AGREEMENT; REVERSE REPURCHASE AGREEMENT.—The terms 'repurchase agreement' and 'reverse repurchase agreement'—

"(I) mean an agreement, including related terms, which provides for the transfer of 1 or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, loans, or interests as described in this subclause, at a date certain that is not later than 1 year after the date of such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means a security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V).

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).".

(f) DEFINITION OF SWAP AGREEMENT.—The Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

"(vi) SWAP AGREEMENT.—The term 'swap agreement'—

"(I) means any agreement, including the terms and conditions incorporated by reference in any such agreement, that is—

"(aa) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

"(bb) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

"(cc) a currency swap, option, future, or forward agreement;

"(dd) an equity index or equity swap, option, future, or forward agreement;

"(ee) a debt index or debt swap, option, future, or forward agreement;

"(ff) a credit spread or credit swap, option, future, or forward agreement; or

"(gg) a commodity index or commodity swap, option, future, or forward agreement;

"(II) means any agreement or transaction that is similar to any other agreement or transaction referred to in this clause, that is presently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference in such agreement), and that is a forward, swap, future, or option on 1 or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

"(III) means any combination of agreements or transactions referred to in this clause;

"(IV) means any option to enter into any agreement or transaction referred to in this clause;

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV);

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subparagraph (I), (II), (III), or (IV); and

"(VII) is applicable for purposes of this Act only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations promulgated by the Securities and Exchange Commission or the Commodity Futures Trading Commission.".

(g) DEFINITION OF TRANSFER.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institutions's equity of redemption.".

(h) TREATMENT OF QUALIFIED FINANCIAL CONTRACTS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (A), by striking "paragraph (10)" and inserting "paragraphs (9) and (10)";

(2) in subparagraph (A)(i), by striking "to cause the termination or liquidation" and inserting "such person has to cause the termination, liquidation, or acceleration";

(3) by striking clause (ii) of subparagraph (A) and inserting the following:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i); or"; and

(4) by striking clause (ii) of subparagraph (E) and inserting the following:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i); or".

(i) AVOIDANCE OF TRANSFERS.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting "section 5242 of the Revised Statutes (12 U.S.C. 91), or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers," before "the Corporation".

SEC. 1603. AUTHORITY OF THE CORPORATION WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) IN GENERAL.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (E), by striking "other than paragraph (12) of this subsection, subsection (d)(9)" and inserting "other than subsections (d)(9) and (e)(10)"; and

(2) by adding at the end the following:

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) or to disaffirm or repudiate any such contract in accordance with subsection (e)(1).

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting "or the exercise of rights or powers by" after "the appointment of".

SEC. 1604. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 11(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

"(A) IN GENERAL.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

"(i) transfer to 1 financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

"(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

"(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such institution);

"(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

"(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

"(ii) transfer none of the qualified financial contracts, claims, property, or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

"(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contract and related claims and property pursuant to subparagraph (A)(i), the conservator or receiver for the depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch, or agency, to the qualified financial contract, and to any netting contract, any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements, or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

"(C) TRANSFER OF CONTRACT SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—If a conservator or receiver transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

"(D) DEFINITION.—For purposes of this paragraph, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution that the Corporation determines, by regulation, to be a financial institution.".

(b) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended by striking the flush material immediately following clause (ii) and inserting the following:

"the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.".

(c) RIGHTS AGAINST RECEIVER AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following:

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right such person has to terminate, liquidate, or net such contract under paragraph (8)(A) or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right such person has to terminate, liquidate, or net such contract under paragraph (8)(E) or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) TREATMENT OF BRIDGE BANKS.—A financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or that is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of subsection (e)(9) does not include—

"(i) a bridge bank; or

"(ii) a depository institution organized by the Corporation, for which a conservator is appointed either—

"(I) immediately upon the organization of the institution; or

"(II) at the time of a purchase and assumption transaction between such institution and the Corporation as receiver for a depository institution in default.".

SEC. 1605. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively;

(2) in paragraph (8)(C)(i), by striking "(11)" and inserting "(12)";

(3) in paragraph (8)(E), by striking "(12)" and inserting "(13)"; and

(4) by inserting after paragraph (10) the following:

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the right to disaffirm or repudiate with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the depository institution in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).".

SEC. 1606. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

"(vii) TREATMENT OF MASTER AGREEMENT AS 1 AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.".

SEC. 1607. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following:

"(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System, if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;"; and

(C) by striking subparagraph (C) (as redesignated) and inserting the following:

"(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;";

(2) in paragraph (11), by inserting before the period "and any other clearing organization with which such clearing organization has a netting contract";

(3) in paragraph (14)(A), by striking clause (i) and inserting the following:

"(i) means a contract or agreement between 2 or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or payment entitlements (including liquidation or closeout values relating to such obligations or entitlements) among the parties to the agreement; and"; and

(4) by adding at the end the following:

"(15) PAYMENT.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.".

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—Notwithstanding any other provision of Federal or State law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970, the covered contractual payment obligations and the covered contractual payment entitlements between any 2 financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code)."; and

(2) by adding at the end the following:

"(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to 1 or more netting contracts between any 2 financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code) and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).".

(c) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—Notwithstanding any other provision of Federal or State law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970) the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of the clearing organization shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code)."; and

(2) by adding at the end the following:

"(h) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to 1 or more netting contracts between any 2 members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code) and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).".

(d) ENFORCEABILITY OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended by adding at the end the following:

"SEC. 408. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.

"(a) IN GENERAL.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency, except that for such purpose—

"(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency;

"(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of that Act), the

'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency; and

"(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank or an uninsured Federal branch or Federal agency.

"(b) LIABILITY.—The liability of a receiver or conservator of an uninsured national bank or uninsured Federal branch or agency shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

"(c) REGULATORY AUTHORITY.—

"(1) IN GENERAL.—The Comptroller of the Currency, in consultation with the Federal Deposit Insurance Corporation, may promulgate regulations to implement this section.

"(2) SPECIFIC REQUIREMENT.—In promulgating regulations to implement this section, the Comptroller of the Currency shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

"(d) DEFINITIONS.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meanings as in section 1(b) of the International Banking Act of 1978.".

SEC. 1608. RECORDKEEPING REQUIREMENTS.

Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following:

"(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping with respect to qualified financial contracts (including market valuations) by insured depository institutions.".

SEC. 1609. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

"(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—

"(A) IN GENERAL.—An agreement described in subparagraph (B) shall not be deemed to be invalid pursuant to paragraph (1)(B) solely on the basis—

"(i) that the agreement was not executed contemporaneously with the acquisition of the collateral; or

"(ii) of any pledge, delivery, or substitution of the collateral made in accordance with the agreement.

"(B) AGREEMENT DESCRIBED.—An agreement is described in this subparagraph if it is an agreement to provide for the lawful collateralization of—

"(i) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

"(ii) securities deposited under section 345(b)(2) of title 11, United States Code;

"(iii) extensions of credit, including an overdraft, from a Federal reserve bank or Federal home loan bank; or

"(iv) 1 or more qualified financial contracts (as defined in section 11(e)(8)(D)).".

SEC. 1610. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding at the end the following:

"(C) EXCEPTION FROM STAY.—

"(i) IN GENERAL.—Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) of this section nor any order or decree obtained by SIPC from the court shall operate as a stay of any contractual right of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, each as defined in title 11, United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with 1 or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor, whether or not with respect to 1 or more of such contracts or agreements.

"(ii) STAYS ON FORECLOSURE.—Notwithstanding clause (i), an application, order, or decree described therein may operate as a stay of the foreclosure on securities collateral pledged by the debtor, whether or not with respect to 1 or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement or securities lent under a securities lending agreement.

"(iii) DEFINITION.—As used in this section, the term 'contractual right' includes—

"(I) a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency;

"(II) a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof; and

"(III) a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.".

SEC. 1611. FEDERAL RESERVE COLLATERAL REQUIREMENTS.

Section 16 of the Federal Reserve Act (12 U.S.C. 412) is amended in the third sentence of the second undesignated paragraph, by striking "acceptances acquired under section 13 of this Act" and inserting "acceptances acquired under section 10A, 10B, 13, or 13A".

SEC. 1612. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) SEVERABILITY.—If any provision of this title or any amendment made by this title, or the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, the remaining provisions of and amendments made by this title and the application of such other provisions and amendments to any person or circumstance shall not be affected thereby.

(b) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect on the date of enactment of this Act.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of enactment of this Act.

TITLE XVII—METHAMPHETAMINE AND OTHER CONTROLLED SUBSTANCES

SEC. 1701. SHORT TITLE.

This title may be cited as the "Methamphetamine Anti-Proliferation Act of 2000".

Subtitle A—Methamphetamine Production, Trafficking, and Abuse

CHAPTER 1—CRIMINAL PENALTIES

SEC. 1711. ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(3) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and

(2) take any other action the Commission considers necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving amphetamines, including—

(1) the rapidly growing incidence of amphetamine abuse and the threat to public safety that such abuse poses;

(2) the high risk of amphetamine addiction;

(3) the increased risk of violence associated with amphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 1712. ENHANCED PUNISHMENT OF AMPHETAMINE OR METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall–

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B)) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of the enactment of this Act; or *(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.*

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 1713. MANDATORY RESTITUTION FOR VIOLATIONS OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

(a) MANDATORY RESTITUTION.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by striking "may" and inserting "shall";

(2) by inserting "amphetamine or" before "methamphetamine" each place it appears;

(3) in paragraph (2)—

(A) by inserting ", the State or local government concerned, or both the United States and the State or local government concerned" after "United States" the first place it appears; and

(B) by inserting "or the State or local government concerned, as the case may be," after "United States" the second place it appears; and

(4) in paragraph (3), by striking "section 3663 of title 18, United States Code" and inserting "section 3663A of title 18, United States Code".

(b) DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following:

"(D) all amounts collected—

"(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and

"(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the Controlled Substances Act for injuries to the United States.".

(c) CLARIFICATION OF CERTAIN ORDERS OF RESTITUTION.—Section 3663(c)(2)(B) of title 18, United States Code, is amended by inserting "which may be" after "the fine".

(d) EXPANSION OF APPLICABILITY OF MANDATORY RESTITUTION.—Section 3663A(c)(1)(A)(ii) of title 18, United States Code, is amended by inserting "or under section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a))," after "under this title,".

(e) TREATMENT OF ILLICIT SUBSTANCE MANUFACTURING OPERATIONS AS CRIMES AGAINST PROPERTY.—Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

"(c) A violation of subsection (a) shall be considered an offense against property for purposes of section 3663A(c)(1)(A)(ii) of title 18, United States Code.".

SEC. 1714. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended in the matter preceding paragraph (1) by inserting "methamphetamine," after "PCP,".

CHAPTER 2—ENHANCED LAW ENFORCEMENT

SEC. 1721. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE.

(a) USE OF AMOUNTS OR DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(1)(E) of title 28, United States Code, is amended—

(1) by inserting "(i) for" before "disbursements";

(2) by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(ii) for payment for—

"(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

"(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case;".

(b) GRANTS UNDER DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the semicolon the following: "and to remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine".

(c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

(1) ASSETS FORFEITURE FUND.—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code, as so amended.

(2) GRANT PROGRAM.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine by reason of the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal.

SEC. 1722. REDUCTION IN RETAIL SALES TRANSACTION THRESHOLD FOR NON-SAFE HARBOR PRODUCTS CONTAINING PSEUDOEPHEDRINE OR PHENLYPROPANOLAMINE.

(a) REDUCTION IN TRANSACTION THRESHOLD.—Section 102(39)(A)(iv)(II) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(II) is amended—

(1) by striking "24 grams" both places it appears and inserting "9 grams"; and

(2) by inserting before the semicolon at the end the following: "and sold in package sizes of not more than 3 grams of pseudoephedrine base or 3 grams of phenylpropanolamine base".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

SEC. 1723. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Administrator of the Drug Enforcement Administration shall carry out the programs described in subsection (b) with respect to the law enforcement personnel of States and localities determined by the Administrator to have significant levels of methamphetamine-related or amphetamine-related crime or projected by the Administrator to have the potential for such levels of crime in the future.

(2) DURATION.—The duration of any program under that subsection may not exceed 3 years.

(b) COVERED PROGRAMS.—The programs described in this subsection are as follows:

(1) ADVANCED MOBILE CLANDESTINE LABORATORY TRAINING TEAMS.—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(2) BASIC CLANDESTINE LABORATORY CERTIFICATION TRAINING.—A program of basic clandestine laboratory certification training, which shall provide information and training—

(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of wastes created by illegal amphetamine and methamphetamine laboratories; and

(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(3) CLANDESTINE LABORATORY RECERTIFICATION AND AWARENESS TRAINING.—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to clandestine laboratories to additional State and local law enforcement personnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, and 2002 amounts as follows:

(1) $1,500,000 to carry out the program described in subsection (b)(1).

(2) $3,000,000 to carry out the program described in subsection (b)(2).

(3) $1,000,000 to carry out the program described in subsection (b)(3).

SEC. 1724. COMBATING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall provide funds for—

(A) employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists; and

(B) such other activities as the Director considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) APPORTIONMENT OF FUNDS.—

(1) FACTORS IN APPORTIONMENT.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

(2) CERTIFICATION.—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a).

SEC. 1725. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING.

(a) ACTIVITIES.—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—

(1) assist State and local law enforcement in small and mid-sized communities in all phases of investigations related to such manufacturing and trafficking, including assistance with foreign-language interpretation;

(2) staff additional regional enforcement and mobile enforcement teams related to such manufacturing and trafficking;

(3) establish additional resident offices and posts of duty. to assist State and local law enforcement in rural areas in combating such manufacturing and trafficking;

(4) provide the Special Operations Division of the Administration with additional agents and staff to collect, evaluate, interpret, and disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations;

(5) enhance the investigative and related functions of the Chemical Control Program of the Administration to implement more fully the provisions of the Comprehensive Methamphetamine Control Act of 1996 (Public Law 104–237);

(6) design an effective means of requiring an accurate accounting of the import and export of list I chemicals, and coordinate investigations relating to the diversion of such chemicals;

(7) develop a computer infrastructure sufficient to receive, process, analyze, and redistribute time-sensitive enforcement information from suspicious order reporting to field offices of the Administration and other law enforcement and regulatory agencies, including the continuing development of the Suspicious Order Reporting and Tracking System (SORTS) and the Chemical Transaction Database (CTRANS) of the Administration;

(8) establish an education, training, and communication process in order to alert the industry to current trends and emerging patterns in the illegal manufacturing of amphetamine and methamphetamine; and

(9) carry out such other activities as the Administrator considers appropriate.

(b) ADDITIONAL POSITIONS AND PERSONNEL.—

(1) IN GENERAL.—In carrying out activities under subsection (a), the Administrator may establish in the Administration not more than 50 full-time positions, including not more than 31 special-agent positions, and may appoint personnel to such positions.

(2) PARTICULAR POSITIONS.—In carrying out activities under paragraphs (5) through (8) of subsection (a), the Administrator may establish in the Administration not more than 15 full-time positions, including not more than 10 diversion investigator positions, and may appoint personnel to such positions. Any positions established under this paragraph are in addition to any positions established under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Drug Enforcement Administration for each fiscal year after fiscal year 1999, $9,500,000 for purposes of carrying out the activities authorized by subsection (a) and employing personnel in positions established under subsection (b), of which $3,000,000 shall be available for activities under paragraphs (5) through (8) of subsection (a) and employing personnel in positions established under subsection (b)(2).

CHAPTER 3—ABUSE PREVENTION AND TREATMENT

SEC. 1731. EXPANSION OF METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285o–2) is amended by adding at the end the following:

"(c) METHAMPHETAMINE RESEARCH.—

"(1) GRANTS OR COOPERATIVE AGREEMENTS.—The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

"(2) USE OF FUNDS.—Amounts made available under a grant or cooperative agreement under paragraph (1) for methamphetamine abuse and addiction may be used for research and clinical trials relating to—

"(A) the effects of methamphetamine abuse on the human body, including the brain;

"(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

"(C) the connection between methamphetamine abuse and mental health;

"(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

"(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

"(F) risk factors for methamphetamine abuse;

"(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses; and

"(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

"(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

"(4) AUTHORIZATION OF APPROPRIATIONS.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

"(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.".

SEC. 1732. METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE BY CENTER FOR SUBSTANCE ABUSE TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following new section:

"METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE

"SEC. 514. (a) GRANTS.—

"(1) AUTHORITY TO MAKE GRANTS.—The Director of the Center for Substance Abuse Treatment may make grants to States and Indian tribes recognized by the United States that have a high rate, or have had a rapid increase, in methamphetamine or amphetamine abuse or addiction in order to permit such States and Indian tribes to expand activities in connection with the treatment of methamphetamine or amphetamine abuser or addiction in the specific geographical areas of such States or Indian tribes, as the case may be, where there is such a rate or has been such an increase.

"(2) RECIPIENTS.—Any grants under paragraph (1) shall be directed to the substance abuse directors of the States, and of the appropriate tribal government authorities of the Indian tribes, selected by the Director to receive such grants.

"(3) NATURE OF ACTIVITIES.—Any activities under a grant under paragraph (1) shall be based on reliable scientific evidence of their efficacy in the treatment of methamphetamine or amphetamine abuse or addiction.

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall ensure that grants under subsection (a) are distributed equitably among the various regions of the country and among rural, urban, and suburban areas that are affected by methamphetamine or amphetamine abuse or addiction.

"(c) ADDITIONAL ACTIVITIES.—The Director shall—

"(1) evaluate the activities supported by grants under subsection (a);

"(2) disseminate widely such significant information derived from the evaluation as the Director considers appropriate to assist States, Indian tribes, and private providers of treatment services for methamphetamine or amphetamine abuser or addiction in the treatment of methamphetamine or amphetamine abuse or addiction; and

"(3) provide States, Indian tribes, and such providers with technical assistance in connection with the provision of such treatment.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $10,000,000 *for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 and 2002.*

"(2) USE OF CERTAIN FUNDS.—Of the funds appropriated to carry out this section in any fiscal year, the lesser of 5 percent of such funds or $1,000,000 shall be available to the Director for purposes of carrying out subsection (c).".

SEC. 1733. EXPANSION OF METHAMPHETAMINE ABUSE PREVENTION EFFORTS.

(a) EXPANSION OF EFFORTS.—Section 515 of the Public Health Service Act (42 U.S.C. 290bb–21) is amended by adding at the end the following:

"(e)(1) The Administrator may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

"(A) to carry out school-based programs concerning the dangers of abuse of and addiction to methamphetamine and other illicit drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

"(B) to carry out community-based abuse and addiction prevention programs relating to methamphetamine and other illicit drugs that are effective and science-based.

"(2) Amounts made available under a grant, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering prevention programs relating to methamphetamine and other illicit drugs in accordance with paragraph (3).

"(3)(A) Amounts provided under this subsection may be used—

"(i) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine abuse and addiction and targeted at populations which are most at risk to start abuse of methamphetamine and other illicit drugs;

"(ii) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to methamphetamine and other illicit drugs;

"(iii) to assist local government entities to conduct appropriate prevention activities relating to methamphetamine and other illicit drugs;

"(iv) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of abuse of and addiction to methamphetamine and other illicit drugs, and the options for treatment and prevention;

"(v) for planning, administration, and educational activities related to the prevention of abuse of and addiction to methamphetamine and other illicit drugs;

"(vi) for the monitoring and evaluation of prevention activities relating to methamphetamine and other illicit drugs, and reporting and disseminating resulting information to the public; and

"(vii) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

"(B) The Administrator shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

"(4)(A) Not less than $500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to methamphetamine and other illicit drugs and the development of appropriate strategies for disseminating information about and implementing these programs.

"(B) The Administrator shall submit to the committees of Congress referred to in subparagraph (C) an annual report with the results of the analyses and evaluation under subparagraph (A).

"(C) The committees of Congress referred to in this subparagraph are the following:

"(i) The Committees on Health, Education, Labor, and Pensions, the Judiciary, and Appropriations of the Senate.

"(ii) The Committees on Commerce, the Judiciary, and Appropriations of the House of Representatives.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR EXPANSION OF ABUSE PREVENTION EFFORTS AND PRACTITIONER REGISTRATION REQUIREMENTS.—There is authorized to be appropriated to carry out section 515(e) of the Public Health Service Act (as added by subsection (a)) and section 303(g)(2) of the Controlled Substances Act (as added by section 18(a) of this Act), $15,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.

SEC. 1734. STUDY OF METHAMPHETAMINE TREATMENT.

(a) STUDY.—

(1) REQUIREMENT.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Academy of Sciences, conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

(2) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated for the Department of Health and Human Services for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

CHAPTER 4—REPORTS

SEC. 1741. REPORTS ON CONSUMPTION OF METHAMPHETAMINE AND OTHER ILLICIT DRUGS IN RURAL AREAS, METROPOLITAN AREAS, AND CONSOLIDATED METROPOLITAN AREAS.

The Secretary of Health and Human Services shall include in each National Household Survey on Drug Abuse appropriate prevalence data and information on the consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

SEC. 1742. REPORT ON DIVERSION OF ORDINARY OVER-THE-COUNTER PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE PRODUCTS.

(a) STUDY.—The Attorney General shall conduct a study of the use of ordinary over-the-counter pseudoephedrine and phenylpropanolamine products in the clandestine production of illicit drugs. Sources of data for the study shall include the following:

(1) Information from Federal, State, and local clandestine laboratory seizures and related investigations identifying the source, type, or brand of drug products being utilized and how they were obtained for the illicit production of methamphetamine and amphetamine.

(2) Information submitted voluntarily from the pharmaceutical and retail industries involved in the manufacture, distribution, and sale of drug products containing ephedrine, pseudoephedrine, and phenylpropanolamine, including information on changes in the pattern, volume, or both, of sales of ordinary over-the-counter pseudoephedrine and phenylpropanolamine products.

(b) REPORT.—

(1) REQUIREMENT.—Not later than April 1, 2001, the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report shall include—

(A) the findings of the Attorney General as a result of the study; and

(B) such recommendations on the need to establish additional measures to prevent diversion of ordinary over-the-counter pseudoephedrine and phenylpropanolamine (such as a threshold on ordinary over-the-counter pseudoephedrine and phenylpropanolamine products) as the Attorney General considers appropriate.

(3) MATTERS CONSIDERED.—In preparing the report, the Attorney General shall consider the comments and recommendations of State and local law enforcement and regulatory officials and of representatives of the industry described in subsection (a)(2).

Subtitle B—Controlled Substances Generally

CHAPTER 1—CRIMINAL MATTERS

SEC. 1751. ENHANCED PUNISHMENT FOR TRAFFICKING IN LIST I CHEMICALS.

(a) AMENDMENTS TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any violation of paragraph (1) or (2) of section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) involving a list I chemical and any violation of paragraph (1) or (3) of section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) involving a list I chemical.

(b) EPHEDRINE, PHENYLPROPANOLAMINE, AND PSEUDOEPHEDRINE.—

(1) IN GENERAL.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving ephedrine, phenylpropanolamine, or pseudoephedrine (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that those penalties corresponded to the quantity of controlled substance that could reasonably have been manufactured using the quantity of ephedrine, phenylpropanolamine, or pseudoephedrine possessed or distributed.

(2) CONVERSION RATIOS.—For the purposes of the amendments made by this subsection, the quantity of controlled substance that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for ephedrine, phenylpropanolamine, and pseudoephedrine, which table shall be established by the Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission considers appropriate.

(c) OTHER LIST I CHEMICALS.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving any list I chemical other than ephedrine, phenylpropanolamine, or pseudoephedrine, review and amend its guidelines to provide for increased penalties such that those penalties reflect the dangerous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine and amphetamine, including—

(1) the rapidly growing incidence of controlled substance manufacturing;

(2) the extreme danger inherent in manufacturing controlled substances;

(3) the threat to public safety posed by manufacturing controlled substances; and

(4) the recent increase in the importation, possession, and distribution of list I chemicals for the purpose of manufacturing controlled substances.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 1752. MAIL ORDER REQUIREMENTS.

Section 310(b)(3) of the Controlled Substances Act (21 U.S.C. 830(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) As used in this paragraph:

"(i) The term 'drug product' means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.

"(ii) The term 'valid prescription' means a prescription which is issued for a legitimate medical purpose by an individual practitioner licensed by law to administer and prescribe the drugs concerned and acting in the usual course of the practitioner's professional practice.";

(3) in subparagraph (B), as so redesignated, by inserting "or who engages in an export transaction" after "nonregulated person"; and

(4) adding at the end the following:

"(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person, and the following export transactions, shall not be subject to the reporting requirement in subparagraph (B):

"(i) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

"(ii) Distributions of drug products by retail distributors that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 102(46).

"(iii) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

"(iv) Distributions of drug products pursuant to a valid prescription.

"(v) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 1018(e)(2).

"(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

"(E) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to an expedited hearing as provided in section 1018(c)(2).".

SEC. 1753. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "one year" and inserting "5 years".

SEC. 1754. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "three years" each place that term appears and inserting "5 years".

SEC. 1755. ADVERTISEMENTS FOR DRUG PARAPHERNALIA AND SCHEDULE I CONTROLLED SUBSTANCES.

(a) DRUG PARAPHERNALIA.—Subsection (a)(1) of section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by inserting ", directly or indirectly advertise for sale," after "sell".

(b) DIRECTLY OR INDIRECTLY ADVERTISE FOR SALE DEFINED.—Such section 422 is further amended by adding at the end the following new subsection:

"(g) In this section, the term 'directly or indirectly advertise for sale' means the use of any communication facility (as that term is defined in section 403(b)) to post, publicize, transmit, publish, link to, broadcast, or otherwise advertise any matter (including a telephone number or electronic or mail address) with the intent to facilitate or promote a transaction in.".

(c) SCHEDULE I CONTROLLED SUBSTANCES.—Section 403(c) of such Act (21 U.S.C. 843(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) in paragraph (1), as so designated—

(A) in the first sentence, by inserting before the period the following: ", or to directly or indirectly advertise for sale (as that term is defined in section 422(g)) any Schedule I controlled substance"; and

(B) in the second sentence, by striking "term 'advertisement'" and inserting "term 'written advertisement'".

SEC. 1756. THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF ILLICIT PRODUCTION OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"ANHYDROUS AMMONIA

"SEC. 423. (a) It is unlawful for any person—

"(1) to steal anhydrous ammonia, or

"(2) to transport stolen anhydrous ammonia across State lines,

knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance in violation of this part.

"(b) Any person who violates subsection (a) shall be imprisoned or fined, or both, in accordance with section 403(d) as if such violation were a violation of a provision of section 403.".

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 421 the following new items:

"Sec. 422. Drug paraphernalia.
"Sec. 423. Anhydrous ammonia.".

(c) ASSISTANCE FOR CERTAIN RESEARCH.—

(1) AGREEMENT.—The Administrator of the Drug Enforcement Administration shall seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

(2) REIMBURSABLE PROVISION OF FUNDS.—The agreement under paragraph (1) may provide for the provision to Iowa State University, on a reimbursable basis, of $500,000 for purposes the activities specified in that paragraph.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2000, $500,000 for purposes of carrying out the agreement under this subsection.

SEC. 1757. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO THE MANUFACTURE OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 21 the following new chapter:

"CHAPTER 22—CONTROLLED SUBSTANCES

"Sec.
"421. Distribution of information relating to manufacture of controlled substances.

"§421. Distribution of information relating to manufacture of controlled substances

"(a) PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO MANUFACTURE OF CONTROLLED SUBSTANCES.—

"(1) CONTROLLED SUBSTANCE DEFINED.—In this subsection, the term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(2) PROHIBITION.—It shall be unlawful for any person—

"(A) to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime; or

"(B) to teach or demonstrate to any person the manufacture of a controlled substance, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture of a controlled substance, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 21 the following new item:

"22. Controlled Substances .... 421".

CHAPTER 2—OTHER MATTERS

SEC. 1761. WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT.

(a) REQUIREMENTS.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking "(A) security" and inserting "(i) security", and by striking "(B) the maintenance" and inserting "(ii) the maintenance";

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting "(1)" after "(g)";

(4) by striking "Practitioners who dispense" and inserting "Except as provided in paragraph (2), practitioners who dispense and prescribe"; and

(5) by adding at the end the following:

"(2)(A) Subject to subparagraphs (D), the requirements of paragraph (1) are waived in the case of the dispensing or prescribing, by a physician, of narcotic drugs in schedule III, IV, or V, or combinations of such drugs, if the physician meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

"(B)(i) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a physician are that, before dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment, the physician submit to the Secretary and the Attorney General a notification of the intent of the physician to begin dispensing or prescribing the drugs or combinations for such purpose, and that the notification to the Secretary also contain the following certifications by the physician:

"(I) The physician—

"(aa) is a physician licensed under State law; and

"(bb) has training or experience and the ability to treat and manage opiate-dependent patients.

"(II) With respect to patients to whom the physician will provide such drugs or combinations of drugs, the physician has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

"(III) In any case in which the physician is not in a group practice, the total number of such patients of the physician at any one time will not exceed the applicable number. For purposes of this subclause, the applicable number is 20, except that the Secretary may by regulation change such total number.

"(IV) In any case in which the physician is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this subclause, the applicable number is 20, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of physicians in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

"(ii)(I) The Secretary may, in consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Center for Substance Abuse Treatment, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, issue regulations through notice and comment rulemaking or practice guidelines to implement this paragraph. The regulations or practice guidelines shall address the following:

"(aa) Approval of additional credentialing bodies and the responsibilities of credentialing bodies.

"(bb) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

"(II) Nothing in the regulations or practice guidelines under this clause may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

"(III)(aa) The Secretary shall issue a Treatment Improvement Protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Director of the Center for Substance Abuse Treatment, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, and other substance abuse disorder professionals. The protocol shall be guided by science.

"(bb) The protocol shall be issued not later than 120 days after the date of the enactment of the Methamphetamine Anti-Proliferation Act of 2000.

"(IV) For purposes of the regulations or practice guidelines under subclause (I), a physician shall have training or experience under clause (i)(I)(bb) if the physician meets one or more of the following conditions:

"(aa) The physician is certified in addiction treatment by the American Society of Addiction Medicine, the American Board of Medical Specialties, the American Osteopathic Academy of Addiction Medicine, or any other certified body accredited by the Secretary.

"(bb) The physician has been a clinical investigator in a clinical trial conducted for purposes of securing approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) of a narcotic drug in schedule III, IV, or V for the treatment of addiction, if such approval was granted.

"(cc) The physician has completed training (through classroom situations, seminars, professional society meetings, electronic communications, or otherwise) provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Osteopathic Academy of Addiction Medicine, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines appropriate for purposes of this item. The curricula may include training in patient need for counseling regarding HIV, Hepatitis C, and other infectious diseases, substance abuse counseling, random drug testing, medical evaluation, annual assessment, prenatal care, diagnosis of addiction, rehabilitation services, confidentiality, and other appropriate topics.

"(dd) The physician has training or experience in the treatment and management of opiate-dependent, which training or experience shall meet such criteria as the Secretary may prescribe. Any such criteria shall be effective for a period of three years after the effective date of such criteria, but the Secretary may extend the effective period of such criteria by additional periods of three years for each extension if the Secretary determines that such extension is appropriate for purposes of this item. Any such extension shall go into effect only if the Secretary publishes a notice of such extension in the Federal Register during the 30-day period ending on the date of the end of the three-year effective period of such criteria to which such extension will apply.

"(ee) The physician is certified in addiction treatment by a State medical licensing board, or an entity accredited by such board, unless the Secretary determines (after an opportunity for a hearing) that the training provided by such board or entity was inadequate for the treatment and management of opiate-dependent patients.

"(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V, or combinations of such drugs, are as follows:

"(i) The drugs or combinations of drugs have, under the Federal Food, Drug and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

"(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that experience since the approval of the drug or combinations of drugs has shown that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of physicians to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

"(D)(i) A waiver under subparagraph (A) with respect to a physician is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

"(I) The notification under subparagraph (B) is in writing and states the name of the physician.

"(II) The notification identifies the registration issued for the physician pursuant to subsection (f).

"(III) If the physician is a member of a group practice, the notification states the names of the other physicians in the practice and identifies the registrations issued for the other physicians pursuant to subsection (f).

"(IV) A period of 45 days has elapsed after the date on which the notification was submitted, and during such period the physician does not receive from the Secretary a written notice that one or more of the conditions specified in subparagraph (B), subparagraph (C), or this subparagraph, have not been met.

"(ii) The Secretary shall provide to the Attorney General such information contained in notifications under subparagraph (B) as the Attorney General may request.

"(E) If in violation of subparagraph (A) a physician dispenses or prescribes narcotic drugs in schedule III, IV, or V, or combinations of such drugs, for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the physician to have committed an act that renders the registration of the physician pursuant to subsection (f) to be inconsistent with the public interest.

"(F)(i) Upon determining that a physician meets the conditions specified in subparagraph (B), the Secretary shall notify the physician and the Attorney General.

"(ii) Upon receiving notice with respect to a physician under clause (i), the Attorney General shall assign the physician an identification number under this paragraph for inclusion with the physician's current registration to prescribe narcotics. An identification number assigned a physician under this clause shall be appropriate to preserve the confidentiality of a patient prescribed narcotic drugs covered by this paragraph by the physician.

"(iii) If the Secretary fails to make a determination described in clause (i) by the end of the 45-day period beginning on the date of the receipt by the Secretary of a notification from a physician under subparagraph (B), the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

"(G) In this paragraph:

"(i) The term 'group practice' has the meaning given such term in section 1877(h)(4) of the Social Security Act.

"(ii) The term 'physician' has the meaning given such term in section 1861(r) of the Social Security Act.

"(H)(i) This paragraph takes effect on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 2000, and remains in

effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

"(ii) For the purposes relating to clause (iii), the Secretary and the Attorney General shall, during the 3-year period beginning on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 2000, make determinations in accordance with the following:

"(I)(aa) The Secretary shall—

"(aaa) make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings;

"(bbb) make a determination regarding whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and

"(ccc) make a determination regarding whether such waivers have adverse consequences for the public health.

"(bb) In making determinations under this subclause, the Secretary—

"(aaa) may collect data from the practitioners for whom waivers under subparagraph (A) are in effect;

"(bbb) shall issue appropriate guidelines or regulations (in accordance with procedures for substantive rules under section 553 of title 5, United States Code) specifying the scope of the data that will be required to be provided under this subclause and the means through which the data will be collected; and

"(ccc) shall, with respect to collecting such data, comply with applicable provisions of chapter 6 of title 5, United States Code (relating to a regulatory flexibility analysis), and of chapter 8 of such title (relating to congressional review of agency rulemaking).

"(II) The Attorney General shall—

"(aa) make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; and

"(bb) make a determination regarding whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V, or combinations of such drugs; are being dispensed or prescribed, or possessed, in violation of this Act.

"(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall, in making any such decision, consult with the Attorney General, and shall, in publishing the decision in the Federal Register, include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall, in making any such decision, consult with the Secretary, and shall, in publishing the decision in the Federal Register, include any comments received from the Secretary for inclusion in the publication.

"(I) During the 3-year period beginning on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 2000, a State may not preclude a practitioner from dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph, or the other amendments made by section 22 of that Act, unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing or prescribing such drugs or combination of drugs.".

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter following paragraph (5), by striking "section 303(g)" each place the term appears and inserting "section 303(g)(1)"; and

(2) in subsection (d), by striking "section 303(g)" and inserting "section 303(g)(1)".

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for purposes of activities under section 303(g)(2) of the Controlled Substances Act, as added by subsection (a), amounts as follows:

(1) For fiscal year 2000, $3,000,000.

(2) For each fiscal year after fiscal year 2000, such sums as may be necessary for such fiscal year.

Subtitle C—Cocaine Powder

SEC. 1771. SHORT TITLE.

This subtitle may be cited as the "Powder Cocaine Sentencing Act of 2000".

SEC. 1772. SENTENCING FOR VIOLATIONS INVOLVING COCAINE POWDER.

(a) AMENDMENT OF CONTROLLED SUBSTANCES ACT.—

(1) LARGE QUANTITIES.—Section 401(b)(1)(A)(ii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)(ii)) is amended by striking "5 kilograms" and inserting "500 grams".

(2) SMALL QUANTITIES.—Section 401(b)(1)(B)(ii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)(ii)) is amended by striking "500 grams" and inserting "50 grams".

(b) AMENDMENT OF CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—

(1) LARGE QUANTITIES.—Section 1010(b)(1)(B) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(B)) is amended by striking "5 kilograms" and inserting "500 grams".

(2) SMALL QUANTITIES.—Section 1010(b)(2)(B) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(2)(B)) is amended by striking "500 grams" and inserting "50 grams".

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by this section.

Subtitle D—Education Matters

SEC. 1781. SAFE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) SHORT TITLE.—Section 14601(a) is amended by replacing "Gun-Free" with "Safe", and "1994" with "1999".

(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after "determined" the following: "to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or".

(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing "Definition" with "Definitions" in the catchline, by replacing "section" in the matter under the catchline with "part", by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semicolon, and by adding new subparagraphs (B), (C), and (D) as follows:

"(B) the term 'illegal drug' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

"(C) the term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)', before the period.

"(D) the term 'felonious quantities of an illegal drug' means any quantity of an illegal drug—

"(i) possession of which quantity would, under Federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

"(ii) that is possessed with an intent to distribute.".

(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting "illegal drugs or" before "weapons".

(5) REPEALER.—Section 14601 is amended by striking subsection (f).

(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by replacing "served by" with "under the jurisdiction of", and by inserting after "who" the following: "is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who".

(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended by inserting "current" before "policy", by striking "in effect on October 20, 1994", by striking all the matter after "schools" and inserting a period thereafter, and by inserting before "engaging" the following: "possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or".

(b) COMPLIANCE DATE; REPORTING.—(1) States shall have 2 years from the date of the enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

(2) Not later than 3 years after the date of the enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this section.

(3) Not later than 2 years after the date of the enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.

SEC. 1782. STUDENT SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. STUDENT SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—Notwithstanding any other provision of law, if a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and becomes a victim of a violent criminal offense, including drug-related violence, while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency may use funds provided under this part or under any other Federal education program to pay the supplementary costs for such student to attend another school. The agency may use the funds to pay for the supplementary costs of such student to attend any other public or private elementary school or secondary school, including a religious school, in the same State as the school

where the criminal offense occurred, that is selected by the student's parent. The State educational agency shall determine what actions constitute a violent criminal offense for purposes of this section.

"(b) SUPPLEMENTARY COSTS.—The supplementary costs referred to in subsection (a) shall not exceed—

"(1) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that also serves the school where the violent criminal offense occurred, the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student;

"(2) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that does not serve the school where the violent criminal offense occurred but is located in the same State—

"(A) the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student; and

"(B) the reasonable costs of transportation for the student to attend the school selected by the student's parent; and

"(3) in the case of a student for whom funds under this section are used to enable the student to attend a private elementary school or secondary school, including a religious school, the costs of tuition, required fees, and the reasonable costs of such transportation.

"(c) CONSTRUCTION.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private, including religious, elementary school or secondary school that a child of the parent will attend within the State.

"(d) CONSIDERATION OF ASSISTANCE.—Subject to subsection (h), assistance made available under this section that is used to pay the costs for a student to attend a private or religious school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private or religious school as a result of assistance received under this section.

"(e) CONTINUING ELIGIBILITY.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for at least 3 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

"(f) TUITION CHARGES.—Assistance under this section may not be used to pay tuition or required fees at a private elementary school or secondary school in an amount that is greater than the tuition and required fees paid by students not assisted under this section at such school.

"(g) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis race, color, or national origin.

"(h) ASSISTANCE; TAXES AND OTHER FEDERAL PROGRAMS.—

"(1) ASSISTANCE TO FAMILIES, NOT SCHOOLS.—Assistance provided under this section shall be considered to be aid to families, not schools. Use of such assistance at a school shall not be construed to be Federal financial aid or assistance to that school.

"(2) TAXES AND DETERMINATIONS OF ELIGIBILITY FOR OTHER FEDERAL PROGRAMS.—Assistance provided under this section to a student shall not be considered to be income of the student or the parent of such student for Federal, State, or local tax purposes or for determining eligibility for any other Federal program.

"(i) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(j) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school where the criminal offense occurred for the fiscal year preceding the fiscal year for which the determination is made.".

SEC. 1783. TRANSFER OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of Federal law, a State, a State educational agency, or a local educational agency may transfer any non-Federal public funds associated with the education of a student who is a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school served by a local educational agency to another local educational agency or to a private elementary school or secondary school, including a religious school.

(b) DEFINITIONS.—For the purpose of subsection (a), the terms "elementary school", "secondary school", "local educational agency", and "State educational agency" have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

Subtitle E—Miscellaneous

SEC. 1791. NOTICE; CLARIFICATION.

(a) NOTICE OF ISSUANCE.—Section 3103a of title 18, United States Code, is amended by adding at the end the following new sentence: "With respect to any issuance under this section or any other provision of law (including section 3117 and any rule), any notice required, or that may be required, to be given may be delayed pursuant to the standards, terms, and conditions set forth in section 2705, unless otherwise expressly provided by statute.".

(b) CLARIFICATION.—(1) Section 2(e) of Public Law 95–78 (91 Stat. 320) is amended by adding at the end the following:

"Subdivision (d) of such rule, as in effect on this date, is amended by inserting 'tangible' before 'property' each place it occurs.".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 1792. DOMESTIC TERRORISM ASSESSMENT AND RECOVERY.

(a) IN GENERAL.—The Federal Bureau of Investigation shall prepare a study assessing—

(1) the threat posed by the Fuerzas Armadas de Liberacion Nacional Puertorriquena (FALN) and Los Macheteros terrorist organizations to the United States and its territories as of July 31, 1999; and

(2) what effect the President's offer of clemency to 16 FALN and Los Macheteros members on August 11, 1999, and the subsequent release of 11 of those members, will have on the threat posed by those terrorist organizations to the United States and its territories.

(b) ISSUES EXAMINED.—In conducting and preparing the study under subsection (a), the Federal Bureau of Investigation shall address—

(1) the threat posed by the FALN and Los Macheteros organizations to law enforcement officers, prosecutors, defense attorneys, witnesses, and judges involved in the prosecution of members of the FALN and Los Macheteros, both in the United States and its territories;

(2) the roles played by each the 16 members offered clemency by the President on August 11, 1999, in the FALN and Los Macheteros organizations;

(3) the extent to which the FALN and Los Macheteros organizations are associated with other known terrorist organizations or countries suspected of sponsoring terrorism;

(4) the threat posed to the national security interests of the United States by the FALN and Los Macheteros organizations;

(5) whether the offer of clemency to, or release of, any of the 16 FALN or Los Macheteros members would violate, or be inconsistent with, the United States' obligations under international treaties and agreements governing terrorist activity; and

(6) the effect on law enforcement's ability to solve open cases and apprehend fugitives resulting from the offer of clemency to the 16 FALN and Los Macheteros members, without first requiring each of them to provide the government all truthful information and evidence he or she has concerning open investigations and fugitives associated with the FALN and Los Macheteros organizations.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Federal Bureau of Investigation shall submit to Congress a report on the study conducted under subsection (a).

SEC. 1793. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of the enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

SEC. 1794. STATE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) SHORT TITLE.—Section 14601(a) is amended by replacing "Gun-Free" with "Safe", and "1994" with "1999".

(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after "determined" the following: "to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or".

(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing "Definition" with "Definitions" in the catchline, by replacing "section" in the matter under the catchline with "part", by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semicolon, and by adding new subparagraphs (B), (C), and (D) as follows:

"(B) The term 'illegal drug' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law.

"(C) The term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)', before the period.

"(D) The term 'felonious quantities of an illegal drug' means any quantity of an illegal drug—

"(i) possession of which quantity would, under Federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

"(ii) that is possessed with an intent to distribute.".

(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting "illegal drugs or" before "weapons".

(5) REPEALER.—Section 14601 is amended by striking subsection (f).

(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by replacing "served by" with "under the jurisdiction of", and by inserting after "who" the following: "is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who".

(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended by inserting "current" before "policy", by striking "in effect on October 20, 1994", by striking all the matter after "schools" and inserting a period thereafter, and by inserting before "engaging" the following: "possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or".

(b) COMPLIANCE DATE; REPORTING.—(1) States shall have 2 years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

(2) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.

SEC. 1795. STUDENT SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. STUDENT SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—Notwithstanding any other provision of law, if a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and becomes a victim of a violent criminal offense, including drug-related violence, while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency may use funds provided under this part or under any other Federal education program to pay the supplementary costs for such student to attend another school. The agency may use the funds to pay for the supplementary costs of such student to attend any other public or private elementary school or secondary school, including a religious school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent. The State educational agency shall determine what actions constitute a violent criminal offense for purposes of this section.

"(b) SUPPLEMENTARY COSTS.—The supplementary costs referred to in subsection (a) shall not exceed—

"(1) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that also serves the school where the violent criminal offense occurred, the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student;

"(2) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that does not serve the school where the violent criminal offense occurred but is located in the same State—

"(A) the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student; and

"(B) the reasonable costs of transportation for the student to attend the school selected by the student's parent; and

"(3) in the case of a student for whom funds under this section are used to enable the student to attend a private elementary school or secondary school, including a religious school, the costs of tuition, required fees, and the reasonable costs of such transportation.

"(c) CONSTRUCTION.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private, including religious, elementary school or secondary school that a child of the parent will attend within the State.

"(d) CONSIDERATION OF ASSISTANCE.—Subject to subsection (h), assistance made available under this section that is used to pay the costs for a student to attend a private or religious school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private or religious school as a result of assistance received under this section.

"(e) CONTINUING ELIGIBILITY.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for at least 3 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

"(f) TUITION CHARGES.—Assistance under this section may not be used to pay tuition or required fees at a private elementary school or secondary school in an amount that is greater than the tuition and required fees paid by students not assisted under this section at such school.

"(g) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(h) ASSISTANCE; TAXES AND OTHER FEDERAL PROGRAMS.—

"(1) ASSISTANCE TO FAMILIES, NOT SCHOOLS.—Assistance provided under this section shall be considered to be aid to families, not schools. Use of such assistance at a school shall not be construed to be Federal financial aid or assistance to that school.

"(2) TAXES AND DETERMINATIONS OF ELIGIBILITY FOR OTHER FEDERAL PROGRAMS.—Assistance provided under this section to a student shall not be considered to be income of the student or the parent of such student for Federal, State, or local tax purposes or for determining eligibility for any other Federal program.

"(i) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(j) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school where the criminal offense occurred for the fiscal year preceding the fiscal year for which the determination is made.".

SEC. 1796. TRANSFER OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of Federal law, a State, a State educational agency, or a local educational agency may transfer any non-Federal public funds associated with the education of a student who is a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school served by a local educational agency to another local educational agency or to a private elementary school or secondary school, including a religious school.

(b) DEFINITIONS.—For the purpose of subsection (a), the terms "elementary school", "secondary school", "local educational agency", and "State educational agency" have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SEC. 1797. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by strking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "one year" and inserting "5 years".

SEC. 1798. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "three years" each place that term appears and inserting "5 years".

SEC. 1799. SEVERABILITY.

Any provision of this title held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed as to give the maximum effect permitted by law, unless such provision is held to be utterly invalid or unenforceable, in which event such provision shall be severed from this title and shall not affect the applicability of the remainder of this title, or of such provision, to other persons not similarly situated or to other, dissimilar circumstances.

TITLE XVIII—PROTECTION FROM THE IMPACT OF BANKRUPTCY OF CERTAIN ELECTRIC UTILITIES

SEC. 1801. SHORT TITLE.

This title may be cited as the "Emergency Imported Electric Power Price Reduction Act of 2000".

SEC. 1802. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the protection of the public health and welfare, the preservation of national security, and the regulation of interstate and foreign commerce require that electric power imported into the United States be priced fairly and competitively;

(2) the importation of electric power into the United States is a matter vested with the public interest that—

(A) involves an essential and extensively regulated infrastructure industry; and

(B) affects consumers, the cost of goods manufactured and services rendered, and the economic well-being and livelihood of individuals and society;

(3) it is essential that imported electric power be priced—

(A) in a manner that is competitive with domestic electric power and thereby contribute to robust and sound national and regional economies; and

(B) not at a rate that is so high as to result in the imminent bankruptcy of electric utilities in a State; and

(4) the purchase of imported electric power by the Vermont Joint Owners under the Firm Power and Energy Contract with Hydro-Quebec dated December 4, 1987—

(A) is not consistent with the findings stated in paragraphs (1), (2), and (3); and

(B) threatens the economic well-being of the States and regions in which the imported electric power is provided contrary to the public policy of the United States as set forth in the findings stated in paragraphs (1), (2), and (3).

(b) Purposes.—The purposes of this title are—

(1) to facilitate the public policy of the United States as set forth in the findings stated in paragraphs (1), (2), and (3) of subsection (a);

(2) to remove a serious threat to the economic well-being of the States and regions in which imported electric power is provided under the contract referred to in section 1802(a)(4); and

(3) to facilitate revisions to the price elements of the contract referred to in section 1802(a)(4) by declaring and making unlawful, effective 180 days after the date of enactment of this Act, the contract as it exists on the date of enactment of this Act.

SEC. 1803. UNLAWFUL CONTRACT AND AMENDED CONTRACT.

(a) In General.—Effective on the date that is 180 days after the date of enactment of this Act, the contract referred to in section 1802(a)(4), as the contract exists on the date of enactment of this Act, shall be void.

(b) Amendment of Contract.—This title does not preclude the parties to the contract referred to in section 1802(a)(4) from amending the contract or entering into a new contract after the date of enactment of this Act in a manner that is consistent with the findings and purposes of this title.

SEC. 1804. EXCLUSIVE ENFORCEMENT.

(a) In General.—Only the Attorney General of a State in which electric power is provided under the contract referred to in section 1802(a)(4), as the contract may be amended after the date of enactment of this Act, may bring a civil action in United States district court for an order that—

(1) declares the amended contract not consistent with the findings and purposes of this title and is therefore void;

(2) enjoins performance of the amended contract; and

(3) relieves the electric utilities that are party to the amended contract of any liability under the contract.

(b) Timing.—A civil action under subsection (a) shall be brought not later than 1 year after the date of the amended contract or new contract.

TITLE XIX—CONSUMER CREDIT DISCLOSURE

SEC. 1901. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) Minimum Payment Disclosures.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures required under this subsection: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: .'.

"(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures required under this subsection: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: .'.

"(C) Notwithstanding subparagraphs (A) and (B), in the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: .' A creditor who is subject to this subparagraph shall not be subject to subparagraph (A) or (B).

"(D) Notwithstanding subparagraph (A), (B), or (C), in complying with any such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent. Any creditor who is subject to subparagraph (B) may elect to provide the disclosure required under subparagraph (A) in lieu of the disclosure required under subparagraph (B).

"(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

"(F) The toll-free telephone number disclosed by a creditor or the Federal Trade Commission under subparagraph (A), (B), or (G), as appropriate, may be a toll-free telephone number established and maintained by the creditor or the Federal Trade Commission, as appropriate, or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors or the Federal Trade Commission, as appropriate. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A), (B), or (C), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (A), (B), or (C), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

"(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

"(H) The Board shall—

"(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance if the consumer pays only the required minimum monthly payments and if no other advances are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

"(ii) establish the table required under clause (i) by assuming—

"(I) a significant number of different annual percentage rates;

"(II) a significant number of different account balances;

"(III) a significant number of different minimum payment amounts; and

"(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

"(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).

"(I) The disclosure requirements of this paragraph do not apply to any charge card account, the primary purpose of which is to require payment of charges in full each month.

"(J) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay the consumer's outstanding balance is not subject to the requirements of subparagraphs (A) and (B).".

(b) Regulatory Implementation.—The Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the "Board") shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section. Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under this subsection shall not take effect until the later of 18 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

(c) Study of Financial Disclosures.—

(1) In general.—The Board may conduct a study to determine whether consumers have adequate information about borrowing activities that may result in financial problems.

(2) Factors for consideration.—In conducting a study under paragraph (1), the Board should, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the minimum payment under open end credit plans;

(D) consumers are aware that making only minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Findings of the Board in connection with any study conducted under this subsection shall be submitted to Congress. Such report shall also include recommendations for legislative initiatives, if any, of the Board, based on its findings.

SEC. 1902. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking "CONSULTATION OF TAX ADVISOR.—A statement that the" and inserting the following: "TAX DEDUCTIBILITY.—A statement that—

"(A) the"; and

(B) by striking the period at the end and inserting the following: "; and

"(B) in any case in which the extension of credit exceeds the fair market value (as defined under the Federal Internal Revenue Code) of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.".

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking "If any" and inserting the following:

"(1) IN GENERAL.—If any"; and

(B) by adding at the end the following:

"(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall include a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges.".

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

"(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges."; and

(B) in subsection (b), by adding at the end the following:

"(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.".

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

"(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state that—

"(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(2) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges.".

(c) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the "Board") shall promulgate regulations implementing the requirements of subsections (a) and (b) of this section. Such regulations shall not take effect until the later of 12 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

SEC. 1903. DISCLOSURES RELATED TO "INTRODUCTORY RATES".

(a) INTRODUCTORY RATE DISCLOSURES.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(6) ADDITIONAL NOTICE CONCERNING 'INTRODUCTORY RATES'.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation, for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

"(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear clearly and conspicuously;

"(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state the following in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)) or, if the first listing is not the most prominent listing, then closely proximate to the most prominent listing of the temporary annual percentage rate, in each document and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size, the time period in which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

"(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state the following in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)) or, if the first listing is not the most prominent listing, then closely proximate to the most prominent listing of the temporary annual percentage rate, in each document and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size, the time period in which the introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

"(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

"(i) a general description of the circumstances that may result in the revocation of the temporary annual percentage rate; and

"(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

"(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

"(II) will vary in accordance with an index, the rate that will apply after the temporary rate, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(D) DEFINITIONS.—In this paragraph—

"(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation; and

"(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

"(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede subsection (a) of section 122, or any disclosure required by paragraph (1) or any other provision of this subsection.".

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the ("Board") shall promulgate regulations implementing the requirements of section 127 of the Truth in Lending Act, as amended by subsection (a) of this section. 'Any provision set forth in subsection (a) and such regulations shall not take effect until the later of 12 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

SEC. 1904. INTERNET-BASED CREDIT CARD SOLICITATIONS.

(a) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(7) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—

"(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

"(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the disclosures described in paragraph (6).

"(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

"(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

"(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

"(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.".

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the ("Board") shall promulgate regulations implementing the requirements of section 127 of the Truth in Lending Act, as amended by subsection (a) of this section. Any provision set forth in subsection (a) and such regulations shall not take effect until the later of 12 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

SEC. 1905. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

(a) DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(12) If a late payment fee is to be imposed due to the failure of the obligor to make payment on or before a required payment due date the following shall be stated clearly and conspicuously on the billing statement:

"(A) The date on which that payment is due or, if different, the earliest date on which a late payment fee may be charged.

"(B) The amount of the late payment fee to be imposed if payment is made after such date.".

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the ("Board") shall promulgate regulations implementing the requirements of section 127 of the Truth in Lending Act, as amended by subsection (a) of this section. Any provision set forth in subsection (a) and such regulations shall not take effect until the later of 12 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

SEC. 1906. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

(a) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.".

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the ("Board") shall promulgate regulations implementing the requirements of section 127 of the Truth in Lending Act, as amended by subsection (a) of this section. Any provision set forth in subsection (a) and such regulations shall not take effect until the later of 12 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

SEC. 1907. DUAL USE DEBIT CARD.

(a) REPORT.—The Board may conduct a study of, and present to Congress a report containing its analysis of, consumer protections under existing law to limit the liability of consumers for unauthorized use of a debit card or similar access device. Such report, if submitted, shall include recommendations for legislative initiatives, if any, of the Board, based on its findings.

(b) CONSIDERATIONS.—In preparing a report under subsection (a), the Board may include—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the report, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced or may enhance the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to further address adequate protection for consumers concerning unauthorized use liability.

SEC. 1908. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of bankruptcy cases filed under title 11, United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit referred to in paragraph (1) is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

MEASURE READ THE FIRST TIME—S. 2036

Mr. MACK. I understand that S. 2036, introduced earlier today by Senator SMITH of New Hampshire, is at the desk and I, therefore, ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2036) to make permanent the moratorium on the imposition of taxes on the Internet.

Mr. MACK. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Under the rule, the bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, FEBRUARY 8, 2000

Mr. MACK. Madam President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9:30 a.m. on Tuesday, February 8. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10:30 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: The first 30 minutes under the control of Senator DURBIN or his designee; the second 30 minutes under the control of Senator THOMAS or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MACK. For the information of all Senators, the Senate will be in a period of morning business until 10:30 a.m. Following morning business, it is expected that the Senate will then begin consideration of the nuclear waste disposal bill. If that consent is not granted, then there is an understanding that a cloture vote will occur at 2:15 on Tuesday with respect to a committee amendment. Members should be aware that amendments to the nuclear waste bill are anticipated, and those concerned are close to reaching an agreement providing for a limited number of amendments and debate time. Therefore, Senators can expect votes throughout tomorrow's session of the Senate. It is hoped that Senators who have amendments will work with the bill managers in an effort to complete this legislation in a timely manner.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MACK. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:10 p.m., adjourned until Tuesday, February 8, 2000, at 9:30 a.m.

NOMINATIONS

Executive Nominations Received by the Senate February 7, 2000:

DEPARTMENT OF STATE

CAREY CAVANAUGH, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL NEGOTIATOR FOR NAGORNO-KARABAKH AND NEW INDEPENDENT STATES REGIONAL CONFLICTS.

RUST MACPHERSON DEMING, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

JOHN W. LIMBERT, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

ROGER A. MEECE, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

RONALD E. NEUMANN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF BAHRAIN.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CDR. MICHAEL H. GRANER, 1172
CDR. LARRY D. HICE, 0954
CDR. JOHN D. DWYER, 1702
CDR. ROBERT SHARKEY, 6860
CDR. ALAN R. FREEDMAN, 4037
CDR. BRUCE G. CLARK, 4572
CDR. CAROL A. RIVERS, 4911
CDR. JOANN F. SPANGENBERG, 5215
CDR. ALAN L. BROWN, 7435
CDR. GEORGE T. ELLIOTT, 7723
CDR. RICHARD A. WALLESHAUSER, JR., 0190
CDR. BRUCE R. MCQUEEN, 6825
CDR. MICHAEL R. SEWARD, 3544

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be commander

LT. CDR. DOUGLAS N. EAMES, 5411
LT. CDR. GREGORY C. ZURAKOWSKI 2883
LT. CDR. RICHARD M. O'ROURKE, 3483
LT. CDR. MICHAEL J. MAZZONE, 7173
LT. CDR. PHILIP H. HALVORSON, 8323
LT. CDR. DAVID K. ALMOND, 6875
LT. CDR. LYNN J. DUMAS, 3365
LT. CDR. JEFFREY S. BAUER, 6484
LT. CDR. CHARLES R. MARQUIS, 3330
LT. CDR. JEFFREY SAINE, 2623
LT. CDR. DONALD M. HUGHES, 1321
LT. CDR. DIANE L. COLEMAN, 6837
LT. CDR. LONNIE A. DANIELS, JR., 9855
LT. CDR. RICKEY D. THOMAS, 8356
LT. CDR. SUSAN F. DAIGNAULT, 1647
LT. CDR. BERNARD T. MORELAND, 1941
LT. CDR. ROBERT H. CARMACK, 4457
LT. CDR. TIMOTHY A. AINES, 2835

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CURTIS M. BEDKE, 9014

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOHN J. CATTON, JR., 1877
COL. DAVID E. CLARY, 9098
COL. MICHAEL A. COLLINGS, 3659
COL. SCOTT S. CUSTER, 2467
COL. DANIEL J. DARNELL, 0600
COL. DUANE W. DEAL, 0812
COL. VERN M. FINDLEY, II, 2123
COL. DOUGLAS M. FRASER, 7505
COL. DAN R. GOODRICH, 2370
COL. GILBERT R. HAWK, 6206
COL. RAYMOND E. JOHNS, JR., 3483
COL. TIMOTHY C. JONES, 7733
COL. PERRY L. LAMY, 4559
COL. EDWARD L. MAHAN, JR., 6388
COL. ROOSEVELT MERCER, JR., 3054
COL. GARY L. NORTH, 9194
COL. JOHN G. PAVLOVICH, 9032
COL. ALLEN G. PECK, 1135
COL. MICHAEL W. PETERSON, 5177
COL. TERESA M. PETERSON, 1094
COL. GREGORY H. POWER, 4129
COL. ANTHONY F. PRZYBYSLAWSKI, 7898
COL. RONALD T. RAND, 8658
COL. STEVEN J. REDMANN, 1838
COL. LOREN M. RENO, 7129
COL. JEFFREY R. RIEMER, 4731
COL. JACK L. RIVES, 0540
COL. MARC E. ROGERS, 4472
COL. ARTHUR J. ROONEY, JR., 6482
COL. STEPHEN T. SARGEANT, 1024
COL. DARRYL A. SCOTT, 3767
COL. JAMES M. SHAMESS, 8898
COL. WILLIAM L. SHELTON, 0678
COL. JOHN T. SHERIDAN, 8566
COL. TOREASER A. STEELE, 6197
COL. JAMES W. SWANSON, 6954
COL. GEORGE P. TAYLOR, JR., 9111
COL. GREGORY L. TREBON, 3693
COL. LOYD S. UTTERBACK, 9704
COL. FREDERICK D. VANVALKENBURG, JR., 4600
COL. DALE C. WATERS, 4174
COL. SIMON P. WORDEN, 2998

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ALEXANDER H. BURGIN, 9820
BRIG. GEN. WILLIAM A. CUGNO, 3772
BRIG. GEN. BRADLEY D. GAMBILL, 7642
BRIG. GEN. MARIANNE MATHEWSON-CHAPMAN, 4301
BRIG. GEN. MICHAEL H. TAYLOR, 1966
BRIG. GEN. FRANCIS D. VAVALA, 5382

To be brigadier general

COL. JOHN A. BATHKE, 6037
COL. BARBARANETTE T. BOLDEN, 6872
COL. RONALD S. CHASTAIN, 5280
COL. RONALD G. CROWDER, 6091
COL. RICKY D. ERLANDSON, 3783
COL. DALLAS W. FANNING, 6980
COL. DONALD J. GOLDHORN, 3543
COL. LARRY W. HALTOM, 3555
COL. WILLIAM E. INGRAM, JR., 5691
COL. JOHN T. KING, JR., 5932
COL. RANDALL D. MOSLEY, 6183
COL. RICHARD C. NASH, 9717
COL. PHILLIP E. OATES, 3549
COL. RICHARD D. READ, 2952
COL. ANDREW M. SCHUSTER, 5145
COL. JONATHAN P. SMALL, 0353
COL. DAVID A. SPRYNCZYNATYK, 1827
COL. RONALD B. STEWART, 4952
COL. WARNER I. SUMPTER, 7278
COL. CLYDE A. VAUGHN, 8410

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES R. BATTAGLINI, 5336
BRIG. GEN. JAMES E. CARTWRIGHT, 5961
BRIG. GEN. CHRISTOPHER CORTEZ, 9054
BRIG. GEN. GARY H. HUGHEY, 9286
BRIG. GEN. THOMAS S. JONES, 2831
BRIG. GEN. RICHARD L. KELLY, 9290
BRIG. GEN. JOHN F. SATTLER, 0580
BRIG. GEN. WILLIAM A. WHITLOW, 5394

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. WILLIAM V. ALFORD, 4792
CAPT. JOHN P. DEBBOUT, 9101
CAPT. ROGER T. NOLAN, 6456
CAPT. STEPHEN S. OSWALD, 2861
CAPT. ROBERT O. PASSMORE, 0129
CAPT. GREGORY J. SLAVONIC, 4544

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL R. JOHNSON, 2467
REAR ADM. (LH) CHARLES R. KUBIC, 6173

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

REAR ADM. (LH) RODRIGO C. MELENDEZ, 1580

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant

CHARLES G. BELENY, 5646
ALAAELDEEN M. ELSAYED, 4553

To be major

KRISTEN A. FULTSGANEY, 7261

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WAYNE E. CAUGHMAN, 7304
BERNARD F. GERDING, 1514
RAYMOND E. MOORE, 3677
JAMES E. SEBREE, JR., 5060
CALVIN B. WIMBISH, 4151

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

HAROLD T. CARLSON, 7312
MARK A. FRITCH, 8085
LARRY J. GOODWILL, 8899
HENRY A. HAYNES, 6391
RONALD E. HILBURN, 8958
EDWARD K. MANEY, 5728
JOHN H. MCRAE, 2672
DANIEL J. PAUL, 1020
JOHN J. PRENDERGAST, 3121
LARRY D. ROBINSON, 3118
RICHARD P. ROGGIA, 0486
ELENITO B. SANTOS, 0602
GREGORY P. SYKES, 9998
JEFFREY M. YOUNG, 7250

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10 , U.S.C. SECTIONS 624 AND 3064:

To be colonel

LYLE W CAYCE, 5383
MALINDA E DUNN, 7123
ANTHONY M HELM, 9523
WILLIAM M MAYES, 9008
MICHELE M MILLER, 9774
MELVIN G OLMSCHEID, 0807
JOHN F PHELPS, 3574
FRED T PRIBBLE, 6864
STEVEN T SALATA, 5401
MORTIMER C SHEA, JR, 7269
PAUL L SNYDERS, 5866
WILLIAM A STRANKO II 2695
MANUEL E SUPERVIELLE, 2294
MARC L WARREN, 3744
ROGER D WASHINGTON, 7860

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624:

To be commander

DEAN J. GIORDANO, 3326
CINDY L. JAYNES, 3513
ROBERTA L. ROTHEN, 7695

To be lieutenant commander

PATRICK A. DAWKINS, 7813
BARRY J. GITTLEMAN, 7813
PAUL J. LOMMEL, 5810
WILLIAM K. NESMITH, 7945

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

DAVID R ALLISON, 7942
STEVEN R BALMER, 6651
CHRISTOPHER BOLLINGER, 0739
MICHAEL L BRYANT, 0001
JOHN G CARPENTIER, 4362
GARY W CRIGLOW, 7889
DAVID R FRITZ, 2690
DENNIS G GILMAN, 6036
STEVEN A GLOVER, 7275
BRUCE W GRISSOM, 9402
LEON R JABLOW, 0108
DEAN A JACOBS, 6106
ROBERT J LYNCH, 9880
JOHN B MORRISON, 7581
ANDREW R PAYNE, 0482
GARY W PINKERTON, 6820
GLENN H PORTERFIELD, 7639
RICHARD T SHELAR, 3847
TIMOTHY S STEADMAN, 1681
LEE G WARD, 3681
MATTHEW H WELSH, 4960
STEVE R WILKINSON, 3442

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

RAQUEL C BONO, 7309
JOHN W CROWLEY, 8636
DAVID A DAVIS, 0979
LEROY T JACKSON, 4658
TRACY A MALONE, 8907
JAMES C MARTIN, 6154
ROBERT MORALES, 2104
MARK E RALSTON, 8530
THOMAS L RICHIE, 0197

To be lieutenant commander

JAMES K AMSBERRY, 8594
KATHRYN A BALLANTYNE, 6315
GREGORY S BLASCHKE, 7946
PETER C BONDY, 1783
DOUGLAS F BREWSTER, 9858
JOHN E BROWN, 1728
ROBERT H BUCKLEY, 2727
DOUGLAS N CARBINE, 1889
JEFFREY A CONWELL, 6209
MIGUEL A CUBANO, 1821

MITCHELL DUKOVICH, 7598
KENNETH C EARHART, 0207
JAMES P FLINT, 9855
DAVID W FLOYD, 4478
EDDIE A GARCIA, 5971
JASON E GUEVARA, 5036
KEITH B GUSTAFSON, 5694
MARK E HAMMETT, 0483
JAMES W HANSEN, 1133
DOUGLAS A JONES, 7161
THOMAS J KIM, 8523
KATHERINE KITSVANHEYNINGEN, 3029
FREDERICK J LANDRO, 2892
EDWIN T LONG, 5059
WILLIAM H LYNCH, 1697
JEFFREY MARTINEZ, 8595
GEOFFREY MCCULLEN, 8119
JOHN D MITCHELL, 9322
STEVEN W MOLL, 8273
DEAN A PAGE, 2637
PHILIP W PERDUE, 2017
ALAN F PHILIPPI, 9939
FRANK A PUGLIESE, 1196
SCOTT R REICHARD, 0277
JAMES V RITCHIE, 1603
EILEEN SCANLAN, 0827
MARK A SCHMETZ, 7449
ALEXANDER SHIN, 4996
BRIAN D SMULLEN, 8114
TIMOTHY C SORRELLS, 1817
MARK V SUTHERLAND, 8125
JAMES H TARVER, 0296
MICHAEL A THOMPSON, 1354
JEFFREY W TIMBY, 9263
SANDRA S TOMITA, 9492
MICHAEL R WAGNER, 2916
DENTON D WEISS, 5437

To be lieutenant

KEITH N ADAMS, 7125
BARRY J BAUGHMAN, 0603
CATHERINE A BAYNE, 5910
DEDRA A BELL, 1670
RICHARD D BERGTHOLD, 0599
VALERIE J BEUTEL, 7553
ALEXANDER J BORZYCH, 5207
BRUCE H BOYLE, 3246
KEVIN R BRADSHAW, 9802
JON N BRADY, 4028
CHRISTOPHER BROWN, 8440
JANE E CAMPBELL, 9909
BRIAN D CLEMENT, 1376
MICHAEL A COLSON, 6674
RONALD A COOLEY, 8232
KENNETH D COUNTS, 5130
DAVID R CROWE, 4475
DERRICK M DAVIS, 4039
JAMES T DENLEY, 5023
STACY K DIPMAN, 6281
JOSEPH DIVINO, 2122
PAUL F EICH, 5740
EDWARD J FIORENTINO, 8383
JENNIFER M GEDDES, 6838
MARCIA L GILL, 7354
GREGG D GILLETTE, 1882
JEFFREY J GRAY, 7283
MICHAEL L GREENWALT, 6814
HERBERT L GRIFFIN, JR, 3674
ALAN M HANSEN, 4956
JULIE C HANSON, 1523
STEPHEN J HARTUNG, 2229
CHRISTOPHER T HEBERT, 2752
J PHILLIP HEDGES, JR, 0046
MARK R HENDRICKS, 2873
BRIAN M HERSHEY, 4470
KATHLEEN E HEWITT, 1683
EDWARD F HILER, 2940
EDWARD J HILYARD, 7376
JENNIFER P HORNE, 9858
BRUCE A HOUGESEN, 7251
BARBARA L HUFF, 0486
THOMAS R HUNT, JR, 0830
DAVID E JONES, 1891
KARON V JONES, 0097
ROBERT J KILLIUS, 7673
JAMES A KIRK, 4595
ALLEN R KUSS, 1668
GARY E LAMB, 6111
CHRISTOPHER F LAMOUREAUX, 5438
ROBERT B LANCIA, 0953
LENORA C LANGLAIS, 1586
ROBERT S LAWRENCE, 7394
ARTHUR H LOGAN, 6747
MICHAEL P LYNN, 5702
KEVIN M MATULEWICZ, 8185
DENISE K MCELDOWNEY, 6914
ROBERT K MCGAHA, 0556
MARY A MCMACKIN, 8379
GREGORY C MERK, 8811
ROSARIO P MERRELL, 9162
DREW C MESSER, 7587
ADAM S MICHELS, 3872
WILLIAM D MILAM, 2095
NANCY L MONTAGOT, 0341
DONALD R MOSS, 7315
MICHAEL G MUELLER, 5108
DAVID H NORMAN, 9448
ROBERT E OBRECHT, 7241
DIANNE M OKONSKY, 8716
BENJAMIN L ORCHARD, 5162
CARLOS B ORTIZ, 5937
MICHAEL J OSBORN, 8923
CHRISTINA G PARDUE, 8426
LAURENCE M PATRICK, 9206
TANYA M PONDER, 5093
DAVID E PRATT, 4336
JACQUELINE PRUITT, 3492
ROBERT J PUDLO, 1613
KAY R REEB, 0941
KEVIN J REGAN, 1196
JAY S RICHARDS, 6031
MARCIA A RIPLEY, 0730
LOVETTE T ROBINSON, 2380
LOUIS ROSA, 0750
GLORIA A RUSSELL, 9894
DEIDRE I SALL, 9756
SCOTT A SAMPLES, 2329
JEFFREY N SAVILLE, 5785
WILLIAM G SCHORGL, 4397
BRENT W SCOTT, 8695
JEOSALINA N SERBAS, 2141
THAD M SHELTON, 2338
LESLIE K SIAS, 5380
GREGORY J SINGERLE, JR, 9470
GLENDA D SINK, 4130
JEFFREY E SMITH, 7753
JONATHAN M SMITH, 1727
STUART D SMITH, 1089
ERIN G SNOW, 1891
KAREN A SORIA, 0310
CHRISTOPHER T SOSA, 6674
DEREK L TEACHOUT, 4996
MARY A TILLOTSON, 5624
WILLIAM D TITUS, 6940
JOSUE TORO, 7028
DAVID A TUBLEY, 6919
KEN H UYESUGI, 7982
PAUL E VOLLE, 6068
ANDREW J WEGNAN, 6165
BARRY E WILCOX, II, 0262
MIL A YI, 0125

EXTENSIONS OF REMARKS

AMERICAN ACADEMY OF DIPLOMACY: KEYNOTE REMARKS OF DEPUTY SECRETARY OF THE TREASURY STUART EIZENSTAT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mr. GILMAN. Mr. Speaker, last year on December 7 I had the privilege of attending the Excellence in Diplomacy Awards presentation luncheon sponsored by the American Academy of Diplomacy. I would like to compliment the work of the Academy in helping to maintain the high standards of proficiency in our foreign service and to provide support for the full range of our foreign policy institutions.

During the course of the luncheon meeting, the Principal Deputy Assistant Secretary of State in the Bureau of European Affairs, E. Anthony Wayne, delivered the remarks of the event's Keynote Speaker, Deputy Secretary of the Treasury Stuart Eizenstat who was unable to attend the event owing to the death of a family member. This member would like to commend to his colleagues the following remarks of the Deputy Secretary on the lessons learned from the statecraft of economic diplomacy.

THE IMPORTANCE OF DIPLOMACY IN THE ECONOMIC, TRADE AND FINANCIAL ARENAS

I am most grateful to the Academy for this honor. I deeply regret not being able to accept it personally, but the death of a beloved member of my family and his funeral today in Atlanta makes it impossible. It is fitting that Tony Wayne will accept the award and read my remarks, because his inspiration and collaboration have been vital to me, both in Brussels and in Washington.

In my over thirty years in government, I have continually been impressed by the excellence of our diplomatic personnel, both at home and abroad. This Academy is devoted to maintaining this high level of performance, as well as to advocating adequate support for our foreign policy institutions.

You are very fortunate to have the leadership of Joe Sisco, whose career in diplomacy, especially in the Middle East, made him a model for so many people including myself. You are also fortunate to have Bruce Laingen, who has combined remarkable ability with a very high degree of personal courage.

The last decades of the century that will shortly be passing have been marked by an expansion of the importance of diplomacy in the economic, trade and financial arenas. This is not to say there was no such activity before. The Marshall Plan, of which Secretary Acheson was a leading architect, was an economic program that required considerable diplomatic coordination to accomplish its historic purpose. And I will remember when Margaret Thatcher came to Washington to plead with President Reagan to lower U.S. interest rates, which were draining investment funds out of Europe. But on the whole, economic matters have traditionally been the stepchild of diplomacy and of the State Department. Today they have become central to statecraft.

As just a few illustrations, the successful integration of Russia and China into the international community depends heavily upon their economic success and openness. What the IMF does with Russia will be every bit as important to that country's future as the kind of arms control program it accepts.

Chinese entry into the WTO will require enormous changes in the way that country works economically. The Middle East peace process will have difficulty succeeding unless it delivers economic benefits in real time, particularly to core constituencies in Jordan, the West Bank and Gaza.

And peace in the Balkans will depend in large part upon the success of economic reconstruction being mapped out by the IPI's donor countries and by the states of the region.

My observations on diplomacy have been shaped, of course, by my own experience, which has concentrated in the economic area. In this Administration, I have been the chief or a principal negotiator for the following:

The New Transatlantic Agenda which set the framework for the economic and political relationship between the European Union and the U.S. and which developed a mechanism—the Senior Level Group—to help to resolve differences before they become crises and to make this semiannual EU-U.S. summits more substantive and meaningful.

The Japan Port Agreement, which avoided retaliatory shutdowns of transportation facilities here are in Japan;

The negotiations with the European Union and Russia over investment in Iran under the Iran-Libya Sanctions Act are on-going. We will review the petroleum sector projects and the Secretary will determine whether they would qualify for waivers. The waivers depend on the EU's continued export controls on high-tech exports to Iran, and to aggressive fighting of terrorism.

The Kyota Global Warming Protocol to reduce the dangerous buildup of greenhouse gas emissions that threaten our global environment.

Two extended negotiations with the EU over Cuba sanctions. The first, in 1996, lead to the EU taking a Common Position on Cuba that tied closer relations to an improvement in human rights and democracy in that regime and clearing the way for the series of Presidential waivers of sanctions under Title III of the Helms-Burton Act. In the second, in 1998, the EU nations committed to restricting official government support for investments by companies in property that had been illegally confiscated by the Cuban government, and to refrain from giving export and investment subsidies to any of their companies that were investing in property that Cuba had illegally expropriated. Implementation of this Understanding is contingent on our obtaining waiver authority from the Congress under Title Four of Helms-Burton.

And, over the last two years, a series of negotiations on assets and claims relating to World War II and the Holocaust including funds in Swiss banks, Swiss gold, life insurance policies, restitution of stolen art, and compensation to survivors for forced and slave labor performed for German industry under the Nazi regime.

I have been peripherally involved in many other negotiations from the end game of the Uruguay trade round to the WTO meetings in Seattle to the MAI negotiations at the OECD. My observation from these experiences is that the essential qualities that make a good negotiator do not differ between economic diplomacy and political diplomacy.

Both require patience, persistence, creativity, a command of the facts, the ability to argue persuasively, to know when to speak and when to be silent, to respect the position of the other side and while understanding your own country's bottom line needs, to sense what others really need to stay at the table and enter the end game.

At times it may be necessary to conjure up phrases which each side can interpret in its own way, although this is hardly desirable. In the end, both sides must be able to proclaim victory, and neither concedes defeat if negotiations are to succeed.

The chief differences between economic and political diplomacy, as I see them, are in the externals. Since the United States in modern times has never had designs on the territory of other nations, traditional diplomacy could have noble motives: keeping the peace, advancing human rights, improving the lot of poor nations.

But in the economic sphere, we are competitive with other nations for contracts and markets. Thus economic diplomacy often runs the risk of appearing to impose imposing American standards, culture, and ownership and comes under fire for that reason. Economic diplomacy must also be more responsive to domestic interest groups, because it regularly impacts their concerns and their constituencies in a more direct way.

For this very reason, Congress tends to take a more direct, more proprietary interest in economic issues than they do in the more traditional issues of diplomacy, in which the President is generally allowed to take the lead under his Constitutional prerogative to conduct foreign relations unless, as in Viet Nam in the sixties or Central America in the seventies, they go very badly. These factors complicate economic negotiations, and limit the leeway the Executive possesses in negotiations.

Economic diplomacy is going to become even more complicated over the next several decades, for several reasons. First, NGOs have become more visible, assertive and expert in what had previously been an often arcane and elite arena. Second, developing countries are no longer content to have the rules of the game dictated to them by a few large developed economies. The MAI negotiations in the OECD imploded because of NGO and LDC demands.

The Ministerial in Seattle and the global warming talks in Kyoto were complicated by these factors. We have learned we cannot and should not negotiate around either group.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

We must listen to, respect and attempt to accommodate at least some of their legitimate concerns without compromising our own goals and interests. Allowing them in will help ensure the acceptability and sustainability of whatever agreements can be made.

Third, the economic sphere will see increasing multilateral negotiations rather than traditional bilateral agreements. A global economy requires global, multinational negotiations. However, the continued divisions between Northern and Southern hemispheres will make them excruciatingly difficult.

I was struck, at both Kyoto and Seattle, by the ferocity of distrust notwithstanding the fact that developing countries are almost universally desirous of foreign investment, and by the extent to which many of them are still deeply suspicious of developed countries and see their interests fundamentally different from ours, despite the degree to which we bore the global economy on our shoulders during the recent financial crises.

Under such circumstances, talks are often unable to construct agreements that rise above the lowest common denominator. I have also learned some hard lessons from the sanctions negotiations in which I have been so deeply engaged.

Unilateral sanctions rarely work, although they must be resorted to at times to defend U.S. values. Multilateral sanctions, while far harder to fashion, are the only ones likely to achieve the desired results in terms of changing target country behavior.

Sanctions should be targeted to the state or entity whose behavior we are trying to change rather than to companies from third countries who are investing or trading there, as much as we might oppose their involvement. Third countries see such sanctions as extraterritorial. It is also critically important that sanctions legislation contain a provision for Presidential waiver authority, to protect the national interest and provide negotiating leverage.

Let me finally say a few personal words, as a non-career politically appointed diplomat to a roomful of men and women who have devoted their lives to the art of diplomacy. I have learned during the Clinton Administration, even more than as President Carter's chief domestic advisor, what a privilege it is to represent the United States both as an Ambassador and in international negotiations around the world.

The power, the majesty, the moral values, and the influence of our nation gives anyone negotiating for the United States a greater ability to accomplish his or her goals than would be possible representing any other country. These are precious resources, which we must husband, nurture and deploy in ways that do not dissipate our innate advantage.

I hope in the next century, the United States will, through the art of diplomacy, use its enormous capacity to do good to make this a better world.

I am especially honored by this award, not because I am receiving it myself, but because it recognizes the work of the economic officers, both in the State Department in Washington and in our embassies abroad. It is a signal of the increasing importance of economics as a diplomatic tool of American foreign policy.

Thank you for your award, and continue in your important work.

THE HEALTH CARE FAIRNESS ACT OF 1999

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mr. UNDERWOOD. Mr. Speaker, in February 1999, the Institute of Medicine issued a report concluding that federal efforts to research cancer in minority communities are insufficient. The report concluded that more resources are needed in this area and that a strategic plan is needed to coordinate this research.

In June of 1999, the Commonwealth Fund reported that minority Americans lag behind on nearly every health indicator, including health care coverage, access to care, life expectancy and disease rates. Just in terms of health care access, 45 percent of Hispanic adults, 41 percent of Asian American adults, and 35 percent of African American adults reported difficulty in accessing health care. The report also cited the statistics nearly half of Hispanic adults, more than one third of African American adults and more than 40 percent of Asian American adults report difficulty paying for medical care.

Last October, the Kaiser Family Foundation released a national survey showing that minority groups have concerns about the quality of health care they are receiving.

The common line of these reports is that there is a disparity that exists when it comes to health care for minorities.

Although we have made great advances in science and medicine, not all American citizens have shared in the benefits of these advances. Furthermore, despite the knowledge of these alarming statistics, we have not made the commitment that is necessary to understanding how barriers to health care or genetic and behavioral differences affect the outcomes of our community.

This new legislation (the Health Care Fairness Act of 1999) lays out a plan to reduce racial and ethnic disparities in health care and health outcomes. By elevating the Office of Research on Minority Health to create a Center for Health Disparities Research at the National Institutes of Health, we will significantly increase the support for research on health disparities, including data collection relating to race and ethnicity and funding major increases in minority medical training and curriculum development.

We need to make a serious effort to eliminate racial and ethnic disparities in this country. As the Chairman of the Congressional Asian Pacific Caucus, I am extremely pleased to join with Senator EDWARD KENNEDY, Congressman JOHN LEWIS, the leaders of the Hispanic and Black Caucuses in support of the passage of "Fair Care".

CONGRATULATING THE KAREN ANN QUINLAN HOSPICE ON ITS 20TH ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mrs. ROUKEMA. Mr. Speaker, I rise to commend the Karen Ann Quinlan Hospice on its 20th year of operation. The Quinlan family has turned the desperate personal tragedy they shared with the world into a caring, compassionate program to help others faced with the impending loss of a loved one. The courage and faith they have shown is extraordinary.

As a girl, Karen Ann Quinlan was a vibrant athlete who taught her younger brother to wrestle. As a young woman, she had a beautiful voice and dreamed of becoming a singer.

In 1975, however, Karen Ann Quinlan's name quickly became a by-word for the legal and ethical dilemmas surrounding the treatment of terminally ill patients. On April 15 of that year, 21-year-old Karen Ann suffered cardiac arrest. Doctors saved her life but she suffered brain damage and lapsed into a "chronic persistent vegetative state." Accepting doctors' judgment that there was no hope of recovering, but frustrated by their refusal to remove Karen Ann from her respirator because signs of brain activity continued, her parents sought court permission to disconnect the respirator.

In 1976, the New Jersey Supreme Court handed down a landmark decision giving Joe and Julia Quinlan the right to remove their daughter from the respirator that assisted her breathing. The respirator was removed and Karen Ann remained alive but comatose another nine years at a Morris County nursing home before her death June 11, 1985.

As a result of their personal tragedy, the Quinlans established the Karen Ann Quinlan Memorial Foundation in order to offer a community program to help families in similar challenges. The result was the Karen Ann Quinlan Hospice, which opened in Newton on April 15, 1980, the fifth anniversary of Karen's accident. The mission of the hospice is to afford all terminally ill individuals the opportunity to die in dignity and comfort in a home setting surrounded by the people they love. Services are offered without regard to ability to pay and include bereavement support for family and friends after a patient's death, and community education about terminal illness.

The non-profit Hospice is accredited by the Community Health Accreditation Program and has received national commendations on its quality of care. More than 300 patients and family utilized the Hospice last year, bringing the total to more than 3,500 since it opened. Some 76 percent of the patients served have suffered from cancer, but others have suffered cardiac, renal, respiratory, and kidney complications, as well as Alzheimer's.

Mr. Speaker, Karen Ann Quinlan was the first modern icon of the right-to-die debate. The widespread news coverage, two books, and a movie helped spread the word internationally of the challenges facing a family when a loved one is stricken by a terminal illness. Her precedent-setting legal case paved the way for the living will, advance directives, and hospital ethics committees of today. Thousands of other terminally ill patients and their families have been able to die with dignity thanks to the battle waged by the Quinlan family.

The Quinlans' sad loss has made it possible, with their loving support services, for others to bear their own losses. God bless the Quinlans for the courage to allow something good to come from such a tragedy and to bring comfort to the suffering.

DIVERSITY OF AMERICAN SOCIETY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mr. CONYERS. Mr. Speaker, today I, Representative HASTINGS and Representative WEXLER are introducing a resolution condemning the conduct of U.S. District Judge Alan McDonald for bringing the appearance of improper racial, ethnic and religious bias upon the Federal Judiciary, urging the Federal Judiciary to protect against the perception of bias within their ranks and calling for the nomination and confirmation of candidates for the Federal Judiciary that reflect the diversity of American society.

News agencies in Spokane, WA have confirmed accounts from staff members and attorneys stating that, during official proceedings of his court dating back to 1990, Judge McDonald made or participated in numerous communications that referred to racial, ethnic and religious minorities in demeaning, stereotypical and racist language, including references to Latino defendants and lawyers as "greasers," an African-American plaintiff as "impo-tent" and maligning Mormons, Jews and Chinese for corrupt financial practices.

Rather than apologizing for any indiscretion, Judge McDonald has attempted to explain away his offensive notes as private and misinterpreted attempts at humor. Similarly, the Chief District Court Judge William F. Nielsen has dismissed the impact of the offensive notes on the minority community and failed to sanction Judge McDonald for his conduct.

There should be no toleration of statements by officials of the United States that evidence prejudice or bias towards individuals on the basis of race, religion, national origin, gender or sexual orientation. The actions of Judge McDonald undermine the promise of integrity and impartiality upon which our Federal Judiciary is built and expressly violate the Judicial Code of Conduct.

Canon 2 of the Code of Conduct for United States Judges cautions a judge to avoid impropriety and the appearance of impropriety in all activities to promote public confidence in the integrity and impartiality of the judiciary, specifically noting that a judge's duty "includes the responsibility to avoid comment or behavior that can reasonably be interpreted as manifesting prejudice or bias towards another on the basis of personal characteristics like race, sex, religion, or national origin."

At a time when minority candidates for federal judgeships are twice as likely not to be confirmed as their white counterparts, this display of bigotry raises issue with regard to the fairness and impartiality of the judicial system.

The 4th and the 7th Circuit Courts have historically been all white courts and remain so today. Further, there are no African-Americans on the 1st, 9th (which includes California), 10th and Federal Circuit Courts and no Hispanics on the 3rd, 6th, 8th, and D.C. Circuit Courts. The federal judiciary should reflect the diversity of American society to protect against the perception of bias raised by the conduct of Judge McDonald.

This Congress should stand together and condemn the conduct of U.S. District Judge Alan McDonald for bringing the appearance of bias upon the Federal Judiciary and call upon President Clinton to renew his efforts to nominate and confirm candidates for the Federal Bench that reflect the diversity of American society.

PERSONAL EXPLANATION

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mr. NUSSLE. Mr. Speaker, on Tuesday, February 1, 2000, my vote on rollcall vote No. 5 was recorded as "nay." However, my vote should have been recorded as "aye."

I strongly support H.R. 1838, the Taiwan Security Enhancement Act. For almost half a century, the United States has helped maintain a balance of power in the Taiwan Strait by continuously being committed to defensively preserving Taiwan from attack from the People's Republic of China. There is concern the Clinton Administration will choose not to follow this longstanding policy regarding Taiwan. As a result, the majority in Congress has decided to act on this issue out of concern for the people of Taiwan. I believe that H.R. 1838 allows the United States to remain committed to providing Taiwan with the means necessary to maintain a self-defense capability as expressed in the Taiwan Relations Act. This legislation also allows long neglected contact between high-level American and Taiwanese military personnel.

Again, my vote on rollcall vote No. 5 should have been recorded as "aye."

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. UNDERWOOD. Mr. Speaker, I'm speaking in support today of House Resolution 764, the Child Abuse and Protection Act of 1999. The need for legislation to protect children from abuse and neglect increases each year.

H.R. 764 expands the purposes of existing law enforcement grants for child abuse prevention, allowing States and territories greater flexibility in crafting programs to target problem areas specific to their populations. It assists State and territorial child-abuse prevention efforts without additional Federal spending.

This bill helps to improve the access of child protective workers and child welfare workers and to increase information on criminal conviction (Jennifer's Law) and court-orders of protection for child abuse victims.

In 1996, the Department of Health and Human Services reported data showing continued record high levels of child abuse and neglect in the United States. According to their report, "Child Maltreatment 1996: Reports from the States to the National Child Abuse and Neglect Data System," almost 1 million children were identified as victims of abuse or neglect in 1996. Moreover, an estimated 1,077 children died in 1996 as a result of abuse or neglect.

Mr. Speaker and fellow colleagues, the loss of life is the severest result of child abuse and neglect. This is unconscionable. That is why we must unite in our commitment to support policies and innovative programs that work to increase children's safety and reduce children's risk of harm.

Let us keep in mind as spring approaches, the month of April is National Child Abuse and Neglect Prevention Month. Spring is the symbol of new beginnings. Let's give children a chance at a better start of life. I urge my fellow colleagues to give all children the best chance at a healthy and productive life. Please support H.R. 764.

TRIBUTE TO LESTER S. JAYSON

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mr. THOMAS. Mr. Speaker, I rise today to pay tribute to the late Lester S. Jayson, who passed away at the age of 84 on December 30, 1999. Lester Jayson served the Congress faithfully for over 15 years, first as a Senior Specialist in American Public Law Division and Chief of the American Law Division of the Congressional Research Service, then as Deputy Director of the Service and finally as the Service's Director from 1966 until his retirement in 1975. Mr. Jayson's distinguished record of public service also included an 18 year career in various capacities with the Department of Justice, including chief of the torts section of the Department's civil division.

Lester Jayson served as CRS Director during the crucial period of the 1970 Legislative Reorganization Act, which transformed CRS from its role as essentially a reference service to an analytical support arm of the Congress. This change was designed to provide Congress with the expertise it needed to effectively perform its legislative role. CRS became a source of objective non-partisan data analysis and information that was, and is, essential to the legislative process. Mr. Jayson's tenure as Director saw a doubling of the staff at CRS and the infusion of high level analytical expertise. His vision and leadership enabled that expertise to be put to use in the service of the Congress. When he retired in 1975, Lester

Jayson left a transformed and potent Congressional Research Service. He laid the groundwork for the current infrastructure that provides close analytical support for Members and Committees.

In 1936, Mr. Jayson graduated with honors from the College of the City of New York. After graduating from Harvard Law School in 1939, he went into private practice. His public service began in 1942, when he served as Special Assistant to the U.S. Attorney General and continued through 18 years at the Department of Justice, which he left in 1960 to join CRS. Four years after joining CRS, Mr. Jayson wrote "Federal Tort Claims: Administrative and Judicial Remedies, considered the preeminent source on federal torts, which he last updated in 1997. In 1964, he also was supervising editor of "The Constitution of the United States of America: Analysis and Interpretation," published by the Government Printing Office.

After retiring from CRS in 1975, Mr. Jayson was a professor of constitutional and American law at Potomac Law School. He continued to stay active in the Federal Bar Association, of which he was a past chairman of the federal tort claims committee. He was also active in the American Bar Association, the Cosmos Club, the Harvard Club of Washington, and American Friends of Wilton Park.

Mr. Speaker, Lester Jayson was a man who was dedicated to public service and service to the United States Congress. This is his legacy, which we honor here today. To his wife Evelyn, his children Diane and Jill, his family, friends, and former colleagues, I extend our deepest sympathies.

THE WHITE CLAY CREEK WATERSHED

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mr. PITTS. Mr. Speaker, I rise to commend the residents of Chester County, PA, for their efforts to preserve the White Clay Creek watershed. The White Clay Creek is an important water resource for people up and down stream. It is used for quality drinking water all the way down to Delaware. In fact, my son and I used to fish for trout there when he was a boy. Visibly, the creek looks much the same today as it did when William Penn first founded Chester County in 1682.

This creek is an important resource and an environmental treasure. My personal desire to see this watershed preserved goes back almost 30 years. Eight years ago, the community of southern Chester County got together to help formulate a plan to preserve this watershed. The result of their hard work is a bill I have introduced, H.R. 3520, which adds the watershed to the Federal Wild and Scenic Rivers System.

This designation will bring the resources that the Federal Government has to offer, without ceding local control. Townships and boroughs, which historically have controlled development, will retain the power they have always had. This designation will give us another tool to make sure that this important natural and historic resource is not lost to future generations.

I urge this body to move quickly on H.R. 3520 so that it may become law before the end of the year.

TRIBUTE TO THE MOSAIC LAW CONGREGATION OF SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mr. MATSUI. Mr. Speaker, I rise in tribute to the Mosaic Law Congregation of Sacramento. On February 25–27, 2000, the Mosaic Law Congregation will celebrate its 100th anniversary. As the Congregation members gather to celebrate, I ask all of my colleagues to join with me in saluting this monumental achievement.

The humble beginnings of the congregation can be traced back to the early twentieth century. A small group of members from B'nai Israel formed Chevra Torat Moshe, or Mosaic Law Fellowship. Today, they have grown to become the oldest conservative synagogue in Sacramento.

On February 27, 1900, Moses Wahrhaftig and seven other families organized the Mosaic Law Fellowship. Mr. Wahrhaftig, a Hebrew scholar, chose the name for the Congregation. In its early years, religious services were held in various private residences or public halls.

Sacramento's rapid growth at the time brought an influx of many traditional Jews form the outlying areas, and the Congregation's membership grew. In 1915, the Mosaic Law Congregation hired Alfred Arndt as its first rabbi, and in 1917, the Congregation purchased its first synagogue at 1418 8th Street in downtown Sacramento.

During the period from the 1920's until the 1940's, the Mosaic Law Congregation underwent several key expansions. The Congregation's first Hebrew school was established under Rabbi Ephrim Brosin. Also during his tenure, the Congregation's Ladies' Society became the Mosaic Law Sisterhood. As expansion continued, the Congregation moved into its next home in 1940 at 23rd and K Street.

The next decade brought about a tumultuous time in the life of the Mosaic Law Congregation. They began to struggle with the question of whether to affiliate with the Orthodox movement or the emerging Conservative movement. Under the leadership of Rabbi Marvin Bornstein, the Congregation finally decided to become a part of the Conservative Movement by joining the United Synagogue of America.

As the years went by, the Mosaic Law Congregation continued to prosper and expand. When it came time for another synagogue, the Congregation purchased a school building at 2300 Sierra Boulevard. Groundbreaking for this new expansion took place in February of 1971.

This new place of worship led to the establishment of a Community School under the Bureau of Jewish Education. Women began to assume synagogue leadership roles as officers and board members. They were also extended pulpit honors for the first time.

The Mosaic Law Congregation now had momentum to expand even further. Membership grew rapidly, and many new families with children filled the Congregation with youthful exuberance. Mosaic Law members served as leaders of the Jewish Federation and other Sacramento communal organizations. Construction of the Sanctuary and the Social Hall began in 1974 and was completed in time for the Congregation's 75th Anniversary Dinner.

Mr. Speaker, as the exceptional people of the Mosaic Law Congregation of Sacramento gather to celebrate their centennial anniversary, I am honored to pay tribute to one of Sacramento's most outstanding organizations. Throughout its long and storied history, the Mosaic Law Congregation has continued to shine in service to both the Jewish community and the overall community of Sacramento. I ask all my colleagues to join with me in wishing the Congregation continued success in all its future endeavors.

CONGRATULATING NEWTON MEMORIAL HOSPITAL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Newton Memorial Hospital in Newton, New Jersey, on the completion of an ambitious and much needed $10 million expansion project. The newly expanded facilites—including a new operating room, expanded outpatient facilities and upgraded cardiac rehabilitation facilities—will allow this excellent health care facility to continue its long tradition of offering Sussex County residents advanced medical treatment in their own community.

Despite the unfortunate trend in health care today toward downsizing and consolidation, Newton Memorial Hospital is expanding. In doing so, it is realigning more than its bricks and mortar—it is adopting a new philosophy of being "health oriented" rather than "disease oriented." With this expansion, Newton has renewed its commitment to providing patients with excellent care and a continuous system of health resources.

These advances come under the outstanding leadership of Chairman E. Jane Brown and President Dennis Collette. These two dedicated individuals possess a commitment to quality of patient care and community service that sets the standard for the entire staff. Special recognition should also go to the Newton Memorial Hospital Foundation, whose fund-raising efforts made the expansion possible.

Newton Memorial Hospital traces its origins to 1926, when local resident Thomas E. Murray bequeathed a portion of his estate to "the establishment in Newton of a hospital that would accept persons of all creeds and religious denominations and provide equal privileges and accommodations for all." Mr. Murray's gift and the proceeds of a $500,000 found-raising campaign allowed the Newton Hospital Association to open the original 40-bed hospital in 1932.

Rapid increases in the use of the hospital led to repeated expansions over the decades, bring the hospital to its current size of 165 beds. Today, Newton Memorial is a state-of-the-art medical center providing inpatient and outpatient services to more than 140,000 residents of Sussex and northern Warren counties. With more than 150 physicians and 800 employees, it treats nearly 10,000 patients a year and its maternity ward delivers more than 1,000 babies.

The hospital this week marks the completion of the final phase of its latest expansion, a three-phase program conducted over the past year. Phase III included the construction of a fourth operating room and expansion of the three existing operating rooms. The earlier work included 18 new ambulatory surgical units and an upgrade of cardiac rehabilitation facilities.

I have always tried to reflect the priorities of my constituents. We in America have always put health and safety first. Here, on this occasion, we see that principle in action. Mr. Speaker, a local hospital is one of the most important and fundamental essential services a community offers, as vital as a police or fire department of infrastructure such as water, sewer and roads. Newton Memorial Hospital has gone far beyond providing its patients with "basic" services. It is a first-class medical center where area residents can rest assured they will receive the finest medical treatment available.

Our Nation has always set the highest priority on the most advanced medical care in the world. Newton Memorial is maintaining its position as one of the fundamental foundations of that health care system.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS FEBRUARY 1, 2000

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. UNDERWOOD. Mr. Speaker, I rise today in strong support of House Resolution 409 which honors the contributions of Catholic schools.

As the delegate from Guam, it gives me great pleasure to speak in support of this resolution. Guam has a long and rich history of Catholicism since the arrival of Spanish missionaries in 1668. There are ten Catholic schools in Guam, serving thousands of families. In fact, three of my five children have attended Catholic schools on Guam. Moreover, nearly half of my staff are graduates of the Catholic school system.

Catholic schools provide a valuable education to more than 2.5 million of our nation's student population. Catholic schools often provide a broad value-added, education and shape the life long development of moral, intellectual, physical and social values in its students.

Over the years, different kinds of Catholic education has been provided in Guam, from the traditional "eskuelan pale" (Catechism classes, which taught basic literacy in Guam for 275 years) to today's modern facilities briefing high quality, challenging education to Guam's youth. Today, approximately 4,000 of Guam's children attend Catholic schools.

We have had many religious orders and countless lay teachers provide educational guidance and opportunities since the end of World War II when a formal Catholic school system was established. The Sisters of Mercy, School Sisters of Notre Dame, Dominicans, Franciscans, Mercedarians, the Jesuits and the Missionary of Berriz have all served to educate Guam's Catholic school children. There are currently ten Catholic schools in Guam, including: Notre Dame High School, Academy of Our Lady of Guam, Father Duenas Memorial School, Bishop Baumgartner Memorial School, Mount Carmel School, Saint Anthony School, Saint Francis School, San Vicente School, Santa Barbara School, and Dominican School.

I would like to thank my colleague, Mr. Schaffer, for his leadership in introducing this resolution and I would like to commend all Catholic schools, students, parents, teachers, administrators and Catholic Schools Superintendent Sr. Jean Ann Crisostomo in Guam and all Catholic schools throughout the nation. Furthermore, I would like to extend my congratulations to the Archbishop Antonio Apuron and Archdiocese of Hagatna for leadership in providing excellence in education and the moral well-being of the children in Guam.

I strongly urge your support of House Resolution 409.

HONORING JOSEPH "JERRY" PATCHAN UPON HIS RETIREMENT AS DIRECTOR OF THE EXECUTIVE OFFICE FOR U.S. TRUSTEES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mr. GEKAS. Mr. Speaker, I rise today to join my distinguished colleague, JERROLD NADLER, the ranking minority member of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, in expressing our many good wishes on the occasion of Joseph "Jerry" Patchan's retirement on February 11, 2000 as director of the Executive Office for U.S. Trustees.

Jerry Patchan's 45 years of service in the public and private sectors is truly commendable. Highlights of his distinguished career include his service as an officer in the U.S. Navy during the Second World War. During that service, he participated in the D-day invasion at Normandy and saw action in the Pacific theater. In 1969, he was appointed as a U.S. Bankruptcy Judge for the Northern District of Ohio and served on the bench for more than 6 years. Thereafter, he served on the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States from 1978 to 1991. Later, Jerry became deputy general counsel of the Resolution Trust Corporation, where he helped resolve complex matters involving hundreds of millions of dollars arising out of our Nation's savings and loan crisis.

In 1994, Jerry assumed the leadership of the Executive Office for U.S. Trustees, a component of the Justice Department that supervises the administration of bankruptcy cases nationwide. As a result of his guidance and leadership, the U.S. Trustee Program has revitalized its mission and has undertaken innovative solutions to the many challenges presented by administering literally millions of bankruptcy cases. He has shared his wise counsel on bankruptcy matters with our subcommittee on numerous occasions, for which we are most appreciative.

In addition to his many work-related responsibilities, Jerry taught bankruptcy law in Ohio, was a member of the faculty of the National Bankruptcy Seminar at the Federal Judicial Center, and has frequently lectured at bankruptcy law seminars around the country. He authored the Practice Comments to Rules of Bankruptcy Procedure from 1973 to 1991 and published numerous articles on bankruptcy law. Most recently, he was named one of the 50 most influential people in credit by Credit Today, an industry newsletter.

Jerry is a Fellow of the American College of Bankruptcy and a member of the Ohio and the District of Columbia Bar Associations. He has chaired the Cleveland Bar Association's Bankruptcy and Commercial Law section from 1984 through 1986. He also is a member of the National Conference of Bankruptcy Judges, the American Judicature Society, and the American Bankruptcy Institute.

We take this opportunity to acknowledge Jerry Patchan's lifelong contributions as a public servant, an attorney, trustee, jurist academic and writer. We ask our colleagues to do the same.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 8, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 9

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the dairy pricing system.

SR–328A

10 a.m.
Budget
To continue hearings on the President's proposed budget request for fiscal year 2001.
SD–608

Banking, Housing, and Urban Affairs
To hold hearings to examine loan guarantees and rural television service.
SD–628

Governmental Affairs
To hold hearings to examine the rising cost of college tuition and the effectiveness of the Federal financial aid.
SD–342

10:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR–253

Foreign Relations
To hold hearings to examine U.S. foreign policy priorities.
SD–419

Environment and Public Works
Business meeting to consider pending calendar business.
SD–406

2 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine the national intelligence estimate on the ballistic missile threat to the United States.
SD–342

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

FEBRUARY 10

9 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Agriculture, Nutrition, and Forestry
To hold hearings to examine the findings of the President's working group's report on Over the Counter Derivatives Markets and the Commodity Exchange Act.
SH–216

9:30 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense, and the future years defense program.
SD–106

10 a.m.
Governmental Affairs
To continue hearings to examine the rising cost of college tuition and the effectiveness of the Federal financial aid.
SD–342

Judiciary
Business meeting to markup H.R. 1658, to provide a more just and uniform procedure for Federal civil forfeitures; S. 1638, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty; and S. 1172, to provide a patent term restoration review procedure for certain drug products.
SD–226

Finance
To hold hearings on the implications of the Seattle Ministerial on trade policies.
SD–215

Energy and Natural Resources
To hold hearings on S. 1797, to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, Alaska; S. 1192, to designate national forest land managed by the Forest Service in the Lake Tahoe Basin as the "Lake Tahoe National Scenic Forest and Recreation Area", and to promote environmental restoration around the Lake Tahoe Basin; S. 1664, to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; S. 1665, to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; H.R. 2863, to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; H.R. 2862, to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; and S. 1936, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.
SD–366

Budget
To hold hearings on spectrum auctions, technology, and the President's proposed budget request for fiscal year 2001.
SD–608

10:30 a.m.
Foreign Relations
To hold hearings on the President's proposed budget request for fiscal year 2001 for foreign aid, and to review U.S. foreign policy.
SD–419

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Agriculture.
SD–138

1:30 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold joint hearings with the House Committee on International Relations' Subcommittee on Asia and the Pacific on the current situation in East Timor.
2123, Rayburn Building

2 p.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine enhancing border security.
SD–226

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Foreign Relations
To hold hearings on Russian intelligence activities directed at the Department of State.
SD–419

FEBRUARY 11

10 a.m.
Budget
To resume hearings on the President's proposed budget request for fiscal year 2001.
SD–608

FEBRUARY 22

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Administration's effort to review approximately 40 million acres of national forest lands for increased protection.
SD–366

FEBRUARY 23

9:30 a.m.
Indian Affairs
To hold oversight hearings on the President's proposed budget request for fiscal year 2001 for Indian programs.
SR–485

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold oversight hearings on activities of the National Railroad Passenger Corporation (AMTRAK).
SR–253

10:30 a.m.
Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Environmental Protection Agency.
SD–406

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the White River National Forest Plan.
SD–366

FEBRUARY 24

9 a.m.
Small Business
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Small Business Administration.
SR–428A

10 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Army Corps of Engineers.
SD–406

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Commerce.
SD–138

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1722, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State; H.R. 3063, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State; and S. 1950, to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana.
SD–366

FEBRUARY 29

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Justice.
SD–192

2:30 p.m.
Indian Affairs
Business meeting to consider pending committee business.
SR–485

MARCH 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on the National Association of Public Administrators' Report on Bureau of Indian Affairs Management Reform.
SR–485

MARCH 2

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of State.
S–146, Capitol

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's proposed revisions to the regulation governing National Forest Planning.
SD–366

MARCH 7

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Bureau of Investigation, Drug Enforcement Administration, and Immigration and Naturalization Service, all of the Department of Justice.
SD–192

MARCH 15

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on the proposed Indian Health Care Improvement Act.
SR–485

MARCH 21

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Excahnge Commission.
S–146, Capitol

MARCH 23

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.
S–146, Capitol

MARCH 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.
SR–485

APRIL 5

9:30 a.m.
Indian Affairs
To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.
SR–485

APRIL 19

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

POSTPONEMENTS

FEBRUARY 10

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine e-commerce, federal policies, and consumer protection.
SD–192

SENATE—*Tuesday, February 8, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, whose mercies are new every morning and whose presence sustains us through the day, we seek to glorify You in all that we do and say. You provide us strength for this day, guidance for our decisions, vision for the way, courage in adversity, help from above, unfailing empathy, and unlimited love. You never leave us nor forsake us, nor do You ask of us more than You will provide the resources to accomplish. Here are our minds; take Your thoughts through them. Here are our hearts; express Your love and encourage us through them. Here are our voices; speak Your truth through them.

We dedicate this day to discern and do Your will. We trust in You, dear God, and ask You to continue to bless America through the leadership of the women and men of this Senate. Help them as they grapple with problems and grasp Your potential for the crucial issues before them today. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE, a Senator from the State of Ohio, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Ohio is recognized.

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of Majority Leader LOTT, I make the following announcements:

Today, the Senate will be in a period of morning business until 10:30 a.m. Following morning business, it is hoped that consent will be given to begin consideration of S. 1287, the nuclear waste disposal bill. However, if no agreement can be made, cloture on the committee amendment will be scheduled to occur at 2:15 p.m.

By previous consent, the Senate will recess from 12:30 to 2:15 so the weekly party conferences may meet. Senators can expect votes in relation to the nuclear waste bill throughout today's session of the Senate.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR—S. 2036

Mr. DEWINE. Mr. President, I understand there is a bill at the desk due its second reading.

The PRESIDENT pro tempore. The clerk will read the title of the bill.

The legislative clerk read as follows:

> A bill (S. 2036) to make permanent the moratorium on the imposition of taxes on the Internet.

Mr. DEWINE. I object to further proceedings on this bill at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROCEEDING ON THE NUCLEAR WASTE BILL

Mr. REID. Mr. President, I am sorry I was not here when the Senate opened; I wanted to make an announcement.

Senator BRYAN, Senator BINGAMAN, and I are waiting to see the next document prepared on the nuclear waste issue. As soon as that is done, we will be in a position to make the determination as to how we think we should proceed.

I have been in conversation with the minority leader and the majority leader and they know that all of us—Senators MURKOWSKI, BINGAMAN, REID, and BRYAN—are trying to work something out so that we have a document from which we can all take a position. Again I repeat, until that is done, we are going to have to continue waiting until we can determine how to proceed on this issue.

I spoke with Senator MURKOWSKI on several occasions. He and his staff and that of Senator BINGAMAN, the chairman and ranking member of the committee, are coming up with a document that Senator BRYAN and I can review. We hope that is going to be within a matter of hours.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE) The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. Also under the previous order, the time until 10 a.m. shall be under the control of the Senator from Illinois.

The Senator from Illinois is recognized.

THE PRESIDENT'S BUDGET MESSAGE

Mr. DURBIN. Mr. President, yesterday, the President of the United States announced his budget message, which is also the last budget message of the Clinton administration. When you consider the history of this administration, beginning with deep deficits, and we are now at a point in our history where we have had the longest economic expansion in the history of the United States, it is an entirely different budget message.

I still recall when only a few years ago one of our colleagues, the chairman of the Senate Judiciary Committee, ORRIN HATCH, came to the floor to say to the assembled Senators that we had reached such a desperate point in American history that we had to amend the Constitution of the United States to put in place what was known as the balanced budget amendment, so that Federal courts would have the authority to stop Congress from spending. It was a desperate move, supported by Democrats and Republicans alike. We had so many years of red ink and so many deficits that many people thought there was no way it was going to get better, short of creating a new constitutional force—the force of the Federal judiciary—to stop the Congress from spending and to require the kind of fiscal discipline for which American families were asking.

What a difference 3 years later. We have debated, over the last year or so, what we are going to do with the surplus, not with the deficit. We are no

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

longer walking around in sack cloth and ashes through the Halls of Congress saying another torrent of red ink is about to hit us. We are talking about an economy that continues to grow, with employment growing—unemployment, I think, last year was the lowest in 30 years in our Nation. People are buying businesses, building homes, and inflation is being held in check. It is a great period in our history for most families across the Nation. The President's budget message now says to us, since we have turned that corner, since we are no longer talking about deep deficits but, rather, a different era in Government spending, as well as our economy, let us look at it in a more positive fashion.

I want to submit for the RECORD the following:

In 1992, the deficit was a record $290 billion. The Congressional Budget Office projected that it would grow to $455 billion by this year. Instead of a $455 billion deficit, we have a projected $167 billion surplus—the third surplus in a row. Almost from the moment we started our debate on the balanced budget amendment, we started generating surpluses in this Government. Those who said we had to amend the Constitution clearly—if they look back—now understand that it wasn't necessary. This represents $622 billion less savings, drained by the Government in 1 year alone. So rather than having a deficit of $455 billion, borrowing from the American people, as well as foreign sources, to pay it off, we have the surplus.

We also have something that I don't think anyone would have ever imagined. We have had the largest paydown of debt in the history of the United States—$297 billion. In 1998 and 1999, the debt held by the public was reduced by $140 billion. It is projected that the Government will pay down an additional $157 billion in debt held by the public this year.

What does that mean? In taxes, each day we collect $1 billion from individuals, families, and businesses. That billion dollars is collected not to provide for any new educational opportunities or health care but to pay interest on the debt of the Government. About half of that is the publicly owned debt. Think of it—$1 billion in taxes is collected every day to pay interest on old debt. So as we pay down this debt, which we are currently doing, we are reducing the need for this money to be collected from families and businesses to pay down interest. This will bring the total debt paydown to $297 billion. It is the largest 3-year debt paydown in American history.

In contrast, under the two previous Presidents, the debt held by the public quadrupled—400 percent and more. Under this President, we are seeing the debt coming down. And we are seeing the smallest Government in over three decades. Government spending has declined from 22.2 percent of the economy in 1992 to 18.7 percent of the economy in 1999—the lowest share in 33 years.

If you take any rational measurement and look at the size of our economy and the percentage we spend on the Government, it has come down dramatically under the Clinton administration. To a great extent, that accounts for the savings about which we are talking. At the same time, the Government has made important investments, including nearly doubling investments in education and training.

Mr. SCHUMER. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. SCHUMER. Before the Senator moves on to the investment part, I think the points the Senator from Illinois is making are astounding. To me, particularly our friends in the business community, and all of the American people, ought to look at what the Senator from Illinois has said—deficits, biggest paydown ever—the usual criteria that conservatives use for how big and encroaching Government is, smaller than it has been in three decades, smaller under Bill Clinton than under Ronald Reagan.

To reiterate, because the facts are astounding, Government spending as a share of the economy went from 21.6 percent in 1980 to 22.2 percent in 1992. Under President Clinton, it has gone from 22.2 percent to 18.7 percent, which is lower than it has been under any year in 30 years and under Ronald Reagan. Taxes and the number of jobs in the Federal Government are lower than anytime since 1966.

If you went to the business leaders and asked them what the Senator from Illinois is talking about, they would say no. The message sent to the business community in the budget of this last year of the Clinton Presidency is that the fiscally responsible party is the Democrats; we believe in investment. I know what the Senator is talking about. But we also believe in tightening the belt of Government. No one has done a better job of that than the President between 1993 and the present.

I thank the Senator for yielding. I just wanted to underscore that point.

Mr. DURBIN. I thank the Senator from New York.

Of course, we have our images—the Republican image and the Democratic image. We try to paint each other's image. In this situation, though, the Senator from New York makes the point: Just look at the facts. Don't look at the rhetoric or listen to the rhetoric. Don't look at all the things that are said in political campaigns but look at the facts. The facts show we are bringing down the debt at a faster rate than at anytime in our history.

I think more Americans—and particularly business people—are interested in seeing the debt of this Nation reduced than some grandiose plan for a tax cut that benefits the wealthiest people in this country. They would rather see us take the fiscally responsible, disciplined approach of bringing down their debt because they know that reduces the burden on our children.

Let me speak for a second about the tax burden for typical families in America. That is another thing that is often said. Of course, taxes are out of hand. But listen to this. At the same time all of these good things are happening to our fiscal house, the typical American family will shoulder the lowest Federal tax burden since 1978. It is amazing to them that their tax revenues are increasing because, frankly, people are making more money. You see it all the time for the middle-income and lower-income families—the lowest tax burden in over 20 years. That is something that is important to maintain.

I think it is responsible for the President to come forward and say: if we are going to have tax cuts, let us target them to these middle- and lower-income families. Let's look at things such as a long-term care tax credit because the largest growing segment of our population in America is those over the age of 85. Roughly half of them will need some specialized medical assistance for problems they are going to face. Their children and grandchildren need help in paying for that. The President's long-term care tax credit is a step in that direction.

I would like to ask my colleague from New York if he would yield. He has a proposal embodied in the President's budget that tries to help families pay for college education expenses, another one of the President's targeted tax cuts.

Would the Senator from New York be willing to explain that?

Mr. SCHUMER. I thank the Senator for asking me. Yes.

What we are trying to do overall, as the Senator from Illinois has stated in his proposal the President is trying to do and we are supporting, is not a huge across-the-board tax cut, which generally benefits the wealthiest people, the people who need it the least, but, rather, targeted tax cuts for the middle class.

The Senator has correctly pointed out, for instance, long-term care. My parents are 76 and 71 years of age. Thank God—knock on wood—they are in decent health. But they were debating the other week whether to pay a massive amount of money down now, which is hard for them to afford, so they will get long-term care if, God forbid, they become ill in later life.

The proposal I have been championing—I am delighted and grateful that the President has put it in his proposal—another burden that middle-class families have is waking up at 2 a.m. in the morning worrying about young families who have kids who are about to go to a clinic.

We all know that college is a necessity these days if you want your children and grandchildren to have a better life. Yet it is so expensive. Tuition has gone up more than any other portion of the family budget—over 250 percent since 1980. Even for a family that is making $50,000 or $60,000 a year, people are often neglected by the Government, and neglected by the kind of grandiose tax plans we have seen from the other side. College tuition bills bring shivers down their spine.

What we are saying, at the very least, is that Uncle Sam ought not take his cut. If you are going to pay for tuition, which is good for your children but also good for America—you ought to be allowed to deduct that, or take a tax cut, whichever you prefer. This for the first time brings relief to middle-class families who really do not need the Government day to day but who are worried about the big financial nugget such as long-term care and such as paying for college tuition. Our proposal would benefit them in ways they have never seen.

This is again a theme of the budget—not a broad, across-the-board tax cut that will benefit the top 5 percent, at most, and give a few crumbs to the struggling middle class but, rather, target that part of the middle class. There is no better target than college tuition.

I thank the Senator for asking me to extrapolate on that point.

Mr. DURBIN. I thank the Senator from New York, because I think when we talk about tax cuts, most Americans will, of course, applaud the idea of tax cuts, but they want to have responsible, targeted tax cuts to address specific problems, as the Senator from New York addressed with his suggestion about deducting college education expenses and the long-term care concerns of virtually every family across America.

We are also talking about increasing the earned-income tax credit under the President's budget. What is that all about? If you are a working person in a low-income situation with a family, we want to give you a helping hand. We want to reward work. We want to strengthen families. That is what the earned-income tax credit is about.

Let me mention two or three other points, and then I will yield the floor to my colleague from Washington, who is also here to speak on the President's budget.

The benefits of fiscal discipline for our economy have been enormous. This budget continues the idea of fiscal discipline leading to a stronger economy with targeted investments and the things Americans hold dear—targeted tax cuts to help families in difficult circumstances.

Interest rates are lower than they would have been otherwise because we have reduced the debt of this Nation, helping to fuel 7 consecutive years of double-digit investment growth for the first time in our Nation's history.

When I first came to Congress under President Reagan in 1982 and 1983, virtually every problem in America was blamed on Jimmy Carter. It was said that the Carter administration had left such a terrible legacy that America was just deep in the mire and would never be able to get out. I thought that was a reasonable thing to say for a while. But the Republicans continued to say it year after year. Pretty soon we were 5 or 6 years into the Reagan administration, and they were still blaming Jimmy Carter. I wonder what the Republican Party will say now about the record under the Clinton administration.

This President can't take credit, nor does he try, for all of the economic goodness in this country. But certainly his leadership has provided a role, with the Congress, with the Federal Reserve, and brought us to this position in our history.

We have seen this dramatic increase in our Nation's economic growth of a 4.7 annual growth rate from 1981 to 1992, and now a 12.1 percent real annual increase in investment in business equipment and software since 1993. Unemployment is the lowest in a generation—4.0 percent. We are also seeing the longest economic expansion in our Nation's history.

The bottom line is this. We believe the President's budget—the one he comes forward with now, this positive message of continued economic growth—says keep the fiscal discipline for a strong economy and make strategic investments, not in big government but smart government.

Take a look at the President's budget over a 10-year period of time. You will find that he is slightly below the funding for current services. That means, if you apply the rate of inflation for every single year to last year's budget, just keeping up with inflation at the end of 10 years, the President's proposal for defense and nondefense spending is less than the increase for the rate of inflation. He is asking for not big government but smart government investments in education, health care—things families hold dear—and attractive, targeted tax cuts that American families applaud from Illinois and across the Nation.

Mr. DASCHLE. Mr. President, will the Senator yield?

Mr. DURBIN. I am happy to yield to the minority leader.

Mr. DASCHLE. I didn't have the opportunity to hear the initial comments of the Senator, but I appreciate very much his calling attention to many of these issues. What an appropriate time to do it as we consider the budget. The budget was just released yesterday.

Did the Senator from Illinois make comment that we actually have a lower percentage of Government spending as a percentage of GDP than at any time in the Reagan administration or, for that matter, any time in modern days? Did the Senator state that?

Mr. DURBIN. That is exactly right. The Senator from South Dakota, the minority leader, has made the point. I think it is one that bears repeating. Those who argue that we are "growing" the Government at the expense of family needs across America just don't have the facts straight.

Our gross domestic product, the sum total of goods and services in this country, continues to show a decline in the percentage spent on Government.

Mr. DASCHLE. Did the Senator from Illinois also make the point earlier that we actually don't go into the non-Social Security surplus with this budget, that we keep approximate current services, but we dedicate many of these new investments to areas that directly affect working families? Did the Senator make that comment?

Mr. DURBIN. The Senate minority leader is correct. I think it is a sharp contrast to some of the rhetoric we hear on the Presidential campaign trail from the Republican candidates. Some have suggested again this theory of massive tax cuts that go way beyond our ability to pay without raiding the Social Security trust fund. I think that has become an accepted premise for all budgets on Capitol Hill, Republican and Democrat alike: We are going to say the Social Security trust fund is not going to be raided; we will set it aside. We hear candidates on the campaign trail calling for tax cuts that require raiding the Social Security trust fund.

The President does not. He says we will hold to that basic principle. I think in so doing, he is standing for principles Americans believe in: Protect Social Security and make certain we bring down the debt incurred by Social Security as a way of forcing fiscal discipline in the process.

Mr. DASCHLE. I appreciate the answer from the Senator from Illinois.

The debt, under this budget, would be completely retired by the year 2013; Medicare solvency would be extended to the year 2025; Social Security solvency would be extended through the year 2050; we broaden health care coverage; all of these plus maintain the kind of commitment we have begun to make in areas such as investments in education and in increased law enforcement activity that have made a real difference in this country.

Did the Senator from Illinois talk about those things as well?

Mr. DURBIN. The Senator from South Dakota has been on Capitol Hill a few years longer than I have. I cannot recall a budget such as this budget, one that is so positive, that looks to the future with such optimism, a budget based on reality and on fiscal discipline.

Many politicians on Capitol Hill throw charges around about irresponsible people, favoring increased taxes, big government spending and new programs. This budget says to America, we can continue this economic expansion if we are careful, if we make sure we bring down this debt and do it in a responsible way, with a targeted investment, so America can grow, so our families are healthy, so our children are educated.

I believe the Senator from South Dakota has made that point again. I hope during the course of this debate on the budget our friends across the aisle will be as honest with this side as we will be with their side. We should accept the premise that we are not going to raid Social Security, that we are going to reduce the publicly held debt of this Nation to zero by 2015 while making sure Social Security and Medicare are strong for years to come.

Often our friends on the Republican side of the aisle do not want to mention the word "Medicare." Yet for tens of millions of Americans, Medicare is crucial. We need to make it part of this debate as well.

Mr. DASCHLE. I appreciate very much the leadership of the Senator from Illinois in bringing Members to the floor for a colloquy of this import as we consider the extraordinary implications of this budget.

I was disappointed this morning to read in one of the newspapers some of our Republican colleagues have already pronounced this budget dead on arrival. What is there not to like about this budget? This is a budget that protects the Social Security surplus, a budget that ensures we protect the non-Social Security surplus for other commitments we may want to make in tax cuts or in dedicated investments, a budget that ensures the solvency of the Social Security trust fund through the year 2050 and Medicare through 2025, a budget that understands, as the Senator from Illinois said, there is a prudent middle-center approach that recognizes the importance of ensuring the tremendous strides we have made in reining in Government and doing what we must to make the efficiency of the Government our task. All this is in this budget, and we are told it is dead on arrival.

I am somewhat stunned and disappointed that some of our colleagues, who I am sure have not thought through the implications of their statement, would comment without a more careful consideration of the extraordinary impact that this budget could have if we pursued it this year.

I thank the Senator from Illinois.

Mr. DURBIN. I close by saying the old cliche, "If it ain't broke, don't fix it," applies to this situation. Our economy isn't broken; it is strong. This budget will continue our economic growth as a nation. In this budget I can say to my children and grandchildren: We are doing the right thing. We are reducing the debt of the Nation so that your burden is reduced as well. We are providing for Social Security so that this Senator and many others, when it comes time for retirement, will have Social Security to turn to. A strong Medicare will be there as well. We are going to invest in our future in terms of education, health care, the things Americans value, and provide tax cuts targeted for middle- and low-income families to deal with long-term care expenses as well as college education expenses and the other burdens they face.

I challenge my friends on the other side of the aisle, in the true spirit of this deliberative body, to come forward with a better budget. Let's debate it on the floor. I am prepared to say at this moment that the principles behind the President's budget are principles I endorse. They are principles I think most of the American families endorse.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask the Senator from South Dakota a question. In his questions to the Senator from Illinois, he has pointed out the core of this budget is balance. It is a balanced budget in the traditional sense that we are not spending more than we bring in. In fact, we are doing the opposite, by paying down the debt. However, it is also balanced in terms of the needs of the American people.

The No. 1 priority we have is to save Social Security by buying down the debt; second, target tax cuts for middle-class people who need help. They don't need help day to day. People are doing fine making $40,000, $50,000, or $60,000 a year, but they do need help with the big financial notes such as college tuition costs and long-term care.

Finally, spend in a careful way in areas where we have to, such as education, where everyone knows we have to do better. I know the Senator from Washington, Mrs. MURRAY, has been a leader on this issue. I am sure we will hear from her.

I ask the Senator from South Dakota, our minority leader, in his years of experience, has he seen a budget as balanced as this, that cares for the American people in a thoughtful, rational way, that is built on a platform of prudent Government responsibility?

Mr. DASCHLE. In answer to the Senator from New York, I have to say no. What a contrast from the 1980s when we made the huge cuts in taxes and then ran up the huge trillions of dollars in a deficit we are still trying to pay off today. What a remarkable contrast this is. This recognizes the importance of fiscal responsibility. First and foremost, it says we have made some tremendous strides in our budgetary and fiscal policy in the last 7 years. This will build on it.

It is no accident today that we are seeing the economic achievement in this country with the fiscal and monetary policy. This says we want to build on that, we want to continue in this coming decade what we have pursued in the last decade: We have the lowest number of Federal employees since 1962, with the lowest percentage of spending for GDP since 1967. We recognize we can do a lot more with a lot less. We recognize we can still target tax cuts to the middle class. We recognize the importance of education by providing the largest single Head Start expansion in history in this budget.

How remarkable it is in this budget we are able to keep our current services at below the cost of inflation in the coming year and still provide the largest Head Start expansion in history or deal with child care by providing low-income families with more affordable child care than they ever had in any other budget.

You can look all the way down the list of opportunities this budget presents: Helping working families with greater EITC, helping working families with greater opportunities for college through deductibility, helping working families by providing safer communities. This is a budget of which we can be proud. It builds on what we have already done. Are there going to be naysayers? Of course. There always are. We have overcome them for 7 years. We will have to do it again.

But it is here. I ask my colleagues to look at it. My colleague from New York asked exactly the right question: Is this a balanced budget? By any definition of that word, this is a balanced budget.

Mr. SCHUMER. I thank the Senator from South Dakota and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I wonder if my leader, Senator DASCHLE, will engage in just a bit more of a colloquy at this point?

Mr. DASCHLE. I will be happy to.

Mrs. BOXER. I have been on budget committees for years, 6 years in the House and now, since I came to the Senate, it is a total of 13 years. This is a remarkable moment in history, as my friend has pointed out. I wanted to talk to him about why we are where we are.

It has been very difficult for quite a while, back to the days of the burgeoning deficits that started under President Reagan and escalated under President Bush and only were brought under control with the Clinton-Gore team. Finally, we now can do something for the American people, do something they need. Now we can do something they need in education. We talked about Senator MURRAY's push to reduce class size. We see in this budget the ability to do that. We see in this budget $1 billion for afterschool care, for which we have struggled mightily, which means millions of kids are going to have that. We see the targeted tax breaks.

So my question to my friend is, we are at this point and we are at this point for a reason. It was hard to get here. Fiscal responsibility does bring rewards. We tell that to our children: Save for the time you need to spend; be careful with your resources. We have done that. I wonder if my friend can recall the key vote, back in 1993, when, without one Republican vote, we were able to get through a budget which has led to these kinds of surpluses and the surpluses, in turn, are giving us the ability to pay down the debt, save Social Security, save Medicare, and make these targeted tax cuts and investments? Could he recall for us what it was like to get that through?

The PRESIDING OFFICER. The Chair will advise the Senator from California, under the previous order she has a minute and a half remaining.

Mr. DASCHLE. Mr. President, I ask the colloquy be taken off my leader time, if I could.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I am done with my remarks. I want to get my friend to evoke for us how hard it was to get to this particular point in which we find ourselves.

Mr. DASCHLE. It was so hard that there are some colleagues who are no longer here because they paid the price. Before we could see the results, of course, there were some across the country who made a judgment about the prudence of their very difficult decisions in 1993 and chose not to send them back to Washington. They paid the ultimate political price so we could enjoy the fiscal glory we are enjoying today.

I can recall so vividly talking to some of my colleagues who, up until the very last moment, weighed whether this was the right thing to do. Only in the last few moments they made the decision to take the chance. But this was in the face of tremendous opposition, vocal opposition from the other side, projecting recessions and unemployment and extraordinary fiscal repercussions that we would feel for perhaps the rest of our professional lives. There were warnings, extraordinary in their scope and depth and visceral disgust, for what we were attempting to do.

It was an overpowering moment, to see the Vice President cast that tiebreaking vote to give us the opportunity to put this budget on the fiscal path, a moment that we now look back on with great pride. What remarkable opportunities it presented. Twenty million new jobs—how do you put a value on that? We have an economy that has taken the stock market to heights we never dreamed. We have more homeowners than at any time in our history: two out of every three people have their own homes today, in large measure because of our fiscal responsibility and the incredible success we have enjoyed. I would say these did not come easy.

Maybe the fight this year will not be in any way near the proportions or depth of feeling as when it was fought out on the floor of the Senate back in 1993. But it has the same repercussions. How fragile this all is. How easy it would be to go back and cast our votes for a huge tax cut that would destroy all of this in one fell swoop. It could happen again. If we don't understand the repercussions of a tax cut by now, it could happen again.

I urge my colleagues to read this budget, to think carefully about what it is we have been able to do and how we have been able to do it, and make absolutely certain, before we depart from a blueprint that I think demonstrates remarkable balance, that we think long and hard about alternatives.

Mr. President, I appreciate the question proposed by the Senator from California.

The PRESIDING OFFICER. Under the previous order, the time until 10:20 a.m. shall be in the control of the Senator from Wyoming.

The Senator from Wyoming.

THE PRESIDENT'S BUDGET

Mr. THOMAS. Mr. President, I appreciate the opportunity to comment a little. I suppose I might have a different view than what we heard in the last 35 minutes, about what a wonderful budget we have and that we can now return to the era of big government. Not everyone is happy about that, as we might have heard over the last few minutes.

As we look realistically at these things, we have to look at a time that has been prosperous. It started in 1991, in fact. We moved forward. We have a surplus projected, largely because of the strong economy, of course. Also, it is a result, frankly, of a majority in this Congress that, since 1994, has held down spending. That is a little difficult for my friends to accept, of course, but we have now an opportunity to take a look at a relatively prosperous time. Certainly, we want to continue that. We want to take a look at the things that ought to be done for the people of the United States, using their tax money. We ought to take a look at how we strengthen education and return the opportunities to make the decisions about education to the local level rather than doing what the President wants to do, and that is to decide in Washington what each school district ought to have.

We have quite a different philosophy on how we approach this, and that is reasonable. That is why we are here, to represent different views. The things we heard this morning would all represent the idea of more Government, more Government spending, more decisions made in Washington. That is a legitimate point of view. It is a point of view of many in the minority. It is not the point of view of most of us in the majority. So that is what we will be up to, over the next several months and, indeed, this year: deciding as best we can how to come together on these decisions.

It was not long ago, you will recall, when President Clinton suggested in his State of the Union Address that the era of big government was over. That seems now not to be the issue at all. In fact, apparently the era of big government has returned. If this budget is put into place, that is exactly what we will see. Many think that is the greatest way to go. I think that is legitimate. So that is what the debates will be about.

We have before us suggestions of substantial amounts of surplus. This is the first time in 25 years the budget has been balanced. That is largely because of some controls on spending. We have been increasing spending over the last couple of years, I think amply, but still in the level of about 3 percent. Prior to that time, in the early 1980s and the early 1990s, we were expanding as high as 12 percent. That has been reduced some, and that is part of it. Certainly the President's tax increase, back in 1994–1995, had some effect.

Also, the tax reduction brought on by the Republicans helped stimulate the economy. We will have a lot of basic things about which to talk.

This is a huge budget, $1.8 trillion. What is that, 1,800 billion dollars? We will have to talk about each of the areas in which that spending will take place.

Basically, there are some philosophical things. If we think about where we are going with our Government and the decisions we will be making in elections—that is what politics is about, to set the direction of Government, and we will be doing that.

We start with some basic things. We start with putting priorities on the role of the Federal Government and then funding those priorities. Again, not everyone will agree, but that needs to be done, it seems to me. There is no end to the way we can spend money. There are many programs on which we can spend it. I believe we can start by saying to ourselves: What are the legitimate functions of the Federal Government? What should the taxpayers' money be used for, and what are the priorities?

When we come to some agreement on that and, in fact, have begun to fund those priorities adequately—I just came from a breakfast with the Commandant of the Marine Corps. Having been in the Marine Corps, I was happy to be there. The defense of this country is one of the real priorities, and certainly we need to fund the military adequately. We need to fund education. We need to fund health care. There are a number of things, perhaps, at which we ought to take a long look.

The President has proposed 43, I believe—in the neighborhood of 40—new programs. There is a surplus, he says, so let's spend the money. Fine, but let's take a look at the priorities and see, with respect to local governments, if this is where it ought to be done.

Social Security: I do not think there is anyone who does not agree that Social Security is an issue that is a high priority. As I said yesterday, these young people who are starting to pay into that program will pay the largest percentage of their income for a longer time than they will pay in any other tax. Are they going to have benefits at the end of 40 or 50 years? The answer should be, yes, they will. To do that, we have to make some changes.

There are no proposals in this budget to make any significant changes in Social Security, other than to take something out of the general fund, which is not a long-range proposal. We have some ideas how we can do that.

The other thing we have to recognize, even though certainly it is a step in the right direction, is the idea of reducing the deficit with Social Security funds. We have to take a long look at that. It is a good idea, and we should put that Social Security money there as opposed to spending it in the general budget, but the fact is that we are replacing publicly held debt with some other debt that has to be repaid by the taxpayers when that Social Security is drawn out. It is less expensive as well, so it is a good idea, and it does get it out of the grasp of the Congress.

What we ought to be doing, if we are serious about the debt, is instead of spending more, we ought to be saying: Let's take a certain amount of that money out of the operating funds, decide over a period of time we are going to pay off this debt, and do it as one does with a home mortgage—we are going to pay so much every year for 15 years; not Social Security money, but regular operating money.

That Social Security money also needs to be taken out of our grasp, and we are hoping we can do that by having individual accounts where Social Security money belongs to the older person who paid into it, where those dollars, as a way of ensuring there will be benefits, can be invested in equities or bonds and will produce a higher return. It will also belong to the person. If they are unfortunate enough not to live to get all the benefits, it will go into their estate.

These are the things we ought to be talking about, not spending $400 billion on new programs, not going through a State of the Union Message in which there is $4 billion a minute proposed. That is, I believe, a reckless budget, and I do not think that budget is going to move in this Congress without a considerable amount of change.

There are, hopefully, some things on which we want to agree with the President. He wants to talk about strengthening the military. We ought to do that. We ought to do something to encourage recruiting, to encourage retention, and to provide what is necessary to carry out the missions of the military. We certainly should do that.

We want to do some more things for schools based on the idea that it be given to the districts, that they can make the decisions as to how that is done, so we can strengthen education.

We ought to be doing something about Medicare prescriptions. We have a program that can be done that keeps it in the private sector generally and allows those who have supplemental programs to continue to have them, perhaps supplement them with a tax reduction but not to do an overall health program, as the President tried before. That is not what we want to do.

It is interesting that, of course, we have this great surge of enthusiasm over the idea of spending all the money we possibly can, but we ought to be thinking about taking a minimum amount of money from the taxpayers of this country to run the Government. It has to be paid. Everybody understands that. But when we do have things like surpluses over time—certainly we do not want to be reckless—but to call every tax reduction reckless is distressing. That money belongs to the people who paid into it.

If we do not have something to limit these kinds of surpluses, the very thing will happen the President is talking about now, and that is, we will find a way to spend it. What we are looking for is a way to adequately finance the Government, to deal with those things that are high priorities for America, to do something about the national debt, to secure Social Security, and then return this money to where it came from so that it is not here, so it has an opportunity to be in the communities, to be in the towns, to be in the States, and to strengthen this economy. That is what keeps the economy going is people having money to invest and create jobs and these are the directions most important to us.

I wanted to let everyone know there are certainly more directions we will take. There are different ideas, all legitimate, as to where we should go. I hope as we proceed, we have an idea of where we want to end up.

I was reading "Alice in Wonderland" the other night. Remember when Alice fell down and she did not quite know where she was going. She ran into various people. She talked to the rabbit who did not have any ideas, except to promote himself, and the mushroom, who was very unpleasant, and the queen who was going to cut off everybody's head. Finally, she came to a juncture in the road, and there was the Cheshire Cat sitting in a tree. She said: Mr. Cat, what road should I take?

He said: Where do you want to go?

Alice said: I don't know.

The cat said: It doesn't make any difference then, you take whatever road you choose.

We need to know where we want to be when we look at this budget, what it has to do with principles of government, the principles of smaller government, the principles of adequate government, and then try to avoid the idea that there are some bucks out there. So let's try to find a way to spend them.

I suspect that is what we will hear a great deal about in this session. Unfortunately, I believe we will hear more about issues that can be used politically than we will about trying to solve problems. There are some we have identified and with which we agree. We need to come together and find some solutions to those particular issues. The country will be much better off.

I thank the Chair for the time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, momentarily I will ask consent for the Senate to go to S. 1287, the nuclear waste bill. I know there have been negotiations underway in an effort to reach a comprehensive agreement on a manager's amendment to the nuclear waste bill. I thank Senator MURKOWSKI for the work he has put into this important legislation now going back at least 2 years.

We have had a good amount of time spent on this legislation on the floor of the Senate, having passed it once before. A lot of work has gone into it this year. I believe we are within the realm of being able to get an agreement which would allow this legislation to move forward and be completed in a very fair way this week.

I also extend my appreciation to the Democratic whip, Senator REID, for his diligence and for his work. He has always made an extra effort to make sure we are communicating and there are not any surprises or dilatory actions taken as we try to come to an agreement that is acceptable to the largest number of people. Senator BRYAN of Nevada is here. This is very important to these two Senators and to their State. I understand that and I have always tried to be sensitive, understanding their need to offer amendments or to make statements, and to be very careful as we consider this legislation. I thank them.

I understand negotiations have been underway between Senator MURKOWSKI in discussions with Senator BINGAMAN and others, but I do think we need to go forward. This is important legislation. I believe we are very close to getting an agreement that is going to be acceptable to a large number of Senators. We do need to have either this agreement worked out and understood so we can move forward without a cloture vote or go ahead and go to cloture because we have to set up a process that allows this to be considered, hopefully favorably, and completed this week. We have been working on it a long time and now is the time to begin to close the deliberations and pass this legislation.

I understand Senator REID has been attending a hearing and is on his way so we can proceed with this action. I do not wish to proceed without his presence because I know if any procedural action or any agreement is worked out, he wants to be here and be a part of what is done. I do say, though, I do have a commitment on the House side I am going to have to attend. I was supposed to speak at 11 o'clock, so I do need to go to the House to carry out my commitment as soon as possible. I will withhold any formal request at this time, but by making this comment now I hope maybe we can move expeditiously to call up this bill and to filing cloture.

I have one final comment. I say again, as I have said several times in the Senate last year and the year before and again this year, this is one of the most important environmental bills we will have in this Congress. Billions of dollars have been spent on this issue, and an inordinate amount of time in the Senate, trying to find a way to get it done. If we can come to an agreement and get this legislation completed, I believe history will look back on this action as one of the most important bills we will have done this year. If, at the end of this week, we will have already completed the final version of bankruptcy legislation, which included a minimum wage increase and tax relief for small businessmen and businesswomen, and address the question of health care costs, and then pass this important nuclear waste bill, we will be off on a very positive step. It will be done in a way I think is fair to both sides of the aisle. We can continue to make progress. As soon as Senator REID arrives, we will move forward on the nuclear waste legislation.

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. LOTT. I thank the Senators for being here as we prepare to move forward on this important legislation. I explained what has been occurring and the need to move forward.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consider S. 1287, the nuclear waste bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, again, while the Senators from Nevada are here, I have already noted my appreciation for the cooperation of the Senators from Nevada. We wanted to make sure we did not go forward without their presence.

AMENDMENT NO. 2808

(To provide a complete substitute)

Mr. LOTT. Mr. President, I send a manager's amendment to the desk. This was circulated to the Members on Friday. I know there are others who need to review this. I hope they will take advantage of the opportunity they have to review it.

Mr. BRYAN. Will the Senator yield for a question?

Mr. LOTT. I yield to the Senator.

Mr. BRYAN. Mr. President, I inquire of the distinguished majority leader, the Friday draft is the one from which we are working. There have been so many. I just want to be sure. Is this the one marked February 4, 2000, 4:45 p.m.?

Mr. LOTT. I believe it is.

Mr. BRYAN. That is consistent with our understanding. I thank the Senator.

Mr. REID. If I may say to the leader.

Mr. LOTT. I yield to the Senator.

Mr. REID. I say to the leader and the chairman of the full committee that I am sorry I was late, but we had a hearing on suicide which Senator SPECTER was gracious enough to hold. I was there because, as the leader knows, my dad killed himself a number of years ago. It was a very emotional hearing for me. I know it has been inconvenient for Senator MURKOWSKI and the leader, Senator BRYAN, and others, but I do appreciate their understanding. The hearing is over, so I can give my full time and attention to this matter. I appreciate everyone allowing me to be late.

Mr. LOTT. Mr. President, I say to the Senator from Nevada, we were aware of this particular hearing and how important and emotional it was for him. We have to be prepared to yield to each other on occasion and be considerate of each other's needs. We certainly understand. I also appreciate his cooperation in moving forward.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Mississippi [Mr. LOTT], for Mr. MURKOWSKI, proposes an amendment numbered 2808.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the amendment to the desk pursuant to the gentlemen's agreement.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment to S. 1287, the Nuclear Waste Policy Amendments Act of 1999:

> Trent Lott, Frank H. Murkowski, Slade Gorton, Don Nickles, Tim Hutchinson, Conrad Burns, Mike Crapo, Phil Gramm, Thad Cochran, Richard Shelby, Larry E. Craig, Jim Bunning, Judd Gregg, Charles Grassley, Wayne Allard, and Bob Smith of New Hampshire.

Mr. LOTT. Mr. President, as a result of our gentlemen's agreement last week—and I know all the Senators involved have been working to keep that commitment—I think progress has been made.

I ask unanimous consent that this cloture vote occur at 2:15 p.m. today, that the mandatory quorum be waived, and that Members have until 6 p.m. this evening to file first-degree amendments and 12 noon on Wednesday to file any second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. LOTT. Mr. President, I now send a cloture motion to the pending bill to the desk. Before the clerk reports the motion, it is my sincere hope this cloture vote will not be necessary. It is my hope that rather than the cloture vote on the amendment today at 2:15 p.m., there will be a bipartisan outcome and the Senate can conclude this bill in a relatively short period of time. However, without that ironclad assurance, I have no choice but to file this cloture motion to the underlying bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 180, S. 1287, the Nuclear Waste Policy Amendments Act of 1999:

> Trent Lott, Frank H. Murkowski, Jim Bunning, Thad Cochran, Kay Bailey Hutchison, Mike Crapo, Richard Shelby, Larry E. Craig, Craig Thomas, Judd Gregg, Jeff Sessions, Bob Smith of New Hampshire, Phil Gramm, Slade Gorton, Tim Hutchinson, and Don Nickles.

Mr. LOTT. Mr. President, again, I thank Senators on both sides for their cooperation.

I yield the floor to the chairman and ranking member and hope substantial progress can be made during today's session. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, we have a historic opportunity today to resolve a problem that has been occurring ever since the first nuclear plant came online in this country. That date was 1960.

The question was: While we now have this new source of power, clean generation, what are we going to do with the waste?

Today we have an opportunity to resolve what we are going to do with that waste. It is an obligation that goes across party lines. It is an obligation, it is a responsibility, it is a commitment, to resolve this once and for all.

How long have we been at this? One can go back 17 years when it was addressed at great length in an energy package that was debated at great length, but the portion on what to do with high-level nuclear waste was not resolved.

Over a period of time, it was agreed that the Federal Government would enter into a contractual commitment to take the waste in the year 1998. That went by and, as a consequence, we find ourselves in the situation where the ratepayers in this country who have the benefit of nuclear clean power have paid in some $15 billion to the Federal Government.

Where did that go? It did not go into an escrow account. It went into the general fund. But those ratepayers and those power-generating companies, utilities, went into that contractual agreement with the Federal Government in good faith, believing that the contract would be honored by the Federal Government, believing that, indeed, the Federal Government was under an obligation under the sanctity of contract principle to honor the contractual commitment.

The Federal Government has not honored that commitment and, as a consequence, we are dealing with an exposure to the American taxpayer of some $40 billion to $80 billion in damages associated with the inability of the Government to come to terms with the contractual commitment it made with the utilities.

Each day we delay resolving how we are going to take that waste subjects the American taxpayer to additional liability. We did a little calculation, and the additional liability to each and every American family is somewhere between $1,300 and $1,400. That is the liability that extends to the American family. That is why, in spite of the differences as to how we resolve this problem, the commitment should be to resolve this problem with the legislation we have or the amendments that will be forthcoming.

There is a tradeoff. We have had clean power from these nuclear plants. These are not isolated sources of power. These plants contribute approximately 20 percent of the domestic energy produced in this country.

What is the tradeoff? The tradeoff is what we are going to do with the waste. We made a commitment to put that waste at Yucca Mountain. We have expended in excess of $6 billion on Yucca Mountain. There is a procedure to go through before Yucca Mountain can be licensed. But I remind my colleagues and staff and those who are following this debate, we simply must deal with it.

The Senator from Alaska does not have a constituency in his State relative to nuclear power. We had a small plant at a military base at one time, but it is long since gone.

But as chairman of the Energy and Natural Resources Committee, I have a responsibility to address this. I have a responsibility to the taxpayers. I have a responsibility to every Member of this body. That is what the professional staffs of both sides, Senator BINGAMAN, as the ranking member, and myself, have been working towards.

We simply cannot address this debate in the theory of: If we don't like this aspect or we don't like that aspect, if we can't come to terms on one point or another, we are going to simply throw the baby out. That is absolutely irresponsible. It is mandatory that we come together now and resolve this issue because we have that responsibility to the taxpayers of this country.

What is the administration's position on it? I can probably honestly say it is split. That may mean they are for certain aspects we have come to terms with but are opposed to certain other aspects. But I implore the administration to recognize that they have an obligation to come to grips with the contractual commitment that was made. The Department of Energy, as the lead agency, has to address how it is going to come about.

I have had numerous conversations with Secretary Richardson. I think we have made progress. But the reality is, if we are going to pick this legislation apart and lose sight of our objective, I am wasting my time and, Mr. President, you are wasting your time listening to me because we are not going to get anywhere. We have to come into this debate committed to working this out and resolving this so we can address the problems associated with what we are going to do with that waste.

I am not here to lament on what others are doing with high-level waste. We know what the French are doing. They are reprocessing their waste. They recover the plutonium. They put it back in the reactors. They vitrify the waste which has less life and is disposed of. We do not have that policy in this country. We may have it someday, but we are committed to a permanent repository at Yucca Mountain in Nevada.

You are going to hear a lot from my Nevada colleagues, as you should, because the difficulty with this issue is nobody wants the waste. You cannot throw it up in the air because it has to come down somewhere. That is all there is to it. When you have a situation where nobody wants it, you have a real problem because those that come from the area where it is proposed to go are going to do everything they can to stop it.

That is the situation with regard to my colleagues from Nevada. Let's be honest with one another. They have a vested interest. They don't want it in their State. But we have to put it somewhere.

Let me refer to a couple of charts here because I think it represents reality and where we are today.

The chosen site for the waste is Yucca Mountain in Nevada. Everybody, I assume, knows where Nevada is. It is next to California and Arizona. But what we also have on this chart is where the waste currently is. You have it all over the East Coast. You have it in the Chicago, IL, area. You have it along the West Coast, and in south Texas, and so forth.

What we are looking at here, shown in brown on the chart, are the commercial reactors. These are the power-generating reactors in the various States that generate power to light the homes, light the sidewalks, light the highways, heat the homes, heat the hot water tanks. This represents 20 percent of the energy in this country.

The storage facilities where this waste is were designed to hold a specific volume of waste. That volume was basically controlled by the various States. Many of these facilities are full or about to be full. These States are either going to allow the increase of that storage in their State or in the reactor pool or those reactors are going to have to be shut down. If you shut down the reactors, where are you going to pick up the power?

The critics of nuclear energy don't care about that because they do not want to see nuclear energy expanded to any extent. They are not interested in where you are going to get the power from another source. But you only have so many alternatives. You can put in more coal-fire plants. That does not do anything for air quality. Some suggest we just hook up to gas, that gas is cheap.

But the National Petroleum Council came out with a report the other day that suggests that if those people think they are going to be able to plug into gas, they have another thing coming. The infrastructure isn't there for the volume demand. We are using about 20 trillion cubic feet of gas currently in this country. It is anticipated in the next 10 years that will be up over 31 trillion cubic feet of gas.

We have a problem with access in the areas on public lands, where we could initiate exploration for gas, because this administration simply will not open up public lands or offshore areas, for the most part. Where are you going to find the new gas necessary to meet the anticipated demand, even without the exposure associated with the issue at hand; that is, what to do with the high-level waste?

The other issue with the gas, as I have indicated, is the infrastructure isn't there yet. To suggest it is going to be cheap, you have another thing coming. It is not going to be cheap. The price is going to increase. It is estimated the demand for gas, at the end of the next 10-year period of time, is going to amount to about 14 million new users. It is going to require an investment of about $1.5 trillion. So for those people who suggest we just go get gas, that is not realistic.

Some people say: Let's go to solar. It gets dark at night, in case some have not noticed. In my State of Alaska, in the wintertime it is a long night.

Wind. Sometimes the wind does not blow.

So for a long time we are going to be looking to our conventional fossil fuel sources. We should be looking to the role of nuclear.

But my point is, this chart highlights where the nuclear waste is. It is in 40 States. If we don't do something about this now, with this legislation, it is going to stay in those 40 States. There are 80 sites where various reactors are located in the 40 States.

There is another contributing consideration to which every Member ought to be very sensitive. We have shut down reactors with spent fuel. We have them in California. We have them over here on the East Coast. We have several throughout the country—in Oregon.

What are we going to do with that waste in those shut down reactors? The alternative is to leave it there. Do you want to leave it there? Nobody wants to leave it there. They want to move it.

We have commercial spent nuclear fuel storage facilities where we have waste in a number of States. That is shown on the chart in black. As a consequence, that will stay.

We have non-Department of Energy research reactors in States which are shown in green on the chart. What do we do with that? Leave it?

We have naval reactor fuel in Idaho and the State of Washington which are shown in yellow on the chart.

There is DOE-owned spent nuclear fuel and high-level radioactive waste strung around the country at various places.

To those who say this isn't a crisis, that we don't really have a responsibility here, I say that logic is simply ducking the responsibility. We have to address a resolve of this issue at this time.

We have to address what to do with the waste. We have to get it out of the areas where it currently resides. Those areas were not designed to hold and maintain that waste indefinitely.

They were designed to hold the waste up to their licensed capacity. So that is the problem we have now.

I want to go through and try to regionalize and personalize how significant this crisis is by a series of charts, the first of which will show you where we propose to put this waste in Nevada, in the desert. We have a chart that shows the area out at Yucca Mountain as it exists today. This is the proposed location for the permanent repository at the Nevada site.

I am sensitive to the reality that this is the soil of the State of Nevada. But I am also a realist and recognize that, for 50 years, we have been using this area for nuclear testing. It is hot, Mr. President. We have had over 800 nuclear weapons tests in this area. If you believe in the theory that an area, at some point in time, becomes pretty heavily polluted—if I can use the word—does it make sense, then, to try to recognize a site for what it is and ask, well, if the geological area is sufficient, is this a good site for a permanent nuclear repository underground?

That selection was made a long time ago, so that is not the issue today. The issue is how we are going to proceed with an understanding of how we can go forth, begin to move the waste, when this site is licensed by the various agencies and we can proceed in placing the waste in that permanent repository where we have spent $6 billion.

I have been there. I have been through the tunnel. The tunneling is basically done. If we don't put it there, where are we going to put it? Some say, leave it at the site. Some others say, put it in casks above ground and store it. Well, then what do you do with it—put it off? Remember, all this time, we are in violation of our contractual commitment to take the waste in 1998. So the clock ticks. There is a full employment act for lawyers who are filing damage suits. They love this delay. The American taxpayer doesn't know what is hitting him because the damages click on. That is why we have an obligation as Members of this body to address and resolve this now.

Let's go through some of the 40 States that are affected. I hope that the staffs of each of the States watch this. If you disagree with me, that is fine. Get ahold of the staff and we will try to proceed.

Arkansas. A few of our prominent people come from Arkansas. Arkansas residents paid over $365 million into that waste fund in their utility bills. There are two units, Nuclear Unit 1 and 2. The waste stored is 690 metric tons. Their waste—under their permit, unit 1 runs out in 1996 and unit 2, in 1997. Those dates have passed. The State of Arkansas gets 33 percent of its electricity from nuclear energy. These charts were made up some time ago. So the waste stored now is more. The question of whether Arkansas is going to increase its licensing is up to the folks from Arkansas. But the point is, that is one State. We have 40 States. I am going to go through a few of them.

Connecticut. Residents paid in $655 million. They have two units, Millstone 2 and 3. Waste stored is 1,445 metric tons, DOE/defense waste. Millstone 2 runs out in 2 years; Millstone 3, in 2003. That State is 43-percent dependent on nuclear energy. That is the hard cold fact.

Massachusetts. Their waste fund is $156 million. One unit, Pilgrim 1. Waste stored is 495 metric tons. There is a vacancy if they install new racks. The State's electricity is 12-percent dependent.

Oregon. The waste fund is $108 million. One unit, Trojan. Waste stored is 424 metric tons. Hanford site, waste stored is 2,133 metric tons. Trojan closed for decommissioning. Think about that. Do you know what that means? That means that waste isn't going to go anywhere other than to stay in Oregon, unless we pass some legislation that proceeds in a process so we can move this waste out of these sites.

Moving south, Louisiana. Residents paid $339 million. Two units, Riverbend

1 and Waterford 3. There are 567 metric tons stored. Waterford runs out in 2002; Riverbend, 2007. Louisiana is 22-percent dependent on nuclear energy.

Illinois. The waste fund is $2 billion. The residents of the State of Illinois have paid $2 billion in their electric bills. The reason they paid that is so the Federal Government would honor its contract and take the waste in 1998. They have 11 units: Braidwood 1 and 2; Bryon 1 and 2; Clinton; Dresden 2 and 3; La Salle 1 and 2; Quad Cities 1 and 2. DOE research reactor full, stored 40 metric tons. Dresden 3 expires in 2000. Dresden 2 expires in 2002. Clinton expires in 2003. Quad Cities expires in 2006. Zion expires in 2006. La Salle expires in 2013. Bryon expires in 2005. Braidwood expires in 2019. The State is 39-percent dependent.

From where is this power going to come? Not from thin air. Somebody has to produce it. Do you want a brownout? These plants are in violation after that date. There is a necessity of us resolving this in a bipartisan manner. We have that obligation. We should make a commitment on this floor to proceed with the objective of solving this.

Michigan. Their waste fund is $696 million. There are four units: Cook 1 and 2; Fermi 2; Palisades. Waste stored is 1,493 metric tons. DOE research reactor. Palisades expires in 1992; Fermi, in 2001; Cook, in 2014. The State is 24-percent nuclear dependent.

Wisconsin. I remind my fellow colleagues from these States that if we don't do anything, it is going to stay right in your State. Is that what you want to have happen? In Wisconsin, the waste fund is $344 million. They have three units, Kewaunee and Point Beach. Waste stored is 967 metric tons. Point Beach expires in 1995. Kewaunee expires in 2001. They are 8-percent dependent. Maybe they are waiting on the assumption that we are going to address this problem once and for all.

Georgia, in the South. Their waste fund is $529 million. They have four units: Hatch 1 and 2, Vogtle 1 and 2. The waste stored is 1,182 metric tons. The Savannah River site waste stored is 206 metric tons. Hatch 1 and 2 were out in 1999. The State is 30-percent dependent.

Washington State. The waste fund is $344 million. One unit, WNP 2. Waste stored is 292 metric tons. They are up this year. State's electricity is 6 percent. To a large degree, they depend on hydro, but they still have a problem.

Maine. Their waste fund is $233 million. One unit shut down, Maine Yankee. Waste stored is 536 metric tons. Does Maine want that waste to sit there? Do the elected Representatives of the State of Maine want this waste to sit there or move it to one central location that was designed to take the waste?

I see my colleague from Pennsylvania on the floor. In his State, the ratepayers have paid $1.338 million for the waste fund. They paid $245 million in their electric bills. They have nine units: Beaver Valley, Limerick, Peach Bottom, Susquehanna, Three Mile Island, and 3,327 metric tons. Beaver Valley is out in 2015, Limerick is out in 2005, Peach Bottom is out in 1999, and Susquehanna is out in 1998. Pennsylvania has a generating capacity of 34 percent which is dependent on nuclear energy.

Finally, Vermont. I am not going to go through all States. But I want to make the point that $186 million has been paid by the ratepayers with one unit.

Vermont Yankee: Waste stored, 429 metric tons. Vermont Yankee runs out in 2005. In this State, generating capacity is 73 percent nuclear energy.

I think that highlights my point that there are very few States that are exempt. Out of the 50 States, there are about 10 that have no nuclear waste in their States.

Again, the locations of the spent fuel and radioactive waste designed for geologic disposal are all of these colors. From all of these places it is going to go to the proposed one site at Yucca Mountain. How can we work with Nevada to reach some kind of an accord?

That is tough because Nevada doesn't want it as a principle, but it creates jobs. But, by the same token, they are very sensitive to this. I can appreciate that sensitivity. I again appeal to reason. We have to put it somewhere. We identified this as the appropriate place.

We are proceeding with the process of licensing. We have an obligation as elected Representatives to resolve the problem. It is not a partisan issue. I defer the thought process to the obligation we are putting on the taxpayers as we put off, whether it be the Senate, the House, or the administration, reaching a decision on how to proceed with this because it is costing the taxpayers more money. One of these days the taxpayers are going to wake up to the fact that each family in this country is carrying a proportionate share of between $1,300 and $1,400 for the damages that are anticipated associated with the inability of the Government to take that waste in 1998 as it agreed to do under a contractual commitment, let alone overlooking the fact that the ratepayers have paid $15 billion to the Federal Government to take the waste.

It is beyond me as to why the current administration has not been more aggressive in saying, yes, it is our responsibility to get it resolved. We have had a number of objections from the administration over the years in the process of trying to proceed with this.

These objections cover a series of legitimate concerns. But I think in some sense they have lost sight of what our objective had to be, and that is to recognize we have the obligation to resolve the problem.

I met with the Secretary of Energy early last year. At that time, we were hung up on how to proceed and what to do about the extended litigation that was occurring as a consequence of the Government's inability to honor the contractual commitment. The issue was, well, how can we find a compromise? We agreed to meet the administration's proposal that the Department of Energy may take title to spent fuel and may pay some of the costs of that storage. That was a significant good-faith effort to try to reach an accord.

The other alternative would have been the utility simply suing the Federal Government. But this was the suggestion of the Secretary. We concurred and agreed with it.

The other issue was the concern of previous bills which would allow interim storage to occur at Yucca Mountain until Yucca Mountain was licensed. This is important because we need relief. The most immediate way to get relief is to begin moving this waste to Yucca for temporary storage in casks on the surface until such time as Yucca Mountain is licensed and the waste can be put in a permanent repository. The administration opposed that. Nevada opposed that because they looked at it as the last straw and with certainty that the waste was definitely going to Nevada. We were trying to find a way to remove the crucial time element where some of these plants had to shut down, move the waste out under some plan, and put it in casks on the surface until such time as Yucca Mountain opened. We dropped that at the insistence of the administration. We eliminated the ability to temporarily move that waste until Yucca could be licensed.

That was a very significant effort to come to grips with the concerns of the administration. But clearly the administration was concerned about elections in Nevada. I can understand that and appreciate that. We didn't move the waste into temporary storage. Now the question that seems to be crucial is how we are going to get a radiation standard that is attainable. It is a legitimate question.

We are proposing to get the best science available. What is the best science? There is a lot of science out there. We want a radiation standard that will be attainable which will allow us at such time as Yucca is licensed to be able to move the waste there. If we have a standard that is unattainable, this whole thing is for naught. We will have expanded dramatically the obligation of the American taxpayer not only in damages where we failed to adhere to the sanctity of the contract but damages associated with further delay.

We have proposed in general terms to bring with the best science, which is pretty hard to do in this kind of climate. That science consists of those who are very familiar with items of this nature. One of them is the Nuclear Regulatory Commission, which licensed the plants and which has probably more Ph.D.s associated with the nuclear industry and nuclear issues than any other agency—to bring that agency together with the National Academy of Sciences and the Environmental Protection Agency to work towards a solution on a radiation standard in a positive sense so that we have good, sound science. We have a problem with that to some extent.

I hope we can come to grips and recognize in the spirit of good faith the objective is to get the best science, from whatever sources.

The EPA has the final obligation for rulemaking. However, we are proposing that not occur until after June of the year 2001. In the meantime, we want them to come together to achieve an attainable level of a radiation standard with which we can live. The radiation standards are all over the ballpark. They are in the eyes of the beholder.

In this debate, we will have an opportunity to explain at greater length the concern we have that, after completing this process, the Environmental Protection Agency promulgates a rule on radiation standards that is simply unattainable. If everything were equal in evaluating this, I would not have that concern. However, there are some in this country, including environmental groups—and I am sure the National Academy of Science as well as the Nuclear Regulatory Commission perhaps to a lesser extent, but certainly within the Environmental Protection Agency—who would like to see no solution.

What is their motivation? There is a fear that somehow we will expand nuclear energy or the role of nuclear energy. Some suggest if we overcome what to do with the waste, it will stimulate the construction of new plants.

I am not here as an advocate of nuclear energy, but I am here as a realist to recognize we cannot have it both ways. We are concerned about air quality. We are concerned about global climate change. We are concerned about Kyoto. We should be. Is there a role for nuclear energy? There should be. From the administration, the Vice President, no mention is made of the role of nuclear energy in any proposals on climate change. One can only assume that the environmental groups that oppose the nuclear industry prevail in the mindset associated within the administration. If they do, that is fine; let's be open. But we should recognize we have an obligation to come up with an alternative.

To suggest the solution is simply to let this industry choke on its own waste is unrealistic and irresponsible. That is why we must work in a bipartisan manner for a solution and not lose sight of our objective, which occurs around here, by getting hung up on various aspects of detail and legalistic language. We are either going to move this waste or we are not. If we move it, we are going to save the American taxpayer money. We will adhere to the sanctity of the contractual agreement to take that waste in 1998. That is where we are.

Mr. President, I know my colleagues want to be heard and we have not entered into any time agreement. Ordinarily, we break for the policy luncheon. I believe we have a cloture vote scheduled at 2:15. Without losing my right to the floor, how can we accommodate our colleagues, recognizing we have a limited time?

The PRESIDING OFFICER. Under the previous order, we break at 12:30 p.m. for the policy luncheons. Under the Pastore rule, only germane debate can be accepted in the first 3 hours.

Mr. MURKOWSKI. That occurs beginning at 2 o'clock.

The PRESIDING OFFICER. 11:21 was the start of the debate, so for the next 3 hours the debate has to be germane.

Mr. MURKOWSKI. It is the intention to break at 12:30 and we come back in at 2:15 and we have a cloture vote.

The PRESIDING OFFICER. That is correct.

Mr. BINGAMAN. Mr. President, if I could make a parliamentary inquiry, it is my understanding we have a unanimous consent agreement in place calling for a vote on the cloture motion at 2:15.

The PRESIDING OFFICER. That is correct.

Mr. BINGAMAN. Mr. President, I hope to speak for about 15 minutes to give an opening statement explaining my views on this issue. I know there are other Senators wishing to speak on this issue. I have no need for additional time other than that.

Mr. MURKOWSKI. Mr. President, I am happy to yield to my friend. I hope in a bipartisan spirit we can come to grips with our obligation to resolve this issue to benefit the American taxpayer as a renewed sanctity of the contractual commitment the Federal Government has made.

I pledge to work with the Senator and my colleagues from Nevada in that spirit in hopes we can reach a satisfactory resolution and not be buried in an impossible situation that simply detracts from our objective.

I yield the floor.

Mr. BINGAMAN. Mr. President, I thank the Chair, as well as the Senator from Alaska.

Let me first discuss where we are procedurally because I think it is important to put my comments in context. We are going to vote at 2:30 on a cloture motion to proceed to consider an amendment I will be discussing in my remarks. There have been substantial discussions between the chairman and me since that amendment was distributed last Friday. It is my understanding there are going to be major changes made to this amendment after the cloture vote occurs. We will be able to see those. We have not seen them in writing yet, but we have had extensive discussion.

I want to make it clear that I will raise serious questions about the bill on which we are voting cloture. At the same time, I will indicate I support cloture so we can move the process forward and I hope we can find in the course of this debate a way to resolve the issues to which I will allude in these comments.

The issue of disposal of spent nuclear fuel and high-level radioactive waste has been debated in the Senate, in one form or another, as long as I have been a Member.

Nuclear waste is a serious issue that demands serious attention by all Senators. It is a problem that is national in scope.

It is also a particular responsibility of the Federal Government. After all, it was the Federal Government that proposed, beginning with the Atoms for Peace Program in the Eisenhower administration, to develop the peaceful uses of nuclear power. The problems of disposal of spent nuclear fuel that we face today are the legacy of our past laws and decisions.

There are serious problems facing the national nuclear waste program that merit attention now, in this Congress.

I have some important disagreements with the chairman. I will go through those in some detail here, about the substitute amendment that is going to be voted on, on cloture, because I believe that particular amendment is fatally flawed in several respects. But I also believe the chairman is doing the right thing by pushing the issue to decision and by forcing the Senate and the Congress to grapple with the issue of how to store our Nation's nuclear waste.

Let me point out what I think are some of the important nuclear waste-related issues that call out for our attention and require us to take some action, if we can, in this Congress.

First, ratepayers have paid over $8 billion in fees to the nuclear waste fund. That money which has been paid in has earned about $2 billion in interest. Only $5 billion of that total of $10 billion has been spent on the program. Our current budget rules and accounting principles make it nearly impossible to give the program, each year, the appropriation it deserves and requires. For example, in fiscal year 1996, the President asked for $640 million for DOE's Yucca Mountain program. Congress appropriated $315 million, less than half of that.

As a result, the program had to abandon a comprehensive program plan that was less than 2 years old and go through yet one more strategic planning exercise to figure out how to cope with the inadequate funding they had been provided.

The result of all this is to create considerable concern on the part of many about this nuclear waste program, in particular the Nuclear Waste Technical Review Board, which has stated the program is not making adequate technical progress at Yucca Mountain in order to make a defensible determination of its suitability in the next few years.

I think that is a concern we need to take seriously in the Senate. Not surprisingly, the utilities themselves and the public utility commissions and the States that are paying in $600 million each year and seeing only a fraction of that being spent, and the possibility looming there will be further delays because we lack the technical answers to questions about site suitability, are also upset by the state of affairs, and they have every right to be.

Let me go on to another reason why we need to address this issue in this Congress. The Department of Energy did not meet the January 31, 1998, deadline to which Chairman MURKOWSKI referred. That is a deadline to dispose of spent nuclear fuel. Not only did we not meet that, we are way behind the original schedule in building the repository. Utilities and ratepayers are beginning to make plans to pay for onsite storage for spent fuel in addition to what they would otherwise have needed if the Department of Energy had met its deadline.

While many thought the 1998 deadline was unrealistic when it was first picked as a target date, nobody thought we would miss it by as wide a margin as we have. Lawsuits have been filed. The Department of Energy has concluded it does not have the legal authority to settle the suits by directly addressing the needs of utilities to do something with the fuel that is on their hands. So additional legislation is required to deal with that issue. Hopefully, we can come up with an agreement on that legislation before we conclude action on this bill.

We could choose to ignore the problem, but I believe we would do so somewhat at our own peril. Lawsuits are working their way through the Court of Federal Claims with contradictory results at the lower levels of the court, so no one can say how the courts will ultimately rule on the Department of Energy's contractual obligations—but the Federal courts have surprised the Government previously in recent years with rulings in favor of the utilities.

A third reason we need to deal with this in this Congress is the transportation of spent nuclear fuel and high-level nuclear waste is a legitimate concern to the communities through which it will travel on its way from the nuclear plants where it is located to any repository. This is true nationwide. It is true in my own State of New Mexico. The standards governing shipment of spent nuclear fuel and high-level waste are currently below those for less radioactive waste streams, such as the waste going to the WIPP project in my own State. This situation arises because Congress instituted higher standards for packaging and shipment of transuranic waste in the WIPP Land Withdrawal Act of 1992. The WIPP provisions have, so far, had some success. One could argue whether there are lessons learned that should be applied to spent nuclear fuel and high-level waste in the form of even stricter requirements than for WIPP, since spent fuel and high-level waste plausibly involve greater risks to the public, in case of an accident. It certainly does not make much sense, though, and it is not in the public interest to ignore the advances in standards and transportation procedures that have occurred since passage of the original Nuclear Waste Policy Act of 1982.

These issues I mentioned speak for themselves. It is possible to build a good set of amendments to the Nuclear Waste Policy Act of 1982, and to deal with these problems. The amendment we are going to vote cloture on does not do that. I hope the substitute we can come up with will.

Let me cite some areas where we have agreement because there are some. Clearly, those need to be mentioned. Anyone who looks at the substitute amendment and compares it to the original bill introduced in the Congress has to admit, and I readily do, that although there are still crucial flaws in the bill, major progress has been made on a number of topics—progress toward getting a decent bill. These include abandoning the plan to have interim storage in Nevada while the Nuclear Regulatory Commission is deliberating on the license application for the permanent repository. That was major progress for which I commend the chairman.

Second, embracing instead a plan to have the Department of Energy authorized to take title to fuel where it can work out settlement agreements with utilities, that is also major progress in my view. And making a significant move toward accepting the EPA's final rulemaking authority, that is important. I hope that is something to which we can finally agree.

But there are areas of disagreement. Let me mention those very briefly. They include restrictions on the EPA standard-setting process; second, inadequate transportation safeguards—these are concerns with the bill which we are voting cloture on; third, one-sided take-title provisions—I can go into detail on these; fourth, the support for foreign reprocessing of nuclear fuel which, to my mind, is not a good investment of taxpayer dollars. If there is research to be done, we should go ahead and do it, and there is clearly research to be done. And fifth, neglect for the pressing funding needs of the program, that also is not addressed.

Preserving the integrity of the EPA rulemaking process for the Yucca Mountain radiation standard is one of the threshold issues in this bill. The chairman's substitute dilutes both EPA's rulemaking authority for the remainder of this administration as well as changing the substantive standard of protection. Right now, the standard EPA has to follow is to protect public health and safety and the environment. Under the chairman's substitute, EPA, for the next 16 months, would be able to do so only to the extent that it would allow the agency to meet the standard of being "attainable" at Yucca Mountain. This effectively stacks the deck in the standard-setting process. It also, in my view, may create a more lasting problem of legitimacy for the standard and for the program as a whole in the minds of disinterested citizens.

In New Mexico, we have had experience with EPA standard setting for radioactive waste disposal facilities. EPA both set the compliance criteria for the waste isolation pilot plant, or WIPP, and certified that the faculty, as built, met those criteria. It was a long and arduous process. But in the end, the fact that EPA was able to do the job on the merits was important to the facility gaining legitimacy in the minds of most New Mexicans.

I believe that EPA can do a fair job of setting a standard for Yucca Mountain, and I will continue in that belief until someone shows me the record in this rulemaking that indicates the contrary. Surely, the draft rule published by EPA last August, which laid out a number of options for such a standard, cannot be characterized as arbitrary or capricious. DOE, the NRC, and the National Academy of Sciences have taken exception to a number of options and approaches in the rule, as is their right. They have put comments in the rulemaking file that EPA will have to grapple with honestly, if the agency wants to see its standard survive judicial review.

Given this, I would not favor either transferring the job of EPA to another agency, or giving some other Federal agency an effective veto over EPA's discretion. The bill reported from the Committee on Energy and Natural Resources did the former, and the chairman's substitute did the latter. This is a major reason for my opposition to this substitute.

A second major concern that I have with the substitute is its approach toward the transportation of nuclear waste. Transportation of nuclear waste is a matter of concern to many members of the general public. The chairman's substitute does not address these concerns adequately, in my view. There is no independent oversight of the design and manufacture of the shipping canisters in which nuclear waste will travel. The Nuclear Regulatory Commission has testified before the Senate Energy Committee that it lacks adequate regulatory authority over DOE shipments. Unfortunately, this gap in regulatory authority is not addressed in the bill or the substitute. What is in the bill looks like an excessively ornate structure of plans that conflict with one another and probably give rise to lost of litigation. It is hard to see how that sort of extra bureaucracy protects public safety.

In addition to provisions that don't effectively protect the safety of citizens living along routes where nuclear waste will be transported, the chairman's substitute contains provisions that cancel out certain routes in certain states, by means of criteria such as maximum downgrade percentages. I would oppose this sort of provision on principle, as I have consistently opposed carve-out amendments on prior nuclear waste bills. In this particular case, my own State of New Mexico is being particularly disadvantaged, as trucking routes in Colorado are canceled out, thereby shifting truck shipments through Wyoming on I–80 and New Mexico on I–25 and I–40. Speaking for New Mexicans, I can think of few worse places for a truck of nuclear waste than on the interchange, in the center of Albuquerque, of I–25 and I–40. New Mexicans call it the "Big I," and it is legendary for its poor design.

A third major flaw in this bill concerns the ground rules that the bill lays out for the Department of Energy in its negotiations with the utilities over taking title to spent nuclear fuel. The only reason to have a take-title mechanism is to respond to DOE's nonperformance with respect to specific contracts. Yet, the language of the chairman's substitute contains several changes to what the committee reported last spring on these lines. All these changes are in the direction of clouding the issue of what DOE is responsible for. The probable result of this blurring of responsibility is that numerous utilities will claim that the Congress intends for DOE to go beyond making them whole for specific nonperformance on specific contracts. The bill for this extra scope for DOE's relief of the utilities will be borne by either the general taxpayer or the Nuclear Waste Fund, and both sources of funds are a problem. In the former case, it is not fair. In the latter instance, the Waste Fund is already supposed to pay for the repository and the legitimate costs of taking title. It is not reasonable to create a scenario where utilities can claim that Congress intended DOE to pay more than those legitimate costs associated with contractual breaches.

A fourth major flaw in the bill is its authorization for DOE to spend taxpayer dollars to fund foreign reprocessing and transmutation activities in countries that are not willing to pay for such activities themselves. I do not know why we should have blanket authority for DOE to spread reprocessing technology worldwide in this manner. Most other countries that have looked at the sort of reprocessing and transmutation that would be supported by this bill have concluded that there are serious technical challenges that will take decades to resolve. Our own National Academy of Sciences agreed in its 1996 report on "Nuclear Wastes: Technologies for Separations and Transmutation."

Finally, the fifth major flaw in the bill is its lack of attention to the most critical problem facing the Yucca Mountain program—the lack of funding to characterize the mountain properly, or to build the repository, if authorized. The chairman's substitute does nothing either to make the balances in the Nuclear Waste Fund more readily available to fund the work needed to demonstrate the mountain's suitability and licensability, or even to make a special one-time fee under current law for certain utilities directly available to the program. The latter provision would not score under our budget rules, since it is currently outside the 10-year scoring window. If DOE took title to fuel from certain utilities, it might be able to collect the one-time fee early, but without special legislation, the fee would vanish into the Treasury without a trace, and without helping the program.

Let me get to a conclusion so others can speak before we go into recess for our caucuses. I do think this issue of adequate funding so the program can go forward, so the site can be characterized, is absolutely crucial. I hope very much the Senate will address that before we pass a bill or before we conclude action on an amendment on the Senate floor in the form of a substitute.

Let me conclude my remarks by reiterating the basic principles behind my opposition to the substitute amendment. These are things which I hope very much can be resolved in the alternative that is now being prepared and is going to be available for us to review this afternoon. We ought to focus, in this legislation, on making the current program work. That means, No. 1, giving the Department of Energy the tools it needs to resolve current litigation over its failure to meet past contractual obligations. I hope we can do that in an effective way.

Second, it means upgrading transportation standards for spent nuclear fuel and high-level waste. Again, I hope we can do that in the legislation we finally act on.

Third, it means making the needed funds available to characterize Yucca Mountain, and to build Yucca Mountain if it is licensed by the NRC. I hope we can act on that.

The fourth item is, the program does not need to suffer a loss of public legitimacy by legislatively stacking the deck against EPA's ability to carry out its statutory authority on protecting health and safety. We can find a solution to that. I hope very much we do.

Finally, the fifth item I want to mention is the program does not need extra doses of paper-pushing bureaucracy and bureaucracy related to transportation of nuclear waste, accompanied with unrealistic deadlines for putting waste on the road.

We found that we, American taxpayers, have incurred substantial liability because of our writing into law deadlines which turned out to be unrealistic before. Let's not make that same mistake again in legislation on the Senate floor this week.

I did not support the chairman's amendment even though I appreciate his attempts to improve it.

He has been negotiating in good faith to improve this amendment, and I greatly appreciate that. We have not seen that alternative substitute provision, so I cannot say whether we have reached agreement or not on the various items I have identified, but I hope we have made progress on each of them.

It is important to move the process forward. It is important to come to closure on this bill in a bipartisan way. This is not a partisan matter. I hope all Senators will support the effort to invoke cloture so we can move ahead, and then I hope we can all work in good faith to improve the basic bill we are considering before we have to vote on a final bill.

Obviously, I could not support a vote in favor of the final bill on which we are invoking cloture, but I hope before the process concludes I can support a piece of legislation that will solve the problems I have enumerated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator HARKIN and I came to the floor 40 minutes ago with the expectation of introducing legislation. We found we were already on the bill. I have checked with the managers, Senator MURKOWSKI and Senator BINGAMAN, who have no objections—nor does Senator BRYAN—to Senator HARKIN and myself proceeding for approximately 10 minutes. I ask unanimous consent that Senator HARKIN and I be permitted to speak for 10 minutes as in morning business for the purpose of introducing legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER and Mr. HARKIN pertaining to the introduction of S. 2038 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment to S. 1287, the Nuclear Waste Policy Amendments Act of 1999:

> Trent Lott, Frank H. Murkowski, Slade Gorton, Don Nickles, Tim Hutchinson, Conrad Burns, Michael Crapo, Phil Gramm, Thad Cochran, Richard Shelby, Larry E. Craig, Jim Bunning, Judd Gregg, Charles Grassley, Wayne Allard, and Bob Smith of New Hampshire.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on substitute amendment No. 2808 to S. 1287, a bill to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Nebraska (Mr. KERREY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 3, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—3

Boxer
Bryan
Reid

NOT VOTING—3

Kennedy
Kerrey
McCain

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe the Senator from Arkansas is going to request unanimous consent there be a few minutes in morning business so he can introduce a bill. I will be happy to accommodate him if there is no objection.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I thank the Chair.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 2039 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my intention to continue the debate on the manager's amendment to S. 1287, the Nuclear Policy Act Amendments of 1999. It is appropriate to highlight a couple more charts before I explain what this manager's substitute does.

I will reiterate the purpose of addressing the responsibility we have as the Senate to resolve what we are going to do to dispose of this high-level waste in conformance with the contractual commitment that the Department of Energy and the Federal Government entered into to take the waste beginning in January of 1998.

As I indicated earlier today, the Federal Government is derelict in not meeting its fiduciary responsibility. It is appropriate to point out that the ratepayers in this country have paid $15 billion to the Federal Government to take that waste beginning in 1998. Damages for nonperformance to the contractual commitment by the power industry in this country against the Federal Government suggests the liability is somewhere between $40 billion and $80 billion. The longer this body delays in addressing its responsibility of disposal of this waste, the greater the obligation to the American taxpayer, which currently is estimated to be about $1,400 per family.

As a consequence, we have the responsibility, in a bipartisan manner, to come together and resolve the obligation we were elected to address, and that is to meet contractual commitments, honor the sanctity of the contract, and resolve the waste problem and not allow the nuclear industry to, basically, choke on its own waste.

There are a couple of charts with which I want to proceed. First of all, I want to identify, again, the locations of the waste for those who may have missed it earlier. Around this country, there are approximately 80 sites. One can see the sites on the map: the commercial reactors, the shut down reactors with spent fuel onsite; and they will not be removed unless we proceed with this legislation to address one site at Yucca Mountain in Nevada for a permanent repository. It also includes the commercial spent nuclear fuel storage, the non-DOE research reactor, the naval reactors, and the DOE-owned spent nuclear fuel. My point is simply to show we have 80 sites in 40 States. It is an obligation we have to universally address this with appropriate resolve.

The next chart shows radiation exposure. This is very important and very germane to the debate because we are all concerned about the manner in which the radiation exposure will be addressed and by what agency.

I am not here to promulgate who has the best science, but I think it is fair to say this issue deserves the very best science. Traditionally, the Nuclear Regulatory Commission addresses licensing, examination, and conformance of nuclear plants. They are pretty good at it. They probably have more Ph.D.s than any other agency dealing with nuclear radiation.

However, the National Academy of Sciences also has a great deal of expertise, and we are suggesting that their scientific contribution be part of a determination on setting a radiation level that will conform to, as well as achieve, our objective, and that is to put the waste in a permanent repository at Yucca Mountain.

There is a lot of concern about radiation. I think it has to be put in some perspective that is understandable.

For those working in this Capitol, they get 80 millirems of exposure each year.

If one is living in a brick house, they get 70 millirems per year.

The exposure from cosmic radiation to residents in Denver is 53 millirems.

The average annual radiation exposure from the ground is 26 millirems.

Diagnostic x-rays are 20 millirems.

Dental x-rays are 14 millirems.

If one flies from New York to Los Angeles, they get 6 millirems.

Exposure for half an hour from a transport container on a truck 6 feet away—let's assume they are moving this in a prescribed cask, transporting it by rail or by highway with an escort—the exposure is 5 millirems.

These are accurate measurements. The EPA's proposed radiation exposure level is 4 millirems, and that is a ground water standard.

I am not going to argue the merits of EPA other than to say that their exposure level, from the standpoint of its relationship with these other exposure levels, seems a little out of line. We will let it go at that because I want to move on. I want to make the point, as we look at radiation exposure levels, it is important to keep in perspective what we are exposed to already.

Let's look at transportation because that is going to be debated extensively. We have been transporting used fuel from 1964 through 1997, as this chart shows. These are the routes used for 2,913 shipments. Obviously, they have been going through all the States. They have been going by railroad through Minnesota, Iowa, Illinois, a portion of Nebraska, I believe Missouri, and a couple of other States, as indicated in red. We are and have been moving these shipments. The significance of this is that the public health has never been exposed to radiation from spent fuel cargo. We have never had an exposure. That does not mean it cannot happen; it means we have taken practical safeguards to ensure the exposure is at a minimum.

I learned a long time ago in my State of Alaska when we had the *Exxon Valdez* accident that these accidents can occur. That ship went aground in a 10.5-mile-wide channel simply because of the incompetence of those on the bridge. You can have accidents, and you can prevent them.

We have a pretty good record here. Between 1971 and 1989, the Department of Transportation tells us there have been seven minor accidents that have occurred involving nuclear waste, but no radioactivity was released at any of the accident sites simply because of the containment of the vehicles that enclose the waste. Those, of course, are the canisters which are built to withstand exposure. Some time ago when we were talking about moving nuclear waste by aircraft, there was the assurance that we have the technology to build a canister that would survive a free-fall from an aircraft at 30,000 feet.

As evidence of the thousands of safe used-fuel shipments since 1964, this is the type of cask that is used, and the waste is stored in that. These are required to survive a 30-foot drop onto a flat, unyielding surface, a drop of 40 inches on a steel plate, being engulfed in a 1,475-degree fire for 30 minutes, submersion under 3 feet of water for 8 hours, and on and on. We have taken safeguards to construct these casks in such a way as to ensure there is a minimum of risk associated with transportation.

I have been to Great Britain, Sweden, and I have seen in France the manner in which they move high-level waste. They move it by ship, by rail, by road, and they take safeguards to ensure that it is properly contained.

We have transportation safety concerns. We have provisions in this bill to deal with them. It involves the Department of Energy developing comprehensive shipping and transportation plans under the same guidelines as we currently move the WIPP. That is the waste isolation project in New Mexico. These are the same guidelines we are going to be using to move this waste.

We have been moving waste to New Mexico. That is basically low-level waste. I have been there and been in the salt caverns and observed the process down there. There is great care taken to ensure there is no exposure that cannot be rectified through adequate engineering technology.

The used fuel is going to have to travel as designated by the States, they having a determination of what the most appropriate route is. Clearly, the material has to move; otherwise, you cannot get it out of the States—280 sites and 40 States—and you cannot move it to one area that we have predesignated, which is Yucca Mountain in Nevada.

Then we are going to have training which would meet Department of Transportation standards so that we have people who are adequately trained to move this waste and cover whatever emergency response readiness is necessary before the shipments begin.

So what we have done—perhaps we can do more and perhaps we should and I certainly am open to that—is taken every precaution to try to ensure the exposure is taken out of the process.

Let me show you a couple other charts that I think are relevant. For those of you who missed it, this is the location out in the Nevada Test Site that has been chosen to be the permanent repository. This site has been already pretty well bombarded as a consequence of over 50 years and 800 nuclear weapons tests. If you buy the theory that you kind of desecrated one area so maybe that is the best area for a permanent repository, this site should certainly fit.

Let me show you one other chart that shows another aspect. As I have indicated earlier, about 20 percent of our energy comes from nuclear power. You see on the chart, shown in red, nuclear power accounts for 18 percent of our energy use in the country. In any event, this chart shows the mix: Coal is 53 percent; nuclear is 18 to 20 percent; natural gas is 14 percent; hydroelectric is 10 percent; other is 2.7 percent; oil is 2 percent; wind is .08 percent; and solar is .02 percent.

It is obvious we are going to be dependent on these sources for some time. If we do not address the nuclear waste issue, we are going to pick up 20 percent of our power generation some other way. I think those who are critical of the effort to address our responsibility are a bit irresponsible in not suggesting where we are going to pick up this differential.

On this next chart we look at air quality. If we look at our concern over global warming, if we look at our concern over Kyoto, we have to recognize that there is significant avoidance of emissions by the contribution of nuclear power. You can see shown on this chart the regions that were subject to caps from 1990 to 1995 and the emissions avoided by having nuclear generation and where these States would be without it.

It is a pretty tough set of facts. The reality is, a good portion of the Northeast corridor would no longer meet its mandate for emission reductions if, indeed, we had to sacrifice the nuclear power industry.

Approximately 80 of the 103 currently operating nuclear energy plants are located in or adjacent to areas that are unable to meet the Clean Air Act standards for ozone. Any use of emitting generation in these areas in place of the existing nuclear capacity moves the region further away from attainment of these standards. So I encourage my colleagues from these States to recognize that the nuclear power industry makes a significant contribution, and without it you are going to be looking to some other unidentifiable means to offset the loss of power from the nuclear industry.

Let me turn to the substitute that is before us and briefly reflect on where we have been. We have passed bills in this body by a broad bipartisan margin. The last time the vote was 65 to 34—pretty close to overcoming a veto but not quite.

I think these bills mark a historic pattern of trying to meet the objectives of the administration through compromise, through changes, and through accommodations. Those bills were a complete substitute for the existing Nuclear Waste Policy Act of 1982 that gave authority to build an interim storage facility for nuclear waste, a temporary above-ground storage pad adjacent to the Yucca Mountain site. It contained extensive provisions on licensing for Yucca Mountain and the interim storage facility, including NEPA radiation protection standards and transportation safety. But the administration was not satisfied. They saw fit to veto the legislation because it opposed the interim storage before the viability assessment was made about the permanent repository.

We still think we were doing the responsible thing by trying to address the difficulty of those plants that were about out of license time and would either have to shut down or seek additional relief under State licensing by allowing them to move their waste and store it at Yucca Mountain until such time as a permanent repository was completed.

Obviously, there was a fear from Nevada that if that were adopted, the waste would end up in Nevada. Of course, today we are faced with the concerns of various Governors that if we adopt the take-title issue, and title is indeed taken, the waste will go into canisters and be stored onsite in those States, the Government would have title and the waste would still be in the States, that it would not move.

The point is that we are either committed as a body to resolve this problem and get on with addressing the transportation of that waste to a permanent repository, or we are going to be faced with the reality that we will simply put it off for another day, put it off for another administration. If we do that, I think we are acting irresponsibly.

What we have attempted to do in this bill is a different approach in the manager's amendment. It is not a complete substitute for the old act. It is a minimalist approach. It does not contain an interim storage provision. So we responded to the administration. We responded to the minority. We left that out. We said: It doesn't move until it is licensed.

We propose to do two major things. We propose to give the Department of Energy the tools it needs to meet its commitment to move the spent fuel by opening a permanent repository at Yucca Mountain. Secondly, we think it provides fair treatment by permitting utilities to enter into voluntary settlements with those who have fulfilled their end of the bargain by paying over some $15 billion which the ratepayers have paid over the contract.

What has the Department of Energy done? It left them holding the bag because the Department of Energy and the administration have not seen fit to lift the terms of the contractual agreement to take the waste. So the manager's amendment to S. 1287 clarifies the existing unconstitutional White House veto for raising the fee and states that Congress can vote to raise the existing 1 million per kilowatt fee, if necessary, to pay the expenses of the program. It allows plaintiffs in the lawsuits and the DOE to reach voluntary settlements of the Department of Energy's liability for failing to take the waste in 1998.

I still have to refer to the example the Federal Government sets when it doesn't honor the sanctity of a contractual commitment. They simply ignore it. They simply ignore the liability of the taxpayer, which, as I have indicated, is something in the area of $40 billion to $80 billion in damages. We, as elected representatives, have an obligation to address and correct that. That is what we are attempting to do in this legislation.

Further, it permits the EPA to continue with its rulemaking—and it is the appropriate agency—on radiation standards as long as we have the best science. Where is the best science? As I have indicated, it is in the Nuclear Regulatory Commission in consultation with the National Academy of Sciences. That is the best science we have in this country. If that isn't good enough to set a radiation standard, I don't know what is.

Obviously, that standard will protect the public health and safety and the environment, but it has to be attainable. If the EPA has a policy of nonattainment that we come up with ultimately, we will waste a lot of time and money, and it will cost the taxpayers a lot of dollars. It will allow fuel to be accepted when the NRC authorizes construction of the permanent repository in the year 2007. Further, it allows the Department of Energy to begin moving fuel as soon as possible after Yucca Mountain is licensed.

Transportation provisions are based on those used for the waste isolation plan, as I have indicated. Furthermore, we have moved that fuel in the United States around the world. So S. 1287 builds on existing safe systems by adding money for education, emergency response, local communities, transportation personnel, and provisions for allowing the State to determine the routes and rules for population areas. Who is better qualified than the States? Also, there is advance notification for local government.

As I have indicated, we have attempted to compromise, and we continue to try to meet the concerns of the administration and the minority. But in order to do that, we have to agree on our objective, and that is to meet our obligation to address, once and for all, some finality to the nuclear waste storage dilemma. We have eliminated the source of the administration's opposition to our previous bills on interim storage.

EPA, secondly, may proceed with its rulemaking. All they have to do—all we want them to do—is be reasonable in the sense of using sound science and participating in peer review with both NRC and the National Academy of Sciences. And in this existing proposal, we have allowed the utilities to enter into a voluntary settlement with the DOE. This was the idea of Secretary Richardson.

The manager's amendment to S. 1287 gives us an opportunity, I think, for a triumph of substance over process, safety of people over politics. As I have indicated, the Senate has twice passed this legislation by large, bipartisan margins.

Where does the administration stand on this? Well, I have a letter from the administration called "statement of policy." I think it should be "statement of administrative mixed policy." It states that the administration has reviewed the February 4 manager's amendment and they find it unacceptable. Although the amendment appears to allow the EPA to exercise its existing authority, they still believe it would allow another entity to block EPA's authority. I don't know whether they have read the bill or not, but that isn't what the bill says. Consequently, one can only assume the administration is opposed to it because it always has been, regardless of what we have attempted to compromise. Furthermore, I think it is appropriate to recognize that.

Again, the administration seems to be working to create a problem that really we can address. The rationale is, I assume, only that they could object to the legislation. That really isn't an adequate excuse. I encourage my friends who have the same responsibility as I do to recognize that the administration has an obligation to come forward and say how we can meet this obligation collectively, the Congress and the administration.

The administration, as I indicated, basically objects to a provision that requires EPA to consult with scientists before adopting a standard. What is wrong with the best science? The administration talks about good science and making decisions based on sound science. In fact, the administration's position on science is that it is good. But I wonder if it is good only when it supports a predetermined policy decision.

That is kind of where I think we are. I think that is unreasonable. I think that is irresponsible. I think it deserves a greater explanation than the one offered. The only reason for the administration to object to having EPA consult with scientists at the National Academy of Sciences, or with the participation of the NRC, is that they know it is possible to adopt a reasonable standard but they simply don't want to do it. I have a hard time with that because I think that in itself is somewhat irresponsible.

I have some other examples that concern me. I will not take the time now, but maybe I will later. The EPA is an extraordinary agency. They carry a big responsibility, but one questions the balance they use. I am going to cite a couple of instances with which I have had personal experience, and I invite my colleagues to share those. As we question the legitimate authority of the EPA, which is statute—that is in law—EPA does have authority for final rulemaking; we just want them to use the best science available.

In my hometown of Fairbanks, it snows. With snow, you have one of two options: You either leave it there or you move it. Several years ago, they had a heavy snowfall where the city and school buses park. This was a paved lot. They moved the snow off the lot. The buses cooperated and they put it on the back lot, which was determined by EPA to be a wetlands. Well, the EPA notified the city of a violation of the wetlands permit. Now, there was snow that came naturally on that other lot where they pushed the snow. It makes no sense. The snow was frozen water. How can wetlands be damaged by more snow? I don't know.

We had a problem in Anchorage, AK. This was a storm water treatment: when it rains, the rain goes off the highway into the gutters. In the particular community of Anchorage, it was charged into Cook Inlet; this is water off the streets. Cook Inlet has some of the highest tides in the world, next to the Bay of Fundy, nearly 30 feet, almost twice a day.

However, EPA Clean Water Act regulations interpreted that the city was in violation because it had to remove 30 percent of the organic matter from the untreated water. The problem was it was rain water. There was no organic matter to remove. Yet they were still in violation. But the water was too clean to begin with. The city appealed to the EPA. The EPA denied the appeal and told the city they were subject to a fine. One of the city council members suggested they go down to the fish plant and add some fish guts to the drain water so there would be some organic matter to remove and thus meet the national discharge standard. This got notoriety all over the country. It made no sense to pay to contaminate pure rain water and then pay to remove the contamination. We were finally able to convince them as a consequence of public opinion and public notoriety of the impracticality of EPA.

In this instance, I have one more little item that I will share with you. In 1993, the EPA proposed to take pepper spray bear repellent off the market until its safety could be certified. The spray was at that time the only effective nonlethal repellent that Alaskans could use to protect themselves against bears. I say nonlethal. You can take a gun or you can take some pepper spray. While the EPA reconsidered the decision and allowed the pepper spray repellent to remain while it permitted a speeded up regulatory review, the preliminary decision to recall the spray was idiotic, to say the least. Alaskans or anyone who wants to can put cayenne pepper in their chili. They could legally throw the pepper at a charging bear, if they wanted to. It was insane to say that could not be placed within the spray can; namely, the chili spray.

What was really insane was that EPA initially argued they couldn't speed up registration of the pepper spray until it was field tested and on, do you know what? Wild bears—a difficult and rather dangerous thing to do. It was especially odd that the bear undoubtedly would much rather be sprayed by the pepper spray than the alternative 30.06 bullet.

I have recycling asthma inhalant examples, vehicle gasoline rules, ozone standards, background contamination on MTBE, battery enterprise examples, mining examples, and recycling center examples.

I am not going to bore my colleagues with that other than to say what we want is the best science. We want EPA to take advantage of that science and then come down with their rulemaking. But very particularly, we don't want EPA to set an attainment standard that is unattainable for the nuclear waste to be disposed of.

I know my friends want to be heard from, and there will be amendments forthcoming. But I want to conclude with a reference on what we can do.

Again, I point out that it is the obligation of the Government—that includes those of us in the Congress and the administration—to solve this problem. This bill is the congressional solution, and the administration has an obligation as well.

We voted out this legislation in the last two Congresses by bipartisan votes—65 to 34 in the Senate, and in the House of Representatives 307 to 120—again, not enough to override a veto.

This year, we introduced the interim storage legislation, S. 608. The legislation had votes to be favorably reported. I proposed that the committee consider a new approach to accommodate the Secretary and the administration. We hoped to find a solution to the nuclear waste dilemma to gain full consensus and avoid procedural problems of the past. Senate bill 1287 was approved in the committee by a bipartisan vote of 14–6.

Here are the five essential points that I believe have to be addressed if we are going to have anything meaningful when we are through.

We need congressional approval before there is any increase in the nuclear waste figure. We simply cannot give the executive branch carte blanche. It has to have congressional approval; second, authorize settlement of lawsuits for DOE's failure to perform; third, the radiation protection standards, as I stated, for the repository to be set by the agencies that have the expertise—the NRC, National Academy of Sciences working with the EPA.

I compromised on this point in my manager's amendment. The EPA may now go ahead with its standard-setting regulations provided that they take advantage of the best science available, and that the NRC in consultation with the National Academy of Sciences and the EPA agree that the standard is attainable.

Some suggest that the EPA cannot have the last word. That is not the intent. If we have to rephrase it, we will do it. The intent is authority by statute to belong to the EPA, but clearly the best science should include input from the National Academy of Sciences and the Nuclear Regulatory Commission.

The fourth prerequisite: Operation of a repository fuel acceptance facility key to the Nuclear Regulatory Commission authorization for the permanent repository in the year 2007, and a transportation system based on the Waste Isolation Pilot Plant model, which is WIPP.

Those are the five principles that we outlined. Those are the principles that we worked on with the minority to try to achieve a consensus.

I think the bill reflects significant concession by the supporters of the past legislation. I believe this new approach still gives the DOE the tools it needs. I still don't know why the administration seems so possessed, policy-wise, to oppose it. But that is what we have before us.

I conclude this portion of my statement by again identifying where I think we are in the differences we have. That, again, is the radiation standard.

As you heard me state time and time again, I think the Nuclear Regulatory Commission is the appropriate determiner of that standard. But the manager's amendment now contains new language that would permit the EPA to go ahead as long as the National Academy and the Nuclear Regulatory Commission are consulted. Obviously, that interest is a science that will protect health, safety, and welfare. As to the objective, it is most important that we have an objective of achieving the radiation standard that is attainable.

This is a reasonable approach. It provides the best science after peer review. Yet it does allow EPA to ultimately complete the rule after we have had the input of the best minds on the subject and have consulted with one another.

If the EPA and the NRC cannot agree, then the EPA is not permitted, obviously, to adopt any rule until after June 1, 2001. But after June 1, 2001, the EPA may go ahead and adopt a rule pursuant to existing authority under section 801 of the Energy Policy Act.

Part of the problem with the EPA standard that was detailed in the proposed rules that came out last August was that it applied unrealistic standards to ground water. They proposed 4 millirems for ground water. This is a standard that comes from the Safe Drinking Water Act, which I support.

This chart shows the levels of radiation. For those working in the Capitol, we get 80 millirems; anyone living in a brick house, 70 millirems; annual exposure from cosmic radiation, 53 millirems; annual average radiation from the ground, 26 millirems; x ray, 20 millirems; dental x ray, 14 millirems; round-trip flight from New York to Los Angeles, 6 millirems; exposure from a transport container carrying high level waste 6 feet away, 5 millirems. But the EPA proposal is 4 millirems for the drinking water standard.

This chart shows the proposed site: 800 nuclear weapon tests over 50 years. They are going to come down and propose a 5 millirem level; remember, 4 millirems is the level for drinking water.

Is that really in the interests of proceeding with this legislation or is it to set an unattainable standard? No one will drink the ground water that comes from this site. I hope not.

The Safe Drinking Water Act should not be applied to ground water. However, if the water becomes tap water, the act should apply; but not while the water is in the ground. The EPA wants to take extremely low standards that were designed to apply to drinking water out of a tap and apply to water in the ground, whether people drink it or not.

Let me be very clear. This dispute has nothing to do with a level of protection for the people in Nevada. Whether or not the drinking water standard is applied to ground water has nothing to do with how much additional radiation, if any, Nevadans would be exposed to from the facility. The EPA applied similar regulations to the WIPP Transuranic Nuclear Waste Disposal Facility in New Mexico. The drinking water standard was not an issue when WIPP was licensed by EPA because WIPP is a salt mine. Obviously, there is no potable water around it. Maybe EPA thinks all nuclear waste should be disposed of in a salt cavity, but I am not sure everybody in the country or in this body would agree.

The National Academy of Sciences did not recommend that the Safe Drinking Water Act be applied to ground water. Instead, they addressed "requirements necessary to limit risks to individuals" as required by law. In fact, the National Academy specifically said they don't make such a recommendation.

Finally, the National Academy concluded that the decision regarding the acceptable level of risk for Yucca Mountain is a policy decision. What does that mean? That means a decision for Congress, not the scientists. In our legislation, we propose the best scientists come up with a recommendation to EPA and EPA be part of that process. I think it is appropriate that Congress make a decision regarding the level of risk.

Finally, the ultimate myth. I think everyone would agree, this administration says it cares about clean air and preventing climate change. Here is where our electricity comes from: 53 percent comes from coal; 18 to 20 percent is nuclear; 14 percent is natural gas; 10 percent is hydroelectricity; the remaining few percent is oil, wind, and solar.

DOE's Energy Information Administration says the Kyoto treaty would require a 30-percent reduction of CO2 emissions from the predicted 2010 level.

How do we do this without nuclear power? We cannot get there from here. There are no nuclear emission-free sources that can economically take its place. For the moment, forget about the Kyoto treaty and think of the present.

This chart shows the emissions avoided from increased nuclear generation. This is a reduction in SO2 from nuclear power generation. From 1990 to 1995, 37 percent of the sulfur dioxide reductions required by the Clean Air Act came from increased generation from existing nuclear powerplants. That is where it came from. These were sulfide reductions.

Is that not ironic? They gave credit for the reductions to the nuclear plants. They don't have any emissions. That is where they get the reductions. Clever. Even with nuclear power, it is difficult and expensive to meet the new regs; without nuclear power it is impossible.

As this body addresses the broad obligation of reality, we have to focus in on the difficulty we have. That is, that the nuclear industry is choking on its own waste. We have the responsibility to come up with a solution.

This chart shows an overlay of nuclear plants in noncontainment areas. In fact, almost all nuclear plants are located in or near areas that have significant air quality problems. What happens when the nonemitting sources are replaced with emitting sources—the only realistic alternatives?

EPA can pass all the regulations in the world, but if the President and Vice President really did care about clean air, they would get behind this bill. This contributes more to clean air than any possible thing we could do in the area of increasing dependence on hydrocarbons.

The administration has a policy: Delay and more delay, for the American people who care for their safety, their environment, and their pocketbook. Let's look at the pocketbook. The litigation goes on. The $15 billion has been paid by the ratepayers. The liability associated with nonperformance to the contractual commitment, $40 to $80 billion, or $1,400 per family.

Is the President concerned about clean air, about climate change or is this some kind of a cynical diplomatic/political exercise? I don't know. Previously, the administration said it objected to siting a temporary storage facility before 1998 when the viability assessment for Yucca Mountain would be completed. At that time, I said anyone who believes that the availability of the viability assessment will make passing legislation easier is out of touch with reality. I take no pleasure in the fact that I was right. The reality is no one wants nuclear waste stored in their State. I am sensitive to that. I understand the position of my Nevada friends. However, we have it in 40 States. Do we want to leave it there or put it in one area that has been determined to carry a repository for our high level waste?

At the committee hearing on S. 1287 in February, all four members of the Nevada delegation stated that no level of scientific proof would lessen their objection to this project. Let me repeat that: All four members of the Nevada delegation stated that no level of scientific proof would lessen their opposition to this project. I understand that and I accept that. It doesn't make any difference what level of scientific proof is available, they are going to oppose it. A further reality is that this administration apparently will not support a solution to this problem as long as the Nevada delegation opposes it. I can understand that.

Let's call the shots as they really are. The ultimate reality is that the Federal Government had an obligation to start taking the waste in 1998 and it violated the sanctity of the contract. We have reached a crossroad. The job of fixing this program is ours. Time for fixing the program is now. Much progress has been made at Yucca. Much money has been spent at Yucca. We can build on this progress.

The bill contains the tools that the Department of Energy needs to make the permanent repository work. Every day we wait to move the fuel, the liability of the American taxpayer increases. We can choose whether the Nation needs 80 various storage sites in 40 States or just one: the arid, remote, Nevada Test Site where we exploded scores of nuclear bombs during the cold war. Is that not the most safe and most remote location for nuclear waste storage? Over 800 nuclear tests were conducted at this site.

Mr. President, the time clearly is now. I note my colleagues from Nevada are on the floor seeking recognition. I have taken a good deal of time and look forward to their statement. I am happy to respond, I might add, to any questions they may pose. Obviously, we are going to be on this for some time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, as is so often the case when it comes to debating the various legislative proposals related to nuclear waste that have been advanced since I have been a Member of the Senate, the issues generate more heat than light. With all due respect to the distinguished chairman of the Senate Energy Committee, much of what he had to say was utterly irrelevant to the situation we confront today. The chairman would have us believe that unless this legislation is enacted, nothing will occur with respect to going forward and siting a high-level nuclear waste repository.

Let me be clear. The process that was used to select that site is one to which I am strongly opposed. But in reality, if this legislation never leaves this Chamber—and it is my view it will never become law—the process by which Yucca Mountain is to be studied—or the scientific term, "characterized"—goes forward. The time line that has been laid out is that sometime next year there will be a site recommendation; sometime in the year 2002 there will be an application for license; sometime thereafter there will be a construction authorization; and ultimately licensure will be approved if, indeed, all of the scientific questions that have been raised are satisfactorily resolved.

That is a process that began its course back in 1983. We continually revert to the history of this process to illuminate those who have not followed it and lived with it as long as I and my fellow Nevadans have, to try to explain the context in which this debate is occurring.

In 1983, the Nuclear Waste Policy Act was signed into law by President Reagan. It contemplated—and I must say I think the scientific approach was reasonable—that we would search the Nation; that we would look for various kinds of geological formations in which high-level nuclear waste might be buried; that we would balance the burden, in terms of the storage of the nuclear waste, with some sense of regional equity. Three sites would be studied, or characterized, those three sites would be presented to the President of the United States, and the President would make that decision.

I was a newly elected Governor in 1983, and I believe the broad outline of that process, the approach, was reasonable; that is to say, a national search would be conducted, and among the geological formations that were uppermost to be considered were granite formations in the northeastern part of the country, salt dome formations in the Southeast, and in our part of the country the so-called welded tuff.

That was a piece of legislation that, by and large, sought to deal with this issue. I think, to use the chairman's terminology, that was a responsible approach. That was an inquiry that, although we in Nevada were apprehensive about it because welded tuff was being considered, nevertheless represented science, it represented a fair approach, and it represented some regional balance and equity.

May I say, from that point on, what has occurred with respect to the siting process should be referred to as an antiscience approach. It is blasphemy to discuss any kind of scientific orthodoxy in terms of what has occurred. Let me remind my colleagues what occurred that in no sense of the word could be justified as in the interest of science.

Early on, some of my colleagues expressed concern they did not want it to go to the northeastern part of the country. I fully understand that. That had nothing to do with science, everything to do with politics. I have been in the business a while. I understand that. And what occurred? The Department of Energy, in its own internal documentation, unilaterally decided we ought not to look at the Northeast.

Was that science? Was that responsible? I think any person who had an associate of arts degree in some area of science would conclude by no standard could that be considered a scientific approach. It was politics.

In the 1984 Presidential election, the issue came up as to those salt dome formations in the Southeast. What was said at that time? The President said: Look, not to worry, not to worry; we will not site it in a place where the salt dome formations are.

Does that have anything to do with science? Not even to look at it? To, in effect, blind ourselves and say we ought not to look at the salt dome formation? We ought not to look at granite? Of course not. And no sensible person and no scientist worthy of being called a scientist would ever assert for a moment that that had anything to do with science. Was it responsible? Of course not. Was it political? Yes, indeed.

Then 1987 comes along, and a bill which shall live forever in the infamy of congressional actions in our own State—the so-called "Screw Nevada" bill. Let's call it what it is. Remember, I indicated the original legislation contemplated there would be three sites that would be studied or characterized? What occurred in 1987?

In 1987, a decision was made to look only at one site, Yucca Mountain—exclude any other consideration in any other region of the country. Was that science? Was that responsible? You do not have to have a political science degree from Oxford to recognize that is politics—politics, not science. So when I hear this great paean to science and responsibility, I am compelled to revisit the history of this process which has been corrupted and perverted in every stage in the process where science ought to have prevailed. In every instance, it has been politics that prevailed.

So if I speak with some energy and if I speak with some anger, it is because we have been victimized, not by a scientific process but by a political process in which Nevada has been victimized, and I strongly object to that as a Nevadan, as a citizen. I hope my colleagues will reflect in a broader sense that what has occurred to us could occur to them in another context.

Having said that, the reality in which we deal today is that Yucca Mountain is being considered. This process we have talked about, these milestones, continues forward. So all this talk about nuclear waste piling up and responsibility, we have to do something—hopefully, we will do the responsible thing; hopefully, we will do the scientifically prudent thing. But in no sense is this legislation necessary for this process. I do not like its origin, in terms of the "Screw Nevada" bill, but it is going forward. That is, currently, as we are debating on the floor of the Senate, the steady process goes forward. The final environmental impact study is being finalized—not yet final.

Sometime late next year, we are going to have a site recommendation and sometime in the year 2002, or thereafter, an application for a license.

I say to my friends, no decision has been made at this point that, in fact, Yucca Mountain is suitable. That decision is yet to be made. Hopefully, it will be made not in the political way in which other decisions have been made, but it will be made in a scientific way.

The first thing I want to disabuse my colleagues of and those listening is that somehow there is a compelling necessity to have this piece of legislation enacted, that if it is not enacted, somehow this process I have described to you will stop. That simply is not true. From a Nevada perspective, I am not happy with that process, but it is going forward and will continue to go forward.

Let me, as a sidebar, try to address the red herring that is raised every time that somehow there is going to be some insurmountable problem in providing onsite storage. That simply is not the case. Those utilities that need to provide additional onsite storage can do so in a manner which is consistent with what the scientific community acknowledges, with a dry cask storage system, will be available.

In terms of dealing with the equities, about the ratepayers who have paid a lot of money, yes, they have paid a lot of money. That is not the fault of people in my own State. That is part of a process which has been very difficult, and I must say, rather ineptly handled by the Department of Energy over a number of years.

It is true, as the chairman pointed out, that 1998 was promised as the date in which a permanent repository or a waste dump would be opened. We have passed 1998. It is now 2000. That permanent repository, the dump at Yucca Mountain, will not, as I indicated in these guidelines, be available if ever—if ever—for some years to come.

Early on, as a new Member in the Senate, I recognized there was an equity argument, that to the extent ratepayers would have to pay for additional storage as a result of the permanent waste dump not being opened in the year 1998, there ought to be some kind of relief and compensation. I introduced legislation that said, in effect, to the extent that such delays occur, if they do, and if, indeed, as a result of those delays additional storage is required, the dry cask storage system is required, that whatever those expenses are ought to be deducted from the amount of money the ratepayers are required to pay into the nuclear waste fund. It strikes me as being fair.

That is where we begin to scratch the surface and find out that what is really involved in that kind of discussion is not fairness or equity, but the nuclear energy industry, through the Nuclear Energy Institute, has a very different agenda because, incredibly, they oppose that legislation.

Let me repeat that. For those who are listening who are ratepayers in States that have nuclear utilities, I was prepared and remain prepared today and agree with those parts of the bill that provide such compensation to any ratepayer who has been subjected to additional expense as a result of the permanent waste dump not being available ought to be compensated in some way, and the compensation should be reducing the amount of money the ratepayers are required to pay into the nuclear waste fund by an amount equal to the expense they have incurred.

That is equity. That is fairness. Let me repeat, that is not what the nuclear industry is all about. They have no interest in that.

We have heard a good bit about responsibility and science. What we want is the best science, we are told. I do not believe that is what they want at all. Let me try to frame the issue and let me use the chairman's own words.

The chairman has said—and I appreciate his candor; we disagree very strongly about this, but I want to make it clear to him and others that this is not a matter of personal acrimony; it is a major policy difference. This is what the chairman said in the last go-round we were about to have. This is an article that appeared in the Las Vegas Sun, December 6, 1999:

> What we want is to make sure that the measuring is under a regulation that allows waste to go to Yucca.

"What we want is to make sure that the measuring is under a regulation that allows waste to go to Yucca."

Not one word is expressed about public health and public safety, and that is precisely what they want. As my colleagues know, I will not be a Member of this august body this time next year, but I predict that if the nuclear utilities feel they need more legislation, they will be attempting to reduce the standards further.

S. 1287, which is the vehicle we are debating, as it came out of committee had these kinds of standards. Let's talk about that because that is pretty important for our consideration.

S. 1287 provided that 30 millirems per year would be the authorized dosage each individual can receive. For most of us who are not scientists—and I acknowledge that I am not—I do not know that I would recognize a millirem if I ran into one. Suffice it to say that millirems are the way in which we measure radioactivity, radioactive exposure. We all know that.

Many of us who are getting a bit long in the tooth—and I exempt the distinguished occupant of the Chair from that categorization—can remember in our youth when we would go to the shoe store and there would be a little fluoroscope there. Your mom would be there, and that fluoroscope would flash on and your bones in your feet would be exposed. The shoe salesman would say: I think those are the right size for Richard because he can move his toes freely.

As a kid, I revelled in it because I could see my feet—exposure, radioactivity. Do we do this today? The distinguished occupant of the Chair and I not only are parents but grandparents and are proud of that fact and are interested in their health and safety. That was abandoned a generation ago. Why? Because there are risks involved.

In less than a decade after Roentgen developed the x ray, there had been a fatality. That process indicates that radiation poses some very real risks to human health and safety. The experience in my own lifetime has been that, by and large, those standards are tight. We do not have fluoroscopes for fitting shoes on youngsters or adults, there is a constant effort to reduce the amount of exposure, and x rays we get when we go to the dentist are much less invasive than they were a generation ago. Why? Because the cumulative impact of all of that has a profound impact on health and safety.

We are not talking about some theoretical concern that might happen. That is the experience of more than a century, and although not completely applicable to this piece of legislation, we now know that workers who were a part of the nuclear industrial development that made it possible for us to produce the atomic weapons upon which our security has been predicated for more than half a century, the Department of Energy now acknowledges they were exposed to radiation and their health has been potentially impacted. They have acknowledged that for the first time decades later.

We are talking about something that can have a profound, even a potentially deadly impact. Yet our friends in the Nuclear Energy Institute and their allies shoehorn the standard so that it fits Yucca Mountain, irrespective of what good scientists say about health and safety.

Does that make me angry? You bet it does. Any parent, any grandparent, any responsible citizen should be absolutely appalled at the notion that this is being politicized, and it is. I will have more to say about that.

In 1983, the year the legislation was signed into law by President Reagan, the Environmental Protection Agency was established as the individual Federal agency to set the standard. Nobody challenged that.

In my first 6 years in the Senate, we had a decision with respect to the WIPP facility, a nuclear repository dealing with transuranic waste located in the State of New Mexico.

The Environmental Protection Agency set the standard. What was the standard they set? It was 15 millirems. Was there an objection from the nuclear industry? No. Was there a contention that somehow this was an outrageous and unreasonable standard? Was it suggested somehow this was wild science? No. It was set at 15 millirems.

At about that time, however, the nuclear energy crowd's interest in locating a high-level waste dump in our State began to be a little fretful. Could Yucca Mountain, which was developing a number of problems—a question of seismic activity, a question of volcanic activity, a question in terms of water table or thermoloads that were greater than expected, an earthquake which visited the site and created some damage—all of this began.

So in the energy bill of 1992—never debated on the floor of the Senate or the House—that was going forward, all of a sudden a provision was inserted into the bill that sought in some way to maybe bracket or to limit the EPA in setting the standard. In effect, what was requested was that the National Academy of Sciences ought to take a look and see if whatever the Environmental Protection Agency came up with, to use a metaphor from the street, was in the ballpark: Are they being reasonable?

That was the first assault upon the EPA and its standard-setting capability advocated by the proponents of the high-level nuclear waste dump at Yucca Mountain. This was not something the Senators from Nevada and those of us who have been concerned about health and safety advocated. This was what the nuclear utilities argued for.

Let's go over the verdict. What was the cycle? The National Academy of

Sciences did, in fact, take a look at the EPA standard that was proposed for us at Yucca Mountain. The EPA standard: 15 millirems, the same as WIPP. Pretty reasonable.

The National Academy of Sciences, in looking at that standard, said: We think the standard with respect to the milliremic exposure rate per person per year is somewhere between 2 and 20. We think that is the range.

So those are the brackets you see there on the chart: 2 and 20. Frankly, the EPA came right down in the middle. For those of us in Nevada, we would much prefer that they would be at 2 or 5 or 10 millirems. But it was set at 15. It was consistent with what had been done in WIPP.

Let's talk about the agenda. What does the nuclear utility crowd want? They don't want the 15-millirem standard. That is science. What they want to do is to game the system—to, in effect, shoehorn in any kind of a standard that makes it possible for them to dump nuclear waste in Nevada.

Their most recent iteration of this is S. 1287, the underlying vehicle, although the substitute amendment we are debating does have some changes. I want to make that clear for the record.

What did they propose? Thirty millirems—twice as much. A moment ago, I stated it is my belief that next year, the year thereafter, we get to 2002, and all of a sudden they will say: Look, we can't build that site with a 30-millirem standard. They would be rushing onto the floor of the Senate, as they have year after year, to say: Look, we need a standard that allows an exposure rate of 60 millirems, or 90 millirems, or 100 millirems—whatever it takes.

That is the underlying basis for this statement right here. This reflects the policy: What we want is to make sure that the measuring is under a regulation that allows waste to go to Yucca. There is not one reference to health, to safety, or to science. The shorthand view is: Look, whatever it takes to get it there, devil be whatever the standards will be, that is what we want.

That is the risk we have. That is not responsible. I exhort my colleagues to be responsible. That is not scientific. I urge my colleagues to be scientific. That is not scientific.

Why should there be a different standard set for WIPP than there is for Yucca? Why? Why is that necessary? No objection was raised to the WIPP standard. Why shouldn't it be the same? Logically, the EPA reached the scientific conclusion that it should be the same.

The National Academy of Sciences—and there is nobody in Nevada who was part of that review process—said: Look, that is within the recommended range; that is fair. But fairness and science and responsibility is not what this bill is all about. Any fair-minded person would look at this and understand that it has a political overtone.

In the last few days, the process has been extremely frustrating. On Friday, we received two different versions of the substitute. By 4:45 on Friday afternoon, we had received the version that has been offered today.

Based upon that version, here is what we know: The EPA strenuously objects to the language as it relates to standards that are in the draft before us today. The Council of Environmental Quality strongly objects to that standard as set forth in the substitute. And the President of the United States has indicated he will veto such legislation if, indeed, the bill in that form reaches his desk.

This Statement of Administration Policy is dated February 8, 2000:

> The Administration has reviewed a February 4, 2000, manager's amendment to S. 1287—

That is the substitute we are talking about now—

> and understands that this amendment will be brought to the Senate floor.

Indeed, it has and is what we are debating.

> Unfortunately, this amendment undermines EPA's existing statutory authority to set standards to protect public health and the environment from radioactive releases; therefore, it is unacceptable to the Administration. Although the amendment appears to allow EPA to exercise its existing authority to set appropriate radiation release standards for the Yucca Mountain repository, it will allow another entity to block EPA's authority until June 1, 2001.

This may not be readily apparent to everyone, but the thrust of this new language would be to strip the EPA of the authority to promulgate, in final form, this 15-millirem standard and kick it over until next year. Why? Why would they do that? Is that science? Is there some scientific reason for that? No.

This rule has been in the gestation process since the early 1980s.

It has been out for public comment, which is certainly appropriate—those who criticize it or support it make recommended changes to it; all of that has occurred. That is part of the process. That is not only good science but it is responsible public policy. Is it responsible to suggest that? No.

What is involved? Well, as we all know—and I must say it has begun far too early for most of us, even those of us who have had a lifelong fascination with politics—this is about Presidential election politics. We are going to have a new President next year. President Clinton is constitutionally precluded from succeeding himself. We all know that we are going to have a new President. So this is a political, cynical effort to deprive EPA of the authority to do its job in accordance with science and in a responsible fashion, and to inject what into the process? Politics. That began in 1983 with the Northeast being taken out of the dialog, and in 1984 with the salt dome formations in the Southeast being taken out in 1987—if we look at the one-site and put-all-the-nuclear-eggs-in-one-basket approach.

Again—it should come as no surprise to those who have followed the process—we have politics as usual. Kick this into next year, to a new President who may take a less protective view of health and public safety and responsibility and take a different approach. That is what we are being asked to do.

This draft is replete with politics. Let me mention one of these provisions to give you an idea. This draft has no more to do with science or public responsibility; this is a political instrument; this is a political deal. Let's be honest about it. What do we have here? We have a little sentence that talks about transportation. Let me say that the concerns about transportation, shipping 77,000 metric tons of high-level nuclear waste on the interstate highway systems in America, on the rail transportation corridors of America, that will go through 43 States, 51 million Americans live within a mile or less. So lest those of you who may be observing this debate are thinking this only affects the good people of Nevada, let me assure you that your backyard can be affected, as well as your church and schools that may lie within that mile or less of the Interstate Highway System or rail.

In looking at what those routes might be, one would think we ought to try to take the safest, most direct route. But no, no, we have politics in this. We are told we should avoid highways with downgrades of more than 7 percent. I know why that was put in there. He is a very good friend of mine, but the able Senator from Colorado, who voted with us last year in opposing this ill-conceived attempt—this is an attempt to acquire his support. I do not criticize him for it. He is trying to protect his State. I offer no criticism. But that is the cynicism that is involved. No science. No public responsibility. This is politics.

Now, look, I happen to love politics. It has been a lifetime of mine. I am proud of my involvement. I have had experience at the local level and the State level, and I am proud to have been a Member of this august body. This is my twelfth year. So I do not shirk from or blanch at the thought that we are talking about political issues and public policy. That is why I came to the Senate. This is why I have devoted my career in public service to policy formation. But this is not public policy; this is public cynicism. That is what this is all about. We ought to reject this.

So I guess I will simply return to the premise I began with, which is, is this piece of legislation necessary? The answer is no. If this legislation fails to be enacted into law, does it in any way impede the process occurring at Yucca Mountain? The answer is no. Parenthetically, I wish it did. But it does not impede it. That process goes forward. Does it do anything with respect to these guidelines in the sense of when the decisions are going to be made in the year 2001 and site recommendations? Does it deal with that guideline or the site application for licensure process? No. That all goes forward. That is in the law now and that is part of the planning process. It is not necessary. It is totally unnecessary.

What we are talking about is a very artful attempt to circumvent the process in which good science and good public policy ought to be used in making these decisions. That will not be allowed to happen in this piece of legislation in this form.

This is a moving target. I am talking about the substitute before us today. I alluded a bit ago to the frustration I have. This piece of legislation affects my State more than any other State, although—let me be clear—43 States will be affected by the transportation corridors. Yet we have largely been in the dark in terms of what kind of a substitute amendment we might face.

Friday afternoon, we received the version that we are debating today. We are prepared to debate it. We are prepared to accept the President's veto, the support of all the environmental community, support of the EPA and Council on Environmental Quality, and all those charged with that responsibility. We are prepared.

As we speak, a new substitute is being worked up. Whether or not there will be agreement, we don't know. Perhaps some of these comments, in the context of the new substitute, may have to be modified. But that is a sense of frustration I share with colleagues. Imagine, if you will, something that was particular to your own State, and the negotiations affecting your State excluded you from the process. And you kind of waited with bated breath each morning. You have a proposal; can we see it? What is it going to be? That, Mr. President, is where we in Nevada have been.

I am deeply offended by that process. I was not sent to Washington by the people whom I represent to sit on the sidelines and be that potted plant somewhere in the back part of the Senate Chamber. I want to know what is going to happen because I know from bitter experience that good science and good public policy have absolutely nothing to do with the way this process has been implemented since its earlier auspicious beginning in January of 1983.

So I recognize in these kinds of debates, I am sad to say, that unlike the days when the giants of the Senate took the floor and we saw each other and debated back and forth, that is not the way the process works. I understand that, in numbers, we are no match for the phalanx of lobbyists from the nuclear utilities. We do not have their financial resources; I acknowledge that. All we have is our honor, our integrity, and what is good science and public responsibility.

I hope that argument will prevail because it ought to be the way we in this Chamber make the decision. It ought to be the process by which every piece of legislation is dealt with on the floor of the Senate and in its various standing committees. We are here debating the substitute. We will wait and see what other pieces of legislation there might be. But I implore my colleagues to look at this carefully and understand what is coming about. This is not necessary. It is not science. It is simply not responsible public policy.

I urge you to oppose this legislation.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, first of all, I have been coming to the floor every day because of a commitment I made. I will just take a couple of minutes on this.

The PRESIDING OFFICER. We are in a postcloture situation.

Mr. WELLSTONE. I ask unanimous consent that I be allowed to speak in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

CAPITOL HILL SECURITY

Mr. WELLSTONE. Mr. President, first of all, I have been speaking about the security of the Capitol Hill police. I made a commitment to myself, much less to others, that I would continue to speak on it. I always start with the service for Officers Chestnut and Gibson and a commitment I am absolutely sure we made to the Capitol Hill police that we would do everything possible to assure security for them, much less the public.

One of the things we have to do—and we have to do it today; if not today, tomorrow; but I don't think we should let time go by—is make whatever kind of policy change and whatever kind of commitment of resources need to be made to assure that at every post there are two officers.

Again, a lot of the posts have many people entering. If there is one officer with lots of people coming through a door and, God forbid, somebody deranged enters with the intention of committing an act of violence, it would be very difficult for that single officer to deal with such a person.

I again call on all Members to do better by these police officers and to live up to this commitment. I am sure Republicans and Democrats all agree, but I will focus on this until I am sure we have followed through on a commitment we made because I don't think we have followed through on it yet.

CHECHNYA

Mr. WELLSTONE. Mr. President, yesterday I met with members of the Chechen Government. They discussed the horrific conditions currently facing their homeland. It is clear that the Russian Government must move to immediately allow into Chechnya and neighboring Ingushetia an international monitoring force to monitor and report on the humanitarian situation. It must also immediately move to assist those persons who have been displaced from Chechnya as a result of this conflict and to allow representatives of the international community access to those persons in order to provide humanitarian relief.

As many of you know, the Russian assault on the Chechen capital Grozny is only one more campaign in a long series of Russian military offensives in Chechnya. In September I expressed my concerns to Boris Yeltsin and Putin about the humanitarian tragedy that was—for the second time—unfolding in Chechnya. It is hard to imagine that after the use of force in Chechnya from 1994–1996—which left over 80,000 civilians dead—the Russian leadership could again see the use of force as enhancing the prospects for a durable settlement to this conflict. Nonetheless, the Russian leadership has again chosen to use force and the current tragedy has now reached unimaginable heights.

Russian forces have used indiscriminate and disproportionate force in their bombings of civilian targets. This has resulted in the deaths of thousands of innocent civilians and displaced over 200,000 others. But the suffering is not limited to Chechnya. The neighboring province of Ingushetia has been flooded with refugees. Mr. President, I remind you of the recent snow storm that swept the east coast. I need not remind you of how it compares to a Russian winter. A humanitarian crisis equal to that within Chechnya itself is beginning in Ingushetia.

I implore President Putin to hold firm to his commitment made to the Council of Europe Parliamentary Assembly Group last month to allow into Ingushetia an international monitoring presence to determine what is happening—to determine the best means of getting some immediate relief to the refugees and those trapped in Chechnya. And I urge the Russian Government to lift its press restrictions so that the citizens of the Russian Federation see the truth for what it is. For there is no doubt that if the people knew the full story of human suffering in Chechnya—on both sides of the conflict—they would devote every effort to its peaceful resolution.

Russian authorities maintain a virtual ban on access to Chechnya by international and local journalists. Groups—such as the Soldiers' Mothers Committee can only monitor Russian casualties through their own sources, through word of mouth, and struggle to determine the fate of their sons in Chechnya. In the past few weeks Russia's main commercial television station was kicked out of the military's journalist pool for showing an interview with a Russian military officer describing troop losses, and Russian officials arrested Andrei Babitsky, a 10-year-veteran reporter for the U.S.-sponsored Radio Liberty, who had been reporting from the capital Grozny. The Russian Government then exchanged the journalist for Russian soldiers held by Chechen rebels yet as of today, the journalist has not been seen or hear from.

The stories of the refugees fleeing Chechnya are horrific: incidents of widespread looting, summary executions, detentions, and rape.

Three weeks ago the Russian Commander for the North Caucasus Group of Forces blamed Russian "mistakes" on their "soft-heartedness." He then ordered that only children under 10, men over 60, and girls and women would be considered refugees. Although the order was eventually repealed, teenage boys and civilian men had been in effect sentenced to die. Orders such as these are intolerable and must be condemned. It is fundamentally unacceptable to deny any civilian the right to flee the fighting—to trap them in this dangerous war. And where will these trapped civilians go? Into detention camps? No one needs to be reminded of the systematic torture that took place in detention camps set up to detail Chechens in the 1994–96 Chechen war. That event stains the memory of the Chechen people—and its happening again. Today adolescent boys are being ripped from their mothers arms at the border as they try to escape. Mothers remain in the war zone because they refuse to leave without their sons.

Zura, a mother of three, told human rights monitors at the border that guards prevented a 59-year-old man from crossing over, and that two boys, aged 12 and 13, made it past border guards only by concealing themselves on the bus. Russian leadership are obligated under humanitarian law to do everything to avoid civilian casualties and allow civilians to flee to safety.

Then there are the numerous reports of rape. In the Chechen town of Shali a six-months pregnant 23-year-old woman was raped and murdered. Her mother-in-law was executed in the same incident. And Mr. President, many incidents of rape and sexual abuse go unreported. For many women in towns and villages all over Chechnya the shame is simply too great—they won't come forward to report these horrible crimes. Chechnya's culture and national traditions made it difficult to document cases of rape and sexual abuse—unmarried women who are raped are unlikely to be able to get married, and married women who are raped are likely to be divorced by their husbands. The effects of these rapes on Chechen society will be profound and long lasting. I remind the Russian leadership that rape is war crime.

President Putin must move quickly to resolve this situation in a manner consistent with Russia's obligations to the international community. I urge my colleagues to join me in full condemnation of the use of indiscriminate force against the civilians in Chechnya and to remind the Russian leadership that the world is watching. The Russian Government must move to immediately allow into Chechnya and Ingushetia an international monitoring force to determine what is happening. It must immediately move to assist those persons who have been displaced from Chechnya as a result of this conflict and to allow representatives of the international community access to those persons in order to provide humanitarian relief. And the Russian leadership must begin now to investigate and prosecute those responsible for human rights abuses in Chechnya—it promised to do this after the last Chechen War but failed to do so. Those responsible for human rights abuses in Chechnya must be held accountable.

President Putin must end this conflict and must devote every effort, including the acceptance of third party mediation offers made months ago by the Council of Europe and the Organization for Security and Cooperation in Europe, to its peaceful resolution.

THE BUDGET

Mr. WELLSTONE. Mr. President, I have not read his article today in the New York Times, but I congratulate former Secretary Robert Reich for a piece he wrote. I have only had it summarized, but he raises questions about this budget the President submitted. Without having even read the piece, I think I understand his framework.

I say to the administration and to Democrats, I find a little unbelievable, with the economy booming and such flush economic times, when one actually looks ahead over the next decade, the nonmilitary discretionary spending and where we are going to be making cuts. I hear the Democrats talking about how we will reduce the debt, but I hear precious little about the investment.

What I worry about is a disconnect between the words we speak and the budgets we present. The President said he had a budget that was all about making sure there would be health care coverage for every citizen, that he had a budget which would be about ending child poverty in America, that he had a budget which would be about making sure every child would come to kindergarten ready and able to learn, that he had a budget which would provide economic security for senior citizens. But looking at the investment in this budget, it is not there. I worry about that.

I think one of the reasons people become disillusioned is that they think they will make a difference. I gave an example today at our luncheon meeting. My parents both had Parkinson's disease. We hear discussion that there will be economic security for senior citizens, there will be a commitment to long-term care, and then we see a tax credit that amounts to a particular amount of money; maybe for an individual family it would be $2,000 a year. For a family faced with long-term care needs, trying to figure out a way of staying at home and to have people help one stay at home, $2,000 a year is not going to do it. It is not going to even come close.

I am troubled sometimes to hear my Senate colleagues, whom I love, taking the position that discretionary spending is actually staying below the cost of living. We are really keeping it down. We are adding no new dollars.

But why is that good if, in the first place, some of our spending—I will say that, or investment—is inadequate? We should be a major player in pre-K, prekindergarten. That is where the Federal Government can make the biggest difference, getting the money and the resources down to the communities and neighborhoods so we can make a commitment to early childhood development, so we can make sure the men and women who want to work in this field are professionals who get decent salaries, rather than getting paid $7 an hour with no health care benefits; making sure families can afford this if both parents work or a single parent works; making sure this child care is not custodial but it is developmental and really helps children. We are going to have to spend a lot of money. It cannot be done on the cheap.

We are going to have to dig into our pockets and make an investment. With all due respect, I appreciate some money for refundable child care tax credits, but when I look at this overall budget, the investment is not there. I am glad we are putting more money into Head Start, but we are not putting in anywhere near enough money to make sure every child who could benefit from Head Start will be able to benefit. We are certainly not putting the investment into affordable child care.

I would argue the most important national goal for our country would be to make sure all children—no matter income or color of skin or rural or urban or boy or girl, by the time they go to kindergarten, through a combination of public sector investment, private sector help, volunteers—have been read to widely, all these children know the alphabet and know colors and shapes and sizes, and they know how to spell their name and they have been challenged and there have been people to nurture them and to support them.

We are not doing that. So I say to the Chair—he is a Republican—I am actually being more critical of Democrats. I am starting to think the policy debate goes like this. Republicans say when it comes to the most pressing issues of working families' lives, like affordable child care, the President says we want health care coverage for citizens—but this budget does not provide that. It does not take us anywhere near universal health care coverage. So Republicans say universal health care coverage, affordable child care, investment in children—listen, when it comes to these issues, there is not that much the Government can or should do.

I understand that. That is a legitimate ideology or point of view. Although, frankly, I think it works best for people who own their own large corporations and are wealthy. I don't think it works for most of the people.

The President says: No, we care about children. We are going to invest in children. We are going to have universal health care coverage. We are going to have economic security for the elderly. We are going to make sure no child is in poverty. But then what we say is: But, politically, we cannot make the investment because then it will look as if we are spending too much. In which case, frankly, the differences between the two parties don't make a heck of a lot of difference to a lot of our most vulnerable citizens.

So I wanted to come to the floor, first of all, to congratulate former Secretary Bob Reich for raising questions about the priorities of the President's budget and all the money that is being put into debt reduction. You can and should put some money into debt reduction. But do you know what else? It would seem to me we also want to make sure we do well for children right now. In the next century, we are going to be asking them to carry an awful lot on their shoulders. We know there are a lot of children we are not doing very well by. My question is, in the words of Rabbi Hillel, his third century admonition: "If not now, when?"

If we Democrats do not start speaking up for children and talk about the need to invest in children and to invest in pre-K and get it right by way of developmental child care—which should be huge, it should be all over the country and there should be resources—if we do not speak up for children, Democrats, and for investment in early childhood education, then who will?

"If not now, when?"

I think I have run out of time. I yield the floor.

The PRESIDING OFFICER (Mr. MURKOWSKI). The Senator from Nevada.

CAPITOL HILL POLICE SECURITY

Mr. REID. Before the Senator from Minnesota leaves the floor, I would like to have a brief colloquy with the Senator.

I say to my friend, I have watched very closely your public statement regarding law enforcement on Capitol Hill. I want to be as direct and forthright as I can be in underscoring the work you have done. I think I am the only U.S. Senator who has served as a Capitol policeman. I worked, when I went to law school, on the night shift and went to law school in the daytime. I think I have some familiarity with what the Capitol Police go through.

I have to acknowledge and admit the work they do today, compared to when I was a Capitol policeman more than 30 years ago, is much more dangerous, much more terrorist threatened. They face many more dangers than I have. I said on many occasions the most dangerous assignment I had was directing traffic. But the fact of the matter is, I carried a gun and was responsible for maintaining the safety and security of the U.S. Capitol. I am very proud of that. I still have my badge that I carried. I still have that in my office in the Hart Building.

The Senator from Minnesota has recognized that these men and women work in harm's way every day. What the Senator from Minnesota has stated is when we have these doors, and these men and women are there alone, it is dangerous. Two of our law enforcement officers were killed as a result of a terrorist act, the act of a madman. I think the people who maintain the Capitol Police should come to us. We are in an appropriations cycle. If they need more money, let them tell us they need more money. We are in a period of time where we need to get the real facts.

I say also to my friend from Minnesota, I am very concerned we have waited all these many years and we still do not have a visitors center.

Mr. WELLSTONE. Yes.

Mr. REID. We have taxpaying people who come to the U.S. Capitol and spend hours standing in the cold and the heat waiting to get in, without the opportunity to use a bathroom. There are no parking facilities around here, so they have all had to walk or take public transportation for a long period of time.

I think it is below the dignity of the United States of America that people wanting to visit this beautiful Capitol do not have a place where they can come and have a soft drink, a cup of coffee, a doughnut, or go to the bathroom. That is also a law enforcement issue. One of the reasons these Capitol policemen who protect us and the American public are threatened every day is because we don't have a visitors center where people can be screened, away from these doors.

So I commend, I applaud the Senator from Minnesota for standing up for the American public and basically standing up for these people who have no voice, the Capitol Police who protect us.

Mr. WELLSTONE. Mr. President, if I might respond to my colleague, I appreciate his words. I think he is right. Senator REID from Nevada is actually the only Senator who actually served on the Capitol Police.

I think on the question of appropriations, you are right. This is timely. My own view is the police have a union so they do have a voice. This is, of course, new. I think the union leadership is very involved. I also say Sergeant at Arms Zeiglar has been very good about this and he thinks this is unacceptable and has to change. I don't think there is any question, whether it is an appropriations matter or whether it is reprogramming and having enough overtime pay so people can staff up that way, I don't know the answer. But I do know this, I think my colleague would agree, I don't believe any Senator or Representative can credibly say to the Capitol Hill police, these law enforcement officers: No, we can't spend the additional resources. It costs too much to make sure there is the security for them and the public. We cannot say that.

My God, we have gone through a living hell here. If you think of Officer Chestnut and think of Agent Gibson and think of their families, I think the commitment we made to one another—of course, you could never come up with a 100-percent certainty that you could prevent this from happening again. But we want to do everything we can.

I appreciate what the Senator from Nevada said because it is true. When you have these posts, especially when there are lots of people coming in, you cannot have one officer there. I appreciate the Senator from Nevada speaking out on this. The Capitol Police—I did not expect it necessarily would be this way, but everywhere I have gone the last couple of days people have come up and been very gracious and said: Thank you very much for doing it.

I think they feel in their hearts that it is important to get the support. For the Senator from Nevada to come out here and speak makes a big difference. I thank him.

Mr. REID. If I may also say to my friend before he leaves the Chamber, I hope it is more than just talk. I acknowledge Mr. Ziglar is doing a wonderful job, and I appreciate that. But I want him to come forward with a program to accomplish what we need accomplished. After the two officers were murdered at a door coming into the Capitol, protecting us, there was a hue and cry that we had to start construction of a visitor's center.

Mr. WELLSTONE. Yes.

Mr. REID. Isn't it interesting, the colder they get in their graves, the less talk there is about trying to take care of that problem. Had it been there, their lives would not have been snuffed out.

I am so appreciative of the Senator speaking out for people who have no voice.

Mr. WELLSTONE. I thank the Senator.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—Continued

Mr. REID. Mr. President, it is my understanding the matter before the Senate today is the amendments to the Nuclear Policy Act of 1999; is that the matter we are on?

The PRESIDING OFFICER. The Senator from Nevada is correct.

Mr. REID. Mr. President, when I was a young man, I used to box. I fought in the ring. I can remember as a 20-year-old, I thought I was in pretty good shape. I weighed 160 pounds or thereabouts. I had trained for a fight near the place where they were building the Glen Canyon Dam, which forms Lake Powell. I was ready to go and had trained for this fight. I arrived there and was told the opponent was not going to fight, so I would not be able to fight that night. I was very disappointed.

A manager came out and said: We have somebody here who could fight you, but he has no experience. I know how badly you would like to fight, so if you agree to kind of take it easy on him, I will go ahead and let him fight. He is a little bigger than you are, but I am sure everything will be fine if you take it easy on him.

Mr. President, he worked me over really good. It was one of the worst beatings I ever took. It was the first time I had ever had broken ribs from a fight.

The reason I mention this story is, I have learned since then that if you are going to have a fight, you have to know the rules, you have to know whom you are fighting. Ever since then, I have never gotten into a fight unless I pretty well understood who the opponent was.

With the matter now before the Senate, I am having some difficulty finding out who the opponent is. We had been told there was going to be an amendment last Friday. We got an amendment last Friday, but it was not the one we thought it was going to be.

I say to everyone within the sound of my voice, whatever happens in the Senate these next few days on the matter that is now before the Senate, S. 1287, it is not the bill that directs nuclear waste to go to the State of Nevada. If nothing happens in this Chamber regarding S. 1287, as we speak, there is characterization taking place at Yucca Mountain to determine if, in fact, Yucca Mountain is suitable for a nuclear repository. At a time subsequent, the Nuclear Regulatory Commission will make a determination as to whether or not Yucca Mountain is suitable to be licensed.

It does not matter what we do today, tomorrow, the next day, or whenever we finish S. 1287. Characterization is still taking place; the decision on licensing the site is up to the NRC.

What is happening in S. 1287 is the same thing that has happened in the last 4 or 5 years with interim storage. The very powerful nuclear industry wants to short-circuit the system, wants to do an end run around the system, wants to speed up the disposal of nuclear waste. Good sense dictated, and the President of the United States said he would veto the interim storage bill.

As a result, interim storage is no longer an issue we are debating, for that I am very grateful. I appreciate the chairman of the full committee taking another approach. That approach is S. 1287. I say to everyone in the Senate and others within the sound of my voice that S. 1287, unfortunately, is still an attempt to short-circuit the system. It is not the mass outage that interim storage would have caused, but it is still a short-circuit.

What does this bill do? Originally, the main purpose was to take the Environmental Protection Agency out of the business of setting standards for radiation at Yucca Mountain. Again, the President issued a veto statement and said: If that is in there, I am going to veto this bill.

There have been conversations between the chairman and the ranking member that that is going to be taken out of the legislation and EPA will still be in the driver's seat. We were told just the other day one of the standards in it was, you could not take nuclear waste through Colorado. We understand that may be taken out of the bill.

The point I am making is this, we do not yet know what the vehicle is. We do not yet know whom we are going to be fighting. By the way, the man I fought in Kanab, Utah was named Swaderski. I never forget that name. I do not know if this is a Swaderski or it is something else. Until the Senators from Nevada and the rest of the Senate have an idea of what is going to be the vehicle we are going to be debating, what the amendment is, we are at a real loss as to how we should proceed.

We have other problems with S. 1287, but the main problem is with the nuclear radiation standards we have talked about.

There are all kinds of things which at the right time we can talk about in some detail—about radiation protection, what the standard should be. What we have not talked about at all, and which we certainly need to talk about, is not only the radiation standard generally, but a radiation standard for children.

For example, I did a lot of work on lead abatement. Lead in the environment is dangerous to adults, but not as dangerous and it is disastrous to children. Little children's nervous systems cannot take lead. Most of the work we did with lead abatement was directed toward children.

As with lead, radiation more drastically affects children than it does adults, and this is something about which we will have the opportunity to speak at a subsequent time—the risk to children.

We are learning a lot about ground water protection as it relates to radiation. We know that ground water must be protected. There is such a shortage of it in Nevada and especially in the Yucca Mountain area. We want to make sure that ground water which we believe flows into the Amargosa aquifer is something that is not going to be damaged.

We know during the last 3 years we have had a significant number of very serious earthquakes at Yucca Mountain. We can talk about this in some detail, but it is something that goes to the ultimate licensing of this repository.

The cost of the program is in the billions of dollars. We were told originally it would cost $200 million to do the characterization for three sites, a total of $600 million. For just Yucca Mountain alone, we are now over $7 billion for the characterization. There has been a loss of confidence. We have various organizations that are concerned.

I have heard people come to the Senate floor and talk about, how they are taking care of nuclear waste in Europe. That is really not quite true. They are having all kinds of difficulty transporting the nuclear waste. Of course, those are very small countries. Here in the United States, we are talking about transporting nuclear waste not hundreds of miles, as they have had difficulty doing in the European countries, but transporting waste for thousands and thousands of miles. That is something we need to talk about. We need to discuss the loss of public confidence in how we handle nuclear waste. Of course, transportation, as I have just mentioned, is a very serious problem.

Senator BRYAN and I have had the good fortune of being able to travel to St. Louis, Denver, and a number of other places. But to take those two places alone, we met with the city council in both of those entities, and they immediately passed resolutions saying they did not want nuclear waste in their cities and counties. If people know how dangerous it is to transport nuclear waste, they, of course, do not want it.

Nuclear waste has to be transported either by truck or by train. In years past, we have talked on this floor in great detail about how dangerous the transportation of anything is but especially something that is the most poisonous substance known to man—plutonium.

Terrorist threat: We have recognized there is a terrorist threat with respect to transporting nuclear waste. The sad part about it is, this is something that does not seem to concern some people. They simply want to have a repository and will worry about how to transport it at a later time.

We have a lot to talk about in relation to this legislation. But until we get a bill, until we know who we are fighting, and not only who we are fighting but the whole context of the fight, we are not in a position to work in detail to improve this legislation.

There will be amendments filed by the deadline tonight by some. I think the Senators from Nevada, based on the situation now before us, are not going to file amendments because this legislation is such that we do not know what amendments should be offered based upon the RECORD, which is now before us.

Cloture has been filed on the underlying bill, S. 1287. At a subsequent time, we are going to have to take a look at that to determine whether or not we are going to ask our colleagues to support us in relation to the cloture motion, whether or not we should be for or against that.

I hope there can be a distribution of the proposed amendment at a rapid time so our staffs can have an opportunity to look at it. At this stage, there is an amendment out there somewhere, but it has not been given to our offices. We are having difficulty understanding what the amendment is. It is a moving target, to say the least. It keeps changing. Until that is defined, I think we are going to have a great deal of difficulty talking to the White House as to whether or not this legislation is in keeping with fairness, equity; whether the rulemaking power of this administration is being jeopardized.

We do know one of the provisions in the bill is to make sure this decision made by the EPA is not going to be made until the next Presidential election, for obvious reasons; that is, the proponents of this bill are hoping that a Republican will be elected because Vice President GORE has been a stalwart on this, recognizing the environmental dangers of what has been attempted by those people who want to jam nuclear waste not only down the throat of Nevada but expose all the people along the transportation routes to Nevada.

So, again, at such time as we get this legislation, I will come back and revisit the legislation. At this time, I have no legislation to visit and will have to wait until a subsequent time to make that determination as to how the legislation affects the State of Nevada and the country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I just listened to the statement of my good friend from Nevada. I thought perhaps I could contribute something meaningful to our consideration by trying to explain some of the procedure that we have run into and the rationale behind the process.

As the Senator from Nevada indicated, last Friday we were able to supply the amendment which was acknowledged by the minority. In my numerous conversations with the minority and the ranking member of the committee, it became necessary to consider making changes. We have been in constant consultation with the ranking member and professional staff to try to see if we could reach an accommodation on the suggested changes that have been primarily communicated to us by the Senator from New Mexico.

It was not the intention to do an end run, by any means, on my good friends from Nevada. But it was an effort to try to advance, if you will, the continuing negotiations. That situation has been changing. In my opinion, the goalposts have been moved a little bit, but I am not going to argue the merits of that.

We have been talking about various aspects. I think it is a fair characterization by my friend from Nevada to say that if you do not know who you are fighting, it is pretty hard to know what the rules are—or words to that effect.

We have to file the amendments prior to 6 o'clock. There obviously is going to be one more chapter and verse to this. I assume the two Senators from Nevada are conversing with the minority and are a part of this process.

But, in any event, that is the best explanation I can offer as to why this thing has not remained somewhat stationary but has been moving, as we have tried to accommodate certain concerns that have been brought up, many of which have been quite germane and appropriate.

One of the things that I think we should identify is something that I had been under the impression the Secretary of Energy was addressing; that was the concern of a number of Governors. I will read the names of those Governors. They include Governor Jeb Bush of Florida; Governor Howard Dean of Vermont; Governor Angus King, an independent, from Maine; Governor John Kitzhaber of Oregon; Governor Jeanne Shaheen of New Hampshire; Governor Jesse Ventura of Minnesota; and Governor Tom Vilsack of Iowa. Let me share with my friends what those Governors have said:

> We Governors from states hosting commercial nuclear power plants and from affected states express our opposition to the plan proposed by Energy Secretary Richardson in his February 1999 testimony before the Senate Energy and Natural Resources Committee. Secretary Richardson proposes that the Department of Energy take title, assume management responsibility, and pay costs at nuclear plant sites for used nuclear fuel it was legally and contractually obliged to begin removing in January 1998. This proposed plan would create semipermanent, federally controlled, used nuclear fuel facilities in each of our States.

I think it is rather ironic that the whole argument we previously had the last time we took up this legislation was whether or not to site a temporary repository in Nevada. The fear of the Nevadans is, if we started to move this waste out there, Nevada would be the proclaimed site for the waste because it had already moved out there, even though the process of licensing was to continue. Here we have the States expressing the same concern Nevada had when the Nevadans argued against putting a temporary repository in their State and shipping the fuel out before Yucca Mountain was licensed.

Here are the Governors saying:

> This proposed plan would create semi-permanent, federally controlled, used nuclear fuel facilities in each of our States.

They have the same fear. The fear is that if the Government takes title, the waste will sit there in their States. Now, there is some rationale in that fear because the Government certainly hasn't been upfront in addressing its responsibility, in contractual terms, to take the waste in 1998. It seems as if the Government is prepared to leave the waste wherever it might be rather than accept it. That is the only conclusion you can come to, as evidenced by the reluctance to take it in 1998, the reluctance to support previous legislation that would put that waste in a temporary repository at Yucca Mountain until Yucca Mountain was determined to be licensed. So now the fear is that these States are going to be stuck with that waste because the Federal Government is going to take control of it in their State, and it will sit there.

Let me cite the specific reasons for the opposition of these Governors. Again, they are Jeb Bush, Republican from Florida; Howard Dean, Democrat from Vermont; Angus King, Independent from Maine; John Kitzhaber, Democrat from Oregon; Jeanne Shaheen, Democrat from New Hampshire; Jesse Ventura, the Reform Governor from Minnesota; Tom Vilsack, Democrat from Iowa. That is a pretty broad bipartisan group. In the letter, it says:

> Specific reasons for our opposition are:
>
> The plan proposes to use our electric consumer monies which were paid to the Federal Government for creating a final disposal repository for used nuclear fuel. Such funds cannot [in their opinion] legally be used for any other purpose than a Federal repository.

Well, if that is correct, then that is correct, they can't be used to store the fuel in those States next to the reactors.

Further, it states:

> This plan abridges States' rights. . . .

I think we need to hear a little bit more about States' rights around here.

> [I]t constitutes Federal takings and establishes new nuclear waste facilities outside of State authority and control.

Yet within their very States.

> These new Federal nuclear waste facilities would be on river fronts, lakes and seashores [where the plants are] which would never be chosen for permanent disposal of used nuclear fuel and in a site selection process.
>
> The plan constitutes a major Federal action—

I think it does—

> which has not gone through the National Environmental Policy Act (NEPA) review process.

So the administration is circumventing NEPA.

Further:

> The new waste facilities would likely become de facto permanent [waste] disposal sites.

This is the crux of it, Mr. President. They say:

> Federal action over the last 50 years has not been able to solve the political problems associated with developing disposal for used nuclear fuel. Establishing these Federal sites will remove the political motivation to complete a final disposal site.

The letter to the President concludes with:

> We urge you to retract Secretary Richardson's proposed plan and instead support establishing centralized interim storage at an appropriate site. This concept has strong, bipartisan support and results in the environmentally preferable, least-cost solution to the used nuclear fuel dilemma.

The PRESIDING OFFICER. The Senator has used all his time.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MURKOWSKI. On behalf of the leader, I ask consent there be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LATE SENATOR CARL T. CURTIS

Mr. THURMOND. Mr. President, we begin the new session of the 106th Congress on a sad note, marking the passing of a good friend and former colleague, Senator Carl T. Curtis of Nebraska, who died recently at the age of 94.

For those of you who are new to the Senate, Carl was a great man who rendered a valuable service to his state and our nation throughout his career. First elected to the United States House of Representatives in 1938 and the United States Senate in 1954, Carl holds the record for being the Nebraskan to serve the longest in the United States Congress. In total, he spent almost forty-one-years on Capitol Hill before retiring from the Senate in 1979.

During his tenure as a Federal legislator, he earned a well deserved reputation for fiscal conservatism, limited government, and was known as a champion of farmers and agricultural issues. He was party loyalist and a true conservative who never sacrificed personal convictions for the sake of public opinion. Among other issues, he was steadfast in his backing of President Nixon and our fight against communism in Southeast Asia even though these were highly unpopular positions at that time. An indication of his commitment to the conservative cause was the close alliance between he and Barry Goldwater, as a matter of fact, Carl managed the floor during the 1964 Republican Presidential Convention in San Francisco when Senator Goldwater was seeking the nomination of the party. Perhaps most importantly, Carl was known for his commitment to his constituents, nothing was more important to him than helping the people of Nebraska. Such dedication to helping others is truly the hallmark of an individual devoted to public service.

During the course of our time in the Senate together, I came to know Carl quite well as we had much in common, as a matter of fact, he and I both entered the Senate in 1954 and that was not the least of our similarities. Beyond being like-minded on so many issues, we were essentially contemporaries, having grown-up on farms, read for the law instead of going to law school, and prefering to be out meeting with our constituents. It was always a pleasure to work with Carl on any number of issues and I valued his alliance as a Senator and his friendship as an individual. It was a high honor to be asked to serve as an honorary pall bearer by the Curtis family, though I hate to say "goodbye" to my old friend.

Carl Curtis was the embodiment of a public-minded citizen who dedicated his life to making a difference. From his stint as Kearney County Attorney to his role as an elder statesman, Carl Curtis always sought to build a community, state, and nation that were better for all its citizens. He set an exemplary example for integrity, diligence, and conviction, and others would do well to follow the high standards to which he held himself. My sympathies go out to his widow, Mildred, his son Carl T. Curtis, Jr., his grandchildren and great-grandchildren. All can be proud of this fine man who we are all better for having known.

"DON'T BE DOWN ON THE FARM"

Mr. DASCHLE. Mr. President, last week I joined several of my Democratic colleagues at a hearing on the agriculture crisis that is forcing many family farmers out of operation. We heard a number of witnesses tell compelling stories about how the 1996 "Freedom to Farm" Act has failed them and their communities.

Lori Hintz, a registered nurse and farm wife, talked about the impact of the '96 farm bill on her community in Beadle County, South Dakota. She emphasized that farmers are not the only ones in her area that are struggling.

When farm prices are depressed in a rural community—like they are in Lori's—small businesses, health clinics and schools also feel the pinch. Lori spoke eloquently about the urgent need to invest in rural communities and promote a healthy farm economy, thereby reducing out-migration and preserving the way of life that built and still defines the Midwest.

I believe I speak for all Democratic Senators who participated in last week's hearing when I say that the testimony presented by each witness was both powerful and thought-provoking. That testimony only strengthened our determination to address the agriculture crisis facing this country.

Few people have a better appreciation for the problems confronting our family farmers, and for what we in the

Senate need to do to fix those problems, than my close friend and colleague, Senator BYRON DORGAN. Senator DORGAN has stood throughout his public career as an effective and tireless advocate for America's family farmers and ranchers, and his perspective on the economic difficulties felt by many rural residents merits the undivided attention of policymakers in Congress and the Administration.

Today, I would like to express my gratitude and appreciation to Senator DORGAN for an article published in a recent edition of the Washington Monthly that presents a poignant and persuasive argument for the family farm. I commend this article, entitled "Don't Be Down on the Farm," to my colleagues' attention.

Senator DORGAN knows this topic as well as anyone. We have all learned from Senator DORGAN's entreaties, many of which have been delivered in this chamber, about the economic challenges facing the people to whom we entrust the safe and abundant production of our nation's food and fiber supply. We have listened to Senator DORGAN's impassioned oratory about conditions in rural North Dakota, and how the economic survival of many communities in his state depends on successful family farms. His words resonate deeply in me, because they often evoke similar scenarios in my state.

In his article, Senator DORGAN makes a number of important observations—things we know to be true, but that too often are recklessly discounted in the crafting of farm policy. He reminds us of the proven efficiency of family farms, and how viable family farms translate into robust, successful communities. He also asks a question to which we still have not received a persuasive answer. What does society gain by replacing family farms with corporate farming operations?

Senator DORGAN also reminds us of the social costs that we may all have to bear for the emergence of corporate agriculture, including the challenge of waste disposal, the threat of related environmental degradation and the loss of a valued way of life.

Finally, Senator DORGAN asks whether we will take steps necessary to ensure the survival of family farms and ranches for the future. That is a question of interest to many members in this chamber, and one to which we simply must find the right answer.

The eloquence and urgency of Senator DORGAN's message reinforces the views of the many Senators who want to secure a strong future for our country's family farms. I appreciate both the effort and conviction evident in the article, and thank Senator DORGAN for his commitment to this vital issue.

I ask unanimous consent that Senator DORGAN's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Monthly, Sept. 1999]

DON'T BE DOWN ON THE FARM

WHAT WE CAN DO TO PRESERVE A NATIONAL TREASURE

(By Senator Byron Dorgan)

A Traveler through Western Europe these days observes something unusual to American eyes. Family-based agriculture is thriving there. The countryside is dotted with small, prosperous farms, and the communities these support are generally prosperous as well. The reason, of course, is that Europe encourages its family-scale agriculture, while America basically doesn't care. The difference was apparent at the World Trade Organization meetings in Seattle. The European representatives were talking about families and communities, while the Americans talked about markets. You listen to the speeches, as I did, and a question looms up in your mind. If American trade representatives think these European values represent the problem, just what do they think represents the solution? If prosperous rural economies are not a worthy goal then what is?

The question is of great urgency among U.S. farmers these days. Out beyond the prosperity of Wall Street and Silicon Valley, the producers in America's food economy are struggling for survival. The weather has been miserable. Prices for some commodities are at Depression-era levels. Imports are soaring, and giant agribusiness firms are squeezing out farmers for a bigger share of the food dollar. In this setting, farm auctions have become a grim daily counterpoint to the Wall Street boom.

The stories are wrenching beyond description. I received a letter from a woman whose son refused to get out of bed the day the family farm was auctioned off. His dream was to become a farmer like his dad, and he couldn't bear to watch that dream get sold off by a bank. Suicides among farmers are now three times the rate of the nation as a whole. One Iowa farmer left a note that said, "Everything is gone, wore out or shot, just like me."

Many in the opinion class offer an obligatory regret and then wonder why we should care. Family farmers are just poignant footnotes to the bright new economy, they say, like the little diners that got left behind on Route 1 when the interstates came in. "The U.S. no longer needs agriculture and is rapidly outgrowing it," said Steven Blank, an economist at the University of California at Davis. In his view, farms, like steel mills and television factories can move to low-cost climes abroad, and should. "It is the improvement in the efficiency of the American economy."

Most express themselves in more diplomatic terms. But that's basically the expert view. An economy is just a mathematical equation and efficiency, narrowly defined, is the ultimate value. If family-based agriculture disappears, so be it. This view isn't just distasteful. It is shortsighted and wrong.

The fact is, family-based agriculture is not unproductive or inefficient, even by the narrow calculus of the economies profession. (I'll go into that a little later.) First off, if we care about food, we will not welcome an economy in which control of the food chain lies in a few corporate hands. Monsanto-in-the-Fields is not everyone's idea of the food economy they want. But the basic issue here goes far beyond food. It speaks to us as citizens rather than just as shoppers; ultimately it concerns the kind of country we are going to be. The family farm today is a sort of canary in the mine shaft of the global economy. It shows in stark terms what happens to our lives, our communities, and our values when we prostrate ourselves before the narrow and myopic calculus of international finance. So doing, it raises what is probably the single most important economic question American faces: What is an economy for?

For decades the nation has listened to a policy establishment that views the economy as a kind of "Stuff Olympics." The gold medal goes to the nation that accumulates the most stuff and racks up the biggest GDP. Enterprise is valued only to the extent it serves this end. But what happens when we produce more stuff than we need but less of other things, such as community, that we need just as much? Do we continue our efforts to produce more of what we already have a glut of? Or do we ask a different question? If Americans say we need stronger families and better communities, then we need to question whether our economic arrangements are contributing to those ends. If we really believe in traditionally family values, then should we not support the form of agriculture—and business generally—based upon those values?

There's a way to save our family-based agriculture. Harry Truman had the answer more than fifty years ago. Put simply, Truman wanted to confine the agricultural support system to the family-sized unit. This would promote a modern and productive farm economy and healthy rural communities too. It would begin to align our economic policies with our traditional family values and social ideals. But in order to see the value of this approach, we have to put off the mythologies and ideological blinders that dominate the debate today.

OVER THE EDGE

These mythologies start with the assumption that the struggles of family farmers are Darwinian proof of their own unfitness to survive. The fact is, family farmers are in a bind today because of deliberate actions and inactions here in Washington. An impartial market didn't decree their difficulties. Policy makers did. Yes, there has been lousy weather, an expensive dollar, and the collapse of crucial markets in Asia. These come with the territory. Since the New Deal, the federal government has sought to help farmers get through such tough times.

What's different now is that government has tried instead to push family-based producers over the edge. The push started with the trade agreements that opened the U.S. wide to foreign production. Advocates of NAFTA and GATT promised American producers vast new markets, yet today America's trade deficit has reached record levels, and the balance of agricultural trade is heading in the same direction. You need that right. The coal is pouring into Newcastle. By the sublime logic of the global economy, a nation that has depressed prices of durum wheat is importing durum wheat, fruit, poultry, and meat as well.

This did not happen because American farmers are backward or inefficient. It happened because of a high dollar, which works against exports; and because American trade negotiators have been more attentive to the needs of corporate food processors than to the farmers who grow the food. The U.S. trade agreement with Canada is a prime example. Before that agreement the U.S. imported virtually no durum wheat from Canada. (Durum is the kind used in pasta.) The

U.S. trade representative at the time, Clayton Yeutter, assured Congress in writing that the agreement would have no effect on grain. Yet durum was pouring across the northern border almost from the moment the agreement took effect. Today, Canadian imports comprise nearly 25 percent of U.S. processed durum. These imports nearly doubled in the first five months of 1999 alone.

Some call this the Invisible Hand. But it has a lot more to do with something called the Canadian Wheat Board, a government agency that handles every bushel of wheat produced in Canada. The Wheat Board publishes no price information, so the workings of the Canadian market are inscrutable to U.S. farmers. There are subsidies for grain handling and transportation that give Canadian producers a further edge. Canada is not an exception. Most nations try to protect their own food production, and understandably so. They have long memories of wars that made food a precious commodity; and as true conservatives they value their rural traditions and cultures.

So tough luck you say: The consumer is king, and cheap imports mean low prices at the supermarket. This degradation of the producer was not what Jefferson and others had in mind when they founded our republic. But that aside, if you think the farmer's travail has been the consumer's gain, you might check your local supermarket. Somehow, those Depression-level prices on the farm haven't shown up on the bar codes. Prices of hamburger and bread have inched up, even as farm prices have plummeted.

Someone is getting the spread, and that someone is the food processing and packing industry, which has scored big off the misery of U.S. farmers. The big four cereal manufacturers have returns on equity of upwards of 29 percent even as farmers go bankrupt. From a loaf of bread that costs $1.59 at the store, the wheat farmer gets about five to six cents. In 1981 the wheat farmer got about double that. The processors can reap where the farmer sows, in large part because the industry has become so concentrated in recent years. When Ronald Reagan become president, the top four beef processors controlled about 36 percent of the market. Today the figure is over 80 percent. A wheat farmer today is dealing with a grain industry in which the top four firms control 62 percent of the business. This means a marketplace with the power to say, "take it or leave it."

The antitrust laws are supposed to prevent this kind of bullying. But decades of erosion at the hands of ideologically-disposed economists and judges have reduced these laws to mere "husks of what they were intended to be," as the late Justice Douglas put it. Moreover, budget cuts during the Reagan-Bush years crippled antitrust enforcement just as the current merger wave was gaining momentum. Even after modest increases under Clinton, the antitrust budget has fallen in real terms since the late 1970s. The Microsoft trial has gotten a lot of headlines. But when Cargill, the nation's number one grain exporter and the largest privately-held company, can buy the grain operations of Continental, which is number two, with barely a peep from Washington, then the cops aren't exactly walking tall on the antitrust beat.

There is a pattern here. The U.S. government has undertaken to remake the world in the image of the multinational corporation—an image in which all economic problems get reduced to mathematics. Family-based production has stubborn loyalties to locality and place. It provides a buffer against the ruthless—and often misleading—mathematics of the market. Therefore the government seeks to engineer it out of existence and to replace it with the corporation that has no such inconvenient human tendencies. This was the implicit logic of the Farm Bill of 1996.

FAILING THE FARMS

The Farm Bill of 1996 was touted as a radical break from the past. Proponents said that it would "free" farmers from the stifling bureaucracy of the federal government and enable them to make their fortunes in the global marketplace. They called the bill—with mordant irony—the Freedom to Farm Act. It seemed plausible in the flush times of the mid-'90s. But the agricultural marketplace soon cratered, and farmers found out quickly what the bill really left them free to do—Get Out of Farming Fast.

Put simply, the bill phases out the federal-price support program over a period of seven years. During that time, it doles out between $5 billion and $6 billion a year in transition payments, supposedly to wean farmers off the federal supports. These go to all agricultural entities, regardless of size and regardless of need. The bigger you are, the more you get—no matter how much money you have sitting in the bank.

It sounds like a parody of a government program. Yet that's how the bill works—or, more accurately, doesn't work. A year after the bill took effect, Congress was enacting "emergency" relief to help undo the damage it had just done. Congress just enacted another emergency measure this year. There is no end in sight. Congress buys a little quiet while the nation's family-based producers twist slowly in the wind.

COMMUNITY MATTERS TOO

From the time Franklin Roosevelt established the first farm-support programs during the Depression, a central question has gone unresolved: What is the farm program really for? People in Washington have always wrung their hands over hard-pressed family farmers. But the programs they've enacted have favored the biggest farmers and hastened the demise of the smaller ones. In its many permutations, the farm program has proceeded on the assumption that the mode and scale of production don't matter, and all that counts is a given quantity of beef or grain. This view dominates the policy and media establishments and the result is a facile cynicism regarding efforts to help the family-based producer. We need to reexamine this assumption. The embrace of text-book orthodoxies tends to blind reporters to economic reality, and to the social dimension of economic enterprise.

In reality, a family-based enterprise such as a farm produces much more than corn or wheat. It also produces a community. One might say it has a social product as well as a material product. This social product is invisible to economists and policy experts because they see only what they can count in money. But it is crucial in a nation that has more stuff than it knows what to do with but less community and stability than it needs.

This is not rural romanticism. I'm talking about the opposite—the ways that family-based enterprise provides a matrix for community life. A small town café, for example, contributes much more to the life of a rural community than its financial balance sheet would suggest. It is a hub of social interaction, a crossroads where people meet in person rather than just as blips on a computer screen. It serves to reinforce the formal organizations in the town, from the volunteer fire department to the PTA. Cafés are so important to small-town life that in Havana, North Dakota, (pop. 124) folks actually volunteer at the local café to keep it open.

Family-based agriculture is a prolific source of social product. Study after study has documented this effect. The most famous was that of Walter Goldschmidt of the University of California, comparing two California farm communities in the 1940s. One was comprised of small and medium sized family farms; the other of large scale producers. The localities were similar in other significant respects. Goldschmidt found that the family farms produced a measurably stronger social unit. People showed "a strong economic and social interest in their community. Differences in wealth among them are not great, and the people generally associate in those organizations which serve the community." The locality with larger farms, by contrast, had a more pronounced class structure, less stability, and less civic participation.

This will come as no surprise to people who grew up in such settings. The family and community values that people give speeches about in Washington are a fact of daily life. I remember a farmer in my home town of Regent, North Dakota, a fellow named Ernest, who had a heart attack around harvest time. His neighbors took their combines and harvested his grain. The economics textbooks call these farmers "competitors," and if they were corporations they would behave that way. But because they are real people they acted like neighbors and friends.

The social dimension of enterprise is crucial even in conventional economic terms. Francis Fukuyama, the respected writer on social dynamics, developed this subject in his book Trust. "Virtually all serious observers understand," he wrote, "that liberal political and economic institutions depend on a healthy and dynamic civil society for their vitality." Society needs enterprise but enterprise also needs a society.

Jefferson was right. The kind of agriculture we choose affects the kind of communities we have and the kind of nation we are going to be. A nation that tries to divorce the processes of production from larger social concerns—as policy experts do—eats its own seed corn. Neglect the social product of private enterprise, and we create the conditions for our own decline.

SMALL FARMS ARE EFFICIENT

Against this, we have to ask what's to gain by displacing family-based farming with corporate agribusiness firms. The answer is, very little.

The supposed efficiency of corporate-scale operations has a large dose of hype. Farms can reach peak efficiency at well within the range of a family operation. Michael Duffy, an agricultural economist at Iowa State University, has found that corn and soybean producers in that state reach the low point on the production cost curve at between 300 and 500 acres. The top 10 percent of pig producers, based on cost of production, averaged 164 sows.

Wheat farmers reach lowest costs at a somewhat larger scale, but still well within a family-sized operation. The belief that bigger corporate operations mean more productive agriculture is just a "bunch of crapolla," Duffy says.

The claims of efficiency, moreover, ignore the costs that sprawling agribusiness operations impose upon the rest of us. Partly these costs are social. When there are no neighbors to drive Aunt Ella a hundred miles to the clinic, she has to use a taxpayer-funded van instead. But the biggest costs may be environmental. Corporate pig factories, for example, have become a nightmare for their neighbors. They foul local water supplies and emit a colossal stink into the air.

A county in Illinois actually had to reduce property assessments by 30 percent in the vicinity of such a plant. In North Carolina, which has emerged as a pig factory haven in recent years, Hurricane Floyd caused massive flooding of the huge lagoons that hold the wastes. The sludge spread over the countryside and leached into the groundwater. Residents were advised to drink bottled water and even to have their wells redrilled. That might be efficiency for the corporation. But it's not for the neighbors, nor for the society as a whole.

I see an economist scowling in the back row. If people want social product, he mutters, then they would demand it in the market.

But that's precisely the problem. Americans can't speak through the market unless the market gives them an effective choice, and under current arrangements they don't have one. When we buy pasta or pork chops at the supermarket there's nothing on the label to tell us the kind of farm it came from.

Markets are the best means we have for allocating resources, when people have both information and choices and when all costs are accounted for. But they don't work so well when information and choice are lacking the costs get shifted into others, and that's what happens with agricultural production today. Farmers aren't getting full compensation for their production, including social product. They should. The question is how.

THE BRANNAN PLAN

After his improbable reelection in 1948 President Harry Truman introduced a farm bill that had a truly far-sighted provision to limit federal farm supports to the family-sized unit. Farmers could become bigger if they wished. They could produce as much as they thought they could sell. But they couldn't expect the federal government to support all their ambitions.

The Brannan Plan as it was called—after then Secretary of Agriculture Charles Brannan—would have made it the policy of the United States that scale and social impact matter, in agriculture at least. Not surprisingly, the larger farm interests opposed the Brannan Plan (though mostly on other grounds) and it died a quick legislative death.

In the 50 years since, the farm program has gone from one extreme to the other—from supporting everything in sight to hitching the nation's farmers to a market ideology in a world that doesn't always buy it. We've shed crocodile tears over family farmers while promoting their demise. Now the congressional majority is in a quandary. Republicans know they have to do something. But many on that side can't bring themselves to face the implications. So they heap more blame on government, rail at the Federal Reserve Board and the government's failure to open more foreign markets, and hope the problem will just go away.

To be sure, the Federal Reserve Board is a deserving target. When you hand the management of the economy over to money center bankers, then farmers, who rely heavily on credit, are going to get shortchanged. But it's not enough to rail at the Fed. We need to put someone on the Fed who understands the value of family-based farms and who can provide some balance to the economists and bankers who run the place now.

It is good too that Republicans want to open up foreign markets, but we've also got to develop new domestic markets. Since people can eat only so much, that means new uses for farm products. Ethanol barely scratches the surface. There are many materials, from plastics and building materials to paper and inks, that are being made from crops. In Minnesota, farmers are getting from $20 to $50 an acre for selling the right to capture the wind energy from their land. David Morris of the Institute for Local Self Reliance has sketched out the possibilities in a report called, suggestively, "The Carbohydrate Economy."

Farmers need more bargaining power in the market too, not just more points of access to it. Senator Paul Wellstone of Minnesota and I have proposed a moratorium on mergers in agriculture-related industries, and a complete review of the antitrust laws as they affect this part of the economy. The measure failed to pass this fall, but we will introduce it again.

But by far the most important issue is the economic safety net. No matter what else you do, farmers are going to confront bad years. There has to be a support structure of some kind, and it should advance the social values of this country rather than undermine them. Harry Truman had the right idea. There should be a support price for an amount of production that is within the range of a family-scale operation. (This would vary by crop and region of the country, of course.)

Beyond that, producers would be on their own. If they wanted to exceed the support range and take their chances in the world market, then more power to them. But we wouldn't ask the taxpayers to support a scale of operation from which there is no social benefit and for which there is no economic need.

This approach would not encourage overproduction, since there would be built-in limits on the amount of production that was supported. The caps would be enough to sustain a family-sized operation in bad years, but they would not make anyone rich. This approach would begin to compensate farmers for their contribution to rural communities—a form of production for which the global market provides no monetary return. It would recognize that the efficient destruction of community in America is not the kind of efficiency the government should encourage.

If this country can subsidize a public-housing program for millionaire athletes and billionaire owners called pro-sports stadiums, then surely it can provide a safety net for the family-scale agriculture that contributes so much to this nation. Anyone who thinks big corporations are less likely than small enterprises to ask for government help hasn't been paying much attention. Big companies, not little ones, get bailed out in America. Already, the corporate pig factories in North Carolina have asked for millions of dollars from Congress to help upgrade their waste lagoons.

An economy is supposed to provide for human need. At a time of material abundance but social scarcity, shouldn't we encourage forms of enterprise that meet the needs of our dwindling communities? If we truly believe in traditional family values, shouldn't we support the forms of enterprise that embody those values, including the family farm?

The crisis in the Farm Belt is one problem America knows how to solve. We have both the means and the resources; the question is whether we will use them.

THE NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

Mr. DASCHLE. Mr. President, I rise to express my whole-hearted support for S. 1052, the Northern Mariana Islands Covenant Implementation Act, which the Senate considered and passed on Monday, and to recognize Senator AKAKA, Energy Committee Chairman MURKOWSKI, and Ranking Senator BINGAMAN for their determined efforts to shepard this bill through the Senate. During the recent recess, I had the opportunity to travel with Senator AKAKA to South Asia. Once again, I was reminded why Senator AKAKA is one of the most respected members of the Senate. As we met with leaders from India and Pakistan, Senator AKAKA's humanitarian focus was evident time and again. Yesterday, Senator AKAKA's concern for those without wealth and privilege was on display once more. I wish I could have been here, yesterday, to celebrate his legislative victory.

Senator AKAKA's special interest in the welfare of the residents of the Northern Mariana Islands dates back to WW II when he served with the U.S. Army Corps of Engineers and spent time on both Saipan and Tinian. In 1996, he and Senator MURKOWSKI traveled to the Commonwealth to investigate reports of the horrible working conditions first hand. Senator AKAKA returned with confirmation of those reports and worked quickly to introduce legislation, with Chairman MURKOWSKI, to improve the often horrific conditions faced by alien workers in the Commonwealth of the Northern Mariana Islands. Since then, Senator AKAKA has come to the floor repeatedly to draw attention to this problem and he has worked tirelessly behind the scenes to build effective bipartisan support for this measure. Senator AKAKA's dedication to this issue reminds us that our work here is not confined to the headline grabbing issues of the day but extends to the quiet pursuit of humane working conditions everywhere.

S. 1052 is a bill to amend the legislation enacted by Congress in 1976 through which the Northern Mariana Islands became a Commonwealth of the United States. This bill provides for a transition period during which the Commonwealth will be incorporated into our federal system of immigration laws. The 1976 covenant enacted by Congress extended U.S. citizenship to CNMI residents, but it exempted the Commonwealth from the Immigration and Nationality Act. Over the years it has become clear what a mistake that was.

Today the immigration situation in the Commonwealth contributes to some very grave social problems. Over the past twenty years, the number of citizens of the Commonwealth has doubled, while over that same period of time the number of alien workers has multiplied twenty-fold. This huge demographic change, and the absence of effective immigration control, has led to deplorable conditions for many of these alien workers.

Senator AKAKA addressed the Senate in October to describe the tragic circumstances in which many alien workers are held as virtual prisoners and are not permitted to leave their barracks during non-working hours. He reported that the Justice Department's Civil Rights Division had obtained criminal convictions of defendants who had forced alien women into prostitution and held them in what has been described as "modern day slavery." I was personally moved by his report. This bill will immediately help to change the circumstances that contribute to these terrible conditions while at the same time minimizing any negative effect on the Commonwealth's legitimate businesses in the local tourism industry. In fact, the bill calls for the Secretary of Commerce to provide the kind of technical assistance that will help to encourage the growth and diversification of the local economy and promote the Northern Mariana Islands as a tourist destination.

This is a first step toward ensuring that every man and woman who works under the U.S. flag works in conditions we can all be proud of. As Senator AKAKA knows, we should do more. We should also guarantee the minimum wage for workers in the Commonwealth, and if the Democratic minimum wage proposal is passed, we will do just that. But we should not let what we know to be the best solution forestall our resolve to implement a good solution, and so I am very proud that the Senate passed this much needed legislation and I thank Senators AKAKA, MURKOWSKI and BINGAMAN for their fine work in this important endeavor.

CIVILIAN PLUTONIUM AGREEMENT

Mr. DOMENICI. Mr. President, a front page article in yesterday's New York Times announced an agreement that will halt Russia's production of plutonium from spent fuel used in its civilian power reactors. In exchange for a Russian moratorium on plutonium reprocessing, the United States will provide a $100 million joint research and aid. I strongly support these efforts and believe that this proposal will help to reduce the threat of proliferation from nuclear materials in Russia.

However, as we pursue new initiatives to better safeguard Russia's civilian plutonium, we must not waver in our support for the more urgent task of disposing of their weapons plutonium. The 50 tons of military-grade plutonium that Russia has agreed is surplus could fuel more than 6,000 modern weapons. I'm pleased that the Administration is also recognizing that the lower-grade, civilian, plutonium presents some risk—but we must continue to place our highest priority on their military materials, which represent a significantly higher risk.

Currently, Russia possesses 30 tons of separated civilian plutonium at Mayak and continues to accumulate 2 tons per year from reprocessing at that facility. This is in addition to the 150 or more tons of weapons plutonium in the Russian complex.

First, we must ensure that these materials are safeguarded. Second, any burn capacity Russia has should be committed to first eliminating military-origin plutonium as mixed-oxide (MOX) fuel. Until the threat from weapons plutonium is eliminated, Russia has no use for this reprocessed fuel, and its continued production represents a proliferation risk, albeit less then the risk from weapons-grade materials. This agreement will help address immediate needs.

As part of this agreement, the United States will contribute $45 million to improve control and accounting of civilian-grade plutonium already stored at the Mayak site and build an additional large dry storage facility elsewhere in Russia. Another $30 million will ensure adequate safeguards—protection, control and accounting—on the existing materials. The balance of U.S. contributions—$25 million for research on proliferation-resistant fuel cycles and permanent geological storage—is conditioned on Russia ending its sales of nuclear technology to Iran.

Mr. President, while I support this new initiative to temporarily halt Russian extraction of plutonium from their spent nuclear fuel, I want to be sure that my enthusiasm is not interpreted as support for stopping reprocessing on a global scale. Some nations, like Japan and France, have decided that reprocessing of spent fuel is key to their nuclear power plans. By this reprocessing, they not only recycle plutonium back into reactors, they mitigate the hazard associated with their nuclear wastes.

In contrast, the U.S. has stuck to an old, 1977, decision to simply bury our spent fuel—plutonium, and all. That not only increases the health risk from our spent fuel relative to that in France or Japan, it also means that we are proposing to bury a significant energy resource that our own future generations may need. The origin of the 1977 decision, fear of proliferation of reactor-grade plutonium, is certainly not without validity. But reprocessing can be done, as the French and British have demonstrated, with sufficient care to ensure that proliferation does not occur.

Reprocessing is not something that the U.S. should embrace today—it really wouldn't be economical with today's cheap uranium prices. But I've worked with Senator MURKOWSKI to introduce provisions into his current Nuclear Waste bill to require that we study advanced reprocessing and transmutation systems that would both minimize proliferations concerns related to spent fuel, and also study technologies that minimize hazards from spent fuel for the public and for workers. I will encourage that Russia continue to study these same technologies, because they have great expertise in these areas. Sometime in the future, we may need to use reprocessing to regain use of the energy content in spent fuel.

Thus, I believe we should keep future options for civilian fuel reprocessing open even as we focus attention in Russia on burning military-origin plutonium. Certainly for now, any attempt to burn civilian-origin plutonium in Russia only delays progress in decreasing Russia's excess weapons plutonium stockpile.

Let me return briefly to the more urgent matters associated with military-grade plutonium. As the Chair of the Senate Plutonium Task Force, I have pushed hard for completion of a U.S.-Russia agreement on military plutonium. In 1998, I led the charge to appropriate $200 million for implementation of such an agreement.

I understand that negotiations for this plutonium agreement are very near completion. This agreement will outline a framework within which the U.S. and Russia will dispose of 50 tons of excess weapons plutonium. This framework will address timetables for progress, rates of disposal, and reciprocal verification of compliance. This agreement will turn the U.S. and Russian political commitments regarding irreversibility into a physical reality.

However, I've been dismayed that the Administration has recently chosen to remove $49 million from the $200 million set aside for disposition of weapons-plutonium to fund other priorities. That is very short sighted reasoning. The full $200 million has served to keep pressure on the negotiating teams to finalize the disposition protocols. We send a completely inappropriate message when funds are withdrawn from that account. I intend to work in the next few months to restore this $49 million. Furthermore, I will continue to oppose any future use of these funds by the Administration for anything other than their intended purpose.

The Administration's new initiative can work in tandem with the efforts focused on military plutonium. I urge the Administration to make quick and quantifiable progress on both of these fronts. The threat of proliferation from the Russian nuclear complex continues to grow. And it continues to be one of the greatest threats to U.S. security today.

Mr. President, I ask unanimous consent that this New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 7, 2000]

MOSCOW TAKES STEP TO EASE U.S. FEARS ON PLUTONIUM USE

(By Judith Miller)

In a major agreement aimed at safeguarding nuclear fuel that could be used to make weapons, Russia has promised to stop making plutonium out of fuel from its civilian power reactors as part of a $100 million joint research and aid package from the United States, Clinton administration and Russian officials say.

While the administration has several collaborative programs that enhance the safety and security of plutonium produced by Russia's military, this is the Energy Department's first major attempt to secure Russia's huge civilian stockpile of plutonium, from which 3,000 nuclear weapons could be made.

"It's a bold initiative to reduce a 30-ton plutonium threat from Russia's civilian nuclear sector," Secretary of Energy Bill Richardson said in a telephone interview. His department is to make public Russia's moratorium on plutonium reprocessing today when it unveils its budget for the next fiscal year.

Administration officials and arms control experts were particularly pleased with the deal, more than a year in the works, because it comes at a time of growing strains in relations with Russia over its war in Chechnya, policy toward Iraq, and access to Russian nuclear facilities.

The agreement is also likely to place added pressure on other nuclear powers like Japan, Britain and France to follow suit, arms control experts said. Because of concerns about the environment and the spread of nuclear materials to countries like Iran, Iraq and North Korea, the United States has not reprocessed fuel since 1978.

Part of the accord—$25 million for long-term joint research that is most attractive to Russia—is contingent on an end to new sales and transfers of nuclear technology to Iran. Washington believes that those transactions are helping Tehran acquire nuclear weapons.

"The money for this research will be in our budget," said Ernest P. Moniz, the Undersecretary of Energy, who was in Moscow last week to discuss the agreement. "It's now up to Russia to decide if they want it."

But the bulk of the money will be given in exchange for Russia's decision to halt reprocessing nuclear fuel from its 29 civilian power reactors. That will include, if Congress approves, $45 million to better secure spent fuel already stored at Mayak, a once closed nuclear complex in the southern Urals, and to build a large dry storage site elsewhere in Russia.

Yevgeny Adamov, Russia's atomic energy minister, insisted in a telephone interview from Moscow that despite the agreement, Russia would not stop competing to sell new lightwater power reactors to Iran.

At the same time, he said, Russia has lived up to the commitments made to Washington last year not to provide sensitive material or technology to Iran. But it was willing in principle to discuss additional safeguards and "more commitments for greater transparency to remove American concerns."

Mr. Adamov also stressed that Russia was not abandoning its belief that plutonium, which is produced by all nuclear reactors, could eventually be used to fuel a generation of "safe" reactors, not yet developed, that would produce waste more difficult to recycle into weapons.

"We're talking in terms of decades," for the moratorium on plutonium reprocessing, he said. "At least two may be enough."

Russia, officials said, already possesses about 150 metric tons of plutonium and 1,200 metric tons of highly enriched uranium, both of which can be used in nuclear weapons.

Given that, said Thomas Graham Jr., a former arms control negotiator who now is president of the Lawyers Alliance for World Security, an arms control group in Washington, "it is important to stop the accumulation of material that some rogue nations would love to get their hands on."

"This is a very important agreement," he added.

In 1998 alone, Energy Department officials said, Russia's 29 civilian reactors produced 798 metric tons of spent fuel. Normally, Russia would send this material to Mayak for reprocessing—that is, the separation of plutonium, which can be used in weapons, from the rest of the fuel.

But under the new agreement, the plutonium will not be separated out. Instead, the unreprocessed material will be stored at a new site somewhere in Russia that the United States will finance.

The location and ultimate cost of the site are still not determined, but Mr. Adamov said he was leaning toward Krasnoyarsk-26, a once closed nuclear city where the Russian military made plutonium.

William C. Potter, the director of the Monterey Institute's Center for Nonproliferation Studies, in California, particularly praised an allocation of $3 million in the aid package aimed at helping Russia reacquire Soviet-era fuel from countries like Belarus, Ukraine and Yugoslavia. He fears that the material is vulnerable to diversion or military use.

Since the end of the cold war, the United States has spent billions of dollars to protect nuclear materials in Russia and the former Soviet Union and to prevent them from falling into the hands of Iran, Iraq or other aspiring nuclear powers. As of this year, Washington has spent about $1.2 billion to help prevent the loss or theft of material that could be used in nuclear weapons.

At Mayak, the United States is already financing the construction of a warehouse to protect bomb-grade plutonium extracted from nuclear warheads. A recent American visitor there said that some plutonium was still being stored in milk-pail-size canisters in a wooden storage shed secured mainly by a padlock.

Since 1993, Washington has bought 500 metric tons a year of highly enriched uranium from Russian weapons, sales worth more than $400 million a year to Russia. The uranium, which is blended down and sold as reactor-grade fuel for power production, meets about half of America's nuclear power fuel requirements.

The new aid package for Russia would provide $45 million for the dry storage site and security upgrades for the stockpiled civilian plutonium and $30 million for new efforts to safeguard material from the military sector.

It would also provide $20 million for collaborative research into devising reactors and fuel that cannot be used to make weapons, and $5 million for research into the design and development of a permanent geological repository to store used fuel. Administration officials stressed that only those last two items, which are longer-term projects, hinge on an end to Russian nuclear sales to Iran.

Mr. Adamov said on Saturday that Washington would be "wrong" to believe that a $100 million, assistance package would prompt Russia to forgo revenue from future reactor sales, each of which could be worth up to $1 billion dollars.

"These are huge orders for our industry, and we'll aggressively pursue these orders and win them," he said.

Mr. LUGAR. Mr. President, in the fall of 1998 our majority leader named a bipartisan group of members to a Task Force on Plutonium Disposition to advise the Senate and the Administration on actions with respect to U.S. policy and approaches to bilateral negotiations with Russia on the disposition of weapons-excess plutonium. I was pleased to be invited to join the group and Senator DOMENICI was chosen to chair the Task Force.

Mr. President, Senator DOMENICI has been a pioneer in the area of nuclear weapons material safety, security and elimination. He has spent a great deal of time researching this initiative and engaging our Russian colleagues on the issue. He was instrumental in creating a bilateral dialogue on plutonium disposition that led to the protocol on plutonium disposition signed in September 1998 at the Moscow Summit. This Protocol has led to ongoing negotiations to finalize a bilateral agreement to dispose of large quantities of weapons material.

The need for leadership in this area was clear. Unclassified sources estimate that the United States has 100 tons of plutonium and Russia has more than 160 tons of plutonium. Most of this material is in pit form, or classified weapons shape. In other words, the material could easily be returned to weapons status. The U.S. and Russia have each declared that portions of their respective stockpiles are surplus. This material represents thousands of nuclear weapons on each side, including Russian weapons that until a short time ago were pointed at American cities.

Mr. President, the United States has been working with Russia to dismantle their nuclear arsenal through the Nunn-Lugar Cooperative Threat Reduction program. All over Russia American firms are cooperating with Russian counterparts in deactivating nuclear warheads and dismantling long-range ballistic missiles, strategic submarines and bombers. The U.S. secured Russian agreement to remove the material from these warheads to safe and secure storage at the Fissile Material Storage Facility under construction at Mayak, Russia. But, the U.S. was still left with the challenge of how to get rid of the plutonium, to ensure that this material would never again threaten the American people.

Through Senator DOMENICI's discussions it became evident that a wide gulf separated the views of the Administration and Russian leadership with regard to the appropriate disposition actions. The Russians hold the position that plutonium has great value, and want to ensure that any actions extract the energy resource remaining in the material by using it as reactor fuel. The U.S. was considering both recovery of this resource and immobilization. Immobilization mixes the plutonium with ceramic material and surrounds it with vitrified, high-level waste for long term storage. Some scientists and some Russian leaders have noted that immobilization may be a less secure means of disposition than use as a reactor fuel.

Senator DOMENICI encouraged a solution wherein both nations would pursue the reactor fuel option, with so-called mixed oxide or MOX fuel. In addition, the U.S. can use immobilization for some of its less pure materials that would require significant purification to incorporate into reactor-grade fuel. This solution has been embraced in the current negotiations by both countries. Now both nations are moving toward parallel reductions in amounts of plutonium.

Our Task Force has been briefed by the Departments of State and Energy on the current status of negotiations on a Framework Agreement to implement a plutonium disposition process in Russia and the United States. A U.S.-Russian agreement to dispose up to 50 metric tons of weapons grade material on each side is proceeding in a very positive direction. I am hopeful that they will soon produce a draft agreement. There are still important issues to be resolved and hurdles to be cleared but it is clear that we would not have enjoyed this significant progress if it were not for Senator DOMENICI's leadership. His efforts in cooperation with Senator STEVENS, the Chairman of our Appropriations Committee, to secure forward funding for the implementation of this agreement was crucial in securing Russian participation.

I commend my good friend, the senior Senator from New Mexico, for his leadership in this area and thank him for what I hope will be a tremendously valuable national security program. We will all watch the negotiations proceeding in Moscow and hope for a positive conclusion. When this agreement is finalized and implemented, which I believe it will be, each of us will owe Senator DOMENICI a debt of gratitude for making the world safer for our children and grandchildren.

RETIREMENT OF GEORGE T. COSTIN

Ms. MIKULSKI. Mr. President, I wish to take this opportunity to commend and congratulate George T. Costin, Library Technician, upon the occasion of his retirement from the Senate Library on February 8, 2000. For 32 years—27 in the Office of the Secretary of the Senate—George has labored selflessly every day supporting the work of the Senate. George left his home state of North Carolina in 1963 and a brief stop over in Washington lasted for more than three decades.

George began his Senate career with the Sergeant at Arms in 1967 and joined the Library staff in 1972. He has made our duties far easier and throughout the years he has been the Ambassador of Goodwill with his wonderful smile, kind words, and unmatched style. He was always proud of being part of the Senate Family.

George will be very busy in retirement with church activities, a demanding golf schedule, and the joy of a new grandson. Along with all of his friends, I commend George for his loyalty and dedicated service to the United States Senate. I know that all Senators will join me in thanking George, his wife Gloria, and his three children, Angie, Samantha, and George, Jr., for his dedicated and distinguished service. It is with deep appreciation that we extend our best wishes for many years of health and happiness.

FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH

Mr. HARKIN. Mr. President, I am pleased to join my colleagues, Senator SPECTER, as primary cosponsor of a sense of the Senate resolution, introduced yesterday, that puts the Senate on record that funding for NIH should be increased by $2.7 billion in Fiscal Year 2001. NIH is the premier medical research institution in the world—research funded by NIH is key to maintaining the quality of our health care and key to finding preventive measures, cures and the most cost effective treatments for the major illnesses and conditions that strike Americans.

Two years ago, our Appropriations Subcommittee provided NIH with a $2 billion increase to set us on a five-year course to double NIH funding over five years. Last year, our Subcommittee was able to secure a $2.3 billion increase for NIH—continuing on the course to double NIH funding over five years. A $2.7 billion increase for NIH in Fiscal Year 2001 would keep us on track to double NIH in the five years.

I was disappointed that the President's budget which we received today only requested a $1 billion increase for NIH. Funding biomedical research is especially important now when research on stem cells and progress made on the Human Genome project offer such promise. I hope to work closely with Senator SPECTER this year to build on last year's increase for NIH as we move to doubling funding for NIH by 2003.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, February 7, 2000, the Federal debt stood at $5,693,618,340,748.18 (Five trillion, six hundred ninety-three billion, six hundred eighteen million, three hundred forty thousand, seven hundred forty-eight dollars and eighteen cents).

Five years ago, February 7, 1995, the Federal debt stood at $4,806,973,000,000 (Four trillion, eight hundred six billion, nine hundred seventy-three million).

Ten years ago, February 7, 1990, the Federal debt stood at $2,988,020,000,000 (Two trillion, nine hundred eighty-eight billion, twenty million).

Fifteen years ago, February 7, 1985, the Federal debt stood at $1,682,610,000,000 (One trillion, six hundred eighty-two billion, six hundred ten million).

Twenty-five years ago, February 7, 1975, the Federal debt stood at $489,675,000,000 (Four hundred eighty-nine billion, six hundred seventy-five million) which reflects a debt increase of more than $5 trillion—$5,203,943,340,748.18 (Five trillion, two hundred three billion, nine hundred forty-three million, three hundred forty thousand, seven hundred forty-eight dollars and eighteen cents) during the past 25 years.

MEASURE PLACE ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 2036. A bill to make permanent the moratorium on the imposition of taxes on the Internet.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7432. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Budget Estimates and Performance Plan," Fiscal Year 2001;" to the Committee on Environment and Public Works.

EC–7433. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Eligibility Criteria for the Montgomery GI Bill-Active Duty and Other Miscellaneous Issues" (RIN2900–AI63), received February 7, 2000; to the Committee on Veterans' Affairs.

EC–7434. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Andean Trade Preference Act; to the Committee on Finance.

EC–7435. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Caribbean Basin Economic Recovery Act; to the Committee on Finance.

EC–7436. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Travel and Tour Activities of Tax-Exempt

Organizations" (RIN1545-AW10), received February 7, 2000; to the Committee on Finance.

EC-7437. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8871: Remedial Amendment Period" (RIN1545-AV22), received February 7, 2000; to the Committee on Finance.

EC-7438. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "General Rules for Making and Maintaining Qualified Fund Elections" (RIN1545-AV39), received February 7, 2000; to the Committee on Finance.

EC-7439. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "February 2000 Applicable Federal Rates" (Rev. Rul. 2000-9), received February 4, 2000; to the Committee on Finance.

EC-7440. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, a report relative to the Development Assistance and Child Survival and Disease Programs; to the Committee on Foreign Relations.

EC-7441. A communication from the Under Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the processing of a satellite export license application; to the Committee on Armed Services.

EC-7442. A communication from the Under Secretary of the Navy transmitting, pursuant to law, a report relative to the study of certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors; to the Committee on Armed Services.

EC-7443. A communication from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the General Purpose Financial Statements and Independent Auditor's Report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7444. A communication from the Executive Vice President and Chief Financial Officer, Potomac Electric Power Company transmitting, pursuant to law, the balance sheet of the Company, as of December 31, 1999; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-401. a resolution adopted by the House of the legislature of the State of Michigan relative to proposed guidelines for federally funded research using stem cells harvested from human embryos; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 253

Whereas, the National Institutes of Health (NIH) has published, for public comment, guidelines for federally funded research projects using stem cells destructively harvested from human embryos; and

Whereas, Since 1996, Congress has prohibited federally funded research in which human embryos are harmed or destroyed; and

Whereas, The state of Michigan has a long legal and ethical tradition of respecting life at its earliest stages; and

Whereas, Michigan law prohibits any research that destroys human embryos, so the NIH guidelines, in effect, instruct researchers in how to harvest stem cells from embryos in ways that constitute criminal activity in this state; and

Whereas, Michigan has taken the unparalleled step in this country of respecting human life at its earliest stages by prohibiting the use of cloning to create human embryos for research; and

Whereas, Medical ethics historically have rejected justifying research in the name of medical progress when it requires harming or destroying innocent human lives; and

Whereas, Numerous avenues for developing new medical treatments from stem cells that do not require the destruction of human embryos have shown great clinical promise; now, therefore, be it

Resolved by the House of Representatives, That we strongly object to the National Institutes of Health proposed guidelines and policies regarding research on human embryos to ensure full accordance with federal laws that prohibit NIH involvement in destructive embryo research; and be it further

Resolved, That we urge the NIH to withdraw the proposed guidelines and to clarify NIH guidelines and policies regarding research on human embryos to ensure full accordance with federal laws that prohibit NIH involvement in destructive embryo research; and be it further

Resolved, That we urge the National Institutes of Health to direct all proposed funding for stem cell research to projects that do not use stem cells destructively harvested from human embryos; and be it further

Resolved, That copies of this resolution be transmitted to the National Institutes of Health, the Secretary of the United States Department of Health and Human Services, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the President of the United States.

POM-402. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the "Defense of Privacy Act"; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services:

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Robert L. Halverson, 5509.

To be brigadier general

Col. Edmund T. Beckette, 5971.
Col. James J. Bisson, 6236.
Col. Raymond C. Byrne Jr., 5792.
Col. Daniel D. Densford, 0210.
Col. Jeffrey L. Gidley, 9702.
Col. Danny H. Hickman, 0335.
Col. James D. Johnson, 9083.
Col. Dennis M. Kenneally, 2586.
Col. Dion P. Lawrence, 1257.
Col. Robert G. Maskiell, 9965.
Col. Daryl K. McCall, 2627.
Col. Terrell T. Reddick, 9266.
Col. Ronald D. Taylor, 4916.
Col. John T. Von Trott, 1310.
Col. William H. Weir, 0308.
Col. Dean A. Youngman, 4722.
Col. Walter E. Zink II, 8489.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. HARKIN, and Mr. INOUYE):

S. 2038. A bill to amend the Public Health Service Act to reduce accidental injury and death resulting from medical mistakes and to reduce medication-related errors, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON:

S. 2039. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide emergency loans to poultry producers to rebuild chicken houses destroyed by disasters; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUNNING:

S. 2040. A bill to exclude the receipts and disbursements of the Abandoned Mine Reclamation Fund from the budget of the United States Government, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mrs. LINCOLN:

S. 2041. A bill to amend the Federal Water Pollution Control Act to exempt discharges from certain silvicultrual activities from permit requirements of the national pollutant discharge elimination system; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL:

S. Res. 254. A resolution supporting the goals and ideals of the Olympics; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. HARKIN, and Mr. INOUYE):

S. 2038. A bill to amend the Public Health Service Act to reduce accidental injury and death resulting from medical mistakes and to reduce medication-related errors, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEDICAL ERROR REDUCTION ACT OF 2000

Mr. SPECTER. Mr. President, on behalf of Senator HARKIN and myself, I am introducing legislation captioned the Medical Error Reduction Act of 2000. This legislation is introduced in response to a report from the Institute of Medicine which shows a very high death rate as a result of errors in hospitals.

The statistics show that the death rate from errors in hospitals may be as high as 98,000 people. A chart has been prepared demonstrating that at the 98,000 figure, which is the uppermost estimate, medical errors are the fifth leading cause of death in the United States, problems which certainly need to be addressed.

The legislation we are proposing follows a hearing which our Subcommittee on Labor, Health and Human Services, and Education conducted on December 13, 1999, and also a hearing conducted on January 25, 2000, in conjunction with the Veterans' Affairs Committee. Our legislation has input—not support, but input—taking into account concerns from the American Hospital Association, the American Medical Association, the American Nurses Association, the Institute for Safe Medication Practices, the American Psychological Association, and others.

The core provisions of the bill will provide for 15 competitively awarded research demonstration projects to make a determination of the scope of medical errors and the ways to correct these medical errors systemically. Five of these demonstrations will have a mandatory reporting requirement with confidentiality when there is a medical error. Five of these demonstration projects will have a voluntary reporting program with confidentiality, and five of these demonstration projects will have a mandatory reporting requirement and also a mandate that the patient and/or the family be notified of the error.

This, we think, is fundamental in terms of the professional responsibility of a doctor and the professional responsibility of a hospital to notify the injured party where error has occurred. Parenthetically, a similar obligation, I believe, is incumbent upon professionals generally.

The legislation has further provisions for the studies to be conducted in a way to make a determination as to what is feasible on hand-held prescription pads and on other technical devices which will look to the system's errors which are encapsulated and encompassed in hospitals and medical care.

On November 29, 1999, the Institute of Medicine (IOM) issued a report, "To Err Is Human: Building a Safer Health System." The report concluded that medical mistakes have led to numerous injuries and deaths, affecting an estimated three to four percent of all hospital patients. The IOM report also concluded that health care is a decade or more behind other high-risk industries in its attention to ensuring basic safety.

According to the IOM, at least 44,000 Americans die each year as a result of medical errors, and the number may be as high as 98,000. We must put this statistic into perspective, as noted in this chart: at 98,000 deaths per year, medical errors are catapulted into the ranking of fifth leading cause of death nationwide. This total outnumbers deaths from motor vehicle accidents, breast cancer, and AIDS. Further, medical errors resulting in injury are estimated to cost the nation between $17 billion and $29 billion, including additional health care costs, lost income, lost household production, and disability costs.

The IOM findings are startling and beg for national attention to determine ways to reduce the number of medical errors. We have all heard and read media reports detailing the case of Betsy Lehman, a health reporter for the Boston Globe, who died from a chemotherapy overdose; or the tragedy of Willie King, who had the wrong leg amputated in a Florida hospital. Unfortunately, these are not isolated cases.

On December 13, 1999, I chaired a hearing of the Labor-HHS-Education Appropriations Subcommittee to hear details of IOM's report findings. On January 25, 2000, I chaired a joint Labor-HHS-Education Appropriations Subcommittee/Veterans' Affairs Committee hearing to consider mandatory and voluntary reporting requirements and to begin to determine ways to reduce medical errors. Today, Senator HARKIN and I are introducing legislation that seeks to find solutions to the problem of medical errors. This legislation was developed based on our hearings and with input from many health groups and experts in the field, including the American Hospital Association; American Medical Association; American Nurses Association; Institute for Safe Medication Practices; American Psychological Association; Federation of Behavioral, Psychological, and Cognitive Sciences; American Osteopathic Association; Association of American Medical Colleges; American Association of Health Plans; Hospital and Healthsystem Association of Pennsylvania; and Iowa Hospital Association. It is our hope that we can continue to work together to reduce the number of injuries and deaths related to medical mistakes.

Let me review the key provisions of this bill. It would:

Make grants available to states so they can establish their own error reporting systems and collect data to provide to Federal researchers. The compilation of such data will help researchers understand trends in errors and determine ways to reduce them.

Require the Agency for Healthcare Research and Quality, in conjunction with the Health Care Financing Administration, to establish 15 competitively-awarded research demonstration projects throughout the nation, in geographically diverse areas, to assess the causes of medical errors and determine ways to reduce those errors.

Facilities participating in these demonstrations will be required to employ appropriate technologies to reduce the probability of future errors. Such technologies might include hand-held electronic prescription pads, training simulators for medical education, and barcoding of prescription drugs and patient bracelets.

Facilities participating in the demonstrations will also provide staff training to reduce the number of errors, and encourage prompt review of errors to determine ways to prevent them from recurring.

Of the 15 facilities who choose to participate in the demonstrations, 5 will have a mandatory reporting requirement of all medical errors to HHS, 5 will have a voluntary reporting requirement to HHS, and 5 will have a mandatory reporting requirement to HHS as well as to the patient and/or his family.

Require the Secretary of HHS to provide information to all patients who participate in Federally-funded health care programs, educating them on ways to reduce medical errors. Require the Secretary to develop patient education programs to encourage all patients to take a more active role in their healthcare.

Make grants available to health professional associations and other organizations to provide training and continuing education in order to reduce medical errors.

Require the Secretary to report to the Congress within 180 days of enactment on the costs of implementing a program that identifies factors that reduce medical errors, including computerized health care systems. Require the Secretary to report on the results of the fifteen health system demonstration projects, focusing on best practices and costs/benefits of applying these practices nationally.

Mr. President, patients must have confidence that when they seek medical treatment, they will receive the highest quality health care in the world. They should not be fearful of injuries or even death due to medical mistakes. The Institute of Medicine panel projected that with current knowledge and with implementation of medical error reduction methods that are proven to work, we can achieve no less than a 50 percent reduction in medical errors over the next five years. I believe that the research efforts authorized by this legislation will allow us to far exceed this goal, and immeasurably improve patient safety. I think my colleagues will agree that America has zero tolerance for preventable medical mistakes, and that we should act immediately to prevent further deaths and injuries.

I yield to my distinguished colleague from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am pleased to join my colleague, Senator SPECTER, in the introduction of the Medical Errors Reduction Act of 2000. Senator SPECTER just outlined the major provisions of the bill. I will not go back over that; only suffice to say our bill addresses a critical problem facing America's health care system, a problem that places millions of Americans at risk of serious injury or death every time they seek medical attention.

Again, I thank my distinguished chairman, Senator SPECTER, for putting this bill together in such a timely fashion. This is something we have to address, and we have to focus on this immediately.

Many of my colleagues are aware of the recently released Institute of Medicine report which describes a health care industry plagued with systems errors and provider mistakes. If you are familiar with the report, then you have discovered something I do not think a lot of people are aware of and of which I was not aware, and that is, we are more likely to die from a medical mistake than diabetes, breast cancer, or a traffic accident.

The report found that deaths due to medical errors are the fifth leading cause of death in this country. This chart is from the Centers for Disease Control and Prevention, National Center for Health Statistics. It shows medical errors as the fifth leading cause of death. Some say it is the eighth leading cause of death. More people die from medical errors than pneumonia, diabetes, accidents, or kidney disease.

Whether it is the fifth or eighth, we have been given a wake-up call. The cost to our health care system and national economy from medical errors is enormous.

The total cost, we are told by the Institute of Medicine, of injuries due to medical errors is $17 billion to $29 billion annually. This estimate cannot accurately reflect the true personal cost to patients and their families when a diagnostic test is misread, a drug that is known to cause an allergic reaction is prescribed, or a surgery goes awry.

One does not have to look too far for stories. I know some personally in my own family. Another came from one of my staff members who told me about the disastrous outcome of a conventional gall bladder procedure performed on her father in 1991.

It seems he went in for a laparoscopy and came out with a severed bile duct. The gall bladder was removed surgically, and the patient was sent home to recuperate. Within days, he experienced great abdominal pain, could not eat, and began to lose weight. His wife is a nutritionist and could tell something was very wrong. They kept going back to the doctors who performed the surgery only to be told they could not find anything wrong and that his problems were probably psychological.

Finally, in great frustration, the man and his wife turned to a neighbor, an old-fashioned country doctor who sent them to a surgeon friend of his. Sure enough, this doctor discovered the problem and it was corrected, but only after several months of pain and frustration.

Deaths from medication errors total more than 7,000 annually. These errors erode the trust Americans have in their health care system.

Let me be clear, most medical errors that occur in our health care system are not the fault of any one individual or institution. We have the best trained, most sophisticated health care workforce in the world. Thousands of highly skilled and conscientious doctors, nurses, pharmacists, and other medical professionals operate under tremendous pressure and time constraints.

It is a complex problem which must be addressed with comprehensive solutions and rigorous changes that will help providers better perform their jobs and prevent medical errors from happening in the future. It is a problem that is systemic, not personal.

Again, we must work together, in a bipartisan way, because all Americans enjoy the right to be free from accidental injury, accidental death, and medication-related errors when they need care.

Again, I thank my distinguished chairman for his leadership on this issue, for putting this bill together. I am proud to be his chief cosponsor.

In closing, this Congress now has an opportunity to join together to address a problem that has the potential to impact the life of every citizen who seeks health care. I hope all of my colleagues on both sides of the aisle will join Senator SPECTER and me in supporting this important legislation.

I yield the floor to my distinguished chairman.

Mr. SPECTER. I thank my distinguished colleague, Senator HARKIN, for his cosponsorship and his work on this very important piece of legislation, coming principally out of the subcommittee which Senator HARKIN is the ranking Democrat and which I chair.

There are other Senators who are working on legislation arising out of the Institute of Medicine report. There is no doubt that it is a problem of enormous magnitude. It is a life-and-death matter. We have taken the lead early to bring this legislation to the floor in the hopes that this will stimulate other ideas, other legislative proposals, so we may address this very serious issue.

By Mr. HUTCHINSON:

S. 2039. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide emergency loans to poultry producers to rebuild chicken houses destroyed by disasters; to the Committee on Agriculture, Nutrition, and Forestry.

POULTRY FARMER DISASTER RELIEF ACT OF 2000

Mr. HUTCHINSON. Mr. President, last month we had a very serious, severe snow and ice storm in Arkansas. It brought life in Arkansas to a halt. Schools and businesses closed, airports, including the Little Rock Airport, were snowed in, and highways were littered with hundreds of stranded motorists. It was not too unlike the situation we had in the Nation's Capital, except it blanketed the entire State of Arkansas. Fortunately, there were very few human fatalities that were reported, but Arkansas's poultry farmers and the poultry industry suffered very heavy losses. Snow and ice built up on poultry houses across the State, and the sheer weight caused the roofs on almost 800 poultry houses to collapse, killing an estimated 10.5 million chickens.

Dennis Richie, a poultry farmer in Nashville, AR, had six poultry houses the morning of Thursday, January 27. By Friday evening, half of his houses were destroyed, along with the income he needs to provide for his family.

Hubert Hardin, another poultry farmer near Nashville, AR, and a single parent, lost all of his poultry houses in the storm. That means fewer options for him in supporting his family, his children.

The poultry industry is a pillar of Arkansas's agricultural industry and one of my State's leading employers. These losses represent a very real danger to my constituents and to Arkansas's economy. That is why, today, I am introducing the Poultry Farmer Disaster Relief Act of 2000.

This bill would amend the Consolidated Farm and Rural Development Act to allow a loosening of the restrictions currently in place for emergency loans through FSA. It would allow active poultry producers who were previously ineligible for insurance to apply for emergency loans through FSA. The current law prohibits growers whose structures were uninsured from receiving these low-interest loans. If the individuals did not seek insurance and chose to risk not insuring their structures, they would not qualify.

Under the bill I am introducing, these folks, who tried to get insurance, tried to do the responsible thing, tried to do the right thing and were unable to get insurance, would be allowed to qualify for these low-interest loans. This act will also allow growers whose structures were insured to apply for the same low-interest loans to cover the difference between what the houses were insured for and the cost of rebuilding their structures to current industry standards. It is very important for them to be able to do that. The need for upgrading poultry houses comes from the new regulations within the industry. Many poultry producers must increase the size of their houses and improve the safety of their facilities to meet these new regulations.

Without the availability of these new low-interest loans to cover the difference, FSA officials in Arkansas estimate almost half of the growers who lost houses will not be able to rebuild, that is, half of the poultry growers would be out of the business and unable to rebuild unless we pass this legislation. Currently, the FSA requires those seeking these emergency loans to prove they are unable to obtain sufficient credit elsewhere before the loans are approved.

Due to the severity of the destruction and the impact it could have on poultry producers throughout Arkansas, this bill waives that requirement, should there be a disaster designation from the President. This would allow the victims of this storm to apply for and receive aid in the most expeditious manner possible. Finally, this bill would require farmers who receive these FSA loans to insure the new structures.

Poultry farmers in Arkansas are critical to the survival of the State's agricultural economy. Losses such as those suffered last month not only create financial hardships for the growers, but dramatic disruptions for poultry processors.

I ask my colleagues to look favorably upon this relief bill. The poultry processors and growers in Arkansas and across this country deserve that. It certainly is in an area where we had a natural disaster that has affected literally thousands of individuals now in the State. This is a compassionate act and something I trust we will act upon in an expeditious manner.

ADDITIONAL COSPONSORS

S. 119

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 119, a bill to establish a Northern Border States-Canada Trade Council, and for other purposes.

S. 159

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 159, a bill to amend chapter 121 of title 28, United States Code, to increase fees paid to Federal jurors, and for other purposes.

S. 758

At the request of Mr. ASHCROFT, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1375

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1375, a bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in acts of genocide and torture abroad.

S. 1446

At the request of Mr. LOTT, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1762

At the request of Mr. COVERDELL, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1825

At the request of Mr. ROCKEFELLER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1825, a bill to empower telephone consumers, and for other purposes.

S. 1833

At the request of Mr. DASCHLE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1833, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes.

S. 1882

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1882, a bill to expand child support enforcement through means other than programs financed at Federal expense.

S. 1917

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1917, a bill to abolish the death penalty under Federal law.

S. 1941

At the request of Mr. DODD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1946

At the request of Mr. INHOFE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 1946, a bill to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act," to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes.

S. 1951

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1951, a bill to provide the Secretary of Energy with authority to draw down the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, and to require the President, through the Secretary of Energy, to consult with Congress regarding the sale of oil from the Strategic Petroleum Reserve.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2017

At the request of Mr. BUNNING, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2017, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made to tobacco growers pursuant to Phase I or II of the Master Settlement Agreement between a State and tobacco product manufacturers.

S. 2026

At the request of Mrs. BOXER, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2026, a bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS efforts.

S. 2029

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2035, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents.

S. 2037

At the request of Ms. SNOWE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2037, a bill to amend title XVIII of the Social Security Act to extend the option to use rebased target amounts to all sole community hospitals.

S. CON. RES. 69

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S.J. RES. 39

At the request of Mr. CAMPBELL, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Delaware (Mr. BIDEN), the Senator from Mississippi (Mr. LOTT), the Senator from Nebraska (Mr. HAGEL), the Senator from Hawaii (Mr. AKAKA), the Senator from Virginia (Mr. WARNER), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S.J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

S. RES. 128

At the request of Mr. COCHRAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from Michigan (Mr. LEVIN), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 128, a resolution designating March 2000, as "Arts Education Month."

S. RES. 247

At the request of Mr. CAMPBELL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 251

At the request of Mr. SPECTER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from California (Mrs. BOXER), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 251, a resolution designating March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE RESOLUTION 254—SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on the Judiciary

S. RES. 254

Whereas for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports amateur athletic activities involving the United States and foreign nations;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in amateur athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for amateur athletes;

Whereas the United States Olympic Committee protects the opportunity of each amateur athlete, coach, trainer, manager, administrator, and official to participate in amateur athletic competition;

Whereas athletes representing the United States at the Olympic Games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic Team, and aspire to compete in the 2000 Summer Olympic Games in Sydney, Australia, and the 2002 Olympic Winter Games in Salt Lake City, Utah;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic Team; and

Whereas June 23 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of the Olympics;

(2) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

(3) calls upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

Mr. CAMPBELL. Mr. President, today I submit a resolution to recognize and support the United States Olympic Committee and the 2000 Olympic Games.

There are several reasons why I have a particular interest in the Olympic Movement and the U.S. Olympic Committee. I am the only Olympian in the United States Senate and Congressman JIM RYUN and I are the only two current Members of Congress to have been members of an Olympic Team.

Years ago, I founded the U.S. Olympic Caucus with former Senator Bill Bradley and former Congressman Tom McMillan. In addition, the United States Olympic Committee is headquartered in Colorado Springs, Colorado, along with the Olympic Training Center. Many athletes are currently training at that facility for future Olympic Games and especially in preparation for the 2000 Olympic Games in Sydney, Australia.

As I look back on the 1964 Olympic Games in Tokyo, Japan, I remember how proud I was to be on the U.S. Olympic Team. Carrying the United States flag in the closing ceremonies was one of the greatest experiences of my life. I remember how proud I was to be an American and an Olympian. I hold that moment in my heart and relive it at each new Olympic Games to this day.

The Olympic motto is "Swifter, Higher, Stronger" and with that ideal, the Olympic Movement brings out the very best in all of us—athletes and spectators alike. I believe, along with the U.S. Olympic Committee, that competition and the athletes are the heart and soul of the Olympic Movement. This is the reason that I offer this resolution today.

The United States Olympic Committee is to be highly commended for the prompt and decisive action it took after accusations of inappropriate solicitations surfaced. I know how much good the games do for young men and women and for our country. I am convinced the U.S. Olympic Committee has done everything in its power to get to the bottom of allegations, punish those who deserve it, and return the focus of the Olympic Movement back where it should be, with the athletes.

Most people don't realize that unlike many of the world's Olympic teams, the U.S. Olympic Team gets not one dime of federal money to subsidize its sports operations. Our Olympic Team is solely supported by the contributions of millions of Americans and American businesses and corporations which are dedicated to the Olympic Movement.

The Olympic Movement will endure and prosper only by the continued vigilance and the ongoing commitment of organizers and supporters, and by our unwavering support of the athletes who are the future of the modern Olympic Games.

As we begin the countdown towards the first Olympic Games of the new millennium, my resolution would designate June 23, 2000, as Olympic Day in recognition of the anniversary of the founding of the modern Olympic Movement. I urge my colleagues to support prompt passage of this resolution.

AMENDMENTS SUBMITTED

THE NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000

MURKOWSKI AMENDMENT NO. 2808

Mr. LOTT (for Mr. Murkowski) proposed an amendment to the bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes; as follows:

Beginning on page 1, strike all after the enacting clause and insert the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Nuclear Waste Policy Amendments Act of 2000'.

"SEC. 2. DEFINITIONS.

"For purposes of this Act—

"(1) the term "contract holder" means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered into pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

"(2) the terms "Administrator", "civilian nuclear power reactor", "Commission", "Department", "disposal", "high-level radioactive waste", "Indian tribe", "repository", "reservation", "Secretary", "spent nuclear fuel", "State", "storage", "Waste Fund", and "Yucca Mountain site" shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

"TITLE I—STORAGE AND DISPOSAL

"SEC. 101. PROGRAM SCHEDULE.

"(a) In General.—The President, the Secretary, and the Nuclear Regulatory Commission shall carry out their duties under this Act and the Nuclear Waste Policy Act of 1982 by the earliest practicable date consistent with the public interest and applicable provisions of law.

"(b) Milestones.—

"(1) The Secretary shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the President by December 31, 2001;

"(2) The President shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the Congress by March 31, 2002;

"(3) The Nuclear Regulatory Commission shall make a final decision whether to authorize construction of the repository by January 31, 2006; and

"(4) As provided in subsection (c), the Secretary shall begin receiving waste at the repository site at the earliest practicable date and no later than eighteen months after receiving construction authorization from the Nuclear Regulatory Commission.

"(c) Receipt Facilities.—

"(1) As part of the submission of an application for a construction authorization pursuant to section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)), the Secretary shall apply to the Commission to receive and possess spent nuclear fuel and high-level radioactive waste at surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage prior to emplacement.

"(2) As part of the issuance of the construction authorization under section 114(b) of the Nuclear Waste Policy Act of 1982, the Commission shall authorize construction of surface facilities described in subsection (c)(1) and the receipt and possession of spent nuclear fuel and high-level radioactive waste at such surface facilities within the geologic repository operations area for the purposes in subsection (c)(1), in accordance with such standards as the Commission finds are necessary to protect the public health and safety.

"SEC. 102. BACKUP STORAGE CAPACITY.

"(a) Subject to section 105(d), the Secretary shall enter into a contract under this subsection with any person generating or owning spent nuclear fuel that meets the requirements of section 135(b)(1)(A) and (B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155(b)(1)(A) and (B)) to—

"(1) take title at the civilian nuclear power reactor site to such amounts of spent nuclear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite; and

"(2) transport such spent nuclear fuel to, and store such spent nuclear fuel at—

"(A) the repository site after the Commission has authorized construction of the repository without regard to the Secretary's Acceptance Priority Ranking report or Annual Capacity Report; or

"(B) a privately owned and operated independent spent fuel storage facility licensed by the Nuclear Regulatory Commission.

SEC. 103. REPOSITORY LICENSING.

(a) Adoption of Standards.—

(1) The Administrator of the Environmental Protection Agency may adopt a rule pursuant to section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) before June 1, 2001, if, after consultation with the National Academy of Sciences, the Administrator and the Nuclear Regulatory Commission can agree on a standard that will protect public health and safety and the environment and that is reasonable and attainable.

(2) In the absence of an agreement described in paragraph (1), the Administrator may not publish or adopt a rule pursuant to section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) before June 1, 2001.

(b) Consultation and Reports to Congress.—

(1) Not later than 30 days after the enactment of this Act, the Administrator shall provide the Commission and the National Academy of Sciences—

(A) a detailed written comparison of the provisions of the proposed Environmental Protection Standards for Yucca Mountain, Nevada, published in the Federal Register on August 27, 1999 (64 Fed. Reg. 46,975) with the recommendations made by the National Academy of Sciences in its report, Technical Bases for Yucca Mountain Standards, pursuant to section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note); and

(B) the scientific basis for the proposed rule.

(2) Not later than April 1, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator under paragraph (1), each submit a report to Congress on whether the proposed rule—

(A) is consistent with section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note);

(B) provides a reasonable expectation that the public health and safety and the environment will be adequately protected from the hazards posted by high-level radioactive waste and spent nuclear fuel disposed of in the repository;

(C) is based on the best reasonably obtainable scientific and technical information concerning the need for, and consequences of, the rule; and

(D) imposes the least burden, consistent with obtaining the regulatory objective of protecting the public health and safety and the environment.

(3) In the event that either the Commission or the National Academy of Sciences finds that the proposed rule does not meet one or more of the criteria listed in paragraph (2), it shall notify the Administrator not later than April 1, 2001 of its finding and the basis for such finding.

(c) Application of Congressional Review Procedures.—Any final rule promulgated under section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, and shall be subject to all the requirements and procedures pertaining to a major rule in such chapter.

"(d) Capacity.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking 'The Commission decision approving the first such application * * *' through the period at the end of the sentence.

"SEC. 104. NUCLEAR WASTE FEE.

The last sentence of section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to read as follows:

'The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.'

"SEC. 105. SETTLEMENT AGREEMENTS.

"(a) In General.—The Secretary may, upon the request of any person with whom he has entered into a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), enter into a settlement agreement with the contract holder to—

"(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment, or

"(2) settle any legal claims against the United States arising out of such failure.

"(b) Types of Relief.—Pursuant to a settlement agreement entered into under this section, the Secretary may—

"(1) take title to the contract holder's spent nuclear fuel, notwithstanding section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5));

"(2) provide spent nuclear fuel storage casks to the contract holder;

"(3) compensate the contract holder for the cost of providing spent nuclear fuel storage at the contract holders' storage facility; or

"(4) provide any combination of the foregoing.

"(c) Scope of Relief.—The Secretary's obligation to provide the relief under subsection (b) shall be consistent with the Secretary's obligation to accept delivery of such spent fuel under the terms of the Secretary's contract with such contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)).

"(d) Waiver of Claims.—(1) The Secretary may not enter into a settlement agreement under subsection (a) or (f) or a backup contract under section 102(a) with any contract holder unless the contract holder, as part of such settlement agreement or backup contract, waives any claim for damages against the United States arising out of the Secretary's failure to begin disposing of such person's high-level waste or spent nuclear fuel by January 31, 1998.

"(2) Nothing in this subsection shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligation assumed under a settlement agreement or back up storage agreement, including the acceptance of spent fuel and high-level waste in accordance with the acceptance schedule established pursuant to section 106.

"(e) Source of Funds.—Notwithstanding section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)), the Secretary may not make expenditures from the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except—

"(1) the cost of acquiring and loading spent nuclear fuel casks;

"(2) the cost of transporting spent nuclear fuel from the contract holder's site to the repository; and

"(3) any other cost incurred by the Secretary required to perform a settlement agreement or backup storage contract that would have been incurred by the Secretary under the contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) notwithstanding their amendment pursuant to this Act.

"(f) Reactor Demonstration Program.—(1) Not later than 120 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87–315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under Section 106 of this Act.

"(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

"(g) Savings Clause.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

"(2) Nothing in this Act diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in *United States* v. *Batt* (No. 91–0054–S–EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail."

"SEC. 106. ACCEPTANCE SCHEDULE.

"(a) Priority Ranking.—Acceptance priority ranking shall be determined by the Department's 'Acceptance Priority Ranking' report.

"(b) Acceptance Rate.—As soon as practicable after construction authorization, but no later than eighteen months after the year of issuance of a license to receive and possess spent nuclear fuel and high-level radioactive waste under section 101(c), the Secretary's total acceptance rate for all spent nuclear fuel and high-level waste shall be a rate no less than the following as measured in metric tonnes uranium (MTU), assuming that each high-level waste canister contains 0.5 MTU: 500 MTU in year 1, 700 MTU in year 2, 1300 MTU in year 3, 2100 MTU in year 4, 3100 MTU in year 5, 3300 MTU in years 6, 7, and 8, 3400 MTU in years 9 through 24, and 3900 MTU in year 25 and thereafter.

"(c) Other Acceptances.—Subject to the conditions contained in the license to receive and possess spent nuclear fuel and high-level radioactive waste issued under section 101(c), of the amounts provided for in paragraph (b) for each year, not less than one-sixth shall be—

"(1) spent nuclear fuel or civilian high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act Amendments of 2000;

"(2) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

(3) spent nuclear fuel and high-level radioactive waste from research and atomic energy defense activities, including spent nuclear fuel from naval reactors. *Provided, however,* That the Secretary shall accept not less than 7.5 percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in paragraphs (2) and (3) in subsection (c). If sufficient amounts of radioactive materials are not available to utilize this allocation, the Secretary shall allocate this acceptance capacity to other contract holders.

"(4) Effect on schedule.—The contractual acceptance schedule shall not be modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

"(5) Multi-year shipping campaigns.—Consistent with the acceptance schedule, the Secretary shall, in conjunction with contract holders, define a specified multi-year period for each shipping campaign and establish criteria under which the Secretary could accept contract holders' cumulative allocations of spent nuclear fuel during the campaign period at one time and thereby enhance the efficiency and cost-effectiveness of spent nuclear fuel and high-level waste acceptance.

"SEC. 107. LOCAL RELATIONS.

"(a) Section 170 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

'SEC. 170. BENEFITS AGREEMENTS.

'(a) In General.—

'(1) Separate agreements.—The Secretary shall offer to enter into separate agreements with Nye County, Nevada, and Lincoln County, Nevada, concerning the repository program.

'(2) Agreement content.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of Nye County, Nevada, and Lincoln County, Nevada.

'(b) Amendment.—An agreement entered into under subsection (a) may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with subsection (c).

'(c) Termination.—The Secretary shall terminate an agreement under subsection (a) if any element of the repository program may not be completed.

'(d) Limitation.—Only 1 agreement each for Nye County, Nevada, and Lincoln County, Nevada, may be in effect at any one time.

'(e) Judicial Review.—Decisions of the Secretary under this section are not subject to judicial review.'.

"(b) Section 171 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

SEC. 171. CONTENT OF AGREEMENTS.

'(a) In General.—

'(1) Schedule.—The Secretary, subject to appropriations, shall make payments to the party of a benefits agreement under section 170(a) in. accordance with the following schedule:

BENEFITS SCHEDULE

[Amounts in millions]

Event	Payment
(A) Annual payments prior to first receipt of fuel	$2.5
(B) Upon first spent fuel receipt	5
(C) Annual payments after first spent fuel receipt until closure of facility	5

'(2) Definitions.—For purposes of this section, the term—

'(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

'(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

'(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under line (A) of the benefit schedule shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under line (C) of the benefit schedule shall be made on the anniversary date of such first spent fuel receipt.

'(4) REDUCTION.—If the first spent fuel payment under line (B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under line (A) of the benefit schedule, such first spent fuel payment under line (B) of the benefit schedule shall be reduced by an amount equal to $\frac{1}{12}$ of such annual payment under line (A) of the benefit schedule for each full month less than 6 that has not elapsed since the last annual payment under line (A) of the benefit schedule.

'(b) CONTENTS.—A benefits agreement under section 170 shall provide that—

'(1) the parties to the agreement shall share with one another information relevant to the licensing process for the interim storage facility or repository, as it becomes available; and

'(2) the affected unit of local government that is party to such agreement may comment on the development of the repository program and on documents required under law or regulations governing the effects of the system on the public health and safety.

'(c) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under section 170 shall constitute a commitment by the United States to make payments in accordance with such agreement.'.

"(c) Section 172 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

'SEC. 172. ACCEPTANCE OF BENEFITS.

'(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

'(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the repository premised upon or related to the acceptance or use of benefits under this title.

'(c) LIABILITY.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.'.

"(d) Section 173 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

'SEC. 173. RESTRICTION ON USE OF FUNDS.

'None of the funding provided under this title may be used—

'(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

'(2) for litigation purposes; or

'(3) to support multistate efforts or other coalition-building activities inconsistent with the purposes of this Act.'.

"SEC. 108. INITIAL LAND CONVEYANCES.

"(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, County of Lincoln, or the City of Caliente, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

"(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

"(2) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Beatty

Map 2: Ione/Berlin

Map 3: Manhattan

Map 4: Round Mountain/Smoky Valley

Map 5: Tonopah

Map 6: Armargosa Valley

Map 7: Pahrump

"(3) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

"(4) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

Map 2: City of Caliente, Parcel M, Industrial Park Site, jointly with Lincoln County.

"(5) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Industrial Park Site Expansion.

"(c) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"(d) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln or the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

"TITLE II—TRANSPORTATION

"SEC. 201. TRANSPORTATION PLANNING.

"(a) TRANSPORTATION READINESS.—The Secretary—

"(1) shall take such actions as are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from any site where such spent nuclear fuel or high-level radioactive waste is generated or stored to the Yucca Mountain site, using routes that minimize, to the maximum practicable extent and consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas; and

"(2) as soon as is practicable following the enactment of this Act, the Secretary shall, in consultation with the Secretary of Transportation and affected States and tribes, and after an opportunity for public comment, develop and implement a comprehensive management plan that ensures safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the Yucca Mountain site.

"(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the Yucca Mountain site no later than January 31, 2006. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with section 202, public education regarding transportation of spent nuclear fuel and high-level radioactive waste, and transportation tracking programs.

"(c) SHIPPING CAMPAIGN TRANSPORTATION PLANS.—

"(1) IN GENERAL.—The Secretary shall develop a transportation plan for the implementation of each shipping campaign (as that term in defined by the Secretary) from each site at which spent nuclear fuel or high-level nuclear waste is stored, consistent with the principles and procedures stated in Department of Energy Order No. 460.2 and the Program Manager's Guide.

"(2) REQUIREMENTS.—A shipping campaign transportation plan shall—

“(A) be fully integrated with State and tribal government notification, inspection, and emergency response plans along the preferred shipping route or State-designated alternative route identified under subsection (d) (unless the Secretary certifies in the plan that the State or tribal government has failed to cooperate in fully integrating the shipping campaign transportation plan with the applicable State or tribal government plans); and

“(B) be consistent with the principles and procedures developed for the safe transportation of transuranic waste to the Waste Isolation Pilot Plant (unless the Secretary certifies in the plan that a specific principle or procedure is inconsistent with a provision of this Act.)

“(d) Safe Shipping Routes and Modes.—

“(1) In general.—The Secretary shall evaluate the relative safety of the proposed shipping routes and shipping modes from each shipping origin to the repository compared with the safety of alternative modes and routes.

“(2) Designation of preferred shipping route and mode.—Following the evaluation under paragraph (1)—

“(A) Preferred shipping routes.—The Secretary shall select and cause to be used preferred shipping routes for the transportation of spent nuclear fuel and high level radioactive waste from each shipping origin to the repository—

“(i) in accordance with the regulations promulgated by the Secretary of Transportation under authority of the Hazardous Materials Transportation Act (chapter 51 of title 49, United States Code) and by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.),

“(ii) consistent with federal highway bridge and tunnel restrictions regarding radioactive materials, and

“(iii) avoiding highways with down grades of more than seven percent.

“(B) State rerouting.—For purposes of this section, a preferred route shall be an Interstate System highway for which an alternative route is not designated by a State routing agency, or a State-designated route designated by a State routing agency pursuant to section 397.103 of Title 49 Code of Federal Regulations.

“(3) Selection of primary shipping route.—If the Secretary designates more than 1 preferred route under paragraph (3), the Secretary shall select a primary route after considering, at a minimum, historical accident rates, population, significant hazards, shipping time, shipping distance, and mitigating measures such as limits on the speed of shipments.

“(4) Use of primary shipping route and mode.—Except in cases of emergency, for all shipments conducted under this Act, the Secretary shall cause the primary shipping route and mode or State-designated alternative route under chapter 51 of title 49, United States Code, to be used. If a route is designated as a primary route for any reactor or Department of Energy facility, the Secretary may use that route to transport spent nuclear fuel or high-level radioactive waste from any other reactor or Department of Energy facility.

“(5) Training and technical assistance.—Following selection of the primary shipping routes, or State-designated alternative routes, the Secretary shall focus training and technical assistance under section 202(c) on those routes.

“(6) Preferred rail routes.—

“(A) Regulation.—Not later than 1 year after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, shall promulgate a regulation establishing procedures for the selection of preferred routes for the transportation of spent nuclear fuel and high-level radioactive waste by rail.

“(B) Interim provision.—During the period beginning on the date of enactment of the Nuclear Waste Policy Act of 2000 and ending on the date of issuance of a final regulation under subparagraph (A), rail transportation of spent nuclear fuel and high-level radioactive waste shall be conducted in accordance with regulatory requirements in effect on that date and with this section.

“SEC. 202. TRANSPORTATION REQUIREMENTS.

“(a) Package Certification.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

“(b) State Notification.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and tribal governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

“(c) Technical Assistance.—

“(1) In general.—

“(A) States and Indian tribes.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials of appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion of any funds that the Secretary provides to the State for technical assistance and funding.

“(B) Employee organizations.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organizations, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

“(C) Training.—Training under this section—

“(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

“(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (h); and

“(iii) shall include—

“(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

“(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

“(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

“(2) No shipments if no training.—

“(A) There shall be no shipments by the Secretary of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph 3(B) to the repository until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level radioactive waste, as established by the Secretary, and unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph (1)(A) have been available to a State or Indian tribe for at least 3 years prior to any shipment: *Provided, however*, That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available because of—

“(i) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or

“(ii) the refusal to accept technical assistance by a State or Indian tribe, or

“(iii) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

“(B) In the event the Secretary is required to transport spent fuel or high-level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: *Provided, however*, That in no event shall such shipments exceed 1,000 metric tons per year: *Provided further*, That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Amendments Act of 2000.

“(3) Grants.—

“(A) In general.—To implement this section, the Secretary may make expenditures from the Nuclear Waste Fund to the extent provided for in appropriation acts.

“(B) Grants for development of plans.—

“(i) In general.—The Secretary shall make a grant of at least $150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe through the reservation lands of which one or more shipments of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

“(ii) Limitation.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

“(C) Grants for implementation of plans.—

“(i) In general.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act, under subparagraph (B). The Secretary, in submitting the annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

"(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

"(II) the amount requested by the President for implementation; and

"(III) the rationale for any discrepancies between the amounts requested by States and federally recognized Indian tribes and the amounts requested by the President.

"(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

"(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and Indian tribes based on plans developed under subparagraph (B); and

"(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

"(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to a repository, regardless of whether the repository is operated by a private entity or by the Department of Energy.

"(5) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

"(d) PUBLIC INFORMATION.—The Secretary shall conduct a program, in cooperation with corridor states and tribes, to inform the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis on those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

"(e) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall contract with private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

"(f) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Amendments Act of 2000, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by section 5126 of title 49, United States Code.

"(g) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49, United States Code (in the case of employees of railroad carriers) and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

"(h) TRAINING STANDARD.—

"(1) REGULATION.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel or high-level radioactive waste.

"(2) SECRETARY OF TRANSPORTATION.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall, by Memorandum of Understanding, ensure coordination of worker training standards and to avoid duplicative regulation.

"(3) TRAINING STANDARDS CONTENT.—(A) If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

"(i) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

"(ii) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

"(iii) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(B) The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of subparagraphs (i) and (ii).

"(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

"(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

"TITLE III—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

"SEC. 301. FINDINGS.

"(1) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements;

"(2) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

"(3) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be re-evaluated.

"SEC. 302. OFFICE OF SPENT NUCLEAR FUEL RESEARCH

"(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

"(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of the Nuclear Waste Policy Amendments Act of 2000.

"(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this Section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

"(d)(1) DUTIES.—The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

"(2) The Associate Director of the Office shall:

"(A) develop a research plan to provide recommendations by 2015;

"(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

"(C) conduct research and development activities for promising technologies;

"(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

"(E) require research on both reactor- and accelerator-based transmutation systems;

"(F) require research on advanced processing and separations;

"(G) encourage that research efforts include participation of international collaborators;

"(H) be authorized to fund international collaborators when they bring unique capabilities not available in the United States and their host country is unable to provide for their support;

"(I) ensure that research efforts with this Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

"(e) Report.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of paragraph (b).

"TITLE IV—GENERAL AND MISCELLANEOUS

"SEC. 401. DECOMMISSIONING PILOT PROGRAM.

"(a) Authorization.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

"(b) Funding.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

"SEC. 402. REPORTS.

"(a) The Secretary is directed to report within 90 days from enactment of this Act regarding all alternatives available to Northern States Power Company and the Federal government which would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current NRC licenses, assuming existing state and federal laws remain unchanged.

"(b) Within six months of enactment of this Act, the General Accounting Office is directed to report back to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce on the potential economic impacts to Minnesota ratepayers should the Prairie Island Nuclear Generating Plant cease operations once it has met its state imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of on-site storage of spent fuel storage.".

"SEC. 403. SEPARABILITY.

"If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.".

WYDEN AMENDMENT NO. 2809

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to amendment No. 2808 proposed by Mr. Murkowski, to the bill, S. 1287, supra; as follows:

On page 17, between lines 13 and 14, insert the following:

SEC. 107. LIMITATION ON USE OF THE HANFORD NUCLEAR RESERVATION FOR WASTE STORAGE OR DISPOSAL.

Notwithstanding any other provision of law, the Hanford Nuclear Reservation in the State of Washington shall not be used for storage or disposal of—

(1) spent nuclear fuel or high-level radioactive waste from any civilian nuclear power reactor; or

(2) any spent nuclear fuel or high-level nuclear waste generated by or in connection with operation of the Fast Flux Test Facility, except for fuel or waste generated solely and directly from production of isotopes for medical diagnosis or treatment.

BINGAMAN AMENDMENTS NOS. 2810–2812

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to amendment No. 2808 proposed by Mr. Murkowski to the bill, S. 1287, supra; as follows:

Amendment No. 2810

On page 23, strike line 19 and all that follows through page 25, line 8 and renumbered subsequent sections accordingly.

Amendment No. 2811

On page 9, after line 8, add the following:

"(3) Nothing in this Act shall be construed to subject the United States to financial liability for the Secretary's failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act."

Amendment No. 2812

On page 17, after line 15, add the following:

"SEC. 109. ONE-TIME FEE.

"Notwithstanding section 302(c)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)(1), all receipts, proceeds, and recoveries realized by the Secretary under section 302(a)(3) of such Act that are received before the date on which section 110 of this Act takes effect shall be retained by the Secretary and shall be available for expenditure for purposes of radioactive waste disposal activities under titles I and II of the Nuclear Waste Policy Act of 1982 and section 110 of this Act, without further appropriation, but subject to limitations that may be included in appropriation acts.

"SEC. 110. REPOSITORY FUNDING.

"(a) Use of Fund.—Section 302(e)(2) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(2)) is amended by striking the last two sentences and inserting the following:

"'The Secretary may make expenditures from the Waste Fund without further appropriation, but subject to limitations that may be included in appropriation acts.'.

"(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of enactment of subsequent legislation that amends the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), except for subsequent legislation that alters or affects such limits in strict conformance with section 251(b) of such Act (2 U.S.C. 901(b)), in effect on the date of enactment of this section.".

MURKOWSKI AMENDMENT NO. 2813

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to amendment No. 2808 proposed by him to the bill, S. 1287, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Nuclear Waste Policy Amendments Act of 2000'.

"SEC. 2. DEFINITIONS.

"For purposes of this Act—

"(1) the term 'contract holder' means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered in pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

"(2) the terms "Administrator", "civilian nuclear power reactor", "Commission", "Department", "disposal", "high-level radioactive waste", "Indian tribe", "repository", "reservation", "Secretary", "spent nuclear fuel", "State", "storage", "Waste Fund", and "Yucca Mountain site" shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

"TITLE I—STORAGE AND DISPOSAL

"SEC. 101. PROGRAM SCHEDULE.

"(a) In General.— The President, the Secretary, and the Nuclear Regulatory Commission shall carry out their duties under this Act and the Nuclear Waste Policy Act of 1982 by the earliest practicable date consistent with the public interest and applicable provisions of law.

"(b) Milestones.—

"(1) The Secretary shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the President by December 31, 2001;

"(2) The President shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the Congress by March 31, 2002;

"(3) The Nuclear Regulatory Commission shall make a final decision whether to authorize construction of the repository by January 31, 2006; and

"(4) As provided in subsection (c), the Secretary shall begin receiving waste at the repository site at the earliest practicable date and no later than eighteen months after receiving construction authorization from the Nuclear Regulatory Commission.

"(c) Receipt Facilities.—

"(1) As part of the submission of an application for a construction authorization pursuant to section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)), the Secretary shall apply to the Commission to receive and possess spent nuclear fuel and high-level radioactive waste at surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage prior to emplacement.

"(2) As part of the issuance of the construction authorization under section 114(b) of the Nuclear Waste Policy Act of 1982, the Commission shall authorize construction of surface facilities described in subsection (c)(1) and the receipt and possession of spent nuclear fuel and high-level radioactive waste at such surface facilities within the geologic repository operations area for the purposes in subsection (c)(1), in accordance with such standards as the Commission finds are necessary to protect the public health and safety.

"SEC. 102. BACKUP STORAGE CAPACITY.

"(a) Subject to section 105(d), the Secretary shall enter into a contract under this subsection with any person generating or owning spent nuclear fuel that meets the requirements of section 135(b)(1)(A) and (B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155(b)(1)(A) and (B)) to—

"(1) take title at the civilian nuclear power reactor site to such amounts of spent nuclear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite; and

"(2) transport such spent nuclear fuel to, and store such spent nuclear fuel at, the repository site after the Commission has authorized construction of the repository without regard to the Secretary's Acceptance Priority Ranking report or Annual Capacity Report.

SEC. 103. REPOSITORY LICENSING.

(a) Adoption of Standards.—Notwithstanding the time schedule in section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall not publish or adopt public health and safety standards for the protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site—

(1) except in accordance with this section; and

(2) before June 1, 2001.

(b) Consultation and Reports to Congress.—

(1) Not later than 30 days after the enactment of this Act, the Administrator shall provide the Commission and the National Academy of Sciences—

(A) a detailed written comparison of the provisions of the proposed Environmental Protection Standards for Yucca Mountain, Nevada, published in the Federal Register on August 27, 1999 (64 Fed. Reg. 46,975) with the recommendations made by the National Academy of Sciences in its report, Technical Bases for Yucca Mountain Standards, pursuant to section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note); and

(B) the scientific basis for the proposed rule.

(2) Not later than April 1, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator under paragraph (1), each submit a report to Congress on whether the proposed rule—

(A) is consistent with section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note);

(B) provide a reasonably expectation that the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent nuclear fuel disposed of in the repository;

(C) is based on the best reasonably obtainable scientific and technical information concerning the need for, and consequences of, the rule; and

(D) imposes the least burden, consistent with obtaining the regulatory objective of protecting the public health and safety and the environment.

(3) In the event that either the Commission or the National Academy of Sciences finds that the proposed rule does not meet one or more of the criteria listed in paragraph (2), it shall notify the Administrator not later than April 1, 2001 of its finding and the basis for such finding.

(c) Application of Congressional Review Procedures.—Any final rule promulgated under section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, and shall be subject to all the requirements and procedures pertaining to a major rule in such chapter.

"(d) Capacity.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking 'The Commission decision approving the first such application . . .' through the period at the end of the sentence.

"SEC. 104. NUCLEAR WASTE FEE.

The last sentence of section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to read as follows:

"The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee."

"SEC. 105. SETTLEMENT AGREEMENTS.

"(a) In General.—The Secretary may, upon the request of any person with whom he has entered into a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), enter into a settlement agreement with the contract holder to—

"(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment, or

"(2) settle any legal claims against the United States arising out of such failure.

"(b) Types of Relief.—Pursuant to a settlement agreement entered into under this section, the Secretary may—

"(1) provide spent nuclear fuel storage casks to the contract holder;

"(2) compensate the contract holder for the cost of providing spent nuclear fuel storage at the contract holders' storage facility; or

"(3) provide any combination of the foregoing.

"(c) Scope of Relief.—The Secretary's obligation to provide the relief under subsection (b) shall not exceed the Secretary's obligation to accept delivery of such spent fuel under the terms of the Secretary's contract with such contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), including any otherwise permissible assignment of rights.

"(d) Waiver of Claims.—(1) The Secretary may not enter into a settlement agreement under subsection (a) or (f) or a backup contract under section 102(a) with any contract holder unless the contract holder—

"(A) notifies the Secretary within 180 days after the date of enactment of this Act of its intent to enter into a settlement negotiations, and

"(B) as part of such settlement agreement or backup contract, waives any claim for damages against the United States arising out of the Secretary's failure to begin disposing of such person's high-level waste or spent nuclear fuel by January 31, 1998.

"(2) Nothing in this subsection shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligation assumed under a settlement agreement or backup storage agreement, including any obligation related to the movement of spent fuel by the Department.

"(e) Source of Funds.—Notwithstanding section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)), the Secretary may not make expenditures from the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except—

"(1) the cost of acquiring and loading spent nuclear fuel casks;

"(2) the cost of transporting spent nuclear fuel from the contract holder's site to the repository; and

"(3) any other cost incurred by the Secretary required to perform a settlement agreement or backup storage contract that would have been incurred by the Secretary under the contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) notwithstanding their amendment pursuant to this Act.

"(f) Reactor Demonstration Program.—(1) Not later than 120 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87-315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under Section 106 of this Act.

"(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

"(g) Savings Clause.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

"(2) Nothing in this Act diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in *United States* v. *Batt* (No. 91-0054-S-EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail."

"SEC. 106. ACCEPTANCE SCHEDULE.

"(a) Priority Ranking.—Acceptance priority ranking shall be determined by the Department's 'Acceptance Priority Ranking' report.

"(b) Acceptance Rate.—As soon as practicable after construction authorization, but no later than eighteen months after the year of issuance of a licence to receive and possess spent nuclear fuel and high-level radioactive waste under section 101(c), the Secretary's total acceptance rate for all spent nuclear fuel and high-level waste shall be a rate no less than the following as measured in metric tonnes uranium (MTU), assuming that each high-level waste canister contains 0.5 MTU: 500 MTU in year 1, 700 MTU in year 2, 1300 MTU in year 3, 2100 MTU in year 4, 3100 MTU in year 5, 3300 MTU in years 6, 7, and 8, 3400 MTU in years 9 through 24, and 3900 MTU in year 25 and thereafter.

"(c) OTHER ACCEPTANCES.—Subject to the conditions contained in the license to receive and possess spent nuclear fuel and high-level radioactive waste issued under section 101(c), of the amounts provided for in paragraph (b) for each year, not less than one-sixth shall be—

"(1) spent nuclear fuel or civilian high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act Amendments of 2000;

"(2) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

(3) spent nuclear fuel and high-level radioactive waste from research and atomic energy defense activities, including spent nuclear fuel from naval reactors.

Provided, however, That the Secretary shall accept not less than 7.5 percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in paragraphs (2) and (3) in subsection (c). If sufficient amounts of radioactive materials are not available to utilize this allocation, the Secretary shall allocate this acceptance capacity to other contract holders.

"(4) EFFECT ON SCHEDULE.—The contractual acceptance schedule shall not be modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

"(5) MULTI-YEAR SHIPPING CAMPAIGNS.—Consistent with the acceptance schedule, the Secretary shall, in conjunction with contract holders, define a specified multi-year period for each shipping campaign and establish criteria under which the Secretary could accept contract holders' cumulative allocations of spent nuclear fuel during the campaign period at one time and thereby enhance the efficiency and cost-effectiveness of spent nuclear fuel and high-level waste acceptance.

"SEC. 107. INITIAL LAND CONVEYANCES.

"(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, County of Lincoln, or the City of Caliente, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

"(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

"(2) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000 and on file with the Secretary:

Map 1: Beatty

Map 2: Ione/Berlin

Map 3: Manhattan

Map 4: Round Mountain/Smoky Valley

Map 5: Tonopah

Map 6: Armargosa Valley

Map 7: Pahrump

"(3) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

"(4) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

Map 2: City of Caliente, Parcel M, Industrial Park Site, jointly with Lincoln County.

"(5) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Industrial Park Site Expansion.

"(c) CONSTRUCTION.—The maps and legal descriptions of special conveyance referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"(d) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln or the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

"(e)(1) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(2) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the repository premised upon or related to the acceptance or use of benefits under this title.

"(3) LIABILITY.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.

"TITLE II—TRANSPORTATION

"SEC. 201. TRANSPORTATION.

Section 180 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10175) is amended to read as follows:

"TRANSPORTATION

"SEC. 180. (a) IN GENERAL.—The transportation of spent nuclear fuel and high-level radioactive waste from any civilian nuclear power reactor to any other civilian nuclear power reactor or to any Department of Energy Facility, by or for the Secretary, or by or for any person who owns or generates spent nuclear fuel or high-level radioactive waste, shall be subject to licensing and regulation by the Commission and the Secretary of Transportation under all applicable provisions of existing law.

"(1) PREFERRED SHIPPING ROUTES.—The Secretary shall select and cause to be used preferred shipping routes for the transportation of spent nuclear fuel and high level radioactive waste from each shipping origin to the repository in accordance with the regulations promulgated by the Secretary of Transportation under authority of Hazardous Materials Transportation Act (chapter 51 of title 49, United State Code) and by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.).

"(2) STATE REROUTING.—For purposes of this section, a preferred route shall be an Interstate System highway for which an alternative route is not designated by a State routing agency, or a State-designated route designated by a State routing agency pursuant to section 397.103 of Title 49, Code of Federal Regulations.

"(b) SHIPPING CONTAINERS.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages—

"(1) the design of which has been certified by the Commission; and

"(2) that have been determined by the Commission to satisfy its quality assurance requirements.

"(c) NOTIFICATION.—The Secretary shall provide advance notification to States and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste.

"(d) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—

"(A) STATES AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials or appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion of any funds that the Secretary provides to the State for technical assistance and funding.

"(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organizations, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

"(C) Training.—Training under this section—

"(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

"(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (h); and

"(iii) shall include—

"(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

"(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

"(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

"(2) No shipments if no training.—

"(A) There shall be no shipments by the Secretary of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph (3)(B) to the repository until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level radioactive waste, as established by the Secretary, and unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph (1)(A) have been available to a State or Indian tribe for at least 3 years prior to any shipment: *Provided, however*, That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available because of—

"(i) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or

"(ii) the refusal to accept technical assistance by a State or Indian tribe, or

"(iii) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

"(B) In the event the Secretary is required to transport spent fuel or high-level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: *Provided, however*, That in no event shall such shipments exceed 1,000 metric tons per year: *Provided further*, That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Amendments Act of 2000.

"(3) Grants.—

"(A) In general.—To implement this section, the Secretary may make expenditures from the Nuclear Waste Fund to the extent provided for in appropriation acts.

"(B) Grants for development of plans.—

"(i) In general.—The Secretary shall make a grant of at least $150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe through the reservation lands of which one or more shipments of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

"(ii) Limitation.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

"(C) Grants for implementation of plans.—

"(i) In general.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

"(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

"(II) the amount requested by the President for implementation; and

"(III) the rationale for any discrepancies between the amounts requested by States and federal recognized Indian tribes and the amounts requested by the President.

"(ii) Allocation.—Of funds available for grants under this subparagraph for any fiscal year—

"(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and Indian tribes based on plans developed under subparagraph (B); and

"(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

"(4) Availability of funds for shipments.—Funds under paragraph (1) shall be provided for shipments to a repository, regardless of whether the repository is operated by a private entity or by the Department of Energy.

"(5) Minimizing duplication of effort and expenses.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

"(e) Public Information.—The Secretary shall conduct a program, in cooperation with corridor states and tribes, to inform the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis on those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

"(f) Use of Private Carriers.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall contract with private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

"(g) Compliance With Transportation Regulations.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Amendments Act of 2000, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by section 5126 of title 49, United States Code.

"(h) Employee Protection.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49, United States Code (in the case of employees of railroad carriers) and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

"(i) Training Standard.—

"(1) Regulation.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) Secretary of transportation.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall, by Memorandum of Understanding, ensure coordination of worker training standards and to avoid duplicative regulation.

"(3) TRAINING STANDARDS CONTENT.—(A) If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

"(i) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

"(ii) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

"(iii) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(B) The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of subparagraphs (i) and (ii).

"(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

"(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

"TITLE III—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

"SEC. 301. FINDINGS.

"(1) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements;

"(2) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

"(3) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be re-evaluated.

"SEC. 302. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

"(a) ESTABLISHMNENT.—There is hereby established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

"(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of the Nuclear Waste Policy Amendments Act of 2000.

"(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this Section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

"(d)(1) DUTIES.—The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

"(2) The Associate Director of the Office shall:

"(A) develop a research plan to provide recommendations by 2015;

"(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

"(C) conduct research and development activities for promising technologies;

"(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

"(E) require research on both reactor- and accelerator-based transmutation systems;

"(F) require research on advanced processing and separations;

"(G) ensure that research efforts with this Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

"(e) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of paragraph (b).

"TITLE IV—GENERAL AND MISCELLANEOUS

"SEC. 401. DECOMMISSIONING PILOT PROGRAM.

"(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

"(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

"SEC. 402. REPORTS.

"(a) The Secretary is directed to report within 90 days from enactment of this Act regarding all alternatives available to Northern States Power Company and the Federal government which would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current NRC licenses, assuming existing state and federal laws remain unchanged.

"(b) Within six months of enactment of this Act, the General Accounting Office is directed to report back to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce on the potential economic impacts to Minnesota ratepayers should the Prairie Island Nuclear Generating Plant cease operations once it has met its state imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of on-site storage of spent nuclear fuel storage.".

"SEC. 403. SEPARABILITY.

"If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.".

"SEC. 404. FAST FLUX TEST FACILITY.

"Any spent nuclear fuel associated with the Fast Flux Test Facility at the Hanford Reservation shall be transported and stored at the repository site as soon as practicable after the Commission has authorized the construction of the repository."

CONRAD AMENDMENT NO. 2814

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to amendment No. 2808 proposed by Mr. MURKOWSKI to the bill, S. 1287, supra; as follows:

On page 33, line 20, strike "Minnesota" and insert "Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan."

DEWINE AMENDMENT NO. 2815

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to amendment No. 2808 proposed by Mr. MURKOWSKI to the bill, S. 1287, supra; as follows:

Strike section 302(b) and all that follows through section 402 and insert the following:

(b) ASSOCIATE DIRECTOR.—

(1) IN GENERAL.—The Associate Director of the Office of Spent Nuclear Fuel Research (referred to in this section as the "Associate Director") shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high level nuclear radioactive waste, spent nuclear fuel, and depleted uranium hexafluoride, subject to the general supervision of the Secretary.

(2) LINE OF AUTHORITY.—The Associate Director shall report to the Director of the Office of Nuclear Energy Science and Technology.

(3) INITIAL APPOINTMENT.—The first Associate Director shall be appointed not later than 90 days after the date of enactment of this Act.

(c) GRANT AND CONTRACT AUTHORITY.—In carrying out the responsibilities of the Secretary under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in subsection (d)(2).

(d) DUTIES.—

(1) INVOLVEMENT OF ENTITIES IN THE INVESTIGATION OF TECHNOLOGIES.—The Associate Director shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high level radioactive waste.

(2) SPECIFIC ACTIVITIES.—The Associate Director shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives—

(i) minimization of proliferation concerns and risk to the health of the general public or site workers; and

(ii) development of cost-effective technologies;

(E) require research on reactor-based and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) encourage that research efforts include participation of international collaborators;

(H) fund international collaborators that bring unique capabilities not available in the United States if the host country is unable to provide support to such a collaborator; and

(I) ensure that research efforts by the Office are coordinated with research on advanced fuel cycles and reactors conducted by the Office of Nuclear Energy Science and Technology.

(e) REPORT.—The Associate Director shall annually submit to Congress a report on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of subsection (b).

TITLE IV—GENERAL AND MISCELLANEOUS PROVISIONS

SEC. 401. DECOMMISSIONING PILOT PROGRAM.

(a) AUTHORIZATION.—The Secretary may establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

SEC. 402. REPORTS.

(a) BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing all alternatives available to Northern States Power Company and the Federal Government that would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current Nuclear Regulatory Commission licenses, based on the assumption that Federal and State laws in effect on the date of enactment of this Act will remain unchanged.

(b) BY THE COMPTROLLER GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a report on the potential economic impacts to Minnesota ratepayers should the Prairie Island Nuclear Generating Plant cease operations once the Plant has met its State-imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of onsite storage of spent nuclear fuel storage.

(c) USEC.—The Secretary shall annually submit to Congress a report on the status of the United States Enrichment Corporation Fund established by section 1308 of the Atomic Energy Act of 1954 (42 U.S.C. 2297b–7) and the Working Capital Account established under section 1316 of the Atomic Energy Act of 1954 (42 U.S.C. 2297b–15).

COLLINS (AND OTHERS) AMENDMENT NO. 2816

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. JEFFORDS, Mr. GRAMS, and Ms. SNOWE) submitted an amendment intended to be proposed by them to amendment No. 2808, proposed by Mr. MURKOWSKI to the bill, S. 1287, supra; as follows:

> On page 6, in the new section 105(b) strike "(1) take title to the contract holder's spent nuclear fuel, notwithstanding section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5));" and renumber the remaining paragraphs accordingly.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on February 9, 2000, in SR–328A at 9 a.m. The purpose of this meeting will be to review dairy policy.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on February 10, 2000, in SH–216 at 9 a.m. The purpose of this meeting will be to review the findings of the President's Working Group's Report on "Over the Counter Derivatives Markets and the Commodity Exchange Act."

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public a change in the agenda of the hearing previously scheduled before the Committee on Energy and Natural Resources for Thursday, February 10 at 10 a.m. Instead of S. 1192 (a bill to designate national forest land managed by the Forest Service in the Lake Tahoe Basin as the "Lake Tahoe National Scenic Forest and Recreation Area," and to promote environmental restoration around the Lake Tahoe Basin), the committee will receive testimony on S. 1925 (a bill to promote environmental restoration around the Lake Tahoe basin).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Monday, February 14 at 2 p.m. at the Albuquerque Convention Center, West Building, Cochiti/Taos Rooms, 401 Second St., NW, Albuquerque, NM.

The title of this hearing is Industry-Laboratory Partnerships, and the role of S. 1756, a bill to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes.

Those wishing to testify or who wish to submit written statements should contact the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact Howard Useem, senior professional staff member, at (202) 224–6567.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing previously scheduled before the subcommittee on Tuesday, February 22, 2000 at 3 p.m. on S. 1722, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; and its companion bill, H.R. 3063, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; and S. 1950, a bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, and for other purposes, has been moved to Thursday, February 24, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

In addition, a hearing has been scheduled before the subcommittee on Tuesday, February 22, 2000 at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC. The purpose of this hearing is to conduct oversight on the Administration's effort to review approximately 40 million acres of national forest lands for increased protection.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224–2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 8, 2000, at 9:30 a.m., in open session, to receive testimony on the defense authorization request for fiscal year 2001 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on February 8, 2000 at 10 a.m. to hear testimony regarding the President's fiscal year 2001 budget and tax proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 8, 2000, at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 8, 2000 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Tuesday, February 8, 2000. The purpose of this meeting will be to discuss Federal dairy policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on February 8, 2000 from 9:30 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ECONOMIC POLICY

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Economic Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 8, 2000, to conduct a hearing on "S. 1879, the International Monetary Stability Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LOTT. Mr. President, I ask unanimous consent a fellow for Senator DOMENICI, Pete Lyons, be given the privilege of the floor for the duration of the consideration of the nuclear waste bill, S. 1287.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I ask unanimous consent that privileges of the floor be granted to Tina Kreisher, Dave Sundwall, Kristin Phillips, Kjersten Scott, Betty Nevitt, Colleen Deegan, and Mr. Jim Beirne during the pendency of S. 1287.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Sally Phillips of my staff be granted the privilege of the floor for the duration of the statements of Senator SPECTER and myself on the Medical Errors Reduction Act, S. 2038.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I ask unanimous consent that members of my staff be extended the privilege of the floor throughout the duration of the debate on this legislation, S. 1287; specifically, Joe Barry, Jean Marie Neal, Brock Richter, and Brent Heberlee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING HAYS, KANSAS, PRINCIPAL ALAN PARK

• Mr. BROWNBACK. Mr. President, I rise to recognize an outstanding elementary school principal from Hays, Kansas. Alan Park, through dedication and hard work, has created an excellent after school program that has profoundly changed the lives of many young children in a positive way. The "Serve Our Children" program at Washington Elementary School has connected economically disadvantaged students with vital community services. The beneficial results are numerous: free child care, extensive leadership development opportunities, and many tutorial programs. Not only has Mr. Park integrated the use of computers within the school, he has helped pass a district bond to create a new addition to the school.

Mr. President, I am proud to recognize the outstanding accomplishments of this elementary school principal. Mr. Park is an exemplary role model for young people in Kansas as well as our nation. I congratulate Mr. Alan Park for all he has done for Washington Elementary School and the community of Hays, Kansas.•

COMMENDING THE STUDENT INVESTMENT FUND

• Mr. MURKOWSKI. Mr. President, I rise today to commend the students of the University of Alaska-Fairbanks, School of Management, Student Investment Fund, who have invested an original stake of $100,000 into stocks and CDs and now have a portfolio valued at over half a million dollars.

With the money earned while learning, the students participating in the Fund have donated $8,000 in scholarships to UAF students. They have created two scholarship funds, the Michael L. Rice Scholarship and the Vanna K. Husby Scholarship, which are awarded to students who are in the School of Management and are enrolled in the Student Investment Fund for the following academic year. They have also donated $4,000 to the UAF National Merit Scholarship to encourage talented students to attend the University of Alaska-Fairbanks.

The class began in 1991, when then Chancellor O'Rourke transferred $100,000 of University endowment money into the Student Investment Fund at Dean Witter. The account has been wholly managed by the students since its inception. Only during the first year of the fund did it fall below a value of $100,000. It has grown every year since and has a return of 71 percent.

This class and its philanthropy are wonderful examples of how higher education can benefit not only students, but the entire community.•

CORRECTING TECHNICAL ERRORS IN THE ENROLLMENT OF H.R. 764

Mr. MURKOWSKI. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 245, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 245) to correct technical errors in the enrollment of the bill, H.R. 764.

There being no objection, the Senate proceeded to the immediate consideration of the concurrent resolution.

Mr. MURKOWSKI. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 245) was agreed to.

ORDERS FOR WEDNESDAY, FEBRUARY 9, 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m. on Wednesday, February 9. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11:30 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: The first 30 minutes under the control of Senator DURBIN, or his designee; the second 30 minutes under the control of Senator THOMAS, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Further, I ask consent that following morning business, the Senate then resume consideration of S. 1287, the nuclear waste disposal bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. For the information of all Senators, the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will resume consideration of S. 1287, the nuclear waste disposal bill. As a reminder, second-degree amendments must be filed by 12:00 noon to the pending substitute amendment. Negotiations regarding the number of amendments and debate time on the nuclear waste bill are still underway. However, amendments are expected to be offered during tomorrow's session. Therefore, Senators can expect votes throughout the day. Senators who have amendments should work with the bill managers on a time to offer their amendments.

ORDER FOR FILING OF AMENDMENTS

Mr. MURKOWSKI. Now I ask unanimous consent that notwithstanding adjournment, Senators have until 6 o'clock p.m. today to file first-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MURKOWSKI. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of Senator MURRAY.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S EDUCATION BUDGET

Mrs. MURRAY. Mr. President, I have come to the floor today to talk about the budget the President has presented to Congress this year. Every budget is a statement of priorities, and I wanted to share with my colleagues how this budget matches up with the priorities of the people I represent. I will spend a moment talking about how we should consider budgets in this remarkable period of economic strength.

The President's FY 2001 budget comes at a time of great prosperity and also great challenges. I take the budget decisions we will make this year very seriously. We have an historic opportunity to meet our long-term commitments and make vital investments. In looking at the budget, I am focused on two priorities.

First, we cannot squander the surplus. It has been too hard to reach this point of progress. When I came to the Senate in 1993, our fiscal house was a mess. But we made the tough, fiscally responsible decisions that have brought us to this point. The surplus is not here by accident. We made very difficult choices, and now is not the time to abandon our steady, responsible approach.

We have a responsibility to use the surplus in ways that will meet our long-term commitments and continue our economic growth. We know that Social Security and Medicare are running out of money. These are promises from one generation to the next. And it would be wrong—fiscally and morally—not to save those programs while we have the chance.

We should also remember that these surplus projections are just that—protections. I worry that some of the projections my Republican colleagues have used are too rosy—in part because they are based on faulty assumptions, and they do not account for any slowing down of our economy. I think we should use the most realistic estimates available.

Second, we have to continue to make the responsible investments that will help our economy grow. We must maintain our investments in areas like education, R&D, infrastructure, criminal justice, agriculture, and defense. We must strengthen Social Security and Medicare. And we must provide targeted tax relief. I am pleased that the President has presented a responsible plan for meeting those objectives.

One important investment is paying down the debt. We are responsible for paying down a major portion of the public debt. A commitment of $2.5 trillion over ten years—as called for by the President—would make us debt free within 13 years. Mr. President, now is the time to pay down the debt—while the economy is strong.

I know there will be a lot of debate over tax cuts this year. There is room for tax cuts—but they need to be responsible. We should remember that just last year Republicans were pushing an irresponsible, $790 billion tax cut. I am glad the American people rejected it. And this year, some presidential candidates appear willing to roll the dice on even riskier schemes.

This year we should be on the look out for tax cuts that do not help our country. When looking at tax cuts, I will be asking: Do they contribute to our future and promote our economic growth by investing in workers and education?

I would like to turn to the investments we have to make in education.

When I think of the types of investments that have real returns for America's families—education tops the list. Investing in education pays dividends in boosting our country's productivity and expanding our people's potential. We must continue to invest in education so that every American will have the tools and skills to succeed in the global economy. We know that by reducing class size, investing in teacher quality, and making higher education more accessible, we are improving the prospects for our nation and our people. And I am proud of the many education investments this budget makes.

We must stay on the path of hiring 100,000 fully-qualified teachers to reduce class size. We know that kids learn the basics and have fewer discipline problems in smaller classes. The budget boosts funding to $1.75 billion, an increase of $450 million over the current level. That's enough to hire about 49,000 teachers, nearly half-way to our long term goal. So I commend the president's budget for its commitment to reducing class size. By working together over the past two years, we've already made the classroom a better, more productive place for 1.7 million students—and with the President's latest commitment, we can bring the benefits of smaller classes to many more students.

We know that when we reduce the number of students in each classroom—we need more classrooms, so I am pleased the President's budget also follows through on our efforts to boost school construction.

The President's budget also takes greats steps forward to improve teacher quality. As I listened to the President's State of the Union Address last month, I was excited to see that efforts to boost teacher quality are finally getting the national attention they deserve.

We need to have a plan to recruit, train and reward great teachers; a plan to help high-poverty school districts attract great teachers through better pay and higher standards; and a plan to reward school districts that make progress in reducing the number of uncertified teachers and teachers teaching outside their subject area. These would all represent great steps forward.

We need to boost hometown teacher recruitment, to help professionals from diverse fields make the transition to the classroom, and to promote professional development for school leaders.

But there is more we should do to boost teacher quality. That's why, last year, I introduced the Quality and Accountability are Best for Children Act—Quality ABCs (S. 1926). After talking with parents, teachers and students, I wrote a bill that will hold educators accountable for their students' progress. It will help keep great teachers in the classroom by offering them improved professional development and career ladders. It will reward and recognize great educators. It will offer a meaningful financial bonus for states to improve teacher pay and it will ensure teachers have the training they need to use technology in the classroom.

I believe the President's budget—and his State of the Union Address—are a great start to boosting teacher quality across America.

The President's budget also makes important investments in early education, in Headstart funding, in preventing youth violence, and in expanding college access.

Mr. President, clearly this is a budget that recognizes the importance of education. It matches our funding with our priorities.

But there are some initiatives that do not require a budget allocation. And I would like to spend a moment highlighting some of the efforts I will fight for as we reauthorize the Elementary and Secondary Education Act.

First, there is a lot we can do to boost parental involvement. Parents are a child's first and best teachers, and studies have shown that when families are involved in education their children do better in school. Today, it is difficult for parents and family members to participate in their children's education—either because they do not feel welcomed by schools or because their time is limited by work and other constraints.

That is why I've introduced two bills to make it easier for parents to help their children succeed in school.

First, I introduced the Time for Schools Act, S. 1304, which allows parents to take up to 24 hours of unpaid leave from work each year to attend academic events at school.

And second, with input from parents and teachers, I wrote the Parent-Family School Partnership Act, S. 1772, which will encourage families to participate in schools, will train educators in the best ways to involve parents, will invest in family involvement efforts, and will use technology and community college partnerships to boost parental involvement.

A great classroom and a great teacher only go so far, these bills will go a long way to ensuring that students get the most from school by having a parent involved.

We should also do more to expand technology in the classroom. In 1997, we made sure that new teachers get the technology training they need before they enter the classroom. This year, we should work to make sure that current teachers receive technology training as part of an on-going professional development. That effort is part of my "Quality ABCs" bill that I just referred to.

And I support increasing resources for, and access to, education technology, improving coordination and effective uses of education technology—including distance learning and advanced placement services. And finally, protecting students from inappropriate material on the Internet.

We should offer students a voice in education decisions. I have always believed that young people should have a role in the decisions that affect them. That's why I introduced the "Youth and Adult School Partnership Act," S. 1773, which will create more meaningful roles for students in their schools and communities, invest in successful student-adult partnerships, and continue researching the link between student involvement and student achievement.

Finally, we should promote the types of local partnerships that help students succeed. As I have visited schools throughout my State, I have been impressed by how well they have formed partnerships with local business and non-profit organizations. I visited one community, where the local chamber of commerce runs a Teacher Internship Program—where teachers spend their summers in the business world—seeing—first-hand—the skills their students will need. And those efforts can have great results for our students. So we must continue to promote these local partnerships.

I have laid out my vision—the Democratic vision—for how we can improve public education. I have been working on this for many years, and it seems that the response from the other side is always "Schools are failing, and local control is the answer."

Education in our country is already under local control. I served on a local school board, and I can tell you that as a fact. Do we need to reduce paperwork? Yes. Do we need to be more flexible? Yes. But the real question is: What are we doing to support education? This budget—and the ideas I just mentioned—offer a specific blueprint—for how we can improve education.

I fear that instead of giving these tools to our educators, the majority would rather criticize our public schools.

Too often, their rhetoric tears down, when we should be building up. The majority's education agenda too often resembles an effort to assign blame. I believe a better approach—the Democratic approach—is to strengthen the partnerships that improve education.

We Democrats—in the Senate and the House along with the President—are offering something positive—and I hope that this agenda of excellence is greeted by honest examination and constructive debate focused on helping students learn—and not the usual partisan blame game.

We have a chance to lead. We have a chance to really improve public education for all Americans. Let's not abandon the principles that have made our nation great. Let's not let partisan gamesmanship stand in the way of progress. Let's take this unprecedented opportunity in our nation's history to make the investments we need, and to do right by our nation's parents, our nation's educators, and—most importantly—our nation's future—the children attending our public schools.

I yield the floor.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. on Wednesday, February 9, 2000.

Thereupon, the Senate, at 5:50 p.m., adjourned until Wednesday, February 9, 2000, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, February 8, 2000*

The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1052. An act to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

PROMOTING LIVABLE COMMUNITIES

Mr. BLUMENAUER. Mr. Speaker, the issue of the livable communities will be one of the dominant themes in the year 2000 election.

It is not altogether clear to me that the pollsters, pundits, and consultants fully understand the depth of this issue and what it means to American families.

The reason it will be an issue is not because it is being driven by the national level, although I do appreciate the leadership of the administration and Vice President GORE. This is an issue that is being driven from the grassroots.

Many of us are aware that in 1998 there were over 240 State and local ballot measures nationwide that dealt with issues of open space, land use planning, and environmental protection and transportation.

Seventy-two percent of these measures passed involving spending of over $7.5 billion; even in the relatively quiet so-called off year of 1999, the drumbeat continued. There were 139 ballot measures with a 77 percent approval rating.

The media coverage of the term "smart growth," which is probably the best proxy of livable communities, rose from 101 citations in 1996 to over 2,700 citations in 1999.

Why is this?

People know that the past patterns of development are simply not sustainable. From 1992 to 1997, we just learned a couple of weeks ago that over 16 million acres of farm and forest land were lost to development, an area larger than the State of West Virginia.

Mr. Speaker, we as a Nation are sprawling faster than we increase in population. In the last 5 years, the population grew by 5 percent, while developed land area increased 18 percent. In fact, we are seeing communities around the country that are actually losing population, yet are gobbling up land at a 10 percent, 20 percent, 30 percent rate in a decade. This means that wetlands in the United States are disappearing at a rate of 54,000 acres annually, despite our good intentions, despite some protections that are being built in.

At the same time, we are becoming increasingly dependent on foreign oil. Petroleum prices have tripled in the last few months. Drivers in the Washington, D.C. metro area waste 116 gallons of fuel each year simply waiting in traffic.

We know that we can do better than forcing the average commuter to spend more than 50 workdays a year behind the wheel of his or her car just to get to work.

Livability does not have to be a casualty of gridlock in Washington, nor does it have to become a partisan issue. There is no reason we cannot embrace as a Congress some of the administration's specific recommendations for livable communities, in transportation funding, for better America bonds.

We can as a Congress embrace the bipartisan legislation that is coming forward by the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Alaska (Chairman YOUNG) for the Land and Water Conservation Fund. There is no reason that we cannot see the enactment of terrific legislation, if I do say so myself, the two-floods-and-you-are-out of the taxpayer pocket that the gentleman from Nebraska (Mr. BEREUTER) and I are working on to reform our national flood insurance program, to help people and not promote and subsidize the degradation of our environment.

Mr. Speaker, at a time when the public knows we can do a lot better, it is time for the Federal Government to be a full partner in that effort of promoting livable communities.

I am looking forward to bringing to this floor proposals this year that will make our families safe, healthy, and economically secure, maybe something as radical as requiring the post office to obey the same land use, environmental and planning regulations as the rest of America.

Promoting livable communities is not rocket science. It is definitely our job. I urge the Congress to take a bit of a break from some of what occupies our attention day in and day out and think about ways that we can make our families safer, healthier, more economically secure, while saving money and protecting the environment.

U.S. MILITARY READINESS: A DEEP CONCERN

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, yesterday the President released his budget for fiscal year 2001, and with that begins another round of authorizations and appropriations.

This afternoon what I want to do is focus on the issue of military readiness, a concept which the administration, until recently, has failed to embrace. In fact, the President has consistently proposed defense budgets which were completely inadequate.

I am happy to see that the President has proposed a $11.3 billion increase in discretionary defense spending in recognition of the deplorable circumstances with which this administration has allowed our forces to deteriorate.

Since the end of the Cold War, the United States military has been forced to do more with less. The defense budget has decreased by 8 percent, or $24 billion, since 1990, and is the only major spending category to steadily decline since 1994. In contrast, the nondiscretionary spending and entitlements have increased nearly 60 percent, or $458 billion.

Despite the reduced spending and force reductions, the pace of operations, other than war, has increased dramatically. Our forces are engaged in humanitarian, peacekeeping, civil assistance, and other areas of non-combat operations. In addition, the United States continues to engage in combat operations over Iraq and the conflict in former Yugoslavia. In terms of commitments abroad, the United States

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

has about 260,000 personnel in over 100 countries, according to the Department of Defense.

The Clinton administration has pursued a military policy of open-ended commitments to operations which have had no bearing on our national security at home or abroad. U.S. military forces have been deployed more times under this administration than they were throughout the entire Cold War period.

This pace and scope of non-combat operations, the time away from family, and substandard pay and benefits have led to recruitment and retention problems. In fact, the Marine Corps was the only service to meet its recruiting requirements for 1999. Our forces are now coping with the inability to recruit highly qualified individuals, while at the same time losing the most experienced soldiers. My office has received letters from constituents, many of whom having proudly served in our Armed Forces, saying they were inclined to discourage young Americans from joining today's military force.

Mr. Speaker, this is a demoralizing statement to hear. To add further emphasis, the Heritage Foundation, in its National Defense Report, concluded that our military is suffering the worst personnel crisis since the draft ended in 1973.

The problem extends beyond personnel. Operations and maintenance accounts have suffered, and the lack of funding has resulted in spare parts shortages and the cannibalizing of existing equipment. Cannibalizing for parts, once considered a last resort to maintain combat capability, is now a common practice.

Nations which may be potentially hostile to the United States are investing in advanced weaponry and technological upgrades to existing systems which can seriously impact our military superiority. For example, China in fact is working on a defense system that may be able to defeat stealth technology by monitoring radio and television waves for turbulence resulting from aircraft flight. In addition, smaller countries can invest in and upgrade highly capable and advanced surface-to-air missiles for a fraction of the cost of an offensive weapon platform. Such a high-volume air defense could spell disaster for current U.S. air forces.

Mr. Speaker, these are but a fraction of the concerns facing military readiness. Last year, Congress recognized the need to halt the decline of our military. We provided for an increase in pay, retention bonuses, procurement, research and development and operations and maintenance, over $4 billion above the President's request.

I look forward to examining the President's budget for 2001 to see exactly where his goals lie and how he plans to allocate the funding for our military. I sincerely hope he has realized inadequate funding leads to inadequate forces. I need not emphasize what drastic consequences inadequate forces would lead to.

INAUGURAL MEETING OF INTERAGENCY GROUP ON INSULAR AFFAIRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, nearly 2 weeks ago President Clinton delivered his final State of the Union. It included the achievements of his administration, remarkable as they are, over the past 7½ years, rebuilding and returning America's economy to great posterity; over 20 million new jobs, the lowest unemployment rates in 30 years, the lowest poverty rates in 20 years, the longest period of economic growth in America's history. President Clinton also pointed out that we have crossed the bridge we have built to the 21st Century and that we must now shape a new 21st Century American revolution of opportunity, responsibility, and community for all Americans.

But, Mr. Speaker, there are many Americans who do not participate in this prosperity. There are thousands of Americans who do not enjoy the prosperity that most of America has felt across the Nation. Americans living in the U.S. Territories, Guam, the Commonwealth of the Northern Marianas, the U.S. Virgin Islands, and American Samoa, often rely on economic factors and economies apart from the American mainland for their economic wellbeing.

U.S. Territories are unique because we are not fully incorporated with the U.S. Though we share many issues with our fellow Americans living in the U.S. mainland, our geography, our history and our political status present a number of economic challenges common amongst ourselves. Our commonalities, however, give this Nation and the President the opportunity to craft Federal policy that recognizes our status and extraordinary challenges to participate in the prosperity of the Nation.

Like no other President, Mr. Clinton has risen and has been responsive to the challenge and has created an Interagency Group on Insular Areas called IGIA to provide guidance on Federal policies towards the U.S. Territories. This initiative will include Governors and Delegates to Congress and other elected officials that will come together and bring together some coherence in Federal policy.

Next month, this inaugural meeting of the IGIA will take place. This will be an historic moment for the leaders of the territories, and I would like to take this opportunity to encourage the IGIA meeting and forum to address issues of economic development in Guam, particularly land and taxes, and, in light with that, to also remember the President's call to include all Americans in the prosperity of the Nation and to finally craft a policy which will bring the Territories into the prosperity of the Nation.

Many of the situations that we face in Guam in terms of land and taxes need reform so that we can economically grow. We still face problems on the return of excess Federal lands. We are a small territory, but over one-third of our land is held by the Federal Government and we need assistance in making sure that these valuable lands are returned to the people of Guam.

We are also trying to seek equity in the taxation of Guam, particularly for foreign direct investment. I have introduced a bill, H.R. 2462, which brings equity between Guam and other areas of the United States in terms of taxing foreign investment. Right now we are disproportionately taxed. In another related area, my colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), has introduced a bill, H.R. 3247, which would make U.S. Territories eligible for empowerment zone designation. These are all resources that are a hand up, not a handout, and will go a long way towards bringing much needed assistance towards the Territories.

There are many other programs, and we will discuss this as we go along, but the IGIA meeting early next month is the perfect vehicle through which to craft and review policy initiatives which will bring prosperity to those American communities which are offshore and have a very different relationship to Washington, D.C. than most Americans.

I call upon the administration to work with the representatives of the Territories here in Washington and the chief executives of the respective territories to craft a new economic policy which will make sure that no child in Pago Pago goes without the educational life chances that children in the U.S. mainland have, that no family in St. Croix or St. Thomas will not have the same access to health care that Americans everywhere deserve, and that bread winners in Hagatna, Guam, do not have to leave their homeland and travel 6,000 miles to find a decent job.

ENACT H.R. 6, MARRIAGE TAX ELIMINATION ACT

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, over the last several years, many of us have been asking a question that we hear time and time again back home. I have the privilege of representing the south side of Chicago and the south suburbs, communities like Joliet and Lancing and Morris and rural communities like Tonica and elsewhere; and they often ask me a pretty basic question. That question is, as we talk about taxes, they say, why? Why do married working couples, a husband and wife who are both in the workforce, why do they pay higher taxes when they get married? They ask, is it right, is it fair that under our Tax Code, married working couples pay higher taxes? On average, 25 million married working couples pay, on average, $1,400 more in higher taxes than identical couples who choose not to get married, but live together outside of marriage. That is not right.

The folks back home tell me that it is time that those of us here in Washington should do something about it, that we should work to eliminate what has been called the marriage tax penalty. Mr. Speaker, $1,400, the average marriage tax penalty, is a lot of money back home in Illinois. Mr. Speaker, $1,400 is one year's tuition for a nursing student at Joliet Junior College, our local community college; it is three months of day care for a working mom and dad with children. It is almost 4,000 diapers for a family with a newborn child.

It is real money for real people; and there are, of course, some here in Washington who say they would much rather spend that money here in Washington than bring about tax fairness by eliminating the marriage tax penalty.

Well, I am proud to say this House is doing something about the marriage tax penalty. Last year we passed and sent legislation to the President which would have wiped out the marriage tax penalty for over 25 million couples; and unfortunately, President Clinton and Vice President GORE vetoed that bill. They had a lot of excuses. They wanted to spend that money. But this year, there is no excuse. We have Valentine's Day approaching, and what better gift to give 25 million married working couples who suffer the marriage tax penalty than to pass legislation wiping out the marriage tax penalty.

This Thursday, we will be considering in the House legislation approved by the Committee on Ways and Means, H.R. 6, the Marriage Tax Elimination Act, which I am proud to say now has 236 cosponsors, including almost 30 Democrats who have joined with us in our effort to eliminate the marriage tax penalty. We help real people.

Let me introduce a couple here. This couple here, Shad and Michelle Hallihan of Joliet, Illinois, two public school teachers in Joliet, Illinois. They happen to make about $60,000 in combined income from their two teaching salaries, and Shad and Michelle suffer almost the average marriage tax penalty.

Well, under the legislation that the House is going to be considering this week, Shad and Michelle will benefit, because two public school teachers who chose to get married who now suffer the marriage tax penalty will essentially have their marriage tax penalty wiped out. Michelle told me the other day, she says, Congressman, tell your friends in the Congress, particularly those who believe it is not a good idea to eliminate the marriage tax penalty, what wiping out the marriage tax penalty would mean for them.

They say $1,000, which is essentially the marriage tax penalty, would buy 3,000 diapers for their newborn baby. That is money that is currently going to Washington that they could use to take care of their child. Frankly, if we want to be fair, it is their money. We should eliminate the marriage tax penalty.

This Thursday, H.R. 6, the Marriage Tax Elimination Act, will help couples like Shad and Michele Hallihan. We do it in several ways. We double the standard deduction. One-half of married couples do not itemize their taxes; they use the standard deduction, so we double it for joint filers. The marriage penalty is created when a married couple of course get married, they file their taxes jointly, their combined income usually pushes them into a higher tax bracket. That is what pushes Shad and Michelle into the 28 percent bracket.

What we want to do, of course, is for the nonitemizers, which is about half of the married couples who suffer the marriage penalty, to double the standard deduction for joint filers to make it twice that of singles. For those who itemize, who are the other half of married couples who suffer the marriage tax penalty, those who itemize are homeowners. The average middle-class family itemizes their taxes because they own a home. We want to help them and provide marriage tax relief as well. So we widen the 15 percent bracket, the basic tax bracket that every one of us pays. We are all in the 15 percent bracket, regardless of our income, for the lowest bottom bracket of our income. By widening the bracket so that joint filers, married couples, can earn twice as much as a single filer and be in that same bracket, we help those who itemize.

We also help the working poor. There is a marriage penalty for the earned income credit, and we provide tax relief for them.

This Thursday, let us have an overwhelming bipartisan majority. Let us work together. Let us eliminate the marriage tax penalty. There are no excuses. We want to be fair. Eliminate the marriage tax penalty.

EXTREMISM, RACISM AND XENOPHOBIA SWEEPING AUSTRIA: HOUSE RESOLUTION 417

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. LANTOS) is recognized during morning hour debates for 5 minutes.

Mr. LANTOS. Mr. Speaker, last week I called the attention of my colleagues to the rise of neofacism in Austria. The deed is now done. The extremist, racist, xenophobic FPO party has entered the Government of Austria. I want to thank all of my colleagues on both sides of the aisle who have joined me in supporting this resolution expressing our regret and dismay.

Joerg Haider, the leader of this party, had ample praise for Adolf Hitler and for SS veterans whom he described as "decent people with character who stuck to their beliefs."

I want to commend the European Union, all 14 nations, which have chosen to downgrade their diplomatic relations with Austria. I want to commend our own State Department for recalling our Ambassador to Austria and for promising to watch developments carefully.

At a time, Mr. Speaker, when the European Union, the United States, and other democratic nations are working actively to discourage ethnic hatred in the republics of the former Yugoslavia and elsewhere, Joerg Haider and his neofascist allies are appealing to racist sentiment and xenophobia. Haider learned this lesson early on. His father joined the Nazi Party in 1929. His mother was an active and enthusiastic Nazi Party member as a teacher. Haider has surely learned the lesson well.

We recognize the right of the Austrian people to elect anybody they choose. However, we reserve the right to express our views when people elect Communist totalitarian regimes or Fascist totalitarian regimes.

We are not there yet. This extremist xenophobic, far right-wing political party is only one of two parties of the Austrian coalition, and we will follow their activities with great care. They have made many commendable promises; but we will have to see how—in the unfolding of Austrian policy, domestic and international—these high-sounding promises are implemented.

The leaders of the European Union, all 14 nations, as well as other nations outside the European Union like Canada, Israel, and Norway, have expressed their deep concern about the new Government of Austria. One of the concerns that I shared in looking at this new far right-wing regime is the impact it is having in legitimatizing antidemocratic, racist forces in other countries of Europe.

This is an awful way to begin the 21st century. Therefore, we need to engage in a voluntary ban against tourism to Austria, the purchase of Austrian products, the use of Austrian airlines, and investments in that country. People need to understand that elections have consequences; and when 27 percent of the Austrian electorate chooses to support an extremist who has made complimentary remarks about Adolf Hitler and who has repeatedly expressed the most obnoxious, racist and xenophobic sentiments, the American people and the people of other civilized countries must respond.

We hope that this government will be better than the past record of Haider's party. There is always an opportunity for change, for reformation, for learning lessons. I call on all of my colleagues and I call on our administration to watch with the utmost care the actions of the new Austrian Government. It is important for us to realize that Adolf Hitler was voted into power, and the fact that people come to power through elections says nothing about their values. Democracy is not just elections; it is the sharing of a set of values of free and open societies.

I call on all of my colleagues to join me in cosponsoring this resolution so it can be the voice of the Congress in expressing our concern over political trends in Austria.

SUPPORT H. RES. 414 FOR STEM CELL MEDICAL RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Maryland (Ms. MORELLA) is recognized during morning hour debates for 5 minutes.

Mrs. MORELLA. Mr. Speaker, last week I joined with my good friend and colleague, the gentlewoman from New York (Mrs. MALONEY), in the introduction of H. Res. 414 to allow Federal funding of pluripotent stem cell research to help us further understand Parkinson's, cancer, blindness, AIDS, Alzheimer's, diabetes, Muscular Dystrophy, Sickle-Cell Anemia, brain and spinal cord injuries, heart, lung, kidney and liver diseases, strokes, Lou Gehrig's Disease, birth defects, and other life-threatening diseases and disabilities.

House Resolution 414 does not request a specific amount of money, nor does it direct disease-specific research. It simply asks that Federal money be allowed to be utilized for the next best chance science has, not only to treat, but to cure, debilitating and life-threatening illnesses that afflict millions of Americans.

Many people have confused pluripotent stem cell research with human embryo research. Stem cells are not embryos. In fact, there is a ban on the use of Federal funds for human embryo research in the United States. Pluripotent stem cells cannot develop into complete human beings; and, therefore, under the law, they are not embryos.

Pluripotent stem cells are the type of cell that can be turned into almost any type of cell or tissue in the body. The medical community estimates that human pluripotent stem cell research makes it a very real possibility that Parkinson's Disease will be cured within 5 years. The American Cancer Society strongly supports pluripotent stem research. In fact, cancer research has shown that injections of stem cells could revive the immune response of patients undergoing bone marrow transplants. With stem cell technology, transplantation of human retinal tissue may be the cure for blinding retinal degenerative diseases which affect more than 6 million Americans.

Stem cell research holds the key; it holds the key to solve the problem of the body's reaction to foreign tissue, resulting in dramatic improvements in the treatment of a number of life-threatening conditions such as burns and kidney failure for which transplantation is currently used.

While the potential medical benefits of pluripotent stem cell technology are unprecedented, the National Institutes of Health has proposed guidelines outlining that this area of research must be conducted in accordance with strict ethical standards.

□ 1300

NIH understands the ethical, legal, and social issues relevant to human pluripotent stem cell research and is sensitive to the need to subject it to oversight that is more stringent than that associated with the traditional NIH scientific peer review process.

Most importantly, Mr. Speaker, Federal funding would bring with it a level of oversight that will not be present if the work remains the sole province of the private sector.

Finally, the American people support stem cell research, as shown by a nationwide survey conducted by Opinion Research Corporation International last year. They found that 74 percent of those polled favored funding of stem cell research by NIH.

Federal funds are crucial to allow scientists to proceed with stem cell research, which offers hope to more than 100 million Americans who suffer from a myriad of deadly and debilitating diseases.

In closing, Mr. Speaker, I want to urge my colleagues to support medical research in the search to find the cure for life-threatening disease and disability. I ask them to cosponsor House Resolution 414.

PAKISTAN'S PATTERN OF SPONSORING TERRORISM, PROVOKING CRISIS IN KASHMIR, AND THREATENING DESTABILIZATION OF REGION

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to discuss the latest episode in a troubling, ongoing pattern by the military regime in Pakistan to provoke a crisis in Kashmir and to essentially pick a fight with India with results that could be destabilizing and devastating to the entire region and the entire world.

The Pakistani government, a military junta that overthrew the civilian government in a coup last October, declared last Saturday, February 5, Kashmir Solidarity Day. Pakistan's military strongman leader, General Musharraf, visited the Pakistani-administered area of Kashmir and encouraged the terrorist forces there to continue their Jihad in the Indian states of Jammu and Kashmir.

That same evening, according to an account from the Indo-American Kashmir Forum, a band of gun-wielding terrorists sought out Kashmiri Pandits or Hindus in the village of Telwani and opened fire on two families belonging to the minority Hindu community. Three Pandits, including a 9-year-old girl, were killed and many others were injured.

Mr. Speaker, this is the true face of the so-called liberation campaign being waged by so-called freedom fighters for years in Kashmir. It is a violent terrorist campaign, pure and simple. Now Pakistan's support for this violent campaign has been laid bare for all the world to see.

Pakistan has always acknowledged its political and moral support for the insurgency in Kashmir, but evidence clearly shows that Pakistan's support runs much deeper. Now General Musharraf has spelled it out. He publicly pledged his support for the terrorist groups fighting in India's state of Jammu and Kashmir.

He was quoted in news accounts saying, "All heads rise with pride when we hear of the struggle of Kashmiri freedom fighters." These are the same freedom fighters who carried out the atrocity against the Pandit villagers, including the little girl, that same night.

Mr. Speaker, India and Pakistan have fought two wars over Kashmir. Last summer Pakistan initiated a border skirmish last year across the line of control that separates the two sides near the town of Kargil. Most news accounts indicate that General Musharraf and the other military coup leaders were behind the planning and execution of that disastrous campaign.

Fortunately, the United States and the rest of the world community recognize Pakistan as the aggressor. President Clinton prevailed on the civilian leadership of Pakistan, and I stress, civilian leadership of Pakistan at the time, because the civilian government was still in place, to withdraw its forces.

A few months later General Musharraf overthrew Pakistan's civilian government, and the government in Islamabad has been escalating the threatening rhetoric and destabilizing actions ever since.

Mr. Speaker, the U.S. has not done enough, in my opinion, to show its opposition to the military takeover in Pakistan. A House resolution that condemns the coup has come out of committee. The problem is that the military government has no legitimacy, and can only stay in power as long as it whips up hatred against India by citing Kashmir. That is why the generals started the Kargil war, and that is why they encouraged the hijacking of the India Airlines plane last December. That is why they continue the campaign against a multi-ethnic and religious state in Kashmir, and contribute to the murder of innocent Kashmiri Pandits. The end result of the generals' provocation would be another war with India over Kashmir. The problem is that the generals now control nuclear weapons they could unleash in such a war.

Mr. Speaker, the U.S. must send an unequivocal message that this continued provocation in Kashmir by the Pakistan military regime is unacceptable. At a minimum, the President should not visit Pakistan during his trip to South Asia in March. The State Department should declare Pakistan a terrorist state, and make it clear there will be no further contact with the Pakistani government until it stops its provocative actions in Kashmir and takes steps to restore democracy in Pakistan.

INTRODUCTION OF LEGISLATION TO IMPLEMENT THE EXECUTIVE ORDER ON FEDERAL WORKFORCE TRANSPORTATION IN THE NATIONAL CAPITAL REGION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Mr. Speaker, today I am introducing, along with the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Virginia (Mr. DAVIS), a bill which will require the President to issue the Executive Order on Federal Workforce Transportation in the National Capital Region.

No single action will do more to reduce traffic congestion and improve the quality of life of the people who live in the Washington metropolitan area. This Federal order, which has been held at the White House for over 6 months, would help alleviate traffic congestion in Washington, D.C., Maryland, and Virginia for all people, those who work for the government and those who work in the private sector.

The order would reduce traffic by requiring all Federal agencies to provide a monthly transit benefit to their employees. Currently less than 20 percent of the Federal work force is eligible to receive transit benefits. This action would encourage Federal employees to use mass transit, and could take thousands of cars off the street every day. The order would expand the use of telecommuting and telework for Federal employees, which would also take cars off the road, give Federal employees the opportunity to telework, where they can have more choices and opportunities, and make it a better environment.

Lastly, the order would increase carpool benefits, shuttle service between mass transit points and agency worksites, and allow for alternative work schedules.

Mr. Speaker, I think we all agree that the Federal government has a responsibility to help reduce air pollution, and that motor vehicle traffic is the major source of pollution in this region. This Executive Order would take cars off the road, help clean up the air, and yet the White House is sitting on it.

Let me read exactly what the Executive Order says about air pollution. It says, "In furtherance of the purposes of the Clean Air Act and the Federal Employees Clean Air Incentives Act, the Federal government, as the largest single employer in the Nation's Capital Region, has a responsibility to reduce the traffic congestion and motor vehicle-generated air pollution. . . ."

This Executive Order for the most part is an environmental document, and yet the Clinton-Gore White House is refusing to approve it.

Mr. Speaker, allow me to read from the implementation requirements, which state, "For several years, there have been increasingly dire warnings about the negative consequences of traffic congestion and air pollution in the Capital region. Studies show that adverse impacts on the economy, quality of life, energy resources, environment, and public health."

Why is the White House sitting on the Executive Order which they know will benefit the health of the people who live in the region, but also give Federal employees control over their own lives, and also take automobiles and cars off the streets of Maryland and Virginia and the District of Columbia so people can get back and forth to work and spend more time with their families?

It is a quality of life issue there. The simple fact that this order would reduce traffic congestion in our region is reason enough to sign it. Now we learn it will help with regard to the environment.

The document is important. The action is needed for now. Yet, this has been sitting on the President's desk for over 6 months. The bill will go in today. We will attempt to pass this bill. But I would hope and ask the White House to sign the Executive Order so we can give Federal employees this opportunity, give them opportunities to telework, but also take cars off the streets whereby we can have a better quality of life in this region for everyone who drives.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 8 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 2 p.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

O gracious God, we remember with compassion and empathy those members of our community who have suffered great loss and have walked through the valley of the shadow of death.

In our grief we look to Your spirit, O God, for healing and hope, for strength and meaning, for peace and assurance. May the bounty of Your love and the majesty of your whole creation ever remind us of the wonderful gifts of faith and hope and love and may these gifts continue to live in our hearts and minds now and evermore. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE HONORABLE NEIL ABERCROMBIE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable NEIL ABERCROMBIE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 3, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that a staffer in my Honolulu, Hawaii district office has been served with a trial subpoena for testimony, directed to me and issued by the U.S. District for the District of Hawaii.

In consultation with the Office of General Counsel, I will determine whether compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

NEIL ABERCROMBIE.

END THE MARRIAGE PENALTY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, nearly a half century ago, Albert Einstein said that the hardest thing to understand in the world is the income tax. Since then, our income tax system has not gotten better; it has gotten worse.

Today, American taxpayers, including myself, just cannot understand why married couples must pay more in taxes simply because they are married.

Mr. Speaker, in my home State the marriage tax penalty robs over 290,000 Nevadans every April 15. While I welcome the President's support for marriage penalty relief, his proposal simply does not go to the heart of the problem. His proposal fails to help all of America's hard-working couples.

The Republican plan will provide over the next decade $180 billion in marriage penalty relief to 25 million couples, including millions of middle-class Americans hit hardest by this unfair tax burden.

Mr. Speaker, one thing is clear to me: it is time that we right this wrong and provide real marriage penalty relief for America.

Mr. Speaker, I yield back this corrupt burden of our Internal Revenue Code.

ANNIVERSARY OF THE 1996 TELECOMMUNICATIONS ACT

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, we all know that monopolies do not serve the public interest; they keep prices high, limit consumer choice, and fail to innovate. In 1996, in an effort to break up the entrenched local phone monopolies, Congress overwhelmingly passed the Telecommunications Act. I am happy to commemorate the 4-year anniversary of that Act.

The theory of the 1996 law is simple: in order to encourage local phone monopolies to open their local networks to competition, the Bells would be permitted to enter the long-distance market, but only when their local markets were open and competitive. Four years after its passage, there is substantial evidence that the 1996 act is working. But the local phone market is still not as competitive as we would like. There are competitive local carriers growing rapidly, both in terms of revenue and market capitalization; but they still compromise only 5 percent of the market. And worse still, the Bells even refuse to provide competitors with the necessary network access.

JOIN CONGRESSIONAL LIFE FORUM WEDNESDAY TO HEAR DR. JOSEPH BRUNER

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, I direct the Members' attention to this photograph of the little hand of Samuel Armas and the larger hand of his surgeon, Dr. Joseph Bruner.

Samuel Armas was still unborn when this was taken. He suffered from spina bifida, a disabling illness that affects one or two of every thousand babies.

Look at Samuel as Dr. Bruner finishes this prenatal operation procedure that will help Samuel after he is born. While still in the womb, before the doctor sews up his mother's womb, he sticks out his arm and his little hand grasps the finger of the surgeon, Dr. Bruner.

When this picture was taken, Samuel was 21 weeks old. What an example of the humanity of the little unborn child, as if he is saying thank you, I am okay.

Samuel was born on December 2, a healthy little baby boy. Thanks to Dr. Bruner, he has a chance to live a full and productive life. Mr. Speaker, life is precious.

The man who showed us this picture a couple of years ago, Dr. Bernard Nathanson, is coming back tomorrow at noon to speak to the Congressional Life Forum and Cannon Caucus. Everyone is welcome to attend.

INNOCENT UNTIL PROVEN GUILTY SHOULD BE GOOD ENOUGH FOR IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1997, the IRS seized 10,000 properties. After Congress changed the law and shifted the burden of proof to the IRS, last year, the IRS seized only 161 properties; 161 from 10,000. But guess what, the IRS wants the law changed back. They say it is too costly. Unbelievable.

If the IRS had their way, last year 9,840 American families would have lost their homes and their businesses. Beam me up.

Listen. If innocent until proven guilty is good enough for mass murderers, it is good enough for Mom and Dad, and it is good enough for the IRS.

Mr. Speaker, I yield back the tears and whining over the IRS.

MARRIAGE TAX PENALTY

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, I think my colleagues on both sides of the aisle would agree that we may never have a perfect tax code, but it should at least be fair. That is the essence of any voluntary tax system.

How can we in this body make our tax system more fair? We can start by passing the marriage tax relief bill. Last year, nearly 50 million Americans, including more than 200,000 of my fellow Arkansans, paid extra taxes just because they were married. These folks do not pay just a little bit more in taxes; they paid an average of $1,400 apiece.

Our government is discriminating against married couples by forcing them to pay an extra fine of more than $1,000. This is not fair, and it should end.

Whether it is in a church or in a courtroom, couples have to usually pay some type of a fee for the marriage ceremony. But while it may cost money to get married, it should not cost money to be married.

I hope all of my colleagues will join me in standing up for married couples and in voting yes on the Marriage Tax Penalty Relief Act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate is concluded on all motions to suspend the rules, but not before 6 p.m. today.

ABRAHAM LINCOLN BICENTENNIAL COMMISSION ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abraham Lincoln Bicentennial Commission Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Abraham Lincoln, the 16th President, was one of the Nation's most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country Lincoln loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the "American Dream" through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and a commission should be established to study and recommend to Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Abraham Lincoln.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Abraham Lincoln Bicentennial Commission (referred to in this Act as the "Commission").

SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To study activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Abraham Lincoln on the occasion of the bicentennial anniversary of Lincoln's birth, including—

(A) the minting of an Abraham Lincoln bicentennial penny;

(B) the issuance of an Abraham Lincoln bicentennial postage stamp;

(C) the convening of a joint meeting or joint session of Congress for ceremonies and activities relating to Abraham Lincoln;

(D) a redesignation of the Lincoln Memorial, or other activity with respect to the Memorial; and

(E) the acquisition and preservation of artifacts associated with Abraham Lincoln.

(2) To recommend to Congress the activities that the Commission considers most fitting and proper to honor Abraham Lincoln on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

SEC. 5. MEMBERSHIP.

(a) Number and Appointment.—The Commission shall be composed of 15 members appointed as follows:

(1) Two members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Illinois.

(3) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Indiana.

(4) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Kentucky.

(5) Three members, at least one of whom shall be a Member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(6) Three members, at least one of whom shall be a Senator, appointed by the majority leader of the Senate.

(7) Two members, at least one of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(8) Two members, at least one of whom shall be a Senator, appointed by the minority leader of the Senate.

(b) Qualified Citizen.—A qualified citizen described in this subsection is a private citizen of the United States with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Abraham Lincoln.

(c) Time of Appointment.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(d) Continuation of Membership.—If a member of the Commission was appointed to the Commission as a Member of Congress, and ceases to be a Member of Congress, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(e) Terms.—Each member shall be appointed for the life of the Commission.

(f) Vacancies.—A vacancy in the Commission shall not affect the powers of the Commission but shall be filled in the manner in which the original appointment was made.

(g) Basic Pay.—Members shall serve on the Commission without pay.

(h) Travel Expenses.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) Quorum.—Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(j) Chair.—The Commission shall select a Chair from among the members of the Commission.

(k) Meetings.—The Commission shall meet at the call of the Chair. Periodically, the Commission shall hold a meeting in Springfield, Illinois.

SEC. 6. DIRECTOR AND STAFF.

(a) Director.—The Commission may appoint and fix the pay of a Director and such additional personnel as the Commission considers to be appropriate.

(b) Applicability of Certain Civil Service Laws.—

(1) Director.—The Director of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) Staff.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 7. POWERS.

(a) Hearings and Sessions.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(b) Powers of Members and Agents.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) Obtaining Official Data.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) Administrative Support Services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 8. REPORTS.

(a) Interim Reports.—The Commission may submit to Congress such interim reports as the Commission considers to be appropriate.

(b) Final Report.—The Commission shall submit a final report to Congress not later than the expiration of the 4-year period beginning on the date of the formation of the Commission. The final report shall contain—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) the recommendations of the Commission; and

(3) any other information that the Commission considers to be appropriate.

SEC. 9. BUDGET ACT COMPLIANCE.

Any spending authority provided under this Act shall be effective only to such extent and in *such amounts as are provided in appropriation Acts.*

SEC. 10. TERMINATION.

The Commission shall terminate 120 days after submitting the final report of the Commission pursuant to section 8.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 1451.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1451, the Abraham Lincoln Bicentennial Commission Act, as amended by the Senate. As my colleagues will recall, this is the second time the House has considered H.R. 1451, which creates a commission to honor the life of Abraham Lincoln. Last October, this body overwhelmingly passed this legislation by a vote of 411 to 2 and sent it to the Senate for consideration.

I am pleased to have the opportunity today to manage H.R. 1451 for the second time. I congratulate the gentleman from Illinois (Mr. LAHOOD), my good friend and colleague, for authoring this fine bill.

Mr. Speaker, in 2009, America will celebrate the 200th anniversary of the birth of our 16th and perhaps greatest President, Abraham Lincoln.

Abraham Lincoln was born on February 12, 1809, in Hardin County, Kentucky. He was the son of a Kentucky frontiersman and struggled throughout most of his younger years in both Kentucky and Illinois to earn a living and to learn.

Abraham Lincoln once claimed he had been educated by "littles," a little now and a little then. Yet for a man without what we would call a formal education, Abraham Lincoln embodied every character trait that we aspire to attain.

It is because Abraham Lincoln possessed these traits that his name is synonymous with all that is great and good in America. His name has come to symbolize commitment, freedom, honesty, bravery and vision: freedom because it was Abraham Lincoln who led the successful effort to free all slaves in the United States; honesty because of his untarnished character and impeccable integrity, which earned him the nickname "Honest Abe"; bravery because he fought for and eventually gave his life to advance the principles that guided our Founding Fathers, including that "all men are created equal"; and he had the vision to preserve a "more perfect union" by guiding this country through its most divisive period, the Civil War. When that war was drawing to a conclusion, Lincoln sought to bind up the Nation's wounds rather than punish those who had seceded from the union.

Tragically, an assassin's bullet not only took Lincoln's life, but with it killed any chance for a magnanimous peace.

Let me take a moment to inform my colleagues of the changes the Senate has made to H.R. 1451. Under both the House- and Senate-passed bills, the commission will consist of 15 members, individuals who possess a substantial appreciation of Abraham Lincoln's life. However, as amended by the Senate, the individual who chairs the commission will be appointed by the members of the commission, not by the President.

In addition, the Senate amendments reduce the number of commissioners appointed by the President from nine to five. The number of commission members appointed by congressional leaders is increased from six to 10, and the leaders are provided more flexibility in making those appointments.

Finally, the Senate amendments provide that three, rather than six, of the President's appointments will be individuals recommended by the governors of Illinois, Indiana, and Kentucky, States in which Lincoln spent most of his life. I believe these are appropriate changes and urge all Members to concur with their adoption.

Mr. Speaker, I am proud to offer this legislation. I am also proud to be a cosponsor of the bill, and I encourage the support of all Members.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation before us today establishes a bicentennial commission to celebrate the life and accomplishments of this Nation's 16th President, Abraham Lincoln.

In many respects, Abraham Lincoln was an ordinary man who, throughout his life, did many extraordinary things. Mr. Lincoln was poor and struggled to educate himself. After completing his duties, he practiced law. He served in the military, holding the rank of captain during the Black Hawk War. Thereafter, he continued his public service by spending 8 years in the Illinois legislature. Then in 1836, he was elected to Congress and served two terms.

□ 1415

In 1832, when Abraham Lincoln was seeking his first seat in the Illinois General Assembly, he stated in his first political announcement, and I quote, "Upon the subject of education, not presuming to dictate any plan or system respecting it, I can only say that I view it as a most important subject which we as a people can be engaged in. That every man receive at least a moderate education and thereby be enabled to read the histories of his own and other countries by which he may duly appreciate the value of our free institutions, appears to be an object vital importance."

It is important that H.R. 1451 stipulates that the members of the commission be selected based on their demonstrated dedication to educating others about the importance of historical figures and events. It is through education that we learn about our pasts and prepare ourselves for our future. Abraham Lincoln made decisions and took actions that would forever change the course of America. The commission will be responsible for educating Americans, young and old, about the importance of the Lincoln legacy and contributions he made for a free and unified country.

In 1854, Lincoln took an unpopular stance and opposed the Kansas-Nebraska Act, which threatened to extend slavery to other States. Lincoln was elected president in 1860 when the United States was no longer united but was divided over slavery. Believing that secession was illegal, he was prepared to use force to defend the union and did so. The Civil War began in 1861 and would last 4 years costing the lives of over 500,000 Americans.

On November 16, 1863, in the midst of a war, on a battlefield near Gettysburg, Pennsylvania, President Lincoln not only acknowledged the sacrifice of thousands who had perished but presented his vision for the future of our Nation, conceived in liberty, where everyone is created equal. The speech known as the Gettysburg Address shaped the destiny of the United States of America; that government of the people and by the people should be for all the people, regardless of race or color. For this, Mr. Lincoln lost his life on the balcony of the Ford Theater in 1865 right here in Washington, D.C.

The Bicentennial Commission will recommend to Congress what activities and actions should be taken to celebrate the life of Abraham Lincoln. The commission's recommendations to this body should reflect how a man of humble roots rose to the office of the President of the United States of America.

The bicentennial anniversary of the birth of Abraham Lincoln presents the opportunity for Americans to recommit ourselves to the principles extolled by Abraham Lincoln: honesty, integrity, loyalty and the pursuit of education. I urge all Members of this body to support H.R. 1451.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LaHOOD), the author of this bill.

Mr. LaHOOD. Mr. Speaker, I want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for yielding this time to me, and also thank the gentleman from Maryland (Mr. CUMMINGS) for his remarks here today, his remarks in the committee, and his remarks when we previously considered this bill last year. They were most eloquent about President Lincoln.

Mr. Speaker, I am here today to celebrate the life and legacy of President Abraham Lincoln by asking for my colleagues' support of H.R. 1451, the Abraham Lincoln Bicentennial Act of 1999. The bill, which has passed the Senate, will establish a commission, the purpose of which would be to make recommendations to Congress for a national program to honor President Abraham Lincoln in the year 2009, the bicentennial celebration of his birth.

For decades historians have acknowledged President Lincoln as one of our country's greatest presidents. As our 16th President, Lincoln served the country during a most precarious era. While most of the country looked to divide, President Lincoln fought for unity and eventually saved the Union.

With the belief that all men are created equal, President Lincoln led the charge to end slavery in America. Without the determination and wisdom of President Lincoln, our country as we know it may not exist today.

President Lincoln also serves as a national symbol of the American Dream. Born of humble roots on February 12, 1809 in Hardin County, Kentucky; Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States of America.

In 1909, America celebrated the centennial of President Lincoln's birth in a manner deserving of the accomplishments. Congress approved placing the image of President Lincoln on the first-class stamp for the first time, made President Lincoln's birth a national holiday, and passed legislation leading to the construction of the Lincoln Memorial here in Washington, D.C. Further, President Theodore Roosevelt approved placing the image of President Lincoln on the penny.

As in 1909, I am pleased that Congress will again honor President Lincoln in 2009 by establishing the Abraham Lincoln Bicentennial Commission. Through this commission, Congress will be able to demonstrate its appreciation for Abraham Lincoln's accomplishments and ultimate sacrifice for our country.

The commission will identify and recommend to Congress appropriate actions to carry out this mission. And through the recommendations of this commission and subsequent acts of Congress, the American people will benefit by learning about the life of President Lincoln.

As an Illinoisan, I am proud of the fact President Lincoln considered Illinois his home for virtually all his adult life. In one of his most famous acts, President Lincoln enacted the Emancipation Proclamation, which went into effect January 1, 1863. Abraham Lincoln is remembered for his vital role as the leader in preserving the Union and beginning the process that led to the end of slavery in the United States.

He is remembered for his character, his speeches, his letters, and as a man of humble origin whose determination, preservation, perseverance led him to the Nation's highest office.

I would also like to acknowledge the assistance of a man named Peter Kovler, who actually came to me with this idea of establishing the commission. And it was he, as a private citizen, because of his interest in Lincoln, that this idea was brought forth in the form of a bill which will become law.

I would also like to thank Chuck Schierer of my staff and Chris Guidry of my staff for their help in drafting this bill.

I also want to acknowledge the fact that I have spoken to the gentleman from Kentucky (Mr. LEWIS), and we both have agreed that the commission should strongly consider holding their first meeting in Kentucky, the birthplace of Abraham Lincoln, as the site of its inaugural meeting. And we hope that will be accomplished.

I ask all my colleagues to join me today in honoring the memory of President Abraham Lincoln by supporting the Abraham Lincoln Bicentennial Commission Act of 1999.

Mrs. BIGGERT. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I rise to join my colleague, the gentleman from Illinois (Mr. LaHOOD), and the entire Illinois delegation in supporting H.R. 1451 to create the Lincoln Bicentennial Commission.

As we near the 200th birthday of one of America's greatest presidents, it is important that we celebrate and commemorate his legacy. There can be no doubt that it was Abraham Lincoln's resolve that kept our Nation together during its most turbulent period. To forget or overlook that resolve and the sacrifices that President Lincoln and millions of others made, and many continue to make, would be wrong.

It is said that the 1700s were about creating a Nation, the 1800s were about preserving a Nation, and the 1900s about bringing a Nation together. Let us dedicate this next 100 years to building on the Lincoln legacy, to move our Nation forward as one people committed to freedom.

Lincoln said at Gettysburg that the world would not long remember and would soon forget what he and others were doing to preserve our Nation. Well, I say that we have not forgotten the sacrifices made and we will not take President Lincoln's legacy for granted. We thank him for his service and the example of the ends to which we must go to preserve this Nation and the rights of all citizens.

Happy birthday, Mr. Lincoln. I ask my colleagues for a favorable vote.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when I look at what we are doing today, I think it is extremely important, and I certainly urge my colleagues to support this very important legislation; but I was considering something that Abraham Lincoln said that I think is just so telling about the man that we honor through this legislation. It is a quote I had not heard before, but I think it is one that perhaps all of us should give some serious consideration to.

He said, "I desire to so conduct the affairs of this administration that if at the end, when I come to lay down the reins of power, I have lost every other friend on earth, I shall at least have one friend left and that friend shall be down inside of me." He really said something. The fact is that Abraham Lincoln stood for so much.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. LaHOOD) for his foresight in taking up the mantle of a constituent, which says a lot. I think a lot of times constituents think that they have little effect. But the fact is that here we are standing here today with this legislation because the gentleman took it upon himself to lift up the idea of a constituent. It goes to the same kind of thing, that one person can make a difference.

So with that, Mr. Speaker, I again urge our colleagues to support the legislation, and I want to thank the gentlewoman for her cooperation and certainly the ranking member and the chair of our committee and subcommittee.

Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me close by reading to my colleagues a portion of the sermon given by Phineas D. Gurley at President Lincoln's funeral at the White House. The sermon and its message are powerful. They express the essence of Abraham Lincoln's character and why we seek to honor him today with this legislation.

I quote Dr. Gurley. "Probably no man since the days of Washington was ever so deeply and firmly embedded and enshrined in the very hearts of the people as Abraham Lincoln. Nor was it a mistaken confidence and love. He deserved it well, deserved it all. He merited it by his character, by his acts, and by the whole tenor and tone and spirit of his life. He was simple and sincere, plain and honest, truthful and just, benevolent and kind. His perceptions were quick and clear, his judgments were calm and accurate, and his purposes were good and pure beyond a question. Always and everywhere he aimed and endeavored to be right and to do right."

Let us do right by our 16th president by passing this legislation today.

Again, Mr. Speaker, I commend the gentleman from Illinois (Mr. LAHOOD) for introducing the bill. I also thank the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, and the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the Subcommittee on Civil Service, for expediting its consideration, as well as the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from California (Mr. WAXMAN) for their strong support. I urge all Members to support H.R. 1451.

Mr. ROEMER. Mr. Speaker, I rise in strong support of H.R. 1451, The Abraham Lincoln Bicentennial Commission Act recognizing the bicentennial of his birth. As a proud Hoosier, I call attention to the fact that Abraham Lincoln spent several key years of his life, his most formative years, maturing from youth to manhood while living in the State of Indiana.

Therefore, it is most fitting that this bill gives the Governor of Indiana the authority to appoint two members of the commission. Growing up in Indiana was a considerable influence in the life and development of Abraham Lincoln. He received his first exposure to politics and the issues that would later dominate his life in public service while living in Indiana. One of his first jobs was at a general store and meat market, which was owned by William Jones, whose family owned slaves in violation of the Indiana State Constitution. This was Lincoln's first introduction to slavery.

Abraham Lincoln firmly held to the highest ethical standards throughout his political career, appropriately earning the nickname Honest Abe. His vigorous work ethic and strong sense of morality are shining examples of selfless devotion to public service. His memory continues to serve as a guiding light for the future. He was fiercely devoted to his family, and he put the interests of his country above his own, which tragically led to his assassination. The Gettysburg Address and Second Inaugural Speech live on as two of the most important and best written speeches in American history.

Mr. Speaker, Indiana takes pride in its contributions to the life of President Lincoln, and we look forward to the work of the Commission in honoring him and reminding Americans of his legacy. All Americans, regardless of their state, take great pride in Abraham Lincoln. I encourage my colleagues to support this legislation.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of H.R. 1451, the Abraham Lincoln Bicentennial Commission Act. First of all, I would like to thank Congresswoman JUDY BIGGERT of the Civil Service Subcommittee, who happens to represent Illinois, for speaking so eloquently on this important piece of legislation. Secondly, I commend Mr. LAHOOD, my colleague also from Illinois, for his sponsorship of this measure honoring President Abraham Lincoln. I also would like to mention Congressman RON LEWIS of Kentucky for his work on H.R. 1451, which ensured that President Lincoln's birthplace of Kentucky also had a legitimate role in this commission.

Mr. Speaker, in 9 years the United States will celebrate the bicentennial anniversary of Abraham Lincoln's birth. On this occasion we will certainly want to properly honor Abraham Lincoln for his immeasurable contributions to our Nation and to mankind. The Abraham Lincoln Bicentennial Commission, established by H.R. 1451, will study and recommend activities and programs through which we, as a nation, can best remember and honor Abraham Lincoln, and rededicate ourselves to the ideals for which he fought and died.

At this time, I also would like to express my appreciation to my colleague from Indiana, Congressman MARK SOUDER, for his efforts on behalf of our home State. Indiana is proud to be the boyhood home of Abraham Lincoln. From age 7 to age 21, he lived on the frontier in southern Indiana. During his years in Indiana, he acquired his education, grew to his full height, and most important, developed his strong character which served our Nation so well during the crisis of the Civil War.

I urge my colleagues to support H.R. 1451, and again thank all those involved for making this the exceptional piece of legislation that you see before you.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to again voice my support for the Abraham Lincoln Bicentennial Commission Act. It is very fitting that we are considering this legislation today because this Saturday, February 12, will mark the 191st birthday of one of the greatest Presidents to ever serve our Nation.

Lincoln occupied the White House through 4 of our country's darkest years and was faced with the prospect of uniting our country torn asunder by civil war. Through his leadership and perseverance, Mr. Speaker, the Union was preserved.

While it is impossible to overlook his contributions to America from the White House, there is much more to the story of Abraham Lincoln that endures in the hearts and minds of his countrymen. Lincoln was born to humble roots in a log cabin in Hodgenville, Kentucky, located in the Second District. He was largely self-educated, yet became one of our country's greatest statesman with his eloquent use of the English language. He clung to the highest ethical standards throughout his political career, earning the nickname Honest Abe. He was fiercely devoted to his family, and he put the interest of his country above his own, which ultimately led to his assassination. He was born into obscurity but earned the gratitude and love of every American.

Lincoln's story is one of America, and should serve as an inspiration to all of us. It is a story posterity needs to learn, and it is incumbent on the Federal Government to use all available resources to preserve his legacy.

Lincoln has always been one of my heroes of history. In fact, his portrait, along with many other likenesses, graces my Washington and District offices and serves as a reminder to me of my duty to my country and responsibility to those who have elected me to serve.

I urge my colleagues to support the Abraham Lincoln Bicentennial Commission Act. As Edwin Stanton said upon the President's death, "Now he belongs to the ages." We have an opportunity today to make sure President Lincoln remains a man for the ages by passing this legislation.

Mr. Speaker, it is my hope that this commission will conduct its inaugural meeting in Hodgenville, Kentucky, the birthplace of Abraham Lincoln.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1451.

The question was taken.

Mr. LAHOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1430

POISON CONTROL CENTER ENHANCEMENT AND AWARENESS ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 632) to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

The Clerk read as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Poison Control Center Enhancement and Awareness Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Each year more than 2,000,000 poisonings are reported to poison control centers throughout the United States. More than 90 percent of these poisonings happen in the home. 53 percent of poisoning victims are children younger than 6 years of age.

(2) Poison control centers are a valuable national resource that provide life-saving and cost-effective public health services. For every dollar spent on poison control centers, $7 in medical costs are saved. The average cost of a poisoning exposure call is $32, while the average cost if other parts of the medical system are involved is $932. Over the last 2 decades, the instability and lack of funding has resulted in a steady decline in the number of poison control centers in the United States. Within just the last year, 2 poison control centers have been forced to close because of funding problems. A third poison control center is scheduled to close in April 1999. Currently, there are 73 such centers.

(3) Stabilizing the funding structure and increasing accessibility to poison control

centers will increase the number of United States residents who have access to a certified poison control center, and reduce the inappropriate use of emergency medical services and other more costly health care services.

SEC. 3. DEFINITION.

In this Act, the term "Secretary" means the Secretary of Health and Human Services.

SEC. 4. ESTABLISHMENT OF A NATIONAL TOLL-FREE NUMBER.

(a) IN GENERAL.—The Secretary shall provide coordination and assistance to regional poison control centers for the establishment of a nationwide toll-free phone number to be used to access such centers.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the establishment or continued operation of any privately funded nationwide toll-free phone number used to provide advice and other assistance for poisonings or accidental exposures.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004. Funds appropriated under this subsection shall not be used to fund any toll-free phone number described in subsection (b).

SEC. 5. ESTABLISHMENT OF NATIONWIDE MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary shall establish a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 4.

(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $600,000 for each of the fiscal years 2000 through 2004.

SEC. 6. ESTABLISHMENT OF A GRANT PROGRAM.

(a) REGIONAL POISON CONTROL CENTERS.—The Secretary shall award grants to certified regional poison control centers for the purposes of achieving the financial stability of such centers, and for preventing and providing treatment recommendations for poisonings.

(b) OTHER IMPROVEMENTS.—The Secretary shall also use amounts received under this section to—

(1) develop standard education programs;

(2) develop standard patient management protocols for commonly encountered toxic exposures;

(3) improve and expand the poison control data collection systems;

(4) improve national toxic exposure surveillance; and

(5) expand the physician/medical toxicologist supervision of poison control centers.

(c) CERTIFICATION.—Except as provided in subsection (d), the Secretary may make a grant to a center under subsection (a) only if—

(1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirement of subsection (c) with respect to a noncertified poison control center or a newly established center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

(2) RENEWAL.—The Secretary may only renew a waiver under paragraph (1) for a period of 3 years.

(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State, or local funds provided for such center.

(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

(g) MATCHING REQUIREMENT.—The Secretary may impose a matching requirement with respect to amounts provided under a grant under this section if the Secretary determines appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 2000 through 2004.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 632.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask my colleagues to approve S. 632, the Poison Control Center Enhancement and Awareness Act.

This long-overdue legislation will provide a stable base of support for our Nation's threatened poison control centers and improve public education and awareness about these life-saving resources.

This Senate bill is the companion measure to the legislation that I introduced with my colleague and friend, the gentleman from New York (Mr. TOWNS), in the last session of Congress. I am pleased to note that our bill enjoys strong bipartisan support, it has more than 130 cosponsors; and that the Senate bill, this bill, was approved by unanimous consent under the leadership of our Ohio friend, Senator Mike DEWINE.

Poison control centers provide vital, very cost-effective services to the American public. Each year more than 2 million poisonings are reported to poison control centers throughout the United States. More than 90 percent of these poisonings occur in the home, and more than 50 percent of poisoning victims are children under the age of 16.

For every dollar spent on poison control center services, $7 in medical services are saved. But in spite of their obvious value, poison control centers are indeed in jeopardy.

Historically, these centers were typically funded by the private and public sector hospitals where they were located. The transition to managed care, however, has resulted in a gradual erosion of the funding. As this funding source has been drying up, poison control centers have only partially been able to replace the support by cobbling together other State and local and private funding.

The financial squeeze has forced many of the centers to curtail their poison prevention advisory services and their information and emergency activities and reduce the number of nurses, pharmacists, and physicians answering the emergency telephones. Currently, there are 73 centers. In 1978 there were 661.

The Poison Control Center Enhancement and Awareness Act will provide up to $28 million each year over the next 5 years to provide a stable source of funding for these centers, to establish a national toll-free poison control hotline, and to improve public education on poisoning prevention and poison center services.

The legislation is designed to ensure that these funds supplement, not supplant, other funding that the centers may be receiving and provides the Secretary of Health and Human Services with the authority to impose a matching requirement.

Further, to receive Federal funding, a center will have to be certified by the Secretary of Health and Human Services or an organizational expert in the field of poison control designated by the Secretary. I want to recognize especially Senator DEWINE's contribution and his leadership.

In addition to my colleague, the gentleman from New York (Mr. TOWNS), I would especially like to thank the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce; the gentleman from Michigan (Mr. DINGELL), the ranking member; and the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health and the Environment; and the gentleman from Ohio

(Mr. BROWN), his ranking member, for their interest and leadership on this issue.

Mr. Speaker, there is no greater pain or nightmare to watch a loved one suffer for something that we could cure.

I can remember, as a new dad, buying those little gadgets and putting them on my cupboards in my kitchen to make sure that my daughter and my son would not be able to open those up and find the detergent and bleach and other things that might be in those cabinets. But despite that foresight, it is not 100 percent foolproof. And when these things happen, we have to make sure that every family across this great country has access to an 800 number where they can immediately reach out to someone who knows what to do when that tragedy might strike.

That is what this bill does, Mr. Speaker. It provides that access so our kids and our loved ones can live. I urge all of my colleagues to support this legislation. It is long overdue, and I look forward to its passage this evening.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to join my colleague and friend, the gentleman from Michigan (Mr. UPTON), in supporting S. 632.

I also would like to thank the gentleman from Michigan (Mr. DINGELL), the ranking member of the full committee; and, of course, the gentleman from Florida (Mr. BILIRAKIS), the chairman of the subcommittee; and the gentleman from Virginia (Mr. BLILEY), the chairman of the full committee; and the gentleman from Ohio (Mr. BROWN), who is the ranking member on the Subcommittee on Health and the Environment. I would like to thank all of them for their outstanding leadership, along with the gentleman from California (Mr. WAXMAN) and the gentleman from Illinois (Mr. RUSH).

The Poison Control Center Enhancement and Awareness Act, we introduced virtually identical legislation, H.R. 1221, in March of last year. The poison control centers provide cost savings, effective preventive services to the American public. For every dollar spent on a center's services, $7 in medical costs are saved.

Yet, we have seen a dramatic decrease in the number of centers. They have actually decreased them by 588 from 1978 to 1999, when we introduced 1221. That is hard to understand.

When we talk to the nurses, they want it. When we talk to the doctors, they want it. Anybody that is involved in health care is asking that we fund these poison control centers and that we do it now. Because they are so important in terms of saving the lives of so many people, especially our children.

This legislation would authorize appropriations for $28 million over the next 5 years, which provides a stable source of funding. The Secretary of Health and Human Services is also directed under the legislation to improve public education about poisonings and to provide correlation and assistance to regional poison control centers for the establishment of a nationwide toll-free phone number to access these centers. This kind of effort is critical if centers are to provide the maximum level of service to our most vulnerable population, the Nation's children.

Children are disproportionately impacted. For example, 60 percent of poisonings involved children under the age of 6.

In hearings that we held during the 104th Congress, in the House Government Operations Subcommittee on Human Resources, suggested that the unintentional injuries and deaths that result from poisonings could be mitigated if we had a stable source of funding for poison control centers.

In other words, if we would just say that we were going to be committed to it and put forth a certain amount rather than continuing to do a piecemeal kind of thing, we would be able to save a lot of lives because people would know where to turn.

S. 632 provides us with the opportunity today to ensure a stable source of funding. I urge my colleagues, including the 130 cosponsors of our bill, H.R. 1221, to join me in voting for this measure. It passed the Senate by unanimous consent. We should do no less today to guarantee that poison control centers have the financial security they need to provide our citizens with life-saving information about these centers.

Mr. Speaker, let me just again commend my colleague, the gentleman from Michigan (Mr. UPTON), for the outstanding job that he has done. Because when we walk the streets and we talk to people that have children and they talk about some of the incidents that have occurred and that they do not know where to turn, when we talk to physicians who are actually in the emergency rooms of these various hospitals who say that they look to these poison control centers to get information to be able to deal with the mother, or for a mother to be able to pick up the phone and call a center and for the center to tell her what to do on the phone, we are talking about saving money.

I cannot understand why we are so reluctant to do this in this day and age when we know that it is important that we cut costs. But we need to do it in a very reasonable fashion.

So I want to once again thank my colleague for having the foresight to say that this should be done. I think that we have to continue to work to make certain that we have that central number so that everybody knows that, once an incident occurs, that a person right away will know what to call by saying 1-800 and that mother would be able to be relieved of some of that tension that she might have if otherwise that information was not available.

Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is hard to think of an issue that the gentleman from New York (Mr. TOWNS) and I when we have tried to lead on an issue have not reached out to each other and sought some partisan support. And I again appreciate that friendship and hard work.

At the end of the day, at the end of this day, this Congress is going to follow through with what the Senate did and make sure that, in fact, these poison control centers are in place and that they are going to be funded.

There is an old movie that I remember, "Ghostbusters." Remember that? "Who are you going to call? Ghostbusters." I am not going to sing it. But when a parent has a problem, particularly a parent, but it could be anybody, there has got to be a number that they can call, whether it is their cell phone in their pocket or the phone in their kitchen. And this bill does that. Because they do not have time, they do not have a lot of time to react when someone might be writhing on the floor with some substance that they might have ingested and they have no idea what to do, particularly as a non-physician, as most of us in this body are.

This bill is going to save lives; and at the end of the day, it is going to save money too. I cannot think of a better promise to the American taxpayer, to the folks that we serve, as we have visited our day-care centers and we see those wonderful little kids that are playing. They cannot distinguish between a box of detergent and a box of cereal. They just know that it usually has got a pretty color.

We have got to make sure that, in fact, their lives are going to be saved when they do something that they really should not do if they had had some parental involvement during that tragic moment.

So again, Mr. Speaker, I ask my colleagues to support this legislation. I would hope that we can pass it without any objections at all.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to urge you to support S. 632, the Poison Center Enhancement and Awareness Act of 1997. This important legislation authorizes Congress to provide assistance to poison control, information and treatment centers nationwide through a grant-funding program that would be administered by the Centers for Disease Control and Prevention. The funding will be used to educate the public about the benefits of poison prevention and treatment, primarily through the "Mr. Yuk" campaign.

The federal government should support poison control and treatment centers because they provide immediate, around-the-clock toxicity assessments and treatment recommendations over the telephone for all types of poisoning, overdoses and drug interactions affecting people of all ages. On a daily basis, parents, grandparents, child-care providers, teachers and health care providers consult these centers. Most calls are safely managed over the phone and referrals are made to health care facilities as appropriate. More severe cases are followed up so progress can be assessed and additional recommendations provided as necessary.

The Illinois Poison Center (IPC), which is located in my congressional district, is the nation's oldest and Illinois' only remaining poison control, information and treatment center. Since 1953, it was operated by a local Chicago hospital. By 1996, however, the hospital was no longer able to maintain the center's operation, largely because of a lack of funding. Also by that time, the four other poison centers located in Illinois had closed. Eventually, the IPC's operations were assumed by the Metropolitan Chicago Healthcare Council and, at the request of others around the state, the center was expanded to serve the entire state.

Unfortunately, the IPC's existence, like that of other poison centers around the nation, is jeopardized because of a lack of stable funding. There remains, however, a great need to support these centers and their education and treatment efforts. Studies also show that 90 percent of all poisonings happen in the home, and 53 percent of these cases involve children under six years of age. Also, a study conducted by the U.S. Department of Health and Human Services found that for every dollar spent on a poison center saves $7 in unnecessary medical costs. In 1998 alone, more than 79 percent of all human exposures presented to the Illinois Poison Center were handled without a referral to a hospital emergency department or a private physician. This in turn saved more than $15 million in unnecessary emergency room and physician office visits.

Mr. BLILEY. Mr. Speaker, I rise in support of S. 632, The Poison Control Center Enhancement and Awareness Act. I ask my colleagues to consider that poisoning is the third most common form of unintentional death in the United States. Every year, poisoning accounts for 13,000 deaths. It also leads to 285,000 hospitalizations and 1 million days of acute hospital care. The direct costs of poisoning are estimated at over $3 billion per year, which is more than our annual expenditures on gunshot wounds, burns and drownings combined.

S. 632 will provide a stable source of funding for poison control centers, establish a national toll-free poison control hotline, and improve public education on poisoning prevention and services. This assistance is needed because poison control centers have experienced a gradual erosion of funding as payments to hospitals (where they have typically been located) have been reduced. This financial squeeze has forced many centers to curtail their poison prevention advisory services and their information and emergency activities, and to reduce the number of nurses, pharmacists, and physicians answering the emergency telephones. Currently, there are 73 centers. In 1978, there were 661. And yet, such centers are very cost-effective. For every dollar spent on poison control center services, seven dollars in medical costs are saved.

Therefore, I encourage my colleagues to pass this bill, S. 632, which is being considered today under suspension of House rules. I join my Commerce Committee colleagues—Representatives UPTON, BILIRAKIS, and TOWNS—who are the original cosponsors of a very similar House Bill, in supporting its passage.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 632.

The question was taken.

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE CARL B. ALBERT, FORMER MEMBER OF CONGRESS FROM THE STATE OF OKLAHOMA

Mr. WATKINS. Mr. Speaker, I offer a privileged resolution (H. Res. 418) and ask for its immediate consideration.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized at this time to offer this resolution.

The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 418

Resolved, That the House has learned with profound sorrow of the death of the Honorable Carl B. Albert, former Member of the House for 15 terms, and Speaker of the House of Representatives for the Ninety-second, Ninety-third and Ninety-fourth Congresses;

Resolved, That in the death of the Honorable Carl B. Albert the United States and the State of Oklahoma have lost a valued and eminent public servant and citizen.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Oklahoma (Mr. WATKINS) is recognized for 1 hour.

GENERAL LEAVE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 418.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WATKINS. Mr. Speaker, I yield 30 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), pending which I yield myself such time as I may consume.

Mr. Speaker, today I offer this resolution on behalf of myself and three fellow Oklahomans, the gentleman from Oklahoma (Mr. LUCAS), the gentleman from Oklahoma (Mr. ISTOOK), the gentleman from Oklahoma (Mr. WATTS), and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Mr. Speaker, I rise today with deep respect for and in honor of the life and service of my friend, Carl Albert of Oklahoma's Third Congressional District, a former Member and Speaker of this House.

It is also with great sadness that I report former Speaker Albert's passing last Friday evening, February 4, at the age of 91; but, let me quickly add though, 91 great and distinguished years. Only 21 Members remain in this House today who served with Mr. Albert prior to his retirement in 1977.

Carl Albert was an honorable man who was not tall in height, but was truly a giant of a man, whom I looked up to for his leadership to his country and his service to his fellow human beings.

Speaker Albert grew up in poverty in the small coal mining town of Bugtussle in Pittsburg County, and graduated from nearby McAlester High School, deep in the heart of my district in Southeastern Oklahoma, mainly called Little Dixie.

Through his intelligence, leadership and hard work, Carl Albert lifted himself from poverty to eventually hold the third highest office in the land, yes, Speaker of the House, and twice was a mere heartbeat away from the presidency.

My earliest memory of Carl Albert is his speech to my high school class in Bennington, Oklahoma during our eighth grade graduation ceremony. Even at that time, Mr. Albert was larger than life to me. He was a great orator, with amazing leadership qualities. His message to my classmates in the small poverty area of that southeastern Oklahoma town was that regardless of your circumstances as a young person, with hard work and perseverance you can rise up and make the most of your life and make a difference in the lives of others.

I remember Carl Albert as a great man of great humility, who did not seek power for power's sake. As Speaker, Carl Albert served as captain of the Congressional ship during some of our Nation's most difficult times, including the latter years, the closing years, of the divisive Vietnam War and President Nixon's impeachment proceedings and his resignation; and we all need to salute his steadfast leadership in this House during the civil rights movement of the 1960s.

During these times, Carl Albert never sought to advance his own agenda or to use these events for his own personal gain. Instead, he sought to unite our country, instead of divide it; and, as a result, we are a stronger and more united country today.

In 1977, Carl Albert stepped down after 6 years in the Speaker's Chair and returned to his home in the Bugtussle community in Pittsburg County, and, as his son David said to me last Saturday, began a new career as a grandpa.

Carl Albert always talked lovingly of his wife, Mary; his children, David and Mary Frances; and his four grandchildren, Katy, Michael, Carl David and Luke.

Carl Albert knew the value of family and friends and home. That is why it is no surprise to me that, even as a national and international leader, the Speaker and his wife Mary chose to retire to southeastern Oklahoma after 30 years in a Congressional career that saw him reach the pinnacle of power in this U.S. House.

1977 was also the year that I became a Member of this House succeeding the Speaker, Carl Albert. I also remember being introduced in 1977 as "that young congressman who is replacing Carl Albert." As I said then, and still say today, I may have succeeded Carl Albert, but no one, no one, could ever replace him.

My wife, Lou, and I have firsthand experience and knowledge of the sacrifices that the Speaker and his family made during those years of service to his House; and our State and nation are very thankful for Carl Albert's service.

Mr. Speaker, in closing, I ask that the House pay honor and tribute to Carl Albert, known as "the Little Giant from Little Dixie." His service to his State and Nation and his fellow human beings provide a legacy unequaled in Oklahoma history, a legacy that will live together as a symbol of one man who overcame great adversity early in his life and then dedicated the rest of that life to serving others, including a highly successful 30-year Congressional career.

Yes, Oklahoma and the United States lost a great leader in Carl Albert, but his deeds and his works and the spirit of his legacy will never be lost in the history of America.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support the resolution and to thank the gentleman from Oklahoma (Mr. WATKINS) for having the foresight to come with this resolution to pay tribute to this great American, former Speaker Carl Albert. I join the Nation as I represent District 30 of Texas to express sincere sorrow regarding his passing.

Speaker Albert passed away last Friday, February 4, after a distinguished career, during which he shepherded the Nation through some of the most difficult years. Beginning in the 80th Congress, Speaker Albert spent the next 30 years representing the citizens of the Third Congressional District of Oklahoma in the U.S. Congress, and helped create a new era of American opportunity, supporting civil rights and anti-poverty legislation.

Speaker Albert provided invaluable leadership to the House of Representatives as Majority Leader during the 87th through 91st Congresses, and Majority Whip during the 84th through the 87th Congresses. As leader of this legislative body during the 92nd through the 94th Congresses, Speaker Albert fostered a lasting legacy. He successfully steered the Nation through difficult times and ensured a fair forum for democratic discussion on issues ranging from the impeachment of President Nixon to the War in Vietnam.

He provided the Nation with stability and security while he was first in line to succeed the President of the United States in 1973 and separately in 1974. Both times he turned down the opportunity to go to the White House in order to continue to represent the people in the Third Congressional District of Oklahoma.

He personified great American values throughout his life. He rose from childhood poverty to become a Rhodes Scholar, winner of the Bronze Star, and a distinguished U.S. Congressman.

During a time when we sometimes let partisanship get the better of us, we have but to look to Carl Albert as a symbol of the most esteemed values of the U.S. Congress. I join the Nation in paying tribute to an extraordinary and exemplary citizen who was, during his lifetime, and continues to be, an inspiration to the greatest traditions of democratic representation.

I think it speaks well for the type of leadership he offered when we see the congressman that followed him in the Congress that he left in 1977, being elected as a Democrat and returning as a Republican, still representing the same people and upholding the same values as Mr. Albert upheld during his time of tenure. I want to thank the gentleman for being here today to represent the people as well as the Nation in the Third Congressional District of Oklahoma.

Mr. Speaker, I reserve the balance of my time.

Mr. WATKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman for her kind remarks. Let me say I hope that my remarks are accepted in the way I have given them, from the depth of my heart, because Carl Albert was a mentor, he was a friend.

Yes, I probably disturbed a lot of people's thinking when I left being a Democrat. I came here as a Democrat, I have been an Independent, and also as a Republican now. I told people, I stretch my friends a long way.

But let me say, to my knowledge, Carl Albert never had an unkind word, and I appreciate the fact he was that kind of human being. I think it is a great tribute to him that for all those years that he served, with kindness, and the respect he had for people from all backgrounds. He really is looked up to for trying to serve his fellow human beings around the world.

Mr. Speaker, I yield such time as he may consume to my friend, the distinguished gentleman from the Sixth Congressional District of Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Speaker, I thank the gentleman from the Third District for the honor and opportunity today to be here to discuss this most important person. I, too, respect the fine job that the gentleman does in carrying on that fine legislative tradition begun by Speaker Albert in the Third District of Oklahoma.

Let me say, Mr. Speaker, Speaker Carl Albert was an extraordinary man, coming from the humblest of roots in southeastern Oklahoma. He, much like the country he so diligently served, grew and evolved over the years to become a shining example of what Oklahoma has to offer.

The world he knew and the Congress he became a part of in 1947 were dramatically different from the Congress that he left 30 years later. From vacuum tubes to space travel, Speaker Albert's time here witnessed many changes; and throughout those years of change Speaker Albert represented his constituents with dignity and integrity, rising through the ranks to become a respected leader of this chamber.

With the death of Speaker Albert, Oklahoma has lost a valued son. I am pleased that the House is taking time to honor a man whom we all respect. He will be greatly missed.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me rise and thank the gentleman from Oklahoma (Mr. WATKINS). I hope that the gentleman takes it as a compliment when I refer to having served with the label of both parties, and I hope all of us can see that it is something that is bigger than all of us when we speak about a giant in history as we are speaking about Congressman Albert. So I thank the gentleman for the opportunity.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WATKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for her remarks.

Let me state that the funeral for former Speaker Carl Albert will be tomorrow, Wednesday, February 9th at 2 o'clock in McAlester, Oklahoma, in Pittsburg County. Carl Albert grew up right outside of McAlester, in Bugtussle, a small settlement, very much in poverty, in very humbling surroundings.

Mr. Speaker, I think you were busy when I stated his son David told me Saturday when I called and expressed my sadness, "You know, we are blessed, because daddy retired in '77 and came home and had 23 years for another career, being Pa-Pa."

□ 1500

I think you are heading home, Mr. Speaker, at the end of this term; and I remember your remarks that you would prefer to get up each morning, and instead of hearing the term "Mr. Congressman," you would rather hear the term "pa-pa." Let me say as being a pa-pa myself I understand what you and Speaker Albert feel very, very much.

Mr. Speaker, I yield (such time as he may consume) to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me this time.

Mr. Speaker, it is with deep regret that I join our colleagues in paying tribute to an outstanding former Member of this body, our former Speaker of the House, Carl Albert of Oklahoma. Speaker Albert began his second term as Speaker the same day that I first came to this body. Accordingly, in many ways, his style of leadership in the Speaker's chair left with me an indelible impression of the role of the Speaker in this Congress.

Carl Albert worked his way up to the Speaker's chair the old fashioned way. After 8 years of serving the people of his congressional district in Oklahoma, he served first as majority whip from 1955 to 1962 and then as majority leader from 1962 to 1971 and finally as Speaker of the House from that date until his retirement in 1977.

The then Speaker of the House, the legendary Sam Rayburn, was asked back in 1955 why he took Congressman Albert under his wing urging his colleagues to elect him whip. Mr. Sam's reply was, and I quote, "I can tell big timber from small brush."

Carl Albert's life story is a typical example of the American dream. Born the son of a poor coal miner in one of the most rural and backward parts of the Nation, Carl never experienced living in a home with running water or electricity until he was 16 years of age. Nevertheless, he managed to graduate phi beta kappa from the University of Oklahoma and then went on to attend Oxford University in England under a Rhodes scholarship. Carl Albert served with distinction during World War II, being discharged as a lieutenant colonel in 1946.

Upon Carl's return to his hometown in Bugtussle, Oklahoma, the incumbent Congressman announced his retirement and Carl ran for that vacant seat and won both the primary and the runoff. He joined Congress at the same time as many other World War II veterans who came to make their mark on America, including John Kennedy and Richard Nixon.

Throughout his career in Congress, Carl Albert steered a middle course that brought him a great deal of criticism from both the extreme liberals and from the doctrinaire conservatives. But no one ever criticized his patriotism or his integrity.

Regrettably, the image many people may have of Carl Albert is that of his presiding at the 1968 Democratic National Convention. As we recall, the events of that convention over which Congressman Albert had no control left an indelible black eye for his party. In retrospect, however, Carl conducted himself with dignity and grace in a situation where others may have allowed their passions to overcome their good common sense.

Throughout our history, many Speakers of the House found themselves in the position of being one heartbeat away from the presidency. Carl Albert, however, is the only one who found himself in that position twice, the first time when Spiro Agnew resigned as Vice President of the United States and the position remained vacant for some months. The second time Carl Albert was one heartbeat away from the presidency when Richard Nixon found himself resigned from office, again leaving the vice presidency vacant.

According to James Cannon's biography of President Ford, it was President Nixon who actually offered the vice presidency to Carl Albert at the time of Agnew's resignation; and he stated, and I quote, "No, Mr. President," Speaker Albert replied. "I came to Washington to be a Congressman." According to this book, it was Speaker Albert who then proposed to President Nixon the name of Gerald Ford as the next Vice President of the United States.

Although the number of Members of this body who have personal memories of Speaker Albert have been dwindling, his legendary status as a superb leader is familiar to many of us. We all join in extending our condolences to his widow, the former Mary Sue Green Harmon, to his son and to his daughter, his brother, his sister, his four grandchildren, and all of the others who have come to love, to respect and appreciate this truly great American.

The name of Speaker Carl Albert will long live in memory as one of the outstanding legislative leaders of the second half of the 20th century.

Mr. WATKINS. Mr. Speaker, I thank the gentleman from New York for those wonderful remarks. I know Mr. Albert was a friend, and I know he cherished that friendship.

I would like to reflect on what the gentlewoman from Texas (Ms. JOHNSON) stated about him being such an extraordinary man. He had a hunger for knowledge. Yes, he was phi beta kappa and he was a Rhodes scholar from this small rural area from this one-room schoolhouse. But let me share with my colleagues something about such an extraordinary man.

It is my understanding, he could speak more than 10 languages; and let me say to my colleagues, he was studying on another language at the age of 91. That is the kind of extraordinary intellect, but yet common sense, that this man had who came out of poverty conditions. As Sam Rayburn said, a lot of giants come from that area; and let me say he was one that distinguished himself above all.

The gentleman from Oklahoma (Mr. WATTS), who had an uncle that lived in McAlester, Oklahoma, was deceased just a few months ago. I know that many times during the civil rights movement in those times, he turned and sought the advice of Wade Watts, the uncle of the gentleman from Oklahoma (Mr. WATTS). We also lost our friend Wade Watts just a few months ago to diabetes, primarily. And I know that leaders throughout our area, not only the State of Oklahoma, turned to Wade Watts as a tremendous counsel knowing he would never mislead us. I can assure my colleagues that Carl Albert relied a great deal on Wade Watts's advice and counsel.

I know my colleague from Oklahoma, (Mr. J.C. WATTS) definitely wants to share a few remarks with our Members.

Mr. Speaker, I grew up in a small community in the deep southeast part of the State of Oklahoma, and I will never forget Carl Albert's sense of humor. As I mentioned, Carl Albert was small in height, but he was a giant of a man whom I looked up to for his leadership and for his achievements. I will never forget how he told the story about coming to a small community where I lived and talked about just being a Congressman. And in this community, after he finished talking to this graduating class and being the great orator that he was, we were all motivated, when he finished up his speech, this long, lanky country boy who came out of the rafters down to where Speaker Albert was on the stage. He was all enthused and all excited about Mr. Albert's talk about being a Congressman. Mr. Albert had this young kid so motivated. Mr. Albert said I need to find out what I said. This tall, lanky country kid looked at Mr. Albert and said Mr. Congressman, it was not anything you said. He said, Mr. Congressman, I figured if a short man like you could make Congress, I should be able to make President.

Mr. Speaker, Carl Albert only stood about 5 feet 4, but he was one of the greatest orators, a dynamic motivator, and one whom I feel will go down in history, as one of the great leaders of our time.

I yield to the gentleman from New York (Mr. GILMAN) for such time as he may consume.

Mr. GILMAN. Mr. Speaker, it came to mind, I recall one incident during the State of the Union message, I am not certain who the President was, I think it was President Ford, when Carl Albert had just returned from a lengthy trip to China, flew all night and came to preside as the Speaker does at the State of the Union message. And I remember how he struggled to keep his eyes open, but he managed to do it most of the time. Once in a while his eyes closed. But my heart went out to him, because I know how he felt, traveling that distance and having to preside at the State of the Union message. But that was Carl Albert, always willing to fulfill his duties as the Speaker, and he fulfilled them well in all of the days he presided.

Mr. WATKINS. Again, Mr. Speaker, I thank the gentleman from New York, because I know they had a very close relationship. Carl Albert had a working relationship across the aisle, as the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) stated.

I was just reflecting on my colleague from Oklahoma (Mr. WATTS), who had an uncle that lived in McAlester. I was just reflecting on the fact that I know Speaker Carl Albert turned to Wade Watts on so many occasions for his advice and counsel during the civil rights movements; he was one of his number one advisors from back home during that time.

I yield to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I appreciate my colleague from Oklahoma yielding. I am delighted to have seen so many people come to the floor this afternoon to honor former Speaker Carl Albert.

Mr. Speaker, I rise today to honor former Speaker Carl Albert who represented southeast Oklahoma, the district of the gentleman from Oklahoma (Mr. WATKINS), and served as the majority leader and also, as we know, Speaker of the House.

Born into humble beginnings in the hills of southeast Oklahoma, Speaker Albert proved that all things are possible through hard work and determination. Speaker Albert grew up actually about 40 miles from my hometown of Eufaula, Oklahoma, the son of a coal miner. Speaker Albert was inspired as a child to run for Congress when a Congressman came to speak to a small rural school in Bugtussle, Oklahoma. Little did anyone know that at that time he would rise to become Speaker of the United States House of Representatives, an Oklahoma icon and a national treasure.

Speaker Albert did love public life, however; and he counted hundreds of other officials, Democratic and Republican, as his friends. I recall here, I believe about 3 or 4 years ago, he had President Bush come to Carl Albert Junior College and give the commencement address.

Mr. WATKINS. Mr. Speaker, if the gentleman will yield, he has had what seems to be all of the Presidents down to Carl Albert Junior College, and a lot of them may be at his funeral tomorrow.

Mr. WATTS of Oklahoma. Yes. Mr. Speaker, he was quite a fellow. During his tenure in this House, he also helped lead our Nation through several troubled times: as has been mentioned this afternoon, the assassination of President Kennedy, the fight for civil rights, the Vietnam War, the Watergate scandal that brought the resignation of President Nixon.

Speaker Albert's contributions to his home State of Oklahoma were numerous, but none was more important to our country than the statesman-like manner in which he presided over the Speaker's chair during the Watergate scandal. By his leadership and bipartisan approach, he is a man that truly deserves the title of statesman, a title he had earned well before the time of his death this past weekend.

□ 1515

His legacy of dedicated leadership undoubtedly has and always will leave a lasting impression on our Nation's history. Former Speaker Albert is one of Oklahoma's greatest gifts to our Nation, and he will truly be remembered for his commitment to public service to Oklahoma and his country.

We all send our condolences to his family, and we are all delighted and proud, the gentleman from Oklahoma (Mr. WATKINS) and I and the Oklahoma delegation are quite proud to call former Speaker Albert an Oklahoman.

Mr. WATKINS. Mr. Speaker, I thank my colleague, the gentleman from Oklahoma, for his comments. As he indicated, actually between McAlester and Eufaula, the birthplace of the gentleman from Oklahoma (Mr. WATTS), is Bugtussle, so Carl Albert grew up between McAlester and Eufaula, in that small area.

I would like to note to a lot of people who are historians of this House that also in Oklahoma, in the name of Carl Albert, there is a Carl Albert Center for for Congressional Affairs there at the University of Oklahoma, his alma mater. I think without question it probably houses more documents concerning the activities and the operations of this House than anyplace in this great Nation, maybe with the exception of the Library of Congress across the street. But we have that at his alma mater. It is a great honor and distinction for him to have it there.

Also, he has a college in the Third Congressional District, the Carl Albert Junior College. It is so fitting, because he is a man who had a tremendous hunger for knowledge and great intellectual capacity, probably more so than any person that we have ever had in public service in Oklahoma.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my sincere condolences to the family of my respected colleague, the Honorable Carl B. Albert, who passed away this past Friday. I join my fellow Members of the U.S. House of Representatives in paying tribute to former Speaker Carl Albert's service in the Congress and to our nation.

I served with Speaker Albert in the House from 1965 through 1976. During these 12 years, I witnessed his dedication to his constituents, his sense of fair play, and his concern for the well being of the poor and disadvantaged. He was a strong, effective Majority Leader and played an important role in the passage of civil rights and poverty legislation. As Speaker, from 1971–1976, Carl Albert presided over a tumultuous period when the Vietnam War and the Watergate scandal divided our country. Throughout this difficult period, Carl Albert was a principled and effective leader, vigilant to the demands of conflicting viewpoints and to the civil strife that accompanied these crises.

Carl Albert, who rose from poverty to high national office, demonstrated that talent, hard work, and perseverance could overcome the humblest beginnings. He knew that not everyone shared his ability to overcome adversity. His compassion and concern for the most vulnerable members of our society was a hallmark of his 30 years in Congress.

I vividly recall how, on July 13, 1975, he took the well as Speaker to call for a re-vote on a damaging amendment to an appropriations bill (H.R. 5901) that would have left the historic Title IX provision deeply weakened. I was the floor manager of that debate on Title IX but was called away because my daughter had been severely injured in an automobile accident in Ithaca. Speaker Albert called the House together the next day to express concern for my daughter's recovery and saved Title IX as well in a call for a re-vote. I will always remember Speaker Albert for this noble and inspiring action, as should all women today who have enjoyed equity in educational opportunity.

I join my colleagues in giving profound thanks for the life of Carl B. Albert. Aloha, Carl, and thank you for your legacy of service to our nation.

Mr. WATKINS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WATKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 o'clock and 2 minutes p.m.

REAPPOINTMENT AS MEMBER OF BOARD OF FEDERAL JUDICIAL CENTER FOUNDATION

The SPEAKER pro tempore. Without objection, and pursuant to 28 U.S.C. 629(b), the Chair announces the Speaker's reappointment of the following member on the part of the House to the Board of the Federal Judicial Center Foundation for a 5-year term:

Ms. Laurie E. Michel of Virginia.

There was no objection.

APPOINTMENT AS MEMBER TO BOARD OF DIRECTORS OF NATIONAL URBAN AIR TOXICS RESEARCH CENTER

The SPEAKER pro tempore. Without objection, and pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412), the Chair announces the Speaker's appointment of the following member on the part of the House to the Board of Directors of the National Urban Air Toxics Research Center to fill the existing vacancy thereon:

Mr. Thomas F. Burks II, of Texas.

There was no objection.

COMMUNICATION FROM THE HON. W.J. "BILLY" TAUZIN, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable W.J. "BILLY" TAUZIN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that a staffer in my Chalmette, Louisiana district office has been served with a subpoena duces tecum, directed to me and issued by the U.S. District for the Eastern District of Louisiana.

In consultation with the Office of General Counsel, I will determine whether compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
W.J. BILLY TAUZIN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules, House Resolution 418, and the approval of the Journal, on which further proceedings were postponed earlier today, in the order in which that question was entertained.

Votes will be taken in the following order:

Concurring in the Senate amendment to H.R. 1451, by the yeas and nays;

Senate 632, by the yeas and nays;

House Resolution 418, by the yeas and nays; and

Approval of the journal, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ABRAHAM LINCOLN BICENTENNIAL COMMISSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill H.R. 1451.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and concur in the Senate amendment to the bill H.R. 1451, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 385, nays 9, not voting 40, as follows:

[Roll No. 8]

YEAS—385

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton

Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—9

Chenoweth-Hage
Coble
Hoekstra
Paul
Royce
Sanford
Schaffer
Sensenbrenner
Tancredo

NOT VOTING—40

Ackerman
Barr
Brown (OH)
Capps
Clayton
Coburn
Conyers
Cubin
Danner
Deal
DeFazio
DeMint
Dooley
Gekas
Gonzalez
Goodling
Hinojosa
Jefferson
Largent
Lipinski
McCrery
McIntosh
McNulty
Metcalf
Millender-McDonald
Moakley
Mollohan
Myrick
Nadler
Rogers
Ros-Lehtinen
Rush
Salmon
Scarborough
Serrano
Stupak
Tauscher
Taylor (NC)
Vento
Young (AK)

□ 1827

Mr. COBLE and Mr. HOEKSTRA changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional question on which the Chair has postponed further proceedings.

POISON CONTROL CENTER ENHANCEMENT AND AWARENESS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 632.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 632, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 16, not voting 40, as follows:

[Roll No. 9]

YEAS—378

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—16

Archer
Chenoweth-Hage
Coble
Doolittle
Duncan
Herger
Hutchinson
Johnson, Sam
Paul
Ryan (WI)
Sanford
Schaffer
Sensenbrenner
Sununu
Thomas
Toomey

NOT VOTING—40

Ackerman
Barr
Brown (OH)
Capps
Clayton
Coburn
Cubin
Danner
Deal
DeFazio
DeMint
Dooley
Fattah
Gekas
Gonzalez
Goodling
Hinojosa
Jefferson
Largent
Lipinski
McCrery
McIntosh
McNulty
Millender-McDonald
Moakley
Mollohan
Myrick
Nadler
Petri
Rogers
Ros-Lehtinen
Rush
Salmon
Scarborough
Serrano
Stupak
Tauscher
Taylor (NC)
Vento
Young (AK)

□ 1837

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Speaker, I was not present today due to illness, therefore missing votes on H.R. 1451 and S. 632. Had I been present I would have voted "yea" on these rollcall votes.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE CARL B. ALBERT, FORMER MEMBER OF CONGRESS FROM THE STATE OF OKLAHOMA

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of agreeing to the resolution, House Resolution 418, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 44, as follows:

[Roll No. 10]

YEAS—390

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—44

Ackerman
Barr
Brown (OH)
Capps
Clayton
Coburn
Conyers
Cubin
Danner
Deal
DeFazio
DeMint
Doggett
Dooley
Fattah
Gekas
Gonzalez
Goodling
Hinojosa
Jefferson
Largent
Lipinski
McCrery
McIntosh
McNulty
Millender-McDonald
Moakley
Mollohan
Myrick
Nadler
Rogers
Ros-Lehtinen
Rush
Salmon
Scarborough
Scott
Serrano
Spence
Stupak
Tauscher
Taylor (NC)
Vento
Wicker
Young (AK)

□ 1845

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CUBIN. Mr. Speaker, on February 8, 2000, I was unavoidably detained and missed rollcall vote numbers 8, 9, and 10. Had I been present, I would have voted "yes" on H.R. 1451, the Abraham Lincoln Bicentennial Commission Act; "yes" on S. 632, the Poison Control Center Enhancement and Awareness Act; and "yes" on H. Res. 418, honoring former Speaker Carl Albert.

□ 1846

THE JOURNAL

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

PERSONAL EXPLANATION

Mr. CAMPBELL. Mr. Speaker, had I been able to attend the session of Congress last week, had I been present, I would have voted present on the quorum call; yes on House Concurrent Resolution 244; yes on H.R. 2130; yes on H.R. 764; yes on H.R. 1838; no on H.R. 2990, and yes on H.R. 2005.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE INSTALLMENT TAX CORRECTION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SWEENEY) is recognized for 5 minutes.

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to thank my colleagues, the gentleman from California (Mr. HERGER) and the gentleman from Tennessee (Mr. TANNER), for joining me today as we introduce the very important piece of legislation, the Installment Tax Correction Act of 2000.

This is indeed important legislation, as I said, introduced earlier, which is intended to correct an egregious error committed as part of the tax reconciliation legislation passed last year.

This matter affects hundreds of thousands of small business owners throughout America, and makes it a high priority for this coming congressional legislative session. That is evidenced by the fact, Mr. Speaker, that over 70 of our colleagues have already joined as cosponsors in this legislation.

This legislation is intended to restore an important tax tool for small businesses, to allow small business owners to be able to transfer their businesses more correctly and equitably. Under the accrual method of accounting, owners of small businesses utilize installment payments to spread the capital gains tax burden of selling their business over a number of years, and are common for situations where the sellers continue to stay involved in the business.

In many instances, the current Section 536 adversely affects the sale of closely-held businesses. With many business sales, bank financing is either unavailable or not cost-effective, so often the seller will act as a bank for a portion of the total sales price and carry the note, receiving installment payments over a number of years.

Under Section 536, this is still possible, but the IRS requires the capital gains they realize on the sale to be reported in 1 year, rather than over the life of the note. Sadly, sales of businesses across the country have already been disrupted. Without the use of installment arrangements, small business owners who seek to sell or transfer their businesses have had to decrease their asking price. In many cases, the tax bill exceeds the first year's payment, and as a result, sellers cannot afford to pay, and often find themselves abandoning their sales entirely.

Mr. Speaker, many owners rely on the sale of their business to finance their retirement. Without the installment sales option, they have to postpone their retirement dreams. In fact, I know this firsthand. Immediately after we recessed last session of Congress, I received a number of calls from constituents complaining of this very effect.

Mr. Speaker, the loss of installment sales is not only detrimental to hundreds of thousands of small businesses in the country, or the tens of thousands of small businesses upon which my district is built, but it in fact has affected the real ability for those folks to transfer their businesses and move on with commerce.

In fact, Mr. Speaker, 90 percent of all businesses in my district are small businesses, including Mr. and Mrs. Long of Salt Point, New York, who currently feel the onerous effect of this provision.

Several months ago, Dorothy and George Long arranged for the sale of their resort, located in beautiful Lake George, New York. Unfortunately, they are now suffering the consequences of this provision in a real and immediate way.

Mr. and Mrs. Long were relying on this sale to finance their retirement, and are now faced with one of three options: one, they take a loan out in order to pay for the capital gains tax; or two, they break their contract and face a lawsuit; or three, they suffer the consequences of nonpayment of taxes. Talk about being put in between a rock and a hard place.

What my colleagues and I are proposing is a 556 fix. It is essential that we work together to stop the damage to our local economies, its effect on the hardworking people throughout America.

Mr. Speaker, I want to thank my colleagues here today for taking the first step with me towards fixing this inequity. I ask now that we move expeditiously so that the further damage that we have already caused on the small working businesspeople throughout America is mitigated.

ALLOWING WHALE-HUNTING BY MAKAH INDIAN TRIBE WILL PROMOTE COMMERCIAL WHALING WORLDWIDE

The SPEAKER pro tempore (Mrs. CHENOWETH-HAGE). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Madam Speaker, last year I filed an appeal, along with several co-plaintiffs, to overturn the decision made by U.S. District Court Judge Franklin Burgess to allow whaling by the Makah Indian tribe.

Today a three-judge panel from the Ninth Circuit United States Court of Appeals in Seattle heard the case, and I hope they will make the correct decision and stop the outdated and unnecessary practice of whaling by the Makahs.

Everyone who understands this issue knows that this is the first step toward returning to the terrible commercial exploitation of these marine mammals. In the papers filed by the Makahs with NOAA, they refused to deny that this was a move toward renewal of commercial whaling.

It is important to understand that the International Whaling Commission has never sanctioned the Makah whale hunt. Under the International Whaling Convention, of which the United States is signatory, it has only been legal to hunt whales for scientific or aboriginal subsistence purposes. The tribe clearly has no nutritional need to kill whales.

In the face of strong IWC, the International Whaling Commission, opposition to the original Makah proposal, the U.S. delegation ignored years of opposition to whale-killing and cut a deal with the Russian government in a backdoor effort to find a way to grant the Makah the right to kill whales.

The agreement is to allow the Makah tribe to kill four of the whales each year, that is, to allow the tribe, the Makah tribe to kill four whales each year from the Russian quota, under the artifice of cultural subsistence.

Before this back room deal, the United States has always opposed any whaling not based on true subsistence need. Cultural subsistence is a slippery slope to disaster. It will expand whale-hunting to any nation with an ocean coastline and any history of whale-killing. Much to the delight of the whaling interests in Norway and Japan, who have orchestrated and financed an international cultural subsistence movement, America's historic role as a foe of renewed whaling around the world has now been drastically undercut.

In fact, there are hundreds of ethnic groups, tribes, and bands around the world who have a history of hunting whales. To allow a cultural past as a qualification for hunting whales would drastically increase the number of whales killed worldwide. Almost all cultures on seacoasts engaged in some whale-hunting historically.

The treaty signed by the Makah tribe in 1885 only gives them the right to hunt in common with the citizens of the territory, now the citizens of the United States. This provision was to ensure equal rights, not special ones. The Makah tribal government should not be allowed to kill whales when it is illegal for anyone else in the United States to do so. Besides, it is just plain dead wrong. It is shameful that the current administration supports a proposal that flies in the face of the values, interests, and desires of the majority of U.S. citizens.

As I have been saying for years, allowing the Makah tribe to continue whaling will open the floodgates to commercial whaling worldwide. Just count on it. Whales do have commercial value, and there are interests just waiting to cash in, as they did in the glory days of worldwide commercial whaling, when the whales were hunted practically to extinction.

Now that we have allowed whaling to begin again, what can we say to Japan and Norway, whose whaling we have opposed for years but who definitely have aboriginal rights going back many centuries?

I support the Makah elders and others who oppose this hunt, and will continue to fight in the courts and in Congress to stop the spread of the barbaric practice of killing whales.

SPEAKING ON BEHALF OF THE 11,000 MEN AND WOMEN IN UNIFORM ON FOOD STAMPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, I am on the floor tonight because we have approximately 11,000 men and women in uniform that are willing to die for this country on food stamps. Yes, Madam Speaker, we have passed legislation that will help increase their salaries, but still we have men and women in uniform on food stamps.

Members can see what I have before me is a Marine. He represents not only the Marine Corps, but every man and woman in uniform. Standing on his feet is his daughter Megan, who is 2 years old, and in his arms is a baby girl named Bridget.

I think about Megan and Bridget and all the children that are children of men and women in uniform, and the fact that when this Marine is deployed to go overseas to Bosnia for 6 months, there is no guarantee that he is going to come back. There is no guarantee that any of our men and women in uniform who are sent into harm's way will for sure come back.

I look at that little girl's face, and I am thinking, as she is looking at the camera when this photograph was made, how tragic it would be if the father did not come back. But almost as tragic is the fact that we have approximately 11,000 men and women in uniform that are on food stamps.

□ 1900

These are men and women, like this Marine, that are willing to die for this country when called upon. And yet we can't find $59 million over a 10-year period of time to give men and women in uniform on food stamps a $500 tax credit. Madam Speaker, I think that is a shame. I think that is unacceptable.

Last year in the tax bill, we as a Congress passed tax credits for the steel industry, the timber industry, and for the electric industry. There are other tax credits that we as a Congress passed. Of course, the President vetoed the bill.

I am calling on my colleagues in the House tonight, both Democrat and Republican, to join me in saying to the leadership, both Republican and Democrat, this year we are going to pass some type of legislation. Mine just happens to be the only one; it is H.R. 1055. It is called the Military Family Food Stamp Tax Credit Act.

Madam Speaker, you went on the bill today. I thank you for that. I can tell you and my colleagues in this body that it is unacceptable that men and women in uniform are on food stamps. We need to do everything that we can to say to them that we are going to work and try to make sure that no one that serves this great Nation is on food stamps.

Madam Speaker, I am planning on coming down about one night every week and bring this to the attention of my colleagues; we have legislation that we can do something about men and women on food stamps.

Real quickly, Madam Speaker, as I end my time, from 1982 to 1990, our United States Army and Marine Corps forces were deployed 17 times. From 1990 to 1999, they had been deployed 149 times. Can you think about how many times men and women in uniform were called away from their family and their children?

Madam Speaker, I thank you for being one of the Members who have joined us in supporting this legislation.

H.R. 3573, THE KEEP OUR PROMISES ACT

The SPEAKER pro tempore (Mrs. CHENOWETH-HAGE). Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Madam Speaker, every year since coming to Congress in 1995, I have made a point to bring to our attention the sacrifices made by our veterans to defend our country. Each year, we call for our Nation to honor those who have served.

Yet each year, we continue to ignore the promises made to our veterans and military retirees concerning health care benefits. In my mind, it is impossible to honor someone while at the same time refusing to honor commitments made to that person.

It is time to stop honoring our veterans with just words, ladies and gentlemen, instead let us honor them with action.

Retirees that entered the military prior to 1956 were promised that if they served 20 years, they would receive free health care for life for both themselves and their dependents. For those who signed up after 1956, they were told that they would receive free health care at military facilities or supplemental health insurance.

Today both groups are pushed out of the military health care system entirely and enrolled in Medicare, the same plan they would have received had they never served a day.

On September 28, I introduced the Keep Our Promises to America's Military Retirees Act, H.R. 3573, along with the gentleman from Mississippi (Mr. SHOWS), as a nonpartisan restoration of the health care benefit we owe our retirees.

A companion bill, S. 2003 is being introduced by the Senator from Georgia (Mr. COVERDELL) and the Senator from South Dakota (Mr. JOHNSON).

The pre-1956 retirees would be enrolled in the Federal Employees Health Benefit Plan at no cost, just like we told them, no matching premiums, no deductibles, no copays. The post-1956 retirees would be enrolled under the same rules as civilian Federal retirees.

As we consider this legislation, we need to be keenly aware that there is more at stake than just these benefits. Today's young people take note of the level of importance we place on military service.

If we renege on our promises to veterans, we have stated in a very loud voice that we hold their sacrifices in contempt.

Why should anyone sacrifice life, limb, career or temporary personal freedom, when their reward will be the contempt of those that they defend? They will not. And when the next challenge to national existence erupts, there will be few or none willing to carry America's banner.

As of the State of the Union address, there are 236 Members of the House who have signed onto this legislation. It is the fairest, most practical means of any available to redeem the promises we made to our retired veterans.

We have a clear-cut majority, very evenly split between our two parties, ready to bring this bill forward.

There are certainly cost issues that have to be addressed. I urge leaders on both side of the aisle to move quickly to bring this bill up before all appropriate committees of jurisdiction.

Madam Speaker, we have an unanticipated budget surplus. If we cannot restore the promises we made to these men and women now, we never will.

Madam Speaker, let us pay off our past due promises before we take on any new spending. It is now our turn to defend the lives of the men and women who spent a lifetime defending ours.

CREATION OF A BICENTENNIAL COMMISSION TO CELEBRATE ABRAHAM LINCOLN'S BIRTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Madam Speaker, today's agenda for the Congress was quite a small one. I think it is one item that we ought to pay close attention to, that is the creation of a bicentennial commission for Abraham Lincoln to celebrate Abraham Lincoln's birth.

Madam Speaker, I think it is very important that we pass the bill today. We are going to have a chance to take a look at the age of Lincoln, the man Lincoln and all the things surrounding Abraham Lincoln.

Our country owes a great debt to the wisdom and the courage of Abraham Lincoln. There are people who try ranking the greatest Presidents, always starting with Lincoln, then they debate who the second, third and fourth might be. But Lincoln and Washington are clearly ranked first. I think that the Lincoln discussion would lead us into some very profound considerations of issues that need to be discussed that normally are not discussed.

The President had a commission on race that was created for just one year, a very limited budget; and they unearthed a few important items and just got started and then they had to stop. I think a discussion of Abraham Lincoln, the Civil War, the considerations of what went into holding the Union together and why it is considered such a moral high point for America needs to be thoroughly discussed.

There was a time when people stood for great principles, and I often talk to young people of African American descent who are always looking for the negative side of things who want to declare that Abraham Lincoln did not really care about black people, Abraham Lincoln was not our friend, and you would have a chance to show them how ridiculous that was. The same people say that white folks never are concerned with the welfare of black folks or white people in power are never concerned with other people at all, that principles of Judeo-Christian heritage and all that is a big laugh.

We will have a chance to examine that. We will see how white people on one side had great principles and cared a great deal about fighting slavery, while others, of course, took advantage of it and enjoyed it; but there were some who had great principles and who were not themselves affected.

White people, who were not slaves, were the people who determined that America should not have slavery. It is important to understand that in the battle of Gettysburg, the crucial battle in the Civil War, almost no blacks participated.

They were not allowed in the army of either the Union or the Confederacy at that time so it was not their fault; but it was a battle that really decided the war and it was white people fighting white people on the basis of principle, principle on the basis of understanding, some understanding, that the Nation would never be able to be a great Nation if half are slave and half are free.

At one point there were States that declared themselves slave States and other States that were free States and there were bloody clashes among the border States, the free States versus the slave States and all that history has gotten lost and nobody needs to hear and understand that history more than young African Americans. All Americans need to hear it and understand it, but young African Americans need to understand there are principles that have been fought for and large numbers of people died for them who did not have a vested interest. They could have all made a deal and if they did not stand for principle, if the Judeo-Christian ethic was not in place in the hearts of so many, the status quo would have prevailed.

So I think we cast a very important vote today and I would just like to note that in passing.

The real big issue of the day, however, is the budget. The budget was released by the President yesterday and there was a big hearing in the Committee on the Budget today; and I think that that is an item that not only is the biggest item for this Congress but also it may be the biggest item for the next 10 years, for this decade. The way we handle this budget this year may set the tone for the whole century.

Consider the year 2000. We are about to discuss a budget of the last and only superpower in the world; and unquestionably, the United States of America is a superpower, an economic superpower, to begin with. We cannot debate it. We are an economic superpower as a result of an appreciation of science and technology and genius and the art of government. We have governed in a way to maximize the advantages of science and technology. Our systems have allowed us to emerge at this particular time as the richest nation ever in the history of the world, by any relative standards, any way we want to try to create a scenario.

Rome, at the height of its greatness, was just a village compared to the wealth and might of the United States of America at this point in history. So our budget is a budget for a people, a nation, that is at the very center of the globe in terms of power and decision-making. Our budget is a budget for people who probably are at the center of the universe.

I also happened to read today that some of the leading scientists have reached agreement and have concluded that there is no other life anywhere in the universe. There cannot be any life similar to the life on Earth. They may continue to debate that and theories of physics and theories of the universe have changed over time but right now all the evidence points to the fact that in this whole universe, which is so much larger than we ever imagined, with all kinds of galaxies and black holes and billions of stars, overwhelming in this great thing that exists there are no other living creatures, certainly nothing approaching mankind.

So we are not just at the heart of the globe but this Nation, the United States of America, at this point in history, is at the heart of a whole universe. The way we make decisions, and what we do can greatly determine the course of where mankind in the universe goes. That is an awesome, awesome thought, and I think that we trivialize where we are. We play it down.

In the State of the Union address, the President certainly was broad and encompassing in terms of the agenda for America; and also it addressed some issues in terms of the entire globe but it was really not looking at the fact that we are at the center of the universe and this is the beginning of the 21st Century and that not only is this Nation the last superpower, well governed with a tremendous economy but also all of that put together has created an enormous amount of wealth.

The amount of wealth that the government is able to make decisions about is just a tiny part of the total wealth of America.

☐ 1915

But that tiny portion of the wealth that becomes revenue and comes under the decision-making powers of the Congress and the White House, that amount itself is still an enormous amount of money. We are talking about a budget past a trillion dollars; and more important than the budget that has passed a trillion dollars, we are talking about a budget surplus over the next 10 years which will be, by very conservative estimates, $1.9 trillion.

Over the next 10 years, the surplus, after we factor out Social Security surplus, the Social Security surplus will be in a locked box. Put that aside. In addition to the Social Security surplus, we have a $1.9 trillion anticipated surplus of revenue above expenditure.

That is an awesome position to be in, to be able to look, as a Nation, at a situation where money is not the problem. The problem is our capacity to make decisions about investments, our capacity to act in the most humane and compassionate way, at the same time we act in a most practical way.

The Romans, at one point in history, they did not earn it through science and technology and good government; they earned it through their savage conquests. Their savage conquests produced a lot of wealth. They had so much booty and treasure they brought in from the rest of the world until the Romans decided at one point that we are all so rich until every man in Rome shall not pay taxes, we shall give every man in Rome a certain amount of money every year. The government will give them a big amount of money because the treasury is so full.

That turned out to be an unwise way to invest their wealth because all of the surrounding countryside moved into Rome; all of the people in the surrounding countryside heard about the goodies in Rome. They began to move in, and of course the Romans were overwhelmed by having to pay out more and more money, and they had to bring that to a stop.

The great Roman empire would do it for a long, long time. They thought it would go on forever. Maybe there is a God, and he does look down on Earth. There are periods where certain people, he smiles upon and chooses them to try to lead us and create the kind of Earth, the kind of world below heaven that he would like to have. The Romans might have been selected for that purpose. They failed.

Before the Romans, there were the Greeks. Maybe God was smiling on them and hoping that they would do it. Maybe this God does not like to get involved. The joy of God is to watch us and see what mankind individually does or mankind collectively does. Maybe he smiled on Greece, the great age of Greece being celebrated now on public television.

The Greeks were great people in every way: in science, in literature, in architecture, militarily. They defeated opponents who had many more soldiers and far greater resources militarily. The great Greeks, the people we know so very well: Socrates, Plato, Aristotle, all three came right together. Aeschelus, Sophocles, Euripides, the great dramatist, and on and on it goes in medicine, architecture. There is a Greek related to the beginnings of western civilization, the great Greeks, and do it for a long time.

Then they got fascinated with military conquests under Alexander who had studied under Aristotle and understood some very important things that Aristotle taught him. Alexander started his conquests. The great secret of

Alexander's ability to keep conquering was that the people that he conquered he looked upon as human beings, he absorbed them into the Greek culture. He tried to. He did not have to occupy the places that he conquered because the people became allies and friends.

But as his ego mounted, as his conquests increased and his ego rose, he forgot the secret of his success and became a cruel and inhuman tyrant, and eventually he spread out the Greek resources and Greek empire in such a way that, upon his death, things began to fall apart. So Greece failed.

Rome failed to live up to the possibilities of mankind, to spread their great civilization throughout the world. Greece failed.

Before that was Egypt. Egypt, we are still now digging up new tombs. Egypt, Nubia, as you move toward black Africa, they are discovering more and more pyramids, more and more tombs. They are discovering that Egypt's Egyptians were as black as they were brown.

As they dig up these tombs, they find new and more splendiferous treasures, gold and jewels and all kinds of things that evidently Egypt was, at that time, a place of unparalleled wealth. They had an organized society. Something was wrong, though, because the society chose to focus on death more than life. One can imagine how many millions died creating those pyramids and tombs and creating the treasures that went into those tombs.

They had an obsession with death. They had an elitist culture. They had people who, despite their great wealth, had no vision. Egypt failed too.

So here we are, the United States of America, unprecedented in terms of wealth and power. The great advantage we have perhaps over Egypt and Rome and Greece is that we have a modern democracy. Greece had a democracy. They did not have television. They did not have the Internet. One could not click on and give one's opinions. There is a whole lot that we have now that they did not have.

They did not have an ability to make wealth multiply as rapidly as Bill Gates is able to multiply his wealth or Ted Turner is able to multiply his wealth. They did not have this great contradiction where there were people in one part of the world who still do not have running water and who live on a dollar a day, and there are other people in the Fortune 500 who have millions and millions of dollars, more money than they will ever be able to spend.

The United Nations has put out a report and calculated that one could provide enough decent water, one could provide vaccinations and medical care for children, one could provide an elementary education, one could provide a way for youngsters to get a start in life with educational opportunity, one could provide a package for the poor and downtrodden of the world for $40 billion a year. All of the developing countries, all of the dirt-poor countries like Haiti, like the countries in Africa whose life is bleeding away from disease. All of those things could be brought under control with $40 billion of expenditure per year.

We have just proposed a budget of more than a trillion dollars just for the United States of America. We anticipate a surplus of $1.9 trillion over a 10-year period.

Bill Gates, according to estimates, is worth at least $40 billion. That is several months ago. They talked about $40 billion, one man whose net worth is $40 billion, and because it increases geometrically, it is far beyond that probably now. That estimate was made a few months ago.

So with all of that, we approach the budget for the year 2001 that is going to be debated and discussed here in the Congress and here in Washington. We are the dawn of a digital age. America is leading the world very rapidly at an ever-escalating speed into what I call a cyber-civilization.

What drives the wealth of Bill Gates and new millionaires, the new billionaires is a cyber-civilization. It is the age of the "e," the age of the dot.

If one watched the Super Bowl, one knows what I mean. Most of us watched the Super Bowl. It is not something which is elitist, esoteric. The "dot" is here. The "dot" is here because the great United States of America invested in the kind of science that produced the Internet.

It was the people of the United States through their military that created the Internet, just as the people of the United States through the military created radio, mass broadcasting, and television. If one looks at the history of all these great developments, they belong to the people. They would not exist if it had not been for a government that chose to make investments. Yes, they chose for military reasons. The Navy wanted to develop radio. For military reasons, we developed the Internet. The defense system needed to meet certain needs.

Whatever the reason, American taxpayers' dollars invested well, created the possibilities for the great cyber-civilization which we are contemplating now.

Now, what does all this have to do with the figures and the numbers, the priorities and the proposals released by President Clinton today as we start the budgeting process? The President released his budget. The President is a Democrat, so the Republicans in Congress in the majority received it with a statement that it is dead on arrival. That is the way the budget was treated last year, the year before. When we had the Republican Presidents, the Democrats in the Congress used to say the same thing.

We need to get away from that cliche, "dead on arrival." Nevertheless, that is the way we start, dead on arrival. That means we are going to have a great debate.

I am trying to take a few minutes to appeal to my colleagues to get beyond the trivial, to get beyond the immediate and the myopic approach. We all are held very closely to reality.

We all know as Congresspersons that, when we go back to our districts, people expect us to have our feet on the ground. They do not want to know about the possibilities of a cyber-civilization. They do not want to know about the fact that we are at a point where the Romans first once stood and the Greeks once stood and the Egyptians. We are now the pivotal Nation, what President Clinton called in his inauguration address a few years ago, we are the indispensable Nation.

Once Rome was the indispensable nation. Once Greece was the indispensable nation. Once Egypt was the indispensable nation. Now the United States is the indispensable nation to determine the future of the world. Is that too ambitious a vision to project? I do not think so.

There was a time just a few years ago when people were predicting that the little island of Japan, because it was moving so rapidly in technology and overtaking the other industrial nations, that we would all be trailing in the wake of Japanese economic power.

There was a time when we looked at Europe and the wonderful and very much appreciated unifying factor there, the uniting of Europe, where, instead of wasting their resources and their genius on war, now they are uniting in economics and politics that they would surely be leading the world, and we would be following in their shadow.

But history has not developed that way. The fact that we are at the point that we are now is more than just luck. Some great decisions have been made, some immediate decisions in 1993 made by the Democrats on the floor of this House and in the Senate, and some long-term decisions made in terms of the investment in items which not only include the Internet, radio, television, but also the science that produced wonder drugs. We keep people alive longer, they are able to produce more scientific miracles. Wisdom, the longer one lives the greater the wisdom in general, and one is able to take advantage of that.

Just an item like that on the side, wonder drugs and the things that have helped people function throughout their lives for longer periods, all of it comes together, all of it is American, all of is part of what we have created by maximizing freedom and allowing all flowers to bloom, allowing the innovations and the ideas to come up from the bottom. All of this has led us to the point where we now have the prospects of a $1.9 trillion surplus over a 10-year period.

□ 1930

And we have a President who has proposed a budget of more than $1 trillion.

The Congressional Black Caucus has asked me to serve on the committee to develop an alternative budget, and I welcome the opportunity. In previous years I have helped to develop an alternative budget and found it to be an exhilarating experience, to take the President's figures, to take the parameters that are set by the White House and set by the majority party and to try to operate within those parameters.

Last year the Republicans were so parliamentary cruel that they banned other budgets from being offered on the floor. I hope that they will become more civilized and that we will go back to the tradition of the House of having alternative budgets offered by various groups. Let the Blue Dogs offer their budget, let the conservative Republicans offer their budget, let the moderate Republicans offer their budget, let the Congressional Black Caucus offer its budget, and the Hispanic caucus, and let us see what the alternatives are.

We would like to combine with people who are not just African American but people who care about others; what I call the caring majority. There is in America a caring majority. The caring majority is made up partially of people who are suffering from oppressive policies, who are suffering from the blindness of leadership, who are suffering from the blunders of leadership, from people who are not necessarily cruel but who do not understand what it means to force a welfare mother to go to work instead of taking care of a young child.

We have a whole bureaucracy related out there to putting that welfare mother to work and complicating the life of both the mother and the child because they like the idea of people going to work. In the process of creating the order to go to work, they have to create a decent day care center. And a day care center will not exist unless we have funding for that. But we do not provide decent funding for the day care centers, so we have inadequate salaries and people in day care centers who are going to be a negative influence on the children because they do not know what they are doing and they are bitter about their low wages.

We create bureaucracies and take away a child from the one most beneficial thing that they have: a parent. That is the kind of blunder that a lot of decent people fall into. That is the kind of reasoning that seems to be straight and logical but which is very, very crooked and harmful.

So we have the opportunity to seriously debate these parts of the budget and reach some conclusions that we should spend money in a way which allows what Thomas Jefferson stated in the Declaration of Independence to become a reality; that people really have not just the right to pursue happiness but the opportunity to pursue happiness. The right to the pursuit of happiness is important. Do not interfere with that, but let us also in the great America of the year 2000 create opportunities to pursue happiness.

We have had great debates over the past few years about race-based legislation; race-based programs. Some people have sweated, turned all kinds of colors at the thought of doing anything that is race based. I have said that if we are talking about race-based programs in the abstract, yes. But if we are talking about programs to compensate for the fact that for 232 years one group of people were held in a cruel bondage, where no wealth could be created, where laws were made which made it illegal to teach them to read, where all kinds of cruel things were done and now the descendants of those folks are behind the mainstream, it is not really race based, it is justice based to talk about scholarships just for African Americans, to talk about policies which force the end of gerrymandering which creates districts that keep African Americans out of power so they cannot help themselves, and on and on it goes. So the so-called race-based phenomenon is offered as a first step towards some kind of justice.

Reparations is something we do not want to talk about in connection with American slavery. The Abraham Lincoln Bicentennial Commission will probably rule out any discussion of reparations for the descendants of African American slaves, rule it out of order. Oh, yes, we can discuss reparations for the Japanese who were interned during World War II in America, and we did discuss that and we did pass some legislation. I certainly, along with other members of the black caucus, welcomed that legislation and supported that legislation. We supported recognition that a government has responsibility, a present government has a responsibility for what past governments have done.

The Japanese day in and day out are fighting that notion. They refuse to apologize for what they did to the Chinese. They refuse to apologize for what they did to the Koreans. But let us applaud the fact that the Swiss have finally owned up to the fact that they swindled desperate people out of billions of dollars. The Swiss have finally said that, yes, we did take the money from the Jews fleeing the Germans, we did put their money away and refuse to allow anybody to claim it later, refused to come forward, so we will pay. The Germans are now creating a $5 billion fund, reparations for all those people they forced into slave labor in the industries. And maybe they have some kind of compensation for all those who died that they can pinpoint.

I do not want to get into details. I do not know the details. I just know that the concept of reparations, that a present government has a responsibility for what past governments did; that the people of a present Nation have a responsibility and should bear some responsibility for what the people did in the past. That has been established everywhere.

What does this have to do with the budget the President sent to Congress today? Throughout this budget there are opportunities to do things which would greatly facilitate the correction of some of the injustices that were done to the forefathers of African Americans. There are great opportunities in this budget to go forward and create programs which not only help the descendants of slaves but also help all poor people.

Yes, we have had this great debate. We have lost it. Those of us who wanted reparations, those of us who said we needed to have affirmative action, we basically lost ground. We have lost ground in the Supreme Court. The Voting Rights Act is being diluted. We have lost ground in the universities. They have ruled out giving scholarships on the basis of race. We have lost ground. Let us switch the concepts. If we have lost ground on the basis of reparations and the need to correct past injustices, let us talk about opportunity. Let us go for an opportunity budget.

In the President's budget we should create maximum opportunities not only for the descendants of slaves but for all people who are disadvantaged; for immigrants who came here from dirt poor countries who have problems assimilating, for other people who in some way have been disadvantaged, for the Native Americans who were driven off their land and treated cruelly. They fell for the trap of segregation and separated themselves out and have not been able to get a foothold in the power structure and, therefore, are suffering more than any other group probably of disadvantaged people in America.

Let us have an opportunity program which looks upon every child that is born. Let us not focus so much on what happens in the womb, let us focus on what happens after the child gets here. Let us say we will guaranty an opportunity that every child born in America will have an opportunity to get an education which maximizes their God-given talents; that no child shall be hungry from the time he is born until the time he gets to be 18 years of age or 21 years of age, finishing college; that every child should have an opportunity to go to a school which is a school that physically is better than his home. It does not threaten his health because at the school there is a coal burning furnace spewing fumes into the air which may ruin his lungs and create a situation where asthmatic conditions develop in that child.

Let us not send a kid to school which is so crowded that it forces him to eat lunch at 10 o'clock in the morning, which ruins his digestive system and his whole attitude toward eating because he just had breakfast. Because of the bureaucracy of the school and the fact they have so many kids to feed, in a cafeteria that was built for one-third of the number that they have to feed, they have to have three lunch periods and they have to start early. The children who eat lunch early at 10 o'clock are forced to eat lunch before their breakfast is digested. The children who eat lunch late are hungry, unusually hungry, and their systems are damaged. Let us not have an America that allows that.

Let us have an America that with a $1.9 trillion projection over a 10-year period decides to invest heavily in opportunity in various ways. Opportunity may involve health care or opportunity may involve housing. There are very few housing programs any more that are being driven by Federal initiative. We are barely hanging on to the programs that were created by the New Deal and by the Great Society. So we need to create decent housing for every child born; an opportunity not to have to live in a cold house that makes it difficult to sleep at night for a child or creates the possibility of many more illnesses so they will miss many more days of school and also develop many kinds of childhood illnesses which create difficulties later as an adult. On and on it goes. An opportunity to be free of that.

Why not look at the budget in the year 2000 as being an opportunity to get rid of all those impediments to children; an opportunity budget as we go into the great cyber civilization.

The cyber civilization needs brainpower. Brainpower drives America right now. Those nerds, those kids that everybody made jokes about in high school and in college, they now are in command. They are in command. They are the ones who drive the computers and the Internet and the e-commerce. It is not a passing phenomenon. We are going to need more and more of them. The projection is that right now we have 300,000 vacancies that are going unfilled in information technology? These are cyber technicians, people who can create the Internet; programmers, people who can merge a sense of the culture with what is possible in the digital world and come out with a product that is very useful and also very profitable. All of these developments require brainpower. We know that.

If brainpower drives the future, then let us invest in activities which create more brainpower. So the opportunity approach is not only the ethical approach, not only the moral approach, the opportunity approach is the most practical approach. If we want to keep America great, if we want to keep this economy going, if we want our military to remain the greatest military, the most effective military in the world, we have to have recruits that go into that military who are exposed to the digital revolution, who have come in understanding a great deal and can be trained to use our high-tech weapons.

There is no sector in American public life that is not affected by the digital revolution.

Madam Speaker, I began by saying that two great things happened today. One was that we voted to create a bicentennial commission in honor of Abraham Lincoln, and that commission and all the activity surrounding that is very beneficial to the American Nation as we examine where we are at the beginning of the 21st century.

□ 1945

I also said today we launched the most important budget in the history of the United States of America. I also said I think it is most unfortunate that we are casually launching this budget and trivializing the significance of this particular moment in history, that we are downplaying the fact that we have a $1.9 trillion budget surplus progression over a 10-year period.

We are trivializing the fact that this budget will definitely not have a deficit if we are going to have a budget that is certainly balanced, and we can do that without having to cut large numbers of programs.

The challenge before us is, when we have this kind of opportunity, when this kind of wealth exists unparalleled in the history of the world, when we stand at the pinnacle of the rudder system that guides the world, and maybe we are the gyroscope that guides the entire universe at this point, that great responsibility will be taken seriously enough to utilize this budget for the sake of the entire world, starting with our own people who need health care, who need a greater investment in education and opportunity.

Why be too cautious? Why be cavalier? Why be uncaring? If we are cautious, cavalier, and uncaring at this moment in history, we may lose our opportunity, the way the Romans lost theirs and the way the Greeks lost theirs and the Egyptians and maybe the way the British Empire lost its opportunity to provide leadership that would create a heaven on Earth, a place where all human beings have an opportunity and a right to pursue happiness. It is possible.

The United Nations has said, as I repeat, that, with $40 billion expenditure per year, you could end most of the greatest hardships of the world, you could vaccinate children all over the world, you could provide a primary school of education, you could provide decent water for everybody in the world. It may be that they are off by a few billion dollars, but the fact that they have come up with a quantification of what the world needs is a great beginning.

I salute Ted Turner, the great American billionaire, when he decided that he would devote a billion dollars to helping people throughout the world. That is the kind of action that individual Americans with wealth can take, and we are probably going to see more of that. Let us applaud that.

I salute Bill Gates and his magnificent set of foundation projects, one of which is a billion dollar grant to the United Negro College Fund. The United Negro College Fund has been given a billion dollars to provide scholarships for students over a 10-year period. For college students, they are going to pay the entire college expense for 4 years. These students who are fortunate enough to be chosen will have their college expenses paid for 4 years. That is Bill Gates, the billionaire. There are other billionaires and other millionaires who have various kinds of projects of their own.

That is American. This is very American. Never in the history of the world have we had this kind of foundation approach to the utilization of wealth by individuals. I do not think the Greeks had any foundations or the Egyptians or the Romans. There is no evidence that they had centers of philanthropic operation run by ordinary citizens.

The governments did have certain programs, but probably the Greeks failed because they did not educate enough Greeks. It was an elitist process. The academy that was run by Aristotle probably only took the elite. Probably the Egyptians failed because the priest and the whole religious society of an elitist ran the culture and eventually ran the whole nation.

On and on it goes. Let us not make that mistake. We have a great democracy now. Let us invest in education so that the maximum number of people will be able to be fully developed and make their contribution.

The greatest natural resource in the universe is the human mind. That is not just a flowery phrase. It is reality. With the human mind, you open up vast caverns of possibilities and scientific miracles that have produced the technology and the medicine and the kinds of things that are happening in today's world. It all came out of human minds.

If you put to work twice as many human minds in 10 years as you have working now in the area of science and math and agriculture, producing music, drama, the kinds of things that create a culture, we take advantage of the opportunities that are created by technology and science. Because the human being is molded a certain way.

One of the problems with the Romans is that even while they were building vast architectural empires, they invented concrete, they were the geniuses in military strategies, at the same time the Romans had the coliseums. If you have ever been to Rome and been to the Coliseum, a fascinating thing to behold is that underneath the main arena are all these pits where the animals were kept, big animals, like lions and tigers. They were kept there because they are what they threw the Christians to. And Christians were not the only ones sent to the lions.

The Romans sat in these huge coliseums while watching animals eat people and watching gladiators kill each other. They were a culture out of sync with compassion and humanity. Even though they had the greatest military inventions and strategies and created Roman law and logic, the breadth of the Roman empire was so impressive they liked to watch people get eaten by animals.

That lack of development, that cruelty streak, whatever you want to call it, probably played a great role in the fall of the Roman Empire, the lack of compassion, the inability to make use of all their great wealth for everybody.

So we would like not to be an American people who watch the Super Bowl in millions. We would like not to be an American people who find that phoney wrestling on television is the most popular cable television programs, phony wrestling, watching people do crazy things to each other, knowing very well it is all staged.

Our culture, our minds are being shaped by that. Where might we be in 10 or 20 years if more of that keeps going on? Our science, our genius, our government all may not be able to save us if our culture is watching phony people throw each other around in the ring. That is our entertainment. Our minds may get affected and shrink as a result. I am laughing, but I really do not think it is funny.

If we enjoy that kind of cruelty, we may institutionalize cruelty. And we have to some degree institutionalized cruelty. We have vast expenditures by the Federal Government and by State and local governments in a prison system which now is the largest in the world. No industrialized nation has more people in prison than the United States of America.

Is that where we want our wealth to go, to build more prisons? We build a prison and keep a person in prison for no less than about $20,000 a year. The price to keep a man in prison costs a minimum of $20,000 per year.

In the New York City school system, people complain about the fact that we spend $8,000 a year per child for an education. But yet, we are willing to send that same child to prison and spend $20,000 a year. That is the kind of thinking that probably led to the downfall of the Roman Empire.

I am talking about the President's budget today. You might wonder why I am not reciting figures. You are going to hear a lot of figures. You are going to hear a lot of numbers.

Let us take time out to salute President Clinton for the fact that he has placed a great deal of emphasis in his budget on education, not enough, in my opinion. But where else in Washington, where else in the world will you find more emphasis being placed on education? Where else in the context of the American government systems, the States, the cities.

There are cities like New York City that have surpluses and had a surplus a year ago of $2 billion. The amount of revenue collected was $2 billion greater than expenditures. And yet New York City would not spend a single penny to remove the coal burning furnaces in its schools.

There are more than 200 schools in New York City that have coal burning furnaces. New York City spent several million dollars on an asthma project to educate school kids and their parents about asthma to try to do something about an asthma epidemic. Asthma is growing as a problem in New York City. And in the course of that asthma project, which got high visibility for city hall and the mayor, they did not mention a single time that the city, the Board of Education, was responsible for 200 coal burning furnaces spewing pollutants into the air very close to where young children were being educated.

If a child is sent to school from a house that burns oil or gas and the school is burning coal, that means that at school he is placed in jeopardy in a way that he is not placed in jeopardy at home. Going to school becomes harmful to children who at an early age are put into a school that is burning coal.

When I bought my first house, it was a coal burning furnace. We got a bargain. I could not afford it otherwise. And we tried very hard with filters and we worked very hard to keep it clean. But no matter how hard you work, those tiny particles of coal dust get into the air and eventually in the lungs of young children.

We were glad when we could convert to gas, I assure you. Coal is used for many purposes but it should not be in a situation where children are being exposed day in and day out to the fumes and the dust that comes from coal.

But in New York City, we had $2 billion and not a single penny was spent to get rid of a single coal burning furnace. In New York City, $2 billion and not a single penny was spent to build a new school.

The mayor squirreled all that away. That is the kind of cruel and blind decision-making that we do not want to be guilty of in this budget.

The President has proposed, and I want to salute him for this breakthrough, the President has proposed in the area of school construction we go beyond what has been proposed in past years. He has proposed for the past few years that the only Federal involvement in school construction would be limited to a $25 billion program where the Federal Government would participate in the program where localities and States could borrow up to $25 billion across the country, the total would come to that much, and the Federal Government would pay the interest on the bonds.

And if that whole program went into motion and the whole program was utilized, the Federal Government would be paying $3.7 billion in interest and, therefore, its contribution to school construction in the entire country would be $3.7 billion.

Now, the General Accounting Office has said that in 1995 we needed $110 billion to repair and build schools in order to keep up with the population at that time. Without projecting additional children who would be going to school and therefore needing more classrooms, $110 billion was needed in 1995.

Bob Chase, who is the President of the National Education Association, made a speech at the Democratic Caucus retreat this weekend where he said that now we need $300 billion in order to stay even, that in order to have a decent school and classroom for every child that is going to school, you need to bring it up to $300 billion.

But the President is proposing, and he is way out ahead of everybody else, the Republicans propose zero, the President is proposing $3.7 billion to pay the interest. We need at least the amount that the General Accounting Office projected in 1995, more like $110 billion dollars.

I have a bill which, based on the General Accounting Office progression in 1995, proposes that we spend $110 billion for school construction, repair and modernization over the next 10 years. The President has at least gone beyond his $25 billion borrowing scheme and made a breakthrough in thinking in this administration and he has announced a new school construction initiative where $1.3 billion will be directly appropriated, directly appropriated, not borrowed, no interest, no principal, the Government of the United States will directly appropriate $1.3 billion for emergency school repairs.

□ 2000

Mr. President, we thank you for that great breakthrough in logic. We thank you for joining the commonsense Americans.

We have made a first step. In fact, I sent out a "Dear Colleague" to all the Members saying we are winning. We are winning. This is a great step over where we were 2 years ago. We are winning because the commonsense logic of the American people is beginning to prevail.

The American people in survey after survey have indicated education should be the highest priority. When you ask them in great detail to tell you what items within the education budget need the most help, they say fixing schools. School repair, construction, renovation, security, all of those items relate to infrastructure, and rank highest in the minds of the American people according to several key polls.

Why do I single out school construction? Why do I walk around with this hat as a symbol, a trademark, to keep it in people's minds when we are talking about it? Why do you care about education and care about schools?

I have been on the Committee on Education and the Workforce now for my 18th year. I care about education. I asked to be placed on the Committee on Education and the Workforce when I came here, Education and Labor it was called then, because I saw education and jobs, education and employment, as being inextricably interwoven. You cannot separate them. If I was going to do anything about the high unemployment in my district, about the opportunity for the poor people, I needed to be on the Committee on Education and the Workforce. So education has been the one thing that I have considered most important in my life for a long time.

Why do I single out school construction among all the other items that relate to improving education? Because school construction, the physical infrastructure, they are so dilapidated, so rundown, such obvious symbols of a lack of commitment in certain areas. Not just the big cities, but even when you get outside of the big cities, you have schools in the suburbs with trailers all over the place, indicating that the commitment to build schools is not there, that the trailers were put there instead.

They are supposed to be temporary. Some places have had trailers for 20 years now. The trailers do not have indoor toilets. When the weather is bad you, you have to go out to the real building for that. Trailers are not symbols of education commitment to children.

So why do I see the physical infrastructure as being so important? If I am an intellectual, why do I not care about the books, the curriculum, the standards? Why do I not care about testing? Why do I not care about whole school reform?

I care about it all. It is all very important. I think it is dangerous to try to separate out any one part and say we do not need it all. We need it all. But there is such a thing as a core need, a kingpin need, a critical need, which, if it is not addressed, all of the attention to other needs is folly.

For example, let us consider school reform and investment in education as we would approach a patient that is very ill in a hospital. The patient is delivered to the doctors in the hospital and they are told that this man has heart congestion. Because of the heart condition, if something is not done about the heart very rapidly, very quickly, he is going to die. But he also has infected feet. He also has strange sores growing all over his skin. He also has some damage to one of his internal organs. Which shall the doctors address first if they care about keeping the man alive?

The school systems are no different. In order to keep the patient alive, you have to address the heart congestion first. If the heart stops beating, none of the other illnesses matter. If the heart stops beating, trying to cure the infected foot is a waste of time. If the heart stops beating, trying to cure the damaged organ internally is a waste of time.

If you do not address the school buildings, the infrastructure, which provides the place for the library and the laboratory, the physical symbol of commitment, if you do not address that, then the children will pass judgment immediately. Walking into a dilapidated school with a sagging roof, water dripping through the roof on the top floors, window panes out, coal burning furnaces. I went to one school, I had a town meeting, 7 o'clock in the evening, and under the chairs in the auditorium where we were holding the town meeting, mice were playing. No extermination was taking place, no effective cleaning services were taking place in that school.

What does that tell the children? What does that tell the teachers? It tells the children and teachers that there is a lack of commitment by the people that make decisions about the budgets to provide a decent education to those children.

We have gone from blaming the children, change the curriculum standards, test the children, blame the children, now we have come down to blaming the teachers. This is the year of blaming the teachers. We have dealt with curriculum standards out there. We tried to institute national testing. Some of us fought that. We said "do not test the kids until you have more resources so they have a chance to learn before you test them."

Now we have gone to focus on the teachers. If only the teachers were better prepared, if only more teachers were certified, if only more teachers understood what they are doing, then we could reform the school system.

Not for one moment will I disagree that we need quality teachers. We need systems that provide certified teachers, qualified teachers, right across the board.

In my district, one-third of the schools in my district, where the poorest children live, half the teachers are not certified. Each school has at least 50 percent not certified teachers, 50 percent unqualified teachers, because they have been given a chance, in some cases, 9 or 10 years, to get certified, and some have not wanted to care.

Recently the United Federation of Teachers, the teachers union, said to the uncertified teachers, if you want to go back to school, we will pay your tuition. We will make it possible for you to get certified.

They were shocked to find that the majority of the people they were addressing turned it down. When they turned it down, they said to the union people, "This school system needs our bodies. We cannot be replaced. We are not worried about losing our jobs. You need our bodies."

Mr. Speaker, I want to end by saying that at the heart of education reform, education investment, which should be the heart of this year's budget, should be $110 billion over a 10-year period for construction, because that is the way we show our commitment for education as we go into the 21st century as the leaders of the world and as the leaders on this whole globe. We ought to take this budget seriously. We ought to make the decisions that will carry our Nation forward, and not make the error that the Romans, Greeks, and Egyptians made when they were at the pinnacle of power and had the world in their hands.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6, MARRIAGE TAX PENALTY RELIEF ACT OF 2000

Mr. DREIER (during the special order of Mr. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 106–495) on the resolution (H. Res. 419) providing for consideration of the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, which was referred to the House Calendar and ordered to be printed.

DEALING WITH THE BUDGET SURPLUS AND THE NATIONAL DEBT

The SPEAKER pro tempore (Mr. GANSKE). Under a previous order of the House, the gentleman from Wisconsin (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Wisconsin. Mr. Speaker, I would like to bring to your attention a very important issue facing the American public, something that we dealt with today in the Committee on the Budget and something I talked about with the constituents I represent in the First Congressional District of Wisconsin throughout the past 2 months during the Christmas recess, and that is this: What are we going to do about our Social Security surplus, what are we going to do about our non-Social Security surplus, and what are we going to do about our national debt? These are the issues that are driving our Federal budget process now. In doing so, the President, as he is required by the Constitution, sent the budget that he is proposing to pass into law to Congress yesterday.

This morning we had a hearing in the Committee on the Budget where the President's budget director outlined the budget. I would like to share a few of those details with the viewing public tonight and my colleagues.

First, we finally have agreement, we have progress on the fact that all Social Security money should go to Social Security in paying off the debt we owe to the program.

If you recall, Mr. Speaker, last year in this well, before the Nation and before Congress, the President in his State of the Union address said he wanted to dedicate 62 percent of the Social Security trust fund to Social Security, thereby spending 38 percent on other government programs.

Last year this Congress said no, that is not enough. I actually authored the Social Security lockbox bill with the gentleman from Ohio (Mr. KASICH) which requires that from now on, if you are going to pay Social Security taxes, it goes to Social Security; that 100 percent of the Social Security taxes we pay, 100 percent of the Social Security surpluses actually go to the program, go to the trust fund and go to pay off our national debt so we can create more solvency in the Social Security trust fund.

So there was a difference last year. Congress was for protecting 100 percent of the Social Security trust fund last year; the President was for protecting 62 percent of the Social Security trust fund.

Now we have good news. The President has finally come around and agreed that, finally, for the first time in 30 years, we should pass legislation to protect 100 percent of the Social Security trust fund. I am very encouraged by this news.

However, I am a little concerned at what Jack Lew, the OMB Director, the President's chief budget writer, said this morning, and that was this: They support the idea of putting 100 percent of the Social Security surpluses back into Social Security and paying off our debt, but they are not in support of legislation to ensure that this happens. That is a little odd, I think. So I would like to see this administration walk the walk and not just talk the talk.

But then what happens when we look at the non-Social Security surpluses? Today in America people are overpaying their taxes. They are overpaying their taxes in two very fundamental ways: They are overpaying their taxes with Social Security taxes. That spending of the surplus has occurred for years. We have actually raided that fund for 30 years, this government has, to spend on other government programs.

For the first time in 30 years, last year this Congress stopped the raid on the Social Security trust fund. I am seeking to pass our lockbox legislation which will make sure we never go back to the days of raiding the Social Security trust fund.

But on the other side of the Federal Government ledger book, the non-Social Security part, millions of American taxpayers, hard-working families, are overpaying their income taxes. So we now have a non-Social Security surplus approaching $2 trillion over the next 10 years. That is astounding.

We were looking at deficits as far as the eye could see just a few years ago. Now we have the opportunity, now we have the good fortune, based on good discipline in spending and based on a great economy, to have a $4 trillion surplus: $2 trillion for Social Security, $2 trillion from an overpayment of income taxes.

Here is what the President is proposing to do. He is finally agreeing with Congress that we take the $2 trillion from the Social Security surplus and apply that back to Social Security, towards shoring up the program and paying off our National debt, which consequently is some money we owe back to Social Security.

But on this non-Social Security part, the income tax overpayment, the President in this budget is proposing to spend $1.3 trillion of that surplus. He is proposing to spend 70 percent of the non-Social Security surplus on new government programs in Washington.

Specifically, as we analyzed this budget in the Committee on the Budget as we did so this morning, the President is calling forth creation of 84 new Federal spending programs to be launched this year by the Federal Government, to be paid for by the income tax overpayments of the American taxpayer.

Now, Mr. Speaker, I held over 60 town hall meetings in the district I serve in southern Wisconsin, the First Congressional District, where I posed a lot of questions to my constituents to ask them about this. They said that if they are given a choice between tax reduction and debt reduction with this money, they were evenly split. But if they were given a choice between spending their income tax overpayments on new spending in Washington or reducing our national debt further and reducing our tax burden on families, they would clearly side with reducing taxes and reducing the national debt.

Mr. Speaker, this budget will probably fall to a similar fate as last year's budget, which was a vote of 422 opposed and 2 in favor of the President's budget.

Mr. Speaker, I urge this administration to come back to the table, save these surpluses for paying down our national debt, shoring up Social Security and giving people their money back if they still overpay their taxes, instead of using it to spend $1.3 trillion on the creation of 84 new Federal Government programs.

☐ 2015

HEALTH CARE REFORM STILL MAJOR ISSUE FOR AMERICANS

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I am going to probably not take all of my allotted hour tonight, probably about half an hour or so. Any colleagues that may be following should have notice of that.

This weekend in Parade Magazine, February 6, 2000, on page 15, there is a cartoon. I do not have it blown up like I have made charts of many cartoons in the past as I have spoken here on patient protection legislation, so let me describe what this cartoon shows. It shows a doctor sitting at his desk holding a sheet of paper. There is a patient, a man, sitting in the chair in front of the desk. The doctor is saying, "Your HMO won't cover any illness contracted in the 20th century."

Well, Mr. Speaker, it is a truism that in order for something to be funny, in order for there to be a joke to be effective or a cartoon to be effective, the public has to understand what the punch line is and what the issue is. And the issue, of course, is that HMOs have not treated many people around this country fairly. They have come up with rules and regulations in byzantine and bizarre ways to deny necessary, medically necessary care for their patients. So of course when we see a cartoon like this where a physician is telling a patient sitting in front of him, "Your HMO won't cover any illness contracted in the 20th century," it fits right in with what we think of as an unfairness of treatment by HMOs, along with the turn of the century, the new millennium.

I think that this cartoon and the jokes that we will frequently hear about HMOs indicate where the public is in their opinion on health maintenance organizations and whether they get treated fairly and whether, in fact, they think Congress ought to finally get something done to pass patient protection legislation.

I have been coming to the well of this House of Representatives for 5 years now. I started out with a bill that I had called the Patient Right to Know Act that would have banned gag clauses in HMO contracts that prevent physicians from telling patients all of their treatment options. I mean, the situation is such that some HMOs have tried to prevent physicians from telling a patient all of their treatment options because one of them might be an expensive one; and they have required physicians, for instance, to phone the HMO to get an authorization before they can even tell a patient what the treatment options are.

Before I came to Congress, I was a physician. It would be like me examining a lady with a lump in her breast knowing that there are three treatment options, and then because this HMO has this gag clause in a contract, having to excuse myself, go out into the hallway, get on the telephone and ask some bureaucrat at some HMO whether I can tell the patient about all three of her treatment options. I mean this issue has been here in Congress for too long, and the public feels that way.

I have here a survey done by Kaiser Family Foundation, the Harvard School of Public Health called National Survey on Health Care and the 2000 Elections, January 19, 2000. They were surveying a number of issues, but they said on patient rights, more consensus emerged on the issue of patient rights, even though, after nearly 2 years of debate, voters have decided that a Patients' Bill of Rights could increase the cost of their premiums. We will talk about that later, because the costs have been greatly overestimated by the managed care industry, and there are several studies that show that a cost increase in a person's premiums would be very modest, probably in the range of several dollars per month. That would then mean that one's insurance would actually mean something if one got sick.

Mr. Speaker, to go on of what the findings in the survey showed, about two-thirds of registered voters, of health care voters, because they divided this up into voters that were concerned about different issues, and education and health care, by the way, were way at the top of this survey, two-thirds of registered voters think health insurance premiums for people like them would go up if patient protections were enacted, but very few think their premiums would go up very much. And I say to my colleagues, they are right.

Now, 72 percent of registered voters favor patients' rights legislation versus only 17 percent that oppose it. In contrast to other health issues, there is more consensus between Democratic and Republican registered voters on patients' rights with 75 percent of Democratic registered voters and 68 percent, more than two-thirds, more than two out of three of Republican registered voters favoring patient protection legislation.

It goes on to say, one reason there may be greater consensus on patient rights is that many registered voters view patient protection legislation as a plus for them personally. Mr. Speaker, 45 percent say that it would make them better off, and only 7 percent say it would make them worse off. Mr. Speaker, 37 percent say they would not be much affected, but among health care voters, 52 percent say it would make them better off. As in past Kaiser-Harvard surveys, support for patients' rights does not fall when people believe health insurance premiums will go up.

Well, Mr. Speaker, maybe it is because the presidential candidates have looked at this issue; they are being asked about it constantly. Maybe it is because some of them have been told by all of the people that they are talking to around the country right now about what they feel about this. Maybe it is because they have looked at the polls. I do not know exactly why. But, Mr. Speaker, all of our major presidential candidates, whether we are talking about Democrats or Republicans, believe that we ought to pass patient protection legislation.

Let me just read to my colleagues a few of the statements from both Democrats and Republicans on this issue. One of these people will be our next President. Here is what Bill Bradley says: "Health care decisions should be made by doctors and their patients, not an insurance company bureaucrat. A patient who feels that an HMO has denied needed care should have the right to an independent appeals process and should have the right to sue if harmed by an HMO decision. I support the Patients' Bill of Rights and I would push for a consumer right to know which would ensure that HMOs reveal important details of a plan that affect the care you receive." Democrat running for President.

How about a Republican running for President. Here is what the Republican who won the New Hampshire primary, Senator JOHN McCAIN, has said on HMO reform. When asked whether patients should have the right to sue, the most contentious issue, Senator McCAIN says yes. "Once a patient has exhausted all options to obtain appropriate medical care that has been denied by an HMO, including going through a free and fair internal and external appeals process, that patient should have the right to seek redress in the courts. The right to sue should be limited to actual economic damages and capped noneconomic damages under terms that do not foster frivolous lawsuits."

What does AL GORE, Vice President GORE, say about this? He says, "I believe that we must pass a strong enforceable Patients' Bill of Rights to ensure that people insured by HMOs get the health care they need when they need it. For many people, the decisions HMOs make can be the difference between life and death, and no one should have to worry about an HMO at a time when they are worried about their immediate survival. That is why I am calling for improved patient care by granting patients the right to an independent appeal when they are denied treatment, access to specialists, guaranteed coverage of emergency room treatment and the right to hold health maintenance organizations accountable for their actions."

What does Governor George Bush say on the issue of patient protections? By the way, I believe all of these statements are in an AARP infomercial that has been broadcast around the country. Here is what Governor Bush says about this. Governor Bush has a lot of experience on this, because several years ago Texas passed a strong patient protection piece of legislation, several pieces of legislation, and here is what he says: "I believe patients need access to a speedy and impartial forum to resolve disputes over health care coverage. Texas has a law that gives patients the right to seek legal action if they have been harmed. I allowed it to become law because we have a strong independent review process and other protections designed to encourage quick out-of-court resolutions instead of costly litigation. The process is working in Texas," Governor Bush says. He goes on and says, "I would support similar protections at the Federal level, provided they do not supercede the patient protection laws Texas and many other States already have on the books."

Well, Mr. Speaker, the bill that was passed here in the House last year, the bipartisan consensus Managed Care Reform Act of 1999 written by the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), and myself, passing this House by a wide vote margin of 275 to 151, was modeled after the Texas law. Last week I gave a similar Special Order on this and I pointed out the many, many similarities between the bill that passed the House and what is currently in place in Texas.

As Governor Bush has told me personally and spoken on this vigorously, that bill is working. The HMO industry did not fall apart when it was passed. There were 30 HMOs in Texas; today there are over 50. There has not been a plethora of lawsuits; in fact, there have only been about four filed. We know that the filings are an accurate index of how well that law is working, because Texas has a 2-year state of limitation on filings.

So if there were any cases out there, we would know about it. But there have not been because they have a dispute resolution mechanism, an independent review panel, and because the HMOs know that if they do not follow the law, they are going to be liable; and of those cases, those few cases that have been filed in Texas, most of them have been because the HMOs did not follow the law. So they should be liable, especially if a patient goes out and commits suicide, as is one of those cases, because the HMO made an incorrect determination on medical necessity. They did not follow the Texas law.

I could go on and talk about others who have endorsed this, but I think for a minute we ought to talk about what is going on here in Congress now. Because a bill passed the Senate a year or so ago and as I mentioned, we passed a strong bipartisan bill here in the House of Representatives a couple of months ago. So once we have a bill that passes the Senate and a bill that passes the House, if they are not the same, then they go to what is called a conference committee.

Unfortunately, it looks as if the conference committee has been stacked against coming up with a strong, good piece of legislation that could have the support of the House of Representatives that was already voted on for strong legislation, and a bill that could get the President's signature. Why do I say that? Well, let me read from the Daily Monitor, Congressional Quarterly from Friday, February 4. It says, "Although the House in October passed the patients' right portion of the overall managed care bill by 275 to 151 with 68 Republicans voting yes, House Speaker DENNIS HASTERT stacked the conference committee with foes of that measure. Only one Republican on that conference committee from the House voted for the bill that passed the House with 275 votes, and that one person voted for all of the alternatives."

Well, I think that we are seeing here a foot-dragging, at least an appearance from naming of the conferees that there really is not a commitment to take the clear message that the House gave in that vote, but also in several motions to instruct for our conferees to stand up for the bill that passed this House of Representatives with a strong bipartisan vote.

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I mean, that vote only came after we had to jump over many hurdles during that debate that were put up by the opponents to passing patient protection legislation.

I think that House Republicans in particular fear that Democrats could leverage voter anger over this perceived foot-dragging in an election year. So we are seeing statements now coming out about, well, we should get a bill out, bring it back to the House, bring it back to the Senate from the conference.

But I just have a bit of recommendation for my Republican colleagues. If they bring back a bill that is not a strong bill, that plays games with the fine details, that does not address the issue of medical necessity, which continues to allow for Federal employee plans, the ability for HMOs to define "medical necessity" in any way that they want to, a bill that does not have a strong enforcement provision to make sure that HMOs follow the rules, then it cannot pass. That conference report cannot pass the House. We cannot get it to the President, and we are at a stalemate.

The gentleman from Georgia (Mr. NORWOOD) who wrote that bill, along with me on the Republican side, we stand ready and available to our leadership to help in terms of getting a strong piece of legislation that is a real piece of patient protection legislation to the House. I have made that offer to the Speaker on several occasions. We will continue to work to try to make sure that a bill that comes out of conference, that comes to the floor of the House, is worthy of the name "patient protection legislation."

Let me just point out a couple of areas where we could see some real problems. The patient protection bill was married to a bill on patient access to deal with the uninsured. I certainly think that we ought to deal with trying to decrease the number of uninsured. I think there are components in that access bill which could gain bipartisan support. I mean, moving to 100 percent deductibility for health insurance for individuals and making that effective January 1, 2000, would be one of those things that would get broad bipartisan support. I am certainly in favor of that.

Currently this year individuals who purchase their health insurance only have a 60 percent deduction, as versus a business getting a 100 percent deduction for health insurance for their employees. I do not think that is fair. We ought to fix that now. That is one of the items that could be the basis for a bipartisan agreement on access.

But there are some provisions in that other bill that got married to the patient protection bill which are really big problems. Let me give an example. The Congressional Budget Office just did a study on what are called association health plans, or are otherwise known as multiple employer welfare association plans, MEWAs; AHAs, MEWAs, all these acronyms.

What these are, an association health plan is where an organization, for instance, could offer a health plan to its members and be included under Federal law but be absolved from State insurance regulation for the health plan.

Multiple employer welfare associations are basically the same thing. Years ago when Congress first passed the Employee Retirement Income Security Act, ERISA, the piece of legislation which pulled insurance oversight away from the States and basically left nothing in its place for quality control, which is why we have this problem with HMOs as offered by employers today, years ago when that bill passed there was a loose definition of "associations."

We saw a number of bogus associations offer health plans. They were undercapitalized. In some cases they were simply fraudulent. They went bankrupt. People ran away with the profits, and a whole bunch of people, hundreds of thousands of people, were left without insurance.

So Congress came back in the early 1980s and they tightened up the definition. They said, you can only offer an employer plan if you are a labor union or if you are an employer; an employer, not a grouping of employers or associations. Congress had to learn the hard way. A lot of people had to learn the hard way what the problem was. But some people now want to expand that definition again. I think the Clinton administration is correct on this, that it is not a good idea.

Let me give some reasons why. There was a study of association health plans just done by the Congressional Budget Office. This analysis by the CBO found that most small employers and workers would actually pay higher premiums if a preemption from State law for association health plans is brought back in this conference report, if it were enacted.

The report reveals that association health plans would save costs by skimming the healthy from the existing State-regulated small group market, thus making coverage more expensive for those who are left in that State coverage; i.e., the sick.

Specifically, this Congressional Budget Office report said that association health plans would not significantly reduce the number of uninsured. This is why a lot of people have said, well, we need to do association health plans that would decrease the number of uninsured.

But the Congressional Budget Office has looked at this and said, not so. Contrary to opponents' claims that AHPs would cover up to 8.5 million uninsured, the Congressional Budget Office estimated that coverage would only increase by 330,000 individuals, but also noted that the overall number of individuals insured would be lower, "Because some of those who gained coverage through association health plans would have otherwise obtained coverage in the individual market."

Then the CBO goes on to say, "Four in five workers would be worse off under association health plans and health marts." According to the CBO report, 20 million employees and dependents of small employers would experience a rate increase under association health plans, while only 4.6 million would see a rate reduction.

Those do not sound like particularly great numbers to me. We are going to reduce the rate for about 4.5 million, but we are going to increase the premiums for 20 million. Does that make sense? Is that something we should be putting into a bill where we are trying to reduce the number of uninsured?

The CBO says, "In addition, 10,000 of the sickest individuals would lose coverage if association health plans were enacted. Association health plans would save money primarily by cherry-picking." What does that mean? The CBO estimated that nearly two-thirds of the cost savings for association health plans would result from attracting healthier members from the existing insurance pool.

I come from one of the largest insurance centers in the United States, Des Moines, Iowa. I think it has more insurance companies than Hartford, Connecticut. I can say something about how insurance works. It works by making sure there is a large enough pool of the insured so we can spread out the risk, the cost of the risk.

But what association health plans would do is they would pull the healthy out of that larger market. Sure, the premiums might be lower for that group, but it would leave a sicker group behind. As the CBO said, we could see many, many people lose their insurance, because with that sicker pool, now the cost of premiums would go up dramatically. We would have a smaller pool but a sicker pool. Therefore, in order to not go bankrupt, the insurers who are covering that group that is left behind would have to raise their premiums a lot.

The CBO report goes on, "Association health plans would eliminate benefits to cut costs." Think about that, association health plans would eliminate benefits to cut costs. Contrary to proponents claims that association health plans could offer generous benefits while lowering insurance costs, the Congressional Budget Office found that dropping State-mandated benefits would be the second major method the AHPs would use to reduce costs; i.e., cherry-picking. But they estimated that "One-third of cost savings would come from eliminating benefits."

Then the CBO went on to say, "Association health plans would not reduce overhead costs. Contrary to claims that association health plans could reduce overhead by 30 percent, CBO assumed that cost savings arising from the group purchasing feature of association health plans and health marts would be negligible." They found no substantial evidence that joining a purchasing coop produced lower insurance costs for firms.

The CBO correctly points out that States with aggressive insurance reforms would see the most damage. The CBO report indicates that States with strict insurance reforms like Massachusetts, New Jersey, New York, would be most attractive to the association health plans.

The report concludes that "In States with more tightly compressed premiums, where the most cross-subsidization occurs, low-cost firms would face the greatest potential difference in price between traditional and association health mart plans."

I mean, Mr. Speaker, if my colleagues want a full report, the report called "Increasing Small Firm Health Insurance Coverage Through Association Health Plans and Health Marts," the study that I am talking about, it is available on the CBO web site www.cbo.gov, g-o-v.

I would recommend to my colleagues that they look this up, because it is very possible that we could see a conference report come back that has this provision in it that could actually increase the number of uninsured, rather than decrease it, and could undermine State efforts at providing insurance coverage.

I have here a letter from my Governor. I just got this. This is from Governor Vilsack of the State of Iowa. It is addressed to all of the Iowa Congressmen and Senators.

"Gentlemen, it has come to my attention that conferees from the U.S. House of Representatives and the U.S. Senate will soon meet to consider the patient protection bills passed by each Chamber last year. I have been advised that the House version of this legislation contains provisions that would exempt multiple employer welfare arrangements and association health plans from a variety of State laws."

Okay, that is the provision that was in the access bill that was married to the patient protection bill. So it does not deal as expressly with patient protection, but it is being folded into the patient protection legislation.

The Governor goes on to say, "I would like to express my concern about these proposals for the following reasons." And I happen to believe, Mr. Speaker, that just about every Governor in this country will write a similar letter to us, whether they are Republican or Democrat, on this issue.

My Governor says, "It is my view that the MEWA AHP provisions would render State small employer health insurance reforms unworkable by allowing groups to opt in and out of State regulation based on their medical needs. Furthermore, these provisions would lead to a siphoning of healthy workers from the State-regulated health insurance market, which would then become a dumping ground for high-cost groups. As premiums rise for those remaining in the State-regulated market, more small firms would drop out of health insurance coverage, and the number of uninsured in our State and across the Nation would increase. This seems contrary to efforts in our State to try to reduce the number of uninsured individuals."

Governor Vilsack goes on: "The legislation could also mean a Federal takeover of health insurance regulation by preempting traditional State regulatory authority." Let me just repeat this: "The legislation could also mean a Federal takeover of health insurance regulation by preempting traditional State regulatory authority."

I am a Republican. How many times have I heard my colleagues from my side of the aisle say, "Hey, we need to devolve power back to the States." The States are the places where we ought to be doing insurance.

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There is a bill that passed a long time ago called the McCarran-Ferguson Act, which basically says that insurance regulation should be done at the State level.

I would like to know how many of my Republican colleagues want to repeal the McCarran-Ferguson Act and take it over by the Federal Government. I am one of those Republicans who believe that the role of the Federal Government should be limited; that we should not be taking this over.

This was part of the original problem with the ERISA bill. We exempted oversight by the States and so we have had a lot of abuses.

The governor goes on to say, States would be powerless to enforce their insurance rules with regard to these federally-licensed health plans or to resolve problems for their residents quickly. Moreover, States could no longer move quickly to prevent the insolvency of a failing association health plan, or seize assets to assure payment of enrollees and local health care providers.

We are getting right back to what I was talking about before. Past experience has shown that some of these plans have gone insolvent.

Traditionally the State takes over to make sure that people are not left uninsured, but if they are under the Federal purview, what happens to those people whose plans then go bankrupt?

Governor Vilsack then goes on, "For all those reasons," listen to this my colleagues, "for all those reasons, the National Governors' Association, the Republican Governors' Association, the National Conference of State Legislatures, the National Association of Insurance Commissioners have opposed those provisions."

My governor finishes by saying, "I add my voice to theirs in asking you to reconsider such provisions so that we do not run the risk of increasing the number of uninsured in Iowa and in the country.

"Furthermore, I think it is important and necessary for States to be able to continue to regulate this important industry as we have successfully done for a number of years.

"Iowa has a reputation for a balanced regulation and it would be difficult to maintain that balance with these federally-imposed requirements. Sincerely, Tom Vilsack, governor of Iowa."

I would again reiterate that I think that most of the Members are going to receive a similarly worded letter from their governors, whether they be Democrat or Republican, on this issue. So if the conference bill comes back to us with these association health plans or these multiple employer welfare associations, people need to think very, very seriously, if they are really serious about decreasing the number of uninsured, whether they can support a bill that would have this type of provision in it.

Now, another issue that is going to be very important is on the issue of medical necessity and who at the end gets to determine medical necessity. The bill that we passed here in the House basically says that that independent peer panel, if there is a dispute and a patient has gone through the internal appeals process through their HMO and is unhappy with the decision by the HMO, that the patient can take that denial to an independent peer panel, a group of doctors not paid for by the HMO or a part of the HMO, and get an independent review.

The House version says that unless you have a specific exclusion of coverage in the contract, for instance the HMO contract that you have specifically says we will not provide a bone marrow transplant, that unless there is a specific exclusion then that independent panel determines the medical necessity of the treatment, not the health plan.

Unfortunately, we have a situation with the bill from the other side of the capitol that does not address this issue. In fact, it is worse than the status quo. It would basically say that HMOs can define medical care in any way they want to.

What does that mean? Well, under Federal law now you have some HMOs that are saying we define medical necessity as the cheapest, least expensive care, quote/unquote.

For all of us who are concerned about health care costs, you might initially think, well, what would be wrong with that? Well, I can say what is wrong with that. As a plastic and reconstructive surgeon, I took care of a lot of kids who had cleft lips and palates. They were born with a deformity in the roof of their mouth, a big hole in the roof of their mouth, and they cannot eat without food coming out of their nose and they cannot speak properly.

The commonly accepted, standard treatment for that is a surgical repair to bring those tissues together and to recreate a roof of the mouth so that, A, they do not have food going up into their nose and coming out and, B, so that they can learn to speak properly or have the best chance to do that.

Under this definition that some HMOs have come up with, i.e., the cheapest, least expensive care, they could justify the treatment for a child with that birth defect as a piece of plastic, like an upper denture; we are just going to give him an upper denture to put in the roof of his mouth. That is a travesty, but that could exactly happen and people have lost their lives on the basis of decisions that HMOs have made on medical necessity where they have ignored their physician's advice and denied needed treatment.

Many times I have stood up here and told the story about a little boy from Atlanta, Georgia, who when he was 6 months old, in the middle of the night, had a temperature of 104, and his mother thought he needed to go to the emergency room and she phoned a 1–800 number for an HMO and was told, well, you can only take him to one emergency room. That is all we are going to authorize.

It was 60-some miles away. After they had passed several hospitals where the little boy could have been treated, he had an arrest, a cardiac arrest, before he got to the hospital. Partly as a result of that loss of circulation to his hands and his feet, he developed gangrene in both hands and both feet and they both had to be amputated.

That HMO made a medical decision and said we will let you go to the emergency room but only this one a long way away. If you go to any other ones, you have to pay for it yourself, and mom and dad were not medical professionals; they did not know how sick little Jimmy was until his eyes rolled back in his head and he stopped breathing en route to the hospital.

In my opinion, when an HMO makes a medical decision like that they ought to be legally responsible for that. Under current Federal law, if it is a health plan that you get through your employer, in that type of situation the health plan would be liable only for the costs of the amputations. I do not think that is justice.

Furthermore, none of the leading contenders for President, whether they be Republican or Democrat, think that that is justice. How can one defend a health maintenance organization that is making life and death decisions and say they should have a legal shield from their medical malpractice?

As a physician, I have never argued that physicians should be free of liability from their malpractice and I do not know of any physicians who do that, who make that argument. That is why we carry malpractice insurance. I do not know of any auto maker that has a legal liability shield like that. I do not know of any of our airplane manufacturers or airlines. I do not know of any business in this country that has that kind of legal immunity and, yet, because of a 25-year-old Federal law, HMOs that deny medically necessary care and provide that insurance through an employer they are not liable. They are only liable for the cost of care denied, and if the patient has died then they are liable for nothing.

I just don't think that that is fair. I do not think that one can justify that. I think one would be laughed out of any room in this country. That is why I find it very hard to understand how some colleagues of mine can oppose restoring responsibility.

I am a Republican. I have argued on this floor many times that people ought to be responsible for their actions. Many of my Republican colleagues have made the same comments. If somebody is a cocaine or a drug dealer, they ought to be liable for that. They ought to spend time in jail. If somebody commits murder, I bet an awful lot of my Republican colleagues would say if they are guilty of first degree murder they should get the death penalty. I know that when we passed the welfare reform bill, our thoughts were that if one is an able- bodied person and they get help and they have a period of time to get some training, then it is their responsibility to get a job.

Responsibility has been a big word on this Republican side. But where do I see that type of responsibility being applied to HMOs? If it is not addressed by the conference committee, then that bill will not pass this House and we will end up with a big goose egg, a big zero, for addressing this major problem.

I started out this talk by saying I have been working on this for 4 years, 5 years. So has the gentleman from Georgia (Mr. Norwood), and many others on both the Republican and the Democratic sides. In the meantime, a lot of patients have been denied necessary care; a lot of patients who have ended up like that little boy from Atlanta, Georgia, with some significant deficits, if not loss of their life, as has been outlined by major magazines such as Time Magazine on feature cover stories.

It really is time, Mr. Speaker, that we addressed this issue; that we do not load up a conference report with bad ideas; that we take the bill that passed this House, a bill that could be signed into law tomorrow by President Clinton, a bill that tomorrow could be giving people around this country a fair shake by their HMOs. We ought to do it soon, and I sincerely hope that the motives of the members of the conference committee are to actually accomplish a piece of legislation and are not simply a face-saving measure because they know that this is an election year and the public is demanding that Congress take action.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of illness.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. METCALF) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today and February 9.

Mr. HERGER, for 5 minutes, today.

Mr. COLLINS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, February 9 and 15.

Mr. SCARBOROUGH, for 5 minutes, February 9 and 10.

Mr. METCALF, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today and February 14 and 15.

Mr. NETHERCUTT, for 5 minutes, February 9.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. RYAN of Wisconsin, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1503. An Act to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2003; to the Committee on Government Reform; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, pursuant to House Resolution 418, I move that the House do now adjourn in memory of the late Hon. Carl B. Albert.

The motion was agreed to; accordingly (at 8 o'clock and 57 minutes p.m.), pursuant to House Resolution 418, the House adjourned until tomorrow, Wednesday, February 9, 2000, at 10 a.m., in memory of the late Hon. Carl B. Albert.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6062. A communication from the President of the United States, transmitting a request to make available appropriations for the Federal Emergency Management Agency's Disaster relief program; (H. Doc. No. 106-193); to the Committee on Appropriations and ordered to be printed.

6063. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the final report on the results of the Department of Defense demonstration project for uniform funding of morale, welfare, and recreation (MWR) activities; to the Committee on Armed Services.

6064. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule—Rules of Practice and Procedure (RIN: 2550-AA04) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6065. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids and Sanitizers [Docket No. 98F-1201] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6066. A letter from the Director, Regulations Policy and Management, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F-1421] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6067. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Title V Operating Permit Deferrals for Area Sources: National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; Ethylene Oxide Commercial Sterilization and Fumigation Operations; Perchloroethylene Dry Cleaning Facilities; Halogenated Solvent Cleaning Machines; and Secondary Lead Smelting [AD-FRL-6508-7] (RIN: 2060-A158) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6068. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to Guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste [FRL-6505-6] (RIN: 2050-AE66) received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6069. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL-6505-8] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6070. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Part 70 Operating Permits Program; State of Missouri [MO 090-1090; 6508-4] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6071. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Indiana Volatile Organic Compound Rules [IN114-1a; FRL-6500-9] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6072. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, El Dorado County Air Pollution Control District, Yolo-Solano Air Quality Management District, and Ventura County Air Pollution Control District [CA 031-0202; FRL-6508-5] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6073. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District [CA172-0203, FRL-6513-9] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6074. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOCs from Paper, Fabric, Vinyl, and Other Plastic Parts Coating [MD090-3041; FRL-6506-9] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6075. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Operating Permits Programs, Approval Under Section 112(1); State of Nebraska [NE 071-1071a; FRL-6521-6] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6076. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Adoption of Rule Governing Any Credible Evidence [TN-146-9934a; TN-156-9935a; FRL-6520-2] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6077. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Guideline for Procurement of Products Containing Recovered Materials [SWH-FRL-6524-2] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6078. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—State of Alabama; Underground Injection Control (UIC) Program Revision; Approval of Alabama's Class II UIC Program Revision [FRL–6516–7] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6079. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Adequacy of State Permit Programs Under RCRA Subtitle D. [FRL–6521–4] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6080. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to the Test Procedures for Heavy-Duty Engines, and Light-Duty Vehicles and Trucks and Amendments to the Emission Standard Provisions for Gaseous Fueled Vehicles and Engines [FRL–6523–7] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6081. A communication from the President of the United States, transmitting the first report on the status of the ratification of World Intellectual Property Organization Copyright Treaty, the World Intellectual Property Organization Performances and Phonograms Treaty and related matters; to the Committee on International Relations.

6082. A letter from the Acting Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department of Treasury's Commercial Activities Inventory in accordance with the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

6083. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the Department of Defense inventory of non-inherently governmental functions as required by Section 2 of the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

6084. A letter from the Director, Retirement and Insurance Service, Office of Insurance Programs, Insurance Policy and Information Division, Office of Personnel Management, transmitting the Office's final rule—Federal Employees' Group Life Insurance Program: Life Insurance Improvements (RIN: 3206–AI64) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6085. A letter from the the Assistant Secretary (Civil Works), the Department of the Army, transmitting the authorization of a deep draft navigation and ecosystem restoration project for Oakland Harbor, California; (H. Doc. No. 106–191); to the Committee on Transportation and Infrastructure and ordered to be printed.

6086. A letter from the the Assistant Secretary (Civil Works), the Department of the Army, transmitting notification that the Secretary of the Army supports the authorization and plans to implement the flood damage reduction project along the Rio Grande de Manati at Barceloneta, Puerto Rico; (H. Doc. No. 106–192); to the Committee on Transportation and Infrastructure and ordered to be printed.

6087. A letter from the Assistant Secretary (Civil Works), Department of the Army, transmitting Volume II of the Annual Report on Civil Works Activities for Fiscal Year 1998; to the Committee on Transportation and Infrastructure.

6088. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Zone Academy BONDS Allocations 2000 [Rev. Pro. 2000–10] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 419. Resolution providing for consideration of the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals (Rept. 106–495). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DAVIS of Virginia:

H.R. 3582. A bill to restrict the use of mandatory minimum personnel experience and educational requirements in the procurement of information technology goods or services unless sufficiently justified; to the Committee on Government Reform.

By Mr. LINDER (for himself, Mr. CHAMBLISS, Mr. BISHOP, Mr. NORWOOD, Mr. COLLINS, and Mr. ISAKSON):

H.R. 3583. A bill to amend the Clean Air Act to exempt mass transit projects from the conformity determinations required under section 176(c) of that Act, and for other purposes; to the Committee on Commerce.

By Mr. BACA:

H.R. 3584. A bill to amend title 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Armed Services.

By Mr. BASS:

H.R. 3585. A bill to require the Attorney General and the Secretary of the Treasury to operate the land border port of entry located in Pittsburg, New Hampshire, as a full-time port of entry; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALLAHAN:

H.R. 3586. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the responsibility, efficiency, and performance of the Federal Government; to the Committee on the Budget, and in addition to the Committees on Rules, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL:

H.R. 3587. A bill to amend title 10, United States Code, to direct the Secretary of Defense to establish procedures to allow persons desiring to report an instance of suspected child abuse occurring on a military installation to submit such a report anonymously and to ensure that if such a report is not made anonymously the identity of the person making the report will not be disclosed without written authorization of that person; to the Committee on Armed Services.

By Mr. CAMPBELL (for himself and Mr. ISTOOK):

H.R. 3588. A bill to amend the Occupational Safety and Health Act of 1970 to provide that the Act will not apply to employment performed in a workplace located in the employee's residence unless the employment involves hazardous materials or the workplace was created so that that Act would not apply to the workplace; to the Committee on Education and the Workforce.

By Mr. COLLINS (for himself and Mr. TRAFICANT):

H.R. 3589. A bill to direct the Director of the Federal Emergency Management Agency to require, as a condition of any financial assistance provided on a non-emergency basis by the Agency for a construction project, that the steel, iron, and manufactured products used in the project be produced in the United States; to the Committee on Transportation and Infrastructure.

By Mr. FOLEY (for himself and Mr. SHAW):

H.R. 3590. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commerical facility, that an opportunity be provided to correct alleged violations; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself, Ms. DUNN, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. ADERHOLT, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUMENAUER, Mr. BLUNT, Mr. BOEHLERT, Mr. BONILLA, Mrs. BONO, Mr. BOYD, Mr. BRADY of Texas, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANADY of Florida, Mr. CANNON, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH-HAGE, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. CONDIT, Mr. COOK, Mr. COOKSEY, Mr. COX, Mrs. CUBIN, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS of Virginia, Mr. DEMINT, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. DREIER, Mr. DUNCAN, Mr. EHLERS, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH, Mr. EVERETT, Mr. EWING, Mr. FLETCHER, Mrs. FOWLER, Mr. FORBES, Mr. FOLEY, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GEKAS, Mr. GILCHREST, Mr. GILMAN, Mr. GILLMOR, Mr. GOODE, Mr. GOODLING, Mr. GOODLATTE, Mr. GOSS, Mr. GRAHAM, Ms. GRANGER, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL of Montana, Mr. HOBSON, Mr. HOEKSTRA, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HULSHOF, Mr. HUNTER, Mr. HYDE, Mr. ISAKSON, Mr. ISTOOK, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr.

Sam Johnson of Texas, Mr. Jones of North Carolina, Ms. Kaptur, Mr. Kasich, Mrs. Kelly, Mr. King, Mr. Kingston, Mr. Knollenberg, Mr. Kolbe, Mr. Kuykendall, Mr. LaHood, Mr. LaTourette, Mr. Lantos, Mr. Largent, Mr. Latham, Mr. Lazio, Mr. Leach, Mr. Lewis of California, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lipinski, Mr. McCollum, Mr. McCrery, Mr. McInnis, Mr. McIntosh, Mr. McKeon, Mr. Manzullo, Mr. Metcalf, Mr. Mica, Mr. Miller of Florida, Mr. Gary Miller of California, Mr. Moran of Kansas, Mrs. Morella, Mrs. Myrick, Mr. Nethercutt, Mr. Norwood, Mrs. Northup, Mr. Ose, Mr. Oxley, Mr. Packard, Mr. Pease, Mr. Petri, Mr. Peterson of Pennsylvania, Mr. Phelps, Mr. Pitts, Mr. Pombo, Mr. Porter, Mr. Portman, Ms. Pryce of Ohio, Mr. Quinn, Mr. Radanovich, Mr. Ramstad, Mr. Regula, Mr. Reynolds, Mr. Riley, Mr. Rogers, Mr. Rogan, Mr. Rohrabacher, Ms. Ros-Lehtinen, Mrs. Roukema, Mr. Royce, Mr. Salmon, Mr. Saxton, Mr. Scarborough, Mr. Sensenbrenner, Mr. Sessions, Mr. Schaffer, Mr. Shadegg, Mr. Shaw, Mr. Shays, Mr. Shimkus, Mr. Shuster, Mr. Simpson, Mr. Skeen, Mr. Skelton, Mr. Smith of Texas, Mr. Smith of Michigan, Mr. Souder, Mr. Spence, Mr. Stearns, Mr. Stump, Mr. Sununu, Mr. Sweeney, Mr. Talent, Mr. Tancredo, Mr. Tauzin, Mr. Tiahrt, Mr. Terry, Mr. Thomas, Mr. Thornberry, Mr. Thune, Mr. Toomey, Mr. Traficant, Mr. Upton, Mr. Vitter, Mr. Walden of Oregon, Mr. Walsh, Mr. Wamp, Mr. Watkins, Mr. Weller, Mr. Weldon of Pennsylvania, Mr. Weldon of Florida, Mr. Whitfield, Mr. Wicker, Mrs. Wilson, Mr. Wolf, Mr. Young of Florida, Mr. Young of Alaska, and Mr. Hilleary):

H.R. 3591. A bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation; to the Committee on Banking and Financial Services.

By Mr. GREEN of Wisconsin:

H.R. 3592. A bill to establish the permanent Joint Committee for Review of Administrative Rules to review rules of Federal agencies and to amend chapter 8 of title 5 of the United States Code; to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 3593. A bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs; to the Committee on Agriculture.

By Mr. HERGER (for himself, Mr. Sweeney, Mr. Tanner, Mr. Collins, Mr. Matsui, Mr. Foley, Ms. Dunn, Mr. Ramstad, Mrs. Johnson of Connecticut, Mr. English, Mr. Houghton, Mr. Nussle, Mr. Lewis of Kentucky, Mr. Camp, Mr. Shaw, Mr. Sam Johnson of Texas, Mr. Hayworth, Mr. McCrery, Mr. Watkins, Mr. McInnis, Mr. Crane, Mr. Weller, Mr. Armey, Mr. DeLay, Mr. Blunt, Mr. Young of Alaska, Mrs. Northup, Mr. Walden of Oregon, Mr. Franks of New Jersey, Mr. Goode, Mr. Manzullo, Mr. Ewing, Mrs. McCarthy of New York, Mr. Tancredo, Mr. Campbell, Mr. Reyes, Mr. Ose, Mr. McHugh, Mr. Paul, Mr. Kuykendall, Mr. Bartlett of Maryland, Mr. Hill of Montana, Mr. Terry, Mr. Latham, Mr. Isakson, Mr. Allen, Mr. Bachus, Mr. Kingston, Mr. Burr of North Carolina, Mr. Hobson, Mr. LaTourette, Mr. Cook, Mr. Abercrombie, Mr. Forbes, Mr. Sensenbrenner, Mr. Moore, Mr. Sisisky, Mr. Frost, Mr. Combest, Mr. Istook, Mr. Skelton, Mr. Toomey, Mr. Scarborough, Mr. Thompson of California, Mr. Smith of Texas, Mrs. Kelly, Mrs. Bono, Mr. Burton of Indiana, Mr. Sessions, Mr. Kolbe, Mr. Gekas, Mr. Ryan of Wisconsin, Mr. Deal of Georgia, Mr. Stenholm, Mr. Talent, Mr. Regula, Mr. Cardin, and Mr. Thune):

H.R. 3594. A bill to repeal the modification of the installment method; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (by request):

H.R. 3595. A bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; to the Committee on Resources.

By Ms. NORTON:

H.R. 3596. A bill to authorize an annual Federal contribution to the District of Columbia for the costs incurred by the District in providing public safety services for demonstrations and other activities which occur in the District of Columbia because the District is the seat of the Federal Government; to the Committee on Government Reform.

By Mr. ROGAN:

H.R. 3597. A bill to amend title 18, United States Code, to increase the penalties for possessing or using a firearm in the commission of a felony crime of violence or drug trafficking crime, and to require juveniles age 14 or older who so possess or use a firearm to be tried as adults; to the Committee on the Judiciary.

H.R. 3598. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for businesses which provide free public Internet access; to the Committee on Ways and Means.

By Mr. SMITH of Michigan:

H.R. 3599. A bill to amend title II of the Social Security Act to eliminate the earnings test; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. Waxman, Mr. Matsui, Mr. George Miller of California, Mr. Brown of Ohio, Ms. Eshoo, Mr. Lantos, Mr. Becerra, and Ms. Woolsey):

H.R. 3600. A bill to amend title XXI of the Social Security Act to prevent conflicts of interest in the use of administrative vendors in the administration of State Children's Health Insurance Plans; to the Committee on Commerce.

By Mr. STUPAK:

H.R. 3601. A bill to direct the Secretary of the Army to convey the lighthouse located at Ontonagon, Michigan, to the Ontonagon County Historical Society, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 3602. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits to be produced in dwelling houses, other connected structures, and certain other premises; to the Committee on Ways and Means.

By Mr. WOLF (for himself, Mr. Davis of Virginia, and Mrs. Morella):

H.R. 3603. A bill to expand Federal employee communting options and to reduce the traffic congestion resulting from current Federal employee commuting patterns, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEACH:

H.J. Res. 87. A joint resolution proposing an amendment to the Constitution of the United States regarding regulations on the amounts of expenditures of personal funds made by candidates for election for public office; to the Committee on the Judiciary.

By Mrs. THURMAN (for herself, Mr. Canady of Florida, Mr. Snyder, Mr. Bilbray, Mr. Matsui, Mrs. Johnson of Connecticut, Ms. Hooley of Oregon, Mrs. Christensen, Mr. Tanner, Mr. Nethercutt, Mrs. Northup, Mr. Shimkus, Mr. Moakley, Mr. Sanders, Mrs. Napolitano, Ms. Pelosi, Mr. Brown of Ohio, Mrs. Lowey, Mr. Stark, Mr. Foley, Mr. Ramstad, Mr. Barrett of Wisconsin, Mr. Coburn, Mr. Shays, Mr. Cook, Mr. Franks of New Jersey, Mr. Goss, Mr. Duncan, Mr. Pomeroy, Mr. Hinchey, Mr. Kleczka, and Mr. Baker):

H. Con. Res. 247. Concurrent resolution expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day; to the Committee on Commerce.

By Mr. LANTOS (for himself, Mr. Horn, Mr. Gejdenson, Mr. Crowley, Mrs. Morella, Mr. Weiner, Mr. Hastings of Florida, Mr. Wexler, Mr. Ackerman, Mr. Pallone, Mr. Gutierrez, and Ms. Schakowsky):

H. Res. 417. A resolution expressing the sense of the House of Representatives concerning the participation of the extremist FPO in the government of Austria; to the Committee on International Relations.

By Mr. WATKINS:

H. Res. 418. A resolution expressing the condolences of the House on the death of the Honorable Carl B. Albert, former Speaker of the House of Representatives; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WEXLER introduced a bill (H.R. 3604) to provide for the liquidation or reliquidation of certain entries in accordance with a final decision of the Department of Commerce under the Tariff Act of 1930; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 175: Mr. DeMint.

H.R. 363: Mr. Bilbray and Mr. Smith of Washington.

H.R. 380: Mr. Nethercutt and Mr. Largent.

H.R. 460: Mr. Reyes.

H.R. 488: Ms. Stabenow.

H.R. 568: Mr. Owens.

H.R. 623: Mr. LaHood and Mr. Shimkus.

H.R. 731: Ms. Jackson-Lee of Texas.

H.R. 792: Mr. Mica and Mr. Toomey.

H.R. 826: Mr. Gilman.

H.R. 827: Mr. Watt of North Carolina, Ms. Roybal-Allard, and Mrs. Clayton.

H.R. 860: Mr. SMITH of New Jersey.

H.R. 923: Ms. BERKLEY, Mr. LAMPSON, Ms. MILLENDER-McDONALD, and Mr. BORSKI.

H.R. 937: Mr. BARTLETT of Maryland and Ms. McKINNEY.

H.R. 1046: Mr. SANDLIN.

H.R. 1055: Mrs. CHENOWETH-HAGE, Ms. ESHOO, Mr. BURR of North Carolina, Mr. CHABOT, Mr. SCHAFFER, Mr. CANNON, and Mr. BACHUS.

H.R. 1082: Ms. KAPTUR.

H.R. 1095: Mrs. MINK of Hawaii.

H.R. 1111: Mr. SHERMAN, Mr. BORSKI, and Mr. POMEROY.

H.R. 1115: Mr. BOYD.

H.R. 1187: Mr. KOLBE, Mr. BERRY, Mr. HORN, Mr. PETERSON of Minnesota, Mr. WYNN, and Mr. KANJORSKI.

H.R. 1221: Mr. RUSH, Mr. FRANKS of New Jersey, Mr. LAZIO, and Mr. BORSKI.

H.R. 1322: Mr. KOLBE, Mr. BAKER, and Mr. ISTOOK.

H.R. 1325: Mr. ABERCROMBIE and Mr. COMBEST.

H.R. 1329: Ms. BERKLEY.

H.R. 1342: Mr. JACKSON of Illinois.

H.R. 1367: Ms. RIVERS.

H.R. 1388: Mr. FRANKS of New Jersey, Mr. CALVERT, Mr. FOLEY, Mr. CANADY of Florida, Ms. SLAUGHTER, and Mr. COOKSEY.

H.R. 1456: Mr. BISHOP.

H.R. 1461: Mr. LaTOURETTE.

H.R. 1532: Mr. SANDERS.

H.R. 1592: Mr. WYNN and Mr. COOK.

H.R. 1598: Mr. GIBBONS and Mrs. NORTHUP.

H.R. 1621: Mr. ENGEL, Mr. TERRY, Mr. PASTOR, Mr. TOWNS, Mr. WYNN, and Mr. BLAGOJEVICH.

H.R. 1650: Mr. GIBBONS, Mrs. MEEK of Florida, Mr. MICA, Mr. NETHERCUTT, and Mr. THOMAS.

H.R. 1686: Mr. FOLEY.

H.R. 1708: Mr. COX.

H.R. 1747: Mrs. MORELLA.

H.R. 1760: Mr. ISAKSON.

H.R. 1775: Mr. LANTOS.

H.R. 1816: Ms. BERKLEY, Mr. BONILLA, and Mr. LIPINSKI.

H.R. 1839: Mr. GUTKNECHT.

H.R. 1870: Mr. TAYLOR of Mississippi, Mr. HILLEARY, and Mr. BOEHLERT.

H.R. 1890: Mr. MARTINEZ.

H.R. 1967: Mr. BURR of North Carolina.

H.R. 1997: Mrs. MORELLA.

H.R. 2059: Mr. STABENOW, Ms. HOOLEY of Oregon, Mr. McINTYRE, and Mr. LaTOURETTE.

H.R. 2100: Mr. SHAYS and Mr. HOLDEN.

H.R. 2102: Mr. MARTINEZ.

H.R. 2136: Mr. NORWOOD.

H.R. 2244: Ms. PRYCE of Ohio and Mr. HALL of Texas.

H.R. 2263: Mr. STUPAK.

H.R. 2342: Mr. SKEEN.

H.R. 2366: Mr. CHABOT, Mr. TANCREDO, Mr. WATTS of Oklahoma, and Mrs. MYRICK.

H.R. 2372: Mrs. CUBIN.

H.R. 2382: Mrs. CHRISTENSEN, Mr. BURTON of Indiana, Mr. LARGENT, and Mr. COOK.

H.R. 2420: Mr. WEYGAND, Mr. HULSHOF, Mr. KANJORSKI, Mr. STENHOLM, Ms. JACKSON-LEE of Texas, Mr. SUNUNU, and Mr. EWING.

H.R. 2451: Mr. WELDON of Pennsylvania.

H.R. 2457: Mr. LaFALCE, Mr. MATSUI, Mr. OWENS, Mr. OBERSTAR, Mr. CROWLEY, and Mr. BORSKI.

H.R. 2498: Mr. LEVIN.

H.R. 2573: Mr. MASCARA.

H.R. 2623: Mrs. TAUSCHER.

H.R. 2641: Mr. PICKERING.

H.R. 2655: Mr. UPTON.

H.R. 2660: Mr. SNYDER, Ms. BROWN of Florida, Mr. NORWOOD, Ms. CARSON, Mr. DeFAZIO, and Mr. FOLEY.

H.R. 2696: Mr. GILMAN.

H.R. 2738: Mr. FILNER, Mr. OBERSTAR, Mr. VISCLOSKY, Mr. RANGEL, Mr. DeFAZIO, Mr. STARK, and Ms. SCHAKOWSKY.

H.R. 2749: Mr. NUSSLE and Mr. EHRLICH.

H.R. 2776: Mr. LEACH and Ms. WOOLSEY.

H.R. 2842: Mr. BERMAN and Ms. McKINNEY.

H.R. 2883: Mr. INSLEE, Mr. EHLERS, Mr. BLAGOJEVICH, and Mr. FRANK of Massachusetts.

H.R. 2899: Mr. FILNER, Mr. GUTIERREZ, Mr. STARK, Mr. CAPUANO, Mr. BLAGOJEVICH, Ms. PELOSI, and Mr. SHAYS.

H.R. 2906: Mr. UDALL of Colorado and Mr. GUTIERREZ.

H.R. 2916: Mr. WYNN, Mrs. JONES of Ohio, Mr. OWENS, Mr. GEORGE MILLER of California.

H.R. 2917: Mr. WYNN.

H.R. 2985: Mr. OXLEY.

H.R. 3003: Mr. CUNNINGHAM and Mr. BRADY of Pennsylvania.

H.R. 3011: Mr. VITTER.

H.R. 3043: Mrs. KELLY.

H.R. 3100: Mr. KUCINICH and Mr. MINGE.

H.R. 3103: Mr. BENTSEN.

H.R. 3143: Mr. BOEHLERT.

H.R. 3193: Mrs. CLAYTON, Mr. MEEHAN, Ms. STABENOW, Mrs. McCARTHY of New York, and Mr. MURTHA.

H.R. 3221: Mr. McHUGH, Mr. PITTS, and Mr. GEKAS.

H.R. 3224: Mr. GREEN of Texas, Mr. HILLIARD, Mr. FORBES, Mrs. MYRICK, and Mr. KUCINICH.

H.R. 3235: Mr. LaTOURETTE, Mr. ETHERIDGE and Mr. FILNER.

H.R. 3252: Mr. GARY MILLER of California.

H.R. 3295: Mrs. TAUSCHER, Mrs. MORELLA, and Mr. ENGEL.

H.R. 3308: Mrs. JONES of Ohio, Mr. VITTER, and Mr. BAKER.

H.R. 3315: Mr. STUPAK, Mr. BACA, Mrs. CLAYTON, Mr. SANDERS, Ms. KOLBE, and Ms. McKINNEY.

H.R. 3374: Mrs. ROUKEMA and Mr. BEREUTER.

H.R. 3390: Mr. FOLEY.

H.R. 3392: Mr. CUNNINGHAM, Ms. KAPTUR, Mr. TRAFICANT, and Mr. MALONEY of Connecticut.

H.R. 3399: Mr. STUMP and Mr. HILLEARY.

H.R. 3405: Mr. ENGLISH, Mr. TOWNS, Mr. STEARNS, Mr. PALLONE, Mr. HOEFFEL, Mr. WEINER, Mr. BROWN of Ohio, and Mr. HOYER.

H.R. 3449: Mr. BASS, Mr. SUNUNU, and Mr. ENGLISH.

H.R. 3485: Mr. HOEFFEL.

H.R. 3518: Mr. GEKAS, Mr. SUNUNU, and Mr. SMITH of Texas.

H.R. 3525: Mr. SIMPSON, Mr. PETRI, Mr. COX, Mr. CUNNINGHAM, Mr. STENHOLM, Mr. MILLER of Florida, Mr. ISTOOK, and Mr. LaTOURETTE.

H.R. 3539: Mr. KOLBE and Mr. ARMEY.

H.R. 3540: Mr. ENGEL, Mr. GILCHREST, Mr. GILMAN, Mr. MASCARA, and Mr. KING.

H.R. 3543: Mr. FATTAH and Mr. FRANKS of New Jersey.

H.R. 3544: Mr. WALSH, Mr. WOLF, and Mr. DAVIS of Virginia.

H.R. 3552: Mrs. MEEK of Florida, Mr. LaTOURETTE, and Ms. KAPTUR.

H.R. 3557: Mr. TALENT, Mr. BUYER, Mr. KLECZKA, Mr. BURTON of Indiana, Mrs. FOWLER, Mr. MASCARA, Mr. FOLEY, Mr. HASTERT, Ms. KAPTUR, Mr. LEACH, Mr. ARMEY, and Mr. DeMINT.

H.R. 3570: Mr. ENGLISH.

H.R. 3573: Mr. ALLEN, Mr. BECERRA, Mr. BURR of North Carolina, Mr. CANNON, Mrs. CAPPS, Ms. CARSON, Mr. CONYERS, Mr. CRAMER, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mrs. FOWLER, Mr. GEJDENSON, Mr. GILMAN, Mr. HAYES, Mrs. KELLY, Mr. KUYKENDALL, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MASCARA, Mrs. McCARTHY of New York, Mr. McINTOSH, Mr. MORAN of Kansas, Mr. NETHERCUTT, Mr. PETERSON of Minnesota, Mr. PHELPS, Mr. SMITH of Washington, Mr. SMITH of Texas, Mr. STEARNS, Mr. TALENT, and Mrs. WILSON.

H.R. 3575: Mr. SANDERS.

H.J. Res. 64: Mr. DOOLEY of California and Mr. VITTER.

H.J. Res. 77: Mr. BARR of Georgia.

H.J. Res. 86: Ms. STABENOW, Mr. DAVIS of Illinois, Mrs. THURMAN, Mr. SANFORD, Mr. BALDACCI, Mr. PASTOR, Mr. KOLBE, and Mr. BECERRA.

H. Con. Res. 62: Mr. BILBRAY and Mrs. LOWEY.

H. Con. Res. 63: Mrs. NORTHUP.

H. Con. Res. 76: Mr. PETERSON of Minnesota, Ms. BROWN of Florida, Mr. GALLEGLY, and Mr. ROTHMAN.

H. Con. Res. 115: Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. FARR of California, and Mr. MASCARA.

H. Con. Res. 119: Mr. SKELTON, Mr. GUTKNECHT, and Mr. KENNEDY of Rhode Island.

H. Con. Res. 134: Ms. ROS-LEHTINEN and Mr. BERRY.

H. Con. Res. 215: Mr. BARTLETT of Maryland.

H. Con. Res. 220: Mr. GILCHREST, Mr. MORAN of Virginia, Mr. COX, and Mr. MEEKS of New York.

H. Con. Res. 238: Mr. FILNER, Mr. OWENS, Ms. LOFGREN, Mr. EVANS, and Mrs. MORELLA.

H. Res. 416: Ms. ROYBAL-ALLARD and Mrs. JONES of Ohio.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2086

OFFERED BY MR. HOEFFEL

AMENDMENT NO. 2: Page 2, line 13, insert "It is important that access to information technology be available to all citizens, including elderly Americans and Americans with disabilities." after "responsible and accessible.".

At the end of the bill, insert the following new section:

SEC. 10. STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY.

Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) by redesignating subsection (d), as amended by section 3(d) and (e) of this Act, as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY.—

"(1) STUDY.—Not later than 90 days after the date of enactment of the Networking and Information Technology Research and Development Act, the Secretary of Commerce, in consultation with the National Institute on Disability and Rehabilitation Research, shall enter into an arrangement with the National Research Council of the National Academy of Sciences for that Council to conduct a study of accessibility to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(2) SUBJECTS.—The study shall address—

"(A) current barriers to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities;

"(B) research and development needed to remove those barriers;

"(C) Federal legislative, policy, or regulatory changes needed to remove those barriers; and

"(D) other matters that the National Research Council determines to be relevant to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(3) TRANSMITTAL TO CONGRESS.—The Secretary of Commerce shall transmit to the Congress within 2 years of the date of enactment of the Networking and Information Technology Research and Development Act a report setting forth the findings, conclusions, and recommendations of the National Research Council.

"(4) FEDERAL AGENCY COOPERATION.—Federal agencies shall cooperate fully with the National Research Council in its activities in carrying out the study under this subsection.

"(5) AVAILABILITY OF FUNDS.—There are authorized to be appropriated to the Secretary of Commerce $900,000 for the study described in this subsection.".

EXTENSIONS OF REMARKS

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. WELLER. Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

I want to thank both you and Chairman ARCHER for the pledge to bring H.R. 6, the Marriage Tax Elimination Act, to the floor for consideration before Valentine's Day. This is truly one of the best Valentine's Day presents we can give to America's working couples. As you know, H.R. 6, as considered by the Ways and Means Committee, will provide $182 billion in marriage penalty relief over 10 years. This is a significant increase over the $45 billion proposal offered by President Clinton just before this year's State of the Union Address. Ultimately, as a result of H.R. 6, 28 million working couples will receive up to $1,400 in marriage tax penalty relief.

This month President Clinton gave his State of the Union Address outlining many of the things he will spend the budget surplus on. House Republicans want to preserve 100 percent of the Social Security surplus for Social Security and Medicare and use the non-Social Security surplus for paying down the debt and to bring fairness to the Tax Code.

A surplus provided by the bipartisan budget agreement which: cut waste; put America's fiscal house in order; and held Washington's feet to the fire to balance the budget.

While President Clinton parades a long list of new spending totaling $72 billion in new programs—we believe that a top priority after saving Social Security and paying down the national debt should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it's fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it's fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our Tax Code provides an incentive to get divorced? In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our Tax Code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE

	Machinist	School teacher	Couple	H.R. 6
Adjusted Gross Income	$31,500	$31,500	$63,000	$63,000
Less Personal Exemption and Standard Deduction	6,950	6,950	12,500	13,900 (Singles x2)
Taxable Income	24,550 (x .15)	24,550 (x .15)	50,500 (Partial x .28)	49,100 (x .15)
Tax Liability	3682.5	3682.5	8635	7,365
Marriage Penalty			1270	
Relief				1270

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay up to $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a down payment on a house or a car; one year's tuition at a local community college; or several months' worth of quality child care at a local day car center.

To that end, U.S. Representative DAVID MCINTOSH (R–IN) and U.S. Representative PAT DANNER (D–MO) and I have authored H.R. 6, The Marriage Tax Elimination Act.

H.R. 6, The Marriage Tax Elimination Act, as considered by the House Ways and Means Committee, will increase the 15 percent tax bracket (currently at 15 percent for the first $26,250 for singles, whereas married couples filing jointly pay 15 percent on the first $43,850 of their taxable income) to twice that enjoyed by singles; H.R. 6 would extend a married couple's 15 percent tax bracket to $52,500. Thus, married couples would enjoy an additional $8,650 in taxable income subject to the low 15 percent tax rate as opposed to the current 28 percent tax rate and would result in up to $1,200 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $7,350) to twice that of singles (currently at $4,400). Under H.R. 6, the standard deduction for married couples filing jointly would be increased to $8,800.

H.R. 6 enjoys the bipartisan support of 233 cosponsors along with family groups, including: American Association of Christian Schools, American Family Association, Christian Coalition, Concerned Women for America, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Family Research Council, Home School Legal Defense Association, the National Association of Evangelicals and the Traditional Values Coalition.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, "the era of big government is over." We must stick to our guns, and stay the course. There never was an American appetite for big government. But there certainly is for reforming the existing way government does business. And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentlemen, we are running a $3 trillion surplus. It's basic math. It means Americans are already paying more than is needed for government to do the job we expect of it. What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority. During the State of the Union Address this year, the President signaled his willingness to work to eliminate the marriage tax penalty. We must send him a bill to eliminate the marriage penalty suffered by 28 million American working couples.

The proposal offered by the President to reduce the marriage tax penalty is a good start, but it is not enough! By doubling the standard deduction, only couples who do not itemize their income taxes receive the benefits of tax relief. In order to provide relief to couples who itemize, mainly homeowners, we must address the difference in the income tax brackets. If we follow only the President's plan, the result will be a marriage tax penalty against couples who are homeowners and couples who contribute to charities. This is not right and it is not fair!

Speaker HASTERT and House Republicans have made eliminating the marriage tax penalty a top priority. In fact, we plan to move legislation out of the House before Valentine's Day.

Last year, President Clinton and Vice-President GORE vetoed our efforts to eliminate the marriage tax penalty for almost 28 million married working people. The Republican effort would have provided about $120 billion in marriage tax relief. Unfortunately, President Clinton and Vice-President GORE said they would rather spend the money on new government programs than eliminate the marriage tax penalty.

This year we ask President Clinton and Vice-President GORE to join with us and sign into law a stand-alone bill to eliminate the marriage tax penalty.

Of all the challenges married couples face in providing home and health to America's children, the U.S. Tax Code should not be one of them. The greatest accomplishment of the Republican Congress this past year was our success in protecting the Social Security Trust Fund and adopting a balanced budget that did not spend one dime of Social Security—the first balanced budget in over 30 years that did not raid Social Security.

Let's eliminate The Marriage Tax Penalty and do it now!

RECOGNIZING THE SUPER BOWL CHAMPION LONGMEADOW HIGH SCHOOL FOOTBALL TEAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to recognize the unprecedented accomplishments of the 1999 Longmeadow High School football team. Longmeadow became the first Western Massachusetts team to win three straight titles. The Lancers captured the Division II Super Bowl with a 36–21 victory over Shrewsbury.

Longmeadow could not have asked for a better beginning as they scored on all five possessions in the first half. Running back Winston McGregor led the way with 162 yards rushing and three touchdowns. Quarterback Justin Vincent was impressive with 118 yards passing, and the Lancer defense shut out their opponents in the fourth quarter. As always, credit must be given to the linemen who gave Vincent the time to pick apart the Shrewsbury defense and McGregor the holes through which to run.

Longmeadow Head Coach Alex Rotsko has built an impressive program at Longmeadow. The Lancers, having now three Super Bowls in a row, will be the odds on favorite in the coming season. Despite losing leaders like McGregor and Ryan McCarthy to graduation, Coach Rotsko will have his charges ready to defend their title once more, a situation with which the Lancers are intimately familiar.

Mr. Speaker, I am proud and honored to congratulate the 1999 Longmeadow High School football team. Winning a title once is something to be remembered, but winning three in a row is the start of a dynasty. I wish Coach Rotsko and his Lancers the best of luck in the 2000 season, as they return once again to defend their Super Bowl title.

HONORING JUDGE BRUCE BALTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Judge Bruce Balter, who received the Holocaust Education award in recognition of his outstanding efforts to teach lessons of the Shoah to today's generation. The award was presented by Joe Hynes, District Attoroney in Brooklyn, who commended Judge Balter for his remarkable work.

Judge Balter has a long and distinguished record of public service to the Jewish community of New York. He is a recipient of the State Medal of Israel, and has written and produced three television documentaries on the Holocaust, which have been shown on PBS and other television shows throughout the country. In addition to his television work, he has coordinated and hosted the Civil Court Holocaust Memorial Remembrance each year since being elected to the judiciary. He lectures and takes student groups on tours of the Museum of Jewish Heritage and the U.S. Holocaust Museum in Washington, D.C.

Judge Balter's list of accomplishments, though, far exceeds just his work for the Holocaust. He holds the rank of Lt. Colonel in the New York guard. He is the current chairman of the surrogate's court committee of the Brooklyn Bar Association. He lectures high school students throughout the city on African-American, Jewish, and Hispanic relations. The Judge was also past counsel for prominent Sephardic schools and organizations and currently is a board member of the Council of Jewish Organizations of Flatbush and Director of the Association of Jewish Court Attaches.

It is Judge Balter's drive for accomplishment and concern for the community that has garnered him the Community Justice Award from the Appellate Division—the highest court in Brooklyn. It is important that we continue to honor such individuals, whose efforts and accomplishments are an inspiration to us all. Please join me in acknowledging the outstanding community service of Judge Bruce Balter.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. BASS. Mr. Speaker, I was regrettably absent on Tuesday, February 1, and consequently missed a recorded vote on H.R. 1838. Had I been present, I would have voted "yea" on rollcall vote No. 5.

TRIBUTE TO LOS ANGELES MISSION COLLEGE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. BERMAN. Mr. Speaker, I rise today to recognize an outstanding educational institution in my community, Los Angeles Mission College. On February 10, 2000, Los Angeles Mission College will celebrate its 25th Anniversary.

Los Angeles Mission College was established to serve the northeast San Fernando Valley communities of Sylmar, San Fernando, Mission Hills, Lakeview Terrace, Arleta, Pacoima, Panorama City, Granada Hills, North Hills, Chatsworth, Porter Ranch, Sun Valley and Sunland-Tujunga. From an initial class of 1,228 students, enrollment has grown to include over 7,000 students per year. It has the fastest-growing enrollment in the L.A. Community College District. The College has enabled more than 100,000 students to earn college degrees and occupational certificates, or transfer to baccalaureate granting institutions.

With its strong record for developing innovative community based programs, Los Angeles Mission College has proven not just to be a leader among community colleges, but to be the embodiment of those values and ideals that make community colleges special. The College has developed successful employment directed programs, occupational transfer curricula, dynamic partnerships with local business and civic organizations, inventive technology applications and numerous workforce development programs. The College is unsurpassed in ensuring that its predominant first generation college students succeed in today's competitive marketplace. All of this is especially remarkable considering that its student population and financial needs have grown exponentially faster than available resources.

I have attended and enjoyed many programs at Mission College and can, therefore, attest firsthand to the high spirit and love of learning to be found on its campus. Furthermore, I have regularly relied on Mission College students to assist me in my district office where they have served as interns and staff. I am greatly impressed by the caliber and dedication of Mission College students, faculty and administration.

It is a pleasure to ask my colleagues to join me in saluting the Los Angeles Mission College on its 25th Anniversary. It has been an honor to have such a fine institution in the 26th Congressional District and I look forward to its continued evolution and success over the next 25 years.

RECOGNIZING THE MASSACHUSETTS STATE CHAMPION LUDLOW HIGH SCHOOL BOYS SOCCER TEAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. NEAL. Mr. Speaker, I rise today to recognize the achievements of the 1991 Ludlow High School boys soccer team. The Ludlow boys soccer team reclaimed the Massachusetts State title last November by trouncing their opponents from Needham 4–0. The Ludlow team finished the season with a record of 17–3–1, but their final game was their most impressive as they dominated Needham from start to finish. This team, like many Ludlow teams before it, played a skillful soccer style which allowed them to outplay virtually every opponent they faced.

Ludlow has been the heart of Western Massachusetts soccer for as long as anyone can remember. The town residents follow the high school teams with a fanaticism rarely seen in the United States, and during the 1990s, they have had a lot to cheer about. The Lions won the Western Massachusetts title five of the last six years, and won the state title in 1995, 1997, and 1999.

The success of the Ludlow Boys Soccer team can be linked directly to the coach. Head Coach Tony Goncalves has built a dominating program centered around skill and class. His knowledge of soccer is unparalleled in Western Massachusetts, and his coaching style is one that commands respect from his players, his opponents, and his fellow coaches. Coach Goncalves is quick to praise others, he is gracious in victory or defeat, and he is an inexhaustible resource for young coaches. He is the center of, and driving force behind, the success of the Ludlow High School boys soccer team.

Mr. Speaker, allow me to recognize here the players, coaches, and managers of the Ludlow High School boys soccer team of 1999. The players include Seniors Jonathon Witowski, Jason Chelo, Jason Dacruz, Justin Bruneau, John Reilly, Dave Fonseca, Dave Gwozdz, Rich Zina, Kevin Crespo, and Dan S. Santos, and Juniors Joe Jorge, Jason Devlin, Steve Jorge, Helder Pires, Mike Pio, Brian Cochenour, Chris Chelo, Manny Goncalves, Tim Romanski, Ray Cheria, Paul Martins, and Dennis Carvalho. The team is lead by Head Coach Tony Goncalves, long time Assistant Coach Jack Vilaca, assistants, Greg Kolodziey and Jonathon Cavallo, and managers Audrey Vilaca, Sarah Russell, Jennifer Russell, and Jillian Dube. Mr. Speaker, once again I am proud and honored to congratulate the 1999 Massachusetts State Champion boys soccer team from Ludlow High School in Ludlow, Massachusetts.

HONORING THE 60TH BIRTHDAY OF REVEREND VALENTINE H. SHEPPARD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Reverend Valentine H. Sheppard. Reverend Sheppard's compassionate spirit touches all of those who know him.

Through vision, diligence and dedication he founded Hebron Baptist Church in 1983. Seventeen years later the Church is a thriving house of worship and love. He is not only, the founder and pastor of Hebron Baptist Church, but also an active member of the Brooklyn community.

Reverend Sheppard is a past-president of the Baptist Pastor's and Church's Union of Brooklyn and Long Island. He is the program chairperson for their Annual Emancipation Day Service and Annual Martin Luther King, Jr. Observance Service. He has held several offices in the Eastern Baptist Association and is a member of the executive board of the Hampton University Minister's Conference. Reverend Sheppard is a graduate of Nzazrene Theological Seminary of Trinidad and is in his 40th year in the ministry. He is a graduate of the American Institute of Banking and a winner of their Regional Public Speaking contest for 3 consecutive years. He served as chairperson of the Board of Directors of the Roundtable Senior Citizen Center of Brooklyn.

Reverend Valentine H. Sheppard is the father of three children and the spiritual father of countless others. Mr. Speaker, I would like you along with my colleagues from both sides of the aisle to join me honoring Reverend Valentine H. Sheppard on his 60th birthday.

HONORING RICHARD DeSILVA

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. ROUKEMA. Mr. Speaker, I rise to honor Richard A. DeSilva, a businessman and community leader in northern New Jersey who has made many contributions to our local schools, economy and quality of life. Mr. DeSilva is a hard-working entrepreneur who has found success and, in the tradition of many successful businessmen before him, has chosen to "give back" to the community. He is one of our outstanding citizens and a role model for our young people..

Mr. DeSilva, the owner of Liberty Subaru Inc., in Oradell, New Jersey, last month received the Time Magazine Quality Dealer Award, presented each year jointly by Time Magazine and the Goodyear Tire and Rubber Co. Last year, he received the All-Star Dealer Award from the American International Automobile Dealers Association. Both of these awards are presented not just in recognition of excellence in automobile sales and service but also for excellence in community service.

Mr. DeSilva started in the retail automobile business as a teenager working at the Ford dealership where his father was the service manager. He graduated from Bowling Green State University with a degree in marketing in 1974 and sold new cars for a short period before opening a used-car dealership in Paterson. His "big break" came in 1976, when he and his brother acquired a franchise from Subaru. The brothers started off selling an average 14 cars a month, but the dealership now sells nearly 1,100 a year.

As might be expected, Mr. DeSilva has been active within the automobile industry. He is a member of the AIADA board of directors, has been on the Subaru National Dealer Advisory Board since 1989 and has served as chairman three times. He is also active with the New Jersey Coalition of Automotive Retailers.

It has been Mr. DeSilva's level of involvement in his community, however, that has brought him recognition. Mr. DeSilva and his wife, Wendy, a grammar school and physical education teacher, have been involved in the Mahwah public school system for many years. Mr. DeSilva coached wrestling and was active in the Mahwah Sports Booster program while their sons were in school. In 1991 and 1992, he chaired the demographics committee for the Mahwah Schools facilities Ad Hoc Committee, a group charged with studying future student enrollment and making recommendations to the school board. In 1995, he was selected to finish the term of a former school board member. He was elected to his first full, three-year term on the board in 1996 and reelected last year.

Mr. Speaker, Rick DeSilva is an outstanding member of our community. He is a successful businessman who helps drive the local economy. He is an active and respected member of the local school board, helping guide the education and future of our youth. And he has been an involved parent, coaching young people on the athletic field and instilling the spirit of teamwork that is so crucial to success in the adult world. He has been recognized by his peers in his own industry. I ask my colleagues in the House of Representatives to join in that recognition by congratulating him on the work he has done and wishing him the best in the future.

REMARKS OF SENATOR JOSEPH I. LIEBERMAN AT THE 48TH NATIONAL PRAYER BREAKFAST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. LANTOS. Mr. Speaker, last Thursday morning the 48th National Prayer Breakfast was held here in Washington. This annual event dates to 1952 when the first gathering was held to pray for President-elect Dwight Eisenhower and his administration. Each year since 1952, the President and Vice President, Cabinet Secretaries, Members of Congress, international government leaders, clergy and others have met to reaffirm their faith and to seek divine guidance in making critical decisions.

At the National Prayer Breakfast last week, our colleague from the Senate, JOSEPH LIEBERMAN of Connecticut, was one of the principal speakers, and his remarks were outstanding. Mr. Speaker, I ask that Senator LIEBERMAN's remarks be placed in the RECORD, and I urge my colleagues in the House to give his speech careful and thoughtful attention.

REMARKS OF SENATOR JOSEPH I. LIEBERMAN AT THE 48TH NATIONAL PRAYER BREAKFAST

Mr. President and Mrs. Clinton, Speaker Hastert, Reverend Clergy, Nuncio Montalvo, Dr. Graham, General and Mrs. Ralston, other head table guests and honored guests in the hall, ladies and gentlemen: To each and every one of you I say, Blessed be they who come in the name of the Lord.

This morning, in this place, this very temporal city comes together to reach up to touch the timeless. It brings to mind the story of the man who is blessed to be able to speak with G-d, and in awe of the Lord's freedom from human constraints of time and space, he asks: "Lord, what is a second like to you?"

And G-d answers, "A second to me is like a thousand years."

The man then asks, "And Lord, what is a penny like to you?"

"To me," the Lord declares, "a penny is a like a million dollars."

The man pauses, thinks for a minute, and then asks, "Lord, would you give me a penny?"

And G-d answers, "I will. In a second."

I am honored to have been asked to speak to you this morning, but as the story shows, I proceed with a profound sense of my own human limitations.

I want to begin by talking with you about the weekly Senate Prayer Breakfasts—those still-small gatherings that have, along with their counterpart in the House, spawned this magnificent National Prayer Breakfast as well as similar meetings in every American state and so many countries around the world.

When I was first invited years ago to the Senate Prayer Breakfast, I found a lot of excuses not to go. Some were good—like my reluctance to leave my family so early on a weekday morning. But some excuses were not-so-good—like my apprehension that the Senate Prayer Breakfast was really a Christian breakfast and that, because I am Jewish, I might feel awkward or my presence might inhibit my Christian friends in their expressions of faith. I was wrong on both counts.

The regular participants in the breakfast, and our wonderful chaplain, Lloyd Ogilvie, persisted and finally convinced me to attend by employing a tactic that usually works with us politicians: they asked me to be the speaker.

That was a very important morning in my now 11 years in Washington. We began with prayer and readings from the bible and then called on the chaplain, who told us about some people in the Senate family we might want to pray for, because they were ill or had lost loved ones. Then it was my turn. I spoke about the Passover holiday and answered some very thoughtful questions. At the end, we joined hands and prayed together.

All in all, it lasted less than an hour, but I was moved that morning. More than that, I felt at home.

Today, I can tell you that the weekly Prayer Breakfasts have become the time in my hectic life in the Senate when I feel most at home, most tied to a community. Because we are at those breakfasts not as Senators; not as Republicans or Democrats, or liberals or conservatives; not even particularly as Christians or Jews. We are there as men and women of faith linked by a bond that transcends all the other descriptors and dividers—our shared love of G-d and acceptance of His Sovereignty over us, and our common commitment to try to live according to the universal moral laws of the Lord.

I pray that all of you who have come here this morning feel those same unifying, humanizing, elevating sentiments. And I also pray, as we begin this new session of Congress, that your presence will inspire those of us who are privileged to serve in government to appreciate the truth that is so palpable at these breakfasts: What unites us is much greater than what divides us.

The work that needs to be done for the people we in government serve will best be done if we work together, and we will work together best if we understand that we are blessed not only to be citizens of the same beloved country, but children of the same awesome G-d.

Praying for the Lord's guidance and strength as we begin a new Congress has been the traditional purpose of this National Prayer Breakfast. But there is another stated aspiration and that is "to reaffirm our faith and renew the dedication of our Nation and ourselves to God and his purposes." I want to speak with you about that second goal this morning because I believe it is critically important at this moment in our national history when our economic life is thriving, but our moral life is stagnating. Although so much is so good in our country today, there are other ways in which we desperately need to do better. There is compelling evidence, for example, that our culture has coarsened; that our standards of decency and civility have eroded; and that the traditional sources of values in our society—faith, family, and community—are in a life-and-death struggle with the darker forces of immorality, inhumanity, and greed.

From the beginning of our existence, we Americans have known where to turn in such times of moral challenge. "Our Constitution was made only for a moral and religious people," John Adams wrote. George Washington warned us never to "indulge the supposition that morality can be maintained without religion." That is why we pledge our allegiance to "one nation under G-d." And why faith has played such a central role in our nation's history. Great spiritual awakenings have brought strength and purpose to the American experience. In the 18th Century, the first Great Awakening put America on the road to independence, freedom, and equality. In the 19th Century, the Second Awakening gave birth to the abolitionist movement, which removed the stain of slavery from American life and made the promise of equality more real. And in the early 20th Century, a third religious awakening led to great acts of justice and charity toward the poor and the exploited, which expressed themselves ultimately in a progressive burst of social legislation.

In recent years, I believe, there have been clear signs of a new American spiritual awakening. This one began in the hearts of millions of Americans who felt threatened by the vulgarity and violence in our society, and turned to religion as the best way to rebuild a wall of principle and purpose around themselves and their families. Christians flocked to their churches, Jews to their synagogues, Muslims to their Mosques, and Buddhists and Hindus to their temples. Others chose alternate spiritual movements as their way to values, order, and peace of mind. It has been as if millions of modern men and women were hearing the ancient voice of the prophet Hosea saying, "Thou hast stumbled in thine iniquity . . . Therefore, turn to thy G-d . . . keep mercy and justice."

This morning, I want to ask all who are here to think about how we can strengthen and expand the current spiritual awakening so it not only inspires us individually and within our separate faith communities, but also renews and elevates the moral and cultural life of our nation?

Let me suggest that we begin by talking more to each other about our beliefs and our values, talking in the spirit of this prayer breakfast—open, generous, and mutually respectful—so that we may strengthen each other in our common quest. The Catholic theologian, Michael Novak, has written wisely: "

"Americans are starved for good conversations about important matters of the human spirit. In Victorian England, religious devotion was not a forbidden topic of conversation, sex was. In America today, the inhibitions are reversed."

So let us break through those inhibitions to talk together, study together, and pray together, remembering the call in Chronicles to "give thanks to G-d, to declare His name and make His acts known among the peoples . . . to sing to Him and speak of all His wonders."

We who believe and observe have an additional opportunity and responsibility to reach out to those who may neither believe nor observe, to reassure them that we share with them the core values of America, that our faith is not inconsistent with their freedom, and that our values do not make us intolerant of their differences.

Discussion, study, and prayer are only the beginning, because we know that in the end we will be judged by our behavior. In the Koran, the Prophet says: "So woe to the praying ones who are unmindful of their prayer—and refrain from acts of kindness." Isaiah summarizes the Torah in two acts: "Keep justice and do righteousness." And the Beatitudes inspire and direct us: "Blessed are they who hunger and thirst after righteousness for they shall be filled; blessed are the merciful for they shall obtain mercy. Blessed are the pure in heart for they shall see G-d. Blessed are the peacemakers for they will be called the children of G-d."

Turning faith into action is particularly appropriate in this millennial year, whose significance will be determined not by turning a page on our calendars at home or work, but by turning a page on the calendar of our hearts and deeds.

To make a difference, we must take our religious beliefs and values—our sense of justice, of right and wrong—into America's cultural and communal life.

In fact, that has begun to happen. In our nation's public places, including our schools, people are finding constitutional ways to honor and express faith in G-d. In the entertainment industry, a surge of persistent public pressure—a revolt of the revolted—has prodded at least some executives to acknowledge their civic and moral responsibility to our society and our children. It's even happening in government, where we have come together in recent years under President Clinton's leadership to embrace some of our best values by enacting new laws and programs that help the poor by reforming welfare, that protect the innocent by combating crime, and that restore responsibility by balancing our budget.

In communities across America, people of faith are working to repair some of the worst effects of our damaged moral and cultural life, like teenage pregnancy, family disintegration, drug dependency, and homelessness. Charitable giving is up, more of the young are turning to community service, and because our economy is booming, or perhaps in spite of it, people are finding they need more than material wealth to achieve happiness. They want spiritual fulfillment, cultural elevation, more time with their families, and more confidence that they are making a difference for the better.

So there is reason in this millennial year to go forward from this 48th National Prayer Breakfast with hope, ready to serve God with gladness by transforming these good beginnings into America's next Great Spiritual Awakening—one that will secure the moral future of our nation and raise up the quality of life of all our people.

"Let your light shine before others," Jesus said, "so that they may see your good works and give glory to your Father in heaven."

If we do, then in time, as Isaiah prophesied: "Every valley will be exalted, and every mountain and hill will be made low. The crooked will become straight, and the rough places smooth. For the earth will be full of the glory of the Lord."

TRIBUTE TO LT. COL. EARL SMITH, U.S. ARMY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. GILMAN. Mr. Speaker, as we carry out the business of the American people here in Washington, we are occasionally fortunate enough to get to know some truly outstanding individual Americans. Today, I would like to mention one such person, who has become a good friend to many of us.

It is a great pleasure to rise today to recognize Lieutenant Colonel Earl Smith, who is retiring from the U.S. Army on April 1st of this year after 22 years of service to our nation.

Along with many other Members, I came to know Lt. Col. Smith in his capacity as Congressional Liaison Officer to the House of Representatives. Lt. Col. Smith and I have traveled to many places together, where I have always found him to define the Army's values of Loyalty, Duty, Respect, Selfless Service, Honor, Integrity and Personal Courage.

The American diplomat George Kennan wrote that "only he is capable of exercising leadership over others who is capable of some real degree of mastery over himself." Lt. Col. Smith is a living example of the truth of that statement.

Mr. Speaker, Lt. Col. Smith distinguished himself in numerous command and staff positions overseas, as well as in the continental United States. His career began as an Infantry Rifle Platoon Leader in West Berlin, Germany, during the final decade of the Cold War. As recently as 1996, he served in Bosnia as an Operations Officer on the Joint/Combined Staff for the military headquarters responsible for implementing the Dayton Peace Agreement.

The American position in the world—that of lone superpower—is due to the sacrifices made by Lt. Col. Smith and men and women like him. Without their selfless dedication, America would not enjoy the peace and prosperity it is blessed with today.

We all should congratulate Lt. Col. Smith on a career marked by the finest personal qualities and professional excellence. We wish Earl and his wife, Arnette, our best on this important milestone and good luck in the future.

RECOGNIZING THE WESTERN MASSACHUSETTS CHAMPION LUDLOW HIGH SCHOOL GIRLS SOCCER TEAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to recognize the accomplishments of the 1999 Ludlow High School girls soccer team. The Ludlow girls soccer team won the program's third Western Massachusetts title last year by defeating defending state champion Cathedral High School. The Lions defeated Central Massachusetts Champion Shrewsbury en route to the state final match, where they fell just short of their goal.

The Ludlow girls soccer team finished the year with a record of 19–2–1. Ludlow was able to dominate a tough league in Western Massachusetts in 1999 by employing a highly skillful style of play. A team that was tough when it needed to be, Ludlow was capable of outclassing most of its opponents. As a result of their high class style, the Lions enjoyed the fervent support of the residents of the Town of Ludlow throughout the season.

Head Coach Jim Calheno has built a very successful program at Ludlow High School. Coach Calheno is well-respected in the coaching community and his team is duly feared. The Ludlow talent pool runs very deep, and the Lions are certain to be the team to beat in 2000. Two All-America selections, Liz Dyjak and Stephanie Santos, are among a group of talented Juniors who will be looking to claim the state title next season.

Mr. Speaker, allow me to recognize here the players, coaches, and managers of the 1999 Ludlow High School girls soccer team. The Seniors are: Melissa Dominique, Sandy Salvador, Angela Goncalves, Jen Crespo, Marcy Bousquet, Lynsey Calheno, Jenn Genovevo, and Leana Alves. The Juniors are: Nicole Gebo, Lindsay Robillard, Lindsay Haluch, Kara Williamson, Sarah Davis, Liz Dyjak, Stephanie Santos, Tina Santos, and Jessica Vital. The Sophomores are: Michele Goncalves, Lindsey Palatino, and Kristine Goncalves. The Freshmen are: Natalie Gebo, Lauren Pereira, Beth Cochenour, Darcie Rickson, and Amy Rodrigues. The Head Coach is Jim Calheno, and he is assisted by Saul Chelo, Nuno Pereira, Melanie Pszeniczny, and Mario Monsalve. The managers are Melissa Santos and Elizabeth Barrow.

Mr. Speaker, once again, allow me to congratulate the Ludlow High School girls soccer team on a season well played. I wish them the best of luck for the 2000 season.

TRIBUTE TO LEWANDA DENISE MILLER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Lewanda Denise Miller, a woman described by those who know her as a Christian, a family person, an educator, a community helper, a mentor, and a friend.

As the daughter of Roy Lee and Mildred Miller, and as a lifelong member of St. Paul Community Baptist Church, Lewanda credits her southern, Christian upbringing and family, as sources of strength that have helped to teach her ways to help others.

In 1993, Lewanda received her Bachelor's Degree with SUNY College at Old Westbury. While studying Accounting and Business, Lewanda quietly yearned to teach. In her last year of undergraduate study, she applied for a teaching license. Immediately after graduation, she obtained her temporary license in Business. She taught many programs at Boys and Girls High School. Two years later, Lewanda enrolled in Brooklyn College's graduate program to become an English teacher. After studying on an undergraduate and graduate level, she successfully completed her studies in 1999. Lewanda graduates this millennium with her Masters of Arts in Secondary Education-English. During this time, she obtained provisional certification in English and Business. Lewanda still mentors and tutors students daily at Boys and Girls High School.

Professionally, Ms. Miller has worked on several committees to improve the academic experience for her students. She worked on the Curriculum Interdisciplinary Team, staff developer of ELA Regents Curriculum, and taught one of the Saturday School programs at Boys and Girls High School for the last five years.

Since 1998, Lewanda has been a member of The Women's Caucus, a volunteer organization of women who work closely with me on community activities, and the Interfaith Medical Auxiliary.

I urge my colleagues to join me in recognizing positive young role models, like Lewanda Denise Miller.

IN CELEBRATION OF LUNAR NEW YEAR 4698, THE YEAR OF THE DRAGON

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to join members of the Asian

American Business Development Center in celebration of the Lunar New Year, the largest and most festive of all celebrations in most of Asia. The Lunar New Year is a time when families and friends congregate, when social bonds are strengthened, and life celebrated.

The celebration of the Lunar New Year, Mr. Speaker, underscores many commonalities throughout our diverse cultures, like an appreciation for the cyclical nature of life and the need for reunion and renewal. I wish everyone in America and throughout Asia who celebrates this occasion a very happy New Year full of good fortune and good health.

This Lunar New Year 4698, which falls on February 5, is a special one marking the Year of the Dragon. In Chinese mythology, the Dragon is a symbol of supreme power, controlling the wind and rain to benefit the earth or, sometimes, unleashing a destructive typhoon.

Dragons, as we know, are found in Western mythology as well, carved on the helm of Viking ships and woven into children's stories about European Princesses and gallant knights. The Dragon, then, is very much a part of our world culture as is the celebration of the annual renewal of life.

Mr. Speaker, today in New York City, I joined the Asian American Business Development Center in celebrating the Lunar New Year. The Lunar New Year is a triumphant occasion for millions of people throughout the world. Mr. Speaker, I ask my fellow Members of Congress to join me and the Asian American Business Development Center in celebration of this special holiday.

THE FOUR YEAR ANNIVERSARY OF THE TELECOMMUNICATIONS ACT OF 1996

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. OXLEY. Mr. Speaker, on the fourth anniversary of the passage of the Telecommunications Act, the benefits of deregulation are plainly evident. Consumers are paying the lowest prices in history for telecommunications services and enjoying new technologies that were unimaginable just 4 years ago. The deregulation that resulted from the act has provided tremendous stimulation to the telecommunications industry and the American economy.

Unfortunately, future progress is being held hostage by a Federal agency resistant to change. The telecommunications industry now moves on Internet time but is regulated by an FCC that relies on Depression-era rules and regulations. The FCC is too big, too powerful, and too unresponsive to the mandates of the law, congressional intent, and the needs of the American consumer.

Congress thought it deregulated the telecommunications industry 4 years ago, and to a large extent we did. What we didn't know was the extent to which the FCC would subvert congressional intent and implement its own agenda. The prologue of the 1996 act states that its goal is to reduce regulation. What we now know is that the only way to do so is to sharply curtail the power of the FCC.

PROMOTING AND PROTECTING DEMOCRACY IN MONTENEGRO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. SMITH of New Jersey. Mr. Speaker, last week I chaired a hearing before the Commission on Security and Cooperation in Europe on promoting and protecting democracy in Montenegro. Montenegro is a small republic with only about 700,000 inhabitants, and yet it is among the strongest proponents of democratic change in the Balkans. As a result, Montenegro has the potential of being the target of the next phase of the Yugoslav conflict which began in 1991.

Montenegro, with a south Slavic population of Eastern Orthodox heritage, is the Only other former Yugoslav republic to have maintained ties in a federation with Serbia. Since 1997, Montenegro has moved toward democratic reform, and its leaders have distanced themselves from earlier involvement in the ethnic intolerance and violence which devastated neighboring Croatia, Bosnia, and Kosovo. In contrast, the Belgrade regime of Slobodan Milosevic has become more entrenched in power and more determined to bring ruin to Serbia, if necessary to maintain this power. The divergence of paths has made the existing federation almost untenable, especially in the aftermath of last year's conflict in Kosovo. We now hear reports of a confrontation with Milosevic and possible conflict in Montenegro as a result.

One witness Janusz Bugajski of the Center for Strategic and International Studies, presented the conflict scenarios. He said: "Other than surrendering Montenegro altogether, Belgrade has three options: a military coup and occupation; the promotion of regional and ethnic conflicts; or the provocation of civil war. More likely Milosevic will engage in various provocations, intimidations and even assassinations to unbalance the Montenegrin leadership. He will endeavor to sow conflict between the parties in the governing coalition, heat up tensions in the Sandjak region of Montenegro by pitting Muslims against Christian Orthodox, and threaten to partition northern Montenegro if Podgorica [the capital of Montenegro] pushes toward statehood. The political environment will continue to heat up before the planned referendum" on independence.

In addition to the ongoing operations to keep the peace and provide justice and democratic governance in Bosnia and Kosovo, Mr. Speaker, the United States and the rest of the international community will face the challenge this year of promoting and protecting democracy in Montenegro. Srdjan Darmanovic, head of the Center for Democracy and Human Rights in Montenegro, said it is logical and understandable that the international community encourages the Montenegrin authorities to follow a policy of ambiguity on the republic's future. On the one hand, the international community already has the burden of two peacekeeping operations in the former Yugoslav region and doesn't want another, yet it does not want Milosevic to seize Montenegro and stop the democratic development taking place there. Darmonovic concluded, however, that this situation "creates a very narrow space in which the Montenegrin Government has to play a dangerous chess game with the Milosevic regime in which the price of failure or miscalculation could be very high. . . . The 'politics of ambiguity' has very dangerous limits. It cannot last forever."

Veselin Vukotic, head of the Center for Entrepreneurship in Montenegro, described the economic steps which Montenegro has taken to distance itself from Serbia. He said that Montenegrin citizens cannot wait for the day when Milosevic resigns, which may never come. Economic change must begin now. The introduction of the Deutsche mark as a second currency has allowed the Montenegrin economy to move away from that of Yugoslavia as a whole. This has led to a decrease in Serbian-Montenegrin commerce and permits Montenegro to receive outside assistance even as Serbia remains under international sanctions. Still, he noted that the Montenegrin economy needs to be transformed into a market economy. This will require transparency to deter the continuing problem of corruption, as well as the development of a more open society.

Fortunately, Mr. Speaker, Montenegro is no longer alone in seeking to base its future on multi-ethnic accord, democracy and openness, rather than the nationalism of the 1990s. Beginning in late 1998, a similar trend began in Macedonia, and now in Croatia, new government leaders were elected who will reverse the nationalist authoritarianism of the Tudjman years. Hopefully, this will resonate in Serbia itself, where change is needed. The bottom line, as the Assistant Secretary of State for European Affairs Marc Grossman said in a conversation, is that there must be change in Serbia itself. As long as Milosevic is in power, there will be regional instability.

In testimony before the Senate Committee on Armed Services last week, Director of Central Intelligence George Tenet made clear: "Of the many threats to peace and stability in the year ahead, the greatest remains Slobodan Milosevic—the world's only sitting president indicted for crimes against humanity. . . . He retains control of the security forces, military commands, and an effective media machine."

With good judgment and resolve, Mr. Speaker, conflict can be avoided in Montenegro, and those seeking conflict deterred. As democracy is strengthened in Montenegro, the international community can also give those in Serbia struggling to bring democracy to their republic a chance to succeed. The people of Serbia deserve support. Democracy-building is vital for Serbs, Montenegrins and others living in the entire southeastern region of Europe.

Mr. Speaker, in the past decade, those of us who follow world affairs have had an in-depth lesson in the history, geography and demography of southeastern Europe. Places like Bosnia-Herzegovina, Macedonia and Kosovo were little known and little understood. Unfortunately, too many policymakers became aware of them only as the news reports of ethnic cleansing began to pour in.

The Helsinki Commission, which I have now had the honor of chairing for the past 5 years, has sought for over two decades to inform Members of Congress, the U.S. Government and the American public, of developing issues in countries of Europe, the Caucasus and Central Asia. Hopefully, with timely and well-informed attention, we can more effectively and quickly respond to a potential crisis, and perhaps save lives.

HONORING THE CAREER OF GENE DIXON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. GORDON. Mr. Speaker, today I rise to recognize the long-time service of Gene Dixon of Murfreesboro, Tennessee, who will soon retire as the golf professional at The Country Club at Stones River. Gene has been a tremendous ambassador for the game of golf throughout Tennessee and the nation.

A native Tennessean, Gene attended the University of Memphis. His college roommate was 1975 U.S. Open Champion Lou Graham. Gene was the 1958 Tennessee State Amateur Champion, the Memphis City Champion and finished fourth in the NCAA Championship.

After serving his country in the U.S. Army, Gene arrived at Stones River Country Club in 1967. An outstanding golfer in his own right, winning numerous PGA Chapter Championships and participating in four Senior PGA Championships, he has helped develop and mentor many young golfers. Several of these youngsters earned collegiate scholarships, and two have been Tennessee State High School Champions.

Described by Tennessee PGA Executive Director Dick Horton as "the cream of the crop", Dixon will leave a void in the state golfing community when he retires. I congratulate Gene Dixon on his admirable and distinguished career and wish him well in his retirement.

TRIBUTE TO CLEO DUNAWAY CRAIG

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Cleo Dunaway Craig. Later this week in Marion, Illinois, she will celebrate her 110th birthday. Cleo Dunaway Craig was born on February 12, 1890 in Marion, to Thomas and Emma Dunaway. In 1909 she married Edgar Craig and together they had one daughter, Elizabeth, who passed away when she was fifty-five years old. Edgar passed away in 1958. She has two grandsons, Craig Brosi who resides in Hackessin, Delaware and Brian Brosi, who lives in Marion and visits his grandmother daily.

Cleo Craig taught for one year at Lincoln Grade School and during World War I she worked as a reporter for her hometown newspaper. In 1928 she and her husband moved to Metropolis, Illinois and in 1930 her family moved to Chicago until the passing of her husband. After Chicago, Cleo moved back to Marion and lived with her sister until she was one hundred years old. In 1990 she moved to Fountains Nursing Home and still is residing there. Everyday Cleo reads the Chicago Tribune, every week she reads Newsweek. She is an avid sports fan and every summer she robustly cheers on her favorite baseball team: the Chicago Cubs, who have not won a World Series since she was 18 years old. I hope she will not have to wait another 92 years to celebrate a Cub's World Series victory!

Mr. Speaker, Cleo Craig is a living example of the evolvement of our country as the strongest nation in the world. She represents the spirit of America: hard work, perseverance and a positive outlook. Perhaps the most amazing thing about Cleo, is that besides some hearing loss, she is in perfect health and does not take any medications. Everyone at the Fountains Nursing Home will be celebrating this momentous birthday with her on Friday. She is truly an inspiration to us all. Lastly, Mr. Speaker, I would like to take this opportunity to encourage all of my colleagues to join me in wishing Cleo Craig a happy 110th birthday and God's Speed.

RECOGNIZING THE SUPER BOWL CHAMPION HIGH SCHOOL OF COMMERCE FOOTBALL TEAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to recognize the wonderful accomplishments of the football team from the High School of Commerce in Springfield, MA. The Commerce football team finished the season 10–1 and captured the first State title in school history. This was the first Super Bowl game for Commerce since 1978, and the players made the most of their chance by beating Bay Path Regional Vocational Technical 33–15.

The Commerce team became the Division IIIA Super Bowl Champions on the strength of their defense which was able to come up with three fumble recoveries and an interception. The Red Raiders scored three touchdowns in just 42 seconds during the second quarter and never looked back. Commerce amassed over 200 yards on the ground behind the superb running of Julius Walker, who gained over 100 yards by himself. Credit must be given to the offensive line. Although they are accustomed to throwing the ball, the Commerce offense adjusted to the Bay Path game plan and ran the ball successfully.

Head Coach Todd Kosel leads a program which recently endured a winless season. However, Coach Kosel has turned all of that around and now has a team feared and respected for its intelligence, its determination, and its commitment. The depth of this squad can be seen on the score sheet as touchdowns were scored by five different players: Alfonso Dixon, Brandon Bass, Wister Figueroa, Julius Walker, and Michael Vaz.

Mr. Speaker, once again, allow me to recognize and congratulate the Super Bowl Champions from the High School of Commerce. I wish all of the student-athletes on this team the best of luck in 2000 as they return to defend their title.

TRIBUTE TO JOSEPHINE BOLUS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. TOWNS. Mr. Speaker, I rise today to acknowledge the accomplishments of Ms. Josephine Bolus. As a registered nurse (RN) in New York, she has served her community well.

Ms. Bolus started her community activities during the "Korean conflict", as a member of the Civilian Air Patrol, monitoring the New York City skies for foreign aircraft. She then became a volunteer for the American Red Cross; and later became a licensed practical nurse, under former President Kennedy's educational initiatives. Deciding to further her education, she attended New York City Community College, and graduated in 1971 with a degree in nursing. After graduation she started working at Brooklyn's King's County Hospital Center, and remained there until her retirement in December of 1997.

During those 27 years, Josephine continued her education and with the combined help of a new program offered by King's County Hospital and the State University Hospital of Brooklyn, she became a pediatric nurse practitioner in 1975. She testified before New York Senate Committees on the need for prescriptive privileges for nurse practitioners, as well as the need for New York State Nurse Practitioner Certification. Both issues were enacted into law by the New York State Legislature. As a member of the American Nurse Association, she also serves as the congressional liaison to the 10th congressional district.

She is an active member of the New York State Nurses Association [NYSNA] which represents over 35,000 RNs. After serving in numerous positions, she now serves on the NYSNA Board of Directors and is vice-chair of the NYSNA Political Action Committee. Josephine is also a member of the Women's Caucus, a volunteer organization of women who work on Brooklyn community services projects; the Brooklyn College Alumni Board of Directors; and the Dr. Susan Smith McKinney Community Advisory Board. She is also on the board's health committee and does special projects for New York State Senator John Sampson.

Depending on the day of the week, Ms. Bolus can be found volunteering in my office, as well as the offices of New York State Assemblyman Frank Seddio, and the campaign of Hillary Rodham Clinton. In her "spare time" she has organized health fairs, CPR courses, tennis lessons for asthmatics, and diabetic counseling groups. She has also created unique cloth dolls, which she exchanges for donations to her church.

Josephine is the recipient of several awards, including the 1999 NYSNA Delegate Assembly, the Central Baptist Church's "Humanitarian Award", and the Maggie Jacobs RN

Service Award. She has conducted research in collaboration with Tuft's University School of Medicine and the State University Hospital of Brooklyn. Ms. Bolus is married to Henry A. Bolus, and they have two children.

It is an honor to pay tribute to community leaders like Ms. Josephine Bolus.

IN MEMORY OF DON HUTSON

SPEECH OF

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Don Hutson, of Lebanon, Missouri. He was 68.

Mr. Hutson was born on November 4, 1931, in Kansas City, MO, to Alpha Henry and Lola Hutson. He graduated as valedictorian from Oak Grove High School and went on to graduate with honors from Central College. In 1958, he earned a juris doctor degree with honors from George Washington University Law School. He then spent 4 years as a staff assistant to Senator Stuart Symington. This gave him an opportunity to work on many legislative issues beneficial to the state of Missouri.

Mr. Hutson was a well known and respected attorney, who practiced law in Kansas City and Lebanon for 40 years. Prior to entering private practice, he was appointed assistant prosecuting attorney for Jackson County, serving as chief trial attorney for most of the major felony cases in Kansas City. He was commended for successfully prosecuting and convicting dozens of organized-crime figures during one of the first national organized-crime drives.

Mr. Hutson was recognized for his numerous achievements throughout his life. He was named in Who's Who in American Colleges and Universities, Who's Who in America, Who's Who in the Midwest and Who's Who in American Law. In addition, he was active in his community and civic affairs. Mr. Hutson was an ordained minister in the Christian Church and served as a Christian Church minister at Oak Grove, Lone Jack and other churches in Missouri. He was the founder of the Lebanon Arts Council and involved with the Lebanon Chamber of Commerce and the Lebanon Concert Association.

I know the Members of the House will join me in extending heartfelt condolences to his family: his son, Eric; his three daughters, Sheila, Robin, and Heather; and five grandchildren.

HONORING FIRE CHIEF ANGELO PETRARCA

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. WELLER. Mr. Speaker, I rise today to honor Fire Chief Angelo Petrarca who retired on January 31, 2000 after 40 years of service in South Chicago Heights.

Fire Chief Petrarca joined the South Chicago Heights Fire Department in June 1970. He became a Lieutenant in May 1971 and was appointed Assistant Fire Chief in May 1973. On May 1, 1974, Mr. Petrarca was appointed as Fire Chief.

Chief Petrarca has been a resident of South Chicago Heights since 1959, and is known to be completely dedicated to his career as well as to ensuring the health and well-being of the community. The major highlight of Chief Petrarca's career this past year involves the improvement of the fire departments response time which was previously, on average 6–7 minutes, before November 1998. The response time is now an impressive two minutes from the time of call to the actual arrival of EMS personnel on site. This is mostly due to Chief Petrarca's decision to staff the fire department with a 24 hour a day on duty paramedic along with another EMS professional on call seven days a week.

Chief Petrarca also believes in giving of his time to various organizations both professionally and for the good of the community. Some of his affiliations include: Member of the Illinois Fire Chief Association; Past President of the WILCO Fire Chiefs Association; Member of the International Association of Arson Investigators; Chairperson of the ETSB; Member of the National Emergency Number Association; and Member of South Chicago Heights Y2K Readiness Committee.

Fire Chief Angelo Petrarca's commitment and impact on his community is not only deserving of congressional recognition, but should serve as a model for others to follow.

At a time when our nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring Fire Chief Petrarca is both timely and appropriate.

I urge this body to identify and recognize others in their congressional districts whose actions have so greatly benefitted and enlightened America's communities.

TRIBUTE TO JOHN V. HAYS

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise today to pay special tribute to Mr. John Hays, president of the Oregon Cattlemen's Association and owner/operator of Rouse Brothers Ranch in Unity, OR. John Hays is a fiercely independent man who is committed to preserving and protecting the rights of America's farmers and ranchers.

Through hard work and dedication, John has had a stellar career championing the rights of private property owners. When John is not fighting to preserve the rights of land owners, he is speaking out against the high levels of agribusiness consolidation and the many related problems affecting agricultural producers, rural communities, and consumers.

After thinking about various events in John's life, I am reminded of a passage in Theodore Roosevelt's letter to Marcus Alonzo Hanna (June 27, 1900): "I am as strong as a bull moose and you can use me to the limit."

Mr. Speaker, I must tell you, it has been an honor to know John and to be his friend. Truly, he is dedicated to preserving the unique integrity of our proud western heritage.

Mr. Speaker, in closing, I commend the example of John Hays to my colleagues, and hereby submit to the RECORD for their consideration a January 11, 2000 article appearing in The Bulletin (Bend, Oregon).

[The Bulletin, Jan. 11, 2000]

CATTLEMEN'S LEADER WORKS TO PRESERVE RANCHING

(By Jim Witty)

JOHN DAY.—It's not easy being a cattleman in Oregon at the dawn of the 21st century.

To hear John Hays tell it, the Western rancher should join the northern spotted owl, the blackfooted ferret and the gray wolf on the endangered list.

Hays, a bull of a man with a gregarious streak a mile wide and at least as deep, sees red when the topic turns to cows and those who would interfere with their unfettered husbandry.

"We kind of look at ourselves as an endangered species," Hays says. "If you look at the last five or six years, we've been nearly regulated out of business."

Hays, the newly elected president of the Oregon Cattlemen's Association, has come out with both guns blazing.

One of his first communiques is illustrative.

Shortly after a federal court ordered the Bureau of Land Management to eliminate cattle grazing along 18 miles of the Owyhee River in Southeastern Oregon, Hays shot out a press release to Oregon media outlets accusing U.S. District Judge James Redden of bias and calling the principal litigant—the Oregon Natural Desert Association of Bend—the "eliminate the food chain group of America."

Hays concluded the news release by declaring: "This type of judgment is why people fled Europe during the time of Hitler. It is a very sad time in my life as president of the Oregon Cattlemen's Association."

Strong words. But Hays is no shrinking violet.

He has vowed to fight a triple threat he believes is ripping the guts from the ranching industry: the Endangered Species Act, which cattlemen complain has produced a spate of unwanted regulations (listings or potential listings of steelhead, salmon and trout species, for instance, have restricted the way ranchers can do business on their property); the buyout of dozens of medium-size packing plants by a couple of large corporations, IBP and Con Agra; and the subsequent homogenization of the market—the loss of ranchers' ability to command a premium for premium beef.

This day, Hays is at the senior center in John Day taking a break from the environmental wars, rallying the troops for an assault on the marketing front.

'We want to get back in control of our market,' says Hays, 57, sipping coffee in an anteroom before he's scheduled to outline his plans before several dozen ranchers in the main hall.

To regain that control, the former restauranteur and sports agent is promoting a premium product produced by the state's ranchers, called Oregon Trail Branded Beef, that will be processed in a cattlemen-owned plant. That way, says Hays, ranchers can sell contaminant-free beef that they control from rangeland to retailer.

'People get E. coli and who do they point to?' says Hays. 'The cattlemen, right off the bat. We don't have any control of the product.'

While the ambitious co-op marketing campaign is occupying most of his time these days, the battle on the ground is never far from his mind.

'Grazing is a target,' says Hays. '(Environmentalists) found out with the spotted oil that they could get rid of the timber industry. Grazing is the next thing they're pushing for.'

Bill Marlett of Bend-based Oregon Natural Desert Association is Hays' arch nemesis. The two have never met.

'As a human being, I give everybody a chance,' says Hays. '(But) I hate to see anything progressive being torn down.'

ONDA argues that cows have trampled riverbanks, fouled streams and chewed up fragile desert topsoil on more than 13 million acres of public land in Oregon. And the organization's goal is to remove all cattle from the state's BLM- and Forest Service-administered land.

Marlett says he doesn't quite know what to make of Hays.

'I don't know where he's coming from to be honest,' says Marlett. 'To make the inference about Nazi Germany—aside from being irrelevant—is crazy. Why would you say something like that? If he's going to base policy on rhetoric, there's probably not a lot of progress we can make communicating. . . . It's kind of extreme.'

Hays, in turn, argues that those pushing to rid the range of cattle are outside the mainstream.

'We are the table,' says Hays, referring to the cattleman's place in the scheme of things. 'I don't consider the people who don't own property as even the tablecloth, the salt and pepper shaker. . . . A lot of it is lifestyle. They could care less about lifestyle.'

But Hays is concerned that lifestyle is in trouble as are communities dependent on ranching.

He contends that ranchers are the best land stewards because their livelihoods depend on it.

'You don't make a living if you trash your ranch,' Hays says. 'We're some of the better environmentalists in the world. . . . It's like anything else, if you don't harvest the grass, it will turn to weeds.'

But Hays says he sees the Endangered Species Act being used as a tool to take cattle off the range. For instance, he says, when a threatened trout is found on a rancher's grazing allotment, they can't use the creek anymore unless they invest in a costly fencing regiment.

Hays subscribes to the theory that there is an overarching plan guiding the environmental movement that will move more and more private land into government ownership.

'These are apostles of the one world movement to get people off the land,' he says. '. . . Eventually it's a government takeover.'

Most environmentalists pooh pooh the notion, saying that it's difficult enough organizing their own groups, let alone a monolithic movement.

Although he served a 5-year stint in the Marine Corps, 17 years in the restaurant business and a few more in partnership with former NFL greats Mel Renfro and Darryl Lamonica putting together contracts, his first love is ranching, Hays says.

On his home place in Unity, about 60 miles west of the Idaho border, Hays runs about 3,000 head of cattle on 23,000 privately owned acres and 80,000 acres owned by the federal government. His family has operated the Rouse ranch since the 1850s, he says.

Hays argues that society has mixed up its priorities.

'I see it in the logging industry in my hometown. 'One fellow there had 30 some people employed there. It kept the town going. He had to let them go. Now our town's full of drugs. Some have had to leave. . . . It hurts your kids, it hurts your schools, your community.'

So, says Hays, does the Endangered Species Act.

'Why is a fish dominant over everything else?' he queries. 'People are taking this ESA and using it as a tool to get what they want.'

PERSONAL EXPLANATION

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Ms. RIVERS. Mr. Speaker, the following is a list of votes that I missed while in Michigan recuperating from surgery. Had I been present, I would have voted as follows: Rollcall No. 2—H. Con. Res. 244—"yes"; Rollcall No. 3—H.R. 2130—"yes"; Rollcall No. 4—H.R. 764—"yes"; Rollcall No. 5—H.R. 1838—"yes"; Rollcall No. 6—Instructing Conferees on H.R. 2990—"yes"; and Rollcall No. 7—H.R. 2005—"no."

IN HONOR OF MAURY MEYERS, MAYOR OF BEAUMONT

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. LAMPSON. Mr. Speaker, I rise today in honor of Maury Meyers, who will be receiving the Jay C. Crager Award from the American Heart Association. This award is given to outstanding' citizens who have distinguished themselves with unselfish civic responsibility and community service. It is fitting that Maury Meyers is receiving this award because he has dedicated his life to serving his community.

Maury meets the description of a leader, he has been involved with every aspect of the community, and taught us as a community to believe in ourselves. Maury has contributed so much to the community of Beaumont and the people who live there. He believes in Beaumont and its residents, and has unfalteringly placed his time and energy into its progression.

Maury's first two terms as Mayor, from 1978–1982, changed the face of Beaumont and the character of the community through unparalleled initiatives. Maury returned to the Mayor's office in 1986 and faced a city that was suffering economically and was experiencing problems in the public and private sectors.

The problem of economic recovery and the creation of jobs was Maury's top priority upon his return to office, he wanted to invigorate Beaumont and the people who lived there. To address this problem, he created the "Worlds Largest Economic Development Committee" when 8,000 residents of all ages and walks of life filled the Beaumont Civic Center to participate in an economic summit.

Maury Meyers is a people person, and he took that spirit to the Mayor's office. He believed that everybody had a role and a voice in their community, and during his time in office hundreds of private citizens served on city-appointed advisory committees, neighborhood town-hall meetings and public hearings. An organization known as "Planning Economic Progress" was created by Maury and brought labor and management together on issues affecting commercial and industrial growth, as well as community development.

The Texas Energy Museum is in Beaumont because of Maury's hard work and perseverance. Competition for the museum between Beaumont and other major cities and universities was fierce, and conditions made it necessary to organize a strictly private effort. In just a few days, he was able to raise more than $1 million and brought the museum to Beaumont. He also founded the Southeast Texas Inc., a non-profit organization focusing on innovative regional economic development.

Mr. Speaker, it is my honor to speak on behalf of Mr. Maury Meyers and all of his accomplishments. He is a man that I look to for inspiration as I continue to work for the communities and neighborhoods of Texas. While I can not be with him when he receives his award, I am proud to recognize him on the floor of the House. He is a man who has committed his life not to himself, but to the people of Southeast Texas.

TRIBUTE TO MR. TOM COFFEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that the residents of Maries County, Missouri, are gathering to honor one of their leading citizens, Mr. Tom Coffey, on his 94th birthday.

Mr. Coffey has a long history of public service. He began by volunteering to defend his country in the European Theater during World War II. After the war, he returned to Vienna and has remained a lifetime resident. He adopted the people of the city of Vienna and Maries County and has made significant contributions to the community over the past 50 years. Mr. Coffey provided generous financial support to build a fire station in Vienna, donated land for a business development site and established three scholarships for graduates of Vienna High School. He also purchased land to build the American Legion Hall and then deeded the property to the city.

Additionally, Mr. Coffey has been the leading force behind the Maries County Fair for more than 40 years and was one of five citizens to establish the Old Jail and Historical Society. He is planning to continue to support the community for many years into the future as he has designated more than 30 organizations to receive annual grants from his trust. I am not surprised that the city of Vienna wants to express their gratitude to Mr. Coffey on the occasion of his 94th birthday.

Mr. Speaker, I know all Members of Congress will join me in paying tribute to Mr. Coffey for his outstanding dedication to the community and selfless public service.

HONORING THE VILLAGE OF MONEE AND ITS QUASQUICENTENNIAL CELEBRATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. WELLER. Mr. Speaker, I rise today to honor the village of Monee and its quasquicentennial celebration. The village of Monee was formed in the year 1874 and the residents of Monee have celebrated their 125 years of history with dozens of different events throughout the year 1999. It has been my great privilege and honor to serve the residents of Monee. I am pleased to recognize their strong and admirable sense of community pride.

The village of Monee, which lies in my 11th congressional district, is situated in northern Will County. Although the village is located less than 30 miles from the city of Chicago, the village has been able to maintain its small-town ambiance and sense of pride in its history and progress. Both the village and local organizations contribute time and money to hosting family-orientated events and activities.

The village of Monee was founded by Augustus Herbert in November of 1853 when he recorded his plat of land at the Will County Courthouse. The village is believed to be named for a French-Ottawa Indian woman, Marie LeFevre Bailly. The French called Marie "Mah-ree" but the Ottawa Indians had no sound for the letter "r" and called her "Mah-nee." French treaty clerks later wrote the name as "Mo-nee." The Indian princess, Marie was renowned as one of the most beautiful women in the northwest area. In 1833, the Treaty of Camp Tippecanoe made with the Pottawatomie Tribe made a gift of property to the four daughters of Marie and her husband Joseph Bailly. This gift of property is possibly the only connection between "Princess Monee" and the village named in her honor.

Today, the village of Monee has a growing population of approximately 1,044. The current village president is the Honorable Larry Kochel.

Mr. Speaker, I urge this body to identify and recognize other towns and villages in their own districts which are proudly celebrating special occasions.

THE PASSING OF DR. LAURA THOMPSON, A FRIEND OF THE CHAMORRO PEOPLE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. UNDERWOOD. Mr. Speaker, I rise to mourn and pay tribute to the passing of a great anthropologist and true friend of Guam, Dr. Laura Thompson. Dr. Thompson was an anthropologist who not only studied various cultures in the world, she contributed to the growth of the discipline during her lifetime. For the people of Guam and researchers everywhere, her work, "Guam and Its People", is the seminal work on the essence of the Chamorro culture. She was the first anthropologist to formally study the culture of the people of Guam and every student, researcher or any person interested in serious thinking about Guam must begin by reading and understanding her work.

Dr. Thompson was born in Honolulu on January 23, 1905 and died last month right after her 95th birthday. During her life, she published nine books in anthropology and more than 70 articles in professional journals. She was a compelling and provocative speaker who willingly addressed professional meetings, spoke to community groups and frequently appeared on radio and television programs. She spoke about her experience, the role of women in society and the advancement of her discipline. In the course of her work, she spoke out as an advocate for the advancement of Pacific island peoples.

Dr. Thompson came to Guam in 1938 at the invitation of the Naval Government of Guam to study the Chamorro people. She served as a consultant to the naval governor of Guam. The assumption at the time was that naval officers needed to learn more about the nature of the Chamorro people so that the task of governing Guam would be more efficiently and effectively accomplished. It was ultimately a self-defeating assumption, because the only way that Guam should have be governed was by the people of Guam themselves. Dr. Thompson stayed for six months in the village of Malesso' and learned a great deal about the rhythm of Chamorro life, particularly in the southern end of Guam which was acknowledged as the more traditional part of Guam.

Her work gave all of us insights into the hybrid culture of the Chamorro people, a mixture of Spanish, Mexican and Filipino influences interspersed with the pre-Western contact Chamorro traditions. The account of the culture was powerful because the strengths of Chamorro character and industry were being celebrated for the first time in recorded history. Under American and Spanish colonial rule, Chamorros were only discussed as a problem. For the first time, Chamorros were being discussed as human beings who had designed a dynamic and strong framework for life. It was an invigorating vision made more powerful by the fact that it was conducted in the name of science.

Guam went on to be occupied by Japan during World War II and the Chamorro people endured a new challenge to their existence. They survived and their heroic story inspired their fellow Americans at the time. However, naval officials decided that the military should continue to govern Guam even as America had just prevailed in a war to preserve democracy and defeat fascism and militarism. The post World War II military government of Guam was an anomaly whose future was dim. And one of the persons who wanted to ensure that military government would come to an end was Dr. Laura Thompson.

She was refused the opportunity to go back to Guam by the Navy and visit the Chamorro people. Along with a few friends, she worked to end military rule in Guam and advocated the granting of U.S. citizenship to the Chamorro people. Her husband, John Collier, was Director of the Bureau of Indian Affairs, She prevailed upon him, their friend, Interior Secretary Harold Ickes and others like Pearl Buck to assist her in her advocacy of Guam issues. She worked with the Institute of Ethnic Affairs and they began to issue statements on the true nature of the military government in Guam. She testified in front of numerous Congressional committees. This lobbying effort was counteracted by the Navy who established an office across the street from the Institute to issue the Navy's point of view. The objectives of their lobbying were both the Executive Branch and Congress. Congress eventually realized that the Navy must go.

The role of the Institute, the articles by Harold Ickes, the articles in Asia Magazine by Richard Wels and the letters to the editor in the New York Times facilitated by Foster Hailey in moving Guam to civilian government has not been fully understood by many except the most committed historians. In combination with the efforts of Antonio Won-Pat, F.B. Leon Guerrero and the willingness of the Guam Congress to protest the decisions of the naval governor of Guam, the people of Guam finally saw the end of naval rule. It is one of the Guam history's greatest ironies that a young woman brought out to help naval officers understand Guam more eventually ended the power of naval officers over Guam.

Dr. Thompson did not return to Guam until 1976 at my invitation to an event I organized called the Chamorro Studies Convention. She came and delivered an inspirational message of hope and understanding about the Chamorro people. The event helped rekindle her interest and subsequent contacts with the people of Guam. She became good friends with Dr. Becky Stephenson, an anthropologist at the University of Guam, who edited a publication about Dr. Thompson's life story. Entitled "Beyond The Dream: A Search for Meaning", the work recounts the growth of Dr. Thompson as a scholar and anthropology as a discipline. Dr. Stephenson remarked about her colleague, "Laura was a good friend of Guam. She was a woman who loved Guam."

Dr. Thompson obtained a B.A. from Mills College in Oakland California and a Ph.D. in Anthropology from the University of California, Berkeley in 1933. She is the 1979 recipient of the Bronislaw Malinowski Award for the Society of Applied Anthropology. She has conducted ethnographic fieldwork in Fiji, Hawaii, Iceland, West Germany, the mainland U.S. with Native American communities as well as Guam.

Si Yu'os ma'ase' Dr. Thompson for all of your efforts on behalf of the people of Guam. To her nieces and nephew and those who cared for her in her later years, we thank you for sharing her talent, her strength and her inspiration with the people of Guam.

90TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. FORBES. Mr. Speaker, it gives me great pleasure to stand before you today to honor the 90th Anniversary of the Boy Scouts of America. The organization was first established on February 8, 1910 and has since then been dedicated to the growth and maturity of young adults in America. It has given youth the opportunity to have a healthy start in life by allowing them to participate in programs dedicated to building character, developing personal fitness, and raising community service awareness. For ninety years, the Boy Scouts of America have continually renewed their commitment by nurturing our children into young adults that stand for values of honesty, integrity, and respect.

We must not forget those strong energetic individuals that have made the Boy Scouts what it is today. The organization would not be in existence if it were not for co-founders Daniel Carter Beard, Ernest Thompson Seton, William D. Boyce, and James E. West. All of these men heavily influenced the early development of the Boy Scouts. Daniel Carter Beard, remembered for his buckskin outfits, was a pioneer of the Boy Scouts who merged his own boys' organization with the Boy Scouts of America. Ernest Thompson Seton, the first Chief Scout, wrote numerous volumes on Scouting. Also worth mentioning is William D. Boyce, who incorporated the Boys Scouts of America soon after being inspired by a scout in Europe. Lastly, there was James E. West, who was the first Chief Scout Executive and also an inspiration to us all. Although orphaned and physically handicapped, Mr. West had the perseverance to graduate from lawschool and became a successful attorney. This same determination helped build Scouting into the largest and most effective youth organization in the world. When he retired in 1943, Mr. West was recognized throughout the country as the true architect of the Boy Scouts of America. All these great men contributed to making a dream into reality.

Presently over 5 million Americans are members in the Boy Scouts of America. Scouts grow up to become strong leaders with strong values. Their strong leadership can be seen even in the 106th Congress, where more than half of the Members of Congress have participated in Scouting.

The Boy Scouts of America have also been continually dedicated to community service. I commend the organization for volunteering countless hours in their communities, especially in Suffolk County, New York, where programs such as toy drives for the disadvantaged and food collection for the hungry improve the quality of life for thousands of people. The tradition of serving the community has been emphasized throughout the last ninety years, and I hope to see it continue.

Once again, congratulations to the Boy Scouts of America. They are truly an asset to our great country and I applaud them for all they have done. I wish them many more years of growth and success.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. REYES. Mr. Speaker, I too rise in strong support of House Resolution 409 honoring the Catholic Schools of America for their invaluable contribution to the education of our children. I understand it is the first time such a resolution has been before the House. I would like to join my House colleagues in extolling the virtues of Catholic educational institutions that have provided consistently excellent alternatives to our public school system—even though I am a product of our public schools.

I am proud to represent and participate in a Catholic society as rich in culture and heritage as El Paso's. Many products of the Catholic education system can be found at all levels of society today, including Sister Elizabeth Anne Swartz, Superintendent of the Diocese Schools in El Paso, whom I would like to commend for the fine job she is doing. I would also like to take a moment to congratulate Bishop Armando X. Ochoa on the great job he is doing, too!

In my district, there are 13 Diocese schools which support 4,607 students and 300 educators. Most Diocese schools posted enrollment increases this year. One school, Father Yermo Elementary School, is celebrating its 40th year. Another, Our Lady of Mount Carmel, is celebrating its 81st year.

Last Saturday night, I was privileged to attend an event recognizing the supporters of Catholic education in El Paso. The organizers of this year's "Supporters of Catholic Education in the El Paso Diocese," or SEED, Awards were: Marissa Alvarado; Elvia Borrego; Sr. Kathleen Corbett, SL; Debra Fraire; Bobbie Hernandez; the Honorable Sue Kurita; Manny Lopez; Carmen Montes; Bertha Schachtsneider; Sr. Elizabeth Anne Swartz, SSND; Olga Torres; Alfred Torres; and Luis Villalobos. I congratulate each and every one of them for all the hard work they put into making this event a great success.

I would also like to recognize the members of the Diocesan Board of Education: Sister Elizabeth Anne Swartz, SSND, Superintendent; Manny Lopez, President; Adriana Sierra-Loya, Vice-President; Marie Doyle; the Honorable Martha "Sue" Kurita; Robert Lopez; Rev. Marcus McFadin; Mary Alice Szostek; Rev. Msgr. Francis J. Smith; and Luis Villalobos.

I would like to congratulate the winners of the 2000 SEED awards. From Blessed Sacrament, Best Faculty/Staff; Juanita Reyes; Best Benefactor/Supporter: Elena Aguirre; Best Volunteer: Kathy Cortez; and Best Alumni: James Towle. From Cathedral High School, Best Faculty/Staff; Luz Ulrickson; Best Benefactor/Supporter: Adrian Martinez; Best Volunteer: Menira De La Fuente; and Best Alumni: Jaime Rivera. From Father Yermo Elementary, Best Faculty/Staff: Rose Chavez. From Father Yermo High School, Best Faculty/Staff: Alfredo Palacio; Best Benefactor/Supporter: Yadro Lizardo; Best Volunteer: Mary Lou Vega; and Best Alumni: Gladys Saucedo. From Holy Trinity, Best Faculty/Staff: Alena VanHouten; Best Benefactor/Supporter: Mark Smith; Best Volunteer; Jude Hicks; and Best Alumni: Carlos Sanchez. From Loretto Academy, Best Faculty/Staff: Shelly Wilson, Angie Davila, and Gerri Mearns; Best Benefactor/Supporter: Sister Mary Ann Coyle, SL; Best Volunteer: Jesus Marrufo; and Best Alumni: Cindy Manzanares. From Our Lady of Assumption, Best Faculty/Staff: Anne Johnson; Best Benefactor/Supporter: Cynthia Kelley; and Best Volunteer; Edward Martinez. From Our Lady of Mt. Carmel, Best Faculty/Staff: Edward Frias: Best Benefactor/Supporter: Jose Armendariz; Best Volunteer: Dolores Bustamante; and Best Alumni: Pedro Tapia. From St. Joseph's, Best Faculty/Staff: Irma Gemoest; Best Benefactor/Supporter: Eduardo Fuentes; Best Volunteer: Belinda Garcia; and Best Alumni: Luis Villalobos. From St. Patrick's, Best Faculty/Staff: Lee Nunez; Best Benefactor/Supporter: Noe Carreon; Best Volunter: Richard Flores; and Best Alumni: Msgr. A. Dixon Hartford. From St. Pius X, Best Faculty/Staff: Sister Mary Ljundahl; Best Benefactor/Supporter: Margie Escobedo; Best Volunteer: Roger Razo; and Best Alumni: Patricia Martinez. From St. Raphael, Best Faculty/Staff: Tony Brown; Beet Benefactor/Supporter: Bruce Galyan; and Best Volunteer: Frank Lujan. From the Diocese of El Paso, Best Benefactor/Supporter: Bishop Armando X. Ochoa and Sr. Elizabeth Anne Swartz, SSND.

And on one final note, as a representative of a largely Catholic district, I, too, am concerned about the controversy surrounding the selection of a new House Chaplain. The House has never had a Catholic Chaplain. Although a bipartisan committee gave Catholic candidate Timothy O'Brien the majority of "first" rankings, the House leadership was unfortunately under no obligation to follow their rankings. Instead, the House leadership conducted a final round of interviews of the three finalists. The Leadership made their decision based upon these interviews, with House minority leader DICK GEPHARDT voting for Mr. O'Brien and Speaker HASTERT and Majority Leader ARMEY recommending Charles Wright.

I believe this controversy exists, at least in part, because everyone was not clear on how the selection process would work from the outset. Many of my Democratic colleagues and I felt that if the committee had a clear consensus on a candidate, as they did on Father O'Brien, then the leadership would naturally follow. Others argue that the bipartisan committee only functioned to screen candidates, leaving the final determination to the leadership. I bear no ill-tidings toward Reverend Wright; but I believe we have missed an opportunity here, which is unfortunate.

IN MEMORY OF ROBERT BEYKIRCH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Robert (Bob) Beykirch of Sedalia, Missouri.

Bob Beykirch was born on November 24, 1928, in East St. Louis, Illinois, a son of Christopher and Marie Walters Beykirch. He was a staff sergeant in the Illinois National Guard and was stationed in Germany for a year during the Korean War. Bob was a graduate of St. Louis University, where he received a bachelor's degree in business administration in 1955.

In 1957, Bob and his family moved to Sedalia, Missouri, after acquiring an Anheuser-Busch wholesale distributorship that was renamed County Distributing Co. Bob served as president of the Missouri Beer Wholesaler Association and was a member of the Anheuser-Busch Wholesaler Advisory Panel.

Bob served on the Sedalia Park Board, was a board member of the Missouri Chamber of Commerce, was a past president of the Sedalia Area Chamber of Commerce, and was a member of the Sedalia Area Tourism Commission. In addition, Bob sat on the board of Citizens Against Spouse Abuse, Children's Therapy Center, and the Sedalia Airport Board. Bob was also involved with the Sedalia-Pettis County United Way, local sports teams, and was an active member of Sacred Heart Catholic Church.

Mr. Speaker, Bob was a successful businessman, civic leader, and a good friend. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Dorothy; his four sons, daughter, and 12 grandchildren.

HONORING MS. ELIZABETH (BETH) S. RUYLE

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. WELLER. Mr. Speaker, I rise today to honor Ms. Elizabeth (Beth) S. Ruyle for her 21 years of service and dedication as executive director for the South Suburban Mayors and Managers Association (SSMMA).

Ms. Ruyle became the executive director of South Suburban Mayors and Managers in June 1978. South Suburban Mayors and Managers is a council of government which includes 38 municipalities in South Suburban Cook and Eastern Will Counties. Through Beth's hard work, many of the communities' goals have been realized. These goals include the development of regional planning programs in transportation, solid waste, flood management, and housing. Twenty municipalities now have an intergovernmental self insurance pool for property and casualty. Twelve municipalities can now boast they have an intergovernmental self insurance pool for employee benefits. All thirty-eight municipalities can now rely on fire, police, and public works mutual aid agreements in times of emergency. Under the direction of Ms. Ruyle, the SSMMA was one of the first entities to establish a multimunicipal bond bank which now has $50 million in assets.

Before coming to work at the SSMMA, Beth and her husband, Craig Hullinger, lived in Atlanta, GA where she had the position of govemmental relations coordinator for the Atlanta Regional Commission. Beth completed her undergraduate studies at the University of Florida in 1968. In 1975, She received her M.P.A. graduate degree from the University of Georgia.

Beth has won several Urban Innovations awards during her career such as an award for Employee Assistance Program, an award for South Suburban Drug Enforcement Program, and a reward for Cost Savings/Revenue Enhancement. In January 1996, Beth was listed in "Crain's Chicago Business" as one of the "100 Most Influential Women In Chicago".

Beth Ruyle's commitment and impact on her community is not only deserving of congressional recognition, but should serve as a model for others to follow.

At a time when our Nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring Beth Ruyle is both timely and appropriate.

I urge this body to identify and recognize others in their congressional districts whose actions have so greatly benefitted and enlightened America's communities.

IN REMEMBRANCE OF EARL LESTER COLE

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Earl Lester Cole, one of the great pioneers whose exemplary years of service as an educator at Grambling State University spanned nearly half a century. Earl Lester Cole's tenure at Grambling began in 1936 as a science teacher; advancing through the ranks of the faculty, becoming dean in 1946 and was appointed vice president in 1969.

"Dean Cole" as he was affectionately called even after assuming the vice presidency, can be remembered for his active involvement in implementing curriculum which is considered to be the cornerstone to courses now being offered at Grambling State University. Even after his retirement in 1977, Earl Lester Cole continued to advise members of the faculty and administrators.

Mr. Cole was highly respected by his former colleagues and students and is described as a true professional, a good administrator, and a truly outstanding man who is credited for the positive influence in the educational advancement of his former students. Honesty and a fullness of integrity were accolades from those who knew him well. Over the years, he had been recognized for his numerous contributions to Grambling, culminating 10 years ago in the naming of the university's honors college, the Earl Lester Cole Honors College.

His influential involvement in the community brought several businesses to the university and as an active member of New Rocky Valley Baptist Church, "Dean Cole" was instrumental in the construction of a building for the church.

Mr. Speaker, Earl Lester Cole recently succumbed after a prolonged illness at the age of 89. He can be remembered as a man who gave much to the field of higher education at a historically black university, always exuded a commanding presence during his lifetime. In his passing "Dean Cole" will be deeply missed by his family, colleagues and friends. Our heartfelt sympathy to his wife, Garnett, his two children, and Elouise Martin, his sister-in-law.

MARTIN BANDA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. ORTIZ. Mr. Speaker, I ask my colleagues to join me in commending an outstanding young man from my district in South Texas, Martin Banda, who was the Southwest Region Youth of the Year in 1999 as part of the Boys and Girls Clubs of America and the National Youth of the Year Program. They only choose five winners nationally, so this was an enormous honor.

Martin Banda is an 11-year member of the Boys and Girls Club of Harlingen, Texas. The circumstances of Martin's life are the sort that would make many people lose hope. Growing up in the Lemoyne Gardens housing project in Harlingen, Martin could easily have chosen an easy but dangerous life on the streets.

But a higher power led Martin to join the Boys and Girls Club. He thanks the Lord for guiding him to the Club because it is a safe sanctuary from the street. But Martin's obstacles were not just on the streets. His father was incarcerated when Martin was just 5 years old, quickly making Martin the man of the house. This responsible young man took care of his mother and two sisters by disciplining himself and focusing his life around positive things.

I understand the trauma with losing a father early; my own father died when I was 16, leaving me the oldest male in the house. But young Martin had to face that reality and responsibility much earlier in life than I did, and under different circumstances, so it is hard to see how difficult that event marked his young life.

While Martin is grateful to them, the Boys and Girls Club and Harlingen are grateful to Martin as well. Martin is a role model for the other young people in the Boys and Girls Club. He has great athletic ability, having played on several championship football teams. But he is mostly admired for his strong leadership skills, developed first by his participation in the Torch Club and later by his service as vice president of the Keystone Club. At last count, Martin has already won $29,000 in scholarships. This is a very determined young man who will continue his education on his merit.

Martin is a senior in high school and is a member of the National Junior Honor Society with a 3.75 GPA. It isn't just a pleasure, it is an honor, for me to represent this young man in Congress. I ask my colleagues to join me today in commending Martin Banda, the Southwest Youth of the Year winner for his triumph over the odds and his dedication to excellence.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent Monday, January 31, 2000 through Wednesday February 2, 2000, and as a result, missed rollcall votes 2 through 7. Had I been present, I would have voted "yes" on rollcall vote 2, "yes" on rollcall vote 3, "yes" on rollcall vote 4, "yes" on rollcall vote 5, "yes" on rollcall vote 6, and "no" on rollcall vote 7.

HONORING WYCKOFF HEIGHTS MEDICAL CENTER FOR ITS DEDICATED SERVICE TO BROOKLYN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor the unwavering service and dedication of the administrators, physicians, nurses and other staff of Wyckoff Heights Medical Center, a renowned 350-bed hospital within Brooklyn's 10th Congressional District. For over 100 years, this facility has served the residents of Brooklyn with pride.

I also ask that we take a moment out of our daily business to commend Wyckoff for its extraordinary work throughout the years, and for going that extra mile this month by sponsoring the 1st annual men's health symposium. This symposium entitled "The First Step of Empowerment is Taking Care of Your Health" will be held on Monday, February 14, 2000, and will take the extraordinary step of focusing on men's health in Brooklyn, and throughout this nation.

Although there are numerous individuals who have worked to create this program, I want to applaud the efforts of four individuals: Dominick Gio, president & CEO; Pradeep Chandra, MD, chairman, Internal Medicine; Nirmal Matto, MD, senior vice president, Medical Affairs/director of Nephrology; and William Green, vice president, Ambulatory Services. They each have worked tirelessly to ensure that Wyckoff does not lose the focus of its mission: to provide excellence in care through prevention, education and treatment. In today's health care environment, their unwavering energy and steadfast determination toward improving our health care delivery system is truly a beacon of hope for the future.

Mr. Speaker, I ask that you and my esteemed colleagues join me in commending the work of Wyckoff Heights Medical Center and its dedicated staff. It is truly a shining star in Brooklyn!

THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM INTEGRITY ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. STARK. Mr. Speaker, I join today with Rep. SHERROD BROWN, the ranking Democrat on the Commerce Health Subcommittee, and my California colleagues Representatives HENRY WAXMAN, GEORGE MILLER, BOB MATSUI, ANNA ESHOO, TOM LANTOS, XAVIER BECERRA and LYNN WOOLSEY to introduce the State Children's Health Insurance Program Integrity Act of 2000.

This legislation would prohibit any State Children's Health Insurance Program (S–CHIP) from allowing a health plan to simultaneously administer and participate in the state plan. While it is simply a technical correction to S–CHIP, it is important technical correction that would eliminate a very real potential for conflict of interest problems caused by health plans playing dual roles in state programs.

The need for this legislation was first brought to our attention in 1998 when California initially granted a contract to a participating health plan to also administer the state CHIP plan. In fact, that health plan withdrew its application and the State went with a non-health plan alternative administrator.

We are now reintroducing the bill and urging its swift passage because it may soon be an issue in California again and could easily become an issue elsewhere since there is nothing in federal law that prohibits states from granting such contracts. The second administrative vendor contract will be negotiated in California later this year. Without Congressional action on this issue, it is likely that there will once again be competition among participating health plans to obtain the vendor contract.

To further describe the seriousness of this conflict of interest, under California's program the administrative vendor performs a wide variety of functions including: providing trained staff on the program's toll free telephone lines, making eligibility determinations and redeterminations, collecting premiums, enrolling and disenrolling members, transmitting enrollment information and updates to participating health plans, administering the annual open enrollment process, and the list goes on and on. These are clearly functions over which a participating health plan has tremendous interest and will certainly attempt to influence in any system.

Clearly, allowing plans to play both roles creates an inherent bias. And, at a time when there are numerous alternatives to selecting a health plan with a financial interest in that market, it is a bias that can be easily avoided.

Further evidence that our legislation has real merit can be found in another provision of the Balanced Budget Act of 1997 (BBA) which included the S–CHIP program. The BBA allows state Medicaid programs to choose private enrollment brokers to handle the day-to-day enrollment functions of their Medicaid programs. However, in allowing these enrollment brokers, the law clearly stipulates that the enrollment broker be free of any conflicts of interest. Specifically, the law requires that, "The broker is independent of any such entity and of any health care providers (whether or not any such provider participates in the State plan under this title) that provide coverage of services in the same State in which the broker is conducting enrollment activities."

Our legislation would apply the same conflict-of-interest standard that exists in the Medicaid enrollment broker law to the S–CHIP law.

This is an important bill that would protect the integrity of S–CHIP programs across the country. We look forward to working with our colleagues for passage of the State Children's Health Insurance Program Integrity Act this year.

THE JOSEPH ILETO POST OFFICE (H.R. 3189)

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. GARY MILLER of California. Mr. Speaker, I would like to take this opportunity to inform my fellow colleagues that H.R. 3189, the Joseph Ileto Post Office in Chino Hills, California, has the support of the California congressional delegation.

Today, I am submitting the names of 19 California Members who recently agreed to support my legislation which will name the soon-to-completed U.S. Post Office in Chino Hills, CA after Mr. Joseph Ileto. These 19 names will be added to the 33 Members of the California delegation who support passage of the Joseph Ileto Post Office. H.R. 3189 passed the House of Representatives on November 8, 1999 by voice vote and currently awaits action in the U.S. Senate.

You may remember that Mr. Ileto, a resident of Chino Hills, was the postal employee who was murdered on August 10, 1999 by Buford Furrow, the gunman who shot and wounded five children and employees at the North Valley Jewish Community Center (in suburban Los Angeles).

At the time of H.R. 3189's passage, I was listed as the only sponsor of the bill. The Postal Subcommittee of the House Government Reform Committee allowed me to introduce H.R. 3189 with the understanding that I would need to seek additional support within the California delegation. Even though my California colleagues will not be listed as cosponsors of H.R. 3189, they have graciously agreed to be listed as supporters.

Therefore, Mr. Speaker, please add the following 19 Members as supporters of H.R. 3189:

Representative WALLY HERGER, Representative DOUG OSE, Representative LYNN WOOLSEY, Representative GEORGE MILLER, Representative BARBARA LEE, Representative ELLEN TAUSCHER, Representative RICHARD POMBO, Representative TOM CAMPBELL, Representative ZOE LOFGREN, Representative GARY CONDIT, Representative GEORGE RADANOVICH, Representative CALVIN DOOLEY, Representative BILL THOMAS, Representative XAVIER BECERRA, Representative LUCILLE ROYBAL-ALLARD, Representative GRACE

Napolitano, Representative Steve Kuykendall, Representative Joe Baca, and Representative Ron Packard.

THE HOLOCAUST AND THE MILLENNIUM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. FARR of California. Mr. Speaker, just barely five weeks ago the world celebrated a new millennium. There were fireworks and galas and celebrations galore. We all hoped to wipe the slate clean and begin a new year, a new era—free of our old prejudices, free of our old nightmares.

That was a lofty goal and I endorse it wholeheartedly: we ought to strive for peace and harmony every chance we get. A new year and new millennium is as good a chance as you can get.

But that doesn't mean forgetting the sacrifices of those who have gone before us, or forgetting the history that has shaped our lives.

This weekend in Salinas in my home district, the community will honor Harold Gordon. Remember the Academy Award-winning film "Life is Beautiful"? Harold Gordon is "Life is Beautiful" for real.

Harold Gordon was a shy, happy child growing up in Poland when suddenly the world turned dark. He, along with the rest of his family, was trundled off to the Polish ghetto, then work camps, then concentration camps. Most of his family was killed. All of his friends disappeared. Auschwitz, Dachau, Buchenwald . . . these are words that instill fear in all of us, even though we did not live through the torture of those places. But Harold Gordon knows it first hand.

In the movie "Life is Beautiful" the child survives the concentration camp because his father is clever enough to hide him each day. The child is led to believe that he is playing a game with the SS soldiers. Harold Gordon and his father survived the concentration camp through no special gimmicks. There was no fantasy and no games. This was life-and-death reality at its worst.

And yet, Harold Gordon has written of his experience during that awful time a book that is an inspiration to us all. The Last Sunrise is Harold Gordon's memoir of his daily struggles to avoid the gas chambers and give strength to those around him, even though he was just a boy at the time.

I marvel at Mr. Gordon's ability to present a story of death at a pace that reads like a Number One Bestseller on the New York Times book list. You simply cannot put it down. I think the appeal of The Last Sunrise is that its real story is not even that of the war or of the concentration camps. It is a story ultimately of hope and survival.

Despite the gruesome realities of daily existence, Harold carried with him the belief that human spirit will overcome, that the power of humanity will survive beyond the walls of the concentration camp. Certainly, even those who lost their lives during this terrible time in mankind's history have not been forgotten but serve daily as a reminder to us all not ever to let it happen again.

At one point, Harold asks himself, "Why was I being spared?" The answer to that question is: so we can all learn from Harold's experience. It is the same question we should all ask ourselves: why are we here and what is it that we bring to this life that will benefit others? Harold found the answer by writing a most compelling book to remind us of the value of life, the power of hope and the inspiration of another day.

Mr. Speaker and my colleagues, I commend to you The Last Sunrise and hope that you will join me in honoring Harold Gordon.

SEVENTH REPORT OF THE SPEAKER'S TASK FORCE ON THE HONG KONG TRANSITION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. BEREUTER. Mr. Speaker, I rise today to submit the Sixth Report of the Speaker's Task Force on the Hong Kong Transition. It has been approximately two and half years since Hong Kong reverted to Chinese sovereignty on July 1, 1997. Prior to that historic event, at the request of Speaker Gingrich, this Member formed the House Task Force on Hong Kong's Transition. In addition to myself as Chairman, the bipartisan Task Force includes Representatives Howard Berman, Sherrod Brown, Eni Faleomavaega, Alcee Hastings, Don Manzullo, and Matt Salmon.

To date, the Task Force has prepared six reports assessing how the revision has affected Kong Kong. The seventh report, which I submit today, covers the period of March 31, 1999, through December 31, 1999. Mr. Speaker, I submit the following Task Force report to be printed in full in the Congressional Record.

SEVENTH REPORT—FEBRUARY 7, 2000

Presented by the Honorable Doug Bereuter, Chairman

This is the seventh report of the Task Force on the Hong Kong Transition. It follows the first report dated October 1, 1997, the second report dated February 25, 1998, the third report dated May 22, 1998, the fourth report dated July 23, 1998, the fifth report dated February 2, 1999, and the sixth report dated May 27, 1999. This report focuses on events and development relevant to United States interests in the Hong Kong Special Administrative Region (HKSAR) between May 27, 1999, and December 31, 1999.

It has been over two years since Hong Kong reverted to Chinese sovereignty on July 1, 1997. It remains a vibrant economy that the Heritage Foundation and the Cato Institute recently ranked as the freest in the world. During the past six months, Hong Kong's economy showed signs of recovering from the recession induced by the Asian regional financial crisis, although economic indicators were mixed. China's World Trade Organization (WTO) agreement with the U.S., and agreement to build a major Disney theme park in Hong Kong contributed to the mood of economic optimism and business confidence. Hong Kong continued to operate independently in economic decision-making and to voice its own views in international fora, including the WTO and APEC.

In the six months covered by this report, concerns have grown about the long term prospects for the independence of Hong Kong's judiciary. These concerns were prompted by the decision of the National People's Congress, (NPC) at the request of the Hong Kong Government, to reinterpret the Basic Law and reverse the Court of Final Appeal's (CFA) "right of abode" decision for mainland Chinese. The NPC's interpretation and the CFA's acknowledgement of the NPC's authority over the matter drew considerable domestic and international criticism, including that of the UN Human Rights Committee (UNHRC). On November 5, the UNHRC released a report critical of Hong Kong's post-transition record in a number of human rights related areas. (In addition to the question of judicial independence, the report expressed concern about the abolition of municipal councils, phone monitoring and freedom of association.) A recommendation by the Hong Kong Law Reform Commission to establish an independent "privacy commission" to monitor media excesses also created concern because of the implications for media freedoms. The Government initially remained neutral, but in October the Chief Executive expressed the hope that the press could regulate itself.

On May 21, 1999, following the mistaken bombing of the Chinese Embassy in Belgrade, the PRC halted U.S. naval and air visits to Hong Kong. At least seven military aircraft and ten warships were denied permission to visit. After a two month ban, the Chinese Government began granting permission for plane visits on July 29, 1999, and a U.S. Navy destroyer was permitted to visit in October. Since then, other visits have taken place and a carrier task force and nuclear submarine were granted permission to visit in February.

The reversion of Macau to Chinese administrative control on December 20, 1999, went smoothly. Like Hong Kong, Macau will become a Special Administrative Region within a "One Country, Two Systems" formula under which the legislature elected under colonial rule will remain in place. However Macau faces a number of daunting economic and political challenges. Macau's civil service is inexperienced compared to Hong Kong. The judicial system is also poorly developed and there are few trained or experienced judges. The economy is heavily reliant on gambling and tourist related industries. Crime, corruption and violence are serious problems that have begun to affect the tourist/gaming industry. For a variety of reasons, Macau's evolution under the One Country, Two Systems model is likely to differ considerably from Hong Kong's.

ECONOMIC DEVELOPMENTS

Developments on the economic front in the past six months have been positive. A survey by the Heritage Foundation and the Wall Street Journal once again ranked Hong Kong as the world's freest economy. In January 2000, the Cato Institute came to a similar conclusion in its report. Hong Kong's economy showed signs of recovering from the recession induced by the Asian regional financial crisis, although economic indicators were mixed. After four consecutive quarters of negative economic growth, the recession in Hong Kong appears to have bottomed out, with positive growth of 0.7% projected for the second quarter. In September, The IMF forecast that Hong Kong would have GDP growth of 1.2% this year and 3.6% next year.

The Government projected budget deficit for the 1999-2000 fiscal year that began April 1 was estimated at HK $32 billion (US $4.1 billion), although overall foreign exchange reserves remained high at over US $90 billion. However, unemployment remained at historically high levels. The figure for the August-October quarter was 6.2%, up from 6.1% the previous quarter. Underemployment remained steady at 3.1%. Weak demand and falling asset values brought about continued significant deflation, with consumer prices falling 6.0% in September over a year earlier. Investment spending remained sluggish. Exports, tourism and retail sales were up in recent months. The stock market has more than doubled since the government decided to intervene in August 1998, although concern remains about Government intervention in the economy.

Export performance improved considerably in recent months. However, for the first ten months of 1999, the volume of re-exports was down 0.7% and the volume of domestic exports was down 12.2%. Imports for the first ten months of the year also declined by 5.6%. The trend towards increased reliance on re-exports and offshore trade makes the economy susceptible to external factors beyond Hong Kong's control. The Government sought to address this problem in part through its ambitious "Cyberport" project aimed at attracting world class information technology companies. While this initiative was widely welcomed, questions were raised by the government's decision to sell the land for the project without an open, transparent bidding process.

Tourism was another sector with mixed indicators. The Hong Kong Tourist Association projected in August that total arrivals would exceed 10 million, an increase of over 6% from 1998. However, although arrivals did increase 13% in the first quarter, spending was actually down by 0.8%. This reflected the changing nature of tourism in Hong Kong, with lower spending arrivals from the mainland making up an increasingly large percentage of total visitors.

Overall, Hong Kong's Government's massive intervention in the currency and stock markets in August 1998 appears to have been a success despite earlier concerns. The market rose to over 15,000 in November 1999, compared to 6,660 in March 1998 before the intervention. Trading volume has also risen sharply. The equities purchased by the Government have increased greatly in value and the Government's unprecedented ownership of significant amounts of equities, both in Hong Kong-based companies and in PRC-related "Red Chips" has raised questions about the potential to affect official decision-making in ways contrary to Hong Kong's traditions of free markets and transparency. To allay these fears, authorities have placed the equities in the hands of an independent appointed board and in November began the first steps to liquidate its holdings by selling approximately 20% to the public through an indexed tracking fund ("The Tracker Fund").

Positive developments included the U.S.-China agreement on China's accession to the WTO. Most analysts believe that WTO membership for China should be an economic boon for Hong Kong, both in the short and long term. China's accession to the WTO is expected to benefit Hong Kong's business by allowing it to capture its portion of China's expanding trade and investment. However, Hong Kong is also likely to face increased competition from the mainland in several fields and will have to find new ways to keep serving as a bridge between China and its global partners. Another plus was the HKSAR's agreement with the Disney Corp. to build a major theme park. Although some questioned the terms of the deal and the fact that most of the investment would come from the Hong Kong Government, most observers felt that the development would provide a positive economic stimulus, particularly for the tourism sector.

POLITICAL DEVELOPMENTS

Under the Basic Law that serves as Hong Kong's Constitution, directly elected representatives to the Legislative Council (Legco) from geographic constituencies make up only 20 of the 60 members. That number will increase to 24 in the year 2000 and 30 in 2004. The Basic Law allows for (but does not mandate) the remaining 30 functional seats to be converted to directly elected positions. It would also permit the direct election of the Chief Executive in 2008. Some elected members of Legco, as well as other political activists, have been lobbying for some time for a faster transition to a more democratic system. On January 3, 2000, the three major political parties in Hong Kong, joined to urge full democracy by 2008, arguing that the present system is "unsustainable." However, in his 1999 policy address in October, Chief Executive Tung Chee-hwa said he would restrict democratic development to that laid down by the Basic Law. He was quoted as saying, "We must allow time for further study and for the present political system to mature."

The current political system in Hong Kong is heavily weighted towards concentrating power in the executive rather than the legislature. Legco acts primarily as a monitoring body that can block or amend government legislation and held hearings. In this capacity, Legco performed well, ensuring that views critical of the Government were vigorously voiced and pursued. Legco forced the Government to become more transparent than might otherwise have been the case, involving and informing the public and maintaining a vibrant political debate on issues of public concern. However, some critics complained that Legco had few tangible achievements since the Basic law leaves the Government with an overwhelming preponderance of power. They cite Legco's inquiry into problems at the new airport, Government intervention in the stock market, the non-prosecution of a well-connected editor, acquiescence on criminal jurisdiction of the Hong Kong courts and the right of abode debate as examples of Legco's ultimate inability to affect government policies. Differences between many of Legco's elected representatives and the Executive created tensions and caused Tung to pledge that "my administration will make still greater efforts to maintain communication with Legco and secure its greater support." He said that the two had explored ways to establish a cooperative relationship.

The Government's decision to eliminate elected municipal councils by the end of the year brought widespread criticism. The UNCHR said that abolishing the councils, which are largely elected, would diminish the opportunity for the public to take part in public affairs. The report urged the government to "take all necessary measures to maintain and strengthen democratic representation of SAR residents in public affairs." In addition, Chief Executive Tung's decision to appoint additional members to the 18 local level councils was seen by some as undemocratic and regressive. The Democratic Party and the pro-Beijing Democratic Alliance for the Betterment of Hong Kong (DAB) were the biggest winners with 86 and 83 seats respectively. The DAB's showing, in particular, was markedly better than in the last District Council elections.

JUDICIAL INDEPENDENCE—RIGHT OF ABODE DECISION CREATES CONCERN

A fair and independent judicial system is a critical element of international confidence in Hong Kong. However, two incidents involving the "Right of Abode" judgment raised concerns about whether the independence and authority of Hong Kong's judiciary would be maintained. The Hong Kong Government's request for a clarification of sections of the judgment referring to the court's right of judicial review, and the Hong Kong Government's request for interpretation by the National People's Congress of the section of the Basic Law affecting the ruling.

In January, the Court of Final Appeal issued rulings in three cases, known collectively as the "Right of Abode" ruling. The ruling declared some Hong Kong immigration regulations (discriminating against children born out of wedlock) inconsistent with the International Covenant on Civil and Political Rights subsumed in the Basic Law and confirmed that all children of Hong Kong residents had right of abode in Hong Kong. The ruling also asserted the Court's right of judicial review over not only the Basic Law, but also over acts of the National People's Congress as they affected Hong Kong.

In February, in response to criticism from Chinese officials, the Hong Kong Government requested an unprecedented "clarification" of the ruling. The Court responded with a statement stressing that it did not question the power of China's NPC to interpret the Basic Law, but reserved its power to test acts of the NPC against the Basic Law. Human rights advocates and some lawyers and legislators expressed concern that the clarification set a dangerous precedent.

In May, after releasing reports suggesting that the ruling would result in an influx of 1.6 million new immigrants, the Hong Kong Government asked the Standing Committee of the NPC to interpret two sections of the Basic Law relevant to the Right of Abode ruling. Hundreds of Hong Kong lawyers who viewed the request as a post-judicial remedy which undermined the authority and independence of Hong Kong's judiciary marched in protest. Although the NPC interpretation issued in June, did not affect the original litigants in the case, it overturned the prescriptive effect of the CFA judgment and reduced the number of people eligible for right of abode in Hong Kong to 160,000. The UN Human Rights Committee expressed concern that the interpretation could undermine the independence of the Hong Kong courts and interfere with the right to a fair trial. Legal scholars and activists said the interpretation raised the question of "how final is the Court of Final Appeal?"

In a judgment on a separate appeal in December, the CFA upheld the NPC interpretation saying it was "valid and binding" on courts in Hong Kong. The decision provoked street clashes between protestors and police and caused a widespread outcry from opposition legislators academics and newspaper editorials. Legco legal sector representative, Margaret Ng, for example, said that the ruling means the NPC Standing Committee can interpret any part of the Basic Law at any time, and the interpretation has a binding effect on the Hong Kong courts. The South China Morning Post in a December 4, 1999, editorial said, "it has now become clear that the Basic Law means only what the NPC Standing Committee wants it to mean, even if the SAR judges disagree.

Another case that generated concern among some was the CFA's December 15 decision that desecration of the national and regional flags was indeed a criminal offense. While this is the case in many countries, including Germany and Italy, some critics viewed the decision as inconsistent with the guarantee of freedom of expression and motivated by political considerations.

FREEDOM OF EXPRESSION AND INDIVIDUAL LIBERTIES

The people of Hong Kong continued to enjoy a tradition of free speech and free press. Political debate is dynamic and raucous. Thousands of demonstrations or petitions have been filed or held since the reversion. A wide and diverse range of opinions, including those critical of the Hong Kong and PRC Governments, are routinely aired in the mass media and public fora. Government owned, but independently operated, Radio and Television Hong Kong (RTHK) is among the media that has been routinely critical of the government. In August, RTHK was criticized by a member of the NPC Standing Committee for airing the views of Taiwan's unofficial representative in Hong Kong to discuss Taiwan President Lee's "state to state" theory of China-Taiwan relations. The NPC member urged RTHK to exercise self-censorship on this issue and not provide a channel for "splittist views." The subsequent reassignment of the widely respected, long time director of broadcasting for RTHK, Cheung man-yee, in October was seen by some as Government retribution for RTHK's independent editorial policy. Democratic Party Chairman Martin Lee labeled the "exile" of Cheung as a Government effort to control the press. Cheung however, expressed continued confidence in the editorial integrity and independence of RHTK under her deputy and successor.

On August 20, 1999, a subcommittee of Hong Kong's Law Commission issued a recommendation that proposed establishing an independent "privacy commission" to deal with complaints about media excesses. The commission would be empowered to hear complaints about unwarranted or offensive media intrusions into peoples' personal lives (acknowledged even by the media to be a serious problem), to make decisions about the merits of those complaints, and to award compensation to complainants. The media and public, given until November 30, 1999, to comment on the proposal, gave the subcommittee an earful. Ms. Margaret Ng, a Legco representative of the law profession voiced the concern of many calling the proposed privacy commission a measure to control the press, not protect privacy. A Freedom Forum representative described the proposal as "dangerous to press freedom." The U.S. consul general in Hong Kong also expressed concern about the proposal in a widely quoted speech. Thus far, the Government has not taken a position on the proposal and for the time being at least, Hong Kong media remains vibrant, critical and sometimes intrusive into the private lives of individuals.

Another area of concern has been the prosecution in China of Hong Kong residents for crimes committed elsewhere. The conviction and execution in China of two persons, one a Hong Kong resident and the other a PRC national, who was wanted for committing crimes in Hong Kong in December 1998, first brought the issue to public attention. Most recently, the arrest and rendition of a Hong Kong resident from Thailand to China has created fears that Hong Kong residents can be apprehended by PRC authorities while overseas.

The denial of visas for Hong Kong residents to visit China and for Chinese dissidents to visit Hong Kong was another issue of concern. In March 1999, a number of well known exiled Chinese dissidents were denied Hong Kong visas to attend an NGO organized conference on the future of democracy in China, although several of the dissidents had visited Hong Kong prior to reversion. In August, the Government refused a visa to Chang King-yuk, a former senior Taiwan official, who wished to attend an academic conference on unification at Hong Kong University. However, a number of prominent Chinese dissidents including Labor Rights activists Han Kongfang and Information Center for Human Rights and Democracy Movements in China Director Lu Siqing continue to operate freely in Hong Kong.

In September, Legco legal representative Margaret Ng, who led public protest against the Hong Kong Government's decision to seek NPC interpretation in the Right of Abode case, had her Chinese visa revoked to prevent her from attending a legal conference on the PRC Constitution. Human Rights activists fear that the action, and the Hong Kong Government's failure to protest it, may have a "chilling effect" on public discourse. The Hong Kong Government's failure to include any representatives of the democratic parties on its delegations to attend National Day in Beijing or the Macau Handover Ceremony on December 20 was seen by some as an effort to placate the PRC at the expense of promoting pluralism in Hong Kong.

In May, the failure of the PRC, which has responsibility for Hong Kong's defense and foreign affairs, to allow a visit to Hong Kong by Pope John Paul II during his trip to Asia last fall was also of concern to many. Many religious, political and human rights leaders publicly expressed disappointment that the visit was canceled.

Despite China's crackdown on the Falun Gong spiritual organization, adherents continued to practice freely in Hong Kong and held a continuing demonstration outside the office of China's Xinhua News Agency. In December 1999, about 1,000 members held an international conference in Hong Kong and conducted a march through the city. Hong Kong Chief Executive Tung Chee Hwa warned that the demonstrators "must comply strictly with Hong Kong laws and must not act in any manner which are against the interest of China, Hong Kong or 'One Country, Two Systems.'" In another development, the Hong Kong telecom authority ruled that a private company could refuse to relay messages referring to Falun Gong to subscribers on the mainland but was required by Hong Kong law to relay such messages to customers in Hong Kong

Article 23 of the Basic Law provides that Hong Kong shall enact laws on its own to prohibit subversion, secession, treason and sedition against the Chinese Government. The Government has moved cautiously and deliberately in this regard and has sought to conduct wide public consultations; no such legislation appears to be on the horizon. Xu Simin, a senior local adviser to the Chinese Government said in August that such laws were not urgently needed and that the time was not right to enact such legislation.

U.S. SHIP AND PLANE VISITS

Following the accidental NATO bombing of the Chinese Embassy in Belgrade last May, PRC authorities denied at least ten U.S. warships and seven planes permission to stopover or visit Hong Kong. After more than a two month ban, the Chinese government began granting permission for plane visits on July 29, 1999, and a U.S. destroyer, the O'Brien, was given permission to visit in October, 1999. In addition, a carrier task force and a nuclear submarine were given permission to visit in February 2000. No ship or plane visits have been denied since September 1999, but the Chinese authorities denied permission for several routine training flights by long-range P–3 aircraft without offering any explanation. However, Chinese authorities have not publicly stated that visits will be routinely approved as had been the case previously. It appears as though such visits are now being considered on a "case by case" basis creating a degree of unpredictability that may detract from Hong Kong's image of autonomy and openness.

IPR PROTECTION

The continued widespread availability of pirated movie, audio software and trademark goods remains a serious issue. An elite special task force of 185 Customs officers was established this year to deal with this issue. The Task Force is employed to keep pirate retailers off balance, while Custom's Intellectual Property Investigation Bureau (IPIB) is used to take down pirate factories and distribution networks. In the first nine months of the year, IPIB and the Task Force seized 12.3 million pirate discs, 61% of which were VCD or DVD movies. United States industry representatives have emphasized the need to extend the Task Force's mandate past December to make it permanent. At the behest of United States and local industry, the Task Force now has a permanent mandate. Under the direction of the new Customs Commissioner, John Tsang, there has been a marked improvement in IPR enforcement, although local film and music retailers are still losing millions of dollars to pirates. Hong Kong Customs has also pledged early action on outstanding legislation, including amendments to re-categorize piracy as an organized and serious crime and to criminalize the abuse of corporate licenses. Improvements in IPR enforcement led the U.S. Trade Representative to remove Hong Kong from the Special 301 Watch List after an out-of-cycle review in February 1999. The Legislative Council's January 2000 re-classification of piracy under Hong Kong's Organized and Serious Crimes Ordinance (OSCO) will provide additional tools for Customs' effort to dismantle pirate networks.

Another looming issue is the problem of internet piracy in which local distributors of counterfeit discs use U.S. or Hong Kong based web-sites to sell their products to overseas customers. U.S. industry has identified numerous sites, accessible through Hong Kong-based internet service providers that offer downloads of pirate products. Hong Kong has requested U.S. training in internet crime detection and prosecution.

MONEY LAUNDERING

To combat money laundering, the U.S. continues to urge the Hong Kong Government to adopt mandatory financial transaction and foreign exchange reporting requirements and to explore options to discourage the illicit use of non-bank remittance centers. The Hong Kong Government has begun the legislative process to bring such centers under regulatory oversight. The U.S. has also urged Hong Kong to establish mandatory minimum-value currency entry and exit reporting requirements and penalties for illicit cross-border currency movements and bank deposits.

EXPORT CONTROLS

Hong Kong has one of the finest systems of export controls in the world and the reversion to Chinese sovereignty appears to have had no major impact on the exercise of export controls. U.S. Government agencies report no evidence of Chinese interference in Hong Kong's export control system. Chinese officials have recognized that export control matters fall within the trade, rather than foreign policy area, thereby placing export controls within the Hong Kong Government's exclusive purview. Hong Kong requires both import as well as export licenses, enabling authorities to track controlled commodities as they enter or leave the HKSAR. Hong Kong also refuses to issue re-export licenses for products unless it is sure that the original exporting country would export the product to the ultimate end user.

The Hong Kong Government is exceptionally transparent regarding export controls and cooperates closely with many countries, including the United States, to ensure compliance with multilateral and country specific export control regimes. Hong Kong adheres fully to international control regimes such as the Nuclear Non-proliferation Treaty, the Missile Technology Control Regime, the Nuclear Suppliers Group, the Australia Group and the Wassenauer Agreement. United States Department of Commerce officials continue to conduct regular pre-license and post-shipment inspections as part of dual-use licensing process. United States Department of State and Customs officials also carry out pre-license and post-shipment checks of munitions items under the "Blue Lantern" program. In all such cases, Hong Kong officials are neither informed of such checks nor involved in making them. Hong Kong has not imposed any limitations on pre- or post-shipment verification by U.S. agencies and in some instances U.S. investigators have conducted two and even three post-shipment inspections to ensure that the end user remains in compliance with its license. American and other countries' officials have been directly seconded to work directly on export control issues. In addition, Hong Kong officials regularly receive training in the

Hong Kong's record of enforcement of its export control regime is good. Examples in recent years include confiscation of a PRC armored personnel carrier that a PRC supplier attempted to return through Hong Kong after a show in Thailand, and the "Changsha" case involving unlicensed import and export of high speed computers to the PRC and confiscation of approximately U.S. $800,000 of aluminum percolate in 1996. A House Select Committee report issued in May 1999, (the Cox report) expressed concern about the transshipment of technology through Hong Kong, especially the lack of customs inspection of Chinese People's Liberation Army (PLA) vehicles when they cross the border between Hong Kong and China. A recent visit to Hong Kong by staff members of the House International Relations Committee found that there is no evidence to suggest that the PLA is smuggling controlled items into China. Hong Kong officials have assured the U.S. that they have full authority to stop any truck they believe is carrying contraband, but have had no intelligence to suggest the need to inspect PLA trucks beyond reviewing the manifest and making a visual inspection. Although no stops have been made, an instructive case involves the shipment of a PLA troop transporter back from a military show in Thailand. Because the PLA did not have the proper licenses, the Hong Kong authorities seized the transporter in accordance with Hong Kong law, and the Hong Kong police are currently using it.

MACAU

Like Hong Kong before it, Macau reverted to Chinese sovereignty on December 20, 1999, after 442 years as a Portuguese colony and, like Hong Kong, Macau became a special administrative region of China, under the "One Nation, Two Systems" concept. Macau's Basic Law is also modeled upon the Hong Kong law. The Legislative Assembly consists of 23 members, 16 indirectly elected from territorial and functional constituencies and 7 appointed by the Chief Executive. Unlike Hong Kong, the elected members of the legislature remained in office following the reversion. Moreover, there is no provision in the Macau Basic Law for the eventual direct election of all members of the Assembly. On May 15, 1999, Edmund Ho Hau-wah was elected Chief Executive by a 199 member selection committee. He in turn appointed five policy secretaries in August. Because Macau's civil service was "localized" only very recently by the Portuguese, Macau's bureaucracy is largely inexperienced.

Macau's judiciary is independent. After the handover, Macau's legal system is governed by conventional law derived from the Portuguese legal system and the Basic Law, Macau's mini-constitution. Human rights and legal activists have expressed concern that the shortage of experienced bilingual judges, lawyers and law officers could stymie development of the legal system.

Immediately prior to Macau's reversion to Chinese control, authorities acted to bar entry to, or in some instances deport, members of the Falun Gong spiritual movement. Shortly after the handover, Macau authorities denied permission to enter to Lui Yuklin, a member of the April 5 Movement, a Hong Kong protest group. The Government later said the denial was a mistake, the result of mistaken identity and said Ms. Lui was welcome to visit Macau.

China has established a 900 person strong garrison in Macau to "safeguard sovereignty, unity and territorial integrity and the stability and development of Macau," according to Xinhua." Chinese officials have also said that, "when necessary, the Macau Government may ask the Central People's Government to let the troops help maintain social order or conduct rescue work in cases of disaster." However, at the same time the officials have emphasized that the force "would not interfere in the affairs of the territory." Crime, particularly organized crime syndicates (triads) fighting for control of the gambling and vice trade, has been a major problem in Macau. Many Macau residents welcomed the PLA, hoping the garrison would have a positive influence on Macau's serious triad (organized crime) problem. There have been 34 murders in this year alone in the tiny territory whose population is only about 500,000. Both Chief Executive Ho and many Macau residents have welcomed the introduction of Chinese troops in the hope that they will bring the crime problem under control. Macau's economy remains heavily dependent on revenues from gambling and tourism. Yet there is understandable concern that the crime problem has hurt Macau's international image and contributed to the economic slowdown that has plagued Macau since the onset of the Asian regional financial crisis.

While U.S. trade with Macau is relatively small, 40% of Macau's exports go to the U.S. Furthermore, 80% of Macau's total exports consist of textiles, and the transshipment of textiles produced elsewhere through Macau has long been a major concern. The violations of intellectual property rights is very legitimately a major and continuing concern for the U.S. There has been marked improvement in recent months in the legislative framework for combating piracy of intellectual property, including adoption of a new copyright law. However, although millions of Patacas in fines have been levied, there have been no criminal convictions of intellectual property pirates. Macau was placed on the USTR's Priority Watch List for IPR in April 1998 as a result of widespread piracy, particularly of videos and optical disks. Certainly, corruption plays a role in contributing to the transshipment and piracy problems. Macau's laws on trade also lack effective enforcement mechanisms in the areas of money laundering and export control. The new Chief Executive has pledged to work closely with the U.S. on trying to deal with these issues. The problem of money laundering, through Macau's casinos and banks, particularly by organized crime gangs, but also on behalf on North Korea is a continuing problem.

The nature and extent of North Korean activity in Macau is emerging as a concern. Weekly flights from Pyongyang support significant activity. Press reports suggest that North Korea takes advantage of weak banking laws to launder money and facilitate the sale of ballistic missiles and their components. Recent evidence suggests that Pyongyang also has used Macao to launder counterfeit U.S. $100 bills. It also has been reported that banks in Macao serve as a repository for the proceeds of North Korea's growing trade in meth-amphetamines and other illegal drugs.

The Hong Kong Policy Act provides a legislative basis to continue to treat Hong Kong as a separate entity from China. However, although a similar Macau Policy Act was introduced in the 106th Congress, it was not enacted into legislation. This has created considerable uncertainty as to how Macau is to be treated in regard to such matters as export controls and the sale of certain items such as riot control equipment that are prohibited from shipment to China. It has also terminated availability of U.S. trade promotion programs including those of the Trade and Development Agency (TDA) and the Overseas Private Investment Corporation (OPIC) in Macau. This uncertainty in turn has created serious concerns in Macau about U.S. interest for the territory.

CONCLUSION

The picture of Hong Kong two and a half years after reversion to Chinese sovereignty is largely positive. It remains a bastion of free-market capitalism, as shown by its ranking as the world's freest economy in the recent Heritage/Wall Street journal report. After two difficult years economically, Hong Kong seems well on the road to economic recovery. It continues to formulate an independent economic policy and maintain its own membership in international economic organizations. People's Republic of China companies are subject to the same laws and prudential supervision as all other companies. Hong Kong's excellent system of export controls remains intact, although continued vigilance to potential violations or loopholes is required. Trade related issues, particularly Intellectual Property Rights piracy and money laundering, also require continued close attention.

Hong Kong's political system continues to evolve. The Hong Kong media remains free and continues to comment critically on the

PRC, although concerns about self-censorship and the proposal for a "privacy council" watchdog over the press bear continued scrutiny. Demonstrations continue to be held. There is vigorous public debate on the issues of democracy and the law. The legislature and free press have used their roles to increase government accountability and transparency.

However, the controversy over the "right of abode" case has cast a pall over the issue of Hong Kong's future judicial autonomy and the rule of law. This is a fundamental issue that business and the international community will be watching closely. If the Standing Committee of the National People's Congress continues to intervene in decisions primarily affecting Hong Kong, confidence in Hong Kong's future could be seriously undermined. Willingness by the Hong Kong Government to speed up the pace of democratization of elections for Chief Executive, Legco, and local government could help ease some of the fears that the "right of abode" case has raised.

OSCAR ZEPEDA WINS NATIONAL ASSOCIATION FOR BILINGUAL EDUCATION AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. PASTOR. Mr. Speaker, I rise before you today to proudly pay tribute to a fellow Arizonan—a little boy who lives in the Second Congressional District and who has proclaimed to the world his pride in being an American, an Arizonan, a Latino, and bilingual.

Oscar Zepeda, from Tucson, has recently won the 2000 Nationwide Writing Contest for Bilingual Students in the sixth to eighth grade category sponsored by the National Association for Bilingual Education. This is a tremendous accomplishment as he competed against thousands of young boys and girls who live in all parts of the United States, who are bilingual in various languages, and who have recognized the importance of being bilingual in the 21st Century.

Oscar will receive his award at the National Association for Bilingual Education's 29th Annual Conference to be held in San Antonio later this month. This is indeed a prestigious award in an acclaimed contest as the winner receives a $5,000 scholarship, roundtrip airfare and accommodation for himself, a member of his family, and his bilingual teacher, and free registration to the Conference.

As all of us serving in Congress know, we sometimes have great and illustrious debates on the values and merits of bilingual education in our school systems. We all know that English is the language of economic opportunity within the United States, but sometimes we ignore the value of knowing and speaking another language. But, I wish all my colleagues would read Oscar's essay. Oscar is proud to be bilingual and he uses the simple arguments best expressed by a child to explain why we should cherish our differences and look to diversity as one of the strengths of our country.

Oscar enjoys living in a bilingual world, and in fact, he would have it no other way. He can learn from and cherish his Latino side by celebrating the courage of Cesar Chavez and watching Telemundo and Univision while also appreciating and developing his "American side," as he puts it, by celebrating the accomplishments of Bill Clinton and watching MTV.

Oscar closes his essay by asking the simple, but poignant question, "So why won't we just work together and make this an easier world for all of us?" Mr. Speaker, I agree. Oscar and classmates have ignored the politics of bilingualism and just keep living their lives with the grace and courage and enthusiasm that is unique to children who are sometimes caught unknowingly in adult arguments. We should all feel proud for Oscar that he made a complex issue very simple.

I hope all my colleagues will read Oscar's essay which I am submitting for the RECORD. Oscar, we are all proud of you and your accomplishments. But mainly, we are humbled by your words. And maybe, we can live up to your dream—that we "just work together" to make the world an easier place for us all.

PROUD TO BE BILINGUAL

Proud to be bilingual is not a question, it's an answer that you and I would give when asked why we're proud to be bilingual. Being bilingual is a gift that GOD gave me, to use and show other people what I can do with it. Sometimes I sit and think if I weren't bilingual I wouldn't have a lot of the things I have now. Some of them may be friends, a better education and opportunities for better jobs in the future.

I was talking to a staff member of a school the other day that was speaking English very well. She started saying, "I hate it when students come in here and don't know how to speak English". "I'm against bilingual education." "They should learn Spanish at home and English in school." Meanwhile I was just looking around and ignoring her. Then I laughed as she spoke in Spanish. It was the worst Spanish I had ever heard, and she was saying that her mother had taught her; what an insult to her mother. I can't understand why a Mexican would deny her own native language; it was just incredible to me.

Let's come down to the facts of what being proud means. Being proud means having something different and positive from one another, therefore, this thing that's good should make everybody proud of themselves. It doesn't matter if you speak Chinese and Japanese, French and German, or Spanish and English, you're still bilingual and unique. Being different means good. If we would all be the same, it would be a dull world.

I'm a Chicano (Mexican-American) and being proud of it means being involved in everything that goes with it, from supporting Cesar Chavez' N.F.W.A. (National Farm Workers Association) to watching "Telemundo and Univision" to speaking and practicing Spanish. I also have to be in touch with my American side in order to be "cool", anything from Bill Clinton to "MTV and NBC" to of course speaking English. So why won't we just work together and make this an easier world for all of us.

RECOGNIZING THE 90TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of the 90th Anniversary of the Boy Scouts of America. This organization was founded with the purpose of helping to give young men a sense of self worth and satisfaction from knowing they can accomplish the goals they set and a sense that they are part of a winning team. Today, this organization continues to provide young men with values and experiences that cultivate discipline and a sense of responsibility; traits that they carry with them throughout their lives.

The Boy Scouts of America teaches values of community and service to our Nation. In the wake of such tragedies as Columbine and an increase in the number of reports of alienation of youngsters at school, we need only to turn to the Scout Oath as a fine example for what is right with our youth. Do my best, to do my duty, to God and my country, to obey the Scout Law, and to help other people at all times. These are solid values that youth should use to build a foundation for their lives. The Boy Scouts instill values that make our community much stronger: public service, volunteerism and good citizenship. Scouting develops both self reliance and teamwork.

From its beginning in 1911, the Boy Scouts have grown in size to more than 5 million active members in 1999. In the 90 years since their incorporation, the Boy Scouts have influenced more than 100 million boys, young men and women.

While much has changed in the past 90 years, the Boy Scouts remain committed to their founding principles. The Boy Scouts have strengthened efforts to provide value-based curriculum and character building youth programs. By providing youth with the tools to make good decisions and providing the clues to their own inner strength the Boy Scouts have imbued in their members a commitment to improving the world around them.

Recently, I was honored by the Central New Jersey Council of the Boy Scouts of America as their Good Scout Honoree of 1999. I am honored and inspired by their commitment to pursuing the best for the youth of our Country. As a former Scout and Assistant Scoutmaster, I share the values set forth in the Scout Law and Scout Oath. I see them demonstrated regularly when I attend Eagle Scout Courts of Honor in my district.

I thank the Scouters, volunteers and parents who contribute their time and energy to making the Boy Scouts of America a place that young men, and now young women, can turn for guidance, leadership and worthy life experiences.

The impact of Scouting on youth is truly a life changing experience. On this 90th Anniversary of Scouting, I wish the Boy Scouts of America continued success in the future as they strive to help build character and strengthen the communities around the country for the next generations of Americans.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY BUY AMERICAN COMPLIANCE ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. COLLINS. Mr. Speaker, after a strong earthquake shook Northridge, CA, the Federal Emergency Management Agency (FEMA) made funds available to the Los Angeles Department of Water and Power to improve the power system's resistance to earthquakes. A $2 million contract for open air disconnect switches went to a foreign firm. That is not right. FEMA is subject to Buy American provisions, but there is a loophole once a grant is made. That loophole needs to be closed.

I have introduced legislation today which will apply the requirements of the Buy American Act to non-emergency Federal Emergency Management Agency (FEMA) assistance payments.

As you know, the Buy American Act was designed to provide a preference to American businesses in federal procurement. Each year FEMA awards a number of grants for non-emergency projects. Currently, the Agency adheres to the requirements of the Buy American Act. However, once the Agency awards taxpayer funds to a state or local entity in the form of a grant, that entity is not required to comply with Buy American when spending those funds. I believe this needs to be changed. Mr. Speaker, the Buy American requirements should be applied whether the federal government is directly spending the money, or whether it is passing the funds down to a state or municipality to be spent.

The Buy American Act is necessary to protect American firms from the dumping of cheap foreign-made products. Many of the nations we trade with have significantly lower labor costs than the U.S. Without the safeguard provided by the Buy American Act, foreign companies are able to underbid American companies on U.S. government contracts.

It is important to understand the Buy American Act's criteria for determining whether a product is foreign or domestic. The nation where the corporation is headquartered is irrelevant, Buy American is focused upon the origin of the materials used in the construction project. In order to be considered an American product, the product in question has to fulfill these two criteria: (1) the product must be manufactured in the United States, and (2) the cost of the components manufactured in the United States must constitute over 50% of the cost of all the components used in the item.

My proposed legislation would stipulate that taxpayer funds distributed by FEMA as financial assistance could only be used for projects in which the manufactured products are American made, according to the criteria established by the Buy American Act.

Mr. Speaker, it does not make sense that FEMA should have to comply with the Buy American Act when making an expenditure, while these same funds are somehow exempt once passed down from FEMA to another government agency. If FEMA gives a grant for a project, those taxpayer funds should still be managed according to the terms of the Buy American Act.

Mr. Speaker, I introduce this legislation in order to ensure there is consistency in the law, with regard to FEMA and the provisions of the Buy American Act. I hope the members of this House will join me in support of this pro-American measure.

HONORING RICHARD HOFFNER-McCALL

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to honor the efforts of Richard Hoffner-McCall. Richard is being named as one of our country's top student volunteers in the fifth annual Prudential Spirit of Community Awards for the year 2000.

The awards are presented through a partnership between The Prudential Insurance Company of America and the National Association of Secondary School Principals with the goal to honor and recognize outstanding community service by young people. All recipients receive a bronze Distinguished Finalist medallion from the Prudential Company at a ceremony in his/her hometown.

Richard Hoffner-McCall is among the winners from my home state of Pennsylvania. Richard is a junior at Cardinal O'Hara High School and will be given his award in his hometown of Media, PA. Richard organized a program which collected over an astounding 5,000 items to be donated to the non-for-profit organization Operation Smile that provides free facial surgeries to underprivileged children around the globe.

Mr. Hoffner-McCall should be proud to be a part of such an extraordinary group of dedicated volunteers. Richard is a stand-out citizen whose actions have made our community a better place. His generous and selfless attitude has made a positive impact on the lives of others. I applaud Richard's initiative to seek out aid for those less fortunate. I express my sincerest gratitude to him for showing that the youth of today will lead us into the future with care and concern for those less fortunate. He is a credit to his family, his community and our Congressional District.

INTRODUCING THE INSTALLMENT TAX CORRECTION ACT OF 2000

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. HERGER. Mr. Speaker, I am pleased today to join with my good friends and colleagues, Mr. SWEENEY and Mr. TANNER, to announce the introduction of our bipartisan legislation—the Installment Tax Correction Act of 2000.

It is no secret that small business is the engine driving our current economic success. America's small businesses provide the entrepreneurship and innovation to keep our economy moving forward. Unfortunately, many small business owners now face a tax burden which threatens to erode the value of their business and which has erected an unnecessary barrier to small business ownership. The legislation we are introducing today is necessary to correct a provision of the tax code which is imposing a serious burden on thousands of small businesses across America.

Mr. Speaker, most small business owners have chosen to use the installment sales method when selling their business because bank financing is often not available. Under an installment sale, the buyer makes a down payment up front and pays for the rest of the business over a period of years. Such sales grant greater flexibility to both the buyer and seller and have enabled thousands of Americans, who would otherwise be unable to buy a business, the opportunity to make their dream of small business ownership a reality.

Last year the President proposed, and Congress accepted as part of larger tax package, a provision to repeal the use of installment sales for certain taxpayers. This provision appeared to target larger businesses when they sold a particular asset or assets. Small business groups, Congress, and even the administration did not expect the serious effect this provision would have on small businesses across America. Unfortunately, the unintended consequences are now a reality and it is our job to fix the problem. Our legislation will do just that, by once again allowing businesses to make use of installment sales.

Mr. Speaker, this is not a theoretical discussion. The burden being felt by small business owners across America is all too real. It is affecting taxpayers such as Harold and Mary Owens who own a small family business in my district in Redding, CA. They have built up their business through 12 years of hard work and are counting on the sale of this business to provide for their retirement. To pull the rug of retirement security out from under them at this time is simply wrong. And this is just one example out of the thousands of businesses each year which will see the value of their businesses eroded if our legislation is not enacted.

I was hopeful that the President would propose a solution to this problem in his fiscal year 2001 budget, released just yesterday. While I am disappointed that the President's budget does not address this important issue, I remain hopeful that all of us—both Republican and Democrat—will work with the administration to fix this situation on behalf of our Nation's small businesses.

I am pleased by the support our effort has received so far. The legislation we are introducing has more than 70 bipartisan cosponsors. Furthermore, a coalition of more than 50 groups—including the National Federation of Independent Business, the U.S. Chamber of Commerce, the National Association of Realtors, and the National Taxpayers Union, among others—has made enactment of our legislation a top priority this year.

Mr. Speaker, we owe it to small businessmen and women across America to have a tax code which treats them fairly. It is imperative that we pass the Installment Tax Correction Act this year, and I urge all my colleagues to join this worthy, bipartisan effort.

WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT OF 1999

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business:

Mr. BLILEY. Mr. Chairman, I rise in support of H.R. 2005, the Workplace Goods Job Growth and Competitiveness Act.

As Chairman of the Commerce Committee, I have worked on numerous liability reform bills to try to bring some balance and fairness back into our legal system. Lawsuits continue to be filed at a record pace. But consumers somehow are still ending up with the short end of the stick as they pay more and more money in legal fees and higher product prices, while the trial lawyers run around the country searching for ever higher payoffs and contingency fees to line their own pockets. Unfortunately, our basic values of responsibility and integrity have been left behind in this race to the courthouse.

H.R. 2005 establishes critical protections for American manufacturing jobs by establishing a uniform guarantee for durable goods used in the workplace. It says that manufacturers have to stand behind their product for 18 years. After that, responsibility for using the product passes to the product owner to determine the further useful life of the product. The bill only applies where the plaintiff is eligible for workers compensation, essentially transferring liability for a durable good from the manufacturer to the product owner after the 18 year time period.

Nineteen States have a shorter time period for product life cycles, varying from State to State. Thirty-one States haven't yet enacted liability limits, although several of these States that have tried have watched them be struck down by the Courts as not within the power of the State legislatures. This creates a crazy patchwork of laws for a company trying to sell nationwide—a patchwork full of loopholes allowing enterprising trial lawyers to forum shop for the State with the weakest laws. This is an abuse and corruption of our legal system, which only Congress has the power to restrain.

The Japanese and the European Union have set a 10 year liability time limit on the useful life of their durable goods—guaranteeing only half the useful life for their products that we are allowing. But without this bill, Japanese and European manufacturers that are new entrants into the American market won't have the same long tail liability exposure as American companies. This means that they pay less for claims-made liability insurance, giving them an unfair competitive advantage, taking jobs away from Americans and transferring them overseas. We can not allow this to continue.

In addition to the 19 States and our foreign competitors who have recognized the need for a limit on a product's useful life, we have a proven track record in Congress of success in enacting uniform liability reforms. In 1994, Congress established a similar 18 year time limit on liability to save jobs in the aviation industry. We had the same doom and gloom predictions from many Members back then that the sky was falling for worker protection, but guess what—the law works well, it revitalized a disappearing industry, and it has earned wide scale support over the last five years. In fact, that bill, with the same type of liability limit that we're talking about today, created over 25,000 new jobs in the aviation industry alone. I would rather protect the hard working wage earners of America than the contingency fee jackpot hopes of a few trial lawyers.

Despite the claims you heard in the debate on this bill, no worker will be denied compensation as a result of this reform. The liability limits only apply where the plaintiff has full access to workers compensation. The critics of the bill aren't talking about compensation, they are talking about punishing companies by pushing them into bankruptcy for something that was made generations ago by workers long since retired. The trial lawyers don't ever want a business to be able to limit the lifespan of a product. They don't want businesses to be able to say that after 18 years the responsibility for determining whether a product is safe should rest with the product owner. Responsibility is a dirty word to these people because it eliminates potential deep pockets that they can go after to extort settlement money. Keep in mind that this bill doesn't in any way limit the responsibility or liability of the employer—it only takes away the deep pocket manufacturer after 18 years from a product's first sale. Many of the Members who have opposed this simple notion of responsibility have opposed every single effort at liability reform in Congress.

Last November, our Committee agreed to discharge this bill to bring it to the floor as quickly as possible. We recognized the importance of protecting American jobs and bringing fairness and responsibility back into our legal system.

This bill was taken from legislation negotiated in previous years on a bipartisan, bicameral basis with the Administration. The provisions are the result of years of bipartisan work by the Commerce Committee and the Judiciary Committee on legal reform. Past product liability bills containing these provisions have received strong majorities in both Houses.

I thank the gentleman from Ohio for his work in bringing this piece of the product liability bill forward, and urge your support for its passage.

WE ALL HAVE A RESPONSIBILITY IN THE FIGHT AGAINST DRUGS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. GILMAN. Mr. Speaker, at today's important international drug summit conference sponsored by you, along with the United Nations Drug Control Program (UNDCP), I had the opportunity at the morning session to raise the issue of the world's contribution to the U.N. in our fight against the scourge of illicit drugs.

Regrettably, when we examine the record of contributions to the UNDCP, we observe that less than 25 nations and the European Commission contribute less than $75 million annually to help fight an illicit narcotics trade estimated to produce $400 billion annually.

The list of those helping this very modest UNDCP program, the glaring absence, for example, of any Middle East nation making contributions to help fight drugs, is noteworthy and disappointing.

Attached for the RECORD is the latest data on the contributions by the producer, transit or user nations of the world to the UNDCP. Let us hope that as the world comes to realize the far greater societal cost that these illicit drugs impose upon all these nations, that future contributions will substantially increase to face the magnitude of the challenges of the Drug War.

FUND OF UNDCP PLEDGES DURING THE PERIOD 1995–1999; STATUS AS OF 30 SEPTEMBER 1999

[U.S. dollars]

	1995	1996	1997	1998	Estimate 1999	Percentage change	
						1998/97	1999/98
United States	5,909,164	6,344,000	9,720,400	4,033,600	25,305,000	-59	527
Italy	8,731,310	9,746,887	6,881,720	8,499,089	9,000,000	24	6
United Kingdom	10,093,025	6,213,481	6,802,199	11,575,353	8,000,000	70	-31
Sweden	4,302,686	4,213,816	4,716,382	5,233,471	4,700,000	11	-10
Japan	5,962,733	6,700,000	5,000,000	3,817,000	4,300,000	-24	13
European Commission	5,917,231	3,171,702	1,001,660	4,886,528	4,000,000	388	-18
Germany	7,124,818	3,207,158	3,205,324	3,368,763	2,100,000	5	-38
Norway	1,734,553	5,414,090	629,749	1,058,170	2,000,000	68	89
France	1,725,563	1,467,710	1,352,810	1,404,796	1,600,000	4	14
Denmark	2,343,465	2,248,364	1,661,732	1,677,114	1,300,000	1	-22
Australia	554,625	894,069	547,107	481,701	1,131,000	-12	135
Netherlands	432,761	583,069	1,139,278	1,241,211	1,000,000	9	-19
Canada	510,801	500,000	500,000	685,205	800,000	37	17
Switzerland	777,461	679,450	617,505	736,584	750,000	19	2
Luxembourg	71,067	63,271	55,987	1,777,180	738,000	3074	-58

FUND OF UNDCP PLEDGES DURING THE PERIOD 1995–1999; STATUS AS OF 30 SEPTEMBER 1999—Continued

[U.S. dollars]

	1995	1996	1997	1998	Estimate 1999	Percentage change	
						1998/97	1999/98
Austria	548,994	994,441	430,285	558,873	617,000	30	10
Spain	533,447	541,353	444,063	570,104	570,000	28	0
Belgium	354,066	194,672	329,660	313,040	385,000	−5	23
Finland	....	50,000	345,000	125,000	347,000	−64	178
Total major donors	57,627,770	53,227,533	45,380,861	52,042,782	68,643,000	15	32
Turkey	75,000	100,000	150,000	200,000	250,000	33	25
Ireland	....	244,500	215,175	297,000	236,000	38	−21
Colombia	....	....	....	300,000	100,000	0	−67
Mexico	50,000	50,000	50,000	300,000	100,000	500	−67
Republic of Korea	40,000	79,000	154,000	100,000	100,000	−35	0
Argentina	....	....	300,000	....	....	−100	0
Other member states	280,007	343,536	440,137	404,963	500,000	−8	23
Total voluntary	58,072,777	54,044,569	46,690,173	53,644,745	69,929,000	15	30
Cost-sharing							
Brazil	....	1,759,125	....	4,220,128	3,219,000	0	−24
Peru	....	....	....	....	528,000	0	0
Bolivia	130,442	161,528	500,000	....	500,000	−100	0
Colombia	472,331	70,000	1,192,041	539,025	500,000	−55	−7
UNAIDS	....	....	....	242,000	....	0	−100
Total cost-sharing	602,773	1,990,653	1,692,041	5,001,153	4,747,000	196	−5
Public donations	914,603	852,639	620,305	1,258,285	655,000	103	48
Total	59,590,153	56,887,861	49,002,519	59,904,183	75,331,000	22	25

NOTES: Ranked by pledges made in 1999. Earmarked multi-year contributions are shown according to the year in which they are pledged irrespective of the year(s) for which they are meant. Unearmarked contributions are shown according to the year for which they are pledged.

INTRODUCTION OF THE DISTRICT OF COLUMBIA PUBLIC SAFETY REIMBURSEMENT ACT OF 2000

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Ms. NORTON. Mr. Speaker, today, I introduce the District of Columbia Public Safety Reimbursement Act of 2000. The bill provides an annual federal contribution to reimburse the District for the considerable services the Metropolitan Police Department provides every year to cover the many national events and activities that occur here because the District is the national seat of government. Examples of these services are too numerous to detail. Some of the most familiar are the many events and demonstrations, from the Million Man March to the federal Millennium event at the Lincoln Memorial last month. Events, large and small, of every variety occur with great frequency and cannot proceed without the work of our police force. The MPD is at the center, from the extensive logistical preparations to the on duty time protective services. The bill is strongly supported by D.C. Police Chief Charles Ramsey, who joined me at a press conference on the bill here in the Capitol earlier today.

The annual amount provided in the bill would reimburse the District for the considerable services the Metropolitan Police Department provides every year to cover the many national events and activities that occur here because the District is the national seat of government. Examples of these services are too numerous to detail. Some of the most familiar are the many events and demonstrations, from the Million Man March to the federal Millennium event at the Lincoln Memorial last month. Events, large and small, of every variety occur with great frequency and cannot proceed without the work of our police force. The MPD is at the center, from the extensive logistical preparations to the on duty time guarding and facilitating the event itself.

Further, residents see our police every time the President moves outside the White House complex because all traffic stops while our police line the streets to assure the President's safe passage. The Congress itself frequently uses our police department—from the annual State of the Union address, when officials and citizens converge on the Hill, to unusual events, such as the funeral following the tragic killing of the two Capitol Police officers almost two years ago. Cabinet officials, the President, and Members of the House and Senate, not to mention other federal officials and agencies all use the MPD as if it were a hometown police force they had bought and paid for. Actually they pay nothing. In countless ways on a daily basis, federal officials and tourists alike get excellent D.C. police protection free of charge.

A prominent example from last year dramatically points up how the cost of federal events has been transferred to the taxpayers of the District of Columbia. A ragtag gang of racists and anti-Semites calling themselves the American Nationalist Party came to Washington in August to petition their federal government for redress of their grievances, such as they were. However, it was the District government that picked up the tab to the tune of a half million dollars for police protection. At the same time, pro-human rights groups held a large, peaceful rally at the Lincoln Memorial to counter the Nazis. Whether marginal and extreme, like the Nazis, or mainstream and pro-democracy like the counter-rally last summer, D.C. police participation is indispensable to every demonstration and national event that occurs in this city. The right to assemble is a precious constitutional right available to all and must be protected for all. However, those who come here seek the attention of the national government, not the D.C. government, and the cost should be borne by American taxpayers, not D.C. taxpayers.

The bill I introduced today places financial responsibility where it belongs. There are two important grounds for this bill, one statutory and the other historical precedent. The statutory basis is the 1997 Revitalization Act, where we traded the federal payment for a much larger federal assumption of state costs. However, we nevertheless preserved the right of the District to receive a federal contribution. We wrote language into the Act providing: "The unique status of the District of Columbia as the seat of the government . . . imposes unusual costs and requirements which are not imposed on other jurisdictions and many of which are not reimbursed by the federal government." The Revitalization Act (Section 11601) therefore allows "for each subsequent fiscal year [after FY 1998], such amount as may be necessary for such contribution."

The second basis for a designated public safety contribution is historical precedent. Separate from the annual federal payment, the Congress has traditionally appropriated additional funds for public safety purposes. Amounts have ranged from five million dollars to 30 million dollars, depending on the need and public safety issues arising in the particular year. Such funds have been appropriated for national events in other jurisdictions as well. Just last year, Congress included five million dollars to help cover police costs during the WTO meeting in Seattle. Here in the District, there has always been a consistent congressional understanding that police work in the nation's capital necessarily involves the federal and national interest and deserves special and unique support. Thus, I am asking the Congress to return to its original understanding of its responsibility for a share of public safety in this city, specifically for police protection for national and federal events.

I will be conferring with other Members of Congress and with Police Chief Ramsey concerning a specific amount for FY 2001. However, I want to emphasize that I do not introduce the bill simply to get extra money from the federal government, as desirable as that would be. This is the first in a series of bills I will be sponsoring to try to get ahead of revenue problems beyond the District's control that are on the way. We are proud that with a large assist from the $5,000 Homebuyer Credit, the District has begun stabilizing its population. However, it will be years before the District has a tax base of residents and businesses adequate to support the city through good, moderate, and bad economic times. This important financial issue has been masked by today's excellent economy. However, our surplus is not largely a product of that economy, but of the state costs the Revitalization Act removed from the city. The D.C. Police Safety Reimbursement Act I introduced today is among several bills that will be necessary to make up for a decline in the economic output expected by next year, according to regional analysts, including Professor Stephen Fuller of George Mason University. It would be foolish to await another crisis. The time to prepare is now. This and other bills designed to ward off forecasted trouble is the only way to keep the District's finances on an upward trajectory. The D.C. Public Reimbursement Act builds on cost justification the Congress itself has long accepted. The annual amounts would not be a gift from the federal government. They would be payment for services rendered to the President, Congress and the federal government by the Metropolitan Police Department.

I urge my colleagues to support this bill vital to the continuing recovery of the Nation's Capital.

HOUSE OF REPRESENTATIVES—*Wednesday, February 9, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 9, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

O God, our hope for all the years, our faith by You is bold, You help us face unwanted tears, our hands with You do hold.

You promise life without an end. You pledge the gift of love. Your peace and grace forever send, all gifts from heaven above. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Alabama (Mr. RILEY) come forward and lead the House in the Pledge of Allegiance.

Mr. RILEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 245. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 764.

SERIOUS BUDGET CONCERNS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, I rise today to join with my colleagues to express my serious concern with the President's budget proposal that was released earlier this week.

With the surpluses that this Congress has created, the President now seeks to renew the era of big government by expanding the size and the scope of the Federal bureaucracy, including the creation of $350 billion of new government spending.

Madam Speaker, furthermore, the President failed to provide hard-working Americans with meaningful tax cuts and instead included a $181 billion tax increase.

I am seriously concerned that the President's budget proposal will actually raid Social Security, rather than safeguarding it for future generations.

Madam Speaker, we need to pass a responsible budget, not one laden with irresponsible spending increases and pointless tax increases, a responsible budget like the budget supported by my Republican colleagues here today that will fund essential government programs, provide necessary tax relief, and protect Social Security while paying down our national debt.

I yield back the President's big budget government proposals which rob Peter to pay Paul.

AIRING OF SUICIDE PROGRAM RECKLESS AND IRRESPONSIBLE

(Mr. RILEY asked and was given permission to address the House for 1 minute.)

Mr. RILEY. Madam Speaker, last week the public-access cable television channel operated by the Community Television of Lane County, Oregon aired a program that is shocking to the conscience of a civilized society. The program in question is a new do-it-yourself video that is a step-by-step guide to committing suicide based on the book "Final Exit" by Derek Humphry.

Mr. Humphry gives a video demonstration on what he claims is "dying with dignity." I do not believe that suicide is synonymous with dignity.

Madam Speaker, it is a sad day indeed when we make readily available on public television a step-by-step guide on where to find lethal drugs, with or without a doctor's prescription, to be mixed with chocolate pudding or applesauce to bring about death or how to use a bag or mask to commit suicide. The airing of this devaluation of life is nothing short of reckless and to me irresponsible.

A TRIBUTE TO THE LATE PARMA SAMAD

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, Cincinnati has said good-bye to a wonderful lady and great teacher, Parma Samad, who died last month after a long, courageous battle with cancer.

As a student in Cincinnati's Catholic schools, I had the privilege of being taught by many outstanding teachers. My sixth grade teacher at St. Catharine's, Parma Samad, Miss Fierro at the time, was simply the best. Over her career, she taught in both the Catholic and public schools.

Madam Speaker, our entire community has benefited from her selfless dedication to her students. And she will be long remembered by those whose lives she touched over her 39-year teaching career.

Madam Speaker, I know that I am joined by many in Cincinnati who knew and admired Parma Samad when I offer my sincere condolences to Parma's husband, Ron, to her parents, Cosmo and Agnese Fierro, and to all her family. Parma will be greatly missed.

There is no question in my mind that she is looking down on us right now from a better place, and that she is smiling.

DISAPPOINTMENT WITH LACK OF COOPERATION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I was disappointed to read last week a Roll Call story entitled "Democrats Feel Cocky After Big Speech." It said basically that House Democrats feel it is going to be "their way or the highway going into November."

When Mr. HASTERT became Speaker a year ago, he gave a speech in the House that reached out to our Democratic colleagues offering to meet them halfway, and that he expected them to meet us halfway. Now the Democrat leadership seems determined that there

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

will be no legislative progress this year, preferring to sit idly by. The Speaker said, "Stalemate is not an option. Solutions are."

The American people want us to pay down our debt, they want us to give relief from the marriage tax penalty, to ban the raid on Social Security, to renew inner cities and to provide seniors with affordable prescription drugs.

Madam Speaker, I hope the President will reject the foot-dragging tactics of the House Democrats and work with us. I am disappointed they do not want to work, by their own admission, in behalf of a productive agenda.

TIME TO END MARRIAGE TAX PENALTY

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, tomorrow the House is going to vote to end the marriage penalty. Right now married couples pay more in taxes than two single taxpayers living together. That is not right. It is just not right.

Washington must stop penalizing the cornerstone of our society, the American family. We should encourage marriage, not penalize it. We are restoring family, children, and the American dream.

Last year President Clinton and his Democrat allies labeled marriage penalty relief as risky, and the President vetoed it. This year the Democrats are encouraging him to veto it again.

In my district alone, this bill will help end the marriage penalty for over 150,000 Americans. The President and his Democrat friends should stop playing election-year politics.

Mr. President, it is time for you to help us help American families.

VIRGINIA LEADERSHIP DOES NOT GET IT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Madam Speaker, yesterday the Virginia legislature just said no to the citizens' efforts to try and control the problems of livability in their community. It is sad that the new leadership in Virginia just does not get it.

Smart growth is good for the economy. It helps declining and distressed areas, and it does not force the Hobson's choice of dumb growth. But the State of Virginia refuses to deal meaningfully with the transportation and finance problems on a State level and at the same time, refuses to give local governments tools to handle it themselves.

I hope that the citizens of Virginia, as I hope that citizens around the country, will hold each elected official responsible on all levels for their efforts to give the tools to make sure that our communities are more livable so our citizens can be healthy, economically secure and safe.

SUPPORT THE LEAP ACT

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Madam Speaker, I rise as a sponsor of H.R. 3429, the LEAP Act. We all agree that immigrants should come to this country legally, and LEAP will remove the magnet that brings undocumented workers to the country in the first place, jobs.

LEAP will improve current employment verification programs so that businesses can make sure that employees are legally authorized to work in this country. Right now, employers are in a catch-22 situation. Under the law, they cannot hire illegal immigrants; but they do not have all of the tools necessary to hire legal workers.

The bill is not anti-immigration. I certainly recognize the many benefits that legal immigrants bring to this country. Most people who come across the border without proper documentation only want to improve their lives and the lives of their families. But we must remember that there are a lot of people who also want to come to America and must wait years, perhaps, to come legally. It is not fair to them if we do not enforce the law.

Madam Speaker, I hope all of my colleagues will support this common sense approach to discourage illegal immigration.

KEEP SOCIAL SECURITY AND MEDICARE SOLVENT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Madam Speaker, early this morning the Steve Forbes campaign called me and said that Steve Forbes' wife flew into Michigan late last night; and sometime between 12 p.m. and 5 a.m. this morning, the family made its decision that he would be withdrawing from the presidential race.

As one of the Michigan cochairmen for Steve Forbes, I was disappointed, because what Steve Forbes brought to the podium, to public discussion, was detailed plans on where this country goes, where we go, in terms of fixing Social Security, where we go in terms of fixing Medicare, both insolvent.

In my 5-minute speech today under Special Orders, I will be talking about what could happen on paying down the debt, but probably that it is not going to happen, and that what is really going to happen is a tremendous burden on our kids and our grandkids if we do not wake up, if we do not pay attention, if we do not come out with some of the solutions to make sure that we keep these important entitlement programs solvent.

A FAIR MARRIAGE TAX PENALTY

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Madam Speaker, tomorrow the Republican majority starts on their march to trying once again to pass over a $1 trillion tax cut, the same tax cut that Governor Bush offers his candidacy for President. They begin, instead of offering it as a whole, by dividing it up. They will start with the marriage tax penalty.

The fact of the matter is we Democrats also want to end, not just adjust, we want to end the marriage tax penalty; but we want to do it in ways that not only value the institution of marriage, we want to do it in ways that value other issues, such as extending the life of Social Security and Medicare, the values of our seniors, and such as improving the quality of education for children, the value that we hold of our children.

This Republican bill is too expensive than it needs to be. It makes no attempt to pay for itself; and lastly, many middle-income families with children will not get any tax relief because the bill promises a lot more than it provides because they ignore the minimum tax when writing their bill.

In fact, we need to have values that, yes, take care of the marriage tax penalty and reward marriage, but, at the same time, take care of our seniors, take care of our children and extend the life of Social Security and Medicare.

SAN RAFAEL LEGACY AND NATIONAL CONSERVATION AREA ACT

(Mr. CANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANNON. Madam Speaker, today I will introduce the San Rafael Western Legacy and National Conservation Area Act. This legislation sets up a process to preserve the remarkable area famous for such outlaws as Butch Cassidy and the Sundance Kid.

Over the last 3 years, people in Emery County, Utah, the off-road vehicle users and sportsmen came together with county officials, landowners, and the Bureau of Land Management to approve the plan I am introducing today.

This bill would place 2.8 million acres into a legacy district to be managed for the conservation of the region's historical and cultural resources. This bill will allow management that will guarantee the preservation of the dramatic canyons, wildlife, and historic sites of the San Rafael Swell.

Additionally, this bill will set aside about 1 million acres as a National Conservation Area, withdrawn from future mining claims and providing increased protection for primitive and semi-primitive areas. The Secretary of Interior, in conjunction with an advisory council, will develop a management plan for the National Conservation Area that will provide for various land uses and the preservation of these amazing natural resources for future generations.

□ 1015

ELIMINATING THE MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Madam Speaker, over the last 3 years, many of us have asked a pretty fundamental and basic question, and that is, is it right, is it fair that under our Tax Code, 25 million married, working couples pay higher taxes just because they are married. In fact, the 25 million married working couples pay an average of $1,400 more in higher taxes just because they are married; and 1.1 million of those American working couples live in Illinois, married couples who pay higher taxes just because they are married.

I have with me a photo of Shad and Michelle Hallihan. They are an average couple suffering the marriage tax penalty, two public schoolteachers in Illinois. Michelle points out the marriage tax penalty for her would buy 3,000 diapers for their newborn child. It is real money for real people.

Tomorrow the House is going to vote on a bipartisan proposal. Madam Speaker, 241 Members of the House are now cosponsoring H.R. 6, legislation which will essentially wipe out the marriage tax penalty for the majority of those who suffer from it. Let us set aside partisanship, let us work together to eliminate the marriage tax penalty.

Valentine's Day is next week. What better gift could this Congress give 25 million married, working couples than passage of this legislation tomorrow to wipe out the marriage tax penalty for couples like Michelle and Shad Hallihan.

HOROWITZ SUDAN RESOLUTION

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Madam Speaker, today I will introduce a resolution which commends Michael Horowitz for the public statement he made last week by protesting the lack of action that the administration has taken in actively addressing the situation in Sudan. Mr. Horowitz also used this forum in hopes of raising the awareness of the American people to the plight of the Sudanese at the hands of the northern totalitarian regime in Khartoum.

Madam Speaker, the civil war in Sudan has been raging now for over 17 years with close to 2 million dead. The United States should be doing all it can to support the intergovernmental authority for development, or IGAD process, in hopes of bringing this horrific chapter in the lives of the Sudanese to a close. Until peace is finally reached, we should also be supporting those in the south who are fighting to keep the iron, long-reaching fist of the northern regime from crushing their beliefs and way of life.

Furthermore the administration should address and work in conjunction with others who are leading a campaign against companies such as Talisman Energy and others who are using American capital to support their oil operations in Sudan at the detriment of the southern population. Mr. Horowitz's act of civil disobedience was done in hopes of bringing light to the inaction and bland policies of our government towards Sudan, for it is time we truly addressed this regime and the policies of terrorism and destruction it brings to the table with it.

RESPONSIBLE TAX PLAN FOR AMERICANS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, American families deserve a responsible plan for the surplus that strengthens Social Security and Medicare, that pays down the national debt, and that gives tax cuts that directly benefit the middle class. Unfortunately, the Republican leadership seems determined to pass an irresponsible tax cut before it develops a plan for the long term. Last year they tried to pass a trillion dollar tax bill that would have benefited the richest in our country. This year, they are trying to pass that package piece by piece.

Madam Speaker, we need to eliminate the marriage penalty; and I support a proposal to do that. But this Republican scheme is irresponsible. The bill helps working families, middle class families very little, yet it gives huge tax breaks to the wealthiest couples. Millions of American families with children will get absolutely no relief at all. We must instead support a Democratic alternative which will both alleviate the marriage penalty and strengthen Social Security and Medicare while paying down the national debt.

We need the surplus to be used in a responsible way that strengthens our country, not for another political gimmick, that the American people have already heard and have already rejected.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PAYING DOWN THE DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, we have heard a lot about the talk on paying down the debt, and I think it is very important that American citizens understand some of the terminology that is used here in Washington.

This chart represents what would happen to the total public debt. The total public debt of this country right now is $5.7 trillion. That includes the debt that we owe the Social Security Trust Fund and the debt that we owe Wall Street or the debt held by the public, plus the debt held by the other trust funds. I think this represents the potential good news of paying down that debt if we were to stick with the caps, the budget caps that we set in 1997, but that is not going to happen.

Yesterday in the Committee on the Budget, we heard the director of OMB say that those caps are unrealistic and presented the President's budget. The President's budget, by the way, increases taxes and fees over the next 10 years by something around $250 billion. Next year alone, his tax increase is $9 billion. So he is expanding spending for a lot of people and a lot of programs with approximately 80 new programs and a considerable extension and expansion of another 155 programs.

So those increased taxes and fees are what is paying for a significant increase in the size of the Federal Government. He is able to say that he is going to pay down what he calls the debt of this country. But I think what we should be very careful in understanding is that what he is talking about paying down is the debt held by the public.

The bottom portion of this chart represents the debt held by the public, starting now in the year 2000, and what is going to happen over the next 10 years. The middle portion is approximately 112 trust funds that we borrow from in addition to Social Security. That is the Medicare trust fund, the Medicaid trust fund, the transportation, highways and all of the other trust funds. The top trust fund, of course, is what we have been concentrating on, and that is the Social Security Trust Fund.

So when it is suggested that we pay down the debt of this country, what we are talking about is that portion of the total Federal debt, approximately $3.6 trillion; but the way we pay it down is when the cash dollars come in from the Social Security tax, there is more money coming in right now from that withholding tax than is needed to pay out current benefits.

So what is being suggested is we use those dollars, we take the cash dollars from Social Security, we borrow it, we write an IOU, and we use those dollars to pay down the debt by the public.

However, what happens to the total Federal debt of this country is the debt continues to increase. So we are looking at down the road in the next 10 to 15 years of having the current debt go way over $6 trillion, even if we were to stick with the caps.

Here is why I think it is so very important. It is not just the debt and it is not just paying down the debt but it is the structure of our entitlement programs that are going to be very, very difficult for our kids and our grandkids to pay off.

Right now the FICA tax, the withholding tax on payroll is 15 percent of taxable wages. Right now, approximately 75 percent of the workers in this country pay more in that FICA tax, that payroll withholding tax, than they do in the income tax. If we do nothing, within the next foreseeable future, our payroll tax will have to go to 40 percent of payroll if we do not fix these programs of Social Security and Medicare, 40 percent of payroll. Then we add income taxes on that for all of the rest of the Federal programs, we add another 20 percent of pay that goes to State and local government; enormous taxes are there, and the potential is a huge disadvantage for the ability of this country to stay competitive with the rest of the world.

Some people say well, can this happen. All we have to do is look at Europe, look at Japan. Already many of those countries are 40 percent. In France, the effective payroll withholding in France is now 70 percent. I mean it is no wonder they have a tough time competing. If we do not do anything in America, we are headed down that same road. That is why looking at entitlement, that is why I am disappointed that Steve Forbes has withdrawn from the race, because he is one of the few candidates that laid out a precise, exact solution of what he thought was the way to go to keep Social Security solvent, to keep Medicare solvent and still have the choice of doctors.

Madam Speaker, I think as we move ahead this year, and moving ahead with this budget, I think we need to challenge ourselves very aggressively to looking at the problems of entitlements, because that is going to be the huge challenge of America and this government in the future.

ACCOMPLISHMENTS OF THE REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. WELLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELLER. Madam Speaker, I look back over the last 5 years and I think of when I was first elected in Congress in 1994, what were the big issues of the day. The Democrat Congress and President Clinton had just enacted the biggest tax hike in the history of this country, raising our tax burden to its highest level ever in peacetime history. We had massive deficits of $200 billion to $300 billion a year as far as the eye could see, and there was a proposed government takeover of our health care system. The American people did not necessarily like that situation, and they gave the Republicans the opportunity to be in the majority for the first time in 40 years.

We said that we were going to meet the challenges, we were going to balance the budget, we were going to cut taxes for the middle class, that we were going to reform welfare, and, of course, pay down the national debt. I am proud to say that over the last 5 years, we have accomplished many of those goals, in fact, every one of them.

We balanced the budget for the first time in 28 years; we cut taxes for the middle class for the first time in 16 years. In fact, 3 million Illinois children benefit from that $500 per child tax credit. The first welfare reform in a generation has reduced our Nation's welfare rolls by one-half, and we overhauled the IRS and paid down $350 billion of the national debt. Those are great changes. On top of that, this past year, we stopped the terrible practice, probably Washington's dirtiest little secret, and that is Republicans put a stop to the raid on Social Security. This past year, for the first time in 30 years, we balanced the budget without touching one dime of Social Security, protecting that retirement income for our seniors.

□ 1030

Those are great accomplishments. Of course, this year we are working to continue our effort to save social security and Medicare, to pay down the national debt, to help our local schools. We also want to bring about tax fairness. I thought I would take the next hour to discuss the issue of tax fairness.

One of the most fundamental questions of fairness that I am often asked in the South Side of Chicago, the South suburbs, the rural areas that I represent, is, is it right, is it fair, that under our Tax Code 25 million married working couples on average pay almost $1,400 more in higher taxes just because they are married? Does that seem right, that under our Tax Code, that 25 million married working couples pay $1,400 more just because they are married than an identical couple with an identical income, identical circumstances, who live together outside of marriage? That is not right, is it?

This House over the last few years has been working to eliminate what we call the marriage tax penalty. We sent to the President last year legislation which would have wiped out the marriage tax penalty. Had it been in effect and not vetoed by the President, it would have provided marriage tax relief for 25 million couples this year.

We are back at it again. In fact, tomorrow this House is going to vote on a stand-alone bill, a clean marriage tax elimination proposal, H.R. 6, which I am proud to say has the bipartisan cosponsorship of 241 Members of the House.

The State of Illinois that I represent has 1.1 million couples suffering the marriage tax penalty. I have a photo with me of really a fine example of a young couple in Joliet, Illinois, two married schoolteachers who suffer the marriage tax penalty.

This is Michelle and Shad Hallihan. They teach in the Joliet schools. They suffer the marriage tax penalty. In fact, Michelle pointed out to me, "We just had a baby." Of course, they benefit from the $500 per child tax credit that we enacted just a few short years ago, but they suffer a marriage tax penalty.

Michelle shared. She said, "Tell your friends in the Congress that if you wipe out the marriage tax penalty for the Hallihan family, that the money that otherwise would have gone to Washington in extra taxes because we are married would buy 3,000 diapers to help us care for our child."

In the South suburbs of Chicago, $1,400, the average marriage tax penalty, is one year's tuition at Joliet Community College and other colleges in Illinois. It is 3 months of day care at a local day care center. It is real money for real people. We are going to be voting on legislation tomorrow which of course wipes out the marriage tax penalty for a majority of those who suffer it. It is legislation that helps 25 million couples.

It does several things. First, we double the standard deduction for joint filers. The marriage tax penalty results from filing taxes jointly. Michelle and Shad Hallihan, two public school teachers with incomes that are nearly identical, are similar to this machinist and schoolteacher. What causes the marriage tax penalty is a married couple files jointly. When you file jointly, you combine your income. If you stay single, you do not. So when you combine your income, that pushes you into a higher tax bracket.

There is a case here of a machinist at Caterpillar. Say he is single, making $30,500, basically the identical income to Shad and Michelle. If he stays single, he stays in the 25 percent tax bracket. If he meets a schoolteacher in Joliet with an identical income of $30,500, their combined income of $61,000, because they choose to get married, file jointly, pushes them into the 28 percent tax bracket. As we can see from this example, they pay basically the average marriage tax penalty of $1,400 just because they are married.

Madam Speaker, under our Tax Code this hard-working machinist and this hard-working schoolteacher who made the choice to live in holy matrimony pay higher taxes just because they are married.

Mr. RILEY. Madam Speaker, will the gentleman yield?

Mr. WELLER. I yield to the gentleman from Alabama.

Mr. RILEY. Madam Speaker, I come here today to compliment the gentleman for his hard work. In the 3 years that I have served in this House, I do not know of another individual that has put in as much time, spent as many hours, on any one issue as the gentleman has. I want to come here and compliment the gentleman for his diligence, his tenaciousness. I am sorry we did not get this signed into law last year. I have gotten to the point now that I have seen this so often that I feel like I know the gentleman's couple.

On a more personal note, I have a daughter that was married back in September. It is amazing how her ability to understand the marriage tax penalty has dramatically increased since she now is married and they are filing a joint income tax.

The President has talked about giving relief to married couples, at least for the last 7 years. In his State of the Union this year he addressed this very penalty. Now we hear from the White House that he may veto this.

I would like to come forward today and say to the President, if he ever has an opportunity to live up to his word, to do what he has said he will do, if there is an unfair tax out there that is more egregious than this, I would like to know what it is. This is his opportunity to live up to the promises that he has made to the married couples of the country.

There is no one, there is no one that I know of that can defend this. We hear, especially on this side of the aisle, so often, "This is only a measure to help the rich."

There is one thing about this that is dramatically different. In this bill, as part of this marriage tax penalty relief bill, this year we are going to increase the amount a person can earn by $2,000 before they are prohibited from filing for the earned income tax credit.

So this time we are not only talking about middle class and lower class taxpayers in this country, we are talking about a broad spectrum of America that we are able to help, not only to right a wrong and to quit paying lip service to families and to dramatically do something for them for a change, but this is a time when the President can show some leadership.

I appreciate what the gentleman has done, and I appreciate what the gentleman from Indiana (Mr. McINTOSH) has done. The Members have worked on this so tenaciously for the last 3 years. I do not know of another item like this.

When I do town hall meetings, when we do web site surveys, and I ask, what is the most unfair tax in this country today, without exception, by an overwhelming majority, every survey that we have done said that we need to eliminate the marriage tax penalty, because I think most people in this country understand, if there is one thing in this country that we need to protect and support, if there is one thing in this country that undergirds our very society, it is marriage. It is the family. Anything that we can do to help that family we need to stand ready to do.

Again, we have 241 cosponsors. We will pass this tomorrow. I think we will send it to the President. But I think it is going to be up to each one of us to continue to carry on this dialogue with the American people, because this is the President's last year. He has said, standing right there in his State of the Union Address, he wanted to do something about the marriage tax penalty. I hope this President realizes this time we need more than a promise, we need more than rhetoric. We need his signature on that bill.

Mr. WELLER. Reclaiming my time, Madam Speaker, I want to thank my friend, the gentleman from Alabama (Mr. RILEY), for his leadership as an active member of a team of Members of the House who have been working so hard over the last several years to eliminate what we consider to be the most unfair consequence of our complicated Tax Code, and that is the Tax Code's bias against marriage.

Our goal with the H.R. 6 legislation we will be working to pass tomorrow, and has 241 cosponsors, as the gentleman pointed out, 30 Democrats have rejected the pressure from their leadership and are cosponsoring this legislation because they agree, it is time we help those 25 million couples.

Let me share just very briefly what this proposal contains that we are going to be voting on tomorrow. According to the Joint Committee on Taxation, which is a nonpartisan or I should say bipartisan committee that gives those of us in Congress advice on tax matters, I asked them the question, when it comes to those who suffer the marriage tax penalty, and we are looking at 25 million married ones, who are they? And of course, they pointed out not only is the marriage tax penalty about $1,400, but half of those who file jointly and suffer the marriage tax penalty itemize their taxes. The other half do not. Middle class taxpayers who itemize their taxes primarily itemize their taxes because they own a home.

So as we look at how we can eliminate and wipe out the marriage tax penalty, we have to keep both homeowners and those who do not itemize their taxes in mind.

There is another consequence in the Tax Code with the earned income tax credit for the working poor. It is a program created by Ronald Reagan back in the 1980s to help those in the work force who are kind of right on the edge so they can get by and raise their family and stay in the work force at the same time. We address marriage tax relief there.

So essentially what we do in the proposal that we are going to vote on tomorrow, and I hope receives overwhelming bipartisan support, is we help those who do not itemize their taxes by doubling the standard deduction for joint filers to twice that of singles. For those who do itemize, and frankly, those are basically homeowners, one-half of married couples, we widen the 15 percent bracket.

Every one of us, every American, the first part of our income, if we make as a single about $25 or less, it is taxed at 15 percent, and if one is married, under our proposal, that person can make up to about $50,000 as joint filers, combined income, and of course paying the 15 percent bracket.

So we widen the 15 percent bracket to wipe out the marriage tax penalty for those who itemize their taxes, and for the earned income tax credit, as the gentleman pointed out, we raise the income eligibility threshold for joint filers, so we wipe out the marriage tax penalty for those who participate in the earned income tax credit.

We also have an adjustment in this proposal so no one affected by this legislation is impacted by the alternative minimum tax.

So we double the standard deduction, widen the 15 percent bracket, help the earned income tax credit, we provide protections against that horrible alternative minimum tax, and we wipe out the marriage tax penalty for almost 25 million married ones.

Mr. McCOLLUM. Madam Speaker, will the gentleman yield?

Mr. WELLER. I yield to the gentleman from Florida.

Mr. McCOLLUM. Madam Speaker, the gentleman from Florida has been a real leader in our effort to eliminate the marriage tax penalty. The gentleman has been a real leader, as he is here today.

Like the gentleman from Alabama (Mr. RILEY), I have a son married here recently. Every young person who gets married now all of a sudden realizes what we are talking about is very real. And it is very unfair, as the gentleman has been pointing out today, to have a couple, where one earned $30,500 a year as a single person and was paying a relatively modest amount of taxes, pretty much in that 15 percent bracket, and then they get married to somebody else who is earning another $30,500 a year, and all of a sudden they are bumped up. They have a 28 percent tax bracket, which neither one would have been in to the degree they are if they had been not married, if they had been single still.

What we are doing and the gentleman is doing tomorrow, what we did actually in the bill that the gentleman helped us with so much last year, the tax bill the President vetoed, was to try to correct that problem.

It is fairly straightforward, that we want to treat married couples, especially those which we consider moderate to middle-income married couples, equally and fairly, and the low-income people too.

What is amazing to me, and the gentleman pointed it out, I want to make sure I am correct about this, what the President has all of a sudden come to, and he has gotten religion on this, he is saying, I am for the marriage tax penalty for the first time, but he does not do the itemized deduction, as I understand it right now. He phases it in. He would double it, but it would be over 10 years. We have ours come in right away, as soon as this bill gets into law.

I would ask the gentleman, am I not correct about that?

Mr. WELLER. Madam Speaker, reclaiming my time, the President in his proposal, his marriage tax relief essentially is 10 years from now. He phases it in over 10 years. He only does the standard deduction, which only benefits those who do not itemize. If you are a middle class working married couple that owns a home and itemize your taxes, the President's proposal, even after the 10 years it takes to fully phase it in, would provide zero relief.

I would also point out that the President's proposal after it is phased in after 10 years would only provide relief for about 9 million couples, versus the 25 million who would benefit from our proposal to double the standard deduction, widen the 15 percent bracket to help those who itemize, as well as the earned income tax credit.

Mr. MCCOLLUM. Madam Speaker, if the gentleman will continue to yield, the point the gentleman is making is our proposal, that we are going to have down on the President's desk hopefully shortly, would take effect on the itemized deduction portion immediately.

There are phase-in features to the 15 percent bracket issue, but we come right in and provide immediate relief with regard to doubling that itemized deduction, do we not, I would ask the gentleman?

Mr. WELLER. Reclaiming my time, the gentleman from Florida is correct. We double the standard deduction immediately, so for those who do not itemize, they provide immediate relief. Then we begin phasing in over a short period of time the widening of the 15 percent bracket to help those who are itemizers, such as homeowners. The earned income tax credit is immediate, as well.

One thing I would point out to the gentleman from Florida is the primary beneficiaries of the proposal that we are going to vote on tomorrow are those with incomes between $30,000 and $75,000 in combined income. A married couple with a combined income of $30,000 will see almost 97 percent of their tax burden eliminated when we wipe out their marriage tax penalty. A couple making a combined income of $75,000, and most people do not consider that rich today, will see about 10 percent of their income taxes wiped out by wiping out the marriage tax penalty.

Mr. MCCOLLUM. Madam Speaker, if the gentleman will continue to yield, I am very much aware, as the gentleman is, that the total at the end of the day that the President is proposing, once it is even phased in, which is a 10-year phase-in just for the itemized deduction, is only about $45 billion, and ours is $180. He is only giving tax relief, if you will, of less than one-third of what we are proposing to do, and at the same time, as the gentleman pointed out so well, he is only reaching those who would itemize. He is not reaching those who otherwise would be wanting to claim, he is reaching those who do not itemize.

□ 1045

He is reaching only those who take the standard deduction. We reach those who itemize as well in this proposal. So in essence, A, the President is not giving nearly as much relief in dollar amount; B, he is delaying it, not giving it immediately like this bill would do; and, C, he is not beginning to reach the number of people that this bill reaches, the young people in the categories that have been described.

I think that makes this an extraordinarily important bill to pass, to become law; and I hope and pray that it does. I certainly commend the gentleman, again, for what he has done, and I strongly support it.

Mr. WELLER. Madam Speaker, reclaiming my time, I again thank my colleague, the gentleman from Florida (Mr. MCCOLLUM), for his leadership and hard work and effort as we work to wipe out the marriage tax penalty for 25 million married working couples.

Let us be frank here. Of course I am a Republican and we have been working as Republicans to wipe out the marriage tax penalty over the last several years, but I was pleased the President had a change of heart. Last year he vetoed our effort to wipe out the marriage tax penalty, and he made passing reference to it in the State of the Union speech. So there has been a change of position, because it broke the hearts of 25 million couples when he vetoed it last year.

He has come up with a proposal, as we said, as the gentleman from Florida (Mr. MCCOLLUM) pointed out, that takes 10 years to phase in. So essentially 10 years from now, those who do not itemize would see their standard deduction doubled. So it barely keeps up with inflation and only provides about $210 in marriage tax relief for those couples, 9 million couples.

The proposal that we are bringing to the floor tomorrow, H.R. 6, the Marriage Tax Elimination Act, has 241 cosponsors, including a dozen Democrats. We provide, as we essentially wipe out the vast majority of the marriage tax penalty, up to about $1,250 in marriage tax relief for married couples. We benefit 25 million married working couples.

Think about it. What is $1,200? That is several months' worth of car payments, 3 months of day care for a family with children that are in a child care center. It is, of course, a down payment on a home. It is a contribution to an individual retirement account. It is real money for real people. So this is why it is so important that we work in a bipartisan way.

That is why I really want to salute my friend, the gentlewoman from Missouri (Ms. DANNER), for her leadership as a Democrat, our chief Democrat cosponsor of H.R. 6, and for her efforts to make this a bipartisan effort, because that is what it should be. Politics should not stand in the way of our efforts to eliminate the marriage tax penalty.

Madam Speaker, I would be happy to yield to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I thank the gentleman from Illinois (Mr. WELLER) for yielding, and also I congratulate him as we stand, I think, on the threshold of a wonderful victory. I am a freshman, obviously, but I can say this, that from the first day that we met over a year ago, the gentleman has been preaching the gospel of eliminating the marriage penalty; and finally it has become a chorus, and I think again we are poised to do great things. I congratulate the gentleman for his hard work. I think we are poised to do great things.

Something I would like to add to it, why this is especially appropriate to take up right now, the President in the State of the Union speech talked about all the wonderful things that are occurring in the American economy, and he should. There are a lot for all of us, Republican and Democrat, to be proud of. Unemployment is at a 30-year low. Inflation is relatively low. The economy is growing at historic levels. Wonderful, wonderful things.

There is a dark side to it. We also have to understand that so many American couples have to have two wage earners. Now, if families decide to make that choice, that is one thing; but so many families have to have two wage earners just to make ends meet in this economy. So there are so many wonderful things.

The tough side is that many families do have to have two wage earners. If, in fact, economic reality is forcing that, then it is particularly unfair that we have a Tax Code that punishes that. So it is especially important right now, as we have this economy, as we have so many two wage-earner families, that we do take on eliminating the marriage penalty.

I think it is awfully important. We talked a bit about the tax relief it provides, but to me it is a matter of fairness because we do have so many couples who are forced into two wage-earner situations. As we all know, the Tax Code and the IRS suffer a lack of respectability.

So many of us do not have a high regard for the Tax Code and all the absurdities in it. This perhaps is at the top of the list.

When we talk to our constituents about what they dislike most about the IRS code and paying taxes, this is it. People are willing to pay their fair share. People are willing to work with a Tax Code that is fair; but when we take a look at how we punish these working couples, obviously there is nothing fair about that Tax Code.

Finally, I think the gentleman boiled it down to its most important element, the type of tax relief that we are poised to provide, hopefully on a bipartisan measure and hopefully the President will give in and sign this, in very practical terms it will make an important difference. Whether it be affording health insurance or affording day care, this is real money and this is a real difference for working couples.

The timing could not be better. It is critically important that we not only pass it, but pass it through both Houses and get it signed as quickly as possible, so the great prosperity that we all point to with pride can be enjoyed by working couples all over America.

Once again, I congratulate the gentleman for his hard work. He has done a great job, and I am real excited about what is going to happen tomorrow.

Mr. WELLER. Madam Speaker, reclaiming my time, I thank the gentleman from Wisconsin (Mr. GREEN) for his leadership as one of the new Members that has joined our effort to wipe out the marriage tax penalty.

The gentleman from Wisconsin (Mr. GREEN) really pointed out a really important point. This is all about fairness. As we have often asked in this debate over our efforts to wipe out the marriage tax penalty for 25 million American working couples who pay $1,400 more in higher taxes just because they are married, is it right? Is it fair?

I do not believe that there is one American who believes that the marriage tax penalty is fair; that our Tax Code punishes 25 million married working couples. That is 50 million Americans who pay higher taxes just because they are married. That is not fair.

My biggest disappointment, as we go into this debate tomorrow, is that the President says that he only wants to help those who do not itemize their taxes. So is it really fair that if there is a young married couple or older married couple who pursues the American dream and buys a home and, of course, many itemize their taxes because they own a home, that they still have to pay the marriage tax penalty? That is not right.

I know tomorrow and later today we may hear a debate from the Democrats saying they do not want to help homeowners. They will just say they only want to help those who do not itemize. Well, I know of thousands of middle-class, married couples who are homeowners who itemize their taxes in the district that I have the privilege of representing. One half of married couples, and there are 1.1 million married couples in Illinois that suffer the marriage tax penalty, so over 500,000 of them itemize their taxes because they probably own a home or they give money to charity or their church or synagogue or temple or mosque, or they have college expenses that are paying off student loans. Those folks itemize and the alternative that the Democrats are going to call for tomorrow will not provide marriage tax relief to them.

They will just say, sorry, they still have to pay the marriage tax penalty, and that is not right. It is not fair.

Madam Speaker, I would be happy to yield to the gentleman from South Dakota (Mr. THUNE), who has been another leader in our effort to wipe out the marriage tax penalty.

Mr. THUNE. Madam Speaker, I thank the gentleman from Illinois (Mr. WELLER) for yielding.

The gentleman from Illinois (Mr. WELLER) has been an outspoken advocate. I have cosponsored his bills in past sessions of Congress, at least in my first term in Congress as well as this current one, and the gentleman has spearheaded and led the effort to remove this crushing burden on married couples in this country, and so I credit with him that, and elevating it to the level where actually we are going to have a vote on this, which I think is a remarkable accomplishment. Again, it is a great credit to the hard work and effort the gentleman has put into it.

I think it is entirely appropriate. Moreover, it is a moral imperative that we get rid of the marriage penalty and the Tax Code. A lot of people, I think, who probably listen to what comes out of Washington as we talk about this whole issue probably think to some degree that it is a discussion like a lot of things in Washington in the abstract; this is some theoretical thing. The reality is, this is a real issue which affects real people in a very real way.

Think about the number of married couples who are out there. The marriage penalty strikes hardest really at middle-income families. Most marriage penalties occur when the higher earning spouse makes somewhere between $20,000 and $75,000 a year; and I will give an example of someone who came into my office a few weeks back who fits right into that category. They are a young couple who live in Sioux Falls, South Dakota. They have two children. One of them works, makes about $46,000 a year, the other one about $21,000 a year. As they sat down and calculated their taxes this year, they came to the harsh realization that they were going to pay $1,953 more for the privilege and benefit of being married.

That is flat wrong. That is something that needs to be changed, and I could not help but sympathize with his situation because I think it is typical of many throughout this country, throughout America, certainly throughout my home State of South Dakota, where there are a lot of hard-working couples who have children who are both working, trying to make ends meet, trying to put a little aside for retirement, trying to put some money aside for their kids' education, pay the bills, raise their children, live their lives and who should not have to be penalized for doing that.

Frankly, that is exactly what has happened over time is this marriage penalty has become more and more of a burden in our Tax Code. As this drumbeat continues to go on in the effort that the gentleman has led to move this issue forward, to elevate it in people's minds across this country, I think we have gotten to the point where, in fact, we may even have a President who when this reaches his desk, and hopefully it will soon, he will be forced to sign it because his pollster is going to tell him he has to. The President obviously has shown a great aptitude for seizing on issues which meet with public approval, and I think this is a case in point. I think he has sort of co-opted it.

What the President proposed in his effort to address the marriage penalty in the Tax Code is small. He has basically come up with a quarter of the plan that we have.

The President has essentially proposed marriage without the honeymoon. He is going to give people a little bit of tax relief from the marriage penalty but, frankly, only addresses about 9 million couples where the legislation that the gentleman has authored and which we will vote on tomorrow helps 28 million working couples in this country, eliminates this crushing burden, this punitive burden from the Tax Code and, frankly, I think restores some level of fairness to the Tax Code.

So I would hope that as we have this debate and hopefully as people across America hear this debate over the course of the next several days that the pressure will build, it will mount. People are realizing what this is. I had an opportunity to visit with a tax accountant this week and discussed with him what we were looking at doing. He could not have been happier to see that. As I shared with him some of the particulars of the people who have contacted me about this, he says that is exactly right.

I said I cannot imagine that someone in a middle income at that time category with two young children, who are both working, are going to pay $1,900-plus dollars more in taxes this year for the benefit of being married. We all know that marriage is a costly proposition at times, which certainly should not be added to through the Tax Code and he said that is exactly right. That is about the level of taxation that the marriage penalty would impose on a working couple in this country.

So it is long overdue. This is something which we just have no choice, no alternative, but to deal with. I would certainly hope, as we move forward in this debate, that we will see some movement on the part of the White House.

I appreciate the fact that there are folks on the other side of the aisle who have seen the wisdom in taking care of this issue, have cosponsored the legislation of the gentleman, and will be helpful I think as this debate ensues in, again, driving home the point that this is something that just as a matter of fundamental principle, an axiom of fairness in the Tax Code, needs to be addressed.

So I am happy to participate in this effort, to be a cosponsor of the legislation, and will work vigorously to see that this burdensome, onerous, crushing burden that we have in the Tax Code today is removed once and for all and that we liberate married couples in this country in a way that will allow them to provide for their family's future and restore some level of fairness in the Tax Code today.

So I appreciate again the effort that the gentleman has made and would just say to him that on behalf of the people that I represent in the State of South Dakota, this is certainly going to be a very welcome thing. It is a very real issue which affects real people in a very real way on a daily basis.

The gentleman alluded to earlier the things that could be paid for if it was not costing an additional $1,400 a year to pay for the cost of this marriage penalty, from child care, to college, to car payments, to school clothes for the kids, to a family vacation perhaps. Health insurance is something that we have been trying to address, free up additional resources so that people in this country can afford to have health care; a down payment on a home, perhaps putting money aside into an IRA or retirement plan. There are so many things that if we look at it in the overall picture, where this is tremendously beneficial to the people that we really want to help in this country, and those are those folks who get up every morning, the people that I represent in South Dakota who get up day in and day out, work hard to pay the bills, to make that living and hopefully put a little bit aside for retirement. This is one way that this Congress can help, in a very profound way, them get that job done.

I think we are in a position to do this because of a lot of the decisions that have been made in the last couple of years in the area of fiscal responsibility on behalf of people in this country getting spending under control. We have seen now that as the surpluses start to mount up, a lot of it has to do with the measure of fiscal responsibility, fiscal restraint, the resolve that the class of the gentleman from Illinois (Mr. WELLER), when they came to this Congress and took over the Congress in 1994, and those of us who joined them later had in order to put us in a position where we could make this change.

It is a fundamental issue. It is an issue and a matter of fairness. It needs to be done. As we move this through the House tomorrow, I hope the Senate will act on it and the President will sign it into law and we can end this burden once and for all.

□ 1100

So, again, I thank the gentleman from Illinois for the leadership effort that he has made on this issue and again would offer my full effort, support, anything that I can do to make this become a reality.

Mr. WELLER. Madam Speaker, reclaiming my time, I want to thank the gentleman from South Dakota (Mr. THUNE) for his tireless work on our efforts to eliminate the marriage tax penalty.

As the gentleman from South Dakota (Mr. THUNE) pointed out, it is all about fairness. As we work this year to pay down the national debt and help our local schools and strengthen Social Security and Medicare, we also want to work to make the Tax Code fair. A lot of us believe that the most unfair consequence of our complicated Tax Code is the marriage tax penalty suffered by 25 million married working couples who, on average, pay $1,400 more just because they are married.

Now, tomorrow we are going to have an opportunity to vote on legislation which will essentially wipe out the marriage tax penalty for 25 million couples. I am disappointed that those on the other side, particularly the Democrat leadership and some of the bureaucrats down at the Treasury Department, only want to help about one-fourth of those who suffer the marriage tax penalty.

In fact, they say if one owns a home and itemizes their taxes, they do not want to help one. I do not think that is fair either. If we want to help those who suffer the marriage tax penalty, we should help everyone who suffers the marriage tax penalty.

I find, whether I am at a union hall, the steelworkers' hall in Hegwish in the south side of Chicago, or a grain elevator in Tonica, or the Weits' Cafe in my hometown of Morris, Illinois, regardless of folks' background or what they do for a living, if they are filing jointly and they are married and they both work, they suffer the marriage tax penalty.

We should help everyone who suffers the marriage tax penalty. The proposal we are going to pass, hopefully with an overwhelming bipartisan vote of support tomorrow, will wipe out the marriage tax penalty for a vast majority of those who suffer it, helping 25 million married working couples who suffer from the marriage tax penalty.

It is all about fairness. Let us be fair to everyone who suffers the marriage tax penalty, those who itemize, those who own a home, as well as those who do not itemize, those under earned income credit all benefit from our effort to wipe out the marriage tax penalty.

Madam Speaker, I am happy to yield to the gentlewoman from Texas (Ms. GRANGER), and I appreciate very much her leadership and her efforts to wipe out the marriage tax penalty.

Ms. GRANGER. Madam Speaker, I am glad to join my colleagues who come to the floor of the House today to talk in support of eliminating the marriage tax penalty. As the gentleman from Illinois (Mr. WELLER) said, it is unfair and un-American penalty.

I want to thank Speaker HASTERT and the gentleman from Texas (Chairman ARCHER), who is doing a superb job in his final year in service to Texas and the Nation, and certainly the gentleman from Illinois (Mr. WELLER) who has been a tireless advocate for marriage tax penalty relief.

There are a number of items in our Nation's Tax Code that are un-American and unfair and in need of immediate reform. But I cannot think of a tax that is more offensive or unfair than the marriage tax penalty. When couples walk down the aisle to say "I do" to each other, they should not be saying "I do" to the IRS.

I am also pleased that President Clinton has come around to our side in favor of fixing this tax. After all, how could anyone argue that it is fair to require couples to pay more tax simply because they choose to get married? We are not talking about rich or wealthy couples. We are talking about regular, hard-working couples that have no choice but work as husband and wife to pay the bills together, to make ends meet, and to save for a house or start a family.

Twenty-five million American families have to pay an average marriage tax penalty of $1,400. In fact, over 60,000 couples in my district alone, in my congressional district, the 12th District of Texas, pay that penalty. Couples should not be penalized because they chose to commit themselves in the holy bonds of marriage.

The legislation that will pass the House tomorrow provides four times more relief for working couples than the President's proposal. In fact, the President's proposal will provide up to $210 in tax relief per couple. But our legislation, H.R. 6, provides up to $1,400 in tax relief per couple.

The President's plan would double the standard deduction for married couples over 10 years. Our plan would double the standard deduction next year, make it immediate. The President's plan would help about 9 million American couples, but our plan would help 28 million American couples.

I want to take a moment to talk especially about how this tax is unfair often to women. The fact is that the marriage tax penalty is biased against the spouse that has the lower income, which, unfortunately, oftentimes is the wife. This happens because the marriage couple's income is pooled, and the first $43,050 of combined income is taxed at 15 percent. Combined income above this amount is taxed at 28 percent. That is highly unfair, because if the married couples were single, both incomes would be taxed at 15 percent. The House bill fixes this problem by doubling the single earner deduction for married couples.

I look forward to passage of H.R. 6, the Marriage Tax Penalty Elimination Act, and I look forward to voting that and going back to my district and saying, I have done something to make this Tax Code fairer. I think it is the first step in other steps that we need to provide a tax that people understand, they believe is fair and equitable.

I appreciate the gentleman from Illinois (Mr. WELLER) very much for his leadership in this stand.

Mr. WELLER. Madam Speaker, reclaiming my time, I want to thank the gentlewoman from Texas (Ms. GRANGER) for her leadership and efforts to wipe out the marriage tax penalty. She has made a very important point that those who really suffer the most from the marriage tax penalty tend to be working women. Traditionally, and it is changing, but traditionally the second earner has been a women. Now it has changed where more women are becoming the primary bread winner, but traditionally that has not been the case.

Right now, if a woman is in the work force, that causes a marriage tax penalty. It is just not right that she is punished, as well as her husband, if she goes into the work force because they want a little extra money to make ends meet and care for their children.

So, clearly, as we work to eliminate the marriage tax penalty, there is a lot of people who benefit, 25 million married working couples who benefit from our efforts to wipe out the marriage tax penalty.

As the gentlewoman from Texas (Ms. GRANGER) also pointed out, the primary beneficiary of the legislation that we are going to vote on tomorrow are those with incomes between $30,000 and $75,000 in combined income, joint income between husband and wife who suffer the marriage tax penalty.

With the legislation we are going to pass out of the House tomorrow, hopefully with an overwhelming bipartisan support, and I would note that there are 30 Democrats that are cosponsoring, along with a total of 241 bipartisan cosponsors, almost every Republican is a cosponsor of this bill, that we wipe out the marriage tax penalty.

But also for a couple making $30,000 a year, we essentially wipe out their tax burden entirely. In fact, according to the Joint Committee on Taxation, a bipartisan tax advisory panel that gives tax advice when it comes to tax issues to the House Committee on Ways and Means as well as other Members of the House and Senate, if a married couple has a combined income of $30,000, which is a pretty moderate income, they would see almost 94 percent of their tax burden wiped away as a result of this legislation. If a couple has a combined income of $75,000 between husband and wife, they would see about a 10 to 11 percent reduction in their tax burden as a result of wiping out the marriage tax penalty. That is real money when we think about it.

The average marriage tax penalty is $1,400. It is just not right that marriage couples pay an average $1,400 more because they are married compared to an identical couple with identical couple who are not married and may live together.

Back in the south suburbs of Chicago and the area I represent, there are 1.1 million Illinois married couples who suffer the marriage tax penalty. Fourteen hundred dollars is 1 year's tuition for a nursing student at Joliet Junior College, our local community college. It is 3 months of day care for a family with children with a child in a local child care center. So it is real money for real people.

Madam Speaker, I am happy to yield to the gentleman from Minnesota (Mr. GUTKNECHT) who has been a real leader in our effort to bring fairness to the tax code by eliminating the marriage tax penalty.

Mr. GUTKNECHT. Madam Speaker, I thank the gentleman from Illinois (Mr. WELLER) and especially for this special order and all that he has done over the last several years to call the public's attention to this.

I was thinking, if one had been Rip Van Winkle and had fallen asleep 40 years ago and one woke up and one realized how much this government, the Federal Government the State government, the local government, how many different taxes they lay on people and have imposed over the last 40 years. We finally reached a point where the average family, according to the Tax Foundation, the average family in America now today spends more for taxes than they do for food, clothing, and shelter combined. I mean, who would have thought that 30 or 40 years ago?

But more importantly, who would have even imagined that we would have found a way or Washington would have found a way to tax marriage. I mean, it really is almost preposterous on its surface to even think about a fact that married couples pay extra taxes just because they are married.

I have to tell my colleagues a story. My wife, Mary, and I have been married 27 years. Okay. And she has been dealing with me for all of those years. We probably do not have all that complicated of taxes. But she is a much better accountant than I am, so she does our taxes. We have actually gone to tax preparers. We have had CPAs do our taxes in the past. The truth of the matter is I think my wife, Mary, does a more thorough job than anybody else.

Well, this weekend, she did our taxes. She was not in a good mood. Because she also works part time as a teacher in a nursery school in Rochester, Minnesota, and she loves the job. In fact, she does not do it for the money because, after 12 years, I think she is up to about $10 an hour, something like that. She certainly does not do it for the money. She does it because she enjoys the kids, she enjoys the work, she enjoys the school.

But after doing our taxes and realizing how little she gets to keep of her paycheck at the end of the day, she said, "You know, it is time you guys eliminate this marriage penalty tax, because if I were taxed at the 15 percent level for what I do, it would be at least worth it."

I think the illustration the gentleman from Illinois has of that attractive young couple there, I want to make a couple of points. The President, and I think many of us, have been talking about the importance of education and why we need to attract more good people into the field of teaching.

But if we really look at this, we found out with some research in our district, for example, this marriage penalty affects 70,000 married couples in the First Congressional District of Minnesota. The interesting thing is, and we do not have the hard evidence yet, in the discussions that we have had and the phone calls we have had in our office, and extrapolating some things, we have come to the conclusion that one of the groups that is punished the most by this marriage penalty tax, the ones who have to pay the extra taxes more often than anybody are teachers.

It is interesting how many teachers, if one gets into it and goes into a school system, one finds that the art teacher is married to the English teacher or vice versa, or the principal is married to an elementary teacher. Or in many cases one may have one of the spouses who works at a local plant and a teacher who works.

But if one stops and thinks about it, one of the groups that is affected more than any other single group are teachers. If we want to attract people into the education profession, it seems to me the last thing we ought to do is punish them for getting married.

So this is about fundamental fairness. I know that the President and some people say, well, what we need to do is just tinker around the edges, and we want to provide some relief to certain targeted groups. Well, in my opinion, if something is unfair, we ought to pull it out by the roots.

So I am going to congratulate the gentleman from Illinois (Mr. WELLER) and all the Members of the Committee on Ways and Means for the work they have done to try and eliminate this unfairness. It should never have been allowed to happen in the first place. Now is a chance to, on a stand-alone bill, to allow the American people to understand what this means to them, their families, their future.

In some respects, this is a debate about fairness. But at the end of the day, it is also a debate between the family budget and the Federal budget. Since the gentleman from Illinois and I came here in 1995, we have really had a battle on our hands to control Federal spending.

There is a lot of good news. We have moved from a $220 billion deficit to now, for the first time in the last 2 years, we have had real surpluses here at the Federal level. That happened because we recognize that if we dramatically slow the rate of growth and Federal spending, it was not that long ago Federal spending was growing at 6, 8, 10, 12 percent per year. Well, the last several years, Federal spending has been growing at a slower rate than the average family budget.

In fact, even this President, and we have to congratulate him on this, the budget he submitted the other day calls for an increase in total Federal spending of 2½ percent. Next year, we believe, and the economists we talked to believe that the Federal budget should grow at somewhere around 2½ percent. But the average family budget in America is growing at 3½ percent.

Now, that is a tremendous success story. If we can keep that kind of momentum going and limiting the growth in the Federal budget to less than the growth in the average family budget, it means we are going to see real surpluses. Those surpluses can go to pay down debt. Those surpluses can go to make certain we protect Social Security and have generational fairness.

But I think also some of that surplus ought to go to correct some of these unfair inequities in the tax code. One of the most glaring examples is this marriage penalty tax which married couples have been paying.

I also want to say this, in this debate between the Federal budget and the family budget, I know the Federal Government, and I know the family, and I know the difference. I know who can spend that money smarter. If that young couple or some of the people that I have talked to in my district has an extra $1,400, $1,500, $1,600 a year, I believe that they can spend that money a whole lot smarter than the Washington bureaucrats can. I think they can get more value for it. I think in the end of the day, if we allow those people to keep, spend, or invest their own money, we are going to keep this economy growing and stronger as we go forward.

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So it is about generational fairness, it is about fundamental fairness, it is about the difference between the family budget and the Federal budget. And if we continue to control Federal spending, we can provide this kind of tax relief. We can do it this year.

In fact, the only argument I might have against the bill that will be on the floor tomorrow is that it ought to be retroactive. I believe we have the money in the budget this year so that as people are doing their taxes this year, as they are beginning to fill out their tax forms, there ought to be a way we might be able to do something retroactively. Not just for next year but this year. Let us eliminate this marriage penalty now.

Finally, let me say this is not a debate between the Republicans versus the Democrats. This is not even right versus left. This is a debate of right versus wrong. And it is simply wrong to make married couples pay extra taxes simply because they have a marriage certificate. The gentleman knows this, I know it, and the American people now know it.

In fact, if anyone wants to visit our Web sites, my own Web site is gil.house.gov. That is www.gil.house.gov. And if people go to that Web site, Members or people who might be watching this, if they go to that Web site, there is actually a calculator there. It takes a few minutes, but they can see if they are a married couple, both working, how much they are currently paying in terms of a marriage penalty.

The idea of saying, well, we are going to do this for people who do not itemize but we will not do it for people who itemize, in my opinion, that does not really solve the problem. In some respects it makes the unfairness even worse. So I congratulate the gentleman and the members of the Committee on Ways and Means. As I say, it is not a debate between Republicans versus Democrats; it is not even right versus left. It is right versus wrong. The system is wrong, we have a chance to correct it, the surplus is there, and part of that surplus ought to go to changing this glaring error in the Tax Code. So I congratulate the gentleman.

Mr. WELLER. Madam Speaker, reclaiming my time, I want to thank the gentleman from Minnesota, who has been a tireless advocate for wiping out the marriage tax penalty and speaking out on behalf of families in Minnesota. I appreciate very much his leadership.

The gentleman from Minnesota made an important point. He said that the legislation we are going to pass out of the House of Representatives tomorrow, hopefully with an overwhelming bipartisan vote, is a stand-alone bill that does one thing, and that is this legislation wipes out the marriage tax penalty for couples like Shad and Michelle Hallihan, two public school teachers from Joliet, Illinois. If we think about it, last year, when President Clinton and Vice President GORE vetoed our efforts to eliminate the marriage tax penalty, it was part of a package. There were other tax unfairness issues we were trying to address. And President Clinton and Vice President GORE said they would much rather spend the money than bring fairness to the Tax Code.

This year there are no excuses, because we are going to send to the President a stand-alone bill that does one thing, wiping out the marriage tax penalty for those who suffer it, and that is 25 million married working couples who pay higher taxes just because they are married. It is not right. It is not fair.

Madam Speaker, I yield to the gentleman from Tennessee (Mr. WAMP), who has been a tireless advocate as well in our efforts to wipe out the marriage tax penalty.

Mr. WAMP. Madam Speaker, I thank the gentleman, and I especially thank the gentleman for all the work that he has done. He is the bulldog around here for marriage tax penalty relief. It is many years he has been working day in and day out to bring us to this point. Tomorrow we will actually have this significant vote. We have even brought the President to this issue. And I think there is now some bipartisan support around marriage tax penalty relief.

But I wanted to make four points today about this very important initiative. First, the marriage tax penalty is a penalty. So when people say tax cuts, and we have had all this rhetoric about tax cuts, this is actually a penalty. So we want to do away with penalties. This is an equity issue, a fairness issue.

Frankly, I think it is very similar with the death tax. I think the death tax is grossly unfair. Since that money has already been taxed while an individual is living, it is grossly unfair when they die the money is taxed again. And so those really are the two linchpins of equitable taxation, is to eliminate this marriage tax penalty and to eliminate the death tax. I think we should try to do both, and I am very encouraged that we are bringing Democrats and Republicans together around this first step, which is marriage tax penalty relief.

Also, I want to remind everyone in this House that when I was born, in 1957, the combined State, local, and Federal tax liabilities of the average American was less than 10 percent. My father reminds me of that often. Ten cents on the dollar. Down South they have that bumper sticker that says "What is good enough for Jesus ought to be good enough for Uncle Sam." And that is the 10 percent figure. Today, though, that combined tax liability for working Americans is approaching 50 percent.

Now, we have held the line on taxes for the last several years and that is good. We have a good economy, and there are many economic benefits of what is going on in this country. But we must recognize that the trend towards higher taxation is not a favorable trend. And if this continues, the young people in this country will be saddled with so much of their take-home pay going back to the government in taxes that they will not be able to survive.

Frankly, there are many families that have to have two income earners now, and now those two income earners are working multiple jobs. It squeezes the time that we can spend with our children. There is a real crunch there. We have got to give the American family some tax relief. This is one step in that direction. We must roll back the layers of taxation on the American people, and we must have a tax program that encourages marriage and encourages families.

The third point. We need to advocate pro-family tax relief for the institution of marriage and the institution of family. We need to go beyond this. We need to look at some of the systemic problems with early childhood development, to use our Tax Code to give families the ability to stay with their children more in those early formative years.

This past year I was vice chairman of this bipartisan working group on youth violence. We found many things through that great process, and other Members in this chamber today were part of that process; and one of the things that was undeniable is that violent behavior or any kind of adverse illegal-type behavior manifested among teenagers is actually traced back to their loving, tender care at an early age from their parents. If a teenager is violent, they were probably neglected or abused or mistreated as a small person. There is a direct connection with a loving, caring parent and good behavior later in life.

We need a Tax Code that really encourages the stay-at-home opportunity for a mom or a dad, or whatever the family chooses, so that our young people have more family time with their parents. So this type of tax policy, one that eliminates the marriage tax penalty, one that encourages families to spend more time together, quality time, and allows families to economically stay ahead but also spend more time together in bringing our children up in the proper way in this country is at the heart of a great society.

We should be a great society. In order to do that, we need to come together in a bipartisan way and pass this with overwhelming support and send a message to the President that it is time now to sign marriage tax penalty relief. And I thank the gentleman for yielding.

Mr. WELLER. Madam Speaker, I want to reclaim my time and thank the gentleman from Tennessee for his leadership in helping families. He has been a tireless advocate in making the Tax Code fair. That is what it is all about. Our goal is to make the Tax Code fair for working families, those who work hard, pay their bills on time, and pay their taxes on time. They all tell me they pay too much in taxes, but they complain even more about how unfair the Tax Code is; that it is too complicated and that our Tax Code punishes marriage, it punishes family, it punishes those who are entrepreneurs and create small businesses.

Clearly, a decision has been made by our leadership, under the leadership of our House Speaker, the gentleman from Illinois (Mr. HASTERT), that we are going to do something that is a good idea. We are going to send to the President a stand-alone bill that does one thing. So there are no excuses. There are no excuses for Bill Clinton to veto this bill this time. And that is we are going to send to the President legislation that will help 25 million married working couples by bringing fairness to the Tax Code, that wipes out the marriage tax penalty.

The proposal we will vote on tomorrow does several things. It helps those who do not itemize, by doubling the standard deduction for joint filers to twice that of singles, and that will take care of about 9 million couples. We also widen the 15 percent bracket to help those who itemize their taxes. And as we all know, the primary reason middle-class families itemize their taxes is because they own a home. So if we want to help those other couples, and we are going to help 25 million couples, we have to help those who itemize; those who own a home and pursue the American dream. They should not have to continue paying the marriage tax penalty just because they are a homeowner. That is wrong.

We also help those who participate in the earned income credit, the working poor. Those who are at the edge that need a little extra help. Of course, Ronald Reagan created the earned income credit program back in the mid-1980s to help families that are working poor and of course want to be in the work force and be able to support their children and raise their families in a good quality of life.

So we wipe out the marriage tax penalty for 25 million married working couples, we help those who itemize and suffer the marriage tax penalty, and we help low-income families. And under our proposal, according to the Joint Committee on Taxation, the biggest beneficiaries are those with incomes between $30,000 and $75,000. In fact, for a couple making $30,000 in combined income, 97 percent of their Federal income tax is wiped out when we wipe out their marriage tax penalty. For those making $75,000, we reduce their tax burden by about 11 percent when we wipe out their marriage tax penalty.

I think of young couples like Michelle and Shad Hallihan, two public school teachers in Joliet, Illinois, who suffer the marriage tax penalty. They both teach in Joliet public schools. They just had a baby, and they are excited about that. And as Michelle told me, she says if we can convince the Congress and the President to wipe out the marriage tax penalty, what the marriage tax penalty means to couples like Michelle and Shad Hallihan is about 3,000 diapers for their newborn child.

The marriage tax penalty is real money for real people. It is $1,400 on average. Twenty-five million married working couples suffer the unfairness of the Tax Code when they pay $1,400 more in higher taxes. In the south suburbs of Illinois, on the south side of Chicago, the area I have the privilege of representing, $1,400 is 1 year's tuition at Joliet Junior College, the local community college. It is 3 months of day care. It is several months of car payments. $1,400, the average working tax penalty, is a significant contribution to an individual's retirement account, those IRAs. It is real money for real people.

Tomorrow, H.R. 6, the Marriage Tax Elimination Act, will be brought to the floor of this House to be debated. My hope is it will pass with an overwhelming bipartisan majority. It is all about fairness, bringing fairness to the Tax Code. My hope is Democrats will join with Republicans in wiping out the marriage tax penalty.

I am pleased that thanks to the leadership of my colleague and friend, the gentlewoman from Missouri (Ms. DANNER), who is our chief Democratic cosponsor of H.R. 6, we have 30 Democrats that have joined as cosponsors as part of the 241 that are in support of this bill. Tomorrow is a big day. Let us wipe out the marriage tax penalty. Let us bring fairness to the Tax Code. Let us have a strong bipartisan show of support for H.R. 6, wiping out the marriage tax penalty and bringing fairness to the Tax Code.

CONDOLENCES TO THE HONORABLE LOIS CAPPS AND FAMILY

(Mr. DREIER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I would like to rise on this day, while many of our colleagues are participating in a service for former Speaker Albert, to take this time to extend my condolences to our colleague, the gentlewoman from California (Mrs. CAPPS) and her family members.

Obviously, they have gone through a real struggle, with the tragic death of our former colleague, Walter Capps, not long ago, and now the loss of their daughter Lisa, a young woman 35 years of age, a professor in California, who is the mother of two young children. And I would simply like to say that during this very difficult time, I know that our colleagues would join in extending our condolences to the family members.

Last night I spoke to a close friend of the family's who said that, obviously, they are dealing with a very difficult situation; and I would simply like to say that personally my thoughts and prayers are with the family members, and I certainly wish them well as they deal with this great challenge.

NATION'S FISCAL AND FINANCIAL INTEGRITY

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Tennessee (Mr. TANNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TANNER. Madam Speaker, I know all of us here join with the gentleman from California (Mr. DREIER) with regard to the gentlewoman from California (Mrs. CAPPS) and her family.

Madam Speaker, we have some Blue Dogs that are going to show up down here on the floor in a few minutes. And as many of the Members know and some here know, the Blue Dog Coalition is a group of around 30 Democrats who have concentrated for the last 3 or 4 years on budgetary and financial matters that this country faces.

We are going to talk for the next few minutes about our Nation's fiscal and financial integrity and, as importantly, what it means to the young people in this Nation as we are poised today really at a crossroads.

I hope that those who listen will be somewhat informed or enlightened after we are through. I am joined by the gentleman from Texas (Mr. TURNER) at the moment.

Before I recognize the gentleman from Texas (Mr. TURNER), let me take just a minute, if I may, to talk about our Nation's financial picture.

Madam Speaker, most observers agree that our national debt is about $5.7 trillion. That $5.7 trillion is composed of two separate and distinct different types of debt. The $1.7 trillion is the amount of money we, the people, owe to we, the people. It is a bookkeeping entry. It is represented by assets of the Social Security trust fund, the trustees gift to the Treasury, monies that come in under the FICA tax and the Treasury gives to the Social Security trustees a non-negotiable instrument, bill, note or bond; that represents about, that and other debt, Federal Reserve holds some of it, about $1.7 trillion.

We, the people, do not actually write checks for interest on that part of the debt every year. The other part of the debt we do, that $3.7 trillion or $8 trillion debt, we actually write checks every year for interest. Last year, almost $240 billion of interest paid on monies that have been consumed by people my age and older.

Madam Speaker, to give you some idea of how much money that is, $240 billion a year, it is the third largest item of the Federal budget only behind Social Security checks and Nation's defense. Said another way, it represents 13½ cents of every dollar that comes to this town. Said another way, we have a 13½ percent mortgage on this country simply because we have not had the willpower to retire this debt. Instead we just roll it over and continue to pay interest on it.

Put another way, and this is staggering, a third, fully one third of all the income taxes that the American people, individuals and corporate America, pay every April 15 goes to pay nothing but interest on it, the national debt, this $3.8 trillion dollars of hard debt that we owe.

Madam Speaker, we are going to in this House tomorrow, I guess, start taking up individual pieces of tax measures that are all very, very popular. All in my judgment or some of them need to be done.

You know what? We do not have a budget. I do not know where the marriage penalty fits in to anything. Is it more important than raising the pay of the men and women in the uniform service of this country that risk their lives?

Is it more important, is it a higher priority than doing something for the veterans who we promised we would do something for years ago, if they would give us their productive lives? I do not know.

We do not have a budget wherein we fit priorities. Is this a higher priority than, for example, medicine? We know that rural providers in this country are having a hard time keeping the doors open. Some of them will close if we do not do something about that. And you know what happens when some of them close? Somebody, maybe your father or my father or somebody's brother or child, is going to die because that clinic in that small town in rural America or that hospital closed and they had to drive 50 miles to get to a suitable medical facility. I do not know where it is going to be, but I see it is going to happen.

I see the gentleman from Iowa (Mr. GANSKE) over there. He can tell you that it is going to happen. Because sometimes seconds make the difference between saving someone's life who is bleeding to death or having a heart attack or a stroke.

So is the marriage penalty a higher priority than saving some child's life who has happened to cut his hand? I do not know. But I do know this, without a budget resolution where those decisions can be made, we are not, in my judgment, fulfilling our stewardship at this point in time to the American people as it relates to retiring, not just rolling over the debt, retiring the debt so that the money saved, the interest that you young people here will have to pay some day, is less.

We are not, in my judgment, exercising proper businesslike stewardship of this Nation's monies if we do not have a budget that provides for debt retirement, for the past promises we made with respect to Social Security recipients, for the past promises we made to the veterans, for the past promises we made to Medicare recipients. Those things are important. Promises made and obligations kept, that is a value that we cherish in this country.

Until we have a budget where we know where we are, where we know what fits in this piece and that piece, it seems to me that one could argue from a businesslike standpoint that it is not only unwise but it is irresponsible to start bringing tax bills to the floor without some way of knowing where they fit in in terms of our priorities as a people.

Now, let me stop here and recognize the gentleman from Texas (Mr. TURNER) who has been a leader of the Blue Dogs. As I said earlier, we are interested in the financial integrity of this country and our ability not only to meet past promises but future obligations; and he has been a leader on that.

Mr. TURNER. Madam Speaker, I thank the gentleman from Tennessee for yielding. The gentleman from Tennessee (Mr. TANNER) always does such an outstanding job on trying to be sure that we stay on a fiscally responsible course in this Congress through his membership on the Committee on Ways and Means and his leadership of our Democrats who are members of the Blue Dog Coalition, which, as the gentleman from Tennessee (Mr. TANNER) mentioned, is a group of Democrats, about 30 of us, who meet together every week and talk about being sure we keep this country on a fiscally responsible course.

Now that is the main mission of the Blue Dog Coalition is to be sure we are fiscally responsible. And it is hard to understand how we can be here in the second full week of this Congress and have the Republican leadership come to the floor tomorrow with a marriage penalty tax cut bill.

Now, all the Blue Dogs are united in favor of tax cuts. And the marriage penalty is one issue that we believe very strongly needs to be dealt with by the Congress. The problem is the Republican leadership have decided to take the same old approach that they provided in the trillion-dollar tax cut that they proposed last year that we Democrats opposed and the President vetoed, they have decided to take that trillion-dollar tax cut and cut it up into little bits and pieces and roll them out on the floor in one little bit and piece at a time. The same old proposal.

Now, the House rules provide very clearly that you cannot consider a tax proposal, a tax cut, a tax bill until the Congress has adopted the annual budget. And that rule makes a whole lot of sense. You do not put the cart before the horse.

The Committee on the Budget in this Congress has the responsibility to adopt a framework for the fiscal affairs of the Federal Government every year and to adopt a budget. Once we have adopted a budget and have decided how much we are going to allocate for the various spending needs, how much we have to pay down the national debt, how much we are going to apply to tax cuts, then we are ready to come to this floor and pass individual pieces of legislation, appropriation bills and tax cut legislation, to fit within the framework of the budget.

For some reason, I guess in a complete abdication of fiscal leadership, the Republican leaders have decided they will just forget about a budget and they are going to bring the first of a series of tax cuts to the floor beginning tomorrow.

Now, the truth of the matter is we all believe in cutting taxes. But the American people spoke loudly and clearly last year when, throughout my district, they told me they believe that the first priority of the Congress is to pay down that $5.7 trillion national debt. If we divide that debt out among all the families in America, for a family of four, it is about $84,000 per family. Now, that debt was run up over the last 30 years.

When I came to Congress 2 years ago, 3 years ago now, one of the objectives I had was to be sure that we do not pass on that $5.7 trillion debt to our children and our grandchildren. And what better time to try to pay down the national debt than right now when economic times are good. This may be our best opportunity to deal with the national debt that, as the gentleman from Tennessee (Mr. TANNER) pointed out, takes about 13 percent of our budget every year just to pay the interest on that national debt. The debt is too big.

We have had expert after expert come before this Congress and testify that the best tax cuts we can give the American people is to pay down the national debt. Because when we pay down the national debt, we take the Government out of the business of borrowing so much money and that means there is less demand for funds and interest rates all across this country will be lower.

For most families trying to make ends meet, pay off a home mortgage, buy a car, send their children to college, and most folks have to borrow the money to do it, a lower interest rate will mean more to them than reduced taxes.

When the trillion-dollar tax cut was brought to this floor and passed in this house, the Democrats unanimously proposed a better option. We said take 50 percent of our estimated future surplus, which we hope will be there, nobody knows for sure, but let us take 50 percent of the estimated surplus and let us use that to pay down that $5.5 trillion national debt; let us take 25 percent of the future surplus and use it to save Social Security and Medicare, which is going to be under great stress when folks my age begin to retire about 15 years from now; and let us take the last 25 percent and dedicate it to a good tax reduction that will benefit average working Americans.

Mr. MINGE. Madam Speaker, will the gentleman yield?

Mr. TANNER. I yield to the gentleman from Minnesota.

Mr. MINGE. Madam Speaker, my colleague has been emphasizing the importance of a tax cut in terms of paying down the debt and what that can do to reducing interest rates. There are a couple of charts here which I think would be of interest to our colleagues in this respect.

One chart shows what reducing the debt means to America's families. And as my colleague has pointed out, when the Federal Government is in the market borrowing money competing with the private sector for that money, it drives up interest rates.

It has been calculated that if we can reduce the publicly held debt from $3.7 trillion down to $1.3 trillion, which is possible if we show the type of discipline we have been talking about, that interest rates on homes are projected to climb by 2 percent and that this would reduce the monthly payment that America's families have on an average home of $115,000 a mortgage of that size by approximately $150 a month.

So there is a dividend right away to America's families. It is building on what my colleague talked about.

Secondly, we can look at students. And if we are looking at students, they would receive a dividend that is estimated to be $35 a month on their student loans if we would reduce the national debt in that fashion.

□ 1145

So this interest rate dividend has been projected and has been calculated, and I thought that this would be a very good way to illustrate with some specific numbers the exact point that the gentleman just made.

So I would like to thank the gentleman for making that point and yield back.

Mr. TURNER. That point is certainly well taken. I think the benefits of paying down the debt maybe are not quite as obvious to the American people as we need to try to make it. Most of the people I talk to in my district are fiscally conservative folks that believe if you owe $5.7 trillion dollars, you ought to try to pay that down. They do not believe in owing money. Many folks do not realize in addition to paying down the debt, as the right thing to do, that we will get an interest dividend that the gentleman from Minnesota talked about.

I really believe that the important thing for us to emphasize to the American people is that our Republican leadership, beginning tomorrow, is coming back with the same $1 trillion tax cut that they tried to pass last time and that the American people realized was just a ploy to try to show who could be for cutting taxes the most, and now they are breaking that big $1 trillion tax cut down into little pieces and trying to roll them out here on the floor, because it is harder to vote against a little tax cut than it was that $1 trillion one, hopefully forcing the Members of this House to vote for a tax cut.

We are going to vote for a marriage penalty tax cut as Democrats, but we are going to do it in the context of a budget that reduces the national debt, that saves Social Security and provides the kind of tax relief that average working Americans need.

Mr. TANNER. Madam Speaker, I thank the gentleman. I want to take this time to recognize another Texan. Being from Davy Crockett's district, I have to recognize these Texans, as you know, but one of the leaders in the House on financial matters and fiscal conservative business-like principles that we are trying to advance here, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Madam Speaker, I thank the gentleman from Tennessee for yielding. I thank the gentleman for taking the time today and giving the Blue Dog Democrats and perhaps others hopefully on both sides of the aisle the opportunity to engage in this debate before we get into the political debate of tomorrow.

It is difficult to be perceived as being against a tax cut, particularly when you agree that the marriage tax penalty should be corrected, but it is not difficult to oppose a bill that not only corrects the marriage tax penalty, but also gives a marriage bonus to those that are currently getting a bonus. I am sure in the limited time tomorrow we will not have an opportunity to fully debate that.

But the real purpose for which we take this hour today is to talk about why paying down the debt should be the number one priority for this Congress and why some of us on this side of the aisle feel so strongly that not following the regular order of determining the priorities of the Congress is a drastic fiscal mistake.

We now have the opportunity to pay down this debt we all talk about if, and this is one of the big questions, if the projected surpluses materialize. That is why we and the Blue Dogs have been saying now for quite some time, let us not spend projected surpluses as if they are real money, surpluses that may or may not occur in 2007, 2008, 2009, 2010.

Is that conservatism? Are we going to go back to the same fiscal policies that we followed in the 1980s when we borrowed over $3 trillion pursuing a fiscal policy that did not quite work out, unless you perceive that borrowing money by the Federal Government, taking that money away from the private sector, is a good investment.

We do not. We happen to believe that paying down the debt and the fact we are now going to be in our third year of seeing our Federal debt, that which the Federal Government is borrowing, be reduced, is good fiscal policy and has contributed to the fact that we now have the longest single economic recovery period in the history of our country, economic expansion; that unemployment has now hit and gone below 4 percent; that we have more people working in America than at any other time in the history of our country. We think that is the result of something that we have been doing right, and that is that we have been living since 1993 on a course that has gotten us into the position now of actually being able to debate what we are going to do with projected surpluses.

To those that suggest that we start out with a tax cut, you are in fact saying that the plight of rural hospitals is of secondary importance. The fact that we have over 250 representatives from rural communities all over the United States in Washington as I speak begging us for additional investment in hospital care in rural areas, that that is of secondary importance, and we are not even going to discuss that until later, and perhaps never get there, because when you make the argument of a $1.3 trillion tax cut, you will find there is no money available in the budget for additional investments and needed investments in any program.

To those that suggest that we should start with a tax cut, you are saying that we do not need to invest any further in the defense capabilities of this country, that there is no need for us to do anything but freeze defense spending for the next 10 years at current levels; and anyone knows what that will do to the ability of the United States to defend ourselves against what might happen in the next 10 years.

Why are we not debating what the priority investments should be, along with how we shall deal with our Tax Code?

It is no secret we have real problems in rural America in the farming sector. The President has proposed putting into the budget debate an investment, an expenditure, if you please, of taxpayer dollars. Should that not be debated, and if the majority of this House feels that is not a prudent investment, have it voted down? Should that not be considered in the budget process?

When we talk about spending, we have those that believe, and sincerely believe, that all Federal spending almost is a waste of money. They choose to close their eyes to the fact that we, the Congress, in a bipartisan way, over the last 4, 5 or 6 years, have done a pretty darn good job of restraining discretionary spending, a pretty darn good job. Can we do better? Yes. Should we do better? Absolutely. But can we do it in a way in which we say we are going to freeze and continue cutting in the area of defense, of agriculture, of health care?

I repeat, if we cannot find it in our wisdom to recognize that rural areas are being substantially penalized to the degree that we will have to close hospital after hospital after hospital unless we can find it in our hearts and in our judgment to increase spending in this area, then we have to be prepared to suffer the consequences.

Now, I do not think that is what the Congress will do. But my question is simply this to the leadership: Why did you choose to come with the first bill of the year with a tax cut that is politically attractive? Why do you choose to ignore the budget process that we all say we believe in and in which we will make tough choices? Why do you short circuit it? Unless it is, as some suggest, a politically attractive way to get to the $1 trillion tax cut without anybody ever having to face up to the realities of what we are talking about. I think we are making a bad mistake when we do that.

As Members before me have said today, I support dealing with the intricacies of the Tax Code that penalize couples for being married. That is ridiculous. Let us fix that part. But let us do it in the context of a total budget approach that will not jeopardize the economic recovery we have been in now for the last 7 years and that we have all indications we can continue if we just manage to stay on course.

I want to repeat again, and then I will yield back: we are in danger, if we choose this road that we start tomorrow, we are in danger of saying to our rural communities, I am sorry, but there is no money left for investment in health care in rural communities. That is the choice. We are in danger of saying there is no money to be used for increasing the durability and longevity and strength of the defenses of this country, which most of us agree need to be done.

Why are we not having that argument first? That is our question. We will have a motion that will provide that we can do everything everybody talks about, if it is possible to do it within the context of a budget and tough decisions. One of those needs to be being a little conservative with our first bill out of the box. I hope that we will find a way to do that.

One last point: I get real concerned when I see the leadership of the House of Representatives continuing, continuing, to ignore the need of making changes in our Social Security system and our Medicare system for the future. I get very concerned when I continue to hear the finger pointing of the House of Representatives leadership towards the administration for not dealing with Social Security and Medicare and Medicaid, when everyone knows we can do it in the House of Representatives.

Why have we not spent one second talking about the future needs of Social Security in the context of the budget? If we are going to fix Social Security for the future, so our children and grandchildren will have the same benefits that we have today, those on it today, it is going to require some changes; and it is going to require changes that will cause the need of utilizing some of those surplus dollars we are talking about. But we completely ignore that, and I think that is a shame.

Mr. TANNER. Madam Speaker, last year I said when we have projections, and I think the gentleman from Minnesota (Mr. MINGE) is going to talk about projections in a minute, that no reasonable business person in this country that I know of would spend 80 percent of a 10-year projection on anything. That is what we were asked to do last year with that $800-some billion tax bill.

We are for tax cuts, but to obligate 80 percent of a 10-year projection? I do not know what the price of cotton and soybeans is going to be next week, and these people in Washington try to talk about 10 years like it is real money. It is not even here yet.

Madam Speaker, I would like to yield to the gentleman from Minnesota (Mr. MINGE) to speak on what the surplus may or may not be.

Mr. MINGE. I thank the gentleman for yielding.

Madam Speaker, we have an opportunity this morning to discuss here with our colleagues the context in which we are considering a tax cut proposal. It is a tax cut proposal that deals with the problem that all of us agree needs to be addressed; and the question is, what is the most effective way to address it, and what is the appropriate time in this process to address it?

I would like to start out by echoing the comments of our colleagues from Texas in terms of the timing. I serve on the Committee on the Budget. We do not yet have even the beginnings of a budget resolution, and that is the primary task of the committee on which I serve. Indeed, the chairman of that committee, our colleague, the gentleman from Ohio (Mr. KASICH), has written a letter to the chairman of the Committee on Ways and Means expressing his concern about bringing up legislation dealing with tax reductions prior to a budget.

This is not a situation where one party is trashing the other party. This is a situation where even the Republicans recognize that the tax cut proposal ought to follow the development of a budget.

□ 1200

So when the Chair, the Republican Chair of the Committee on the Budget is saying to the Republican Chair of the Committee on Ways and Means, let us do this in a logical process, just like any business organization would do. I think that is an admonition that we ought to take seriously.

Now, we have also mentioned, and so have our colleagues from Texas, the difficulties of projecting what is going to happen in terms of Federal spending and revenues over a decade, and where do we actually stand in terms of the amount of money available. This chart shows what is really available in terms of a surplus and when it becomes available. There is an anticipated surplus if we look at the old figures that were used in 1997, there is an anticipated surplus of $1.85 trillion over 10 years. Now, that is deceptive because as everybody knows here in Washington and actually most people around the country, the so-called budget caps that would generate that kind of a surplus have been broken with regularity over the last 2 years.

So if we simply assume that defense spending, spending for education, for health care, for agriculture, and for a range of other things that all of us recognize as priority matters, that that spending is not going to be cut here in the year 2000 and in the years to come, but instead, there is enormous pressure to simply maintain this level of support for Federal programs and increase it at the rate of inflation. Over half of that surplus disappears, and that is the blue portion of this pie chart, Mr. Speaker: $1.021 trillion disappears.

Given the very strong advocacy on behalf of the Defense Department that is going on today on the Senate side and went on yesterday on the Senate side, and what I know is going to come on health care, and our colleagues have already talked about health care, and what we know is going to come on environmental programs and on education and so on, it is fair to say that this blue portion is truly not a surplus, and that leaves us with the orange and with the green.

Now, the orange represents the extension of tax reduction measures that are currently on the books, and also farm aid legislation that represents some sort of a compromise or a mean between what was done in the early 1990s and what has been done here in the late 1990s in terms of dealing with the very serious problems in the farm economy. If we assume that we are going to extend these tax reduction measures which are currently on the books like the research and development tax credit and others, then this original portion disappears and include with that the type of farm programs I just mentioned. That leaves us with the green portion. That is about $607 billion over 10 years, $60 billion a year.

Now, it is important to note that $200 billion of this is actually surpluses in the Medicare program during the period of time before the baby boom generation retires. I submit that that surplus in Medicare, just like the surplus in Social Security, should not be used for current expenditures. So that brings us down to $400 billion, and this is what we have available over 10 years. The first bill out of the chute would expend almost half of that for one tax problem alone, ignoring all of the other tax reductions that many of us think ought to be considered and also ignoring program priorities and debt reduction which my colleagues have talked about. I submit that the debt reduction component is a powerful consideration and a portion of this surplus ought to be devoted or committed to just straight debt reduction.

We have already talked about the interest rate savings to America's families, to students, and others if we reduce the debt.

Well, this chart, this pie chart I think is important for all of us to clearly understand as we move ahead and determine whether we should take up a tax reduction measure before the budget has been developed and before we know the full dimensions of these matters.

Well, there is a great deal that we need to cover here this morning, and I would like to thank the gentleman for the opportunity to cover this portion of it which has become very clear to those of us on the Committee on the Budget.

Mr. TANNER. Mr. Speaker, I thank the gentleman.

Let me follow up on something that the gentleman said about the uncertainty of this budget projection, this surplus; and I want all of my colleagues to listen to this. If the CBO estimators are wrong in guessing or in predicting what the rate of growth of the economy of this country is going to be for the next 10 years by just one-tenth of 1 percent, if they say over the next 10 years, the rate of growth of the economy is going to be 2.7 percent a year, and it is 2.6, do we know how much money the surplus is reduced just on missing that 10-year guess, one-tenth of 1 percent? It is $211 billion. It is huge, because it is geometrical.

I would submit to my colleagues that no human being, Alan Greenspan maybe excepted, but no human being can tell me or anybody else in this country what the rate of growth of the economy of this Nation is going to be for the next 10 years, and that is why we ought to err on the side of caution as we go forward here, rather than pretending like this is real money that is already here. It is not.

I would like to take this moment to recognize a young leader in Congress who is from the great sovereign State of Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, I thank the gentleman, my neighbor from Tennessee, for managing this hour. I also want to thank Minority Leader GEPHARDT for granting us an hour, the Blue Dogs an hour to actually talk about our plan.

There is bipartisan, bicameral, universal support for a marriage penalty tax deduction or tax decrease. The President has it in his budget, the Democrats have it in their recommittal substitute that we will see tomorrow, the Republicans have it. Truly this debate that we are having here today, and that we will have tomorrow, is not about a marriage penalty. Everyone agrees, everyone has a plan. We will talk about the differences in the plans, but everyone agrees that there needs to be a correction. It was an unintentional glitch in a tax law that happened several or many years ago. So I think that the true debate is about how do we go about it?

Let me give my colleagues a scenario. We come up here a lot, go back to our districts and come up here a lot and we talk about how we ought to run government more like a business. Let me give my colleagues a scenario about where I think we are today in this debate. When a CEO of a company goes out and talks to potential investors asking them to invest in his company, in his idea, do we believe that he will be successful in gaining some financial support from potential investors if he just says trust me, I do not have a plan yet, I cannot see the big picture, I am not sure where we are going to be in 10 years, but I just need some money, because I have this little bitty plan or this notion that is out there. I suggest that this company will not make it very far.

Let me take it one step further. What would have happened under the trust-me notion if this Congress would have passed the $1 trillion tax cut last year? Everyone agrees that after we look at discretionary spending caps, we look at some emergency spending that we only are going to have a projected $780 plus billion surplus over the next 10 years. Think about that. If we would have passed a $1 trillion tax cut last year, we only have $780 billion projected today, and it has only been 6 months. We would be running a deficit before the tax cut even was fully engaged.

So I beg the Republican majority to take a look not at the fact that we need a tax cut. I am going to vote for a marriage penalty tax cut. The American people will have a tax cut bill that will have a marriage penalty decrease in it. I feel good about that. I am almost confident that that is going to happen. But let us put it in an overall budget frame. Let us lay out our plan. That is the responsible thing to do.

We have been very disciplined fiscally over the last several years. That is why we are here today. That is why we can enjoy and have this debate which I guess several years ago we would not have even had about the problems we have with the kinds of surplus that we are predicting.

We need to continue, and I beg the majority to show us a road map. Give us a plan. We want to cut taxes. I am going to vote for it. The Blue Dogs will vote for it, the Democrats will vote for it, and everyone wants it. It fits in a plan. But we ought to spend half of whatever that surplus is in paying down the debt first, 25 percent in a targeted tax cut that should include the marriage penalty and will, I believe, and 25 percent for priority spending.

We have heard my colleagues talk about some of the other spending needs that we have in this country. How do we know if they are more important than something else until we look at the business plan. There is not one person, businessperson in America that could go to the bank and borrow some money today and say I do not have a business plan, but I need some money. Show us a plan. Keep us on the road to fiscal discipline. Keep us on the road of good economies across America, but make sure we do it in the whole picture.

Mr. TANNER. Mr. Speaker, I would like to compliment the gentleman for his leadership.

I will recognize another young leader here who is from the State of Florida and who has been very active with us in trying to do something with regard to a business-like approach to our Nation's financial picture, the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I thank my friend from Tennessee for yielding me this time, my colleague, who is a leader in our Blue Dog Coalition, in coordinating this hour so that we are able to talk a little bit about the surplus and debt reduction and some of the issues that are important to us.

Mr. Speaker, when I first came to Congress 3 short years ago in 1997, I saw something happen that was truly miraculous I thought, having heard all of the bad things about Washington, the partisanship that exists here. But what I witnessed in 1997 was an agreement where the majority leadership, the Republicans in Congress sat down with the President, a Democrat, and actually negotiated in good faith, and those negotiations led to a budget agreement which has provided us fiscal discipline that has produced 2 consecutive years of budget surpluses. It also provided $250 billion in tax relief, and it extended the life of the Medicare program. We were able to do that because of bipartisan cooperation and people sitting down in good faith and negotiating from each side of the aisle.

Fast forward a couple of years to 1999, and we will see that all of those lessons learned from bipartisan cooperation seemed to fly out the window. The majority leadership of the Congress rammed through a totally partisan budget without any input from the President or the Democratic side of the aisle. That partisan budget cornerstone was $800 billion in tax relief and very little for anything else. We all know that this was totally rejected by the American people and actually, this failure to construct a bipartisan budget resulted in that tax bill being vetoed and left Congress and the President haggling over the 13 annual appropriations bills that this Congress must pass.

☐ 1215

Actually, we ended up, as you know, rolling the last five or six into one omnibus appropriations bill, which is never the best way to do it.

Unfortunately, it seems that my friends and colleagues on the other side of the aisle, the majority leadership of this Congress, have not learned from last year's mistakes, and have not recalled the success that can be had when they act like we did in 1997.

Instead of building on the 1997 balanced budget agreement and forging another compromise with the President, what we have this year is an attempt to pass major tax legislation before a budget is even written.

How much of a surplus do we think ought to go to debt reduction? Well, nobody knows because we have not done a budget. How much should go to reforming the social security and Medicare systems that my friend and colleague, the gentleman from Texas (Mr. STENHOLM), spoke so eloquently about?

We know that is the major, major social problem for this country moving into the 21st century, the viability of the social security and Medicare system. How much of this surplus will be required to deal with those problems? We do not know. We do not have a budget. We have not written our budget plan.

How much should go to our other priority programs that have been spoken of here, such as defense? Maybe the most important function of a Federal Government is defense of its borders and its people. Well, we do not know. We know that we have drawn down defense funding over the last decade, and in the last couple of cycles we have actually begun to increase that again. We know that we will continue to have to increase defense spending to keep up with modern weapons and readiness, and pay our men and women who are in the service like they should be paid.

How about veterans and military retirees? Certainly that is one of the hot button issues now on the minds of everybody that is a Member of this Chamber. This country has gone back on its promise to provide lifetime medical benefits for those who have served their country and retired from the military. There are over 60 percent of the Members of this Chamber who are cosponsors of a bill which will deal with that issue, and we do not even know how much it will cost yet. It might cost $6 billion, $8 billion, $10 billion, but 60 percent of the Members of this Chamber are cosponsors of that bill.

There is a major commitment to deal with that issue, but yet, we want to advance a tax bill before we write a budget dealing with military retirees and veterans' health care benefits.

My colleagues in the majority on the other side of the aisle will tell us they are for paying down the debt. I believe many of them are. But the sad truth is that the Committee on the Budget had not even had its first hearing this year when the legislation was scheduled for a floor vote that would include a $182 billion tax bill for the marriage tax penalty. Where is the plan for debt relief? Us Blue Dogs, those of us who are Blue Dogs, believe that ought to be the cornerstone of any surplus plan.

So Mr. Speaker, it is not too late to do the right thing. If we really want tax relief to become law, my suggestion is that the leadership on the majority side sit down with Democrats in Congress and the President and let us develop a bipartisan budget agreement. In that agreement, we will deal with the social security issues, the priority spending, we will deal with debt reduction, and we will deal with tax relief. Those of us who are Blue Dogs feel very strongly about that.

I want to again thank my friend, the gentleman from Tennessee, for allowing us to have this time.

Mr. TANNER. Mr. Speaker, I thank the gentleman from Florida (Mr. BOYD) for his comments. I hope we will be charitable to the Gaters next fall in Knoxville when they come to see us.

Mr. Speaker, I yield again to the gentleman from Texas (Mr. STENHOLM). He has done as much as anyone in this Congress in the last 10 or 15 years on the budget.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding.

Let me just kind of sum up what I think I have heard, listening to my colleagues today. What we are suggesting is that the conservative thing for this House to do is to make the tough calls on the budget and put the tax cut within the confines of what we can agree in a bipartisan way is the blueprint that will allow our economy to continue to grow as it has in the past 7 years.

We get very, very disturbed when we hear people talking about, well, there is a $4 trillion surplus, and we can give one-fourth of it back to the people because it is the people's money.

If only that were true. Well, it is true, it is the people's money, but it is not true that we have $1 trillion to give back, unless we are prepared to say to the 55- to 65-year-olds today, "We are going to let you worry about your social security check when it starts coming due in 2014. We are going to let you worry and let your children and grandchildren worry even more about it."

The problem that many of us have with expenditures, spending programs, of which we are also opposed to the creation of new entitlement programs, very strongly. We should not create new spending programs, any more than we should have massive tax cuts at this time, based on projected surpluses.

Here are the numbers, a $4 trillion surplus. $2 trillion of it is social security. Fine. Put that towards paying down the debt. That leaves $2 trillion, of which some say $1 trillion should go to a tax cut. All right, let us assume for a moment, fine, let us do it. Then that means that all of the rest of government is basically going to live at current expenditure levels for the next 10 years.

Here is where I have a problem, because in the defense area alone, I do not believe for one second we can prepare this country for the future threats that we are going to have if we assume that defense is going to stay frozen at year 2000 levels. I do not believe that. But that is what we are going to get into if we follow this path.

How much can we cut back from the current baseline without allowing for inflation? That is something we ought to debate, and we ought to do it program by program.

Let us assume for a minute that we let defense grow at the rate of inflation. There are many of us that say that in itself is not enough because we have allowed it to trend downward too long and too far. But these are the kinds of discussions we ought to have first. We ought to deal with the spinach part of the budget before we deal with the dessert.

In the area of health care, this is one thing that is getting overlooked. How many of us hear from our senior citizens and others, young people, young working families who are having a difficult time paying their pharmaceutical bills? Are we going to ignore that very real need in this budget? I think not.

I have mentioned agriculture. We can mention veterans. We can mention the rural hospitals again. Why are we not doing the regular process? Why are we coming in with what someone perceives is a politically attractive marriage tax penalty, with which we all agree, we ought to deal with the penalty, but why should we also give, under the name of a marriage penalty, a bonus to those who are already getting a bonus in the tax cut because they are married, also? I do not understand the logic of that.

I have a little rule of thumb: If it meets the West Texas' tractor seat commonsense approach, then it is a pretty good idea. That does not meet anybody's commonsense approach, it defies logic, except somebody has decided it is a good political move.

I hope the House will show the wisdom of saying, we are for it. Let us put this bill back into the committee. Let the committee deal with it in the confines of the overall budget. Let us deal with a marriage tax penalty, but let us not do so at the expense of social security and Medicare, because that is the basic, fundamental choice we will make.

Once we start down the path of saying that we are going to have tax cuts, one piece of cake at a time, and if we have 12 cuts or 10 cuts or 5 cuts at $182 billion, we are soon going to spend $1 trillion. When we get into that, we are going to see that we will have jeopardized the very thing all of us have said we will never do, and that is jeopardized the future of social security and the Medicare program.

That is the fundamental choice that we will make if we start down this politically attractive path without dealing with the tough decisions that we need to make, and we can make in a very bipartisan way.

Mr. TANNER. I thank the gentleman.

Mr. Speaker, we will be back to talk about debt retirement, to talk about the priorities of this Nation, every time that we have one of these bills before we have a budget where we know where we are.

I voted against the $800 billion tax cut last year. It would have been good for me. People say, well, you all are against tax cuts. It would have been good for me. I would have had a tax cut. I could have voted for it. But it would not be good for my kids and grandkids, and everybody knows that, not when we have a $5.7 trillion national debt, paying $240 billion a year in interest alone.

It is a generational mugging to them, to all the young people in this country, to not pay our bills and to retire, not roll over, this national debt.

I do not want to leave this Nation in my productive years here, I do not want to leave a Nation where the water is so polluted that fish cannot live in it and kids cannot swim on it. I do not think Members want that kind of country either for their children. I do not want to leave a country to our kids where they have to wear a surgical mask to ride their bicycle across town because the air is so foul and so polluted. That is not the kind of country I want to be proud of when I leave this town.

I do not want to leave our kids a country with a 14 percent mortgage on it, one that is going to strap them every day of their college career and productive lives to do nothing more than pay interest. That is as paramount to me in terms of what kind of legacy we leave to our kids that come along after us than any other single thing.

Clean air, clean water, and a country that is financially strong, that is what we ought to be talking about, rather than doing these things. We are going to have this tax bill up here, we do not have a budget, we do not know where it fits, but this is going to be real good for some of us politically. No sane business person in this country would go down this path. Yet, that is where we are facing.

Mr. Speaker, I genuinely appreciate the opportunity that the Blue Dogs have had to discuss these matters. We feel very strongly about it. Hopefully we can engage again at a future date.

TAXES, THE NATIONAL DEBT, AND OUR NATION'S PRIORITIES

The SPEAKER pro tempore (Mr. WHITFIELD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I had not planned on talking that much about taxes today, but we will have a tax bill come up on the floor tomorrow, so in light of the last hour's discussion on taxes, I might as well give my opinion on this issue.

Mr. Speaker, prior to coming to Congress, I was elected in 1994, I was a reconstructive surgeon in Des Moines, Iowa. I had been in solo practice for 10 years. I took care of women who had had cancer operations, farmers who had put their hands into machines, babies who were born with birth defects.

I enjoyed it very much and I still do. I still go overseas and do surgical missions. I expect that some day I will probably return to that.

So people would ask me, why are you thinking about running for Congress? Are you tired of medicine? I said, no, I am not tired of medicine at all. I love it. It is a way to solve problems. But I will say, Mr. Speaker, there are a couple of problems that I was really concerned about.

I was concerned about a welfare system that I thought was not working. I took care of 14- and 15-year-old young mothers who would bring a baby with a cleft lip or palate into my office. They would be on welfare. There would almost never be a dad there with them, because the system was set up so that they only get benefits if a dad is not there. I did not think that was right.

One of the things I am proudest of since coming to Congress is the fact that this Republican Congress reformed welfare. It is working well. It is giving a helping hand, it is helping people get education, it is providing for child care during that training period of time, but it also says that if you are able-bodied and you receive that helping hand, then you ought to take the responsibility and get a job.

□ 1230

The welfare rolls are down by 50 percent all across the country, and part of that is due to the economy but part of it is due to the Welfare Reform Act that this Republican Congress passed. We had to place it on the President's desk three times before he signed it, but I am proud of that.

The other reason that I ran, that I decided to leave my medical practice for a period of time, was because I was very concerned about our national debt. Remember what it was like back in 1993 when I decided to run. We were looking at annual deficits into the future of over $200 billion, as far as we could see. We were looking at trillions of dollars of national debt.

I have three children. I was worried about what kind of legacy we were going to leave for them. The bigger the national debt, the more our kids will have to pay for it. Then we look at the baby-boomers, the age wave coming down the track. I am 50 years old, right there at the beginning of that age wave. In another 15 years, every 8 seconds a baby-boomer is going to be retiring and our kids are going to have to cover that.

So the other main reason that I ran for Congress, that I left my medical practice, was to do something to get our national finances in order, to eliminate these annual deficits, to reduce the debt.

Mr. Speaker, with this Republican Congress we have put some fiscal restraint on Federal spending and part of the reason that we have a vibrant economy now is because there is not just a perception but a reality that this Congress has slowed down spending. That is good. In 1994, I ran against a very nice gentleman from Iowa who had been here 36 years. He was the chairman of Labor HHS Appropriations, which probably accounts for a lot of his votes, but we had a disagreement. The incumbent that I beat never saw a spending bill that he did not like.

We have put some fiscal restraint on this Congress. This brings us then to last year's tax cut, Republican tax cut. I am one of four Republicans that voted against that tax cut. That is not easy, let me say. I talked to the Speaker personally. He wanted me to vote for that bill. The Speaker is a fine man and a good friend. I had to turn him down.

I spoke to the chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), who I love dearly. He is a good friend. I had to turn him down.

Why was I one of only four Republicans that voted against that $780 billion tax cut last year? Well, Mr. Speaker, it is because when I looked at the numbers, the projections for the surplus, they were based on two assumptions that are false. The first assumption was that we would stick to the spending caps from the 1997 Balanced Budget Act, and that is false because they are already broken.

We have already gone beyond those spending caps. Those spending caps would require reductions of 30 percent over current spending in the next several years. That will never happen. The second assumption was that there would be no emergency funding for 10 years.

Mr. Speaker, we all know that on the average this Congress has spent $12 billion to $16 billion a year on emergency funding. There is no way that we would not have any emergency funding. Emergencies happen. There are hurricanes that come up the coast. There are droughts. There are natural disasters. Furthermore, even this year we are looking at emergency funding for military operations in Kosovo. That should not be an emergency item. We know that we are there. That should be budgeted, but that will be stuck into an emergency supplemental bill.

So those two premises upon which that $1 trillion surplus, above and beyond Social Security, was made are false. It will not be that much. I pray to God that our economy continues to do well, that we continue to have government revenues come in as they have under this wonderful economic expansion, but I do not know that we can bank on that.

So I did not think those premises were true. I did not think we were truly dealing with that big a surplus, and I am a Republican who came to Congress, as I said, in 1995 to balance the budget, not to vote for a bill that could put us back into deficits.

Mr. Speaker, I will match my economic score card for fiscal conservativeness with just about anybody in this House of Representatives. I am a fiscal conservative.

Mr. Speaker, I happen to believe that it is conservative to be careful and not to vote for a bill that could put us into deficits, not to vote for a bill that could increase our national debt. I think it is conservative to pay down our national debt first.

What should our priorities be this year? I think we ought to pay down the debt, for a couple of reasons. Number one, we are currently spending about $240 billion a year on interest payments. When times are good, my parents taught me, one should reduce debt so that when times are bad they do not have to service that debt.

I think we ought to know what our expenses are going to be this year, and I would agree with my Democratic colleagues that the process should be, first, get your priorities in order; pay down the debt. Second, know what your expenditures are going to be and, third, then you know how much you have available for a tax cut.

I am going to vote tomorrow for a marriage tax relief bill. I think it is a matter of inequity. I do not think that a couple, both of whom are working that earn $75,000, should pay more in taxes than a couple where only one is working and they are earning $75,000. That needs to be fixed.

I am in agreement with fixing the alternative minimum tax. That tax was designed for millionaires so that they would have to pay something in taxes; but unfortunately, because of historical trends in income, it now affects the middle class. I think we ought to do something to fix that so I am going to vote for this tomorrow.

What are we going to do later in the year when we have a minimum wage bill come up and we attach tax provisions to that? How much will those tax provisions be to help small businesses? What are we going to do if we want to address access to health care with a Patients' Bill of Rights that is coupled with an access bill? I firmly believe there is bipartisan support in Congress to extend to 100 percent deductibility for the self-insured for their health premiums, make it effective January 1, 2000. That would help a lot of individuals afford health insurance, but that could be a major coster in terms of decreased revenues to Congress.

Where does this all fit in together? Where does it fit in with what we think we will need to spend for government programs? My colleagues from the other side of the aisle pointed out that there are a number of Members of Congress from both sides of the aisle that want to increase spending on defense. We may be looking at some additional agricultural relief.

My point of this is that we need to have a process ahead of time so that we understand where we are going on this budget. If it is the intent of my leadership to simply take last year's $800 billion tax cut bill, divide it into little pieces and just bring them one after another to the floor, then I think after the first one or two they will find out that they no longer have support because people will start to get concerned about are we going to end up at the end of the year dipping into that Social Security surplus. Are we at the end of the year actually going to be able to say we reduced the debt.

When I talk to my constituents back home in Iowa, I can say something. Almost unanimously they say our priorities should be reduce the debt. Among the elderly, they want us to reduce the debt because they intuitively know that if we have a lower debt that in the year 2013, when the baby-boomers move into retirement, that gives us a bigger cushion to handle those entitlement programs.

The younger people want us to reduce the debt because they know if we do it we will reduce interest rates so that they have to pay less on their home payments. Reduce the debt, figure out what an accurate budget should be and fit your tax cuts into that. That should be the process by which we go through here.

I am in agreement with my colleagues on the other side of the aisle on this. I think we are going to be looking at some legislation down the road this year that is important, and we need to know where we are going to be on this issue.

As I said, Mr. Speaker, I am as fiscally conservative as just about anybody in the Republican caucus. I do not enjoy being at odds with my leadership on this issue. I happen to think that our leadership, in talking now about debt reduction, is getting the message. I happen to think that we can go out and we can be honest with people and we can say, look, the conservative position on this is, number one, do not vote for a bill that has the potential to increase deficits and increase debt. Pay down the debt first.

PATIENT PROTECTION LEGISLATION

Mr. GANSKE. Mr. Speaker, in my remaining time I want to speak a little bit about patient protection legislation. We have been working on this issue for 5 years now. Back in 1995 when I first came to Congress, reports came out about how HMOs were writing contracts that had gag clauses in them, in which they basically said that before a physician could say to the patient what their treatment options were they first had to get an okay from the company.

Now think about that for a minute. Let us say that a woman with a lump in her breast goes in to see her doctor. The doctor takes her history, examines her, and knows that there are three treatment options for this lady; but one of them may be more expensive than the other and because he has this gag rule written into his HMO contract he has to say, excuse me, ma'am; leaves the room goes to a telephone; gets on the phone, dials a 1-800 number and says, Mrs. So and So has a lump in her breast. She has three treatment options. Can I tell her about them?

I firmly believe that patient has the right to know all her treatment options and that an HMO should not censor her physician. That is a blow right to the patient/doctor relationship. That should be outlawed. So I wrote a bill in 1995 called the Patient Right to Know Act. I went out and I obtained 285 bipartisan cosponsors and, Mr. Speaker, I could not get that bipartisan bill to the floor, which would have passed with over 400 votes.

My leadership, the Republican leadership of this Congress, would not even allow a simple bill like that to come to the floor, despite promises that they would.

So the next year came along, and we wrote a more comprehensive bill because we also knew that in the meantime HMOs were refusing to pay for emergency care.

Let us say a patient has crushing chest pain. We have just seen on TV that crushing chest pain can be a sign of a heart attack. Pass go, go immediately to that emergency room because if one delays they could have a heart attack and die on the way. The American Heart Association says that.

So people would have crushing chest pain, break out in a sweat, know that that could be a heart attack. They go to their emergency room. They would have a test, and some of the time it would not show a heart attack. Some of the time it would show severe inflammation of the esophagus or the stomach instead.

□ 1245

The EKG would be normal. So ex post facto, the HMO would refuse to pay for that emergency room visit, because, you see, the patient was not having a heart attack after all.

Well, when word of that type of treatment gets around, people start to think twice about really whether they are going to go to the emergency room when they need to, because, after all, they could be stuck with a bill. Is that fair? Is that just? No. But it is one of those ways that HMOs have tried to cut down on care to increase their bottom-line profits.

Well, we had hearings on patient protection legislation. We had a hearing back in May, 1996, 4 years ago. Buried in the fourth panel at the end of a long day was testimony from a small, nervous woman. This was before the House Committee on Commerce. By that time, the reporters are gone, the cameras are gone, most of the original crowd had dispersed. She should have been the first witness that day, not the last.

She told about the choices that managed care companies and self-insured plans are making every day when they determine what is known as "medical necessity." Linda Peeno had been a claims reviewer for several HMOs. I want to relate her testimony to my colleagues.

She began, "I wish to begin by making a public confession. In the spring," now this is a former claims reviewer, medical reviewer for an HMO. She said, "In the spring of 1987, I caused the death of a man. Although this was known to many people, I have not been taken to any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred. I was rewarded for this. It brought me an improved reputation in my job. It contributed to my advancement afterwards. Not only did I demonstrate that I could do what was expected of me, I exemplified the good company employee. I saved half a million dollars."

As she spoke, a hush came over that room. Mr. Speaker, I think you may have been in the room when this lady testified. The representatives of the trade associations who were there averted their eyes. The audience shifted uncomfortably in their seats, alarmed by her story. Her voice became husky, and I could see tears in her eyes. Her anguish over harming patients as a managed care reviewer had caused that woman to come forth and to bear her soul.

She continued, "Since that day, I have lived with this act and many others eating into my heart and soul. I was a professional charged with the care or healing of his or her fellow human beings. The primary ethical norm is 'do no harm.' I did worse," she said. "I caused the death. Instead of using a clumsy, bloody weapon, I used the simplest, cleanest of tools: my words. This man died because I denied him a necessary operation to save his heart."

This medical reviewer continued, "I felt little pain or remorse at the time. The man's faceless distance soothed my conscious. Like a skilled soldier, I was trained for this moment. When any qualms arose, I was to remember, I am not denying care. I am only denying payment."

Well, by this time, the trade association representatives were staring at the floor. The Congressmen who had spoken on behalf of the HMOs were distinctly uncomfortable. The staff, several of whom became representatives of HMO trade associations, were thanking God that this witness was at the end of the day.

Her testimony continued, "At that time, this helped me avoid any sense of responsibility for my decision. Now I am no longer willing to accept the escapist reasoning that allowed me to rationalize that action. I accept my responsibility now for this man's death as well as for the immeasurable pain and suffering many other decisions of mine caused."

This is testimony from a medical reviewer for an HMO before Congress in 1996. Congress has dilly dallied for 4 years and has not done anything to fix this.

She then listed the many ways that managed care plans deny care to patients; but she emphasized one particular issue, the right to decide what care is medically necessary.

She said, "There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessities denials. Even when medical criteria is used, it is rarely developed in any kind of standard traditional clinical process. It is rarely standardized across the field. The criteria is rarely available for prior review by the physicians or members of the plan."

She says, "We have enough experience from history," we have enough experience from history, I think she was referring to World War II, "to demonstrate the consequences of secretive, unregulated systems that go awry."

After exposing her own transgressions, she closed urging everyone in the room to examine their own conscience. She closed by saying, "One can only wonder how much pain, suffering, and death will we have before we have the courage to change our course. Personally, I have decided that even one death is too much for me."

At that point in time, the room was stone-cold quiet. The chairman mumbled, "Thank you."

Well, Mr. Speaker, let me tell you about some of the real-life people that have been affected by HMO abuses. It is important, when we talk about the details, the technical details of some of these bills, that we remember that there are actually people involved with the consequences of HMO decisions.

It has now been about 4 years since a woman was hiking about 40 miles east of Washington here. She fell off a 40-foot cliff. She fractured her skull, broke her arm, had a fractured pelvis. She was laying on the rocks at the base of a 40-foot cliff, close to a pond. Fortunately, she did not fall into that. Her boyfriend who was hiking with her managed to get her life-flighted to a hospital.

This was that young woman, Jackie Lee, being trundled up, put on the helicopter. She spent about a month in the ICU. She was really sick. She had severe injuries. She was on intravenous morphine for pain.

After she got out of the hospital, her HMO refused to pay for her hospitalization. Why was it that her HMO would not pay? Well, the initial answer was, Jackie had not phoned ahead for prior authorization. She had not phoned ahead to let them know that she was going to fall off a cliff and be injured. Boy, I would tell you, you would need a real crystal ball to get care from that HMO. Or maybe when she was semicomatose, lying at the base of that cliff, she was supposed to, with her nonbroken arm, pull a cellular phone out of her pocket and phone a 1–800 number and say, hey, guess what? I fell off a 40-foot cliff. I need to go to the emergency room.

Well, then after she contested that, then the HMO still refused to pay for her bill because they said, "Well, you were in the hospital for a while. You did not phone us within the first few days that you were in the hospital." Her rejoinder was, "I was in the ICU on a morphine drip. I guess it did not enter my mind." That is one of the examples that we are dealing with.

Under the bill that passed the House of Representatives a couple of months ago, this woman would be taken care of because we have a provision in that bill that says that, if one needs to go to the emergency room, and if a layperson would agree that this is an emergency, would anyone not agree that that is an emergency, if a layperson would agree that that is an emergency, then that HMO is obligated to pay the bill. We passed that provision for Medicare patients. We still have not done anything for all of the people in this country.

Well, what about HMOs like this medical reviewer talking about making determinations of medical necessity that are contrary to what one's own doctor or physician consultant would give.

This woman was featured on the cover of Time Magazine several years ago. She had cancer. Her doctor and her consultants all recommended a type of treatment. Her HMO denied it. There was no specific exclusion of coverage for that type of treatment or contract. But under Federal law, her HMO can define medical necessity in any way they want to.

If one gets one's insurance from one's employer, does one's State insurance commissioner have any say in that? No. Congress took that away from State insurance commissioners 25 years ago. Under current law, HMOs that make decisions, medical necessity decisions, through employer plans, can define medical necessity any way they want. Even though this woman's doctors all recommended that she have this treatment that could have saved her life, they said, no, and she died.

Let me tell my colleagues about another type of medical decision that an HMO made 5 or 6 years ago. About 3:00 in the morning, Lamona Adams was taking care of little Jimmy when he was 6 months old. He had a temperature of about 104, 105, and he was pretty sick. She looked at him, and she talked to her husband, and they thought he needed to go to the emergency room. So they were good HMO clients. They phoned that 1–800 HMO number. They got somebody 1,000 miles away who knew nothing about the Atlanta, Georgia area where they lived.

The person said, "Yes, I will authorize you to go to an emergency, but you can only go to this one emergency room." Little Jimmy's mother said, "Well, where is it?" The voice at the end of that 1–800 line said, "Well, I do not know. Find a map."

So at 3:30 in the morning, Mom and Dad wrapped up little Jimmy, got into the car. There is a severe storm outside. They start their trek to this authorized hospital which is about 70 miles away, 70, 70 miles away. They live clear on the south side of Atlanta, and this authorized hospital is on the north side. So they have to go through all of metropolitan traffic.

On their way, about halfway there, they passed three emergency rooms that they should have been able to stop at. But they were not medical professionals. They knew he was sick, but they did not know how sick. They knew if they stopped at one of those unauthorized hospitals that the HMO would not pay, and this could be really expensive.

Unfortunately, before they got to the authorized hospital, Jimmy's eyes rolled back in his head, he stopped breathing, and he had a cardiac arrest. So, imagine, Dad driving like crazy, Mom trying to keep her little baby alive. They finally pull into the emergency room. Mom grabs her baby, jumps out of the car, screaming "save my baby, save my baby."

A nurse comes out, gives him mouth-to-mouth resuscitation. They start the IVs. They give him medicines, and they save his life. But they do not save all of this little baby. Because of his cardiac arrest, his decreased circulation, he ends up with loss of circulation in his hands and his feet, and gangrene sets in. Both his hands and both his feet have to be amputated.

Here is James after his HMO treatment, without his hands and without his feet. I brought him to the floor of Congress when we had our debate. He can put on his leg prostheses with his arm stumps, and he gets around pretty good, and he is a great kid. He will take a pencil, and he will hold it with his stumps, and he can draw and write like that. But I would submit to my colleagues that this little boy will never play basketball or sports.

☐ 1300

This little boy when he grows up will never be able to caress the cheek of the woman he loves with his hand. Do you know that under Federal law the HMO which made that medical determination that he had to go to that hospital that caused this to happen is liable for the cost of his amputations?

Mr. Speaker, if he died, then they would not have been liable for anything. Is that justice? Is that fair? Is that the type of system we ought to have that covers 75 percent of the people in this country who receive their insurance from their employer? I think not.

Let me give you another example of the problem with HMOs being able to determine "medical necessity" in any way that they want. Here is a little baby born with a defect, the type of which I fix; this is a cleft lip and a cleft palate. It is a birth defect. This is not a, quote, "cosmetic defect." This is a functional defect.

This little boy when he eats has food come out of his nose. This little boy, because he does not have a roof of his mouth or a palate, will never be able to learn to speak normally.

So what is the standard treatment for this? Surgical correction. We can go a long ways towards making these kids whole again and able to go out in public and able to speak and able to eat normally by a surgical correction of their palate.

You know what? There are some HMOs that are defining medical necessity as the "cheapest least expensive care," "the cheapest least expensive care."

Mr. Speaker, you may say in this age of cost containment, what is wrong with that? I will tell you what is wrong with that: the standard of care for this little baby born with this birth defect is surgical correction of his palate using his own tissues so that he is able to eat and speak normally.

Under that bizarre definition of an HMO, they can give his parents a little piece of plastic to shove up in the roof of his mouth, what is called an obturator, a plastic obturator. It would be like an upper denture. Yes, that would keep food some of the time from going up his nose. He might be able to garble out some type of speech. But you know what? It would not be an optimal result.

Under Federal law as it currently exists today, that HMO can put that definition into their health plans, something in the fine print that none of you would ever know about. They could totally justify this, and you would have no recourse, other than maybe going to your newspaper and exposing them. That is wrong.

Mr. Speaker, this House passed by a vote of 275 to 151 a strong patient protection piece of legislation called the Bipartisan Consensus Managed Care Act. The gentleman from Georgia (Mr. NORWOOD), a very conservative Republican, and I, and the gentleman from Michigan (Mr. DINGELL) wrote that bill. We have had two motions to instruct for our conferees on this managed care patient reform bill to follow the House bill.

This House voted on the Senate bill, which is a do-nothing fig leaf bill, where the fine print is worse than the status quo. This House voted on that. You know what? This House voted by a vote of 145 for the Senate bill to 284 against the Senate bill.

We have a chairman of this conference who says we are going to stick to that Senate bill. Mr. Speaker, we can do better. We can do better for this little baby. We can do better for James Adams. We can do better for this lady and her family. We can do better for a woman who falls off a 40-foot cliff and is told by her HMO, sorry, you did not notify us before your fall.

We have waited on this legislation too long. It is time to fix it. The President has said put that bipartisan consensus Managed Care Reform Act, the one that passed this House with 275 votes, put it on my desk, and I will sign it. We should do that tomorrow, because I can guarantee you, Mr. Speaker, there are people out there at this very moment that are being harmed by HMOs that are being denied necessary medical care, who may lose their hands and feet or their life because of arbitrary decisions.

I call upon Members of both side of the aisle to work hard to bring a real patient protection bill out of conference to this floor and put it on the President's desk. If the conference brings back that unsatisfactory Senate bill, then I am just afraid we are all going to say no. Let us fix this problem, and let us fix it now. People need their care.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RILEY) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mrs. CHENOWETH-HAGE, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2130. An act to amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Thursday, February 10, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6089. A letter from the Under Secretary of Rural Development, Department of Agriculture, transmitting the Department's final rule—Rural Business Opportunity Grants (RIN: 0570–AA05) received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6090. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Food Distribution Programs: Implementation of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6091. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Authority and Issuance—received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6092. A letter from the Associate Solicitor for Legislation and Legal Counsel, Department of Labor, transmitting the Department's final rule—Supplemental Standards of Ethical Conduct for Employees of the Department of Labor (RIN: 1290–AA15, 3209–AA15) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6093. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans: Interest Assumptions for Valuing Benefits—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6094. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Irradiation of Meat Food Products [Docket No. 97–076F] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6095. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Oxygenated Gasoline Program [PA074–4094a; FRL–6501–2] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6096. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone [FRL–6503–7] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6097. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and State Operating Permits Programs; State of Missouri [MO 082–1082; FRL–6506–2] received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6098. A letter from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule—Recission of the Guides for the Law Book Industry—received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6099. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework 31 to the Northeast Multispecies Fishery Management Plan [Docket No. 991217342–9342–01; I.D. 120199D] (RIN: 0648–AN15) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6100. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Retirement Eligibility for Nuclear Materials Couriers Under CSRS and FERS (RIN: 3206–AI66) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6101. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Two Larkspurs from Coastal Northern California (RIN: 1018–AE23) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6102. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Arkansas Abandoned Mine Land Reclamation Plan [SPATS No. AR–035–FOR] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6103. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems [CC Docket No. 94–102 RM–8143] received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6104. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 991223348–9348–01; I.D. 012700D] received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6105. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Gulf of Alaska [Docket No. 9912223348–9348–01; I.D. 012700C] received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6106. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aircraft Belts, Inc. Model CS, CT, FM, FN, GK, GL, JD, JE, 4JT, JU, MD, ME, MM, MN, NB, PM, PN, RG, and RH Seat Restraint Systems [Docket No. 98–SW–33–AD; Amendment 39–11460; AD 98–25–10 R1] (RIN: 2020–AA64) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6107. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 and 900 Series Airplanes, Falcon 900EX Series Airplanes, and Falcon 2000 Series Airplanes [Docket No. 98–NM–266–AD; Amendment 39–11452; AD 99–25–09] (RIN: 2120–AA64) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6108. A letter from the Attorney, Office of the Secretary, Department of Transportation, transmitting the Department's final rule—Rules of Practice in Proceedings [Docket No. OST–97–2090] (RIN: 2105–AC46) received December 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6109. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Implementing Foreign Proposals to NASA Research Announcements on a No-Exchange-of-Funds Basis—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6110. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Deductions for Transfers for Public, Charitable, and Religious Uses; In General Marital Deduction; Valuation of Interest Passing to Surviving Spouse [TD 8846] (RIN: 1545–AV45) received December 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6111. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Subtitle S Subsidiaries (RIN: 1545–AU77) [TD 8869] received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6112. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous Cash or Deferred Arrangements; Nondiscrimination [Notice 2000–3] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6113. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 162.-Trade or Business Expenses—received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6114. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Recharacterizing Financing Arrangements Involving Fast-pay Stock [TD 8853] (RIN: 1545–AV07) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6115. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 1. Purpose and Nature of Changes [Rev. Proc. 2000–3] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6116. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Purchase Price Allocations in Deemed and Actual Asset Acquisitions [TD 8858] (RIN: 1545–AZ58) received January 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CANNON (for himself and Mr. HANSEN):

H.R. 3605. A bill to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes; to the Committee on Resources.

By Mrs. KELLY:

H.R. 3606. A bill to authorize appropriations to reimburse State and local police and sheriff's departments in the State of New York for certain security-related expenses arising out of the new residency of the President and First Lady in that State; to the Committee on the Judiciary.

By Mr. LaFALCE:

H.R. 3607. A bill to amend section 255 of the National Housing Act to waive the up-front premiums otherwise payable by elderly homeowners for insurance of home equity conversion mortagages the proceeds of which are used to purchase long-term care insurance; to the Committee on Banking and Financial Services.

By Mr. SANDERS (for himself, Mr. BOEHLERT, Mr. LARSON, Mrs. JOHNSON of Connecticut, Mr. GEJDENSON, Mr. McHUGH, Mr. MENENDEZ, Mr. SHAYS, Mr. HOLDEN, Mr. ALLEN, Ms. DeLAURO, Mr. McGOVERN, Mr. FRANK of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. McCARTHY of New York, Mr. McNULTY, Mrs. JONES of Ohio, Mr. WEYGAND, Mr. DELAHUNT, Mr. CROWLEY, Mr. CAPUANO, Mr. MALONEY of Connecticut, Mr. BALDACCI, Mr. ANDREWS, Mr. SWEENEY, and Ms. MILLENDER-McDONALD):

H.R. 3608. A bill to provide the Secretary of Energy with authority to create a Fuel Oil Product Reserve to be available for use when fuel oil prices in the United States rise sharply because of anticompetitive activity, during a fuel oil shortage, or during periods of extreme winter weather; to the Committee on Commerce.

By Mr. SANDLIN (for himself, Mr. Turner, and Mr. Berry):

H.R. 3609. A bill to amend the Federal Water Pollution Control Act to exempt certain silviculture activities from permits under the national pollutant discharge elimination system; to the Committee on Transportation and Infrastructure.

By Mr. BARRETT of Wisconsin:

H. Res. 420. A resolution expressing support for a National Reflex Sympathetic Dystrophy (RSD) Month; to the Committee on Commerce.

By Mr. TANCREDO (for himself, Mr. Payne, and Mr. Smith of New Jersey):

H. Res. 421. A resolution expressing the sense of the House of Representatives in commending Michael Horowitz in his efforts to raise public awareness of the atrocities being committed by the Government of Sudan and the perceived complacency of the Government of the United States to take a firm stand against this totalitarian regime; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. Everett.

H.R. 220: Mr. Simpson.

H.R. 353: Mr. McIntyre and Mr. Hefley.

H.R. 739: Mr. Evans.

H.R. 1070: Mr. Tancredo, Mr. Evans, Mr. Fletcher, and Mr. Doyle.

H.R. 1304: Mr. Kanjorski and Mr. Borski.

H.R. 1532: Ms. Slaughter.

H.R. 1644: Mr. Ryan of Wisconsin.

H.R. 1885: Ms. Kaptur and Mr. Pomeroy.

H.R. 2289: Mr. Foley.

H.R. 2562: Mr. Burton of Indiana.

H.R. 2655: Mr. Norwood.

H.R. 2680: Mr. Blagojevich.

H.R. 2780: Mrs. Thurman.

H.R. 2979: Mr. LaTourette.

H.R. 3003: Mr. Gejdenson and Mr. Kolbe.

H.R. 3155: Mr. Murtha, Mr. McHugh, Mr. Saxton, Mr. Hinchey, Mr. Owens, and Mr. Weldon of Pennsylvania.

H.R. 3439: Mr. Cramer, Mr. Hayes, Mr. Lewis of California, and Mr. Riley.

H.R. 3525: Mrs. Chenoweth-Hage, Mr. Campbell, and Mrs. Fowler.

SENATE—*Wednesday, February 9, 2000*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer.

Loving Father, You have told us that Your perfect love casts out fear. So we open our minds to think about how much You love us and open our hearts to be filled with Your unlimited love. Remind us that nothing happens without Your permission and that You are able to use everything that happens to us to bring us closer to You. Therefore, we commit to You the anxieties in our personal and professional lives that cause fear of the future. So that we may work today with freedom from fear, we entrust to Your care our loved ones and their needs, our friends who face sickness and problems, our fellow workers in the Senate who need Your special care. We surrender our fears of the possible failure of our own plans and programs. Thank You for Your bracing assurance through Isaiah: "Fear not . . . you are mine. When you pass through the waters, I will be with you and through the rivers, they shall not overflow you."

Now we press on to the work of the day with the assurance that Your perfect love will cast out fear all through the day. In the name of Him who never leaves nor forsakes us. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will resume consideration of S. 1287, the nuclear waste disposal bill. Members should be aware that amendments to the nuclear waste bill will be offered during today's session. Further, a final agreement regarding amendments and debate time should be entered into at some time today. Therefore, Senators can expect amendments to the nuclear waste bill throughout the day. As a reminder, second-degree amendments to the committee substitute must be filed by noon today.

I thank my colleagues for their attention.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the outline of today's activities by the acting leader. I would say, however, I think we had better understand that there is a unanimous consent agreement floating around now that is not even close, and so unless there is more work done in this regard, I think there will be a number of people on this side who simply will object to the proposal. But I am always open to suggestions, and I say to the acting leader that if the manager of the bill, Senator MURKOWSKI, has some ideas in this regard, we are certainly a phone call away.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the time until 11 a.m. shall be under the control of the Senator from Illinois or his designee.

The Senator from Illinois.

Mr. DURBIN. I thank the Chair. I rise to speak in morning business.

CHICAGO'S BOB COLLINS

Mr. DURBIN. Mr. President, before addressing the President's budget, I wish to address an issue that is more personal and a lot closer to home. Chicago lost a great friend yesterday, and I lost a great friend as well. Bob Collins, top-rated radio personality in the city of Chicago, died in an airplane crash that was reported around the Nation.

Bob Collins was an extraordinary person. When you think of what creates a community, it is a person such as Bob Collins. His voice every morning in Chicago was a blend of wisdom and humor that really set people off on a good day. I can recall visiting his studios so many times and feeling right at home.

Bob was a typical Chicagoan, a typical Midwesterner, and I think that is the reason for his success. Our thoughts, of course, today are with his family and his wife Christine, but we should reflect for a moment on the great contribution which this man made in over 25 years at radio station WGN.

Great cities are made up of great people and Chicago is no exception. Bob Collins, at WGN Radio since 1974, was a combination of town crier, court jester, wise counselor, and fellow common man. A Shakespeare quote comes to mind: "He was wont to speak plain and to the purpose."

He started at age 13 at a radio station in Lakeland, FL. When he was 14, he had his own show, and radio was still at that time everyone's link to the world. Until the day he died, he remained Chicago residents' link to each other and to a wider community.

What was it about Bob Collins that made hundreds of thousands of Chicagoans tune in virtually every weekday morning? What was it about Bob Collins that enabled him not only to follow his fabled predecessor Wally Phillips, but to create his own following?

Well, like Bob, it is fairly simple. In an age of political extremes and shock radio, we found in Bob Collins an observant, thoughtful, plain spoken but fair and common man who never lost touch with the community he loved. He connected with us and with the families across Illinois and Chicago who were his loyal fans. Shaving in the morning, drinking coffee, fighting the daily commute, Bob was there at our side.

In addition to winning our ears and hearts, Bob's unparalleled ability to mix humor, human interest stories, and intelligent, thoughtful news won him award after award. His commitment to Chicago did not end when the microphone was turned off. He was always the champion of the little guy. He received the Salvation Army award known as "The Other Award" because of his spirit and his dedication.

His hobbies included motorcycling and flying. He was a man who enjoyed life and every minute of it. WGN's Spike O'Dell signed on this morning and announced: WGN Radio, Chicago. This is the Bob Collins Show." These words remind us that mornings in Chicago will always belong to Bob Collins, and he will continue to ride and fly and laugh through all of our memories.

Thank you, Uncle Bobby. Chicago is going to miss you.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

THE PRESIDENT'S BUDGET

Mr. DURBIN. Mr. President, the topic this morning for our morning business is the President's budget, a budget released by the President several days ago that is a continuation of a strategy of the past 7 years, a strategy which has paid off for America. There are those who have rejected this budget. There are those who have said it is a disaster. There are those who have used the timeworn cliche that the President's budget is dead on arrival. For those who want to use this medical analogy, let me remind them of another medical admonition: First, do no harm. Those who would criticize the President's budget should come up with their alternative. Let them see if they can match the performance of the Clinton administration over the last 7 years. Let them come up with a formula that is sensible, that will move this country forward as quickly and as positively as President Clinton's plans have during the course of his administration.

His budget says we have a strategy based on fiscal discipline, a strategy which will bring down the national debt and say to our children: We will not saddle you or burden you with debt that we incurred during our lifetime for our purpose.

That is the linchpin and pillar of the President's budget, and it is sound. It is sound for our future.

The President says that as we bring down this national debt, we will preserve Social Security so it is there not only for the current retirees, but the baby boomers and beyond. We will invest in Medicare, an issue which many Republicans do not even want to discuss. We will make certain that the health insurance plan for the elderly and disabled in America is adequately funded and the doctors, hospitals, and health care providers across America know that Medicare has a bright future.

The Nation is witnessing the first back-to-back budget surpluses in 43 years, the smallest welfare rolls in 30 years, the lowest overall crime rate in 25 years, the lowest unemployment rate in 30 years. The statistics go on and on.

Whether it is a Presidential candidate or a Member of Congress who is critical of President Clinton's budget and approach, my challenge to them is: How would you do it better? What can we look to in history to point to a better model than what we have seen over the past 7 years? We reached a milestone in America's economic history. Our economic expansion is the longest, a remarkable 107 months of consecutive growth. In fact, it was reported yesterday that we have had productivity growth of 5 percent. America is on a roll, and those who would derail it for their own political purposes had best step back and think twice.

There are clearly differences which I will have with the President on specifics in the budget. There are differences which will come out during the course of the congressional debate, but whether they come from the Democratic side or Republican side, let us not lose sight of our goal.

Alan Greenspan, as Chairman of the Federal Reserve Board, last year spoke to several committees in Congress—and he continues to do that—and admonished us to keep in mind the basic things we need to do as a nation to continue to progress. Bringing down the national debt is his highest priority.

President Clinton's budget invests money in those things that will keep this economy moving forward—in the people of America. He has not given up on the families and people who have made this economic recovery such a reality.

He is investing in education so the next generation of skilled workers and leaders will be there. He is investing in health care to take away one of the major concerns of every family in America: affordability of quality health care.

Yes, the President does have a tax cut plan, but it is a targeted, specific tax cut plan—not the broad-based, overwhelming plan which we hear from Presidential candidate George W. Bush or some leaders in Congress, but one that is more sensible, more targeted, more consistent with maintaining our economic growth.

The President says families worry about paying for college education; let's help them; let's give them a deduction for college education expenses. In doing that, we will start to enable more and more young people to realize their dream of a college education and pass it along to their children. Is there anything more important for the future of our country?

The President says as well there should be a tax credit for long-term care for the fastest growing segment of the American population—people over the age of 85, our parents and our grandparents, many of whom will need help in their advancing years. Their sons and daughters care about them, and we need to help them with the long-term care tax credit.

The earned-income tax credit is a term with which many people are not familiar, but it is a tax credit for working families who are not making much money. We want to encourage work and help families, and the President, focusing on the earned-income tax credit, leads us in the right direction.

Of course, there are those who say if we are going to have a surplus over the next 10 years, then the first thing we should do is give a massive tax cut primarily to wealthy people. Yet we know quite honestly that is irresponsible. The American people know that intuitively. First, the surplus is not in hand and, second, to take whatever surplus we have and give it away as a permanent tax cut is to say to people across America that we do not need to pay down our national debt, we do not need to invest in America's children and families. We do not need to create tax cuts that are more targeted.

The President has it right. The President has said to the American people: Let us not ruin a good thing; let us move forward.

There are many things with which we need to deal in this time of prosperity which we may never have another chance to consider. If we cannot at this moment in time reach out to the American society and help those who are struggling with day-to-day problems in their family and life, when will we ever do it?

If we cannot extend the protection of health insurance, as the President has proposed, to children and families across America at this moment in time, when will we do it? Those who are 55 years of age who, frankly, may face retirement and loss of health insurance need to have the option of buying into the Medicare plan.

Those who are already retired and the disabled who rely on Medicare need to have the protection of a prescription drug plan, a benefit which is common to almost every health insurance plan. The President has said we can do that, consistent with reducing the national debt and protecting Social Security as well as Medicare. There are certain things at this moment in time which we can do.

If we do not invest at this moment in time in education for future generations, how shortsighted we are. My friends on the Republican side of the aisle do not view the educational issue as many of us do. Their idea of education is a voucher plan to help those who would send their children to private schools.

I certainly can sympathize with these families struggling to do that. My wife and I sent our kids to Catholic schools and I attended Catholic schools. But our first obligation as a government is to the 90 to 95 percent of the students in public education, the kids in Minneapolis or Chicago or Los Angeles or New York who want to have the very best schools and the very best teachers.

The President has proposed money for teacher training to improve their skills so they can continue to bring the next generation forward well versed and well trained in the technology with which we are dealing.

There were statistics given to us yesterday about some of the things that have happened during the Clinton administration which are often overlooked by the critics of the President's budget. Let me tell you two or three which I think are amazing.

Record budget deficits have been erased. Do my colleagues know the Congressional Budget Office suggested that this year we were going to have a deficit of $455 billion? That was their projection when President Clinton came to office. President Clinton came to Congress and said: I have a plan that is going to turn this around. Instead of deficits, we can move America forward.

Some of us believed the President was right. In fact, I voted for the President's 1993 plan. There were Members of Congress running around hollering, "The sky is falling if the President's plan passes; it will be nothing but a disaster." I invite those Members of Congress to look out the window at the bright blue sky of our economic prosperity because of the President's leadership in 1993, because Members of Congress, all Democrats, and Vice President Gore, who cast the tie-breaking vote, made a courageous decision. Some of my colleagues in the House of Representatives lost their next election because of that vote. If it is any comfort to them, they did the right thing for America, and history has proven them right because instead of the anticipated $455 billion deficit this year, we are anticipating instead a surplus of over $100 billion. What an amazing turnaround.

We have had the largest paydown of debt in the history of the United States. Those who argue the Democrats are not fiscally responsible cannot really say it at this moment because President Clinton's leadership and the following of Members of Congress have led to the paydown of more than $290 billion in debt over the last 2 years, and we can continue to do that.

The President is right, this should be our highest priority. We collect every single day in America $1 billion in taxes from individuals and businesses and families to pay interest on our debt. If we follow the President's lead and eliminate the publicly held debt, it will dramatically reduce those interest payments, and that is good for this country. That is money that can be spent on good programs for education and health care and given back to families in the form of tax cuts.

We have seen Government reduced and diminished in size. We have seen as a percentage of the gross domestic product the percentage spent on Government coming down. This is what America asked for; this is what they received.

Of course, with the President's budget, there will be a great amount of debate. The Congress will get its chance. The Republican leadership in the House and Senate can come up with its work product and put it next to the President's, and we can make our choice.

I will tell you this. It should be measured by one standard: Does it meet the test of common sense? Will the proposals coming out of this Republican Congress keep America moving forward? Can they explain to families across America that we should break with a policy that has done so much for so many in this country? I think they are going to be hard pressed to do it. But it is the nature of our deliberative process that they will have that opportunity.

Mr. President, at this time I am prepared to yield the floor and the remainder of our morning business time to my colleague from the State of Minnesota.

Mr. WELLSTONE. Mr. President, first of all, if it is all right with my colleague from Illinois, I will speak on two matters. I thank him for his eloquence. It turns out on some of the issues that my colleague raised, we are not 100 percent in agreement, but I think Senator Durbin is a Senator who speaks with sincerity and marshals his evidence for his point of view. I think Democrats are very lucky to have him as a Senator speaking for our party and for the country.

CHECHNYA

Mr. WELLSTONE. Mr. President, yesterday I spoke about what is happening in Chechnya. I believe I should speak out about this. I hope other Senators will, as well.

I have a letter that I ask unanimous consent be printed in the Record. This is a letter to President Putin.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, February 8, 2000.

President Vladimir Putin,
Russian Federation, The Kremlin,
Moscow, Russia.

Dear President Vladimir Putin: We are writing to express our deep concern over the conflict in Chechnya and your response to the humanitarian tragedy there. We recognize the importance of Russia's territorial integrity, and your government's obligation to protect its citizens from terrorist and other acts of aggression. This responsibility, however, does not and cannot justify the use of indiscriminate force against civilians and the displacement of hundreds of thousands of persons.

Since October 1, the Russian military offensive in Chechnya has involved a relentless bombing and artillery campaign that has killed thousands of innocent civilians and displaced over 200,000 people. Reports from those fleeing Chechnya detail incidents of widespread looting, summary executions, detentions and rape.

As you know, Russia has assumed obligations under the Geneva conventions and commitments under the OSCE Code of Conduct on Politico-Military Aspects of Security. Common Article 3 of the Geneva Convention states that in "armed conflicts not of an international character, persons taking no part in hostilities . . . shall be treated humanely." Article 36 of the OSCE Code of Conduct states that "if recourse to force cannot be avoided in performing internal security missions, each participating State will ensure that its use must be commensurate with the needs of enforcement. The armed forces will take due care to avoid injury to civilians or their property." Russia's campaign in Chechnya violates these commitments.

We urge your government to allow into Chechnya and Ingushetia an international monitoring mission. This mission should have unfettered access and a broad mandate to monitor and report on the humanitarian situation. Your government should immediately allow civilians safe passage from Chechnya, assist those persons who have been displaced from Chechnya as a result of this conflict and allow representatives of international humanitarian agencies full and unimpeded access to those persons in order to provide humanitarian relief. Finally, we urge your government to initiate investigations into alleged human rights abuses and to hold accountable those responsible.

President Putin, we believe it is imperative that you devote every effort to achieve a peaceful resolution of the conflict in Chechnya. Neither the use of force in 1994-1996, which left over 80,000 civilians dead, nor the current use of force in Chechnya will enhance the prospects of a durable settlement to the conflict.

We hope you share our concerns and look forward to receiving your response.

Sincerely,

Paul D. Wellstone.

Mr. WELLSTONE. I will just read part of this letter:

Dear President Vladimir Putin: We are writing to express our deep concern over the conflict in Chechnya and your response to the humanitarian tragedy there. We recognize the importance of Russia's territorial integrity, and your government's obligation to protect its citizens from terrorist and other acts of aggression. This responsibility, however, does not and cannot justify the use of indiscriminate force against civilians and the displacement of hundreds of thousands of persons.

Since October 1, the Russian military offensive in Chechnya has involved a relentless bombing and artillery campaign that has killed thousands of innocent civilians and displaced over 200,000 people. Reports from those fleeing Chechnya detail incidents of widespread looting, summary executions, detentions and rape.

As you know, Russia has assumed obligations under the Geneva conventions and commitments under the OSCE Code of Conduct on Politico-Military Aspects of Security. Common Article 3 of the Geneva Convention states that in "armed conflicts not of an international character, persons taking no part in hostilities . . . shall be treated humanely." Article 36 of the OSCE Code of Conduct states that "if recourse to force cannot be avoided in performing internal security missions, each participating State will ensure that its use must be commensurate with the needs of enforcement. The armed forces will take due care to avoid injury to civilians or their property." Russia's campaign in Chechnya violates these commitments.

In this letter, I am urging President Putin that the Russian Government allow into Chechnya and Ingushetia an international monitoring mission.

This international monitoring mission should have unfettered access and a broad mandate to monitor and report on the humanitarian situation. The Russian Government should immediately allow all civilians safe passage from Chechnya, assist those persons who have been displaced from

Chechnya as a result of this conflict, and allow representatives of international humanitarian agencies full and unimpeded access to those persons in order to provide humanitarian relief.

President Putin has made a commitment that an international monitoring presence would be allowed. This has not happened.

Finally, I am urging the Russian Government to initiate investigations into alleged human rights abuses and to hold accountable those responsible.

As a Senator, I send this letter to President Putin today. I think it is very important that he devote every effort to achieve a peaceful resolution.

Neither the use of force in 1994 to 1996, which left over 80,000 civilians dead, nor the current use of force in Chechnya will enhance the prospects for any durable settlement to this conflict.

I am sending this letter today. I am going to send a copy to the Senator from Colorado and other colleagues as well. I hope other Senators will speak out.

There is a delegation of several high-ranking officials, parliamentarians with the Chechnya Government, who are here, and they have been trying to meet with our State Department. So far, they have not been able to arrange any meeting at all.

I am not asking the State Department to recognize the official government, but our State Department has met with dissidents from China and dissidents from Russia over the years. I think these parliamentarians, these courageous individuals from Chechnya, deserve at least an audience with the State Department—whether it be with the Secretary of State, whether it be with Strobe Talbott, or whether it be with Secretary Koh who has done such a fabulous job on human rights issues.

I just want to say to the State Department today—I am going to continue with calls—I just think it is wrong to not at least meet with these individuals. We have a massacre of innocent people going on there.

As the son of a Jewish immigrant—born in the Ukraine, who lived in Russia, and fled persecution in Russia—I understand our Government's role in the world to speak out for human rights. Our silence, the silence of the administration and our Government, is deafening. I think Democrats and Republicans need to call on President Putin to live up to his commitment to allow an international monitoring force to protect innocent civilians and to get humanitarian assistance to people. This is a moderate, modest request.

CAPITOL HILL POLICE SECURITY

Mr. WELLSTONE. Mr. President, in the few minutes I have remaining today, I will talk in specifics about the security situation here at the Capitol, and what is going on and what is not going on by way of living up to our commitment to Capitol Hill police officers, and also to the public.

As I said, we have made the commitment, and we should honor the commitment. You need two officers at a post for their security, much less the security of the public.

Two examples. Please remember, for those who are listening, the officer who works alone at any number of these posts is responsible for the following: Watching the x ray monitor for weapons or contraband, personally screening persons with a handheld metal detector—I say to the Senator from Colorado, we come in every day, and we see them doing this—controlling pedestrian traffic at entrances, and watching both entry and exit doors for people who try to bypass security.

That is what one officer at one post is supposed to do.

Example: Ford House Office Building, Annex 2, Third Street door entrance, 441, Third Street, Southwest. By the way, the Third Street entrance is a multiple-door entrance.

Monday, February 7, 2000, one officer was assigned to this entrance from 0700 to 1500 hours. From 1200 to 1300 hours, 512 people entered through the Third Street entrance—one officer.

The Ford Building sits directly across from the Federal Center Southwest metro station, for those who are trying to identify it.

From 0800 to 0900 hours, 215 people entered through the entrance—one officer. This is Monday, February 7.

By the way, during the highest volume of pedestrian traffic, an officer who was passing by just simply stopped and offered assistance. But that is not the way it is supposed to be.

Hart Senate Office Building, 120 Constitution Avenue, Northeast; C Street door entrance to the Hart Building. This is a multiple-door entrance that is open to staff—Government workers—from 0700 to 0900 hours. This entrance is actually directly next to Senator NICKLES' office.

Tuesday, February 3, one officer was assigned to this entrance from 0700 to 1500 hours. As I say, that was Tuesday, February 3.

From 0900 to 1000 hours, 432 people entered through this entrance, not to mention the 332 staffers—Government workers—from 0800 to 0900 hours—one officer. Just think about the number of people who are streaming in with one officer. Again, I don't know exactly who is right in terms of how this problem gets solved. I think some of our police officers believe there are overtime funds for this purpose. It may be that upper management is arguing that those funds are not available. Others say we have to have more funds to hire more people. One way or the other, either there is money there for the overtime funds to properly staff these posts or additional money is necessary in appropriation.

I just gave two concrete examples on the House and the Senate side this month of February. I don't think any Senator or anyone in any decisionmaking position who is responsible for the security situation here—starting with these police officers, for them, much less for the public, much less for us—can justify this. It cannot be defended.

I will say it one more time. I think it is OK for me to say it. If I say it the wrong way, it is not OK for me to say it. We lost two fine officers. Agent Gibson, Officer Chestnut, we lost them. I do believe we all said to one another that we were going to do everything humanly possible to get the very best security for our officers. No one can ever guarantee a 100-percent safe situation. What we do know is that we can do everything that is humanly possible to try to meet that goal.

I just gave two examples this month that show we have fallen way short of meeting that goal. We are not doing right by the Capitol Hill police officers. We are not doing right by the public. We have to take action.

I will give other examples over the days and weeks to come. Of course, my hope is this problem will be dealt with.

I thank Senator DURBIN for allowing me this time. Not seeing any other Senators on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. WELLSTONE. Mr. President, I didn't want to take any time during the Democrats' timeframe because I am so appreciative of Senator DURBIN's remarks. I have another perspective, which is just my own intellectually honest and, by the way, personally heartfelt analysis of the budget.

I was struck when Senator DURBIN was talking about: If not now, when? The words of Rabbi Hill, his third century admonition, were heard by many. Rabbi Hill, speaking to Jews, said: If we don't speak for ourselves, who will? And if we speak only for ourselves, who are we? And if not now, when?

I think Senator DURBIN was talking about this booming economy and the fact that with a booming economy and the business cycle up, we can make our very good country even better. I agree. Let me spell out my dissent from the President's budget. I did it yesterday, but today I want to do it in a somewhat different way.

I do worry about the cynicism of people in the country toward politics and toward government. I think we all do, regardless of party. I think one of the ways we get ourselves into trouble is when there is such a disconnect or a gap between what we say and what we say we are going to do versus the actual budgets and what, in fact, we really are calling for by way of investment.

As I hear the President talk about his budget and where we are heading as a country, I hear the President talk about the goal of ending child poverty; of making sure we have health care coverage for our children; of making sure every child comes to kindergarten ready to learn; making sure that when children are no longer children but young people, like our pages, they will eventually be able to afford college, if they choose to make that higher education decision; that there will be economic security for senior citizens.

Then I look at the budget and this emphasis on Social Security, Medicare, yes, and basically paying down more of the debt. Frankly, when all is said and done—if somebody can prove me wrong, I am pleased to be proven wrong—the actual nonmilitary discretionary spending over the next 10 years is, in real dollar terms, cut. There is no additional investment at all.

Now, the way in which we try to do this in this budget is through the tax system, because politically it seems as if Democrats are scared to death to talk about investment in people any longer for fear they will be accused of being a big spender. Therefore, we do it through the Tax Code, through deductions and tax credits.

Let me give credit where credit is due, and let me tell you where I think there is this huge gap between what we say we are going to do and what we are really going to do. The earned-income tax credit is one of the best things we have done for poor people in this country, many of whom are children. Refundable tax credits makes a whole lot more sense. When we did the HOPE scholarship for higher education, we didn't make it refundable, so a lot of young people or not so young people who were attending community colleges, who had incomes under $28,000, $29,000 a year, got no help anyway. They had no tax liability from which to get a credit. Refundable tax credits help low- and moderate-income working Americans more.

But with all due respect, we have made hardly any additional investment. Sometimes, if you are going to do it through the tax system, if you are going to talk about long-term care, I say to the Senator from Colorado—I know this is a huge issue in his State—families are thinking long and hard. I have been through it. Sheila and I and our children, we went through it with my parents. They are no longer alive. They both had Parkinson's disease. I know what it is like. You don't want your parent or parents to be in a nursing home. The United States of America is still the only country in the world where you have to go to the poorhouse when you are in a nursing home before you are going to get public help. You have to basically lose everything. You want your parents, or a loved one with a disability, to be able to live at home in as near normal circumstances as possible and with dignity.

We say there will be economic security. We are now concerned about long-term care and that people should be able to live at home. Do you know what. In this budget proposal—maybe I am wrong—when you finally get down to it, you are probably talking about a couple thousand dollars a year that a family can get on a tax credit.

For my mother and father, and other mothers and fathers and grandparents, if we want to make a commitment to people being able to live at home with dignity, it is going to cost them more than $3,000 a year to have some people come in and help them do that.

We are so much for the children, and we have all this irrefutable medical evidence about the development of the brain. Last night, I was lucky enough to have dinner with Rob Reiner. He is so committed to this, and I thank him for his work. We know we have to get it right—prekindergarten. The Federal Government should be a player. It should be centralized, and we should get funds to the neighborhoods and community level and have really good developmental child care.

We have a pittance in this budget. Yes, we add more money for Head Start. I guess we should since, right now, we have been covering, under the age of 3, only 2 percent of the kids who are eligible. That is hardly much of a commitment to give children from poor income backgrounds. We have additional money, but in terms of the need, we only cover 20 percent of low-income families in America. This is a huge issue for middle-income and working families. We are talking about good child care, not unsafe child care. It is a pittance. It is a pittance.

So my point is—and the Presiding Officer is Republican, so don't take this the wrong way; we like each other—I think and I hope we like each other. I think what the President has proposed is better than what the Republicans propose for sure. The Republican view, when it comes to these issues, is that there is not much the Government can or should do but give people a tax break, most of it going to the people on top. That doesn't meet the needs of working families in this country anyway. If you don't own a large corporation and you are not wealthy, there is a role for Government by way of getting some resources down to the community level that can make a real difference to families. But where I dissent from this budget is where the polls say emphasize this, so we talk about it. The polls say it is a hot issue, so we talk about it.

But the truth of the matter is that when people hear us, they actually think what we are proposing is going to make a huge difference, so that children won't be in poverty. We have more children in severe poverty today—one-half the poverty income—than we have ever had. We still have about 13 million poor children.

People think a budget is going to help us end child poverty and make a commitment to prekindergarten and good child care, so that every child who comes to kindergarten is ready to learn, or the budget will help the elderly with health care. There is a little bit, but most families will find out there isn't going to be nearly enough—not if we truly want to live up to the goodness of America.

Every child should have the same opportunity to do well. People who have worked hard and built this country and are on their backs at the end of their lives ought to have decent coverage. They ought not to have to worry about going to a nursing home and losing everything.

Higher education should be affordable. People should not fall between the cracks in health care. I was at a dramatic hearing yesterday on suicide. Dr. Jameson from Johns Hopkins and many other people testified. People need coverage because of a struggle with mental illness. I argue that it is politically unsafe, and because there is substance abuse and addiction, they should not be discriminated against and denied coverage. We could save so many lives with the dollars if we did better.

People who work hard but don't have any coverage at all ought to have coverage for themselves and their loved ones. That is not in this budget. We hardly make a dent. So I take the words of my colleagues, the Democrats with whom I work, who say the economy is booming and we can do better, and I say I agree: So why are we not doing much better?

I think we have been taught to think small. I think that, unfortunately, part of what has been going on over x number of years is that we Democrats have decided we should think small. The conventional wisdom is that that is the way to win—think small; come up with programs that people think are popular, and then appropriate, get some money, and do it through the Tax Code so nobody can say you are spending money. But you are, either way. But you don't even come close to meeting the needs of the people to whom I say you are going to respond. I think it invites cynicism. No wonder people say Government programs don't work. They hear all this fanfare in press conferences, and, frankly, the investment isn't there. The people aren't helped very much.

I say to the Democrats—and I get to do it because I am a Senator and I get to speak to the floor to whoever wants to listen—I think everybody says the reason you have a 50-percent hole in the electorate, with 50 percent of the people voting in a Presidential election, much less a congressional election, much less a local election, is because of money, politics, and disillusionment. That is true. But the other part is that we aren't necessarily standing for politics that really speaks to people's lives, where ordinary citizens can say: Yes, the party, the Democratic Party, the party of the people, is behind us. We know it. Here is what they say they stand for, and they are willing to make the investments to make sure that, for parents and grandparents, our children and grandchildren can do better. I think that is the void in American politics.

I think it is a shame that this budget doesn't do a better job of filling that void. Frankly, I don't think we Democrats are doing the job we should do.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—RESUMED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1287, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

Pending:

Mr. Lott (for Murkowski) amendment No. 2808, in the nature of a substitute.

Mr. ALLARD. Mr. President, I understand the majority manager needs some more time. Pursuant to the provisions of rule XXII, I now yield the hour allotted to me postcloture to the majority manager, Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A COMMONSENSE BUDGET

Mr. BAUCUS. Mr. President, I want to take a few moments to focus on the budget debate in which this Congress is engaged. It is very important at the beginning to set priorities and parameters as we put a budget together that makes sense for our country rather than treating in isolation each individual spending or tax matter that comes before this body. It is very important that we step back and look at the bigger picture.

When a family or a corporation puts together a budget, they have to make all of their needs and desires fit into an overall budget plan. In the same way we should start out by making sure that all of our individual proposals fit into an overall budget plan.

I say this because some Members of the House are going to be moving specific tax bills in advance, without looking at the overall budget. The problem, obviously, is if we take very tempting separate items, such as a tax bill, say, a marriage penalty, or maybe it is an education tax bill, perhaps a retirement savings tax bill—it is very tempting to pass these in isolation and we are picking and choosing between different tax cuts before we even have agreed on how much money we have available.

Let's not put the cart before the horse. It's the same kind of helter-skelter approach that got us deeply into debt in the first place. Let's set our budget priorities first.

As we do so, we should keep two points in mind. First, we should be, if I may use the word, conservative. Let's keep the cork in the champagne and not put too much stock in ten-year projections that show a huge surplus.

I don't care how good your crystal ball is. Things change, and small changes add up to a lot over 10 years.

I would like to make a point about an article in yesterday's Washington Post that underlines this problem. It is a story by Eric Pianin and John Berry. Their basic point is the fragility of the long-term budget projections—whether they are the President's projections, the CBO's, or others.

Let me quote, "Clinton's projections highlight just how tenuous those surpluses could be."

There is another example of this. This chart shows how difficult it is to predict the future and how quickly and how dramatically budget projections change. On the left, the red bar illustrates that 2 years ago, January 1998, the Congressional Budget Office projected the country would face about a $900 billion deficit over the next 10 years.

Just a couple of weeks ago, the CBO reached a different conclusion. Their conclusion was that we are going to have the benefit of a roughly $2 trillion budget surplus over the next 10 years. That is a swing of practically $3 trillion in just two years! Clearly, 2 years from now this $2 trillion projected surplus is going to look a lot different, as it will 3 years from now and 4 years from now. Therefore, let us not listen to the siren song of these huge projected surpluses based upon current economic estimates. I know the budget estimators do the best they can. But I sure wouldn't want to bet the farm that these new numbers will hold up for a decade.

The current economy is doing well. We want it to continue doing well, but there is no guarantee it will. Let's be careful. Let's be cautious. These projections of huge surpluses could fade. It could change very quickly.

The point came home to me in a conversation I had with the CEO of a major telecommunications company.

I said: Sir, does your company make 5-year plans?

He said: Well, yes, we do.

I said: How closely do you follow them? How well do you implement them?

He said: Well, we really don't. We try, but things change so quickly, we have to change and adjust.

Granted, telecommunications is a fast-changing industry. But we are a fast-changing country in many respects. Changes happen very quickly. Changes happen, particularly as our world gets more and more interconnected and more technologically advanced. With more and more technology and more factors involved in determining the course of our economy, it is more and more difficult to predict the future. It is a problem we face.

With all the inherent uncertainty about the future, let's be a little cautious when it comes to the Federal budget. And let's also adhere to the Hippocratic Oath, that is, "first, let's do no harm."

I believe the prudent course is to adopt what I'd call a "no regrets" budget.

Policies that we believe make sense and address important needs irrespective of upticks or downticks in the economy.

To my mind, this means we should, first and foremost, reduce the debt.

That's plain conservative, common sense. During good times, you pay your debts, and you save a little. It also helps to protect Social Security and Medicare. Just paying down the debt will have a tremendous economic benefit to our country.

How? First, paying down the debt will free up more private capital so individual Americans can make more decisions along the lines they want, as they have in the last several years, which has helped boost this great economic growth. Paying down the debt means more private capital will be available. But perhaps more importantly, if the Federal government borrows less from the market, the private sector can borrow more. Government reduces its debt service costs and pressure on interest rates is reduced. And lower interest rates are a direct, tangible benefit to every businessman, farmer, home owner, and car purchaser.

Treasury Secretary Larry Summers said much the same thing yesterday morning. He told the Finance Committee that a major benefit of reducing the debt is to free money so that it is available to be productively invested by the private sector.

So, Mr. President, reducing the Federal debt is important to the continued growth of the private sector.

The second step is to set the right budget priorities. After debt reduction, we should invest where it will make the most sense for our economy. That means investment in people, investment in education, investment in infrastructure.

We can also do some good by creating incentives for private retirement savings. Retirees need more than just Social Security and we should address it this year.

And we should deal with other tax issues, too. These include reducing the marriage penalty, providing incentives for long-term health care, and helping communities conserve open space.

Those are all areas where I believe we can find strong bipartisan agreement.

I hope we could also find agreement not to go overboard with tax cuts. I know election years get the juices flowing. But I would just caution folks to remember our experience in the early 1980's with the exuberance for large tax cuts.

Two years after we enacted that tax cut—and I voted for it—Senator Dole had to come back and lead the damage control party. We had to increase taxes that year to repair the deficit problem. But it wasn't enough and we needed to do it again two years after that.

I don't know about my colleagues, but I've learned from that mistake. I don't want to lock in a big tax cut now only to find ourselves in two years digging out of a hole if the economy heads south. It's happened before!

Mr. President, I know that many observers have written off this year. They say it's an election year. That we won't get anything done. But we shouldn't write off this year quite yet. We have 120 legislative days left. It's not a lot of time.

But if we set solid budget priorities and we work together, then we can pass a budget that is responsible and invests in America, then this Congress can write a record of bipartisan accomplishment that will benefit all Americans.

I ask my colleagues to join together. If we do what is right—and we know what is right—we are going to be serving our country well. That is my plea.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

RECESS

Mr. MURKOWSKI. Mr. President, for the benefit of Senators, subject to the approval of the majority and minority leaders, it is our intention to break for lunch until 2:15.

I ask unanimous consent that we recess for lunch, that the time be counted on the bill, and we resume debate again at 2:15.

There being no objection, at 12:09 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from New Hampshire, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—Continued

Mr. MURKOWSKI. Mr. President, we are still in the process of trying to resolve the nuclear waste bill. As the Chair is aware, last night we laid down the substitute amendment; that has been circulated in the body. We have some amendments pending, and I will identify those at a later time. It is a very short list. Some may be deemed by the Chair to be nongermane. I think we can begin the process now of addressing this legislation in a positive vein inasmuch as it would provide a workable methodology for the Federal program to ensure that our nuclear waste is managed safely and efficiently.

My point in highlighting this is to identify the value of this legislation, as it stands, with the substitute filed last night. I went through an extended statement yesterday indicating that nuclear energy produces 20 percent of our electricity today. We simply cannot jeopardize our economic future by ignoring the contribution the nuclear industry makes to our Nation and the realization that the industry is choking on its waste. And the idea remains of losing 103 nuclear powerplants over a period of time because of the Federal Government's failure to honor the sanctity of the contractual commitment to take that waste in 1998, even though the ratepayers contributed some $15 billion to the Federal Government to ensure the Federal Government would have the funds to take and dispose of the waste. Well, we are all aware of the realities associated with the inability of the Government to do that, to fulfill that contract and honor the sanctity of that contractual commitment.

What isn't generally known or understood is the extent of liability associated with the failure of the Government to perform its contractual obligation. I have indicated that it is full employment for some lawyers. The liability is somewhere between $40 billion and $80 billion for failure of performance.

I think we agree that we have an obligation to come together to solve this problem on behalf of the American taxpayers, where each family is subjected to an allocation cost of about $1,400 per family in this country each year as we delay the process. We have made substantial progress in addressing these issues and working with my friends from Utah—and I am sensitive to their particular position—as well as the minority and the ranking member from New Mexico, for whom I have the greatest respect. As a consequence, I believe this bill provides significant benefits to the consumers, who have paid $15 billion-plus for this Federal disposal program, and the program direction we have in this legislation for the Energy Department which must carry out this important environmental obligation.

Now, the Senate should pass this legislation. The administration should support this approach to solving this critical national issue.

Senate bill 1287 provides important changes to existing law as embodied in my new substitute that allows the Department of Energy to meet its 1998 obligation to manage used nuclear fuel from nuclear powerplants which have already begun to run out of space in especially designed storage pools.

Further, it allows for the settlement of litigation, begins a process of settlement for litigation between these utilities and the Energy Department in a fair way, and eliminates costly litigation against the Federal government, hence the taxpayer.

This bill would protect the use of billions of dollars in the nuclear waste fund so it is used only for the repository program and not diverted to cover the cost of long-term storage at these plants in some 40 States.

The fund itself could be used, however, to purchase containers to house the fuel. Those containers were used also to ship the fuel to a repository. I am not suggesting that is the case, but that is possible.

S. 1287 retains the EPA—I want to emphasize this—as the sole authority to establish radiation protection standards at Yucca Mountain and establishes a method for EPA to discuss the standards with the Nuclear Regulatory Commission and the National Academy of Sciences. But it preserves, in spite of what the Washington Post reported and the administration, the EPA as the sole authority to establish standards.

Finally, this bill protects consumers from unreasonable increases in Federal nuclear waste fund fees. It allows only Congress to increase those fees—not the Secretary of Energy.

Every Member of this Senate is going to have an opportunity to express his or her opinion if the fees are raised. It is not going to be an arbitrary decision from the Department of Energy.

These provisions represent a couple of areas in which we can by working together to craft a bill that provides the necessary leadership to finally move this program towards achieving the intent of the original Nuclear Waste Policy Act. I urge my colleagues to support this meaningful reform and begin the responsibility of managing nuclear waste from the 40 States at one location—not 40 locations.

I am pleased to say I have just learned Senator KERREY of Nebraska has come on as an original cosponsor of the legislation.

Briefly, the benefits of S. 1287 are:

Early receipt of used fuel at site in the year 2007 no later than 18 months after authorization of construction by the Nuclear Regulatory Commission is in the amendment.

There is protection. The nuclear waste fund section 105(e) "source of funds" states:

> The Secretary may not make expenditures in the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except:
>
> 1. The cost of acquiring and loading spent nuclear fuel casks;
>
> 2. The cost of transporting spent nuclear fuel from the contract holder's site to the repository; and ". . . other costs required to perform settlement agreement or backup storage."

Further, it prevents unreasonable increases in fees. Section 104 of the nuclear waste fee states:

> The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.

It provides for the development of a protective radiation standard, giving absolute authority for setting of a standard to the Environmental Protection Agency.

I want to repeat that.

It provides for the development of a protective radiation standard by giving the absolute authority for setting a standard to the Environmental Protection Agency, while acknowledging for the ability of the Nuclear Regulatory Commission to provide consultation and comments to Congress, as well as the hopeful contribution by the National Academy of Sciences so we can get the very best science on this. But the decision is still the EPA.

Specifically, the amendment drops the interim storage, requires Congress to approve any increases in fees to protect the consumer, sets the schedule for development of a repository, authorizes backup storage at a repository for any spent fuel that utilities "cannot store onsite," and allows the Environmental Protection Agency to set a radiation standard after June 1, 2001; prior to those consultations, only with the NAS and the NRC to ensure we have the best science and that the standard is set. But it is EPA's responsibility under statute to set the standard. We want it based on the best science available.

Further, it authorizes a settlement agreement for outstanding litigation and requires an election to settle within 180 days as requested by the administration.

The idea is to start the settlement process within 6 months. It sets acceptance schedules for spent fuel and transfers 76,000 acres of land to Nevada counties to assist them with the impact of the repository in the counties.

It uses the WIPP model for transportation, which is currently used in New Mexico, consistent with existing law under HAZMAT. I want to emphasize this. The State will be selecting the routes so we can move this waste from the 40 States where it is located to one site at Yucca Mountain.

We included training provisions to ensure safety in the movement of that waste.

There was a question of transportation. The minority believed very strongly that we should not be subsidizing international research for the development of transmutation. We struck that from our original version.

We include the decommissioning of a pilot program for the sodium-cooler fast breeder reactor in Arkansas.

We included a study on the Prairie Island rate impact as well. But there are a couple of points I want to emphasize, specifically for Members of this body—and their staffs—from Delaware, West Virginia, Kentucky, Oklahoma, Wyoming, Montana, South Dakota, North Dakota, Hawaii, and my State of Alaska.

The significance of that list is that there are no commercial waste sites in those States. But we have a chart that shows where they are. They are in 40 other States. But they are not in Delaware, West Virginia, Kentucky, Oklahoma, Wyoming, Montana, South Dakota, North Dakota, Hawaii, or Alaska.

If you are paying attention to this debate, you should be interested in the disposition of waste that may be in one of your States—one of the 40 States.

This chart clearly identifies the various States where we have commercial reactors. We have shut down reactors. We have spent nuclear fuel storage. We have research reactors, naval reactor fuel, so forth and so on.

Several years ago, when we started on this legislative train to try to resolve this problem, there was a suggestion made and legislation was developed that said, well, since Yucca Mountain isn't ready, it is not licensed, and we have some of these storage plants that are in a critical stage, the volume of waste has either exceeded or is about to exceed the licensed storage in those plants, those States can shut those plants down.

What are you going to do to make up for the loss of that electric generation? That was left to a later date. The idea, then, was to move some of the waste from some of the critical reactors where storage had been built to a temporary repository at Yucca Mountain—put it in casks until Yucca Mountain was certified, licensed, and finalized. There are a lot of steps to go through.

There was great concern over that. Nevada felt there was a finality associated with it. In other words, it implies that once it is placed there it will never move again. They opposed that. The administration opposed it because they said we had not finalized and licensed Yucca Mountain. There is always a chance we won't be able to do that. Of course, that evades reality because we will still have to put it somewhere.

Let me share a letter which I think personifies where we are in this debate. It is from the Governors of the various States in the Northeast corridor, for the most part: Governor Dean, Democrat of Vermont; Governor King, Independent of Maine; Governor Shaheen, Democrat from New Hampshire; Jesse Ventura, Reform Party of Minnesota; Governor Tom Vilsack, Democrat of Iowa; Governor Jeb Bush of Florida; Governor John Kitzhaber. They sent a letter to the President which I highlighted the other day. We have come full circle on the issue.

The letter reads as follows:

> We governors from states hosting commercial nuclear power plants and from affected states express our opposition to the plan proposed by Energy Secretary Richardson in his February 1999 testimony before the Senate Energy and Natural Resources Committee. Secretary Richardson proposes that the Department of Energy take title, assume management responsibility and pay costs at nuclear plant sites for used nuclear fuel it was legally and contractually obligated to begin removing in January 1998. This proposed plan would create semi-permanent, federally controlled, used nuclear fuel facilities in each of our states.

Think about that. We are not going to allow a temporary repository at Yucca Mountain until we get a final decision. That legislation was defeated. The Secretary and perhaps others suggested they take title to the fuel. By taking title to the fuel, that does just that: It takes title in each of 40 States. It provides no guarantee as to when or if it will be moved. As a consequence, 40 States have no assurance it will leave their State.

Every Member of this body representing the 40 States that have nuclear power should be very concerned about the implications of this.

In deference to the Secretary of Energy, my good friend, Secretary Richardson, assured me he would be able to adequately address the concerns of the Governors. I think he made a good-faith effort. Obviously, it was not enough. Perhaps the reason it was not enough—and this is certainly not the fault of the Secretary—was the inability of the Government to commit to its word to take the waste in 1998. It was not under his watch. The Government simply could not resolve it, so it was not done.

I want to stress the significance of what this means to these States that have expressed their concern. They are fearful that taking title in their State would create semipermanent, federally controlled, used nuclear fuel facilities in each of the States. They continue with more food for thought that I think is appropriate. They say:

> The plan proposes to use our electric consumer monies which were paid to the federal government for creating a final disposal repository for used nuclear fuel. Such fuels cannot legally be used for any other purpose than a federal repository.

They don't have that in mind.

> This plan abridges states rights—it constitutes federal takings and establishes new nuclear waste facilities outside of state authority and control.
>
> These new federal nuclear waste facilities would be on river fronts, lakes and seashores which would never be chosen for permanent disposal of used nuclear fuel in a site selection process.
>
> The plan constitutes a major federal action which has not gone through the National Environmental Policy Act (NEPA) review process.

It is interesting that the Government agencies conveniently go around some of the regulations that others cannot get around.

> The new waste facilities would likely become de facto permanent disposal sites.

Listen to that, "permanent disposal sites." That could happen in any of your States.

> Federal action over the last 50 years has not been able to solve the political problems associated with developing disposal for used nuclear fuel. Establishing these Federal sites will remove the political motivation to complete a final disposal site.

It will remove the political motivation. Those are pretty strong words.

The last page reads:

> We urge you to retract Secretary Richardson's proposed plan and instead support establishing centralized interim storage at an appropriate site. This concept has strong, bipartisan support and results in the environmentally preferable, least-cost solution to the used nuclear fuel dilemma.

There it is: The inability of the Governors and the administration to provide the Governors with the degree of comfort they need to ensure it will not become permanent, and that we, in this legislation in its final form, have changed the take title provision and eliminated it, in view of the reality associated with the inability to provide the States with the assurance that the waste would be removed from those States.

I had hoped the administration and the Secretary of Energy would be successful in allaying fears. Probably the reason they have not been able to do so is because there is no assurance that they could move any further than we did in 1998 when we could not make the contractually related commitment to take the waste at that time.

I will make a couple of other points that I think represent good faith in the manner in which we tried to resolve concerns of the minority. This included a 180-day window when contract holders must decide whether to enter into settlement negotiation with the Secretary. That is back in the bill at the request of the minority. We think it is appropriate that a process be started.

I think it is fair to characterize that Senator BINGAMAN and Secretary Richardson felt this must be an appropriate inclusion of this provision to allow the Department of Energy planning process to go ahead.

I want to touch briefly on transportation. I know there has been a good deal of concern; people say they don't want the stuff to go through their State, and that is understandable. What we have done in accordance with the minority is to use the WIPP transportation model, which is a model I think I can say Senator BINGAMAN and Secretary Richardson support. Basically, it comes down to the State designating the routes to move the waste.

We have also included in existing law a training provision to make the transportation as safe as possible.

There was a question of transmutation. I think I have addressed that.

But one other point I would like to make to my colleagues from Nevada is how we have attempted to accommodate a concern they had about what was in the bill. First of all, if I could have the attention of my two colleagues from Nevada, because I think this is important, in the original bill we had payments to local communities. I was sensitive to the impact of the ultimate disposition of perhaps finalizing a permanent repository in the State of Nevada. As a consequence, there are annual payments of $2.5 million. I think they would go for about 5 years. It would be about $12.5 million to the local counties. Then there was another $5 million to come in on the first fuel receipt that would come in, and then annual payments after the first receipt until closure. We do not know when the closure is, but it would be about $5 million a year. I think, if we figured the repository would go until about the year 2042, that is about $140 million to your counties.

At the insistence of the minority, that funding was eliminated. However, I felt very strongly about the land conveyances that were requested of 76,000 acres—that is twice the size of the District of Columbia, if I can put it in perspective. So we have in this bill 76,000 acres to Nevada: 46,000 acres to Nye County, 30,000 to Lincoln County. This is going to go for a variety of uses: For the city of Caliente, a municipal landfill as well as for community growth and community recreation; Lincoln County, for community growth. For Panaca, Rachel, Alamo, Beatty, Ione, Manhattan, Round Mountain/Smokey Valley, Tonopah, another 28,230 acres; for the towns of Amargosa and Pahrump, another 17,450 acres. These are areas that have been identified for favorable disposal by BLM.

Mr. REID. If the Senator will yield, one thing we have to do is get you to Nevada to hear how to pronounce some of those names.

In the early 1940s and 1950s, we had great football teams at the University of Nevada. They would bring in these football players from around the country, as was done in those days. Marion Motley was a great all-pro Hall of Fame football player. He came and signed up for school. He was going through registration. They asked him where he was from. He said Ely, NV; it is pronounced "Elee," NV. That is how you pronounced the names. Beatty and Amargosa and Pahrump—we are going to have to give some lessons to you on how to pronounce the names. Just as if I went to Alaska, it would be hard for me to pronounce those names.

Mr. MURKOWSKI. I know a lot of people who come to Alaska and visit "Valdeez" think it is pronounced "Valdez."

But I did want to highlight the fact we have tried to respond to the request for the land conveyances. They are 76,000 acres transferred over to the two counties that would benefit the communities. That is in this bill. I offer it simply as an effort in good faith to be sensitive to concerns I think are very legitimate. That is to transfer the land from Federal agencies that do not have a need for that land to the communities so they can put them on the tax rolls and have it functionally contribute to the economy of the area and benefit the people. I think that is appropriate as well.

I see a few Members here awaiting recognition. It is appropriate I yield the floor. At a later time, it will be my intention to address some of the amendments that are pending.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Nevada.

Mr. REID. I see my friend from North Dakota and my friend from Minnesota are here. I am wondering how long the Senator from Minnesota wishes to speak.

Mr. GRAMS. Probably less than 10 minutes.

Mr. REID. The Senator from North Dakota wants to speak as in morning business for 15 minutes.

I have just a few things to say. If it will be OK with the Senator from North Dakota, as soon as I finish, I ask the Senator from Minnesota be recognized for 10 minutes.

Mr. GRAMS. Somewhere around there; maybe 12. I am just guessing.

Mr. REID. And then I ask the Senator from North Dakota be recognized for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I will be brief. I did want to respond to some of the things that were mentioned by the Senator from Alaska, the manager of this bill.

When I practiced law, I represented a number of automobile dealers. I remember one of the big problems we had is that once in awhile someone would buy a lemon. That is what they were called. Something just went wrong in the manufacture of that car, and whatever was done, it turned out bad; you just could not fix it.

I remember one dealer I represented. There was a man who was picketing his place of business. He had his car painted yellow, and he had it so it looked like a float that looked like a lemon. The dealer told me: You have to settle this case. You have to get rid of this case.

That is kind of how I feel about this legislation. This legislation is a big lemon. Whatever they do with it, it is still bad. It is just like those cars that are lemons.

Senator MURKOWSKI, the manager of this bill, I have no doubt, is doing his very best, and that is usually good enough. In this instance, he is dealing with a lemon and it is not good enough. Take, for example, the fact that everyone knows the 1987 act deleted the State of Washington and the State of Texas and began the characterization of Nevada, Yucca Mountain. That is going forward as we speak, the characterization of Yucca Mountain. S. 1287 was supposed to streamline the process. It would not do that.

For example, there is a provision in S. 1287 that the utilities badly wanted. What did that legislation call for? It said the utilities would no longer hold title to the nuclear waste but title would instead be transferred to the Department of Energy. That was the big purpose of S. 1287. That was the bill, S. 1287. The big part of it was what they call "take title."

We were here yesterday at 5:55; 5 minutes before the deadline, amendments were filed, and take title is gone. S. 1287, the take title provision is out of this bill. It is like the proverbial lemon from which we try to protect automobile dealers. For the first time in the history of this legislation, we now have the utilities fighting the States.

The EPA provision that the managers of the bill worked so hard to try to get resolved has made it worse. The problem we have here with the EPA provision is that the manager, recognizing he would rather deal with a Republican President, has inserted a provision in this amendment that puts off the decision by the Environmental Protection Agency until the next administration. He is hoping, of course, that either President McCAIN or President Bush will be elected.

The fact is, that is a crapshoot, I guess, but it should not be part of this legislation. All it does is further "lemonize" this legislation." The EPA is concerned about this. The President is concerned about it because it is attempting to make him a lame duck President, attempting to dissipate and do away with the rulemaking power of his agencies. Secretary Richardson is totally opposed to this legislation. As I said, Carol Browner is opposed to it. The League of Conservation Voters is opposed to it; most every other environmental organization is opposed to this bill. So we understand why the League of Conservation Voters—I am using them as just a representative because they speak for everyone, really—are concerned.

This legislation is placed ahead of the Patients' Bill of Rights, public schools, Social Security, prescription drug benefits, and all the other things we need to be talking about, including minimum wage and the juvenile justice bill.

The environmental community considers defeating this bill a major priority during this election year. In fact, I have a letter from Deb Callahan, who is head of the League of Conservation Voters, who has made it clear they may score S. 1287 as it poses "unacceptable risks to public health and the environment."

The League of Conservation Voters is not some radical environmental group driving stakes in trees; it is a middle-of-the-road environmental group that speaks for the American public. They are decidedly and appropriately bipartisan.

It is interesting. I prepared these remarks long before the junior Senator from the State of Rhode Island started presiding, but just last year, the League of Conservation Voters honored Senator JOHN CHAFEE, a Republican, for his lifetime and stalwart support for environmental protection. Voting against this bill is about protecting the environment, not just in Nevada, but as the letter indicates, in the 43 States where S. 1287 will accelerate nuclear waste trafficking.

I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEAGUE OF CONSERVATION VOTERS,
February 7, 2000.

Re Oppose S. 1287—The Nuclear Waste Policy Amendments Act of 2000.

U.S. Senate,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the bipartisan, political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

The League of Conservation Voters urges you to vote against the Nuclear Waste Policy Amendments Act of 2000 (S. 1287). S. 1287 poses unacceptable risks to public health and to the environment.

The Environmental Protection Agency (EPA) should be in charge of setting the final standard for Yucca Mountain and should set the most protective standard possible. S. 1287 would undermine EPA's standard-setting process by delaying the issuance of a final standard until as late as June 1, 2001. The bill also would require agreement between the Nuclear Regulatory Commission and EPA on the final standard. EPA has already published a proposed standard for Yucca Mountain that appropriately includes a separate standard for groundwater—the most likely avenue for contamination at Yucca Mountain. The NRC's proposed standard does not set a separate groundwater standard, and is designed to accommodate the anticipated failures of Yucca Mountain to contain radionuclides. Further, the NRC's proposed radiation standard is higher than the highest radiation standard recommended by the National Academy of Sciences in its 1995 report on standards for Yucca Mountain.

S. 1287 would put Americans in communities across the nation at risk by mandating dangerous shipments of spent nuclear fuel to an as-yet unidentified "backup" storage site from reactors across the country beginning as early as 2006. S. 1287 would dramatically increase nuclear waste shipments, together with the risk of a transport accident involving nuclear waste. Up to 100,000 shipments of nuclear waste will travel through 43 states and within half a mile of 50 million Americans over 25 years.

LCV urges you to vote "No" on S. 1287 and to work instead for a national nuclear waste policy based on sound science, citizen involvement, and protection of public health and safety.

LCV's Political Advisory Committee will consider including votes on this issue in compiling LCV's 2000 Scorecard. If you need more information, please call Betsy Loyless in my office at 202/785-8683.

Sincerely,

DEB CALLAHAN,
President.

Mr. REID. Mr. President, my friend from Alaska talked about conveyances of Federal public lands to Nevada. The Senator from Alaska has been very good working with Nevada which has 87 percent of its land owned by the Federal Government. We have worked very well with him. His committee has helped us get parcels of land put in the private sector, but in this instance, the State of Nevada has had no input.

There are about 20 maps on file at the DOE showing where these lands are located. The Governor of the State of Nevada knows nothing about this. Our public lands administrator in the State of Nevada knows nothing about this. I have not been provided copies of these maps, so I assume none of my colleagues have either. No hearings have been held to find out whether the land conveyances are good or bad. We want land in the private sector, but we do not want land conveyed that will have a negative effect on the people of the State of Nevada. We need to review the proposed land conveyances. These are not small conveyances. This bill could convey land larger than the State of Connecticut from public lands to private lands in the State of Nevada.

This legislation is a big fat yellow lemon. In addition to that, although I usually like the looks of lemons, this is an ugly lemon, and the best thing we can do is vote against this legislation. It is bad legislation, and the amendment of my friend, the Senator from Alaska, is not going to improve it. It just further, as I say, "lemonizes" this legislation.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I want to take a few minutes today to express my support for an amendment I was planning to offer, along with Senators SNOWE, COLLINS, and JEFFORDS, to strike the so-called take title provision from S. 1287. I thank Chairman MURKOWSKI for including this in his substitute. We are withholding offering that amendment.

For as long as I have been in the Senate, I have argued that the Department of Energy has a legal responsibility to remove nuclear waste from my home State of Minnesota. We all know the DOE was obligated to begin removing waste from civilian nuclear reactors by January 31, 1998. Sadly, the DOE virtually ignored that date and instead has engaged in a protracted struggle to dodge any responsibility it might have to our Nation's ratepayers.

As everyone in this Chamber knows, Washington's involvement in nuclear power is not new. Since the 1950s Atoms for Peace Program, the Federal Government has promoted nuclear energy in part by promising to remove radioactive waste from powerplants. Congress decisively committed the Federal Government to take and dispose of civilian radioactive waste beginning in 1998 through the Nuclear Waste Policy Act of 1982 and its amendments in 1987. It has been on record for 18 years, a mandate by the Congress, to do this.

These acts established the DOE Office of Civilian Radioactive Waste Management to conduct that program. It selected Yucca Mountain, NV, as the site to assess for the permanent disposal facility. It also established fees of a tenth of a cent per kilowatt hour on nuclear-generated electricity, and it provided that those fees would be deposited into the nuclear waste fund.

Furthermore, it authorized appropriations from this fund for a number of activities, including development of a nuclear waste repository.

Eventually, publication of the standard contract addressed how radioactive waste would be taken, stored, and disposed. The DOE then signed individual contracts with all civilian nuclear utilities promising to take and dispose of civilian high-level waste beginning on January 31, 1998. The DOE signed contracts to do this.

Other administrative proceedings, such as the Nuclear Regulatory Commission's waste confidence rule, told the American public they should literally bank on the Federal Government's promises.

This point needs to be clearly understood by the Members of this body. Our Nation's nuclear utilities did not go out and invest in nuclear power in spite of Federal Government warnings of future difficulties. Instead, they were encouraged by the Federal Government to turn to nuclear power to meet our increasing energy demands. Utilities and States were told to move forward with investments in nuclear technologies because it is a sound source of energy production, and the Federal Government's support for nuclear power was based on some very sound considerations.

First, nuclear power is environmentally friendly. Nothing is burned in a nuclear reactor, so there are no emissions released in the atmosphere. In fact, nuclear energy is responsible for over 90 percent of the reductions in greenhouse gas emissions that have come out of the energy industry since 1973. Between 1973 and 1996, nuclear power accounted for emissions reductions of 34.6 million tons of nitrogen oxide and 80.2 million tons of sulfur dioxide.

Second, nuclear power is a reliable baseload source of power. Families, farmers, businesses, and individuals who are served by nuclear power are served by one of the most reliable sources of electricity.

Third, nuclear energy is a homegrown technology, and the United States led the way in its development. We have long been the world leader in nuclear technology and continue to be the world's largest nuclear-producing country. Using nuclear power increases our energy security.

Finally, much of the world recognizes those same values and promotes the use of nuclear power, again, because of its reliability, because of its environmental benefits, and its value to energy independence. For those reasons, the Federal Government threw one more bone to our Nation's utilities. It said: If you build nuclear power, we will take care of your nuclear waste, we will build a repository, and we will take it out of your State. Again, they told the public: You can bank on those promises by the Federal Government.

In response to those promises, States across the country took the Federal Government at its word. It allowed civilian nuclear energy production to move forward.

As we all know, ratepayers agreed to share some of the responsibilities but were promised some things in return. They agreed to pay a fee attached to their energy bill in exchange for an assurance that the Federal Government meet its responsibility to manage any waste storage facilities.

Because of those promises and measures taken by the Federal Government, ratepayers have now paid roughly $16 billion, including interest, into the nuclear waste fund. Today, these payments continue, exceeding $600 million annually or about $70,000 for every hour for every day of the year. For the ratepayers of Minnesota, these contributions have claimed over $300 million of their hard-earned money since the creation of the nuclear waste fund.

In summary, the Federal Government promoted nuclear power, utilities agreed to invest in nuclear power, States agreed to host nuclear powerplants, and the ratepayers assumed the responsibility of investing into the long-term storage of nuclear waste. Still nuclear waste is stranded on the banks of the Mississippi River in Minnesota and on countless other sites across the country because the Department of Energy has a very short-term memory and this administration has virtually no sense of responsibility—let me say that again—because the Department of Energy has a very short-term memory and this administration has virtually no sense of responsibility.

Now we can all argue all day long on the floor of this Chamber on the merits of nuclear power. But we cannot stand here on the Senate floor and deny that the Federal Government promoted nuclear power and that the Federal Government promised to take care of nuclear waste.

Taking title to the waste does not fulfill that promise.

Unfortunately, if the DOE is allowed to take title to nuclear waste at the plant site, I can't provide the ratepayers of my State with any reason to believe the waste will eventually be moved.

Allowing the DOE to take title to waste and to leave it at the reactor site is an invitation to even more ratepayer abuse at the hands of the Department of Energy. I think the record of the DOE has shown that this administration would much rather leave waste where it is than move it to a centralized storage facility.

A number of my colleagues in the Senate have suggested the same thing. I don't believe that is a good policy, nor is it the policy in which the ratepayers of Minnesota have so generously invested—again, not only in Minnesota but across this country.

I met yesterday with Minnesota's Commerce Commissioner, Steve Minn. He made it very clear to me that for States, the most objectionable aspect of this bill is the take title provision. He indicated that the provision is viewed with extreme skepticism by the State of Minnesota.

I understand why.

I know Senator MURKOWSKI has read from the letter the Governors, along with Governor Ventura of Minnesota, have written and sent to President Clinton dealing with this problem. It says:

> We governors from states hosting commercial nuclear power plants and from affected states express our opposition to the plan proposed by Energy Secretary Richardson in his February 1999 testimony before the Senate Energy and Natural Resources Committee. Secretary Richardson proposes that the Department of Energy take title, assume management responsibility and pay costs at nuclear plant sites for used nuclear fuel it was legally and contractually obligated to begin removing in January 1998.

The Department of Energy says: Oh, we'll pay for it. But where are they going to get the money? They are going to take it from the ratepayers or the taxpayers. So basically this is a punt by the Department of Energy—again, not committed to those contracts that it signed with all the States.

> This proposed plan would create semi-permanent, federally controlled, used nuclear fuel facilities in each of our states.

This letter states some of the objections by the Governors:

> This plan abridges states rights—it constitutes federal takings and establishes new nuclear waste facilities outside of state authority and control.

The Governors went on to say, in their objection to the take title provision offered by Secretary Richardson of the Department of Energy:

> The new waste facilities would likely become de facto permanent disposal sites [some 100 sites across the country]. Federal action over the last 50 years has not been able to solve the political problems associated with developing disposal for used nuclear fuel. Establishing these federal sites will remove the political motivation to complete a final disposal site.

The Governors across the states that are affected are very concerned. Again, I understand why.

Quite reasonably, States don't want to see the Federal Government take up permanent residence at these waste sites. It is the nuclear waste equivalent to having the fox guard the hen house.

Allowing the Federal Government control of waste sites removes a State's oversight role. It removes the State's authority and control over these sites and it does not—I underline that—it does not remove waste from Minnesota or any other State.

In closing, I ask my colleagues to listen to the Governors of our States and to vote to remove the take title provision from this legislation, in other words, support Chairman MURKOWSKI's substitute.

With this bill, we need to lock in transportation provisions, protect the ratepayers from increases in their contribution, facilitate a constructive resolution to the radiation standard dispute, and also advance the goal of completing a national repository for the permanent storage of nuclear waste.

We do not need to provide the DOE with an excuse to leave waste stranded permanently in Minnesota and across the country.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. As previously ordered, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I had sought permission to speak as in morning business—not on this bill—for 15 minutes. I shall not take that entire time.

PROTECTING SMALL BUSINESSES

Mr. DORGAN. Mr. President, this morning there was a story in a daily newspaper in my State, the Bismarck Tribune, entitled "National candy company takes on Mandan couple." It is a curious story, an interesting story, and one that is perhaps repeated all too often around the country. It concerns a type of business dispute in which one company alleges that another company is doing something that intrudes upon the rights of the first company.

As corporations become larger through mergers and acquisitions, all too often we see big companies trying to muscle mom-and-pop businesses around. That is what I think this case is about.

For those of us who care about small businesses and stand up for the rights of entrepreneurs, people who work hard, people who risk almost everything to make a go of it on Main Street, this kind of story is pretty ominous. Let me describe what it is about.

It is about a small business in Mandan, ND, run by Debbie and Russel Kruger. They run a drugstore and soda fountain on the main street of Mandan; and to try to make a little extra money, they make homemade candy. Debbie Kruger has created three different candy bars, and she markets these candy bars as well.

It is a good small business. They are not making a fortune, but they are struggling and doing business on the main street of Mandan, ND.

If I might, with the permission of the Chair, I ask unanimous consent to show the Lewis & Clark Bar on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. It is a candy bar that has on its wrapper a picture of Lewis and Clark, and buffalo, and the young Indian woman, Sakakawea, who guided Lewis and Clark across the West. It is a milk chocolate candy bar called the Lewis & Clark Bar, designed by Debbie Kruger in 1997.

She did this because we are coming up to the 200th anniversary of the Lewis and Clark Expedition. There will be celebrations up and down the route that Lewis and Clark took. They stayed the winter in Mandan, ND—about 40 miles north. They spent the entire winter there. They spent more time in North Dakota than any where else on their trip.

The 200th anniversary—1804, 1805, 1806—will bring enormous visitation to the Lewis and Clark route. So Debbie Kruger, created a candy bar, the Lewis & Clark Bar.

She produced 20,000 to 30,000 bars. She sold about 20,000; and 10,000 are on shelves or in inventory.

Then she got a letter from a lawyer in Boston, MA. That is ominous enough, just getting a letter from a lawyer in Boston, MA.

The lawyer wrote:

"I represent New England Confectionery Company (Necco)." I know Necco. I have been eating Necco products since I was a little kid.

The letter continues that a matter has come to the attention of this lawyer for the New England Confectionery Company. The matter that has come to his attention? There is a candy bar in Mandan, ND, named the Lewis & Clark Bar. What does that mean?

He says his company has produced this bar—it is the Clark Bar—and this woman has infringed on our rights by using the name, Lewis & Clark Bar. She must cease and desist, he says. We seek an arrangement. We demand she suspend operations.

The small business has to go hire a lawyer, who writes back and says: This is not an infringement. This is a different candy bar, a different wrapper. We aren't infringing on anything.

The Necco lawyer writes back from Boston—I guess one has to go to a special law school to do this—and says: The differences between your client's candy bar and my client's candy bar are not the kinds of differences that dispel confusion. "They are both candy bars," he says. Where do they train lawyers like this? Where on Earth could such lawyers come from?

He says, "We seek an arrangement." We know what that means. They seek some money. Then at the end, of course, they demand that the registration for the Lewis and Clark bar be withdrawn and "assigned to us," and so on.

Now, the corporation that owns this confectionary company—Necco—is actually the United Industrial Syndicate. They do mill works. They make automobile parts, truck parts. And yes, they make candy bars, including the Clark bar. That candy bar was named after a Mr. Clark who lived in the 1880s in Pittsburgh and started the company that made the bar.

The United Industrial Syndicate bought this company at a bankruptcy sale in 1999. It has nothing to do with Lewis & Clark. But here is a Boston lawyer, working on behalf of this company, this corporate conglomerate, who thinks the name Lewis & Clark apparently belongs to them. Sorry, it doesn't.

Debbie and her husband weren't looking for a fight. They don't have the money to spend on a battery of lawyers. They are a small business trying to make a living.

What is happening here is wrong, but it happens all the time. It is a form of corporate bullying. It is throwing your weight around, if you are big enough to do it.

My message for Necco is: Pick on somebody your own size. I am one of your customers. I can't walk past a candy counter without stopping, if they have those little wafers. I like the all chocolate ones. I buy them all the time. Is that a vice? I suppose. But I do it because they are awfully good.

I am one of their customers, and I say to Necco: Lay off small businesses. Don't hire blind lawyers. If you can't tell the difference between their Clark bar wrapper and the wrapper for the Lewis and Clark bar, then get a new lawyer, and do something worthwhile for a change.

Thomas Jefferson always said that the long-term success of this country would be our ability to sustain broad-based economic ownership. Of course, he was talking about a network of family farms and small businesses. That is what refreshes democracy, broad-based economic ownership. He always insisted that you can't maintain political freedoms unless you maintain economic freedom, and economic freedom comes from broad-based economic ownership. Therefore, this freedom is rooted in the economic health of men and women in this country who run America's small businesses on main streets. We need to be concerned about that.

How often do you hear Members come to the floor of the Senate and worry about the number of lawsuits in this country? They worry about the lawsuits filed by customers against big corporations. What about this use of lawyers by a big company trying to put a small company out of business? What about that kind of corporate bullying? It is time to stop it.

The men and women who risk their all and work hard to run small businesses in this country don't deserve to have to defend themselves against a battery of lawyers hired by big corporations. I hope the company that produces a product that I purchase—a company I don't know very well—will decide that they ought to cease and desist.

I hope they will decide they have better things to do. I hope they will decide they don't own the name "Lewis & Clark." I hope they will decide that there is no threat to the economic well-being of their company by the existence of a small business on the main street of Mandan, North Dakota that makes candy bars and hand-dipped candy. I hope they will find lawyers who can understand the difference between these two wrappers.

There must be better things for this company and for its lawyers to do. I hope to report to my colleagues one day that this company has decided to take a more constructive approach. I also hope that the many others around the country who suffer the same sort of difficulty—who are being bullied and muscled by some of the larger corporate enterprises that worry about the existence of competition—I hope these small business people will decide that the solution is not to cave in. The solution is to fight. Don't give up.

I know that this subject is radically different from the issue of nuclear waste. But it has a lot to do with what goes on in this country, the kinds of business we pursue and the kind of economy we will have in the future. If those who are big enough can always gain the upper hand then those who are small will never be able to defend themselves.

We must from time to time be the defenders of those in this country who aspire to do good work and aspire to run a small business and create something of value on the main streets of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business and that the time be charged to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF BOB COLLINS

Mr. FITZGERALD. Mr. President, later this afternoon a resolution sponsored by Senator DURBIN and I will be sent to the desk. That resolution expresses the sense of the Senate regarding its sorrow upon the passing yesterday of one of the Nation's leading radio personalities, Bob Collins from WGN Radio in Chicago.

Yesterday afternoon, Bob Collins, who was one of the Nation's leading radio personalities, who had a listening audience of over 600,000 people, after finishing his radio program, drove to his home in Lake County, IL, and decided to go out and fly his airplane. He apparently had a friend with him in that airplane. While that airplane was attempting to land at Waukegan Airport in Waukegan, IL, another small aircraft hit it. Ultimately, it drove Mr. Collins' plane into a building. It later was confirmed that he died as a result of the accident. It was a horrible tragedy.

In the last 24 hours, all of Chicago and many people throughout the Midwest have been mourning the death of Bob Collins.

Mr. Collins was a personal friend of mine, somebody I thought very highly of. It is with particular sadness that I rise upon this occasion of his untimely death.

Bob Collins was known affectionately to his Chicago audience as Uncle Bob. He had the main drive time-radio program at WGN Radio since 1986. He had by far the largest audience. In fact, his rating points for the last 10 years showed that his audience was twice the size of his next closest competitor. He was very much loved all around Chicago by people who for the past 13 or more years, every morning when they awoke, heard on the radio the voice of Bob Collins.

His show ran from 5 a.m. until 9 a.m., and so hundreds of thousands of Chicagoans, as they were driving to work in the morning on congested expressways, would be listening to him day in and day out.

Some have described Bob Collins as the narrator of events in Chicago and in the Midwest over the past decade or more. He talked about everything from the local and national news to current political topics. In fact, he was a very devoted Republican in a very Democratic city. But notwithstanding his political views, he still had wide popularity. He had guests from all walks of life on his radio show every day. Senator DURBIN and I on at least one occasion were guests of Bob Collins on his radio show.

Bob did everything during his radio show. He would announce the weather. He would talk the whole 4 hours. He even read his own commercials. And being on from 5 in the morning until 9 in the morning and thinking about how you hold that audience's attention for that long of a time when you are talking is very difficult. It is even tougher to do it and remain interesting. But Bob was always interesting. Yet he didn't grate on people, and he retained and built his audience over the years. He really had a gift of talking. People enjoyed what he was saying and found him entertaining.

He never stooped to the methods we are seeing increasingly with the shock jocks, the rude and obnoxious talk radio we so often hear.

He never resorted to cheap tricks to maintain the interest of his audience. I think that is the reason people never tired of him and that he went on for years as a popular radio guy.

Bob was very folksy and unpretentious. In fact, he was the exact same person on the radio as he was off the radio. I saw him many times in relaxed, amicable circumstances, and he was just the same regular old Bob Collins who grew up in Lakeland, FL, who liked to ride motorcycles and fly airplanes, with a very sunny and cheerful personality at all times. He had a zest for life and always had a sunny disposition. On his show, he was always very polite and agreeable. Even when he disagreed with his guests, he was always very affable.

I want to read from a column that appeared this morning in the Chicago Tribune by Mary Schmich. She wrote about Mr. Collins' life. It is a wonderful article. I will read a couple of paragraphs about how she described Mr. Collins:

> As a radio guy, he was both a master and a freak. In the age of screechers and squawkers and shock jocks, in a time that has elevated the obscenity to art and rewarded it with megabucks, Bob stayed Bob.
>
> He earned his big bucks the old-fashioned way and still seemed as down-to-earth as the guy one row behind you in the bleachers. He was blunt but never crude, amusing but rarely rude, opinionated but not obnoxious. It was a formula that made him the most popular morning radio guy in one of the world's most cutthroat radio towns. He walloped the competition as easily as if he were sunbathing.
>
> That's the mark of an artist—he makes the difficult look easy.

Uncle Bob, who for so many years in Chicago, to so many thousands of listeners around the Midwest, always made the difficult look easy, I am going to miss you; we are all going to miss you. Thank you for all you have done for Chicago and for our community. May God comfort your wife Christine and your mother and father, and may God rest and keep your soul.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—Continued

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that during the Senate's consideration today the following amendments, following a brief debate, be agreed to, and the motions to reconsider be laid upon the table. The amendments are the Conrad amendment No. 2819 and the Murkowski amendment No. 2813.

I further ask unanimous consent that the time between now and 11 a.m. on Thursday be equally divided between the two managers, or their designees, and at 11 a.m. on Thursday the pending substitute amendment be agreed to, the bill be advanced to third reading, and passage occur, all without any intervening action or debate.

I further ask unanimous consent that the time between 10 a.m. and 11 a.m. on Thursday be under the control of Senators MURKOWSKI and BINGAMAN, or their designees.

Finally, I ask unanimous consent that the cloture vote scheduled to occur on the bill be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, it is my understanding that we will have two brief amendments, with voice votes, by Senators CONRAD and MURKOWSKI—the two amendments that have been given to the Chair in number—and after that there will be debate on the bill itself, with a half hour for each side in the morning, and there will be no other amendments considered on this legislation until final passage.

Mr. MURKOWSKI. Mr. President, that is my understanding.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. BRYAN. Mr. President, might I further inquire?

The PRESIDING OFFICER. Yes.

Mr. BRYAN. I think that is consistent with the understanding we have. I presume that this afternoon it is in order for us to continue to debate the measure, subject to whatever accommodations both sides need to make to permit equal opportunities to be heard.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, in light of this agreement, I can announce that there will be no further votes today and final passage of the nuclear waste bill will occur tomorrow at 11 a.m.

Mr. REID. Mr. President, briefly interrupting the manager of the bill, I think it would be appropriate to ask for the yeas and nays on passage of the bill tomorrow, and I do so now.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2813 TO AMENDMENT NO. 2808

(Purpose: To provide a substitute amendment)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2813.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 2819 TO AMENDMENT NO. 2813

(Purpose: To include the States of North Dakota, South Dakota, Wisconsin, and Michigan in the study required by this act)

Mr. MURKOWSKI. Mr. President, I call up amendment No. 2819 in the second degree offered by Senator CONRAD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alaska (Mr. MURKOWSKI), for Mr. CONRAD, proposes an amendment numbered 2819 to amendment No. 2813.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 26, line 20 of the amendment, strike "Minnesota" and insert "Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan."

Mr. MURKOWSKI. Mr. President, I know of no further debate on either of the amendments and ask the Chair to put the question on the amendments.

The PRESIDING OFFICER. Without objection, the second-degree amendment is agreed to. Without objection, the first-degree amendment, as amended, is agreed to.

The amendments (Nos. 2819 and 2813, as amended) were agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. I thank the Chair.

Let me take this opportunity to again thank my colleagues from Nevada for their understanding of this difficult issue and the effect, of course, it has on their State.

I encourage other Members who are seeking recognition and who might want to speak on this issue, this would be a good time to do it because we probably have an hour or two left today. Time being what it is in the morning, we have yet to hear from leadership as to what time the Senate will convene tomorrow.

Might I inquire of the Chair, is there any indication of that?

Mr. REID. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I am happy to yield to my friend.

Mr. REID. Senator BRYAN wants to speak on the bill itself this evening. We have one other Member who wishes to speak in morning business. That is all we know of this afternoon. As the Senator indicated, if there are other Senators who wish to come and speak on this legislation, or as if in morning business, they should work their way over to the Capitol.

I also say to my friend that I haven't spoken to either leader, but I think we probably would come in at 9:30 in the morning. That is the normal time. Senator THURMOND is available.

Mr. MURKOWSKI. If I may respond to my good friend from Nevada, I don't think we have been able to ascertain when. But I join him in encouraging Members to come over and speak at this time. I have been notified that Senator CRAIG will be coming over this afternoon. Senator DOMENICI will be coming over, and I believe Senator SESSIONS. In any event, there probably will not be a lot of time tomorrow.

Mr. REID. If the Senator will again yield, it was the understanding of the minority that the time between 10 a.m. and 11 a.m. would be equally divided. It doesn't matter when we come in, just so everyone understands that.

Mr. MURKOWSKI. Yes. I certainly agree with my colleague from Nevada. That hour is to be split between both sides.

I would like to continue for a moment, if I may. There are a couple of points that I think are necessary to highlight. They concern the issue of the Environmental Protection Agency and just what the role is as determined by the changes we made.

I refer to language that is on pages 3, 4, and 5 as opposed to the statement we have from the administration on their position. I should point out, that statement was given on February 8. It is a statement of administration policy. It states that as of February 4, 2000, the manager's amendment to S. 1287—I understand this amendment will be brought to the floor—undermines EPA's existing statutory authority to set standards to protect public health and the environment from radioactive releases. As a consequence, it is unacceptable to the administration because they say it undermines EPA's existing statutory authority and is, therefore, unacceptable.

They further acknowledge that the amendment allows EPA to exercise its existing authority to set appropriate radiation release standards for Yucca Mountain. It will allow another entity to block EPA's authority until June 1, 2001. Consequently, if the February 4, 2000, manager's amendment to S. 1287 is approved, and if the Senate bill with these provisions is presented to the President, the President will veto the bill.

I appeal to the administration. According to the Washington Post article which I read, the White House says it opposes the bill because it would take away from the EPA the sole authority to determine radiation exposure requirements at a future permanent waste repository if it is built in Nevada.

Let me read what it says.

> Adoption of standard:
>
> Notwithstanding the time schedule in section 801 of the Energy Policy Act, the administration shall not publish or adopt a public health and safety standard for the protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site except in accordance with this section before June 1st, 2001.

To suggest that they don't have the sole authority is not what the legislation says. It says they shall not have the authority to publish or adopt before June 1st, 2001.

Further, relative to this portion, it says: not later than April 1st, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator—that is, the Administrator of EPA—under paragraph 1, shall submit a report to Congress on whether the proposed rule is consistent about section 801 of the Energy Policy Act;

Or, B, provides a reasonable expectation of the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent fuel disposed of in the repository;

And, C, it is based on the best reasonable obtainable scientific and technical information concerning the need for and consequences of the rule;

And, D, imposes the least burden consistent with obtaining the regulatory objective of protecting the public health and safety and the environment.

No. 3, in the event that either the Commission—that is, the Nuclear Regulatory Commission—or the National Academy of Sciences finds the proposed rule does not meet one or more of the criteria issued in paragraph 2, it shall notify the Administrator—that is, the EPA Administrator—not later than April 1st, 2001, of its finding and the basis for such finding.

I repeat that the Environmental Protection Agency has the final say and, under the statute, shall have the sole authority to address the levels of radiation but not before June 1st, 2001. We have not heard from the administration relative to those changes. I hope the administration will be sensitive to our effort to ensure that, indeed, the Environmental Protection Agency will have the last word.

The objective is not to take away from the obligation of the EPA, which has the authority under statute. The effort is to bring forth the best science available. If the Nuclear Regulatory Commission that licensed and monitors the plants has more Ph.D.s in the area of nuclear science and the National Academy of Sciences can contribute something, is that not in the public interest?

Again, I appeal to my colleagues to recognize our bottom line is simply to have an emission standard that is attainable and that allows Congress to address a final resting place for the waste.

Senator KERREY's office advised me he wishes to be deleted as a cosponsor of the amendment. I ask unanimous consent that request be honored.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I assure my colleagues, Senator BINGAMAN, and the administration of our willingness to use the remaining time to try to be responsive to their concerns.

I will summarize the situation. We have been at this a long time. We all agree we have an obligation as elected representatives to resolve this problem. The failure of the Government—certainly not under this Secretary of Energy—to take the waste in January of 1998 is what we are living with today. The ratepayers have paid $15 billion in electric rates on their bills with the assumption the Federal Government would take that waste; the damages and the claims go on and on and on as a consequence of time passing as that waste remains at the sites of our nuclear plants. The nearest estimate we have is $40 billion to $80 billion. The longer we wait, the greater the burden of the taxpayer. I think the public looks to Congress to address this with resolve.

Some have suggested this administration simply does not want to resolve this matter on its watch. That may be the basic position of the administration. That may be justified in their minds. There is another group out there that sees the passage of this legislation to resolve what we will do with our nuclear waste as some kind of a significant benefit to the nuclear industry. If they can defeat this and bring the industry to its knees by causing it to choke on its own waste, nuclear power as we know in this country will die. It will reach a slow process of strangling on that waste, the nuclear power industry will go away, and we will simply generate power from some other source.

The difficulty I have with that is the inability to identify what that other source will be and what it will do to our air quality. To me there is a tradeoff in the process. If we lose the nuclear power generating capacity, which is about 20 percent in this Nation, what will we replace it with?

We have to solve the waste problem. If this administration does not want it to occur on its watch, we are still going to have to solve it under another administration, whether it be Republican or Democratic, or we are simply going to add this obligation of the damages to the American taxpayer. I think we are all in agreement that we simply must deal with it. We have an equal responsibility.

I gave an interview a few minutes ago. The first question was: Senator, why can't you resolve this? I am sure all my colleagues know why we can't resolve it. Nobody wants the waste.

Unfortunately for our good friend from Nevada, a decision was made to proceed with Yucca as a permanent repository some time ago. We have spent over $6 billion. The tunnel is drilled. We are awaiting licensing. That is where we are.

I am also told the administration is split on this. Some would like to see it resolved. Some don't want it resolved at all.

I guess it rests with each Member to recognize his or her responsibility as elected representatives to bring this to a resolve responsibly. If somebody else has a better idea of how to resolve it responsibly, they can certainly have this dais, the microphone, and whatever else goes with it.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I am pleased to come to the floor this afternoon and support the chairman of the Energy and Natural Resources Committee in an effort he has led for a good number of years. I have participated with him in trying to bring some reasonable resolution to the issue of a permanent repository for the high-level nuclear radioactive waste of this country.

Mr. President, this debate will proceed. It is my understanding we have a vote tomorrow morning. Already we have heard a variety of opinions on the process used to deal with the issue of high-level nuclear waste. Without question, this is an issue that Congress has dealt with over the years in which the public has had to go through more misstatements, false statements, or emotional statements about what isn't true or what some wished might be true. All we can do is look at the scientific and engineering facts of the history of the management of nuclear waste in our country to say that this country, about 99.9 percent of the time, has done it right and not exposed their citizenry to the mismanagement of the storage of waste.

Yes, we have learned periodically of the handling of radioactive materials where mistakes were made and immediately corrected. However, our country has a positive legacy in nearly all instances of dealing with this issue.

The Senator from Alaska and I have brought different versions of this issue to the floor over the last 4 years as we have tried to force this administration to move responsibly following the enactment of a law in 1982 that was a long-term approach toward funding and establishing a permanent geologic repository. We are now at a time when the issue of radiation release standards at what may become the permanent geologic repository at Yucca Mountain has been largely the focus of what this legislation deals with.

It think it is important to put the debate in the context of what is happening under current law, not under the legislation, under the law as it stands today.

My purpose in describing the current situation is to explore with my colleagues what I believe is a problem with EPA's current path and for my colleagues to understand why I have reservations about the games that are currently being played.

My frustration with EPA is that sometimes their science is rolled up in politics.

Let me also be clear about what is at stake. I firmly believe, if Congress does nothing on this issue, what is at stake is the viability of geologic disposal. In other words, to me this issue is larger than the site at Yucca Mountain. It is about whether or not we will be able to site and license a geologic repository anywhere in our country.

It is not by accident that legislatively we picked Yucca Mountain years ago. It was not done with a crystal ball. It was done with some reasonable knowledge that the geology of the region might well hold up and would probably be a point of isolation of the kind we would want for a repository, compared with no other place in the Nation. That has still held up and remains true today.

I do not believe the current process for setting radiation standards in dealing with this is what I would hope we would have. It is not being informed by good science, and I hope that Congress will bring good science back into the process. That is why this legislation is very important.

The chairman's original bill, S. 1287, contained the remedy of giving authority to set radiation standards to the Nuclear Regulatory Commission. Why? Credibility. Honesty, no politics, in large part, and a historic standard of doing it with the kind of science and knowledge that you want to have to make these kind of decisions.

The chairman's substitute bill has a different remedy. EPA would still set the radiation standards but only in consultation with the NRC and the National Academy of Sciences.

I wish EPA were not setting those standards. I don't think they have the scientific knowledge or credibility to do so, although we have created this myth about them because it says: They are the Environmental Protection Agency. Surely their commitment is to the environment.

Sometimes their commitment is to politics. You cannot say that about the National Academy and you cannot say that for the NRC. So what we have tried to do and what the chairman, I believe, has successfully done is bring all this together. Therefore, we can maybe satisfy the political side of it and, I hope above hope, we can address the scientific and the engineering side of it in a way that is credible and, most important, safe for our public and, of course, safe for the State of Nevada. Both of these approaches are superior to the current situation which I would like to describe.

Today, the Environmental Protection Agency is responsible for setting the radiation standards at the Yucca Mountain repository. That authority was granted to EPA in the Energy Policy Act of 1992. So on August 19 of last year, 1999, the EPA finally proposed a draft radiation standard. That draft standard is lengthy and has a lot of technical detail, but it boils down to two critical items. In other words, when you sort through the chaff, here are the facts that make this issue important.

First, EPA's draft proposes an individual protection standard from all exposure pathways—food, water, air, et cetera—of no more than 15 millirems per year.

Second, EPA proposes a ground water protection standard that limits ground water contamination to levels at or below EPA's maximum contaminant levels for drinking water—drinking water, in an area where none is drank, or where there are no people to drink it.

What that means, in simple terms, is that if we are able to sink a well at the repository and draw the water up and into a glass, EPA says you have to be able to drink that water straight from the ground without treatment.

Not much water is consumed without treatment today, except maybe in an isolated farmsteads and in some rural areas. There are very few places, even in remote wilderness areas, where I would be willing to sample drinking water in the way I have just described it. Even in some of the pristine, beautiful areas of my State of Idaho, I suggest you do not drink from a stream. My forebears were able to do that, but today you might get a bacterial contamination known as Giardia.

So we have a 15-millirem standard overall for Yucca Mountain and requirements for underground water that translates, I am told, to a limit of about 4 millirem exposure from underground water. Those are technical terms. That is why I have tried to break them down to a simple explanation as to what it might mean.

What I want my colleagues to understand is that these levels, 15 millirems and 4 millirems, are measured against a background level, a point of measurement. You have to have that to determine any increases. You go to what is known as a background level of naturally occurring radiation—from the rocks, the nature of rocks, and of course the Earth and the atmosphere itself—naturally occurring radiation of about 300 millirems per year.

Yucca Mountain is located in a very arid, desert environment. If you had to try to find a site within the entire contiguous United States where you might have some hope of meeting a 4-millirem ground water standard, Yucca Mountain is the kind of site you would want to pick. Yet even in the case of Yucca Mountain, the period of performance is so long and the radiation limit is so unrealistically stringent that there is some doubt that the Department of Energy will be able to demonstrate with absolute certainty that a 4-millirem ground water standard could be met.

If a dry, desert site cannot meet a 4-millirem ground water limit, it is reasonable to question whether any site anywhere could meet this unrealistic standard.

I could talk at length about how ridiculous I find these kinds of radiation limitations, but I think there is a body of criticism of EPA's proposal already existing in many of the comments that have been submitted by experts—not politicians but by experts on EPA's draft. Perhaps it will be more persuasive to my colleagues if I quote from the comments submitted to EPA by radiation experts regarding this draft radiation standard.

The American Nuclear Society, which is a nonprofit professional association made up of 11,000 members who are nuclear scientists, engineers, administrators, educators, physicians—you notice in that list I did not say politicians; they do not have a reason to be political, they are professionals in an area of importance to this country—they submitted comments on EPA's radiation standards. The American Nuclear Society had the following to say regarding the 15-millirem proposal:

> The individual dose limit that EPA is recommending is not appropriate.

That is what they said.

> EPA points out that the proposed dose limit of 15 millirem per year is far below the level of background radiation—

I have already mentioned that—

> (about 300 millirem per year) and that any hypothesized effects of background radiation are not detectable against the rate of health effects in the general public. While this is certainly true, we believe that the Nuclear Regulatory Commission has a better basis in scientific logic than EPA. The individual dose limit that the NRC has proposed (25 millirem per year) is also lower than warranted. . . . [W]e conclude that a dose standard of 70 millirem for the repository alone is appropriate, conservative, and adequately protective.

So the American Nuclear Society, an association of these 11 million professionals, has endorsed a radiation standard as high as 70 millirem per year.

What does the American Nuclear Society have to say about the 4-millirem groundwater standard? They say the following:

> A ground water standard is unnecessary. . . . EPA's reasons for applying a groundwater standard appear to stem from a desire to influence the engineering design of the repository and to reduce collective dose to the general population, neither of which is appropriate. Both approaches are inconsistent with the National Academy of Sciences conclusion that an individual dose standard is adequately protective. . . .

In other words, you do not need to do both.

> [V]ery small individual doses are not meaningful in assessing public health impacts. . . . In addition, the Linear, Non-Threshold theory of radiation health effects is being questioned with increasing intensity, and a body of scientific opinion exists today that holds it to be without scientific basis. . . .

If it is "without scientific basis," then maybe the only basis left is a political basis. That is the frustration with which the chairman and I have had to deal for the last few years as we have tried to bring this issue to completion so the American people would know they had a permanent, safe repository in which to put high-level nuclear waste.

How do other nuclear experts look at this? Let me turn to the comments submitted to EPA by the Nuclear Regulatory Commission in a letter dated November 2, 1999, providing NRC's review of EPA's draft 15 and 4 millirem radiation standard.

On the ground water standard, NRC commented the following:

> The NRC staff objects to the inclusion of separate groundwater protection requirements for the proposed repository at Yucca Mountain because these requirements would result in non-uniform risk levels, they misapply the Maximum Contaminant Levels . . . and they far exceed what is needed for protection of public health and safety.

If the public is listening to me or if they have listened to some of this debate, they would say: But, Senator CRAIG, don't you really want to make this as safe as humanly possible?

The answer, of course, is yes. The only problem with what EPA is saying is that if we make it that safe, we cannot make it. Of course, I am sure my colleagues from Nevada hope that would be the case. If that were true and if it were to become true, this Nation would still be without what the world of engineering and science says is a safe, permanent repository for nuclear waste. Why? Because we allowed politicians instead of scientists to make a determination as to what is right and how this facility ought to be constructed for the purpose of long-term safety.

What does the NRC have to say about the 15-millirem limit as compared to the NRC's proposed 25-millirem limit per year? Again I quote from the NRC's comment letter to EPA:

> Although the EPA rule proposes a lower limit of 15 millirem, and the difference between 15 and 25 millirem is small, the lower value is not necessary for protection of public health and safety and would provide little, if any, reduction in health risk when compared with 25 millirem. It is also important to consider that the average American receives approximately 300 millirem per year from background radiation.

Oh, my goodness, you mean we are all being irradiated as we stand here or as we travel in our cars or live in our homes or walk in our back yards? The answer is, yes, we are. It is natural. Shame on that Sun and shame on the ground and shame on the minerals within the ground because they collectively give us 300 millirem per year in background radiation.

NRC goes on to say:

> In addition to the lack of public health and safety benefits, there are regulatory concerns associated with lowering the dose limit to 15 millirem. Specifically, as the dose limit becomes smaller, limitations in the DOE's models used for estimating performance, and the associated uncertainties in supporting analysis, become more pronounced.

In other words, how you prove your case becomes more complicated.

> Further, a 15 millirem dose limit is likely to cause unnecessary confusion for the public and cause the NRC to expend resources without a commensurate increase in public health and safety.

Zero risk. Is it possible in the world today, with all of our talent, all of our intelligence, and the best computers in the world, to construct a zero-risk environment? The answer is no. It cannot be done. It is humanly impossible under any circumstance for any situation; not just for radioactive material, but automobiles and planes, walking across the street, or riding the train back to our offices in the Senate. Zero risk? No. It does not exist. It does not exist in science, and it does not exist in the environment. It never has, and it never will.

Yet I am quite sure the public believes we are so sophisticated today that we in fact could create that with the unique talents of this country. We cannot. It is important we say that. That is why we have professionals determine what is doable, right, and responsible, and that is all tied with costs and the ability to create.

What the NRC is saying by that—"the expending of resources without commensurate increase in public health"—is one can lower it to such a level of safety that there is no justification to go beyond that.

I could continue quoting from these various radiation experts for a very long while because the list is long; remember, experts not politicians. Their objections to EPA's current draft radiation standards reflect a very thorough and well-researched review of EPA's proposal, and the criticisms of these experts should inform our debate as we struggle to understand what all of these numbers mean and what they mean for the future of this country's nuclear waste disposal program.

But I think perhaps DOE said it best, in a letter to EPA transmitting DOE's comments on the draft radiation standard. And the reason that I like this quote is, I think it sets the larger context for what these radiation standards mean for our ultimate success or failure.

DOE says the following:

> EPA's standards will play a pivotal role in achieving the long-standing policy of the United States to properly dispose of high-level radioactive waste and spent nuclear fuel in an underground mined geologic repository. The Nuclear Regulatory Commission must implement EPA's standards in its regulations for licensing a repository at the Yucca Mountain site, and DOE must be able to comply with those NRC regulations in order to construct a repository. If EPA were to select unrealistic, unnecessarily conservative, or non site-specific standards, the result could be the rejection of an otherwise suitable site, and the de facto rejection of the geologic disposal option without commensurate benefit to the protection of public health and safety. Such rejection would not avoid the consequences of radioactive water management, but it would require resort to a different and currently undefined approach.

I think the statement I just read describes the situation we are in now with EPA's unrealistic and unsupportable draft standard. I hope my colleagues will agree with me that this is a situation Congress must act to correct, by bringing good science back into the process of setting a radiation standard.

We need a disposal program. Congress, more than a decade ago, chose a course, a path. We began to tax the ratepayers of the utilities that have nuclear generation in this country to pay for that path.

That is where we are today. Some resist that path using all the reasons they can humanly generate, and that is why it is important we have this legislation. I hope the Congress can pass it and the President will sign it.

Those are the issues with which we have to deal in understanding this problem. It is critically important to our Nation.

At lunch today, I addressed a group of congressional staff and people in town who represent energy companies and those who do not. I said: I find it fascinating that the administration would want to take us through a climate change initiative, known as the Kyoto Protocol, in which they want to reduce carbon emissions in this country; therefore, we would have to reduce the use of fossil fuels which are currently our most abundant source of energy. In doing so, they are also not willing to find a way to deal with nuclear waste, so that we can see an extension of the nuclear generation of our country for electricity. They are downplaying that energy source also, and, at the same time, we have a Secretary of Interior who wants to blow up hydro dams. They downplay hydro, and they will not even put hydro in the renewable resource category.

I find it fascinating, a country that exists on energy, an economy that is being driven today by artificial intelligence as a new industry, and that very industry operates on electricity itself.

I see our staff on the floor with computers in front of them. If you turned off the power of that computer, its brain would go dead, we would no longer have the tremendous expansion of this economy from which we are all benefiting. Yet we have an administration phenomenally resistant to the establishment of a permanent repository for nuclear waste but is open to the idea that if you do not handle the waste, you will ultimately kill the industry; and if you kill the industry, you will never build another nuclear reactor to generate environmentally clean electrical energy. And they want to get rid of the dams and they want to stop burning fossil fuels. Oh, my goodness.

What a reality check for our country, to have as our national policy no energy policy at all. Our wealth and our very existence, as a major economic force in the world, has always been built on the abundance of reasonably inexpensive but readily available energy.

That is a part of all of this debate. I think it is probably separate from what my colleagues from Nevada would say in opposing this legislation. Obviously, they have to reflect the politics of home, as they should.

But for a President to say, in a relatively unspoken way, as a policy for the country, we have no energy policy at all—we do not even have an energy strategy except maybe a few windmills and solar cells—it is no policy at all.

That is why we are on the floor trying to close the link between the generator of electrical power, by the use of the atom, and the necessity to have a responsible method for handling the waste that is created by that form of generation.

While the rest of the world around us builds nuclear reactors for generating power, and has responsibly handled their waste—and has used, in large part, our technology to do so—we have been bound up in the politics of it for well over a decade. I hope, finally, an opportunity exists for us to break through it.

In my opinion, this is one of the most significant environmental bills we will have before the Congress this year. While those on the other side would like to cast it as antienvironment, finding a way to collect the nuclear waste of this country, and putting it in one safe spot, far from any human being, high in the dry desert of Nevada, seems to me, and a lot of other people, to be darn good policy.

So let me thank my colleague from Alaska for his leadership. While he and I over the years have had disagreements on this issue, we have worked them out. We have asked the Senate to work with us to work out the differences. In most instances they have because this policy is too important for the normal course of politics that it has been served. This is an issue whose time has come. I hope the Senate and the House recognize that as we attempt to deal with it.

Again, I thank my chairman and yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I acknowledge that this piece of legislation, as it has worked its way from the committee to the floor, is better than its original form. But the old adage that you can't make a silk purse out of a sow's ear is applicable to this piece of legislation. It represents exceedingly bad policy.

I am bemused by my friends who are advocating on behalf of this piece of legislation in that laced throughout their comments is the suggestion that somehow those of us who oppose this legislation are "playing politics." I think it is important, once again, to recite a little of the history.

In 1982, when the Nuclear Waste Policy Act was enacted into law, Congress made a judgment. I think it was a sound judgment. Congress concluded that it lacked the expertise to set public health and safety standards. They chose the Environmental Protection Agency, which is responsible generally for setting health and safety standards, as the appropriate agency to serve that function.

I think that was a sound policy judgment. It was to use the language I frequently have heard on the floor, responsible. It was good science. It was responsible then and it is responsible now.

Had that 1982 piece of legislation gone unchanged, it would have set in motion a chain of events that would, in fact, have at least been, at the outset, predicated upon science and not politics.

As I have said before in this Chamber, I think that piece of legislation was a balanced approach. It would search the entire country and look for the best possible geological formations. We would have had regional equity so no one part of the country would bear it all; that three sites could be studied. Once they met the scientific criteria, they would be submitted to the President of the United States. The President would select one. I think that is fair. I think that is balanced. I think it is good science.

Let me respond to this issue of politics because I am both bemused and frustrated.

The first example of politics is the Department of Energy's own decision to eliminate one particular section of the country from any consideration at all in terms of being considered. That was the Northeast. The Department of Energy, in their internal documents, said: The political resistance will be too strong. We will never be able to get a site established in that part of the country, even though granite may be an acceptable geological material in which to place a repository.

What was that? Was that science? Was that responsible? It was politics—not politics played by the Senators from Nevada or the good people of my State but politics by the Agency.

As I stated yesterday, in 1984, we had a Presidential election. During the course of that election, the then-incumbent President said: Look, we're going to eliminate the folks in the Southeast. Salt dome formations will not be considered.

Was that science? Was that responsible? It was politics—not politics by the Senators representing Nevada at that time, nor politics by the people in our own State.

What occurred? In 1987, the law was changed so that only one site would be studied at Yucca Mountain. I have expressed my strong opposition to that. I do not like it. Was it science? Of course not. Was it responsible? Of course not. That was naked politics—naked political aggression visited upon my State. You have heard me characterize that legislation as the "Screw Nevada Bill," as it is known throughout my State. That is politics—politics played by the Senate and the House of Representatives and the President in offering what was originally a balanced piece of legislation. There is not a scientist in the country who would argue that those changes were made in the interest of science or that they could be categorized as anything else other than a political decision.

My point is, this process, that was set out in the 1982 Nuclear Waste Policy Act, is self-executing. It sets forth the process as to how we ultimately make this determination.

What has occurred over the years is the injection of politics—originally on a regional basis and now, as we debate it on the floor, with the nuclear utility industry.

I suspect there are very few people who are listening to this debate who can define a millirem or tell us the difference between a millirem and a kilowatt. I confess that I am not a scientist. So let me try to categorize this as best I can in terms of what we are doing.

In the location of the transuranic waste storage facility in New Mexico, the Environmental Protection Agency, then as now, is charged with the responsibility of setting a health and safety standard.

These are the basic principles involved: A geologic repository designed to isolate radioactive waste from humans and the environment. That is what is occurring at Yucca Mountain. I don't like it, but that is what is occurring. That is going forward. This notion that there is an overriding necessity to enact some new piece of legislation is simply not true. This process continues. Sometime at the end of this year, perhaps, there will be a finalized environmental impact statement, and a couple or 3 years down the road there will be a recommendation for site selection. None of that has occurred at this point. It may occur down the road. It has not yet occurred. No reason to act other than that the nuclear utility industry, in the middle of this ballgame, wants to move the goalposts because they cannot be sure the guaranteed outcome they seek, irrespective of public health and safety—namely, opening the repository at Yucca Mountain—can occur if, indeed, public health and safety considerations are allowed to prevail.

So we have essentially a geologic repository designed to isolate radioactive waste. The Waste Isolation Pilot Plant and Yucca Mountain share the same. The possibility of widespread contamination of both food and water sources and the human population likewise is a concern of the WIPP facility and Yucca Mountain. Radiation standards are to be established by the EPA to protect human health and the environment; that is true with WIPP, and those standards had been set at 15 millirems, and Yucca Mountain.

So I think the question has to be asked: Why should Yucca Mountain be treated any differently? Is there a scientific reason? The answer is no. It is a political reason: to accommodate a nuclear utility industry which exercises enormous power and influence in the Halls of Congress and, frankly, wants to change the rules of the game in midstream; not to protect public health and safety but to get rid of nuclear waste irrespective of the consequences.

We could talk about background radiation and all of that sort of thing forever and ever. I think this is the most important issue: Is the standard that was set for the WIPP fair and reasonable? I assume that it is. There was no controversy attached to that. Nobody said we ought to take the EPA out of that; we ought to put in the Nuclear Regulatory Commission. There was no objection to it. It moved forward.

Is the EPA being reasonable and responsible and scientific? I think the answer is clearly yes. The 1992 energy bill, which has been referenced in this debate, had inserted a provision which said the National Academy of Sciences needs to take a look at whatever the EPA standard is to see if it is reasonable and within a recommended range. They have done that. Here is what the National Academy of Sciences' recommended range. This is the millirems we are talking about, which simply means the amount of radioactive exposure an individual can have in a given year from this source. What was proposed at WIPP? Fifteen millirems. The EPA proposes 15 millirems at Yucca Mountain.

Now, S. 1287 in its original version, not the bill we are now debating, had a 30-millirem standard. What does the National Academy of Sciences say? I confess, I don't know the difference between 2 millirems and 3 millirems. I suspect if my colleagues are as forthright as I am, they couldn't tell the difference either.

The point that needs to be made is, the National Academy of Sciences—these are scientists; they are not politicians—says that is a reasonable standard. They say the standard, to be reasonable, could be as little as 2 millirems or as great as 20. That is a reasonable standard.

What did the EPA come up with? Fifteen millirems. Why is this debate occurring? It is all about politics—not politics in Nevada but politics by the nuclear power industry because they want a standard that is less protective in terms of public health and safety. That is what this issue is all about: public health and safety. We would not be on the floor debating today if the nuclear power industry was not pushing and driving to weaken that standard the EPA has proposed. That is a fact of life, my friends.

Let us talk about the 4-millirem standard for water for a moment. I know my good friend from Alaska is privileged to be from an absolutely magnificently beautiful State. I have been to his State. I love it, perhaps not with the same passion and conviction he does, but it is a gorgeous State. The State of Alaska, unlike the State of Nevada, is fortunate that nature has been more bountiful in terms of the amount of water it has. Nevada is the most arid of the 50 States. Las Vegas, with a metropolitan population of more than 1.3 million, is the most arid of all of the major population centers in America.

When we talk about this 4-millirem standard for safe drinking water, it has been suggested that somehow that water would have to be extracted from the aquifer—that is the underground formation in which water is situated—and would be capable of being consumed at that very minute. That is simply not true. All the 4-millirem standard deals with is the amount of radiation. That water may have other contaminants—arsenic. It may have to be subject to a whole series of processes, whether it is a reverse osmosis process, which sometimes we have to use in southern Nevada, adding chlorine to it, or whatever else might have to be done to make it fit for human consumption. But what we do not want to do is to damage a water resource which a growing State such as Nevada will need in the future.

The notion that somehow we can cavalierly dismiss the notion of a standard to protect us in terms of safe drinking water is somewhat outrageous. Perhaps if nature had been more bountiful, we could say maybe that aquifer isn't all that important. Maybe we don't need to be concerned about it because we have water all over the place.

In point of fact, Nevada has marvelous geography. It is a State for which I have great passion, and I am eager to return at the conclusion of this year and the end of my term. But the one thing we do not have is a lot of water.

I think Mark Twain once hit it right on the head when he came to Nevada as a young man. He came believing there was a position as an assistant to his brother, who was the secretary of state during Nevada's territorial period of time. He wrote a book about those experiences. He talked about water. He said: Whiskey is for drinking, and water is for fighting.

In the arid West, water is life itself. Water is a resource that we protect because it is vitally important to us. This aquifer needs the protection, and the EPA, the agency which Congress chose, has said that a 4-millirem standard for safe drinking water is reasonable and is good science. That is science.

What is occurring here is a political effort to divert that standard from going into effect. I appreciate the candor of my friend, the chairman of the committee. We want to make sure that the measuring is under a regulation that allows waste to go to Yucca Mountain.

That says nothing about health and safety. And as a Nevada Senator, that energizes me. It angers me. It makes me very angry and I don't like the process that has occurred. I do not like the fact that Nevada was designated in a "screw Nevada bill" as the only site to be considered. I don't like that. I am opposed to that. But if it is going to occur—and that is the state of the record—that Yucca Mountain is the only place to be studied, why? And by what conceivable rationale, if there is any public morality at all, would we suggest that somehow the people of Nevada ought to be subject to a lower public health and safety standard than our good friends from New Mexico in the WIPP facility—15 millirems and 4 millirems for the safe drinking water?

As I have said, is it somehow that Nevadans are subcretins, less human? I am outraged at that suggestion or notion. As offended as I am by the process by which Nevada was selected—by politics, not science—the "Screw Nevada Bill"—at least the people in our State, as this process moves forward, ought to be entitled to the basic minimum health and safety standards of the EPA.

Let me be clear. The EPA was not established by some left-wing, radical, commie sympathizer group of folks. This agency was brought to life during a Republican administration—the administration of Richard Nixon. In 1982, there was essentially a Republican Senate, and a Republican President made the determination in this piece of legislation—the Nuclear Waste Policy Act—that the Environmental Protection Agency was the appropriate place for the determination to be made in terms of public health and safety standards.

So I submit that you don't have to know a lot about millirems, or about aquifers, and you don't have to know a whole lot about this issue to understand that the one agency that is charged by law with providing public health and safety, the Environmental Protection Agency, was charged with that responsibility 18 years ago in this act, and has exercised that responsibility with WIPP, and there was not a murmur—no suggestion—that that was somehow radical, that it was political, not science.

We are simply asking for no more and demanding that there be no less protection for us. That is really all you need to know about this argument. It is simply an attempt to reduce those standards. And somehow to suggest that unless we pass this piece of legislation, this process that began back in the early 1980s to locate a permanent repository cannot go forward, that simply is not true. This process continues.

We are spending hundreds of millions of dollars studying that Yucca Mountain facility to see whether or not it is suitable, and that is ongoing. That would continue, much to my regret, as I have indicated, if this piece of legislation had never been conceived or seen the light of day.

What is involved here is the nuclear utilities. Yes, sure, they would like the American Society for Nuclear Engineers to make the judgment. It doesn't give me, as a citizen, great comfort that crowd is going to be more concerned about my health and safety, that of my children and grandchildren—two of whom live in Nevada—but the EPA has a pretty decent track record, and it was not challenged previously—not challenged.

So what this is all about is to kind of bump this standard over into next year. Presidential politics. We know we are going to have a new President, and the hope of the nuclear utility industry is that a new President will say to the nuclear utilities, look, you can have whatever standard you want. I hope and pray to the good Lord that does not occur, but that is what this is all about. It is not necessary. It is not scientific, and it is not responsible to proceed on the course of action that we are asked to follow in this piece of legislation.

I appeal to my colleagues in the name of fairness. All we are asking is to have the same measure of protection that is accorded to the good people of New Mexico with respect to their nuclear facility, which the Nevadans will be entitled to if Yucca Mountain is ever determined to be scientifically and suitably situated for the receipt of that waste. That is not an unreasonable premise. It is not an unreasonable request. We are not asking you to repeal the "Screw Nevada Bill," much as I object to the political way in which our State was savaged for it. That is a fight for another day.

Having had that piece of legislation shoved down our throat, we certainly ought to be entitled, as human beings who happen to live, as I do, within 90 miles of that site, to the protection of the agency that is charged by law with protecting the health and safety recommendations, and that an independent oversight group, the National Academy of Science, says is within the recommended range.

What is wrong with that? The answer is, nothing is wrong with that except the politics that the nuclear industry would visit upon this Chamber and say: Look, you have to help us out; I am not sure we can make that standard. Reduce it, dilute it, kick it over until next year, and maybe we will get a new President who will be less responsive to the concerns of public health and safety.

I ask my colleagues, when we vote on this at 11 o'clock tomorrow, to reject this ill-conceived piece of legislation. It will be vetoed by the President and opposed by the EPA, opposed by the Council on Environmental Quality, and by every environmental organization of which I am aware.

It is said that this is an important piece of environmental legislation. Let me correct the RECORD. This is not an important piece of environmental legislation. If this is allowed to occur, this is an environmental travesty. I hope my colleagues will not allow that to occur.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I want to join the occupant of the chair on his remarks in support of this legislation, which is far too long overdue and which has cost the taxpayers money because your efforts to see it passed have been frustrated.

The leadership you, and others have given to this bill has made a compelling case for its passage. I believe we ought to move forward with it, and hopefully we will this time.

I do not agree with some who say this is not an important piece of environmental legislation. It clearly is. We have nuclear waste all over this country in nuclear facilities in less than ideal conditions. That waste can be moved to an ideal location approved by the Federal Government. This is a bill which would help make that happen and clean up the environment.

I would like to share some thoughts. I come at this with a little bit of a different view, as I am sure others do. I don't speak for anybody else, and certainly not the chairman who has advocated this legislation so ably. I would like to share a personal insight into where I am coming from with regard to this legislation.

During his State of the Union Address, President Clinton remarked:

"The greatest environmental challenge of the new century is global warming. The scientists tell us that the 1990s were the hottest decade of the entire millennium. If we fail to reduce the emission of greenhouse gases"—that comes from burning fossil fuel—"deadly heat waves and droughts will become more frequent, coastal areas will flood, and economies will be disrupted. That is going to happen, unless we act."

But just because the President declared it so does not necessarily make it so. Science surrounding climate change is very complex. In fact, NASA has found through satellite data that the upper atmosphere has not warmed at all over the last 20 years. But, regardless of that, we don't know what is happening out there. Change is always about.

The notion that our coastlines will flood or that heat waves will plague the world is a view that is shared by a lot of radical environmentalists, nongrowth people in this country and around the world. Some scientists have actually studied the matter, however, and concluded that there are many beneficial changes that occur when carbon dioxide levels increase. If there is more carbon dioxide in the atmosphere, plants grow better. They suck in carbon dioxide and emit oxygen in the process of life that all plants go through.

Regardless of who is right and the status of this debate, all of us should look forward to working together in developing a plan to reduce air pollution. In doing so, we will at the same time reduce these greenhouse gases, many of which are not damaging to our health. But we will do that anytime we reduce pollution, as a general rule.

The largest component of greenhouse gases, of course, is carbon dioxide, CO_2, which is not an unhealthy gas. President Clinton and Vice President GORE have already tried to commit our country, through the Kyoto global warming treaty, to an agreement which would call on the United States to reduce greenhouse gas emissions by 7 percent below the 1990 level by the year 2002. That was a goal of Kyoto. The Vice President was adamant about committing the United States to reducing emissions 7 percent below 1990 levels by 2012, just 12 years from now. And the United States already produces greenhouse gas emissions that are 8 percent over 1990 levels.

The Energy Information Administration predicts that the United States, however, will need about a 30-percent increase in electricity by the year 2015. We are talking about reducing greenhouse gases in the next 12 years by 15 percent from current levels during a time when we need a 30-percent increase in power. It is going to be very difficult to do under any circumstances.

But at the same time we are faced with these difficult choices, this administration has surprisingly and openly opposed the use and continued development of the only options we have to realistically meet the emissions reduction goals—nuclear power and natural gas.

Nuclear power currently provides over 20 percent of the electric power in this country. Given the state of energy technology today, a critical component of our emissions reductions plan should be the safe use of nuclear power. We must maintain this energy source, perhaps making it a larger source of our energy mix, and not dismiss its future use outright by opposing this critical legislation.

As an example of the environmentally friendly capacity of nuclear power, consider this: Between 1973 and 1997, nuclear power generation avoided the emission of 82.2 million tons of sulfur dioxide, and more than 37 million tons of nitrogen oxide, which would have been released if that electricity had been produced by fossil fuel plants. In 1997 alone, emissions of sulfur dioxide in 1 year would have been about 5 million tons higher, and emissions of nitrogen oxide would have been 2.4 million tons higher had fossil generation plants replaced this nuclear generation. In addition, literally billions of tons of carbon and millions of tons of methane emissions—believed to be the most significant greenhouse gas—could have been avoided by the sensible use of nuclear power in this country.

Even though we are still fighting health problems associated with pollution, a problem that is measurable and real, the safe use of nuclear power in this country and elsewhere has helped all of us to breathe easier. In fact, there has not been a single incident in this country of a person being significantly injured or losing their life at a nuclear power plant in the entire history of US nuclear power production. That wouldn't have been true at plants burning coal. How many coal trucks have had wrecks and killed people? How many coal miners have been injured or killed? How many people have been killed in moving gas through pipelines and that kind of thing? Nuclear power has actually been much safer than those options.

Indeed, other countries are far ahead of us. In France, 76 percent of their power is nuclear. And soon, 50 percent of the power in Japan will be generated by nuclear plants. Nuclear powerplants provided some 16 percent of the world's energy production in 1998. Yet the United States hasn't proposed to build a new plant in over 23 years. One reason is the cost is rising and is being driven up by our inability to dispose of even small amounts of nuclear waste.

On November 8, 1997, just after signing the Kyoto greenhouse gas treaty, Vice President Gore stated:

> There are other parts of the Earth's ecological systems that are also threatened by the increasingly harsh impact of thoughtless behavior: The poisoning of too many places where people—especially poor people—live, and the deaths of too many children—especially poor children—from polluted water and dirty air.

Perhaps the Vice President should heed his own rhetoric and stop the thoughtless behavior put forth by his own administration that has discouraged both the use of nuclear power and the production of our cleanest fossil fuel—natural gas.

On September 3, 1999, Vice President GORE pledged to stop the new leasing of oil and gas sites offshore.

It is really a stunning thing. We are producing natural gas mainly in the Gulf of Mexico at unprecedented rates. And we have the opportunity, through recent discoveries there, to produce even more. Producing more natural gas in this country will reduce our burden on coal and it will reduce our burden on oil, which is more polluting. It will reduce our trade imbalance and debt to foreign producers in the Middle East where we are shifting huge amounts of our wealth.

Vice President GORE said we are going to stop natural gas production. He went on to state his intention to shut down even existing gas wells. Near my home in Mobile Bay, I fished around the oil and gas rigs there. It is some of the cleanest water you can find. We are having no problems with those wells.

The Vice President said:

> If elected President, I will take steps to prevent any drilling on the older leases that were granted during previous administrations . . .

He is even committing to shut down current natural gas wells that are producing the cleanest form of fossil fuel energy we have today.

These comments and the policies of this administration on pollution and the environment just don't mesh. There simply is no way to meet our pollution reduction goals while simultaneously stopping the production of clean natural gas and blocking the development of a healthy nuclear power industry in this country.

The Senator from Idaho earlier said we have no energy policy in this country. We are drifting from poll to poll. Well I think he may be right.

Some say wind, solar, and biomass technologies are the way to meet our air pollution goals. I know of some good research projects. One in my home State uses switch grass and coal to help produce electricity. It is an environmentally friendly project and I hope it will be successful. While a lot of progress has been made in this area, we must face the reality that these new technologies are good steps—but they are small steps; they simply cannot be relied upon to meet our energy needs over the next 40 to 50 years.

Every day, new ideas, new procedures, and new techniques cut fuel use, allowing citizens to get energy with less pollution. Refrigerators today are using less than half the electricity they did 15 or 20 years ago. That is good progress. The fact is, electricity consumption is up in the last 8 years despite these huge increases in efficiency. World demand also will rise.

The theory of global warming does not hinge solely on pollution in the United States. The theory suggests that global air emissions are creating, so the theory goes, a greenhouse effect that might raise the temperature around the world. I know people have become absolutely convinced this is a scientific fact; my staff and I have been doing research and I am not yet convinced. Again I repeat: NASA has monitored the temperature of the upper atmosphere for over 20 years using satellites, and they find the upper atmosphere has not warmed. Originally, the greenhouse gas theorists believed that this part of the atmosphere would be where the warming would first occur. It has not.

I point out that even members of President Clinton's own administration have recognized that nuclear power must play a large part in our energy mix. In March of 1999, Ambassador John Ritch, President Clinton's appointed Ambassador to the North Atlantic Assembly, an assembly of parliamentarians to the North Atlantic countries, commented on this issue we are debating today. He said:

> The reality is that, of all energy forms capable of meeting the world's expanding needs, nuclear power yields the least and most easily managed waste.

In October of 1998, Under Secretary of State Stuart Eizenstat remarked:

> I believe very firmly that nuclear [power] has to be a significant part of our energy future and a large part of the Western world if we are going to meet these emission reduction targets. Those who think we can accomplish these goals without a significant nuclear industry are simply mistaken.

However, we cannot have this industry if we cannot dispose of the waste.

By passing sensible nuclear waste legislation, we have the greatest opportunity to reduce air pollution since the passage of the Clean Air Act. Nuclear power produces virtually no air emissions and generates an extremely small amount of solid waste. In fact, relative to the amount of power generated per ton of waste produced, nuclear power rates among the cleanest of all energy technologies.

My judgment, which has been formed over time, is that we have to develop policies which will encourage the future development of nuclear power in this country—not build roadblocks to its use. How can we continue to maintain 20-percent power production from nuclear plants if these plants are now going to reach an age where they will have to be closed down? What will we do? The only choice is to burn fossil fuel if we don't use nuclear power.

Currently, there are tons of spent nuclear fuel stored at 71 sites in 34 States around this country. Most of the spent fuel is stored onsite at nuclear plants. The Nuclear Waste Policy Act of 1982 established a nuclear waste storage fund and required the Department of Energy to begin accepting nuclear waste from these plants all over the country by 1998. The fund was paid for by a user fee imposed on customers of electricity—that is, American citizens. That is, in effect, a tax on American citizens that has been paid for quite some time to store this nuclear waste.

To date, the fund has grown to over $15 billion, as the chairman has pointed out. Not a single ton of spent nuclear fuel has been accepted by the Department of Energy. That is an outrage. As a result of the Department's failure to meet the 1998 deadline, the Department is currently facing multiple lawsuits which could cost the Federal Government—and taxpayers—tens of billions of dollars for their failure to produce a safe storage spot and make it available.

The Department of Energy has spent over $4 billion to study the safety and environmental impact of storing spent nuclear fuel at Yucca Mountain site. That is $4 billion. The general fund budget of the State of Alabama, with 4 million citizens, is $1 billion. Four billion is a lot of money that has been spent.

The Department's findings indicate that Yucca Mountain is ideally suited for the long-term storage of nuclear power.

Despite the rhetoric put forth by those who oppose this bill, the fact is, Yucca Mountain is located in the heart of a remote Nevada nuclear test range where nearly 1,000 nuclear devices have been detonated and tested over the years during the cold war. It is a desert. It is not located near any population center and would pose no threat to the surrounding areas.

The safe long-term storage of spent nuclear fuel—which has no potential to blow up—is a problem we can and should have solved. By passing S. 1287, we will set in motion a well-researched plan to safely solve this problem once and for all and allow America to move forward in meeting our goals: Cleaning up the environment of nuclear waste and reducing air pollution by continuing to allow the nuclear industry to function.

The Clinton-Gore administration has suggested it may veto this bill if it arrives on the President's desk. The effect of this announcement is to frustrate a $15 billion plan agreed to years ago.

To say "no" to nuclear power use in this country is to say "no" to our best chance to significantly reduce air pollution and save the environment. A vote against this bill is a vote against the environment, a vote against common sense and a vote against fiscal sanity. We have dawdled and delayed far too long. Now is the time to store this hazardous waste under a mountain, at an old nuclear test range in the Nevada desert, at Yucca Mountain.

I thank the chairman of this committee for his courageous, steadfast, and determined effort to bring this outrage to an end and to get this matter settled.

I appreciate his leadership, and I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my friend from Alabama. He has highlighted some points that certainly needed to be identified. In reality, the issue is twofold.

No. 1, are we going to have a future in this country for the nuclear power generating capability associated with our power industry? Is that in the future of this country? Or are we hellbent to kill it?

Further, do we want this high-level waste stored at 80-some-odd sites in 40 States for an extended period of time or do we want to get on with the job of collecting it and putting it in one permanent repository?

Listening to the debate, I am sensitive to the difficulties associated with the decision that was made at a time when we had a Democratic chairman of the Energy and Natural Resources Committee, my good friend, Senator Bennett Johnston. This has been a tough vote for my colleagues from Nevada. I recall a Republican Senator who probably lost the election in his State. He fought valiantly against putting the waste there. But, as I have identified time and time again, nobody wants the waste. That is the first premise with which you enter into this discussion. But you have to put it somewhere because it will not stay up in the air. As a consequence, we find ourselves still debating the issue.

At the hearing we had in the Energy Committee some time ago, the statement was made by our colleagues that regardless of the science, they would have to oppose the selection of a site in Nevada. Let's face it; that is a tough set of circumstances. But we have a job to do because we have to put it somewhere.

I do not want to oversimplify it. My friend said the bill is a lemon; it is ugly. I do not dispute that. But Nevada has been selected for the permanent repository, assuming it can be licensed. That is the hard fact. It might not be pretty. I guess I would say that we have, really, no other alternative because it is critical that we maintain a nuclear power industry in this country.

We have had a conversation about removing the take title. It has been removed. I know that disturbs my good friend and ranking member from the State of New Mexico. Secretary Richardson, the Secretary of Energy, raised this issue. I have held it in the legislation until the very end. But it became obvious that the administration could not deliver on their promises, that they could reassure the States that this was not just another ruse or another broken promise. And the broken promises obviously go back to 1998 when the Federal Government did not deliver on its contractual commitments to take the waste. The administration simply could not assure the States that they would not become some 40 repositories, which is what they are now.

I know the Secretary of Energy did the best he could, but it simply could not be done. So it is quite natural these States would say: Wait a minute, the Federal Government has not performed on its contractual commitment. Now it wants to take title in our State, without giving us the assurance it is going to be moved. As a consequence, as my colleagues know, those States were represented in the letter I introduced into the RECORD from six States claiming they would urge their representatives in the Senate not to support legislation unless the take title was removed.

I do not fault the Secretary of Energy. But I think it is fair to say the administration has not had its act together for one reason or another. Maybe it is to accommodate my friends from Nevada, but, nevertheless, it has not been resolved.

I tried my best. I am willing to revisit this in the future if the administration can follow through with some type of commitment. But I think it is unfair for the administration to criticize legislation because of their failure to follow through on their commitment. That is where we are on this.

We have heard suggestions from our friends from Nevada that putting the issuance of a radiation standard off is politicizing the process. We can point fingers around here because this is a political body. But if we look at the facts, the opposite is probably true.

The administration chose to abandon sound science and to inject politics into the standard-setting as part of its opposition to the use of nuclear power. Under the law, the Energy Policy Act, the EPA was to follow the guidelines set by the National Academy of Sciences. The National Academy is not an appointed body. Its membership is elected, based on professional scientific background, by the other scientists. The National Academy called for "all pathways" as a standard.

EPA chose to go outside that guideline and threatened to create a separate groundwater standard in addition to the "all pathways." I guess the only reason was to frustrate the development of the repository. They ignored science and yet injected politics. If anything, I think my amendment will remove politics from the process, and that is my objective.

Talking about whether or not this is environmental legislation, the Senator said environmental groups oppose this legislation and the League of Conservation Voters is watching every one of us. Think about that. Here is an environmental agency that is genuinely concerned about the safety, health, and welfare of people regarding issues it has every right to be involved in. But what is its objective? Is the objective to kill the nuclear power industry in this country? Is that the true objective? I wonder. Because maybe the League of Conservation Voters, as they indicate their opposition to this legislation, indicating they are watching, thinks having spent fuel spread around this country at 80 sites in 40 States is a good idea.

I do not think so and I do not think the majority of Senators think so. Maybe they think shutting down 20 percent of our generating capacity is a good idea, when they do not come up with any alternative. What do they want us to do? Maybe they will ignore that we will have to replace that capacity with fossil fuel-fired plants. Is that what they want? They do not have to take the responsibility that you and I do, to come up with and address an alternative. It is very appropriate that they criticize, but I wonder where they are going. Are they really going to shut down the nuclear power industry? They do not say that.

Maybe they do not care about the cost to the taxpayers, the elderly, the poor, when we have to replace that capacity at the taxpayers' expense—the ratepayers' expense.

Maybe they do not have a better use for the $80 billion, or whatever it is, in liability we are facing as a consequence of this delay. They have a responsibility to come up with answers, and they do not accept that responsibility. As a consequence, I find fault with their logic as well as their objective.

Maybe they simply do not care. Maybe they do not care about human health and safety or the environment or the cost and the impact on the taxpayers, the poor or the elderly, because they want to pursue their own agenda. Is that a political agenda? I think it is. It is a political agenda against nuclear power.

This is a major environmental bill, and if you are not for the environment in moving this quantity of high-level nuclear fuel to one site, how in the world can you suggest in any manner or form that you are for the environment by leaving it at these sites? It does not belong there. The sites were not designed for it. It is contrary to the health and welfare of the public.

What we have here is a progressive bill to address the problem. I say to those who receive threats or notification on the merits of the environmental aspect that this is not a good environmental bill, this is an environmental bill that addresses and solves the problem.

I conclude my remarks—since we are beginning to get statements from various groups that either oppose or support the bill—by asking unanimous consent that a letter dated February 8 from the International Brotherhood of Teamsters be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, DEPARTMENT OF GOVERNMENT AFFAIRS,
February 8, 2000, Washington, DC.

DEAR SENATOR: The International Brotherhood of Teamsters urges your support for S. 1287, the Nuclear Waste Policy Act of 1999. Passage of this legislation is crucial to solving the ongoing problem of safe storage of spent nuclear fuel.

Thousands of tons of spent nuclear fuel are stored onsite at nuclear plants in approximately 110 temporary storage facilities in communities across the nation. No one disagrees that nuclear waste belongs in a single safe repository far removed from population centers. Yucca Mountain, located on the Nevada Test Site, which S. 1287 designates as the site, is just such a facility.

This legislation directs the Department of Energy to develop and operate a simple, safe construction plan for Yucca Mountain. The plan includes development of a safe transportation system from nuclear power plants to the site. We anticipate that this could support more than 10,000 Teamster jobs.

To ensure the safe and responsible handling of all phases of construction and management of the facility, as well as the transfer of waste to the facility, S. 1287 provides extensive training to all workers involved in the transportation of used fuel as well as to emergency response personnel. Specifically, the legislation requires the Department of Transportation, the Department of Labor and the Nuclear Regulatory Commission to develop an appropriate training standard, and goes the extra mile of ensuring that employers possess evidence of meeting that training standard before workers are permitted to remove or transport nuclear waste.

In addition, the legislation provides grants to organizations like the Teamsters Union to train workers who transport spent nuclear fuel. These training programs ensure that the high standard of safety that has been demonstrated in nearly 3,000 shipments of used nuclear fuel in the United States since 1964 will continue. The fact is that there has never been any human injury or environmental damage in the transportation of nuclear waste, and none of the sturdy nuclear fuel shipping containers has ever been breached.

Finally, the legislation supports programs to enhance road and vehicle maintenance and inspection efforts, all of which contribute to continued safe transportation of high-level radioactive materials.

For these reasons, the Teamster Union believes that S. 1287 is a well-reasoned, balanced approach to solving the on-going continuously growing problem of nuclear waste. We urge you to support it as it moves to the Senate floor.

Should you have any questions or need additional information, please contact Jennifer Esposito or me at 202/624-8741.

Sincerely,

MICHAEL E. MATHIS,
Director, Government Affairs.

Mr. MURKOWSKI. Mr. President, in paragraph 2, it states:

> No one disagrees that nuclear waste belongs in a single safe repository far removed from the population centers. Yucca Mountain, located on the Nevada Test Site, which S. 1287 designates as the site, is just such a facility.

On page 2:

> The fact is that there has never been any human injury or environmental damage in the transportation of nuclear waste. . . .

In the last paragraph:

> For these reasons, the Teamster Union believes S. 1287 is a well-reasoned, balanced approach to solving an on-going, continuously growing problem of nuclear waste. We urge you to support it as it moves to the Senate floor.

It is signed Michael E. Mathis, Director of Government Affairs.

As we wind down this debate, I again urge we all focus on the reality of whether we want to kill the nuclear industry in this country, if that is the objective, or whether we want to get on with addressing the responsibility which we have, which is to address what we are going to do with this high-level waste.

Since we have been committed at the expense of some $6 billion at Yucca Mountain, since we have in this legislation addressed the appropriate role of the Environmental Protection Agency as having the final say on the determination of what the radiation standards should be, since we have addressed the transportation system by leaving it up to the States to designate how and where and under what terms and conditions, the waste will move out of the States where it presently resides. We have met the challenge we have been charged to address. As a consequence, we should recognize that it is time to finally put this matter behind us and not contribute additional expense to the American taxpayers or the ratepayers who have been paying into this fund for the last several years.

I save the remainder of my remarks for the remaining time tomorrow where I understand the proponents and opponents have an hour equally divided beginning at 10 o'clock, with a vote scheduled at 11.

Mr. President, I yield the floor for comments by my colleague.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank the chairman of the committee for his remarks. I will make a few remarks this afternoon. There will be more in the morning. I will be back on the floor in the morning to express it in more detail.

First of all, for anybody who is watching this debate and trying to understand what is happening, it is not easy to understand because we have a complicated set of procedures we have followed around here to get to this point.

Yesterday, I outlined my reasons for opposing the manager's amendment that was being considered at that time. It was No. 2808. That was the manager's amendment on which we voted to invoke cloture, or to bring debate to a close.

I said at that time I believed the overall legislation, not that particular amendment but the overall legislation, was very important and was necessary to solve particular problems we have with our nuclear waste program, but that the particular provisions in that amendment that was before us yesterday did not solve those problems and, in fact, the particular language in that amendment created some additional problems. That was why I could not support the language we were considering yesterday.

We have, of course, gone beyond that. We now have a new substitute amendment which has many changes in it. It was my hope that when we got to this substitute, it would fix the problems and concerns I had. I commend the chairman of the committee for a number of constructive improvements he did make in this substitute. Unfortunately, though, my own view is that while the new substitute makes improvements, there are still serious flaws and, more important than that even, there is a major step backward, and that relates to the dropping of the take title provision. I will try to explain in more detail why I think the take title provision is important to us.

Let me also parenthetically say, I can sympathize with the statement the chairman makes about people who criticize and offer no alternative. Let me make it very clear, and I do not think this will be disputed by the chairman or anyone else, from the beginning of this process, I have not only expressed concerns, I have offered alternative language. In fact, when we were considering this bill in committee, I offered a complete substitute that was voted on by the committee and was defeated at that time but got quite a few votes. It is not as though we have refused to offer alternatives. We have offered alternatives. They have not been acceptable. I understand that. Each Senator votes their best judgment, and their best judgment was that the alternatives were not improvements. I disagree strongly with that judgment.

This new substitute on which we are getting ready to vote tomorrow morning—and we will, as I said before, have time to speak about it tomorrow morning; we will have an hour equally divided—eliminates the so-called take title provision which was the core of the committee-reported bill and was the focus of our efforts to reach a consensus with the administration.

Let me explain a little bit about what this take title provision is because that is probably not understood well by a lot of folks who have not spent a lot of time on this subject.

The Federal Government, particularly the Department of Energy, was obligated to actually take delivery of this nuclear waste that had been developed at these nuclear powerplants around the country by January 31, 1998. We had written that into the law. We said that is an obligation, the Department of Energy has to do it, and the Department of Energy entered into contracts with the various utilities around the country.

The map is not up right now, but every place you saw a dot on that map, there is a utility, and they have entered into contracts with the Department of Energy where the Department of Energy says: We will accept your waste at a particular time, and we will move it to a permanent repository.

We in Congress were way too optimistic, and the Department of Energy was too optimistic about how quickly they could do all this. They entered into these contracts. When January 31, 1998, came, the Department of Energy had no place to put this waste, so they defaulted on at least the first of those contracts. The contracts become due. The obligation of the Department of Energy to pick up that waste and move it to a site becomes due each year to more and more utilities as we move forward.

So today the reality is we have a bunch of lawsuits, lawsuits in the Court of Claims, by utilities against the Department of Energy, saying: You owe us money; you are continuing to be in default; you should have picked this waste up; you have not picked the waste up; for every day you don't pick the waste up, you owe us some more money.

That is the situation.

The take title provision was a provision we worked out with Senator MURKOWSKI, with the Department of Energy, and with my staff to solve that problem. Basically, what it said was that we would give authority to the Department of Energy to enter into a contract—if a utility wanted to—whereby that utility would give up title to the waste, the Department of Energy would take title to the waste, and that would be done as part of a settlement of the litigation that is presently pending or that would otherwise be filed.

We provided a particular length of time in which utilities would have to decide whether they wanted to enter into negotiations to do this, whether they wanted to take advantage of this. There was nothing mandated. But it was a way out of this morass of litigation in which the Department of Energy now finds itself.

This bill we are going to vote on at 11 o'clock tomorrow morning eliminates that way out. That way out was a main reason for actually considering this bill. It was the core reason our committee reported the bill in the first place. It was the core reason I thought it was important for us to go ahead and pass the legislation.

The new substitute still does preserve the Department of Energy's authority to settle lawsuits arising from its failure to meet its contractual obligations to begin accepting this waste in 1998, by reducing the fees they pay or providing other forms of financial relief. That is still in the bill. But the Department already has that authority. We did not need to legislate that authority again. I think it is clear to anybody who will study it for a little bit, it is not an objectionable part of the bill but it is an unnecessary part of the bill.

What the Department lacks, and what we were trying to provide in the legislation, and what would benefit the country, the taxpayers, the utilities—particularly the taxpayers, because the taxpayers ultimately are going to wind up footing the cost of the judgments, whatever judgments are imposed on the Federal Government—but what clearly would benefit all of these groups and individuals I have talked about here is for the Department to take title to the utilities' waste and assume financial and legal liability for management pending the completion of the repository.

The truth is, Yucca Mountain is being characterized. It is not being done as quickly as we would like because we have not provided all the funds necessary to do it on a timely basis, but it is being characterized. If it passes muster in the final analysis, if it can meet the standards the Environmental Protection Agency establishes, and then is going to be used, it is still going to be 8 or 10 years from now before waste will actually be moved to that site. That is just the reality. It is not a question of whether you like it or dislike it; that is just the reality.

What we were trying to say is, during these 8 or 10 years, there is no reason why the Federal Government's liability for not moving that waste beginning in 1998 should continue to grow and to accrue. The new substitute drops that provision. The new substitute eliminates this way out for the Department of Energy, for the utilities, and, more importantly than anything, for the American taxpayers.

There are other provisions where this new substitute we will vote on tomorrow, like the original one, creates problems that would limit the ability of the Department of Energy's waste program to succeed. Let me mention a few.

The substitute imposes deadlines on the Department of Energy, saying the Department must ship spent fuel to Nevada on a schedule that the Department of Energy says they cannot meet.

I know that is what we did before. We set a deadline. At that time, the Department of Energy did not say they could not meet it. But at any rate, we set a deadline they did not meet and now we have litigation.

If we pass this bill, we are in danger of setting another deadline or another series of deadlines which this time the Department says they cannot meet—of course, prompting a lot of new litigation as a result of that. So it holds the Government and the taxpayers liable if the Department of Energy misses those deadlines.

There are also some broader issues affecting the program we have been unable to address in this bill that I think are important to consider. One example is Northern States Power's problem. This gets a little bit arcane, but I do not think too arcane.

Under Minnesota law, Northern States Power will have to shut down the Prairie Island nuclear powerplant in January of 2007 if the Department of Energy has not picked up Prairie Island's waste by that date. That is Minnesota law I just paraphrased for you. The manager's substitute could require the Department to enter into a "backup" storage contract with Northern States Power to take the Prairie Island waste to Yucca Mountain so that Prairie Island can keep operating. The problem is, the Department of Energy will not be able to honor that contract by January of 2007, so the provision does not prevent the reactor from shutting down. The truth is, we have put in a requirement that the Department of Energy cannot meet.

There are also funding problems besetting our nuclear waste program. As I said yesterday, I think this is one of the most critical problems facing the Yucca Mountain program. The substitute does nothing to make the balances in the nuclear waste fund more readily available or even to make deferred payments for waste generated before 1983, the so-called one-time fee under current law available to the program. I believe this latter provision would not score under our budget rules since it is currently outside the 10-year scoring window. That is pretty arcane, but it is an important provision.

By dropping the take title provision and by failing to make this simple budget adjustment, in my view, the manager's substitute fails to capture and apply this important source of funds to the program when it is urgently needed.

None of us is ever 100-percent satisfied with any vote we cast here in the Senate. We all have to compromise, to give things away, to settle for less than a perfect bill. Senator MURKOWSKI has certainly shown his willingness to do that. I, too, believe I have done that and shown my willingness to make concessions on key issues—issues such as funding, on capping the nuclear waste fee, on potentially shifting the funding burden to taxpayers, conveying 76,000 acres of Federal lands to Nevada localities. These are all things in the bill that I have not thought were really appropriate, but I am certainly willing to compromise on them in order to reach agreement.

But as I look at the new amended bill on which we are going to vote tomorrow, and I try to weigh it in relation to the Nation and the taxpayers—what the Nation and the taxpayers of the country are getting versus what they are giving up—I find that the balance that is required for me to support the end result is not there. Legislators, as doctors, need to obey the rule: First do no harm. When I look at the substitute on which we are going to vote tomorrow, to my mind, it does more harm than good. Unfortunately, as a result, I will be compelled to vote against it.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, on behalf of the leader, in order to attempt to advance the process, for the benefit of everybody——

Mr. REID. If the Senator would withhold for me to make a brief statement, while the Senator from New Mexico is on the floor, I would appreciate it.

Mr. MURKOWSKI. Go ahead.

Mr. REID. I thank the Senator.

While the Senator from New Mexico is here, I want to say I personally appreciate his hours of time, and the tens of hours his staff has spent—probably hundreds of hours—on this legislation. I am grateful to the Senator for the work he has put into this legislation and for the fairness he has demonstrated to the chairman of the committee and the Senators from Nevada. The fact that Senator BINGAMAN has done everything within his power to get satisfactory legislation passed should be spread throughout the RECORD. That does not mean the Senators from Nevada would be happy with it, perhaps, but I think he has tried to work on something that would bring a general consensus in this Senate and would satisfy the administration.

The Senator worked very hard to do that, and I commend and applaud his legislative abilities and constant fairness in this regard, keeping us informed, keeping the majority informed. I think it bodes well for the Senate to have the Senator as the ranking member and, hopefully, in the not-too-distant future, chairman of this very important committee.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I shall not further debate the issue today.

Mr. DOMENICI. Mr. President, I rise to compliment Senator MURKOWSKI's leadership on the Nuclear Waste Policy Amendments Act. I appreciate his efforts to enable progress on the Nation's need for concrete action on spent nuclear fuel.

I find it amazing how fear of anything in this country with "nuclear" in its title, like "nuclear waste," seems to paralyze our ability to act decisively. Nuclear issues are immediately faced with immense political challenges.

There are many great examples of how nuclear technologies impact our daily lives. Yet few of our citizens know enough about the benefits we've gained from harnessing the nucleus to support actions focused on reducing the remaining risks.

Just one example that should be better understood and appreciated involves our nuclear navy. Their experience has important lessons for better understanding of these technologies.

The Nautilus, our first nuclear powered submarine, was launched in 1954. Since then, the Navy has launched over 200 nuclear powered ships, and about 85 are currently in operation. Recently, the Navy was operating slightly over 100 reactors, about the same number as those operating in civilian power stations across the country.

The Navy's safety record is exemplary. Our nuclear ships are welcomed into over 150 ports in over 50 countries. A 1999 review of their safety record was conducted by the General Accounting Office. That report stated:

> No significant accident—one resulting in fuel degradation—has ever occurred.

For an Office like GAO, that identifies and publicizes problems with government programs, that's a pretty impressive statement!

Our nuclear powered ships have traveled over 117 million miles without serious incidents. Further, the Navy has commissioned 33 new reactors in the 1990s, that puts them ahead of civilian power by a score of 33 to zero. And Navy reactors have more than twice the operational hours of our civilian systems.

The nuclear navy story is a great American success story, one that is completely enabled by appropriate and careful use of nuclear power. It's contributed to the freedoms we so cherish.

Nuclear energy is another great American success story. It now supplies about 20 percent of our nation's electricity, it is not a supply that we can afford to lose. It's done it without release of greenhouse gases, with a superlative safety record over the last decade. The efficiency of nuclear plants has risen consistently and their operating costs are among the lowest of all energy sources.

I have repeatedly emphasized that the United States must maintain nuclear energy as a viable option for future energy requirements. And without some near-term waste solution, like interim storage or an early receipt facility, we are killing this option. We may be depriving future generations of a reliable power source that they may desperately need.

There is no excuse for the years that the issue of nuclear waste has been with us. Near-term credible solutions are not technically difficult. We absolutely must progress towards early receipt of spent fuel at a central location, at least faster than the 2010 estimates for opening Yucca Mountain that we now face or risk losing nuclear power in this country.

Senator MURKOWSKI's bill is a significant step toward breaking the deadlock which continues to threaten the future of nuclear energy in the U.S. I appreciate that he made some very tough decisions in crafting this bill that blends ideas from many sources to seek compromise in this difficult area.

One concession involves tying the issuance of a license for the "early receipt facility" to construction authorization for the permanent repository. I'd much prefer that we simply moved ahead with interim storage. An interim storage facility can proceed on its own merits, quite independent of decisions surrounding a permanent repository. Such an interim storage facility could be operational well before the "early receipt facility" authorized in this Act.

There are absolutely no technical issues associated with interim storage in dry casks, other countries certainly use it. Nevertheless, in the interests of seeking a compromise on this issue, I will support this Act's approach with the early receipt facility.

I appreciate that Senator MURKOWSKI has included Title III in the new bill with my proposal to create a new DOE Office of Spent Nuclear Fuel Research. This new Office would organize a research program to explore new, improved national strategies for spent nuclear fuel.

Spent fuel has immense energy potential—that we are simply tossing away with our focus only on a permanent repository. We could be recycling that spent fuel back into civilian fuel and extracting additional energy. We could follow the examples of France, the U.K., and Japan in reprocessing the fuel to not only extract more energy, but also to reduce the volume and toxicity of the final waste forms.

Now I am well aware that reprocessing is not viewed as economically desirable now, because of today's very low uranium prices. Furthermore, it must only be done with careful attention to proliferation issues. But I submit that the U.S. should be prepared for a future evaluation that may determine that we are too hasty today to treat this spent fuel as waste, and that instead we should have been viewing it as an energy resource for future generations.

We do not have the knowledge today to make that decision. Title III establishes a research program to evaluate options to provide real data for such a future decision.

This research program would have other benefits. We may want to reduce the toxicity of materials in any repository to address public concerns. Or we may find we need another repository in the future, and want to incorporate advanced technologies into the final waste products at that time. We could, for example, decide that we want to maximize the storage potential of a future repository, and that would require some treatment of the spent fuel before final disposition.

Title III requires that a range of advanced approaches for spent fuel be studied with the new Office of Spent Nuclear Fuel Research. As we do this, I will encourage the Department to seek international cooperation. I know, based on personal contacts, that France, Russia, and Japan are eager to join with us in an international study of spent fuel options.

Title III requires that we focus on research programs that minimize proliferation and health risks from the spent fuel. And it requires that we study the economic implications of each technology.

With Title III, the United States will be prepared, some years in the future, to make the most intelligent decision regarding the future of nuclear energy as one of our major power sources. Maybe at that time, we'll have other better energy alternatives and decide that we can move away from nuclear power. Or we may find that we need nuclear energy to continue and even expand its current contribution to our nation's power grid. In any case, this research will provide the framework to guide Congress in these future decisions.

I want to specifically discuss one of the compromises that Senator MURKOWSKI has developed in his Manager's Amendment. In my view, his largest compromise involves the choice between the Environmental Protection Agency or the Nuclear Regulatory Commission to set the radiation-protection standards for Yucca Mountain and for the "early release facility."

The NRC has the technical expertise to set these standards. Furthermore, the NRC is a non-political organization, in sharp contrast to the political nature of the EPA. We need unbiased technical knowledge in setting these standards, there should be no place for politics at all. The EPA has proposed a draft standard already, that has been widely criticized for its inconsistency and lack of scientific rigor—events that do not enhance their credibility for this role.

I appreciate, however, the care that Senator MURKOWSKI has demonstrated in providing the ultimate authority to the EPA. His new language requires both the NRC and the National Academy of Sciences to comment on the EPA's draft standard. And he provides a period of time, until mid-2001, for the EPA to assess concerns with their standard and issue a valid standard.

These additions have the effect of providing a strong role for both the NRC and NAS to share their scientific knowledge with the EPA and help guide the EPA toward a credible standard.

The NRC should be complimented for their courageous stand against the EPA in this issue. Their issuance of a scientifically appropriate standard stands in stark contrast to the first effort from the EPA. Thanks to the actions of the NRC, the EPA can be guided toward reasonable standards.

Certainly my preference is to have the NRC issue the final standard. But I appreciate the effort that Senator MURKOWSKI has expended in seeking compromise in this difficult area.

By following the procedures in the Manager's Amendment, we can allow the EPA to set the final standard, guided by the inputs from the NRC and NAS. Thus, I will support the Manager's Amendment.

I thank Senator MURKOWSKI for his superb leadership in preparing this new act. We need to pass this Manager's Amendment with a veto-proof majority, to ensure that we finally attain some movement in the nation's ability to deal with high level nuclear waste.

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL THE BANKROLL

Mr. FEINGOLD. Mr. President, during today's debate on the nuclear waste legislation, I want to take my first opportunity to Call the Bankroll in the new year.

As we all know, nuclear waste has been a very contentious issue in past years.

I'm not here today to recap the arguments on either side, but instead to offer the public and my colleagues a picture of the money that has been spent by interests on both sides of the issue.

Of course the Nuclear Energy Institute is the chief lobbyist on behalf of companies that operate nuclear power plants in the U.S., and has led the fight for the nuclear waste legislation, in its various forms, that is now before us.

NEI gave more than $135,000 in soft money to the parties and more than $70,000 in PAC money to candidates in the 1998 election cycle.

In addition to NEI, a number of utilities which operate nuclear plants were also significant PAC and soft money donors in the '98 cycle, including:

Commonwealth Edison, which gave $110,000 in soft money and more than $106,000 in PAC money, and Florida Power and Light, which gave nearly $300,000 in soft money to the parties and more than $182,000 in PAC money to candidates.

Many of these donors didn't waste any time before donating in the current cycle either—NEI already reported donating more than $66,000 in soft money, and Commonwealth Edison already reported $90,000 in soft money donations in 1999.

On the other side of this fight is a coalition of environmental groups that has opposed this bill in its various forms, writing to members of the Senate last September to urge us to protect our country and our environment by voting against the Nuclear Waste Policy Amendments Act of 1999.

Among these groups is the Sierra Club, which gave more than $236,000 in PAC money to candidates in the '98 cycle, and Friends of the Earth, which gave just under $4,000 during that same period.

I also think it's important here to make a larger point that reaches well beyond the nuclear waste debate—that interests can exercise their clout not just through PAC and soft money donations but through yet another loophole in the law—phony issue ads.

Now it is very difficult to determine how much money is spent on phony issue ads. They are not reported under current law, and they should be. Nonetheless, some estimates have been made by news organizations and independent analysts. The Sierra Club spent an estimated $1.5 million on issue ads in the '98 election cycle, and the Nuclear Energy Institute reportedly spent $600,000 on issue ads in just two Senate races in the last cycle.

Now I can't say that even this is a complete picture of all the interests lobbying on this bill, but it does give my colleagues and the public some idea of what interests are trying to influence the passage—or the defeat—of this bill, and a picture of the huge sums of money they are using to pursue their goals.

RECOGNITION OF SEATTLE'S LAW ENFORCEMENT OFFICERS

Mr. GORTON. Mr. President, as many of my colleagues know, I had the pleasure—or displeasure—of being in Seattle during the now infamous World Trade Organization meeting last fall, shortly after Congress adjourned for the year. The images broadcast via the airwaves portrayed a negative image of Seattle and a narrow view of the debate in this country surrounding free trade. The spectacle of the "Battle in Seattle" that most of us saw on the evening news also did not accurately represent the full experience that law enforcement officers on the street endured. These officers suffered through appalling work conditions largely attributable to poor planning by public officials responsible for such preparation. In spite of these conditions, the incidents of confrontation and violence were kept to a surprising minimum. These fine men and women in law enforcement deserve recognition for their vigilance, their restraint, and their dedication.

Officers, wearing 60–70 pounds of tear gas drenched equipment, were forced to stand the line with minimal rest, no bathroom facilities, and little food—for shifts of 16 to 17 hours. Given the fact that officers endured a continual barrage of insults and projectiles from out-of-control protestors, I am surprised that there were not more instances where frustration and exhaustion temporarily superceded discipline and training. It is a credit to the men and women of the Seattle Police Department, the King County Sheriff's Office, the Washington State Patrol, and the many officers from other localities, that their restraint kept a bad situation from becoming much, much worse.

As with any confrontational event involving thousands of people, mistakes were made by both sides. It is clear, however, that the law enforcement officers involved with the WTO in Seattle overwhelmingly exhibited professionalism and conduct above and beyond the call of duty—for that they should be commended. To the officers who, against great odds, did everything they could to preserve peace and order, I offer my sincere thanks.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, February 8, 2000, the Federal debt stood at $5,694,611,209,189.87 (Five trillion, six hundred ninety-four billion, six hundred eleven million, two hundred nine thousand, one hundred eighty-nine dollars and eighty-seven cents).

One year ago, February 8, 1999, the Federal debt stood at $5,585,153,000,000 (Five trillion, five hundred eighty-five billion, one hundred fifty-three million).

Five years ago, February 8, 1995, the Federal debt stood at $4,805,605,000,000 (Four trillion, eight hundred five billion, six hundred five million).

Ten years ago, February 8, 1990, the Federal debt stood at $2,984,058,000,000 (Two trillion, nine hundred eighty-four billion, fifty-eight million).

Fifteen years ago, February 8, 1985, the Federal debt stood at $1,679,171,000,000 (One trillion, six hundred seventy-nine billion, one hundred seventy-one million) which reflects a debt increase of more than $4 trillion—$4,015,440,209,189.87 (Four trillion, fifteen billion, four hundred forty million, two hundred nine thousand, one hundred eighty-nine dollars and eighty-seven cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT TO THE CONGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF ALBANIA—MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I am submitting an updated report to the Congress concerning the emigration laws and policies of Albania. The report indicates continued Albanian compliance with U.S. and international standards in the area of emigration. In fact, Albania has imposed no emigration restrictions, including exit visa requirements, on its population since 1991.

On December 5, 1997, I determined and reported to the Congress that Albania was not in violation of paragraphs (1), (2), or (3) of subsections 402(a) of the Trade Act of 1974 or paragraphs (1), (2), or (3) of subsection 409(a) of that Act. That action allowed for the continuation of normal trade relations (NTR) status for Albania and certain other activities without the requirement of an annual waiver. This semiannual report is submitted as required by law pursuant to the determination of December 5, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 2000.*

REPORT TO THE CONGRESS ON THREE RESCISSIONS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975, to the Committees on the Budget, Appropriations, Energy and Natural Resources, and Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report three rescissions of budget authority, totaling $128 million, and two deferrals of budget authority, totaling $1.6 million.

The proposed rescissions affect the programs of the Department of Energy and the Department of Housing and Urban Development. The proposed deferrals affect programs of the Department of State and International Assistance Programs.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 2000.*

MESSAGES FROM THE HOUSE

At 10:34 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission Act.

The message also announced that the House has passed the following bill, without amendment:

S. 632. An act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

The message further announced that pursuant to section 702(b) of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106-120), the Minority Leader has appointed the following member to the National Commission for the Review of the National Reconnaissance Office: Mr. Tony Beilenson of Maryland.

The message also announced that pursuant to 28 U.S.C. 629(b) the Speaker has reappointed the following member on the part of the House to the Board of the Federal Judicial Center for a 5-year term: Ms. Laurie E. Michael of Virginia.

The message further announced that pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412) the Speaker has appointed the following member on the part of the House to the board of Directors of the National Urban Air Toxics Research Center to fill the existing vacancy thereon: Mr. Thomas F. Burks II of Texas.

The message also announced that the House has agreed to the following resolution:

H. Res. 338. Resolution stating that the House has learned with profound sorrow of the death of the Honorable Carl B. Albert, former Member of the House of Representatives for the Ninety-second, Ninety-third, and Ninety-fourth Congresses.

ENROLLED BILL SIGNED

At 1:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2130. An act to amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7445. A communication from the Architect of the Capitol, transmitting, pursuant to law, the report of all expenditures during the period April 1, 1999 through September 30, 1999; to the Committee on Appropriations.

EC-7446. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Home Equity Conversion Mortgage Insurance; Right of First Refusal Permitted for Condominium Associations" (RIN2502–AG93) (FR–4267–F–02), received February 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7447. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "10 BLS–LIFO Department Store Indexes-December 1999" (Rev. Rul. 2000–10), received February 8, 2000; to the Committee on Finance.

EC–7448. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Gypsy Moth Generally Infested Areas" (Docket # 99–042–2), received February 8, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7449. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans State: Approval of Kentucky State Implementation Plan" (FRL # 6533–2), received February 8, 2000; to the Committee on Environment and Public Works.

EC–7450. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, the report of a rule entitled "Extending Operating Permits Program Interim Approval Expiration Dates" (FRL # 6535–2), received February 8, 2000; to the Committee on Environment and Public Works.

EC–7451. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations", received February 8, 2000; to the Committee on Environment and Public Works.

EC–7452. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, the report of a rule entitled "Guidance for Utilization of Small, Minority, and Women's Business Enterprises Under Assistance Agreements", received February 8, 2000; to the Committee on Environment and Public Works.

EC–7453. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, the report of a rule entitled "Notice of Availability Compliance Measurement Cooperative Agreements", received February 8, 2000; to the Committee on Environment and Public Works.

EC–7454. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Final Enforcement Response Policy for Sections 304, 311, and 312 of EPCRA, and Section 103 of CERCLA"; to the Committee on Environment and Public Works.

EC–7455. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "2000 Storm Water Enforcement Strategy Update"; to the Committee on Environment and Public Works.

EC–7456. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Determination of Endangered Status for 'Sidalcea keckii' (Keck's checker-mallow) from Fresno and Tulare Counties, CA" (RIN1018–AE30), received February 8, 2000; to the Committee on Environment and Public Works.

EC–7457. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Limited Request for Pre-Proposals; Pilot Projects on Improved Drinking Water Management and Source Protection in Honduras"; to the Committee on Environment and Public Works.

EC–7458. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Chelsea River, MA (CGD01–00–0001)" (RIN2115–AE47) (2000–0009), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7459. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Reserved Channel, MA (CGD01–00–003)" (RIN2115–AE47) (2000–0010), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7460. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Frequency of Inspection (USCG–1999–4976)" (RIN2115–AF73) (2000–0001), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC – 7461. A communication from the Chief, International and General Law, Maritime Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels" (RIN2133–AB39), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7462. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim: Red Snapper Management Measures; Reef Fish of the Gulf of Mexico, Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic" (RIN0648–AN41), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7463. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Flight Rules in the Vicinity of Grand Canyon National Park (2–3/2–3)" (RIN2120–AG97), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7464. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reduced Vertical Separation Minimum (2–7/2–3)" (RIN2120–AG82), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7465. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (40); Amdt. No. 1960" (RIN2120–AA65) (1999–0056), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7466. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (30); Amdt. No. 1970 (2–2/2–3)" (RIN2120–AA65) (2000–0004), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7467. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (84); Amdt. No. 1971 (2–2/2–3)" (RIN2120–AA65) (2000–0006), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7468. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (96); Amdt. No. 1972 (2–2/2–3)" (RIN2120–AA65) (2000–0005), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7469. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Monticello, IA; Direct Final Rule; Request for Comments; Docket No. 00–ACE–5 (2–7/2–7)" (RIN2120–AA66) (2000–0021), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7470. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Creston, IA; Direct Final Rule; Request for Comments; Docket No. 00–ACE–1 (2–7/2–7)" (RIN2120–AA66) (2000–0022), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7471. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Remove Class D and Class E Airspace; Kansas City, Richards-Gebaur Airport, MO; Docket No. 00–ACE–4 (2–7/2–7)" (RIN2120–AA66) (2000–0023), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7472. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Ord, NE; Direct Final Rule; Request for Comments; Docket No. 00–ACE–2 (2–7/2–7)" (RIN2120–AA66) (2000–0024), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7473. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Amendment to Class E Airspace; Grand Island, NE; Direct Final Rule; Request for Comments; Docket No. 99–ACE–56 (2–7/2–7)" (RIN2120–AA66) (2000–0026), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7474. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; O'Neill, NE ; Direct Final Rule; Request for Comments; Docket No. 99–CE–55 (2–7/2–7)" (RIN2120–AA66) (2000–0027), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7475. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Burlington, VT; Direct Final Rule; Request for Comments; Docket No. 99–ANE–94 (2–7/2–7)" (RIN2120–AA66) (2000–0028), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7476. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Burlington, VT; Direct Final Rule; Request for Comments; Docket No. 99–ANE–93 (2–7/2–7)" (RIN2120–AA66) (2000–0029), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7477. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Marquette, MI; Docket No. 99–AGL–42 (2–2/2–3)" (RIN2120–AA66) (2000–0020), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7478. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Garrison, ND; Docket No. 99–AGL–51 (2–2/2–3)" (RIN2120–AA66) (2000–0019), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7479. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification to Class E Airspace; Bemidji, MN; Docket No. 99–AGL–5 (2–2/2–37)" (RIN2120–AA66) (2000–0018), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7480. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Steubenville, OH; Docket No. 99–AGL–52 (2–2/2–3)" (RIN2120–AA66) (2000–0017), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7481. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cooperstown, ND; Docket No. 99–AGL–5 (2–2/2–3)" (RIN2120–AA66) (2000–0016), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7482. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Norfolk, NE; Direct Final Rule: Confirmation of Effective Date: Docket No. 99–ACE–45 (12–29/12–30)" (RIN2120–AA66) (1999–0412), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7483. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100, and –200 Series Airplanes; Docket No. 99–NM–88 (2–7/2–7)" (RIN2120–AA64) (2000–0057), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7484. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 99–NM–41" (RIN2120–AA64) (2000–0058), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7485. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–400 Series Airplanes Equipped with GE CF6–80C2 Series Engines; Docket No. 98–NM–252 (2–7/2–7)" (RIN2120–AA64) (2000–0059), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7486. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Series Airplanes; Docket No. 97–NM–323" (RIN2120–AA64) (2000–0067), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7487. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767–100 Series Airplanes Equipped with GE Model CF6–80C2 Series Engines; Docket No. 98–NM–231" (RIN2120–AA64) (2000–0066), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7488. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Docket No. 97–NM–133 (2–3/2–7)" (RIN2120–AA64) (2000–0068), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7489. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 98–NM–282 (2–1/2–3)" (RIN2120–AA64) (2000–0055), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7490. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A300–600, and A310 Series Airplanes; Docket No. 99–NM–23 (2–7/2–7)" (RIN2120–AA64) (2000–0060), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7491. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Series Airplanes; Docket No. 2000–NM–16 (2–7/2–7)" (RIN2120–AA64) (2000–0061), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7492. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes; Docket No. 99–NM–254 (2–7/2–7)" (RIN2120–AA64) (2000–0062), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7493. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes; Docket No. 99–NM–247 (2–4/2–7)" (RIN2120–AA64) (2000–0069), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7494. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80, and C–9 Series Airplanes and Model MD–88 Airplanes; Docket No. 98–NM–381 (2–3/2–3)" (RIN2120–AA64) (2000–0063), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7495. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Correction; Docket No. 99–NM–262 (2–2/2–3)" (RIN2120–AA64) (2000–0050), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SMITH (of New Hampshire) for the Committee on Environment and Public Works.

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

W. Michael McCabe, of Pennsylvania, to be Deputy Administrator of the Environmental Protection Agency.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

S. 1794. A bill to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. NICKLES, Mr. LOTT, Mr. ABRAHAM, Mr. THURMOND, Mr. KYL, Mr. ASHCROFT, Mr. SESSIONS, Mr. SMITH of New Hampshire, and Mr. COVERDELL):

S. 2042. A bill to reform the process by which the Office of the Pardon Attorney investigates and reviews potential exercises of executive clemency; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2043. A bill to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building"; to the Committee on Governmental Affairs.

By Mr. CAMPBELL:

S. 2044. A bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. GRAMM, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. SPECTER, Mr. DEWINE, Mr. MCCONNELL, Mr. GORTON, Mr. HAGEL, Mr. BENNETT, Mr. GRAMS, Mr. ASHCROFT, Mr. BROWNBACK, Mr. SMITH of Oregon, and Mr. WARNER):

S. 2045. A bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. BREAUX, and Mr. HOLLINGS):

S. 2046. A bill to reauthorize the Next Generation Internet Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. REED, and Mr. LEAHY):

S. 2047. A bill to direct the Secretary of Energy to create a Heating Oil Reserve to be available for use when fuel oil prices in the United States rise sharply because of anticompetitive activity, during a fuel oil shortage, or during periods of extreme winter weather; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2048. A bill to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 2049. A bill to extend the authorization for the Violent Crime Reduction Trust Fund; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. BRYAN, Mr. TORRICELLI, and Mr. BAUCUS):

S. 2050. A bill to establish a panel to investigate illegal gambling on college sports and to recommend effective countermeasures to combat this serious national problem; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 255. A resolution recognizing and honoring Bob Collins, and expressing the condolences of the Senate to his family on his death; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. NICKLES, Mr. LOTT, Mr. ABRAHAM, Mr. THURMOND, Mr. KYL, Mr. ASHCROFT, Mr. SESSIONS, Mr. SMITH of New Hampshire, and Mr. COVERDELL):

S. 2042. A bill to reform the process by which the Office of the Pardon Attorney investigates and reviews potential exercises of executive clemency; to the Committee on the Judiciary.

THE PARDON ATTORNEY REFORM AND INTEGRITY ACT

Mr. HATCH. Mr. President, today I am introducing a bill that will help restore public confidence in the Department of Justice by reforming the way that the Office of Pardon Attorney investigates candidates for executive clemency. This bill, the Hatch-Nickles-Abraham Pardon Attorney Reform and Integrity Act, which is co-sponsored by Senators LOTT, THURMOND, KYL, ASHCROFT, SESSIONS, SMITH of New Hampshire, and COVERDELL, addresses the problems that led to the widespread public outrage at the Department of Justice's role in President Clinton's decision last September to release 11 Puerto Rican nationalist terrorists from prison.

The beneficiaries of President Clinton's grant of clemency were convicted terrorists who belong to violent Puerto Rican independence groups called the FALN and Los Macheteros. They were in prison for a seditious conspiracy that included the planting of over 130 bombs in public places in the United States, including shopping malls and restaurants. That bombing spree—which killed several people, injured many others and caused vast property damage—remains the most prolific terrorist campaign within our borders in United States history.

The Judiciary Committee has thoroughly investigated the facts and circumstances surrounding the decision to release those terrorists from prison. We read thousands of documents produced by the Department of Justice and the White House. We interviewed law enforcement officials knowledgeable about the FALN and Los Macheteros organizations. We spoke to victims, and we held two hearings on the many issues raised by the grant of clemency. Our investigation has led me to a very troubling conclusion: the Justice Department ignored its own rules for handling clemency matters, exercised very poor judgment in ignoring the opinions of law enforcement and victims, and sacrificed its integrity by bowing to political pressure to modify its original recommendation against clemency.

I do not come to this conclusion lightly. I base it on an examination of the facts. The facts show that the clemency recipients were never asked for information relevant to open investigations or the apprehension of fugitives—despite the fact that one of their co-defendants, Victor Gerena, is on the FBI's "ten most wanted" list. Many of the killings associated with the FALN bombings, including the infamous Fraunces Tavern bombing, remain unsolved. The failure to ask for such information from the clemency recipients, several of whom held leadership positions in the FALN, means that the rest of the perpetrators of those crimes may never be brought to justice. My legislation will require the Justice Department to notify law enforcement of pending clemency requests, and to assess whether a proposed clemency recipient could have information on open investigations and fugitives.

Our investigation also revealed that the White House and the Justice Department ignored the many victims of FALN crimes, even while senior officials were holding numerous meetings with the terrorists' advocates for clemency. While top government officials actually gave strategic advice to the terrorists, no one lifted a finger to find, interview, or even notify the victims about the pending clemency request. My legislation would help ensure that the Justice Department remembers who it is supposed to be working for by requiring it to notify and seek input from victims.

Finally, a disturbing connection has come to light between the FALN, Los Macheteros and the Cuban government. Jorge Masetti, a former Cuban intelligence agent, has stated that Cuba helped Los Macheteros to plan and execute the $7.1 million Wells Fargo robbery—the biggest cash heist in US history—by providing funding, training and assistance in smuggling the money out of the country. Some sources estimate that 4 million dollars from the robbery ended up in Cuba. We don't know whether the Pardon Attorney knew of or told the President about this Cuban connection because the Pardon Attorney currently has no obligation to contact intelligence agencies for information relevant to proposed grants of executive clemency. My legislation would require the Justice Department to solicit from law enforcement and intelligence agencies necessary information concerning the nature of the threat posed by potential clemency recipients so that the Pardon Attorney can properly advise the President whether a particular grant of clemency will impact future crime or terrorism.

Before describing how this bill works, I want to explain how the Office of Pardon Attorney currently operates. The job of the Office of Pardon Attorney is not complicated: it is to investigate potential grants of clemency and, in appropriate cases, to produce a report and recommendations to the President. Ordinarily, this work begins when the office receives a petition from a prisoner or someone who has already completed a prison sentence. The Department's rules require that an individual seeking clemency submit such a petition to the Pardon Attorney. After receiving a petition, the Pardon Attorney makes an initial determination of whether the request has enough merit to warrant further investigation. If so, the Pardon Attorney researches the potential clemency recipient and prepares a report analyzing the information in light of the grounds for granting clemency. As described by the United States Attorneys' Manual, those grounds "have traditionally included disparity or undue severity of sentence, critical illness or old age, and meritorious service rendered to the government by the petitioner."

It is to be expected that the Administration and the Department of Justice Office of Legal Counsel ("OLC") would question the constitutionality of this bill by asserting an expansive view of executive power. That is their nature. This is the same Administration and Department that resisted any oversight of the FALN clemency decision. The OLC and the Department have a history of taking a liberal view of laws and privileges that would shield the President from scrutiny. This is evidenced by the Department's sound defeats on assertions of government attorney-client privilege and its ill-fated attempt to create a protective function privilege out of whole cloth. Anyone examining the merits of the OLC's attacks against this bill, therefore, must acknowledge that the Administration and the Department have a track record of overstating executive power.

With that background, let me clarify that the Pardon Attorney Reform and Integrity Act was carefully drafted to avoid offending the separation of powers. The Act does not attempt to dictate how the President uses the pardon power. Far from it. The Constitution gives that power to the President, and this bill does not restrict it in any way. This bill affects only those cases where the President delegates the responsibility to investigate a particular potential grant of clemency. Nothing in the bill requires the President to ask the Pardon Attorney for assistance or requires the Pardon Attorney to take any particular position or recommend any particular outcome. It doesn't even require the Department to submit a report to the President, but simply make it available. Furthermore, the bill does not require the President to read any report, consider any particular information, or avail himself of any resource. The President will still be able to disregard the Justice Department's reports, use another agency, ask anyone in the world for advice, or exercise the "pardon power" without anyone's counsel. Only if the President chooses to ask the Justice Department for assistance will the procedural requirements of this bill apply—and they will apply only to the Justice Department, not to the President.

The Act is consistent with the Supreme Court's opinions relating to the pardon power. The Act "neither "change[s] the effect of . . . a pardon" as described in *United States* v. *Kline*, 80 U.S. (13 Wall.) 128 (1872), nor will it "modif[y], abridge[], or diminish[]" the President's authority to grant clemency as discussed in *Schick* v. *Reed*, 419 U.S. 256, 266 (1974). In fact, the Act will have no effect whatsoever on the President's ability to exercise the pardon power as he or she sees fit.

Moreover, the Supreme Court has recognized that Congress can legislate in areas that touch upon the pardon power. In *Carlesi* v. *New York*, 233 U.S. 51 (1914), the Court found that it was within the power of the legislative branch to determine what effect a pardon would have on future criminal sentences. The Supreme Court has also acknowledged that the pardon power has limits; the President cannot use that power as an excuse to wield power over departments that he or she otherwise could not. In *Knote* v. *United States*, 95 U.S. 149 (1877), the Court held that the pardon power does not give the President authority to order the treasury to refund money taken from a prisoner—even though that prisoner had just been pardoned for the crime that gave rise to the government's seizure of that money.

It is Congress, not the President, that has the authority—indeed, the responsibility—to examine and legislate the manner in which the Justice Department performs its work. Congress created an "attorney in charge of pardons" within the Department of Justice in 1891, and appropriated money for an "attorney in charge of pardons" in that same year. To this day, the Office of the Pardon Attorney depends on funds appropriated annually by the Congress. In the most recent appropriations legislation, the Congress appropriated $1.6 million for the Pardon Attorney for the fiscal year ending September 30, 2000. This Congressional involvement—creation and funding of the office—provides a compelling basis for the Judiciary Committee's investigation and the present legislation.

"The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes." *Watkins* v. *United States*, 354 U.S. 178, 187 (1957). The scope of this power "'is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.'" *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491, 504 n. 15 (1975) (quoting *Barenblatt* v. *United States*, 360 U.S. 190, 111 (1959)). The Supreme Court has also recognized "the danger to effective and honest conduct of the Government if the legislative power to probe corruption in the Executive Branch were unduly hampered." *Watkins*, 354 U.S. at 194–95. Once having established its jurisdiction and authority, and the pertinence of the matter under inquiry to its area of authority, a committee's investigative purview is substantial and wide-ranging. *Wilkinson* v. *United States*, 365 U.S. 408–09 (1961).

Congress also has broad powers under the Constitution to "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof." The areas in which Congress may potentially legislate or appropriate are, by necessary implication, even broader. Thus, in determining whether Congress has jurisdiction to oversee and enact legislation, deference should be accorded to Congress' decision.

Because of this legal history, the administration of the Department of Justice and its various components has long been considered an appropriate subject of Congressional oversight. Early this century, in *McGrain* v. *Daugherty*, 273 U.S. 135, 151 (1927), the Supreme Court endorsed Congress' authority to study "charges of misfeasance and nonfeasance in the Department of Justice." In that case, which involved a challenge to Congress' inquiry into the DOJ's role during the Teapot Dome scandal, the Court concluded that Congress had authority to investigate "whether [DOJ's] functions were being properly discharged or were being neglected or misdirected, and particularly whether the Attorney General and his assistants were performing or neglecting their duties in respect of the institution." Id. at 177. These precedents make clear that the Judiciary Committee has jurisdiction to investigate the Pardon Attorney's role in the pardon process, and to enact legislation concerning the way in which that office operates.

We have discussed this bill with the Department of Justice, and we have reviewed the regulations the Department has proposed. The problems with the Office of the Pardon Attorney, however, cannot be fixed by a mere change in department regulations. It has been six months since the public outcry over the FALN clemency shined a spotlight on the Pardon Attorney's practices. Despite having half-a-year to reform itself, the Department has suggested only minimal changes in the way it does business. In its draft regulations, the Department agrees that it should ascertain the views of victims, but only in cases involving "crimes of violence." Victims of other crimes deserve the right to be heard, too. Victims of so-called identity theft, for example, have compelling stories of the horror of being forced into bankruptcy to avoid collections lawyers, losing their jobs due to issues related to wage garnishments, and trying to rebuild their lives without the ability to obtain credit or sign an apartment lease. Victims of such crimes also deserve to be heard. Similarly, the Department's proposed regulations acknowledge the need to determine whether releasing a particular prisoner would pose a risk, but limit their focus to past victims and ignore other possible targets including witnesses, informants, prosecutors and court personnel. The Department's proposal also fails to notify victims when it undertakes a clemency investigation, when it completes its report to the President, or when the President makes a decision. Under the Department's scheme, victims may still learn of a prisoner's release from prison by watching the event on TV.

Equally important, the Department's suggested regulations ignore the Department's main job: to protect law-abiding people from criminal acts. The Department does not see a need to require the Pardon Attorney to talk to law enforcement officials about whether a particular person could provide helpful information about criminal investigations or searches for fugitives. Nor does the Department see the value of asking law enforcement whether a potential release from prison would pose a risk to specific people other than victims or to a broader societal interest such as enhancing a particular criminal organization or decreasing the deterrent value of prison sentences. The Department's proposed regulations also ignore the importance of whether a potential clemency recipient has accepted responsibility for, or feels remorse over, criminal acts.

Even if the Department's proposed regulations were identical to this bill, moreover, those regulations could not overcome what is perhaps the most important weakness of all: Regulations are not law. They do not have the force of statutes, and they can be changed very easily. The FALN case proves the need for a statute because the Attorney General ignored even the current, weak regulations in the FALN matter. Although the Justice Department and the White House refuse to let anyone in Congress review the reports produced by the Pardon Attorney about the FALN clemency, it is clear that the Pardon Attorney did not follow the Justice Department regulations when analyzing the issues for the President. For starters, the Pardon Attorney began investigating a potential grant of clemency for the FALN terrorists even though no personal petitions for clemency had been filed. That's right—these terrorists had not asked for clemency prior to the Justice Department's efforts to free them. Indeed, no such petitions were ever filed. And the absence of petitions was not a mere oversight: the FALN terrorists refused to file such petitions because they do not recognize that their criminal acts were wrongful or that the United States government had the right to punish them for committing those acts.

I have the utmost respect for the career men and women at the Justice Department. It appears, however, the Department caved in to political pressure in this case. Although it submitted a report in December 1996 recommending against the granting of clemency for the FALN terrorists—which should have ended its involvement—the Pardon Attorney produced another report two-and-a-half years later reportedly changing its recommendation. The second report did not recommend either for or against the granting of clemency, violating the Justice Department regulation requiring that in every clemency case the Department "shall report in writing [its] recommendation to the President, stating whether in [its] judgment the President should grant or deny the petition."

Why did the Justice Department's recommendation change? What happened between the first report in December 1996 and the second one in the summer of 1999 that justified a reexamination and change of the Department's conclusion? Because of the President's assertion of executive privilege, we may never know for sure. It was a mistake for the President to let politics affect such an important clemency decision, but is much worse than a mistake when political pressure forces an independent agency to alter its advice against its better judgment.

The Pardon Attorney Reform and Integrity Act will help prevent this from happening again. It will make available to the President access to the most pertinent facts concerning the exercise of executive clemency, including information from law enforcement agencies about the risks posed by any release from prison. It will also help ensure that—if the President chooses to have the Department of Justice conduct a clemency review—the victims of crime will not be shut out of the clemency process while terrorists and their organized sympathizers have access to—and obtain advice from—high government officials. In other words, this Act will insure that the taxpayer funded Justice Department will, when assisting the President in a clemency review, focus on public safety, not politics. Let me be clear that the Department of Justice is an agency which I have great respect for. Its employees are loyal, dedicated public servants. This bill is aimed at helping the Department, not hurting it.

Specifically, our bill will do the following:

1. Give victims a voice by insuring that they are notified of key events in the clemency process and by giving them an opportunity to voice their opinions.

2. Enhance the voice of law enforcement by requiring the Pardon Attorney to notify the law enforcement community of a clemency investigation and permitting law enforcement to express its views on: the impact of clemency on the individuals affected by the decision—for example, victims and witnesses; whether clemency candidates have information which might help in other investigations; and whether granting clemency will increase the threat of terrorism or other criminal activity.

Of course, it is the hope of all the cosponsors—and all Americans—that presidents will use the congressionally created and funded Office of the Pardon Attorney in order to make the best possible decisions regarding executive clemency. I believe that when Congress passes this bill—and should President Clinton sign it into law—future Presidents, victims, and the American public will be well served. If President Clinton wants to help in this effort to restore integrity to the clemency process, he will announce his support for this bill.

Mr. President, I thank the many cosponsors of this act, and I ask the rest of my colleagues to support this much-needed legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pardon Attorney Reform and Integrity Act".

SEC. 2. REPRIEVES AND PARDONS.

(a) DEFINITIONS.—In this section—

(1) the term "executive clemency" means any exercise by the President of the power to grant reprieves and pardons under clause 1 of section 2 of article II of the Constitution of the United States, and includes any pardon, commutation, reprieve, or remission of a fine; and

(2) the term "victim" has the meaning given the term in section 503(e) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)).

(b) REPORTING REQUIREMENT.—If the President delegates to the Attorney General the responsibility for investigating or reviewing, in any particular matter or case, a potential grant of executive clemency, the Attorney General shall prepare and make available to the President a written report, which shall include—

(1) a description of the efforts of the Attorney General—

(A) to make each determination required under subsection (c); and

(B) to make the notifications required under subsection (d)(1); and

(2) any written statement submitted by a victim under subsection (c).

(c) DETERMINATIONS REQUIRED.—In the preparation of any report under subsection (b), the Attorney General shall make all reasonable efforts to—

(1) inform the victims of each offense that is the subject of the potential grant of executive clemency that they may submit written statements for inclusion in the report prepared by the Attorney General under subsection (b), and determine the opinions of those victims regarding the potential grant of executive clemency;

(2) determine the opinions of law enforcement officials, investigators, prosecutors, probation officers, judges, and prison officials involved in apprehending, prosecuting, sentencing, incarcerating, or supervising the conditional release from imprisonment of the person for whom a grant of executive clemency is petitioned or otherwise under consideration as to the propriety of granting executive clemency and particularly whether the person poses a danger to any person or society and has expressed remorse and accepted responsibility for the criminal conduct to which a grant of executive clemency would apply;

(3) determine the opinions of Federal, State, and local law enforcement officials as to whether the person for whom a grant of executive clemency is petitioned or otherwise under consideration may have information relevant to any ongoing investigation or prosecution, or any effort to apprehend a fugitive; and

(4) determine the opinions of Federal, State, and local law enforcement or intelligence agencies regarding the effect that a grant of executive clemency would have on the threat of terrorism or other ongoing or future criminal activity.

(d) NOTIFICATION TO VICTIMS.—

(1) IN GENERAL.—The Attorney General shall make all reasonable efforts to notify the victims of each offense that is the subject of the potential grant of executive clemency of the following events, as soon as practicable after their occurrence:

(A) The undertaking by the Attorney General of any investigation or review of a potential grant of executive clemency in a particular matter or case.

(B) The making available to the President of any report under subsection (b).

(C) The decision of the President to deny any petition or request for executive clemency.

(2) NOTIFICATION OF GRANT OF EXECUTIVE CLEMENCY.—If the President grants executive clemency, the Attorney General shall make all reasonable efforts to notify the victims of each offense that is the subject of the potential grant of executive clemency that such grant has been made as soon as practicable after that grant is made, and, if such grant will result in the release of any person from custody, such notice shall be prior to that release from custody, if practicable.

(e) NO EFFECT ON OTHER ACTIONS.—Nothing in this section shall be construed to—

(1) prevent any officer or employee of the Department of Justice from contacting any victim, prosecutor, investigator, or other person in connection with any investigation or review of a potential grant of executive clemency;

(2) prohibit the inclusion of any other information or view in any report to the President; or

(3) affect the manner in which the Attorney General determines which petitions for executive clemency lack sufficient merit to warrant any investigation or review.

(f) APPLICABILITY.—Notwithstanding any other provision of this section, this section does not apply to any petition or other request for executive clemency that, in the judgment of the Attorney General, lacks sufficient merit to justify investigation or review, such as the contacting of a United States Attorney.

(g) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall promulgate regulations governing the procedures for complying with this section.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2043. A bill to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building"; to the Committee on Governmental Affairs.

HECTOR G. GODINEZ POST OFFICE BUILDING

● Mrs. FEINSTEIN. Mr. President, I rise to ask my colleagues to support a bill to name the Santa Ana, California Post Office as the "Hector G. Godinez Post Office Building."

Hector Godinez, who passed away in May of 1999, was a true leader in his community of Santa Ana, California. He was a pioneer in the United States Postal Service rising from letter carrier to become the first Mexican-American to achieve the rank of District Manager within the United States Postal Service. He served with honor in World War II, was a ardent civil rights activist and an active participant in civic organizations and local government.

After graduation from Santa Ana High School, Mr. Godinez enlisted into the armed services and was a tank commander in World War II under General George Patton. For his service, he earned a bronze star for bravery under fire and was also awarded a purple heart for wounds received in battle.

Upon his return home in 1946, Mr. Godinez started his first of 48 years of distinguished service as a United States postal worker.

Hector Godinez was a true pillar within the Santa Ana community devoting his tireless energy to such civic groups as the Orange County District Boy Scouts of America, Santa Ana Chamber of Commerce, Orange County YMCA and National President of the League of United Latin American Citizens, one of the country's oldest Hispanic civil rights organizations.

On behalf of the Godinez family and the people of Santa Ana, California, it is my pleasure to introduce this bill to name the Santa Ana, California Post Office in his honor.●

By Mr. CAMPBELL:

S. 2044. A bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps; to the Committee on Governmental Affairs.

THE STAMP OUT DOMESTIC VIOLENCE ACT OF 2000

Mr. CAMPBELL. Mr. President, today I introduce the Stamp Out Domestic Violence Act of 2000.

The bill will allow every American to easily contribute to the fight against domestic violence through the voluntary purchase of certain specially issued U.S. Postal stamps, generally referred to as semi-postals. Proceeds raised from the stamps would fund domestic violence programs nationwide.

The national statistics on domestic violence are reprehensible and shocking. Consider the following: A woman is battered every 15 seconds in the United States. According to the Justice Department, four million American women were victims of violent crime last year. Two thirds of these women were victimized by someone they knew. In fact, 30 percent of female murder victims are killed by current or former partners. In Colorado alone, the Colorado Coalition Against Domestic Violence reported 59 domestic violence related deaths in 1998. We can and must make every effort to change that. But, before we can eliminate the incidence of domestic violence we must acknowledge the problem and identify the resources needed to combat the problem.

Mr. President, I believe this bill represents an innovative way to generate money for the fight against domestic violence. In the 105th Congress, as Chairman of the Treasury and General Government Appropriations Subcommittee, I supported the first semipostal issued in the United States, the Breast Cancer Research Stamp. So far, more than 104 million stamps have been sold nationally, raising $8 million for breast cancer research. My bill is modeled after the breast cancer stamp, and I am confident it will be just as successful.

Specifically, under the "Stamp Out Domestic Violence Act of 2000," the Postal Service would establish a special rate of postage for first-class mail, not to exceed 25 percent of the first-class rate, as an alternative to the regular first-class postage. The additional sum would be contributed to domestic violence programs. The rate would be determined in part, by the Postal Service to cover administrative costs, and the remainder by the Governors of the Postal Service. All of the funds raised would go to the Department of Justice to support local domestic violence initiatives across the country.

In a country as blessed as America, the horrid truth is more women are injured by domestic violence each year than by automobile and cancer deaths—combined. We can no longer ignore that fact, for our denial is but a small step from tacit approval. The funds raised by this stamp will represent another step forward in addressing this national concern. I urge my colleagues to act quickly on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objecton, the bill was ordered to be printed in the RECORD, as follows:

S. 2044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stamp Out Domestic Violence Act of 2000".

SEC. 2. SPECIAL POSTAGE STAMPS RELATING TO DOMESTIC VIOLENCE.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by inserting after section 414 the following:

"§ 414a. Special postage stamps relating to domestic violence

"(a) In order to afford the public a convenient way to contribute to funding for domestic violence programs, the Postal Service shall establish a special rate of postage for first-class mail under this section.

"(b) The rate of postage established under this section—

"(1) shall be equal to the regular first-class rate of postage, plus a differential not to exceed 25 percent;

"(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

"(3) shall be offered as an alternative to the regular first class rate of postage.

"(c) The use of the rate of postage established under this section shall be voluntary on the part of postal patrons.

"(d)(1) Amounts becoming available for domestic violence programs under this section shall be paid by the Postal Service to the Department of Justice. Payments under this section shall be made under such arrangements as the Postal Service shall, by mutual agreement with the Department of Justice, establish in order to carry out the purposes of this section, except that under those arrangements, payments to the Department of Justice shall be made at least twice a year.

"(2) For purposes of this section, the term 'amounts becoming available for domestic violence programs under this section' means—

"(A) the total amount of revenues received by the Postal Service that it would not have received but for the enactment of this section; reduced by

"(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including costs attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that it shall prescribe.

"(e) It is the sense of Congress that nothing in this section should—

"(1) directly or indirectly cause a net decrease in total funds received by the Department of Justice or any other agency of the Government (or any component or program thereof) below the level that would otherwise have been received but for the enactment of this section; or

"(2) affect regular first-class rates of postage or any other regular rates of postage.

"(f) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but not later than 12 months after the date of the enactment of this section.

"(g) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect, information concerning the operation of this section, except that, at a minimum, each report shall include—

"(1) the total amount described in subsection (d)(2)(A) which was received by the Postal Service during the period covered by such report; and

"(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (d)(2)(B).

"(h) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.".

(b) REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 3 months (but no earlier than 6 months) before the end of the 2-year period referred to in section 414a(h) of title 39, United States Code (as amended by subsection (a)), the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall include—

(1) an evaluation of the effectiveness and the appropriateness of the authority provided by such section as a means of fundraising; and

(2) a description of the monetary and other resources required of the Postal Service in carrying out such section.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 414 and inserting the following:

"414. Special postage stamps relating to breast cancer.
"414a. Special postage stamps relating to domestic violence.".

(2) SECTION HEADING.—The heading for section 414 of title 39, United States Code, is amended to read as follows:

"§414. Special postage stamps relating to breast cancer".

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. GRAMM, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. SPECTER, Mr. DEWINE, Mr. MCCONNELL, Mr. GORTON, Mr. HAGEL, Mr. BENNETT, Mr. GRAMS, Mr. ASHCROFT, Mr. BROWNBACK, Mr. SMITH of Oregon, and Mr. WARNER):

S. 2045. A bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens; to the Committee on the Judiciary.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

Mr. HATCH. Mr. President, I rise today to introduce what I believe is one of the most important pieces of legislation the Senate will consider this year, the American Competitiveness in the 21st Century Act.

At the outset, I would like to express my gratitude to my two lead cosponsors, Senator ABRAHAM and Senator GRAMM. Both have worked tirelessly with me to craft this legislation. Senator ABRAHAM, of course, as chairman of the Immigration Subcommittee, has long led the way on this matter. I also thank our Democrat sponsors, Senators GRAHAM, LIEBERMAN, and FEINSTEIN, as well as our majority leader and assistant majority leader for their contributions to this effort.

Last month, the national jobless rate hit 4 percent, the lowest level in 30 years. That jobless rate is even lower in my home State of Utah at 3.3 percent. That's great news; but at the same time, serious labor shortages threaten our continued economic prosperity and global competitiveness. A recent study, for example, concluded that a shortage of high-tech professionals is currently costing the U.S. economy $105 billion a year.

A look at last Sunday's Washington Post makes the problem very clear. High-tech jobs even have their own separate section of help wanted ads. Twenty-one pages of jobs, jobs, jobs.

The Clinton administration recently projected that in the next 5 years, high-tech and related employment will grow "more than twice as fast as employment in the economy as a whole." The growth of the high-tech industry is being felt across this country, and nowhere more than in my State of Utah. Common sense tells us that we must allow American high-tech companies to fill their labor needs in the United States, or they will be forced to take these opportunities of growth abroad.

We want the high tech industry to thrive in the United States and to continue to serve as the engine for the growth of jobs and opportunities for American workers. If Congress fails to act promptly to alleviate today's high-tech labor shortage, today's low jobless rate will be a mere precursor to tomorrow's lost opportunities.

The purpose of our important bipartisan legislation is twofold: (1) To allow for a necessary infusion of high-tech workers in the short term, and (2) to make prudent investments in our own workforce for the long term.

It is clear that in the short term we need to raise the limits of the number of temporary visas for highly skilled labor. Our bill does this by increasing the cap to 195,0000 visas over each of the next 3 years. We also exempt persons from the cap who come to work in our universities and persons who have recently received advanced degrees in our educational institutions.

But this, by itself, is not a satisfactory solution either in the short item or long term. Thus, we need to redouble our efforts to provide training and educational opportunities for our current and future workforce. Thus, we raise an additional $150 million for scholarships and training of American workers for these jobs for a total of $375 million for education and training under this program over 3 fiscal years. Our legislation, in other words, seeks to address both the short and long term needs.

My hope is that the administration will come to support this important high-tech legislation. In our new knowledge-based economy, where ideas and innovations rather than land or natural resources are the principal well springs of economy growth, American competitiveness depends greatly on intellectual assets and capacity. The most successful economics of the 21st century will be those which maximize intellectual assets. In recognition of this fact, the administration has worked with me over the years to improve intellectual property protection and to encourage developing nations to invest in doing likewise. For this reason, I believe that the administration appreciates the need for this legislation. In the end, I hope they will have the smarts to listen to Alan Greenspan—who has testified about the need for this bill—and that the administration will support its passage.

I ask unanimous consent that the text of the bill be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

In addition to the number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) (8 U.S.C. 1101 (a)(15)(H)(i)(b)), the following number of aliens may be issued such visas or otherwise provided such status for each of the following fiscal years:

(1) 80,000 for fiscal year 2000;

(2) 87,500 for fiscal year 2001; and

(3) 130,000 for fiscal year 2002.

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A)(iii) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)))."

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), be counted toward the numerical limitations contained in paragraph (1)(A)(iii) the first time the alien is employed by an employer other than one described in paragraph (5)(A).".

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) Special Rules.—Section 202(a) (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) Limiting fall across for certain countries subject to subsection (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) Conforming Amendments.—

(1) Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act, any alien who—

(1) is the beneficiary of a petition filed under section 204(a) for a preference status under paragraph (1), (2), or (3) of section 203(b); and

(2) would be subject to the per country limitations applicable to immigrants under those paragraphs but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, employment authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous application for new employment or extension of status before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization in the United States before or during the pendency of such petition for new employment.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. EXTENSION OF AUTHORIZED STAY IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for adjustment of status under section 245 to accord the alien status under section 203(b), has been filed, if 365 days or more have elapsed since the filing of a labor certification application on the alien's behalf, if required for the alien to obtain status under section 203(b), or the filing of the petition under section 204(b).

(b) Extension of H1-B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) Fee Requirements.—Section 212(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(c)(9)(A)) is amended in the text above clause (i) by striking "October 1, 2001" and inserting "October 1, 2002".

(c) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

Mr. ABRAHAM. Mr. President, I rise to join Senator HATCH in introducing the American Competitiveness in the 21st Century Act.

Mr. President, no company can grow if it fails to find enough employees with the skills needed to get the job done. And that is precisely the situation faced by our high-tech companies today. A Joint Venture: Silicon Valley study found that a lack of skilled workers is costing Silicon Valley companies $3 to $4 billion every year. A Computer Technology Industry Association study concluded that a shortage of information technology professionals is costing the U.S. economy as a whole $105 billion per year.

These costs should not be seen as mere abstractions. Because of skilled labor shortages, an increasing number of highly productive firms have had to curtail their economic activities and/or move offshore. At an October 21, 1999 Senate Immigration Subcommittee hearing, Susan DeFife, CEO of womenCONNECT.com, noted that "as investment capital flows into start-ups and puts them on a fast growth track, the demand for workers will continue to far exceed the supply. In order to fill these positions, the options for tech companies are not particularly attractive: we can limit our growth, but then we lose the ability to compete; we can ‘steal’ employees from other companies, which makes none of us stronger and forces us to constantly look over our shoulders; or, in the case of larger companies I know, move operations off-shore."

None of these solutions is good for our economy or our workers. As e-commerce and other forms of high technology become increasingly integrated throughout our economy, the long-term solution to our dilemma will be for earlier and better training for our young people to qualify them for high-tech tasks. But we are losing productivity and opportunities for growth right now. If we are to maintain our high-tech edge in an increasingly competitive global market, we must find the skilled workers we need wherever we can.

We must meet our training and education needs. And we need wise and careful reforms to our immigration laws. This is not an either/or proposition. We have studied this approach for some time. In February of 1998 the Senate Judiciary Committee held a hearing on high technology workforce issues. This hearing demonstrated that many companies could not find enough qualified professionals to fill key jobs. It also showed that the foreign-born individuals hired by companies on H–1B temporary visas typically many additional jobs for Americans through their skills and motivations.

Mr. President, shortly after that hearing, Congress raised the cap on H–1B visas from 65,000 to 115,000 in FY1999 and 2000, and 107,500 in 2001. A number of provisions in this legislation increased enforcement efforts and established a $500 fee per visa—currently generating $75 million per year—for training and scholarships to encourage Americans to enter high-tech related fields.

Unfortunately, this was not enough. Despite the raised cap, a tight labor market, increasing globalization and burgeoning economic growth all combined to increase demand for skilled workers. The 1999 cap on H–1B visas was reached by June of last year.

We must do more to enable American employers to hire job-creating high-tech professionals. That is why I have sponsored this legislation that would:

Provide a temporary increase in H–1B visas. Caps would be increased by 80,000 for FY 2000; 87,500 for FY 2001; and 130,000 for FY 2002.

Create exemptions for universities, research facilities, and graduate degree recipients to help keep in the country top graduates and those who help educate Americans.

Modify per-country limits on permanent employment visas to allow companies to hire talent without regard to nationality.

Increase labor mobility by allowing H–1B professionals to change jobs as soon as the new employer files the initial paperwork, instead of waiting for a new H–1B application to be approved.

Continue and extend the $500 per visa fee to provide over $150 million in additional funding over three years for training and scholarships. Counting the existing money brought in by the fee, this will raise the total to over $375 million over three years and will help over 50,000 American students receive scholarships in math, science or engineering.

These provisions will increase our economic competitiveness, sustain our economic growth, and provide new opportunities for workers and entrepreneurs. Julie Holdren, President and CEO of the Olympus Group, told the Immigration Subcommittee that "For every H–1B worker I employ, I am able to hire ten more American workers." A study for the Public Policy Institute of California by U.C. Berkeley Professor Annalee Saxenian bears this testimony out. It found that Chinese and Indian immigrant entrepreneurs in northern California alone were responsible for employing 58,000 people, with annual sales of nearly $17 billion.

Critics of the last H–1B visa increase have been proven spectacularly wrong, as the U.S. economy added 387,000 new jobs in January and the unemployment rate dropped to a 30-year low of 4 percent. Specialty jobs in the computer industry alone are projected to grow by 1.5 million between 1998 and 2008, according to the Department of Labor.

President Clinton's former chief economic advisor, Laura D'Andrea Tyson argues that "it's time to raise the cap on H–1B visas yet again and to provide room for further increases as warranted. Silicon Valley's experience reveals that the results will be more jobs and higher incomes for both Americans and immigrant workers."

Mr. President, the final word should belong to Federal Reserve Chairman Alan Greenspan. At a Budget Committee hearing last month he was asked "Do you believe we should do something with our laws—immigration—that would allow high tech . . . labor to come into the country to ease the burden" on our labor force?

Chairman Greenspan responded: "I would certainly agree with that. It's clear that under existing circumstance . . . aggregate demand is putting very significant pressures on an ever-decreasing available supply of unemployed labor. The one obvious means that one can use to offset that is expanding the number of people we allow in, either generally or in a specifically focused area."

By increasing the number of highly skilled professionals we allow to work in America, and providing additional funding for training and scholarships, we will create jobs for all Americans and keep our high-tech driven economic expansion on the move.

Mr. GRAMM. Mr. President, today I am proud to join in the introduction of legislation which will increase the number of H-1B temporary work visas used to recruit and hire workers with very specialized skills, particularly in high technology fields. This bill will ensure that the dramatic U.S. economic expansion will not be stalled by a lack of skilled workers in critical positions. It retains the language of current law which protects qualified U.S. workers from being displaced by H-1B visa holders.

With record low unemployment, U.S. companies already have been forced to slow their expansion or even to cancel projects, and some may be forced to move their operations overseas because of an inability to find qualified individuals to fill job vacancies. We will achieve our full economic potential only if we ensure that high-technology companies can find and hire the people whose unique qualifications and skills are critical to America's future.

Last year, the Congress temporarily increased the number of annual H-1B visas from 65,000 to 115,000 for Fiscal Years 1999 and 2000, and to 107,500 in 2001. The number of H-1B visas is scheduled to drop back to 65,000 for Fiscal Year 2002 and subsequent years. Our legislation will increase the H-1B visa cap to 195,000 for Fiscal Years 2000, 2001, and 2002. By the end of that period, we will have the data we need to make an informed decision on the number of such visas required beyond 2002.

According to a recent study by the American Electronics Association (AEA), Texas has the fastest growing high technology industry in the country and is second only to California in the number of high technology workers. This legislation would ensure that these companies have access to highly educated workers, in order that America can continue to grow and prosper, and in doing so, create more jobs and opportunity for U.S. workers.

I believe that this legislation represents a fair and effective way to address a critical need in our Nation's economy, and I hope my colleagues will quickly approve this important proposal.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. BREAUX, and Mr. HOLLINGS):

S. 2046. A bill to reauthorize the Next Generation Internet Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NEXT GENERATION INTERNET 2000 ACT

Mr. FRIST. Mr. President, I rise today to introduce the Next Generation Internet 2000 Act, a multi-agency research and development program designed to fund advanced networking infrastructure and technologies. Two and a half years ago, I stood in this exact spot and introduced its predecessor, the "Next Generation Internet Research Act of 1998." While scientists throughout the country have made tremendous inroads since that time, the digital divide makes the truth clear and simple: we are leaving many of our fellow Americans behind. The Next Generation Internet 2000 will attempt to eliminate these geographical barriers, while providing research funding for a faster, more secure and robust network infrastructure for all Americans.

The Internet is one of the most significant developments of the last decade. Its significance is not limited to the new industries that it has created nor the new educational opportunities that it affords. The impact of the Internet goes beyond those things. With the development of electronic commerce, the Internet has radically altered the economic landscape of this country. Advances in industries are taking place at a faster and faster pace. At the heart of this dizzying pace of change are two things: computers and communications. More and more we are seeing that computers and communications means the Internet.

If you had to find a prototypical success story, it could very well be the Internet. There are in fact, multiple dimensions to its success. It was and is a successful public-private collaboration. It demonstrated successful commercial application of technology developed as part of mission directed research program. It showed a successful transition of an operational system from the public to the private sector. Perhaps most of all, it is a prime example of a successful federal investment.

In some respects the Internet is now "suffering" from too much success. With the advent of tools that have made the Internet easy to use, there has been an explosion in the growth of network traffic. As computers become more powerful, applications more sophisticated, and the user interfaces get easier to use, we can look forward to an even greater demand for network bandwidth.

The Internet and its promising applications have transformed our daily lives. They have reshaped the ways in which we communicate at work, and with our families; they have made revolutionary medical advances a reality that we once thought impossible only a few years ago. But each day, as more and more of our neighbors become connected to the World Wide Web and experience the amazement of its potential, certain segments of our nation are left without these same opportunities.

Since the enactment of the Next Generation Internet Research Act of 1998, the National Science Foundation has connected hundreds of new sites to a testbed providing a 100-fold increase in network performance. And the Department of Defense is currently deploying a testbed with 1,000-fold increased performance at over twenty sites to support networking research and applications deployment. As we applaud the success of the first three years of the Next Generation Internet (NGI) initiative, we must also realize its current limitations.

In the review of the first two years of the initiative, the President's Information Technology Advisory Committee recommended that the NGI program should continue to focus on the utility of the Next Generation Internet's gigabit bandwidth to end-users, its increased security, and its expanded quality of service. More importantly, the committee shared Congress' concern that no federal program specifically addresses the geographical penalty issue—the imposition of costs on users of the Internet in rural or other locations that are disproportionately greater than the costs imposed on users in locations closer to high populations. I must admit that this is a great disappointment for myself and my colleagues who fought to combat this geographical penalty through the authorization of NGI in 1998. Unfortunately, the White House did not take us seriously and did not follow through with the complete implementation of the original act.

The Next Generation Internet 2000 makes a distinct departure from its predecessor. First, it designates ten percent of the overall program funding for research to reduce the cost of Internet access services available to all users in geographically remote areas. It further prioritizes that these research grants be awarded to qualified college-level educational institutions located in Experimental Program to Stimulate Competitive Research states.

Second, the act requires that five percent of the research grants shall be made available to minority institutions including Hispanic, Native American, Historically Black Colleges and small colleges and universities. The most efficient way to open the Internet superhighway to everyone is to provide scientists in every corner of the nation with opportunities to perform peer-reviewed and merit-based research.

Finally, the National Academy of Sciences is requested to conduct a study to determine the extent to which the Internet backbone and network infrastructure contribute to the digital divide. The study will further assess the existing geographical penalty and its impact on all users and their ability to obtain secure and reliable Internet access.

I urge my colleagues to support this bipartisan legislation.

By Mr. DODD (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. REED, and Mr. LEAHY):

S. 2047. A bill to direct the Secretary of Energy to create a Heating Oil Reserve to be available for use when fuel oil prices in the United States rise sharply because of anticompetitive activity, during a fuel oil shortage, or during periods of extreme winter weather; to the Committee on Energy and Natural Resources.

THE HOME HEATING OIL PRICE STABILITY ACT

Mr. DODD. Mr. President, I am pleased to be joined by Senators Lieberman, Snowe, Jeffords, Lautenberg, Reed and Leahy in introducing the Home Heating Oil Price Stability Act.

For the past several weeks, Connecticut and the Northeast have been gripped by cold weather and skyrocketing heating oil prices. Approximately 36 percent of households in the Northeast rely on home heating oil. On Friday, February 4th, home heating oil cost $2 per gallon in Hartford, Connecticut and $1.80 per gallon a little farther east in Groton, Connecticut, almost double the price from mid-January. Prices averaged $.86 per gallon during the winter of 1998/1999.

Independent, family-owned heating oil retailers in Connecticut are struggling to meet their delivery demands because of supply constraints. Local oil terminals are at dangerously low levels. Last week, supply levels of heating oil were so low in Bridgeport and New Haven that the Connecticut Department of Environmental Protection issued a 48-hour waiver to allow the sale of 7–9 million gallons of heating oil with sulphur content above the level permitted by state law.

To be sure, the extreme cold weather and isolated refinery problems have contributed to the supply strain. Icy waters around New Haven had slowed the off-loading of some heating oil in late January and early February. However, even after tankers were able to unload millions of gallons last weekend, customers throughout Connecticut are still paying record-high prices as high as $2.10 per gallon—supply is still tight.

The Northeast is always cold in winter, so why are consumers and retailers suffering so much this winter? Many analysts believe that the precarious petroleum situation was precipitated by a calculated decision by OPEC and others to cut back production, and by major oil companies adhering to a practice of just-in-time inventories. As petroleum prices began to rise in reaction to OPEC action, refiners drew down from their already low stock of lower-priced crude rather than purchasing higher-priced crude and thus replenishing the stocks. Inventories dwindled and the supply is now at record low levels. For the week ending January 14, the total distillate stock for the East Coast was 33.5 million barrels compared with 69.1 million barrels a year ago.

What do these events mean to the average consumer in Connecticut and the Northeast? Dramatically higher costs, for starters. Heating oil bills are averaging 30–60 percent higher than last year. The wide range is due to the extent to which people are turning down their thermostats to ration supply and stretch their dollars. Schools, libraries and small businesses are seeing their budgets burst as more money is allocated for fuel. The Middletown, Connecticut school system has spent more than twice as much for heating oil from October to January than during the same period a year ago, despite a warmer than average December.

Some market analysts believe this is a temporary situation. Mr. President, this is not a temporary situation. Just-in-time inventory practices appear to be here to stay. OPEC has intimated that the petroleum production drawbacks may continue beyond March, thus causing further instability at a time when peak demand for gasoline begins. This is a perennial problem—unusually high heating oil prices in winter followed by skyrocketing gasoline prices in the summer.

Today's legislation is an effort to address the heating oil problem for the long-term. It would create a heating oil reserve of 2 million barrels in leased storage facilities in New York Harbor and 4.7 million barrels of heating oil in one of four Strategic Petroleum Reserve (SPR) caverns along the Gulf Coast. The Secretary of Energy may fill the reserve by trading crude oil from the SPR for heating oil. The President may draw down the reserve when fuel oil prices in the United States rise sharply because of anticompetitive activity, during a fuel oil shortage, or during periods of extreme winter weather.

Let me be perfectly clear. The creation of a Government regional heating oil reserve is not intended to compete with the commercial sector for sales under normal conditions. It is intended, rather, to help stabilize supplies and prices during critical periods.

I, along with Senator Lieberman, first raised the issue of establishing a regional reserve in 1996 when Connecticut consumers were facing unusually high heating oil prices attributed to extreme winter weather and domestic and international events, including the onset of just-in-time inventories. We asked the Department of Energy (DOE) to examine regional reserve feasibility and report back to Congress. Their conclusions form the foundation of our legislation.

Mr. President, I have an article from July 13, 1998 coinciding with the release of the report that states a positive benefit/cost ratio if a small reserve were located in leased terminals in the Northeast and filled by trading crude from the SPR for the distillate. As I stated briefly a moment ago, our legislation also establishes a backup 4.7 million barrel reserve in the Gulf due to excess capacity there.

This legislation should be part of a long-term solution. In the meantime, Connecticut and Northeast residents need near-term action. Advice to just ride out the winter is simply not acceptable. Hardest hit are the poor and elderly who should not have to choose among having a warm house, food on the table, or medicine in the cabinet.

The current home heating oil crisis cuts across all income levels. The 1999/2000 winter will go down in the history books as the year with the highest heating oil prices ever. I am sure you will agree with me that this is one record that need never be broken. I urge our colleagues to join me, Senators Lieberman, and our other cosponsors in support of working families, small businesses, and towns across the Northeast to move forward with this legislation. I ask unanimous consent that a copy of the bill and additional material be entered in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home Heating Oil Price Stability Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) a sharp, sustained increase in the price of fuel oil would negatively affect the overall economic well-being of the United States, and such increases have occurred in the winters of 1983-84, 1988-89, 1996-97, and 1999-2000;

(2) the United States currently imports roughly 55 percent of its oil;

(3) heating oil price increases disproportionately harm the poor and the elderly;

(4) the global oil market is often greatly influenced by nonmarket-based supply manipulations, including price fixing and production quotas; and

(5) according to the June 1998 Department of Energy "Report to Congress on the Feasibility of Establishing a Heating Oil Component to the Strategic Petroleum Reserve"—

(A) the use of a Government-owned distillate reserve in the Northeast would provide benefits to consumers in the Northeast and to the Nation;

(B) the Government would make a profit of $46,000,000 from drawing down and selling the distillate;

(C) consumer savings, including reductions in jet fuel, would total $425,000,000;

(D) there are a number of commercial petroleum storage facilities with available capacity for leasing in the New York/New Jersey area; and

(E) it would be cost-effective to keep a Government stockpile of approximately 2,000,000 barrels in leased storage in the Northeast, filled by trading some crude oil from the Government's strategic reserve of oil for the refined product.

SEC. 3. AUTHORIZATION OF HEATING OIL RESERVE.

(a) Creation of Reserve.—The Secretary of Energy shall immediately create a heating oil reserve consisting of—

(1) 2,000,000 barrels of heating oil in leased storage facilities in the New York Harbor area; and

(2) 4,700,000 barrels of heating oil in 1 of the 4 Strategic Petroleum Reserve caverns on the coast of the Gulf of Mexico.

(b) Exchange for Crude Oil.—The Secretary of Energy may acquire heating oil for the reserve by trading crude oil from the Strategic Petroleum Reserve for heating oil.

SEC. 4. DRAWDOWN OF HEATING OIL RESERVE.

The President may immediately draw down the Heating Oil Reserve—

(1) when fuel oil prices in the United States rise sharply because of anticompetitive activity;

(2) during a fuel oil shortage; or

(3) during a period of extreme winter weather.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Energy to carry out this Act $125,000,000 for the period of fiscal years 2000 through 2019.

[From DOE Fossil Energy Techline, July 13, 1998]

DOE Sends Report to Congress Analyzing Costs, Benefits of Regional Oil Product Reserve

A Department of Energy (DOE) report, commissioned two years ago when high prices and low stocks of heating oil raised consumer concerns, has concluded that a Government-controlled "regional petroleum product reserve" would make economic sense only under a very narrow set of conditions.

The report, which DOE forwarded to Congress late last week, concludes that the benefits of a Government stockpile of heating oil in the Northeast would exceed its costs only if the reserve was relatively small, approximately 2 million barrels, located in leased terminals, and filled by trading crude oil from the government's Strategic Petroleum Reserve for the distillate product.

Storing distillate product in dedicated salt caverns at the Strategic Petroleum Reserve along the Gulf of Mexico coastline would improve the cost-benefit characteristics, the study found, but products would take 7–10 days to reach consumers in the Northeast.

A larger product reserve, sized at around 6.7 million barrels to meet the worst weather contingencies, would not be attractive based on the cost-benefit analysis unless it was constructed entirely within the existing Strategic Petroleum Reserve sites.

Moreover, the study found, the positive economic benefits would be achieved only if the Government adopted the policy of releasing the entire volume of the product reserve at the point heating oil prices reached a predefined "trigger price." A more conservative policy of releasing only enough crude oil to bring wholesale prices back down to a predefined "ceiling price" would not provide sufficient benefits to offset the reserve's costs.

The two-volume study is titled "Report to Congress on the Feasibility of Establishing a Heating Oil Component to the Strategic Petroleum Reserve." The Energy Department undertook the study when in 1995–1996 an unusually long winter, uncertainties about production from Iraq and the Organization of Petroleum Exporting Countries (OPEC), and increased global demand for petroleum led to a gasoline price surge and later, a price increase in middle distillate fuels used for heating oil, diesel and jet fuel. Consumers in New England, which has no refineries, became especially concerned about heating oil inventory levels and the rise in heating oil prices.

The events of 1996 prompted several members of Congress from New England states to urge DOE to carry out a study to determine whether or not Government intervention in petroleum markets in the form of a regionally-cited refined product stockpile could be beneficial.

The Federal Government currently stores only crude oil for emergency purposes, principally to protect the United States from disruptions in petroleum supply, especially imported crude oil. The Strategic Petroleum Reserve currently stores 563 million barrels of crude oil along the Gulf Coast in four sites that are accessible to most refining centers in the country.

[From the Boston Globe, Feb. 6, 2000]

Buffering Oil Prices

The surge in home heating and diesel oil prices has shocked householders, truckers, and others and sparked a fresh round of suspicions that massive collusion is responsible. Would that such cooperation existed. Instead, business anarchy has much to do with the rise. The attorney general's consumer protection division should seek to assure that there is no price gouging by individual dealers. In the meantime, prevention of future price spikes is available to government in a form that need not be intrusive. Oil prices spurted because inventories were inadequate. Public reserves are needed.

The impact has been severe. Oil deliveries costing $400 have been a shock for elderly homeowners living on fixed incomes. Even low-cost, emergency suppliers like Joseph Kennedy's Citizens Energy Corp. have been stymied by shortages and high prices.

The American Petroleum Institute keeps track of inventories of gasoline, oil, crude, and other petroleum products around the country. Among all these, heating oil is unique because demand for it is seasonal, peaking in the winter months.

While some extra stockpiling of oil by the private sector takes place every year, the tendency has been to cut reserves as close to the bone as possible. This past fall, despite indications that consumption was on the rise, inventories ran significantly below their year-earlier levels. At the end of December, inventories of distillate fuel oil (both diesel and heating) stood at 124 million barrels compared with 156 million barrels a year earlier. Both these figures run well below comparable statistics in the past, when inventories were frequently above 200 million barrels.

The federal government in the 1970s set up a strategic petroleum reserve of crude oil to dampen the power of OPEC, the international oil cartel. But it needs a similar reserve of distillate to help cope with domestic developments like this year's failure to stockpile adequate oil to cope with predictable seasonal surges, much less unpredictable cold snaps. The mere presence of such a reserve, available for rapid release, would dampen spot markets. To do less condemns everyone to senseless repeats of this painful experience.

Mr. LEAHY. Mr. President, I rise in support of the Home Heating Oil Price Stability Act being introduced today by Senator Dodd. In response to Congressional concern raised over volatile heating oil prices, the Department of Energy completed a study of regional oil reserves and issued their report in 1998. This report concluded that regional heating oil reserves, such as the one proposed in this bill, would benefit New England and help guard against the negative effects of volatile fuel prices during the winter months.

The recent price spike in home heating fuel throughout the Northeast and mid-Atlantic regions illustrate the need for a regional fuel reserve. Prices of home heating fuel have increased over the last month to unprecedented levels, putting many families and businesses at risk during these cold winter months. Many areas of New England are now facing fuel costs between $1.70 and $2.00 per gallon—nearly double last January's average price of .80 cents per gallon. Home heating fuel has not seen average prices over $1 dollar in nearly ten years. These prices are endangering the welfare of low income Vermonters and threatening the stability of our economy.

This is not the first time we have seen such volatile prices in New England and will certainly not be the last. I remember Vermont in December 1989, when we experienced the coldest temperatures the Northeast has seen in 100 years, and then again in 1993 when the mercury plummeted and the fuel bills rose. Mr. President we need a regional home heating fuel reserve to protect the welfare and the economy of states such as Vermont. The cold winters and the absence of refiners make New England susceptible to fluctuations in the market which leave other parts of the country virtually untouched.

By Mr. HATCH (for himself and Mr. Bennett):

S. 2048. A bill to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

SAN RAFAEL WESTERN LEGACY DISTRICT AND NATIONAL CONSERVATION ACT

Mr. HATCH. Mr. President, I rise today to introduce the San Rafael Western Legacy District and National Conservation Act. I am proud to sponsor this legislation which is a result of local citizens working together with federal land managers to produce a plan that promotes and protects one of our nation's finest natural treasures, the San Rafael Swell in Emery County, Utah.

This is by no means a standard one-size-fits-all land management scheme. It reflects both local and national interests. I wish to congratulate the elected officials of Emery County, Secretary of Interior Bruce Babbitt, local citizen groups, and local Bureau of Land Management professionals for their willingness to come to the table and craft this proposal. It is a testament to what I have always believed: that those who live on and around our public lands love the land and, given the chance, will find ways to help protect it. I hope that this effort to work out solutions to land issues with meaningful local input will become the norm for federal land policy.

Mr. President, under this legislation, 2.8 million acres will be designated as the San Rafael Western Legacy District. Visitors to the San Rafael will be able to see where Kit Carson, Chief Walker, Wesley Powell, Butch Cassidy and many others became famous, or infamous as the case may be. Backpackers and day hikers will be surprised by petroglyphs that tell stories of Native American ancestors and that give a picture of life as it once was. Families will enjoy access to one of the largest sources of fossils in the New World. They will also enjoy a variety of quality museums that already exist in the area which take us back in time, whether it be the time of dinosaurs, Native Americans, pioneers and the wild west, early explorers, or even the early atomic arms race.

A the core of this Western Legacy District will be the San Rafael National Conservation Area, which will withdraw approximately 1 million acres from development. Mr. President, Congress cannot create spectacular geologic formations, such as the San Rafael Swell, but this legislation will protect what God has given us. The San Rafael Swell is vast and can accommodate all types of experiences including wilderness, wildlife viewing, fishing, mountain biking, and other activities. The specifics for these uses will be detailed in a forty year planning process led by the Secretary of Interior.

Mr. President, I am very pleased to introduce this legislation along with my good friend and colleague Senator ROBERT BENNETT. A companion measure in the House is sponsored by Representative CHRIS CANNON.

The San Rafael Swell is an area rich in history, beauty, culture, and tradition. This legislation protects the San Rafael for all citizens in a manner that reflects the needs of those directly affected by its bounties. I urge my colleagues to support this legislation.

I ask unanimous consent for the text of the fill to be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "San Rafael Western Legacy District and National Conservation Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—SAN RAFAEL WESTERN LEGACY DISTRICT

Sec. 101. Establishment of the San Rafael Western Legacy District.
Sec. 102. Management and use of the San Rafael Western Legacy District.

TITLE II—SAN RAFAEL NATIONAL CONSERVATION AREA

Sec. 201. Designation of the San Rafael National Conservation Area.
Sec. 202. Management of the San Rafael National Conservation Area.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote—

(A) the preservation, conservation, interpretation, scientific research, and development of the historical, cultural, natural, recreational, archaeological, paleontological, environmental, biological, educational, wilderness, and scenic resources of the San Rafael region of the State of Utah; and

(B) the economic viability of rural communities in the San Rafael region; and

(2) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations of people the unique and nationally important values of the Western Legacy District and the public land described in section 201(b) (including historical, cultural, natural, recreational, scientific, archaeological, paleontological, environmental, biological, wilderness, wildlife, educational, and scenic resources).

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term "Conservation Area" means the San Rafael National Conservation Area established by section 201(a).

(2) LEGACY COUNCIL.—The term "Legacy Council" means the council established under section 101(d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Conservation Area required to be developed under section 202(e).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(5) WESTERN LEGACY DISTRICT.—The term "Western Legacy District" means the San Rafael Western Legacy District established by section 101(a).

TITLE I—SAN RAFAEL WESTERN LEGACY DISTRICT

SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—There is established the San Rafael Western Legacy District.

(b) AREAS INCLUDED.—The Western Legacy District shall consist of approximately 2,842,800 acres of land in the Emery County, Utah, as generally depicted on the map entitled "San Rafael Swell Western Legacy District and National Conservation Area" and dated .

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Western Legacy District.

(2) EFFECT.—The map and legal description shall have the same effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) COPIES.—Copies of the map and legal description shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management; and

(B) the appropriate office of the Bureau of the Land Management in the State of Utah.

(d) LEGACY COUNCIL.—

(1) ESTABLISHMENT.—The Secretary shall establish a Legacy Council to advise the Secretary with respect to the Western Legacy District.

(2) FUNCTION.—The Legacy Council may furnish advice and recommendations to the Secretary with respect to management, grants, projects, and technical assistance.

(3) MEMBERSHIP.—The Legacy Council shall consist of not more than 10 members appointed by the Secretary as follows:

(A) 2 members from among the recommendations submitted by the Governor of the State of Utah.

(B) 2 members from among the recommendations submitted by the Emery County, Utah, Commissioners.

(C) The remaining members from among persons who are recognized as experts in conservation of the historical, cultural, natural, recreational, archaeological, environmental, biological, educational, and scenic resources or other disciplines directly related to the purposes for which the Western Legacy District is established.

(4) RELATIONSHIP TO OTHER LAW.—The establishment and operation of the Legacy Council shall conform to the requirements of—

(A) the Federal Advisory Committee Act (5 U.S.C. App.); and

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) ASSISTANCE.—

(1) IN GENERAL.—To carry out this section, the Secretary may make grants and provide technical assistance to any nonprofit organization or unit of government with authority in the boundaries of the Western Legacy District.

(2) PERMITTED USES.—Grants and technical assistance under this section may be used for—

(A) planning;

(B) reports;

(C) studies;

(D) interpretive exhibits;

(E) historic preservation projects;

(F) construction of cultural, recreational, educational, and interpretive facilities that are open to the public; and

(G) such other expenditures as are consistent with this Act.

(3) PLANNING.—Grants and technical assistance for use in planning activities may be provided under this subsection only to a unit of government or a political subdivision of the State of Utah in an amount—

(A) not to exceed **$100,000** for any fiscal year; and

(B) not to exceed an aggregate amount of **$200,000.**

(4) MATCHING FUNDS.—Federal funding provided under this section may not exceed 50 percent of the total cost of the activity carried out with the funding, except that non-Federal matching funds are not required with respect to—

(A) planning activities carried out with assistance under paragraph (3); or

(B) use of assistance under this section for facilities located on public land and owned by the Federal Government.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than **$1,000,000** for each fiscal year, not to exceed a total of **$10,000,000.**

SEC. 102. MANAGEMENT AND USE OF THE WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—The Secretary shall administer the public land within the Western Legacy District in accordance with—

(1) this Act; and

(2) the applicable provisions of the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(b) USE OF PUBLIC LAND.—The Secretary shall allow such uses of the public land as the Secretary determines will further the purposes for which the Western Legacy District is established.

(c) Effect of Act.—Nothing in this Act—

(1) affects the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife in the Western Legacy District;

(2) affects private property rights within the Western Legacy District; or

(3) diminishes the authority, rights, or responsibilities of the Secretary for managing the public land within the Western Legacy District.

TITLE II—SAN RAFAEL NATIONAL CONSERVATION AREA

SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL CONSERVATION AREA.

(a) Purposes.—There is established the San Rafael National Conservation Area in the State of Utah.

(b) Areas Included.—

(1) In general.—Except as provided in paragraph (2), the Conservation Area shall consist of approximately 947,000 acres of public land in Emery County, Utah, as generally depicted on the map entitled "San Rafael Swell Western Legacy District and National Conservation Area" and dated .

(2) Boundary.—The boundary of the Conservation Area shall be set back 300 feet from the edge of the Interstate Route 70 right-of-way.

(c) Map and Legal Description.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) Effect.—The map and legal description shall have the same effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) Copies.—Copies of the map and legal description shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management; and

(B) the appropriate office of the Bureau of Land Management in the State of Utah.

SEC. 202. MANAGEMENT OF THE CONSERVATION AREA.

(a) Management.—The Secretary shall manage the Conservation Area in a manner that—

(1) conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values specified in section 2(2); and

(2) is consistent with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) other applicable provisions of law (including this Act).

(b) Uses.—

(1) In general.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area was established.

(2) Motorized vehicles.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan.

(c) Withdrawals.—

(1) In general.—Subject to valid existing rights and except as provided in paragraph (2), all Federal land within the Conservation Area and all land and interests in land that are acquired by the United States after the date of enactment of this Act are withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws.

(2) Communication facilities.—

(A) In general.—The Secretary may authorize the installation of communication facilities within the Conservation Area only to the extent that the facilities are necessary for public safety purposes.

(B) Minimal impact.—Communication facilities shall—

(i) have a minimal impact on the resources of the Conservation Area; and

(ii) be consistent with the management plan.

(d) Hunting, Trapping, and Fishing.—

(1) In general.—Except as provided in paragraph (2), the Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Utah.

(2) Regulations.—The Secretary, after consultation with the Utah Division of Wildlife Resources, may promulgate regulations designating zones where and establishing periods when no hunting, trapping, or fishing shall be permitted in the Conservation Area for reasons of public safety, administration, or public use and enjoyment.

(e) Management Plan.—

(1) In general.—Not later than 4 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Conservation Area.

(2) Contents.—The management plan—

(A) shall describe the appropriate uses and management of the Conservation Area consistent with this Act; and

(B) may—

(i) incorporate appropriate decisions contained in any management or activity plan for the area; and

(ii) use information developed in previous studies of the land within or adjacent to the Conservation Area.

(f) State Trust Lands.—The State of Utah and the Secretary may exchange Federal land, Federal mineral interests, or payment of money for land and mineral interests of approximately equal value that are managed by the Utah School and Institutional Trust Lands Administration within the Conservation Area.

(g) Access.—The Secretary, the State of Utah, and Emery County, Utah, may agree to resolve section 2477 of the Revised Statutes and other access issues within the Conservation Area.

(h) Wildlife Management.—Nothing in this Act diminishes the responsibility and authority of the State of Utah for management of fish and wildlife within the Conservation Area.

(i) Grazing.—Where the Secretary permits livestock grazing on the date of enactment of this Act, such grazing shall be allowed subject to all applicable laws (including regulations) and executive orders.

(j) No Buffer Zones.—

(1) In general.—Congress does not intend for the establishment of the Conservation Area to lead to the creation of protective perimeters or buffer zones around the Conservation Area.

(2) Activities outside conservation area.—That there may be activities or uses of land outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on the land up to the boundary of the Conservation Area (or on private land within the Conservation Area) consistent with other applicable laws.

(k) Water Rights.—

(1) In general.—The establishment of the Conservation Area shall not constitute any implied or express reservation of any water or water right pertaining to surface or ground water.

(2) State rights.—Nothing in this Act affects—

(A) any valid existing surface water or ground water right in effect on the date of enactment of this Act; or

(B) any water right approved after the date of enactment of this Act under the laws of the State of Utah or any other State.

(l) No Effect on Application of Other Acts.—

(1) In general.—Nothing in this Act affects the application of any provision of the Wilderness Act (16 U.S.C. 1131) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to wilderness resources in the Conservation Area.

(2) Issue resolution.—Recognizing that the designation of a wilderness area for inclusion in the National Wilderness Preservation System requires an Act of Congress, the Secretary, the State of Utah, Emery County, Utah, and affected stakeholders may work toward resolving wilderness issues within the Conservation Area.

By Mr. BIDEN:

S. 2049. A bill to extend the authorization for the Violent Crime Reduction Trust Fund; to the Committee on the Judiciary.

RE-AUTHORIZATION OF THE VIOLENT CRIME REDUCTION TRUST FUND

Mr. BIDEN. Mr. President, today, I introduce a bill which will re-authorize the Violent Crime Reduction Trust Fund for an additional five years.

I firmly believe that re-authorization of the Violent Crime Reduction Trust Fund for another five years is the single most significant thing that we can do to continue the war on crime.

In 1994 when we introduced the Biden Crime Bill, which eventually became the crime bill of 1994, some people disagreed with certain aspects of the bill. But, we all agreed that crime control is a place where the federal government can and should play a key role.

We can all argue about how much we should be involved in education or welfare, but no one can argue about the requirement of the government to make our streets safe. That is the starting point for all ordered society.

So, I, along with the Senior Senator from Texas, Mr. Gramm, and the Senior Senator from West Virginia, Mr. Byrd, worked to set up a Violent Crime Reduction Trust Fund. The way we did that was not to raise taxes—it was to cut the size of the federal government and use the money to fight crime. And so we agreed to let 250,000 Federal employees go. Then we took the paycheck that would have been used to pay John Jones and Sue Smith and we put it into a trust fund to do nothing but deal with violent crime in America. And guess what—it worked.

Since the Fund was established in the Biden Crime Bill, The Office of Management and Budget tells us that Congress had appropriated $16,648,000,000 from the fund through 1998, and $10,300,000,000 was estimated for 1999 and 2000 combined.

What has this money done you ask? Just look at the numbers: To date, the money has funded more than 103,000 police officers under the COPS program to make our streets safer.

As of 1999, over 17,000 new prison, jail or alternative beds had been added under the Violent Offender Incarceration/Truth-in-Sentencing Grants Program.

Under the drug court program nationwide, more than 140,000 offenders have participated in drug courts, receiving the supervision and treatment they need to stop abusing drugs and committing crimes.

Under the National Criminal History Improvement Program, enhancements to the FBI's National Criminal History Background Check System have helped block more than 400,000 gun sales to ineligible persons. And, program improvements now allow 35 states and the District of Columbia to submit data to the FBI's National Sex Offender Registry, which became operational in July 1999.

The fund has provided money to states and localities to help offset the costs of incarcerating criminal illegal aliens under the State Criminal Alien Assistance Program.

Under the Residential Substance Abuse Treatment for State Prisoners program, all 50 states, the District of Columbia, and the five territories, have implemented drug testing and treatment programs that address 80 percent of offenders who have drug or alcohol problems.

Through the largest Violence Against Women Act program, funding for the STOP Violence Against Women Formula Grants Program is changing the way communities work together to respond to domestic violence, sexual assault, and stalking.

And there are other Violence Against Women Act grant programs which have had an impact on many communities. The Grants to Encourage Arrest Policies program encourages jurisdictions to implement mandatory or pro-arrest policies in domestic violence cases. The Rural Domestic Violence and Child Victimization Enforcement Grant Program has recognized the special needs of victims in rural locations. The Civil Legal Assistance Grant Program is designed to strengthen civil legal assistance for domestic abuse victims through innovative, collaborative programs that increase victim access to services. And, the Grants to Combat Violent Crimes Against Women on Campuses Program was first funded in FY 1999 to promote comprehensive, coordinated responses to violent crimes against women on campuses.

The results of these efforts have taken hold. Crime is down—way down. And we didn't add 1 cent to the deficit.

The significance of the Trust Fund, why it was so important, is because it funds the initiatives contained in the Biden Crime Bill. The money has to be used for new cops and crime prevention. It can't be spent on anything else but crime reduction. It is the one place that no one can compete. it is set aside. It is a savings account to fight crime.

This fund works. It ensures that the crime reduction programs that we pass be funded. It ensures that the crime rate will continue to go down instead of up. It ensures that our kids will have a place to go after school instead of hanging out on the street corners. It ensures that violent crimes against women get the individualized attention that they need and deserve. It gives states money to hire more cops and get better technology.

Today our challenge is to keep our focus and to stay vigilant against violent crime. This is one modest step toward meeting that challenge.

This Act shares bipartisan support. No one wants crime and no one wants to raise taxes. Republicans, Democrats, and Independents alike—this should be an easy one for all of us. In July of last year, during debate on the Commerce, Justice, State appropriations bill, my friend from New Hampshire, Senator GREGG, declared his commitment to get the Violent Crime Reduction Trust Fund re-authorized. Senator GRAMM has always stepped up to the plate on this issue as well, and I commend them for their commitment to this program As Senator BYRD aptly stated back in 1994 when we were first debating this, "the war on crime is of such an overriding concern that, as in the past, the Committee on Appropriations must take extraordinary actions to confront the issue." That still rings true today. Although crime is down, we can not become complacent. We must continue the fight. We need this Violent Crime Reduction Trust Fund more than any other single piece of legislation.

Every member of the Senate is against violent crime—we all say it in speech after speech. Now, I urge all my colleagues to back up their words and follow through on their commitments to defeat violent crime. Pass this bill. Continue the Violent Crime Reduction Trust Fund. Take serious action against violent crime. Show the criminals that we are serious about fighting crime. Show the American people that their safety is of the highest priority for us and that we are taking action.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) for fiscal year 2001, $6,025,000,000;

"(2) for fiscal year 2002, $6,169,000,000;

"(3) for fiscal year 2003, $6,316,000,000;

"(4) for fiscal year 2004, $6,458,000,000; and

"(5) for fiscal year 2005, $6,616,000,000.".

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

"SEC. 310002. DISCRETIONARY LIMITS.

"For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 2001—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

"(2) with respect to fiscal year 2002—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays;

"(3) with respect to fiscal year 2003—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

"(4) with respect to fiscal year 2004—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,459,000,000 in new budget authority and $6,303,000,000 in outlays; and

"(5) with respect to fiscal year 2005—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.".

By Mr. REID (for himself, Mr. BRYAN, Mr. TORRICELLI, and Mr. BAUCUS):

S. 2050. A bill to establish a panel to investigate illegal gambling on college sports and to recommend effective countermeasures to combat this serious national problem; to the Committee on the Judiciary.

COMBATTING ILLEGAL COLLEGE AND UNIVERSITY GAMBLING ACT

Mr. REID. Mr. President, six years ago we passed a crime bill which, while controversial at the time, has led to an unprecedented decrease in criminal activity. It was a tough bill that was aimed at cracking down on illegal criminal activity. It gave law enforcement the tools it needed to prevent and crack down on criminal conduct. The legislation has been so effective that I believe it should be the model for future federal anti-crime initiatives. At the time, however, supporters of the Crime Bill were attacked for focusing on the root causes of criminal activity. Today, as evidenced by declining crime rates, we see that this was an effective approach.

I raise this issue today because I am concerned that some may be moving in the wrong direction in the worthwhile effort to crack down on illegal gambling on college sports. Recently introduced legislation attempts to crack down on dorm room and bar hall bookies by shutting down legal and highly-regulated sports book operations in Nevada. Mr. President, this is like closing the Bank of America to eliminate loan sharking. It simply does not solve the problem.

Mr. President, the collegiate gambling legislation recently introduced in the Senate is flawed because it incorrectly assumes that the elimination of legal sports book wagering in Nevada will mean the end of illegal wagering on college sports. The National Collegiate Athletic Association (NCAA) is on record stating that there is an illegal bookie on every college campus. "Sports Illustrated" ran a series in 1995, stating that "gambling is the dirty little secret on college campuses, where it's rampant and prospering," and that "the bookies catering to most college gamblers are fellow students." Banning legal college sports gambling in Nevada, where it is controlled and heavily regulated, is not going to put these bookies out of business. Just as the Twenty-First Amendment did not stop the illegal consumption of alcohol, but rather, drove it underground, banning regulated, legal college sports wagering in Nevada is simply not going to end illegal college sports gambling.

Mr. President, illegal gambling on college sports is a very serious problem, and I commend my colleagues for their willingness to address this issue. The problem with gambling on collegiate sporting events, however, does not rest with what is legal, but rather, with what is illegal. While there are currently numerous state laws that prohibit gambling on college sports, illegal practices still occur and there is little, if anything, that is being done to address or understand the problem. A recent NCAA report noted that there are no comprehensive studies available that analyze the prevalence of illegal gambling on college sports. Furthermore, the report found that "the issue of illegal gambling on college sports is still largely overlooked by college administrators."

Mr. President, to respond to this very serious problem, I rise today, along with Senators BAUCUS, TORRICELLI, and BRYAN, to introduce alternative legislation that would examine the root causes of illegal gambling on college sports. My legislation addresses several key aspects of the problem of illegal gambling on collegiate sporting events, namely, what is being done by federal and state officials to enforce existing laws, whether law enforcement has the proper tools and adequate funding to address illegal gambling on college sports, and, what colleges and universities are doing to address the problem of illegal gambling, especially on their own campuses. The legislation I am introducing today would follow the recommendations of the NCAA report by directing the Justice Department to examine these issues and report back to the Congress.

Mr. President, the growing attraction of illegal gambling among our college youth is a serious national problem that requires a serious response. We must have a solution to this problem, however, that accurately addressed the source of illegal college sports gambling. The alternative legislation I am introducing today, which focuses on stronger enforcement of existing laws and education campaigns, follows the correct path toward addressing the root causes of this problem and finding the most effective and appropriate solution.

ADDITIONAL COSPONSORS

S. 512

At the request of Mr. GORTON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 546

At the request of Mr. DORGAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1341

At the request of Mr. DORGAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1341, a bill to amend the Internal Revenue Code of 1986 to expand the applicability of section 179 which permits the expensing of certain depreciable assets.

S. 1619

At the request of Mr. DEWINE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1900

At the request of Mr. LAUTENBERG, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2004, a bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Idaho (Mr. CRAIG), the Senator from Oregon (Mr. SMITH), the Senator from Indiana (Mr. LUGAR), the Senator from Alabama (Mr. SESSIONS), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2021

At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2021, a bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2035, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents.

S. CON. RES. 69

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S. CON. RES. 76

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 76, a concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico and for other purposes.

S.J. RES. 3

At the request of Mr. KYL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S.J. RES. 39

At the request of Mr. CAMPBELL, the names of the Senator from Virginia (Mr. ROBB), the Senator from Alabama (Mr. SHELBY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S.J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 60

At the request of Mr. MACK, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. Res. 60, a resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.

S. RES. 251

At the request of Mr. SPECTER, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. COCHRAN), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 251, a resolution designating March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE RESOLUTION 255—RECOGNIZING AND HONORING BOB COLLINS, AND EXPRESSING THE CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was considered and agreed to:

S. RES. 255

Whereas Bob Collins began his radio career at age 13 by running errands for a station in Lakeland, Florida, and had his own radio show by age 14;

Whereas Bob Collins has been involved with Radio WGN 720 AM since 1974;

Whereas when faced with the challenge of replacing the legendary Wally Phillips in 1986, Bob Collins became Chicago's most popular radio personality;

Whereas Bob Collins hosted a radio show on WGN 720 AM since 1986 in the 5 to 9 a.m. slot, Monday through Friday;

Whereas Bob Collins' show was enjoyed by more than 600,000 listeners each week, was the only show in Chicago to have a double-digit share of the Chicago audience, and had more than twice the number of listeners as his closest competitor;

Whereas Bob Collins entertained Chicagoland listeners with his contagious laugh, unique wit, and personal perspective on public affairs;

Whereas Bob Collins received numerous recognitions for his accomplishments at WGN 720 AM, including 4 consecutive Marconi nominations, Billboard Magazine's "Personality of the Year," the Chicago Sun-Times' "Personality of the Year," an Illinois News Broadcasters' Association award for on-the-spot news coverage, and the 1999 AIR Award for Best Morning Show on a News, Talk, Personality, or Sports Station;

Whereas Bob Collins worked tirelessly for charitable causes throughout Chicago, and was honored with the Salvation Army's Man of the Year Award, known as "The Other Award";

Whereas Bob Collins died tragically in a plane crash on February 8, 2000, at the age of 57; and

Whereas Bob Collins, known as "Uncle Bobby," will be sorely missed by Chicagoans: Now, therefore, be it

Resolved, That the Senate—

(1) hereby recognizes and honors Bob Collins for—

(A) his work as Chicago's most respected radio personality; and

(B) his philanthropic endeavors throughout Chicago; and

(2) sends its deepest condolences to his wife, Christine, and to his mother and father.

AMENDMENTS SUBMITTED

THE NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000

HOLLINGS AMENDMENT NO. 2817

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to amendment No. 2809 submitted by Mr. WYDEN to the bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes; as follows:

Strike all after the word "section" and insert the following:

107. LIMITATION ON USE OF THE HANFORD NUCLEAR RESERVATION AND THE SAVANNAH RIVER SITE FOR WASTE STORAGE OR DISPOSAL.

Notwithstanding any other provisions of law, the Hanford Nuclear Reservation in the State of Washington or the Savannah River Site located in the State of South Carolina shall not be used for storage or disposal of—

(1) spent nuclear fuel or high-level radioactive waste from any civilian nuclear power reactor; or

(2) any spent nuclear fuel or high-level nuclear waste generated by or in connection with operation of the Fast Flux Test Facility, except for fuel or waste generated solely and directly from production of isotopes for medical diagnosis or treatment.

HOLLINGS AMENDMENT NO. 2818

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to amendment No. 2813 submitted by Mr. MURKOWSKI to the bill, S. 1287, supra; as follows:

After Sec. 102., insert the following:

(3) PROHIBITION.—The Secretary of Energy may not permit the use of the Savannah River Site as a location for backup storage of commercial nuclear waste.

CONRAD AMENDMENT NO. 2819

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to amendment No. 2813 submitted by Mr. MURKOWSKI to the bill, S. 1287, supra; as follows:

On page 26, line 20 of the amendment, strike "Minnesota" and insert "Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Wednesday, February 9, 2000. The purpose of this meeting will be to discuss Federal dairy policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 9, 2000, to conduct a hearing on "Loan Guarantees and Rural Television Service."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 9, at 10:30 a.m., to conduct a business meeting to consider pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 9, 2000, at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, February 9, 2000 at 10 a.m., for a hearing regarding the Rising Cost of College Tuition and the Effectiveness of Government Financial Aid.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 9, 2000 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Consumer Affairs Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 9, 2000, at 10:30 a.m. on reauthorization of the Federal Trade Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services be authorized to meet during the session of the Senate on Wednesday, February 9, 2000 at 2 p.m. for a hearing on the National Intelligence Estimate on the Ballistic Missile Threat to the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent Kristine Svinicki of my staff, a congressional fellow in my office, be allowed access to the floor for the duration of the debate on S. 1287.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO LIEUTENANT COMMANDER JOHN S. JENKINS, JR., JAGC, USN

• Mr. WARNER. Mr. President, I rise today to recognize and honor Lieutenant Commander John S. Jenkins, Jr., Judge Advocate General's Corps, United States Navy, as he departs the Office of Legislative Affairs and active duty service.

A native of Virginia, Lieutenant Commander Jenkins was commissioned an Ensign through the Naval ROTC Program upon graduation from the University of Virginia in 1987.

Serving initially as a Surface Warfare Officer, Lieutenant Commander Jenkins performed in a consistently outstanding manner under the most challenging of circumstances during his first sea tour aboard U.S.S. *Carr* (FFG 52) where he was assigned as the Combat Information Center Officer. In 1988, U.S.S. *Carr* acted, with substantial contributions from Lieutenant Commander Jenkins, as the On-Scene Commander during the rescue of 89 U.S. sailors from U.S.S. *Bonefish* as a result of a fire on board that submarine. The following year, U.S.S. *Carr* distinguished itself during Operation Earnest Will escorting of U.S flagged tankers during the Iran-Iraq War. Lieutenant Commander Jenkins served as one of the ship's two Tactical Action Officers responsible for defending his own ship and the escorted vessels during this crucial demonstration of U.S. resolve in the Persian Gulf. In 1991, as a result of his distinguished record of achievement, he was selected from among his peers in an intensely competitive process for the Navy's funded Law Education Program. He began law studies at The George Washington University Law School that fall and graduated with high honors in 1994, receiving the Charles Glover Award for the highest grade point average as a third-year student. Upon graduation, Lieutenant Commander Jenkins was assigned as a judge advocate to the Naval Legal Service Office, Norfolk, Virginia, were he served as Senior Defense Counsel and Trial Counsel in courts-martial at the Navy's largest and busiest legal service command.

Since April, 1997, Lieutenant Commander Jenkins has served as Legislative Counsel in the Navy's Office of Legislative Affairs. In this capacity he has been a major asset to the Department of the Navy and Congress. While relatively junior in rank, Lieutenant Commander, Jenkins' maturity, judgment, initiative and intelligence have made him a valued advisor to the very top echelons of the Navy and Congress on issues of great importance to our national security. His insight into the legislative process is respected and sought out by all levels of the chain of command. Lieutenant Commander Jenkins' dedicated service and his ability to effectively articulate the Navy's position to Members of Congress and their staffs have contributed directly and substantially to the Navy's future readiness and the success of its legislative initiatives.

Lieutenant Commander Jenkins' distinguished awards include the Meritorious Service Medal, the Navy Commendation Medal, and the Navy Achievement Medal with two gold stars in lieu of subsequent awards.

The Department of the Navy, Congress, and the American people have been served well by this dedicated naval officer. John Jenkins is a young man who knew he could make a difference and have an impact, and did. Those in this Congress who have had the opportunity to work with him will remember him warmly and will miss his constant energy and sincere commitment to the best interests of the Navy. We wish John, and his lovely wife Karen, our very best as he transitions to civilian law practice with one of Washington's most prestigious law firms and continued affiliation with the Navy through the Naval Reserve.•

REMEMBERING DERRICK THOMAS

• Mr. BOND. Mr. President, I rise today to express my sadness at the news of the passing of one of the finest defensive football players ever, Derrick Thomas.

Derrick Thomas had a stellar 11 year career, all of which was spent with the Kansas City Chiefs. Among his numerous NFL achievements are 9 Pro Bowl appearances, 126.5 sacks, 3 safeties, and 19 fumble recoveries; all of which are K.C. records. In 1990, Derrick had 20 sacks in one season, setting a K.C. single season record.

When Derrick was just 5 years old, his father was shot down over Vietnam on December 17, 1972. He was returning from a mission called "Operation Linebacker Two." As you can imagine, this had a tremendous impact on young Derrick. Eighteen years later, Derrick was the most dominant linebacker in the National Football League. His most impressive performance came against the Seattle Seahawks when he made a NFL record 7 sacks in one game. As fate would have it, that game was on Veteran's Day.

Mr. President, while he certainly made an impact on the quarterbacks that played against him, he made a much larger impact in the lives of those he touched through his philanthropic efforts. During his career he received the League's two most prestigious humanitarian awards. In 1993 he was the youngest man to ever win the NFL Man of the Year and in 1995 he won the Byron "Whizzer" White Humanitarian Award for service to team, community and country. The Humanitarian Award is the most prestigious award given by the NFL Players Association.

In 1993 he delivered the keynote address at the Vietnam Veterans Memorial during the annual Memorial Day ceremony. By delivering the Keynote address, he joined the ranks of other great Americans such as Bob Hope and General Colin Powell. Derrick said addressing those who served with his father was one of his greatest honors.

By far, his greatest contribution was founding the Third and Long Foundation. The foundation's goal is to help inner-city children by "sacking illiteracy." As part of the program, Derrick would read to children at local libraries each home Saturday during the season. President Bush designated Derrick as the 832nd point of light for his work with the foundation. Derrick said once that he didn't want to be remembered or rewarded for what he did in football, but that if he helped one child become a success, that is all he needed. Derrick has been and will continue to be a force in the lives of many children through the work of his foundation.

Derrick Thomas was truly a humanitarian, philanthropist and hero, not only to Kansas City, but to many around the country. His life was tragically cut short at the age of 33, but his influence will continue to make America better for the youth of this country for many years to come. Thank you, Derrick.•

TRIBUTE TO DR. HILARY KOPROWSKI

• Mr. SPECTER. Mr. President, on the 50th anniversary of Dr. Hilary Koprowski's feeding a child the very first dose of oral polio vaccine, I am pleased to offer this tribute so that America and the world can know more about this extraordinarily distinguished scientist. I have come to know Dr. Koprowski as a friend, a counselor and a constituent. The world owes Dr. Koprowski an enormous debt of gratitude for his scientific achievements as he will celebrate on February 27, 2000 the 50th anniversary of the first application of his oral polio vaccine.

Vaccination of children in the United States, and mass vaccination trials with oral vaccine in Africa and Poland, paved the way for the eradication of paralytic polio in the Americas since 1991 and, hopefully, the elimination of polio from the rest of the world this year. Prior to the discovery of the oral vaccine, polio, a crippling disease, claimed numerous victims throughout the world. In the period from 1951 through 1953, here in the United States, 26 cases of polio were recorded for every 100,000 people.

Dr. Hilary Koprowski is one of the most distinguished and respected biomedical researchers in the world recognized for his many achievements including the development of the first oral polio vaccine, in 1950, and the development of the genetically engineered oral rabies vaccine used all over the world. Dr. Koprowski pioneered the development of monoclonal antibodies for the detection and treatment of cancer. Dr. Koprowski continues his important work on gene-related vaccine using his wide scientific experience and profound scientific knowledge combined with strong organizational insight. Dr. Koprowski is the Director of the Biotechnology Foundation Laboratories and the Center for Neurovirology at Thomas Jefferson University and is Professor Laureate at the Wistar Institute. From 1957 to 1991, as Director, Dr. Koprowski led the Wistar Institute, where he is currently on the Board, to become one of the nation's leading biomedical research institutions with a staff of more than 600 people.

Dr. Koprowski is a member of the National Academy of Sciences, the American Academy of Arts and Sciences, the New York Academy of Sciences and twenty-eight other learned institutions. He is a recipient of more than eighteen major awards, including the Order of the Lion, awarded by the King of Belgium, the Legion of Honor of France and the Nicolaus Copernicus Medal of the Polish Academy of Sciences. In 1990, he received the most prestigious honor of his home city, the Philadelphia Award. He is the author or co-author of more than 850 scientific papers.

In addition to his truly outstanding career in medicine, Dr. Koprowski holds degrees in Music from the Warsaw Conservatory as well as the Santa Cecilia Academy of Music in Rome. His compositions are published and are currently being played by various orchestras.

His biography, "Listening to Music", by Roger Voughan, was recently published by Springer-Verlag.•

HONORING BOB COLLINS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 255, introduced earlier today by Senator DURBIN and Senator FITZGERALD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 255) recognizing and honoring Bob Collins, and expressing the condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MURKOWSKI. I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 255

Whereas Bob Collins began his radio career at age 13 by running errands for a station in Lakeland, Florida, and had his own radio show by age 14;

Whereas Bob Collins has been involved with Radio WGN 720 AM since 1974;

Whereas when faced with the challenge of replacing the legendary Wally Phillips in 1986, Bob Collins became Chicago's most popular radio personality;

Whereas Bob Collins hosted a radio show on WON 720 AM since 1986 in the 5 to 9 a.m. slot, Monday through Friday;

Whereas Bob Collins' show was enjoyed by more than 600,000 listeners each week, was the only show in Chicago to have a double-digit share of the Chicago audience, and had more than twice the number of listeners as his closest competitor;

Whereas Bob Collins entertained Chicagoland listeners with his contagious laugh, unique wit, and personal perspective on public affairs;

Whereas Bob Collins received numerous recognitions for his accomplishments at WGN 720 AM, including 4 consecutive Marconi nominations, Billboard Magazine's "Personality of the Year," the Chicago Sun-Times' "Personality of the Year," an Illinois News Broadcasters' Association award for on-the-spot news coverage, and the 1999 AIR Award for Best Morning Show on a News, Talk, Personality, or Sports Station;

Whereas Bob Collins worked tirelessly for charitable causes throughout Chicago, and was honored with the Salvation Army's Man of the Year Award, known as "The Other Award";

Whereas Bob Collins died tragically in a plane crash on February 8, 2000, at the age of 57; and

Whereas Bob Collins, known as "Uncle Bobby," will be sorely missed by Chicagoans: Now, therefore, be it

Resolved, That the Senate—

(1) hereby recognizes and honors Bob Collins for—

(A) his work as Chicago's most respected radio personality; and

(B) his philanthropic endeavors throughout Chicago; and

(2) sends its deepest condolences to his wife, Christine, and to his mother and father.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider executive nomination No. 412, which are Army National Guard nominations reported by the Armed Services Committee on February 8.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Robert L. Halverson, 5509

To be brigadier general

Col. Edmund T. Beckette, 5971
Col. James J. Bisson, 6236
Col. Raymond C. Byrne, Jr., 5792
Col. Daniel D. Densford, 0210
Col. Jeffrey L. Gidley, 9702
Col. Danny H. Hickman, 0335
Col. James D. Johnson, 9083
Col. Dennis M. Kenneally, 2586
Col. Dion P. Lawrence, 1257
Col. Robert G. Maskiell, 9965
Col. Daryl K. McCall, 2627
Col. Terrell T. Reddick, 9266
Col. Ronald D. Taylor, 4916
Col. John T. Von Trott, 1310
Col. William H. Weir, 0308
Col. Dean A. Youngman, 4722
Col. Walter E. Zink II, 8489

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, FEBRUARY 10, 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Thursday, February 10. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1287, the nuclear waste disposal bill, under the previous order.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, it is my understanding that under this unanimous consent agreement that has been proposed, morning business will transpire after the unanimous consent agreement is entered, but that there will be a limitation in that Senators LAUTENBERG and ASHCROFT will be the only two Senators speaking as in morning business, and following their speaking the Senate will close for the day.

Mr. MURKOWSKI. I haven't finished yet, but I believe that is going to be the result of the statement.

The PRESIDING OFFICER. Is objection withheld?

Mr. REID. I withdraw my objection to that part of the unanimous consent request.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Again, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Thursday, February 10. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1287, the nuclear waste disposal bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. For the information of all Senators, the Senate will resume consideration of the nuclear waste bill at 10 a.m. By previous consent, the time until 11 a.m. will be equally divided between the bill managers for final debate. Also, by previous consent, a vote on final passage is scheduled to occur at 11 a.m. Therefore, Senators can expect the first vote to occur at approximately 11 a.m.

ORDER FOR ADJOURNMENT

Mr. MURKOWSKI. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator LAUTENBERG and Senator ASHCROFT.

It is my understanding that tomorrow the two sides will have 1 hour equally divided. Sometimes we start a little late around here, in spite of our efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I think I heard the Senator from Alaska say 10 minutes for each of us who were going to speak in morning business. I ask unanimous consent that up to 15 minutes be allocated to me.

Mr. MURKOWSKI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN SAFETY

Mr. LAUTENBERG. Mr. President, on April 20, we are going to mark a 1-year anniversary of the terrible tragedy that occurred at Columbine High School in Colorado. That was the day when two teenagers, Eric Harris and Dylan Klebold, walked into the school and sprayed the library and cafeteria with gunfire, killing 12 classmates and a teacher and wounding many others. A few who were aware of what took place that day will never forget that horrible scene of a young man jumping out a window, people running, weeping, the whole place in disarray, students lying on the ground wounded, some fatally.

You would have thought by now, 9 months after that massacre, that Congress would have been able to get together to pass common sense gun safety measures. Some of my colleagues will say there is not much we can do about it.

No, we cannot go back and undo that tragedy, but we sure can do something that maybe will prevent something similar from happening in the future. It is preposterous to say we can't do anything better. We can do a lot about it. Reasonable gun safety legislation can make a difference.

For proof, I ask that we take a look at testimony of the young woman, Robyn Anderson, before the Judiciary Committee of the Colorado House of Representatives. In case the name isn't familiar, Robyn Anderson is the young woman who went with Harris and Klebold to the Tanner gun show in Adams County, CO. It was in late 1998. She wanted to help them buy guns.

Harris and Klebold were too young to buy guns because they had an 18-year age limit, but Robyn Anderson was 18. She bought three guns at that gun show, two shotguns, and a rifle, and immediately handed them over to Harris and Klebold. Four months later, Harris and Klebold used all three of those guns in their murderous rampage.

This is what Ms. Anderson said during her testimony:

> Eric Harris and Dylan Klebold had gone to the Tanner gun show on Saturday and they took me back with them on Sunday. . . . While we were walking around, Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy

> their guns from someone who was private—and not licensed—because there would be no paperwork or background check.

That was her statement to the committee in the Colorado House. As all can see, they had one mission: to avoid a background check.

I am the author of a piece of legislation we tried to get through the Senate that said we ought to have everybody available for a background check. We know those unlicensed dealers who were able to sell at these gun shows—and there are over 4,000 gun shows a year—unless a State law says no, can sell guns to anybody who has the money. They can put them in the back of their car. They can carry them on their shoulder. Even someone who is listed on the 10 Most Wanted—criminals—could qualify to buy a gun from one of these dealers.

Tragically, these three young people found three gun dealers, and they bought their deadly weapons. This is what she had to say about gun sales at gun shows:

> It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

Robyn Anderson said that in front of the Colorado legislature. This shows clearly that background checks for gun sales can make a difference. They can keep guns out of the wrong hands.

When the National Rifle Association says that our gun laws are sufficient, it is wrong. They are simply out of line. There is a glaring loophole—the gun show loophole—which Congress must close.

There is no more time for delay. The American people are requesting action, demanding it, if you look at surveys. I hope my colleagues will complete action on the juvenile justice bill because it did contain a prohibition on gun sales that are done at gun shows without a background check. Now, that was knocked out of the House bill as it came over to the Senate for conference. But the fact is that it was in the Senate bill, and we ought to include it in any bill that finally passes. Let's do it before we mark the anniversary of that terrible day at Columbine High School, showing that we are serious and that we care about what happened.

In the nine months since April 20, we have seen more terrible shootings and bloodshed. In May of last year, a teenager in Conyers, GA, shot and injured six of his classmates. In July, a gunman in Ohio shot three teenage girls and the teacher of a Bible study group. In August, a white supremacist stormed into a Jewish community center near Los Angeles and shot two children and a senior citizen. Later that day, before this culprit was apprehended, he shot and killed a postal worker. In September, more gun violence—a gunman in Fort Worth, TX, walked into a Baptist church and killed seven young people who were there for a prayer meeting before shooting himself. In November, the worst mass shooting in Hawaii's history—a Xerox employee killed seven coworkers. Yet another school shooting in December—a seventh grader in Fort Gibson, OK, takes his father's gun to school and wounds four classmates.

That is what we see. It doesn't matter what the heritage is of the individuals; race or religion doesn't matter. Everybody is subject to this kind of violence if they are in the wrong place at the wrong time. These are just the shootings that got the most attention. Month after month, the death toll from gun violence continues to mount. From Colorado to Georgia, from Ohio to California, from Texas to Hawaii, families across this country continue to mourn.

What do we do here in Congress about it? Nothing. It is a disgrace.

Of course, the Senate did pass several reasonable measures as part of the Juvenile Justice bill, including the amendment I mentioned before, which would prevent criminals from being able to buy guns at gun shows.

Technically, this legislation is stuck in a conference committee. For those who are not part of the structure here, the conference committee is where legislation is finally resolved when the House committee and the Senate committee, with similar jurisdiction, meet together and argue out the differences, if any, in a bill. But it would be more accurate to say that it is being held hostage by the extremists at the NRA and the politicians who march lockstep to their commands.

We have to free this legislation, and we dare not let the gun lobby prevail over the vast majority and the will of the American people who simply want to make their families a little safer.

I urge my colleagues to join with me in pushing the congressional leadership to finish work on the juvenile justice bill. We want to do it before there is another episode of gun violence, another loss of life that could be avoided. We have to do more to stop the gun violence, the epidemic that lies within our country. I hope we will be able to do it soon.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

REMEMBERING DERRICK THOMAS

Mr. ASHCROFT. Mr. President, it is with great sadness that I come to the floor today. Just a few days ago, on February 1, I came here to talk about a professional football achievement, congratulating the St. Louis Rams on their Super Bowl victory. It was a tremendous victory.

Today, I come to the floor on what may seem to some to be another "football story," albeit one that is much more tragic. I want to make remarks about my friend, Kansas City Chiefs' linebacker Derrick Thomas. I want to talk about more than just professional sports. I believe what is important in life is not what game you play but how you play the game to which you are called. I want to share my thoughts on a young man who was a true professional.

Yesterday, the Kansas City Chiefs' great linebacker, Derrick Thomas, died of cardiorespiratory arrest, a complication from a tragic automobile accident of January 23. The accident occurred on a snow and ice-covered stretch of Interstate 435 in Clay County, MO, as Derrick and two of his friends were headed to the airport to fly to St. Louis for the NFC championship game between St. Louis Rams and the Tampa Bay Buccaneers. To Derrick's many loyal fans, the news of his death is stunning and saddening—profoundly saddening.

The life of Derrick Thomas, who lived but 33 years, should be celebrated. His accomplishments on the field and off the field were substantial. An All-American at the University of Alabama, he became an instant star with the Kansas City Chiefs after his selection in the first round of the 1989 draft. He was named as an All-Pro in each of his first nine seasons in the league. Derrick ranked ninth on the all-time list in career quarterback sacks.

Chiefs fans will never forget the day in 1990 when No. 58 set the amazing single-game record of seven sacks in a game against the Seattle Seahawks on Veterans Day. What some people don't know is that Derrick dedicated his efforts on Veterans Day to his father, an Air Force pilot killed in Vietnam in Operation Linebacker II when Derrick was just five.

The fighters from nearby Whiteman Air Force Base periodically do a fly-by during pre-game ceremonies. The planes, according to Derrick Thomas, reminded him of his father and provided inspiration for some of his greatest and most spectacular performances. I have been at Arrowhead Stadium before games for those pre-game ceremonies, when in the parking lot there was tailgating, with the smoke from the barbecue and the roar from the jets as they crossed the field in a fly-by. It is a moving experience, but it moved none of us as much as it moved Derrick Thomas, who set records based on the inspiration that reminded him of his dad.

Derrick will, no doubt, enter the pantheon of Kansas City's great athletes—George Brett, Tom Watson, and Len Dawson, just to name a few. But Derrick's accomplishments off the field are worthy of note as well. He was that kind of special star who took all that he gained from his talents and gave back with generosity, energy, and joy to his community. Very early in his career as a Kansas City Chief, he began an inner-city reading program called the "Third and Long Foundation." As part of it, he read to children at local libraries on Saturdays when he was home in Kansas City during the season.

He was No. 832 among President George Bush's celebrated "Thousand Points of Light." He was named the NFL's Man of the Year in 1993. Two years later, he received the Byron "Whizzer" White Humanitarian Award from the NFL Players Association for his service to the community. In addition, he received the Genuine Heroes Award from Trinity College in Chicago.

But more important than accolades from several foundations was the love and respect directed toward Derrick by the people of Kansas City. They understood that Derrick helped bring an invigorated sense of civic pride and community and togetherness to Kansas City, and the Chiefs fans were inspired by his sunny smile, his giving heart, and his winning ways. The arrival of Carl Peterson and Derrick Thomas to Kansas City marked the resurrection of Lamar Hunt's historic franchise. The people of Kansas City loved Derrick Thomas—as a Chief and as a person. Carl Peterson, at yesterday's news conference, clearly communicated his deep respect and profound joy in his association with Derrick.

Others expressed themselves eloquently as Kansas City Chiefs fans who, visiting the Web site on the Sports Illustrated chat room, left remarks about this great football player. The first remark I would like to call to your attention is from a fan who calls himself "Frank L." In a frank evaluation, perhaps, he put it this way:

> Thanks for everything, D.T. [Derrick Thomas]. You helped bring our city to life and gave us a common cause. While doing that you helped a lot of those less fortunate. Now you are with your father that you always talked about and never knew. Back here in the land of the free and the home of the Chiefs we will never forget you. God bless your soul.

That line back there, "in the land of the free and the home of the Chiefs," is the way they sing the anthem at the stadium. They didn't want to say the "brave," so they said the "Chiefs." Derrick knew that and enjoyed it.

Listen to what a fan, called Big58, says. And, of course, we all know Derrick was No. 58. He wore that number on his jersey. A fan who identified himself as Big58 said:

> I can't believe that Derrick is gone. He was one of my heroes for more than a decade now. Derrick did so much for the Kansas City community and the people here. He wasn't loved in KC because he was such a great athlete. He was loved in KC because of the person he was. The time and money he gave to help the kids of the Kansas City community was enormous. And who can forget his Veterans Day performances dedicated to his father who was killed in Vietnam? They were always D.T. at his best. At least D.T. will have some great company along with our Lord in Heaven. I'll bet he's chasing around Walter Payton right now. And ya know what, Derrick will finally get to spend time with his Dad. We love you and will miss you Derrick. Rest in Peace.

And finally, not only are Chiefs fans saddened, but others who recognized his talents as well. Listen to what Lance Reynolds had to say:

> I have been a Raider fan for over 20 years. Derrick Thomas single handedly ruined at least a dozen Sunday afternoons for me; destroying O-tackles, tight-ends and quarterbacks of the Silver & Black. The Raiders-Chiefs rivalry runs deep. Even though, I have found myself pacing the Chiefs sidelines the past couple of weeks avidly cheering for Derrick Thomas' quick recovery. Today I find myself amongst the millions mourning his death. Derrick Thomas, you wickedly ruthless foe, God Bless You! You are already missed!

From time to time, we are compelled to pause and consider the real and lasting value of the things we hold dear. For Missouri football fans like me, today is a reminder that, as much as we love the game, it is just a game.

To those to whom we look for examples, we extend our thanks, and we give our thanks to Derrick, for he was one who excelled not just on the field but inspired us by an example and called us to our highest and best.

Friends such as Derrick Thomas are a rare and special gift to each of us. We will miss him. Our prayers are with his family his friends and each other as we, his fans, across the Nation and certainly across Missouri and Kansas City are saddened by this very substantial loss.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak for such time as I may consume despite the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Chair.

NUCLEAR WASTE POLICY ACT AMENDMENTS

Mr. GRAMS. Mr. President, I want to take some time today to express my outrage with the way the federal government has handled its responsibility to remove and store nuclear waste from 41 states across the country and to outline my thoughts on the bill before us. I'm also going to speak about my expectations for the future of nuclear energy and the future of nuclear waste storage in the State of Minnesota.

First, I hope the Senate will indulge me while I review the process that has brought all of us here today.

As everyone in this chamber knows, Washington's involvement in nuclear power isn't new. Since the 1950's "Atoms for Peace" program, the federal government has promoted nuclear energy, in part, by promising to remove radioactive waste from power plants.

Congress decisively committed the federal government to take and dispose of civilian radioactive waste beginning in 1998 through the Nuclear Waste Policy Act of 1982, and its amendments in 1987.

This is nothing new. Eighteen years ago Congress decided that the Federal Government was going to take this waste beginning in 1998, and also by amendments in 1987 reestablish those facts.

These acts established the DOE Office of Civilian Radioactive Waste Management to conduct the program, selected Yucca Mountain, Nevada as the site to assess for the permanent disposal facility, established fees of a tenth of a cent per kilowatt hour on nuclear-generated electricity—and provided that these fees would be deposited in the Nuclear Waste Fund. Furthermore, it authorized appropriations from this fund for a number of activities, including development of a nuclear waste repository.

Eventually, publication of the Standard Contract addressed how radioactive waste would be taken, stored, and disposed of. The DOE then signed individual contracts with all civilian nuclear utilities promising to take and dispose of civilian high-level waste beginning January 31, 1998—over two years ago. Other administrative proceedings, such as the Nuclear Regulatory Commission's Waste Confidence Rule, told the American public that they should literally bank on the federal government's promise.

In other words, take this promise to the bank.

I think this point needs to be clearly understood by the Members of this body.

Our nation's nuclear utilities didn't go out and invest in nuclear power in spite of federal government warnings of future difficulties. Instead, they were encouraged by the federal government to turn to nuclear power to meet increasing energy demands.

Utilities and states were told to move forward with investments in nuclear technologies because it's a sound source of energy production.

And the federal government's support for nuclear power was based on some very sound considerations.

First, nuclear power is environmentally friendly. Nothing is burned in a nuclear reactor, so there are no emissions in the atmosphere. In fact, nuclear energy is responsible for over 90 percent of the reductions in greenhouse gas emissions that have come out of the energy industry since 1973. Between

1973 and 1996, nuclear power accounted for emissions reductions of 34.6 million tons of nitrogen oxide and another 80.2 million tons of sulfur dioxide.

Second, nuclear power is a reliable base load source of power. Families, farmers, businesses, and individuals who are served by nuclear power are served by one of the most reliable sources of electricity.

Third, nuclear energy is a homegrown technology, and the United States led the way in its development. We have long been the world leader in nuclear technology and continue to be the largest nuclear-producing country in the world. Using nuclear power increases our energy security.

Finally, much of the world recognizes those same values and promotes the use of nuclear power because of its reliability, its environmental benefits, and its value to energy independence.

Because of those reasons, the Federal Government threw one more bone to our Nation's utilities. It said if you build nuclear power, we will take care of your nuclear waste, we will build a repository, and we will take it out of your State.

In response to those promises—again, those promises the Federal Government said you can take to the bank—over 30 States took the Federal Government at its word and allowed civilian nuclear energy production to move forward.

As I mentioned earlier, ratepayers agreed to share some of the responsibilities but again were promised some things in return. They agreed to pay a fee, attached to their energy bill, to pay for the proper handling of the spent nuclear fuel, in exchange for assurances that the Federal Government meet its responsibility to manage any waste storage challenge. Again, contracts were made, contracts were signed.

Because of these procedures and measures taken by the Federal Government, ratepayers have now paid over $15 billion, including interest, into the nuclear waste fund. Today these payments continue, exceeding $1 billion dollars annually, or about $70,000 for every hour of every day of the year.

In summary, the Federal Government promoted nuclear power, utilities agreed to invest in nuclear power, States agreed to host nuclear powerplants, and ratepayers assumed the responsibility of investing in long-term storage of nuclear waste.

Still, nuclear waste is stranded on the banks of the Mississippi River in Minnesota and on countless other sites across the country because the Department of Energy has a very short-term memory, and this administration has virtually no sense of responsibility. We can all argue all day long on the floor of this Chamber on the merit of nuclear power, but we cannot stand here today and deny that the Federal Government promoted nuclear power and promised to take care of nuclear waste and that there is nuclear waste piled up around the country.

The Clinton administration, however, would have you believe that they do not have a responsibility to deal with nuclear power. I have been working with Senator MURKOWSKI and many other Members over the roughly 5 years I have been in the Senate to establish an interim repository for nuclear waste and to be able to move forward with the development of a permanent repository. We have brought a bill to the floor that accomplishes those objectives in each of the past two Congresses. Each time, we passed the bill in both the House and the Senate with overwhelming bipartisan support. Just over 2 years ago, we passed by a vote of 65–34 a bill that would have removed nuclear waste from States, and the House passed the bill with 307 supporters—a veto-proof majority in the House.

We have had extensive debate with the opportunity for anyone to offer amendments. We have thoroughly addressed most issues related to nuclear waste storage, including the transportation of waste across the United States. Yet every time we have passed a bill that fulfills the Federal Government's commitments, President Clinton has issued his veto threat and he has stopped our efforts in their tracks.

After years of trying to establish an interim storage site, we are now left with only the ability to make some smaller changes to the nuclear waste program and condition the date for removal of waste on the authorization for construction of the permanent repository.

I want to tell my colleagues that I am not overly joyous about the bill before the Senate today. In fact, I don't think this bill does enough. But I don't blame those who support the bill for what the bill does not do, and neither should anyone else across the Nation or anyone here in Congress. If anyone is at fault for the lack of a definite action and definitive action on this issue, it is the Clinton administration.

As my colleagues are very well aware, my main concerns with the nuclear waste storage issue have centered on two major issues. First, the ratepayers of Minnesota have paid countless millions into the nuclear waste fund, and they expect nuclear waste to leave Minnesota at a reasonable date. More specifically, Minnesota ratepayers expect nuclear waste to leave our State no later than beginning on January 31, 1998. We all know that it didn't, and we all have known it won't be leaving anytime soon no matter what we do this week in the Senate.

Second, because the State of Minnesota recognized in the early 1990s the Federal Government would not meet its obligation to remove spent nuclear fuel from the State by January 1998, it placed a limit on the amount of onsite waste storage at Northern States Power Company's Prairie Island Facility. Northern States Power agreed to that limit. But it now appears the State-imposed limit for this onsite storage will be reached sometime in the year 2007, and then two nuclear reactors that produced 20 percent of Minnesota's electricity will be forced to shut down.

At a time when we are trying to reduce carbon dioxide, sulfur dioxide, and other emissions across the country, Minnesota will be losing 20 percent of its emissions-free electricity generation, and it will be replaced with fossil fuels. The loss of those two reactors also means increased costs to ratepayers, as Minnesotans will continue to pay in their rates for the operation of the nuclear facility even after it is shut down. Security will be needed, people will have to remain onsite to monitor both the waste in casks and the spent rods and the storage pool.

Water systems will have to remain working, as will any emergency response teams. In fact, the costs of operations may not reduce much at all. The ratepayers will pay the bill and they will get nothing for it. So there are some big problems that need to be addressed in my State, and it will require the participation and also the leadership of the Federal Government.

While this bill does not immediately fix either of these concerns, it does make some progress that I believe is important to move forward. First, while this legislation doesn't move waste from Minnesota or any other State on a specific date, it does advance the removal date by allowing the construction of an early acceptance facility upon approval of construction for the permanent repository. Right now, that would mean sometime in late 2006 or sometime early 2007.

Under the current situation, we won't move waste until the permanent repository is built and operating—and no one is quite sure when that will be. We thought we had a date certain for the removal of waste—again, going back to the old contracts, bills passed in 1982, that it would begin no later than January 31, 1998. Again, the Department of Energy ignored it as if it didn't exist, that the contracts they signed didn't matter, and had no bearings. They continue to do the same yet today.

This bill tries to establish a reasonable threshold for the construction of an early receipt facility. I think that is something that is achievable. The bill protects ratepayers by requiring that only Congress can undertake actions which would raise the fee paid by energy consumers into the nuclear waste fund. The Secretary of Energy will not be able to act unilaterally to raise that rate.

He says he would like to take control, or take title to the nuclear waste, and they would pay for the facility and all the storage. But the only way they would do that is to go back to the ratepayers, or the taxpayers, for more money to take care of a problem they have ignored.

Third, this bill will put in place transportation provisions for nuclear waste that are similar to those now in the place for the transport of low-level waste to the Waste Isolation Pilot Project in New Mexico.

Fourth, this bill tries to establish a mechanism by which we can avoid unreachable regulations governing the radiation standard for the permanent repository. The EPA should not be allowed to unilaterally set an unreasonable radiation standard aimed solely at ensuring the permanent repository is never built.

The radiation standard should protect long-term human health and should be based on the best science available—but it should not be a bullet aimed at the heart of the permanent repository.

Fifth, this bill addresses the problems just across the Minnesota border with Dairyland Power Cooperative. They have been requesting and needing some relief from their specific problem and have tremendous support in Minnesota.

In fact, the Minnesota Rural Electric Association strongly supports this bill for that very reason.

Sixth, I believe this bill is a step forward for nuclear power. There are provisions in the bill that allow for additional research into the transmutation of nuclear waste and the viability of reprocessing. Senator DOMENICI and I traveled to France and examined their waste program and reprocessing facilities.

France has taken our technology and used it to create an amazingly integrated and well planned program that allows them to derive over 80 percent of their electricity from nuclear power. For them, our fascination with nuclear waste is perplexing. They can deal with their waste.

I stood on the floor under which all of their nuclear waste is now stored. We need to take another look at how we think about both nuclear power and nuclear waste storage and this bill allows for that to happen.

Seventh, this bill does not include everything I believe it should. I have tried to address the situation with Northern States Power but right now we do not have a perfect answer. I believe keeping Prairie Island open and operating will require the cooperation of NSP, the Secretary of Energy, the States of Minnesota, and those of us in Congress.

I will be pushing Secretary Richardson to come to Minnesota to sit down with the state legislature, the Governor's Office, NSP, and me to see if we can find some common ground.

I have also received the assurance of Senator MURKOWSKI that the Energy and Natural Resources Committee will not forget about Minnesota and that he will continue to work with me on this important matter as well.

I am also pleased that Senator MURKOWSKI agreed to include some language I proposed which will aid in the process of addressing Minnesota's situation. My language has two specific components which will aid decisionmakers in Washington and in Minnesota throughout the coming months and years.

The first part of my language requires the DOE to report on all alternatives available to NSP and the Federal Government which would allow NSP to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current NRC licenses, assuming existing State and Federal laws remain unchanged.

I want to get the DOE engaged in discussions and cooperation with the State of Minnesota and NSP on this matter. Unfortunately, I have not seen a willingness within federal agencies to work with the State of Minnesota and NSP on what options might exist that would facilitate a resolution of this dispute.

I want to get everyone working together on this problem now, not 6 years from now when a shutdown is imminent.

Additionally, my language will require the General Accounting Office to issue a report on the potential economic impacts to Minnesota ratepayers should the Prairie Island facility cease operations once it has met its state imposed storage limitation—including the costs of new generation, decommissioning costs, and the costs of continued operation of on-site storage of spent nuclear fuel storage.

I am hopeful this information will give both policymakers and ratepayers a clearer indication of exactly what a shutdown of the facility means not only to the reliability of their electric service, but to the checkbooks of Minnesota families as well.

Finally, I believe it was vitally important that we removed the take title provision from this legislation. I do not believe we should give the DOE any further opportunities to leave waste where it now sits. Allowing the DOE to take title to waste is a dangerous proposition for ratepayers.

I was proud to join Senators COLLINS, SNOWE, and JEFFORDS in offering the amendment to delete the take title provision and I am grateful Senator MURKOWSKI deleted the take title provision from the manager's amendment as well.

While these components will certainly be helpful to my State, I know there will be some in Minnesota who'll want me to oppose this bill because it does not go far enough. But I do not believe I would be serving the interests of my constituents by voting against a good bill that might help Minnesota ratepayers because of what is not in it.

I should not vote against a good bill because it is not a perfect bill. And I cannot vote against a bill that might move waste out of Minnesota sooner than under current conditions, because it does not move waste out as soon as I would like. I intend to vote in support of this bill because I believe it is an important bill.

I intend to vote for the bill because I want to remain part of this process and because I do not believe Minnesota can withdraw itself from this debate. And I intend to vote for this bill because I believe this is part of a process in restoring government accountability in the nuclear waste debate.

I may be back asking for more or looking for other opportunities to help my State and my State's ratepayers. I do not consider this matter closed either in Minnesota or in Washington, DC.

I want to take just a moment to thank Senator MURKOWSKI for his willingness to work with me and to continue to explore ways in which we can help my State. His staff have remained open to our concerns and willing to work with my staff.

They have been honest about what they cannot do—and I appreciate that as well.

I also want to issue a warning and a challenge to my colleagues in the Senate. Let us not assume that this is a great victory for ratepayers or for our States.

This legislation does not fulfill the Federal Government's commitment to remove nuclear waste.

Regrettably, this bill is but a shell of the bills we have passed with bipartisan support in each of the last two Congresses. So we should not go home and tell our constituents that this matter is resolved or that our work here is finished.

I am a little biased, but I hope we have a totally new direction in the White House after next year. I hope that translates into a willingness to engage Congress and the States on nuclear waste issues rather than the protracted effort to ignore Congress and the States that this administration has relied upon.

I believe we are going to have that new direction and I am going to be back asking that administration to move forward immediately on interim storage.

If this administration is unwilling to provide the American people with the services for which they have paid, I hope and expect they will make sure the next administration will do that and live up to the promises it made.

I yield the floor.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–21

Mr. GRAMS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on February 9, 2000, by the President of the United States: Rotterdam Convention concerning Hazardous Chemicals, and Pesticides in International Trade (Treaty Document No. 106–21).

I further ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, with Annexes, done at Rotterdam, September 10, 1998. The report of the Department of State is enclosed for the information of the Senate.

The Convention, which was negotiated under the auspices of the United Nations Environment Program and the United Nations Food and Agriculture Organization, with the active participation of the United States, provides a significant and valuable international tool to promote sound risk-based decisionmaking in the trade of certain hazardous chemicals. Building on a successful voluntary procedure, the Convention requires Parties to exchange information about these chemicals, to communicate national decisions about their import, and to require that exports from their territories comply with the import decisions of other Parties.

The United States, with the assistance and cooperation of industry and nongovernmental organization, plays an important international leadership role in the safe management of hazardous chemicals and pesticides. This Convention, which assists developing countries in evaluating risks and enforcing their regulatory decisions regarding trade in such chemicals, advances and promotes U.S. objectives in this regard. All relevant Federal agencies support early ratification of the Convention for this reason, and we understand that the affected industries and interest groups share this view.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification, subject to the understanding described in the accompanying report of the Secretary of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 2000.*

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. on Thursday, February 10, 2000.

Thereupon, the Senate, at 6:28 p.m., adjourned until Thursday, February 10, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 9, 2000:

DEPARTMENT OF AGRICULTURE

CHRISTOPHER A. MCLEAN, OF NEBRASKA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE, VICE WALLY B. BEYER.

DEPARTMENT OF STATE

JOHN R. DINGER, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

DOUGLAS ALAN HARTWICK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

CHRISTOPHER ROBERT HILL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

DONNA JEAN HRINAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VENEZUELA.

JOHN MARTIN O'KEEFE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

MARY ANN PETERS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARC RACICOT, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2004, VICE REATHA CLARK KING, RESIGNED.

ALAN D. SOLOMONT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2004, VICE CAROL W. KINSLEY, TERM EXPIRED.

THE JUDICIARY

KENT R. MARKUS, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DAVID A. NELSON, RETIRED.

ROBERT J. CINDRICH, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE TIMOTHY K. LEWIS, RETIRED.

JOHN ANTOON II, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE G. KENDALL SHARP, RETIRED.

PHYLLIS J. HAMILTON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE AN ADDITIONAL POSITION IN ACCORDANCE WITH 28 U.S.C. 133 (B) (1).

DEPARTMENT OF JUSTICE

AUDREY G. FLEISSIG, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE EDWARD L. DOWD, JR., RESIGNED.

FEDERAL ELECTION COMMISSION

DANNY LEE MCDONALD, OF OKLAHOMA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2005. (REAPPOINTMENT)

BRADLEY A. SMITH, OF OHIO, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2005, VICE LEE ANN ELLIOTT, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TIMOTHY A. HOLDEN, 8780

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DANIEL H. STONE, 0520

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JEFFREY S. MACINTIRE, 5078

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be lieutenant colonel

JOHN J. FITCH, 2316

To be major

TREVOR W. SHAW, 0259
*TIMOTHY L. WATKINS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTOPHER F. AJINGA, 2062
WILLIAM T. AKANA, 2688
ROBERT D. ALLEN, 0463
SCOTT A. ALLEN, 9520
SCOTT T. ALLEN, 6540
DAVID A. ANDERSON, 1353
RICHARD A. ANDERSON, 2413
ROARKE L. ANDERSON, 7810
JOSEPH A. ANDY, 5836
DALE M. ATKINSON, 2242
PAUL K. AUGUSTINE, 5501
DAVID F. AUMULLER, 4038
MARK T. AYCOCK, 3492
JEFFREY T. BAILEY, 5872
FRANKLIN D. BAKER, 4990
ROBERT S. BAKER, 7007
ROSSER O. BAKER, JR., 2503
THOMAS W. BAKER, 2159
KEITH W. BASS, 2572
LUDOVIC M. BAUDOINDAJOUX, 8583
MITCHELL A. BAUMAN, 2297
PATRICK B. BEAGLE, 9681
MICHAEL F. BELCHER, 2011
JOEL H. BERRY III, 6291
CRAIG W. BEVAN, 7555
JAMES H. BISHOP, 2063
BENJAMIN S. BLANKENSHIP, 7945
FRANCIS P. BOTTORFF, 7078
PAUL R. BOUGHMAN, 4338
RICHARD D. BOYER, 7851
BENJAMIN R. BRADEN, 6761
CARTER H. BRANDENBURG, 3597
TERENCE P. BRENNAN, 3264
JAMES B. BRIGHT, 2897
MICHAEL G. BROIHIER, 3238
JOHN A. BROW, 4776
KIRK E. BRUNO, 1258
JOHN A. BRUSH, 2257
FREDRICK C. BRYAN, 4396
LANCE M. BRYANT, 1540
MARTIN C. BRYANT, 0329
SHAWN W. BURNS, 9225
KEVIN L. BYWATERS, 7953
WILLIAM P. CABRERA II, 8279
PAUL F. CALLAN, 6961
ROBERT F. CASTELLVI, 8039
ANTONIO J. CERRILLO, 0270
MARK S. CHANDLER, 2750
PHILLIP C. CHUDOBA, 6994
MATTHEW R. CICCHINELLI, 2999
KEITH L. CIERI, 5640
JACK CIESLA, 8535
CHRIS A. COLEE, 9224
STEPHEN J. CONBOY, 6253
ALBERT T. CONORD, 7570
CHRISTOPHER R. COVER, 8071
JONATHAN D. COVINGTON, 2266
JOHN J. CRANE, 7804
JAMES T. CRAVENS, 1255
MARK J. CRAVENS, 8330
CRAIG C. CRENSHAW, 5885
JOSE G. CRISTY II, 9868
JON C. CUNNINGHAM, 2941
JOSEPH W. CURATOLA, 6799

PAUL J. CYR. 6347
BRIAN E. DANIELSON. 5996
ROBERT R. DANKO. 6948
DANIEL J. DAUGHERTY. 0097
CULLEN L. DAVIDSON III. 6967
CHRISTOPHER J. DAVIS. 8434
ROBERT E. DAVIS. 4136
DANIEL C. DEAMON. 3402
ROBERT D. DEFORGE. 8502
FRANCIS A. DELZOMPO. 3104
MARK J. DESENS. 0795
STUART L. DICKEY. 1711
JON G. DOERING. 1065
JEROME E. DRISCOLL. 7065
DAVID A. ELLIS. 9057
KEVIN G. EMERY. 6803
LINK P. ERMIS. 1270
WILLIAM P. ESHELMAN, JR., 9773
MARK P. EVERMAN. 1742
JOHN M. FARLEY. 5925
WILLIAM R. FEARN IV. 7355
STEPHEN A. FERRANDO. 9068
ERIC K. FIPPINGER. 9916
KENNETH S. FISCHLER. 3641
DANIEL M. FITZGERALD. 0774
TIMOTHY W. FITZGERALD. 8097
TERRY M. FLANNERY. 3004
SUSAN W. FONTENO. 4587
DAVID C. FOSTER. 9649
DAVID S. FOY. 3110
JAMES B. FRITZ. 1287
THOMAS J. FUHRER. 7937
JOHN D. GAMBOA. 4019
MICHAEL G. GARRETT. 8207
JAMES D. GASS. 8725
ROBIN G. GENTRY. 9901
JEFFREY G. GERVICKAS. 3062
HERMAN H. GILES, JR., 7195
KENYON M. GILL III. 5389
DANIEL J. GILLAN. 0863
RUSSELL E. GLOVER. 1746
STEWART O. GOLD. 2718
RICKEY L. GRABOWSKI. 8519
DAVID G. GRAN. 5768
RICHARD E. GRANT. 6130
WILLIAM F. GRESHAM. 2445
TRACY R. HAGUE. 1309
BRUCE A. HAINES. 4912
CHRISTIAN N. HALIDAY. 4816
JOHN A. HALL, JR., 9780
MARK E. HALL. 1758
TIMOTHY J. HALL. 5989
THOMAS J. HAMILTON II. 5556
JAMES W. HAMMOND III. 8605
MICHAEL B. HANYOK. 6558
DOUGLAS M. HARDISON. 4555
LONNIE R. HARRELSON. 4342
WILLIAM M. HARRISON. 2262
DANA L. HASKELL. 0588
DAVID S. HEESACKER. 1948
TOMMY L. HESTER. 0986
JEFFREY M. HEWLETT. 6053
MICHAEL K. HILE. 4409
JON S. HOFFMAN. 0421
GORDON N. HOUSTON. 4845
BOBBY H. HUNT. 1892
CARL R. INGEBRETSEN, JR., 7782
BIENVENIDO P. INTOY, JR., 8072
SCOTT B. JACK. 7916
TIMOTHY J. JACKSON. 5378
ROBERT A. JACOBS. 6622
MARK S. JEBENS. 5563
CRAIG D. JENSEN. 2340
DANIEL P. JOHNSON. 8266
DARIN D. JOHNSON. 6859
MICHAEL C. JORDAN. 6802
JOSEPH JUDGE. 0095
STEPHEN P. KACHELEIN. 2347
JOHN F. KELLY. 1148
TODD G. KEMPER. 5348
MICHAEL J. KIBLER. 6502
MICHAEL R. KING. 7326
STEPHEN F. KIRKPATRICK. 7431
GEORGE R. KNISLEY. 5781
BRIAN J. KRAMER. 2730
ROOSEVELT G. LAFONTANT. 0517
CHRIS A. LAMSON. 7712
DAVID A. LAPAN. 5817
ROBERT F. LEARY. 6749
DANIEL J. LECCE. 9124
ERICK J. LERMO. 1980
RAYMOND F. LHEUREUX. 7431
DONALD J. LILES. 2175
JOHN D. LLOYD. 2977
DAVID P. LOBIK. 0427
LAWRENCE J. LONG, JR., 0271
DAMIEN X. LOTT. 8122
MICHAEL E. LOUDY. 1657
JOHN K. LOVE. 6661
BRADLEY L. LOWE. 1226
MICHAEL J. LYNCH. 9794
GREGG L. LYON. 7464
ANDREW R. MACMANNIS. 4943
PATRICK J. MALAY. 5352
STEVEN T. MANNING. 7929
DOUGLAS C. MARR. 9421
FRANCESCO MARRA. 9265
CHRISTOPHER B. MARTIN. 4407
MICHAEL T. MAURO. 0252
JOHN F. MAY. 4797
JOHN L. MAYER. 7452
PETER T. MCCLENAHAN. 7709
BRYAN P. MCCOY. 2401
SCOTT R. MCGOWAN. 9847
JAMES A. MCGREGOR. 5501
MICHAEL S. MCGUIRE. 2512
LEON A. MCILVENE. 1775
ANTHONY R. MCNEILL. 9383
MICHAEL A. MICUCCI. 7553
DREW B. MILLER. 1966
MARK A. MILLER. 0323
SIDNEY F. MITCHELL. 6311
PATRICK J. MOCK. 3663
THOMAS C. MOORE. 6113
KENT D. MORRISON. 3962
MICHAEL K. MORTON. 2609
LAURA J. MUHLENBERG. 4009
CHRISTOPHER J. MULLIN. 1159
CARL E. MUNDY III. 5967
KATHLEEN M. MURNEY. 3523
GLENN A. MURRAY. 2483
BRIAN C. MURTHA. 2966
NICHOLAS F. NANNA. 8729
DAVID A. NELSON. 6645
NEIL E. NELSON. 9399
DAVID L. NICHOLSON. 8339
DANIEL J. ODONOHUE. 3417
ROBERT G. OLTMAN. 9848
FREDERICK M. PADILLA. 0193
BRIAN T. PALMER. 3369
PAUL S. PATTERSON, JR., 1147
GERALD A. PETERS. 8589
PETER PETRONZIO. 1240
MICHAEL N. PEZNOLA. 6600
RUSSELL J. PHARRIS. 2235
DANIEL A. PINEDO. 8002
LAWRENCE J. PLEIS III. 3719
SCOTT H. POINDEXTER. 2355
ALAN M. PRATT. 0817
RICHARD B. PREBLE. 6945
CLARENCE V. PREVATT IV. 1596
JOHN D. QUIGLEY, JR., 0765
JOHN T. QUINN II. 4642
RONALD B. RADICH. 0703
PETER M. RAMEY. 2443
PETER C. REDDY. 6715
RICHARD W. REGAN. 3847
SHAWN M. REINWALD. 4658
JAY W. REIST. 1233
MARC F. RICCIO. 9925
STEPHEN P. RICHARDSON. 4224
PATRICK A. RILEY. 9781
JEFFREY A. ROBB. 4676
LAWRENCE R. ROBERTS. 8115
STEVE B. RODRIQUES. 2000
LISA A. ROW. 9652
ROBERT R. ROWSEY. 9410
STEVEN R. RUDDER. 3612
GREGORY M. RYAN. 9000
JOSEPH P. SAMPSON. 3514
ROBERT L. SARTOR. 7872
RICHARD M. SCHMITZ. 8962
PAUL D. SCHULTZ. 9800
JOHN M. SCHUM. 1928
CLARENCE E. SEXTON, JR., 7422
JEFFREY J. SHARROCK. 2941
KIRK A. SHAWHAN. 6160
TIMOTHY V. SHINDELAR. 3914
BRADLEY H. SHUMAKER. 9414
FRANK H. SIMONDS, JR., 5675
WENDY A. SMITH. 7437
JOHN R. SNIDER. 0721
JOHN E. SNOW. 1493
JEFFREY S. SPEIGHTS. 5611
WENDY A. STAFFORD. 1313
JAMES J. STANFORD, JR., 4016
ANDREW O. STARR. 6849
TERRY P. STAUTBERG. 7546
CHRISTOPHER W. STODDARD. 9727
STEPHEN M. SULLIVAN. 2582
JAMES B. SWEENY III. 4733
SHAWN P. TATUM. 0498
MICHAEL J. TAYLOR. 0618
WILLIAM L. TAYLOR. 4208
DAVID J. TERANDO. 3343
DOUGLAS P. THOMAS. 1167
GARY L. THOMAS. 0198
CRAIG Q. TIMBERLAKE. 0175
MARK J. TOAL. 6427
FRANK E. TOY III. 7067
GREGORY A. TRUBA. 3731
FLOYD J. USRY, JR., 6409
CYNTHIA J. VALENTIN. 5325
MARK D. VANKAN. 0424
THOMAS M. VARMETTE. 3699
ELVIS F. VASQUEZ. 1913
KEVIN S. VEST. 2226
WILLIAM J. WAINWRIGHT. 9182
WILLIAM F. WALSH. 2352
HARRY P. WARD. 8997
PATRICK WARESK. 5106
DAVID M. WARGO. 3706
JOHN L. WELINSKI. 9913
CLARENCE E. WELLS. 4818
MICHAEL R. WESTMAN. 4562
RICHARD A. WESTMORELAND. 6786
WES S. WESTON. 2482
THOMAS W. WHIELDON, JR., 1236
DUFFY W. WHITE. 1940
ERIC R. WHITE. 6427
BARNEY K. WICK. 3190
THOMAS M. WILLIAMS, JR., 4730
DONALD G. WOGAMAN. 5494
PETER D. WOODMANSEE. 2652
GEORGE D. ZAMKA. 3788
RONALD M. ZICH. 7615
JOAN P. ZIMMERMAN. 6603

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOE H. ADKINS, JR., 3633
JASON G. ADKINSON. 8643
ROBERT H. AESCHBACH, JR., 1624
JEFFERY A. AFMAN. 6466
DARRELL L. AKERS. 7936
JOHN L. ALBERS. 6363
IRMA E. ALVAREZ-ALEXANDER. 6569
MIGUEL A. AMEIGEIRAS. 6490
JOHN D. AMSDEN. 3165
ERIC S. ANDERSON. 8043
JOHN R. ANDERSON. 9998
MICHAEL P. ANTONIO. 5220
RHESA J. ASHBACHER. 2213
PAUL H. ATTERBURY. 0305
CALVIN A. AUSTIN. 0461
ROBERT B. BABCOCK. 9117
WARREN P. BAIR. 5731
HEZEKIAH BARGE, JR., 5470
ANTHONY S. BARNES. 3402
JASON M. BARRETT. 6646
BRAD S. BARTELT. 3804
GARY L. BASH, JR., 7634
STEVEN W. BATCHELOR. 4585
DOUGLAS L. BELL. 2085
RUSSELL L. BERGEMAN. 2772
JOHN W. BICKNELL, JR., 7674
STEFAN E. BIEN. 5329
DAVID L. BIRCH. 3705
GERALD M. BLOOMFIELD II. 2889
ARNOLD M. BLUMENTHAL. 5462
JOEY L. BORJA. 7730
BRADLEY R. BORMAN. 1295
THOMAS BOWERS. 7902
BRIAN W. BOWLING. 3101
JAMES D. BRACVKEN. 2453
PRESTON C. BRENCHLEY. 2893
TOM BRENEMAN, JR., 1316
MARK T. BRINKMAN. 0364
CARL P. BRODHUN III. 9085
CHARELS L. BROWN. 3362
LLOYD P. BROWN. 8490
BRIDGET L. BRUNNICK. 1845
MICHAEL G. BRUNO. 5383
GREGORY A. BRYANT. 9156
RAYMOND R. BURKEMPER. 8698
RONALD J. BURNS. 4144
JOSE D. BUSTOS. 7661
GREGORY E. BUTCHER. 3530
MICHAEL A. BYRD. 2401
CHRISTAN G. CABANISS. 8990
GERALD M. BLOOMFIELD II. 2889
ARNOLD M. BLUMENTHAL. 5462
JOEY L. BORJA. 7730
BRADLEY R. BORMAN. 1205
THOMAS S. BOWERS. 7902
BRIAN W. BOWLING. 3101
JAMES D. BRACKEN. 2453
STEPHAN L. BRADICICH. 8456
JAMES L. BREASETTE. 6512
PRESTON C. BRENCHLEY. 2893
TOM BRENEMAN, JR., 1316
MARK T. BRINKMAN. 0364
CARL P. BRODHUN III. 9085
CHARLES L. BROWN. 3362
LLOYD P. BROWN. 8490
BRIDGET L. BRUNNICK. 1845
MICHAEL G. BRUNO. 5383
GREGORY A. BRYANT. 9156
RAYMOND R. BURKEMPER. 8698
RONALD J. BURNS. 4144
JOSE D. BUSTOS. 7661
GREGORY E. BUTCHER. 3530
MICHAEL A. BYRD. 2401
CHRISTIAN G. CABANISS. 8990
GERALD W. CALDWELL. 2889
PETER S. CALOGERO. 4077
SCOTT E. CAMDEN. 0722
MICHEL C. CANCELLIER. 6635
JOHN J. CARROLL, JR., 2409
LAWRENCE A. CASSERLY. 4237
JOHN R. CASTILLO. 0104
MICHAEL N. CASTLE. 5473
BRIAN W. CAVANAUGH. 4807
MICHAEL CELIS. 4156
SALVADOR E. CEPEDA. 2378
MICHAEL J. CHAMBERLAIN. 0918
CHRISTIAN P. CHARLEVILLE. 2083
CLIFFORD D. CHEN. 9826
JEFFREY S. CHESTNEY. 2683
ERIK L. CHRISTENSEN. 5608
BRENT P. CHRISTIE. 0186
JOHN P. CHRISTOPHER. 3903
VINCENT D. CIRELLI. 3649
DARIN M. CLAY. 7736
KEVIN P. CLYDE. 8308
SHAWN J. COAKLEY. 1018
STEPHEN C. COHN. 7458
BRIAN H. COLLINS. 8132
KEVIN P. COLLINS. 2412
WILLIAM J. CONGDON. 6377
JEROME M. CONLEY. 5064
ROGER L. CONRAD. 0718
SHANE B. CONRAD. 9008

CHAD J. CONYERS, 0900
JONATHAN P. COOMBES, 5474
ADAM W. COONS, 0052
JOSEPH M. CORBETT, 7209
KIRK F. CORDOVA, 4292
BRIAN G. COSGROVE, 6378
MICHAEL S. COTTREAU, 1241
GERRY R. COX, 5587
ANDREW L. CRABB, 8246
MATTHEW R. CRABILL, 0257
DANIEL P. CREIGHTON, 9137
CHARLES M. CROMWELL, 7765
ANDREW G. CUMMING, 7800
MICHAEL S. CUNINGHAM, 0732
KARON L. CURRY, 8389
MICHAEL J. CURTIN, 6026
JON M. DALLMAN, 5892
SCOTT T. DAVIDS, 6014
DONALD J. DAVIS, 4233
HAROLD P. DAVIS, 9880
JOHN B. DAVIS, 4775
MATTHEW A. DAY, 9482
MARK W. DEETS, 0059
MARTIN K. DEICHERT, 8902
TODD S. DENSON, 9687
KENNETH R. DEVERO II, 4478
OSSEN J. DHAITI, 5595
JEFFREY J. DILL, 2351
KELLY G. DOBSON, 6026
DOUGLAS G. DOUDS, 3811
DALLAS D. DUDLEY II, 8651
DAVID A. DUFF, 3053
DANIEL E. DUGGAN, 3994
CHARLES M. DUNNE, 2913
EDWARD C. DURANT, 2670
CRAIG P. ECK, 6046
TODD S. ECKLOFF, 4683
DAVID W. EILAND, 6601
ANDREW J. ELDRINGOFF, 8733
KATHERINE J. ESTES, 2173
JOSEPH M. EVANS, JR., 3142
ADRIENNE F. EVERTSON, 8633
SHAWN S. FARRINGTON, 9038
TIMOTHY C. FAWCET, 1042
MATTHEW P. FERGUSON, 0909
MECHAEL M. FERNANDEZ, 6897
TRENT J. FERRIS, 4140
ROBERT A. FIFER, 5405
JOHN R. FLATTER, 7477
JOSE R. FLORES, 1158
MARK A. FLOURNOY, 0293
ROBERT M. FLOWERS, 1419
MICHAEL D. FLYNN, 5533
PAUL K. FLYNN, 5719
RICHARD E. FOCHT, 0566
BRIAN A. FOLEY, 1121
STEPHEN J. FOLEY, 5595
MARK T. FONTENOT, 2211
TODD D. FORD, 0016
DAVID C. FORREST, 7576
DAVID L. FORRESTER, 4074
JONATHAN D. FOSTER, 2947
JAMES S. FRAMPTON, 6233
JAMES R. FRANKS, 1950
THOMAS E. FREDERICK, 0007
ROBERT M. FUHRER, 4761
BRIAN R. FULLER, 8809
MATTHEW F. FUSSA, 2875
GREGORY GALBATO, 7796
DENNIS P. GALLAGHER, 7480
KARL J. GANNON, 5150
ANDREW N. GAPPY, 1398
DOUGLAS W. GARDNER, 7729
SCOTT R. GARTON, 6297
TYSON B. GEISENDORFF, 1483
MICHAEL P. GILBERT, 3788
JONATHAN S. GLENNON, 2308
SEAN M. GODLEY, 9145
GARY J. GOLEMBISKI, 7606
CHRISTOPHER A. GOODHART, 2557
FLAY R. GOODWIN, 3321
GERALD C. GRAHAM, 1627
THOMAS E. GRATTMAN III, 1012
MICHAEL R. GRISCHKOWSKY, 9632
ANDREW S. GROENKE, 5751
LEE M. GRUGGS, 9244
CHRIS T. GUARNIERI, 6390
CHRISTOPHER R. GUILFORD, 5277
ANDREW J. GUNDERSON, 6857
LOUIS S. GUNDLACH, 4010
J. C. GWILLIAM, JR., 5359
JON M. HACKETT, 5835
JOHN J. HADDER, 8892
BRIAN E. HALL, 4335
SCOTT R. HALL, 7412
SEAN V. HALPIN, 4755
RICHARD K. HALSTED, 9038
GREGORY J. HANVILLE, 0761
JAMES W. HARGUS, JR., 2361
MARK S. HARRINGTON, 6600
MICHAEL J. HARRIS, 7112
PATRICK M. HAYDEN, 4067
EVAN B. HAYMES, 5751
ANTHONY M. HENDERSON, 6115
ELAINE M. HENSEN, 0824
DAVID P. HENSLEY, 0642
TIMOTHY J. HERINGTON, 4684
RYAN P. HERITAGE, 9586
JAMES A. HESSEN, 5241
ROSS D. HETTIGER, 3379
JOHN D. HICKS, 2434
TIMOTHY J. HIEL, 5031
GERALD R. HIGHTOWER, 7726
PATRICK A. HILLMEYER, 4957
KENNETH J. HOAG, 4787
THOMAS W. HOFER, 9763
WILLIAM M. HOFMANN, 5398
DAVID P. HOLAHAN, 0060
GREGORY P. HOLD, 8488
CARTER L. HONESTY, 0478
MARK A. HOUSE, 0788
TONY L. HOWARD, 3839
KEVIN M. HUDSON, 6392
CHRISTOPHER W. HUGHES, 9622
WAYNE R. HUNTE, 8579
DENNIS J. INGRAM, 2391
MICHAEL S. JACKSON, 7847
WILLIAM C. JAMES, 1543
ERIK J. JANTZEN, 4642
GORDON A. JENKINS, 5078
JEFFREY J. JOHNSON, 0193
PAUL H. JOHNSON III, 5297
THEODORE S. JOHNSON, 6130
PATRICIA JOHNSONJONES, 4050
FRANK E. JOHNSTON, 9013
MARION D. JONES, 2287
MARK R. JONESE, 3435
RICHARD E. JORDAN, 9127
DONALD P. JULIAN, 5037
DARRIN D. KAZLAUSKAS, 8290
MICHAEL J. KENNEDY, 6034
JOHN J. KEPPELER, 0490
TODD A. KERZIE, 0006
GREGORY W. KING, 3250
JAMES J. KIRK, 0319
GLENN M. KLASSA, 4581
JOEY E. KLINGER, 4408
SCOTT F. KNAPP, 0865
BRENT A. KNIPPENBERG, 8803
TIMOTHY A. KOLB, 1674
CRAIG A. KOPEL, 7443
DARRYL P. KORYNTA, 0612
MARK R. KOSKI, 5456
THOMAS E. KUHN, 7724
ROBERT W. LAATSCH, 9022
ALBERT A. LAGORE, JR., 0523
LAWRENCE M. LANDON, 4998
PAUL A. LAUGHEAD, 5673
TREVOR A. LAWS, 1635
HEATH A. LAWSON, 9893
GERALD R. LAY, 6504
MICHAEL J. LEAMY, 3260
EVAN G. LEBLANC, 3649
JACK T. LEDFORD, JR., 9515
KEVIN J. LEE, 3528
PETER N. LEE, 0423
DARIN E. LIERLY, 7656
PATRICK A. LINDAUER, 4675
DANIEL E. LONGWELL, 7771
CHRISTOPHER L. LOVEJOY, 6663
CHARLES N. LYNK III, 0857
MARK D. MACKEY, 1858
SEAN R. MADDEN, 3185
GARY L. MADDUX, JR., 5190
GONZALO MADRID, JR., 9991
ARTURO J. MADRIL, 2360
STEPHEN P. MANGUM, 9635
MICHAEL A. MANNING, 4244
JOHN A. MANNLE, 8179
JOHN M. MANSON II, 2724
ERIC S. MARBLE, 1813
JAMES D. MARTIN, 5298
RICARDO MARTINEZ, 5489
CHRISTOPHER J. MATTEI, 3236
WILLIAM J. MATTES, JR., 9537
SEAN P. MATTINGLY, 3942
GEORGE R. MAUS, 3355
JAMES C. MC ARTHUR, 3830
SEAN M. MC BRIDE, 3235
KYLE B. MC CARTHY, 7996
ROBERT E. MC CARTHY III, 7996
RICHARD D. MC CORMICK, 2001
KATHERINE M. MC DONALD, 3699
DANIEL P. MC GOVERN, 4494
BRANDON D. MC GOWAN, 4277
ROY MC GRIFF III, 4410
ERIK O. MC INNIS, 3843
LAWRENCE S. MC KNELLY, 5148
TIMOTHY J. MC LAUGHLIN, 4168
TIMOTHY D. MC LEAN, 8343
ARCHIBALD M. MC LELLAN, 9616
CHRISTOPHER A. MC PHILLIPS, 5343
JOHN S. MEADE, 2747
THOMAS M. MEANEY, 9490
SANDER H. MELVIN, 3356
MARK J. MENOTTI, 8392
STEVEN J. METELAK, 7460
RONI A. MEYERHOFF, 4156
GUILLERMO G. MEZAORTEGA, 2315
DAVID S. MICHAEL, 3676
JOHN C. MIKKELSON, 3368
TIMOTHY J. MILLEN, 0225
LINDA A. MILLER, 6482
PATRICK W. MOHR, 4406
JOSPEH F. MONROE, 8501
WILLIAM C. MONTALVO, 6506
JAMES H. MOORE, 4088
MICHAEL A. MOORE, 9024
DAVID L. MORGAN II, 9837
ALBERT G. MOSELEY IV, 4528
KEVIN G. MOSS, 6164
ANDREW J. MOYER, 4744
DOUGLAS J. MRAK, 4564
JAMES E. MUNROE II, 9422
JOSEPH M. MURRAY, 5940
ROBERT J. NASH, 1209
MICHAEL K. NELSON, 4119
DAVID B. NEWMAN, 1673
MICHAEL D. NYKANEN, 9421
GEOFFREY R. OLANDER, 3166
PAUL D. OLDENBURG, 8779
VICTOR M. OLEAR, 3968
JOHN R. O NEAL, 5946
CHRISTOPHER H. O NEILL, 9420
TODD J. ONETO, 2054
DUANE A. OPPERMAN, 5994
LUIS E. ORTIZ, 0084
KURT S. OSUCH, 1829
MICHAEL L. PAGANO, 9581
BENJAMIN J. PALMER, 6086
CHRIS PAPPAS III, 2488
THEODORE R. PARKER II, 6926
ARTHUR J. PASAGIAN, 8021
DOUGLAS R. PATTERSON, 6983
JOHN M. PECK, 6262
MARK B. PENNINGTON, 8011
JASON C. PERDEW, 6967
KRISTI E. PHELPS, 8028
MICHAEL D. PHILLIPS, 3342
WILLIAM N. PIGOTT, JR., 1553
BRIAN N. PINCKARD, 7351
JOHN C. POEHLER, 2212
TODD D. POLDERMAN, 8986
MORGAN M. POLK, 1151
MICHAEL J. POWELL, 8021
DARIN L. POWERS, 6964
LESLIE M. PRIOR, 4950
ROBERT W. PRITCHARD, 8220
JEFFREY W. PROWSE, 2603
DEAN L. PUTNAM, 6379
JON D. RABINE, 1888
KEITH H. RAGSDELL, 7003
MINTER B. RALSTON IV, 1849
WILLIAM A. RANDALL, 8312
JOHN G. RASMUSSEN II, 7398
JOEL R. RAUENHORST, 0274
STEPHEN E. REDIFER, 5222
WILLIAM H. REINHART, 1319
CARYLL G. RICE II, 3556
JON E. RICE, 3697
LARRY D. RICHARDS II, 7715
ROBERTO V. RICHARDS, 8122
PAUL W. RICHARDSON, 6662
MICHAEL D. RIDDLE, 1631
PAUL M. RIEGERT, 6697
JEFFREY R. RILEY, 7825
ERIC L. RINE, 3100
MITCHELLL D. RIOS, 3882
TIMOTHY S. ROBERTS, 6358
RICHARD J. ROCHELLE, 7298
JERRY R. ROGERS II, 7424
KEITH W. ROLEFF, 3067
BRENT A. RONNING, 4842
RANDY W. ROSS, 5922
DAVID W. ROWE, 2870
PETER S. RUBIN, 3462
JAMES B. RUNYON, 8814
RICHARD C. RUSH, 4212
ROBERT P. SALASKO, 4794
WESLEY E. SANDERS, 6979
THOMAS J. SANZI, 7064
MARK R. SCHAEFER, 7553
BRENT C. SCHAFFER, 1127
ROBERT J. SCHAFFER III, 2458
JOHN B. SCHAMEL III, 5949
CHRISTOPHER W. SCHARF, 2178
DAVID L. SCHENKOSKE, 1717
HERBERT E. SCHWEITER, 3463
THOMAS R. SEIFERT, 4309
JASPER W. SENTER III, 9220
DUANE M. SEWARD, 7733
MILO L. SHANK, 2861
DANIEL P. SHEILS, 0686
BRETT T. SHERMAN, 1951
MICHAEL A. SHERMAN, 0227
DENNIS J. SHERWOOD, 2243
LORETTA L. SHIRLEY, 3650
MATTHEW H. SHIRLEY, 0318
CHARLES L. SIDES, 7434
RICHARD G. SILVA, 2641
JEFFREY C. SIMPSON, 6529
THOMAS J. SISAK, 6467
MICHAEL P. SMITH, 1323
WILLIAM E. SMITH, JR., 3636
ROBERT J. SMULLEN, 7133
MARK E. SOJOURNER, 6916
DANIEL U. SPANO, 1629
CLAY A. STACKHOUSE, 3463
ROGER D. STANDFIELD, 5705
SCOTT F. STEBBINS, 2865
BENNETT L. STEINER, 0740
SEAN C. STEWART, 3310
JAMES A. STOCKS, 4999
ARTHUR J. STOVALL II, 6914
MICHAEL D. STOVER, 4925
MARK R. STROLE, 6128
ANDRE STROUD, 4616
DANIEL M. SULLIVAN, 3376
PAUL T. SULLIVAN, 3680
SCOTT D. SUTTON, 5849
MICHAEL W. TAYLOR, 4697
DONALD G. TEMPLE, 1635
ANTHONY P. TERLIZZI, JR., 6613
MATTHEW R. THOMAS, 8462
GEOFFREY D. THOME, 6781
DAVID C. THOMPSON, 3430

MICHAEL E. TIDDY, 7539
PETER C. TITCOMB, JR., 0668
JEFFREY S. TONTINI, 0695
STEPHEN P. TREICHEL, 2898
ALPHONSO TRIMBLE, 6323
MATTHEW G. TROLLINGER, 9537
WILLIAM J. TRUAX, JR., 0739
JEFFREY D. TUGGLE, 2804
MARC E. TUNSTALL, 4794
SCOTT A. UECKER, 4260
MICHELLE VANEXEL, 3792
WILLIAM J. VANZANTEN, 0539
DANNY J. VERDA, 1355
EDWARD J. VICKNAIR, 6631
JOHN E. VINCENT, 0943
LEWIS D. VOGLER, JR., 0021
MARTIN J. WADE, 8124
JAMES K. WALKER, 6830
DAVID A. WALL, 5676
MICHAEL A. WALL, 6363
DANIEL K. WARD, 4165
MICHAEL H. WARD, 8313
HUGH R. WARE, 9576
MICHAEL E. WATKINS, 1795
WILLIAM M. WEBBER, 9410
MARC E. WEINTRAUB, 0430
JAMES P. WEST, 3592
SEAN D. WESTER, 4643
KENT E. WHEELER, 7695
RAYMOND M. WHITE III, 0530
KIMBERLY D. WHITEHOUSE, 8187
DWAYNE A. WHITESIDE, 0346
DONALD K. WIMP, 3936
ALFRED J. WOODFIN, 7791
JOSEPH A. WOODWARD, JR., 6453
CHRISTIAN F. WORTMAN, 1538
JAMES B. WOULFE, 6174
JAMES M. WRIGHT, 4317
ROBERT C. WRIGHT, JR., 9107
WILLIAM W. YATES, 9309
TOM A. YOUNG, 9180
MICHAEL J. ZACCHEA, 9947
WILLIAM A. ZACHARIAS, JR., 7935
GARY R. ZEGLEY, 9165
MICHAEL W. ZELIFF, 3657
ALLAN ZIEGLER, 2782
CHRISTOPHER M. ZUCHISTIAN, 2968

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RABON E. COOKE, 6017

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

AMY J. POTTS, 7220

CONFIRMATIONS

Executive Nominations Confirmed by the Senate February 9, 2000:

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT L. HALVERSON, 5509

To be brigadier general

COL. EDMUND T. BECKETTE, 5971
COL. JAMES J. BISSON, 6236
COL. RAYMOND C. BYRNE, JR., 5792
COL. DANIEL D. DENSFORD, 0210
COL. JEFFREY L. GIDLEY, 9702
COL. DANNY H. HICKMAN, 0335
COL. JAMES D. JOHNSON, 9083
COL. DENNIS M. KENNEALLY, 2586
COL. DION P. LAWRENCE, 1257
COL. ROBERT G. MASKIELL, 9965
COL. DARYL K. MCCALL, 2627
COL. TERRELL T. REDDICK, 9266
COL. RONALD D. TAYLOR, 4916
COL. JOHN T. VON TROTT, 1310
COL. WILLIAM H. WEIR, 0308
COL. DEAN A. YOUNGMAN, 4722
COL. WALTER E. ZINK II, 8489

EXTENSIONS OF REMARKS

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. WELLER. Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

I want to thank both of you and Chairman ARCHER for the pledge to bring H.R. 6, the Marriage Tax Elimination Act, to the floor for consideration before Valentine's Day. This is truly one of the best Valentine's Day presents we can give to America's working couples. As you know, H.R. 6, as considered by the Ways and Means Committee, will provide $182 billion in marriage penalty relief over 10 years. This is a significant increase over the $45 billion proposal offered by President Clinton just before this year's State of the Union Address. Ultimately, as a result of H.R. 6, 28 million working couples will receive up to $1,400 in marriage tax penalty relief.

This month President Clinton gave his State of the Union Address outlining many of the things he will spend the budget surplus on. House Republicans want to preserve 100% of the Social Security surplus for Social Security and Medicare and use the non-Social Security surplus for paying down the debt and to bring fairness to the Tax Code.

A surplus provided by the bipartisan budget agreement which:

- cut waste,
- put America's fiscal house in order, and
- held Washington's feet to the fire to balance the budget.

While President Clinton parades a long list of new spending totaling $72 billion in new programs—we believe that a top priority after saving Social Security and paying down the national debt should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel its fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our Tax Code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples. For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE

	Machinist	School teacher	Couple	H.R. 6
Adjusted Gross Income	$31,500	$31,500	$63,000	$63,000
Less Personal Exemption and standard deduction	6,950	6,950	12,500	13,900 (singles x 2)
Taxable Income	24,550	24,550	50,500	49,100
	(x .15)	(x .15)	(Partial x .28)	(x .15)
Tax Liability	3682.5	3682.5	8635	7,365
Marriage Penalty			1,270	
Relief				1,270

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay up to $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of:

- a down payment on a house or a car,
- one years tuition at a local community college, or
- several months worth of quality child care at a local day care center.

To that end, U.S. Representative DAVID MCINTOSH (R–IN) and U.S. Representative PAT DANNER (D–MO) and I have authored H.R. 6, the Marriage Tax Elimination Act.

H.R. 6, the Marriage Tax Elimination Act, as considered by the House Ways and Means Committee, will increase the 15% tax bracket (currently at 15% for the first $26,250 for singles, whereas married couples filing jointly pay 15% on the first $43,850 of their taxable income) to twice that enjoyed by singles; H.R. 6 would extend a married couple's 15% tax bracket to $52,500. Thus, married couples would enjoy an additional $8,650 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to $1,200 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $7,350) to twice that of single (currently at $4,400). Under H.R. 6 the standard deduction for married couples filing jointly would be increased to $8,800.

H.R. 6 enjoys the bipartisan support of 233 cosponsors along with family groups, including: American Association of Christian Schools, American Family Association, Christian Coalition, Concerned Women for American, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Family Research Council, Home School Legal Defense Association, the National Association of Evangelicals and the Traditional Values Coalition.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union Address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our Government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and gentlemen, we are running a $3 trillion surplus. It's basic math. It means Americans are already paying more than is needed for government to do the job we expect of it.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty—a bipartisan priority. During the State of the Union Address this year, that he signaled his willingness to work to eliminate the marriage tax penalty. We must send him a bill to eliminate the marriage penalty suffered by 28 million American working couples.

The proposal offered by the President to reduce the marriage tax penalty is a good start, but it is not enough. By doubling the standard deduction, only couples who do not itemize their income taxes receive the benefits of tax relief. In order to provide relief to couples who itemize, mainly homeowners, we must address the difference in the income tax brackets. If we follow only the President's plan, the result will be a marriage tax penalty against couples who are homeowners and couples who contribute to charities. This is not right and it is not fair.

Speaker HASTERT and House Republicans have made eliminating the marriage tax penalty a top priority. In fact, we plan to move legislation out of the House before Valentine's Day.

Last year, President Clinton and Vice-President GORE vetoed our efforts to eliminate the marriage tax penalty for almost 28 million married working people. The Republican effort would have provided about $120 billion in marriage tax relief. Unfortunately, President Clinton and Vice-President GORE said they would rather spend the money on new government programs than eliminate the marriage tax penalty.

This year we ask President Clinton and Vice-President GORE to join with us and sign into law a stand alone bill to eliminate the marriage tax penalty.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. Tax Code should not be one of them. The greatest accomplishments of the Republican Congress this past year was our success in protecting the Social Security trust fund and adopting a balanced budget that did not spend one dime on Social Security—the first balanced budget in over 30 years that did not raid Social Security.

Let's eliminate the Marriage Tax Penalty and do it now!

MARRIAGE PENALTY RELIEF

- 236 Bipartisan Cosponsors of H.R. 6, 28 Democrats, 22 Members of the Ways and Means Committee
- The proposal being offered today will offer:
- $182 billion in tax relief over 10 years
- This is $60 billion more than the proposal vetoed by President Clinton and Al Gore
- This is $137 billion more than the President proposed last week
- The President's proposal would provide $45 billion in relief over 10 years
- Basically, doubles the standard deduction
- Could create a homeowner penalty
- Provide up to $210 in relief
- H.R. 6 will now provide up to $1,400 in tax relief for 25 million American working couples—an average of about $800 per couple
- double the standard deduction
- widen the 15% bracket to twice that of singles
- Increase EIC threshold for married couples by $2,000

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 8, Tuesday, February 8, 2000, I was absent due to my husband's illness. Had I been present, I would have voted "yea."

TRIBUTE TO PETER H. MACLEARIE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. PALLONE. Mr. Speaker, it is with profound sadness that I rise to mark the passing of Mr. Peter H. Maclearie of Spring Lake Heights, NJ, who died on Wednesday, December 8, 1999, at the age of 68.

Mr. Maclearie was an outstanding leader in the Jersey Shore community, contributing his talents and energies in both the public and private sectors. He served as the Mayor of Spring Lake Heights for two terms, from 1970 to 1976, having previously been a Borough Councilman from 1963 to 1970. Mr. Maclearie also served as an incorporater and member of the Board of Directors of Allaire Community Bank in Wall, NJ. He was responsible for obtaining federal grants for the development of the Spring Lake Community Center. Among his other contributions to the betterment of our community, Mr. Maclearie was a founding member and past chairman of the South Monmouth Regional Sewerage Authority. He served on various committees of the New Jersey League of Municipalities and was a member of the New Jersey Conference of Mayors and an honorary member of the Municipal Clerks Association.

Indeed, Mr. Speaker, it seems as though politics and community service must be in the Maclearie blood. Mr. Maclearie's father was the Mayor of Belmar, NJ, for 36 years, including a period of time when father and son were mayor simultaneously in adjoining boroughs. His sons, Peter and Paul, are currently municipal councilmen in Tinton Falls, NJ, and Spring Lake Heights, respectively.

Mr. Maclearie was also the president of Coded Systems Corp., which he founded in 1971. His firm specialized in codifying municipal ordinances throughout New Jersey and many other states. He also was the founder and president of Maclearie Printing of Wall, NJ.

A communicant of St. Catharine's Roman Catholic Church in Spring Lake, NJ, Mr. Maclearie also was a member of the church's Finance Committee. He was a member of the Wall Rotary Club, the Belmar Fishing Club, the Spring Lake Golf Club, the Manasquan River Marlin and Tuna Club, and the 200 Club of Monmouth County. He was a charter member of the Manasquan Elks Lodge and the Spring Lake Area Chapter of Deborah Heart and Lung Center.

Born in Asbury Park, NJ, Mr. Maclearie lived in Belmar before moving to Spring Lake Heights 42 years ago. He was an Army veteran of the Korean War, serving as a combat photographer. He was a member of the Spring Lake Post of the American Legion, a life member of the Asbury Park Post Veterans of Foreign Wars and the Richard Skoluda Chapter of Disabled American Veterans, Spring Lake Heights.

Despite his numerous commitments, Mr. Maclearie found time to enjoy life with his family, to dote on his grandchildren, to pursue such hobbies as fishing, boating, camping, practical jokes—and, of course, politics. He is survived by his wife of 44 years, Florence Yesville Maclearie; three sons and daughters-in-law, Peter and Ann of Tinton Falls, Paul and Eileen of Spring Lake Heights, and James and Nancye of Toms River, NJ; four daughters and three sons-in-law, Michelle and Christopher Wood of Spring Lake Heights, Nancy and Matt Hayduk, also of Spring Lake Heights, Cathleen of San Francisco, California, and Mary Beth and Drew Smith of Phoenix, Arizona; a brother, Timothy of Ocean Grove, NJ; two sisters, Jean Boda of Elizabethtown, Pennsylvania, and Judy Gray of Maine; and 10 grandchildren.

In keeping with Mr. Maclearie's dedication to the cause of helping others, his family has asked that, in lieu of flowers, contributions be made to the Deborah Heart and Lung Center or the Peter H. Maclearie Scholarship Fund in Spring Lake Heights.

Mr. Speaker, the Maclearie family is obviously devastated by his loss, as are his many, many friends. I hope that they will find comfort in the many good wishes from people all over, and from the knowledge that Mr. Maclearie did all that he could to make his community a better place.

NONPOINT POLLUTION CONTROL PROGRAM

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I rise today in support of the Coastal Community Conservation Act and the importance of protecting America's water ways.

Our children's future matters to all of us, and we have a responsibility to leave to them the same beautiful and viable environment that we enjoy today. The Coastal Community Conservation Act is a step in the right direction.

The Conservation Act requires states with approved coastal zone management programs, such as New York, to develop a coastal pollution control program to manage nonpoint sources which affect water quality.

A major feature of a coastal nonpoint control program is that it unites the water quality management expertise of the state water quality agencies with the land use management expertise of the coastal management agency. In order to preserve America's heritage, this unity of water and land conservationist must happen.

The most promising approach is to incorporate pollution reduction and management into the conduct of activities rather than establish separate programs. To do this the following guidelines must be followed: build on existing programs; incorporate state and local government input; and plain common sense.

It is vital that in our zeal to find solutions to our pollution problems that we remember the importance of coordination between the states and the federal government. We all have the same goal: protecting our natural resources. We have some of the most beautiful coastlines and natural resources in the world. The time is now to solve them. And our children and grandchildren will thank us.

HONORING REVEREND DEVIN MILLER, RECIPIENT OF THE 1999 FBI DIRECTOR'S COMMUNITY LEADERSHIP AWARD

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. VENTO. Mr. Speaker, I rise today to commend the work of the Reverend Devin Miller. Mr. Miller was recognized as the recipient of the 1999 FBI Director's Community Leadership Award. Since 1990, the FBI has publicly recognized the achievements of individuals and organizations within the area of drug education and prevention by presenting them with the Director's Community Leadership Award. Included in this group of eligible recipients are those individuals or organizations who are actively involved in gang, crime, and violence prevention/education.

This award was presented in recognition of Reverend Miller's work to promote nonviolence in Saint Paul. Among his initiatives is the creation of the Black Teens for Advancement youth program, which stresses academics, self-esteem and a nonviolent lifestyle. He recently expanded this program with "Becoming Everything You Set Out to Be," a similar initiative for junior high students.

I commend Reverend Miller for his work with the youth of Saint Paul. His efforts benefit not only the young people with whom he works directly, but also our community as a whole. There is a lot of talk about the growing incidences of violence among teens, what the causes are and how to prevent problems in the future. Reverend Miller has shown through his work, that the best thing we can do is to act, to mentor, and most of all to care about our young people. I applaud his efforts to implement programs that address the concerns and needs of our youth, and wish him the best of luck in his future endeavors.

30TH ANNIVERSARY OF THE PACIFIC DAILY NEWS AND ITS LONGEST TENURED EMPLOYEES, LEE P. WEBBER, PEPITO C. LADERA AND MAGGIE N. CASTRO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. UNDERWOOD. Mr. Speaker, as we all know from direct experience, our relationship, as elected public officials, with the news media is a necessary but not always comfortable one. We are quick to turn to the news to find out what's going on, but we dread facing the cameras and microphones when we ourselves get swept up in newsworthy circumstances. Some of us try to avoid media attention. Some of us bravely face it head on. Some of us are more media savvy than others. Most of us learn from our mistakes. Of course, when we have what we think is good news—something that places us in a good light—we often find ourselves banging on the media's doors for attention.

The news media, the "Fourth Estate," regards itself as the guardian and champion of our First Amendment rights. While the great debate rages about responsibility, accountability, fairness and where the line lies between the public's right to know and the public's right to privacy, I daresay we all still believe, as Thomas Jefferson held, that democracy cannot flourish without a free press.

With this as my preface, I wish to congratulate Guam's Pacific Daily News on its 30th anniversary. Known affectionately, and sometimes disdainfully, simply as the "PDN," this Gannett-owned newspaper is Guam's only general circulation morning daily, publishing seven days a week. In my district, which is a small island with a small population, where elected officials, media personalities and news reporters are not distanced and insulated from the public at large, the PDN has worked valiantly to report the news as fairly, as accurately, as fully, and as objectively as possible, despite the inescapable network of familial and personal relationships that bind us all together as a small island community.

Mr. Speaker, as a young teacher over twenty years ago, I organized and led a public protest demonstration against the PDN over its English-only publication policy. After several exchanges in the days following, some which were rather heated, we arrived at a compromise: the Daily News would accept non-English advertisement if accompanied by an English translation. In the years since then, the PDN has made commendable efforts to truly reflect the multi-ethnic, multi-cultural island community which it serves. It has recruited reporters locally and supported their continued education and training in journalism. It has a long-established summer intern program and promoted reporting and writing among high school students by devoting an entire section, called "Vibe," for the news and entertainment interests of young people. Now, English translations of foreign language ads are optional. And finally, the PDN routinely fills management positions from within.

Thus, I again congratulate retired editor Joe Murphy, whose "Pipe Dreams" column entertained, antagonized, and inspired many over the years; Managing Editor Rindraty Celes Limtiaco, whose career I've been privileged to watch develop; the section editors and reporters who have had to ask me tough questions, have often put me on the spot, and have generally treated me fairly. Lastly, I send special congratulations to the three PDN employees, who, like the newspaper itself, are celebrating 30 years on the job. To Publisher and President Lee P. Webber, who started out as PDN's Circulation Manager; to Comptroller Pepito C. Ladera, who has kept the paper's books and ledgers; and to Senior Account Executive Maggie N. Castro, who could probably run the entire operation singlehandedly, I send my best wishes. Yanggin mauleg che'cho'-ta, mauleg i ma sanggan-ta. When our work is good, good is said of us. Biba, PDN!

RECOGNIZING THE WORK OF THE 1ST BATTALION, 103RD ARMORED DIVISION OF THE PENNSYLVANIA NATIONAL GUARD

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. MURTHA. Mr. Speaker, the community spirit and dedication of National Guard units are a key to communities throughout the United States, and I want to recognize an especially strong community effort by the 103rd Armored Division based in Johnstown, Pennsylvania.

In particular, their support of Red Cross efforts with the Keystone 500 race and blood drives has been recognized by the Chairman of the local Red Cross Board as extremely significant and in the highest tradition of public service.

The Guard Unit has also helped with the Cambria County Air Show, the Kosovo Relief Project, the Penn Woods Council of the Boy Scouts, the United Way Summer Youth Employment Program, and school efforts on Veterans Day and Memorial Day.

Along with training for their military readiness and providing vital back-up to active duty forces, this kind of community support is in the highest tradition of the Armed Services and of our Nation.

In particular, I want to recognize Major Preston Scott Stape, the Administrative Officer, and the particularly strong work of SFC Donald F. Scholly, SFC Donald F. Williams, SSG James P. Livella, SSG Ronald L. McKelvey, and Mr. David J. Lavigne.

It's this type of service to family, Nation, and community that is such a great part of our Nation's history and continuing strength, and I commend these individuals for their efforts and dedication.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 10, Tuesday, February 8, 2000, I was absent due to my husband's illness. Had I been present, I would have voted "yes."

TRIBUTE TO JERRY W. WEST, SR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. PALLONE. Mr. Speaker, it is with profound sadness that I rise to mark the passing of Mr. Jerry W. West, Sr., of Neptune, NJ, who died on Saturday, December 4, 1999, at the age of 73.

Jerry West was an outstanding leader in our community, dedicated to the effort to improve the quality of life for the residents of the Jersey Shore area. He was also a good friend whose support and advice I have always valued. Jerry also worked closely with my predecessor, a great Member of this House, the late Representative James J. Howard of New Jersey.

Born in Asbury Park, NJ, Jerry West lived in the Shore area for most of life. He served his country in the Navy during World War II. He received his bachelor's and master's degrees in business administration from Monmouth University in West Long Branch, NJ. He went on to earn his doctorate from Temple University, Philadelphia. He was an adjunct professor at his alma mater, Monmouth University. For 20 years, Jerry served as a contract specialist for the U.S. Army's Fort Monmouth in Eatontown, NJ, retiring in 1997.

Jerry West made great contributions to the building and maintaining of a prosperous and healthy community along the Jersey Shore. He was a member of the Neptune Township Board of Adjustment and the Environmental Commission. He also served on the Fletcher Lake Committee, contributing his efforts to the restoration of this beautiful lake located between the Ocean Grove section of Neptune and Bradley Beach. In fact, in recognition of Jerry's devotion to the cause of protecting our environmental resources, the West family is asking that, in lieu of flowers, memorial donations be made to the Fletcher Lake Committee.

As dedicated as he was to serving our community, Jerry was most devoted to his family. He is survived by his wife of 53 years, Edna Brand West, his son, Jerry West, Jr., his daughter, Linda W. Maxwell, his brother, John West, his sister, Ann Connelly, five grandchildren and two great-grandchildren.

Mr. Speaker, the passing of Jerry West is a terrible loss for his family, his many friends and all those in our community who have benefited from his good work. It is, nevertheless, an honor for me to pay tribute to him in the pages of the CONGRESSIONAL RECORD.

AFRICAN-AMERICAN HISTORY MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to celebrate African-American History Month. The contributions of African-Americans to America are too numerous and wide-sweeping to mention in a minute, so I decided to tell you about my district's Citizen of the Month, a shining example of a strong, determined, beautiful African-American woman.

Hempstead Town Board Member Dorothy L. Goosby is an amazing person, embodying what it means to be well-rounded person, a community activist, a citizen legislator and a trail-blazer.

Dorothy is a woman whose life reflects many "firsts." On November 2, 1999, she was elected to the Town of Hempstead Town Board as only one of three Democrats to serve on the board since 1905. A major achievement topped by the fact she is the first African American woman elected to the board. To her political experience, Dorothy brings her careers as a dietician, chemistry teacher and nursing home administrator.

Long been a community activist in Nassau County and the Town of Hempstead, Dorothy challenged the very town on whose board she now sits. In 1988, Dorothy and others filed a class action suit against the Town of Hempstead charging voters' bias. In 1997, a federal judge agreed and ruled that the town's voting methods was not representative of all its residents.

Twelve long, hard years later, Dorothy's class action suit came to a positive close recently when, on January 24, 2000, the New York State Supreme Court ruled that the Town of Hempstead did in fact discriminate against African-Americans and that board members must be elected from council districts rather than in town-wide voting.

A long-time advocate and supporter of children and youth programs, Dorothy is an adult member of the Girl Scouts, and has served on the Board of Directors for the Girl Scouts of Nassau County. She is the former Vice President of Hempstead School Board; former President of Hempstead's United Parents Association and retired President of Marshall School's Parents Teachers Association.

Dorothy's success and sheer determination to do the right thing is an inspiration to everyone. I hold up my friend, Dorothy Goosby, as a shining example in this bright month of African-American History Month.

IN TRIBUTE TO SIMI VALLEY HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to the Simi Valley High School Academic Decathlon Team, which will represent Ventura County in the Academic Decathlon California state finals on March 16–19.

The Simi Valley team's win this past weekend was impressive, setting a new county record of points scored. And, in winning the county competition against 15 other schools, they also beat last year's National Champions—Moorpark High School, Simi Valley's neighbor to the west. Moorpark placed second in this year's county competition. The two have been trading the county title for the past eight years.

This time, the accolades belong to Simi Valley High School. The nine-student team is representative of the best and brightest our county has to offer. They have been accepted to such universities as Harvard and Stanford. Seniors David Bartlett, Steve Mihalovitz, Cary Opal, Jeff Robertson, Jennifer Tran, Michael Truex, Justin Underhill, Randy Xu and junior Kevin White ended the competition with a slew of medals and trophies.

Now these bright young leaders are readying themselves to take on the top teams in the state. They will probably face Moorpark High School again, as Moorpark is expected to compete as one of the state's wild card teams. Simi Valley High School is confident, but not taking Moorpark for granted.

It promises to be an exciting contest—the Super Bowl of intellectual competition.

"We're cooler than the athletes now," Jennifer Tran told a local reporter after this weekend's contest. And just as tough.

Mr. Speaker, I know my colleagues will join me in congratulating the Simi Valley High School Academic Decathlon Team for its impressive win this week, and in wishing the team great success in the state championships.

INTRODUCTION OF LEGISLATION TO ASSIST LAW ENFORCEMENT WITH THE COSTS ASSOCIATED WITH PROTECTING THE PRESIDENT OF THE UNITED STATES AND THE FIRST LADY

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing legislation to assist law enforcement agencies that are facing additional costs due to the new residency of the President and the First Lady in Chappaqua, NY.

It is fortunate that my new constituents will now have the benefit of the services of some of the finest local law enforcement agencies in the nation. My intention in introducing this legislation today is simply to ensure that the local taxpayers are not overburdened with the additional costs which are normally associated with providing the necessary protective services for the Nation's First Family. Though their presence in our community at this point has been limited and sporadic, some local police departments have already incurred costs in the tens of thousands of dollars. While it is difficult to forecast, these local agencies project that the costs will increase dramatically in the coming months.

Similar legislation was introduced and acted upon in 1989 when Representative Brennan, whose district included Kennebunkport, ME, proposed legislation to provide funding to local police departments in order to limit the costs incurred by the frequent visits of President Bush. It is my hope that the Federal Government will again take action to prevent a local community from being overburdened by these additional costs, and I ask my colleagues to join me in supporting this legislation.

CODIFYING THE CLEAN WATER ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. SANDLIN. Mr. Speaker, I rise today to introduce a bill that will codify the 27-year statutory interpretation of the Clean Water Act that has consistently classified forestry activities as a nonpoint source for potential water impairment and specifically exempted forestry activities from permitting requirements. Quite simply, this legislation will preserve the current system whereby our waters are kept clean through cooperative efforts between State and local governments and private landowners.

The 1987 Clean Water Act Amendments enacted section 319 to specifically address nonpoint source runoff, including silviculture, through State Best Management Practice [BMP] programs. Under section 319, any regulatory program to control nonpoint source pollution is at the State level and not at the Federal level. Congress determined that it is the State's responsibility to develop nonpoint source controls and determine if there is a need for regulatory programs. Additionally, it is the State's responsibility to have the legal means in place to enforce a landowner's compliance.

With this congressional intent in mind, Texas has developed a highly successful, voluntary approach to nonpoint source pollution control and a "bad actor" law to enforce the provisions where necessary. Since 1991, the Texas Forest Service, in cooperation with EPA, the Texas State Soil and Water Conservation Board, forest industry, Texas Logging Council, and forest landowner associations, has conducted extensive training of foresters, loggers, and landowners to understand silvicultural Best Management Practices and how to implement them. To date, over 850 loggers and foresters have been trained on BMPs. In 10 years since forestry BMPs were developed in Texas, 87 percent of all logging sites across twelve million acres are in compliance with recommended BMPs.

The States have done a good job of working with the private landowners to clean up our streams and lakes. Opening up the process to unnecessary and burdensome Federal regulations would only have a negative impact on the States' ability to improve land use decisions. My legislation will allow the current, voluntary, nonpoint source program to continue building on its successes by ensuring that States can continue to treat forestry activities as nonpoint sources for potential water impairment. This bill keeps in tact the congressional intent of the Clean Water Act that identifies most water pollution from silvicultural activities as nonpoint in nature, thus exempting private landowners from Federal permitting requirements.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 9, Tuesday, February 8, 2000, I was absent due to my husband's illness. Had I been present, I would have voted "yea."

IN HONOR OF MR. GUILLERMO DESCALZI FOR HIS ACCOMPLISHMENTS IN JOURNALISM AND FOR BEING HONORED BY THE COLEGIO DE PERIODISTAS DE CUBA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mr. Guillermo Descalzi for his vast achievements in journalism and to congratulate him on being honored by the Colegio de Periodistas de Cuba.

Born in Lima, Peru, Mr. Descalzi came to the United States at the age of nineteen to attend Canisius College in Buffalo, New York. Mr. Descalzi received his Bachelors of Science degree from Canisius College in 1968 and went on to earn a Masters in Arts from the State University of New York at Buffalo. After completing his education, Mr. Descalzi returned to his native Peru to teach at the University of San Marcos.

Mr. Descalzi's impressive career in television journalism began when he returned to the United States and joined the Spanish International Network (SIN), now known as Univision. Knowing the growing demand for news and programming from within the Hispanic community, Mr. Descalzi spearheaded the network's first-ever national newscast in Spanish to be televised in the United States. Because of his vision and commitment to address the needs and concerns of Hispanics, Mr. Descalzi soon became one of Univision's national correspondents.

Continuing his goal of providing news coverage to the often marginalized Hispanic community, Mr. Descalzi was the first continental correspondent to link the Americas via the television airwaves. By airing footage and covering stories affecting Latin America, Mr. Descalzi's efforts provided a connection for Hispanic Americans to their heritage and culture.

Currently, Mr. Descalzi is the host of the award-winning investigative newsmagazine, "Ocurrio Asi." Featuring a broad range of topics, "Ocurrio Asi" goes behind the scenes and the headlines to tell the untold story and extract the truth. Mr. Descalzi's unyielding efforts have helped the show win more than 40 Emmy Awards from the Academy of Television, Arts, and Sciences, attracting presidents, celebrities, sports heroes, and activists to appear on this show.

For his unmatched journalistic achievements and integrity, and his work on behalf of the Latino community, I ask my colleagues to join me in congratulating Mr. Descalzi. His dedication and hard work have truly earned him this recognition.

RECOGNIZING THE HOMESTEAD SENIOR HIGH SCHOOL ACADEMIC TEAM

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize the Homestead Senior High School academic team. This distinguished group of students participated in the 20th Congressional District "We the People" championship, held on December 9, in Miami, Florida. It is a pleasure for me to honor this team for winning this important competition.

Since the program's creation in 1987, "We the People" has encouraged students to participate as active citizens, acknowledging the responsibility each one has in our democracy's present and future. The program's curriculum is designed to complement the classroom experience, enabling elementary and secondary students to acquire additional knowledge and understanding of the Bill of Rights. Students are then given the opportunity to apply their knowledge of the Constitution to various activities, such as critical thinking exercises, problem-solving activities, and mock congressional hearings. These hands-on activities allow the students to demonstrate their knowledge of historical and current events, defending their opinion on these issues relative to constitutional principles that they have studied.

The Homestead Senior High School academic team is well known for its past successes in the "We the People" competition. Not to be outdone by previous groups that have participated in the event, this year's championship team includes 19 students: Humberto Abeja, Diana Amador, Bobbi Andersan, Michael Bundy, Gloria Camacho, Monique Delattorres, Jason Gracia, Brandace Hopper, Elizabeth Martinez, Brandon Mike, Carlista Peralta, Janet Prevey, Rafael Quinquilla, Henry Rogers, Rocio Sanchez, Natalie Sawyer, Willie Smith, Chevonda Walker, and Symone Williams. I would also like to recognize the hard work and dedication of Mr. David Marshall, the teacher who was instrumental in preparing these students for this prestigious competition.

Mr. Speaker, I would like to congratulate the Homestead Senior High School academic team for their extraordinary effort and success in winning the "We the People" championship. This is truly an accomplishment that Homestead Senior High School can be proud of.

INTRODUCTION OF A HOUSE RESOLUTION EXPRESSING SUPPORT FOR A NATIONAL REFLEX SYMPATHETIC DYSTROPHY (RSD) MONTH

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise in recognition of and support for people like Betsy Herman who suffer from an excruciatingly painful disease called Reflex Sympathetic Dystrophy (RSD). RSD is a post-traumatic condition triggered by an injury, surgery, or infection. In simple terms, it is a malfunction of the nervous system in the body's attempt to heal. It may strike at any time, resulting in intense inflammation, swelling, stiffness and/or discoloration of the nerves, muscles, bones, skin and circulatory system.

Because RSD is a complex and little-known disease, Betsy, like scores of RSD sufferers, went for years without being diagnosed with this debilitating disorder. Instead of receiving prompt treatment for RSD after a sprained ankle and pulled muscle when she was 12 (which could have led to full recovery), Betsy was accused of faking and exaggerating her condition and was sent for psychological counseling.

Unfortunately, five years and six surgeries later, Betsy now walks with the help of an implanted device and must drive over 100 miles once a week for treatment. While other teenagers play sports and attend proms, Betsy must wait until classes are in session until she walks the halls of her high school to assure that she isn't bumped, since even the slightest touch can sometimes cause severe pain.

Despite the tremendous physical agony and emotional pain Betsy has suffered at the hands of RSD, she has worked diligently to educate the public about the condition. She recognizes that public education will help lead to correct diagnoses and increased investments in research and treatment for RSD. She also created an on-line support group for teens with RSD, providing a crucial lifeline to other young people afflicted with this incurable disease. In recognition of her efforts, the RSD Hope Group presented Betsy with their Humanitarian of the Year Award last fall.

It is for Betsy Herman and other RSD sufferers that I introduce this Resolution today expressing the sense of the House of Representatives that October should be named "National Reflexive Dystrophy Awareness Month." I urge my colleagues to join me in supporting this effort to increase awareness, augment funding, and better diagnose and treat this horrible disease.

IN RECOGNITION OF THE ST. LOUIS RAMS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. GEPHARDT. Mr. Speaker, I rise to salute the 2000 Super Bowl Champions, the St. Louis Rams, and their remarkable season.

The St. Louis Rams display of heart, courage, and determination made Super Bowl XXXIV a timeless memory for millions of Americans.

Five seasons ago, the Rams organization brought football back to the people of St. Louis, who in turn have proven themselves to be faithful and high-spirited fans. In that time, the Rams have become an integral part of our community, our neighborhoods, and our schools by giving their time to various charities, public events, and most importantly, the people of St. Louis, They have brought enthusiasm and dedication to St. Louis, and they have done it with class and dignity.

Kurt Warner is this year's Super Bowl MVP and a St. Louis Rams quarterback hero. He epitomizes what is good about athletes and serves as an excellent role model for people of all ages. Kurt's commitment to his family, his faith, and his team should serve as a lesson to us all.

I would also like to congratulate Georgia Frontiere, owner of the St. Louis Rams, and John Shaw, President of the St. Louis Rams. Their devotion to the team and their love of St. Louis was crucial to our Super Bowl victory. Their love of the Rams is only paralleled by their love of St. Louis, as demonstrated by their efforts through the Rams Foundation. They have made hundreds of donations to schools and charitable organizations throughout the St. Louis area. Under their leadership, the Rams will continue to be a winning team for many seasons to come.

Mr. Speaker, I am proud to say I am from St. Louis, and I am just as proud to say I am a Rams fan. Thank you and congratulations to the St. Louis Rams.

RECIPIENTS OF THE FRANKLIN A. POLK PUBLIC SERVICE MERIT AWARD

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mrs. JONES of Ohio. Mr. Speaker, I would like to commend your attention to a wonderful honor. The Cuyahoga County Bar Foundation and Cuyahoga County Bar Association recognizes very prominent public servants. Each public servant receives the distinguished Franklin A. Polk Public Servants Merit Award. The honorees are as follows:

IRENE BOHUSLAWSKY—PARMA MUNICIPAL COURT

Nominated by the Presiding/Administrative Parma Municipal Court Judge Kenneth Spanagel. Irene Bohuslawsky has, since 1974, been employed in the Law Department of the City of Parma, where she currently is the Administrative Assistant in the Prosecutor's Office. A graduate of Lourdes Academy, Irene attended classes at Cuyahoga Community College. Irene began her service with Parma as a part-time legal secretary one month after the birth of her fourth son. She spent time with both the Prosecutor's Office and the Law Department prior to being named to her present position in 1995. In this position she is the office's "traffic cop," insuring that communication flows among the prosecutors, defense lawyers, any defendants without counsel, citizens, victims, complainants, the Court's judges and magistrate. Irene says that raising her four sons is her outstanding accomplishment, and, in her spare time, she enjoys her own garden and those of her children. She also spends time sewing, embroidering, designing floral arrangements and refinishing old furniture. She is noted for her patience, courtesy and ability to deal with the public, and she handles all these varied duties with a smile and with a disposition that, in Judge Spanagel's words, "anyone would be hard-pressed to maintain." That must be true, since, in her years of service, she has encountered such varied responses as the surprise of the man who had crashed his car into his former girlfriend's front steps and who was arrested after the police found his front license plate, to the loving couple whose marriage ceremony before one of the judges was followed, almost immediately, by the bride's filing a charge of domestic violence against her new groom.

JOSEPH BOOKER—CUYAHOGA COUNTY COURT OF COMMON PLEAS

As Chief Jury Bailiff for the Cuyahoga County Common Pleas Court, Joseph Booker, nominated by Presiding/Administrative Judge Richard J. McMonagle, supervises the Jury Room and insures that prospective jury panels are prepared for their service in criminal and civil trials. After employment in the private sector in marketing positions, Mr. Booker became a court employee in 1975. Married to Carolyn since 1961 and the father of three, Joseph, an Alabama native, raised in Youngstown, credits his father, a steelworker and minister, and his mother, a homemaker, with instilling in him and his brothers strong spiritual values, which he tries to impart to others. An army veteran, Mr. Booker enjoys photography, woodworking, travel and golf and has been active in church activities, including serving as a Boy Scout troop master. Mr. Booker has heard every reason, and then some, advanced by citizens trying to avoid serving as jurors. His most vivid recollection, though, is the call he received on a Friday from a wife whose husband was on a jury which had been sequestered. The wife was calling to find out how her husband was doing during the sequestration. There was one problem: the jury had been discharged the prior Tuesday. Joseph regrets, perhaps only slightly, that he did not find out how the couple resolved the problem.

JUDY COURTEMANCHE—EIGHTH DISTRICT COURT OF APPEALS

Judy A. Courtemanche, Judicial Secretary at the Ohio Court of Appeals, Eighth Appellate District, has been nominated by her boss, Administrative Judge James Porter, in recognition of her combined 21 years' service at the Court of Appeals and the office of the Cuyahoga County Clerk of Court. Particularly, her service in circulating and releasing the Judge's opinions, keeping his docket, and working with him in all court-related matters. A resident of the Cleveland area since her birth, Ms. Courtemanche has been married for 15 years to her husband, Bob. She views her marriage to Bob as her biggest accomplishment and also values her close relationship with her sister and her three brothers. Judy has been honored by the Plain Dealer as an outstanding former carrier and also has served in the old Cleveland Municipal Stadium, Jacobs' Field and the new Cleveland Browns Stadium as a ticket taker and usher. An avid reader and gardener, Judy also enjoys activities designed to maintain her fitness. She camps regularly, including trips to Canada and seven states in the last two years alone. The child of a mother and father who were both long-time governmental employees, Judy still finds her work interesting and challenging, and she says, second only to saying "I do", entering public service was the best decision she ever made. In her "dream job" at the Court of Appeals, Judy values her co-workers as a close and supportive second family.

DANIEL DADICH—CUYAHOGA COUNTY DOMESTIC RELATIONS COURT

Since October 1978, Dan Dadich, Administrative Judge Timothy M. Flanagan's nominee, has been employed at the Domestic Relations Court. Now, the Director of Enforcement Services, Dan is regarded as being the person to see to get a clear and quick response to questions about child and spousal support and health insurance for children. Mr. Dadich notes that the ever-changing legislation in this area has made it an awesome challenge to help parties and counsel understand the complexities of this particular portion of the trauma of divorce. Dan has presented support issues at continuing legal education courses offered by the Cuyahoga County Bar Association and others. Dan has lived in the Cleveland area his entire life and attended Kent State University. Dan is married to Gail, who received this same award in 1995. This doubly-honored couple are the parents of three sons, Devon, Daniel and Derek. Dan has been active as a coach and officer in the North Royalton Soccer Club. Despite the stress of dealing with court personnel, parents and counsel, Dan still maintains an even and reasoned perspective and a keen sense of humor.

RAYMOND DENNARD—CLEVELAND MUNICIPAL COURT

Raymond Dennard has been an employee of the Cleveland Municipal Court since 1971. Currently, Administrative Judge Larry A. Jones' nominee is Deputy Bailiff-Supervisor and is the Chief of Security at the Court, where he supervises approximately 100 bailiffs to make sure that there is "order in the court." Mr. Dennard, a native of West Virginia and father of two grown children, lives with his wife Mairiam in Oakwood Village. Also, he serves as a member of the Village Council. In addition to his duties at the Court and in Oakwood Village, Mr. Dennard finds time to be a Detective, and has recently become Director of Security at Thistledown Race Course. Beyond all those other commitments, Mr. Dennard has found time to be active in his parish and the Elks of the World. Raymond has but one complaint about receiving this award; he found it impossible to distill many decades of faithful service at the Court into a short statement of why he found his service to the pubic rewarding.

THELMA PORTER—CUYAHOGA COUNTY CLERK OF COURTS

Since May 1973, Thelma Porter, Common Pleas Court Clerk Gerald Fuerst's nominee, has been an employee of the County for 26 years. As Department Head of the Journal Department of the Clerk's office, where she has been for the past 22 years, Porter supervises seven other employees in ensuring that civil and domestic journal entries are properly processed, including judgment entries in the Civil and Domestic Divisions. Orders of Sale from the Sheriff's Department. Writs of Possession from foreclosures and other important legal documents. Thelma has been married to Emanuel Porter for over 43 years. The Porters have two grown children, and Thelma is proud to have raised them to be good, responsible, hard-working, honest and caring individuals. She is also blessed with a 2 year old grandchild, Amiri. A graduate of John Hay, she is an active volunteer at Greater Abysinian Baptist Church. Thelma looks to the example of her father, who recently celebrated his 90th birthday and who taught her that hard work and treating people in a way one would like to be treated are the keys to success. Thelma's hobbies include bowling, movies, traveling and shopping at different malls.

ANN VANIK—CUYAHOGA COUNTY PROBATE COURT

Nominated by Administrative Probate Judge John Donnelly, Ann Vanik has been an employee of the Court since 1972. After serving as a deputy clerk and secretary, Ann became Probate Court Auditor, her current position, where she is responsible for maintaining personnel and payroll records, along with purchasing, accounts payable and other budgetary matters. Ms. Vanik is the mother of two daughters, and lives in South Euclid, where she is active at her parish, St. Gregory the Great, where one daughter attends school, and at Beaumont School, where her other daughter is a student. Ann spends much of her time with her daughters and is an active spectator at their volleyball, basketball, softball and fast-pitch softball games. She enjoys cooking and crafts. Each year, she and her daughters "adopt" a family at Thanksgiving and provide that family with a Thanksgiving feast. Ms. Vanik enjoys travel and has been to such varied locales as Hawaii, Cape Cod, Florida, Arizona, Aruba and the Bahamas.

JOHNNY WILLIAMS—CUYAHOGA COUNTY JUVENILE COURT

The Juvenile Court's Administrator John Zachariah's nominee, Johnny C. Williams, has been an employee since 1973 and is a licensed social worker at the Court's Detention Center. A native of North Carolina and schooled in that state, Mr. Williams was a public school music teacher in North Carolina, and then relocated to Cuyahoga County after finishing his military service in 1972. Johnny has worked his entire life, and in addition to his duties at the Detention Center, he has provided custodial care at other agencies, including the United Labor Agency, Cleveland Crossroads for Youth and Ohio Boys Town. In addition to this award, Williams has been recognized by the National Juvenile Detention Association, on two separate occasions, and has received letters of recognition from Mayor White, Governor Voinovich. Former Congressman Stokes, Senator Metzenbaum and other public officials. Johnny is active in the 11th Congressional District Caucus and chairs its Youth Initiative Committee. He also counsels troubled students at a local middle school upon referral of that school's principal and helps supervise social work students from Cleveland State University as their Field Instructor.

SALUTE TO JOHN ALEXANDER AND CBORD

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. HOUGHTON. Mr. Speaker, as you know, food service is the second largest contributor to our Gross National Product. The quality and expense of food is important to us all—as individuals and as a society.

I rise today to share news with you and my colleagues of dedicated food service professionals in Ithaca, New York, who have married high technology to food distribution in a way that enhances the quality and quantity of food served, while dramatically reducing waste and unnecessary expenses.

I'm referring, of course, to CBORD, which was founded in 1975 by John E. Alexander, then an MBA candidate at Cornell University, and two of his associates with a start up investment of $1,000 each. Their dream—to create a software system that could organize the haphazard menu planning process for institutional food service systems, increase the nutritional value of every meal served, and rein in runaway food costs.

Working nights and weekends, this tireless team of entrepreneurs built their system, and today the company they launched on a shoestring served over 4,000 food service clients world wide, while employing over 300 people.

Here is a story that exemplifies the very best in American business. We have long admired individuals with a vision and the courage to pursue it until they achieve success. Today, CBORD's food service control systems are in use by major corporations, colleges and universities, health care facilities, nursing homes, and the United States Armed Services.

But there is more to this story.

In 1983, John Alexander founded the Computer Applications in Food Service Education (CAFÉ) Society, which provides free or reduced cost software systems for use in hospitals and dietetic programs and promotes innovative educational uses of computer applications to help solve the problems of world hunger and chronic food shortages.

CBORD is actively involved with numerous anti-hunger organizations such as HUNGER and FOODCHAIN, provides generous support to the Special Olympics, and sponsors a number of charitable and educational programs throughout the Ithaca region.

The social conscience exhibited by CBORD and the leadership that its founder, John Alexander, has shown in applying America's advancements in technology to one of the world's oldest and most pervasive problems is something we can all applaud.

It is encouraging, as we look to the dawning of the new millennium, that there are still opportunities in this great land to follow your dreams, build a thriving business from the ground up, and then share all that you've learned for the benefit of people everywhere.

TRIBUTE TO CHIEF WILLIAM L. BIELE

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to Chief William L. Biele, who will be retiring from the Creve Coeur Fire Protection District. I hope you will join me in honoring his fine career and in wishing him a happy and healthy retirement.

Chief Biele joined the Creve Coeur Fire Protection District in October of 1959. He was promoted to Captain in 1964 and after several promotions was named Chief in 1983. During his tenure, he established an aggressive educational program to enhance the management potential of his staff as well as the establishment of an In-house District Fitness Program. This fitness program led to the District's participation in the International Firefighter Combat Challenge, in which the Creve Coeur District continually demonstrates its commitment to athletic excellence.

Not only has he distinguished himself with an impressive career with the Creve Coeur Fire Protection District, he has long been a civic leader in his community. His work with the Creve Coeur Lions Club, the Muscular Dystrophy Association, the Dream Factory, the Missouri Mules, the Backstoppers, the Missouri Children's Burn Camp and the Salvation Army, stand as a testament to his tireless efforts to serve the community and the less fortunate.

In addition to his many charitable and civic contributions, Chief Biele has provided leadership and expertise to several professional organizations, including: the International Association of Fire Chiefs, the Greater St. Louis Area Fire Chiefs Association, the Missouri Valley Fire Chiefs Association, and the International Association of Arson Investigators.

Numerous accomplishments and contributions to professional organizations highlighted his long service with the Creve Coeur Fire Protection District. Among these are: 1978 Firefighter of the Year Award, the 1981 Lion of the Year Award, the 1997 Creve Coeur—Olivette Chamber of Commerce Outstanding Businessperson of the Year, member of the Board of Governors for the Greater St. Louis Area Fire Chief Association, Co-Chairman of the St. Louis County Fire and Police Memorial Committee and Chairman of the Central County 911 Chiefs Operating Committee.

Again, Mr. Speaker I hope you will join me in congratulating and thanking Chief Biele for his service to the residents and businesses of Creve Coeur. He is truly a great humanitarian, mentor, leader, and citizen. His efforts are indeed an inspiration to us all.

HONORING JAMES GRIFFIN, JOHN MERCADO AND VERNON MICHEL

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2000

Mr. VENTO. Mr. Speaker, I rise today to honor three heroes from my district: James Griffin, John Mercado, and Vernon Michel. Recently, Mr. Mercado and Mr. Griffin were presented with a Medal of Valor from the Saint Paul police department; Gertrude Michel, the widow of Mr. Michel, accepted the award on his behalf.

Fifty years ago, these three police officers selflessly risked their lives in pursuit of a man who had robbed a liquor store, and in the process fatally shot one of their colleagues and wounded another. The suspect ran into a deserted building. After the building had been tear-gassed, Mr. Griffin, Mr. Mercado and Mr. Michel volunteered to go inside to apprehend him.

It has been said that courage is not the absence of fear, but rather the judgment that something else is more important than fear. I applaud these men for their willingness to put their fear aside, to risk their own lives to protect the lives of others. Although this event took place fifty years ago, their courageous actions serve as an inspiration to those serving in the police force today.

I have included, for my colleague's review, an article from the December 16, 1999 edition of the Saint Paul Pioneer Press, which describes the heroic actions of these three men.

HONORS FOR POLICE HEROES

(By Amy Mayron)

St. Paul police award the department's highest commendation to three officers for their bravery 50 years ago. "Good work should never go unrecognized," says the police chief.

Fifty years ago, three St. Paul police officers volunteered to storm a dark, tear-gas-filled house to find a man who had robbed a liquor store and fatally shot another police officer.

On Wednesday, the three were honored for that act with the department's Medal of Valor.

James Giffin, 82, and John Mercado, 77, who both retired in 1983, received the medal at an awards luncheon in St. Paul. The widow of Vernon Michel, who retired in 1978 and died in 1982, accepted the award for her husband.

Only 28 officers have received the department's Medal of Valor since its inception in 1965. The last medal was given in 1997. Last summer, Police Chief William Finney and people inside and outside the police department began talking about honoring the three officers for their heroism in 1949.

Finney, who grew up in St. Paul and followed a family legacy into the police force, knew the three officers throughout most of his life.

"Good work should never go unrecognized," Finney said. "Time shouldn't matter when good work is done. It's a minor thing that we let 50 years pass."

On the afternoon of Sept. 10, 1949, Oliver Crutcher of St. Paul robbed a liquor store at 365 University Ave. He ran from the store with police not far behind, and gunshots were exchanged. No one was injured, and the robber got away.

But at about 7 p.m. that day, police received a tip that Crutcher was hiding in a house at 324 St. Anthony Ave. Police surrounded the building, and the suspect ran from the house firing gunshots, killing Detective Allen Lee, 38, and wounding another officer.

Police searched the neighborhood, often kicking in the doors of residences. At about 10 p.m., they got a tip that Crutcher was hiding in a building on Rondo Avenue, where Interstate 94 now runs. By that point in the manhunt, nearly 3,000 people had crowded the scene, upset about the police raids being conducted while looking for the suspect.

After tear-gassing the building, Griffin, Michel and Mercado volunteered to go inside to flush out the suspect. They went in shooting, and by the time they got to the suspect, several other officers had joined them.

Crutcher died of 12 gunshot wounds.

On Wednesday, Mercado, Griffin and Michel's widow, Gertrude Michel, smiled as Finney presented them with medals and a plaque. Michel and Mercado humbly accepted the awards and quietly thanked everyone at the luncheon.

Griffin, who retired as deputy police chief, thanked his family for supporting him throughout his career and then briefly talked about what it was like to be a rookie cop in the 1950s and the first African-American officer to join the department.

"I don't know what to say. I'm overwhelmed," he said. "When I joined the department, I never thought I'd be standing here today."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 10, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 11

10 a.m.
Budget
To resume hearings on the President's proposed budget request for fiscal year 2001.
SD–608

FEBRUARY 22

9:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Capitol Police Board, Library of Congress, and the Government Printing Office.
SD–116

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Administration's effort to review approximately 40 million acres of national forest lands for increased protection.
SD–366

FEBRUARY 23

9:30 a.m.
Indian Affairs
To hold oversight hearings on the President's proposed budget request for fiscal year 2001 for Indian programs.
SR–485

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold oversight hearings on activities of the National Railroad Passenger Corporation (AMTRAK).
SR–253

10:30 a.m.
Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Environmental Protection Agency.
SD–406

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the White River National Forest Plan.
SD–366

FEBRUARY 24

9 a.m.
Small Business
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Small Business Administration.
SR–428A

10 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Army Corps of Engineers.
SD–406

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget extimates for fiscal year 2001 for the the Department of Commerce.
SD–138

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S.1722, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State; H.R.3063, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State; and S.1950, to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana.
SD–366

FEBRUARY 29

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Justice.
SD–192

2:30 p.m.
Indian Affairs
Business meeting to consider pending committee business.
SR–485

MARCH 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on the National Association of Public Administrators' Report on Bureau of Indian Affairs Management Reform.
SR–485

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legilative recommendation of the Disabled American Veterans.
345 Cannon Building

MARCH 2

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on legislative recommendations of the Jewish War Veterans, Paralyzed Veterans of America, Blinded Veterans Association, and the Non Commissioned Officers Association.
345 Cannon Building

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of State.
S–146, Capitol

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's proposed revisions to the regulation governing National Forest Planning.
SD–366

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Retired Enlisted Association, Gold Star Wives of America, Military Order of the Purple Heart, Air Force Sergeants Association, and the Fleet Reserve Association.
345 Cannon Building

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Bureau of Investigation, Drug Enforcement Administration, and Immigration and Naturalization Service, all of the Department of Justice.
SD–192

MARCH 15

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legilative recommendation of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 21

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Excahnge Commission.
S–146, Capitol

MARCH 22

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs.
345 Cannon Building

MARCH 23

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.
S–146, Capitol

MARCH 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S.1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.
SR–485

APRIL 5

9:30 a.m.
Indian Affairs
To hold hearings on S.612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.
SR–485

APRIL 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S.611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

CANCELLATIONS

MARCH 15

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on the proposed Indian Health Care Improvement Act.

SR–485

HOUSE OF REPRESENTATIVES—*Thursday, February 10, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

We confess, O gracious God, that we sometimes use prayer as a cover to plead our own case instead of listening to Your still small voice calling for repentance.

We confess that we offer our petitions to You before we offer our thanksgivings for the gifts that we have already received.

We confess, O God, that we diminish our prayers when we ask You to do what we should do for ourselves. Help us, eternal God, to see through our own agendas and become filled with the majesty and wonder and grace of Your abiding love to us and to all people.

This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CROWLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CROWLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 362, nays 37, answered "present" 1, not voting 35, as follows:

[Roll No. 11]

YEAS—362

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fletcher
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—37

Aderholt
Baird
Bliley
Borski
Brady (PA)
Clyburn
Coburn
Costello
Crane
Crowley
English
Filner
Gibbons
Gutknecht
Hefley
Hill (MT)
Hilliard
Kucinich
LoBiondo
McDermott
Moore
Oberstar
Peterson (MN)
Pickett
Ramstad
Rogan
Rothman
Sabo
Schaffer
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—35

Barton
Berry
Blunt
Brown (OH)
Burton
Capps
Chenoweth-Hage
Clay
Cooksey
Danner
DeFazio
Dingell
Everett
Foley
Fossella
Graham
Hall (OH)
Hinojosa
Jefferson
Kasich
Klink
Lipinski
Lofgren
McCollum
McCrery
Miller, George
Myrick
Radanovich
Sanford
Sweeney
Talent
Taylor (NC)
Vento
Vitter
Wise

□ 1023

Mr. ABERCROMBIE and Mr. MORAN of Kansas changed their vote from "nay" to "yea."

Mrs. NORTHUP changed her vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. SHIMKUS). Will the gentleman from New York (Mr. CROWLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. CROWLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minutes after business is conducted today.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2086, NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT ACT

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Report No. 106–496) providing for consideration of the bill (H.R. 2086) to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 2366, THE SMALL BUSINESS LIABILITY REFORM ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, this afternoon a "Dear Colleague" letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of February 14 to grant a rule which may limit the amendment process for H.R. 2366, the Small Business Liability Reform Act of 2000.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Tuesday, February 15, to the Committee on Rules in room H–312 in the Capitol. Amendments should be drafted to the text of the bill as reported by the Committee on the Judiciary.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the office of the parliamentarian to be certain their amendments comply with the Rules of the House.

COMMUNICATION FROM DEPUTY CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Deputy Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, February 9, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 9, 2000 at 5:40 p.m. and said to contain a message from the President whereby he transmits a message on rescissions and deferrals for FY 2000 in accordance with the Congressional Budget and Impoundment Control Act of 1974.

With best wishes, I am
Sincerely,

MARTHA C. MORRISON,
Deputy Clerk.

PROPOSED RESCISSION OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–194)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report three rescissions of budget authority, totaling $128 million, and two deferrals of budget authority, totaling $1.6 million.

The proposed rescissions affect the programs of the Department of Energy and the Department of Housing and Urban Development. The proposed deferrals affect programs of the Department of State and International Assistance Programs.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *February 9, 2000.*

COMMUNICATION FROM THE DEPUTY CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Deputy Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, February 9, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 9, 2000 at 5:40 p.m. and said to contain a message from the President whereby he transmits a report on Albanian compliance with U.S. and international standards in the area of emigration.

With best wishes, I am
Sincerely,

MARTHA C. MORRISON,
Deputy Clerk.

REPORT TO CONGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF ALBANIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–195)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am submitting an updated report to the Congress concerning the emigration laws and policies of Albania. The report indicates continued Albanian compliance with U.S. and international standards in the area of emigration. In fact, Albania has imposed no emigration restrictions, including exit visa requirements, on its population since 1991.

On December 5, 1997, I determined and reported to the Congress that Albania was not in violation of paragraphs (1), (2), or (3) of subsection 402(a) of the Trade Act of 1974 or paragraphs (1), (2), or (3) of subsection 409(a) of that Act. That action allowed for the continuation of normal trade relations (NTR) status for Albania and certain other activities without the requirement of an annual waiver. This semiannual report is submitted as required by law pursuant to the determination of December 5, 1997.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *February 9, 2000.*

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 6, MARRIAGE TAX PENALTY RELIEF ACT

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 419

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

□ 1030

The SPEAKER pro tempore (Mr. SHIMKUS). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Massachusetts (Mr. MOAKLEY), the ranking minority member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 419 is a structured rule providing for the consideration of H.R. 6, the Marriage Tax Penalty Relief Act of 2000. Under this rule, which is a typical rule for the consideration of tax legislation, the House will have 2 hours of general debate, equally divided between the chairman and ranking minority member of the Committee on Ways and Means.

After general debate, it will be in order to consider a substitute amendment offered by the minority which is printed in the Committee on Rules report. This substitute will be debatable for 1 hour.

Finally, the rule permits the minority to offer a motion to recommit, with or without instructions.

Mr. Speaker, as taxpayers across America receive their W-2 forms in the mail and prepare for the dreaded annual ritual of filling out tax forms and writing checks to the government, thousands of newlyweds across the Nation will be in for a very rude awakening. If they tied the knot in 1999, they may be surprised and outraged to find that their tax bill has increased by hundreds or even thousands of dollars.

Hopefully, these couples have not cashed and spent the wedding checks they received from Grandpa Joe and Aunt Lucy, because they still have to pay Uncle Sam. That is right, Mr. Speaker, the Federal government thinks marriage is cause for a tax increase.

We should not really be surprised. After all, there is not much that government does not tax. But it is hard to find a good reason to tax marriage and penalize the most fundamental institution in our society. Still, each year 42 million working Americans pay higher taxes simply because they are married. This is fundamentally unfair and discriminatory. Despite a robust economy, most families find that to make ends meet, both spouses must work.

Under our current Tax Code, working couples are pushed into a higher tax bracket because the income of the second wage-earner, often the wife, is taxed at a much higher rate. Because of the marriage penalty, 21 million families pay an average of $1,400 more in taxes than they would if they were single and living together.

We do not think it is fair or responsible to increase taxes on married couples, especially when marriage is often a precursor to added financial responsibilities such as owning a home or having children. This policy is without logic.

The Marriage Tax Penalty Relief Act will bring fairness to the Tax Code by doubling the standard deduction for married couples, expanding the 15 percent bracket so more of a couple's income is taxed at a lower rate, and increasing the amount that low-income couples can earn and still be eligible for the earned income tax credit. H.R. 6 provides relief to all couples suffering from the marriage penalty tax. That means lower taxes for almost 59,000 couples in my district alone.

My Democratic friends on the other side of the aisle say that they are for marriage penalty relief, but all the Democrats on the Committee on Ways and Means voted against this bill. The Clinton administration is issuing veto threats.

The Democrats make budget process arguments against marriage penalty relief, claiming concern about our surplus and social security. Yet, they know full well that by the time this legislation is approved by the Senate and ready to be sent to the President, our budget will be approved. Be assured, as long as Republicans keep control of Congress, our budget will be balanced.

Since earning the majority, Republicans have kept our promises and reached our budget goals, and there is no turning back now. Moreover, since it was the Republican majority who forced the White House and the Democrats to keep their hands out of the social security trust funds, my Democratic friends can rest easy knowing that we will continue to guard it faithfully.

Mr. Speaker, let us keep our eye on the ball. This debate is about a fundamentally unfair tax that discriminates against and discourages and punishes marriage. Shame on us if we cannot do this one thing to correct this blatant inequity in our tax system.

The fact is that the government is currently taking in more money than it needs to operate. That is what a budget surplus is. It is a big enough surplus that we can give some of it back to the people who earned it. What better place to start than by correcting an inequity in the Tax Code that affects 42 million Americans? I just cannot understand why my Democratic colleagues are so intent on pulling out all the stops to thwart this commonsense and very fair policy.

Mr. Speaker, it is time to either defend the marriage penalty or eliminate it, no more excuses. I hope all my colleagues will support this fair rule so we can move on to a full debate on the Marriage Tax Penalty Relief Act. I hope in the end all of my colleagues will vote in support of marriage and basic fairness by passing this long overdue legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just about everybody agrees we should get rid of the marriage tax. We just disagree on how to do it. Democrats want to target marriage tax cuts to working families, the people that really need it. We want to make sure we fix social security and Medicare, as well as implement the plan to pay off the marriage tax penalty.

Republicans, on the other hand, have a marriage tax bill that gives half of the benefits to people who pay no marriage penalty in the first place, and most of those benefits go to the top 25 percent of wage-earners. Meanwhile, Mr. Speaker, it does nothing to strengthen social security or Medicare.

Mr. Speaker, I am no tax lawyer, but I do know that if we increase the standard deduction without adjusting the alternative minimum tax, we end up just doing about nothing. By the year 2010, 47 percent of the people with two children will receive no relief whatsoever under this Republican bill. It is a tax by any other name, but it will cost just the same.

In effect, Mr. Speaker, my Republican colleagues are giving people money in the form of a marriage tax repeal and taking it away again in the form of alternative minimum taxes. As a result, millions of American families would see no net reduction of the marriage penalty tax whatsoever; that is, Mr. Speaker, unless they are very, very rich and they do not pay any marriage penalty at all.

Mr. Speaker, once again, my Republican colleagues are willing to spend billions of dollars of social security surplus making the rich even richer but just doing nothing for anybody else. That is why this Republican bill will do for millions of American families, especially those with children, absolutely nothing.

A large number of Americans earn too little to see this bill's benefits. For that reason, my Democratic colleagues are offering our version of the marriage tax relief, one that does more for middle- and low-income families but costs a whole lot less.

This Democratic bill makes tax cuts contingent upon implementing plans to shore up Medicare, to shore up social security, and pay down the debt. This Democratic bill really does eliminate the marriage penalty for millions and millions of American families. It also costs half as much as the Republican bill, and ensures that Medicare and social security are protected. I just cannot imagine why anybody would oppose it.

Furthermore, Mr. Speaker, the Republican bill is in direct violation of the budget law, which says, in effect, we just cannot spend money before we know how much money we can spend. This tax break for the rich is just the first installment of the $800 billion tax strategy that was so resoundingly rejected last year. This year, they have carved it up into three pieces. They have cut it up into $2 billion chunks, so just think of it as that great tax break, but only on the installment plan. Either way, Mr. Speaker, it is the same bad ideas, carved up and served to us once again, and it still threatens our social security system.

Mr. Speaker, the American people opposed this idea last year, and it just has not gotten any better. So I urge my colleagues to oppose this bill and support the Democratic alternative.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 1 minute to my distinguished colleague, the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Speaker, today I rise in strong support of this rule and the legislation. The marriage tax is one of those things in government that just does not make any sense. Today we have a chance to correct this situation and pass responsible tax relief for millions of working couples who pay higher taxes simply because they chose to be married.

We need to celebrate this institution of marriage, not tax it. Why should couples have to pay more to government because they decide to spend their lives married together? That is just unfair.

Since my first day in Congress, we have debated what to do with the surplus. Some said tax cuts. I have strongly supported paying down the debt. I have introduced a resolution to pay down the debt by 2015 or earlier. But if we pass responsible, targeted tax cuts, we can accomplish both.

Cutting the marriage tax is responsible tax relief. I am proud to be fighting for the end of the marriage penalty while still making sure we pay off this national debt. This is the kind of fiscal responsibility the American people want. It is the kind of relief 25 million working couples deserve. I urge my colleagues to support this rule and the legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means and the sponsor of the Democratic version of the tax bill.

Mr. RANGEL. Mr. Speaker, when the President recommended relief for the marriage penalty, everybody in the House understood and agreed that we should do it. Then the President asked the Republican leaders to please come over to see which areas of the budget they could agree to. If they were serious about taking care of that, they would have raised that issue.

Probably the President would have said that they can take care of this problem with one-third of the amount of money that they intended; but they are not really concerned just with the penalty, they are concerned with a substantial tax cut.

If the Republicans were serious, they would have said, let us go to our Democratic colleagues. And we would have said, being the politicians that we are, we do not think the President was as generous as he should have been. We would have increased the amount. We would have given more benefits, even to people who had no penalty.

But do Members know what we would have done? We would have said, let us have a budget first. Let us see what we are going to do with Medicare. Let us see what we are going to do with social security and paying down the national debt. Then we would have come in with a generous bill that is our substitute to take care of the penalty, and not just to reward those who are already fortunate in the high-income brackets that have no marriage penalty.

We will have an opportunity to do this, but it is really strange. In the last year when they came up, I say to the gentleman from Massachusetts (Mr. MOAKLEY), with the $792 billion tax bill, our Republican friends were not nearly as irresponsible as the gentleman would have them to appear, because they knew ahead of time it was going to be vetoed. So they love the country, they just love gimmicks.

So this time they made certain that the President was going to veto the bill. They made certain that they had no budget to make them accountable in the bill. They made certain that they went to the distinguished chairman of the Committee on Rules and had him fold into this and waive all of the budget restrictions, and then they came to the floor and they said, we want to take care of the problem.

Well, guess what, this is not for married people. They could have gone to Hallmark if they wanted to do something for Valentine's Day. But to use the Tax Code without hearings, without negotiations, without discussion, that is a bit much.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from California, the distinguished, intelligent, and intellectual chair of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for his somewhat thoughtful remarks and assessment of me.

I would like to say that there have been a wide range of bills that the President guaranteed that he was going to veto. I remember very well the welfare reform bill. He did in fact twice veto it, but he then signed that measure. I remember the Education Flexibility Act. He said that he was going to veto that measure. He in fact ended up signing it. There were several other measures that he talked about vetoing: the national ballistic missile defense bill; he signed it. He can sign this one, too.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

□ 1045

Mr. DREIER. Mr. Speaker, I thank my friend from Columbus, Ohio (Ms. PRYCE) for yielding me this time. I appreciate her leadership on this very, very important measure.

Mr. Speaker, I am happy to report that by a very strong, bipartisan vote, we are going to pass this measure today. As my dear friend from New York (Mr. RANGEL) knows, there are Democrats who have joined in support of this measure and there are reasons for that, because it is very clear that we are going to end one of the most illogical and unfair aspects of the Tax Code.

Even in an election year, we ought to be able to agree on some very basic principles that we all know that the American people share. One of these simple concepts is that married people should not pay more in taxes simply because they are married. That is what this debate comes down to.

The Republican marriage penalty tax relief bill helps low- and middle-income working families, particularly women and minorities who bear a disproportionate share of that unfair burden.

The American people support tax relief like this bill today. They very much want us to deal with some effort to pay down this huge national debt that we have and, of course, we are all well aware of the fact that they want us to ensure retirement security.

Republicans are moving forward, I am happy to say, on all three of those. However, we cannot hold this marriage penalty tax relief bill hostage to a massive, all encompassing budget deal and negotiations that some will try to derail so that they can call this a do-nothing Congress.

We have gotten to the point where we have a chance to help middle-income wage earners who are struggling to make ends meet, who on average we see a $1,400 loss for them because of this penalty. We know very well, and my friend, the gentleman from New York (Mr. RANGEL), up in the Committee on Rules when we were discussing this measure made it clear that this bill does not in any way threaten protecting Social Security or our quest for paying down the debt.

We have a very fair rule here. It is a structured rule which allows for the consideration of the Minority substitute, and we will have a motion to recommit. At the same time, it is also a very fair bill; and I hope we will be able to see, as I predict, a strong bipartisan vote.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from New York, my very good friend the ranking minority member, and I want him to stay in that position for many years to come.

Mr. RANGEL. Mr. Speaker, I will be a minority for a long time but not in this House.

I joined the gentleman in supporting the rule because he was fair enough to allow us to do the right thing in the substitute, but one of the arguments against our bill is that it provides no relief because we say Social Security, Medicare and paying down the national debt. I do not know why the gentleman's people do not want to do that first, but they will be given an opportunity to do all four of them and take care of the marriage penalty.

Mr. DREIER. Mr. Speaker, I thank my friend for his contribution, and I can only infer that he is reaffirming the statement that he made upstairs that, in fact, our bill does make sure that we pay down Social Security and work on debt reduction.

Mr. RANGEL. And take care of the rich at the same time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, as a supporter of eliminating the marriage penalty tax, I am very disappointed in the way the Republican leadership has brought this issue to the floor today. It is like Ronald Reagan said over a decade ago, here they go again. Only this Republican leadership can take a consensus issue, such as the marriage penalty tax cut, and politicize it to the point of failure.

The marriage penalty, as my colleague from California said, is illogical and unfair; but it is wrong to fix it in an illogical and unfair way. It is irresponsible for the Republican leadership to bring this kind of tax cut measure to the floor outside of the context of the entire budget. If we are to be fiscally responsible and maintain our balanced budget and the era of surpluses, we cannot make these kinds of decisions in a vacuum.

Mr. Speaker, American working families need tax relief. A couple on their wedding day should not be handed a tax bill from the Federal Government, and in my district in the East Bay Area of San Francisco more than 65,000 working families pay a marriage penalty. This is the money they should be spending on educating their children, providing health care for their families, or saving for their retirement.

Bringing this bill to this floor in this way is wrong. I urge my colleagues to support the Democratic alternative and vote no on this bill.

Mrs. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Indiana (Mr. MCINTOSH), who has done so much hard work on this bill.

Mr. MCINTOSH. Mr. Speaker, I rise in support of the resolution and in support of the bill. Three years ago I received a letter from two of my constituents, Sharon Mallory and Darryl Pierce, and they wrote to me how they both were workers in the Ford electronics plant making about $9.00 an hour, certainly not what any of us would think of as rich. Sharon went on to explain they cannot afford to get married because she would forfeit her $900 tax refund and have to pay $2,800 in taxes when they were married.

She closed her letter saying Darryl and I would very much like to be married, and I must say it broke our hearts when we found out we cannot afford it. We hope some day the government will allow us to get married by not penalizing us.

Today we are taking a gigantic step forward to fulfill Sharon Mallory's wish to remove this penalty that the government imposes on people who want to get married and who are married in this country of ours.

The gentlewoman who preceded me pointed out that she had 65,000 in her district, couples who are married subject to the marriage penalty. The Democratic substitute she urged us to pass would do nothing. It is scored as zero tax relief for those 65,000 couples. It is a paper tiger. It does actually nothing to allow them to have that tax relief.

I will include in the RECORD the Heritage study from which that 65,000 number was drawn so that people can see all of the districts in this Congress and how many Americans are affected by it.

Let me urge my colleagues to support this resolution and support the bill because of what it does. It provides tax relief to married couples who own their homes. The Democrat substitute provides no tax relief for the marriage penalty if one owns a home and itemizes. It provides up to $1,400 in tax relief by doubling the standard deduction and widening the 15 percent bracket, the two ways that the marriage penalty hits most people in this country.

This bill is an easy bill to pass. At a time when we have $1.8 trillion in surplus in our budget, this would use up just one-tenth of that, to do what is right; to allow people like Sharon Mallory to finally pursue their dream to get married, live in happiness and not fear that the government will punish them simply because they are married.

I would urge all of my colleagues on the Democratic side, on the Republican side, pass this bill. Let it move forward to the Senate so we can get it to the President and he can sign it and we can have real relief for married couples in this country.

Mr. Speaker, I include for the RECORD a listing by district of the number of couples affected by the marriage penalty.

State and Congressional District	Name of Representative	Party	Number of couples affected by marriage penalty
Alabama:			
1	Sonny Callahan	R	56,747
2	Terry Everett	R	63,679
3	Bob Riley	R	60,392
4	Robert Aderholt	R	63,664
5	Robert E. Cramer	D	66,356
6	Spencer Bachus	R	66,486
7	Earl F. Hilliard	D	47,632
State total			424,956
Alaska:			
At large	Don Young	R	66,876
Arizona:			
1	Matt Salmon	R	65,373
2	Ed Pastor	D	49,832
3	Bob Stump	R	57,504
4	John B. Shadegg	R	68,699
5	Jim Kolbe	R	58,902
6	J.D. Hayworth	R	52,429
State total			352,738
Arkansas:			
1	Marion Berry	D	50,565
2	Vic Snyder	D	55,159
3	Asa Hutchinson	R	54,625
4	Jay Dickey	R	47,327
State total			207,677
California:			
1	Mike Thompson	D	52,954
2	Wally Herger	R	47,553
3	Doug Ose	R	55,096
4	John T. Doolittle	R	57,132
5	Robert T. Matsui	D	48,251
6	Lynn C. Woolsey	D	58,003
7	George Miller	D	57,185
8	Nancy Pelosi	D	40,473
9	Barbara Lee	D	43,471
10	Ellen O. Tauscher	D	65,228
11	Richard W. Pombo	R	51,854
12	Tom Lantos	D	59,616
13	Fortney Stark	D	63,214
14	Anna G. Eshoo	D	59,229
15	Tom Campbell	R	64,206
16	Zoe Lofgren	D	54,939
17	Sam Farr	D	53,078
18	Gary Condit	D	51,952
19	George P. Radanovich	R	52,576
20	Calvin M. Dooley	D	44,298
21	William M. Thomas	R	51,876
22	Lois Capps	D	51,174
23	Elton Gallegly	R	59,320
24	Brad Sherman	D	61,438
25	Howard P. McKeon	R	60,273
26	Howard L. Berman	D	49,377
27	James E. Rogan	R	54,160
28	David Dreier	R	59,070
29	Henry A. Waxman	D	42,606
30	Xavier Becerra	D	44,685
31	Matthew G. Martinez	D	47,275
32	Julian C. Dixon	D	45,198
33	Lucille Roybal-Allard	D	38,069
34	Grace F. Napolitano	D	52,281
35	Maxine Waters	D	41,664
36	Steven T. Kuykendall	R	58,266
37	Juanita Millender-McDonald	D	42,068
38	Steve Horn	R	48,899
39	Edward Royce	R	62,958
40	Jerry Lewis	R	49,590
41	Gary G. Miller	R	59,081
42	George E. Brown	D	51,363
43	Ken Calvert	R	54,878
44	Mary Bono	R	46,014
45	Dana Rohrabacher	R	59,579
46	Loretta Sanchez	D	50,574
47	Christopher Cox	R	63,022
48	Ron Packard	R	58,781
49	Brian P. Bilbray	R	45,508
50	Bob Filner	D	47,013
51	Randy Cunningham	R	60,052

State and Congressional District	Name of Representative	Party	Number of couples affected by marriage penalty
52	Duncan L. Hunter	R	55,739
State total			2,752,159
Colorado:			
1	Diana DeGette	D	60,530
2	Mark Udall	D	79,685
3	Scott McInnis	R	69,766
4	Bob Schaffer	R	74,522
5	Joel Hefley	R	77,528
6	Thomas G. Tancredo	R	82,547
State total			444,578
Connecticut:			
1	John B. Larson	D	54,847
2	Sam Gejdenson	D	58,551
3	Rosa L. DeLauro	D	55,985
4	Christopher Shays	R	55,234
5	James H. Maloney	D	60,893
6	Nancy L. Johnson	R	61,796
State total			347,306
Delaware:			
At large	Michael N. Castle	R	74,120
District of Columbia:			
At large	Eleanor Holmes Norton	D	27,117
Florida:			
1	Joe Scarborough	R	53,832
2	F. Allen Boyd	D	52,640
3	Corrine Brown	D	44,474
4	Tillie K. Fowler	R	56,876
5	Karen L. Thurman	D	41,900
6	Cliff Stearns	R	52,391
7	John L. Mica	R	57,202
8	Bill McCollum	R	57,798
9	Michael Bilirakis	R	53,928
10	C.W. Bill Young	R	48,921
11	Jim Davis	D	53,627
12	Charles T. Canady	R	52,052
13	Dan Miller	R	46,602
14	Porter J. Goss	R	48,989
15	David Weldon	R	53,180
16	Mark Foley	R	51,021
17	Carrie P. Meek	D	44,037
18	Ileana Ros-Lehtinen	R	50,461
19	Robert Wexler	D	50,921
20	Peter Deutsch	D	57,696
21	Lincoln Diaz-Balart	R	60,076
22	E. Clay Shaw	R	42,810
23	Alcee L. Hastings	D	45,189
State total			1,176,623
Georgia:			
1	Jack Kingston	R	62,397
2	Sanford D. Bishop	D	52,397
3	Michael Collins	R	72,108
4	Cynthia McKinney	D	75,447
5	John Lewis	D	50,963
6	Johnny Isakson	R	78,795
7	Bob Barr	R	70,617
8	Saxby Chambliss	R	67,271
9	Nathan Deal	R	72,202
10	Charles W. Norwood	R	66,424
11	John Linder	R	59,903
State total			728,525
Hawaii:			
1	Neil Abercrombie	D	54,265
2	Patsy T. Mink	D	52,150
State total			106,415
Idaho:			
1	Helen P. Chenoweth	R	65,242
2	Michael K. Simpson	R	64,468
State total			129,710
Illinois:			
1	Bobby L. Rush	D	42,961
2	Jessie L. Jackson	D	50,527
3	William O. Lipinski	D	60,032
4	Luis V. Gutierrez	D	42,680
5	Rod R. Blagojevich	D	54,712
6	Henry J. Hyde	R	68,046
7	Danny K. Davis	D	40,467
8	Philip M. Crane	R	70,832
9	Janice D. Schakowsky	D	52,160
10	John Edward Porter	R	65,845
11	Jerry Weller	R	59,536
12	Jerry F. Costello	D	52,835
13	Judy Biggert	R	69,312
14	J. Dennis Hastert	R	65,185
15	Thomas W. Ewing	R	57,007
16	Donald A. Manzullo	R	65,058
17	Lane Evans	D	57,063
18	Ray LaHood	R	60,551
19	David D. Phelps	D	55,528
20	John Shimkus	R	58,859
State total			1,149,198
Indiana:			
1	Peter J. Visclosky	D	54,601
2	David M. McIntosh	R	59,333
3	Timothy J. Roemer	D	60,672
4	Mark E. Souder	R	65,246
5	Stephen E. Buyer	R	62,127
6	Dan Burton	R	69,809
7	Edward A. Pease	R	59,986
8	John N. Hostettler	R	58,083
9	Baron P. Hill	D	62,425
10	Julia Carson	R	53,742
State total			606,022
Iowa:			
1	James A. Leach	R	58,552
2	Jim Nussle	R	58,340
3	Leonard L. Boswell	D	58,234
4	Greg Ganske	R	62,044
5	Tom Latham	R	59,672
State total			296,842
Kansas:			
1	Jerry Moran	R	66,213
2	Jim Ryun	R	61,861
3	Dennis Moore	D	66,789
4	Todd Tiahrt	R	65,041
State total			259,904
Kentucky:			
1	Edward Whitfield	R	60,879
2	Ron Lewis	R	65,790
3	Anne M. Northup	R	61,624
4	Ken Lucas	D	64,722
5	Harold Rogers	R	44,065
6	Ernest L. Fletcher	R	66,491
State total			363,572
Louisiana:			
1	David Vitter	R	53,084
2	William J. Jefferson	D	39,319
3	W. J. Tauzin	R	47,785
4	Jim McCrery	R	37,683
5	John Cooksey	R	49,974
6	Richard H. Baker	R	51,502
7	Christopher John	D	44,996
State total			324,343
Maine:			
1	Thomas H. Allen	D	69,013
2	John Elias Baldacci	D	59,729
State total			128,832
Maryland:			
1	Wayne T. Gilchrest	R	69,668
2	Robert L. Ehrlich	R	71502
3	Benjamin L. Cardin	D	66,851
4	Albert R. Wynn	D	70,749
5	Steny H. Hoyer	D	74,288
6	Roscoe G. Bartlett	R	72,357
7	Elijah Cummings	D	51,329
8	Constance A. Morella	R	75,518
State total			552,262
Massachusetts:			
1	John W. Olver	D	60,207
2	Richard E. Neal	D	61,386
3	James P. McGovern	D	64,300
4	Barney Frank	D	62,483
5	Martin T. Meehan	D	65,488
6	John F. Tierney	D	65,995
7	Edward J. Markey	D	63,757
8	Michael E. Capuano	D	43,087
9	John Joseph Moakley	D	60,190
10	William D. Delahunt	D	62,821
State total			609,713
Michigan:			
1	Bart T. Stupak	D	53,222
2	Peter Hoekstra	R	59,111
3	Vernon J. Ehlers	R	59,536
4	Dave Camp	R	53,291
5	James A. Barcia	D	53,465
6	Fred S. Upton	R	57,296
7	Nick Smith	R	57,423
8	Debbie Stabenow	E	58,359
9	Dale E. Kildee	D	54,543
10	David E. Bonior	D	60,939
11	Joseph Knollenberg	R	65,479
12	Sander M. Levin	D	61,086
13	Lynn N. Rivers	D	57,471
14	John Convers	D	42,361
15	Carolyn C. Kilpatrick	D	30,136
16	John D. Dingell	D	56,966
State total			800,682
Minnesota:			
1	Gil Gutknecht	R	70,187
2	David Minge	D	71,909
3	Jim Ramstad	r	79,333
4	Bruce F. Vento	D	64,889
5	Martin Olav Sabo	D	56,730
6	William P. Luther	D	80,846
7	Collin C. Peterson	D	64,693
8	James L. Oberstar	D	62,008
State total			550,595
Mississippi:			
1	Roger F. Wicker	R	50,951
2	Bennie G. Thompson	D	37,268
3	Charles Pickering	R	47,423
4	Ronnie Shows	R	42,555
5	Gene Taylor	D	43,989
State total			222,187
Missouri:			
1	William Clay	D	52,961
2	James M. Talent	R	73,164
3	Richard A. Gephardt	D	65,094
4	Ike Skelton	D	65,282
5	Karen McCarthy	D	60,731
6	Pat Danner	D	68,240
7	Roy Blunt	R	63,563
8	Jo Ann Emerson	R	58,008
9	Kenny C. Hulshof	R	66,013
State total			573,057
Montana:			
At large	Rick Hill	R	89,169
Nebraska:			
1	Doug Bereuter	R	58,135
2	Lee Terry	R	58,122
3	Bill Barrett	R	58,336
State total			174,593
Nevada:			
1 Shelley	Berkley	D	69,837
2 James A.	Gibbons	R	76,304
State total			146,142
New Hampshire:			
1	John E. Sununu	R	69,881
2	Charles F. Bass	R	69,792
State total			139,673
New Jersey:			
1	Robert E. Andrews	D	59,742
2	Frank A.J. LoBiondo	R	58,821
3	Jim Saxton	R	63,735
4	Christopher H. Smith	R	61,098
5	Marge Roukema	R	70,011
6	Frank Pallone	D	64,052
7	Bob Franks	R	70,515
8	William Pascrell	D	61,959
9	Steven R. Rothman	D	62,157
10	Donald M. Payne	D	51,445
11	Rodney P. Frelinghuysen	R	72,605
12	Rush D. Holt	D	69,953
13	Robert Menendez	D	52,022
State total			818,116
New Mexico:			
1	Heather Wilson	R	51,894
2	Joe Skeen	R	44,780
3	Tom Udall	D	46,764
State total			143,438
New York:			
1	Michael P. Forbes	D	56,134
2	Rick A. Lazio	R	58,406
3	Peter T. King	R	60,425
4	Carolyn McCarthy	D	56,679
5	Gary L. Ackerman	D	57,264
6	Gregory M. Meeks	D	49,452
7	Joseph Crowley	D	45,888
8	Jerrold L. Nadler	D	36,726
9	Anthony D. Weiner	D	47,039
10	Edolphus Towns	D	35,208
11	Major R. Owens	D	41,454
12	Nydia M. Velazquez	D	36,971
13	Vito Fossella	R	49,174
14	Carolyn B. Maloney	D	41,628
15	Charles B. Rangel	D	29,900
16	Jose E. Serrano	D	27,496
17	Eliot L. Engel	D	41,920
18	Nita M. Lowey	D	54,017
19	Sue W. Kelly	R	57,614

State and Congressional District	Name of Representative	Party	Number of couples affected by marriage penalty
20	Benjamin A. Gilman	R	57,598
21	Michael R. McNulty	D	51,222
22	John E. Sweeney	R	56,962
23	Sherwood L. Boehlert	R	50,888
24	John M. McHugh	R	48,853
25	James T. Walsh	R	52,646
26	Maurice D. Hinchey	D	49,540
27	Thomas M. Reynolds	R	57,236
28	Louise McIntosh Slaughter.	D	50,919
29	John J. LaFalce	D	51,423
30	Jack Quinn	R	49,607
31	Amo Houghton	R	50,785
State total			1,511,164
North Carolina:			
1	Eva M. Clayton	D	48,949
2	Bob Etheridge	D	60,176
3	Walter B. Jones	R	57,783
4	David E. Price	D	61,042
5	Richard M. Burr	R	60,785
6	Howard Coble	R	66,220
7	Mike McIntyre	D	51,564
8	Robin Hayes	R	60,232
9	Sue Myrick	R	64,916
10	Cass Ballenger	R	67,439
11	Charles H. Taylor	R	55,897
12	Melvin Watt	D	52,299
State total			707,393
North Dakota:			
At large	Earl Pomeroy	D	65,182
Ohio:			
1	Steven J. Chabot	R	50,439
2	Rob Portman	R	62,646
3	Tony P. Hall	D	57,172
4	Michael G. Oxley	R	59,341
5	Paul E. Gillmor	R	63,245
6	Ted Strickland	D	49,998
7	David L. Hobson	R	60,415
8	John A. Boehner	R	62,222
9	Marcy Kaptur	D	54,612
10	Dennis J. Kucinich	D	55,071
11	Stephanie Tubbs Jones	D	44,387
12	John R. Kasich	R	59,563
13	Sherrod Brown	D	61,469
14	Thomas C. Sawyer	D	55,252
15	Deborah Pryce	R	58,779
16	Ralph Regula	R	58,058
17	James A. Traficant	D	52,108
18	Robert W. Ney	R	52,652
19	Steven C. LaTourette	R	61,903
State total			1,079,332
Oklahoma:			
1	Steve Largent	R	53,858
2	Tom A. Coburn	R	49,086
3	Wes Watkins	R	47,053
4	J.C. Watts	R	53,316
5	Ernest J. Istook	R	55,193
6	Frank D. Lucas	R	50,503
State total			309,010
Oregon:			
1	David Wu	D	70,770
2	Greg Walden	R	65,455
3	Earl Blumenauer	D	63,342
4	Peter A. DeFazio	D	62,608
5	Darlene Hooley	D	67,115
State total			329,289
Pennsylvania:			
1	Robert A. Brady	D	36,631
2	Chaka Fattah	D	40,398
3	Robert A. Borski	D	49,023
4	Ron Klink	D	52,612
5	John E. Peterson	R	50,461
6	Tim Holden	D	57,582
7	Curt Weldon	R	59,674
8	James C. Greenwood	R	64,507
9	Bud Shuster	R	55,538
10	Don Sherwood	R	54,417
11	Paul E. Kanjorski	D	53,044
12	John P. Murtha	D	47,161
13	Joseph M. Hoeffel	D	62,089
14	William J. Coyne	D	45,161
15	Patrick J. Toomey	R	58,875
16	Joseph R. Pitts	R	59,764
17	George W. Gekas	R	61,723
18	Michael F. Doyle	D	53,671
19	William F. Goodling	R	63,076
20	Frank Mascara	D	50,277
21	Philip S. English	R	52,227
State total			1,127,911
Rhode Island:			
1	Patrick J. Kennedy	D	51,692
2	Robert Weygand	D	51,668
State total			103,359
South Carolina:			
1	Marshall Sanford	R	58,552
2	Floyd Spence	R	59,118
3	Lindsey O. Graham	R	59,576
4	Jim DeMint	R	60,935
5	John M. Spratt	D	58,110
6	James E. Clyburn	D	48,504
State total			344,794
South Dakota:			
At large	John R. Thune	R	75,114
Tennessee:			
1	William L. Jenkins	R	57,951
2	John J. Duncan	R	58,189
3	Zachary P. Wamp	R	55,895
4	Van Hilleary	R	56,884
5	Bob Clement	D	56,284
6	Bart Gordon	D	64,216
7	Ed Bryant	R	61,121
8	John S. Tanner	D	56,686
9	Harold E. Ford	D	46,087
State total			513,314
Texas:			
1	Max Sandlin	D	55,082
2	Jim Turner	D	50,867
3	Sam Johnson	R	73,236
4	Ralph M. Hall	D	63,380
5	Pete Sessions	R	54,773
6	Joe L. Barton	R	76,230
7	Bill Archer	R	68,594
8	Kevin Brady	R	64,704
9	Nicholas V. Lampson	D	57,677
10	Lloyd Doggett	D	58,612
11	Chet Edwards	D	57,320
12	Kay Granger	R	60,536
13	William M. Thornberry	R	55,869
14	Ron Paul	R	57,103
15	Ruben Hinojosa	D	47,947
16	Silvestre Reyes	D	50,584
17	Charles W. Stenholm	D	57,649
18	Sheila Jackson-Lee	D	48,709
19	Larry Combest	R	63,088
20	Charles A. Gonzalez	D	51,273
21	Lamar S. Smith	R	65,899
22	Tom DeLay	R	67,804
23	Henry Bonilla	R	53,225
24	Martin Frost	D	61,197
25	Kenneth E. Bentsen	D	61,337
26	Richard K. Armey	R	74,098
27	Solomon P. Ortiz	D	50,820
28	Cira D. Rodriguez	D	52,293
29	Gene Green	D	46,253
30	Eddie Bernice Johnson	D	52,880
State total			1,759,038
Utah:			
1	James V. Hansen	R	70,952
2	Merrill Cook	R	71,856
3	Christopher Cannon	R	67,264
State total			210,073
Vermont:			
At large	Bernard Sanders	I	63,836
Virginia:			
1	Herbert H. Bateman	R	60,412
2	Owen B. Pickett	D	56,458
3	Robert C. Scott	D	46,775
4	Norman Sisisky	D	58,346
5	Virgil H. Goode	I	58,049
6	Robert W. Goodlatte	R	56,414
7	Thomas J. Bliley	R	63,630
8	James P. Moran	D	58,895
9	Rick Boucher	D	50,101
10	Frank R. Wolf	R	67,527
11	Thomas M. Davis	R	66,604
State total			643,209
Washington:			
1	Jay Inslee	D	70,815
2	Jack Metcalf	R	62,611
3	Brian Baird	D	60,905
4	Richard Hastings	R	61,191
5	George R. Nethercutt	R	58,153
6	Norman D. Dicks	D	55,419
7	Jim McDermott	D	53,387
8	Jennifer Dunn	R	72,796
9	Adam Smith	D	63,984
State total			559,262
West Virginia:			
1	Alan B. Mollohan	D	48,062
2	Robert E. Wise	D	49,983
3	Nick J. Rahall	D	39,340
State total			137,385
Wisconsin:			
1	Paul Ryan	R	61,060
2	Tammy Baldwin	D	63,731
3	Ron Kind	D	60,875
4	Gerald D. Kleczka	D	61,583
5	Thomas M. Barrett	D	47,411
6	Thomas E. Petri	R	62,599
7	David R. Obey	D	60,802
8	Mark Green	R	61,753
9	F. James Sensenbrenner	R	69,085
State total			548,859
Wyoming:			
At large	Barbara Cubin	R	45,336
US Total			25,000,000

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, when Republicans and Democrats support basically the same idea, the people expect us to come together and get together. Instead, the Republicans have drafted their bill in secret, as if this were a one-party state. If we look at their bill, it immediately becomes clear why. Half the benefit in their bill goes to couples who pay no marriage penalty.

Are we fixing the marriage penalty or giving a marriage bonus to rich couples who have no children? The stock market is already doing quite fine by them.

Even the rich would not object if we bring in millions of low- and moderate-income Americans who do pay the marriage penalty but get nothing under the Republican bill. These are the lost couples. They are the ones who where they both work, they have kids, they cannot get the earned income tax credit and now they will not qualify for the Republicans' marriage penalty relief.

When the Republicans finish trooping to the floor, slice by slice, with their tax cuts, they are going to find out that the American people can add and it still adds up to $700 billion plus, most of it going to the rich.

We are not here to support Donald Trump and whoever the next Ivana may be. Americans rich enough to need a prenuptial agreement are not demanding marriage penalty relief. Give the relief to struggling working families with kids who need it and get nothing under the Republican bill.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, the bottom line is, couples should not be punished by the government for making that decision to get married. Yet the current Tax Code pushes those married couples filing jointly into higher tax brackets. The bottom line is, this is wrong.

I strongly support this Marriage Tax Elimination Act. It provides relief from the marriage penalty. This unfair tax is keeping parents from doing all they want to do for their children. In many cases, it is requiring both parents to work full time when one of them may prefer to work part time and spend more time with their children.

Right now, married couples pay an average of $1,400 a year more in taxes every year, every year. Frankly, over a decade, that money could go towards a family car or a college education or a down payment on a new home or better health care coverage or for retirement savings. It is their money. It is time to end the marriage penalty.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, Members should know that if they vote for this rule, they vote to violate the Congressional Budget Act of 1974. They vote to discard the discipline that has brought us from $290 billion deficits to $125 billion surpluses.

For 25 years, section 303, black letter law of the Congressional Budget Act, has wisely provided that Congress shall not take up major tax cuts of this magnitude or for that matter major spending increases without first adopting a budget resolution. That has been the procedure for 25 years, and for good reason. It requires to take something of this magnitude and put it in the framework of a budget and face it off against competing alternatives.

By not doing that, the result today will be, if we pass this bill, pass this rule, a bill that will drain $182 billion off of a surplus of about $800 billion. Twenty-five percent of the surplus will be disposed of today in one fell swoop without considering other things that we could have done for it.

Now, the rule serves a purpose. It is not some arcane rule. It says, do not do something of this magnitude, either on the tax side or the spending side, in isolation. Do it comprehensively. Consider other alternatives. Do it and see what the trade-offs of doing it are.

I want to defang the marital penalty as much as anybody else. I will gladly vote to do it, but we can vote for it by voting to double the standard deduction, cost about $44.8 billion, and then do something else. The families who are faced with this so-called marital penalty will soon be faced with the AMT, the alternative minimum tax. We never meant for them to be confronted with the AMT. That problem can be fixed, too. The cost is $32.8 billion, a total of $77 billion. Then there is $105 billion left over.

For that $105 billion, we can do Medicare prescription drug coverage per the President's proposal over the next 10 years, or we can go to the President's proposals for tax cuts this year and we have a whole list of things to do. We can expand tuition tax credits. We can provide for school construction bond subsidies. We can fix the EITC. We can expand the child care tax credit. Surely that is pro middle-income family, working families. We can add to the long-term care tax credit, a tax credit of $3,000; and we still have enough left over to do the President's proposed retirement savings account.

All of this can be done in addition to fixing the marital penalty and also fixing the AMT. That is what is wrong. That is what is out of place with this rule. It violates the Congressional Budget Act. It requires us to do something in isolation ad hoc, and what this will lead to is ragged results.

Lots of stuff left on the cutting room floor that has not been fairly considered. There is a better way of doing this. I am for the marital penalty correction but I am for doing it in the proper way.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means, the author of much of this tax relief provision and America's greatest champion for marriage penalty relief.

Mr. WELLER. Mr. Speaker, we have often asked over the last several years, is it right, is it fair, that under our Tax Code, 25 million married working couples on average pay $1,400 more in higher taxes just because they are married?

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Clearly the folks back home in the south side of Chicago and the south suburbs that I have the privilege of representing say it is just wrong, it is unfair that married working couples pay more just because they are married. $1,400 in Illinois, it is 1 year's tuition for a nursing student at Joliet Junior college. It is 3 months of day care. It is a washer and dryer to take care of the kids' clothes.

Let me point out what causes the marriage tax penalty. The marriage tax penalty, I have got a machinist and a schoolteacher, $31,000 in income or $31,500 of income each. While the machinist stays single, he is in the 15 percent tax bracket; the same with the schoolteacher. But they chose to get married. Because when they are married, they file jointly, they are pushed into the 28 percent tax bracket, causing almost $1,400 in marriage tax penalty.

We want to help couples like the machinist and schoolteacher, people who pay the marriage tax penalty. We do that in several ways. Of course, if my colleagues listen to the folks in the bipartisan Joint Committee on Taxation, they point out that one-half of those who suffer the marriage tax penalty, and there is 1.1 million married couples suffering the marriage tax penalty in Illinois, one-half of them itemize their taxes, and one-half of them do not.

If we are going to wipe out the marriage tax penalty for everyone and be fair about it, we have to help both. Of course, that means that those who do not itemize, we double the standard deduction, which helps wipe out their marriage tax penalty.

For those who do itemize, and if one itemizes, one is probably a homeowner. Most middle-class families pursue the American dream. That is why they itemize as a homeowner or give to their church or charity or synagogue or they have student loan expenses. We help them by widening the 15 percent bracket. We also help the working poor by increasing the income eligibility for their earned income credit, erasing that marriage penalty as well.

My Democratic friends have a substitute. They claim it just helps those who do not itemize. That is all they want to help. If one is a homeowner, tough. But under the Democrat's substitute, according to the bipartisan Joint Committee on Taxation, the Democrat plan is phony. It is phony. It is a sham. According to Joint Committee on Taxation, the Democrat substitute they are going to offer today provides zero, nada, nothing in marriage tax relief. It is designed never to work.

Mr. Speaker, we want to eliminate the marriage tax penalty. People often point out that next week is Valentine's Day. When one thinks about it, for 25 million married working couples, what better gift to give them than bipartisan support that helps everyone who suffers the marriage tax penalty, those who do not itemize as well as homeowners and those who give to church and charity as well as the working poor.

Let us wipe out the marriage tax penalty for everyone. It is all about fairness in the Tax Code. Not just give relief to a handful, but let us eliminate the marriage tax penalty for everyone.

Mr. MOAKLEY. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Minority Leader of the Democratic Party.

Mr. GEPHARDT. Mr. Speaker, it may seem to some people watching this debate today that we have heard it before. Last year, Republicans tried to sell their trillion dollar tax cut to the American people. They had town hall meetings. They had a road tour across America to pump up grassroots support.

The gentleman from Texas (Mr. ARMEY), the Majority Leader, was on a television show and said this, "We believe that public opinion is going to come out strong for this package as it is better understood. And we believe the President will respond to that."

Well, the more the American people heard, the less they liked it. In fact, by the time Republicans returned to Washington in September, we did not hear a peep about the reckless plan to spend the budget surplus on an irresponsible tax cut. They have never tried once to override the President's veto of this risky and unpopular plan. It seems to me at least there would be a try, an attempt to override the veto if it is so popular and needed.

So now the Republicans have a new strategy. They are taking the same chocolate cake they tried to devour in a single setting last summer and dividing it into six pieces to eat one at a time. Well, they are not fooling anyone. They have twisted and contorted the legislative process into nothing more than a marketing scheme designed to make last year's unpopular tax cut more palatable.

It is bad enough that we are voting today on a costly tax cut with no committee hearings and no budget. But even worse, we are squandering a golden opportunity for future generations.

We should, instead, be using the opportunity of a surplus to extend the life of Social Security and Medicare. We need to pay off the entire national debt by the year 2013. We should be considering tax cuts only as a part of a package that achieves all of these goals. Democrats support a marriage penalty tax cut. But it needs to be a tax cut that fixes the problem, not a back door means to enact a trillion dollar tax cut in cuts and pieces and bits.

Nearly half of the relief of the Republican bill goes to people other than those that are penalized by the marriage penalty. Our alternative is targeted to the middle-class families who really need it, married couples that are currently penalized by the current surplus. We do not squander the surplus with our tax cut; we fix the problem.

Instead of engaging in a tax cut feeding frenzy, Republicans should first put together a budget that meets the needs of working families. They need to come up with a budget plan to assure all Americans that they do not plan on passing tax cuts that, taken together, are the size of Governor Bush's massive and irresponsible $1.8 trillion tax cut plan.

We need tax cuts that help all middle-class families, that reward work, support education, assist with long-term care, and support marriage. But before we do that, we need to come up with a budget plan that strengthens Social Security and Medicare first and that pays off the national debt by 2013. Anything less threatens our prosperity and risks our future.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Florida (Mr. GOSS), a member of the Committee on Rules and a champion for marriage penalty relief.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentlewoman from Columbus, Ohio (Ms. PRYCE), for yielding me this time.

I rise in support of this very fair rule as well as the underlying bill. It turns out we have got about 49,000 married, tax-paying couples in my district in southwest Florida; and they understand and appreciate very well why we are here today. Also, I think we have 230 of my House colleagues, presumably tax paying, Republican and Democrat, who understand it very well, too.

We know that one of the most pernicious aspects of our current Tax Code is the way in which it financially punishes men and women who choose to get married. Today we will take a direct, firm, and appropriate step to right a wrong.

I am puzzled to hear friends from the other side of the aisle disparage this fine work product. The gentleman from Massachusetts (Mr. MOAKLEY) says it is not enough relief. But we just had the Joint Committee on Taxation say that the substitute that his team has come up with provides zero relief, no dollar relief. I invite the gentleman from Massachusetts to join us because we have more relief than zero. Maybe we do not have enough. If the gentleman wishes to lead us further into more tax cuts, I will be right there by his side.

But it seems that, around here at least, that bipartisanship may be in the eye of the beholder. Just last week, I recall the House entertained a motion to instruct on patient protection legislation, which we are all interested in, billed by its champions as a great bipartisan achievement when we all voted for that. It was. Yet today, our Democratic friends spin themselves into a tight circle trying to justify why they cannot support this modest but necessary and fair bipartisan tax step towards tax fairness.

Well, we are going to hear a lot about process; we always do. We are going to hear a lot about class warfare rhetoric today; we already have, and we will hear more. But we will not hear a compelling argument about this modest and sensible bill because there just is not one.

The facts, more than 21 million couples are forced to shell out, on average, $1,400 more than if they had chosen to remain single and not get married. That is a penalty, a financial penalty. Working women are particularly hit hard in this process, as one can figure.

Although President Clinton has consistently fought our efforts to provide Americans with significant tax relief, even he has finally woken up to the need for a little fairness for married couples, at least he said so in his State of the Union address. Obviously, it remains to be seen whether he will live up to his word and sign this bill.

While I am discouraged by the negative partisan attacks on H.R. 6 by some, I remain hopeful that, in the end, they will put aside election-year politics and join with the vast majority of Americans who support reforming the marriage penalty. This is substantive legislation. It corrects an obvious wrong. It is fair play, and fair play is something that all Americans want and ask us for no matter what their party affiliation.

I wish everybody a happy Valentine's Day. I urge a vote "yes" on the rule and on the bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I think it is important for us all to understand that both sides of the aisle, Democrats and Republicans, favor marriage tax penalty relief. But the truth is, bringing this bill to the floor at this time is not only a violation of the Congressional Budget Act, section 303, but it is totally contrary to common sense and it is fiscally irresponsible.

It defies common sense to bring a bill to the floor that is a major tax cut before we have even drawn up the budget. Every city council, every school board, every State legislature that adopts an appropriations act or tax cut first adopts a budget. To think today that we would come to this floor and act on a major tax bill before the Congress has even adopted a budget is simply irresponsible. It violates the basic rules that every American family understands.

Every American family understands that it is important to have a family budget. They know that sitting around the kitchen table and deciding what they are going to be able to spend for the year, what their income is going to be, is important before they embark upon a spending plan. Every family understands that when one creates a budget, everybody in the family needs to try to buy into it.

This bill comes to the floor without any hearings, without any consultation with the White House, without any consultation with the Democratic side of the Congress.

Every American family understands that one needs to pay off one's debts first when one establishes one's budget. We have a $5.7 trillion national debt. That ought to be the priority. We ought to be sure we are going to deal with that before we pass major tax relief. Every family understands one does not spend money that one does not have.

One man on the other side of the aisle this morning said we had a $1.8 trillion surplus. Well, that is only true if one assumes that we are going to stay with the spending levels that we have in the year 2000. I suspect we will probably see inflation causing some of our spending to go up.

For all of these reasons, we need to be sure that we oppose this rule and oppose this legislation.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from California (Mr. COX), the chairman of the policy committee for the Republican conference.

Mr. COX. Mr. Speaker, we are all in favor of eliminating the marriage penalty is what I understand from listening to the debate. The only objection that some colleagues raise is that this is not the right time to do it. It is too soon. We have only been trying to repeal the marriage penalty since 1981. We have not had enough hearings on it, only in successive Congresses going back decades.

We should pay off the national debt first. There are a number of reasons we should continue to discriminate apparently, but nothing in my view is more important than eliminating this horrible discrimination now.

From 1913 to 1948, we did not discriminate in our Tax Code. We began discriminating in the Tax Code to protect working men who did not live in community property States, because people in community property States could income-split and reduce their rate of tax, and those working men in other States could not do it. Their wives did not work according to the way that the Congress looked at it. As a matter of fact, back when we adopted our income tax code, less than 3 percent of women worked. But in the second half of the 20th century, we watched those numbers change dramatically. By 1997, the number of working women was 100 percent greater than what it had been in 1947.

Today the marriage penalty is not just a tax on marriage. It is a tax explicitly on working women. Even more so, it is a tax on African-American working women because a greater proportion of African-American women are employed full time than the rest of the labor force, than the rest of the female population.

So would we say that it is too expensive to have an Equal Employment Opportunity Commission, it is too expensive to have a Civil Rights Act, it is too expensive to enforce the laws against discrimination? I do not think so.

As a matter of fact, it is not a question of how to spend tax dollars that we are discussing today; it is a question of how to collect it. We ought to collect it fairly without discriminating against people similarly situated just because one person who we personally tax more happens to be a working woman and the other person is not.

We should repeal the marriage tax penalty as soon as possible, and we should do so for a very simple reason: it is the right thing to do.

□ 1115

It is fair. It eliminates discrimination.

I applaud the leadership of the Congress for bringing this forward. I applaud those of my Democratic and Republican colleagues who are finally willing to make this important step forward. I expect we will be able to succeed today. I expect we will strike this blow for fairness, for working women above all, for families, and ultimately for respect and integrity for our government.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time. I will probably not take all the time, but I do take this time to rise strongly in opposition to this rule. And I do so for the same basic reasons that I have done it year in and year out for several years now, and which I used to be joined in by my colleagues on the majority side of the aisle, those who would stand up and decry the Committee on the Budget waiving the budget rules and bringing a bill to the floor of the House before we followed the regular order.

Now, I have not changed. I still feel very strongly that we should follow the regular order at this day and age, in this time, on this day. I ask my friends on the other side why they have, particularly the last two speakers that I have served with for a long time, why have they changed their minds and suddenly are perfectly willing to bring a rule to the floor of the House that waives all budget considerations? I will let them answer that question.

We should establish a comprehensive fiscally responsible budget framework before considering tax legislation or any other spending legislation. We can and should cut taxes. There is no question about that, especially the marriage tax. But I would submit that if we are going to stand in the well of the House and talk all day about fixing the marriage tax, that we should confine our comments to the bill. Fix the marriage tax penalty, which is about half of the bill before us today by the majority. Fix that. I agree to that. Who could possibly stand on the floor of the House and say they could be opposed to that?

But any tax cut must be in the context of a fiscally responsible budget, I believe, and we believe, the Blue Dogs believe, that eliminates the publicly-held debt, strengthens Social Security and Medicare, and addresses other priorities, such as defense. I happen to believe the best tax cut we can give married couples is paying down the debt. That is a personal belief that I have. We can argue and debate that, hopefully in the context of future legislation.

The budget framework put forward by the Blue Dogs last year demonstrated how tax relief can be provided within a fiscally responsible budget. The Republican leadership bill that is brought forward today has failed to put forward a comprehensive plan of how that plan will fit within the overall framework that we need to be talking about. The majority knows it and I know it. And no explanation can move that away from the very fact that it is.

It is fiscally irresponsible, in my opinion, to vote on legislation cutting taxes before we know whether or not there will be sufficient revenue to cut those taxes. It is important for all of us to remember that these tax cuts we are talking about today will occur in the second 5 years. Who among us can predict accurately what is going to be the surplus, the economic conditions in 2006, 2007, 2008, 2009, 2010? Who can predict that?

Have we stopped for a moment to ask ourselves what will happen if these projections turn out to be wrong and we have spent them? Our children and grandchildren will pay dearly for our mistakes.

Is it too much to ask of the majority today to live under the rules that we have talked about living under for as long as the 21 years I have been here; to have the open and honest debate of the actual numbers and fit it within a framework that will keep the economic recovery that we are now in year 7 of, the longest single standing economic recovery period or expansion period in the history of our country?

I say again, speaking on the rule, that I cannot believe my colleagues on the other side of the aisle, who I have stood with so many times when we asked to live by the budget rules, that today they are saying it is okay to waive them so that we can have a Valentine present. I do not believe it. I cannot believe.

I hope my colleagues will change their minds, vote down the rule, send it back to the Committee on Ways and Means, let the gentleman from Ohio (Mr. KASICH) and the Committee on the Budget bring forth a budget, let us have a debate on this, and then fit the marriage tax penalty relief into that confines, which the Blue Dogs believe can be done; and I know everybody in this body believes can be done.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time, and I am pleased to rise today in support of adoption of this rule and ultimate passage of the bill.

I have come to Congress with a firm belief that we need to be responsible in our budget efforts and that we need to take aggressive steps toward a process in paying down the national debt. But this issue does not wait. Fairness does not wait for another day.

We have for too long penalized those who have chosen to be married in this country. We have chosen for too long to penalize those whose families suffer. In Kansas alone, 61,000 people in my Congressional District are impacted by this unfair penalty, this unfair Tax Code. And of that, it happens to impact those of very modest and middle-class incomes. The people who are impacted in Kansas earn between $20,000 and $75,000. We are talking about $1,400, on the average, that they pay more simply because they chose to be married and to have families.

Mr. Speaker, I rise today in support of this rule and encourage its adoption and encourage today, later in the day, that we end this unfairness that has existed too long in the Tax Code.

Mr. MOAKLEY. Mr. Speaker, may I inquire on behalf of my colleague and myself how much time is remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Massachusetts (Mr. MOAKLEY) has 8 minutes remaining; and the gentlewoman from Ohio (Ms. PRYCE) has 6½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank my colleague, the gentleman from California (Mr. COX), for his, I believe, genuine concern about women in the work force, particularly African-American women. I would hope that his concern for that population of the work force would extend beyond this bill and he would also look to help provide them relief, as well as all throughout the American family, as we seek to fund dollars for after-school programs and ways to keep guns out of schools and out of the hands of criminals and the mentally ill.

I want to see action on this front, like many of my colleagues do. And I applaud the gentleman from Illinois (Mr. WELLER) who has been a stalwart on this issue. But I think it is important to note that, as many of my colleagues have, and the gentleman from Texas (Mr. STENHOLM) did so eloquently just a few minutes ago, that as a cosponsor of this bill I did it believing that we would present this with an overall plan, and the gentleman from Missouri (Mr. GEPHARDT) said it so well also; that we would have a budget on the table and we would have decisions made about how we were going to ensure the solvency of Social Security and Medicare.

I say all of this as a member of the younger generation of America, and as one who is 14 weeks away from taking his own marriage vows. I certainly have a personal stake in the outcome of this. But we watch day in and day out on CNN and CNBC as large publicly-traded companies have to update their earnings and have to inform their shareholders that they might not meet the expectations that the company might have set for themselves.

We have set some pretty lofty surplus numbers for the Nation over the next 5 to 10 to 15 years. I have a concern, as I am sure all of us, about whether or not we will actually reach those projections. If we do, God bless us; and we will have money to give away, to pay down the debt, and do all the things we believe is in the best interest of the people. I cannot imagine a company in America that would give out end-of-the-year bonuses in January, which is essentially what we are doing. I cannot imagine a family in America sitting around a dinner table and talking about their October and November vacation trips in January based on projections that the company that the husband works for or the wife is going to do far better than they might expect.

I support tax cuts, but only after we are able to ensure that we can pay down the debt, secure the long-term solvency of the Social Security and Medicare and do what is right for the American people.

I hope my colleagues on both sides of the aisle do the right thing today.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 1½ minutes to my distinguished colleague, the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I rise today in strong support of this rule and of H.R. 6. I think the case for supporting this bill is really very straightforward.

First of all, let us bear in mind, taxes are at an all time postwar record high. When taxpayers are paying more than it takes to fund the biggest Federal Government in history, when taxpayers are paying more than it takes to also pay all the Social Security benefits for the next 10 years and a $2 trillion surplus above and beyond that, which is going to be used to either reform Social Security or pay down debt, when taxpayers have already paid down $350 billion in debt just over the last 3 years and will continue to do so each year, when taxpayers are paying for all of that and still there is another trillion dollars that is going to come into the Federal Government from these taxpayers, it is obvious to me that taxes are simply too high.

Meanwhile, we have an IRS Tax Code that is terribly unfair. It is ridiculously complicated. It is downright immoral in its treatment of married couples. Today we have a wonderful opportunity to do two things: To relieve some of that tax burden on our working families, and to rid the Tax Code of one of its most ridiculous features, punishing couples for choosing to get married. It is senseless. It is immoral.

We have an opportunity to change that today. I urge my colleagues to vote yes on the rule and vote yes on H.R. 6 so we can accomplish that today.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I thank my friend, the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time.

Mr. Speaker, as I was walking over here a few minutes ago to speak, I passed the Triangle, and I saw all the props out there for the press conference after this vote on this piece of legislation today, with the valentine and the chart that said the majority party was going to give, or is going to give the American families a Valentine's present.

It made me think about a friend back home who says there are two kinds of folks in this world, the show horses and there are work horses. I think in this particular instance, it is obvious which category the majority party is falling in.

And why do I say that? I say that because we have a very closely balanced Congress here in terms of Democrat and Republican. We have a Democrat in the White House. There are ways to get things accomplished, and that is to sit down and work with the President and work with the minority party in the House. And you can accomplish something good for the American people.

In this case, we have started a partisan fight. We all know how those end up. They will end up with nothing happening, and as a result, I think that what we have today is just an act by the show horse team for political purposes.

Mr. Speaker, there are many Democrats that want tax relief. We all know that the marriage penalty exists. We need to deal with the deduction issue. We need to deal with bracket creep. We also have some other inequities in this country, the estate tax, the most unfair tax that exists in our code; the Social Security earnings limit needs to be dealt with.

We also have some other issues that need to be addressed by this surplus, and that is Social Security and Medicare reform. Debt reduction should be the cornerstone of any plan that deals with our surplus, defense priorities, veterans and military retirees, a major, major problem that has to be dealt with.

Mr. Speaker, we have budget rules in place. We have budget rules in place for good reasons, because we need to develop these kinds of legislation in context of the big picture, and that is why we should not be waiving these rules.

We should develop a budget that we all can agree upon. We did in 1997, we can do it in again in the year 2000 and do something good for the American people.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 1 minute to my distinguished colleague, the gentleman from the great State of Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I accept the challenge from my colleagues from the other side of the aisle to do the right thing, and the right thing is supporting this rule. It is voting to eliminate the marriage tax penalty. I will help the 52,000 married couples in your district and the 58,000 in my district.

□ 1130

Americans are overtaxed, and what I hear is we all agree with that. If it walks or you earn it or you buy it, we tax it. And we also tax love. We tax marriage. What type of message does that send to the American public and to our children when we say that this is such a great institution of marriage and something that we strive to support; but we will tax it to the tune of about $1,400 per married couple in the districts of my colleagues and in my district?

It is wrong to tax marriage. It is shameful to tax marriage. I grow in frustration as I listen to my colleagues on the other side of the aisle because what I hear the Democrats speak is, let us keep their money, let us keep their money for our spending programs for what we want because we will do it better than they will.

Well, I trust people to keep their own money.

Mr. MOAKLEY. Mr. Speaker, may I inquire of my dear friend, the gentlewoman from Ohio (Ms. PRYCE), how many speakers she has remaining.

Ms. PRYCE of Ohio. Mr. Speaker, I have one speaker remaining, and I will close.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I thank my colleague from Massachusetts for yielding me the time.

Mr. Speaker, the debate this morning is one which is seductive. It is seductive in the sense that it is very difficult to determine what the real issue is.

I would submit that the real issue is not whether the marriage tax penalty ought to be eliminated, what type of a bill is most effective in accomplishing that, but the real debate is over the timing and our priorities in terms of the integrity of the budget process.

We have established a budget process here in the U.S. House of Representatives that places a burden on the Committee on the Budget to report a budget on the House of Representatives to consider that budget in the U.S. Senate and the House to get together and adopt a budget for congressional financial decision-making. As a part of that budget process, we are not supposed to be considering legislation which has significant budget consequences unless it is on an emergency basis.

So what is happening here in February of the year 2000, well before the budget process is advanced, we are considering a bill, which is a very attractive bill; and that is why I say it is a seductive process here. This is premature in the year. It is not easy to stand up and say that something is premature and that we ought to consider it later in the year when we know how it fits into the budget process. But the reason that it is important that this message be stated is reflected by this chart.

This chart shows what has happened when the United States Congress and when the White House are not acting responsibly. We build an enormous debt, a debt to $5.8 trillion, $20,000 for each man, woman, and child in this country. And there is a marriage tax penalty built into this type of irresponsible spending and debt. We ought to make sure.

With this type of a debt, it is incumbent upon us in Congress to avoid the temptation to be importuned for a premature action on legislation. Our first obligation, I submit, is responsibility. Our second obligation is to pay down on the debt. Our third obligation is to provide tax relief to those Americans that are deserving of it. And our fourth obligation is to emphasize the priority programs for our Nation.

I submit and I request that my colleagues join me in postponing action on this very deserving piece of legislation.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman for yielding me the time, and I thank her for bringing this rule to the floor. I encourage my colleagues to support the rule and to support the bill.

What we have heard here this morning over and over again from the opponents of the rule, and I assume the opponents of the bill, is we need to fix the marriage tax and we need to fix it later, we need to fix the marriage tax and we need to fix it later. The truth is we need to fix it now.

We are meeting the important financial goals for the future of the country that we have not met in a long time: balance the budget for the first time in almost 30 years; we are restoring integrity to the Social Security trust fund by not spending that trust fund for the first time in four decades; we are paying down debt in ways that we have not before. Now, not later, is the time to look for the unfairness in the Tax Code and begin the hard work of eliminating that unfairness.

Certainly, 10-year projections can be off. In recent months, they have been off generally to the advantage of making our job easier to balance the budget, pay down the debt, restore Social Security. They may be off the other way. We may not have as much surplus out there 10 years from now as anybody thinks we have right now.

But if the surplus is not there, should we first go tc American families and say, we need to continue this unfair system because we do not have as much extra money as we thought we were going to have in Washington? We should be saying just the opposite, we are going to work hard in Washington to spend money more wisely, and we are going to work hard in Washington to see that working families get a fair Tax Code and get to keep their money.

This is a vote honoring marriage. It is a vote honoring families. It is a vote honoring fairness in the Tax Code. I urge my colleagues to support the rule and later in the day, to cast an important vote for the future of families in America.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of the time to the gentleman from Tennessee (Mr. TANNER) from the Committee on Ways and Means.

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I just wish we were talking about the marriage tax penalty. We are talking about a budget process, and the gentleman from Minnesota (Mr. MINGE) outlined it, as well.

The backdrop of all of this business about the Tax Code is a $5.7 trillion debt. Said another way, we have spent last year and will this year over $240 billion in checks on interest.

If my colleagues want to know why the American people are overtaxed, they are overtaxed because they are paying $240 billion every year in interest payments. And until we have a budget to know where these matters fit, these tax cuts that we all support, like the marriage tax penalty, no sane, rational business person in this country would go about cutting their income before they knew where they stood and what is their outgo.

We say, unless they have a creditable framework where we know we are going to retire debt, where we know we are going to take care of Social Security and Medicare, where we know, is it a higher priority to cut taxes on married people like they say they have but which they do not, but like they say it is to take care of rural health care needs in this country? If my colleagues believe that, then vote for this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a fair rule. It provides for more than 4 hours of debate on an issue that has already been considered and passed once in this Congress.

Unfortunately, it was vetoed by the President. But with this rule and the underlying bill, we have an opportunity to give the President a second chance at signing marriage penalty relief into law. And I hope he will.

Now, I have to say that the Democrats' objections based on budget concerns rings a bit hollow. As the party who oversaw decades of deficit spending and reigned over an era when the Social Security Trust Fund was raided to finance big government spending, this newfound dedication to balanced budgets and debt reduction, while welcome, seems to be guided by an even stronger desire to deny the American people tax fairness and tax relief.

We are in no way jeopardizing those goals by promoting legislation that provides fundamental tax fairness to 42 million Americans and returns a very small percentage of the people's tax dollars to them in a time when we expect a $1.82 trillion revenue excess in the next decade.

If we cannot give tax relief now, when can we? Let us loosen our clutches on the American taxpayer's money, act in fairness, and let families have just a little bit of their money back. Let us be straight with the American people about what we stand for.

I am proud to join my colleagues on this side of the aisle for real marriage penalty relief. I urge support for the rule and for the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nays 165, not voting 14, as follows:

[Roll No. 12]

YEAS—255

Aderholt
Archer
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Ewing
Fletcher
Foley
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—165

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capuano
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Etheridge
Evans
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holden
Hooley
Hoyer
Jackson-Lee (TX)
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Mollohan
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—14

Berry
Brown (OH)
Capps
DeFazio
Everett
Farr
Fossella
Gekas
Hinojosa
Jefferson
Lofgren
McCollum
Smith (NJ)
Vento

□ 1202

Mr. JOHN, Ms. JACKSON-LEE of Texas, and Ms. BERKLEY changed their vote from "yea" to "nay."

Messrs. BARCIA, SMITH of Washington, BONIOR, and CROWLEY changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BERRY. Mr. Speaker, I was unavoidably detained for rollcall votes 11 and 12. Had I been present, I would had voted "yes" on rollcall vote No. 11, and "yes" on rollcall vote No. 12.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3387

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3387, which mistakenly was put on it.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6

Mr. MEEKS of New York. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 6.

The SPEAKER pro tempore. The request of the gentleman from New York (Mr. MEEKS) cannot be entertained. The bill is already on the Calendar.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 419, I call up the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 419, the bill is considered read for amendment.

The text of H.R. 6 is as follows:

H.R. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Marriage Tax Elimination Act of 1999".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—No amendment made by section 2 shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN INDIVIDUAL INCOME TAX RATES.

(a) GENERAL RULE.—Section 1 (relating to tax imposed) is amended by striking subsections (a) through (e) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)),

a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $51,500	15% of taxable income.
Over $51,500 but not over $124,900.	$7,725, plus 28% of the excess over $51,500
Over $124,900 but not over $260,500.	$28,277, plus 31% of the excess over $124,900
Over $260,500 but not over $566,300.	$70,313, plus 36% of the excess over $260,500
Over $566,300................ ...	$180,401, plus 39.6% of the excess over $566,300.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $34,550	15% of taxable income.
Over $34,550 but not over $89,150.	$5,182.50, plus 28% of the excess over $34,550.
Over $89,150 but not over $144,400.	$20,470.50, plus 31% of the excess over $89,150.
Over $144,400 but not over $283,150.	$37,598, plus 36% of the excess over $144,400.
Over $283,150	$87,548, plus 39.6% of the excess over $283,150.

"(c) OTHER INDIVIDUALS.—There is hereby imposed on the taxable income of every individual (other than an individual to whom subsection (a) or (b) applies) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $25,750	15% of taxable income.
Over $25,750 but not over $62,450.	$3,862.50, plus 28% of the excess over $25,750.
Over $62,450 but not over $130,250.	$14,138.50, plus 31% of the excess over $62,450.
Over $130,250 but not over $283,150.	$35,156.50, plus 36% of the excess over $130,250.
Over $283,150	$90,200.50, plus 39.6% of the excess over $283,150.

"(d) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $1,750	15% of taxable income.
Over $1,750 but not over $4,050.	$262.50, plus 28% of the excess over $1,750.
Over $4,050 but not over $6,200.	$906.50, plus 31% of the excess over $4,050.
Over $6,200 but not over $8,450.	$1,573, plus 36% of the excess over $6,200.
Over $8,450	$2,383, plus 39.6% of the excess over $8,450.".

(b) INFLATION ADJUSTMENT TO APPLY IN DETERMINING RATES FOR 2000.—Subsection (f) of section 1 is amended—

(1) by striking "1993" in paragraph (1) and inserting "1999",

(2) by striking "1992" in paragraph (3)(B) and inserting "1998", and

(3) by striking paragraph (7).

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking "1992" and inserting "1998" each place it appears:

(A) Section 25A(h).
(B) Section 32(j)(1)(B).
(C) Section 41(e)(5)(C).
(D) Section 59(j)(2)(B).
(E) Section 63(c)(4)(B).
(F) Section 68(b)(2)(B).
(G) Section 135(b)(2)(B)(ii).
(H) Section 151(d)(4).
(I) Section 220(g)(2).
(J) Section 221(g)(1)(B).
(K) Section 512(d)(2)(B).
(L) Section 513(h)(2)(C)(ii).
(M) Section 685(c)(3)(B).
(N) Section 877(a)(2).
(O) Section 911(b)(2)(D)(ii)(II).
(P) Section 2032A(a)(3)(B).
(Q) Section 2503(b)(2)(B).
(R) Section 2631(c)(1)(B).
(S) Section 4001(e)(1)(B).
(T) Section 4261(e)(4)(A)(ii).
(U) Section 6039F(d).
(V) Section 6323(i)(4)(B).
(W) Section 6601(j)(3)(B).
(X) Section 7430(c)(1).

(2) Subclause (II) of section 42(h)(6)(G)(i) is amended by striking "1987" and inserting "1998".

(3) Subparagraph (B) of section 132(f)(6) is amended by inserting before the period ", determined by substituting 'calendar year 1992' for 'calendar year 1998' in subparagraph (B) thereof".

(4) Sections 468B(b)(1), 511(b)(1), 641(a), 641(d)(2)(A), and 685(d) are each amended by striking "section 1(e)" each place it appears and inserting "section 1(d)".

(5) Sections 1(f)(2) and 904(b)(3)(E)(ii) are each amended by striking "(d), or (e)" and inserting "or (d)".

(6) Paragraph (1) of section 1(f) is amended by striking "(d), and (e)" and inserting "and (d)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 3. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) (relating to standard deduction) is amended to read as follows:

"(2) BASIC STANDARD DEDUCTION.—For purposes of paragraph (1), the basic standard deduction is—

"(A) $8,600 in the case of—

"(i) a joint return, or

"(ii) a surviving spouse (as defined in section 2(a)),

"(B) $6,350 in the case of a head of household (as defined in section 2(b)), or

"(C) $4,300 in any other case."

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (4) of section 63(c) is amended to read as follows:

"(4) ADJUSTMENTS FOR INFLATION.—In the case of any taxable year beginning in a calendar year after 1999, each dollar amount contained in paragraph (2) or (5) or subsection (f) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins."

(2) Subparagraph (A) of section 63(c)(5) is amended by striking "$500" and inserting "$700".

(3) Subsection (f) of section 63 is amended by striking "$600" each place it appears and inserting "$850" and by striking "$750" in paragraph (3) and inserting "$1,050".

(4) Subparagraph (B) of section 1(f)(6) is amended by striking "subsection (c)(4) of section 63 (as it applies to subsections (c)(5)(A) and (f) of such section)" and inserting "section 63(c)(4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 6, as amended, is as follows:

H.R. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Marriage Tax Penalty Relief Act of 2000".

(b) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking "$5,000" in subparagraph (A) and inserting "200 percent of the dollar amount in effect under subparagraph (C) for the taxable year",

(2) by adding "or" at the end of subparagraph (B),

(3) by striking "in the case of" and all that follows in subparagraph (C) and inserting "in any other case.", and

(4) by striking subparagraph (D).

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking "(other than with" and all that follows through "shall be applied" and inserting "(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied".

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET; REPEAL OF REDUCTION OF REFUNDABLE TAX CREDITS.

(a) IN GENERAL.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

"(8) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

"(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2002, in prescribing the tables under paragraph (1)—

"(i) the maximum taxable income in the lowest rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be the applicable percentage of the maximum taxable income in the lowest rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	***The applicable percentage is—***
2003	*170.3*
2004	*173.8*
2005	*183.5*
2006	*184.3*
2007	*187.9*
2008 and thereafter	*200.0.*

"(C) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.".

(b) REPEAL OF REDUCTION OF REFUNDABLE TAX CREDITS.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(c) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting "except as provided in paragraph (8)," before "by increasing".

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting "PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;" before "ADJUSTMENTS".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(2) REPEAL OF REDUCTION OF REFUNDABLE TAX CREDITS.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2001.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking "AMOUNTS.—The earned" and inserting "AMOUNTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the earned", and

(2) by adding at the end the following new subparagraph:

"(B) JOINT RETURNS.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,000.".

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) of such Code (relating to inflation adjustments) is amended to read as follows:

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

"(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

"(ii) in the case of the $2,000 amount in subsection (b)(2)(B), by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) of such section 1.".

(c) ROUNDING.—Section 32(j)(2)(A) of such Code (relating to rounding) is amended by striking "subsection (b)(2)" and inserting "subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

The SPEAKER pro tempore. After 2 hours of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 106–495 if offered by the gentleman from New York (Mr. RANGEL), or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by a proponent and an opponent.

The gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 1 hour.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, to open the debate on our side, I yield 4 minutes to the gentleman from Illinois (Mr. HASTERT), the distinguished Speaker of the House of Representatives.

Mr. HASTERT. Mr. Speaker, when a man and a woman exchange the vows of marriage, they traditionally promise to their spouse that they will be there for richer or for poorer. Unfortunately, for too many years, our government has wanted to make these married couples poorer. Over 25 million married couples have to pay extra taxes, just because they are married.

Well, today we have the opportunity to give a Valentine's Day gift to these 50 million, hard-working American families.

The Marriage Tax Penalty Relief Act is another piece of our common sense agenda that enjoys strong support of Americans around this country. This is because most Americans understand that it is ridiculous for our government to penalize married people.

This is not just about tax cuts; it is about fairness. I know of a young couple in my home State of Illinois, Peggy and Patrick Allgeier. Peggy is an elementary school teacher and Patrick is an assistant football coach at a small college. These fine young people have committed their lives to teaching. They have committed their lives to helping young people. Last July, in a wedding ceremony, they committed their lives to each other; but they also committed about $1,500 of their salary back to the Federal Government because they decided to get married.

Because of that wedding, Peggy and Patrick now face the risk of being penalized by our Tax Code. This is absurd. We should be helping young married couples, not forcing them to pay extra taxes.

Some have argued that the marriage penalty is no big deal. They think that if Americans itemize, they should be penalized. They think that if an American owns a house, he or she ought to be penalized. They say that if an American scrapes and saves to obtain the American dream, they ought to be penalized. Well, I think these people are wrong.

In my district alone, over 65,000 couples are hit by the marriage penalty tax every year. These couples pay an average of $1,400 in extra taxes simply because they are married. We need a fairer Tax Code. We need a Tax Code that does not punish married couples. We need a Tax Code that recognizes that working families need help. They need to buy braces for the kids; they need to be able to pay the insurance on the car and the home. They need to do the things that every American, whether one itemizes on one's income tax or not, needs to do. They do not need the Federal Government picking their pocket and taking money out of their home account just because they are married.

I encourage all of my colleagues here to vote yes on the Marriage Tax Penalty Relief bill today.

Some of my friends on the other side of the aisle said this is an extreme bill. It is an extreme practice to do this, extreme tax cuts. Well, folks, I think it is extreme too. I think it is an extremely good idea, and we ought to do it as extremely quickly as possible because the American people think that they need to have the marriage penalty relief. They think that this is extremely fair, and they would like to have it passed today.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I agree with the Speaker that this is a serious problem that we face. The President of the United States agrees, and God knows if the majority wanted to take care of this and not want a political issue that was going to be vetoed, they would have reached out to the Democrats, they would have reached out to the President, they would have had hearings, and we would have targeted the relief.

Why did they pile on so many tax cuts that were totally unrelated to the marriage penalty? Why did they make certain that the President was going to veto this because they completely ignored the budget process? They have so violated their own budget rules that in order for this issue to come to the floor, they have to waive the regular rules, just to bring it on the floor. They have no budget to deal with Social Security, no budget to deal with Medicare, no budget to deal with the national debt; but they intend to take this $1.8 trillion tax cut and feed it to the House piece by piece.

It would seem to me that it is not too late for us to decide what issues are important enough for us to work together on. We voted for the rule. We supported the rule because it gives us an opportunity to get a bill that the President will sign, a bill that really deals with the penalty and not with just a broad tax cut. The President said he will veto this because there is no provisions made for anything that deals with the budget. So I know that the Republicans want to have a political gimmick for Valentine's Day, and that is what this is all about; but it is not too late for us to work together. It is not too late for us to take care of the marriage penalty. It is not too late for us to take care of Social Security, Medicare, affordable drugs, to do something for education.

Let us all work together. There are enough things for us to argue about come November; but I think the American people would want us to start working together, not as Republicans, not as Democrats, but as the House of Representatives.

Mr. Speaker, no one discussed this bill with me or any of the members of the committee that are not in the majority party. We have had no hearings, the President's bill was never discussed. Our input was never asked for. It is not too late for beginning to get something productive in this year, this last year of the session.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the Congress is launching into a debate to do the right thing, to correct the terrible wrong in the Tax Code that is called the marriage penalty that penalizes Americans simply because they got married. That is truly wrong, and we should all be proud to have the opportunity to correct this injustice.

Indeed, the fundamental principle of doing what is right has driven the Republican agenda since we got into the majority in 1995. We have worked to fix what was wrong and to do what was right.

It was right to make Congress live under the laws that apply to everyone else, and we did that. It was right to balance the budget so that we do not leave greater debt to our children and their children, and we did that. It was right to strengthen Medicare so that older Americans could have more confidence that their bills will be paid, and we did that. It was right to give families the child tax credit so that today, every family gets $500 per child. For a family with 2 children, that is $1,000 a year. We did that, and it was right.

It was right to give tax breaks for higher education, and it was right to eliminate the capital gains tax on the sale of houses. It was right to fix the broken welfare system so Americans could discover independence, the freedom of work, and the power of responsibility. We did that. It was right to reform the IRS, to shift the burden of proof to the government, and to do so much more; and we did that. It was right to expand educational opportunity for schoolchildren and give more flexibility to parents and to teachers, and we did that.

□ 1215

It was right to stop the raid on social security on the trust fund and to protect every dime of the social security surplus from being spent on other programs, and we did that.

Today, Mr. Speaker, it is right to fix the marriage tax penalty. I hope all of my colleagues will stand with American families today and fix this once and for all, and not simply use the crutch of every excuse that can be manufactured.

For my entire career in Congress I have fought for the marriage tax penalty. Unfortunately, last year President Clinton vetoed our marriage penalty relief. It would have helped 25 million couples, but it was vetoed. Just 2 weeks ago the President stood in this room, right here, and told the Nation that he would finally join with us to fix the marriage tax penalty, and he got resounding applause.

So today we are back at it again. I hope President Clinton and Vice President Gore this time will embrace this good bipartisan bill, because there are 26 Democrat cosponsors. The American people support it, Representatives and Senators from both parties support it, and there is no excuse why it should not be done now.

Despite all this support, I have a feeling we are still hearing excuses from the Democrats why we cannot do it, for whatever reason.

They may say that we should not also help stay-at-home moms and dads. They call this the marriage bonus. Their plan actually denies relief to child-caring parents. That is wrong. So we do help, and that is right. Raising a child is the single most important job in the world. Those who forego careers and outside work activities to stay and rear those children need help, too.

We are right to provide families with that relief. Even President Clinton says we should help these parents. He said it not long ago in his State of the Union Address here in this Chamber. Why do the Democrat leaders not agree? Why do they fight us on this?

Democrats also complain that this is too much tax relief, but again, they are wrong. Fixing the marriage penalty takes less than 1 penny out of every dollar of Federal revenues. Is that too much to fix this wrong, one penny? Their position is extreme.

Then they say the timing is not right. Wrong again. We should fix the marriage penalty right now. Married couples should not have to wait one day longer to be treated fairly by the Tax Code.

Then they say, oh, it helps the wealthy. They mean those who itemize. Their plan only takes care of those who take the standard deduction. We think the marriage penalty should be fixed for those who itemize, too, and want to deduct the interest on their home mortgages and the taxes on their houses, because almost half of the people that are helped by this are in that category, and they are in the 15 percent bracket.

Almost 25 million married couples pay an average of $1,400 in higher taxes each year, $1,400 each year just because they are married. The Tax Code is tough enough on Americans as it is, but it should not create this penalty.

Let us work together and give millions of married couples the fairness they deserve. We do that. Our plan is fair. It is right. It is broad-based. It helps lower- and middle-income taxpayers, and all married couples.

It comes down to a matter of principle. The fact that married couples pay more in taxes just because they are married is simply immoral. It is unfair. It is not right. It is unjust. It should be corrected. All of our colleagues should join me in voting for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI), a senior member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from New York, the ranking Democrat, for yielding time to me.

Mr. Speaker, Democrats favor relief on the marriage penalty. In fact, when the President spoke, more Democrats stood up quicker than the Republicans stood up during the State of the Union message.

The President, in his budget that he gave us last week, has relief for the marriage penalty. In fact, Members on both sides of the aisle in a couple of hours will be able to vote on the substitute offered by the gentleman from New York (Mr. RANGEL), which will deal with the problem of the marriage penalty.

The problem with this bill, talking about extreme, is that this bill really is not a marriage penalty relief bill. It is in name only. It is kind of like the Trojan horse. It does not really exist. The Republicans will have to admit, maybe they will not want to talk about it, but over half the relief in this bill of $182 billion, one-half of the bill of the gentleman from New York, $182 billion, that goes to people who do not even have a marriage penalty. So how can Members call this really a marriage penalty bill?

There are a lot of problems with this bill, because we did not have a hearing, we did not have discussions. Nobody talked to the President or the gentleman from New York (Mr. RANGEL) or any Democrat on this piece of legislation. It was just kind of put together at the last minute. All of a sudden, we are voting for it a week later on the floor of the House of Representatives.

But bear in mind, this is unbelievable but it is true, somebody who makes $50,000 a year will get major relief from the marriage penalty of $149 a year, about $10 a month. But if you make $100,000 a year, you are going to get about $1,000 a month. That is what is extreme. It is not about the marriage penalty, this is about tax relief and redistribution to wealthy Americans.

In addition, it is going to create a lot more complexity in the code, because people who make $50,000 then will have to file what is known as the alternative minimum tax.

But the real problem with this bill is we have no budget. Because we have no budget, what is going to happen is these little tax bills that are moving through the House right now, $180 billion here, $200 billion there, all of a sudden it is going to affect our ability to fix Medicare and social security, the two most pressing problems in America today.

It would be wonderful if the Republicans would have come to the floor today with a social security relief package, but they have spent most of their time playing the blame game. If we just had a bill to deal with social security first, because that is what we need to do. Social security and Medicare should be dealt with before we deal with tax provisions, because we are using, we are using the so-called budget surplus that may or may not be there.

I urge a strong no vote on this extreme bill that is in name only called the marriage penalty, and vote for the substitute offered by the gentleman from New York (Mr. RANGEL), which really deals with the problems of average, middle-class Americans that are suffering from the marriage penalty.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the gentleman from Illinois (Mr. WELLER) claims time on the majority side.

There was no objection.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman, if he votes against this bill, 340,000 married couples in the Fifth Congressional District of California, one-half of whom are homeowners and itemizers, will not get relief from the marriage penalty. The gentleman may be able to explain that to them, but I sure cannot.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington (Ms. DUNN), who has been a real leader in her effort to eliminate the marriage penalty.

Ms. DUNN. Mr. Speaker, I thank the gentleman for yielding time to me.

To respond to the gentleman who preceded me, the Joint Committee on Taxation has rated the Democrat plan at providing zero in relief for the marriage penalty over the next 5 years.

Mr. Speaker, let us take a close look at what happens with the marriage penalty. A young couple is thinking about marrying. Each of them already has a job. They bring in an income and pay income tax on that income.

They decide to marry. As they file together, instead of separately, the way they were doing before, all of a sudden the joint incomes push that lower-income earner into the higher-income spouse's upper tax bracket. Therefore, they end up paying taxes on a larger amount in a higher bracket. That is the penalty.

The penalty on average is about $1,400 per year per couple. I think it is about time that we end this penalty. Uncle Sam should not be able to say, with this ring I thee tax. This is exactly the case for the 7,200 married couples in my district that I represent in the State of Washington, and for 25 million working couples around this Nation. We were overtaxing them.

We understand that the rewards that come with working can be abundant, and we also understand that this new economy is being driven in large part by women, because women are starting businesses at twice the rate of men. These are enterprising women. They want to use their talents, as they should. But they are also having to balance the demands of work and family.

I will tell the Members right now, Mr. Speaker, 70 percent of mothers are out there now in the work force. I think they deserve a little relief, but $1,400 so they can work, than if they were staying home, it is not fair. Republicans believe that that $1,400 can be spent a lot more wisely by a couple at home, so we want to redirect that dollar back into the couples' pockets so they can spend it on a washer, a dryer, the kids' education, a family vacation in the great Pacific Northwest.

Republicans also believe in choice. We think it is very important that the Tax Code neither discourages nor encourages people as to what they do with their lives, whether they go back to work or they stay home and choose to be at home raising their children. That is what I did for about 8 years before I returned to the work force, and nobody can tell me that work at home raising a family is not hard work. That is why we are looking at this. Both families should receive benefits, whether they are staying in the home working and raising children, or going out into the work force.

Our marriage penalty tax relief provides just that, equal treatment for married women, so they can make the choice as to whether they work or they stay at home and raise their children. I think we have a great opportunity today to help women reach their goals, whether it be pursuing a successful career or raising their little ones.

We hear a lot of talk about whether the President will veto this bill or not. I think he will sign this bill. I have great faith in him. Even though Secretary of the Treasury Larry Summers sent him a letter advising him to veto the marriage penalty, I think he will see the fairness. I think as he really listens to the voices of folks that I and my colleagues represent all over this Nation, that he will sign this bill.

The President has a bill. I think there are some problems with his bill. For example, in the President's plan, he says that he will decide when the time is right for marriage penalty relief. Under the House proposal, a couple earning a combined income of $60,000 would receive just about $750 more in relief than under the President's plan, because it is a very narrow plan. It would help 16 million fewer couples than our bill does.

I think if we get behind this bill, the fairness of it, and folks write to the President and say, let us go for this, I think the President will be very wise and sign this fair bill.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I favor a tax cut, but one that is fiscally responsible, that does not undermine the fiscal discipline that has brought unprecedented prosperity to our Nation. This proposal that the Republicans are peddling does not meet that test.

First of all, it is a first chapter in a book, but the Republicans will not tell us the rest of the book, the other chapters. We all learned long ago, do not buy a book according to the first chapter.

Secondly, the first chapter has a false title. Most of the reductions of taxes in this bill, most of them have nothing to do with the marriage penalty.

Third, this first chapter does not even tell the story. The cost for the first 10 years would be $182 billion. In the second 10, it would explode by an additional $300 billion. And if we include the AMT adjustment that that side says it wants to make, it would be an additional $47 billion a year.

Look at this chart. If Members look at the 20-year projection, we are talking about $700 billion. What does that mean for Medicare? What does that mean for social security? They peddled the argument that our marriage penalty provision, our proposal, brings no relief. That is wrong. The only reason CBO might say that is because we say we first have to adjust and we have to take care of social security and Medicare. Once we do that, our marriage penalty provides relief. They have the cart before the horse. They have this before social security and Medicare relief.

They talk about a valentine, and they have a red chart, a red poster over there. That is not a valentine, that is a veto. The gentlewoman from Washington (Ms. DUNN) should not be misguided, the President is going to veto this with red ink, because that is what they would lead to without thinking through where all of this leads, without telling us what is the rest of their plan.

☐ 1230

The American people, they want some straight talk. They want some fiscal responsibility and they want some bipartisan effort, and this bill fails on all accounts.

Vote for the substitute and vote against this bill.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the previous speaker, that my friend, if he votes against this bill, 61,000 married couples, one half of whom are itemizers, from the 12th Congressional District of Michigan, will not get relief from the marriage tax penalty.

The gentleman may be able to explain that to them, but I sure cannot.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), a real leader in the effort to eliminate the marriage tax penalty.

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 6. I am proud today that we are able to step forward and fix a glaring inequity in our Tax Code. Twenty-five million American couples pay more in taxes simply because they walk to the altar and say, I do. At an average of $1,400 a couple, the marriage penalty makes it much tougher for families, for millions of families, to make their car payments or save that little bit extra for college down the road.

In my district in Michigan alone, there are 106,000 people paying higher taxes just because they are married.

I was pleased to see the President agree with us and call for marriage penalty relief this year. His plan is a good start, but it is really not enough. I think it is better to hit the marriage penalty head on instead of the President's approach, which picks and chooses which families get relief and which families do not.

The President's proposal would not mean a dime for a working couple earning $30,000 each, who scrimped and saved to buy their home last year. Why would they not benefit from the President's plan? Because they itemize their taxes and fill out longer forms. That just does not make any sense at all.

Our proposal on the other hand helps everyone who faces a marriage penalty, whether they happen to own their home or not, whether they itemize or not. If they pay the penalty, our legislation will help them. I believe that American families are overtaxed. American families today pay twice the taxes they did just in 1985, and over 38 percent of the typical family's income goes to taxes.

The $3 trillion surplus over the next 10 years that we see really means that taxpayers have made a substantial overpayment. Let us make a start at returning some of that overpayment and fixing one of the strangest and most inequitable features of our Tax Code. I urge a yes vote on H.R. 6.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST), a distinguished Member of the House.

Mr. FROST. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, more than 6 months ago, the Republicans passed the crown jewel of the Republican agenda, tax breaks for the wealthiest, costing nearly $1 trillion of the surplus.

As Yogi Berra once said, it is deja vu all over again, because today Republicans are once again pushing a plan that risks Social Security and Medicare by squandering the surplus on a massive tax break.

True, they have tried to disguise it this year, but to quote The Washington Post, the Republican tax package, quote, "has little, if anything, to do with marriage. The label is a gloss for a generalized tax cut mainly for the better-off."

Indeed, today Republicans try to take the first $200 billion step toward their goal of spending the surplus. Next they will take another couple of hundred billion for more tax breaks for the wealthiest and then another couple hundred billion dollars and then another couple hundred billion dollars.

Mr. Speaker, to paraphrase a distinguished former Member of Congress, $200 billion here, $200 billion there and pretty soon we are talking about real money. Pretty soon, Mr. Speaker, Republicans will have squandered the entire surplus and, with it, our historic opportunity to strengthen Social Security and Medicare.

Mr. Speaker, I support the Democratic substitute because I want to provide honest marriage penalty relief to the 61,197 married couples in my district. I also want to protect the Social Security and Medicare benefits enjoyed by 72,240 of my constituents, and to reduce my constituents' $8.4 billion share of the Federal debt.

I am proud today to support a Democratic plan that provides more tax relief for married couples who suffer under the current system and that also protects Social Security, Medicare, and our other national priorities.

Mr. Speaker, I urge my colleagues to join me in rejecting the Republican plan and supporting the responsible Democratic alternative.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the previous speaker that if he votes against this bill, 61,000 married couples, one half of whom are itemizers in the 24th Congressional District of Texas, will not get relief from the marriage tax penalty. We need fairness. We can explain it. I am sure the gentleman cannot.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), who has been a real leader in our effort to bring fairness to the Tax Code by eliminating the marriage tax penalty.

Mr. ENGLISH. Mr. Speaker, I rise in strong support of the Marriage Tax Penalty Relief Act. Let us be clear what this is about today. The other side says it is for marriage penalty tax reform, but they have opposed it every time it has come up for a vote. They have opposed it today in its purest form when the reform benefits 25 million couples, especially in the middle- and lower-income brackets.

We have heard all kinds of excuses from them: It is not the right flavor of reform. There have been no hearings. It will hurt Social Security and Medicare. It is politics, this from the politics free zone on the other side of the aisle.

We have heard the beltway excuses. Now let us look at the facts. Thanks to the Republican majority, we have already walled off the revenue for Social Security and Medicare. The fact is that under this bill, one dime of the real surplus outside of Social Security and Medicare, just one dime, will be spent to help those who are unfairly penalized simply because they say, I do.

Just 13 days ago, the President stood before us in this very chamber proclaiming that he was for this reform;

but this week he is threatening a veto. And the other side of the aisle said they are for it, but today we have heard the excuses.

Mr. Speaker, if not now, then when is the appropriate time to use one dime of the real surplus to provide significant tax relief for married couples, including 52,000 couples in my district in western Pennsylvania?

Let us be clear on this. This vote will define forever who is for solving this problem and who is against reform. If one is for reform, vote for the bill.

Let us understand what is really going on here. Those who are opposed to this commonsense tax reform do not want to pass this because they would rather spend the money on their priorities rather than allow married couples to spend the money they earn.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of providing real marriage penalty relief to middle class families. I also rise in opposition to a Republican tax scheme which goes far beyond the marriage penalty. Their irresponsibility jeopardizes Social Security and leaves nothing to strengthen Medicare.

Marriage penalty relief is the right thing to do. Married couples should not find themselves penalized because both need to work. The Tax Code has penalized marriage for too long and any tax cut proposal should attack this problem. That means acting within the framework of a balanced budget that will pay down the debt, protect Social Security, strengthen Medicare, and make needed investments in education. These are the priorities of the American people. Hardworking Americans, Democrats, independents, and even Republicans have sent us this message loud and clear.

The only people who do not seem to be listening are the Republican leaders in this Congress. If they were listening, they would hear the families out, those who say do the right thing. Instead, Republicans come to this floor with a massive tax bill that not only squanders the surplus, it fails to provide true marriage penalty relief.

In fact, over 70 percent of the tax relief in their bill goes to the wealthiest Americans, most of whom do not even pay a marriage penalty. Meanwhile, families that need relief the most would receive less than 41 cents a day. Democrats support real marriage penalty relief that targets those who need it most. Our plan provides more tax relief to low- and moderate-income Americans who work hard for their paycheck each and every day and deserve to keep more of their money. It would ensure that more working families can take advantage of the earned income tax credit.

One hundred thousand of my constituents in my district, those on Social Security, will be hurt by this Republican bill, and the Democratic alternative would cover both those who are suffering from the marriage penalty and those who are on Social Security. We should not be fooled by the numbers that are being brought up on the other side. The Democratic proposal would cover both.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the previous speaker that if she votes against H.R. 6, 56,000 married couples, one half of whom are itemizers in the 3rd Congressional District of Connecticut, will not get relief from the marriage tax penalty.

The gentlewoman may be able to explain that to them, but I sure cannot.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS), a Member of the Committee on Ways and Means, and a leader in our effort to bring fairness to the Tax Code by eliminating the marriage tax penalty.

Mr. LEWIS of Kentucky. Mr. Speaker, there are some issues we discuss in Congress where both sides of the aisle can agree. The importance of marriage, I am convinced, is near the top of that list. That is why I am surprised by this debate today.

We have an opportunity to wipe out a tax problem that otherwise penalizes married couples. We are helping married couples who are building families, pursuing the American dream of homeownership, and couples that contribute to our economy so that they and their families have a safe and prosperous country to live in.

My friends on the other side of the aisle, however, say that this bill gives those families too much. They are talking about families where the husband and wife are just starting out; the ones that can barely afford the new starter house, the ones that sacrifice in order for one parent to stay home so that their children have the best possibility for beginning in life.

The Democrat side says those families do not need a break. They get too many breaks in the Tax Code already. I encourage my friends to talk to those families, and I doubt they would agree.

Mr. Speaker, is the idea of a tax cut that upsetting to some of the Democrats? I guess they did not get the title as tax and spend Democrats for nothing.

Are some in this body more concerned with maintaining a perfect scoreboard for raising taxes on Americans than helping struggling new families? We have a projected surplus of over $3 trillion. Is the need to feed their spending habit so strong that they cannot spare a small part of that to really fix this Tax Code problem?

Mr. Speaker, I certainly hope not. I encourage my colleagues to support the married couples and vote yes for H.R. 6.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is so unfair to use political labels like tax and spend. We are very anxious to work with the majority to get a budget and to get this thing done right, but if they just want a political issue they have it.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I want to support and will support the Democratic substitute which provides an honest marriage tax penalty relief for 53,000 of my people, but it also protects the 81,000 who get Medicare and Social Security in my district.

Rather than do that out here, we have come to Alice in Wonderland. I saw the Speaker of the House come out here and tear up the budget process. He said, let us pass a tax package before we even have a hearing on the Committee on the Budget, on which I sit.

What is even more curious is that the marriage tax penalty was in the Contract on America. For 5 years, the other side has not dealt with it, and suddenly it comes here.

In 1997, in the Committee on Ways and Means, I offered the amendment which is the Democratic substitute. All the Democrats voted for it and all the Republicans voted against, because they were going to give a tax break to the businesses.

Now we come out here, and we want to do this at top speed. It has to be done today in the House so it can be done in the Senate on, what, Tuesday, Wednesday, so that the ad campaign, including the Valentines that are going to be sent to all the married people in this country, will get there with it, with a "we sent it to them."

Now I can see a PR campaign when I see it. It has nothing to do with legislation, the President is right to veto it, until we have a budget and we decide what we are going to do with Social Security and what we are going to do with Medicare.

To be making tax cuts without having one single discussion in here about what we are going to do to protect Social Security or protect Medicare or pay down the debt, they come out here the first thing and say let us send a valentine to everybody because it is an election year.

□ 1245

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, did I understand, then, that 3 years ago every Democrat on the Committee on Ways and Means voted to implement 100 percent of the contract of America marriage penalty relief, and the Republicans rejected it and did not think it was the appropriate priority?

Mr. McDERMOTT. Mr. Speaker, I could not believe it, but that is what happened. I saw it with my own eyes. It was my amendment. The gentleman from Wisconsin (Mr. KLECZKA) and I put the bill in last year.

Mr. DOGGETT. Mr. Speaker, if the gentleman will yield, this candy is about 2 years too late, is it not?

Mr. McDERMOTT. Mr. Speaker, I guess better late than never. But it ought to be in the context of what kind of budget we are putting together. What are they doing with Social Security? What are they doing with Medicare? Why do they have to send valentines before they get down to the serious work here?

The American people expect us to be serious about protecting Medicare and about protecting Social Security and talking about a prescription drug program. Now, my colleagues and I, we have the FEHBP; and if we have to get the prescription filled, it costs $12, and we get a 90-day supply. My mother and a lot of other 90-year-olds in this country have to go out and pay retail. What my colleagues want to do is send this valentine totally unrelated to what is going on in the budget.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman from Washington (Mr. MCDERMOTT), the previous speaker, that if he votes against H.R. 6, 53,000 married couples, and half of whom are itemizers in the Seventh Congressional District of Washington, will not get relief in the marriage tax penalty. Let us eliminate the marriage tax penalty.

Mr. Speaker, this effort to eliminate the marriage tax penalty has been a bipartisan effort.

Mr. Speaker, I yield 1½ minutes to the gentleman from the great State of Ohio (Mr. TRAFICANT), who has been a leader in the effort to eliminate the marriage tax penalty.

Mr. TRAFICANT. Mr. Speaker, all politicians in America promote family values. They are good political buzz words. But the truth is, in America, family values happen to mean higher taxes for married people, period. But it does not stop there. Our Tax Code is so screwed up, it also rewards dependency, subsidizes illegitimacy, promotes sexual promiscuity, denies and inhibits achievement and work, while all the time supposedly promoting family values.

It has become so perverse in America, even marital sex is overtaxed by our policies. It is no wonder the American people are taxed off. It is no wonder America has so many common law homes and marriages and unwed mothers and kids on our street without guidance, nor stability. I am going to vote for this bill.

I want to yield back all the broken homes in America that have been the result of all of the family value rhetoric we hear from Washington politicians.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MCNULTY), a member of the Committee on Ways and Means.

Mr. McNULTY. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), the Democratic leader, for yielding me the time.

Well, here we go again. My friends on the other side of the aisle want to give away surplus revenue before the surpluses even materialize.

I support marriage penalty tax relief. I will save the gentleman from Illinois (Mr. WELLER), my friend on the other side of the aisle, the time and trouble of citing the statistics in my district. There are 51,222 married couples in my district, and they would get relief under the Rangel substitute which I intend to support.

But I would also point out that more than twice as many people, 112,262 constituents in my district receive Social Security and Medicare benefits; and they will not get protection under the Republican bill.

We have had 30 years of deficit spending. There is enough blame to go around for all of that and the tremendous national debt that has resulted. Now we have an era of surpluses, and we are going to decide what to do with the extra money.

But what is the size of the surplus? I am amused by all these guesstimates. Six months ago, the CBO said that it was going to be a trillion dollars, and we all started to divvy up that money. Then a few weeks ago, because of this robust economy that we are experiencing, they revised that figure and said it was going to be almost double that, $1.9 trillion. We all got excited about that until I picked up the New York Times and read an article by Bob Reischauer called the "Amazing Vanishing Budget Surplus."

As I went through his article, which I thought was pretty well thought out, and he took away the Social Security portion of that surplus, which is the bulk of the surplus, and moderately revised down some of the over-optimistic assumptions. He concluded that our 10-year budget surplus could actually be as low as $100 billion. Now, I can understand people thinking that it will be more than that, and I am among that number. But do we really think it is going to be 20 times that?

We all say that we are in favor of saving Social Security, saving Medicare, providing prescription drugs for the elderly, and paying down the national debt. We all say that. But if we do that, what, if any, money will be left? I think Bob Reischauer's projection is low. But what if he is right? Let us take that as an example. This one bill, I would say to the gentleman from Illinois (Mr. WELLER), this one bill would put us $82 billion in deficit. Just this one bill!

So I support the Rangel substitute. I will vote against this irresponsible bill, and I will say to the gentleman from Illinois, I know how many married couples are in my district. I am going to protect them and the seniors.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to the gentleman from New York (Mr. MCNULTY), the previous speaker, that if he votes against H.R. 6, 51,000 married couples, half of whom are itemizers in the 21st Congressional District of New York, will not get relief from the marriage tax penalty. We protected social security. We are paying down the debt. Let us end the marriage tax penalty.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN) who has been a real leader in our effort to make the Tax Code more fair by eliminating the marriage tax penalty.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time. I appreciate his efforts to bring marriage penalty relief to the floor today. He has been a real champion on this issue. I also commend the gentleman from Texas (Chairman ARCHER) for moving it through the Committee on Ways and Means.

Let me just start by saying that we have a non-Social Security budget surplus projected that is over $2 trillion. The marriage penalty we are talking about today is about one dime out of the dollar of that non-Social Security budget surplus. To say that we cannot take care of paying down the debt, to say that we cannot take care of Social Security and Medicare in that context is just not right. We can. We can do that, and we can take care of this unfairness in the Tax Code.

This is a good bill because 25 million couples out there pay, on average, about $1,400 on average more than people who are in their situation but not married. That is just unfair. That may not be much money by Washington standards; but in my district, that is a lot of money. That means about 63,000 couples in the second district of Ohio have more money to save for their own retirement, more money to save for their kids' education, more money to make a down payment on a car or a home. Frankly, it is just not fair. This is their money. This part of the code has to be changed.

I have heard some of my friends from the other side of the aisle say today, well, our bill is more targeted. We want to target it more. Well, if you target it, two things happen.

Number one, people who deserve the benefit, who deserve to get outside of the marriage penalty do not get it. This includes, yes, people who itemize, people who own their own homes. Yes, it includes stay-at-home moms. It even includes some folks that they say they would like to help. Because if they target it and be too specific and refine it too much, they are going to miss some people who need the help.

The second thing that happens is in order to target it and refine it the way that Democrats would like to do they add enormous complexity to the Tax Code. Now, I hope all of us will focus on that today. We are doing this, not only in a way that provides relief to people who are being penalized by this unfair part of our Tax Code, but we are doing it in a way that is as simple as possible so we are not adding tremendous complexity to the Tax Code. My colleagues have to add that complexity if they try to target and try to social engineer too much with this proposal.

So I would say to my friends on the other side of the aisle, let us ask the couples in our districts, do they want to get outside of this unfair marriage penalty. The answer will be a resounding yes.

We have an opportunity to do it today. Let us join together and pass real marriage penalty relief, and I urge everyone to vote yes on final passage.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. COYNE), a senior member of the Committee on Ways and Means.

Mr. COYNE. Mr. Speaker, marriage penalty relief is an important issue, and I am glad that the House is considering the legislation today. Most of us have supported marriage penalty relief for many, many years. That being said, however, I do not think that the current version of H.R. 6 is helpful.

The President's budget addresses the problem in a more fiscally responsible fashion, and I commend him for making his proposal. It would increase the standard deduction for two-earner households to double the amount of the standard deduction for single filers. Since most married couples claim the standard deduction and pay taxes at the 15 percent marginal rate, this provision would eliminate the marriage penalty for most families across the country.

Like the President's proposal, the Democratic alternative that will be offered today would target marriage penalty relief to the families that need it most in the country. Unlike the version of H.R. 6 that was reported out of the Committee on Ways and Means, the Democratic alternative ensures that the alternative minimum tax will not prevent married couples from receiving marriage penalty relief. Consequently, we should support the Democratic alternative that will be offered later today. I believe that this proposal would do the most to help married couples that we represent.

Mr. Speaker, I support the Democratic substitute because I want to provide honest marriage penalty relief to the 45,160 married couples that are in the 14th Congressional District in Pennsylvania. But I also want to protect the Social Security and Medicare benefits enjoyed by 110,656 of my constituents and to reduce my constituents' $8.4 billion share of the Federal debt.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to the gentleman from Pennsylvania (Mr. COYNE), the previous speaker, that if he votes against H.R. 6, 45,000 married couples, one-half of whom are itemizers in the 14th Congressional District of Pennsylvania will not get relief in the marriage tax penalty. Let us bring about fairness. Let us eliminate the marriage tax penalty.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Iowa (Mr. NUSSLE), who has been a real leader in our effort to bring fairness to the Tax Code by eliminating the marriage tax penalty.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Targeted tax cuts, that is what the Democrats are offering here today. Targeted tax cuts. Here is the target, folks, right here, target, zero. That is the target. They hit it as they have every year that they were in power. Every year that they controlled this House of Representatives, they came up with a zero with regard to reducing taxes. No, taxes went up during their control.

Taxes are going down under Republican control. That is why we are here today to talk about tax fairness, to talk about a time in our history where we have finally balanced the budget, where we have finally started to reduce the national debt, where we have finally taken the Social Security Trust Fund away from the big spenders.

We have an opportunity today to find one small area of the Tax Code and say, for the 300,000 married couples in Iowa, as an example, it is time to put fairness into the Tax Code.

What do the Democrats say? We would like to, but. Well, "We would like to cut taxes but" sounds a lot like we would like to reform welfare but, and voted against it. We would like to stop robbing the trust fund of Social Security, but we really would like to spend it; and they did. That sounds a lot like we would like to balance the budget but never were able to during the time they controlled the House of Representatives. It sounds like a lot of excuses from a party who could never quite get a plan put together.

The minority leader came to the floor and said he does not like our plan. Well, it is high time that he came up with a plan that did something. The President at least came forward with a budget that wants to cut taxes. He raised taxes, too. That is another story; we will get into it. But at least he is trying.

From the Democrats in the House, we have got a plan. It is targeted at zero. It is such a big goose egg, we need to vote against the plan, if that is what my colleagues want to call it, to target taxpayers the way the Democrats have and let us give tax relief the way the Republicans are doing it.

☐ 1300

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume to say shame on the gentleman who just spoke. The only reason his side gets the goose egg is because the joint committee said that they would do nothing with Social Security, do nothing with Medicare, and do nothing to pay down the national debt. And we are prepared to say yes it will be zero in tax cuts until we fulfill that responsibility. The gentleman knows it, and I know he knows it.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a senior member from the committee.

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the marriage penalty is wrong, we all acknowledge that. Persons should not have to pay additional taxes because they get married. It is wrong for someone who lives in the Third Congressional District in Maryland, it is wrong whatever Congressional District someone lives in.

But let us explore why we have a marriage penalty in the Tax Code. In the 1940s, Congress felt it important to reward marriage by having the joint tax return. That allowed couples who got married to get a marriage bonus; that is they paid less taxes when they were married than they would if they filed two single returns. It was a good policy in the 1940s.

In the 1960s, we heard from single taxpayers who were outraged that they had to pay such higher taxes. So the Congress provided relief in the 1960s for the singles, creating a larger marriage penalty. That was wrong to create a marriage penalty. And of course with the economic circumstances, and more and more spouses working and having comparable income, we now have a marriage penalty. We should do something about it.

But recognize at least that half the people that are married are receiving a bonus because they are married. So why do I oppose the Republican bill? I oppose it first because it spends $180 billion to provide $80 billion of relief. That does not make good sense. Why are we spending an extra $100 billion that goes to the people who are receiving already a bonus for being married? That is not right. That money we need for Medicare, we need for Social Security; and we need to reduce the national debt.

As my Republican friends have told us, this is the first of a series of tax bills that will spend over a trillion dollars, which jeopardizes our ability to maintain our economic progress.

My good friend, the gentleman from Illinois (Mr. WELLER), who keeps on mentioning our statistics, I hope he will be at least honest in presenting this information and point out that his bill does not provide any additional relief until 2003. That is the first year that this bill helps the person who itemizes their tax returns. And this bill does not fully implement that until 2008. So there is going to be no difference between an approach that deals with an itemized deduction or one that deals with spreading the brackets until at least that year. Let us be honest with our citizens as to the difference here.

What I would hope we would do is be committed to a budget. Yes, we are upset because there is no budget today. We do not know how this all fits together. Let me just give my colleagues one example, if I might. Let us take a Member of Congress, who happens to be married and where the spouse does not work, and one who is single. Today, the married Congressman pays $4,300 less in taxes because he is married.

What the Republican bill would do when fully implemented in 2008 is provide an additional $1,400 of tax relief for that Member of Congress. I do not think that is right. Let us target the money to the people that are paying the penalty. That is what we should be working together to do. I urge my colleagues to work together to solve the problem.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to say to my friend, the previous speaker, that if he votes against H.R. 6, 60,000 married couples, one-half of whom are itemizers in the Third Congressional District of Maryland, will not get relief from the marriage tax penalty. This has been a bipartisan effort.

Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. DANNER), who has been a real leader, in fact the lead Democrat cosponsor of H.R. 6.

Ms. DANNER. Mr. Speaker, I am proud that my home State of Missouri recognizes the benefits of allowing married couples to file either jointly or separately.

Missouri is known as the "Show Me State," and I think we serve as a shining example of the fact that we can have a tax that is fair and equitable to all married couples. I think the Federal Government should, indeed must, emulate my State in providing long overdue tax relief.

There is an old saying, "Death and taxes are both certain, but death isn't annual." Let us each pledge to bring an end to this unfair and costly tax burden which is annually placed on married couples. I can certainly think of no better gift this Congress can give the American taxpayers as we close in on Valentine's Day than to vote on H.R. 6, the Marriage Penalty Relief Act of 2000.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a senior member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, my colleague, the gentleman from Maryland (Mr. CARDIN), asked a rhetorical question, and I want to answer it. He asked why are we spending an additional $100 billion in this bill that does not go to anyone who is in a marriage penalty?

Well, I say to the gentleman from Maryland and my other colleagues, because it is payback time. Those dollars go to the wealthiest in this country who are contributors to my fellow Republicans, who are supporters. They are the exact people who gave $70 million to George W. Bush in his effort to be President of the United States. That is what this is all about.

We have had over 20 Republican speakers today talk about this H.R. 6 marriage penalty bill, but only one, one, had the honesty to come forward in his remarks and state that, yes, there is a bulk of benefits for the most wealthy in this country.

Let me refer my colleagues to this chart. I have taken the liberty of retitling the bill to what it really and actually is, and that is the Tax Fraud Act of Year 2000.

Mr. Speaker, when the bill was before the committee we asked some very pointed questions to the Republican staff. And, surprisingly, we found out that over 50 percent of the benefits in this bill go to people who do not even pay a marriage penalty. So to Patty and Pat in the Speaker's district who just got married, I think it is incumbent on the Speaker and the rest of us to tell Patty and Pat that half of this is going to be who are not suffering the marriage penalty.

Where does all this money go? The Republicans in this bill increase the size of the 15 percent tax bracket. And, surprisingly, 84.1 percent of those benefits go to those taxpayers in this country who are earning over $75,000. On this particular chart we show the 10-year cost of the bill: $182 billion. In the blue shows the dollars that are going for the marriage tax penalty. That is what we are being told the bill is all about.

But I have to tell my colleagues a little deep dirty secret the Republicans do not want us to learn about, and that is that 105 go to other than marriage tax penalty payers. In fact, here again, 84.1 percent of the increase goes to those who earn over $75,000 a year.

So let us be honest in this portrayal. Later in the debate we will have the opportunity to vote for a real, a real live marriage penalty bill, and that is one that goes to those who pay the penalty, not the 50 percent who do not pay the penalty who today earn a marriage bonus.

And, yes, Patty and Pat from the Speaker's district, along with 61,582 of my constituents will get relief from the Democratic substitute and the marriage penalty, but it also recognizes that constituents in my district, like Sid and Doris, 99,234 other seniors, will have a shooting shot later in this session to make sure there are some dollars left to resolve problems like modernizing Medicare, providing a meaningful drug benefit, and saving Social Security. I challenge my colleagues to address this question.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to say to my friend, the previous speaker, that if he votes against H.R. 6, 62,000 married couples, half of whom are itemizers in the 4th Congressional District of Wisconsin, will not get relief from the marriage tax penalty. Yes, we want to help stay-at-home moms and dads who own their homes.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to support H.R. 6, the Marriage Tax Penalty Relief Act of 2000.

This says it all, though. I have heard a lot of rhetoric, obviously from both sides, but this placard, this sign, says it all: Zero. And I think that when we look at the budget surpluses that we produce by refining government, that are projected as far as the eye can see, how can we really truly deny giving back to the American people what is theirs?

The nonpartisan Joint Committee on Taxation has been talked about, and, yes, that is part of the problem with the Democratic substitute. Because what it does is it provides no relief. None. Under the Democratic plan, the Democratic substitute, the provisions do not go into effect until, get this, a Social Security certification, a Medicare certification, and public debt elimination. Until the middle of this century, 2050, to get all three of those out of the way.

That tells me that the Democratic body really does not want relief. They want all the lights to be green before they start across down. And we know that is an improbability.

I would say this: Let us pass this legislation and give the American couples a Valentine gift they deserve.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume to just reiterate that saying it over and over again does not make it right. We have a bill that takes care of the problem and the other side knows it.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN), a member of our Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

First, I want to address this issue that the gentleman from Illinois (Mr. WELLER) keeps bringing up. Our information in numbers is exactly the same as his, but under the Democratic substitute, when signed in law, because it will be the one signed into law, it will provide a marriage penalty relief to 43,900. And I want to also let the gentleman know, because this is a very high number for us in Florida, I want to protect the Social Security and Medicare benefits enjoyed by 188,821 recipients in my area.

Just as importantly, if we take care of Medicare, if we take care of Social Security, and we pay down the debt, that same married couple will be the recipient of those programs as well in the future.

But if my colleagues do not want to believe me, let us go to an outside group. In The Washington Post, dated February 3, 2000, the title of an article, "Fattening the Marriage Bonus."

The article says, "The House Ways and Means Committee yesterday approved a bill to ease the so-called marriage penalty. The bill, however, has little, if anything, to do with marriage. The label is a gloss for a generalized tax cut mainly for the better-off. The bill is structured in such a way that as much as half of the benefits go to the families who do not even incur the supposed penalty but receive a marriage bonus under the law; their taxes are already less than they would be if they were single.

"The Republican-backed bill is backloaded so that its true cost is masked. The estimate is $182 billion over 10 years, but by the 10th year the annual cost would be $28 billion and likely higher if, as expected, Congress also eases the alternative minimum tax. The measure," and this is important, "would thus consume by itself about one-fourth of the surplus in other than Social Security funds projected by the Congressional Budget Offices in the most realistic of its forecasts, and even that forecast was rosy, in that CBO was forced by the accounting conventions to ignore several hundred billions of dollars in cost that everyone understands the government will incur.

"The main provision in the bill, accounting for well over half," as was displayed by our last speaker, "would benefit only taxpayers in the highest quarter of the income distribution. The President," which is where the Democratic substitute has been looked at, "would propose in next week's budget a tax cut limited to middle- and lower-income families that do pay a marriage penalty. It would cost only about a fourth as much as the Republican bill. Secretary Summers rightly warned in a letter this week that he would not recommend the President sign the Republican bill."

So the only true bill on this floor is the Democratic one. It is the only one that will give a Valentine.

□ 1315

Mr. WELLER. Mr. Speaker, I would say to my friend, the previous speaker, that if he votes against H.R. 6, 42,000 married couples, one-half of whom are itemizers in the 5th Congressional District of Florida, that they will not get relief from the marriage tax penalty.

We protect Social Security. We are paying down the debt. No more excuses. Let us eliminate the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a respected member of the Committee on Ways and Means, a real leader in the effort to make the Tax Code fair.

Mr. SAM JOHNSON of Texas. Mr. Speaker, we are talking over here on this side about delaying any relief for married families for up to 10 years. Marriage is a cherished institution in America, and we should promote it, not discourage it.

Today we are going to do just that. Right now married couples pay more in taxes than two single people living together, and that is just not right. Washington has got to stop it, penalizing the cornerstone of our society, the American family. We should encourage marriage, not penalize it.

Do my colleagues know what we are doing? We are really restoring family, children, and the American dream. Democrat allies labeled marriage penalty relief as risky last year, and the President vetoed it. Last week, all the Democrats voted against it in the Committee on Ways and Means.

Today, they are trying to fool us and the American people into thinking that they are for marriage penalty relief. Do not believe them. They do not have a plan that provides for even $1 of guaranteed marriage penalty relief, and this is a shame.

In my district alone, this bill will end the marriage penalty for over 150,000 Americans. The President and his Democrat friends should stop playing election-year politics. A vote for this bill is a vote for America. It is a vote for American families.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, well, leave it to the House Republicans to convert an issue that enjoys such broad bipartisan support into a totally contrived election-year ploy. Had they the slightest interest in correcting the marriage penalty in a timely way, it would have already been done.

In 1997, the Democrats proposed to implement fully the Contract on America provisions, which they so widely ballyhooed all over this country, to put them into effect immediately. But Republicans had other priorities, other special interest priorities.

The "American dream" about which the last speaker spoke in fact, that is the title they put on their bill regarding the marriage penalty to implement the Contract with America. They called it the "American Dream Restoration Act." But they dropped that provision when Democrats offered it in the Ways and Means Committee as an alternative to other special interest priorities.

Last year we had the same thing happen. We proposed more marriage penalty tax relief than Republicans did. But they had their own priorities. They had that special interest provision to provide a tax subsidy for chicken manure. And they had a whole lot of other special interest tax breaks. They were not interested in coming together and cooperating in a bipartisan way to really do something about the marriage penalty.

We now have a new millennium. But, unfortunately, we do not have a new era of cooperation from this House leadership. If we had that, the American families, about which they are expressing such concern about today, would have already had the relief in place, instead of waiting for Valentine's Day.

Now, we also know that this bill cannot pass the truth in packaging standards. Over half of the relief in this so-called marriage penalty tax relief goes to families that do not experience any marriage tax penalty. The sponsors of this bill have never been able to refute that point. In fact, it is a central purpose of their bill. What that means is that over half the relief goes to families that already enjoy an advantage over people who are filing as a single taxpayer under the Tax Code.

I have been blessed with 31 years of marriage to a great woman, my parents over 55 years of marriage. It is a great institution. But I do not see any reason why I need to discriminate against a family that is not as fortunate as I am.

The victim of domestic abuse, the widow who is out there, what do they get out of this great valentine? They do not even get a stale candy wrapper, not one penny. There is no reason why the 50 million American families that are single-parent families, most headed by single women, many of them facing much greater struggles than my family has faced, trying to be a sole provider, trying to care for a family, why they should be discriminated against.

By providing an additional bonus to those taxpayers who already enjoy a bonus or advantage under the Tax Code, this bill actually discriminates against single individuals.

And finally, the most comprehensive discrimination is imposed on our children both of those families who incur and those who do not incur a marriage penalty; it imposes on them a new penalty and that is to share a greater burden of the national debt.

We need to do what the nonpartisan Concord Coalition said yesterday, "giving away chocolates rather than giving away the surplus would be the most appropriate way to celebrate Valentine's Day."

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to say to my friend, the previous speaker, that if he votes against H.R. 6, 59,000 married couples, one-half of whom are itemizers, in the 10th Congressional District of Texas will not get relief from the marriage tax penalty.

I would also note that my friend from Texas voted against last year's effort to wipe out the marriage tax penalty.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COX) a real leader in the effort to make the Tax Code fair by eliminating the marriage tax penalty.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, we have heard that it was important to reduce the marriage penalty a few years ago but we cannot do it this year. We have heard that we should be bipartisan, and yet every Republican is in favor of this and 38 Democrats, not a single bit of bipartisanship in the opposition.

From 1913 until 1948, there was no discrimination against married people or against singles. The Tax Code treated them the same way no matter what. The reason we got a marriage penalty is that back then when the prejudice was in favor of working men, Congress decided to give a protection to working men who did not live in community properties States who could not income split. So now what we have is not just discrimination against married couples, but explicitly we have discrimination against working women.

Back when we got the income Tax Code, women did not work, about three percent of the labor force. That has dramatically changed. From 1947 to 1997, there was a 100 percent increase in the number of working women.

We need to pass this legislation because discrimination is at stake. We would not get rid of the court system, the Civil Rights Act, or the EEOC because it was spending money. Vote for this bill because it is the right thing to do.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been pointed out that the gentleman from Illinois (Mr. WELLER) has 92,571 constituents who are Social Security beneficiaries. And certainly, if they are just going to go after giving tax relief, they really do not care anything about them and those on Medicare.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me the time.

Mr. Speaker, let me talk about the impact of the alternative minimum tax on this bill. Because, as the gentleman from Texas (Mr. ARCHER) knows, I have been speaking out about this for the past few years, and it is time to eliminate the alternative minimum tax. It no longer performs the function it was intended to and, in my view, has perverse consequences in the tax system.

Now, laying that aside, let me tell my colleagues that I had a call this week from a Republican interest group asking me to support this bill. The rationale was the statistic that they were offering that suggested that 61,386 married couples in my district were affected by the marriage penalty.

When I asked how many would not get any benefit from the Republican bill because of the alternative minimum tax, they did not know; and they did not know because they did not care. They saw this then and they see this today as a purely political issue.

Now, is the AMT a minor flaw in this bill? Absolutely not. It would cost $65 billion to fix the problem. To put it another way, the Republican bill promised about $250 billion of tax relief and, by sleight of hand, uses the AMT to take back $65 billion, or 26 percent of the benefit.

This is not a small problem. It is a known problem. It is a fixable problem. But in this legislation that they are offering, it is not fixed.

Now, we hear that this will be taken care of in the future. Sounds a little bit like the Popeye character, Whimpy, promising to buy someone a hamburger next week if only on this day we will buy him one.

If there is a problem, then fix the way we do in the Democratic proposal. If their side keeps promising a pig in a poke, eventually the public is going to demand a look in the bag.

Now, I had a few other callers in support of fixing this tax penalty; and I agreed with them, and that is why I am going to vote for the Democratic alternative. When I asked some of them why they were flirting with the Republican penalty bill, where half the money does not even go to fixing the marriage penalty but to making a single penalty in current law worse, it is written so that the more children they have the less likely they are to get any marriage penalty relief, they do not know what is in the fine print.

So if they are so concerned about children, why did they not take the money they were using to increase marriage bonuses and use it to solve the AMT problem with families with children? They have the money. It is right in their own bill.

So for tens of thousands of American families, the only thing the Republican bill gives them is a requirement that they are going to have to fill out two tax forms instead of one, the regular tax form and a 50-line alternative minimum tax form. Now, that truly is a penalty on the Republican side for being married and having children.

These would be serious problems if this was a serious bill, but it is an election year and we know that it is not, as many of the bills that will follow also I think will be based on. Hopefully, we are going to have a chance this year to fix some real problems.

Now, I want to ask the gentleman from Illinois (Mr. WELLER) a question as I conclude as he leaps to the floor to call attention to the number of people in my district that I have already cited. I would ask if he would state the number of families in my district who are being deceived by using the AMT to take back the tax cut they are promising?

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to say to my friend the gentleman from Massachusetts (Mr. NEAL), the previous speaker, that if he votes against H.R. 6, 61,000 married couples, one-half of whom are itemizers in the 2nd Congressional District of Massachusetts, they will not get relief from the marriage tax penalty.

I would also note that my friend from Massachusetts voted against the outright repeal of the alternative minimum tax this past year.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MCINTOSH), one of the real leaders in the effort to bring fairness to the Tax Code and one of the authors of Weller-McIntosh.

Mr. MCINTOSH. Mr. Speaker, I thank the gentleman for his leadership in bringing this bill to the floor today.

Today is a great day for freedom. It is an even greater day for our families in America. I hope the American people are listening to this debate because it is a debate about priorities. It is a debate about who will truly fight for families versus those who want to fight for higher taxes.

The other side of this debate say they are for marriage penalty relief. But watch what they do, not what they say.

Let me quickly compare these two proposals. The Democrats' plan gives zero dollars in tax relief. There it is on the chart. And that is from a nonpartisan joint committee on tax assessment of the two bills. Zero, zip, nada, nothing to families in their bill. They do not want us to know that, so they scream about other issues.

The GOP gives $182 billion in tax relief, one-tenth of the projected surplus over the next 10 years. The Republican plan will give couples up to $1,400 in tax relief, and it is a plan that applies to all married couples who pay taxes.

Not so for the Democrat alternative. They do not want moms who stay at home to have a benefit under this bill. That is the bottom line when they say people are getting tax relief who should not. It is the moms who are sacrificing, not following their career who choose to stay home and take care of their children. Our bill says give them the same marriage tax relief.

Democrats do not want to give tax relief to people who own a home and itemize. If they are a homeowner, they get zero tax relief under the Democrats' bill. If they are a homeowner and they itemize, they get relief from the marriage tax penalty under our bill.

This morning I heard a Democrat from one of their think tanks say, any family that makes over $50,000, that is $25,000 for the husband and $25,000 for the wife, they are wealthy and they do not deserve relief from the marriage penalty.

Not so under the Republican bill. All families who pay taxes in America will get relief.

This is a true Valentine's gift. It is more like the Hope Diamond on the Republican side. I am proud to support it.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a copy of that Joint Committee on Taxation report and it says, yes, that there is zero under the Democratic plan. If the Republicans have no budget, if the Republicans do nothing for Social Security, if the Republicans do nothing to pay down the national debt, then there will be absolutely nothing under our plan.

We are assuming at some point that the Republicans will work with the President and work with us and do those things and then relief is there. It is as simple as that. The report is available. It is called the Joint Committee on Taxation.

None of the people in the district of the gentleman from Illinois (Mr. WELLER) will get any benefit from the Republican or the Democratic plan until we come together and work together.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

□ 1330

Mr. GREEN of Texas. Mr. Speaker, I stand here today wanting to support a reform of the marriage tax penalty. It is wrong that we would punish people for being married, and that is why I would hope that we could support a bill that would be bipartisan. But what we have today is the Republican bill that is really a Trojan horse. I heard it referred to as the Hope Diamond, but it is really a Trojan horse, because half of those benefits in this bill go to people not subject to the marriage tax penalty right now. Let me repeat that, half the benefits of this bill go to the people who do not have any marriage tax penalty.

That is what is wrong with this bill. It is irresponsible in size and cost, the GOP bill, its willingness to neglect the long-term needs of our country, Social Security, Medicare, paying down our debt, and even national defense. Later this year we will hear about how they want to do stuff for national defense. Well, you cannot give away the store now and expect to pay for it later.

$182 billion would use the surplus in addressing American's priorities by paying down the national debt, Social Security and Medicare. Let me say as a Member of Congress, I would benefit. Like my colleague from Texas, I have a working spouse in Texas who is a schoolteacher. I would benefit from the Republican bill. But it is wrong to do that for the income level we have. It ought to go to the people who really need it, and that is what is wrong with this bill. So Members of Congress should really vote against it, because it benefits us too much.

Half the benefits, again, will go to the taxpayers who have no marriage tax penalty. According to the Citizens for Tax Justice, the Republican bill would give the lion's share of the tax cut to higher income families. Two-thirds of the tax relief would go to 30 percent of the married couples with incomes over $75,000 due to the large tax bracket.

Let me also say we have a Democratic plan that scales it down and really addresses marriage tax relief. Understand, it works with the alternative minimum tax, so it does not give you with one hand and take it away with another. Their bill does.

Over the last few months I have had a chance to do town hall meetings. We were out for 2 months. We did a newsletter. I know I am going to hear in a few minutes from my Republican colleague about how many people will not benefit. Let me tell you, I have 322,000 taxpayers in my district who pay into Social Security, and they want it there 30 and 40 years from now instead of giving away the store now. I have 55,000 recipients on Social Security and Medicare now. They want that benefit now, not given away in a tax cut that is irresponsible.

We sent out a newsletter, and let me talk about it. Mr. Barrera from southeast Houston, "It is so important that you remember, we need to pay down the debt, strengthen Social Security, a prescription drug benefit, fund education, and then give me a tax cut." That is from southeast Houston.

We have a young lady from north side Houston, Ms. Kubala. She said, "You need to show more concern for the not-so-rich people instead of catering to the rich." I do not think that I have a better statement than my constituent for this bill today.

We have a gentleman from the North Shore area of northeast Houston. "It isn't that we do not want a tax cut, but there are other things more important."

Mr. Speaker, I cannot say it better than my own constituents.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the previous speaker, my friend, if you vote against H.R. 6, 92,000 married people in the Twenty-ninth Congressional District of Texas will not get relief from the marriage tax penalty. One-half of them are itemizers. No more excuses. Let us bring fairness to the Tax Code.

Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. MCINNIS), a respected member of the Committee on Ways and Means.

Mr. MCINNIS. Mr. Speaker, I appreciate the gentleman yielding me the time.

You know, I get it. I was at the airport not long ago and I met a young mother, her name was Carrie. She has four children, the oldest of which is six. She asked me about the marriage penalty. I think we all agree, it is unfair. The previous speaker from the Democratic side just said it was unfair.

I told her it is unfair. She said, "Do you think it will pass?" I said, "Sure, it is going to pass. It makes so much sense, the Democrats are going to join with us."

But, old stupid me. Stupid me. I forgot you guys who are worried about election year politics. Forget the merits of getting rid of an unfair tax like the marriage tax penalty. Forget that. It is all about election year politics, and you know it is about election year politics.

There are 30 or 40 of you over there on the Democratic side that have enough guts to stand up and vote for this bill based on its merit, vote on it based on the fact that it is unfair. But the rest of you like to use red herring, Social Security, in fact.

Why do you not just get up here and tell it like it is? It is election year politics. We would not dare want the Republicans to get credit for being fair to the American people. We have got to continue our bash against them. Stand up and vote on the merits, not on election year politics.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the most important thing that the public needs to know about this so-called marriage tax penalty is that it undermines our serious efforts to pay down the national debt, to save Social Security and to provide for Medicare.

This bill will explode in 10 years. It costs $182 billion and will consume over one-fourth of the non-Social Security surplus. We are trying to save Medicare.

This is a pre-Valentines Day stunt. The institution being threatened is not the institution of marriage, it is the institution of Social Security. Let me assure you lovers are not sitting around saying "Honey, we better not get married because of the marriage tax penalty." But I assure you people on Social Security and people soon to be on Social Security are worried that we do not take some serious action to save Social Security.

Now, I agree, we ought to address concerns about the marriage tax penalty for those folks who do pay that tax. But this bill does not do that.

Let me tell you what is wrong with the Republican so-called marriage tax penalty bill. First of all, it is another gimmick to give tax relief for the very rich. Two-thirds of the benefit go to the top one-fourth of taxpayers, those people already well off and, moreover, they are doing very well in today's economy. They do not need a tax break.

Second, half of the relief goes to people who are not even paying the marriage tax. What is that all about?

Third, many of families with children who need a marriage tax break will not get it under this plan.

Clearly they are not addressing the target. On the other hand, you have the targeted Democratic approach. We double the standard deduction and adjust the earned income tax credit, and, as a result, we can provide targeted tax relief from the marriage penalty for those families who genuinely need it. There are 70,000 people in my district, as you will hear, who will benefit if we give targeted tax relief. I want to do that. I do not want to give a bloated Valentine's gift to the very rich who do not need it.

Mr. Speaker, it should be well recognized by now, this is part of a big tax cut for the rich that the Republicans and George Bush are pushing. It is not a good idea. We should reject it, save Medicare, save Social Security, and pay down the debt.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support on this long overdue reform. At last we are going beyond the rhetoric of family values and doing something real to make our Nation truly a place where hardworking American families can have a job and raise a family and own a home. We should not be taxing marriage. Let us stop this discrimination.

I have got to tell you that I think it is only the first step towards what I would hope would be major tax reform, but we have got to deal with this now. We have put it off for too long. It is a testament to the complexity of our Tax Code today.

There are over 25 million couples, that is 40 percent of all married couples, who pay an average of $1,400 in extra taxes because they are married. That adds up to more than 70,000 people in my own district. But $1,400 a year is real money. So what we are saying is do not make any mistake about it; we are talking about real money that will mean money in the bank for these families within the next 2 years. Let us do it.

May I just add that the numbers are confusing, but look at the CBO numbers, the Congressional Budget Office numbers.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I have a math question for my colleagues today: If the Republican marriage tax proposal spends $182 billion and the Democratic plan is $89 billion, which one leaves more money to invest in our children? You do not have to know new math to prove that the Democratic bill provides relief for working families, while saving $93 billion to invest in the needs of our children.

For example, if we adopt the Democratic plan, $25 billion could go to the States to improve child care, another $25 billion could be invested in children's health programs, and another $25 billion could be used for family services, with money left over to expand the Earned Income Tax Credit.

Mr. Speaker, I want to provide honest marriage tax penalty relief to the 58,003 married couples in my district, and I also want to protect the Social Security and Medicare benefits enjoyed by 95,424 of my constituents and to reduce my constituents' $8.4 billion share of the Federal debt, but, Mr. Speaker, let us give working families the assistance they really need. Let us give them tax relief. Let us help them take care of their children. Tax relief any other way just does not add up.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I rise today to express my support for the Marriage Tax Penalty Relief Act of 2000. There are almost 57,000 couples in my district in Florida alone who pay higher Federal taxes simply because they are married. Because women are often the second income source for married couples, this unfair tax has a disproportionate impact on them. When a woman accepts a marriage proposal, that does not mean an automatic pay cut. What could be more unfair, more immoral really, than taxing someone just because they fell in love?

As a gift to the American people this Valentine's Day, it is time to get rid of tax penalties against married couples once and for all.

Again, I would like to pledge my strong support for the Marriage Tax Penalty Relief Act, and I will continue to work with my fellow Republicans to eliminate unfair taxation.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Ms. McCARTHY).

Ms. McCARTHY of Missouri. Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, I rise in opposition to H.R. 6. It is untimely, it is unlawful, it is unfair, and it is unaffordable. It is also irresponsible and punitive tax policy.

It is untimely and unlawful because Section 303 of the Congressional Budget Act, the law of the land for 25 years, prohibits a tax cut of this magnitude before Congress adopts a budget resolution. We hope that resolution will establish a framework for using the surplus to extend the solvency of Social Security and Medicare.

It is unfair because 60 percent of all married couples will not benefit from it. In fact, middle class families with children will find their taxes increasing because this measure forces them to pay the alternative minimum tax.

It is not affordable. It consumes one-fourth of the anticipated surplus, keeping us from paying off the national debt, thus jeopardizing the strong economy we now enjoy.

It is irresponsible tax policy because it fails to address the marriage bonus and further distorts tax fairness. Under this measure, two-thirds of the total tax relief will go to wealthy taxpayers.

The gentleman from Illinois is going to point out that nearly 60,000 married couples in my district will benefit from your tax scheme, but that is only 30 percent of the married people in my district. Sixty percent will not benefit, and many of them will face a tax increase.

The valentine we should be sending American families is one which provides fiscal security by using any surplus to pay down our publicly held debt and make Social Security and Medicare solvent. Then construct a tax relief package that helps working families. I want to protect the Social Security and Medicare benefits enjoyed by nearly 100,000 of my constituents.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY), a respected Member of Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, frankly, I am stunned that anyone would have a problem with this bill. The bill does three basic things, two of which the President himself has embraced. One, it expands the Earned Income Tax Credit; and, two, it doubles the standard deduction for married taxpayers. The only thing that the bill does do that the President's does not is offer relief to those married couples who do not qualify for the earned income tax credit and who do not take the standard deduction because they itemize instead.

□ 1345

Well, Mr. President, many couples itemize because they struggle to buy a home for themselves and their children, and they continue to struggle to maintain that home.

I realize that President and Mrs. Clinton have only recently become homeowners, so they probably do not realize yet just how much of a financial sacrifice most American homeowners make to provide that home. In fact, The New York Times recently reported that Mrs. Clinton was quoted as saying, "I am stunned to discover the tax burden faced by State residents."

Well, Mr. President and Mrs. Clinton, welcome to the real world. Those taxes and homeowner mortgages are exactly why many married taxpayers itemize on their tax forms and will never benefit from the President's proposal.

So here is my hope. Now that the President and Mrs. Clinton are finally homeowners, I hope that they will recover from their stunning encounter with high taxes in time to realize that married homeowners deserve a break too and support our fine bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New York for his leadership, and I thank the Chairman of the Committee on Ways and Means. Frankly, I believe if H.R. 6 is passed, Mr. Speaker, we will have a sad Valentine's Day.

I rise in opposition to H.R. 6, the Marriage Tax Relief Act. America's hard-working families deserve relief from the marriage penalty burden. However, I cannot in good conscience support a bill that provides no relief for millions of families with children and offers big tax breaks for wealthy couples. If we look here, we will see by the year 2010, almost 60 percent of America's families with two children will be denied relief under the Republican bill. Mr. Speaker, H.R. 6 grants tax breaks averaging approximately $1,000 per year to couples earning more than $70,000.

I have a good friend in my district, Mr. Booker Morris, and we talk frequently about targeted tax breaks. I support that, but not without a budget that establishes priorities.

In plain English, H.R. 6 is fiscally irresponsible. I will not support a large tax cut that eviscerates the surplus as included in this bill. We owe it to American families to ensure a framework that supports and secures Social Security and Medicare as well as pay down the national debt, as well as establish priorities like health care and education and fighting HIV/AIDS. This bill commits $182 billion over 10 years and as well, it takes away from Social Security and Medicare.

In summary, I am opposed to H.R. 6 because it is too expensive. It drains estimated surpluses. Middle-income families with children do not receive adequate tax relief. Half of the tax relief goes to those who currently do not pay any marriage penalty, and 70 percent of the projected tax cut goes to help the top quarter of income earners.

Mr. Speaker, I support the Democratic substitute because I want in my district to provide honest marriage penalty relief to the 48,209 married couples in my district. I want to work for them, but I also want to protect the Social Security and Medicare benefits enjoyed by 81,696 of my constituents. As well, I do not want them to have to suffer the $8.4 billion share of the Federal debt.

Mr. Speaker, I rise in opposition to H.R. 6, the Marriage Tax Relief Act. America's hard working families deserve relief from the marriage penalty burden; however, I cannot with good conscience support a bill that provides no relief for millions of families with children and offers big tax breaks for wealthy couples. Specifically, H.R. 6 grants tax breaks averaging approximately $1,000 per year to couples earning more than $70,000 disregarding whether or not they pay a marriage penalty.

In plain English, H.R. 6 is fiscally irresponsible. I will not support a large tax cut that eviscerates the surplus as included in this bill. We owe it to American families to ensure that a framework is firmly in place that preserves Social Security and Medicare, as well as, pay down our national debt before spending our surplus. This bill is the first of many installments in the Republican tax cut plan. It commits $182 billion of the estimated surpluses earned throughout the next 10 years, before bolstering Social Security and Medicare and paying down the national debt.

The most disturbing aspect of this bill slowly phases in a widening of the 15% tax bracket. The widening of the 15% bracket offers nothing to couples already in this bracket. For example, a married couple without children in the year 2000 would be in the 15% tax bracket up to an income of $56,800. The irony of this measure is that nearly more than half of all married couples are below this income level and would not derive any benefit from this bill. Moreover, the Citizens for Tax Justice predict that two-thirds of the tax relief will go to married couples with incomes in excess of $75,000, in most part due to the widening 15% tax bracket change.

In addition, using the Alternative Minimum Tax to reduce the overall cost of this bill is unwise. Couples with children claiming large State and local tax deductions may be denied tax relief, while those couples without children and residing in States with low State and local tax burdens will receive the bulk of the benefit. This is due to the fact that personal exemptions and State and local deductions are not used against the minimum tax.

In summary, I along with my fellow Democratic colleagues oppose H.R. 6 because:

(1) it is too expensive;

(2) it drains estimated surpluses over the years without first strengthening Social Security and Medicare and paying down the debt;

(3) middle income families with children do not receive adequate tax relief;

(4) half of the tax relief goes to those who currently do not pay any marriage penalty, while, those with higher incomes benefit disproportionately than those with lower income; and

(5) 70% of the projected tax cut benefit goes to the top quarter of income earners.

I encourage us all to support an alternative bill that:

(1) assures that Social Security, Medicare, and debt reduction are a primary concern;

(2) provides additional relief for lower income working couples; and

(3) allows for more relief for couples who claim the standard deduction.

Specifically, the Democratic alternative will:

(1) increase the standard deduction for married couples filing jointly by doubling the standard deduction for couples from the single filer level and exempting the Alternative Minimum Tax;

(2) increase the beginning and ending income phaseout levels to $2,000 for married couples claiming the Earned Income Tax Credit in 2001 and a permanent $2,500 increase beginning in 2002; and

(3) takes real action to extend Social Security Solvency until 2050, as well as, Medicare solvency to 2030, and seeks to eliminate the estimated public debt by 2013.

This alternative bill is just and fair to all Americans and urges our support.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I rise in support of the bill. All I can tell my colleagues is what I saw in practicing medicine for 15 years before coming here to the Congress. I had patients who lived together out of wedlock, many of whom said they did so because their taxes would go up if they got married. Now, I have examined the Democratic substitute and amongst other things, it provides no marriage penalty relief until the public debt is paid off.

I would like to quote from Robert Reich, former Secretary of Labor, and I believe someone who would be properly labeled a liberal Democrat. He said, "It would be one thing if the born-again, fiscally austere Democrats were speaking out of strong conviction backed by sound ideas. But the conviction is paper thin. Eliminating the national debt has not been a plank of any Democratic economic program in living memory, and most Democrats who are now talking gravely about its importance have never uttered the words, 'eliminate the debt,' before."

Robert Reich, thank you for speaking the truth.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I yield to no one when it comes to dedication to eliminating the national debt. Robert Reich and no one else on the liberal side was in my district when that is the issue that led me here to the United States Congress.

There is perhaps no part of our Tax Code that has been the subject of more confusion and misnomers than the so-called marriage penalty.

When I began working as a CPA back in the Ice Age, there were fewer two-earner families, and we were told to urge clients to get married to reduce their taxes, to try to get married by December 31 to reduce their taxes for a particular year. Today, roughly half the couples get a marriage bonus. They pay lower taxes because they are married and would pay more if they were merely cohabiting. But half the couples are paying a marriage penalty, and that is why I have been intensely dedicated to eliminating that marriage penalty.

However, the Republican proposal is so poorly drafted and so misleadingly titled. Over half the benefits go to couples that are not paying a marriage penalty, but are instead getting a marriage bonus, and three-quarters of the benefits go to the top one-quarter wealthiest families.

This is as sneaky as a Valentine's suitor who has a little area on his finger where his ring has been removed. This is using the marriage penalty as an excuse to provide tax relief for upper-income families, half of whom are already enjoying a marriage bonus. This bill makes a mockery of those who have fought with us against the marriage penalty, and the process that brings this bill to the floor makes a mockery of fiscal responsibility when it comes to the floor before we have a budget resolution and before we have placed it in context.

We need to defeat this bill.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), another respected member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the esteemed Chairman of the Committee on Ways and Means. What is the name of the song, My Funny Valentine. The opposition would be funny if it were not so sad.

Here we are with a historic opportunity. Mr. Speaker, 30 Members have joined with the majority on a bipartisan basis to offer much-needed relief from the marriage penalty to restore fairness to taxation, and what we get are the clever arguments from the same folks who wanted to redefine the word "is."

Now they want to redefine the word "rich." A couple, perhaps both schoolteachers, both earning $25,000 a year, in the minds of the minority, congratulations, they are rich. Therefore, they do not deserve relief from the marriage penalty. Friends, we have a historic opportunity.

Mr. Speaker, I would extend my hand in partnership to the minority to restore fairness rather than trickery, rather than clever arguments, rather than the footnote of subparagraph B, real marriage relief penalty. I ask them to join us in passing this bill.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair would advise the House that the gentleman from Texas (Mr. ARCHER) has 17¾ minutes remaining; the gentleman from New York (Mr. RANGEL) has 9¾ minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in allowing me to speak on this presentation.

Just 3 months ago, this Congress left Washington, having passed a budget that none of us could take pride in, a budget filled with gimmicks, so-called emergency spending, and special interest earmarks.

Now we are starting off this new session on the same track of fiscal irresponsibility and unresponsiveness to what Americans tell us are the real issues. The one difference is that instead of a single massive tax cut along the lines that the America public turned a cold shoulder to last year and is still being proposed by Republican front runner Governor Bush, the majority in Congress is pursuing a piecemeal strategy of the same thing. They are offering last year's rejected tax bill, only repackaged in a few smaller chunks.

Today's so-called marriage tax reform is the first piece. Instead of targeting tax relief to the people who need it most, this bill is replete with other special-interest provisions that will cost almost $200 billion over the next 10 years. Only half the proposed tax benefits go to the tax filers who currently pay the marriage penalty. Ironically, this bill does nothing to address the growing problems of working families being forced to pay the alternative minimum tax.

In short, the majority's approach is to spend more money than we need or can afford in order to help people who need it the least, while it shortchanges those most in need: the working poor and lower-income families who have seen their incomes actually fall by about 10 percent.

The Democratic alternative takes a different approach. It is targeted towards those people who need help the most. It doubles the standard deduction, adjusts the AMT so that families will receive the full benefit of the standard deduction, and addresses the marriage penalty and the earned income tax credit, providing greater relief for the working poor and, therefore, poor families. Not only targeting will help those who need it the most, it will save money, money that we can use to pay down the debt, protect Social Security and Medicare, and fund what my constituency tells me are their priorities: education, environmental protection, and prescription drug benefits.

I hope we can start working together today to make our tax system fairer and help those who need it the most.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. COLLINS), a respected Member of the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of legislation which eliminates the marriage penalty. To do so is just basic tax policy fairness. The code should not take more from those who are married just because they are married.

While the bill before us provides important tax relief, it needs improvement; and later this afternoon, Mr. Speaker, I will offer an amendment under unanimous consent that will strengthen the legislation by ensuring that we provide relief from the marriage penalty this year. As we know, the current language calls for a standard deduction for married couples beginning next year, the tax year 2001. But, Mr. Speaker, according to the Congressional Budget Office, the Federal Government will collect more taxes and revenues this year than we anticipated; so therefore I think we should share those unexpected revenues with the people that work so hard for them.

Another point that I would like to bring out, Mr. Speaker, is the gentleman from Massachusetts (Mr. NEAL) mentioned the alternative minimum tax. It is a problem. It has been a problem for a number of years, and we have tried to address this problem in the past. This bill does have a provision that will partially correct the alternative minimum tax problem for those who will be affected by the changes in the Tax Code. The administration has also offered a proposal that would eliminate probably about one-half of those over the next 10 years that will be affected by the alternative minimum tax. One-half is not enough. As the gentleman from Massachusetts said, we need to repeal the alternative minimum tax provisions of law.

I hope this House will support me in my unanimous consent request to offer an amendment later this afternoon.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, under current law, many working married couples end up paying more in taxes than they would if they were single, but married couples with a one-wage earner often get a bonus by paying less to the Federal Government than they would if they were single.

While Members on both sides of the aisle agree that America's working couples need to keep as much money in the house as they can, but we must ask at what cost. Mr. Speaker, the Republican bill costs $50.7 billion over 5 years, $182.3 billion over 10 years. Two-thirds of the total tax relief will go to the 30 percent of married couples with incomes over $75,000.

□ 1400

In my district, the Seventh District of Illinois, that equals to about 7,000 families out of about 130,000 total.

Mr. Speaker, I have over 30,000 families with an average income of less than $20,000 a year. The substitute offered by the gentleman from New York (Mr. RANGEL) will benefit those families making $50,000, but it will also benefit families claiming the earned income tax credit, as well as increase the standard deduction for joint filers to twice the level of single filers.

This is a more comprehensive bill, a less expensive bill, and it is truly a bill for more of America's families. Therefore, I urge support for the Rangel substitute.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I rise in strong support of H.R. 6.

Mr. Speaker, Americans pay more in taxes today (as a percentage of the gross domestic product) than they have at any time since the Second World War. As disturbing as that fact may be, it is even more disturbing that according to the Congressional Research Service, over the next ten years, the average household will pay in taxes $5,307 more than government needs. The high tax burden on American families is simply unnecessary and too heavy.

One of the most unfair taxes if the Marriage Penalty Tax. The marriage penalty forces two-earner, middle-income couples into higher tax brackets than if they filed as individuals. As a result, over 25 million American couples, including over 146,000 couples in the State of Nevada alone, pay an average of $1,400 more in federal taxes simply because they are married.

Today, we have the opportunity to reduce this stifling tax burden and to correct a grave inequity in our current tax code. Today we can pass the Marriage Tax Penalty Relief Act.

The Marriage Tax Penalty Relief Act will provide over the next decade $180 billion in marriage penalty relief to more than 25 million couples, including millions of America's middle class families which are hit hardest by this unfair tax burden.

Taxes are a big reason why families feel so stressed. For example, the average family in my state had to work until May 14th last year just to pay their tax bill. That means Nevadans spend the first four months of last year working for the government.

Many American families pay more in taxes than they spend on food, clothing, and housing combined. Under these burdensome circumstances, how can a family possibly hope to save for retirement or college?

American families need a break, and they deserve a tax code which doesn't punish them for choosing marriage, especially in this day and age when divorce rates are at an all time high.

Mr. Speaker, the marriage tax penalty is simply unfair. As a Congress and as a nation, we should encourage marriage—not tax it. By providing marriage penalty tax relief, we can correct a gross inequity in the tax code and enable more of America's families to save money for their retirement, a computer, a home, or their children's education.

Support the Marriage Tax Penalty Relief Act and give American families a real chance to make their dreams come true.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. HERGER), a respected member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, when a couple stands at the alter and says "I do," they are not agreeing to higher taxes. On tax day, April 15, 25 million American couples, including 47,000 within my own district in northern California, will pay up to $1,400 more in taxes than they would if they were single. That is wrong, it is anti-marriage, and 85 percent of Americans say it should be fixed.

What does $1,400 mean for married couples? Those couples could use that extra money for 4 months of a car payment, a year's worth of diapers, a computer for their children, or even a donation to their favorite charity. The IRS should not be allowed to continue taking this tax overpayment, instead of giving it back to its rightful owners, hard-working American families.

No one should be opposing this. It is an issue that transcends party politics. I urge Members from across the aisle and the President to work with us to make marriage penalty relief a reality for families this year.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we need to reduce the marriage penalty, and do it this year, but to vote this week for this irresponsible Republican proposal would be a huge mistake.

About half of the married couples in this country pay a marriage penalty, but the other half get a marriage bonus. The Republican plan is not directed just at those who pay the marriage penalty, it is a grab bag of goodies weighted to the top one-quarter percent of income earners. It would make it much harder for us to pay down the national debt, to provide a prescription drug benefit for seniors, to improve our schools, or to strengthen social security and Medicare.

The Democratic alternative doubles the standard deduction for married couples, expands the earned income tax credit, and, unlike the Republican plan, protects families from the harmful effects of the alternative minimum tax.

The Republican bill is estimated to cost $182 billion over 10 years. The Democratic alternative would provide $95 billion of tax relief targeted more precisely to reduce the marriage penalty and to those middle-income taxpayers who need relief the most. Real marriage penalty relief and true fiscal discipline are only available in the Democratic alternative.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, my colleagues on the other side of the aisle are straining out gnats and swallowing camels. Tax cuts are for those who pay taxes.

For the last 3 years, we have gotten our country's financial house in order and eliminated the deficit. Since last year, we no longer spend our social security trust fund money. We are looking at surpluses of $3 trillion to $4 trillion in the next 10 years, We are taking $2 trillion and paying down debt.

Whether we have $1 or $2 trillion left, we want a tax cut, and we want to deal with tax fairness. It is wrong for married people to pay more than single people.

And then to complain about the AMT tax as denying some people the benefit? It is the Democrats' tax. They, my colleagues, in the last minute are more concerned for the AMT, and it is like being the captain of the Titanic and finally noticing the iceberg. It was there a long time ago. Deal with it. It is a separate issue.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise as an original cosponsor in favor of this act and in favor of removing the tax penalty. I do so for a very simple reason, because this type of action would value family, would value marriage, would value simplicity, and it would value education.

Let me give an example. If someone is a teacher, a husband, and the wife is working making the same wage, $30,000, as a carpenter, they make $60,000 a year, this might put $1,400 back in their pockets. In Indiana, that $1,400 could go to pay the entire tuition, almost, at Indiana University at South Bend.

So for working families, both spouses working hard to make a difference for their children, this could make a big difference in their lives. I am proud to be an original cosponsor to put this value on families and tax simplicity, where families will be able to find it and file it and take advantage of it.

Mr. Speaker, I rise as a proud original cosponsor of H.R. 6, the Marriage Tax Penalty Relief Act of 2000. It simply does not make sense that the Tax Code makes it more expensive to be married than to be single. The government should not punish married working couples by taking more of their hard-earned money in taxes than an identical couple living outside of marriage.

For more than thirty years, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in marriage, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our Tax Code punishes society's most basic institution. In fact, there are 67 different laws in the Tax Code targeting couples, just because they are married. These laws are egregious and unfair. We should reward, not punish, the value of family and the institution of marriage.

In my district in Northern Indiana, more than 60,000 couples are penalized by the marriage penalty. These Hoosiers do not pay just a little bit more in taxes; they paid an average of $1,400 apiece. Instead of having the choice to invest this money for their future or use it for everyday expenses, they are forced to hand over this hard-earned money to the IRS. That is money that could be better used to save for a child's college education, purchase a family computer, or make the mortgage payments for their home.

Whether it is in a church or in a courtroom, couples usually have to pay some kind of fee for the marriage ceremony. But while it may cost money to get married, it should not cost money to be married. Rather, we need to establish policies that encourage marriage and encourage good, strong, healthy families that are absolutely critical for vibrant societies. The pressures on working families are enough without this disincentive on the tax books.

Over the past three years, we have successfully enacted meaningful IRS reform legislation that tames tax collectors and shifts the burden of proof from the taxpayer back to the IRS, reinforcing that an American is innocent until proven guilty with the IRS. We have also established a taxpayer advocate and provided worthwhile relief for low- and middle-income families, students, farmers and retired Americans. Now Congress must eliminate this marriage tax to help the two-parent family, not punish it. Therefore, I will vote to eliminate the marriage penalty and strongly encourage my colleagues to support H.R. 6.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am certain that newspapers around this country have been able to see through what is a Valentine's Day gimmick.

The truth of the matter is that even in our local Washington Post, the editorials would indicate that we are not talking about relieving the marriage penalty. Democrats, Republicans, the President, we all want to do it. The problem that we have, and we will be showing the chart from the Joint Committee on Taxation, is that the majority would have us to do this to take care of a tax problem that they see that those in the higher incomes are paying too much taxes, but it has nothing to do with the marriage penalty. They would pay $182 billion to take care of people who pay less than that because they are married, and they should, but at the same time, they would do this without bringing a budget to the House floor.

So once they find out that the President needs a budget, needs to take care of social security, needs to take care of Medicare, wants to pay down the national debt, if they decide not to do any of these things, then they are saying they do not want relief from the marriage penalty.

Let me say it again. Unless they agree to work out something with the President to avoid the veto, which would include drafting a budget that takes into consideration shoring up Medicare, shoring up social security to pay down the debt, if they travel in the other way, if they break the rules of the House, if they get waivers from the House, if they bring it to the floor and say that they are not going to do any of those things, then they know there is going to be a veto.

Why ask for a veto? Why not work this out with the Democrats? Why not work it out with the President of the United States? Why does it have to be a camel's head in the tent for a $1.8 trillion tax cut given to us in dribbles and drabs when what we can do is to see what we can do to fix the roof while the sun is shining; do those things that a great country should be doing while we have the surplus; take care of this social security, which all of us have beneficiaries of in our districts; make sure that we have affordable prescription drugs for our elderly; make certain that the Medicare system works for our aged; and pay down the national debt, so that the billions of dollars that we are paying in interest can be eliminated so that we can do more things for education, more opportunities for job training, and close that gap between those who have nothing, and not even hope, and those who have been the recipients of a very great economy?

Mr. Speaker, I would hope that as we reject the Republican plan that has worked outside of a nonexistent budget, that we will have an opportunity in the substitute that would follow to really target the money where it could really relieve the pain of the penalty of getting married and paying more taxes, but at the same time we will be giving assurances to Americans that we have a budget where they know how this fits in, that it is not the same 800-pound, $792 billion gorilla they could not get off the ground last year, it is not the George W. $1.8 trillion tax cut, it is not the camel trying to get the tax cut head in terms of the tent, as we try to take care of our national obligations.

We have to be able to say that we are going to do all of those things, social security, Medicare, pay down the debt, and then, of course, we can join across the aisle working with the President and taking care of the marriage penalty.

Mr. Speaker, I hope that, if we can possibly defeat the Republican plan, I hope that we can join together on the substitute, which will be signed into law.

Mr. Speaker, I yield back the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the issue before us today is a fundamental question, should the Internal Revenue Service tax the institution of marriage, not the other issues that were spoken about earlier.

The answer to that is no. In my district alone, 54,000 couples will feel the pain of paying higher taxes, just because they are married, than single people. This is an issue beyond just money, it is an issue of fairness and what is right in America. Americans know what is fair and what is not fair, and this marriage penalty is not fair.

This marriage penalty is also anti-woman. Presently, the Tax Code taxes the income of a second wage-earner, usually the wife, at a much higher rate than if she were taxed as a single person. That is wrong. We should not let some antiquated budget law get in the way of equality for working moms.

Finally, the marriage tax penalty punishes working couples by pushing them into a higher tax bracket. Of these couples, middle-aged families and seniors are hit the hardest.

Mr. Speaker, let us do the right thing. Let us pass this and move on.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. SHAW), a respected member of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, we have just received, on our side, a brand new bulletin called the White House Bulletin. It provides in it that "The White House reveals the Democrat 2000 Agenda." It is entitled "Families First, the 2000 Democrat Agenda." The ink on this is not even dry at this particular point, and already we are seeing the marriage penalty being defended.

We are hearing a lot about budgets. What about the family budget? I have four kids. All of them are married, all of them have kids, all of them have mortgages, all of them have health insurance to pay. All of them have all of the expenses and all of the payments that we would expect to have all across this country. All of them are getting penalized because they are married, and paying higher taxes because they are married. That is wrong.

It is like the earnings penalty. We should not penalize earning under social security. We are going to start with a hearing next week, and we are going to have this done, and it is going to be done with a great deal of bipartisan support.

Already we have seen bipartisan support for the marriage penalty elimination. We have had speakers on both sides of the aisle get up.

□ 1415

We do not have to have everything exactly the way the President wants it in order to support it. The Democrats are going to have their shot twice for bills that they can put up, but when these bills go down, do not vote against the Marriage Penalty Elimination Act. This is a very important piece of legislation.

We have the best crack at changing it; but if that fails, join with us and work together; and we will eliminate this evil tax that we have, the marriage penalty tax. It must be done away with, and I urge all Members to vote on final passage of this bill.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, there are 65,000 couples in the congressional district that I represent who are married and who are paying a total of $91 million per year as a fine simply because they are married and working. That is indefensible. I cannot see how any Member of Congress can defend a tax that penalizes people just because they get married.

The government should be fostering marriage. It should not be taxing it.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I applaud the leadership and the gentleman from Texas (Mr. ARCHER) for bringing marriage penalty relief legislation to the floor early in this session of Congress.

This burdensome tax that punishes so many Americans for getting married is nothing more than ridiculous. Working women and minorities are suffering most from this tax, as they often earn less than their white male counterparts. This is unfair.

The 65 provisions in our current Tax Code that penalize marriage discriminate against the very institution that we should be trying to preserve. Over 70,000 married couples in my district, more than 210,000 couples in my home State of Utah, and millions nationwide, are affected by the marriage penalty. Regardless of whether both spouses work, the marriage penalty relief will help families by reducing their tax liability and giving them back some of their hard earned money.

I hope the President will join our efforts to help families by signing this bill into law.

The government should not be taking economic advantage of those who do the right thing, get married and work to provide for their families.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER) for yielding me this time.

Mr. Speaker, like the speakers before, let me indicate that there are 49,174 married couples in Staten Island, Brooklyn, who will benefit from this marriage penalty relief bill. That is 49,174 families who are going to have more money to spend on their education, on their home, on their cars. Essentially, they will have the freedom to spend that money as they see fit, and not the folks here in Washington.

I heard a lot of rhetoric today about the wealthy, the rich. The facts are, under this bill a New York City fire fighter, who is married to a New York City teacher, I do not think they can be characterized as wealthy, they would benefit to the tune of over $1,500 under this bill. Again, that is a fire fighter married to a school teacher. That is the so-called wealthy and the rich who will benefit under this bill.

Mr. Speaker, this bill is essentially about righting a wrong and providing freedom to the American people to spend their tax money as they see fit, and for those who want to engage in class warfare I suggest they go back home to Staten Island and all across the country and tell those teachers and fire fighters that they are too wealthy to receive their money back.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to another respected Member, the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I want to thank the gentleman from Texas (Chairman ARCHER) and his committee for the hard work they have done on this issue and others.

Mr. Speaker, as we have heard today, our Tax Code unfairly punishes married couples by forcing them into a higher tax bracket and therefore causing them to pay more taxes than if they had filed separately.

We have already heard that this marriage penalty forces over 25 million families to pay an average of between $1,400 and $1,500 a year in taxes more. This is simply unacceptable.

Mr. Speaker, what we have before us today is simply an issue of fairness. It is unconscionable that our Tax Code punishes couples for choosing to get married and to have a family. Today we have an opportunity to eliminate the marriage penalty, and in my mind it is simply the right thing to do and we need to do it now.

Mr. ARCHER. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. WELLER), a respected member of the Committee on Ways and Means, one of the lead sponsors of this legislation.

Mr. WELLER. Mr. Speaker, I want to thank the gentleman from Texas (Mr. ARCHER), for the long-time leadership that he has given on the issue of eliminating the marriage tax penalty in his time and tenure in the House and on the Committee on Ways and Means.

Over the last several years, many of us have been asking a pretty fundamental question, and that is, is it right, is it fair, that under our Tax Code that 25 million married working couples on average pay $1,400 more in higher taxes just because they are married?

In fact, in my home State of Illinois, 1.1 million married working couples, almost 120,000 married people in the south side of Chicago and the south suburbs that I represent, suffer the marriage tax penalty.

Of course, we know that the marriage tax penalty is created when a man and woman get married. Two single people when they marry they file jointly and their combined income pushes them into a higher tax bracket, creating the marriage tax penalty. Some say that the $1,400 average marriage tax penalty is just a drop in the bucket, it is no big deal, let us keep that money here in Washington and spend it here, but for the folks back home the $1,400 is real money for real people. $1,400 is one year's tuition for a nursing student at a community college in Illinois. It is 3 months of day care in Joliet. It is a washer and a dryer for a home. It is real money for real people.

We want to eliminate the marriage tax penalty for everyone. If we look at who suffers the marriage tax penalty of those 25 million people, one-half of them do not itemize their taxes. The other one-half do. Many middle class families itemize their taxes because they are homeowners or they give money to the church or the charity or their synagogue.

We need to help everyone who suffers the marriage tax penalty. And I am proud that the bill that we have before us under the leadership of the gentleman from Texas (Mr. ARCHER), H.R. 6, legislation which has almost 240 cosponsors, a bipartisan bill, Democrats and Republicans working together. And I am proud that almost 30 Democrats have joined with us in an effort to eliminate the marriage tax penalty and help married couples who suffer the marriage tax penalty in three ways. For those who itemize, such as homeowners and those who give to charity, we widen the 15 percent bracket. That helps 42 million married couples.

We also help over 9 million couples by doubling the standard deduction for those who do not itemize; and for the working poor, those who benefit and are helped by the earned income credit we address the marriage penalty and eligibility for those who suffer the marriage penalty under the earned income credit.

Over the last several years, I have pointed to a young couple that came to me asking for help from the marriage tax penalty. This is Shad and Michelle Hallihan, two public school teachers. They have a combined income of $61,000.

Under the Democrat definition of rich, these two public school teachers from Joliet, Illinois, are rich because they make $61,000. Well, they suffer the average marriage tax penalty. Of course, under the Democrat plan they would not have much relief. We provide relief by widening the 15 percent bracket and essentially wipe out the marriage tax penalty.

Michelle, who just is the proud mother as Shad is the proud father, just had a baby and they point out by wiping out their marriage tax penalty they have extra money equivalent to about 3,000 diapers for their newborn baby. The marriage tax penalty is real money for real people.

Now, the Democrat leadership has offered a lot of excuses, and why not, to eliminate the marriage tax penalty. In fact, they say we have to do all of these other things. Tough luck if one suffers the marriage tax penalty. Maybe in 10 years we will take care of it. Well, that is the difference.

The Joint Committee on Taxation was asked to score, to determine how much marriage tax relief was in the bipartisan proposal or the Democrat leadership plan. Of course, over 10 years we provide about $182 billion in marriage tax relief. Without this, that means those married couples still pay $182 billion in higher taxes because they are married.

Under the Democrat plan, according to the nonpartisan Joint Committee on Taxation, married couples get zero relief.

Mr. Speaker, let us eliminate the marriage tax penalty. It is all about fairness. Let us help everyone who suffers the marriage tax penalty. Let us vote down the Democrat substitute and support H.R. 6.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, the marriage penalty is one of the most unfair tax burdens the Federal Government places on American people today. Under the current Tax Code, the marriage penalty taxes the incomes of a married couple at a much higher rate than that of an unmarried cohabitating couple. The most onerous thing about the tax penalty is that it punishes working women and lower income couples with children.

In essence, it taxes the income of the second wage earner, typically the wife, at a much higher rate than if she were filing only individually.

A married couple pays an average of $1,400 per year more than an unmarried couple with the same income under the current Tax Code. That money could be going toward paying bills, putting a down payment on a car or a house, saving for college tuition for their children.

We have a chance today, Mr. Speaker, to do the right thing. By ending the marriage penalty, we will help the middle class; we will help their families lead better lives.

I ask my colleagues to support H.R. 6.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a highly respected member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, this bill is not first about tax relief. It is first about tax fairness. It is also about relief, but this is primarily a matter of fairness.

This bill does two very simple things. It gives a married couple double the deduction that a single person would get. A single person would get a deduction and the married couple gets twice the deduction, but it does something even more important than that because the deductibility issue is really relatively minor in determining how much taxes one pays.

The exciting thing that this bill does is to double the 15 percent bracket for married couples. That means when my kids make the economic sacrifice—and I am proud they are but it is a big sacrifice—to stay home with their kids and live on one salary, when they start going back into the workforce because they do not want their skills to get too rusty, when they start going back into the workforce in order to balance their responsibility to their kids and their responsibility to the economic strength of the household, they want to go back in sooner rather than later but part time, not full time.

When we let them get popped up into a 28 percent bracket at $43,000, we end up taxing their income so heavily that their husband says, "oh, honey, do not go to work. Between the expenses of work and what it will do to us in taxes, it is better not to work outside our home.

We are educating women in America to higher standards than we have at any other time in our history. They need to be able to enter the workforce and we need them in the workforce, but they need to be able to enter when their kids are capable of standing on their own two feet, and they need to be able to slide in part time, 10 hours, 20 hours, 30 hours.

We do not want a Tax Code that makes it, frankly, not worth it to work. We want a Tax Code that says they are going to get the same 15 percent bracket on their earnings that their husband gets on his earnings. That is why fairness matters. It is about economic opportunity. It is about using the best of one's abilities for themselves, their family and our Nation. That is why this bill matters so much. Tax fairness for families strengthens families and children.

Mr. BENTSEN. Mr. Speaker, I rise in support of the amendment offered by Mr. RANGEL and against the politically-motivated Republican marriage penalty tax proposal. The Democratic alternative is fiscally responsible and uses the surplus in a fiscally responsible manner to strengthen Social Security and Medicare and pay off the entire national debt by 2013; all while ensuring that those truly in need of tax relief receive it.

The marriage tax penalty occurs when both spouses earn approximately equal incomes. The Democratic substitute spends less of the budget surplus and provides true marriage penalty relief. The marriage penalty relief in the Democratic alternative is $89.1 billion over ten years. It provides for an increase in the standard deduction for married couples filing jointly to twice the level for single filers and an exemption from the Alternative Minimum Tax (AMT). Further, it grants couples a $2,000 increase in the beginning and ending income phaseout levels for families claiming the Earned Income Tax Credit (EITC) in 2001 and a permanent $2,500 increase starting in 2002.

The marriage penalty occurs in cases where a couple may pay more taxes because they file jointly than they would as two single people. Because the rate brackets and standard deduction for joint filers are not twice as large as those for single filers, some couples find that some of their income is taxed at a higher rate. Alternatively, if a couple has very different incomes, or only one spouse works, the couple gets a "marriage bonus." A recent Treasury Department study estimated that roughly 48 percent of couples pay a marriage penalty and 42 percent get a marriage bonus.

As drafted, H.R. 6 would give the lion's share of its tax cuts to higher-income families, including those who currently suffer no marriage tax penalty. The average tax cut for families with incomes less than $50,000 would be about $149 per year, while families with higher incomes would get an average tax cut of nearly $1000 per year. Further, once fully phased in, nearly 70 percent of the benefit will be enjoyed by couples earning more than $70,000 annually, even if they suffered no marriage penalty under existing law.

More importantly, under the Republican plan, nearly half of America's families with two children would receive nothing or less than the tax relief promised. This results because the Republican plan will likely force an increasing number of middle-class families with children to pay the AMT. The AMT tax was designed to ensure that wealthy taxpayers could not avoid income taxes through excessive use of preferences such as credits and deductions. It is structured in a way that, if the Republican bill passes, would require more families to be subject to the AMT.

The Majority's plan is designed to re-create the trillion dollar tax cut bill of 1999, using all of the projected surplus, at the expense of investments in Social Security and Medicare, and paying down the national debt. As the U.S. just set the record for its longest economic expansion, why risk this economic prosperity by abandoning the fiscal restraint that is helping propel this economy. As a senior member of the House Budget Committee, I know we can provide tax relief for those married couples who need it while using the vast majority of the surplus to pay down the $3.7 trillion public debt and bolster Social Security and Medicare—the two pillars of retirement security—for future generations.

H.R. 6 undermines Social Security and Medicare, sacrificing our elderly and working families and could lead us down the road to budget deficits. The Republican plan is a rash gamble that foolishly disregards the need to save Social Security and Medicare by refusing to place this tax measure in the context of a comprehensive budget plan. In addition to jeopardizing our investment in Social Security and Medicare, the Republican proposal could cost us this opportunity to pay down the national debt which today approaches $5 trillion.

Mr. HILL of Montana. Mr. Speaker, today, Congress will pass a bill to eliminate the marriage penalty affecting over 25 million Americans. In Montana alone, 89,169 families suffer from the $1400 penalty where they are required to file a joint return.

Repealing the marriage penalty leaves about $125 million in Montana's economy every year. Overall, it puts $182.3 billion back into the nation's economy over the next 10 years.

The Marriage Elimination Act is fair because, by doubling the standard deduction for joint returns, widening the 15 percent tax bracket for joint filers to twice single returns, and increasing the Earned Income Tax Credit by raising the "phased-out" limit by $2000, it will treat married couples the same as single people.

Today's families are suffering from increasing demands and burdensome taxes. Eliminating the marriage penalty allows them to spend this money as they wish. The extra $1400 could mean several months of child care, several car payments, or a semester of tuition at a community college.

It puts money immediately back in to Montana's economy which we can all benefit from. The debate over this issue is essentially who should come first—already burdened taxpayers, or the government. Those of us supporting the measure say taxpayers should come first.

The bill is good for families, good for taxpayers, and good for our economy.

I commend my colleagues for passing this bill and prioritizing taxpayers over the government.

Mr. DIXON. Mr. Speaker, I rise in support of the substitute amendment and in opposition to the underlying bill, H.R. 6. Unfortunately, the debate here today is less about the merits of marriage tax penalty relief than it is about the timing of this legislation and the best way to provide such relief. We all agree that married couples should not be subjected to increased tax burdens as a cost of their union. But H.R. 6—at a projected cost of $182 billion over ten years—does much more than simply relieve the additional tax burden that some families pay.

Under our current tax law, many married couples receive a "marriage bonus," meaning they pay less tax than two single people with the same income, while others pay a "marriage penalty." More than half of the tax cuts in H.R. 6 go to people who don't pay a marriage penalty and in fact, to many who presently receive a bonus. That is because most of the relief provided by H.R. 6 is not marriage penalty relief; it is an expansion of lower tax brackets to include higher income people, so two-thirds of the benefits in H.R. 6 go to the top one-fourth of taxpayers.

H.R. 6 is not the way to provide marriage penalty relief. I will be pleased to support legislation—like the substitute before us—that provides real marriage penalty relief in a responsible way. I urge my colleagues to work toward that goal.

Mr. SANDLIN. Mr. Speaker, I rise today in strong support of eliminating the Marriage Tax Penalty. Our tax code punishes married couples when it should encourage families to stay together and help them prosper. I am a cosponsor of H.R. 6 in its original form and have consistently supported the repeal of this egregious provision of our tax code.

The original text of H.R. 6, however, was dramatically different from the bill we consider today. The bill we consider today is bloated and costly, while the original bill contained true marriage tax penalty relief for those who need it most. I will cast my vote in support of this bill today, but I do so only with the expectation that its considerable flaws will be remedied in the Senate.

I am also disappointed in the process surrounding the consideration of this bill. Tax relief for working families is long overdue. However, it would be more prudent for Congress to consider tax relief as part of the larger budget framework. Eliminating the estate and marriage penalty taxes, as well as reducing the burden of the capital gains tax and providing education tax credits, are important priorities. These tax cuts should comprise 25 percent of a fiscally responsible budget—a budget that also puts aside 50 percent of the surplus to reduce the debt and 25 percent for investments such as national defense and education.

I urge my colleagues not to lose sight of our responsibility of ensuring that current economic prosperity continues long into the future. We have a commitment to our children and grandchildren, and the only way to truly fulfill that commitment is through debt reduction as a result of responsible budgeting.

Mr. DEFAZIO. Mr. Speaker, I was unable to vote on marriage penalty tax relief today because I am out of the country on official business. While I support a targeted elimination of the marriage penalty, I am opposed to H.R. 6. It's cliche, but true in this case nonetheless, that the devil is in the details.

Let's get beyond the rhetoric of this issue and take a look at the details. The plan offered by the Republicans skews its benefits to the wealthiest Americans, including some who aren't even subject to a marriage penalty. In fact, once the tax cuts contained in H.R. 6 are fully phased in, two-thirds of the benefits go to the top quarter of income earners.

It is also important to recognize that the bill is very expensive, costing $182 billion over 10 years. Therefore, in order to make up the lost revenue, Republicans will be forced to rely on projected budget surpluses that may never materialize. In a little noticed section of his prepared testimony before the Senate Budget Committee, CBO Director Dan Crippen noted that if the economy slows and entitlement programs such as Medicare and Medicaid grow faster than expected, "the on-budget surpluses that CBO is projecting in its baseline would never emerge. Instead, the on-budget deficit would rise to more than $290 billion a year by the end of the decade."

If this projection came to pass, Congress would be forced to pay for H.R. 6 by drastically cutting services and programs Americans consider essential, dipping into Social Security surpluses, or once again running budget deficits.

Instead of H.R. 6, which goes far beyond marriage penalty relief, I support the substitute proposal offered by my Democratic colleagues. The Rangel substitute provides the same, or larger, benefits for middle and lower-income Americans but does not shower tax breaks on those who don't need them. In addition, it ensures that Medicare, Social Security, and debt reduction come first by delaying implementation of the tax relief until these critical issues are addressed.

I think the Washington Post was dead-on when they recently editorialized about H.R. 6 by saying, "The bill, however, has little if anything to do with marriage. The label is a gloss for a generalized tax cut mainly for the better off. The bill is structured in such a way that as much as half the benefit could go to families who don't even incur the supposed penalty but receive a marriage 'bonus' under the law."

Mr. COYNE. Mr. Speaker, marriage penalty relief is an important issue, and I am glad that the House is considering such legislation. I have supported marriage penalty relief for years. That being said, however, I am concerned about both the timing and the content of the legislation currently before us.

I am concerned that the House is considering a major tax bill before it has even begun to draft its fiscal year 2001 budget. The legislation before us today would cut taxes by $180 billion over the next 10 years. That is not an insignificant amount. While addressing the marriage penalty should be one of Congress' top priorities, there are other important decisions that Congress must make which will have substantial fiscal impact. Recognizing the need for Congress to set tax and spending decisions in a thoughtful, comprehensive manner, Congress passed the Budget Act more than 25 years ago. This legislation has provided a helpful process and sensible rules for making such decisions. I believe that it should be adhered to.

Last week the Ways and Means Committee marked up this legislation. This week it is on the floor. And yet, the House has not yet passed its FY 2001 budget resolution. In fact, the House Budget Committee has not yet even marked up this resolution. What other tax cuts will we pass this year? Would enactment of this legislation preclude consideration of other tax cuts? Would it stop us from taking action to preserve Social Security? Would enactment of this legislation prevent us from creating a Medicare prescription drug benefit? Would it keep us from paying down the national debt? We simply don't know. We may be able to do all of these things this year, but we just don't know yet—because we haven't even begun drafting the budget. Consequently, I object to consideration of this legislation now.

I also have concerns about the content of this legislation.

I have concerns about the bill before us today because it does not target marriage penalty relief to the families that need relief the most. Consequently, the bill would lose a great deal of revenue while not providing a proportionate amount of help to the households that we should be helping. It does not seem like the best way to fix the marriage penalty problem.

I believe that the President's budget addresses the problem in a more fiscally responsible fashion, and I commend him for his proposal. It would increase the standard deduction for two-earner households to double the amount of the standard deduction for single filers. Since most married couples claim the standard deduction and pay taxes at the 15 percent marginal rate, this provision would eliminate the marriage penalty for most families.

Like the President's proposal, the Democratic alternative that will be offered today would target marriage penalty relief to the families that need it the most. This plan would also ensure that married couples actually receive the marriage penalty relief that Congress wants them to receive. Unlike the version of H.R. 6 that was reported out of the Ways and Means Committee, the Democratic alternative ensures that the alternative minimum tax will not prevent married couples from receiving marriage penalty relief. Consequently, I will support the Democratic alternative that will be offered today. I believe that this proposal would do the most to help married couples in my district.

Mr. ADERHOLT. Mr. Speaker, Americans are slapped with extra taxes on everything from earning a work bonus, to buying a house, and are even taxed upon death. There is a tax designed for every stage of life, but perhaps the most immoral tax of all is the marriage tax.

Over 28 million Americans pay an average of $1,400 extra in taxes each year simply because they are married. The marriage penalty punishes millions of married couples, almost 425,000 of them in my home State of Alabama, who file their income taxes jointly by pushing them into higher tax brackets.

When the marriage tax first appeared in the tax code in 1969, most families had only one bread winner, and the tax provision was actually designed to give a tax cut, or a so-called "marriage bonus" to one-income families. But the government ignored the eventual tax burden on families. Instead of dismantling this tax, the government continued to collect extra taxes from those who chose marriage, making it harder to raise their families. This current tax code makes it more expensive for couples to marry, immorally discouraging the most sacred of institutions—marriage.

Congress is making strides to right the wrong of government's financially abusive punishment of marriage, the foundation on which strong families are built. To address this concern, I am proud to cosponsor the Marriage Tax Elimination Act, offered by the gentleman from Illinois, to eliminate the marriage penalty.

Congressman WELLER's proposal would significantly reduce the average $1,400 in additional taxes per year that married couples pay than if they remained single. Additionally, while I agree with those who believe we should recognize the economic empowerment that can be achieved by returning money from Washington bureaucrats to working families, I also believe we should also recognize the moral empowerment of proposals which can strengthen an institution essential to our cultural and National well-being, the Family.

I urge my colleagues to join me in co-sponsoring the Marriage Tax Elimination Act.

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce I will vote for this legislation even though I have serious reservations about many of its details. I will vote for this bill because I support providing relief from the burden of taxation on North Carolina's families.

Let me be clear that the Democratic substitute to this bill is far superior legislation, and I proudly voted for it. But that alternative has failed and the question falls to passage or defeat of H.R. 6.

Despite my concerns about the cost of this bill and the distribution of its benefits, I support passage of H.R. 6 to move the legislative process forward toward a balanced, compromise solution that provides real relief from the marriage penalty for married couples in North Carolina. I reserve the right to vote against the final version of H.R. 6 if it comes back from the Senate with its severe flaws still intact. And I support the right of the president to veto this legislation if it threatens our ability to honor our commitments to Social Security, Medicare and debt reduction and our priorities of education, law enforcement, and agriculture.

Mr. Speaker, I call on the Majority Leadership in this House to work in a bipartisan manner to achieve our shared goals of meaningful relief from the marriage tax penalty for our nation's families.

Mr. POMEROY. Mr. Speaker, I rise in opposition to H.R. 6, a bill that under the guise of marriage penalty relief advances a tax plan that is skewed toward high income earners, leaves inadequate resources for working family tax relief, and makes a debt reduction a second tier priority. Members who want to address the marriage penalty while maintaining fiscal responsibility should vote for the Rangel substitute and against H.R. 6.

If H.R. 6 were only concerned with providing targeted tax relief to married couples who are penalized by the current code, the bill would pass with unanimous support. Unfortunately, the majority has brought forward a $200 billion bill in which half the benefits go to people who receive a marriage bonus, and two thirds of the benefits go to people earning more than $75,000. By grossly inflating the costs of marriage penalty relief, the majority is jeopardizing other needed tax relief for working families and impeding our effort to pay down the debt.

The greatest gift Congress could give to married couples and to all the American people is to pay down the debt. H.R. 6, however, lays claim to more than $200 billion of the projected budget surplus before this session of Congress has dedicated even one dollar to debt reduction. Paying down debt should be our first priority, not our last.

The improved budget outlook will allow Congress and the President to enact targeted tax cuts within a fiscally responsible framework. By considering H.R. 6 outside the context of the overall budget, however, the majority is draining resources from other working family tax relief including tax cuts to help pay for college, to encourage retirement savings, and to increase the affordability of health care. I support marriage penalty relief, but we should do so in a way that leaves room to address the core pocketbook issues that working families face.

In sum, Mr. Speaker, I urge my colleagues to support the Rangel substitute and to oppose H.R. 6.

Mr. UDALL of Colorado. Mr. Speaker, I am very reluctant to vote for this bill—but I will.

I am reluctant because this is not the best time for this bill, and this is not the best bill for the job.

It's not the right time because under the Budget Act, a tax bill like this—or a spending bill, for that matter—should not be considered at all until after Congress has passed an overall budget resolution to establish priorities among revenue measures and appropriations bills. That is the rule, because that is the prudent way to set our fiscal policy. I agree with the Concord Coalition that we should follow that rule, which is why I voted against the Republican leadership's motion to waive that rule so this bill could be taken up today.

And this is not the best bill for the job because in some areas it does too little, and in others it does too much.

It does too little because it does not adjust the Alternative Minimum Tax. That means it leaves many middle-income families unprotected from having most of the promised benefits of the bill taken away. The Democratic substitute would have adjusted the Alternative Minimum Tax, which is one of the reasons I voted for that better bill.

The Republican leadership's bill does too much in another area. Because it is not carefully targeted, it does not just apply to people who pay a penalty because they are married. Instead, a large part of the total benefits under the bill would go to married people whose taxes already are lower than they would be if they were single. In other words, if this bill were to become law as it now stands a primary result would not be to lessen marriage "penalties" but to increase marriage "bonuses."

And, by going beyond what's needed to end marriage "penalties" the bill—if it were to become law—would go too far in reducing the surplus funds that will be needed to bolster Social Security and Medicare.

Those are the reasons for my reluctance to vote for this bill. They are strong reasons—in fact, if voting for the bill today would mean that it would be law tomorrow, I would vote against it. But that isn't the case, fortunately. This is the start, not the end of the process—and I will reluctantly vote for the bill because I favor eliminating the marriage penalty and having the House pass this bill is the only way we can try to do that this year.

Under the Constitution, all tax bills must start here, in the House. And during the course of today's debate it's become clear that this is the only tax bill dealing with the marriage penalty that the Republican leadership will allow the House to consider this year.

For them, it's their way or no way. But that's not the end of the story, fortunately. From here the bill must go to the other body, where it can be improved, and any final bill must go to the President for signature or veto.

So, because I do think the marriage penalty should be ended, I will vote for this flawed and unsatisfactory bill in order to send it to the other body. I hope that there it will be improved. If it is changed, it will have to come back to us here in the House. If that happens, and it is improved to the point that it merits becoming law—meaning that it will deserve the President's signature—I will vote for it again, without reluctance. If it is changed but falls short of being appropriate for signature into law, I will not support it.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to voice my strong support for H.R. 6, the Marriage Penalty Tax Relief Act of 2000. As an original co-sponsor of this bill, I am pleased to stand here today to urge my colleagues to vote in support of the sanctity of marriage and in turn, divorce this burdensome tax.

66,604 hard-working married couples in my district, the eleventh district of Virginia and over 21 million loving couples across the nation are unfairly penalized by our Tax Code system simply because they chose to make a life time commitment to each other and walk down the aisle. On average, the words, "I do" carry the high price tag of $1,400 a year. Is it right to place such an unfair financial burden on the shoulders of two wage earner working families? No, but our current tax system requires that married couples file joint tax returns based on the combined income of the husband and wife. When both the husband and the wife work, the secondary earner is, in effect, taxed at the top rate of the primary earner. As a consequence, a married couple could pay more than they would if each spouse were taxed as a single wage earner.

We need the Marriage Penalty Tax Relief Act of 2000 to eliminate this financial deterrent to marriage. H.R. 6 would provides $182.3 billion in tax relief over 10 years, by raising the standard deduction for married couples filing jointly so that it is equal to twice the standard deduction single filers. It also expands the lowest tax bracket (15%) to twice that of the corresponding bracket for single filers. To help low income working families, the plan increases the Earned Income Credit (EIC), making more couple eligible for EIC assistance.

I would like to commend Representative JERRY WELLER for taking the initiative to introduce this vital tax relief bill. And I applaud my fellow members of the Republican Leadership and the 236 co-sponsors of this bill on both sides of the aisle, for their support for making the tax system fair for married couples a priority. Let's eliminate this penalty and give families financial freedom to make a down payment for their first home, save for a car or their child's college education. I strongly urge all of my colleagues to give married couples the best gift they could possibly receive from Congress for Valentine's Day, freedom from this punishing tax.

Mrs. BIGGERT. Mr. Speaker, the Federal Government taxes work, savings, investment, risk taking, creativity, ingenuity, entrepreneurship—even death. You name it, Washington taxes it, and sometimes Washington taxes it twice or three times.

So it is not all that surprising that the Federal Government taxes marriage. And today we have an opportunity to right that wrong.

But let's not forget what we are and what we aren't talking about. We aren't talking about tax cuts for the rich. We are talking about tax cuts for women.

The simple truth is that the marriage tax disproportionately affects women. Marriage taxes can impose a nearly 50 percent marginal tax rate on second earners, most of whom are wives and mothers. And the hardest hit by the marriage penalty are those couples who each earn between $20,000 and $30,000 a year.

Ask those couples if they are rich, as they try to provide for their children's education, pay off the mortgage on their house, and juggle all of life's challenges.

Despite what the other side may say, H.R. 6 gives the most benefits to these middle class families. That should be enough to get the support of all my colleagues.

But the President says that his plan is the right way to give marriage penalty relief. Well, let's talk about what his plan does—it creates another inequity. His plan increases the standard deduction for two-income married couples to double that of single filers only if both couples work. If a woman decides to stay home to start a family, this deduction does not apply and her taxes are higher.

This is wrong. How can we penalize anyone for staying at home to raise their children?

We can't.

The Republican plan ensures that all married filers receive marriage penalty relief, whether one parent stays at home with the children or if both parents go to work.

H.R. 6 is the right way to give millions of Americans, including more than 69,000 in my own district, real marriage penalty relief. I urge my colleagues to support H.R. 6, and to support all American families.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of the Marriage Tax Penalty Relief Act which will abolish the unfair marriage tax penalty by raising the standard deduction for married couples filing jointly so that it is equal to twice the standard deduction for single fliers. It also expands the lowest tax bracket at fifteen percent to twice that of single filers.

If you vote "yes" to eliminate the marriage tax penalty, fifty million married taxpayers will gain from doubling the standard deduction, and six million senior citizens will benefit from this provision. Another six million taxpayers will no longer have to itemize, which greatly simplifies the tax process, and taxpayers will save $66.2 billion over ten years.

On the other hand, if you vote "no," you will be taking an average of $1,400 out of the pockets and bank accounts of our nation's hardworking families.

If you vote "no," you will be rejecting legislation that benefits the middle class, particularly women. Not only do women early just 74% of what men earn, but under the marriage tax penalty, the second wage earner is taxed at a higher rate. This is the ultimate double-whammy.

If you vote "no," you will singlehandedly take much needed tax relief away from more than 61,000 couples in my district and almost 1 million couples in my state who already pay more than their fair share of taxes—just because they are married.

And finally, if you vote "no," you will send a clear message to our nation's children—that the sanctity of marriage is not to be respected—it instead is to be taxed by Uncle Sam.

Do not punish couples because they have found happiness, have made a lasting commitment to each other, and have gotten married. Cast your vote for the American family today and vote to help do away with the marriage tax penalty.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 6, the Marriage Tax Elimination Act of 1999, because it is designed to provide significant tax relief to over 21 million married couples. According to a recent report by the Heritage Foundation, there are currently 53,928 married couples in my district who are affected by the marriage penalty. This year we have the chance to do the right thing and help numerous families by eliminating the marriage penalty.

Our current tax code punishes working couples who file jointly by pushing them into a higher tax bracket. The marriage penalty taxes the income of the second wage earner—often the woman's salary—at a much higher rate than if she were taxed only as an individual. Not only does the marriage penalty financially penalize married couples, it also discourages single people from getting married.

This bill will provide $182.3 billion in marriage penalty tax relief over 10 years by allowing the average dual-income family to keep $1,400 more of their money each year. These savings can make a significant difference to many families. Families will be using this extra money to improve their current lifestyle, secure their future or save for their children's education. Most importantly, it would encourage single people in love to join not only their lives together but their 1040 forms!

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 6, the Marriage Tax Elimination Act and I urge my colleagues to support this worthy, long overdue, legislation.

I became a cosponsor of this legislation because I believe the marriage penalty is the most indefensible thing about our Nation's current Tax Code.

The current Tax Code punishes married couples where both partners work by driving them into a higher tax bracket. The marriage penalty taxes the income of the second wage earner at a much higher rate than if they were taxed as an individual. Since this second earner is usually the wife, the marriage penalty is unfairly biased against female taxpayers.

Moreover, by prohibiting married couples from filing combined returns whereby each spouse is taxed using the same rate applicable to an unmarried individual, the Tax Code penalizes marriage and encourages couples to live together without a formal legal commitment to each other.

The Congressional Budget Office has estimated that 42 percent of married couples incurred a marriage penalty in 1996, and that more than 21 million couples paid an average of $1,400 in additional taxes. The CBO further found that those most severely affected by the penalty were those couples with near equal salaries and those receiving the earned income tax credit.

This aspect of the Tax Code simply does not make sense. It discourages marriage, is unfair to female taxpayers, and disproportionately affects the working and middle class populations who are struggling to make ends meet. For these reasons this marriage penalty needs to be repealed.

Mr. BLUMENAUER. Mr. Speaker, just three months ago, this Congress left Washington, having passed a budget none of us could take pride in, a budget filled with gimmicks, so-called emergency spending and special interest earmarks. Now we are starting off this new session on the same track of fiscal irresponsibility and unresponsiveness to real issues. The one difference is that, instead of a single massive tax cut along the lines of that rejected by the American public last year and still proposed by the Republican front-runner, the majority in Congress is pursuing a piecemeal strategy. They are offering last year's rejected tax bill, only repackaged in smaller chunks.

Today's so-called marriage tax reform is the first piece. Instead of targeting tax relief to the people who need it most, this bill is replete with other special interest provisions that will cost almost $200 billion over the next ten years. Only about half the proposed tax benefit goes to tax filers who currently pay a marriage penalty. Even less relief goes to those most in need, since about 70 percent of the benefits will go to couples earning more than $70,000 per year. Ironically, this bill does nothing to address the growing problems of working families being forced to pay the Alternative Minimum Tax.

In short, the majority's approach is to spend more money than we need or can afford in order to help the people who need help the least, while it shortchanges those who need help the most—the working poor and lower income families, who have seen their income fall by about 9 percent.

The Democratic alternative takes a different approach. It is targeted toward the people who most need help. It doubles the standard deduction, adjusts the AMT so that families will receive the full benefit of the standard deduction, and addresses the marriage penalty in the EITC, providing greater relief for the working poor and near-poor families. Not only will targeting aid this way help those who need it most, it will save money—money that we can use to pay down the debt, protect Social Security and Medicare, and fund what my constituents tell me are their priorities: education, environmental protection and prescription drug benefits. This is what the American people want, what is needed in my district, and above all, something could be accomplished in a heartbeat with no partisan rancor.

I hope we can start working together today to make our tax system fairer and to help people who need it most.

Mr. MOORE. Mr. Speaker, I rise today to discuss H.R. 6, the Marriage Penalty Relief Act of 2000. The bill is the right thing to do for many reasons and I will support its passage. This bill will provide needed tax relief for married couples by reducing the marriage tax penalty while strengthening the financial resources of the American family and fostering economic prosperity into the 21st century.

Currently, forty-two million married taxpayers, including almost 67,000 families in my district, will gain from the standard deduction increases in this bill; the average tax cut for married couples provided by the bill would be nearly $500 per year—money that will go a long way toward paying for food, housing, and clothes for their children; and the bill will significantly help low- and middle-income working families.

I will be voting for this legislation; however, I will be doing so with strong reservations. I have deep concerns that this Congress has yet to act on a budget resolution this year and, as such, we have no knowledge how this legislation will fit into our other collective commitments to extend the solvency of Social Security and Medicare and reduce our national debt. Congress should first pass a budget resolution that puts into place a framework to strengthen Social Security and Medicare and pay down the debt before enacting a big tax cut—in stages or all at once—that spends the surplus.

That is why I will also be voting for the substitute bill and the motion to recommit. The substitute not only takes a large step toward eliminating the marriage penalty, it does so after we have developed a budget that certifies the solvency of Social Security and Medicare and after we have developed a budget that provides for debt repayment by the year 2013. The motion to recommit provides that we first establish a budget that ensures all of our priorities are met—solvency of Social Security and Medicare, repayment of our national debt, and tax cuts.

Although the majority claims to support retiring the publicly held debt, they have begun the session by scheduling several tax bills funded by the projected budget surplus without giving any consideration to the impact that the bills will have on the ability to retire this debt. Although each of these bills will have a relatively modest cost when considered in isolation, the total costs of these bills will be nearly as much as the vetoed tax bill, and could even be more expensive.

I caution my colleagues, on both sides of the aisle, that this marriage penalty bill reported by the Ways and Means Committee will consume most, if not all, of the resources that will be available for tax cuts without jeopardizing our commitment to paying down the debt and strengthening Social Security and Medicare. I caution my colleagues that if this marriage penalty bill is enacted, it may be difficult to enact additional tax cuts that Congress considers—estate tax relief, tax credits for health insurance and education, and Alternative Minimum Tax (AMT) reform.

We can and should cut taxes. But any tax cut must be in the context of a fiscally responsible budget that eliminates the publicly held debt, strengthens Social Security and Medicare, and addresses our other priorities. While I will be supporting this legislation, I am doing so to move the process forward and to correct a wrong in our tax code.

I hope this Congress considers carefully this bill's cost in the larger context of the federal budget and I hope the Senate will take on this important issue in a responsible manner that places these other priorities in context.

Mr. SCHAFFER. Mr. Speaker, the United States Tax Code discourages marriage. No amount of fancy accounting or political rhetoric can dispute this fact. Today's vote will assist in relieving a tax burden felt by more than 74 thousand couples in my eastern Colorado district. Statewide, 444,578 Colorado couples are affected by marriage tax penalties—penalties in place just for being married.

Mr. Speaker, the current tax law punishes married couples who file income taxes jointly by pushing them into higher tax brackets. The marriage penalty taxes a portion of combined income at higher rates than if each salary were taxed individually.

The Congressional Budget Office estimates that the federal income tax system imposes a marriage tax penalty on nearly fifty million Americans. Further, Mr. Speaker, the marriage tax penalty discourages hard work by penalizing dual-income married couples more than other individuals. It is unfair and inappropriate for the federal government to impose an additional income tax penalty on married individuals.

Mr. Speaker, I submit House Joint Resolution 99–1055, passed by the Colorado General Assembly, for today's RECORD. Colorado's resolution urges the United States Congress to enact legislation eliminating the federal marriage tax penalty. In addition to their recommendation, the President of the United States of America called for marriage tax penalty relief in his final State of the Union Address.

Mr. Speaker, I agree with the president, the Members of the Colorado General Assembly, and the millions of Americans who are calling for the elimination of the federal marriage tax penalty. I urge my colleagues to join me in voting to eliminate these anti-family, anti-American tax provisions.

HOUSE JOINT RESOLUTION 99–1055

Whereas, The Congressional Budget Office estimates that the federal income tax system imposes a marriage tax penalty on twenty-three million Americans; and

Whereas, The marriage tax penalty discourages hard work by penalizing dual income married couples more than any other individuals; and

Whereas, Under the federal income tax system, married individuals have smaller standard deductions, earlier loss of itemized deductions and personal exemptions, a smaller capital loss deduction, and a double loss of IRA deductions when compared to single individuals; and

Whereas, The marriage tax penalty has a severe impact on the working poor; and

Whereas, It is unfair and inappropriate for the federal government to impose an additional income tax penalty on married individuals; and

Whereas, Several bills to eliminate the federal marriage tax penalty are presently pending before the United States Congress; and

Whereas, The elimination of the federal marriage tax penalty is an important step in creating a fairer and simpler federal income tax system; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

That we, the members of the General Assembly, urge the United States Congress to enact legislation eliminating the federal marriage tax penalty.

Be It Further Resolved, That copies of this Joint Resolution be sent to each member of the Colorado congressional delegation and to Charles O. Rossotti, Commissioner of the Internal Revenue Service.

Mr. RAMSTAD. Mr. Speaker, I rise as a proud cosponsor and strong supporter of the measure before us to provide urgent relief to families suffering from the unfair marriage tax penalty.

About 25 million married couples currently pay an average of $1,400 more in taxes than they would as single taxpayers. in my own congressional district alone, almost 160,000 taxpayers pay higher taxes simply because they are married. That is simply wrong.

Consider what $1,400 a year would mean to a family struggling to make car or mortgage payments, to buy groceries and clothes for their kids, or to save for their child's college education. If we don't believe marriage penalty tax relief will make a difference in the lives of real families, then we are severely out of a touch.

And significantly, the bill will provide relief to both taxpayers who itemize deductions and those who fill out a simplified tax form. It helps two-earner couples and couples in which only one spouse earns an income. I am stunned by those who believe the families who make sacrifices so one parent can stay home with the children do not deserve relief.

I had hoped when I heard the President's State of the Union Address that marriage penalty relief would be a bipartisan effort in this session. But as near as I can tell, some have decided it is "too soon" to provide this fairness. When is it too soon to stop an injustice?

Mr. Speaker, I urge my colleagues to support real relief for real families, right now.

Mr. PHELPS. Mr. Speaker, I rise to fulfill a commitment to my constituents but also to express my disappointment with the way in which this House is ignoring our established budget process. I also want to strongly caution my colleagues against continuing down this road of piecemeal tax cuts which threaten to devour our entire surplus before they can be evaluated in the overall budget context.

Early in my tenure I made a commitment to those who sent me to Washington to support an issue of great importance to them, marriage penalty relief. At the time, H.R. 6 was the primary vehicle for eliminating the marriage penalty, and I agreed to co-sponsor the bill. I do not believe this bill is perfect, and I do not support the timing of this vote, which flies in the face of reasonable budget decisionmaking. However, I believe in keeping promises to my constituents, and today I will honor my commitment by voting in favor of H.R. 6.

Over 25 million married couples, including 55,000 in my congressional district, experience the marriage penalty when they pay their taxes each year. Our current tax code punishes many married couples by pushing them into a higher tax bracket and taxing the second wage-earner's income at a higher rate. I do not believe our tax code should discriminate against any group, and we certainly should not cause couples to make marriage decisions based on the tax implications of their choice. Furthermore, marriage is often a precursor to new financial obligations, such as buying a home, deciding to start a family, and beginning to save for a child's education. We should by no means make it harder for couples to meet these obligations.

Last year, I voted against the massive, irresponsible Republican tax cut package. Since then, I have consistently assured my constituents they would have my support if certain elements of that bill, such as elimination of the marriage penalty of phase-out of the estate tax, were considered alone. Today, I will honor that promise, but I do so reluctantly for the following reasons.

It is incredibly irresponsible to consider H.R. 6 as one of the first orders for business of this new legislative session, before any consideration of a budget resolution. I think every member of this House agrees that we can and should provide tax relief to the American people this year. But we should not be making these decisions in a vacuum, while we remain completely blind to their ultimate impact on the overall budget picture.

As we debate this bill today, none of us knows what it will mean to our ability to pay down the debt, shore up Social Security and Medicare, provide a prescription drug benefit or pay for vital programs like health care, veterans benefits, agriculture, defense and education. Today's vote sets a dangerous precedent, and I worry that the Republican leadership has started down a dangerous course of passing last year's failed tax cut package in a series of small pieces which mask their overall impact on the budget and impede our ability to address other priorities.

Although I am prepared to ultimately support H.R. 6, I will first vote for the Democratic substitute and the motion to recommit, both of which I believe would enabe us to provide common-sense tax relief without jeopardizing our other goals. I have been a strong advocate for debt reduction since joining this body, and I continue to believe a significant portion of any surplus must be set aside for this purpose. Eliminating our nation's debt is, in fact, the best tax cut we can possibly give to our constituents.

Mr. Speaker, I am glad today to fulfill a commitment to my constituents by supporting the elimination of the marriage penalty. But I sincerely hope that today's vote is not an indication of the way in which the Republican leadership plans to deal with all tax legislation this year.

Mr. McGOVERN. Mr. Speaker, I rise today in opposition to H.R. 6 and in support of real marriage penalty tax relief that will benefit married couples. The bill we are considering today is flawed in several ways—both in terms of policy and in terms of process. Instead, I will support the Rangel substitute amendment that will provide real relief for married couples and will also allow us to continue working to extend the solvency of both Social Security and Medicare and to pay down the debt.

I will vote for the Rangel Substitute because it accomplishes the right things—an increase in the standard deduction for joint filers to twice that of single filers, an increase in the income level at which the Earned Income Tax Credit is phased out and a provision to ensure that Congress extends the solvency of Social Security until 2050 and Medicare until 2030, and eliminates the debt by 2013. The Rangel substitute will allow us to continue to work on the issues important to all Americans—a prescription drug benefit for Medicare, a strong, comprehensive Patients' Bill of Rights, a continuation of the greatest economic expansion in the history of this country, and targeted tax relief. The Republican Leadership's bill we are debating today places all of these priorities at risk.

H.R. 6 is flawed because the bill targets the wrong people and it places the potential surplus at risk. The most expensive provision of this bill would only affect one out of four married couples. Once fully phased in, this provision will cost $30 billion each year. However, the beneficiaries of this provision are not penalized by the marriage tax but, instead, receive what is known as a marriage bonus. H.R. 6 does not provide the relief needed by the middle- and low-income couples that are penalized by the Tax Code. My constituents deserve the best marriage penalty tax relief possible, relief that is not provided by H.R. 6.

Moreover, H.R. 6 irresponsibly taps the potential budget surplus without consideration of the budgetary impacts. This bill isn't even paid for! Where will the money come from? It will come from the current efforts to pay down the debt, to extend the solvency of Medicare and Social Security and to provide a comprehensive prescription drug benefit. The bill's $182 billion price tag—which will undoubtedly increase as adjustments are made to the alternative minimum tax and other tax provisions—is too costly to blindly rush through Congress, especially as we are just now beginning to consider the budget for the next fiscal year. Congress should be working to provide real, responsible marriage penalty tax reform that targets middle- and low-income married couples.

H.R. 6 is also flawed because of the process under which we are considering this bill today. President Clinton released his budget only two days ago, Congress has yet to complete hearings on his proposed budget and the House Budget Committee has not begun to work on a budget resolution. Besides being irresponsible, consideration of this bill violates the rules of the House. It is a violation of House rules to consider tax or spending measures before Congress considers a budget resolution. In order to consider this bill today, the Republican leadership forced a vote to waive this rule, Why? Not in the name of true reform, but so they could grandstand on Valentine's Day.

Mr. LANTOS. Mr. Speaker, the legislation which we are considering today has little to do with helping struggling married couples and a great deal to do with politics. For years now, we have been subjected to partisan calls to deal with the so-called "marriage tax penalty." We have heard stories about couples who have considered divorce, or even been divorced, because they had a tax burden that was so inequitable. I don't know about my colleagues on the other side of the aisle, but most people that I know do not make the decision whether to enter into—or not enter into—marriage vows simply because of the tax implications of marriage. Matrimony has many consequences, but tax consequences are probably not the major concern.

Unfortunately, Mr. Speaker, there has been very little cool thoughtful consideration of the policies that we are considering here today. It is abundantly clear that the version of the legislation supported by our colleagues on the other side of the aisle has much to do with an agenda to benefit the wealthy and little to do with making our tax system fairer for married couples. Approximately half of the tax benefits this legislation provides will go to tax filers that currently pay NO marriage penalty, and the bulk of the benefits will go to the top quarter of income earners.

The Democratic alternative being presented by our colleague, the gentleman from New York, Mr. RANGEL, provides more genuine tax relief for working families who do pay a "marriage tax penalty." I urge my colleagues to support the Rangel substitute.

Mr. Speaker, The Washington Post (June 16, 1998) published an excellent article by Albert B. Crenshaw entitled "Congress Tackles Marriage Tax Penalty: Experts Doubt That Debate will Yield Lasting Solution to Perennial Inequity." That article was particularly insightful on this complex issue. I am submitting the article for the RECORD at this point, and I urge my colleagues to read it. This careful and thoughtful analysis provides a much-needed counterpoint.

[From the Washington Post, June 16, 1998]

CONGRESS TACKLES MARRIAGE TAX PENALTY—EXPERTS DOUBT THAT DEBATE WILL YIELD LASTING SOLUTION TO PERENNIAL INEQUITY

(By Albert B. Crenshaw)

As House Republicans rally around a proposal to eliminate the tax code's "marriage penalty," some experts are skeptical that this latest round of debate on a long-discussed issue will lead to a lasting solution.

The penalty, which causes some married couples to pay higher income taxes than they would as single people, has been a problem for as long as there has been a federal income tax.

Over the years it has sparked repeated, and largely unsuccessful, efforts by Congress to craft a solution equitable to both married couples and singles. The repeated failure of these efforts has led some experts to say it's impossible to create a tax law that would cause all married couples with the same income to pay the same tax, that would treat taxpayers the same regardless of their marital status and that would at the same time would remain progressive.

The key element that leads to the marriage penalty is the progressive nature of the nation's tax code. As income rises, it is taxed at higher rates, also known as brackets. When two people marry, their income is added together, so instead of, say, two singles in the 15 percent bracket, they become a married couple partly in the 15 percent bracket and partly in the 28 percent bracket.

For example, a single man earning $25,000 annually and a single woman earning $25,000 would each be in the 15 percent bracket. If they marry, however, their annual income becomes $50,000 and some of it is taxed at 28 percent. For married couples filing jointly, that higher bracket starts at $42,350.

While the tax code penalizes married couples with similar incomes, it benefits couples in which one spouse earns most or all of the income.

For example, a single woman earning $50,000 annually is taxed at the 28 percent rate for slightly less than half her income, while the rest is taxed at 15 percent. If she marries a man with no income, $42,350 of her income is taxed at 15 percent, and less than $8,000 at 28 percent.

For lower-income workers, the effect can be even more dramatic because of the earned income tax credit, a credit designed to ease the tax burden on low-income working families. For example, the Congressional Budget Office last year found that two single parents earning $11,000 each would have no income tax liability and each would receive a $2,150 refund under the EITC. If they married, they would owe $765 in tax and receive only $1,368 under the EITC. The credit would wipe out their tax liability, but their refund would be only $603.

Thus this couple would lose $3,701; or 16.8 percent of their income, by virtue of being married.

The CBO study found that about 42 percent of couples paid a marriage penalty in 1996, 51 percent paid less than they would have as singles—a marriage "bonus"—and 6 percent were unaffected. In other words, 21 million couples paid an average of $1,400 in additional taxes because they were married, while 25 million got a tax benefit—to the tune of an average $1,300—because of their marital status. In total, penalties added up to $29 billion, and bonuses to $33 billion.

Since World War II, tax policy has veered from greatly benefiting married couples to helping out singles to today's hodgepodge of rules that benefit some married couples and penalize others.

The CBO noted that "marriage penalties and bonuses are not deliberately intended to punish or reward marriage. Rather they are the result of a delicate balance among disparate goals of the federal income tax system."

Some scholars have found bonuses and penalties in the code going back to 1914, but the modern dispute dates from 1930. At that time, taxes were levied on individuals, and single or married people paid at the same rates. This benefited couples in which spouses had similar incomes and penalized those in which one earned much more than the other.

In community-property states, however, state law required that couples share all income equally. Taxpayers in those states had begun dividing their income equally for tax purposes as well, and in 1930 the Supreme Court upheld that strategy.

This resulted in couples in different states being taxed at different rates, depending on whether they lived in a community-property or common-law state. In 1948, to remedy this, Congress began allowing all couples to, in effect, equally divide their income.

This, in turn, meant that singles paid more tax on the same income than married couples. By 1970, a single person with $20,000 in income was paying $5,328 in tax compared with $3,750 for a married couple—a 42 percent penalty for the single person.

Congress limited the differential to 20 percent beginning in 1971, and in 1981 it added a two-earner deduction of up to $3,000. This cut the penalty for couples affected by the penalty but boosted the bonus for others. The Tax Reform Act of 1986 repealed the two-earner credit but also sharply reduced the number of tax brackets, from 15 to two—at 15 percent and 28 percent—and thus also reduced the marriage penalty. The addition of new brackets in 1990 and 1993 boosted the number to five, and the issue began heating up again.

Here is an example of the marriage penalty, with the husband and wife earning equal salaries . . .

A MARRIAGE PENALTY, A BONUS

	If filing as a single		Filing as a couple
	Husband	Wife	
Adjusted gross income	$37,500	$37,500	$75,000
Less personal exemptions	2,550	2,550	5,100
Less standard deduction	4,000	4,000	6,700
Equals taxable income	30,950	30,950	63,200
At 15 percent	24,000	24,000	40,100
At 28 percent	6,950	6,950	23,100
Tax liability	5,546	5,546	12,483
Marriage penalty			$1,391
. . . and of the marriage bonus, with only one spouse as the sole bread-winner.			
Adjusted gross income	$0	$75,000	$75,000
Less personal exemptions	2,550	2,550	5,100
Less standard deduction	4,000	4,000	6,700
Equals taxable income	0	68,450	63,200
At 15 percent	0	24,000	63,200
At 28 percent	0	34,150	40,000
At 31 percent	0	10,300	23,100
Tax liability	0	16,355	12,483
Marriage bonus			$3,872

SOURCE: Congressional Budget Office.

Mr. STARK. Mr. Speaker, I rise today in opposition of H.R. 6, the Marriage Tax Penalty Relief Act of 2000. The Republicans will characterize those who oppose their bill as opposing tax relief for working families. This is not true. I support targeted tax relief for working families. However, any tax legislation must be enacted prudently and must be structured to target the right population. The bill before us today is far from prudent. I oppose H.R. 6 because of the process chosen by the GOP; the bill is misleading; and the Democrats have offered a better alternative.

Targeted marriage tax penalty relief should be an issue that everyone can support. So it was surprising to learn that Ways & Means Democrats were left out of the whole process. The leadership developed this bill without any consultation from Democrats. If real legislation is going to pass the second session of the 106th Congress, then we must work in a bipartisan fashion. It seems that my colleagues on the other side of the aisle prefer to politicize legislation rather than produce policy that will actually help the citizens we serve.

This bill puts the cart before the horse. There is no budget in place in which to examine this bill in an overall framework for this year's spending. To explain my point, the average American worker should not go out and purchase a brand new car without knowing how much is needed for their other expenses. The worker would end up with bounced checks and nothing left for food and medical expenses. This is exactly what the Republicans intend to do with this tax bill. Congress does not know how much is needed for our other spending priorities. It is fiscally irresponsible to spend money without an overall budget in place.

Without a budget, last year's mantra to save Social Security and Medicare has been completely ignored. I am committed to saving Social Security for current and future retirees. I am also committed to saving Medicare—and enhancing its benefits—for current and future retirees. The American worker is entitled to both of these benefits in their golden years. I will not participate in a negligent Congress whose behavior could eliminate these two programs.

A vote on H.R. 6 today does not allow Congress to prioritize our spending. So not only does this bill fail to ensure solvency for Medicare and Social Security, it prohibits us from other spending needs such as improving our schools, providing a Medicare prescription drug benefit, and making health care available to the 11 million children currently without it.

This bill needs to target tax relief for those who need it most. Unfortunately, the GOP proposal actually helps wealthy Americans, not simply those facing a tax penalty due to marriage. There are nearly as many families that receive "marriage bonuses" as receive marriage penalties in the U.S. As much as half of the $182 billion in tax relief in the GOP bill will go to families who receive the bonus and are not hurt by the marriage penalty. This bill's costliest provision, expanding the 15% tax bracket, only benefits taxpayers in the top quarter of the income distribution. This accounts for 65% of the plan's total cost, or nearly $100 billion. The bill's title implies that it helps those who are faced with a marriage penalty when it truthfully benefits the wealthy.

Finally, I cannot support this reckless tax cut when the Democrats have offered a safer, more responsible option. First and foremost, our bill uses the projected surplus to extend the solvency of Medicare to 2030 and the solvency of Social Security to 2050. The American worker has told us time and time again that extending these programs is a priority. I've listened to my constituents and I encourage my GOP colleagues to do the same.

The Democratic substitute bill is not only more responsible than the Republican plan, it is also less costly and targeted to those who need it most. Our plan costs $89 billion over 10 years; one needn't be an economist to know that this is much more affordable than the $182 billion Republican price tag. Low-income married couples face a marriage penalty in the earned income tax credit. The Democratic substitute would reduce those penalties by increasing the income level at which the credit begins to phase out by $2,000 in 2001 and by $2,500 in 2002 and thereafter. It would also repeal the current reduction in the EITC and refundable child credit by the amount of the minimum tax. Again, the Democratic substitute would provide greater tax relief for these taxpayers than would the Republican bill.

We shouldn't even be debating marriage tax penalty today. This is not the right time or the right product through which to achieve a reasonable tax cut. It is ludicrous to take a piecemeal approach to any tax reform package. Treasury Secretary Lawrence Summers has urged President Clinton to veto this bill. We need to oppose H.R. 6, go back to the drawing board, establish a budget and bring responsible tax relief legislation to the floor for a vote.

Mr. FRELINGHUYSEN. Mr. Speaker, it is time we give 25 million married Americans a break—a tax break, that is.

Under our current tax code, working, married couples are pushed into a higher tax bracket than single working Americans. And worse yet, the Marriage Penalty Tax impacts the second wage earner in a family—usually a woman—so, she is taxed at a much higher rate just because she is married!

Is this fair?

Of course not, and that's why Congress must try yet again to repeal the Marriage Penalty Tax, an unfair tax burden on 25 million American families.

Mr. Speaker, this is sensible tax relief for the middle class, and a $1400 tax cut for these hardworking Americans will be put to good use. Indeed, $1400 in the pockets of millions of married couples can be used on important family obligations like tuition for college, a home computer, renovating a kitchen and paying family bills, or investing for retirement security.

Mr. Speaker, 818,116 married couples in my home state of new Jersey would benefit directly if we repeal the Marriage Penalty Tax—72,605 in my District alone, New Jersey's Eleventh.

Each one of them deserve relief from the Marriage Penalty Tax and New Jersey's married couples deserve to know that they are paying only their fair share to Uncle Sam—nothing more.

Let's repeal the Marriage Penalty Tax and restore fairness to our tax code for America's married couples.

And let's get this Marriage Penalty Tax revenue, unfairly collected by the Federal government, out of the hands of Washington bureaucrats and into the pockets of America's married couples where it rightfully belongs.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 6 and I am proud to be a cosponsor of this bill.

More than 20 million American married couples pay higher taxes than they would if they were single. The "tax" on marriage in our system averages nearly $1400 per couple. This $1400 could be used by couples to save for college or retirement, make several months of car payments, pay for braces or piano lessons. Unfortunately, some in this chamber believe that Washington knows better how to use $1400 than a husband and a wife.

Numerous statistical evidence is available that children are far less at risk for academic and behavioral problems when raised in a two-parent family. But built into our Tax Code is a disincentive for families to stick together.

The marriage penalty in the Tax Code is more likely and larger in those households where both marriage partners have incomes that are nearly equal. In 1995, 72 percent of working age couples had both individuals in paid employment. 12 percent of couples with incomes below $20,000 had penalties in 1996; 44 percent of couples with incomes between $20,000 and $50,000 had marriage penalties; and 54 percent of those with incomes over $50,000 had penalties.

It is time that the Federal Tax Code support marriage, and not penalize it. I urge the adoption of the Marriage Tax Penalty Relief Act.

Mr. MILLER of Florida. Mr. Speaker, I rise today in support of this important legislation to end the unfair taxation of married couples and provide real tax relief for working families. The marriage tax penalty is one of the shining examples of stupidity and injustice in our overly complex and injustice tax code.

Mr. Speaker, this tax hits real people, real hard. It punishes working couples by pushing them into a higher tax bracket. It taxes the income of the second wage earner—typically a working woman—at a higher rate than if she were taxed as an individual. It impacts middle class couples the most, with the greatest marriage tax penalties falling on those families where the higher earning spouse makes between $20,000 and $75,000 per year.

Overall, some 42 million working Americans pay higher taxes simply because they are married. On average, each couple pays $1400 more every year to the federal government simply because they are married. In my Florida district alone, over 46,000 couples are hit by this ridiculous marriage tax penalty. Let me tell you about how this tax affects some of them in real terms.

I had an opportunity when this issue first gained prominence, to meet in my district with 20 working women from Bradenton, Sarasota, and Venice. Their number one concern was marriage tax penalty relief. Why? Because this is not some obscure issue, these women knew what an extra $1400 a year meant to their family budget. It's a new computer, it's the yearly grocery bill, it's a semester at community college, or maybe it's a much needed family vacation.

Mr. Speaker, some of my colleagues here talk about wanting to expand government subsidies and programs for health care or daycare. Let me say to them, if you are serious about helping working families, then let's start by letting these families keep $1400 of their own hard-earned money each year and use it towards a year of health care premiums or several months of day care. Let these families make their own choices and meet their own needs without having to beg for their own money back from Washington bureaucrats.

My district in Florida also has a large population of senior citizens. Most people don't think of the marriage tax penalty hurting seniors, but it does depending on how they receive income, and not just the ones who are already married. A not uncommon situation is that two widowed seniors meet each other in a retirement community, find new love, and want to remarry. The marriage tax penalty actually discourages them from remarrying. Our truly bizarre tax code says to this senior couple that they are better off economically if they just live together without getting married! I find this tax to be repugnant.

Mr. Speaker, a tax that penalizes people for falling in love and getting married is an outrage. We have a chance today to get rid of it. I urge my colleagues to vote "yes" on this bill and provide real tax relief and fairness to 46,000 working couples in my district and 21 million families nationwide.

Mr. RILEY. Mr. Speaker, there's not a good reason why married couples in my home State of Alabama should pay higher Federal income taxes than if they were single and just living together.

But this is what is happening to more than 60,00 married couples in my district alone and 25 million nation-wide because of the Marriage Tax Penalty.

As our Federal tax law stands now, the average married couple in America pays an additional $1,400 a year on their tax bill. That is absurd.

Mr. Speaker, $1,400 is a lot of money to most folks in Alabama, and not an amount they're happy doing without just because they are married. You can pay a few house payments with $1,400, or a semester's worth of tuition and books for college. Those are real life expenses, and not just numbers on charts and graphs over at the Internal Revenue Service.

The institution of marriage should be sacred, not taxable.

I urge my colleagues to vote for the Marriage Tax Penalty Relief Act and put an end to this unfair and irresponsible tax.

Mr. BALLENGER. Mr. Speaker, I am pleased that a popular tax relief proposal, the so-called marriage tax penalty relief bill, is coming up for a vote today. Unlike President Clinton, I believe that we can achieve our budget and tax objectives simultaneously in this booming economy. If we keep reigning in new federal spending and waste, fraud and abuse in existing programs, we can provide this long overdue tax relief—and more—while protecting Social Security, Medicare and retiring the public debt.

H.R. 6 is needed to make a down payment on eliminating the marriage tax penalty which roughly 67,439 couples in my congressional district alone pay Uncle Sam each year. A marriage tax penalty happens when a married couple pays more taxes by filing jointly than they would if each spouse could file as a single person. The bottom line is that the tax code punishes millions of couples by pushing them into higher tax brackets, and middle income American families are hit the hardest.

Why should a man and a woman be forced to pay higher taxes simply for being married? Since President Clinton vetoed the marriage tax penalty relief package last fall, I am glad that we have started this process early this year in the hope we can get a bill which President Clinton will sign. After all, just two weeks ago he said he favored marriage tax penalty relief. He should work with us to give hard-working Americans a break.

Mrs. CHENOWETH-HAGE. Mr. Speaker, today I rise to speak about the tax code's Marriage Penalty. This is a fundamentally unbalanced, unfair, and discriminatory section of the tax code.

For far too long, we have treated married couples as if they were an opportunity for the government to tax more. In particular, for the young newly married couple, this penalty means an average of fourteen hundred dollars a year in confiscated income. Assuming a couple invested this fourteen hundred dollars in an IRA that earned a ten percent interest rate, at the end of thirty years they would have two hundred and sixty-six thousand dollars for retirement. A ten percent return is the historic rate.

In Idaho alone, one hundred and twenty-nine thousand married couples are affected by this discriminatory tax. The standard of living and the median income are below the national average. Unemployment rates are above the national average. Marriage Tax relief would provide substantive relief for the one hundred and twenty-nine thousand couples in Idaho who are disparately impacted by this tax.

Mr. Speaker, equality before the laws is a principle enshrined within our Constitution. In 1919, we gave married couples two votes instead of one. It's time we treated hard-working married couples as two people instead of one person and two-thirds of another person.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.R. 6, the Marriage Tax Penalty Relief Act.

The Republican-sponsored Marriage Tax Penalty Relief Act provides $182 billion in tax relief over the next 10 years. Since hundreds of billions of dollars is hard to comprehend, let me explain how that translates to our constituents.

In my Congressional district, over 140,000 taxpayers are penalized by the tax code simply because they are married. In Illinois, 1.1 million couples, or 2.2 million taxpayers are hit with a marriage penalty. Nationwide, there are some 50 million individuals paying a marriage penalty. On average, these couples each earn between $20,000 and $30,000—hardly a princely sum. The bill before us today will provide roughly $1,400 in tax relief to every family faced with a marriage penalty.

I have long argued that the tax code is immoral because it penalizes those values we pass along to our children. We encourage our children to get married and start a family and to save their money for the proverbial rainy day. Unfortunately, once they marry, they're immediately punished by the tax code that charges them more than when they were single. And don't get me started on capital gains taxes and estate taxes punishing savings and investments for the future.

While most of us in Washington have publicly supported marriage tax penalty relief, I am amazed that our Democrat colleagues are opposing our bill and that the President has threatened to veto the measure. I hear that my friend Mr. RANGEL, a Member of our Ways and Means Committee, calls our plan a gimmick. He is opposing our bill because it is being "rushed" through Congress before we have a budget. We rush emergency spending measures through this body on a regular basis. I ask my colleagues—why is it wrong to rush this much needed tax refund to hard-working Americans? Especially since President Clinton vetoed our tax bill last year which would have provided relief from the marriage tax penalty.

I understand that our Democrat friends have their own version of what they call marriage tax penalty relief. Unfortunately, their plan provides only a fraction of the relief of H.R. 6, while making the tax code much more complicated in the process. Perhaps all that was rushed was the drafting of their bill.

I urge my colleagues to reject the Democrat amendment and to support H.R. 6 so that we can quickly provide this much needed tax relief to Americans.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 6, the Marriage Tax Penalty Relief Act of 2000, of which he is a cosponsor. This bill will have a positive effect, in particular, on middle and lower income married couples.

At the outset, this Member would like to thank both the main sponsor of H.R. 6 from Illinois [Rep. WELLER] and the distinguished Chairman of the House Ways and Means Committee from Texas [Mr. ARCHER], for their instrumental role in bringing H.R. 6 to the floor of the House today.

While there are many reasons to support H.R. 6, this Member will enumerate two reasons. First, H.R. 6 takes a significant step toward eliminating the current marriage penalty in the Internal Revenue Code. Second, H.R. 6 follows the principle that the Federal income tax code should be marriage-neutral.

1. First, H.R. 6 will help eliminate the marriage penalty in the Internal Revenue Code in two ways. It will increase the standard deduction for married couples to double the standard deduction for singles. In addition, H.R. 6 will increase the amount of couples' income subject to the lowest 15 percent marginal tax rate.

2. Second, this bill will help the Internal Revenue Code become more marriage-neutral. Currently, many married couples pay more Federal income tax than they would as two unmarried singles. The Internal Revenue Code should not be a consideration when individuals discuss their future marital status.

Therefore, for these reasons, and many others, this Member urges his colleagues to support the Marriage Tax Penalty Relief Act of 2000.

Mr. McCOLLUM. Mr. Speaker, as families across the country start to think about filing their taxes, there is a flaw in our tax code that unfairly punishes millions of married couples. In the state of Florida alone, more than 1 million married couples pay an average of $1,400 per year more in taxes than they would pay if they are unmarried. This burdensome tax is especially unfair to working women, whose income is often cut in half by the higher tax rates caused by the marriage penalty.

Under the current tax code, a married couple pays more taxes by filing jointly than they would if each spouse filed as a single person. The marriage tax penalty exists because the standard deduction for couples ($7,350) is $1,450 less than double the standard deduction for singles ($4,400 + $4,400 = $8,800).

In essence, the tax code punishes millions of couples by pushing them into higher tax brackets. The marriage penalty taxes the income of the second wage earner—often the wife's salary—at a much higher rate than if the salary were taxed only as an individual.

For example, an individual earning $30,500 would be taxed at 15 percent. But a working couple with incomes of $30,500 each are taxed at 28 percent on their combined income of $61,000—costing the couple almost $1,400 more in taxes because they are forced into a higher tax bracket.

This year, the House of Representatives wants to provide American couples real relief from the marriage tax penalty. I support H.R. 6, the Marriage Tax Relief Act of 2000, which will provide more than 50 million American couples with $182.3 billion dollars in tax relief. Under this plan, lower and middle income couples—those earning between $20,000 and $70,000—receive the greatest relief.

H.R. 6 would increase the standard deduction for joint returns to twice that of single filers, increase the width of the lowest tax bracket for joint returns to twice that of single returns, and raise the phaseout limit on the earned income tax credit (EITC) by $2,000 for married couples. The increase in the standard deduction and the increased phaseout limit for the EITC would be effective next year. The increase in the 15% tax bracket would be phased in over 6 years starting in 2003. Furthermore, H.R. 6 helps both families who itemize their deductions, like homeowners, and those who do not itemize.

President Clinton, who vetoed the marriage penalty last year as part of Congress' overall tax relief plan, recently proposed a smaller plan that provides $45 billion over the next 10 years. His plan would double the standard deduction over 10 years, as opposed to next year, and does not expand the 15% tax bracket like Congress' plan does. Under the President's marriage tax relief plan, only families who do not itemize their taxes would benefit. Simply put, Congress will provide working couples with four times more relief than the President's plan, dramatically easing the unfair tax burden on American families.

For working families, an extra $1,400 a year could mean a new computer to help children with their education, child care for three months, or a contribution to retirement savings. Over a decade, that money would pay for a family car, a college education, or the down payment on a new home.

Of all the challenges married couples face in providing for their children, the U.S. tax code should not be one of them. I believe families—not Washington bureaucrats—know best how to spend the money they have earned. It is time to eliminate the marriage tax penalty and help strengthen the building block of or society—the American family.

Mrs. CLAYTON. Mr. Speaker, consistent with the position of many of my colleagues, I firmly believe that the marriage tax penalty ought to be alleviated. It is an unfair burden on many married couples and families. Also, given the level of suffering that has rocked my district, I would like nothing more than to have additional resources remain in the pockets of my constituents.

During the rebuilding process—in the aftermath of destruction from Hurricanes Dennis, Floyd and Irene—every dollar counts. This is especially the case for low-income families.

However, Mr. Speaker, I am disturbed because this bill has many flaws and it is ill-timed.

As a body, we have yet to agree to a budget resolution for Fiscal Year 2001. Thus, size of any budget surplus remains to be determined. As a body we have not yet done what we know Americans want us to do: to reduce the debt, protect Social Security and Medicare first.

Mr. Speaker, H.R. 6 is projected to have a net cost of $182 million over the next ten years. This bill is far too costly and designed to help those couples with no penalty and high incomes. The cost of H.R. 6 is too high, especially when many working families will not even benefit from these proposed tax cuts. The cost of this bill is too high, especially when, as a result of the structure of this legislation, many couples currently unaffected by the marriage penalty will receive tax reductions. Therefore, I ask my colleagues to support the Democratic alternative.

What is true is that Democrats and Republicans alike are committed to alleviating the marriage tax penalty. The President also shares this commitment. Where we differ is on how much this tax cut should be, how universal in nature, and when this bill should be considered.

The bill we are currently considering will prevent other needed tax cuts, prevent resources from being allocated to Medicare, Social Security, child care and other family needs.

I strongly feel that the Democratic alternative to H.R. 6 is effective and will achieve our overall goal of providing Americans across this nation the relief that they so desperately need. It is a more responsible approach in that it reduces the "marriage penalty" by $89 million over 10 years; this is about half of what is requested in H.R. 6. More importantly, Mr. Speaker, the substitute makes the tax reduction contingent on certification that the Social Security trust fund will remain solvent until 2050, certification that the Medicare trust fund will remain solvent until 2030, and certification that the publicly held national debt is projected to be eliminated by 2013. I ask my colleagues to vote responsibly by supporting the Rangel substitute.

Mr. RYUN of Kansas. Mr. Speaker, today I rise in support of the 125,000 married people in the Second District of Kansas who are adversely affected by the marriage tax penalty.

Kansas couples have been penalized just for walking down the aisle and saying, "I do."

As I've traveled across my district over the past three years and held town meetings, each individual I have explained this penalty to has said it is wrong. They are right, it is wrong, and today I can tell them that we finally did something about it.

Returning $1,000 to the average working couple in Kansas will make a real difference in their lives. It may allow them to save for their children's college education, take a family vacation or make long overdue home improvements. More importantly, returning this tax overpayment will allow them to spend their money in a way that will most benefit their families.

Mr. Speaker, we can look forward to as much as $1.8 billion in non-Social Security budget surpluses over the next 10 years. This bill will give back just 10% of the total projected non-Social Security surplus. I think we can say with confidence that the federal government is in a sound financial position to return some of the taxpayers hard-earned money.

A yes vote on this important bill is not only fiscally sound, it will end the unfair practice of taxing the marriage license, and will put in place a tax policy that encourages marriage and families. Vote yes on the Marriage Tax Penalty Relief Act.

Mr. HOBSON. Mr. Speaker, I rise in support of legislation to repeal the marriage tax penalty. Marriage is one of the most sacred institutions and serves as a strong foundation for stable families. However, our convoluted federal tax code doesn't see marriage as an institution worthy of praise, but rather as a convenient way to provide additional revenue for federal coffers.

The Treasury Department estimates that 25 million couples in the United States have to pay an average of $1,400 more on their income taxes every year, than they would if they could file as individuals. In essence, the federal tax code punishes millions of married couples by pushing them into higher tax brackets. The marriage penalty taxes the income of the family's second wage earner at a much higher rate than if the salary were taxed only as an individual.

This unfair assessment on marriage is nothing new, but it is becoming a larger problem. The share of dual-earner married couples has risen from 48 to 60 percent since 1969, and this percentage is only expected to rise in the future.

Even the President recommended reducing the marriage penalty in his final State of the Union Address, not once, but twice. I earnestly hope that the new millennium will see the beginning of the end for this unfair assault on married taxpayers.

We have tried for years to eliminate the marriage penalty. In fact, it was a key provision in last year's Republican tax plan, which was vetoed by the President. It is past time to get the job done, and I ask my colleagues to support the Marriage Tax Penalty Relief Act of 2000.

Our plan would increase the standard deduction claimed by couples who do not itemize income tax deductions to double the amount of the standard deduction for single taxpayers beginning in 2001. Unlike the President's proposal, we also would provide relief for the millions of families that do itemize their taxes.

By reducing the marriage penalty we can continue to expand the benefits of our current strong economy to an even greater percentage of the American people. I believe the lifting of this unfair marriage tax penalty is a matter of fundamental tax fairness and will improve the lives of many working families by allowing them to keep more of their hard-earned paychecks.

Mr. PACKARD. Mr. Speaker, critics of the Marriage Tax Penalty Relief Act are calling it irresponsible. I rise today to offer what I believe is truly irresponsible.

Mr. Speaker, the past thirty years of taxing hard-working married couples is irresponsible. Over-taxing American families at an average of $1400 annually is irresponsible. Penalizing 25 million families annually is irresponsible. Penalizing 58,781 families in my Southern California district is irresponsible. Placing an unnecessary tax burden on our working men and women who devote their lives to each other in marriage is blatantly irresponsible.

Mr. Speaker, critics are calling eliminating the Marriage Tax Penalty reckless. Mr. Speaker, this is not reckless. Punishing working married couples is reckless. American families paying more in taxes than for food, clothing, shelter and transportation combined—is unequivocally reckless. Eliminating the marriage tax penalty for only a quarter of the affected families as the President's plan would do is reckless.

Mr. Speaker, I urge my colleagues to support this legislation and provide meaningful tax relief for all of our working families. Failure to do so is irresponsible. Failure to honor our most valued institution—the family—is reckless. Let's not lose this opportunity to affirm the American family and provide meaningful tax relief.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. RANGEL:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marriage Tax Penalty Relief Act of 2000".

SEC. 2. MARRIAGE PENALTY RELIEF.

(a) STANDARD DEDUCTION.—

(1) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(A) by striking "$5.000" in subparagraph (A) and inserting "twice the dollar amount in effect under subparagraph (C) for the taxable year",

(B) by adding "or" at the end of subparagraph (B),

(C) by striking "in the case of" and all that follows in subparagraph (C) and inserting "in any other case.", and

(D) by striking subparagraph (D).

(2) INCREASE ALLOWED AS DEDUCTION IN DETERMINING MINIMUM TAX.—Subparagraph (E) of section 56(b)(1) of such Code is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to so much of the standard deduction under subparagraph (A) of section 63(c)(2) as exceeds the amount which be such deduction but for the amendment made by section 2(a)(1) of the Marriage Tax Penalty Relief Act of 2000.

(3) TECHNICAL AMENDMENTS.—

(A) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking "(other than with" and all that follows through "shall be applied" and inserting "(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied".

(B) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).".

(b) EARNED INCOME CREDIT.—

(1) IN GENERAL.—Subsection (a) of section 32 of such Code (relating to credit for earned income) is amended by adding at the end the following new paragraph:

"(3) REDUCTION OF MARRIAGE PENALTY.—

"(A) IN GENERAL.—In the case of a joint return, the phaseout amount under this section shall be such amount (determined without regard to this paragraph) increased by $2,500 ($2,000 in the case of taxable years beginning during 2001).

"(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2002, the $2,500 amount contained in subparagraph (A) shall be increased by an amount equal to the product of—

"(i) such dollar amount, and

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.".

(2) REPEAL OF REDUCTION OF REFUNDABLE TAX CREDITS.—

(A) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(B) Section 32 of such Code is amended by striking subsection (h).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. TAX REDUCTIONS CONTINGENT ON SOCIAL SECURITY AND MEDICARE SOLVENCY CERTIFICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, no provision of this Act (or amendment made thereby) shall take effect until there is—

(1) a social security certification,

(2) a Medicare certification, and

(3) a public debt elimination certification.

(b) DEFINITIONS.—For purposes of this subsection—

(1) SOCIAL SECURITY SOLVENCY CERTIFICATION.—The term 'social security solvency certification' means a certification by the Board of Trustees of the Social Security Trust Funds that the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are in actuarial balance until the year 2050.

(2) MEDICARE SOLVENCY CERTIFICATION.—The term 'Medicare solvency certification' means a certification by the Board of Trustees of the Federal Hospital Insurance Trust Fund that such Trust Fund is in actuarial balance until the year 2030.

(3) PUBLIC DEBT ELIMINATION CERTIFICATION.—There is a public debt elimination certification if the Director of the Office of Management and Budget certifies that, taking into account the tax reductions made by this Act and other legislation enacted during calendar year 2000, the national debt held by the public is projected to be eliminated by the year 2013.

The SPEAKER pro tempore. Pursuant to House Resolution 419, the gentleman from New York (Mr. Rangel) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, for the last 3 hours we have been extolling the virtues of eliminating the marriage tax penalty. The most amazing part of the debate is, we all agree.

I agree with the gentlewoman from Connecticut (Mrs. JOHNSON). In fact, I have introduced legislation that does just that. So that is not in question before us today.

The President supports it. The Vice President, AL GORE, supports it. What is the problem with the bill we have before us today?

Mr. Speaker, look at this chart.

☐ 1430

The problem with the bill, and I have taken the liberty of renaming it, I think it should be really called the tax fraud act of the year 2000, because Republican after Republican has stood up and said the bill provides marriage penalty tax relief. When the bill was before the Committee on Ways and Means last week, we asked the Republican staffers, where do the benefits go? Ms. Paulls, their main staffer, conceded to all of us that over 50 percent of the benefits in this bill go to people who do not pay a marriage penalty. They are in a marriage bonus situation. They are rewarded for being married.

So what is all this rhetoric we are hearing about? Why will not any of my Republican colleagues respond to this? If they do not have a decent answer, just say, Because we wanted to do it, that is why.

Well, where does this inequity come from? What the Republicans have done in this bill, they have added a change in the lowest tax bracket, the 15 percent tax bracket. By doing that, we found from the Citizens for Tax Justice that 84 percent of those benefits go to those earning $75,000 a year or more.

Well, wait a minute. I just heard this is for the poor and moderate, the couple that just got married, the Hallihans from Illinois who, by the way, that chart was before the committee last week. Last week their total income is $50,000. Today it is $61,000. God bless them for the big increase over the weekend. Eleven grand. Wow, are they on a roll.

Well, Mr. Speaker, the entire bill before us costs $182 billion. The Democratic substitute resolves the marriage penalty. That costs this much right here, $76 billion, $77 billion. Plus we also correct another problem that is going to be upon us, and that is putting people in the alternative minimum tax. We correct that at this point. My colleagues do not.

But where does the vast benefit go if it is not going to those who pay a marriage penalty? It goes to the high income, those making over $75,000 a year.

As the red portion of the chart shows us, of the total bill before us, $105 billion goes for increasing the 15 percent bracket. Of this slice of the pie, of this slice of the pie, 84.1 percent go to the poor, moderate-income Republicans, making more than $75,000 a year.

I challenge my colleagues in the next hour of debate, respond to this. Tell the American people why half the benefits go to those who do not even pay a marriage penalty today.

Mr. ARCHER. Mr. Speaker, I rise to claim the time in opposition to the amendment.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Texas (Mr. ARCHER) is recognized for 30 minutes.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, let me just say that the legislation that the Democrat substitute, as we are discussing it here today, does not get the job done. We need to do the right thing for the American people, and the right thing is to eliminate the marriage penalty in the Tax Code.

My colleagues just heard in elaborate detail some of the discussion from the gentlemen on the other side of this issue. But I can tell my colleagues on behalf of the people that I represent in the State of South Dakota, I had a gentleman come into my office a couple of weeks ago, a young couple in their middle thirties, combined income about $67,000 a year and two kids. He had gone through the calculation to determine what his marriage penalty would be, and it comes out that he will pay an additional $1,953 this year in income taxes, Federal income taxes, for the benefit and privilege of being married. We need to fix that.

The legislation, as proposed by the House Committee on Ways and Means and the gentleman from Texas (Chairman ARCHER), does that. And it does not just do it halfway, it does it in its entirety.

This is something that we need to fix. It is a problem that is long overdue for a solution. Frankly, Mr. Speaker, I think it is high time we correct the inequity in the Tax Code as it exists today and vote against the Democrat substitute and support the legislation that came out of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from New York (Mr. RANGEL) for yielding me this time. I want to thank the gentleman from New York for offering this substitute, because I think it clarifies the circumstance. We all favor dealing with the marriage penalty and helping those that have a marriage penalty. But let us concentrate on the differences between the Democratic motion, the alternative, and the Republican bill.

The Democratic alternative provides $95 billion of relief. The Republican bill is twice as expensive. The Republican bill spends $100 billion on those who receive a marriage bonus, that is, they pay less taxes because they are married, not more. That is wrong.

The Democratic alternative protects the 44 million people who receive Social Security and Medicare recipients by allowing us to move forward with reducing debt and protecting Medicare and Social Security.

During general debate, I gave the example of a Member of Congress, one who is married, and his spouse has no income, versus a single Member of Congress who is not married. The single person pays $4,300 more in taxes. The married person has a $4,300 marriage bonus today because that person is married. They pay less taxes. The Republican bill, we give that individual $1,400 more in tax relief. That is not right. We should be dealing with the people who pay a penalty.

The gentleman from Illinois (Mr. WELLER), the sponsor of the bill, points to a difference, he says, between our approach and the Republican approach, talking about those who itemize their tax returns. But what the gentleman from Illinois (Mr. WELLER) has not said, that for tax year 2000, for tax year 2001, for tax year 2002, there is no difference for those who itemize their tax returns. I see he is on the floor, and perhaps he will clarify that point. Because the Republican bill does not start to take effect in 2003 as it relates to those who itemize their deductions and does not get fully implemented until the year 2008.

Mr. Speaker, let us come together, Democrats and Republicans. We can do this. The Democrat alternative is one-half as costly. It is focused to those who are really paying the penalty. It gives us a chance to come together. The administration supports it. It is an opportunity for us to really help those who are paying the penalty, not those who are receiving the bonus. That is what we should be doing. We can come together on this issue.

I urge my colleagues to support the alternative.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT) from the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, I imagine my colleagues sitting in their offices listening to this, and perhaps the world watching it on C-SPAN, by now, their eyes have got to be glazed over about what is really happening here. The real issue of the Democratic alternative is this: we say that, first, one deals with protecting Social Security, and then one deals with protecting Medicare, and then one deals with paying down the debt of this country. When that is done, when one has a budget that does these things, the next thing one does is look at a tax bill that relieves the burden of the American taxpayer.

Now, my colleagues have seen here that we on the Democratic side are giving $95 billion worth of tax relief under the so-called marriage tax penalty. The chart put up on the other side with a big zero is simply not the truth. But the big issue here is whether we are going to run and give tax relief before we deal with Social Security and Medicare and paying down the debt.

Now, 60 percent of married couples are subject to this tax. Some of them are getting a benefit already because of the way the structure is. My colleagues heard $100 billion of what they are spending out of $190 billion tax bill is for people who already are getting a benefit. No sense in that.

We take the $95 billion and direct it to the people at the bottom who need it, those people like this couple here whose income has gone up $11,000 since we were in the committee. They make $60,000. Most of ours is directed to people below that number. We increase the earned income tax credit for the working poor.

We passed a bill here pushing people out on to work. We do not want them on welfare. We all agree it is better to work than be on welfare. But the earned income tax credit is the way we try and help them when they are out there making $25,000, $30,000 and a couple of kids.

Now, the other thing that is interesting about this Republican bill is those of you who get that valentine in the mail, "You have received your marriage tax benefit from us, the Republican Party," go in your living room immediately and count your children. If you have more than two children, you are not getting it. You are not getting it. So just be real careful about spending this benefit you think you are going to get because it is fraudulent. It sounds like it is for everybody, and in fact it is not for everybody.

But what is so awful about it is that my colleagues would do this and not take care of their own parents, our own parents and our own Social Security first and then deal with taxes.

Vote for the Democratic alternative.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, there has been a lot of rhetoric and a lot of charts on the floor. I would like to just sort of set the record straight.

First of all, I am proud of Republican leadership on this issue, and I am very pleased that my Democrat colleagues now agree that everybody should get the double deduction. In the original proposal, they were not going to give it to stay-at-home moms, and now they are giving it to everybody, and we are giving it to everybody.

But this business of doubling the 15 percent bracket is very, very important; and there is, in fact, only one group of people who are going to benefit. If you are over $51,000 in joint income, there is not going to be any change. You will still be in the 28 percent bracket. If you are under 43 percent, there will be no change. You will still be in the 15 percent bracket. But if you are between 43 and 51, you are going to be able to enjoy a 15 percent bracket which you cannot now.

That is because we are going to let both the mom and the dad have that 25 percent deduction that a single person has. These are the families that really need it the most. These are two people earning under $27,000, who are going to benefit from this, or one earning more and one earning less.

So it is very important from the point of view from fairness. It helps primarily middle-income families in America, and I am real proud of that.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Connecticut (Mrs. JOHNSON), the previous speaker, is talking about a tax cut, and that should be argued in a separate bill. But I think the way she expresses it and admits it has nothing to do with the marriage penalty, it has everything to do with something else.

Mr. Speaker, I would like to ask the majority as to how many speakers they have remaining, because the last time I yielded back the balance of my time, they had a lot of speakers, and I think that the delivery ought to be more balanced. I have several speakers, but I think the time difference is on their side. I am trying to determine how many speakers that they intend to have.

Mr. ARCHER. Mr. Speaker, if the gentleman will yield, I would say to the gentleman from New York, we have an unlimited number of speakers on this side. They are not all on the floor at this time, and I do not know how many will appear before we conclude this debate, so it is very difficult to tell right now.

Mr. RANGEL. Mr. Speaker, what is the time allotment?

The SPEAKER pro tempore. The full time allotted was 30 minutes on either side. The gentleman from New York (Mr. RANGEL) has 21 minutes remaining. The gentleman from Texas (Mr. ARCHER) has 28 minutes remaining.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for many reasons, I rise in strong opposition to this substitute amendment. But perhaps the most important reason is shown in these charts. Here is the basic H.R. 6 bill. What it does to provide relief, it doubles the standard deduction for joint filers. It helps couples that itemize, such as homeowners, widens the 15 percent tax bracket. That is a big help to middle-income working Americans.

We did not double the 28 percent bracket, the 31 percent bracket, the 33 percent bracket or the 39.6 percent bracket. Those are the brackets that apply to higher income.

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They were left alone. We doubled the 15 percent bracket. That helps middle-income working Americans, and increases the phase-out range for the earned income credit by $2,000. This is real relief from the marriage penalty.

And also included therein is relief for stay-at-home moms who have elected to do the most important task in our society and that is to rear children. The Democrats do not want them to get any help out of this bill. They call it a marriage bonus. So be it. Call it a marriage bonus, but, yes, we unabashedly also help the stay-at-home moms.

Now, what is the Democrat substitute, as estimated by the nonpartisan Joint Tax Committee? There it is, my colleagues. The Joint Tax Committee estimates that the Democrat substitute delivers zero tax relief.

Now, why is that? Because they tie it to the condition that before it can take effect the entire public debt has to be paid off. How long must married couples wait for relief?

And then they add other conditions; that the Social Security Trust Fund must be certified as secure until the year 2050. And then they add another condition; that the Medicare Trust Fund must be certified as being viable through the year 2030.

All of these things must occur before any of their provisions can take effect. And so the joint committee says this is zero tax relief. It does not fix the marriage penalty. It does not fix a single thing.

The plan is just like the old Peanuts comic strip where Charlie Brown keeps trying to kick the ball, and Lucy keeps yanking the ball away as he comes through so he never gets to kick it. That is the Democrat substitute. That is not truth in advertising, and we should not mislead married couples. We should help them.

Now, even if the plan could take effect, which it cannot under their own terminology, why is it faulty? Because, number one, itemizers, if they have any charitable deductions, if they have any home mortgage interest or taxes on their home, they get no help from the marriage penalty. They are left out. Only those who do not itemize are helped. We help the itemizers.

It also has no help for the stay-at-home moms, or dads in those rare cases where the father stays at home and elects to rear children instead of having a career. No help, even if it could go into effect. And yet it creates significant complexities in a code that is already too complex. We simply take advantage of what is already in the code without making it more complex.

But under their system people will be asked to fill out additional worksheets before they can ever fill out their return. That is what targeting so often means. The last thing we should be doing today is making it more difficult for people to understand the Tax Code and to take advantage of it.

So today I say to all my colleagues, make sure and vote for the real marriage penalty tax relief, the bipartisan bill, H.R. 6, cosponsored by 26 Democrats. It is the real marriage penalty relief and it is the real help for the stay-at-home moms. It is not some election year gimmick that can only take effect in some out years which are totally, totally uncertain and, which as my colleagues can see, is estimated by the nonpartisan joint committee as delivering zero tax relief.

Do not let Democrats annul our marriage penalty tax relief.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the difference between H.R. 6 and the Democratic alternative is that H.R. 6 is going to be vetoed and the Democratic alternative can be signed into law. When the chairman had his blank sheet up there saying that this would provide zero, he was the only one on the other side that admitted that, yes, the Democratic plan and tax alternative is conditioned.

I would say that the 20 or 30 Democrats who joined with the other side in trying to remove this penalty must have thought that they would be working it out in a bipartisan way and not have it fly in the face of the President's budget. They must have thought that the other side would not come and bring a tax cut bill to the floor without first having a budget. They must have thought, as the President would hope, that in the budget they would say that they wanted to deal with Social Security, that they wanted to deal with Medicare. They must have thought that, just being a Republican, that they would say that before a tax cut they would want to pay down, not eliminate but pay down, on the national debt.

We are paying hundreds of billions of dollars of interest on the trillions of dollars that we owe on the national debt. Why should not the President think, as he gave his State of the Union message, that the Democrats and Republicans would come together, have a budget, deal with these issues, so that we can deal with the serious problem of the marriage penalty.

So basically, if my colleagues want to know the difference, if they vote for H.R. 6, they are not voting for relief for the marriage penalty. They are voting for a bill that is going to be vetoed. The other side knows it and those who vote for it know it. If what we really want is relief, and we want it in a bipartisan way, we should not reject the President's hands, we should not reject the hand of the minority and a bill that really is dealing with problems that go far beyond the penalty, and take a bill that is targeted for $95 billion rather than double, take a bill that protects Social Security and Medicare, take a bill that pays down the debt, and take a bill that the joint committee says that this can be done, and take a bill that the President of the United States will sign.

It seems to me that it is very simple for us to decide. If we just want to vote for a gift for Valentine's Day, that will never become law, then there is the choice, the blank sheet that the chairman has shown us. If, on the other hand, we want to reach out in a bipartisan way and present to the President a bill that he can sign, it is here. The choice is ours to make.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, the gentleman is right, I am sure the President would sign the bill, a bill that does nothing.

Mr. Speaker, I yield 1½ minutes to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the original bill and against the substitute.

But I would like to pose a question to both the author of the substitute as well as the author of the original bill. And that is, in 1993, when we had the largest tax increase in the history of mankind, we suddenly decided it was all right to retroactively tax people. So why does the gentleman from New York (Mr. RANGEL) and the gentleman from Texas (Mr. ARCHER) consider in each of their bills an amendment that would make this tax relief, under either provision, retroactive to January 1, 1999?

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I would answer the gentleman's question by saying that the chairman does not talk to Democrats about anything concerning tax policy.

Mr. CALLAHAN. Well, reclaiming my time, Mr. Speaker, I would say to the gentleman that I am a chairman and I am talking to him right now.

Mr. RANGEL. If the gentleman will continue to yield, I would just simply say that he and I ought to start working together.

Mr. CALLAHAN. Will the gentleman accept an amendment to his bill to make it reactive to January 1, 1999, just as the gentleman supported the retroactiveness of the increasing taxes in 1993?

Mr. RANGEL. If we can find out how much it costs, and make certain we take care of Social Security, we can work it out together.

Mr. CALLAHAN. That is my point, that I think we should accept, and I understand an amendment would be out of order but one is going to be offered anyway, that we should consider the fact that we ought to retroactively effect this just as they did in 1993 when they created all these new taxes. We ought to give these people that were impacted, and that are filing their taxes now, the same opportunity for the income tax refund this April 15.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I would tell my good friend, because I know he is for accuracy, that he must know that the Dole-Reagan tax cut of 1982, that tax increase, was higher than the 1993.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), the distinguished sponsor of this legislation.

Mr. WELLER. Mr. Speaker, I thank the gentleman for the opportunity to address the substitute being offered by the gentleman from New York (Mr. RANGEL). And of course I rise in opposition to the substitute, with all due respect to my colleague, and rise in support of H.R. 6, the bipartisan approach to eliminating the marriage tax penalty.

My colleagues, H.R. 6 helps 25 million married working couples, 50 million Americans who today pay higher taxes just because they are married. We believe to be fair, and eliminating the marriage tax penalty is a fairness issue, that we should help everybody who suffers the marriage tax penalty. That is why we double the standard deduction for those who do not itemize.

I would point out that that benefits 6 million senior citizens. It is a good idea, and we make it effective immediately. We also help those who itemize. And the Joint Committee on Taxation tells us that half of those who suffer the marriage tax penalty do not itemize and the other half do itemize.

The main reason that many middle class families itemize is because they are homeowners, or they give to their church or synagogue or charity, so they itemize their taxes. The Rangel substitute ignores homeowners and those who give to charity, their church, synagogue, or temple and itemize.

We should help everybody who suffers the marriage tax penalty if we truly want to make the Tax Code fair. We do so by doubling the standard deduction. But I would also point out that widening the tax pack in the 15 percent bracket, helping those who itemize, we will benefit 42 million Americans.

We also help the working poor by addressing the marriage penalty under the earned income tax credit. And that will benefit 1 million low-income families who receive higher earned income credit payments, up to $421 a year more, because we wipe out their marriage tax penalty as well.

My colleagues, the Joint Committee on Taxation scored. They are the ones that tell us whether or not there is tax relief in a proposal. They said they estimate the substitute will not go into effect and thus there is no revenue impact. And what they mean by that is, the way this is written, it will never happen. So under the Democrat substitute there is not going to be any marriage tax relief. It will never happen.

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Under H.R. 6, we begin providing marriage tax relief for the middle class next year immediately. And my hope is a good number of Democrats will join with us. I was proud that 30 Democratic Members chose to cosponsor the bill, joining almost 240 colleagues of this House, a bipartisan majority, cosponsoring an effort to wipe out the marriage tax penalty for a majority of those who suffer it.

It is a fairness issue. We should work together. My hope is that, by the time this legislation reaches the President's desk, it is a stand-alone bill, there are no extraneous issues. It is a clean marriage tax elimination proposal that helps 25 million married couples. It deserves bipartisan support. Let us get it signed into law.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me the time.

Mr. Speaker, I support the Democratic substitute because I want to provide honest marriage penalty relief for the more than 44 million families in my congressional district. But I also want to protect the Social Security and Medicare benefits that are enjoyed by more than 42,000 of my constituents, as well; and I also want to reduce the more than $8.4 billion that my constituents must bear of the more than $3.6 trillion in debt that the Federal Government right now holds.

Mr. Speaker, the reason we have problems is because this plan, under H.R. 6, does nothing on Social Security. It does not strengthen it. Where is the plan to strengthen Medicare? Where is the plan to reduce that $3.6 trillion Federal debt? There is no plan because this Congress yet has to come up with a budget. We have done nothing to come up with a budget.

We are treating this particular issue on marriage tax penalty like a child in a candy store. Give the child a dollar, that child is going to come back with $5 worth of candy to purchase. If we tell the child about a budget, the child will say, what budget? Congress cannot handle the budget for all of America's families like a child in a candy store.

In my city of Los Angeles, where more than four out of every five people in the city make less than $70,000, few of them will benefit, because 70 percent of the benefits in this particular bill before us, H.R. 6, goes to those who make more than $70,000. That is not fair.

By 2010, when this fully takes effect, 47 percent of American families with two children will receive nothing or less than the tax relief that this bill proposes to give to America's families. That is not tax relief for America's families.

Let us eliminate the marriage tax penalty for married couples. Let us all agree to that. But let us do it right, let us do it fairly, and let us do it responsibly within the framework of a responsible budget. Let us get our act together. Let us do it the way American families do it, figure out how much money we have and then figure out how much money we can spend and invest. But, before that, do not put the cookies and candy in front of the children because they take it; and at the end of the day, we will not have the money to pay for it.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, the family is the fundamental building block of American society. No school or social worker can replace it. Without the family, a child is deprived. Without parents, a child grows up with a very real disability.

If our families are this important, I do not see how we can possibly justify penalizing American couples for being married. Marriage is sacred. It should not be penalized. The marriage penalty tax is unfair. It harms 25 million American families.

Charging American families $1,400 a year for being married is unconscionable. Our tax policy should not discourage family formation. It should encourage family formation. It is time for us to strengthen our families in this country. Perhaps we cannot make strong families just by passing laws, but we can remove those laws that tempt families to split apart.

We should go on record by saying that we believe our moms and dads should be together, that every child deserves a mom and dad in one house and have time for their kids. A vote for H.R. 6 is a vote for the American family.

Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, the Republicans' risky and irresponsible tax schemes have more lives than Freddy Krueger, the marauder in the movie "Nightmare on Elm Street." They died in August, and they are back in February. They just will not die no matter how bad they are.

Last year's monster tax machine, a plan that primarily would have benefited the wealthiest Americans, is back to haunt us again this year. The majority has chopped a huge tax bill into smaller bills, and the marriage penalty bill before us is one of those pieces.

Well, we are not going to stand by while they threaten the American economy. We are not going to stand by while they strengthen our sacred compact with seniors, Social Security. We are not going to stand by and let them turn Valentine's Day into the Valentine's Day Massacre of America's future.

It is clear, the majority did not learn a thing after last year's tax debacle. The American people saw right through the Republicans' $792 billion risky tax scheme. They saw that the top 1 percent of American income earners would have reaped 41 percent, the top 1 percent, 41 percent of the benefits, according to an analysis by Citizens for Tax Justice.

That unfairness is one reason why President Clinton vetoed that bill. And that is why, my colleagues, Senator JOHN McCAIN called it "a cornucopia of good deals for special interests and a nightmare for common citizens." That was JOHN McCAIN. This is a nightmare the majority apparently wants us to relive today.

Now the majority has even hitched its wagon to the tax plan put out by presidential candidate George W. Bush. The Bush campaign says its plan would cost an estimated $483 billion over 5 years. But what it does not say, my colleagues, is that the Bush tax plan would explode to $1.8 trillion by fiscal year 2010.

The Bush plan not only would eat up the entire non-Social Security surplus, it would also raise as much as three-fourths, 75 percent, of the 10-year projected Social Security surplus, according to the Citizens for Tax Justice.

We are not the only ones who see the dangers lurking. In Johnstown, Iowa, on January 16, again Senator McCAIN commented, "Governor Bush's plan has not one penny for Social Security, not one penny for Medicare, and not one penny for paying down the national debt."

In one of his television ads, Senator McCAIN stated, quote, "There's one big difference between me and the others: I will not take every last dime of the surplus and spend it on tax cuts that mostly benefit the wealthy." That was Senator McCAIN.

Neither will we. We have a rare opportunity in our Nation's history, and we must seize it. Let us use these surpluses to shore up our sacred promise of Social Security. Let us extend the life of and add prescription drug benefits to America. And let us pay down our national debt and keep our economy vibrant for future generations.

I urge my colleagues to vote against this bill, the first of many that would only squander our budget surpluses.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am disappointed at the remarks of the previous gentleman, inserting presidential political campaign rhetoric into this debate. It really does not connect to what we are talking about today.

Now, many may be concerned, many may be interested in his comments about Governor Bush's tax plan. It just so happens it has no relationship to the debate of the bill that we are talking about today. I would hope that we could stay on debating this bill.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, this is a very important matter of tax fairness. This is not a huge tax package. It is not a budget buster. It is about tax fairness.

I am disappointed that my Democratic colleagues were against this provision when it was part of a big bill; but they said they were for marriage penalty relief, just not in that bill. Now we bring a small bill, just marriage penalty relief; and they are not for this bill, even though they say they are for marriage penalty relief.

We are for marriage penalty relief. And we know that by starting this tax bill now, by the time it winds its way through our slow process, we will have a budget resolution; and, in that budget resolution, we will make clear how much we are going to spend, how much we are going to pay down the national debt, and how much we are going to reserve to reduce the burden of taxes on the American people.

It was the Republicans that in the last year led the fight for $15 billion add-back to Medicare. Before our committee, the President would say, oh, there is a problem. Do something about it. But he never would say how much or where from. And when he sent a bill up here to close that deficit in our budget, what was in it? A Medicare cut.

So we added back in Medicare. We have reduced the deficit by $140 billion. And the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, has committed to eliminating the debt by the year 2015. So we are on track to fulfill our promises to reduce the American Government's debt to lower taxes on the American people. We are on track.

Last year we added more money back in education than the President recommended. We added more money back in education and more money back in healthcare. Education, health care, the environment. Those were priorities in our budget. And we did it at the same time we also reduced the debt and recommended tax cuts.

Now, this is a modest tax cut. And look who it will help. A police officer and waitress making $30,000 with two kids would get an additional $718 in benefits under the Republican marriage penalty. This couple is not rich. They are hard working and they need tax relief. A schoolteacher and a store manager making $50,000 a year with two kids would get $225 under this tax plan, or over 10 years $2,550. That is a lot toward a kid's college education. They are not rich. They need tax relief.

I said this earlier when I got up, by doubling the bracket, all we are doing is helping schoolteachers, waitresses, policemen, store managers, those kinds of hard-working Americans. And I am proud to do it.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, is the gentlewoman from Connecticut (Mrs. JOHNSON) saying that she is supporting recommending a tax cut before we have a budget?

Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut (Mrs. JOHNSON) to answer the question.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am absolutely supporting getting this tax-cutting bill started. Because the gentleman from New York (Mr. RANGEL) knows and I know that our process is such a long and complicated one that, by the time this bill winds its way through the Senate and into conference committee, this House and the Senate will have a budget resolution passed. Because we know we are going to set aside some money for tax fairness, and we say this is number one on tax fairness.

Mr. RANGEL. Mr. Speaker, I thank the gentlewoman for her comments.

I think, basically, Mr. Speaker, that the gentlewoman from Connecticut (Mrs. JOHNSON) may have set the difference that we have between our approach to this very serious tax problem. We like to have a budget. We like to take care of the things we have to take care of. And we like to target relief.

□ 1515

The gentlewoman is suggesting that if we give this relief now, that, sooner or later, the House and the Senate will have a budget.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM), a man who has worked for many, many years on this budget problem, who may be able to explain this new Republican concept to us.

Mr. STENHOLM. Mr. Speaker, I, too, am a little troubled by some of the rhetoric I have been hearing from my colleagues today that the Democratic substitute does nothing, objecting to the language of the Democratic substitute and the motion to recommit making tax relief contingent on a plan to eliminate the debt and strengthening Social Security and Medicare.

The simple truth is if the Republican leadership is serious about eliminating the publicly held debt and strengthening Social Security and Medicare, the contingency language in the Democratic substitute will not prevent marriage tax penalty relief from becoming a reality, or, to my friend from Alabama, having it retroactively applied to this year, if we can fit it within a budget.

The Speaker and the President have both expressed a desire to pay off our national debt by 2013. There are several plans to strengthen Social Security; Kolbe-Stenholm, that of the gentleman from Michigan (Mr. SMITH), the gentleman from South Carolina (Mr. SANFORD), and Archer-Shaw.

We could deal with these challenges if the leadership of the House was willing to work together and make it a priority. The only explanation for any objection to the contingency language in the Democratic substitute is that the Republican leadership is not serious about establishing a plan to eliminate the publicly held debt or strengthening Social Security and Medicare. That has to be the conclusion.

Now, I want to provide relief to the 57,000 couples in the 17th Congressional District of Texas who pay a marriage tax penalty, but I also care about the 67,000 households in my district who depend upon Social Security, the 253,000 workers paying into the Social Security system now who are counting on us to make sure Social Security and Medicare are there for them when they retire, the 250,000 children under age 18 who will face a crushing debt burden and higher taxes if we do not take action now to deal with Social Security and Medicare and paying off our national debt, and the 107,000 families in my district I care about with home mortgages who I believe will benefit from lower interest rates if we reduce our national debt.

I do not understand, Mr. Chairman, with all due respect to the gentleman as a fellow Texan, why we continue to have all of the debate about a tax cut instead of bringing the Social Security question to the floor of the House and debating it. I do not understand why we spent all of last year debating a $1 trillion tax cut that did get vetoed, as it should have gotten vetoed, and, here we go again, same argument, same debate, same mischaracterization of everybody's position regarding the issue.

Why can we not deal openly and honestly with Social Security? As the gentleman knows, I will gladly join with him, as I have joined with others on his side of the aisle, to work on this question. But the only conclusion I come to is that is not on the agenda for this year, that we have to wait. That is why getting a budget first makes a lot more sense to the American people.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to respond to the gentleman from Texas.

The gentleman clearly knows that whatever budget resolution we adopt will have plenty of room for this modest tax cut. The gentleman fully knows that it will not interfere with Medicare, that it will not interfere with Social Security, that it will not interfere with paying down the debt. The only way that it could would be if he and his colleagues want to increase spending $170 billion above current level, which is in the President's budget. The President spent $4.3 billion a minute for every minute in his State of the Union address for new spending. But any budget that we adopt will include plenty of room for this.

Now, as far as Social Security is concerned, the gentleman is genuine about Social Security; I am genuine about Social Security. I have laid forth a plan called the Archer-Shaw plan that would save Social Security for all time, not just for 50 years, that would get better and better and better at the end of the next century and the century beyond, and it can be done for $1.3 trillion of the surplus out of a $3 trillion projected surplus. There is plenty of room.

Now, why have we not considered Social Security? It should not get up in this debate. It has no connection to this bill. But the gentleman raised it. It is because there has not been active presidential leadership.

I have done my best to try to build a bipartisan coalition in the House. I have developed a plan that has been criticized severely by the right wing. But there has been no coming together, and the President has not provided the leadership. I, too, would like to say save that. But let us talk about this bill, and not about a disconnect that has nothing to do with this bill.

Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman for his good work on this bill.

Mr. Speaker, it is instructive to think back as to how this particular unfair tax penalty on marriage got in the code in the first place. It happened, I am informed, about 30 years ago. And guess who controlled Congress then? The Democratic Party.

Now we want to take it out in strict fairness to the 58,000-plus couples in my particular Congressional District who pay an average of $1,400 more than they otherwise would if they were not married, and now guess who wants to not take it out, to prevent it from being taken out of the code? The Democratic Party.

It does not work. You cannot have it both ways. From 1969 until the Republican Congress took over the House and the Senate, the debt went up dramatically. Who was in charge then? The Democratic Congress.

So I think it is disingenuous of the Democrats in this House to start blaming the Republicans for the problems that exist with regard to the debt and the unfairness in the Tax Code, when in fact it was they that are responsible for them in the first place. Let us pass this bill overwhelmingly today.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is really interesting to see my distinguished chairman asking for the President's leadership on

Social Security. He sure did not ask for any leadership for that $792 billion tax cut, and I do not hear them asking for leadership, since they are in the majority, on any other issue.

As a matter of fact, we can talk about the Archer-Shaw plan all we want. We do not have any legislation that has been submitted to our committee or to the House floor for consideration. But I guess we are still waiting for the President to provide leadership for this legislative body to fix Social Security.

Now the President comes and says he wants to fix the marriage penalty, but you do not ask for his leadership on that. You go in the back room and you come out with this tax cut.

Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I use this time to respond to my good friend from Texas by saying he made my point, my point in asking that we have a budget before we discuss tax cuts or spending increases.

It is the fact that the gentleman's very own bill, which he mentioned, will cost $933 billion over the next 10 years. It would seem to me, and this is the point I was trying to make, that if we truly are concerned about the future of Social Security, and you have a good program, you have one of which I would not talk down about, but it costs money, and what the gentleman is saying with the bill today is that it takes priority over the Social Security bill that the gentleman is advocating. My point is we should have that debate in the context of priorities.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, I appreciate the chairman putting forth this bill, and I rise today in strong support of this bill.

I stand amazed as we see the minority be very gifted in demagoguery, to the point I think they could demagogue apple pie if we put that up. It is also very interesting as we look that there has been a lot of rhetoric and jargon, we are talking about Social Security and Medicare. I looked at the number of bills. We have almost 4,000 bills filed, almost 2,000 by the minority side, and only 49 deal with Social Security. We bring up one bill that will bring fairness to families and married couples and they talk about Social Security, when we have 25 percent more bills that deal with Social Security and Medicare and offer plans to reform them.

So it is very clear that first we have saved Social Security. We put all the money aside. Now we want to provide fairness, fairness because a couple wants to make a committed relationship to their family.

Now we talk about family. What does that mean? What about the spouses that want to stay home? Our bill gives them that kind of support, because they make a great sacrifice when they stay home. Your bill does not do that on the minority side.

The President sent down a budget with one provision called an infant child credit. He gives $250 a year for an infant. But do you know what it does? It takes it away after the child is one year old. That is what he has got in his budget. He kicks him out and says you are on your own after one year. What kind of values are those? That is not valuing the American family.

This bill is clearly something that will set straight fairness and begin the path to fairness in our tax structure and begin to say we are concerned about the family, and we want to make sure that the message we have coming out of this House is a message that says you are important and we want to support you in what you are doing.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. CRANE), the ranking member on the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I thank my distinguished chairman for yielding me time on this issue.

Mr. Speaker, I will be celebrating my 41st wedding anniversary on Valentine's Day, and am looking forward to that occasion, and my wife is too, and our seven remaining children are going to be there to celebrate it with us. It is something that, when I reflect on the importance of getting some kind of relief in our obscene Tax Code, is an issue that I struggled with, my wife struggled with, all of our kids struggled with, and I know you folks over here struggled with the same thing. It is something we are trying to address.

Mr. Speaker, in my district in the State of Illinois we have the highest number of married couples that are being burdened with this marriage penalty tax in the entire State of Illinois. It is over 70,000 couples. That is over 140,000 individuals in my Congressional District.

I do recognize that our distinguished minority leader has only 30,000 couples in his district that are burdened this way, and I asked him if they had done polling up there, because I questioned whether they are registered Republicans and not understanding they are taking this hit, or are they Republicans and Democrats, because maybe we should all become Democrats.

Mr. RANGEL. If the gentleman would yield, would the gentleman restate his question?

Mr. CRANE. I was pointing out the gentleman has only 30,000 couples in his district that are adversely negatively affected by this marriage penalty. There are 70,000 in mine.

Mr. RANGEL. Would the gentleman explain his point, please?

Mr. CRANE. My only point is has the gentleman checked their registration, their voter registration?

Mr. RANGEL. No. I only want to do what is right for the people, regardless of their registration.

Mr. CRANE. I wanted to make sure that these are not just Republicans taking the hit in the gentleman's district.

Mr. RANGEL. That is a good point.

Mr. CRANE. I think we all, on a bipartisan basis, we all have an opportunity here to provide much-needed relief to continue to foster the growth of an institution that is in our national interest and our community interest. Our families are dependent upon it, and we do not want to continue to punish people for doing the right thing. As you know, that hit is primarily on people in the $20,000 to $75,000 income bracket. That used to be awesome dollars. It is not awesome dollars any more, and people are struggling and struggling very hard.

So I would urge all of my colleagues, let us get back together again. Even President Clinton recognized belatedly that there was marriage penalty tax relief in that big bill that we passed before that he vetoed.

□ 1530

So even he came back with a modest move in the right direction. We will help him continue down that path too. I urge all of my colleagues to get behind the bill. Vote for H.R. 6.

Mr. ARCHER. Mr. Speaker, I would say to the gentleman that I believe under the rules we have the right to close, and I would encourage the gentleman to have his last speaker, and then we will have our last speaker.

Mr. RANGEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I commend him for his great work on this Democratic alternative.

I urge support of it and rise in opposition to this so-called valentine for married couples in America, which is more like a Halloween trick masking yet again another tax break for the high end. I urge my colleagues to vote yes on the alternative and no on the Republican proposal.

The timing of this bill is a political stunt for Valentine's Day. It forces Members to vote on a bill without knowing its relationship to the overall budget.

The bill is too expensive. Without gimmicks, the true cost would be in excess of $250 billion. It is a flawed attempt to resurrect the failed $800 billion tax cut strategy of last session.

The bill will drain projected surpluses that should be used to extend the solvency of the Social Security and Medicare systems, provide a prescription drug benefit to the elderly, a Patients Bill of Rights, education initiatives and an increase in the minimum wage.

It is entirely unclear how the measure's whopping cost will fit into the budget picture, since the bill is being advanced before consideration of the FY 2001 budget resolution.

A family with one child and an income of $50,000 would receive at most $218 in annual tax relief because their taxable income is at the 15% tax rate. If they own their own home and itemize their mortgage interest deduction they would receive no benefit from the Republican bill.

Many middle-income families with children will not get any tax relief because the Republicans ignored the alternative minimum tax (AMT) when writing their bill.

Once fully phased in, 70% of the benefit of the tax cut goes to the top quarter of income earners and will cost about $20 billion a year. Half of the relief goes to those who do not pay any marriage penalty today.

I support the Democratic Substitute because (1) it protects Social Security and Medicare first, (2) provides more relief to lower income working couples, and (3) costs less than half as much as the Republican bill.

Mr. RANGEL. Mr. Speaker, I yield the remainder of the time to the gentleman from Michigan (Mr. BONIOR), our minority whip.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Michigan (Mr. BONIOR) is recognized for 6½ minutes.

Mr. BONIOR. Mr. Speaker, I want to congratulate the gentleman from New York (Mr. RANGEL), my dear friend and his committee, as well as Members on the other side of the aisle for working on this bill.

A few years back, Jim Carey had a movie out that I am sure some of you heard about, perhaps, and hopefully did not see; but it was called "Dumb and Dumber." We could give the same title to a movie about the marriage penalty tax. After all, what could possibly be dumber than telling a schoolteacher and a police officer, for example, that if they tied the knot, their taxes would be going up. Well, there is one thing that would be dumber, and that would be to allow this kind of taxpayer abuse to continue.

The bottom line is that at a time when it has never been more important to help keep America's families together, the marriage penalty tax does only one thing, and that is help to pull couples apart.

That is why so many of us were looking forward to working together to craft a bipartisan bill, Democrats and Republicans together, to repeal the marriage penalty once and for all. That is why so many of us were so disappointed when the product that came out of the committee, H.R. 6, hit this floor.

Instead of bringing Democrats and Republicans together to draft a sensible proposal to help middle-class couples, the sponsors of H.R. 6 have presented us with something far, far different. With a price tag, as we have heard throughout the debate this afternoon, of over $182 billion, H.R. 6 is a two-fisted assault on the U.S. Treasury. It would rob America of the dollars it is going to take to pay down the debt, to strengthen Social Security, to protect Medicare. But as bad as all of that is, under H.R. 6, nearly half, half of all families with two children would receive only a small part of the tax relief that had been promised them. In many cases, they would receive nothing at all.

What is more, half of the tax breaks provided under H.R. 6 would go to taxpayers who currently pay no marriage penalty tax today. Let me repeat that. Half of the $182 billion would go to folks who pay no marriage penalty tax today. Many of them are in the group of the highest income earners in our country, the top 25 percent of Americans.

There is only one marriage H.R. 6 would strengthen, Mr. Speaker, and that is the long-standing romance between the Republican leadership and those who are most well off in this country.

What is at stake here? What is this really all about, H.R. 6? It is about taking last year's Republican tax plan, we all remember it, it was very close to $1 trillion, with a similar plan that Governor Bush has out there now that is over $1 trillion, it is taking that plan and cutting it up into little slices, little pieces, hoping the American people will swallow all of it.

Well, Mr. Speaker, we are not biting and neither are America's working families. Today, in my congressional district, there are 61,000 couples who are being stuck with the marriage penalty. They deserve relief, not empty promises. That is why we Democrats have an alternative which unlike H.R. 6 would pull the plug on the marriage penalty and provide real tax relief to middle-class families.

Today, I would like to invite my Republican colleagues and friends to join us in making it the law of the land. Why do we not decide right here and now to join together, to roll up our sleeves and say in one strong voice that we believe that marriage is a good thing. What is more, we should not have to have a law on the books of this country that discourages it. We could even call it the bipartisan marriage penalty repeal act of the year 2000. Because what really matters at the end of the day is not who gets the credit, it is whether families get the help that they need.

Mr. Speaker, H.R. 6 will not provide it, and we ought to get together and craft a bipartisan plan that will. I urge my colleagues to think of what our alternative would do in moving us in that direction. Mr. Speaker, $95 billion in marriage penalty relief targeted to middle-income families across this country and working families, and at the same time it does that, it would protect 44 million Social Security and Medicare recipients and help us pay down that national debt. We pay down that national debt, we free up all that interest that is going to service that debt, and we can take care of the marriage penalty for middle-income working people, we can deal with strengthening and protecting Medicare and Social Security; we can have the resources to deal with our education and health care needs.

Mr. Speaker, I urge my colleagues to vote for our substitute. It is the only plan that repeals the marriage penalty, but also allows us to pay down the debt, protect Social Security, strengthen Medicare.

Mr. Speaker, the marriage penalty is dumb, but H.R. 6 is dumber. I urge my colleagues to vote against it on final passage.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must say that as I stand here in the well of this House of the people that I sense a string of large red herrings being drawn across the well. There is no connection between what we are doing here and Social Security or Medicare. Any reasonable person knows that the surpluses ahead are more than enough to take care of Social Security and Medicare and leave an awful lot left over. The only thing that I can think is that the Democrats who want to draw this connection really want to spend the money. They are following the leadership of their President when he said last year, we have a surplus; what should we do with it? We could give some of it back to you, the taxpayers who sent it here; but who would know if you would spend it right? They genuinely believe they know how to spend money better than the taxpayers do by keeping more of their money and spending it on their own problems. Only that could generate a concern as to whether this might impact on Social Security or on Medicare.

So let us dismiss that. That is one of the large red herrings.

Then another is, oh, we are going to give too much to the rich. Another red herring.

Let me read to my colleagues from the distribution table of the joint committee, the nonpartisan body that advises this Congress. What does this bill do? For those with $20,000, it will create a 14.4 percent reduction in taxes. For a family of four with an income of $30,000, it will create a 93.9 percent reduction in taxes. For a family of four with $50,000, it will be 7.6 reduction. For a family of four with $75,000, it will be 10.7. For a family of four with $100,000, it will be 7.6; and if one has over $200,000, which may get into the rich category, it will be a reduction of only 2.5 percent.

So who gets the benefit from this bill? These are the official numbers, not concocted by somebody else who wants to bend statistics. This is a fair bill. More importantly, it is the right thing to do. And yes, they say, appropriately, that some of the benefits in this bill will not go to the people who are suffering from an immediate marriage penalty; and we are proud of that, because that is relief for the stay-at-home moms.

They call it a marriage bonus. What do they mean by a marriage bonus? They mean the child-caring parents who forgo a career, who forgo going out and making money in the private sector, and they are performing the most beautiful and the most important role in our society. Yes, we help them. We are proud of it. They urge it as a defect in the bill. They do nothing for them. But I say to my colleagues, their substitute does nothing for anyone. It is a nothing bill. And the joint committee says it gives no tax relief.

Let us also talk about who bears the marriage penalty burden the most. The CBO has done a study, and here is what they say: marriage bonuses occurred most often among married couples with incomes less than $20,000. I say to the gentleman from New York (Mr. RANGEL), we help them. We do. I admit it. I am proud of it. And many of them are stay-at-home moms and stay-at-home dads, and that is a great asset in this bill, and my colleagues do nothing for them.

What I said is a fact. What we are doing here is providing relief for all married couples, but we are accentuating the elimination of the marriage tax penalty, which is wrong.

I am proud of this bill. All of us on a bipartisan basis should vote for it instead of finding excuses that the time is not right, the amount is too big, the amount is too small. We do not like this; we do not like that. This is a good bill and vote against the substitute.

The SPEAKER pro tempore. Pursuant to House Resolution 419, the previous question is ordered on the bill and on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 192, nays 233, not voting 9, as follows:

[Roll No. 13]

YEAS—192

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E.B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—233

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Brown (OH)
Capps
DeFazio
Everett
Hinojosa
Jefferson
Lofgren
McCollum
Vento

☐ 1606

Messrs. SMITH of Michigan, OXLEY, LINDER, and RAHALL changed their vote from "yea" to "nay."

Messrs. LANTOS, FORD, and THOMPSON of Mississippi changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

REQUEST TO OFFER AMENDMENT

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to offer an amendment to change the effective date to the year 2000 to double the standard deduction for married couples, and add that amendment to this bill.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The previous question has been ordered under the rule. Therefore, no further amendments are in order and the Chair therefore declines to recognize the unanimous consent request of the gentleman.

Mr. COLLINS. Mr. Speaker, I could not hear the Chair's ruling. The House is not in order, and I could not hear the Chair's ruling.

Mr. Speaker, I am not so sure the Chair understood my request. I ask for unanimous consent to offer an amendment to change the effective date to the year 2000 to double the standard deduction for married couples under this bill.

The SPEAKER pro tempore. The Chair advises the gentleman that the previous question has been ordered under the rule. Therefore, no further amendments are in order, and the Chair declines to recognize the request of the gentleman.

PARLIAMENTARY INQUIRY

Mr. COLLINS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. COLLINS. Under the advice of the parliamentarian, I was told to offer this amendment after disposing of the substitute. I do not quite understand your previous question. Had I been told to offer it prior to that order, I would have offered it at the end of the previous substitute prior to the vote.

The SPEAKER pro tempore. The Chair would advise the gentleman that under the rule, the previous question was ordered from the outset. The Chair has declined to entertain the unanimous consent request of the gentleman, which is the Chair's discretionary prerogative.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to suspend the rules whereby I may offer this amendment.

The SPEAKER pro tempore. The Chair would remind the gentleman that the previous decision of the Chair stands and the Chair will decline the request of the gentleman.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HILL OF INDIANA

Mr. HILL of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HILL of Indiana. Yes, in its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. HILL of Indiana moves that the bill, H.R. 6, be recommitted to the Committee on Ways and Means with instructions to report back promptly to the House, with an amendment—
>
> (1) which corrects the disparity in the Tax Code affecting married couples, including those married couples receiving the EIC, commonly known as the "marriage penalty" and ensures this correction is fully available to middle income married couples with children, and
>
> (2) which provides that the effectiveness of the tax reduction contained therein is contingent on a certification by the Director of the Office of Management and Budget, based on the most recently adopted concurrent resolution on the budget and any other legislation enacted by the date of the certification, that:
>
> (a) there is a comprehensive budget framework which provides resources for debt retirement, strengthening Social Security and Medicare, tax relief and investing in other priorities;
>
> (b) a portion of the on-budget surplus is reserved for debt retirement that is sufficient to put the government on a path to eliminate the public held debt by 2013 under current economic and technical projections;
>
> (c) there are protections (comparable to those applicable to the Social Security Trust Fund surpluses) to ensure that funds reserved for debt retirement may not be used for any other purpose, except for adjustments to reflect economic and technical changes in budget projections.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. HILL) is recognized for 5 minutes in support of his motion.

Mr. HILL of Indiana. Mr. Speaker, I am a new Member of Congress but I am a veteran observer of Congress. For 20 years, I have watched this Congress spend more money than it took in. Year after year, I watched our government run deficits every year and charge their irresponsibility to a credit card paid for by the American taxpayers.

The result of all of these years of overspending is a massive national debt. In 1980, the government had $700 million in debt. Today our debt is $3.6 trillion. Our debt has become so big that 14 percent of all the money the government spends is just to cover interest payments on this debt.

Mr. Speaker, despite what people in Washington believe, we do not have a large budget surplus. Our surplus is based upon uncertain 10-year projections. To pass this today is like spending an inheritance we have not yet received. Committing money that one may or may not have 10 years from now is just bad business.

Any businessman, of which I am one, and businesswoman looking at government's finances would recommend that before we do anything else we should reduce our debt burden and pay back what this Congress has already spent.

Mr. Speaker, there are many good tax relief and spending proposals I would like to support this year. One of them is a marriage penalty tax reduction. There are millions of married couples in this country who pay higher taxes than single people, and I believe this is wrong. I believe Congress should give tax relief to married couples this year, but I believe Congress needs to increase defense spending this year, to boost our national security, continue our efforts to recruit and retain the most talented and promising soldiers in our armed services.

I believe Congress needs to put priority on keeping the promises we have made to our veterans, helping our family farms and making our schools better and safer, but I cannot support these proposals before Congress commits to acting in a fiscally responsible way. It makes no sense to pass tax and spending legislation before we have created a budget framework that guarantees that the taxpayers' money is used in a responsible way.

□ 1615

Congress cannot go back to the old ways, and that is what this motion to recommit guarantees. I am introducing this motion on behalf of the Blue Dog Coalition. This motion establishes the principle that guides all of our activities this year.

This motion says that, before we begin debating anything else, Congress must pledge to pay off the government's publicly held debt of more than $3.6 trillion over the next 12 years. This motion says that debt reduction should not be an afterthought in this year's budget process. It says that the debt reduction should be our guiding principle.

Now is the time to see if my colleagues across the aisle will commit to paying off our debts or if they are willing to pass a bill that could actually increase our debt or force Congress to start borrowing money from Social Security again just like Congress has done for the last 30 years.

My colleagues on the other side of the aisle will get up and say that the Joint Committee on Taxation has concluded that Democrats oppose tax relief. That is the same old Washington spin doctoring that has got us into this mess in the first place.

Democrats will say that our debt is because of Reaganomics. Let me say that again. The Republicans will say that the Democrats are against tax relief, and the Democrats on my aisle are going to say that Reaganomics caused this large debt. This is all a bunch of spin doctoring; that is all it is.

People are tired of the spin doctors on both sides of the aisle. It is what got us in this mess in the first place. It really does not matter who is to blame for saddling our children and grandchildren with a $3.7 trillion debt. It is time to start getting the government's fiscal house in order and paying back what this Congress has borrowed.

I challenge everybody in this House to do the right thing for our children and our grandchildren and commit to paying off the debts that this government has built up over the last 30 years.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Does the gentleman from Illinois (Mr. WELLER) rise in opposition to the motion to recommit?

Mr. WELLER. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I say to the gentleman from Indiana (Mr. HILL) that if he votes against H.R. 6 and for the motion to recommit, that 62,000 married couples in the 9th Congressional District of Indiana, one-half of whom are itemizers, that they will not get any relief, no relief from the marriage tax penalty. That is not something I hope that he ever wants to explain to those couples back home.

Mr. Speaker, I rise in opposition to the motion to recommit. Mr. Speaker, over the last several years, many of us have been raising a pretty fundamental question of fairness in this House; that is, is it right, is it fair that, under our Tax Code, 25 million married working couples, on average, pay $1,400 more in higher taxes just because they are married? Is that right? Is that fair? Of course not.

Today we have the opportunity to address that issue of fairness. The motion to recommit fails that fundamental test of fairness because, according to the Joint Committee on Taxation, the motion to recommit, which is basically identical to what this House has already rejected, provides zero marriage tax relief.

The average marriage tax penalty is $1,400. I have with me a photo of Shad and Michelle Hallihan, two public schoolteachers from Joliet, Illinois. They pay almost the average marriage tax penalty. In the south suburbs of Chicago which I have the privilege of representing, $1,400 is a year's tuition in a community college. It is 3 months of day care. It is a washer and dryer for a home. As Michelle Hallihan has pointed out to me, she said, "We just had a newborn baby. Share with your friends in the Congress that the marriage tax penalty that we send to Washington would buy over 3,000 diapers for our newborn child."

It is for couples such as Michelle and Shad Hallihan that we should eliminate the unfairness of the marriage tax penalty. There are 25 million married working couples such as Michelle and Shad Hallihan.

I am so proud of what we are doing today. Think about it. Democrats and Republicans today have the opportunity to vote to eliminate and wipe out the marriage tax penalty, the most unfair consequence of our Tax Code.

I want to thank the gentlewoman from Missouri (Ms. DANNER) and almost 30 other Democrats who have joined in this bipartisan effort to cosponsor H.R. 6 which we are voting on today. This is a bipartisan effort.

Democrats and Republicans have been working together for over a year now and working to eliminate the marriage tax penalty with this proposal. We help those who itemize by widening the 15 percent bracket.

Let us remember, the motion to recommit, even if it did provide tax relief, would do nothing to married couples, any kind of help for those who itemize such as homeowners or those who give money to church or charity.

So we want to widen that 15 percent tax bracket. That is how to eliminate the marriage tax penalty for Shad and Michelle Hallihan.

We also want to help those who do not itemize by doubling the standard deduction; and for the working poor, those who benefit from the earned income tax credit, we address the marriage penalty there as well. So we help the working poor, we help those married couples who suffer the marriage tax penalty who happen to be homeowners, and we also help those who do not itemize.

It is the fair way to do things. That is what this is all about. Do we want fairness in the tax code, or do we want to do nothing? If my colleagues want to do nothing, vote yes for the motion to recommit. If my colleagues want to make the tax code more fair, vote no on the motion to recommit and yes on H.R. 6.

Let us wipe out the marriage tax penalty. Let us make the tax code more fair. Let us do it in a bipartisan way.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HILL of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 196, noes 230, not voting 8, as follows:

□ 1629

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). The Chair would advise the Members that he is aware that the panel from DANNER to DOYLE is not illuminating behind the Chair, but the Chair has been advised that those votes are indeed being recorded. Those that are in that panel, from DANNER to DOYLE, should recheck your vote on the electronic voting device, but the Chair is advised those votes are being recorded.

□ 1639

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair would like to advise Members one more time that the panel from DANNER to DOYLE is not illuminated but the votes indeed are being recorded. And the Chair would advise those Members on that panel to once again check and see that their votes are being recorded as they intended them to be recorded.

[Roll No. 14]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—230

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins

Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
McCarthy (NY)
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Brown (OH)
Capps
DeFazio
Everett
Hinojosa
Lofgren
McCollum
Vento

☐ 1641

Mr. LAZIO changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 268, nays 158, not voting 9, as follows:

[Roll No. 15]

YEAS—268

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—158

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Capuano
Cardin
Clay
Clayton
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—9

Brown (OH)
Capps
DeFazio
Everett
Gillmor
Hinojosa
Lofgren
McCollum
Vento

☐ 1649

Mr. DELAY changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

"A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credits.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MCCOLLUM. Mr. Speaker, on February 10, 2000, I was unavoidably detained and missed rollcall vote numbers 11, 12, 13, 14, and 15. Had I been present, I would have voted 'yes' on approving the journal; 'yes' on H. Res. 419, the rule for H.R. 6; 'no' on the motion to recommit H.R. 6 with instructions; and 'yes' on H.R. 6, the Marriage Tax Penalty Relief Act.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 80. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, may I inquire of the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, the schedule for the remainder of the week and next week?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have completed legislative business for the week. There will be no recorded votes in the House on Friday.

The House will next meet for legislative business on Monday, February 14, at 12:30 p.m. for morning hour debate and at 2 o'clock p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Monday, we do not expect recorded votes until 6 o'clock p.m.

On Tuesday, February 15, through Thursday, February 17, the House will consider the following measures:

H.R. 2086, the Networking and Information Technology Research and Development Act, under an open rule;

H.R. 2366, the Small Business Liability Reform Act, subject to a rule; and

H.R. 1987, the Fair Access to Indemnity and Reimbursement Act, also subject to a rule.

Mr. Speaker, we also expect to consider a motion to go to conference next week on the digital signatures legislation that has passed both the House and the Senate.

Mr. Speaker, on Friday, February 18, no votes are expected.

Mr. BONIOR. Mr. Speaker, I thank my colleague for the information, and I wish him a good weekend.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3308

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3308.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL EXPLANATION

Mr. SAXTON. Mr. Speaker, on February 2, I was tending to my ill mother and missed rollcall No. 7. Had I been present, I would have voted "no" on final passage.

RE-REFERRAL OF S. 1809 TO THE COMMITTEE ON COMMERCE AND TO THE COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 1809, the Developmental Disabilities Assistance and Bill of Rights Act, be re-referred to the Committee on Commerce, and in addition to the Committee on Education and the Workforce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Mr. Speaker, today S. 1809 was re-referred to the Committee on Commerce and in addition the Committee on Education and the Workforce. Titles I and III have been traditionally in the sole jurisdiction of the Committee on Commerce and Title II, Family Support, has been traditionally in the sole jurisdiction of the Committee on Education and the Workforce. Title II, Family Support, would authorize a program that was originally created in Section 315 of P.L. 103–382, Improving America's Schools Act of 1994, which created a new Part I in the Individuals with Disabilities Education Act. In 1997, Part I, Family Support of IDEA was repealed by Section 203(a), Repealers, of P.L. 105–17, the Individuals with Disabilities Education Act Amendments of 1997, see H.R. 5, the Individuals with Disabilities Education Act Amendments of 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ADJOURNMENT TO MONDAY, FEBRUARY 14, 2000

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

RECESS OR ADJOURNMENT OF SENATE FROM FEBRUARY 10, 2000, OR FEBRUARY 11, 2000 TO FEBRUARY 22, 2000, AND ADJOURNMENT OF THE HOUSE FROM FEBRUARY 16, 2000, FEBRUARY 17, 2000 OR FEBRUARY 18, 2000 TO FEBRUARY 29, 2000.

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 80) providing for recess or adjournment of the Senate from February 10 or 11, 2000, to February 22, 2000, and adjournment of the House from February 16, 17, or 18, 2000, to February 29, 2000.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 80

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, February 10, 2000, or Friday, February 11, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, February 22, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, February 16, 2000, Thursday, February 17, 2000, or Friday, February 18, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, February 29, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid upon the table.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 1987, FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT ACT

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, this afternoon a "Dear Colleague" letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of February 14 to grant a rule for the consideration of H.R. 1987, the Fair Access to Indemnity and Reimbursement Act.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to their consideration on the floor.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ECONOMIC REPORT OF THE PRESIDENT OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Joint Economic Committee:

To the Congress of the United States:

Today, the American economy is stronger than ever. We are on the brink of marking the longest economic expansion in our Nation's history. More than 20 million new jobs have been created since Vice President Gore and I took office in January 1993. We now have the lowest unemployment rate in 30 years—even as core inflation has reached its lowest level since 1965.

This expansion has been both deep and broad, reaching Americans of all races, ethnicities, and income levels. African American unemployment and poverty are at their lowest levels on record. Hispanic unemployment is likewise the lowest on record, and poverty among Hispanics is at its lowest level since 1979. A long-running trend of rising income inequality has been halted in the last 7 years. From 1993 to 1998, families at the bottom of the income distribution have enjoyed the same strong income growth as workers at the top.

In 1999 we had the largest dollar surplus in the Federal budget on record and the largest in proportion to our economy since 1951. We are on course to achieve more budget surpluses for many years to come. We have used this unique opportunity to make the right choices for the future: over the past 2 years, America has paid down $140 billion in debt held by the public. With my plan to continue to pay down the debt, we are now on track to eliminate the Nation's publicly held debt by 2013. Our fiscal discipline has paid off in lower interest rates, higher private investment, and stronger productivity growth.

These economic successes have not been achieved by accident. They rest on the three pillars of the economic strategy that the Vice President and I laid out when we took office: fiscal discipline to help reduce interest rates and spur business investment; investing in education, health care, and science and technology to meet the challenges of the 21st century; and opening foreign markets so that American workers have a fair chance to compete abroad. As a result, the American economy is not only strong today; it is well positioned to continue to expand and to widen the circle of opportunity for more Americans.

THE ADMINISTRATION'S ECONOMIC STRATEGY

Our economic strategy was based on a commitment, first, to fiscal discipline. When the Vice President and I took office, the U.S. Government had a budget deficit of $290 billion. Today we have a surplus of $124 billion. This fiscal discipline has helped us launch a virtuous circle of strong investment, increasing productivity, low inflation, and low unemployment.

Second, we have remained true to our commitment to invest in our people. Because success in the global economy depends more than ever on highly skilled workers, we have taken concerted steps to make sure all Americans have the education, skills, and opportunities they need to succeed. That is why, even as we maintained fiscal responsibility, we expanded our investments in education, technology, and training. We have opened the doors of college to all Americans, with tax credits, more affordable student loans, education IRAs, and the HOPE Scholarship tax credits. So that working families will have the means to support themselves, we have increased the minimum wage, expanded the Earned Income Tax Credit (EITC), provided access to health insurance for people with disabilities, and invested in making health insurance coverage available to millions of children.

Third, we have continued to pursue a policy of opening markets. We have achieved historic trade pacts such as the North American Free Trade Agreement and the Uruguay Round agreements, which led to the creation of the World Trade Organization. Negotiations in the wake of the Uruguay Round have yielded market access commitments covering information technology, basic telecommunications, and financial services. We have engaged in bilateral initiatives with Japan and in regional initiatives in Europe, Africa, Asia, the Western Hemisphere, and the Middle East. We have also actively protected our rights under existing trade agreements through the World Trade Organization and helped maintain the Internet as a tax-free zone.

MEETING THE CHALLENGES OF THE FUTURE

Despite the economy's extraordinary performance, we must continue working to meet the challenges of the future. Those challenges include educating our children, improving the health and well-being of all our citizens, providing for our senior citizens, and extending the benefits of the economic expansion to all communities and all parts of this Nation.

We must help our children prepare for life in a global, information-driven economy. Success in this new environment requires that children have a high-quality education. That means safe, modern schools. It means making sure our children have well-trained teachers who demand high standards. It means making sure all schools are equipped with the best new technologies, so that children can harness the tools of the 21st century.

First and foremost, our children cannot continue trying to learn in schools that are so old they are falling apart. One-third of all public schools need extensive repair or replacement. By 2003 we will need an additional 2,400 schools nationwide to accommodate these rising enrollments. That is why, in my State of the Union address, I proposed $24.8 billion in tax credit bonds over 2 years to modernize up to 6,000 schools, and a $1.3 billion school emergency loan and grant proposal to help renovate schools in high-poverty, high-need school districts.

Second, if our children are to succeed in the new digital economy, they must know how to use the tools of the 21st century. That is why the Vice President and I have fought for initiatives like the E-rate, which is providing $2 billion a year to help schools afford to network their classrooms and connect to the Internet. The E-rate and our other initiatives in education technology have gone a long way toward giving all children access to technology in their schools. But there is still a great "digital divide" when children go home. Children from wealthy families are far more likely to have access to a computer at home than children from poor or minority families. That is why, in my budget, I propose a new Digital Divide initiative that will expand support for community technology centers in low-income communities; a pilot project to expand home access to computers and the Internet for low-income families; and grants and loan guarantees to accelerate the deployment of high-speed networks in underserved rural and urban communities.

Third, we must continue to make college affordable and accessible for all Americans. I have proposed a college opportunity tax cut, which would invest $30 billion over 10 years in helping millions of families who now struggle to afford college for their children. When fully phased in, this initiative would give families the option to claim a tax deduction or a tax credit on up to $10,000 of tuition and fees for any postsecondary education in which their members enroll, whether college, graduate study, or training courses. I have proposed increases in Pell grants, Supplemental Educational Opportunity Grants, and Work Study. I have also proposed creating new College Completion Challenge Grants to encourage students to stay in college.

We have seen dramatic advances in health care over the course of the 20th century, which have led to an increase in life expectancy of almost 30 years. But much remains to be done to ensure that all have and maintain access to quality medical care. That is why my budget expands health care coverage, calls for passing a strong and enforceable Patients' Bill of Rights, strengthens and modernizes Medicare, addresses long-term care, and continues to promote life-saving research.

My budget invests over $110 billion over 10 years to improve the affordability accessibility, and quality of health insurance. It will provide a new, affordable health insurance option for uninsured parents as well as accelerate enrollment of uninsured children who are eligible for Medicaid and the State Children's Health Insurance Program. The initiative will expand health insurance options for Americans facing unique barriers to coverage. For example, it will allow certain people aged 55–65 to buy into Medicare, and it will give tax credits to workers who cannot afford the full costs of COBRA coverage after leaving a job. Finally, my initiative will provide funds to strengthen the public hospitals and clinics that provide health care directly to the uninsured. If enacted, this would be the largest investment in health coverage since Medicare was created in 1965, and one of the most significant steps we can take to help working families.

As our Nation ages and we live longer, we face new challenges in Medicare and long-term care. Despite improvements in Medicare in the past 7 years, the program begins this century with the disadvantages of insufficient funding, inadequate benefits, and outdated payment systems. To strengthen and modernize the program, I have proposed a comprehensive reform plan that would make Medicare more competitive and efficient and invest $400 billion over the next 10 years in extending solvency through 2025 and adding a long-overdue, voluntary prescription drug benefit.

The aging of America also underscores the need to build systems to provide long-term care. More than 5 million Americans require long-term care because of significant limitations due to illness or disability. About two-thirds of them are older Americans. That is why I have proposed a $27 billion investment over 10 years in long-term care. Its centerpiece is a $3,000 tax credit to defray the cost of long-term care. In addition, I propose to expand access to home-based care, to establish new support networks for caregivers, and to promote quality private long-term care insurance by offering it to Federal employees at group rates.

We must continue to make this economic expansion reach out to every corner of our country, leaving no town, city, or Native American reservation behind. That is why I am asking the Congress to authorize two additional components of our New Markets agenda. The first is the New Markets Venture Capital Firms program, geared toward helping small and first-time businesses. The second is America's Private Investment Companies, modeled on the Overseas Private Investment Corporation, to help larger businesses expand or relocate to distressed inner-city and rural areas. Overall the New Markets initiative could spur $22 billion of new equity investment in our underserved communities.

I am also proposing a new initiative called First Accounts, to expand access to financial services for low- and moderate-income Americans. We will work with private financial institutions to encourage the creation of low-cost bank accounts for low-income families. We will help bring more automated teller machines to safe places in low-income communities, such as the post office. And we will educate Americans about managing household finances and building assets over time.

To further increase opportunities for working families, I am proposing another expansion of the EITC to provide tax relief for 6.4 million hard-pressed families—with additional benefits for families with three or more children. We have seen the dramatic effects that our 1993 expansion of the EITC had in reducing poverty and encouraging work: 4.3 million people were directly lifted out of poverty by the EITC in 1998 alone. More single mothers are working than ever before, and the child poverty rate is at its lowest since 1980.

Our initiatives to open overseas markets will continue. We have successfully concluded bilateral negotiations on China's accession to the World Trade Organization and now seek congressional action to provide China with permanent normal trade relations. The United States will also work to give the least developed countries greater access to global markets. We will participate in the scheduled multilateral talks to liberalize trade in services and agriculture and will continue to press our trading partners to launch a new round of negotiations within the World Trade Organization.

We have a historic opportunity to answer the challenges ahead: to increase economic opportunity for all American families; to provide quality, affordable child care, health care, and long-term care; and to give our children the best education in the world. Working together, we can meet these great challenges and make this new millennium one of ever-increasing promise, hope, and opportunity for all Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 2000.*

□ 1700

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair will now recognize one minute requests.

TRIBUTE TO SGT. BRUCE A. PROTHERO, A FALLEN HERO

(Mr. EHRLICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHRLICH. Mr. Speaker, today in Reisterstown, Maryland, hundreds of police officers have gathered to pay tribute to another fallen hero. Earlier this week, Sergeant Bruce A. Prothero, a 13-year veteran of the Baltimore County Police Department, said goodbye to his wife and five young children. He went to work his second job, something many police officers must do to support their families.

Shortly after the jewelry store at which Sergeant Prothero was employed opened for business, armed thugs entered the store. While horrified customers were forced to the floor, the Sergeant was held at gunpoint until the robbery was completed. As the thugs made their escape, Sergeant Prothero was gunned down.

Every day, all across America, police officers lay their lives on the line so that we may enjoy the freedoms so many of us take for granted. They are our moms and dads, our brothers and sisters, our sons and daughters. They are our heroes. Sergeant Bruce A. Prothero was just such a hero. But, more importantly, he was a loving father, a devoted husband, a son, and a brother.

May God grant strength to his family, and eternal peace to another fallen hero. Let these words, now a permanent part of the history of this great Nation, serve as an introduction to those who never knew Sergeant Prothero, and as a reminder to those who will miss him so dearly.

WORKING TOGETHER TO ACHIEVE NASA'S GOALS

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, space program supporters often compete among themselves for programs and funding. I want to do my part to bring everyone together to work towards a common goal, and I recently had an opportunity to visit NASA's Johnson Space Center in Houston.

My district includes Kennedy Space Center, which is a traditional rival for funding with the Johnson Space Center. But I went to Texas to build bridges between our great States, and I want you to know that the people in Houston were very cooperative and great to work with.

I want to thank the Clear Lake Area Economic Development Foundation, Boeing Corporation, GB Tech, United Space Alliance, Lockheed Martin and Barrios Technology for giving me an overview of the local aerospace industry; and I want to especially thank Johnson Space Center Director George Abbey for his hospitality during our trip.

Our human space flight program is the crown jewel of our Nation's space exploration and development efforts; and I am confident that, working together, key States such as Texas, Florida, Alabama, California, as well as Nevada and Washington, can help build the political support for a stronger space program.

BLIND JUSTICE?

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday a judicial oversight council ordered an investigation be conducted into the special assignment of criminal cases involving the friends of President Clinton to favorable judges appointed by President Clinton.

Yes, indeed, these were "special" cases. So special, in fact, that the assignment of these cases intentionally bypassed the computer system which normally and randomly assigns criminal cases of all other accused individuals; well, all other accused individuals that are not the personal friends or associates of the President it seems.

Our judicial system must maintain complete impartiality, no matter "who you know" in politics. Whether the judicial system was abused to grant preferential treatment to presidential allies, that will be determined. However, we need to remain vigilant over our justice system to ensure that our laws are applied equally to everyone.

Justice is supposed to be blind. That includes being blind to who your friends are too.

ELIMINATE THE TRICARE PRIME COPAY

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, I hear from constituents on a daily basis who are concerned about the availability and affordability of military health care. On February 1, I introduced H.R. 3565 to eliminate the copayment requirement for TRICARE Prime and to make military health care more affordable.

Retirees pay an annual enrollment fee for coverage and are also subject to copayment requirements. Active duty families do not pay an enrollment fee, but are subject to copayments. I am concerned that these copays can dramatically increase overall health care costs, particularly for retirees on a fixed income or for younger enlisted personnel. At $6 to $12 a visit, these copays quickly erode the real progress Congress made last year in approving a long overdue increase in military pay. Unless we reduce out-of-pocket costs for military personnel, pay raises only help on the margin.

Mr. Speaker, this bill is very good for veterans, it is good news for active duty personnel, it is fair under the circumstances today, and I urge my colleagues to support it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NATIONAL DONOR DAY 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, organ donation falls into the category of things you never think will affect you, your friend, your neighbor, or your family. It happens to other people. In this Congress alone, there are several Members who have undergone successful organ transplants; and we are thankful that these fine people are here with us today. The gentleman from Massachusetts (Mr. MOAKLEY) and the gentleman from South Carolina (Mr. SPENCE) are two of the lucky ones.

My husband, John, was also one of the lucky ones. His successful transplantation not only gave John a new lease on life, but it also has given my children back a father, and me, a loving husband.

Mr. Speaker, though we are not alone, every year thousands of Americans wait anxiously on the organ donation lists, and they are entirely dependent on those kind enough to give. They are entirely dependent on those aware that there is a genuine need.

Today transplantation is extremely successful and people can live productive lives with a transplanted organ. However, because of this technology, even more people have been added to the national waiting list.

Sadly, the number of donors has not grown as fast as the number of people awaiting an organ transplant. Today there are not enough organs for everyone who needs them. Even with the growing number of transplants performed, on average, there is an increase in the number of patients on the national waiting list every day. Today there are more than 65,000 people awaiting an organ transplant, and at least 11 people die each day while waiting for an organ.

In simple terms, the biggest problem facing transplant patients is the shortage of organs. One way that you can help address this health care crisis is to talk to your friends and families about the importance of organ and tissue donation.

I stand before you today to ask for your help. We need to work together to increase the awareness about the importance of organ and tissue donation. I ask you to join us in cosponsoring House Resolution 247, a resolution that recognizes and supports National Donor Day. National Donor Day is organized by Saturn and the United Auto Workers, along with a number of organ foundations, health organizations, and the Department of Health and Human Services.

They have established February 12, 2000, as National Donor Day 2000. This day is dedicated to educating people about the Five Points of Life. This weekend this coalition is again joining forces for the third time to bring us together for a National Donor Day. This is America's largest one-day donation event.

Held just before Valentine's Day, the first two donor days raised a total of 17,000 units of blood, added over 24,000 potential donors to the National Marrow Donor Registry and distributed tens of thousands of organ and tissue pledge cards.

You and I, your friends and families, can participate in this historic event by, one, giving blood or pledging to give blood; two, volunteering with the National Marrow Donor Program; or, three, filling out an organ and tissue donation pledge card and agreeing to discuss the decision with family members.

I would also like to take a moment to thank these people and groups in my district, including Saturn in Gainesville, along with Lifesouth Community Blood Centers in Gainesville and other groups and individuals for pulling together to host a donation event on National Donor Day in the Fifth District of Florida.

I urge everyone to talk to their friends and families about the importance of organ donation and to let others know about this year's National Organ Donor Day. Do not forget, it is February 12, 2000. We are counting on you.

H.R. 3620—THE SECOND CHANCE IRA ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, every Member of this House knows that although we have a Federal budget surplus now, we still face a very low national savings rate. That is because individuals simply do not or cannot save a significant portion of their income. That suggests to me that we must do more to encourage savings, particularly among younger Americans who need to begin building the savings that will help them have a secure retirement.

The difficulties of many younger people were illustrated to me recently by a 38-year-old constituent. He outlined a personal and a generational dilemma.

He mentioned, "When I graduated from school and entered the workforce, I had too many student loans and too little income to put away $2,000 a year in an IRA. Now I make enough to contribute to an IRA, but I am not allowed to make up for the past 10 years of tax deductible contributions. Why not change the law to let me make up those lost contributions and maximize my IRA?"

Mr. Speaker, that is a very good question, and today I am introducing legislation and will try to give an answer to a good question.

This legislation is called the Second Chance IRA Act of Year 2000, H.R. 3620, and I am pleased that 23 Representatives are joining with me as original cosponsors.

Our bill simply says that if you were eligible to make an IRA contribution in the past and did not make one, you can make the contribution in the current year and take the tax deduction up to a maximum $2,000. That would be in addition to any current IRA contribution and deduction that you are eligible to make. That means a qualifying individual could deduct a total of $4,000 a year and a qualifying couple could deduct up to $8,000 a year.

This legislation offers a powerful incentive for young people to make up their missed opportunities and to save for the future. It also offers an opportunity for women to build a retirement account after being out of the work force to raise a family or to care for a parent. In short, we give a second chance to those who have failed to maximize their savings and who were denied that chance due to circumstances beyond their control.

The Second Chance IRA Act aims to encourage personal responsibility and to maximize personal flexibility in building a secure retirement amid the many insecurities of the 21st Century economy where every person will have multiple careers with multiple employers. Let us help these young people to move forward with confidence by allowing them to fill in blank spots in their IRA ledger.

Mr. Speaker, I thank the Members who have joined me today in this effort. I urge all of my colleagues to review the proposal and to join us in cosponsoring this legislation.

Mr. Speaker, I include for the RECORD the text of the bill and the original cosponsors.

H.R. 3620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the " Act of 1999".

SEC. 2. MAXIMUM IRA DEDUCTION INCREASED BY PORTION OF UNUSED PRIOR DEDUCTION LIMITATIONS.

(a) IN GENERAL.—Subparagraph (A) of section 219(b)(1) of the Internal Revenue Code of 1986 (relating to maximum amount of deduction) is amended to read as follows:

"(A) the sum of—

"(i) $2,000, and

"(ii) the lesser of—

"(I) $2,000, or

"(II) the aggregate of the unused deduction limitations (as defined in paragraph (5)) for all prior taxable years, or".

(b) UNUSED DEDUCTION LIMITATION.—Subsection (b) of section 219 of such Code is amended by adding at the end the following new paragraph:

"(5) UNUSED DEDUCTION LIMITATION.—For purposes of paragraph (1), the unused deduction limitation for any prior taxable year is the excess of—

"(A) the lesser of—

"(i) $2,000, or

"(ii) the compensation includible in the individual's gross income for such taxable year, over

"(B) the amount of qualified retirement contributions of such individual for such taxable year."

(c) CONFORMING AMENDMENTS.—Sections 408(a)(1), 408(b), 408(j), and 408(p)(8) of such Code are each amended by striking "$2,000" each place it appears and inserting "$4,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

CO-SPONSORS FOR H.R. 3620

Mr. Houghton, Mrs. Johnson of Connecticut, Mr. Gilman, Mr. Bilbray, Mr. Boehlert, Mr. Calvert, Mr. Oxley, Mr. Biggert, Mr. Gallegly, Mr. Gibbons, Mr. Gilchrest, Mr. Greenwood, Mr. Hefley, Mr. Istook, Mr. Kingston, Mr. Kuykendall, Mr. LaHood, Mr. Mica, Mr. Paul, Ms. Pryce of Ohio, Mr. Smith of Michigan, Mr. Weldon of Pennsylvania, and Mr. Walden of Oregon.

TRIBUTE TO VOLA LAWSON, A TRULY REMARKABLE AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize a truly remarkable American, Vola Lawson, who will be retiring on March 1st. For 30 years Vola has been a beacon of dedication to public service.

□ 1715

She has been my mentor, my heroine, and my inspiration. To say that Vola will be missed understates her far-reaching presence throughout the entire metropolitan Washington area.

Her 30-year career in public service has been unparalleled in its effectiveness. Vola entered public life as a civil rights activist in the 1960s and then in 1971 became assistant director of the Alexandria Economic Opportunities Commission. Her efforts as the chairperson of the Alexandria Ad Hoc Committee on Women in 1973 led to the establishment of the Alexandria Commission on Women. She is widely recognized for her efforts promoting diversity in the city government's workforce.

As the assistant manager for housing in 1975, Vola initiated more than $100 million in low-income and senior citizen housing projects. For the past 15 years, Vola has shared the distinction of being only one of three women to hold the city manager position in cities with more than 100,000. There are only three women, and she is one of those three women. I do not know the others, but I would venture to say there is no one as capable as Vola. As city manager, she has overseen a budget of more than $360 million and supervised almost 2,000 people. I would also suggest that she knows every one of them and their families and cares about each and every one of them deeply, and that caring is reciprocal.

Due to Vola's financial acumen, Alexandria enjoys a AAA credit rating, an honor shared by just 22 cities nationwide, which was first garnered by the city in 1986. In 1992, the city's creditworthiness was upgraded once again, and Alexandria now is one of only 10 cities in the country to hold a AAA credit rating. That is through her substantial efforts and the people that work with her and for her, as well as the Alexandria city council. It is something to be very proud of, and that is the balance between a caring, progressive manager and one that is fiscally responsible.

But she is more than a sharp and capable city manager. A breast cancer survivor, she turned her personal health crisis into a public crusade. She initiated Alexandria's annual breast cancer walk to raise funds to provide free breast cancer screening for low-income women. Over the years, Vola has been the recipient of countless honors and awards and citations. Most recently, Washingtonian Magazine named Vola a Washingtonian of the Year for 1999, and she was inducted into Virginia's Women's Hall of Fame in 1993.

I count myself among those who have been very privileged and honored to have served with Vola in the Alexandria city government. She is a great friend. Her legacy of compassion, her dedication, and her fortitude will long be associated with the city of Alexandria and public service in general. She has enhanced the entire profession. She will be remembered for that, as well as her humor and her uncanny ability to get to the heart of seemingly byzantine issues.

The city of Alexandria and I will miss Vola. I am sure her retirement presents more opportunities for her to have an even greater and more positive impact upon the lives of Alexandrians and all of those throughout the metropolitan Washington community. She is a very, very special person. I wish there were more people like her. I wish she was not retiring, but I am happy for her, as she deserves a little rest and a lot more appreciation. She is wonderful, and I am proud to have this opportunity to say a few words about her on the floor of the House of Representatives.

H.R. 2777, THE TRANSPORTATION INFRASTRUCTURE AND LOCAL GOVERNMENT CAPITAL ENHANCEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, my top priority when I was elected to Congress was to balance the budget and rein in the skyrocketing national debt. These two goals are vital to the economic well-being of the United States.

Today's budget outlook is considerably more optimistic than when the phrase "deficits as far as the eye can see" was commonly used in conjunction with budget projections.

The Congressional Budget Office is forecasting enormous budget surpluses which provides Congress an immense opportunity to begin to pay down the $3.3 trillion of marketable debt. Today, the Treasury auctioned $10 billion worth of 30-year bonds, and they are expecting an additional small auction in August. After that, the Treasury is not expected to auction any additional bonds until February 2001. In fact, yesterday's Bloomberg article states that, "Wall Street bond dealers have decided that probably this will be the last bond ever: a collector's item to be displayed on the shelf along with golf trophies in the recreation room."

This poses an interesting dilemma for the Federal Reserve Board. Their job is to accommodate a substantial rate of economic growth by assuring needed increases in the money supply which has been accomplished in the past by buying United States Government securities at an average annual rate of about $20 billion. When the Treasury stops buying U.S. securities, the Federal Reserve will be losing a vital lever to accommodate the needed increases in the money supply.

My bill, H.R. 2777, the Transportation Infrastructure and Local Government Capital Enhancement Act, would provide the Federal Reserve Board a replacement mechanism to accommodate the needed increase in the money supply without buying U.S. Government securities, that is, without going into debt. The Federal Reserve or its surrogate would buy zero interest mortgages on State and local infrastructure improvements.

These mortgages would be amortized over periods of up to 30 years depending on the nature of the improvement, and in almost every case where the State or local government incurs a debt to finance investment in infrastructure, the voters have to approve the loan and pay interest. That taxpayers do not lightly assume such obligations is testified by the nearly zero rate of defaults on municipal bonds.

The scheduled repayments of the zero interest mortgages would provide a constantly renewed source of funds for public projects without requiring the Treasury to pay interest on these loans. Unlike now, when Federal borrowing means virtually permanent increases in the public debt, the proposed mortgage loans would be regularly repaid by local governments.

Evidence of failures to maintain and improve infrastructure is seen every day in such problems as unsafe bridges, urban decay, dilapidated and overcrowded schools, inadequate airports. A General Accounting Office study finds that education is seriously handicapped by deteriorating school buildings, and that an investment of $110 billion is needed to bring them up to minimally accepted standards.

I am particularly concerned about our crisis in critical transportation bottlenecks that are in trade corridors, and maritime vulnerabilities. We also need to make immediate investments to address our Nation's vulnerability in the end-to-end movement of forces, equipment and material necessary to support a rapid military deployment.

This plan is fiscally sound. It is a means of providing the Federal Reserve Board with a needed lever to increase the money supply and provide public infrastructure necessary to meet the challenges of the 21st century.

A FAIR HEARING FOR ELIAN GONZALEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, the seas are stormy, the waves are beating against your frail little face, the winds are bitter cold. Your dark eyes are blinded by tears. You feel your mother's hands as they struggle to hold you above the waves. You hear her gentle voice praying to God to protect you, asking God to help you reach the land of liberty, and whispering to you to pray to your guardian angel.

Suddenly, there is distress in your mother's voice. This turns into cries of anguish and the last words you hear from your mother are, "I love you, my child. You are in God's hands now."

Committed to honor your mother's wishes, strengthened by her love and faith, you cling to an inner tube, all alone in the vast Atlantic Ocean. You continue to pray and on Thanksgiving Day, 1999, you are rescued by two fishermen off the coast of Florida.

Despite the harrowing experience, you are filled with joy, joy in the knowledge that you made it to the United States, that your mother's sacrifice was not in vain.

This is the story of Elian Gonzalez, who was then 5 years old and his mother, Elizabet Broton. One cannot help but wonder if there was divine intervention.

Elian has repeatedly spoken about the schools of dolphins who surrounded his inner tube. He is emphatic about the fact that these dolphins protected him from the sharks while using their snouts to push him closer to our U.S. shores.

Donato, one of the fishermen who saved Elian's life, has publicly stated and has personally said to many Members of Congress of this chamber how he as a Christian believes that God guided him toward Elian on that fateful day. Donato explains, "At first I thought it was a doll. I would have never seen Elian's tiny little hands clinging to the inner tube had there not been some force driving us toward him."

Some who have looked into Elian's eyes have seen the purity of his spirit, the antithesis of the evil that is Fidel Castro and his atheist regime. Some can see the collective anguish of the Cuban soul, in chains since Castro came to power and banished God and religion from Cuba, replacing it with Communist doctrine and institutions.

However, all who have come in contact with the child, including Jeanne O'Laughlin, who facilitated the meeting between Elian and his grandmothers, are touched by Elian.

Sister O'Laughlin was hand-picked by Attorney General Janet Reno and the INS. She is a neutral observer who answers to a higher call. Yet, after looking into Elian's tiny dark eyes, she said, "He would grow to greater freedom of manhood here." She believes that Elian should "live free of fear" and that "the final challenge of finding the best way for Elian to heal and to be nurtured should lie with a court that has experience in seeking the best interests of children."

Yet, there are those who shut themselves to this possibility and want only for Elian to be returned to his father in Cuba.

For those, I would like to quote Sister O'Laughlin again. She writes, "It troubles me that Elian's father has not come to the United States. I realize how he must love Elian. What, if not fear, could keep a person from making a 30-minute trip to reclaim his son? And what might Elian's father fear if not the authoritarian Cuban government itself? Could we send the boy back to a climate that may be full of fear without at least a fair hearing in a family court," Sister Jeanne asks.

Some would discount that this fear exists. Some would question that the regime takes any action that would instill fear. No, that would not be, they say. But imagine how intense the fear must be, how horrific the oppression and subjugation must be in Cuba, that thousands upon thousands of mothers and fathers risk their lives to bring their children to freedom here in the United States. Imagine how the spirit of the Cuban people is strangulated by the Castro regime that they are driven to such desperate measures.

Imagine not being able to go to church or to turn to any religious leader for guidance or support because you would be arrested and interrogated. Where would those be who would doubt that there is fear in Cuba? What would they say to the dissidents who are persecuted because they want human rights, or to the political prisoners because they want freedom and democracy for Cuba? What would they say to the Cuban mothers and fathers who must relinquish control of their children's upbringing and education and leave it to the Castro regime, a regime which teaches children to read using books such as these:

This one, for example, is used to teach Elian and his classmates and it says, "G" is for guerrilla. It also includes songs such as the ones where the children pledge their devotion to Castro, to Che Guevara, and to other Cuban revolutionary leaders. This one, for example, says, "I want to be like him. I could be like him. I will have to be like him. Like whom," it says. "Like Che."

Is this the environment that Elian should be returned to without so much as an opportunity to have him speak and express his desires?

I ask that my colleagues search their consciences and let God guide their steps as they consider this issue.

□ 1730

URGING REPUBLICAN MEMBERS TO SIGN DISCHARGE PETITION ON H.R. 664, THE PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT

The SPEAKER pro tempore (Mr. BASS). Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, Congress is back in session. We heard from the President the other night, and he laid out an agenda for this country of priorities that we need to work on during the course of this year. Many of those priorities in fact are the unfinished business of last year, when we did not accomplish all that we might have.

The issue that I want to address this evening has to do with the high cost of prescription drugs for our seniors, because there is a problem that in the past year has only become much worse.

Two years ago, in 1998, I first had a study done in my district that showed that seniors on average pay twice as much for their prescription medications as the drug companies' preferred customers. Those preferred customers are HMOs, hospitals, and the Federal government itself, which purchases drugs for Medicaid and for the Veterans Administration.

In October of 1998, we released a second study in the first District of Maine. That study showed that people in Maine pay 72 percent more than Canadians and 102 percent more than Mexicans for the same drug in the same quantity from the same manufacturer.

That price discrimination is going on all over the country. We have now had over 150 different studies, one study or the other demonstrating this price discrimination by the pharmaceutical industry against those who do not have insurance for their prescription drugs.

Seniors make up 12 percent of the population, but they buy one-third of all prescription medications. Seniors, 37 percent of them have no coverage at all for their prescription medications. About 8 percent have prescription drug coverage through a MediGap policy, but those Medigap policies are very limited in terms of their benefits. Often they are capped out at $1,000 or $1,500 per year. Often the policies cost more than the benefit that they provide.

About 8 percent of people in this country have prescription drug coverage through an HMO. Medicare beneficiaries have HMO coverage. But if we read the news about what is happening to HMOs providing coverage under Medicare, some of them are dropping coverage in areas entirely because it is not profitable. Most of them are lowering the cap that they provide for a benefit on prescription drugs, and most of them are increasing the premiums that they are asking people to pay.

So HMOs under Medicare are no way to provide secure, reliable coverage for prescription drugs. The fact is that the industry charges whatever the market will bear for prescription drugs, and they give discounts to big customers, to favored customers, they give discounts to Canadians and Mexicans and Europeans, but seniors in this country pay the highest prices in the world.

The fact is, the bottom line is that the most profitable industry in the country is charging the highest prices in the world to people who can least afford it, including our seniors.

The bill that I introduced last year, H.R. 664, the Prescription Drug Fairness for Seniors Act, would deal with this problem by eliminating the price discrimination. The bill is very simple. It allows the government to negotiate lower prices for people who are on Medicare, people who are already in a Federal health care plan. It is called Medicare. It works, but it does not have prescription drug coverage, and it needs to.

All my bill would do is allow pharmacies to buy drugs for Medicare beneficiaries at the best price given to the Federal government, either the price given to the Veterans Administration or the price paid by Medicaid.

I thought that this bill would attract Members of the other side of the aisle when they understood it was a bill that created no new bureaucracy, it involved no significant amount of expenditure by the Federal government, and it would provide a discount of up to 40 percent for seniors in this country who really need the help and need it now.

But the truth is that though we have 140 Democratic cosponsors of this legislation, not one Republican, not one has seen fit to step up and cosponsor this legislation.

I grant that this is a battle. The pharmaceutical industry does not like this bill. The pharmaceutical industry is running TV ads all across the country touting what a wonderful, warm, and fuzzy industry it is, and how they do research and development that is important for the American people. About that, they are right. But what they are trying to do is block the President's prescription drug benefit plan. They are trying to block the progress that we are making in getting a discount for Medicare beneficiaries.

This is a huge battle. On this battle, the Democrats are lining up, taking on the pharmaceutical industry. We are going to be introducing a discharge petition to bring this bill to the floor next week. We would like to have some Republican support. I certainly hope at some point we will get it.

WISHING A HAPPY BIRTHDAY TO GLENYS BURQUIST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, February 3 marked a special day for a person close to my heart, for it was the 90th birthday of a wonderful woman with whom my family had a long association of close to 60 years. Her name is Glenys Burquist, and she was a legal secretary to my late father for 36 years, and a secretary to me for 18 years, until I was elected to Congress in 1994. She worked 2 years for my dear wife, who is also a lawyer, and she worked for 11 years before starting with my dad back in 1941 at the law firm that he joined that year.

Her job with our firm was the only job she ever had after becoming a legal secretary, and she was a great one, able to smooth the edges of an unhappy client, or make a happy client happier by her warmth and sense of humor.

I have never met anyone more loyal, more selfless, more honest, more diligent, more full of wisdom, more efficient than Glenys. She never let you know if she had a bad day. Despite a few health problems in her later years, she never has considered herself a victim of anything because she was too busy looking on the bright side of things.

Over the course of 60 years this woman, Glenys Burquist, typed the pleadings for thousands of adoptions that we did, thousands of probates, thousands of letters and other pleadings and real estate closings and minutes of corporations, and all the other things that go on in a law firm.

Before copy machines, she simply used carbon paper. In the late 1980s, she gave in and finally switched to a memory typewriter. That was about as far as she would go.

Unfortunately, in today's world, Glenys may represent the end of an era of employee stability and commitment. She never was looking for a better deal elsewhere, or griped about a little extra work that kept her after regular hours. For years she came into the office regularly for half a day on Saturdays, without any complaint.

Quite simply, Glenys Burquist is one in a million, an institution in the Spokane, Washington legal community, and a person so deserving of happiness and peace and respect and congratulations that this recognition hardly does her justice.

On behalf of the Nethercutt family and my wife, Mary Beth, especially, and all the lives she has touched, we wish Glenys Burquist the happiest of birthdays, and send our abundant love and respect.

IT IS TIME FOR MARRIAGE TAX RELIEF FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today to discuss an issue that was just on the floor less than an hour ago today. That was the marriage penalty elimination.

I must say, as a member of the Committee on Ways and Means, I was quite shocked. If Members listened to the entire debate, they would have heard the hand-wringing and moaning and groaning from the other side of the aisle that somehow we were doing a terrible injustice to the United States budget, and that we were somehow going to bankrupt our Nation by providing necessary relief to married couples across this great land of ours.

In the committee, when we were marking up the bill, I heard many Members of the leadership on that side of the aisle describing things like giving taxpayers back some of their money as a bonus. Why are they giving people a bonus when they do not pay those taxes that are being claimed on marriage penalties? And if we are giving them more of their money back, that is a bonus?

Mr. Speaker, where I come from, every cent that the American taxpayer earns, a taxpayer who works hard 40-plus hours a week, some with two jobs, every cent that they send to this Capitol here in Washington, D.C. is their money, not ours.

But they on the other side have this nomenclature of bonus, surplus, and you name it. Then, of course, I heard today about the most important necessity established by that side of the aisle, which is pay down the debt, pay down the debt. I must have heard it 48 times today, if I heard it once.

I am glad they finally recognize that they need to pay down the debt that they have run up when they were in charge for well over 40 years, charging things to the American taxpayer, politically popular programs, but no means in sight to pay for them. Much like a reckless person with a credit card, they were ringing up the total, ringing up the purchase, not worrying about who is going to pay the bill.

We are at a day of reckoning. We have balanced the budget. We are putting money towards debt repayment. We paid over $139 billion over the last 2 years in debt repayment. I think we are making wonderful progress towards debt repayment.

Remember, a few years ago when we, the majority, started this and decided to cut the capital gains tax from ordinary income to 20 percent, we heard again, you cannot do it, the markets will go crazy, you will bankrupt the Nation. Let us talk about what has happened: a record Dow, a record NASDAQ, higher income for all Americans, more money to the Treasury, surplus revenues.

Then the following campaign year when they argued against it, most took credit for it and said, I gave you a tax cut.

We gave a $500 per child tax cut from this Congress because we believe raising children is expensive, and people need more of their own money back.

Those are just some of the things we did to make a difference in Americans' lives.

We also heard last year before we adjourned that we were dipping into social security, we were dipping into social security. Then new numbers came out in December that reflected the opposite. We did not touch social security. We kept our commitment. We kept our pledge. Our pledge was this: shore up social security, shore up Medicare, work on things for the average family and give them some tax reduction.

Today we passed the bill. After the contentious debate, hours on this floor, hours of hand-wringing, we actually got 268 votes for our proposal to eliminate the marriage penalty. Forty-eight Democrats and one Independent joined us. That is a bipartisan effort. I applaud those who had the courage to recognize the inequity of the Tax Code. Fifty-one thousand and twenty-one people in my district are paying a marriage penalty, and 1,176,000 throughout the great State of Florida are paying a marriage penalty.

We were on record today as moving forward to eliminate this tax burden on the average families who are working, who are struggling, who are providing for their children and their families in the districts in which they live.

Let us get out of the notion here in this Capital of Washington, D.C. that this is our money, because it is not. This money belongs to the taxpayers of America. Every chance we get, and I am telling the Members, seriously, we are working as a Congress on our side of the aisle to preserve social security, to preserve Medicare, to fix the problems.

Yes, we will meet, I am certain, in some accommodation on prescription drugs. I am certain of this. I know we need to do that. We will reach out in a bipartisan manner. But I have to tell the Members, I have just about had enough, because on some issues that are important to the other side of the aisle, this should be a bipartisan effort.

When we come to the floor on what we think is a bipartisan effort, 22 Democrats signed our bill, we would think there would be mutual admiration for the great work being done today. President Clinton, Vice President GORE, support some marriage penalty elimination. It is all the devil in the details. If it is not their bill, they are not happy and satisfied, and have to bellyache about the consequences.

Mr. Speaker, we will balance the budget. We will pay down the debt. We will shore up social security. We will fix Medicare. We will work on prescription drug coverage. We will also do the things that are necessary to help the American family, who are working oftentimes two jobs in order to make ends meet. We will work to make certain we have reached the threshold so they can at least have some of their own hard-earned money back in their pockets.

At the end of a 40-hour work, it is pretty difficult to go home and realize you have very little left after paying excise taxes, mortgage taxes. In fact, Mrs. Clinton today was shocked, shocked when she said, and I quote from the New York Times, "I can't believe how high taxes are on properties here in New York," since she just bought a house, the first one in well over 20 years.

Welcome to the real world. We are paying taxes all our lives. I have been paying property taxes for decades. It is difficult. It is tough. Wake up. This is reality, so people do need a break.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVERETT (at the request of Mr. ARMEY) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MORAN of Virginia) to revise and extend their remarks and include extraneous material:)

Mrs. THURMAN, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mrs. CHENOWETH-HAGE, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. TOOMEY, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On February 9, 2000:

H.R. 2130. To amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide a national awareness campaign, and for other purposes.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday, February 14, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6117. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 00-004-1] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6118. A letter from the General Counsel, Federal Emergency Management, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7721] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6119. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7725] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6120. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6121. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7308] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6122. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6123. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6124. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6125. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7301] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6126. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 97F-0116] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6127. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Santizers [Docket No. 99F-2534] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6128. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: New Hampshire; Plan for Controlling Emissions From Existing Hospital/Medical/Infectious Waste Incinerators [Docket No. NH040-7167a; FRL-6532-2] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6129. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District [CA083-0214; FRL-6530-6] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6130. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—AP600 Design Certification (RIN: 3150-AG23) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6131. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program [VA-114-FOR] received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6132. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant Yreka Phlox from Siskiyou County, California (RIN: 1018-AE82) received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6133. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Abandoned Mine Land Reclamation Plan [VA-115-FOR] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6134. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Pennsylvania Regulatory Program [PA-123-FOR] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6135. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Two Chinook Salmon Evolutionarily Significant Units (ESUs) in California (RIN: 1018-AF82) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6136. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marquette, MI;

revocation of Class E Airspace; Sawyer, MI, and K.I. Sawyer, MI [Airspace Docket No. 99–AGL–42] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6137. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29907; Amdt. No. 1971] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6138. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cooperstown, ND [Airspace Docket No. 99–AGL–54] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6139. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Bemidji, MN [Airspace Docket No. 99–AGL–53] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6140. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Steubenville, OH [Airspace Docket No. 99–AGL–52] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6141. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Maui Night Club Fireworks Display, Delaware River, Philadelphia, Pennsylvania [CGD 05–99–077] (RIN: 2115–AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6142. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Wild Goose Classic Challenge, Chester River, Chestertown, Maryland [CGD 05–99–074] (RIN: 2115–AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6143. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Harford County Power Boat Regatta, Bush River, Abingdon, Maryland [CGD 05–99–072] (RIN: 2115–AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6144. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: All Industries—Cafeteria Plan/Qualified Retirement Plan Hybrid Arrangement [UIL–125.05–00] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6145. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—McLeod v. United States—received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6146. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Certain cash or deferred arrangements [Rev Rul. 2000–8] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6147. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Substantiation of Business Expenses—received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6148. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 2000–8] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6149. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Exchange of MACRS Property for MACRS Property [Notice 2000–4] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 422. Resolution providing for consideration of the bill (H.R. 2086) to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, and for other purposes (Rept. 106–496). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. JACKSON of Illinois (for himself and Mr. Gutierrez):

H.R. 3610. A bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. KELLY:

H.R. 3611. A bill to increase the number of interaccount transfers which may be made from business accounts at depository institutions, to require the Board of Governors of the Federal Reserve System to pay interest on certain reserves, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Ramstad, Mr. Traficant, Mr. Sensenbrenner, Mr. Hostettler, Mr. Istook, Mr. Goss, Mr. Foley, and Mr. Gekas):

H.R. 3612. A bill to amend the Internal Revenue Code of 1986 to repeal the adjusted gross income limitations on itemized deductions, the personal exemption deduction, and the child tax credit and to repeal the alternative minimum tax on individuals; to the Committee on Ways and Means.

By Mr. LaFALCE (for himself, Mr. Weller, and Mr. Vento):

H.R. 3613. A bill to provide for the Secretary of Housing and Urban Development to fund, on a 1-year emergency basis, certain requests for grant renewal under the programs for permanent supportive housing and shelter-plus-care for homeless persons; to the Committee on Banking and Financial Services.

By Mr. GOODLING (for himself, Mr. Petri, Mr. Greenwood, Mr. Upton, Mr. Combest, Mr. Goodlatte, Mr. Clay, Mr. Kildee, Ms. Woolsey, Mr. Stenholm, and Mrs. Clayton):

H.R. 3614. A bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program; to the Committee on Education and the Workforce.

By Mr. GOODLATTE (for himself, Mr. Boucher, Mr. Baker, Mrs. Emerson, Mrs. Capps, Mrs. Bono, Mr. Oberstar, Mr. Ewing, Mr. Gilchrest, Mr. Metcalf, Mr. Quinn, Mr. Bass, Mr. Latham, Mr. Kildee, Mr. Phelps, Mr. McInnis, Mr. Rahall, Mr. Buyer, Mr. Watkins, Mr. Frost, Mr. Baldacci, Mr. Goode, Mr. Peterson of Minnesota, Mr. Hinchey, Mr. Boyd, Mr. Walden of Oregon, Mr. Olver, Mr. Fletcher, Mr. Collins, Mr. Thornberry, Mrs. Cubin, Mr. Nethercutt, Mr. Wicker, Mr. LaHood, Mr. Boehlert, Mr. Goodling, Mr. Herger, Mr. Nussle, Mr. Radanovich, Mr. Ehrlich, Mr. Hastings of Washington, Mr. Thune, Mr. Cooksey, Mr. Hilleary, Mrs. Fowler, Mr. Bonilla, Mr. Ballenger, Mr. Skeen, Mr. Shimkus, Mr. Pickering, Mr. Aderholt, Mr. Sherwood, Mr. Upton, Mr. Hayes, Mr. Peterson of Pennsylvania, Mr. Smith of Texas, Mr. Vitter, Mr. Jenkins, Mr. Tauzin, Mr. Riley, Mr. Canady of Florida, Mr. Bartlett of Maryland, Mr. Isakson, Mr. Chambliss, Mr. Barrett of Nebraska, Mr. Ganske, Mr. Bishop, Mr. Thomas, Mr. Oxley, Mr. Goss, Mr. Jones of North Carolina, Mr. Doolittle, Mr. Pombo, Mr. Wamp, Mr. Duncan, Mr. Norwood, Mrs. Chenoweth-Hage, Mr. Davis of Virginia, Mr. Dickey, Mr. Ehlers, Mr. Lewis of Kentucky, Mr. Weller, Mr. Foley, Mr. Hutchinson, Mr. Smith of Michigan, Mr. Gekas, Mr. Houghton, Mr. Reynolds, Mr. Portman, Mr. Traficant, Mr. Schaffer, Mr. Thompson of California, Mr. Minge, Mrs. Clayton, Mr. Shows, Mr. Sisisky, Mr. Bryant, Mr. Walsh, Mr. McHugh, Mrs. Johnson of Connecticut, Mr. Bereuter, Mr. Rogers, Mr. Farr of California, Mr. Kind, and Mr. Hill of Montana):

H.R. 3615. A bill to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; to the Committee on Agriculture, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES (for himself, Mr. Goodling, Mr. Greenwood, Mr. Scott, Mr. Edwards, Mr. Pomeroy, Mr. Hayworth, Mr. Kildee, Mr. Cunningham, Mr. Thornberry, Mr. McHugh, Mr. Bilbray, Mr. McCrery, Mrs. Kelly, Mr. Jones of North

Carolina, Mr. Kuykendall, Mr. Hefley, Mr. Young of Alaska, Mr. Chambliss, Mr. McKeon, Mr. Fletcher, Mr. Gibbons, Mr. Nethercutt, Mrs. Cubin, Mr. Kennedy of Rhode Island, Mr. Skelton, Mr. McIntyre, Mr. Saxton, Mr. Calvert, Mr. Whitfield, Mr. Porter, Mr. Packard, Mrs. Bono, Mr. Rohrabacher, Mr. Terry, Mr. Tancredo, and Mr. Stump):

H.R. 3616. A bill to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LAZIO (for himself, Mr. Leach, Mr. Walsh, and Mr. English):

H.R. 3617. A bill to prevent fraud under the FHA rehabilitation loan program under section 203(k) of the National Housing Act; to the Committee on Banking and Financial Services.

By Mr. ANDREWS:

H.R. 3618. A bill to amend the Fair Debt Collection Practices Act with regard to liability for noncompliance, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 3619. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to notify parents concerning missing person reports about their children, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HORN (for himself, Mr. Houghton, Mrs. Johnson of Connecticut, Mr. Gilman, Mr. Bilbray, Mr. Boehlert, Mr. Calvert, Mr. Oxley, Mrs. Biggert, Mr. Gallegly, Mr. Gibbons, Mr. Gilchrest, Mr. Greenwood, Mr. Hefley, Mr. Istook, Mr. Kingston, Mr. Kuykendall, Mr. LaHood, Mr. Mica, Mr. Paul, Ms. Pryce of Ohio, Mr. Smith of Michigan, Mr. Weldon of Pennsylvania, and Mr. Walden of Oregon):

H.R. 3620. A bill to amend the Internal Revenue Code of 1986 to allow individuals an additional IRA deduction based on unused amounts of deduction limitation in prior years; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself, Mr. Hill of Montana, Mr. Pomeroy, Mr. Bateman, Mr. Bliley, Mr. Blumenauer, Mr. Goode, Mr. Lewis of Kentucky, and Mrs. Northup):

H.R. 3621. A bill to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army; to the Committee on Armed Services.

By Mr. DICKEY:

H.R. 3622. A bill to designate a highway bypass in Pine Bluff, Arkansas, as the "Wiley A. Branton, Sr. Memorial Highway"; to the Committee on Transportation and Infrastructure.

By Mr. JACKSON of Illinois (for himself, Mr. Fattah, Mr. Meeks of New York, Ms. Schakowsky, Mr. Clay, and Ms. Norton):

H.R. 3623. A bill to assure protection for the innocent to the fundamental right to life by providing a temporary moratorium on carrying out the death penalty to assure that persons able to prove their innocence are not executed; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself and Mr. Holden):

H.R. 3624. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to assure that the full amount deposited in the Abandoned Mine Reclamation Fund is spent for the purposes for which that Fund was established; to the Committee on Resources.

By Mr. DICKEY:

H.R. 3625. A bill to amend the Federal Water Pollution Control Act to exempt agricultural stormwater discharges and silviculture operations from permits under the national pollutant discharge elimination system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FOSSELLA:

H.R. 3626. A bill to reform the process by which the Office of the Pardon Attorney investigates and reviews potential exercises of executive clemency; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey:

H.R. 3627. A bill to amend title 49, United States Code, to require air carriers to require passengers before boarding an aircraft to provide government-issued identification; to the Committee on Transportation and Infrastructure.

By Mr. GALLEGLY (for himself and Mr. Hansen):

H.R. 3628. A bill to prohibit the importation of bidi cigarettes; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for himself, Mr. Barrett of Nebraska, Mr. Pomeroy, Mr. Metcalf, Mr. Hill of Montana, Mr. Oberstar, Mr. Hayworth, and Mr. Peterson of Minnesota):

H.R. 3629. A bill to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III; to the Committee on Education and the Workforce.

By Mr. ISAKSON:

H.R. 3630. A bill to amend title 23, United States Code, to make certain passenger rail projects eligible for funding under the highway program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KLECZKA:

H.R. 3631. A bill to amend title XVIII of the Social Security Act, the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide for an election for retirees 55-to-65 years of age who lose employer-based coverage to acquire health care coverage under the Medicare Program or under COBRA continuation benefits, and to amend the Employee Retirement Income Security Act of 1974 to provide for advance notice of material reductions in covered services under group health plans; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Ms. Pelosi, Ms. Woolsey, Mr. Campbell, Mr. George Miller of California, Ms. Eshoo, Mr. Stark, Mrs. Tauscher, Ms. Lofgren, Ms. Lee, and Mr. Thompson of California):

H.R. 3632. A bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. LEACH (for himself, Mr. Bachus, and Mr. Watts of Oklahoma):

H.R. 3633. A bill to require the Secretary of the Treasury to mint coins in commemoration of Dr. Martin Luther King, Jr.; to the Committee on Banking and Financial Services.

By Mrs. MALONEY of New York (for herself, Mr. Greenwood, Ms. Pelosi, Mr. Gilman, Mr. Campbell, Mrs. Kelly, Mr. Crowley, Ms. Woolsey, Ms. McKinney, Mrs. Thurman, Mrs. Morella, and Mr. Weiner):

H.R. 3634. A bill to provide for international family planning funding for the fiscal year 2001, and for other purposes; to the Committee on International Relations.

By Mr. NADLER:

H.R. 3635. A bill to repeal the per-State limitation applicable to grants made by the National Endowment for the Arts from funds made available for fiscal year 2000; to the Committee on Education and the Workforce.

By Mr. PAUL:

H.R. 3636. A bill to amend the Internal Revenue Code of 1986 with respect to the purchase of prescription drugs by individuals who have attained retirement age, and to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs and the sale of such drugs through Internet sites; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA (for herself, Mr. Leach, Mr. LaFalce, Mr. Vento, Mr. Lazio, Mr. Frank of Massachusetts, and Mr. Hansen):

H.R. 3637. A bill to amend the Homeowners Protection Act of 1998 to make certain technical corrections; to the Committee on Banking and Financial Services.

By Mr. SHADEGG:

H.R. 3638. A bill to require the Secretary of the Interior to fulfill his obligation to transfer additional Federal lands to the State of Arizona as required by the Arizona-New Mexico Enabling Act of June 20, 1910; to the Committee on Resources.

By Mr. SKELTON (for himself and Mr. Blunt):

H.R. 3639. A bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S. Truman Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Michigan:

H.R. 3640. A bill to amend title XVIII of the Social Security Act to take the Federal Hospital Insurance Trust Fund under the Medicare Program off budget; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 3641. A bill to require the Secretary of Energy to study causes of the recent home heating fuel price spikes in the Northeast and to create a 10,000,000 barrel heating oil reserve in the Northeast; to the Committee on Commerce.

By Mr. THOMPSON of California (for himself, Ms. Woolsey, Mr. Gephardt, Mr. Vento, Mr. Pickering, Mr. Jenkins, Mrs. Capps, Mr. George Miller of California, Mr. Smith of New Jersey, Mr. Shimkus, Mr. Gibbons, Mr. Houghton, Mr. Cooksey, Mr. McGovern, Mr. Dooley of California, Mr. Wolf, Mr. Bateman, Mr.

RADANOVICH, Mr. CROWLEY, Mr. POMBO, Mr. FROST, Mr. RAMSTAD, Mr. BACA, Mrs. FOWLER, Mr. SKELTON, Ms. ESHOO, Mr. ABERCROMBIE, Mr. REYES, Mr. VISCLOSKY, Mr. CONDIT, Mrs. LOWEY, Ms. DELAURO, Mr. HOLDEN, Mr. CRAMER, Mr. DICKS, Mr. MOORE, Mrs. THURMAN, Mr. LUCAS of Kentucky, Mr. SABO, Mr. GUTIERREZ, Mr. BOYD, Mr. SISISKY, Mr. BISHOP, Mrs. KELLY, Mr. CUNNINGHAM, Mr. BARRETT of Nebraska, Mr. THOMPSON of Mississippi, Mr. FARR of California, Mr. NETHERCUTT, Mr. FOSSELLA, Mr. SHAYS, Mr. MURTHA, Mr. WATTS of Oklahoma, Mr. KENNEDY of Rhode Island, Mrs. CLAYTON, Mr. LAHOOD, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. GOODLATTE, Ms. ROYBAL-ALLARD, Mr. HUTCHINSON, Mr. OBERSTAR, Mr. BILBRAY, Mr. PETERSON of Minnesota, Mr. MARKEY, Mr. FILNER, Mr. OWENS, Mr. STENHOLM, Mr. SANDLIN, Mr. MINGE, Mr. TURNER, Mr. JOHN, Mr. DREIER, Mr. OBEY, Mr. BECERRA, Mr. MCNULTY, Mr. ACKERMAN, Mr. ALLEN, Mr. BALDACCI, Ms. BALDWIN, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BROWN of Ohio, Mr. CHAMBLISS, Mrs. CHRISTENSEN, Mr. CLEMENT, Mr. DOYLE, Mr. EDWARDS, Mr. ENGEL, Mr. FOLEY, Mr. FORBES, Mr. GILMAN, Mr. GORDON, Mr. GREEN of Texas, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HULSHOF, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. KILDEE, Mr. KIND, Mr. KING, Mr. KUCINICH, Mr. LEWIS of Kentucky, Ms. LOFGREN, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCKEON, Mr. MASCARA, Mrs. MEEK of Florida, Mrs. MORELLA, Mrs. NAPOLITANO, Mr. PALLONE, Mr. PASCRELL, Ms. PELOSI, Mr. PHELPS, Mr. PICKETT, Mr. POMEROY, Mr. RODRIGUEZ, Ms. SANCHEZ, Mr. SAWYER, Mr. SHOWS, Mr. SNYDER, Mrs. TAUSCHER, Mr. UDALL of New Mexico, Ms. WATERS, Mr. WEINER, Mr. WU, Mr. WYNN, Mr. ARMEY, Mr. BAIRD, Mr. CALVERT, Mr. CAPUANO, Mr. COBLE, Mrs. CUBIN, Mr. GONZALEZ, Mr. HILL of Indiana, Mr. HOEFFEL, Mr. HORN, Mr. HOYER, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. LAMPSON, Mr. LANTOS, Mr. UDALL of Colorado, Mr. WATT of North Carolina, Mr. TIERNEY, Mr. MORAN of Virginia, Mr. BERMAN, Mr. PETRI, Mr. ANDREWS, Mr. BARCIA, Ms. BERKLEY, Mr. BLAGOJEVICH, Mr. BORSKI, Mr. BRADY of Pennsylvania, Mr. CALLAHAN, Mr. CARDIN, Mrs. CHENOWETH-HAGE, Mr. CONYERS, Mr. DELAY, Mr. DICKEY, Mr. EVANS, Mr. GALLEGLY, Mr. GOODE, Mr. HALL of Texas, Mr. HINCHEY, Mr. HOLT, Mr. HYDE, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUYKENDALL, Mr. LEWIS of California, Mr. LUTHER, Mr. MARTINEZ, Mr. NADLER, Mr. ORTIZ, Mr. OSE, Mr. PRICE of North Carolina, Mr. REYNOLDS, Mr. SHERMAN, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mr. SWEENEY, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. TRAFICANT, Mr. WAMP, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. WEXLER, Mrs. WILSON, Mrs. BIGGERT, Mr. BONIOR, Mr. COYNE, Mr. DIAZ-BALART, Mr. HERGER, Mr. KLINK, Mr. LAZIO, Mr. MCINTYRE, Mr. QUINN, Mr. RYAN of Wisconsin, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. SMITH of Washington, Mr. TOWNS, Mr. HILLIARD, Mr. FORD, Mr. STUPAK, Mr. BONILLA, Mr. LATOURETTE, Mr. FRANK of Massachusetts, Mr. THUNE, Mr. ISAKSON, Mr. BOEHLERT, Mr. WHITFIELD, Mr. WALSH, Mr. EVERETT, Mrs. MINK of Hawaii, Mr. GEJDENSON, Mrs. MALONEY of New York, Mr. MANZULLO, Mr. SKEEN, Ms. VELAZQUEZ, Ms. SLAUGHTER, Mr. SCOTT, Ms. SCHAKOWSKY, Mr. PASTOR, Mr. OLVER, Ms. NORTON, Mr. MENENDEZ, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. LARSON, Ms. KILPATRICK, Mr. ETHERIDGE, Mr. DELAHUNT, Ms. DEGETTE, Mr. DAVIS of Florida, Mr. BENTSEN, Mr. RUSH, Mr. LIPINSKI, Ms. CARSON, Mrs. BONO, Mr. CUMMINGS, Ms. BROWN of Florida, Mr. BARTLETT of Maryland, Mr. BARRETT of Wisconsin, Mr. DIXON, Mrs. EMERSON, Mr. HALL of Ohio, Ms. HOOLEY of Oregon, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MATSUI, Mr. MEEHAN, Mr. NEAL of Massachusetts, Ms. RIVERS, Mr. DAVIS of Illinois, Mr. MORAN of Kansas, Mr. WEYGAND, Mr. COSTELLO, Mr. HUNTER, Mr. EWING, Mr. WELLER, Mr. SMITH of Michigan, Mr. BALLENGER, Mr. BRYANT, Mr. SANDERS, Mr. UNDERWOOD, Mr. CLYBURN, Mr. KANJORSKI, Mr. KOLBE, Mr. SCARBOROUGH, Mr. BURTON of Indiana, Mr. BUYER, Mr. TAUZIN, Mr. TERRY, Mr. MCHUGH, Mr. MEEKS of New York, Mr. JONES of North Carolina, Mr. WALDEN of Oregon, Mr. DEMINT, Mr. MOAKLEY, Mr. SIMPSON, Mr. HAYWORTH, Ms. MCKINNEY, Mr. SHERWOOD, Mr. DEAL of Georgia, Mr. TANCREDO, Mr. WELDON of Florida, Mr. DEUTSCH, Mr. RAHALL, Mr. MILLER of Florida, Mr. CRANE, Mr. EHLERS, Mr. UPTON, Mr. PAYNE, Mr. SAXTON, Mr. SERRANO, Mr. FATTAH, Mr. TOOMEY, Mr. WISE, and Mr. KLECZKA):

H.R. 3642. A bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world; to the Committee on Banking and Financial Services.

By Mr. WALDEN of Oregon:

H.R. 3643. A bill to amend the Occupational Safety and Health Act of 1970 to provide that the Act will not apply to employment performed in a workplace located in the employee's residence; to the Committee on Education and the Workforce.

By Mr. WEYGAND:

H.R. 3644. A bill to authorize drawdown and distribution from the Strategic Petroleum Reserve in the case of severe emergency supply interruptions on a State or regional level; to the Committee on Commerce.

By Mr. BACA:

H. Con. Res. 248. Concurrent resolution encouraging the people of the United States to show support for and become active participants in the American Red Cross and its local chapters; to the Committee on International Relations.

By Mr. NETHERCUTT (for himself and Mr. PORTER):

H. Con. Res. 249. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, abide by the International Covenant on Civil and Political Rights, and permit Kadeer, her secretary, and her son to move to the United States if they so desire; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NETHERCUTT:

H.R. 3645. A bill for the relief of Leilani Winnefred Tooley; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 3646. A bill for the relief of certain Persian Gulf evacuees; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. SHERMAN, Mr. CAPUANO, Mr. TOOMEY, Mr. MILLER of Florida, and Mr. BLUNT.

H.R. 8: Mr. GILCHREST.

H.R. 65: Mr. WU.

H.R. 72: Mr. CALLAHAN and Mr. CALVERT.

H.R. 123: Mr. HYDE, Mr. JENKINS, and Mr. WELDON of Florida.

H.R. 163: Mr. LAHOOD.

H.R. 274: Mr. ROMERO-BARCELO, Mr. GONZALEZ, Mr. DOYLE, Mr. ABERCROMBIE, and Mr. MEEHAN.

H.R. 287: Mr. DUNCAN.

H.R. 303: Mr. BALDACCI, Mr. FRANKS of New Jersey, Mr. WU, Mr. POMEROY, and Mr. BLUMENAUER.

H.R. 323: Mr. SHAYS and Mr. ABERCROMBIE.

H.R. 329: Mr. KILDEE.

H.R. 373: Mr. TANCREDO.

H.R. 488: Mr. ENGEL.

H.R. 531: Mr. ACKERMAN.

H.R. 534: Mr. MOLLOHAN, Mr. LUCAS of Kentucky, Mr. TALENT, and Mrs. MYRICK.

H.R. 606: Mr. MANZULLO.

H.R. 623: Ms. GRANGER and Mr. NETHERCUTT.

H.R. 632: Mr. COOKSEY.

H.R. 664: Mr. TOWNS and Mr. KIND.

H.R. 721: Ms. PELOSI, Ms. LOFGREN, and Mr. EWING.

H.R. 738: Mr. GOODLING.

H.R. 803: Mr. LATOURETTE and Mr. LATHAM.

H.R. 816: Mr. CUNNINGHAM, Mr. GREENWOOD, Mr. KUCINICH, Mr. SENSENBRENNER, Mr. WALSH, and Mrs. MINK of Hawaii.

H.R. 827: Mr. LAFALCE and Mr. OWENS.

H.R. 837: Mr. KUCINICH.

H.R. 887: Mr. HOEKSTRA.

H.R. 903: Mr. GEPHARDT.

H.R. 914: Mr. ORTIZ.

H.R. 941: Mr. PRICE of North Carolina and Ms. RIVERS.

H.R. 979: Mr. BLAGOJEVICH and Mr. BISHOP.

H.R. 996: Mr. MCDERMOTT and Mr. SHERMAN.

H.R. 1017: Mr. GOODE.

H.R. 1032: Mr. SCHAFFER.

H.R. 1075: Mr. WU and Mr. PAUL.

H.R. 1076: Mr. PAUL.

H.R. 1083: Mr. BARTLETT of Maryland.

H.R. 1093: Mr. BACA.

H.R. 1102: Mr. THORNBERRY and Mr. GANSKE.

H.R. 1130: Ms. CARSON and Mr. MATSUI.

H.R. 1145: Mr. WU.

H.R. 1228: Ms. ROYBAL-ALLARD, Mr. MORAN of Virginia, Mr. DIAZ-BALART, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. EVANS, Mr. PAYNE, and Mr. STUPAK.

H.R. 1234: Mrs. KELLY

H.R. 1298: Ms. SLAUGHTER.

H.R. 1304: Mr. LATOURETTE, Mr. ENGEL, Mr. POMBO, and Mr. CAMP.

H.R. 1310: Mr. SKEEN, Mr. FROST, Mr. CALVERT, Mr. DOYLE, Mr. McINTOSH, Mr. FORBES, Mr. TERRY, Ms. ESHOO, Mr. FRELINGHUYSEN, Mr. KUYKENDALL, Mr. HALL of Ohio, Mr. LaTOURETTE, Mr. HINCHEY, Mr. LIPINSKI, Mr. KNOLLENBERG, and Mr. GRAHAM.

H.R. 1311: Mr. FRELINGHUYSEN, Mr. LaTOURETTE, Mr. BARCIA, Mr. KNOLLENBERG, Mr. GRAHAM, Mr. HOEKSTRA, and Ms. STABENOW.

H.R. 1325: Mrs. KELLY, Mr. EVANS, Ms. DUNN, and Mrs. CAPPS.

H.R. 1354: Mr. HALL of Texas, Mr. SANDLIN, Mr. WATKINS, and Mr. TURNER.

H.R. 1358: Mr. HINCHEY.

H.R. 1366: Mr. TOOMEY.

H.R. 1367: Mr. FRELINGHUYSEN and Mr. ENGLISH.

H.R. 1523: Mr. GREEN of Wisconsin.

H.R. 1532: Mr. LaFALCE.

H.R. 1601: Mrs. NAPOLITANO, Ms. ESHOO, Mr. TANCREDO, Mr. CROWLEY, Mr. WICKER, Mr. GREEN of Wisconsin, Mr. PHELPS, and Mr. BLAGOJEVICH.

H.R. 1606: Mr. KENNEDY of Rhode Island and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1621: Mr. OWENS.

H.R. 1640: Mr. OLVER, Mr. JACKSON of Illinois, Mr. BECERRA, Mr. LIPINSKI, Mr. LaTOURETTE, Mr. DELAHUNT, MR. MANZULLO, Mr. EVANS, Mr. ACKERMAN, and Mr. GUTIERREZ.

H.R. 1705: Mr. DeFAZIO and Mr. HOLT.

H.R. 1708: Mr. FOLEY.

H.R. 1747: Mr. GOSS.

H.R. 1776: Ms. GRANGER, Mr. McCOLLUM, Mr. BURTON of Indiana, and Mr. LATHAM.

H.R. 1798: Ms. STABENOW.

H.R. 1824: Mr. PASCRELL, Mr. FROST, Ms. BERKLEY, and Mr. CALVERT.

H.R. 1839: Ms. PRYCE of Ohio.

H.R. 1899: Mr. SMITH of Washington.

H.R. 1937: Mr. KUYKENDALL.

H.R. 1975: Mr. WELDON of Florida.

H.R. 2121: Ms. LOFGREN.

H.R. 2128: Mr. SHIMKUS and Mr. NUSSLE.

H.R. 2166: Mrs. CAPPS and Mr. OXLEY.

H.R. 2246: Mr. TOOMEY.

H.R. 2265: Mr. HILLIARD, Mr. CLAY, and Mr. McINTOSH.

H.R. 2308: Mr. PAUL, Mr. OWENS, and Mr. KOLBE.

H.R. 2321: Mr. GEJDENSON.

H.R. 2335: Mr. McKEON, Mr. CLYBURN, Mr. SPENCE, Mr. BARRETT of Nebraska, and Mr. SHADEGG.

H.R. 2387: Mr. WU.

H.R. 2498: Mr. ROMERO-BARCELÓ and Mr. PHELPS.

H.R. 2534: Mr. UDALL of New Mexico.

H.R. 2593: Mr. EVANS.

H.R. 2594: Mr. DeFAZIO, Mr. LAZIO, and Ms. NORTON.

H.R. 2631: Mr. McGOVERN, Mr. MALONEY of Connecticut, Mr. MEEHAN, and Mr. MARTINEZ.

H.R. 2655: Mr. WELDON of Pennsylvania.

H.R. 2700: Mr. DAVIS of Illinois.

H.R. 2710: Mrs. BIGGERT and Mr. LoBIONDO.

H.R. 2749: Mr. CALVERT.

H.R. 2765: Mr. WATT of North Carolina, Mr. LEACH, Mr. BLAGOJEVICH, Ms. BALDWIN, Mr. BECERRA, Mr. LaFALCE, Mr. LARSON, Mrs. MEEK of Florida, Mr. UNDERWOOD, and Mr. BACA.

H.R. 2788: Mr. WHITFIELD.

H.R. 2790: Mr. GREENWOOD, Mr. NADLER, and Mr. CAMP.

H.R. 2792: Mr. HOYER.

H.R. 2802: Mr. McINTOSH, Ms. KILPATRICK, Mr. MEEKS of New York, Mr. FROST, Mr. STUPAK, Mr. WEINER, Mr. SANDERS, Ms. CARSON, Mr. FILNER, Mr. KUCINICH, Mr. FORBES, Mr. BROWN of Ohio, Mr. OWENS, Mrs. CHRISTENSEN, and Mr. ROMERO-BARCELO.

H.R. 2836: Mr. DUNCAN.

H.R. 2837: Mr. PAYNE.

H.R. 2901: Mr. STUPAK.

H.R. 2907: Ms. STABENOW, Mr. HINCHEY, and Ms. RIVERS.

H.R. 2933: Mr. LAMPSON.

H.R. 2934: Mr. LAMPSON, Mr. MEEKS of New York, Mrs. JONES of Ohio, Mr. MALONEY of Connecticut, Mr. BAIRD, Mr. KILDEE, Ms. ESHOO, Mr. BORSKI, Mr. SABO, Mr. WYNN, and Mr. GONZALEZ.

H.R. 2954: Mr. FATTAH.

H.R. 2965: Mr. BACHUS and Mr. CONYERS.

H.R. 2966: Mr. BURTON of Indiana, Mr. HOEFFEL, Mr. KING, Mr. McDERMOTT, Mr. GEORGE MILLER of California, Mr. RYAN of Wisconsin, Mr. SHERWOOD, and Mr. OSE.

H.R. 2980: Mr. McGOVERN.

H.R. 2985: Mr. HOEKSTRA.

H.R. 2996: Mr. SANFORD.

H.R. 3083: Mr. DELAHUNT, Mr. FILNER, Mr. JACKSON of Illinois, Ms. CARSON, Mrs. CHRISTENSEN, Ms. LOFGREN, Mr. OWENS, Mr. EVANS, and Mr. PASTOR.

H.R. 3087: Mrs. CHRISTENSEN.

H.R. 3091: Mr. ENGLISH and Mr. BILIRAKIS.

H.R. 3103: Mr. BROWN of Ohio, Mr. KLINK, Mr. FRANK of Massachusetts, and Mr. LaFALCE.

H.R. 3109: Mr. WATT of North Carolina.

H.R. 3118: Mr. STUPAK.

H.R. 3136: Ms. LOFGREN and Ms. CARSON.

H.R. 3140: Mr. FARR of California and Mr. PHELPS.

H.R. 3155: Mr. HOLDEN and Mr. SHERWOOD.

H.R. 3180: Mr. MINGE.

H.R. 3193: Mr. HUTCHINSON, Mr. SMITH of Texas, Ms. KAPTUR, Ms. LOFGREN, Mr. TAYLOR of Mississippi, Mr. NEY, Mr. McDERMOTT, Mr. ALLEN, and Mr. FROST.

H.R. 3201: Mrs. CHRISTENSEN.

H.R. 3224: Mr. LaFALCE and Mr. OWENS.

H.R. 3233: Mr. FRANK of Massachusetts.

H.R. 3235: Mr. BRADY of Pennsylvania.

H.R. 3293: Mr. FORD, Ms. STABENOW, Mr. NORWOOD, Mr. METCALF, Mr. BLAGOJEVICH, Mr. BILBRAY, Mr. EWING, Mr. BARRETT of Wisconsin, Mr. GOODLATTE, Mrs. CHRISTENSEN, Mr. MATSUI, and Mr. COOK.

H.R. 3295: Ms. CARSON.

H.R. 3297: Ms. McKINNEY.

H.R. 3299: Mr. PRICE of North Carolina.

H.R. 3329: Mr. GOODLING.

H.R. 3389: Mr. CUMMINGS.

H.R. 3405: Mr. NADLER, Mr. EVANS, and Mr. BERMAN.

H.R. 3408: Mr. TERRY.

H.R. 3430: Mr. YOUNG of Alaska, Ms. STABENOW, Mr. FROST, and Ms. CARSON.

H.R. 3439: Mr. OBERSTAR, Mr. COBURN, Mr. BATEMAN, Mr. DEAL of Georgia, Mr. UDALL of New Mexico, Mr. DREIER, and Mr. LUCAS of Oklahoma.

H.R. 3485: Mr. MENENDEZ.

H.R. 3508: Mr. GONZALEZ and Mr. EHRLICH.

H.R. 3514: Mr. TOWNS.

H.R. 3519: Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, and Mr. EVANS.

H.R. 3525: Mr. HASTINGS of Washington, Mr. SANFORD, Mr. SUNUNU, Mr. TAYLOR of Mississippi, Mr. KINGSTON, Mr. THUNE, Mr. PEASE, and Mr. SALMON.

H.R. 3539: Mr. SALMON.

H.R. 3540: Mr. BORSKI, Mr. WAXMAN, Mr. PHELPS, Mr. McGOVERN, Mr. FILNER, and Mr. CHAMBLISS.

H.R. 3542: Mr. FROST, Mr. CAPUANO, Mr. BROWN of Ohio, and Mr. CLAY.

H.R. 3544: Mr. KING, Mr. PITTS, and Mr. GONZALEZ.

H.R. 3552: Mr. KUCINICH and Mrs. CUBIN.

H.R. 3557: Mr. ROMERO-BARCELO, Mr. PHELPS, Mr. TOWNS, Mr. GREEN of Wisconsin, Mr. GOODLING, Mr. HOEKSTRA, Mr. SERRANO, and Ms. VELAZQUEZ.

H.R. 3558: Mr. NETHERCUTT, Mr. McDERMOTT, Mr. HASTINGS of Washington, Mr. DICKS, and Mr. BAIRD.

H.R. 3565: Mr. GILCHREST, Mr. RILEY, Mr. SANDERS, Mr. SCARBOROUGH, and Mr. RAHALL.

H.R. 3573: Mr. ANDREWS, Ms. BALDWIN, Mr. BERRY, Mr. BOUCHER, Mr. BURTON of Indiana, Mr. CHAMBLISS, Mrs. CHENOWETH-HAGE, Mr. DIAZ-BALART, Mr. FROST, Mr. GOODE, Mr. HILLEARY, Mr. HUTCHINSON, Mr. INSLEE, Ms. LOFGREN, Mr. McDERMOTT, Mr. McGOVERN, Mr. NEY, Mr. PETERSON of Pennsylvania, Mr. RILEY, Mr. SHERWOOD, Mrs. THURMAN, Mr. WATT of North Carolina, Mr. WOLF, and Mr. FOLEY.

H.R. 3575: Mr. SALMON.

H.R. 3576: Mr. KOLBE, Mr. HILLEARY, Mr. RAHALL, and Mr. FRANK of Massachusetts.

H.R. 3594: Mr. PORTMAN, Mrs. CAPPS, Mr. EHLERS, Mr. THORNBERRY, Mr. STUMP, Mr. SUNUNU, Mr. TURNER, Mr. DOOLITTLE, Mr. COOKSEY, Mr. SCHAFFER, Mr. GOODLATTE, Mr. NETHERCUTT, Mr. BOEHLERT, Ms. GRANGER, Ms. STABENOW, Mr. LoBIONDO, Mrs. CUBIN, Mr. DAVIS of Virginia, and Ms. BERKLEY.

H.J. Res. 56: Mrs. LOWEY.

H.J. Res. 64: Mr. WALDEN of Oregon and Mr. BARTLETT of Maryland.

H.J. Res. 77: Mr. POMBO.

H.J. Res. 86: Mr. BLILEY and Mr. OSE.

H. Con. Res. 57: Mr. MOLLOHAN.

H. Con. Res. 76: Mr. FARR of California, Mr. RILEY, and Mr. GONZALEZ.

H. Con. Res. 115: Ms. LOFGREN and Mr. STARK.

H. Con. Res. 159: Mr. CLEMENT.

H. Con. Res. 220: Mr. ROYCE, Ms. STABENOW, and Mr. PAYNE.

H. Con. Res. 226: Mr. TOWNS.

H. Con. Res. 243: Mrs. TAUSCHER, Mr. McNULTY, Mr. DAVIS of Illinois, Mr. FARR of California, Ms. JACKSON-LEE of Texas, Mr. SANDERS, Mr. CAPUANO, Mr. WYNN, Mr. TOWNS, Ms. DeLAURO, Mr. PAYNE, Mr. RUSH, Mr. FRANK of Massachusetts, Mr. CLAY, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Mr. ENGEL, Mr. HILLIARD, Mrs. MALONEY of New York, Ms. PELOSI, Ms. WOOLSEY, Mr. WU, Mr. GONZALEZ, Ms. SLAUGHTER, Mr. KUCINICH, Mr. BORSKI, and Mr. RODRIGUEZ.

H. Con. Res. 247: Mr. BECERRA, Mr. WATT of North Carolina, Mr. CUNNINGHAM, Mrs. KELLY, Mr. PHELPS, Ms. LOFGREN, Mr. BILIRAKIS, Ms. BERKLEY, Mr. BENTSEN, Ms. ROS-LEHTINEN, Mrs. EMERSON, Mr. BALDACCI, Mr. PASTOR, Mrs. BIGGERT, Mr. GALLEGLY, Mr. FROST, Mrs. JONES of Ohio, Mr. BLUMENAUER, Mr. LEVIN, and Ms. CARSON.

H. Res. 107: Mr. LANTOS.

H. Res. 202: Mr. KUCINICH.

H. Res. 343: Mr. MILLER of Florida.

H. Res. 397: Mr. ROMERO-BARCELO, Mr. SCARBOROUGH, Mr. EWING, Mr. FROST, and Mr. WELDON of Pennsylvania.

H. Res. 399: Mr. SAM JOHNSON of Texas and Mr. SCHAFFER.

H. Res. 416: Mr. FRANK of Massachusetts.

H. Res. 417: Mr. CAMPBELL, Mr. WAXMAN, Mr. TIERNEY, and Mr. EVANS.

H. Res. 421: Mr. WOLF.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3308: Mr. SAXTON.

H.R. 3387: Mrs. EMERSON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2086

OFFERED BY: MR. CAPUANO

AMENDMENT NO. 3: Page 5, lines 12 through 15, strike "$439,000,000" and all that follows through "$571,300,000" and insert "$492,300,000 for fiscal year 2000; $520,250,000 for fiscal year 2001; $546,700,000 for fiscal year 2002; $606,950,000 for fiscal year 2003; and $636,000,000".

Page 6, lines 14 through 17, strike "$106,600,000" and all that follows through "$129,400,000" and insert "$53,300,000 for fiscal year 2000; $51,750,000 for fiscal year 2001; $53,500,000 for fiscal year 2002; $62,850,000 for fiscal year 2003; and $64,700,000".

H.R. 2086

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT NO. 4: At the end of the bill, insert the following new section:

SEC. 10. REPORT TO CONGRESS.

Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by section 5 of this Act, is further amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

"(b) REPORT TO CONGRESS.—

"(1) REQUIREMENT.—The Director of the National Science Foundation shall conduct a study of the issues described in paragraph (3), and not later than 1 year after the date of the enactment of the Networking and Information Technology Research and Development Act, shall transmit to the Congress a report including recommendations to address those issues. Such report shall be updated annually for 6 additional years.

"(2) CONSULTATION.—In preparing the reports under paragraph (1), the Director of the National Science Foundation shall consult with the National Aeronautics and Space Administration, the National Institute of Standards and Technology, and such other Federal agencies and educational entities as the Director of the National Science Foundation considers appropriate.

"(3) ISSUES.—The reports shall—

"(A) identify the current status of high-speed, large bandwidth capacity access to all public elementary and secondary schools and libraries in the United States;

"(B) identify how high-speed, large bandwidth capacity access to the Internet to such schools and libraries can be effectively utilized within each school and library;

"(C) consider the effect that specific or regional circumstances may have on the ability of such institutions to acquire high-speed, large bandwidth capacity access to achieve universal connectivity as an effective tool in the education process; and

"(D) include options and recommendations for the various entities responsible for elementary and secondary education to address the challenges and issues identified in the reports.".

H.R. 2086

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 5. Page 16, after line 2, insert the following new paragraph:

(6) UNITED STATES GEOLOGICAL SURVEY.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended—

(A) by redesignating sections 207 and 208 as sections 208 and 209, respectively; and

(B) by inserting after section 206 the following new section:

"SEC. 207. UNITED STATES GEOLOGICAL SURVEY.

"The United States Geological Survey may participate in or support research described in section 201(c)(1).".

SENATE—*Thursday, February 10, 2000*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Roger V. Elliott, Edenton Street United Methodist Church, Raleigh, NC. He is sponsored by Senator JOHN EDWARDS.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Roger V. Elliott, offered the following prayer:

Let us pray.

Almighty God, Creator and Sustainer of all life, we thank You for this great land in which we live; for its worthy aims, its charities, and its opportunities for all. Help this melting pot called America with all its varied colors, traditions, and hopes continue to be the best promised land this world can offer. Gracious God, as You anointed leaders and called prophets of old, lead us to recognize our true representatives and authentic leaders—men and women who love Your people and can walk with them, who sense their pain and share their joys, who dream their dreams and strive to accompany them to their common goal. Grant these elected leaders Your wisdom to seek first Your kingdom and Your righteousness, knowing that to do so will cause all others things to fall into place. Lead these Senators to seek Your counsel and to ask what You would have them do so that they may be saved from wrong choices and harmful actions. Guide them in Your straight path so that they may not stumble. Empower and embolden them to serve Your people well and to promote the principles of liberty and justice for all. Hear us, O Lord, as we make our prayer in Your holy name and presence. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ORDER OF PROCEDURE

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. I ask unanimous consent that prior to the proceedings beginning, the Senator from North Carolina be recognized to speak.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

The Senator from North Carolina.

Mr. EDWARDS. I thank the Chair.

REVEREND ROGER V. ELLIOTT

Mr. EDWARDS. Mr. President, I thank Dr. Ogilvie for helping work to get Dr. Elliott here this morning. Dr. Ogilvie has been a wonderful friend and counselor to me in the short time I have been here, and we are also very pleased to see he is doing well.

Dr. Elliott, the guest Chaplain today, is the minister of my home church, the church of which I am a member in Raleigh, NC. Edenton Street United Methodist Church is a church of which we are very proud—about 3,000 strong, I think, the last time I saw. He is here this morning with his lovely wife Jackie. We are very proud to have both of them with us.

The church itself, as I say, is a church of which we are extremely proud. It is a church that is involved in every aspect of ministering to the community in Raleigh and outside of Raleigh. Dr. Elliott has provided extraordinary leadership for this church. He has been a wonderful friend and counselor to myself and my family.

Dr. Elliott, I believe, received his doctorate degree from Duke University and did some postdoctoral study at Drew University. More important than that, though, is that he baptized both of my daughters, Emma Claire and Kate, of whom we are, of course, very proud. But most importantly, Dr. Elliott is a true messenger for God. He speaks the word of God rightly, and he inspires all of us; when he preaches on Sunday morning, we all come out knowing that God was present in our service. That is the most important thing I can say about Dr. Elliott. There is no finer Methodist anywhere, no finer minister anywhere, and I am very proud and honored to have him with us this morning to give the opening prayer.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Wyoming.

SCHEDULE

Mr. THOMAS. Mr. President, this morning the Senate will begin debate on the nuclear waste disposal bill. Under the previous order, there will be 1 hour remaining for debate to be equally divided between the two bill managers. Following that debate, the Senate will immediately vote on final passage of the bill. Therefore, Senators may expect the first vote at approximately 11 a.m. Following the vote, the Senate may begin consideration of any executive or legislative items cleared for action. Therefore, further votes may occur during today's session of the Senate.

I thank the Chair.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1287 which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of a nuclear waste repository, and for other purposes.

Pending:

> Lott (for Murkowski) amendment No. 2808, in the nature of a substitute.

The PRESIDING OFFICER. The time until 11 a.m. shall be controlled by the Senator from Alaska, Mr. MURKOWSKI, and the Senator from New Mexico, Mr. BINGAMAN, or their designees.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, we are now in the final hour of discussion about this nuclear waste-related bill. I thought, since I do not see Senator MURKOWSKI, the chairman of our committee, I would go ahead and make my statement indicating my position. I did speak yesterday on the Senate floor on this issue and laid out the reasons I will be voting against S. 1287 this morning. I encourage my colleagues to join me in voting against the bill. I do so for the simple reason that the bill as presently before us does not solve the problems of the nuclear waste program. In fact, it magnifies those problems.

Let me go through some of the specifics.

First, the bill does not reduce the liability that is borne by taxpayers for the program's failure. Instead of reducing that liability, this bill would increase that liability. The part of the bill that purports to offer the Department of Energy authority to settle lawsuits filed against it is arguably worse for the U.S. taxpayer than is current law. Other parts of the bill set new and arbitrary deadlines for the Department of Energy to ship nuclear waste

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to Nevada. We know today that the Department of Energy cannot meet those deadlines, and a vote for this bill is a vote for a new wave of litigation. We are already enmeshed in a great deal of litigation. A vote for this bill will bring us even more litigation.

Second, this bill does not speed up the decision of the Department of Energy on whether Yucca Mountain is suitable for a repository. In fact, the effect of the bill is to slow down that decision. By delaying the issuance of a radiation standard for Yucca Mountain by EPA, the bill would delay the process of finalizing whether Yucca Mountain will be a repository site.

The third point I want to make is that this bill does not make new funds available to the nuclear waste program so we can do an effective job of investigating Yucca Mountain and building a repository. Instead of making those funds available, which we should be doing, to the contrary, this bill caps the amount of funds the Department of Energy can collect and shifts the burden of paying for nuclear waste disposal from the beneficiaries of that nuclear power—that is, the people who received electricity from it—to everyone else in the country.

The fourth point I want to make is that the bill does not facilitate the movement of nuclear waste out of our individual States. In fact, this bill, as I read it, would impede the transportation of waste out of those States. Even if we managed to build a repository, if you are from a State that has nuclear waste, the bill contains an impossible hurdle to moving that waste out of your State. Read page 17 of the bill. You will find that no shipments of nuclear waste can occur anywhere until the Secretary of Energy has determined that emergency responders in every locality and every tribal entity along primary or alternative shipping routes for nuclear waste have met acceptable standards of training.

Right in that single provision are the seeds of two huge lawsuits that will keep nuclear waste in your State forever: A lawsuit over what constitutes acceptable training and a lawsuit over the reasonableness of the required determination by the Secretary of Energy that every volunteer fire or ambulance company in every locality that might see nuclear waste at some point is adequately trained.

Also, the requirements are vastly more restrictive on the Department of Energy than anything we have ever considered in the Waste Isolation Pilot Plant case.

In my view, such a certification by a Cabinet officer is a practical impossibility, not to mention an unprecedented intrusion by the Federal Government into local government responsibilities.

The fifth point is that this bill does not fix the problem of the one utility that is actually threatened by a shutdown of one of its plants because of the failings of the Department of Energy's nuclear waste program. I am speaking about the Northern States Power plant at Prairie Island. Nothing in this bill forestalls the shutdown of that plant which is expected in January of 2007.

One of the most disappointing developments of the past few days has been the stripping from the bill of the major provision that did make this bill worth passing, in my view, even though some of the flaws I have described are still in the bill.

The provision that was stripped was a provision giving the Department of Energy new authority and capability to resolve lawsuits that have been filed against it. We have been told this is what a group of seven Governors are insisting. They wanted us to drop this provision.

I studied a copy of their purported letter on this subject, and I find it a very strange document. The copy I have been given is not dated, it carries no signatures, and it is not on any official letterhead. In fact, it carries a heading that suggests it is a draft document. The letter is not about this bill. It is about testimony Secretary of Energy Bill Richardson gave about a year ago.

Some of the reasons given in the draft letter for opposing take title do not apply to this legislation. One argument in the letter complains that nuclear waste might be stored on riverfronts or lakes or seashores where, of course, the reality is one finds nuclear waste stored today in powerplants.

Specifically, an alternative to take title recommended in the letter is not contained in the bill on which we are about to vote, so the claim that by gutting this bill of its key provision —that is, its take title provision—we have satisfied seven Governors is certainly not supported by anything I have found in the document.

The other curious thing about what we have done to the bill during the course of our deliberations this week when we removed this take title provision is that we have converted its statutory instructions to the Department of Energy for settling industry lawsuits into something we know the States themselves publicly oppose. Without take title, all the Department of Energy can do is use money from the nuclear waste fund to give monetary and in-kind compensation to the utilities. That is what section 105 of the bill now authorizes.

Listen to what 51 State agencies from 35 different States told a District of Columbia Circuit Court of Appeals in January 1998 about this concept. This is a quote from their pleadings in that case:

> The Court should act decisively to bar DOE from using the NWF [Nuclear Waste Fund] and ongoing fee payments to pay the costs and damages resulting from its deliberate noncompliance. Even the potential for DOE to consider such a course should be immediately invalidated. . . .

That is what the States said in 1998, and in this legislation we instruct the Secretary of Energy to do exactly what 35 States pleaded with the court not to allow the Department of Energy to do.

The No. 1 remedy sought by the 35 States in this lawsuit, several pages after this statement, was a court order forbidding the Department of Energy from doing what section 105 of this bill now tells the Department of Energy to do. I am not making this statement based on some unsigned, undated document. We have a copy of the signed petition to the court here. I am glad to share that with any colleague who wants to review it between now and the time of our final vote.

On that document, many of us will see the signature of our Attorney General, our respective attorneys general from the States, or our representatives from the public utility commissions in our States.

The bottom line is this bill is not going to fix what is wrong with the Department of Energy's nuclear waste program. On the contrary, it will move us further from a final solution we need to achieve. We should not pass the legislation. I hope my colleagues will join me in voting against it.

Mr. President, I yield the floor, and I reserve the remainder of our time.

Mr. THOMAS. I yield 5 minutes from our time to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Wyoming for his graciousness.

I rise in support of the provisions of the manager's amendment that strikes the take title language from the Nuclear Waste Policy Act amendments. I express my great appreciation to the committee chairman, Senator MURKOWSKI, for his willingness to work with us to address the concerns of a number of States, including my home State of Maine, about the take title provisions.

Our States feared that the take title provisions would grant the Department of Energy a license to permanently store nuclear waste where it now sits—on the very vulnerable riverfronts, seashores, and lake borders of many States.

The take title provision was a fatal flaw in this otherwise necessary and sound legislation. This provision was based upon an ill-advised effort by the Department of Energy to shirk its responsibilities to store nuclear waste.

The take title provision would have allowed the Department of Energy to take ownership of the nuclear waste at each individual nuclear plant across the Nation. At first blush, that sounds very reasonable, but we have to look at the record.

Given the Department of Energy's dismal record of missed deadlines and its utter failure to deal with the nuclear waste issue, new waste storage facilities created under the take title provision would run the very real risk of becoming de facto permanent waste sites.

Moreover, this administration has simply done a miserable job of allaying the fears of the Governor of my State and the people of many other States who all fear the take title provision is a ruse to create permanent repositories at each site.

Residents of my State of Maine have been paying into the nuclear waste fund for years with assurances that the radioactive waste from the State of Maine and from Maine Yankee, in particular, would be moved to a permanent repository, not left in Wiscasset, ME, where the plant once operated. Since 1982, the ratepayers of Maine have paid nearly $150 million into the fund. Yet we have seen no progress, no results.

What to do with our Nation's nuclear waste is, indeed, a difficult question, but creating semipermanent storage at over 100 facilities across the Nation is clearly not the answer.

Similarly, allowing the Department of Energy to continue to dodge its responsibilities is not the answer. The answer is a safe, consolidated facility. The answer is for the Department of Energy to fulfill its obligations. The answer is for the Department of Energy to take possession of the waste, not just in Maine but by physically removing it from these sites across our country.

I urge my colleagues to support the manager's amendment. I believe it will solve the problems with the take title provision and thus improve this important piece of legislation.

Mr. President, I yield the floor and thank the Senator from Wyoming for yielding.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will be brief.

I come to the floor for just a couple of moments to express my sincere regret that we have not been able to come together to resolve the outstanding differences that are represented today in the debate and will be represented in the final outcome of the vote.

I give great credit to the distinguished ranking member of the committee, Senator BINGAMAN, and to our colleagues, both from Alaska and Nevada, for the effort that has been made to try to reach some accommodation.

Unfortunately, in part because of a lack of willingness on the part of some of our Republican colleagues to come to the middle, we have lost a golden opportunity to finally resolve this matter once and for all.

The administration has indicated it will veto this bill in its current form. The EPA, the Secretary of Energy, and others, have expressed vehement opposition. Environmental groups, both liberal and conservative, the energy utility companies, oftentimes in favor of this legislation, in many cases today have come out in opposition to this bill, in part because of the failure to reach some compromise, and in part because this situation now makes their lives even more complicated and more difficult than it was before. Furthermore, there is deep concern that this bill undermines EPA's ability to protect the American public by delaying its authority to issue a radiation safety standard until 2001.

Instead of streamlining the process of moving nuclear waste to Nevada, this bill has complicated it even more. And, it fails to relieve American taxpayers of the extraordinary liability they face due to the failure to establish a long-term storage site. As a result, we have no choice but to continue to oppose the legislation in its current form.

I hope my colleagues will join me in opposition to this bill. Maybe in conference we can work it out. If we can, maybe we can come to the floor at another date, with another opportunity to see if we cannot successfully resolve these outstanding problems. But today that has not happened.

Today, Senator BINGAMAN and others have expressed their regret and their opposition. We simply cannot allow a bad bill to pass and be signed into law. This is the one opportunity we will have to do it right. We have to do it right before it is signed into law. The President has insisted on that. I think it is incumbent on us to insist on that. I think the American people expect no less.

Mr. President, in just a short while we will have the opportunity to vote. It is my sincere hope that a large number of colleagues, on both sides of the aisle, will join us in saying: No. We have not done the job yet. Until we do it right, our vote will remain no.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I yield myself such time as I may utilize.

Mr. President, I rise in support of the bill. The time has come for the Congress and the Federal Government to step up to do something. This is not a new issue. It has been going on for a very long time. As a matter of fact, the basic legislation—the Nuclear Waste Policy Act of 1982—required the Federal Government to build a storage facility for spent fuel, to accept nuclear waste by 1998, to develop a transportation system, and that the cost would be paid for by the electric utility customers. The Department of Energy has not done this. The administration has not lived up to its part of it. They have been required to have a plan, but they have done very little.

The Federal Government has accepted the more than $16 billion collected from utility customers to do this. It has not shown results. The customers, of course, have been hit more than once in terms of paying the higher rates.

The time has sort of expired to continue to debate this issue, to continue to have opposition, which does not surprise me because there has not been many positive options coming from the other side of the aisle. All we have is resistance. All we have is: No, we are not going to do that.

This year I had the chance to go down to the nuclear storage site in New Mexico. We have spent billions of dollars there. We have moved only a very small amount into that storage spot. Idaho has not been able to use that at all.

Currently over 40,000 metric tons of spent nuclear fuel is being stored at 74 sites in 36 States. An additional 35,000 metric tons from weapons production and naval facilities increases the number of sites.

I understand this legislation isn't what everybody would like to have, but the fact is that we need to do something. Passing this bill will start us moving in that direction. That is what we ought to do.

The legislation drops interim storage, requires the Congress to approve increases in fees collected, sets a schedule for the development of a repository, authorizes backup storage for any spent fuels, and allows EPA to set radiation standards after June 1, 2001. It does a number of things on which we need to move further. It authorizes the settlement for outstanding litigation and sets an acceptance schedule for spent fuel. I know it is a difficult issue.

I commend Chairman MURKOWSKI and Senator CRAIG for all of their hard work. The Energy Committee, which has approached this several times, has done a number of things. Frankly, the time for delay is over.

We are experiencing some of the same kind of resistance to doing something now in the INEEL situation in Idaho where we are looking very hard at some alternative to incineration.

I have heard from the Vice President. He said he would look into it. I have heard from Mr. Frampton from the White House who said he would look into it. I have heard from the Secretary of Energy who promised to look into it, but nothing has happened.

There is a limit to the amount of time we can continue to stall in making some decisions with regard to this nuclear issue.

I urge support for this bill. I hope we can move forward with it today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I wish the Chair a good morning.

I ask, how much time is remaining for the majority?

The PRESIDING OFFICER. The majority has 18½ minutes.

Mr. MURKOWSKI. And for the minority?

The PRESIDING OFFICER. Fourteen minutes.

Mr. MURKOWSKI. Mr. President, I note a Dear Colleague letter is circulating this morning from one of our colleagues from Montana and one of our colleagues from California. It concerns the critical environmental vote that will occur at 11 o'clock on the Nuclear Waste Policy Act amendments.

It identifies that the protection of the health and safety of American citizens should be our highest priority. I agree with that. It further states that in order to do this, all decisions must be made based on science, not politics. It suggests this legislation does not do that.

I implore my colleagues, what we are attempting to do is use the best science available. That is why we brought the Nuclear Regulatory Commission and the National Science Academy into the recommending process for EPA. But I point out for the benefit of anyone who still has a doubt that the Environmental Protection Agency has the final authority on determining the radiation standards. But the effort is to get the best science.

Let's be honest with one another. Every time this legislation comes up, it comes down to one thing: Nobody wants the waste.

I have said time and again, if you throw it up in the air, it has to come down somewhere and that somewhere is Nevada. That decision was made some time ago. We have expended $6 billion in the Yucca Mountain effort.

The criticism of this legislation to which this Dear Colleague letter points is it doesn't address an alternative. It is innuendo to say the legislation "unnecessarily slows EPA's ability." It can't do anything until it is licensed. The "legislation conveys undisclosed acreage of Federal land to Nye and Lincoln Counties in Nevada without providing any maps of the areas or conducting any hearings." That is simply not true.

We are trying to accommodate the two affected counties in Nevada by giving them BLM-accessed land. What in the world is wrong with that? Is that contrary to the public health and safety? To me it is good for the people of Nevada. I am sure if you asked the two Senators from Nevada whether their constituents should receive this land, they would have a pretty positive opinion.

What we have here are more smokescreens. We have a statement by the minority ranking member of the Committee on Environment and Public Works saying they have the sole discretion over nonmilitary environmental regulations and control of atomic energy. Well, as chairman of the Energy and Natural Resources Committee, we have the obligation to address the disposal of the nuclear waste. We have attempted to do that in a responsible manner.

Yes, this is politics. This is hard core politics. It is trying to accommodate my good friends from Nevada over their objection to put the waste in their State. The Clinton administration, the administration of Vice President GORE, simply doesn't want to address it on their watch. That is all there is to it.

Each Member who votes against this legislation better be prepared to go home and explain why they voted to keep the waste in their individual State, when we had a chance to move it out to one central location at Yucca Mountain. There it is, 80 sites in 40 States. We have a chance to move it to one location.

The Northeast corridor State Governors said: We don't trust the Federal Government; they didn't take the waste in 1998 when it was contractually due; the ratepayers paid $15 billion; they broke the sanctity of a contractual relationship. What the Governors are saying is they don't want the waste stored in their State by the Federal Government taking title because they are convinced the Federal Government will leave it there. Well, they very well could be right.

As a consequence, we have this waste stored in these States on the way to the schoolgrounds, the playgrounds, the hospitals, homes. We have it on the shores of the Great Lakes—Lake Michigan, Lake Huron, Lake Erie, Lake Superior, Lake Ontario—the great rivers—the Mississippi, the Colorado, the Columbia—the Nation's seashores. We must resolve to put it at a permanent site. That is all there is to it.

We have a good bill. This is a responsible environmental vote. The environmental community has said, we are opposed to this legislation. What are they for? Are they for leaving the waste where it is? Well, they wouldn't respond to that question.

Each Member of this body is elected to make a responsible decision and not be led by groups motivated by their own particular ideology. Make no mistake about it: A large segment of America's environmental community wants to kill the nuclear power industry. They want to kill the nuclear industry because they are opposed to it. But they don't look at the contribution that industry makes to clean air, and they do not address the responsibility of what the alternative is.

So a responsible environmental vote is to move this from these 40 States and 80 sites to one central location that is designed for it. Make no mistake about it: These temporary locations are not designed for it.

There is criticism that this is some kind of a full blown attack by the nuclear power industry. What they are seeking is relief. They are seeking relief from the waste that has been generated over an extended period of time and the inability of the Federal Government to meet its contractual commitments. That should make every Member of this body indignant. But that is what happened. Do you know who is taking it in the shorts? The American taxpayer, because the claims against the Federal Government for not taking that waste under the contract are somewhere between $40 and $80 billion. That is about $1,400 per family every year in this country. Nobody seems to care about it. I care about it. I am sure you do, Mr. President.

We have a good bill. It uses the WIPP transportation model. It is safe transport. The States decide the routes. Some of my colleagues are fearful it is going to be moved by rail. It is not going to be moved by rail. It is very doubtful. Rails don't go direct. A rail goes from one railyard to the next railyard. Oftentimes those railyards are around areas of high concentration of population. That doesn't make sense. The Governors are going to have control of where these routes are determined. They are going to be safe routes because we are going to have professionals out there determining the safeguards, the drivers, and so forth. In fact, we submitted a letter yesterday from the national Teamsters Union. They are concerned because they want trained people. Their trained people will be involved.

Finally, EPA has the sole authority to set the radiation standard. Don't let anybody tell you differently. I love my friends from Nevada. I really do. I have a great deal of respect for them. I know where they are coming from. Do you know what they said in the hearing? They said, regardless of what the safeguards are, what assurances we have, we are not going to support a bill that would put the waste in Nevada. I understand that. So it means it doesn't make any difference what we do, what the minority does, what the Senator from California and the Senator from Montana do. We will never be able to convince them. I understand that. So let's recognize that for what it is.

The Secretary may settle lawsuits and save the taxpayers this $80 billion liability. This legislation allows early receipt of fuel, once construction is authorized, as early as 2006. The nuclear waste fee can only be increased by Congress. It prevents unreasonable increases in the fees. We provide benefits to counties most affected by repository land conveyance of the 76,000 acres to Nye and Lincoln Counties. This is the land that Nevada wanted. Well, I wonder how bad they want it now.

We struggled with this problem for many years. The time is right. S. 1287 is the solution. Utility consumers have paid over $15 billion into that waste fund. We cannot jeopardize the health and safety of citizens across the country by leaving that spent nuclear fuel in 80 sites in 40 States. That is irresponsible. We should move it once and for all where it belongs: at a remote site on the desert.

I will show my colleagues that picture one more time, where we have had 800 nuclear tests over a period of 50 years. That is the site. We risk, if we can't get this legislation through, losing 20 percent of our clean generation. Where are we going to make it up? We can't jeopardize our economic and environmental future by ignoring the nuclear waste management issues. That is what we are going to do if this legislation is not supported. We risk losing 103 nuclear powerplants.

I urge Members to vote for S. 1287 and finally put this problem behind us. And one more time, Mr. President—remember, each Member who votes against this bill is going to be obliged to explain why they voted to keep the waste in one of the 40 States that they come from when they had a chance to move it to one central location, Yucca Mountain.

Mr. JEFFORDS. Will the Senator yield?

Mr. MURKOWSKI. Yes. How much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. JEFFORDS. I will be very brief.

Mr. MURKOWSKI. I yield 1 minute to my friend from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator for the changes made in the take title provisions. I have discussed it with my Governor, and now I can say that we no longer have an objection to the bill. The Governor hopes it passes with the changes that were made. So I wanted to let everybody know that I am in favor of the bill, and I appreciate the changes that were made.

I yield the floor.

Mr. BINGAMAN. I yield 3 minutes to Senator BRYAN, the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair.

I hardly know where to begin because so much misinformation has been uttered about this piece of legislation. This is clearly a legislative vessel that is flying under false colors. There is absolutely nothing in this bill that says, look, it is going to be Yucca Mountain as opposed to anything else. That decision, in terms of studying it, has already been made. I regret that, but it doesn't alter the fact that only Yucca Mountain is being considered and that process goes forward. The bill has nothing to do with whether or not Yucca Mountain is going to be the site that is going to be considered and studied over the next few years, absolutely nothing. So vote against this bill.

With respect to the compensation issue, we have agreed for more than a decade, and this Senator has personally offered legislation to compensate the utilities. That is not an issue. We agree. This bill would pass by unanimous consent if that was the only provision that was in there. This Senator would be among the first to say that is fair.

What this is all about is trying to game the standards. That is what we are talking about. By and large, in its original form, this bill stripped out EPA. Now, games are still being played. Somehow it is suggested that EPA is being unreasonable. EPA has set a standard of 15 millirems, the same one set at WIPP, the transuranic for nuclear waste. In 1982, when the Nuclear Waste Policy Act was enacted, Congress thought EPA ought to be the one to make that determination. Now, is it a fair, reasonable standard? Somehow this crazy myth has been spilled out all over the floor that this is an unreasonable standard. The National Academy of Sciences—and this is not a Nevada-based group; the "N" stands for National, not Nevada—has looked at the standards and said, look, the range should be between 2 and 20 millirems, and it is 15.

Any Member of this Senate can defend a "no" vote on this legislation on the basis that Yucca Mountain is going forward in the study process. Nothing changes that. All we are saying is, in the interest of fairness, don't play politics with the standards. And that is what is occurring. All we are asking is that the health and safety of Nevada be accorded the same protection that the good citizens of New Mexico and every other place in America enjoy. So by moving this into the next year, they are trying to play politics. Do you know what. The very perverse result of all of this is that it is going to result in a further delay, and that would be as a result of this legislation being enacted.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, let me respond to a few of the points made in debate. The other Senator from Nevada also wishes to speak.

First, when my good friend from Wyoming made his comments, he made a point that we hear a lot on the floor, which is that the people who are opposed to this bill have offered no alternatives. That is not true. I think anyone who has followed the course of this legislation in committee knows that I offered an alternative in committee, which got a significant number of votes, which I believe would have been a substantial step forward. On each of the issues we are debating, I have offered alternative language. So, clearly, that is not the case.

Second, on the issue about the Department of Energy making no progress with the Yucca Mountain project, I don't think that is an accurate or fair criticism at this point. Clearly, they have not done all we wish had been done, but it is also true that Congress, most years, has not provided the funding requested for this project.

The Department of Energy is on target to characterize the Yucca Mountain facility. Five miles of tunnel have been built in the last few years. Numerous test facilities have been built. Progress is being made but not adequate progress. I am sure they are unhappy with the pace of progress. Of course, this legislation contains a delay in the EPA's ability to issue their standards. The take title is perhaps the part that is most confusing because there seems to be an underlying belief on the part of some Senators who have spoken that if we provide this take title authority so that the Department of Energy can go in and take the title and settle these lawsuits that are pending, somehow or other that lessens the need for the Department of Energy to go ahead and move the waste to Yucca Mountain or to any other central facility. I don't see that myself. What Federal agency is going to want to permanently be the owner and caretaker of nuclear waste in 80 different locations? Clearly, DOE would not want that result. They would like to resolve the pending lawsuits, take title to the property, move ahead as quickly as possible to get the site characterized, and if it meets the standard, then go ahead with it. So I don't think this take title thing is what it is described to be.

On the land transfer issue, on which there has been some discussion, there were no land transfers in the committee-reported bill. I think we need to understand that. So there are no maps and there was no discussion about it in the committee because it wasn't brought up there. Page 11 of the bill makes reference to "maps dated February 1, 2000, and on file with the Secretary of Energy." We can't find any such maps. The Secretary of Energy can't find any such maps. We don't know what they are talking about. There is real confusion about the specifics of these land transfers.

The final point I will make on this—and I will defer to my colleague, Senator REID—is the chairman, understandably, in his concluding remarks, said if you vote for this bill, we will put this problem behind us. Mr. President, if that were true, I would be sorely tempted to vote for this bill. The truth is, we can vote for this bill, pass this bill, and the President can sign this bill, but not only are the problems not behind us, our problems would be compounded. Therefore, I will not be able to support the bill. I regret that we will not pass something that does, in fact, put the problem behind us.

I yield 3 minutes to my colleague from Nevada, Senator REID.

Mr. REID. Mr. President, as I said yesterday, when I practiced law, I represented car dealers, and there were times when they got cars in their inventory that simply were bad cars, lemons. There wasn't anything they could do to fix them. They would take them into the shop two, three, four times, and they turned out to be lemons. I represented a car dealer who sold a car to someone and he said, "They have a car out in front of my place painted yellow that looks like a float; it is a lemon." He said, "You have to settle this case."

That is what we have. This legislation is a lemon. Whatever the esteemed chairman of the full committee tries to do, he can't make an orange out of a lemon. This is bad legislation. The Senator from New Mexico is known in the Senate as being a very thoughtful man. He has tried very hard to get a piece of legislation that improves the process for Yucca Mountain. Now, this situation has been amply described by anybody who is willing to read this legislation as being a travesty. This legislation doesn't help anything. It is opposed by the environmental community, the President of the United States, the Director of the EPA, and the Department of Energy Secretary. This is bad legislation and it should be voted against.

Talking about the land in Nevada, nobody knows what that is. There are about 74 million acres in Nevada. They are talking about maps that don't exist. What the chairman has tried to do in this legislation is satisfy one group of people and, in the process, he eliminates others.

For the first time in the history of this legislation, the utilities are opposed to the States. The utilities wanted to get rid of this nuclear waste. Now they own it more than they ever owned it. They will be stuck with it forever if this legislation passes.

I think this legislation should be taken back to the drawing board to see if anything can be done to improve it. In the meantime, at Yucca Mountain the characterization is still taking place. I think we should let the 1987 act stand for what is going to take place at Yucca Mountain—not some cockamamie piece of legislation that is trying to give the nuclear industry a reward they don't deserve.

Mr. FEINGOLD. Mr. President, I want to share my views on the Nuclear Waste Policy Amendments Act of 2000 (S. 1287). Specifically, I want to explain why I will continue to oppose this legislation in its current form.

Let me first express my grave concern about the process by which this legislation has been developed over the last few days. My office received a new version of this legislation, which eventually was proposed as a substitute amendment, nearly every day last week. Closed negotiations have continued even while the bill has been on the floor. For those of us who have utilities in our states that are grappling with nuclear waste storage questions, this made it nearly impossible to analyze this bill on behalf of our constituents. The issues presented in this legislation are serious policy issues, and our constituents deserve better information.

I am principally opposed to this bill because it does little to address the nuclear waste storage question in my home state of Wisconsin. Wisconsinites want nuclear waste removed from our state and stored in a permanent geologic repository out of state so that it has no chance of coming back to Wisconsin. I opposed nuclear waste legislation in the last Congress which sought to build large scale interim storage facilities before the permanent storage site is ready and would have jeopardized consideration of the permanent site. This year's bill would have provided federal funds for on-site storage of nuclear waste until the permanent storage site at Yucca Mountain was ready to take our waste.

The substitute amendment stripped out the on-site storage provisions. This bill now does nothing to address the waste situation at the majority of Wisconsin's nuclear plants. The bill, as amended by the substitute amendment, does contain a specific section which would address the nuclear waste situation at the La Crosse Boiling Water Reactor, which is owned by Dairyland Power and has been shut down for years. The Dairyland language is something that I have supported and will continue to support, but I had hoped this legislation would be able to extend similar relief to other Wisconsin utilities.

With the on-site storage provisions stripped out, the bill retains a loosely knit collection of provisions that seem unlikely to have a beneficial impact on the country's nuclear waste program. The bill requires the Nuclear Regulatory Commission's and the National Academy of Sciences' concurrence in the radiation exposure standard that the U.S. Environmental Protection Agency is drafting—an entirely new procedure. If those entities do not agree, the responsibility to set the standard comes back to Congress. I am concerned that if those entities cannot agree it is likely that Congress can not do much better to resolve the issues.

One of my other concerns has always been the safety and security of shipping nuclear materials from their current locations to a permanent geologic storage site outside of the state. Obviously, there is a risk that, during the transportation, accidents may occur. Although the legislation provides for emergency response training in the jurisdictions through which nuclear material would be transported, I still feel that these provisions need to be strengthened to ensure that state and local governments have the financial and equipment resources they need to respond to accidents.

In conclusion, I cannot support legislation which purports to fix the country's nuclear waste program and leaves Wisconsin so far behind. I continue to remain hopeful that legislation in this area can be crafted that can win my support.

Mr. LEVIN. Mr. President, I will vote for the most recent version of the Nuclear Waste Policy Amendments Act of 2000. It advances the process further, and it is essential that the promised and paid for disposal of nuclear waste from Michigan proceed. There are a number of provisions in this bill which are problematic and while I will vote to advance this legislation, I will review the final product that comes before the Senate.

Mr. DASCHLE. Mr. President, for the last several days the Chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI, and the Ranking Member, Senator BINGAMAN, have been working to come to an agreement on legislation to resolve how our nation will provide long-term storage for deadly nuclear waste that is currently stockpiled near nuclear reactors around the country.

Despite many hours of hard work, an agreement was not reached. The legislation before the Senate today will not ensure the safety of the American public or deal with the critical issues of liability that first led us to consider this legislation.

I would like to take a few moments this morning to explain why I will be opposing the substitute amendment to S. 1287, the Nuclear Waste Amendments Act of 2000.

As Senator BINGAMAN explained last night, this legislation was proposed because the federal government was unable to meet its obligation under the law to provide a long-term storage site for nuclear waste. In 1982, Congress directed the Department of Energy to begin accepting waste at a long-term storage site by 1998. This deadline has not been met, and as a result, the taxpayers are facing billions of dollars in potential liability.

Originally, this bill would have allowed the Department to settle these lawsuits by taking title to the waste in its current sites pending completion of a long-term storage facility. This provision has now been removed from the bill. As a result, this legislation does nothing to relieve the taxpayers of the enormous bill they may have to foot.

I am also deeply concerned by steps taken in the bill to undermine the authority of the Environmental Protection Agency to set radiation safety standards. EPA has currently proposed tough but reasonable standards to protect groundwater and those living in the area. These standards are consistent with a report of the National Academy of Sciences issued in 1995.

However, this legislation prevents EPA from issuing final standards until June 1, 2001. The clear expectation underlying this provision is that a new president will be in office who will support weaker standards than those currently proposed.

Mr. President, it is unacceptable to gamble with the health of Americans who will be living near the long-term storage site. It is very likely that waste will be stored at Yucca Mountain in Nevada. Nearby, there is a dairy farm and fields of crops that use groundwater for irrigation. If we do not support tough safety standards, there is a chance that radiation in the groundwater will end up in the water used in these farms and for drinking by those who live there, putting public health at risk.

Finally, I am concerned about an enormous potential write-off for nuclear utilities in this bill. Currently, utilities pay into a Nuclear Waste Fund to ensure that the Department of Energy has the resources it needs to pay for long-term storage. This bill caps the amount that must be paid by utilities, setting up the taxpayer to fund whatever costs remain.

We need to do a better job of protecting the safety of the American public and the taxpayers from the bottomless liability that may result from this legislation. For these reasons, I will oppose this bill.

Finally, I want to thank Senator BINGAMAN for his hard work on this issue, and Senators REID and BRYAN. While this bill today is not yet satisfactory, it is significantly better than those we have seen in the past. It is largely thanks to the efforts of these Senators that these changes have been made.

Mr. CRAPO. Mr. President, I rise in support of S. 1287, a bill to provide for the storage of spent nuclear fuel, pending completion of the permanent nuclear waste repository.

I also want to thank Senator CRAIG and Senator MURKOWSKI for their tireless efforts to move forward on legislation to address the issue of disposing of spent nuclear fuel and high-level waste.

The federal government made a commitment to the nation's nuclear utilities that it would build a permanent repository to dispose of commercial spent nuclear fuel. By law, the repository was supposed to be ready to accept nuclear waste by 1998.

Six billion dollars later, the Department of Energy effort to build a repository is years behind schedule and mired in political warfare.

As a result of these delays, the U.S. Court of Appeals for the District of Columbia ruled that the DOE had failed to meet its legal obligations and ordered the Department to pay contractual damages to the nuclear utilities.

If the current situation is allowed to continue, the utilities will be paying twice. They have already contributed to the nuclear waste fund to build the repository. Without this legislation, they will continue to pay for the repository and on site storage for waste the federal government said it would take.

As a result of national defense and research activities, the federal government itself has generated thousands of tons of spent nuclear fuel and high-level waste. This waste continues to be monitored and stored at federal sites across the country, including the Idaho National Engineering and Environmental Laboratory, at significant cost. This waste is also waiting to be sent to a permanent repository.

The financial resources that are necessary to continuously store, monitor, and maintain this fuel and waste are overwhelming and could be used for other constructive purposes by the government and utilities instead of watching and waiting as has been the past practice.

This bill offers an option for relief to utilities where the Department of Energy could take title to the fuel and transport it to the repository site. Different from past legislation, this bill identifies that spent fuel storage at the repository site, in advance of fuel placement in a repository, cannot occur until construction of the repository has been authorized.

This bill is particularly important to the State of Idaho because of the 1995 Settlement Agreement. This agreement was entered into in Federal court. It was agreed to by the Departments of Energy and Navy and the State of Idaho. One of the requirements is to remove all spent fuel from Idaho by 2035. A repository or interim storage site is essential for the parties to comply with the agreement.

The logical location for the permanent repository is Yucca Mountain. It has been designated by Congress as the only site for study. It is located on dry Federal desert land. It is adjacent to the Nation's nuclear testing site where hundreds of nuclear weapons have been exploded.

The bill establishes a schedule for decisions on the adequacy of Yucca Mountain as a repository which will allow the parties to comply with the Idaho Settlement Agreement. The bill also deletes the 70,000 metric ton uranium cap which had been imposed on the repository. Removal of this cap allows one geological repository to be capable of handling the nation's inventory of spent fuel and high-level waste instead of multiple repositories.

The bill allows the Nuclear Regulatory Commission and National Academy of Sciences to give input on the scientific validity and protection of the public health and safety provided by the proposed Environmental Protection Agency radiation standard. The Environmental Protection Agency maintains standard setting authority, cannot set a standard until June 1, 2001, and is not bound to accept or even consider the Nuclear Regulatory Commission or National Academy of Sciences input. This compromise only delays the setting of a radiation standard by the Environmental Protection Agency and delays the date by when the Secretary of Energy will have an established radiation standard to work to. Although I dislike the compromise that was reached I understand that a compromise needed to be made to move this important legislation forward.

Support of this bill is the right thing to do for the country.

Idaho is one of several states where defense and DOE spent nuclear fuel and high level waste are stored; other major states include Washington, South Carolina, and New York.

There are over 70 commercial nuclear utilities that are storing spent nuclear fuel because the federal government has not lived up to its contract.

Storage facilities at these locations are filling up quickly, will not last forever, and will be expensive to monitor and maintain.

The U.S. receives 20 percent of its electricity capacity from nuclear power. There are no other emission free alternative power generating technologies that could replace this capacity if opponents are successful in shutting down nuclear power. Many of the issues associated with spent nuclear fuel are political, not technical. Nuclear fuel has been moved safely across this country and around the world for nearly forty years. The "mobile Chernobyl" scare tactics are a myth.

Movement needs to continue on a permanent repository and relief needs to be provided for nuclear utilities. This bill provides forward momentum and relief.

I would have preferred to see the bill go further by establishing an interim storage facility at the Nevada Test Site and vesting standard setting authority with the Nuclear Regulatory Commission. Unfortunately, the Congress has been unable to enact this type of legislation because of the threat of a presidential veto. While I would have preferred to vote in support of a stronger bill, I understand why Senator MURKOWSKI has made concessions to the other side to try to move this legislation forward.

This is an important piece of legislation which will show the American people that we can address the issue of nuclear waste in a way that is technically and environmentally sound.

I urge my colleagues to vote to support enactment of this important piece of legislation.

Mr. BINGAMAN. Mr. President, I would like to take this opportunity before we vote to recognize a member of the Senate staff who has contributed a lot to the nuclear waste debate over the years. That person is Joe Barry, who has worked for Senator BRYAN for many years, and who apparently has actually had other duties not related to nuclear waste, as well. He is a tremendous professional who has helped keep the debate in the Senate on this issue on a high level of technical accuracy. I understand that he will be leaving for a position in the private sector in Boston when we break for this recess. Senators don't always agree with each other in debate. The search for relevant and accurate information and perspectives is essential to the legislative process, and is greatly helped when Members have highly competent professional staff like Joe. We will miss him in this chamber, and I would like to extend my personal best wishes to him for great success in the future.

Mr. WELLSTONE. Mr. President, I regret that I cannot support S. 1287, the Nuclear Waste Policy Amendments Act of 2000.

I cannot support this bill because it fails to meet the safety concerns of our local communities regarding the hazards of nuclear waste. I cannot support this bill because it poses an unacceptable danger to the lives and health of the thousands of Minnesotans and millions of Americans who live near shipment routes.

By dramatically increasing the number of hazardous shipments through local communities, S. 1287 increases the risk of transportation accidents involving nuclear waste and could put public health and safety in jeopardy. This legislation would mean an additional 800 shipments in the first two years, growing to about 1,800 shipments annually by the fifth year. These shipments would continue for at least 25 years, traveling within half a mile of 50 million Americans.

Under this legislation, highly dangerous nuclear waste would be shipped through 40 or more states, including my own state of Minnesota, regardless of whether it is safe for our local communities, and without their input. Without reliable and efficient emergency response safeguards for our local communities, S. 1287 fails to protect local communities from even a small accident during the shipment of nuclear waste.

Recently, DOE projected that a nuclear waste transportation accident in a rural area with even a small release of radioactive material would contaminate 42 square miles. DOE also estimated that it would take 460 days to clean up such an accident, at a cost of $620 million. The safety record of nuclear waste transportation should give us pause. Between 1964 and 1997, the Department of Energy (DOE) made approximately 2,913 shipments of used nuclear fuel. During this time, there were 47 safety incidents involving nuclear shipments, including 6 accidents.

Furthermore, S. 1287 undermines the Environmental Protection Agency's (EPA) standard-setting process. It would delay the EPA's existing statutory authority to adopt health and safety standards to protect local communities from the release of radioactive materials. This delay stands in fundamental contradiction to the claimed urgency of this legislation. It also highlights the misplaced priorities of S. 1287, with an unacceptable emphasis on disposal at any cost, regardless of whether the safety and health of local communities have been adequately provided for.

It is especially regrettable that S. 1287 does not resolve our dilemma regarding the future of nuclear waste storage. Nobody, including me, wants this waste to stay onsite forever, but we need a safe and responsible solution for disposal of the waste we have created. As we head into the 21st century, we urgently need to develop a policy that protects the health and safety of local communities and all Americans. Unfortunately, this bill fails to meet that requirement. S. 1287 is a disappointing step in the wrong direction and a regression from past legislative efforts in this area. And for that reason I am voting against it.

Mrs. BOXER. Mr. President, I strongly oppose S. 1287 and the substitute amendment being offered. This is bad policy and should be rejected by the Senate.

Protecting the health and safety of American citizens should be our highest priority in evaluating the disposal of our nuclear waste. In order to do this, all decisions must be made based on science, not politics. This legislation does not do that. Under the cover of a "compromise" bill, this legislation is the latest attempt to pre-empt science and legislate the scientific suitability of Yucca Mountain, Nevada, as a high-level nuclear waste dump.

Instead of finding a repository that meets our health and safety standards established in law, this legislation attempts to weaken our health and safety standards to meet the repository. I cannot and will not support such an action.

For many years we have debated the suitability of a high-level radioactive waste dump site at Yucca Mountain. And for years, I have been down on this Senate floor with my colleagues from Nevada fighting to protect the health and safety of the citizens of Nevada. But I know that Yucca Mountain is not just a Nevada issue, it is a national issue—and more important to me, it seriously and directly affects my State of California.

Yucca Mountain is only 17 miles from the California border and the Death Valley National Park. Development of this site has the potential to contaminate California's groundwater and poses unnecessary threats to the health and safety of Californians due to possible transportation accidents from shipping high-level nuclear waste through Inyo, San Bernardino and neighboring California counties.

Since its inception as a National Monument in 1933, the federal government has invested more than $600 million in the Death Valley National Park. The Park receives over 1.4 million visitors every year. Furthermore, the communities surrounding the park are economically dependent on tourism. The income generated by the presence of the Park exceeds $125 million per year. The Park has been the most significant element in the sustainable growth of the tourist industry in the Mojave Desert. The Park is committed to sustainable growth of jobs and infrastructure in contrast to the traditional boom-and-dust desert economy.

Scientific studies show that a significant part of the regional groundwater aquifer surrounding Yucca Mountain discharges in Death Valley because the valley is down-gradient of areas to the east. If the groundwater at Death Valley is contaminated, that will be the demise of the Park and the surrounding communities. The long-term viability of fish, wildlife and human populations in the area are largely dependent on water from this aquifer. The vast majority of the Park's visitors rely on services and facilities at the park headquarters near Furnace Creek. These facilities are all dependent upon the groundwater aquifer that flows under or near Yucca Mountain. And, unfortunately, there is no alternative water source that can support the visitor facilities and wildlife resources.

Water is life in the desert. Water quality must be preserved for the viability of Death Valley National Park and the dependent tourism industry.

I hope my colleagues agree that we should not threaten these visitors, this natural treasure, and our huge financial investment with incomplete science and unnecessary actions. The potential loss is just too great.

It has been extremely difficult to get the Energy Department to accept California's connection to the site. Although DOE now recognizes Inyo County, California as an Affected Unit of Local Government under the Nuclear Waste Policy Act, it did so reluctantly after a successful lawsuit by the county that resulted in DOE granting affected unit status in 1991. Inyo is the only county in California that is now listed. Fortunately, in response to a letter that I sent to the Energy Department, a hearing will be schedule in San Bernardino County to discuss the potential threat of transportation routes through the county. But my State's concerns are not being fully addressed. I ask unanimous consent that my letter to Secretary Richardson and his response be included in the RECORD.

As an Affected Unit of Local Government, Inyo County receives Federal appropriations to monitor the Yucca Mountain project. The primary thrust of Inyo County's monitoring program has been to demonstrate the hydrologic connection between the aquifer underlying Yucca Mountain and the discharge points in Death Valley National Park and surrounding communities.

In addition to the groundwater concerns, my State is extremely concerned about the increased transportation of high level radioactive waste that will be shipped through our State as a result of this bill. Despite my objections, the Department of Energy has already started to ship low-level nuclear waste through Inyo County to the Nevada Test Site. Inyo and San Bernardino are especially concerned because of the lack of thorough studies on the transportation routes.

The State of California has also been very involved in this issue. The California Energy Commission's comments on the Yucca Mountain Project Draft Environmental Impact Statement express the State's serious concerns over the possible groundwater contamination and the lack of adequate analysis of proper transportation routes. In fact, the Western Governor's Association has repeatedly asked the Energy Department to complete a more detailed and thorough analysis of the transportation routes to Yucca Mountain to no avail.

While the legislation that we are debating today is an improvement from bills introduced and debated in the past, it still must be stopped. This legislation would undermine the regulatory framework authorized in the Nuclear Waste Policy Act of 1982 and implemented by the EPA and DOE.

The EPA was directed by Congress to establish a radiation exposure standard for Yucca Mountain. The EPA is in the process of completing that requirement. The draft standards were issued last August and the EPA is currently considering all comments on the proposal. The draft standard includes a separate—and much needed—groundwater standard for the repository that must meet the requirements of the Safe Drinking Water Act.

The legislation we are discussing today prevents the Clinton Administration from acting in a timely manner to protect public health. However, once this Administration leaves office, the EPA standards could move forward. Where is the science in that?

This provision flies in the face of science and the fundamental principle of protecting public health and safety first and foremost.

I understand that a 1995 study by the Department of Energy showed that the radiation at Yucca Mountain would be much higher than allowed under current regulations. In fact, the DOE study finds that maximum doses at the site would be 50 rem per year.

If, like me, you are not a scientist, let me put that number into perspective for you. That is like having approximately 5,000 chest x-rays annually. Furthermore, it is about 2000 times higher than what the public is currently permitted to receive under an operating powerplant under current EPA regulations. That dose is sufficient to produce approximately 100 percent probability of dying of cancer under NRC and DOE current risk estimates. Virtually everyone exposed to that dose would die of cancer. So rather than go back and try to design a better repository to meet the standards, we are on this floor to change the standards to meet the repository.

Finally, the one provision in S. 1287 that most people could agree on was stripped from this substitute amendment. That provision would have allowed the Energy Secretary to take title to the waste that is currently being stored on-site in order to resolve the liability issue.

The alleged reason for moving this legislation was to deal with the liability issue that was created by a successful lawsuit from the utilities against the Energy Department. The utilities claimed that the Energy Department was not meeting its obligations under the Nuclear Waste Policy Act to store this waste. And the utilities won. Senator MURKOWSKI and Secretary Richardson seemed to agree that the best way to resolve this issue was to have the Energy Department take title to the waste at the utilities. That was the reason for moving a bill. Now, that provision is gone, and therefore the reason to move this bill is gone.

Mr. President, I urge my colleagues to vote no on this unnecessary legislation.

I ask unanimous consent that correspondence in regard to this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
HART SENATE OFFICE BUILDING,
Washington, DC, January 12, 2000.

Hon. BILL RICHARDSON,
Secretary of Energy, James Forrestal Building, Washington, DC.

DEAR MR. SECRETARY: I am writing about the environmental impact report being prepared for the proposed transfer of radioactive material to Yucca Mountain near Las Vegas. More specifically, I am writing about the concerns of the San Bernardino Board of Supervisors that the County of San Bernardino has received less than adequate information about the process.

Though radioactive material being transported to Yucca Mountain in Nevada will be transported within San Bernardino County, there has been no hearing on the proposal within the County. Further, San Bernardino County officials allege that they have received no formal notice of hearings held outside the county or other notices of the environmental process.

I understand that other hearings were recently added to the Yucca Mountain review process. This is a request that you schedule a further hearing within San Bernardino County. I am certain that San Bernardino County officials will be happy to help arrange such a hearing. Thank you for your attention to this matter. Please respond to me through my San Bernardino office.

Sincerely,

BARBARA BOXER,
U.S. Senator.

SECRETARY OF ENERGY,
Washington, DC, February 3, 2000.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: Thank you for your letter of January 12, 2000, regarding the environmental impact report being prepared for the proposed transfer of radioactive material to Yucca Mountain.

I am sensitive to your concerns and the concerns of your constituents in San Bernardino County regarding their involvement in the Draft Environmental Impact Statement (EIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada. I have added an additional public hearing in the city of San Bernardino. The hearing will be held prior to the end of the comment period for the Draft EIS, which has been extended until February 28, 2000. A Federal Register Notice announcing the date and location of this public hearing is forthcoming.

The Department is making every effort to address the public's interest in this document. This past December, three additional hearings were scheduled to include locations in the Midwest, including Lincoln, Nebraska; Cleveland, Ohio; and Chicago, Illinois. With the inclusion of an additional hearing in your State, the Department will have conducted a total of 21 hearings, 11 throughout the country and 10 in the State of Nevada. The Department is striving to ensure that the public has ample opportunity to comment on the Draft EIS. I hope the additional hearing in California addresses your concerns and those of your constituents.

If you have any questions or additional concerns, please call me or have a member of your staff contact John C. Angell, Assistant Secretary for Congressional and Intergovernmental Affairs, at 202–586–5450.

Yours sincerely,

BILL RICHARDSON.

BOARD OF SUPERVISORS,
COUNTY OF SAN BERNARDINO,
San Bernardino, CA, January 12, 2000.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: The Board of Supervisors unanimously approved [a] resolution at our meeting yesterday. It expresses our substantial concern over the lack of notification from the Department of Energy with regard to their plans to transport thousands of shipments of high-level radioactive waste through the major cities of our County.

The only hearing held in this State took place in a remote area hundreds of miles from our major population centers. In addition we were not provided with any official notification of the Issuance of the Environmental Impact Statement nor were we provided a copy of same.

While we understand that transportation and storage/disposal of this material is essential for operation of various facilities, it is only appropriate that the jurisdictions which will be recipient of the majority of these shipments be given notice and response opportunities.

We ask for your strong support for our request to the Department of Energy for full disclosure, additional time for response and review, and for a public hearing to be held in our area. The hearing should be held somewhere near the population centers which will be subject to these shipments and the potential dangers imposed thereby.

We appreciate your serious consideration of this request.

Sincerely.

JERRY EAVES,
Supervisor, Fifth District.

COUNTY OF VENTURA,
February 1, 2000.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BOXER: I am writing to reiterate the Ventura County Board of Supervisors' opposition to S. 1287, the Nuclear Waste Policy Amendments of 1999, which, as currently written, would allow spent nuclear fuel and radioactive waste to be transported through Ventura County.

The Board of Supervisors endorses the development of a national policy for the transportation of spent nuclear fuel. However, the Board opposes transporting these material through Ventura County. County officials and residents are concerned about the proximity of the Diablo Canyon Nuclear Power Plant in San Luis Obispo County and the vulnerability to potential disasters related to the transportation of hazardous materials through the community, which poses serious health and safety risks to County residents.

Please vote against S. 1287 unless it is amended to prohibit the transportation of spent nuclear fuel and radioactive waste through Ventura County and other heavily populated areas.

Sincerely yours,

THOMAS P. WALTERS,
Washington Representative.

COUNTY OF INYO,
Independence, CA, February 1, 2000.

Hon. BARBARA BOXER,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR BOXER, I am writing to express concern with S. 1287, the Nuclear Waste Policy Amendments Act of 1999. S. 1287 proposes to abandon current specific DOE guidelines for determining the suitability of Yucca Mountain, Nevada (for siting of a nuclear waste repository) in lieu of less-demanding, generalized criteria. S. 1287 also removes the role of the Environmental Protection Agency from determining the human health standard to which repository design and operations should be held.

S. 1287, as it currently stands, would replace DOE's current and specific site suitability criteria (10 CFR 960—adopted in 1986 after considerable public input) with a generalized "total system performance assessment" approach (proposed in 10 CFR 963) which does not require the site to meet specific criteria with regard to site geology and hydrology or waste packet performance. Replacement of the current site suitability criteria by 10 CFR 963 would reduce the likelihood that the repository would be designed and constructed using the best available technology. Individual components of the repository system could be less than optimal in design and performance if computer modeling of the design showed it capable of meeting NRC's less-demanding standard. Given the significant long-term risk that development of the repository places on California populations and resources, any compromises on repository design, operations or materials cannot be tolerated.

S. 1287 allows the Nuclear Regulatory Commission to set a standard for protection of the public from radiological exposure associated with development of the repository. The power to set a standard for the Yucca Mountain project rightfully belongs with the EPA in its traditional role of setting health standards for Federal projects. In our recent response to EPA's proposed radiological health standard for the repository, Inyo County stated its strong support for EPA authority over the project and for use of a standard which focuses on maintaining the safety of groundwater in the Yucca Mountain-Amargosa Valley-Death Valley region.

Based on these considerations, S. 1287 will not provide adequate protection for Inyo County resources or citizens. We hope that the provisions in the bill for setting repository standards and for changing the site suitability guidelines will be deleted.

We appreciate your continued support of Inyo County's efforts to safeguard the health and safety of its citizens.

Sincerely,

MICHAEL DORAME,
Supervisor, Fifth District, County of Inyo.

CALIFORNIA ENERGY COMMISSION,
Sacramento, CA, February 7, 2000.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BOXER: We have reviewed S. 1287 (Nuclear Waste Policy Amendments Act of 2000) (NWPA) and offer the following comments.

The State of California, including thirteen California agencies, has reviewed the Department of Energy's (DOE) Draft Environmental Impact Statement (DEIS) for the proposed Yucca Mountain High-Level Nuclear Waste Repository. This review, coordinated by the California Energy Commission, identified major areas of deficiencies and scientific uncertainties in the DEIS regarding potential transportation and groundwater impacts in California from the repository. In light of these deficiencies and uncertainties, there are serious questions whether a decision should/can be made on the Yucca Mt. site's suitability in time for shipments to begin in 2007, as required by S. 1287.

These deficiencies and uncertainties include the need for better data and more realistic models to evaluate groundwater flow and potential radionuclide migration toward regional groundwater supplies in eastern California. In addition, there are major scientific uncertainties regarding key variables affecting how well geologic and engineered barriers at the repository can isolate the wastes from the environment. For example, there is considerable uncertainty regarding waste package corrosion rates, potential water seepage through the walls of the repository, groundwater levels and flow beneath the repository, and the potential impact on California aquifers from the potential migration of radionuclides from the repository. California is concerned about these uncertainties and deficiencies in studies of the Yucca Mt. project and the serious lack of progress in DOE's developing transportation plans for shipments to the repository.

Potential major impacts in California from the proposed repository include: (1) transportation impacts, (2) potential radionuclide contamination of groundwater in the Death Valley region, and (3) impacts on wildlife, natural habitat and public parks along shipment corridors and from groundwater contamination. Transportation is the single area of the proposed Yucca Mt. project that will affect the most people across the United States, since the shipments will be traveling cross-country on the nation's highways and railways. California is a major generator of spent nuclear fuel and currently stores this waste at four operating commercial nuclear power reactors, three commercial reactors being decommissioned, and at five research reactor locations throughout the State. Under current plans, spent nuclear fuel shipments from California reactors will begin the first year of shipments to a repository or storage facility.

In addition to the spent fuel generated in California, a major portion of the shipments from other states to the Yucca Mountain site could be routed through California. This concern was elevated recently when DOE decided, over the objections of California and Inyo and San Bernardino Counties, to reroute through southeastern California, along California Route 127, thousands of low-level waste shipments from eastern states to the Nevada Test Site, in order to avoid nuclear waste shipments through Las Vegas and over Hoover Dam. We objected to DOE's rerouting these shipments over California Route 127 because this roadway was not engineered for such large volumes of heavy truck traffic, lacks timely emergency response capability, is heavily traveled by tourists, and is subject to periodic flash flooding. We are concerned that S. 1287, by requiring that shipments minimize transport through heavily populated areas, could force NWPA shipments onto roadways in California, such as State Route 127, that are not suitable for such shipments.

The massive scale of these shipments to the repository or interim storage site will be unprecedented. Nevada's preliminary estimates of potential legal-weight truck shipments to Yucca Mountain show that an estimated 74,000 truck shipments, about three-fourths of the total, could traverse southern California under DOE's "mostly truck" scenario. Shipments could average five truck shipments daily through California during the 39-year time period of waste emplacement. Under a mixed truck and rail scenario, California could receive an average of two truck shipments per day and 4–5 rail shipments per week for 39 years. Under a "best case" scenario that assumes the use of large rail shipping containers, Nevada estimates there could be more than 26,000 truck shipments and 9,800 shipments through California to the repository.

We are concerned that S. 1287 would require that NWPA shipments begin prematurely before the necessary studies determining the site's suitability have been completed and before the transportation impacts of this decision have been fully evaluated. S. 1287 accelerates the schedule for the repository by requiring shipments to begin at the earliest practicable date and no later than January 31, 2007. In contrast, DOE has been planning for shipments to begin in 2010, a date considered by many to be overly optimistic. Shipping waste to a site before the necessary scientific evaluations of the site have been completed and before route-specific transportation impacts have been fully evaluated could have costly results. The DOE nuclear weapons complex has many examples of inappropriate sites where expediency has created a legacy of very costly waste clean-up, e.g., Hanford, Washington. The use of methods that were not fully tested for the storage and disposal of nuclear wastes has resulted in contaminants from these wastes leaking into the environment. Transporting waste to a site, as mandated by S. 1287, before the appropriate analyses are completed could create a "de facto" high-level waste repository in perpetuity with unknown and potentially serious long-term public and environmental consequences.

Sincerely,

ROBERT A. LAURIE,
Commissioner and
State Liaison Officer
to the Nuclear Regulatory Commission.

WHY NUCLEAR WASTE WON'T GO TO SOUTH CAROLINA

Mr. HOLLINGS. I would like to inquire of the manager whether it is possible for any spent nuclear fuel to go to South Carolina under the provisions of Section 102, "Backup Storage Capacity" of the manager's substitute amendment.

Mr. MURKOWSKI. Absolutely not. Spent nuclear fuel cannot go to South Carolina under the specific terms of the amendment's Backup Storage Capacity provisions, which states that the government shall: "* * * transport such spent fuel to, and store such spent fuel at, the repository site. * * *" That site is Yucca Mountain, Nevada.

Mr. HOLLINGS. I thank the manager.

Mr. MURKOWSKI. Mr. President, what is the remaining time on this side?

The PRESIDING OFFICER. Five minutes.

Mr. MURKOWSKI. Mr. President, as this debate comes to an end, I think it appropriate to respond to my friend from New Mexico relative to what I understand he said—that he had not seen a real letter from the Governors opposing taking title. I don't know whether the White House will not make that available, but we have it here. I will be happy to share it with him. I will put it in the RECORD because it shows all the signatures of all the Governors:

The Honorable Howard Dean, Governor of Vermont; the Honorable Jeb Bush, Governor of Florida; the Honorable Angus King, Jr., Governor of Maine; the Honorable John Kitzhaber, Governor of Oregon; the Honorable Jeanne Shaheen, Governor of New Hampshire; the Honorable Jesse Ventura, Governor of Minnesota; and the Honorable Tom Vilsack, Governor of Iowa.

There are more coming, I am told. I hope we can put that particular criticism to rest.

This is not an imaginary letter. This a letter from the Governors objecting, if you will, to the situation of leaving the waste in their States for the specific reason that they don't trust the Federal Government. The reason they do not trust the Federal Government is the Federal Government has not performed on its contract after taking $15 billion from the ratepayers to take the waste. They are fearful that the waste will stay in their States under the control of the Federal Government. That is a legitimate concern.

Again, I refer to the chart of where that waste is. It is in those 40 States. It is in 40 States, and each Member is going to have to respond as to why they voted to leave that waste in their State.

We have had questions brought up about the land in Nevada. It is kind of fuzzy because this is beneficial to Nevada. Now they are saying they did not have any notice and they don't have the maps. The maps are in our office. We have them for the counties. I am sure the minority could get them. I am sure the two Senators from Nevada could get the maps of their own counties. We have them in our office, in fact, and I will try to get them in the RECORD so they can see them.

As far as the land transfer is concerned, it has always been in previous bills. These are smokescreens. Our friends from Nevada are trying to explain why this isn't a good deal. They wanted it. It is there. Now they are saying: Well, just wait a minute; we don't have the facts. We have them. They are there and available for anybody. The land transfer is authorized in the previous bills. Let's not beat around the bush.

In the remaining time I have, I want to highlight what this bill really accomplishes.

I think the minority ranking member would recognize that we have tried to work with him on his list of alternatives. We addressed his concern on the interim storage. Our bill uses the WIPP transportation model. EPA has the sole authority to set the standard. We took out the international collaboration in transmutation which they wanted. We couldn't take everything, but we certainly tried.

This is a valuable piece of legislation as it stands because we have in this substitute dropped the interim storage. Isn't this kind of ironic? We dropped the interim storage. The administration was opposed to the interim storage in Nevada. The idea was that we could move this stuff out at a critical time and put it out there. They said: No, we can't do that until Yucca is finalized—until it is finally licensed. But now they are doing it twice. They are having it both ways. They are saying we will just leave it in the State. Then it becomes interim in the State. These Governors are smart enough to figure it out. I hope every Member of this body is because it is a flimflam. That is just what it is.

The administration wants to have it both ways. They do not want interim storage. They want the interim storage in the States. It drops interim storage.

It requires Congress to approve any increase in fees to protect the consumer. It sets schedules for development of a repository. It authorizes backup storage at the repository for any spent fuel that the utilities can't store on site. It allows the EPA to set radiation standards after June 1, 2001; prior to that consultation only with NAS and NRC, to ensure that any standard is the best science available.

What in the world is wrong with that?

It authorizes settlement agreements for outstanding litigation. It requires an election to settle within 180 days as requested by the administration. In other words, it brings them together.

Finally, it transfers 76,000 acres.

Let me conclude by saying that each Member is going to have to respond as to why they left this waste in their State if they don't support this bill. I encourage my colleagues to recognize that it is time to bring this matter to an end. Let's support the legislation.

I yield the floor.

Mr. BINGAMAN. Mr. President, I yield 1 minute to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair. I thank the Senator from New Mexico.

Mr. President, let me respond to the map issue. I think the Senator from Alaska characterized it as "flimflam." That is what this legislation is. As recently as yesterday, in requesting the maps, they had none. The only thing they have is these notes right here. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PAYMENTS TO LOCAL COUNTIES ELIMINATED

Annual payments prior to first receipt of fuel: 2.5 million/year $12.5.

Upon 1st fuel receipt: 5 million/one time 5.0.

Annual payments after 1st receipt until closure: $5 million/year (2007-2042 125 million.)

Total—Over 140 million up to 2042 then 5 million/year after that.

LAND CONVEYANCES RETAINED

Total of: 76,000 acres.
46,000 to Nye County.
30,000 to Lincoln County.
For a variety of uses: For example—
City of Caliente:
Municipal landfill (240 acres).
Community growth (2,640 acres).
Community recreation (800 acres).
Lincoln County
Community Growth:
Pioche—2,080 acres.
Panaca—2,240 acres.
Rachel—1,280 acres.

Alamo—1,920 acres.

These lands had been previously identified by BLM as available for disposal.

Towns:

Beatty—3,400 acres.

Ione—1,280 acres.

Manhattan—750 acres.

Round Mountain/Smokey Valley—11,300 acres.

Tonopah—11,500 acres.

Total estimated 28,230 acres.

Towns:

Amargosa—2,700 acres.

Pahrump—14,750 acres.

Total estimated 17,450 acres.

BLM/Grand Total: 45,680 acres.

Western Members should be pleased about this kind of transfer of public lands from federal ownership.

There are lots of benefits to doing these kinds of transfers:

Long term financial benefits are:

Decrease federal mgmt costs;

Increase State & local benefits;

The land can now be used for income providing activities.

Such transfers help consolidate land ownership and that leads to a more cost-effective and environmentally sound ecosystem management.

Mr. BRYAN. Mr. President, there are no maps.

That will give you some indication of what a shoddy, moving target this has been as we have tried to debate and expand on it. It is simply indefensible public policy.

I urge my colleagues to vote against it.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Two and one-half minutes.

Mr. BINGAMAN. Mr. President, let me take the remaining time to commend our chairman, Senator MURKOWSKI, for his heroic efforts in trying to come up with legislation that would be constructive and deal with this problem. This is not an easy issue to resolve. There are many points of view.

First, the subject is complex. The history of the legislation is certainly varied and difficult.

I certainly believe the chairman has worked in good faith to try to come up with a solution. As I stated several times this morning, I do not believe he has been successful in that regard.

I am not able to support the bill.

I think there is a lot of confusion that has surrounded our debate here on the floor. As to the whole notion that the Governors are fearful that waste would wind up remaining in their States if they did not drop this take title provision, I can say if they are worried that waste will remain, they have good grounds to be worried because it is going to remain in their States. Under current law, and under this legislation, if this legislation becomes law, the waste will remain in their States. The only question is, who is going to have ownership and responsibility for that waste.

We had proposed that the Department of Energy be given ownership and responsibility. We believe that would, if anything, desensitize the Department to move ahead more quickly on Yucca Mountain. I believe that is clearly the case.

The notion that anybody who opposes this bill is going to have to explain why they want waste to remain in their States is not the issue on which we are voting. Waste is going to remain in each of the States where it is now located unless and until we get the Yucca Mountain site characterized. I hope we do that quickly. I am doing all I can to support doing that quickly. I believe the waste should be moved to a permanent repository. I think that is clearly where we need to head. But the notion that this problem is going to be somehow solved by passing this bill is just not supported by anything. There is no logic to that.

We can pass this bill. This bill can be signed by the President. You can wind up 5 years from now trying to explain to people in your State why the waste is still sitting there because it is going to be there in 5 years regardless.

I think people need to understand that there is much less here than meets the eye. As far as this legislation is concerned, anyone who thinks this legislation is going to put any problem behind them is going to be sorely disappointed down the road. In fact, I think the problems will be compounded if we enact this legislation and it were to become law.

I urge colleagues to oppose the bill and I yield the floor.

The PRESIDING OFFICER. All time has expired. Under the previous order, the hour of 11 a.m. having arrived, the substitute amendment, No. 2808, is agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "no."

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—64

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Murkowski
Murray
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—34

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Campbell
Chafee, L.
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Inouye
Johnson
Kerry
Lautenberg
Lieberman
Mikulski
Moynihan
Reed
Reid
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—2

Kennedy
McCain

The bill (S. 1287), as amended, was passed, as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Waste Policy Amendments Act of 2000".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "contract holder" means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered into pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

(2) the terms "Administrator", "civilian nuclear power reactor", "Commission", "Department", "disposal", "high-level radioactive waste", "Indian tribe", "repository", "reservation", "Secretary", "spent nuclear fuel", "State", "storage", "Waste Fund", and "Yucca Mountain site" shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

TITLE I—STORAGE AND DISPOSAL

SEC. 101. PROGRAM SCHEDULE.

(a) IN GENERAL.—The President, the Secretary, and the Nuclear Regulatory Commission shall carry out their duties under this Act and the Nuclear Waste Policy Act of 1982 by the earliest practicable date consistent with the public interest and applicable provisions of law.

(b) MILESTONES.—(1) The Secretary shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the President by December 31, 2001;

(2) The President shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the Congress by March 31, 2002;

(3) The Nuclear Regulatory Commission shall make a final decision whether to authorize construction of the repository by January 31, 2006; and

(4) As provided in subsection (c), the Secretary shall begin receiving waste at the repository site at the earliest practicable date

and no later than eighteen months after receiving construction authorization from the Nuclear Regulatory Commission.

(c) Receipt Facilities.—(1) As part of the submission of an application for a construction authorization pursuant to section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)), the Secretary shall apply to the Commission to receive and possess spent nuclear fuel and high-level radioactive waste at surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage prior to emplacement.

(2) As part of the issuance of the construction authorization under section 114(b) of the Nuclear Waste Policy Act of 1982, the Commission shall authorize construction of surface facilities described in subsection (c)(1) and the receipt and possession of spent nuclear fuel and high-level radioactive waste at such surface facilities within the geologic repository operations area for the purposes in subsection (c)(1), in accordance with such standards as the Commission finds are necessary to protect the public health and safety.

SEC. 102. BACKUP STORAGE CAPACITY.

(a) Subject to section 105(d), the Secretary shall enter into a contract under this subsection with any person generating or owning spent nuclear fuel that meets the requirements of section 135(b)(1) (A) and (B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155(b)(1) (A) and (B)) to—

(1) take title at the civilian nuclear power reactor site to such amounts of spent nuclear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite; and

(2) transport such spent nuclear fuel to, and store such spent nuclear fuel at, the repository site after the Commission has authorized construction of the repository without regard to the Secretary's Acceptance Priority Ranking report or Annual Capacity report.

SEC. 103. REPOSITORY LICENSING.

(a) Adoption of Standards.—Notwithstanding the time schedule in section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall not publish or adopt public health and safety standards for the protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site—

(1) except in accordance with this section; and

(2) before June 1, 2001.

(b) Consultation and Reports to Congress.—(1) Not later than 30 days after the enactment of this Act, the Administrator shall provide the Commission and the National Academy of Sciences—

(A) a detailed written comparison of the provisions of the proposed Environmental Protection Standards for Yucca Mountain, Nevada, published in the Federal Register on August 27, 1999 (64 Fed. Reg. 46,975) with the recommendations made by the National Academy of Sciences in its report, Technical Bases for Yucca Mountain Standards, pursuant to section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note); and

(B) the scientific basis for the proposed rule.

(2) Not later than April 1, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator under paragraph (1), each submit a report to Congress on whether the proposed rule—

(A) is consistent with section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note);

(B) provide a reasonably expectation that the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent nuclear fuel disposed of in the repository;

(C) is based on the best reasonably obtainable scientific and technical information concerning the need for, and consequences of, the rule; and

(D) imposes the least burden, consistent with obtaining the regulatory objective of protecting the public health and safety and the environment.

(3) In the event that either the Commission or the National Academy of Sciences finds that the proposed rule does not meet one or more of the criteria listed in paragraph (2), it shall notify the Administrator not later than April 1, 2001 of its finding and the basis for such finding.

(c) Application of Congressional Review Procedures.—Any final rule promulgated under section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, and shall be subject to all the requirements and procedures pertaining to a major rule in such chapter.

(d) Capacity.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking "The Commission decision approving the first such application . . ." through the period at the end of the sentence.

SEC. 104. NUCLEAR WASTE FEE.

The last sentence of section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to read as follows: "The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.".

SEC. 105. SETTLEMENT AGREEMENTS.

(a) In General.—The Secretary may, upon the request of any person with whom he has entered into a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), enter into a settlement agreement with the contract holder to—

(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment, or

(2) settle any legal claims against the United States arising out of such failure.

(b) Types of Relief.—Pursuant to a settlement agreement entered into under this section, the Secretary may—

(1) provide spent nuclear fuel storage casks to the contract holder;

(2) compensate the contract holder for the cost of providing spent nuclear fuel storage at the contract holders' storage facility; or

(3) provide any combination of the foregoing.

(c) Scope of Relief.—The Secretary's obligation to provide the relief under subsection (b) shall not exceed the Secretary's obligation to accept delivery of such spent fuel under the terms of the Secretary's contract with such contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), including any otherwise permissible assignment of rights.

(d) Waiver of Claims.—(1) The Secretary may not enter into a settlement agreement under subsection (a) or (f) or a backup contract under section 102(a) with any contract holder unless the contract holder—

(A) notifies the Secretary within 180 days after the date of enactment of this Act of its intent to enter into a settlement negotiations, and

(B) as part of such settlement agreement or backup contract, waives any claim for damages against the United States arising out of the Secretary's failure to begin disposing of such person's high-level waste or spent nuclear fuel by January 31, 1998.

(2) Nothing in this subsection shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligation assumed under a settlement agreement or backup storage agreement, including any obligation related to the movement of spent fuel by the Department.

(e) Source of Funds.—Notwithstanding section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)), the Secretary may not make expenditures from the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except—

(1) the cost of acquiring and loading spent nuclear fuel casks;

(2) the cost of transporting spent nuclear fuel from the contract holder's site to the repository; and

(3) any other cost incurred by the Secretary required to perform a settlement agreement or backup storage contract that would have been incurred by the Secretary under the contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) notwithstanding their amendment pursuant to this Act.

(f) Reactor Demonstration Program.—(1) Not later than 120 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87-315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under section 106 of this Act.

(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

(g) Savings Clause.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

(2) Nothing in this Act diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in United States v. Batt (No. 91-0054-S-EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail.

SEC. 106. ACCEPTANCE SCHEDULE.

(a) Priority Ranking.—Acceptance priority ranking shall be determined by the Department's "Acceptance Priority Ranking" report.

(b) Acceptance Rate.—As soon as practicable after construction authorization, but no later than eighteen months after the year of issuance of a license to receive and possess spent nuclear fuel and high-level radioactive waste under section 101(c), the Secretary's total acceptance rate for all spent nuclear fuel and high-level waste shall be a rate no less than the following as measured in metric tons uranium (MTU), assuming that each high-level waste canister contains 0.5 MTU: 500 MTU in year 1, 700 MTU in year 2, 1,300 MTU in year 3, 2,100 MTU in year 4, 3,100 MTU in year 5, 3,300 MTU in years 6, 7, and 8, 3,400 MTU in years 9 through 24, and 3,900 MTU in year 25 and thereafter.

(c) Other Acceptances.—Subject to the conditions contained in the license to receive and possess spent nuclear fuel and high-level radioactive waste issued under section 101(c), of the amounts provided for in paragraph (b) for each year, not less than one-sixth shall be—

(1) spent nuclear fuel or civilian high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act Amendments of 2000;

(2) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

(3) spent nuclear fuel and high-level radioactive waste from research and atomic energy defense activities, including spent nuclear fuel from naval reactors:

Provided, however, That the Secretary shall accept not less than 7.5 percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in paragraphs (2) and (3) in subsection (c). If sufficient amounts of radioactive materials are not available to utilize this allocation, the Secretary shall allocate this acceptance capacity to other contract holders.

(d) Effect on Schedule.—The contractual acceptance schedule shall not be modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

(e) Multi-Year Shipping Campaigns.—Consistent with the acceptance schedule, the Secretary shall, in conjunction with contract holders, define a specified multi-year period for each shipping campaign and establish criteria under which the Secretary could accept contract holders' cumulative allocations of spent nuclear fuel during the campaign period at one time and thereby enhance the efficiency and cost-effectiveness of spent nuclear fuel and high-level waste acceptance.

SEC. 107. INITIAL LAND CONVEYANCES.

(a) Conveyances of Public Lands.—One hundred and twenty days after enactment, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, County of Lincoln, or the City of Caliente, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

(b) Special Conveyances.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer Station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

(2) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Beatty

Map 2: Ione/Berlin

Map 3: Manhattan

Map 4: Round Mountain/Smoky Valley

Map 5: Tonopah

Map 6: Armargosa Valley

Map 7: Pahrump.

(3) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

(4) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

Map 2: City of Caliente, Parcel M, Industrial Park Site, Jointly with Lincoln County.

(5) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Industrial Park Site Expansion.

(c) Construction.—The maps and legal descriptions of special conveyance referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

(d) Evidence of Title Transfer.—Upon the request of the County of Lincoln or the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

(e) Consent.—(1) The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

(2) Arguments.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the repository premised upon or related to the acceptance or use of benefits under this title.

(3) Liability.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.

TITLE II—TRANSPORTATION

SEC. 201. TRANSPORTATION.

Section 180 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10175) is amended to read as follows:

"TRANSPORTATION

"Sec. 180. (a) In General.—The transportation of spent nuclear fuel and high-level radioactive waste from any civilian nuclear power reactor to any other civilian nuclear power reactor or to any Department of Energy Facility, by or for the Secretary, or by or for any person who owns or generates spent nuclear fuel or high-level radioactive waste, shall be subject to licensing and regulation by the Commission and the Secretary of Transportation under all applicable provisions of existing law.

"(1) Preferred shipping routes.—The Secretary shall select and cause to be used preferred shipping routes for the transportation of spent nuclear fuel and high level radioactive waste from each shipping origin to the repository in accordance with the regulations promulgated by the Secretary of Transportation under authority of the Hazardous Materials Transportation Act (chapter 51 of title 49, United State Code) and by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.).

"(2) State rerouting.—For purposes of this section, a preferred route shall be an Interstate System highway for which an alternative route is not designated by a State routing agency, or a State-designated route designated by a State routing agency pursuant to section 397.103 of title 49, Code of Federal Regulations.

“(b) SHIPPING CONTAINERS.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages—

“(1) the design of which has been certified by the Commission; and

“(2) that have been determined by the Commission to satisfy its quality assurance requirements.

“(c) NOTIFICATION.—The Secretary shall provide advance notification to States and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste.

“(d) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—

“(A) STATES AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials or appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion of any funds that the Secretary provides to the State for technical assistance and funding.

“(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organizations, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

“(C) TRAINING.—Training under this section—

“(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

“(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (h); and

“(iii) shall include—

“(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

“(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

“(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

“(2) NO SHIPMENTS IF NO TRAINING.—

“(A) There shall be no shipments by the Secretary of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph (3)(B) to the repository until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level radioactive waste, as established by the Secretary, and unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph (1)(A) have been available to a State or Indian tribe for at least 3 years prior to any shipment: *Provided, however*, That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available because of—

“(i) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or

“(ii) the refusal to accept technical assistance by a State or Indian tribe, or

“(iii) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

“(B) In the event the Secretary is required to transport spent fuel or high-level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: *Provided, however*, That in no event shall such shipments exceed 1,000 metric tons per year: *Provided further*, That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Amendments Act of 2000.

“(3) GRANTS.—

“(A) IN GENERAL.—To implement this section, the Secretary may make expenditures from the Nuclear Waste Fund to the extent provided for in appropriation Acts.

“(B) GRANTS FOR DEVELOPMENT OF PLANS.—

“(i) IN GENERAL.—The Secretary shall make a grant of at least $150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe through the reservation lands of which one or more shipments of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

“(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

“(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

“(i) IN GENERAL.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

“(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

“(II) the amount requested by the President for implementation; and

“(III) the rationale for any discrepancies between the amounts requested by States and federally recognized Indian tribes and the amounts requested by the President.

“(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

“(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and Indian tribes based on plans developed under subparagraph (B); and

“(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

“(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to a repository, regardless of whether the repository is operated by a private entity or by the Department of Energy.

“(5) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

“(e) PUBLIC INFORMATION.—The Secretary shall conduct a program, in cooperation with corridor States and tribes, to inform the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis on those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

“(f) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall contract with private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

“(g) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Amendments Act of 2000, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by section 5126 of title 49, United States Code.

“(h) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49, United States Code (in the case of employees of railroad carriers) and section 31105 of title 49, United

States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

"(i) TRAINING STANDARD.—

"(1) REGULATION.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) SECRETARY OF TRANSPORTATION.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall, by Memorandum of Understanding, ensure coordination of worker training standards and to avoid duplicative regulation.

"(3) TRAINING STANDARDS CONTENT.—(A) If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

"(i) a specified minimum number of hours of initial offsite instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

"(ii) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

(iii) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(B) The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of clauses (i) and (ii).

"(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high-level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

"(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.".

TITLE III—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

SEC. 301. FINDINGS.

(a) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements.

(b) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

(c) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be re-evaluated.

SEC. 302. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of the Nuclear Waste Policy Amendments Act of 2000.

(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

(d) DUTIES.—(1) The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(2) The Associate Director of the Office shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) ensure that research efforts with this Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

(e) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of subsection (b).

TITLE IV—GENERAL AND MISCELLANEOUS

SEC. 401. DECOMMISSIONING PILOT PROGRAM.

(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

SEC. 402. REPORTS.

(a) The Secretary is directed to report within 90 days from enactment of this Act regarding all alternatives available to Northern States Power Company and the Federal Government which would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current Nuclear Regulatory Commission licenses, assuming existing State and Federal laws remain unchanged.

(b) Within six months of enactment of this Act, the General Accounting Office is directed to report back to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce on the potential economic impacts to Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan ratepayers should the Prairie Island Nuclear Generating Plant cease operations once it has met its State-imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of onsite storage of spent nuclear fuel storage.

SEC. 403. SEPARABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 404. FAST FLUX TEST FACILITY.

Any spent nuclear fuel associated with the Fast Flux Test Facility at the Hanford Reservation shall be transported and stored at the repository site as soon as practicable after the Commission has authorized the construction of the repository.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I certainly want to accommodate the Senator from Massachusetts. I would like to take a moment to thank some of the people who have worked on this legislation.

I take this opportunity to, first of all, compliment the professional staff who prepared a good deal of the material for the debate we just concluded. Andrew Lundquist, who is pretty much the general on the Energy Committee as the chief of staff of the Energy Committee, worked very hard. He had a little difficulty because his wife had a baby in the middle of the debate—a little girl, who joins three young brothers. But I do thank Andrew.

Colleen Deegan, who is on my right, we would not have been able to get as far as we had without her. Other committee staff who helped or others who did not create too many problems are Kelly Johnson, Kristin Phillips, Bryan Hannigan, David Dye, Betty Nevitt, Jim Beirne—who sat here an extended period of time—and Bob Simon and Sam Fowler from the minority. The departed staff member who worked on this for about 5 years is Karen Hunsicker, who worked on it until the end of last year.

While Senator BINGAMAN and I could not agree to resolve all the issues, I compliment him and his staff for working to try to reach an accord on the issue.

I think it is unfortunate we could not bring the administration aboard in a responsible manner, either taking title or without taking title. It is clear this matter will not be resolved on the watch of the Clinton administration. I suspect the Vice President's attitude on this should be known by the public as the campaign progresses.

But nevertheless, I thank my two colleagues from Nevada for the manner in which they nobly represented the interests of their State. That is very important around here. As they know, Senator STEVENS and I have often tried to convince this body that those of us who are elected from an individual State really have the best interests of that State at heart. For the most part, the Members I think should be very sensitive of that fact. That was evidenced in the vote today.

I would like to make one assumption, that where we ended up is where we ended up the last time on this. Although Senator McCAIN was not here, we can assume he would have voted with us.

Mr. REID. Senator KENNEDY was not here.

Mr. MURKOWSKI. Of course, Senator KENNEDY was not here.

While there were a few changes, we ended up just about where we were the last time. As far as I am concerned, this matter has to rest with the administration for a solution. The Senator from Alaska will not be banging his head against the door to try to solve this Nation's nuclear waste problem until we get from the administration a program that suggests they are going to address the problem with a resolve.

Again, I thank all of those who were involved in the debate. I wish you all a good day as we lament on the reality of this last vote.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KERRY. Mr. President, I appreciate the recognition, but I do not want to deprive the Senator from Nevada speaking if he wants a brief moment to follow up.

How much time does the Senator wish?

Mr. BRYAN. If the good Senator would yield for a minute?

Mr. KERRY. I ask unanimous consent that I be permitted to yield for 1 minute to the Senator and that then the floor would be returned to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. I thank the distinguished Senator from Massachusetts.

I wish to respond to the gracious statement by the chairman of the Energy Committee. Although we have had strong differences on this issue, the differences have been professional, not personal. He has been very professional in the way in which he has handled this matter. He has extended us every courtesy. I appreciate that. I think his conduct and deportment reflect the highest traditions of the Senate. I publicly acknowledge that. Even though, in combat, we were forceful in our advocacy, as was he, this is something that is intensely personal to us. The Senator understands that. But I do thank him very much for his graciousness and professionalism.

I yield the floor and thank the Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. KERRY. Mr. President, as we approach the budget debate this year, I think it is important for us to take a moment ahead of time to think about the broad outline of what we spend money on and also what we do not spend money on—how we allocate the priorities of this budget—because the budget is, after all, the most concrete, clearest expression of the priorities and intentions of the Congress.

I would like to walk through that for a moment, if I can, and then make a proposal to my colleagues, which I hope might, in the context of this year's surplus and the choices we face, be attractive.

The reality is, of the $1.8 trillion we will spend this year, the largest single expense, as we all know, goes to Social Security. The Federal Government is going to spend $400 billion or 22 percent of the Federal budget on monthly retirement and disability payments for about 45 million Americans who are either senior citizens or disabled.

The second largest commitment will be made to Medicare, nearly $220 billion or 12 percent of the Federal budget, ensuring that virtually every individual over the age of 65 receives health insurance benefits covering hospitalization, physician services, home health care, limited nursing home care, and laboratory tests, and providing health benefits to roughly 5 million disabled people.

In those two expenditures alone, we have spent a little over one-third of our budget on Social Security and Medicare. Of the remaining $1.2 trillion of that budget, we will spend $115 billion or about 6.5 percent of the budget on Medicaid. Those are, obviously, the health care benefits we provide to the least able to afford health insurance. In addition, we will spend about $110 billion or a little over 6 percent of the budget on Federal, civilian, and military retirement and disability benefits as well as veterans benefits.

When you throw in the other mandatory entitlement programs—such as foster care, unemployment compensation, farm price supports, food stamps, and supplemental security income, which is, as everybody knows, an income safety net for the poorest people in America—we then reach over $1 trillion in Federal spending.

This year, of the $1.8 trillion Federal budget, over $1 trillion will go towards the mandatory entitlement programs that, while vitally important, are on autopilot. We are not going to make individual judgments about them except to the degree we decide we need to shore up the Medicare program or shore up the Social Security program. They are basically on autopilot in terms of their existence. The consensus of the Congress wants them; the country wants them. We support them. They don't need to be renewed, and they don't need to be reauthorized. They obviously are not appropriated on an annual basis.

When we talk about the budget that we, as Members of Congress, are going to be dealing with in terms of discretionary spending, where we will make long-term investments, where we have some flexibility, we are dealing with about $800 billion.

All of us understand what happens very quickly to that remaining portion of the budget, to those $800 billion. Two hundred twenty-four billion or 12 percent of the Federal budget will go almost immediately to interest payments on the national debt. We are grateful that having reached the point of having a surplus, and with the President's proposal, we can see an end to the payments of interest on the national debt by the year 2013. But for the moment, 12 percent of the Federal budget this year is going to go to pay interest on the national debt. Those payments are not optional.

Putting that spending aside, we are now left with about one-third of the overall Federal budget or $600 billion which we now can use to cover all other Government functions. But that disappears very quickly. Two hundred eighty-three billion of that budget will be spent on national defense this year, nearly 16 percent of the Federal budget. Another 2.5 percent of the budget will be spent building highways, channeling harbors, financing mass transit, all to a cost of about $45 billion this year. Then you factor in housing assistance, nutrition programs, at a cost of about $42 billion, that is another 12 plus percent of the budget. And less than 2 percent of all the budget will go to health research, public health programs, searching for a cure to cancer, for HIV-AIDS, licensing new drugs for the marketplace, programs to attack teen smoking, services for the mentally ill.

One and a half percent of the budget will go to crime control, putting cops on the street, fighting drug trafficking, and barely 1 percent of the budget will go to foreign aid. Many Americans labor under the perception that somehow foreign aid is this vast proportion of the Federal budget. In fact, foreign aid is a significantly less percentage and real expenditure than it was under Ronald Reagan. I think we spent two or three times as much under Ronald Reagan in foreign affairs than we are spending today, which, I might add, is particularly ironic when you measure the changes in the world and the need for the United States to be more involved, not less involved, in a world that is increasingly globalizing and where we are all feeling the impact and forces of technology.

The point I make to my colleagues today: For what most people agree is the single most important investment we can make in America, there is precious little money remaining. How many of my colleagues in the last years, recognizing the impact of the technology revolution, have come to the floor emphasizing the importance of education in America? We reap the benefits and the deficits of our attention to education in a thousand different ways. When Senators come to the floor and talk about the increasing problem of children having children, babies being born out of wedlock, the number of kids in America who are at risk, we should be directly examining how many of our schools stay open into the evening, how many of our schools have afterschool programs. How many of our schools don't even have an ability to be able to track children who are truant?

It used to be that in the United States of America there was an ethic that when children were not showing up in school, the truant officer went out and found the kids. We did something about it. Today, you can be a kid in school and not show up and nobody even stops to wonder what happened. In too many schools in America they may not even contact what is too often a single parent and find out whether that single parent might have had time to be able to be aware that their kid might not be in school or what they might have time or ability to be able to do about it.

I don't raise this issue of spending to try to disparage the other budget priorities. I think they are all priorities. I vote for them. I support them. I think everybody in the Senate understands the importance of all of the things I listed. We have built up a very real bipartisan consensus on the importance of most of these investments.

But why is it that in the year 2000, after years of talking about education's importance and education reform, we are so absent a consensus in this institution on the need to be investing in communities that have no tax base with which to improve the school system? Ninety percent of America's children go to school in public schools. We waste more time on the floor of the Senate debating some alternative to public schools, such as vouchers or charters, rather than figuring out how we are going to fix the public school system and invest in it properly so those 90 percent of our children have a place to grow up properly and share in the virtues of this new world that America is increasingly witnessing and even playing a critical role in developing.

Every one of us meets with the extraordinary creative energy of the new technology community of this Nation. We have remarkable people doing remarkable things. We have companies that have built up more wealth faster than at any time in the history of this Nation. But there is an enormous gap for those companies in their capacity to grow over the coming years. Every chief executive of every technology company in our Nation will tell us again and again and again that their greatest restraint on growth is the lack of an available skilled labor pool. There are some 370,000 jobs going wanting today in the technology field.

(Mr. ROBERTS assumed the chair.)

Mr. KERRY. We are going to debate in Congress whether we are going to expand visas to bring immigrants from other countries to fill the jobs a properly educated young American ought to be able to fill or would want to fill if they had the opportunity to be able to do so. I think it is important to point out that out of a $1.8 trillion Federal budget, we are spending a relatively tiny amount of money to empower local communities to improve student achievement, to support teacher and administrator training, to help finance and encourage State, district, and school reforms, to recruit teachers, to fix failing schools, and to provide children the extra help they need to meet the challenging academic standards that are needed to make it in today's world.

Let me speak quickly to the teacher situation, Mr. President. For 3 years now, some of us have been coming to the floor of the Senate to warn our colleagues and America of our need to hire 2 million new teachers in the next 10 years. Why do we need to hire 2 million? Because we lose 40 percent of the new teachers in the first 3 years; because the schools are in such disarray, they have burnout in a mere 3 years, or they find the support systems are so inadequate they don't want to continue to teach. But we are also losing them because we have a whole generation of teachers reaching retirement age and we need to renew the teaching profession.

Ask any kid in college today: Do you want to go teach? How many kids plan to go teach in today's world? I read in the newspapers yesterday that the starting salary for an associate in a major law firm in Boston or New York is now equivalent to the salary of a Senator—about $140,000 a year. That is what you get the day you get out of law school and go to work for a large law firm.

If you want to, coming out of college today—and most kids need to because the average student gets out of college with about $50,000 to $100,000 worth of loans—they can look to go into some dot-com company where they can earn $60,000 or $70,000 within the first year or so of employment. What does a teacher get—$21,000, $22,000 a year? And after 15 years of teaching, when you have broken through and gotten your master's degree, you can get into the midthirties or high thirties. In some school districts, you may break into the forties. You can wind up an entire career of teaching and be earning maybe somewhere in the low fifties, high fifties, and very few districts hit the sixties. How do you attract anybody, under those circumstances, to do what we pretend is the most valued profession one can undertake—teaching.

So this year we are going to spend a grand total of slightly over $19 billion for all elementary and secondary education initiatives—or just barely over 1 percent of the $1.8 trillion Federal budget. When we hear our esteemed budget committee leaders talk about the great commitment on the part of Congress or the Federal Government toward improving education, I ask people to remember that what we are talking about is 1 percent of that Federal budget. We put so much more money into the back end of life in America, whether it is through Medicare or through Social Security, or just dying in a hospital—I hate to say it, but, tragically, in the last 2 weeks of life in America. We spend so much more at the back end of life than we invest when the brain is developing and it is in the most important stage of life.

Not one scientist will fail to document that what a human being will be—their capacity to think, their capacity to socialize, their capacity to be able to learn and to be a full participant in society—is 95 percent determined in the first 3 years of life. And we invest a fraction of a percentage of our budget to guarantee that children are safe and nurtured and, indeed, given the opportunities to have the maximum amount of brain development and opportunity for safety in those stages.

Our young people pull in about a penny on every dollar in terms of the investment priorities of the U.S. Congress. The National Center for Educational Statistics reports that the Federal Government provided 8.4 percent of total expenditures for elementary and secondary education from 1970 to 1971. It was 9.2 percent from 1980 to 1981. Yet last year we provided only 6.1 percent. The school population goes up, the demand goes up, but the commitment of the U.S. Congress, in total terms, goes down.

Let me put this in a different perspective, if I may. Let me compare the cost of investing in our children to the cost of some of our recently enacted tax provisions. In 1997, the President proposed, and Congress agreed, to create a new capital gains exclusion on home sales. Today, a homeowner can exclude from tax up to $500,000 of the capital gain from the sale of a principal residence. Obviously, we all agree that exempting the sale of a home from capital gains taxation is a good thing, and I am for that. Calculating the capital gain from the sale of a home is perhaps one of the most complex tasks a typical taxpayer faces because they have to keep detailed records of transactions on home improvements, they have to draw distinctions between improvements that add to the home's basis and repairs that don't. But what does it say about our national priorities—that the cost of exempting up to $500,000 of gain on the sale of a home will cost the Federal Government $18.5 billion this year. We are going to give up $18.5 billion of our revenue because we have decided it is important to reflect this "priority." That is almost exactly the amount of money we spend as a nation on all elementary and secondary education.

Mr. President, I think that is a disturbing budget reality, and it is an incontrovertible fact, which I believe requires us to try to reconcile with the current demands we face from millions of Americans, whether they are parents, teachers, or business leaders, all of whom are asking us to help improve the schools of this Nation.

Now, I point this out because I believe now, when we enjoy the greatest economic expansion in the history of our Nation, we have an opportunity to lay the foundation for a new era in America. It is an opportunity to fix our schools, to increase their accountability, to recruit more and better teachers, and to reduce the average class size. I share with my Republican colleagues the desire to guarantee that we have a new accountability in the school systems. I believe we can reach a consensus and achieve that. But it must be done by some commitment of additional resources in order to allow the reformers at the local level to empower their States and local school districts to be able to turn their schools around.

Under the CBO's most recent estimates, the on-budget surplus—that is, the non-Social Security surplus—will amount to somewhere between $800 billion and nearly $2 trillion. I believe their most conservative estimate is probably the better place for us to start. That conservative estimate assumes that spending will continue to increase at the rate of inflation. It assumes the continuation of emergencies, such as droughts in the Midwest and hurricanes on the east coast. It even assumes the continuation of unlikely events such as a decennial census every year—when we all know that expense occurs only once every 10 years.

I ask my colleagues to focus on the fact we are not talking about just Social Security now. We are assuming that the Social Security surplus is locked up, as it ought to be and as we wanted it to be. But we must decide to dedicate a portion of these surpluses towards the appropriate investment priorities of the Nation. Yes, that includes Medicare reform and putting it on solid footing. Yes, it includes a prescription drug benefit to help people pay the extraordinary costs of prescription drugs. We should dedicate a portion of that surplus towards debt reduction so we can keep reducing interest rates, and reduce the future interest obligations and extend the virtuous cycle of fiscal discipline which is at the heart of our economic expansion. Yes, we ought to pass some targeted tax cuts for middle-income families—such as the marriage penalty, estate tax relief, and an increase in the standard deduction. We can do those things.

We can also reserve an appropriate amount of money for the education of our young people—to raise that education to the level of rhetoric, to the level of campaigning, and to the level of debate that has existed in the Congress in the past years. I think the Congress has a unique opportunity this year to tell America that our young people at those critical stages of development are worth more than one penny on the dollar.

I intend to introduce a 21st century early learning and education trust fund. This legislation would set aside 20 percent of the most conservative CBO estimate of the on-budget surplus over the next 10 years only. I believe, with all of the debate on both sides of how to raise student achievement and reform public education, about the growing acknowledgment on both sides that reform costs money, that we should at the very least take a step that locks up a portion of the budget surplus and dedicate this money to early learning, and to education as a whole, where the country gets the greatest return on investment. Almost every analysis suggests that for $1 put into education at that stage, a minimum of $6 is returned to the Federal coffers over the course of the next years in one way or another.

My proposal would set aside $2.2 billion this year, $30 billion over 5 years, and nearly $170 billion over 10 years for education, for early learning, for childhood interventions, which will make a difference in building the fabric of families. That will help us break the cycle of children having children out of wedlock. That will help us solve the problem of parents who do not have time to be parents and be with their children in those critical hours of the afternoon when most kids get into trouble.

It will literally turn around the fabric building of our own Nation and ultimately provide us with an educated workforce that has the ability to continue the extraordinary economic growth we experienced these last years, as well as, I might add, empower us to be able to guarantee that a citizenry that grows up in a world of more information has the skills and capacities to be able to manage that information and, indeed, contribute to the wise decisionmaking—the wise choosing of policies in a world that will become increasingly more virtual, more capable of making faster decisions with more information being thrown at people and people trying to discern the truth for themselves. As Thomas Jefferson and George Washington, the Founding Fathers of this country, understood, nothing is as important as that effort of guaranteeing that your citizenry is educated.

The funds that would be held by the education trust fund could be used—and only used—to finance legislation to approve the quality of early learning through secondary education above the current inflation-adjusted baseline. Eligible uses include but would not be limited to programs and reforms authorized under the Elementary and Secondary Education Act and the Head Start Act. Trust fund expenditures would have to traverse the normal budget process.

If Congress were unable to agree on how to use trust fund revenue or if Congress simply doesn't commit enough resources to trigger the use of the trust fund, the trust fund assets would be carried over to the next year. The trust fund would work similar to the Social Security trust fund. On paper, those assets would carry forward to the next fiscal year. In reality, unspent funds would be used to pay down the public debt.

Trust fund revenue would not be available for anything other than these education specifics. Appropriators could not tap those trust fund moneys for sugar subsidies, for pet projects, or for other related purposes. Tax writers could not tap into trust fund money to pay for special interest tax breaks. But tax writers could use the trust fund money for education purposes ranging from school construction bonds to any other number of priorities on which the Congress could reach consensus. In effect, the trust fund would create a budgetary firewall protecting our national commitment to young people for early learning and education generally.

I have strong views about how some of that money might be best spent. But that is a debate for a different day. The question before us, as we think about the budget as a whole, particularly since it is the first budget of the new millennium, is, What is our commitment as a nation to education? Are we satisfied that one penny per dollar less than we used to commit under Ronald Reagan and less than we used to commit under Richard Nixon is currently being committed by the Federal Government for the purpose of building the future fabric of this Nation? I don't think I am alone in believing that surplus funds ought to be used to some degree in some manner for these education expenses.

In the State of the Union Address, the President pledged to increase our commitment to the Nation's education system by using surplus funds. In fact, his fiscal year 2001 budget requests an increase in discretionary spending for $5.7 billion for elementary and secondary education. I wholeheartedly support that critical increase. But I know and you know, Mr. President, and all of us in this Congress know that if we put together the proper structure that requires accountability that changes the relationships that currently exist in our public education system, that embrace choice, competition, accountability; that if we unleash the capacity of our school systems to be the best they can be, whether it means adopting the best of a charter school, the best of a parochial school, the best of a private school, the best of the best public schools, we have the ability in this Congress to find a way to guarantee that local communities embrace real concepts of reform. But none of those concepts can be properly implemented without some commitment of resources for communities that have no tax base and no ability to fund those systems through the property tax.

This is our mission, and $5 billion is not enough to fix our schools, or to guarantee a qualified teacher in every classroom, or to provide students with meaningful afterschool programs.

I am not suggesting a Federal mandate. I am not suggesting the long arm of Washington reaching in and telling people how to do it. To the contrary. I am suggesting that we leverage the capacity of local districts to make those choices for themselves. If we don't tell them how to get there as true fiscal watchdogs looking over our taxpayers' dollars, we will look on the back end to see they did get where they said they were trying to go. If we in this body intend to make education a top priority and work for serious reform, we have to guarantee children have access to those things that will contribute to their education's success.

I have never been able to reconcile in the Senate how it is that we are so ready to augment the expenses for the juvenile justice system, build new prisons and house people for the rest of their life for $35,000 to $75,000 a year, but we are unwilling to invest $35,000 a year to keep them out of those prisons and to provide them with a set of other choices when it matters the most. That, it seems to me, is the obligation of this country. The American people want funding for education increases. The American people in community after community know they can't take any more on the property tax burden. Seniors who want to live out their years in the house they paid for can't see the property tax go up. Young families with a fixed stream of income who bought into their first home can't see the property tax go up. However, we fund our education system as if we were still the agrarian society which set up the entire structure for property tax in the first place.

Our obligation is to find a way to release the creative energies and learning capacities of our Nation. If we were to find a bipartisan consensus and reach across the aisle to end this wasted debate about saving a few kids rather than saving all of the kids, it seems to me we would have the ability in the Congress to achieve something that would truly be a long and lasting legacy. It would be a great beginning for this millennium.

Education is the No. 1 issue in America. It deserves more than a penny, a dollar. That, it seems to me, is the mission we should embark on over the course of these next months.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. It is such pleasure to see the distinguished Senator from Kansas in the chair. I know the Chamber will be kept in order, and we will make real progress.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 80, the adjournment resolution, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 80) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 80) was agreed to, as follows:

S. CON. RES. 80

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, February 10, 2000, or Friday, February 11, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, February 22, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, February 16, 2000, Thursday, February 17, 2000, or Friday, February 18, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, February 29, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations en bloc: Executive Calendar Nos. 408 and 410. I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection to the request?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, in light of that objection, I move to proceed to executive session to consider Executive Calendar No. 408. There is a request for a vote by our distinguished colleague, Senator INHOFE. Therefore, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, before the Chair puts the question, I understand following this vote there will be some debate by my colleague from Oklahoma with respect to these two judges. I further understand, following the Senator's statement, we will proceed to two further rollcall votes on the confirmation of these judicial nominees. Senators should, therefore, be notified that a rollcall vote will begin on the pending motion and that after some time for debate, two additional votes will occur today.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Reserving the right to object, I ask the majority leader, may we have an understanding that vote will not occur prior to 1:45 p.m.? Let me clarify. The motion to proceed can take place now, but if there are subsequent votes, those votes not take place——

Mr. LOTT. Is the Senator asking consent?

Mr. DASCHLE. I ask unanimous consent.

Mr. LOTT. Mr. President, I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, before we do go to a vote on the motion, I want to have a colloquy with the distinguished Senator from Oklahoma. The vote then on the motion will occur immediately following this colloquy, which should not take very long. Then the vote on the two nominees will not occur before 1:45 p.m. It may be later than that; I emphasize that.

The Senator from Oklahoma may want to talk for a while, and others may want to comment on this. We want to accommodate, as we always do, Senators who wish to be heard on important nominations. I yield the floor to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the majority leader for yielding to me.

Last year, at the end of the session, I came to the floor and informed the White House, as well as my colleagues, that of a list of 13 proposed appointments, 8 were acceptable. I did this by checking with my colleagues to find out who would be placing holds on which of those 13 nominees. There were five that would have had holds on them.

I further stated that if anyone other than the eight were appointed, I would put a hold on all judicial nominations for the 2nd session of the 106th Congress. This policy was the result of an exchange of letters with the administration last summer in which the White House agreed to provide a list of potential recess appointments prior to adjournment so that the Senate could act on these appointments and avoid contentious action on recess appointments. The 8 to which I agreed were from a list of 13 that was provided by the White House, and I read those into the RECORD.

On December 9 the White House gave a recess appointment to Stuart Weisberg to the OSHA Review Commission, and on December 17 the White House gave a recess appointment to Sarah Fox to the National Labor Relations Board. They were not on the list of 13 that was received on November 18 and to which I referred on November 19. Based on these actions, I believe the White House violated their commitment by making these recess appointments. Therefore, I said I would put a hold on every judicial nomination this year. I believe this is the correct reaction to the action taken by the White House.

Mr. LOTT. Mr. President, will the Senator yield?

Mr. INHOFE. Yes.

Mr. LOTT. First of all, I appreciate sincerely the efforts of the Senator from Oklahoma to limit the recess appointment power of the Executive. Over a period of years, Executives of both parties have probably abused this authority. It is one that has been used by President Bush, President Reagan, as well as President Carter and President Clinton. I know in the past Senator BYRD, as a matter of fact, worked on this area of concern of the Senate and worked out an agreement, with the cooperation, as I recall, of Senator Dole and President Reagan, who was in the White House at that time.

Because of the Senator's concern and insistence about this matter, my colleagues will recall that last year, once again, we went through a process that led to a similar agreement in writing between the Senate and this President about how these recess appointments would be handled. It is important that we make every effort to live up to the letter of that agreement, as well as the spirit.

I emphasize that Senator INHOFE has already helped in bringing that about. There is no doubt in my mind that his efforts and his comments last year and this year had an impact on the number of recess appointments with which the administration did, in fact, go forward.

I know for sure—in fact, the President indicated as much to me—that they had wanted to do more, but they showed restraint and they realized that it could cause even more serious problems. So he has had an impact, there is no question about that. It is very helpful.

Indeed, Senator INHOFE did inform me of his intentions last November before he made his speech on the floor—I remember, I walked over to this area and talked with him. I admit, I was dealing with a lot of different issues at the time and perhaps should have paid a little bit more attention to exactly the exchange that was occurring and the lists that were being discussed—after I had shared with him the list of possible recess appointees provided by the White House on November 19 in compliance with a similar Byrd-Reagan agreement. There is no question his memory of that discussion and his efforts did take place, and I appreciate that.

As majority leader, I must also say I worked with the White House to limit their use of these recess appointments through these negotiations both now and in the past. I am quick to say, on more than one occasion I thought they made a mistake and I told them so. I remember one ambassadorial appointment in particular.

On many occasions, we have been able to resolve differences. With regard to the appointment of a person during the recess, sometimes there were problems, but concerns were worked out after further consideration. I do acknowledge that they have worked on a regular basis with me as majority leader and with my staff when I have been absent and in my own State or in other States.

I have great sympathy for the Senator's plan to object to these judicial nominations. I have said before, I am not one who gets all weepy-eyed about having more Federal judges of any kind anywhere. However, as majority leader, I must take some other factors into account.

Using the Sarah Fox example, she had previously been confirmed to a position on the NLRB by a vote of the full Senate. I believe she would have been confirmed to a full term if her nomination were brought to the floor of the Senate again. It probably would have eventually because, in this case, it is not a judicial nomination.

If the Chair will excuse me and my colleagues a moment of partisanship, I hope to have a Republican in the White House next year to succeed President Clinton. So, therefore, I hope this Republican will be able to name a majority of the members of boards and commissions as soon as possible. I did not want Sarah Fox serving a full NLRB term, which would have extended until 2004. I thought a 1-year appointment allowing, then, for her to be replaced by the next President—whichever party that President may be from—made some sense.

Maybe that contributed to a violation of the letter or the spirit of the agreement, but it was after a lot of discussion with colleagues on our side of the aisle. I thought it made sense to go ahead and do that.

I am also concerned very much about the Senate getting into the possibility of filibustering judicial nominations. It is a bad precedent. The Senate has generally not done that. Once again, I hope we will be having nominations suggested by the Senator from Kansas next year. I would be greatly concerned about the idea that a nomination would be filibustered.

As a matter of fact, you may recall last year when the Democrats did filibuster a nominee from Utah, I complained loudly that it was a mistake, should not be done. As you recall, the better part of judgment prevailed, and we backed away from that. We, in fact, confirmed that nominee. So that is another factor I have to inject.

I do not think we should or would be able to go all year without confirming any nominees. Some of these nominees are good men and women. Some of them have already waited a long time. Some of them are supported by Governors and Democrats and Republicans in the Senate and should not be held.

In some of these States there truly is a need for more judges, as bad as that may sound to some of us. Florida is a State with a growing docket of cases. Even hard-working Federal judges cannot cope with it.

So all of these are matters I have to consider as majority leader. It is one of those burdensome, delicate balances for which the majority leader has to assume the responsibility.

So based on that—my concern about how long these appointments would be for; my feeling that, in fact, the White House did try to work with us; my feeling that we should not start filibustering these nominations—these and other concerns lead me to the conclusion that I will honor a Senator's hold for a reasonable period of time and will certainly honor a hold by the Senator from Oklahoma and will inform him when nominations will be brought to the floor so that he can take whatever action he is compelled to take—and I will honor that also—but, nevertheless, I think we should move forward and bring these nominees to a vote on the floor.

I thank the Senator from Oklahoma for yielding.

Mr. REID. Will the leader yield?

Mr. LOTT. I do not believe I have the floor.

The PRESIDING OFFICER. The majority leader does have the floor.

Mr. LOTT. I thank the Chair.

I would be glad to yield. And then I will yield back to the Senator from Oklahoma for his remarks.

Mr. REID. In addition to what has been said, I also think it is important to say that we have started this session off on a good note.

Mr. LOTT. Thanks to the efforts of the whip, we have made good progress.

Mr. REID. We have gone through two very big, complicated pieces of legislation: The bankruptcy bill, with over 300 amendments, and the nuclear waste bill, with the potential of well over 100 amendments. Those have gone through now.

I appreciate, commend, and applaud the leader for being a man of his word, as we knew he would be. I hope the Senator from Oklahoma, recognizing how strongly he feels about the issue, would understand it is not only the State of Florida. In Nevada, we are four judges short. We do not want the bandits to take over the town.

We appreciate very much the majority leader's efforts to move these four. We hope the Senator from Oklahoma will understand the personal situations in States such as Nevada, where we are desperate for new judges.

Mr. LOTT. Mr. President, if I could comment briefly on that, I meant it sincerely when I said there has been good, hard work done on both sides of the aisle: Senator GRASSLEY and Senator HATCH on the bankruptcy bill; Senator MURKOWSKI, obviously, and others on the nuclear waste bill. But Senator REID has done excellent work on his side of the aisle in helping us move this legislation through in a positive way.

The fact is, already this year we have passed bankruptcy reform; we have passed a bill that would provide for a minimum wage increase and tax relief for small business men and women, and for a nuclear waste repository. These are important issues. They are complicated and difficult to deal with substantively and politically. I think the Senate can feel good. I hope we can continue to work our way through important issues and that we will be able to do it as much as possible in a bipartisan way.

I yield further to the Senator from Oklahoma.

Mr. INHOFE. I thank the majority leader.

I hate to interrupt this love-in, but I want an opportunity to explain my actions. First of all, I want to say to the majority leader that I appreciate his acknowledgement of the accuracy of what happened on November 19. That is important to me. There have been some erroneous statements made in various newspapers reflecting the existence of other lists, and all that.

The bottom line is this: We made a request, the list came forward, and 10 minutes before we adjourned on November 19 we read from the list.

I believe there were strong reasons why the two particular nominees, Weisberg and Fox, would have been unacceptable. There are several Senators I have spoken with who would have found them unacceptable—frankly, I am one of them—and who would have been placed holds on those two individuals had they known that recess appointments were imminent. Some would have placed holds or at the very least insisted that hearings be held to explore the important policy matters surrounding these two appointments.

I think that is irrelevant. The fact is, the names were not on the Nov. 19 list. If the names had been on that list, that would have been totally different. Maybe some would have objected to them so they would not have been brought forward. The point is, appointments were made, and they violated the statements and the intent of the letter that we received from the White House vowing to honor their commitment.

I say to the majority leader, it is my intention, if we go forward at some point to vote on the two particular nominations to which you referred, that I will want to be heard and go back and maybe talk a little bit about what happened to bring us to the point where we are today.

I add that the President is not keeping his commitments. I think when I read his letter there is no question in my mind. I made it abundantly clear on the floor what the consequences would be.

I say, also, that I am in a position, I say to the majority leader, that while the President does not keep his commitments, I do keep my commitments. My commitments are to do what I can to try to block judicial nominations.

Mr. DURBIN. Will the Senator yield for a question?

Mr. INHOFE. No, not now.

I just say this. In following through with my commitment to try to block the confirmations, while it is not my intention—if the handwriting is on the wall—to just arbitrarily lay down blanket filibusters, I do intend to consult with my colleagues and reserve my rights under the rules to assess what actions, if any, can succeed in this effort.

I want to make one other comment about this, too; that is, you hear a lot of yelling and screaming about: Oh, what are we going to do without these appointments that we have to have? I remind you, back in 1993, at the end of the Bush administration—he was ready to go out of office—there were 109 vacancies in the Federal judiciary. In other words, the Democratic controlled Congress failed to fill these vacancies.

Right now, there are 74 vacancies in the Federal judiciary. If you determine where we would be if normal history takes its course through deaths or resignations, at the most there would be another 25 vacancies. That means, at the most, we would have about 100 vacancies at the end of President Clinton's term. Compare that to the 109 vacancies left after the Bush administration. I make that comment to offset the argument before it is made as to what type of judicial crisis will come about if we ended up without judicial nominees being confirmed.

Mr. LOTT. I thank the Senator for his comments.

We have Senators who I believe are about to leave the Chamber. Are we ready to put the question? And then we would go ahead with the debate on the judges.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to executive session to consider Executive Calendar No. 408, the nomination of Thomas L. Ambro, of Delaware, to be United States Circuit Judge for the Third Circuit. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—79

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Byrd
Campbell
Chafee, Lincoln
Cleland
Cochran
Collins
Conrad
Coverdell
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
Mikulski
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Smith (OR)
Snowe
Specter
Stevens
Thompson
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—19

Allard
Bunning
Burns
Craig
Crapo
Domenici
Enzi
Gramm
Grams
Grassley
Gregg
Helms
Inhofe
McConnell
Murkowski
Shelby
Smith (NH)
Thomas
Thurmond

NOT VOTING—2

Kennedy
McCain

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the Senator from Florida has asked that he be recognized to make a unanimous consent request, and I yield to him for that purpose.

Mr. GRAHAM. Mr. President, I ask unanimous consent that upon the completion of the two votes which are currently scheduled to commence at 2 p.m. I be granted 20 minutes as in morning business for the purpose of a bill introduction.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

EXECUTIVE SESSION

NOMINATION OF THOMAS L. AMBRO, OF DELAWARE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

Mr. INHOFE. Mr. President, I yield to the Senator from Georgia for a couple of unanimous-consent requests.

Mr. COVERDELL. I appreciate the courtesy of the Senator from Oklahoma.

Mr. President, I ask consent at 2 p.m. today the Senate proceed to a vote on the confirmation of Executive Calendar No. 408. I further ask consent that following that vote the Senate proceed to a vote on the confirmation of Executive Calendar No. 410. I finally ask consent following those votes the President immediately be notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I would like to make a couple of statements about the vote that just took place, the reason for it, the history behind it, where we are today, and where we are going from here.

First of all, I suggest during the 5-day Memorial Day recess there was a pending nominee on whom there had been several holds. It is my understanding the appropriate committee had not received the financial information on that individual and there were other problems that had been voiced that precipitated the holds. Consequently, during that 5-day Memorial Day recess, President Clinton went ahead and granted him a recess appointment.

I think the majority leader was correct when he said there have been Democrat Presidents as well as Republican Presidents who have made recess appointments. Frankly, I do not think the Republicans should have done it. I do not think the Democrats should have done it. If we go back and read the Constitution on what recess appointments are all about, we would see that back in the horse-and-buggy days when we would be in session for just a few weeks every other year, and if there were a death of a Secretary of State or something like that, it was necessary to put ourselves in a position where the President would be able to fill that vacancy. That was the whole intent of recess appointments.

In 1985, President Reagan was making recess appointments because at that time we had a conservative Republican President and we had a liberal Democrat-controlled Senate. Consequently, he wanted to get his conservatives passed, so he went ahead and made recess appointments. I do not believe he should have made those appointments. I think that contradicted the provisions in the Constitution. However, he did it anyway.

At that time, the minority leader, the distinguished senior Senator from West Virginia, Mr. BYRD, did what was perfectly appropriate, and that was to send a letter to the President to say: Before you violate the constitutional prerogative of the Senate in its advise and consent power on any future recess appointments, I request a letter from you at a time with sufficient notice before the recess goes into effect. I request that you notify the Senate of what recess appointments you are intending to make during that recess and why.

Sufficient notice was interpreted and vocalized several times by Senator BYRD to be adequate notice so we would know they were coming up, so we could go to Members and see if there were anyone who would want to put a hold on a judicial or any kind of nominee during the recess and have adequate time to act on it before recess. In the extreme case, I suppose we could have just gone into a pro forma session and not gone into recess. Nevertheless, that is what he requested from President Reagan. I might add, President Reagan did agree to that request. He sent a letter that was satisfactory to Senator BYRD, so that set the precedent.

Because of the recess appointments of this President, I merely did the same thing Senator BYRD did back in 1985. I sent a letter, a communication to the White House, and I said: Because of your appointments, I am going to make the same request Senator BYRD made of President Reagan, with which President Reagan complied, and that is that you notify us in advance of any appointments you plan to have. If not, we will put holds on all appointments at that time—all nonmilitary nominees.

We did not get the letter for awhile. A few trial letters came over, but they were not consistent with what President Reagan had agreed to. Finally, on June 15, 1999, President Clinton sent a letter that said:

> I share your opinion that the understanding reached in 1985 between President Reagan and Senator BYRD cited in your letter remains a fair and constructive framework, which my administration will follow.

He agreed to follow the same mandates President Reagan did. At that time, I wrote a letter back praising the President for agreeing to abide by the same agreement as the Byrd-Reagan agreement. However, on November 10, as we approached our recess, I anticipated the President might be tempted to make recess appointments that were not consistent with that agreement. So I sent a letter to him that says:

> If you do make recess appointments during the upcoming recess which violate the spirit of our agreement—

Then I went into the details as to what the spirit was; there had to be adequate notice on a list we could consider and pass around to our colleagues—

> then we will respond by placing holds on all judicial nominees. The result would be a complete breakdown in cooperation between our two branches of government on this issue which could prevent the confirmation of any such nominees next year. We do not want this to happen. We urge you to cooperate in good faith with the Majority Leader concerning all contemplated recess appointments.

That was signed by me and by 16 other Senators. Almost all, I believe—most of them, anyway—voted against the motion to proceed a few minutes ago.

On November 17—I remember that well; it was my 65th birthday—I made a speech on the floor, and in that speech, anticipating there could be a misunderstanding of what our intent was, I said, on November 17, on this floor, at this podium:

> I want to make sure there is no misunderstanding and that we don't go into a recess with the President not understanding that we are very serious. . . . It is not just me putting a hold on all judicial nominees for the remaining year of his term, but 16 other Senators have agreed to do that. . . . I want to make sure it is abundantly clear without any doubt in anyone's mind in the White House—I will refer back to this document I am talking about right now—that in the event the President makes recess appointments, we will put holds on all judicial nominations for the remainder of his term. It is very fair for me to stand here and eliminate any doubts in the President's mind of what we will do.

That is exactly what we said on the floor, and I am going back now and reminding this body of that statement.

On November 19—that was the day we were going out of session on recess, and it would be a lengthy recess going until January, the State of the Union time—the President notified the Senate of contemplated recess appointments. This was in compliance with the intent of the letter.

I hasten to say here it is not quite in compliance because this is on the day we are going into recess. But nonetheless, in the spirit of cooperation and fairness, we agreed to take this list and to read the list and to go to our colleagues and see what names were on this list of 13 nominees whom he desired to appoint during the recess, and we found there were 5 on the list who were unacceptable to some Members of the Senate. So we sent back to him that communication, that there are 8 of them, and if there were any appointments other than these 8, that would be in violation of the letter.

To reaffirm that, the majority leader was good enough to let me be the last speaker on this floor, where I stood here 10 minutes before we went into recess and I made a rather lengthy talk, of which I will just repeat a little bit right now. I said:

> If anyone other than these eight individuals is recess appointed, we will put a hold on every single judicial nominee of this President for the remainder of his term in office. . . . I reemphasize, if there is some other interpretation as to the meaning of the (Nov. 10) letter, it does not make any difference, we are still going to put holds on them. I want to make sure that there is a very clear understanding: If these nominees come in, if he does violate the intent (of the agreement) as we interpret it [by appointing anyone other than these eight], then we will have holds on [all judicial] nominees.

There was one individual about whom the majority leader came to me, right after that, after we went into recess. He said: You know, we made a mistake, there was one other individual. Let's increase that to nine people instead of eight.

I said: That's fine.

We sent a letter to the President dated November 23 that, in the spirit of cooperation, we are adding one name to the list:

> I hope this makes our position clear. Any recess appointments other than the nine listed above would constitute a violation of the spirit of our agreement and trigger multiple holds on all judicial nominees.

On December 7 we urged the White House not to violate the agreement. Yet, we found that by December 17 the White House did, and President Clinton did, in fact, violate the agreement directly and blatantly by appointing both Sarah Fox to the NLRB and Stuart Weisberg to the OSHA Review Commission.

It happens that both of these recess appointments that violated our agreement would have been objected to by a number of Senators, two of whom are in this Chamber right now. However, that is not significant. There are reasons we would have found that objectionable. But even if they had been acceptable, it still violated the very specific agreement we had.

On December 20, I stated:

> I am announcing today that I will do exactly what I said I would do if the President deliberately violated our agreement.

And on January 25, 2000, I did just that. I placed a hold on all judicial nominees. On this Senate floor I said:

> It was in anticipation of just such defiance—

I am talking about the President's defiance of the Senate's prerogative to advise and consent to nominees—

> It was in anticipation of just such defiance that I and my colleagues warned the President on at least five separate occasions exactly what our response would be if he violated this agreement. We would put a hold on all judicial nominees. So today it will come as no surprise to the President that we are putting a hold on all judicial nominees. We are simply doing what we said we would do to uphold constitutional respect for the Senate's proper role in the confirmation process.

Today we have agreed—I did not agree, but we went ahead and agreed to bring up two nominees on which I did assert my prerogative and say we are going to have rollcall votes on every nominee that does come up, and those rollcall votes are going to be taking place in about 15 minutes.

I say for those individuals who hysterically talked about the chaos that would be created in the event we put holds on all nominees, and no nominees were, in fact, appointed by this President for the last year of his administration and confirmed by the Senate, if you go back and look at what happened in January of 1993—that was the last month President Bush was in office—there were 109 vacancies in the judiciary. In other words, 109 vacancies that the then-Democrat-controlled Senate failed to act upon.

Today, there are 74 vacancies in the judiciary. In the event normal history takes its course and the normal number of either deaths or resignations take place, it will be not more than 25 more. In other words, there will be approximately 100 vacancies at the end of President Clinton's term of office. That is still nine fewer than there were at the end of President Bush's administration.

This is sad. We are in the process of giving up an opportunity, by voting on some of these, for the first time in 7 years of this President's administration of holding him to his word. He has broken his word over and over. He has told lies to the American people over and over, and to this body he has broken his commitment. What we are giving up is our last and maybe only opportunity in 8 years to hold this President to his commitment. What is going on today is very sad. I deeply regret it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I rise to commend the majority leader, Senator LOTT, for proceeding today with votes for these two judicial nominees. We will continue to process the confirmations of nominees who are qualified to be Federal judges. In that respect, the Senate Judiciary Committee will hold its first nominations hearing of this session on Tuesday, February 22, and I expect to see more judicial nominees moving through the process in the coming months. There is a perception held by some that the confirmation of judges stops in election years. That perception is inaccurate, and I intend to move qualified nominees through the process during this session of Congress.

That said, in moving forward with the confirmations of judicial nominees, we must be mindful of problems we have with certain courts, particularly the ninth circuit. In addition, the President must be mindful of the problems he creates when he nominates individuals who do not have the support of their home-State Senators. In this regard, I must say that it appears at times as if the President is seeking a confrontation with the Senate on this issue, instead of working with the Senate to see that his nominees are confirmed.

Last session, despite partisan rhetoric, the Judiciary Committee reported 42 judicial nominees, and the full Senate confirmed 34 of these—a number comparable to the average of 39 confirmations for the first sessions of the past five Congresses, when vacancy rates were generally much higher. In total, the Senate has confirmed 338 of President Clinton's judicial nominees since he took office in 1993.

I am disturbed by some of the allegations that have been made that the Senate's treatment of certain nominees differed based on their race or gender. Such allegations are entirely without merit. For noncontroversial nominees who were confirmed in 1997 and 1998, there was little, if any, difference between the timing of confirmation for minority nominees and non-minority nominees. Only when the President appoints a controversial female or minority nominee does a disparity arise. Moreover, last session, over 50 percent of the nominees that the Judiciary Committee reported to the full Senate were women and minorities. Even the Democratic former chairman of the Judiciary Committee, Senator JOE BIDEN, stated publicly that the process by which the Committee, under my chairmanship, examines and approves judicial nominees "has not a single thing to do with gender or race."

The Senate has conducted the confirmations process in a fair and principled manner, and the process has worked well and, in my opinion, will continue to work well. The Federal Judiciary is sufficiently staffed to perform its function under article 3 of the Constitution. Senator LOTT, and the Senate as a whole, are to be commended.

I want to make sure we make those points in the RECORD before we start voting on these judicial nominees. When the Judiciary Committee reports a nominee to the floor, it does not even consider telling Senators what the nominee's race or ethnicity or anything else is. The nominee's race or ethnicity or gender is irrelevant as far as we are concerned. We report judicial nominees because we believe them to be qualified. We report them because the President of the United States has the constitutional right to nominate judges. The Senate has right to confirm or not confirm them.

I have to say, the big battles are behind the scenes where we determine, in consultation with the White House, whether or not people should be nominated at all. That process is participated in by virtually every Senator in this body, and certainly by the leaders of the Judiciary Committee.

I wish to set the record straight because I see continual politicization of the judiciary by this administration whereby this administration tries to make appointments that literally do not deserve to be made.

Naturally, having said all this, during a Presidential election year the nomination process does slow down. It ultimately ends during that year, and historically has done so whether there has been Republican or Democrat control of the Senate, and whether there has been a Republican or Democrat in the White House.

Another point I believe must be emphasized: We in the Senate cannot take action on nominees we do not have.

Yesterday, at a Democratic National Committee event in Texas, President Clinton took the Senate to task for not acting swiftly enough on his judicial nominees. Given the fact that this is his last year in office, and that he was speaking at a DNC event, President Clinton is bound to say anything.

The nominees we will confirm today will bring the total number of Clinton judges confirmed by the Senate Republicans to 340. Approximately 40 percent of the total federal judiciary now are Clinton judges—judges confirmed by Republicans.

I note this: The President has made nominations for less then half of the vacancies that currently exist. For all the bad-mouthing this administration does from time to time regarding the confirmation of judges, it is important to note there are presently 79 vacancies, and to date we have received only 38 nominees—4 of which we received just today, so, in essence, just 34 nominees until today. There are 41 vacancies for which the President has not even made a nomination. That needs to be said.

I want to work with the President. I want to treat him fairly. I think we have been more than fair with him. I intend to be fair in the future as well, but I would appreciate it if he would speak a little more fairly himself.

Mr. ROTH. Mr. President, it is the Senate's responsibility to assure that only our Nation's most exceptional legal minds dispense justice during lifetime appointments to the Federal bench. This definition precisely describes Delaware's Thomas Ambro, whom we have just confirmed to serve as a Federal judge on the Third Circuit Court of Appeals.

I have followed Tom's legal career from the time he served on my Washington staff while attending Georgetown University Law School. Following a clerkship with Delaware Supreme Court Justice Daniel Herrmann, Tom distinguished himself as a corporate law attorney with the law firm of Richards, Layton and Finger in Wilmington, Delaware.

I have no doubt that Thomas Ambro's national reputation as a corporate bankruptcy attorney will soon be supplanted by a reputation as one of our wisest Federal judges. Congratulations to Tom on this significant day.

The PRESIDING OFFICER (Mr. VOINOVICH). The question is, Will the Senate advise and consent to the nomination of Thomas L. Ambro, of Delaware, to be United States Circuit Judge for the Third Circuit?

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 10 Ex.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, Lincoln
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici

Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Inhofe
Smith (NH)

NOT VOTING—2

Kennedy
McCain

The nomination was confirmed.

NOMINATION OF JOEL A. PISANO, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Joel A. Pisano, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Joel A. Pisano, of New Jersey, to be United States District Judge for the District of New Jersey?

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Florida (Mr. MACK) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 11 Ex.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Inhofe
Smith (NH)

NOT VOTING—3

Kennedy
Mack
McCain

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, as I understand, under the previous order, the distinguished Senator from Florida is to be recognized next. Seeing him on the floor, I ask unanimous consent that I be allowed to continue, without him losing his place in the order, for up to 4 minutes in reference to the judicial nominations we just confirmed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, as we begin the 2d session of the 106th Congress, we should think about the challenge we face with respect to our constitutional responsibility to work with the President to provide the many Federal judges who are desperately needed around the country.

Today I thank our Democratic leader, but I also particularly thank the majority leader, both longtime friends. They moved forward Senate consideration of two of the seven judicial nominations that were favorably reported to the Senate by the Judiciary Committee last year.

I know that had the distinguished majority leader not taken the earlier parliamentary action he did today, this would not have happened. I thank him for doing that.

I note the heavy vote on both these nominees. One had a vote of 96 votes. The other had a vote of 95 votes. Perhaps more relevant, there were only two votes against them. I would love to win elections by those kinds of margins in my home State of Vermont.

The point is that these distinguished jurists have been held up for some time. Yet when they finally come to a vote, we find an overwhelming majority of Republicans and Democrats are for them.

I hope that we might proceed to prompt action on the remaining five judicial nominations on the Senate calendar, as well. Having confirmed Judge Ambro and Judge Pisano, I wish we were proceeding, as well, on the confirmations of Kermit Bye to the Eighth Circuit, Judge George Daniels to the District Court for the Southern District of New York, Tim Dyk to the Federal Circuit, and Marsha Berzon and Judge Richard Paez to the Ninth Circuit.

I hope that the distinguished majority leader, Senator LOTT, and the distinguished Democratic leader, Senator DASCHLE, the distinguished chairman of the Judiciary Committee, Senator HATCH, and I can find a way to consider each of the judicial nominations reported last year to the Senate by the Judiciary Committee.

Last October, Senator LOTT committed to working with us, and I commend him for that. Also, in November, he announced he would press forward for votes on the nominations of Judge Richard Paez and Marsha Berzon to the Ninth Circuit by March 15. In that regard, not only do I commend him for pushing forward, but I commend the distinguished Senators from California, Senators FEINSTEIN and BOXER, for their steadfast support of these nominees. They are now in line to receive Senate action. We should do the same with all the others.

Then there is the question of the 31 judicial nominations pending in the Judiciary Committee. In fact, 29 not yet had hearings, although we now have some planned.

I am challenging the Senate to regain the pace it met in 1998 when the committee held 13 hearings and the Senate confirmed 65 judges. That would still be one fewer than the number of judges confirmed by a Democratic Senate majority in the last year of the Bush administration in 1992. In fact, in the last 2 years of the Bush administration, a Democratic Senate majority with a Republican President confirmed 124 judges. We now have a Democratic President with a Republican-controlled Senate, and it would take 90 confirmations this year alone for the Senate to equal that total.

Let me show a chart. These are Presidential election years. This is what we have done on nominations: 64 in 1980; 44 in 1984; 1988, with a Democratic-controlled Senate and a Republican-control Presidency, 42; in 1992, with the Democrats in control of the Senate and with a Republican President, we confirmed 66 judges; but then 4 years later with a Republican Senate and a Democratic President, it dropped to only 17 judges without a single judge confirmed to the federal courts of appeals; and now we have confirmed 2 judges so far this year.

I hope we can do better. I hope we will say that 1996 was an anomaly and the Senate will very much take its duties seriously.

Let these judges have a vote. If Senators do not want them, vote against them. But as we have seen, oftentimes even when they are held up, if they can finally get a vote, they are overwhelmingly confirmed by the Senate.

Over the last 5 years, the Republican-controlled Senate confirmed the following: 58 federal judges in the 1995 session; 17 in 1996; 36 in 1997; 65 in 1998; and 34 in 1999. In one year, 1994, with a Democratic majority in the Senate, we confirmed 101 judges. With commitment and hard work many things are achievable. I am not demanding that the Senate confirm 101 judges this year, as we did in 1994, or 90 or 80 or even 70. But I do challenge the Republican-controlled Senate to hold at least 13 hearings and confirm at least 65 judges, as it did in 1998.

We failed to reach those goals last year when the Judiciary Committee held barely half that number of hearings and confirmed barely half that number of judges. A confirmation total of 65 at the end of this year is achievable if we make the effort, exhibit the commitment and do the work that is needed to be done. We cannot achieve this goal if we wait several more weeks before holding hearings or wait several weeks between hearings. To hold at least 13 hearings requires the Committee to begin holding hearings right away and to hold hearings at least every other week for the entire session.

I am continuing to work with Chairman HATCH so that all of the nominees submitted to us get a fair hearing before the committee and a fair up-or-down vote before the Senate.

We begin this year with 79 judicial vacancies, more than existed when the Republican majority took control of the Senate five years ago and over 50 percent more than when the Senate adjourned in 1998. Over the last 5 years we have actually lost ground in our efforts to fill longstanding judicial vacancies that are plaguing the Federal courts.

Moreover, the Republican Congress has refused to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984, and in 1990, Congress responded to requests by the Chief Justice and the Judiciary Conference for needed judicial resources. Indeed, in 1990, a Democratic majority in the Congress created scores of needed new judgeships during a Republican administration.

Three years ago the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. Last year the Judicial Conference renewed its request but increased it to 72 judgeships needing to be authorized around the country. Instead, the only Federal judgeships created since 1990 were the nine District Court judgeships authorized in the omnibus appropriations bill at the end of last year.

If Congress had timely considered and passed the Federal Judgeship Act of 1999, S. 1145, as it should have, the Federal judiciary would have over 150 vacancies today. That is the more accurate measure of the needs of the Federal judiciary that have been ignored by the Congress over the past several years and places the vacancy rate for the Federal judiciary at over 16 percent—151 out of 915. As it is, the vacancy rate is almost 10 percent—79 out of 852—and has remained too high throughout the 5 years that the Republican majority has controlled the Senate.

Especially troubling is the vacancy rate on the courts of appeals, which continues at 15 percent—27 out of 179—without the creation of any of the additional judgeships that those courts need to handle their increased workloads.

Most troubling is the circuit emergency that had to be declared four months ago by the Chief Judge of the Court of Appeals for the Fifth Circuit. I recall when the Second Circuit had such an emergency 2 years ago. Along with the other Senators representing States from the Circuit, I worked hard to fill the five vacancies then plaguing my circuit. The situation in the Fifth Circuit is not one that we should tolerate; it is a situation that I wished we had confronted by expediting consideration of the nominations of Alston Johnson and Enrique Moreno last year. I hope that the Senate will consider both of them promptly in the early part of this year.

I deeply regret that the Senate adjourned in November and left the Fifth Circuit to deal with the crisis in the federal administration of justice in Texas, Louisiana and Mississippi without the resources that it desperately needs. I look forward to our resolving this difficult situation promptly this session. I will work with the majority leader and the Democratic leader to resolve that emergency at the earliest possible time.

With 27 vacancies on the Federal appellate courts across the country and 73 percent of the judicial emergency vacancies in the Federal courts system in our appellate courts, our courts of appeals are being denied the resources that they need, and their ability to administer justice for the American people is being hurt. There continue to be multiple vacancies on the Ninth Circuit. Six vacancies out of 28 authorized judgeships is too many; perpetuating five judicial emergency vacancies, as the Senate has in this one circuit, is irresponsible. We should act on these nominations promptly and provide the Ninth Circuit with the judicial resources it needs and to which it is entitled.

I am likewise concerned that the Third, Fourth and Sixth Circuits are suffering from multiple vacancies.

I look forward to Senate action on the long-delayed nominations of Judge Richard Paez, Marsha Berzon and Tim Dyk. I continue to urge the Senate to meet our responsibilities to all nominees, including women and minorities, and look forward to prompt and favorable action on the nominations of Judge Julio Fuentes to the Third Circuit, Judge James Wynn, Jr. to the Fourth Circuit, Enrique Moreno to the Fifth Circuit, and Kathleen McCree Lewis to the Sixth Circuit.

Working together the Senate can join with the President to confirm well-qualified, diverse and fair-minded judges to fulfill the needs of the Federal courts around the country. I urge all Senators to make the Federal administration of justice a top priority for the Senate this year.

Mr. President, I see my distinguished friend from Florida on the floor. I thank him for his courtesy. I commend the distinguished senior Senator from New Jersey for giving us such a fine nominee. I yield the floor.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to speak for up to 6 minutes without the Senator from Florida losing any of his time. I thank him for his willingness to allow this.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this is a good day for New Jersey. I am so pleased the Senate has confirmed the appointment of an outstanding citizen of our State, Joel Pisano, for a seat on the U.S. District Court for New Jersey. He is a competent, thorough, well-thought-of individual. I thank Senator HATCH and Senator LEAHY for their help in moving Mr. Pisano's nomination through the Judiciary Committee and their support of his nomination. I recommended him in June of 1999. I am grateful to hear he was confirmed by a vote of 95 to 2.

Joel Pisano has outstanding credentials. He is going to be an excellent addition to our district court. The backlog of cases is very high. It takes a long time for people to bring their cases and have them adjudged. Joel Pisano will be an excellent addition to our bench and help move that caseload fairly and rapidly.

He has served as a magistrate judge since 1991. He is already performing many of the duties of a district court judge, including jury and nonjury trials. He has managed pretrial proceedings in about 600 civil cases, so he is used to controlling the large caseload of a Federal court. He has also dealt with a wide variety of different cases—patent and trademark cases, environmental cleanup disputes, antitrust and securities litigation, employment discrimination cases, and civil RICO matters.

I did a lot of personal research, as I have on all of the recommendations I have made to the Federal bench, and I was so pleased to hear of the unanimous approval of Mr. Pisano as a candidate for the Federal bench.

He has a reputation for competence, energy, and commitment that perfectly fits the profile of an excellent candidate to sit on the Federal district court bench.

He has consistently impressed everyone who appears before him and who works with him in his capacity for fairness and his thorough understanding of the law.

I heard not one critical note from the people I spoke to—lawyers, judges, those who make up much of the legal community in the State of New Jersey.

Prior to his appointment as a magistrate, Mr. Pisano was a partner in a distinguished law firm. In the 13 years he spent representing clients, he developed an expertise in a wide variety of areas, in both civil and criminal matters.

Mr. Pisano appeared in court almost every day and tried 150 cases to conclusion. He also managed the litigation section of his firm, which I think was an early indication of the supervisory skills that have served him so well as a magistrate.

Magistrate Pisano's depth of experience and organizational skills are exactly what we need at a time when staggering caseloads are making it more and more difficult for our Federal judges to spend as much time with each case as they would wish.

He will tackle his new responsibilities with energy to spare. I am pleased the Senate confirmed him. I am honored that I brought him to the attention of the Senate. I believe he will serve as one of our most outstanding judges in the district court.

Mr. President, I thank my friend from Florida and yield the floor.

Mr. TORRICELLI. Mr. President, I am pleased that the Senate, by a 95-2 vote, has confirmed Joel Pisano as a district court judge for the District of New Jersey.

Judge Pisano is an excellent choice to fill the district court seat created with the confirmation of Marion Trump Barry to the third Circuit Court of Appeals this past summer. He is extremely well-respected in New Jersey for his commitment to public service, as well as for his depth and breadth of knowledge of the law.

A graduate of Lafayette College and later of Seton Hall University Law School, Judge Pisano has had a varied and distinguished legal career. He served for 4 years as a public defender in New Jersey, before moving into private practice as a partner with a well-respected New Jersey law firm for 14 years.

In 1991, Judge Pisano was appointed to be a U.S. Magistrate Judge in Newark, New Jersey. In that capacity, he ably presided over a number of high profile cases, including that of a former Mexican deputy attorney general who was charged with laundering $9.9 million in drug payoffs.

In a 1995 survey of attorneys who practice in New Jersey before Federal judges, Judge Pisano was praised for his skills in managing cases and his efficiency in moving a calendar quickly. His "street-wise" nature and prior experience as a trial attorney were said to serve him well on the bench.

Judge Pisano's 8 years as a magistrate judge have prepared him for his promotion to the district court. He has an understanding of, and the training for, the responsibilities and challenges he will face as a district court judge. I am confident that he will serve us all well in his new role.

In conclusion, I just want to say how pleased I am that Joel Pisano has been confirmed by the Senate as a district court judge for the District of New Jersey. I am sure that he will be a superb addition to the bench.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the Senate will now return to legislative session.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. The Senator from Florida has been gracious enough to allow me to take a few moments, and that is all I will do. I ask unanimous consent to be able to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 2055 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. Mr. President, I thank my colleague from Florida for allowing me to speak.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2058 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. BYRD. Is there a time limit in the order?

The PRESIDING OFFICER. There is no time limit.

FLOYD RIDDICK

Mr. BYRD. Mr. President, I wish to speak briefly regarding the late Floyd Riddick.

Floyd Riddick was for several years the Parliamentarian of the Senate. Floyd Riddick was born in 1908 in Trotville, NC. That was the same year in which the Model T Ford was made. The Model A Ford came along in December of 1927, but the Model T Ford came on the market in 1908.

Floyd Riddick was from that generation of Americans committed to duty, excellence, and hard work. His entire life reflected a love of duty, of excellence, and of hard work. Floyd Riddick attended Duke University. He attained his master's degree at Vanderbilt, and then he returned to Duke University to earn his Ph.D. in political science. While working on his doctoral dissertation, Floyd Riddick spent a year observing the workings of the U.S. House of Representatives. And then, in 1941, he published an expanded version of that research as congressional procedure.

For the benefit of the viewing public, I hold in my hand a copy of the volume about which I have just spoken. The title is "Riddick's Senate Procedure." This particular volume, which was printed by the U.S. Government Printing Office here in Washington in 1992, including the appendix, contains 1,564 pages. Mr. President, I have read this book on Riddick's Procedure through and through and through a number of times. It used to be that when I was the Democratic whip, and while I was also Secretary of the Democratic Conference in the Senate, and during the time I was majority leader, minority leader, and majority leader again, I read this book once every year—the complete book. It is a very valuable book. If one hopes to ever have a fairly good understanding of the Senate rules and precedents, then he or she should read this book. The Parliamentarians of the Senate are very familiar with it. They resort to it many times a day, and it is a sure and dependable guideline with respect to the rules and precedents in the Senate. Doc Riddick—we called him "Doc"—published a book on congressional procedure. This book is on Senate procedure.

He then came to Washington permanently as a statistical analyst and as an instructor of political science at American University. He was a Ph.D. in political science. I never received my baccalaureate in political science until I was 76 years old. That was about 6 years ago. I received my baccalaureate in political science, but, of course, I knew a lot about political science long before I ever received that degree. I am a graduate of the school of hard knocks, and I learned a long time ago the lessons that are taught by service in this body and in the other body. This is my 48th year on Capitol Hill.

The late Richard Russell talked with me one day about the rules in the Democratic Cloakroom, right in back of where I am now standing. He said:

ROBERT, you need not only to know about the rules, you need also to understand the precedents of the Senate.

I said: Where can I learn about them?

He picked up this book, "Riddick's Procedure," and he said: This is the book where you can learn a lot about the precedents of the Senate.

Doc Riddick—as I say, because he had a Ph.D. in political science, Doc Riddick wrote the book. From 1943 to 1946, Dr. Riddick edited the Legislative Daily for the U.S. Chamber of Commerce, a post which led to his being asked to set up a Daily Digest in the CONGRESSIONAL RECORD which would summarize congressional events and serve as a guide to the daily RECORD.

Now, Doc Riddick wasn't the first man who ever thought of that. Julius Caesar developed what well might have been called the legislative daily. He developed a process whereby the daily actions of the Senate would be noted and would be distributed to the various parts of the Roman Empire, and nailed upon walls for all to see.

That was a kind of daily legislative digest. That came along quite a good many years before Dr. Riddick's time. But he followed in the shoes of Julius Caesar in that regard in that he set up a Daily Digest in the CONGRESSIONAL RECORD. It is still to be found in the back of the CONGRESSIONAL RECORD. In the back of the RECORD there is a Daily Digest, and Senators can go to the Daily Digest and very quickly be informed about the actions of the Senate and the House the day before, and what legislation was passed and how many rollcall votes there were. It is a very valuable compendium of the actions of the Senate and the House on the day previous to the day on which the CONGRESSIONAL RECORD appears in our office.

From that position in 1951, Dr. Riddick joined the Office of Parliamentarian as an assistant, succeeding to the position of Senate Parliamentarian in 1964 where he served until 1974. After his retirement, Dr. Riddick continued to serve the Senate as Parliamentarian Emeritus and as a consultant to the Senate Committee on Rules and Administration. Do you know what his salary was? Zero. He didn't charge anything for his services.

That was a deeply dedicated man who enjoyed giving of his knowledge and talents, his expertise, his experience to other Senators. I have been a member of that committee for a long time, so I am quite familiar with Floyd Riddick and his work on the committee.

Most Senators now serving will be most familiar with the name of Floyd Riddick in connection with Riddick's Rules of Procedure. He also authored a series of articles summarizing each congressional session which appeared in the American Political Science Review and the Western Political Quarterly, along with several other books on the organization, history, and procedures of the Congress.

I used to conduct a seminar on the legislative process at American University during the summers. I didn't earn much money, but the money that I earned I put into a fund for the college education of a Chinese orphan. I would have Dr. Riddick over to speak during those days when I was conducting the seminar. Dr. Riddick would come over and speak to the class. It wasn't an easy class. It was a tough one. I gave between 600 and 700 questions on the final exam, and I flunked three or four individuals in the class who apparently thought it would be an easy thing to skip when they wanted to. But they didn't make the grade. I had no hesitancy in flunking them. Dr. Riddick, though, was one of those who spoke for me from time to time.

I also had Senator Sam Ervin over to speak to my class. I had the late Speaker, Carl Albert, over to American University from time to time to speak in this seminar. I asked some of the officers of the Senate to visit the class. So we offered those young people a real treat in the legislative process.

The Random House College Dictionary gives us this definition of the word "integrity": "Adherence to moral and ethical principles; soundness of moral character; honesty."

That word "integrity" is used repeatedly in the publication entitled "Tributes to Dr. Floyd M. Riddick" upon the occasion of his retirement and designation as parliamentarian emeritus, which was ordered by the Senate to be printed on December 19, 1974. Senator after Senator, in speaking of the services of Floyd Riddick upon his retirement, used that word "integrity."

He was a Parliamentarian who would not be swayed by anybody in the Senate. He called the shots exactly as he saw them. He didn't lean toward the Republicans; he didn't lean toward the Democrats. He called the questions as he saw them, and based them on the Senate rules and upon the precedents. When we received advice from Dr. Riddick while he was Parliamentarian, we knew that was the way it was. We knew he wasn't bending the rules to favor any of us or to favor either political party.

So the word "integrity" was an extremely well-fitting word for Floyd Riddick.

There are some individuals who come up from their origins with a closeness to earth and a nearness to growing things—growing things, the lilac bush, the rosebush, the tomato plant, the ordinary weed, a blade of grass—these individuals have integrity. There is a sort of elemental trueness about them which even the foibles and the follies and the bright lights of Washington politics cannot shake from their being.

As Popeye says, "I am what I am and that is all I am." And these people are just what they are and that is all they are. That was Dr. Riddick. Even the foibles and follies of politics in Washington could not shake his being.

So it is not surprising to learn that Floyd Riddick enjoyed being on a farm. He used to give some of us here a few of his tomatoes. He grew those large, beefsteak tomatoes, and he would bring them in from the farm. He would give me some in the summer. And there were others who were fortunate enough to be the recipients of Floyd Riddick's tomatoes. And later in life, Dr. Riddick routinely escaped to his farm in Rappahannock County, VA, as if for renewal and refreshment.

Rappahannock County, VA—my distant forbear, whose name was William Sale, came from England in 1657 and settled on the Rappahannock River in Virginia. He worked 7 years as an indentured servant to pay for his trip across the Atlantic—7 years. Then he received 160 acres of land. So it was in Rappahannock County that Dr. Riddick had a farm. He loved that farm.

Emerson said, "The true test of civilization is not in the census, nor the size of cities, nor the crops. No. But the kind of man the country turns out."

This was the kind of man we could emulate. He was a noble soul, Floyd Riddick. He was the kind of man we could proudly call a friend or associate.

Emerson also said: "It is easy in the world to live after the world's opinion." That is easy. "It is easy in solitude to live after our own." That is easy. "But the great man is he who, in the midst of the crowd, keeps with perfect sweetness the independence of solitude."

Floyd Riddick never seemed frazzled, never seemed exasperated by the pressure cooker atmosphere that can and does develop here on the Senate floor. Even though Dr. Riddick's tenure as Senate Parliamentarian coincided with some of the most difficult and passionate issues ever encountered by the Senate, such as Vietnam and civil rights, he was ever the calm professional, always willing and ready to lift a hand, always desirous of helping especially the new Members who were sworn into this body, always there, too, at the beck and call of the Members who had been here a long time.

Such a common, friendly, warm, congenial, accommodating, decent individual! Around him there seemed to be always an aura of peace and control. He kept his mind on his responsibilities, and he never ever forgot that, as Parliamentarian—in effect, the silent referee of Senate debate and procedure—he had to maintain complete and total objectivity. No partisanship—complete and total objectivity.

Senators on both sides of the aisle knew it. They knew when they went to him, they would get the straight answer and it would not be colored or tinctured by partisanship. Doc Riddick was in every sense of the word a scholar. He was quiet, soft spoken, unassuming, and absolutely rock solid. That was Floyd Riddick!

I leaned upon him heavily in my earlier years in the Senate. He was a delight to work with, and I enjoyed his company. He was one of those completely dedicated selfless people who labored for the good of the institution. He loved the institution. He labored for the good of the Senate and for the good of his country.

Robert E. Lee said that the word "duty" was the sublimest word in the English language. Dr. Riddick understood what that meant, and, to him, duty was sublime. He was above politics, as I have repeatedly said, he was honorable, and he was entirely above reproach.

Floyd Riddick did not need praise, although he certainly deserved it. He did not covet recognition, although the recognition of his scholarly expertise was widespread. For him, the glory of the work, the glory of serving the Senate, the glory of serving Senators, and through Senators the glory of serving the American people, was enough.

We will long remember Dr. Riddick, those of us who served with him. Whence cometh such another?

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent the Senator from Virginia may proceed as in morning business for such time as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN BOSNIA AND KOSOVO

Mr. WARNER. Mr. President, I rise today to address my colleagues on both sides of the aisle with regard to the deepening and very grave concerns I have in my heart about the situation in both Bosnia and Kosovo. I, as many colleagues, travel with some regularity to that region of the world, the Balkans. Just 3 weeks ago, I completed my most recent trip. I had the distinct privilege of being accompanied on that trip by the Supreme Allied Commander of Europe, General Clark, Commander in Chief of NATO Forces, in my travels through Kosovo, and then later the next day with his deputy, Admiral Abbott, as I went into Bosnia.

I have been to this region many times, although I am not suggesting I am any more of an expert than my colleagues. I first went in 1990 with then-leader Robert Dole. We went to Pristina, in Kosovo. I remember our delegation of Senators queried Senator Dole: Why here? Bob Dole instinctively knew that Kosovo could become a battleground. I remember Stephen Ambrose, the historian, was alleged to have quoted Eisenhower when Eisenhower was asked, 10 years after D-day: General, tell us about the next war. And Ike very wisely did not opine, except to say: That war could come as a surprise and may well come from a direction that none of us could anticipate.

In our visit to Kosovo, I and that tried and tested and courageous Bob Dole, a soldier of World War II, were confronted with a totally unpredicted situation while in Pristina. Thousands and thousands of people heard about Members of the U.S. Congress coming to this remote region, and they converged on the hotel. There was panic in the streets and a great deal of disorder. People were being trampled in the crowds, and Senator Dole had to make a wise decision, and a quick one, that we had to exit because we could be responsible for injuries to people, people who wanted to come to see us, people who wanted to tell us about the hardships that were then being inflicted by Milosevic. Indeed, we made a hasty retreat.

But as we went back to our plane, we passed that historic piece of ground, whose origin goes way back, in my recollection, to the 1300s, that field of battle which actually the persons who preceded the governing structure today lost. They lost the war, yet they still consider that hallowed ground. But I remember as we passed that battlefield, Bob Dole said: Tragedy and fighting will visit this land someday.

And that it did. Our Nation's men and women of the Armed Forces, primarily the Air Force, fought a courageous battle: 78 days of combat, tens of thousands of missions together with other nations—seven other nations were flying missions with our Air Force—and eventually the major nations of the world came to an understanding as to how that fighting should stop. It was causing tremendous damage, but there was no other recourse by which we could get the attention of Milosevic.

There are those who say today, in hindsight, perhaps we should not have done this, perhaps we should not have blown up that bridge. When I visited Pristina several weeks ago, someone said: We haven't got power because the power lines were blown out. It was a tough war, and our military commanders made tough decisions; 19 nations got together to make those decisions—a historic first combat by NATO. They made it work. Now they have basically stopped any major fighting and we are down to incidents—fortunately few incidents, but nevertheless dangerous ones.

When I looked into the faces of the young men and women of our Armed Forces, and indeed other armed forces, and actually walked the streets with a patrol, it was clear they were performing duties for which they were never trained in their military careers. Historically, our troops have not in any great measure performed the type of mission they are doing in that region. But they are doing it and doing it very well. They are accepting the risks of getting caught in the crossfire that still erupts as a consequence of the cultural differences, the ethnic hatreds. Indeed, much of the fighting today in Kosovo is Albanian upon Albanian. It is retribution against fellow Albanians because they at one time or another did something to further the Serb interest.

Our troops are there. When you ask those in charge, whether it is the NATO commanders, the U.N. representative, the E.U. representative, or anyone else, no one can give you any time estimate within which our forces can be withdrawn. The infrastructure that was to move in behind in Kosovo, the commitments that were made by a number of nations to provide police, to provide money to pay salaries for the judicial element, to help rebuild the power lines—it is not flowing. It is caught up in bureaucracies, international bureaucracies. It is all but stagnant—all but stagnant.

I met with the commander of all troops, a very competent professional German officer. I met Ambassador Kouchner, who has been designated to pull together the various elements to make this work. We were in a room in the military headquarters. There was no running water. The water pipes were shut off, partially due to freezing and partially due to lack of power. The light bulbs flickered. Ambassador Kouchner pointed out we do not have enough power to keep the homes warm. There was a certain feeling we won the war but we could lose the peace, because the war goes on amongst the bureaucracies, no matter what the good intentions may be to bring forth and reestablish in that war-torn region of Serbia—Kosovo is a part of Serbia—the infrastructure needed to bring back just a modicum of a normal life.

Foremost in my heart is my deep concern for the men and women of the armed services undertaking missions for which they were not trained. Missions which take them away not only from their families, but take them away from other potential deployments of our U.S. military, a military that is stretched far too thin already.

These men and women of our military need to have some definitization of how much longer we are going to keep significant numbers deployed to

Kosovo. That timing is directly tied to the ability and the willingness of other nations and organizations to come in and consolidate the military gains, reestablish an infrastructure—be it judicial, be it police, be it rebuilding, be it a form of government, be it elections—so that the troops can return—ours and others—to their assignments and their bases elsewhere.

A similar situation still exists in Bosnia after these many years. However, let me draw a distinction. After the fighting stopped in Bosnia, the military decided they would locate the troops in heavily protected compounds. They would go out on daily patrols to prevent the eruption of further fighting. So far, that has worked.

Clearly, without any question, the military operations in Bosnia and Kosovo are a great credit to the men and women who fought them, the men and women who planned them, and the men and women who are still there today. That job was done and done well.

In Kosovo, they decided not to concentrate the military, either the U.S. military, or the other militaries. Rather, they were dispersed in the various regions. The U.S. region is the same as the one controlled by the British and the French. They dispersed them right out into the small communities so that men and women of the U.S. Armed Forces, four and five of them at a time, are living in some war-torn house or in a small churchyard where I saw them. Some are just guarding churches because of the incredible desire to destroy churches. That is a whole chapter of this tragedy which someone has to examine. The Albanian forces practically destroyed every church the Serbian people ever used.

Quite different is the military deployment in Kosovo from that in Bosnia, but both have worked. Both were carefully planned, both have a credible measure of success.

In Bosnia, the Dayton accords laid the blueprint. One can argue we should have done this and we should have done that in Dayton. Yes, we knew it could have been better, but we had to get an agreement, and we got the best we could at that time.

One of my concerns is we should go back—not reconvene everybody who was at Dayton—but go back and examine what was right and what proved not to be successful at Dayton and correct it.

The fighting has stopped, and the military provides a security blanket within which the various factions can begin to reestablish that country. Some progress is being made, but by any timetable, that progress is way behind the expectations, given the fighting has been over for several years. It is way behind, again, because of the difficulty of the bureaucracies working to bring in adequate police, and not just the police who perform duties on the streets, but in the case of Bosnia, we need an international police force to investigate and fight the rampant crime.

Beneath the security blanket provided by the men and women of the Armed Forces, organized crime is rampant. It has been said the only thing really organized in Bosnia is organized crime. The various ethnic factions get along very well in the criminal underworld. They have charted their ground.

Yes, things are slowly improving in Bosnia but ever so slowly. There we have independent entities. The U.N. has one area of responsibility, primarily the police; the E.U. another area of responsibility; the OSCE responsibility with regards to elections. However, they each report to different capitals.

I had the Deputy Secretary General of the United Nations in my office yesterday. He is in charge of peacekeeping all over the world. He made clear how the four basic entities in charge of bringing about the restoration of Bosnia all have different reporting channels. There is no central authority that works today for the greater betterment of that region.

What has happened? You still cannot get a definitive date from anybody as to when the American troops and other troops can be withdrawn.

I say it is time the Congress of the United States should step up. We are a coequal branch of our Government. This body has time and time been called upon to vote for funds, for resolutions, and other legislative initiatives with regard to the Balkan situation. Now it is time for us to take a look at the constant flow of the American taxpayers' money and say: Is America going to keep its spigot flowing when, at the same time, other nations are not meeting their financial commitments or obligations?

If I can digress for a moment, I have studied this situation, I have talked with innumerable people, I have traveled to this region. The Balkan situation is the most difficult problem and a matrix of diversified responsibility and commitment I have ever tried to get my arms around. As soon as I feel I have one body of fact on which I can rely and reach a decision, another person will come along and say: No, it's different than that.

I have tried in this set of remarks to outline how I understand the situation to be in Bosnia and Kosovo. But I rise today to say to the Senate that it is my intention, when the piece of legislation we anticipate will be coming through soon, the supplemental—the supplemental has $2 billion—can I repeat that?—$2 billion associated with our obligations, military and otherwise, in just Kosovo. I think it is time we stated our intention as the Congress of the United States to allow the first part of those funds to flow—I will refine the language eventually—but to have a stopping point when we take a pause and we say to our President respectfully: Mr. President, no further funds of the $2 billion will flow until you can come back and give us some type of assurance, certification, or otherwise, that the other nations are living up to their commitments. That should get the attention of the other nations. I say most respectfully, that should give our President some leverage to deal with these other nations.

I am not alone on this. I have talked to a number of colleagues. As I say, my language is not refined at this point. I welcome suggestions. I welcome those who can contribute facts where I may be in error with regard to some of the statements I make today. In good conscience, I tried to check out everything. But, as I say, getting your arms around this problem is not easy. Getting the body of facts is difficult. Indeed, others have worked as hard as I have.

Collectively, let us bring together our judgments as to how best and by what mechanism we can assert our responsibility under the Constitution—as the coequal branch, as those who control the purse strings of the U.S. Government—to string this purse of $2 billion such that our President can expend what has to be expended in the next 90 days, following adoption by the Congress, but that there comes a time when accountability steps in.

Our President has to explain to the Congress what he has done, what remains to be done, and hopefully some prospects of when these situations in both Bosnia and Kosovo can be brought to a state of affairs where the infrastructure allows the significant withdrawal of our troops and, indeed, troops of other nations.

It may well be that the United States—we took a major role in the war in Kosovo, a major role in the war in Bosnia—could turn over such balance of troop responsibilities as may remain in, say, a year, 18 months, to the Europeans. They are quite anxious, under NATO, to establish their own organization militarily to do certain things in the event NATO, for one reason or another, decides not to do them. This might be their first challenge.

I see on the floor the distinguished leader of our NATO group in the Senate, the Senator from Delaware. We just met with the British Foreign Secretary on this very question. This might be an opportunity to test that new military structure. I have concerns about that and how it might have long-term effects on the weakening of NATO, but for the moment I give those who propose it the benefit of the doubt. It has not been completely refined yet, this concept, nor implemented. So that is another question for another day.

The reason for my addressing the Senate today is my deep concern for the welfare of the men and women of the Armed Forces of the United States who are going through a winter far more severe than anything we have experienced here, certainly in the area of the Nation's Capital. And every day they could be subject to someone looking down a gun barrel, perhaps not firing in anger at them or the troops of other nations but firing in anger at someone else because of the persistent ethnic hatred that remains.

I say most respectfully, we have a duty in this institution to assert ourselves as to the timetable committed to by other nations with regard to their support in both Bosnia and Kosovo which, up to this point, has not been met. We should do everything within our power, and working with our President, to see that that is done.

Mr. President, simply put, the United Nations, the European Union, and the OSCE are not doing the job they committed to do—in a timely manner—in Bosnia or Kosovo. The successful NATO-led military operations in Bosnia and Kosovo were undertaken—at personal risk to our troops, and those of other nations, and with billions of dollars in cost to the American taxpayer—with the express understanding here in America that the UN and others would promptly move in behind and consolidate the gains. Now, as a result of little consolidation, U.S. troops—and troops from over 30 other nations—remain in Bosnia over four years after the end of that war, and are facing indefinite deployments to both Bosnia and Kosovo.

Personal bravery and international bonds of commitment won the wars in the Balkans; but, will the slow pace of follow-on actions result in a loss of peace?

During a Senate Armed Services Committee hearing on February 2, when NATO commander General Clark was the witness, I first signaled my intention to take legislative action, in connection with the upcoming Kosovo Supplemental to be proposed by President Clinton, to revitalize the near stagnant situations in both Bosnia and Kosovo. I addressed this subject again this past Tuesday, during the Committee's annual hearing with the Secretary of Defense and the Chairman of the Joint Chiefs on the budget request.

I am considering a variety of options, including tying U.S. military funding for these operations to demonstrable progress by the UN, the EU, and the OSCE in fulfilling their commitments to rebuild the civil society in Bosnia and Kosovo; or requiring the withdrawal of U.S. troops by a time certain—perhaps in 18 months—and leaving the military occupation in Bosnia and Kosovo to European leadership. In the coming days, I intend to continue to consult with my colleagues in the Senate, and others in the Administration and outside of government, on this initiative. From my initial discussion with my colleagues I have to say, support is growing for my concept.

Congress has a co-equal responsibility with the Administration, and we now must exercise leadership, hopefully with concurrence by the Administration. This situation just cannot continue. Other nations and organizations will have to follow through on their commitments, the parties in the region will have to start cooperating with international authorities and taking on more responsibility for the fate of their region and their people.

The U.S. military will not stay there forever. The United States has far too many commitments around the world, our military is stretched too thin as it is; we cannot have a decades-long military deployment to the Balkans.

We, together with other nations, went into Bosnia and Kosovo with the best of intentions—to stop the slaughter of tens of thousands of innocent people, to restore peace and stability to the region, and to help the people of the Balkans rebuild lives shattered by war and ethnic cleansing. But what has the coalition achieved? Our military forces have done their job. We have stopped the fighting, but precious little other progress has taken place. As one official said to me in Bosnia, "We have stopped the fighting, but the war goes on." Four years after the Dayton Accords ended the war in Bosnia, little progress has been made in rebuilding that country. The economy is stagnant, police forces are inadequate and ineffective even to deal with routine criminal activity—much less the growing problems of organized crime, the judicial system is far from ready, only crime and corruption are growing. In fact, I was told by a senior UN official in Bosnia that the only truly organized, multi-ethnic institution in Bosnia is organized crime. Regrettably, a similar situation is rapidly developing in Kosovo.

At this point, I would like to mention a positive event that has occurred in the region, the recent elections in Croatia. However, at this point, it remains to be seen if those elections will translate into similar positive events in Bosnia and Kosovo.

Since the timing of the departure of U.S. and allied troops from both Bosnia and Kosovo is directly linked to the progress—or lack of progress—that the UN and others make in achieving their goals, I am gravely concerned with the current situation. Clearly, the military has fulfilled its mission—namely, to provide a secure situation in Bosnia and Kosovo. In sharp contrast, the UN, the EU, the OSCE and others are not living up—in a timely manner—to the commitments they made to consolidate the gains made by the military.

Even though I have had a long association with the situation in the Balkans—having traveled regularly to the region since first visiting Kosovo in September 1990 with then-Senate Majority Leaders Bob Dole and others, and being the first U.S. Senator to go to Sarajevo during the war, in September 1992—I was, quite frankly, distressed by what I saw during my last visit in January.

Let me be clear—our troops, along with the troops from over 30 other nations that have joined the NATO-led operations in Bosnia and Kosovo, performed magnificently in their military missions. They are, today, conducting a wide variety of assignments, and doing an outstanding job. The U.S. troops I met in Bosnia and Kosovo are among the finest I have encountered in my 30-plus years of public service in working with military organizations throughout the world. They are well-trained, motivated and enthusiastic about what they are doing to help the people of Bosnia and Kosovo. Simply put—they have achieved their mission. To the extent possible, given the continued ethnic animosities, the military has stopped the large-scale fighting and has created a safe and secure environment, from a military perspective, in both Bosnia and Kosovo. However, unacceptable, dangerous levels of criminal activity continue, and put our troops at constant risk.

So, why are our troops still in Bosnia over four years after they were first deployed? Why is there no end in sight in Kosovo? The reason is that the United Nations, the EU and other international organizations charged with the responsibility of rebuilding the civilian structures in Bosnia and Kosovo are simply not doing their job. This situation has to change.

Yesterday, I had the opportunity to communicate this message directly to Bernard Miyet, the Under Secretary General for Peacekeeping Operations at the United Nations. We had a lengthy discussion regarding Bosnia and Kosovo and I conveyed to him my extreme concern with the situation there, in particular the slow pace with which the United Nations, European Union and other international organizations are fulfilling their promised assistance to the region.

Foreign donors must deliver, immediately, on their promises of international police so that NATO soldiers can get out of the business of policing. Our troops are not trained to perform these tasks, and it should not be part of their mission. The United States has made a major contribution of 450 police for Kosovo and is about to increase its commitment. Others, particularly the Europeans, have to do their share by providing the necessary police forces.

Secretary Cohen delivered that message to our European allies this past weekend, at the annual Wehrkunde Conference. According to Secretary Cohen,

> To date there has been a clear failure by participating nations to provide the UN with sufficient numbers of police for public security duties in Kosovo, with a significant disparity in the amount of support provided by different Alliance members. Indeed, the number of police deployed is roughly half of what was planned. As a result, KFOR soldiers, who are trained to fight wars, are working as policemen, a job for which they have not been trained and should not be asked to perform indefinitely.

I agree.

We must be mindful of the fact that the United Nations and other international organizations can only succeed if the nations comprising these organizations contribute the needed resources.

In Kosovo, the UN needs the money to do the job. Only a small portion of the money pledged at last November's donors conference for Kosovo's budget has actually been delivered. This is the money that pays the salaries for teachers, judges, and street sweepers—the people who make Kosovo work and whose loyalty the United Nations Mission in Kosovo (UNMIK) needs if it is to succeed. The Europeans and others have to carry their weight and deliver on their commitments.

I am particularly concerned with the performance thus far of the European Union. The EU has taken on the primary responsibility for the reconstruction of Kosovo. This is a job to which the EU committed—in recognition of the fact that the United States bore the lion's share of the cost of the war. Unfortunately, it is not quite working out as planned.

Last fall, the EU committed almost $500 million for reconstruction. Recently, the European Parliament reduced that commitment to less than $200 million, questioning Kosovo's "absorption capacity." It now appears that there is a serious chance that even this reduced EU commitment will not arrive in time to make a difference.

I would like to quote from the excellent statement made by the Ranking Member of the Armed Services Committee, Senator LEVIN, during last week's Committee hearing with General Clark:

> It is vitally important for the international community and particularly the nations of Europe to provide the funding and the civilian police that are so necessary if these missions (in Bosnia and Kosovo) are to be successful . . . The European Union can talk about a goal of greater Euopean military strength—a stronger European pillar within NATO. But the first test is whether it will meet the responsibilities they have already accepted of providing $36 million and civilian police for Kosovo. On my scorecard, they are flunking the test.

The distinguished Ranking Member and I agree.

And again, during last Tuesday's hearing, Senator LEVIN reiterated and strengthen his message from last week by saying, "There is a requirement (in Kosovo) for 6,000 civilian police, but less than 2,000 have been provided. We have provided our share but others have failed, and that failure endangers our troops and the success of our mission. Civil implementation of the cease fire is in real jeopardy and will fail unless a sufficient number of international civil police are put on the ground promptly by the Europeans. The European Union can talk all it wants to about its plans to provide a militarily strong European pillar within NATO under the European Security and Defense Identity. But that is just rhetoric. The reality is their failure to meet their current commitments in Kosovo."

Since NATO troops were first deployed to Bosnia in December of 1995, the United States has spent almost $10 billion dollars to support our military commitment of troops to that nation. We have spent an additional $5 billion in Kosovo for the air campaign and the deployment of U.S. KFOR troops. The annual price-tag for these military commitments is $1.5 billion for Bosnia and $2 billion projected for Kosovo. This is an obligation for the American taxpayer.

In addition to these significant sums of money, I am concerned about the safety and welfare of the men and women of our Armed Forces, and the Armed Forces of the other nations, who every day patrol the towns and villages of Bosnia and Kosovo, subjecting themselves to substantial personal risk while performing duties traditionally not performed by military personnel.

As I said earlier, our troops have performed their mission—they have created a safe and secure environment, as I previously indicated. But the UN and other elements of the international community have not filled in behind our troops to perform their mission. The results is that our troops are forced to fill the vacuum, preforming missions for which they were not trained—acting as mayors, policemen, arbiters of disputes, large and small. I was told of U.S. troops who were guarding two old Serb women who did not want to leave their home, which happened to be in an Albanian village. I saw three U.S. soldiers guarding a Serb church in an Albanian section of Kosovo. We must ask ourselves, are these jobs our troops should be performing today, tomorrow or for an indefinite period, as is now projected? These are commendable, humanitarian objectives which should be assumed by entities other than the Armed Forces.

In Kosovo—as is the case in Bosnia—there is a level of hatred—personal, ethnic and religious—that is simply beyond our comprehension. When I was in Kosovo in January, I was told that most of the violence in Kosovo is now Albanian on Albanian violence. I find this troubling. The United States and our NATO allies went into this region for the purpose of stopping and reversing the ethnic cleansing of Albanians by Serbs. But what has been a consequence of our involvement? While hundreds of thousands of Albanians have returned to their homes, tens of thousands of Serbs have been driven from Kosovo—the result of attacks by returning Albanians. Now that the Serb population of Kosovo—such as it is—has been isolated in small pockets of the province, we are seeing growing violence by Albanians against fellow Albanians, simply for their past or present association with Serbs. In the town of Vitina, I was shown a store, owned by an Albanian, which had been bombed 2 days before our arrival. Why? The Albanian shopkeeper had purchased property from a Serb—he was a "collaborator" in the minds of hardline Albanians.

Is it realistic for us to think that these people can ever live together peacefully? Or are we wasting our time and money—and needlessly risking the lives of our people—trying to achieve the goal of a multiethnic society for Bosnia and Kosovo?

I believe that we have reached that point in time when it is the responsibility of the Congress to take action—to reexamine the goals, their achievability, and what appears to be our open-ended involvement in Bosnia and Kosovo for an undetermined period of time.

The PRESIDING OFFICER: The Senator from Delaware.

(The remarks of Mr. ROTH pertaining to the submission of S. Con. Res. 81 are located in today's RECORD under Submission of Concurrent and Senate Resolutions.)

The PRESIDING OFFICER. The Senator from New York.

BLOCK GRANTS IN EDUCATION

Mr. SCHUMER. Mr. President, I rise to express my strong opposition to the use of block grants in education spending.

First, education is clearly the No. 1 issue this body, our Government, and our country will face in the next decade. We have huge educational problems. We are now an ideas economy. Alan Greenspan put it best. He said: High value is no longer added by moving things but by thinking things, that it is an idea that produces value.

In that kind of time and place, what could be more important than education? In an ideas economy, for America to have a mediocre educational system, which is what we have now, is a very real crisis. If we continue to be rated 15th, 16th, 17th among the educational systems of the OECD Western countries, the 22 countries in North America, Asia, and Europe, we are not going to stay the greatest country in the world by the time 2025 or 2050 rolls around. Fortunately, because of our democratic system and our free enterprise system, because of the great entrepreneurial nature of America, because we accept ambitious and intelligent people from all over the world to come here and grow and prosper, we have a little lead time but not much.

Our educational system is at a critical point. Over the next decade, for instance, high school enrollment will increase by 11 percent. Schools will need to hire 2.2 million public schoolteachers. Over 50 percent of the teachers are over 50 years old. Every day more than 14 million children will attend schools in need of extensive repair and replacement, and 12 percent of all newly hired teachers who enter the workforce will enter without any training at all. That will be even higher in math and science, computer science, engineering, and languages, the kinds of things for which we need people.

So with the crisis upon us, all of a sudden we have a new proposal: a block grant. A block grant is exactly what we don't need to improve the educational system. A block grant is something that gives the school districts more money and doesn't direct them on how to spend it.

I find there is a contradiction among so many of my friends who are strong advocates of block grants. They say the educational system is poor. I agree in many instances. They say we spend too much money and waste too much money on education. Then they say: Give those same localities, without any direction, more money.

They can't have it both ways. Either the localities are doing a good job and need more money, which they are not professing because they really don't think they need more money, or the localities are doing a bad job and to give them more money makes very little sense at all.

The notion that we should take Federal dollars, which have been used to raise academic standards, reduce class size, recruit new teachers, hold schools accountable, and send them in an unmarked paper bag to the Governors breaks our commitment to help communities and parents across the country. Block grants are a blank check from the Federal Government. They fundamentally make no sense. They are bad government policy.

I am sure many of my colleagues on the other side of the aisle would agree with me that to separate the taxing authority and the spending authority makes no sense. The spending authority for that spending, if they don't have to raise the taxes, painful as that is, is not going to spend it as wisely as somebody who knows how important those dollars are.

Sometimes I think we would be a lot better off eliminating the block grant program and giving the money back to the taxpayers rather than the Federal Government taxing and then giving this blank check to the locality and letting them spend it.

A block grant is poor government policy to begin with because it separates the spending power from the taxing power. In education, it is even worse. We hear clamor in the land that the local school districts are not doing a good job. I have sympathy for those local school districts. First, they are so busy minute to minute and day to day trying to run a school system. They are up to their necks. Second, their only spending power is from the property tax—justifiably the most hated tax in America—so they can't raise new dollars.

I have sympathy for those local school districts, but we all agree they are not doing as good a job as they might. The irony is that my colleagues from the other side of the aisle would probably say it is not more money. It is wasted money. Yet here we are, giving them more money.

In today's global ideas-based economy, we cannot afford to have an atomized educational system. Instead, the trend must be for local, State, and Federal governments to work together with families and communities. What is very interesting about any public good is that there is no capitalism. Good ideas don't spread on their own. If someone invented a new heart valve in San Diego, it would spread to Boston in an hour. Why? Someone would sell it. That is what America is all about. But when a new educational innovation develops in one school district, it doesn't spread, frankly, because there is no capitalism.

The appropriate role of the Federal Government in education is to find what works and, on a matching grant basis, say to the locality, this is a program that works. We will pay half or three-quarters of the cost because we know you are strapped based on these high property taxes. You pay some and use it. We are not requiring you to use it. I don't like mandates. We are giving you the opportunity to use it because we have seen it works in some areas.

When I was working on the crime bill, this is what we did. We found there were, again, programs that worked.

Community policing: Wichita, KS, had developed community policing and done it well. But it hadn't spread to Topeka. So I put in a bill when I was chairman of the Crime Subcommittee in the other body and I said let's give the localities money to do community policing on a matching grant basis. The President came in, and in his usual intelligent and astute way on these matters, said let's call it "100,000 cops on the beat." So we did and it has worked. It changed policing in America.

Without that program, we would not have had community policing. But the Federal Government played the appropriate role—finding a good idea, giving money as an incentive to help spread the idea—not 100 percent; that is a bad idea, not even 90 percent. Then it is like a block grant with no strings attached and money gets wasted. And then they let it happen. It is not bureaucracy that is the problem in Federal aid to education, as some who support the block grant would say. Only one-half of 1 percent of Federal aid to schools is spent on administration. The States use an additional 4 percent. All the rest, 95½ percent, goes to local school districts. It is not bureaucracy at all. In fact, the claims of those who spin stories of a grand Federal education bureaucracy ring hollow. In a letter written to the President by the House Committee on Education in the Workforce in 1997, the committee majority listed 760 so-called educational programs. They said we have too many. Combine them.

Look at the programs they call "educational" programs: Boating safety financial assistance, Air Force defense research sciences, biological response to environmental health hazards, financial assistance for the Nuclear Regulatory Commission.

Those are not educational programs. In truth, the Federal Government provides, on average, only 7 percent of all K-through-12 educational funding. It is the State and local communities that should and do maintain control over educational priorities. But what Washington can do is help communities meet certain reform priorities when their budgets are stretched too thin. Again, if the system isn't working, why give more money with no strings attached to the very localities that we think can do better? Why not do it in a way that directs them? Sure, the local school board wants free money. Fine. Let them raise taxes and do it for themselves. Don't let us put more burden on the Federal taxpayers to do it.

Proponents of the block grants argue strenuously that control should be returned to the localities. But the irony here is the block grants would not return power to the communities; rather, it shifts control of the Federal funding away from parents and communities and gives it to politicians—Governors and the State legislature. This is the antithesis of local control.

What I would like to do before I conclude is look at a couple of examples of block grant proposals. The Straight A's Act gives the States and the Governors the authority to combine into a block grant Federal funds from 10 educational programs. More than 80 percent of all Federal support to elementary and secondary education will be included in the block grant. This sounds to me like LEA. I remember Law Enforcement Assistance—a block grant to law enforcement. That is the area in which I have the most expertise. Do you know what they did when no strings were attached? One police department bought a tank; another police department bought an airplane to take the police officers back and forth to Washington—I think it was a jet—all with block grant money. If we do this Straight A's Program, we will be back on the floor of the Senate a year or two later pointing out horror stories of how the taxpayers' money was wasted.

Under Straight A's, parents, teachers, principals, and school boards would no longer have a say in how the Federal dollars are spent. Schools would no longer be accountable for results and national priorities, such as funding for the neediest students and better teachers. New school buildings could be put aside for more salaries for administrators. If this program gets straight A's, I would like to see what the curve is in that classroom.

The Senate Health Committee intends to mark up a reauthorization of the Elementary and Secondary Education Act in the next few weeks. I am concerned to learn that the bill currently includes a block grant for teacher quality and professional development, programs to reduce class size and Goals 2000. Yes, we need qualified teachers and smaller classes. They produce the best results for children. But with the committee bill, there is no guarantee that class size reduction or teacher development will be done well, or even done at all.

I ask my colleagues to look at the proposal that Senator KENNEDY is putting together. His leadership on this issue has been extraordinary. His proposal does not intend to dictate to localities what they must do or impose new mandates on localities. Rather, it says, here are our Federal priorities; do you want to be part of them? They include smaller class size and new school construction. Fine. You are going to match our dollars. If you don't want to be part of them, keep doing the same old thing, but not with Federal dollars, Federal taxpayer money, which gives you a free ride.

I hope my colleagues will look at Senator KENNEDY's proposal and will examine the folly of block grants. I look forward to the debate that may come on education in the near future.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent to speak for 3 minutes, and in the normal routine to return to Senator MURKOWSKI from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE POLICY AMENDMENTS ACT

Mr. DOMENICI. Mr. President, yesterday, I commented on the Nuclear Waste Policy Act amendments. I thought then, and I think today, there are a few remarks that I probably ought to make aside from complimenting the distinguished Senator for his untiring efforts to address nuclear waste in a logical and sensible way.

Mr. President, I rise to compliment Senator MURKOWSKI's leadership on the Nuclear Waste Policy Amendments Act. I appreciate his efforts to enable progress on the nation's need for concrete action on spent nuclear fuel.

I find it amazing how fear of anything in this country with "nuclear" in its title, like "nuclear waste," seems to paralyze our ability to act decisively. Nuclear issues are immediately faced with immense political challenges.

There are many great examples of how nuclear technologies impact our daily lives. Yet few of our citizens know enough about the benefits we've gained from harnessing the nucleus to support actions focused on reducing the remaining risks.

Just one example that should be better understood and appreciated involves our nuclear navy. Their experience has important lessons for better understanding of these technologies.

The *Nautilus*, our first nuclear powered submarine, was launched in 1954. Since then, the Navy has launched over 200 nuclear powered ships, and about 85 are currently in operation. Recently, the Navy was operating slightly over 100 reactors, about the same number as those operating in civilian power stations across the country.

The Navy's safety record is exemplary. Our nuclear ships are welcomed into over 150 ports in over 50 countries. A 1999 review of their safety record was conducted by the General Accounting Office. That report stated: "No significant accident—one resulting in fuel degradation—has ever occurred." For an Office like GAO, that identifies and publicizes problems with government programs, that's a pretty impressive statement.

Our nuclear powered ships have traveled over 117 million miles without serious incidents. Further, the Navy has commissioned 33 new reactors in the 1990s, that puts them ahead of civilian power by a score of 33 to zero. And Navy reactors have more than twice the operational hours of our civilian systems.

The nuclear navy story is a great American success story, one that is completely enabled by appropriate and careful use of nuclear power. It's contributed to the freedoms we so cherish.

Nuclear energy is another great American success story. It now supplies about 20 percent of our nation's electricity, it is not a supply that we can afford to lose. It's done it without release of greenhouse gases, with a superlative safety record over the last decade. The efficiency of nuclear plants has risen consistently and their operating costs are among the lowest of all energy sources.

I've repeatedly emphasized that the United States must maintain nuclear energy as a viable option for future energy requirements. And without some near-term waste solution, like interim storage or an early receipt facility, we are killing this option. We may be depriving future generations of a reliable power source that they may desperately need.

There is no excuse for the years that the issue of nuclear waste has been with us. Near-term credible solutions are not technically difficult. We absolutely must progress towards early receipt of spent fuel at a central location, at least faster than the 2010 estimates for opening Yucca Mountain that we now face or risk losing nuclear power in this country.

Senator MURKOWSKI's bill is a significant step toward breaking the deadlock which countries to threaten the future of nuclear energy in the U.S. I appreciate that he made some very tough decisions in crafting this bill that blends ideas from many sources to seek compromise in this difficult area.

One concession involves tying the issuance of a license for the "early receipt facility" to construction authorization for the permanent repository. I'd much prefer that we simply moved ahead with interim storage. An interim storage facility can proceed on its own merits, quite independent of decisions surrounding a permanent repository. Such an interim storage facility could be operational well before the "early receipt facility" authorized in this Act.

There are absolutely no technical issues associated with interim storage in dry casks, other countries certainly use it. Nevertheless, in the interests of seeking a compromise on this issue, I will support this Act's approach with the early receipt facility.

I appreciate that Senator MURKOWSKI has included Title III in the new bill with my proposal to create a new DOE Office of Spent Nuclear Fuel Research. This new Office would organize a research program to explore new, improved national strategies for spent nuclear fuel.

Spent fuel has immense energy potential—that we are simply tossing away with our focus only on a permanent repository. We could be recycling that spent fuel back into civilian fuel and extracting additional energy. We could follow the examples of France, the U.K., and Japan in reprocessing the fuel to not only extract more energy, but also to reduce the volume and toxicity of the final waste forms.

Now, I'm well aware that reprocessing is not viewed as economically desirable now, because of today's very low uranium prices. Furthermore, it must only be done with careful attention to proliferation issues. But I submit that the U.S. should be prepared for a future evaluation that may determine that we are too hasty today to treat this spent fuel as waste, and that instead we should have been viewing it as an energy resource for future generations.

We do not have the knowledge today to make that decision. Title III establishes a research program to evaluate options to provide real data for such a future decision.

This research program would have other benefits. We may want to reduce the toxicity of materials in any repository to address public concerns. Or we may find we need another repository in the future, and want to incorporate advanced technologies into the final waste products at that time. We could, for example, decide that we want to maximize the storage potential of a future repository, and that would require some treatment of the spent fuel before final disposition.

Title III requires that a range of advanced approaches for spent fuel be studied with the new Office of Spent Nuclear Fuel Research. As we do this, I'll encourage the Department to seek international cooperation. I know, based on personal contacts, that France, Russia, and Japan are eager to join with us in an international study of spent fuel options.

Title III requires that we focus on research programs that minimize proliferation and health risks from the spent fuel. And it requires that we study the economic implications of each technology.

With Title III, the United States will be prepared, some years in the future, to make the most intelligent decision regarding the future of nuclear energy as one of our major power sources. Maybe at that time, we'll have other better energy alternatives and decide that we can move away from nuclear power. Or we may find that we need nuclear energy to continue and even expand its current contribution to our nation's power grid. In any case, this research will provide the framework to guide Congress in these future decisions.

Mr. President, I want to specifically discuss one of the compromises that Senator MURKOWSKI has developed in his manager's amendment. In my view, his largest compromise involves the choice between the Environmental Protection Agency or the Nuclear Regulatory Commission to set the radiation-protection standards for Yucca Mountain and for the "early release facility."

The NRC has the technical expertise to set these standards. Furthermore, the NRC is a non-political organization, in sharp contrast to the political nature of the EPA. We need unbiased technical knowledge in setting these standards, there should be no place for politics at all. The EPA has proposed a draft standard already, that has been widely criticized for its inconsistency and lack of scientific rigor—events that do not enhance their credibility for this role.

I appreciate, however, the care that Senator MURKOWSKI has demonstrated in providing the ultimate authority to the EPA. His new language requires both the NRC and the National Academy of Sciences to comment on the EPA's draft standard. And he provides a period of time, until mid-2001, for the EPA to assess concerns with their standard and issue a valid standard.

These additions have the effect of providing a strong role for both the NRC and NAS to share their scientific knowledge with the EPA and help guide the EPA toward a credible standard.

The NRC should be complimented for their courageous stand against the EPA in this issue. Their issuance of a scientifically appropriate standard stands in stark contrast to the first effort from the EPA. Thanks to the actions of the NRC, the EPA can be guided toward reasonable standards.

Certainly, my preference is to have the NRC issue the final standard. But I appreciate the effort that Senator MURKOWSKI has expended in seeking compromise in this difficult area.

By following the procedures in the manager's amendment, we can allow the EPA to set the final standard, guided by the inputs from the NRC and NAS. Thus, I will support the manager's amendment.

Mr. President, I want to thank Senator MURSKOWSKI for his superb leadership in preparing this new act. We need to pass this manager's amendment with a veto-proof majority, to ensure that we finally attain some movement in the nation's ability to deal with high level nuclear waste.

We hear so much in the United States about how dangerous nuclear power is, how dangerous these fuel rods are that come out of the reactors, how dangerous nuclear reactors are, and I thought I might share with whomever is interested a bit of information about how safe nuclear powerplants are.

In this country, when we talk about moving some of the nuclear waste from one State to another, people get up in arms and they want to march down the streets because they are frightened to death that something is going to happen if this nuclear waste moves down the streets, the roads, the highways, or whatever. I thought I might share a series of facts with you that might make you think a little bit.

First, the U.S. Navy launched the first nuclear-powered submarine in 1954. We put a nuclear reactor in a submarine and we sent the submarine all over the oceans of the world, and nothing ever happened to anyone. Since then, the Navy has launched 200 nuclear-powered ships, and about 85 are currently in operation. In other words, 85 of the U.S. Navy's best and biggest warships are on the high seas with a nuclear reactor—in some cases two reactors—on board. Were something to happen, it would permeate and go right through the water. But guess what. Nothing has ever happened to anyone. Guess what else. Every major port in the world accepts America's Navy ships with nuclear reactors on board generating power to run that ship. Nobody seeks to say: You better keep these away from our port because there are a lot of other ships around here.

Why is that, I wonder? Why are we on the floor of the Senate almost whipped up to a lather of fear about moving high-level waste from some State in middle America to some State in western America and we have 85 nuclear-powered U.S. Navy ships, from battleships on down, moving around the high seas and docking at various ports everywhere? Nobody has a sign up. Nobody is frightened. Nothing has ever happened. And guess what. Because it was too good to be true, somebody said to go out and find out something about them; they must be hurting people with all these nuclear reactors.

So the GAO went out and did an extensive and exemplary study about what they had done and not done. Guess what they found. This is a 1999 review. "No significant accidents. One resulting in fuel degradation has ever occurred." For an office such as the GAO that identifies public problems with Government programs, that is a pretty impressive statement.

Our nuclear-powered ships, I say to Senator MURKOWSKI, have traveled over 117 million miles on the high seas of the world. Nobody has said we don't want them on the high seas because they have a nuclear powerplant in them because they are safe as safe can be. Yet when it comes to us here in America we wonder whether we can transport some nuclear waste 200 miles. If we aren't technically sound enough, if we are not smart enough, if we are not engineered and qualified to be able to move something such as this 200 or 300 miles when the Navy has been moving reactors on the high seas 117 million miles—they have commissioned 33 new reactors in the 1990s. Just think of that. That puts them ahead of the civilian power by a score of 33 to 0. Because we have frightened ourselves to death, we will not even license a new nuclear powerplant in the United States.

We surely are proud as proud can be when we see a great big American battleship or aircraft carrier floating on those high seas with all those Navy guys on board. What do they have? Some of them have two nuclear powerplants in the hull loaded with the same kind of waste product about which we are so worried. The distinguished Senator from Alaska is saying: Why don't we just move that and put it in a place where it can be stored? No one else in the world who is involved in nuclear power has tied the future of nuclear power and nuclear use to the ultimate disposition of the high-level waste residue in a permanent underground facility from whence it can never be extracted and for which the technical requirements are so severe in terms of making sure it lasts for 100,000 years—or whatever the number is—that we are never going to get it done. It is amazing. It is just amazing.

The country of France gets 87 percent of its electricity from nuclear power. They still do not have a plan to put the nuclear waste away permanently because they are not frightened about it. They trust their intelligent, enlightened leaders, who currently have it in gymnasiums about the size of high schools. That is where it is stored. You can walk on top of it where it is stored and nobody is worried about anything. Here we are debating whether we could have a temporary storage facility—as the country that invented it, as the country that engineered it, as the country whose great nuclear physicists invented the notion and came up with the idea of how to power-generate it, and we sit, except for the U.S. Navy, letting the rest of the world just pass us by.

The Senator from Alaska will never get the credit he deserves for trying to get this little site, this temporary facility. He will never get the credit. People are thinking we are trying to pull something over on them; we might be hurting people; we are just trying to get it out of one site and hide it someplace else.

There are 85 U.S. Navy ships, I remind everybody one more time, of all sizes, including battleships, aircraft carriers, and some with two nuclear powerplants on them. As we stand right here, they are floating around on the high seas where the water is all fissionable. If you are in this part of the Atlantic, the water will eventually end up over here miles away, and nobody is lodging serious complaints. They may say we don't want the U.S. Navy around for some other reason. And thank God we have them. But they are in ports everywhere. They don't take the nuclear powerplant out before they come into a port. Right? They don't have three kinds of motors around. They may have a couple of auxiliary motors. But the nuclear powerplants are right there on board.

I thought I would just state that part of my statement which I put in the RECORD yesterday because it is so obvious to me that we are being so foolish in tying the ultimate disposition of the high-level waste generated by 20 percent of our electrical powerplants, which are nuclear, to a policy that says unless and until we find a place to put that underground at Yucca—wherever it is in Nevada—forever we will not continue with nuclear power.

I believe it is so shortsighted and based on such an insignificant set of scientific facts that it is almost as if America just wouldn't do something such as that. But we are doing it. There were letters circulating yesterday that the proposal of the Senator from Alaska would not be helpful; in fact, it would hurt people. I don't think I have to repeat. I think I have made the case.

What would the world be doing if in fact nuclear reactors were that unsafe and U.S. Navy ships want to dock to let their Navy men go on shore for a while and then get on with something else? I do not believe they would be saying: Have we found a place to put the nuclear waste that is coming in on that new battleship that you are generating? Have you found a place to put it away forever? I think they would say: Gee, there is no risk at all involved. It is a pretty good venture. We are glad to have you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me thank my good friend from New Mexico, the chairman of the Budget Committee. We had a chart that we used in the debate. That chart showed the 40 States that had the accumulated waste—80 sites in 40 States. I wish I would have added the 85 nuclear ships that are traversing the ocean because the Senator from New Mexico is quite correct. That is something we don't talk much about. It works. The Navy, obviously, has the expertise that has been developed over a long period of time. When those submarines or surface ships are taken out of active duty, reactors are removed. That waste is taken and stored at various areas in the country. Chicken Little was suggested around here today; the world is coming down. It doesn't have to come down. It is the emotional arguments that prevail without any sound science.

I appreciate the input of my good friend and his commitment to the obligation that remains unresolved.

HEATING OIL PRICES

Mr. MURKOWSKI. Mr. President, I would like to address very briefly a couple of issues. One is the issue of the high cost of heating oil, particularly in the Northeast corridor at this time. I know my colleagues from the Northeast are looking for relief. Perhaps I could enlighten them to some extent on the reasons behind why prices are high and why stocks are low.

I think it is important to recognize a couple of basic facts that underline the whole question: that is, understanding the crude oil and heating oil relationship.

There are some who suggest we have a shortage of crude. That is the reason we have higher prices for heating oil. Factually, however there is no refinery in this country that has been short of a supply of crude oil during this crisis. The problem is the refineries have been cutting a different mix of product. They cut heating oil. They cut gasoline. They cut diesel fuel as well as other hydrocarbons. They have begun to cut other mixes instead of heating oil. So if they change the mix and reduce gasoline for heating oil, that could give some relief, but it may ultimately result in a shortage of gasoline during peak usage in the coming months.

The basic difficulty is coupled with the fact that the inventories were low. That is perhaps the fault of the industry. But while the inventories were low, the crucial problem is the storage areas for these stocks were reduced dramatically. What do I mean by that? I mean the tanks around the metropolitan areas that are conventionally used to store the heating oils, the gasolines, and so forth.

In the case of New York, petroleum bulk storage capacity has declined 15 percent over the past 5 years. Why? According to testimony the other day from New York State officials on heating oils, this is a consequence of tighter environmental controls that suggest these old storage areas are inadequate or a danger to the environment. That may well be the case. However, the reality is we reduced our storage and as a consequence we don't have the inventory of heating oils that we would have had if we had the storage available.

I am not suggesting that people from New York or anywhere else don't need strong environmental regulations. They do. But we have to understand how we got into this predicament. That is the reason why the inventories are down.

Some say the answer is to open up SPR, a strategic petroleum reserve in Louisiana. We need to recognize we don't have a shortage of crude oil at the refineries, and if we further understand that in SPR there is no heating oil—it is not refined oil, it is crude oil; therefore, by taking oil out of SPR and take it to the refinery, we will displace what the refinery is already refining to accommodate SPR. So we don't have any net gain.

Most people cannot quite understand that. They think SPR is for heating oil that can be taken out of SPR and distributed, thereby easing the shortage. We cannot do that.

I understand the Secretary of Energy will make an announcement today or very shortly about the administration's efforts regarding high oil prices. Let's look at this because it is important. They will do something more for the Low-Income Housing Energy Assistance Program, which provides money for the low-income areas. That is commendable. However, that does not solve the underlying problem. They will "jawbone" more with the OPEC countries to release more oil. They can release more oil, but will they reduce the price? That is crude oil that had to be refined. They will encourage refiners to make more heating fuels—they might be able to persuade them to do that but it will change the mix and might result in a gasoline shortage this summer.

The interesting thing about the administration's response is, nowhere is there a commitment that we increase our domestic petroleum production to make us less dependent on OPEC pricing policies. That would be contrary to the environmental community who objects to the production domestically of oil and gas. Let me go a step forward. The Vice President said: If I'm elected I will cancel all the OCS leases, oil and gas.

What does he propose we will do? We cannot address what we will do with our nuclear waste. As far as I'm concerned the administration can choke on that waste. That seems to be their only solution.

We have an administration that proposes more new taxes on our domestic oil and gas industry. Think about that. We have a heating oil crisis, we have high prices, there are barges in transit and ships coming over from Europe with heating oil. That may help. We cannot move the crude oil out of SPR fast enough. We cannot get it to refineries that have any unused capacity. And we don't have adequate storage to store the reserves.

If you want to debate that issue, as chairman of the Energy and Natural Resources Committee I will try to work with Members. But let's be realistic and try to understand what the problem is and not fool the public.

If anyone saw the Coast Guard cutter grinding through the ice on the Hudson River to try and clear the waterways for the heating supplies to be delivered, they would have a better understanding and appreciation of some of the real problems.

I want to work with my colleagues to try and address this but let's make sure we understand the realities associated with that. I have a problem with our continued dependence on jawboning the Middle East countries. Our friend Saddam Hussein is now producing nearly 2 million barrels a day. The consequences of that, in view of the fact we fought a war not so long ago, suggests that our energy policies are inconsistent, to say the least.

We talked about the administration's "cure" to encourage more production. The President has proposed $50 million in new and expanded user fees over 5 years on our domestic oil companies drilling in offshore waters. Is that going to continue to drive production in the United States? It will continue to drive it overseas and increase our reliance on imported oil from foreign shores—and we are 56 percent dependent now. The user fees are included in the administration's fiscal year 2001 budget. According to reports, the fees would raise $10 million in each of the next 5 years by increasing rental rates on oil leases, among other fees.

In addition, we understand the budget recommends reinstating the oil spill liability trust fund to add 5 cents a barrel excise on both domestic and imported oil. This equals $350 million per year from all sources.

Once again, instead of encouraging our domestic oil industry, this administration seeks to discourage it wherever possible. The result is that we are 56 percent dependent on foreign oil; and the Mideast, where that oil comes from, where there is a huge abundance of oil, is sitting back nodding their head and smiling as they continue to control the discipline within their cartel not to allow overproduction and a decline in price.

The national energy security of this Nation is at risk as we become more and more dependent on imported oil. We have tremendous domestic reserves in this country if we can only open them. My State of Alaska has produced 20 percent of the crude oil produced in the United States for the last 20 years. If allowed on land in Alaska to use the technology that we have, we can continue not only to produce 20 percent but probably increase that to 30 percent or maybe 40 percent. The alternative is to increase our dependence on imported oil.

Senator LANDRIEU and I have a bill, Senate bill 25, that will try and address a fair return to the coastal impact areas offshore and onshore relative to a reasonable revenue stream that ought to come back to these areas as a consequence of oil and gas development on the outer continental shelf. This is legislation that all coastal States would share in, whether they have any oil and gas activities. This legislation would benefit the environment but it would put control of how that money is spent—not with a central Federal Government dictate, but with the participation of the States and the local communities. That is the way it has to be.

DISTRIBUTING NEW MONEY FAIRLY

Mr. MURKOWSKI. Mr. President, as a former banker, I must draw attention to what I consider an extraordinary movement by this administration, the Department of Treasury's decision to distribute the U.S. $1 coin to America's largest retailer, Wal-Mart, in Arkansas.

Isn't that extraordinary? The banks have always been the agency for distributing new money and the agency for bringing in mutilated money. But for the first time the Department of Treasury has gone to a retailer, Wal-Mart, headquartered in President Clinton's home State, I might add, and I am told that as a promotion they have cut a deal with General Mills, where there are a few of them in boxes of Cheerios.

The banks are the backbone of our financial system. I cannot understand the logic or the fairness where if you are a banking customer, and your customers want coins, you have to run down to Wal-Mart. A private citizen who orders those new coins from the U.S. Mint I am told can expect a 6 to 8 week delivery time.

I would like to ask the following questions. Who made the decision to give these companies, Wal-Mart particularly, the ability to distribute coins before the banks? I would like to know the name of the person who made that judgment; and what part of Arkansas he was from? Was it a procedure similar to awarding Federal contracts used in choosing Wal-Mart and General Mills? I have sent that letter to Lawrence Summers, and I hope we can get a response very soon.

I yield the floor and encourage everybody who has a box of Cheerios to be sure and shake it because there might be a new dollar in it. Don't go to your bank because they will not have it.

I ask unanimous consent that my letter, and an article that appeared in the Wall Street Journal, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HON. LAWRENCE SUMMERS,
Secretary, Department of the Treasury, Washington, DC.

DEAR SECRETARY SUMMERS: I am surprised and very concerned about the method the Department of the Treasury has chosen to distribute the U.S. Mint's new one dollar coin. America's largest retailer, Wal-Mart, headquartered in President Clinton's home state, has been given priority over our nation's banks to distribute these coins. I find it hard to believe that any federal agency would deliberately give such a marketing advantage to a private retailer, let alone the largest retailer in America. Select boxes of General Mills' Cheerios contain the new dollar coins.

According to an article in today's Wall Street Journal, banks, which are the backbone of our financial system do not have this type of ready access to these new coins. Some bankers were quoted as saying they are referring people who want the new coins to Wal-Mart. Moreover, a private citizen who orders these new coins from the U.S. Mint can expect a 6-8 week delivery time.

I would like you to answer the following questions. Who made the decision to give these companies the ability to distribute the coins before banks? Was a procedure similar to the awarding of federal contracts used in choosing Wal-Mart and General Mills?

I look forward to your prompt response.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senate.

BANKERS ASSAIL MINT FOR DEAL WITH WAL-MART

(By Julia Angwin)

Bank tellers at First State Bank in Middlebury, Ind., have recently been going to unusual lengths to fill their coin drawers. While on lunch break, they would sprint to the local Wal-Mart store to buy the government's newly minted $1 coin.

"We thought if we could get 50 or 100 coins, then maybe we could give them to our customers," says Sara Baker, the bank officer that organized the tellers.

When a bank goes to Wal-Mart to get its money, something odd is going on. In this case, it's a new strategy the U.S. Mint adopted when it issued the new golden-colored dollar, featuring the image of Native American heroine Sacagawea, at the end of January. Prompted by the flop of the Susan B. Anthony coin 20 years ago, the Mint crafted an agreement with Wal-Mart, the nation's largest retailer, allowing it to essentially have first dibs over most banks on the new coin.

The U.S. Mint says it shipped the coins to 3,000 Wal-Mart and Sam's Club stores and the 12 regional Federal Reserve Banks on the same day, Jan. 27. But it mailed the coins to Wal-Mart, while it sent the coins to the Fed branches by truck. Many community banks are reporting a five-week wait for the coins that they have ordered from the Federal Reserve.

The delay has caused a furor among some bankers, who are embarrassed that they have to send coin-seeking customers to Wal-Mart, and among some business owners, who complain they can't get the coins from banks.

"Wal-Mart doesn't need any more advantages over a little business like mine," said Bill Taylor, owner of Boiling Springs Hardware & Rental in South Carolina, who tried unsuccessfully to get some dollar coins from his local banks.

* * * off an angry letter to the U.S. Mint on behalf of its members, protesting the agreement with Wal-Mart and asking the Mint to speed delivery to community banks of the golden coins. Dubbed the Golden Dollar by the Mint, the new coin is actually made of an alloy of manganese, brass and copper.

"The U.S. Mint has done an end run around the whole banking system," says Ann McKenna, vice president for finance at Tioga State Bank in Spencer, N.Y. "It's very disappointing."

In fact, the Mint planned the Wal-Mart agreement as a way of encouraging U.S. banks to order the new golden dollar coin in larger numbers than their orders for the Susan B. Anthony. And it has worked. The demand for the new coin has reached 200 million in the first month. It took the Susan B. Anthony four years to reach that level.

U.S. Mint Director Philip Diehl says he doesn't mind the controversy as long as the coin is a success. "I'd rather have a noisy success than a quiet failure," he says.

Mr. Diehl says the U.S. Mint got a lukewarm response from most banks when it first approached them about potential demand for the coin last summer. In response, he says, the Mint decided to talk to some retailers about putting the coin into circulation. Only two retailers showed interest: Wal-Mart Stores Inc., of Bentonville, Ark., and 7-Eleven Inc., of Dallas. At the same time, the Mint also crafted an agreement with General Mills Inc. to distribute the coin in selected Cheerios boxes—11 million in all—beginning last month.

Because of the logistical difficulties of distributing coins to its stores, 7-Eleven dropped out of the agreement, says Dana Manley, marketing communications manager for the convenience-store chain. However, Wal-Mart was willing to buy 100 million coins and promote them nationally in its stores.

Wal-Mart spokeswoman Laura Pope says the company was excited to work with the Mint. "Our goal is to offer customers something unique that they can only find at Wal-Mart and Sam's Club stores," she says. Wal-Mart promoted the new coin in a mailing distributed to 90 million customers at the end of January.

The Mint's Wal-Mart strategy seems to have worked, helped by the coin's golden color, to make the new dollar more popular than its Anthony predecessor. Most banks in search of the coin have started referring their customers to Wal-Mart. Even Ms. Baker eventually gave up on her quest to buy coins from the local Wal-Mart for her bank branch.

After two days of buying a few coins at a time (each Wal-Mart has its own policy of how many coins it will give out at one time), her tellers rebelled. "Some employees went out and said, 'I could only get three coins and I'm keeping them,'" she says. "Frankly, now we're telling customers to go to Wal-Mart."

CHANGING OUR TAX CODE

Mr. MURKOWSKI. Mr. President, we talk a lot here about tax cuts. We talk about tax increases. But we do not often talk about changing our Tax Code. The President's proposal makes 192 separate changes to the Tax Code. The IRS book is about 5 pounds. The code itself is already 3,400 pages of text. That is 1,600 pages longer than the King James version of the Bible, and at least the Bible is large type, but you need a magnifying glass to read the IRS code. There are more than 2000 separate sections of the Code, tens of thousands of subsections, tens of thousands of pages of regulations and interpretive rulings. Now the President wants to add another 192 sections to the code which will surely make up several hundred additional pages of mindless complexity.

As I indicated, the President is proposing more than $95 billion of new taxes on a wide variety of industries. There are new taxes that are being proposed at a time when the Government is already taking in more than it spends. I wonder if there is any end to Washington's appetite for more money from the American people.

Regarding especially the President's proposal to impose $1 billion in new taxes on our mining industry, I guess he is trying to drive it offshore. The President has submitted this proposal every year for at least the past 4 years and I say this proposal is going to meet the same fate it has met every time it has been sent to the hill. It will be killed, and I can promise you that. I can assure you, the same. tired, worn-out proposals to add $13 billion of new taxes to the insurance industry will never again see the light of day. I notice there are other proposals the President has proposed, but I am sure most of my colleagues share my sentiment that we do not need to raise taxes by $95 billion at this time, when most of what is contained in the tax code should be summarily rejected.

I conclude by saying what we need is tax reform. As a consequence, the President's proposal to add 192 separate sections to the Tax Code hardly is reform.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent my friend, the distinguished Senator from South Carolina, be recognized after I complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF BRADLEY SMITH TO THE FEC

Mr. FEINGOLD. Mr. President, the President sent a nomination to the Senate that anyone who cares about the campaign finance laws in this country will find very troubling. I speak of the nomination of Bradley Smith to a 6-year term on the Federal Election Commission. Mr. Smith's views on the federal election laws, as expressed in law review articles, interviews, op-eds, speeches over the past half decade are disturbing, to say the least. He should not be on the regulatory body charged with enforcing and interpreting those very laws.

Today I am placing a very public hold on this nomination. I will object to its consideration on the floor and I ask all of my colleagues who support campaign finance reform to oppose this nomination.

In a 1997 opinion piece in the Wall Street Journal, Mr. Smith wrote the following:

> When a law is in need of continual revision to close a series of ever-changing "loopholes," it is probably the law, and not the people, that is in error. The most sensible reform is a simple one: repeal of the Federal Election Campaign Act.

That's right, the man who the President has just nominated to serve on the Federal Election Commission believes the Federal campaign laws should be repealed. Thomas Jefferson said we should have a revolution in this country every 20 years. He believed that laws should constantly be revised and revisited to make sure they were responsive to the needs of society at any given time. Yet, Mr. Smith sees the need for loophole closing in the federal election laws as evidence that the whole system should be scrapped.

In a policy paper published by the Cato Institute, for whom Mr. Smith has written extensively in recent years, he says the following:

> FECA [the Federal Election Campaign Act] and its various state counterparts are profoundly undemocratic and profoundly at odds with the First Amendment.

I wonder how Mr. Smith will reconcile those views with his new position as one of six individuals responsible for enforcing and implementing the statute and any future reforms that the Congress might pass. He has shown such extreme disdain in his writings and public statements for the very law he would be charged to enforce that I simply do not think he should be entrusted with this important responsibility.

It is especially ironic and disheartening that this nomination has been made at a time when the prospects for reform and the legal landscape for those reforms have never looked better. We are all aware that certain Presidential candidates have highlighted campaign finance issues with great success. The public is more aware than ever of the critical need for reform. Campaign finance reform is and will be a major issue in the 2000 Presidential race.

In addition, just a few weeks ago, the Supreme Court issued a ringing reaffirmation of the core holding of the Buckley decision that forms the basis for the reform effort. The Court once again held that Congress has the constitutional power to limit contributions to political campaigns in order to protect the integrity of the political process from corruption or the appearance of corruption. In upholding contribution limits imposed by the Missouri legislature, Justice Souter wrote for the Court:

> [T]here is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.

In my view, the Supreme Court's ruling in the Shrink Missouri case removes all doubt as to whether the Court would uphold the constitutionality of a ban on soft money, which is the centerpiece of the reform bill that has passed the House and is now awaiting Senate action. One hundred twenty-seven legal scholars have written to us that a soft money ban is constitutional, and their analysis is strongly supported by this very recent decision of the Supreme Court.

Mr. Smith has a wholly different view of the core holding of Buckley, on which the arguments supporting the constitutionality of banning soft money relies. He wrote the following in a 1997 law review article:

> Whatever the particulars of reform proposals, it is increasingly clear that reformers have overstated the government interest in the anticorruption rationale. Money's alleged corrupting influence are far from proven. . . . [T]hat portion of Buckley that relies on the anticorruption rationale is itself the weakest portion of the Buckley opinion—both in its doctrinal foundations and in its empirical ramifications.

In another article, Mr. Smith writes: "I do think that Buckley is probably wrong in allowing contribution limits."

Mr. Smith's view, as quoted by the Columbus Dispatch, is that "people should be allowed to spend whatever they want on politics." In an interview on MSNBC, he said, "I think we should deregulate and just let it go. That's how our politics was run for over 100 years."

He is right about that. Mr. Smith would have us go back to the late 19th century, before Theodore Roosevelt pushed through the 1907 Tillman Act, which prohibited corporate contributions to federal elections. Mr. Smith has expressed the view that a soft money ban would be unconstitutional. He wrote the following in a paper for the Notre Dame Law School Journal of Legislation:

> [R]egardless of what one thinks about soft money, or what one thinks about the applicable Supreme Court precedents, a blanket ban on soft money would be, under clear, well-established First Amendment doctrine, constitutionally infirm.

A majority of this Senate has voted repeatedly in favor of a soft money ban. I cannot imagine that that same majority will vote to confirm a nominee who believes such a ban is unconstitutional. We need an FEC that will vote to enforce the law and to interpret it in a way that is consistent with congressional intent. I simply have no confidence—I do not know how I can get confidence—that Mr. Smith will be able do that—how can he? It would be completely at odds with his own loudly professed principles.

This is not a matter of personality. I have never met Mr. Smith. I am sure he is a good person. I do not question his right to criticize the laws from his outside perch as a law professor and commentator. But his views on the very laws he will be called upon to enforce give rise to grave doubt as to whether he can faithfully execute the duties of a Commissioner on the FEC. It is simply not possible for him to distance himself from views he has repeatedly and stridently expressed now that he is nominated. We would not accept such disclaimers from individuals nominated to head other agencies of Government.

The campaign finance laws are not undemocratic. They are not unconstitutional. They are essential to the functioning of our democratic process and to the faith of the people in their government. As the Supreme Court said in the Shrink Missouri case:

> Leave the perception of impropriety unanswered, and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance. Democracy works only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of "malfeasance and corruption."

In the wake of that clear declaration by the Court, how can Bradley Smith continue to rationalize the gutting of the Federal Election Campaign Act? And how can we allow him the chance to carry it out as a member of the FEC?

We need FEC Commissioners who understand and accept the simple and basic precepts about the influence of money on our political system that the Court reemphasized in the Shrink Missouri case. We need FEC Commissioners who believe in the laws they are sworn to uphold. We do not need FEC Commissioners who have an ideological agenda contrary to the core rationale of the laws they must administer.

The public is entitled to FEC Commissioners who they can be confident will not work to gut the efforts of Congress to provide fair and democratic rules to govern our political systems. I will oppose this nomination and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from South Carolina.

FRAUD

Mr. HOLLINGS. Mr. President, if people back home only knew. This whole town is engaged in the biggest fraud. Tom Brokaw has written that the greatest generation suffered the Depression, won the war, and then came back to lead. They not only won the war but were conscientious about paying for that war and Korea and Vietnam. Lyndon Johnson balanced the budget in 1969.

I ask unanimous consent to print in the RECORD the record of all the Presidents, since President Truman down through President Clinton, of the deficit and debt, the national debt, and interest costs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLING'S BUDGET REALITIES

President and year	U.S. budget (outlays) (in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
Truman:						
1946	55.2	-5.0	-15.9	-10.9	271.0	
1947	34.5	-9.9	4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	-0.6	252.6	
1950	42.6	1.2	-3.1	-4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	-1.5	-3.8	259.1	
1953	76.1	0.4	-6.5	-6.9	266.0	
1954	70.9	3.6	-1.2	-4.8	270.8	
Eisenhower:						
1955	68.4	0.6	-3.0	-3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	-2.8	-7.4	279.7	
1959	92.1	-5.0	-12.8	-7.8	287.5	
1960	92.2	3.3	0.3	-3.0	290.5	
1961	97.7	-1.2	-3.3	-2.1	292.6	
1962	106.8	3.2	-7.1	-10.3	302.9	9.1
Kennedy:						
1963	111.3	2.6	-4.8	-7.4	310.3	9.9
1964	118.5	-0.1	-5.9	-5.8	316.1	10.7
Johnson:						
1965	118.2	4.8	-1.4	-6.2	322.3	11.3
1966	134.5	2.5	-3.7	-6.2	328.5	12.0
1967	157.5	3.3	-8.6	-11.9	340.4	13.4
1968	178.1	3.1	-25.2	-28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
1970	195.6	12.3	-2.8	-15.1	380.9	19.3
Nixon:						
1971	210.2	4.3	-23.0	-27.3	408.2	21.0
1972	230.7	4.3	-23.4	-27.7	435.9	21.8
1973	245.7	15.5	-14.9	-30.4	466.3	24.2
1974	269.4	11.5	-6.1	-17.6	483.9	29.3
1975	332.3	4.8	-53.2	-58.0	541.9	32.7
Ford:						
1976	371.8	13.4	-73.7	-87.1	629.0	37.1
1977	409.2	23.7	-53.7	-77.4	706.4	41.9
Carter:						
1978	458.7	11.0	-59.2	-70.2	776.6	48.7
1979	503.5	12.2	-40.7	-52.9	829.5	59.9
1980	590.9	5.8	-73.8	-79.6	909.1	74.8
1981	678.2	6.7	-79.0	-85.7	994.8	95.5
Reagan:						
1982	745.8	14.5	-128.0	-142.5	1,137.3	117.2
1983	808.4	26.6	-207.8	-234.4	1,371.7	128.7
1984	851.8	7.6	-185.4	-193.0	1,564.7	153.9
1985	946.4	40.5	-212.3	-252.8	1,817.5	178.9
1986	990.3	81.9	-221.2	-303.1	2,120.6	190.3
1987	1,003.9	75.7	-149.8	-225.5	2,346.1	195.3
1988	1,064.1	100.0	-155.2	-255.2	2,601.3	214.1
1989	1,143.2	114.2	-152.5	-266.7	2,868.3	240.9
Bush:						
1990	1,252.7	117.4	-221.2	-338.6	3,206.6	264.7
1991	1,323.8	122.5	-269.4	-391.9	3,598.5	285.5
1992	1,380.9	113.2	-290.4	-403.6	4,002.1	292.3
1993	1,408.2	94.3	-255.0	-349.3	4,351.4	292.5
Clinton:						
1994	1,460.6	89.2	-203.1	-292.3	4,643.7	296.3
1995	1,514.6	113.4	-163.9	-277.3	4,921.0	332.4
1996	1,453.1	153.5	-107.4	-260.9	5,181.9	344.0
1997	1,601.2	165.9	-21.9	-187.8	5,369.7	355.8
1998	1,651.4	179.0	70.0	-109.0	5,478.7	363.8
1999	1,704.5	250.5	122.7	-127.8	5,606.5	353.5
2000	1,769.0	234.5	176.0	-58.5	5,665.0	362.0
2001	1,839.0	262.0	177.0	-85.0	5,750.0	371.0

*Histocial Tables, Budget of the US Government FY 1998; Beginning in 1962 CBO'S 2001 Economic and Budget Outlook.

Mr. HOLLINGS. Mr. President, Lyndon Johnson balanced the budget in 1969. At that time, the national debt was $365 billion with an interest cost of only $16 billion. Now, under a new generation without the cost of a war, the debt has soared to $5.6 trillion with annual interest costs of $365 billion. That is right. We spend $1 billion a day for nothing. It does not buy any defense, any education, any health care, or highways. Astoundingly, since President Johnson balanced the budget, we have increased spending $349 billion for nothing.

Early each morning, the Federal Government goes down to the bank and borrows $1 billion and adds it to the national debt. We have not had a surplus for 30 years. Senator TRENT LOTT, commenting on President Clinton's State of the Union Address, said the talk cost $1 billion a minute. For an hour-and-a-half talk, that would be $90 billion a year. Governor George W. Bush's tax cut costs $90 billion a year. Together, that is $180 billion. Just think, we can pay for both the Democratic and Republican programs with the money we are spending on interest and still have $185 billion to pay down the national debt. Instead, the debt increases, interest costs increase, while all in town, all in the Congress, shout: Surplus, surplus, surplus.

Understand the game. Ever since President Johnson's balaneed budget, the Government has spent more each year than it has taken in—a deficit. The average deficit for the past 30 years was $175 billion a year. This is with both Democratic and Republican Presidents and Democratic and Republican Congresses. Somebody wants to know why the economy is good? If you infuse $175 billion a year for some 30 years and do not pay for it, it ought to be good.

The trick to calling a deficit a surplus is to have the Government borrow from itself. The Federal Government, like an insurance company, has various funds held in reserve to pay benefits of the program—Social Security, Medicare, military retirement, civilian retirement, unemployment compensation, highway funds, airport funds, railroad retirement funds.

Mr. President, I ask unanimous consent to print in the RECORD a list of trust funds looted to balance this budget.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	1998	1999	2000
Social Security	730	855	1,009
Medicare:			
HI	118	154	176
SMI	40	27	34
Military Retirement	134	141	149
Civilian Retirement	461	492	522
Unemployment	71	77	85
Highway	18	28	31
Airport	9	12	13
Railroad Retirement	22	24	25
Other	53	59	62
Total	1,656	1,869	2,106

Mr. HOLLINGS. Mr. President, these funds are held in trust for the specific purpose for which the taxes are collected.

Under corporate law, it is a felony to pay off the company debt with the pension fund. But in Washington we pay down the public debt with trust funds, call it a surplus, and they give us the "Good Government" award.

To make it sound correct, we divide the debt in two: The public debt and the private debt. Of course, our Government is public, and the law treats the debt as public without separation. The separation allows Washington politicians to say: We have paid down the public debt and have a surplus. There is no mention, of course, that the Government debt is increased by the same amount that the public debt is decreased. It is like paying off your MasterCard with your Visa card and saying you do not owe anything. Dr. Dan Crippen, the Director of the Congressional Budget Office, describes this as "taking from one pocket and putting it in the other."

For years we have been using the trust funds to report a unified budget and a unified deficit. This has led people to believe the Government was reporting net figures. It sounded authentic. But as the unified deficit appeared less and less, the national debt continued to increase. While the unified deficit in 1997 was $21.9 billion, the actual deficit was $187.8 billion. In 1998 the unified budget reported a surplus of $70 billion, but actually there was a deficit of $109 billion. In 1999 the "unified surplus" was $124 billion, but the actual deficit was $127.8 billion.

Now comes the Presidential campaign. Social Security is a hot topic. Both parties are shouting: Save Social Security. Social Security lockbox. The economy is humming, booming. With high employment, the Social Security revenues have increased. It appears that, separate from Social Security, there will be enough trust fund money to compute a surplus. We have reached the millennium—Utopia—enough money to report a surplus without spending Social Security.

Washington jargon now changes. Instead of a "unified budget," the Government now reports an "on-budget" and an "off-budget." This is so we can all call it an on-budget surplus, meaning without Social Security. But to call it an on-budget surplus, the Government spends $96 billion from the other trust funds.

We ended last year with a deficit of $128 billion—not a surplus. The President's budget just submitted shows an actual deficit each year for the next 5 years. Instead of paying down the debt, the President shows, on page 420 of his budget, the debt increasing from the year 2000 to the year 2013—$5.686 trillion to $6.815 trillion, an increase of $1.129 trillion.

They are all talking about paying off the debt by 2013, and the actual document they submit shows the debt increasing each year, and over that period an increase of over $1 trillion.

Each year, Congress spends more than the President's budgets. There is no chance of a surplus with both sides proposing to reduce revenues with a tax cut. But we have a sweetheart deal: The Republicans will call a deficit a surplus, so they can buy the vote with tax cuts; the Democrats will call the deficit a surplus, so they can buy the vote with increased spending. The worst abuse of campaign finance is using the Federal budget to buy votes.

Alan Greenspan could stop this. He could call a deficit a deficit. Instead, appearing before Congress in his confirmation hearing, Greenspan, talking of the Federal budget, stated: "I would fear very much that these huge surpluses . . ." and on and on. We are in real trouble when Greenspan calls huge deficits "huge surpluses." Greenspan thinks his sole role is to protect the financial markets. He does not want the U.S. Government coming into the market borrowing billions to pay its deficit, crowding out private capital, and running up interest costs.

But Congress' job is to not only protect the financial markets but the overall economy. Our job, as the board of directors for the Federal Government, is to make sure the Government pays its bills. In short, our responsibility is to eliminate waste.

The biggest waste of all is to continue to run up the debt with devastating interest costs for nothing. In good times, the least we can do is put this Government on a pay-as-you-go basis. Greenspan's limp admonition to "pay down the debt" is just to cover his backside. He knows better. He should issue a clarion call to stop increasing the debt. While he is raising interest rates to cool the economy, he should categorically oppose tax cuts to stimulate it.

Our only hope is the free press. In the earliest days, Thomas Jefferson observed, given a choice between a free government and a free press, he would choose the latter. Jefferson believed strongly that with the press reporting the truth to the American people, the Government would stay free.

Our problem is that the press and media have joined the conspiracy to defraud. They complain lamely that the Federal budget process is too complicated, so they report "surplus." Complicated it is. But as to being a deficit or a surplus is clear cut; it is not complicated at all. All you need to do is go to the Department of the Treasury's report on public debt. They report the growth in the national debt every day, every minute, on the Internet at "www.publicdebt.treas.gov."

In fact, there is a big illuminated billboard on Sixth Avenue in New York that reports the increase in the debt by the minute. At present, it shows that we are increasing the debt every minute by $894,000. Think of that—$894,000 a minute. Of course, increase the debt, and interest costs rise. Already, interest costs exceed the defense budget. Interest costs, like taxes, must be paid. Worse, while regular taxes support defense, and other programs, interest taxes support waste. Running a deficit of over $100 billion today, any tax cut amounts to an interest tax increase—an increase in waste.

If the American people realized what was going on, they would run us all out of town.

Mr. President, I thank the distinguished Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIVERSAL ACCESS TO TECHNOLOGY

Mr. BAUCUS. Mr. President, I wish to spend a few minutes addressing a matter that is very important to the people of my home State of Montana but also to about 50 million other Americans. Universal access to technology and services all across our country is a very important principle in American history. From the Postal Service to electricity to phone service, we have all made sure, as a national policy, that all Americans have access to the basic services they need.

Now we need to make sure all Americans also receive universal access to another major service; that is, TV service, weather reports, emergency broadcasts, local news. All Americans should be able to get local news on their television set, to get information about their local communities. That is not available today for about 50 million Americans. In my State alone, 120,000 people, about 35 percent of the homes in Montana, receive video programming via satellite because there is simply no way else to get it. That is the highest per capita rate in the Nation.

We have more satellite dishes per capita than any other State in the Nation. We jokingly call the satellite dish our new State flower. It used to be the bitterroot; now it is the satellite dish.

The problem is, we in Montana have to watch the news from New York City or Denver or Seattle. We can't get local news from our local stations from our satellites. The technology isn't there. The satellite companies don't provide the service. Montana is not alone. In nine other States, at least 20 percent of the households depend on satellite broadcasts for TV reception. They can't get it with an antenna. They can't get it from cable. They have to get it off the satellite. And in places such as Montana, with mountains, buttes, ravines, and gullies, all the different geographic conditions that occur in our State, there are many people who live on the outskirts of major towns who can't get local television signals with antenna, no matter how hard they try. They can't get any television. There are many communities and homes that are much too remote to receive news or TV coverage by cable. They are just too remote.

Why is it so many people can't get TV coverage that is important for ties to local communities? The major satellite companies have told us that the free market simply doesn't pay. It doesn't pay for the satellite companies to provide the signal to smaller communities. It does pay for the larger communities but not for the small. The satellite companies have told us they can only afford to market in the high-density urban areas. I understand that. All companies want to make as much money as they can. That is the American way. That is wonderful. But the difficulty is, as a consequence, there are many areas of our country that can't get TV coverage—that is, coverage at all—or cannot get local television, local news.

We can't rely solely on the profit motive. That drives America; it is wonderful. That is why American prosperity is doing so well and for so long. But we also have to be sure that it is not the only condition because otherwise we would still be cooking supper by candlelight in rural America. We would have to go down to the local telegraph office to communicate with friends. That is because without rural electric service or rural co-op service, that would be the case.

This map is very interesting, the one behind me to my immediate right. Under the most optimistic local-to-local plans—that is, where a satellite signal is sent down to communities so the communities can, from their satellite, get local television—only about 67 out of a total of 210 TV markets in the United States will get access to local channels via the satellite. The more realistic answer is probably about 40 markets will be served by satellite; that is, either by DirecTV or Echostar. Millions of households will get it in communities such as New York City and Los Angeles.

The red dots on the map are cities served, as of the end of last year, by satellite; that is, local service, local TV coverage, local news coverage served by satellite. As we can see, there are a lot of places in America without red dots. If you are in a city with a red dot, you can get local news by satellite. But if you live someplace else and not one of these red dots occurs, then you cannot get local news by satellite. The orange-yellow dots are announced probable sites in the future. As I said, the most optimistic estimate is 67 markets served out of the 210; the most probable is about 40 markets served out of 210.

Let me tell my colleagues where my State ranks in terms of the probability of getting served with local coverage by satellite. I can assure you, we are not in the top 67. Our largest city in Montana is Billings. Billings ranks about 169 in the Nation out of 210. Butte, MT, is about 192. Glendive is up in the northeastern part of the market. That TV market is number 210; that is, out of 210 TV markets in the country, we are 210. So we have a ways to go if we are going to get satellite local news coverage.

This isn't a problem only in Montana. It is a problem in 16 States. Sixteen States have no single city among the top 70 markets, not one. They include half of the Nation's State capitals. A dozen cities with nearly 500,000 people each won't get service. From the Great Plains to Alaska and Maine to Mississippi, much of America is being left behind.

Why is this so important? Why is local-to-local broadcasting so important? Essentially because this is the heart of the community. One of the fibers that holds a community together is the ability to communicate within that community. The community is able to tune into a TV to hear about the local high school football team: how did they do? Did they win or lose? And local news, all the things that go on in a local community: what is happening in the neighborhood? Maybe there is a sale going on at a local store. There is a TV advertisement. You know what is going on in the community. There is a charity fundraiser.

Then look at some of the more dramatic reasons for local news accessibility: winter storm warnings, hurricanes, school closures, emergencies of one kind or another, floods, tornadoes.

There are a lot of reasons why we in all our communities want to know what is happening locally. As I said at the outset, there are about 15 million Americans who are not able to tune into their local TV stations, and we should find some way to solve that.

Last month, I heard from a good, solid Montanan, Gary Ardesson of Frenchtown, MT, which is about 20 miles outside of Missoula. Gary can't get any local channels—none whatsoever—either by antenna, or by cable, or by satellite. He wants to pay for it, but it isn't available. He just can't get it. So Gary asked why in the world should he be in this situation. What would Gary do if he wanted to get the latest storm warning? All he can do is stick his head out the window and put his finger up in the wind to find out what the weather is going to be. There is no other way except by radio.

He commented on the legislation we passed in the last session. He said: What is the point of legislation if they only implement it in the areas that can already receive local channels? That is what we did last session, but we didn't provide full coverage.

This is a problem not only for viewers; it is a problem for local TV broadcasters. Local broadcasters are vital to local economies. They provide jobs and an avenue for local businesses to grow. How? Through advertising. It is very important that we can keep our local broadcasters thriving. I think there are four main issues we have to address to solve this problem.

First, we have to assure that every household in America has access to their local television station. That is a given. Every household in America must have access to their local television station.

This can be achieved, I submit, through a loan guarantee program that encourages investment in infrastructure, whether it be satellite, cable, or some other new emergency technology. Loan guarantees are going to be necessary for those less densely populated parts of our country that need assistance, such as REA, the rural electric co-ops of not too many years ago, and such as telephone co-ops. It is a guaranteed service to all Americans.

Look at this chart. This shows where the Rural Utilities Service—the organization in the USDA that administers the utility service programs in our country, whether it be electric power, telecommunications, or whatnot—currently provides service. All 50 States currently have service under the Rural Utilities Service. The yellow dots are water and wastewater guarantee programs, loan guarantee programs. The other is electrical distribution. That is the red. The dark blue is electrical generation and transmission. Look at the green; it is telecommunications. That is what we are talking about—administering a loan guarantee telecommunications program. The Rural Utility Service isn't doing that. Those are the green dots. If you stand close, you can see the green dots—mostly in the East, where you would expect, and also you will find a few in other parts of the country. We have to make sure the program is properly administered, once we guarantee access. Certainly, the Rural Utility Service is currently providing service in all 50 States and are more than qualified to provide that service.

The RUS currently manages a $42 billion loan portfolio for rural America—$42 billion—including investments in approximately 7,600 small community and rural water and wastewater systems, and about 1,500 electric and telecommunications systems servicing about 84 percent of America's counties. They have been very successful.

This map shows the vast area that is covered. RUS's success in developing infrastructure in rural America has led to the infusion of private capital in rural infrastructure. For every $1 of capital that RUS provides to rural America, that leverages to $2 or $3 of outside investment. The Rural Utility Service is the logical team to make sure this program is properly administered.

Perhaps the RUS could consult with other agencies—the National Telecommunications and Information Association, perhaps—and that makes sense. But I think the core of the administration should be in the RUS. Some colleagues have suggested maybe new legislation for a new oversight board, a new bureaucracy, similar to what was provided for in the Emergency Steel Loan Guarantee Act of 1999.

I have some concerns about that. My real question is, how can an agency successfully administer the loans when the guarantee decision is made independent of that agency? A critical step in implementing the loan is a clear understanding of the funded project. That is best achieved during the review of the applications, including the financial and technical feasibility analysis.

That brings the third issue. We must construct this program in a fiscally responsible manner, minimizing the cost and risk to the taxpayer. I think this goal can be achieved by utilizing an existing agency—one with a good track record.

RUS has done a good job. In 50 years, RUS has experienced not one loan loss in its telecommunications program. That is, to me, a very good record.

Finally, I think we need to make sure the guarantee program is utilized to provide local-to-local service to all of America. I have heard from colleagues that Congress should require some level of private capital investment in conjunction with the loan guarantee. Some have even suggested that the loan guarantee should be perhaps as low as 50 percent. That gives me some pause because I don't want to have something set up with too many hurdles and redtape, which has the effect of increasing interest rates necessarily and therefore diminishing the likelihood that all of America will be served.

In summary, these are my four main criteria: One, every household must be served; two, the program must be administered by an agency with the necessary expertise, somebody with a track record that knows what is going on; three, the program must be cost effective and low risk to taxpayers; four, the program should not be structured in a manner that is so cost prohibitive to the private sector that it sits on the shelf unused.

So I say, let's move ahead and let's also keep this nonpartisan. There are some in the Senate who have suggested that maybe this issue is driven by partisan politics. Mr. President, I totally reject that notion; indeed, I find it offensive.

This issue doesn't belong to one Senator or to one party. This issue belongs to the American people—people who need service, people who are demanding that we act to provide them with comprehensive satellite coverage. That is all this is. I call on the Senate to do that. That is what the people want.

The loan guarantee program that I am talking about was regrettably stripped from the Satellite Home Viewer Act in the eleventh hour of the last session. I say, let's put it back in in a nonpartisan way. I say that because all Americans who do not get local service would be very grateful. Let's do this not only for Gary Ardesson in Frenchtown, MT. Let's do it for all of the Americans in rural America who deserve the same service that people in the big cities are getting.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

EUROPEAN UNION ANTITRUST INVESTIGATION

Mr. GORTON. Mr. President, it was just last week that I came to the floor of the Senate to share a legal brief outlining the weakness of the Department of Justice's case against Microsoft. But I repeated at that time a thought I have expressed several times on the floor of the Senate that perhaps the most long-lasting effect of this ill-begotten lawsuit would be on the U.S. international competitiveness and our place in the world that is changing so rapidly due to the development of both software and hardware in the computer industry and in the related high-tech fields. Yesterday, the other shoe dropped. The European Union announced an antitrust investigation against Microsoft, something, as I say, that I have been predicting for more than a year.

When the Department of Justice was asked about it, it said this action took them by surprise. I don't know why we should be surprised that the European Union is very much interested in restricting access of U.S. goods and services in Europe, whether they are software, airplanes, bananas, or a wide range of other goods and services, or why the Department of Justice should be surprised that the European Union investigates and reflects its own actions in a matter of this sort. In fact, the report of this lawsuit points out that it is easier to bring an antitrust case in Europe than it is in the United States.

We have simply opened up to European competitors the opportunity to cripple or destroy one of the most innovative and progressive of all U.S. corporations, one that bears a very significant share of the credit for the magnificent performance of our economy and for the changes in our lives.

Again, as is the case with the Microsoft action by the U.S. Department of Justice, this European investigation seems to have been sparked by an American competitor, even more perhaps than the European authorities themselves. But nothing but ill can come from investigations or actions of this sort.

This industry and our economy has grown because it is highly innovative, highly competitive, and very rapidly changing. Neither our antitrust laws nor European antitrust laws fit that very well—the Europeans probably less than our own, as they represent views in an economy that has been for generations far more stagnant than our own.

In any event, Mr. President, I regret to have to bring this matter to your attention and to the attention of my colleagues. But I have feared exactly this for more than a year. I fear that it will breed other copycat actions in other parts of the world that would also like to grab for free the innovations and progress that have meant so much to the United States and that are so important in reducing what is now the largest bilateral trade deficit in our history or in the world. This is bad news. But it is bad news that is brought upon us largely by the ill-advised and ill-founded actions against Microsoft by our own U.S. Department of Justice.

EDUCATION IN AMERICA

Mr. GORTON. Mr. President, I was sitting in the seat the Presiding Officer is occupying about an hour ago when the junior Senator from New York regaled the Senate with his views on education in the Elementary and Secondary Education Act.

He did me a great honor to denounce my proposal, Straight A's, rather specifically. But it did seem to me to be a strange and inverted world in which Straight A's, a proposal designed to empower education authorities such as parents, teachers, and superintendents—the very people who know our students by their first names—to say, somehow or another, this was an attack on local authority but that the issuance of thousands of pages of regulations, on hundreds of different individual categorical aid programs, at the Department of Education in Washington, DC, was somehow liberating.

The Senator from New York criticized our present education system as a failure, a statement with which I do not agree. I believe there are many improvements necessary, but my own experience, in literally dozens of schools over the last 2 or 3 years, has shown a tremendous dedication to better teaching methods, to the education of our children, to innovation, changes that I want to encourage.

In fact, if we look for something to criticize as a failure, we need look no further than the present Federal education system itself. Title I has now been in effect for 35 years. The difference in achievement between the kids it is designed to help and the less underprivileged children is as great as it was when the program began. Yet what we have from the Senator from New York and the Senator from Massachusetts is to have more of exactly what has failed and that perhaps what is really lacking is sufficient direction from Washington, DC.

I do not claim to be an expert on what is needed for a higher and better education in the city of New York or in any other New York school district. However, I don't think the Senator from New York knows more about what the schools in my State need—I won't even say that I do—than the superintendents, principals, teachers, and parents of students in my own State.

What we seek—and this will be the great debate that will take place in this body in less than a month—will be: Do we trust the people who have dedicated their lives and careers to educating our children, to make the fundamental decisions about what they need in 17,000 school districts across the country and hundreds of thousands of individual schools or do we believe they need total supervision and control in Washington, DC, in the bureaucracy in the U.S. Department of Education?

We have increasingly followed that lateral line now for 35 years. It is a dead-end street. That is what has failed to work in connection with our education system.

For the first time, with the minor exception of the Ed-Flex bill we passed last year, we seek to restore some of that authority to our local school districts, to our teachers, and to our parents. That is what Straight A's is all about.

I suppose I should be honored to have my own program attacked specifically and by name because I think that means it is making very real progress. I know it is at home, whenever I go to a school or to a school administration building and discuss its ideas. Our teachers and our educators want more authority to make up their minds as to what their children need. Those needs are not the same in every school district. Not every school district has as its highest priority more teachers. Not every school district has as its highest priority more bricks and mortar. Not every school district has as its highest priority teacher education. Not every school district has as its highest priority more computers. But many school districts have any one of those as a highest priority, and many have some other. Each of them ought to be permitted, each of them ought to be encouraged, to make those decisions for the students.

A final point. The Senator from New York attacked this proposal as lacking accountability. We certainly have accountability now. The way our schools account for the spending of money under hundreds of present school programs is by filling out forms and by being visited by auditors who make a precise determination as to whether $10 for one purpose has been used for some other purpose or not. It is a form of accountability that has required our school districts to spend more and more money on administrators and on filling out forms and less and less money on educating the students themselves.

We substitute for that one ultimate form of accountability, accountability measured by whether or not our students are doing better, by whether or not our kids are getting a better education. No State may gain the benefit from the provisions of Straight A's unless that State agrees to a form of testing, of actual achievement of the students, and promising if it is given this flexibility, those student achievement standards will rise, scores will rise in the period under which they are working with Straight A's.

It is neither more complicated nor more simple than that. The goal of educating our children is to see to it that they are prepared for the world in which they will live. We are now able more and more to measure how those goals are met. Do our students read better? Do they write better? Do they compute better? The accountability in Straight A's is measured by those standards, not by how well their administrators and teachers fill out forms and not how well they come out in an after-the-fact audit.

I have every confidence that as a part of the very important debate over education and the renewal of the Elementary and Secondary Education Act, we will debate Straight A's. I am convinced as this body finishes its work it will be a part of the most constructive and most successful renewal of our activity in the field of education that this Congress has accomplished in generations.

MORNING BUSINESS

Mr. GORTON. Mr. President, I now ask consent there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JACK E. HARPER, JR., CHANCERY CLERK OF SUNFLOWER COUNTY, MISSISSIPPI

Mr. LOTT. Mr. President, I rise today to recognize Jack E. Harper, Jr., of Sunflower County, Mississippi. Mr. Harper recently retired as the Chancery Clerk of Sunflower County after serving tirelessly in this position for 44 years. This is an exemplary record of public service, and it is a privilege to honor this outstanding Mississippian for his unselfish dedication to Sunflower County government for so many years.

In addition to Mr. Harper's lengthy service as Chancery Clerk, I also commend him for his involvement in numerous civic activities and for his military service. Mr. Harper is a veteran of the United States Marines, having served 31 months in the Pacific Theater during World War II. In 1951, while he was a member of the Mississippi National Guard, he was ordered to active military duty for 2 years and served 1 year in Korea during 1951–1952. In conjunction with his military service, Mr. Harper is a member and past Commander of the Indianola American Legion and VFW posts. Additionally, Mr. Harper has been active in his community, as demonstrated by the fact that he served as President of the Indianola Lions Club and as the District Governor of the Mississippi Lions.

Jack Harper has always shown a commitment to education. He earned degrees from Indianola High School, Mississippi Delta Community College, and both Bachelor of Laws and Juris Doctor degrees from the University of Mississippi School of Law, my alma mater. Additionally, he has served as a member of the Board of Trustees of Mississippi Delta Community College since January, 1961, and has served as Board Chairman since 1968. He is a past President of the Mississippi Junior College Inter-Alumni Association, and he is a member of the State Association of Community and Junior College Trustees. He currently serves as the Co-

Chairman of the Education Committee for the Indianola Chamber of Commerce.

Although Jack Harper is retiring from official public office, I know that he will continue to serve his community and the State of Mississippi in the same devoted manner that he has for his entire life. I am envious of the time that he will now have to spend with his family, particularly his grandchildren. Once again, I congratulate and thank Mr. Harper for his service to Sunflower County and Mississippi.

GUN ENFORCEMENT

Mr. LEVIN. Mr. President, earlier this week, President Clinton sent to Congress his budget proposal for the 2001 fiscal year.

Among his initiatives is a proposal to improve the enforcement of federal firearm laws. Specifically, the President requests more than $280 million to provide law enforcement agencies with tools they need to reduce gun crime. The proposal includes funds to: improve the speed and accuracy of Brady background checks by upgrading State and local criminal history records; hire 500 new Bureau of Alcohol, Tobacco, and Firearms (ATF) agents and inspectors; provide grants to hire 1,000 new federal, state and local gun prosecutors; implement a comprehensive crime gun tracing program; and support local anti-gun violence media campaigns.

I believe this is an important initiative in the fight against gun violence, and I applaud the President's commitment to this issue. I hope that during this Session, Congress will support full funding for this aggressive gun enforcement initiative, and will act to close loopholes in our federal firearm laws that give young people and felons easy access to guns.

BLACK HISTORY MONTH

Mr. SARBANES. Mr. President, I am most pleased to join millions of Americans in commemorating African-American History Month and particularly this year's theme "Heritage and Horizons: The African Legacy and the Challenges of the 21st Century." This theme as announced by the Association for the Study of Afro-American Life and History (ASALH) is most appropriate and timely as we enter a new millennium and hopefully a new and even brighter era of African-American progress.

Since 1926, Americans have observed a time during the month of February to recognize the vast history and legacy that African-Americans have contributed to the founding and building of this great Nation. It was the vision of the noted author and scholar, Dr. Carter G. Woodson, that led to this celebration. As we review the last 100 years, it is important to remember that there have been many challenges and changes in the 1900's for African-Americans.

During the early 1900's, discrimination against African-Americans was very wide spread. By 1907, every Southern state required racial segregation on trains and in churches, schools, hotels, restaurants, theaters, and in other public places. New leaders for the African-American race emerged such as W.E.B. DuBois and Booker T. Washington, whose intellectual thoughts on the progress and direction of African-Americans are still very much discussed in the community.

There was also the Northern migration of hundreds of thousands of Southern African-Americans during World War I to seek jobs in defense plants and other factories. Many African-Americans served our country admirably during this war and in World War II. Like World War I, this war led to the expansion of defense-related industries and opportunities in the North for employment. During the 1940's, about a million Southern African-Americans moved North. Discrimination played a large role in the labor industry which led A. Philip Randolph of the Brotherhood of Sleeping Car Porters to threaten a march on Washington, D.C. President Roosevelt then issued an executive order forbidding racial discrimination in defense industries.

Following World War II, three major factors encouraged the beginning of a new movement for civil rights. First, many African-Americans served with honor in the war, as they had in many of the wars since the American Revolution. However, in this instance, African-American leaders pointed to the records of these veterans to show the injustice of racial discrimination against patriots. Second, more and more African-Americans in the North had made economic gains, increased their education, and registered to vote. Third, the NAACP had attracted many new members and received increased financial support from blacks and whites. Additionally, a young group of energetic lawyers, including Thurgood Marshall, of Baltimore, Maryland, used the legal system to bring about important changes in the lives of African-Americans, while Dr. Martin Luther King, Jr. appealed to the conscience of all Americans.

Congress had an important role in passing the Civil Rights Act of 1964 and the Voting Rights Act of 1965. I am pleased to note that Clarence Mitchell, Jr. of Maryland played a critical part in steering this legislation through Congress. African-Americans also began to assume more influential roles in the national government, a development which has benefitted the entire Nation.

Gains in education for the African-American community have been significant. From 1970 to 1980, college enrollment among African-Americans rose from about 600,000 to about 1.3 million. This gain resulted in part from affirmative action programs by predominantly white colleges and universities. By the early 1990's about 11 percent of all African-Americans 25 years of age or older had completed college. About two-thirds of that group had finished high school. There have also been many more advances and accomplishments during that time, but this is just a brief overview of what has been a tremendous and rich history and heritage for African-American people in our Nation for the last 100 years.

As we look forward to a new century, we anticipate that African-Americans will continue to prosper in American society and throughout the world. Their success is our success. As we look toward the horizon, we see record breaking events for African-Americans.

The unemployment rate for African-Americans has fallen from 14.2 percent in 1992 to 8.3 percent in 1999—the lowest annual level on record. The median household income of African-Americans is up 15.1 percent since 1993, from $22,034 in 1993 to $25,351 in 1998. The real wages of African-Americans have risen rapidly in the past two years, up about 5.8 percent for African-American men and 6.2 percent for African-American women since 1996.

The African-American poverty rate has dropped from 33.1 percent in 1993 to 26.1 percent in 1998—the lowest level ever recorded and the largest five-year drop in more than twenty-five years. Since 1993, the child poverty rate among African-Americans has dropped from 46.1 percent to 36.7 percent in 1998—the biggest five-year drop on record. While the African-American child poverty rate is still too high, it is the lowest level on record. As the African-American population continues to expand, we continue to strive to make laws that improve the lives of all Americans so that many more record breaking accomplishments occur.

As we begin the first Census count of the 21st century, we are working to ensure that Census 2000 is the most accurate census possible using the best, most up-to-date methods to make sure every person is counted. According to the Census Bureau, the 1990 Census missed 8.4 million people and double-counted 4.4 million others. Nationally, 4.4 percent of African-Americans were not counted in the 1990 census. While missing or miscounting so many people is a problem, the fact that certain groups—such as children, the poor, people of color, and city dwellers—were missed more often than others made the undercount even more inaccurate. A fair and accurate Census is a fundamental part of a representative democracy and is the basis for providing equality under the law. Therefore, I encourage everyone to make sure your neighbor is counted.

I would also like to observe that the State of Maryland is currently benefitting from a continued growth in our African-American population. Between 1990 and 1997, when the last set of complete figures were available from the Census Bureau, the number of African-Americans calling Maryland "home" grew to 1.4 million—an increase of 200,609 people. This makes Maryland the state with the eighth largest African-American population in the United States. Nearby Prince George's County was second in the Nation in terms of growth during this seven-year period with 68,325 new African-American residents. I am confident that an accurate Census 2000 count will show increases in these figures across the state.

I am also most gratified to note that finally, a memorial to honor Dr. Martin Luther King, Jr. has been approved and a site near the tidal basin in Washington, D.C. was chosen. The sacrifice that Dr. King made for civil rights has touched every element of American society. I am particularly pleased to be involved in this effort to mark the contributions of this great leader. This memorial will join the monuments to Washington, Jefferson, and Lincoln in some of the most hallowed ground in our Nation.

Mr. President, as we look towards the future for African-Americans during this new century, it is my hope that the King Memorial will serve both as a monument to past achievements and our heritage, and also as an inspiration for our Nation to continue the struggle for an equality that includes all Americans.

Mrs. LINCOLN. Mr. President, I rise today to bring your attention to an issue of great concern to many people in my home state of Arkansas.

This week, I introduced a bill, S. 2041, to continue to promote the use of best management practices in the forestry industry by relieving this nation's private timberland owners of an impending unnecessary regulatory burden.

My bill would permanently prohibit the Environmental Protection Agency from requiring water pollution control permits under the National Pollutant Discharge Elimination System for the forestry activities of site preparation, reforestation, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, road construction and maintenance, and nursery operations.

Recently in El Dorado and Texarkana, Arkansas, literally thousands of private timberland owners came together to discuss and express their concerns about this new extension of EPA regulations and to learn of the potential impact they may have on their private property and private forests.

Simply put, my legislation will statutorily ensure that all forestry activities will remain as non-point sources in the eyes of the EPA. Under the Clean Water Act, the EPA has jurisdiction to protect the water quality of the United States by regulating point sources of water pollution.

Let me define what I mean when I speak of "point" and "non-point" sources of pollution. A point source of pollution is pollution from a single point such as an industrial plant's wastewater pipe or a wastewater drainage ditch. Non-point sources of pollution like rainfall runoff from a field or a forest cannot be defined as a set point. What is important here is that Congress, upon passage of the Clean Water Act in 1972, very clearly did not give the EPA authority to regulate non-point sources of pollution.

The EPA's proposed revisions to the Total Maximum Daily Load requirements of the National Pollutant Discharge Elimination System, issued in September of last year, seeks to change this authority. This proposed regulation would enhance clean water by extending the NPDES point source TMDL water pollution rules to forestry activities. This would be accomplished by reclassifying forestry non-point sources of pollution as point sources of pollution.

The forestry activities included in my legislation have always been considered as non-point sources of water pollution and therefore not subject to EPA regulations. The EPA's new regulation change would require point source water pollution permits for all of these activities. In other words, these new regulations would require permits on the very things we want to promote in forestry—responsible harvesting and thinning operations, best management practices, and reforestation.

I agree with the EPA's objective of cleaning up our nation's impaired rivers, lakes and streams, but firmly believe that its proposed revisions are not the best solution to the problem of clean water. Placing another unnecessary layer of regulation upon our nation's local foresters will only slow down the process of responsible forestry and the implementation of forestry Best Management Practices.

In Arkansas, we have a very successful Best Management Practices program for all forestry activities. In fact, over 85 percent of Arkansas' private timberland owners voluntarily adhere to these Best Management Practices to reduce water pollution from all forestry activities.

Let me restate that over 85 percent of Arkansas' private timberland owners voluntarily adhere to these Best Management Practices to reduce water pollution from all forestry activities. This is a wonderful example of where everyone works together to take care of their own environment and have been successful in their efforts!

The EPA's background for the new regulation states that these new requirements of obtaining water permits for forestry activities would take effect only if the state did not develop a satisfactory system of its own, or if a specific water body needed the regulation to remain clean. It also states that only 3 to 9 percent of all non-point source pollution comes from forestry-related activities.

Mr. President, let's talk through each of these forestry-related activities to find out just exactly what each includes as well as what a good Best Management Practices program does to combat potential pollution from each of these.

Site preparation. Generally, site preparation includes removing unwanted vegetation and other material when necessary and before any harvesting of timber can take place. Best Management Practices provide guidelines to minimize the use of equipment and disturbances near streams or other bodies of water, keep equipment out of streamside management zones, and minimize the movement and disturbance of soil.

Reforestation. Reforestation is simply the process of planting trees. Reforestation is the single process that prevents any further erosion of exposed soil. I can't see why we would want to slow down the reforestation process by implementing a permitting process.

Prescribed burning. Prescribed burning is done almost exclusively to prevent potential forest fires. In many of our nation's old growth forests, prescribed burning has prevented what would have been certain destruction of thousands of acres of beautiful forestland. We want to prevent forest fires for the loss of timber as well as for the potential loss of property and life. Best Management Practices provide guidelines for conducting prescribed burning operations and ensuring a minimal potential for erosion and forest fire.

Pest and fire control. If someone is trying to control a forest fire, why do we want to hinder their efforts? For the same reason, we don't want our Nation's forests eaten up by bugs.

Harvesting operations including thinning and, when necessary, clear-cutting. This is the crux of the issue. Timber harvesting is the timber industry. Following Best Management Practices ensures that during any harvesting operation, extreme care is taken to prevent unnecessary water pollution. Best Management Practices encourage thinning of existing forests as opposed to clear-cutting of our Nation's forests. Thinning is going into a forest and removing only a small portion of the timber.

Surface drainage. Surface drainage through a forest is a naturally slow. And, following Arkansas' Best Management Practices, a buffer of trees must be left around all streams and rivers.

Road Maintenance and Construction. It is necessary to have forest roads to reach the available timber. Best Management Practices require the minimization of stream crossings, designing the road to be no wider than necessary, and building roads to minimize the adverse impacts of heavy rain.

Nursery Operations. To conduct any reforestation activities, you must have seedlings to plant. Best Management Practices for nurseries include minimizing soil disturbance, runoff, and chemical application.

Mr. President, the voluntary use of these and many, many other Best Management Practices in Arkansas have successfully reduced and prevented water pollution from all forestry activities. Our Nation's private timberland owners should not be burdened with more unnecessary regulations when they are already voluntarily complying with Best Management Practices to effectively reduce water pollution.

Reasonable minds should prevail and agree on a common sense solution to promoting Best Management Practices in the forestry industry without unnecessary regulation and allow states like Arkansas to continue voluntarily implementing our successful best management practices.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 9, 2000, the Federal debt stood at $5,690,617,208,881.34 (Five trillion, six hundred ninety billion, six hundred seventeen million, two hundred eight thousand, eight hundred eighty-one dollars and thirty-four cents).

One year ago, February 9, 1999, the Federal debt stood at $5,585,068,000,000 (Five trillion, five hundred eighty-five billion, sixty-eight million).

Five years ago, February 9, 1995, the Federal debt stood at $4,803,443,000,000 (Four trillion, eight hundred three billion, four hundred forty-three million).

Ten years ago, February 9, 1990, the Federal debt stood at $2,980,491,000,000 (Two trillion, nine hundred eighty billion, four hundred ninety-one million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,710,126,208,881.34 (Two trillion, seven hundred ten billion, one hundred twenty-six million, two hundred eight thousand, eight hundred eighty-one dollars and thirty-four cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

2000 ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee.

To the Congress of the United States:

Today, the American economy is stronger than ever. We are on the brink of marking the longest economic expansion in our Nation's history. More than 20 million new jobs have been created since Vice President Gore and I took office in January 1993. We now have the lowest unemployment rate in 30 years—even as core inflation has reached its lowest level since 1965.

This expansion has been both deep and broad, reaching Americans of all races, ethnicities, and income levels. African American unemployment and poverty are at their lowest levels on record. Hispanic unemployment is likewise the lowest on record, and poverty among Hispanics is at its lowest level since 1979. A long-running trend of rising income inequality has been halted in the last 7 years. From 1993 to 1998, families at the bottom of the income distribution have enjoyed the same strong income growth as workers at the top.

In 1999 we had the largest dollar surplus in the Federal budget on record and the largest in proportion to our economy since 1951. We are on course to achieve more budget surpluses for many years to come. We have used this unique opportunity to make the right choices for the future: over the past 2 years, America has paid down $140 billion in debt held by the public. With my plan to continue to pay down the debt, we are now on track to eliminate the Nation's publicly held debt by 2013. Our fiscal discipline has paid off in lower interest rates, higher private investment, and stronger productivity growth.

These economic successes have not been achieved by accident. They rest on the three pillars of the economic strategy that the Vice President and I laid out when we took office: fiscal discipline to help reduce interest rates and spur business investment; investing in education, health care, and science and technology to meet the challenges of the 21st century; and opening foreign markets so that American workers have a fair chance to compete abroad. As a result, the American economy is not only strong today; it is well positioned to continue to expand and to widen the circle of opportunity for more Americans.

THE ADMINISTRATION'S ECONOMIC STRATEGY

Our economic strategy was based on a commitment, first, to fiscal discipline. When the Vice President and I took office, the U.S. Government had a budget deficit of $290 billion. Today we have a surplus of $124 billion. This fiscal discipline has helped us launch a virtuous circle of strong investment, increasing productivity, low inflation, and low unemployment.

Second, we have remained true to our commitment to invest in our people. Because success in the global economy depends more than ever on highly skilled workers, we have taken concerned steps to make sure all Americans have the education, skills, and opportunities they need to succeed. That is why, even as we maintained fiscal responsibility, we expanded our investments in education, technology, and training. We have opened the doors of college to all Americans, with tax credits, more affordable student loans, education IRAs, and the HOPE Scholarship tax credits. So that working families will have the means to support themselves, we have increased the minimum wage, expanded the Earned Income Tax Credit (EITC), provided access to health insurance for people with disabilities, and invested in making health insurance coverage available to millions of children.

Third, we have continued to pursue a policy of opening markets. We have achieved historic trade pacts such as the North American Free Trade Agreement and the Uruguay Round agreements, which led to the creation of the World Trade Organization. Negotiations in the wake of the Uruguay Round have yielded market access commitments covering information technology, basic telecommunications, and financial services. We have engaged in bilateral initiatives with Japan and in regional initiatives in Europe, Africa, Asia, the Western Hemisphere, and the Middle East. We have also actively protected our rights under existing trade agreements through the World Trade Organization and helped maintain the Internet as a tax-free zone.

MEETING THE CHALLENGES OF THE FUTURE

Despite the economy's extraordinary performance, we must continue working to meet the challenges of the future. Those challenges include educating our children, improving the health and well-being of all our citizens, providing for our senior citizens, and extending the benefits of the economic expansion to all communities and all parts of this Nation.

We must help our children prepare for life in a global, information-driven economy. Success in this new environment requires that children have a high-quality education. That means safe, modern schools. It means making sure our children have well-trained teachers who demand high standards. It means making sure all schools are equipped with the best new technologies, so that children can harness the tools of the 21st century.

First and foremost, our children cannot continue trying to learn in schools that are so old they are falling apart. One-third of all public schools need extensive repair or replacement. By 2003 we will need an additional 2,400 schools nationwide to accommodate these rising enrollments. That is why, in my State of the Union address, I proposed $24.8 billion in tax credit bonds over 2 years to modernize up to 6,000 schools, and a $1.3 billion school emergency loan and grant proposal to help renovate schools in high-poverty, high-need school districts.

Second, if our children are to succeed in the new digital economy, they must know how to use the tools of the 21st century. That is why the Vice President and I have fought for initiatives like the E-rate, which is providing $2 billion a year to help schools afford to network their classrooms and connect to the Internet. The E-rate and our other initiatives in education technology have gone a long way toward giving all children access to technology in their schools. But there is still a great "digital divide" when children go home. Children from wealthy families are far more likely to have access to a computer at home than children from poor or minority families. That is why, in my budget, I propose a new Digital Divide initiative that will expand support for community technology centers in low-income communities; a pilot project to expand home access to computers and the Internet for low-income families; and grants and loan guarantees to accelerate the deployment of high-speed networks in underserved rural and urban communities.

Third, we must continue to make college affordable and accessible for all Americans. I have proposed a college opportunity tax cut, which would invest $30 billion over 10 years in helping millions of families who now struggle to afford college for their children. When fully phased in, this initiative would give families the option to claim a tax deduction or a tax credit on up to $10,000 of tuition and fees for any post-secondary education in which their members enroll, whether college, graduate study, or training courses. I have proposed increases in Pell grants, Supplemental Educational Opportunity Grants, and Work Study. I have also proposed creating new College Completion Challenge Grants to encourage students to stay in college.

We have seen dramatic advances in health care over the course of the 20th century, which have led to an increase in life expectancy of almost 30 years. But much remains to be done to ensure that all have and maintain access to quality medical care. That is why my budget expands health care coverage, calls for passing a strong and enforceable Patients' Bill of Rights, strengthens and modernizes Medicare, addresses long-term care, and continues to promote life-saving research.

My budget invests over $110 billion over 10 years to improve the affordability, accessibility, and quality of health insurance. It will provide a new, affordable health insurance option for uninsured parents as well as accelerate enrollment of uninsured children who are eligible for Medicaid and the State Children's Health Insurance Program. The initiative will expand health insurance options for Americans facing unique barriers to coverage. For example, it will allow certain people aged 55–65 to buy into Medicare, and it will give tax credits to workers who cannot afford the full costs of COBRA coverage after leaving a job. Finally, my initiative will provide funds to strengthen the public hospitals and clinics that provide health care directly to the uninsured. If enacted, this would be the largest investment in health coverage since Medicare was created in 1965, and one of the most significant steps we can take to help working families.

As our Nation ages and we live longer, we face new challenges in Medicare and long-term care. Despite improvements in Medicare in the past 7 years, the program begins this century with the disadvantages of insufficient funding, inadequate benefits, and outdated payment systems. To strengthen and modernize the program, I have proposed a comprehensive reform plan that would make Medicare more competitive and efficient and invest $400 billion over the next 10 years in extending solvency through 2025 and adding a long-overdue, voluntary prescription drug benefit.

The aging of America also underscores the need to build systems to provide long-term care. More than 5 million Americans require long-term care because of significant limitations due to illness or disability. About two-thirds of them are older Americans. That is why I have proposed a $27 billion investment over 10 years in long-term care. Its centerpiece is a $3,000 tax credit to defray the cost of long-term care. In addition, I propose to expand access to home-based care, to establish new support networks for caregivers, and to promote quality private long-term care insurance by offering it to Federal employees at group rates.

We must continue to make this economic expansion reach out to every corner of our country, leaving no town, city, or Native American reservation behind. That is why I am asking the Congress to authorize two additional components of our New Markets agenda. The first is the New Markets Venture Capital Firms program, geared toward helping small and first-time businesses. The second is America's Private Investment Companies, modeled on the Overseas Private Investment Corporation, to help larger businesses expand or relocate to distressed inner-city and rural areas. Overall the New Markets initiative could spur $22 billion of new equity investment in our underserved communities.

I am also proposing a new initiative called First Accounts, to expand access to financial services for low- and moderate-income Americans. We will work with private financial institutions to encourage the creation of low-cost bank accounts for low-income families. We will help bring more automated teller machines to safe places in low-income communities, such as the post office. And we will educate Americans about managing household finances and building assets over time.

To further increase opportunities for working families, I am proposing another expansion of the EITC to provide tax relief for 6.4 million hard-pressed families—with additional benefits for families with three or more children. We have seen the dramatic effects that our 1993 expansion of the EITC had in reducing poverty and encouraging work: 4.3 million people were directly lifted out of poverty by the EITC in 1998 alone. More single mothers are working than ever before, and the child poverty rate is at its lowest since 1980.

Our initiatives to open overseas markets will continue. We have successfully concluded bilateral negotiations on China's accession to the World Trade Organization and now seek congressional action to provide China with permanent normal trade relations. The United States will also work to give the least developed countries greater access to global markets. We will participate in the scheduled multilateral talks to liberalize trade in services and agriculture and will continue to press our trading partners to launch a new round of negotiations within the World Trade Organization.

We have a historic opportunity to answer the challenges ahead: to increase economic opportunity for all American families; to provide quality, affordable child care, health care, and long-term care; and to give our children the best education in the world. Working together, we can meet these great challenges and make this new millennium one of ever-increasing promise, hope, and opportunity for all Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 2000.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7496. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes; Request for Comments; Docket No. 2000-NM-08 (2-1/2-3)" (RIN2120-AA64) (2000-0052), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7497. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes; Docket No. 99-NM-34 (2-7/2-7)" (RIN2120-AA64) (2000-0065), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7498. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Beech Models 65-90, 65-A90, B90, and C-90; Request for Comments; Docket No. 99-CE-92 (2-1/2-1)" (RIN2120-AA64) (2000-0053), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7499. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model Hawker 800 and 1000 Airplanes and Model DH.125, HS.125, BH.125, and BAe.125 Series Airplanes; Docket No. 99-NM-160 (2-7/2-7)" (RIN2120-AA64) (2000-0056), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7500. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Model MU-2B Series Airplanes; Docket No. 99-CE-38 (2-7/2-4)" (RIN2120-AA64) (2000-0073), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7501. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Harbin Aircraft Manufacturing Corporation Model Y12IV Airplanes; Docket No. 99-CE-41 (2-4/2-7)" (RIN2120-AA64) (2000-0074), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7502. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA-Groupe AEROSPATRIALE Model TBM 700 Airplanes; Docket No. 99-CE-50 (2-4/2-7)" (RIN2120-AA64) (2000-0071), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7503. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes; Docket No. 99-CE-64 (2-4/2-7)" (RIN2120-AA64) (2000-0072), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7504. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Twin Commander Aircraft Corporation 600 Series Airplanes; Docket No. 99-CE-51 (2-4/2-7)" (RIN2120-AA64) (2000-0070), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7505. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model 4101 Airplanes; Docket No. 99-NM-309 (2-3/2-3)" (RIN2120-AA64) (2000-0064), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7506. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aero-Space Technologies of Australia Pty. Ltd. Models N22B and N24A Airplanes; Docket No. 99-CE-47 (2-4/2-7)" (RIN2120-AA64) (2000-0076), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7507. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empressa Brasileira de Aeronautica S.A. Models EMB-110P1 and EMPB-110P2 Airplanes; Docket No. 99-CE-42 (2-4/2-7)" (RIN2120-AA64) (2000-0075), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers and Harland Ltd. Models SC-7 and 2 and SC-7 Series 3 Airplanes; Docket No. 97-CE-99 (2-1/2-3)" (RIN2120-AA64) (2000-0054), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Model MU-2B Series Airplanes; Docket No. 99-CE-38 (2-7/2-4)" (RIN2120-AA64) (2000-0073), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA.315B Helicopters; Docket No. 98-SW-63 (2-7/2-7)" (RIN2120-AA64) (2000-0077), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7511. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to written certificates OMB received from agencies that have assessed the impact of their policies and regulations on the family; to the Committee on Appropriations.

EC-7512. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report on the denial of safeguards information; to the Committee on Environment and Public Works.

EC-7513. A communication from the Assistant Comptroller General, transmitting a report entitled "Funding Trends and Opportunities to Improve Investment Decisions"; to the Committee on Governmental Affairs.

EC-7514. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Executive Agency Ethics Training Programs Regulation Amendments" (RIN3209-AA07), received February 9, 2000; to the Committee on Governmental Affairs.

EC-7515. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Timelines Under the Head Start Appeals Process" (RIN0970-AB87), received February 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7516. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Gastroenterology-Urology Devices: Reclassification of the Penile Rigidity Implant" (Docket No. 97N-0481), received February 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7517. A communication from the Deputy General Counsel, Small Business Administration transmitting, pursuant to law, the report of a rule entitled "Small Business Investment Companies" (RIN3245-AE08), received February 9, 2000; to the Committee on Small Business.

EC-7518. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Information Collection Approval; Technical Amendment to Affordable Housing Program Rule" (RIN3069-AA93), received February 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7519. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Information Collection Approval; Technical Amendment to Community Support Requirements Rule" (RIN3069-AA95), received February 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7520. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the percentage of funds that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC-7521. A communication from the Director, Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to Cost Accounting Standards; to the Committee on Armed Services.

EC-7522. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Mentor-Protege Program Improvements" (DFARS Case 99-D307), received February 9, 2000; to the Committee on Armed Services.

EC-7523. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Delegation of Class Deviation Authority" (DFARS Case 99-D027), received February 9, 2000; to the Committee on Armed Services.

EC-7524. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "People's Republic of China" (DFARS Case 98-D305), received February 9, 2000; to the Committee on Armed Services.

EC-7525. A communication from the Acting Director, Defense Procurement, Department of Defense transmitting, pursuant to law, the report of a rule entitled "OMB Circular A-119" (DFARS Case 99-D024), received February 9, 2000; to the Committee on Armed Services.

EC-7526. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report of its 2000 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7527. A communication from the Acting Administrator, Agricultural Research Service, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Amendment of Fee Schedule, National Agricultural Library" (RIN0518-AA01), received February 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7528. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration transmitting, pursuant to law, the report of a rule entitled "Standard Clause for Export Controlled Technology," received February 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7530. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands," received January 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7531. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Middlebury, Berlin and Hardwick, VT" (MM Docket No. 98-72, RM-9265, RM-9368), received February 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7532. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Alberton and Big Sky, MT, Albany and Seymour, TX and Inglis, FL" (MM Dockets No. 99-304, 99-307, 99-286, 99-303, and 99-306), received February 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7533. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Fishing Vessels Greater than 99 feet LOA Catching Pollock for Processing by the Inshore Component Independently of a Cooperative in the Bering Sea," received February 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7534. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report of foreign aviation authorities to which the Administrator provided services in the preceding fiscal year; to the Committee on Commerce, Science, and Transportation.

EC-7535. A communication from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report on actions taken in respect to the New England fishing capacity reduction initiative; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-403. A joint resolution adopted by the Legislature of the Commonwealth of Massachusetts relative to the Highland Links Golf Course in the Town of Truro, MA; to the Committee on Energy and Natural Resources.

Resolution

Whereas, the town of Truro was incorporated as a town of this commonwealth in 1709; and

Whereas, the Highlands Links is a 107 year-old golf course located in Truro within the boundaries of the national seashore; and

Whereas, the town of Truro has operated and managed the Highland Links Golf Course for over 10 years in a professional and efficient manner; and

Whereas, the town of Truro is the only known municipality in the United States operating a concession for the National Park Service; and

Whereas, the proposed interpretation of title IV of the National Parks Omnibus Management Act of 1998, and the proposed National Park Service rules, 36 CFR part 51, interpret new concession contract procedures in a manner requiring the National Park Service to solicit public bids to operate the Highland Links Golf Course; and

Whereas, such a public bid for these services would not be in the public interest and would disturb a long-standing and historically significant contractual arrangement benefiting the town and its residents; and

Whereas, private operation would harm the public interest and destroy a piece of the unique character of Cape Cod; now therefore be it

Resolved, That the Massachusetts general court strongly favors a change to the Code of Federal Regulations allowing a contract for concessions to be awarded to a governmental unit operating a concession in the public interest, without public solicitation and respectfully requests the National Park Service to accommodate the will of the town of Truro to continue the unique arrangement for operation of the Highland Links Golf Course as it has for 30 years; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the National Park Service.

POM-404. A resolution adopted by the House of the General Assembly of the State of Rhode Island relative to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on Foreign Relations

House Resolution

Whereas, A twenty-year study by the United Nations reported that women face discrimination in every region on earth; and

Whereas, In 1979, the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women, and President Carter sent the convention to the Senate Foreign Relations Committee for ratification where it has remained; and

Whereas, Currently, one hundred sixty-five (165) nations, including all of the industrialized world, except South Africa and the United States, have agreed to be bound by the convention's provisions; and

Whereas, The spirit of the convention is rooted in the goals of the United Nations to affirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women; and

Whereas, The convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based on sex, and the nations in support of the present convention have agreed to follow convention prescriptions; and

Whereas, Women constitute at least forty-one percent of the work force worldwide yet are far behind men in pay, power, and responsibility; and

Whereas, Nearly seventy percent of the world's poor are women; and

Whereas, On average, women around the world earn thirty to forty percent less than men for work of comparable value; and

Whereas, Twelve countries have laws that do not allow women to seek employment, open a bank account, or apply for a loan without the husband's authorization; and

Whereas, Thirty-three and six-tenths percent of the adult female population is illiterate versus 19.4 percent of the adult male population; and

Whereas, Young women face discrimination in the classroom which undermines their self-esteem and jeopardizes their future performance; and

Whereas, Over sixty percent of the women and girls in the world live under conditions which threaten their health; and

Whereas, Eleven percent of the women in industrialized countries suffer from nutritional anemia, and up to two-thirds of pregnant women in Africa and much of Asia are anemic; and

Whereas, In Austria, violence against wives was cited as a contributing factor in 59 percent of 1,500 divorce cases that were reviewed; and

Whereas, In the United States six million women are beaten by their husbands or boyfriends each year, and 1,500 of them will die; and

Whereas, Battering is the major cause of injury to women in the United States; and

Whereas, In India, registered cases of women being killed in disputes over their dowries soared from 999 in 1985 to 1,786 in 1987; and

Whereas, Kuwait is the only country in the world that extends voting privileges to certain citizens, but prohibits all women from voting; and

Whereas, Although women have made major gains in the struggle for equality in social, business, political, legal, educational, and other fields in this century, there is much yet to be accomplished, and through its support and leadership, the United States can help create a world where women are no longer discriminated against and can achieve one of the most fundamental of human rights, equality; now, therefore, be it

Resolved, That this House of Representatives of the State of Rhode Island and Providence Plantations hereby respectfully urges President William J. Clinton and Secretary of State Madeleine Albright to place the United Nations Convention on the Elimination of All Forms of Discrimination Against Women in the highest category of priority in order to accelerate the treaty's passage through the Senate Foreign Relations Committee; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States, the Secretary of State of the United States, the President of the United States Senate, the Chair of the Senate Foreign Relations Committee, and to the members of the Rhode Island Delegation to the Congress of the United States.

POM-405. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the Low Income Home Energy Assistance Program, the United States strategic petroleum reserves and to negotiate with OPEC or non-OPEC countries for additional oil reserves or supplies; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION

Whereas, Fuel, in particular diesel fuel, and home heating oil prices have skyrocketed to record highs in the first weeks of 2000, threatening this Commonwealth's citizens' well-being and safety to crisis proportions; and

Whereas, Retail prices of home heating fuel and diesel fuel in some areas of this Commonwealth have reached $2 per gallon, and level rack prices of diesel fuel are 106% higher than they were in the first week of February 1999; and

Whereas, The impact of escalating oil prices on an industry that is operating on narrow profit margins is being compounded by driver shortages and other increased costs; and

Whereas, These increases dramatically affect prices for essential utility and municipal services, and increases in transportation costs threaten jobs and could cause major disruption of vital supplies and other goods and services; and

Whereas, Home heating oil supplies are extremely tight, particularly in the Mid-Atlantic and the Northeast, and weather forecasts call for continued below-normal temperatures; and

Whereas, Refineries in Pennsylvania and other states must produce more home heating fuel, which may cause shortages of other oil products such as gasoline, kerosene and undyed diesel fuel, thereby driving up prices accordingly; and

Whereas, The Organization of the Petroleum Exporting Countries (OPEC) has indicated its desire to extend existing output cuts amounting to over 4 million barrels per day, resulting in nearly triple prices in less than one year, devastation to world economic growth and inflation; and

Whereas, According to the International Energy Agency, global oil supplies could be as much as 3 million barrels per day below demand in the first quarter of 2000, and as much as 1.5 million barrels per day below requirements in the second quarter; and

Whereas, A mid-January snowstorm, which occurred in the northeast region of the United States, triggered even faster price increases in Pennsylvania, resulting in United States light crude oil selling just 4¢ below the $30 per barrel mark; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the President of the United States and the Secretary of Energy to take immediate action to release emergency funding to the State for the Low Income Home Energy Assistance Program (LIHEAP) and to release the United States strategic petroleum reserves, negotiate release of additional oil reserves from non-OPEC countries or negotiate with OPEC on additional supplies; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Secretary of Energy, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 251. A resolution designating March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 671. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1638. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI for the Committee on Energy and Natural Resources.

Sylvia V. Baca, of New Mexico, to be an Assistant Secretary of the Interior.

(The above nomination was reported with the recommendation that she be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2051. A bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 2052. A bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities; to the Committee on Indian Affairs.

By Mr. JEFFORDS:

S. 2053. A bill to amend the Internal Revenue Code of 1986 to provide marriage tax penalty relief for earned income credit; to the Committee on Finance.

By Mr. MACK:

S. 2054. A bill for the relief of Sandra J. Pilot; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 2055. A bill to establish the Katie Poirier Abduction Emergency Fund, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON (for himself and Mr. CRAIG):

S. 2056. A bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI:

S. 2057. A bill to amend the Communications Act of 1934 to prohibit the use of electronic measurement units (EMUs); to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. KENNEDY, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 2058. A bill to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals; to the Committee on the Judiciary.

By Mr. SARBANES:

S. 2059. A bill to modify land conveyance authority relating to the former Naval Training Center, Bainbridge, Cecil County, Maryland, and for other purposes; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mrs. BOXER, Mr. BAUCUS, and Mr. HELMS):

S. 2060. A bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 2061. A bill to establish a crime prevention and computer education initiative; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. DURBIN, Mr. ABRAHAM, Mr. BAUCUS, Mr. CLELAND, Mr. DODD, Mr. LEVIN, and Mr. SESSIONS):

S. 2062. A bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

By Mr. TORRICELLI (for himself and Mr. FEINGOLD):

S. 2063. A bill to amend title 18, United States Code, to provide for the applicability to operators of Internet Web sites of restrictions on the disclosure or records and other information relating to the use of such sites, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS (for himself and Mr. BIDEN):

S. 2064. A bill to amend the Missing Children's Assistance Act, to expand the purpose of the National Center for Missing and Exploited Children to cover individuals who are at least 18 but have not yet attained the age of 22; to the Committee on the Judiciary.

By Mr. EDWARDS:

S. 2065. A bill to authorize the Attorney General to provide grants for organizations to find missing adults; to the Committee on the Judiciary.

By Mr. CLELAND:

S. 2066. A bill to amend the Internal Revenue Code of 1986 to exclude United States savings bond income from gross income if used to pay long-term care expenses; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ABRAHAM):

S. 2067. A bill to provide education and training for the information age; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG:

S. 2068. A bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI:

S. 2069. A bill to permit the conveyance of certain land in Powell, Wyoming; to the Committee on Energy and Natural Resources.

By Mr. FITZGERALD (for himself and Mrs. LINCOLN):

S. 2070. A bill to improve safety standards for child restraints in motor vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 2071. A bill to benefit electricity consumers by promoting the reliability of the bulk-power system; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. JEFFORDS):

S. 2072. A bill to require the Secretary of Energy to report to Congress on the readiness of the heating oil and propane industries; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. LEVIN, Mr. FEINGOLD, Mr. MOYNIHAN, and Mr. AKAKA):

S. 2073. A bill to reduce the risk that innocent people may be executed, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. CHAFEE, Mrs. LINCOLN, Mr. CLELAND, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. INOUYE, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SHELBY, Mr. SMITH of Oregon, Mr. THURMOND, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Ms. SNOWE, Mr. JEFFORDS, Mr. JOHNSON, Mr. SESSIONS, Mr. STEVENS, and Mr. LIEBERMAN):

S. Res. 256. A resolution designating the week of February 14–18, 2000, as "National Heart Failure Awareness Week"; considered and agreed to.

By Mr. CRAIG (for himself, Mr. INHOFE, Mrs. HUTCHISON, and Mr. CRAPO):

S. Res. 257. A resolution expressing the sense of the Senate regarding the responsibility of the United States to ensure that the Panama Canal will remain open and secure to vessels of all nations; to the Committee on Foreign Relations.

By Mr. CRAIG (for himself, Mr. AKAKA, Mr. ALLARD, Mr. CLELAND, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GORTON, Mr. GRAMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LOTT, Mr. MCCONNELL, Mrs. MURRAY Mr. SMITH of Oregon, and Mr. SPECTER):

S. Res. 258. A resolution designating the week beginning March 12, 2000 as "National Safe Place Week"; to the Committee on the Judiciary.

By Mr. LOTT:

S. Con. Res. 80. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. ROTH (for himself, Mrs. MURRAY, Mr. BINGAMAN, Mr. EDWARDS, Mr. CRAPO, Mr. DODD, Mr. THOMAS, and Mrs. FEINSTEIN):

S. Con. Res. 81. A concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2051. A bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

THE GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT OF 2000

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this legislation to permit the National Park Service to expand the boundaries of the Golden Gate National Recreation Area (GGNRA) by acquiring critical natural landscapes and scenic vistas. This includes land in San Mateo County, as well as land in San Francisco and Marin County.

A key component of this legislation is that about half of the total cost of purchasing these lands will be donated by the local community. This legislation specifically provides that all land transactions involve a willing seller and willing buyer.

In introducing this bill, I am joined by my esteemed colleague from California, Senator BARBARA BOXER. This bill also has the bipartisan support of the entire Bay Area Congressional Delegation including original co-sponsors in the House, Representatives TOM LANTOS, NANCY PELOSI, and LYNN WOOLSEY.

Furthermore, this bill also has the strong support of local environmental and advocacy and preservation groups, the Point Reyes National Seashore Advisory Commission, and the National Park Service. I know of no opposition to this bill.

The three Marin County properties lie in the Marin headlands. Preservation of these lands will protect habitat, ridge-top trails and scenic views of San Francisco Bay and the Pacific Ocean.

The San Francisco land along the pacific coastline, the city of San Francisco would like to donate to the federal government and has authorized $100,000 for the restoration of this site.

The legislation also proposes to include land near Labos Creek, adjacent to the Presido-West Gate, which was damaged during a severe storm in 1997. The American Land Conservancy intends to acquire this land and donate it to the National Park Service. Lobos Creek is the key source of the Presidio's water supply and a unique ecological resource.

Together, these parcels offer beautiful vistas, sweeping coastal views and spectacular headland scenery and the preservation of unique bayland ecosystems with added public access. Much of this land also protects the habitat of several species of rare or endangered plants and animals. Several of the vegetation communities is home to at least 18 endangered or threatened species including the winter-run chinook salmon, American peregrine falcon, the mission blue butterfly and the southwestern pond turtle.

I urge my colleagues to support passage of the Golden Gate National Recreation Area Boundary Adjustment Act.

By Mr. CAMPBELL:

S. 2052. A bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities; to the Committee on Indian Affairs.

INDIAN TRIBAL DEVELOPMENT CONSOLIDATED FUNDING ACT OF 2000

Mr. CAMPBELL. Mr. President, though there are glimmers of hope in Native communities, most Native Americans remain racked by unemployment, mired in poverty, and rank at or near the bottom of nearly every social and economic indicator in the nation.

For years the Committee on Indian Affairs, which I chair, has made strengthening Indian economies a top priority. Healthy tribal economies and lower unemployment rates are imperative if tribes are to achieve the goals of self-sufficiency and true self-determination.

Although federal economic development assistance has been available for years, poverty, ill health, and unemployment remain rampant.

One of the reasons for the lack of success despite spending billions of dollars, is the lack of a consistent or consolidated federal policy to target development resources. Indian business, economic and community development programs span the entire federal government and for any given project undertaken by a tribe, there may be 6 to 8 or more agencies involved. This fragmentation and lack of coordination is not producing the kind of progress Indian country so badly needs.

To begin to remedy this problem, today I am pleased to introduce legislation that builds on the most successful federal Indian policy to date: Indian self-determination.

The Indian Self-Determination and Education Assistance Act, which was enacted in 1975, authorizes Indian tribes and tribal consortia to "step into the shoes" of the federal government to administer programs and services historically provided by the United States.

This Act has worked as it was intended and has resulted in improved efficiency of program delivery and service quality; better managed tribal institutions; stronger tribal economies; and a general shift away from federal control over Indian lives to more local, tribal authority.

What began as a Demonstration Project in 1975 has blossomed as more and more tribal governments realize the benefits of self governance.

As of 1999, nearly 48 percent of all Bureau of Indian Affairs (BIA) and 50 percent of all Indian Health Service (IHS) programs and services have been assumed by tribes under the Indian Self-Determination Act.

The legislation I introduce today will begin the second phase of the Self-Determination experiment by assistant Indian tribes in their use and maximization of existing federal resources for purposes of economic development.

By authorizing tribes and tribal consortia to consolidate and target existing federal funds for development purposes, this bill will promote a more efficient use of federal resources. Perhaps more importantly, the legislation will lay the foundation for a development strategy that looks to employment creation, investment and improved standards of living in Indian country as the real measure of a successful development policy.

One of the key goals of this bill is to eliminate inconsistencies and duplication in federal policies that continue to be a barrier to Indian development through the issuance of uniform regulations and policies governing the use of funds across federal agencies.

By authorizing federal-tribal arrangements to combine and coordinate federal resources, this bill will make the best use of existing federal programs to assist tribes in attracting private investment and capital onto Indian reservations.

Already in this session we have addressed other building blocks to Indian development such as financing housing construction and physical infrastructure, the need for good governance practices at the federal and tribal levels, ensuring adequate capital for entrepreneurs, and encouraging private sector investment into Native communities.

I am hopeful that the legislation I introduce today will signal a new day for how the federal government assists Native communities in creating jobs and building a better future for their members.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

The Act may be cited as the "Indian Tribal Development Consolidated Funding Act of 2000".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) A unique legal and political relationship exists between the United States and Indian tribes that is reflected in article I, clause 3 of the Constitution of the United States, various treaties, Federal statutes, Supreme Court decisions, executive agreements, and course of dealing.

(2) Despite the infusion of substantial Federal dollars into Native American communities over several decades, the majority of Native Americans remain mired in poverty, unemployment, and despair.

(3) The efforts of the United States to foster community, economic, and business development in Native American communities have been hampered by fragmentation of authority, responsibility and performance and by lack of timeliness and coordination in resources and decision-making.

(4) The effectiveness of Federal and tribal efforts to generate employment opportunities and bring value-added activities and economic growth to Native American communities depends on cooperative arrangements among the various Federal agencies and Indian tribes.

(b) PURPOSES.—It is the purpose of this Act to—

(1) enable Indian tribes and tribal organizations to use available Federal assistance more effectively and efficiently;

(2) adapt and target such assistance more readily to particular needs through wider use of projects that are supported by more than 1 executive agency, assistance program, or appropriation of the Federal Government;

(3) encourage Federal-tribal arrangements under which Indian tribes and tribal organizations may more effectively and efficiently combine Federal and tribal resources to support economic development projects;

(4) promote the coordination of Native American economic programs to maximize the benefits of these programs to encourage a more consolidated, national policy for economic development; and

(5) establish a demonstration project to aid Indian tribes in obtaining Federal resources and in more efficiently administering these resources for the furtherance of tribal self-governance and self-determination.

SEC. 3. DEFINITIONS.

In this title:

(1) APPLICANT.—The term "applicant" means an Indian tribe or tribal organization applying for assistance for a community, economic, or business development project, including facilities to improve the environment, housing, roads, community facilities, business and industrial facilities, transportation, roads and highway, and community facilities.

(2) ASSISTANCE.—The term "assistance" means the transfer of anything of value for a public purpose or support or stimulation that is—

(A) authorized by a law of the United States; and

(B) provided by the Federal Government through grant or contractual arrangements, including technical assistance programs providing assistance by loan, loan guarantee, or insurance.

(3) ASSISTANCE PROGRAM.—The term "assistance program" means any program of the Federal Government that provides assistance for which Indian tribes or tribal organizations are eligible.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) PROJECT.—The term "project" means an undertaking that includes components that contribute materially to carrying out 1 purpose or closely-related purposes that are proposed or approved for assistance under more than 1 Federal Government program.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given such term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. LEAD AGENCY.

The lead agency for purposes of carrying out this Act shall be the Department of the Interior.

SEC. 5. SELECTION OF PARTICIPATING TRIBES.

(a) PARTICIPANTS.—

(1) IN GENERAL.—The Secretary may select not to exceed 24 Indian tribes in each fiscal year from the applicant pool described in subsection (b) to participate in the projects carried out under this Act.

(2) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this Act applies may form a consortium to participate as a single Indian tribe under paragraph (1).

(b) APPLICANT POOL.—The applicant pool described in this subsection shall consist of each Indian tribe that—

(1) successfully completes the planning phase described in subsection (c);

(2) has requested participation in a project under this Act through a resolution or other official action of the tribal governing body; and

(3) has demonstrated, for the 3 fiscal years immediately preceding the fiscal year for which the requested participation is being made, financial stability and financial management capability as demonstrated by the Indian tribe having no material audit exceptions in the required annual audit of the self-determination contracts of the tribe.

(c) Planning Phase.—Each Indian tribe seeking to participate in a project under this Act shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organizational preparation. The tribe shall be eligible for a grant under this section to plan and negotiate participation in a project under this Act.

SEC. 6. AUTHORITY OF HEADS OF EXECUTIVE AGENCIES.

(a) In General.—The President, acting through the heads of the appropriate executive agencies, shall promulgate regulations necessary to carry out this Act and to ensure that this Act is applied and implemented by all executive agencies.

(b) Scope of Coverage.—The executive agencies that are included within the scope of this Act shall include—

(1) the Department of Agriculture;

(2) the Department of Commerce;

(3) the Department of Defense;

(4) the Department of Education;

(5) the Department of Health and Human Services;

(6) the Department of Housing and Urban Development;

(7) the Department of the Interior;

(8) the Department of Labor; and

(9) the Environmental Protection Agency.

(c) Activities.—Notwithstanding any other provision of law, the head of each executive agency, acting alone or jointly through an agreement with another executive agency, may—

(1) identify related Federal programs that are likely to be particularly suitable in providing for the joint financing of specific kinds of projects;

(2) assist in planning and developing projects to be financed through different Federal programs;

(3) with respect to Federal programs or projects that are identified or developed under paragraphs (1) or (2), develop and prescribe—

(A) guidelines;

(B) model or illustrative projects;

(C) joint or common application forms; and

(D) other materials or guidance;

(4) review administrative program requirements to identify those requirements that may impede the joint financing of projects and modify such requirement when appropriate;

(5) establish common technical and administrative regulations for related Federal programs to assist in providing joint financing to support a specific project or class of projects; and

(6) establish joint or common application processing and project supervision procedures, including procedures for designating—

(A) a lead agency responsible for processing applications; and

(B) a managing agency responsible for project supervision.

(d) Requirements.—In carrying out this Act, the head of each executive agency shall—

(1) take all appropriate actions to carry out this Act when administering a Federal assistance program; and

(2) consult and cooperate with the heads of other executive agencies to carry out this Act in assisting in the administration of Federal assistance programs of other executive agencies that may be used to jointly finance projects undertaken by Indian tribes or tribal organizations.

SEC. 7. PROCEDURES FOR PROCESSING REQUESTS FOR JOINT FINANCING.

In processing an application or request for assistance for a project to be financed in accordance with this Act by at least 2 assistance programs, the head of an executive agency shall take all appropriate actions to ensure that—

(1) required reviews and approvals are handled expeditiously;

(2) complete account is taken of special considerations of timing that are made known to the head of the agency involved by the applicant that would affect the feasibility of a jointly financed project;

(3) an applicant is required to deal with a minimum number of representatives of the Federal Government;

(4) an applicant is promptly informed of a decision or special problem that could affect the feasibility of providing joint assistance under the application; and

(5) an applicant is not required to get information or assurances from 1 executive agency for a requesting executive agency when the requesting agency makes the information or assurances directly.

SEC. 8. UNIFORM ADMINISTRATIVE PROCEDURES.

(a) In General.—To make participation in a project simpler than would otherwise be possible because of the application of varying or conflicting technical or administrative regulations or procedures that are not specifically required by the statute that authorizes the Federal program under which such project is funded, the head of an executive agency may promulgate uniform regulations concerning inconsistent or conflicting requirements with respect to—

(1) the financial administration of the project including accounting, reporting and auditing, and maintaining a separate bank account, to the extent consistent with this Act;

(2) the timing of payments by the Federal Government for the project when 1 payment schedule or a combined payment schedule is to be established for the project;

(3) the provision of assistance by grant rather than procurement contract; and

(4) the accountability for, or the disposition of, records, property, or structures acquired or constructed with assistance from the Federal Government under the project.

(b) Review.—In making the processing of applications for assistance under a project simpler under this Act, the head of an executive agency may provide for review of proposals for a project by a single panel, board, or committee where reviews by separate panels, boards, or committees are not specifically required by the statute that authorizes the Federal program under which such project is funded.

SEC. 9. DELEGATION OF SUPERVISION OF ASSISTANCE.

Pursuant to regulations established to implement this Act, the head of an executive agency may delegate or otherwise enter into an arrangement to have another executive agency carry out or supervise a project or class or projects jointly financed in accordance with this Act. Such a delegation—

(1) shall be made under conditions ensuring that the duties and powers delegated are exercised consistent with Federal law; and

(2) may not be made in a manner that relieves the head of an executive agency of responsibility for the proper and efficient management of a project for which the agency provides assistance.

SEC. 10. JOINT ASSISTANCE FUNDS AND PROJECT FACILITATION.

(a) Joint Assistance Fund.—In providing support for a project in accordance with this Act, the head of an executive agency may provide for the establishment by the applicant of a joint assistance fund to ensure that amounts received from more than 1 Federal assistance program or appropriation are more effectively administered.

(b) Agreement.—A joint assistance fund may only be established under subsection (a) in accordance with an agreement by the executive agencies involved concerning the responsibilities of each such agency. Such an agreement shall—

(1) ensure the availability of necessary information to the executive agencies and Congress;

(2) provide that the agency administering the fund is responsible and accountable by program and appropriation for the amounts provided for the purposes of each account in the fund: and

(3) include procedures for returning an excess amount in the fund to participating executive agencies under the applicable appropriation (an excess amount of an expired appropriation lapses from the fund).

SEC. 11. FINANCIAL MANAGEMENT, ACCOUNTABILITY AND AUDITS.

(a) Single Audit Act.—Recipients of funding provided in accordance with this Act shall be subject to the provisions of chapter 75 of title 31, United States Code.

(b) Records.—With respect to each project financed through an account in a joint management fund established under section 10, the recipient of amounts from the fund shall maintain records as required by the head of the executive agencies responsible for administering the fund. Such records shall include—

(1) the amount and disposition by the recipient of assistance received under each Federal assistance program and appropriation;

(2) the total cost of the project for which such assistance was given or used;

(3) that part of the cost of the project provided from other sources; and

(4) other records that will make it easier to conduct an audit of the project.

(c) Availability.—Records of a recipient related to an amount received from a joint management fund under this Act shall be made available to the head of the executive agency responsible for administering the fund and the Comptroller General for inspection and audit.

SEC. 12. TECHNICAL ASSISTANCE AND PERSONNEL TRAINING.

Amounts available for technical assistance and personnel training under any Federal assistance program shall be available for technical assistance and training under a project approved for joint financing under this Act where a portion of such financing involves such Federal assistance program and another assistance program.

SEC. 13. JOINT FINANCING FOR FEDERAL-TRIBAL ASSISTED PROJECTS.

Under regulations promulgated under this Act, the head of an executive agency may enter into an agreement with a State to extend the benefits of this Act to a project that involves assistance from at least 1 executive agency and at least 1 tribal agency or instrumentality. The agreement may include arrangements to process requests or administer assistance on a joint basis.

SEC. 14. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the President shall prepare and submit to Congress a report concerning the actions taken under this Act together with recommendations for the continuation of this Act or proposed amendments thereto. Such report shall include a detailed evaluation of the operation of this Act, including information on the benefits and costs of jointly financed projects that accrue to participating Indian tribes and tribal organizations.

By Mr. JEFFORDS:

S. 2053. A bill to amend the Internal Revenue Code of 1986 to provide marriage tax penalty relief for earned income credit; to the Committee on Finance.

MARRIAGE TAX PENALTY RELIEF

Mr. JEFFORDS. Mr. President, today I am introducing a bill to reduce the marriage penalty built into the Earned Income Tax Credit—the EITC. It appears that Congress may well act to address the marriage penalty this year. Eliminating the marriage penalty is a worthwhile goal. A marriage license shouldn't come with a higher tax bill from Uncle Sam. As we consider this issue, however, I want to make sure that low-income taxpayers are not left out of the debate. In terms of dollars, the EITC marriage penalty may be relatively small, but for workers trying to raise children on low wages it represents a significant loss of income, and it may well deter couples from marrying.

Though our nation's economy continues to thrive, many Americans still struggle to make ends meet. Working families across the nation hover above the poverty level, striving to stay off welfare and yearning to provide a decent life for their children. We can and must do more to help these families. And we can do it through the tax code in a manner that is proven and fair, using the earned income tax credit. The EITC is a refundable tax credit specifically targeted to help low-income workers and their families. In my state of Vermont, with soaring housing costs and spiking fuel costs, the EITC has proven effective in supplementing the income of working families.

By some estimates, the EITC has moved more than two million children out of poverty. One recent report calls it the most effective safety net program for children in working poor families. In 1999, the EITC provided low-income working families with two children a subsidy of roughly 40 cents for every dollar of income. But after income reaches a certain point, the EITC is gradually phased out.

Unfortunately, a marriage penalty is built into the EITC. This marriage penalty exists because a married couple's combined earnings put them at a higher point in the EITC phase-out range than where one or both of them would have been if they had remained single. If, for example, one minimum wage earner marries another minimum wage earner with two children, the couple's EITC would be over $1,300 less than the combined EITC they would have received if they hadn't gotten married. For working families that subsist on the minimum wage, this is a significant loss—more than half of their combined wages for a month.

To reduce the EITC marriage penalty, the bill I'm introducing will extend the point at which the EITC begins to phase out. This is the approach I advocated, and which was subsequently adopted in last year's tax bill. It is also the approach adopted in the bill passed by the Ways and Means Committee. The difference between my bill and these other bills is the amount by which the beginning point of the phase-out range would be extended. The other bills proposed to extend it by $2,000. I propose to extend it by $3,500; this would provide significantly more marriage penalty relief. My back-of-the-envelope calculations indicate that my bill would eliminate about half of the marriage penalties built into the EITC.

I do not have a cost estimate for this bill. For the Ways and Means marriage penalty bill, the Joint Committee on Taxation estimated that a $2,000 extension of the beginning point of the EITC phase-out would cost $11 billion over 10 years. This is a relatively small part of a bill whose overall 10-year cost is $182 billion.

Last year, the conferees on the tax bill initially chose not to include help for EITC taxpayers in the marriage penalty provisions. I threatened to vote against the bill, probably depriving it of a majority in the Senate. The conference was reopened, and relief of the EITC marriage penalty was included in the final bill. I think that shows how strongly I feel about this issue. I'm glad that the House has looked out for low-income taxpayers in its marriage penalty bill. Still, I think we can do better.

By Mr. WELLSTONE:

S. 2055. A bill to establish the Katie Poirier Abduction Emergency Fund, and for other purposes; to the Committee on the Judiciary.

KATIE'S LAW

Mr. WELLSTONE. Mr. President, I rise to introduce a piece of legislation that I hope will be called Katie's Law. This past year, colleagues, in Carlton County, we lost a young, beautiful woman who worked at a convenience store. She was abducted. Everybody in the community helped the family. Tragically, later her body was recovered. A suspect has been arrested for her murder.

I have, along with Sheila, stayed in close touch with Katie's family. We have talked quite often with her mother Pam, her dad Steve, and her brother Patrick.

When I went to the service, I couldn't even stand it, just to see the pain. This never should have happened.

I thought about what I could do as a Senator to make a difference. I, therefore, started talking to a lot of our rural law enforcement people. They told me that whatever we could do in Congress, the key would be to enhance their ability to respond quickly and aggressively to such crimes, that that would make a difference.

So there are two pieces to this piece of legislation. I hope I will get tremendous bipartisan support.

The first is an abduction emergency fund called the Katie Poirier Abduction Emergency Fund. Basically, what I am saying, colleagues, is that for rural law enforcement, especially in the critical first 72 hours, they should never have to worry about whether they will have the resources and what the cost will be. This will be an emergency fund they can draw upon from the Attorney General, to State agencies, down to the local level. For our rural law enforcement community, this is critically important.

Then the second piece is to provide local law enforcement officers with resources to use the latest identification systems to solve and prevent crime. In our metropolitan areas we have the technology, but in our rural communities quite often our local law enforcement communities do not have the capacity to link up with systems such as the FBI's very sophisticated fingerprint identification system. This can be the difference between 2 hours and 2 months. There will be money that will go to local law enforcement, rural law enforcement so they can be able to take advantage of this technology.

Altogether, with the abduction emergency fund, we are talking about $10 million over 3 years, for $30 million; and on the technology upgrade for rural law enforcement, we are talking about $20 million over 3 years, for $60 million—total cost for 3 years, $90 million.

This is incredibly important to rural America. It is an investment we should make. While I know no piece of legislation can ever provide 100 percent safety for our children, I do know this piece of legislation will make a difference for rural law enforcement and will provide some protection for our children and will provide some protection for our rural citizens.

I have never been more determined to pass any piece of legislation than this small step. It is something I think I should do as a Senator. I think as Senators talk to their rural communities from around the country, they will find this does meet a very critical need.

By Mr. JOHNSON (for himself
and Mr. CRAIG):

S. 2056. A bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program; to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY COMMODITY DISTRIBUTION ACT

Mr. CRAIG. Mr. President, I rise today to join my colleague Senator JOHNSON in introducing the Emergency Commodity Distribution Act of 2000.

Children are our future. I strongly believe each child deserves at least one warm, nutritious meal every day. I stand before you today with a new bill that will restore $500 million to the School Lunch Program. The positive impacts of this program are endless. Children should not have to pay the price of not having enough money for food.

Originally enacted in 1946, the school lunch program set goals to improve children's nutrition, increase low-income children's access to nutritious meals, and to help support the agricultural industry. A family of four has to have an income at or below 130 percent of the federal poverty level to qualify for a free lunch. The income for these families is tragically low. Congress has a role in providing these children with assistance their families cannot provide.

Last year, Congress enacted the Ticket to Work and Work Incentives Improvement Act. This legislation amended the School Lunch Act to require the United States Department of Agriculture to count the value of bonus commodities when it determines the total amount of commodity assistance provided to schools. This change will result in a $500 million budget cut for the school lunch program over a nine-year period.

In FY1998, the school lunch program comprised over 90 percent of schools, with some 90,000 schools enrolling 46.5 million children. Children receiving free lunches averaged 13 million a day, and those receiving reduced price lunches averaged 2.2 million a day. Each state and millions of children are affected. This program provides a basic requirement of food for needy children.

No child should be without food. The Emergency Commodity Distribution Act of 2000 would ensure that schools receive the full value of entitlement commodity assistance, and allow the School Lunch Program to continue to meet its dual purpose of supporting American agriculture while providing nutritious food to schools across the country. I urge members to support this bill, support children, and support our future.

By Mr. MURKOWSKI:

S. 2057. A bill to amend the Communications Act of 1934 to prohibit the use of electronic measurement units (EMUs); to the Committee on Commerce, Science, and Transportation.

THE MOTORISTS PRIVACY ACT OF 2000

Mr. MURKOWSKI. Mr. President, I rise today to introduce the Motorists Privacy Act of 2000. This legislation has become necessary because technological advancements threaten to allow government and private enterprise to develop a vast database of information about the comings and goings of ordinary Americans.

Recently, I learned of a device known as an electronic measurement unit (EMU). EMUs are placed on billboards along highways and at the entrances to stadiums and concert locations in Atlanta, Indianapolis, Los Angeles, Phoenix, Boston, and a variety of other cities throughout the nation. These shoebox size devices instantly determine what radio station a car radio is tuned to by detecting electronic signals emitted from the oscillators in every car radio.

These devices are capable of measuring tens of thousands of radios in passing cars every day. And they provide nearly instantaneous information on the number of people listening to a radio station at any given time. This valuable data can then be sold to radio owners, who can then adjust their advertising rates based on listenership.

Mr. President, there is nothing wrong with surveying radio usage so long as a citizen voluntarily chooses to participate in such a survey. However, when private enterprise or the government begin to monitor radio or television usage, without the knowledge of the citizen, then a line is crossed that can only lead down the path to Big Brother. And as far as this Senator is concerned, that is not going to happen so long as I am a Member of the Senate.

When a citizen is sitting inside of his or her car, there is a 100 percent expectation of privacy that what is said and listened to is private. Motorists, rightfully, should have no suspicion that they are being monitored by the government or by private enterprise. However, in the case of EMUs, few motorists are aware that these devices even exist and in most cases, no attempt is made to inform motorists when they enter an area in which EMUs are utilized.

Mr. President, what right does a company or government have to snoop on what people are listening to in their automobiles? It is not a very great leap to imagine a world where EMUs track not only what you listen to in the car, but combined with remote television cameras, track your driving patterns. And surely, such devices could be installed in neighborhoods in order to monitor what families watch on television in their homes. Surely such invasions of privacy cannot be tolerated.

Therefore, I am today introducing the Motorists Privacy Act which outlaws the use of electronic measurement units to scan car radios. Regardless of whether or not these scans are anonymous, motorists deserve the same expectation of privacy within their cars as does a homeowner. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motorists Privacy Act of 2000".

SEC. 2. PROHIBITION ON USE OF ELECTRONIC MEASUREMENT UNITS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following new section:

"SEC. 338. PROHIBITION ON USE OF ELECTRONIC MEASUREMENT UNITS.

"(a) PROHIBITION.—No person may install, post, operate, or otherwise use an electronic measurement unit (EMU).

"(b) ELECTRONIC MEASUREMENT UNIT DEFINED.—In subsection (a), the term 'electronic measurement unit (EMU)' means a device that determines the frequency of the radio broadcast being received by a radio receiver located within a vehicle passing through the operating range of the device.".

By Mr. GRAHAM (for himself, Mr. MACK, Mr. KENNEDY, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 2058. A bill to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals; to the Committee on the Judiciary.

LEGISLATION TO EXTEND FILING DEADLINES FOR APPLICATIONS FOR ADJUSTMENT OF STATUS OF CERTAIN CUBAN, NICARAGUAN, AND HAITIAN NATIONALS

Mr. GRAHAM. Mr. President, I come to the Senate floor this afternoon to introduce legislation which has as its objective to assure a greater measure of fairness to a particularly vulnerable group of Central American and Caribbean nationals who, in many cases, for many years have resided in the United States.

I appreciate the support of my colleagues: Senators MACK, KENNEDY, DURBIN, and FEINSTEIN, who join in this effort as cosponsors.

For some background: In 1997, and again in 1998, Congress passed legislation to protect, first, a group of Central American and Cuban nationals and then a similar group of Haitian nationals who were refugees and were threatened with deportation.

Action was needed in those 2 years because of passage of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, which changed immigration rules and did so, in many instances, retroactively. The history of this group of people started during the Presidency of Ronald Reagan. The United States offered protection and legal status to many Central American nationals who were fighting for democracy in their home country or fleeing the war that had ensued. Similarly, during the Presidency of George Bush, Haitian nationals were forced to flee after the overthrow of the elected President, Jean-Bertrand Aristide, in 1994. They were offered protection and legal status in the United States.

In 1996, these Central American and Haitian nationals had been living in our country for years; in the cases of the Central Americans, often longer than a decade. They established businesses. They formed and raised families. They bought homes. They strengthened the communities in which they lived. Then in 1996, with the passage of the Illegal Immigration Reform and Immigrant Responsibility Act, these Central American and Haitian individuals and families were made retroactively deportable. These deportations would have occurred years and years after these nationals had established their lives in the United States.

Congress moved quickly to protect their legal status here by passing the Nicaraguan Adjustment and Central American Relief Act in November of 1997, and then the Haitian Refugee Immigration Fairness Act in October of 1998. These two bills made certain sections of the 1996 immigration law nonretroactive. We mandated in those two pieces of legislation that to apply for relief from deportation under this measure, applications had to be made by a date certain: March 31, 2000.

The sad fact is, in 3 years after one of these pieces of legislation was passed and more than 2 years after another, we are still waiting for the final regulations to be issued for both of these pieces of legislation. The final rules that would help families apply for relief have not yet been issued. Interim regulations were issued for both bills in 1998 and 1999, but in neither case have the regulations become final. There is the very real possibility that the application deadline, March 31, 2000, could come and go before the final regulations, which establish the rules and procedures by which applications will be submitted and evaluated, have even been issued.

Both for reasons of fairness and to promote good Government, we should extend the application deadline for relief. Under this legislation, the new deadline for relief will be 1 year after the date the regulations become final.

I point out to my colleagues that this legislation will not cover any additional individuals who will have the right to apply for the right to live in the United States. No additional persons will be granted eligibility as a result of this legislation beyond those who were made eligible in 1997 and again in 1998. What this legislation does is create a more realistic and fair deadline for individuals Congress has already passed legislation to protect.

This action should be taken because it is fair. First, it is fair to the immigrants. We shouldn't expect them to go through the arduous and very costly application process without the certainty that the regulations which will govern their applications are final.

It is easy to put a human face on this issue. There are scores, hundreds, thousands of examples. Let me just cite one which was brought to my attention by a prominent immigration attorney in Florida. I will call this young woman, in order to protect her privacy, Frances. She is a real human being. Frances is 22 years old. Her parents fled Haiti in the 1980s, when she was a child. Her family settled in Florida. She now has three U.S. citizen brothers and sisters. Tragedy has struck her family on several occasions. Her father died when she was just 7 years old. Her mother died when she was still in her early teens. She finished high school and is now raising her younger brothers and sisters while working. She is an orphan. She would be in the class of persons protected by the 1998 legislation. She is trying now to put together the documents necessary to apply to stay in the United States and not be separated from her U.S. citizen brothers and sisters, the only family she has left.

The 1-year extension and the ability to apply for relief once regulations are final will make a huge difference in the life of this woman, will make a huge difference in her ability to comply with procedures which are probably the most significant in her life.

Today, I am introducing this in an effort to secure as rapid a resolution of these concerns as possible. I am not unmindful of the magnitude of the task Congress has asked the Immigration and Naturalization Service to perform. I don't want to imply that the INS and other Federal agencies should rush through these technical pieces of legislation. However, in situations such as this, where a longer time than expected was needed to develop the regulations, it is only fair to allow a longer time for those who are going to be affected by the law.

I understand the INS has been very thorough and understanding. It has met with individual groups on all sides of this issue. Many of them have been my constituents in Florida. I commend the INS for its willingness to hear all points of view and be thorough in their review before issuing final regulations. However, having said that, I believe nearly 3 years is a reasonable amount of time to have finalized these regulations.

The Nicaraguan Adjustment and Central American Relief Act took only nine pages of text in Public Law 105–100 when it was passed. Similarly, the Haitian Refugee Immigration Fairness Act took less than two pages to print in the CONGRESSIONAL RECORD. These were concise, targeted pieces of legislation. They were not lengthy, complex overhauls of major components of the immigration law. It is plain unfair to give someone a deadline and charge them a substantial fee to file and then to be uncertain as to what the rules will be that will govern those applications. With this legislation, I seek the flexibility to allow more time to apply for relief in a situation where more time than expected was necessary by the agency, the INS, to issue the regulations.

I send to the desk a few of the letters I have received from individuals and advocacy groups and religious leaders calling for this deadline extension, and I ask unanimous consent that these letters from the American Immigration Lawyers Association of South Florida, the Haitian American Foundation, the Haiti Advocacy Agency, all be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, I send the legislation to the desk, which has been cosponsored by Senators MACK, KENNEDY, DURBIN, and FEINSTEIN. I ask my colleagues for their understanding and their support for this legislation—legislation that will ensure the most basic elements of fairness in our democratic system, which will allow people who have fled war and persecution to come to the freedom of the United States and to be treated fairly by our laws.

EXHIBIT NO. 1

AMERICAN IMMIGRATION
LAWYERS ASSOCIATION,
SOUTH FLORIDA CHAPTER,
January 24, 2000.

Senator BOB GRAHAM,
U.S. Senate,
Re: Letter of support for your effort to extend application period for HRIFA & NACARA.

DEAR SENATOR GRAHAM: On behalf of the South Florida Chapter of the American Immigration Lawyers Association (AILA) I write this letter of support to encourage you in your effort to introduce legislation to extend the application period for HRIFA & NACARA beneficiaries.

My organization has long-supported both bills and is appreciative of your great efforts in support of these efforts. Please let us know if there is anything we can do to help.

Thank you, Senator GRAHAM.

Sincerely,

MICHAEL D. RAY,
President, AILA South Florida Chapter.

HAITIAN AMERICAN FOUNDATION, INC.,
January 24, 2000.

Hon. BOB GRAHAM,
U.S. Senate, Senate Office Bldg.
Washington, DC.

DEAR SIR: Thank you for introducing legislation to extend the filing period under which HRIFA and NACARA can be filed.

Haitians have had an extraordinarily short period of time to apply—a mere nine months. Due to this narrow time period, many eligible poor people have not been able to apply because of the uncapped INS fee structure and the reluctance of the few pro bono attorneys serving them to submit fee waiver requests for fear that INS might deem the application untimely. As you know, as of December 31, 1999 only 18,000 individuals had applied (of 50,000 INS estimates are eligible).

This low number of applicants is due to the high costs involved. Most families must pay between $1,000 to $2,000 in INS fees alone. Supplement fees—such as the requisite medical exams—are additional financial burdens for applicants.

Extension of the HRIFA and NACARA filing deadline is essential if Congress hopes to help Haitian refugees. Some 30,000 Haitians in South Florida are expected to benefit from such extension.

Your legislation is indispensable and crucial. I applaud your leadership in introducing the legislation and thereby serving as a champion to your constituents.

Sincerely,

LEONIE M. HERMANTIN,
Executive Director.

HAITI ADVOCACY, INC.,
1309 INDEPENDENCE AVENUE SE
Washington, DC, January 31, 2000.

Office of the Hon. BOB GRAHAM,
524 Hart Senate Office Building, Washington, DC.

Re: Extension of HRIFA/NACARA Filing Deadlines.

DEAR SENATOR GRAHAM: We are greatly encouraged that you are introducing legislation to extend the deadlines for applications under the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the Haitian Refugee Immigration Fairness Act (HRIFA).

As you know, more than 2 years has passed since the passage of NACARA and more than one since the passage of HRIFA and the INS has yet to issue final regulations implementing these laws. The statutory deadline for applications under both laws, April 1, 2000, is fast approaching.

Interim regulations contained unreasonably burdensome documentary requirements, excessive fees and lack of appropriate consideration for special groups such as abandoned children and refugees who were compelled to use false documents in order to flee. These and other deficiencies have, to date, prevented all but a minority of those eligible from filing applications.

Hundreds of comments were filed critiquing these and other restrictions as inconsistent with the remedial intent of Congress. We certainly hope that the INS will give full and fair consideration to these comments and ameliorate the shortcomings in the final version. Nevertheless, it is now apparent that any such improvements will be largely, if not completely, negated by the short time remaining before the deadline.

Accordingly, it is fitting and proper to extend the deadlines to one year following the promulgation of such final regulations so that the intended beneficiaries of this important legislation receive the full measure of justice provided under law.

Thank you for your support and kind consideration of our views.

Respectfully,

Merrill Smith, Director; And: Linda Wood Ballard; Maurice Belanger, Senior Policy Associate; National Immigration Forum; 220 I Street NE, Suite 220; Washington DC 20002; Phillip J. Brutus, Esq.; 645 NE 127 Street; North Miami FL 33161; Alison Laird Craig, Member Haitian Studies Association; Ralston H. Deffenbaugh, Jr., President; Lutheran Immigration and Refugee Service; Geary Farrell; 0-261 Luce SW; Grand Rapids, MI 49544; Michael A. Foulkes, Attorney At-Law; 4770 Biscayne Boulevard, Suite 570; Miami FL 33137; Muriel Heiberger, Executive Director Massachusetts Immigrant and Refugee Advocacy; Trevor Jackson, Senior Programmer Analyst; Connecticut Community Colleges—Board of Trustees; Maureen T. Kelleher, Florida Immigrant Advocacy Center; Guy H. Larreur, President, Konbit, L.L.C.; Haitian Immigration Support & Advocate Center; P.O. Box 6736; St. Thomas, VI 00804; John B. Percy; 35 Parsons Road; Enfield CT 06082; Edwige Romulus, Chair; Haitian-American Support Group of Central Florida; William Sage, Interim Director; Church World Service Immigration and Refugee Program; Daniel M. Schweissing; The Center for Haitian Ministries; William Shagan, Supervising Attorney; Lutheran Family and Community Services, Inc.; Althea Stahl, Assistant Professor; Earlham College, Languages and Literatures; Rick Swartz, President, Swartz & Associates; Michele Wucker, Author, Why the Cocks Fight: Dominicans, Haitians, and the Struggle for Hispaniola; 245 West 107th Street, Apt. 9D; New York NYC 10025

By Mr. SARBANES:

S. 2059. A bill to modify land conveyance authority relating to the former Naval Training Center, Bainbridge, Cecil County, Maryland, and for other purposes; to the Committee on Armed Services.

BAINBRIDGE NAVAL TRAINING CENTER LAND CONVEYANCE

Mr. SARBANES. Mr. President, today I am introducing legislation that would alleviate the $500,000 cost associated with the transfer of the former Bainbridge Naval Training Center in Cecil County, Maryland. It is my hope that this bill will help expedite the development of this property by the Bainbridge Development Corporation and the State of Maryland, and allow this site to realize its tremendous potential as soon as possible. Moreover, the money that the BDC will save through this waiver will be put towards salvaging several of the historic buildings on the site, namely, the historic Tome School.

Next week, I will participate in the transfer ceremony for this base, which now represents 1200 acres of pristine and strategically located land. The transfer follows decades of negotiations and cleanup, and I, along with the Navy, my constituents in Cecil County, and the other members of the Maryland State congressional delegation hope to see development of this site begin promptly.

In my view, the transfer of the Bainbridge site is a shining example of what can be accomplished through partnerships between Federal, State, and local governments. I introduce this bill to sustain our momentum and move this property into productive use as expeditiously as possible. Mr. President, I have spoken with the appropriate Navy officials regarding this matter and they have raised no concerns about this waiver. Indeed, this is truly a noncontroversial measure with a very modest cost and I urge my colleagues to support its swift passage.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mrs. BOXER, Mr. BAUCUS, and Mr. HELMS):

S. 2060. A bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATION TO AWARD CHARLES SCHULTZ THE CONGRESSIONAL GOLD MEDAL

Mrs. FEINSTEIN. Mr. President, on January 3rd, 2000, Charles Schulz published his last daily "Peanuts" comic strip ending a remarkable fifty year run. To commemorate Charles Schulz's extraordinary career, I urge my colleagues to join me in awarding him a Congressional Medal of Honor.

Charles Schulz's body of work in the "Peanuts" strip deserves recognition as a national treasure. For half a century, his cartoon illustrations have inspired millions of Americans with its wry humor and endearing cast of characters. Who has not been touched by the trials and tribulations of Charlie Brown, Snoopy, Linus, Lucy, and the rest of the "Peanuts" family?

At its peak, Peanuts appeared in close to 3,000 newspapers in 75 countries and was published in over 20 different languages to more than 355 million daily readers. Charles Schulz's television special, "A Charlie Brown Christmas," has run for 34 consecutive years. In all, more than 60 animated specials have been created based on "Peanuts" characters. Four feature films, 1,400 books, and a hit Broadway musical about the "Peanuts" characters also have been produced.

Charles Schulz's achievements are all the more remarkable because, throughout his career, he has worked without any artistic assistants, unlike most syndicated cartoonists. Schulz has painstakingly drawn every line and frame in his comic strip for 50 years, an unparalleled commitment to his art and profession.

In 1994, while speaking before the National Cartoonists Society, Charles Schulz said of his comic strip, "There's still a market for things that are clean and decent." Charles Schulz has given generations of children a cast of colorful characters to grow up with and to teach the small and large lessons of life.

Seventeen Americans from the arts and entertainment world have been awarded the Congressional Gold Medal for their achievements in the enrichment of American culture. I urge that

Charles Schulz become the eighteenth individual so honored. Please join me in recognizing the lifetime contributions of Charles Schulz by awarding him the Congressional Gold Medal.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 2061. A bill to establish a crime prevention and computer education initiative; to the Committee on the Judiciary.

THE KIDS 2000 ACT

Mr. BIDEN. Mr. President, there has been incredible prosperity that the vast majority of our country is benefiting from—and that prosperity was built on a combination of communication and computers. This technology has opened a whole new world for America. This new technology has driven our economic growth. And, the future lies with those who can master the tools of this new economic age.

It wasn't too long ago that it looked like our time in the sun was behind us. Behind us was the idea of prosperity in our country. But times have changed over the past few years. And we stand here today with the prospect of a new era of prosperity.

With flexible financial markets, a historic wave of entrepreneurial activity, and the convergence of new technologies from the personal computer to the Internet, we are transforming ourselves into what is now called the "new economy."

Look at the numbers: In recent years, Information Technology industries contributed 35% to Gross Domestic Product growth. The Information Technology sector is growing at twice the rate of the rest of the economy. And by 2006, more than half of the U.S. workforce will be employed by industries that are either major producers, or intensive users, of Information Technology.

A lot of what we do—manufacturing, shipping, marketing, are basically the same old functions. But we do virtually all of them in new and better ways thanks to the explosion of information technology. This has increased our productivity in ways that the best economists still don't completely understand.

But, there is one thing that we do understand: those who can master technology will be able to benefit from this great expansion—and that is why we are here today. So no one is left behind.

That is why today I am proud to be introducing legislation, aptly titled Kids 2000, that will be one step in our mission to provide all children with access to technology.

It is my hope, that through a public/private partnership, led by members of Congress and Steve and Jean Case, state-of-the-art computer centers will be placed in Boys & Girls Clubs nationwide. Located in largely under-served communities, Club computer centers will reach precisely the kids who need these resources the most. And none of these kids will be left behind.

One goal of Kids 2000 is to help close the digital divide by providing kids with computers, internet access, and fully comprehensive technical training. As the wonders of computers become increasingly evident and celebrated, certain segments of society still lack access to these resources. Some segments are not participating in this technological revolution that is sweeping across our country.

And the disparities are alarming. Look at the figures: Of households making over $75,000, 80% own computers and 60% use the Internet. Yet, for households making between $10,000–$15,000, only 16% own a computer and only 7% use the Internet.

And it's not just income levels. There are disparities amongst races, education levels and geography. In addition, at all income levels, households with two parents are far more likely than one-parent households to own computers and have Internet access.

The digital divide is also significant because the new digital economy can't run on computers alone. Businesses need workers with computer know-how and Internet literacy. Those who are not competent with the tools of technology will be left behind. Some of them are our kids. They are our responsibility and we cannot let this happen.

And we know what happens to our kids when they are left behind. Their opportunities are vastly reduced, there is despair, and even criminal behavior. But there is something that we can do. And we are here today to begin a significant effort to do just that—to close the digital divide.

Addressing the problems associated with the digital divide is not all this initiative seeks to do. Another goal is to reduce juvenile crime by providing kids with substantive after-school programs.

Everyone has heard me say this time and time again, but let me say this one more time—prevention works.

While kids are learning in these computer centers, they will be off the street and out of harm's way. They will be occupied with constructive activities. School dropout rates will be reduced because kids will realize that they have great potential. Kids 2000 is the ultimate after-school program.

That is precisely why I have asked the Boys and Girls Clubs to host my computer initiative. For decades, the Boys & Girls Clubs of America have provided young people all across the United States with the support and inspiration they need to make it in a world full of peer pressure and crime.

Kids 2000 also makes sense economically. It is estimated that allowing a single youth to drop out of high school and enter a life of drug abuse and crime costs society between $1.7 and $2.3 million. In comparison, Kids 2000 will cost the government a mere $40 per child.

Because I believe that there is a role for the private sector, I have asked my good friends Jean and Steve Case and PowerUp to be an integral part of this initiative. That means computers, America On-Line accounts, educational curriculum, and fully comprehensive technical training in Boys and Girls Clubs nationwide.

And PowerUp is not alone. 3-Com has committed to donating $1 million in networking equipment, MCI Worldcom will be donating educational software and training, American Airlines has agreed to donate free airline travel to train teachers, Ripple Effects Software will donate educational software, and Sabre Inc. will be donating computers.

I want to thank all the corporations that have stepped forward and I hope that there will be many more in the coming months. We can't do this project without the private sector's help.

I want to say thanks to Steve and Jean Case who have been in the forefront of this issue since the beginning and who are participating in this initiative in a very significant way. You know we could not do this without you and I appreciate your generosity and commitment to the cause.

This initiative has brought together so many integral sectors of society. Business, government, the non-profit world. Together, we can make this program a success. Together we can make a difference in the lives of kids and provide our children with the tools they need to live and learn in a world that has become so dependent on technology.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kids 2000 Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,300 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

SEC. 3. AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.

(a) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(1) constructive technology-focussed activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(2) supervised activities in safe environments for youth; and

(3) full-time staffing with teachers, tutors, and other qualified personnel.

(b) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

SEC. 4. APPLICATIONS.

(a) ELIGIBILITY.—In order to be eligible to receive a grant under this Act, an applicant for a subaward (specified in section 3(b)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(b) APPLICATION REQUIREMENTS.—Each application submitted in accordance with subsection (a) shall include—

(1) a request for a subgrant to be used for the purposes of this Act;

(2) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(3) written assurances that Federal funds received under this Act will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this Act;

(4) written assurances that all activities funded under this Act will be supervised by qualified adults;

(5) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(6) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(7) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

SEC. 5. GRANT AWARDS.

In awarding subgrants under this Act, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this Act.

(b) SOURCE OF FUNDS.—Funds to carry out this Act may be derived from the Violent Crime Reduction Trust Fund.

(c) CONTINUED AVAILABILITY.—Amounts made available under this section shall remain available until expended.

By Mr. DEWINE (for himself, Mr. DURBIN, Mr. ABRAHAM, Mr. BAUCUS, Mr. CLELAND, Mr. DODD, Mr. LEVIN, and Mr. SESSIONS):

S. 2062. A bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

ORGAN AND TISSUE DONATION AWARENESS "SEMI-POSTAL" STAMP

Mr. DEWINE. Mr. President, I am pleased to be here today with my friend and colleague from Illinois, Senator DURBIN, to introduce legislation that would authorize the issuance of the organ and tissue donation awareness "semi-postal" stamp. With 67,000 people on the organ donation waiting list, we have no time to lose in educating the public about the importance of life-giving organ and tissue donations.

In August 1998, as a result of strong public and congressional interest, the U.S. Postal Service issued a 32-cent organ and tissue donation commemorative stamp. But, just five months later, the postal rate increased to 33-cents. To use the stamp, that meant purchasers would have to buy an additional one-cent stamp to make up the postage difference. Yet, despite this hassle, more than 47 million of the 50 million stamps originally printed have been purchased, demonstrating the strong demand for an organ and tissue donation awareness postage stamp.

Since the U.S. Postal Service does not re-issue commemorative stamps, we are seeking authorization for a "semi-postal" stamp. This stamp would sell for up to 25 percent above the value of a first-class stamp, regardless of the price of the first-class stamp, itself. The surplus revenues would be directed to programs that increase organ and tissue donation awareness. The decision to donate an organ or tissue is a life-saving one. However, it is frequently one that family members and loved ones fail to communicate to one another. Every effort we make to remind people that this is a decision that should be communicated before a tragedy strikes is an effort toward saving lives. Whether it is an organ and tissue donation postage stamp or a box that drivers can mark as they renew their drivers' licenses, they are steps that raise awareness of the importance of communicating to family and friends the decision to become an organ or tissue donor.

I would like to thank my colleague, Senator DURBIN, for joining me in introducing this legislation, and Senators ABRAHAM, BAUCUS, CLELAND, DODD, and LEVIN for their co-sponsorship. I have appreciated their support for this bill and for their tremendous work on behalf of organ and tissue donation awareness. I would also like to thank a number of organ and tissue donation groups who support this legislation—the Minority Organ Tissue Transplant Education Program (MOTTEP); the National Kidney Foundation (NKF); the United Network for Organ Sharing (UNOS); Transplant Recipients International Organization, Inc. (TRIO); the Coalition on Donation; Hadassah; the Eye Bank Association of America; the American Society of Transplantation; the American Society of Transplant Surgeons; LifeBanc; and the Association of Organ Procurement Organizations.

I urge my colleagues to join us in supporting this important legislation. Time is of the essence. The waiting list for organs includes 67,000 people, with a new name added to that list every 16 minutes. Moreover, ten to twelve people die every day waiting for an organ to become available. There is simply no time to lose. Every effort we make to increase, and in this case help generate, funds for organ and tissue donation awareness will help to save someone's life.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL POSTAGE STAMPS TO BENEFIT ORGAN AND TISSUE DONATION AWARENESS.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by inserting after section 414 the following:

"§ 414a. Special postage stamps for organ and tissue donation awareness

"(a) In order to afford the public a convenient way to contribute to funding for organ and tissue donation awareness, the Postal Service shall establish a special rate of postage for first-class mail under this section.

"(b) The rate of postage established under this section—

"(1) shall be equal to the regular first-class rate of postage, plus a differential of not to exceed 25 percent;

"(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

"(3) shall be offered as an alternative to the regular first-class rate of postage.

"(c) The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons.

"(d)(1) The Postal Service shall pay the amounts becoming available for organ and tissue donation awareness under this section to the Department of Health and Human Services for organ and tissue donation awareness programs. Payments under this paragraph to the Department of Health and Human Services shall be made under such arrangements as the Postal Service shall by mutual agreement with the Department establish in order to carry out the purposes of this section, except that, under those arrangements, payments to the Department shall be made at least twice a year. In consultation with donor organizations and other members of the transplant community, the Department of Health and Human Services may make any funds paid to the Department under this section available to donor organizations and other members of the transplant community for donor awareness programs.

"(2) For purposes of this section, the term 'amounts becoming available for organ and tissue donation awareness under this section' means—

"(A) the total amounts received by the Postal Service that it would not have received but for the enactment of this section, reduced by

"(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including those attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that the Postal Service shall prescribe.

"(e) It is the sense of Congress that nothing in this section should—

"(1) directly or indirectly cause a net decrease in total funds received by the Department of Health and Human Services or any other agency of the Government (or any component or program thereof) below the level that would otherwise have been received but for the enactment of this section; or

"(2) affect regular first-class rates of postage or any other regular rates of postage.

"(f) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 12 months after the date of the enactment of this section.

"(g) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect information concerning the operation of this section, except that, at a minimum, each shall include—

"(1) the total amount described in subsection (d)(2)(A) which was received by the Postal Service during the period covered by such report; and

"(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (d)(2)(B).

"(h) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 414 and inserting the following:

"414. Special postage stamps to benefit breast cancer research.

"414a. Special postage stamps to benefit organ and tissue donation awareness.".

(2) SECTION HEADING.—The heading for section 414 of title 39, United States Code, is amended to read as follows:

"§414. Special postage stamps to benefit breast cancer research".

By Mr. EDWARDS (for himself and Mr. BIDEN):

S. 2064. A bill to amend the Missing Children's Assistance Act, to expand the purpose of the National Center for Missing and Exploited Children to cover individuals who are at least 18 but have not yet attained the age of 22; to the Committee on the Judiciary.

ABDUCTED YOUNG ADULTS ACT

By Mr. EDWARDS:

S. 2065. A bill to authorize the Attorney General to provide grants for organizations to find missing adults; to the Committee on the Judiciary.

KRISTEN'S LAW

• Mr. EDWARDS. Mr. President, today I introduce two bills that are very important crime fighting measures. My legislation will help provide law enforcement with additional assistance in locating missing people. One bill, the "Abducted Young Adults Act," will give the National Center for Missing and Exploited Children the legal authority to assist law enforcement officers in locating abducted young adults aged 18 through 21. The second bill, "Kristen's Law," authorizes the Attorney General to provide grants to public agencies and nonprofit private organizations that help find missing adults.

Mr. President, let me tell you a story about a girl from my State of North Carolina. Her name is Kristen Modafferi. Kristen was a bright, hardworking student at North Carolina State University. After finishing up her freshman year of college, she traveled to San Francisco to spend the summer, taking a photography class at Berkeley. Once Kristen arrived in San Francisco, she started her class and got a couple of jobs to help pay for her expenses. She was settling in and making friends.

On Monday, June 23, 1997, Kristen left work to visit a local beach. She has not been seen since. Kristen was three weeks over the age of 18 when she disappeared.

Law enforcement devoted a great deal of time to finding Kristen and should be commended for their efforts. Despite a number of leads, Kristen has never been found.

For 15 years, since the creation of the National Center for Missing and Exploited Children, our Nation has recognized the vulnerability of young children to abductions and exploitation. We have provided the funding and support vital to ensuring rapid and multi jurisdictional responses to these cases. But in Kristen's case we could not—and all because she was 3 weeks past her 18th birthday. The charter for the National Center for Missing and Exploited Children only allows the Center to help law enforcement search for missing children aged 0 to 18.

When a person involuntarily disappears, time is of the essence. Search efforts must begin quickly, and they must reach across jurisdictions. Abducted youngsters are often taken across state lines. In order to effectively coordinate a search, the groups conducting the search must have an easy way to share information with each other, no matter how far away from one another they may be. The greater the number of agencies helping in the search, the more likely it is that the person will be found. But there is no central, federally-established organization that exists to aid law enforcement in their efforts to locate missing 18–21 year-olds. Unfortunately, Kristen's tragic story illustrates the need for such an organization. And what better way to fill this need than to build upon a reputable, federally-partnered organization—the National Center for Missing and Exploited Children—that already exists to search for missing individuals under 18?

The National Center for Missing and Exploited Children serves as the national clearinghouse for information on missing children and the prevention of child victimization. The Center works in partnership with the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice, and its mission is codified in federal law.

Because the Center was established for the purpose of assisting with cases that involve missing children under the age of 18, the Center does not typically assist with cases involving involuntarily missing college students and other people who happen to be 18 through 21 years old. The sad fact is that had Kristen been just a few weeks younger when she disappeared, the Center would have immediately mobilized to start a search.

One of the measures I introduce today, The Abducted Young Adults Act, would expand the Center's charter to allow it to use its expertise and resources to help find involuntarily missing young adults in the 18 through 21 year-old age group.

Mr. President, some people might inquire why I chose to limit expansion of the Center's mission by only covering individuals under age 22. For example, my bill would not affect the Center's ability to help police search for Kristen's sister Allison and other individuals who are 22 and over. The second bill I am introducing today, Kristen's Act, will help fill this gap. I will discuss that bill in a moment. However, the reason for my decision to limit the expansion of the Center's mission is twofold.

First, although a person is considered a legal adult when they attain the age of 18, I think most people would agree that college-aged kids are just that—kids. Members of this age group are particularly vulnerable to criminals and are frequently victims of crime. They are away from home for the first time in their lives, in an unfamiliar area, without the presence of their parents. I believe that most people would agree that this age group needs special protection.

Statistics demonstrate the need to address the issue of missing young adults and to find a way to provide some additional resources for this group. In fact, according to data from the Charlotte-Mecklenburg Sheriff's office in my state of North Carolina, in 1999, they received reports of 132 missing persons aged 18–21. That's the number for just one city, in just one state in the country. If we were to amass similar statistics for every jurisdiction across the country, I believe we would be astounded at the high rate of disappearances for this age group. For example, in February, 1999, the FBI reported 1,896 new cases of missing 18 through 21-year-olds—1,896 new cases in just one month. This is a frighteningly large number. And I believe that the Abducted Young Adults Act is a necessary protective measure. It will provide some comfort to the millions of parents who send their children to college every year and worry about their safety: If anything does happen, a national effort will be mobilized to help.

The second reason that the legislation would apply to a limited age group is that I believe the National Center for Missing and Exploited Children should stay focused on its central mission—to help search for missing children.

Since its founding, the Center has helped recover nearly 48,000 children. Imagine the benefit to families and law enforcement if the Center were to help search for abducted young adults. Surely the number of active missing young adult cases would decline if the Center helped with the search efforts. I believe my legislation is a logical extension of the Center's current mission.

My bill would authorize appropriations of $2.5 million per year through 2003 so that the Center does not have to divert any of the funding it needs to effectively search for children. I have worked closely with the Center's staff to ensure that my bill will enhance not harm the Center's current mission. As a result, the Abducted Young Adults Act is fully supported by the Center.

The Fraternal Order of Police (FOP) also strongly supports my legislation. Gilbert Gallegos, National President of the FOP, is a member of the Board of Directors for the Center. As he so aptly states in his letter of support for the bill, "Just because you turn eighteen is no guarantee that you will not be the victim of a crime."

Mr. President, I believe that it is important to mention that it is true that some individuals aged 18 through 21 may disappear because they want to. Some of these individuals may live in abusive households. Others may want to start a new life. And because they are considered legal adults, they have the choice to remain missing. In these cases, it may not make sense for law enforcement, the Center, or anyone else to launch a search.

My legislation ensures that the National Center for Missing and Exploited Children will use its public resources to search for only those missing young adults aged 18–21 that law enforcement has first determined to be missing involuntarily.

Specifically, my bill says that in order for an individual to be defined as an involuntarily missing young adult, the following criteria must be met: (1) their whereabouts must be unknown to their parent or guardian; (2) law enforcement must have entered a missing persons report on the individual into the National Crime Information Center; and (3) there must be a reasonable indication or suspicion that the individual has been abducted or is missing under circumstances suggesting foul play or a threat to life; or (4) the individual is known to be suicidal or has a severe medical condition that poses a threat to his or her life.

I believe that the Abducted Young Adults Act is a common-sense way to help prevent further incidences like the one involving Kristen Modafferi. For every child the Center assists in locating, there are a handful of individuals that it cannot help find. If my bill enables the Center to help find just one more missing youngster, then I believe the bill will have succeeded in its goal.

I am pleased that the Abducted Young Adults Act is co-sponsored by Senator BIDEN. Senator BIDEN was instrumental to the establishment of the National Center for Missing and Exploited Children, and I thank him for his leadership and support.

Mr. President, the Abducted Young Adults Act is only one part of the solution. The other part of the solution is to provide the organizations that are devoted to searching for missing adults with the resources they need to be more effective in their efforts to search for all adults, regardless of age.

That is why I am also introducing Kristen's Law, named after Kristen Modafferi. This bill has been introduced in the House of Representatives by Representative SUE MYRICK, and I thank her for her involvement in this issue.

As I mentioned, Kristen's Law would allow the Attorney General to make grants to public agencies or nonprofit private organizations to assist law enforcement and families in locating missing adults. Grants could also be used by these agencies and organizations for a number of other reasons. For example, funds could be used to maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance. And the grants could be used to help establish a national clearinghouse for missing adults and to assist with victim advocacy related to missing adults.

Generally, the greater the number of people conducting a search, the greater the chance is of locating missing individuals. The combination of the Abducted Young Adults Act and Kristen's Law sends a message to families that they deserve all of the help necessary to locate endangered and involuntarily missing loved ones. Together, these bills will help ensure that all endangered and involuntarily missing adults—regardless of age—will receive not only the benefit of search efforts by law enforcement, but also by experienced, specialized organizations.

I request that the text of the two bills be printed in the RECORD.

The material follows:

S. 2064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abducted Young Adults Act".

SEC. 2. FINDINGS IN REGARD TO VULNERABLE INVOLUNTARILY MISSING YOUNG ADULTS.

(a) CONFORMING AMENDMENTS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (2), by inserting after "these children" the following: "and involuntarily missing young adults";

(2) in paragraph (3), by inserting after "these children" the following: "and involuntarily missing young adults";

(3) in paragraph (4), by inserting after "many missing children" the following: "and involuntarily missing young adults";

(4) in paragraph (6), by inserting after "abducted children" the following: "and involuntarily missing young adults"; and

(5) in paragraph (7)—

(A) by inserting after "leads in missing children" the following: "and involuntarily missing young adults"; and

(B) by inserting after "where the child" the following: "or involuntarily missing young adult".

(b) Additional Findings.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended by—

(1) redesignating paragraphs (2) through (21) as paragraphs (3) through (22), respectively; and

(2) inserting after paragraph (1) the following:

"(2) each year many young adults are abducted or are involuntarily missing under circumstances which immediately place them in grave danger;".

SEC. 3. EXPANSION OF PURPOSE OF NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(2) by adding after paragraph (1) the following:

"(2) the term 'involuntarily missing young adult' means any individual who is at least 18 but has not attained the age of 22 whose whereabouts are unknown to such individual's parent or guardian if law enforcement determines—

"(A) there is a reasonable indication or suspicion that the individual has been abducted or is missing under circumstances suggesting foul play or a threat to life; or

"(B) the individual is known to be suicidal or has a severe medical condition that poses a threat to his or her life;

"(3) the term 'young adult' means any individual who is at least 18 but has not attained the age of 22;".

SEC. 4. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR IN REGARD TO INVOLUNTARILY MISSING YOUNG ADULTS.

Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting after "missing children" the following: "and involuntarily missing young adults";

(B) in paragraph (5)(A), by inserting after "missing children" the following: "and involuntarily missing young adults";

(C) in paragraph (5)(B), by inserting after "missing children" the following: "and involuntarily missing young adults";

(D) in paragraph (5)(C), by—

(i) inserting after "missing children" the following: "or involuntarily missing young adults"; and

(ii) inserting after "or to children" the following: "or involuntarily missing young adults"; and

(E) in paragraph (5)(I)(iv), by inserting after "missing children" the following: "and involuntarily missing young adults";

(2) in subsection (b)(1)—

(A) in subparagraph (A)(i), by—

(i) inserting after "regarding the location of any" the following: "involuntarily missing young adult or"; and

(ii) inserting after "reunite such child with such child's legal custodian" the following: ", or request information pertaining to procedures necessary to notify law enforcement about such involuntarily missing young adult";

(B) in subparagraph (C)(i), by inserting after "children and their families" the following: "and involuntarily missing young adults and their families";

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively;

(D) by inserting after subparagraph (D) the following:

"(E) to coordinate public and private programs which locate or recover involuntarily missing young adults;";

(E) in subparagraph (F), as redesignated, by inserting after "missing and exploited children" the following: "and involuntarily missing young adults;";

(F) in subparagraph (G), as redesignated by inserting after "missing and exploited children" the following: "and involuntarily missing young adults"; and

(G) in subparagraph (H), as redesignated, by inserting after "missing and exploited children" the following: "and involuntarily missing young adults,"; and

(3) in subsection (c)—

(A) paragraph (1), by inserting after "number of children" each place it appears (except after "who are victims of parental kidnapings") the following: "and involuntarily missing young adults"; and

(B) in paragraph (2), by inserting after "missing children" the following: "and involuntarily missing young adults".

SEC. 5. AUTHORITY OF ADMINISTRATOR TO MAKE GRANTS AND ENTER IN CONTRACTS RELATING TO INVOLUNTARILY MISSING YOUNG ADULTS.

Section 405 of the Missing Children's Assistance Act (42 U.S.C. 5775) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after "children," the first place it appears the following: "young adults,";

(ii) by inserting after "children" the second place it appears the following: "or involuntarily missing young adults";

(B) in paragraph (2), by inserting after "children" the following: "or involuntarily missing young adults";

(C) in paragraph (3), by inserting after "children" the following: "or involuntarily missing young adults";

(D) in paragraph (4)—

(i) in the matter before subparagraph (A), by inserting after "children" the following: "or involuntarily missing young adults";

(ii) in subparagraph (A), by inserting after "child" each place it appears the following: "or involuntarily missing young adult"; and

(iii) in subparagraph (B), by inserting after "child" the following: "or involuntarily missing young adult";

(E) in paragraph (5), by inserting after "missing children's" the following: "or involuntarily missing young adults' ";

(F) in paragraph (6), by inserting after "children" the each place it appears the following: "or involuntarily missing young adults";

(G) in paragraph (7), by inserting after "children" each place it appears the following: "or involuntarily missing young adults"; and

(H) in paragraph (9), by inserting after "children" the following: "or involuntarily missing young adults"; and

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting after "children" the first place it appears the following: "or involuntarily missing young adults";

(B) in subparagraph (B), by inserting after "services to" the following: "involuntarily missing young adults,"; and

(C) in subparagraph (C), by inserting after "children" the following: "or involuntarily missing young adults".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by adding at the end the following: "In addition, there is authorized to be appropriated $2,500,000 for fiscal years 2001 through 2003 to carry out the provisions of the amendments made to this Act by the Abducted Young Adults Act.".

SEC. 7. SPECIAL STUDY AND REPORT.

(a) Study.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin to conduct a study to determine the obstacles that prevent or impede law enforcement from recovering involuntarily missing young adults.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall submit a report to the chairman of the Committee on the Judiciary of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under subsection (a).

SEC. 8. REPORTING REQUIREMENT.

Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779) is amended by adding at the end the following: "Each Federal, State, and local law enforcement agency may report each case of an involuntarily missing young adult reported to such agency to the National Crime Information Center of the Department of Justice.".

SEC. 9. STATE REQUIREMENTS.

Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended by—

(1) redesignating paragraph (3) as paragraph (4);

(2) inserting after paragraph (2) the following:

"(3) provide that each involuntarily missing young adult report and all necessary and available information with respect to such report, shall include—

"(A) the name, date of birth, sex, race, height, weight, and eye and hair color of the involuntarily missing young adult;

"(B) the date and location of the last known contact with the involuntarily missing young adult; and

"(C) once the State agency receiving the case has made a determination to enter such report into the State law enforcement system and the National Crime Information Center computer networks, and make such report available to the Missing and Exploited Children Information Clearinghouse within the State or other agency designated within the State to receive such reports, shall immediately enter such report and all necessary and available information described in subparagraphs (A) and (B);";

(3) in paragraph (4), as redesignated, by striking "paragraph (2)" and inserting the following: "paragraphs (2) and (3)"; and

(4) in paragraph (4)(C), as redesignated, by inserting after "missing children" the following: "and involuntarily missing young adults".

S. 2065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Kristen's Law".

SEC. 2. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS TO FIND MISSING ADULTS.

(a) In General.—The Attorney General may make grants to public agencies or nonprofit private organizations, or combinations thereof, for programs—

(1) to assist law enforcement and families in locating missing adults;

(2) to maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances

of disappearance, when foul play is suspected or circumstances are unknown;

(3) to maintain statistical information of adults reported as missing;

(4) to provide informational resources and referrals to families of missing adults;

(5) to assist in public notification and victim advocacy related to missing adults; and

(6) to establish and maintain a national clearinghouse for missing adults.

(b) REGULATIONS.—The Attorney General may make such rules and regulations as may be necessary to carry out this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $1,000,000 each year for fiscal years 2001 through 2004.●

By Mr. CLELAND:

S. 2066. A bill to amend the Internal Revenue Code of 1986 to exclude United States savings bond income from gross income if used to pay long-term care expenses; to the Committee on Finance.

TAX-EXEMPTION SAVINGS BOND LEGISLATION

● Mr. CLELAND. Mr. President, to support Americans faced with long-term care needs I am proposing a savings bond tax credit. Many people are struggling to pay for the assistive care needs associated with conditions such as Alzheimer's and Parkinson's diseases. An estimated 5.8 million Americans aged 65 or older need long-term care. Nursing home care is only one component of long-term care services that includes assisted living, adult day and home care. Medicare and health insurance do not cover long-term care. In 1995, federal and state spending for nursing home care was approximately $34 billion and an additional $21 billion was used for home care. It is projected that half of all women and a third of men in this country who are now age 65 are likely to spend some time in their later years in a nursing home at a cost from $40,000 to $90,000 per person. About 40% of all nursing home expenses are paid for out-of-pocket by patients and/or family members. Liquidating family assets is often the only way for many to fund the high costs for care. These staggering statistics and the pleas for help from Americans in such situations reinforce the critical need for long-term care assistance.

To qualify for this proposed tax credit, the person receiving care must have at least two limitations in activities of daily living or a comparable cognitive impairment. Activities of daily living, like eating, bathing, and toileting, are basic care needs that must be met. Families that claim parents or parents-in law as dependents on their tax returns can qualify for this tax credit if savings bonds are used to pay for long-term care services. "Sandwich generation" families paying for both college education for their children and long-term care services for their parents can use this tax credit for either program or a combined credit up to the maximum.

Mr. President, I ask that this proposed measure to provide long-term care cost relief be printed in the RECORD.

The bill follows:

S. 2066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF UNITED STATES SAVINGS BOND INCOME FROM GROSS INCOME IF USED TO PAY LONG-TERM CARE EXPENSES.

(a) IN GENERAL.—Subsection (a) of section 135 of the Internal Revenue Code of 1986 (relating to income from United States savings bonds used to pay higher education tuition and fees) is amended to read as follows:

"(a) EXCLUSION.—

"(1) GENERAL RULE.—In the case of an individual who pays qualified expenses during the taxable year, no amount shall be includible in gross income by reason of the redemption during such year of any qualified United States savings bond.

"(2) QUALIFIED EXPENSES.—For purposes of this section, the term 'qualified expenses' means—

"(A) qualified higher education expenses, and

"(B) eligible long-term care expenses.".

(b) LIMITATION WHERE REDEMPTION PROCEEDS EXCEED QUALIFIED EXPENSES.—Section 135(b)(1) of the Internal Revenue Code of 1986 (relating to limitation where redemption proceeds exceed higher education expenses) is amended—

(1) by striking "higher education" in subparagraph (A)(ii), and

(2) by striking "HIGHER EDUCATION" in the heading thereof.

(c) ELIGIBLE LONG-TERM CARE EXPENSES.—Section 135(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) ELIGIBLE LONG-TERM CARE EXPENSES.—The term 'eligible long-term care expenses' means qualified long-term care expenses (as defined in section 7702B(c)) and eligible long-term care premiums (as defined in section 213(d)(10)) of—

"(A) the taxpayer,

"(B) the taxpayer's spouse, or

"(C) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151.".

(d) ADJUSTMENTS.—Section 135(d) of the Internal Revenue Code of 1986 (relating to special rules) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) ELIGIBLE LONG-TERM CARE EXPENSE ADJUSTMENTS.—The amount of eligible long-term care expenses otherwise taken into account under subsection (a) with respect to an individual shall be reduced (before the application of subsection (b)) by the sum of—

"(A) any amount paid for qualified long-term care services (as defined in section 7702B(c)) provided to such individual and described in section 213(d)(11), plus

"(B) any amount received by the taxpayer or the taxpayer's spouse or dependents for the payment of eligible long-term care expenses which is excludable from gross income.".

(e) COORDINATION WITH DEDUCTIONS.—

(1) Section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) is amended by adding at the end the following new subsection:

"(f) COORDINATION WITH SAVINGS BOND INCOME USED FOR EXPENSES.—Any expense taken into account in determining the exclusion under section 135 shall not be treated as an expense paid for medical care.".

(2) Section 162(l) of such Code (relating to special rules for health insurance costs of self-employed individuals) is amended by adding at the end the following new paragraph:

"(6) COORDINATION WITH SAVINGS BOND INCOME USED FOR EXPENSES.—Any expense taken into account in determining the exclusion under section 135 shall not be treated as an expense paid for medical care.".

(f) CLERICAL AMENDMENTS.—

(1) The heading for section 135 of the Internal Revenue Code of 1986 is amended by inserting "**AND LONG-TERM CARE EXPENSES**" after "**FEES**".

(2) The item relating to section 135 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting "and long-term care expenses" after "fees".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.●

By Mr. FRIST (for himself and Mr. ABRAHAM):

S. 2067. A bill to provide education and training for the information age; to the Committee on Health, Education, Labor, and Pensions.

AMERICA'S MATH AND SCIENCE EXCELLENCE ACT

Mr. FRIST. Mr. President, I am proud to introduce America's Math and Science Excellence Act that will keep the United States on the cutting edge of the Information Technology (IT) revolution. If we are to prepare our children to meet the demands of our future workforce, we must dedicate ourselves to strengthening math and science literacy. America's Math and Science Excellence Act would authorize funding for math and science education and training through a series of grants awarded by the National Science Foundation and the National Institute of Standards and Technology. This bill would create a long-term strategy to ensure that the IT industry is employing American students who are prepared to enter the workforce with sufficient math and science skills necessary to compete both domestically and internationally.

The Third International Math and Science Study, the most comprehensive and rigorous comparison of quantitative skills across nations, reveals that the longer our students stay in the elementary and public school system, the worse they perform on standardized tests. Their average tests scores continue to drop from the fourth to the twelfth grade. The rapidly changing technology revolution demands skills and proficiency in mathematics, science, and technology. IT, perhaps the fastest growing sector of our economy, relies on more than basic high school literacy in mathematics and science.

This bipartisan legislation targets three specific goals: establishing teacher training and development outreach, providing internship opportunities for students in secondary and higher education, and assisting graduate math, science, and engineering students. America's Math and Science Excellence Act gives priority to applicants who obtain private sector or state matching funds. We must encourage private industry to not only get involved in the education of the future workforce, but also to help direct and guide it.

According to a study by the CEO Forum on Education and Technology, our schools spend an average of $88 per student on computers and only $6 on teacher training. And while the nation's 87,000 schools have approximately six million computers and about 80 percent of the schools have Internet access, the report stated that few teachers are ready to use the technology in their lessons. This is a national tragedy. During the past ten years, we have seen a transformation in classrooms throughout the country. Computers have replaced blackboards and students now depend on the Internet for basic knowledge. Yet teachers are not equipped to incorporate technological tools into their curricula.

The "IT Teacher Training Grants" created by this legislation support professional advancement in the related fields of IT for teachers who instruct elementary, secondary, or charter school students. These grants may be used for teacher salaries, fees for attending special conferences, workshops, or training sessions. They may also be used for the development of a compensation system that rewards excellence in math and science related areas. In administering these grants, the National Science Foundation shall give priority consideration to schools that score in the 25th percentile or below for academic performance according to their respective state standards, and programs that provide matching funds from the private sector.

The "Twenty-First Century Workforce Internship Grants" will consist of awards to students in secondary schools, as well as students from institutions of higher learning to explore internships in IT. The goal of this program is to transition students' math and science skills into the new digital workforce. By providing them with opportunities to explore the private sector, these grants will enable the next generation of labor to experience the IT professional domain, while maintaining their knowledge and proficiency in basic math, science, and engineering skills.

The national demand for computer scientists, computer engineers, and systems analysts by 2006 is projected to be more than double our current capacity. In addition, the supply of new graduates qualified for these positions is expected to fall significantly short of the number needed. This deficiency of qualified workers in the United States is due in part to a lack of students pursuing advanced degrees in mathematics, science, and engineering technology. The number of degrees in technical science and engineering fields awarded by American institutions of higher learning has declined dramatically since 1990. Foreign national students in the United States were awarded 47 percent of Doctorate degrees in engineering, 38 percent of Master's degrees, and 46 percent of Doctorate degrees in computer science in 1996. The "IT State Scholarship Program," established in this legislation, targets individual states to provide them with supplementary scholarships for students who want to pursue graduate and doctoral degrees in math, science, engineering, or related fields. Two-thirds of these funds shall be awarded to students from low-income families. Furthermore, the director of the National Science Foundation shall award these grants to states who provide at least one half of the cost of grant.

Finally, this act will reauthorize the National Institutes of Standards and Technology (NIST) to develop a Twenty-First Century Teacher Enhancement Program. This initiative was originally written into statute as part of the "Technology Administration Authorization Act for Fiscal Year 1999." However, we have yet to see the implementation of this program. So I will again request through legislation that NIST establish summer program to provide professional development for elementary and secondary math and science teachers. I continue to believe that offering teachers opportunities to participate in "hands-on" experiences at NIST laboratories would be invaluable to their understanding of math and science. Not only would this program develop and improve their teaching strategies and self-confidence in instructing math and science, but it would also demonstrate their impact on commerce.

We cannot continue to marvel at our robust economy without also looking toward the next century and developing a plan to sustain it. The reality is simple: we must prepare our students to enter the workforce and to prosper in the new digital economy. It is not enough to put computers in every classroom if our nation's teachers cannot implement them effectively into their daily lesson plans. Educating our children and the teachers who instruct them is essential to our economic future.

Mr. President, I strongly believe that each of the programs within America's Math and Science Excellence Act will encourage state and local educators, as well as private industry, to engage themselves in the fight to increase basic math and science literacy. These grants target specific long-term deficiencies in the IT workforce shortage and will help create innovative solutions to our current national dilemma. I encourage my colleagues to join me in support of this critical piece of legislation.

By Mr. GREGG:

S. 2068. A bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations; to the Committee on Commerce, Science, and Transportation.

THE RADIO BROADCASTING PRESENTATION ACT OF 2000

• Mr. GREGG. Mr. President, I rise today to introduce the Radio Broadcasting Preservation Act of 2000. On January 20, 2000, the FCC approved a new non-commercial low-power FM (LPFM) radio service. In order for LPFM stations to fit in the FM band, the FCC will have to significantly weaken the existing interference protections it developed and has subscribed to for decades. The public commentary and technical analysis shows that LPFM will cause interference with current FM stations, and thus result in a loss of service to listeners. It is imperative that the integrity of the spectrum is protected and that all individuals have access to local news, weather and emergency information free from interference. Both public and commercial radio stations are opposed to the FCC's proposal in its current form.

These new FCC rules are inconsistent with sound spectrum management. I believe that this issue requires further study, as well as Congressional hearings, to fully examine the impact that LPFM would have on existing FM radio service. Therefore, I am introducing the Radio Broadcasting Preservation Act. This legislation would repeal any prescribed rules authorizing LPFM and revoke LPFM licenses that may be issued prior to the date of enactment of this bill.

While the desire to provide a forum for community groups to have a greater voice is laudable, a multitude of alternatives already exist. Currently, groups may obtain commercial or noncommercial radio licenses, use public access cable, publish newsletters, and utilize Internet web sites and e-mail. It is important that our efforts to create more opportunities for those who support LPFM do not lead to the denial of access for others who depend on FM radio for safety, news, and entertainment. For instance, inexpensive and older radios, particularly vulnerable to interference and most commonly used by low-income and elderly listeners, will sustain the greatest negative impact caused by LPFM.

Furthermore, it is not clear whether the relaxation of first, second, or third adjacent channel protection standards will have an adverse effect on the transition to digital radio. Unlike television broadcasters, who are being given additional free spectrum to broadcast in digital format, radio broadcasters must use the current spectrum allocations to transmit both digital and analog signals, making adjacent channel safeguards all the more important. At a minimum, adding a large number of LPFMs to the already congested FM band will make the transition to digital radio increasingly difficult and problematic.

Finally, the new low-power proposal makes formerly unlicensed, pirate radio operators eligible for LPFM licenses. This ruling re-enforces their unlawful behavior and encourages future illegal activity by opening the door to new unauthorized broadcasters. The introduction of thousands of LPFM stations not only rewards illegal activity, but is certain to undermine the integrity of the radio spectrum, interfering with current FM service and penalizing the listening public. The radio programming supplied to listeners by existing radio stations provides crucial news, weather, and emergency information, as well as cultural entertainment, which must be preserved.

I ask that the text of the bill be printed in the RECORD. The bill follows:

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radio Broadcasting Preservation Act of 2000".

SEC. 2. PROHIBITION.

(a) RULES PROHIBITED.—Notwithstanding section 303 of the Communications Act of 1934 (47 U.S.C. 303), the Federal Communications Commission shall not prescribe rules authorizing the operation of new, low power FM radio stations, or establishing a low power radio service, as proposed in MM Docket No. 99–25.

(b) TERMINATION OF PREVIOUSLY PRESCRIBED RULES.—Any rules prescribed by the Federal Communications Commission before the date of the enactment of this Act that would be in violation of the prohibition in subsection (a) if prescribed after such date shall cease to be effective on such date. Any low power radio licenses issued pursuant to such rules before such date shall be void.●

By Mr. FITZGERALD (for himself and Mrs. LINCOLN):

S. 2070. A bill to improve safety standards for child restraints in motor vehicles; to the Committee on Commerce, Science, and Transportation.

THE CHILD PASSENGER SAFETY ACT OF 2000

Mr. FITZGERALD. Mr. President, today, I am introducing legislation that will help us fight one of the leading killers of America's children—the automobile collision. Car crashes account for 1 of every 3 deaths among children.

In the United States we lose an average of 7 of our children every day to car collisions. According to the Insurance Institute for Highway Safety, crash injuries are the leading cause of death for the 5 to 12 year old age group. Regrettably, up to half of the deaths involve children who already are buckled up or restrained in car seats and booster seats.

That is why I am introducing legislation to substantially improve the child safety seats that we buy to protect our children. My bill, "The Child Passenger Safety Act of 2000," would direct the National Highway Traffic Safety Administration to improve the safety features of car seats, to upgrade the way we test and certify car seats, to consider adopting measures to better protect older children, and to give parents the information they need to shop for, and install, safe car seats for their children.

Over the years, NHTSA has implemented many measures to improve child passenger safety. I applaud, in particular, the NHTSA Administrator's recent efforts to implement a new tether requirement for child seat makers and automobile manufacturers.

But we cannot allow these past successes to obscure a fundamental fact: too many of our children are killed or injured in car crashes every day. We should not wait to begin upgrading the safety of child car seats and booster seats.

The first thing this bill seeks to do is to improve the testing of car seats and booster seats. It calls for the government to consider using more dummies that simulate children of many different ages in these tests. A six-month old has a very different build than an eighteen-month-old, and an eighteen-month-old is very different from a six-year old. In Europe, they use as many as six different child dummies in testing their car seats and booster seats, ranging in age from newborn to ten years. In this country, we do not crash test child safety seats with dummies that represent a premature infant, an eighteen-month-old or a ten-year-old.

Currently, we test car seats on a sled. My bill directs NHTSA to put car seats in some of the actual cars that already are being tested under an existing program. Under this program; called the "New Car Assessment Program," the government buys 40 or so vehicles and crash tests them to see how each would perform in a collision in the real world. Why, Mr. President, could we not put at least one car seat or booster seat in each of these cars? Doing it would help us better understand how these safety seats perform in the real world.

In addition, my bill calls for the government to study ways to update the seat bench that is used in tests of child safety seats to better reflect the design of modern vehicles. The seat bench from a 1975 Chevy Impala with lap belts is what we now use to test car seats.

I am also asking the government to focus attention on how car seats and booster seats perform in rollover, rear-impact, and side-impact crashes, as they do in Europe. These types of crashes are not as common as frontal collisions, but they result in a number of injuries and deaths. Finally, my proposal calls upon NHTSA to increase the funds they spend on testing car seats each year to at least $750,000, from the current $500,000.

Second, we must deal with the problem of head injuries in side-impact crashes and rollovers. Children's heads and necks are even more vulnerable than those of adults, because children's heads are larger in proportion to the rest of their bodies. In Europe, car seats have side impact padding to better protect children's heads in these types of crashes. My bill would require car seat manufacturers in the U.S. to provide the same type of protection.

Third, we must focus more attention on an issue that auto safety advocates have dubbed "the forgotten child" problem. The "forgotten children" (ages 8–12) have outgrown their car seats but do not fit properly in adult seat belts. In crashes, they are at greater risk than other passengers. My bill calls for NHTSA to close this child safety seat gap, but it leaves it up to NHTSA to decide when and how to do that. The agency could, for example, encourage the states to pass more laws requiring the use of booster seats for older children. They could do it by mounting a public information campaign about the importance of booster seats. Or they could amend our safety standards for seat belts.

Fourth and finally, we must get more information to parents about the safety of various car seats on the market today, as well, Mr. President, as on the correct means of installing car seats. My bill directs NHTSA to institute a new crash test results information system that will help equip parents with the safety information and knowledge they need to make rational choices when they are buying and installing car seats for their children. My bill also requires that the warning labels on child seats be straightforward and written in plain English.

Next week is National Child Passenger Safety Week. What better time than now to make these efforts to protect our children? I urge my colleagues to support this vitally important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Passenger Protection Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) each day, an average of 7 children are killed and 866 injured in motor vehicle crashes;

(2) certain standards and testing procedures for child restraints in the United States are not as rigorous as those in some other countries;

(3) although the Federal Government establishes safety standards for child restraints, the Federal Government—

(A) permits companies that manufacture child restraints to conduct their own tests for compliance with the safety standards and interpret the results of those tests, but does not require that the manufacturers make the results of the tests public;

(B) has not updated test standards for child restraints—

(i) to reflect the modern designs of motor vehicles in use as of the date of enactment of this Act;

(ii) to take into account the effects of a side-impact crash, a rear-impact crash, or a rollover crash; and

(iii) to require the use of anthropomorphic devices that accurately reflect the heights and masses of children at ages other than newborn, 9 months, 3 years, and 6 years; and

(C) has not issued motor vehicle safety standards that adequately protect children up to the age of 12 who weigh more than 50 pounds; and

(4) the Federal Government should update the test standards for child restraints to reduce the number of children killed or injured in automobile accidents in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) Child Restraint.—The term "child restraint" has the meaning given the term "child restraint system" in section 571.213 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) Secretary.—The term "Secretary" means the Secretary of Transportation.

SEC. 4. TESTING OF CHILD RESTRAINTS.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update and improve crash test standards and conditions for child restraints.

(b) Elements for Consideration.—In carrying out subsection (a), the Secretary shall consider—

(1) whether to conduct more comprehensive and dynamic testing of child restraints than is typically conducted as of the date of enactment of this Act, including the use of test platforms designed—

(A) to simulate an array of accident conditions, such as side-impact crashes, rear-impact crashes, and rollover crashes; and

(B) to reflect the designs of passenger motor vehicles in use as of the date of enactment of this Act;

(2) whether to use an increased number of anthropomorphic devices in a greater variety of heights and masses; and

(3) whether to provide improved protection in motor vehicle accidents for children up to 59.2 inches tall who weigh more than 50 pounds.

(c) Required Elements.—In carrying out subsection (a), the Secretary shall—

(1) require that manufacturers design child restraints to minimize head injuries during side-impact and rollover crashes, including requiring that child restraints have side-impact protection;

(2) include a child restraint in each vehicle crash-tested under the New Car Assessment Program of the Department of Transportation; and

(3) prescribe readily understandable text for any labels that are required to be placed on child restraints.

(d) Funding.—For each fiscal year, of the funds made available to the Secretary for activities relating to safety, not less than $750,000 shall be made available to carry out crash testing of child restraints.

SEC. 5. CHILD RESTRAINT SAFETY RATING PROGRAM.

Not later than 2 years after the date of enactment of this Act, the Secretary shall develop and implement a safety rating program for child restraints to provide practicable, readily understandable, and timely information to parents and caretakers for use in making informed decisions in the purchase of child restraints.

By Mr. GORTON:

S. 2071. A bill to benefit electricity consumers by promoting the reliability of the bulk-power system; to the Committee on Energy and Natural Resources.

ELECTRIC RELIABILITY 2000 ACT

• Mr. GORTON. Mr. President, today I introduce the Electric Reliability 2000 Act, a measure that deals with the somewhat mysterious world of the bulk electricity system. Although most Americans are not experts on the intricacies of interstate electric transmission grids, they need to have confidence that the system will work and their lights and heat will be there when they need them.

This nation's interstate electric transmission system is an extremely complex network that connects with Canada and Mexico. It has developed over decades with various voluntary agreements that allow areas to work together depending on changing power needs that vary from day to day and hour to hour and sometimes minute to minute. These voluntary agreements were developed after a disastrous event in 1965 led to a blackout in New York City and throughout other parts of the Northeast.

Yet a fundamental change has made this voluntary system unworkable for the future. With the expansion of competition in the wholesale electricity market—starting with the 1992 Energy Policy Act—the system of buying and selling wholesale power is now many times more complex than it was just a decade ago. With a stronger economy, electricity usage has increased while thousands of new electricity marketers and buyers have created new stresses on the system.

These stresses to the system have affected many parts of the country. In August 1996, a sagging power line in Oregon made contact with a tree, and combined with other factors led to a power outage that affected over 7 million consumers along the West Coast. Other outages have occurred in different parts of the country since that time.

To address this situation, more than a year ago a group of electricity industry officials began meeting to develop legislative language needed in this new era in electricity. They developed provisions that have been included as a small part of several bills, including the larger restructuring bills developed in the House and by the Clinton administration.

Events in recent months have lent urgency to this issue. I believe it is time to separate the issue of electricity reliability from the larger issue of restructuring. Our continued economic growth is fueled by electricity, and we need to assure the public that the power will be there for their homes and their jobs when they count on it.

The stresses in the system continue to mount. In the summer of 1999, Americans experienced a wide-range of severe electricity outages. The Department of Energy created a team of experts to investigate these outages, and it submitted its report last month. I quote from the report's summary:

> In anticipation of competitive markets, some utilities have adopted a strategy of cost cutting that involves reduced spending on reliability. In addition, responsibility for reliability management has been disaggregated to multiple institutions, with utilities, independent system operators, independent power producers, customers, and markets all playing a role. The overall effect has been that the infrastructure for reliability assurance has been considerably eroded.

The report continues:

> Moreover, historical levels of electric reliability may not be adequate for the future. The quality of electric power and the assurance that it will always be available are increasingly important in a society that is ever more dependent on electricity.

The report includes several findings that suggest a range of policy questions that need to be addressed in order to assure the reliability of the Nation's bulk power system.

The bill I introduce today includes what has been termed the "consensus language" that was developed over the past year by these experts who work on the reliability side of the electricity industry. This bill is not the complete solution to the reliability issue for this industry. It is a good starting point. It creates a process to develop enforceable rules for the bulk-power system, while giving various regions the ability to tailor these rules in ways that make sense for their individual systems and their specific geography.

In addition to setting up rules and a referee to enforce these rules, "reliability" also involves many other facets of the electricity industry that are not addressed in this bill: full and open access to transmission systems, effective conservation programs that can help reduce peak system demands, the ability to site electricity generation plants closer to the loads they serve, promoting small-scale distributed generation, such as fuel-cells, throughout the grid, and many other wide-ranging actions. Until we can gain a greater consensus of the need to address these issues, this bill provides the opportunity to begin these discussions.

Despite being described as a consensus bill, there may need to be changes to this legislative language so that it is effective. For example, there are ongoing discussions about the appropriate role for State regulators as their responsibilities relate to the interstate transmission system. Therefore I respectfully request Chairman MURKOWSKI to conduct hearings on this serious issue of the reliability of the bulk power system and also to hold hearings on this bill as the starting point for solving this problem.

Mr. President, I ask that a copy of the bill be printed in the RECORD.

The bill follows:

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electric Reliability 2000 Act".

SEC. 2. ELECTRIC RELIABILITY ORGANIZATION.

(a) In General.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 215. ELECTRIC RELIABILITY ORGANIZATION.

"(a) Definitions.—In this section:

"(1) Affiliated regional reliability entity.—The term 'affiliated regional reliability entity' means an entity delegated authority under subsection (h).

"(2) Bulk-power system.—

"(A) In general.—The term 'bulk-power system' means all facilities and control systems necessary for operating an interconnected electric power transmission grid or any portion of an interconnected transmission grid.

"(B) Inclusions.—The term 'bulk-power system' includes—

"(i) high voltage transmission lines, substations, control centers, communications, data, and operations planning facilities necessary for the operation of all or any part of the interconnected transmission grid; and

"(ii) the output of generating units necessary to maintain the reliability of the transmission grid.

"(3) Bulk-power system user.—The term 'bulk-power system user' means an entity that—

"(A) sells, purchases, or transmits electric energy over a bulk-power system; or

"(B) owns, operates, or maintains facilities or control systems that are part of a bulk-power system; or

"(C) is a system operator.

"(4) Electric reliability organization.—The term 'electric reliability organization' means the organization designated by the Commission under subsection (d).

"(5) Entity rule.—The term 'entity rule' means a rule adopted by an affiliated regional reliability entity for a specific region and designed to implement or enforce 1 or more organization standards.

"(6) Independent director.—The term 'independent director' means a person that—

"(A) is not an officer or employee of an entity that would reasonably be perceived as having a direct financial interest in the outcome of a decision by the board of directors of the electric reliability organization; and

"(B) does not have a relationship that would interfere with the exercise of independent judgment in carrying out the responsibilities of a director of the electric reliability organization.

"(7) Industry sector.—The term 'industry sector' means a group of bulk-power system users with substantially similar commercial interests, as determined by the board of directors of the electric reliability organization.

"(8) Interconnection.—The term 'interconnection' means a geographic area in which the operation of bulk-power system components is synchronized so that the failure of 1 or more of the components may adversely affect the ability of the operators of other components within the interconnection to maintain safe and reliable operation of the facilities within their control.

"(9) Organization standard.—

"(A) In general.—The term 'organization standard' means a policy or standard adopted by the electric reliability organization to provide for the reliable operation of a bulk-power system.

"(B) Inclusions.—The term 'organization standard' includes—

"(i) an entity rule approved by the electric reliability organization; and

"(ii) a variance approved by the electric reliability organization.

"(10) Public interest group.—

"(A) In general.—The term 'public interest group' means a nonprofit private or public organization that has an interest in the activities of the electric reliability organization.

"(B) Inclusions.—The term 'public interest group' includes—

"(i) a ratepayer advocate;

"(ii) an environmental group; and

"(iii) a State or local government organization that regulates participants in, and promulgates government policy with respect to, the market for electric energy.

"(11) System operator.—

"(A) In general.—The term 'system operator' means an entity that operates or is responsible for the operation of a bulk-power system.

"(B) Inclusions.—The term 'system operator' includes—

"(i) a control area operator;

"(ii) an independent system operator;

"(iii) a transmission company;

"(iv) a transmission system operator; and

"(v) a regional security coordinator.

"(12) Variance.—The term 'variance' means an exception from the requirements of an organization standard (including a proposal for an organization standard in a case in which there is no organization standard) that is adopted by an affiliated regional reliability entity and is applicable to all or a part of the region for which the affiliated regional reliability entity is responsible.

"(b) Commission Authority.—

"(1) Jurisdiction.—Notwithstanding section 201(f), within the United States, the Commission shall have jurisdiction over the electric reliability organization, all affiliated regional reliability entities, all system operators, and all bulk-power system users, including entities described in section 201(f), for purposes of approving organization standards and enforcing compliance with this section.

"(2) Definition of terms.—The Commission may by regulation define any term used in this section consistent with the definitions in subsection (a) and the purpose and intent of this Act.

"(c) Existing Reliability Standards.—

"(1) Submission to the commission.—Before designation of an electric reliability organization under subsection (d), any person, including the North American Electric Reliability Council and its member Regional Reliability Councils, may submit to the Commission any reliability standard, guidance, practice, or amendment to a reliability standard, guidance, or practice that the person proposes to be made mandatory and enforceable.

"(2) Review by the commission.—The Commission, after allowing interested persons an opportunity to submit comments, may approve a proposed mandatory standard, guidance, practice, or amendment submitted under paragraph (1) if the Commission finds that the standard, guidance, or practice is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

"(3) Effect of approval.—A standard, guidance, or practice shall be mandatory and applicable according to its terms following approval by the Commission and shall remain in effect until it is—

"(A) withdrawn, disapproved, or superseded by an organization standard that is issued or approved by the electric reliability organization and made effective by the Commission under section (e); or

"(B) disapproved by the Commission if, on complaint or upon motion by the Commission and after notice and an opportunity for comment, the Commission finds the standard, guidance, or practice to be unjust, unreasonable, unduly discriminatory or preferential, or not in the public interest.

"(4) Enforceability.—A standard, guidance, or practice in effect under this subsection shall be enforceable by the Commission.

"(d) Designation of Electric Reliability Organization.—

"(1) Regulations.—

"(A) Proposed regulations.—Not later than 90 days after the date of enactment of this section, the Commission shall propose regulations specifying procedures and requirements for an entity to apply for designation as the electric reliability organization.

"(B) Notice and comment.—The Commission shall provide notice and opportunity for comment on the proposed regulations.

"(C) Final regulation.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate final regulations under this subsection.

"(2) Application.—

"(A) Submission.—Following the promulgation of final regulations under paragraph (1), an entity may submit an application to the Commission for designation as the electric reliability organization.

"(B) Contents.—The applicant shall describe in the application—

"(i) the governance and procedures of the applicant; and

"(ii) the funding mechanism and initial funding requirements of the applicant.

"(3) Notice and comment.—The Commission shall—

"(A) provide public notice of the application; and

"(B) afford interested parties an opportunity to comment.

"(4) Designation of electric reliability organization.—The Commission shall designate the applicant as the electric reliability organization if the Commission determines that the applicant—

"(A) has the ability to develop, implement, and enforce standards that provide for an adequate level of reliability of bulk-power systems;

‘‘(B) permits voluntary membership to any bulk-power system user or public interest group;

‘‘(C) ensures fair representation of its members in the selection of its directors and fair management of its affairs, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of organization standards and the exercise of oversight of bulk-power system reliability;

‘‘(D) ensures that no 2 industry sectors have the ability to control, and no 1 industry sector has the ability to veto, the applicant's discharge of its responsibilities as the electric reliability organization (including actions by committees recommending standards for approval by the board or other board actions to implement and enforce standards);

‘‘(E) provides for governance by a board wholly comprised of independent directors;

‘‘(F) provides a funding mechanism and requirements that—

‘‘(i) are just, reasonable, not unduly discriminatory or preferential and in the public interest; and

‘‘(ii) satisfy the requirements of subsection (l);

‘‘(G) has established procedures for development of organization standards that—

‘‘(i) provide reasonable notice and opportunity for public comment, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of organization standards;

‘‘(ii) ensure openness, a balancing of interests, and due process; and

‘‘(iii) includes alternative procedures to be followed in emergencies;

‘‘(H) has established fair and impartial procedures for implementation and enforcement of organization standards, either directly or through delegation to an affiliated regional reliability entity, including the imposition of penalties, limitations on activities, functions, or operations, or other appropriate sanctions;

‘‘(I) has established procedures for notice and opportunity for public observation of all meetings, except that the procedures for public observation may include alternative procedures for emergencies or for the discussion of information that the directors reasonably determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;

‘‘(J) provides for the consideration of recommendations of States and State commissions; and

‘‘(K) addresses other matters that the Commission considers appropriate to ensure that the procedures, governance, and funding of the electric reliability organization are just, reasonable, not unduly discriminatory or preferential, and in the public interest.

‘‘(5) EXCLUSIVE DESIGNATION.—

‘‘(A) IN GENERAL.—The Commission shall designate only 1 electric reliability organization.

‘‘(B) MULTIPLE APPLICATIONS.—If the Commission receives 2 or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application that the Commission determines will best implement this section.

‘‘(e) ORGANIZATION STANDARDS.—

‘‘(1) SUBMISSION OF PROPOSALS TO COMMISSION.—

‘‘(A) IN GENERAL.—The electric reliability organization shall submit to the Commission proposals for any new or modified organization standards.

‘‘(B) CONTENTS.—A proposal submitted under subparagraph (A) shall include—

‘‘(i) a concise statement of the purpose of the proposal; and

‘‘(ii) a record of any proceedings conducted with respect to the proposal.

‘‘(2) REVIEW BY THE COMMISSION.—

‘‘(A) NOTICE AND COMMENT.—The Commission shall—

‘‘(i) provide notice of a proposal under paragraph (1); and

‘‘(ii) allow interested persons 30 days to submit comments on the proposal.

‘‘(B) ACTION BY THE COMMISSION.—

‘‘(i) IN GENERAL.—After taking into consideration any submitted comments, the Commission shall approve or disapprove a proposed organization standard not later than the end of the 60-day period beginning on the date of the deadline for the submission of comments, except that the Commission may extend the 60-day period for an additional 90 days for good cause.

‘‘(ii) FAILURE TO ACT.—If the Commission does not approve or disapprove a proposal within the period specified in clause (i), the proposed organization standard shall go into effect subject to its terms, without prejudice to the authority of the Commission to modify the organization standard in accordance with the standards and requirements of this section.

‘‘(C) EFFECTIVE DATE.—An organization standard approved by the Commission shall take effect not earlier than 30 days after the date of the Commission's order of approval.

‘‘(D) STANDARDS FOR APPROVAL.—

‘‘(i) IN GENERAL.—The Commission shall approve a proposed new or modified organization standard if the Commission determines the organization standard to be just, reasonable, not unduly discriminatory or preferential, and in the public interest.

‘‘(ii) CONSIDERATIONS.—In the exercise of its review responsibilities under this subsection, the Commission—

‘‘(I) shall give due weight to the technical expertise of the electric reliability organization with respect to the content of a new or modified organization standard; but

‘‘(II) shall not defer to the electric reliability organization with respect to the effect of the organization standard on competition.

‘‘(E) REMAND.—A proposed organization standard that is disapproved in whole or in part by the Commission shall be remanded to the electric reliability organization for further consideration.

‘‘(3) ORDERS TO DEVELOP OR MODIFY ORGANIZATION STANDARDS.—The Commission, on complaint or on motion of the Commission, may order the electric reliability organization to develop and submit to the Commission, by a date specified in the order, an organization standard or modification to an existing organization standard to address a specific matter if the Commission considers a new or modified organization standard appropriate to carry out this section, and the electric reliability organization shall develop and submit the organization standard or modification to the Commission in accordance with this subsection.

‘‘(4) VARIANCES AND ENTITY RULES.—

‘‘(A) PROPOSAL.—An affiliated regional reliability entity may propose a variance or entity rule to the electric reliability organization.

‘‘(B) EXPEDITED CONSIDERATION.—If expedited consideration is necessary to provide for bulk-power system reliability, the affiliated regional reliability entity may—

‘‘(i) request that the electric reliability organization expedite consideration of the proposal; and

‘‘(ii) file a notice of the request with the Commission.

‘‘(C) FAILURE TO ACT.—

‘‘(i) IN GENERAL.—If the electric reliability organization fails to adopt the variance or entity rule, in whole or in part, the affiliated regional reliability entity may request that the Commission review the proposal.

‘‘(ii) ACTION BY THE COMMISSION.—If the Commission determines, after a review of the request, that the action of the electric reliability organization did not conform to the applicable standards and procedures approved by the Commission, or if the Commission determines that the variance or entity rule is just, reasonable, not unduly discriminatory or preferential, and in the public interest and that the electric reliability organization has unreasonably rejected or failed to act on the proposal, the Commission may—

‘‘(I) remand the proposal for further consideration by the electric reliability organization; or

‘‘(II) order the electric reliability organization or the affiliated regional reliability entity to develop a variance or entity rule consistent with that requested by the affiliated regional reliability entity.

‘‘(D) PROCEDURE.—A variance or entity rule proposed by an affiliated regional reliability entity shall be submitted to the electric reliability organization for review and submission to the Commission in accordance with the procedures specified in paragraph (2).

‘‘(5) IMMEDIATE EFFECTIVENESS.—

‘‘(A) IN GENERAL.—Notwithstanding any other provision of this subsection, a new or modified organization standard shall take effect immediately on submission to the Commission without notice or comment if the electric reliability organization—

‘‘(i) determines that an emergency exists requiring that the new or modified organization standard take effect immediately without notice or comment;

‘‘(ii) notifies the Commission as soon as practicable after making the determination;

‘‘(iii) submits the new or modified organization standard to the Commission not later than 5 days after making the determination; and

‘‘(iv) includes in the submission an explanation of the need for immediate effectiveness.

‘‘(B) NOTICE AND COMMENT.—The Commission shall—

‘‘(i) provide notice of the new or modified organization standard or amendment for comment; and

‘‘(ii) follow the procedures set out in paragraphs (2) and (3) for review of the new or modified organization standard.

‘‘(6) COMPLIANCE.—Each bulk power system user shall comply with an organization standard that takes effect under this section.

‘‘(f) COORDINATION WITH CANADA AND MEXICO.—

‘‘(1) RECOGNITION.—The electric reliability organization shall take all appropriate steps to gain recognition in Canada and Mexico.

‘‘(2) INTERNATIONAL AGREEMENTS.—

‘‘(A) IN GENERAL.—The President shall use best efforts to enter into international agreements with the appropriate governments of Canada and Mexico to provide for—

‘‘(i) effective compliance with organization standards; and

‘‘(ii) the effectiveness of the electric reliability organization in carrying out its mission and responsibilities.

"(B) COMPLIANCE.—All actions taken by the electric reliability organization, an affiliated regional reliability entity, and the Commission shall be consistent with any international agreement under subparagraph (A).

"(g) CHANGES IN PROCEDURE, GOVERNANCE, OR FUNDING.—

"(1) SUBMISSION TO THE COMMISSION.—The electric reliability organization shall submit to the Commission—

"(A) any proposed change in a procedure, governance, or funding provision; or

"(B) any change in an affiliated regional reliability entity's procedure, governance, or funding provision relating to delegated functions.

"(2) CONTENTS.—A submission under paragraph (1) shall include an explanation of the basis and purpose for the change.

"(3) EFFECTIVENESS.—

"(A) CHANGES IN PROCEDURE.—

"(i) CHANGES CONSTITUTING A STATEMENT OF POLICY, PRACTICE, OR INTERPRETATION.—A proposed change in procedure shall take effect 90 days after submission to the Commission if the change constitutes a statement of policy, practice, or interpretation with respect to the meaning or enforcement of the procedure.

"(ii) OTHER CHANGES.—A proposed change in procedure other than a change described in clause (i) shall take effect on a finding by the Commission, after notice and opportunity for comment, that the change—

"(I) is just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

"(II) satisfies the requirements of subsection (d)(4).

"(B) CHANGES IN GOVERNANCE OR FUNDING.—A proposed change in governance or funding shall not take effect unless the Commission finds that the change—

"(i) is just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

"(ii) satisfies the requirements of subsection (d)(4).

"(4) ORDER TO AMEND.—

"(A) IN GENERAL.—The Commission, on complaint or on the motion of the Commission, may require the electric reliability organization to amend a procedural, governance, or funding provision if the Commission determines that the amendment is necessary to meet the requirements of this section.

"(B) FILING.—The electric reliability organization shall submit the amendment in accordance with paragraph (1).

"(h) DELEGATIONS OF AUTHORITY.—

"(1) IN GENERAL.—

"(A) IMPLEMENTATION AND ENFORCEMENT OF COMPLIANCE.—At the request of an entity, the electric reliability organization shall enter into an agreement with the entity for the delegation of authority to implement and enforce compliance with organization standards in a specified geographic area if the electric reliability organization finds that—

"(i) the entity satisfies the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4); and

"(ii) the delegation would promote the effective and efficient implementation and administration of bulk-power system reliability.

"(B) OTHER AUTHORITY.—The electric reliability organization may enter into an agreement to delegate to an entity any other authority, except that the electric reliability organization shall reserve the right to set and approve standards for bulk-power system reliability.

"(2) APPROVAL BY THE COMMISSION.—

"(A) SUBMISSION TO THE COMMISSION.—The electric reliability organization shall submit to the Commission—

"(i) any agreement entered into under this subsection; and

"(ii) any information the Commission requires with respect to the affiliated regional reliability entity to which authority is delegated.

"(B) STANDARDS FOR APPROVAL.—The Commission shall approve the agreement, following public notice and an opportunity for comment, if the Commission finds that the agreement—

"(i) meets the requirements of paragraph (1); and

"(ii) is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

"(C) REBUTTABLE PRESUMPTION.—A proposed delegation agreement with an affiliated regional reliability entity organized on an interconnection-wide basis shall be rebuttably presumed by the Commission to promote the effective and efficient implementation and administration of the reliability of the bulk-power system.

"(D) INVALIDITY ABSENT APPROVAL.—No delegation by the electric reliability organization shall be valid unless the delegation is approved by the Commission.

"(3) PROCEDURES FOR ENTITY RULES AND VARIANCES.—

"(A) IN GENERAL.—A delegation agreement under this subsection shall specify the procedures by which the affiliated regional reliability entity may propose entity rules or variances for review by the electric reliability organization.

"(B) INTERCONNECTION-WIDE ENTITY RULES AND VARIANCES.— In the case of a proposal for an entity rule or variance that would apply on an interconnection-wide basis, the electric reliability organization shall approve the entity rule or variance unless the electric reliability organization makes a written finding that the entity rule or variance—

"(i) was not developed in a fair and open process that provided an opportunity for all interested parties to participate;

"(ii) would have a significant adverse impact on reliability or commerce in other interconnections;

"(iii) fails to provide a level of reliability of the bulk-power system within the interconnection such that the entity rule or variance would be likely to cause a serious and substantial threat to public health, safety, welfare, or national security; or

"(iv) would create a serious and substantial burden on competitive markets within the interconnection that is not necessary for reliability.

"(C) NONINTERCONNECTION-WIDE ENTITY RULES AND VARIANCES.—In the case of a proposal for an entity rule or variance that would apply only to part of an interconnection, the electric reliability organization shall approve the entity rule or variance if the affiliated regional reliability entity demonstrates that the proposal—

"(i) was developed in a fair and open process that provided an opportunity for all interested parties to participate;

"(ii) would not have an adverse impact on commerce that is not necessary for reliability;

"(iii) provides a level of bulk-power system reliability that is adequate to protect public health, safety, welfare, and national security and would not have a significant adverse impact on reliability; and

"(iv) in the case of a variance, is based on a justifiable difference between regions or subregions within the affiliated regional reliability entity's geographic area.

"(D) ACTION BY THE ELECTRIC RELIABILITY ORGANIZATION.—

"(i) IN GENERAL.—The electric reliability organization shall approve or disapprove a proposal under subparagraph (A) within 120 days after the proposal is submitted.

"(ii) FAILURE TO ACT.—If the electric reliability organization fails to act within the time specified in clause (i), the proposal shall be deemed to have been approved.

"(iii) SUBMISSION TO THE COMMISSION.—After approving a proposal under subparagraph (A), the electric reliability organization shall submit the proposal to the Commission for approval under the procedures prescribed under subsection (e).

"(E) DIRECT SUBMISSIONS.—An affiliated regional reliability entity may not submit a proposal for approval directly to the Commission except as provided in subsection (e)(4).

"(4) FAILURE TO REACH DELEGATION AGREEMENT.—

"(A) IN GENERAL.—If an affiliated regional reliability entity requests, consistent with paragraph (1), that the electric reliability organization delegate authority to it, but is unable within 180 days to reach agreement with the electric reliability organization with respect to the requested delegation, the entity may seek relief from the Commission.

"(B) REVIEW BY THE COMMISSION.—The Commission shall order the electric reliability organization to enter into a delegation agreement under terms specified by the Commission if, after notice and opportunity for comment, the Commission determines that—

"(i) a delegation to the affiliated regional reliability entity would—

"(I) meet the requirements of paragraph (1); and

"(II) would be just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

"(ii) the electric reliability organization unreasonably withheld the delegation.

"(5) ORDERS TO MODIFY DELEGATION AGREEMENTS.—

"(A) IN GENERAL.—On complaint, or on motion of the Commission, after notice to the appropriate affiliated regional reliability entity, the Commission may order the electric reliability organization to propose a modification to a delegation agreement under this subsection if the Commission determines that—

"(i) the affiliated regional reliability entity—

"(I) no longer has the capacity to carry out effectively or efficiently the implementation or enforcement responsibilities under the delegation agreement;

"(II) has failed to meet its obligations under the delegation agreement; or

"(III) has violated this section;

"(ii) the rules, practices, or procedures of the affiliated regional reliability entity no longer provide for fair and impartial discharge of the implementation or enforcement responsibilities under the delegation agreement;

"(iii) the geographic boundary of a transmission entity approved by the Commission is not wholly within the boundary of an affiliated regional reliability entity, and the difference in boundaries is inconsistent with the effective and efficient implementation and administration of bulk-power system reliability; or “(iv) the agreement is inconsistent with a delegation ordered by the Commission under paragraph (4).

“(B) Suspension.—

“(i) In general.—Following an order to modify a delegation agreement under subparagraph (A), the Commission may suspend the delegation agreement if the electric reliability organization or the affiliated regional reliability entity does not propose an appropriate and timely modification.

“(ii) Assumption of responsibilities.—If a delegation agreement is suspended, the electric reliability organization shall assume the responsibilities delegated under the delegation agreement.

“(i) Organization Membership.—Each system operator shall be a member of—

“(1) the electric reliability organization; and

“(2) any affiliated regional reliability entity operating under an agreement effective under subsection (h) applicable to the region in which the system operator operates, or is responsible for the operation of, a transmission facility.

“(j) Enforcement.—

“(1) Disciplinary actions.—

“(A) In general.—Consistent with procedures approved by the Commission under subsection (d)(4)(H), the electric reliability organization may impose a penalty, limitation on activities, functions, or operations, or other disciplinary action that the electric reliability organization finds appropriate against a bulk-power system user if the electric reliability organization, after notice and an opportunity for interested parties to be heard, issues a finding in writing that the bulk-power system user has violated an organization standard.

“(B) Notification.—The electric reliability organization shall immediately notify the Commission of any disciplinary action imposed with respect to an act or failure to act of a bulk-power system user that affected or threatened to affect bulk-power system facilities located in the United States.

“(C) Right to petition.—A bulk-power system user that is the subject of disciplinary action under paragraph (1) shall have the right to petition the Commission for a modification or rescission of the disciplinary action.

“(D) Injunctions.—If the electric reliability organization finds it necessary to prevent a serious threat to reliability, the electric reliability organization may seek injunctive relief in the United States district court for the district in which the affected facilities are located.

“(E) Effective date.—

“(i) In general.—Unless the Commission, on motion of the Commission or on application by the bulk-power system user that is the subject of the disciplinary action, suspends the effectiveness of a disciplinary action, the disciplinary action shall take effect on the 30th day after the date on which—

“(I) the electric reliability organization submits to the Commission—

“(aa) a written finding that the bulk-power system user violated an organization standard; and

“(bb) the record of proceedings before the electric reliability organization; and

“(II) the Commission posts the written finding on the Internet.

“(ii) Duration.—A disciplinary action shall remain in effect or remain suspended unless the Commission, after notice and opportunity for hearing, affirms, sets aside, modifies, or reinstates the disciplinary action.

“(iii) Expedited consideration.—The Commission shall conduct the hearing under procedures established to ensure expedited consideration of the action taken.

“(2) Compliance orders.— The Commission, on complaint by any person or on motion of the Commission, may order compliance with an organization standard and may impose a penalty, limitation on activities, functions, or operations, or take such other disciplinary action as the Commission finds appropriate, against a bulk-power system user with respect to actions affecting or threatening to affect bulk-power system facilities located in the United States if the Commission finds, after notice and opportunity for a hearing, that the bulk-power system user has violated or threatens to violate an organization standard.

“(3) Other actions.—The Commission may take such action as is necessary against the electric reliability organization or an affiliated regional reliability entity to ensure compliance with an organization standard, or any Commission order affecting electric reliability organization or affiliated regional reliability entity.

“(k) Reliability Reports.—The electric reliability organization shall—

“(1) conduct periodic assessments of the reliability and adequacy of the interconnected bulk-power system in North America; and

“(2) report annually to the Secretary of Energy and the Commission its findings and recommendations for monitoring or improving system reliability and adequacy.

“(l) Assessment and Recovery of Certain Costs.—

“(1) In general.—The reasonable costs of the electric reliability organization, and the reasonable costs of each affiliated regional reliability entity that are related to implementation or enforcement of organization standards or other requirements contained in a delegation agreement approved under subsection (h), shall be assessed by the electric reliability organization and each affiliated regional reliability entity, respectively, taking into account the relationship of costs to each region and based on an allocation that reflects an equitable sharing of the costs among all electric energy consumers.

“(2) Rules.—The Commission shall provide by rule for the review of costs and allocations under paragraph (1) in accordance with the standards in this subsection and subsection (d)(4)(F).

“(m) Application of Antitrust Laws.—

“(1) In general.—Notwithstanding any other provision of law, the following activities are rebuttably presumed to be in compliance with the antitrust laws of the United States:

“(A) Activities undertaken by the electric reliability organization under this section or affiliated regional reliability entity operating under a delegation agreement under subsection (h).

“(B) Activities of a member of the electric reliability organization or affiliated regional reliability entity in pursuit of the objectives of the electric reliability organization or affiliated regional reliability entity under this section undertaken in good faith under the rules of the organization of the electric reliability organization or affiliated regional reliability entity.

“(2) Availability of defenses.—In a civil action brought by any person or entity against the electric reliability organization or an affiliated regional reliability entity alleging a violation of an antitrust law based on an activity under this Act, the defenses of primary jurisdiction and immunity from suit and other affirmative defenses shall be available to the extent applicable.

“(n) Regional Advisory Role.—

“(1) Establishment of regional advisory body.—The Commission shall establish a regional advisory body on the petition of the Governors of at least two-thirds of the States within a region that have more than one-half of their electrical loads served within the region.

“(2) Membership.—A regional advisory body—

“(A) shall be composed of 1 member from each State in the region, appointed by the Governor of the State; and

“(B) may include representatives of agencies, States, and Provinces outside the United States, on execution of an appropriate international agreement described in subsection (f).

“(3) Functions.—A regional advisory body may provide advice to the electric reliability organization, an affiliated regional reliability entity, or the Commission regarding—

“(A) the governance of an affiliated regional reliability entity existing or proposed within a region;

“(B) whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

“(C) whether fees proposed to be assessed within the region are—

“(i) just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

“(ii) consistent with the requirements of subsection (l).

“(4) Deference.—In a case in which a regional advisory body encompasses an entire interconnection, the Commission may give deference to advice provided by the regional advisory body under paragraph (3).

“(o) Applicability of Section.—This section does not apply outside the 48 contiguous States.

“(p) Rehearings; Court Review of Orders.—Section 313 applies to an order of the Commission issued under this section.”.

(b) Enforcement.—

(1) General penalties.—Section 316(c) of the Federal Power Act (16 U.S.C. 825o(c)) is amended—

(A) by striking “subsection” and inserting “section”; and

(B) by striking “or 214” and inserting “214 or 215”.

(2) Certain provisions.—Section 316A of the Federal Power Act (16 U.S.C. 825o-1) is amended by striking “or 214” each place it appears and inserting “214, or 215”.

(c) Savings Clause.—[RESERVED]•

By Mr. KERRY (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. JEFFORDS):

S. 2072. A bill to require the Secretary of Energy to report to Congress on the readiness of the heating oil and propane industries; to the Committee on Energy and Natural Resources.

THE HOME HEATING READINESS ACT

Mr. KERRY. Mr. President, today I am introducing the Home Heating Readiness Act, which I offer with Senators LAUTENBERG, LIEBERMAN, and JEFFORDS. The goal of this legislation is to prevent sharp and sustained increases in the price of home heating fuel, like the kind of price spike we are experiencing right now in Massachusetts and other northeastern states.

Mr. President, at the end of December, the price of a gallon of home heating oil in Massachusetts average $1.78 across the state, and in some local areas consumers are complaining of prices as high as $2.00 per gallon. Only several weeks ago, when the weather was warmer, the price was far lower, about $.98, but as soon as the weather turned cold—as soon as families needed more oil to heat their homes—the price spiked. I want to be clear, on average, it appears that this winter will be warmer than most. Our problem is not the weather alone, something else in the supply chain of heating oil has failed. The Home Heating Readiness Act is an effort to learn, before it's too late, the steps we can take to correct deficiencies and prevent price spikes.

Already the Energy Information Administration examines the price of heating fuel each fall in a report called the Winter Fuels Outlook, and the Administration has done, overall, an excellent job of examining supply, demand and potential weather scenarios and estimating the price of heating oil and propane. This legislation would ask the Administration to go farther and examine the functional capability of the industries, to search out potential problems and help us prevent or mitigate them. It asks EIA to examine the global and regional crude oil and refined product supplies; the adequacy and utilization of refinery capability; the adequacy, utilization, and distribution of regional refined product storage capacity; weather conditions; refined product transportation system; market inefficiencies; and any other factor affecting the functional capability of the industry to provide affordable home heating oil and propane. In addition to identifying problems, EIA will make recommendations on how those problems can be corrected, and how price spikes can be avoided or at least mitigated.

Mr. President, with this legislation we are asking the EIA to do more and we should appropriate more funding to get the job done. For now, this legislation does not authorize a specific amount. It is my hope that the Clinton administration will work with us to determine an appropriate authorization level that we can add into this bill at an appropriate time. To help alleviate our current fuel crises the Clinton administration has released roughly $175 million to help low income families. I want to applaud that decision—those resources are urgently needed. However, I want to also point out that if we prevent these price spikes with better evaluation of the industry, we may have to spend less of those emergency funds in future winters. Finally, I want to work with Energy and Natural Resources Committee to get its input on how this proposal can be improved to meet our goals.

The old adage that an ounce of prevention is worth a pound of cure certainly holds true in this case, and I hope that we act to create the Home Heating Readiness Report.

I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home Heating Readiness Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) in the United States, more than 10,000,000 households burn heating oil and more than 5,000,000 burn propane to generate space heat;

(2) sharp and sustained increases in the price of heating oil and propane disproportionately harm poor and elderly people with low and fixed incomes, who may be forced to choose between heat and food, medicine, and other basic necessities;

(3) sharp and sustained increases in the price of heating oil and propane can negatively affect the national economy and regional economies, and such increases have occurred in the winters of 1983–84, 1988–89, 1996–97, and 1999–2000;

(4) sharp and sustained increases in the price of heating oil and propane can be caused by—

(A) deficiencies in global or regional crude oil or refined product supplies;

(B) inadequacy or underutilization of refinery capacity;

(C) inadequacy, underutilization, or disadvantageous distribution of regional refined product storage capacity;

(D) adverse weather conditions;

(E) impediments to efficient and timely transportation of refined product;

(F) market inefficiencies; and

(G) other factors affecting the functional capability of the energy industry;

(5) the Energy Information Administration is charged with analyzing the United States energy industry and markets and providing projections on the retail price of energy products, including heating oil and propane;

(6) future sharp and sustained increases in the national and regional price of heating oil and propane can be avoided or at least mitigated if—

(A) the Energy Information Administration identifies potential failures in the functional capability of the energy industry to provide affordable heating oil and propane to consumers in all regions of the United States; and

(B) those potential failures are remedied; and

(7) avoiding sharp and sustained increases in the national and regional price of heating oil and propane can reduce Federal, State, and local expenditures to assist low-income and other households in need of financial assistance when prices increase.

SEC. 3. ANNUAL HOME HEATING READINESS REPORTS.

(a) In General.—Part A of title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

"SEC. 108. ANNUAL HOME HEATING READINESS REPORTS.

"(a) In General.—On or before September 1 of each year, Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

"(b) Contents.—The Home Heating Readiness Report shall include—

"(1) estimates of the consumption, expenditures, and average price per gallon of heating oil and propane for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

"(2) an evaluation of—

"(A) global and regional crude oil and refined product supplies;

"(B) the adequacy and utilization of refinery capacity;

"(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

"(D) weather conditions;

"(E) the refined product transportation system;

"(F) market inefficiencies; and

"(G) any other factor affecting the functional capability of the heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

"(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane; and

"(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

"(c) Information Requests.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).".

(b) Conforming and Technical Amendments.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

"Sec. 107. Major fuel burning stationary source.

"Sec. 108. Annual home heating readiness reports."; and

(2) in section 107 (42 U.S.C. 6215), by striking "Sec. 107. (a) No Governor" and inserting the following:

"SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

"(a) No Governor".

Mr. LIEBERMAN. Mr. President, I rise to speak about an extremely serious problem plaguing the citizens of my state of Connecticut and those throughout the Northeast—the skyrocketing cost of home heating oil and the fear of higher gas prices that will follow.

This complaint may sound familiar to some of my colleagues, particularly those similarly-situated in cold-weather states. Senator Dodd and I and several others have repeatedly voiced concerns about the volatility of the heating oil-gasoline marketplace over the last several years, about the sudden swings in prices we have experienced as a result of that volatility, and the threat it poses to the livelihood of our constituents and the stability of our regional economy. The situation now, though, is more dire than anything we have seen in recent years. While I do not want to be an alarmist, I think it is critical for my colleagues to understand the severity of the squeeze many families and businesses are feeling and the potential for economic havoc.

We are bordering on a real crisis. The average price of a gallon of heating oil in the Northeast has jumped more than 100 percent since mid-January. Many families are really struggling to pay their bills and keep their families warm. Dealers and distributors are reporting significant shortages throughout the region, which promises to send prices spiraling even higher in the near term. And if this vicious cycle of high demand and low supply continues to turn, and if the weather stays the way it has, many households may literally be left out in the cold, and their well-being put at risk.

It is not just consumers, though, who are being hit hard by this price spike. It is also hurting a number of small businesses that are not prepared to absorb this kind of sudden surge in costs. It sure is hurting many small companies in the heating oil industry, the independent distributors and retailers, who form the backbone of this market. I have already heard of one oil dealer in Connecticut who owns a family business and who needed to take out a second mortgage on his home to make it through this hardship. It may not be long before others join him. There is also the very real risk of some small dealers being forced out of business.

As a result of all this, a conspicuous current of fear and uncertainty is rippling throughout the Northeast. People are anxious for some answers just as they are desperate for some relief. Like many of my colleagues, my offices have been inundated with calls from around the state from outraged homeowners demanding to know why their heating bills are going through the roof and what we are doing to bring them down.

We know that supplies are low and demand is high, and that is the basic source of the problem. But it goes much deeper than that. The decision made by OPEC to limit the production and supply of crude oil on the international market has been a major factor. Our domestic supply has shrunk considerably. Another factor has been the temperature; the cold weather and strong winds have not only kept demand high, they have frozen rivers and made it difficult at times for oil barges to dock and unload their product. And some questions have to be raised about the choices made by the major oil companies, while the supply of crude oil may have been sufficient to meet demand, the refiners may have made matters worse by focusing on turning out more gasoline than heating oil in anticipation of a warmer winter. These questions deserve more attention, and I intend to press for more information about how these decisions are being made about utilization of capacity, which are critical to determining oil supplies and by extension oil prices.

But the complexity of this problem does not mean we are powerless to help. Along with Senator DODD and the rest of our state delegation, we have been doing all we can to provide some immediate relief from these spiraling prices and troubling shortages. One of our principal concerns is for the low-income families who are being asked to choose between putting food on the table and heating their homes. The price spike is hitting these families the hardest, and we are doing our best to help them make it through. A bipartisan coalition sent a letter to the President two weeks ago urging him to quickly release emergency funds from the Low-Income Home Energy Assistance Program, which is a critical first line of defense for our neighbors who are least able to cope with sudden price surges. The President thankfully responded by releasing $45 million for the disadvantaged families of New England, including $3.1 million for those in Connecticut. This was a significant gesture, but there are many families who won't benefit from it. That is why just two days ago our coalition sent the President another letter requesting that an additional $200 million in LIHEAP funding be released immediately. I hope the President again hears our concerns and heeds our call.

I am also concerned about the independent oil suppliers in the Northeast. Most home heating oil distributors are small businesses with few employees; these businesses are not always in the position to weather severe price fluctuations or shortages as we are seeing now. Part of the problem is that small oil dealers often must pay the high price of crude oil from large wholesalers before they are able to collect on oil sales to residential homes. This leaves them with few reserves to make due. To help relieve the burden on these businesses, I have asked the Small Business Administration to make available a package of short turnaround loans and technical assistance. The SBA has been highly sensitive to this problem, and they are moving quickly to spread the word around the region about these options.

Along with several of my colleagues on both sides of the aisle, I have supported and continue to support a drawdown of the Strategic Petroleum Reserve as a way to quickly boost stocks in the Northeast and thereby quickly reduce prices. Senator DODD and I and several of our colleagues from neighboring states have lobbied hard for the Administration to take that step. We have cosponsored legislation that explicitly authorizes the Secretary of Energy to tap the SPR in these circumstances. We wrote the President two weeks ago urging him to approve a drawdown as soon as possible. And shortly thereafter we met with Energy Secretary Bill Richardson to plead this case directly. The Secretary unfortunately has been reluctant to pursue this option, but we have not given up hope of changing his mind, and will continue to push our argument.

While we believe the SPR drawdown is critical to getting us through this short-term emergency, it is not a long-term solution. It will not and cannot defuse the volatility of the heating oil marketplace. But there are a number of steps we can take to prevent these disruptive price spikes from cycling in and out. First, it is important that we convince leaders of the oil-producing nations that colluding to hold down supply is not in their long-term interest. As we have seen, prices of oil have indeed gone up, but there is growing resentment of the policies of OPEC as our citizens feel a strengthening pinch. It is important that these countries understand that if they continue with this strategy, they may jeopardize good relations with the United States. Secretary Richardson will soon be meeting with OPEC's leaders, and we are pressing him to forcefully communicate this message to our allies and trading partners.

Second, we should take a hard look at the use of interruptible gas contracts by natural gas suppliers and the evidence that these contracts may be exacerbating the volatility of the heating oil market. These "interruptible" contracts can be obtained at a discount rate in exchange for giving the contractor the ability to suspend service when gas supply is low or demand is high. When these contracts are interrupted, many customers typically turn to heating oil as their preferred alternative, creating a sudden, secondary demand jolt to the oil market. I have heard from a number of leaders in the heating oil industry who fear that this is exactly what is happening now. We need to better understand the level of additional heating oil demand caused by these types of contracts and be able to anticipate demand fluctuations as accurately as possible so that we may avoid future situations where demand exceeds supply. For that reason, I recently asked Secretary Richardson to investigate the extent and impact of interruptible contracts, and to report back to us on his findings to determine what if anything we should do about this practice.

Our current situation points to the fundamental problem that we are far too dependent upon foreign oil for our energy needs. We need to employ long-term strategies to decrease our reliance upon foreign nations and bolster our own energy capacity. Many of us have cosponsored legislation in the past to increase research and development funding for renewable energy sources. We need to invest time, money, and an increased level of effort in the development of energy efficient power sources such as wind, solar, and natural gas. I will continue to work toward this goal and I strongly urge my colleagues to do so as well.

Mr. President, as I said, I rise to speak about a very serious problem plaguing the citizens of Connecticut and the Northeast; that is, the skyrocketing cost of home heating oil and the fear of higher gas prices that will come with the warmer weather. There is a very complicated situation as to why it exists.

It begins with the decision by the OPEC cartel to reduce the supply of oil. It goes to the decision of some oil companies not to refine adequate supplies of home heating oil. Whatever the complexity, it does not mean that we are powerless to help.

Senator DODD and I, and the rest of our delegation, on earlier occasions, with colleagues from throughout the Northeast from both parties, have appealed to the President to release Low Income Home Energy Assistance Program funding. He did that—$45 million worth.

We have another request in now for an additional $200 million. It is that bad in our State.

The real answer to this is to open up the Strategic Petroleum Reserve and effect the laws of supply and demand, 560 million barrels of oil that we, the taxpayers, U.S. Government own. This is the time to use it.

Up until now, Secretary Richardson and the administration have refused to do so. I appeal to them today on behalf of the people of Connecticut who are suffering under the shock of doubling and in some cases tripling of what they pay for home heating oil. Please open up the reserve. There is now a new idea of swaps, not selling the oil but allowing the oil companies to take it out of reserve, bring it into the market, increase supply, lower price, and then put oil back into the reserve, even a higher amount.

The short of it is, we are in crisis in the Northeast. It is a crisis that, if it is not stopped and is allowed to go on, with higher gasoline prices that will affect the rest of the country in spring time, it will begin to create the kind of inflation that will cut the economic growth we have enjoyed.

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. DOMENICI, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 162

At the request of Mr. BREAUX, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 162, a bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limitation on oil depletion deduction from a daily basis to an annual average daily basis.

S. 386

At the request of Mr. GORTON, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 397

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 397, a bill to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials.

S. 486

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 899

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 899, a bill to reduce crime and protect the public in the 21st Century by strengthening Federal assistance to State and local law enforcement, combating illegal drugs and preventing drug use, attacking the criminal use of guns, promoting accountability and rehabilitation of juvenile criminals, protecting the rights of victims in the criminal justice system, and improving criminal justice rules and procedures, and for other purposes.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1220

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1220, a bill to provide additional funding to combat methamphetamine production and abuse, and for other purposes.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1428

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1428, a bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act relating to the manufacture, traffick, import, and export of amphetamine and methamphetamine, and for other purposes.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1653

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1653, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1776

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1776, a bill to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

S. 1777

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1777, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction of greenhouse gas emissions and to advance global climate science and technology development.

S. 1816

At the request of Mr. HAGEL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1816, a bill to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

S. 1898

At the request of Mr. DORGAN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1898, a bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1952

At the request of Mr. ABRAHAM, the names of the Senator from Colorado (Mr. ALLARD), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1952, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for determining a partner's share of items of a partnership which is a qualified investment club.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 1962

At the request of Mr. ASHCROFT, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1962, a bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

S. 1983

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1983, a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs.

S. 1988

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1988, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2013

At the request of Mr. JEFFORDS, his name was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. 2021

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2021, a bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991.

At the request of Mr. REED, his name was added as a cosponsor of S. 2021, supra.

S. 2026

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2026, a bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS efforts.

S. 2029

At the request of Mr. FRIST, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2035, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S.J. RES. 39

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S.J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 60

At the request of Mr. MACK, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. Res. 60, a resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.

S. RES. 128

At the request of Mr. COCHRAN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. Res. 128, a resolution designating March 2000, as "Arts Education Month."

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Mr. WELLSTONE), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. CONRAD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 248, a resolution to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week."

S. RES. 251

At the request of Mr. SPECTER, the names of the Senator from Utah (Mr. BENNETT), and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Res. 251, a resolution designating March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

AMENDMENT NO. 2771

At the request of Mr. THOMAS, his name was added as a cosponsor of amendment No. 2771 proposed to S. 625, a bill to amend title 11, United States Code, and for other purposes.

SENATE CONCURRENT RESOLUTION 80—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 80

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, February 10, 2000, or Friday, February 11, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, February 22, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, February 16, 2000, Thursday, February 17, 2000, or Friday, February 18, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, February 29, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 81—EXPRESSING THE SENSE OF THE CONGRESS THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY RELEASE RABIYA KADEER, HER SECRETARY, AND HER SON, AND PERMIT THEM TO MOVE TO THE UNITED STATES IF THEY SO DESIRE

Mr. ROTH (for himself, Mrs. MURRAY, Mr. BINGAMAN, Mr. EDWARDS, Mr. CRAPO, Mr. DODD, Mr. THOMAS, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 81

Whereas Rabiya Kadeer, a prominent ethnic Uighur from the Xinjiang Uighur Autonomous Region (XUAR) of the People's Republic of China, her secretary, and her son were arrested on August 11, 1999, in the city of Urumqi;

Whereas Rabiya Kadeer's arrest occurred outside the Yindu Hotel in Urumqi as she was attempting to meet a group of congressional staff staying at the Yindu Hotel as part of an official visit to China organized under the auspices of the Mutual Educational and Cultural Exchange Program of the United States Information Agency;

Whereas Rabiya Kadeer's husband Sidik Rouzi, who has lived in the United States since 1996 and works for Radio Free Asia, has been critical of the policies of the People's Republic of China toward Uighurs in Xinjiang;

Whereas according to an Amnesty International press release of August 16, 1999, "It appears as though the accusations against Kadeer and her son Ablikim Abdyirim may relate to her attempts to meet a visiting delegation from the United States [Congress] and her communications with her husband Sidik Rouzi, . . .";

Whereas reports indicate that Ablikim Abdyirim was sent to a labor camp on November 26 for 2 years without trial for "supporting Uighur separatism," and Rabiya Kadeer's secretary was recently sentenced to 3 years in a labor camp;

Whereas Rabiya Kadeer has 5 children, 3 sisters, and a brother living in the United States, in addition to her husband, and Kadeer has expressed a desire to move to the United States;

Whereas the People's Republic of China stripped Rabiya Kadeer of her passport long before her arrest;

Whereas reports indicate that Kadeer's health may be at risk and that she may be sentenced to 10 or more years in prison;

Whereas repeated requests to the Government of the People's Republic of China by Members of Congress and congressional staff for an explanation of the nature of the charges against Rabiya Kadeer, her secretary, and her son, for an update on the state of Kadeer's health, and for details of any legal proceedings against those arrested, have gone unanswered since August 1999;

Whereas the People's Republic of China signed the International Covenant on Civil and Political Rights on October 5, 1998;

Whereas that Covenant requires signatory countries to guarantee their citizens the right to legal recourse when their rights have been violated, the right to liberty and freedom of movement, the right to presumption of innocence until guilt is proven, the right to appeal a conviction, freedom of thought, conscience, and religion, freedom of opinion and expression, and freedom of assembly and association;

Whereas that Covenant forbids torture, inhuman or degrading treatment, and arbitrary arrest and detention;

Whereas the first Optional Protocol to the International Covenant on Civil and Political Rights enables the Human Rights Committee, set up under that Covenant, to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant; and

Whereas in signing that Covenant on behalf of the People's Republic of China, Ambassador Qin Huasun, Permanent Representative of the People's Republic of China to the United Nations, said the following: "To realize human rights is the aspiration of all humanity. It is also a goal that the Chinese Government has long been striving for. We believe that the universality of human rights should be respected . . . As a member state of the United Nations, China has always actively participated in the activities of the organization in the field of human rights. It attaches importance to its cooperation with agencies concerned in the U.N. system . . .": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress calls on the Government of the People's Republic of China—

(1) immediately to release Rabiya Kadeer, her secretary, and her son; and

(2) to permit Kadeer, her secretary, and her son to move to the United States, if they so desire.

Mr. ROTH. Mr. President, I rise today on behalf of myself and Senators MURRAY, BINGAMAN, EDWARDS, CRAPO, DODD, THOMAS, and FEINSTEIN to submit a concurrent resolution stating the sense of Congress that China immediately release Rabiya Kadeer, her secretary and her son. On August 11, 1999 Ms. Kadeer was arrested on her way to a meeting with a group of Congressional staff visiting China under the auspices of a U.S. Information Agency program. Later, two of the sons and her secretary were detained as well.

One son has since been sentenced to 2 years at hard labor and her secretary, 3 years. And we have received credible reports that in the aftermath of the Chinese New Year's celebrations, she herself faces imminent trial and sentencing.

The crimes she is accused of committing remain unclear, despite letters from a number of us on Capitol Hill, and despite a series of requests to Chinese officials stretching back to August. Our attempts at quiet diplomacy, perhaps unsurprisingly, have failed. And so, with her trial and sentencing about to take place, it is vital that we try a different tack. That is why I am offering this resolution.

Ms. Kadeer is a prominent member of an ethnic minority group in China called Uighurs. These people are Turkic-speaking Moslems, and they form the largest ethnic group in China's northwestern-most province.

A few years back, Ms. Kadeer was lauded by the PRC for her promotion of business enterprises among women and for contributing to the economic and social development of her province. To honor her efforts, she was named by authorities to the China People's Political Consultative Congress and as a delegate to the United Nations World Conference on Women held in Beijing.

But Ms. Kadeer began to fall out of favor with officials in Beijing after her husband emigrated to the United States in 1997 and became a commentator for Voice of America. Soon thereafter, her passport was seized and the assets of an organization she founded to improve opportunities for Moslem businesswomen were frozen. Then, in 1998, Ms. Kadeer lost her position in the Consultative Congress.

Perhaps that is why five of Ms. Kadeer's children, three sisters and a brother are now living in the United States, in addition to her husband. And perhaps that is why Ms. Kadeer has expressed a desire to move to the United States herself.

That desire, for the moment, has been quashed. Last summer, as she was on her way to the hotel where the Congressional staff delegation was waiting to meet her, Kadeer was arrested. The arrest is troubling enough, but the fact that it took place as she was attempting to have a simple conversation with staffers who work for the United States Congress, I believe, requires that we take a firm stand.

Let's not forget that the PRC signed the International Covenant on Civil and Political Rights in 1998. Among other things, that Covenant requires signatories to guarantee their citizens the right to liberty and freedom of movement; the right to presumption of innocence until guilt is proven; freedom of thought, conscience, and religion; freedom of opinion and expression; and freedom of assembly and association. It also forbids torture, inhumane or degrading treatment, and arbitrary arrest and detention.

In signing that Covenant on behalf of the PRC, China's Permanent Representative to the United Nations said, and I quote, "To realize human rights is the aspiration of all humanity. It is also a goal that the Chinese Government has long been striving for. We believe that the universality of human rights should be respected * * *."

Well, I don't think China has respected the human rights of Rabiya Kadeer, her son or her secretary. That's why this resolution calls on China to release them and give them the chance to move to the United States, if they wish. Mr. President, I urge my colleagues to support this resolution and move for its earliest possible passage as Ms. Kadeer's fate will soon be determined by a country that offers her little or no chance of a fair trial.

SENATE RESOLUTION 256—DESIGNATING THE WEEK OF FEBRUARY 14-18, 2000, AS "NATIONAL HEART FAILURE AWARENESS WEEK"

Mr. SPECTER (for himself, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. L. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. INOUYE, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SHELBY, Mr. SMITH of Oregon, Mr. THURMOND, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Ms. SNOWE, Mr. JEFFORDS, Mr. JOHNSON, Mr. SESSIONS, Mr. STEVENS, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 256

Whereas the primary goals of "National Heart Failure Awareness Week" are—

(1) to promote research related to all aspects of heart failure and provide a forum for presentation of that research;

(2) to educate heart failure caregivers and patients through programs, publications, and other media allowing for more effective treatment and diagnosis of heart failure; and

(3) to enhance the quality and duration of life for those with heart failure;

Whereas heart failure, a disease of the heart muscle, is of epidemic proportions in the United States;

Whereas as of January 1, 2000, approximately 4,600,000 Americans had been diagnosed with congestive heart failure, and an estimated 450,000 more cases will be diagnosed in the year 2000;

Whereas coronary artery disease is a cause in approximately 50 percent of the cases of patients with heart failure, and in such cases, patients often have heart attacks or require bypass surgery;

Whereas the incidence of heart failure increases with age and is the most frequent cause of hospitalization for individuals over the age of 65;

Whereas the prognosis for those diagnosed with heart failure is not promising, as less than 50 percent of patients live more than 5 years after their initial diagnosis; and

Whereas it is vital that the American public become aware of the enormous impact of heart failure, and be better educated regarding the signs and symptoms of the disease: Now, therefore, be it

Resolved, That the Senate—

(1) in recognition of all the individuals who have devoted time and energy toward increasing public awareness and education on heart failure, designates the week of February 14-18, 2000, as "National Heart Failure Awareness Week"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 257—EXPRESSING THE SENSE OF THE SENATE REGARDING THE RESPONSIBILITY OF THE UNITED STATES TO ENSURE THAT THE PANAMA CANAL WILL REMAIN OPEN AND SECURE TO VESSELS OF ALL NATIONS

Mr. CRAIG (for himself, Mr. INHOFE, Mrs. HUTCHISON, and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 257

Whereas the 1977 Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal provides that Panama and the United States have the joint responsibility to ensure that the Panama Canal will remain open and secure, and provides that each signatory, in accordance with its constitutional processes, shall defend the Canal against any threat to its neutrality and shall have the right to act against threats against the peaceful transit of vessels through the Canal;

Whereas the United States Armed Forces have depended upon the Panama Canal for rapid transit in times of global conflict, including during World War II, the Korean War, the Vietnam War, the Cuban Missile Crisis, and the Persian Gulf War;

Whereas the common interests of Panama and the United States have produced close relations between the two nations and a shared interest in protecting the Canal and its operations;

Whereas the passage of Panama Law Number 5 and the port facilities lease agreements have created concern about the future security of the Canal and its continued unfettered operations;

Whereas Panama does not have an army, navy, or air force, and the national police capabilities are inadequate to defend the Canal against terrorism from internal or external sources;

Whereas occupation, damage, or destruction of this crucial naval choke point would be catastrophic to the United States, its allies, and the world;

Whereas the Canal has influenced world trade patterns, spurred growth in developed countries, and has been a primary impetus for economic expansion in developing countries;

Whereas the Panama Canal remains a vital economic and strategic asset to the United States, its allies, and the world; and

Whereas 53 percent of Canal traffic originates or ends at United States port facilities: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) any attack on or against the Panama Canal by any country will be considered an act of war against the United States;

(2) the President should, prior to June 1, 2001, negotiate security arrangements with the Government of Panama that will protect the Canal and ensure that the Canal remains open, secure, and neutral, consistent with the Panama Canal Treaty, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, and the resolutions of ratification thereto; and

(3) the President should consult with the leadership of both Houses of Congress and with the chairmen and ranking members of the appropriate congressional committees regarding the implementation of this resolution.

• Mr. CRAIG. Mr. President, today I rise to propose a resolution expressing the sense of the Congress regarding the responsibility of the United States in guaranteeing the security and passage of vessels through the Panama Canal.

The Panama Canal Treaty and the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal were a battle fought and lost before my time in the Congress of the United States. However, we still have an obligation to the world, our allies, and the people of the United States to ensure that the Panama Canal will remain open, secure, and neutral in providing safe passage to vessels of all nations.

These treaties with Panama gave the United States the option of continuing our presence in Panama beyond 2000. This option must be exercised! The United States needs to retain a presence in Panama to ensure a measure of power projection capability in an area of vital national interest to our economy, our freedoms, and our way of life.

Mr. President, this extension of our presence in Panama is also consistent with the intent of Congress. The 1979

Panama Canal Act, which incorporated the treaty into United States law, included a sense of the Congress resolution that the "best interests of the United States require that the President enter into negotiations with the Republic of Panama for the purpose of arranging for the stationing of United States military forces after the termination of the Panama Canal Treaty of 1977."

Panama agreed to these terms in 1979. Since this time, both sides have been working on an agreement to define our future presence, but progress on this effort stalled in early 1998.

The current administration's policy in the region is a legacy of missed opportunities, including their failure to negotiate a continued United States presence in Panama. There exists a dire need for a stabilizing presence which the United States has brought to the region since World War II. Although the traditional threat of a foreign naval attack on the Canal has virtually disappeared, the United States still needs to be able to project military power in the region. The unprecedented upsurge in political instability and state-sponsored terrorism that the United States now faces makes it necessary to provide rapid troop and logistical transit through the Canal. The need to conduct surveillance or to pursue actual and potential adversaries also requires immediate access to the Canal. Such possibilities make it essential that the United States retain a measure of conventional military presence in the region.

There are many other reasons for the United States to retain a presence in Panama: First, the United States conducts a number of humanitarian and civil-military programs throughout the region. These missions have been greatly benefitted in the past with lower transportation costs and greater efficiency afforded by centralized logistics within the region. Second, as we all know, Panama is located in the center of a major drug transit corridor. Anti-drug operations will continue to be a critical feature of United States policy in the region. Third, with the issue of military readiness, the Jungle Operations Training Center at Fort Sherman provided unequaled facilities for training in low-intensity warfare. Former Assistant Secretary of Defense Frederick C. Smith stated that this and other sites "will be difficult to replicate elsewhere." Last, 65 to 80 percent of the Panamanian people favor United States involvement in the region.

In conclusion, Mr. President, we need to send a decisive message to the current administration to renew negotiations for security arrangements and a continued United States presence in the region. And the United States Government should make it clear to the world that the Panama Canal will remain free, open, and neutral, and any indications to the contrary will be considered as an act of war against the people of the United States.●

SENATE RESOLUTION 258—DESIGNATING THE WEEK BEGINNING MARCH 12, 2000 AS "NATIONAL SAFE PLACE WEEK"

Mr. CRAIG (for himself, Mr. AKAKA, Mr. ALLARD, Mr. CLELAND, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GORTON, Mr. GRAMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LOTT, Mr. MCCONNELL, Mrs. MURRAY, Mr. SMITH, of Oregon, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 258

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term "safe places" at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas Safe Place combines the efforts of the private sector and non-profit organizations uniting to reach youth in the early stages of crisis;

Whereas Safe Place provides a direct means to assist programs in meeting performance standards relative to outreach/community relations, as set forth in the Federal Runaway and Homeless Youth Act guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas over 300 communities in 33 states and more than 6,800 business locations have established Safe Place programs;

Whereas over 35,000 young people have gone to Safe Place locations to get help when faced with crisis situations;

Whereas through the efforts of Safe Place coordinators across the country each year more than one-half million students learn that Safe Place is a resource if abusive or neglectful situations exist;

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the Nation's youth throughout the country: Now, therefore be it

Resolved, That the Senate—

(1) proclaims the week of March 12 through March 18, 2000 as "National Safe Place Week" and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

Mr. CRAIG. Mr. President, I rise today to invite my colleagues to join me in sponsoring a resolution designating the week beginning March 12, 2000 as "National Safe Place Week." This resolution supports the successful Project Safe Place program and encourages its growth. This resolution promotes a program that improves the quality of life for young people across the nation without depleting social service funds or instituting new government programs whose success is unsure. Project Safe Place makes use of programs already in place, seeks to bring families together by helping them resolve their conflicts, and does not reach into the taxpayer's pocket.

The National Network for Youth estimates that more than two million young people run away from home each year. Increasing numbers of teens and even children are also being turned away from their homes by disinterested or frustrated parents. On the street, these youth are likely to resort to using drugs, prostitution and other criminal behavior to survive. They are more vulnerable to physical or sexual violence, and they are more likely to commit suicide. Without help, their future is bleak and frightening.

Project Safe Place is designated to assist young people and families who face difficult situations. The problems vary from one individual to the other. Some young people ask Safe Place for assistance because they frequently find themselves in hour-long screaming matches with their parents. Others go because they are beaten and mentally abused at home. Sometimes they have a parent who is addicted to drugs or alcohol. All the young people who find Safe Places have in common an overwhelming need to improve their home life.

The program works by creating a network of businesses and public locations that display the bright yellow, diamond-shaped Safe Place logo in their windows or on other highly visible places on the front of their buildings. Businesses and locations such as convenience stores, fire stations, libraries, and fast food restaurants are effective Safe Places because they are found throughout the community and they tend to be easily accessible. Also, young people are more likely to ask for help in familiar, non-threatening places. In most cases, it is easier for a young person to find a convenience store and walk into it than it is for him or her to track down a social services agency, travel to it and then brave the intimidation of walking through its doors.

The employees at Safe Places are trained to act as a link to help. At the Safe Place they make sure youth who ask for help are taken into the back of the store or restaurant, away from people who may know them and question them later. The employee immediately notifies a shelter. The shelter sends a volunteer counselor to talk to the youth, offer advice and evaluate the problem. The volunteer, who is the same gender as the young person, will transport the youth to the shelter if more counseling is necessary or if the young person would like a safe place to stay. If the youth decides to stay at the shelter, parents will be notified that the young person is all right.

Project Safe Place is a national program that operates locally. It is a unique collaborative effort between youth service agencies, a network of volunteers and local businesses to make help available to youth quickly and in their own neighborhood. Safe Place aims to return young people to a healthy emotional environment. That could mean seeing that the family receives counseling or that could mean finding a place outside the house for the youth to live.

In addition to enhancing outreach programs to area youth, the distinct Safe Place signs increase awareness of the plight of troubled youths. They remind adults of problems in the community and often inspire people to volunteer. They demonstrate to businesses that the private sector can play a positive role and usually lead to more Safe Place sites.

Since its beginning in Louisville, Kentucky in 1983, acknowledgment of Project Safe Place has been crucial to letting young people know that the service is available to them and inspiring others to create more Safe Places. In March 1998, many Senators helped pass Senate Resolution 96, making the third week to March 1998 "National Safe Place Week." Since then, sites grew from 6,000 to 8,000. Today, more than 30,000 young people and their families have been helped. Even if your state is not one of the 34 that has at least one Safe Place, the program has probably still affected your state. It is likely that a runaway from your state has been returned to his or her family through this program. Counseling initiated by the program may have involved a parent who lives in your state.

My goal is to have at least one Safe Place in every state by the end of the decade. I urge all my colleagues to champion this plan and to begin by cosponsoring this resolution making the second week of March "National Safe Place Week." The designation of time is a crucial step in promoting awareness of this effective program. Your support will help continue the valuable partnership between government and the private sector as we move toward a society with happier and safe young people.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to review the President's proposed Fiscal Year 2001 Budget for the operation of the National Park Service system.

The hearing will take place on Tuesday, February 29, 2000 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, February 10, 2000. The purpose of this meeting will be to discuss the findings of the President's working group's report on "Over the Counter Derivatives Markets and the Commodity Exchange Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 10, 2000 at 9:30 a.m., in open session, to receive testimony on the defense authorization request for fiscal year 2001 and the future years defense plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, February 10, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:00 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 10 at 10:00 a.m. to receive testimony on S. 1797, a bill to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the city of Craig, Alaska and for other purposes; S. 1925, the Lake Tahoe Restoration Act; S. 1664, a bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; S. 1665, a bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; H.R. 2863, a bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; H.R. 2862, a bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; and S. 1936, a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 10, 2000, at 10:30 a.m. and 2:30 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, February 10, 2000 at 10:00 a.m., for a hearing regarding the Rising Cost of College Tuition and the Effectiveness of Government Financial Aid.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 10, 2000, at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 10, 2000 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asia and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 10, 2000, at 1:30 pm to hold a joint hearing with the House Subcommittee on Asia and the Pacific of the House International Relations

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on Thursday, Febraury 10, 2000, at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent during the introduction of my bill, that congressional fellow Terry Ceravolo and intern Ernest White be allowed privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent that an intern in my office, Mr. Chris Polaszek, be allowed floor privileges during the introduction of S. 2058.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 81ST ANNIVERSARY OF THE REPUBLIC OF LITHUANIA

• Mr. SARBANES. Mr. President, it is a privilege for me to rise today to join with nearly 1 million Lithuanian-Americans in commemorating the 81st anniversary of an independent Lithuania. On February 16, it is customary for those of Lithuanian heritage, and their friends and supporters to celebrate the proclamation of a progressive and independent Republic of Lithuania, which was reestablished after more than seven centuries of struggle. Lithuania's democratic hopes were realized once before this century, yet freedom was abruptly revoked in 1940, after 22 years of democratic governance. While February 16th reminds us of Lithuania's long and difficult period, it also affords us the opportunity to commend the determination and courage of the citizens of Lithuania and other Baltic nations. Their strong commitment to democratic values serves as an incentive for us all to rededicate ourselves to the principles for which this important day stands, liberty and freedom.

The history of this nation has been marked by constant struggle against aggressors. Through countless invasions, Lithuanian defenders have stood resolutely against their foes and have demonstrated their commitment to independence. After well over a century of domination, the people of Lithuania proclaimed their independence and reestablished their sovereignty as a nation on February 16, 1918. For more than two decades, this young nation prospered economically and lived at peace with its neighbors. The events of World War II brought this period to an end when, in 1940, Lithuania was occupied by Soviet Armed forces. Our thoughts must turn to those Lithuanians who suffered under the brutality of the Nazi and Soviet occupations. Many risked and lost their lives for the rights and freedoms that Lithuanians today are privileged to enjoy. Their steadfast determination and courage eventually prevailed, providing hope for all peoples who dreamt someday of being free.

In 1990, following the collapse of the Soviet Union, Lithuania rejoined the international community of democratic nations and embraced political and economic reforms. Lithuania experienced a peaceful transfer of civilian rule, despite a difficult period of transition, and has committed to pursuing economic reforms which offer the possibility of greater prosperity, a bright future and sustainable growth for years to come. To this end, Lithuania has chosen to engage with its neighbors and other democracies by joining The Baltic Economic Cooperation Agreement and the Council of Europe and through their desire to join the European Union.

The Lithuanian people have drawn their strength from a sense of nationhood. This has been most evident here in the United States, where we have witnessed the dedication of Lithuanian Americans to the freedom of their native land. Their perseverance has encouraged many of us to stand in this body over the last several decades and proclaim our support for a Lithuanian republic.

We in Maryland, and our Nation, are particularly fortunate to have such an active Lithuanian-American community. Longstanding traditions of self-help, volunteerism and the dedication to democratic ideals that have prevailed in the community have truly enriched the history of our country. In areas ranging from business, to academia, to the arts, Lithuanian-Americans consistently make significant contributions across the Nation.

Every year Lithuanians gather in their capital, Vilnius, to commemorate this anniversary. I am proud that we in the United States have continued to stand with them on this occasion, both in years when there was much to celebrate and in years when there were only dreams of a better future. I am confident that we will continue to celebrate this anniversary in the future with the same optimism that we do this year.•

ACKNOWLEDGING THE CONTRIBUTIONS OF THE 150TH FIGHTER WING

• Mr. DOMENICI. Mr. President I rise today to salute the 150th Security Forces Squadron and the 150th Civil Engineering Squadron of the New Mexico Air National Guard.

Federally recognized on July 7, 1947 as the 188th Fighter Bomber Squadron, the "Tacos" have contributed significantly to U.S. military operations in Korea, Vietnam, Bosnia, Iraq, and are scheduled to deploy to Turkey next January as part of Operation Northern Watch. During their 52-year history, the Tacos were the first Air National Guard unit to be converted to the F–100 aircraft in 1958 and the A–7D aircraft in 1973. Since 1970, when the 150th Fighter Wing evolved into a joint support force, the Tacos have been utilized by every branch of our Armed Forces except for the Coast Guard.

The Tacos are characteristic of the many exceptional units that comprise our Nation's Reserve and National Guard, and I have no doubt that they will continue to ensure the success of our military missions both domestically and abroad. I would ask that my colleagues join me in thanking them for their dedicated service.

I recently received a letter from General A.C. Zinni, the U.S. Marine Corps Commander in Chief commending the Tacos for their distinguished service and the substantial role they played in the success of Operation Southern Watch. I ask that General A.C. Zinni's letter be printed in the RECORD.

The letter follows:

U.S. CENTRAL COMMAND,
OFFICE OF THE COMMANDER IN CHIEF,
MacDill Air Force Base, FL, January 20, 2000.

Hon. PETE V. DOMENICI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: I would like to take this opportunity to highlight the deployment this past year by members of the 150th Security Forces Squadron and the 150th Civil Engineering Squadron, New Mexico Air National Guard, to the U.S. Central Command area of responsibility. These units are but two of many outstanding Reserve and National Guard units to deploy to Central Command's area of responsibility and contribute to the success of Operation SOUTHERN WATCH.

The capability and enthusiasm demonstrated by the members of the 150th Security Forces Squadron and the 150th Civil Engineering Squadron reflected great credit on themselves and the professionalism of Reserve and National Guard units throughout the nation. The participation of units like these significantly contributes to our overall effort in support of Operation SOUTHERN

WATCH and allows the services to ensure a more responsible and efficient utilization of the total force.

Please convey my sincere appreciation and thanks to the airmen of these great organizations and their employers for their outstanding support and patriotism to the nation in this vital part of the world.

Respectfully,

A. C. ZINNI,
General, U.S. Marine Corps, Commander in Chief.●

TRIBUTE TO DR. MARTIN LUTHER KING, JR.

● Mr. ROBB. Mr. President, on January 17, 2000, I attended the dedication of a memorial monument to Dr. Martin Luther King, Jr., in Norfolk, Virginia. I want to read into the CONGRESSIONAL RECORD the remarks offered at the dedication by Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, Virginia, and Chairman, Community Relations Council, United Jewish Federation of Tidewater:

> Our God of Blessings, My Cherished African American Sisters and Brothers, Dear Dignitaries and Friends,
>
> Indeed, "This is the day the Lord has provided for us, let us rejoice in it." We have come together one family to give thanks for the life of a great son of America and humanity, the Reverend Dr. Martin Luther King, Jr., and for his legacy that will never die. With joy and pride we dedicate this towering monument to the lasting spirit it represents—to bring shalom's gift to the world through the non-violent means of hope, healing and harmony. On the threshold of a new decade, century and millennium, it is an essential guiding beacon of light and enlightenment, soothing pain and discovering promise.
>
> Standing on the giant shoulders of our martyr for peace, we gratefully acknowledge the Biblical fountain of living truth spoken by Israel's prophets that nourished, sustained and inspired the prophetic conscience of Dr. King, a Nobel Prize laureate, teaching that human dignity is one and indivisible. No one is to pass by this sacred site untouched by it, for it is symbol of our collective mandate to transform the world—transcending limitations and breaking barriers that still divide us, keeping all children of Moses' God of Freedom from rightfully fulfilling their potential to be a blessing.
>
> We are deeply moved by the extensive labor of love and faith finally giving birth to this grand accomplishment, now and forever gracing our beloved City of Norfolk and the Hampton Roads community. May the entire nation hearken anew to the compelling message of the Book of Deuteronomy, "Tzedek tzedek tirdof lemann tichye" (Justice, justice shall you pursue that you may live).
>
> Dr. King, we pledge to you and one another to continue your most noble historical mission, rising to meet your high stature. We can do no less. We shall never give up marching to the Promised Land you so abundantly and sacrificially dreamed of, leaving behind slavery in all its manifestations. Together we shall yet overcome, O God Almighty, we shall yet overcome. Amen.●

NATIONAL POTATO LOVERS MONTH

● Mr. CRAIG. Mr. President, I rise to make a few remarks concerning National Potato Lovers Month.

It is whispered that February is the month for lovers. Well, Idahoans know that better than most Americans. You see, February is National Potato Lovers Month. That means that the "eyes" of the nation are upon the great state of Idaho.

Our spuds come in all shapes, sizes, and varieties, but they all have home-grown a-peel: Hot taters, big taters, little taters—even tater tots. Spuds all over the state of Idaho chip-in to put our best side up during National Potato Lovers Month.

Potatoes are truly an "all-American" food. In fact, instead of apple pie, it would be more accurate to say something is as "American" as the potato. Potatoes were first pulled from the ground in the New World, whereas apple pie originated in Europe. As early as 200 B.C., Inca Indians used potatoes to prevent indigestion and rheumatism, and used their growing cycles to measure time. During the 19th century, the American food was planted in Ireland, where its popularity surged. In fact, the Irish soon learned they couldn't live without potatoes. When Irish potato crops failed for three years, eight million people died.

Later in the 19th century, Irish immigrants popularized potatoes in America. They eventually discovered the promised land for potatoes—Idaho. Our state has the cool and moist climate that grows perfect spuds.

The only hiccup in America's steady consumption of potatoes came in the 1950's. First, instant convenience foods hit the market, and then a fad diet mistakenly identified potatoes as fattening. But when the tuber's true traits were told, potatoes joined the ranks of other processed foods.

Spuds have a long and cultivated history that includes the political stage. Politics and the potato met long ago, when Thomas Jefferson served spuds at White House dinners to special guests. And politics and the potato met again when Dan Quayle accidentally gave the country—and himself—a spelling lesson, making Dan Quayle a true "hot potato."

The potato continues its appetizing presence in the political arena. We here in the Senate might disagree, but we usually stop short of calling each other half-baked. And, because we know there is more than one way to skin a potato, we generally manage to unearth solutions.

To celebrate National Potato Lovers Month, I'll be sending each of my colleagues a sampling of the world's best spuds—Idaho potatoes.●

EXTRAORDINARY FAMILY OF VERMONTERS

● Mr. LEAHY. Mr. President, there was an article in one of our Vermont papers in the last few days about an extraordinary family of Vermonters. Marcelle and I have known Dick and Linda Butsch for many, many years and we have been especially pleased to watch their five children as they have grown. We have also watched Jen and Chris, and the triplets, Sarah, Patrick, and Gillian.

Sarah, Patrick, and Gillian were recently profiled because of their hockey activities. I will, at the end of my comments submit to the CONGRESSIONAL RECORD the entire story.

Dick and Linda are the best of Vermonters. Not only have they given a great deal of themselves to the community and to their families, but I have always remembered with fondness the many kindnesses they showed to my mother and father, while they were alive.

We are a small State, but it is people like the Butschs that make us a great State, and I congratulate all of them and continue to look with admiration as their children grow and develop.

Mr. President, I ask that the article entitled "Family Values" by Mike Donoghue be printed in the RECORD.

The article follows:

[From the Burlington Free Press, Feb. 4, 2000]

FAMILY VALUES

HOCKEY HAS BEEN A CONSTANT FOR THE BUTSCH CLAN, INCLUDING TRIPLETS SARAH, PATRICK AND GILLIAN

(By Mike Donoghue)

In Central Vermont hockey, it's not unusual to see the name Butsch for scoring a goal.

From time to time you might have read a scoring summary indicating "Butsch goal with Butsch assist."

On a few rare occasions it might have said, "Butsch goal with Butsch and Butsch assists."

For years the Butsch family has been synonymous with Central Vermont hockey, especially at U–32 High School in East Montpelier. Now the family is getting more and more attention in all four corners of the state—for both boys and girls teams—and even spreading into colleges in the Northeast.

The latest bunch of Butsch stars are triplets—Sarah, Patrick and Gillian—the children of Dr. David "Dick" and Linda Butsch. The three were born almost as fast as a wing taking three slap shots.

"They came less then a minute apart," said Linda Butsch with a laugh as she recalled the birthday in late February 1984.

The triplets have followed each other to the ice rink almost as fast as their births. They were skating by 4 and playing hockey by 6. They worked their way up through Mites, Squirts, Pee-wee, and Bantams.

They also are following in the ice skates of two older siblings, Chris, a sophomore at Skidmore, where he is president of the college's club hockey team; and Jen, a freshman for the Providence College women's hockey team.

All five made their way through the Central Vermont Skating Association before joining the U–32 varsity.

"They play hockey for all the right reasons," said Bill Driscoll, head of the North American Hockey Academy in Stowe.

"They show up. They love every minute of every game and practice. They have a super attitude."

PLAYING THEIR GAME

Sarah and Patrick are stars with the U–32 boys hockey team, while Gillian, the youngest of the triplets, is the top scorer on the newly formed U–32 girls varsity hockey team.

Patrick led U–32 in scoring last year as a freshman with 24 goals and has tallied 23 this year.

Patrick admits that he winces a little when his sister, Sarah, who plays the wing, has to take a cheap shot from one of the boys on the opposing team. Otherwise, she holds her own.

"If it's a clean check, I know she can take it," said Patrick, who hopes to play hockey in college.

Patrick and Sarah normally play on different lines, but from time to time they are on the ice together.

"We don't play together that often. We've played more together in the past," Sarah said.

Patrick looks forward to those moments when he is skating alongside Sarah.

"It's fun when you are out there and know exactly where she is going to be," he said.

When U–32 voters approved funds for a girls varsity team this winter, Sarah had the chance to switch from the boys varsity. She declined. If she does switch, she will be locked into that decision.

"I wanted to stay with the boys just because of the level of play. I thought it would be more advantageous," said Sarah, who would like to play college hockey like her older sister.

Her coach, Jim Segar, agreed.

"It would hurt Sarah to go play with the girls because of her abilities," Segar said.

Her sister, Gillian Butsch, played in the CVSA's Bantam Division through last year, but jumped at the chance to be a member of the original girls varsity team.

"All the players and all the parents were in favor of a girls team so they could be equal with the boys," Sarah said.

Sarah, who is the leading scorer on the girls team, said the varsity team has improved substantially since the start of the season.

In order to better compete with the boys, Sarah works out with weights in some of her free time.

Segar and U–32 girls coach Mike Reardon said the Butsch children have been supportive of each other.

Reardon said when no scorekeeper was available for a recent girls varsity game, Patrick jumped in to run the scoreboard.

"Not everybody would do that," said Reardon.

Hockey isn't the only passion they share. The three sophomores also like to play soccer in the fall and lacrosse in the spring. They also have been known to pick up a tennis racket.

THE BIGGEST FANS

Dick and Linda Butsch have not only supported their children in their hockey exploits, but also in their day-to-day lives.

"The parents are really great people," Reardon said. "They have instilled a lot of social values in their kids. They also have provided them with their same humility and sense of humor."

Driscoll also has followed their careers.

"With five children, you would have thought their parents would have burned out on hockey by now. But they are at every game," he said.

Butsch's career included a stint on the junior varsity team at Princeton. "It was all downhill after that," he said with a laugh.

Others would dispute that, including Segar and Reardon.

Butsch has been active with the new hockey rink in Montpelier, the Central Vermont Civic Center, and helped raise the $1.8 million for its construction, Segar said.

"Dick Butsch is making hockey happen in Central Vermont. Not only for U–32 and Montpelier, but the Harwood Association and others." He said even Spaulding High has used the Montpelier center when unable to use its home ice because of the farm show.

Butsch is trying to raise another $100,000 to put the final touches on the civic center, which opened in December 1998.

Butsch, a surgeon, has been known to show up in his hospital scrubs at civic center board meetings, Segar said.

Reardon said this winter he had a severe gash to his hand and Gillian pulled out a medical supply kit to help stop the bleeding and urged him to go see her father for stitches.

Reardon said a few days later, when it came time to remove the stitches, Butsch accommodated the coach at the rink by taking them out.

Linda Butsch admitted she is a limited skater. Her husband said she had a short hockey career.

"We got her to play goalie once. She never came back," he said.

THE FIRST WAVE

The Butsch triplets aren't the only family members making a name for themselves in the world of hockey.

Jen Butsch, a freshman on the Providence College woman's hockey team, had two goals and one assist last weekend, including the game-winning score against Cornell on Saturday.

Earlier this season, she had a game-winning goal with four seconds remaining in overtime at St. Cloud. The Friars (15–5–3 overall, 9–4–3 in ECAC play) are ranked eighth in the nation. Butsch has nine goals and seven assists, putting her third in points for Providence, which is undefeated in 13 of its last 14 games.

"She is quite a role model for her sisters," U–32 boys varsity coach Jim Segar said.

Chris Butsch is a sophomore at Skidmore, where he is president of the first-year club hockey team. He was a Division III all-state center at U–32, where he was the leading scorer and two-year captain. He keeps busy trying to line up games for the team and checking the Internet to see how his sister Jen is stacking up. When he gets home he tries to suit up for an occasional game with a local team, the Bolduc Crushers.●

RECOGNITION OF THE HARRIMAN ARTS PROGRAM OF WILLIAM JEWELL COLLEGE

● Mr. BOND. Mr. President, I rise today to recognize the achievements of Dr. Richard Harriman. Dr. Harriman has been an integral part of the Fine Arts program at William Jewell College and on February 25, 2000, the Fine Arts program will be named for him.

Among his many accomplishments, Dr. Harriman presented the world professional recital debut by the world renowned Luciano Pavarotti in 1973. Dr. Harriman has also presented other artists such as Isaac Stern, Itzhak Perlman and Yo-Yo Ma.

The Fine Arts program at William Jewell Incorporates an Education Series that offers free masters classes, workshops and discussions allowing Jewell students and community members to view artists in a less formal setting. Furthermore, the program was named in Peterson's Smart Parents Guide to College as an example of how small colleges can become centers of culture for an entire region.

Mr. President, Dr. Harriman has been a tremendous asset to William Jewell College and, indeed, the entire Kansas City area. I ask that my colleagues join me in congratulating him on this most distinguished honor.●

TRIBUTE TO LESTER S. JAYSON

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to a dedicated public servant and friend of the Congress for many years, Lester S. Jayson, former director of the Congressional Research Service, who died on December 30, 1999, in Orlando, Florida.

Mr. Jayson joined the staff of what was then the Legislative Reference Service in October 1960 as Senior Specialist in American Public Law and Chief of the American Law Division. He was promoted to Deputy Director of the Service in May 1962, and served as Director from February 1966 through September 1975.

Mr. Jayson was influential in helping to develop the modern Congressional Research Service during his tenure as director of CRS between 1971 and 1975, the years in which the Service began implementation of the Legislative Reorganization Act of 1970. This Act changed the name of the Service and fundamentally enhanced its role by emphasizing the provision of policy analysis in all services to Members and committees of the Congress. The staff of the Service more than doubled during this time, and Mr. Jayson helped guide CRS to fulfill its congressional mandate and continue the tradition of responding to congressional requests for comprehensive and reliable information, research, and analysis to the Congress at all stages of the legislative process.

A graduate of New York City College in 1936 and Harvard Law School in 1939, Mr. Jayson was admitted to the bar of the State of New York and practiced law in New York City until 1942, when he was appointed Special Assistant to the U.S. Attorney General to handle trial and appellate proceedings in civil cases in the New York field office of the Department of Justice. In 1950, he joined the Appellate Section of the

Civil Division of the Justice Department, and in 1957, he became Assistant Chief of the Torts Section, Civil Division, and then was promoted to Chief of that division. Mr. Jayson was also a member of the bar of the U.S. Supreme Court, the U.S. Court of Claims, the U.S. Court of Appeals for the District of Columbia Circuit, and various other Federal courts. He served as Chairman and Vice Chairman of the Federal Tort Claims Committee of the Federal Bar Association.

His 1,200-page book, Federal Tort Claims: Administrative and Judicial Remedies, was considered by many to be the preeminent volume on federal tort law. He wrote the volume as an extracurricular activity in 1964 and continued to update it regularly until several years ago.

On behalf of the Members of Congress who knew and worked with Mr. Jayson, I would like to thank his family for sharing him with us during the years he served the Congress and hope they are comforted by his legacy. Our thoughts and prayers are with his wife, Evelyn, his daughters Jill and Diane, and his four grandchildren.•

TRIBUTE TO JIM FLANAGAN ON HIS RETIREMENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today in recognition of a gentleman who is known to many of us here in the Senate and in the House of Representatives, Mr. Jim Flanagan, who is now retiring after more than 35 years of representing electric utility interests here in Washington.

A graduate of St. Michael's College in Vermont, and an Army veteran who served as a guided missile instructor, Jim Flanagan worked for many years as the Washington Representative of New England Electric System, and later for Yankee Atomic Electric Company. It is in that capacity that many of us came to know Jim as a wise counselor on the intricacies of electricity and tax legislation. Jim always had a firm grasp on the issues, he often had an innovative approach to solving a problem, and he was unfailingly respectful of the political process and the difficult decisions that elected representatives face when supporting or opposing legislation.

I came to know Jim personally under just such circumstances. He was an advocate for licensing the Seabrook nuclear plant in my state of New Hampshire, arguably the most controversial construction project ever undertaken in this country. Throughout good times and bad, through the many legislative attempts to derail the project, Jim Flanagan stood his ground, he argued with facts not rhetoric, and he represented his company's interests with integrity and passion. We eventually licensed that plant, something I am personally proud of, and today Seabrook is one of the safest, best-performing nuclear plants in the world. Without the efforts of Jim Flanagan, that would not have happened.

Jim had another, equally important, side to him. Beyond the issues of the day, Jim Flanagan was a loyal friend, a gentleman who looked out for others and who would take that extra step to do someone a favor. He was a believer in young people, and took it upon himself to be a mentor to many here in Washington, including members of my staff. Many of us who know Jim know that he has a bad knee, but few of us realize that he got that bad knee teaching Little Leaguers how to slide into second base more than 40 years ago. From his hometown of Waltham, Massachusetts, to here in the Nation's Capital, Jim Flanagan cared about people.

In an industry that has gone through several sea changes, and in a town where people and ideas come and go, Jim Flanagan was a constant—you could always count on him. Jim will be sorely missed—some say the Edison Electric Institute will not survive without him—but he will certainly not be forgotten. Jim's wife Beth, and his two grown children Billy and Lisa, should be very proud of him.•

RECOGNITION OF JASON LEE MIDDLE SCHOOL IN VANCOUVER, WA

• Mr. GORTON. Mr. President, as I have traveled throughout Washington State, meeting with parents and educators, I have learned about the unique needs that exist in each of our school districts. One of those challenges is teaching children who speak English as their second language. In Vancouver, Washington, Jason Lee Middle School has created a program called the Jason Lee English Transition System (JETS) that tackles this challenge head on and not only teaches English, but also identifies exceptional and special needs students and helps them to excel. I am proud to present my 32nd "Innovation in Education" award to the JETS program of Vancouver's Jason Lee Middle School.

Twenty-five percent of Jason Lee's students are English Language Learners [ELL] and speak 14 different languages. A majority of these students speak either Russian, Ukrainian, or Spanish, creating a diverse student body and enhancing every child's education. When a child begins to learn English at Jason Lee, they do not immediately enter mainstream classes and instead are taught in their native language to demonstrate their math and reading levels. Students must also go through an intensive instruction in English before they are brought into general education classes. This advance preparation means that ELL students are greeted with a more inclusive atmosphere and will have a greater understanding of their classes and coursework.

Another challenge that faces students new to the United States is understanding American culture while maintaining ties to their own native culture. The JETS program also recognizes this difficult adjustment by putting a great emphasis on encouraging both the celebration of the native culture and in actively encouraging parental involvement.

In addition, JETS has taken the further step of working to not only provide these students with a smooth transition into English, but it goes one step further and identifies gifted students and students with special needs. Too often, programs for non-English speaking students struggle to identify children needing special attention. Clearly, JETS has addressed that obstacle and serves as a model for school districts struggling with the same challenges.

The JETS program does not just teach students English, it identifies and addresses the many issues that a child new to this country must suddenly deal with and seeks an understanding of each student's learning level. I applaud the teachers and staff at Jason Lee Middle School for developing the JETS program which demonstrates the innovation and creativity that is happening in our schools today. I congratulate Jason Lee Middle School for its outstanding work in this field of education.•

BEULAH COOL'S 96TH BIRTHDAY

• Mr. ABRAHAM. Mr. President, I rise to recognize Beulah Cool and congratulate her on the celebration of her 96th birthday. Ms. Cool was born on June 20, 1903 in Elmdale, MI, and is currently a resident of Webberville County, MI.

Ms. Cool has lived a life dedicated to helping others, as evidenced by her commitment to education and community service. She graduated from Clarksville school in 1921, took a six-week course in teaching, and taught at a rural school that same year. Upon her marriage to Kenneth Cool in 1929, she put a hold on her teaching career and gave birth to two sons, William Kenneth (1940) and Robert Arthur (1943), staying at home until they were both in school. In 1950, Ms. Cool returned to teaching, instructing first grade for 21 years until her retirement in 1971.

After her retirement from teaching, Beulah commenced her "second career" as a volunteer, with organizations such as the Red Cross, CROP Walk and Sparrow Hospital. One of her specialities when working at Sparrow was knitting caps for premature babies. Ms. Cool is also a member of the Webberville United Methodist Church (where she has taught Sunday School), the Webberville Women's Advance

Club, the Webberville Garden Club, and the Webberville Extension Club. In honor of her extensive community service, Beulah was named Webberville Citizen of the Year in 1990, "Queen of Webberville" by the Webberville Fireman's Organization in 1996, and has served as Grand Marshal in a Webberville parade.

The town of Webberville and the State of Michigan are lucky to have Beulah Cool to call their own. I applaud her on her more than 70 years of community service through education and volunteer work and I wish her a very happy 96th birthday.●

ST. CLAIR SHORES AMVETS POST 121 CELEBRATES 50TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise to recognize the St. Clair Shores, Michigan, AMVETS Post 121 upon the celebration of its 50th anniversary taking place this February 24th.

For the past 50 years the post has strived to make a home for many American service men and women, while in service and after they received an honorable discharge. The post has been involved in the St. Clair Shores Memorial festivities, and has provided community service and child welfare for both veterans and non-veterans yearly by giving college scholarships, baskets of food during Christmas time, and food and clothing donations to local children's facilities.

I applaud AMVETS Post 121 for its committed remembrance of the men and women who have served our country in the Armed Forces. Their dedication and hard work for veterans and non-veterans alike should serve a model for other veteran organizations around the country. It is an honor today, on behalf of the U.S. Senate, to recognize AMVETS Post 121 on its 50th anniversary.●

TRIBUTE TO THE MICHIGAN ASSOCIATION OF CHIEFS OF POLICE

• Mr. ABRAHAM. Mr. President, I rise today to recognize the Michigan Association of Chiefs of Police (MACP) who are attending their Mid-Winter Training Conference this week. I want to commend Michigan's Chiefs of Police for their dedication to protecting Michigan's citizens—for their unwavering effort to keep our communities safe, even when that means putting themselves in harm's way.

The MACP training conference is evidence of their commitment to learning the most current state-of-the-art practices and systems used by law enforcement in order to keep Michiganians as safe as possible.

Mr. President, I have had the pleasure of working with some of these police chiefs on legislation. Through this work, I have only gained more respect and appreciation for their dedication and their expertise in law enforcement issues.

At a time when some politicians are supporting clemency for terrorists, and others are effectively pitting our law enforcement officers against the very people they are protecting, I think it is essential that we publicly recognize the exemplary role that our police chiefs and officers play.

I am proud to have this opportunity, on behalf of the U.S. Senate, to publicly express our gratitude to police chiefs and officers across the country who risk their lives to keep us safe—who work every day on the side of law-abiding citizens. I call on all elected representatives to join me in supporting the efforts of police chiefs to keep our communities safe.●

CENTER LINE HIGH NAMED A BLUE RIBBON SCHOOL BY DEPARTMENT OF EDUCATION

• Mr. ABRAHAM. Mr. President, I rise to offer my congratulations to Center Line High School in Center Line, Michigan, upon its recognition by the US Department of Education as a Blue Ribbon School. Fully accredited by the North Central Association and continuously endorsed since 1956, Center Line High School has demonstrated excellence in a variety of areas, including student focus and support, active teaching and learning, leadership, community partnerships, and educational vitality.

The Department of Education's Blue Ribbon Program promotes and supports the improvement of education in America by: identifying and recognizing schools that are models of excellence and equity, that demonstrate a strong commitment to educational excellence for all students; making research based, self-assessment criteria available to schools looking for a way to reflect on how they are doing; and encouraging schools, both within and among themselves, to share information about best practices which is based on a shared understanding of the standards which demonstrate educational success.

Center Line High School demonstrated its excellence to the Department of Education through a variety of innovative programs intended to prepare its students academically, physically, and socially to participate productively in this rapidly changing world. Center Line High is in its second year on an alternating A/B block schedule, which has allowed the school to implement 11 new courses this past year. Beyond its academic and curricular superiority, Center Line offers an array of student-run activities that integrate learning and service with community involvement. One such program allows students the opportunity to operate a branch of the Metro Credit Union (one of the first student-run credit unions in the county and state) while the student-initiated Community Outreach Program gives students the chance to engage in area service projects.

I applaud Center Line High School on its excellence in education and its commitment to the development of students and the community. I also with to congratulate the school once again upon its designation as a Blue Ribbon School by the Department of Education.●

THE RETIREMENT OF THE MOST REVEREND MOSES B. ANDERSON, S.S.E.; AUXILIARY BISHOP ARCHDIOCESE OF DETROIT

• Mr. ABRAHAM. Mr. President, I rise to make a few remarks concerning the retirement of the Most Reverend Moses B. Anderson, S.S.E. Auxiliary Bishop of Detroit. Bishop Anderson was the first African-American Catholic Bishop in the State of Michigan.

Bishop Anderson will be honored at a Gratitude Dinner at the Sacred Heart Major Seminary in the City of Detroit on February 17, 2000, at which time he will also be presented with the Mother Theresa Duchemin Maxis Award.

Bishop Anderson has served the Catholic Church since his ordination as a priest in 1958. He was appointed Auxiliary Bishop of Detroit in 1982, was consecrated in 1983 at the Blessed Sacrament Church, and was appointed Pastor of Precious Blood Parish in Detroit in 1992. While in service to the Catholic Church in Greater Detroit, Bishop Anderson has specialized in several areas, most notably those dealing with black theology, art, and evangelization.

Bishop Anderson's membership list includes: the National Catholic Conference of Bishops—United States Catholic Conference, the Society for the Study of Black Religion, the New Detroit Board of Trustees, Boysville of America, and the Ecumenical Forum. He has also given lectures or written papers on the following topics: Black Theology, Evangelization-Indigenization, the History of the Black Church in Louisiana, Racism—The Impoverishment of the Body and the Spirit, Black Awareness—The Harlem Renaissance and the Negritude Poets, and Black Spirituality.

Bishop Anderson's lengthy list of accomplishments also includes educational achievements, including the following degrees: Doctor of Humane Letters, St. Michael College; Honorary Degree in L.L.D. from Kansas Newman College; Honorary Doctor of Humanities Degree from Madonna College; and Honorary Doctor of Laws Degree from the University of Detroit Mercy.

I applaud the Most Reverend Moses B. Anderson for his contribution to the Catholic Church and the Greater Detroit area and wish to take this opportunity to personally thank him for his many years of selfless service to the City of Detroit and the State of Michigan.●

MICHIGAN STUDENTS HONORED AS EXEMPLARY YOUTH VOLUNTEERS BY THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

● Mr. ABRAHAM. Mr. President, I rise to congratulate and honor two young Michigan students who have achieved national recognition for exemplary volunteer service in their communities. Jonathan Quarles of Flint and Gopalkrishna Trivedi of Grosse Pointe Park have just been named State Honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school student and one middle-level student in each state, the District of Columbia and Puerto Rico.

Mr. Quarles, a high school senior at Flint Northern High School, founded Students Against Violence Everywhere (S.A.V.E.), a group that helps discourage crime through creative presentations. Since the group was founded in 1997, they have worked in collaboration with many organizations, including leadership workshops. "In the past year, not one teen was killed by violence in Flint," says Jonathan.

Mr. Trivedi, an eighth-grader at Pierce Middle School, repaired and upgraded 120 obsolete computers to help non-English speaking students learn and work in English. He encouraged two of his computer classmates to help with the project, and the three students proceeded to carry the outdated computers from the school basement to the computer lab. They then inspected each computer to diagnose problems, and replaced all defective parts. Once the computers were repaired, Gopal then formatted the hard drives, installed CD-ROM's, and loaded each with an operating system. Most of these modified computers were donated to students who had recently arrived from Albania with very few financial resources. Gopal donated the rest of the computers to the school's science lab and the computer keyboarding lab. "It is a really good feeling when sacrifices are made for other people and those sacrifices actually change some lives for the better," said Gopal recently.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contributions these young people have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Quarles and Mr. Trivedi are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Mr. Quarles and Mr. Trivedi should be extremely proud to have been singled out from such a large group of dedicated volunteers. As part of their recognition, they will come to Washington in early May along with other year-2000 Spirit of Community honorees from across the country, for several days of special events, including a Congressional breakfast reception on Capitol Hill. While here in Washington, ten will be named America's top youth volunteers of the year by a distinguished national service selection committee chaired by Senators Byron Douglas of North Dakota and SUSAN COLLINS of Maine.

I heartily applaud Mr. Quarles, and Mr. Trivedi for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. I would also like to salute other young people in my state who were named Distinguished Finalists by The Prudential Spirit of Community Awards for their outstanding volunteer service. They are: Nupur Kanodia of Rochester Hills, Lauren Lubowicki of Fenton, David Sherman of Dearborn, Korina Smith of Douglas, Brooke Southgate of Unionville, and Perry Williams of Grand Rapids.

All of these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world. They deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.●

RICK JONES TO RECEIVE 1999 SERVICE TO CHILDREN AWARD

● Mr. ABRAHAM. Mr. President, I rise to congratulate Rick Jones, Captain of the Road Patrol for the Eaton County Sheriff's Department, on his selection as the 1999 Service to Children Award winner. This award will be presented to Captain Jones by the Eaton County Child Abuse and Neglect Prevention Council.

Captain Jones was selected for his volunteer work benefitting youth activities throughout Eaton County. Captain Jones' involvement in youth activities in his area range from efforts to build both the Eaton Rapids Playground of Dreams and the Potterville Imagination Station Playground, to volunteer work with the "Kids to the Rescue" Earth Day activities, Grand Ledge Kid's Day, 4H programs, and the Special Olympics.

Captain Jones' efforts toward improving his community also reach beyond his work with area youth. He has participated in area programs including Meals on Wheels, 4-H, Eaton Shelter, and Eaton Community Hospice.

The newsletter of the Eaton County Child Abuse and Prevention Council said this about Captain Jones: "Living a life of service is paramount to Rick Jones * * * As a young Sheriff's deputy, Jones learned that 'life could be pretty short.' After being shot at, Rick Jones found himself evaluating life's meaning and concluding that what is truly important are contributions to his community."

Eaton County, and all of Michigan, are lucky to have Rick Jones to call their own. I am sure that his outlook on life and his volunteer work have made a positive difference in the lives of many in his community. It is an honor today, on behalf of the U.S. Senate, to congratulate Captain Jones on his receipt of the Service to Children Award.●

THE 75TH ANNIVERSARY OF THE VETERANS OF FOREIGN WARS NATIONAL HOME

● Mr. ABRAHAM. Mr. President, I rise to congratulate the Veterans of Foreign Wars National Home on their 75th anniversary. The VFW National Home—also known as the VFW National Home for Children—located in Eaton Rapids, MI, celebrated this milestone birthday on the seventh of January, 2000.

The VFW National Home for Children has served more than 1,600 people across the country who have family ties to members of the VFW and Ladies Auxiliary. The 600 acre facility grew from a plot of land that was initially donated by a Jackson farmer in 1925. Originally created as an orphanage for children of dead or disabled veterans, the home now has professional case workers on staff, while offering full college funding for children, a program for single parents, and other social programs.

The house is home to 91 children and 27 single parents. In addition to social services, it offers a nursery, sports programs, and several extracurricular activities. And, as if this wasn't impressive enough, the VFW National Home is run totally on private donations.

Mr. President, Michiganians are privileged to have this important home in their state. It is an honor today, on behalf of the United States Senate, to offer congratulations on their anniversary and thanks to all of those who donate their time, their love, and their financial resources to the VFW National Home.●

WARREN YMCA CELEBRATES 20TH ANNIVERSARY OF ITS GOURMET DINNER

● Mr. ABRAHAM. Mr. President, I rise to recognize the Warren, Michigan, YMCA upon the 20th anniversary of its annual "Gourmet Dinner." The Warren YMCA holds a unique dinner each year, raising money for summer camp and similar youth projects. The banquet is attended by area residents who are treated to food and drinks prepared by area restauranteurs and served by notable community members.

Part of the funds raised from the gathering will go toward camperships for needy children, while some of the monies will supplement the Friday night drop-in centers for youths currently held at various church and school buildings around the city. Gym time, craft projects, pool and ping-pong games, and dances are also part of the available activities.

The event, believed to be the first of its kind in the Warren area, has been considered a perennial success by members of the YMCA's Executive Board as it merges community cooperation with youth development.

The fund raising dinner is a very special event in Metropolitan Detroit and has been a success since its inauguration 20 years ago. I applaud the Warren YMCA for its vision of service and the community for its continued involvement in this very worthy event.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–22

Mr. GORTON. Mr. President as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 10, 2000, by the President of the United States: Treaty with Russia on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 106–22).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Russian Federation on Mutual Legal Assistance in Criminal Matters, signed at Moscow on June 17, 1999. I transmit also, for the information of the Senate, a related exchange of notes and the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism, moray laundering, orgnanized crime and drug-trafficking offenses. The treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty included obtaining the testimony or statements of persons; providing documents, records and other items; aserving documents; locating or identifying persons and items; executing requests for searches and seizures; transferring persons in custody for testimony or other purposes; locating and immobilization assets for purposes of forfeiture, restitution, or collection of fines and any other form of legal assistance not prohibited by the laws of the Requested Party.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 2000.*

MEASURES INDEFINITELY POSTPONED

Mr. GORTON. Mr. President, I ask unanimous consent that the following bills be indefinitely postponed: Calendar No. 10—S. 270, No. 11—S. 271, No. 12—S. 280, No. 22—S. 364, No. 34—S. 96, No. 54—S. 272, No. 55—S. 392, No. 104—H.R. 509, No. 105—H.R. 510, No. 112—S. 858, No. 129—S. 415, No. 132—S. 109, No. 133—S. 441, No. 156—S. 607, No. 171—S. 140, No. 176—S. 946, No. 177—S. 955, No. 207—S. 1248, No. 216—S. 1393, No. 225—S. 581, No. 239—S. 953, No. 248—H.R. 695, No. 307—S. 1377, and No. 429—S. 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, we are going to have a lot shorter calendar when we come back in a couple of weeks.

DESIGNATING THE WEEK OF FEBRUARY 14–18, 2000, AS "NATIONAL HEART FAILURE AWARENESS WEEK"

Mr. GORTON. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 256, submitted earlier by Senator SPECTER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 256) designating the week of February 14 to 18, 2000, as "National Heart Failure Awareness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 256) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 256

Whereas the primary goals of "National Heart Failure Awareness Week" are—

(1) to promote research related to all aspects of heart failure and provide a forum for presentation of that research;

(2) to educate heart failure caregivers and patients through programs, publications, and other media allowing for more effective treatment and diagnosis of heart failure; and

(3) to enhance the quality and duration of life for those with heart failure;

Whereas heart failure, a disease of the heart muscle, is of epidemic proportions in the United States;

Whereas as of January 1, 2000, approximately 4,600,000 Americans had been diagnosed with congestive heart failure, and an estimated 450,000 more cases will be diagnosed in the year 2000;

Whereas coronary artery disease is a cause in approximately 50 percent of the cases of patients with heart failure, and in such cases, patients often have heart attacks or require bypass surgery;

Whereas the incidence of heart failure increases with age and is the most frequent cause of hospitalization for individuals over the age of 65;

Whereas the prognosis for those diagnosed with heart failure is not promising, as less than 50 percent of patients live more than 5 years after their initial diagnosis; and

Whereas it is vital that the American public become aware of the enormous impact of heart failure, and be better educated regarding the signs and symptoms of the disease: Now, therefore, be it

Resolved, That the Senate—

(1) in recognition of all the individuals who have devoted time and energy toward increasing public awareness and education on heart failure, designates the week of February 14–18, 2000, as "National Heart Failure Awareness Week"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. GORTON. Mr. President, I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 244 and the

Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H. Con. Res. 244) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 244) was agreed to.

ORDERS FOR TUESDAY, FEBRUARY 22, 2000

Mr. GORTON. Mr. President, I ask unanimous consent when the Senate completes its business today it adjourn until 11 a.m. on Tuesday, February 22, under the provisions of S. Con. Res 80. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then recognize Senator MOYNIHAN to read Washington's Farewell Address as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that following the address the Senate begin a period of morning business until 12:30 p.m. with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator DURBIN or his designee in control of the first half of the time, to be followed by Senator THOMAS, or his designee, in control of the second half of the time.

I also ask unanimous consent the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. For the information of all Senators, when the Senate reconvenes, Senator MOYNIHAN will be recognized to read Washington's Farewell Address in honor of the impending holiday. Following this annual Senate tradition, the Senate will be in a period of morning business until the Senate recesses at 12:30 p.m. for the weekly policy luncheons. When the Senate reconvenes at 2:15 p.m., it will begin consideration of any executive or legislative items cleared for action. However, the leader has announced there will be no votes prior to 2:15 p.m.

ADJOURNMENT UNTIL 11 A.M. TUESDAY, FEBRUARY 22, 2000

Mr. GORTON. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 80.

There being no objection, the Senate, at 6:14 p.m., adjourned until Tuesday, February 22, 2000, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 10, 2000:

DEPARTMENT OF STATE

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

RONALD D. GODARD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

DANIEL A. JOHNSON, OF FLORIDA, CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

V. MANUEL ROCHA, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

MICHAEL J. SENKO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate February 10, 2000:

THE JUDICIARY

THOMAS L. AMBRO, OF DELAWARE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

JOEL A. PISANO, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE RURAL LOCAL BROADCAST SIGNAL ACT OF 2000

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. GOODLATTE. Mr. Speaker, I rise today with my colleague from Virginia, Congressman RICK BOUCHER, to introduce crucial legislation that will have a significant impact on the lives of millions of Americans, especially those who live in smaller cities and towns, on farms and throughout rural areas. This legislation will ensure that community information such as local weather forecasts, natural disaster alerts, and local government announcements reach those who needed it most.

Our legislation, entitled the Rural Local Broadcast Signal Act, would accomplish these goals by authorizing the Rural Utilities Service, an agency of the U.S. Department of Agriculture, to provide loan guarantees to entities that can obtain the private funding to launch technologies that will provide local TV signals over satellite in the medium sized and smaller TV markets. Through these loan guarantees, the RUS will continue its mission of promoting economic development and improving the lives of rural Americans while fulfilling the original intention of legislation enacted last November—to enable all Americans to receive their local television signals over satellite.

I was proud to be a member of the conference committee on the recently enacted Intellectual Property and Communications Omnibus Reform Act of 1999, which included language to allow direct broadcast satellite providers to immediately begin retransmitting local television broadcast signals into the broadcast station's area, subject to a retransmission consent agreement negotiated with each station carried. This new law allows satellite providers to become more effective competitors to cable operators, who have been able to provide local over-the-air broadcast stations to their subscribers for years. It will also benefit American consumers in markets where local TV via satellite is made available by offering them full service digital television at an affordable price.

More importantly, these consumers will benefit from local news, weather reports, information such as natural disasters or community emergencies, local sports, politics, and election information, as well as other information that is vital to maintaining the integrity of communities across the country.

Local TV via satellite is already available to satellite subscribers in America's twenty largest television markets. In these markets DirecTV and Echostar, the existing satellite "platform providers," have begun retransmission of affiliates of the ABC, CBS, NBC, and FOX broadcast networks. DirecTV and Echostar have also announced their intention to begin retransmission of local TV stations in an additional twenty or thirty television markets over the next 24 months. Ultimately, the two existing satellite "platform providers" will provide local TV via satellite to households in most, if not all, of the 50 largest television markets in the United States.

However, there are 211 markets in the United States and in excess of 100 million U.S. TV households. There, if matters are left solely to the initiative of the existing satellite "platform providers," more than 50 percent of existing satellite subscribers (over 6 million households) will continue to be deprived of their local TV stations; more than 60 percent of existing commercial television stations (over 1,000) will NOT be available via satellite; and more than 30 million US TV households will remain beyond the reach of local TV via satellite.

Put another way, local TV via satellite will not be available in 27 states and in parts of nearly every state.

So while the law enacted last fall has eliminated the legal barriers to delivery of local TV via satellite, it alone will not assure delivery of local TV via satellite to the majority of local TV stations and satellite subscribers. For that reason, and because many folks in parts of my district and in the districts of most members on this Committee cannot receive their local signals any other way, I am joining with RICK BOUCHER, JOANN EMERSON, and over 100 Members of the House in supporting this legislation to assure that all Americans, not just those in profitable urban markets, can receive their local TV signals over satellite.

STRAIGHT SHOOTER: SHERIFF CHARLIE PLUMMER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. STARK. Mr. Speaker, for the past 13 years, California's Alameda County has been blessed to have a tough, hard-working, straight-talking sheriff named Charles Plummer.

The January 2, 2000 issue of The Argus carried an excellent profile of this outstanding public servant, that I would like to submit, in part, in the RECORD. It is a model for those interested in law enforcement and public service throughout the nation.

I would like to especially commend Sheriff Plummer for his stance on gun control and the need for reasonable regulation. I am proud to note that this has been an issue that has moved him from the Republican party to the Democratic party.

CONTROVERSIAL ALAMEDA COUNTY SHERIFF CHARLIE PLUMMER OFTEN TALKS TOUGH, BUT HE ALSO WALKS THE WALK

(By Josh Richman)

A framed photo on Alameda County Sheriff Charles Plummer's office wall depicts him shouting at someone behind a police crowd-control line. The caption: "'Cause I'm the sheriff, that's why. If you don't like it, get outta here!' "

That's Charles Clifford Plummer to a T. He'll hear your concerns, take suggestions and perhaps even follow them, but never forget he's the boss.

The affable-but-tough-talking lawman has carried a badge for 37 years and, at age 69, shows little sign of slowing down. His department's main duties include policing the county's unincorporated areas, running the county jails and coroner's bureau, and protecting county courts.

Plummer also is a sharp-dressed, number-crunching CEO who runs his 1,650-person-strong, $145.7 million agency like a business. He has a taste for pricey cigars, and he donned a tuxedo rather than a uniform for his swearing-in ceremony. He rules from a 12th-floor corner office choked with international police memorabilia and boasting panoramic vistas of Lake Merritt and the hills.

Some of his deputies accuse him of tyrannical bullying, but most officials and fellow lawmen praise his bluntness.

"He is old-school in the sense that when he gives his word, he keeps it," California Attorney General Bill Lockyer said, adding that Plummer's post as president of the California Sheriff's Association "is an indication of the high regard that other elected sheriffs have for his leadership and abilities."

VALUES AND WORK ETHIC

Plummer was born Aug. 17, 1930, in Fort Bragg. His parents separated when he was six and he grew up in his maternal grandmother's home, where he said he learned "values and a work ethic that have been with me forever.".

He was on high school football, track and basketball teams, performed in the band and drama club, and was senior class president. He took a job as a water well-digger at age 10; while in school, and at Santa Rosa Junior College, he worked as a gardener, shingle mill worker, lumber, camp rigger, apple picker, construction worker, vacuum cleaner salesman and hospital attendant.

He planned to become a mortician, but a California Highway Patrol officer picked him up hitchhiking and talked him into using his gregarious nature and large size to advantage as an officer.

The Berkeley Police Department was "the best in the United States, and that's why I wanted to go there," Plummer said, adding that it seemed like "the West Point of all police work." He joined in 1952 and served there for 24 years, acting as field commander during some of the fiercest student demonstrations and riots of the 1960s and early 1970s. He reached the rank of captain in 1969 and was appointed acting chief in 1973.

He became chief of the Hayward Police Department in 1976. Ten years later he ran for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sheriff, and his opponent's withdrawal from the race led to his uncontested election. He took the department's reins in January 1987, the first outsider to hold the job in more than 40 years.

CHANGING THE DEPARTMENT

Plummer promised to dismantle the department's "old boy network" by replacing favoritism with the work ethic, and by threatening dire consequences for deputies who lied, used racist or sexual slurs, accepted gratuities or took drugs.

He also set about having the department accredited by as many agencies as possible, believing it would bring increased efficiency, better eligibility for state and federal grants and more protection from civil lawsuits.

The Commission on Accreditation for Law Enforcement Agencies accredited his department. The American Correctional Association and the National Committee on Correctional Health Care accredited his jails. The American Society of Crime Laboratory Directors accredited his crime lab, and the U.S. Department of Justice accredited his bomb squad. The certificates hang in his office lobby, tokens of his proudest achievements.

Earning accreditation is like ridding a home of termites, he said—it's expensive up front, but you do it to save money later. Even so, he often has had to go toe-to-toe with other county agencies to vie for dollars.

Plummer has fought budget battles with the same intensity he brought to controlling riots on Berkeley's streets. He once threatened to close North County Jail rather than cut investigators, crime prevention and animal control. In 1996, asked to trim $6.9 million from his budget, he instead asked for $3 million more. "I can't afford to cut one person, so why go through the charade?" he asked at the time.

He doesn't always win. The 1992–93 budget required 300 layoffs, and Plummer had to pink-slip a whole academy class—his lowest moment, he said.

"That hurt me worse than the riots hurt me in Berkeley," he said. "It just tore my heart out. We have warned them it could happen, but that doesn't make it any easier when you're having a graduation and you can't give them badges."

After proclaiming it a "chainsaw massacre," he mustered a crowd, hefted a chainsaw and marched around the courthouse to protest state funding cuts. A penciled caricature of Plummer revving a chainsaw near a courthouse hangs on his office wall.

The budget crunches spurred Plummer to view his department as a business. Assuming that a fully-staffed jail is an economically efficient jail, he sought more contracts to house other agencies' inmates in Alameda County. Plummer's jails have held San Francisco county inmates, state parole violators, federal prisoners from U.S. Marshals in California and Hawaii, and illegal immigrants from the federal Immigration and Naturalization Service.

He acknowledges that those and other contracts, such as providing security for county hospitals and other facilities or events, create a lot of overtime. But his budget always covers it, he noted: "I've never brought in a budget in the red in my life."

He has positions for 920 sworn deputies, 37 of which are now vacant. He hired San Leandro Police Chief Robert Maginnis as an assistant sheriff last August specifically to recruit. Some said Maginnis was being groomed as a likely successor, but Plummer said Undersheriff Curtis Watson already has earned that mantle by paying his dues within the department.

"Also, I would never support anyone who would not agree to give at least two terms," he said, because he believes a sheriff needs at least eight years to be an effective leader.

REPUBLICAN NO MORE

Plummer ended his lifelong GOP membership in June, reregistering with a "no party" designation. Why?

"Guns," he said.

As sheriff, he enacted new requirements for concealed firearm permits—a demonstrated need, a psychiatric exam, $1 million of liability insurance and qualification at the sheriff's shooting range. State Sen. Don Perata, D-Alameda, who earned a permit, wants to include such mandates in a plan for statewide licensing and registration for gun owners. Plummer approves, explaining, "we're not really anti-gun, we're pro-gun-responsibility."

But when he heard U.S. Rep. Bob Barr, R-Georgia, speak on the radio against gun control earlier this year, he had an epiphany.

"I thought, 'I don't want my name associated with that crap,' "Plummer said.

He would rather associate with his wife of 51 years, Norma, their three children—two of whom followed him into law enforcement—and eight grandchildren. He also associates with the Boy Scouts, the Rotary and other groups, which he called "great therapy for me"—talking to people outside his work helps him avoid "burnout" after so many years of policing, he said.

His current term will expire in three years, when he's 72; whether he runs again "will depend on how I feel." He admits he'll be "a little long in the tooth," but a recent physical found him fit, and close aides have agreed to tell him if they think he's slowing down.

"If I think I'm taking anything away from this organization, I'm outta here," he said.

HONORING THE DELRAN HIGH SCHOOL SWIM TEAM

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. SAXTON. Mr. Speaker, today I rise to congratulate the Delran High School swim team for winning its third straight South Jersey Championship and second straight state championship. The Delran swim team dynasty is an excellent example of high school athletes performing at their peak level.

Seldom does a team win a championship, even more rare are back to back championships. It takes extraordinary teamwork, dedication, and perseverance to become a championship team. I applaud the Delran High School swim team's efforts.

I would also like to recognize the following Delran swim team members: Mike Haigh, Steve Kroculick, Rachel Craft, Danielle Hoey, Jenny Kroculick, Karl Scheimreif, Gerall Tieman, Michelle Aleszczyk, Karlee Scheimreif, Jen Tregl, Lauren Schmidt, Danielle Kennedy, Brandon Peer, Craig Tieman, Anne Kennedy Caityln Hoey, Ryan Hannon, Pat Reynolds and Joey Iannuzzi.

Perhaps the most important role of any team is that of the one played by the coach. Delran's coach, Michael Kennedy, molded and trained this formidable championship swim squad. Coach Kennedy's efforts cannot be overlooked and should be commended.

Mr. Speaker, please join me in congratulating this special group of individuals. Their efforts have brought pride to their community, families and high school.

RE-REFERRAL OF S. 1809

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. GOODLING. Mr. Speaker, today S. 1809 was re-referred to the Committee on Commerce and in addition the Committee on Education and the Workforce. Titles I and III have been traditionally in the sole jurisdiction of the Committee on Commerce and Title II, Family Support, has been traditionally in the sole jurisdiction of the Committee on Education and the Workforce. Title II, Family Support, would authorize a program that was originally created in Section 315 of P.L. 103–382, Improving America's Schools Act of 1994, which created a new Part I in the Individuals with Disabilities Education Act. In 1997, Part I, Family Support of IDEA was repealed by Section 203(a), Repealers, of P.L. 105–17, the Individuals with Disabilities Education Act Amendments of 1997, See H.R. 5, the Individuals with Disabilities Education Act Amendments of 1997.

HONORING THE MEN AND WOMEN OF THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor the men and women of the Fairfax County Fire and Rescue Department who have gone above and beyond the call of duty to serve our community. The Fairfax Chamber of Commerce is hosting the 22nd Annual Valor Awards today, Friday, February 11, 2000. The Chamber will recognize law enforcement and emergency response personnel for their acts of bravery. A Valor Award is the highest honor Fairfax County bestows upon its public safety employees.

The Valor Award recipients are selected by a committee that designates honorees for a Lifesaving Award, a Certificate of Valor, or a Gold, Silver, or Bronze Medal of Valor. This year, it is expected that 37 agency personnel will be honored for acts of bravery that demonstrated extraordinary ingenuity, judgment, or zeal.

Mr. Speaker, I would be honored today to read the names of the 17 men and women of the Fairfax County Fire and Rescue Department who will receive the 1999 Valor Awards. Receiving the Lifesaving Award: Firefighter Barry J. Rathbone and Lieutenant Paul A. Masiello; Certificate of Valor: Lieutenant Robert E. Wheeler and Firefighter Joseph M. Laun. Bronze Medal of Valor; Technician William M. Best, Captain I Vincent R. McGregor, and Technician Kurt A. Hoffman; Silver Medal of Valor; Dr. Joseph Barbera, Captain Robert C. Dube, Master Technician Michael A. Istvan, Lieutenant Joseph E. Knerr, Technician Evan J. Lewis, Dr. Anthony Macintyre, Technician Glenn A. Mason, Technician Michael J. Stone, Technician Rex E. Strickland, and Master Technician Jack L. Walmer.

In 1989, the Fairfax County Chamber of Commerce established a special fund to award scholarships to the children of Valor Award medal winners who wish to pursue post-secondary education. Support of the Scholarship Fund demonstrates the sincere appreciation of our County's public safety officers. Over the past ten years, more than one hundred generous businesses and individuals have contributed to this worthy fund, and numerous scholarships have been awarded.

Mr. Speaker, in closing, I wish to thank all those who serve the Fairfax County Fire and Rescue Department. Since 1979, more than 250 members of the Fairfax County Police Department, Fire and Rescue Department and the Office of the Sheriff have received Gold, Silver or Bronze Medals of Valor. I recognize the professionalism of the men and women who are honored here today. I applaud the heroic efforts the members of the Fairfax Fire and Rescue make on our behalf as we extend our appreciation to these exceptional individuals today. I commend these individuals and their colleagues for their undaunted commitment to the citizenry.

INTRODUCTION OF LEGISLATION ENTITLED, "FAMILY VALUES TAX RELIEF ACT OF 2000"

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I have introduced legislation, H.R. 3612 that will repeal certain hidden taxes imposed on our American families and values.

In his latest report to Congress, our country's National Taxpayer Advocate, W. Val Oveson, urges us to eliminate hidden taxes in the Internal Revenue Code. The National Taxpayer Advocate, unlike any top official at the IRS or Treasury, reports his findings and recommendations directly to Congress without review or revision within the agency or department. In one of our greatest legislative achievements, the "IRS Restructuring and Reform Act of 1998," Congress strengthened the National Taxpayer Advocate's independence from the IRS in order to help address taxpayers' concerns.

The National Taxpayer Advocate can now recommend legislative changes to the tax code in cases where current law creates inequitable treatment or where change will alleviate barriers to compliance. For the second year in a row, Mr. Oveson has reported that tax code complexity tops the list of taxpayer concerns. Accordingly, the National Taxpayer Advocate has singled out two hidden taxes in the Internal Revenue Code that should be repealed.

The first of these hidden taxes is the "phaseout of itemized deductions and personal exemptions." With regard to this hidden tax on our American families and values, our country's National Taxpayer Advocate states that "[n]o other tax issues are taken so personally. As a result, the phaseouts of itemized deductions and the personal exemptions are often seen by taxpayers as being especially unfair, creating a certain amount of resentment and cynicism. "[A]llowing all taxpayers to retain these deductions and exemptions would go a long way toward reducing burden, increasing fairness, and restoring faith in the tax system."

The second of these hidden taxes is the "Alternative Minimum Tax" or AMT. With regard to this hidden tax on our American families and values, our country's National Taxpayer Advocate describes the AMT as "unnecessarily complex and burdensome," effectively operating "as a separate or 'parallel' tax system with many rules that differ from the regular tax system." Many taxpayers are required to make several computations just to see if they must figure out their tax under the AMT. Additionally, AMT presents significant compliance and administrative problems for the IRS. Finally, many taxpayers are subject to the AMT "without being aware of its existence. Often, the way that many individuals first hear of the Alternative Minimum Tax is when they received a notice from the IRS. Outright elimination of the Alternative Minimum Tax would do a great deal for simplification and burden reduction of the tax system" (emphasis added)."

I strongly support the work and conclusions of the National Taxpayer Advocate. My bill will repeal both of these hidden taxes on American families and values.

Additionally, my bill will go one step further and repeal another hidden tax—the phaseout of the Child Tax Credit. In 1997, Republicans in Congress enacted legislation to return $500 in tax credits for every child under the age of 17. Unfortunately, budget constraints and opponents of this pro-family idea forced us to phaseout the Child Tax Credit in a complicated and unfair manner. We should not penalize any family who chooses to have children. All children should be treated equally as they are in the eyes of their Maker. Consequently, my bill will repeal this arbitrary hidden tax on American families.

Finally, these three hidden taxes also worsen the marriage penalty. The American Institute of Certified Public Accounts (AICPA) has listed these three hidden taxes in its list of "ways the tax code may drive up a tax bill when a married couple files together." It is just not right that our tax code forces married couple to pay more in taxes than two people living together.

I urge my colleagues to join me in repealing these hidden taxes and restore freedom to American families.

THE ONLINE PRIVACY PROTECTION ACT OF 2000

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to discuss a bill I introduced, H.R. 3560, the Online Privacy Protection Act of 2000. This bill would protect Internet consumers by ensuring they are informed when a website operator is collecting personal information about them, and further providing a process for consumers to "opt out" of allowing companies to use their personal information for marketing and other purposes.

We all know the Internet is one of the most exciting and explosive developments of our time. In fact, many people have called the advent of the Internet the second Industrial Revolution. With the explosion of E-commerce in America and around the world, people are buying everything from food to stocks over the Internet. To allow this exciting sector of our economy to reach its true potential, I believe we must ensure that consumers privacy is not neglected in the process.

There is absolutely no question that the Internet is one of the most valuable and fastest growing forces in our economy. Along with the Internet and so many other advances in technologies, it is easier than ever before to collect information and data and send it around the world with a simple click of a mouse.

As a result of the growth of the Internet and the ease with which website operators have the ability to collect information, it is important that all the players in the Internet industry take proactive steps to protect their consumers. If this is done effectively by the industry itself, perhaps legislation will not be needed.

While the Internet grows at a breathtaking pace, so do consumer concerns about their privacy online. I have heard from many of my constituents in writing, by e-mail, by telephone and at town hall meetings on this issue. Quite frankly, they are shocked by the reports about information being collected about them without their knowledge, let alone the frightening reports that much of the information that is collected is not secure. We do not want consumers to lose confidence in the Internet.

Consumers should have the opportunity to know what information is collected about them, how it is collected and for what purposes. Net surfers want and deserve assurance that personal information that is provided at a website is not misused. That is what H.R. 3560 would do without curtailing the exciting growth and potential of the Internet.

LEGISLATION MODIFYING THE SCHOOL LUNCH PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. GOODLING. Mr. Speaker, throughout my 25 plus years in Congress, I have been a very strong supporter of the school lunch program. It was one of the highlights of my career when we passed the William F. Goodling Child Nutrition Reauthorization Act of 1998 last Congress. To build upon all the great work we have done, today I am introducing legislation to modify the school lunch program to ensure that recent cuts made to the program are restored.

During its history, the National School Lunch Act has not only provided nutritious meals to our nation's children, it has assisted the agriculture community through commodity purchases.

The Secretary of Agriculture uses funds authorized by the School Lunch Act to purchase entitlement commodities, such as fruits and vegetables, which are needed by our nation's schools in order to provide balanced meals. In addition, schools receive bonus commodities that the Secretary purchases in order to reduce a surplus in the marketplace. Both the children and the agriculture community benefit from these purchases.

Since the 103rd Congress, 12 percent of the cost of school lunches was to be in the form of agricultural products purchased for schools. Last session, this law was modified at the suggestion of the Clinton Administration to allow the 12 percent commodity requirement to be met through a combination of entitlement and bonus commodities. The savings achieved as a result of this revision were used to help fund the Ticket to Work and Work Incentives Improvement Act of 1999. As a result, schools will be receiving fewer commodities because bonus commodities will be counted as part of the 12 percent commodity requirement rather than as additional commodities over and above this requirement. At the same time, purchases of agriculture commodities will also be reduced.

Mr. Speaker, there are no winners here. Schools lose, kids lose, and farmers lose. The bill I am introducing today will restore the original 12 percent commodity requirements and clarify that the only commodities to be used to fulfill this requirement are those authorized under the School Lunch Act. The Ticket to Work and Work Incentives Improvement Act of 1999 should not have been funded at the expense of an important program like the School Lunch Act.

For our children, our schools and our farmers, I encourage my colleagues to support this legislation.

HONORING THE MEN AND WOMEN OF THE FAIRFAX COUNTY POLICE DEPARTMENT

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor those of the Fairfax County Police Department who have gone above and beyond the call of duty to serve our community. The Fairfax Chamber of Commerce is hosting the 22nd Annual Valor Awards today, Friday, February 11, 2000. The Chamber will recognize law enforcement and emergency response personnel for their acts of bravery. A Valor Award is the highest honor Fairfax County bestows upon its public safety employees.

The Valor Award recipients are selected by a committee that designates honorees for a Lifesaving Award, a Certificate of Valor, or a Gold, Silver, or Bronze Medal of Valor. This year, it is expected that 37 agency personnel will be honored for acts of bravery that demonstrated extraordinary ingenuity, judgement or zeal.

Mr. Speaker, I would be honored today to read the names of the 22 officers of the Fairfax County Police Department who will receive the 1999 Valor Awards. Receiving the Lifesaving Award: Police Officer First Class John E. Alford, Police Officer First Class Timothy C. Benedict, Second Lieutenant Michael E. Proffitt, Police Officer First Class Michael Twomey, Police Officer First Class Jeffrey L. Gossett, Sergeant Bruce K. Blechl, Police Officer First Class Scott C. Bates, Police Officer First Class Ronald H. Burke, and Police Officer First Class Aniello A. Desantis; Certificate of Valor: Police Officer First Class John R. Chadwick, Police Officer First Class Frank J. Stecco, Public Safety Communicator III Wrentree S. Kelly, Sergeant Mark S. Culin, and Police Officer First Class Christopher M. Kindelan; Bronze Medal of Valor: Auxiliary Police Officer Gary D. Treadway, Police Officer First Class Robert M. Cornell, Police Officer William A. Giger, Master Police Officer James D. Call, Lieutenant Scott C. Durham, Second Lieutenant Jack T. Hardin, and Police Officer First Class Donald E. McAuliffe; Silver Medal of Valor: Master Police Officer Robert Wahl.

In 1989, the Fairfax County Chamber of Commerce established a special fund to award scholarships to the children of Valor Award medal winners who wish to pursue post-secondary education. Support of the Scholarship Fund demonstrates the sincere appreciation of our County's public safety officers. Over the past ten years, more than one hundred generous businesses and individuals have contributed to this worthy fund, and numerous scholarships have been awarded.

Mr. Speaker, in closing, I wish to thank all those who serve the Fairfax County Police Department. Since 1979, more than 250 members of the Fairfax County Police Department, Fire and Rescue Department, and the Office of the Sheriff have received Gold, Silver or Bronze Medals of Valor. I recognize the professionalism of the men and women who are honored here today. I applaud the heroic efforts the members of the Fairfax Police Department make on our behalf as we extend our appreciation to these exceptional individuals today. I commend these individuals and their colleagues for their undaunted commitment to the citizenry.

TRIBUTE TO GENEVA BERRIEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor one of Brooklyn's finest entrepreneurs, Geneva Berrien.

A native of Texas, Mrs. Berrien migrated to Brooklyn, New York after spending several years in Chicago. She worked for Gimbel's Department Store before pursuing a career in hat design. She graduated from McDowell School of Design in 1948 after completing a course in millinery design. Geneva became one of Brooklyn's most popular and outstanding milliners known for her unique designs throughout New York State and the nation. It was not a "Hat Show" until "Geneva's Originals" were shown. "Geneva's Millinery Shop" was opened in 1950 and remained a lucrative business until 1968 when she decided to operate from her home on a part-time basis. Even today, her hats are still being worn and are just as stylish as when Geneva created them.

Geneva Berrien is also known for her long service as a member of Cornerstone Baptist Church which she joined in 1947. She was active in the Victory Club and the Business and Professional Women's Division of the Missionary Society. Additionally, she served as a teacher in the Cornerstone Vacation Bible School; she participated as a Board Member of the Isaiah Whitehurst School and the Cornerstone Day Care Center. Geneva also was a faithful member of the Senior Choir and Chairlady of Women's Day in 1964. As a member of the National Council of American Baptist Women, she received citations for outstanding Christian work in the church and the Standard Leadership and Curriculum Card for her involvement in Christian Education Week activities in 1970, 1972, and 1975.

Please join me in honoring one of Brooklyn's pioneering businesswomen, Geneva Berrien.

HONORING MARCUS HOUSTON OF DENVER

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Ms. DEGETTE. Mr. Speaker, I rise today to congratulate and honor Marcus Houston, a young student from Thomas Jefferson High School in Denver who has achieved national recognition for exemplary volunteer service to his community. Mr. Houston was named one of Colorado's top honorees in the 2000 Prudential Spirit of Community Awards Program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia, and Puerto Rico.

Marcus developed the "Just Say Know" program that educates middle level students about what is necessary to succeed academically, socially, and athletically in high school. Noticing the numbers of fellow students who were ineligible for participation in athletics due to poor grades or conduct, Marcus developed a motivational presentation based on his own successes. The "Just Say Know" program demonstrates how a student's personal presentation can influence his or her performance both in school and on the field. In addition to his motivational speeches, Mr. Houston developed an essay contest, which he funds out of his own pocket, that encourages students to write about what success means to them and how they plan to personally succeed.

Mr. Houston should be extremely proud to have been selected from such a large group of volunteers. I heartily applaud him for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. Marcus has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young

Americans can and do play important roles in our communities and provide us with tremendous promise for the future.

CONGRATULATIONS TO TATTNALL SQUARE ACADEMY ONE ACT PLAY, GISA STATE AAA CHAMPIONS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate the Tattnall Square Academy drama students and director Brent Young for recently winning the GISA State AAA title for their One Act Play production Children of Eden. This fine group of young people from Macon, Georgia, located in the 8th Congressional District, deserves great recognition for their hard work, artistic talents, and success.

Tattnall has won the GISA State AAA title for One Act Play for the last two years, in 1998 and 1999, and this marks the third consecutive year Tattnall has won the Region Title for One Act Play.

Drama Director Brent Young was awarded 1999 Best Director at the November competition. Over the past few years, under his direction and leadership, Tattnall's drama program has grown to become one of the school's largest extracurricular activities with over 200 students involved.

One hundred twenty-five students performed in this year's production. In addition, I would like to recognize Molly Stevens, who was awarded the State Award for Best Performance. I had the opportunity to see Miss Stevens perform just a few short years ago in one of Macon's community theaters, and there was no doubt then she was a rising star.

Mr. Speaker, to be an actor or performer, one must connect with their audience, a talent that does not come easily to everyone. It takes dedication, concentration, focus, and a great deal of spirit and imagination. Obviously, these tasks were well-delivered by the young men and women from Tattnall Square Academy. I am sure each of them is blessed with a number of other talents as well. I look forward to many more winning performances in the future.

H. CON. RES. 247 IN SUPPORT OF NATIONAL DONOR DAY

HON. CHARLES T. CANADY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. CANADY of Florida. Mr. Speaker, I am pleased to support important legislation to encourage organ donation introduced by my friend and colleague from Florida, KAREN THURMAN. I've been pleased to work with Representative THURMAN not only on this bill but also on legislation to provide Medicare transplant recipients with coverage for the immunosuppressive drugs they need.

Each day more than 70,000 people await an organ transplant, and one more individual is added to their ranks every 16 minutes. Tragically, as a consequence of the shortage of donor organs, more than 10 people die every day. Despite recent advances in medicine, transplantation is still a crucial part of prolonging human life. Transplantation is not an experimental science; it is the standard method of treatment for many diseases, with success rates as high as 95 percent. Just one donor can help more than 50 people in need.

For the past two years, a coalition of health organizations have joined together to designate a National Donor Day to highlight the need for organ donation. I am encouraged by the success of these first two National Donor Days. A total of almost 17,000 units of blood was raised; the names of 2,400 potential donors were added to the National Marrow Donor Program Registry; and tens of thousands of organ and tissue pledge cards were distributed. It is my hope that the third National Donor Day on February 12 will bring help to even more people in need. Representative KAREN THURMAN has drafted legislation to lend the support of Congress to National Donor Day's goals. It is a straight-forward, non-controversial bill that can truly help educate the American people about this crucial issue.

I urge my colleagues to support this bill and encourage all Americans to learn about the importance of organ, tissue, bone marrow, and blood donation.

A TRIBUTE TO CARL R. CAMPBELL

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to the late Carl R. Campbell, who made significant contributions to his community in the field of education. As Superintendent of the Kings Canyon Unified School District in Reedley, California, he made great strides in improving reading instruction for students in order to meet the state's goal of every child becoming a successful reader by the third grade.

Mr. Campbell was born in Abilene, Texas on January 15, 1942. He received his undergraduate degree at California State University, Fresno majoring in Political Science. Upon graduation, he began teaching business and government classes at Clovis High School. He quickly took a leadership role at Clovis High, serving as advisor for the Student Council and coaching the junior varsity basketball team for several years. Realizing that he enjoyed being in a position of leadership, he earned a Masters of Education in Educational Administration and went on to become the principal of two elementary schools in Clovis.

After several years as principal, Mr. Campbell was ready for a new challenge. In 1987 he became the assistant superintendent of Kings Canyon Unified School District in Reedley, California. In 1995, he became the Superintendent of the district. As superintendent, Mr. Campbell had a vision to improve reading instruction for students in the district. His vision included Reading Recovery Training for teachers, private-public school partnerships, and a new teacher training facility.

On Friday, December 17, 1999, the Carl R. Campbell Education Center was dedicated in honor of his service to the district. The training facility will serve to provide literacy training for teachers, as well as in-classroom coaching experiences. A major role of the facility is to accelerate student learning.

Carl Campbell was diagnosed with cancer in August of 1999 and passed away this week, on February 7, 2000 at the age of 58. He is survived by his wife and best friend of 34 years, Jayne; daughter and son-in-law, Jill and Mike Murphy of Washington, DC; son and daughter-in-law, Bret and Tianna Campbell of Fresno; parents, Fred and Daphna Campbell of Fresno; and brother and sister-in-law, Hollis and Margie Campbell of Fresno.

Mr. Speaker, I ask my colleagues to join me today in recognizing Carl R. Campbell for his tremendous contributions to education in Fresno County. Carl's friendship and leadership qualities will be dearly missed by his family and his colleagues in education.

WADE THOMAS SR., TUSKEGEE AIRMAN

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, Western North Carolina and America lost a true hero last week when Wade Thomas Sr., a Former Tuskegee Airman, passed away.

WADE THOMAS SR.

ASHEVILLE—Wade Hamilton Thomas Sr., 77, of 2 Mardell Circle, died Sunday, Feb. 6, 2000, at Mountain Area Hospice.

A native of Jackson, Miss., he was a son of the late Harrison Spurgeon and Loalor Bandy Thomas. He was a graduate of Pearl Senior High School in Nashville, Tenn., and Tennessee State University, where he graduated with honors. He completed post-graduate study at Indiana Central University and the University of Tennessee.

Wade enlisted in the Army and was a member of the famed "Tuskegee Airmen," an all Black fighter squadron. His professional career included employment with the State of Tennessee, U.S. Post Office and U.S. General Services Administration. He retired from USGSA as a buildings manager, Region IV, Atlanta. In Asheville, he worked as a management consultant, accountant and real estate broker for over 30 years.

He was active in many professional and civic organizations including the National Association of Public Accountants, N.C. Housing Commission, Asheville Board of Adjustments, Asheville Civil Service Board (vice chair), Daniel Boone Boy Scout Council, Asheville Board of Realtors (vice president), Asheville-Buncombe Human Relations Council, YMI cultural Center (treasurer) and Asheville Optimist Club. Wade was a member of the Basilica of St. Lawrence.

Wade was a proud member of several fraternal and masonic organizations including Venus Lodge No. 62 F&AM, Gizeh Shrine Temple No. 162, A.E.A.O.N.M.S., Asheville Consistory No. 253, Daughters of Esther No. 128 OES PHA and Omega Psi Phi Fraternity.

He received numerous awards and certificates of service for his professional, civic and masonic service.

Surviving are his wife, Mary Katherine Scruggs Thomas, who worked very closely with him both as a realtor and an accountant; seven sons, Wade Jr. (Ora), Karl, Harrison, George, Kenneth, Rex and Axel, all of Nashville; three daughters, Korda (Don) Henry, Renae and Michelle Thomas, all of Nashville; 11 grandchildren; two great-grandchildren; a daughter-in-law, Stephanie S. Thomas; two cousins, Claudyne Jefferson and Carlotta (Joe) Morton; other relatives and many friends.

I know the Members of the House will join me in extending heartfelt condolences to his family and friends.

HONORING THE MEN AND WOMEN OF THE FAIRFAX COUNTY SHERIFF'S DEPARTMENT

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor those of the Fairfax County Sheriff's Department who have gone above and beyond the call of duty to serve our community. The Fairfax Chamber of Commerce is hosting the 22nd Annual Valor Awards today, Friday, February 11, 2000. The Chamber will recognize law enforcement and emergency response personnel for their acts of bravery. A Valor Award is the highest honor Fairfax County bestows upon its public safety employees.

The Valor Award recipients are selected by a committee that designates honorees for a Lifesaving Award, a Certificate of Valor, or a Gold, Silver, or Bronze Medal of Valor. This year, it is expected that 37 agency personnel will be honored for acts of bravery that demonstrated extraordinary ingenuity, judgement or zeal.

Mr. Speaker, I would be honored today to read the names of the 3 officers of the Fairfax County Sheriff's Department who will receive the 1999 Valor Awards. Receiving the Lifesaving Award: Private First Class David L. Ross and Deputy Sheriff Charles E. Michael, Jr.; Bronze Medal of Valor: Deputy Sheriff Erin L. Cox.

In 1989, the Fairfax County Chamber of Commerce established a special fund to award scholarships to the children of Valor Award medal winners who wish to pursue post-secondary education. Support of the Scholarship Fund demonstrates the sincere appreciation of our County's public safety officers. Over the past ten years, more than one hundred generous businesses and individuals have contributed to this worthy fund, and numerous scholarships have been awarded.

Mr. Speaker, in closing, I wish to thank all those who serve the Fairfax County Sheriff's Department. Since 1979, more than 250 members of the Fairfax County Police Department, Fire and Rescue Department, and the Office of the Sheriff have received Gold, Silver or Bronze Medals of Valor. I recognize the professionalism of the men and women who are honored here today. I applaud the heroic efforts the members of the Fairfax Sheriff's Department make on our behalf as we extend our appreciation to these exceptional individuals today. I commend these individuals and their colleagues for their undaunted commitment to the citizenry.

CONGRATULATIONS TO THE CHARLTON COUNTY HIGH SCHOOL INDIANS, 1999 CLASS A STATE FOOTBALL CHAMPIONS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate the Charlton County High School football team in Folkston, Georgia, for recently capturing the Class A State Championship title. This fine group of young men and their coaches from Georgia's 8th Congressional District deserve great recognition for their hard work, dedication, and success.

This is not only a victory for these fine young men, but for their school, parents, and community as well, particularly all who played a role in supporting the team throughout a hard year of practices and games.

I want to congratulate CCHS head football coach Rich McWhorter and assistant coaches Bill Pitt, Mike Baxter, Mike McNeil, Russ Murray, Josh Howard, Dee Barronton, and Tim Cochran for their leadership and dedication to the team. Coaches spend every day of their lives building character, integrity, and determination in our young athletes, and I want to commend them for their commitment and service.

I also want to take this time to recognize the Charlton County Indians individually. The 1999 players are Steve Smiley, Kevin Davis, Marcus Cobb, Snapper Hobbs, Cortez Reed, Cecil Reed, Matt Albertie, Fielding Dean, Antwan Harvey, Bama Adams, Mark Smith, Walter Williams, Jamie Jackson, Muhammad Abdullah, Jerome Pollock, Frank Dasher, Anthony Haston, Antonio Harvey, Lamar Williams, Harold Hannans, Lanier Milton, Alex Zow, Dantonio Davis, Chip Jackson, Tim Todd, Pierre Sims, Nathaniel Davis, Jason Bridges, Vincent Green, Nahshon Nicks, Chris Davis, Brian Drury, Demario Austin, Ivory Smiley, Marquis Elmore, Brett Mitchell, Gene Wilson, Norris Woods, Cedric Mildton, Brian Lloyd, Justin Crumbley, J.D. Carter, Jason Wainwright, Spencer Crews, Tony Geoghagan, Ben Huling, Michael Spurlock, Brandon Drury, Dusty Phillips, Luke Gowen, Scott Woolard, Ben Brantley, Marcus Jackson, Kyle Cook, Sam Melton, Scott Davis, Dusty Thomas, Jarvis Blackshear, Justin Pollock, Jimmy Scipp, Matt Drury, and Michael Reed.

Mr. Speaker, victory cannot be achieved without the hard work, talent, and perseverance of every single athlete, the strong leadership and direction of the coaches, in addition to the strong support of parents, teachers, students, and the community. We from South Georgia know how important community support is. The Indians are truly a team to be proud of, and it is an honor for me to represent Charlton County, Georgia, in the U.S. House of Representatives. I look forward to many more victories from this outstanding team in the years to come.

TELECOMMUNICATIONS ACT OF 1996

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Ms. DEGETTE. Mr. Speaker, four years ago this week, the Congress approved the Telecommunications Act of 1996. While I was not a Member of Congress at that time, I was working on these issues while I was in the Colorado state legislature. on the anniversary of the Act, I would like to both herald the progress that has been made and comment on what challenges remain.

One of the main goals of the 1996 Act was to allow more competitors into local phone markets in order to spur competition and provide better opportunities for consumers. The introduction of competition into the local markets has been much slower than anticipated and, at this time, over 90% of Americans have very little choice of local telephone providers.

The ultimate goal of course is greater competition in all markets, which will result in more choices and better prices for consumers. Many new companies, many of which are located in my home state of Colorado, have sprung up in the past few years and have gained a significant foothold in the exploding business of e-commerce. Nearly a billion dollars are being invested by new entrant telecommunications companies in facilities and services every month.

Today, more than ninety-nine percent of Americans can reach an Internet Service Provider (ISP) with a local phone call. Forty-six states have 100 or more ISPs and more than half of the states have over 200 ISPs to choose from. These ISPs connect into backbone providers which have also grown from fourteen at that time the Act was passed, to forty-three today.

This growth has been remarkable and has benefited consumers enormously. It is important that the pro-competitive provisions of the 1996 Act are kept in place so that we can keep moving towards a fully integrated and competitive market.

I am strongly in favor of increased competition in all areas of telecommunications, which will mean better service and lower prices for customers. The sooner there is more competition in both local and long-distance telephone markets and the Internet industry, the better it will be for all consumers. I look forward to the day when my constituents have a multitude of choices in all areas of in telecommunications, whether it be voice or high-speed data services.

PHARMACEUTICAL ACT OF 2000

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. PAUL. Mr. Speaker, I rise to introduce the Pharmaceutical Freedom Act of 2000. This legislation ensures that millions of Americans, including seniors, have access to affordable pharmaceutical products. My bill makes pharmaceuticals more affordable to seniors by reducing their taxes. It also removes needless government barriers to importing pharmaceuticals and it protects Internet pharmacies, which are making affordable prescription drugs available to millions of Americans, from being strangled by federal regulation.

The first provision of my legislation provides seniors a tax credit equal to 80 percent of their prescription drug costs. As many of my colleagues have pointed out, our nation's seniors are struggling to afford the prescription drugs they need in order to maintain an active and healthy lifestyle. Yet, the Federal Government continues to impose taxes on Social Security benefits and limits senior citizens' ability to earn additional income by reducing Social Security benefits if a senior exceeds the "earnings limitation." Meanwhile, Congress continually raids the Social Security trust fund to finance unconstitutional programs! It is long past time for Congress to choose between helping seniors afford medicine or using the Social Security trust fund as a slush fund for big government and pork-barrel spending.

Mr. Speaker, I do wish to clarify that this tax credit is intended to supplement the efforts to reform and strengthen the Medicare system to ensure seniors have the ability to use Medicare funds to purchase prescription drugs. I am a strong supporter of strengthening the Medicare system to allow for more choice and consumer control, including structural reforms that will allow seniors to use Medicare funds to cover the costs of prescription drugs.

In addition to making prescription medications more affordable for seniors, my bill lowers the price for prescription medicines by reducing barriers to the importation of FDA-approved pharmaceuticals. Under my bill, anyone wishing to import a drug simply submits an application to the FDA, which then must approve the drug unless the FDA finds the drug is either not approved for use in the U.S. or is adulterated or misbranded. This process will make safe and affordable imported medicines affordable to millions of Americans. Mr. Speaker, letting the free market work is the best means of lowering the cost of prescription drugs.

The Pharmaceutical Freedom Act also protects consumers' access to affordable prescription drugs by forbidding the Federal Government from regulating any Internet sales of FDA-approved pharmaceuticals by state-licensed pharmacists. As I am sure my colleagues are aware, the Internet makes pharmaceuticals and other products more affordable and accessible for millions of Americans. However, the Federal Government has threatened to destroy this option by imposing unnecessary and unconstitutional regulations on web sites which sell pharmaceuticals. Any federal regulations would inevitably drive up prices of pharmaceuticals, thus depriving many consumers of access to affordable prescription medications.

In conclusion, Mr. Speaker, I urge my colleagues to make pharmaceuticals more affordable and accessible by lowering taxes on senior citizens, removing barriers to the importation of pharmaceuticals and protecting legitimate Internet pharmacies from needless regulation by cosponsoring the Pharmaceutical Freedom Act of 2000.

TRIBUTE TO LOS ROBLES BANK

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. SHERMAN. Mr. Speaker, I rise today to recognize Los Robles Bank headquartered in Thousand Oaks, California for its continued Superior Customer Service contributions and continued success as a financial institution during its 12 years of existence in the Conejo Valley.

Since Los Robles Bank's inception on July 2, 1987, its marketing plan has always been to provide superior service to the small-to-medium sized businesses in the Conejo Valley and contiguous communities.

Under the very capable leadership of its President and Chief Executive Officer, Robert B. Hamilton and Jerry H. Miller, Chairman of the Board of Directors, Los Robles Bank has grown to operate Branches in Thousand Oaks, Westlake Village, and Camarillo. The Bank has grown to assets of over $153,000,000 as of June 30, 1999.

Los Robles Bank was selected as the Outstanding Business of the Year for 1998 by the Thousand Oaks/Conejo Valley Chamber of Commerce and for two consecutive years received the Readers' choice award as "Best Bank in Conejo Valley" based upon votes cast by Daily News' readers.

Other Significant Corporate Citizenship includes roles in and contributions to Under One Roof, Rotary International, Optimist Clubs of Thousand Oaks, Pleasant Valley Lions Club, Thousand Oaks Police Department, Ventura County High Schools and College Scholarship Funds, Conejo Free Clinic, Year-Round Star Program and Youth employment and Training Programs, Junior charity League, American Cancer Society, American Heart Association, Hospice, United Way, many Mansions, Mana, Conejo-Las Virgenes Future Foundation, Park Oaks Elementary School Reading Program, Conejo Valley Days, and Special Kids Day.

In High School sports Los Robles Bank has continuously supported athletic programs at Thousand Oaks, Newbury Park, Westlake and Aldolfo Camarillo High Schools.

The Bank is an active sponsor for California Lutheran Universities Academic program through membership in the Community Leaders Club and the Matthews Business Management Forum.

Recently Credit Swisse Bank sent a top official to Los Robles Bank to learn about the Bank operations and approaches to banking in general. The Swisse Bank representative upon his departure stated that he was most impressed with Los Robles Bank's customer service and employee relations skills—something that is continually stressed by the Bank's Management.

Mr. Speaker, distinguished colleagues, please join me in recognizing Los Robles Bank for its accomplishments and successes in both the Banking and Civic communities over the past 12 years.

HONORABLE EVELYN DIXSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor one of Brooklyn's grand dames, Mrs. Evelyn Dixson.

Mrs. Dixson has provided a lifetime of public service to the people of Brooklyn. She was elected to eight consecutive two-year terms as a Democratic State Committeewoman for the 56th Assembly District. She is a past President of the Brooklyn Club of the National Association of Negro Business and Professional Women's Clubs, Inc. and is presently an advisor to the Club. She is also a former member of the Board of Directors of Elected Officials of New York State; a past President of the Bedford Stuyvesant Lioness Club; and a charter member of the Stuyvesant Heights Lions Club International. A long time member of Cornerstone Baptist Church, Mrs. Dixson is President of the Cornerstone Federal Credit Union and President of the Board of Directors for Cornerstone's Sandy F. Ray Elderly Housing.

As a result of her community activism, Evelyn Dixson has received numerous honors and awards including the Sojourner Truth Award, The Churchwoman of the Year Award from Key Women of America and the Melvin Jones Award from Lions International. She has also been honored by a number of elected officials like Brooklyn's Borough President, Howard Golden, and the New York State Association of Black and Puerto Rican Legislators, Inc. The Pratt Area Community Council also honored Ms. Dixson by naming one of its affordable housing projects in 1994, "The Evelyn Dixson Houses". The Dixson Houses are seven newly rehabilitated buildings in Brooklyn.

A former teacher, Mrs. Dixson was also Executive Administrative Assistant for the Taxi and Limousine Commission of New York City. She is an alumna of North Carolina State College. She also studied at Bank Street College and the New School for Social Research in New York City specializing in Early Childhood Education.

I am pleased to bring the achievements of one of Brooklyn's finest citizens, Mrs. Evelyn Dixson, to the attention of my colleagues.

IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 247 HONORING NATIONAL DONOR DAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. STARK. Mr. Speaker, today I join my colleague and good friend, Representative KAREN THURMAN, in support of House Concurrent Resolution 247, to honor National Donor Day and recognize the importance of organ, tissue, bone marrow & blood donation.

With more than ten people dying every day and approximately 70,000 Americans currently awaiting organs, it is clear that our nation is facing a crisis. This resolution will help raise awareness and increase donations nationwide—it is a meaningful step toward bringing an end to our nation's current predicament.

A number of businesses, foundations, health organizations, and the Department of Health and Human Services have previously designated February 12th as National Donor Day. The first two National Donor Days succeeded in raising a total of almost 17,000 units of blood, adding over 2,400 potential donors to the National Marrow Donor Program Registry, and included mass distribution of organ and tissue pledge cards. This Concurrent Resolution supports National Donor Day, encourages Americans to learn about and openly discuss donation, and calls on the President to issue a proclamation to demonstrate support for organ, tissue, blood and bone marrow donation.

Research points to a clear need for public education and incentive programs to increase organ donation. This Congress, I also introduced legislation, H.R. 941, the "Gift of Life Congressional Medal Act of 1999," to create a commemorative medal that honors organ donors and their families. This Act is intended to draw attention to this life-saving issue and to send a clear message that donating one's organs is a selfless act worth the profound respect of our Nation. I hope Members would also consider this effort to increase donations.

This problem is clear—there are not enough organs to meet the needs of patients nationwide. Let's support initiatives such as H.R. 941, to create an organ donor medal, and H. Con. Res. 247, to honor National Donor Day and recognize the importance of organ, tissue, bone marrow & blood donation. Such initiatives will help raise awareness, increase donations nationwide, and both are meaningful steps toward bringing an end to the lack of available organs nationwide.

RECOGNIZING THE MILLENNIUM PLEDGE MADE BY STUDENTS AT SLEEPY HOLLOW ELEMENTARY, FAIRFAX COUNTY, VIRGINIA

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. DAVIS of Virginia. Speaker, on Thursday, January 16, 2000, I joined students, teachers, and school officials at Sleepy Hollow Elementary School as the final student signatures were added to the school's "Millennium Pledge." These students have decided to enter the new millennium as leaders dedicated to making their world more respectful and tolerant. In a campaign spearheaded by Sleep Hollow's student council, I praise the students for committing themselves to this endeavor.

These students are taking an admirable and challenging step. The plan is simple, action oriented, and it allows each and every student to assume a leadership position that can truly make a difference in their everyday lives.

The pledge kicks off a year-long character education campaign at the school. After student council members added their signatures on January 16th, the pledges were hung outside classrooms to serve as a reminder of their resolution, which reads:

> With my signature, I recognize that I possess the power to affect the world around me. It is my pledge to use this power to spread kindness and respect, to be accepting and tolerant, and to walk away from negative and aggressive situations. As a future leader of America it is my resolution to enter this new millennium as a nation that values life and respects our rights to live and learn in a safe society. I am the future of America. The future begins today, and it begins with me.

Mr. Speaker, in conclusion, I again would like to commend these fine young students at Sleepy Hollow Elementary for their courage and strength in accepting this challenge from their peers. These students have signed a pledge making "kindness and respect" their resolution for the new millennium. This is a pledge I would encourage all people, young and old, to take.

INTRODUCTION OF BROKEN PROMISES RETIREE HEALTH LEGISLATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. KLECZKA. Mr. Speaker, today I am introducing the Broken Promises Retiree Health Act. This legislation would help retirees obtain health insurance if their coverage is canceled and would ensure that retirees are given fair warning before their employers terminate their health coverage.

The need for this legislation is clear. Far too many companies are breaking their promises to retired workers by eliminating retiree health benefits. A recent report by Mercer/Foster-Higgins found that in 1999, only 35 percent of large employers offered health benefits to their early retirees. This is a decline of six percent in the past five years alone. As a result, thousands of retirees have been stranded without health care—health care they were promised, and health care they earned through their long years of service.

This national trend hit home in my district on August 5, 1996 when the Pabst Brewing Company announced that they were eliminating the health benefits plans for almost 750 retirees and their families.

Seniors in my district and throughout the country rely on their employers' commitment to provide health insurance in their golden years. When a company revokes that coverage, many older Americans are trapped in the limbo between employee health benefits and Medicare coverage. Retirees should not be faced with the vulnerability of being uninsured when irresponsible employers break their promise to provide retiree health coverage.

The legislation I am introducing today would establish a critical safety-net for these retirees. Through this bill, retirees who were over the age of 55 when their health benefits were terminated can choose between two new health coverage options. First, for a monthly premium of approximately $400 per month, retirees would be allowed to buy into the Medicare program. Or, if the employer is continuing to offer health benefits to its current employees, retirees could choose to buy the same health coverage for themselves and their families that the company offers current employees. Both options ensure that health coverage would be available to retirees until they turn 65 and become eligible for Medicare.

In addition, this legislation would require employers to give 6 months notice to retirees of any reduction in their health benefits and would also require the Labor Department to certify that these changes meet the requirements of the collective bargaining agreement.

Legislation cannot heal the pain of employer betrayal after a lifetime of service, but it can renew the promise of retiree health coverage.

Mr. Speaker, we must act now. I ask my colleagues to show their support for retired workers and their families by cosponsoring this bill.

HONORING THE HERSHEY KIXX SYNCHRONIZED SKATING TEAM UPON THEIR ACCOMPLISHMENT IN RECEIVING THE BRONZE MEDAL AT THE EASTERN DIVISION SYNCHRONIZED TEAM SKATING CHAMPIONSHIPS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. GEKAS. Mr. Speaker, I rise today to recognize the Hershey KIXX Synchronized Skating Team for receiving the Bronze Medal at the Eastern Synchronized Team Skating Championships in Lowell, Massachusetts.

The "Synchro East 2000" Competition included teams in the Eastern Division of the USFSA with the gold and silver medal winners in the qualifying division advancing to Nationals in Detroit in February 2000. With the coming Olympic games in 2002 in Salt Lake City, Utah, synchronized team skating will be added as a new Olympic sport. Synchronized skating is guided by the United States Figure Skating Association, which divides all competitors into fourteen individual brackets. Within each bracket, skaters are divided into groups depending on skill level, age and style. Each team usually contains between eight and twenty members. The teams skate in formations which are judged in a variety of categories which include artistry, speed, and difficulty, while onlookers are marveled, mystified, and enthused by a wide range of daring skating tricks, tremendous feats, and gallant efforts. In the United States there are only 325 synchronized skating teams, with the Hershey KIXX team being the only synchronized competitive team at the Junior Classic level in all of Pennsylvania.

The Hershey KIXX team was first created in 1996 and immediately began winning ribbons, gaining national recognition, and hosting a variety of honors In early 1999 they took first place in the junior classic division at the Colonial Classic in Lowell, Massachusetts, going on to win second place at the Garden State Classic in New Jersey later in the summer. They have performed at a variety of venues, including club Christmas shows, the Winterfest at Baltimore's Inner Harbor, summer camps in New England, as well as amaze the local crowds in frequent performances at Hershey Bears hockey games.

The team is now in its third year of competing and continues to gain in popularity with girls and young women from statewide elementary schools, high schools, and even colleges. The girls currently attend Cedar Cliff, Cumberland Valley, Mechanicsburg, Central Dauphin, Hershey, Lower Dauphin, Palmyra, and Lebanon School Districts, along with Meyer High School in Wilkes-Barre and Gettysburg College. Currently, the team is coached by Amy Henderson, along with the assistance from Elizabeth Beichler and Dr. Ellen Geminani. Similarly to synchronized swimming, the team constantly rehearses their routines to the point where every part of their bodies move synchronized to one another fitting brilliantly with the music and mood. But unlike synchronized swimming, the skaters are in constant view, skating at extremely high speeds without the benefit of underwater reconfiguring. The show only lasts about three to five minutes, but each performance is guaranteed to be filled with drastically precise, vulnerable, and complicated maneuvers. When these young women decide to embark in art of synchronized skating, they are learning about the vast responsibility, utmost discipline, and sheer sacrifice the sport entails. The team practices on the ice every Saturday and Sunday morning at 6:30 a.m., with each session followed by off the ice practices where various new and complicated moves are attempted without skates. When competitions or performances are scheduled, you can be certain that the local ice rink will be rented out for a grueling practice. But in the end, the dedication and hard work of each team member is rewarded with awards, honors, and respect from the community both on the ice and off.

Supporting the Hershey KIXX are the parents who vigorously and selflessly help raise money, sew uniforms, transport equipment, and cheer their devoted girls at all competitions. The club also gets financial help from the community who help the skaters by purchasing hoagies, lollipops, or any other various seasonal fundraising items the team decides to sell. These supporters, who help the team continue to pursue their interests, dreams, and expectations for the future, also deserve our thanks.

The Hershey KIXX team is currently scheduled to perform in the Opening Ceremonies at the Keystone State Games at Twin Ponds-West in February 2000, and at a future Hershey Bears game. I wish them the best of luck in these performances and all their future endeavors.

Mr. Speaker, again we take this opportunity to acknowledge and commend the Hershey KIXX Synchronized Skating Team for their outstanding achievement in winning the Bronze Medal.

ARTICLE BY BILL EVERS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. PAUL. Mr. Speaker, I submit for the RECORD and highly recommend to all of my colleagues Bill Evers' "Secretary Riley Reignites the Math Wars," which recently appeared in the Weekly Standard. Mr. Evers' provides an excellent overview of the controversy created by the Department of Education's endorsement of ten "discovery-learning" programs (also known as "new, new math" or "fuzzy math"). Concerns have been raised that "fuzzy math" de-emphasizes traditional mathematics in favor of encouraging children to "discover" math without the guidance of a teacher. Under some "new, new math" programs traditional teaching is discouraged on the grounds that teachers may harm a child's self-esteem by, for example, correcting a child's "discovery" that 2+2 equals 5. Obviously, this type of "education" diminishes a child's future prospects, after all, few employers value high self-esteem more than the ability to add!

Mr. Evers' article points out that the federal government has no constitutional authority to dictate or even recommend to local schools what type of mathematics curriculum they should adopt. Instead, all curriculum decisions are solely under the control of states, local communities, teachers, and parents. I would remind my colleagues that outrages like "new math" did not infiltrate the classroom until the federal government seized control of education, allowing Washington-DC based bureaucrats to use our children as guinea pigs for their politically correct experiments.

The solution to America's education crisis lies in returning to the Constitution and restoring parental control. In order to restore true parental control of education, I have introduced the Family Education Freedom Act (HR 935). This bill would give parents a $3,000 per year tax credit for each child's education related expenses. Unlike other so-called "reform" proposals, my bill would allow parents considerably more freedom in determining how to educate their children. It would also be free of guidelines and restrictions that only dilute the actual number of dollars spent directly on a child.

The Family Education Freedom Act provides parents with the means to make sure their children are getting a quality education that meets their child's special needs. In conclusion, Mr. Speaker, I remind my colleagues that thirty years of centralized education have produced nothing but failure and frustrated parents. I, therefore, urge my colleagues to read Mr. Evers' article on the dangers of the federal endorsement of "fuzzy math" and support my efforts to improve education by giving dollars and authority to parents, teachers and local school districts by cosponsoring the Family Education Freedom Act.

Williamson Evers is a research fellow at the Hoover Institution, an adjunct professor of political science at Santa Clara University, a research fellow at the Independent Institute and an adjunct fellow of the Ludwig Von Mises Institute. Mr. Evers has served on the California State Commission for the Establishment of Academic Content and Performance Standards and he is currently a member of the California State Standardized Testing and Reporting (STAR) assessment system's Content Review Panels for history and mathematics as well as the Advisory Board of the Californian History-Social Science Project. Mr. Evers is the editor of What's Gone Wrong in America's Classrooms (Hoover Institution Press, 1998). Mr. Evers has been published in numerous scholarly and popular periodicals, including the New York Times, the Wall Street Journal, the Los Angeles Times, and the Christian Science Monitor.

SECRETARY RILEY REIGNITES THE MATH WARS

(By Bill Evers)

BILL EVERS IS A RESEARCH FELLOW AT THE HOOVER INSTITUTION AND A MEMBER OF HOOVER'S KORET TASK FORCE ON K–12 EDUCATION.

In early 1998, U.S. Secretary of Education Richard W. Riley called for a "cease-fire" in the math wars between the proponents of solid content and the proponents of discovery-learning methods. He said he was "very troubled" by "the increasing polarization and fighting" about how and which mathematics should be taught from kindergarten through high school.

Despite this call for a cease-fire, the U.S. Department of Education endorsed ten discovery-learning programs in October 1999. This federal imprimatur should not be allowed to disguise the fact that content (such as dividing fractions and multiplying multidigit numbers) is missing from these federally approved programs and that there is no good evidence that they are effective. Discovery-learning math is often called by its critics "fuzzy math" or "no-correct-answer math."

In response to the Department of Education, about two hundred mathematicians and scientists signed an open letter to Secretary Riley, which was published in the Washington Post on November 18, 1999 (see letter at www.mathematicallycorrect.com/riley.htm.) The signers, who included Nobel laureates and some of the country's most eminent mathematicians, didn't like the Department of Education's new equation: Federal Math=Fuzzy Math. The letter asked Riley to withdraw the federal endorsements. The news stories that followed got at the essence of the debate.

Steve Leinward of the Connecticut Department of Education was on the U.S. Department of Education's panel that picked the math programs that would receive federal approval. In an interview with the Chronicle of Higher Education, Leinward defended the approved programs as the least common denominator—"a common core of math that all students can master."

Leinward is not saying that the federally approved programs cover the material taught in too-performing countries such as Japan or Hungary or that the programs contain complete coverage of 'elementary and secondary school math. What he and his fellow panelists want is a watered-down program that all American students—as currently trained—can master.

Mathematics professor David Klein of California State University at Northridge is a proponent of solid content. He is quoted in the Chronicle of Higher Education as saying that algebra is the key course for students, the gateway to success in mathematics and to success in college in general. Leinward says that Klein's algebra-for-all position is elitist.

Here we have the central difference between the two sides. The rigorous curriculum side says that, like Japan, Taiwan, and Singapore, we can have algebra for all, preparing students for technical careers and college-level work. The water-it-down side says U.S. teachers and students aren't capable of teaching and learning algebra.

These federal recommendations are for kindergarten through high school, which has serious consequences. In essence, the U.S. Department of Education, by making these endorsements, is closing the gate on going to college or even on technical blue-collar jobs for many students. And it is closing that gate as early as kindergarten.

IN HONOR OF ALFRED RASCON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to honor a hero, former Army medic Alfred Rascon.

After a delay of nearly 3 1/2 decades. Alfred this week finally received the nation's highest military honor, the Medal of Honor.

Mr. Speaker, Alfred was born in Mexico, and moved to Oxnard, California, in my district, with his family when he was a small child. His family raised him there and instilled in him the values of honor, integrity, a love of his adopted land and a reverence for life and his fellow human beings.

At age 17, he left Oxnard and joined the Army. He trained to be a medic and a paratrooper. On March 16, 1966, in the jungles of Vietnam, Alfred was severely and repeatedly wounded as he crawled from comrade to comrade to render aid, to protect his comrades and to retrieve weapons and ammunition needed in the firefight they were in.

By the time Alfred was loaded into a helicopter, he was near death. A chaplain gave him last rites. He survived. Because of his efforts, so did his sergeant and at least one other in his platoon.

But the medal Alfred was due was lost in red tape, until this week, when the record was corrected.

During the intervening 34 years, Alfred left the Army, completed his college education, because U.S. citizen, returned to the Army, returned to Vietnam, and left the Army as a lieutenant. Now married with two children, Alfred is an inspector general for the U.S. Selective Service.

When President Clinton presented the Medal of Honor to Alfred, the hero downplayed his actions in Vietnam as "common valor that was done every day." We know differently. We know that Alfred is special. We know we would do well to emulate his values and his humility. We honor him to remind us of the ideal American: someone who works hard, is willing to risk everything in times of crisis, and who shrugs it off as just the right thing to do.

Mr. Speaker, I know my colleagues will join me in honoring Alfred Rascon for his heroism in Vietnam 34 years ago and for being the role model he remains today.

TRIBUTE TO DR. W. LEE IRVING

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. EHLERS. Mr. Speaker, I rise today to honor Dr. W. Lee Irving, who is ending his term as President of the American College of Osteopathic Obstetricians and Gynecologists. Dr. Irving has held the position since March 1999 and will relinquish his duties in April 2000 at the organization's annual meeting in Nashville, Tennessee.

Throughout his career, Dr. Irving has had a tremendous impact on the advancement of professional opportunities for obstetricians and gynecologists around the country. In addition to his role as President, Dr. Irving has worn many different hats during his career. From 1993 to 1999 he served as the College's Chairman of the Residency Evaluation Committee. From 1990 to the present he has served as a member of the College's Certifying Board and Board of Trustees. At Metropolitan Hospital in his hometown of Grand Rapids, Michigan, he served as Program Director from 1985 through 1999. He currently serves as Chairman of the Obstetrics-Gynecology Department at Metropolitan Hospital.

Contributions to his profession do not end there. He was recently appointed to the Council for Resident Education in Obstetrics and Gynecology, a national organization that oversees the training of all OB-GYN residents for both the Osteopathic and Allopathic professions. During his tenure as President, he has also been credited with fostering a closer working relationship between the American College of Osteopathic Obstetricians and Gynecologists and the American College of Obstetricians and Gynecologists.

Mr. Speaker, I commend Dr. Irving for the countless contributions he has made to his profession. As you can see, Mr. Speaker, Dr. Irving has had a tremendous impact in his field of expertise. I applaud him and thank him for his work as President of the American College of Osteopathic Obstetricians and Gynecologists, and wish him continued success in his work in medical and educational programs. I ask my colleagues to join me in saluting Dr. Irving for his outstanding contributions.

HONORING LOS ANGELES COUNTY UNIVERSITY OF SOUTHERN CALIFORNIA MEDICAL CENTER

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. BECERRA. Mr. Speaker, I rise today to congratulate the Los Angeles County University of Southern California Medical Center (LAC+USC) for its outstanding commitment to community service, as recognized by the Baxter Allegiance and the American Hospital Association. Only one institution each year is awarded the prestigious Foster G. McGraw prize for innovative health-care programs and expedited access to care. LAC+USC earned that recognition this year, an especially impressive achievement given that just a few years ago this hospital was on the brink of closure.

The LAC+USC Healthcare Network has successfully indentified the unique needs of its surrounding population and found creative solutions to address those needs. For example, learning that childhood asthma represented the number one cause of school absenteeism in the Los Angeles Unified School District, LAC+USC's Healthcare Network formed a partnership with the school district and the Allergy and Asthma Foundation of America to establish a Mobile Asthma Clinic. The Mobile Asthma Clinic has since reduced absenteeism by more than 20 percent for children seen by the clinic, nearly 65 percent of the children served has gained control of their asthma, and related emergency room use has declined by 18 percent. This program is just one of many innovative approaches the LAC+USC Healthcare Network has implemented to deliver top-notch health care to hard-to-serve population, others include: the Violence Intervention program, the Day Care Center, the Trauma Outreach Program and the Safe Kids program.

Mr. Speaker, I ask my colleagues to join me in honoring the Los Angeles County University of Southern California Medical Center for the extraordinary and commitment it has demonstrated in bridging the health care gap for Los Angelenos.

IN RECOGNITION OF DR. JEWELLE TAYLOR GIBBS FOR OUTSTANDING SERVICE TO THE SOCIAL WORK PROFESSION AND THE UNIVERSITY OF CALIFORNIA AT BERKELEY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mrs. LEE. Mr. Speaker, it is a privilege and an honor to stand before you today and pay tribute to an outstanding educator from the great State of California and my congressional district, Dr. Jewelle Taylor Gibbs.

After a distinguished 20 year career in teaching and research, Dr. Gibbs is retiring from the University of California at Berkeley's

School of Social Welfare, where she has served as the Zellerbach Family Fund Professor of Community Change and Practice.

Dr. Gibbs, who graduated from Radcliffe College with honors, received her M.S.W., M.A., and PhD degrees from the University of California at Berkeley. She is a licensed clinical psychologist whose areas of specialization focus on the psychosocial problems of adolescent, social and mental health issues of low-income and minority populations.

Dr. Gibbs is the authority of Young, Black and Male in America: An Endangered Species (1988) and co-author of Children of Color: Psychological Interventions with Minority Youth (1989), as well as numerous book chapters, articles and essays. In Fall of 1994, she was a Visiting Professor at the University of Toronto (Canada). She has also been a Visiting Scholar at the University of London, the National Institute of Social Work in England, McGill University (Canada), Wayne State University, and the Claremont College system.

Dr. Gibbs is a Fellow of the American Psychological Association (Div. 27) and of the American Orthopsychiatric Association. She has also served on the Board of Directors and Editorial Board of the American Orthopsychiatric Association, The Publications Board of the National Association of Social Workers and is a founding member of the Advisory Council of the National Center for Children in Poverty. She has also served as a member of the Board of Regents of Santa Clara University in Santa Clara, California and has been a consultant to the Carnegie Foundation and the Ford Foundation. From 1977–79 she served as a member of the Special Populations Task Panel of the President's Commission on Mental Health.

In 1987, Dr. Gibbs was the recipient of the McCormick Award from the American Association of Suicidology for her research on minority youth suicide. In 1990, she received an Alumnae Achievement Award from Radcliffe College, where she currently serves on the Board of Trustees. She has also received numerous other awards for her research and advocacy on behalf of African-American youth from national, state and local groups including the Northern California Chapter of the NAACP-Legal Defense and Educational Fund, the National Association for Equal Opportunity in Higher Education, the National Black Child Development, Institute, the city of Detroit and the Michigan State Legislature.

In 1985, Dr. Gibbs was a Fellow at the Bunting Research Institute at Radcliffe College and from 1991–92 she was a Distinguished Visiting Scholar at the Joint Center for Political and Economic Studies in Washington, D.C. In 1991, she was also selected as a Scholar for the 21st Century Commission on Black Males in Washington, D.C. She currently serves on the Presidio Advisory Council in San Francisco.

Dr. Gibbs is listed in the Who's Who of American Women, Who's Who Among Human Service Professionals, Who's Who in Education and Who's Who Among Black Americans. She has lectured in Canada, England, Japan and Hawaii and is a frequent guest on radio and television programs about youth and inner-city issues.

The above reflects just a sampling of Dr. Gibbs' illustrious career. As a trailblazer in the area of social work, she has provided outstanding service to our nation and I am sure she will continue to do so throughout the years to come.

In closing, I congratulate Dr. Gibbs, once again, on her retirement and wish her the very best in all of her future endeavors.

30 YEARS OF THE HOUR OF POWER

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Ms. SANCHEZ. Mr. Speaker, I rise today in honor of a great American, Dr. Robert H. Schuller. For 30 years, The Rev. Schuller has brought his message of hope and positive thinking to the world.

The Hour of Power is now broadcast all over the world, on each and every continent, to over 30 million people in more than 200 countries. Dr. Schuller has preached in Russia and in a Damascus mosque. His show was the first ministry available to Christians in the Soviet Union in 1989.

But my friend the Rev. Schuller will tell you that his future was not so certain once upon a time. In 1955 he was preaching at a drive-in theater. He once doubted whether there was enough support for his program.

But like he constantly reminds me, "God loves you," He loves the Reverend too. And Dr. Schuller found himself blessed with the generosity he needed to begin his ministry.

On September 14, 1980, Dr. Schuller dedicated the Crystal Cathedral in Garden Grove—located in my Congressional District in Orange County, California—to the glory of man for the greater glory of God. It is now home to the worldwide Crystal Cathedral Ministries, and hosts a congregation more than 10,000 members strong as well as the Hour of Power.

The Rev. Schuller's faith saw him through those early years, and our community is not only stronger and better for it, but also closer to God. I salute Dr. Schuller today in honor of the 30th anniversary of the Hour of Power.

OPENING OF THE ARMENIAN EDUCATION, ART & COMMUNICATION CENTER IN SCOTTSDALE, ARIZONA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. PALLONE. Mr. Speaker, on Saturday, February 12, 2000, a ribbon cutting ceremony will be held for the opening of the Armenian Educational, Art & Communication Center and the Nikit and Eleanora Ordjanian Library-Museum, including the Personal Library of Reverend Father and Arafelian and the ACYO Computer Karam Center. This event will be held at the Armenian Apostolic Church of Arizona in Scottsdale, AZ.

This ceremony will be followed by a concert by George Mgrdichian, the world-renowned virtuoso of the oud, a traditional Armenian instrument. Mr. Mgrdichian is the writer and performer of the Broadway musical "Nine Armenians."

Mr. Speaker, it is always a matter of great pride for me to join with the Armenian-American community in welcoming a new center for the celebration and advancement of Armenian culture. The Armenian-American community, over one million strong, has contributed in countless ways to the economy and the culture of the United States. While embodying the American Dream, the sons and daughters of Armenia who have settled in the United States have for generations striven to maintain their links to one of the most ancient and enduring cultures in the human race.

Next year, the Republic of Armenia will be the site of celebrations for the 1,700th anniversary of Christianity. Armenia is, in fact, the first nation to have embraced Christianity as its national religion. And the history of the Armenian nation, language and people goes back many centuries earlier. In the years since, despite terrible periods of war, conquest and oppression, the Armenian people have endured and preserved. Today, Armenians the world over can take pride in the tremendous strides made by the Republic of Armenia and the Republic of Nagorno Karabagh, emerging democracies that seek to establish their rightful place as members of the family of nations. The sense of pride in being Armenian can be felt in many parts of the world, from Yerevan to Stepanakert to Scottsdale, Arizona, to my hometown of Long Branch, New Jersey.

Mr. Speaker, it is an honor and a privilege for me to congratulate the Armenian-American community of Scottsdale on the opening of this new facility, and to pay tribute to this important event in the pages of the CONGRESSIONAL RECORD.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. DEMINT. Mr. Speaker, I regret that I was unavoidably detained from missing votes on Tuesday of this week. Had I been present, I would have voted "yes" on rollcall vote 8, 9, and 10.

50TH WEDDING ANNIVERSARY

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. WYNN. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an exemplary couple from the Fourth Congressional District of Maryland, Thomas and Audrey Johnson. They are celebrating their 50th wedding anniversary today Thursday, February 10th, and a role model of family strength and solidity, which has made America great.

Their commitment to each other, their family, especially Tommie, T.J., and Darius, and their church family Johnson Memorial Baptist Church is impressive and deserving of special recognition and honor. I ask that my colleagues join me in congratulating Thomas and Audrey Johnson on their many years of love and commitment. May their life together continue to be full of joy and offer them many pleasant memories.

HONORING GEORGE KNIERIM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. UDALL. Mr. Speaker, I rise today to honor the passing of a special brand of American hero. George Knierim was an ordinary citizen who devoted his abundant skills to realize his vision of the United States aid effort in the third world. For 30 years, Knierim worked for the United States Agency for International Development (USAID), sharing his agricultural knowledge, training, and expertise with governments and farmers in Nepal, Iraq, India, Afghanistan, Turkey, and Sri Lanka.

USAID had its origins in President Truman's Inaugural Address of 1949 when he said, "Only by helping the least fortunate of its members to help themselves can the human family achieve the decent, satisfying life that is the right of all people." This vision energized and motivated a generation of technical advisors to work in agriculture, education, and infrastructure improvements in remote, developing regions of the world. Knierim and his colleagues had an impact on the lives of countless people as they shared the benefits of our extensive American experience. He used his single-minded passion to help protect fragile environments, provide pure water supplies, improve irrigation practices and improve varieties of cereal grains for the developing world. Although he received much recognition for his work, he considered his most prestigious title to be "American Farmer." Among the many and varied achievements of his career, the one that pleased him most was the opportunity to reinvent and adapt Nineteenth century-style farm implements for use with Asian draft animals. "I just gave them the tools and ideas that the Mormons brought with them into the Salt Lake Valley," he said.

George Knierim is symbolic of the thousands of men and women who sacrificed the comfort of their homeland and family in the United States to share techniques and technology with people for whom simple existence and subsistence was a daily challenge.

Our nation has been blessed because of the contributions of compassionate people like George Knierim, who carried their kindness throughout the globe. Today, Mr. Speaker, I pay tribute to George Knierim, who shared a portion of the American dream with the world.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district on January 31, 2000 and missed Recorded Votes #2 (Authorizing the Use of the Rotunda for Holocaust Memorial) and #3 (the Hillory J. Farias and Samantha Reid Date-Rape Prevention Drug Act of 1999).

Had I been present, I would have voted "aye" on final passage of H. Con. Res. 244 and "aye" on final passage of H.R. 2130, on January 31, 2000.

INTRODUCTION OF A PRIVATE RELIEF BILL FOR LEILANI WINNEFRED TOOLEY

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. NETHERCUTT. Mr. Speaker, I am pleased to introduce legislation to grant permanent residence to Leilani Tooley.

Leilani was adopted from China when she was less than one year old to a United States citizen father and a Micronesian mother. Through the 1980's when Leilani was a child, her father was a teacher, traveling throughout the Marshall Islands. Due to a translation error in China, an attempt to convey resident status upon Leilani was denied.

Leilani and her parents moved to the United States in 1992. Leilani was admitted as a CFA/FSM resident which allows her to remain in the United States legally but does not allow her to attend postsecondary school or to become a permanent resident or citizen. From 1992 through 1998, Leilani was eligible for citizenship by virtue of her living in the United States and being the adopted daughter of a United States citizen. Unfortunately, the naturalization process was never completed prior to her father's death in 1998. When her father passed away, Leilani's permanent resident mother began the naturalization process herself so that when completed, she could then convey permanent residence to her daughter. Unfortunately, Leilani's mother died in 1999, prior to her being naturalized.

Leilani is now alone in this country with no living relatives. She cannot return to China since she speaks no Chinese and she was released from that country when she was less than a year old, and she cannot return to the Pacific Islands since she was Chinese at birth. All of Leilani's friends and schoolmates are in the United States and it is only due to a string of unfortunate events that Leilani is not today a naturalized citizen. Leilani is a bright, industrious young lady, whose wish is to attend college. However, until this legislation is signed into law, her aspirations are on hold. I urge the swift passage of this bill, Mr. Speaker, to grant permanent residence to Leilani Tooley.

TRIBUTE TO HAMPTON POLICE CHIEF PAT MINETTI

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. BATEMAN. Mr. Speaker, I rise today to recognize an outstanding constituent in my district, Pat Minetti. I would like to read a letter I sent to Pat in early January before we came back in session and then expand upon it with these remarks.

> Dear Pat, it is with great pleasure that I write this letter of congratulations to you on the occasion of your retirement after an extraordinary tenure of 45 years as a member of the Hampton Police Division. Your commitment to your job is exemplified in the number of years of your dedicated service and your immeasurable accomplishments. In your 27 years as Chief, you achieved your goals and the Hampton Police force and the City of Hampton are better for it. I know the City of Hampton is proud to count you among one of its finest and is greatly indebted to you. Please know that Laura and I wish you the best in retirement.

Pat Minetti was a truly outstanding law enforcement officer and Chief of Police. His service to his community and its citizens has been honorable and faithful for 45 years. The story of Pat's service reflects the devotion to duty, family and community that helps to keep this nation, America, safe for families and individual citizens.

The son of Italian immigrants, Pat was born and raised in New Castle, Pennsylvania. As a young man, Pat worked in the steel mills and as a lumberjack while attending school. From his parents, and through his experiences growing up, he learned the important values of integrity, hard work and devotion to God, family and service.

Pat moved to Hampton, Virginia in 1955 and joined the Hampton Police Division. He started as a patrolman, walking a beat and serving families and small business. He was quickly recognized for his enthusiasm for law enforcement and genuine concern for the safety and rights of all citizens. He diligently worked through each rank, and with his unwavering desire to serve his citizens, he always applied himself to the most challenging operational positions out in the community. In 1972, his potential for senior leadership combined with his gifts and skills in law enforcement led the Mayor and the City Manager to select him to become Hampton's Chief of Police, a position he held for the past 28 years.

Pat's remarkable career, spanning the terms of eight Mayors and six City Managers, reflects a truly exceptional dedication to serving others and the ability to lead and grow an organization through long-term vision, passion and law enforcement expertise. Among his many accomplishments, Pat holds an MPA Degree from Harvard University's John F. Kennedy School of Government where he was elected Class Marshall. He also is a graduate of the 92nd Session of the FBI National Academy where he was awarded the J. Edgar Hoover Certificate of Scholastic Excellence.

Pat served as the 1989 President of the FBI National Academy Associates and is a past

President of the Virginia Association of Chiefs of Police. At the national level, he served as a member of the National Law Enforcement Council during President Bush's Administration. At the state level, he served as a member of Governor Wilder's Commission on Violet Crime, where he chaired the Task Force Subcommittee on Crime Prevention. Under Governor Allen's Administration, he served as a member of the Joint Subcommittee examining laws regarding handicapped parking.

Pat was awarded the prestigious Presidential Award for Outstanding Contribution to the Virginia Association of Chiefs of Police in August 1998, only the third such award to be presented since the organization was established in 1926.

Pat's selfless service and dedication to Hampton, Virginia's citizens and law enforcement has earned him the respect and admiration of his beloved community and the many police officers and local, state and national officials who have been associated with him over the past 45 years. Pat continues to live in Hampton with his wife, Donnie, who has shared the thrills and hardships of being a police wife for more than 43 years. He has two daughters and four grandchildren, with whom he enjoys spending time.

Mr. Speaker, I want to thank Pat and his family for their service to Hampton, its citizens and the Commonwealth of Virginia and I wish for them all God's blessings in the years to come.

IN MEMORY OF THEODORE KARABINUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to remember Theodore Karabinus, a community leader, political activist, and a good friend.

A true patriot, Mr. Karabinus was a highly decorated veteran of the U.S. Marines who served in both World War II and the Korean Conflict. He was also a member of the Pearl Harbor Survivor's Association. After retiring from the military, Mr. Karabinus embarked on a career with a local telephone company, where he worked for thirty years. He was dedicated to the advancement of working men and women and was a highly respected union leader in Cleveland, Ohio. He also served as President of the Communication Workers of America.

Mr. Karabinus's extensive humanitarian efforts demonstrate his commitment to improving the lives of others. He was actively involved for fifty years in organizations that supported civil rights. As a troop leader for the Boy Scouts of America, Mr. Karabinus shared his experience and wisdom with young men in Cleveland. He also reached out to the senior citizens in the community and assisted those who needed help with completing their tax return forms.

Mr. Karabinus was a political activist in Northeast Ohio and has been involved in numerous political campaigns including local and presidential campaigns. He also worked with the Committee on Political Education, which strives to encourage the youth of America to be involved in our democratic process.

I treasured my friendship with Mr. Karabinus and am certain that his contributions to our community will never be forgotten. He was an outstanding American and will be missed greatly by those of us privileged to know him.

TRIBUTE TO FILLMORE, NEW YORK

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. HOUGHTON. Mr. Speaker, I rise to extend my most sincere congratulations to the community of Fillmore, New York, as it enters its Sesquicentennial Year. This vibrant community, located in Allegany County, in the Town of Hume, enjoys a long and proud history in the State of New York. Celebrations surrounding the 150th Anniversary are planned for this coming May 27 to 29, 2000.

Fillmore is, of course, named after the thirteenth President of the United States, Millard Fillmore, who in 1850 was responsible for the establishment of a Post Office in the then existing settlement. Coincidentally, in addition to this being the community's sesquicentennial, the year 2000 also marks the 200th anniversary of President Fillmore's birth.

Born on what was then the "frontier", in the Finger Lakes region of New York, Millard Fillmore rose from serving on his family farm to serving in the U.S. House of Representatives, the New York State government, and finally as Vice President and President of the United States. In fact, Mr. Speaker, in this very building, in the Old House Chamber, there is a plaque marking the location of then-Congressman Fillmore's desk. The spirit of hard work and rugged dedication shown by President Fillmore throughout his life is certainly carried on by this small but vibrant community that bears his name.

Fillmore's idyllic, pastoral setting in the Allegheny Mountain Range at the top of the Appalachian Region, makes it a beautiful natural local surrounded by attractions such as Letchworth State Park and the Swain Ski Resort. But the people of Fillmore make the community the success that it is today.

The citizens of Fillmore are very proud of their community, and rightly so. For the past 150 years, Fillmore has contributed much to our region, state and nation. From the character and successes of its young people—both those who remain in Fillmore and those who have moved on to serve other communities around the nation—to many of its citizens who have fought and sacrificed their lives on the world's battlefields.

One of Fillmore's greatest assets is their outstanding public school. Fillmore Central School, led by Superintendent Dave Hanks, is a shining example of rural public education at its finest—from its top notch instruction of subjects such as mathematics and social studies, to a firm commitment to technology, and the provision of creative outlets for for young people to participate in the arts through drama, visual arts, and music. As an added benefit, the mighty Fillmore Eagles have, on many occasions, brought great pride to the community by bringing home titles in sports such as basketball and tennis, and just last year made it to New York State's "Final Four" in soccer.

Before I close, Mr. Speaker, I'd like to recognize one of Fillmore's greatest public servants, Alton Sylor, who passed away recently after years of service to the community, particularly as a member of the Allegany County Legislature for the past twenty-two years. We miss him greatly, and will remember him most during this celebration of Fillmore's history—a history that he helped shape.

Mr. Speaker, I hope you will join me in extending our most hearty congratulations to Fillmore on the occasion of their 150th anniversary.

IMPROVING THE IMPACT AID PROGRAM

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. HAYES. Mr. Speaker, today I am introducing legislation to reauthorize and to make further improvements to the Impact Aid Program, Title VIII of the Elementary and Secondary Education Act. As you know, Impact Aid is part of the basic financial support for local school districts whose boundaries include military bases and other federal lands in lieu of local taxes which ordinarily support public schools.

In my congressional district, Impact Aid is an element of the basic financial support for schools in Cumberland, Robeson, Hoke, Richmond and Scotland Counties, just as local taxes support other school districts. In some cases, Impact Aid supplies a significant portion of school districts' operating budgets. For example, in Cumberland County, home of Fort Bragg and Pope Air Force Base, over one-third of the school district's budget comes from Impact Aid and other Federal education programs. In fact, the Cumberland County school system receives the most Impact Aid of any other school systems in North Carolina.

The "Impact Aid Reauthorization Act of 2000" builds on key improvements to the Impact Aid program enacted during the 103rd Congress. At that time, the program was rewritten so it would focus Impact Aid dollars on those school districts most heavily impacted by a Federal presence. Those changes have been extremely successful in getting funding to schools in greatest need of assistance, thus enabling them to improve the quality of education provided to students. In addition, those amendments created greater support in Congress for funding Impact Aid, and we have seen consistent increases in the Impact Aid budget ever since. The legislation I am introducing today will further improve the program, and should lead to even stronger support among colleagues for funding key needs in federally impacted school districts. As in my Congressional district, many of the children affected by this law are the children of members of the Armed Services. And, I believe all of you will agree that we should provide the best possible education to the children of those individuals who put their lives on the line to protect our great Nation.

Key provisions of the bill I am introducing today would:

1. Change to formula for payments for federal property to insure a more equitable distribution of funds.

2. Incorporate into the Impact Aid law the pilot program for heavily impacted school districts included in the past two Labor/HHS/Education Appropriations bills.

3. Insure equitable payment for children living on land formerly owned by the Federal Government. As the military privatizes more and more housing for military personnel, it is expected that school districts will not receive adequate funding under Impact Aid to make up for the difference in the amount of taxes paid on such property and the amount they would have received for each child if the property had retained its non-tax status. This provision would continue to count such children as on-base children, but would reduce the amount of their Impact Aid payment by the actual amount of the taxes used for educational purposes.

4. Require the Department of Education to provide a notice to schools that miss filing deadlines and provide them a period of time within which to submit applications for Impact Aid. This change would address the growing number of yearly Impact Aid amendments necessary because school districts have missed filing deadlines.

5. Revise the construction provisions of the Impact Aid to allow Federally impacted school districts with no bonding capacity or with schools that have health or safety hazards to apply for the existing Impact Aid construction program, and shift some of the existing construction money to serve these districts. The Secretary would then fund the highest priority projects.

6. Provide a funding floor to small school districts with fewer than 1,000 children who have a per pupil average lower than the state average. This provision would guarantee them a foundation payment of no less than 40 percent of what they would receive if the program were fully funded.

As one of the over 150 Members of the House Impact Aid Coalition—one of the largest bipartisan coalitions in Congress—we have worked together to support our local school systems that provide support for military men and women and those citizens that are affected by Federal properties. This bill has the support of the National Association of Federally Impacted Schools, the association that represents over 1600 school districts nationwide that will benefit from this legislation, and the National Military Impacted Schools Association. I would like to submit their letters of support for the RECORD.

Mr. Speaker, we have a responsibility to assist those school districts impacted by a Federal presence. The "Impact Aid Reauthorization Act of 2000" will help insure school districts receive the support they need to provide children with the best possible education. These are thoughtful improvements to a very important law. I urge my colleagues to support this bipartisan legislation.

NATIONAL MILITARY
IMPACTED SCHOOLS ASSOCIATION,
Bellevue, NE, February 10, 2000.

CHAIRMAN BILL GOODLING,
House Education and the Workforce Committee, Washington, DC.

DEAR CONGRESSMAN GOODLING: The Military Impacted Schools Association (MISA) is extremely proud of the leadership you and your staff have demonstrated in developing the legislative proposal to reauthorize the Impact Aid Program.

There has been a real sensitivity to the needs of military children and your support is greatly appreciated.

Your discussion on the proper weight for a military (b) child is also appreciated and I hope this can be discussed further.

On behalf of the public schools serving the educational needs of over 550,000 military children, we wholeheartedly endorse and support your Impact Aid reauthorization proposal.

Warmest regards,

JOHN F. DEEGAN, Ed.D.,
Chief Executive Officer.

NATIONAL ASSOCIATION OF FEDERALLY
IMPACTED SCHOOLS,
Washington, DC, February 10, 2000.

Hon. ROBIN HAYES,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HAYES: Over the past six months the National Association of Federally Impacted Schools (NAFIS) has been working closely with the Education and the Workforce Committee in a bi-partisan manner to write legislation that would reauthorize the Impact Aid Program. The legislation that the committee is about to introduce is the product of that effort. The legislation reauthorizes the Impact Aid Program and includes only minor changes that NAFIS and the committee agreed to that either refines the present law to make the program work better and/or to address some changes brought about due to actions of the Department of Defense designed to implement policies to improve the quality of life of our military personnel. The committee bill also addresses issues of great concern to school districts educating Native American children. NAFIS is very appreciative of the willingness of the committee to allow us to work with them on this legislation and we would urge all members of the House of Representatives to join with yourself. Chairman Goodling, Ranking Minority Member Clay, and Representative Kildee in supporting this bill that is about to be introduced.

NAFIS is very pleased with the refinements included in the bill to insure that all local educational agencies eligible for funding under Section 8002 of the program (federal properties) are treated equitably. Although the changes that were made to this section of the program in 1994 did a better job of measuring the financial impact that federal property presents to the taxing authority of a local educational agency, it did—due to the lack of funding for this element of the Impact Aid Program—pose a real threat to primarily rural school districts. The changes included in this legislation will both insure that small rural schools are provided a foundation payment while at the same time recognizing the true fiscal impact of federal property to the tax base of the community served by the school system.

The bill also puts into law, a pilot project that has been included in both the Fiscal Year 1999 and 2000 Labor, HHS, and Education Appropriation Bill. The project being placed into the Impact Aid statute will mean that "Heavily Impacted Local Educational Agencies" will now receive their additional funding under the regular Impact Aid basic support program and will not have to wait up to 18 to 24 months after the appropriation is made to receive their funding. This change will make it easier for these school districts to budget their Impact Aid funding and it also insures that the Federal Government reimburses a school district only for the cost of the impact of the federal dependent child rather than the cost for all children, both federal and non-federal, enrolled in the school district. These changes are welcomed by the heavily impacted community and NAFIS appreciates the understanding of the committee to incorporate the pilot project that has already proved to work into the Impact Aid reauthorization.

NAFIS also supports the recognition by the committee of the problems that a changing military force have placed on those school systems educating military dependent children. Committee language addressing the issue of privatization of on-base housing will insure that the funding levels provided under current law for on-base children will remain, even if on-base housing and the land upon which it is built is turned over to a private developer. This a realistic approach to an issue that could become potentially a major threat to school systems providing educational programs to the children of our military personnel.

NAFIS would also like to commend the committee for recognizing the facility needs of school systems that are highly impacted with Indian land and military children. The committee bill recognizes that many of these school systems lack the capacity to issue capital construction bonds and in addition, many of these same school systems are currently educating children in facilities that pose a serious health threat to the students and faculty working within them. The responsible approach taken by the committee to address this very serious issue is welcomed by the impact aid community and NAFIS urges the Congress to support the committee's recognition of the federal obligation to address this serious facilities issue.

Although NAFIS would like to see an increase in the weights for on-base military and civilian dependent children, we strongly support the bill that the committee is about to introduce and again offer our gratitude to you for introducing this legislation and Chairman Goodling and his committee staff as well as to Representatives Clay and Kildee for the work that has been put into this legislation. In summary, NAFIS urges all members of the House to support this legislation when it comes before the full House for a vote in the near future.

Sincerely,

JOHN B. FORKENBROCK,
Executive Director.

IN TRIBUTE TO HAZEL WOLF

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. McDERMOTT. Mr. Speaker, I rise today to honor my constituent, Hazel Wolf. Having achieved her goal to have a foot in three centuries, Hazel passed away on January 19, 2000 at the young age of 101. Tomorrow I hope to join hundreds of her friends gathering in my district to celebrate her life of tenacious dedication to the environment and human rights.

Hazel was born in Victoria, British Columbia on March 10, 1898. She immigrated to the United States in 1923 as a single mother seeking work to support her young daughter. After a successful career as a legal secretary, Hazel officially became a citizen in 1976.

Through all her years Hazel championed issues of importance for women, working people, human rights, and the environment. A true citizen of the world, her efforts were recognized with awards by numerous international, national, state, and local organizations. Her work continues in the hearts of all who were privileged to share her goals and projects.

Mr. Speaker, please join me in tribute to Hazel for demonstrating to us the value of a life of simplicity adorned with the riches of gracious service to humanity and nature. We will miss her wit and wisdom, and we will cherish her memory by pursuing her lessons of love and understanding for all living creatures.

YELTSIN'S NUCLEAR THREAT SHOULD ALARM AN UNDEFENDED AMERICA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. SCHAFFER. Mr. Speaker, former Russian President Boris Yeltsin's startling and sobering reminder last November of his country's robust nuclear weapons capability was as accurate as it was menacing. Firing back at Bill Clinton's public criticism of Russian military assaults on Chechen rebel strongholds, Yeltsin roared, "[Clinton] must have forgotten for a moment what Russia has. It has a full arsenal of nuclear weapons."

Though arguably an impulsive response to embarrassing and unwanted criticism, Yeltsin could not have delivered a more concise and troubling threat to our Nation's security, nor a more valid and fortified one. Despite highly publicized accounts of Russia's deteriorating economic, political, and conventional military realities and capabilities, the country is anything but lightly armed in nuclear weaponry. In fact, Mr. Speaker, Russia still maintains over 20,000 nuclear weapons, most sitting atop highly accurate and fully functioning silo- and sub-launched ballistic missiles awaiting final target coordinates and a "fuel and fire" command.

Yeltsin's impetuous warning—however untenable to an America placated by decisive United States victories in the cold war and the gulf war, and blessed with 60 years of domestic tranquility and tremendous economic prosperity—should be taken quite seriously. In 1993, Russia adopted a national security policy placing even greater reliance upon nuclear deterrence due to its worsening economic crisis and deteriorating conventional military capabilities. Not only does this reality enhance the threat of an intentional launch, it heightens the prospects for an unintentional launch too.

Mr. Speaker, the United States remains defenseless against any such launch. American citizens trust that the first responsibility of their government is "to provide for the common defense," and must accordingly assume there must be in place an effective shield against missile attack. This, however, is not the case. Public opinion polls show most Americans still do not realize the U.S. military—the most powerful, most technologically-advanced, and most lethal military force ever assembled—could not stop even a single ballistic missile from impacting American soil today.

In fact, long-range ballistic missiles are the only weapons against which the U.S. Government has decided, as a matter of policy, not to field a defense. Bill Clinton is a fierce defender of this doctrine of deliberate vulnerability and repeatedly threatened to veto any serious congressional legislation enacted to the contrary.

Clinton's doctrine is predicated upon antiquated agreements dating back to 1972 when the United States signed the Anti-Ballistic Missile (ABM) Treaty with the former Soviet Union. At the time, and until relatively recently, the U.S.S.R. was the only nation known to be capable of delivering nuclear warheads to our shores. The world is different now, and the U.S.S.R. no longer exists.

Not counting Yeltsin's unexpected reminder of Russia's formidable nuclear arsenal, Mr. Speaker, Russia is generally considered on the lower end of America's threat scale. That's because it's predictable, if not rational. United States and other intelligence sources have firmly documented the aggressive—and in some cases successful—attempts by many of the worlds most violent, unstable, and anti-American entities to develop and acquire weapons of mass destruction, and the means to deliver them.

In 1998, the bipartisan Commission to Assess the Ballistic Missile Threat to the United States, led by former Secretary of Defense Donald Rumsfeld, asserted the United States may have little or no warning before the emergence of specific new ballistic missile threats to our Nation. The Commission estimated some 20 Third World and outlaw nations, including North Korea, Iran, Iraq, and Libya already have, or are vigorously developing, such capabilities.

Mr. Speaker, Communist China already has this capability. In 1998, the Central Intelligence Agency confirmed 13 of China's 18 long-range nuclear-tipped missiles were targeted at U.S. cities. In 1996, Chinese officials threatened to launch those missiles at American targets, including Los Angeles, if our Nation intervened on behalf of Taiwan during China's threatening missile tests over that nation. One official remarked that Americans "care more about Los Angeles than they do Tai Pei." Adding fuel to the fire, U.S. defense intelligence officials just revealed plans by China to build a second short-range missile base near Taiwan, thereby allowing it to target the island's primary military and civilian areas.

The communist Chinese have also profited greatly from successful espionage missions within the United States. Intelligence officials have confirmed China is beginning work on a new strategic submarine built specifically to target U.S. nuclear forces. The subs will reportedly carry missiles armed with miniaturized warheads modeled after American designs developed at Los Alamos then stolen by spies. These smaller, advanced warheads will also allow China to place multiple warheads on new Intercontinental Ballistic Missiles (ICBMs). Such missiles would have the range to target not only Los Angeles, Mr. Speaker, but also more "target-rich" cities like Washington, Denver, Chicago, and New York.

It should be all the more alarming then that President Yeltsin's perceived threat of nuclear retaliation was delivered from Beijing. Yeltsin emerged just minutes before his pronouncement from a meeting with Chinese President Jiang Zemin, who stood confidently beside Yeltsin, both physically and figuratively. Relations between the two nuclear powers have warmed significantly over the last few years, and that alone should be cause for concern to an American left undefended from missile attack.

No matter the source and nature of the threat, however, this much is clear: America must build a National Missile Defense system as soon as technologically possible. Last year, in spite of the general reluctance of Bill Clinton and his administration, the House and Senate both overwhelmingly passed legislation to do so, albeit substantially watered-down in order to appease White House objections.

But in order to ensure the timely and successful completion of this most important of tasks, America must stand united in our efforts. Otherwise, Mr. Speaker, if Russia ever follows through with its nuclear threats, all we'll be able to do is fire back, and kiss our planet goodbye.

CONGRATULATING LOURDES T. PANGELINAN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. UNDERWOOD. Mr. Speaker, I would like to commend Ms. Lourdes T. Pangelinan for her selection as Director General of the Secretariat of the Pacific Community (SPC). The SPC is an organization dedicated to the advancement of the Pacific Region's active membership in the global community through the protection and promotion of mutual interests. The organization strives to emphasize the unique interests of the island nations comprising the region. With these objectives on top of their agenda, the SPC would surely reap great benefits from Lou Pangelinan's abilities, knowledge and vision. Lou is the first Chamorro and the first woman to occupy the SPC's top post.

Born on the island of Guam, Lou is the daughter of Maria Camacho Taitano Pangelinan and Jose Guerrero Pangelinan. She grew up in the village of Asan and attended the Adelup Elementary School. In 1966, the family moved to Castro Valley California where Lou attended the Castro Valley High School. She was later admitted to the University of California at Davis, California, where she became a University of California Board of Regents Scholar and a California State Scholar. While working toward a Bachelor of Arts degree, Lou took part in a study abroad program in France focusing on political science and the French language. Upon graduation, she was a fluent speaker of Chamorro, English and French.

In 1977, Lou returned to Guam to work as a reporter for the Pacific Daily News. She later served as liaison to Guam's overseas residents and coordinator of federally funded programs from 1979 to 1982. She did this while working as special assistant to the Lieutenant Governor of Guam in his San Francisco, California office. In 1983, Lou worked on national research studies on the effectiveness of U.S. health programs with the U.S. Department of Health and Human Services in Seattle, Washington.

Lou was back on Guam in 1984, serving as executive assistant to then Guam Senator Joseph Ada. While employed by the senator's legislative office, she was placed in charge of developing legislation, conducting research, disseminating public information, and handling constituent services. Upon Senator Ada's election as governor of Guam in 1994, Lou was appointed his chief of staff. In addition to being the governor's chief assistant on policy development and implementation, she also had purview over the Cabinet and the governor's staff.

Between January 1995, and February 1996, Lou was employed by the Superior Court of Guam. At this point she has served in top level management positions in all three branches of the island's government. As the Deputy Director/Director of Communications, she managed the operations of Guam's trial court. In addition, she facilitated judges' requirements and acted as liaison to the Guam Legislature on budget and policy matters. During her service with the government of Guam, she represented the island in key meetings and hearings before the United States Congress and the United Nations Committee on Decolonization.

Lou's involvement with the SPC dates back to the early years of the organization's development. Representing the island of Guam, she served as Chairperson of the Committee of Representatives of Governments and Administrations in May 1989. For the past decade, she played an active part in the organization's growth. Her command of the French language, her vision, her technical knowledge, and her leadership capabilities made her an ideal candidate for a leadership post within the SPC. Prior to landing the top job, she served as the organization's deputy director general. Upon becoming a member of SPC's executive team, Lou was given oversight over the Social Resources Division, Support Services Programme and Finance/Administration. As Director General, Lou is in the best position to facilitate and convey the island of Guam's commitment and support as the SPC charts its course for the new millennium.

Through her distinguished career and outstanding achievements, Lou has brought recognition upon herself, the island of Guam, and its people. Having been granted the honor and opportunity to be instrumental in the future growth and development of the Pacific Region, I am sure that Lou will successfully meet the challenge. She has always made us proud.

I join her family in celebrating her extra-ordinary accomplishments. On behalf of the people of Guam, I extend my sincerest congratulations to Lou on this recent accomplishment. I wish her and the SPC continued success in the years to come,

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TRIBUTE TO STEVE LEW

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. BERMAN. Mr. Speaker, we rise to pay tribute to our good friend, Steve Lew, who has just completed a two-year term as Chairman of the Valley Industry and Commerce Association. Steve is a man of immense charm, business smarts and considerable political skills. He is, in short, a born leader. He will be sorely missed at VICA.

During his two-year tenure as chairman, VICA became much more active in state, local and federal affairs. Steve expanded VICA's sphere of influence; the organization now covers eight congressional districts, six State Senate districts and ten Assembly districts. He made a point of attending many meetings of the various government committees.

In 1999, Steve led VICA's year-long 50th anniversary celebration, which included a new graphics campaign, newsletter, logo and website. He also helped spur a 25 percent rise in revenues to VICA, which enabled the organization to initiate new advocacy programs.

In 1975, Steve took a job with Universal Studios, where he has held several executive positions. These include Vice President, Government and External Affairs, Universal Studios, Inc; Senior Vice President, Universal Studios Recreation Group and President and CEO, Universal Studios Florida.

In addition to his professional duties and his work with VICA, Steve is Chair of the City of Los Angeles Volunteer Advisory Council, a member of the Executive Board of the Economic Alliance of the San Fernando Valley and Past President of the Hollywood Chamber of Commerce.

We ask our colleagues to join us in saluting Steve Lew, whose commitment to helping business and his dedication to the community are second to none. We are honored to be his friends.

LEADERSHIP COUNCIL OF AGING ORGANIZATIONS: PRINCIPLES FOR MEDICARE PRESCRIPTION DRUG LEGISLATION

HON. FORTNEY PETE STARK

OF CALIFORINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. STARK. Mr. Speaker, following is a letter I submit for the RECORD that was sent to Members of Congress by the Leadership Council of Aging Organizations signed by 32 groups, on the principles that Medicare prescription drug legislation should meet.

If one compares the principles with the various bills that have been introduced, it is clear that the President's proposal; the Stark-Dingell-Kennedy proposal meet the criteria.

All others bills that I am aware of do not meet the criteria—they are either means-tested, unaffordable, don't provide catastrophic protection, fail to improve quality, do not buy drugs cost-effectively, and so forth.

The LCAO has performed a valuable service in laying out what good pharmaceutical health insurance policy should be.

Congress should proceed accordingly.

LEADERSHIP COUNCIL OF AGING
ORGANIZATIONS,
HORACE B. DEETS, CHAIRMAN,
February 7, 2000.

U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The undersigned members of the Leadership Council of Aging Organizations (LCAO) look forward to working with the Congress on the creation of a Medicare prescription drug benefit.

As you consider current proposals and draft new prescription drug proposals, we would like you to consider the following issues that are of the highest priority to our organizations and the millions of Americans that we represent.

BENEFITS

Medicare should guarantee access to a voluntary prescription drug benefit as a part of its defined benefit package.

Medicare's prescription drug benefit should provide comprehensive coverage, including the most current, effective, and individually appropriate drug therapies.

Medicare's contribution toward the cost of the prescription drug benefit must keep pace with the increase in prescription drug costs and not be tied to budgetary caps.

Adding a Medicare prescription drug benefit must not reduce access to other Medicare benefits.

COVERAGE

The Medicare prescription drug benefit should be available to all Medicare eligible older Americans and persons with disabilities, regardless of income or health status.

The Medicare prescription drug benefit must be voluntary and must provide safeguards against the erosion of current prescription drug coverage provided by others.

AFFORDABILITY

The financing of a new Medicare prescription drug benefit should protect all beneficiaries from burdensome out-of-pocket expenses and affordable cost sharing, particularly low-income beneficiaries.

The new benefit must protect individuals from extraordinary expenses for prescriptions drugs.

The government subsidy must be sufficient to guard against risk selection and to provide an attractive benefit design.

Sufficient subsidies should be provided for low-income beneficiaries to ensure that they have access to the benefit.

ADMINISTRATION

The new prescription drug benefit should be efficiently managed, include appropriate cost-containment, and reflect the purchasing of the Medicare beneficiary pool.

QUALITY

The new Medicare prescription drug benefit must meet rigorous standards for quality of care, including appropriate monitoring and quality assurance activities.

The Medicare program should work to prevent the overuse, underuse, and misuse of prescription drugs.

We request that you carefully consider the issues presented above as you develop your Medicare prescription drug proposals. We look forward to working with you to ensure that the Medicare program is strengthened by your efforts.

Sincerely,

AARP; AFSCME Retiree Program, Alzheimer's Association, American Association for International Aging, American Association of Homes and Services for the Aging, American Federation of Teachers Program on Retirement and Retirees, American Society of Consultant Pharmacists, Asociacion Nacional Pro Personas Mayores, Association for Gerontology and Human Development in Historically Black Colleges and Universities, Association of Jewish Aging Services, B'nai B'rith Center for Senior Housing and Services, Eldercare America, Inc., Families, USA, The Gerontological Society of America, Gray Panthers, National Academy of Elder Law Attorneys, National Asian Pacific Center on Aging, National Association of Area Agencies on Aging, National Association of Foster Grandparent Program Directors, National Association of Nutrition and Aging Services Programs, National Association of Retired and Senior Volunteer Program Directors, Inc., National Association of Senior Companion Project Directors, National Association of State Long-Term Care Ombudsman Programs, National Association of State Units on Aging, National Caucus and Center on Black Aged, Inc., National Committee to Preserve Social Security and Medicare, National Council of Senior Citizens, National Council on the Aging, Inc., National Hispanic Council on Aging, National Indian Council on Aging, Inc., National Osteoporosis Foundation, National Senior Citizen Law Center, Older Women's League.

HOUSE OF REPRESENTATIVES—*Monday, February 14, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 14, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1287. An act to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to but not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

PASSAGE OF THE MARRIAGE TAX ELIMINATION ACT, A GREAT VALENTINE'S DAY PRESENT

Mr. WELLER. Mr. Speaker, of course today is known as Valentine's Day. It is a great day for those who care for one another. It is a day of the heart. This past week we had some important action in this House of Representatives which affect 28 million married working couples who because of their heart pay higher taxes.

The American people have often told me that they are frustrated; they think it is unfair that 21 million married working couples on average pay $1,400 more in higher taxes just because they are married.

That really is a fundamental question. Is it right, is it fair, that under our Tax Code, 25 million married working couples on average pay $1,400 more?

Now, I represent the south side of Chicago and the south suburbs in Illinois, and folks back home they tell me that $1,400 is a year's tuition for a nursing student at a community college in Illinois; it is a washer and a dryer; it is several months' worth of car payments; it is 3 months of day care, but it is higher taxes, money that is taken from married couples, just because they are married.

That is wrong. Of course, Valentine's Day is today and today is the day that we can celebrate the fact that the House passed H.R. 6, legislation wiping out the marriage tax penalty for 25 million married working couples. Let me explain how the marriage tax penalty works.

If one is single, of course, they file as a single person; but when they get married, they file jointly. They combine their incomes. The way our Tax Code works is if a couple is a machinist and a schoolteacher with identical incomes, say a machinist makes $31,000, if he stays single he pays in the 15 percent tax bracket; but if he meets and marries a public school teacher with an identical income of $31,000, their $62,000 combined income pushes them into the 28 percent tax bracket. They pay the average tax penalty of almost $1,400 just because they got married.

Right now the Tax Code discourages marriage by punishing it with financial penalties. That is wrong.

This past week, the House passed H.R. 6, and I want to commend the leadership of the House, Speaker DENNIS HASTERT, for moving a stand-alone, clean, marriage tax elimination legislation.

There is no other extraneous provisions. There are no excuses like the President used last year when he vetoed our effort to wipe out the marriage tax penalty. We deal with one issue, that is, wiping out the marriage tax penalty for 25 million married working couples.

I would point out that H.R. 6 helps married couples in a number of ways. If one looks at who pays the marriage tax penalty, one half of married couples itemize their taxes because they own a home or give money to church or synagogue or charity or have education expenses. The other half do not. So we help both in the legislation that we passed. We double the standard deduction for those who do not itemize for joint filers to twice that of singles and for those who do itemize, and of course most middle-class families own their home so they are required to itemize their taxes. So we help them by widening the 15 percent bracket so that joint filers can earn twice as much in the 15 percent bracket as a single filer. It is fair that way.

We also help, I would point out, the working poor with addressing the marriage penalty that is in the eligibility for joint filers for married couples for the earned income credit to help the working poor. So we double the standard deduction. We widen the 15 percent bracket. We address the earned income credit marriage penalty, and we help 25 million married working couples by being fair.

It is time that we make the Tax Code fair. It is time that we make the Tax Code marriage neutral so that one is not punished when they get married. Of course, I am proud our proposal does not raise taxes on anyone else in order to wipe out the marriage tax penalty.

So two single people, two married people, no one pays more taxes than the other. It is the fair way to do it; and I am proud that 268 Members of this House, every Republican and fortunately 48 Democrats, broke from their leadership and supported our effort to wipe out the marriage tax penalty. That is progress, tremendous momentum. An overwhelming majority of the House supported our effort to wipe out the marriage tax penalty, an issue of fairness for 25 million married working couples.

I am concerned, though. I have been told that there are some in the Senate who want to load up the marriage tax elimination effort. They want to put poison pills, and they want to put other extraneous provisions on this bill. My hope is we can avoid that. My hope is that we can convince the Senate to keep it a stand-alone, clean, marriage tax elimination bill. That is the best approach. That way it is fair. There are no excuses for the President to veto it this time. He said during the State of the Union that he thought we should address the marriage tax penalty. We want the President to keep his word. We want to give the President the opportunity to do that by sending him a stand-alone bill.

There is no need for partisan politics. We had a bipartisan vote when this legislation passed the House this past week; and what better gift to give 25 million married working couples on this Valentine's Day then enactment into law the Marriage Tax Penalty Act.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE STRUGGLE TO MANAGE GROWTH PROPERLY IS A KEY CONCERN FOR ALL AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, in 5 short minutes, when I sit down, there will be 6 more Californians. Twenty-four hours from now, 1,700 people will either be born or move to the Golden State. This continued relentless growth, coupled with patterns of unplanned development, congestion, pollution, and the loss of open space has created a backlash in our Golden State. The front page of the Sunday New York Times yesterday contained a dramatic example of the controversy surrounding a huge development, the Newhall Ranch in the Los Angeles area, and what it represents for their community.

The struggle to manage growth properly is a key concern for all Americans, but the implications for California are critical. Just as families across America watched on Disneyland the progress on the Walt Disney Show every Sunday night for weeks during the mid-1950s, America has been watching the struggle to manage developed area in our Nation's largest State.

In the Los Angeles area alone, from 1970 to 1990, the developed area tripled to encompass an area the size of the State of Connecticut, growing six times faster than the growth in population.

This explosive growth is not just limited to Southern California. It has created a crisis in livability in the Bay Area, Silicon Valley, and the Central Valley, home to America's most precious farmland, arguably. Fresno County produces more agricultural product than 24 States combined. Yet, if the projections to triple its population with the current land uses are realized, there will be a million acres of farmland lost.

Since 90 percent of all of California's agricultural output is near the urban fringe, this has critical implications all across the State.

California has many examples of smart growth initiatives led by individuals like State Treasurer Phil Angelinas and his insightful report detailing how California State government can invest in smart growth. There are communities that have taken in their own hands to establish limits on urban growth and protect their natural resources through local initiatives.

The Silicon Valley Manufacturers Association for years has identified as the top priority for this business group affordable housing, protection of open space and transportation.

The wildly successful and popular Coastal Zone Management Program is an example of sound land-use planning in the State of California, but what the State does not have is a statewide framework that would assure that every local government does its job and that nobody can grow at the expense of their neighbors.

It is time that the voters or the State legislature provide the same thoughtful framework for the rest of the State. Californians should also insist that Congress not stand idly by as they struggle to maintain the livability of their State.

Candidly, many of Congress' well-intended programs in the past, from massive water projects to the interstate freeway system, have fueled California's explosive growth and some of the problems. There are simple steps that we can take here in Congress. We should require that the substantial sums of Federal money for infrastructure and water projects, road transit, should be spent only after careful planning and analysis to protect community resources and the environment.

The Federal Government should increase its investment in brownfield cleanup through subsidy low-interest loans and tax incentives and continue efforts to reform the brownfield and Superfund cleanup process.

The Federal Government should reform the flood insurance program, passing a little piece of legislation that the gentleman from Nebraska (Mr. BEREUTER) and I call two-floods-and-you-are-out-of-the-taxpayers'-pocket so that the Federal Government no longer subsidizes people living where God has repeatedly shown that he does not want them.

The Federal Government should be leading by example, whether protecting the vast Federal resources like Yosemite Park, treating it like a livable community or leading by example by making sure that the post office obeys local land-use laws, zoning codes, and environmental laws.

The California experience is just one more example of why every politician in the year 2000 should have a program to promote livable communities, what the government can do to be a better partner to make our families safe, healthy, and economically secure.

PERMANENT MOST FAVORED NATION TRADING STATUS FOR CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Mr. Speaker, today I rise because of my concern about granting permanent normal trade relations to China.

Mr. Speaker, there are good people on both sides of this issue and as we consider granting China MFN; we need to be honest in our debate. Yesterday, the New York Times had an article written by Joseph Kahn with the headline, "Executives Make Trade With China a Moral Issue." This article describes how some members of the business community in Florida approached one of our colleagues saying that passing MFN was a moral issue, that extending normal trade status to China is a moral necessity.

Mr. Speaker, this could be a dangerous line of reasoning for those who favor granting China MFN, particularly given China's human rights record.

In light of what so many Chinese citizens face at the hands of the Chinese Government, the term "moral" is of concern.

There are now at least eight Roman Catholic bishops being held in prison. Here is a picture of one of those, Bishop Jia. He had been arrested on August 15, 1999, been arrested to prevent him from conducting mass on an important Roman Catholic feast. He is 66 years old, has been in jail in a Chinese labor camp for 20 years.

I will tell the gentleman from Florida, this is a moral issue.

Just a few days ago, the Chinese Government arrested another Roman Catholic bishop, surrounding him late in the night by 150 policemen. Scores of Roman Catholic laymen were arrested. This is a moral issue.

Countless Protestant house church leaders have been arrested and imprisoned simply for practicing their faith. Here is a photo of Pastor Li showing the police grabbing him and taking him off to jail. He has been in and out of prison since 1983. This is a moral issue.

I have been to China. I have been to Tiananmen Square and seen where the tanks have rolled over the people and flattened them in the wake. I have been to Beijing Prison Number One where Tiananmen Square demonstrators were working on socks to export to United States. This, I would tell the gentleman from Florida, is a moral issue.

I visited Tibet several years ago. In Tibet the Chinese have raped and pillaged that peaceful country, committing untold atrocities upon the Tibetan population. Scores of Buddhist monks and nuns are in prison because of their faith. This is a moral issue. There are more prison labor camps in China now than there were when Solzhenitzen wrote the book "Gulag Archipelago." This is a moral issue.

The Muslims in China are being persecuted daily and no one speaks out. This is a moral issue.

As a Member of Congress, I am able to attend various national security briefings that I cannot go into here on the House, but I can say that the Chinese military presents fundamental dangers to the West and to our men and women in the armed services. We need to tread very carefully in our actions which give aid to the Chinese military and the government and who knows what the future may hold where the battle lines could be drawn. This is a moral issue.

The People's Liberation Army are dumping assault weapons into the United States that are killing women and children. This is a moral issue.

□ 1245

So I would say that the Clinton administration and others in support of MFN should be careful in crafting their arguments in support of MFN by using moral language. This administration has done little or nothing to speak up with regard to China's human rights, going so far as to actually meet with the Chinese officials in Tiananmen Square. This administration has done nothing in many of these areas.

So, in closing, there are good people on both sides of the issue in this Congress who care deeply about this. The Congress is split, however. I would say we need to focus on the real moral issues; the persecution of the Roman Catholics, the persecution of the Protestants, the persecution of the Buddhists in Tibet, the persecution of the Muslims, the prison labor camps, and the threat to our national security. These are moral issues.

I would say to those gentlemen, have they written the State Department to ask that the pastor be released? Have they written the State Department to say, please, let the bishop out; he has been in jail for 20 years? My sense is they have not. And this, I would tell my colleagues on both sides of the issue, this is the moral issue that this Congress will have to face.

Every segment of the United States is opposed to granting MFN for China until there is improvement on human rights because the American people care deeply about these moral issues.

Mr. Speaker, I include for the RECORD additional information regarding this subject.

TIBET—A FIRST HAND LOOK—AUGUST 9-13, 1997

(By Representative Frank R. Wolf)

INTRODUCTION

I recently returned from a journey to Tibet where I visited during the period August 9–13, 1997. Accompanied by a member of my staff and by another Western man fluent in Tibetan and steeped in its culture, history and religion, we traveled with U.S. passports and on tourist visas issued by the government of China. At no time was I asked nor did I make known that I was a Member of Congress. Had I done so, I am sure that my visit would not have been approved just as other Members of Congress requesting permission to visit Tibet have been turned down.

No sitting Member of the U.S. House of Representatives has visited Tibet since China began in 1959 its relentless (and largely successful) effort to squeeze the life and very soul out of this country, its culture and its people. Only three U.S. Senators have visited Tibet in the last several decades and they were closely shepherded by the Chinese. Aside from U.S. ambassadors in Beijing and Assistant Secretary of State John Shattuck, I am unaware of visits by senior officials from any presidential administration during these years.

To be sure, an approved delegation visit to Tibet would not likely be all that revealing since frank conversations with individuals could not take place. I cannot think of another place in the world where a tighter lid is kept on open discussion. Government agents, spies and video cameras guard against personal outside contact. Offenders, even suspected offenders, are dealt with quickly and brutally.

HUMAN RIGHTS PROTECTION

My interest in Tibet and the driving force behind my visit centers on work to help in stopping religious persecution and protecting basic human rights. In 1996, the House passed three measures concerning these issues, one specifically relating to Tibet. This year I introduced H.R. 1685, the Freedom From Religious Persecution Act of 1997, which contains specific provisions relating to Tibetan Buddhism. It has over 100 cosponsors. These are areas about which I and others care very deeply.

In Tibet humane progress is not even inching along and repressed people live under unspeakable brutal conditions in the dim shadows of international awareness. I want the world to know what is going on in Tibet. When people know, they will demand that China change its policy of boot-heel subjugation and end what one monk I met termed "cultural genocide."

I found that the PRC has a near-perfect record of vicious, immediate and unrelenting reprisals against the merest whisper of Tibetan dissent. I met with monks, men and women on the street and others who risked their personal safety and well-being to steal a few moments alone with me to tell me how bad conditions are in Tibet and to petition help and support from the West.

TIBET ON THE MAP

Tibet is known as the roof of the world and, indeed it is. The Tibetan plain rises above 12,000 feet. At night, with skies so clear, more stars beam down on the observer than one can imagine. Beneath this roof is the former home of the Dalai Lama, the religious leader who ruled the country from the impressive Potala Palace in the capital of Lhasa. In 1959, when China commenced a relentless program to erase Tibet from the pages of history, the Dalai Lama left his homeland for India where he and countless other Tibetans who followed remain in exile today.

Tibet is about the geographic size of western Europe with a Tibetan population of around six million. It has been estimated that in the past two decades nearly one million Tibetans have been killed, starved or tortured. At the same time the PRC has undertaken a program of mass infusion of Chinese people who probably now outnumber Tibetans in their own country. There are no valid census data, but some estimate that in the capital of Lhasa there are about 160,000 Chinese and only about 100,000 Tibetans. The difference in numbers may be less startling in remote areas but the inescapable conclusion is that China is swallowing Tibet. Stores, hotels, bazaars, businesses and tradesmen are largely Chinese. Storefront signs bear large Chinese writing beneath much smaller Tibetan inscriptions. Driving out from Lhasa, one encounters as many Chinese villagers, shepherds, farmers, construction workers and travelers as Tibetan. In short, Tibet is disappearing.

Tibet lies along the border of Bhutan, Nepal, India and Pakistan and is rich in resources including agriculture, timber and minerals. Its importance to China is both strategic and economic. China seems certain to maintain its death grip on this land and strives to do so behind sealed doors. There is no independent press in Tibet. I did not see a single newspaper or magazine available to the people. Television is extremely limited and tightly controlled by the PRC. Outside press is not welcome and not allowed. Only Voice of America, to which virtually all Tibetans listen, and Radio Free Asia, which is relatively new, beam information into Tibet. Nothing goes the other way except slips of information carried out by occasional tourists and visitors.

TIBET UP CLOSE

What do the Tibetan people say? Before my trip I was told that individuals would seek me out as an obvious Western visitor to hear their story. I was also told this was very dangerous to them; that informers were everywhere and being caught talking to a westerner was a guaranteed ticket to prison and more. Frankly, I was skeptical that anyone would approach us. I was wrong. Someone took advantage of almost every opportunity for a guarded word or two.

During our first encounter with a Tibetan who realized we were westerners and one of us was fluent in Tibetan, we found that he could not contain himself. "Many are in jail, most for political reasons." We saw Drapchi prison, which is off the beaten path in a slum area. Guards in pairs were ever present.

We saw the Sangyip prison complex and then Gusta prison. Prisons seem to be a growth industry in Tibet. We told the Tibetan not to take chances. He said it is so important that we see these places that he didn't care and we continued on what had become a nightmare tour. We passed the main security bureau, the intelligence headquarters and then the prison bureau, each heavily guarded. All the while we heard about monks and nuns and common men and women who were dragged away to prison and tortured. He said, "Don't worry about me at all," and continued to tell of the torture to which prisoners were subjected.

They are routinely beaten with sticks and kicked and poked with electric sticks (cattle prods with a huge electric charge). Political prisoners are isolated from the general prison population and kept in unlighted and unheated areas with no sanitary or medical facilities and almost no food or water.

He added that the people have no rights. They cannot talk freely. Even though Tibetans view the Dalai Lama as their spiritual and political leader, they are forbidden to show their love for him. Possessing a picture of the Dalai Lama is an offense which could draw harsh and brutal punishment and imprisonment. "We (Tibetans) must have permission from the Chinese to do everything," he said. "We can do nothing on our own."

He further said, "The Chinese say we have freedom of religion but it is a lie. Despite the Chinese saying that Tibetans have freedom, there are no freedoms—not even one. Everything is controlled by the Chinese and we are repressed. We listen to Voice of America say that the West supports Tibet, yet they continue doing business with China. That doesn't help. Tibet feels left out and ignored."

"The Dalai Lama has asked America and Taiwan for help," he continued. "Please help the Dalai Lama because we are being ruined. The Chinese send Tibetan children to China for education and teach them Chinese ways. Tibet is disappearing little by little. The Tibetan language is being increasingly de-emphasized in schools and our culture is being wiped out."

All this from one man telling of his agony and the agony of his people. Yet, he ended by saying, "I am not afraid. Someday the sun will again shine in Tibet." Throughout, we found overwhelming support for and faith in the Dalai Lama by every single Tibetan with whom we had contact.

RELIGIOUS PERSECUTION

We visited numerous monasteries where monks, nuns and others sought us out. Their stories amplified what we had already learned. Every monastery we visited was tightly controlled by a small group of resident Chinese overseers. Every report we heard told of a dramatic reduction in the number of monks at each monastery. Many were imprisoned for not turning their back on the Dalai Lama or even refusing to give up pictures of him. Young monks under 15 (it was possible to enter a monastery as young as 6 years of age) were turned out. Since the cultural revolution many monasteries had been largely destroyed. Rebuilding has been painfully slow.

The slightest resistance to Chinese interference was met by the harshest punishment. It was common to hear reports of monks being imprisoned, many during "reeducation" which involves turning one's back on the Dalai Lama. Imprisonment is for a long time. Imprisonment means years of brutal beatings with infrequent visitors from the outside. And when imprisonment finally ends, monks are expelled from their monastery and exiled to their home village. Many try to escape to India or Nepal. Many do not make it.

We were told on several occasions that all monks are afraid. When asked what message they would like me to take back to America, I was told to say that they are not allowed to practice their religion and that the people are suffering greatly. Their biggest hope is to be free from China. One said, "Please help us. Please help the Dalai Lama." He said if he were overheard talking to us he would immediately be put in prison for four or five years.

Other monks voiced their concern with not being free to practice their religion. Hundreds have been imprisoned simply for not removing pictures of the Dalai Lama from places of worship. Their prayers are restricted and they have few opportunities to talk away from the overseers, even in the monastery.

From monasteries all around Lhasa and the surrounding area, the message was the same. I am reluctant to be too specific in describing conversations because I do not want them traced back to a specific monk or person. To do so would be to impose a heavy sentence and punishment on someone already suffering an unbelievable burden.

At one place we met a woman at worship. When she realized we were American, she burst forth. As she talked she began sobbing. Tears poured down her face as she told us of conditions. She said, "Lhasa may be beautiful on the outside but, inside, it is ugly. We are not allowed to practice what we want to practice. Senior monks are gone and there are no replacements and they are our teachers."

Asked for a message to America, she said, "Please help us. Please help the Dalai Lama. When there is pressure from the West, things loosen up a bit before returning to as before. Please have America help us."

Every single person with whom we spoke had positive feelings toward America. We were always given a thumbs up or a smile or a comment such as, "America is great." People would not stop talking to us, even when their safety was threatened. Sometimes we had to turn away just to keep them from being seen talking with us. Some even risked exposure by gesturing to us from roof tops to meet with them.

THE CHINESE STRANGLEHOLD

China's assault on the city, the countryside and the environment has been no less harsh than its assault on the people. Tibetan areas in Lhasa are being demolished and replaced with smaller and more confined structures with the remaining space given over to Chinese uses. The area at the base of the Potala Palace has been completely leveled and a new open space similar to Tiananmen Square has been created. Forests are being leveled and many have seen convoys of trucks piled with timber moving north into China.

This is not a pretty picture. The glowing reports of progress from Beijing or Shanghai where business is booming, skyscrapers are rising and industry, education and the standard of living are all soaring has a false ring when heard from the plain of Tibet.

America and the rest of the free world must do more to urge China to back off from its clear goal to plunder Tibet. The true story of Tibet is not being told. Aside from a courageous few journalists working largely on their own, the real story about Tibet is not reaching our ears. America and others must strive for more open coverage.

The U.S. government's policy seems to be based solely on economics; to open more and more markets with China and to ignore every other aspect of responsible behavior. The American people need to hear this message about Tibet. Knowing the real story, I believe the American public will decide that we need to do better and that we can do better. I hope this report is a beginning.

The clock is ticking for Tibet. If nothing is done, a country, its people, religion and culture will continue to grow fainter and fainter and could one day disappear. That would indeed be a tragedy. As one who visited a Soviet prison camp during the cold war (Perm Camp 35) and Romania before and immediately after the overthrow of the ruthless Ceausescu regime to see things first-hand, I believe conditions in Tibet are even more brutal. There are no restraints on Tibet's Chinese overseers. They are the accuser, judge, jury, prison warden and sometimes executioner rolled into one. Punishment is arbitrary, swift, vicious and totally without mercy and without recourse.

Congressional Delegation to the Soviet Union and Perm Labor Camp 35, U.S. Representatives Frank Wolf and Chris Smith, August 4-11, 1989—Final Report, Delegation Findings and Follow-up, October 1989

This report provides a brief account of the findings of the Wolf/Smith delegation to the USSR, outlines our joint follow-up initiatives, and offers recommendations for U.S. officials and non-government organizations and activists interested in the progress of legal and penal reforms, prison and labor camp conditions, and the status of alleged political prisoners.

Purpose of the trip: Inspection visit to Perm Labor Camp 35 and substantive discussions on legal and penal reforms and human rights. U.S. Reps. Frank Wolf and Chris Smith, accompanied by Richard Stephenson of the U.S. State Department, interviewed 23 of the 38 inmates reportedly still in Perm 35 at the time of the trip, and one inmate at the Perm investigation prison.

BACKGROUND AND FINDINGS

Perm 35, a Soviet correctional labor camp known for its severe conditions and mistreatment of prisoners, including prisoners of conscience, was the principal focus of our delegation. Marking the first time any U.S. or Western official has been allowed into a Soviet "political" labor camp, the trip's findings served to confirm and amplify much of the existing documentation on camp conditions and the existence of many prisoners believed to be incarcerated for basically political activities.

Helsinki Watch, Amnesty International, and others, including former prisoners themselves, provided background information for this trip. Many well-known political prisoners have been confined in the Perm Camp complex, which now includes only Perm 35: Natan Sharansky, Professor Yuri Orlov, Alexander Ginsburg, Deacon Vladimir Rusak, Father Alfonsas Svarinskas, and many others.

Interviews with prisoners ranged from 5-40 minutes, all in the presence of camp administrators and an official of the Soviet Ministry of Internal Affairs (MVD). We viewed punishment cells and other areas of the camp and were permitted to take photographs and videotape much of the camp and our interviews with prisoners.

The broader purpose of the delegation was to discuss Soviet progress toward legal reforms advancing the "rule of law" in Soviet society. That is, our discussions focused on the need to institutionalize the positive changes occurring in Soviet human rights practices, open up the Soviet prison and labor camp system to greater scrutiny, and establish due process. We held discussions with Ministry of Foreign Affairs (MFA) officials on legal reforms, including the critically important draft laws on "freedom of conscience" (whose principal impact will be upon religious communities), draft laws on emigration, and reform of the Soviet criminal code. The delegation questioned representatives of the Procurator General and Ministry of Internal Affairs (MVD) regarding the Soviet penal system.

As members of the U.S. Commission on Security and Cooperation in Europe (Helsinki Commission), we emphasized that our interest in proposed Soviet legislation is to find indications that changes are systemic and not simply arbitrary. We reminded Soviet officials of the importance which the American people place on respect for fundamental human rights like freedom of speech, peaceful assembly and the right to publish and organize independent groups. While not presuming to "teach" this to the Soviets, we spoke about the lasting impression such changes would make on the American people. For religious believers, in particular, a well-written law on conscience will offer legal recourse should local authorities decide to be heavy-handed. With respect to the 1991 Human Rights Conference in Moscow, we stressed that the adoption and implementation of laws guaranteeing freedom of conscience will have a direct bearing on U.S. support and enthusiasm for the Conference.

The rights of religious believers, including those in prison, was our major concern in meetings with the MVD, Council on Religious Affairs and religious officials, including the All-Union Council of Evangelical

Christians/Baptists (Baptist Union). We also spoke with activists and dissidents in the religious communities, including former prisoners, to find their perspective on the present situation for religious communities in the USSR.

Our visit to Perm Labor Camp 35 was a key element in the overall equation of assessing Soviet human rights performance. The Soviet "gulag" (Russian acronym for the Soviet labor camp system) remains a stark symbol of "old thinking" in a country where political reform and dissent are coming into the open. Glasnost, or openness, has failed thus far to penetrate into the gulag, either to change conditions in the labor camps or to impact penal procedures which have led to systematically cruel and unusual punishment. It is important to recognize that the lingering fear of incarceration in the Soviet gulag threatens to hold hostage any meaningful reforms in Soviet society. Bringing "glasnost to the gulag" is an important step the Soviets can take to deal with concerns that President Mikhail Gorbachev's reforms might be reversed or undermined.

We have urged the Soviets to begin a process of opening up prisons and labor camps to independent human rights monitors, both Westerners and Soviet citizens. We have encouraged human rights organizations to request access to prisons and labor camps. And finally, we pressed the Soviets to permit visits by clergymen and to allow religious literature into prisons and labor camps.

Our foremost concern remains the plight of the 24 prisoners whom we met in Perm 35. They have endured severe conditions and several of them are already counted by the United States among the nearly one hundred remaining suspected political prisoners in the Soviet Union. U.S. human rights policy has long embraced advocacy for individual prisoners' cases, a practice rooted in American values recognizing the inherent dignity and rights of each human being.

Our evaluation of the Perm 35 cases in question is based on the claims of several inmates that they are political prisoners, the documentation of human rights groups which support those claims, and the findings from our interviews. Our conclusion is that, regardless of any dispute over these definitions of political prisoners, most of these prisoners would not be prosecuted for similar "crimes" today, or their offenses would be treated far less severely. In view of the excessive punishment endured by these prisoners, we have called on the Soviets to reexamine their cases in the context of "new political thinking" and release them on humanitarian grounds.

FINDINGS ON PERM CAMP 35

The prisoners and camp conditions

Mikhail Kazachkov has spent nearly 200 days of his 14-year incarceration in punishment cells, up to 15 days at a time in the "shizo" cell.

We were given a rare glimpse of the infamous "shizo." Veterans of the Soviet gulag have provided vivid accounts of this notorious four-by-eight-foot cell. It contains a wooden plank fastened to the wall on which to sleep, with no bedding or blankets, and a cement stump on which to sit. The cell, and the punishment, is designed to make the natural cold of a Soviet labor camp that much more severe—that is, the unbearable, cold temperature is used as torture. Prisoners complained that it is difficult to sleep on the hard, narrow plank. The walls are made of a rough pointed-like concrete, which scrapes and cuts prisoners who might lean or sleep up against it.

We had to insist that Kazachkov be offered the opportunity to speak to us. He had been moved from Perm 35 to the Perm investigation prison shortly before our visit. While describing some instances of physical abuse in Perm 35, Kazachkov explained that general-purpose beatings were no longer a regular occurrence in Perm 35. Kazachkov suffered an injured arm in trying to resist a forced head-shaving, a practice which he described as a widespread form of humiliation against Soviet prisoners.

Kazachkov, imprisoned in 1975 one week after applying to emigrate, recently led eight other inmates at Perm 35 in a work strike to protect unsafe working conditions. Together these prisoners formed a Helsinki/Vienna human rights monitoring group in Perm 35. Through completely within their rights under the Helsinki Accords and the 1989 Vienna agreement "to promote the Helsinki process," camp authorities used harsh measures to stop them. Just three weeks after our visit, Kazachkov was singled out for his role in the protest. He was put on trial for "refusal to work" and sentenced to serve the next three years of his 18 and one-half year term in the more severe regime of Chistopol Prison.

We interviewed 23 inmates in Perm Labor Camp 35 who requested to meet with us. A theme running through their stories emphasized the conditions and treatment of prisoners in the camp: long periods of isolation in punishment cells, severe cold used as torture, and being cut off from family and friends due to routinely intercepted mail and arbitrarily canceled visits. We were never allowed to meet alone with any prisoners. Prisoners gave their side of the story boldly and bravely, several of them condemning the abuses of the KGB and camp officials in their very presence. Many, though not all, of the 24 inmates we met (those in Perm 35 plus Kazachkov) claimed to be political prisoners. Many of the prisoners expressed thanks to those in the West who had written letters to Soviet officials on their behalf and to them personally.

We sought and received assurances beforehand from Soviet officials in the Procuracy, Ministry of Internal Affairs and the camp that no retribution would be brought against any prisoner. We repeated this Soviet promise loudly during meetings with many prisoners. The prisoners told us there had been reprisals against some who met with New York Times reported A.M. Rosenthal during his visit to Perm 35 in December 1988 (the first visit by any Westerner to a labor camp). Some prisoners said that they understood reprisals were a possible consequence of speaking to us; however, we continued to stress that assurances had been given by the Soviets that there would be no reprisals. One prisoner simply said, "there is nothing more they can do to us."

Most of the Perm 35 cases demand a review by the Soviets, including the following:

Oleg Mikhailov said that he was put in "shizo" simply for requesting to meet with Rosenthal. Mikhailov was imprisoned in 1979 on charges of "treason to the motherland" and "anti-Soviet agitation" for preparing to steal and escape the country in a cropduster plane. He condemned the Soviets for their treatment of prisoners. Although one and one-half years of internal exile remain on his sentence, the Soviets have stated that the system of exile has been abolished. Mikhailov is due to be released October 21.

Byelorussian Christian Alexander Goldovich was charged with "treason" for attempting to flee across the Black Sea in a rubber raft, and carrying pictures allegedly depicting how bad life is in the Soviet Union. Goldovich admits to having the pictures, which the Soviets charged was secret information, and explains that they were snapshots of his apartment.

Goldovich is a physicist. Arrested April 21, 1985. Sentenced December 2, 1985, to 15 years strict-regimen labor camp and 5 years exile on charges including treason (Article 64), anti-Soviet agitation and propaganda (Article 70) and leaking government secrets. Accused of attempting to escape from the USSR and intending to leak secret information. To be released April 2005.

Goldovich had requested a Bible during the Rosenthal visit to Perm 35. He was denied one by camp authorities. We gave him a Bible and offered Bibles to any other prisoners who wanted one—all but two did. The Soviets assured us they would be allowed to keep them. Several times, he thanked people in the West for writing on his behalf. Asked whether there is any glasnost in the Perm camp, he replied, "No, not in the smallest degree." Goldovich's case has been raised continually with the Soviets.

Ukrainian Bohdan Klimchak attempted to flee from the USSR to Iran carrying his science fiction short stories, which he intended to publish abroad. After nine days in Iran, he was returned to Soviet custody. His writings were deemed "nationalistic," and he was arrested in November 1978 and sentenced to 15 years strict-regimen labor camp and five years exile. His sentence was reduced under amnesty and Klimchak was due to be released in September 1989 (end of exile around March 1992). Convicted under Articles 64 ("treason") and 70 ("anti-Soviet agitation and propaganda") of Soviet criminal code.

Ruslan Ketenchiyev, a lathe worker, was arrested August 27, 1982, charged with "treason," and sentenced to 10 years strict-regimen labor camp. Ketenchiyev tried to contact American journalists and U.S. embassy personnel in order to emigrate to the West. Instead of the American diplomat he expected to meet, a disguised KGB agent entrapped him and he was prosecuted on treason charges. His sentence reduced under amnesty, Ketenchiyev is due to be released January 21, 1990.

Ketenchiyev told us of terrible conditions and various punishment methods in Perm 35, including the well-documented use of cold in punishment cells. He particularly noted the lack of medical care in the camp. Responding to prisoners' formal complaints about the extreme cold, camp doctors declared the temperature in punishment cells to be sufficiently warm.

Leonid Lubman, an economist and electronics engineer, was arrested August 29, 1977, charged with "treason," and sentenced to 13 years strict regimen labor camp. He is scheduled to be released on August 29, 1990. Lubman compiled a manuscript providing 30 profiles of corrupt officials and attempted to send it abroad.

Lubman may have become mentally disturbed in labor camp and suffers from chronic headaches and stomach ailments. He looked well over his 50 years and spoke much slower than the others we met. He said the authorities have an interest in not releasing him because he has learned the methods of his incarcerators. He described some sort of torture, which sounded like electrical shock and exposure to infrared waves. He said he was punished after the December 1988 visit by Rosenthal to Perm 35.

Resolving the Perm 35 cases

Many of the acts committed by those in Perm 35 would not have been considered crimes under Gorbachev. Although the Soviets frequently contend these prisoners are criminals, Soviet officials have repeatedly declined to open their files. They refused to open the files to us, although the U.S. State Department has provided court records and case files to the Soviets on disputed U.S. cases. The exception was a brief look at Kazachkov's file when Procuracy official Alexander Korshunov sought to refute charges of punishment made by Mikhail Kazachkov. When the open file revealed a picture of a head-shaved Kazachkov, it was quickly snapped shut.

Prior to the signing of the Vienna Concluding Document, in December 1988, Mikhail Gorbachev declared at the United Nations that there are no longer any persons in prison "sentenced for their political or religious convictions."

However, the release of remaining political prisoners was made a condition for U.S. agreement in Vienna to schedule a Helsinki follow-up conference in Moscow in 1991. The Vienna agreement was signed in January 1989. The Soviets subsequently agreed to a process of review for most of nearly one hundred prisoners remaining on U.S. political prisoner lists. Many of these "disputed cases" are the cases of those we met in Perm 35.

The prisoners who remain in Perm 35 are held under basically three charges: attempting to flee the country (including hijacking, in some cases); war crimes; and espionage. Many languish under Article 64 of the Soviet criminal code, "treason" in combination with more clearcut political offenses like Article 70, "anti-Soviet agitation and propaganda."

Soviet officials claim they hold no political prisoners because all who were sentenced exclusively under one of the four purely political criminal code articles (like Article 70, those used to prosecute free speech, peaceful assembly, etc.) have been released in amnesties under Gorbachev.

Prosecution on charges of treason for the forbidden activities of the Brezhnev era no longer makes sense in today's Soviet Union. Article 64 was interpreted far too broadly under Soviet law and used to threaten prisoners with capital punishment and to extract testimony before they have even seen a lawyer. Those who landed in Perm 35 for acts of violence related to hijack attempts, or other acts of violence, are not political prisoners, although cruel punishment should not be simply excused in their cases either. It is high time, however, for review of the excessive punishment meted out for nonviolent "crimes" that would not be prosecuted today, or would be treated far less seriously.

We conveyed to the Soviets that it was in the interests of all sides for these cases not to linger beyond preparations for the Vienna Follow-up Meeting at Copenhagen in 1990. Should they linger until the already controversial Moscow Human Rights Conference in 1991, the Soviets would face a great embarrassment.

While these prisoners' cases remain unresolved, we sensed from our discussions the Soviets' desire to be cleared of the charges that political prisoners remain. Therefore, we call on the Soviets to reexamine these cases in view of their "new political thinking" and release them on humanitarian grounds.

PROSPECTS FOR LEGAL AND PENAL REFORMS

To the Soviets' credit, the kind of access we were granted to Perm 35 would have been unthinkable even months ago. The Soviets have closed down two political labor camps in the vicinity of Perm 35 for lack of need as a result of prisoner amnesties. Soviet authorities say that they have removed hundreds of camp guards responsible for past human rights abuses. Officials of the Soviet Procuracy, as well as the new Supreme Soviet legislature, have talked about penal reforms. The highest ranking Soviet procurator supervising Legality in Correctional Facilities, Yuri Khitrin, admitted to us that it was necessary to discuss "humanizing" the Soviet penal system.

These statements would bode well for the prospect of reform. However, the practical impact on prison and labor camp conditions has thus far been minimal, and the Soviets have publicly stated few commitments to improve or reconstitute their gulag practices. On the other hand, the Soviets have promised for more than two years to institute legal reform which will decriminalize political dissent.

We discussed legal reforms with officials of the Council on Religious Affairs. Deputy Minister Alexander Ivolgin explained to us that they were reluctant to discuss a draft of "laws on conscience" which we put before them—one of two thus far published. Ivolgin claimed that the new law on religious groups had not yet been formally drafted for consideration by the Supreme Soviet. An official from CRA's legal office, Tatyana Belokopitova, offered a very disappointing response on the question of requiring registration of religious groups. The latest proposal would establish the right of "judicial person" (legal recourse) only for religious groups who submit to registering with central religious authorities. This proposal would fail to resolve either the present lack of legal rights for all churches or the desire of many believers not to register—it would instead pit these concerns against each other.

In a meeting with First Deputy Foreign Minister Anatoly Adamishin, the question of new religious laws was side-stepped by referring us to the Council on Religious Affairs. However, Mr. Adamishin assured us that the Supreme Soviet would place a high priority on new religious laws during its fall session. He was less optimistic about action on draft emigration (exit/entry) legislation. In general, Adamishin declared that economic and constitutional reforms would take precedent over both matters. On freedom of conscience, Adamishin commented, "We used to have a problem in regards to freedom of conscience, but we never had a total absence of religious freedom. The freedom to perform religious rites was always allowed, so we are not starting from scratch."

Regarding penal reforms, there appears to be a much tougher hill to climb. We met with a panel of procurators and investigators from the All-Union Procuracy and Ministry of Internal Affairs who denied our references to the arduous conditions in prisons and labor camps. We encountered a Soviet willingness to discuss "rule of law" questions, even while some observations caused a degree of discomfort: prosecutors bring charges only with sufficient evidence for a presumption of guilt; they are held responsible for "losing" cases; and all trial attorneys are answerable to the Procurator General.

We raised the issue of establishing due process for charges brought while prisoners are serving sentences—no sooner had we left than Mikhail Kazachkov was victimized for such pitfalls in the Soviet system. We identified those issues raised by former prisoners: cruel punishments, malnourishment, inadequate medical care, severe restrictions on family visits. We were assured that draft legislation excludes provisions which disallowed family visits in the past. In addition, we were told that the Procuracy now shares the responsibility for supervision of correctional facilities with public commissions under the new Supreme Soviet which guarantee "law, legality and order."

The Soviets indicated openness to future visits to prisons and labor camps by official and non-official groups. Mr. Khitrin offered agreement in principle to a follow-up visit by Director of the U.S. Bureau of Prisons, Mr. Michael Quinlan, and Chairman of Prison Fellowship International, Mr. Charles Colson. We mentioned that groups such as Amnesty International, Helsinki Watch and the International Red Cross should be permitted access to prisoners in prisons and labor camps to monitor and report on conditions. We advocated on behalf of independent Soviet monitors who wish to have access to correctional facilities.

Finally, we received assurance that prisoners could have Bibles and other religious literature and that clergy would be allowed to visit. Both have been forbidden in law and practice in the past. Khitrin told us that a decision had been made that from now on "all correctional labor colonies will have Bibles in necessary quantities and permit ministers of faith to visit." We urged the Soviets to put such commitments into practice by granting requests to visit prisons and camps.

FOLLOW-UP AND RECOMMENDATIONS

Release of Perm 35 prisoners

We have an obligation to work for the immediate release of all remaining Perm prisoners on humanitarian grounds. The Soviets are obligated to release all political prisoners in compliance with their commitments under the Helsinki Final Act and Vienna Concluding Document. In addition, one criteria for agreeing to the Moscow Human Rights Conference was the release of all political prisoners. While Soviet authorities have raised questions in connection with many of these cases, we as members of the Helinski Commission have argued that the burden of proof is on the Soviets to prove the individuals in question are criminals. We have initiated or recommended the following action on behalf of remaining prisoners, including those in Perm 35:

(1) We have publicly called on the Soviets to release all those in Perm 35 convicted for nonviolent acts. We believe that in view of the excessive and cruel punishment these prisoners have suffered, a positive Soviet response would signal a truly humanitarian gesture.

(2) We have written Secretary of State James Baker to urge him to continue the practice of raising individual cases at the highest levels in U.S.-Soviet dialogue.

(3) We have discussed Soviet reforms and the status of prisoners with Deputy Secretary of State Lawrence Eagleburger, urging that human rights remain a top priority in U.S.-Soviet relations. While Soviet human rights improvements have occurred, we should continue identifying problems that persist and pressing our concerns while the Soviets seem willing to discuss and respond to them.

(4) We have urged human rights groups to advocate the immediate release of political prisoners.

(5) We urge concerned Westerners to reinvigorate campaigns on behalf of these prisoners, including letter-writing to Soviet officials, camp authorities and to the prisoners themselves.

Advancing glasnost to the gulag

The Soviets should begin a process of opening up prisons and labor camps to interested individuals and human rights groups. Only by following our inspection visit by permitting further visits will the Soviets make progress in erasing the Stalinist stigma of the gulag.

(1) We have urged Westerners and human rights organizations to request to visit prisons and labor camps and meet with prisoners in order to report on conditions.

(2) We have urged members of the media, particularly the Moscow press corps, to make visits and report on prisons and labor camps. Since our visit, a few members of the media have been granted access to camps.

(3) We have helped to secure official Soviet approval for the visit of Bureau of Prisons Director, Michael Quinlin, and Prison Fellowship International chairman, Charles Colson, to visit several prisons and labor camps in the USSR and discuss reforms and ways to reduce crime and recidivism in that country.

(4) We have urged that Western Leaders and human rights groups advocate on behalf of Soviet citizens who wish to visit prisons and labor camps, including clergy to perform rites or offer pastoral counsel.

(5) We have raised these concerns in congressional hearings, and support Helsinki Commission hearing to focus on conditions in the Soviet gulag.

Reforms

(1) We have shared our findings on the progress of legal reforms—including "freedom of conscience," freedom of emigration, and criminal code revisions—with prominent non-government organizations and urge their continued vigilence in encouraging further institutionalization of basic freedoms and that such laws be consistent with international law and with CSCE commitments.

(2) We have raised concerns about Soviet legal reforms in recent hearings sponsored by the Congressional Human Rights Caucus and, in the past, in CSCE hearings.

(3) We have expressed our support to Soviet and American officials for programs developed in a human rights framework to promote Soviet Progress on "rule of law" issues and in other areas where U.S. expertise is helpful and welcomed by the Soviets.

PRISONERS MET AT PERM 35

Following is the list of prisoners (not all of them are necessarily political prisoners) who spoke with Reps. Wolf and Smith at Perm Labor Camp 35 in August 1989. For more information on these prisoners and their cases, please contact Helsinki Commission (U.S. Commission on Security and Cooperation in Europe, House Annex 2, Room 237, Washington, DC 20515).

Mailing address for prisoners (Moscow post office box): SSSR, RSFSR, S. Moskva uchr. 5110/VS, Last name, First initial.

Aleksandr Goldovich, Ruslan Ketenchiyev, Bogdan Klimchak, Lenoid Lubman, Viktor Makarov, Nikolay Nukradze, Aleksandr Rasskazov, Mikhailov Kazachkov, Valery Smirnov, Oleg Mikhaylov, and Igor Mogil'nikov.

Yuriy Pavlov, Aleksandr Udachin, Arnol'd Anderson, Maksim Ivanov, Vyacheslav Cherepanov, Vadim Arenberg, Vladimir Potashov, Akhmet Kolpakbayev, Anatoliy Filatov, Igor Fedotkin, Vladimir Tishchenkov, Viktor Olinsnevich, and Unidentified Central Asian.

Acknowledgment: We wish to thank Richard Stephenson, Soviet Desk Officer at the State Department, who accompanied us on the trip to Perm 35, providing translation and other assistance.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MORELLA) at 2 p.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

O gracious God, the author of life and truth, be in our hearts this day with a message of faith and hope and love. May our faith be strong enough to stand against the schemes of evil that seek to turn people against one another; may our hope allow us to see a better and brighter day and honor the possibilities of the human experience; and may our love bind us together in such a way that we encourage one another, bear each other's burdens, and honor together all the gifts that You have so freely given to us. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. UPTON) come forward and lead the House in the Pledge of Allegiance.

Mr. UPTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

JUSTICE DEPARTMENT INVESTIGATING THE JUSTICE DEPARTMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, when the Justice Department is accused of a crime, the Justice Department investigates the Justice Department. Think about it. Eighty Americans were killed at Waco Texas; the Justice Department investigated themselves. Eighteen of those killed at Waco were children, literally burned to death. The Justice Department investigated themselves. Unbelievable. Peers investigating peers; buddies investigating buddies. Who is kidding whom, Madam Speaker?

If the Justice Department was not guilty at Ruby Ridge, Idaho, when Vickie Weaver was shot right between the eyes, why did the Justice Department pay Randy Weaver $5 million?

Beam me up. Congress should cosponsor H.R. 2201.

Madam Speaker, I yield back all the exonerating investigations, self-investigations, at the Justice Department.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2000.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 11, 2000 at 11:30 a.m. That the Senate passed without amendment H. Con. Res. 244.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2000.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR DENNIS: Enclosed please find a copy of a resolution approved by the Committee on Transportation and Infrastructure on March 11, 1999, in accordance with 40 U.S.C. §606.

With warm regards, I remain
Sincerely,
BUD SHUSTER,
Chairman.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:15 p.m. today.

NATIONAL DONOR DAY

Mr. UPTON. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 247) expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day.

The Clerk read as follows:

H. CON. RES. 247

Whereas more than 70,000 individuals await organ transplants at any given moment;

Whereas another man, woman, or child is added to the national organ transplant waiting list every 16 minutes;

Whereas, despite the progress in the last 15 years, more than 10 people per day die because of a shortage of donor organs;

Whereas almost everyone is a potential organ, tissue, and blood donor;

Whereas transplantation has become an element of mainstream medicine that prolongs and enhances life;

Whereas, for the third consecutive year, a coalition of health organizations is joining forces for National Donor Day;

Whereas the first two National Donor Days raised a total of nearly 17,000 units of blood, added over 2,400 potential donors to the National Marrow Donor Program Registry, and distributed tens of thousands of organ and tissue pledge cards;

Whereas National Donor Day is America's largest one-day organ, tissue, bone marrow, and blood donation event; and

Whereas a number of businesses, foundations, health organizations, and the Department of Health and Human Services have designated February 12, 2000, as National Donor Day: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideas of National Donor Day;

(2) encourages all Americans to learn about the importance of organ, tissue, bone marrow, and blood donation and to discuss such donation with their families and friends; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for organ, tissue, bone marrow, and blood donation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from Florida (Mrs. THURMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 247.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I rise in strong support of H. Con. Res. 247, a resolution supporting National Donor Day and recognizing the importance of organ, tissue, bone marrow, and blood donation.

Americans who donate their organs, tissue, bone marrow, or blood to save another's life are indeed heroes; and I am delighted that the House today has taken time to recognize them as such. But despite the generosity of the American people and improvements in medical treatments for transplant patients, the supply of organs continues to be tragically short of the need for transplantation among patients with end-stage organ disease and organ failure. Every year the number of patients who die while waiting for a transplant increases, and so does the national waiting list, which now exceeds 65,000 patients waiting for kidney, liver, heart, lung, pancreas and intestine transplants. We must do more.

Our Nation may also be facing an increasingly severe shortage of blood. As Chairman of the Subcommittee on Oversight and Investigations, I have held a series of hearings over the last couple of months on this issue and the alternatives for addressing it. We have learned that virtually every 3 seconds someone in our country needs blood. Supplies need to be replenished daily to meet the demand. An estimated 32,000 units of blood are used in the country every day. As many as 95 percent of Americans are going to need a blood transfusion some time in their life, but yet only 5 percent of Americans donate blood.

We are quickly heading to a point where blood demand is going to exceed our supply. Several weeks ago Washington was down to less than a 1-day supply, and a critical need for blood remains evident throughout the country even this week.

As many may know, our committee, the Committee on Commerce, has spent a great deal of time and effort this last year working to develop good solutions to the difficult problem of increasing the supply of donated organs while safeguarding the system from unintended bureaucratic interference that would dramatically harm efforts to increase donations.

Many of those ideas are embodied in H.R. 2418, The Organ Procurement and Transplantation Network Amendments of 1999, which was reported out of the committee at the end of last session. H.R. 2418 ensures that decision-making with regard to organ transplantation remains in the transplant community, and not in the hands of the Federal Government.

This bill includes a provision to provide living and travel expenses for individuals who travel across State lines in order to donate an organ to a person requiring such. After many hearings on this important issue, our committee found there are willing donors who would like to save the life of another American but also find themselves in financial circumstances that would make donation of a life-saving organ even more of a hardship. H.R. 2418 would ease that burden, and I would urge this body to take up that bill and pass legislation that would make organ donation easier for every American.

I am also proud to say that due to the Committee on Commerce's efforts, H.R. 3075, the Medicare, Medicaid and S-CHIP Balanced Budget Refinement Act of 1999 added $200 million to pay for additional immunosuppressive drug therapy. Medicare presently only covers these drugs for 36 months. This bill takes a first step at addressing that issue and allows us to provide more coverage for needy organ transplant patients. Access to these life-saving drugs prevents the organ rejection that places so much strain on the organ supply network. We should all be grateful to the gentleman from Florida (Mr. CANADY) and those who cosponsored the legislation for bringing this issue to the attention of the committee.

While we in Congress continue to safeguard the organ allocation system from harmful bureaucratic interference and work to address financial problems living donors face, as well as those recipients who need affordable immunosuppressive drug therapy, let us take the time this afternoon to applaud the ordinary American, every American, who has given the gift of life to their neighbors and families by donating organs, tissue, bone marrow, or blood. That is what this resolution calls for. We salute you for your sacrifice and your charity.

Madam Speaker, I reserve the balance of my time.

Mrs. THURMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just like to say that the gentlewoman from Maryland (Mrs. MORELLA) also is one of the cosponsors of this legislation, so we are pleased to have her in the Chair for this great day.

I would say to my friend, the gentleman from Michigan (Mr. UPTON), I appreciate the statistics that he gave us and the other issues that are involved in organ donation, and particularly the issue of the immunosuppressive drugs, which we find as one of the most compelling reasons why this Congress needs to go further in making sure that we provide this drug coverage to people with organ donations or organ transplants. So I appreciate the gentleman's comments, and I look forward to working with him on that and the allocation issue as well. In saying that, I just would like to say it is a real pleasure for me to be celebrating this Valentine's Day with the news that this Congress recognizes the importance of organ, bone marrow, and tissue donation.

Today, in recognition of National Donor Day, this House will pass H. Con. Resolution 247, which recognizes the importance of organ tissue, bone marrow, and blood donation and supports National Donor Day.

National Donor Day is America's largest 1-day donation event, organized by Saturn and the United Auto Workers in coordination with several organ and tissue organizations and the U.S. Department of Health and Human Services. The past two National Donor Days raised a total of 17,000 units of blood and added over 2,400 potential donors to the National Marrow Donor Registry and distributed tens of thousands of organ and tissue pledge cards. Putting that into context with the numbers presented by the gentleman from Michigan's (Mr. UPTON) numbers as far as how low our supply of blood was in this last year, that is one of the reasons why this is so important.

I think we can safely say that these past two donation days were a success; and, although we do not have any official numbers, I understand that this year was also successful.

Thanks to National Donor Day, many more people will be lucky enough to receive the gift of life, a new organ. Every year, thousands of our friends, family members, and neighbors go on the waiting list for an organ. The tragic truth is, despite continuing advances in medicine and technology, the demand for organs drastically outstrips the amount of organ donors.

The numbers tell the story. In 1990, there were a little more than 20,000 people on the waiting list. Today, there are more than 65,000 people waiting an organ transplant. In Florida alone last year, between January and March, there were more than 1,200 people on the waiting list for a kidney. The good news is that 121 cadaveric kidney transplants were performed during these 3 months. But, sadly, during that same time frame 18 people died while waiting for a kidney.

The bad news is that a new name is added to the list every 16 minutes. The good news is that we are passing this resolution to raise the awareness about the tragic lack of organs and we will begin to make a difference. Every time we talk to our family and friends, we begin to make a difference.

Passing this resolution will allow this Congress to make a difference by letting the American people know that we care about this issue and that we are committed to beginning the dialogue on the importance of organ, blood, tissue, and bone marrow donation. Please remember, these are people out there, maybe your neighbor, your teacher, your doctor, your friend, a loved one, a coworker. In this House we have experienced this matter as well with some very good friends of ours, the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from South Carolina (Mr. SPENCE), and I myself with my husband. But all of these people could potentially need an organ or bone marrow or blood.

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Please remember those are the people on the waiting list; people whose lives may lay in our hands. I cannot stress how important it is to talk to one's family and friends about being an organ donor, a tissue donor, a bone marrow donor, and a blood donor. Remember, you too can give the gift of life.

I would also like to take a moment to recognize a constituent of mine at an upcoming event, Mr. Perry McGriff, a man who, in fact, is being honored today by receiving an award for his work on donation issues. Each year, Perry goes on the Five Points of Life Bike Ride. This year, this bike ride will take him from Maine to Florida. The Five Points of Life trek across the United States is to bring awareness of the need for five donations, including blood, tissue, bone marrow, and organs.

This year, the program kicks off on August 26 atop Cadillac Mountain in Maine. Over more than 6 weeks, Perry and others will ride through Connecticut, New York, Pennsylvania, Washington, D.C., Virginia, North and South Carolina, Georgia; and they will end up in Key West. It is people like Perry that I hope all of us can remember when we think that we just do not have enough time to discuss the issue with our family.

Remember Perry when you think you do not have enough time to look into being an organ, tissue, bone marrow, or blood donor. If he can spend 6 weeks riding across the country to raise awareness about this issue, I hope you can spend a few minutes thinking about this issue and talking to your family and friends.

In most States, one can sign up to be an organ donor when one renews their license at the DMV. However, what most people do not know is that this does not ensure that one's organs will be donated. One's family has the final say in this matter, which is why it is so important that one talks to one's immediate family about one's decision to be an organ or tissue donor. Then, if something tragic should happen or occur, one's wishes will be honored.

Madam Speaker, I would also like to take a moment to thank the gentleman from Florida (Mr. CANADY); the gentleman from Arizona (Mr. SNYDER); and the gentleman from California (Mr. BILBRAY) for their help and support on introducing and passing this important resolution. I would also like to recognize the Juvenile Diabetes Foundation and the National Kidney Foundation for bringing this important day to our attention and for all of their support and information on this issue. Finally, I would like to thank the more than 50 Members who have signed on as cosponsors to this important resolution. I hope people really do understand that this is a gift of life.

Madam Speaker, I yield back the balance of my time.

Mr. UPTON. Madam Speaker, I yield myself such time as I may consume.

First of all, I want to thank the gentlewoman from Florida for her important remarks during this debate. We had some terrific hearings in the Subcommittee on Oversight this last fall, a whole series of hearings, talking about the need for blood and how, in fact, it looks very much that the whole country could face some real shortages this year, particularly in certain regions of the country.

At that point, we decided, as we saw back in Michigan, my home State, a number of efforts were taken up by service clubs and universities challenging each other, particularly at Western Michigan University challenging Central Michigan University, and I thought we would have that same type of challenge here on Capitol Hill.

So about 2 weeks ago was the date that Republicans and Democrats, staff and Members, House and Senate, challenged each other; I wish we had the trophy over here. The Republicans did win, but we all won. We helped certainly the shortage where it exists.

Madam Speaker, we have a real need for donors to give blood. Because even though the number of donors in fact is increasing each and every year, the need for blood is increasing at an even greater pace, and because of that, I think all of us, particularly in positions as Members often are, where we can use ourselves to help generate other donors to contribute blood across the country.

I want to also spend a little bit of time talking about our good friend, the Chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG). A couple of years ago, probably 6 or 7, maybe even more than that, his daughter was in desperate straits needing a bone marrow transplant. He single-handedly, I think, signed up a good number of us on the House Floor, Republicans and Democrats, the gentlewoman's home State, and I was one of those that was tested. My donation was made, I guess it is in a bank. I pray for the day that someone is going to call me and say Fred, we want you to come down and donate bone marrow to save the life of someone in this country or elsewhere around the world. In fact, one of our colleagues, because of the actions that he took, actually it was a Member no longer a Member from Florida, in fact, did donate bone marrow tissue and in fact did save the life of someone because of the work of the gentleman from Florida (Mr. YOUNG).

All of us, particularly those that are able to donate to this bank so that we may be called on to save someone at some point down the road I think is very necessary, and this bill recognizes those people that can do that.

I would also like to praise our States. I know in my State of Michigan it is now a normal thing, and I think maybe it is for most States. I know Virginia, talking to my staff over here, I know has that, and I know Florida has that same thing, but of course on the back of our driver's license in Michigan, there is a provision I would like to make a gift effective on my death, all organs specific, et cetera, all tissues.

Mrs. THURMAN. Madam Speaker, will the gentleman yield?

Mr. UPTON. I yield to the gentlewoman from Florida.

Mrs. THURMAN. Madam Speaker, there are also some other things that are going on. Of course, the Gift of Life pin with the green ribbon symbolizes Organ Donation Days, which is something that we can all participate in. Another is the organ donation stamp, nationally recognized around the country, it kicked off a couple of years ago. There are so many things that we can do both as Members of Congress for people who have been the recipients, or those waiting.

The gentleman mentioned the issue on the bone marrow. I think the Today Show has been doing some programming on this particular issue, and they had a little boy who would have potentially died had it not been for somebody that had registered for the bone marrow transplant. It was one of our young service members in this country that in fact donated his bone marrow. They got to meet for the first time Friday—he met the boy who he gave his gift of life to. As the gentleman well knows, we all have attempted over the last several years to raise this issue; it is amazing to me the wonderful stories that are out there, but still there are tragic stories of those that do not receive an organ in time.

Mr. UPTON. Madam Speaker, reclaiming my time, the gentlewoman raised the point about the stamp. I was there when the stamp was unveiled over in the Senate a couple of years ago. I only wish they had enough foresight to have made it 33 cents. Of course it is 32 cents, so they are not as handy as they once were. We had a gentleman in my home county in Michigan, a guy by the name of Mr. Hein and he went out for every parade for years. He was out there with his little petition drive, signing people up; I was one of his early people. Sadly, he has now passed away, in need, I think, of an organ transplant. That certainly gave him a number of years that he did not have, and his family's work and really all folks across the country that helped bring that beautiful stamp into play was pretty marvelous.

Mr. UPTON. Madam Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Madam Speaker, I want to stand today in strong support of this important concurrent resolution to increase awareness of a very serious health problem, the growing gap between organ supply and demand. Last year, of the 60,000 people on organ transplant waiting lists, only 20,000 received needed transplants. As the number of patients waiting for organ transplants expands each year, clearly we must redouble our efforts to increase organ donations.

In my State of Louisiana, organ and tissue donations are increasing, in large part thanks to a new and innovative computerized database that shares information on donated organs with members of the medical community and their patients. For instance, in 1999, 900 organs were donated in Louisiana, coming close to matching the nearly 1,200 Louisianans awaiting transplants. I think this represents real progress, and I am proud that my State is leading the way.

However, I do remain very concerned that this administration's answer to the growing shortage across the country of organs is to attempt to federalize the organ allocation system and allow HHS bureaucrats to override medical decisions by local organ transplant groups. I believe it would be terrible to undercut the successful efforts of local organ procurement groups. Instead of dictating organ allocation policies, we should lend our voice to increasing organ donations nationwide and support this type of resolution, as we are on the floor today.

Mr. STARK. Madam Speaker, today I join my colleague and good friend, Representative KAREN THURMAN, to support House Concurrent Resolution 247, in honor of National donor Day and recognition of the importance organ, tissue, bone marrow and blood donation.

With approximately 70,000 Americans currently awaiting organs and more than ten people dying every day, it is clear that our nation is facing a real crisis. This resolution will help both raise awareness and increase donations nationwide—it is a meaningful step toward bringing an end to our nation's current predicament.

A Health and Human Services (HHS) September 1999 Report to Congress noted a growing gap between the supply and demand for organs nationwide. HHS reports that medical technology improvements and a modest increase in donors have not kept pace with the demand for more organs. Demand for organ transplants has increased due to the success of immunosuppression therapies in preventing organ rejection and improving graft and patient survival. The lack of organs available for transplant illustrates the crucial need to focus public attention on increasing organ donation.

A number of businesses, foundations, health organizations, and the Department of Health and Human Services have previously designated February 12th as National Donor Day. The first two National Donor days succeeded in raising a total of almost 17,000 units of blood, adding over 2,400 potential donors to the National Marrow Donor Program Registry, and included mass distribution of organ and tissue pledge cards. This concurrent resolution supports National Donor Day, encourages Americans to learn about and openly discuss donation, and calls on the President to issue a proclamation to demonstrate support for organ, tissue, blood and bone marrow donation.

Research points to a clear need for public education and incentive programs to increase organ donation. This Congress, I also introduced legislation, H.R. 941, the "Gift of Life Congressional Medal Act of 1999," to provide a commemorative Congressional medal to organ donors and their families to honor their efforts. This Act is intended to draw attention to this lifesaving issue and to spend a clear message that donating one's organs is a selfless act worth the profound respect of our Nation. I hope Members would also consider this effort to increase donations.

The problem is clear—there are not enough organs to meet the needs of patients. Let's support initiatives such as H.R. 941, to create an organ donor medal, and H. Con. Res. 247, to honor National Donor Day and to recognize the importance of organ, tissue, bone marrow & blood donation. Initiatives such as these will help raise awareness, increase donations nationwide, and both are meaningful steps toward bringing an end to growing gap between the supply and demand for organs.

Mr. CUMMINGS. Madam Speaker, I wish to commend the gentlelady from Florida, Representative KAREN THURMAN, for introducing this resolution. It addresses an issue that is of great importance to me.

Last year, I introduced the "Organ Donor Leave Act," which President Clinton signed into law on September 24, 1999. That Act (Public Law 106–56) extends the amount of paid leave a federal employee can use to donate an organ from seven to 30 days. Experience has shown that an organ transplant operation and post-operative recovery of a living donor may require six to eight weeks. Prior to the enactment of this legislation, a lack of leave had served as a significant impediment and disincentive for individuals considering sharing the gift-of-life.

As a proponent of organ donations, I sought to encourage not only the federal government, but other public and private employers to support employees who volunteer to undertake the life saving process of donating an organ. Congresswoman THURMAN'S resolution essentially seeks to do the same. Her resolution expresses the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation, and supporting National Donor Day.

Her resolution calls to our attention the fact that a man, woman and child is added to the national organ transplant waiting list every 16 minutes. In fact, 70,000 individuals await organ transplants at any given moment. The resolution also informs us that despite the progress in the last 15 years, more than 10 people per day die because of a shortage of donor organs.

A few months ago I learned about Daleen Hardy a Postal Service employee who was scheduled to donate a kidney to her husband. She was concerned that her employer might not allow her adequate time off to recover. I wrote to the Post Master General urging him to consider allowing her the same 30 days leave granted federal employees by the "Organ Donor Leave Act."

In my home state of Maryland, we have two world-class transplant centers that draw patients from across the country, Johns Hopkins University and the University Medical System. Those facilities receive referrals from Maryland's Transplant Resource Center which has more than 1,600 people on the kidney waiting list. With more people like Daleen Hardy this number could be reduced.

In an effort to help encourage organ donations, last year, Vice President AL GORE unveiled a series of new Federal and public-private initiatives to increase the rate of organ donations nationwide. He announced a $13 million grant program to improve local donation efforts. The grants would fund new public service announcements to educate families about organ donation. The funds would also be used to conduct a series of regional conferences between health care providers and transplant professionals about organ donation.

The "Organ Donor Leave Act" and the initiatives taken by Vice President AL GORE represent affirmative acts to help save lives. The resolution authored by Congresswoman THURMAN is one and the same.

I urge every Member of Congress to give it their support, and by doing so, join in the commemoration of National Donor Day.

Mrs. MORELLA. Madam Speaker, I want to add my strong support for H. Con. Res. 247, the Support National Organ Donor Day Resolution.

Every family hopes that if one of its members becomes seriously ill, medical science will be able to provide a miracle and restore their loved one to a healthy and rewarding life. Medical science has been able to do exactly that over the past decade for hundreds of thousands of families with loved ones suffering from diseases and injuries that affect the heart, kidney, pancreas, lungs, liver or tissue.

Transplantation of organs and tissues has become one of the most remarkable success stories in medicine, now giving tens of thousands of desperately ill Americans each year a new chance at life. But sadly, this medical miracle is not yet available to all in need. Waiting lists are growing more rapidly than the number of organs and tissues being donated.

There are more than 70,000 individuals awaiting organ transplants at any given moment, and despite the fact that almost everyone is a potential donor, more than 10 people each day die because of a shortage of donor organs.

Last year over 1,500 men, women and children from Maryland were on waiting lists hoping for an organ to become available—an increase of 108 over the previous year. Many of these Maryland residents have been waiting for years. And the wait is growing longer.

Every two hours, one of the more than 60,000 Americans now on waiting lists dies for lack of an available organ.

Even when individuals have indicated a desire to be a donor, statistics show that those wishes go unfulfilled more than half of the time.

Two important points must be made: The final decision on whether or not to donate organs and tissue is always made by surviving family members.

Checking the organ donation box on a driver's license doe not guarantee organ and tissue donation. Individuals should discuss the importance of donation with their families now—in a non crisis atmosphere—so if the question ever arises, all members of the family will remember having made the decision to give the gift of life.

Madam Speaker, this resolution encourages all Americans to learn about the importance of organ, tissue, bone marrow, and blood donation and to discuss such donation with their families and friends.

I urge strong support for this resolution.

Mr. BLILEY. Madam Speaker, I rise in support of H. Con. Res. 247, a resolution recognizing the importance of organ, tissue, bone marrow, and blood donation and calling on people to observe National Donor Day on Wednesday, February 16th.

One of the kindest acts of charity anyone can do is donate blood, bone marrow, tissue, or even solid organs to someone they will probably never meet. Organ and tissue donation is so important to so many families, we need to set aside time with one another to discuss it among our families, friends, and colleagues. I am pleased that Congressman Bilbray brought this resolution to my attention, and that I was able to assist in bringing this resolution to the floor for timely consideration.

Organ and tissue supplies are in such short supply that any single contribution will be greatly appreciated by the recipient's family. I am told that the Washington, DC area is now down to a three-day supply of blood; that there are more people needing bone marrow transplants than matches can be found among people who have registered with the National Bone Marrow Donor Program; that more people enrolled in the Medicare End-Stage Renal Disease program will die from kidney failure because there are too few kidneys to transplant; and still, people die every day from liver failure despite an innovative surgery pioneered at the Richmond-based Virginia Commonwealth University, which allows living donors to have part of their liver transplanted into a recipient with recovery for the donor complete in about three weeks.

There is a palpable fear among those in the transplant community that the Clinton Administration's controversial organ allocation regulations will eliminate the incentives for local transplant centers to increase local supplies of organs. Why? Because the new HHS regulations stand the system on its head and give transplant centers greater incentives to increase their waiting lists so that these centers will increase the probability that they will be first in line to get an organ from some other region. That, my colleagues, is exactly the wrong policy to pursue if we want to be increasing organ supplies.

As many of you know, the Committee on Commerce has labored long and hard to find common-sense solutions to the organ shortages facing American families in every community without compounding the problem with unnecessary meddling by the Federal bureaucracy. These solutions are ready to become law through the Bilirakis-Green-Pallone "Organ Procurement and Transplantation Network Amendments of 1999," which was ordered reported out of the Committee on October 13 by voice vote.

H.R. 2418 authorizes $5 million in grants annually to pay for living and travel expenses for individuals who donate an organ to a recipient living in another State. H.R. 2418 would help many willing donors who just don't have the financial means to travel or take time off from work to donate an organ. But, these grants will not be available unless we work together to enact H.R. 2418.

Lastly, let me say that I am very proud of Commerce Committee efforts to add $200 million to pay for additional immunosuppressive drug therapy under the "Medicare, Medicaid and S-CHIP Balance Budget Refinement Act of 1999." Thanks to Congressman CANADY's leadership on this issue, life-saving drugs that prevent organ rejection are now available through Medicare for a longer period of time.

I want to thank Congresswoman THURMAN and Congressman BILBRAY for their leadership in calling our attention to National Donor Day, and ask that the House pass this resolution.

Mr. BILIRAKIS. Madam Speaker, I rise in strong support of H. Con. Res. 247, and I urge my colleagues to support its passage today.

This resolution encourages all Americans to learn about the importance of organ, tissue, bone marrow and blood donation and to discuss these issues with their families and friends. It also urges the President to promote activities to demonstrate public support for organ, tissue, bone marrow and blood donation.

As Chairman of the Health and Environment Subcommittee, I have worked to identify ways to increase the supply of organs available for transplantation. Last year, I introduced H.R. 2418, legislation to reauthorize the National Organ Transplant Act, which includes provisions to promote organ donation.

My Subcommittee's review of these issues has highlighted statistics that are deeply disturbing. This year, approximately 20,000 people will receive organ transplants—but 40,000 will not. In the last decade alone, the waiting list for transplants grew by over 300 percent. Much of this increase is due to improvements in medical treatments for transplant patients. However, the gap between organ supply and demand remains enormous.

Two years ago, my Subcommittee held a joint hearing with the Senate Labor Committee to review our nation's system for organ allocation, and more specifically, the changes proposed by the Department of Health and Human Services. Despite strong differences of opinion, all of the witnesses recognized the severe shortage of organs for transplantation.

At a hearing in April 1999, my Subcommittee focused on ways to increase the supply of organs for transplantation, including what the federal government can do to improve this situation. Witnesses emphasized that many successful programs to encourage organ donation have been developed at the state level, and we should support—not undermine—these ongoing initiatives.

This is literally a matter of life and death for tens of thousands of Americans each year. Given the enormity of these issues, we have an obligation to work together to address these concerns on a bipartisan basis. I was pleased to join my Florida colleague, Mrs. THURMAN, as a cosponsor of this resolution, and I applaud her commitment to this cause.

Clearly, the solution to this complicated problem is not entirely legislative. By working to increase public awareness about the need for organ donations, we can all save lives. The resolution before us represents an important step toward achieving that goal, and I wholeheartedly support its passage.

Mr. UPTON. Madam Speaker, I see no other Member asking for time. I just would like again to encourage all of my colleagues to vote for and support this bill. It does save lives. We all know so many different personal tales. I urge that we adopt it quickly.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 247.

The question was taken.

Mr. UPTON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT

Mr. SALMON. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 76) recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

The Clerk read as follows:

H. CON. RES. 76

Whereas more than 3,000,000 American children are reported as suspected victims of child abuse and neglect annually;

Whereas more than 500,000 American children are unable to live safely with their families and are placed in foster homes and institutions;

Whereas it is estimated that more than 1,000 children, 78 percent under the age of 5 and 38 percent under the age of 1, lose their lives as a direct result of abuse and neglect every year in America;

Whereas this tragic social problem results in human and economic costs due to its relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency; and

Whereas Childhelp USA has initiated a "Day of Hope" to be observed on the first Wednesday in April, during Child Abuse Prevention Month, to focus public awareness on this social ill: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that—

(A) all Americans should keep these victimized children in their thoughts and prayers;

(B) all Americans should seek to break this cycle of abuse and neglect, and give our children hope for the future; and

(C) the faith community, nonprofit organizations, and volunteers across America should recommit themselves and mobilize their resources to assist these children; and

(2) the Congress—

(A) supports the goals and ideas of the "Day of Hope"; and

(B) commends Childhelp USA for its efforts on behalf of abused and neglected children everywhere.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. SALMON) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Con. Res. 76, a Sense of Congress recognizing the problem of child abuse and neglect.

Specifically, my resolution expresses the sense of Congress that, number one, all Americans should keep abused and victimized children in their thoughts and prayers. Number two, all Americans should seek to break the cycle of abuse and neglect. And number three, that the faith community, nonprofit organizations, and volunteers across America should recommit themselves and mobilize their resources to assist abused and neglected children.

In addition, the resolution states that Congress supports the goals and ideas with a Day of Hope to be observed on the first Wednesday in April and commence Child Help, USA, for its efforts on behalf of abused and neglected children everywhere.

The need for this resolution is clear. It is estimated that more than 3 million American children are reported as suspected victims of child abuse and neglect annually. More than 500,000 children, American children, are unable to live safely within their families and are placed in foster care or other institutions. Furthermore, it is estimated that more than 1,000 children, 78 percent under the age of 5 and 38 percent under the age of 1, die as a direct result of abuse and neglect every year in America.

At times, the statistics can be overwhelming, even desensitizing. But all one has to do is look into the eyes of a victim of child abuse to see the misery that they have endured. Their suffering is a painful reminder of our failure as a society to provide them with the loving care that they need and deserve. It also reminds us of the heavy price that we pay for abuse and neglected children that occurs in our midst every day. Countless studies have documented the strong correlation that exists between child abuse and crime, delinquency, domestic violence, substance abuse, and welfare dependency.

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Of course, we can never put a price on the countless dreams and aspirations of the innocent youth that are extinguished every year at the hands of a child abuser. Since 1959, Childhelp USA has led the charge against child abuse and neglect. Started in Scotsdale, Arizona, Childhelp USA provides critical social, medical, and educational services to abused and neglected children. Over the years, they have helped literally thousands of abused and neglected children escape abusive situations.

Childhelp USA's commitment to children does not end there. When I introduced legislation to keep murderers, rapists, and child molesters locked up in prison, also known as Aimee's Law, I turned to Childhelp USA for support and help. I have to tell the Members that their hard work and dedication were vital to the successful effort to pass Aimee's Law, both in the House and Senate.

Although Aimee's Law has been held up as part of the juvenile justice bill, I am confident that I can rely on Childhelp USA's support as I join with other advocates of victims' rights to enact this legislation.

Aimee's Law will finally put a stop to the parade of murderers and sex offenders that march out of our prisons every year, only to brutalize innocent people one more time. By doing so, it will protect literally thousands of people every year, many of them children, from being victimized by a repeat offender.

Therefore, as we approach the month of April, which is Child Abuse Prevention Month, it is only fitting that we recognize Childhelp USA for their caring efforts to end child abuse. Hopefully, their shining example will inspire more Americans to fight to end this terrible scourge.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise in support of this resolution and commend my good friend, the gentleman from Arizona, for bringing the resolution to the floor today.

I also commend the group Childhelp USA for initiating a "Day of Hope" to be observed on the first Wednesday of April during Child Abuse Prevention

Month. I applaud this effort to focus public awareness on the social ill of child abuse and neglect.

Madam Speaker, on June 1, 1996, more than 300,000 Americans gathered at the Lincoln Memorial to express in advance this country's commitment to our children in a rally called "Stand for Children." Marian Wright Edelman, the President of the Children's Defense Fund and organizer of the rally, gave a moving speech which has been memorialized in this illustrated children's book, also named Stand for Children.

In the book, Ms. Wright Edelman tells the children of our Nation, "We stood at the Lincoln Memorial as American families and as an American community to commit ourselves to putting you, our children, first, to building a just America that leaves no child behind, and to ensure all of you a healthy and safe passage to adulthood."

She goes on to state, "Everyone agreed on one crucial thing: that no one in America should harm children and that everyone can do more to ensure that you grow up safe, healthy, and educated, in nurturing families and in caring communities."

Madam Speaker, when I as a member of this great institution think and deliberate about the issues that come before us each day, I ask myself one simple question: How will I vote to make this a better society for my two young sons, Johnny, who is 3, and Matthew, who is 1, who are going to grow, live and learn throughout much of the 21st century?

Unfortunately, too many of our Nation's children are not considered when adults make the decisions in their lives. Too often children bear the brunt of poor decisions, poor circumstances, and poor intentions of the adults in their life.

It is important that Members of the House, in our positions and with the influence of this institution, call constant attention to this national problem, and work tirelessly to break the cycle of abuse and neglect in the lives of these children.

Before being elected to the House of Representatives, I was a prosecutor back in my home State in Wisconsin. While I find western Wisconsin to be an ideal place to live and raise a family, we are not immune from the tragedy of child abuse. In Wisconsin alone, over 15,000 cases of child abuse or neglect are substantiated every year.

The most difficult cases I prosecuted were those involving cases of child abuse and child sexual assault. These cases were difficult not just because the victims were vulnerable children, but because all too often the crimes involved a breach of a special trust. Children who are subject to abuse face not only physical torment and scarring, but their very belief in family, in society, and in relationships are altered. These children are frequently victimized by the very people entrusted with their care and upbringing, leaving the children with no one else to turn to.

The gentleman from Arizona (Mr. SALMON) and I both sit on the Committee on Education and the Workforce, and the devastating effect of abuse on a child's learning ability cannot go unstated. Studies have shown that language skills are greatly impaired by abuse, both in the child's ability to process information and to express themselves. Academic performance is hampered greatly by abuse, both in language, testing, and mathematics.

Equally important is the effect of abuse on a child's sense of self-worth worth and value. Abused children tend to become isolated, and develop few relationships and friendships. As they grow older, they may become more confrontational and even delinquent, ultimately leading to the horrible cycle of becoming abusers themselves.

The need to address this cycle points to the importance of this resolution today, and the importance of ongoing efforts here at the Federal level to address the root causes of abuse.

I have joined 142 other Members of Congress in the Missing and Exploited Children's Caucus, which was founded 3 years ago. I commend my good friend, the gentleman from Texas (Mr. LAMPSON) for showing the initiative and the foresight and recognizing the need to develop that caucus in Congress.

One big step we in Congress can take this year is to reauthorize the Violence Against Women Act. Not only does the legislation offer Federal protection and assistance to single women and mothers who are victims of domestic violence, but Title II of the Act is focused on limiting the effects of violence on children. Several sections of the bill address the abuse of children, both in providing a safe haven for children, and in addressing the effects of domestic violence situations on children.

If we as legislators want to do more to prevent the abuse of children, we can pass the Violence Against Women's Reauthorization Act this year and support other legislation which actively pursues the safety of children and families.

Ultimately, this problem of child abuse and neglect will not be solved by any one action, but by continued vigilance. As Marian Wright Edelman offers in her book, "It is always the right time to do right for children."

Madam Speaker, I reserve the balance of my time.

Mr. SALMON. Madam Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, as a cosponsor of this resolution, I rise in support of House Concurrent Resolution 76, to enhance the public awareness of child abuse and neglect.

Child abuse is certainly a nonpartisan issue. I know that all of my colleagues are fighting for abused and neglected children by promoting legislation, working with social workers, teachers, and other health care professionals, and educating their constituents about the problem. This is an issue, truly an issue that we can all agree upon.

Despite our efforts, I was very disheartened to learn that in my home State of Nebraska there were 2,482 confirmed cases of child abuse and neglect last year. This number is even more disturbing because we know that many cases go unreported.

The good news is that there are a lot of organizations out there working to help these children. In my district, organizations such as the Grand Island Association for Child Abuse Prevention provide alcohol and drug treatment programs and parenting classes to parents at risk.

But there is a lot more work to be done. We need to continue to work together to make sure that every child is protected. To do that, we need to educate all Americans about how they can help protect our most vulnerable citizens.

Madam Speaker, I urge my colleagues to support this resolution.

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in reading through Marian Wright Edelman's book "Stand for Children" on the way over here today, she was offering some I think very helpful recommendations for people back home who may be paying attention to the problem of child abuse in their communities. I just want to reference some of those recommendations that she made toward the back of the book.

She said, "Here are some ordinary things you can do to Stand for Children: Hold a yard sale and donate the proceeds to an after-school program; start a bus token drive at your school for students who cannot afford transportation costs to the school; organize a winter coat and shoe drive for children in need, or go through your toybox and donate some toys to another child or to a shelter; collect used children's books from your neighbors and donate them to children's programs or a child health clinic; ask your church, synagogue, temple, or mosque to open the building at night for children in the community who need tutoring; create a neighborhood garden or container garden on your block; write your State legislators and Governor, your representatives in Congress, and the President to tell them to put children's needs first."

Today I am wearing a button that the Children's Defense Fund has been handing out to draw attention to the plight of child abuse in our country, and also in commemoration of the resolution here today. It says, "Pick on someone your own size." I think that pretty well says it all.

In conclusion, I just want to end with a prayer that Marion Wright Edelman has at the conclusion of her book:

> "O God, forgive our rich nation where small babies die of cold quite legally.
>
> O God forgive our rich nation, where small children suffer from hunger quite legally.
>
> O God, forgive our rich nation where toddlers and schoolchildren die from guns sold quite legally.
>
> O God, forgive our rich nation that lets children be the poorest group of citizens quite legally.
>
> O God, forgive our rich Nation that lets the rich continue to get more at the expense of the poor quite legally.
>
> O God, forgive our rich nation that thinks security relatives in missiles rather than in mothers, and in bombs rather than in babies.
>
> O God, forgive our rich nation for not giving You sufficient thanks by giving to others their daily bread.
>
> O God, help us never to confuse what is quite legal with what is just and right in Your sight."

Mr. BURTON of Indiana. Madam Speaker, I rise in strong support of H. Con. Res. 76, and I commend Congressman SALMON for introducing it. Every year, over 3 million children are reported to be abused in America. Unfortunately, it is estimated that the actual incidence of abuse and neglect may be 3 times greater than the number reported. In fact, we know that more than 3 children die each day as a result of parental mistreatment. Child abuse may take many forms: it can be physical, emotional, sexual or as a result of neglect. I know, because I've been there. Many of you know that I personally experienced the horrors of domestic violence in my youth. Fortunately for me, my mother, and my siblings, we were able to escape that horrible situation and make a better life for ourselves.

Sadly, for millions of children in America that is just not the case. That is why H. Con. Res. 76 is so important. H. Con. Res. 76 expresses the sense of this Congress that all Americans must share in the responsibility of helping fight child abuse. More than that, it emphasizes the need for the faith community, non-profit organizations and volunteers across America to mobilize their resources in combating child abuse. Organizations, such as the Safe Haven Foundation in Indianapolis, are key in developing programs and providing shelters to the victims of domestic violence. That is why I am proud to have helped secure $500,000 in funds to the Safe Haven Foundation, so that it may continue its important efforts against domestic violence.

Child abusers can come from any socioeconomic, religious, or ethnic background, and since the signs of abuse are varied, we all need to work together in identifying cases of child abuse. Standing shoulder-to-shoulder against child abuse, we can help save the lives of those most vulnerable: our Nation's children.

We need to re-commit ourselves to protecting our children, and this resolution does just that. Let's keep these children in our thoughts and prayers, and let's all give H. Con. Res. 76 our strong support.

Madam Speaker, I yield back the balance of my time.

Mr. SALMON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Arizona (Mr. SALMON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 76.

The question was taken.

Mr. SALMON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SALMON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 76.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:15 p.m.

Accordingly (at 2 o'clock and 43 minutes p.m.), the House stood in recess until approximately 6:15 p.m.

□ 1816

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 16 minutes p.m.

APPOINTMENT OF MEMBER TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276h, the Chair announces the Speaker's appointment of the following Member of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE of Arizona, chairman.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mrs. BIGGERT. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which the motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 247, by the yeas and nays; and

House Concurrent Resolution 76, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the electronic vote after the first such vote in this series.

NATIONAL DONOR DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 247.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 247, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 55, as follows:

[Roll No. 16]

YEAS—379

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman

Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—55

Baird
Blagojevich
Bonilla
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Campbell
Capps
Carson
Clay
Coburn
DeFazio
Diaz-Balart
Edwards
Ehrlich
Emerson
Evans
Frost
Gallegly
Gibbons
Graham
Granger
Hinojosa
Jefferson
Jones (OH)
Kasich
Kennedy
Kilpatrick
Klink
Lampson
Linder
Lowey
Manzullo
McCollum
Miller, George
Moakley
Neal
Norwood
Owens
Oxley
Payne
Pelosi
Porter
Pryce (OH)
Ros-Lehtinen
Rush
Saxton
Schaffer
Stupak
Sununu
Vento
Wise
Young (FL)

□ 1844

Mr. BOEHNER changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the chair has postponed further proceedings.

RECOGNIZING AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 76.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. SALMON) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 76, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 56, as follows:

[Roll No. 17]

YEAS—378

Abercrombie
Ackerman,
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm

Strickland
Stump
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—56

Baird
Blagojevich
Bonilla
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Campbell
Capps
Carson
Clay
Coburn
DeFazio
Diaz-Balart
Edwards
Ehrlich
Emerson
Evans
Frost
Gallegly
Gibbons
Graham
Granger
Hinojosa
Jefferson
Jones (OH)
Kasich
Kennedy
Kilpatrick
Klink
Lampson
Linder
Lowey
Manzullo
McCollum
Miller, George
Moakley
Neal
Norwood
Owens
Oxley
Payne
Pelosi
Porter
Pryce (OH)
Ros-Lehtinen
Rush
Saxton
Schaffer
Stupak
Sununu
Tauzin
Vento
Wise
Young (FL)

☐ 1853

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TAUZIN. Madam Speaker, on rollcall No. 17 I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. CAMPBELL. Madam Speaker, I regret that I was not present for rollcall votes Nos. 16 and 16 because I was unavoidably detained. Had I been present, I would have voted "yes" on both counts.

PERSONAL EXPLANATION

Mr. PORTER. Madam Speaker, due to air transport delays, I was absent for the votes on H. Con. Res. 247, expressing the Sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day and H. Con. Res. 76, recognizing the social problem of child abuse and neglect and supporting efforts to enhance public awareness of it. Had I been present, I would have supported the passage of both of these concurrent resolutions.

PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, due to official business in the 15th Congressional District of Michigan, I was unable to record my votes for rollcall Nos. 16 and 17 considered today. Had I been present, I would have voted "aye" on rollcall 16, H. Con. Res. 247, Expressing the Sense of Congress Regarding the Importance of Organ, Tissue, Bone Marrow, and Blood Donation and Supporting National Donor Day and "aye" on rollcall No. 17, H. Con. Res. 76, Recognizing The Social Problem of Child Abuse and Neglect and Supporting Efforts to Enhance Public Awareness of it.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DEVASTATING TORNADOES HIT SOUTHWEST GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP. Madam Speaker, tonight I ask my colleagues in the House of Representatives and the people of our Nation to join me in prayer for the families of those who suffered grievous losses as a result of tornadoes last night that brought widespread devastation and extensive loss of life to rural areas of Mitchell, Grady, Colquitt and Taft counties in a part of southwest Georgia that I have the privilege of representing.

This is one of the worst natural disasters in our State's history. The number of people whose lives were lost continue to mount throughout the day; and, as yet, the total has still not been definitely determined. By now, my colleagues have probably seen images of this terrible disaster in the national news. These are rural residential neighborhoods that now look like battle zones, with home after home turned into rubble. To say the least, it is a heartbreaking sight.

I know the people of my area of Georgia can count on the support of my colleagues as we mobilize all of the available resources, public and private, to provide the emergency assistance that is going to be needed. Our Congressional office stands ready to provide any help and guidance that individuals, businesses, and governmental entities need to gain access to much needed disaster relief assistance.

I want to take this opportunity to commend all of the government leaders in the impacted counties who are responding so effectively and valiantly and the municipal leaders in those areas who are lending their assistance. I also want to commend the many private citizens who are helping to provide relief for their neighbors, as well as the private organizations that are involved in this relief effort.

I certainly commend Governor Roy Barnes and everyone at our State level, including Georgia Emergency Management Agency Director Gary McConnell and all of his people over at GEMA, who have sprung into action on so many fronts and, along with Governor Barnes, have started the process leading to a major disaster declaration.

And those of us from Georgia, Madam Speaker, are also thankful for the efforts of the Federal Emergency Management Agency and its fine Director James Lee Witt, who is working hand-in-glove with state and community leaders in responding decisively to this disaster.

Madam Speaker, this is a time for all of our communities to pull together. After severe flooding struck our area of Georgia just a few years ago, including the areas that have been struck by these terrible tornadoes, I quoted the Apostle Paul, who said, "God's strength is made perfect in weakness."

It is with this strength that we in southwest Georgia will confront this tragedy and come together in our collective faith, our hope, and our charitable spirit to bring comfort to those who have suffered and to begin the work of rebuilding our communities.

☐ 1900

PRESCRIPTION DRUG PRICES

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I rise tonight to talk about a very serious issue confronting our Nation. In the last 4 years, the price of prescription drugs in the United States has increased by 56 percent. In the last year alone, prescription drug prices in the United States have increased by 15.6 percent. That is at a time when our inflation rate is running somewhere around 2 or 2½ percent. Madam Speaker, it is time for Congress to take some action to try and stem this ever increasing price for prescription drugs. All of us here in the House and all of us in Washington know who bears the burden of those tremendous increases in prices. It is principally the senior citizens here in the United States.

Madam Speaker, I want to talk tonight about the differentials between the United States, what is happening here and what is happening in other countries. Many of us have recently read about seniors who are boarding buses in our States and going to Canada to buy their prescription drugs. It is happening in Minnesota, it is happening in Idaho, Wyoming, Montana, and all across and throughout the northeastern United States as well.

Let me try to explain how much of a differential there is in the price of prescription drugs. Let us take a relatively common, one of the more commonly prescribed drugs in the United

States. It is a drug called Prilosec. Prilosec is prescribed principally for ulcers or people who have an acid condition in their stomach. A 30-day supply, if one goes and gets a prescription in Minneapolis, Minnesota, at almost any pharmacy, and it is not the pharmacist, they only get about a 3 or $4 per-prescription fee on it, so it is not the pharmacist that is driving these prices. But a 30-day supply in Minnesota, Minneapolis, is $99.95.

You buy that same prescription in Winnipeg, Manitoba for exactly the same drug manufactured by exactly the same company in exactly the same plant under the exact same FDA approval, you buy that drug, the Prilosec in Manitoba, and it is $50.88. But if you go down to Mexico, you can buy exactly the same drug manufactured in exactly the same plant under the exact same FDA approval for $17.50.

Let me read for my colleagues what George Halvorson who is the chairman of one of our larger HMOs in Minneapolis had to say, and this is a direct quote:

> If we could only get half the price break that Canadians get, our plan alone could have saved our members nearly $35 million last year.

Madam Speaker, I estimate that in Medicaid alone, the U.S. Government could save $1.8 billion if we could get half the break that Canadians are currently getting for exactly the same drugs. This is not to mention the fact that we currently have 68 million prescriptions filled each year by the VA. Madam Speaker, we are talking about billions and billions of dollars that we could save if we would simply allow free market principles to work.

We currently have what is called the North American Free Trade Agreement. We allow goods and services to move freely across our borders. In some cases we lose. Sometimes our farmers, sometimes our hog producers, sometimes our ranchers are upset about the North American Free Trade Agreement. But it is interesting. The one thing that our own government blocks our own consumers from getting across the border is prescription drugs. In fact, when some of my constituents went up and actually used mail order to order prescription drugs from Canada, the FDA sent a letter to them. It is a very threatening letter. I would like to read just a couple of sentences from it. It says:

> Dear Consumer:
>
> This letter is to advise you that the Minneapolis District of the United States Food and Drug Administration has examined a package addressed to you containing drugs which appear to be unapproved for use in the United States.

Appear to be unapproved. These are the same drugs in the same boxes manufactured in the same plants. It is ridiculous. The problem is FDA interference. The story of Minnesota seniors is being repeated all across the country.

The solution is a bill that I have introduced, H.R. 3240, the Drug Import Fairness Act, which is a bipartisan solution. We have literally Members from what some would say the far right and the far left who have joined together on this bill to put it clear to the FDA that they should not stand between our consumers and particularly senior citizens and lower drug prices. That effort has been joined now by a group out of Utah called the Life Extension Foundation. If Members have not received it yet, they will be receiving from our office or theirs a pamphlet which talks about the problem, explains the problem and then explains the solution.

Madam Speaker, let me just close by saying this. In the age of NAFTA, our own FDA should not stand between our citizens and lower prescription drug prices. Particularly, we should not allow the FDA to stand between our senior citizens and lower drug prices. These are FDA approved drugs. We have the North American Free Trade Agreement. It is time for Congress to take action to bring American prices down to the competitive world market prices.

HONORING CLIFF HOUSER, ACCOMPLISHED BUSINESSMAN, AND OUTSTANDING COMMUNITY LEADER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BARCIA) is recognized for 5 minutes.

Mr. BARCIA. Madam Speaker, I rise today to honor Cliff Houser, an accomplished businessman and an outstanding community leader who has worked tirelessly, not only to create jobs in our State but who has also given to our community and served our country with distinction. He is the embodiment of the entrepreneurial spirit and a testament to the notion that through hard work and perseverance, one can fulfill their dreams.

I have known Cliff for many years and can personally attest to his strong character, his strong commitment to his family and his dedication to civic duty. Cliff began his career in radio in 1965 in Flint, Michigan and later moved on to the television medium, WNEM-TV in Saginaw, Michigan. In 1968, he graduated from the John F. Kennedy Special Forces Center War College. He also attended the Aresty Institute of Executive Education within the Wharton School at the university of Pennsylvania.

When Cliff was asked to serve his country in the mid-1960s, he did so without hesitation and began his tour in Vietnam. As a field correspondent and as a producer for the Armed Forces Radio Network, he was often in harm's way. For his bravery, courage and service, Cliff was awarded the Bronze Star, the National Defense Service Medal, two Asian Theater Citations and the Vietnam Commendation Medal, among others.

Upon returning to the United States after the war, Cliff utilized his keen business sense and cofounded Video Productions, Inc. in 1974. Four years later, he expanded his business by founding an advertising agency, Tel-Ad, Inc. Cliff had the foresight to combine the two agencies, forming an award-winning national full service advertising agency, Cliff Houser & Associates Advertising Corporation.

For the last 5 years, the company has grown to be one of the top 50 fastest growing, privately held companies in our State. In fact, his company is thriving nationwide. As the CEO of a successful business, Cliff taps into his boundless energy and is heavily involved in civic activities and community leadership. He was the 1997 Bay County March of Dimes chairman, the Tri-county Chairman for Easter seals, a past member of the Advising Board of the Bay City Board of Education, and the Teen Ranch of Michigan.

Cliff also invests his time in the business community and is involved with the Michigan Small Business Leadership Panel, on the board of directors of the Downtown Management Authority of Bay City and is a charter member of the Flint Area Advertising Federation, among other organizations.

While much of his time is devoted to his business and civic responsibilities, Cliff is also devoted very much to his family. He could not have achieved these accomplishments without the love and support of his family, including his wife Elizabeth and his three children, Chip, Bethany, and Jordan who are the joy and pride of his life.

Cliff also makes his spiritual growth a priority and is very active in his church. His great appreciation for nature and the outdoors has also fostered an avid interest in hunting and recreational boating. Madam Speaker, I can unequivocally state that our community, our State of Michigan, and our country is fortunate to have Cliff Houser as a neighbor and friend. I invite my colleagues to join with me in thanking Cliff for all his good work and congratulating him on the successes of his company, Cliff Houser & Associates Advertising Corporation.

MARRIAGE TAX PENALTY ELIMINATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, it is my pleasure to rise before this body and remind everyone of what we did last week that I think was very good for America. Last week, the House passed with bipartisan support; and I think that is important, a tax bill. It was the marriage tax elimination act, which gives the average couple in America $1,400 in tax relief that they would not have had otherwise. It will apply to 21 million families in America. In my State of Arkansas, it will apply to over 200,000 families.

It is a penalty that they pay because they are married that they would not pay otherwise. It is a penalty in the form of higher taxes. Today, Mr. Speaker, as we know, is Valentine's Day and many of us are away from our spouses, but it is a good time to remember our sweethearts. I think back on my sweetheart that I married over 26 years ago. We had struggles just like everyone else. Many of those struggles center around finances. My wife is working, I am working, and this is typical of couples. Couples struggle today and part of that struggle is simply financial.

If we can help the married couples in the United States, the married couples in Arkansas by providing some tax relief in the form of doing away with a penalty they should not pay, then I think we have done something very good for America, very good for our couples and this is certainly an appropriate day to remind America of what we did in this Congress.

Now, I say this Congress. We passed in the House, and we still of course need to have that same marriage tax penalty elimination act passed by the Senate and presented to the President for his signature, and we hope that he will sign that. To give an example as to how this works, a typical example would be a single mom that might make $30,000 per year decides that she can get married and meet someone that she loves and she gets married to a gentleman that makes an equivalent amount of money, say $30,000 per year. If you combine those two incomes under a fair tax system, their tax should simply double. But under the present tax code, because of the unfairness, it does not double but it doubles and then you add about $1,400 more in a penalty because they got married. This hurts that single mom who decides to get married, it hurts any couple that decides to unite in matrimony, and it is a penalty because they are married.

I believe that it is unfair. The essence of a tax code in the United States should be fairness. We should work not just on tax relief but tax fairness and that is what this bill does. It remedies an unfairness in the tax code. They have this penalty because they are forced into a higher tax bracket because of the progressive system, and they also lose part of their standard deduction. It is a penalty because they got married. And so we need to remedy this unfairness.

Some people say, well, it is not a whole lot of money, it is just $1,000 or $1,400 per year. But think what this means to a struggling young couple. It could mean 3 months of child care that they could not otherwise afford. It could mean a semester of community college that helps them get ahead in life. It could mean 4 months of car payments, school clothes for the children, perhaps they need a vacation. And it could mean the difference of having that vacation to help that relationship or not. It could mean a down payment on a home. All of this helps the couples, the struggling families in the United States.

□ 1915

What does it cost? Well, it costs about $117 billion over 10 years. Contrast this to the tax bill that we passed in the last Congress, $792 billion over 10 years, and this was vetoed by the President. He said it was too big, he did not like it all lumped together, so this year we break it apart. The first part of that is the Marriage Tax Penalty Elimination Act.

So it does not cost something that we cannot afford. It all comes out of the non-Social Security surplus. That is what we have to remember. It does not come out of Social Security. The funds that go into the trust fund for Social Security, it all comes out of our operating surplus, so it is fair in that sense.

What are the objections to it? Well, some people say, the administration says, well, it is not limited to low-income couples.

I believe that if you have a penalty on married couples, that everyone should have that penalty removed; not just those that are on the low-income scale, but everyone should have that penalty removed. The penalty does in fact hurt more low- and middle-income people, so if we do away with the penalty, that is who we are helping the most. But we should help all couples who have that same penalty. We should remove it for everyone.

The second objection is maybe it reduces the money that could be available to shore up Social Security. Again, it comes out of the non-Social Security surplus. It does not impact that in any way whatsoever.

So, I would urge, Mr. Speaker, my colleagues to continue urging the other body to pass this, let us get it enacted into law, get it signed by the President. I believe it is a good bill for American couples and those people who are trying to celebrate another Valentine's Day.

TRIBUTE TO KIMBERLY SMITH AND LEWIS E. MAYO, TWO AMERICAN HEROES

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this has been over the last couple of months and into 2000 a very tough time for the Nation's fire fighters. Over the last couple of months, we have seen these brave men and women go into fire battle to save lives and, as well, to protect us.

Houston has suffered a great loss today. In the early morning hours, Kimberly Smith, one of our first female fire fighters in Houston, Texas, and Louis E. Mayo, lost their lives battling for us. Both of them tragically fell victim to an enormous fire in our community.

The issue that we all face every day are choices of what we do and how we do it. I am very proud to say that Kimberly Smith and Louis E. Mayo offered their lives so that others might live and that the property of Houstonians might be protected. Kimberly Smith, one of the first women fire fighters, who served the Houston Fire Department ably and well, with great diligence and great professionalism, about to be married; Louis Mayo, a family man with three children, now lost forever to all of us.

Mr. Speaker, I come this evening simply to acknowledge that we love them and we will miss them. I want to thank them for going into battle on our behalf. For fire fighters, sometimes it is not known of the danger that they face every single day.

Chief Lester Tyra indicated in an interview today that fire fighters fight as many as 20 house fires or building fires a day, and that most people are not aware of the dangers that they encounter every single day, not only to protect us, but as well our property. These are important duties that they have, and we must be forever reminded that these fire fighters are in fact heroes and sheroes. They do this for us every single day.

As a former member of the Houston City Council, I had the great privilege of interacting not only with the Houston fire fighters but the Houston Police Department. I know firsthand that they are great men and women.

So, it is with great sadness I come to acknowledge before the people of the United States of America that, yes, in Houston, Texas, today, February 14, 2000, we lost two of our very special heroes, Kimberly Smith and Louis E. Mayo. May they forever rest in peace. We love them, we salute them as great Houstonians, great Texans, great Americans, and we thank them for the ultimate sacrifice.

GOOD NEWS AND BAD NEWS ON TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. McINNIS) is recognized for 5 minutes.

Mr. McINNIS. Mr. Speaker, as you know, last week was a very important week for the United States Congress and for the American people. We had some good news, and we had some bad news. I am talking about legislation.

The good news we had last week is that the Republican-led bill, despite all of the debate against the bill by the Democrats, the Republican-led bill to do away with the marriage tax penalty in this country passed this House; and I am proud to say 40 or 45 Democrats had enough guts to stand up and vote for it, because they knew it was the right thing to do.

How in this country, where we try and encourage families, where we try and push the divorce rate down, where we try to have people have their children in a marriage, how can a country as great as the United States of America penalize couples for being married? That is exactly what happened.

Well, that is water under the bridge. It happened. But now it is incumbent upon us, its United States Congress, to do something about it, to eliminate it. I could not believe that the Democrats opposed that tax cut. It is unfair. They said we could not afford it. Well, number one, we cannot afford to do away with it. But whether you can afford it or not, is it right? Is it a tax that was intended to do that? No, it is not a right tax. That argument on its face did not hold water. That was the good news.

Now, the bad news. We got the Clinton budget last week, the President's budget, the Democrat budget. You know what it had in there? Of course, the Democrats have been making a big issue lately about saying we cannot afford to cut taxes, do not cut taxes, despite the fact we have record surpluses in this country, despite the fact that if we do not cut taxes, that means that money continues to come out of the workers of this country's pockets and comes to a bureaucracy in Washington, D.C., is filtered down, everybody gets their hands on it, and then some of it eventually goes back to the States. That did not matter much.

What they did with their budget last week is they proposed a tax increase, a tax increase in the death tax.

Now, you know that the marriage penalty tax is unfair, and in this country, after you pay taxes all your life, at the end of it, if you fall in certain income categories, they tax you again, a death tax on property that has already been taxed. It is, without exception, the most unfair, unfounded tax in our system, the death tax.

We have on the Republican side proposed and proposed and negotiated and negotiated to do away with that death tax. It is not fair; it should not be there. It is a tax on property that has already been taxed. But the Democrats, who some of them, by the way, I think agree with our position, but the leadership certainly and the President's budget said, Hey, let's not only not get rid of the death tax, let's do not do that, let's actually increase the death tax.

There is over a $9 billion increase, hidden in that presidential budget. You have got to look very carefully. Fortunately, we have excellent staff on the Committee on Ways and Means. I am on the Committee on Ways and Means. We look at that budget line by line, item by item. We were surprised. What are they attempting to do, the Democrats, with this budget? Why do they want to raise the death tax?

I urge my colleagues on the Democratic side, join us on the Republican side, join us in eliminating the death tax in this country. It is not fair. You are hurting a lot of small family farms and ranches throughout this country. You are hurting a lot of small businesses. You are taking away the incentive for people, or one of the incentives, for people to work hard.

You have already got your taxes, Democrats, throughout their working life. Why, Democrats, do you want to tax them upon their death? For gosh sakes, do not try and raise the taxes this year. At least maintain the status quo, as wrong as it is. At least you ought to try and maintain the status quo, if you are not going to help the Republicans eliminate it. But do not go out and raise the death tax on the American people by $9 billion.

That is the good news and the bad news. The good news is we passed out of this House, and we had some Democrats join us on our Republican bill, to do away with the marriage tax penalty. The bad news is that the Democratic budget, the administration budget, proposes to increase taxes on the death tax.

So any of you who have ever had any discussion about the estate taxes, you had better call your accountant tomorrow, because there is a $9 billion increase in the President's budget coming right through that tunnel.

EXECUTIVE LAWMAKING—A VIOLATION OF THE CONSTITUTION

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, executive lawmaking is a violation of the Constitution. Article I states that all legislative powers be vested in the Congress. Yet presidents have made frequent and significant use of executive orders and other directives to infringe on Congress's lawmaking authority. As Members, we must carry out our fundamental duty of overseeing executive policies, passing judgment on them and upholding the Constitutional balance of power.

It is vital that Congress remains vigilant and holds this administration accountable when its aim is usurpation of power denied by the Constitution.

We should not be surprised that the President is seeking to bypass this chamber with executive gimmicks. We have seen this before. But if we are not vigilant, executive orders will lead this great Nation down the slippery slope to tyranny.

LESS ATF AGENTS NEEDED, NOT MORE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) is recognized for 10 minutes as the designee of the majority leader.

Mrs. CHENOWETH-HAGE. Mr. Speaker, last month the President delivered his State of the Union address, and in it he highlighted several new anti-firearms initiatives. One of those proposals was to hire 500 new Alcohol, Tobacco and Firearms agents. We have been told that he offered what gun owners have called for: more enforcement of existing gun laws. We were told that this will help take the guns out of the hands of criminals.

Mr. Speaker, the truth is this initiative is a ruse. It is a trick designed to increase the number of Federal agents who can harass honest gun owners and gun dealers.

It is true that the administration has done an abysmal job of enforcing gun laws. During the first 6 years of the current administration, ATF referrals for Federal, State and local prosecution declined by nearly one-half. For an administration that has clamored for and received massive new gun laws, this is an amazing drop.

Mr. Speaker, it is also true that gun owners, like most people, want criminals behind bars. But the President's initiative, this deceptive trick, is not designed to do that. Its purpose is to enlarge and empower the worst offenders of our gun rights. And let there be no mistake about it, the ATF is the worst enemy that gun owners have.

Let us remember the ATF. It was ATF agents who botched efforts started at Ruby Ridge and at Waco, two of America's most abhorrent abuses of power. It was ATF agents who wrongly charged Florida resident Wayne Scott with a firearms violation by using a crooked informant; and it was ATF agents who tampered with police sergeant James Corcoran's rifle so they could falsely charge him with owning a machine gun. And gun owners need 500 more of these folks? I do not think so.

A Senate subcommittee reported that 75 percent of ATF firearms prosecutions targeted ordinary citizens. A report went on to say that these citizens had, and I quote, "neither criminal intent nor knowledge, but were enticed by ATF agents into unknowing technical violations."

In a word, Mr. Speaker, the ATF has engaged in entrapment, which courts have clearly and strictly forbidden in law enforcement.

The pattern of abuse by ATF reminds us of the very reason why the second amendment was written into the Constitution. Alan Keyes, presidential contender, said it very well in a recent interview, and I quote Mr. Keyes:

> I think the Second Amendment is there because the Founders understood a lesson of history; that a free people must be an armed people, capable of defending their liberties, not only against foreign enemies, but potentially against an abusive government. And that's why the right to keep and bear arms is there, why it is guaranteed to the citizens of this country and why we would be in grave danger if we ever lose the ability to respect the instruments of our defense and to make responsible use of them.

☐ 1930

Mr. Keyes went on to say,

> We as citizens have a right to keep a gun in the event that things go wrong in this country. Jefferson, others who were part of the founders, they made it very clear, and it is right there in the Declaration, that if a government becomes subversive of liberty and, in the end, a design if evinced to destroy the liberty of the people, they have a right,

he said,

> they have a duty to abolish or alter it.

Mr. Keyes went on to say,

> We are at the end of a century when the abuse of human beings by government power has claimed the lives of millions of human beings. The suggestion that human nature has somehow changed since the founding period when we no longer have to fear the abuse of government power is too absurd at the end of the 20th century that I don't even want to address it. Human nature is the same now as when the document was written, and we can no more put trust in those who have government power than our founders could.
>
> I would think anybody who lived in this country in the last several years and watched the abuse of power that took place at Waco is reminded that sometimes the people in our government, for whatever reason best known only to themselves, lose sight of who they are supposed to be. Waco was a thoroughly disgusting, tragic and un-American episode in which Janet Reno said that because they were tired, they went in and killed all of those people, including children. I think it is time to remember that yes, power can be abused.

Mr. Speaker, we should have learned long ago that once you give a small amount of power to the Federal Government, it seizes much more. Catching and punishing criminals, in most cases, has been the business of the States, and it should remain so. The horrors that we have seen at the hands of Federal agents show us this.

Let us not fall into this latest ruse designed to intimidate honest citizens out of owning and selling guns legally. ATF's gun control by coercion.

Mr. Speaker, we do not need 500 more of these ATF agents; we need 500 fewer.

TRIBUTE TO OUR LOCAL VOLUNTEER FIREFIGHTERS AND EMS PERSONNEL

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 50 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to pay tribute to America's national heroes, and it is appropriate that I give this Special Order following a 5-minute Special Order given by our friend and colleague from Texas (Ms. JACKSON-LEE), because in her Special Order, she paid tribute to two brave citizens of Texas, two firefighters, a man and a woman who gave their lives over the past 24 hours in protecting the people in her district. Kimberly Smith and Lewis E. Mayo, who were cited by the gentlewoman from Texas (Ms. JACKSON-LEE), are both American heroes. Unfortunately, they gave their lives in the process of protecting other fellow citizens.

Mr. Speaker, there are millions of people like Kimberly Smith and Lewis E. Mayo around this country who day in and day out protect America, who are always being asked to perform the impossible, whether it be responding to a house fire, a large factory fire like we saw in Massachusetts late last year that killed a multiple number of firefighters, or single family fires like we saw last summer in D.C. where three D.C. firefighters were killed. The gentleman from Maryland (Mr. HOYER) and I came down here for that service. But we tend to, as a Nation, take these losses for granted; and we tend to take these people for granted, and that is the topic of my discussion tonight, Mr. Speaker.

Each year in America, we lose, on average, 100 men and women who are involved in fire and life safety across this country who are killed in the course of protecting their communities. Now, the interesting, or I would say outrageous fact is that out of the 100 or so people that are killed each year, the bulk of them are volunteers. There is no other group of people in America who volunteer their time who each year and who see upwards of 100 of their colleagues killed in the course of doing their volunteer work. Yet, that is the story of the America fire and life safety service all across this country.

Now, we heard, Mr. Speaker, the President give a typical speech last month during the State of the Union and he mentioned a ton of different groups. In fact, he promised $172 billion of new programs to every group we can think of. He talked about our law enforcement, he talked about our teachers, he talked about our military. He talked about those people who need special help in America, but Mr. Speaker, in that 1 hour and 30 minute speech, President Clinton did not mention our national heroes one time.

He did not mention the firefighters or the EMS personnel who are killed all across this country every year. He did not mention that there are 1.2 million men and women who every day in 32,000 departments protect America. He did not say a word about what they have been doing for a period of time that is older than the country itself and largely that time has been given by volunteers. He did not mention the fact that these people are now being asked to perform additional responsibilities.

And even though many of us believe that fire and EMS services are a local responsibility, which I believe fully, we are now tasking these people to take actions that some would say are Federal in responsibility. When one asks local fire and EMS organizations to respond to terrorist incidents, when they are asked to respond to an incident involving a weapon of mass destruction, a chemical, biological or perhaps a nuclear agent, then there is a Federal responsibility to help train and assist these individuals.

Now, the fire service in this country, Mr. Speaker, is a proud tradition. I know, because I would not be involved in politics today were it not for the fire service. Having been born and raised into a fire service family like my six older brothers and my father before me, I got involved in the volunteer fire company in my hometown and eventually became president and then chief of that fire company. I went back to school in the evenings while teaching during the day and got a degree in fire protection and then for 3 years as a volunteer I ran the training program for the 78 fire companies in my home county.

I understand who these people are, Mr. Speaker, because I have been one. I have traveled to all 50 States where I have interacted with the leaders of these organizations; and I have seen the faces of these men and women who day in and day out give so much of themselves to protect their neighborhoods, to protect their neighbors, and to protect the people who live and work in the area that they serve. In the urban areas, they are typically paid, and in the suburban and rural areas, they are typically volunteer, but they are all professionals. They are trained, they are equipped, and they are prepared to respond.

Each year, Mr. Speaker, I want to reiterate, 100 of them, on average, give their lives, as the two just did in the past 24 hours in Houston, Texas. Yet, President Clinton made no mention of these people and the challenges that they face. In fact, Mr. Speaker, not only did he not mention them in the State of the Union speech, he gave them the ultimate slap in the face. The fire and EMS community in this country gets a pittance of Federal funding from our budget process. They get the

U.S. Fire Administration, which is less than $40 million a year, and they get the U.S. Fire Academy which operates at Emmitsburg, Maryland. There is only one entitlement program and one grant program, not even an entitlement, one grant program to help the volunteer fire companies in this country. President Clinton had the audacity to submit a budget that cut that program from $3.25 million to $2.5 million. No, not billions of dollars, millions of dollars.

Now, Mr. Speaker, as my colleagues know, the President sneezes and spends more money than $2.5 million, and yet, in the budget proposed for this fiscal year, he has cut the only program to provide funding for rural fire protection from $3.25 million to $2.5 million. Mr. Speaker, that is absolutely unacceptable.

Now, there are those, as I said, and I am one of them who believe that fire and EMS services is a local responsibility. I am not saying that we should federalize the national fire EMS service; that would be wrong and it would be a tragic thing if we tried to do it and the fire service would object to that. What I am saying is, Mr. Speaker, we should provide some support.

There have been fiscal studies that have been done that shows that if the volunteer fire service in America had to be paid, if all of those 32,000 towns across America who rely on their volunteers had to replace them with a paid department, the cost to the taxpayers would be in excess of $35 billion, $35 billion. But these men and women who serve their towns are not asking for $35 billion. What they are simply asking for is the respect, the consideration, and some one-time help in giving them the resources to deal with these new threats that America is facing.

Now, let us make some comparisons. We provide strong funding for our military, almost $300 billion a year, and as a Member of the National Security Committee, I support that full funding and even more for our Nation's armed services. It is important that we have the best military in the world which we have today because they are constantly put in harm's way.

But, Mr. Speaker, almost $300 billion a year for the Nation's international defenders, our military, yet less than $30 million a year for our domestic defenders, the people who fight the wars on our soil. Remember, these are not just people that fight fires. These are people who have responded, the first responders, to floods, hurricanes, tornadoes, earthquakes, HazMat incidents, shootings in our inner cities, drug deals gone sour, they are the first responder to every emergency situation in every town and city across America. Every disaster we have, they are the first in. They are there before the police, they are there certainly before the emergency management personnel; they are always there in advance of our military and their job is to control the situation, stabilize the casualties, and make sure they control the damage from extending beyond the original impact of the disaster.

These are America's first responders. Yet, what is our response? Our response at the Federal level is zero. Many of these people, the 85 percent of these 1.2 million who are volunteers, go out and raise their money through chicken dinners, through tag days on the local street corners, by having bake sales, and by doing things to raise money. And they are proud, and it is a proud tradition that they want to continue. But there is, I believe, Mr. Speaker, a need for us to provide a one-shot infusion of dollars to make sure these people who are volunteering continue to volunteer, to make sure these people who are being paid have the proper training, equipment, and resources to meet the challenges they face every day.

Now, is that an unusual request? Well, Mr. Speaker, I have mentioned that we fund the military to a number of less than $300 billion a year. How about our local police department. Now, law enforcement at the local level is a local responsibility. Our towns hire the police departments, they pay the detectives, they buy the patrol cars. Imagine asking our police to run a tag day to buy a police car or to run a cake bake or have some kind of a chicken dinner to buy police vests. No, that is not the case. In most cases, our law enforcement costs are borne by local taxpayers, because it is a local responsibility.

But wait a minute, Mr. Speaker. The Federal Government each year spends over $3 billion for local law enforcement. We now have a Federal program where we pay for one-half of the costs of protective vests for police officers across America. Now, I support that program, Mr. Speaker. But why is protecting the life of a police officer or a military person that much more important than protecting the lives of those 100 people a year who are killed in the course of serving their communities when most of them are, in fact, volunteers.

Mr. Speaker, $3 billion a year for law enforcement. That money goes to hire local police. We have heard the President stand up on this podium time and time again and talk about putting 100,000 cops on the street, putting money into additional detectives and money into police vests. Well, why did the President not mention our national heroes who respond to disasters? Not even a peep, not even a word, not even a thank you.

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But it gets more outrageous, Mr. Speaker, because this administration just does not get it. We might remember, a few years ago President Clinton went before the American people with this grandiose idea. He said, we are going to create a program that encourages young people to volunteer in our communities across America. This new program is going to be called AmeriCorps. We are going to encourage young people to get involved; a great idea, a great concept.

Do Members know, in traditional liberal fashion, the President created a big bureaucracy program called AmeriCorps, where we actually pay young people, pay them to volunteer. We actually give them an annual stipend, we give them benefits to volunteer.

The last time I volunteered I did not get paid for it, because the word "volunteer" means you are doing it for free. But even if we were going to, say, pay a person to understand the importance of volunteering, would we not think, Mr. Speaker, that this AmeriCorps program would in some way support the 1 million volunteer fire and EMS personnel across the country?

Guess what, Mr. Speaker? Bill Clinton's AmeriCorps program has done nothing for the volunteer fire and emergency services of this country. In fact, they do not even qualify for the program. So here we have 32,000 departments, ambulance, fire, and rescue departments all across the country depending upon people to volunteer for life safety, and we create a Federal program that does not even recognize those volunteers. Mr. Speaker, is that big government liberal philosophy or what? We do not even recognize volunteers who were here longer than the country has been a Nation, over 250 years.

Sometimes, Mr. Speaker, I am convinced inside this Beltway we just do not get it. We think we have all the answers. President Clinton is going to create a great program called AmeriCorps, and yet does not do a thing to recognize those million people who are already volunteering, and recognize the fact that most of those 32,000 departments across the country are having a terrible problem right now recruiting young people. They cannot get people to volunteer.

Did we think to go out and offer to work with them, to create incentives and programs to help bring in more volunteers? No. Because it was not a politically correct thing to do, we bypassed and ignored the volunteer fire and EMS personnel in this country.

In fact, Mr. Speaker, the outrageous act of this administration several years ago when they held a volunteer summit in Philadelphia was to not only not include the volunteer fire service, but not even invite them. I had to raise

Cain with the White House and threaten to boycott and picket the conference in Philadelphia unless the volunteer fire service was included, and they finally were.

Mr. Speaker, we have our priorities wrong. Here is a group of people who every year for the past 250 years have been all across our country, in our smallest rural villages to our largest cities, protecting our people and their property. Yet, we have done nothing to recognize those people. We have done nothing to pat them on the back and look at how we can provide some short-term funding to assist them to better serve their communities.

Again, let me state, Mr. Speaker, I am not advocating that we federalize the fire service. That is totally the opposite of what I am advocating. What I am saying is that if President Clinton is going to reauthorize and request $3 billion a year for the police, if he is going to stand before us and demand that we put $1 billion a year on the table for new teachers, why does he not say one word about the real American heroes?

I was a teacher for 7 years in the public schools of Pennsylvania, Mr. Speaker. I am a strong supporter of public education and teachers in general. I support more money for education. But is $1 billion for teachers that much more important than perhaps some short-term stopgap funding for these American heroes who are killed in the line of duty each year, or even a mention from the President that these people deserve to be recognized? I think not, Mr. Speaker.

We have our priorities all wrong, because the polls are showing the President and some of our colleagues in this Congress that education and crime are key issues. We want to come up with new ways to throw more money in each of those areas, some of it well-founded, and other is wasteful money. But not a peep is made of support for those people who day in and day out protect our towns and cities.

These people, again, Mr. Speaker, are not just fire fighters. Of the 1.2 million nationwide in the 32,000 departments, 85 percent of whom are volunteer, I will remind my colleagues of who these people are. I have been to all 50 States, from Hawaii to Alaska, from Maine to Florida, from California to Washington State. These people are the same in every State that I have visited.

They are not just emergency responders, they are the people who rescue the cats stuck in the tree, they are the people who pump the cellars out when they are flooded, they are the people who organize the search parties when the child has been lost, they are the people who organize the July 4th celebrations, Memorial Day parades, the local organization that runs the Christmas party for disadvantaged kids at Christmastime.

They are the people who collect the money in the boots for muscular dystrophy. They are the people whose place of operation we go to to vote on election day. It is the place where young couples hold their wedding receptions.

In every town in America, the men and women of the fire service are the backbone of the community. They are the heart and soul of this country. They are the same people who teach in our Sunday schools, who work in our synagogues. They are the same people who coach our youth programs. They are the same people who run our Girl Scout and Boy Scout programs across America.

There is no single group of people in this country that I can think of that better represents what America is all about. Whether they be paid or volunteer, they provide a service for our citizens, and they do so asking nothing in return.

They do not have high-priced lobbyists on the Hill, because all the ones who are volunteers have full-time jobs. They do their full-time job during the day, or they work shift work at night, and then when they are not working, they go over and work on the trucks, they run the fundraising events, they hold the organizational meetings, they establish the budgets, and they run their local organizations and keep their towns strong.

Mr. Speaker, they are facing serious challenges today. Recruiting has become extremely difficult in every volunteer department in this Nation. The communications system for our emergency responders is a total and complete disaster.

Imagine, if you will, Mr. Speaker, I had the chief of the Oklahoma City Fire Department appear before my subcommittee 1 year on the date after the bombing of the Murrah Building in Oklahoma City. Chief Marrs, who is a friend of mine, sat at the table testifying before my subcommittee. I asked him, I said, Chief, are you better off today as a chief of that department than you were 1 year ago when the bombing took place? He said, Congressman, I am no better off today than I was 1 year ago. The problems are just as real.

Let me just review one problem that every department in America is facing today, Mr. Speaker, because it is outrageous. There is no common communication frequency so that fire and EMS personnel can communicate freely, one with the other. In the case of the Murrah Building bombing, Chief Marrs testified that when they arrived on the scene with this huge building having been demolished on one side, there were frantic calls for life safety, for more ambulances, for paramedics, for structural engineers.

Yet, they did not have radios that could communicate between EMS, fire, police, and other agencies being brought in because they were all on different frequencies, so they had to resort to cellular telephones. Chief Marrs testified that those cellular phones quickly became overtaxed, and they finally had to resort to writing messages down on pieces of paper and having fire and EMS personnel carry the message from one officer to another to inform him of an order or of a plan of action.

Here we are in the ending of the 20th century, the beginning of the 21st century, and our fire and EMS leaders have to resort to hand-carrying messages because the communications system they have nationwide is an absolute disaster.

The departments around D.C., many of them are part-time paid and fully volunteer. If they have to get involved in assisting the D.C. Fire Department, which is totally paid, and a very efficient department, I might add, under Chief Tippet, if they have to assist them, they do not have common frequencies so they cannot talk to each other. So here we are talking about incidents involving the life safety of thousands of our citizens all across America, and yet we do not have a common communications system that our fire and EMS personnel can use.

One might ask the question, what role does the Federal government play in that process? As we know, Mr. Speaker, it is the Federal government, through the FCC, that issues the licensing for frequencies to be used by everyone in America. We should follow through and we should provide the support for a common set of frequencies for all fire and EMS personnel nationwide. We should provide support funding on a one-shot basis to allow local departments to come in line with that standard frequency system.

Training: Our fire and EMS personnel are being asked across the country today by the Department of Defense and the Department of Justice to train their men and women, most of whom are volunteers, as to how to respond if they suspect that a chemical or biological agent has been used.

Imagine, Mr. Speaker, not only are we asking these people to protect our towns from the usual disasters, floods, hurricanes, tornadoes, fires, hazmat incidents, accidents. Now we are saying to them at the Federal level, they have another responsibility. They have to be prepared and know what to do if a chemical, biological, or nuclear agent is put forth in our community. So we are trying to train them.

Mr. Speaker, the bulk of our 32,000 departments in America do not have the resources to continue that training beyond the one time that the Department of Justice and Department of Defense comes in and shows them the proper process to use. The bulk of our 32,000 departments in America do not have the dollars to buy a $15,000 specialized turnout suit that can be used in a chemical-bio environment, let alone maintain it. The bulk of the 32,000 departments in America do not have the ability to buy detectors to detect a chemical or a biological agent so they can warn the people to evacuate the area.

What happens when they do not have that equipment? We saw the result of that kind of event in Japan just a few short years ago when a rogue terrorist group dispersed Sarin, and that Sarin gas wiped out the entire group of first responders because they did not have the proper equipment nor the proper training to deal with that situation involving a weapon of mass destruction.

Training is critically important, and resources are critically important. If our local emergency responders do not have this, they are not going to be able to continue to protect our towns.

What can we do, Mr. Speaker? I am not advocating a big-ticket giveaway program. I am not advocating creating a system where the fire and EMS service in this country becomes a part or an arm of the Federal Government. I am advocating that we take some steps to put a short-term infusion of dollars into this group of people nationwide.

There are a number of options. We could, for instance, create a low-interest loan program. Five States already have low-interest loan programs. My State of Pennsylvania has one. In fact, in Pennsylvania, every piece of fire equipment bought by each of our 2,400 volunteer fire companies is financed with a low-interest loan.

Mr. Speaker, in the history of the program we have not had one default, as the Speaker pro tempore well knows because he is from Pennsylvania, and he has been a tireless advocate for the fire service, as I have back in our State. We have not had one default on a loan by a volunteer fire company in purchasing a $500,000 pumper or a $750,000 aerial truck. The fire service is a proud organization. It pays its bills.

But having a national low-interest loan program could provide low-cost money for these small departments to be able to buy the equipment they so desperately need, and also to help our big cities modernize their departments with equipment, as well. We could deal with the communications problem, Mr. Speaker, and provide that one-shot infusion of funds to standardize a national system of communication. We can provide funding for detectors for chemical and biological incidents, and turnout suits for these situations, so that they are properly protected.

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We could create a grant program, a one-shot grant program, that would be available to every fire department in America and every EMS and ambulance service in America, to allow them to upgrade their equipment or make their own choices about what was the top priority in their own community.

Above all, we need to make sure we have a focus on health and safety, because killing 100 fire and EMS personnel in a year in America is unacceptable.

Mr. Speaker, if we had a situation involving our military where 100 military personnel were killed, it would be a national outrage; it would be a national scandal; it would be front page news that 100 men and women were killed in the course of performing their responsibilities as soldiers.

Every year, every year, on average, 100 men and women who serve this country as paid and volunteer fire and EMS personnel are killed. Where is the outrage, Mr. Speaker?

I have had the privilege in October, for 3 or 4 years, over the past 10 years, of traveling to Emmitsburg, Maryland, where we have the National Fallen Fire Fighters Memorial. The times I have been there, we have usually had between 115 and 125 families of fire and EMS personnel who have been killed. Some years it is above 100. Some years it is slightly below 100, but on average it is 100. It is absolutely heartbreaking to see these families of fire fighters and EMS personnel who were killed while protecting their towns.

The gentlewoman from Texas (Ms. JACKSON-LEE) paid tribute to two of them today, two from Houston, a man and a woman who were killed in the past 24 hours. They leave their families behind, their loved ones, a tragic story. It is even more tragic, Mr. Speaker, when they are volunteers, when they do it not as their primary job but as an avocation to protect their town. They raise the money to buy the equipment to pay for the training to serve their town for free. There is no other group of people in America that does that.

This President, in all the grandeur of the State of the Union, in the eight times he has given it, did not mention what he would do for this group of people one time, not one mention.

In fact, in this year's budget, as I started out, Mr. Speaker, he made the ultimate slap in the face of these men and women by cutting the rural volunteer program from a level of $3.25 million or $3.5 million, whatever it is, to $2.5 million, which is absolutely outrageous.

Now, there is some money in the FEMA budget for a program that has not yet been defined. I have been told by one bureaucrat that it is a program that has been favored by one of the assistants at FEMA, Carey Brown, to do education for fire prevention in innercity impoverished areas. Now, that is important but does that really address the needs of the American fire service? I think not.

Mr. Speaker, there has been legislation introduced, which I am a cosponsor of, to provide funding for the fire and EMS personnel in this country. There is one bill that has overwhelming support from both sides of the aisle, in fact over 240 cosponsors, that would authorize a billion dollars for the fire and EMS of this country. I think it is going to be extremely difficult, if not impossible, to get a billion dollars in a year where the balanced budget is such a difficult process to keep on track.

At a minimum, Mr. Speaker, we have to provide some short-term support to allow these men and women to know that we do care about them, that we do want them to continue to volunteer in their towns, and that be they paid or volunteer, we want to provide support for them in the way of communications systems, in the way of health and life safety, in the way of training, in the way of equipment, in the way of proper apparatus. That is the least we can do.

So as Members of Congress come to the floor over the next several months and rail about an extra billion dollars for teachers, more teachers for the classroom, as they come on this floor and rail about billions of dollars for local police because we need to keep the crime rate down, and I support many of those initiatives, I ask my colleagues to step back and think for a moment. Are the men and women who serve this country largely as volunteers and who give 100 of their colleagues every year any less important than teachers or police or even our military? I think not, Mr. Speaker, and I would ask my colleagues, as we go through this session, to work with me in crafting an acceptable bill that is supported by Democrats and Republicans that will lay down a one-time infusion of dollars to help the men and women of the American fire service.

It does not have to be a billion dollars, Mr. Speaker, because to try to pass something that we all know is impossible is only falsely raising the expectations of that 1.2 million group out there who is waiting for us to do something. I think we should start with a reasonable amount. I would be happy if we could come up with a package of $100 million.

There is supposedly a $20 billion item of money that we can use for special priorities this year and yet still keep our budget balanced, because of the way the economy is going. I do not want to take $20 billion. I do not even think we could get a billion; but, Mr. Speaker, it is absolutely essential that this Congress, this year, pass a piece of legislation that shows the real American heroes, America's domestic defenders, America's first responders, that we care about them, that we want them to have the equipment they need; and in the prioritization of things we are not going to forget them, like President Clinton did 2 weeks ago when he gave the State of the Union or like he did last week when he revealed his budget and cut the only program that benefits them by somewhere close to a million dollars.

Mr. Speaker, I ask my colleagues to support me in this effort. I thank all the Members of the fire and EMS caucus, over 340 of them in the House and the Senate, for paying attention.

Now I say, Mr. Speaker, it is time to respond. I would ask our colleagues to join in this response together.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I have spoken over the last couple of weeks during our special orders in the evening a number of times on various health care issues because I do believe that this new session of Congress that began a few weeks ago must focus attention and try to pass legislation that would address three major health care concerns. First and in many ways most important because it has moved the furthest and has the best chance I think of getting passed before the Congress adjourns this coming fall is HMO reform, the need to pass the Patients' Bill of Rights which is the House version of HMO reform that passed this fall that is now in conference with the Senate.

The conferees have been appointed, and we understand that the conference is scheduled to meet at some time towards the end of this month, but I cannot stress enough how important it is to move quickly on the Patients' Bill of Rights. I am going to devote my time this evening to that.

I did want to also mention the two other major health care initiatives that were outlined by the President in his State of the Union address and which are at the top of the Democrats' agenda and the second issue after the Patients' Bill of Rights, after the HMO reform, is the need for a prescription drug package, benefit package, under the auspices of the Medicare program.

Any one of us, any Member of Congress, any of my colleagues, either Democrat or Republican, knows that when they go back home, if they have a town meeting or they stay in their office and they hear from their constituents they will hear over and over again about the problems with seniors who do not have access to prescription drugs, either because Medicare does not provide it as a basic benefit or because they cannot find an HMO or pay privately for a medigap policy or some other kind of insurance that will cover prescription drugs. They do not find either the insurance policy affordable or they do not have enough money to pay for the prescriptions on a daily or weekly basis that they need, and I should mention that tomorrow night during special orders we intend to take up that issue.

The third issue, of course, is access to health insurance for the uninsured. The bottom line is that we now have about 45 million Americans that have no health insurance, and the numbers continue to grow. The President again outlined in his State of the Union address, and as one of the priorities of the Democratic agenda, the fact that we now have articulated a way to try to cover a significant number of those uninsured Americans, first by expanding the CHIPS, the kids' health care initiative, second by enrolling patients of those children who are eligible for the CHIPS, for the kids' care initiative and, third and just as important, addressing the problems of the near elderly, those between 55 and 65 who are not now eligible for Medicare because they are not old enough but who perhaps can buy into Medicare or could buy into Medicare with a little bit of help either through a tax credit or some kind of subsidy from the Federal Government.

I do not think there is any question that all three of these health care initiatives need to be addressed and can be addressed in a bipartisan way in this Congress if we sit down and put our minds to it. So far, the Republicans have not moved on any of these initiatives, any of the three; and I want to concentrate tonight on the Patients' Bill of Rights because I think that has the best chance of getting passed and getting to the President's desk.

I have been basically critical of the Republican leadership in the House because they dragged their feet so long on true HMO reform, and the Patients' Bill of Rights was a piece of legislation that was put together by Democrats but with the help of some Republicans, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Iowa (Mr. GANSKE). These were physicians and health care professionals who worked with the Democrats, a small group of Republicans, in trying to put together the Patients' Bill of Rights.

We had a very hard time getting a hearing, getting anything out of committee, getting it brought up on the floor. The Republican leadership put up all kinds of roadblocks and alternatives, but finally we were able to pass the Patients' Bill of Rights in the House of Representatives.

I would like to outline a little bit of the good points of the Patients' Bill of Rights and why we insist, as Democrats, that this be the bill that finally goes to the President. I say that by way of contrast because on the Senate side, the other body, I should say, the other body has passed a bill that is now in conference with the House version; but the version passed in the other body is far inferior and does not really constitute true HMO reform.

Before I get to the contrast, let me, Mr. Speaker, talk about what is in the House bill in the Patients' Bill of Rights and why it is so important for the average American that this legislation pass pretty much intact.

I think a lot of people are aware of the abuses and excesses within the HMO system. What happens frequently, when I talk to my constituents, is they complain to me about the fact that they need a certain procedure, a certain operation, or they need to stay in the hospital a certain number of days or they need certain kinds of medical equipment and the insurance company says, no, we will not pay for it. We do not think it is necessary.

The problem is that too often that is the case. Something, whether it is an operation or procedure or some kind of service or equipment, that your physician feels is necessary, medically necessary, the insurance company says is not. Well, we know traditionally that the doctors who were sworn to the Hippocratic oath and went to school to learn what is good for you should be, with you, should be making the decisions about what kind of medical care you need. That is why they went to school. That is why they became doctors. They are now hamstrung. They do not have the ability to decide what kind of medical care you get because if the insurance company will not pay for it and you cannot afford it, you are simply out.

So what we really need to do, and I think the two most basic aspects of the Patients' Bill of Rights that are really crucial is, one, the decision about what is medically necessary needs to be taken from the insurance company, from the HMO, and given to the physician and you, the patient, and that decision about what is medically necessary then is once again made by the physician and the patient, not by the insurance company.

The second thing is that if you are denied care, if you are told that this is not medically necessary by the insurance company, then you should have some way to redress that grievance, either by some sort of external review that is not influenced and decided or determined by the insurance company, or ultimately be able to go to court and sue the HMO for your rights or for any damages that are inflicted upon you because you were not able to have the medical procedure that you and your physician deem medically necessary.

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Well, unfortunately, that is not the case right now. Right now, many times the insurance company has an internal appeal procedure but they control the procedure, and they simply say we made the right decision and that individual cannot sue. Because under Federal law, in many, many cases, an employee that works for an employer who is self-insured, which most of the larger ones are, then under Federal law, what we call ERISA, there is a Federal preemption that says an individual cannot bring suit against the HMO, against the insurance company.

Well, the Patient's Bill of Rights reverses all that. Basically it says the decision about what is medically necessary is made by the physician and the patient, not by the insurance company. And in order to enforce that definition about who decides what is medically necessary, there is both an internal review and an external appeal that is devoid of the influence of the insurance company because it is a panel that does not have the insurance company on it. And then, failing that, you have the right to go to sue and for the court to make a determination that that particular operation or procedure should be granted; or, alternatively, if the procedure or operation was denied and someone has suffered, that damages can be obtained from the HMO because they denied what was legally entitled.

Those are the basic tenets of the Patient's Bill of Rights. There are a lot more specific items, which I would like, Mr. Speaker, to basically outline, if I could, for a few minutes this evening. And I am only going to cover the ones that I hear the most about in terms of abuses that come to me from my constituents.

One is with regard to emergency services. In the Patient's Bill of Rights, individuals are assured that if they have an emergency the services will be covered by their insurance plan. The bill says that individuals must have access to emergency care without prior authorization in any situation that a prudent layperson would regard as an emergency.

Now, that sounds a little bureaucratic, but basically it is saying that the insurance company cannot say, if an individual has an emergency and they think it is a legitimate health emergency, that they have to go to a particular hospital which may be much further away than the closest one, or that they have to call the insurance company and get a prior approval before they go to the emergency room.

Some people say how can that be? How can they issue a call for approval if they are having a heart attack? Unfortunately, in many cases, that is the case. And in many cases they will not pay if a patient goes to the emergency room that is a few blocks away, because they say that individual should have gone to one that was 30 miles away. Well, this Patient's Bill of Rights, this bill, says that is not the case.

If the average person would think, for example, that they are having a heart attack, they can go to the nearest emergency room and they do not have to call for prior approval, because it is a true emergency and there is no time for it.

The second major area in terms of access to care under the Patient's Bill of Rights is specialty care. Patients with special conditions must have access to providers who have the requisite expertise to treat their problem. The bill allows for referrals, for enrollees to go out of the plan's network for specialty care at no extra cost if there is no appropriate provider in the network for covered services.

So what it says is, if the HMO does not have a particular person who can handle that specialty care, and I will give an example, the HMO may have a number of pediatricians but they do not have a pediatrician who specializes in heart problems or one who specializes in kidney problems or whatever, then that individual would be able to go outside the plan's network and get a doctor who has that particular ability and there would be no extra charge to them.

In addition, for individuals who are seriously ill or require continued care by a specialist, plans must have a process for selecting a specialist as a gatekeeper for their condition to access necessary specialty care without impediments. This is a situation where the HMO says an individual can go to a cardiologist, but every time they go, or maybe every other time, they have to get another referral from the primary care physician. Well, if this is a chronic illness where that individual needs the cardiologist on a regular basis, the cardiologist should be the person the patient sees regularly without having to go to their primary care physician for approval every time.

That is very important for a lot of people. Because what happens is the primary care physician becomes the gatekeeper. And if he is under pressure, he or she is under pressure not to allow too many visits to the specialist, then that patient may not have access even though they have a chronic illness to the cardiologist, for example, on a regular basis.

The Patient's Bill of Rights provides direct access to OB-GYN care and services for women. It ensures that the specialties of children are met, including access to pediatric specialists and the ability for children to have a pediatrician as their primary care provider. I could go on and list a number of other things that are provided and guaranteed as patient protections under the Patient's Bill of Rights, but I think I have covered enough of some of the major areas that people complain to me about where abuses exist.

I do want to talk a little bit about information, though, because many people complain to me and say that their HMO, when they sign up, does not provide adequate disclosure of what benefits are provided and what is essentially in the insurance plan. That is a major problem because many times seniors sign up for HMOs and they do not necessarily know what they are getting into. They do not know the limits of it.

We have in the Patient's Bill of Rights protections with regard to health plan information that says informed decisions about health care options can only be made by consumers who have access to information about their health plans and, therefore, we require managed care plans to provide important information so that consumers understand their health plan's policies, procedures, benefits, and other requirements.

Now, that is a kind of a general broad statement, but I will give an example. In my home State of New Jersey, Mr. Speaker, there have been a number of situations over the last 6 months where HMOs have decided to drop seniors in a given area or for a given reason, and a lot of the seniors do not understand that that can happen. So that is the type of information that they certainly should have.

I talked about the external appeals process; that individuals would have access to an external independent body with the capability and authority to resolve disputes for cases involving medical judgment. If a plan refuses to comply with the external reviewer's determination, the patient may go to Federal Court to enforce a decision about what is medically necessary. We have already discussed that.

There are also a number of protections with regard to the doctor-patient relationship. Many of my constituents are surprised to learn that we have gag rulings with a lot of the HMOs today. In other words, if the HMO, or the insurer, figures that a particular operation or procedure is not going to be paid for, is not going to be covered, they will simply tell the physician that the physician cannot talk about that procedure because it is not covered.

Well, it is bad enough if the doctor tells his patient that they need a particular operation and then the patient finds out the insurance company will not cover it. But imagine that the doctor cannot tell his or her patient about an operation, even though he or she feels that that patient needs it, because the HMO contract says he cannot talk about it if it is not covered. Well, that is in fact a reality for many Americans today with some of the HMOs. That is totally wrong. It violates every notion of freedom of information and free speech. I suppose it is questionable whether it is even constitutional.

But we, in the Patient's Bill of Rights, specifically say that we prohibit plans from gagging doctors and from retaliating against physicians who advocate on behalf of their patients. We also prevent plans from providing inappropriate incentives to providers, to physicians, to limit medically necessary services. So, in other words, there cannot be any financial incentive, which is often the case to a physician if he cuts back on services or does not provide for a number of services and keeps costs down for the HMO, for the insurance company, in that way.

There are a lot of other protections in the Patient's Bill of Rights, and I do not want to go through every one of them, but, Mr. Speaker, I do want to make the point that this is a very strong bill. And this problem is a problem, the abuses within HMOs, that Americans and all our constituents face. These abuses need some very strong medicine to make sure that they do not occur any more on a regular basis. That is why the Patient's Bill of Rights is a strong bill, and that is why Democrats, myself and other Democrats, keep insisting that it be the bill that comes back to the House from the Senate and goes to the President's desk. Because if we do not have good patient protections and strong patient protections then we will not accomplish anything in terms of this debate on the HMO reform.

Now, I wanted to, if I could, just make some comparisons with the version of HMO reform that came from the other body, from the Senate, and is now in conference with the House Patient's Bill of Rights that I just described. The point I want to make here is that if the conferees, when they meet, were to accede to a version that is more like the Senate bill as opposed to the House Patient's Bill of Rights, we would have accomplished nothing, in my opinion, on this issue, and no reform that is meaningful would take place in this session of Congress.

I will give some examples of how the Senate Republican bill differs from the House Patient's Bill of Rights. The Senate bill leaves more than 100 million Americans uncovered, because most substantive provisions or protections in the bill apply only to individuals enrolled in private employment-based self-funded plans.

Now, this is what I talked about before where most of the larger employers, and even some smaller employers but certainly most of the larger employers, they have their own insurance fund. They are self-insured. Well, about 100 million Americans, the majority of Americans, do not fall into that category. What the Republican bill says is that the bill applies only to individuals who are enrolled in those self-funded plans. So most Americans would not even be covered by the patient protections because they are not in those self-insured plans that the Senate bill covers.

Just an idea. There was a study done by Health Affairs, which is a publication, that found that only 2 percent of employers offer HMOs that would be covered by the standards in the Senate bill and only 9 percent of employees are in such HMOs. Self-funded coverage is typically offered only by large companies. Of the 161 million privately insured Americans, only 48 million are enrolled in such plans. Of those 48 million only a small number, at most 10 percent, are in HMOs.

So that is an interesting statistic. Because what it says is that of all the Americans out there who are covered by health insurance, only 48 million are in these self-insured plans that are covered by the Senate bill. But even of those 48 million, about 10 percent are in HMOs because most of the people who are in those plans are not in HMOs. They are probably in some kind of traditional insurance policy on a pay-as-you-go basis as opposed to an HMO.

The Senate bill does not allow designation of an OB–GYN, or obstetrician gynecologist, as a primary care physician. With regard to the specialty care that we talked about, it provides no ability to go outside the HMO network at no extra cost if the HMO's network is inadequate. So what I said before, about the House version of the Patient's Bill of Rights, it says that an individual can get a specialist outside the network at no extra cost if they do not provide it in the network. We do not have that language in the Senate bill.

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It allows the HMO to write contracts rendering the protection meaningless, e.g., specialty care is covered only when authorized by a gatekeeper. There are all kinds of gimmicks, if you will, in the Senate bill that basically make it difficult to really apply any of the patient protections in a significant way.

I just wanted to mention a couple more things, just by way of contrast. With regard to continuity of care for patients, in other words, when a doctor is dropped from a network or an employer changes insurance plan, in the Senate bill it leaves out protection for all Americans who are not terminally ill, pregnant, or hospitalized. It provides only 90 days of continued care for terminally ill or hospitalized patients, forcing them to change doctors or hospitals even if they live longer or have not been discharged from the facility.

Most important, though, and I think this really gets to the heart of the debate, in the Senate bill, and this goes back to what I said before, Mr. Speaker, the key really to this HMO reform is who is going to define what is medically necessary and how are they going to enforce their rights if they have been denied care that they and their physician think is medically necessary.

Well, in the Senate bill, in the Senate Republican bill, the HMO continues to define what is medically necessary. No matter how narrow or unfair to patients the HMO's definition is, their definition controls in any coverage decision, including decisions by the independent third-party reviewer.

So what that says is that, if my physician and I feel that I need a particular operation and the HMO denies it, even if I go to an outside reviewer, they are only reviewing the HMO's definition of what is medically necessary; they cannot go beyond that definition. So if the HMO defines what is medically necessary in a way that would preclude that particular operation procedure, it does not matter whether they go to an outside panel or if they go to court, or whatever, because the bottom line is the HMO is going to decide what is medically necessary.

I could go on and on and talk about so many other things in the Senate bill. It does not ensure doctors can talk about the HMO's financial incentives or its processes. It does not prohibit the gag clauses that I talked about before. In terms of information that is provided to patients when they sign up for their HMO, it is very limited in the Senate version.

And so, again, the point that I am trying to make is that we can hear my colleagues on the other side of the aisle talk all they want about how they want to pass good HMO reform, but the only way that is going to happen is if this conference comes up with a bill that is very much like the House passed Patients' Bill of Rights. Without that, if the bill comes out similar to the Senate version, in effect, the Congress would have failed in its responsibility to enact true HMO reform.

The one other thing that I wanted to mention in the context of the Patients' Bill of Rights and HMO reform, the Republican leadership in the House, when they passed the Patients' Bill of Rights, attached to it a number of provisions which I call poison pills. These are provisions that really have nothing to do with patient protections but which the Republican leadership claim also address some of the access problems for the uninsured.

We do not have a consensus in the House or in the Senate at this point on how to deal with the problem of the uninsured. Obviously, as I mentioned before, the Democrats and myself feel very strongly that is what is needed is a major effort through legislation both monetary as well as a change in policy that would allow children, the parents of children who are not covered, and the near elderly, at a minimum those groups, to be insured.

The President has talked about, as I mentioned before, a major new initiative that expands the kids' health insurance to sign up more kids, to sign up the parents of those kids that were uninsured and to make it possible for people who are 55 or 65 to buy into Medicare or to even have a subsidy or a tax credit so they could afford to do so.

What the Republicans have done with the Patients' Bill of Rights, they have attached provisions which they claim are going to address the problems of the uninsured but do not effectively do so. They have attached provisions that would expand MSA, medical savings accounts.

Medical savings accounts are a device whereby, under Medicare, for example, rather than buy an HMO or traditional fee-for-service policy, they could buy a policy whereby they get a lump sum; and if they do not use a certain amount of their care over the course of the year, that money is paid back to them in a check that they can use to go on a vacation or to buy a car, whatever they want to do.

Basically what it does is to create a situation where they are kind of gambling with their health, if you will. They assume that they will not have certain expenses; and they, basically, establish a threshold, if you will, for the level of care that if they do not meet they pay out of pocket up to that certain threshold. And it has not worked.

I mean, basically, very few Americans have signed up for medical savings accounts. And the whole idea is, essentially, something that very few seniors or anybody is responding to. But the Republican leadership says, oh, this is a great idea. This is a great way of expanding health insurance. Well, I do not see how it accomplishes that at all.

They also have HealthMarts and they have other devices that supposedly are going to make it possible for more people to have health insurance but, in fact, do not accomplish that at all.

What I see happening here, without getting into the details of it, is, rather than addressing the Patients' Bill of Rights and trying to come to a consensus on the HMO reform that the majority of the people in the majority of this Congress have supported, they now are trying to muck up this whole issue by talking about these access issues for which there is no consensus and which will simply delay any action on the Patients' Bill of Rights and on HMO reform in this Congress.

And so, what I have said to my colleagues, and I will say again, Mr. Speaker, is let us pass a good Patients' Bill of Rights; let us deal with the HMO reform issue, which is now ripe, which overwhelmingly the people and the Members of Congress have voted for in this House and support; let us go with the House version; let us send this to the President, because he says that he will sign it; and let us make this the first priority to show that that Congress can accomplish something that is important to the American people on a bipartisan basis.

I know that I, as a Democrat, and my colleagues on the Democratic side, including those of us who are conferees, will continue to insist on that, insist that the conference meets, that we come up with a strong Patients' Bill of Rights similar to the House version, and that we get it to the President so that we can have a great accomplishment and a great victory for the American people. And we will be back here many times in the evening demanding that that happen. Because the Republicans are in the majority and they control the process, and it is up to them to make sure that this happens, with bipartisan support from the Democrats.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DeFazio (at the request of Mr. Gephardt) for today and the balance of the week on account of illness.

Mr. Stupak (at the request of Mr. Gephardt) for today on account of medical reasons.

Mr. Rush (at the request of Mr. Gephardt) for today on account of official business.

Ms. Carson (at the request of Mr. Gephardt) for today on account of official business.

Mr. Baird (at the request of Mr. Gephardt) for today on account of an unavoidable family matter.

Mrs. Capps (at the request of Mr. Gephardt) for today on account of a death in the family.

Mr. Schaffer (at the request of Mr. Armey) for today on account of official business.

Mr. Saxton (at the request of Mr. Armey) for today on account of illness in the family.

Mr. Callahan (at the request of Mr. Armey) for today and the balance of the week on account of a death in the family.

Mr. Kasich (at the request of Mr. Armey) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. Jackson-Lee of Texas) to revise and extend their remarks and include extraneous material:)

Mr. Bishop, for 5 minutes, today.

Mr. Barcia, for 5 minutes, today.

(The following Members (at the request of Mr. Metcalf) to revise and extend their remarks and include extraneous material:)

Mr. Gutknecht, for 5 minutes, today.

Mr. Wolf, for 5 minutes, today.

Mr. Weller, for 5 minutes, February 16.

Mr. Hutchinson, for 5 minutes, today.

Ms. Ros-Lehtinen, for 5 minutes, today.

Mrs. Morella, for 5 minutes, February 15.

Mr. Hansen, for 5 minutes, February 15.

Mr. McInnis, for 5 minutes, February 15.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 764. An act to reduce the incidence of child abuse and neglect, and for other purposes.

H.R. 1451. An act to establish the Abraham Lincoln Bicentennial Commission.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 632. An act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until Tuesday, February 15, 2000, at 9:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6150. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Horses From Qatar; Change in Disease Status [Docket No. 97–131–3] received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6151. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Mepiquat Chloride; Pesticide Tolerance [FRL–6485–4] received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6152. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Maneb; Extension of Tolerance for Emergency Exemptions [OPP–300954; FRL–6394–9] (RIN: 2070–AB78) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6153. A communication from the President of the United States, transmitting the request and availability of appropriations for the Department of Health and Human Services' Low Income Energy Assistance Program; (H. Doc. No. 106–196); to the Committee on Appropriations and ordered to be printed.

6154. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Standard Flood Insurance Policy (RIN: 3067–AD05) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6155. A letter from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting the Department's final rule—Password Generation, Protection and Use [DOE N 205.3] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6156. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–1457] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6157. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland, Post-1996 Rate of Progress Plan for Cecil County and Revisions to the 1990 Base Year Emissions Inventory [MD059–3049a; FRL–6530–8] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6158. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; 15 Percent Rate of Progress Plan for the Baltimore Ozone Nonattainment Area [MD082–3048a; FRL–6531–1] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6159. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Allocation of Essential Use for Callendar Year 2000: Allocation for Metered-Dose Inhalers and the Space Shuttle and Titan Rockets [FRL–6519–3] (RIN: 2060–AI73) received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6160. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Revision to Rule Governing Monitoring of Source Emissions [TN–195–9947(a), TN–188–9959(a); FRL–6519–4] received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6161. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [085–1085b; FRL–6517–9] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6162. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Part 70 Operating Program; State of Missouri [MO 091–1091; FRL–6519–9] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6163. A letter from the Director, Office of Regulatory Managment and Information, Environmental Protection Agency, transmitting the Agency's final rule—Alaska: Tentative Determination and Final Determination of Full Program Adequacy of the State of Alaska's Municipal Solid Waste Landfill Permit Program [FRL–6518–1] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6164. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mishicot, Wisconsin and Gulliver, Michigan) [MM Docket No. 99–145 RM–9336] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6165. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Bay Springs, Ellisville, and Sandersville, Mississippi) [MM Docket No. 99–74 RM–9367, RM–9715) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6166. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–246, "Federal Law Enforcement Officer Cooperation Act of 1999" received February 14, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6167. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–255, "Al Arrighi Way Designation Act of 1999" received February 14, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6168. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–257, "Dennis Dolinger Memorial Park Designation Act of 1999" received February 14, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6169. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–243, "Motor Vehicle Parking Regulation Amendment Act of 1999" received February 14, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6170. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–248, "Sex Offender Registration Act of 1999" received February 14, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6171. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–251, "Mandatory Autopsy for Deceased Wards of the District of Columbia and Mandatory Unusual Incident Report Temporary Act of 1999" received February 14, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6172. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–249, "Lateral Appointment of Law Enforcement Officers Clarifying Temporary Amendment Act of 1999" received February 14, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6173. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–244, "Office of Cable Television and Telecommunications Amendment Act of 1999" received February 14, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6174. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions and Deletions—received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6175. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Update of Documents Incorporated by Reference (RIN: 1010–AC55) received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6176. A letter from the Acting Assistant for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule— Migratory Bird Hunting; Regulations Designed to Reduce the Mid-Continent Light Goose Population (RIN: 1018–AF85) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6177. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN–146–FOR; State Program Amendment No. 98–3] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6178. A letter from the Deputy Assistant Administrator, Office of Sustainable Fisheries, Domestic Fisheries Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Northeast Multispecies Fishery; Amendment 9 to the Northeast Multispecies Fishery Management Plan [Docket No. 990226056–9213–02; I.D. 122498C] (RIN: 0648–AL31) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6179. A letter from the Assistant Administrator for Fisheries, Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries; Pacific Tuna Fisheries; Haryest Quotas [Docket No. 991207319–9319–01; I.D. 111099B] (RIN: 0648–AN04) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6180. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Fountain Power Boats Offshore Race, Pamilco River, Washington, North Carolina [CGD 05–99–AE46] (RIN: 2115–AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6181. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; "The Cradle of Invasion" Amphibious Landing Reenactment, Patuxent River, Solomons, Maryland [CGD 05–99–067] (RIN: 2115–AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6182. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Thunder on the Narrows Hydroplane Races, Prospect Bay, Kent Narrows, Maryland [CGD 05-99-066] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6183. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Virginia is for Lovers Cup Unlimited Hydroplane Races, Willoughby Bay, Norfolk, Virginia [CGD 05-99-065] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6184. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Chesapeake Challenge, Patapsco River, Baltimore, Maryland [CGD 05-99-064] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6185. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Mears Point Marina and Rd Eyes Dock Bar Fireworks Display, Chester River, Kent Narrows, Maryland [CGD 05-99-059] (RIN: 2115-AE46) received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6186. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance on Awarding Section 319 Grants to Indian Tribes FY 2000—received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6187. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines Establishing Test Procedures for the Analysis of Pollutants; Available Cyanide in Water [FRL-6478-1] (RIN: 2040-AC76) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6188. A letter from the Director, Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice—Revision of Decisions on Grounds of Clear and Unmistakeable Error; Clarification (RIN: 2900-AJ98) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6189. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2000-2] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6190. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99-61] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6191. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Passthrough of Items of an S Corporation to its Shareholders [TD 8852] (RIN: 1545-AT52) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6192. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting [Rev. Proc. 2000-11] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6193. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General Revision of Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Related Collection, Refunds, and Credits; Revision of Information Reporting and Backup Withholding Regulations; and Removal of Regulations Under Parts 1 and 35a and of Certain Regulations Under Income Tax Treaties [TD 8856] (RIN: 1545-AX44) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6194. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Return Requirement for United States Persons Acquiring or Disposing of an Interest in a Foreign Partnership, or Whose Proportional Interest in a Foreign Partnership Changes [TD 8851] (RIN: 1545-AK75) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6195. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Separate Share Rules Applicable to Estate [TD 8849] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6196. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Announcement and Request for Comments on Certain Plans of State and Local Government Employers under Section 457 [Announcement 2000-1] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 758. A bill for the relief of Nancy B. Wilson (Rept. 106-497). Referred to the Private Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Commerce discharged. H.R. 2366 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANDREWS (for himself and Mrs. KELLY):

H.R. 3647. A bill to facilitate transfers between interest-bearing accounts and transactions accounts at depository institutions for small businesses; to the Committee on Banking and Financial Services.

By Mr. ANDREWS (for himself and Mr. HOEFFEL):

H.R. 3648. A bill to amend the Internal Revenue Code of 1986 to allow credits against income tax for an owner of a radio broadcasting station which donates the license and other assets of such station to a nonprofit corporation for purposes of supporting nonprofit fine arts and performing arts organizations, and for other purposes; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. FROST, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. KENNEDY of Rhode Island, Ms. PELOSI, Mr. BLAGOJEVICH, Mr. GONZALEZ, Mr. BENTSEN, Ms. LEE, Mr. MEEKS of New York, Mr. RUSH, Mr. FILNER, Mr. DINGELL, Mr. CUMMINGS, and Ms. MCKINNEY):

H.R. 3649. A bill to provide for an interim census of Americans residing abroad, and to require that such individuals be included in the 2010 decennial census; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. CROWLEY, Mr. DELAHUNT, Mr. LANTOS, Mr. BECERRA, Mr. MCDERMOTT, Mr. HINCHEY, Mr. CAPUANO, Mr. WAXMAN, and Mr. TOWNS):

H.R. 3650. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota:

H.R. 3651. A bill to amend title 38, United States Code, to provide a presumption of service connection for certain specified diseases and disabilities in the case of veterans who were exposed during military service to carbon tetrachloride; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey:

H.R. 3652. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to direct the Secretary of the Army to prohibit ocean dumping at the Historic Area Remediation Site, located east of Sandy Hook, New Jersey, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BERRY:

H.R. 3653. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide emergency loans to poultry producers to rebuild chicken houses destroyed by disasters; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MCHUGH introduced a bill (H.R. 3654) for the relief of Andrija Laslo; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 61: Mr. RANGEL, Mr. PHELPS, and Mr. DOYLE.

H.R. 225: Mrs. McCarthy of New York.

H.R. 568: Mr. Smith of New Jersey.

H.R. 750: Mr. English.

H.R. 792: Mr. Gibbons.

H.R. 840: Mr. Stark.

H.R. 1046: Mr. Pomeroy.

H.R. 1055: Ms. Danner.

H.R. 1068: Mr. Canady of Florida, Mr. Mascara, and Mrs. Emerson.

H.R. 1071: Mr. Neal of Massachusetts.

H.R. 1111: Mr. Franks of New Jersey and Mr. Horn.

H.R. 1298: Mr. McGovern.

H.R. 1304: Mrs. Wilson.

H.R. 1367: Mr. Upton.

H.R. 1413: Mr. Horn and Mr. Pickett.

H.R. 1491: Ms. DeLauro.

H.R. 1525: Mr. Wexler.

H.R. 1531: Mr. Sherman.

H.R. 1592: Ms. Millender-McDonald and Mr. Paul.

H.R. 1622: Mr. Gutierrez.

H.R. 1824: Mr. Clement and Mr. Baker.

H.R. 1839: Mr. Boehlert, Mrs. Johnson of Connecticut, and Mr. Weygand.

H.R. 1870: Ms. Carson, Mr. Shimkus, and Mr. Ney.

H.R. 1926: Mr. Upton.

H.R. 1996: Mr. Capuano.

H.R. 2000: Mr. Horn.

H.R. 2086: Mr. DeFazio.

H.R. 2119: Mr. McNulty.

H.R. 2288: Mr. Armey.

H.R. 2298: Ms. Carson and Mr. Conyers.

H.R. 2340: Mr. Thompson of California, Mr. Doyle, Mr. Coyne, and Mr. Moran of Kansas.

H.R. 2366: Mr. Goodlatte.

H.R. 2382: Mr. Traficant, Mr. Latham, and Mr. Armey.

H.R. 2446: Mr. Price of North Carolina.

H.R. 2543: Mr. Foley.

H.R. 2662: Mr. Upton.

H.R. 2697: Mr. Pallone.

H.R. 2720: Mr. Knollenberg.

H.R. 2741: Mr. Pascrell.

H.R. 2840: Mr. Gutierrez.

H.R. 2892: Mr. Deutsch and Mr. Baldacci.

H.R. 2906: Mr. Camp and Mr. Upton.

H.R. 2966: Mr. Horn, Mr. Moakley, Mr. McNulty, and Mr. Dingell.

H.R. 2987: Mr. Simpson.

H.R. 3174: Mr. Nussle.

H.R. 3192: Mr. Delahunt, Mr. Price of North Carolina, Mr. Coyne, Mr. Klink, Mrs. Napolitano, and Mr. Barcia.

H.R. 3193: Mr. Brown of Ohio.

H.R. 3195: Ms. Dunn, Mr. Baird, Mr. Greenwood, Mr. Kuykendall, and Ms. Baldwin.

H.R. 3201: Mr. Clyburn.

H.R. 3224: Ms. Carson and Mr. Baldacci.

H.R. 3413: Mr. Scott, Mrs. McCarthy of New York, Ms. Sanchez, Mr. Kennedy of Rhode Island, Mr. McGovern, Ms. Kilpatrick, Mr. Brown of Ohio, Mrs. Christensen, and Mr. Stupak.

H.R. 3495: Mr. Tancredo.

H.R. 3514: Mr. DeFazio, Mr. Pallone, and Mr. Udall of New Mexico.

H.R. 3518: Mr. Armey.

H.R. 3519: Mr. Hall of Ohio, Mr. Gonzalez, and Ms. DeLauro.

H.R. 3540: Mr. Allen, Mr. McNulty, Ms. Carson, Mr. LaHood, Mr. Blumenauer, Mr. Weygand, and Mr. English.

H.R. 3543: Mr. Kennedy of Rhode Island. Mr. Pascrell, Mr. Rothman, and Mr. Ney.

H.R. 3544: Mrs. Bono, Mr. Tiahrt, and Mr. McNulty.

H.R. 3545: Mr. Abercrombie, Mr. Frank of Massachusetts, Ms. McKinney, Mr. George Miller of California, Mr. Owens, Ms. Sanchez, Mr. Stark, Mr. Thompson of California, and Mr. Weygand.

H.R. 3557: Mr. Maloney of Connecticut, Ms. Carson, and Mrs. Northup.

H.R. 3573: Mr. Baldacci, Mr. Bilirakis, Mr. Brady of Pennsylvania, Mr. Camp, Ms. Danner, Mr. Dickey, Mr. Dingell, Mr. Gibbons, Mr. Graham, Ms. Granger, Ms. Hooley of Oregon, Mr. Horn, Mr. Isakson, Mr. Kind, Mr. Moakley, Mr. Moran of Virginia; Mr. Smith of New Jersey, and Mr. Weldon of Florida.

H.R. 3575: Mr. Franks of New Jersey.

H.R. 3582: Mr. Ose, Mr. Moran of Virginia, and Mr. Cunningham.

H.R. 3594: Mr. Ney, Mr. Hulshof, Mr. Taylor of North Carolina, Mr. Sandlin, and Mr. Thomas.

H.R. 3608: Mr. LaTourette, Mr. Payne, Mr. Meehan, Mr. Lazio, Mr. Neal of Massachusetts, Mr. Forbes, Mr. Murtha, Mr. Olver, Mr. Rangel, Mr. Moakley, Mr. Hinchey, Mr. Engel, Mr. Weiner, Mr. Brady of Pennsylvania, Mr. Ney, Mr. Owens, Mr. Lipinski, Mr. Tierney, Mr. Greenwood, Mr. LoBiondo, and Mr. Conyers.

H.R. 3616: Mr. Costello.

H.R. 3634: Ms. Roybal-Allard, Mr. Hinchey, and Mr. Baldacci.

H.R. 3639: Ms. McCarthy of Missouri.

H.J. Res. 86: Mr. Faleomavaega.

H. Con. Res. 76: Mr. Gordon, Mr. Burton of Indiana, and Mr. Tanner.

H. Con. Res. 115: Mrs. Morella and Mr. Holt.

H. Con. Res. 119: Ms. Carson, Mr. Boehlert, and Mr. Abercrombie.

H. Con. Res. 226: Mr. Brown of Ohio and Mr. Condit.

H. Con. Res. 238: Mr. Brown of Ohio, Mr. Kucinich, Mr. Waxman, and Ms. DeGette.

H. Con. Res. 247: Mr. Doyle, Mr. McCollum, Mr. DeMint, Mr. Gibbons, Mr. Cummings, Mr. Crane, Mrs. Morella, Mr. Gonzalez, and Mr. Bartlett of Maryland.

H. Res. 298: Mr. Smith of New Jersey.

H. Res. 347: Ms. Lofgren, Mr. Lampson, and Mr. Doyle.

H. Res. 417: Mr. Smith of New Jersey, Mr. Porter, and Mr. McGovern.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2086

Offered By: Mr. Andrews

Amendment No. 6: Page 8, line 22, insert "optical technology specifically for use in storing, carrying, disseminating, and securing information;" after "and scalability;".

H.R. 2086

Offered By: Mr. Andrews

Amendment No. 2: Page 8, line 22, insert "the quality and accessibility of healthcare via telemedicine;" after "and scalability;".

H.R. 2086

Offered By: Mr. Andrews

Amendment No. 8: Page 8, line 22, insert "and including research by the Laboratory for Telecommunication Science into national Internet prevention of and recovery from denial of service attacks" after "including privacy".

H.R. 2086

Offered By Mr. Capuano

Amendmenent No. 9: Page 8, after line 5, insert the following new subsection:

(g) Authorization of Appropriations.—

(1) National science foundation.—Notwithstanding the amendment made by subsection (a)(3) of this section, the total amount authorized for the National Science Foundation under section 201(b) of the High-Performance Computing Act of 1991 shall be $580,000,000 for fiscal year 2000; $699,300,000 for fiscal year 2001; $728,150,000 for fiscal year 2002; $801,550,000 for fiscal year 2003; and $838,500,000 for fiscal year 2004.

(2) Department of energy.—Notwithstanding the amendment made by subsection (c)(2) of this section, the total amount authorized for the Department of Energy under section 203(e)(1) of the High-Performance Computing Act of 1991 shall be $60,000,000 for fiscal year 2000; $54,300,000 for fiscal year 2001; $56,150,000 for fiscal year 2002; $65,550,000 for fiscal year 2003; and $67,500,000 for fiscal year 2004.

H.R. 2086

Offered By: Mr. Hall of Texas

Amendment No. 10: Page 5, lines 12 through 15, strike "$439,000,000" and all that follows through "$571,300,000" and insert "$520,000,000 for fiscal year 2000; $645,000,000 for fiscal year 2001; $672,000,000 for fiscal year 2002; $736,000,000 for fiscal year 2003; and $771,000,000".

Page 6, lines 14 through 17, strike "$106,600,000" and all that follows through "$129,400,000" and insert "$120,000,000 for fiscal year 2000; $108,600,000 for fiscal year 2001; $112,300,000 for fiscal year 2002; $131,100,000 for fiscal year 2003; and $135,000,000".

Page 8, lines 14 through 17, strike "$310,000,000" and all that follows through "$415,000,000" and insert "$350,000,000 for fiscal year 2000; $421,000,000 for fiscal year 2001; $442,000,000 for fiscal year 2002; $486,000,000 for fiscal year 2003; and $515,000,000".

Page 9, line 1, strike "20" and insert "25".

Page 9, line 4, strike "30" and insert "35".

Page 9, lines 6 through 8, strike "2000: $40,000,000" and all that follows through "$50,000,000" and insert "2000: $45,000,000 for fiscal year 2001: $50,000,000 for fiscal year 2002; $55,000,000 for fiscal year 2003; and $60,000,000".

H.R. 2086

Offered By: Mr. Hoeffel

Amendment No. 11: Page 2, line 13, insert "It is important that access to information technology be available to all citizens, including elderly Americans and Americans with disabilities." after "responsible and accessible.".

At the end of the bill, insert the following new section:

SEC. 9. STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY.

Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524), as amended by sections 3(a) and 4(a) of this Act, is amended further by inserting after subsection (g) the following new subsection:

"(h) Study of Accessibility to Information Technology.—

"(1) Study.—Not later than 90 days after the date of enactment of the Networking and Information Technology Research and Development Act, the Director of the National Science Foundation, in consultation with the National Institute on Disability and Rehabilitation Research, shall enter into an arrangement with the National Research Council of the National Academy of Sciences for that Council to conduct a study of accessibility to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(2) Subjects.—The study shall address—

"(A) current barriers to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities;

"(B) research and development needed to remove those barriers;

"(C) Federal legislative, policy, or regulatory changes needed to remove those barriers; and

"(D) other matters that the National Research Council determines to be relevant to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(3) TRANSMITTAL TO CONGRESS.—The Director of the National Science Foundation shall transmit to the Congress within 2 years of the date of enactment of the Networking and Information Technology Research and Development Act a report setting forth the findings, conclusions, and recommendations of the National Research Council.

"(4) FEDERAL AGENCY COOPERATION.—Federal agencies shall cooperate fully with the National Research Council in its activities in carrying out the study under this subsection.

"(5) AVAILABILITY OF FUNDS.—Funding for the study described in this subsection shall be available, in the amount of $700,000, from amounts described in subsection (c)(1).".

H.R. 2086

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 12: Page 21, after line 7, insert the following new section:

SEC. 9. COMPTROLLER GENERAL STUDY.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Congress a report on the results of a detailed study analyzing the effects of this Act, and the amendments made by this Act, on lower income families, minorities, and women.

H.R. 2086

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 13: Page 21, after line 7, insert the following new section:

SEC. 9. NATIONAL SCIENCE FOUNDATION STUDY.

Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5521), as amended by this Act, is further amended by adding at the end the following new subsection:

"(h) STUDY.—Not later than 1 year after the date of the enactment of the Networking and Information Technology Research and Development Act, the Director of the National Science Foundation shall transmit to the Congress a report on the results of a study analyzing the economic and educational benefits conferred on lower income families, minorities, and women by Federal programs providing access to the Internet.".

H.R. 2086

OFFERED BY: MRS. MORELLA

AMENDMENT NO. 14: Page 8, after line 5, insert the following new subsection:

(g) NATIONAL INSTITUTES OF HEALTH.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended by inserting after section 205 the following new section:

"SEC. 205A. NATIONAL INSTITUTES OF HEALTH ACTIVITIES.

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Institutes of Health shall conduct research directed toward the advancement and dissemination of computational techniques and software tools in support of its mission of biomedical and behavioral research.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services for the purposes of the Program $223,000,000 for fiscal year 2000, $233,000,000 for fiscal year 2001, $242,000,000 for fiscal year 2002, $250,000,000 for fiscal year 2003, and $250,000,000 for fiscal year 2004.".

EXTENSIONS OF REMARKS

CHILD HEART AWARENESS DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mrs. MORELLA. Mr. Speaker, I come before you today to proclaim that today, February 14, 2000, is "Child Heart Awareness Day." More than 32,000 American babies are born each year with cardiovascular defects, which translates to 1 out of every 115 to 150 births. To put these numbers in perspective, 1 in every 800–1,000 babies is born with Downs Syndrome. Congenital heart defects make up 42 percent of all birth defects, making Congenital Heart Disease the most common birth defect. The American Heart Association estimates that there are approximately 1 million people living with heart defects in the United States today.

Today, I join all children and their families who are affected by congenital heart defects, in focusing public attention on this disease as we look toward the future in finding a cure. Prior to 1960, most children with heart defects died within the first year of life. In the subsequent decades of the 60's, 70's, and 80's, research produced by skilled surgeons and cardiologists led to a variety of different interventions, which allowed the vast majority of infants with heart defects to survive. However, these medical procedures place an enormous burden on the families of children born with congenital heart defects. In addition, many of these children who survive infancy still face a life of dependency on medications, medical procedures and open-heart surgeries.

I recently introduced legislation to lessen the impact of these huge medical bills on American families. H.R. 3325, the "Melissa Froelich Medicaid Congenital Heart Defect Waiver Act of 1999," would permit a State waiver authority to provide medical assistance in cases of congenital heart defects. I introduced this important legislation after learning of the plight of four-year-old Melissa Froelich, who has undergone multiple surgeries and procedures, including four reconstructive heart surgeries, since her birth in 1996.

As we continue to look for ways to cure this birth defect, I hope that the increased public attention on this widespread problem will help begin to ease some of the burdens families of children with congenital heart defects face.

HONORING BOB YOUNG, GLENWOOD SPRINGS CITIZEN OF THE YEAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the Glenwood Springs, Colorado Citizen of the Year. Mr. Bob Young is an inspiration to many and a man who contributes much to his community.

Bob, founder of Alpine Banks, has adopted policies of doing right by his employees and giving back to the community. This, he says, is the bottom line. Bob's policies have won many awards for himself and for his banks, including Business of the Year in Grand Junction, Colorado. Bob has always been ready and willing to give whatever it took to contribute to his community. His charity has had a ripple effect throughout the Western Slope.

Bob has been dedicated to setting up training programs that ultimately employ area young people. When the economy was struggling, Bob did whatever he could to make sure that the citizens could remain valuable members of the community. If it had not been for Bob, many of these people would have been forced to move from the Western Slope. Bob has definitely been a great advocate for the community and is well-deserving of this award.

It is with this, Mr. Speaker, that I would like to offer this tribute to one of the leading businessmen in Colorado and a close personal friend, Bob Young. He is a great citizen who is dedicated to making our community a better place to live.

RECOGNIZING THE WESTERN MASSACHUSETTS CHAMPION LUDLOW HIGH SCHOOL GIRLS SOCCER TEAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to recognize the accomplishments of the 1999 Ludlow High School girls soccer team. The Ludlow girls soccer team won the program's third Western Massachusetts title last year by defeating defending state champion Cathedral High School. The Lions defeated Central Massachusetts Champion Shrewbury en route to the state final match, where they fell just short of their goal.

The Ludlow girls soccer team finished the year with a record of 19–2–1. Ludlow was able to dominate a tough league in Western Massachusetts in 1999 by employing a highly skillful style of play. A team that was tough when it needed to be, Ludlow was capable of outclassing most of its opponents. As a result of their high class style, the Lions enjoyed the fervent support of the residents of the Town of Ludlow throughout the season.

Head Coach Jim Calheno has built a very successful program at Ludlow High School. Coach Calheno is well-respected in the coaching community and his team is duly feared. The Ludlow talent pool run very deep, and the Lions are certain to be the team to beat in 2000. A group of talented Juniors, including All-America selected Liz Dyjak and All-New England selection Stephanie Santos, will be looking to claim the state title next season.

Mr. Speaker, allow me to recognize there the players, coaches, and managers of the 1999 Ludlow High School girls soccer team. The Seniors are: Melissa Dominique, Sandy Salvador, Angela Goncalves, Jen Crespo, Marcy Bousquest, Lynsey Calheno, Jenn Genovevo, and Leana Alves. The Juniors are: Nicole Gebo, Lindsay Robillard, Lindsay Haluch, Kara Williamson, Sarah Davis, Liz Dyjak, Stephanie Santos, and Jessica Vital. The Sophomores are: Michele Goncalves, Lindsey Palatino, and Kirstine Goncalves. The Freshmen are: Natalie Gebo, Lauren Pereira, Beth Cochenour, Darcie Rickson, and Amy Rodrigues. The Head Coach is Jim Calheno, and he is assisted by Saul Chelo, Nuno Pereira, Melanie Pszeniczny, and Mario Monsalve. The managers are Melissa Santos and Elizabeth Barrow.

Mr. Speaker, once again, allow me to congratulate the Ludlow High School girls soccer team on a season well played. I wish them the best of luck for the 2000 season.

TRIBUTE TO DERRICK THOMAS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to mourn the loss of a leader beloved in my city and an athlete admired throughout our nation. Kansas City Chiefs #58, Linebacker Derrick Thomas, died February 8, 2000 at the age of 33. Derrick was a star for our nation. His philanthropic commitment is an inspiration to us all.

Derrick Thomas was an exceptional football player. He participated in nine pro bowls, more than any other player in the Chiefs franchise history. Derrick holds the team record for sacks and the most NFL sacks in a game. In December 1997, Derrick gained his 100th sack, 1 of 16 players in the entire NFL ever to achieve this. Team leaders regarded him as a player who could single handedly influence the outcome of a game. Derrick captured 10 playoff appearances and was the Chiefs Most Valuable Player in 1991 and 1994. As 8-time

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AFC Defensive Player of the Week, a club-record, his athletic brilliance reflects his love and commitment for the game.

Derrick has made a lasting impression on our community through his Third and Long Foundation, which encourages young students from the inner city to embrace the power of literacy. His moments shared in reading to children turned quickly to lasting friendships. Children have shared stories about Derrick's kindness, his dedication of time to help them with their academic needs, and his willingness to listen and be their friend and role model. His Foundation also assists families with their parenting and literacy skills. He has been recognized for these efforts by receiving numerous awards, including the prestigious 1993 Edge NFL Man of the Year and the 1995 Bryon White Humanitarian Award for service to team, community, and country by the NFL Players Association. Former President Bush recognized his achievements by declaring him the "832nd Point of Light."

His father, Robert Thomas, was a role model who motivated and inspired him to excellence. While returning from a mission in Vietnam in December 1972, Air Force Captain Thomas was shot down. Derrick delivered the keynote address at the Vietnam Veterans Memorial during the 1993 Memorial Day remembrance ceremony in honor of his late father.

Derrick achieved many of his life long goals. He made a difference in our lives. We will always remember him. We will always remember his smile. May we learn from his tragic death the need to buckle up and in his memory remember each life is precious. Mr. Speaker, I ask the House to join me in saluting this incredible man and in extending condolences to Derrick's family, teammates, and friends.

TRIBUTE TO MR. ALPHONSE D. MANSI

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute and recognize the many achievements and contributions of Mr. Alphonse D. Mansi. Mr. Mansi will be retiring in February from the Boeing Company, where his presence will be sincerely missed.

Mr. Mansi began his career with The Boeing Company in Philadelphia in 1960. After serving a four-year assignment under the United States Marine Corps, Mr. Mansi began in the Boeing manufacturing department. Mr. Mansi's skills and talents brought him to the Labor Relations department in 1962, where he has worked for close to forty years. Mr. Mansi has aided in the global expansion and successes of The Boeing Company by holding Labor Relations positions both in America and Canada.

Alphonse Mansi was appointed Director of Labor Relations activities within The Boeing Company in March of 1976. During his appointment, he was responsible for all of the labor relations within Boeing Defense & Space Group, Helicopters Division. Mr. Mansi's dedication and loyalty to The Boeing Company has been unparalleled and has stood as a model for fellow colleagues and peers. I would care to extend my congratulations to Mr. Mansi and thank him for all of his years of hard work and commitment.

HONORING RALPH LEON "SPEED" SHELEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember a man that will be missed by all those who knew him. Ralph "Speed" Sheley passed away on January 12, 2000. He was 80 years old.

Ralph was born on September 27, 1919 in Dove Creek, Colorado. Ralph spent his childhood in Kansas and Nebraska. When the United States entered World War II, Ralph was drafted in the Army where he served in the Signal Corps. Ralph was one of the first Americans in Hiroshima after the bombing. Our country is certainly indebted to him for his service and commitment to our country.

After the war, Ralph returned to Kansas, but moved shortly thereafter to Colorado. He met and married Billie Bradford in 1947 and in 1997, they celebrated 50 years of marriage. Ralph loved working in the orchards, farming, gardening, and spoiling his grandchildren and spending time with his family. Ralph always had a smile and a kind word of encouragement for everyone.

It is with this, Mr. Speaker, that I would like to offer this tribute in honor of Ralph "Speed" Sheley. He was a man who fought for his country and loved his family.

RECOGNIZING THE MASSACHUSETTS STATE CHAMPION LUDLOW HIGH SCHOOL BOYS SOCCER TEAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to recognize the achievements of the 1999 Ludlow High School boys soccer team. The Ludlow boys soccer team reclaimed the Massachusetts State title last November by trouncing their opponents from Needham 4–0. The Ludlow team finished the season with a record of 17–3–1, but their final game was their most impressive as they dominated Needham from start to finish. This team, like many Ludlow teams before it, played a skillful soccer style which allowed them to outplay virtually every opponent they faced.

Ludlow has been the heart of Western Massachusetts soccer for as long as anyone can remember. The town residents follow the high school teams with a fanaticism rarely seen in the United States, and during the 1990s, they have had a lot to cheer about. The Lions won the Western Massachusetts title five of the last six years, and won the state title in 1995, 1997, and 1999.

The success of the Ludlow boys soccer team can be linked directly to the coach. Head Coach Tony Goncalves has built a dominating program centered around skill and class. His knowledge of soccer is unparalleled in Western Massachusetts, and his coaching style is one that commands respect from his players, his opponents, and his fellow coaches. Coach Goncalves is quick to praise others, he is gracious in victory or defeat, and he is an inexhaustible resource for young coaches. He is the center of, and driving force behind, the success of the Ludlow High School boys soccer team.

Mr. Speaker, allow me to recognize here the players, coaches, and managers of the Ludlow High School boys soccer team of 1999. The players include Seniors Jonathan Witowski, Jason Chelo, Jason Dacruz, Justin Bruneau, John Reilly, Dave Fonseca, Dave Gwozdz, Rich Zina, Kevin Crespo, and Dan M. Santos, and Juniors Joe Jorge, Jason Devlin, Steve Jorge, Helder Pires, Mike Pio, Brian Cochenour, Chris Chelo, Manny Goncalves, Tim Romanski, Ray Cheria, Paul Martins, and Dennis Carvalho. The team is led by Head Coach Tony Goncalves, long time Assistant Coach Jack Vilaca, assistants Greg Kolodziey and Jonathan Cavallo, and managers Audrey Vilaca, Sarah Russell, Jennifer Russell, and Jillian Dube. Mr. Speaker, once again I am proud and honored to congratulate the 1999 Massachusetts State Champion boys soccer team from Ludlow High School in Ludlow, Massachusetts.

TRIBUTE TO JUDY PERRY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to recognize fellow Kansas Citian Judy Perry. Judy has served as the Executive Director of Harvesters Community Food Network in Kansas City, MO for the past 15 years. Harvesters has worked tirelessly to provide meals to less fortunate Kansas Citians and their families. Under Judy's direction Harvesters has tripled in size to serve twenty-six counties in Missouri and Kansas with more than 15 million pounds of food.

Judy's experience prior to her involvement with Harvesters was a Regional Administrator for the Neighborhood Reinvestment Corporation, which is a Congressionally chartered neighborhood revitalization program headquartered in Washington, DC. Her service has also brought her to Santiago, Chile with the Peace Corps where she taught English in a rural school. Judy's experiences in Chile sent her home with the whole new perspective on poverty and what Americans take for granted.

It is on the local level that we have truly seen Judy's dedication in her efforts to strengthen the bonds of our community. In addition to her work with Harvesters, Judy has served as chair of Mayor Richard Berkeley's Task Force on Food and Hunger. She has served as the co-chair of the Heart of America Hunger Network. She is currently the first vice-president of the Board of Directors of the Greater Kansas City Association of United Way Agencies. Judy also serves on the Board of Directors of Foodchain—The National Network of Prepared and Perishable Food Rescue Programs. I was honored to nominate Judy and Harvesters to receive the Congressional Award of the "Victory Against Hunger" campaign, which they were awarded in 1995.

Judy Perry is an inspiration to us all. Her dedication and commitment to public service serves as an example to all of us who work to make the world a better place. This month Judy will celebrate her 55th birthday with her retirement from harvesters. Judy plans to stay involved with the community and with hunger issues through volunteer and consulting work, and she hopes that someday she will return to the Peace Corps. Judy's immediate plan is to spend time with her four grandchildren. May she find relaxation and contentment in the adventures that await her. Mr. Speaker, please join me in thanking Judy for her service to our community and the Nation.

LOCAL BUSINESSMAN, TIM JONES, NAMED "CITIZEN OF THE YEAR" BY THE EMERGENCY MANAGEMENT ASSOCIATION OF GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. BARR of Georgia. Mr. Speaker, it comes as no surprise to the citizens of Carroll County, that one of their own, Tim Jones, has been singled out for the distinctive honor of being named the "Citizen of the Year," by the Carroll County Emergency Management Association of Georgia (EMAG).

Tim's long record of community involvement, and his outstanding contribution to improving response to emergency situations in this county, were spotlighted by EMA Director Tim Padgett, who has first hand experience of Jones' outstanding service which garnered him the top spot in the state.

I am proud to note that Tim is a personal friend, and that Carroll County and the Seventh Congressional District are fortunate indeed to have this civic-minded citizen as a friend to all. I am proud today to rise in congratulations to Tim Jones, as one of America's top citizens, and as the very best in the field of emergency management.

HONORING WORLD WAR II VETERAN, CLAUD WALKER GARNER JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember the life of a World War II veteran. Claud Walker Garner Jr. passed away on January 17, 2000.

Claud was born on April 30, 1920 in Goodnight, Texas. He joined the Army in 1937. As a Tech Sergeant with the Third Engineer Battalion, he served in Normandy, France, Rhineland and Ardennes Campaign. For his bravery and outstanding dedication, Claud was decorated with the Croix de Guerre, the silver star for service above and beyond the call of duty, four bronze service stars and the good conduct medal. Claud was honorably discharged on June 11, 1945.

Claud and his wife, Bernice, lived in Colorado for many years where Claud worked in the construction industry. He was the construction superintendent on the Cody, Wyoming Buffalo Bill Museum project.

Friends always were in abundance in Claud's life. he was a man of his word, highly principled and completely honest. When a friend needed someone to lean on, Claud was always there. Claud loved his wife and children and was a great husband and father. He will be missed by all who knew him.

It is with this, Mr. Speaker, that I would like to offer this tribute in honor of Claud Walker Garner Jr. He was a great American who fought on behalf of America's freedom.

RECOGNIZING THE SUPER BOWL CHAMPION, LONGMEADOW HIGH SCHOOL FOOTBALL TEAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to recognize the unprecedented accomplishments of the 1999 Longmeadow High School football team. Longmeadow became the first Western Massachusetts team to win three straight titles. The Lancers captured the Division II Super Bowl with a 36–21 victory over Shrewsbury.

Longmeadow could not have asked for a better beginning as they scored on all five possessions in the first half. Running back Winston McGregor led the way with 162 yards rushing and three touchdowns. Quarterback Justin Vincent was impressive with 118 yards passing, and the Lancer defense shut out their opponents in the fourth quarter. As always, credit must be given to the linemen who gave Vincent the time to pick apart the Shrewsbury defense and McGregor the holes through which to run.

Longmeadow Head Coach Alex Rotsko has built an impressive program at Longmeadow. The Lancers, having now won three Super Bowls in a row, will be the odds on favorite in the coming season. Despite losing leaders like McGregor and Ryan McCarthy to graduation, Coach Rotsko will have his charges ready to defend their title once more, a situation with which the Lancers are intimately familiar.

Mr. Speaker, I am proud and honored to congratulate the 1999 Longmeadow High School football team. Winning a title once is something to be remembered, but winning three in a row is the start of a dynasty. I wish Coach Rotsko and his Lancers the best of luck in the 2000 season, as they return once again to defend their Super Bowl title.

The Longmeadow High School football team is as follows: Colin Murphy, Sam Harris, Lee Cotton, Drew Sheehan, Tim Walsh, Justin Vincent, Tanner Williams, Dan McKenna, Mike Haberman, Justin Kent, Winston McGregor, Brian Wright, Jason Chew, Rob Shoen, David Singer, Ryan McCarthy, Steve Leone, Tom Meehan, Andrew Dikan, Ryan Devine, John Liro-Hudson, Ryan Horrigan, Brian Hubbard, Jeremy Stambovsky, Jayson Stambovsky, Ryan Foss, John Stewart, Mike Gallant, Brian Harr, Nat Brown, Luke Jenne, P.J. Ryan, Brian Askin, Mark Drost, Dan Mandell, Paul Collins, Andy Krill, Chris Nuzzo, Dan Richton, Jeff Viamari, Brian Dean, Mike Klein, Mike Bazos, Chris Basile, Chris Santa, Kevin Miller, Dan Lewis, Doug Hill, Mike Roche, Kevin Berte, Joe Mujalli, Josh Eldridge, Mike Viamari, Marcus Gaines, Jason Weinstein, Phil Casper, Josh Kurland, Bobby Goodwin, and Dan Morris. The Coaches are: Alex Rotsko, Andy Drummy, Nick St. George, James Crawford, Craig Epstein, Doug Cropper, Shane Biggins, Mike Tanner, and Devron McCummings.

TRIBUTE TO HARVEY J. McDONALD, JR.

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor the memory of fellow Kansas Citian, Harvey J. McDonald, Jr., who lost his battle with cancer early this year. The passing of this exceptional man leaves us with a great sense of sadness and grief. Harvey, or "Bud" as his friends called him, will best be remembered for his integrity and loyalty to others.

Harvey graduated from Southwest High School in 1973 where he played football for the Southwest Indians who won the State championship during his senior year. A proud member of the International Brotherhood of Electrical Workers Local Union No. 124 for 20 years, Harvey demonstrated an outstanding commitment as a representative and advocate for union concerns. Harvey also influenced the lives of many of Kansas City's youth as a Raytown Little League coach. His driving motivation was present in everything he did.

Harvey was cherished and loved by all of his friends and family and will be sorely missed. He was truly an inspiration for all who knew him and were touched by his dedicated spirit. Loyalty, kindness, and integrity were hallmarks of his character. Along with many others from our region and across the Nation, I mourn the death of this outstanding man.

Mr. Speaker, please join me in extending sympathy to his wife—Esther, son—Matthew, and the entire McDonald family.

TRIBUTE TO THE SUMMERVILLE NEWS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. BARR of Georgia. Mr. Speaker, I rise today to commend a publication that, for the past 114 years, has exemplified the important role filled by community newspapers in cities and towns across America. The City of Summerville is located in Chattooga County, in the Seventh District of Georgia. This rural county of approximately 25,000 residents, is home to "The Summerville News." Just last month, the Summerville News started into its 115th year of service to Chattooga County and the surrounding area of northwest Georgia. The newspaper is the oldest consumer business in the county. It started with presses fed with paper a single sheet at a time, by hand, to larger letterpress, and then to offset presses that run 16,000 papers an hour.

Over the years, the Summerville News has come a long way. O.J. Espy bought into the News around 1906, and purchased the entire newspaper about five years later, in 1911. After his death, his son, D.T. Espy, bought out all of his siblings (there were quite a few) to become sole owner. He, in turn, sold to his four sons, Bill, Don, David, and Gene, in 1968. Since that time, Bill and Don have died and a fourth generation is part owner, with others working at the plant. Greg Espy, son of Don, is part owner; Tracy Espy, son of David, and Jason Espy, son of Gene, are all working with the News to print a product of which the entire county can be proud and look forward to every Thursday.

In thanking the community for 114 years of friendship, Editor Gene Espy wrote: "In a way, a community newspaper is the community. It is the news of the people in that community and what they have accomplished, failed to accomplish, and hope to accomplish. We take the task of publishing the Summerville News seriously. It is important to us and we hope it is important to our readers and advertisers and the community itself."

The Summerville News is to be congratulated on its 114 years of dedication and service to the citizens of Chattooga County. Babies have been born, dear citizens have died, world leaders have come and gone, wars have been fought and won, businesses have opened and closed, many left the farms to find employment in other cities, technology continues to advance, and still our community thrives. Through it all, the citizens of Chattooga County continue to count on The Summerville News for local, state and national news; every week, every year, every generation. Thank goodness.

HONORING MARK ACHEN UPON HIS RETIREMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize a man who has dedicated over 16 years of his life to the City of Grand Junction, Colorado. Mark Achen has given immeasurably and made great personal sacrifices to ensure Grand Junction's health and well-being.

Since 1984, Mark has been the City Manager of Grand Junction and has seen the city grow and prosper. Working with seven different city council members who each had a different agenda and policy perspective was no small chore. Mark's calm demeanor stood out amid contentious debate over Grand Junction's numerous issues, including still, annexation policy in the late 1980's and into the 1990's. He was a reservoir of institutional knowledge during negotiations to end a long-running dispute between the city and Mesa County over the Persigo Wash Wastewater Treatment Plant. Achen brought the city from economic devastation to incredible increases in sales tax revenues.

Leaving the position of City Manager will enable Mark to spend more time reading, hiking, climbing, fishing and boating. Above all, Mark will get to spend more time with his family and friends.

It is with this, Mr. Speaker, that I would like to offer this tribute and say thank you to, my friend, Mark Achen. He is a man that has given selflessly for many years to make Grand Junction the wonderful city it is today.

A PROCLAMATION RECOGNIZING MR. HARRY C. PASINI

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

> Whereas, Mr. Pasini having been selected for Senior Executive Service, United States Army, has served as a Department of Defense Employee for thirty-two years; and,
>
> Whereas, Mr. Pasini's untiring and dedicated service to his profession has resulted in his appointment to Senior Executive Service; and,
>
> Whereas, Mr. Pasini was instrumental in the fielding of several new Army weapon systems and as a result of his professionalism, steadfast dedication, expertise, interpersonal skills and personal commitment to the Department of Defense, Mr. Pasini has been able to place the most advanced and capable weapons systems in the hands of our nation's soldiers; and,
>
> Whereas, the Members of Congress, with a real sense of gratitude and pride, join me in commending Mr. Harry C. Pasini for his appointment to Senior Executive Service.

TRIBUTE TO JOSEPH J. WOOD

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to honor a man whose life has benefited all members of the automotive and aerospace industries, Joseph J. Wood. Mr. Wood will soon be retiring from the United Automobile, Aerospace Agricultural Implementation Workers of America (UAW). For nearly forty years, Mr. Wood has worked tirelessly to ensure the fair and just treatment of union members in several fields of business.

Joseph J. Wood is an International Representative with the UAW working from his home base in Detroit, Michigan. Mr. Wood began his career with the Union while employed with Boeing Helicopters located in my district of Ridley Township, Pennsylvania.

He was hired by the Boeing Helicopters Division in March of 1960 after receiving an Honorable Discharge from the Marine Corps. He became active within UAW Local 1069 and rose through the union's leadership as Shop Steward, Committeeman, Shop Chairman and then was elected President. In 1985 the UAW International Union appointed Mr. Wood to serve on the UAW National Aerospace Staff to service Local 1069 (Boeing Helicopters Division), Bell Textron Helicopter local unions 218 and 317 and GE Local 647. Mr. Wood's efforts brought out successful contract negotiations between both sides. Throughout his career, Mr. Wood's representation of working families has always been exemplary.

Mr. Speaker, I ask my colleagues to join me in a tribute to Joseph J. Wood for his selfless dedication to his community and his country. I congratulate Joe, and I know his family must be very proud of his years of dedicated service.

ABRAHAM LINCOLN BICENTENNIAL COMMISSION ACT

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Mr. SOUDER. Mr. Speaker, I would like to take a few moments to highlight the importance of a bill we further considered on the floor today, H.R. 1451, the Abraham Lincoln Bicentennial Commission Act.

This bill originally passed the House by a vote of 411–2 on October 4, 1999. It was amended by the Senate in November and brought back to the House with minor changes to the commission's composition.

Let me begin by thanking the bill's sponsor, the gentleman from Illinois, Mr. LAHOOD, and the gentlelady from Illinois (Mrs. BIGGERT) for their willingness to work with me to include representation from the states of Indiana and Kentucky on the Commission to be formed by this bill.

Indiana and Kentucky played significant roles in the life and development of Abraham Lincoln, and I very much appreciate my colleagues' recognition of this history and their openness to including citizen members from each of these states on the Commission.

I am pleased that the changes made by the Senate to the composition of the commission did not include a fundamental I have been fighting for: the appropriate representation on the commission from each of the states claiming Lincoln as its citizen.

While Abe Lincoln is America's 16th president, he rose from humble roots deeply embedded in all three Midwestern states. In my mind, it is only right that the governors of all three states select citizens to sit on the commission established by this bill.

The commission will commemorate the bicentennial of President Lincoln's birth in 1809, which took place in Hodgenville, KY.

At the age of 7, young Abe Lincoln moved to Southern Indiana, and the family moved to Illinois in 1830. As the National Park Service points out at the Lincoln Boyhood National Memorial, he spent fourteen of the most formative years of his life and grew from youth to manhood in the State of Indiana. His mother, Nancy Hanks Lincoln, is buried at the site. And even today, what is probably the largest private Lincoln Museum in America is in Fort Wayne, IN, in my district.

Thomas Lincoln moved the family to an 80 acre farm in Perry County, Indiana after the crops had failed in Kentucky due to unusually cold weather. He bought the land at what even then was the bargain price of three dollars an acre.

Just days before, Indiana had become the 19th state in the union. The land was still wild and untamed. President Lincoln later recalled that he had "never passed through a harder experience" than traveling through the woods and brush between the ferry landing on the Ohio river and his Indiana homesite. This observation speaks volumes about the nature of the Hoosier frontier.

The family quickly settled into the log cabin with which we are all so familiar from our earliest history lessons. Tom Lincoln worked as a cask maker. Abe Lincoln worked hard during the days clearing the land, working with the crops, and reading over and over from his three books: the Bible, Dilworth's Speller, and Aesop's Fables. He also wrote poems.

Shortly after the death of Nancy Hanks Lincoln, young Abe attended a new one room schoolhouse. When his father remarried, his new stepmother Sally Bush Johnston brought four new books, including an elocution book.

W. Fred Conway pointed out in his book "Young Abe Lincoln: His Teenage Years in Indiana" that the future president after reading the book occasionally "would disappear into the woods, mount a stump, and practice making speeches to the other children."

Abraham Lincoln also received his first exposure to politics and the issues that would later dominate his presidency while in Indiana. One of his first jobs was at a general store and meat market, which was owned by William Jones, whose father owned slaves in violation of the Indiana State Constitution. This was Lincoln's first introduction to slavery.

In addition, he exchanged news and stories with customers and passersby, with the store eventually become a center of the community due largely to Young Abe's popularity. Once he was asked what he expected to make of himself, and replied that he would "be President of the United States."

Mr. Speaker, Indiana takes pride in its contributions to the life of President Lincoln, and we greatly look forward to the work of the Commission in honoring him and reminding Americans of his legacy.

HONORING PAUL EDWARD SHUEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to remember the life of a man that will be missed by many people. Paul Edward Shuey passed away on January 17, 2000.

Paul grew up in Pennsylvania, from grade school to college. He worked for West Penn Power Company until he met Ernestine Gigax of Grand Junction, Colorado. Paul and Ernestine had two children together. Tragically, Ernestine passed away during labor with their third child.

Paul enlisted into the United States Navy in 1942. He served in the Asiatic-Pacific Theater and Philippine Liberation as an Electrican's Mate 2nd class. He was honorably discharged in 1945.

While he lived in Colorado, he was employed by Sweet Candy Company. The sweet must have worked as he married Lucy Chiaro in Grand Junction in 1953. In 1959, Paul moved his family again to Salt Lake City, Utah, to be a sales manager for the Sweet Company. He retired in 1982 and lived in San Diego, California until his death.

Paul was a fourth degree member of the Knights of Columbus Council #1062 in Grand Junction. He was very dedicated to his faith and loved singing in the choir. Paul liked to play tennis, take care of his garden and smoke his pipe.

It is with this, Mr. Speaker, that I offer this tribute in honor of Paul Shuey. He was a great man who loved life to the fullest.

A TRIBUTE TO JEAN McNEIL

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. TIAHRT. Mr. Speaker, Alexis de Toqueville once said that America was great because her people were good. Today I have the honor to pay tribute to one of these truly good people.

Earlier around noon today, Jean McNeil of Wichita, KS, died. Jean was a wonderful woman. She had a laugh and smile that made you feel warm and safe. She was humble and kind, quiet and compassionate. Why was Jean so good? Because she loved. Her love permeated all who knew her; it enveloped her children and grandchildren, and touched all who were blessed to call her a friend.

One cannot remember Jean without remembering the times she would simply sit back and laugh at someone's story, encourage her grandson Tony to perform just one more magic trick, or make a pithy comment about some politician who had lost his way. Although Jean was kind, she had a passionate side. Her anger could be aroused, but only in the most serious of circumstances, and those usually involved a loss for her beloved Kansas Jayhawks.

St. Francis once said that we should preach the Gospel every day, and when necessary use words. Like St. Francis, Jean lived less by her talk then by her walk. You saw Christ within her in her kindness, her gentleness, her constancy and yes, her humility. Each of us is thankful for the time we had with Jean. I am sure her friends at Blessed Sacrament Catholic Church would agree.

Mr. Speaker, life is such a precious gift. It is so special that often we fail to consider it. Our founders enshrined this gift in our Declaration of Independence as the first right. Back in 1994 Jean's daughter, Charlotte, her husband, Tom and their five kids, Andy, Emily, Mike, Paul, and Tony probably did not fully consider the value of each other's life. But, when Tom went down in his private plane that year, each of their lives changed, forever. Tom, Mike, and Paul crossed the threshold of Heaven that day, but Charlotte, Jean and the surviving children remained: left to make sense of it all.

Some questions are not easily put to rest, but for Jean the question of life was simple: respect it.

There is much disagreement on the floor of this great body, about whose life should be protected in law, but Jean was never confused. The great Chairman, HERRY HYDE, could have been talking about her when he reflected on the moment when each of us will appear before our Creator to account for our lives. He said:

> I really think that those in the Pro-Life Movement will not be alone. I think there will be a chorus of voices that have never been heard in this world, but are heard very beautifully and very loudly in the next world. And, I think they will plead for everyone who had been in the movement. They will say to God: "Spare them, because they loved us." And God will look at us and say not, "Did you succeed" but, "did you try?"

Mr. Speaker, today, the Chorus in Heaven just became a bit louder. Rock Chalk, Jean.

JOSEPH THEODORE'S GOOD WORKS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, last year, too late for inclusion in the CONGRESSIONAL RECORD for 1999, I received a very inspiring packet of material from a resident of South Dartmouth, MA, Joseph Theodore, Jr. As the accompanying article from the New Bedford Standard Times points out, Mr. Theodore decided nearly 30 years ago to respond to the anguish that our country was undergoing as a result of the debate over the war in Vietnam by flying a flag 24 hours a day from a very prominent spot in the city of New Bedford, which I am privileged to represent. As the column by Hank Seaman notes, every day since 1971, a total of 341 flags—"which had draped the coffins of SouthCoast servicemen, have flown from the former fire station observation spire overlooking Route I–195" in New Bedford. In addition to his wonderful gesture with regard to the permanently flying, illuminated American flag, Mr. Theodore has devoted his efforts to calling attention to the 44-year-old U.N. Peace Tree. Mr. Theodore three years ago called attention to this tree, which had been planted by 25 New Bedford residents in 1955, as a symbol of dedication to world peace. At a time when some have unfairly doubted the importance of the United Nations, I think it is worth some attention that thanks to Mr. Theodore's efforts, the city of

New Bedford has re-dedicated this tree as a symbol of our hopes for world peace.

John Doherty's article from the New Bedford Standard Times describes the impressive ceremony in which Mayor Frederick Kalisz, Jr. and members of St. Paul's Methodist Church congregation joined Mr. Theodore in rededicated the tree.

Mr. Speaker, the efforts of Mr. Theodore to celebrate our country through the permanently illuminated American flag, and to reaffirm our dedication to world peace with the U.N. playing an important part, are good examples of how a citizen can take actions which bring out the best in us. I commend Mr. Theodore's example to others and hope that it may be an inspiration to people elsewhere in the country and submit the aforementioned article for the RECORD.

Hometown Snapshots

(By Hank Seaman)

If ever New Bedford has had a super patriot, Joe Theodore is the one.

The man is so committed to the concept of love of country that he'd like to see a United States flag fly from every public building and private home—at all times.

"In the 1960s and early '70s the Vietnam war was tearing this country apart. I was ashamed * * * angered * * * saddened by the division. I thought the country was dying. I wanted to do something to encourage our fighting men, and promote peace and unity at home."

He hit upon the idea of flying a flag 24 hours a day—"Illuminated from dusk to dawn with a light for peace"—in what is now known as Old Glory Tower.

Every day since 1971, a total of 341 flags—which had draped the coffins of South Coast servicemen—have flown from the former fire station observation spire overlooking Route I-195.

All thanks to Joseph Theodore Jr.

Better still, over the years, many American communities have started to follow New Bedford's lead, and now illuminate flags above their own public buildings.

But the retired New Bedford wiring inspector would love to go one step further. If he had his way, every nation's flag would be similarly lighted.

"My No. 1 goal is to get the United Nations to illuminate each country's flag." Not only in the United Nations, he emphasizes, but over every national capitol as well. "I want to illuminate every flag, everywhere, with lights for world peace."

A lofty objective?

Certainly.

But it is fueled by one man's genuine desire for global harmony and love of country. And he comes by this love honestly, he maintains.

"Uncle Sam grabbed me the day I got drafted for World War II * * * and he's never let go."

And while the self-described "just a little guy from New Bedford" downplays his four years of U.S. Army infantry duty with the 26th Yankee Division during WWII, his two Purple Hearts tell a different story.

Anyone wounded twice when two different vehicles were blasted out from beneath him by land mines is a pretty big man by anyone's yardstick. And when you couple that with how Joe Theodore went on to become an unwitting eyewitness to history in three entirely different—though equally impressive—ways, it does nothing but improve his stature.

One proud memory was his time spent as President Truman's unofficial bodyguard at the Potsdam Conference in July 1945. His job was to chauffeur the secret service group charged with protecting the president for the nearly month-long series of historic meetings with British Prime Minister Winston Churchill and Soviet Premier Josef Stalin.

"I would see President Truman and Winston Churchill nearly every day," he recounted. And when he got one glimpse—however brief—of the highly protected Soviet premiere, as well, he calculated he was one of the few American GIs to do so.

That month-long Potsdam stint, however, is perhaps the only period of Joe Theodore's entire WWII experience that is not equated with horror and sadness.

Whether inspecting Hitler's underground bunker in Berlin mere weeks after the end mad architect of World War II committed suicide, or reacting to the repugnance of naked bodies piled high in the concentration camps, Mr. Theodore viewed some strange, horrible sights.

"Many things I'd like to forget," he adds softly.

Even more than he could possibly have known at the time, these experiences instilled a revulsion to war that has only deepened with the passage of time. "Wars are stupid. We simply have to learn to live with one another. Today we are friends. Tomorrow, we're killing each other."

And he has been on a quest for peace—and the illumination of flags—ever since.

"I'm living two lives," Mr. Theodore explains. "One for my family (his wife of 58 years, Hilda, their two children, and one grandson), the other for Uncle Sam."

Having seen the carnage of war firsthand, his rationale is simple. "When I saw those piles of naked bodies I didn't know whether they were Jewish, Polish, German * * * or even American * * * All I knew was they were human rights beings." He shakes his head sadly.

"That was enough."

[From the New Bedford Standard Times]

(By John Doherty)

NEW BEDFORD—City officials and members of the St. Paul's Methodist Church congregation hope the United Nations takes notice of a small ceremony held last night.

St. Paul's congregants joined Mayor Frederick M. Kalisz Jr. last night in lighting a "peace tree" at the church on the corner of Rockdale Avenue and Kempton Street.

The tree, a stately ginkgo, was planted 44 years ago as part of a worldwide observance of the formation of the United Nations.

"This will alert all people who enter the city from the west side of the dream of peace we all share," said the Rev. Dogba Bass, of St. Paul's.

Several of the schoolchildren—grown now, of course—who participated in the planting of the ginkgo in 1955 were present at the lighting ceremony last night.

The tree, strung with 200 white bulbs, is scheduled to stay lighted through the rest of 1999, and is one of the features of the planned millennium celebration in New Bedford.

The city was one of about 200 communities designated a Millennium City by the White House.

Joseph Theodore, a member of American Legion Post 1 in New Bedford, originally pushed for the lighting.

In remarks last night, he likened the lighting of the tree to another tradition that began in New Bedford.

The first American flag lit up at night as a symbol of peace was lit in New Bedford.

Now, American flags around the country and at U.S. embassies worldwide follow the example set here.

Trees were planted all over the world in observance of the formation of the UN, said Mr. Theodore, and it is not unimaginable to think the lighting at St. Paul's last night could be duplicated elsewhere.

Mayor To Light 44-Year-Old United Nations Peace Tree

NEW BEDFORD—Mayor Frederick M. Kalisz Jr. and The Rev. Dogba R. Bass of St. Paul's United Methodist Church will participate in a tree lighting ceremony this evening, to mark the 44th anniversary of the United Nations Peace Tree located in New Bedford's West End.

The peace tree, which stands in front of St. Paul's United Methodist Church at Kempton Street and Rockdale Avenue, was planted in 1955 by children of the congregation to commemorate the 10th anniversary of "U.N. Charter Day," or "World Order Day."

Chartered Oct. 24, 1945, the United Nations offered hope as a new forum for resolving conflicts before they escalated into war.

Mayor Kalisz is lighting the peace tree as part of the city's millennium celebrations, the theme of which is "illumination," Mayor Kalisz said. "The children of St. Paul's Methodist Church gathered on this very spot to plant this tree as a gesture of hope that all governments would join the United Nations and work toward world peace."

The suggestion to incorporate the event into the city's millennium celebrations was made by Joseph Theodore Jr., a longtime Americanism officer for New Bedford Post 1 American Legion.

Director of Tourism Arthur P. Motta Jr. researched the tree, a Ginkgo, and said it is a rare and ancient species that dates back to the Permian Period of the Paleozoic Era, some 230 million years ago.

"The Ginkgo survives today because the Buddhist Monks of northern China considered it to be sacred, cultivating it in their temple gardens," said Motta. "Because of its high resistance to disease and its medical value, the Ginkgo has been referred to as the 'Tree of Life.'"

Several of the children who participated in the original ceremony in 1955 are expected to attend the event. The ceremony will take place on today at 6 p.m.

JOHN V. WELLS, PH.D., DEMOCRATIC STAFF DIRECTOR FOR RAILROAD ISSUES ON THE GROUND TRANSPORTATION SUBCOMMITTEE, TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. OBERSTAR. Mr. Speaker, I rise today to recognize a special member of the staff of the Committee on Transportation and Infrastructure, Jack Wells, who is leaving us this week to accept an appointment as Deputy Administrator of the Federal Railroad Administration. On behalf of the Committee, I am pleased to express our gratitude to Jack for his effective and loyal service, and valued friendship.

Jack has served on the Committee—and its predecessor, the Committee on Public Works and Transportation—since 1993, initially as the Staff Director of our Investigations and Oversight Subcommittee, and more recently as the Democratic Staff Director in charge of railroad issues on our Ground Transportation Subcommittee. As our resident expert on rail issues, Jack has been indispensable to me and all of the Members on our side of the aisle, advising us on rail safety, mergers and competition issues, and ensuring the survival of Amtrak's fair treatment of employees, and the development of high speed rail. Jack has the rare ability to explore problems in great depth, while never losing sight of the overriding basic issues involved. His briefing memos were models of outstanding staff work.

In the 104th Congress, Jack worked on the Interstate Commerce Commission Termination Act of 1995, which abolished the ICC, and the Railroad Unemployment Insurance Amendments Act of 1996, which increased daily unemployment benefits for railroad workers. In the 105th Congress, he worked on the AMTRAK Reform and Accountability Act of 1997 and the rail title of the Transportation Equity Act for the 21st Century (TEA–21). During his tenure, he drafted several bills dealing with railroad safety, labor and competition.

Jack Wells, a native of Wilmington, Delaware, received his Bachelors Degree from Harvard and Ph.D. in Economics from Yale University. He originally came to the Committee from the United States General Accounting Office where he was the Assistant Director for Surface Transportation Infrastructure Issues. His expertise and reporting at GAO involved overall transportation policy, trucking competition and deregulation issues, antitrust and science technology policy, and general economics issues.

Of direct interest to our Committee, Jack did a lot of the leading studies and analysis on airline deregulation and airline HUB issues. GAO routinely recognized Jack's abilities with meritorious service and outstanding performance awards. I remember reviewing Jack's résumé which covered six pages—he did indeed need that much room just to get everything in—and being truly impressed with the multitude of official reports and publications Jack produced—extraordinary diversity that made him a perfect candidate to head up the Committee's investigations and oversight activities. Also, he has a wide range of teaching experience at the graduate and undergraduate levels.

While carrying out his heavy congressional workload, Jack has also been actively involved in his community as a PTA treasurer, and a member of the Victorian Lyric Opera Company, and has supported his daughters' athletic activities. Jack has such a breadth of experience that the label "Jack-of-all-trades" aptly applies.

I join with Jack's many friends in wishing him, his lovely wife Heidi Hartman, and daughters Katharine, Laura and Jessica, all the best. Jack, Godspeed and success in your career pursuits.

1999 PENROSE CITIZEN OF THE YEAR, GARY SCHENCK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the 1999 Penrose Citizen of the Year, Mr. Gary Schenck.

Gary received this honor from the Penrose Chamber of Commerce because of the many things he has done to improve his community. He always presents a very positive picture of Penrose. He volunteered hundreds of hours at the Chamber of Commerce since 1996. He is also very active with the Penrose Community Library and the Fremont Contractors Association. In addition, he has assisted in fund raising for the Penrose Volunteer Fire Department. Gary has recently held free classes for senior citizens who want to learn about the Internet.

It is with this, Mr. Speaker, that I offer this tribute of thanks and congratulations to Mr. Gary Schenck. The community of Penrose is better because of him.

ANDY PAPPAS, ONE OF ALTOONA'S GREATEST ASSETS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. SHUSTER. Mr. Speaker, it is with deep sadness that I rise today to pay tribute to a dear friend and fellow public servant, Mr. Andronic Pappas. Andy passed away last Friday at the Memorial Sloan Kettering Cancer Center in New York City, following a brief illness.

Andy was born in Altoona, PA, and to the betterment of central Pennsylvania he never left. Instead, Andy through his love of his hometown community made Altoona a better place to live, work, and raise a family. He graduated from Altoona High School, served his country during the Korean conflict, and later served as mayor and elected councilman of Altoona, but this is only the beginning of Andy's contribution to our community. He went on to serve as Democratic Committee Chairman, Chairman of the Altoona City Authority, Regional Director for the State Department of Commerce, President of the Blairmont Country Club, President of the Blair County Arts Foundation, and President of the Wehnwood PTA, to name a few. In his spare time he managed to earn a bachelor of arts degree from Penn State University, dabble in local theater, radio, and television at the same time building a highly successful real estate company.

Andy and I have worked hand-in-hand on numerous projects throughout the Blair County area and I had come to rely on his insight and counsel regarding local interests. His dedication to the community has raised the bar on what it means to serve the public. His lifelong commitment to Altoona will not soon be forgotten.

Anyone who knew Andy, knew of his great love for his family, his wife Jographia, his two daughters Elena and Zoe, and his two grandsons Michael and Stephen James. Mr. Speaker, I will close by paying tribute to the life of Mr. Andy Pappas, my friend, may he rest in peace.

TRIBUTE TO DEXTER McCLEON

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. PICKERING. Mr. Speaker, I rise today to recognize Dexter McCleon of Meridian, MS. Dexter was an integral part of the St. Louis Rams' road to victory in the 2000 Super Bowl.

While at the Meridian High School, Dexter earned consensus All-American honors and was selected as the Super Prep Dixie Player of the Year. Like so many of the great athletes in Mississippi, Dexter showed athletic prowess on both the football field and the baseball diamond. He amassed over 1,500 yards passing and more than 500 yards passing while maintaining a batting average of .395 with 11 home runs and 56 runs batted in.

Dexter's persistence and determination led him to the St. Louis Rams as the 40th selection of the 1997 draft. Dexter has quickly become a cornerstone of one of the NFL's most feared defensive backfields. As one of the league's great emerging cover corners, Dexter's 1999 statistics read like those of many NFL Hall of Fame inductees.

Dexter's hard work and dedication to purpose reflect Mississippi's record as one of the premier proving grounds for high school athletes. By continuing this dedication and work ethic throughout his life, this young man will succeed in all of his future endeavors.

I want to commend Dexter on his work as one of the emerging professional football stars from the State of Mississippi. I would also like to commend Dexter for being a worthy ambassador for our great State. It is my distinct pleasure to be able to congratulate Dexter on his Super Bowl victory.

HONORING MRS. MARILYN LANCE, NEW YORK STATE TEACHER OF THE YEAR

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to honor New York State's Teacher of the Year, Mrs. Marilyn Lance of East Greenbush, New York. Mrs. Lance surpassed nearly sixty other candidates to win the highly coveted award, which is affiliated with the national Teacher of the Year program. Mrs. Lance is the first Capitol Region teacher to win the award in twenty four years.

Marilyn Lance has dedicated the last 27 years to upholding the hopes and dreams of hundreds of children in the Averill Park Central School District. Optimism and positive vibes permeate from her classroom. She believes every child can achieve and provide the spark required to ignite their creativity, imagination and interest. Children embrace her caring demeanor and rise to meet her high academic standards.

Mrs. Lance brings a special set of skills into her class of first and second graders. She never asks a child to do something they can't do and has a knack for bringing out the best in every student.

Student success is her top priority. Her reward is seeing students grow and learn. She truly cares about each and every student. Mrs. Lance meets their needs at every level: educational, emotional, and spiritual. Children in her class are treated with respect and learn the value of kindness and decency. I commend her efforts to provide a rich, intellectually stimulating environment in which children learn the vital skills required to be successful in our society.

Mr. Speaker, please join me in congratulating Marilyn Lance on her selection as New York State Teacher of the Year. Also, please join me in wishing her the very best of luck in the upcoming National Teacher of the Year competition.

JOHN PORTER WINNER OF THE WAYNE N. ASPINALL WATER LEADER OF THE YEAR AWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. MCINNES. Mr. Speaker, I would like to take a moment to recognize the winner of the 2000 Wayne N. Aspinall Water Leader of the Year Award, Mr. John Porter.

Water is a very important issue to the State of Colorado. Coloradans have to be very sensitive to issues dealing with water and water rights, to ensure that those rights are protected. This award represents a person who has dealt with water issues to the best of his ability to ensure the best interests of Colorado water.

John Porter has been the General Manager of the Dolores Water Conservancy District since 1982. As a result of John's management of the District and the Project, the Dolores Project is one of the most efficient water projects in the Upper Colorado Region. From developing programs to save water for irrigators, to developing trust between competing interests, John has always had a positive outlook and a willingness to discuss the issues, no matter how difficult.

John Porter has devoted his life to water interests, first as a farmer, and for the last eighteen years as Manager of the Dolores Water Conservancy District. John's commitment to the beneficial use and conservation of Colorado's water resources has garnered him a well deserved reputation as a "water leader" in the State of Colorado.

It is with this, Mr. Speaker, that I would like to offer this tribute in honor of Mr. John Porter. He is most deserving of the honor of the Wayne N. Aspinall Water Leader of the Year.

TRIBUTE TO CARETAKERS OF THE ENVIRONMENT INTERNATIONAL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. PORTER. Mr. Speaker, I can think of no better way to safeguard the world's natural resources than to arm today's youth with the tools necessary to preserve our precious environment.

That's exactly the mission of Caretakers of the Environment International, a Pied Piper of sorts that leads youth along with a path of environmental awareness and activism. Young people from around the world answer the call of this nonprofit organization. They are taught the scientific lessons and practical skills to become environmental leaders.

A hallmark of the organization's activities each year is its annual conference where the host country becomes a laboratory to explore the conference theme. Past conferences have probed such environmental themes as the "Arctic and the Environment," "Development and Research in Environmental Education," and "Tourism and the Environment." Costa Rica's tropical ecosystems were the backdrop last year for the 13th annual conference where 122 highly motivated students and teachers learned through workshops, field trips and social activities. Delegates visited rainforests, volcanoes and Pacific Ocean beaches to learn about biodiversity from expert guides.

This year marks the 10th anniversary of Caretakers of the Environment-USA, an American affiliate of the international group. Caretakers/USA reaches out to high school students and teachers—with diverse interests and abilities—and involves them in community action that develops a spirit of national and international cooperation for environmental problem solving.

Undoubtedly, Caretakers' efforts to improve science education encourage young people to pursue environmental careers that will help protect the world's environment. Mr. Speaker, I applaud the activities of Caretakers of the Environment and hope that my colleagues will join me in supporting its efforts.

THE MUD DUMP PERMANENT CLOSURE AND REMEDIATION ACT OF 2000

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation to protect New Jersey's oceans and beaches from continued ocean dumping of harmful substances.

Just a few miles off the coast of Sandy Hook lies an area that—after years of protracted debate and political maneuvering—was appropriately designated as the Historic Area Remediation Site (HARS). The designation was made to protect the site from the future dumping of toxic dredged mud. It was July, 1996 when vice President Gore Triumphantly announced that the dumping would stop and the site—affectionately called the old Mud Dump—would be cleaned up with clean dredge material.

Unfortunately, we now know that the 1996 announcement was not an iron clad commitment to end ocean dumping of toxic sludge. In a betrayal of our trust, the Clinton Administration's Army Corps of engineers has approved permits allowing Castle Astoria Terminals, Inc., and Brooklyn Marine Terminals, to dump dredge materials that actually contain higher levels of contamination (including toxic PAHs and PCBs) than the stuff already in the Mud Dump.

Mr. Speaker, common sense dictates that you cannot clean up something by capping it with a substance dirtier than the original mess. Unfortunately, the "category 1" standards in use by the Army Corps and the Environmental Protection Agency (EPA) are so insufficient that using the dredged mud from the Castle Astoria and Brooklyn Marine Terminals to remediate the HRS is like trying to clean an oil spill by pouring nuclear waste on top of it. It will only make a bad situation even worse.

Fortunately, the interests of keeping New Jersey's and New York's ports open, and protecting the environment and New Jersey's multi-billion dollar tourist industry, are not mutually exclusive. The people of New Jersey and New York need both the shipping and tourist industries to be healthy if our high standard of living is to be preserved. There are new ways to treat and decontaminate dredged materials so they are truly clean and pose no threat to the environment. New Jersey has been very proactive in trying to find creative ways of disposing of dredged materials so we can avoid the need to dump at sea. For example, dredged materials have been used in Elizabeth to cap a brownfields site and turn a deserted eye sore into a productive, job creating waterfront mall.

The problem, however, is that the State of New York has done virtually nothing to look beyond ocean dumping for its dredging needs. Every objective, outside observer of the ocean dumping fight admits that New York is not pulling its own weight. And the bottom line is that as long as New York can easily and cheaply use the Jersey Shore as a dumping ground for its dredged soil, New York will never have any incentive to look for real alternatives.

I mean to change that. Under the legislation I am introducing today, an immediate ban will be placed on any existing ocean dumping permits at the Mud Dump to be issued by the Army Corps until new remediation standards are in place.

The bill also requires the EPA, within 90 days of enactment, to formulate a new set of remediation standards. These remediation standards were promised to New Jerseyans in 1996, but four years later, they have still to be issued. We have waited long enough for these standards to be promulgated. It is time for the EPA to act to protect the health of our oceans and beaches.

In addition, my legislation sets forth basic principles that the EPA must follow when developing and proposing new remediation material standards.

First, the actual level of contaminants (including PAHs and PCBs) in the remediation material must be significantly lower than the Mud Dump pollutants it is to be used to cover. Sadly, under the current and deeply flawed EPA "Category 1 standards," pollutant levels in proposed dredge spoils can actually exceed by many orders of magnitude the levels found in the material at the Mud Dump.

Second, the remediation material used at the Mud Dump must actually reduce pollution levels there.

Third, the remediation material must be shown to reduce the harmful impacts on the environment and marine life caused by the toxins found in the Mud Dump. It bears noting that the reason the HARS was created was not to provide the Port Authority of New York and New Jersey with an unlimited dumping ground. The HARS was created to remediate and clean up the toxins on the ocean floor and prevent harmful bioaccumulation of toxins in the seafood we eat.

Fourth, the new remediation standards must meet 'sunshine laws' that provide opportunities for a public notice and a public comment period. This provision is needed because the Army Corps issued the Brooklyn Marine Terminals permit without providing adequate public notice for comment. On January 24th, 2000, the Army Corps recognized its failure to provide adequate public comment and held a public meeting in New Jersey.

Fifth, the goal of the new remediation standards is to eventually clean up the Mud Dump to reflect a contamination level that is substantially equivalent to the level found naturally in the ocean. Given the amount of debate over what the EPA defines as "clean," it is important to set clear and common sense goals of what the word "clean" really means—restoring the oceans to their natural state. Only when consumers of seafood are reassured that the fish they eat are free from pollutants will the damage from ocean dumping be fully remediated.

Lastly, the bill would permanently close the Mud Dump as soon as it is fully remediated and capped with a clean layer of sand and silt that prevents existing pollution at the bottom of the ocean from finding its way into our food chain. If the economy of New York and New Jersey are to remain vibrant and healthy, we need to continue exploring alternative dredge disposal methods now. The costs of inaction greatly outweigh the additional costs of alternative disposal methods when one factors in the $14.8 billion tourist and commercial fishing industry in New Jersey that will be seriously harmed if ocean dumping continues unabated.

TRIBUTE TO SILVIA PINAL

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. ORTIZ. Mr. Speaker, I rise today to commend the 1999 "Mr. Amigo," Silvia Pinal, chosen recently by the Mr. Amigo Association of Brownsville, Texas, and Matamoros, Tamaulipas, in Mexico. Each year the Mr. Amigo Association honors a Mexican citizen with the title of "Mr. Amigo," and that person acts as a goodwill ambassador between our two countries. Their selection honors a man or woman who has made a lasting contribution to international solidarity and goodwill at the annual Charro Days Festival.

The Charro Days Festival is a pre-Lenten event, much like Mardi Gras in New Orleans, held in Brownsville and Matamoros. Charro Days festivities will last for several days; this year they will be February 23–27 and will include parades and appearances by Ms. Pinal. Charro Days is an opportunity to enjoy the unique border culture of the Rio Grande Valley area.

During Charro Days, South Texans celebrate the food, music, dances and traditions of both the United States and Mexico. The U.S.-Mexican border has a unique, blended history of cowboys, bandits, lawmen, farmers, fishermen, oil riggers, soldiers, scientists, entrepreneurs, and teachers.

The border has its own language and customs. On both sides of the border, there is a deep sense of history, much of which the border has seen from the front row. We have seen war and peace; we have known prosperity and bad times. Charro Days is a time for all of us to reflect on our rich history, to remember our past and to celebrate our future. The Mr. Amigo Award began in 1964 as an annual tribute to an outstanding Mexican citizen.

The 1999 Mr. Amigo, Ms. Pinal, has a career in film, television and music, and, recently, in public service, serving as a Senator for District 27 in Mexico City since 1998. She is also a philanthropist and a champion of women's rights. Born in Guaymas, Sonora, Mexico, she considered her mother her strongest supporter. Her father, who served in the military, was also a journalist in both Mexico and the United States, and Mayor of Tequisquiapan, Quertaro, Mexico.

She considers her father her role model based on his political and community work. She studied at the Bellas Artes Academy, beginning with a career in radio and eventually appearing in over 100 feature films. She starred in such international favorites as "Mame," "Que Tal Dolly," and Gypsy."

I urge my colleagues to join me in commending Silvia Pinal, the 1999 Mr. Amigo, as well as the cities of Brownsville and Matamoros, for their dedication to international goodwill between the United States and Mexico.

HONORING JIM PATTI, A FRIEND TO ALL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember a man that will be greatly missed. Jim Patti touched many people's lives and was a friend to all. He passed away at the age of 49 on January 26, 2000.

Jim's record of friendship began as early as anyone can remember him. When he was in grade school, his best friend went to a different school. They were both very happy when they ended up in the same high school. Jim was very active on the decorating committee for all of the dances sponsored by the high school. Jim enjoyed drawing and he would design all the decorations.

Working at the family restaurant, Patti's Restaurant, was always a part of Jim's life. He started working at the family-owned business by the time he was seven years old. He was a busboy and a story-teller. He loved people and he would always remember the stories to tell about them. He also met his wife, Judy, at the restaurant. Eventually Jim and Judy took over ownership of the restaurant and remodeled it several times. They also owned J. Patti Construction.

Jim also loved sports, especially Colorado sports. From the University of Colorado Buffalos to the Denver Broncos, Jim was always ready to get together to watch the game. Having a good time was one of Jim's fortes. He enjoyed having his family and friends. Even though the family was large, there was always enough love to go around.

It is with this, Mr. Speaker, that I offer this tribute to Jim Patti, the "trunk of the family tree". He was a great friend to all and loved life to the fullest.

TRIBUTE TO JUDGE MICHAEL FARRELL AND JUDGE LELAND B. HARRIS

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. BERMAN. Mr. Speaker, we rise today to pay tribute to Judge Michael Farrell and Judge Leland B. Harris, who will be honored on February 17, 2000, by the San Fernando Bar Association (SFVBA). Judge Farrell will be named the San Fernando Valley Bar Association Judge of the Year and Judge Harris will be presented with a Special Recognition Award.

Judge Farrell has enjoyed a long and distinguished judicial career. He currently serves as the Supervising Judge of the Los Angeles Superior Court Northwest District. He was elevated to this position in 1989, after being appointed to the Municipal Court Bench in 1986 by former Governor Deukmejian. Prior to that, he served as a U.S. Bankruptcy Court Trustee, and was an attorney for the San Fernando Valley Neighborhood Legal Services, Global Marine, Inc.; and the law firms Early, Maslach, Foran & Williams; Hunt & Finn; and his brother's firm Coleman & Farrell.

In addition to his numerous and substantial judicial responsibilities, Judge Farrell has been working with the SFVBA, Neighborhood Legal Services, and the Monroe High School magnet program to start a pilot self-help program. The program will provide free legal information and legal services to the public. He has also taken an active role in seeking Los Angeles County funds to repair the damage to his courthouse caused by the Northridge Earthquake.

Judge Harris will be honored for his dedicated service and work with the Calabasas Teen Court Program—a program run by teens, and for teens that is designed to interrupt developing patterns of criminal behavior, promote self-esteem and provide motivation for self improvement and a healthy attitude toward authority.

Judge Harris graduated from San Fernando Valley State College (now Cal State Northridge) and the University of San Diego School of Law. He was appointed to the Municipal Court by former Governor Deukmejian in 1991. Prior to this appointment he served as a Los Angeles County Deputy District Attorney, including many years at the San Fernando Court. During this time, many of his accomplishments were in the area of nursing home reform. He was instrumental in changing a section of the penal code in 1986 to expedite the testimony of elderly crime victims and witnesses.

It is our distinct pleasure to ask our colleagues to join with us in saluting both Judge Farrell and Judge Harris for their outstanding achievements, and to congratulate them for receiving the prestigious honors granted them by the San Fernando Valley Bar Association.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. CASTLE. Mr. Speaker, I support H.R. 6, the "Marriage Tax Penalty Relief Act of 2000," and I urge that we continue to work toward enactment of bipartisan legislation that includes sensible tax relief and progress on reducing the national debt.

Mr. Speaker, I have not been shy in expressing the need for debt reduction. I stand squarely behind conservative economists, such as Federal Reserve Chairman Alan Greenspan, in calling for debt reduction as the highest priority for managing our surplus. I think tax cuts are an important way of providing relief for working Americans, but reducing the debt is also essential for improving the economic well-being of all Americans. Reducing the national debt lowers interest rates on everything from student loans to mortgages to credit cards to business loans. It provides financial relief to a broad range of people without the need for a large bureaucracy at the Internal Revenue Service (IRS) to administer and enforce the financial relief, as tax cuts require.

Relieving the national debt is also a matter of generational equity. I am convinced of the need to give future generations a fresh start in managing this country. Saddling them with more than $5 trillion in national debt handicaps their ability to provide for future needs.

The Marriage Tax Penalty Relief Act also addresses an important equity issue—equal treatment of married couples. Under current law, dual income couples pay a higher share of taxes than single income couples with the same income. In addition, they pay a higher share of taxes than they would if they were both single. The primary reasons are because the 15 percent tax bracket and the standard deduction for married couples is not twice that of single earners. This creates a "tax penalty" for dual income married couples, including many working class families where both parents must work to make ends meet. According to the Congressional Budget Office, the average marriage penalty is almost $1400 a year. Between 1969 and 1995, the fraction of working-age couples in which both spouses earned income increased from 48 percent to 72 percent. In Delaware alone, there are 74,120 families that suffer from the marriage tax penalty.

Republicans and Democrats alike agree that these statistics cry out for some level of relief. President Clinton proposed a $45 billion relief package. House Democrats proposed a limited $89 billion relief package. House Republicans have proposed a $180 billion tax package that provides relief to more families. Marriage penalty relief was an element of the alternative tax package I introduced in 1999. Working families can benefit from debt reduction in the form of lower mortgage rates and lower interest rates on consumer debt, but they also deserve relief from a tax policy that penalizes married couples who must both work to provide for their family.

Both parties should lay aside their rhetoric and budget gimmicks that allow the President to claim he can pay down the entire debt, invest in large new spending programs, provide tax cuts, and still preserve Social Security. Instead, we need to come together, election year or not, and make judicious, commonsense decisions on how we will prudently allocate the surplus among tax relief, debt reduction, and priority programs like defense and education. We cannot make unrealistic promises on tax cuts or spending based on ten year budget projections that could rapidly change.

I support H.R. 6 because I recognize that working families deserve relief. H.R. 6 makes a strong statement to budget negotiators that marriage penalty relief must be a priority. It will serve as a good starting point for negotiations that should lead to a fair compromise that includes tax relief, debt reduction, and sensible spending for important programs. I support H.R. 6 and will continue to work to enact effective and fair marriage penalty relief this year.

TRIBUTE TO INVESTIGATOR RAMONA YOUNG ON HER RETIREMENT FROM THE OFFICE OF THE PUBLIC DEFENDER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. PALLONE. Mr. Speaker, on Friday, February 18, 2000, a retirement party in honor of Ms. Ramona J. Young will be held at the Garden Manor in Aberdeen, NJ. Ms. Young will be honored by her friends and family on the occasion of her retirement after a distinguished career as an Investigator with the New Jersey Office of the Public Defender.

Ramona Young has devoted herself to helping others in many capacities. A registered nurse, she graduated from the Montefiore Hospital School of Nursing in the Bronx, New York, and worked as an operating room nurse. In January 1975, Ms. Young came to work with the Department of the Public Advocate as a Field Representative in the Division of Citizen Complaints. In this position, she handled all the problems presented to her by New Jersey residents, ranging from motor vehicle complaints to issues relating to heating problems, always responding in an effective and courteous manner. She remained with the Division of Citizen Complaints until July of 1986.

At that time, Ms. Young was transferred to the Public Advocate's Division of Mental Health Advisory in Farmingdale, NJ, as a Field Representative covering Monmouth and Ocean Counties, NJ. In this position, she called upon the use of her nurse's training to help those people who, as the saying goes, "fall between the cracks." Ms. Young recognized that people are not just bureaucratic statistics. She worked tirelessly on behalf of people with legitimate grievances who need assistance from supportive, qualified professionals in a position to help. Guided by this philosophy, Ms. Young helped countless people through the bureaucratic maze for a fair and just resolution of their cases.

In 1995, Ms. Young was transferred from Mental Health Advocacy to the Office of Public Defender, Criminal Division, as a Principal State Investigator. Her assignment was in the Union County, NJ, Trial Region. Once again, Ms. Young proved to be a dedicated and effective advocate for the disadvantaged. She always put her experience and training to work, combined with a strong measure of compassion and professionalism. The result was unfailingly accurate, impartial and professional investigations.

Mr. Speaker, it is an honor to pay tribute to Ramona Young on the occasion of her retirement. While the Office of the Public Defender is losing a talented and dedicated professional, I hope and trust she will continue to contribute her energy and experience to the betterment of our community.

WILLIAM MEDESY, A LIFELONG ADVOCATE OF EDUCATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember a man that has dedicated his life to being a service to others. William Medesy passed away on February 1, 2000. He was 90 years old.

William was born in Cleveland in 1909. He graduated from Purdue University and went on to receive a master's degree from Yale University in 1938. William used his master's degree in forestry to work for the United States Forest Service and teach forestry at the University of New Hampshire until 1941. During World War II, as an officer in the United States Army Reserves, William served as a field artillery battery commander in the North

African and Sicily campaigns. He was awarded the Bronze Star and the Purple Heart.

After moving to Colorado in 1960, William became the first president of Rangely College, presently called Colorado Northwestern Community College. He also served as president of Mesa State College in Grand Junction, Colorado from 1963 until his retirement in 1971. The building, Medesy Hall, which houses the multimedia computer lab on the campus of Mesa State College is named after this icon in education.

After his career in college administration, William and his wife of 66 years, Geraldine, moved to Aurora where he continued to volunteer with several organizations. He was a tutor and also read books on tape for the blind.

It is with this, Mr. Speaker, that I would like to offer this tribute to a man who contributed so much to his community. William was a great man who gave immeasurably to higher education in Colorado.

BANKRUPTCY REFORM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. BEREUTER. Mr. Speaker, this Member highly commends and submits for the RECORD a February 6, 2000, editorial from the Omaha World Herald regarding the bankruptcy bill recently passed by the Senate. The editorial highlights concerns regarding the numerous extraneous provisions added to the bankruptcy legislation during consideration by the Senate. The conference committee should eliminate the unrelated provisions and report a clean bankruptcy bill for final approval by the House and Senate.

[From the Omaha World Herald, Feb. 6, 2000]

BANKRUPTCY BILL IS OVERLOADED

A bankruptcy reform bill passed by the U.S. Senate has many of the desirable features of legislation passed by the House last year. Unfortunately, it also carries unrelated provisions that should be stripped away.

The two versions of the measure are similar in essential ways. The idea is to make it harder for people with higher incomes to walk away from debt following bankruptcy. People with the ability to repay some of their debt would be required to do so.

Sen. Charles Grassley, R-Iowa, is chief sponsor of the Senate bill. The Clinton administration has said it opposes the measure because it is too stringent.

Both the Senate and House versions would limit repeat bankruptcy filings and make child support the highest priority when debt repayment is ordered.

The Senate bill contains a provision to prevent violent abortion-clinic demonstrators from using bankruptcy to escape paying fines and damages. That has occurred; Operation Rescue's Randall Terry filed for bankruptcy after a court ordered him to pay $1.6 million.

The legislation contains provisions that would give people more information about the practices of credit card companies, which bear some responsibility for the increase in bankruptcies because of their bombardment of consumers with offers of easy credit. For instance, companies offering a low, "teaser" interest rate would have to say what the regular interest rate would be and when it would kick in.

The companies would also have to disclose how many months it would take a person to pay off his credit-card debt if only minimum payments are made. It can be a startingly long time, because even as the debt is paid, interest continues to accrue.

But senators tacked on quite a list of unrelated matters that could cause problems. The minimum wage, for example, would rise over three years from $5.15 to $6.15, according to a provision of the bill. The idea is opposed by Democrats and the Clinton administration who want the rise to occur over 13 months.

The measure would give billions of dollars in tax preferences to small business. And it would tighten the penalties for selling illegal drugs to minors, increase the penalty for selling powder cocaine to more closely match the sentence for selling crack and increase the penalty for the makers of methamphetamine.

Exactly why the minimum wage, powder cocaine and tax breaks were tacked onto a bankruptcy bill is unclear. The House-Senate conference committee could agree to separate those provisions so they can be voted on separately by the two houses. They should do so. Whatever the merits of the additions, they don't belong in the bankruptcy measure.

The bill, stripped of its irrelevant features, could emerge from the conference committee as a sound reform of a system that needs it. President Clinton might find it hard to veto a good bill in an election year.

HONORING ROSE MARIE CORCORAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to remember the life of a woman who will be missed greatly. Rose Marie Corcoran passed away on January 27, 2000. She was 97 years old.

Rose Marie was born on November 17, 1902, in Salida, Colorado. She married William Corcoran in 1964 in Grand Junction, Colorado. Rose Marie was a licensed nurse in Grand Junction as well as a homemaker.

Rose Marie filled her days volunteering for many organizations. Some of these organizations included: First Christian Church Disciples of Christ, the Moose Lodge, Ladies Auxiliary of the Elks, VFW Auxiliary, Royal Neighbors, Engineer Ladies, and the Veteran's Hospital. She received Volunteer of the Year from Denver's Channel Nine at age 93.

Among other phenomenal things, Rose Marie also liked to travel in Italy and other European countries. At the age of 93, she traveled to Israel and was baptized in the River Jordan.

It is with this, Mr. Speaker, that I offer this tribute in honor of Rose Marie Corcoran. She was an icon in her community and a woman with a heart of gold.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 15, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 17

2:30 p.m.
Commission on Security and Cooperation in Europe
To hold hearings on the current status of religious liberty in Russia.
B-318, Rayburn Building

FEBRUARY 22

9:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Capitol Police Board, Library of Congress, Government Printing Office, Congressional Research Service, and the Joint Committee on Taxation.
SD-116

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH-219

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Administration's effort to review approximately 40 million acres of national forest lands for increased protection.
SD-366

FEBRUARY 23

9:30 a.m.
Indian Affairs
To hold oversight hearings on the President's proposed budget request for fiscal year 2001 for Indian programs.
SR-485

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold oversight hearings on activities of the National Railroad Passenger Corporation (AMTRAK).
SR-253

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD-366

10:30 a.m.
Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Environmental Protection Agency.
SD–406

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the White River National Forest Plan.
SD–366

FEBRUARY 24

9 a.m.
Small Business
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Small Business Administration.
SR–428A

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Thomas A. Fry, III, of Texas, to be Director of the Bureau of Land Management, Department of the Interior.
SD–366

10 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Army Corps of Engineers.
SD–406

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget extimates for fiscal year 2001 for the the Department of Commerce.
SD–138

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1722, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State; H.R. 3063, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State; and S. 1950, to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana.
SD–366

FEBRUARY 29

9:30 a.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on the President's proposed budget estimate for fiscal year 2001 for the operation of the National Park Service system.
SD–366

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Justice.
SD–192

2:30 p.m.
Indian Affairs
Business meeting to consider pending committee business.
SR–485

Energy and Natural Resources
To hold oversight hearings to examine the President's proposed budget for fiscal year 2001, focusing on the U.S. Forest Service.
SD–366

MARCH 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on the National Association of Public Administrators' Report on Bureau of Indian Affairs Management Reform.
SR–485

Energy and Natural Resources
To hold oversight hearings to examine the President's proposed budget for fiscal year 2001, focusing on the Department of the Interior.
SD–366

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legilative recommendation of the Disabled American Veterans.
345 Cannon Building

MARCH 2

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on legislative recommendations of the Jewish War Veterans, Paralyzed Veterans of America, Blinded Veterans Association, and the Non Commissioned Officers Association.
345 Cannon Building

Energy and Natural Resources
To hold oversight hearings to examine the President's proposed budget for fiscal year 2001, focusing on the Department of Energy.
SD–366

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of State.
S–146, Capitol

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's proposed revisions to the regulation governing National Forest Planning.
SD–366

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Retired Enlisted Association, Gold Star Wives of America, Military Order of the Purple Heart, Air Force Sergeants Association, and the Fleet Reserve Association.
345 Cannon Building

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Secretary of the Senate, and the Sergeant at Arms.
SD-124

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Bureau of Investigation, Drug Enforcement Administration, and Immigration and Naturalization Service, all of the Department of Justice.
SD-192

MARCH 15

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legilative recommendation of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 21

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Exchange Commission.
S–146, Capitol

MARCH 22

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs.
345 Cannon Building

MARCH 23

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.
S–146, Capitol

Banking, Housing, and Urban Affairs
To hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.
SH-216

MARCH 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.
SR–485

APRIL 5

9:30 a.m.
Indian Affairs
To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.
SR–485

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

POSTPONEMENTS

MARCH 15

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on the proposed Indian Health Care Improvement Act.
SR–485

APRIL 19

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

HOUSE OF REPRESENTATIVES—*Tuesday, February 15, 2000*

The House met at 9:30 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

LIVABLE COMMUNITIES

Mr. BLUMENAUER. Mr. Speaker, for people who care about livable communities, the D.C. metropolitan area is either a test case or a basket case; sometimes it is both.

In terms of quality of life for the commuter, the experience in recent decades commands a horrid fascination. Between 1982 and 1994, there was a 69 percent increase in the time D.C. area commuters spent stuck in traffic. The average speed on the Beltway has decreased from 47 miles an hour to 23 miles per hour.

In D.C., we are told that the average commuter spends 76 hours a year stuck in traffic; that is almost 10 working days sitting in the car absolutely immobile. In Northern Virginia this summer, nearly 1 out of every 3 days was in violation of ozone clean air standards.

Mr. Speaker, of course, it is no secret that in this metropolitan area we are sprawling far more rapidly than we increase in population. From 1970 to 1990, Metropolitan Washington population grew 25 percent, yet the area that we consume increased over 60 percent.

The suburbs here grew by a population of 18.3 percent while the District itself lost 17 percent of its residents. In the first 7 years of the 1990s, the District was hemorrhaging one person every hour.

There are solutions which we know will not work; one is trying to simply pave our way out of congestion. The congestion in the United States will triple over the next 15 years, even if we increase capacity 20 percent.

The same people who tell us that we have the second worst congestion in the country found that, despite roughly $30.8 billion spent by urban areas to add more vehicle lanes, congestion levels remained almost identical to urban areas that did not.

Mr. Speaker, of course, here we do not have any thoughtful regional land use. But at an era of smart growth, we seem to be continuing to engage in dumb growth, like putting a massive stadium with huge public subsidy out in the middle of nowhere where it is virtually inaccessible any way other than by car and then being surprised when on opening day it is jammed and some people actually are abandoning their cars to get to the game.

We continue to scatter development throughout the region away from Metro stations and designated growth sites. There are things that can, in fact, work and make a difference.

Last week in Atlanta, Transportation Secretary Rodney Slater launched the Commuter Choice Initiative, a program that was created in TEA-21 to provide $65 a month in tax-free transit or vanpool benefits for employees in both the private and the public sector.

While this effort is a step in the right direction, we in Congress need to make sure that the Federal Government leads by example. Unfortunately, here in our congested metropolitan area, there is no uniform program or policy for our Federal employees, yet 350,000 Federal employees make up the majority of people who work here in and near transit.

There is no uniform parking or commuter policy across the Federal Government. The costs and subsidy for parking varies, different levels of transit subsidy.

Mr. Speaker, the administration is looking at an Executive order for Federal transportation in the National Capital region. This Executive order that they are looking at would require each Federal agency in the region to support transit and commercial vanpool benefits, to increase carpool and vanpool benefits, encourage bicycle and walking and provide shuttle service between transits points and agency workplaces where appropriate.

Last week, the gentleman from Virginia (Mr. WOLF) introduced legislation that would make this happen much faster via the legislative route. His bill would expand Federal employee commuter options and accept the Federal Government's responsibility as the single largest employer in the Capital region to reduce traffic congestion and air pollution.

Mr. Speaker, I am excited about the gentleman from Virginia's leadership and the way that the administration is moving. I hope, however it is done, that we do not let an extra minute go by. People who are caught in traffic as we speak this moment deserve the best from the Federal Government to make our communities more livable, to make our families safe, healthy, and economically secure.

Having a uniform comprehensive approach to the Federal Government's transportation issues in the metropolitan region is an important step in that direction.

THE CBO REPORTS ON MEDICARE HMOs

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 19, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized during morning hour debates for 5 minutes.

Mr. GANSKE. Mr. Speaker, remember when we debated the Bipartisan Consensus Managed Care Reform Act here on the floor about 3 months ago, and the HMO industry said the sky will fall, the sky will fall; premiums will go out of site.

We get the accurate answer, the accurate answer from the Congressional Budget Office, which has analyzed the bill which passed this floor by a vote of 275 to 151.

What did the CBO say would be the cost? The CBO said that over 5 years, the cost of premiums would go up 4.1 percent total. Now, this is important to understand.

All my colleagues should listen. The HMO industry will say 4.1 percent each year. Wrong. That is not what the CBO report says. In fact, I talked to a CBO staffer, Tom Bradley, last night and he said that in the first year there would be almost no effect. In the second, third, fourth and fifth years, premiums would go up about 1 percent over what they normally would be because of this legislation.

To my friends who debated this liability issue so vigorously, who said liability will cost so much, well look at what the CBO said. The CBO said when it looked at the bipartisan consensus bill that the largest single coster was not liability. The largest single coster in our bill is the internal and external appeals process, at 1.3 percent. Why is that? Well, because they recognize that HMOs are inappropriately denying care and that if a patient has an opportunity to take that denial of care to an independent peer panel, that about 50

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

percent of the time they are going to overrule the denial of care by the HMO and provide one with the care that they deserve and is justified and is medically necessary.

There is another reason why this report is so interesting, and that is that the CBO estimate for the Senate bill shows an increase of about 1.3 percent over 4 years.

Now some would say that is great. I would point out that that is a recognition that the Senate bill does almost nothing. It only covers about 43 million people. It does not cover the 160 million people that our bill covers, and it does not have an effective internal and external appeals process, because if one looks at the fine language in the Senate bill, it still says at the end of the day that an HMO can say whatever they want is medically necessary or is not. Whereas our bill, the bill that passed this House, addresses that issue.

Mr. Speaker, I would advise Members to look at this; but to remember this, that when they look at that 4.1 percent, it is cumulative over 5 years. That, in effect, is about the cost to the average consumer of one Big Mac per month. That is what we are talking about in terms of the cost, not an excessive amount for people to know that all that money they are currently spending on their health care premiums will actually mean something if they get sick.

Mr. Speaker, I just briefly wanted to mention a report by the Inspector General for Medicare. She looked at Medicare HMOs. We are all concerned about fraud and abuse. This is what the Inspector General found that Medicare HMOs are charging the Federal Government for: $250,000 in meetings for gifts, food, alcoholic beverages, at only one HMO; $190,000 for a sales award meeting in Puerto Rico for one Medicare HMO; $160,000 for a party celebrating a Medicare HMO's parent company's 150th anniversary; $25,000 for leasing a luxury box suite at a professional sports arena by a Medicare HMO; $106,000 for sporting events and theater tickets at four Medicare HMOs; $70,000 for holiday parties at three Medicare HMOs; $37,000 for wine, gifts, flowers, gift certificates, insurance brokers and employees at one Medicare HMO; $3,000 for a massage therapist for an employee at one Medicare HMO.

When the HMOs say that they are really hurting and that we need to increase their Federal dollars, maybe we ought to ask them, gee, maybe the tension is so much that they will need that massage therapist.

THE PEOPLE OF NAGORNO KARABAGH MUST HAVE A SEAT AT THAT TABLE WITH AZERBAIJAN AND ARMENIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, this week the president of the Republican of Azerbaijan, Heydar Aliyev, is visiting our Nation's Capital. President Aliyev is scheduled to meet with President Clinton this morning at the White House. He will also be holding meetings with Secretary of State Albright and Energy Secretary Richardson.

I would like to take this opportunity, Mr. Speaker, to express my hope that President Clinton and the other officials in his administration will use these meetings to urge President Aliyev to work in good faith for Azerbaijan for an Azerbaijan-negotiated settlement to the Nagorno Karabagh conflict.

In particular, it is imperative that Mr. Aliyev be urged to accept the direct participation of representatives from Nagorno Karabagh in the negotiations. In the minds of many, the Nagorno Karabagh conflict is viewed as a bilateral dispute between Armenia and Azerbaijan. While these two countries must obviously be part of the negotiations in the final settlement, the people of Karabagh who have their own democratically elected government must have a seat at that table. After all, it is their homeland and their lives that are at stake in this peace process. No one else should be allowed to make these life and death decisions for them.

Mr. Speaker, the United States is one of the cochairs of the Minsk Group, the body under the Organization for Security and Cooperation in Europe, the OSCE, charged with facilitating a negotiated settlement to this dispute.

More than a year ago, the U.S. and our Minsk Group partners put forth a plan for resolving this conflict known as the common state approach. Despite their serious reservations, both Armenia and Nagorno Karabagh previously accepted this framework as the basis for negotiations while Azerbaijan rejected it. We do not necessarily need to be wedded to this one approach for jump starting the negotiations, but we should use occasions like this week's visit by President Aliyev to call for all sides to get back to the negotiating table with no preconditions.

I expect that President Aliyev will use this occasion, this meeting with the President, to call for the lifting of section 907 of the Freedom Support Act, a provision of U.S. law that prohibits direct American government aid to Azerbaijan until that country lifts its blockades of Armenia and Nagorno Karabagh. President Aliyev, backed up by the support of major oil companies, has been lobbying American officials to repeal section 907.

In 1998, this Congress rejected an amendment to the foreign operations bill that would have repealed section 907 and we must hold the line. Azerbaijan has failed to meet the basic condition for lifting section 907, namely, that it take demonstrable steps to lift the blockades it has imposed on its neighbors, and such intransigence should not be rewarded. I call on our administration to use this occasion to stress to the Azerbaijani president that the ball is in his court and that the only way to lift the ban on U.S. aid is for Azerbaijan to lift the blockade.

Mr. Speaker, Presidents Aliyev and Kocharian, President Kocharian of Armenia, have been meeting on a number of occasions at multilateral meetings where both countries are represented, and I welcome these direct talks and hope that they will continue.

Azerbaijan and Armenia must normalize their relations with one another. They have to work for greater economic integration, development of infrastructure, and cooperation in other areas. This is the path that President Aliyev must be encouraged to follow. Indeed, the benefits to his country would be significant by opening up trade investment and assistance, that these benefits cannot begin to flow to Azerbaijan until Azerbaijan lifts its blockades against Armenia and Karabagh. I truly hope Mr. Aliyev will hear this message and not continue to believe he can play the oil card, trying to use Azerbaijan's presumed oil reserves as a way of getting the U.S. to sell out the principle behind section 907.

Mr. Speaker, last week at a White House ceremony to accept the credentials of Armenia's new ambassador to the United States, President Clinton pledged to aid Armenia to achieve a durable and mutually acceptable resolution to the conflict over Nagorno Karabagh. President Clinton also praised President Kocharian and President Aliyev for their willingness to act boldly for peace. He stressed America's commitment to helping Armenia-established democratic institutions and a market economy, and noted that the progress made by the Armenian people means that the U.S. can shift our assistance from humanitarian aid to development projects.

Unfortunately, the President's fiscal year 2001 budget proposal actually calls for a 27 percent reduction in assistance to Armenia. Congress will have an opportunity to reverse this, and I intend to work hard to make sure that the assistance is actually increased.

Finally, Mr. Speaker, I want to renew my call for Armenia's President Robert Kocharian to be extended an invitation for a state visit to Washington. Last November 25, my colleagues in the House joined me in a bipartisan call on President Clinton to extend the invitation to President Kocharian.

I see one of my colleagues on the Republican side, the gentlewoman from

Maryland (Mrs. MORELLA), is here and she was one of those.

□ 0945

While President Aliyev's current visit is not an official State visit, President Aliyev has been here on a State visit. President Kocharian, who was elected nearly 2 years ago, has yet to be accorded this honor. To solidify the growing bonds between the U.S. and Armenia, I believe it is time for a State visit for President Kocharian.

PRIVATE BILL FOR VIRGINIA ANIKWATA

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Maryland (Mrs. MORELLA) is recognized during morning hour debates for 5 minutes.

Mrs. MORELLA. Mr. Speaker, today I am introducing a private bill on behalf of two of my constituents, Virginia Anikwata and her 11-year-old daughter, Sharon. Virginia is a resident alien from Nigeria who faces imminent deportation back to her home country. Her daughter Sharon, who was born here in the United States and is a United States citizen, unfortunately faces constructive deportation with her mother since she has no other family or close friends here in the United States to care for her. Virginia's husband, and Sharon's father, died unexpectedly of cancer during the time that he was a student in this country 11 years ago when Sharon was a newborn baby.

What makes this case so compelling is that Sharon would surely be subjected to the horrendous practice of female genital mutilation if she and her mother were forced to return to Nigeria, since that is a universal practice in the community and clan where Virginia's family and her in-law family live. Her in-law family, who are entitled to make these decisions for a widow and a child in Nigeria, have made it clear that FGM, female genital mutilation, would be imposed upon Sharon.

We in Congress have found this practice so abhorrent that we have made FGM subject to criminal sanctions under Federal law. It would seem contrary to the intent of this law for our own government to place itself in the position of aiding and abetting the commission of FGM on Sharon by constructively deporting her to Nigeria when this conduct is subject to criminal prosecution here in the United States.

It also is important to note that Virginia and her daughter are model members of their community. Since her husband's untimely death, Virginia has been a law-abiding resident, supporting herself and her daughter by working as a practical nurse, paying taxes regularly, never seeking or expecting any form of government assistance and contributing to her community in significant ways through her work and religious observation. As a matter of fact, the daughter has been a model student. She is an honor student, very much involved in student activities.

Virginia and Sharon's case present a unique set of circumstances that deserve special recognition and treatment by the Immigration and Naturalization Service and by the U.S. Congress. There has been an overwhelming outpouring of interest and support for this case from members of the public, who have been horrified at the prospect of an American citizen child being placed in the position of being constructively deported or permanently separated from her only surviving parent and family member here in the United States and subjected as well to the horrific practice of female genital mutilation.

I do not introduce private bills usually, but this is an exceptional case. By passing this private bill to provide permanent resident status to Virginia Anikwata, we can prevent a miscarriage of justice and save an American citizen from unimaginable cruelty.

NATIONAL ORGAN DONOR MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, what if just one of us could dramatically benefit 80 people at one time? What if through just one event any one of us could literally save the life of a peer? Every single one of us has within ourselves the ability to effect positive changes by giving the gift of life.

Yesterday, this House passed a resolution recognizing the value and the need for organ donations. As we celebrate National Organ Donor Month, we need to remember the thousands of innocent families who will lose a loved one because no viable organ was available; and we must consider our options to help these families.

It has often been said that life is short and the nearly 60,000 patients who are currently waiting on this waiting list to receive these organs know just how precious time is. The waiting time for patients hanging on to life continues to expand. Unfortunately, the number of organs and the number of organ donors does not expand. Every 16 minutes, a name is added to the ever-growing waiting list of those who will wait transplantation. These facts translate into 13 people who die each and every day just because there are not enough organs available for them.

As I said, there are over 60,000 people awaiting organ transplants today; and, sadly, most of them will continue to wait for a tissue or an organ that may never come. Transplantation saves lives and it is important that we, as Members of Congress, do everything we can to raise awareness on the importance of organ and tissue donations and to increase the amount of donors throughout our land and especially in our districts.

Organ donation is as simple as filling out a donor card and indicating one's intent with their driver's license bureau. There are no limitations on who can donate. In fact, organ donors have included newborn babies all the way to senior citizens. However, the most important step that one can take is to discuss this important decision with their family members. It is essential that family members know our wishes, as relatives will be contacted and asked to sign a consent form upon our death.

Most Americans support organ donations. Nonetheless, only about 50 percent of the families asked to donate a loved one's organs have agreed to do so. Americans traditionally have strong values and share the spirit of giving within ourselves, within our communities, and in our Nation. Yet most Americans do not realize that the loss of one's life can result in the gift of life for many others.

Our corneas could give sight to two people, our kidneys could free up two people from dialysis, our heart, lungs, and liver can literally save the lives of patients who are in desperate need of a transplantation.

There is no greater gift than the gift of life. We must encourage this giving and work to leave a lasting legacy to prevent the needless and tragic deaths of thousands of Americans.

MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, I have the privilege of representing the south side of Chicago and the south suburbs in Illinois; and I am often asked about a fundamental issue of fairness, whether I am at the steelworkers' hall in Hegwish in the City of Chicago, or a legion or VFW post in Joliet, the Chamber of Commerce functions, a coffee shop in my hometown of Morris, or at a grain elevator, and that is the fundamental issue of whether or not it is right or it is fair that under our Tax Code 25 million married working couples on average pay $1,400 more in higher taxes just because they are married.

My colleagues, the folks back home, whether they live in the city, the suburbs, or the country, have all told me that they think it is just wrong that under our Tax Code 25 million married working couples pay on average $1,400 more just because they are married. They think it is wrong, and they want Congress and the President to do something about it.

Let me introduce Shad and Michelle Hallihan, two public school teachers from Joliet, Illinois. Shad and Michelle chose to get married a couple of years ago. They just had a little baby, just a couple of months ago. But Shad and Michelle are a typical example of the 1.1 million Illinois married couples who suffer the marriage tax penalty. Now, if Shad and Michelle stayed single and decided just to live together, they would avoid the marriage tax penalty because the marriage tax penalty results when two people get married and they file jointly.

So, for example, Shad and Michelle have identical incomes of $31,000. Michelle is making $31,000 a year. Under our Tax Code, if she is single, she pays at a 15 percent tax bracket. But when she and Shad chose to get married, and suppose that Shad has an identical income of $31,000, remember he is in the 15 percent tax bracket as well, but when they get married they file jointly and their combined income pushes them into the 28 percent tax bracket. So they are now paying a 28 percent tax rate on that same income. Is that right? Of course not. It is time that we do something about the marriage tax penalty.

I am proud that this House this past week, last Thursday, voted to wipe out the marriage tax penalty with the passage of H.R. 6, legislation that wipes out essentially the marriage tax penalty suffered by Shad and Michelle Hallihan as well as 25 million other married working couples who are punished just for getting married under our Tax Code.

H.R. 6 passed this House with an overwhelming bipartisan vote. Every House Republican and 48 Democrats bucked their leadership and voted to wipe out the marriage tax penalty for 25 million married working couples. That is a big momentum. Of course, our hope is the Senate will follow our lead.

One thing that I am so proud of our leader, the leader of this House, the gentleman from Illinois (Mr. HASTERT), the House Speaker, I thought made a very smart decision. He made a decision to allow H.R. 6 to come to the floor as a stand-alone bill, a bill that only deals with one subject. A clean bill that wipes out the marriage tax penalty and that is all it does. No extraneous issues.

Remember when the President and AL GORE vetoed our effort to wipe out the marriage tax penalty last year? It was part of a package, tax-related legislation. And, unfortunately, they used the other provisions as an excuse to wipe out our efforts to eliminate the marriage tax penalty.

My colleagues, we have a great opportunity. And my hope is the Senate will follow our lead and move quickly to move H.R. 6, the Marriage Tax Elimination Act, through the Senate as a stand-alone bill. No extraneous provisions, no riders, no poison pills. We need to keep it bipartisan. Let us keep partisan politics out of our efforts to wipe out the marriage tax penalty.

Over the next few weeks, 25 million married working couples like Shad and Michelle Hallihan are going to be back home watching to see if Congress and the President do something about the most unfair aspect of our complicated Tax Code, and that is the marriage tax penalty. We have a great opportunity, and it is all about fairness. Is it right, is it fair that under our Tax Code 25 million married working couples pay on average $1,400 more just because they are married? Twenty-five million couples just like Shad and Michelle Hallihan.

Let us wipe out the marriage tax penalty. The House has done its job. My hope is the Senate will do its job, and my hope is the President will keep his word. Because, remember, in his State of the Union address, he mentioned the marriage tax penalty and the need to do something about it. We have an opportunity. Let us keep it bipartisan, let us get the job done, let us bring fairness to the Tax Code and wipe out the marriage tax penalty once and for all.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 57 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 11 a.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

O gracious God, whose mercies are without number and whose spiritual nourishment is available without limit, we place before You our petitions and prayers. May our hearts be more sensitive to the needs of the poorest among us, the hungry and the homeless, those abandoned and those alone. May we do what we can to share the wonderful blessings of liberty with those who have no freedom or who suffer from the ravages of conflict.

May Your good spirit, O God, that spirit that brought the world into being and gives light and hope to the world, be and abide with us and all people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Mrs. MEEK) come forward and lead the House in the Pledge of Allegiance.

Mrs. MEEK of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar.

The Clerk will call the first individual bill on the Private Calendar.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ENDING UNFAIR TAXES ON AMERICANS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I bring this House and the American people good news this morning, because I have just come from a hearing conducted by our Committee on Ways and Means, on which I am honored to serve.

The good news, Mr. Speaker, for all Americans, but especially for senior Americans, is that this House is preparing to get rid of the unfair penalty on earnings for senior citizens. It is unfair; it is work that is long overdue, and by listening not only to the people of Arizona, but to the people of America, this House stands ready to end the unfair earnings limit on seniors who are Social Security recipients.

We are also pleased, Mr. Speaker, that the President yesterday in an interview joins with us on this. I only hope that the President will also join and work, as this House has done, to sign legislation that ends the unfair marriage penalty on so many Americans.

So, Mr. Speaker, the record is clear: this Congress is working to end tax unfairness and restore tax fairness and equity for the American people.

EVERGLADES RESTORATION PLAN

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I am from Florida, and I rise in support of the Everglades Restoration Plan and funding to make it a reality.

The State of Florida has lost 46 percent of its wetlands and 50 percent of its historic Everglades ecosystem. Fifty years ago, the Federal Government established the Everglades National Park, but simultaneously a series of canals, levees and other flood-control structures constructed by the Southern and Central Florida Project disrupted the life blood flow of water to the Everglades. Clean fresh water was cut off from the Everglades. In addition, 68 plant and animal species have become threatened or endangered with extinction.

The Everglades Restudy we are looking at now, Mr. Speaker, presents us with a very bold road map to undo the damage that has occurred during the last 50 years. It sets forth an extremely challenging agenda to restore the hydrology of the Everglades. It is a beautiful river of grass, and I am sure everyone in this country wants to see it restored.

We want to meet the needs of both urban and the farming industry, as well as the needs of the natural ecosystem. Restoration of the Everglades ecosystem will yield long-lasting human and environmental benefits to us all. By funding this plan, Mr. Speaker, we can restore this Everglades ecosystem.

SUSAN B. ANTHONY—A GREAT AMERICAN CHAMPION

(Mrs. CUBIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CUBIN. Mr. Speaker, Susan B. Anthony is well remembered as one of our Nation's greatest champions, not just of the rights of women, but the rights of all Americans. In addition to her work for women's rights, she was also a leading voice speaking out against the evils of slavery.

She considered her work in turning women away from abortion as some of the most important in her life. She declared that amongst her greatest joys was to have helped "bring about a better state of things for mothers generally, so that their unborn little ones could not be willed away from them."

Today, on the 180th birthday of her death, I rise in honor of this great human rights crusader and to bring her wisdom to bear on one of the great human rights issues of our day, the right of preborn children to live.

Susan B. Anthony was clear: abortion for her was nothing less than, quote-unquote, "child murder," and she devoted much of her energies toward making women independent of what she termed the "burden" of abortion.

As we celebrate this day, let us also recommit ourselves to her goal of relieving women of the burden of abortion.

SENIORS DESERVE RELIEF FROM SOCIAL SECURITY EARNINGS LIMIT

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, it has been said that all work is noble. As much as I believe that, it is a shame that our government does not, because even though we might think all work is noble, our government, unfortunately, views work performed by senior citizens as apparently something less than noble. How else can one explain the Social Security earning limit, which actually penalizes senior citizens who have jobs?

Our seniors have worked hard their whole lives and have paid a lot of money into the Social Security system. They do so with the expectation that they will receive Social Security benefits when they turn 65. But the truth of the matter is that millions of seniors who choose to work after the age of 65 are stripped of their Social Security benefits. This is wrong.

The time has come to stand up for working seniors, just as we stood up for married couples last week. Because just as it is wrong for the government to penalize people for getting married, it is wrong for the government to penalize senior citizens for working. Let us give seniors relief from the Social Security earnings limit.

COLOMBIAN DRUG POLICY TOWARDS AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, while American politicians just say no, reports say that the Colombian drug cartel has placed a $200,000 bounty on our border patrol. No limits. Kill five agents, you get $1 million.

Now, if that is not enough to tarnish our slogan, Colombia also plans to increase production of cocaine by 20 percent; and Colombia will expand their coca bush planting to 465 square miles, 465 square miles, and most of it targeted for the United States of America.

Beam me up, Mr. Speaker. While American troops are guarding borders overseas, vaccinating dogs in Haiti, the drug lords of Colombia are shooting our border patrol.

A Nation without secure borders is a Nation without security.

I yield back the crime, death, addiction, and stupidity in America.

THE KEEP OUR PROMISES ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in my heart few things are more sacred than the solemn promises that we have made to our veterans, because all of us today would not be able to enjoy the peace and prosperity we have without the sacrifices of our veterans.

Unfortunately, the President's budget proposal completely fails our veterans yet again by breaking the health care promises made to them years ago.

Mr. Speaker, I am proud that legislation has been introduced which corrects the administration's appalling oversight and restores adequate health care benefits that were promised to and earned by our veterans.

The Keep Our Promises Act is a bipartisan bill which will finally fulfill the commitment we made to our military retirees. We need to protect the future of veterans' health care. We need to protect those who have paid the ultimate sacrifices for this country.

I encourage our colleagues to support our Nation's veterans by supporting the Keep Our Promises Act. It is the least we can do, for all that they have done for us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on H.R. 3557 and H.R. 3642 will be taken after debate has concluded on these motions.

Record votes on remaining motions to suspend the rules will be taken at a later time.

PRESENTING CONGRESSIONAL GOLD MEDAL TO JOHN CARDINAL O'CONNOR

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3557) to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

The Clerk read as follows:

H.R. 3557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) His Eminence John Cardinal O'Connor is a man of deep compassion, great intellect, and tireless devotion to both spiritual guidance and humanitarianism.

(2) John Joseph O'Connor was born on January 15, 1920, in southwest Philadelphia, the son of Thomas J. O'Connor and Mary Gomple O'Connor.

(3) John Cardinal O'Connor joined the Navy Chaplains Corps in June 1952 during the Korean Conflict, served with elements of both the Navy and the Marine Corps, and saw combat action in Vietnam. He later served as chaplain of the United States Naval Academy and was appointed as Chief of Chaplains of the Navy with the grade of rear admiral, from which position he retired four years later, in May 1979. He was ordained a Bishop by Pope John Paul II on May 27, 1979. He then served as Vicar General of the Military Ordinariate (now the Archdiocese for the Military Services) until 1984.

(4) John Cardinal O'Connor became Bishop of Scranton, Pennsylvania, on May 10, 1983, was named Archbishop of the Catholic Archdiocese of New York on January 31, 1984, and was elevated to the rank of Cardinal by Pope John Paul II on May 25, 1985.

(5) John Cardinal O'Connor has demonstrated an unwavering commitment to public and parochial school education. He has supported and strengthened Catholic schools in their mission to provide a quality education to students of all races, ethnic backgrounds, and religions in the Archdiocese of New York and throughout the Nation.

(6) John Cardinal O'Connor has provided comfort and care to the sick, the elderly, and the disabled and provided millions of people with spiritual and emotional support. He lead the effort to open New York State's first AIDS-only unit at St. Claire's Hospital, remaining a frequent visitor and volunteer at the hospital.

(7) Throughout his life, John Cardinal O'Connor has also served on behalf of the poor and the oppressed, as exemplified by his assistance on behalf of famine victims in Ethiopia and victims in war-torn Bosnia-Herzegovina.

(8) Throughout his career, John Cardinal O'Connor has been a strong advocate of interfaith healing and understanding, particularly among individuals of the Catholic and Jewish faiths, and has played a significant role in helping to establish diplomatic ties between the Vatican and Israel.

(9) John Cardinal O'Connor took the inspiring words of the Declaration of Independence—"Life, Liberty and the pursuit of Happiness"—and transformed them into a statement of purpose. He has dedicated his life's work to protecting and defending these inalienable rights of all people.

(10) John Cardinal O'Connor celebrated his 80th birthday on January 15, 2000, and has displayed remarkable courage and the true power of his faith in carrying on his life's work in the face of life-threatening illness.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a soldier, and a humanitarian.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is hereby authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we honor a great American, the Cardinal of New York, John O'Connor, a spiritual leader who has been guiding the 2.3 million Catholics in the Archdiocese of New York for 16 years, and millions more in the Navy and Marines as a chaplain for 27 years.

The Cardinal endured military combat when he was called to minister to those entrusted to his care on the battlefields and in the jungles of Vietnam. A general from the Third Marine Division in Vietnam said of him, "No one was more effective in sustaining for all Marines of any religion a particular morale."

Cardinal O'Connor has been more than a spiritual guide for Catholics. He has served as a witness of Christ in his love for others and his heroic stance against moral decay and in his personal relationship with Christ. Above all else, his love for God has been the motivation for his love for all other persons.

His love for others has led him to reach out to those with physical disabilities. He has stood with disabled persons and their caregivers and supported them as cherished members of the church. In doing so, he has made them more visible, and the result often is greater acceptance and inclusion on the local level.

He has reached out to those suffering from alcoholism and emotional illness.

□ 1115

In the early 1980s, he opened the first treatment center exclusively for AIDS patients in a New York City hospital.

His love for the truth has led him to preach lively and clearly against offenses to human dignity. A reoccurring theme of the Cardinal's preaching is that each person has immense value and dignity. That dignity is rooted in our relationship to God being made in his own image.

The Cardinal has preached against hatred based on race or religion, against the abuse of women, against the destruction of the unborn, and against injustice in the political and judicial system. His stands against racism are as strong as his outspokenness against abortion. Indeed, for the Cardinal, both racism and abortion are rejections of God and both demand the response of love. He has said, "It is God who gave life and God who made life in its diversity. The defilement of the human person is a defilement of God," the Cardinal has said. In a mass in Harlem, he said that people cannot achieve community merely on the basis of respect for each other or honoring authority; it must be on the basis of love.

On Pentecost 1990 following a gang slaying of a black teenager, the Cardinal declared racism a sin and an outrage and led a cathedral mass congregation in a pledge to, and I quote, "treat all men and women of every race and culture with the respect and dignity that is their right as persons made in the image and likeness of God."

The Cardinal said, and again I quote, "The church has always taught that the only answer to hate is love. There are no blacks, no whites, no Asians, no Hispanics, only children of God. This city; tragically, this country, has been filled far too long with the hatred we call racism. It is a sin, it is an outrage," said the Cardinal.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House today honors John Cardinal O'Connor, a man whom Pope John Paul II once praised as a "strong shepherd of men." On January 15 of this year, Cardinal O'Connor turned 80; and in the twilight of his great career he is courageously waging a battle against cancer. With his strong character and religious devotion, his spirit is thriving, as his comments on his recent visit to the Vatican witness. I am honored to rise before this House in support of this very timely bill that awards a gold medal on behalf of Congress through the President to this man who so deservedly carries the title, "His Eminence."

In 1984, Cardinal O'Connor made his first visit to Rome in his new capacity as archbishop of New York. Pope John Paul II welcomed him as the "archbishop of the capital of the world." Catholic parishioners in American know well Cardinal O'Connor's contributions to the betterment of our society, most especially his many humanitarian endeavors such as his work on behalf of disabled persons and the people who care for them. His efforts to end racism in America command our respect; and in our diverse multicultural, multilingual, and multireligious country, the Cardinal's calls for ecumenical understanding have helped immensely in fostering peaceful fellowship between Catholics and their Jewish and Protestant Christian brethren.

In his devotion to many causes, Cardinal O'Connor has not only served his church with distinction, but also his country. He made the Navy his home for 27 years and through two wars. He retired as a rear admiral in 1979 with a Meritorious Service Medal, a Distinguished Service Medal and a Legion of Merit award, amongst others. He carries the distinction of being the first Roman Catholic priest to become senior chaplain at the United States Naval Academy at Annapolis.

Upon retirement from the Navy, Pope John Paul II installed him in Rome as a bishop for our Armed Forces, and in 1983, after assuming the bishopric of Scranton, Pennsylvania, he garnered national attention as one of the influential drafters of the America Bishops' pastoral letter on nuclear weapons, "The Challenge of Peace: God's Promise and Our Response."

In 1984, he assumed stewardship of the Archdiocese of New York. In academia, he holds an M.A. in clinical psychology and a Ph.D. in political theory. Finally, the Cardinal has published several thoughtful books on ecumenical and social issues.

Mr. Speaker, while today we honor a great man, one who has made America a better place, the House should go a step further to learn from Cardinal O'Connor's example and recognize that his spirit and commitment to social justice represent universal human values. For the coat of arms to which his clerical position entitles him, Cardinal O'Connor adopted the motto: "There can be no love without justice." By that he meant, from the beginning of life to the cessation of life, a continuum of justice, a continuum of love. He lived his motto and he preached his motto. No person could do better, no person could do more. We all could emulate the example.

So I know my colleagues will join me and the many cosponsors of this legislation in paying high tribute to a man who has given such outstanding service to his country, his faith, and his pastoral flocks.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 4 minutes to the gentleman New York (Mr. FOSSELLA), who is the original sponsor of the resolution.

Mr. FOSSELLA. Mr. Speaker, first I would like to thank the gentleman from Alabama (Mr. BACHUS) and the gentleman from Iowa (Mr. LEACH) and the House who have understood the importance of this matter and who have helped me move this legislation forward so quickly. For that they should be commended. I would also like to thank a fellow New Yorker and former member of this chamber, CHARLES SCHUMER, who has introduced identical legislation in the other body.

As we have briefly heard, Cardinal O'Connor has spent a lifetime using one simple tool: love. Love for his country, his church, and his fellow human beings. Therefore, I consider it a great privilege to be able to introduce this legislation, an honor to associate with a man who has done so much for our Nation and for New York City.

Many people know that Cardinal O'Connor is the leader of New York's Catholic archdiocese. What many people do not know is that before his tenure in New York, the Cardinal spent 27 years in the Navy, ministering on behalf of our soldiers at home and abroad. Cardinal O'Connor joined the Navy during the war in Korea and saw combat action with the Navy and the Marines during the Vietnam War. He went on to serve as chaplain at the United States Naval Academy in Annapolis, instilling our future admirals with a sense of justice. Eventually, Cardinal O'Connor would rise to the rank of Rear Admiral. Upon leaving the military, he was ordained the bishop of the Armed Forces of the United States, but I believe in his heart, he always remained the chaplain.

Cardinal O'Connor is the spiritual leader of 2.3 million Catholics. Despite this challenge he has not limited his advocacy to strictly Catholic matters. Rather, he speaks out on a variety of issues. For example, Cardinal O'Connor has condemned racism in any and all forms. Cardinal O'Connor has also reached out to New York's Jewish community. He has issued unequivocal condemnations of anti-semitism and spearheaded the effort to establish diplomatic ties between the Vatican and Israel. An endowed chair of Jewish Studies is named in his honor at a Catholic Seminary in Dunwoodie, New York.

But more importantly, the Cardinal is not only a man of words, but of action. During the early and most frightening stages of the AIDS epidemic in the 1980s, he opened New York State's first AIDS-only unit at St. Clare's Hospital. He remained a frequent visitor and volunteer at this unit, spending untold hours with those in pain and suffering, and counseling those in their last moments on this earth. He has also fiercely defended inner-city Catholic schools from the budget axe, keeping schools open in the face of severe fiscal restraints, giving an opportunity to so many children who would have no alternative. Today, not only are those schools open, they are thriving. The Archdiocese's Catholic high school's graduation rate is 99 percent. Students from racial and ethnic minority groups make up 52 percent of the enrollment, and 21 percent of those students are non-Catholic.

There is so much good and noteworthy about this man that it is difficult to encapsulate it all in one thought or one speech, but I know that in a body that sometimes thrives on disagreement, there is one thing we can all agree upon: Cardinal John O'Connor is a great man. Yet, despite his high-ranking office, soldiers, priests, and parishioners know in their hearts that the Cardinal has always been a man of the people. As such, Cardinal O'Connor, through his beliefs, words, and actions, epitomized the true meaning of life, liberty and the pursuit of happiness, and that is why he deserves the Congressional Gold Medal, and that is why I am honored to have introduced this resolution. I urge my colleagues to support this resolution.

Mr. LAFALCE. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, the gentleman from New York has mentioned the Cardinal's important work with the inner-city Catholic schools, and I think that that bears repeating again. The gentleman from New York (Mr. FOSSELLA) said that students from racial and ethnic minority groups make up 52 percent of that enrollment. Twenty-one percent of them are not Catholic. Amazingly, the New York Catholic high school graduation rate is 99 percent, which is a testimony to the Cardinal.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) and the gentleman from New York (Mr. LAFALCE) for yielding me this time. At the very outset I want to commend the gentleman from New York (Mr. FOSSELLA) for the truly outstanding job he has done and the leadership he has shown in bringing this resolution before the House today.

I am proud to join with my colleagues in supporting the awarding of the Congressional Gold Medal to John Cardinal O'Connor. I have had the privilege of knowing Cardinal O'Connor since he first became the Archbishop of New York. I am proud to call him a friend. During that time, like so many other New Yorkers, Catholic and un-Catholic alike, I have witnessed the tremendous leadership he has shown, the willingness he has shown to stand up for what is right, the willingness he has shown to speak out on behalf of truths, the willingness he has shown to defy contemporary thinking, the willingness he has shown to make the tough decisions, to speak out on behalf of life, to speak out on behalf of justice, the support he has shown for the inner-city schools where there are many non-Catholic, nonwhite children being educated in the inner cities and Catholic schools by Cardinal O'Connor. And the gentleman from Alabama (Mr. BACHUS) has pointed out, the tremendous results that have been brought about from that education.

In addition to that, we have seen, as the gentleman from New York (Mr. FOSSELLA) pointed out, we have seen the Cardinal literally working with AIDS patients at the hospital, giving of his time and effort. We have seen him reach out to other religions and to forge close relationships with non-Catholics, such as former New York City mayor Ed Koch. In fact, the two of them even coauthored a book several years ago. It was that type of ecumenism where he was able to reach across the religious divide and show how all religions should stand together as one, and that friendship and relationship with Mayor Koch personifies that.

□ 1130

In addition, he has reached out to those in need. He has stood behind those police officers that were wounded in the line of duty, such as the hero police officer Steven McDonald who also has told me the tremendous assistance that Cardinal O'Connor has given to him and his family in their time of need.

I have seen Cardinal O'Connor first-hand work on the Irish peace process dealing with many of the players involved, not just in this country, but in Ireland, in Britain, on both sides, Catholic and Protestant alike.

Mr. Speaker, he also has a tremendous sense of humor, a self-deprecating humor, a sense of irony. He has never shown that more during this time of his recent illness, where he is undergoing surgery and treatment for a brain tumor; yet he has courageously come forward and gone before his flock, gone before his congregation and his parishioners, and showed the type of courage in time of adversity that he showed during the good times.

Mr. Speaker, I am proud to join with my colleagues in voting for this gold medal for Cardinal O'Connor. No one deserves it more than John Cardinal O'Connor; no one personifies more what true religion should be. Whether you are Catholic, Protestant, Jew, Muslim, whatever your religion happens to be, you can identify with Cardinal O'Connor, because he represents eternal truths. He also represents a commitment to peace and justice.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) for yielding the time.

Mr. Speaker, it is my great pleasure to rise today in support of H.R. 3357, legislation awarding the Congressional Gold Medal to John Cardinal O'Connor.

I want to thank my good friend, the gentleman from New York (Mr. FOSSELLA) for introducing this legislation and for the great work that he has done in this body in bringing forward this legislation so that Congress may bestow its highest honor upon one of the most respected spiritual leaders in my great State of New York and our Nation and in the world.

Cardinal O'Connor celebrated his 80th birthday earlier this year amid standing ovations throughout. And I am pleased that we offer today our own ovation here on the floor in the form of the Congressional Gold Medal.

Mr. Speaker, his 54 years of devoted service as an ordained priest in the Catholic Church has shown him to be a cardinal of the people. He is a tireless advocate of charitable giving; reaching out to the homeless, the elderly, the sick and anyone needing a helping hand. His teaching and deeds on behalf of those less fortunate are truly an inspiration.

We owe our thanks to John Cardinal O'Connor for over 3 decades of service to the men and women of our military, as chaplain of the United States Navy and Marine Corps, and then as bishop for the Armed Services of the United States.

Mr. Speaker, we owe John Cardinal O'Connor our deepest gratitude for a lifetime of devoted service to the Catholic Church, to our Nation and its people.

Although illness has presented new challenges to Cardinal O'Connor's strength and his retirement is near, I am certain we have not seen the end of his service.

The Congressional Gold Medal is the greatest honor that this House can extend to an individual, and there is none more deserving than John Cardinal O'Connor.

I urge my colleagues to support this legislation.

Mr. LAFALCE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from New York (Mr. LAFALCE) has 11½ minutes. The gentleman from Alabama (Mr. BACHUS) has 10 minutes remaining.

Mr. LAFALCE. Mr. Speaker, I yield 8 of my minutes to the gentleman from Alabama (Mr. BACHUS) for him to yield as he might deem wise.

The SPEAKER pro tempore. Without objection, the gentleman from Alabama (Mr. BACHUS) controls 8 additional minutes.

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) for yielding the time and the gentleman from New York (Mr. LAFALCE) as well.

Mr. Speaker, words are inadequate to express my deep respect, affection, admiration and gratitude to John Cardinal O'Connor, one of the greatest and most consistent moral and spiritual leaders of the 21st century.

Conferring the Congressional Gold Medal on this extraordinarily brave man of conscience is a small but important token of our appreciation of a life so selflessly and wonderfully lived.

Mr. Speaker, I want to especially thank the gentleman from New York (Mr. FOSSELLA) for sponsoring this legislation today and for the Republican leadership for bringing it up on the floor as well.

Mr. Speaker, I have known Cardinal O'Connor for almost 20 years. Although he would be embarrassed to hear it said, he is a living saint. Cardinal O'Connor is a man after God's own heart. He loves unconditionally and gives generously, expecting nothing in return.

He faithfully proclaims and demonstrates by his words, works, and actions the indescribable blessings of the Gospel. He is a good and holy priest who radiates Christ and the healing power of God to both believers and nonbelievers alike.

Over the years, however, there are some, who have belittled, mocked, and rejected Cardinal O'Connor's clear Christian teaching on the sanctity of human life and the duty of all men and women of good will, especially politicians, to protect the vulnerable from violence. Yet, he always treated the enemies of his message with respect and good humor. Amazing!

Thank God, Mr. Speaker, that Cardinal O'Connor has been—and continues to be—a lightning rod for truth and inclusion and protection in law of all persons, regardless of race, color, creed, or condition of dependency. Cardinal O'Connor has worked tirelessly and effectively to bring an end to the culture of death and to usher in a culture of life so that God's will be done on earth, as it is in Heaven.

Notwithstanding the enormous responsibility of being the leader of the New York Archdiocese, which includes 413 churches, 293 schools, and 35 full and affiliate hospitals, he has repeatedly called on all Americans to face up to the cruelty and the inherent violence and injustice of abortion.

Under his leadership, the Archdiocese of New York has reached out to many mothers in need of help, shelter, medicine, or spiritual guidance. His new order of nuns, known as the Sisters of Life, are but one manifestation of his tangible love in action.

Mr. Speaker, in the 25th chapter of Matthew's gospel, Jesus spoke of the last judgment and those who would be blessed in eternity. Jesus said, and I quote, "'. . . For I was hungry and you gave Me food; I was thirsty and you gave Me drink; I was a stranger and you took Me in; I was naked and you clothed Me; I was in prison and you came to me.' Then the righteous will answer Him, saying, "Lord, when did we see You hungry and feed You, or thirsty and give You drink? When did we see You a stranger and take You in, or naked and clothe You? Or when did we see you sick or in prison and come to You?' and the King will answer and say to them, "Assuredly, I say to you, inasmuch as You did it to the least of these My Brethren, you did it to Me.'"

Mr. Speaker, Cardinal O'Connor has devoted his life and inspired countless others to do the same to help the least of our brethren, to help the disenfranchised and the unwanted, seeing Christ himself in the lives that nobody else wants and nobody else cares about. And he has done it without any fanfare whatsoever, never seeking applause, never seeking an accolade or pat on the back. He is truly a great man.

Mr. BACHUS. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I had the privilege of first meeting Cardinal O'Connor in New York in 1996. I was drawn to meet with Cardinal O'Connor because of an outstanding offer that he had made. He had made an offer to the city of New York and to the New York public schools that the Catholic schools of New York would take the 5 percent lowest performing students in all of New York's public schools, and that he would embrace those students and take them into the Catholic school system, and that the Catholic school system and he would take responsibility for educating those children.

We had an awesome meeting in 1996, a group of four or five of us meeting with Cardinal O'Connor and sharing his view on education. In 1997, we went back to New York, and Cardinal O'Connor testified in front of our Committee on Education and the Workforce about his view and his vision for educating all of the young people in New York City and all of the young people in America.

But perhaps what had the biggest impact on me was actually going to the Catholic schools in New York City. Having listened to what Cardinal O'Connor had to say, and then having the opportunity to take a look at what he was actually doing was awesome, educating kids in some of the most difficult areas of New York City and providing them with hope and opportunity, and providing them with a foundation to move forward.

In a diverse neighborhood, the Catholic schools were not talking about diversity, but they were talking about what brings us together, the saving grace of Jesus Christ. In an area of high poverty, high unemployment, high crime, they do not teach self-esteem, they talk about that every individual is created in the image of God.

I am pleased to be a cosponsor of this legislation to honor Cardinal O'Connor. I only saw a small part of what he did, but was impressed with his commitment and the results that he made to all Americans, and the impact that he has had in the lives of many people in this country and probably around the world.

I wish him the best as he enters his retirement, and thank him for his years of dedication and service.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, I thank the gentleman from Alabama for yielding time to me.

Mr. Speaker, I certainly want to thank my colleague, the gentleman from New York (Mr. FOSSELLA) for introducing this legislation. It is an honor for me to be a cosponsor.

Mr. Speaker, the Congressional Gold Medal is our highest expression of national appreciation for distinguished achievements and contributions to the American society. Over the past 224 years, this honor has been reserved for those of uncommon patriotism, leadership, and compassion, whose contributions to our history and culture have been both significant and enduring.

Cardinal John O'Connor, spiritual leader of the archdiocese of New York, is the type of person for whom the Congressional Gold Medal was created. Cardinal O'Connor is widely known for his strength of character, courage of conviction, and humility, and humor. His contributions to our society and culture stretch far beyond the community of the Catholic Church. Whether strengthening the ties among those of all faiths, or personally providing comfort to those afflicted with AIDS or attending to the poor, Cardinal O'Connor has spent a lifetime leading by example, an example that we would all do well to follow.

While perhaps best known as New York's Cardinal, his contributions and achievements can be felt all across America. He signed up for military chaplaincy during the Korean War, served in the Navy and Marine Corps, was Chaplain of the United States Naval Academy, and rose to the rank of Navy Chief of Chaplains.

Cardinal O'Connor's lifetime of leading and inspiring us to be better people and to serve our fellow man with devotion and compassion has earned him this unique distinction. I am proud and honored to join in nominating Cardinal John O'Connor for the Congressional Gold Medal.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am very pleased to rise today as an original cosponsor of H.R. 3557 and in support of awarding the Congressional Gold Medal to John Cardinal O'Connor, Archbishop of New York. I hope that all my colleagues will join with us in recognizing Cardinal O'Connor's devotion to faith, service, and country.

The Diocese of Scranton, which I am proud to represent, was once home to Cardinal O'Connor. I remember how thrilled I was when in 1983 he became the Bishop of Scranton, and what mixed emotions the people of the diocese had when he was selected to become the Archbishop of New York. We hated to lose a leader that was doing so much for our area. He had the great respect and genuine affection of everyone of all faiths in northeastern and north central Pennsylvania.

Cardinal O'Connor is quoted as saying that he has no intention of fading into the woodwork. We are all very glad to hear that. I am confident that he will continue his ministry of personal compassion to those whose quiet cries are often lost in the din: the unborn, the handicapped, the sick, and the working poor.

One month ago today Cardinal O'Connor turned 80. I say to His Eminence, I wish him belated happy birthday, and I thank him for his many years of selfless service to his Nation and his faith.

I would like to thank my colleague, the gentleman from New York (Mr. FOSSELLA), for his leadership in bringing this bill before the House today to honor this great leader, this great American, John Cardinal O'Connor.

□ 1145

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Cardinal O'Connor's prayers, his sacrifices, and his personal chastity are a model of how to achieve personal fulfillment and happiness for all of us. As the gentleman from New York (Mr. LAFALCE) has said, the Pope has praised Cardinal O'Connor as a strong shepherd of men. In fact, Cardinal O'Connor has been called a spokesman for the Pope in the United States.

Cardinal O'Connor led the negotiations to restore relations between the Vatican and Israel, and he has proclaimed the Pope's message against a culture of death. But more than a spokesman, he has been a living witness to the civilization of love, which is at the heart of the Pope's message for the new millennium.

Among those that he has shown particular love and sacrifice for are the disabled and their caregivers; for victims of racism, whether from race or religion; the elderly; innercity youth; AIDS victims; the unborn; military personnel; and those with mental illness and alcoholism.

To close, Mr. Speaker, I will simply say this, today, by honoring Cardinal O'Connor we honor all those who put their faith into action each and every day to build a new civilization of love, to treat all men and women of each race and culture with the respect and dignity that is their right as persons made in the image and likeness of God.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FOSSELLA), the sponsor of this bill, and I commend him and the New York delegation.

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) for yielding me this time. I want to thank him again for his leadership and the gentleman from Iowa (Mr. LEACH) and especially Speaker HASTERT, Majority Leader ARMEY, and all of my colleagues, and the gentleman from New York (Mr. LAFALCE), the ranking member, for their support of this legislation.

Mr. Speaker, we have heard it all. Cardinal O'Connor is a tremendous man, and if we could all be like him, what a wonderful world this could be.

In just a few weeks, Mr. Speaker, there is a spectacle that takes place in New York City called the Saint Patrick's Day Parade, which people come from all over the world to witness. One of the highlights of that parade is just passing by Saint Patrick's Cathedral and the Cardinal will be there with his smile and greeting the parade goers and wishing us all well. I look forward to that day.

I look forward to the House passing this, as well as the other body, in honoring a true great American.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, one might think that Cardinal O'Connor had no critics in life. He had many critics, but underlying all of that criticism, in my judgment, was his innate belief in what he and others have called a consistent life ethic.

Senator Hubert Humphrey, a great liberal, a great Democrat, once said that the moral test of government and the moral test of individuals is how they treat those in the dawn of life, our children; how they treat those in the shadows of life, the disadvantaged, our handicapped; and how they treat those in the twilight of life, our seniors, especially those dying.

From the very beginning of life to the very cessation of life, Cardinal O'Connor was consistent in his belief that all deserved justice under the law and as much human love as mankind was capable of. For that, we honor him today.

Mr. PAUL. Mr. Speaker, I rise today in opposition to H.R. 3557. At the same time, I rise in total support of, and with complete respect for, the work of Cardinal O'Connor. Cardinal O'Connor is a true hero as he labors tirelessly on behalf of the most needy and vulnerable in our society; promotes racial and religious harmony; advocates the best education for all children regardless of race, religion, or financial status; ministers to the poor, sick, and disabled; all the while standing up for that which he believes even in the face of hostility.

I must, however, oppose the Gold Medal for Cardinal O'Connor because appropriating $30,000 of taxpayer money is neither constitutional nor, in the spirit of Cardinal O'Connor who dedicates his life to voluntary and charitable work, particularly humanitarian.

Because of my continuing and uncompromising opposition to appropriations not authorized within the enumerated powers of the Constitution, several of my colleagues felt compelled to personally challenge me as to whether, on this issue, I would maintain my resolve and commitment to the Constitution—a Constitution, which only last year, each Member of Congress, swore to uphold. In each of these instances, I offered to do a little more than uphold my constitutional oath.

In fact, as a means of demonstrating my personal regard and enthusiasm for the work of Cardinal O'Connor, I invited each of these colleagues to match my private, personal contribution of $100 which, if accepted by the 435 Members of the House of Representatives, would more than satisfy the $30,000 cost necessary to mint and award a gold medal to the well-deserving Cardinal O'Connor. To me, it seemed a particularly good opportunity to demonstrate one's genuine convictions by spending one's own money rather than that of the taxpayers who remain free to contribute, at their own discretion, to the work of Cardinal O'Connor as they have consistently done in the past. For the record, not a single Representative who solicited my support for spending taxpayer's money, was willing to contribute their own money to demonstrate the courage of their so-called convictions and generosity.

It is, of course, very easy to be generous with other people's money.

Mr. GILMAN. Mr. Speaker, I am honored to join in supporting this legislation which will grant long overdue recognition to an outstanding American, one who I am especially honored to call a friend.

This legislation authorizes the President to present, on behalf of the Congress, to His Eminence, Cardinal John O'Connor of New York a gold medal in recognition of his accomplishments as one of our outstanding religious leaders. The medal pays tribute to Cardinal O'Connor for his roles as a priest, as a chaplain, and as a humanitarian.

For most of our colleagues in this chamber, John Cardinal O'Connor is a living legend. His dedication to God and his religion is well known throughout our nation.

However, for those of us who have the honor of representing Districts within the New York Archdiocese, Cardinal O'Connor is more than a legend. He is a living personification of love for one another, for peace, and for living up to the ideals of our Judeo-Christian heritage.

In my Congressional District, Cardinal O'Connor is ubiquitous. He is always on hand for school graduations, for cornerstone layings, and for religious services. Cardinal O'Connor personifies the trait of looking to the future, rather than the past, and his message is consistently a message of hope.

Cardinal O'Connor is a native of Philadelphia, Pennsylvania. It is there that he entered the priesthood in 1945. The Cardinal studied at a number of institutions of higher education, and holds advanced degrees in Ethics, Clinical Psychology, and Political Theory.

Cardinal O'Connor served as a chaplain with both the Navy and the Marine Corps for a total of 27 years. After leaving military service, His Holiness Pope John Paul II ordained him a Bishop for the Military in 1979. After serving as Bishop of Scranton, PA, he was promoted Archbishop of New York in 1984. He was raised to the position of Cardinal a year later.

The motto on Cardinal O'Connor's personal coat of arms summarizes the philosophy of this outstanding leader: "There can be no love without justice."

Mr. Speaker, His Eminence, Cardinal O'Connor is known for promoting racial and religious harmony, and for advocating the best education possible for all children regardless of race, religion, or financial status. No one in America should forget that Cardinal O'Connor welcomed AIDS patients into the Catholic hospitals of New York back at a time when other institutions of medicine were turning them away. In New York, His Eminence is well known for ministering to the sick and disabled, and for being a friend to the poor.

It is regrettable that in this day and age Cardinal O'Connor has been harassed by elements of our society who feel comfortable attacking those institutions which continue to uphold our ancient moral standards. The reaction of His Eminence to this misplaced hostility has earned him the respect and awe of all of us.

Mr. Speaker, this medal will be funded by the sale of authentic bronze duplicates of the medal which will be placed on sale by the U.S. Mint. I am honored to associate myself with this legislation initiative, and to congratulate Cardinal O'Connor and to wish him good health and happiness upon his anticipated retirement.

Mr. QUINN. Mr. Speaker, I rise today in support of a bill to award a Congressional gold medal to Cardinal John O'Connor. We are gathering here today to honor a man who has been described as being the spine of the Catholic community throughout the United States. Cardinal John O'Connor has held the most influential post in the U.S. Catholic Church and has led the congregation of St. Patrick's Cathedral since 1984 with unwavering faith and a sense of leading a good Catholic life devoted to service.

His life of service formally began when he was ordained as a Roman Catholic priest in 1945. His service continued to not only include the Church and to God but also to his country as he served in the Chaplain Corps of the U.S. Navy, including assignments in Okinawa and Vietnam.

Cardinal O'Connor was able to revitalize the bishops' sense of urgency about the premier civil right issues of our time. He has indeed left an imprint on New York City and Catholics nationwide as a "prophetic voice" which has constantly challenged people's views—regardless of how upsetting they might be, even to politicians.

The Cardinal has been an icon for and has diligently served the American Catholic community particularly due to his strong bond with Pope John Paul II. He consistently served to participate in and better the Catholic school system and gave children the opportunity to be taught in the traditional Catholic system.

The Cardinal also sought to strengthen the ties between Catholics and Jews. Once, in Jerusalem he went so far as to apologize for the Church's history of anti-Semitism and was a chief advocate in persuading the Vatican to recognize Israel.

Today, we as a nation gather to celebrate the work Cardinal O'Connor has devoted his life to: charity, service to our community, acceptance of others and living a good life in the eyes of God. We would be lucky to be able to follow his example as selflessly as he has led his life. Cardinal O'Connor has left a deep impression on America and he will continue to inspire to follow in his footsteps.

Mr. LAZIO. Mr. Speaker, I rise today to help celebrate His Eminence John Cardinal O'Connor. For all of his accomplishments as a priest, a chaplain, and a humanitarian, there can be no way to fully honor him. The Congressional Medal of Honor—the highest honor Congress can bestow—is simply a beginning. While we will do our best in Congress to honor him, it is clear that the true honor is ours for having the privilege of learning from him.

As New York's archbishop since 1984, Cardinal O'Connor has seen the Catholic population of the archdiocese rise from 1.8 million when he arrived to the 2.3 million it is today. In a time where many sense a loss of spirituality across America, this is a testament to the wonder and grace of Cardinal O'Connor. That he was able to reach out and touch the souls of so many people, help them, guide them—it is inspiring.

We would all do well to follow the examples of what he has done for the people of New York and the American people. Cardinal O'Connor is an outspoken critic of racism. In the face of severe budget challenges, Cardinal O'Connor has protected and preserved inner-city Catholic schools. The Catholic High School's graduation rate is 99 percent. And his commitment to helping the sick and people with disabilities has been unwavering.

It is our responsibility to honor him outside of this House, and beyond just today. We can do that by learning from his grace and practicing what he has taught us.

Mr. LAFALCE. Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 3557.

The question was taken.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3557, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PRESENTING CONGRESSIONAL GOLD MEDAL TO CHARLES M. SCHULZ

Mr. LUCAS of Oklahoma. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3642) to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

The Clerk read as follows:

H.R. 3642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Charles M. Schulz was born on November 26, 1922, in St. Paul, Minnesota, the son of Carl and Dena Schulz.

(2) Charles M. Schulz served his country in World War II, working his way up from infantryman to staff sergeant and eventually leading a machine gun squad. He kept morale high by decorating fellow soldiers' letters home with cartoons of barracks life.

(3) After returning from the war, Charles M. Schulz returned to his love for illustration and took a job with "Timeless Topix". He also took a second job as an art instructor. Eventually his hard work paid off when the *Saturday Evening Post* began purchasing a number of his single comic panels.

(4) It was in his first weekly comic strip, "L'il Folks", that Charlie Brown was born. That comic strip, which was eventually renamed "Peanuts", became the sole focus of Charles M. Schulz's career.

(5) Charles M. Schulz has drawn every frame of his strip, which runs seven days a week, since it was created in October 1950. This is rare dedication in the field of comic illustration.

(6) The "Peanuts" comic strip appears in 2,600 newspapers around the world and reaches approximately 335 million readers every day in 20 different languages. Because of this, Charles M. Schulz is the most successful comic illustrator in the world.

(7) Charles M. Schulz's television special, "A Charlie Brown Christmas", has run for 34 consecutive years. In all, more than 60 animated specials have been created based on "Peanuts" characters. Four feature films, 1,400 books, and a hit Broadway musical about the "Peanuts" characters have also been produced.

(8) Charles M. Schulz is a leader in the field of comic illustration and in his community. He has paved the way for other artists in this field over the last 50 years and continues to be praised for his outstanding achievements.

(9) Charles M. Schulz has given back to his community in many ways, including owning and operating Redwood Empire Ice Arena in Santa Rosa, California. The arena has become a favorite gathering spot for people of all ages. Charles M. Schulz finances a yearly ice show that draws crowds from all over the San Francisco Bay Area.

(10) Charles M. Schulz has given the Nation a unique sense of optimism, purpose, and pride. Whether through the Great Pumpkin Patch, the Kite Eating Tree, Lucy's Psychiatric Help Stand, or Snoopy's adventures with the Red Baron, "Peanuts" has embodied human vulnerabilities, emotions, and potential.

(11) Charles M. Schulz's lifetime of work has linked generations of Americans and has become a part of the fabric of our national culture.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is hereby authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. LUCAS) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today with mixed emotions. It is with great pride and honor that I support awarding Charles M. Schulz the Congressional Gold Medal. However, as we all know, Mr. Schulz, the creator of the beloved comic strip Peanuts, died last Saturday, February 12, at his home in Santa Rosa, California, at the age of 77. Therefore, I stand before my colleagues with great sadness.

I would like to thank the gentleman from California (Mr. THOMPSON) for introducing this most appropriate piece of legislation. Congress has commissioned gold medals as its highest expression of national appreciation for distinguished achievements and contributions. Without a doubt, Mr. Schulz has earned this great honor.

Mr. Schulz first introduced his legendary Peanuts cartoon to us in October of 1950. It was then that the world became acquainted with such characters as Snoopy, Charlie Brown, Lucy, Linus and others.

Like millions of other Americans, I often felt as though I knew the man personally, having read and watched his cartoons for as long as I can remember. I believe that I knew the man as only a life-long fan could know him, through his work. I am extremely appreciative of Mr. Schulz and his creation of the Peanut gang.

For almost 50 years, he provided us with endless hours of humor, entertainment. His cartoons and characters will live with us forever.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3642, introduced by the gentleman from California (Mr. THOMPSON), a bill to award a gold medal to a man who was a friend to the entire Nation, Charles M. Schulz. Peanuts was both a national treasure and a national delight. Every morning for almost half a century, America awoke to read the newspapers and millions of eyes turned to the pages where Charlie Brown, Lucy, Snoopy, and Linus lived.

Yet, it was not only Americans who took in the bounty of the strip's tender humor and sage advice. Worldwide, the best estimate is a global audience of 355 million fans. They were in 75 countries, read in 2,600 newspapers, and spoke 21 languages.

Then there were the spin-offs. Beginning in the 1960s, a Charlie Brown Christmas; It's the Great Pumpkin, Charlie Brown, were among the television specials. In an era where relentless violence is the main fare of television programming, how welcome to find true amusement in good taste, where the most dangerous party is either a girl who pulls away the football just before the kick or a fantasy Red Baron.

There were songs and even a musical, You Are a Good Man, Charlie Brown.

Peanuts was not easy, slapstick humor. Long-time readers know there was real substance about the disappointments in life. However, it was also about the great line, Happiness Is a Warm Puppy, which for millions of children and their parents had that ring about what truly makes life worthwhile.

Most in this chamber will be surprised that the spell of Peanuts so bedeviled theologians, philosophers, and psychiatrists that weighty books and articles were written probing the true meanings of the comic strip. They all found something of great worth, sometimes a brooding worth, all of which is fine. But for most of the adults we simply reveled in how four or five small cartoon frames Schulz could pack so much humor, joy, sadness and irony, all of the elements of great expression.

However, the whole production of Peanuts cartoons, films, musicals, books and even the dolls had special allure for children. Schulz had no problem communicating across many generations from when the first Peanut strip appeared half a century ago. I suspect one of his attractions to the young was that he was so easy to read and so direct. There was also Linus' security blanket. It gave the young the idea that through it all there are things, lasting things, to hold on to.

The books were just great reading instructors for millions of children that were nonviolent, but not just a bowl of cheer.

Mr. Speaker, for years now I have worn about three different Peanuts ties. I wear one today. I do not think I have ever worn a Peanuts tie when it has not been commented upon and it has not lit up someone's day. It is almost impossible to see a Peanuts tie and not smile, not feel some warmth, some empathy. That was the effect of Charlie Schulz.

We are all familiar with his fame, but I would like also to remind all that Schulz had served his country on the battlefields of World War II. He never forgot he was a veteran, and served as head of the fund-raising campaign for the National D-Day Memorial. He had the grit to be a good hockey player; the mathematical skill to be a fine bridge enthusiast; and the devotion it takes to teach Sunday school and deliver sermons.

Rarely can a man be called a global social institution; but in Charles M. Schulz' case, that is surely just what he was when he died after 77 years of phenomenal productivity and contribution. How it all came about will remain a mystery. A personality that large is never a simple book, but this much we know: in his life he did get to kick that football over the goal post. His work, with all its substance and wit, has become part of the national and global fabric and will be with us for a long time.

At last, one can say, "Thank goodness, Charlie Brown."

Mr. LAFALCE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. THOMPSON), the author of the resolution.

Mr. THOMPSON of California. Mr. Speaker, I would like to thank the gentleman from Iowa (Mr. LEACH), the gentleman from Alabama (Mr. BACHUS), and the gentleman from New York (Mr. LAFALCE), along with the 308 cosponsors who supported this legislation, and for their assistance in bringing this bill to the floor today. It means a great deal to Mr. Schulz's family. It means a great deal to me, and it means a great deal to the community that I have the honor to represent that has had the honor to share that community with Sparky Schulz.

□ 1200

I would also like to thank my California colleague, Senator DIANNE FEINSTEIN, who has introduced the identical bill in the Senate to make sure that this gold medal does come to fruition.

Mr. Speaker, this bill before us today is not about honoring a cartoonist who made us laugh and think but, rather, about honoring a lifetime of work that has transcended generations of Americans and has become the fabric of our national culture. We have adopted his characters as our own, and sometimes even as ourselves. Through them he provided us a uniquely American sense of optimism, purpose, and pride.

While many other pop figures reflect our fantasies, Sparky Schulz's characters, like Charlie Brown, reflected who we really are. Charles Schulz created the Peanuts comic strip in October of 1950, and he personally drew every single daily and Sunday strip.

Peanuts appeared in 2,600 newspapers around the world and reached approximately 355 million readers every day, and they came in some 20 different languages.

Sparky Schulz gave us more than just Peanuts. Most notable was his work with the Regional Organization Canine Companion. This wonderful organization breeds, raises, trains, and places dogs with individuals who are limited by disabilities. Along with his wife Jeanne, Sparky led and, in large part, personally financed the construction and the operation of the Canine Companion's facility in Sonoma County, California. Here dogs are introduced to individuals with disabilities and together they are trained to work with each other, forming a lifetime partnership and friendship.

He also built a great ice rink in Santa Rosa, California, an ice rink that loses almost $1 million a year. But he did it to give something to the community. And just a side note. In that ice rink he stored many hundreds of folding beds. Just in case there was ever a disaster in his community, people would have a place to come, a place to stay, and a place to receive shelter.

Sparky Schulz' public service and service to our Nation did not begin with Peanuts or with the Canine Companion. It started when he served as a staff sergeant in the United States Army during World War II fighting on the front lines in France immediately after the D-Day invasion. To help keep morale high, Sparky Schulz would often decorate the letters of fellow soldiers, letters that they were sending back home to their families, with cartoon characters depicting barracks life or battlefield life.

Scott Adams, the creator of the Dilbert cartoon, remarked yesterday about our great loss, the loss of Sparky Schulz. He said, "It's the end of an era, and it is hard to imagine that cartooning will ever be the same. In basketball, you can say that Michael Jordan was the greatest ever. In cartooning, Charles Schulz was the greatest ever, and probably the greatest there will ever be."

We will never forget Snoopy's imagination, Lucy's cynicism, Linus' gentle innocence, Woodstock's loyalty, or Charlie Brown's vulnerabilities, hopes, and dreams. Sparky's gift to our Nation were characters who spoke with clarity about those simple fleeting moments that bind us together, bind together our adulthood and our childhood, those simple and honest sparks about what it means to be a human being.

I thank everyone who is going to take part in making this gold medal a reality, and I urge all my colleagues to vote in favor of this gold medal resolution; and I say, "Farewell and thank you," to Charles Schulz.

Mr. LAFALCE. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from New York (Mr. LAFALCE) has 10 minutes remaining, and the gentleman from Oklahoma (Mr. LUCAS) has 18½ minutes remaining.

Mr. LAFALCE. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I thank the gentleman for yielding me this time, and it is with great sadness that I learned of the recent death of Charles Schulz. During his lifetime this native Minnesotan touched countless lives through his wonderful creation, the Peanuts comic strip.

Since 1950, when Peanuts was first published, until this past Sunday, when the last Peanuts comic strip appeared, Americans young and old have been entertained by the aventures and foibles of Charlie Brown, Linus, Lucy, and Snoopy. Through each of these lovable human characters Charles Schulz reached out to all of us, teaching us important life lessons.

Through Charlie Brown's failed efforts to lead his team to victory in the neighborhood baseball game, we learned that winning is not everything. At the same time, his repeated attempts to kick the football out of Lucy's hands, while never succeeding, helped teach us the importance of never giving up hope.

Mr. Speaker, I support the efforts of my colleague, the gentleman from California (Mr. THOMPSON), to recognize Charles Schulz with a Congressional Gold Medal. I am so proud that this gifted artist hails from the Twin Cities. For the many values Charles Schulz taught us, for the enjoyment he brought to our homes, and for the way he touches so many of our hearts, it is only fitting that we offer our thanks.

Mr. LAFALCE. Mr. Speaker, I yield 4 minutes to the gentlewoman from Sonoma County, California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for yielding me this time. On Saturday night, millions of Americans lost their security blanket. Life will not be the same without Charles Schulz. The touching human stories he told every day through the Peanuts characters in his cartoons gave us such warmth that old and young understood how Linus felt holding his trusty blanket.

Now our friend is gone, and we will have to rely on memoirs. Fortunately, Charles Schulz left us plenty of these. I knew Sparky as a silver-haired man who spent time every week at Redwood Empire Ice Arena in Santa Rosa, California, located in my district. I also knew him as a hard-working artist who traveled from his home in the district of my colleague, the gentleman from California (Mr. THOMPSON), to his studio in Santa Rosa.

But my colleague from California and I are not the only people who shared Charles Schulz; neither is our colleague, the gentleman from Minnesota (Mr. SABO), who represents the district that Charles Schulz was born and raised in. Charles Schulz left a piece of himself with every single person whose day was brightened by one of his cartoons. We let Peanuts into our lives on a daily basis, and the cartoon characters came to feel like a part of our families.

Like so many Americans and people around the world, I delighted in following the ups and downs of Snoopy, Charlie Brown, Lucy, and the rest of the gang. My kids grew up on Peanuts. In fact, my daughter's first Christmas, her very favorite, favorite gift that she has probably ever had, was "Snoopy." She carried "Snoopy" around on her shoulder for about a week, and "Snoopy" is still in a trunk, cherished, in our garage.

In a way, we all grew up with Peanuts; learning a little something about ourselves and about life from those lovingly drawn cartoons: Learning humility, learning to win, learning to lose, learning to care, learning to express ourselves through the eyes of these children in his cartoons. It was through Charles Schulz's characters that we felt his spirit, and it is through those characters that his spirit will live on.

Beyond the pages of America's newspapers, Charles Schulz also touched the lives of his friends and neighbors in Santa Rosa. Our children are better off for the smiles they shared at his ice rink. Our community is stronger for the friendliness he added to it. It is only fitting that a man who has touched so many lives be awarded the Congressional Gold Medal.

It is with great pride that I have worked with the gentleman from California (Mr. THOMPSON) to secure the high honor for Charles Schulz. I only wish that he had lived long enough to receive this award himself. But I know that wherever he is today, Sparky is smiling just to know that his dream of drawing cartoons has given so many people the pleasure of laughter. I look forward to a unanimous vote for this Congressional Gold Medal for Charles Schulz today.

Mr. LAFALCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LUCAS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Peanuts gang, created by Mr. Schulz, has and will continue to honor and entertain millions of children and adults throughout the world. The Peanuts gang was a fabulous bunch to observe. We all hoped that one day Snoopy would finally catch the dreaded Red Baron. Millions of Americans would turn to the comics every morning to see if it was the day that Pig Pen would finally find the washroom. We all wished we could receive the advice that Lucy often provided for only a nickel. And, of course, everyone knew that someday, someday, Charlie Brown would kick the football straight through the uprights.

However, these things never did, and now will never, happen. That was the beauty of Charles Schulz and the cartoon he created. This group of children captivated our imagination for 50 years. They provided heart warming tales of everyday life along with humorous adventures. Mr. Schulz was the genius behind this American icon that allowed us to take a step back and enjoy the world around us.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH), the chairman of the full committee.

Mr. LEACH. Mr. Speaker, I rise simply to thank my distinguished colleague from Oklahoma and my distinguished friend from New York for this very thoughtful presentation.

Charles Schulz had a greater impact on the life of America than perhaps all but a very few in literature and the arts. He brought to America something that is unique. He conveyed to the average American real human life and theology of a very deep human nature.

We at one time almost had the "Gospel According to Peanuts." But the one aspect of the "Gospel According to Peanuts" that always struck me was that life was happy; that the traumas that we all face were traumas that could be resolved in an uplifting way in which the American circumstance was reflected to ourselves and to the world.

Charles Schulz, in many ways, when it comes to the creative arts, was the quintessential American artist, operating in a fashion of bringing art to the public and literature and theology and philosophy to America. And for this he is a treasure of this last century, and we all are deeply saddened at his passing.

Mr. SABO. Mr. Speaker, it was with great sadness that I learned of the recent death of Charles Schulz.

During his lifetime, this native Minnesotan touched countless lives through his wonderful creation, the "Peanuts" comic strip.

Since 1950—when "Peanuts" was first published—until this past Sunday—when the last "Peanuts" comic strip appeared—Americans young and old have been entertained by the adventures and foibles of Charlie Brown, Linus, Lucy, and Snoopy.

Through each of these lovably human characters, Charles Schulz reached out to all of us, teaching us important life lessons.

Through Charlie Brown's failed efforts to lead his team to victory in the neighborhood baseball game, we learn that winning isn't everything. At the same time, his repeated attempts to kick the football out of Lucy's hands—while never succeeding—help teach us the importance of never giving up hope.

Mr. Speaker, I support my colleague Mike Thompson's efforts to recognize Charles Schulz with the Congressional Gold Medal.

I am so proud that this gifted artist hails from the Twin Cities. For the many values Charles Schulz taught us, for the enjoyment he brought to our homes, and for the way he touched so many of our hearts, it is only fitting that we offer our thanks.

Mr. LUCAS of Oklahoma. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Oklahoma (Mr. LUCAS) that the House suspend the rules and pass the bill, H.R. 3642.

The question was taken.

Mr. LUCAS of Oklahoma. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LUCAS of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3642, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

☐ 1215

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3557, by the yeas and nays; and

H.R. 3642, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PRESENTING CONGRESSIONAL GOLD MEDAL TO JOHN CARDINAL O'CONNOR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3557.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 3557, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 21, as follows:

[Roll No. 18]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick

Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—21

Baird
Bonior
Brown (OH)
Callahan
Campbell
Capps
Clay
Cummings
DeFazio
Graham
Hinojosa
Kasich
LaTourette
Lowey
Martinez
McCollum
Moakley
Mollohan
Pelosi
Vento
Waters

□ 1240

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

PRESENTING CONGRESSIONAL GOLD MEDAL TO CHARLES M. SCHULZ

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3642.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. LUCAS) that the House suspend the rules and pass the bill, H.R. 3642, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 1, not voting 24, as follows:

[Roll No. 19]

YEAS—410

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
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Ryan (WI)
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Sanders
Sandlin
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Whitfield
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Wilson
Wise
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Woolsey
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Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—24

Archer
Baird
Bonior
Brown (OH)
Callahan
Campbell
Capps
Clay
Cummings
DeFazio
Graham
Hinchey
Hinojosa
Kasich
Lowey
Martinez
McCollum
Metcalf
Moakley
Mollohan
Ney
Pelosi
Taylor (MS)
Vento

□ 1250

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 422 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2086) to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill, modified by striking section 8 (and redesignating succeeding sections accordingly). Each section of that amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 422 would grant H.R. 2086, the Network and Information Technology Research and Development Act, an open rule. The rule provides 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Science.

The rule provides that it shall be in order to consider as an original bill, for the purpose of amendment, the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill, modified by striking Section 8. The amendment in the nature of a substitute as modified shall be open for amendment by section.

The rule allows the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides that those amendments shall be considered as read.

The rule also allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the Networking and Information Research and Development Act, H.R. 2086, amends the High-Performance Computing Act of 1991 to authorize funding for networking and information technology research and development programs of the National Science Foundation, National Aeronautics and Space Administration, the Department of Energy, the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency for fiscal years 2000 through 2004. The bill was reported favorably by the Committee on Science by unanimous vote of 41 to 0.

Mr. Speaker, the Federal Government has an enormous task in maintaining its position as the global leader in the information-technology field. This bill serves to reiterate our commitment to this agenda by emphasizing basic research and information-technology funding levels. This research has played an essential role in fueling the Information Revolution, advancing national security, and bolstering the U.S. economy by creating new industries and millions of new jobs. Information-technology now represents one of the fastest growing sectors of our economy, growing at an annual rate of 12 percent between 1993 and 1997 and generating over $300 billion of U.S. revenue in 1998.

In order to maintain the economic growth the U.S. is currently experiencing, we must maintain our role as a technological leader. Although the private sector provides the bulk of information-technology research funding, the Federal Government has a responsibility to support long-term basic research to the private sector, but that is ill-suited to pursue. H.R. 2086 recognizes this by providing adequate funds for such activities.

Specifically, over the next 5 years the bill would authorize $2.2 billion for the National Science Foundation, $602 million for the Department of Energy, $1.4 billion for NASA, $73 million for the National Institutes of Standards and Technology, $71 million for the National Oceanic and Atmospheric Administration, and $22.3 million for EPA.

Finally, the Congressional Budget Office estimates that appropriating the amounts authorized in H.R. 2086 would result in discretionary spending totaling $3.7 billion over the 5-year period.

The Committee on Rules was pleased to grant the request of the gentleman from Wisconsin (Chairman SENSENBRENNER) for an open rule on H.R. 2086, and accordingly I encourage my colleagues to support H. Res. 422 and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the United States leads the world in information-technology, and, because of our global dominance in this field, we continue to lead in the fields of science and engineering, our economy is stronger and growing faster than any other, working Americans are more productive than ever, and our future is bright with promise.

But if we are to maintain this dominance, we cannot sit back and rest on our laurels. For, just as the Federal Government has been responsible for much of the basic and follow-on research that has made this technology revolution possible, it is necessary that the Federal Government now refocus its efforts on long-term fundamental research, while continuing its spectacularly successful partnership with private industry and academia.

It is also critically important that we find ways to continue to encourage students to enter the fields of science and information-technology in order that we can be assured in the future we will have the highly skilled workers we need to continue our dominance in these fields.

H.R. 2086, Mr. Speaker, seeks to address those questions in a comprehensive manner by authorizing nearly $4.8 billion available over 4 years for a variety of research and development projects, as well as for grants to colleges and universities for the creation of for-credit internship programs at IT companies and grants to 2-year colleges to improve programs in education related to IT. This Networking and Information Technology Research and

Development Act is an important legislative proposal for what surely is a national, not a partisan, priority.

Mr. Speaker, the fact that this bill was reported from the Committee on Science on a vote of 41 to 0 certainly demonstrates that the promotion of research and information-technology is not a partisan issue. The rule providing for the consideration of the Networking and Information Technology Research and Development Act is an open rule which will allow any Member to offer germane amendments to this important bill.

I urge my colleagues to support both the rule and the bill so that the House may act quickly on this proposal that will reap benefits for every American for years to come.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I would like to thank my chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for introducing this visionary piece of legislation. It was passed out of the Committee on Science with unanimous bipartisan support.

I would also like to honor our former colleague, the Honorable George Brown, who put a lot of work into this bill, and the continuation of George's work by the gentleman from the great State of Texas (Mr. HALL), our ranking member.

The Networking and Information Technology Research and Development Act, H.R. 2086, is truly a visionary piece of legislation. I am proud to stand here today with my colleagues as an original cosponsor.

H.R. 2086 is about one simple thing, access to information. A major component of access to information is the continued development and expansion of information-technology.

□ 1300

I find it distressing today that we are forced to bring people in from outside of the United States to fill the employment needs of our IT companies. The average annual wage of technology workers in the Silicon Valley is $72,000 a year.

Quite simply, our work force pool lacks the experience and knowledge to fill a lot of these high-paying jobs. We must begin to focus on this problem, and this IT bill does just that.

The businesses in my home State of California exported $105 billion in products in 1998. Twenty-eight percent of those exports were in the electrical and electronics realm alone.

Mr. Speaker, in 1999 California had the largest State economy with an estimated gross State product of over $1 trillion.

The importance of H.R. 2086 to California alone is enormous. This bill ensures the United States and California continue to lead the way in information technology way into the 21st century.

Mr. Speaker, I urge my colleagues to support the rule and strongly encourage my colleagues on both sides of the aisle to support our future in the global economy, support the generation's participation and the information technology community.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER), first of all, and congratulate him. I appreciate the exceptional work that he and the committee has done on H.R. 2086, the Networking and Information Technology Research and Development Act.

I also want to commend my colleagues, including the gentleman from Michigan (Chairman SMITH), who heads the Subcommittee on Basic Research and the rest of the Committee on Science, Democrats and Republicans, for unanimous support of this important piece of legislation.

No single field of study or research is so vitally important to our future from academia to industry, from the CEO, to the high school student. Information technology is the cutting edge of American and global economies in the next century.

Mr. Speaker, this bill represents over $5 billion of investment that will be made over the next 5-year period. Congress often talks about raising the standard of living for Americans. H.R. 2086 will bring about positive change and new high-tech jobs which now pay 50 percent more than the average wage.

This bill would create jobs not just through the funding of research but also by creating whole new industries. Recently there has been concern about the demand and subsequent shortage of information technology workers in the United States.

This bill provides funding for both improved education in the information technology fields and grants to partner colleges with companies to train today's students to be tomorrow's leaders.

Most importantly, H.R. 2086 provides long-term basic information technology research that has largely been neglected by the private sector and other Federal programs and uses a peer review system to make sure that the money is spent where it will produce the best results.

Mr. Speaker, this bill will create information technology research centers where multi-discipline research can be combined for the greatest results.

It will allow the National Science Foundation to produce new state-of-the-art computer systems through a competitive bidding process that will help fight disease, track and predict weather and allow grant recipients access to the computer hardware they need to carry out their research at a new level of excellence.

In the 20th century, Federal research money brought us the Internet, which has revolutionized computing and information technology for all of us. H.R. 2086 will help make the United States the leader for the next generation and the next century in the information revolution and will continue to lead the world in information technology far into the next century.

Mr. Speaker, I hope that my colleagues will join me in supporting the rule and the bill.

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. EHLERS), a leader in the technology age in this Congress.

Mr. EHLERS. Mr. Speaker, I rise to speak in favor of the rule and of the bill. I also wish to commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science, for taking what was submitted to the Science Committee last year as a very flawed piece of work and which he developed into an excellent bill which will serve this Nation well.

As was mentioned I have been in the technical field of computers and the Internet, but I am also of an age that allows me to recognize the importance of what went on many, many years ago. Too often our citizens do not appreciate the value of basic research, even though it takes a very long time to pay off. Let me explain.

During World War II, a group of scientists working together developed the first computers. It is interesting that some very knowledgeable people in the field at that time predicted that the world probably would never need more than 10 of those huge computers. Today, on every desk in every office in this Congress and this country, we have computers that are far more powerful and faster than those huge computers that were developed back then. It is a rapidly growing field and a very important field, with a multi, multibillion dollar industry that has developed out of this.

Similarly, with the Internet, today we have many people who claim to have developed or invented the Internet. That always happens after an invention, but when we look back at history, there is only a small handful of physicists and computer scientists who developed the basic ideas of the Internet. No one at the time really appreciated the future benefits. It was intended simply to allow our national laboratories to communicate information and data very rapidly.

However, once the Interenet was commercialized, it developed into a another multibillion dollar industry. Fundamental research in information technology has contributed to the creation of new industries and high-paying jobs that today pay about 80 percent above the average in the private sector. Today, we have 7.4 million people working in high-tech jobs.

What this bill does is prioritize the basic information technology research of the Nation, and this is extremely important to us. It funds basic IT research that will provide a real payoff in the next generation of innovations and it will set the framework for our economy for 10, 20, even 30 years from today. We cannot rely on industry to do the basic research; they have to deal with the bottom line every quarter. But the government has an appropriate role here and this bill recognizes that.

In addition to that, the bill will help produce the next generation of highly-skilled information technology workers. We need more students in this field. We have a grave shortage, as evidenced by the number of H1B visas that this Nation issues ever year. The internship program in the bill will help meet the need for those new employees.

This bill will also meet the need for state of the art computing systems for the civilian research community, a need that will grow in the future, and it provides for a terascale computing competition at the National Science Foundation. Most people do not realize that the Japanese supercomputers have now surpassed ours and they have a huge market they are developing internationally. We must, as a Nation, catch up to that and develop equally good computers, and preferably better computers.

This is bipartisan legislation. It passed the Committee on Science on a 41 to zero vote, and I congratulate the chairman on getting that agreement within our committee. It demonstrates a real commitment to upholding our Nation's preeminence in information technology. It has been endorsed by dozens of organizations and clearly is a good piece of work that is going to serve this Nation well.

Mr. Speaker, I urge all Members of this Congress to support this legislation and to recognize the importance of basic research, not only in this field, but in other fields. I urge my colleagues to vote for this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, we are in the middle of a revolution right now in America, only the second such revolution in the history of our country. The first was when America transitioned from an agrarian society to an industrial society. Many of our colleagues and citizens did not want to make that change, but we had no choice because the economy of the world was going to be driven by that Nation that could lead the industrial age. We rose to the occasion, and we were successful.

The revolution we are going through today is an information revolution. We are changing from an industrial society to an information society. Therefore, we have to change. If we are going to lead the world's economy, we have to lead the information revolution. Therefore, it presents to us a challenge, a challenge to have the best educated, the best equipped, and the best technology available to make sure that we are leading the information revolution.

As the chairman of the Subcommittee on National Security Research, I am extremely concerned about the security implications of this challenge. In fact, information dominance, the threat of cyber terrorism, and the use of information technology is one of our three greatest threats in the 21st century. We have to be prepared.

The kind of battle that will be fought in the 21st century will probably not be one fought on soil or on the water, but will be fought through computer systems and cyber terrorism acts. We must make sure that we have the tools, the people, the training necessary to meet that challenge. In the military, we are attempting to establish a program to develop young people who go through ROTC programs to gain the skills that are necessary. This legislation does the same thing in the civilian community.

The greatest challenge we have in this century and the greatest factor for improving our quality of life is the use of information technology. I submit to our colleagues it is also the greatest vulnerability we have in this society, because those adversaries of America who wish to take us down, understand that if they can take out our information capabilities, they could disrupt not just our military, but our civilian quality of life. We have to be prepared, and that means we have to put billions of dollars into the R&D investment for the military, for information dominance and for protection against cyber terrorism and in the private sector, to encourage those technologies to allow us to build the systems to use data mining, to do the rapid speed transmission of data that is going to be so necessary in the 21st century economy.

So for all of those reasons, I join with my colleagues in supporting this legislation. I commend the chairman of the Committee on Science. We on the Committee on Armed Services have pledged to work closely with the Committee on Science so that both our military establishment and our civilian establishment are working hand in hand to make sure that America leads the world in the 21st century in this information revolution.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST), the distinguished member of the Committee on Rules, for yielding me this time.

Mr. Speaker, I rise in very strong support of this legislation and the critical investment that it makes in the future of information technology research. At a time when our Nation is enjoying unlimited economic growth and prosperity, we should use this opportunity to invest in scientific research and development, especially in the area of information technology.

This legislation would authorize $3 billion for the National Science Foundation over the next 5 years, of which nearly two-thirds of this funding would be designated for long-term, basic research grants to support research on a variety of IT projects. The authorization represents a 92 percent increase in information technology funding, which is a badly needed boost in a field that really has been defining our economy.

We can attribute much of our economic prosperity today to the Federal investments we made in the National Science Foundation and the Defense Advanced Research Projects Agency in terms of their development of the Internet. That research investment was basic and has given us a multi-fold return, more return than we can calculate or imagine, really, in addition to the other basic research programs that are taken for granted but really fuel the engine of growth for America's economy.

Who would have thought that such an investment in DOD and the National Science Foundation would have permeated every sector of our economy and our way of life, but they have. The National Science Foundation has been performing amazing work toward establishing the next generation Internet, as well as fostering the pursuit of science, math, engineering, and other technical sciences in this country. So by investing in R&D and these programs today, we are investing in our future economic potential as a Nation. Unless we increase the flat budgets which basic research has experienced in the past several years, we cannot expect to continue to yield the kind of scientific advances that will ensure that the United States remains at the forefront of our global economy.

So, Mr. Speaker, I urge my colleagues to vote for H.R. 2086 and to support these critical investments in information technology research. I also urge my colleagues on the Committee on Appropriations to support the necessary funding in the fiscal year 2001 bills to carry out the activities of this legislation.

□ 1315

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 422 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2086.

□ 1315

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2086) to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the United States stands as the global leader in computing, communication, and information technology. This $500 billion a year industry accounted for one-third of our Nation's economic growth since 1992 and created new industries and millions of new high-paying jobs. This staggering success, however, is predicated on Federal research conducted over the last 3 decades.

Fundamental IT research played an essential role in the information revolution. However, maintaining the Nation's global leadership in information technology is not a given. The congressionally-chartered President's Information Technology Advisory Committee, called PITAC, stated that the "current boom in information technology is built on basic research in computer science carried out more than a decade ago. There is an urgent need to replenish the knowledge base."

Although the private sector conducts most of the IT research, that spending has focused on short-term applied work. As our Nation's economy becomes more dependent upon the Internet and IT in general, current Federal programs and support for fundamental research and IT must be revitalized.

To accomplish this, I, along with George Brown, the late ranking minority member of the Committee on Science, and 24 other Members introduced H.R. 2086, the Networking and Information Technology Research and Development Act, a 5-year authorization bill. The committee subsequently passed this bill by a vote of 41 to nothing, showing rare bipartisan unanimity on an important piece of legislation facing this Congress.

H.R. 2086 provides comprehensive authorization for the Federal government's civilian basic information technology research efforts at the six agencies under the jurisdiction of the Committee on Science, the National Science Foundation, NASA, the Department of Energy, the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, and the EPA.

This bill fundamentally will alter and greatly enhance the way information technology research is supported and conducted. Its centerpiece is the Networking and Information Technology Research and Development Program, which will be managed primarily through NSF and which will focus on long-term peer-reviewed basic research of the kind in which the NSF excels.

While funding for individual investigators remains an important aspect of IT research, funding for research teams and centers can also lead to dramatic progress. Therefore, this bill authorizes $130 million for large grants of up to $1 million each for high-end computing, software, and networking research, and $220 million for information technology research centers that are comprised of research teams of six or more members.

To attract more students to science and to careers in IT, the bill also authorizes $95 million for universities to establish for-credit internship programs for IT-related research at private high-tech companies. Both 2-year and 4-year schools will be eligible for these grants, which will operate on a 50–50 cost-sharing basis.

To help meet the need for state-of-the-art computing systems for the civilian research community, H.R. 2086 authorizes $385 million for a terascale computing competition at NSF. The bill requires that the funds be allocated on a competitive, peer-reviewed basis, and that awardees be required to connect to the Partnership for Advanced Computational Infrastructure network.

Finally, the bill authorizes the Next Generation Internet program through completion in fiscal year 2002.

Mr. Chairman, our future global influence lies in the hands of our young people, the education and training they receive, and the new scientific breakthroughs they produce. This bill combines increased authorizations for research funding with important policy changes that will keep the Nation at the cutting edge of information technology and produce the next generation of highly-skilled IT workers. It offers opportunities for all by providing open competition for IT grant funding, as well as benefiting diverse groups ranging from 2-year community colleges through the largest universities.

This bipartisan legislation demonstrates a commitment to upholding our Nation's preeminence in information technology. It has been endorsed by dozens of organizations, including the 1999 co-chairs Bill Joy and Ken Kennedy of PITAC, the Technology Network, the Computing Research Association, the Big Ten universities, and the U.S. Chamber of Commerce.

I believe that H.R. 2086's widespread support stems from the realization that information technology research assists all fields of science. Indeed, the research funded under this bill will help physicists, mathematicians, engineers, meteorologists, and computer scientists alike.

I ask my colleagues to join me in maintaining our world leadership in information technology by supporting H.R. 2086.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise, of course, in support of H.R. 2086, the Networking and Information Technology Research and Development Act. It is a bill to support a coordinated basic research initiative in information technology. The chairman of the committee covered that very well.

I think it was introduced, of course, by the chairman of the Committee on Science, with bipartisan cosponsorship. I am pleased that the committee acted in a spirit of cooperation to perfect the bill. Some improvements have come from both sides of the aisle and were accepted during the markup of the measure.

H.R. 2086, as reported, enjoys, as the gentleman from Wisconsin (Chairman SENSENBRENNER) reported, broad bipartisan support. I congratulate the gentleman for his leadership in moving the bill forward for consideration of the House. I thank the late George Brown for his input.

Mr. Chairman, I also want to knowledge the efforts of the gentleman from Michigan (Mr. SMITH) and my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairman and the ranking member, respectively, of the Subcommittee on Basic Research, for their contributions to the development of the bill.

Information technology is transforming the way people live, the way people learn, the way people work, and the way people play. It has been estimated that information technology is responsible for at least one-third of the Nation's economic growth since 1995.

I would also submit that H.R. 2086 will help to ensure that the advances that we have referred to here in information technology continue. This will in turn, I think, create new infrastructure for business, new infrastructure for scientific research and personal communication. This will go hand-in-hand with the next 5 years of what I believe are going to be the greatest years and era of prosperity certainly since I have been in this Congress. It is the first time that we expect, we reasonably expect, that we are going to have a surplus to work with to do the things that we really ought to do to push this country forward.

The bill supports research needed to underpin the technological advances that are going to emerge even 20 years from now. I think it will take up some of the slack that this Congress lost when we killed the super collider. My goodness, how destructive we were of finding our place in the field of technology when we cast that vote.

Put another way, the initiative is focused on the long-term high-risk research that industry itself cannot fund, for a lot of reasons. Due to intense competitive pressures, the computer and communications companies are forced to concentrate their resources on near-term development that is necessary to bring products to market rapidly, so we understand that.

But in addition to generating the new ideas that will form the basis for future products and services, the programs authorized by H.R. 2086 will train the next generation of scientists and engineers who are essential to ensure continued U.S. leadership in information technology. The bill will accomplish this valuable outcome through its focus on university-based research. They are waiting with bated breath for this support, this new support, which combines leading edge research with graduate student education.

I will offer an amendment, Mr. Chairman, at the appropriate time to increase the authorization level for the National Science Foundation program to align the bill with the fiscal year 2001 request.

The bill has received very strong support, not only from the academic and industrial research communities, but from a wide range of computer, software, and communication companies. It has also been endorsed by broad industry groups such as the U.S. Chamber of Commerce and the National Association of Manufacturers.

Mr. Chairman, H.R. 2086 is a bipartisan bill that will lead to many societal benefits. It will help ensure that this Nation continues to maintain economic growth and international competitiveness in the information economy of the 21st century. I ask for the support of my colleagues for the passage of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH), who is the Chair of the Committee on Science's Subcommittee on Basic Research, which has jurisdiction over NSF.

Mr. SMITH of Michigan. Mr. Chairman, first, I would thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. HALL), who have done such great service to further the efforts of science and research in this country. I would also compliment the ranking member of the Subcommittee on Basic Research, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

This legislation I think gives the emphasis needed to move us ahead in information technology, and certainly we should remind ourselves that information technology research has been instrumental in bringing about the information revolution, which some have compared to the industrial revolution in its size and in its scope.

This revolution has spawned new businesses, created millions of good high-paying jobs, advanced the sciences, and certainly improved the health and welfare of the citizens of the country and people all over the world.

However, as the President's Information Technology Advisory Committee recently noted, the current boom in information technology is based on the basic research in computer science carried out more than 15 years ago. There is an urgent need to replenish the knowledge base. The advisory committee advocated a 5-year initiative to boost basic research funding significantly and help maintain the Nation's lead in this critical area. This bill, H.R. 2086, was designed to carry through on PITAC's recommendations.

In testimony before the Subcommittee on Basic Research last year, university researchers and members of the private sector were very supportive. Dr. Lazowska, a professor at the University of Washington and chair of the Computer Research Association, praised this bill, saying that it exemplifies a sound approach to making research policy by responding to clear national needs with recognizable objectives and a well-defined program for meeting those objectives.

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In addition, Dr. Roberta Katz, president and CEO of the Technology Network, noted favorably that the 5-year authorizations in the bill demonstrate a commitment to a continued strong Federal investment in basic IT research to move information technology ahead.

In today's fast-paced science and technology environment, resting on our past successes is not enough if we are going to keep ahead in a world where other countries are dedicated to matching our productivity and taking away our customers. H.R. 2086 will help ensure that America stays at the cutting edge of new information technologies that will stimulate economic growth, improve our lives, and push forward the frontiers of science.

I am pleased to have been a cosponsor of this bill, because it is this kind of initiative that is going to help assure a good future for the citizens of the United States.

Mr. HALL of Texas. Mr. Chairman, I yield 6 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of H.R. 2086. The bill authorizes a major new research investment in information technology, which is consistent with the President's information technology for the 21st century initiative. This research initiative is very important to the Nation's future and its well-being, and I am pleased that the measure has now come before the House for its consideration; and I give my thanks and respect to the chairman, and the chairman of the subcommittee and the ranking member of the committee.

Information technology is a major driver of economic growth. It creates high-wage jobs, provides for rapid communication throughout the world, and provides the tools for acquiring knowledge and insight from information. Advances in computering and communications will make the workplace more productive, improve the quality of health care, and make government more responsive and accessible to the needs of our citizens.

Vigorous long-term research is essential for realizing the potential of information technology. The technical advances that led to today's computers and the Internet evolved from past federally sponsored research, in partnership with industry and universities.

H.R. 2086 will ensure that the store of basic knowledge is replenished and thereby enable the development of future generations of information-technology products and services.

H.R. 2086 has received the bipartisan cosponsorship of many Members, and I would like to acknowledge the collegial manner in which the bill was developed by the Committee on Science.

I want to thank the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his efforts in crafting the bill and further thank the chairman, and the ranking Democratic Member, the gentleman from Texas (Mr. HALL), for their efforts in moving the bill to the floor.

H.R. 2086 will establish a multiagency research initiative that responds to the recent findings and recommendations of the President's information-technology advisory committee. This committee, which was established through statute, is composed of distinguished representatives from computer and communication companies and from academia. It reached its conclusions following a comprehensive assessment of current federally funded information-technology research.

The President's advisory committee found that Federal funding for information-technology research has tilted too much toward support for near-term, mission-focused objectives. They discovered a growing gap between the power of high performance computers available to support agency mission requirements versus support for the general academic research community. They identified the need for socioeconomic research on the impact on society of the rapid evolution of information technology, and they judged that the annual Federal research investment is inadequate by more than $1 billion.

I believe that H.R. 2086, as reported from the Committee on Science, addresses each of the deficiencies identified by the advisory committee and will effectively implement its recommendations. I am particularly pleased by the inclusion of a provision that I offered in committee to explicitly authorize research to identify, understand, anticipate, and address the potential social and economic cost and benefits from the increasing pace of information technology-based transformations.

In addition to support for research, H.R. 2086 will also contribute to providing the highly trained workers needed by the information industry. My district knows about this all too well. The bill would expand the human resources pool through two principal mechanisms. First, as a part of their training, graduate students will participate in most of the individual research projects supported by the bill; and, secondly, special provision is made for student internships in industry to help recruit individuals for careers and information-based companies.

I sponsored the provision in the bill that opened such internships to students participating in the Louis Stokes Alliances for Minority Participation program administered by the National Science Foundation.

Research discoveries in information technology over the past 30 years have resulted in new commercial enterprises that now constitute a major fraction of the economy. Businesses that produce computers, semiconductors, software and communications equipment have accounted for a third of the total growth in the United States economic production since 1992.

Clearly, there is ample evidence of the value of past Federal investments in information-technology research. A 1995 study by the National Academy of Sciences documented several billion-dollar-per-year companies that had their genesis from discoveries resulting from government-sponsored research.

H.R. 2086 will provide the basic research needed to underpin the technological advances in the future. Because of the wide recognition of the importance of the research and education components of H.R. 2086, many organizations have expressed their support for the bill's passage. Among the industrial organizations that have endorsed 2086 are the U.S. Chamber of Commerce, the Association for Manufacturing Technology, the National Association of Manufacturers, the Business Software Alliance, and the Computing Technology Industry Association.

In addition, many academic institutions and technical societies have expressed support for the bill, including the Association of American Universities, the National Association of State Universities Land Grant Colleges, and the Computer Research Association.

Mr. Chairman, I believe that H.R. 2086 is an important investment in the future prosperity of this Nation and in the well-being of our fellow citizens. I commend the measure to all of my colleagues and ask for their support for its passage.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA), who is the Chair of the Subcommittee on Technology of the Committee on Science.

Mrs. MORELLA. Mr. Chairman, I thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for yielding to me this time.

Mr. Chairman, as an original cosponsor, I am very pleased to rise in support of H.R. 2086, the Networking and Information Technology Research and Development Act. I want to commend the chairman of the full Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER); and the ranking member, the gentleman from Texas (Mr. HALL); and all of the cosponsors and those who are involved in the various subcommittees who helped to craft this bipartisan piece of legislation.

As Chair of the Committee on Science's Subcommittee on Technology, I realize that today's rapid advancement in technology development has opened up to all of us a new and exciting world that has forever changed the way that we live, the way that we work, the way that we learn.

If we are to maintain our global preeminence in IT, it is clear that we must prioritize and increase our investment in fundamental information-technology research, and that is why the Committee on Science has introduced this bill.

H.R. 2086 is an innovative 5-year authorization bill aimed at returning this Federal Government's funding emphasis on information technology to basic research.

I am pleased that the legislation authorizes funding for cutting-edge research at the National Institute of Standards and Technology in the critical areas of computer security and wireless technology. Every day, we hear more and more about the need for that.

In addition to increasing IT research funding, H.R. 2086 seeks to improve the information-technology workforce by providing college students the opportunity to get hands-on experience in the information-technology workforce.

Specifically, it authorizes $95 million over 5 years to establish an internship program which will award grants to colleges, including community colleges, for students to intern at IT companies. Throughout my many meetings and hearings involving the information-technology industry, I have heard time and time again there is a shortage of IT workers to meet the needs of both government and industry. Well, this internship program takes important steps to actively train and recruit U.S. workers to fill these high-tech jobs.

I am also concerned that we need to do more to draw women and minorities into the IT workforce. Women represent nearly 50 percent of all U.S. workers, and yet they only comprise about 22 percent of the science and engineering workforce. So I think the internship program that is proposed in this legislation can also go a long way in helping to engage and involve those who are currently underrepresented in the science and engineering fields to explore careers in information technology.

Finally, the bill directs the National Science Foundation to conduct a study on the availability of encryption technologies in foreign countries. While the administration recently approved regulations that helped to ease some of the export restrictions on encryption products for certain sectors, many in the United States high-tech industry argue they did not go far enough. I am hopeful that the study conducted by NSF will allow the administration and Congress to make informed decisions on criteria for exporting U.S. encryption products and will help us to ensure that U.S. companies remain competitive in the international marketplace. This is a win/win piece of legislation.

Mr. Chairman, I applaud the efforts of the chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from Texas (Mr. HALL), the ranking member, to advance this important legislation. I urge all of my colleagues to support H.R. 2086 here today.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), a senior Member from California.

Ms. WOOLSEY. Mr. Chairman, I rise today in support of H.R. 2086. As a Member of the Committee on Science and as a representative from the North Bay of the San Francisco Bay area, I am acutely aware of the enormous contributions information-technology research has made for the economies of my district and its positive impact on our State of California and the national economy in total.

Mr. Chairman, I would like to take this opportunity to share with my colleagues an amendment offered to this bill that was accepted by the full Committee on Science that is now part of the bill we are debating right now. As we all know, computer and information-technology know-how will be essential to our children's success in the 21st century.

As I look at the limited use of technology in our classrooms, I wonder and have asked myself over and over, who is taking care of our children? Who is giving today's students the tools they need to be tomorrow's high-tech contributors and tomorrow's high-tech leaders? To help answer these questions, H.R. 2086 now contains an amendment that I wrote and creates a research program at the National Science Foundation to look at exactly how schools can better use available technology.

Through the assistance of NSF, we will now be able to assess and develop ways to increase the use of computer technology in elementary and secondary schools. This provision links academic researchers and teachers who will be developing materials and teaching methods. It requires that demonstrations be conducted in a broad range of educational settings to assess the effectiveness of computer materials and methods, to gain evidence about which methods and programs work and which work better than others.

Lastly, the program includes a provision to establish electronic libraries with access to this information in order to disseminate best practices and materials.

We all know the first step is to wire our schools, Mr. Chairman; but until we develop meaningful ways to incorporate that technology into our children's education, the technical infrastructure will be of little benefit to most of them.

Mr. Chairman, I urge my colleagues to support research and development. Vote for H.R. 2086.

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Mr. HALL of Texas. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a very valued member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in support of H.R. 2086, and applaud our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), as well as the ranking member, the gentleman from Texas (Mr. HALL), the gentlewoman from Maryland (Mrs. MORELLA), and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Mr. Chairman, I also applaud the fact that the Committee on Science was able to capture the moment as we entered the 21st century and focus, now moving from the superhighway to the concept of networking and information technology research and development.

I was elected in 1994 and had the pleasure of starting to serve on the Committee on Science in 1995. For some reason, I began to coin a phrase in most of my opening statements in the Committee on Science, which was to emphasize that science would be the work of the 21st century. At that time, even in 1995, the 21st century seemed to be enormously distant. It is not that at this point, we are here in the 21st century.

So we must continue to provide substantial resources for the American people in the 21st century, and the support of technological research and development will ensure that the United States continues to be at the forefront of the information age. Moreover, great strides in information technology will allow the economy to sustain its expansion over all of our sectors.

Though we had a guru in Dr. John Koskinen, I believe, who handled our Y2K, and certainly, unless we were all imagining, we seemed to have done very well with getting through the Y2K effort, or the Y2K journey. But I would add in my compliments a sense of caution and reservation. For even as we worked to get through Y2K, there was a noticeable missing element of outreach to all segments of our population. Low income, minorities, and nonprofits all seemed to be at the short end of receiving the kind of information that would help enhance their progress into this next century and this new technological society.

The Networking and Information Technology Research and Development Act, I believe, will take a decisive act in providing grants necessary to adequately fund and equip those agencies and groups that are dedicated to ensuring America's technological hegemony. In particular, this act grants the National Science Foundation with $1.8 billion for long-term research grants.

These grants would support research on high-end computing software, the social and economic consequences of information technology, and I will add to that by focusing on some of our low-income population and women in this, network stability, and security issues involving privacy. Furthermore, $385 million is provided for computing equipment that can process information at a rate of at least 1 trillion operations per second.

I am most gratified, as has already been stated, by the opportunity to provide and ensure monies to colleges and universities, but in particular to create internship programs.

I also raise the issue, although we are not discussing it at this time, and the gentleman from Wisconsin (Mr. SENSENBRENNER) joins me as a member of the Committee on the Judiciary, that there will be many things happening with this Internet. The world opens to us. We are proud of the technology, but we are also cognizant of many sort of negative influences. Although we do not discuss that today, we will be facing in the years to come the whole issue of Internet gambling. We will be discussing, as many victims groups have come to me and brought to my attention, the idea of utilizing the Internet in a sort of morbid auctioning of the belongings of victims of heinous crimes. So we will, in this research, I hope, be able to expand technology but, at the same time, be cognizant of the need to be cautious about technology.

Mr. Chairman, H.R. 2086 provides Information Technology Education and Training Grants authorizing $95 million for colleges and universities helping to create internship programs in information technology research along with private sector companies. Additionally, this bill also requires private companies to offer at least half of the funding for internships. H.R. 2086 grants $56 million for the NSF to establish a research program to develop and analyze information technology application to elementary and secondary education. NASA, the Energy Department, NIST, NOAA, and the EPA will also participate and support the NSF.

This Act will improve the Internet by funding the Next Generation Internet (NGI) Program with $111 million in FY 2000 and FY 2001; $30 million to the Energy Department; $50 million to NSF; $20 million for NASA; and $11 million for NIST.

Moreover, $1 million is earmarked for the NSF, to work in concert with the National Research Council, to study Internet privacy issues. These privacy issues touch privacy research and policy, laws and best practices in other countries.

This bill will offer prosperity to all and provide educational opportunities for all Americans, especially those in the lower economic strata. I urge all my colleagues to support this Act for the good of the country.

Mr. Chairman, this is a very good bill. I hope to speak more about it as I put forth an amendment to ensure that some of those issues that I have discussed have been raised.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I rise today in support of H.R. 2086. There is a clear need for this legislation. Last year's report by the President's Information Technology Advisory Committee pointed out that Federal programs in information technology research are insufficient. The committee stressed that if we were to continue to make advances in education, manufacturing, medicine, and communications, this country needs a long-term plan to replenish Federal investment in basic IT research.

While information technology as a sector of the economy has grown at an annual rate of 12 percent between 1993 and 1997, Federal funding for IT research has grown only at the rate of inflation. In fact, appropriation levels for information technology initiatives and for all coordinated IT research programs for this fiscal year were well below the President's request.

H.R. 2086 authorizes dramatically increased government-funded research in long-term basic information technology and networking, an increase mainly directed at the National Science Foundation and NASA, but also benefiting DOE, NIST, NOAA and the EPA.

I wanted to call the attention of the House to the part of our committee's report on H.R. 2086 that stresses the importance of including physics, mathematics, chemistry, engineering, and other fields of science in the IT research efforts. This language is intended to ensure that the NSF and other agencies that participate in the research initiative authorized by the bill tap into the expertise and capabilities of other disciplines.

As author of this part of the report, I appreciate the support of the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), the ranking member, the gentleman from Texas (Mr. HALL), and the committee for this statement. It will send a message that the planning process should reflect an inclusive attitude.

I also want to take a moment to talk about a few of the amendments being offered today. The amendments offered by my colleagues, the ranking member, the gentleman from Texas (Mr. HALL), and the gentleman from Oregon (Mr. WU) would make a good bill better by boosting authorization levels for the National Science Foundation, and I urge its support.

Another amendment by my colleague, the gentleman from Connecticut (Mr. LARSON), would require the NSF and other agencies to prepare a report that would address key issues relating to the digital divide. More than half of the U.S. classrooms are connected to the Internet today, compared to less than 3 percent in 1993. But students in schools without Internet access are quickly falling behind the Internet. The amendment of the gentleman from Connecticut (Mr. LARSON) would help meet this challenge.

Finally, I wanted to speak in support of the amendment offered by my colleague, the gentleman from Pennsylvania (Mr. HOEFFEL), who will address the issue of Internet access for seniors. In 1998, the number of people aged 50 to 74 using the Internet doubled from the year before. It is estimated by the end of this year there will be 100 million citizens over the age of 50 on line. I can count my mother as one of those people, and I am soon to be one of those people over 50 as well. The gentleman from Pennsylvania (Mr. HOEFFEL) would make sure that the benefits of the Internet are available to senior citizens.

So all in all these amendments are important in their emphasis on making the benefits of these newest technologies available to all Americans. I support these amendments and support H.R. 2086.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in favor of H.R. 2086.

Investment in long-term fundamental information technology research is critical to the continued evolution of the Internet and to the economy of New York City and the country.

Mr. Chairman, I believe this investment in IT research will benefit the country many times over. As the economy becomes increasingly global in nature, the U.S. must continue to invest in developing safer and faster information technology.

While the press has largely concentrated on the incredible wealth that has accumulated in high-tech stocks, the most substantial impact of IT on the economy can be measured in productivity gains and in job growth.

In New York City, the power of IT as a job creator has been stunning. According to a November report in Craine's New York Business, New York's Silicon Alley has created 56,000 jobs since 1994. When peripheral jobs that work with Silicon Alley companies are included, the total is well over 100,000 jobs, twice the number that neighboring Wall Street has added during the unprecedented Bull market.

Research projects funded by the bill include the development of the next generation Internet and "terascale" computing equipment. Funding will also go to information technology education and training grants that will be jointly funded with the private sector.

Mr. Chairman, I applaud the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) for their hard work and leadership in this important bill. I would also like to thank President Clinton and Vice President Gore for their 8-year commitment to technology issues.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time. I too would like to add my voice in appreciation as a member of this chamber for the leadership from the committee in terms of making sure that the United States' leadership in the area of information technology will be assured with the enactment of this legislation. This is an important step in the right direction.

I wanted to reference simply two points that are of special interest to me.

I appreciate the language in this legislation that would require the study of the encryption technologies that are available in foreign countries. I have often been concerned that our encryption policy in the United States in terms of export restrictions verged on the ludicrous.

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We were in danger having the potential of some Gameboy platforms running athwart our restrictions until recently by action of the administration. And having a rational study of what is available overseas, compare that to what is available here, trying to make this something that makes sense in the broader world stage is important, I think, for our constituents who are engaged ultimately in ways to make sure that we have maximum benefit of encryption technology in the United States and we do not put American companies at a disadvantage.

Second, I appreciate and applaud the leadership of this committee trying to focus the need on having permanent research and development tax credit. This is something that makes a huge difference to industry in the long term looking over the long haul, something that industry can use to be able to make its research and development decisions.

I hope that the legislative leadership in both Chambers will take seriously the message that has been delivered by the committee to make sure that this is made permanent so that industry can count upon it.

I look forward to having a clean vote on this item before we adjourn. I think it would be overwhelmingly approved, it would be an important signal for our industry, and I think it is something that we no longer need to delay.

Mr. HALL of Texas. Mr. Chairman, as is usual in the courtroom, we save the best for the last. I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in strong support of this legislation. I want to congratulate the chairman and the ranking member of the committee and the other members of the committee for bringing the bill to the floor today.

It is critical that we continue to invest in basic research and technology and support the Next Generation Internet. The Government can play and has played a critical role in stimulating science and in improving people's lives. Government investment in basic research was essential to the creation and the development of the Internet we know today. We must continue to invest in cutting-edge technology and basic science to develop the Internets of the future. We must do everything we can to support this type of research.

I support this bill specifically because it continues to fund the Next Generation Internet. This initiative focuses on developing revolutionary applications and networking capabilities that will dramatically increase the speed and efficiency of the Internet.

The Next Generation Internet will be capable of operating at what we today would call incredible speeds. Imagine downloading data not at 56k, but at 622 megabits per second or even 2.4 gigabits per second or even 9.9 gigabits per second. That is what the future holds for Internet users if we continue to fund this.

These types of networks will enable bandwidth-intensive applications, such as telemedicine, video-conferencing, advanced engineering, and virtual-learning environments. The Internet of the future ought to be able to transmit voice, date, and video quickly and efficiently. If we invest wisely and support continued funding, then it will do so.

The National Science Foundation has played a central role in steering and providing seed money for this new national network. The bill recognizes the critical importance of strong Federal investment in basic research and science and specifically in the Next Generation Internet.

The research of today will stimulate future economic development as the research of yesterday has stimulated our current economic boom, and the research of today will further benefit our economy and our country in future years.

Again, I congratulate the committee; and I urge all my colleagues to support this bill.

Mr. EWING. Mr. Chairman, I rise today in strong support of H.R. 2086, the Networking and Information Technology Research and Development Act. This legislation supports the vital funding of basic information technology research in the high-Performance Computing and Communications, Next Generation Internet, and additional NITRD programs.

I am particularly proud to support this legislation because of the instrumental role my own constituents at the University of Illinois have played in information technology research. While many in Washington are talking about making the Internet more accessible, but it has been researchers at the university of Illinois' National Computational Science Alliance (NCSA) that have made it happen. It was these researchers that pioneered the effort to create Mosaic, the browser which has the allowed the public access to the World Wide Web and the Internet. Without the National Science Foundation's support of this research, access to the Internet may still be only reserved for the few.

By devoting $130 million to the NSF for high-end computing, software, and networking research, H.R. 2086 will continue to support such important endeavors as those in my district to ensure that America's technological revolution leaves no one behind. Events of the past 10 years are evidence that any costs we incur today will be far outweighed by the rewards we reap tomorrow.

It is my hope that my colleagues on both sides of the aisle will join the bipartisan coalition of Science Committee members who passed H.R. 2086 by a unanimous 41–0 vote at Full Committee. Please support H.R. 2086 and support real efforts to make the information super-highway available to all.

Ms. LOFGREN. Mr. Chairman, I rise today in support of H.R. 2086, the Networking and Information Technology Research and Development Act, because I believe that this legislation provides funding for internet and computing research that is essential to maintaining our status as a world leader in information technologies. Last week's hacker attacks on some of the foremost e-commerce web sites indicates the degree to which the development of the internet and our understanding of all of its possibilities and pitfalls, is still in its infancy. Just as buying stock in information technology companies has been a successful investment, dedicating funds to basic research into internet privacy, security, and stability, and helping to develop the technologies that will drive the next-generation internet, is as worthwhile an investment as we can make.

The federal government played a founding role in the growth of the internet, helping to develop and build both the infrastructure that carries the internet and the computers that power it. This bill continues that tradition of our role in the growth of this technology, technology that has the power to benefit so many people. H.R. 2086 provides nearly half a billion dollars to the National Science Foundation, hundreds of millions of dollars to NASA and the Department of Energy, and millions more to the National Institute of Standards and Technology, National Oceanic and Atmospheric Administration, and Environmental Protection Agency. The money is dedicated to long-term basic research on networking and information technology, and involves universities and the private sector in this collective research effort through grants for development and study.

This bill is truly legislation that everyone, particularly everyone involved in the growth of our new high-tech economy, can support. And most everyone already has. The Science Committee approved this bill unanimously, and a tremendous coalition of business, university, and government groups from across the country have voiced their support for this extremely important legislation. This bill will be a boon to the people of Silicon Valley, the area that I represent, and companies and trade associations that have been at the forefront of the development of the newest generation of information technology. But this is hardly a local phenomenon. The University of Washington, the Big Ten Universities, MIT, the National Association of Manufacturers, and the Co-Chairs of the President's Information Technology Advisory Council all have endorsed this legislation. Little wonder that internet technology, which has connected people from across the country and across the world like nothing before it, could also connect people in support of this legislation assisting in its development.

Mr. Chairman, basic research into new internet technologies drove the development of the world wide web and the incredible system of networks that now traverse the globe. Decades of basic research into computers and information technology were the catalyst for the internet economic boom that is now sweeping the country with a broad swath of prosperity in its wake. This bill provides hundreds of millions of dollars of extremely well-spent investment into further basic research to continue their geometric advances in information technologies, and I hope that the rest of my colleagues will join the 41 Members of the Science Committee in supporting it wholeheartedly.

Mr. HALL of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I also have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute consisting of the bill, modified by striking section 8 and redesignating succeeding sections accordingly, shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Networking and Information Technology Research and Development Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Information technology will continue to change the way Americans live, learn, and

work. The information revolution will improve the workplace and the quality and accessibility of health care and education and make government more responsible and accessible.

(2) Information technology is an imperative enabling technology that contributes to scientific disciplines. Major advances in biomedical research, public safety, engineering, and other critical areas depend on further advances in computing and communications.

(3) The United States is the undisputed global leader in information technology.

(4) Information technology is recognized as a catalyst for economic growth and prosperity.

(5) Information technology represents one of the fastest growing sectors of the United States economy, with electronic commerce alone projected to become a trillion-dollar business by 2005.

(6) Businesses producing computers, semiconductors, software, and communications equipment account for one-third of the total growth in the United States economy since 1992.

(7) According to the United States Census Bureau, between 1993 and 1997, the information technology sector grew an average of 12.3 percent per year.

(8) Fundamental research in information technology has enabled the information revolution.

(9) Fundamental research in information technology has contributed to the creation of new industries and new, high-paying jobs.

(10) Our Nation's well-being will depend on the understanding, arising from fundamental research, of the social and economic benefits and problems arising from the increasing pace of information technology transformations.

(11) Scientific and engineering research and the availability of a skilled workforce are critical to continued economic growth driven by information technology.

(12) In 1997, private industry provided most of the funding for research and development in the information technology sector. The information technology sector now receives, in absolute terms, one-third of all corporate spending on research and development in the United States economy.

(13) The private sector tends to focus its spending on short-term, applied research.

(14) The Federal Government is uniquely positioned to support long-term fundamental research.

(15) Federal applied research in information technology has grown at almost twice the rate of Federal basic research since 1986.

(16) Federal science and engineering programs must increase their emphasis on long-term, high-risk research.

(17) Current Federal programs and support for fundamental research in information technology is inadequate if we are to maintain the Nation's global leadership in information technology.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—Section 201(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" and inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $439,000,000 for fiscal year 2000; $468,500,000 for fiscal year 2001; $493,200,000 for fiscal year 2002; $544,100,000 for fiscal year 2003; and $571,300,000 for fiscal year 2004. Amounts authorized under this subsection shall be the total amounts authorized to the National Science Foundation for a fiscal year for the Program, and shall not be in addition to amounts previously authorized by law for the purposes of the Program.".

(b) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—Section 202(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" and inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $164,400,000 for fiscal year 2000; $201,000,000 for fiscal year 2001; $208,000,000 for fiscal year 2002; $224,000,000 for fiscal year 2003; and $231,000,000 for fiscal year 2004.".

(c) DEPARTMENT OF ENERGY.—Section 203(e)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(e)(1)) is amended—

(1) by striking "1995; and" and inserting "1995;"; and

(2) by striking the period at the end and inserting "; $106,600,000 for fiscal year 2000; $103,500,000 for fiscal year 2001; $107,000,000 for fiscal year 2002; $125,700,000 for fiscal year 2003; and $129,400,000 for fiscal year 2004.".

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—(1) Section 204(d)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)(1)) is amended—

(A) by striking "1995; and" and inserting "1995;"; and

(B) by striking "1996; and" and inserting "1996; $9,000,000 for fiscal year 2000; $9,500,000 for fiscal year 2001; $10,500,000 for fiscal year 2002; $16,000,000 for fiscal year 2003; and $17,000,000 for fiscal year 2004; and".

(2) Section 204(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)) is amended by striking "From sums otherwise authorized to be appropriated, there" and inserting "There".

(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 204(d)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)(2)) is amended—

(1) by striking "1995; and" and inserting "1995;"; and

(2) by striking the period at the end and inserting "; $13,500,000 for fiscal year 2000; $13,900,000 for fiscal year 2001; $14,300,000 for fiscal year 2002; $14,800,000 for fiscal year 2003; and $15,200,000 for fiscal year 2004.".

(f) ENVIRONMENTAL PROTECTION AGENCY.—Section 205(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" and inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $4,200,000 for fiscal year 2000; $4,300,000 for fiscal year 2001; $4,500,000 for fiscal year 2002; $4,600,000 for fiscal year 2003; and $4,700,000 for fiscal year 2004.".

SEC. 4. NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) NATIONAL SCIENCE FOUNDATION.—Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5521) is amended by adding at the end the following new subsections:

"(c) NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT.—(1) Of the amounts authorized under subsection (b), $310,000,000 for fiscal year 2000; $333,000,000 for fiscal year 2001; $352,000,000 for fiscal year 2002; $390,000,000 for fiscal year 2003; and $415,000,000 for fiscal year 2004 shall be available for grants for long-term basic research on networking and information technology, with priority given to research that helps address issues related to high end computing and software; network stability, fragility, reliability, security (including privacy), and scalability; and the social and economic consequences of information technology.

"(2) In each of the fiscal years 2000 and 2001, the National Science Foundation shall award under this subsection up to 20 large grants of up to $1,000,000 each, and in each of the fiscal years 2002, 2003, and 2004, the National Science Foundation shall award under this subsection up to 30 large grants of up to $1,000,000 each.

"(3)(A) Of the amounts described in paragraph (1), $40,000,000 for fiscal year 2000; $40,000,000 for fiscal year 2001; $45,000,000 for fiscal year 2002; $45,000,000 for fiscal year 2003; and $50,000,000 for fiscal year 2004 shall be available for grants of up to $5,000,000 each for Information Technology Research Centers.

"(B) For purposes of this paragraph, the term 'Information Technology Research Centers' means groups of 6 or more researchers collaborating across scientific and engineering disciplines on large-scale long-term research projects which will significantly advance the science supporting the development of information technology or the use of information technology in addressing scientific issues of national importance.

"(d) MAJOR RESEARCH EQUIPMENT.—(1) In addition to the amounts authorized under subsection (b), there are authorized to be appropriated to the National Science Foundation $70,000,000 for fiscal year 2000, $70,000,000 for fiscal year 2001, $80,000,000 for fiscal year 2002, $80,000,000 for fiscal year 2003, and $85,000,000 for fiscal year 2004 for grants for the development of major research equipment to establish terascale computing capabilities at 1 or more sites and to promote diverse computing architectures. Awards made under this subsection shall provide for support for the operating expenses of facilities established to provide the terascale computing capabilities, with funding for such operating expenses derived from amounts available under subsection (b).

"(2) Grants awarded under this subsection shall be awarded through an open, nationwide, peer-reviewed competition. Awardees may include consortia consisting of members from some or all of the following types of institutions:

"(A) Academic supercomputer centers.

"(B) State-supported supercomputer centers.

"(C) Supercomputer centers that are supported as part of federally funded research and development centers.

Notwithstanding any other provision of law, regulation, or agency policy, a federally funded research and development center may apply for a grant under this subsection, and may compete on an equal basis with any other applicant for the awarding of such a grant.

"(3) As a condition of receiving a grant under this subsection, an awardee must agree—

"(A) to connect to the National Science Foundation's Partnership for Advanced Computational Infrastructure network;

"(B) to the maximum extent practicable, to coordinate with other federally funded large-scale computing and simulation efforts; and

"(C) to provide open access to all grant recipients under this subsection or subsection (c).

"(e) INFORMATION TECHNOLOGY EDUCATION AND TRAINING GRANTS.—

"(1) INFORMATION TECHNOLOGY GRANTS.—The National Science Foundation shall provide grants under the Scientific and Advanced Technology Act of 1992 for the purposes of section 3(a) and (b) of that Act, except that the activities supported pursuant to this paragraph shall be limited to improving education in fields related to information technology. The Foundation shall encourage institutions with a substantial percentage of student enrollments from groups underrepresented in information technology industries to participate in the competition for grants provided under this paragraph.

"(2) INTERNSHIP GRANTS.—The National Science Foundation shall provide—

"(A) grants to institutions of higher education to establish scientific internship programs in information technology research at private sector companies; and

"(B) supplementary awards to institutions funded under the Louis Stokes Alliances for Minority Participation program for internships in information technology research at private sector companies.

"(3) MATCHING FUNDS.—Awards under paragraph (2) shall be made on the condition that at least an equal amount of funding for the internship shall be provided by the private sector company at which the internship will take place.

"(4) DEFINITION.—For purposes of this subsection, the term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(5) AVAILABILITY OF FUNDS.—Of the amounts described in subsection (c)(1), $10,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, $20,000,000 for fiscal year 2002, $25,000,000 for fiscal year 2003, and $25,000,000 for fiscal year 2004 shall be available for carrying out this subsection.

"(f) EDUCATIONAL TECHNOLOGY RESEARCH.—

"(1) RESEARCH PROGRAM.—As part of its responsibilities under subsection (a)(1), the National Science Foundation shall establish a research program to develop, demonstrate, assess, and disseminate effective applications of information and computer technologies for elementary and secondary education. Such program shall—

"(A) support research projects, including collaborative projects involving academic researchers and elementary and secondary schools, to develop innovative educational materials, including software, and pedagogical approaches based on applications of information and computer technology;

"(B) support empirical studies to determine the educational effectiveness and the cost effectiveness of specific, promising educational approaches, techniques, and materials that are based on applications of information and computer technologies; and

"(C) include provision for the widespread dissemination of the results of the studies carried out under subparagraphs (A) and (B), including maintenance of electronic libraries of the best educational materials identified accessible through the Internet.

"(2) REPLICATION.—The research projects and empirical studies carried out under paragraph (1)(A) and (B) shall encompass a wide variety of educational settings in order to identify approaches, techniques, and materials that have a high potential for being successfully replicated throughout the United States.

"(3) AVAILABILITY OF FUNDS.—Of the amounts authorized under subsection (b), $10,000,000 for fiscal year 2000, $10,500,000 for fiscal year 2001, $11,000,000 for fiscal year 2002, $12,000,000 for fiscal year 2003, and $12,500,000 for fiscal year 2004 shall be available for the purposes of this subsection.

"(g) PEER REVIEW.—All grants made under this section shall be made only after being subject to peer review by panels or groups having private sector representation.".

(b) OTHER PROGRAM AGENCIES.—

(1) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "and experimentation".

(2) DEPARTMENT OF ENERGY.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended by striking the period at the end and inserting a comma, and by adding after paragraph (4) the following:

"and may participate in or support research described in section 201(c)(1).".

(3) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 204(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(1)) is amended by striking "; and" at the end of subparagraph (C) and inserting a comma, and by adding after subparagraph (C) the following:

"and may participate in or support research described in section 201(c)(1); and".

(4) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 204(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(2)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "agency missions".

(5) ENVIRONMENTAL PROTECTION AGENCY.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "dynamics models".

SEC. 5. NEXT GENERATION INTERNET.

Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is amended—

(1) by amending subsection (c) to read as follows:

"(c) STUDY OF INTERNET PRIVACY.—

"(1) STUDY.—Not later than 90 days after the date of enactment of the Networking and Information Technology Research and Development Act, the National Science Foundation may enter into an arrangement with the National Research Council of the National Academy of Sciences for that Council to conduct a study of privacy on the Internet.

"(2) SUBJECTS.—The study shall address—

"(A) research needed to develop technology for protection of privacy on the Internet;

"(B) current public and private plans for the deployment of privacy technology, standards, and policies;

"(C) policies, laws, and practices under consideration or formally adopted in other countries and jurisdictions to protect privacy on the Internet;

"(D) Federal legislation and other regulatory steps needed to ensure the development of privacy technology, standards, and policies; and

"(E) other matters that the National Research Council determines to be relevant to Internet privacy.

"(3) TRANSMITTAL TO CONGRESS.—The National Science Foundation shall transmit to the Congress within 21 months of the date of enactment of the Networking and Information Technology Research and Development Act a report setting forth the findings, conclusions, and recommendations of the National Research Council.

"(4) FEDERAL AGENCY COOPERATION.—Federal agencies shall cooperate fully with the National Research Council in its activities in carrying out the study under this subsection.

"(5) AVAILABILITY OF FUNDS.—Of the amounts described in subsection (d)(2), $900,000 shall be available for the study conducted under this subsection."; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "1999 and" and inserting "1999,"; and

(ii) by inserting ", $15,000,000 for fiscal year 2001, and $15,000,000 for fiscal year 2002" after "fiscal year 2000";

(B) in paragraph (2), by inserting ", and $25,000,000 for fiscal year 2001 and $25,000,000 for fiscal year 2002" after "Act of 1998";

(C) in paragraph (4)—

(i) by striking "1999 and" and inserting "1999,"; and

(ii) by inserting ", $10,000,000 for fiscal year 2001, and $10,000,000 for fiscal year 2002" after "fiscal year 2000"; and

(D) in paragraph (5)—

(i) by striking "1999 and" and inserting "1999,"; and

(ii) by inserting ", $5,500,000 for fiscal year 2001, and $5,500,000 for fiscal year 2002" after "fiscal year 2000".

SEC. 6. REPORTING REQUIREMENTS.

Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by inserting "(1)" after "ADVISORY COMMITTEE.—"; and

(C) by adding at the end the following new paragraph:

"(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, implementation, and activities of the Program, the Next Generation Internet program, and the Networking and Information Technology Research and Development program, and shall report not less frequently than once every 2 fiscal years to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within 1 year after the date of the enactment of the Networking and Information Technology Research and Development Act."; and

(2) in subsection (c)(1)(A) and (2), by inserting ", including the Next Generation Internet program and the Networking and Information Technology Research and Development program" after "Program" each place it appears.

SEC. 7. EVALUATION OF CAPABILITIES OF FOREIGN ENCRYPTION.

(a) STUDY.—The National Science Foundation shall undertake a study comparing the availability of encryption technologies in foreign countries to the encryption technologies subject to export restrictions in the United States.

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the National Science Foundation shall transmit to the Congress a report on the results of the study undertaken under subsection (a).

SEC. 8. STUDY OF APPROPRIATIONS IMPACT ON INFORMATION TECHNOLOGY RESEARCH.

Within 90 days after the date of the enactment of this Act, the Comptroller General, in consultation with the National Science and Technology Council and the President's Information Technology Advisory Committee, shall transmit to the Congress a report on the impact on information technology research of the fiscal year 2000 appropriations acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies; for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies; and for Energy and Water Development.

AMENDMENT NO. 10 OFFERED BY MR. HALL OF TEXAS

Mr. HALL of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HALL of Texas:

Page 5, lines 12 through 15, strike "$439,000,000" and all that follows through "$571,300,000" and insert "$520,000,000 for fiscal year 2000; $645,000,000 for fiscal year 2001; $672,000,000 for fiscal year 2002; $736,000,000 for fiscal year 2003; and $771,000,000".

Page 6, lines 14 through 17, strike "$106,600,000" and all that follows through

"$129,400,000" and insert "$120,000,000 for fiscal year 2000; $108,600,000 for fiscal year 2001; $112,300,000 for fiscal year 2002; $131,100,000 for fiscal year 2003; and $135,000,000".

Page 8, lines 14 through 17, strike "$310,000,000" and all that follows through "$415,000,000" and insert "$350,000,000 for fiscal year 2000; $421,000,000 for fiscal year 2001; $442,000,000 for fiscal year 2002; $486,000,000 for fiscal year 2003; and $515,000,000".

Page 9, line 1, strike "20" and insert "25". Page 9, line 4, strike "30" and insert "35". Page 9, lines 6 through 8, strike "2000; $40,000,000" and all that follows through "$50,000,000" and insert "2000; $45,000,000 for fiscal year 2001; $50,000,000 for fiscal year 2002; $55,000,000 for fiscal year 2003; and $60,000,000".

Mr. HALL of Texas. Mr. Chairman, the amendment I am offering with the gentleman from Oregon (Mr. WU) will adjust the funding authorized in the bill in response to the administration's budget request for fiscal year 2001. I would like to briefly describe the amendment and then turn to the gentleman from Oregon (Mr. WU) for a description of the value and impact of the amendment.

The purpose of H.R. 2086 is to authorize the portfolio of information technology research activities that are formally coordinated among the Federal R&D agencies. This includes the authorization for new programs to implement the recommendation of the President's Information Technology Advisory Committee for a major new initiative focused on long-term, high-risk research.

This amendment addresses the two funding issues raised by the President's fiscal year 2001 budget request for information-technology research.

First, the budget request changes the baseline for formally coordinated research activities. The baseline now includes projects that the various agencies have been conferring on but that were not reported to the Office of Management and Budget for fiscal year 2000 as part of the formal interagency program.

H.R. 2086, as reported, is below the fiscal year 2001 request partly because the bill assumes the lower baseline level in determining the authorization level for the fiscal years 2001 through the year 2004.

The second funding issue the amendment addresses is a significant increase that the fiscal year 2001 budget request provides for new research support. I support this proposed increase because it will reverse the 36 percent shortfall in the appropriations level for fiscal year 2000 for the information-technology research initiative, as well as the 13 percent shortfall for all coordinated information-technology research programs.

The amendment also adjusts the level of the Department of Energy authorization to reflect the fiscal year 2000 appropriations level.

Finally, the amendment adjusts the outyear authorizations for the two agencies to maintain the same total percentage funding growth between fiscal years 2001 and 2004 as provided by H.R. 2086, as reported.

This long-term focus of the bill, I think, also will provide support for an area of great importance for all of our citizens. Most important to me in the entire bill is the biomedical research. Information technology has become increasingly important to the medical sciences. It holds the key to harnessing the vast quantities of genomic data being gathered in order to understand the expression and control of genes.

Statistical analysis of large databases is central to the diagnosis and treatment of medical illnesses. Medical imaging techniques rely on complex software and algorithms.

Other research under this initiative will address fundamental studies of robotics that will revolutionize the practice of medicine. Advances in robotics will lead to applications, for example, to allow surgeons to manipulate and repair blood vessels. Devices at the micron scale will provide physicians with the capability to search out and destroy cancer cells at the earliest stages of the disease.

Mr. Chairman, this bill will help enable the future. I commend the measure to my colleagues and ask for their support.

Mr. Chairman, I yield to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I thank the gentleman from Texas (Mr. HALL), the ranking member, and the gentleman from Wisconsin (Chairman SENSENBRENNER) for working with me on this amendment, or allowing me to work with them on this amendment, which would increase for fiscal year 2001 the NSF funding by $176 million and increase the outyear funding levels in conformance with that percentage increase. I believe that this adjustment enjoys bipartisan support, and it is also supported by the administration.

I am in receipt of a letter from the administration stating that the administration supports the amendment to be offered by the gentleman from Texas (Mr. HALL) and the gentleman from Oregon (Mr. WU) that would increase authorizations for FY 2001 for the National Science Foundation to the administration's budget request.

A few weeks ago, I had the opportunity to travel throughout my district with the gentleman from Wisconsin (Chairman SENSENBRENNER). We visited research universities, including Oregon Health Sciences University, Portland State University, and several high-tech companies where we were able to see firsthand the benefit of NSF grants.

At Portland State University, we learned about a unique collaboration between Oregon Health Sciences University, Oregon Graduate Institute, and the University of Washington to develop the State's highest speed access to Internet to facilitate research in areas such as biotechnology and medicine.

The CHAIRMAN. The time of the gentleman from Texas (Mr. HALL) has expired.

(At the request of Mr. WU, and by unanimous consent, Mr. HALL of Texas was allowed to proceed for 5 additional minutes.)

Mr. HALL of Texas. Mr. Chairman, I continue to yield to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, the research link between these institutions will provide access to unique laboratories and equipment located at each of these schools. At Oregon Health Sciences University this means access to information from the Museum of Health in Medicine to reconstruct hearts in order to find gene defects.

"Collaboration" is the keyword to research in this bill and in this amendment. The new resources made available by this amendment will make a significant contribution to strengthening NSF's role as the lead agency for Federal multi-agency and information technology research efforts. This research encompasses advances in software design, wireless networking, high-end computing and mathematics.

In addition, it will enable application of computing and networking and technology in many fields of science and engineering that would not be possible with current technology. It will train the scientists and engineers needed to sustain the economic growth fueled by information technology. This investment will deliver tools and capabilities that will benefit every field of science and society broadly.

The resources made available by the amendment will be used by NSF for several focused efforts. Foremost, the funding will be used to support fundamental, long-term, high-risk research. This work will encompass investigation of computer system architectures, information storage and retrieval, scalable networks, and totally new approaches to computation.

Another particularly important use of the new funding will be for education programs in information technology. These include scholarships and fellowships, support for undergraduate participation, and research projects and development of new curriculum. New graduate students will obtain the skills necessary for future generations of researchers that are in high demand in the postindustrial economy.

At home, NSF-funded research provides support for important projects at Oregon's Urban University, Portland State University. The school has received nearly $5 million for funding for NSF projects this year that involve undergraduate and graduate students in research. Much of this research relates to community needs and priorities, including training American workers to fill high-tech, high-wage jobs. High-tech companies now constitute Oregon's largest private sector employer.

Finally, the increase in NSF funding will be used to establish a second terascale computing facility to support the academic research community. NSF is the principal access to high-performance computing for the academic research community. Access to the most powerful computers is essentially for leading-edge research, as well as educating the next generation of computer and computational scientists.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I thank the gentleman from Texas (Mr. HALL), and I support his constructive amendment. This amendment would expand the definition of "information technology" under the NSF account and change the NSF numbers accordingly.

This year the administration expanded the definition of programs deemed "information technology" within NSF's budget. This expanded definition is compatible with H.R. 2086, and I am pleased to include the new NSF numbers in the bill.

The administration prioritization of NSF in 2001 also demonstrates that they have accepted the committee's philosophy for IT spending. The committee believes that the NSF is the best agency to run open competitive and peer review IT grant programs.

With the adoption of this amendment, H.R. 2086 will incorporate the new expansive definition of IT at NSF within the same stable and sustainable rate of growth passed by the committee with a 41–0 vote last year. Thus, NSF IT spending in the Networking and Information Technology Research and Development Act will remain the same total growth rate over the 5 years of the bill after this amendment is adopted as it had been before the new expanded IT definition was proposed.

While this amendment accepts the aggregated definition of NSF IT spending, I would like to point out that this amendment does not rubber-stamp the President's request. This amendment does not plus up any other agencies to the President's request, nor does it reflect the decreases in overall NSF spending after fiscal year 2001 found in the administration's fiscal 2001 request. With the exception of NSF, the committee will review on a case-by-case basis the requested increases for IT and other agencies during the consideration of those agencies' authorization bills.

Mr. Chairman, this amendment reflects a bipartisan agreement on the part of the committee to a bill that has strong bipartisan support. I commend the ranking member from Texas (Mr. HALL) for offering this amendment, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HALL).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SMITH of Michigan:

Page 16, after line 2, insert the following new paragraph:

(6) UNITED STATES GEOLOGICAL SURVEY.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended—

(A) by redesignating sections 207 and 208 as sections 208 and 209, respectively; and

(B) by inserting after section 206 the following new section:

"SEC. 207. UNITED STATES GEOLOGICAL SURVEY.

"The United States Geological Survey may participate in or support research described in section 201(c)(1).".

Mr. SMITH of Michigan. Mr. Chairman, this amendment would have been put on yesterday by our Committee on Science meeting except it would have involved the possibility of re-referral to the Subcommittee on Research and Development. With the consent of Mr. Young as well as the chairman of the Subcommittee on Energy and Mineral Resources, and also the gentlewoman from Wyoming (Mrs. CUBIN) gave her support, we are offering this amendment at this time.

This amendment would allow the United States Geological Survey to participate in the Networking and Information Technology Research and Development Grant Program established by this bill.

□ 1415

In doing so, the USGS would join with the National Science Foundation and other participating agencies in helping focus government funding on information technology research.

The United States Geological Survey has a simple mission, to describe and understand the Earth. When I was young, I traveled around the country with my dad who was a topographic engineer with the USGS. Dad helped meet the challenge of mapping this country by taking to the field with the old fashioned rod and compass in hand.

Today, the topographic maps my father helped create are digitized and the data they contain augmented by readings from satellites, sensors buried in the ground, and experiments run in the lab. Today, the current shuttle radar topography mission to map the world is in its 5th day of sending back billions of bytes of data.

The USGS has spent the last 121 years building a collection of these maps, images, and other information assets as a way of answering some of our fundamental questions about the Earth and its processes. These assets now include extremely large data sets requiring extraordinary technology challenges to maintain and use. That is why this amendment is important.

It is difficult to get a grasp on the size of the challenge without resorting to an analogy. For example, the USGS information assets include petabyte size data sets. A petabyte is 2 to the 50th power bytes, one million gigabytes, a thousand trillion bytes, a number that even someone used to dealing with the Federal budget has a hard time understanding. To describe the vastness of this information in another way, these databases are the equivalent of 20 million four-drawer legal-sized filing cabinets stuffed full of text. The computers and processors that deal with these data sets must be correspondingly capable and the network connections that feed them must be adequately quick.

The USGS continues to research these technologies as part of their research agenda. Allowing them to partner in the research funded under this bill will help ensure that their technology needs are met. It will also allow them to bring their considerable skills to the table and help focus this research into the areas where it is sure to do the most good.

I should point out, Mr. Chairman, that this amendment does not authorize any new funding. This simply recognizes the USGS in its role as a participant in IT research. I am pleased to offer this amendment with the support of the gentleman from Wisconsin (Mr. SENSENBRENNER) the chairman of the Committee on Science and the approval of the gentleman from Alaska (Mr. YOUNG) the chairman of the Committee on Resources and the gentlewoman from Wyoming (Mrs. CUBIN) the chairman of that committee's Subcommittee on Energy and Mineral Resources.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. SMITH) has expired.

(On request of Mr. SENSENBRENNER, and by unanimous consent, Mr. SMITH of Michigan was allowed to proceed for 30 additional seconds.)

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am pleased to support the amendment offered by the gentleman from Michigan (Mr. SMITH). He correctly states that the only reason this was not included in the bill when it was considered by the Committee on Science is that it would have triggered a sequential referral to the Committee on Resources which would have resulted in a delay. I would like to thank the gentleman from Alaska (Mr.

YOUNG) for signing off on this amendment. This simply integrates the efforts of the U.S. Geological Service into the type of research that is being done so that their mapping efforts can be much better digitalized and, thus, much more effective.

Mr. SMITH of Michigan. Mr. Chairman, I would conclude by requesting the support of my colleagues in the passage of this amendment.

Mr. HALL of Texas. Mr. Chairman, I rise in support, of course, of this amendment by the gentleman from Michigan (Mr. SMITH). It is entirely appropriate that the U.S. Geological Survey participate in the interagency information technology research program. I would also observe that the gentleman from Michigan learned this subject well at the feet of his father, a longtime member of the USGS team. We certainly support this amendment and urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mrs. MORELLA:

Page 8, after line 5, insert the following new subsection:

(g) NATIONAL INSTITUTES OF HEALTH.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended by inserting after section 205 the following new section:

"SEC. 205A. NATIONAL INSTITUTES OF HEALTH ACTIVITIES.

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Institutes of Health shall conduct research directed toward the advancement and dissemination of computational techniques and software tools in support of its mission of biomedical and behavioral research.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Health and Human Services for the purposes of the Program $223,000,000 for fiscal year 2000, $233,000,000 for fiscal year 2001, $242,000,000 for fiscal year 2002, $250,000,000 for fiscal year 2003, and $250,000,000 for fiscal year 2004.".

Mrs. MORELLA. Mr. Chairman, H.R. 2086 will maintain our global leadership in information technology and prioritize our Nation's basic IT research by authorizing funding for six agencies that are undertaking civilian IT research and development initiatives. We have heard a lot about that.

These six lead agencies, NSF, NIST, NASA, NOAA, EPA and the Department of Energy, to use all those acronyms, all participate in programs involved with high-performance computing and communications and next generation Internet programs. One major agency, however, Mr. Chairman, the National Institutes of Health, is not among the group of agencies currently authorized in the bill.

My amendment would allow NIH to receive the funding authorization that it needs for vital information technology resources needed to map out the human genetic map, battle cancer and other life-threatening diseases, provide bioinformatic and molecular analysis, assist with telemedicine and advance computational medicine, among other efforts.

Mr. Chairman, let me provide just one example of the importance of cutting edge information technology for today's innovative medical research. The human genome project, overseen by NIH and the Department of Energy, is an international research program designed to construct detailed genetic maps and determine the complete sequence of human DNA and localize the estimated 50,000 to 100,000 genes within the human genome.

Later this year, researchers will complete the first draft of the entire human genome, the very blueprint of life. It is clear that the development and use of this genetic knowledge will have momentous implications for both individuals and society, potentially opening the doors to breakthrough medical discoveries that will allow all of us to live longer and improve our human condition. At the very heart of the human genome project are high speed, high performance computers that analyze and sequence the voluminous information collected by researchers. As more information is collected, these cutting edge computers must continually be advanced and upgraded to complete the job. In the past 6 years, Congress has made a priority of NIH research funding. Our wise investments in NIH research have already paved the way to a revolution in our ability to detect, treat, and prevent disease. Yet we must also ensure that the NIH is provided with the necessary information technology funds that are needed to conduct its very important medical research.

The amendment before us today would authorize $233 million in NIH information technology funding for fiscal year 2001, $242 million in fiscal year 2002, and $250 million in fiscal years 2003 and 2004. This funding level meets NIH's budget request for information technology and is consistent with an NIH letter requesting such funding sent to the gentleman from Virginia (Mr. BLILEY) the chairman of the Committee on Commerce. I wish to thank the gentleman from Virginia for his collaborative efforts in preparing this amendment and indeed I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) for their support. I certainly urge all my colleagues to support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman from Maryland for yielding. I support her amendment. The reason this amendment is before us today on the floor is the same reason why the previous amendment was before us, and, that is that the NIH is not under the jurisdiction of the Committee on Science. Had we added this money in during the Committee on Science consideration of the bill, it would have delayed the bill's consideration through a sequential referral to the Committee on Commerce.

What the gentlewoman from Maryland is doing is closing an important hole in this bill, and I am happy to note that the chairman, the members, and the staff of the Committee on Commerce support her efforts in doing so. So this has been worked out without any brouhaha over committee jurisdiction. This makes a good bill better; and it gets the NIH into developing better information technologies, to develop better ways of making sick people better and preventing them from getting sick in the first place.

Mrs. MORELLA. I thank the gentleman for his very eloquent comments on the amendment. It is a pleasure to be able to offer this amendment to close that loophole.

Mr. HALL of Texas. Mr. Chairman, I of course am privileged to congratulate the gentlewoman from Maryland and to recommend her amendment. It simply authorizes as the gentleman from Wisconsin has said the funding for National Institutes of Health. It formally funds the NIH contribution to the interagency research program. We urge the acceptance of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland (Mrs. MORELLA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. LARSON

Mr. LARSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LARSON:

At the end of the bill, insert the following new section:

SEC. 10. REPORT TO CONGRESS.

Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by section 5 of this Act, is further amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

"(b) REPORT TO CONGRESS.—

"(1) REQUIREMENT.—The Director of the National Science Foundation shall conduct a study of the issues described in paragraph (3), and not later than 1 year after the date of the enactment of the Networking and Information Technology Research and Development Act, shall transmit to the Congress a report including recommendations to address those issues. Such report shall be updated annually for 6 additional years.

"(2) CONSULTATION.—In preparing the reports under paragraph (1), the Director of the National Science Foundation shall consult with the National Aeronautics and Space Administration, the National Institute of Standards and Technology, and such other Federal agencies and educational entities as the Director of the National Science Foundation considers appropriate.

"(3) ISSUES.—The reports shall—

"(A) identify the current status of high-speed, large bandwidth capacity access to all public elementary and secondary schools and libraries in the United States;

"(B) identify how high-speed, large bandwidth capacity access to the Internet to such schools and libraries can be effectively utilized within each school and library;

"(C) consider the effect that specific or regional circumstances may have on the ability of such institutions to acquire high-speed, large bandwidth capacity access to achieve universal connectivity as an effective tool in the education process; and

"(D) include options and recommendations for the various entities responsible for elementary and secondary education to address the challenges and issues identified in the reports.".

Mr. LARSON. Mr. Chairman, before I begin I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) our esteemed chairman of the Committee on Science for his guidance and thoughtfulness in helping me construct this very fine bill and amendment but more importantly I would like to join the chorus of those who have indicated his outstanding work, and I am proud to be a cosponsor of the bill to which we are going to amend this legislation. But I think the highest sense of praise comes not only from his colleagues but having been out in San Francisco this past year attending a convention, to hear Bill Joy from Sun Microsystems stand up and say that this bill that was put forward by our chairman is clearly the most outstanding IT bill of its kind ever put forward before the United States Congress. I think that is high praise from someone who clearly understands technology and its importance.

In addition, I would like to thank both the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Michigan (Mr. SMITH) for their help as well as the gentleman from Michigan (Mr. BARCIA) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for holding a joint hearing of the Subcommittees on Technology and Basic Research of the Committee on Science last year on this important topic. Finally, I would be remiss if I did not also thank the former ranking member of the Committee on Science, Mr. Brown. He collaborated with me on this piece of legislation, and indeed I am sad today that he is not here but again want to thank him as well. I would also like to thank Javier Gonzalez from my staff.

Mr. Chairman, this amendment is straightforward and it is practical, it is narrow and technical in its application, and very simply calls for the National Science Foundation to do a technological assessment of what is the most efficient and economical means of bringing forward the information superhighway to our public schools and our public libraries.

Here are the underpinnings, briefly. The Department of Commerce issued a study in July of last year citing that the digital divide in this country in fact is growing further apart. It is growing apart along the lines of race, gender, wealth, and geography. And so in order to look at closing that gap, it becomes important upon policy makers to make sure if we are going to provide universal, ubiquitous access to the information superhighway, that we have the best possible assessment available. This bill calls upon NSF in conjunction with NASA, the Department of Education, and other agencies it should so choose to make sure it brings this about in a timely manner so that we can make the best policy decisions as relates to this.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. LARSON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am happy to support this amendment. It is identical to a bill which he introduced and which I cosponsored earlier. We are talking about how to make information technology available in the cheapest possible way, particularly to our public schools and libraries. This is something that is timely and needed, and to make sure that the money we are authorizing under this bill is spent in the most efficient manner possible.

Mr. LARSON. Mr. Chairman, I would ask for my colleagues' support and move the adoption of this amendment.

□ 1430

Mr. HALL of Texas. Mr. Chairman, I rise in strong support of the amendment.

Mr. Chairman, I thank the gentleman from Connecticut (Mr. LARSON) who is a very thoughtful and hard-working Member of the Committee on Science. As a matter of fact, since entering Congress, he has been in the forefront of publicized problems of the "digital divide."

He has proposed a series of legislative measures to focus on this situation, including this amendment. I strongly concur in the policy behind these legislative efforts, which is to ensure that all communities, including rural and inner city areas, have adequate access to advanced information technology.

One of the keys to maintaining a surging economy that offers opportunities for all of our citizens is to provide the very best educational tools to all of our Nation's students.

Mr. Chairman, if, for no other reason, there are many other reasons to support it, but if for no other reason, this amendment is worthy of support, because the study at a minimum will identify the true present status of high-speed large band width capacity access to all public, elementary, and secondary schools and libraries throughout the country and, as the gentleman from Wisconsin (Chairman SENSENBRENNER) said, at a fair figure.

In conclusion, I strongly support and urge the adoption of this amendment.

Ms. WOOLSEY. Mr. Chairman, as one of the few members of both the Science and Education committees, I rise today in support of Mr. LARSON's amendment to H.R. 2086.

As a member of both committees, it's of particular importance to me that our children have the access to technology in order to succeed in school and in their future endeavors.

Congressman LARSON's amendment is a step in the right direction to ensure that students have access to information and internet technologies and also that schools can better use these available technologies.

However, as we strive to make technology more available and effective, let's not focus only on the physical barriers, but also consider the cultural and social barriers as well.

The emerging "digital divide" that we are all concerned about will not only break along economic lines, but social lines as well.

For instance, girls generally do not continue to use technology as they get older the way boys do.

It won't do us any good to procure the best computers, and completely wire our schools, if there is a group of students who aren't encouraged to use this technology.

We need to create education and outreach programs to promote opportunities for girls in high-tech futures.

In fact, I've authored legislation that tracks girls from the 4th grade through high school in order to find ways to increase their awareness of high-tech careers and provide them with mentoring and hands-on experience to help them succeed.

Like my colleague from Connecticut, I believe all our children deserve every opportunity to succeed as they face the challenges of the 21st century. It is time we focus on getting our children ready to learn and ready to succeed by making certain schools have the technological tools and equipment.

I urge my colleagues to support Congressman LARSON's amendment.

The CHAIRMAN. Are there further Members wishing to speak on the amendment?

The question is on the amendment offered by the gentleman from Connecticut (Mr. LARSON).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. HOEFFEL

Mr. HOEFFEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. HOEFFEL: Page 2, line 13, insert "It is important that access to information technology be available to all citizens, including elderly Americans and Americans with disabilities." after "responsible and accessible.".

At the end of the bill, insert the following new section:

SEC. 9. STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY.

Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524), as amended by sections 3(a) and 4(a) of this Act, is amended further by inserting after subsection (g) the following new subsection:

"(h) STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY.—

"(1) STUDY.—Not later than 90 days after the date of enactment of the Networking and Information Technology Research and Development Act, the Director of the National Science Foundation, in consultation with the National Institute on Disability and Rehabilitation Research, shall enter into an arrangement with the National Research Council of the National Academy of Sciences for that Council to conduct a study of accessibility to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(2) SUBJECTS.—The study shall address—

"(A) current barriers to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities;

"(B) research and development needed to remove those barriers;

"(C) Federal legislative, policy, or regulatory changes needed to remove those barriers; and

"(D) other matters that the National Research Council determines to be relevant to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(3) TRANSMITTAL TO CONGRESS.—The Director of the National Science Foundation shall transmit to the Congress within 2 years of the date of enactment of the Networking and Information Technology Research and Development Act a report setting forth the findings, conclusions, and recommendations of the National Research Council.

"(4) FEDERAL AGENCY COOPERATION.—Federal agencies shall cooperate fully with the National Research Council in its activities in carrying out the study under this subsection.

"(5) AVAILABILITY OF FUNDS.—Funding for the study described in this subsection shall be available, in the amount of $700,000, from amounts described in subsection (c)(1)."

Mr. HOEFFEL. Mr. Chairman, I rise today to offer an amendment to the information technology research and development authorization bill that would require the National Academy of Sciences to conduct a study on what barriers exist to accessing information technologies for the elderly and for disabled Americans and to recommend ways to overcome those barriers.

I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his cooperation and the cooperation and assistance of his staff, as well as our ranking member, the gentleman from Texas (Mr. HALL), for his cooperation and assistance as well.

Thanks to advances in medical technology and research, Americans are living longer lives. There are more than 50 million Americans alive today over the age of 65. There are over 20 million Americans, 15 years of age or older who are living with disabilities that impair their ability to work.

Mr. Chairman, as we move forward with information technology, we have to make sure that all Americans can reap the rewards of a strong economy and a rapidly changing technological landscape. Information technology has an enormous potential to improve the quality of life for elderly Americans and those with disabilities.

People who have trouble leaving their homes can now do all of their grocery shopping online. People who are ill can research their condition online, interact with others who suffer from the same ailments, and contact medical experts online.

Specialized information technologies can help blind people access information over the Internet. Speech recognition software can help people who cannot use a computer keyboard or mouse. Despite all of these opportunities and all of these advances, studies have shown that the information-technology revolution is leaving elderly and disabled Americans behind.

Mr. Chairman, studies have shown that those with disabilities are less than half as likely as nondisabled people to have access to a computer at home. And the disabled are only about 30 percent to be likely to access the Internet from home, possibly because they are unaware of technologies that would help them do it, possibly because they cannot afford the technologies.

The point is, Mr. Chairman, you cannot go surfing on the Net if you cannot get to the ocean. We have to reduce barriers for the elderly and for the disabled. My amendment would assess these problems and pose some solutions by calling for the National Science Foundation, in consultation with the National Institute on Disability and Rehabilitation Research, to commission a study from the National Academies of Science that will identify current barriers to access to information technologies by individuals who are elderly, by individuals with disabilities; to identify research and development needed to remove those barriers; and to recommend any Federal legislative policy or regulatory changes needed to remove those barriers.

The digital divide that we are all concerned with may affect the elderly and disabled more than any other group of Americans.

I urge my colleagues to support this amendment and help ensure that advances in information technology are available to all Americans.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment would authorize a $700,000 study by the National Research Council on IT accessibility by the disabled and elderly. I would note that there have been studies conducted by a number of different groups looking at similar issues, including the Federal Electronic and Information Technology Access Advisory Committee, the University of Wisconsin Trace Research and Development Center, the California State University at Northridge Center on Disability, and the Worldwide Web Consortium Web Access Initiative have all taken or are taking a look at similar issues.

I had some misgivings about the amendment as it was originally drafted, but since the funding will now come out of the available funds and not as a separate authorization, I will not oppose this, and urge Members to adopt it.

Mr. COSTELLO. Mr. Chairman, I rise today in support of Mr. HOEFFEL's amendment to conduct a study to examine the accessibility to information technology for the elderly and persons with disabilities. This amendment will make certain that our seniors and individuals with disabilities are not left out of current technological advances that ensure easy access to our family and friends. Seniors and the disabled also stand to gain the most from medical information listed on the Internet. Information on nursing homes, health insurance and prescription drugs can easily be obtained within minutes.

As a cosponsor of this legislation, I am pleased to support this bill that will significantly increase our commitment to long-term research, information technology and networking. Not only will this bill help our universities in providing information technology research, it will also encourage further technological advances in elementary and secondary education, and move the nation forward in bringing technology into millions of American homes that do not have it today.

While this bill will greatly help our nation's researchers and students, adoption of this amendment will make certain that our nation's senior citizens and persons with disabilities are included in the benefits of accessible information technology. I encourage my colleagues to support passage of this amendment and final passage of this important legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HOEFFEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS:

Page 8, line 22, insert "and counter-initiatives" after "including privacy".

Page 8, line 23, insert "(including the consequences for healthcare)" after "social and economic consequences".

Mr. ANDREWS. Mr. Chairman, this is an excellent piece of legislation that I am privileged to support. I think very rarely are we going to get more return on our investment than we are from this piece of legislation. I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. HALL), the ranking member, for bringing it forward.

The purpose of my amendment is to be sure that important research and development funds are invested in an event that I hope will never happen, and in an event I hope will happen.

The event to prevent something that I hope will never happen is the importance of providing information security, making sure what we refer to in the amendment as "counter-initiatives" are thwarted. The news media has been rife with reports in the last few days of what has been called cyber-vandalism, attacks on some well-known commercial Web sites throughout this country. It is very important that we stay more than one step ahead of those who would do us harm through cyber-terrorism or cyber-vandalism.

As my friend and colleague, the gentleman from Pennsylvania (Mr. WELDON), said in the general debate on this bill, those of us on the Committee on Armed Services are making a concerted effort in conjunction with the administration this year to be sure that our military cyber-defenses are prepared and ready.

I believe that this legislation, aided by this amendment, will be sure that we take the maximum steps to prevent this kind of cyber-terrorism in our civilian sector.

The event that I hope will happen will be the extension of high-tech medical technology, excellent medical technology to people all over the country and all over the world, through the initiative of telemedicine. My amendment directs and encourages that telemedicine research be one of the major priorities under this bill as well.

I am very privileged to have had the cooperation of the gentleman from Wisconsin (Mr. SENSENBRENNER) and his staff and that of the gentleman from Texas (Mr. HALL), and I urge support for the amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I think the amendment offered by the gentleman from New Jersey makes a very good bill even better, and I am pleased to support it and hope that the committee adopts it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. JACKSON-LEE of Texas:

Page 21, after line 7, insert the following new section:

SEC. 9. COMPTROLLER GENERAL STUDY.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Congress a report on the results of a detailed study analyzing the effects of this Act, and the amendments made by this Act, on lower income families, minorities, and women.

Ms. JACKSON-LEE of Texas. Mr. Chairman, again I want to thank the Committee on Science and the chairman and ranking member for the vision of this legislation and to reinforce one of the unique features of this legislation, the funding amounts for the National Science Foundation, in particular I think the notation of the 20 grants of up to $1 million each in FY 2000 and 2001, and 30 grants of up to $1 million each in FY 2002 through 2004.

I raise that and bring that to the attention, because my amendment is a study. My amendment involves dealing with some of the additional populations that may need further assessment as to how this legislation will impact them.

I hope that I will garner the support of the committee for this amendment, because I believe it fits very neatly into two features of the legislation. One in particular for the National Science Foundation will complete a study comparing the availability of encryption technology in foreign countries to encryption technologies in the United States that are subject to export restrictions. In addition, as I earlier noted, we will also be giving out grants more hopefully to universities to do other kinds of research.

Today's economy is spurred by the unprecedented advances of our society, and we are reaping the benefits of technology. Therefore, it is critical that all Americans share in the digital age.

Currently, low income families, minorities and women are not actively participating in the information age. The National Telecommunications and Information Administration within the Commerce Department reports in its study named "Falling Through the Net, Defining the Digital Divide," that, one, households with incomes of $75,000 and higher are more than 20 times more likely to have access to the Internet than those at the lowest income levels and more than nine times as likely to have a computer at home.

Whites are more likely to have access to the Internet from home than blacks or Hispanics have from any location, and that black and Hispanic households are approximately one-third as likely to have home Internet access as households of Asian-Pacific Islander descent, and roughly two-fifths as likely as white households.

My amendment empowers the Comptroller General to submit a detailed reported analyzing the effects of this act on lower-income families, minorities and women. This amendment will enable Congress to assess the overall impact of this act upon groups desperately needing government assistance concerning technology. Moreover, a targeted study will then provide critical data on the economic and educational benefits to Americans affected by the digital divide that separates our society to those who have and have not.

As I indicated, Mr. Chairman, we successfully made it through Y2K. I am gratified for that. In the course of doing so, however, we heard from small businesses, nonprofits, individuals, libraries, and schools that we still needed to assess the digital divide.

I believe that this legislation, in its ability to give grants to the National Science Foundation, which then will allow various groups to access those dollars in $1 million grants, is a positive. This study I think will add to our knowledge base and allow us to move into the 21st century and to effectively be able to ensure that all of our citizens have access to this wonderful technology.

Mr. Chairman, today I rise to offer an amendment to the Networking and Information Technology Research and Development Act (HR 2086). Today's economy is spurred by the unprecedented advances of the Information Age; however, not all members of our society are reaping the benefits of technology. Therefore, it is critical that all Americans share in the digital age.

Currently, low income families, minorities, and women are not actively participating in the Information Age. The National Telecommunication and Information Administration within the Commerce Department reports in its study named, "Falling Through the Net: Defining the Digital Divide" that: "(1) Households with incomes of $75,000 and higher are more than twenty times more likely to have access to the Internet than those at the lowest income levels, and more than nine times as likely to have a computer at home; (2) whites are more likely to have access to the Internet from home than Blacks or Hispanics have from any location; and that Black and Hispanic households are approximately one-third as likely to have home Internet access as households of Asian/Pacific Islander descent, and roughly two-fifths as likely as White households."

The Jackson-Lee Amendment to H.R. 2086 empowers the Comptroller General to submit a detailed report analyzing the effects of this Act on lower income families, minorities, and women. This Amendment will enable Congress to assess the overall impact of this Act upon groups desperately needing Government assistance concerning technology. Moreover, a targeted study will then provide critical data on the economic and educational benefits to Americans affected by the "Digital Divide" that separates our society to those that have and have not.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman from Texas for yielding.

Mr. Chairman, let me say I am going to support the gentlewoman's amendment. Any Member can request a GAO study. Placing the language in the bill I think is a constructive addition because whether the GAO responds to the House as a whole or to an individual Member, this is an issue that has got to be addressed, and it has got to be resolved as we figure out how to make the rising tide of information-technology applications lift all of the boats in our society. So I thank the gentlewoman from Texas, and I hope the committee adopts her amendment.

Mr. HALL of Texas. Mr. Chairman, I rise in support of the amendment.

□ 1445

Mr. Chairman, I certainly join the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science, in recommending this amendment. It simply directs the GAO to conduct a study after 1 year of the effects of this bill on lower income families, minorities, and women.

This is one of many thoughtful and well-constructed amendments from the gentlewoman from Houston, Texas (Ms. JACKSON-LEE). I certainly support it and recommend that it be passed.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CAPUANO:

Page 20, line 21, through page 21, line 7, strike section 9.

Mr. CAPUANO. Mr. Chairman, this amendment I think is a very simple amendment. It actually strikes language that I put in in the committee at an earlier time when we were discussing this. I think the language is no longer relevant and no longer useful to this bill. It refers to a different fiscal year, and that is why I ask to strike it.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CAPUANO. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, heaven rejoices when a sinner repents, and this amendment strikes language that the gentleman from Massachusetts added to the bill in committee. I commented at the time that I thought it was ill-advised to get the GAO involved in what amounted to a political debate over the budget. I am glad that the gentleman from Massachusetts has seen the light, and I hope that his amendment is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. CAPUANO:

Page 8, after line 5, insert the following new subsection:

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) NATIONAL SCIENCE FOUNDATION.—Notwithstanding the amendment made by subsection (a)(3) of this section, the total amount authorized for the National Science Foundation under section 201(b) of the High-Performance Computing Act of 1991 shall be $580,000,000 for fiscal year 2000; $699,300,000 for fiscal year 2001; $278,150,000 for fiscal year 2002; $801,550,000 for fiscal year 2003; and $838,500,000 for fiscal year 2004.

(2) DEPARTMENT OF ENERGY.—Notwithstanding the amendment made by subsection (c)(2) of this section, the total amount authorized for the Department of Energy under section 203(e)(1) of the High-Performance Computing Act of 1991 shall be $60,000,000 for fiscal year 2000; $54,300,000 for fiscal year 2001; $56,150,000 for fiscal year 2002; $65,550,000 for fiscal year 2003; and $67,500,000 for fiscal year 2004.

Mr. CAPUANO. Mr. Chairman, what this amendment does is basically it takes half of the money it currently designated for the Department of Energy and shifts it over to the National Science Foundation.

The reason I offer this amendment is because I strongly believe that this money is best utilized as far out from government as we can get it into the private sector and to the universities, because I believe they do a better job in pushing along new technologies than does the government.

It is very interesting to note that though I have proposed this amendment now for a couple of days, I just literally 2 minutes ago got a communication from the Secretary of Energy that raises some serious and interesting questions about the amendment. Had I received it earlier, I would have been happy to discuss it at any time with the Secretary or any member of the Department, but I think it is a little late at this point in time.

However, I will say that if this amendment is adopted that I would be more than happy to work with the Secretary or any other member of the Department to discuss their concerns, and if appropriate, I would work with them to amend this amendment further or to reduce it or to strike it.

Nonetheless, having not received any communications of such note prior to this time, I still feel strongly that in concept, our money is best spent as close to the private sector as we can get it.

Mrs. TAUSCHER. Mr. Chairman, every dollar we spend on research and development, especially in high-technology, translates directly into growth for U.S. businesses and good, high-paying jobs for our working families.

For the same reasons I fervently support the Networking and Information Technology R&D Act, I rise in opposition to this Amendment that would shift R&D resources away from the Department of Energy and to the National Science Foundation.

As the ranking Member of the new Panel to oversee the Department of Energy's reorganization and as a Member with 2 National Laboratories in my district, I am intimately familiar with the Department of Energy's record on R&D. And it is superb. The Energy Department has been at the forefront of civilian science and computing for generations. They specialize in developing computing applications in areas ranging from material science to high-energy physics, and from atomic structure to biology.

For example, as early as the 1970's, the Energy Department developed the first interactive access to supercomputers via long-distance networks. And in the 1980's, the Department laid the groundwork for what became the National Science Foundation's supercomputer centers. Over the years, Department scientists have won 70 Nobel prizes, discovered new heavy elements, advanced medical breakthroughs in breast cancer treatment and more.

Moreover, if this amendment becomes law, it will force the closure of the National Energy Research Scientific Computing Center at Lawrence Berkeley National Laboratory—the most powerful unclassified computer center available for civilian research in the nation. It also will force the Department to end its joint research efforts with major U.S. computer and telecommunications firms including IMB and Quest Communications.

The National Science Foundation is also a worthy organization. But the two agencies have different missions, different personnel and different strengths. By dividing our R&D dollars between the two, we are creating the best environment for scientific and high-technology breakthroughs that will continue to fuel our economy and create jobs for our working families.

Mr. Chairman, I urge my colleagues to oppose this amendment and pass the overall bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 21, after line 7, insert the following new section:

SEC. 9. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (b) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I would just like to say that our last quarterly trade deficit was $82 billion. Annualized, it will be over $328 billion for the year. For every $1 billion in trade deficit, the formula is a loss of 22,000 jobs.

I support this bill. I think the chairman has done a marvelous job, but I do not know if cyberspace is going to hire all of those workers who are losing manufacturing jobs. I sure hope they do.

The simple amendment says, abide by the Buy America Act; when possible, buy American-made products. Anybody getting any money under this bill should understand what the intent of Congress is, and in fact, get a notice so that they would know that they must comply with the Buy America Act.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER), our distinguished chairman.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Ohio for yielding. I have always supported Buy American provisions. I support his efforts again. Obviously the money that we are authorizing under this bill should, to the greatest extent possible, go to goods and services that are made in the USA and done by Americans, and I think the gentleman has emphasized that point. This amendment improves a very good bill.

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from Texas (Mr. HALL), our distinguished ranking member.

Mr. HALL of Texas. Mr. Chairman, this is another of the gentleman's many efforts to urge buy American and to support and push this country. I urge the adoption of the amendment. I totally support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have come to the conclusion of the debate on a bill which the Committee on Science sincerely believes will be one of the most important pieces of legislation enacted in the year 2000 by the 106th Congress. Should the other body agree and we send this bill to the President for his signature, America will have made a commitment to the information technology research that we need to continue our country as number 1 in this area.

The pipeline for Federal research breakthroughs has slowed to a trickle as a result of some changes that have occurred since 1986. This bill provides a 5-year commitment to steady increases in funding for civilian information technology programs in the health areas as well as in the areas of computer science and information technology, and roughly doubles the funding for these programs over the next 5 years.

The legislation before us, H.R. 2086, focuses Federal efforts on basic research. Federal basic research nicely complements private sector-applied research. In many cases, the basic research that is done under this bill and which has been done in the past has been too high risk for the private sector to prudently invest their own money in. So having a Federal Government-private sector partnership where the taxpayers pick up the basic research that the private sector cannot do, and then the private sector goes and commercializes the results of successful basic research, will mean that we will continue our nationwide preeminence which provides good jobs for Americans, and I think has made our economy the healthiest in the world.

Mr. Chairman, all I can say is look where information technology has brought this country during the decade of the 1990s. We have the longest peacetime sustained growth rate in the history of our country. Unemployment is at a 30-year low, and inflation has been kept in check. One only needs to compare this success for Americans with the double-digit unemployment that has plagued the major countries in Europe and a Japan that has been teetering on the brink of depression for the better part of the last 10 years shows that we have done it right. A lot of the reason for America doing it right is the breakthroughs in information technology.

We cannot predict where the research authorized under this bill will lead other than that basic research breakthroughs will lead to applications in disciplines from A to Z. It has happened in the past, and it will happen in the future.

The bill before us provides better coordination of civilian information technology programs. Grouping these programs under one legislative umbrella will lead to better coordination and thus give the taxpayers more value for their dollar. The National Science Foundation has an enhanced role as the lead agency in this undertaking. They spend their money through competitive peer-reviewed grant programs. We have expanded the grant programs, but we have also made the grant programs more relevant to the private sector by requiring at least one representative from the private sector on each of these peer review committees.

Mr. Chairman, I would like to thank the gentleman from Texas (Mr. HALL), the ranking member, and to all of the members of the Committee on Science for working on this cooperative effort. I think that 20 years from now, as historians look back at what the 106th Congress did in the year 2000, should this bill pass through the Senate and be enacted into law, they will view this as probably the most important single piece of legislation that the Congress considers.

So as this bill passes, we all look forward to working with the Senate to make sure that this investment in our Nation's future ends up becoming a reality.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2086) to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, and for other purposes, pursuant to House Resolution 422, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2086, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PRAISE FOR THE NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT ACT

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I just want to compliment the House on the action just completed. The Networking and Information Technology Research and Development Act is very important legislation. It will maintain the U.S. global leadership in information technology. When one is the first and one is the best, one has to work at maintaining that first place position, at securing the fact that one legitimately is the very best.

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The $500 billion a year information technology industry has accounted for one-third of our Nation's economic growth since 1992, and created new industries and millions of new high-paying jobs. All across America people are benefiting from what has been done in information technology.

Once again, we are the leader, we are first, we are the best, and we have to work at maintaining that. We have to prioritize basic information technology research. There are a whole slew of very good ideas, but we have to have priorities. We have to go first with that which is most important. We have to produce the next generation of highly-skilled information technology workers.

This bill will help attract more students to science and to careers in information technology by providing grants for colleges and companies to create for-credit courses which include internships. Participating companies must commit to providing 50 percent of the cost of the program.

So for a whole host of very legitimate reasons, the Committee on Science and this House have done themselves proud. We are moving forward, we are not just satisfied to rest on our laurels. We are going forward. This is, indeed, the Information Age, and we are the leaders. We have to maintain that position.

I am a great unabashed baseball fan, and on the 17th of this month, just a couple of days hence, the pitchers and catchers will report to spring training. The one team that I am most interested in is the New York Yankees, because they are the world champions.

If I may draw an analogy, let me point out that the Yankees are not resting on their laurels, they are continuing to improve and invest in their club. That is why they are the world champions, and we cannot afford to rest on our laurels.

I thank my colleagues for their unrelenting support of this bill. I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for the leadership he has provided. I thank the ranking member, the gentleman from Texas (Mr. HALL) for his strong support and leadership.

This is truly bipartisan legislation serving the best interests of the American people.

IN OPPOSITION TO CAPUANO AMENDMENT NO. 1 AND NO. 3 TO H.R. 2086, NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT ACT

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today in strong opposition to the amendment that was just offered by my colleague, the gentleman from Massachusetts (Mr. CAPUANO) concerning the Department of Energy and National Science Foundation.

There is no doubt that the National Science Foundation should be commended for their fine work in making research funds, including those for information technology research. Their record of accomplishment is impressive, and certainly qualifies them for increased responsibilities. That is why I was a cosponsor of this bill that we are going to be considering later on, or voting on.

While I support the bill and the increased NSF funding, I nonetheless strongly oppose that amendment because, while very generous to NSF, much of the more than $3 billion provided by this bill is newly authorized funding, yet this provides no new funding for the Department of Energy's programs, and the amendment that was considered would further erode, if not eliminate, such programs.

Would we cut off funds for such research by the Department of Energy and the laboratories strictly by virtue of the agency that oversees it? It is unfortunate that neither I nor other Members of the Committee on Science were given the opportunity to discuss the IT research successes of the Department of Energy when the bill was marked up by the committee in September, but the sponsor of this amendment, my colleague on the Committee on Science, did not offer the amendment at that time.

This amendment seriously jeopardizes many of the basic research collaborations, and will ensure that DOE has no role in the future of information technology research. I do not believe that this is a prudent course for us to take today, and I am sorry that I was not here to speak against that amendment. I do want to voice my displeasure with that.

Mr. Speaker, I rise today in strong opposition to the amendment offered by my colleague from Massachusetts.

There is no doubt that the National Science Foundation should be commended for their fine work in managing research funds, including those for information technology research. Their record of accomplishment is impressive, and certainly qualifies them for increased responsibilities.

That's why I am a cosponsor of the legislation that would give the National Science Foundation the lead in this federal I.T. research initiative, and provide almost $3 billion for the NSF's information technology research activities.

While I support the bill and increased NSF funding, I nonetheless strongly oppose this amendment. The NSF's fine record of accomplishment is no excuse to cut in half the Department of Energy's information technology research programs. The two are not mutually exclusive; they are, in fact, complementary.

This bill is very generous to the NSF; much of the more than $3 billion provided by this bill is newly authorized funding. Yet this bill provides no new funding for the Department of Energy's programs, and the amendment we are considering right now would further erode—if not eliminate—such programs.

The DOE is engaged in significant computing research and development. DOE's research has led to important advances in the field of information technology, especially in the area of parallel computing. The DOE is also involved in the development of highly advanced computer "technology tools" which allow scientists to model and analyze complex scientific problems and collaborate with other researchers to meet national needs.

DOE-supported computational research provides many benefits to the broader research community. In my own district, computer scientists at Argonne National Laboratory developed an extremely high performance "computational kernel" for use in a wide range of simulations, from petroleum reservoir modeling to understanding air flow over the surface of a wing. Two of the four 1999 Gordon Bell Awards were given to Argonne researchers for applications using this computational kernel. The Gordon Bell Award is the most prestigious award in the application of parallel processing of scientific and engineering problems.

Would we cut off funding for such research strictly by virtue of the agency that oversees it?

Software developed by Argonne for the reconstruction of metabolic pathways is being provided on a Website available to the community of biological researchers. The software is widely used in such applications as establishing the function of proteins, and for simulating the functional behavior of higher organisms. In awarding the developers, Genetic Engineering News called the Website one of the most useful in biological science.

Again, should such work be ended strictly because another parent agency is the target of our funding largesse?

It is unfortunate that neither I nor other Members of the Science Committee were given the opportunity to discuss the IT research successes of the Department of Energy when this bill was marked up by the Committee in September. But the sponsor of this amendment, my colleague on the Science Committee, did not offer his amendment at that time.

This amendment seriously jeopardizes many of these basic research collaborations, and will ensure that DOE has no role in the future of information technology research.

I do not believe this is the prudent course for us to take today, and I would have strongly urged my colleagues to oppose the amendment if I had been here prior to its acceptance.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

OMNIBUS PARKS TECHNICAL CORRECTIONS ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 149) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

The Clerk read as follows:

Senate amendments:

Page 2, after line 25, insert:

(4) In section 104(b) (110 Stat. 4101), by—

(A) adding the following after the end of the first sentence: "The National Park Service or any other Federal agency is authorized to enter into agreements, leases, contracts and other arrangements with the Presidio Trust which are necessary and appropriate to carry out the purposes of this title.";

(B) inserting after "June 30, 1932 (40 U.S.C. 303b)." "The Trust may use alternative means of dispute resolution authorized under subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 571 et seq.)."; and

(C) by inserting at the end of the paragraph "The Trust is authorized to use funds available to the Trust to purchase insurance and for reasonable reception and representation expenses, including membership dues, business cards and business related meal expenditures.".

(5) Section 104(g) (110 Stat. 4103) is amended to read as follows:

"(g) FINANCIAL MANAGEMENT.—Nothwithstanding section 1341 of title 31 of the United States Code, all proceeds and other revenues received by the Trust shall be retained by the Trust. Those proceeds shall be available, without further appropriation, to the Trust for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest, at the direction of the Trust, such excess moneys that the Trust determines are not required to meet current withdrawals. Such investment shall be in public debt securities with maturities suitable to the needs of the Trust and bearing interest at rates determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity.".

(6) In section 104(j) (110 Stat. 4103), by striking "exercised." and inserting "exercised, including rules and regulations for the use and management of the property under the Trust's jurisdiction.".

(7) In section 104 (110 Stat. 4101, 4104), by adding after subsection (o) the following:

"(p) EXCLUSIVE RIGHTS TO NAME AND INSIGNIA.—The Trust shall have the sole and exclusive right to use the words 'Presidio Trust' and any seal, emblem, or other insignia adopted by its Board of Directors. Without express written authority of the Trust, no person may use the words 'Presidio Trust', or any combination or variation of those words alone or with other words, as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.".

(8) In section 104(n) (110 Stat. 4103), by inserting after "implementation of the" in the first sentence the words "general objectives of the".

(9) In section 105(a)(2) (110 Stat. 4104), by striking "not more than $3,000,000 annually" and inserting after "Of such sums," the word "funds".

(10) In section 105(c) (110 Stat. 4104), by inserting before "including" the words "on a reimbursable basis,".

(11) Section 103(c)(2) (110 Stat. 4099) is amended by striking "consecutive terms." and inserting "consecutive terms, except that upon the expiration of his or her term, an appointed member may continue to serve until his or her successor has been appointed.".

(12) Section 103(c)(9) (110 Stat. 4100) is amended by striking "properties administered by the Trust" and inserting in lieu thereof "properties administered by the Trust and all interest created under leases, concessions, permits and other agreements associated with the properties".

(13) Section 104(d) (110 Stat. 4102) is amended as follows—

(A) by inserting "(1)" after "FINANCIAL AUTHORITIES.—";

(B) by striking "(1) The authority" and inserting in lieu thereof "(A) The authority";

(C) by striking "(A) the terms" and inserting in lieu thereof "(i) the terms";

(D) by striking "(B) adequate" and inserting in lieu thereof "(ii) adequate";

(E) by striking "(C) such guarantees" and inserting in lieu thereof "(iii) such guarantees";

(F) by striking "(2) The authority" and inserting in lieu thereof "(B) The authority";

(G) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively;

(H) in paragraph (2) (as redesignated by this section)—

(i) by striking "The authority" and inserting in lieu thereof "The Trust shall also have the authority";

(ii) by striking "after determining that the projects to be funded from the proceeds thereof are creditworthy and that a repayment schedule is established and only"; and

(iii) by inserting after "and subject to such terms and conditions," the words "including a review of the creditworthiness of the loan and establishment of a repayment schedule,"; and

(I) in paragraph (3) (as redesignated by this section) by inserting before "this subsection" the words "paragraph (2) of".

Page 16, after line 3, insert:

(6) In subsection (h)(2), by striking "ration" and inserting "ratio".

Page 16, after line 21, insert:

SEC. 129. BOUNDARY REVISIONS.

Section 814(b)(2)(G) of Public Law 104–333 is amended by striking "are adjacent to" and inserting in lieu thereof "abut".

Page 21, after line 24, insert:

(5) Section 10(g)(5)(A) of such Act (112 Stat. 3050) is amended by striking "Daggett County" and inserting in lieu thereof "Dutch John".

Page 23, after line 2, insert:

SEC. 305. NATIONAL PARK FOUNDATION.

Section 4 of Public Law 90–209 is amended—

(1) by inserting "with or" between "practicable" and "without" in the final sentence thereof; and

(2) by adding at the end thereof a new sentence as follows: "Monies reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which such account is authorized.".

SEC. 306. NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998.

Section 603(c)(1) of Public Law 105–391 is amended by striking "10" and inserting in lieu thereof "15".

SEC. 307. GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT.

Section 201(d) of Public Law 105–355 is amended by inserting "and/or Tropic Utah," after the words "school district, Utah," and by striking "Public Purposes Act," and the remainder of the sentence and inserting in lieu thereof "Public Purposes Act.".

SEC. 308. SPIRIT MOUND.

Section 112(a) of division C of Public Law 105–277 (112 Stat. 2681–592) is amended—

(1) by striking "is authorized to acquire" and inserting in lieu thereof "is authorized: (1) to acquire";

(2) by striking "South Dakota." and inserting in lieu thereof "South Dakota; or"; and

(3) by adding at the end thereof the following new paragraph:

"(2) to transfer available funds for the acquisition of the tract to the State of South Dakota upon the completion of a binding agreement with the State to provide for the acquisition and long-term preservation, interpretation, and restoration of the Spirit Mound tract.".

SEC. 309. AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP ACT AMENDMENT.

Section 702(5) of division II of the Public Law 104–333 (110 Stat. 4265), is amended by striking "Secretary of Agriculture" and inserting in lieu thereof "Secretary of the Interior".

SEC. 310. NATIONAL PARK SERVICE ENTRANCE AND RECREATIONAL USE FEES.

(a) The Secretary of the Interior is authorized to retain and expend revenues from entrance and recreation use fees at units of the National Park System where such fees are collected under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a), notwithstanding the provisions of section 4(i) of such Act. Fees shall be retained and expended in the same manner and for the same purposes as provided under the Recreational Fee Demonstration Program (section 315 of Public Law 104–134, as amended (16 U.S.C. 4601–6a note).

(b) Nothing in this section shall affect the collection of fees at units of the National Park System designated as fee demonstration projects under the Recreational Fee Demonstration Program.

(c) The authorities in this section shall expire upon the termination of the Recreational Fee Demonstration Program.

SEC. 311. NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998.

Section 404 of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 112 Stat. 3508; 16 U.S.C. 5953) is amended by striking "conract terms and conditions," and inserting "contract terms and conditions,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Utah (Mr. HANSEN) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 149 is a noncontroversial bill that makes a number of technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public land management.

Mr. Speaker, as Members are aware, in each congressional session a large number of individual pieces of legislation are passed and written into law. Often small mistakes and errors are made in drafting and printing the final language that becomes the actual law. For example, the wrong number of a map might be found, a period is missing from a sentence, or a word is spelled incorrectly.

The administration is very proficient in discovering these technical mistakes and have brought many of them to the attention of Congress. This bill makes numerous technical corrections to language which has been written into many of our various laws, and makes certain that the language is correct and consistent.

After passing the House last year, H.R. 149 was amended by the Senate with some other necessary changes that were brought to our attention. Included in the Senate amendments are changes dealing with the Presidio Trust, the North Carolina Park Foundation, the Grand Staircase-Escalante National Monument, and the retention of National Park entrance and recreation fees at the unit where it is collected.

I believe now we have addressed all the corrections that need to be made. This bill is supported by the administration, and I urge my colleagues to give their support on H.R. 149, as amended.

Mr. Speaker, if I may continue, during the consideration of H.R. 149, the Senate committee adopted a number of technical and clarifying amendments which were explained in detail in the section by section analysis below.

In addition to the technical and clarifying amendments, the committee adopted amendments which expand the authorities of the Presidio Trust. The amendments, one, authorize the Trust to expend funds for insurance and business-related expenses appropriate to the business activities of the Trust; two, make clear that the Administrative Dispute Resolution Act applies to the Presidio Trust, and that the Trust has the same authority to pursue binding arbitration under that act as any other executive agency, as defined in Section 103 and 105 of title V of the United States Code; three, clarify that the term "proceeds" as used in section 104(g) of public law 104–333 includes all revenues of the Trust; four, clarify that the scope of the Trust rules and regulations includes rules and regulations for the use and management of the property under the Trust jurisdiction.

Mr. Speaker, I reserve the balance of my time.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 149 is a housekeeping measure that originally passed the House in February of 1999. The bill made numerous technical corrections in the Omnibus Parks and Public Lands Act of 1996 and other laws to fix punctuation, map references, and other minor drafting errors that we exist.

We have no objection to the bill.

Mr. NUSSLE. Mr. Speaker, I would like to express my support for a provision in H.R. 149 which is of importance to the people of Iowa's Second District. H.R. 149 authorizes the change of designation for the America's Agriculture Heritage Partnership from the Agriculture Department to the Interior Department.

The Omnibus National Park and Public Lands Act of 1996 (P.L. 104–333) established the America's Agriculture Heritage Partnership, more commonly known as Silos and Smokestacks, to present and interpret the history of agriculture in America. Along with Silos and Smokestacks, this act established nine other historical tourist parks as National Heritage Areas. When originally created, Silos and Smokestacks was the only National Heritage Area not designated under the Interior Department.

Since 1996, all of the other National Heritage Areas have been able to coordinate their efforts because of the coalition they formed under the Interior Department. While the Board of Trustees for Silos and Smokestacks originally sought authorization through the Agriculture Department in 1996, the current Board of Trustees is seeking to change its designation to the Interior Department.

I introduced the America's Agriculture Heritage Partnership Amendments of 1999 (H.R. 1493) to change this designation at the request of the current Board of Trustees. I am pleased that this legislation was included in H.R. 149. H.R. 149 will allow Silos and Smokestacks to be included in the coalition and continue its efforts to provide a unique view of our nation's agriculture heritage.

Mr. MURTHA. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 149.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CARTER G. WOODSON HOME NATIONAL HISTORIC SITE STUDY ACT OF 1999

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3201) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson home in the District of Columbia as a national historic site, and for other purposes

The Clerk read as follows:

H.R. 3201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carter G. Woodson Home National Historic Site Study Act of 1999".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Dr. Carter G. Woodson, cognizant of the widespread ignorance and scanty information concerning the history of African Americans, founded on September 9, 1915, the Association for the Study of Negro Life and History, since renamed the Association for the Study of African-American Life and History.

(2) The Association was founded in particular to counter racist propaganda alleging black inferiority and the pervasive influence of Jim Crow prevalent at the time.

(3) The mission of the Association was and continues to be educating the American public of the contributions of Black Americans in the formation of the Nation's history and culture.

(4) Dr. Woodson dedicated nearly his entire adult life to every aspect of the Association's operations in furtherance of its mission.

(5) Among the notable accomplishments of the Association under Dr. Woodson's leadership, Negro History Week was instituted in 1926 to be celebrated annually during the second week of February. Negro History Week has since evolved into Black History Month.

(6) The headquarters and center of operations of the Association was Dr. Woodson's residence, located at 1538 Ninth Street, Northwest, Washington, D.C.

SEC. 3. DEFINITIONS.

For purposes of this Act, the term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date on which funds are made available for such purpose, the Secretary, after consultation with the Mayor of the District of Columbia, shall submit to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a resource study of the Dr. Carter G. Woodson Home and Headquarters of the Association for the Study of African-American Life and History, located at 1538 Ninth Street, Northwest, Washington, D.C.

(b) CONTENTS.—The study under subsection (a) shall—

(1) identify suitability and feasibility of designating the Carter G. Woodson Home as a unit of the National Park System; and

(2) include cost estimates for any necessary acquisition, development, operation and maintenance, and identification of alternatives for the management, administration, and protection of the Carter G. Woodson Home.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3201, introduced by my colleague, the gentlewoman from the District of Columbia (Ms. NORTON).

H.R. 3201 serves to honor the prolific accomplishments of the great American historian, Dr. Carter G. Woodson, by establishing his home, located at 1538 Ninth Street, Northwest, Washington, D.C., as a national monument.

Dr. Woodson, the second black to ever graduate from Harvard, was an eminent historian of African-American life and history. His life was devoted to educating African-Americans and the American public of the contributions black Americans made in the formation of our Nation's history and culture.

His efforts led to the establishment of the Association for the Study of Negro Life and History in 1915. Its purpose was to counter the racist propaganda and the influence of Jim Crow prevalent at the time.

Every aspect of Dr. Woodson's life was dedicated to the Association's purpose. Even the headquarters and center of operation was located in his home. In 1926, under his leadership, the Association instituted Negro History Week.

This week of commemorating black achievements gradually gained support and participation from schools, colleges, and other organizations, and led to the establishment of Black History Month.

The original mission of the Association for the Study of Negro Life and History, since renamed the Association for the Study of African-American Life and History, remains the same. Dr. Woodson's vision continues to serve and educate people of the importance of African-American history.

H.R. 3201 is an authorization for the Secretary of the Interior to study the feasibility of designating the Carter G. Woodson Home as a national historic site. To enact this bill in the month of February, Black History Month, would be a meaningful gesture of bipartisan cooperation.

H.R. 3201 authorizes the Secretary to conduct a resource study on the Carter G. Woodson Home and the headquarters of the Association for the Study of African-American Life and History. After 18 months, the study is then to be submitted to the Committee on Resources and the Subcommittee on Energy and Mineral Resources. The focus of this study will be on the feasibility of designating the Carter G. Woodson Home as a unit of the National Park System.

To include Dr. Woodson's Home as a National Historic Site would serve to heighten the public's understanding of African-American history, and honor the legacy of Carter G. Woodson and his association.

Mr. Speaker, I reiterate my support for H.R. 3201, and ask for Members' endorsement to move ahead in the process of preserving this historic site and honoring this great teacher.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I begin by thanking the leadership, and especially the gentlemen from Texas, Mr. ARMEY and Mr. DELAY, for their great cooperation and courtesy to me in delaying this bill until the end of the day. I had to attend a funeral this morning of a particularly tragic variety. Two model teenagers were killed, and the funeral was being held at precisely the time that this bill was due on the floor. I very much appreciate the courtesy of the leaders in postponing this bill.

Mr. Speaker, I want also to thank the chairman, the gentleman from Utah (Mr. HANSEN) for working closely with me to quickly bring to the floor H.R. 3201, the Carter G. Woodson Home National Historic Site Study Act of 1999.

I also want to thank the gentleman from Alaska (Chairman YOUNG) of the full committee for his strong support. I appreciate that I have been able to work closely and collegially with both the full committee and subcommittee not only on H.R. 3201, but on several issues affecting the Nation's capital.

I am grateful also for the great assistance to me of the gentleman from California (Mr. MILLER), the ranking member of the full committee, and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the ranking member of the subcommittee.

I especially appreciate that the committee has expedited my bill to assure the possibility of bipartisan passage on the House floor this month as a concrete way for the Congress to commemorate Black History Month.

The man we honor today, Dr. Carter G. Woodson, and the organization that he founded, the Association for the Study of African-American Life and History, were responsible for establishing the annual black history celebration.

□ 1515

Dr. Woodson was a distinguished American historian who began the process of uncovering African American history and the contributions of African Americans to our Nation's history. The time is overdue to begin a feasibility study on designating his home at 1538 Ninth Street, Northwest, in the Nation's capital, as a national historic site within the jurisdiction of the National Park Service.

Today it stands boarded up in the historic Shaw District. In giving Dr. Woodson's Home its rightful place, the bill begins the process of uncovering the living black history right here in the Nation's capital, where Dr. Woodson lived and worked as the founder and director of the Association for the Study of African American Life and History.

Dr. Woodson, the son of former slaves, earned his Ph.D. degree from Harvard University in 1912, becoming only the second black American to receive a doctorate from Harvard after the great W.E.B. DuBois. Woodson's personal educational achievement was extraordinary in itself, especially for a man who had been denied access to public education in Canton, Virginia, where Woodson was born in 1875.

As a result, Dr. Woodson did not begin his formal education until he was 20 years old, after he moved to Huntington, West Virginia, and received his high school diploma 2 years later. He then entered Berea College in Kentucky, where he received his bachelor's degree in 1897. Woodson continued his education at the University of Chicago where he earned his A.B. and M.A. degrees.

During much of Dr. Woodson's life, there was widespread ignorance and very little information concerning African American life and history. With his extensive studies, Woodson almost single handedly established African American historiography. Dr. Woodson's research in literally uncovering black history helped to educate the American public about the contributions of African Americans to the Nation's history and culture. Through scholarship and painstaking historical research, his work has helped reduce the stereotypes captured in basically negative portrayals of black people that have marred our history as a Nation. To remedy these stereotypes, Dr. Woodson in 1915 founded the Association for the Study of Negro Life and History, since renamed the Association for the Study of African American Life and History.

Through the Association, Dr. Woodson dedicated his life to educating the American public about the contributions of black Americans to the Nation's history and culture. This work in bringing history to bear where prejudice and racism had held sway has played an indispensable role in reducing prejudice and making the need for civil rights remedies clear. Among its enduring accomplishments, the Association, under Dr. Woodson's leadership, instituted Negro History Week in 1926 to be observed during the week in

February of the birthdays of Abraham Lincoln and Frederick Douglas.

Today, of course, Negro History Week that was mostly celebrated in segregated schools, like my own here in the District when I was a child, and historically black colleges and universities, has gained support and participation throughout the country among people of all backgrounds as Black History Month.

To assure publication under Dr. Woodson's leadership, the Association in 1920 also founded the Associated Publishers, for the publication of research on African American history.

Dr. Woodson published his seminal work, The Negro in Our History, in 1922 and many others under Associated Publishers and the publishing company provided an outlet for scholarly works by numerous other black scholars. The Association also circulated two periodicals, the Negro History Bulletin, designed for mass consumption and the Journal of Negro History that was primarily directed to the academic community.

Dr. Woodson directed the association's operations from his home on Ninth Street here in Washington, D.C. From there, he trained researchers and staff and managed the association's budget and fund-raising efforts while at the same time pursuing his own study of African American history.

This Victorian-style house built in 1890, where African American history was both made and uncovered, already listed as a national historic landmark, needs to be opened to the public. With today's bill, this landmark can become a national historic site with care lodged with the National Park Service.

I ask my colleagues to pass H.R. 3201, to commemorate the work of Dr. Carter G. Woodson and the association he founded as a particularly appropriate way for the House of Representatives to celebrate Black History Month.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), a member of the subcommittee.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of H.R. 3201, the Carter G. Woodson Home National Historic Site Study Act, and I commend my friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON), for introducing this bill. I also thank my chairman, the gentleman from Utah (Mr. HANSEN), and the ranking member, for their support in bringing the bill to the floor today.

Mr. Speaker, Carter G. Woodson, the son of former slaves James and Eliza Woodson of Buckingham County, Virginia, dedicated his life to the study and history of African American life and culture. As we heard, he received his A.B. and M.A. degrees from the University of Chicago in 1908 and his Ph.D. from Harvard University in 1912, following W.E.B. DuBois as the second African American to receive a doctorate from Harvard.

His teaching and travels abroad, including a year of study in Asia and Europe, as well as a semester at the Sorbonne, gave him a mastery of several languages. His distinguished career as an educator included serving as the supervisor of schools in the Philippines, dean of the Schools of Liberal Arts at Howard University and West Virginia State College.

In 1915, he founded the Association for the Study of Negro Life and History because of what he saw as the great need to educate the American public about the contributions of black Americans in the formation of the Nation's history and culture. It is because of the efforts of Dr. Woodson that Black History Month is celebrated across the country today.

Mr. Speaker, I could go on to recount many more of the accomplishments and contributions that Dr. Woodson made during his lifetime; but we have heard many of them, and we will hear others listed by those who make remarks in support of this bill today.

It is entirely fitting, though, as the gentlewoman from the District of Columbia (Ms. NORTON) has pointed out, that we honor this great American, particularly during Black History Month, by having the National Park Service study the feasibility and suitability of designating his home on Ninth Street here in Washington, D.C. as a national historic site.

I understand that the National Park Service is strongly supportive of this study, and I urge my colleagues to support this bill.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to once again thank the chairman of the subcommittee, the distinguished gentleman from Utah (Mr. HANSEN), and his staff for their very expeditious attention to this bill and for the way in which they have strongly supported it.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I thank the gentlewoman for her kind remarks.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material on H.R. 149 and H.R. 3201, the two bills just considered.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 3201, the Carter G. Woodson Home National Historic Site Study Act. Carter G. Woodson, a son of former slaves who worked in the mines and quarries until the age of 20, who matriculated at Berea College and received his MA in history from the University of Chicago and his doctorate in history in 1912 from Harvard.

Carter G. Woodson is generally recognized as the Father of Negro History because of his quest to open the long-neglected field of African American history. His thirst for life and quest for truth institutionalized the study of Afro-American and African societies and cultures in the United States.

Among his notable accomplishments are: Negro History Week, which was instituted in 1926 and has since evolved into Black History Month; the widely consulted college text "The Negro in Our History", and the Associated Publishers, a publishing outlet to bring out books on black life and culture.

Yet despite these towering achievements, there is at present no suitable memorial for Carter G. Woodson. Therefore, Mr. Speaker, I heartily support the idea of designating the Carter G. Woodson Home in Washington, DC, as a national historic site. To do so recognizes the great debt we owe this important founding father of Afro-American scholarship.

Mr. LEWIS of Georgia. Mr. Speaker, the Negro History Bulletin, the Journal of Negro History, the Association for the Study of Negro Life and History, Black History Month—these were the creations of Carter G. Woodson. Carter G. Woodson said we must know and celebrate our history. And, he made it his life's work to see to it that we do.

From his home, Dr. Woodson ran the Association for the Study of Negro Life and History. At his home, Dr. Woodson trained the scholars and staff that researched, collected, catalogued and preserved the history of a people.

I rise in support of the designation of Dr. Woodson's Home as a national historic site. There is no fitting tribute to the man and his work * * * and to the understanding and appreciation of a people that more than any other has made our Nation what it is today.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3201.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces that the question will be put on agreeing to the Speaker's approval of the Journal immediately following this vote, and that that will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 20, as follows:

[Roll No. 20]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman

Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—20

Baird
Bonior
Brown (OH)
Callahan
Campbell
Capps
Clay
DeFazio
Gephardt
Graham
Green (WI)
Hinojosa
Hutchinson
Kasich
Lowey
McCollum
Pelosi
Radanovich
Sanford
Vento

☐ 1547

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LANTOS. Mr. Speaker, I demand a record vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The SPEAKER pro tempore. The vote was taken by electronic device, and there were—ayes 375, noes 33, answered "present" 2, not voting 24, as follows:

[Roll No. 21]

AYES—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pastor
Paul
Payne
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel

Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—33

Bilbray
Borski
Brady (PA)
Coburn
Costello
Dickey
English
Filner
Ford
Gibbons
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hilliard
LoBiondo
McDermott
Peterson (MN)
Pickett
Ramstad
Rogan
Sabo
Schaffer
Strickland
Sweeney
Taylor (NC)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wicker

ANSWERED "PRESENT"—2

Carson
Tancredo

NOT VOTING—24

Baird
Blunt
Bonior
Brown (OH)
Callahan
Campbell
Capps
Clay
DeFazio
Gephardt
Graham
Green (WI)
Hall (TX)
Hinojosa
Kasich
Lowey
McCollum
McKinney
Oxley
Pascrell
Pelosi
Radanovich
Sanford
Vento

□ 1557

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CAMPBELL. Mr. Speaker, I regret that I was not present for roll call votes Nos. 19, 20 and 21 because I was unavoidably detained. Had I been present, I would have voted "yes" on all counts.

TRIBUTE TO SUSAN B. ANTHONY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, 188 years after her birth, Susan B. Anthony is still remembered as a prominent and influential figure in our Nation's history.

One of the greatest foremothers in the drive for women's rights, she became a leader in the fight for equal rights for all.

Mr. Speaker, today marks the anniversary of Susan B. Anthony's birth. We know her as a fierce opponent of slavery, who also championed to protect the rights of those who today have become the most dispossessed in our society, the unborn.

Susan B. Anthony considered one of her greatest achievements to have saved the lives of the unborn. She said "sweeter ever than to have had the joy of caring for children of my own has it been to help bring about a better state of things for mothers generally, so that their unborn little ones could not be willed away from them."

To Susan B. Anthony, as well as all the early suffragists, the rights of unborn children could never and should never have been separated from the promotion of women's rights.

As today marks the 180th anniversary of her birth, I ask that we remember her efforts to secure equality for all and to rededicate ourselves to her life's work of guaranteeing full rights for both women and their unborn children.

TRIBUTE TO THE LATE REV. DR. ALBERT T. ROWAN

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, yesterday, Valentine's Day, in the Eleventh Congressional District of Ohio, we hosted the homegoing celebration of the Reverend Dr. Albert T. Rowan, one of the religious giants in the faith community and on the national level. Dr. Rowan had served as the pastor of Bethany Baptist Church, my church home, for more than 34 years.

Dr. Rowan and his life partner and best friend, Mrs. Carrie Mae Rowan, were married for 52 years, the proud parents of five children, 11 grandchildren, and two great-grandchildren. The homegoing ceremony was a joyous ceremony, exemplifying the happy lifestyle that Dr. Rowan lived.

I was particularly blessed because Dr. Rowan had been my pastor since I was 13 years of age. He celebrated my high school, college and law school graduation, my marriage, my first election as a judge, the birth and christening of my son, and my subsequent elections as judge, prosecutor and Congresswoman. I will always remember how he encouraged me to keep going and how he fostered my growth as a Christian woman, wife, mother, and leader. I will always be deeply indebted to Dr. Rowan.

The celebration was particularly moving because Reverend Dr. Stephen Rowan, the son of Dr. Albert T. Rowan, delivered the eulogy. What greater testament to a father, than to have his son eulogize his life.

Seventy-two years ago, in Kansas City, Missouri a bright star entered into the lives of the family of Albert and Florence Rowan their son Albert T. Rowan. Throughout his life he would bring comfort and joy to those whose lives he touched.

Dr. Albert T. Rowan was educated in the Kansas City public schools and held a Bachelor Degree in Religious Education and Theology, a Master of Divinity Degree in Pastoral Psychology and Counseling and the Doctor of Divinity Degree. For more than thirty-four years Rev. Rowan served as shepherd to the flock at Bethany Baptist Church. Under his prayerful leadership Bethany continued providing spiritual guidance to its expanding congregation and also developed new spiritual and community programming including: New Missionary Groups; 8:00 a.m. and 10:45 a.m. worship services; Youth Seminars; a fast growing credit union; and a Head Start school.

Rev. Rowan loved people. He had the ability to inspire diverse groups to work together for worthy causes. He worked in behalf of many organizations including: The Ministerial Head Start Assoc.; The National Baptist Convention; the Interchurch Council of Greater Cleveland; The Cleveland City Planning Commission; the Ohio State Martin Luther King Commission; and the Minority Organ Tissue Education program.

From the pulpit Rev. Rowan often jokingly reminisced about his courtship and his marriage to his life partner and best friend, his bride of fifty-two years, Carrie Mae McBride Rowan. They were blessed with a large and loving family including their children and spouses: Richard and Virginia Rowan, Brenda and Larry Moore, Stephen and Cynthia Rowan, Allana and Elijah Wheeler, and Allan Christopher and Marshara Rowan; eleven grandchildren; two great-grandchildren. Rev. Rowan also had five sisters and brothers, two who predeceased him.

Rev. Rowan was instrumental in shaping my life from the age of 13 years. He played a major part in my development as a young person, as a parent and as a public figure. He kept me grounded and was always there for me. He will live on in my life because of who he helped me become, both personally and professional.

On behalf of the Congress of the United States of America and the citizens of the 11th Congressional District, Ohio, I express our gratitude to Rev. Albert T. Rowan for all of his efforts to nourish the hearts and improve the lives of his fellow man. On behalf of my entire family I extend condolences and love to Mrs. Rowan, the family and friends.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1600

HEATING OIL CRISIS IN NORTHEAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. BALDACCI) is recognized for 5 minutes.

Mr. BALDACCI. Mr. Speaker, today in the Northeast, we are confronted with a heating oil crisis of epic proportions. We have seen the price of petroleum skyrocket 166 percent over the course of a year. The diesel fuel that is required in order to move goods from one end of the State to the markets in Boston and New York has gone over $2 a gallon. There are potatoes in storage of the current crop. It is estimated that there are 16,000 per hundredweight that were cultivated and grown and that are in storage and 13,000 of them are still there, unable to be moved to market, and if they are forced to stay there, the United States Government, the United States Department of Agriculture will have to pick up the tab. We have many sectors of the economy that we have seen a negative impact. Airline ticket prices have had surcharges. There have been traffic and tourism and economic development that has not taken place because of the higher fuel cost. We had a meeting last week with the Secretary of Energy in the Longworth House Office Building where over 40 Members, Democratic and Republican and Independent, all voiced the concerns of the citizens and the constituents that we all represent to the Secretary that the action of the administration was not sufficient given the crisis that was confronting people.

In my State of Maine, we are confronted with double hardships, because in our State which is 36th in per capita wage income, where people have a hard time making ends meet, anyway, have very few dollars for disposable income. Yet they have seen their oil bills double and triple. Maine's older population, they are a poorer population, they are living in a rural area that depend upon fuel and utilities to be able to stay warm, to be able to make sure that they are getting their goods and medicine, and to be forced to be choosing between fuel, food and medications is a triple hardship for these people.

We have been asking for a concerted effort, a comprehensive approach to this situation here with the Federal Energy Secretary Richardson who is coming to Maine and to Boston tomorrow as part of an energy summit. We are asking the President to engage in strong diplomacy with OPEC and non-OPEC states, because within our region of the country, most of the petroleum and the distiller products which they refer to end up coming from the Gulf Coast region of the country into the Northeast region. But we still have petroleum products that are coming in from Venezuela, from the Virgin Islands and from Canada. It is important for this administration to be making sure that that fuel is getting into the market and that the prices are stabilized or decreasing. We are recognizing that even Iraq is withholding oil from the energy mix just to penalize people during this very difficult time. When we have aided the countries of Mexico and Venezuela and other countries, Saudi Arabia, we have aided them in their times of need, we are asking the President and the Secretary of Energy to engage in strong measures to make sure that those countries recognize that we need them to increase the output. We are looking at gasoline prices being at record levels. Tourist season is down the road and one of the largest industries in our region of the country and we are going to see this negatively impacted.

As a matter of reference, there was testimony today before the Transportation appropriations subcommittee that because of the higher prices of fuel, we are seeing a decline in automobile and truck traffic and we are seeing a negative impact on our surface transportation dollars that were gauged for a certain amount of activity, we are seeing a negative impact. We have seen a negative impact on agriculture estimated by the United States Department of Agriculture, $1 billion of lost farm income because of the circumstances here that we are looking at with these higher costs that have to be borne by the farmers. We are seeing it going across the board.

I recognize that there may be some regions of the country that are not experiencing these higher prices. But I also recognize that we have the impact that goes across the board. One thing has always been certain here in Congress, when one part of the country has been hurting, we all stand together because at other times through our country's history in the last years, we have seen these impacts throughout the country on a national basis with emergencies and disasters.

We are asking for comprehensive legislation with these special orders, we are asking for action on the part of the administration so that people do not have to be victimized in the Northeast again.

LIVE FIRE MILITARY TRAINING ON PUERTO RICAN ISLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, a tragedy has recently occurred in the defense of our Nation and the protection of the men and women who serve in its defense. Specifically, we sent our USS Bataan Amphibious Ready Group, with the 22nd Marine Expeditionary Unit embarked, into a high threat area without the proper training and instruction required. The frustrating point about it was the training was available, planned and scheduled. But due to political considerations, it was canceled, leaving our Marines and sailors vulnerable and frankly unprepared.

I am speaking about Vieques, a tiny island that is part of the Commonwealth of Puerto Rico that the Department of the Navy has been using since 1950 as a live fire bombing range. The range provides the ability for the Navy and Marine Corps to conduct simulated amphibious landing operations while using combined arms of artillery, naval gunfire, and close air support. It serves as the culminating exercise for a series of workups that the ARG goes through prior to deploying to the Mediterranean for a 6-month cruise. Vieques is a unique training site. It is the only facility on the East Coast with unfettered air and sea space, deep water access, amphibious landing beaches, nearby military ports and airfields, and the capability to support live naval gunfire operations. Additionally, it allows the Navy and Marine Corps to conduct amphibious combined arms training, Naval surface fire support training, end-to-end strike training and high altitude air tactics. Our Marines and sailors are combat ready for all contingencies because of the realistic live fire training afforded by Vieques. The current situation on Vieques where the President ordered a cease to all operations on the range initially and has since worked out a "deal" with the Governor of Puerto Rico where inert ordnance vice live ordnance will be used turns this into a readiness issue. If our Marines and sailors cannot train, they will not be ready. We send them to hostile areas to protect a presence, show the Flag, with the understanding that if crises should arise, they will be prepared to quell it. I am here to report that we have dictated a mission that cannot be accomplished. Yet the solution is simple. Open the Vieques range to live fire bombing, naval gunfire, and artillery.

We allow live fire bombing in nearly every State of the union. Why would we stop bombing a commonwealth when bombs continue to be dropped and rounds fired in Utah, Nevada, California, Florida and other places? Might I add that these bombs and rounds are fired in closer proximity to our civilian population, more so than on Vieques where there is a 10-mile buffer zone. The reason, I guess, is because there are no votes to be garnered by the Puerto Rican population in New York for not bombing those States. Think of the precedent we now set by compromising with officials from Puerto Rico. Closing Vieques could set off a host of issues in other countries as well as our own States where we currently conduct training. The net result is having a military that can put rounds on target in theory only. Without practical application, we put our forces in harm's way without even sending them to hostile areas. I do not think we should stand by and jeopardize our servicemen for someone else's political gain.

There is no compromise when it comes to reopening Vieques. Opening the range as proposed for inert ordnance is not practical. More can be gained by conducting separate, compartmentalized exercises on ranges that accept live ordnance. Training with dud ordnance excludes artillery, mortars and direct fire weapons systems as these systems either do not have inert ammunition available or insufficient quantities are on hand to conduct training. Limiting the range to inert ordnance denies the naval services from achieving essential live fire training and eliminates essential "arms" from the combined arms network that makes the Navy and Marine Corps so successful on the battlefield. Using live ordnance is the only way to simulate actual combat conditions. It instills confidence in our Marines and sailors on their procedures and equipment and validates every aspect of weapon employment. Without live fire training, the Navy-Marine team would deploy without having tested its ability to integrate, organize, execute and sustain high tempo combat operations with all weapons systems and live fire ordnance.

Mr. Speaker, I cannot look myself in the mirror knowing that we have sent our troops out to do a job that we have not prepared them for when the tools to prepare them are in place and ready for use. Is it not unusual that the decision to end the live fire bombing rides on the coattails of the President's decision to grant clemency to convicted Puerto Rican terrorists? We can mask the reasons for the decision by saying that the bombing was stopped to prevent further casualties, but the real purpose seems to be political. Mr. Rodriguez was killed in a live fire accident several months ago in Vieques. However, his death is not justification to threaten several thousand of our military members by closing the range. If we stopped training every time we had a training casualty, we would never train.

I implore my fellow Members of Congress to look at this situation carefully and apply some common sense. The encroachment of military training areas is alarmingly on the rise and this is another example. We must provide our military with the best possible facilities so they can be ready to respond to any contingency. This is proven in the recent events in Bosnia and East Timor where we called upon our service members and thrust them into hostile environments with the assumption that they were prepared and trained. Without Vieques, our naval forces are dealt a severe blow. With that, I make it a point to ensure that the island of Vieques is reopened indefinitely for live fire training with the intent that we provide our young men and women like those currently deployed with the USS Bataan Amphibious Ready Group and the 22nd Marine Expeditionary Unit with the best possible training before sending them into harm's way.

INTRODUCTION OF MILITARY FAMILY FOOD STAMP TAX CREDIT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I want to read part of a transcript from the June 25 edition of "20/20" which featured a story on our military families who cannot make ends meet. I quote from the transcript.

"We begin with a shameful story about the men and women we count on to protect us, members of the United States armed services. They are prepared to die for us, but did you know that some of them must stand in food lines to help feed their families?"

Again, I quote from the transcript:

"It is a shocking sight to see proud American soldiers accepting charity and Federal aid just to get by."

The show also featured a 26-year-old computer operations specialist who has served 6 years in the Navy, Mr. Speaker, but makes only $18,000 a year to care for his wife and three children. He said, and I quote, "I've talked to managers at fast food restaurants who make more money than I do. And I'm prepared to die for my country if necessary. And sometimes that seems really unfair."

A reported 600,000 enlisted troops, almost half the entire military base, make a base salary of $18,000 or less. On May 21 of last year, "CBS This Morning" did a profile during its "Eye on America" on the state of our military families. The reporter interviewed a church volunteer and former military wife by the name of Pat Kallenbarger who works to help our military families in need.

She said, and I quote, "It's not unusual for me to find a family sleeping on the floor for lack of beds and eating on the floor because they don't have a table and chairs, and they don't have the money to either buy them or rent them."

I further quote:

"I find babies in cardboard cartons. They'd be in a dresser drawer, except the family doesn't own a dresser."

□ 1615

Mr. Speaker, this is shameful. These are our military families. In fact, I introduced a bill, H.R. 1055, a year ago, that would help give these men and women on food stamps a $500 tax credit. I am urging our leadership, both Republican and Democrat, this year to please make sure before we end this session in October that we have spoken to this issue of our men and women on food stamps.

Mr. Speaker, I have before me a Marine. This Marine is holding in his arms his baby daughter named Bridgett, and the young lady standing on his feet is his 3-year-old daughter named Megan.

Mr. Speaker, this Marine is getting ready to deploy for Bosnia. The sad part of all of this, this Marine represents all of our men and women in uniform and represents those 600,000 that are making under $18,000.

We must remember that these men and women that are willing to die for this country, 60 percent of them have families. I think about this little girl, Megan, because you can see in her eyes a concern, and maybe that concern even at that young age is the fact that her daddy might leave and never come back. I do not know. But I do know this, Mr. Speaker, as a Member of this Congress, that those of us on both sides of the political aisle, we have an obligation, and in fact I think it is deplorable and unacceptable that we have not begun to help those men and women in uniform on food stamps.

So I urge my colleagues, we have about 80 Members of this House, both Republican and Democrat, on this bill, and I encourage my colleagues to please join me in this effort to make sure that this year, before we leave, that we do something tangible to help those men and women on food stamps.

HOME HEATING OIL PRICES MUST BE BROUGHT DOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, the issue I want to talk about is the issue of the skyrocketing cost of home heating oil in the Northeast, particularly in New York and New England. It is an extremely, extremely serious problem.

The problem was brought to my attention, quite frankly, by the good work and the efforts of our U.S. Senator from New York who was seen nightly on the television programs, CHUCK SCHUMER, talking about the imminent problem that we are now faced with.

I, along with the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from New York (Mrs. LOWEY), introduced legislation to provide the Secretary of Energy with the authority to draw down the Nation's reserve oil supply in the Strategic Oil Reserve. That will go a long way to reducing the cost of home heating oil immediately, as was demonstrated back during the Iraqi conflict in 1991 when then President Bush opened the Strategic Petroleum Reserve and, overnight, the cost of home heating oil dropped by $10 a barrel, affording millions of people in this country more home heating oil.

President Clinton has indicated that he will not draw down the supplies; but I, along with many of my colleagues, will press him in this matter. Hence, I have joined with a number of my colleagues in both political parties asking him to reconsider his refusal to use these reserves.

We have a massive oil supply problem, and I believe the best way to address this issue and see a sharp decline in the cost of oil is to open these reserves and bring this oil into the market.

Last week Secretary of Energy Bill Richardson addressed a number of Congressmen and women from the Northeast, and, although he too expressed reluctance to open up these reserves, by listening to us and the stories of our constituents, such as Dorothy Alteri of Dudley Avenue, who saw her energy bill skyrocket this year, I hope we can sway him to reconsider.

Mr. Speaker, I have before me here two bills to two constituents. Phillip Occhino from the Bronx, his bill for the last month was $414. I dare say it has more than doubled this past month.

I have another one here from Thomas Donohue from Woodside, Queens. His, too, his home heating bill for last month was $410.39, well above what they paid in the past for the same home heating oil.

I fear that after last year's warm winter and the resulting profit losses of the oil refineries, that they are trying to recoup past deficits by overcharging this year. To reinforce this contention, I have noticed that the price of oil, diesel fuel and fuels in general, are much higher in the New York and New England region than they are in other parts of the country.

For example, I got a letter from Vincent Fullone, the president of Fullone Trucking, who told me the national average price for diesel fuel on February 9, 2000, was $1.47 a gallon. On that very same day in New York, a gallon of diesel fuel cost $2.29 a gallon. It just is not fair that diesel fuel trucks in our region are paying more for their diesel than other regions of this country.

It is safe to be said for the home heating oil industry and our gasoline prices as well that there is a serious price differential from what we here in New York pay versus what other people in different States pay. For that reason I am working with my colleagues and demanding an investigation by Attorney General Janet Reno and the Department of Justice into any price fixing that may have been orchestrated by the fuel oil industry.

I am also pleased that the House has held a hearing on OPEC, the Organization of Petroleum Exporting Countries. I am glad that my committee, the Committee on International Relations, has also held a hearing investigating OPEC's price-fixing schemes.

OPEC are the same people that brought us the 1977–1979 oil shortages, as well as 1973; and I fear they are at it again, cutting supply to raise their profit margin at the expense of Americans. The U.S. must stop this practice of OPEC.

For lower-income seniors I am also a supporter of the President's releasing more of the Nation's reserve funds in the LIHEAP program. The Low Income Energy Assistance Program is a Federal program that provides assistance to low-income Americans to pay for fuel and utility costs. Recently, the President released $175 million of LIHEAP surplus funds, with $36.6 million going to New York.

Although I was pleased the President has begun releasing the reserve funds in this account, I was troubled to see the flawed formula used by the administration. Instead of targeting the States with the greatest need, like New York and the New England States, virtually every State in the U.S. and U.S. territories benefited from this Federal program for home heating assistance, including the Virgin Islands, Florida, Arizona and Texas. I am urging the President to release more money from this reserve account, but asking him to do it in a way targeting those people hurting the most, like the people in New York.

In New York City there are too many seniors who live only on Social Security checks. They cannot afford any increase in the cost of home heating oil. This LIHEAP reserve fund is there to help offset the high cost of home heating fuel for these lower-income individuals. These funds should be used to aid those with the most need.

I am also one of the principal supporters of legislation sponsored by my friend, the gentleman from Vermont (Mr. SANDERS), legislation that would create a home heating oil reserve that the President could draw down upon when oil fuel prices skyrocket, like they have this winter. This legislation is based on a 1998 Department of Energy study that outlined that a home heating oil reserve would be an effective method of stabilizing home heating oil prices in the future.

Some of this oil, 2 million barrels, would be stored in containers in New York Harbor. I understand the Secretary of Energy has recently expressed some interest in this idea, and I am grateful for that. Although the solutions I speak of will not resolve any of the difficulties this winter, it would address these problems in the upcoming years. I want to let you know that we are working tirelessly on this issue.

I received a petition just yesterday from a number of senior citizens in the Bronx in my district complaining about their high cost of home heating oil. The reality is we may not be at war with the Middle East nations, but we are in economic war with OPEC. The people to be the victims in this war will be the senior citizens, the people least able to afford to pay for home heating oil.

ON THE KEEP THE PROMISES ACT, H.R. 3573

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I know you know that this House is very attuned to the ongoing debate over reining in the abuses of the managed care industry in general. But today I would like to bring attention to a more specific injustice, one that is not addressed by the managed care reform legislation under consideration by the House-Senate conferees committee.

Mr. Speaker, before this session is out, we need to pass legislation that will address the worst HMO in the country, our military health care system. As is the case with all managed care abuses, our military system is failing to deliver the benefits for which its beneficiaries have paid.

These patients were promised fully funded health care for life in exchange for 20 years of military service. That is a defined benefit, just like those benefits defined in civilian-managed care plans. You pay the premium, and you should receive the benefit.

Our military retirees paid for their benefit with 2 decades of service. In return, they were guaranteed that they would not have to pay out of pocket for health care by having access to military health care facilities or supplemental insurance, CHAMPUS, that would pay the bills at civilian hospitals if military facilities were not available.

That is the coverage that Sergeant First Class John Nation and his wife, Barbara, of Southport, North Carolina, thought they had after John served 21 years in the Army. That service included two tours in Vietnam with the artillery. Sergeant Nation was certified by the Veterans Administration as suffering cancer from exposure to Agent Orange during that war.

Here is the benefit that Sergeant Nation received: because there was not an Army or VA hospital within 2½ hours of their home, they had to seek civilian treatment. Because Barbara had private health insurance through her job at Carolina Power & Light, CHAMPUS refused to accept primary responsibility for John's treatment. When CHAMPUS received the portion of John's bills not covered by the private insurance, they still refused to pay for the vast majority of the care. They told Barbara, his wife, that the charges exceeded their rate schedule, so they were not obligated to pay anything. On bills that were within their rate schedule, CHAMPUS rejected the majority of chemotherapy, radiation, and hospital charges on technical grounds. John passed away. Barbara was forced to surrender her entire retirement savings to pay the bills rejected by CHAMPUS.

Now, I ask every Member of this House, is this fully funded health care for life as promised? Does the treatment that Sergeant First Class John Nation received from the U.S. Government qualify as having provided the benefits that he and his family were promised?

John Nation honored his part of the contract. We failed to honor ours. It is time we made good on our promises to the Nation's military retirees; and I urge each and every one of you to support H.R. 3573, the Keep Our Promises to America's Military Retirees Act. 260 Members have now cosponsored this bill so that we may keep our word. It is important that the Federal Government keep its word. You cannot expect retention to improve in the military; you cannot expect that people are going to stay in as a career, when we will not keep our word to them.

Mr. Speaker, this should be one of our top priorities, because it is the right thing for the United States Government to do for the men and women that risked life and limb to defend this Nation.

HEATING OIL CRISIS IN NEW YORK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, I simply want to bring to the attention of Congress the situation of the people that I represent in Monroe County, New York. Some of them are up there now trying to shovel snow off their roofs. We have the dubious distinction this year of having had more snow than anyplace in the United States, a distinction that we really prefer go to Buffalo or Oswego.

I have an extraordinary number of retired persons as well. In addition to the high cost of prescription drugs, they are now being forced to decide whether they will eat or pay the soaring home heating costs.

□ 1630

The families have seen the price of home heating oil rise on an hourly basis. There has been no way to understand it, to plan for it, or to budget for it. They are upset, and those who are on low and fixed incomes are having to choose again between everything else that they do and heating their homes, which really is not a choice. With the temperatures that we have had this January and February, we have had over 21 days of straight snow this year. There is no option but not to freeze to death.

We have had numbers of truckers who have called us and told us that the extraordinary high rise in diesel fuel, over $2 a gallon an increase, has made it impossible for many of them even to continue to run their rigs and they have put them aside until, as Washington says, help is on the way.

I understand what the President said that once this cold snap is over, that we hope that the prices will go down, but in the meantime, I have people who are in severe crisis. I am happy that there is going to be a summit tomorrow on this, but I frankly think that the cautious approach that the White House is taking is too little and too late.

We know that actions will speak louder than words. It is really critical that this year, because this is a debate, as my colleagues have pointed out, that we have year after year, that we do something about it to take care of these permanent needs that the Northeast has for heating assistance. I have joined on to legislation that I hope will do just that this year.

We hate to come every year and talk about how our people again are freezing to death, although I think we are really quite generous in helping when other Members of Congress come to the floor with problems in their district that nature has given to them. But it is really important that we do something about this this time.

Mr. Speaker, I am not sure why the prices have risen. I agree with the gentleman from New York (Mr. CROWLEY) who spoke previously that it needs a good investigation to make sure that at this time when temperatures are low that these costs are not deliberate. It is very important that we look at that.

In the meantime, I would like to urge the President and the Secretary of Energy to really include the action right now of releasing some oil from the strategic petroleum reserve. We must, as I said before, start a home-heating oil reserve in the Northeast so that we can have a long-term solution to this crisis.

One solution may be, as many speakers before me have pointed out, and I know that the President had brought up one year, is that why should LIHEAP money, which is really used for low-income heating, be sent throughout the 50 States and the territories. Might it not be more important that we send it to places where it is needed, and I would like to have that looked into as well. But action and not delay is needed now.

So, on behalf of all of my constituents today who are out trying to shovel off the roof, to make sure that the pipes are not frozen, keeping the heat in the house as low as they can so that they can afford to eat, I want to say to my colleagues and to everyone in this Congress that Mother Nature waits on no one and that quick action is needed for the people of the Northeast.

PRESCRIPTION DRUG BENEFITS

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, Congress is back in session; and while we are resuming our work, we have to attend first to part of the unfinished business of last year. All across this country, seniors are finding it harder and harder to take their prescription drugs, because they simply cannot afford to take the medication that their doctors tell them they must take. They are not following doctor's orders, simply because they cannot afford their medication. We have looked at this issue over the past year, the Democrats have looked at this issue, and are ready to go again, ready to do some work to relieve the problems that seniors and others are facing all around this country.

We need to do two things. First, we need to stop price discrimination against seniors. Second, we need to provide a universal prescription drug benefit under Medicare.

Let us start with what is going on in the real world. In the real world, many seniors are not filling their prescriptions or, when they do, they are taking one pill out of three. However, all across this country, they are finding they simply cannot afford to take the drugs that their doctors tell them they have to take.

Starting in my district of Maine, the First District of Maine and extending all across this country, the Democratic staff of the Committee on Government Reform has done a series of studies. The first of those studies which I released in July of 1998 show this: on average, seniors pay twice as much for their medication as the drug company's best customers. Well, who are the best customers? They are HMOs, big hospitals, and the Federal Government itself buying prescription drugs for Medicaid recipients or for the Veterans' Administration. Twice as much. Seniors pay twice as much as the drug company's best customers.

Second, a study first done in October of 1998 and now replicated around the country revealed that citizens in Maine and across the country pay 72 percent more than Canadians and 102 percent more than Mexicans for the same drugs in the same quantities by the same manufacturer.

A third study that I released in November of 1999 showed that when drugs are manufactured for human use and sold to pharmacists, the charges are, on average, 151 percent more than when the same drug is sold to veterinarians for animal use. Any way we look at it, there is rampant price discrimination in this country against seniors and all of those other Americans who do not have coverage for their prescription drugs. The industry has engaged in this widespread price discrimination because frankly, what they are trying to do is to charge whatever the market will bear. So seniors, who have no insurance for their prescription drugs, pay the highest prices in the land because they have no bargaining power.

Mr. Speaker, as I said, we have to do two things. We have to stop price discrimination, and we have to provide a universal prescription drug benefit under Medicare. As one can see from this chart to my right, seniors are 12 percent of the population, but they buy 33 percent of all prescription drugs. Mr. Speaker, 37 percent of all seniors have absolutely no coverage at all for prescription medications. Another 25 to 30 percent have very inadequate coverage for their medications, so 60 percent or more are really struggling simply to take the medications that their doctors tell them they have to take.

Now, let us contrast the situation with the pharmaceutical industry. The pharmaceutical industry is the most profitable industry in the country. Every year, the Fortune magazine shows which industries are the most profitable, and every year by every measure it is the pharmaceutical industry. Just to give my colleagues one example, in terms of return on revenues, the pharmaceutical industry brings in 18.5 percent, on average. That is an average for those 10 or 12 pharmaceutical companies. The next most profitable industry comes in at 13.2 percent, a 40 percent plus difference.

In short, it comes down to this: the most profitable industry in the country is charging the highest prices in the world to those least able to afford it, primarily our seniors who do not have prescription drug coverage under Medicare. We aim to change that in two ways.

The Democrats tomorrow will begin a discharge petition to bring to this floor two bills, H.R. 664, the Prescription Drug Fairness for Seniors Act, and H.R. 1495, which would provide a Medicare prescription drug benefit. Here is what the Prescription Drug Fairness for Seniors Act does. This bill is very simple. It would allow pharmacists to buy drugs for Medicare beneficiaries at the best price given to the Federal Government. Remember, we were talking about that price discrimination, and this is the way to end price discrimination. It would give senior citizens the benefit of the same discount received by hospitals, big HMOs, and the Federal Government. It does not involve any significant increase in government spending. It creates no new bureaucracy.

Mr. Speaker, I can tell my colleagues that the pharmaceutical industry does not want this to happen, just as the pharmaceutical industry does not want a prescription drug benefit under Medicare. They will run TV ads saying they do, but they have helped to fund a group called the Citizens for Better Medicare which says seniors need a benefit, but I can tell my colleagues the pharmaceutical industry is blocking every effort to improve Medicare, to strengthen Medicare, to make sure that our seniors get what they need, which is coverage under Medicare and a prescription drug benefit.

I found that in my district, many seniors are confused when they get these Citizens for Better Medicare mailings. They think this is a group trying to improve our health care system, trying to extend coverage, but it is not. The fact is, it is a group that is funded by the pharmaceutical industry. They ran all of those ads featuring Flo last year, and now in some areas Flo is back. But over and over again the industry is the obstacle. We really can support one of two groups. One can line up with the pharmaceutical industry, or one can line up with our seniors.

Mr. Speaker, for H.R. 664 we have over 140 cosponsors in the House. Unfortunately, not one Republican has stepped forward. Not one Republican will support this legislation to give a discount to seniors who are already in a Federal health care plan called Medicare which does not provide prescription drug coverage, and all we are saying is give them the same break that hospitals get, that HMOs get, that the Veterans' Administration gets. That is all we are saying. Seniors deserve a break on the price of their prescription drug medications.

Mr. Speaker, I am pleased that so many of my colleagues have come here tonight to speak on this issue. I want to begin by yielding to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentleman from Maine (Mr. ALLEN) for doing such a great job, in providing leadership in helping seniors get the medicines they need and to get them at fair prices. The gentleman is outstanding. Thanks a lot.

Mr. Speaker, prescription drugs are not affordable to the people who need them the most, and that is our seniors and other people on Medicare. That is not acceptable, point-blank, unacceptable. For many seniors, prescription drugs for arthritis, diabetes, high blood pressure and heart disease are simply a fact of life or death. However, because of the high cost of prescriptions, many seniors are forced to choose between buying food and buying medicine. That is not right.

In the case of Ivera and Roy Cob, residents of my district, paying for the prescriptions that they both need is impossible. So, Roy goes without some of his medications, medications he also needs, but he does that because he believes Ivera needs her medications more. They cannot afford his and hers. Seniors like Roy and Ivera should be deciding how much time to spend with their grandkids, not deciding who is going to get the medications they need to survive.

One reason many seniors cannot afford the drugs they need is because as the gentleman from Maine told us, the Nation's largest drug companies favor HMOs, insurance conglomerates, and government buyers with negotiating power, those who pay much less for prescription drugs, while many, many seniors on Medicare pay much higher prices for the same drugs.

According to a study I requested of the House Committee on Government Reform, seniors in my northern California district are being overcharged for the drugs they need to survive. In Sonoma County, California, seniors pay, on average, 145 percent more for the commonly used drugs than the favored customers pay. That is 145 percent more. In Marin County, California, just south of Sonoma, also my district, seniors pay 137 more.

Take, for example, Zocor, a drug used to lower cholesterol. Favored customers pay $35 for a dosage, but Sonoma County seniors pay $119, a price difference of 242 percent. That is outrageous.

The Republican leadership must stop dragging its feet and enact a meaningful prescription drug benefit for our seniors, a benefit that eliminates price discrimination. Our seniors do not have time to wait for the Republicans to play their political games. They need their medications and they need them now.

Mr. Speaker, tomorrow I will join my colleagues in signing a discharge petition to bring prescription drug legislation to the floor. The longer the leadership stalls, the less time one more child will have to spend with grandma or grandpa. Providing a prescription drug benefit and eliminating price gouging is a big job. It is a job that we must do, because treating our seniors with respect is our responsibility.

It is time for the majority leadership to step up to the challenge and give our seniors a break. It is a small measure for them to have prescription drugs that they can afford, but it is a measure that does not even compare to what they have done for us.

□ 1645

I thank the gentleman for making this possible tonight.

Mr. ALLEN. I thank the gentlewoman from California for her leadership on this issue.

Mr. Speaker, I yield to the other gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for yielding time to me.

Mr. Speaker, I stand here today to further address the urgent need for decent prescription drug coverage for America's elderly citizens. Prescription drugs help keep our seniors well and they help hold down the cost of medical care in America. Many of these drugs, such as the blood pressure and cholesterol medication, serve as the valuable ounce of prevention, saving lives, cutting medical treatment costs.

The need for prescription drug coverage has always been a major priority among senior citizens. Now, with the steep increases in prescription drug costs and the growing importance of these drugs in preventing and treating diseases, the need for prescription drug coverage for all Medicare beneficiaries is more important than ever.

Opponents of a Medicare prescription drug plan would say that most Medicare beneficiaries already get prescription drugs through other sources, and therefore, they do not need the government's help. However, we do know that the Medicare program generally does not cover prescription drug costs. It is estimated that over 13 million Medicare beneficiaries have no prescription drug coverage.

Opponents of a Medicare prescription plan claim that Medicare beneficiaries get their prescription drugs from retiree health plans. However, there is only a very lucky few, about one-quarter of these, that have access to employee-sponsored retirement plans.

Opponents of the prescription drug benefits state that many seniors may also purchase drug coverage through a Medigap prescription drug policy. However, these are very expensive. Depending on the State, the premium could run from $100 a month up. These costs increase substantially with age, as drug coverage under this plan becomes priced out of reach. The burden particularly affects women, who make up 73 percent of those over age 85.

Opponents would say that if seniors want prescription drug benefits, they should enroll in a Medicare HMO. However, they are not available in all parts of the country. In addition, the Medicare+Choice plans limit coverage to $1,000 or less for each beneficiary per year.

Recent studies also show that seniors who buy their own medicine because they do not belong to HMOs or have additional insurance coverage are paying twice as much on average than HMOs and insurance companies, Medicaid, Federal health programs, and other purchasers. Pharmaceutical companies are charging competitive prices that are tantamount to price discrimination against our seniors.

These seniors, Mr. Speaker, live on fixed incomes. They either have to choose between food, oil to warm up, or to medicate themselves to be able to live. They cannot afford to take the drugs that their doctors prescribe them, and they stretch, as we have heard, many different ways, or they do not take them.

We should not force them to choose between paying for food, paying for heating costs, or paying for medicine. We cannot afford not to cover drug prescriptions. What we will save as a result of seniors' access to these medicines is going to exceed the cost that may be incurred as a result of debilitating illnesses that seniors will suffer if they cannot get these drugs.

We must stop this price discrimination. We in Congress cannot continue to stand by and see our elderly, our seniors, mentors, and family members suffer. Let us enact an effective Medicare prescription drug benefit and support H.R. 664 offered by the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman very much for all her good work on this issue.

I yield to the gentlewoman from Oregon (Ms. HOOLEY), who has been a real leader on this particular issue and has felt the efforts, I guess I would say, of the pharmaceutical industry to stop her from speaking out. But she is back. We are glad she is here.

Ms. HOOLEY of Oregon. I am back. First of all, Mr. Speaker, I want to thank my friend and colleague, the gentleman from Maine (Mr. ALLEN), for all the work he has done in the leadership. Right now I do not think there is a bigger issue facing seniors in Oregon and elsewhere in the United States than prescription drugs.

Two months ago, Mr. Speaker, a massive ad campaign was undertaken in the Portland media market attacking me for defending senior citizens who cannot afford the high cost of prescription drugs. The ads were paid for by Citizens for Better Medicare, a group that looks grass roots, an organization that claims to be representing interests of patients and seniors, but as we all know, looks can be deceiving. In reality, this ad campaign was primarily funded by the pharmaceutical companies.

Mr. Speaker, let me set the record straight, I do not want to get in a shoving match with the pharmaceutical industry. These companies spend tens of millions of dollars to develop cures for diseases, and we should take great care to work with them and help them make these essential medicines more affordable for our seniors and working families.

But in that same light, I am not going to let multi-million dollar ad campaigns prevent me from doing something in this Congress to act on this issue.

As Members can see, I have heard from a lot of people in my district. This is just part of it. I could not carry it all over. Some of it is in my Oregon office. People have sent me letters. They have sent me copies of their drugs. I want to tell the Members something, in many cases they are paying 50 percent of their take-home income that is being spent on prescription drugs. They are demanding some kind of relief in Washington, D.C.

This is just a month's worth of receipts from Harry Percy, a constituent of mine in Salem, Oregon. He had to pay over $200 this month for prescription drugs, even though he is enrolled in a health maintenance organization. The sad thing is, Mr. Percy is not any different from the thousands of other seniors I have talked to, or from the hundreds of letters that we see here.

At my request, the staff of the Committee on Government Reform recently conducted a study to determine how much more people like Harry Percy in the Fifth Congressional District in Oregon are paying for their medication than customers are paying in countries like Mexico and Canada.

I requested this study because I found out that a lot of my seniors were going to Canada to buy their drugs. I was surprised to learn that in the Fifth Congressional District of Oregon, they pay 83 percent more for the same drugs than consumers in Canada, and they pay 82 percent more, on average, for prescription drugs than Mexican consumers. These are the same drugs, the same amount, sold by the same pharmaceutical companies.

For example, an uninsured senior in my district who had to take Prilosec to treat an ulcer must pay over $80 more than in Mexico or $86 more than in Canada for that same drug. I also did a study, a comparison of how much those uninsured seniors paid compared to the most favored customers that the drug companies sell to. In that case, they paid almost twice as much than their favored customers.

We have to change this. Congress is having a hard time agreeing on how to make such an effort work. We need to work together, but lately the big drug companies have been getting into the mix. What they are trying to do is scare seniors into thinking that prescription drug costs will rise if the government tries to help those seniors in the middle. Yet, we know that over one-third of seniors have no prescription drug coverage, so they must pay for their medication with their own limited resources.

As I stated earlier, they have made remarkable progress in finding new drugs, in helping people live a better life, but it does not do any good if they cannot afford to take those drugs. Seniors I know that do not take the drugs that have been prescribed to them live in pain and discomfort. Many times, if they do not take them they end up in a nursing home, or the worst case, a hospital, or they die prematurely. They also suffer anxiety and depression over the fact that they have a hard time paying for their medication.

American seniors should not pay the highest prices in the world for their prescription drugs. Frankly, it is unfair, it is wrong, and it is time for this Congress to act.

For any of my constituents that happen to be watching this, they can rest assured that I will remain committed to making prescription drugs more affordable and accessible. Tomorrow I will also sign the discharge petition to try to get this bill on the floor of the House.

I know we can reach a solution through reasoned debate and bipartisan compromise, but it is time for Congress to act to assure that no older American anywhere has to choose between buying medicine or food, between paying their heating bill or their drugstore account, or between taking their medicine or living in pain and anxiety.

Again, I thank the gentleman for his effort. He has been a great leader.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from Oregon (Ms. HOOLEY) very much. I appreciate all she has done.

Mr. Speaker, I yield to the gentlewoman from the great State of Nevada (Ms. BERKLEY), a short way down.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from Maine for helping us highlight this issue, which is very important to me.

As the gentlewoman from Oregon (Ms. HOOLEY) alluded to, I was also unmercifully attacked by the pharmaceutical companies. It has only made me more resolute in my desire to provide relief for my older Americans who simply cannot afford the high cost of prescription medication. I quite agree with the gentlewoman when she states, what is the point of being able to create these wonderful miracle drugs if we cannot afford to take them? That is a serious problem in my district.

I rise today in strong support of including a prescription drug benefit in Medicare. I am also in favor of lowering the high cost of prescription drugs for older Americans. As a cosponsor of both H.R. 664, the Prescription Drug Fairness for Seniors Act, and H.R. 1495, the Access to Prescription Medications in Medicare Act, I believe Congress must act now to ensure that our Nation's seniors have access to affordable prescription drugs.

Why is this issue so important to me? Because I have the fastest growing senior population in the United States in southern Nevada. Each week when I return to southern Nevada, I hear story after story from seniors experiencing great difficulty paying for their prescription medications. They are asking for relief. They are begging for relief.

In particular, one constituent's story resonates in my mind. I would like to share that with the gentleman. Sister Rosemary Lynch is an 83-year-old Franciscan nun in my hometown of Las Vegas who is currently taking multiple prescription drugs to treat glaucoma, high blood pressure, and severe allergies. Every month she struggles to pay for these costly medications.

Sadly, she is not alone. Unfortunately, there are 14 million other Medicare beneficiaries in our Nation with no prescription drug insurance. Last spring, I asked the Committee on Government Reform to investigate prescription drug price discrimination in the congressional district that I represent, which is the First Congressional District in Nevada.

I was appalled, I was appalled, to discover that the evidence showed that seniors are charged 126 percent more for their prescription drugs than are drug companies' most-favored customers. Who are those? The HMOs and the Federal government.

In addition, a second study showed that Nevada seniors pay more than 90 percent more for prescription medication, the exact same medication, mind you, that seniors pay for in Canada and Mexico. The result of this is that I have many, many senior citizens who live in Las Vegas, Nevada, live in southern Nevada, live in Henderson or north Las Vegas, that travel all the way to Mexico in order to be able to afford the prescription medication that their doctors in southern Nevada are prescribing.

I have made a firm commitment to the seniors in my district, the seniors in the United States, and now Congress must make a firm commitment to our seniors, as well, and pass a comprehensive prescription medication benefit for all Medicare beneficiaries.

Tomorrow I will be standing here proudly signing the discharge petitions to urge consideration of the prescription drug bills of which I have spoken. It is my hope, it is my fervent hope, that the leadership in Congress will bring these proposals to the floor so that all seniors can have access to affordable prescription medication.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from Nevada very much.

I yield to the gentleman from Texas (Mr. TURNER), who with the gentleman from Arkansas (Mr. BERRY) and me is a co-chair of the Prescription Drug Task Force. No one has worked longer or harder on this issue to try to get some fairness for seniors, trying to stop price discrimination and get to a Medicare benefit. I thank the gentleman for being here tonight.

□ 1700

Mr. TURNER. Mr. Speaker, it is a pleasure to be here with all of the Members who have spoken on this issue. I really do appreciate the fact that we have this hour to talk about this very important issue. It has been almost 2 years since we first addressed the problem of discriminatory pricing in drugs, the problems of lack of access to prescription drugs at affordable prices. I appreciate the leadership the gentleman has given, as well as the leadership of the gentleman from Arkansas (Mr. BERRY) here tonight on the floor next to me from Arkansas, and on my left the gentleman from Mississippi (Mr. SHOWS), who has filed a discharge petition. That is why we are here tonight talking about this issue, because tomorrow we are going to have for the first time an opportunity to get a chance to bring this issue to the floor of the House of Representatives.

After these many months of collecting support, of cosponsors, I believe we have close now, with over 140 Democrats who have joined wanting to do something about the high price of prescription drugs. Tomorrow we will have that chance by joining and signing the discharge petition that will bring the bill that the gentleman from Maine (Mr. ALLEN), the gentleman from Arkansas (Mr. BERRY), and I introduced back almost a year ago, as well as the other bill to provide a prescription drug benefit under Medicare.

This issue hits very close to home for all of us. I know in my district, I have 84,000 senior citizens, the highest number of seniors in any congressional district in Texas. I hear from them. We saw the gentlewoman from Oregon (Ms. HOOLEY) bring to the floor a stack of letters. I have a similar stack. Seniors are concerned about the problem of the high price of their prescription medications.

Just to give an example, I visited with a lady over a year ago in a pharmacy in Orange when we were going around talking about this issue initially, Ms. Frances Staley. She is 85 years old. Mrs. Staly is blind. She is a beautiful lady. She spends about half of her $700 Social Security check every month just on her prescriptions. That is her sole source of income, Social Security.

I had a letter from Billy and Joe O'Leary. I have met them and know them well and they wrote, they live down in Silsbee, they spend $400 a month for eight prescription medicines.

I want to read just a little section from the letter that they sent to me. It really makes a whole lot of sense. We hear this cry from the big drug manufacturers that, oh, well, we cannot do anything about drug prices or we will not have any money for research. Well, none of us want to cut off funds for research in the pharmaceutical industry. We have a lot of new drugs that have come on the market, done a lot of wonderful things but here is what Mr. and Mrs. O'Leary had to say about it in their letter to me. They said, what good is research and finding cures for disease if a large part of our population cannot afford the medicine for the cure?

That is the bottom line. We have to be sure that our seniors have access to affordable prescription drugs.

Archie and Linda Davidson of Vidor, Texas, have spent more than $3,500 in the last 6 months just for their prescription medicines.

I had a nice visit with a gentleman down in Hull in Liberty County, Texas, a few months ago; and he came up to me, and this is hard to believe, but he has told me, he said, my wife and I both have a lot of prescription medicines we have to take every month. He says, it costs us $1,400 a month. Now, I do not know how long the gentleman from Hull can pay that kind of cost; but the truth is, everyone that has had to buy prescription medications knows that the prices are higher and higher and higher every month that passes.

This is, indeed, a national problem, and I think that it is time that we do something about it.

Let us look at the big picture. Senior citizens spend three times as much of their income on health care as compared to that which is spent by the average American. The elderly, who are 12 percent of our entire Nation's population, purchase one-third of all prescription drugs and yet nearly 40 percent of all senior citizens have no prescription drug coverage.

One in five of our elderly citizens takes at least five prescription drugs a day, and more than 2.2 million seniors spend more than $100 a month for medication and many pay much more.

The bottom line is, senior citizens in our country today are paying the highest prices for prescription drugs of anyone in our society. The studies which the gentleman from Maine (Mr. ALLEN) did, the gentleman from Arkansas (Mr. BERRY) did, the gentleman from Mississippi (Mr. SHOWS) did, and many of the others that are here, show indisputably that senior citizens pay on average twice as much as the favored customers of the big drug manufacturers.

The favored customers are the big hospital chains, the big HMOs. Those are the folks who are getting the good deals and our senior citizens, without prescription drug coverage, who walk into their local pharmacy, are paying twice as much as those favored customers. That is just not right.

When we did the international study, we found that folks in the United States are paying over twice what the folks in other industrialized countries around the world are paying. We have to do something about this problem. We have to do something about it soon, and tomorrow is our first opportunity to sign the discharge petition, which is a procedure that we use around here to force an issue to the floor that we feel strongly about.

I thank the gentleman for the leadership he has given, the gentleman from Maine (Mr. ALLEN), on this critical issue.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER). He summarized this issue very, very well.

If I could just add one other point. The situation gets worse year by year. If we think the situation is bad now, spending on prescription drugs is going up 15 to 18 percent year after year after year. The problem on average will be 15 to 18 percent more a year from now than it is today. Think about those seniors that the gentleman from Texas (Mr. TURNER) was talking about. They are a part of the biggest health care plan in the country. It is called Medicare. The way the law works now, it is okay for the Veterans Administration to get a discount. It is okay for the medicaid program to get a discount. It is okay for big HMOs and hospitals to get a discount, but it is not okay for people who are Medicare beneficiaries, who have worked hard all their lives, played by the rules, now they are in a Federal health care plan called Medicare and they cannot get a discount under existing law.

That is what we are trying to do, trying to stop price discrimination and provide a prescription drug benefit under Medicare that will cover all Medicare beneficiaries.

I want now to turn to the gentleman from Colorado (Mr. UDALL). He, too, has been the object of attack from the pharmaceutical companies. I have to say that I hope that conveys to the constituents in his district how hard he has been working on this issue that they would single him out for attack.

We are very pleased to have the gentleman here tonight and I yield some time to him.

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague, the gentleman from Maine (Mr. ALLEN), for yielding to me. I thank him for his leadership on this very important issue.

Mr. Speaker, Juanita Johns is one of my constituents back in the Second District in Colorado, and she told me she used to keep her thermostat at 60 degrees so she could pay her drug bills. In addition to that, a few times a week she would visit the food bank so she could eat, and eventually she sold her house and moved in with her son so she could afford her medicines.

Now this is intolerable. Seniors should not be forced to make that kind of decision between buying food or buying their medicine or paying their utility bills. Her story, Juanita's story, is one of many that I have heard from seniors in my district.

I, too, had a study done by the House Committee on Government Reform that found that seniors in my district who pay for their own prescription drugs pay more than twice what the drug companies' most-favored customer, such as HMOs and the Federal Government, pay.

It is clear that rising prescription drug prices and eroding coverage are squeezing seniors' incomes. My colleague, the gentleman from Texas (Mr. TURNER), mentioned that seniors make up 12 percent of the population, but they use one-third of all prescription drugs. They have the greatest need for these drugs, but they often do not have adequate insurance coverage to pay for them. That adds up to more than 15 million seniors in our Nation who do not have any sort of drug benefit.

As the gentleman from Maine (Mr. ALLEN) mentioned, Medicare's basic package does not include it. Employers are scaling back or dropping retiree health coverage, and premiums for supplemental medigap policies and drug coverage has in many cases reached unaffordable levels. That is why I am a strong supporter of H.R. 664, the Prescription Drug Fairness for Seniors Act.

This simple and important piece of legislation would end unfair drug pricing discrimination and could save seniors up to 40 percent of their drug bills.

It is hard to understand why anyone would be against making prescription drugs more affordable, but during the winter recess, as the gentleman referenced, a group called the Citizens for Better Medicare ran attack radio and TV ads against me because of my efforts to help seniors fill their medicine cabinets with affordable, lifesaving medications. It struck me that it was an Astroturf campaign that was designed to look like a grass-roots initiative; but it was really intended, in my opinion, to protect the profits of the pharmaceutical companies, scare seniors, and spread misinformation.

As the gentleman remembers, these ads confused H.R. 664 with President Clinton's proposal to have Medicare directly cover seniors' drug costs. The ads had a toll-free number for seniors; and when the seniors called the phone bank, then the operator asked them if they would like to be connected to my office, and then they were directly connected to my office.

Oftentimes when the seniors reached my office, they did not know who they were talking to or really what was going on. It also served the purpose of tying my office up for an entire week. I received thousands of telegrams in addition to these phone calls.

To summarize, it was really a classic bait and switch kind of campaign, where the ads attacked me for being on the bill of the gentleman from Maine (Mr. ALLEN), but all of the communication my office received was about the President's proposal.

Now I have not expressed a position on the President's proposal; but, however I, do support a Medicare prescription drug benefit that is fiscally responsible and fair.

Needless to say, this ad campaign did not wash with Coloradans.

I want to quote from a couple of newspapers. An editorial in the Denver Post described the ads as "vicious and outrageous untruths." The Boulder Daily Camera called these ads "a vaguely worded and deceptive advertising campaign." Thankfully, many people saw through this well-organized campaign and called my office to offer their support.

I looked with interest last month at the news that the drug companies are dropping their opposition to creating this drug benefit under Medicare. The change in their rhetoric is significant. It shows they realize there is a problem and they are willing to work with the Congress on a solution. As I think many of the previous speakers mentioned, we all here have been supportive of the research and development tax credit so the pharmaceutical companies can find these lifesaving medications, but we also feel that there ought to be fair pricing.

There will be plenty of time for politics later this year. I am not interested in playing politics with this issue, and I do not think the 15 million seniors who do not have prescription drug benefits want to play politics, either. I am looking for solutions. Let us end this price discrimination. Let us provide universal prescription drug coverage for seniors. People like Juanita Johns in my district and people all over the country are counting on us.

I again thank the gentleman from Maine (Mr. ALLEN) for his leadership on this issue.

Mr. ALLEN. Mr. Speaker, I want to thank the gentleman from Colorado (Mr. UDALL) for all his good work on this issue.

I would like now to turn to the gentleman from Mississippi (Mr. SHOWS). The gentleman from Mississippi (Mr. SHOWS) may be a freshman, but he has been an early and enthusiastic supporter and is now the author of the discharge petition on H.R. 664, which all of us have been working on so hard. I am just very pleased that the gentleman is going to be the sponsor of this discharge petition on the bill; and I trust that a very large group from this caucus, the Democratic Caucus, will come in tomorrow and sign that discharge petition and try to get this bill to the floor over the opposition of the Republican leadership; because the fact remains, as urgent as this problem is, we do not have one single Republican as a cosponsor of H.R. 664, and there is absolutely no indication that the leadership would bring this bill to the floor or bring to the floor a bill that would provide a Medicare prescription drug benefit for all Medicare beneficiaries.

Mr. SHOWS. Mr. Speaker, I want to thank my friend, the gentleman from Maine (Mr. ALLEN), for yielding.

Mr. Speaker, I am hoping they are going to have a vision when this discharge petition comes to the floor because I think when their seniors start calling them about whose side are they on, are they on our side or the pharmaceutical side, I believe they are going to have a vision that they need to get on our side and sign this discharge petition, because I guess so many of us, in my district, and I live in Jeff Davis County in the Fourth Congressional District in Mississippi, and we have so many people that they do not have the means to buy their medication.

One of the problems we have, we have a lot of high unemployment in Mississippi right now. In my congressional district, and I am putting this in perspective in the cost of these prescription drugs, we have lost somewhere around 4,000 jobs because of NAFTA. They are in Mexico right now. Our problem, we have a lot of people who do not have the money to buy these drugs. I can give an instance from around every corner. We have a Ms. Bruce who used to live by herself in Clinton, Mississippi. She enjoyed all the freedoms of being a senior, except when it came time to buy her prescription medicine, which absolutely forced her from living by herself independently to moving in with her daughter.

□ 1715

She pays hundreds of dollars each month for prescription medicine while living on a fixed income. She told me that if it was not for her daughter, she did not know exactly what she would do. And what she worries about and what she is concerned about, I say to the gentleman from Maine (Mr. ALLEN), is what about some of these seniors who do not have family to help take care of them? It is a crying shame.

My own mother-in-law who, if it was not for my wife and my brother-in-law's helping to take care of her, would be in the same situation. Mr. Speaker, she feels a burden on her daughter for having to do this. She should not have to be doing this.

The bad thing about it, she is having more visits to the hospital, so her costs may increase because of more medication she may have to take. I can think of no other issue that needs to be addressed more than the costs of medicine to our seniors.

Because of Ms. Bruce and millions of others like her not only in Mississippi but the seniors across this country, that is the reason we are going to file this discharge petition February the 16. Because of the job that you have done, I say to the gentleman from Maine (Mr. ALLEN), we would not have the opportunity to do that.

I thank you personally for that, not only for myself, but for the millions of Americans in this country.

Mr. Speaker, I filed a discharge petition to force a vote on H.R. 664, the Prescription Drug Fairness for Seniors Act. I do not think we can wait. I do not think our seniors can wait any longer for this to happen.

I am like a lot of other Congressmen in my district. We went back and we did a survey of all of our drug stores and I know this may be repetitive and a lot of other people might have talked about it, but I am finding the same numbers that the other Members on the Democratic side are finding. We are finding disproportionate costs for people in America, in Mississippi, in buying prescription medicine. It is more expensive than purchasing them in Mexico, Canada, or Europe or even the HMOs.

Mr. Speaker, I can give you a for instance. In Collins, Mississippi, when we were doing our bus tour, we had an audience, a lot of people, a lot of them were seniors, and this elderly man and woman came in, the gentleman had a cane and his wife was there helping him in the room. He got in there and I referred him to Annette, who handles some of our Social Security cases and so on.

I noticed, I looked at him, within a few minutes, he was crying, I say to the gentleman from Maine (Mr. ALLEN). The man was crying. His wife, she was trying to support him. He went to the hospital.

Here is a man that probably fought in World War II and probably lived through the Depression, went through the hardest time this century has ever seen to make sure our country is free. Now he is having another war, and that war is trying to pay for his prescription medication and his health care.

What had happened when he went to the hospital, he lost his insurance. He was late on paying the insurance bill. He could not pay. Then after they were given the bill 3 times, they had to turn them over to the credit bureau, the collection agency.

And to add insult to injury, he cannot even afford his prescription medication. This gentleman does not know what to do. I mean, he is depressed. He does not really know where to go. Where can he go?

He ought to be able to come to us and try to get some help trying to make sure these affordable costs should be affordable.

We can go to Ellisville, Mississippi, there is a Don Skoggins of Skoggins Drug Store there in Ellisville, Mississippi. And I had a lady come in there, she was on Medicare. And her problem was she has been totally disabled. She heard what we are talking about. She said her medication costs her $700 a month, $700 a month, her income is $399 a month.

She told me if it was not for her sons and daughters taking care of her, there was no way she could even buy her food. And this can go on. I know we have all our stories, but this is the reason we are trying to do this.

Everybody says this is not the way to do it. This is the way to do it. The way I look at it, we are using 39 million people in Medicare as a leverage to negotiate a better price for the prescription medicine, just like the Wal-Marts do, just like the Rite-Aids do, just like the Federal Government does with the veterans.

What is the difference? They are all made up of people. They are all made up of people. Medicare, yes, that is not 39 million people. Why not use that as a leverage to negotiate a fair price for your prescription medicine? It does not make sense not to do that. Any good businessman would do that.

Mr. Speaker, this is what we are trying to do with H.R. 664. I am sure they might have to raise the price. But let us let them raise their price in Mexico. Let us let them raise their price in Canada. Let us let them raise their price in Europe. Why should the American citizen, the senior pay the highest price for prescription drugs in the world? It does not make sense.

I am going to tell you when this thing comes down and I have got to choose on my right hand pharmaceutical companies, on my left hand the seniors, I will tell you who I am going to pick; I am going to pick those seniors, just like I believe the majority of this Congress will.

It is almost like the Patient's Bill of Rights. We could not get the bill passed. When that discharge petition was filed and the constituents back home started seeing who was not supporting them and they found out who their real friends were, guess what, that bill passed.

I have to believe that is going to happen right here. And I thank the gentleman from Maine (Mr. ALLEN) for doing this.

Mr. ALLEN. Mr. Speaker, those stories are legend. I have these letters from women who say I do not want my husband to know, but I am not taking my medication, because he is sicker than I am, and we cannot both afford to take the medications that our doctors tell us we have to take. It is a national scandal. We need to do something about it.

One of the people who has been working on this now steadily for the last couple of years is the gentleman from Arkansas (Mr. BERRY), who is a cochair with the gentleman from Texas (Mr. TURNER) and myself of the Prescription Drug Task Force in the Congress. And the gentleman from Arkansas (Mr. BERRY) has been terrific.

I thank the gentleman for his leadership on all of this.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN). I want to also acknowledge his great leadership, not only for the United States Congress, but for the State of Maine. Of course, the gentleman from Texas (Mr. TURNER) and the gentleman from Mississippi (Mr. SHOWS) have done a great job also in moving this issue forward.

We have heard a lot of stories here this afternoon. Who we are talking about is the greatest generation that Tom Brokaw wrote so eloquently about, the people that were born and grew up during the Depression fought World War II and then built this country into the greatest Nation it has ever been.

They thought they were working hard, playing by the rules and going to be able to retire in a decent situation, but because of the incredible costs of prescription medicine only in the United States, they have been forced to deal with untenable situations in their own personal economics.

Each day in our congressional office, we hear from more and more seniors that have to choose between food and medicine. I think we should make the point that the retail pharmacies are not making this money. The retail pharmacies have done heroic work in trying to provide this product to our senior citizens and to other Americans at a fair price. They have kept their margins down. Many times they have sacrificed not only their own profit but their own economic well-being trying to provide this medicine to the people that need it.

Mr. Speaker, the prescription drug manufacturers are the people that are making this money. They are the most profitable companies in the world. They pay less taxes than any other business in this country. The American taxpayer pays for much of the research and development of the new products that we hear so much about.

The drug companies will tell you if we lose these massive profits, we will not be able to develop new products. We have heard that story before. When generic drugs were made legal in this country, they said you are going to destroy us. They have more than doubled their investment in research and development, because they get a patent on their product. They have an exclusive right to sell it for 20 years.

We know that that just simply is not true. The point that has already been made, and I thought made well, what good does it do to have a new product if you cannot afford to buy it? I think that is a very good point.

Our seniors are put in that position every day where they cannot afford to buy the product that they need to keep them alive. Then the manufacturers chooses to sell these same products all over the world. You go anyplace else in the world, it does not matter, you can buy it for half as much as you pay here, or a third as much, sometimes a tenth as much.

It is unbelievable to me that we would allow that to happen, that we just let that go on and on and on. Mr. Speaker, I am not against the drug companies making profits. I think we all want them to be successful. We want them to do very well. We want them to keep doing research and development.

They do a great job of it. We want them to make money, but not by taking the food from the mouths of a senior citizen that has worked hard, played by the rules and deserves a whole lot better, and we promised them a lot better.

It is time for us to do something about it. Seniors spend more on prescriptions than they do for hospital and doctor bills now. When Medicare was first brought into being, that was not the case, the great fear in health care was that you have a big hospital or doctor bill.

But in the day of the world marketplace and in the Internet, it is unbelievable that we have laws in place in this country to give the prescription drug manufacturers a captive market. Only in this country do they charge these outrageous prices.

Another point I would make is that inflation for prescription medicines is about 15 to 18 percent a year, 3 to 4 times as much as for the rest of the economy. And many of these prices that go up every year 15 to 18 percent are on products that were brought on to the market 50 years ago. They have been around almost as long as I have, some of them longer.

We still keep raising the price and raising the price for no good reason, except that they can get by with it, except that we allow it to happen, because we do not have a competitive marketplace.

Mr. Speaker, the seniors in the First Congressional District of Arkansas over and over ask me when are we going to get some relief. It is a heartbreaking thing, as my colleague from Maine can attest to, to have to face these seniors and say I do not know, we are working on it. That does not help these folks much when their drug bills are from $200 to $300 a month to over $1,000 a month, and maybe their Social Security check is $500; that does not do much for them.

I do not blame them when they look at me, like what are you talking about? I need some help right now. It is time to do something. I am so pleased that the Democratic Caucus decided it is time to do something. We are going to sign those discharge petitions. We are going to do something about this.

It is time for the United States Congress to do what is right, to move this issue forward and to treat our senior citizens with the respect and dignity and fairness that they have absolutely earned.

Mr. ALLEN. Mr. Speaker, very well said, I say to the gentleman from Arkansas (Mr. BERRY), very well said.

I turn now to the gentlewoman from Florida (Mrs. THURMAN) who has been working so hard on this issue working in the Committee on Ways and Means and in her own district to try to lower the costs of prescription drugs for seniors.

Mrs. THURMAN. Mr. Speaker, I want to thank the gentleman from Maine (Mr. ALLEN) for yielding. I would also like to have the gentleman from New York (Mr. CROWLEY) join in this because I know our time is very limited.

Mr. CROWLEY. I thank the gentlewoman.

Mrs. THURMAN. I do just want to say, we had a hearing in the Committee on Ways and Means on prescription drugs, and I will tell you if people are watching this tonight, maybe they will turn on C-SPAN when this hearing is replayed, because it gave us some very interesting new information or at least information that has been around that was kind of reiterated.

I think one of the big issues that I heard today is just on the whole issue of the R&D and what is happening. One of the things that they pointed out, if I can find it here, was something done by Merrill Lynch who actually said that, and under your bill, basically said the toughest proposal on the table in Washington, because it is the best benefit, because it gives seniors about a 40 percent break in their costs, said assumed would provide a 40 percent price break for all Medicare beneficiaries, would reduce drug industry sales revenue by 3.3 percent, because of the volume prices.

I think what the gentleman from New York (Mr. CROWLEY) will tell you, if he will just give me some time back and forth, I will yield, you are going to hear why from our constituents. These are such compelling stories. This is not a partisan debate.

We went to our constituents and said, please tell us what is happening to you. And I say to the gentleman from New York (Mr. CROWLEY), I would love to hear what some of his folks are saying.

Mr. CROWLEY. Mr. Speaker, I would like to thank the gentlewoman from Florida (Mrs. THURMAN). I call now the main man on this issue, the gentleman from Maine (Mr. ALLEN), he is the main man as we say back in New York on this issue.

□ 1730

I have a letter here from two constituents of mine, Don and Gert Schwartz from Long Island City. I will not go into their ages, but they are considerably older than I am. And he talks about the fact that he had to purchase for his wife Prilosec, a hundred tablets, $394 dollars for just one prescription of Prilosec.

Somebody had a study done thanks to the help and aid of the office of the gentleman from California (Mr. WAXMAN). When you compare the prices between what people in New York and Queens and the Bronx are paying for prescription drugs and what they are paying just over the border in Canada, it is amazing. For the same drug in Canada, $184; $394 in New York. It is ridiculous. It is simply ridiculous.

Mrs. THURMAN. Mr. Speaker, it is ridiculous. Let me just give my colleagues some ideas of what happens when they get into the situation.

This is a letter, and I have not been able to ask them for permission to use this, so I am just going to kind of read an outset. "My father has threatened to give up his medications just so my mother can continue taking hers. This would mean he would die in a very short time." That is another kind of compelling thing.

I have another one from a woman who has taken her mother, who had a stroke, in her house. So not only is she having to care for her and having to have somebody come in and care for her, she is also having to pick up her prescription drug because she has no benefit; and she says it is absolutely crippling them.

Mr. CROWLEY. Mr. Speaker, I have another example here from a gentleman in Middle Village in Queens, New York, another constituent. He has to purchase efudex. He paid $104 in New York, which is the going rate. He did a lot of shopping around. His daughter brought back the same prescription for him when she was visiting Ireland, and she paid only $13 for the two; and that is without any insurance whatsoever. The price of $13 and go over to the other side of the Atlantic and it is $104.

Again, just the constituents alone. We are grateful to do the studies. We do not have to do these studies to find out. We just listen to our constituents, and they will tell us exactly what these findings are saying. There is something wrong here in this country.

And the work that the gentleman from Maine (Mr. ALLEN) and the gentlewoman from Florida (Mrs. THURMAN) are doing to pass this bill, which is so important to the people of this country, I really do applaud them all and all those people in this Congress who are supporting this measure. It is really what the American people want to see happen right now.

Mrs. THURMAN. Mr. Speaker, another thing that is happening, and the gentleman from Maine (Mr. ALLEN) can tell us, too, and certainly from the area that he is from, I mean, I have been absolutely envious of what New England is looking at doing and I think probably precipitated by the work my colleague has done here in Congress, all of a sudden they are starting to get a lot of heat in the State legislatures to try to do something about this and pooling, which really goes back to what we are doing here.

Mr. CROWLEY. The New Yorkers are doing the same thing, as well.

Mrs. THURMAN. Right, you are doing it with them because of the amount of people you can bring together. But it is because this issue has been raised by people like the gentleman from Maine (Mr. ALLEN), who have said, enough is enough, and there just comes a saturation.

But do my colleagues know what is even harder in all of this? It is a moving target on the costs. The target keeps moving for these people. Their incomes are not going up. And all of a sudden one month they go to the pharmacist and the pharmacist says this medicine, and here is a woman who is actually taking something to treat both advanced and early stage breast cancer, that is what the medicine is for, in May it was $132.22. In December it was $156.59. It is outrageous.

I do not know what is going on out there, but I tell you what, we are going to find out. I applaud the efforts, and I look forward to signing this petition tomorrow.

Mr. ALLEN. Mr. Speaker, I thank my colleagues and I thank all of the Members who have been here. Our mission is simple. We are trying to stop price discrimination and provide a Medicare prescription drug benefit, and we can do this. The Democratic Caucus is committed to those goals. If we can just get some Republicans on board, we can achieve it in this Congress.

Some seniors struggle monthly to buy medicine for themselves. Social Security payments rise with inflation, but drug prices have risen even more. Lanoxin, the most prescribed drug for older people, increased 15 percent from 1998 to 1999. More than 87 percent over 5 years.

I read conflicting statistics about drug prices. One editorial may say that prescription drugs Americans can already afford. They say the average cost of drugs is $350 per American per year. But they do not tell that this price included the entire population, old and young alike.

Seniors at the low end of the income scale, transplant patients, and the disabled need drugs continually to stay alive. By bringing the Stark-Dingell and Allen-Turner-Shows bills to the floor we can begin the dialogue needed to move forward.

Nearly half of those on Medicare have incomes less than $15,000 a year. A prescription drug benefit is what seniors on the low-income scale want and these two bills address those needs. We know we need to move forward in our discussions, and get these prescription drug bills on the House floor to discuss. We need to protect our elderly, Mr. Speaker.

Medicare should guarantee access to a voluntary prescription drug benefit and provide comprehensive coverage for seniors. Also, Medicare prescription drug benefit must not reduce access to other Medicare benefits.

I request that these two bills come to the floor so that we can all take part in a discussion on how to improve Medicare coverage, affordability, administration, and the quality of prescription drug access. Prescription drugs can prevent, treat, and cure more diseases than ever before. Prolonging and improving the quality of life. No one would design Medicare today without including coverage for prescription drugs.

For example, there is the case of a 70-year-old Durham, NC, widow with emphysema, high blood pressure, and arthritis whose monthly bills for Prilosec, Norvase, two inhalers, and nitroglycerin which has forced her daughter to take out a second mortgage on her home. (Testimony of Michael Hash, Deputy Administrator, Health Care Financing before the House Commerce Committee, Subcommittee on Health & Environment, Sept. 28, 1999.)

Only one in four Medicare beneficiaries or 24 percent has private sector coverage provided by former employers to retirees. I might point out, that the number of firms offering retiree health coverage dropped by 25 percent from 1994 to 1998 (Foster-Higgins research firm).

Currently, less than 1 in 10 Medicare beneficiaries has drug coverage from a supplemental Medigap plan. Costs for these policies are rising rapidly, by 35 percent between 1994 and 1998 according to Consumer Reports.

We need to talk about these two drug bills on the House floor today. The ranks of people of the age 65 will double to 70 million by the year 2030. On average, people over 65 fill between nine and a dozen prescriptions a year, compared with two or three for people between the ages of 25 and 44. These numbers are not hidden from the general population. They are in the Wall Street Journal. However, if the elderly do read and must make a choice between reading the Wall Street Journal and obtaining drugs to maintain daily life, perhaps, they are hidden from the population that is currently on Medicare.

I could go on, Mr. Speaker, but I feel that it is time to bring these bills to the floor. Therefore, I request the discharge of these two bills.

HMO REFORM AND CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. Ganske) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I want to speak about HMO reform and about campaign finance reform today. Let me start out with HMO reform.

A few years ago down in Texas, the Texas Legislature passed a series of HMO reform bills almost unanimously in their State legislature. These bills addressed issues like emergency room care. If you had a crushing chest pain and thought you were going to have a heart attack, you could go to the emergency room and then the HMO could not come back and say afterwards if the EKG was normal, well, we are not going to pay for this.

The Texas legislature addressed issues like access to specialists. They addressed issues like when an HMO would say we do not think that that treatment that your doctor and your specialist have recommended is medically necessary and then deny that care just arbitrarily.

So they held a big debate in Texas. This was now about 3 or 4 years ago. And the Texas legislature passed a series of bills, some of them almost unanimously, without dissenting vote I think in the Texas Senate and maybe with only two dissenting votes in the Texas House, sent those bills to the governor's desk, and he allowed them to become law.

At that time, the HMO industry in Texas said the sky would fall, the sky would fall. You will see a plethora of lawsuits; you will see premiums go out of sight; you will see the HMO industry in Texas shrivel up and move away.

Well, what has been the actual result? The actual result has been that, since Texas passed its law, there have only been about four lawsuits filed in the last several years; and those were primarily when the HMOs did not follow the law. The premiums did not go up significantly. There were 30 HMOs in Texas when the bills were passed, and there are over 50 now. That law is working.

So we passed a bill here in the House that was modeled after that Texas legislation, legislation that Governor Bush, for instance, has said that he agrees with and thinks ought to be Federal law. We passed that bill. And, once again, the HMOs said, the sky will fall, the sky will fall; premiums will go out of sight; etcetera.

Well, we got a score back from the Congressional Budget Office on the cost of the bill that we passed here on the floor by a vote of 275–151. And over 5 years, the Congressional Budget Office said the cost of that legislation would cause premiums to go up about 4.1 percent total, nothing in the first year probably, and then maybe about 1 percent each year for about 4 years and that would be it.

The cost of that reflected in the average premium for a family would be about the cost of a Big Mac meal once a month. Not exactly the sky is falling, the sky is falling. In fact, the part of the bill that cost the most was the part that is designed to prevent lawsuits, and that was the internal and external reviews part.

So I would call my colleagues' attention to the Congressional Budget Office. But be careful, because the HMO industry in the past has said that these percentage increases are annual percentage increases. That is wrong. When we see 4 percent, okay, that is 4 percent cumulative over 5 years. So be careful on that.

Mr. SHAYS. Mr. Speaker, will the gentleman yield?

Mr. GANSKE. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, I have seen the gentleman from Iowa (Mr. GANSKE) on the floor of the House so many times talking about this issue. And I have learned a lot. I have learned a tremendous amount, and it was ultimately why I was very happy to support his legislation.

I represent a district with a lot of Democrats, a lot of Republicans, a lot of conservatives, a lot of moderates and liberals. It is a very mixed district. But in one town meeting I had in Greenwich, Connecticut, which is pretty much a more conservative area of my district, I had a number of people at a town meeting. They were young. They were old. I could tell from the very issues they were talking about that they were the whole range of the political spectrum. And I asked this question, I said, "How many of you think that if an HMO causes the injury or death of someone that they should be held accountable or liable?"

I expected about maybe two-thirds of the hands to go up. Every hand went up. In fact, in some cases both hands went up. And then there was story after story. And I also submitted to my constituents a questionnaire asking them about health care and there were various choices, and one of them was we should keep the health care system the way it is. Only 3.5 percent responded that we should keep it the way it is. This really kind of shocked me. Twenty-five percent wanted to eliminate HMOs.

Now, I am a strong supporter of health maintenance organizations, but to have 25 percent of the 15,000 people who responded to my questionnaire wanting to get rid of HMOs for me was a big wake-up call. And it just spoke volumes about how we need to do what is in the legislation that my colleague has championed. To be able to have a process that would encourage people to get the proper health care that they need without going through a litigation process makes eminent sense. But, in the end, there always has to be that final hammer to try to encourage sometimes proper behavior.

I want to thank my colleague for being such a fighter on this issue. And I know and I hope that we will eventually get to another issue that is near and dear to both him and me. But I appreciate what he has done for so long on this issue.

Mr. GANSKE. Mr. Speaker, I appreciate my colleague from Connecticut (Mr. SHAYS) joining me for this special order because I think that we are going to have some fun with some of these issues.

This is one of the reform issues that we are dealing with here in Congress. My colleague has been a leader on one of the other reform issues, and that is campaign finance reform; and I have been happy to work with him on that issue. I am glad that he is here. Because now that this issue, campaign finance reform, has really come to the front of the presidential campaigns, I hear things said by some candidates that make me concerned. It is almost like you could not be a Republican if you support campaign finance reform, even though there are a lot of Republicans who support campaign finance reform.

There are a lot of Republicans who support campaign finance reform, and I worked with the gentleman from Connecticut (Mr. SHAYS) on this issue all across the political spectrum. I have a pretty darn conservative voting record, and there are lots of other conservatives who have joined with him on this issue because we feel so strongly that this is so important to the honesty and integrity of our political system.

I mean, we have a gentleman like the gentleman from Tennessee (Mr. WAMP) who is really a conservative Republican. We have a conservative Republican, the gentleman from South Carolina (Mr. GRAHAM), who has stuck with us on this issue. And so I want to address the issue today.

When we talk about campaign finance reform, let us do a little education of our colleagues on this. I wonder if the gentleman from Connecticut (Mr. SHAYS) can sort of share with us how this issue got started really full blast in 1995 and 1996. Why do we need campaign finance reform?

Mr. SHAYS. Mr. Speaker, there are a number of reasons why we need it; and we need it more desperately as each year goes. But I would first say that we have needed to reform the system for many years.

One of the things that is very clear is we have had a hard time finding consensus because we each have our own campaign finance reform bill. So one of the first key things to do was to see if we could build consensus amongst different groups.

But in terms of why we need it, we need it because, in this democratic system of government, we need to make sure that decisions are being made based on merit and based on what is right for our country and not based on who gave me this campaign contribution or that campaign contribution.

□ 1745

When you had the abuses in 1974 centered around Watergate and all that was involved, the majority party made two decisions. One, they were going to hold President Nixon accountable and they were secondly going to reform the system. They did both. I have been hard pressed to know why we did not take the same tack as this new majority. We needed to hold President Clinton accountable, and we needed to reform the system. Our failure to reform the system then calls into question in the minds of some of our constituents, "Well, you're just doing this to get the President." No, we needed to hold the President accountable, but then we needed to reform the system to make sure the decisions, to the best of our ability, are based on merit, not based on the kind of money that was contributed.

Now, in 1974 they devised a system, you would limit what a candidate could spend and you would limit what a candidate could raise in terms of individual contributions, and you would have a system where both of them worked. The Supreme Court said it is constitutional to limit your overall individual contributions but you cannot limit what someone spends, so a wealthy person can spend whatever they want, and a wealthy person under the law can spend whatever they want helping a particular candidate as long as they do not work with that candidate. But once they begin to work in tandem with that candidate, then they come under the contribution limitations. Those contributions were $1,000 for an individual and $5,000 for PAC contributions.

One of the confessions I would say as I worked on this issue, I thought the real problem were the political action committees because they were, quote-unquote, the "special interests" and so I looked to eliminate political action committee money. As I went around the country and around my State arguing on this issue and debating people, I felt I was losing the argument. I began to realize that people had a right to assemble under a political action committee for whatever special interest they want. And then a candidate has the right or not to accept it. But a political action committee contribution is $5,000. That is it. That is the limit.

Soft money, which is the unlimited sums contributed by individuals, corporations, labor unions, and other interest groups have made political action committee money look saintly because it is unlimited, and it has brought in such incredible amounts of money that most reasonable people could concur, and concur rightfully, that Members' votes are affected by the large contributions that are given.

Mr. GANSKE. Let us take an example from today. Governor Bush has raised $67 million. There is nothing wrong with that. That money that he raised was from individual donations under Federal law at $1,000 maximum per individual.

Mr. SHAYS. That was the maximum that he could receive.

Mr. GANSKE. That was the maximum he received. He received millions of smaller contributions, just as all the presidential candidates have. That is the current law. We ought to be clear. There is nothing wrong with that. You do not think there is anything wrong with that. I do not think there is anything wrong with that. I do not think there is anything wrong with a political action committee working on an issue, getting people of a similar interest together, forming a political action committee and making a contribution under current law to a candidate.

I would say that that is not what we are talking about, where the problem is. For goodness sakes, Governor Bush with $67 million, does anyone think that any one of those $25, $50, $500, or even $1,000 donations is going to unduly influence the Governor from Texas? Of course not. Just like it does not influence anyone here in Congress. However, what we are talking about in the soft money area is not a maximum of $1,000. We are talking about donations of half a million dollars or one million dollars from individuals, or from labor unions, or from corporations, donations of that magnitude that are basically unregulated by the Federal Election Commission, that were originally designed for party building. We will talk about the issue ads.

Mr. SHAYS. Let me if I could just say that the significance is that soft money creates a gigantic loophole. It allows corporate treasury money to be contributed, whereas the law in 1974, the individual contribution limits and the political action committee never allows for corporate treasury money to be contributed to a candidate. It allows for labor unions to get around the law because it is illegal for labor unions to contribute to political campaigns.

Mr. GANSKE. Other than through their political action committee.

Mr. SHAYS. They can set up a political action committee and they can advertise and their members can also contribute as individuals. But the 1974 law made it illegal for foreign individuals, not citizens of the United States, not residents of the country, made it illegal for them to contribute, but they too can contribute soft money. It is the gigantic loophole.

Let me just back up and give a little more detail. In 1907, Theodore Roosevelt got elected, he actually got elected before then, but he got elected using corporate treasury money. The public was outraged by it, and Theodore Roosevelt and Congress decided to ban any corporate treasury money from being contributed to campaigns. They did not mind individuals contributing. They thought it was wrong for corporations to contribute.

In 1947, actually earlier during World War II, it was illegal for union dues money to be used in campaigns. And then Congress codified this executive order in 1947 in the Taft-Hartley law, making it illegal for union dues money to be contributed to campaigns. And in 1974, Congress and the President made it illegal for foreign money to be contributed to campaigns. Now, the amazing thing is it is illegal and yet all three things are happening.

I know my colleague has his own personal experience as it relates to union dues money, but beforehand let me just introduce what I saw in the newspaper on February 13. This was an AP story. It said, "The labor federation is committing $40 million to put GORE in the White House and to win back control of Congress for its allies, traditionally Democrats." I look at this and I say $40 million of union dues money, that is illegal. They cannot do it. Except they can do it with this soft money loophole.

Mr. GANSKE. This brings back to me vivid memories of 1995 and 1996. Let me give the gentleman an example. In 1995, President Clinton started his White

House soirees and fundraising and the Lincoln Bedroom and all of that and helped the Democratic National Committee raise $44 million, basically through soft money, donations, large donations that came from individuals, corporations, and labor unions and went to the Democratic Party. Now, that money is supposed to go for party building. What did it go for? It went for this. Here was an ad that was run against Senator Bob Dole, paid for by soft money.

"America's values, Head Start, student loans, toxic cleanup, extra police, protected in the budget agreement. The President stood firm. Dole-Gingrich's latest plan includes tax hikes on working families, up to 18 million children face health care cuts, Medicare slashed $67 billion. Then Dole resigns, leaving behind gridlock he and Gingrich created. The President's plan? Politics must wait. Balance the budget, reform welfare, protect our values."

Now, that is a campaign ad. I have seen a lot of campaign ads, and that was run all during the summer of 1996 when Senator Dole did not have any money. And it was raised from soft money.

Mr. SHAYS. But there are really two parts to this.

Mr. GANSKE. There are two issues here, I agree. One is the issue advocacy ad and the other is the soft money. But the funding for those ads came from soft money. Now, I do not have a problem with a labor union forming a PAC and using that PAC money, under the rules for those ads.

Mr. SHAYS. The reason you do not have a problem is it is voluntary, the members can contribute or may not but it is not taken out of their union dues money.

Mr. GANSKE. Let me give the gentleman another example. The Democratic National Committee ran this ad. Soft money again.

"Protect families. For millions of working families, President Clinton cut taxes. The Dole-Gingrich budget tried to raise taxes on 8 million. The Dole-Gingrich budget would have slashed Medicare $270 billion and cut college scholarships. The President defended our values, protected Medicare and now a tax cut of $1,500 a year for the first 2 years of college, most community college is free, helps adults go back to school. The President's plan protects our values."

Paid for by soft money.

Here is one. This is a really interesting ad. This is from 1995–1996, paid for by soft money to Citizen Action from the Teamsters. We can talk about this connection. This is how corrupting the soft money can be, but here is the ad that Citizen Action put out:

"They've worked hard all their lives, but Congressman Cremeans voted five times to cut their Medicare, even their nursing home care, to pay for a $16,892 tax break he voted to give the wealthy. Congressman Cremeans, it's not your money to give away. Don't cut Medicare. They earned it."

Soft money paid for it.

An investigation was done on this. The Teamsters set up a deal. They gave a big contribution from their union funds to Citizen Action, which is fine. They can give to charitable organizations. The deal was that Citizen Action would give back money to one of the candidates running for President of the Teamsters, and the Democratic Party was involved in this, also. But the point of this is that this is where these big chunks of money can be moved around behind the scenes. And we do not even know who gave the money to some of these organizations that run these ads. It is, quote, soft money. We do not know how the money is intermingled with legitimate contributions to parties and then with these huge soft money donations.

Here is another example of a soft money donation. I know this one real well, because this one was run against me:

"It's our land, our water. America's environment must be protected. But in just 18 months, Congressman Ganske has voted 12 out of 12 times to weaken environmental protections." By the way, I sent a rebuttal on that to the Des Moines Register. "Congressman Ganske even voted to let corporations continue releasing cancer-causing pollutants in our air." By the way, I helped pass one of the best environmental bills. "Call Congressman Ganske. Tell him to protect America's environment, for our families, for our future."

Soft money. And also the issue ads.

We need to think about what brought this on primarily. We saw in the 1995–1996 election cycle an explosion of behind-the-scenes giving of huge contributions by individuals, corporations, and unions to parties; and then the parties took that money and they did not use it to just go out and get a voter registration guide, they used that money for issue ads on TV that were nothing less than full campaign attack ads. Independent surveys have shown that 80 percent of those, quote, issue ads were actually attack ads.

Mr. SHAYS. I am torn by this feeling that I want to kind of clarify and be a little more precise between soft money and what I call sham issue ads, which are really good campaign ads, much like you might want to correct me in some of the intricacies of HMO reform.

Mr. GANSKE. Some issue ads are funded by soft money.

Mr. SHAYS. I am going to hope the gentleman will be patient with one aspect of this. Congress last year passed in early September campaign finance reform. It was a bipartisan effort.

It dealt with four basic issues. First, it banned soft money, thereby getting rid of the loophole that allowed corporations, labor unions, and foreign money to filter itself into campaigns because soft money was not defined as campaign money even though you have clearly illustrated it is.

Second, we called the sham issue ads what they are, campaign ads. We do not ban them. We call them campaign ads. As soon as you do that, out goes the corporate money, the union dues money, and foreign money. And really what you were faced with in a technical term, soft money goes to the political parties, and it goes to the leadership PACs.

□ 1800

You were faced with the unions taking, frankly, union dues money, and spending it on a sham issue ad, but because it was not called a campaign ad. The 1947 Taft-Hartley law did not come into effect. You were basically faced with this almost unlimited sum of money that kept coming in.

The third thing that we did is we required FEC enforcement, Federal Elections Commission enforcement, right away, and we had disclosure on the Internet right away, filing on the Internet and disclosure on the Internet, so the FEC could hold you accountable before the election, rather than 6 years after.

There is that wonderful memo, I call it wonderful, from Mr. Ickes to the President that said to the President, we are going to be fined about $1 million because of campaign violations. He said this while the campaign was going.

The President, this is what I consider wonderful, the President wrote next to it, "ugh," in his signature. He knew they were breaking the law, he was not happy about it, but he also knew it would be dealt with 3 or 4 or 5 or 6 years later and the public would not be focused on it.

The last thing we did was establish a commission to look at all the things we have not dealt with. Without getting into a lot of detail, maybe the individual contribution limit should be increased, maybe the amounts contributed to the political parties should be increased, maybe 50 percent or more of your contribution should be in State or not. We did not deal with those issues, because when we started this conversation, we were trying to build a consensus on a bill we could pass.

This bill went to the Senate, and this bill had more than 50 percent of the Members supporting it, 55. The bottom line to it was it needs 60 percent. So you had 52 members supporting it, 53, 54, 55; but you need 60 to break the closure, that would invoke closure, so you could then vote on the bill.

So a majority in the Senate support campaign finance reform. I would love to get into this area that I just think is the reason why I am really out on this floor today. You are a Republican; I am a Republican. We could have invited our Democrat colleagues to participate. But we supported this bill.

One of the things we are hearing is quote-unquote "This bill will hurt Republicans." Well, I would like to make a few comments. First off, that is truly an irrelevant statement if in the end we are doing what is right for the country. Now, it is not irrelevant that it should treat both parties fairly; one should not gain an advantage over the other. That is clearly the implication of the argument.

But it is not really about that, and I believe that some of the opponents who say that really do not believe it. What I think they think is it will hurt certain people in the party. It will hurt those who have been able to amass great sums of money; and then they, some leaders, the national parties, get to dole it out to the candidate who is doing what they want.

So not only are you seeing a corruption of this process with big corporate money and big union money and foreign money, which is made legal through the sham-issue ads and the soft money, not only have you seen that kind of corruption; but we are seeing another kind of corruption, because some people get this money, and then they are able to direct it to the people they want to have it.

You know what, you may not get that money, Mr. GANSKE, because you may not be in the image that they want you as a Republican. The Democrats may not see some money, certain Democrats, because they are not in their image, even though you are representing your constituents exactly the way you should.

Let me get in more detail, if you would allow me.

Mr. GANSKE. Let me just interject. The gentleman is right. I was talking about two issues at the same time. One was the issue of personal advocacy and the other was soft money. Some of these issue ads were run with millions and millions of dollars of soft money, i.e., the ads that President Clinton ran through the Democratic National Committee.

It is reported, but it is in unlimited amounts.

Mr. SHAYS. If it comes from the political parties, if it comes from some leadership PAC, it is probably soft money. But the union dues money and all the special interests, they do it primarily through the sham-issue ads.

Mr. GANSKE. And the sham issue ads may be funded by soft money, i.e., if they are paid for by the national parties. But they may also be paid for by who knows who.

Mr. SHAYS. Who knows.

Mr. GANSKE. Who knows. Who knows. Then you have basically a lack of truth in labeling, because you could have some committee set up that sounds great, the Committee to Save Medicare or something like that.

Mr. SHAYS. And you do not know who is a part of that.

Mr. GANSKE. You do not know who is part of that. But, you know what? Maybe some of those funds were given to this "charitable" organization out of a national party, and those were soft money funds used by those donations from the national party.

We have talked about the Democrats, okay, and the examples I have given were that. This occurs on both sides of the aisle.

Mr. SHAYS. It is more fun to talk about the other side of the aisle. Is that what you are telling me?

Mr. GANSKE. What I want to say is this: I agree with you. This should not be an issue decided on what is the best thing for my party, okay? I do not make that kind of decision when I look at this legislation. I think about what is best for the country.

It looks to me like when everyone in the country knows that special interests here in Washington are giving millions of dollars at a time to gain access, to maybe put a bill on the floor or keep a bill off the floor and to influence legislation, then it really hurts the process.

But I would also say this: the bill that we passed here in the House of Representatives, the Shays-Meehan bill, that was a fair bill. It was fair to both parties. Both parties have been involved in this soft money issue, both sides have used issue ads. In my opinion, this is a fair bill, and we ought to talk about that for a bit.

Mr. SHAYS. I would love to just talk about the actual numbers. So you and I do agree that the first issue should not be does it help or hurt one party: it should be what is in the best interests of our country to save our democracy from these unlimited sums of corporate and union dues money and other special interest money, the unlimited sums. But I could ask it in reverse and say how would this have hurt our party?

Well, you could say well, just take the 1996 presidential election. Republicans raised in soft money $138 million. Democrats raised $124 million. Both raised a significant sum of money, which, by the way, certain people can direct just to the places they want to direct it to. So Republicans would have lost that $14 million advantage. But it is $14 million. When you are looking at numbers of $124 and $138 million, it is a small percent.

By the way, right now our colleagues on the other side of the aisle have raised more soft money in the DNC, in their congressional committee, than Republicans have.

Mr. GANSKE. If the gentleman would yield, we just saw a report in Roll Call, the newspaper that covers the Hill, that shows that the Democratic Congressional Committee has raised more in soft money than the National Republican Congressional Committee.

Mr. SHAYS. Right. So some years we might raise more; some years they may. But just comparing 1996, what my side of the aisle does not want people to know, those people who oppose campaign finance reform, in hard money, this blows my mind, Democrats raised $221 million in hard money contributions.

Mr. GANSKE. These are the maximum $1,000 donations.

Mr. SHAYS. The difference between soft and hard money, soft money is unlimited, hard money is limited campaign contributions. The Supreme Court said clearly, they just affirmed it in the Missouri case just a few weeks ago, it is constitutional and proper to limit what individuals can contribute. In the limited dollars, which we do not impact, Democrats raised in 1996 $221 million. That is a lot of money. What do you think the Republicans raised? Democrats raised $221 million. Republicans raised $416 million. So we saw $195 million raised more by Republicans than Democrats in hard money, and we do not change that law.

Now, I will say what I think evens it out is my colleagues on the other side of the aisle have a lot of friends in Labor. While Labor cannot under our bill contribute soft money, and while they cannot have the sham-issue ads where they can use union dues money, they can still have ads; but they have to use political action committees. They still have a plethora of union workers to go to the polls and stand outside. So they have a clear advantage there.

We have a clear advantage in the hard money contributions. They have a clear advantage in the number of workers they can get out on election day and make some calls beforehand.

But our bill prevents all that. Corporate treasury money that goes to both parties, all the union dues money that goes, it is illegal. It has been against the law since 1907 for corporate treasury money to be contributed to campaigns; it has been against the law since 1947 for union dues money, and against the law since 1974 for foreign national money.

Mr. GANSKE. If the gentleman would yield, because I think this is important, some people talk about paycheck protection as a part of campaign finance reform. By that they mean that every so often an employee who is in a labor union would have to give affirmative assent to having part of his dues used for political purposes. But tell me what the current law is on that?

Mr. SHAYS. The current law is it is illegal, and I have a hard time understanding why my side of the aisle wants to legalize a process where if we are just talking now as Republicans who are being criticized for somehow allowing unions to do something that Republicans do not want; it is against the law for union dues money to be contributed to campaigns.

Mr. GANSKE. Is it not true that a member of a labor union can tell his union, I do not want any of my union dues used for that?

Mr. SHAYS. That is another issue. I would just like to respond to that. Let me make this point, and I will get right to that point. I have a personal example to respond to your question.

The point that I first want to make is, paycheck protection, I voted for it. But paycheck protection would allow a union member to use his union dues in campaigns when the 1947 law makes it illegal. I am hard pressed to understand why my side of the aisle, that professes not to want to see union dues money in campaigns, why they would want to allow union dues money to be used if a union member says fine, because it is not necessary. A union member can contribute to a PAC.

Why would they want to overturn the 1947 law that makes it illegal? They should want to enforce it by banning the sham-issue ads, out goes the corporate and union dues money, and enforcing the 1947 law that says the corporate money goes out.

What I am talking about is a very interesting issue, the Beck case. I can give you a real live example. Someone in my family, a schoolteacher, supported the Republican candidate. Before the Republican candidate could even be interviewed by the labor unions, her teachers' union, the CEA, the Connecticut Education Association, they had already endorsed the Democratic candidate.

My wife was a Republican and supported the Republican. She was outraged that they did not, "outraged" is a strong word, she was unhappy. She voiced her unhappiness, rightfully so, and she learned that she did not have to have her union dues money go to this. She just simply said, Take me off as a union member; I will pay the agency fee.

Now, that is the way the Beck law works. The problem is, and we have it in our bill that passed, we need the unions to proactively tell their employees that they do not have to see any money go for this.

Mr. GANSKE. This is a very important point, because this is part of the bill that we passed in the House.

Mr. SHAYS. Yes. And the bill that we passed in the House made it a proactive responsibility of the union to notify their members that if they did not want their union dues money to be going to any campaign through the soft money, that loophole, and the sham-issues ads, that other loophole, they could say they did not want it and withdraw as a member of the union and still pay the agency fee, which is the union dues money minus what goes for political purposes.

My wife took advantage of it. She took advantage of it, and for a number of years her money was not contributed to places she did not want. The sad thing clearly was that she was forced to have to withdraw from the union.

Mr. GANSKE. I think it is also true that some Departments of Labor under different Presidents more vigorously than others required that that Beck decision be made known to members of unions.

Mr. SHAYS. And the Beck decision was this: it was a decision that if you were not a member of a union, you did not have to have your money go for political purposes. It was not a decision that said if you were a member of a union that you did not have your money go. You had to leave the union, and then your money did not go for political purposes.

□ 1815

Mr. GANSKE. Now, some people say that these issue ads, banning them would just protect incumbents. I disagree with that. Issue ads are run on both sides. They are run for incumbents, and they are run for challengers. Would the gentleman care to respond?

Mr. SHAYS. Mr. Speaker, that is true. The point I need to make is issue ads can continue as campaign ads. It is a real surprise to me that people said, if we do not allow an issue ad, we have deprived people of their voice. No. They can still advertise. If one is a strong believer in right to life, one can raise as much money from one's members under the requirements of the law, and whatever one raises, one can spend.

Does anyone doubt that the right to life organization has the ability to raise millions and millions and millions and millions and millions. A good example, actually, Right to Life right now is attacking one of the candidates who is supporting the bill that we support. They are saying that he has denied them their voice. The interesting thing is, this time, they are using PAC contributions.

So they have affirmed that they can do exactly what we said they could do. They are right now campaigning against one of the candidates in South Carolina. This is an individual that they campaign against who is pro-life, but they do not like the fact that they support legislation to ban soft main and sham issue ads, campaign ads, and they are advertising against that person, not with sham issue ads, they are doing right up front. They are doing it with political action committee money.

Mr. GANSKE. Mr. Speaker, this needs to be reemphasized. When we are talking about banning phoney issue ads, we are not talking about organizations that cannot put up those ads. We are just talking about the way they have to be financed.

Mr. SHAYS. Exactly, Mr. Speaker. The key is that if one calls it a campaign ad, out goes that corporate treasury money and the union dues money, which is, it seems to me, what both sides of the aisle should want to have happen.

Mr. GANSKE. Mr. Speaker, there are many proposals out there for campaign finance reform. One of the more interesting ones I have recently seen was a proposal that would prevent incumbents from transferring funds from one Federal campaign to another, i.e., let us say that a Member of the House had a campaign fund set up for his reelection to the House, but then he decided to run for the Senate. Under current law, one can roll that over, whatever amount one has in there over into one's Senate run.

Now, I would suggest to my colleagues that the reason why whoever wrote this bill in the Senate did not think that that was a good idea was because if one was a Senator and one included a provision that said, nobody in the House could roll over their House congressional fund into a Senate fund, that would be a Senate incumbent protection act.

Mr. SHAYS. Mr. Speaker, as we debate this issue, there are so many responses one can make as to why someone would support legislation or not. Actually, there is a part of me that thinks that makes sense and the gentleman does not. It is a wonderful illustration of how we came together on the four key points. Because there were a number of people, particularly on my side of the aisle, and I happen to agree with them. I think most of the money should be raised in State. I do not think one should raise most of the money out of State.

Mr. GANSKE. Mr. Speaker, I agree with the gentleman.

Mr. SHAYS. The challenge we had, there were others who came from districts that were very poor and had to reach out across district lines who were supporting the legislation where we were able to build consensus with our colleagues on both sides of the aisle. This truly was bipartisan, and with respect to my Democrat colleagues, there were more Democrats who supported this legislation than Republicans, but there was a large number of Republicans as well that did.

Bipartisan bill: Ban soft money, call the sham issue ads what they are, campaign ads, and by doing that we eliminate the loophole and enforce the 1907 law that bans treasury corporate money, the 1947 law that bans union dues money, and the 1974 law that makes it illegal for foreign governments to contribute to campaigns. It just seems to me such a sensible way to proceed.

One of the things, in closing; we do not have to use all of our 14 minutes left, or now 10, but I would say to the gentleman that I am excited by the fact that campaign finance reform has proved to be an issue the American people want debated. It is not just about the issue of campaign finance, it is about something a little deeper, and that is what do we do to protect the integrity of our democracy; what do we do to protect the integrity of the House and the Senate and the White House. These are very big issues.

When I asked this question in my questionnaire, I made a statement. I asked my constituents to say whether they agreed or not and 15,000 responded. In this number, a total of 82 percent of my constituents believe this statement: that our democracy is threatened by the unlimited sums contributed by corporations, labor unions, and other interest groups, and they are right.

I am excited, because we are going to hear a debate tonight on our side of the aisle, and I think campaign finance reform is going to be a major factor. I hope both candidates will support banning soft money and calling the sham issue ads what they are and having people advertise campaign ads and pay for them as campaign ads. If we see that happen, I think we will see our democracy not under the thumb of so many special interests.

If I could have the courtesy of my colleague just to say to him that some of our colleagues take offense by my suggesting that somehow, we have been compromised. But the fact is, when we get $100,000 or $500,000 or $1 million that goes to one group on one issue, one has been compromised. This system slowly corrupts everyone that is in it.

Mr. GANSKE. Mr. Speaker, even if there is not wrongdoing, then there is certainly the appearance of wrongdoing.

Let me give the gentleman an example. One of the largest contributors to the Democratic National Committee was the chairman of Loral. Now, Loral needed an authorization to sell satellite technology to China. The administration gave them that authorization even though it is possible that that technology is now being used on missiles from China, based in China that can target the United States with nuclear weapons.

Now, I do not have the information to know exactly how that decision was made by the administration, to give Loral authorization to sell that technology to China, but I do know this: that when the public sees that this CEO gave $350,000 or some such similar very, very large amount in soft money to the Democratic Party, then the public starts to wonder whether, in fact, that type of huge soft money donation has influenced policy. I think that is very detrimental to our public process.

Mr. SHAYS. So, Mr. Speaker, the bottom line is, we would like to restore some sanity to this process and a majority of Members in this House want to, a majority in the Senate want to, but not enough to end debate and to have an up or down vote on campaign finance reform.

But the American people are being exposed to this issue and candidates, all four of the major candidates now are coming forward with their versions of campaign finance reform, and in every instance touching at least on soft money as it relates to corporations and union dues; some reluctant to deal with the sham issue ads.

It is a healthy debate, it is one that the American people are paying attention to, contrary to what some of our colleagues here said that the public just does not care. They care a whole lot about this issue, of restoring integrity to our political system.

I really thank my colleague for letting me join him in this colloquy and for the opportunity to speak, and I thank our Speaker for his patience in allowing us to have our full time.

Mr. GANSKE. Mr. Speaker, I thank my colleague from Connecticut for being a leader on this issue, and I hope that Congress is able to proceed with actually getting some legislation signed into law.

Mr. SHAYS. Mr. Speaker, I would be derelict in my duty if I did not acknowledge that the gentleman too has played a major effort in this, and in many cases more than I have in the gentleman's constant effort and his own personal experiences in dealing with the flawed campaign system.

BLACK HISTORY

The SPEAKER pro tempore (Mr. KINGSTON). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we passed a bill today which deals with black history. Black history is being featured this month, the month of February. A number of my colleagues said they might join me to go further in the exploration of important aspects of black history tonight. I welcome them.

I also think that what I have to say tonight about the budget and the proposed Congressional Black Caucus alternative budget is very much related to our concerns with black history. There is an opportunity here with this budget this year and the budgets that come for the next 10 years, an opportunity to deal with an overriding question that ought to concern more Americans, and that is what does one do about the impact and the long-term effects of the 232 years of slavery, the 232 years which denied one group of Americans the opportunity to own property and to gain wealth and, therefore, all of their descendents are behind the rest of the American mainstream population because they did not have any people to inherit anything from; and it appears that for some reason that is related to them individually or genetically, that they just cannot keep up economically with the rest of America. If we look at it without looking at history and without examining the fact that 232 years of slavery denied the right to own property and to accumulate wealth, then one cannot explain the phenomenon.

So, as we look at the preparation of the budget for this year in a time of great surplus; we are projecting a surplus over the next 10 years of $1.9 trillion. We will have more in revenues than we spent, even after we take out Social Security surpluses and Social Security surpluses are put in a separate so-called lockbox, we still have, after preserving all of the surpluses in Social Security, we still have $1.9 trillion projected over the next 10 years. It is an opportunity to deal with some deficiencies that have been on the books for a long time. It is an opportunity to emphasize the need for programs or the initiation of programs for people on the very bottom.

We passed a bill today related to Carter G. Woodson and Carter G. Woodson's role in keeping the whole idea of black history alive. I am going to try to show tonight that we have an opportunity by examining black history, examining the history of African Americans in the United States of America, we have an opportunity to understand some greater truths and to understand how we can utilize the present window of opportunity in terms of a budget surplus of unprecedented magnitude which can allow us to take steps to make some corrections of some of the conditions that are highlighted when we examine black history, some of the injustices that are highlighted.

□ 1830

Carter G. Woodson never emphasized the concept of reparations, but at the heart of the matter of the concept of reparations is that somehow this great crime that took place in America for more than 232 years ought to be rectified. There ought to be some compensation.

Every year, every session of Congress, the gentleman from Michigan (Mr. CONYERS) for the last 10 years has introduced a bill which deals with reparations. I want to relate how the passing of the legislation related to Carter G. Woodson and the study of black history is related to the reparation legislation that the gentleman from Michigan (Mr. CONYERS) introduces every year.

I want to go beyond that and show how it is also relevant to a recent book published by the head of TransAfrica, Randall Robinson. It is called "The

Debt;" D E B T, "The Debt." Then I want all of that to come back and be applied to our development of the Congressional Black Caucus alternative budget.

As I said, I will be joined by some colleagues of mine who will talk about various aspects of black history.

I had a history professor when I was at Morehouse College who had great contempt for the whole idea of celebrating or in any way highlighting black history. He thought that when we pull out separate facts and dates and heroes from one set of people and we magnify that and make it more visible and try to build history around that, it was the wrong way to proceed; that scholars like himself always saw history as a complicated, interwoven set of developments, and we cannot really have history that highlights certain basic facts about one people or another.

Well, I think that the scholar of history has a point there. We understand that when we are dealing with history as a matter of the record to be read mainly by other scholars and journalists and various people who have a great interest with dealing with history at that level, where it is most accurate, most comprehensive, there may be an argument.

But in terms of popular education, the fact is that those same scholars and historians over the years were leaving out, totally leaving out consideration of any developments that related to African-Americans or to slaves or the descendents of slaves, and that Carter G. Woodson wanted to let African-American children and adults know that here is a history that they are part of in the most constructive way.

So he started by highlighting positive achievements of Negroes in America, positive achievements of the descendents of slaves and of slaves themselves. He highlighted the fact that Benjamin Banneker was involved, very much so, in the layout of the city of Washington.

He was part of a commission. Benjamin Banneker was a black man. He was part of a commission that determined how Washington would be laid out. With the architect, L'Enfant, L'Enfant, he was there. Some parts of the plans were lost at one point, and Banneker restructured the plans from his memory, and played a major role in carrying out the grand design that we all see in Washington here in terms of the way the Capitol was laid out and the White House is placed in a certain place, and the Mall and the streets and all, that was part of the original grand design for Washington. There was a black man, Benjamin Banneker, involved. Nobody bothers to note that.

So Carter G. Woodson was the kind of person, a historian, who felt that those little facts that are left out become important; the fact that Crispus Atticus was the first man to die in the Boston massacre, and the fact that he was black was not properly noted until people like Carter G. Woodson brought it to our attention. The role of blacks in various inventions and various other developments was completely left out until Carter G. Woodson brought it to our attention.

I think Randall Robinson wants to go much further. His book is new and has just come out. He is raising the study of black history as part of American history to a different level. He sat in the Rotunda of the Capitol and looked at all of the friezes that are carved around the Rotunda today.

He begins his book, his introduction, by discussing the fact that in that frieze and in that set of depictions that are carved, we find no black people. He notes that fact as he ponders how the stones got to the Hill here, how the stones were lifted up. We had no cranes and no machinery.

He notes the fact that to build the Capitol there was a request that was sent out for 100 slaves, 100 slaves to begin the work of the Capitol. That is how it started, those 100 slaves. Their masters were paid $5 a month for the work of those 100 slaves. That is a fact that we will not find anywhere in any of the books that the Architect of the Capitol has and the Capitol historian. They do not have those facts. We have to go hunt for them somewhere else.

So the study of black history as part of overall American history becomes very important, either when we look at the details one by one, the accomplishments, heroes people overlook, or when we look at the broader issues of labor, economics: Who built this country, whose sweat, whose labor built the country. When we look at the facts there, there is an important lesson to be learned. There are some unpaid debts. That is why Randall Robinson has chosen to call his book "The Debt."

Before we get to those kinds of concepts, and I often have young people ask me, why do not you and Members of the Black Caucus place greater emphasis on fighting for reparations? Why do you not throw down the gauntlet and demand that there be reparations for the descendents of slaves?

The reparations idea is now very much accepted in Europe, and maybe the Japanese will accept it soon. They are holding back. They will not even apologize for the way they ravaged China, let alone concede that some reparations are owed. But in Europe they have accepted it.

The Germans, the German industries, have now agreed that during the war we had Jews and other folks who were committed, forced to do slave labor in our factories, so the private sector has come together under the tutelage of the government and decided they are going to give $5 billion to the living persons who can be identified as having been part of that slave labor. I think they ought to do something for the descendents of those people, too. I think the reparations also have to be spread to the people who died in the concentration camps.

The government of Switzerland, along with the private banking system in Switzerland, has decided that they will establish a fund of more than $2 billion to admit that they swindled the Jews who were fleeing Hitler and came to Switzerland, and they wanted to hide their money. They swindled the descendents of those people by refusing to recognize that they had the money, and that they knew how to identify who it belonged to.

All these years they have refused to do that, for more than 50 years. Now they are ready to give $2 billion in reparations, $2 billion to compensate the people who can be identified for what has been denied them.

So the whole concept of something is owed, not by the Swiss bankers who are there now, because those who actually took the money and hid it are probably dead, but the banking system, the banking system feels it owes it; not by the corporate heads who were running the German companies at the time that they had the slave labor and people were forced to do slave labor in their factories, but the companies themselves have descendents, and the wealth they accumulated is part of the wealth that was accumulated during the time of the forced slave labor.

Therefore, they are willing to contribute; reluctantly, but they are willing, coerced by the government a bit, but they are willing to contribute $5 billion in reparations. If reparations is acceptable in Europe, it ought to be acceptable in the United States, also. We ought to take a hard look at the concept.

We have had one example in this Nation where we recognize the need for reparations. We did not exactly call it that, I think it was called compensation, or some other word, of the Japanese who were imprisoned during World War II.

We voted, I voted, since I have been here, on a bill which provided compensation for those who were still alive who were people involved in that horrible situation where they were swept up from their homes on the West Coast and thrown into concentration camps. I think $20,000, if I remember correctly, per person was allowed. Many of these people are quite old and feeble and many have died, but we actually appropriated around $20,000 per person for the Japanese who were interned during World War II. So the concept of reparations is certainly not totally foreign to this Congress or to the United States culture.

I am not going to dwell on that, however. I say to the young people who are insisting we should focus on reparations and have a showdown on reparations, I am as indignant and concerned as they are, but the practical thing to do is to try to get as close to some policies in the United States government that will have the same impact and the same overall effect. Therefore, opportunity should be emphasized.

In this budget that we are going to prepare as a Congressional Black Caucus alternative, I want to emphasize maximum opportunity as a way of dealing with the descendants of slaves who are in various ways disadvantaged and left behind mainstream Americans because they did not have the chance to accumulate wealth in the past.

Let their children have maximum educational opportunity, but going beyond their children, I say, let all poor children in America. Income should not be a barrier to attaining the best possible education. Every child born in America should understand that one way or another, he is going to have the opportunity to go to college, or go as far as he wants to go in attaining the education which will allow him to set himself free economically.

Education is at the top of the list for the Congressional Black Caucus because reparations, the reparations opportunity can be delivered most effectively and most rapidly through education.

There are many other items that we have on our list. We have housing, health, economic development, livable communities, foreign aid, welfare and low-income assistance, juvenile justice, and law enforcement. All of those items are part of a budget that is going to seek to rectify shortcomings of the past, and also to highlight the fact that in the present budget these same items, same concerns, have not been dealt with effectively.

We endorse a large part of the budget that has been submitted by President Clinton. We endorse a large part of it, but we also would like to highlight a lot of omissions, a lot of deficiencies. We would also like to say that we do not think that that budget goes far enough in providing maximum opportunity, and we want to deal with that in the Congressional Black Caucus budget.

I want to pause at this point and yield to my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), for her to make any observations she wishes to make with respect to black history.

This is Black History Month, and as I said at the beginning, I think everything we are doing can be sort of woven together. The knowledge of black history in the past throws a light on what we have to do at present, and gives us some vision for where we have to go in the future. The details of black history are as important as the broad concepts that we need to guide us as we learn the lessons of black history.

All of it is very important, and I think that we should have more than one month to deal with it. But we like to look at the month of February as just a time to highlight and to raise up the visibility of the relevance of black history, and that the rest of the year people would understand how it also has to be interwoven with our current concerns, as well as those current concerns being taken care of against a background and backdrop of past history.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding to me.

I believe that this is a time that sets the tone for Members coming to the floor of the House, no matter what month it is, to talk about the history of all of the people of the United States of America, so many have contributed in outstanding ways to our Nation.

Frankly, I agree with the gentleman. I thank him for his opening remarks and the discussions that he will continue to have on reparations and the CBC alternative budget.

But he is so right, that Carter G. Woodson started the African-American or Black History Month as one week in February.

□ 1845

We now have the entire month of February, and if I might quote my 14-year-old son Jason Lee, we should not be regulated even by the month, for African American history is a history of a people and the history of America.

So I would hope that as we take to the floor of the House this month, my colleagues will join me in additional days that we will spend talking about African American history, and I would hope that we would begin to explain to the American people how intimately woven this history is with American history.

Might I take a moment of personal privilege then to cite some historical factors, but as well to comment briefly on the term African American, because I believe I have heard some sense of concern. I know when the term first emerged I believe that Reverend Jesse Jackson was engaged in that discussion. As many people are aware, African Americans have been called many things. The more appropriate or I should say appropriate ones that I might want to use on the floor of the House would be colored, negro, black, and more recently African American.

Might I say that that seems to me to be the more accurate expression for this population, and the only reason that I say that is that even if one came to this country by way of Latin America, by way of Central America, by way of the Caribbean, and they are a Negro or Negroid, it is most likely that their origins were on the continent of Africa. So that African American comes from that origin, and I do not believe we have any current debates going on that, but that is why most of us will more frequently use the term African American.

In any event, what I would like to emphasize in my remarks this evening is that it is, in fact, a history of all of the people.

I would like to just start my discussion by citing a text, the Slave Narratives of Texas, edited by Ron Tyler and Lawrence R. Murphy. I will not read the huge volume of narratives that are here. I would just commend it to our viewing audience, or at least those who may be interested in this topic. I would like to cite comments from Martin Jackson, which is under chapter 2, Memories of Massa.

"A lot of old slaves close the door before they tell the truth about their days of slavery. When the door is opened, they tell how kind their masters were and how rosy it all was. One cannot blame them for this because they had plenty of early discipline, making them cautious about saying anything uncomplimentary about their masters. I myself was in a little different position than most slaves, and as a consequence have no grudges or resentment. However, I can say the life of the average slave was not rosy. They were dealt out plenty of cruel suffering."

In this commentary, Slave Narratives, one will find glowing testimony by former slaves of how good the massa, or master, was; and then they find as well the violence and the viciousness of slavery being recounted.

I think Martin Jackson says it well, and that is there was great fear and so that some of the memories were geared by the discipline that was given out or meted out to Africans and those who came and became slaves.

I say that because it is important, as we recall African American history, that we should not be afraid to say that it is American history, and we should not be afraid to recount it over and over again, not out of hatred or hatefulness but out of the need to educate and to allow this country to move forward and to build upon the richness of its diversity and to solve some of the very problems that we confront today.

Might I also draw your attention to Rosa Parks, her book, Quiet Strength. She again focuses on fear and focuses on the motivation that allowed her to sit down on that bus in Montgomery, Alabama, opening the door to a whole entire movement and a whole sense of courage on behalf of then colored people or Negro people in America. She said, "We blacks are not as fearful or divided as people may think. I cannot let myself be so afraid that I am unable to move around freely and express myself. If I do, then I am undoing the gains we have made in the civil rights movement. Love, not fear, must be our guide."

So she negates what has gripped many of those in our community, a sense of fear. It was fear that kept us in a segregated society, fear that no one any earlier than Rosa Parks, when I say any earlier I know there was activism and opposition to a segregated America before Rosa Parks but in a more forthright or very conspicuous manner, the one act that she did sort of set the tone of opening up the civil rights movement. She is commenting that we cannot be restrained from injustices or fighting injustices because of fear, and I think that is particularly important as we talk about African American history.

African American history is recounting the contributions of great Americans, such as Booker T. Washington. We hear that quite frequently, commenting on W.E.B. DuBois, the debate between Booker T. Washington and W.E.B. DuBois, whether we hear that quite frequently they were at odds, whether they were in disagreement, their lives sort of overlapped each other to a certain extent.

If we look closely, we will find that both of them had a vision or a tracking of where they wanted the people of color in this Nation to go. They wanted them to use their talents. Booker T. Washington in particular wanted them to be able to utilize the skills that they had learned out of slavery, the artisan skills of carpentry and painting and building and agriculture, because he wanted them quickly to be able to be contributing members of the society. W.E.B. DuBois realized that a race of people had to be many things. They had to be philosophers. They had to be inventors. They had to be physicians. They had to be scientists. And he wanted to make sure that if there were those willing to take the challenge, African Americans, as he went to Harvard, he wanted to make sure that America's racism and segregation and hatred would not keep such people down.

I think it is important that as we reflect on the history of a people, as I reflect on my history, as I reflect on the history as it relates to America, that we study now more in depth, not in a cursory fashion, what did Booker T. Washington mean to America, what did W.E.B. DuBois mean to America? What did Marcus Garvey mean to America? To many of us who were in school, these individuals really were not taught in our own history classes. In fact, that was very much unheard of, to have books as I am citing. In Roland S. Martin's article in the Houston Defender, their tribute to African American history month, he noted for years a complaint of not being able to find enough information about black history has rung loud and clear from black parents, educators and community activists.

School history books were and still are devoid of the accomplishments and contributions of African Americans. Save a glancing mention of slavery or Martin Luther King, Jr., black folks are basically absent from history books. His comment or his purpose of this article is to suggest that now with the Internet, information technology, the superhighway, we are not relegated to that, and he is encouraging all of us in this history to get our "dot com" together, to get on the Internet and search out the wonderful history of African Americans.

I think it is well to note that as many of us grew up, we did not have the opportunity to be taught the history of African Americans. So the challenge is that as we are in this century, that we begin to study African American history not again as relegated to just a race of people but that it is truly African American history or American history.

I am going to cite two more things, I would say to the gentleman from New York (Mr. OWENS), and I am not sure if he is ready and I would be happy to yield to him, but I want to bring to everyone's attention several points, especially those that the gentleman has made, about our budget.

I believe that the history of African Americans should also be the history of everyday people; the everyday people in our communities, whether it be our pastors in the religious community, religion being so much a vital part of our own history; whether it be people who have overcome obstacles, because again I think we fool ourselves if we continue to ask a race of people who lived 400 years in slavery not to talk about both collectively but as American society how slavery impacted us, even in this now 21st century. It impacts the legislative agenda of so many of us, of which we would hope that we would have a bipartisan support on issues like affirmative action, on issues like the Voters Rights Act, on issues like racial profiling, on issues like equitable funding for historically black colleges.

I want to bring to our attention a young man by the name of Jerick Crow. I had the opportunity of meeting him. He wrote a personal note to me in this book that was written about him. "Thank you for your help with issues dealing with violence and youth."

Jerick was an African American youth, quite handsome I might admit. His picture is in the book as a third grader, and I would like to bring our attention that in the book there are hard lessons, because Jerick now is in a wheelchair. He is one of those African American young men statistics who was in a gang that wound up in a violent result, not losing his life but certainly losing his ability to be mobile.

He talks about his life. He talks about the fact that his father died; and so he was one of those statistics, not of his own doing, a child without a father. He talks about that he did have dreams and aspirations, but all of a sudden something came over him. He stopped studying. He stopped doing his homework. He had failing grades, and then all of a sudden he did something that many of our young African American men, young men, young boys do and are still doing, and that is joining gangs. I bring that to our attention in a discussion of African American history because I think we are remiss if we do not take the collective history of our people and why ills fall upon them.

He has turned his life around, but part of the tragedy of the gangs in our community and the violence in our community again is because there were not enough legislative initiatives or collective community understanding of how our history impacted how we functioned as a race of people, how being isolated without a father, how not having the support systems that really sometimes came out of segregation, how not addressing the question, no matter how some of us may feel it is serious and others may look at it humorously, the issue of reparations.

When I say that there was never any compensation to African Americans because of slavery, in fact, when we discuss it now, and I am almost positive that if anyone is listening in my hometown, I would say to the gentleman from New York (Mr. OWENS), we can be assured that 950 Radio, one of the conservative talk shows that come on every morning in Houston, that unfortunately most of the listeners and callers in, including the host of that particular radio show, a good friend of mine, we have had an opportunity to talk over the years, continues to bash those of us who would raise issues that are controversial; controversial as they relate to race, the need for affirmative action, again the need for addressing the question of racial profiling, the need for addressing the divisiveness of flying a Confederate flag over a Federal building. I think part of it is because America has not accepted in a collective and collaborative fashion that African American history is a history of America. If we would do that, we would go so much further in solving these problems.

Let me cite one other feature and note. This is not to put Los Angeles in a negative light, but I do want to cite racial and ethnic tensions in American communities, poverty, equality and discrimination. This was a report of the United States Commission on Civil Rights. In fact, today we were in a Committee on the Judiciary meeting and it was dealing with the budget, and there was a great deal of discussion, unfortunately not bipartisan discussion, of criticism of the United States Commission on Civil Rights, and many of us were trying to make the point do we not want the Committee on the Judiciary to stand on the side of enforcing civil rights? Do we not want to have any budget that may be passed by this House in a bipartisan way increase funding for civil rights?

□ 1900

Let me just briefly say that this report coming out of May 1999, which is one of the reasons why we may not get the kind of funding that we should get because people are offended by the truth, it says, racial and ethnic bias, the revelation of former LAPD Detective Mark Furman's racist comments during the O.J. Simpson trial brought to the floor the existence of racial tension within the LAPD.

While many officers thought Detective Furman's attitude was an aberration, others maintained that such attitudes were widespread. Many perceived that racial and ethnic tension within the department is increasing.

Mr. Speaker, in August 1995, six black civilian detention officers and a black police sergeant filed suit alleging that the city, the police department, the police commission are condoning overt racism and failing to deal with the complaints of discrimination.

Why am I saying all of this? Mr. Speaker, as I was saying in 1995, a lawsuit was filed by members in the LAPD and civilians to indicate that the officials were condoning overt racism.

As I was saying, this is a part of African American history. It is a part of American history. It is a part of how we relate to each other today. We are always reminded that if we do not know our history, we are doomed to repeat what was history. We are doomed to repeat it, or we are doomed to go through it in the future; that is why the commemoration of African American history is so very important, because we have to reach for it.

We have to find it. We have to get people to seek it out. I believe it is more of our colleagues, more Americans informing themselves about real African American history, the glorious success stories that we have, the whole litany of outstanding African Americans which we all applaud, but also get down into the nitty and gritty of slavery, reading slave narratives, getting a full understanding of that very dark time in our history; the Civil War and what that meant, Reconstruction, when there was a great jubilee that we as African Americans were free and that we would be welcomed as equals in American society, and then the ugly head of Jim Crow rose up in the 1900s.

Mr. Speaker, I believe that we must speak about African American history throughout the year, because we will never get to the point of passing the hate crimes legislation, of getting racial profiling to the floor, which I hope that we will see a positive result tomorrow in the Committee on the Judiciary, but then to the floor, to the Senate and signed by the President. We will never understand what affirmative action is about in Texas and in Florida, where they are trying to overrule it or override it.

We will never understand the importance of a Congressional Black Caucus budget. And we will continue to have conservative talk shows who malign African American elected officials, because they speak a different language of generosity than they might think is appropriate, unless we come together and study our history in an appropriate manner.

Mr. Speaker, I commend the fact that we now can find our history on the Internet. I would like to commend Dr. Louis "Skip" Gates, my colleague who probably soon will be called the new father of African American history, professor at Harvard, who has now put the African American encyclopedia on the Internet.

I think we can have a better understanding if we learn each other's history, if African American history becomes the kind of history that is living; that is accepted; that is widespread; and that all people understand it, so that we can make this country better.

Mr. OWENS. Mr. Speaker, the remarks of the gentlewoman from Texas, (Ms. JACKSON-LEE), of course, were pertinent in every way in terms of the three items that I have put forth here tonight.

The gentlewoman has mentioned the juvenile justice and law enforcement problems that we have had for a long, long time in America, whether the law and the government became the arm of injustice and inequality in so many ways, and the gentlewoman recommended that in the Congressional Black Caucus' Alternative Budget we put in items and we address it in terms of making certain that there are funds there to deal with the problem of continuing injustices, profiling and abuses of the law. I commend the gentlewoman for that.

Mr. Speaker, I also would like to highlight the fact that the gentlewoman said Dr. Gates, Skip Gates, who is now I think the Encarta Africana, is on disk, and our encyclopedia is on the Internet.

He might be called the modern father of African American history taking after Carter G. Woodson.

Ms. JACKSON-LEE of Texas. Mr. Speaker, he is a martyr. Mr. Speaker, I do not take anything from Carter G. Woodson at all. I did put on there martyr or future, may be the future, that is all.

Mr. OWENS. Mr. Speaker, Skip Gates, we may in the future be proposing legislation around him. Today on the floor, I want to commend the people, the Members of the House, more than two thirds of the Members of the House voted for this bill, which calls for the Carter D. Woodson National Historic Site Study Act of 1999. It was introduced last year, and we passed it today.

Mr. Speaker, let me just indicate what it proposes to deal with. Congress finds the following: Dr. Carter G. Woodson, cognizant of the widespread ignorance and scanty information concerning the history of African Americans, founded on September 9, 1915, the Association for the Study of Negro Life and History, since renamed the Association for the Study of African American Life and History.

The association was founded in particular to counter racist propaganda alleging black inferiority and the pervasive influence of Jim Crow prevalent at that time.

The mission of the association was and continues to be educating the American public of the contributions of black Americans in the formation of a Nation's history and culture.

Dr. Woodson dedicated nearly his entire adult life to every aspect of the association's operations in furtherance of its mission.

Among the notable accomplishments of the association under Dr. Woodson's leadership, Negro History Week was instituted in 1926 to be celebrated annually during the second week of February. Negro History Week has since evolved into Black History Month.

The headquarters and center of operations of the association was Dr. Woodson's residence located at 1539 9th Street, Northwest, here in Washington, D.C.

Mr. Speaker, this bill proposes that not later than 18 months after the date on which the funds are made available for the purposes of this act, the Secretary, after consultation with the mayor of the District of Columbia, shall submit to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a resource study of the Dr. Carter Woodson home and headquarters of the Association for the Study of African American Life and History.

The study shall identify suitability and feasibility of designating the Carter G. Woodson home as a unit of the national park system. It shall also include cost estimates for any necessary acquisition, development, operation and maintenance and identification of alternatives for the management, administration and protection of a Carter G. Woodson home.

This would be, in our opinion, a vital, small first step in recognizing the fact that this Capitol ought to contain many more resources related to African American history.

Mr. Speaker, we are able to get two thirds of the Members of Congress to vote for this, and it moves us forward.

We hope, and we will continue to fight to get passage of JOHN CONYERS' bill on reparations. He calls for the commission to study reparation proposals for African Americans.

That bill has been here for many, many years and not been able to get passed, but this bill proposes to, quote, acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States under the 13 American colonies between 1619 and 1865, and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African Americans and the impact of these forces on living African Americans, to make recommendations to the Congress on appropriate remedies and for other purposes.

Mr. Speaker, this bill is vital. We are only calling for a commission to study proposals for reparations. It relates as much to African American history as any item we could put forth.

I am going to close with a discussion of The Debt, the book by Randall Robinson which picks up the theme of reparations. I am going to show how that relates to our Congressional Black Caucus alternative budget. Before I do that, I would like to yield to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I want to thank my colleague, the gentleman from New York (Mr. OWENS) for yielding to me.

As I stand here each day in the hallowed halls of this Congress, I cannot but be reminded of the broad shoulders upon which I stand. I do not think that every Member of Congress understands how far we have come, the 39 African American members of the Congress.

They just accept us as being knowledgeable colleagues. They accept us as being friends and many of us as neighbors. I do not think many of them realize the struggle that got us here and the struggle that still continues in this country for equality of opportunity for African Americans.

Mr. Speaker, it is our duty every day of the year to remind people about this experience and where we are going from here and what we must do.

Mr. Speaker, I think it was Martin Luther King who said that we do not have time, it has to happen now, we cannot keep putting it off by saying let us push this back on the back burner, but let us talk about it now.

Mr. Speaker, I think about men like former Congressman Robert Elliott, who served in Congress from 1842 to 1884. He was one of the 22 African Americans to serve in Congress during the Reconstruction.

Mr. Elliott's last term in the Congress was highlighted by his eloquent support of a civil rights bill designed to secure equality for and prohibit discrimination against African Americans in public places.

Mr. Speaker, think of it, it is ironic that we are still fighting that battle. As long ago as Mr. Elliott stood in Congress and fought it, the African Americans here today are still fighting to be sure that there is equality of education and equality of opportunity, and there is equal justice for African Americans.

It is ironic, and it is a charge that we must continue to keep. It is also a challenge of this Congress to be sure and keep that forever in front of them.

In his January 1874 speech before Congress, Congressman Elliott said, and he sounded to me very much like my colleague the gentleman from New York (Mr. OWENS), I keep talking about the resounding ring of these words and how they happen to be repeated. "I regret that at this day, it is necessary I should rise in the presence of an American Congress to advocate a bill which simply asserts equal rights and equal public privileges for all classes of American citizens."

And my colleague from New York (Mr. OWENS) just talked about reparations. The gentleman just talked about equality of opportunity or a budget that really focuses upon the needs of all of American citizens. According to the former Congressman Elliott he said, "I regret, sir, that the dark hue of my skin may lend a color to the imputation that I am controlled by motives personal to myself in the advocacy of this great measure of national justice."

Mr. Speaker, I compare that again to the gentleman's presentation, how he talked before the 300 years of slavery and how it has been a negative impact on people of color.

And my former Congressman goes on, Elliott, to say, "Sir, the motive that impels me is restricted by no such narrow boundary but is as broad as your Constitution. I advocate it, because it is right. The bill, however, not only appeals to your sense of justice, but it demands a response from your gratitude.

"In the events that lead to the achievement of American independence, the Negro was not an inactive or unconcerned spectator. He bore his part bravely upon many battlefields, although uncheered by that certain hope of political elevation which victory would secure to the white man."

Mr. Speaker, Elliott went on to detail the participation of black Americans in America's wars for independence at the Battle of New Orleans and the other historic battles and the commendations that black soldiers have received.

☐ 1915

I could go on and on in some way sort of laying out to my colleagues the history that makes it such a cogent thing for us tonight, not only tonight but this entire month and throughout the year, to secure equality for and prohibit discrimination against African Americans.

I am also reminded of several Members of Congress, the gentleman from New York (Mr. OWENS) greatly included in this great victory of this great journey, this great exodus that we are on every time we stand on this floor to try to bring equality to all.

Mr. Speaker, in closing, I want to say to the gentleman from New York (Mr. OWENS) to just recall that Frederick Douglass was one of our greatest scholars and one of the ones who, during his time, was called the unofficial president of American Negroes. And this was in the years before and immediately following the Civil War.

No one represented the hearts and minds of African American people more than Frederick Douglass. He died in 1895. He was an abolitionist who believed that he and other African Americans could contribute most by being politically active in the anti-slavery movement. Douglass wrote and spoke often about freedom.

On September 24, 1883, Douglass spoke of a commonality, and I underline "commonality," between the races in their allegiance to and aspirations for the Nation and called on America to make its practice accord with its Constitution its righteous laws.

In closing, Douglass said, "If liberty, with us, is yet but a name, our citizenship is but a sham, and our suffrages thus far only a cruel mockery, we may yet congratulate ourselves upon the fact that the laws and institutions of the country are sound, just and liberal. There is hope for people when their laws are righteous."

And that is what the gentleman from New York (Mr. OWENS) has done. I have been here in the Congress almost 8 years, and he constantly reminds us of the history that we must never forget. I think he is the only one that makes this a daily affair, this affair of African Americans and the history which preceded us, and making us to be sure not to forget that this does not happen again, that we continue on this route, that we will always be en route to freedom and justice for all.

I want to thank my colleague, the gentleman from New York (Mr. OWENS), for his scholarship and his foresight for being sure that black history becomes more than a month but remains throughout the year.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from Florida (Mrs. MEEK) for her kind remarks.

Mr. Speaker, I yield to the gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to thank the gentleman from New York (Mr. OWENS) for his constant reminder of how important education is to all children but especially African American children and the need to bring quality education to the regions of the Congressional Black Caucus members in providing a strong and quality education that includes computers in every classroom and students to have a computer at every desk. We thank him so much, and he continues to shed that light each night as he does on this floor.

I would like to also congratulate my two female colleagues who came before me to speak about this important month that we celebrate, commonly known as Black History Month. Some of us call it African American History Month. But irrespective of the title, it is to bring celebration to those who have come before us who have served with distinction and honor not only in this House but throughout this country in making America what it is today.

Mr. Speaker, as the co-chair of the Congressional Caucus on Women's Issues, I rise today to pay homage to the many African American women whose invaluable efforts have made it possible for me to stand here before my colleagues today. These women have struggled and fought against all odds to ensure that America would be a country where resources and opportunities are available to men, women, and children of all ages, races, and religions. It is with immense pride that I stand here today and honor some very important African American women who have served here in Congress.

One such woman was Congresswoman Shirley Chisholm, who became the first African American woman ever elected to the U.S. Congress from New York in 1969 and in 1972 became the first African American female to run for President of the United States.

Congresswoman Chisholm was a strong advocate for women's rights, universal access to day-care, the environmental protection, and job training. What a legacy she left.

Continuing her legacy pioneered by her was Congresswoman Barbara Jordan, who was elected from the great State of Texas in 1973 and impressed the world with her outstanding oratorical ability as well as her integrity, leadership, and dignity during the Watergate hearings.

She rose to national distinction when she became the first African American woman to deliver the keynote address at the Democratic national convention in 1976. Her legacy as a champion of the people is evident in many of her outstanding speeches. Her words ring true even today, as we remember her saying, "What the people want is simple. They want an America as good as its promise." What an outstanding woman she was.

A preeminent example of a woman's ability to juggle family and a career was our great Congresswoman from the State of California, Congresswoman Yvonne Braithwaite Burke, who was elected in 1973 from that great State of California. She distinguished herself not only through her leadership, having made sure that the women who serve in the salons have health benefits, but she became the first woman of Congress to give birth to a child while in office. Her commitment to public service, however, did not end when she left Congress, as today she serves as one of the most influential members of the Los Angeles County Board of Supervisors.

The epitome of loyalty to family and civic values was set as Congresswoman Cardis Collins, who was elected in 1973 to complete the term of her husband, Representative George Collins, following his death in a plane crash. She remained in the House for 23 years, holding the title of the longest of any African American woman to have served in the House of Representatives. She was a valiant leader as a ranking member in holding the line on the Committee on Government Operations.

Congresswoman Katie Beatrice Green Hall was elected from the State of Indiana in 1982 and earned a place in history as the sponsor of the Martin Luther King, Jr., Holiday legislation that was signed into law by then President Ronald Reagan. She was a strong advocate of education, too, being a former teacher.

And then, Mr. Speaker, history was made after 90-plus years of not having an African American in the Senate until Senator Carol Moseley-Braun became the first African American woman ever elected to serve in the U.S. Senate to represent the great State of Illinois in 1983. She served with distinction.

We can recall that Senator Carol Moseley-Braun sponsored the National Underground Railroad Network to Freedom Act. The act is designed to identify and preserve significant sites in more than 29 States. She was recently appointed as the ambassador to New Zealand and Samoa.

Mr. Speaker, as we celebrate this month of African American History and find ourselves navigating through the joys and challenges of this new millennium that is about to embark, let us gain strength in knowing that the road is a little smoother, the battles a little easier, and the burdens a little lighter because we stand on the shoulders of these great women, women such as those I have mentioned and those who are coming behind us and the countless others who will come after us. Let us always remember that they endured the public responsibility of office and the private responsibility of womanhood.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her comments.

I would like to close with quotes from the book by Randall Robinson, The Debt.

> No race, no ethnic or religious group, has suffered so much over so long a span as blacks have, and do still, at the hands of those who benefited, with the connivance of the United States Government, from slavery and the century of legalized American racial hostility that followed it. It is a miracle that the victims-weary dark souls long shorn of a venerable and ancient identity have survived at all, stymied as they are by the blocked roads to economic equality.
>
> At long last, let America contemplate the scope of its enduring human-rights wrong against the whole of a people. Let the vision of blacks not become so blighted from a sunless eternity that we fail to see the staggering breadth of America's crimes against us.

Solutions to our racial problems are possible, but only if our society can be brought to face up to the massive crime of slavery and all that it has brought. Step by step, in every way possible, the members of the Congressional Black Caucus are seeking to force the issue of having America face up to the need to compensate, the need to have special policies and programs which understand and recognize this long history of deprivation that was perpetrated against the people.

The Congressional Black Caucus budget is relevant, very much relevant, to all that black history lessons teaches. We will overcome.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2366, SMALL BUSINESS LIABILITY REFORM ACT OF 2000

Mr. DREIER (during the Special Order of Mr. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 106–498) on the resolution (H. Res. 423) providing for consideration of the bill (H.R. 2366) to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers, which was referred to the House Calendar and ordered to be printed.

ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore (Mr. KINGSTON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I come before the House again on a Tuesday night to talk about the subject of illegal narcotics and how it affects our Nation.

Today we conducted an almost 6-hour hearing on the administration's proposal to expend more than a billion dollars in taxpayer funds in an effort to bring the situation in Colombia under control; and tonight I would like to speak part of my special order pointed toward that hearing and some commentary on that hearing.

I would also like to review some of the things that have taken place in the last week both in my State of Florida with a Florida drug summit and also here in Washington with an international drug summit, which I was one of the cohosts, along with the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and with the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, and also with the gentleman from Indiana (Mr. BURTON), full chairman of the Committee on Government Reform and Oversight.

As my colleagues may know, I chair the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform. And, of course, the responsibility for national drug policy in trying to make some sense out of what we have been doing in our anti-narcotics effort really rests with that subcommittee.

So today we had a hearing, last week a summit at the national level, and a continuation of efforts at the local level.

Let me just mention, if I may, the international drug summit, which was held for 2 days last week here in the Nation's capital. If you look at the war on drugs, and the international problems relating to narcotics, you see that you cannot win an effort by yourself. The United States cannot stand alone and combat illegal narcotics trafficking, illegal narcotics production, illegal narcotics interdiction and enforcement and eradication.

It is really a simple thing to determine to look at the pattern of production of hard narcotics, illegal narcotics, to look at the path of illegal narcotics, and then the problems that we all have when they reach their source, the various countries.

□ 1930

Quickly you realize that the United States, even the powerful United States Congress, cannot legislate or dictate solutions to this international problem. But the problem is not that complicated, and I wanted to show something that was brought before our international drug summit last week. In that summit, we brought together probably the largest gathering of parliament members from various congresses and parliaments around the world to Washington. We had law enforcement leaders, including individuals from Scotland Yard, Interpol, Europol, DEA, other major drug enforcement agencies.

In addition, we had some of the leaders in treatment. Dr. Leshner, the head of NIDA, National Institute on Drug Abuse, came, along with others who were involved in successful treatment and prevention programs. General McCaffrey addressed the group. The Speaker of the House, DENNIS HASTERT who is intimately knowledgeable about this whole problem, chaired the subcommittee responsibility antinarcotics efforts in the House before he became Speaker, and a whole array of others who were involved in antinarcotics efforts.

This was not my idea; it was something that I agreed to cohost along with the others I have mentioned, and it was a follow-up to real efforts that were undertaken by one of the United Kingdom members of the European parliament, and that was Sir Jack Stewart-Clark who initiated the first international meeting some 3 years ago.

The second international meeting was held last year just outside of Vienna. I had an opportunity to attend, with the gentleman from New York (Mr. GILMAN) and others, and participate behind closed doors in a meeting to discuss an international narcotics strategy. So we agreed to cohost with the United Nations Office of Drug Control Policy and its director, a wonderful gentleman, very talented, Pino Arlacchi, who again heads that office in the U.N.

This third summit, bringing together everybody who deals with this problem and look at how we could cooperatively tackle this and get a global approach and solution. We can look at the globe, and this happens to be a cocaine trafficking route, we see the problems created by cocaine. Now, cocaine, one does not have to be a rocket scientist or study the problem of cocaine trafficking very long, because there are only three countries that produce coca and cocaine. They are Peru, Bolivia, and Colombia.

One hundred percent of the world's supply of cocaine comes from that area, but it trafficks throughout the world. So all of the nations have an interest in that particular drug trafficking. Cocaine now has really surged in production the last year or two, and particularly in Colombia where the United States let down its guard some years ago. And as a result of an effort really that was instituted by the Speaker of the House, Mr. HASTERT, and his predecessor, Mr. Zeliff, myself, and others who, when we assumed responsibility for the House of Representatives leading the majority, the new majority in 1995, went down to those source countries to look at firsthand what had taken place.

Most of our antinarcotics programs from 1993 to 1995 were slashed by the Clinton administration. They were cut out in many instances or, in most cases, halved. We went into the jungles and saw that in fact the resources were not there to stop the production of coca. We worked with two countries in particular, Peru and Bolivia, and their leaders, in Bolivia Hugo Banzer and a dynamic Vice President Jorge Guerra and others from that country who were willing to step forward and take a stand against cocaine trafficking and coca production.

There has been a dramatic decrease, some 55 percent decrease in some 3 years in Bolivia in coca production. We went on to Peru and met with President Fujimori and have worked with him over the past couple of years. President Fujimori inherited a country that was fraught with turmoil, with Marxist and terrorist operations throughout the country that destabilized Peru just some 9 or 10 years ago. It was an intolerable situation.

He brought that country under control. Meeting with us and working through programs he established in Peru, he has been able to cut coca production by 60 percent. Now, this is the good news. I do not want to say the United States or Mr. HASTERT, myself, and others should take credit for that but it was not done all by the United States. It was also supported by the international community through the United Nations Office of Drug Control Policy and also under the leadership of Pino Arlacchi.

I might just as an aside tell the Members about Pino Arlacchi. Pino Arlacchi is the Italian prosecutor who helped take down the Mafia and organized crime in Italy. He came on board and almost single-handedly led the effort to destroy the entrenched mob in Italy and did an outstanding job. He made Italy a country that is really free of the organized crime and corruption and did it single-handedly and then was chosen to lead the U.N. Office of Drug Control Policy.

I might also say that as a conservative Republican, it is sort of an odd fellow combination, myself and the head of the U.N. Office of Drug Control Policy. Although I have been a critic of the U.N. and some of the bureaucracy it has built up and some of its ineffectiveness, I do realize that we need international cooperative efforts, and I think that drug control and a global drug strategy working together is very important. Also it is important to know that the United Nations effort, while it does work with the United States and Peru and also in Bolivia, there are countries that we have no relations with that are major producers.

In fact, if we could look at heroin production, 75 percent of the heroin in the world is produced in Afghanistan. The United States has no relations really and at best very strained relations with Afghanistan. But yet 75 percent of the entire world production of heroin comes from Afghanistan. It is in our interest to see that that activity is curtailed.

So through the United Nations and through a program that Pino Arlacchi has championed and successfully put together, even talking with the Taliban and other groups in Afghanistan, again with which we have no communications, he is doing an effective effort, and the few dollars, the limited dollars, I believe it is around the $50 million mark over the last couple of years, that we have put into that effort and the few dollars he spends are very effectively spent.

They are spent in the Golden Triangle, some in Cambodia and Burma and Laos and other areas in which we do not have influence. He has had a successful program for the most part in stopping illegal narcotics, particularly heroin, where we cannot stop it, and working with us in South America to complement our efforts.

We see that successful effort. It does work. This is not rocket science. It works. We have stopped it. He has found, and gave a great presentation to our gathering, that alternative crops and crop substitution programs do work. But they must be combined with tough enforcement.

I think Bolivia had tried programs with just the carrot, and he has said in his remarks to us that the carrot alone does not work. You must have the carrot and the stick to enforce that. Both Peru and Bolivia are successful examples. Colombia is a disaster.

We know 75 percent of the heroin that is produced in the world comes from Afghanistan. One of the things that came out of this besides 2 days of discussion is really an effort to see if we could put a belt around Afghanistan, and also introduce and support programs that would stop production in Afghanistan of heroin, and then around the belt countries. There was substantial progress made in that regard.

Also, again rather than talking but acting on the issue of coca production and cocaine. The vice president of Bolivia has offered to host the fourth international summit gathering sometime next year, in 2001, and hopefully at that time we can celebrate the demise in 2001 of coca production in Bolivia, which once accounted for nearly 50 percent of the production.

Peru was the biggest producer, and now down by some 65 percent. The bad news is the United States curtailed some of the surveillance operations and information sharing to President Fujimori and we have seen a slight increase in coca production. The good news, I guess, is that coca is not coming into the United States; but the bad news is that it is going into Europe where it can get a higher price.

These programs are very cost effective, the crop eradication and substitution. In one year, we put in some $60 million in South America in the three countries that produce 70 percent of the heroin, 70 percent now of the cocaine, we put a few dollars, $60 million out of a $17.8 billion project and expenditure that the Congress undertook last year and will even be exceeded this year, more than $18 billion this year for the various drug programs that we support.

So a few million dollars can provide an alternative to these countries. It has proven to be, in fact, very successful. Next year, we hope to meet in Bolivia, celebrate that country's eradication of coca and hopefully the beginning and continuation of a successful crop substitution program which makes a better life for their people and certainly one for the people of the United States when we do not have cocaine and crack on our streets and our young people dying from drug abuse.

The international summit was successful, and I think again, everyone who came away is convinced that it can only be through a cooperative effort that we make progress. Now, one of the areas that has not been as successful is Colombia. Colombia is the focus of the national news tonight. It was the focus of a hearing that we spent 6 hours on in our Criminal Justice, Drug Policy subcommittee.

Almost all of the heroin that is consumed in the United States is produced in Colombia. DEA through its signature analysis program, which analyzes really almost the DNA in the heroin, DEA can tell you through this analysis that the particular heroin that is seized in the United States comes from Colombia, practically from the field it comes from. So 75 percent of the heroin coming into the United States comes from Colombia. Now, I talked about our strategy, and we have a strategy beyond the administration, because the administration's strategy is not going to work by itself.

□ 1945

You push this down in one area, it is like Jello, it pops up in another. That is why the Afghan's international global strategy is so important. Again, just a few dollars of our contributions in this effort will do an incredible amount to stop that supply.

The same thing can happen in Colombia, although the situation there has spiraled out of control. In addition to heroin production, Colombia in 5 or 6 years is now the major coca-producing country in the world. Some of the production has shifted from Peru and Bolivia to Colombia.

We know that what we did in Peru and Bolivia will work in Colombia; there is no question about that. The problem is, every effort that the new majority has tried, and I tried to make these efforts in a bipartisan fashion the last 4 or 5 years since we took over, every effort has been thwarted by the administration to get resources to Colombia. So where you do not have ammunition, where you do not have supplies, where you do not have a riverine strategy in place, where you do not have information-sharing that allows a shootdown of drug traffickers, when all of these things are taken out or blocked by the administration, which they have repeatedly done, you have a very difficult situation.

Then you see Mexico on this chart. Mexico, it is not a big producer of illegal narcotics. It does produce a great deal of marijuana and about 14 percent of the heroin, and that is up; but that is because we have this open border. But most of the heroin that is produced and enters the United States is produced in Colombia. So that is where we need to concentrate some of our resources. It will not even reach Mexico to get into the United States.

In addition to these two charts, I wanted to trace the history of how we got ourselves in this $1 billion-plus Colombia mess.

This did not happen by accident. As I said, the administration and a Democrat-controlled Congress from 1993 to 1995 cut the interdiction, the source programs, the eradication programs, cut the Coast Guard and began taking the military out of the war on drugs. Basically, the war on drugs was closed down in 1993 by the Clinton administration, slashing the drug czar's office from 100-some staff to 20-some staff.

You cannot fight a war unless all these things are in place. The media is unbelievable in this. They say the war on drugs is a failure, there has not been a war on drugs since January of 1993. What we have tried to do in 1995 and 1996 is restart the war on drugs, target it to where the drugs are coming from.

Now, just let me read from 1994, my colleague STEVE HORN in a hearing, his comments. He said, "As you recall, as of May 1, 1994, the Department of Defense decided unilaterally to stop sharing realtime intelligence regarding aerial traffic in drugs with Colombia and Peru. Now, as I understand it, that decision, which has not been completely resolved, has thrown diplomatic relations with the host countries into chaos."

Now, here is sort of the genesis of how we get ourselves into that $1 billion fix. Back then the administration made a decision to stop information sharing. Now, how can anyone fight a war on drugs without information to conduct combat? The United States was the source of that intelligence, with overflights, with forward operating intelligence, with all the information needed to go after drug traffickers.

So the first thing we did, STEVE HORN complained about it back in August 2, 1994, and he was not the only one. Even the Democrats complained about it in the House of Representatives. In fact, this is a Washington Post story a couple days later, August 1994. "Chairmen of two House subcommittees blasted the Clinton Administration," not Republicans, mind you, "for its continuing refusal to resume sharing intelligence data with Colombia and Peru that would enable the Andean nations to shoot down aircraft carrying narcotics into the United States."

So here is the beginning of a multibillion dollar spiral out of control, the drug czar called it a "flipping nightmare," to use his term, before the press. This is the genesis of it; and you see that, again, that both Republicans and Democrats, their leaders, were absolutely appalled by what was taking place. That is how you turn a minor producer, and you have to remember, Colombia produced almost no coca, there was almost no coca grown in Colombia, almost 100 percent was grown in Peru and Bolivia at the beginning of this administration, almost no heroin. In fact, today I said the only poppies that were grown could barely fill a flower arrangement, grown in Colombia in 1993. Now this Nation is the leader in growing and producing both coca, poppy, heroin and cocaine.

Here is the genesis of this. Now, it would not be bad if this was the only misstep, but the missteps just continued and continued. The next thing the administration did was adopt a policy to decertify Colombia as being eligible to receive United States assistance.

Now, I helped develop a law back when I worked in the Senate that allows for decertification of countries that are not cooperating in either stopping the production or trafficking of illegal narcotics. It is a good law. It ties aid and financial assistance and other benefits to their cooperation. It is one of the few handles we have.

As you will notice, we are getting closer to certification, which is required by law March 1st. Mexico extradited someone the other day, and these countries start behaving and cooperating in the anti-narcotics effort when it is time for certification.

But you could not believe that an administration could possibly mess up a law the way the Clinton administration messed up the certification law. We allowed under the law to decertify a country and not let them get benefits for trade and assistance and foreign aid, but we put in the law a little provision that said the President could grant a national-interest waiver in our interest, the United States' national interest, because we knew when we wrote the law we wanted to be able to get aid to a country that was having a problem to deal with the problem, to make efforts to eradicate the problem, drugs at their source, to stop trafficking, et cetera, and get them the resources they needed to conduct that activity.

You could not believe that they could mess this up, but they did; and the President decertified Colombia without a national-interest waiver. Not for Colombia, but national-interest waiver for the United States.

Repeatedly we asked for, of course, hearings during the Clinton administration when they controlled the House of Representatives. I had 132 Members sign a letter requesting hearings over 2 years when they controlled the House, the Senate and the White House. One hearing was held, and it was a very brief hearing. Since we took over, we have had at least 20 hearings on the narcotics issue in trying to get this effort that was started back so successfully under Reagan and Bush restarted in 1995–1996.

The next thing we knew as a Congress, and anyone who looked at the situation, is that it was worsening in Colombia. This is back in 1995–1996 as a result of the 1994 policies that were ill-advised in decertifying Colombia.

The next thing that we asked for was to get to the police in Colombia equipment that could go to high altitude and go after narcotics traffickers and also do eradication of the beginning of the poppy fields that were growing there that we saw that were reported, at the beginning of the coca production that we saw that was started there.

I cannot tell you how many letters, how many communications, how many requests were made of this administration. It was countless, asking the Secretary of State, asking the President, asking the Secretary of Defense, everyone in the administration, to get resources to Colombia because the situation was worsening.

Now, this is an interesting headline. It says "Delay of copters hobbles Colombia in stopping drugs."

I do not know if you can see this. I would like to blow this up and just put it on the screen here so every colleague could read this. This is February 12, 1998, just after 1997. This is an unbelievable sequence of events. Again, first dismantling the entire command structure of our war on drugs; gutting the drug czar's office; next, doing away with the shootdown policy; next, doing away with the information-sharing policy; and then, next, decertifying the country without granting a national U.S.-interest waiver to allow the equipment to get there. We knew the equipment needed to get there, we knew what was happening, we knew that only copters and equipment in the anti-narcotics effort could eliminate that.

But this is how you turn a minor problem into destabilizing a whole region, failed policies of an administration. This is not partisan, this is fact, and it is very well documented. It should be documented for history, and also for what we are doing, that these kinds of mistakes are not made in the future. And you cannot win this by yourself; it is going to take a cooperative effort; and you are not going to be sending United States troops in. That would never happen. But you can provide a little bit of assistance to countries that are trying to stop narco-terrorism within their borders.

So here you see in 1997–1998, asking for the resources denied by the administration, not only denied, but blocked by the administration, and that helps you get into a multi-billion dollar pickle that we are now in.

Then we have been asking not only could we appropriate a few dollars, and under the leadership of Mr. Hastert, now Speaker of the House, who had this responsibility, he framed together in 1998 a bill for a supplemental in the war on drugs to restart the source-country programs, restart eradication, alternative crop programs, to restart interdiction of drugs, trying to get information and sources down there.

We not only wanted to put a few more dollars in that that could effectively cure the problem that was erupting and we saw back from 1994, but we thought it would be wise to also take surplus United States equipment and get it to Colombia, so we asked the President to do that.

Now, until a few weeks ago, equipment requested in 1997 still had not been delivered, surplus equipment, delivered there. This stuff sits rusting in fields or warehouses or in lots, and there is no reason why it cannot get to Colombia.

Then almost a slap in the face. Last year when we began asking why is the equipment not requested, and even that the President said he would send as surplus in 1997–1998, getting there? This is another headline that just shows that "the gang that couldn't shoot straight" was in charge. "Colombia turns down dilapidated U.S. trucks."

We sent dilapidated trucks, I think they were trucks used primarily in the tundra or the cold climate, down to Colombia. So when we do finally get some equipment there, it is equipment that is not usable in the war on narcotics. It is a pretty sad story. It would almost be humorous if it did not have consequences.

Now, I know people think that this is probably something that the Republicans made in a partisan fashion, but in fact this chart was produced by the Monitoring of the Future Study by the University of Michigan. Let us just look at it for a minute, because it shows from 1980 the problem with cocaine and drug use at that time, it was predominantly cocaine that we were having the big problem with. This chart shows a long-term trend in lifetime prevalence of drug use.

This shows the Reagan campaign, the Just Say No, the Andean strategy, the Vice President's task force. This was reducing drug use among our youth, among our population, in very good fashion. It was put together, all of these initiatives, the certification law, and it worked.

□ 2000

It was working. This is nothing that we made up, it is not a partisan poster. Then we had President Bush, and he continued the same policies through to the end of his term. We saw continued dramatic declines in prevalence of drug use, period. This formula works. A balanced formula of eradication, crop alternative at the source, interdiction as the drugs are coming up, give the information, surveillance, get them as the drugs leave their source country, and then involving the military or whoever to protect our borders as it gets closer to the borders; the Coast Guard, which also was dramatically cut.

In 1992 and 1993, we see the beginning of the end of the war on drugs. Again, this is fact. It is just fact, pure and simple. The media probably would never print this chart. One would never see this on the evening news.

Tonight I saw the evening news and they showed a little bit about how Peru and Bolivia went down in production. Of course, they did not say who did that or what policies instituted that change. They do not give us the rest of the story, as Paul Harvey says. One has to listen to myself and my colleagues tonight to hear that on the floor.

Drug use just climbed, climbed, climbed with the Clinton administration. One could almost trace the gutting of the Drug Czar's office. We have the documentation. The slash of the Drug Czar's office was from 112 to 27. Now, how could one fight the war on drugs when we slash the command staff. I will say the Republicans have given Barry McCaffrey I believe 150 positions, he is fully staffed, but it has taken us a good period of time to get us back into the war on drugs. Mr. Speaker, 112 to 27. They cut source country and interdiction funding by 50 percent. We can almost see the actions here.

Mr. Speaker, in 1993, appoint Jocelyn Elders Surgeon General who said to our children in the next generation, "just say maybe" instead of "just say no." There are consequences from those actions.

The next consequence is the information-sharing, the commentary from TORRICELLI, the Democrats who mention here, do not stop that. Look at how we see the increase there. In 1996 and 1997, blocking the aid to Colombia. Finally we see the gentleman from Illinois (Mr. HASTERT), first Mr. Zeliff and then our Speaker of the House taking over this responsibility and again, turning that ship around.

We are just starting to see a slight downturn in these figures. That is with a $1 billion national education program. The President wanted to pay for all of those ads. I introduced legislation that said that they must donate them. We ended up with a compromise. The compromise does give us a $2 billion effort, $1 billion in public money, $1 billion in donated money. The success of that I do not know, and I cannot tell my colleagues today. We did preliminary hearings on the expenditures of one-third of $1 billion, and quite frankly, I am not pleased with everything I have seen. It is somewhat of an effort.

But I will tell my colleagues one thing. When we go after production in the source country, we begin to stem some of the, not supply but glut; and that is what has happened with cocaine. Now we need to do the same thing with heroin and continue with the cocaine and hopefully, we will learn by the mistakes that were made in the past.

Mr. Speaker, this is the history. It is pretty dramatic.

The Republicans, I might say, what have they done? Well, we have restored the source country programs equivalent right now to 1992 dollars the cost-effective stop-drugs-at-their-source. If we know 100 percent of the cocaine is produced in coca in those three countries and it really cannot be produced in too many other areas, that makes a lot of sense to go after that.

We know what we have done works because we have seen it work in Peru and Bolivia. I will say in Peru, President Fujimori was able to create stability in that Nation and then put these programs in place. The same thing President Pastrana in Colombia is going to do. That is why we are going to have to support that effort. I do not like that effort, I do not like spending taxpayer money there. But in comparison, a few billion dollars there; think of what this administration has squandered in deployments in forays around the world.

In Somalia, which President Bush started as a humanitarian mission he escalated into the loss of, I believe, some 30 American lives; a $3 billion enterprise, a failure in Nation-building and putting our people in there. The Haiti experiment, which is an absolute disaster, it is a national and international disgrace that he would impose sanctions on the poorest of the nations in the entire hemisphere, spend billions of dollars to put more corrupt people in place, and now Haiti is one of the major drug trafficking areas in the entire Caribbean, not to mention that much of the billions of dollars went to institution-building that failed. Then, to send our troops to Bosnia, to send our troops to Kosovo. Great international humanitarian missions, probably $10 billion apiece. But there were very few civilian Americans killed in any of those incursions.

Mr. Speaker, in 1997, 15,973 Americans died because of direct drug-related deaths. Mr. McCaffrey, our director of the Office of Drug Control Policy, said today that if we take the total figure in the last year, it is about 52,000. Speaker HASTERT, who spoke to our international drug summit for dinner the other evening when we convened that meeting and he spoke, he said that if we had 15,000 troops in any conflict anywhere who were killed in one year, that people would demand action. Unfortunately, these are silent deaths. Unfortunately, these are young people in our community.

What is interesting, it has not stopped. It used to be just the urban centers, the ghetto. These were sort of the community rejects and they were injecting heroin or doing crack or cocaine, and it was not really covered; nobody really cared. They just sort of looked the other way. They were drug addicts; they were bad. Then it spread to our suburban communities and now it has awakened part of America.

The most recent statistics are, and should be, alarming to every Member of Congress and every American. It has not only spread from the urban setting and the core of our cities to the suburbs, but the latest statistics just released in the past few weeks this year indicate that our rural areas are now plagued by the worst narcotics epidemic they have ever seen. So we have managed in 7 years to see the problem of narcotics spread to every element of our society. Those 15,700 from 1997, and I am sure were in the 16 thousands in the past year, are all sort of nameless, but they are someone's child; they are someone's loved one, and they are human beings who it is our responsibility to protect.

Now, if we cannot expend this money and get the funds to fight this war on drugs, a few dollars towards the international effort in Southeast Asia where we know those drugs are produced and do it cooperatively with the United Nations where we do not have relations with those countries, a few dollars in South America, the alternative is really the most expensive solution which the administration has gone for. That is treatment of the wounded in battle.

Now, one would think that hearing tonight, and I saw the national news, that Republicans did not spend more money on treatment, the entire strategy of this administration has been to put the money on treatment. Could we imagine dismantling the command center in a war, stopping the information in war, not going after the targets in a war, not providing resources to fight a war, cutting back any of the aid and ammunition in a war, and just treating the wounded in a battle.

That is exactly the philosophy, it is exactly the strategy, and it has been a failed strategy in communities like Baltimore. Baltimore had a liberal mayor up until just recently who said, just do it; we will have needle exchange; we will have all of these liberal programs. Baltimore went from almost no heroin addicts or drug addicts and a large population, the population was approaching 1 million, it is now down to about 600,000. One in 10 people, a city council member has recently been quoted in Baltimore saying 1 in 8 individual citizens of Baltimore, Maryland is a drug addict. Now, that is the liberal approach. The liberal mayor with his liberal policies just left.

If we look at other cities, but let us go back to Baltimore for a second. Most major cities that have adopted zero tolerance like New York and Los

Angeles, even Richmond, who have adopted tough prosecution, tough enforcement policies, zero tolerance, have dramatic reductions in deaths. The statistics we have seen from Baltimore were 312 in one year, I think in 1997, and 312 in 1998. I do not have 1999 figures, but I guarantee they have not gone down. The rest of the Nation is where we have zero tolerance. So we have 60,000, one in eight. Imagine the United States of America adopting this liberal policy that Baltimore did. One in eight Americans as a drug addict. Could we imagine the societal costs, the cost to families, the cost to the economy of the Nation. It would be astronomical.

Now, that is one model we can look at.

The New York model, zero tolerance, tough prosecution. I went up during recent months to visit a program that Mayor Giuliani put into place, DTAP, a prosecution program, tough prosecution program that tied in with an effective treatment program, one of the most effective I have seen anywhere in the Nation. Here is a mayor, an elected executive who inherited one of the most crime-ridden towns in America where most people would not walk on the streets with over 2,200 deaths when he took office, the year he took office, and through a zero tolerance, through a tough prosecution program, 600 deaths in New York City. This is a successful program. This is an area where they have successful treatment.

I sat with addicts, and one of the addicts was 38 years old and had spent half of his lifetime in prison. Had no hope before the program instituted by the mayor and the prosecutors in that area. No hope.

Another individual, I talked to his wife, had died of a heroin overdose. He was a heroin addict, and the story went on and on. No successful programs. No tough enforcement. This does work.

Richmond, people talk about gun violence, and I was glad that the President came just behind us and talked about gun violence. Now, I believe very strongly in Second Amendment rights, and I heard the President talk about tough prosecution. We have asked for tough enforcement of gun laws. We have countless gun laws. Washington, D.C. has the toughest gun laws. Guns are banned in Washington, D.C. Today, this community buried a young couple the day after Valentine's Day who were massacred, slaughtered on the streets, I think they were 17 year-old sweethearts in this community, a community with every restriction one could possibly have.

□ 2015

But we know that tough enforcement works. We know that Project Exile, which they adopted in Richmond, which was plagued by record numbers of deaths, but tough prosecution of existing gun laws worked, and we cut the murders dramatically in Richmond, where people could not walk in their neighborhood, in the street. We know the Giuliani method is successful, and that tough prosecution does work.

Our hearing today, in addition to the drug czar, had as a witness an individual who has done an outstanding job, General Wilhelm, who is in charge of the Southern Command. He has done a great job, in spite of an administration that is not interested in having the military work in any way on the war on drugs, and has had to be drug, really, into this new restarted national strategy. General Wilhelm has done an outstanding job in piecing together our Southern Command.

Our Southern Command has been in charge of the surveillance information. Our military does not go after, in a law enforcement manner, drug traffickers. What they do is provide surveillance intelligence information, and that is passed on to our allies, who are really the best suited to go after drug traffickers in their own communities and states and nations, and drugs, at their source most cost-effectively.

Again, this administration could not have bungled things more. We were basically removed from Panama, and we knew we had to be out of Panama. We were unsuccessful, the administration was, in negotiating, keeping our drug surveillance operations at Howard Air Force Base, so last May all flights stopped out of there.

One of the problems we have had is we have had an absolute wide open corridor for narcotics traffickers to come in through this drug-producing region. Again, the most cost-effective way, stop drugs at their source, where they are grown, eradicate them; next, interdict them as they come out.

The glut we are seeing is because Howard Air Force Base was closed down May 1. We turned over those assets to the Panamanians. We have had to relocate in Ecuador, and it will cost us probably $100 million before we are through. We finally signed a permanent agreement, I think a 10-year lease on that airport there. Right now the airfield is in such bad shape that the equipment cannot take off and land that we need. Aruba is another location we have had to look at moving those assets to.

In the meantime, today we are probably only flying 35, 40 percent of the strategic missions to detect and monitor drug trafficking. In a report which I requested from GAO, and we held a hearing just a week or two ago, it was "Assets DOD Contributes to Reducing Illegal Drug Supplies Have Declined." This is a real indictment of the administration in dramatically decreasing the flights. From 1992 to 1995, the drug surveillance flights were reduced, according to this report, by 68 percent. The maritime efforts, anti-narcotics efforts, were reduced some 62 percent.

What is even scarier is, according to General Wilhelm, in this report, and he did testify today, the Southern Command Commander, they can only detect 60 percent of the key routes in the drug trafficking area about 15 percent of the time.

Mr. Speaker, if Members want to be even more concerned, the over-the-horizon radar that was supposed to be in place next month to supplant some of this lost capability is further delayed for installations.

The good news is some of the drug-tethered balloons, air balloons that we have in surveillance around our coasts, I understand we have at least a commitment from the Air Force and from the Assistant Secretary of Defense where they will stay in place, although they were going to remove them.

Again, it does not take much to figure out a good strategy in the war on drugs. We stop it at the source, eradicate it. Even President Nixon eradicated heroin. They have had various programs. They were reviewed at the International Drug Control Summit last week, and some were very successful, and China and Turkey and other countries. They have been able to eradicate them. We are not on a mission that will not succeed, but we must get the resources there. We must get the equipment there. We must aid our allies, who are willing to be partners in this effort, especially in Colombia, where we have a great leader in President Pastrana, who is trying to get his Nation back together.

I submit, and it was confirmed by witnesses at our hearing today, the only reason the rebels are now in Sweden and in Europe and talking about serious peace settlement in Colombia is because the threat of the resources finally reaching there. It is sad that even until a few weeks ago, the three Black Hawk helicopters that we had requested, and again, Members saw the documents here back some 4 years, 5 years ago, that finally arrived the end of last year, and it is unbelievable, they arrived without proper armor.

Today we were told that the armor that was sent does not fit on all of the helicopters, so some of these are sent in nonstrategic but support missions. Some are up and flying, but not in the proper fashion that Congress had intended.

In addition, the ammunition and mini-guns and other resources to get to the national police, who are anti-narcotics officers in Colombia, still have not all arrived. It is unbelievable, but I believe confirmed that half the ammunition was inadvertently delivered during the Christmas holidays to the loading dock at our State Department; again, the gang that cannot seem to shoot straight in getting this drug situation under control.

Again, it is not rocket science. Almost all of it is coming from Colombia.

Seventy-five percent of the heroin coming into the United States, over 75 percent of the cocaine is now sourced there. Some of it does transit through Mexico, but if we stop it at its source cost-effectively, we do not have to have 10,000 Border Patrol people there.

Even today I see they are becoming threatened with bounties put on their heads by these reckless drug traffickers.

Again, we can win this. We can win it cost-effectively. We have to learn by our mistakes. It must be an international effort, a little bit of dollars, with the help of our friends, the European communities willing to put in more resources, because they also are becoming more victimized, just like the United States; with a little help to Colombia and with a little help from both sides of the aisle, not making the mistakes, joining in and saying, we are going to get those resources there, we are not going to wait.

If this was Kosovo and we could not get the helicopters to Kosovo, it would be a disaster. If we could not have gotten the ammunition and the resources to our troops, and these are not our troops we are trying to supply, in the Gulf War, we would have had a disaster there.

So we can start a real war against narcotics. We have thousands of lives at stake. Out there tonight in our districts are young people who are overdosing. Three or four times those who are killed in Columbine will die tomorrow as a result of drug overdoses in our community, and hundreds more, as the drug czar said today, will die from the scourge each day across our Nation.

So we have a great responsibility to get our act together, make certain this administration fulfills the will of Congress, and that we get resources to those who can help us bring this situation under control.

FALSE STATEMENTS CONCERNING THE F/A-18E/F SUPER HORNET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. CUNNINGHAM) is recognized for 60 minutes.

THE PROBLEM OF INTERNATIONAL NARCOTICS TRAFFICKING

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank my friend, the gentleman from Florida, for the presentation that he just gave. I would add a couple of things to it; first of all, that in Kosovo the KLA Albanians have been described by the CIA and FBI as some of the most ruthless and dangerous cocaine and heroin dealers in the world. In Europe they are the major threat, and we are starting to see the function of that now. They operate out of Kosovo. They have a clear hand.

Secondly, in Afghanistan, another area in which the terrorists are selling drugs to support the mujaheddin, the Hamas, and recently in Israel, that Israel is having trouble with right now in Lebanon. So I would thank the gentleman for his presentation. The lives of our children and our grandchildren are at stake, and the information that he brings I have read not only in several articles, but have been briefed by our classified sources.

Mr. Speaker, I want to talk on something a little different tonight. On February 7, a member of the other body delivered on the Senate floor what has become an annual tirade of false and misleading statements concerning the Navy's number one weapons system procurement, the F-18E/F Hornet. He concluded at best that the aircraft is not better than the current airplane, and probably is worse, and it is enormously more expensive than continuing with the present FA-18C and D models.

Mr. Speaker, I have two models here. The first is the F-18 C/D. The second is the F-18 E/F. What I will show in this next hour is the extreme advantage of the latter over the C/D model, and why it is necessary that the Navy has its number one aircraft for the future.

Secondly, the gentleman from the other body has never served in the military who was talking about these two aircraft. He has a zero rating from all defense groups and agencies. He stated his own opinion as fact, and I would say that the gentleman in the other body is extremely factually challenged. The gentleman has never served in the armed service. The only credential that he has is that he is liberal.

I say this based on my knowledge and experience in carrier aviation, and on intelligence briefs presented to me recently by the Department of Defense and by the Central Intelligence Agency. It concerns, first, the current, and more importantly, the projected military threat that will face our defense forces over the next decade. We need to take seriously a look at not only what the current threat is that we could face, our men and women in all services, and secondly, it concerns the weapons we are planning to acquire to defeat that threat.

When we look at the threat, we look at the future threat 10 years, 20 years, even 30 years from now, it should be determined on what direction we go with the planning and the aircraft and equipment that we buy presently, and the training of the men and women in our Armed Forces.

I would say that many of the Members have received this intelligence briefing. I would encourage the gentleman from the other body to do so. The classified briefings can bring insight into what those actual threats are and the direction that we need to go.

□ 2030

I would ask, Mr. Speaker, what brings DUKE CUNNINGHAM, a Republican from California, why should I be such another expert, other than the gentleman in the other body?

First of all, I served 20 years in the United States Navy. I was a Top Gun student. I was a Top Gun instructor. I was commanding officer of the adversary squadron. I was on the Defense Authorization Committee, and I am now on the Defense Committee on Appropriations and sat in on many of the Intel briefings. I would tell the gentleman that I have flown the F-14. I have flown the Air Force F-15. I have flown the F-16, the F-18C/D and the F-18E/F that we are talking about. I have flown in the Middle East, and I flew in Israel in 1973 and 1974. I have flown against enemy aircraft in combat, and I have shot down many of those aircraft. I have also flown against them in peacetime to judge their capabilities, and I helped develop the tactics against those particular aircraft.

The gentleman in the other body has none of these capabilities or none of this knowledge.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BILIRAKIS). The Chair would advise the gentleman from California (Mr. CUNNINGHAM) that he should refrain from characterizing the position of an individual Senator, even if not mentioning the Senator by name; and the gentleman should also refrain from urging an individual Senator to take a particular position.

Mr. CUNNINGHAM. Mr. Speaker, I would particularly recommend that the gentleman in the other body get the briefings on potential threats posed by forces by Iran, Iraq and Libya, in North Korea and China. Specifically, Mr. Speaker, I would recommend that the Speaker look at the Russian SU-37 with the AA-10, the AA-11 and AA-12 missile, because in today's fleet, if our pilots in the F-14, the F-15, the F-16 or current F-18 meet this SU-27, with the Russian missiles and their jammer and their radar, our pilots will die 95 percent of the time.

That is not spin, Mr. Speaker. That is fact.

I would recommend these briefings on the capabilities of carrier battle groups to meet and defeat these particular threats and the tactics involved in them, which I deal with on a daily basis. The capabilities of carrier aviation today center on two tactical aircraft, both of which I have flown, the F-14 and the F-18 Hornet. The Navy has upgraded them throughout the years. As they buy an airplane, new equipment, new electronics, new stealth capabilities, are placed on those aircraft.

The F-14 airframe was designed in the 1960s, and the F-18 in the 1970s. We have added many things to those aircraft, trying to keep them with the capability to meet those threats that I have previously talked about.

When the F–14 was designed, the Navy desperately needed a high speed interceptor. Right after the Vietnam War, Mr. Speaker, there were many that thought that our only threat was going to be Backfire bombers coming in from the former Soviet Union. We trained many of our pilots as interceptor pilots, although the Navy Fighter Weapons School, which we know as Top Gun, continued to learn how to fight the F–14 and F–18 in what we commonly call a dog fight.

Counterfleets of projected cruise missiles were also a threat coming in not only at the carriers but our battleships and our troops embarked, and our aircraft were designed to meet that particular threat. That performance dominated the design at the expense of reliability, maintainability, survivability, and versatility.

The F–14 today is very expensive to maintain, and each cost per flight hour is an extreme mode.

In early mid-1970, Congress, in its wisdom, directed both the Navy and the Air Force to develop their next generation of tactical aircraft. The F–18, and for the Air Force the F–16; and if we want to look I do not have a model, Mr. Speaker, of the F–16 but if we want to look at the Russian-built MiG 29, it is very similar. As a matter of fact, the Soviets stole the plans of our F–18 and our F–16 and devised this particular airplane called the MiG 29.

They also stole the plans for our older F–111 and created a MiG that is very poor performing. They stole the wrong plans, because in my opinion the F–111 could not shoot down the Goodyear Blimp, but they stole the plans and thought it would be a good airplane because it had variable swept wing like the F–14.

All of these aircraft have served our Nation well and they have been equally successful by our forces, by both our men and women in Desert Storm and other areas. But they are limited.

The aging fleet of the F–14 Tomcats, many of which are over 20 years old, Mr. Speaker, are difficult and expensive to maintain because they were designed before modern survivability. We call it VSEVO.

Mr. Speaker, we know it as stealth capability, and those techniques have been developed over the years since the F–14 and the F–18 models were developed. Like the F–14, the early models of the F–18 were growing long in the tooth; and even the most recently built F–18C/D model are no longer able to keep up with the evolving threat, i.e., the SU–27, which is a Russian variant, the SU–35 and SU–37, which are projected Russian threats in the next few years, along with their AA–10, AA–11, and AA–12 missiles, which are superior to our best missiles in a dog fight.

The limitations of the F/A–18C/D Hornet and the ability to handle that threat is a serious threat today, Mr. Speaker. They performed well in Desert Storm and Allied Force and Desert Fox. All I can say is we are very, very fortunate, Mr. Speaker, that the SU–27, with the Russian add-ons were not available in Kosovo, because our long-range stand-off weapons, our aircraft would not have known, both in the intercepted and the dog fight, that they were coming, and our pilots would have suffered at the hands of those pilots.

That brings me to my major premise, Mr. Speaker, the necessity of acquiring a larger, longer range, more survivable, and more capable F–18E/F Super Hornet. Many people fought off the B–2 and its production. The B–2 was one of our most successful aircraft in Kosovo. It had no losses. It launched out of the United States on missions, and if we look at the target damage in Kosovo impacted most of the target damage itself.

The F–22 is a future airplane by the Air Force. It will be able to meet the threat of the SU–35 and SU–37 in the future, but at the same time we are debating in Congress the additional cost of that particular airplane. If anything, we need to double the numbers, reduce the unit cost and proceed with the test and evaluation so we can take a look at introducing that particular airplane capability against the future threat of Russian and Chinese airplanes.

Let me give another example, Mr. Speaker. I went to Patuxent River, Maryland, and as a test pilot I am able to fly aircraft. A few weeks ago, General O'Ryan was flying the F–16. I was able to be in the F–15 and doing the test results on the new F–22. We did high angle attack work, which means a very slow high angle, high claim rate speed, and also the VSEVO test, which is the performance and acceleration test of different aircraft.

In this particular airplane, the F–18E/F where I flew at Patuxent River, Maryland, let me give you the difference in capability. In Vietnam, I was shot down on my 300th mission in combat, after engaging some 22 MiGs on the 10th of May 1972 and shooting down three of those MiGs. On other occasions, I had to ingress a target at very low level, 50 feet to 100 feet. I would pitch the plane that I was flying, at that time was an F–4 Phantom, and I would go over the ground looking at my map and hitting certain positions on that map within seconds.

At a given time, I would pop the airplane up, roll to take a look at that target and quite often it took a long time to find that particular target, Mr. Speaker. At that time, I was very vulnerable to those gunners while I am looking for that target climbing.

With this particular airplane, when I flew at low level, some 600 knots at 50 to 100 feet above the ground, it handles very capably and that is another reason that the airplane is good because one can take a young Jonathan Livingston Seagull that has never set foot in a jet before and they feel very, very comfortable with the handling qualities of this aircraft.

I flew it in at 600 knots, popped up; and before I got there, miles away from the target, I was able to lock that target up with two different systems, which I cannot discuss because it is classified. I not only locked up the bridge with two systems, I knew exactly where it was so when I pulled up, all I had to do is roll, put the airplane on the target, drop the ordnance and then break out, which limited the amount of vulnerability that I was vulnerable to enemy aircraft fire and/or other aircraft.

So that in itself, Mr. Speaker, is a big advantage over the F–18C/D, or even the F–14.

Early F–18s, the A, the B, the C and then later the D models, have been strengthened over the years to withstand stress of recovering back aboard a carrier, with more and larger weapons. We have added sensors to these older F–18s, countermeasures, advance systems, black boxes, electronics; and the Hornets have become even more densely packed and heavy.

What does this mean, Mr. Speaker? It basically means that this older model of the F–18, because we have added so much weight, there is no more capacity to add weight to this airplane and, secondly, that when we add the weight on there, we cannot grow anymore. All the new systems to combat these aircraft that I previously mentioned, SU–27, SU–35, SU–37, all their missiles, all of their capabilities, I have no more room to put it in this airplane. It is full. The F–18E/F has room to grow over the next 20 years, which is a big advantage.

I would ask the Speaker to put himself in the Sea of Japan, or put his son or his daughter in an aircraft, coming aboard in the Sea of Japan in the dead of winter, a pitching deck, bad weather, and you can only land on that carrier one time because the increased weight of this aircraft as it has grown throughout the years, you are limited in the amount of fuel that can be brought back aboard. If you do not land that airplane on the flight deck, you have to go back up through the bad weather, you have to find a tanker and be able to tank. If you drop the weapons that you are carrying, you could drop half a million dollar or million dollar weapons off of that airplane so you can back aboard the carrier, and that is a waste in itself and cost millions of dollars, especially if you are early on in a war when it has not started but yet you carry ordnance just in case the battle begins.

The worst part of this, Mr. Speaker, is that our young men and young women, if they miss that carrier deck in those kind of conditions, in the Sea of Japan or areas where the weather is bad and cold, if they have to eject, the pilots wear today a survival suit, but they have less than 10 minute survivability time; and chances are our helicopters and our search-and-rescue efforts will not find them before they die.

□ 2045

The aircraft that we are talking about that the gentleman in the other body talks so badly about that says it was not better, I can bring four of these heavy duty weapons back aboard and I can carry enough fuel for 15 passes at that carrier deck in case there are problems with the deck, if there are problems with the weather or even the tailhook itself on this particular airplane. So it means survivability to those men and women in those circumstances.

Mr. Speaker, when I was in Vietnam, we had problems bringing Rockeye, which is a bomblet, back aboard the carrier and quite often we did not have time to stick around on the target to develop that particular weapon because we ran low on fuel. F-18E/F extends the range of the current F-18 by drastic amounts, not only giving the pilot time on target but survivability in an area which could be very hostile to enemy threats.

Another advantage of the new F-18E/F because the defense budget has been so low and because many of the deployments to Somalia, to Haiti, to Iraq four times, to Bosnia, to Kosovo, to bombing aspirin factories have cut off the defense budget; and we have not had the advantage of the particular airplane to allow it the capabilities that we need in this particular airplane.

What this aircraft offers is it can itself, if we take off these weapons off this pylon, the airplane is built as an air-to-air tanker. It can give us an additional thousand pounds of fuel, which will allow us to go over a thousand miles, where the F-18/CD has as little as 370 miles of range.

So the gentleman in the other body that spoke about the capabilities of this older CD being worse than the current F-18E/F that we have coming up is just not the case. I would tell the gentleman that he is incorrect, and I would tell him to get not only, I do not know if I can do that, if I can advise him to take briefs, Mr. Speaker, but if he does not, he should. I do not know if I can advise him or not under the rules. But if he is overly concerned that the Super Hornet will cost 13 percent more than the older airplane, I would ask him to think about the capability of this aircraft not only in cold weather in saving our pilots, the ability of this airplane to be a tanker so that this one will not run out of fuel, but the Hornet in studies has been shown that this airplane will die in combat four to one to this airplane. Why?

First of all, you have the endurance and the range to go to the target not direct but in a route that avoids enemy threats. Secondly, if you are engaged by enemy threats, you have the fuel to get back to the carrier, where, with this airplane, just to use an afterburner will cause you to run out of fuel or could cause you to run out of fuel. This additional 13 percent in cost will save four aircraft to one in combat with different studies. And I think that is very critical.

Mr. Speaker, I took this airplane up at Pax River and also flew it. Because the aircraft itself, when it was being initially tested, had a condition that they call wing drop. When you take this aircraft, generally at speeds in which you are trying to close in very close to the enemy, and we will not shoot another F-18, let us at least use a Russian airplane, if we are trying to close in on another airplane close aboard, what was happening, something that they did not look at in a test bed was a condition called wing drop.

If you would pull under certain PSF, different G-loadings, different altitudes, then what happened is the air flow over the wing of this aircraft would cause one wing to depart other and then the wing would drop, which is a tactical disadvantage and could even cost you that fight.

Engineers went in. I flew the airplane at 40,000 feet; and I then flew it at 35,000 feet, and I then flew it at 30,000 feet trying to duplicate the wing drop after the engineers had fixed it. We could not duplicate it.

But during this time, the point that I would make, my chase pilot flew at 25,000 feet just saving their fuel while I did all of these other tests using in and out of afterburner, under high-G loading not only in military power but maximum power, burning fuel at a very high rate, this aircraft was sitting at 25,000 feet at maximum endurance just saving its fuel. Even with all of that, I ended up with 3,000 pounds more fuel, Mr. Speaker.

What does that mean? It means that our pilots, if they are engaged, will have a much higher capability not only of survivability but the ability to engage the enemy.

On May 10, 1972, I was engaged by 22 MiG-17s, 19s and 21s over North Vietnam, Mr. Speaker. I cannot tell you about the ensuing dogfight. I was fortunate enough to shoot down three of those 22 MiGs. But, in that, you use a tremendous amount of fuel; and if you have got 100 or 200 or 300 miles to return to your carrier or to your airfield, the Air Force, then you have a good chance of losing that aircraft.

The F-18/C model has done well in the past, but yet its stealth capabilities that we have added today to that particular airplane were not developed until later on. The new aircraft, the F-18E/F, gives us a much higher chance of survivability in the intercept. The Russian radars are very large. They had jammers that are very difficult to actually see where this particular airplane is, Mr. Speaker.

What the F-18 does is that his missiles, the bad guy's missile, is better than our missile today, not in the future but today. We cannot only see where he is not, we cannot see where he is. And what happens is that he fires a missile at me if I do not have stealth capability and our pilots die. Now, that is a pretty serious thing, Mr. Speaker, whether you are sitting in that cockpit or you have a family member that is sitting in that cockpit.

What this stealth capability in this new F-18E/F does is that enemy, with his powerful radar, cannot see our aircraft, or, at least, by the time he sees it, it gives us time to lock up his airplane and to fire our AMRAM or other type missiles, which gives us the capability to shoot him down and to have him come back in a ball of fire instead of us.

Now, that might be not significant to many people, Mr. Speaker, but it is for the men and women that we ask to fight our battles.

I would say to the gentleman in the other body, when he says that the older F-18C/D is better than this airplane, he is wrong. When he says it has longer range than the newer airplane, he is absolutely wrong. When he says it has better stealth capability, he is wrong. And when he says it is an airplane that we should not buy, Mr. Speaker, in my humble opinion, the gentleman is wrong.

We need to look very carefully at the future, Mr. Speaker, and to see what technologies we have to put into those aircraft. I have a real concern. If the gentleman in the other body wants to take a look at a system that could have problems in the future, this country, the United States of America, has never built, Mr. Speaker, an airplane that is inferior to what the enemy threat is. We are not going to put our men and women up in the air with an airplane that we think that they cannot survive in. We just have not done that in this country.

Even during World War II, when the Japanese Zero was superior to many of our aircraft, industry came about and developed superior aircraft, like a P-51, like a P-38, like other aircraft that turned the tide of that war. And we cannot do that today. But I would tell my colleagues, Mr. Speaker, that I have a real concern with an upcoming aircraft, not the F-18E/F, but with an aircraft called the Joint Strike Fighter.

The Joint Strike Fighter, the U.S. Air Force is going to replace its F-16, which is an attack aircraft. The U.S.

Marine Corps is going to use it as a vertical takeoff, what we call a jump jet, to replace the ailing Harrier.

The United States Navy is selected to take a low-end or a low-cost variant of that Joint Strike Fighter. And we must take a look before we buy or develop that aircraft first, is its design going to allow our pilots in all the services to win in combat? Can they meet that future air-to-air threat and air-to-ground threat? Can they fight those future threats?

I do not want a fair fight, Mr. Speaker. There is no such thing as a fair fight when you are a fighter pilot, and there are no points for second place because second place means you are captured or you are dead. And I do not want to build an airplane that I cannot defeat an enemy or that my children or your children cannot defeat that enemy.

I hope the Joint Strike Fighter program succeeds. Battle group commanders will surely welcome it in year 2012 to begin sharing on its flight deck with the F–18E/F. But I will continue to argue to the best of my ability from now until that speculated time that we need to be equipping our airwings with the F–18E/F and ensure that the other systems that we put our pilots in can meet that threat.

This year, in Congress, we debated the F–22. The F–22 will meet the threat of the SU–35 and the SU–37, which is the future aircraft. Right now, in my opinion, it is one of the few airplanes that will meet that threat. Unfortunately, the airplane today is $187 million a copy. The research and development is over $20 billion dollars. And the cost of the electronics, hopefully, will not go up.

If we do anything, Mr. Speaker, we should double the buy of the F–22. Because what they did is, with Lockheed and the Air Force, they cut the buy of the F–22 in half. When you take all this research and development money and you put it on a lesser number of airplanes, each of those airplanes, when you pile those additional costs, it is more than if you had a whole bunch of them. So, in the future, I think we need to double the buy of the F–22, not only for the cost but the fact that when you get into an engagement, it is like a food fight, you may have some airplanes over here and some other here and some behind you that are in the threat, and if you only have two air superiority fighters, you may not be able to cover everybody that is in trouble. And it is another issue that is coming up before this Congress. I hope we can resolve this, as well.

It is not just because of the superior ability to bring expensive smart weapons back to the ship or because spectacular improvements in survivability. It has a wealth of additional enhancements, the F–18E/F.

I will confine myself to three, Mr. Speaker. First of all, the increased range. Secondly, the airborne tanking capability. And C, I mentioned briefly, the capability for growth. The combat radius of the Super Hornet carrying 4,000-pound weapons, that is a lot of bombs on an airplane; and the drag, like when you stick your hand out of a car, that is called drag, but the drag on those aircraft is tremendous.

That airplane can go 500 nautical miles, compared to only 370 miles of this aircraft. Every battle group commander since the F–18 deployment in 1983 has recommended this extra range.

The GAO reported highly critical initially of the F–18 at the time and it emphasized the limited range of the F–18C/D. I criticized it myself. And they asked us to continue buying the A–7, which was a much older airplane with less capability, and I disagreed with that.

At least one of these same GAO analysts that was responsible for the recommendation now states that the extra range of the Super Hornet is unnecessary and that the previously unsatisfactory range of the original Hornet is adequate.

□ 2100

Mr. Speaker, this absurd and contradictory analysis is all the more unsettling when combined with the fact that in the days of the original Hornet, the Navy had A–6 tankers to enhance the range of our aircraft for in-flight refueling. These vulnerable aircraft have since been retired, leaving the aging S–3, which has very limited tanking capability, as the only tanker for the fleet today.

Fortunately, the F–18E/F unlike the F–18C/D was designed to carry fuel tanks. You see all of these stations underneath can be loaded with fuel tanks. What is the advantage of that? It can fly at speeds and altitudes most suitable for the combat mission unlike slower, less maneuverable ones. Let me give an example.

In Vietnam, we used to go up and try to tank behind a C–130. It was so slow that I used as much burner getting the two or 3,000 pounds of fuel out of that airplane than I got. I burned more fuel than I actually received, but at least I was heading toward the target. This aircraft can act as a tanker and tank at the same speed as the other F–18s and be just as maneuverable. This gives the battle group commander the capability to launch one or two Super Hornets, each carrying two smart missiles, accompanied by an additional Super Hornet configured as a tanker, and after, a single refueling outbound leg, the missile-armed aircraft will strike the enemy targets a thousand miles away and return, a thousand miles and return. Remember, this airplane was 370 miles only. So again the gentleman in the other body was wrong and misinformed.

The big part of this airplane is the maintainability. I have spoken about the F–14 and its capability. If you have an aircraft that is a tanker and also can act as a fighter, it gives you another fighter airborne. Plus you do not have to have all the other maintenance people to maintain a totally different airplane, to have different parts on the carrier because this aircraft is the same as the airplane you are going out to fight with as a tanker. The parts are common, they are easier to keep, and that way you also keep more aircraft up on that carrier deck making your readiness much, much higher.

With two-thirds of each launch serving as strike aircraft and the third serving first as the tankers and then as combat air patrol between the battle group and the enemy, tremendous new capabilities and flexibility and alternatives accrue to the battle group commander.

My final attribute of the F–18E/F is its capability for growth. The reason the F–18 A, B, C and D models have remained effective is that we have built up those systems since the early 1980s and they have been upgraded every 2 years, incorporating new radars, mission computers, forward-looking infrared sensors, and weapons employment capabilities as I noted earlier. This capacity for further modernization has been exhausted, and there is no more room. Not only is the current F–18C/D already too heavy to incorporate any additional systems, without considerable redesign there is no space to locate such systems or black boxes, as we refer to them in the military.

Likewise, there is no additional electrical power or cooling capacity to accommodate the new equipment. So in short, Mr. Speaker, the old aircraft cannot keep up not only with the threat but the modernization necessary for our men and women to win in combat and to complete their mission. The F–18E/F has, like its predecessor the F–18A/B did in the day, the access of electrical power, cooling capacity, and cubic space to accommodate 20 years of growth and therefore will be able to incorporate new sensors, countermeasures and weapons still on the drawing board. One of the advantages is that the high technology of the new F–22, the Joint Strike Fighter as it develops, will be able to use those same weapons systems, those same radars in this aircraft and exchange them because there is plenty of room for growth, up to 20 years, which should be just about the service life of the F–18E/F before we go to the Joint Strike Fighter and whatever comes next.

I began these remarks with the opinion that they are the most important of my career. I believe this because I feel that the F–18 is essential to the preparedness and success of carrier aviation and naval air power projection for the next 20 years, Mr. Speaker. As events in both the Arabian Gulf and in the Adriatic Sea have borne out recently, our land-based tactical assets are not always welcome on otherwise friendly real estate. Quite often, we will have to engage it with a battle group or a carrier air battle group. That, combined with the Air Force, the Marine Corps and the Navy, in joint exercises and joint combat, our troops should be able to withstand those enemy threats.

But I do not think there is anyone on either side of the aisle or the gentleman in the other body that would have our men and women engage an enemy in a system where they knew that they could not win and they would either die or be shot down. The engineer and manufacturing development phase is complete. The operational evaluation is complete. The airplane is ready. It is ready to put to the fleet.

Back in 1992, the Navy presented its $4.8 billion estimate for this phase in FY 1990 dollars. The Navy and the contractors have come in below those costs. Boeing, McDonnell Douglas, Northrup Gramine, Raytheon, General Electric aircraft engines have brought the program in well below the cost estimates, and it is a superior aircraft, Mr. Speaker. Congress also specified that the F–18 production costs not exceed that of most F–18C/Ds by more than 25 percent. This aircraft came in at 13 percent the cost.

Frankly, I have been a little skeptical of some years ago to whether the F-18E/F could live up to its billing and I was wrong. It has. I was skeptical that the radars would not meet the threat but it has. For the preceding 2 years an annoying, relatively minor anomaly has shown up in certain combinations of speed and altitude, and I addressed that. It is called wing drop. That has been completed and finished by our engineers, not only not at the expense of our stealth capability nor our range as you would think that you have to hang something else on the airplane. At the end of an exhaustive process, the fixes were finished, the wind tunnel tests are done; and we are ready to buy this airplane for the United States Navy and the United States Marine Corps if they so choose.

I would be comfortable in this airplane, Mr. Speaker, fighting against the threats that we have today. And the threats that we have tomorrow we will have to upgrade this aircraft as well. The Navy's most successful initial sea trials on board the U.S.S. *Stennis* CVN–74 in January 1977, the dual F–18E/F is virtually identical to the front and rear cockpits and can be flown in training with our student pilots. This airplane is one of the easiest aircraft I have ever flown to bring aboard or take off on an aircraft carrier, making it user friendly for our young pilots as they enter the fleet. That is important as well, Mr. Speaker.

Eight production Super Hornets have been delivered to Fleet Readiness Squadron 122 at Naval Air Station Lemoore, California, where the cadre of instructor pilots is unanimous in its approval of how well the Super Hornet performs day and night and under most grueling conditions. It can be conducted aboard a ship within a test range of shore or in simulated combat fights.

Mr. Speaker, I would like to submit for the RECORD a Commander Operational Test and Evaluation Force, COMOPTEVFOR, released the results of the OPEVAL, specifically that the aircraft was found to be operationally suitable and operationally effective. The highest grade attainable in a test of this type or ever from an aircraft from the United States. They also recommended the aircraft for fleet introduction.

I would say to the gentleman in the other body once again, he is wrong. Boeing Super Hornet awarded the NAA Collier Trophy, Washington, D.C., the National Aeronautic Association announced today, Mr. Speaker, that the Boeing F/A–18E/F Super Hornet has been selected to receive the NAA Collier Trophy recognizing the top aeronautical achievement in the United States for FY 1999. That in succinct order, Mr. Speaker, is why that I say the gentleman in the other body, if he wants to man up in one of the older airplanes, I will man up in the new one, and he will die in a fireball all tensed up.

2-11-00—BOEING'S SUPER HORNET AWARDED NAA'S COLLIER TROPHY

WASHINGTON, DC.—The National Aeronautic Association announced today that the Boeing F/A–18E/F Super Hornet has been selected to receive the NAA Collier Trophy recognizing the top aeronautical achievement in the United States for 1999.

The Boeing Company, the Hornet Industry Team, and the United States Navy were recognized for, "designing, manufacturing, testing, and introducing into service the F/A–18E/F multi-mission strike fighter aircraft, the most capable and survivable carrier-based combat aircraft."

In announcing the selection of the winner, NAA President Don Koranda commented, "The selection of the Super Hornet as the 1999 Collier winner is an excellent example of the technical achievement and teamwork of America's aerospace industry."

The NAA's Robert J. Collier Trophy, established in 1911, is awarded annually, "For the greatest achievement in aeronautics and astronautics in America, with respect to improving the performance, efficiency, and safety of air or space vehicles, the value of which has been thoroughly demonstrated by actual use during the preceding year." The trophy, on permanent display at the Smithsonian's National Air and Space Museum in Washington, DC, is considered the greatest and most prized of aeronautical honors in America.

The Boeing F/A–18E/F Super Hornet is a flexible, multi-mission aircraft capable of performing a variety of tactical missions including air superiority, fighter escort, close air support, day/night precision strike, and all-weather attack. It was designed to replace three Navy aircraft, the A–6 Intruder, the F–14 Tomcat, and the earlier model Hornets. In addition, the aircraft will significantly increase an aircraft carrier battle group's capability to independently carry out sustained operations in support of national interests.

The F/A–18E/F has greatly increased performance, efficiency, and safety over the Hornet and has also reduced the maintenance requirements with 42 percent fewer parts than its predecessor. The aircraft has 25 percent greater payload, three times the "bring-back" to the aircraft carrier, five times more survivability, a 40 percent increase in range, and 17.3 cubic feet of growth volume for future systems.

In 1999, the Super Hornet completed the most thorough and challenging operational evaluation in the history of naval aviation. Its test program was a unique partnership between the Hornet Industry Team and the Navy that used a fully integrated team to conduct developmental flight and ground testing concurrently from a single location. During its "Test and Evaluation" phase, the F/A–18E/F has flown 6,876 mishap-free hours, including 2,917 hours in 1999. As it entered service in November, 1999, the Super Hornet exceeded all Navy and Department of Defense operational requirements. In addition, Congress approved a multi-year procurement demonstrating confidence in the program.

Additional evidence of the success of the program is illustrated by a number of technical "firsts." The Super Hornet has an unlimited angle of attack that provides exceptional maneuverability in combat, fly-by-wire controls and Full Authority Digital Electronic Engine Control (FADEC), and a flight control system that automatically compensates for damage or failure. Its documented performance makes the Super Hornet the most versatile, capable, and survivable strike fighter aircraft in the world.

Formal presentation of the trophy will take place at the annual Robert J. Collier Presentation Banquet, which will be held on Wednesday, May 3, at the Crystal Gateway Marriott Hotel in Arlington, VA. For further information, please visit NAA's web site at www.naa-usa.org, send an e-mail to awards@naa-usa.org, or call 703–527–0226.

The National Aeronautic Association is the National Aero Club of the United States and the nation's oldest aviation organization, founded in 1905. Its primary mission is the advancement of the art, sport, and science of aviation and space flight. NAA is also the United States representative to the Fédération Aéronautique Internationale, the 88-country organization that oversees all aviation and space records established worldwide. NAA consists of more than 100 member organizations. NAA oversees many of aviation's most prestigious awards and trophies and is a member funded, not-for-profit association.

The Commander Operational Test and Evaluation Force (COMOPTEVFOR) released the results of OPEVAL, specifically that the aircraft was found to be Operationally Suitable and Operationally Effective (the highest grade attainable from the test). They also recommended the aircraft for fleet introduction.

Press release follows:

"SUPER HORNET" OPERATIONAL EVALUATION RESULTS ANNOUNCED

The Navy announced today the results of the F/A–18E/F Super Hornet operational evaluation (OPEVAL). The OPEVAL report awarded the best possible grade to the Super Hornet, calling it "operationally effective and operationally suitable." In addition, the report recommended the aircraft's introduction into the fleet.

Chief of Naval Operations, Adm. Jay Johnson, stated "The F/A–18E/F Super Hornet is the cornerstone of the future of naval aviation. The superb performance demonstrated throughout its comprehensive operational evaluation was just what we expected and confirms why we can't wait to get it to the fleet!"

Air Test and Evaluation Squadron Nine (VX–9) at China Lake, Calif., flew 1,233 hours in over 850 sorties and expended more than 400,000 pounds of ordnance in the Super Hornet during nearly six months of flights. The 23-member aircrew tested the aircraft in a complex variety of tactical missions representing the operational arena.

The Navy's Program Executive Officer for Tactical Aircraft Programs, Rear Adm. Jeffrey A. Cook commented, "This is the best news the Navy's carrier forces have received in a long time. It will ensure that throughout the next twenty years the fleet will be capable of countering the evolving threat. My congratulations to the Navy's Operational Test and Evaluation Command, the men and women of VX–9, and the entire naval aviation systems team." The purpose of the OPEVAL was to test the aircraft in a realistic fleet setting to determine its operational effectiveness as a weapon system, and its suitability to be maintained and operated by the Navy. No new deficiencies were found and the report validated the aircraft's superior capabilities.

"I'm really excited about the results," said Capt. James B. Godwin III, F/A–18 program manager, "and we got the best grade possible from OPEVAL—operationally effective and operationally suitable. This report confirmed that the Super Hornet is a very mature product. We have been recommended for full fleet introduction."

The OPEVAL report specifically cited the aircraft's key enhancing features—growth, bringback, survivability, range and payload—as qualities relative to current fleet operational capabilities. The successful completion of OPEVAL continues the Super Hornet along the road to a milestone III decision, and then approval to start full-rate production and multi-year procurement.

CRITICAL TIME IN NORTHERN IRELAND PEACE PROCESS

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. WALSH) is recognized for 60 minutes.

Mr. WALSH. Mr. Speaker, I rise tonight to take a special order at a very critical time in the peace process in Northern Ireland. I have asked a number of my colleagues to join me tonight, but at this late hour, I am not sure that they will. But in the event that they do, I would like to yield them time, because so many of us have for so long worked so hard to help support this fairly difficult and "fairly difficult" would be an understatement, this extremely difficult process.

The news today is that the British Government has reimposed its sovereignty over Northern Ireland. After about a 2-year process of working and compromise and difficult negotiation, an agreement was reached and the Northern Ireland government took control of its own destiny in December of this past year.

Now, because of a crisis that has been precipitated over the issue of disarmament, the British Government has reimposed its will and has re-extended its authority over Northern Ireland. There is a question, Mr. Speaker, over the constitutionality and the legality of that action, but nonetheless it is fait accompli and home rule has been taken back away and Britain is now again in control of Northern Ireland governmentally.

That is a tragedy. After all these days and months and weeks of hard work and prayer and negotiation, we are back almost to where we started from. Reg Empey who was a unionist leader under David Trimble who is the Unionist Party leader, said today that the entire agreement now must be renegotiated, not just the issue of decommissioning or disarming but the Patten Commission which determines the reforms in the police, and the police is a major issue in terms of civil rights and justice in Northern Ireland, they say that will have to be renegotiated.

The cross border agreements between the Republic of Ireland and Northern Ireland would have to be renegotiated. The Parades Commission, which oversees the licensing, the authorization of these parades that occur between and among the two traditions in Northern Ireland, that will have to be renegotiated.

This makes it next to impossible to get the genie back in the bottle. David Trimble, the first deputy or prime minister of this new government, was awarded the Nobel Peace Prize for his actions in this. He has taken many chances to make this process go forward. Against great opposition within his own party and at certain times maybe today he leads a minority of the Ulster Unionist Party in support of the Good Friday Agreement. Nonetheless, his decision to tender his resignation prior to the completion of the Good Friday Agreement has precipitated this crisis.

□ 2115

It was a reaction to his own internal party strife, there is no question, but in order to make this work, it requires that all the leaders lead from the front, and it is pretty obvious that the rank and file of the party are in control right now.

Seamus Mallon of the SDLP party, who is the second in the government in a multi-party government, has said it was a mistake for Great Britain to take power back, to put the duly-elected government on the shelf. I agree with him. But, again, it is fait accompli. It has happened. So Mr. Mallon would like all the parties, the British, the Irish Republic, the political leaders of Northern Ireland, and I think the leadership of this country, to reengage quickly and resolve this and close the gap as quickly as possible.

Gerry Adams, the leader of Sinn Fein, said at the beginning that he questioned the legality of Great Britain's action, and also the logic and common sense of this action. We have entered into a void, and no one knows how to come back out. There is no legal framework, there is no guidepath, there are no maps to getting us out of this quandary we are in in Northern Ireland.

David Irvine, the leader of the Progressive Unionists, said this is far more dangerous than anyone knows. Those words, Mr. Speaker, are chilling when you consider the 30 years we have just come through in Northern Ireland.

This has great meaning to the American public. Millions and millions and millions of Americans claim their heritage beginning in Ireland. This has been watched with great interest and great support among the American public at large, among the Members of Congress of both parties, by our President, who has shown great leadership, and by Senator George Mitchell, who has provided the glue to make this stay together.

So now we are at a point where all the parties, all the players, have pretty much laid their cards out on the table. The IRA, the Irish Republican Army, they had declared a cease-fire 5 years ago; 5 years ago. There has been no breaking of that cease-fire, there has been no sectarian violence perpetrated by the Irish Republican Army. They have not responded to Protestant attacks on Catholics, Loyalist attacks on Republican Nationalist citizens in Northern Ireland, and there have been many. There have been many murders, and we have read about them, but they have not responded. They have shown great discipline.

They agreed to participate in the International Commission on Decommissioning. They made public statements that the war is over, that they support the political institutions, that there is nothing to fear from the IRA in this peace process. They have shown support, they have shown discipline, they have supported peace, they have engaged in it, and they have engaged in negotiation.

The latest statement by the IRA, albeit too late to prevent this from happening, made a very clear statement, understood clearly by the British government, the Irish Republican government, the political parties in the north and in this country, that they were committed to a process with clarity and definition and time lines.

Unfortunately, they have had a penchant throughout this process of saying just enough a little bit too late, and, in this case, it gave the nihilists, the anti's within the Unionist Party, a reason to close the deal and break off the deal.

It is terribly unfortunate. Mr. Mandelson, the Secretary of State for the Blair government in Northern Ireland, has done a good job. He just lacked persistence. He moved too quickly to accommodate the Unionist demands, and, like any kid knows, it is a lot easier to take a bicycle apart than it is to put it back together again. It looks like he made a mistake, and it gets harder and harder to get the wheels and the chain back on the bicycle.

Tony Blair, the Prime Minister of Great Britain, has been a true leader. Today, this evening, tomorrow, he has got to show that leadership, and he has got to show courage, and he has got to be forceful, because the British government is the patron of the Unionist Party. The Unionist Party wants allegiance with Great Britain. Great Britain has to be the lead government in getting the Unionists back to the table.

The Unionists, for their part, precipitated this crisis, not the IRA. Yes, they did make the jump in forming the Executive, 18 months too late, and only then just for a few weeks, but they did make the jump. Unfortunately, they did it with preconditions. Again, going outside of the initial Good Friday Agreement that 90 percent of the people on the island of Ireland supported, 90 percent.

They pressured their leader, David Trimble, into setting an artificial deadline. And I just wonder if Jeffrey Donaldson must be proud of the disruption that he has wrought? Ken McGinnis and John Taylor, two Unionists who have worked with Mr. Trimble all the way through, need to be bold, and they need to stand up and they need to take leadership in support of Mr. Trimble and getting the Unionists back on track.

This government can be put together again, but time is our enemy. The Irish government of the Republic of Ireland, led by Bertie Ahern, their view is that the British should have waited. There is no constitutional precedent for taking power back once it has been devolved, as they did in Scotland and Wales. Again, there is no map, there is no plan, there is no legal precedent for this. Bertie Ahern has been brilliant, but it is time to be strong. If this situation is not fixed soon, a vacuum is created, and throughout Ireland's history whenever a vacuum existed, violence fills the void.

As my teachers in school used to say, an idle time is the devil's workshop. Ahern must insist that the British move quickly to close the gap. The partnership between the Republic of Ireland and the government of Great Britain has been essential. The two leaders, Blair and Ahern, have guided this process along with our President and the political leaders in the north to this point. They have to reimpose their will and take control of the situation.

The United States' role, I am joined today by Congressman Peter King, who has been the true leader in the Congress on Irish issues throughout his career, as he has been in so many other areas, and Carolyn McCarthy, also of New York, has, while only in Congress for a brief time, become conversant with these issues, knowledgeable, forceful, and has become a real player.

We have all spent dozens of hours meeting with the political leaders in Northern Ireland. We have visited there. I have been there personally five times in the last 3 or 4 years, to try to just let them know that the world is watching, that it is important what they are doing, that the people of America care deeply, and we can see over the horizon the bright future that they will experience if they can just hold this together.

President Clinton has invested himself deeply in this. He knows the issues, he knows the players, and herein I think lies his greatest legacy.

Mr. President, you must do something to help at this critical situation. I would not make a suggestion, other than that you need to think about it, you need to think about how far we have come, how much we have invested, and what can happen if this falls apart.

Tonight I spoke with Rita O'Hare, the spokesman for Sinn Fein in Washington. She was actually in Dublin. There was grave concern in her voice, perhaps even fear, fear that we could lose what hard work and a little good luck and many prayers have gained.

There is a great deal at stake, but it is still repairable, but I fear that it is not repairable for long. The way forward is still the Good Friday Agreement that everyone signed on to.

The IRA has made a real commitment to disarmament. It must be coupled and symmetrical with a reduction in forces and arms on the part of the British, the Northern Ireland Police, the Protestant paramilitaries. Everyone, all sides, must get rid of their guns. Only then will we have real peace in Northern Ireland.

But to hang the whole process on the issue of disarmament or decommissioning is bogus. There are far more issues at stake here, not the least of which is removing the causes, the root causes, of violence: Prejudice, injustice, bigotry, triumphalism. All of these things in time must be eliminated.

Perhaps George Mitchell would be willing to once more try. He must cringe when he hears that, but he is the only one that has been able to put this back together at each and every juncture and each and every crisis.

I do not know what the answer is. Hopefully my colleagues here in the House will be able to shed some light on it.

Mr. Speaker, at this time I yield to the distinguished gentlewoman from Mineola, Long Island, New York (Mrs. McCarthy).

Mrs. McCARTHY of New York. I thank my dear colleague from New York (Mr. Walsh), and I thank the gentleman from Long Island, New York (Mr. King) also.

Mr. Speaker, I am going to be very brief on this. I will not even try to say that I am as knowledgeable as the two gentlemen here. But I have been to Ireland. I was there a year ago August when we were trying to put together the peace process.

The one thing I know, when I came back from Ireland, I know what the people of Northern Ireland wanted, and that was peace. Anywhere we went you could tell all they wanted was peace.

All of us watched over the weekend, hearing of news of what was going on. Many of us, our hearts sunk, because one moment it did not look like it was going to be put together, and the next moment things were going well. This afternoon we got word that things were not going well, that the IRA had walked away.

I want to clarify that point, because I am afraid tomorrow the newspapers and the media are going to blame the IRA for everything that has gone on. I do not believe that is really what has happened.

The IRA walked away from the bargaining table, but not from the peace process. The IRA and Sinn Fein are not walking away from peace, and I think all of us have to remember that. They want to continue the peace process.

The IRA and Sinn Fein are committed to the Good Friday Agreement. The IRA and Sinn Fein went to the Unionist Party and the British government to keep their commitments in the Good Friday Agreement as well. By suspending the newly formed Belfast administration, Northern Secretary of State Peter Mandelson is pulling out the rug from under the peace process. I know both sides will probably argue that, but those of us that have been following it felt that he should have stood his ground and continued to work things out.

The Belfast administration did not have a chance to succeed because it was held hostage by one man and his threat to resign. That is wrong. That is wrong for the people of Ireland, that is wrong for the people of Northern Ireland.

The road to peace is paved by compromise, not by the demands of one country or one man. Sinn Fein and the IRA are willing to adhere to their agreement, but the British Government is changing the rules. I agree with my colleague that this is a time when Tony Blair really has to take a stance and prove to everyone that he wants to see peace in Ireland.

Let us remember that the IRA and Sinn Fein have kept the peace process going.

□ 2130

Sinn Fein and the IRA, they have kept their guns silent.

I can speak from personal experience, knowing what it is like to lose a loved one, my husband, to gun violence. As a mother I can speak as someone who has seen a child maimed, so I know what the women of Ireland are feeling tonight. We must persevere. We must have President Clinton continue to work, and I agree this could be his legacy, his greatest legacy. The American people must stand together and have their voices heard. Again, here in Congress, we must continue to work to make sure that this works for all of us. We of Irish American descent over the last several years have discovered what it is to be Irish. It is a proud race. We are proud that we all belong to it. We will continue to do our job to make sure that there will be peace in Northern Ireland. God willing, it will happen sooner than later.

Mr. WALSH. Mr. Speaker, I yield time to my good friend and distinguished colleague, the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, I thank the gentleman for yielding. I am proud to rise this evening to discuss the Irish peace process and the crisis that threatens it this evening and, unfortunately, probably into the next several weeks.

At the outset, I want to commend the gentleman from New York (Mr. WALSH) for his leadership, both in calling this Special Order this evening and also the leadership he has shown as chairman of the Friends of Ireland Committee and for the work he has done, for instance, in leading the congressional delegation which accompanied President Clinton to Ireland and Northern Ireland in 1995 and again in 1998.

I also have to commend my colleague in the neighboring district of Long Island (Mrs. MCCARTHY) for the enthusiasm and the interest she has shown in this issue. She also was with the President and Congressman WALSH and myself in Ireland, in Northern Ireland on the President's trip in 1998. She attends meeting after meeting; she meets with all of the parties from all sides. She meets with victims; she meets with the police; she meets with representatives of the British Government, the Irish government, and all of the significant political parties in Ireland and Northern Ireland.

Of course, the gentleman from New York (Mr. CROWLEY), who is the Cochairman for the Ad Hoc Committee for Irish Affairs who represents the district that I was born and grew up in. Unfortunately, I did not have enough money to be able to live in his district. I had to move out to Long Island. Joe represents that district today, and he does a great job, both in representing his constituents and also in applying himself so much to this issue of peace in Ireland, an issue which he addressed when he was a member of the New York State Assembly and which he has continued to address in an even more dramatic way during the 2 years he has been a Member of the United States Congress.

So all of us are here this evening, Mr. Speaker, to address the underlying crisis which threatens the very survival of the Irish peace process. First of all, I want to say that I associate myself with all of the remarks of Congressman WALSH and Congresswoman MCCARTHY, and I am sure whatever remarks that Congressman CROWLEY makes I would also attach myself to those. I do know that the gentleman from Massachusetts (Mr. NEAL) is going to attempt to make it here this evening, but if not, he wanted to put it on the record that he stands with us in the call that we are making this evening.

Mr. Speaker, it is essential, I believe, that the facts be laid out as to exactly what has precipitated this current crisis. The gentleman from New York (Mr. WALSH) has gone over many of them in his presentation, and I would like to reiterate a number of them now. Because unfortunately, I believe that both here in the United States, particularly in the American media and also in the British media and, to some extent, even the Irish media, the facts have been misrepresented and a totally false image has been created.

Number one, the fact is that the breakdown in the Irish peace process is solely the responsibility of David Trimble and the LC Unionist Party. Sinn Fein and Jerry Adams have complied with each and every provision of the Good Friday Agreement and each and every understanding that was arrived at with Senator Mitchell last fall.

This crisis came about because David Trimble said that the IRA would have to begin decommissioning by February 1. The Good Friday Agreement called for decommissioning by May 22 of this year. Even that date of May 22 was premised on governmental institutions in northern Irish and north-south institutions between the north of Ireland and the Republic of Ireland being in place sometime in August or September of 1998. In other words, there was supposed to be a 20-month lead up to the conclusion of decommissioning.

The purpose of that was to let the people on the ground, to let the people in the Catholic and the Nationalist and the Republican community see that the political process was working. As that process was working, weapons would be decommissioned and it would have been completed by May of this year.

It was David Trimble who refused to allow the government to be created in the north of Ireland. It was David Trimble who delayed and delayed and delayed through every obstacle in the way and caused a 16-month delay.

So it was not until November; actually, December 2nd of last year that the government was finally put in place in Northern Ireland and that an executive was set up which included two members of Sinn Fein, Martin McGuinness and Barbara deBrun, who would sit as members of that executive.

That creation of the government was preceded by months of negotiations with Senator Mitchell. The result of those negotiations was that David Trimble agreed to allow the government to be created and, in return for that, the IRA, the Irish Republican Army, agreed to send one of their members to take part in the meetings of the International Commission on Decommissioning. That was the sum and substance of the agreement that was worked out with Senator Mitchell.

When David Trimble then went public, he announced that yes, he was allowing the creation of the government, but then he imposed an arbitrary deadline of February 1 which had not been agreed to by anyone.

I think it is important to put on the record, because, unfortunately, not everything is being made public these days. But the reality is that on December 6 of last year, Peter Mandelson, the British Secretary of State for Northern Ireland came to Washington and, at a lunch with a number of Members of Congress, stated that the first he heard of the February 1 so-called agreement was when David Trimble announced it; that it was never agreed to. He, quite frankly, did not know what was going to happen when February 1 came along.

The first thing he did was ask Gerry Adams for help and advice, and he said he would work with the British government and try to find a way to resolve this. But never, ever was it a condition. Yet, as February 1 approached, suddenly all of the pressure was put on Sinn Fein, it was put on the Irish Republican Army, it was specifically put on Gerry Adams. I find it really disgraceful that so many American newspapers, and I am talking about The New York Times, The Washington Post, the New York Daily News, the New York Post, the Boston Globe, News Day in my own county, all of them wrote totally one-sided editorials saying that there had been an agreement breached by Sinn Fein and the IRA because it was not going to be decommissioning by February 1 when, in fact, no such agreement ever existed.

The entire premise of all of these editorials was a lie. There was never any agreement at all to have any decommissioning by February 1 of this year, but based on this lie, based on this misrepresentation, everything was set in motion. As a result of that, this crisis developed. Even though there was no obligation on the IRA, there was no obligation on Sinn Fein, Gerry Adams was meeting around the clock with the

British Government, with the Irish government, attempting to meet with David Trimble, on the phone with people here in the United States, talking to the White House, talking to the National Security Council.

And he was doing that to try to find an agreement which he was under no legal or moral obligation to find, but he did it anyway because of his commitment to the peace process. He did it, and he did come forward with a number of concessions by the IRA, the most recent being last Friday concessions they had no obligation to make. Yet, in spite of that, the British Government, under the direction of Secretary of State Mandelson, last Friday suspended the agreement, suspended the Good Friday Agreement and they took all the powers back to London, away from Belfast.

I think what is lost in all of this is, and Congressman WALSH mentioned this in his speech, this was illegal. There was no legal justification for one government, the British government to eviscerate an internationally arrived at agreement. This was a formal agreement which was arrived at by Great Britain, by the government of Ireland, and by all of the signators to the agreement, including Gerry Adams and Sinn Fein, and it was an agreement that was ratified by 90 percent of the people in the Republic of Ireland and over 70 percent of the people in the north of Ireland. Yet, even though not one provision of that agreement was violated, the British have now reimposed direct rule in Northern Ireland, and there is no legal basis for that.

Now, the argument can be made, and I can understand it to some extent, that the British found that if they did not do this, the peace process would collapse. Well, what they have done is they have in effect; not in effect, but in reality, they have violated the law for what they feel is the greater good of preserving the peace process. Well, if that is their motive, then there is even more of an incentive on them to make sure this peace process works.

They have to let David Trimble know that he cannot be the final arbiter of what is acceptable. Already he is saying he wants the British government to renegotiate what is going to happen with the Northern Ireland police force, the royal constabulary. He wants to renegotiate any number of items that are in the Good Friday Agreement. He has no right to renegotiate anything. This was an agreement that was formally ratified and approved by referendum and signed by the two governments, and he has absolutely no right to be doing this; yet, he is giving the clear impression that he is a veto power over the process.

If that is the case, how can anyone expect the Republican community, the IRA, Sinn Fein, or his rank and file Catholics living in places like Derry and West Belfast, how can we expect them to have faith in the system if David Trimble can undo it whenever he wants to; if he can rewrite an agreement whenever it suits him. What is the incentive to go into the agreement. What is the incentive to enter into a peace process if David Trimble can just pull the rug out whenever he wants to. That is why it is so essential that the British government make it clear that David Trimble is not going to be allowed to continue to ride roughshod over a lawful process and he is not going to be able to literally rip up agreements when he chooses to do so.

Also, if there is going to be an ultimate agreement reached in this whole decommissioning issue, it is essential that it be resolved once and for all, and that it involve all the guns in Northern Ireland. Again, Congressman WALSH has mentioned this. There is the guns of the British army; there is the military installations of the British army, many of which were increased after the IRA cease-fire went into effect. There is also, and many people do not realize this, 150,000 Unionist guns in Northern Ireland, so-called legal guns. These are guns which the British government and the Northern Ireland authorities have allowed the unions to have 150,000 legal guns.

They also have what are called 35,000 personal security guns which are given to people in public life or people who feel that they are being threatened. None of those guns are given to members, for instance, of Sinn Fein. Almost all of those guns go to Unionists and Loyalists and yet, I believe the facts will bear me out on this, that no political party in the western world has had more fatalities and more casualties because of political violence than Sinn Fein.

Sinn Fein's officials have been attacked, they have been shot, murdered, wounded, and maimed; and yet nothing is done at all to protect them, and all we hear about are the guns of the IRA. Also, there are the guns of the loyalist paramilitaries, the Ulster Volunteer Force, the Ulster Defense Association, and any number of others; we can go on and list them all.

So all of this has to be addressed. The entire issue of guns in northern Ireland has to be addressed. Yes, the IRA did walk away from the negotiations today. However, as Congressman McCarthy said, they did not walk away from the peace process, and that is important to remember.

Mr. Speaker, I cannot say what I would do if I were in their place, but I can certainly understand the logic in what they did. Because back in November they made a solid agreement with Senator Mitchell that they would send a representative to the decommissioning commission to meet, discuss decommissioning in return for David Trimble allowing the government to be set up in Northern Ireland. Now that that government has been suspended, the IRA feels why should it keep its end of the agreement if David Trimble is not keeping his. But significantly, it has been made clear to all of us who have looked into this that the IRA has no intention of breaking the cease-fire; the cease-fire is intact and it is going to remain intact. So they are still part of the peace process even though they are not at the table of the decommissioning body.

How much longer can this be risked? How much longer is Tony Blair going to allow these games to be played where one person can undermine and unravel the peace process that has taken years to be put together? The key player in that quite frankly has been President Clinton. He has done a tremendous job in keeping the parties together. Certainly over the last several weeks, I know the President was personally involved in this. He and members of the National Security Council were in contact with all of the parties and were responsible for keeping the process going as long as they did. I am, however, critical of the statement the White House put out where it seemed to put the onus on the IRA for not coming in sooner with their proposal. The fact is, as we said before, they have under no obligation to submit any proposal at all, and it appears as if the proposal they did submit was known to Peter Mandelson in advance, and yet he still took no action to stop the suspension of the government, which leads to the belief he was going to suspend the government anyway just as a way to protect David Trimble.

So in the days and weeks ahead as we head towards St. Patrick's Day, which will be approximately five weeks I guess from today, or probably four weeks from this week, it is so important that all of us, and all Americans, not just Irish Americans but all Americans who care about peace and justice in Ireland, will stand together, stand as one. Yes, we are more than willing to work with David Trimble, work with the British government, work with any of the parties who are honestly committed to the peace process.

□ 2145

But we cannot allow ourselves to be used as accessories to a game where David Trimble rewrites the rules, rewrites agreements, and reneges on agreements that he has entered into.

If that is what is done, there is not going to be peace in Ireland, and it is a situation that none of us even want to contemplate what could happen if this unravels, because this is the best chance for peace for all the people in Ireland probably in the entire history of Ireland, and certainly in the last 30 years or 75 years. There has never been an opportunity such as the one that is there today.

It is there. It is the good Friday agreement. It is the basis which allows all of the parties to move forward while all of the parties at the same time make concessions. It is the agreement which provides the basis where everyone's legitimate rights are protected, and everyone should receive peace and security, so long as the agreement is fully implemented. That is what has to be done. That is the role the U.S. can play.

Senator Mitchell has done a great job in the past. The gentleman from New York (Mr. WALSH) is trying to bring about a divorce in the Mitchell family by asking George Mitchell to go back again. He has made the ultimate sacrifice twice in putting in so much time and effort. If he is willing to do it again, God bless him. But we as Americans, as Members of this Congress, as people who care about the peace process in Ireland, we have to do what we have to do.

We have to work with the President, we have to work with all the parties to bring about that peace which is so close and yet so far, but in doing this, we cannot allow ourselves to be scared off or turned away by the American media, which unfortunately in the last several weeks, and I think it has really been disgraceful the way they have so misrepresented and misreported what the reality is in Northern Ireland, and unfortunately has provided a climate and backdrop which has allowed both the British government and David Trimble to do what they have done.

I know that when we look at the British media, when we look at the television and radio shows in Northern Ireland, especially, all of these editorials are cited as proof that the American people are standing behind David Trimble, when exactly the opposite is true. Those of us who know what is going on realize that the onus for all of this is on David Trimble, and we are not going to allow him to get away with it. We are going to stay committed to this process until peace does come to Ireland.

I thank the gentleman from New York (Mr. WALSH) again for his efforts, both tonight and throughout the history of this process.

Mr. WALSH. Mr. Speaker, I thank the gentleman from New York (Mr. KING) for that summation. It is right on the money, as always, and I certainly associate myself with the gentleman's remarks.

I yield to another good friend, the gentleman from New York (Mr. CROWLEY), another newcomer to the House but someone who has been in the leadership as a private citizen and also as a member of the State legislature fighting for peace and justice in the United States and in Northern Ireland.

Mr. CROWLEY. Mr. Speaker, I would like to thank my good friend, the gentleman from upstate New York (Mr. WALSH) for organizing this special order this evening. He has been a stalwart ally and friend of the peace process in Northern Ireland, and I congratulate him for calling this special order.

I also want to congratulate and thank my good friend and colleague the gentlewoman from Long Island, New York (Mrs. McCARTHY). She may be relatively new to Congress, although I am newer than she is at this point in time, but she, too, has proven herself to be a true and good friend to the people of Ireland.

I want to thank the gentleman from Massachusetts (Mr. NEAL). Although the gentleman from Massachusetts is not here, I understand the gentleman from New York (Mr. KING) has mentioned he is going to try to be here before the end of the special order, and the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, another cochair of the Ad Hoc Committee on Irish Affairs.

Lastly, I just want to thank my good friend, the gentleman from New York (Mr. KING), for all his work throughout his years of service here in the House of Representatives, and prior to that his service in local government back in Long Island. The question I am most often asked by some of the gentleman's friends back in Woodside and Sunnyside, they want to know what type of curtains he has out there in Seaford.

Mr. Speaker, the political process in Northern Ireland has had a major setback recently, when the British government suspended the Northern Ireland Power-Sharing Executive. Such a drastic measure certainly does not instill parties on the Republican and National side in Northern Ireland with a great deal of confidence.

I realize there has been much criticism in the press lately, as the gentleman from New York (Mr. KING), has mentioned, wrongfully so, about the IRA and decommissioning. But I, too, want to set the record straight.

Back in May of 1998, the parties in Northern Ireland got together to support the historic Good Friday agreement, which set up a political structure inclusive of all the people of Northern Ireland. This agreement was accepted by not only the people of Northern Ireland, but the people of Ireland and Britain as well.

Mr. Speaker, I just want to make a point. I would like to point out that nowhere in the Good Friday agreement does it say that if the IRA or any other group has not decommissioned by the end of January 2000, the Ulster Unionist Party, the UUP, can threaten to pull out of the agreement and that the British can suspend the power-sharing executive.

We have this agreement, and the people of Northern Ireland waited for the Power-Sharing Executive to convene. Unfortunately, the UUP leader, Mr. David Trimble, refused to let it go forward.

Here we see the process of what I like to call the de facto veto. While Mr. Trimble and the UUP do not have a veto spelled out in the Good Friday agreement, they have one because every time progress begins to occur on setting up the democratic institutions needed for peace, Mr. Trimble finds some new crisis to stop it.

So in 1999, Northern Ireland found itself in a new crisis when Mr. Trimble would not allow the executive to meet, and former Senator George Mitchell was called in to review the process, particularly the aspects of decommissioning.

Bear in mind here that the Good Friday agreement does not even say that the IRA must begin decommissioning for the Power-Sharing Executive to begin. In fact, it only says that parties to the agreement, which includes Sinn Fein, not the IRA, Sinn Fein and not the IRA, will work to get paramilitary and other groups to begin the process of decommissioning.

Mr. Speaker, Senator Mitchell went to Northern Ireland and worked very hard, very hard with the pro-agreement parties, like the SDLP, the UUP, and Sinn Fein. He worked out a new accommodation. The IRA sent an interlocutor to the Independent International Commission on Decommissioning, the IICD, set up under the Good Friday agreement, and the UUP let the Power-Sharing Executive form and hold meetings.

So 18 months, a full 1½ years after the Good Friday agreement was signed, we finally see real movement and the establishment of democratic institutions in the north of Ireland. I might point out, the IRA has agreed to in about 5 months what it previously intended to do in 2 years. That is no small commitment on the part of the IRA when they have been misled in the past.

What happens a mere 11 weeks after the Power-Sharing Executive begins? Mr. Trimble decides needs to exercise his de facto veto power again, and says that he will resign unless more progress is made on decommissioning. This is even before the IICD issued its report.

Suddenly, Peter Mandelson, the Secretary for Northern Ireland, fearing the collapse of the process, rushes legislation through the House of Commons effectively reimposing direct British rule and suspending the democratic institution set up under the Good Friday agreement.

This bears repeating, Mr. Speaker. The Power-Sharing Executive was set up and running for only 11 weeks, 11 weeks, Mr. Speaker. In that time the UUP wanted the IRA to turn over its weapons in simply 11 weeks, even though the IRA ceasefire has held the entire time, and they invested a tremendous amount of time and energy into this peace process.

Mr. Trimble, casting all of this aside, exercised his de facto veto yet again, and the process comes crumbling down.

Mr. Speaker, let me be clear, I support decommissioning wholeheartedly. I would like to see all parties in Northern Ireland turn in their weapons, renounce violence, and solve their differences through the political process and the democratic institutions designed under the Good Friday agreement. If we ask the IRA, they would tell us they want the exact same thing, only the IRA wants to see some progress made on the democratic institutions first.

Mr. Speaker, I can tell the Members, suspending the democratic institutions after just 11 weeks does not instill confidence. Here is where, despite all of this, the IRA shows how truly committed to the peace process they are. They put forward a new proposal on decommissioning. They are willing to go even further than the Mitchell review. The new proposal is accepted by the IICD and touted as a major step, a major step forward on decommissioning. It is also accepted by the Irish government, but not by Mr. Trimble. He once again exercises his de facto veto and says the IRA has not gone far enough.

Well, that is when the IRA had finally had enough. They withdrew today their interlocutor from the IICD, and said that until the suspension of the Power-Sharing Executive is lifted they would suspend their activities on decommissioning.

Mr. Speaker, I feel the need to be very clear here once again. The IRA is still holding to the ceasefire and still wants to see the implementation of the Good Friday agreement. They just want the democratic institutions created under the agreement to remain in effect, not an unreasonable request. I do not think it is unreasonable.

Let me just say that I am deeply disappointed by Mr. Trimble's decision to reject the new proposition on IRA decommissioning. I agree with the IICD that it would have been a major step forward. Clearly, the IRA has been an active participant in the peace process, and important progress has been made. Unfortunately, David Trimble and Peter Mandelson have dismissed these significant developments.

For far too long the people of Northern Ireland have been waiting for the democratic institutions created under the Good Friday agreement to become an effective force for peace and stability. Mr. Speaker, the time for inside politics is over.

The Ulster Unionist Party and the British government must let the Independent International Commission on Decommissioning complete its work. We have come too far and too many lives are at stake. We must not allow one man, one man to destroy a process agreed to by the people of Northern Ireland, Southern Ireland, and Great Britain.

I have a personal stake in this peace process. My mother was born in County Armargh in Northern Ireland, and I have many family, friends, and loved ones who will either enjoy or suffer in their lives, depending on what happens during this process. Only a return to the political framework agreed to under the historic Good Friday agreement will resolve the current crisis and move it forward to continue on to the creation of a new Ireland.

Mr. WALSH. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY) for his participation in this special order tonight, and for contributing his thoughts and ideas.

His summation of the situation is very, very clear and accurate. There is the need to stick to the agreement, the initial agreement that got us this far.

I would like to also thank my colleagues, the gentleman from New York (Mr. KING) and the gentlewoman from New York (Mrs. MCCARTHY) for participating.

Mr. Speaker, I would like to conclude with a brief story about a personal experience that I had. My family and I adopted a Project Children child from Northern Ireland back in 1990, a young man I believe about 12 years old at the time. He had never been outside of Northern Ireland.

He came to Syracuse, New York, by a plane, flew over, the first time he had ever been in a plane, and lived with us for 6 weeks. He had some trouble adapting to American food and music. He was a terrific soccer player, though, and we stuck him on our summer team as a ringer and he played great soccer. He loved to fish, he loved to be around the water. He just loved the peace and solitude of upstate New York.

He went back. I did not see him for 5 years. I went over when President Clinton went to Northern Ireland. On that historic day when they went to City Hall to dress the Christmas tree, I went to Michael Lyons' home and met with his mom and his sisters, and had a wonderful visit.

His mother told me that for the first time in his young life, and he was then 17 years old, for the first time in 17 years of his life, other than the 6 weeks he spent in upstate New York, he had never known peace before. This was the first time he could walk to school or go to the store or visit a friend and not have to worry about a bomb going off, a car driving by and riddling his friends and fellow citizens with automatic weapons, fire breaking out throughout the neighborhood, murals on the walls with masked men and rifles.

□ 2200

That was his whole life for 17 years. She said he can now walk down the street without being tugged and pulled at by those who want to draw him into this fight. He does not have to make that choice anymore; you are either with us or you are against us. He does not have to make the choice of going to war or going to school.

For the first time in 17 years, it is a remarkable event for any country. There are very few places in the world where war has gone on for 30 years, but nonetheless that was his life.

Today, 5 years later, there is still peace but it is tenuous.

I remember when I first engaged myself in this peace process I said to Jerry Adams, I said to David Trimble, when they were first coming, what do you expect to get from this peace process?

He said, peace; a straightforward answer.

I said to Jerry Adams, when I met him at a different time, I said, what do you expect to get from this peace process?

He said, peace, with justice.

Therein lies the problem. Two people who inhabit the same city, believe in the same God, speak the same language, have the same hobbies and habits and interests, one group has justice, one group has no justice. In order for there to be peace, there has to be justice. In order for there to be justice, everyone has to agree on the way forward. The only agreement thus far that everyone has agreed to is the Good Friday Agreement, and just like us, in our country, when crisis comes, impeachment, war, we do not set the Constitution on the side while we work it out. We honor it, we respect it, we live by it, we write our laws by it and we govern by it.

The only way for this process to go forward is to have everyone come back and sit down and say, yes, this is the only way we can' go, this is the only thing we all agree to, and, therefore, in order to get to that bright future over the horizon, let us again swear to support this agreement.

Mr. GILMAN. Mr. Speaker, I want to thank Mr. WALSH, the distinguished Chairman of the Friends of Ireland for tonight's Special Order.

The Irish peace process is in crisis and we need to make sure that both governments and peace loving people around the globe know what happened and why we are here.

It is disappointing and a step backwards in the search for lasting peace and justice in the north of Ireland that the British Government has suspended the vital power sharing institutions that had been the best chance to produce overall change in the north. Even after positive steps were being made to resolve the arms issue, the unionist veto by the Ulster Unionist Party (UUP) was again exercised to force suspension under the threat of resignation by the UUP's First Minister, David Trimble.

Terms of the Good Friday Accord set out the time frames and means to bring about lasting change, including removal of the guns from Irish politics. Those who have unilaterally changed its terms and exercised a veto over its operation and terms once again must explain their intransigence to the Irish people, both north and south, who support the Good Friday Accord in overwhelming terms.

We need to get the institutions back up and running in order to create the climate and framework for arms decommissioning as envisioned by the terms of the Good Friday Accord.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LOWEY (at the request of Mr. GEPHARDT) for today and February 16 on account of illness.

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. BAIRD (at the request of Mr. GEPHARDT) for today on account of an unavoidable family matter.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BALDACCI) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. LARSON, for 5 minutes, today.

Mr. BALDACCI, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. RILEY, for 5 minutes, February 16.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1052. An act to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Resources.

ADJOURNMENT

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 16, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6197. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Gypsy Moth Generally Infested Areas [Docket No. 99-042-2] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6198. A letter from the Architect of the Capitol, transmitting the report of expenditures of appropriations during the period April 1, 1999 through September 30, 1999, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

6199. A letter from the Secretary of Defense, Department of Defense, transmitting the 2000 Department of Defense Annual Report to the President and the Congress, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on Armed Services.

6200. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Mentor-Protege Program Improvements [DFARS Case 99-D307] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6201. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; People's Republic of China [DFARS Case 98-D305] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6202. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Delegation of Class Deviation Authority [DFARS Case 99-D027] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6203. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Home Equity Conversion Mortgage Insurance; Right of First Refusal Permitted for Condominium Associations [Docket No. FR-4267-F-02] (RIN: 2502-AG93) received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6204. A letter from the Department of Education, Office of Postsecondary Education, transmitting a report on Strengthening Institutions Programs and Developing Hispanic-Serving Institutions Program; to the Committee on Education and the Workforce.

6205. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the department's final rule—New Drug Applications; Drug Master Files [Docket No. 94N-0449] (RIN: 0910-AA78) received January 20, 2000; to the Committee on Commerce.

6206. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-6532-7] received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6207. A letter from the Chairman, Federal Regulatory Commission, transmitting the Commission's final rule—Regional Transmission Organizations [Docket No. RM99-2-000; Order No. 2000] received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6208. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6209. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the reports containing the 30 September 1999 status of loans and guarantees issued under the Arms Export Control Act; to the Committee on International Relations.

6210. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period from April 1 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6211. A letter from the Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress: April 1, 1999 to September 30, 1999 and the Inspector General's Semiannual Report for the same period, pursuant to 22 U.S.C. 4062(c); to the Committee on Government Reform.

6212. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in December 1999, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

6213. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 2000 Annual Performance Plan; to the Committee on Government Reform.

6214. A letter from the Chairman, Merit Systems Protection Board, transmitting the Merit Systems Protection Board report titled, "Restoring Merit to Federal Hiring: Why Two Special Hiring Programs Should be Ended."; to the Committee on Government Reform.

6215. A letter from the Director, National Counterintelligence Center, transmitting a report of activities under the Freedom of Information Act from October 1, 1998 to September 30, 1999, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

6216. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant Thlaspi californicum (Kneeland Prairie Penny-Cress) from Coastal Northern California (RIN: 1018-AE55) received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6217. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Marine Mammals; Incidental Take During Specified Activities (RIN: 1018-AF87) received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6218. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the report on State Sex Offender Public Information Programs and the Feasibility of Establishing a National Sex Offender Hotline January 2000; to the Committee on the Judiciary.

6219. A letter from the Director, Bureau of Transportation Statistics, transmitting Transportation Statistics Annual Report 1999, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

6220. A letter from the Secretary of the Treasury, transmitting the United States Government Annual Report for the Fiscal Year ended from September 30, 1999, pursuant to 31 U.S.C. 331(b)(1)(a); to the Committee on Ways and Means.

6221. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out inventories, Department Store Indexes—December 1999 [Rev. Rul. 2000–10] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6222. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—New Technologies in Retirement Plans (RIN: 1545–AW78) [TD 8873] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6223. A letter from the Chairman, International Trade Commission, transmitting a report on the results of its monitoring of developments with respect to the domestic industry since quantitative limitations on imports of wheat gluten were imposed on June 1, 1998; to the Committee on Ways and Means.

6224. A letter from the Secretary of Health and Human Services, transmitting notification that the Department of Health and Human Services is allotting emergency funds; jointly to the Committees on Commerce and Education and the Workforce.

6225. A letter from the Chairman, Federal Election Commission, transmitting the FY2001 Budget Request; jointly to the Committees on House Administration, Appropriations, and Government Reform.

6226. A letter from the Commissioner, Social Security Administration, transmitting the Social Security Administration's Accountability Report for Fiscal Year 1999, pursuant to 42 U.S.C. 904; jointly to the Committees on Ways and Means, Government Reform, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 423. Resolution providing for consideration of the bill (H.R. 2366) to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers (Rept. 106–498). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ABERCROMBIE (for himself, Mr. SKELTON, Mr. TAYLOR of Mississippi, Mr. LARSON, Mr. REYES, Mr. THOMPSON of California, Mrs. TAUSCHER, Mr. MALONEY of Connecticut, Ms. MCKINNEY, Mr. TURNER, Mr. KENNEDY of Rhode Island, Mr. ORTIZ, Ms. SANCHEZ, Mr. RODRIGUEZ, Mr. SMITH of Washington, Mr. UNDERWOOD, and Mr. SISISKY):

H.R. 3655. A bill to make certain improvements to the military health care system; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 3656. A bill to amend the Solid Waste Disposal Act to reauthorize the Office of Ombudsman of the Environmental Protection Agency, and for other purposes; to the Committee on Commerce.

By Mrs. BONO (for herself and Mr. YOUNG of Alaska):

H.R. 3657. A bill to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes; to the Committee on Resources.

By Mr. BRADY of Pennsylvania:

H.R. 3658. A bill to direct the Administrator of the Environmental Protection Agency to designate the Logan Triangle in Philadelphia, Pennsylvania, as a brownfield site for purposes of the brownfields economic redevelopment initiative of the Environmental Protection Agency, and for other purposes; to the Committee on Commerce.

By Mr. BRADY of Pennsylvania (for himself and Mr. WELDON of Pennsylvania):

H.R. 3659. A bill to provide for a study and for demonstration projects regarding cases of hepatitis C among firefighters, paramedics, and emergency medical technicians who are employees or volunteers of units of local government; to the Committee on Commerce.

By Mr. CANADY of Florida (for himself, Mr. SHERWOOD, Mr. SMITH of New Jersey, Mr. TAYLOR of North Carolina, Mr. SPENCE, Mr. HYDE, Mr. TIAHRT, Mr. JOHN, Mr. COBURN, Mr. ISTOOK, Mr. BEREUTER, Mr. PITTS, Mr. BARCIA, Mr. GOSS, Mr. NEY, Mr. BLILEY, Mr. SHOWS, Mr. WICKER, Mr. HOEKSTRA, Mr. CHABOT, Mr. BACHUS, Mr. BURTON of Indiana, Mr. DELAY, Mr. PACKARD, Mr. EVERETT, Mr. PICKERING, Mr. TANNER, Mr. HILLEARY, Mr. RAHALL, Mr. SOUDER, Mr. WELDON of Florida, Mr. GREEN of Wisconsin, Mr. ARMEY, Mr. GRAHAM, Mr. STUMP, Mr. MCCRERY, Mr. FLETCHER, Mr. DEMINT, Mr. SHADEGG, Mr. TALENT, Mr. JENKINS, Mr. HOSTETTLER, Mr. HILL of Montana, Mr. KING, Mr. FRANKS of New Jersey, Mr. MCINTOSH, Mr. POMBO, Mr. HUNTER, Mr. ENGLISH, Mr. WELLER, Mr. BUYER, Mr. MASCARA, Mr. BARTON of Texas, Mr. ROEMER, Mr. BALLENGER, Mrs. EMERSON, Mr. BRADY of Texas, Mr. LUCAS of Oklahoma, Mr. HANSEN, Mr. GOODE, Mr. MANZULLO, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. CAMP, Mr. SKELTON, Mr. HASTINGS of Washington, Mr. STUPAK, Mr. PHELPS, Mr. EHLERS, Mr. PORTMAN, Mr. TANCREDO, Mrs. MYRICK, Mr. DOOLITTLE, Mr. LARGENT, Mr. DOYLE, Mr. VITTER, Mrs. FOWLER, Mr. COLLINS, Mr. CRANE, Mrs. NORTHUP, Mr. BLUNT, and Mr. ADERHOLT):

H.R. 3660. A bill to amend title 18, United States Code, to ban partial-birth abortions; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. YOUNG of Alaska, Mr. PETERSON of Minnesota, Mr. DUNCAN, Mr. GALLEGLY, Mr. HAYES, Mr. HEFLEY, Mrs. CUBIN, Mr. MCINNIS, Mrs. CHENOWETH-HAGE, Mr. JENKINS, Mr. SHADEGG, Mr. JONES of North Carolina, Mr. GIBBONS, Mr. RADANOVICH, and Mr. CANNON):

H.R. 3661. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. SANDERS, Mr. OLVER, Mr. TIERNEY, Ms. DELAURO, Mr. MALONEY of Connecticut, Mr. SHAYS, Mr. KENNEDY of Rhode Island, Mr. GEJDENSON, Mr. DELAHUNT, and Ms. SLAUGHTER):

H.R. 3662. A bill to require the Secretary of Energy to report to Congress on the readiness of the heating oil and propane industries; to the Committee on Commerce.

By Mr. OSE (for himself and Mr. CONDIT):

H.R. 3663. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made under Department of Defense programs for the repayment of student loans of members of the Armed Forces; to the Committee on Ways and Means.

By Mr. SALMON:

H.R. 3664. A bill to amend the Immigration and Nationality Act to provide for the deferral of removal and detention of certain aliens awaiting trial on Federal or State criminal charges, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 3665. A bill to amend the Internal Revenue Code of 1986 to deny tax benefits for research conducted by pharmaceutical companies where United States consumers pay higher prices for the products of that research than consumers in certain other countries; to the Committee on Ways and Means.

By Mr. WISE:

H.R. 3666. A bill to amend titles II and XVI of the Social Security Act to provide that where a failure by the Commissioner of Social Security to investigate or monitor a representative payee results in misuse of benefits by the representative payee, the Commissioner shall make payment of the misused benefits to the beneficiary or alternate representative payee; to the Committee on Ways and Means.

By Mr. DELAHUNT (for himself and Mr. GEJDENSON):

H.R. 3667. A bill to amend the Immigration and Nationality Act to modify the provisions governing naturalization of children born outside of the United States; to the Committee on the Judiciary.

By Ms. LOFGREN:

H. Con. Res. 250. Concurrent resolution expressing support for a National Kindness and Justice Week; to the Committee on Government Reform.

By Mr. RADANOVICH:

H. Con. Res. 251. Concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. MORELLA introduced a bill (H.R. 3668) for the relief of Virginia Ifenyinwa Anikwata; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. DeMINT, Mr. WELDON of Florida, Mr. BACHUS, Mr. WEXLER, Mr. SHERWOOD, Mr. HULSHOF, Mr. ROYCE, Mr. GALLEGLY, Mr. ROEMER, Mr. SUNUNU, Mr. GILMAN, Mr. PORTMAN, Mr. BUYER, Mr. MATSUI, Mr. TANNER, Mr. STEARNS, Mr. WALDEN of Oregon, Mrs. ROUKEMA, Mr. BASS, and Mr. HOUGHTON.

H.R. 38: Mr. HUNTER.

H.R. 113: Mr. FOLEY.

H.R. 148: Mr. STUPAK, Mr. ENGEL, Mr. OWENS, Mr. MICA, Mr. MEEHAN, Mr. TOWNS, and Ms. LOFGREN.

H.R. 207: Mr. WELDON of Florida.

H.R. 355: Mr. FOLEY and Mr. OSE.

H.R. 443: Mr. BONIOR.

H.R. 531: Mr. MORAN of Kansas and Mr. SABO.

H.R. 538: Mrs. CAPPS.

H.R. 583: Mr. LaHOOD.

H.R. 664: Mr. ENGEL.

H.R. 742: Mr. McHUGH.

H.R. 826: Mr. CLEMENT.

H.R. 923: Mr. WAXMAN, Mr. GONZALEZ, Mr. FALEOMAVAEGA, and Mr. RUSH.

H.R. 1040: Mr. TOOMEY.

H.R. 1041: Mr. THORNBERRY.

H.R. 1071: Mr. KENNEDY of Rhode Island and Mr. SANDERS.

H.R. 1102: Mrs. FOWLER.

H.R. 1111: Mr. McINTYRE, Mr. KUYKENDALL, Ms. PRYCE of Ohio, and Mr. BOEHLERT.

H.R. 1115: Mr. FRELINGHUYSEN.

H.R. 1194: Mr. WELDON of Florida, Mr. TIAHRT, Mr. WATTS of Oklahoma, and Ms. DeGETTE.

H.R. 1217: Mr. TOWNS, Mr. LaHOOD, Ms. ROYBAL-ALLARD, Mr. PRICE of North Carolina, Mrs. WILSON, Mr. McCOLLUM, and Mr. TOOMEY.

H.R. 1244: Mr. GOODLING.

H.R. 1325: Mr. WATTS of Oklahoma and Mr. SOUDER.

H.R. 1354: Mr. COBURN and Mr. LAMPSON.

H.R. 1363: Mr. GOODLING.

H.R. 1399: Mr. BLAGOJEVICH and Mr. LANTOS.

H.R. 1422: Mr. ENGEL and Mr. RODRIGUEZ.

H.R. 1486: Mr. FOLEY.

H.R. 1495: Mr. ENGEL and Mr. SERRANO.

H.R. 1532: Mrs. MORELLA.

H.R. 1592: Mr. LATHAM.

H.R. 1617: Mr. NUSSLE.

H.R. 1621: Mrs. CLAYTON, Mr. ETHERIDGE, Mr. MORAN of Virginia, Mr. PICKETT, and Mr. THOMPSON of Mississippi.

H.R. 1650: Mr. FRANK of Massachusetts, Mr. BLILEY, and Mr. BARCIA.

H.R. 1841: Mrs. MALONEY of New York, Mr. WEINER, and Mr. FALEOMAVAEGA.

H.R. 1890: Mr. ROYCE.

H.R. 1899: Mr. MOAKLEY.

H.R. 1941: Mr. LUCAS of Kentucky.

H.R. 2088: Mr. RILEY.

H.R. 2265: Mr. DAVIS of Illinois.

H.R. 2289: Mr. SHAW.

H.R. 2298: Mrs. JONES of Ohio.

H.R. 2308: Mr. BROWN of Ohio and Mr. MASCARA.

H.R. 2362: Mr. COBURN and Mr. BONILLA.

H.R. 2397: Mr. UDALL of Colorado, Mr. FATTAH, Mr. JEFFERSON, Mr. EVANS, Mr. WEXLER, Mr. JACKSON of Illinois, Mr. MENENDEZ, Mr. KIND, Mr. TOWNS. Mr. DELAHUNT, Mr. MARTINEZ, Mr. ACKERMAN, Mr. BECERRA, Mr. SABO, Mr. PAYNE, Mr. BARCIA, Mr. RAHALL, Ms. RIVERS, and Mrs. MORELLA.

H.R. 2498: Mr. GILLMOR, Mr. NEAL of Massachusetts, and Mr. TAUZIN.

H.R. 2511: Mr. DICKEY.

H.R. 2564: Mr. HOLT.

H.R. 2595: Mr. LEVIN.

H.R. 2631: Mr. McHUGH, Mr. DOOLEY of California, and Mr. SHERMAN.

H.R. 2662: Mrs. JOHNSON of Connecticut.

H.R. 2697: Mr. PAUL.

H.R. 2780: Mr. TIAHRT, Mr. McHUGH, Mr. WOLF, and Mr. NEAL of Massachusetts.

H.R. 2900: Ms. BALDWIN, Mrs. MALONEY of New York, Mr. MARTINEZ, Ms. ROYBAL-ALLARD, Mr. McNULTY, Mr. MARKEY, and Mrs. NAPOLITANO.

H.R. 2966: Mr. MOLLOHAN.

H.R. 2991: Mr. McINTYRE and Mr. BOSWELL.

H.R. 3003: Mr. RAHALL, Ms. DeGETTE, Mr. BALDACCI, and Mr. CANNON.

H.R. 3006: Mr. ROTHMAN.

H.R. 3034: Mr. WELDON of Florida.

H.R. 3091: Ms. DeGETTE and Mr. BAKER.

H.R. 3116: Mr. DREIER and Mr. RAMSTAD.

H.R. 3132: Mr. WU, Mrs. JONES of Ohio, Mr. FILNER, Mr. WAXMAN, Mr. LAMPSON Mr. KUCINICH, Ms. BERKLEY, and Ms. PELOSI.

H.R. 3161: Mr. DAVIS of Virginia.

H.R. 3193: Mrs. MEEK of Florida, Mr. CONDIT, Mr. KIND, Mr. COYNE, and Mr. KUCINICH.

H.R. 3235: Mr. BLUMENAUER, Mr. COSTELLO, Mr. GILMAN, and Mr. DEUTSCH.

H.R. 3252: Mr. ENGLISH.

H.R. 3278: Mr. HAYES, Mr. ETHERIDGE, Mr. BALLENGER, Mr. WATT of North Carolina, Mr. RYUN of Kansas, Mr. COBLE, Mr. McINTYRE, and Mr. TAYLOR of North Carolina.

H.R. 3293: Mr. YOUNG of Alaska, Mr. INSLEE, Mr. HAYES, Mr. DAVIS of Illinois, Mr. BALDACCI, Mr. TURNER, Mr. FALEOMAVAEGA, Mr. FORBES, Mr. MOAKLEY, Mr. ISAKSON, Mr. HALL of Ohio, and Mr. LaHOOD.

H.R. 3295: Mr. PHELPS.

H.R. 3301: Mr. NEAL of Massachusetts, Mr. MURTHA, Mr. LaHOOD, and Mr. WATKINS.

H.R. 3308: Mr. CALVERT.

H.R. 3377: Mr. SHERMAN, Mr. RANGEL, Mr. FALEOMAVAEGA, and Mr. WEINER.

H.R. 3408: Mr. THORNBERRY.

H.R. 3439: Mr. COOK, Mr. FORBES, Mr. HOEKSTRA, and Mr. TAYLOR of North Carolina.

H.R. 3494: Mr. DAVIS of Illinois.

H.R. 3518: Mr. ROHRABACHER and Mr. THORNBERRY.

H.R. 3525: Mr. EHLERS, Mr. NEY, and Mr. SCHAFFER.

H.R. 3539: Mr. GOODE.

H.R. 3554: Mr. BLILEY, Mr. SAXTON, Mr. HAYWORTH, Mr. ISTOOK, Mr. DOOLITTLE, Mr. McINTOSH, Mr. POMBO, Mr. ROHRABACHER, Mr. VITTER, Mr. HUNTER, Mr. CHAMBLISS, Mr. DICKEY, Mr. DeLAY, Mr. MANZULLO, Mr. WELDON of Pennsylvania, Mr. ABERCROMBIE, Mr. PAUL, Mr. ARMEY, Mr. SKEEN, Mr. SHIMKUS, Mr. BOEHNER, Mr. GUTKNECHT, Mr. LaHOOD, Mr. HOEKSTRA, Mr. CHABOT, Mr. BURR of North Carolina, Mr. LATHAM, Mr. COBURN, Mr. TOOMEY, Mr. JONES of North Carolina, Mr. SOUDER, Mr. RYAN of Wisconsin, Mr. TERRY, Mr. GREEN of Wisconsin, Mr. GIBBONS, Mr. EHRLICH, Mr. LARGENT, Mr. STEARNS, Mr. SMITH of Michigan, Mr. COX, Mr. KASICH, Mr. STUMP, Mr. SCHAFFER, Ms. DUNN, Mr. COOKSEY, Mrs. FOWLER, Mr. SMITH of New Jersey, Mr. WATKINS, Mr. HASTINGS of Washington, Mr. HAYES, Mr. BARR of Georgia, Mr. HEFLEY, Mr. GOODLATTE, and Mr. CUNNINGHAM.

H.R. 3557: Mr. SCHAFFER.

H.R. 3573: Mr. BERMAN, Mr. CONDIT, Mr. DEUTSCH, Mr. ENGLISH, Mr. GALLEGLY, Mr. GOODLING, Mr. HILL of Montana, Mr. MANZULLO, Mr. MOLLOHAN, Mr. PICKERING, Mr. SCOTT, and Mr. SPENCE.

H.R. 3575: Mr. FRANK of Massachusetts, Mr. SERRANO, and Mr. MEEKS of New York.

H.R. 3576: Mr. BALDACCI, Mr. LaFALCE, and Mr. SANDERS.

H.R. 3578: Mr. WELLER.

H.R. 3594: Mr. RAHALL, Mr. WELDON of Florida, Mr. UPTON, Mr. BOUCHER, Mr. DOYLE, Mr. RYUN of Kansas, and Mr. LARGENT.

H.R. 3608: Mr. FRELINGHUYSEN, Mr. SAXTON, Mrs. MALONEY of New York, Mr. FATTAH, Ms. SLAUGHTER, Mr. MASCARA, and Mr. WALSH.

H.R. 3616: Mr. TAYLOR of Mississippi, Mr. BATEMAN, Mr. CLEMENT, Mr. SMITH of New Jersey, Mrs. McCARTHY of New York, Mr. GILMAN, Mrs. EMERSON, Mr. DICKS, Mr. HASTINGS of Washington, Mr. GALLEGLY, Mr. PETERSON of Minnesota, Mr. REYES, Mr. THOMAS, and Mr. RODRIGUEZ.

H.R. 3626: Mr. OXLEY, Mr. SAXTON, and Mr. BARTLETT of Maryland.

H.R. 3639: Mr. TALENT, Mr. LANTOS, Ms. DANNER, Mr. McNULTY, Mrs. EMERSON, Mr. ROMERO-BARCELÓ, Mr. HINCHEY, Mr. TAYLOR of Mississippi, Mr. MOORE, Mr. REYES, and Mr. FROST.

H.R. 3642: Mr. CANADY of Florida, Mr. MALONEY of Connecticut, Mr. BARR of Georgia, and Mr. LaFALCE.

H.J. Res. 86: Mr. KUCINICH, Mr. LANTOS, and Mr. COYNE.

H. Con. Res. 111: Mr. SMITH of Washington and Mr. GEJDENSON.

H. Con. Res. 115: Ms. DANNER, Mr. BARRETT of Wisconsin, and Mr. GEJDENSON.

H. Con. Res. 220: Mr. RAHALL, Mr. LANTOS, Mr. HINCHEY, and Mr. KUCINICH.

H. Con. Res. 240: Mr. WATT of North Carolina.

H. Con. Res. 242: Mr. BACA, Mr. BALDACCI, Mr. COBURN, Mr. GEPHARDT, Mrs. LOWEY, Mr. McHUGH, and Mr. PORTER.

H. Res. 16: Mr. UPTON.

H. Res. 237: Mrs. ROUKEMA.

H. Res. 298: Mr. COLLINS.

H. Res. 397: Mr. LaHOOD, Ms. KAPTUR, Mr. SMITH of New Jersey, Mr. GUTIERREZ, Mr. ABERCROMBIE, Ms. LOFGREN, and Mr. ROHRABACHER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2086

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 15: Page 8, line 22, insert "and counterinitiatives" after "including privacy".

Page 8, line 23, insert "(including the consequences for healthcare)" after "social and economic consequences".

EXTENSIONS OF REMARKS

TELECOMMUNICATIONS ACT OF 1996

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. LAZIO. Mr. Speaker, it has been four years since the Congress passed the Telecommunications Act of 1996 to open local markets to competition. While many of us hoped competition would not take this long, it is now beginning to take root. Since passage of the Act, over $30 billion has been invested by CLECs alone in new networks and there are more than 300 facilities based competitors now versus only 30 in 1995.

The ILECs have also invested tremendously since passage of the Act. Just last month, the FCC approved Bell Atlantic's application to offer long distance service in New York State. This was a landmark decision. I want to congratulate Bell Atlantic for doing what was necessary to open its local markets. The consumers of New York State are the winners. We are already seeing new choices in services and for the first time, competitive choices in local service. Mr. Speaker, the Act is working and it has worked first in New York State.

I want to congratulate many people for the work that they did to give consumers in New York State a choice in local service. First, I want to congratulate the New York Commission that tirelessly worked with all the concerned parties to make sure that the process and the outcome was fair. This process allowed all parties to work through the technical challenges of opening up the local network. Second, I want to congratulate Competitive Local Exchange Carriers that went into New York State a year ago and began offering local residential service on a statewide basis.

Mr. Speaker we are in the beginning of a technology revolution that is sweeping across this country. Since the 1996 Telecom Act, hundreds of new competitive telecommunications carriers have been formed and thousands of new Internet Service Providers are in existence today. The Telecommunications Act of 1996 is a great success and consumers are just now beginning to reap its benefits. I'm proud that New York has led the way, and I look forward to the day when the rest of this country's citizens enjoy the same freedom of choice.

HONORING AMY FINCH, OUTSTANDING YOUNG HUMANITARIAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. McINNIS. Mr. Speaker, I would like to congratulate and honor a young Colorado student from my district who has achieved national recognition for exemplary volunteer service in her community. Amy Finch from Vail has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Amy, a senior at Battle Mountain High School, is an avid community volunteer who has helped raise money for victims of violence, knitted clothes and blankets for refugees, served as a buddy to elementary school children, served soup to the homeless, and volunteered with Special Olympics.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Amy should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Amy for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect.

It is with this, Mr. Speaker, that I offer this tribute in honor of Amy Finch. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

THE ILLEGAL ALIEN PROSECUTION ACT OF 2000

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. SALMON. Mr. Speaker, I rise to introduce the Illegal Alien Prosecution Act of 2000. The bill prohibits INS officials from deporting illegal immigrants accused of violent state crimes upon the request of local officials. Additionally, the bill would facilitate the apprehension and prosecution in the United States of criminal illegal aliens who attempt to re-enter the United States.

The United States has become a consequence-free zone for criminal aliens. Flawed deportation policy, less than perfect communication between the INS and county prosecutors, and misguided efforts on the part of local prosecutors and judges to secure adequate bonds have created a climate where criminal aliens can engage in lawless behavior without the fear of prosecution or incarceration.

The revolving door of illegal criminal aliens committing serious state crimes, being deported, then returning to the United States to commit even more serious crimes is the result of a loophole in the INS' voluntary deportation program. The program is intended to reduce administrative burden on the INS and the courts by expediting the deportation of aliens whose only offense is illegal entry into the United States. Unfortunately, illegal aliens charged with much more serious state crimes such as armed robbery, manslaughter, and drug trafficking are also being deported by this same process, often before they have even faced trial. After they have been returned to their native land these illegal aliens almost never face prosecution or incarceration.

The scope of this epidemic was detailed in a report by the East Valley Tribune which revealed that from October 31, 1998, to July 31, 1999, the INS deported 3,361 illegal immigrants who either made bail or were released before trial. To make matters worse, many of these alien criminals illegally return to the United States and only face prosecution if they commit additional, even more serious crimes.

The effect of this flawed policy has been devastating. In the last two years, two illegal immigrants have shot police officers in the Pacific Northwest after slipping through our immigration system. In one incident, an illegal alien with a vast criminal and deportation history killed an officer in Washington after being released from prison and deported to Mexico 5 months earlier. My home state of Arizona has experienced similar carnage. A deported defendant came back across the border illegally and is one of three men suspected of killing a Phoenix police officer.

And let's not forget the high profile case of Rafael Resendez-Ramiriez, the railroad serial

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

killer. INS officers detained him as he attempted to cross the border illegally. But, within 24 hours, they quickly deported him back to Mexico even though the FBI suspected him of being involved in four murders.

As the previously mentioned incidents clearly illustrate, the INS must improve their communication with state authorities. In 1998, the Inspector General notified the INS that only 41 percent of deported illegal aliens were being processed by INS' new border patrol database system. In a letter to INS Commissioner Doris Meissner, he told her that "this results in previously deported aliens (including aggravated felons) being released from INS custody when subsequently apprehended because INS is unaware of their immigration or criminal histories."

Some progress has already been achieved in remedying this breakdown of KYL and I have held with local prosecutors, magistrates, and INS officials, actions have been taken in my State to address this situation. Our meetings also prompted Judge Reinstein, the Associate Presiding Judge of Maricopa County, to issue a memo to his judges that directed them when determining bond to "consider the factor whether the accused is an illegal alien and that they have a hold placed on them." He continued that "if you don't give these factors consideration you are practically guaranteeing they will not appear in the future."

Additionally, the INS and Maricopa County Attorney's office have agreed to change their procedures and communicate more regularly and efficiently so that, among other things, the county attorney's office will be armed with greater information when they fight for appropriate bail. More importantly, the new procedures should help ensure that no illegal immigrant (who commits a felony) is deported without the knowledge of all parties.

These significant advances should help reduce the number of illegal aliens charged with violent crimes from being deported without facing justice. I commend all of the state, local, and federal officials I met with for implementing important changes on their own accord. However, legislative language is still necessary to close the loophole in current law which allows INS to deport criminal illegal aliens before they face justice.

Under the Salmon bill, local or federal officials may request that INS not remove an individual accused of a state crime. And if the crime is a serious, violent felony as defined by 18 U.S.C. 3559, the Attorney General must detain the accused. For all other crimes, the Attorney General has the final say. The bill would only apply to individuals who have entered the United States illegally. This change in law will protect us all when, for whatever reason, an illegal alien accused of a serious state crime succeeds in posting bond. It is our safety net.

Of course, performing these new responsibilities likely will require additional resources for INS and the states. To that end, I will work to help secure the appropriate funding needed to carry out these duties. In the meantime, my legislation will provide the authority to act now.

It is an insult to victims and their families when an illegal alien accused of a violent crime in America is deported before he or she faces trial. The Illegal Alien Prosecution Act would close the loophole in current law which allows INS to remove illegal aliens accused of a serious state offense prior to trial. I urge my colleagues to cosponsor my bill.

TRIBUTE TO MACK WILLIE RHODES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. CLYBURN. Mr. Speaker, I ask my colleagues to join me in paying tribute once again to a pillar in my hometown, Mr. Mack Willie Rhodes of Sumter, SC. It is with great pleasure that I rise today to congratulate Mr. Rhodes on his 102d birthday. An African-American great great-grandfather, Mr. Rhodes has been a champion in his community for many years. He is continually offering his assistance to neighbors, friends and family in many capacities. Mr. Rhodes is the oldest member of Melina Presbyterian Church, where he has worshipped since 1915. Mr. Rhodes is an Elder in his church and was a Sunday School Superintendent for many years. He also taught Sunday school at the Goodwill Presbyterian Church and has been a member of Masonic Lodge Golden Gate No. 73 since 1948.

Mr. Rhodes was born in Sardinia, SC, on February 25, 1898, to Robert and Olivia Williams Rhodes. Mr. Rhodes is the second oldest of 15 children. Family, good values, and good living are Mr. Rhodes' most cherished possessions.

At an early age Mr. Rhodes married Annie Elizabeth Hammett Rhodes (deceased). They had 14 children: Calvin Oliver Rhodes, John Tillman Rhodes, Adranna Olivia Cooper, Susanna H. Hannibal, Annie Elizabeth Muldrow, Hattie Jane Burgess, Mack Willie Rhodes, Sam J. Rhodes, Daisy B. Sims, Willie Rhodes, Albert Rhodes, Viola Rhodes Montgomery, MacArthur Rhodes, and Paul Rhodes. Mr. Rhodes later married Mrs. Carrie Smith Rhodes (deceased), who brought two children to their union: Maggie and Johnny Smith. He is affectionately known as "Papa" by his 7 children (9 deceased), 41 grandchildren (5 deceased), 48 great-grandchildren (2 deceased) and 10 great great-grandchildren.

Mr. Rhodes' favorite pastime is reading the Bible, newspapers and magazines. He also enjoys watching baseball, the news, and news related programs on television. He still takes time to visit the sick in his community to offer any assistance he may be able to provide. His favorite Bible scripture is the 23rd Chapter of Psalms. Mr. Rhodes also lives by a motto, "Treat others as you would have them to treat you."

Mr. Speaker, please join me in wishing Mr. Mack Willie Rhodes a prosperous and happy 102d birthday, and the best this year has to offer.

TRIBUTE TO SUSAN B. ANTHONY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mrs. MYRICK. Mr. Speaker, Susan B. Anthony is well recognized as a towering figure in the struggle for equal rights for women. Today, on her birthday, she will rightly be celebrated for her indispensable role in setting our nation on the course towards recognizing the full equality and dignity of women. All women and especially those of us who serve in this Congress are indebted to her pioneering work.

Susan B. Anthony's advocacy of women's rights included a concern for the rights of others as well. The same passion for justice that made her a fierce advocate for women also made her a fierce opponent of slavery. And inevitably, it led her to oppose abortion.

Today, abortion advocates equate their position with women's rights. But Susan B. Anthony knew better. She vigorously denounced abortion, calling it "child murder." For her, abortion was not evidence of women's rights, but just the opposite: it is evidence of the lack of such rights. Anthony wrote that women "in their inmost souls revolt from the dreadful deed" of abortion, but are nonetheless driven to it precisely because women could be treated as property and less than equal. Thus, Anthony's opposition to abortion arose from her fight for equal rights for women, and she saw no cause to separate the two.

Without a doubt, if Susan B. Anthony were alive today, she would be fighting to reverse Roe vs. Wade. But more importantly, she would fight for true choice by supporting crisis pregnancy centers and other organizations that offer resources to help both the mother and the child. She would also be promoting advances in prenatal surgery and working to help families pay for these medical miracles. She would also work to eliminate barriers to adoption.

As we celebrate her birthday and the gains for all women that her legacy bestows, let us also honor her life's work by doing as she did and make pro-life inseparable from pro-woman.

HONORING DR. RICK HERRINGTON FOR 25 YEARS OF SERVICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize the outstanding commitment and years of service given to Carbondale, Colorado by Dr. Rick Herrington.

Dr. Herrington arrived in Carbondale in 1975, just out of residency and recruited by a leader of concerned citizens, Betty DeBeque. He was so excited to be in this small Colorado town that he donned cross country skis and took a night tour of the town. The town reciprocated the feeling of joy and embraced its new doctor.

True to any small town, when the clinic opened under Dr. Herrington, more townspeople came in to "check the doctor out" than because of illness. Dr. Herrington's staff included himself and a handful of volunteers to keep the clinic running. After two years of running the clinic as the only doctor, his wife, Sherry, told him that he had to find a partner or a new wife. In 1978 Dr. Gary Knaus became Dr. Herrington's partner. Today, the clinic is still serving the community with as much dedication as it did when it opened in 1975. The community of Carbondale will forever be grateful to a young man from Nebraska who came to help out a small town.

It is with this, Mr. Speaker, that I would like to offer this tribute in honor of Dr. Rick Herrington, celebrating 25 years of service.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

SPEECH OF

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2000

Mr. SALMON. Mr. Speaker, one of the most indefensible aspects of our current Tax Code is that 28 million working American couples—over 40 percent of married couples—pay more in taxes than they would if they were unmarried. Over 65,000 couples in my District suffer this penalty, which on average is $1,400.

Just as indefensible as the marriage penalty is the notion that Congress should overturn the principle of fairness embedded in current law which dictates that different families with the same total income should be treated equally for tax purposes. The leading bill last Congress sought to fix the marriage penalty in a manner that would have inadvertently penalized families that chose to have one parent stay at home.

I made this point when I testified before the Ways and Means Committee in support of a marriage tax proposal Representative BOB RILEY and I developed, which doubled the standard deduction for married couples to twice that of singles. The legislation essentially also doubled the tax brackets of married couples to twice that of singles. One income families often have the toughest time making ends meet, particularly if they are raising children.

I am gratified that the marriage penalty bill the House will pass today embraces the approach developed in the tax bill I proposed with Mr. RILEY. The Marriage Tax Relief Act would eliminate or substantially reduce the penalty for virtually every couple currently burdened by the tax. Furthermore, marriage penalty relief would be targeted to primarily benefit low and middle-income families.

Critics complain that this legislation is too expensive or would provide so-called bonuses to families in which one spouse stays at home to raise children. Indeed, it would require Washington to give back billions of dollars to America's families. and yes, the bill as drafted would lighten the tax burden for certain families sustained by a single income. However, the preservation and security of the smallest, yet most important unit of government—the family—is too important to shortchange with more economical, but less effective proposals. Additionally, it simply isn't fair to require married couples who prefer parent-care over daycare to pay more in taxes.

For years, the Tax Code has been used to penalize the creation and maintenance of cohesive family units. This is foolish and unfair. The Marriage Tax Relief Act of 2000 will put an end to this discrimination and I urge the Senate to immediately pass this legislation and send it on to the President.

TRIBUTE TO HONDA OF SOUTH CAROLINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to bring to the attention of my colleagues the recent announcement by Honda of South Carolina Manufacturing, Inc. (HSC) located in the Sixth Congressional District, to expand its current all-terrain vehicle (ATV) plant in Timmonsville, South Carolina. On January 21, 2000, HSC broke ground on a new $20 million engine manufacturing operation. The new expansion will allow HSC to produce an engine currently made in Japan and will lead to the hiring of an additional 200 associates.

HSC began ATC production in July 1998. The expansion will increase Honda's total investment in HSC to more than $70 million. When the new engine operation reaches full capacity in 2001, HSC will have an annual production capacity of 150,000 ATV's and engines and will employ approximately 625 associates. Construction of the 50,000 square foot expansion for engine machining and casting will begin immediately and will be completed by late summer. Upon completion, the plant will total 330,000 square feet.

Honda's ATV sales in America grew more than 20% in 1999. In addition, 20% of the products manufactured at HSC are exported to overseas markets including Australia, New Zealand, and the United Kingdom.

Mr. Speaker, please join with me in saluting Honda of South Carolina Manufacturing, Inc. on their newest expansion. The Sixth Congressional District and the State of South Carolina are grateful for Honda's investment in our State and look forward to a long and prosperous business partnership.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

JANUARY 31, 2000

Rollcall vote 2, on the motion to suspend the rules and pass H. Con. Res. 244, Authorizing the Use of the Rotunda for Holocaust Memorial, I would have voted "yea".

Rollcall vote 3, on the motion to suspend the rules and pass H.R. 2130, the Hillory J. Farias and Samantha Reid Date-Rape Prevention Drug Act, I would have voted "yea".

FEBRUARY 1, 2000

Rollcall vote 4, on the motion to suspend the rules and pass H.R. 764, the Child Abuse Prevention and Enforcement Act, I would have voted "yea".

Rollcall vote 5, on passage of H.R. 1838, the Taiwan Security Enhancement Act, I would have voted "yea".

Rollcall vote 6, on the motion to instruct conferees for H.R. 2990 the Bipartisan Consensus Managed Care Improvement Act, I would have voted "nay".

FEBRUARY 2, 2000

Rollcall vote 7, on passage of H.R. 2005, the Workplace Goods Job Growth and Competitiveness Act, I would have voted "yea".

CHANGE IN CROATIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. SMITH of New Jersey. Mr. Speaker, in October of last year, I expressed concerns in this Chamber on the condition of democracy in Croatia. At that time, the leadership of Croatia was resisting the transition towards free elections, stalling the construction of democratic institutions, flaunting the rule of law, and squashing ethnic diversity. Those that held power were maintaining it in two significant ways. The first was through the manipulation of the political system to their advantage, including, in particular, efforts to control the media and the unwillingness to allow free and fair elections. Second, there was heavy reliance on nationalist passions for support. Zagreb's policies swayed the loyalties of Croats in neighboring Bosnia and made it difficult for the displaced Serb population to return to the country.

Since last October, things have changed drastically and for the better. In the Parliamentary election of January 3, the desire of the people for change was manifested as the party that had ruled since the fall of communism was defeated by an opposition coalition led by the new Prime Minister, Ivica Racan. Meanwhile, in a special presidential election on February 7 to succeed the late Franjo Tudjman, Stipe Mesic won on promises of reform, of a more democratic political system with diminished power for the presidency, of greater cooperation with The Hague in the prosecution of war criminals, of progress in the implementation of the Dayton Accords in Bosnia, and of the return of Croatia's displaced Serb population. These changes have been universally applauded, specifically by Secretary of State Madeleine Albright during her visit to Croatia on February 2. In fact, Mr. Speaker, I join the Secretary of State in commending the new policies of Croatia's leaders, and I compliment our able Ambassador to Croatia, William Montgomery, for his role in pressing for democratic change.

Mr. Speaker, it is good that Croatia's new leadership is talking about substantial reform.

However, we must be sure that it is not just talk. We must be sure to encourage Croatia to move closer towards full freedom, true justice, and greater prosperity for all of her citizens, regardless of ethnicity. We must continue to press for the surrender to The Hague of those indicted for war crimes. As we do, we must be ready to support Croatia, even as we have been ready to criticize Croatia's shortcomings in the past. Recent violence in southeastern Europe underscores the need for true democracy in the region.

In closing, I congratulate Croatia's new leadership and its promise of progress. Now that reform is on the horizon, I am hopeful that Croatia will soon be an integrated partner in European affairs.

PERSONAL EXPLANATION

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. BLAGOJEVICH. Mr. Speaker, due to flight delays out of Chicago yesterday, I was unable to make the vote on rollcall vote No. 16 on H. Con. Res. 247 and vote No. 17 on H. Con. Res. 76. Had I been present, I would have voted "yes" on both votes. I would ask that my votes be reflected in the RECORD.

TRIBUTE TO MICHAEL DEBONIS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. VISCLOSKY. Mr. Speaker, I rise today to congratulate a distinguished young man, Michael DeBonis, for attaining the rank of Eagle Scout in the Boy Scouts of America. Michael is a member of Boy Scout Troop 69. He will receive this award at an Eagle Scout Court of Honor at 3:00 p.m. on Sunday, February 20, 2000 at the Hobart Scout Cabin, located in Hobart, Indiana.

Boy Scout Troop 69 was founded at St. Bridget Church in Hobart, Indiana. Since its founding in 1957, Boy Scout Troop 69 has become one of the most successful scout troops in Northwest Indiana. Since 1987, fifteen boys from this troop have achieved the prestigious rank of Eagle Scout. Only an elite group of Boy Scouts attain the Eagle Scout ranking, which is the highest of seven rankings in the Boy Scouts of America organization. In order to become an Eagle Scout, a Boy Scout must complete the following three tasks: earn 21 merit badges; complete a service project; and demonstrate strong leadership skills within the troop.

Scout Master Robert Bell must take credit for much of this success. He has been Scout Master of Troop 69 since 1987 and is directly responsible for the excellent program which has led to the development of such fine young men. Mr. Bell devotes significant time to scouting and has displayed qualities of personal understanding, dedication to youth and advocacy for their cause, which has made his troop and his entire community very proud. The following are the names of the Eagle Scouts who have come from Troop 69 since Bob Bell has been Scout Master: George E. Murchek, 1987; William Guinee, 1987; Robert W. Bell, 1988; David Strickley, 1988; Michael Murchek, 1989; Michael Stewart, 1990; Richard Duirda, 1991; Richard A. Sapper, III, 1992; Joel Detterline, 1993; Dennis King, 1995; Eric Stage, 1995; Chad Wolf, 1998; Jeremiah Jackson, 1999; Philip Sirota, 1999; and Michael DeBonis, 1999.

The most recent addition to this list, Michael DeBonis, began in scouting as a Tiger Cub in the first grade. He attended St. Bridget School in Hobart, and is currently attending Andrean High School in Merrillville, Indiana, where he will graduate this June. Michael has served in several positions of responsibility in scouting and was twice Senior Patrol Leader of his troop. Michael also won the Arrow of Life and was inducted into the Order of the Arrow.

Michael attained the rank of Eagle Scout in conjunction with his academic and athletic achievements at Andrean High School. He served as Captain of the Andrean High School Quiz Bowl Team, which won the Indiana State Championship in 1998, and was runner-up in 1999. Michael has also been named an All-Star on Andrean's various academic teams and has won numerous awards as a member of the Andrean Academic Superbowl Teams in Social Studies, Science and Interdisciplinary. Additionally, he plays Defensive Tackle on the Varsity Football Team at Andrean. Michael has achieved all of these accomplishments and yet has maintained an A average at Andrean and is a National Merit Scholarship Semi-Finalist.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Michael DeBonis for his commendable achievement. His parents, Tony and Shelia DeBonis, can be proud of their son because it takes a great deal of tenacity and devotion to achieve such an illustrious ranking. This young man has a promising future ahead of him, which will undoubtedly include improving the quality of life in Indiana's First Congressional District.

FIRST CONGREGATIONAL CHURCH, CELEBRATING 100 YEARS OF SERVICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. MCINNIS. Mr. Speaker, I rise today to tell you about a small church that has celebrated 100 years of service to the community of Craig, Colorado.

The entire town of Craig was invited to help celebrate the 100th birthday of the First Congregational Church on January 2, 2000. It was a time to reflect on the past and plan for the future as Reverend Edwin Mendanhall delivered an inspirational message to the congregation. The church was founded by a group of 16 people in 1900. Within just a few months, the church had found a pastor and was chartered with 29 parishioners. Generous gifts from members of the church contributed to the purchase of a new bell in 1904 and it is still used today. A new facility was built and put to use in 1959.

The First Congregational Church is affiliated with the Rocky Mountain United Church of Christ Conference. As part of the centennial celebration the church will host the conference's annual meeting in June of 2000.

It is with this, Mr. Speaker, that I would like to offer this tribute in honor of the centennial celebration of the First Congregational Church and in recognition of its members.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

FEBRUARY 8, 2000

Rollcall vote 8, on the motion to suspend the rules and agree to the Senate amendment to H.R. 1451, the Abraham Lincoln Bicentennial Commission Act, I would have voted "yea."

Rollcall vote 9, on the motion to suspend the rules and pass S. 632, the Poison Control Center Enhancement and Awareness Act, I would have voted "yea."

Rollcall vote 10, on agreeing to the Resolution H. Res. 418, expressing the Condolences of the House on the Death of the Honorable Carl B. Albert, I would have voted "yea."

TRIBUTE TO EVELYN CLARKE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. TOWNS. Mr. Speaker, I want to recognize the important community contributions of Evelyn Clarke.

Evelyn was born and educated in Charleston, South Carolina. She has been active in Brooklyn community affairs for a number of years. Not one to rest on her laurels, Evelyn continued to work in Central Brooklyn even after she retired from 35 years of service with the Marriott Essex House Hotel. She began volunteering at the Berean Missionary Baptist Church's Senior Center where she has been credited with initiating a number of new senior programs. Evelyn has also worked with the Auxiliary at Kings County Hospital Center. She served as its President for four years.

The proud mother of one daughter, Dotrice and two grandsons, Ian and Christopher, and several nieces and nephews, Evelyn Clarke has made her mark as an advocate for seniors and a key supporter for one of Brooklyn's largest medical centers. Please join me in honoring Evelyn Clarke as one of Brooklyn's most committed activists.

FEDERAL COURT ASSIGNMENT OF CRIMINAL CASES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues and submits for the RECORD this February 12, 2000, editorial from the Omaha World Herald regarding Federal court assignment of criminal cases concerning President Clinton's friends. Our colleague, Representative HOWARD COBLE (R-NC), recently discovered frequent use of a special rule allowing the chief judge to bypass the random assignment system for certain "protracted" cases; in this instance, fund-raising cases involving friends of the President that have been assigned to judges appointed by the President. This situation certainly should be investigated. It's little wonder that increasingly Americans are wondering if one can get justice from the Justice Department.

JUDGING A JUDGE'S JUDGMENT

The Washington, D.C. panel of federal judges that oversees judicial conduct there has reopened what had looked like's closed controversy. The judges were right to do so. The situation involved the chief judge's prior practice—it might reasonably be characterized as a habit—of naming judges who were appointees of President Clinton to preside over criminal cases involving his friends.

That particular federal judicial district has a computer system to assign almost all criminal cases randomly. The idea of putting the system in place was to avoid both the appearance and the reality of favoritism. But there was a special rule, which was recently eliminated, allowing the chief judge to bypass the system for "protracted" cases.

Chief Judge Norma Holloway Johnson used the rule with what might politely be called enthusiasm. It was revealed in recent months that five Democratic campaign fund-raising prosecutions and a tax-evasion case against Clinton confidant Webster Hubbell went to Clinton appointees. Now, appeals court Judge Stephen Williams has been ordered to look into the circumstances of these and other case assignments.

The decision to revive the inquiry was made after the revelation by Rep. Howard Coble, R-N.C., of additional non-random assignments in fund-raising cases, including one involving a former fund-raiser for Vice President Al Gore.

Coble, one of the most conservative members of a mostly conservative congressional delegation from a conservative state, is no friend of Clinton or Gore. He probably has an agenda behind his quest. But that shouldn't matter. The facts are the facts: Judge Johnson by-passed the system and has never said why, although she denies that there were political considerations.

It may all be on the up-and-up, but it smells funny. If Johnson in fact did nothing wrong, she deserves to have that publicized. Conversely, if some level of cronyism is involved, some sort of disciplinary action might be appropriate. Getting to the bottom of this is, plain and simple, a good idea.

TRIBUTE TO CHIEF MULLER

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. STUPAK. Mr. Speaker, I rise today to note for our House colleagues the loss of a fine community leader and dedicated public servant, Fred Muller of Acme, Mich., who died at his home on Dec. 21, 1999.

At the time of his death, Fred was chief of the Grand Traverse Rural Fire Department. He was also an arson investigator whose probes and seminars took him all over the nation, and he was an instructor at the National Fire Academy in Emmitsburg, Md. Most important to me, Fred Muller was my friend.

I am challenged, Mr. Speaker, to sum up this man's life in a few brief remarks. My anecdotes are only small windows on the career of a man who so loved firefighting from his youth that at age 13 he formed a junior volunteer fire brigade in his hometown of Brighton, Michigan. We can only glimpse the strength of his dedication to his community in such acts as coming out of retirement in 1985 after 24 years with General Motors to assume the post of rural fire chief in one of the most heavily populated counties in my district.

Our view of Fred Muller comes into better focus when we learn that he served eight years as a city council member and two years as mayor pro tempore of Brighton, and held various leadership positions, including president, of such professional organizations as the Northern Michigan Fire Chiefs, Michigan Fire Chiefs and International Association of Fire Chiefs.

Fred was a leader, and as his deputy chief Bill Sedlacek was quick to note in a news story on Fred's death, he led his volunteer force to a position of being rated among the top five in the nation.

In his public role, Fred's greatest test was a fire that broke out in late 1995 at a tire retreading facility in the small Michigan community of Grawn.

When the black clouds began climbing from the site and soot began turning snow around the site black, Fred ordered homes evacuated and a local school closed.

But the fire, which burrowed deep into a field of hundreds of thousands of tires, sometimes piled 50 feet high, soon signaled it would not be easily dealt with. There was no model for this conflagration. Temperatures at the core of the fire built up to almost 2,500 degrees. The fire burned under the surface, creating cavities that constantly threatened to swallow firefighting equipment. Conventional hoses merely built a shell of ice around the fire, which burned uninterrupted.

The fire became a siege, drawing manpower from around the state and bringing in technical experts from various state and federal agencies. Almost 125 firefighters were at work on New Year's Eve. Throughout the fire, Fred continued to monitor the hours that men worked, aware that fatigue and complacency were the greatest threats to the well-being of the army of firefighters. Whenever he gave community updates, Fred drew applause from audiences who knew he was dedicated to finding a way to defeat this fire through techniques that would serve as a guide for any future fire of this kind.

I had known Fred through his efforts to win funding for fire training, but now I had an opportunity to stand shoulder-to-shoulder with him in this great fight. I was able to assist by obtaining for Fred a pair of Air National Guard water cannons from a nearby base. With these cannons, his crews were able to blast apart the hot core of the fire, eventually reducing the blaze to smaller, cooler fires that could be doused by conventional means.

Mr. Speaker, we all owe a debt to this dedicated citizen, one of those men who care about people, give of themselves, and seem to live a life in preparation from some great moment when they can marshal and utilize all the skills they have acquired.

Not only my northern Michigan communities but the entire nation sustained a great loss with Fred Muller's untimely death. He will be missed.

CELEBRATING NATIONAL TRIO DAY

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. BALDACCI. Mr. Speaker, I rise to bring my colleagues' attention to the upcoming celebration of National TRIO Day on February 26.

The TRIO programs are Upward Bound, Upward Bound Math/Science, Veterans Upward Bound, Talent Search, Student Support Services, Educational Opportunity Centers and the Ronald E. McNair Postbaccalaureate Achievement Program. These programs, established over the past 30 years, provide services to low-income and potential first generation college students and help them overcome class, social, cultural and physical barriers to higher education.

Currently 2,000 colleges, universities and community agencies throughout our nation sponsor TRIO programs. More than 780,000 middle school and high school students and adults benefit from their services. Most of these students come from families in which neither parent graduate from college. These students represent the highest aspirations and best hope for the American dream. By lifting these students out of poverty, the nation is lifted to new heights.

There are 15 TRIO programs hosted on nine college campuses in my State. Together, they serve nearly 6,000 aspiring students and adults annually. Almost 5,000 of these students are in my Congressional District. They are low income, first generation students and adults who are preparing to enter, or have entered, postsecondary education programs.

I have met with many of these students, and I know these programs work. For example, in recent years I have met Mark Crosby, a First Vice-President for Personnel for one of Maine's most successful and fastest-growing employers, MBNA America Bank. Mark was a student in the Upward Bound Program which he credits for his success in completing high school, college and graduate school. As he told me, "I went to college. My brother, who did not go to Upward Bound, went to jail." I have also met with a young man, John Simko, whose participation in TRIO programs helped to get him into and through Bowdoin College. He later went on to become the Town Manager of a small town in Maine.

TRIO graduates can be found in every occupation: doctor, lawyer, astronaut, television reporter, actor, professional athlete, state senator and Member of Congress. In fact, some of our colleagues today are graduates of TRIO programs. The TRIO programs are a cost-effective investment in our nation's future. They help to ensure that no child will be left behind, his or her aspirations unrealized.

In closing, I would like to encourage my colleagues to visit the TRIO Programs in their districts and learn for themselves how valuable these programs are to our nation. I also want to say a warm hello to all of the Maine students currently participating in TRIO programs and to remind them to keep reaching for their dreams.

RECOGNIZING AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT

SPEECH OF

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. CLEMENT. Mr. Speaker, I rise as a member of the Missing and Exploited Children's Caucus in strong support of H. Con. Res. 76. This common sense resolution expresses our support for a "Day of Hope" for abused and neglected children and urges us to remember these young victims of violence.

Child abuse and neglect are serious issues which we must address as a community. Over 3 million American children are reported as suspected victims of child abuse and neglect annually and more than 500,000 American children are unable to live safely with their families and are placed in foster homes. The cycle of child abuse and neglect all to often leads to crime and delinquency, drug and alcohol abuse, domestic violence and welfare dependency. We can and must do something to break this vicious cycle. I urge my colleagues to not only join me in supporting this resolution but also to actively work with our constituents to bring an end to child abuse and neglect.

HONORING LOUISE EVANS FARR, AN ADVOCATE FOR PEACE AND CIVIL RIGHTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. McT1INNIS. MR. SPEAKER, I RISE TODAY TO TELL YOU OF A GREAT WOMAN WHO GAVE SELFLESSLY OF HERSELF TO HER COMMUNITY. LOUISE EVANS FARR PASSED AWAY ON JANUARY 14, 2000.

Louise was a lifelong advocate for peace, human dignity and civil rights. She graduated from Vassar College and Yale Law School. In the 1940s she was executive director of the Unity Council, a coalition of groups concerned with ending racial and ethnic discrimination in Denver, Colorado. She was also active in the peace and nuclear nonproliferation movements. Most recently she worked as a volunteer for Physicians for Social Responsibility and for the Union of Concerned Scientists.

Louise was the granddaughter of Frank S. Hoag Sr., former publisher of the Pueblo Star-Journal and Chieftain, and the cousin of, my good friend, Robert Rawlings, the present publisher of the paper. Her brother, Frank Evans, represented Pueblo and Southern Colorado in the United States Congress from 1964 to 1978.

It is with this, Mr. Speaker, that I offer this tribute in memory of Louise Evans Farr. She was a humanitarian who will be missed by all those who knew her.

SHREWSBURY SENIOR CENTER

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. McGOVERN. Mr. Speaker, Today in Shrewsbury, Massachusetts, the dream of many is finally becoming a reality. It is my great pleasure to recognize the invaluable service that the Shrewsbury Council on Aging provides to the senior citizens of that community and congratulate them on the grand opening of the new Shrewsbury Senior Center.

From humble beginnings, the evolution of the center is truly amazing. Only a few short years ago the center was housed in the copy room of Shrewsbury Town Hall. From the there it moved to quarters in the North Shore School, and now to its new home at 98 Maple Avenue which will hold the grand opening February 17, 2000. I am so proud of everyone involved. They truly represent the best our nation has to offer.

The Shrewsbury Senior Center provides information on housing, health care proxies, volunteer opportunities, home care services, as well as hot meals and information on other issues. The Council on Aging also performs preliminary case work and makes referrals to appropriate agencies.

In a time when many forget our older neighbors, men and woman who quite literally saved the world, the Senior Center will forever ensure that this 'greatest generation' will always hold a prominent place in the community. From line dancing and bridge to yoga, knitting, painting, and shopping trips, this very special place will permit seniors to enjoy themselves in the company of friends.

As a Member of Congress, I often have the occasion to visit with seniors across my district. It is always a great joy for me to visit Shrewsbury. I look forward to visiting with them in their new home and congratulate them on this new beginning.

RECOGNIZING AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF SOCIAL PROBLEMS OF CHILD ABUSE AND NEGLECT

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mrs. CLAYTON. Madam Speaker, in this land of diversity, one belief is nearly common to us all: Children are our greatest resource.

Children represent our hope for the future. They are our special treasures and deserve every protection we can provide them. Statistics show that every 10 seconds a child is abused and more than 3 children a day die as a result of abuse. Given statistics like these, it is critical that we, as a bipartisann body, continue our efforts and use all of our abilities and resources to ensure that our children, our national treasures, are protected and have the greatest opportunities to grow up happy, healthy, well-educated and strong. We must re-double our efforts to help break the cycle of abuse and violence that affects so many children.

Recently, The National Center for Missing and Exploited Children reported that the number of missing children reports filed in 1999 dropped to the lowest level since 1993. This glorious news demonstrates that our legislative efforts, and the diligent efforts of organizations like Childhelp USA, do make a difference. More importantly, it means that more children are out of harm's way. Nonetheless, we cannot become complacent because too many children remain victims of abuse. Therefore, we must stand firm in our commitment to our children and their well-being.

This Day of Hope resolution demonstrates this resolve and I urge my colleagues to support this resolution for the sake of our national treasures—our children.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, on February 14, 2000, I was unavoidably detained and consequently missed two votes.

Had I been here I would have voted:

"Yes" on the passage of H. Con. Res. 247—Expressing Sense of Congress Regarding the Importance of Organ, Tissue, Bone Marrow and Blood Donation and Supporting National Donor Day.

"Yes" on the passage of H. Con. Res. 76—Recognizing the Social Problem of Child Abuse and Neglect and Supporting Efforts to Enhance Public Awareness of it.

HONORING WILLIAM CHARLES "BILL" PUMPHERY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to remember and honor a man that was dedicated to helping people. William Charles "Bill" Pumphery passed away on February 1, 2000. He was 77 years old.

During World War II, Bill was a pilot in the Army Air Corps. He took part in Operation Varsity, the Allied assault across the Rhine River that marked the demise of Nazi Germany. Bill was one of the glider pilots who transported troops and equipment across the river.

Bill was an active supporter of the YMCA in Pueblo, Colorado. He was a member of the club and served on the board of directors for many years. Bill's dedication to the organization could be seen from the many fundraisers he participated in to build cabins for camps. Camp Jackson, formerly known as Camp Crockett, was built primarily from funds raised by the Pueblo YMCA men's club. When it came to needing a new building for the Pueblo location, Bill was instrumental in raising funds for the structure.

Bill was also proud of Pueblo and he showed his pride by volunteering at the Pueblo Chamber of Commerce. He spent much time at the visitor's center, making sure that new comers received any information they needed about the area. Such an advocate of the Pueblo community will be missed greatly.

It is with this, Mr. Speaker, that I would like to offer this tribute in Bill Pumphery's memory. He was a great man that was dedicated to making his community a better place to live.

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IN LOVING MEMORY OF DOMITILIA DOMINGUEZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. BACA. Mr. Speaker, it is with much sadness that I inform my colleagues of the passing of a great individual, a person who graced our world and our lives with so much love and compassion.

Domitilia Dominguez, the grandmother, and godmother, of my dear wife, Barbara, passed away yesterday, on Valentine's Day, at Victorville Hospital in California. She was a long-time resident of Barstow, CA. Domitilia lived a very full and a very fulfilling life, a life graced by her husband, who passed away 20 years ago, with whom she was blessed by eight children: Ted, Flora, Margaret, Frank, Albert, Fabiola, Liz, and Larry. These children and many grandchildren brought tremendous joy and inspiration into their lives.

Domitilia Dominguez was and remains so much a tremendous person in our thoughts and in our memories. I appreciate so much and will long remember the many good and positive things she brought into my life and into the life of my wife, Barbara Dominguez Baca, our children, Joe, Jr., Jeremy, Nataline, and Jenifer, and our grandchildren, Katie Baca and Anthony Baca Ramos. I join with Domitila's friends and family members in honoring such a truly remarkable and outstanding person, a mother, a grandmother, a great-grandmother, and great-great-grandmother, to all those who loved her so much.

Domitilia gave so much to those she loved, and each of us is better and more fortunate for what she unselfishly gave to us and gave to our world, a world made so much brighter and more gentler by her life and her presence.

Mr. Speaker, we are all gifted by the lives of mothers and grandmothers who do so much in guiding our lives and providing us comfort and proper direction. I join with all those who loved Domitilia Dominguez, in extending our prayers, knowing that God's heaven is blessed and graced by one of his most beautiful and loved angels.

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STATEMENT IN SUPPORT OF MRS. BONO'S LEGISLATION TO AUTHORIZE CONVEYANCE OF PUBLIC DOMAIN LAND IN THE SAN BERNARDINO NATIONAL FOREST

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I congratulate Representative Bono for her follow through on the KATY issue. It was three or four years ago when her late husband, our colleague Sonny Bono, began to tackle the problem of keeping a small radio antenna on the edge of the San Bernardino National Forest for an important local radio broadcaster. With the introduction of this bill, Mrs. Bono begins the last chapter to settle an important issue for her constituents.

The station is KATY–FM, and it is the only radio link for emergency broadcasting that covers a large sector of the San Bernardino valley. An elderly couple, the Gills, owned the station. Mr. Gill passed away recently, so it is an important tribute to him that this bill is being introduced today. We will get right to work on it in my committee, the Committee on Resources, this year.

I offer thanks to the Forest Service for working hard to settle this issue, and for protecting the public by ensuring that fair market value will be paid for the small parcel by KATY–FM. While we hoped to help the Forest Service move two unrelated administrative provisions in this bill, it could not be done before introduction. However, I will make every effort to accommodate the needs of the Service on the two unrelated matters, working with the other committee with joint jurisdiction over those provisions, as the bill moves through the Committee and the House. I appreciate the Service's good faith work on these matters, and we will work in the same manner.

Congratulations again, Mrs. Bono. Your follow through is commendable.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. GALLEGLY. Mr. Speaker, I was unable to be in Washington yesterday and I missed two rollcall votes. Had I been present, I would have voted "yes" on rollcall vote No. 16 and "yes" on rollcall vote No. 17.

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HONORING THE GRAND JUNCTION BUSINESS OF THE YEAR, ALPINE BANK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the 1999 Grand Junction Chamber of Commerce Business of the Year, Alpine Bank.

Alpine Bank opened its first facility in Mesa County in 1992. With a focus on giving back to the community, it did not take long for this bank to become recognized as a leading corporate citizen. Among the organizations that the bank has contributed time and money to are: the American Heart Association, March of Dimes, Rocky Mountain Elk Foundation, Lion's Club, Rotary, Museum of Western Colorado, Club 20 Mesa County Land Trust Alliance, Mesa County Homebuilders, Young Life, Crime Stoppers, Ducks Unlimited, League of Women Voters, Western Colorado Arts Center, the Grand Junction Chamber, Habitat for Humanity, Boy Scouts, Girl Scouts, American Lung Association, Salvation Army, Mesa County Library, Western Slope Center for Children, Junior Service League, Western Colorado Botanical Society and the grand Junction Symphony.

In addition to this long list of involvement, Alpine Bank has taken great interest in helping Grand Junction schools. Through the Classroom Credits program, Alpine Bank has donated over $45,000 to the Mesa County Business Education Foundation for the last two years. Along with Classroom Credits, Alpine Bank has found a way to reward students who received excellent grades with the "Pay for As" program. Most recently, the bank has pursued plans to build an ice skating rink. To encourage bank employees to help out in the community, the bank has started providing paid time off for those who wish to become involved in the community.

It is with this, Mr. Speaker, that I would like to offer this tribute to the Alpine Bank. A business that is worthy of thanks and praise for unparalleled commitment to the community.

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TRIBUTE TO SUSAN B. ANTHONY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mrs. EMERSON. Mr. Speaker, Susan B. Anthony is remembered for her pioneering work to establish equal rights for women. As she fought to widen society's guarantee of equal rights to include women, she also sought to widen this guarantee for others as well. For Susan B. Anthony, this meant opposing slavery. And it also meant rejecting abortion, which she considered nothing less than "child murder." Today, 180 years after Susan B. Anthony's birth which we commemorate today, we continue her legacy in promoting equality under the law for all, including the unborn.

Susan B. Anthony rejected abortion because she championed equal rights for all. In Anthony's view, abortion violated the rights of both women and children for it deprived the unborn of their right to life, and exploited women. As Susan B. Anthony said: "When a woman destroys the life of her unborn child, it is a sign that, by education or circumstance, she has been greatly wronged."

On this the 180th anniversary of her birthday, let us recommit ourselves to fulfilling the pro-life and pro-women vision of Susan B. Anthony, moving toward that day when neither women nor children shall ever again be greatly wronged by abortion.

TRIBUTE TO ROBERT S. JOE, LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. LEWIS of California. Mr. Speaker, for a number of years now, my colleague, Mr. CALVERT, and I have worked closely with the Army Corps of Engineers on one of the largest flood-control projects now under way in our nation. The Santa Ana River Mainstem flood control system, which is well on its way to completion, will protect millions of southern California residents and save billions of dollars in property from potentially devastating floods. We would like today to pay tribute to the man who oversaw this project: Mr. Robert A. Joe, the Deputy District Engineer for Programs and Project Management of the corps' Los Angeles District.

The Los Angeles District is one of the largest Corps of Engineers districts in the contiguous 48 states, covering 226,000 square miles in southern California, southern Nevada, and all of Arizona. They operate in the second largest urban area in the United States, as well as the booming growth areas of Phoenix and Las Vegas. Activities directed by Bob Joe have ranged from the deepening of Los Angeles Harbor—one of the largest in the world—to massive flood control projects protecting millions of people throughout southern California, to the environmental restoration of the Rio Salado through Tempe and Phoenix.

Bob Joe has directed this $300 million annual operation since August 1998—the highlight of a nearly 30-year career with the Los Angeles district that also saw him lead the planning division for 11 years. Throughout this time, southern California has benefited from the corps work in preventing flood damage, improving our harbors, and protecting our valuable coastal property.

Mr. CALVERT and I recently attended the dedication of perhaps the most important corps project in our Inland Empire—the Seven Oaks Dam in the San Bernardino Mountains. Completion of this dam—on time and on budget—will save thousands of homeowners along the Santa Ana River thousands of dollars a year in flood insurance. We believe it is an accomplishment that will bring pride to the entire corps. Mr. Joe has also been of indispensable help in accomplishing stabilization of the Norco Bluffs and beginning a flood control project along San Timoteo Creek—projects of immense importance to our constituents.

Mr. Speaker, we recently learned that Bob Joe will soon retire from the corps. We ask you and all of our colleagues to join us and expressing our gratitude for his years of tremendous service to southern California and the Southwest, and wishing him well in his future professional endeavors.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. EVERETT. Mr. Speaker, on February 10, I was in Alabama attending to pressing personal matters and was unable to cast my vote in favor of H.R. 6, the Marriage Tax Penalty Relief Act. As an original cosponsor of this legislation and supporter of past efforts to repeal this onerous tax, I am very pleased that this measure passed with such bipartisan support.

Had I been present, I would have voted "yes" on the rule (roll 12) and on final passage (roll 15); and I would have voted "no" on the Rangel Substitute (roll 13) and the motion to recommit (roll 14).

HONORING FRANK MILFORD MILLIGAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause in remembrance of Frank Milford Milligan who died on November 7, 1999.

Mr. Milligan was born on October 24, 1925, in Beulah, Colorado, to Cecil Milligan and Elta Parker. Mr. Milligan attended grade school in Beulah and high school in Cortez. In January of 1944, he enlisted in the United States Navy and served for two years. After his service in the Navy, he returned to Cortez to reside.

Following his return from the military, Mr. Milligan went to work as a farm hand. He was a member of the Ute Mountain American Legion Post 375 and enjoyed socializing with his fellow members at the post. Mr. Milligan will always be remembered as a man that loved to spend time with his family and doing family activities.

It is with this, Mr. Speaker, that I would like to pay tribute to the life of Mr. Frank Milford Milligan, a great American and friend.

HAIDER AND THE EUROPEAN UNION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues and submits for the RECORD this February 10, 2000, opinion column from the Financial Times regarding Jorg Haider.

WHY EUROPE WOULD LIKE HAIDER TO DISAPPEAR

The rightwing Austrian politician is a threat only because he has highlighted problems that are common to the rest of the EU

(By Quentin Peel)

Why on earth are we so worried about Jorg Haider?

The leader of Austria's inappropriately-named Freedom party is nothing more than a lightweight provincial politician, a plausible populist more notable for changing his opinions by the hour than for any consistency of fanatical thought.

One moment he is in favour of the European Union, the next he is a passionate Eurosceptic. One day he shows some sympathy for the Nazi regime in Germany, and the next he condemns it. He is an erratic gadfly with a grin, who has cynically exploited the widespread hostility to immigrants in the Austrian provinces, and the wider resentment of a political establishment that has carved up all the public sector jobs in Vienna.

Yet the appearance of his party in the Austrian government has united the rest of the European Union in a chorus of condemnation. He is in danger of being demonised as a reincarnation of Adolf Hitler, when he should instead be treated with disdain and contempt.

The year 2000 is not 1933, and the prosperous citizens of Austria are scarcely the embittered unemployed of Germany between the wars. The democratic institutions of post-war western Europe are surely resilient enough to resist the blandishments of a half-baked extremist.

Yet the truth is that Mr. Haider, in himself, is not the problem. The international overreaction is driven by fear of contamination in other parts of the EU. He is a symbol, and many of the causes of his popularity are present in most of the states of the union.

Austria is not alone in demonstrating resentment of a tired and corrupt political establishment, a fear of excessive immigration, and growing uncertainty about what enlargement of the EU will mean for the cozy lifestyle of the present member states.

Germany and France both took a lead in the decision by the rest of the EU to freeze bilateral relations with Austria, and with good reason. Both have been hit by a series of political scandals, threatening an upsurge in public disgust with the political process. Scarcely a European country has been unaffected by allegations of illicit or corrupt party financing.

As for immigration and EU enlargement, neither may be quite as big an issue as it is in Austria, but they could easily be exploited by a rabble-rouser in most EU countries. All the EU governments have gone a long way to tighten up controls on immigration and asylum-seekers, in precisely the direction that Mr. Haider demands, for fear of a backlash.

Enlargement, now intended eventually to bring 13 new members into the EU, may be officially supported by all the present governments, but their voters remain decidedly skeptical. EU leaders will have to go out and sell the idea, with passion and conviction, or they could face an upsurge in xenophobia at the polls.

If and when enlargement happens, as I fervently hope it does, it will change the EU substantially. The only way to accommodate such a wide variety of member states, at very differing political and economic stages of development, will be to build much more flexibility into the system. Somehow it has to be adapted to preserve the single market, without forcing the new members into instant bankruptcy. The high standards of developed west European economies cannot be adopted overnight in the east.

Nor is it simply a matter of economics. The accession candidates are all relatively fragile democracies. Most have only recently recovered their full sovereignty from the former Soviet empire. There are unresolved ethnic conflicts, and minority rights issues, within their borders. They could well spark the emergence of nationalist movements at least as unattractive as the Freedom party of Mr. Haider.

All these profound issues raised by EU enlargement are supposed to be tackled by the intergovernmental conference (IGC) of the present 15 member states, which opens next Monday. They are supposed to be streamlining the institutions so that they remain workable with as many as 28 members. Yet the chances are that the IGC will stick to a very narrow agenda, and leave the EU ill-prepared for the revolution to come.

Romano Prodi, president of the European Commission, says the prospect of more Haiders in an enlarged EU makes it all the more necessary to take most decisions by majority voting, not unanimity. Yet majority decisions enforced on unhappy minorities could be a formula for breeding more Haiders. The answer must be more flexible arrangements, more devolution of power, and a minimum of rules.

If an enlarged EU is going to hold together, and enjoy the support of its inhabitants, it is going to have to be rather more than a glorified common market. It does not have to be the federal super-state that British Eurosceptics fear and loathe. But it will have to be a community of common values.

That is why the initiative running in parallel with the IGC may ultimately prove more important: the drafting of a Charter of Fundamental Rights. This should be clear, concise and easily intelligible. It does not have to add any exotic new rights that are not already present in the EU treaty and the European convention of human rights. But it should spell out the minimum rights and freedoms to which all member states of the union will be committed. It should also spell out what will happen if they transgress.

For the advent of Mr. Haider in Austria is surely only a foretaste of the challenges to come in an enlarged EU. The member states need a clear yardstick by which to judge the acceptable behaviour of any government—a yardstick that voters can read and understand before they vote. That might discourage them from voting for anti-democratic extremists. And it might restrain the other member states from ad hoc overreactions.

TRIBUTE TO FATHER FRED

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. STUPAK. Mr. Speaker, I and many, many residents of northern Michigan continue to mourn the passing of the Rev. Edwin Frederick, our beloved Father Fred, who affected so many lives by the simple act of tending and caring for those in need.

It may be misleading, Mr. Speaker, to describe Father Fred's work as simple. The simple act of sharing is to offer a hungry man half one's loaf of bread. The simple act of caring is to put one's own coat over the shoulders of a child shivering with a cold.

Father Fred went much further than that. The foundation he created has provided food, clothing and other basic necessities to literally thousands of families. The Father Fred Foundation now distributes more than a million dollars in aid each year to individuals and families in the Traverse City area. It is, at its heart, the story of the loaves and fishes, a miracle being worked by our Savior through this simple man of the cloth who was willing to ride on the back of Harley Davidson motorcycles and oversee garage sales to build this sustaining fund.

I was fortunate, Mr. Speaker, to have been one of Father Fred's instruments in his performance of good works. I looked forward each year to assisting him in serving Thanksgiving dinner to those in need. In this most basic act of charity, helping to provide sustenance to another human, I learned that most basic of Christian lessons, learning to love a stranger.

My heart was heavy this year at Thanksgiving, because as I left I knew I would never again see Father Fred alive. His smile was as wide as ever, but the cancer that was killing him had left this once powerful man very frail. Father Fred died in January at the age of 74.

We in Congress have an opportunity to meet many stately, strong, wise, and wonderful people. But in those quiet moments when I can reflect on the individuals who have really had an impact on my view of the world and my feelings for my fellow man, it is Father Fred who marches at the forefront of that long procession of men and women whose lives have at one time or another intersected with mine.

He will continue to live among us in the foundation he created, and in the special place in our hearts and memories that he created.

IN REMEMBRANCE OF TWO FALLEN POLICE OFFICERS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Ms. PELOSI. Mr. Speaker, sadly I rise to call to the attention of my colleagues the passing of two of San Francisco's finest police officers—Inspector Kirk "Bush" Brookbush and Officer James "J.D." Dougherty.

On Wednesday, January 19 thousands of police officers from throughout California and the nation gave their final farewell salute to their two San Francisco comrades who had died on January 11 when their helicopter crashed returning from a routine maintenance session. "The Air Marshall and his Sidekick" as they called themselves are remembered as dedicated police officers who went above and beyond the call of duty.

For nearly 30 years they were devoted, reliable and hard-working street cops. They were highly respected, trusted and loved by their colleagues, family and friends. Both were Vietnam vets, loving husbands and fathers who were trained airline pilots recently given the opportunity to fulfill their dreams of becoming police pilots. They were passionate about their work and were making a positive impact on the San Francisco Police Department's air unit.

Indeed, the San Francisco Bay Area deeply mourns the loss of Kirk and J.D. Their colleagues will continue to look up to them with respect and admiration for as described by their boss, Commander Heather Fong, they will continue to be "two angels looking over the shoulders" of San Francisco's police officers. They were men of courage and inspiration.

I would like to express my personal condolences and prayers to their friends and loved ones, especially to Kirk Brookbush's wife, Suzanne and their son, Andrew and to James Dougherty's wife, Sun Kang and his stepsons, Chon and Paul and his children, Brigid, Jeff and Chris.

RECOGNIZING AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2000

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of H. Con. Res. 76, recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it. Through the efforts of Childhelp USA, a "Day of Hope" will be observed on the first Wednesday in April to focus public awareness on this social ill.

Childhelp USA has been coming to the rescue of children in distress since 1959. It is one of America's oldest and largest organizations dedicated to the prevention and treatment of child abuse.

Childhelp's many excellent programs help keep children safe. Childhelp training programs instruct adults who work with children on how to recognize the signs and symptoms of abuse, how to respond to a child who discloses abuse and how to interrupt a suspected abuse situation. Childhelp Abuse Prevention instructors teach school children the knowledge and skills they need to prevent or interrupt abuse. This organization provides a 24-hour National Child Abuse Hotline, which delivers free, high quality professional counseling services to children and families in crisis and connects them with social service and law enforcement agencies in their community. Child Advocacy Centers have implemented programs that work with law enforcement and child protective services to investigate abuse reports in a manner that avoids further trauma to the victim. Childhelp Head Start classes provides early enrichment for at-risk children and parenting education for their mothers and fathers. The Villages of Childhelp and Childhelp therapeutic foster homes provide the finest available residential care and treatment for victims of severe abuse.

There is an epidemic of violence against children in America. The direct and collateral damage to the individual and the community is vast. A problem this large will end only when everyone does something to help. I commend Childhelp USA for all that it does for America's children and families, and for its superior model of service in the 8th district of VA, and throughout the country.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Monday, February 14, 2000, and as a result, missed rollcall votes 16 and 17. Had I been present, I would have voted "yes" on rollcall vote 16 and "yes" on rollcall vote 17.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. OWENS. Mr. Speaker, I was unavoidably absent on a matter of critical importance and missed the following votes:

On H. Con. Res. 247, expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation introduced by the gentlelady from Florida, Mrs. THURMAN, I would have voted "yea."

On H. Con. Res. 76, recognizing the social problem of child abuse and neglect and supporting efforts to enhance public awareness of it introduced by the gentleman from Arizona, Mr. SALMON, I would have voted "yea."

SALUTE TO D.C. UNITED, "AMERICA'S SOCCER TEAM"

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Ms. NORTON. Mr. Speaker, I rise today to congratulate and applaud D.C. United as "America's Soccer Team," which won its third Major League Soccer (MLS) championship while Congress was in recess. It is a well-deserved title, not only because the team is located in the Nation's Capital, but especially because D.C. United has won three of the four MLS championships offered by the league. Rarely, if ever, has an American team so dominated its sport or displayed greater skill and sportsmanship. Both were in full view last November, when United snared its latest championship in a two-to-nothing victory over Los Angeles.

We, who live in the District of Columbia, are proud that D.C. United took our hometown name. Our hometown soccer team has become the District's version of a triple crown champion that does not know how to lose. D.C. United's victories over the past several years have paralleled the continuing revitalization of the team's hometown. After what our city went through in the 1990's, the team's championship means much more to D.C. than it would to Baltimore or New York, or Atlanta or Los Angeles. D.C. United has taught this town that we, too, can be winner. Now, when Americans and people from around the world visit the Nation's Capital, they come not only to see our monuments. They want to see our monumental team.

Our team reflects the nations of the world in a sport that is played by virtually ever country in the world. Across the nation and throughout the soccer world, D.C. United fans applaud the team's determination to fight and to win. Today, we salute D.C. United for a job well done and send best wishes to "America's Soccer Team."

TRIBUTE TO JUSTIN KOREN

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. DIAZ-BALART. Mr. Speaker, I would like to congratulate and honor a young student from my district in Florida who has achieved national recognition for exemplary volunteer service in his community. Justin Koren of Miami has just been named one of my State's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student in each State, the District of Columbia, and Puerto Rico.

Mr. Koren, a senior at Coral Reef Senior High School, is being recognized for creating a volunteer teenage community theater group that brings the joys of live theater to others by performing at retirement homes, senior centers, day care centers, and migrant farms in the greater Miami area.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Koren are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to my attention—The Prudential Spirit of Community Awards—was created by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Mr. Koren should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Mr. Koren for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

INTRODUCTION OF THE PRESCRIPTION PRICE EQUITY ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. STARK. Mr. Speaker, I rise today to introduce the Prescription Price Equity Act of 2000, a bill to deny research tax credits to pharmaceutical companies that sell their products at significantly higher prices in the U.S. as compared to their sales in other industrialized countries.

At my request, the Congressional Research Service recently completed an analysis of the tax treatment of the pharmaceutical industry. The conclusion of that report is that tax credits contributed powerfully to lowering the average effective tax rate for drug companies by nearly 40% relative to other major industries from 1990 to 1996. Specifically, it finds that while similar industries pay a tax rate of 27.3%, the pharmaceutical industry is paying a rate of only 16.2%. At the same time, after-tax profits for the drug industry averaged 17%—three times higher than the 5% profit margin of other industries.

The need for this bill is clear. The U.S. Government provides lucrative tax credits to the pharmaceutical industry in this country in order to promote research and development of life-saving new pharmaceutical products. Yet, in return for these government subsidies, the drug companies charge uninsured Americans the highest prices for drugs paid by anyone in the world.

Numerous studies have shown that uninsured seniors pay exorbitant prices for pharmaceuticals. I recently asked the House Government Reform Committee to compare the prices of prescription drugs in the district I represent in Congress with the prices of prescription drugs in Canada. The report found that seniors in Alameda and Santa Clara counties who lack insurance coverage for prescription drugs pay far more than consumers in Canada for the exact same medications.

The study compared the 1997 prices of the five brand name drugs with the highest '97 sales to the elderly—Zocor (a cholesterol reducing medication), Prilosec (an ulcer and heartburn medication), Procardia XL (a heart medication), Zoloft (a medication used to treat depression), and Norvasc (a blood pressure medication). On average, seniors in the 13th District are paying prices that are 100% higher than the prices Canadian consumers pay. For example, for a one-month supply of Prilosec, the average uninsured senior living in our District pays over $70 more than a consumer in Canada.

This price discrimination against seniors is happening across the country. Yet, America's seniors are the least likely to be able to afford these higher costs. Nearly half of Medicare beneficiaries live on yearly incomes of less than $15,000 a year and a third live on less than $10,000. While some Medicare beneficiaries have prescription drug coverage through employer retirement packages, Medicare HMOs (which are lowering their prescription drug coverage each year), and Medigap policies, about 35% of Medicare beneficiaries have no coverage at all and must pay inflated prices for their needed medications. It is also estimated that nearly two-thirds of Medicare beneficiaries are at risk for being without prescription drug

Yet, at the same time that seniors are being asked to pay these outrageous prices, the drug companies are reaping the benefit of generous governmental subsidies. There's something wrong with a system that gives drug companies huge tax breaks while allowing them to price-gouge seniors. My bill attempts to correct this glaring inequity in a very even-handed approach. So long as your company gives U.S. consumers a fair deal on drug prices as measured against their same products sold in other OECD countries, you will continue to qualify for all available research tax credits. But if your company is found to be fleecing American taxpayers with prices higher than those charged for the same product sold in Japan, Germany, Switzerland, or Canada, then you become ineligible for those tax credits.

I know that the Pharmaceutical Research and Manufacturers of America will strongly oppose the Prescription Price Equity Act. PhRMA will say that this bill spells the end of pharmaceutical R&D. That is complete nonsense. As shown by CRS, drug industry profits are already threefold higher than all other major industries. This legislation doesn't change the current system of research tax credits at all unless companies refuse to fairly price their U.S. products. The intent of my bill is by no means to reduce the U.S. Government's role in promoting research and development. It is simply to say that in return for such significant government contributions to their industry, drug companies must treat American consumers fairly. Why should U.S. tax dollars be used to allow drug prices to be reduced in other highly developed countries, but not here at home as well?

Again, this bill simply tells PhRMA that U.S. taxpayers will no longer subsidize low prices in the OECD countries with our tax code. Research and development is important and that is why we give these huge tax breaks, but they do consumers little good if they can't afford the product.

The Prescription Price Equity Act is not the solution to the problems facing America's seniors' abilities to purchase prescription drugs. That problem will only be addressed by improving Medicare to include a prescription drug benefit. I have introduced separate legislation to achieve that goal and look forward to working with my colleagues to achieve that vital Medicare improvement this year.

The Prescription Drug Equity Act is important because it would end the abuse of the U.S. tax code to subsidize an industry that has so far refused to treat American consumers fairly. I urge my colleagues to join with me in support of this legislation to end pharmaceutical companies' abilities to profit at the expense of American taxpayers.

TRIBUTE TO JEFFREY FULLER

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. GARY MILLER of California. Mr. Speaker, I am very honored to rise before you today to acknowledge the achievements and contributions of Mr. Jeffrey Fuller, President of the Montclair, California Chamber of Commerce. Under his leadership, the Chamber has succeeded in expanding its role in the promotion of local businesses, public policy and community involvement.

During Mr. Fuller's tenure, the Montclair Chamber of Commerce has expanded its membership by 20 percent, increased cash reserves for future expansion and upgraded its computer system to better serve local businesses and residents. At the same time, he reinstated the Chamber's involvement with the State of the City address and organized the first annual Montclair Safety Fair and Business Expo.

Mr. Fuller has tirelessly fought to preserve the spirit of the American dream. I appreciate his work and wish him well in his future endeavors.

INTRODUCTION OF THE OMBUDSMAN REAUTHORIZATION ACT OF 2000

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. BILIRAKIS. Mr. Speaker, today I am introducing the Ombudsman Reauthorization Act of 2000. This legislation is a companion to S. 1763, which was introduced last year by Senator ALLARD of Colorado. The bill reauthorizes the Office of the National Solid Waste and Superfund Ombudsman within the U.S. Environmental Protection Agency.

I have experienced first-hand the important work of the National Superfund Ombudsman in connection with the Stauffer Chemical Superfund Site, which is located in my congressional district in Tarpon Springs, Florida.

I fought tirelessly with my constituents for years to have the Stauffer site designated as a federal Superfund site. In 1994, the Stauffer site was finally included on the National Priorities List. It has been a long and tedious process since then. After six years, we are still waiting for the cleanup to begin. Clearly, this process is taking too long. The Supefund program must be streamlined to make it work within reasonable time frames—consistent with public expectations.

All of my constituents agree on the need for prompt cleanup of the Stauffer site. The question is how and when this will be accomplished in a manner consistent with protecting the public health and safety.

I joined with many of my constituents in repeatedly urging the EPA to carefully consider the unique geography of the Tarpon Springs area, with a particular focus on our sources of drinking water. In 1996, I was pleased to help secure funding for the Pinellas and Pasco County Technical Assistance Grant (Pi-PaTAG) to monitor cleanup activities at the Stauffer site. Throughout the years, I have sponsored several public meetings and written many letters regarding necessary standards for the cleanup of the site.

The process of selecting a remedy that is both cost-effective and protective of the public health and safety has been extremely difficult. The affected parties have different opinions regarding the most appropriate solution to the problem, and many area residents feel that they have been "shut out" of the process.

Mr. Speaker, if anyone deserves to have their voice heard in the debate on cleanup of a hazardous waste site, it should be the local citizens who live in the surrounding neighborhoods.

At my request, the National Superfund Ombudsman, Robert Martin, has launched an independent review of the EPA's proposed cleanup plan for the Stauffer site. To date, Mr. Martin has participated in two public meetings I have sponsored, which were held on December 2, 1999, and February 12, 2000.

These discussions have provided an opportunity for local residents, technical experts, Stauffer company representatives, and federal, state and local officials to express their concerns directly to the Ombudsman. The Ombudsman is continuing to gather additional information and will not make recommendations until the investigation is completed.

During the course of the public meetings, it has become apparent that certain hydrogeological issues were not addressed before the proposed cleanup plan was advanced by the Stauffer Management Company and the EPA. For example, no studies regarding the possibility of sinkholes were conducted prior to the proposal of the remedy outlined in the Record of Decision. Because of Florida's unique environment, sinkholes pose a serious concern for the residents of the surrounding community. If contaminated soil collapses into the groundwater, more than 30 contaminants could be introduced into the area's drinking water supply.

The effect of contaminants from the site on local groundwater is an issue that demands further scrutiny. There has been conflicting evidence regarding the direction of groundwater flow, and it is critical that more comprehensive studies be undertaken to identify the potential for groundwater contamination.

Mr. Speaker, without the involvement of the Ombudsman, my constituents' concerns about sinkholes and groundwater would not have received the attention they deserve.

My constituents have welcomed the Ombudsman's participation in discussions about the proposed cleanup plan. Many of them have renewed confidence that their concerns will be seriously considered in this process. The Ombudsman has been their advocate, giving a voice to those who might otherwise have limited input in the design of a remedy for the site.

The Ombudsman has worked effectively and aggressively to uncover the facts surrounding the Stauffer site, as well as other Superfund sites around the nation. In fact, he has been so successful that EPA officials are considering eliminating his office. This cannot be allowed to occur. Without the Ombudsman's investigation of the Stauffer site, the residents of Tarpon Springs would have been left in the dark and without a voice. I applaud the Ombudsman for his advocacy on their behalf and for bringing integrity back into the process.

The Ombudsman Reauthorization Act will ensure that the Ombudsman is allowed to continue his critical work. This bill reauthorizes the office for ten years, allowing the Ombudsman to carry on the fact-finding investigations that lead to better solutions for communities burdened with Superfund sites.

Mr. Speaker, our constituents benefit enormously from the advocacy efforts of the National Superfund Ombudsman. I urge my colleagues to cosponsor and support passage of this important legislation.

TRIBUTE TO GENERAL JOHN H. TILELLI, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. SKELTON. Mr. Speaker, I rise today to congratulate and pay tribute to Gen. John H. Tilelli, Jr., who retired from the U.S. Army on January 31, 2000, after more than 33 years of exemplary service.

General Tilelli was raised in Holmdel, NJ. A 1963 graduate of Pennsylvania Military College, he received a bachelor's degree in economics and was commissioned as an armor officer. He attended the armor officer basic and advanced courses and Airborne School. General Tilelli is also a 1974 graduate of the U.S. Marine Corps Command and Staff College and completed the U.S. Army War College in 1983. He received a master's degree in education administration from Lehigh University in 1972. Widener University awarded him an honorary doctorate in business management in 1996 and the University of Maryland presented him with an honorary doctorate in law in 1997.

General Tilelli saw combat in two wars during his career. In Vietnam, he served as the company commander, 18th Engineer Brigade and as the district senior advisor, Advisory Team 84. During Desert Shield and Desert Storm, General Tilelli was the commanding general, 1st Cavalry Division.

In other assignments, General Tilelli served in the 3d Battalion, 77th Armor, Fort Devens, MA. He also held positions in the 2d Armored Cavalry Regiment, the 11th Armored Cavalry Regiment, and then 1st Armored Division while stationed in Germany. Additionally, he had the opportunity to mentor future soldiers as an assistant professor of military science, Lafayette College, PA, and shared his technical expertise during a tour at the U.S. Army Armor School, Fort Knox, KY.

General Tilelli commanded the Seventh Army Training Command and Combat Maneuver Training Center in Germany before assuming command of the 1st Cavalry Division. After that, he served in the Pentagon as the Assistant Deputy Chief of Staff for Operations and Plans, then as Deputy Chief of Staff for Operations and Plans. After his promotion to general, he served as Vice Chief of Staff of the Army before assuming command of U.S. Army Forces Command. General Tilelli then became the Commander of the United Nations Command, Republic of Korea/United States Combined Forces Command and United States Forces Korea.

General Tilelli made monumental contributions and improvements to the United States and Republic of Korea military coalition and vastly improved its ability to deter and defend against attack. He also served as a vital link between the United States and the civilian government of the Republic of Korea, proving to be one of the Army's most successful diplomats. His political and military expertise resulted in the right application and employment of forces to ultimately deescalate the rising tensions during several crucial periods on the Korean peninsula. In addition to improving military readiness and force projection capability, General Tilelli ensured that all soldiers, sailors, airmen, and marines under his command received the best care, the best facilities and the best service possible for themselves and their family members.

General Tilelli's decorations included the Defense Distinguished Service Medal, the Distinguished Service Medal (with three Oak Leaf Clusters), the Legion of Merit, the Bronze Star with "V" Device (with two Oak Leaf Clusters), the Meritorious Service Medal (with three Oak Leaf Clusters), the Air Medal, the Army Commendation Medal (with two Oak Leaf Clusters), and the Vietnamese Cross of Gallantry with Silver Star and Palm. He also wears the Combat Infantryman Badge, Parachutist Badge, the Office of the Secretary of Defense Badge, the Joint Chiefs of Staff Badge, and the Army Staff Identification Badge.

Mr. Speaker, General John Tilelli is the kind of officer that all soldiers strive to be. He has served with honor and distinction, dedicating over 33 years to our soldiers and our Nation. The U.S. Army is a better institution for his service. I know the Members of the House will join me in offering gratitude to General Tilelli and his family—his wife, Valerie, and his daughters, Christine, Margaret, and Jeanne—for their service to our country, and we wish them all the best in the years ahead.

HOUSE OF REPRESENTATIVES—*Wednesday, February 16, 2000*

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, Lutheran Social Services, Fairfax, Virginia, offered the following prayer:

Almighty God, in this moment of silence and reflection, we acknowledge Your presence. The Psalmist reminds us that You hear the prayers of all people, the rich and the poor, the mighty and the weak, the hopeful and the discouraged. And, that before You all words are the same, all petitions are known and all needs are recognized.

O God, we believe it is Your will to bring us all together in a single peace. So, therefore our simple prayer this day is, that we will show mercy, as we would want mercy shown, that we will care about others, as we would be cared about, that we will give love as we would want love to be given, and that we will be patient as we request patience to be provided to us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McDERMOTT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McDERMOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 354, nays 46, not voting 34, as follows:

[Roll No. 22]

YEAS—354

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Toomey
Towns
Traficant
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (FL)

NAYS—46

Aderholt
Bilbray
Borski
Brady (PA)
Clyburn
Costello
Crane
English
Etheridge
Filner
Ford
Gibbons
Gillmor
Gutierrez
Gutknecht
Hefley
Hill (MT)
Hilliard
Hulshof
Klink
Kucinich
LaFalce
LoBiondo
McDermott
McNulty
Meeks (NY)
Moore
Oberstar
Peterson (MN)
Pickett
Ramstad
Rogan
Sabo
Schaffer
Slaughter
Stenholm
Strickland
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

NOT VOTING—34

Baird
Baldacci
Barton
Bishop
Boehner
Brown (OH)
Callahan
Campbell
Capps
Chenoweth-Hage
Clay
Cooksey
Danner
DeFazio
Doyle
Fossella
Gejdenson
Gephardt
Graham
Hutchinson
Jones (OH)
Lowey
Martinez
McCollum
Myrick
Owens
Royce
Sanford
Snyder
Tiahrt
Tierney
Vento
Weygand
Young (AK)

☐ 1028

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LATOURETTE). Will the gentleman from Ohio (Mr. PORTMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. PORTMAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 396

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 396.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes on each side.

SOCIAL SECURITY EARNINGS LIMIT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Benjamin Franklin once said that when people "are employed, they are best contented." Unfortunately, our Government right now is denying contentment to millions of seniors who want to work but cannot because of the Social Security earnings limit.

Because of this earnings limit, seniors who work are being stripped of their Social Security benefits, the very Social Security benefits that they have spent their adult life earning and paying for with their own money. They are being penalized $2 for every $1 they earn if they choose to keep working. This is nonsense. It is wrong. And it must end.

Fortunately, the Republicans here in the House are supporting a plan that would give relief to the millions of seniors who are burdened by the earnings limit. We understand that senior citizens who choose to work should not have to put their Social Security benefits at risk.

Senior citizens can and do make lasting contributions in the workforce, and they should not be denied that right. The time has come to put an end to the Social Security earnings limit and tell our working citizens that we do not think they should be punished for having a job.

AFFORDABLE PRESCRIPTION DRUGS IN AMERICA

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, the discharge petition drive that is being launched today is strong medicine, and it is the right prescription for American families.

But do not take my word for it. Just ask Sue Darling, who is a constituent of mine in Port Huron, Michigan.

Mrs. Darling suffers from Parkinson's Disease and other illnesses. In fact, before her husband died last year, they spent 60 percent of their income on the medicine that they both needed.

The cost of filling three prescriptions Mrs. Darling needs just for her emphysema alone comes to more than $300 per month. That is $300 for three prescriptions.

She has Medigap coverage, but it is exhausted after three months.

Mrs. Darling is at the point now where she would beg her physician for free samples of the inhalers that she needs. That is why we are jump-starting the debate over affordable prescription drugs in this country.

The chance to craft a sensible solution, we are not asking for anything more than that.

Lord knows Americans like Mrs. Darling deserve nothing less.

□ 1030

LET US GIVE SENIORS RELIEF FROM SOCIAL SECURITY EARNINGS LIMIT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Thomas Edison once said, there is no substitute for hard work. I think most of us in the chamber could agree with that. There is no substitute for the feeling of satisfaction after a hard day's work. Too often, work is something that many people take for granted. But one group of people who do not take work for granted is our seniors. Because of the Social Security earnings limit, working seniors can literally not afford to take work for granted. Because of the Social Security earnings limit, millions of working seniors are stripped of their Social Security benefits. Their crime is employment. Because they have a job, the government takes away the Social Security benefits that they have spent a lifetime earning.

This is wrong. This is not fair. Last week, the House took the first step in giving relief to married couples who pay tax penalties because they are married. Now it is time to give relief to seniors who are penalized because they work. Let us all join together and give seniors relief from the Social Security earnings limit.

SENIORS DESERVE TO PAY LESS FOR PRESCRIPTION DRUGS

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute.)

Mr. CUMMINGS. Mr. Speaker, we have a health crisis in this Nation. Our seniors are being priced out of the prescription drugs that help keep them alive and allow them to live healthy lives. I submit that after a lifetime of service to family and community, our seniors deserve to pay less. They deserve to pay less than customers of drug companies who receive discounts because they have market power. But more importantly, they deserve to pay less than that which is paid for drugs used by animals. Today I am releasing a government reform minority study of my district in Maryland which reveals that drug manufacturer prices are twice as high for humans than for animals, and these price differentials cannot be justified by quality differences or research costs. Now is the time to act. I urge my colleagues to end this discrimination by supporting a comprehensive benefit for all Medicare beneficiaries.

RECOGNIZING UNIVERSITY OF UTAH ON ITS 150TH ANNIVERSARY

(Mr. COOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOK. Mr. Speaker, I rise today in order to recognize the University of Utah's 150th anniversary. On February 28, 1850, the Utah State Assembly ordained the University of the State of Deseret, better known today as the University of Utah. Since its creation, the University of Utah has conferred over 180,000 degrees, making it the State's most profuse provider of higher education. In addition to its educational excellence, the university is also a leader in cultural, social, scientific, economic, medical and artistic contributions.

I would like to take this time to honor the faculty, staff, and students of the University of Utah for enriching the great State of Utah and the Nation. Today with undergraduate and graduate enrollment nearing 26,000 and students representing all 29 counties, all 50 States, and 102 foreign countries, I am proud to say that the University of Utah is indeed a diverse population bringing together great ideas. I know this because my wife and I both graduated from The U in 1969. We are proud to be part of the university's educational excellence, and I am honored to speak on its 150th anniversary.

ON INTERNATIONAL CHILD ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, today I begin a series of 1-minutes that recognize the enormous problem this Nation has with children who have been abducted internationally. Last week I met with six parents from across the country whose children have been taken from them and are being held in foreign countries. I had the opportunity to sit down with them, to look into their eyes and to hear their stories. And the pain that they experience on a daily basis is heart wrenching.

There are 10,000 American children who have been taken to foreign countries; and it is time for Congress, the media, and the American people to focus their attention on these children and bring them home to their rightful parents. These stories are about families, about reuniting children and parents. When we look at a globe, we may see boundaries; but when it comes to reuniting families, we must know no boundaries.

Tomorrow I will tell the story of Saif Ahmed, a young boy from my hometown who was abducted by his father and is now being illegally held in Egypt. The meetings last week and the 1-minute addresses that will tell the story of these international abductions are just the first steps in what will be an ongoing dialogue with the American people to bring our children home.

CENSUS 2000

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Florida. Mr. Speaker, the census is just weeks away. In fact, in remote regions of our Nation such as Alaska, the enumeration has already begun. Next month, 119 million households will receive their census forms in the mail. One of the most important tools the bureau is using to promote returning census forms is called the Census in the Schools project, which strives to help students learn what a census is and why it is important to them, their families, and the community; increase participation in the census 2000; to galvanize students, teachers, and families to support the census; and to recruit teachers and parents to work as census takers and in other support jobs.

I have participated in several of these census in the schools programs in my district and here in the District of Columbia. I can say firsthand that the children get enthusiastic about supporting the census and getting their parents to return the forms. I encourage all my colleagues, both Democrats and Republicans, to conduct a census in the schools program in their district to promote this vital, important civic responsibility.

IT IS TIME TO DUMP THE TAX CODE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, our Tax Code costs us $140 billion a year. There are over 200 forms. All our income, savings, education, and investments are taxed. Even business taxes are passed on to us. We are even taxed for marital sex. Beam me up. It is time to pass a flat national retail sales tax, 15 percent. No more income taxes, no more taxes on savings, no more forms, no more deadlines, no more accountants, no more lawyers, no more receipts, no more Internal Revenue Service. It is time, ladies and gentlemen of Congress.

I yield back this Communist, un-American Tax Code by saying to both parties: tax this.

SIGN THE PRESCRIPTION DRUG DISCHARGE PETITION

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, today Members of this Chamber will have the opportunity to sign the prescription drug discharge petition that will bring this issue to the floor of this body. Members will have to decide, will they help the people of their districts or continue the price discrimination of the big drug companies?

Many New Mexicans have told me how the high cost of prescription drugs affects their lives. One of my constituents, Suzette Binder of Santa Fe, wrote to me:

> We are crippled financially because of diabetic pill costs for which there is no generic brand. We live in retirement on the same money we had 10 years ago. But the money goes like the wind and drug costs are one of the major causes. Do what you can.

Mr. Speaker, during the January recess, I heard from many people that expressed similar sentiments to me. I firmly believe widespread price discrimination is wrong.

I urge my colleagues on both sides of the aisle to sign the petition. No one in America should ever have to decide between needed medication and food.

HOUSE IS WORKING TO ELIMINATE MARRIAGE TAX PENALTY AND SENIOR EARNINGS PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, this House is making progress. This past week we passed legislation to address what I consider to be the most unfair aspect of the Tax Code, the marriage tax penalty suffered by 25 million married working couples who pay $1,400 on average in higher taxes just because they are married.

Later on today in the Committee on Ways and Means, we are going to move legislation that eliminates the earnings penalty on senior citizens who are on Social Security who need to continue working or who want to continue working and right now they are punished. In fact, $2 out of $3 of their Social Security benefits if they earn more than $17,000 are taxed and taken away just because they want to work. That is wrong. That is what that is all about. We want to bring fairness to the Tax Code. That is why we worked to eliminate the marriage tax penalty.

My hope is our friends in the Senate will join with us. My hope is those on the other side of the aisle will join with us and make it a bipartisan effort to eliminate the marriage tax penalty and to eliminate the earnings penalty on our senior citizens. It is all about fairness.

IT IS TIME TO PROVIDE RELIEF FOR SENIORS FROM THE HIGH COST OF PRESCRIPTION DRUGS

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, from Maine to California, seniors cannot afford to buy the medicines that their doctors tell them they have to take. Why? Because the pharmaceutical industry engages in widespread price discrimination against seniors. Seniors pay twice as much as the drug companies' best customers. They pay 70 percent more than Canadians and 100 percent more than Mexicans. They are discriminated against. In short, the most profitable industry in the country is charging the highest prices in the world to people who can least afford it.

Today, we Democrats are signing a discharge petition to bring two bills to the floor, one bill to give all seniors a discount and the second bill to provide universal prescription drug coverage on Medicare. It is time to act. We should act now, sign the discharge petition and give our seniors some relief.

REPUBLICANS STAND FIRM ON BUDGET PRIORITIES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, we are continuing right now the very important budget negotiation process. One thing that the Republican Party stands firm on is that we have to meet our Social Security/Medicare obligations. Last year our budget's first priority was to put aside $1.9 trillion for Social Security and Medicare. The second step is debt reduction. Last year, we put aside $2 trillion for debt reduction. And then after those three things have happened, and only after those three things happened, was there a trigger for tax relief. This year we passed the marriage tax penalty because it is not fair that if you live with each other you pay less taxes than if you are married. We passed that out of the House.

We hope the Senate will pass it, and we hope the President will not veto it as he already has promised to do.

But the second part of that tax relief for tax fairness is to say to a senior, if you are working, you should not be penalized on your Social Security, because people are living longer, the needs are greater, and people need to work and want to work. It is healthy. There are lots of benefits to it. But if they do make this decision, they should not be penalized under Social Security.

The Republican Party will be having this bill in committee today. I hope we get it on the floor soon and pass it so that the Senate can.

□ 1045

MAKE PRESCRIPTION MEDICINE AFFORDABLE AND ACCESSIBLE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, our seniors face skyrocketing prices for prescription drugs. Many of my constituents have written to me about having to choose between buying food and paying for the life-saving medicines that they need. For millions of seniors, a prescription drug benefit is the difference between getting the medicine they need for healthy, independent lives, and pain and suffering. For those who are skipping meals or missing rent payments, a prescription drug benefit is a necessity that would bring dignity to their lives.

I urge my colleagues today to sign the petitions at the desk to allow a debate on proposals that would end price discrimination and provide a prescription drug benefit for all seniors. We have an historic opportunity to make medicine affordable and accessible. We could do this in a heartbeat if the Republican leadership would allow debate on this floor.

Modern science has blessed us with many wonderful new medicines, but if seniors cannot afford them, these medicines are of little use. I implore my colleagues, sign the petitions at the desk. Begin substantive discussion on how to make prescription drugs affordable to the people who need them.

PRESCRIPTION DRUG BENEFIT NEEDED NOW

(Mrs. THURMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. THURMAN. Mr. Speaker, today we have heard about the 24 million people we supposedly helped last week. Well, let us talk about the 39 million people we could help that are under Medicare.

Let me just explain to you that this is a dollars and cents issue for us. We are grappling with the trust fund on Medicare and making sure that the expenses are kept down. Well, there is one way you can do that, and the one way you can do that is to make sure that seniors get their prescription drugs.

Let me just give you an example of what somebody wrote to me in my district. "My mom and dad do not have prescription drugs coverage, therefore must pay full price for all of their drugs. Mom has been cutting her cholesterol pill, Zocor, in half, so it will last two months. The pharmacist says they will not be effective and she is endangering her health. The prescription drug went from $80.49 at the beginning of last year to $95.99."

What do you think the cost of this is when this woman ends up in the hospital because she cannot take the medicine that is going to keep her healthy?

We need to make sure Members are signing this discharge petition so we can have an honest debate on this floor to help the 39 million people, and that number is growing.

AMERICA NEEDS A PRESCRIPTION DRUG BENEFIT

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, I rise today to urge this Congress to take steps towards enacting a comprehensive prescription drug benefit. We have heard from so many of our colleagues why this is important, not only to their constituents, but constituents around the Nation.

Since the creation of the polio vaccine almost 50 years ago, the United States has been the engine of worldwide medical advancement. The finest doctors in the world are trained at our medical schools. Our government funds cutting-edge research at the National Institutes of Health and the Centers for Disease Control.

American pharmaceutical companies are at the forefront of innovation. American innovation in the prescription drug industry is the envy of the world. They are producing new drugs that will allow people to lead healthier, happier, and longer lives.

But in America today, those most in need of those life-sustaining and life-saving drugs frequently find themselves on buses bound for Canada to find affordable prescription drugs.

Prescription drugs are an integral part of health care, especially for seniors. But at least 13 million Medicare beneficiaries have no drug coverage at all. Seniors often have to pay three times as much for drugs than those under the age of 65. It is unfair and it is wrong.

This is an issue that is critical to the citizens of my District and my State. In 1998, Tennessee led the Nation in prescription drug use, with a per capita consumption of 40 percent above the national average.

It is time for a Medicare prescription drug benefit. I urge my colleagues to sign the discharge petition.

PRESCRIPTION DRUG PRICES TOO HIGH FOR SENIORS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, this Congress should have an open floor debate on legislation to help seniors afford the high cost of prescription drugs. We cannot sit on this issue any longer.

It is estimated we have 13 million seniors who do not have prescription drug coverage, and the number is increasing rapidly, almost as rapidly as the cost of the drugs they need. These seniors worked hard and paid into the system their entire lives, but now must choose between buying their prescriptions or their groceries. Seniors tell me they have to skip their medication to make it last longer.

I recently sent out a questionnaire to constituents in my District in Houston to learn what they think Congress' priorities should be. I received many responses from seniors saying Congress must act immediately to help them with the high cost of prescription drugs.

I heard from seniors like Norma Keyes of Houston who writes, "I need help with my prescriptions. I spend over half my Social Security on prescriptions. I can't get enough money to pay for my house and taxes."

Joyce Belyeu wrote, "I am now retired after 53 years of working. I have Medicare and a supplement, but no prescription drug benefit at all. I can't afford the $250 per month for prescription drugs, so I can not take the prescription daily. I skip days."

We need to do better, and this Congress must do it.

TIME TO DO RIGHT BY OUR SENIORS ON PRESCRIPTION DRUGS

(Mr. SHOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHOWS. Mr. Speaker, I have had the opportunity to visit with many of my senior citizens to talk about the high cost of medicine.

Let me tell you about one of my constituents, Ms. Lucille Bruce. Ms. Bruce lives in Clinton, Mississippi. She enjoyed all the freedoms of being a senior citizen until she started to pay the high cost of prescription medication and had to move in with her daughter. She pays hundreds of dollars each month for prescription medicine while living on a fixed income.

Ms. Bruce told me without her daughter, she did not know how she would make it, and she wonders and is concerned about seniors who do not have the family support that she has. She often feels a burden on her daughter. She is going to have some more hospital visits, and it may result in more costs to her and her daughter.

Because of Ms. Bruce and millions of others, I am filing a discharge petition today, H.R. 664, the Prescription Drug Fairness for Seniors Act. We cannot wait; our seniors sure cannot wait. For every day of inaction there are seniors out there doing without medication.

It is time to do the right thing and make them favorite customers, just like the large HMOs and the Federal Government.

Mr. Speaker, folks like Ms. Bruce need our help.

PROVIDE A PRESCRIPTION DRUG BENEFIT FOR SENIORS NOW

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, when two people walk into the same pharmacy and one, who has no insurance, is forced to pay 136 percent more than the other, who is one of the pharmaceutical industry's most favored customers, something is very wrong. That something wrong is price discrimination against seniors for whom these pharmaceuticals are vital to sustain their health.

That is exactly what I found when I surveyed our local pharmacies in Austin, Texas. This occurs, not as a result of any fault on the part of the local business, but because the pharmaceutical industry discriminates against the uninsured.

Last September, I secured the first vote in this Congress to outlaw that type of price discrimination. Unfortunately, the Republican members of the Committee on Ways and Means joined with the pharmaceutical industry to block that initiative. But with today's discharge petition, we are renewing the struggle, the struggle to see that America's seniors are dealt with fairly and that they have access to prescription drugs. We must put a stop to this wrongful price discrimination.

Join us, renew the effort by signing this petition to end the discrimination against seniors.

CONGRESS MUST ACT ON MEDICARE PRESCRIPTION DRUG BENEFIT

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, the time has come to end the excuses and begin the action on providing a prescription drug benefit for all our seniors. The outrageously high cost of prescription drugs is forcing people to choose between their medicines and their groceries.

Congress must act now, because, sadly, we cannot expect the pharmaceutical industry to do the right thing and lower their prices. It is now the responsibility of this Congress to provide a comprehensive Medicare prescription drug benefit and to ensure that all Americans can afford their prescriptions. Our goal should be nothing short of a comprehensive benefit.

The Republican leadership of this Congress has dragged its feet on this issue for too long. The American people want a vote, and they want it now.

I call on my colleagues to join together and sign the discharge petition to force a vote. This leadership must act now. Our senior citizens, who have raised our families, who have worked in our factories, who have fought our wars, deserve nothing less than a comprehensive drug benefit. The excuses must end and the action must begin.

ACTION NEEDED NOW ON PRESCRIPTION DRUGS

(Mr. TIERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNEY. Mr. Speaker, today we have heard all stories from our constituents who have to choose between medication and food or rent. We all know that by paying higher prices than individuals anywhere else in the world, Americans are subsidizing the drugs that benefit others. We know that private prescription drug expenditures have been growing at a rate of 17 percent a year.

We do not deny the drug manufacturers, who enjoy the highest profits of any industry profits of any industry, engage in important, sometimes lifesaving research that should be encouraged. But the burden should not be on the elderly and those least able to afford it.

Let us clear up one misconception now: H.R. 664 does not mandate price controls, but uses market forces such as volume buying.

The United States makes large public commitments to drug research already, through taxes and the National Institutes of Health research money. While companies in the United States generally face an effective taxation rate of about 27 percent, drug companies, through generous tax credits and benefits, were effectively taxed at roughly 16 percent. Financial encouragement of research should not be eliminated and would not be under the legislation we seek to bring to the floor.

During the 1984 Waxman-Hatch Act effort and the 1990 Medicaid debate, drug companies complained they would have to cut research, yet they subsequently contradicted themselves by expanding it instead. We merely seek to strike some balance. With the many public benefits received by the drug companies also comes some social responsibility.

PROVIDING FOR CONSIDERATION OF H.R. 2366, SMALL BUSINESS LIABILITY REFORM ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 423 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 423

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2366) to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the

Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 423 is a fair structured rule providing for consideration of H.R. 2366, the Small Business Liability Reform Act of 2000. H. Res. 423 provides one hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order the Committee on the Judiciary's amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

House Resolution 423 makes in order those amendments printed in the Committee on Rules report accompanying this resolution. These amendments may be offered only in the order printed in the report and may be offered only by a Member designated in the report.

Additionally, these amendments, may be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to an amendment, and cannot be divided in the House or the Committee of the Whole. The rule waives all points of order against the amendments printed in the report.

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Mr. Speaker, the Committee on Rules has made in order three amendments offered by Democrats and one amendment offered by the majority. I want to briefly discuss the amendments that will be discussed on the floor following general debate.

First, an amendment to be offered by the gentleman from Arkansas (Mr. HUTCHINSON) would permit a court to exceed the $250,000 cap on punitive damages if it finds by clear and convincing evidence that the defendant acted with specific intent to cause the type of harm for which action was brought.

Second, an amendment to be offered by the gentleman from Virginia (Mr. MORAN) would clarify that the term "punitive damages" does not include civil penalties, civil fines or treble damages assessed or enforced by a government agency under Federal or State statute.

Third, an amendment to be offered by the gentleman from North Carolina (Mr. WATT) to eliminate a provision in the bill which precludes Federal court jurisdiction.

Finally, the rule makes in order a comprehensive amendment that will be offered jointly by the gentleman from Michigan (Mr. CONYERS), the ranking minority member of the Committee on the Judiciary, and the gentleman from Virginia (Mr. SCOTT).

Mr. Speaker, H. Res. 423 permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if that vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, with all of the accolades that have circulated in recent days as the country enters its 107th month of tremendous economic growth, I place my congratulations with the American worker. With that, we must make special recognition for the small businessman. It is these innovative, determined and resourceful employers that employ 60 percent of America's workforce and have been the engine behind the economy that has brought our Nation so much success.

However, despite their success, many small business owners still operate out of fear. But they do not fear missing a rent payment or sending a shipment late. Instead, small business owners alter their business plans, forego promising opportunities, and avoid hiring the next employee because they fear the ambiguous concept of "liability."

When I was an owner of businesses before coming to Congress, I thought it was hard enough to manage the here and now: financing, sales, and competition. Today, though, thousands of employers have to consider what could be, simply because they know that a lawyer is always waiting for them to misstep. One hit from a liability lawsuit will kill the average small business, and when that happens, they have not only lost their savings, but they have put their employees out of work and ended their dreams of building their business into an important part of the American economy.

The Small Business Liability Reform Act will end this culture of fear and return some measure of security to important decisions that come daily for the average small business owner. The bill establishes uniform liability rules that will promote fairness within the justice system, prevent frivolous lawsuits, and restore sanity to a tort system that often employs a scattershot method to liability. Specifically, the bill ensures that small businesses pay their fair share of noneconomic damages without exposing them to disproportionate penalties that threaten the viability of otherwise law-abiding businesses.

Mr. Speaker, I applaud my friend from California (Mr. ROGAN) for his hard work on this legislation which provides small businesses with a measure of stability and predictability when considering how best to direct their operations in the current legal climate. I encourage every Member to support this fair rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary time.

This is a restrictive rule which will allow for the consideration of H.R. 2366, which is the Small Business Liability Reform Act. As my colleague from Georgia has explained, this rule provides for 1 hour of general debate to be equally divided and controlled by the Chairman and ranking minority member of the Committee on the Judiciary.

The bill limits the punitive damages against small businesses. It also reduces liability of retailers, wholesalers, and distributors. Product liability claims are often a burden on small businesses and on product sellers. The mere threat of litigation, even if frivolous, is enough sometimes to curtail the activities of some small businesses. This bill attempts to address these and other liability-related challenges facing small businesses and product sellers.

Unfortunately, the sweeping reforms in this bill could have many negative consequences, and the President has threatened to veto if enacted in its present form.

This restrictive rule gives few opportunities to improve the bill. Under the rule, only four amendments selected by the Committee on Rules majority may be offered on the House floor.

One of the amendments the Committee on Rules denied would have been offered by the gentlewoman from California (Ms. LOFGREN) and others. This amendment maintained the existing legal authority to hold fully accountable unethical gun dealers and the manufacturers of cheap Saturday night specials.

Mr. Speaker, too many crimes in our Nation take place with easily available guns, and we need every tool we can to end this plague of violence. That is why more than 20 cities and counties in the country are holding manufacturers and dealers liable. It is a valuable tool in the battle against gun violence.

Without the Lofgren amendment, this bill will make it more difficult for cities and counties to use this tool. The organization, Handgun Control, labeled the bill "The Gun Industry Relief Act" because it lets some manufacturers and dealers off the hook for their actions.

The Committee on Rules should have made this amendment in order so that it could be fully debated on the House floor. However, the Committee on Rules, on a 6-3 straight party-line vote rejected it. I regret that so early in the session this year the Committee on Rules is starting with restrictive rules like this.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 187, not voting 24, as follows:

[Roll No. 23]

YEAS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—24

Baird
Baldacci
Bishop
Brown (OH)
Callahan
Campbell
Capps
Clay
Cooksey
DeFazio
Frost
Graham
Gutierrez
Lowey
Martinez
McCollum
McIntyre
Myrick
Sanford
Smith (NJ)
Snyder
Tiahrt
Vento
Weygand

☐ 1130

Ms. DEGETTE, Ms. RIVERS, and Messrs. FORBES, RANGEL, MINGE, CLYBURN and CUMMINGS changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2366, the legislation about to be considered.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2372

Mr. BARCIA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2372.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SMALL BUSINESS LIABILITY REFORM ACT OF 2000

The SPEAKER pro tempore. Pursuant to House Resolution 423 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2366.

☐ 1131

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2366) to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers, with Mr. THORNBERRY in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. ROGAN) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I introduced the Small Business Liability Reform Act last summer, along with the gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Virginia (Mr. MORAN), and the gentleman from North Carolina (Mr. BURR) with the express intent of advancing the cause of small business owners across the Nation. Its provisions are designed to improve the fairness of the civil justice system, to enhance its predictability, and to eliminate the wasteful and excessive costs of the legal system by reducing unnecessary litigation.

In H.R. 2366, my colleagues and I have attempted to approach this goal in an incremental and pragmatic way by focusing on a few narrowly crafted reforms that have won the bipartisan support of Members in this Chamber in recent years.

This bill was crafted with an eye toward helping America's small businesses become more competitive, more profitable, and better able to resist the single greatest threat to their existence, a frivolous lawsuit that can ruin a small business overnight and crush the American dream for those men and women who are driving our Nation's economic expansion.

For the smallest of America's businesses, those with fewer than 25 full-time employees, this bill limits punitive damages that may be awarded against a small business to the lesser of three times the claimant's compensatory damages, or $250,000. Punitive damages would be allowed in cases where the plaintiff shows by clear and convincing evidence that the defendant engaged in particularly egregious misconduct.

It is important to note that this cap on punitive damages does not cap or diminish a claimant's right to sue for both economic and noneconomic losses, such as lost wages, medical bills and pain and suffering.

Similarly, the bill provides that a small business shall be liable for noneconomic damages in proportion to their responsibility for causing a claimant's harm. As such, our bill borrows from the California model enacted overwhelmingly by referendum in 1986, which abolished joint liability for these kind of damages.

Title II of the bill provides that product sellers other than manufacturers will be liable in product liability cases when they are responsible for the claimant's harm. Innocent sellers finally will find protection from frivolous lawsuits.

The bill would not change the current liability rules if the manufacturer is not subject to judicial process or is judgment-proof. In either of those cases, the seller would still be liable for the harm. This provision will protect innocent claimants from being left with no redress in the courts if they are harmed. It simply focuses liability on the party where it is most appropriately targeted.

Furthermore, it shields renters and lessors from being held liable for someone else's wrongful conduct simply due to product ownership.

An amendment that my good friend, the gentleman from Arkansas (Mr. HUTCHINSON), will offer later is the result of continuing discussions that began during our committee deliberations as to whether there should be some exception to the punitive damage cap when a small business defendant has acted with the intent to commit a specific harm. In that case, an exception is appropriate.

These issues are familiar to many of our colleagues. In the 104th Congress, this House passed legislation, including similar, more broadly applied punitive damage and joint liability reforms, as well as the product seller liability standard. More recently, provisions similar to the latter two were included in product liability litigation that was debated in the Senate during the 105th Congress, which the President then indicated he would sign if given the opportunity.

Further, Title II's joint liability reforms borrow from those enacted by the Congress in 1997 as part of the Volunteer Protection Act.

Mr. Chairman, this bill presented before our colleagues today is supported by the United States Chamber of Commerce, National Federation of Independent Businesses, the National Association of Manufacturers, the Association of Builders and Contractors, the National Association of Wholesale Distributors, the National Restaurant Association, and millions of small business-owning men and women around our country who are looking to Congress for fairness in the court system.

Mr. Chairman, the purpose of this legislation is to reduce needless litigation that unfairly burdens and easily can cripple small businesses with wasteful legal costs. I look forward to the support of our colleagues on this vital measure to protect every American, small business owner, from the threat of back-breaking litigation.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are now confronted with a measure that ought to begin with the observation of the necessity for truth in labeling. The sponsors of this bill have had the courage to put small business liability, to put "small" in the title. They have been bold enough to include this phrase in the title.

The problem, of course, is on any reading of this, this measure is in no way limited to small business. Title II, which limits the liability of product sellers, contains no size limitation whatsoever. The fact that we talk about 25 employees or less ignores the simple fact that there is no constraint on the amount the business is doing in terms of revenues.

Hundreds of millions, if not billions of dollars, could be included, as we know, in financial organizations that frequently have far less than 25 employees. So this is not a small business bill.

Of course, to fundamentally limit victims' rights when it comes to dangerous products, negligence and other misconduct is, to me, going in the wrong direction, because it follows the form of other liability legislation we passed that is already going in the wrong direction.

This bill has to stand next to the class action bill that federalized most class actions; the statute of repose bill that created an 18-year limit on durable goods and machinery and equipment. And now we come up with a bill misnamed a small business bill, which puts a cap on punitive damages, limits joint and several liability and exempts a number of corporations from the doctrines of strict liability, failure to warn, and breach of an implied contract.

This is a serious move in the wrong direction. It is not just an unnecessary bill; it is moving way, way in a direction that I do not think most of the Members here, once they recognize what is in this bill, will support.

First, the bill imposes severe evidentiary restrictions and an overall cap of $250,000 in punitive damages in every civil case against businesses with fewer than 25 employees. Collectively, these restrictions are likely to eliminate not only the incentive for seeking punitive damages but it also eliminates any realistic possibility of obtaining them. It sends exactly the wrong message to people with deliberate intent to do wrong, people who are not concerned with the considerations of safety in the workplace. They are being told it does not matter how harmful or malicious their action or behavior is, they will never be realistically subject to significant punitive damages, which erodes the whole concept of punitive damages.

When we eliminate joint and several liability for noneconomic damages, we are eliminating in those few cases the right to pain and suffering recovery and loss of life and limb that so frequently is important in the cases where those theories would apply.

This has the effect of making innocent victims bear the risk of loss when a co-defendant is judgment-proof and would severely discriminate against seniors and women who bear the greatest portion of noneconomic damages in our society.

To take one class of defendants and relieve them of responsibility from the doctrines of strict liability, the failure to warn or breach of implied warranty, is unbelievable, leaving only a plaintiff with negligence as a cause of action.

So, in my view, the legislation is not just unnecessary, it is misleading and it is reckless and it should be turned aside.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise today in support of this legislation which seeks to enact reasonable reforms to liability laws affecting America's small businesses. Through passage of this legislation today, this body makes clear its dedication to promoting sensible policies which acknowledge the importance of our small businesses.

As vice chairman of the Committee on Small Business, I can attest that it is the work and energy of small business enterprises that comprise a driving force behind our Nation's economy. It is essential that we continually work to ensure that they are able to operate in a free and fair marketplace.

In supporting this bill, we also make clear today our reproach for those who seek to exploit shortcomings in current liability statutes.

Approval of this measure will mark an important stride in removing the onerous and unreasonable threat of litigation which serves to stifle the growth and entrepreneurial spirit of small businesses.

Current liability law encourages many of these businesses to impose limitations on their own promise, to bypass opportunities to improve and expand. This not only conflicts fundamentally with our American character, but it is an unnecessary restraint on the livelihood of the millions of Americans who work for these businesses. This simply is not right, and this Congress ought to do what it can to change it.

I ask my colleagues to join me in doing so today, by voting in favor of this sensible reform measure.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Mr. Chairman, I rise to speak in strong opposition to the Small Business Liability Reform Act and speak in support of the Conyers-Scott amendment when I speak later on.

☐ 1145

Mr. Chairman, there are numerous problems with the bill. The gentleman from Michigan (Mr. CONYERS), the ranking member and chairman to be, will be introducing that amendment later. But there are some false inferences represented in the bill's title.

The title is Small Business Liability Reform Act. While the bill purports to protect small businesses which presumably do not possess the resources to defend themselves against supposedly frivolous and costly lawsuits, the truth about the Small Business Liability Reform Act is that it rewards all businesses, big and small, with broad and sweeping legal protections when they cause personal and financial injury due to defective products.

With those parts of the bill which actually pertain to small business, the small business in this bill contains no qualifier that limits their revenues. So even billion-dollar corporations can still qualify for small business protection.

While the bill purports to constitute liability reform, the language is overbroad and covers contract law, antitrust law, trademark protection, and other areas not properly considered by the committee.

Although the Conyers/Scott amendment seeks to inject some truth in advertising into the legislation, there are other problematic provisions. For example, the bill will raise the bar for awarding punitive damages, capping the damages at a maximum of $250,000 and making it more difficult to get punitive damages. While the proponents of caps on punitive damages claim that those caps would discourage frivolous lawsuits, those Draconian caps and arbitrary caps would actually apply to least frivolous lawsuits, those which in fact can get the larger damages.

In fact, punitive damages are rare and available only when a defendant is engaged in the worst misconduct. This bill would effectively give businesses licenses to engage in reckless behavior as long as they are willing to pay the $250,000 price tag. Because the bill does not define a small business in terms of revenue, this may be a small price to pay for those companies who have revenues in the millions and even billions of dollars.

The bill eliminates joint and several liability for non-economic damages, thus preventing many injured persons from full compensation for their injury. This bill would preempt laws in most States where injured persons are permitted to collect damages from any of the people that are found responsible.

The rationale is that injured parties should not suffer because one or more of the wrongful actors cannot compensate them for a number of reasons. For example, that party might not even be a party to the lawsuit, they may be a foreign company, they may have gone bankrupt. And the non-economic damages, including the loss of a spouse or child, the loss of fertility, the loss of a limb, disfigurement, or chronic pain, those losses go uncompensated when defendants cannot be held jointly responsible for non-economic damages.

Unfortunately, the burden of uncompensated non-economic loss is most likely to fall on those least likely to protect themselves: the poor, the elderly, the disabled. And because these persons make limited incomes and do not work, they are least likely to collect large sums in economic damages and, therefore, must depend on awards of non-economic loss if they are to recover any significant compensation at all.

Again, there are numerous reasons to oppose the bill, but in its entirety, the bill sets a dangerous precedent in law. It encourages corporate misconduct, endangers health and safety, and leaves injured people with little compensation for their pain and suffering.

So I ask my colleagues to vote no on this anti-consumer legislation.

Mr. ROGAN. Mr. Chairman, I yield 3 minutes to our friend and colleague, the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Chairman, I am pleased to join my colleague from California in cosponsoring H.R. 2366, the Small Business Liability Reform Act of 1999.

Like the other pieces of civil justice reform legislation that have recently been enacted into Federal law, this bill departs from the comprehensive approach that advocates of broad product liability and tort reform have taken in the past.

Instead, this bill focuses on a few key specific liability issues: the exposure of small business with fewer than 25 full-time employees to joint liability for non-economic damages and punitive damages, and the exposures of retailers, wholesalers, distributors, and other non-manufacturing product sellers to product liability lawsuits for harms they did not cause.

Mr. Chairman, I have many small businesses in my Congressional district that stand to benefit greatly from this legislation. Many of these businesses have been family run for several generations, and this bill will protect them from the type of frivolous litigation that threatens their existence.

Let me emphasize that the bill we are considering here today is careful not to overreach. As I previously indicated, this is a narrowly crafted, tightly focused bill. The provisions restraining joint liability and punitive damages do not apply to civil cases that may arise from certain violations of criminal law or gross misconduct. Nor do they apply in States that elect to opt out with respect to cases brought in State court in which parties are citizens of that State.

The product seller liability provisions are strictly confined to product liability actions and protect the ability of innocent victims of defective products to fully recover damage awards which they are entitled.

Mr. Chairman, some of my colleagues who oppose this legislation might say the bill is unnecessary. They may say this last year there were only 14 cases where punitive damages were awarded in the entire United States.

That may be true, Mr. Chairman, but it is irrelevant. It is irrelevant because it does not take into account the countless incidences where cases were filed that seek such extraordinarily high punitive damages that defendants are frightened into settlement rather than risking what might happen in a court of law. This bill tries to put an end to this abuse.

Lastly, Mr. Chairman, the provisions of this legislation have previously won bipartisan support in this chamber as well as the other body. Although limited in scope, their enactment into law will reduce unnecessary litigation and wasteful legal costs and improve the administration of civil justice across this country.

I urge my colleagues on both sides of the aisle to vote yes and pass this limited but meaningful civil justice reform bill.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the committee.

Mr. DELAHUNT. Mr. Chairman, well, here we go again. We have a bill before us now that would sweep aside generations of State laws that protect consumers so that corporations can evade their responsibilities for wrongs that they commit.

Forget about States' rights. Federalism as a core Democratic principle is withering away in this institution, and this proposal is an example of that.

Earlier today, the Committee on the Judiciary was to consider a proposal which would shift to the Federal courts local zoning issues. And those that speak and preach States' rights and devolution I suggest should revisit their words.

Let me join with others who have stressed that we are not talking about small businesses here. I mean, if we read the bill, that simply is inaccurate. It is absurd in fact. There are no revenue caps in this legislation. The bill would permit large, prosperous businesses making enormous profits to escape liability so long as they maintain a small employee base.

A corporation could have millions of dollars of revenue, tens of millions of dollars in revenue, hundreds of millions of dollars in revenue, and they could evade their responsibility under the parameters of this bill.

But, of course, while the bill does not put caps on revenues of profits, it does cap punitive damages, punitive damages that would apply to conduct that is so egregious it would border on the criminal.

Now, the proponents of the bill claim that a cap is necessary to prevent juries, juries made up of American citizens, people in the community, from awarding appropriate punitive damages. Of course, there is no evidence that there is a problem. In fact, it was the previous speaker who spoke in support of the bill that, last year, in the entire United States, there were 14 cases where juries awarded punitive damages. But the proponents would suggest there is a problem. There is no evidence and there is no data to that effect.

The real problem is that this negates the entire purpose of punitive damages. And the purpose of punitive damages is to deter misconduct, wanton and willful and egregious misconduct. The rationale for punitive damages is to induce companies to spend the money to safeguard workers and protect consumers rather than take the risk of being hit with substantial damages down the road.

This bill will fail to deter misconduct. It will fail and will allow for injuries that were fully foreseeable and preventable from happening.

This bill is nothing more than a warrant for corporate recklessness. And, of course, the bill overreaches in this and many other ways. It eviscerates the traditional product liability law in this country. It exempts all product sellers, renters, and lessors regardless of their size.

Again, no, it is not about small business. This bill should be defeated.

Mr. ROGAN. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding me the time. I also want to thank the gentleman and the gentlewoman for their indulgence.

Mr. Chairman, I rise today in opposition to H.R. 2366. This bill would strip society of the important tools it uses to deter bad behavior by corporations. At stake is a wall of legal safeguards that protect people from malicious conduct by businesses.

Title I of this bill encourages a company to act egregiously and to act with flagrant disregard to the rights and safety of American consumers. Additionally, despite the title's deceptive suggestion, Title II unfairly exempts from liability both small and large business retailers for the sale of defective products.

Title I of H.R. 2366 takes the bite out of monetary damages imposed for malicious corporate conduct. The punitive damages are designed to punish corporations for willful misconduct and it deters future reckless behavior. This bill caps punitive damages to the arbitrary amount of a quarter of a million dollars.

H.R. 2366 takes away the deterring effect of punitive damages and sets a price at which companies can figure in the expense of conducting business maliciously. This bill deprives the jury from the ability to hold a company morally responsible for their willful misconduct.

Title II of H.R. 2366 unfairly protects all business retailers in their ability to profit from dangerous products. Under current law, a seller warrants that the product it sells is safe. The consumer then has the confidence of being able to use the product without risking injury. H.R. 2366 takes away the only legal reason a consumer would have confidence. It changes the law and allows the retailer to sell and make money from a defective product that the retailer knows or should have known is dangerous. If the seller gets a benefit, they should also pay when consumers are hurt.

In conclusion, H.R. 2366 takes away corporate incentives to produce and sell safe products. This bill puts profit before product safety.

Mr. Chairman, I strongly urge my colleagues to vote no on H.R. 2366.

Mr. ROGAN. Mr. Chairman, I yield 3 minutes to my patient friend and colleague, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise today in support of H.R. 2366, and I commend my colleague, the gentleman from California (Mr. ROGAN), for his sponsorship of this legislation.

The Small Business Liability Reform Act will help alleviate the abusive and frivolous lawsuits filed against the smallest of America's smallest businesses.

□ 1200

I have long been a supporter, a strong supporter, of tort reform. As a State representative, I sponsored legal reforms to ensure that businesses in Illinois could operate and compete on a fair, flexible, and equal opportunity in the marketplace. I am proud to continue these efforts here in Congress. Small businesses create the bulk of our Nation's jobs. Yet a recent survey of more than 1200 small businesses found that one in three have been sued, and more than half have been threatened with a lawsuit in the last 5 years. Our small businesses are being victimized by the litigiousness of our society and they desperately need relief.

Small business owners face rising costs for liability insurance, not to mention the crippling cost of defending themselves should they be named in a lawsuit. Innocent or not, defending oneself is costly. The estimated cost of a business owner's defense in the average lawsuit is $100,000. Considering that the actual salary of a typical small business owner is between $40,000 and $50,000, it is easy to see that just one frivolous lawsuit can easily put a small firm out of business.

H.R. 2366 provides crucial limits on the lawsuits by capping punitive damages at $250,000, or three times noneconomic damages, for businesses only with fewer than 25 employees. I would like to see how many small mom and pop stores would ever dream of having revenues of $100,000, $200,000, $300,000 and the riches that the Members across the aisle seem to imply.

It also abolishes joint liability for noneconomic damages, ensuring that small business owners are only liable for damages in proportion to their fault. H.R. 2366 embodies key legal reforms that this House has overwhelmingly supported in the past. This bill is good business and good law. I urge my colleagues to support H.R. 2366 to enact small business legal reform that is long overdue.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Ms. LOFGREN), a distinguished member of the Committee on the Judiciary who has worked very hard on the measure.

Ms. LOFGREN. Mr. Chairman, I oppose the bill before us today, and I think it is worth pointing out that I am joined in this opposition by the Violence Policy Center, the National Conference of State Legislatures, Handgun Control, as well as the attorney general of the State of California.

This so-called small business liability reform bill offered by the gentleman from California (Mr. ROGAN) is not really about small businesses at all. In fact, the businesses may be quite big, making millions and millions of dollars and still be protected by this bill. It is only judged small by the number of employees.

Interestingly enough, it turns out that the manufacturers of most of the guns that have caught our attention in the tragedies that have beset this Nation, for example, the horrible shootings in Columbine, were in fact manufactured by gun companies that fall below the 25-employee limit, who would be, if this bill were to pass, immune from liability.

That liability is now being pursued by a number of local governments. For example, back home, the county of San Mateo and the city of Los Angeles are pursuing lawsuits against gun manufacturers and dealers to try and assess the responsibility for wrong behavior. Unfortunately, this bill would put those lawsuits out of court. I do not think that is the right thing to do. I do not think that is the right thing for this Congress to do.

Now, it may be true that the causes of action being pursued by these local governments to hold these gun manufacturers responsible for misbehavior, it may be that these causes of action will not be sustained. But I do not believe it is proper for Congress to intervene in that judicial process. I do not think we should be giving a court holiday to the manufacturer of the Tec DC–9 that tried to evade the rules and the laws that Congress adopted against assault weapons. We know the result of that evasion was that young people in Columbine High School lost their lives.

I am a member of the Juvenile Justice Conference Committee. I am mindful that we have met only once. We met on August 3 of last year. There was a lot of talk at that time that we would come together and address the gun safety issues that the Senate had passed, that we would do that in time for the beginning of this school year. Time is a-wasting. My daughter is now preparing for her high school graduation, not the onset of high school, and yet we have done nothing, to do nothing except propose to take away the only tool that exists for local government to try and get control of this out-of-control gun violence issue. I think what we are doing is shameful.

I would hope that we would listen to the Council of State Governments and butt out of this litigation issue, that we would not create a web of safety for gun manufacturers who have acted improperly. I would add that we offered an amendment at the Committee on Rules, myself and the gentlewoman from New York (Mrs. McCARTHY) and the gentlewoman from Colorado (Ms. DeGETTE) and the gentlewoman from Connecticut (Ms. DeLAURO) and some others. That amendment was not put in order. I think that was a real shame, that we would not have an opportunity to exempt gun dealers and manufacturers from the protections that this bill would provide.

Because of that and many other reasons, I would hope that people who want to do something about gun violence, people who feel that we owe something to the mothers and fathers of this country to make their children a little bit safer in school from gun violence, that we will vote against this measure. That is all that we can do in decency.

Mr. Chairman, I oppose the bill before us today. I think it is worth pointing out that I am joined in this opposition by the Violence Policy Center, the National Conference of State Legislatures, Handgun Control, as well as the Attorney General of the State of California.

This so-called small business liability reform bill, offered by the gentleman from California (Mr. ROGAN), is not really about small businesses at all. In fact, the businesses may be quite big, making millions and millions of dollars and still be protected by this bill for small businesses. It is only judged small by the number of employees.

Interestingly enough, it turns out that the manufacturers of most of the guns that have caught our attention in the tragedies that have beset this Nation, including the horrible shootings in Columbine, were gun manufacturers that fall below the 25-employee limit and who would be, if this bill were to pass, immune from liability for the damage they've done.

Liability for wrong doing by these manufacturers is now being pursued by a number of local governments. For example, back home in California, the county of San Mateo and the city of Los Angeles are suing gun manufacturers and dealers for wrong behavior, to try and assess their irresponsibility. Unfortunately, this bill would put such lawsuits out of court and on the street. I do not think that is the right thing for this Congress to do.

Now, of course, it may be true that the causes of action being pursued in court by these local governments, seeking to hold these gun manufacturers responsible for misbehavior, may not be upheld. But I do not believe it is proper for Congress to intervene in such judicial processes and determine the issue this way. I do not think we should be giving a court holiday to the manufacturer of the Tec DC–9. That gun manufacturer tried to evade the rules and the laws that Congress adopted against assault weapons by slight modifications to their weapons to evade our proscriptions. We know the result of that evasion was that their weapon was available and young people in Columbine High School lost their lives.

I am a member of the Juvenile Justice Conference Committee. I am mindful that we have met only once and that was on August 3rd of last year. There was a lot of talk at that time by the majority about how we would come together and address the gun safety issues that the Senate had passed, that we would do that in time for the beginning of the school year, that is, the school year that began last September. Well, time is a-wasting. My daughter is now preparing not for the beginning of the year but for her high school graduation. Yet we have done nothing—nothing except propose to take away the only tool that exists for local government to try to get control of this out-of-control gun violence issue. I think what we are doing is shameful.

I would hope that we would listen to the Council of State Governments who believe this is their business, not ours, and butt out of this litigation issue. I would hope that we would not create a safety shield that protects gun manufacturers who have acted improperly. It is not like we haven't tried to avoid this miscarriage. I argued against this in an amendment offered in the Judiciary Committee. We offered the same amendment before the Committee on Rules, myself, the gentlewoman from New York (Mrs. McCARTHY), the gentlewoman from Colorado (Ms. DeGETTE), and the gentlewoman from Connecticut (Ms. DeLAURO). That amendment was ruled out of order even though it was germane and voted upon in the Judiciary Committee. It was ruled out of order for a vote by the full House. I think that was a real shame, that we would not have an opportunity for the members of this House to exempt gun dealers and manufacturers from the protections that this bill would provide.

For this and many other reasons, I would hope that people who want to do something about gun violence, people who feel that they owe something to the mothers and fathers of this country to make their children a little bit safer in school from gun violence, that they will vote against this measure. That is all that they can do in decency and justice.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume. Just briefly in response to the comments of my friend and colleague from California, I think it is wholly unfortunate that she wishes to hold up this bill, which is so necessary for small businesses, in the mistaken attempt of turning this into somehow some gun control bill. The fact is, Mr. Chairman, her claim that some of these lawsuits or all of these lawsuits would be thrown out of court simply misses the mark.

As I indicated in my opening statement, this bill would do nothing to preclude a claimant from obtaining economic damages which include wages, medical expenses, and business loss. It would do nothing to preclude a claimant from receiving noneconomic damages, such as pain and suffering, disfigurement, loss of enjoyment or companionship and other recognized damages. Finally, Mr. Chairman, this bill again would do nothing under the amendment that I contemplate will be accepted if in fact there was an intentional wrong done by a small businessperson who happened to be a gun manufacturer.

I hate to see this bill held up by those attempting to pursue a gun control agenda. This is not about gun control. This is about small businesspeople being given the protection of law that they so desperately need to keep their small businesses afloat.

Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time, and I congratulate him for his outstanding work on this issue which is so important to small businesspeople across this country but to others as well. Small businesses create more new jobs in this country than all of the large corporations in America combined. Small business, the millions of small businesses we have, are the engine that drives our economy. They are so often the ones that create the new jobs, new enterprises that grow later into larger businesses that provide more jobs. But for a company that provides 10, 15, 20 jobs, it is the employees of those businesses as well as the businessmen and women who own them that will find this legislation important, and also consumers will benefit from this legislation as well because it will help to hold down the cost of goods and services provided by those small businesses.

Many small businesses are in some of the most competitive industries that there are. When they are faced with unfair legal costs, it often either puts them out of business or forces them to raise their prices and make themselves uncompetitive or to pass those charges on to the consumers that do business with them. Putting a cap on punitive damages for small businesses, this is something that I think we should provide in every lawsuit, no matter what the size of the corporation or business or individual who is in business; but we certainly should do it for small businesses, for companies with fewer than 25 employees.

To face a fine of more than $250,000 could easily put 10, 15, or 20 people out of work when a small company or an individual employing them cannot meet that kind of punitive damage liability, and joint liability. Again, so many instances where lawsuits are filed against a whole host of people. The small businessperson who might be the distributor, the manufacturer's representative, might be engaged in a part of a transaction but have only a small amount of the responsibility for the damages that are caused; and if the manufacturer has gone out of business or somebody who misused the product in installing it or some other involvement in it goes out of business, that small businessperson can be left with an enormous amount of liability and should not face that if they only cause a small portion of the damages involved.

And then finally, we know about all of these lawsuits that are filed where a shotgun approach is used where a whole host of defendants are made a party to the suit and somebody is brought in as a defendant in a suit and they really have a very limited liability for it; but there is not a clear definition of what that liability might be.

And so when we have the provision in title II that establishes a uniform liability standard that would be applied to nonmanufacturers or product sellers in product liability cases, a standard that would allow the product sellers to be liable only for the harms caused by their own negligence, intentional misconduct or when the manufacturing supplier is culpable but judgment-proof, it seems to me that setting a definite national standard when so many of these transactions involve interstate commerce is entirely appropriate for the Congress to do.

I commend the gentleman for his support for this legislation. I commend him for garnering the kind of bipartisan support that he has and support from a whole host of organizations concerned about small businesses like the National Federation of Independent Businesses. This is truly good legislation. I would call upon my colleagues on the other side of the aisle to join with us in giving some relief to the people who do the most for job creation in this country.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute, because the author of this bill, the gentleman from California (Mr. ROGAN), knows what I know, namely, that the 70,000 gun dealers in this country are happy to assume that they would enjoy the protection of H.R. 2366's restriction on the liability of product sellers.

We had this amendment debated in Judiciary. The bill attempts to exempt some legal theories that apply to the negligent sale of firearms, such as negligent entrustment and negligence per se. But there are many numerous other theories that have been successfully used against firearm retailers and proprietors of gun clubs or target ranges to recover damages caused by the sale or rental of a firearm. This is a cover for gun dealers against lawsuits that are coming up that are using theories such as public nuisance, negligent marketing, and unfair and fraudulent business practices. We cannot give the gun dealers a free ride in this bill.

Mr. ROGAN. Mr. Chairman, I am pleased to yield 3 minutes to my good friend, the gentleman from Ohio (Mr. CHABOT).

□ 1215

Mr. CHABOT. Mr. Chairman, I rise today as both a Member of the Committee on the Judiciary and Committee on Small Business to urge my colleagues to support H.R. 2366, the Small Business Liability Reform Act of 1999, and I would like to commend my colleague from the Committee on the Judiciary, the gentleman from California (Mr. ROGAN), for his leadership in this area.

Small businesses with 25 or fewer full-time workers employ nearly 60 percent of the American workforce. Their continued vitality is essential to our strong economy. However, just one lawsuit, frivolous or not, can easily destroy a small business.

Today, small businesses operate in constant fear that they will be named as a defendant in a lawsuit, be found minimally responsible for the claimant's harm, and be financially crushed under the weight of damages and attorneys' fees and the rest.

According to a recent Gallop survey, one out of every five small businesses decides not to hire more employees, not to expand its business, not to introduce a new product or not to improve an existing product out of fear of litigation.

Mr. Chairman, H.R. 2366 would help alleviate the tremendous burden and fear of unlimited liability on businesses that employ less than 25 people by making two modest changes to existing tort law, while still steadfastly protecting injured plaintiffs' rights to sue.

First, H.R. 2366 would raise the burden of proof to a clear and convincing evidence standard for a plaintiff suing for punitive damages and place reasonable caps on these damages, up to three times the total amount awarded for economic and non-economic loss or $250,000. This provision is vitally important, because businesses cannot be insured to cover these types of judgments.

H.R. 2366 would also eliminate joint and several liability for non-economic damages for small businesses. In the States that have joint and several liability in place, a defendant who is found only 1 percent responsible for an injury can be stuck paying 100 percent of the damages. Such a judgment could easily bankrupt a small business that is only minimally responsible for a non-economic harm. If that happens, workers lose their jobs.

I want to emphasize that real economic damages, including medical costs, are not limited by this bill, and plaintiffs remain free to sue more responsible parties.

Mr. Chairman, more than 60 percent of small business owners make no more than $50,000 a year. Litigation costs and excessive judgments can put them out of business in a heartbeat, causing employees, again, to lose their jobs and impacting the community that has come to rely upon the services of that particular business.

This is a commonsense tort reform bill, and I encourage Members to vote yes on H.R. 2366.

I again commend the gentleman from California (Mr. ROGAN) for showing his leadership in proposing this important legislation.

Mr. CONYERS. Mr. Chairman, I am happy to yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for his leadership on this issue.

I appreciate the desire of the gentleman from California (Mr. ROGAN) to be helpful in the enhancement of small businesses in the United States of America. I think, unfortunately, I need to disabuse those who have debated this bill of any suggestion that they are supporting a small business protection bill. This is not.

This is, again, a back-door attempt to do tort reform when the members of the other party fully recognize that we have been unsuccessful in doing such and there have been no calls for these kinds of major changes in tort reform or product liability.

In particular, I will be supporting the Conyers amendment, that really speaks to small businesses, and that is to narrow the protection of this bill to businesses earning $5 million or less. That is a small business. The only thing we have in this bill is to suggest that if you have 25 employees. But we well know that in the trucking industry, where, unfortunately, we have suffered over 440,000 large trucks involved in accidents, including 4,871 fatal crashes, we realize that those can be considered small businesses.

So this is a farce. This is a farce as it relates to the very important issue that we have discussed about the enormous gun violence that is going on in America, and, I might add, the very important litigation that has been going on.

This bill fails to exempt several well-known causes of action: Public nuisance, negligent marketing and unfair and fraudulent business practices, the cornerstone of many cases dealing with gun violence.

I cannot say to the gentleman from California (Mr. ROGAN) that every mayor of every city is wrong about their attempt to protect their cities from gun violence by the lawsuits that they have filed. Their communities want them to file them; their communities want gun violence to stop; their communities want the proliferation of guns to stop; and we want our children to stop dying. This bill is a farce as it relates to providing the protection of that these litigants need to address their grievances.

The other point is why is this bill protecting the actor of the act, meaning the one who has negligently acted, and has no concern about the victim, by capping punitive damages? The gentleman from California (Mr. ROGAN) fully knows that the courts rarely give punitive damages, and it is only in egregious circumstances that such is given. Now he is suggesting he is going to fall on the side of the negligent actor, as opposed to the victim.

Secondly, in the Committee on Rules they refused to listen when we offered a hate crimes amendment, because the hate crimes provision in this bill is benign, at best. We wanted to put language in that reflects an intentional act, when some business, a KKK-run business would intentionally burn a synagogue or, if you will, to refuse service or to do something violent to an individual, and it is a business, an intentional act, we could not get the committee on rules to accept that or even in the committee.

I ask where the seriousness behind this legislation is, if we are not willing to protect people from hateful, intentional acts?

In addition, this bill does not protect children whose parents may not file an action before they reach the age of majority. It is well known that many times children are in fact the victims of a negligent act. At Lincoln Park Daycare, Danny Kasar died in a collapsed crib in a daycare center. That crib may have been sold by a small business, and the idea is if there is an egregious act through the manufacturer and the seller, then this legislation keeps poor Danny, if, for example, in this instance, he died, it keeps any case that may happen if the child had not died to be able to be reached in majority.

Let me conclude, Mr. Chairman, by saying this is a bad bill, it is not a small business bill, and I wish the gentleman from California (Mr. ROGAN) would take it back so we can work in a bipartisan manner, and I ask my colleagues to defeat it.

Mr. Chairman, I rise in strong opposition to H.R. 2366, the Small Business Liability Reform Act of 1999. This bill is not a small business bill—it is a measure to insulate potentially large corporations from the most egregious misconduct.

This bill seeks to limit injured parties' punitive damages to $250,000 or 3 times compensatory damages, whichever is less for any business with 25 or fewer employees regardless of the company's actual financial earnings. In today's Internet economy it is likely that a company with 25 or fewer employees is flush with income—why should this Congress limit their punitive damages to such a low level?

Punitive damages are often awarded to deter those companies who engage in behavior that is deemed grossly negligent. The fear of a jury awarding punitive damages is our legal system's way of saying to Corporate America that we will not tolerate willful and wanton conduct that may injure our citizens.

For example, a little girl whose hand was caught in an exposed rotating chain saw and lost three fingers was awarded $420,100 in damages. If this bill becomes law the manufacturer of this chainsaw with 25 or fewer employees would cap this girl's compensation to $250,000 for a product that endangered this child's life. Our children and our loved ones will be adversely affected by this bill. Why should the Nation's most egregious corporate wrongdoers be protected at the expense of innocent victims.

As you may be aware, tort law has evolved over the centuries to reflect societal values and needs. Because it is common law—or judge-made law—State tort law has developed from generation to generation in the form of reported cases: "In theory, the judges [draw] their decision from existing principles of law; ultimately, these principles [reflect] the living values, attitudes and ethical ideas of the people."

The tort system provides a number of benefits to society: it (1) compensates injured victims; (2) deters misconduct that may cause perceived injury and punishes wrongdoers who inflict injury; (3) prevents injury by removing dangerous products and practices from the marketplace; (4) forces public disclosure of information on dangerous products and practices otherwise kept secret; and (5) expands public health and safety rights in a world of increasingly complex technology. The tort system is intended to effect behavior through the forces of the private market. The "invisible hand" of the tort system alters behavior so as to prevent dangerous and reckless conduct, which is often not prohibited by any governmental regulation.

Product liability law, in particular, typically refers to the liability of a manufacturer, seller or other supplier of products to a person who suffers physical harm caused by the product. The legal liability of the defendant may rest on five theories: (1) intent; (2) negligence; (3) strict liability; (4) implied warranties of merchantability and fitness for a particular purpose; and (5) representation theories (express warranty and misrepresentation).

Historically, if the courts upset the liability rules that balance the interests of injured citizens and wrongdoers, the State legislatures are able to respond by either strengthening or weakening the laws. For example, during the 1980's, a majority of States adopted a number of product liability reforms involving such areas as punitive damages, joint and several liability and strict liability in reaction to a perceived "insurance crisis." Each State has developed its own tort system and considered and adopted reforms based on the needs of its citizens and its desires to attract commerce. Restatements of law, written by legal scholars, can indicate areas suitable for nationwide uniformity if the states consider it to be in their own best interests.

Congress has been considering product liability legislation since as early as 1979 when Representative DINGELL introduced legislation which would have federalized a number of areas of State liability law. Proponents of such reforms have argued, inter alia, that State laws have led to excessive product liability damage awards and that the unpredictable and "patchwork" nature of the State product liability system harms the competitiveness of domestic manufacturing firms. After being unable to bring a product liability reform bill to either the House or Senate floor for a number of years, during the 104th Congress the House and Senate agreed to product liability legislation which would have, inter alia, capped punitive damages for large and small businesses and narrowed the standards for awarding such damages; eliminated joint and several liability for non-economic damages; created a fifteen-year statute of repose and a two-year statute of limitations; limited seller liability; and limited liability for medical implant suppliers. President Clinton subsequently vetoed the legislation.

In the wake of President Clinton's veto, the White House entered into negotiations with Senators ROCKEFELLER and GORTON, which culminated in a somewhat narrower form of product liability legislation (the "Senate Product Liability Proposal"). The Senate Product Liability Proposal was brought directly to the Senate floor but its proponents were unable to obtain cloture to cut off debate.

The Senate Product Liability Proposal, among other things, capped the maximum amount of punitive damages which may be awarded against "small businesses;" narrowed the ground for the award of punitive damages to those cases where there is a "conscious, flagrant, indifference to the rights or safety of others" which can be established by "clear and convincing evidence;" provided for a national statute of limitations and statute or repose; and offered relief to product sellers, lessors, and renters by specifying that they may only be subject to product liability suit where they (1) failed to exercise reasonable care, (2) violated an express warranty, or (3) engaged in intentional wrongdoing.

H.R. 2366 is similar to the 1998 Senate Product Liability Proposal, however, it is broader in that it is not limited entirely to product liability actions and it is narrower in that it excludes (1) the statute of repose provision and (2) potential pro-victim provisions such as a two-way preemptive federal statute of limitations running from the time the harm was actually discovered.

I am skeptical of the need for this bill, as there is no credible empirical evidence to support the notion that there is currently a litigation explosion in the state and federal courts. Additionally, punitive damages tend to be awarded in only the most egregious cases. Furthermore, Congress should not be in the business of protecting the rogue small business from reckless or harmful behavior, particularly legislation such as this that rewards businesses that hire temporary employees rather than full time employees. Yet again, the Majority is attempting to undermine the principles of federalism by the federal preemption of the state-based liability system. Given my concerns, I will not support this bill which jeopardizes the right of innocent victims to recover for corporate wrongdoing. We must continue to protect our children, our loved ones, and to encourage the deterrence of corporate misconduct.

Mr. ROGAN. Mr. Chairman, I am pleased to yield such time as he may consume to my friend the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me time. I want to congratulate him for his outstanding work on this legislation and the spirit in which he worked with the different members on the committee.

I also want to express my appreciation to the minority, because I believe their participation in the Committee on the Judiciary improved the entire process and the bill, and we have a very good product here.

To the gentlewoman from Texas, she just raised a question about the instances of intentional conduct and she cited some examples. I believe she used the KKK, if they engage in some intentional conduct, that there would be caps on damages.

There is an amendment, I would say to my friend the gentlewoman from Texas, that will be offered subsequently to this that would remove the cap on intentional conduct that causes harm. So, with that, which we will offer at a later time, it improves this bill even more. It makes sure everyone is protected.

It is very important that litigants have access to the court. We wanted to make sure that is accomplished and preserved. It is an important right in America.

But, at the same time, we want to have a balance, so that in those rare cases where the damages go out of whack, and that is what puts the chilling effect on small businesses, that that is brought back into scale and in line with the American system of justice.

This bill does very simple things: It eliminates joint and several liability for the pain and suffering aspect of it, and then it puts some reasonable caps on punitive damages. It applies this to small business.

Now, I am a trial lawyer. I made my living after I was a Federal prosecutor trying cases, going to court, representing litigants in personal injury cases.

There is the rare case there is an abuse. I was with another lawyer friend of mine, and I said, "Can you tell me a moral justification to defend joint and several liability?" He tries more cases in Arkansas than probably anyone. He said, "No, I can't." It was an honest answer. I believe this is good reform for the legal system.

So I very much congratulate my friend the gentleman from California (Mr. ROGAN) who has worked so hard on this legislation. What it does is that it makes sure that the plaintiff will get economic damages, first of all. That is the medical bills, the lost wages, the future lost wages, those are those out-of-pocket expenses that you can itemize for the jury. Those he can get without any limitation whatsoever. Pain and suffering, there is absolutely no limitation on pain and suffering. I think that is reasonable.

The joint and several liability limitation only applies to the pain and suffering aspect. The punitive damages is what is capped. It is a very reasonable cap on punitive damages, and that is what is intended to punish, not intended to reward a plaintiff, and that is what we keep in scope. There should be a limitation on punishment.

Again, with the amendment I am offering shortly, if there is intentional conduct, extremely egregious conduct, the judge can override that cap even at that instance so that justice can continue to be done. It applies only to small business, less than 25 employees. There are some amendments that I believe will be offered that will change the definition of that, but this is a good, simple, fair definition, less than 25 employees. It is easy to quantify. It is similar to the civil rights statutes in that regard.

Again, I would ask my colleagues to support this bill. It is a good bill for small business, but it is also a good and fair bill for the legal system, which I cherish and honor and want to strengthen.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute to discuss this lawyer's discussion that the gentleman from Arkansas has been having with other lawyers who think this is a fine bill.

Well, maybe some of them do, but the fact of the matter is that as this measure stands now, we are going to eliminate joint and several liability for non-economic damages, and this is going to have a very harmful effect on the victims. You do not have to be a lawyer to figure that out. That is what the bill accomplishes, whether lawyers like it or not. The bill imposes severe evidentiary restrictions and an overall $250,000 cap on punitive damages in all civil cases.

Now, 25 employees or less, you must know that there are businesses doing hundreds of millions of dollars of business with less than 25 employees. Yes, it protects "mom and pops," but it lets in at the other end these huge companies that are going to be so happy to know that you have got this provision on the floor.

Mr. ROGAN. Mr. Chairman, I am pleased to yield 3 minutes to my good friend, the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, just to respond to the gentleman from Michigan, victims are not hurt by capping punitive damages. They still get all their actual damages. They get economic damages. Punitive damages are to punish defendants who behave in the wrong way, not to reward the victims. This does not touch what the victims can get from actual damages.

But I support this legislation. Small businesses are the engine that drives our economy. Small businesses account for 99.7 percent of the nation's employers, employing 53 percent of the private workforce, contributing 47 percent of all sales in this country and responsible for 50 percent of the private gross domestic product.

In a recent Gallop survey, one out of every 5 small businesses claimed they do not hire more employees or expand their business or introduce a new product or improve an existing product out of fear of litigation.

The facts show that nationwide liability reform is what our small businesses need. For example, there was an increase of 28 percent in civil filings in State courts since 1984, and the median awards in product liability cases increased 227 percent between 1997 and 1998. Small businesses simply cannot afford to stay in business if they spend their time, energy, and resources fighting lawsuits that are without merit.

Small businesses are often severely burdened by frivolous lawsuits. Since 1960, the number of such lawsuits have tripled and unwarranted lawsuits have cost them billions of dollars, and in effect cost American consumers that same amount. Many small businesses are being forced to settle lawsuits, rather than bear the expense of litigation.

□ 1230

In an effort to counter this growing trend, H.R. 2366 seeks to protect small businesses by reducing their exposure to frivolous litigation. I believe this is much-needed legislation because it includes strategically targeted reforms which have strong bicameral, bipartisan support.

This measure comprises several measures that will limit product liability in small businesses. Those businesses are defined as having fewer than 25 employees. This legislation will cap punitive damages at $250,000 or three times compensatory damages, whichever is less, in any civil lawsuit against small business. In order to receive damages, plaintiffs must meet the "clear and convincing evidence" standard that the defendant acted with willful misconduct and was flagrantly indifferent to the rights and safety of others.

In addition, H.R. 2366 exempts small business defendants from joint and several liability for noneconomic damages, such as pain and suffering. Under this legislation, defendants will only be liable for the proportion of the judgment that corresponds to their percentage of the actual fault.

Mr. Chairman, H.R. 2366 exempts retailers, renters, and lessors from legal responsibility for products that they receive from manufacturers, but did not alter, and which subsequently malfunctioned or caused damages, which makes perfect sense. I believe the uniform standard for awarding punitive damages outlined in this legislation is a vital and necessary part of tort reform. This is a fair and sensible solution to the high number of frivolous lawsuits clogging up our court today.

Given that nearly 60 percent of the American workforce is employed by small business with 25 or fewer full-time employees, I think it is essential that we pass this legislation so our small businesses may become more innovative and competitive in today's global marketplace.

I thank the gentleman for introducing this legislation, and I urge my colleagues to support it.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the ranking member for yielding me this time.

Mr. Chairman, I rise in strong opposition to this legislation. I would encourage the rest of my colleagues to oppose it as well if, for no other reason, than because of the Federal preemption implications over State law and the work that many State legislatures throughout the country have put into this issue. This is another classic example of "Washington-knows-best" when it comes to our system of justice in this country.

This is not just a concern and a belief that I have, but even the Republican governor from my home State of Wisconsin has expressed this concern in a letter to our ranking member on the committee in which he, along with the chairman of the Council of State Governments, State Senator Kenneth McClintock, expressed their severe reservations to this legislation.

In the letter they wrote, "We are very concerned about the following preemption aspects of this bill:

"The bill establishes new evidentiary tests for punitive damages that would negate State laws for punitive damages, even though every State already requires that a plaintiff prove that a defendant acted in some particularly deliberate or egregious way to receive punitive damages.

"The bill overturns the doctrine utilized in many States of joint and several liability.

"The bill makes a dramatic and unacceptable change that alters the theory of strict product liability that is accepted and practiced in most States.

"The bill only preempts the laws of those States that offer greater protections to consumers, which we challenge from an equity perspective."

They went on to state, "Protecting small business in this Nation is a laudable goal. We, as State officials, have a vested interest in the economic growth spawned by small business development, and to this end we are excited to join with you in creating effective and sound legislative solutions.

"We are very concerned with the seeming eagerness of Congress to attempt to preempt State law. We urge you to reconsider your approach to this issue."

Again, this is a Republican governor from the State of Wisconsin, Tommy Thompson, in opposition to H.R. 2366.

I have another letter from the National Conference of State Legislatures in which Executive Director William Pound wrote that they oppose H.R. 2366 "because of the damage it would due to our system of constitutional federalism. The tort law and its reform historically and appropriately have been matters within the jurisdiction of States."

So, Mr. Chairman, I think the attempt here may be laudable, but I hope it is not just an election-year gimmick to try to make some Members appear weak in their support of small businesses when, in fact, we are talking about the very serious issue of Federal preemption over State jurisdiction.

The CHAIRMAN. The Chair would inform Members that the gentleman from California (Mr. ROGAN) has 2 minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 1½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield our remaining time to the gentlewoman from Connecticut (Ms. DELAURO).

The CHAIRMAN. The gentlewoman from Connecticut (Ms. DELAURO) is recognized for 1½ minutes.

Ms. DELAURO. Mr. Chairman, I rise in opposition to this misnamed and misguided piece of legislation under the guise of helping small businesses succeed, which is a goal that we can all support. This bill gives cover to businesses that make faulty products, that injure and even kill. This bill would protect companies that make cheap, poorly made firearms. These are weapons that are not made for hunting or for home protection; they are made to give criminals more bang for the buck.

Let me give my colleagues an example. Intratec is best known for its inexpensive assault pistols, notably, the TEC–9, the TEC–DC9 and the AB–10.

The TEC-DC9 was one of the guns used in the 1999 massacre at Columbine High School in Colorado.

This is also the company that markets Saturday night special handguns or what they call junk guns. Their advertising copy brags, and I quote, "that our guns are as tough as your toughest customers." In fact, this legislation, my friends, would provide cover to the makers of the weapons that were used at Columbine.

I am dismayed that the Republican majority would not allow this House to consider an amendment that the gentlewoman from California (Ms. LOFGREN) offered, which would have removed the protection from just the gun makers.

This is wrong. We ought to be in the business of encouraging responsibility across the board, including small businesses; but this bill takes us in the wrong direction. It puts consumers, it puts our kids at undue risk by weakening key protections.

Mr. ROGAN. Mr. Chairman, I yield myself the remainder of the time.

I want to thank all of my colleagues who joined in this debate today. I appreciate their comments.

I must say that I deeply regret hearing some of the characterizations of this bill and the way it has been twisted. I have sat here for the last hour listening to the fact that if we give a limitation of liability on punitive damages to small businesses, that people will be killed in the streets and that greedy corporate officers will rake in millions of dollars at the expense of working people; and that just simply is not the case, Mr. Chairman.

When we talk about small business protection, who are these small businesses that we are addressing and that we are trying to demonstrate some protection for in this bill? Mr. Chairman, in our country today, fully 60 percent of every business would be characterized as a small business under the definition of this bill, 24 employees or less, and more than half of those businesses, Mr. Chairman, take in less than $50,000 per year. These are not rich corporate megamerger giant businesses that this bill protects.

The Republican majority is attempting to protect those men and women who are out there trying to create jobs who are risking their capital and are attempting to provide an economic engine for our country. In fact, Mr. Chairman, median business earnings in 1996 were $25,000; about 25 percent of the self-employed earned less than $12,500, and about 25 percent earned more than $50,000. Only 9 percent of small business owners took over $100,000 from their business when these statistics were taken. That is the people that this bill is attempting to protect, those small businessmen and women who are investing their lives and their capital into making this country's economic engine run.

The Congress of the United States has a moral obligation to protect them from frivolous lawsuits so that their livelihood, their families, their homes, and their businesses are not taken by greedy trial lawyers in frivolous lawsuits or worse, be forced to settle a case that has no merit because the gun of punitive damages has been cocked and put to their head and that threat is so great that they cannot afford to defend themselves.

I urge support for this bill.

Mr. Chairman, on behalf of the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, and the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, I submit the following exchange of letters:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, February 10, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR HENRY: Please find enclosed my recent letter to the Speaker agreeing to be discharged from further consideration of the bill, H.R. 2366, the Small Business Liability Reform Act. As you know, the Committee on Commerce's referral was recently extended to February 14, 2000. I am agreeing to have the Committee discharged without taking action on the bill in light of the need to bring this important product liability legislation to the floor in an expeditious manner.

By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over H.R. 2366 or similar bills. In addition, the Commerce Committee reserves its authority to seek the appointment of an appropriate number of conferees on this bill or similar legislation that may be the subject of a House-Senate conference. I ask for your commitment to support any request by the Commerce Committee for conferees on H.R. 2366 or similar legislation.

I also ask that you include a copy of this letter and your response as part of the Record during consideration of this legislation on the House floor. Thank you for your assistance and cooperation in this matter. I remain,

Sincerely,

TOM BLILEY,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, February 10, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: On February 7, 2000, you extended the Committee on Commerce's referral of H.R. 2366, the Small Business Liability Reform Act, for a period ending not later than February 14, 2000. Recognizing the need to bring this important product liability legislation to the floor as soon as possible, I will agree to have the Committee on Commerce discharged from further consideration of H.R. 2366. By agreeing to be discharged, I am not waiving the Committee's jurisdiction over H.R. 2366 or other similar legislation, and I will seek the appointment of an appropriate number of conferees should this legislation be the subject of a House-Senate conference.

Thank you for your assistance and understanding in this matter. I remain.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 11, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR TOM: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 2366, the "Small Business Liability Reform Act of 2000."

I acknowledge your committee's jurisdiction over title II of this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. As you are well aware, your decision to forgo further action on the bill will not prejudice the Commerce Committee with respect to its jurisdictional prerogatives on this or similar legislation. I will be happy to support your request for conferees on those provisions within the Committee on the Commerce's jurisdiction should they be the subject of a House-Senate conference. I will also include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

HENRY HYDE,
Chairman.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, February 16, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In the cost estimate for the Small Business Liability Reform Act of 2000 (H.R. 2366), as ordered reported by the House Committee on the Judiciary on February 1, 2000, the Congressional Budget Office (CBO) stated that an estimate of the bill's impact on the private sector would be provided in a separate statement. CBO has now completed its review of this bill.

CBO finds that H.R. 2366 would impose no new private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995.

If you wish further details on this analysis, we will be pleased to provide them. The CBO staff contact is John Harris (202-226-2949).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Mr. POMEROY. Mr. Chairman, I rise in opposition to H.R. 2366, the Small Business Liability Reform Act of 1999. I believe strongly that action must be taken to protect small businesses from the financial burdens imposed by frivolous lawsuits. In trying to address this issue, however, H.R. 2366 would supersede State tort law, including important statutes enacted in my own State of North Dakota. The preemptive provisions in H.R. 2366 would deny States the right to determine tort law free from Federal intrusion and thereby undermine the principle of federalism upon which our form of government rests.

Mr. Chairman, there is little dispute that small businesses in this country deserve protection from frivolous lawsuits and the resulting increase in insurance costs. In North Dakota, small businesses are the cornerstone of our communities and have helped diversify and stimulate our rural economy. Although these businesses are critically important to the future of States like North Dakota, many have been unfairly disadvantaged by costly lawsuits. Unfortunately, small businesses are often compelled to settle these lawsuits even if they would have prevailed in court, simply in order to avoid the costs of litigation. I believe, as do many of my colleagues, that States should reexamine their tort laws to address this problem.

I also believe, however, that H.R. 2366 does not represent the appropriate Federal response to the issue of frivolous lawsuits. Historically, determination of tort law as well as its reform have fallen within the jurisdiction of the States. Over the past 15 years, several States have substantially reformed tort laws to provide manufacturers and retailers greater protection from liability. My own State of North Dakota, for example, has enacted a statute on punitive damages that is more protective of businesses than the punitive damages provision in this bill. H.R. 2366 would interfere with North Dakota's right, and the right of every State, to determine its own tort law. Because they recognize the potential threat H.R. 2366 poses to our system of federalism, I am joined in my opposition to this bill both by the Council on State Governments and the National Conference of State Legislatures.

Mr. Chairman, although I do not support this particular vehicle for tort reform, I remain committed to protecting small businesses from excessive litigation. I also look forward to working with my colleagues on both sides of the aisle on legislative strategies to encourage small business development in all 50 States.

Mr. DINGELL. Mr. Chairman, I rise in opposition to H.R. 2366, the Small Business Liability Reform Act of 2000. This legislation is very poorly drafted and unclear in its terms and application. It does not simply apply to reform of the product liability laws, which I support. Instead, H.R. 2366 exempts what it defines as small businesses from a broad and unspecified range of civil liability.

There are provisions of this legislation which I have supported, such as the product seller protections in title II. However, I am extremely concerned that no one seems to have a clear and full understanding of all the circumstances in which this bill would limit the rights victims have to be compensated for the fraud and deception they suffer. The proponents of this legislation are asking for our support without identifying all the existing rights victims have that the bill may preempt.

The sponsors have offered amendments they claim fix a lot of the bill's problems, but I am not at all sure they are right, and furthermore I am very sure we have not yet identified all the problems this legislation creates. For example, the Securities and Exchange Commission (SEC) staff say H.R. 2366 would still limit punitive damages that a victim of a securities “boiler room” scam could recover in a case he or she brings in State court. The SEC openly admits that it is not capable of taking on total responsibility for making sure the securities market is free of fraud and deception. Instead, the SEC says that private plaintiffs are a vital supplement to the Commission's enforcement program.

Suing for fraud is the only way a securities “boiler room” victim can recoup his or her losses, other than commissions paid. With more and more Americans investing in securities every day, do the sponsors of this legislation really want to arbitrarily limit punitive damage awards that senior citizens and others may receive from State courts in cases of fraud perpetrated by securities “boiler rooms”?

That's definitely not the kind of litigation reform I support, and I seriously doubt if it's what many of my colleagues want, either. The threat of substantial and meaningful liability is a very important tool needed to keep securities fraud at a minimum. If that liability is reduced by this bill to a point that unscrupulous securities dealers are willing to absorb their reduced liability as a cost of doing business, investors, particularly the least sophisticated investors, will be victimized, and they will suffer.

I cannot vote for a bill that so clearly increases, rather than reduces, the chance that innocent investors will be the victims of fraud and deception in the securities market. I would hope that my colleagues would also find that to be a totally unacceptable and dangerous outcome. Nor can I vote for a bill that is so ambiguous and potentially sweeping in its scope. For these reasons, I urge my colleagues to vote “no” on H.R. 2366. It is a fundamentally flawed piece of legislation that does not deserve your support.

Mr. SENSENBRENNER. Mr. Chairman, I rise in strong support of H.R. 2366, the Small Business Liability Reform Act of 2000. In my view, the American tort system is a disaster. It resembles a wealth redistribution lottery more than an efficient system designed to compensate those injured by the wrongful acts of others. Our current system raises the prices of goods made in America, forces State and local governments to expend precious resources, and causes unwarranted personal anguish and damages reputations. Companies should be held responsible for truly negligent behavior resulting in actual harm. But a civil justice system that perpetuates the concept of “joint and several liability” and has no effective mechanism, such as a loser pays rule, to deter frivolous lawsuits is simply not just. I am pleased that H.R. 2366 takes the first step toward alleviating this problem. H.R. 2366 would eliminate joint and several liability of small business defendants for non-economic damages, such as pain and suffering, but would retain it for economic damages, such as medical expenses. This would partially relieve the situation where a small business defendant is held liable for damages far in excess of its actual responsibility.

I have been a longtime supporter of legislation to set uniform standards for product liability actions brought in State and Federal court. Inconsistencies within and among the States in rules of law governing product liability actions result in differences in State laws that may be inequitable with respect to plaintiffs and defendants, which, in turn, impose burdens on interstate commerce. Establishing uniform legal principles of liability for product seller, lessors, and renters will provide a fair balance among the interest of all parties in the chain of product manufacturing, distribution, and use, reduce costs and delays in product liability actions, and reduce the burdens on interstate commerce.

Mr. Chairman, I urge passage of this long overdue legislation.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in opposition to H.R. 2366, the Small Business Liability Reform Act of 1999. H.R. 2366 takes away rights of victims to be compensated for injuries they suffer due to the negligence of manufacturers and retailers and in doing so, encourages corporations to evade their responsibility to provide consumers with safe products.

This bill masquerades as an attempt to assist our Nation's small businesses. In reality however, only title I applies to small businesses, title II of the bill, the products liability provisions, applies to all businesses, despite H.R. 2366's title.

H.R. 2366 will cap punitive damages at $250,000 and will eliminate joint and several liability for noneconomic damages like pain and suffering, loss of limb, loss of fertility, permanent disfigurement, and loss of a child. In doing so, this bill attempts to change a multitude of areas of law and does not solely concentrate on pure liability reform. Beyond that, this bill discriminates against women and our Nation's seniors who bear the greatest portion of noneconomic damages.

If H.R. 2366 becomes law, our Nation's consumers will be left with very limited avenues of recourse if they suffer damages. This bill will set damage caps on liability suits at $250,000 for all businesses with fewer than 25 employees regardless of how much revenue the business generates. It will allow product liability suits in three instances only: when there is a failure to exercise reasonable care, when there is a violation of a manufacturer's express warranty, and when there is intentional wrong doing by the company.

By eliminating joint and several liability, this bill makes unknowing and innocent members of the public bear the burden of their damages as small businesses will, under this bill, be considered judgment proof.

It is no surprise that the National Conference of State Legislators are against this bill. First, this bill does not meet its goal of creating uniformity among our Nation's laws because of its unequal treatment of the issue of punitive damages. This bill does not create punitive damages in States where it does not exist, but it does cap punitive damages for the States that already have punitive damage awards.

Second, H.R. 2366 will eliminate the rights of States and cities to sue gun manufacturers as most of them are considered small businesses under the definition of the bill and therefore are exempt from suit. This robs our States of the autonomy of deciding for themselves how to handle suits against gun manufacturers and retailers. Also, H.R. 2366 raises serious federalism problems. This bill totally disregards States from exercising jurisdiction over their own tort laws, an area of law which has historically been reserved for them to exercise their own jurisdiction over. Many States have already set laws which require that higher standards be met before punitive damages can be awarded but no State has limited punitive damages for intentional injury. This bill would require States to do so. H.R. 2366 dictates to the States what recourse their own citizens have in their own State courts when they are injured by manufacturers and retailers. It is curious to note that this bill affects our Nation's State courts but denies our Federal district courts the right to hear cases that would fall under this bill.

I urge my colleagues to vote against this bill and not allow the victims of dangerous products to be robbed of their right to recourse. We need to vote against this bill and help our States decide for themselves how best to protect their own consumers.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to H.R. 2366. This bill would jeopardize the enforcement of the laws which protect our health and our environment, and undermine the responsibility of companies to make product safety a priority.

It is wrong to assume that a company should be less accountable for damage it causes simply because it has fewer employees, or to pretend that a company's smaller size in any way mitigates the extent of the damage it can cause. Think of the far reaching impact of a biotech company that markets a faulty vaccine; a small chemical company that pollutes groundwater; or a small business gun dealer that sold weapons used in a school shooting.

Furthermore, the $250,000 cap on punitive damages is not only an arbitrary slap in the face of the innocent individuals who suffer, it is a dangerous green light for corporate irresponsibility. Placing a quantitative limit on damages turns liability into a cost-benefit business equation where product safety becomes a choice rather than an imperative.

Let me give you a very serious example of how this legislation could interfere with important efforts to deter environmental degradation. In literally thousands of locations throughout California, the fuel additive MTBE is showing up in groundwater.

In my district, for example, the city of Santa Monica has faced the most serious MTBE contamination of any community in the country. Before MTBE contaminated Santa Monica's drinking water, groundwater provided 70 percent of the city's water supply. Now, after the contamination, the city imports more than 80 percent of its drinking water from northern California and the Colorado River. In short, MTBE from leaking underground storage tanks has shut down our drinking water well fields, making the drinking water taste and smell like turpentine.

This is not an isolated problem. It seems each week more MTBE contamination is found in California—as well as in the northeastern States. And in Santa Monica the cleanup could cost as much as $200 million.

Congress should be working to address this serious problem. We should be moving to prevent further contamination and working to aggressively clean up MTBE contamination. However, this legislation takes us in the opposite direction by shielding negligent polluters from punitive damages under State tort claims.

Recently, the TV show "60 minutes" documented a small town in California which has been turned into a ghost town due to MTBE contamination from a single gas station. When the city lost their drinking water, the businesses shut down, the residents lost their livelihoods, and the few residents who remain are drinking contaminated drinking water. It makes no sense for Congress to move to protect this gas station owner from State tort claims, in any way, when their leaking underground storage tanks have decimated a small town.

This bill would create a giant loophole for small companies to subvert Federal and State health and environmental laws, and severely weaken their deterrence against faulty business practices. If you want strong deterrence against MTBE contamination of groundwater, oppose this ill-considered legislation.

I also want the record to be clear that the amendment offered by Representatives ROGAN and HUTCHINSON does not address the critical problems with this legislation.

Even with the adoption of their amendment, punitive damages awarded under State tort claims and citizen suits under environmental laws are severely limited.

The Rogan-Hutchinson amendment would allow the $250,000 cap to be exceeded if the defendant acted with specific intent to cause the type of harm for which the action was brought. In the case of MTBE contamination, no business has acted with the intent to contaminate groundwater. However, some businesses may have acted so irresponsibly that we should send a clear signal that we cannot tolerate this behavior. Especially, when the cost is so great on our communities.

With MTBE contamination showing up all over the country, why should we be establishing a safe harbor for polluters?

I urge all members to oppose this bill, regardless of whether or not this amendment passes.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Liability Reform Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Limitation on punitive damages for small businesses.
Sec. 104. Limitation on joint and several liability for noneconomic loss for small businesses.
Sec. 105. Exceptions to limitations on liability.
Sec. 106. Preemption and election of State nonapplicability.

TITLE II—PRODUCT SELLER FAIR TREATMENT

Sec. 201. Findings; purposes.
Sec. 202. Definitions.
Sec. 203. Applicability; preemption.
Sec. 204. Liability rules applicable to product sellers, renters, and lessors.
Sec. 205. Federal cause of action precluded.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

TITLE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

SEC. 101. FINDINGS.

Congress finds that—

(1) the defects in the United States civil justice system have a direct and undesirable effect on interstate commerce by decreasing the availability of goods and services in commerce;

(2) there is a need to restore rationality, certainty, and fairness to the legal system;

(3) the spiralling costs of litigation and the magnitude and unpredictability of punitive damage awards and noneconomic damage awards have continued unabated for at least the past 30 years;

(4) the Supreme Court of the United States has recognized that a punitive damage award can be unconstitutional if the award is grossly excessive in relation to the legitimate interest of the government in the punishment and deterrence of unlawful conduct;

(5) just as punitive damage awards can be grossly excessive, so can it be grossly excessive in some circumstances for a party to be held responsible under the doctrine of joint and several liability for damages that party did not cause;

(6) as a result of joint and several liability, entities including small businesses are often brought into litigation despite the fact that their conduct may have little or nothing to do with the accident or transaction giving rise to the lawsuit, and may therefore face increased and unjust costs due to the possibility or result of unfair and disproportionate damage awards;

(7) the costs imposed by the civil justice system on small businesses are particularly acute, since small businesses often lack the resources to bear those costs and to challenge unwarranted lawsuits;

(8) due to high liability costs and unwarranted litigation costs, small businesses face higher costs in purchasing insurance through interstate insurance markets to cover their activities;

(9) liability reform for small businesses will promote the free flow of goods and services, lessen burdens on interstate commerce, and decrease litigiousness; and

(10) legislation to address these concerns is an appropriate exercise of the powers of Congress under clauses 3, 9, and 18 of section 8 of article I of the Constitution of the United States, and the 14th amendment to the Constitution of the United States.

SEC. 102. DEFINITIONS.

In this title:

(1) CRIME OF VIOLENCE.—The term "crime of violence" has the same meaning as in section 16 of title 18, United States Code.

(2) DRUG.—The term "drug" means any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) that was not legally prescribed for use by the defendant or that was taken by the defendant other than in accordance with the terms of a lawfully issued prescription.

(3) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(4) HARM.—The term "harm" means any physical injury, illness, disease, or death or damage to property.

(5) HATE CRIME.—The term "hate crime" means a crime described in section 1(b) of the Hate Crime Statistics Act (28 U.S.C. 534 note).

(6) INTERNATIONAL TERRORISM.—The term "international terrorism" has the same meaning as in section 2331 of title 18, United States Code.

(7) NONECONOMIC LOSS.—The term "noneconomic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(8) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(9) SMALL BUSINESS.—

(A) IN GENERAL.—The term "small business" means any unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has fewer than 25 full-time employees as determined on the date the civil action involving the small business is filed.

(B) CALCULATION OF NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the number of employees of a subsidiary of a wholly owned corporation includes the employees of—

(i) a parent corporation; and

(ii) any other subsidiary corporation of that parent corporation.

(10) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, commonwealth, territory, or possession.

SEC. 103. LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, punitive damages may, to the extent permitted by applicable State law, be awarded against the small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant through willful misconduct or with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

(b) LIMITATION ON AMOUNT.—In any civil action against a small business, punitive damages shall not exceed the lesser of—

(1) 3 times the total amount awarded to the claimant for economic and noneconomic losses; or

(2) $250,000.

SEC. 104. LIMITATION ON JOINT AND SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, the liability of each defendant that is a small business, or the agent of a small business, for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—In any civil action described in subsection (a)—

(A) each defendant described in that subsection shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable; and

(B) the court shall render a separate judgment against each defendant described in that subsection in an amount determined under subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the harm to the claimant, regardless of whether or not the person is a party to the action.

SEC. 105. EXCEPTIONS TO LIMITATIONS ON LIABILITY.

The limitations on liability under sections 103 and 104 do not apply—

(1) to any defendant whose misconduct—

(A) constitutes—

(i) a crime of violence;

(ii) an act of international terrorism; or

(iii) a hate crime;

(B) results in liability for damages relating to the injury to, destruction of, loss of, or loss of use of, natural resources described in—

(i) section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(A)); or

(ii) section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C));

(C) involves—

(i) a sexual offense, as defined by applicable State law; or

(ii) a violation of a Federal or State civil rights law;

(D) occurred at the time the defendant was under the influence (as determined under applicable State law) of intoxicating alcohol or a drug, and the fact that the defendant was under the influence was the cause of any harm alleged by the plaintiff in the subject action; or

(2) to any cause of action which is brought under the provisions of title 31, United States Code, relating to false claims (31 U.S.C. 3729–3733) or to any other cause of action brought by the United States relating to fraud or false statements.

SEC. 106. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—Subject to subsection (b), this title preempts the laws of any State to the extent that State laws are inconsistent with this title.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title does not apply to any action in a State court against a small business in which all parties are citizens of the State, if the State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title does not apply as of a date certain to such actions in the State; and

(3) containihg no other provision.

TITLE II—PRODUCT SELLER FAIR TREATMENT

SEC. 201. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) although damage awards in product liability actions may encourage the production of safer products, they may also have a direct effect on interstate commerce and consumers of the United States by increasing the cost of, and decreasing the availability of, products;

(2) some of the rules of law governing product liability actions are inconsistent within and among the States, resulting in differences in State laws that may be inequitable with respect to plaintiffs and defendants and may impose burdens on interstate commerce;

(3) product liability awards may jeopardize the financial well-being of individuals and industries, particularly the small businesses of the United States;

(4) because the product liability laws of a State may have adverse effects on consumers and businesses in many other States, it is appropriate for the Federal Government to enact national, uniform product liability laws that preempt State laws; and

(5) under clause 3 of section 8 of article I of the United States Constitution, it is the constitutional role of the Federal Government to remove barriers to interstate commerce.

(b) PURPOSES.—The purposes of this title, based on the powers of the United States under clause 3 of section 8 of article I of the United States Constitution, are to promote the free flow of goods and services and lessen the burdens on interstate commerce, by—

(1) establishing certain uniform legal principles of product liability that provide a fair balance among the interests of all parties in the chain of production, distribution, and use of products; and

(2) reducing the unacceptable costs and delays in product liability actions caused by excessive litigation that harms both plaintiffs and defendants.

SEC. 202. DEFINITIONS.

In this title:

(1) ALCOHOL PRODUCT.—The term "alcohol product" includes any product that contains not less than ½ of 1 percent of alcohol by volume and is intended for human consumption.

(2) CLAIMANT.—The term "claimant" means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) COMMERCIAL LOSS.—The term "commercial loss" means—

(A) any loss or damage solely to a product itself;

(B) loss relating to a dispute over the value of a product; or

(C) consequential economic loss, the recovery of which is governed by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(4) COMPENSATORY DAMAGES.—The term "compensatory damages" means damages awarded for economic and noneconomic losses.

(5) DRAM-SHOP.—The term "dram-shop" means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(6) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for that loss is allowed under applicable State law.

(7) HARM.—The term "harm" means any physical injury, illness, disease, or death or damage to property caused by a product. The term does not include commercial loss.

(8) MANUFACTURER.—The term "manufacturer" means—

(A) any person who—

(i) is engaged in a business to produce, create, make, or construct any product (or component part of a product); and

(ii)(I) designs or formulates the product (or component part of the product); or

(II) has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) that are created or affected when, before placing the product in the stream of commerce, the product seller—

(i) produces, creates, makes, constructs and designs, or formulates an aspect of the product (or component part of the product) made by another person; or

(ii) has engaged another person to design or formulate an aspect of the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(9) NONECONOMIC LOSS.—The term "noneconomic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(10) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(11) PRODUCT.—

(A) IN GENERAL.—The term "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term "product" does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(12) PRODUCT LIABILITY ACTION.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), the term "product liability action" means a civil action brought on any theory for a claim for any physical injury, illness, disease, death, or damage to property that is caused by a product.

(B) The following claims are not included in the term "product liability action":

(i) NEGLIGENT ENTRUSTMENT.—A claim for negligent entrustment.

(ii) NEGLIGENCE PER SE.—A claim brought under a theory of negligence per se.

(iii) DRAM-SHOP.—A claim brought under a theory of dram-shop or third-party liability arising out of the sale or providing of an alcoholic product to an intoxicated person or minor.

(13) PRODUCT SELLER.—

(A) IN GENERAL.—The term "product seller" means a person who in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term "product seller" does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(14) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, commonwealth, territory, or possession.

SEC. 203. APPLICABILITY; PREEMPTION.

(a) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), this title governs any product liability action brought in any Federal or State court.

(2) ACTIONS FOR COMMERCIAL LOSS.—A civil action brought for commercial loss shall be governed only by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(b) RELATIONSHIP TO STATE LAW.—This title supersedes a State law only to the extent that the State law applies to an issue covered by this title. Any issue that is not governed by this title, including any standard of liability applicable to a manufacturer, shall be governed by any applicable Federal or State law.

(c) EFFECT ON OTHER LAW.—Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any State law;

(2) supersede or alter any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief, for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8))).

SEC. 204. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action covered under this title, a product seller other than a manufacturer shall be liable to a claimant only if the claimant establishes that—

(A)(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of the harm to the claimant;

(B)(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused the harm to the claimant; or

(C)(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) the intentional wrongdoing caused the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect the product, if—

(A) the failure occurred because there was no reasonable opportunity to inspect the product; or

(B) the inspection, in the exercise of reasonable care, would not have revealed the aspect of the product that allegedly caused the claimant's harm.

(b) SPECIAL RULE.—

(1) IN GENERAL.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product, if—

(A) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(B) the court determines that the claimant is or would be unable to enforce a judgment against the manufacturer.

(2) STATUTE OF LIMITATIONS.—For purposes of this subsection only, the statute of limitations applicable to claims asserting liability of a product seller as a manufacturer shall be tolled from the date of the filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.

(c) RENTED OR LEASED PRODUCTS.—

(1) DEFINITION.—For purposes of paragraph (2), and for determining the applicability of this title to any person subject to that paragraph, the term "product liability action" means a civil action brought on any theory for harm caused by a product or product use.

(2) LIABILITY.—Notwithstanding any other provision of law, any person engaged in the business of renting or leasing a product (other than a person excluded from the definition of product seller under section 202(13)(B)) shall be subject to liability in a product liability action under subsection (a), but any person engaged in the business of renting or leasing a product shall not be liable to a claimant for the tortious act of another solely by reason of ownership of that product.

SEC. 205. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction under this title based on section 1331 or 1337 of title 28, United States Code.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act shall take effect with respect to any civil action commenced after the date of enactment of this Act without regard to whether the harm that is the subject of the action occurred before such date.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order, except those printed in House Report 106-498. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is in order to consider Amendment No. 1 printed in House Report 106-498.

AMENDMENT NO. 1 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HUTCHINSON:

Page 7, strike line 13 through line 6 on page 8 and insert the following:

SEC. 103. LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, punitive damages may, to the extent permitted by applicable Federal or State law, be awarded against the small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

(b) LIMITATION ON AMOUNT.—In any civil action against a small business, punitive damages awarded against a small business shall not exceed the lesser of—

(1) 3 times the total amount awarded to the claimant for economic and noneconomic losses, or

(2) $250,000,

except that the court may make this subsection inapplicable if the court finds that the plaintiff established by clear and convincing evidence that the defendant acted with specific intent to cause the type of harm for which the action was brought.

(c) APPLICATION BY THE COURT.—The limitation prescribed by this section shall be applied by the court and shall not be disclosed to the jury.

The CHAIRMAN. Pursuant to House Resolution 423, the gentleman from Arkansas (Mr. HUTCHINSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise in support of this carefully drafted and well-balanced legislation. I do believe that balanced tort reform can be achieved, and this bill takes us in the right direction to do that. I want to thank the gentleman from California (Mr. ROGAN) again for his work and leadership on this.

With the language that we have developed in this amendment, I am now able to lend my enthusiastic support to the legislation.

Small businesses across the country operate in fear of being named as a defendant in a liability case. Though they may be found minimally responsible in the case, the weight of the legal expenses can crush a small enterprise. According to a Gallup survey, one out of every five small businesses do not hire more employees, expand their business, improve their existing products, or introduce new products out of fear of litigation. This legislation addresses the situation by reforming joint and several liability, which ensures that defendants are held liable only for the portion of the harm that they cause. It limits punitive damages in routine cases and establishes uniform liability standards.

Over the last several weeks, after the Committee on the Judiciary passed this bill out, the gentleman from California and I have worked on language that I was very concerned about which would provide an override for the cap on punitive damages. As originally drafted, the bill capped punitive damages awards at $250,000, or three times the total compensatory award, whichever is less, with no provision for departure in cases of extreme misconduct. I was specifically concerned that the bill did not include a judicial override provision allowing judges to respond to the most egregious cases, and some of the Members have raised this issue even in the debate today.

The amendment that I offer today provides an opportunity for judges to exceed the punitive damages cap if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to cause the type of harm for which the action was brought. I think we can all agree that intentional behavior demonstrates such a callousness on the part of a defendant that merits application of the full punitive damage award as approved by the jury. This concept of a judicial override has manifested itself previously, but I believe that this language is even better than what has been offered before. The provision is carefully crafted to achieve a balance that provides full punitives in the most egregious cases, while not creating a loophole that undermines the concept of a cap.

There have been a number of discussions as to exactly what a plaintiff has to prove under this language. Let me first say what the plaintiff does not have to prove. The plaintiff will not have to prove that the defendant intended to harm that particular plaintiff or that the defendant intended to cause the harm that occurred. In other words, the plaintiff can prove by clear and convincing evidence that the defendant intended to cause harm to people. He or she does not have to prove that the defendant set out to harm the person specifically.

In addition, if a plaintiff can prove that the defendant intended to cause physical injury, illness, disease, death or property damage, he or she does not have to prove that the defendant meant to cause a specific injury such as a broken leg, dislocated back, or a particular strain of disease. Proving that a defendant intentionally set out to harm others, regardless of who was ultimately hurt or what particular harm resulted, is sufficient to activate this judicial override provision.

So I would like to note for my colleagues that in the 104th Congress, the President vetoed comprehensive tort reform legislation because he was concerned that there was not an adequate judicial override. This addresses his concern. I believe it will lead to the President's signature hopefully on this bill.

There were a number of other technical corrections that were made, including clarifying that the limitation on punitive damages applies only to punitive damages against small businesses. This is very important. The original bill was not clear as to how multidefendant cases where some defendants who did not qualify as a small business would be treated under the bill. This change makes it clear that only small business defendants will enjoy the provisions of this legislation.

So I believe it is a good amendment; it improves the bill. I appreciate my friend and colleague working with me to come up with this language, and I would ask my colleagues to support it.

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Mr. ROGAN. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I am happy to yield to the gentleman from California.

Mr. ROGAN. Mr. Chairman, first I want to congratulate and commend my colleague, the gentleman from Arkansas, for his exceptional work on this. We spent many long and arduous hours during the committee, both in committee and after hours, trying to perfect this amendment.

I believe that through this amendment we are increasing the scope of fairness to a fundamentally important area. Once again, I want to thank my colleague for his sensitivity, his hard work and his commitment. I enthusiastically support this amendment.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek to control the time in opposition?

Mr. CONYERS. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend our distinguished colleague, the gentleman from Arkansas (Mr. HUTCHINSON), for his effort. If he thinks that the president is not going to continue his veto over this legislation because of this amendment, then I am afraid he has another thought coming, because this is too little and too late. This amendment falls well short and offers far too much protection for drug dealers, polluters, copyright infringers, and other types of misconduct.

I am going to explain how and why that is. First of all, the carve-out is purely discretionary with the court. The court does not have to do this, I say to the gentleman from California (Mr. ROGAN), it is up to them, so the damage cap may apply or the damage cap may not apply. A judge that may be considered pro-defendant in legal circles would have total discretion to render the Rogan-Hutchinson amendment to be a nullity.

Second, the amendment fails to safeguard the wide variety of civil statutes on the books which authorize punitive damages and which are based on far less stringent evidentiary requirements than set forth in the amendment. State laws frequently permit award of punitive damages against businesses based on more lenient evidence standards.

So in some areas we may be of marginal help, but in other areas we are not helping at all. For example, in Illinois, the Drug Dealer Liability Act authorizes punitive damages against corporations participating in illegal drug markets, which would be overturned by the legislation. Florida has an environmental liability law which provides for treble damages in private actions against unlawful pollution or discharge, which would also be overturned by this bill.

The last thing we would want to be doing is creating further legal obstruction to bring drug dealers and corporate polluters to justice. I do not think that this is intentionally set about as an objective, but still, this is the result. It is another example of intent to do well versus the results of what happens when this measure is put into practice.

The copyright law, let us look at this. Plaintiffs are entitled to receive up to $150,000 in penalties where the defendant acted willfully, which is a much lower standard than is put forth in the Hutchinson amendment. The standard for Hutchinson is "specific intent," so the gentleman is making it harder to get those people that may be acting in violation of copyright law.

This is a current major issue in litigation over the I Crave TV web site, a foreign firm which is accused of stealing copyrighted television signals and airing them on the Internet. Unfortunately, the legislation continues to severely minimize liability for copyright theft and harm of all our Nation's intellectual property owners.

Finally, even in the ordinary tort context there are numerous examples of misconduct which should be subject to punitive damages, but which will never meet the "specific intent" standard set forth in the amendment. Example: What about the trucking companies? Three hundred thousand trucking companies, most of which have less than 25 employees, would be shielded for punitive damages for flagrant highway accidents, even if they violate State regulations and injure or kill drivers or passengers. This is of particular concern to all of us who are concerned about highway safety.

So I sympathize, I say to the gentleman from Arkansas, with what the gentleman is trying to do with the amendment, but it falls short. It does not go far enough. It will not protect us from a presidential veto, which has happened before in this kind of case, and it is not the kind of thing that we would want to have happen in terms of giving protection to drug dealers, polluters, copyright infringers, and other types of misconduct.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 106–498.

AMENDMENT NO. 2 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MORAN of Virginia:

Page 6, insert after line 15 the following:

(9) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded against any person or entity to punish or deter such person, entity, or others from engaging in similar behavior in the future. Such term does not include any civil penalties, fines, or treble damages that are assessed or enforced by an agency of State or Federal government pursuant to a State or Federal statute.

The CHAIRMAN. Pursuant to House Resolution 423, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2366 in my mind is a focused, tightly-crafted bill that will reduce unnecessary litigation and legal costs. It is careful not to overreach, and as such, gives us the opportunity to respond on a bipartisan basis to the concerns we have been hearing year after year from smaller employers about our civil justice system.

For the smallest of the Nation's businesses, those with less than 25 employees, Title I will abolish joint liability for noneconomic damages and to limit punitive damages. States may elect to opt out and instead apply their own joint liability and punitive damages rules in cases brought in State court when the parties are all citizens of the same State.

Further, these provisions do not apply to civil cases that may arise from certain violations of criminal law or egregious misconduct.

Today our smallest enterprises operate in fear that they will be named as a defendant in a lawsuit, be found minimally responsible for the claimant's harm, but be maximally crushed under the weight of all the damages as a result of the application of joint or deep pockets liability. Most States have recognized the inequity of the unfettered application of joint liability and have acted to abolish or restrain it in some way.

The Small Business Liability Reform Act adopts a fair, balanced approach by limiting the noneconomic damages exposure of a small business defendant to its own proportionate share. Similarly, the owners and employees of a very small commercial enterprise know their business could be destroyed by the legal costs associated with simply defending against a civil action in a jurisdiction where punitive damages are unrestrained.

Rather than face that prospect, small business defendants are coerced into inflated settlements of marginal, sometimes even meritless, lawsuits.

Title II holds non-manufacturer product sellers, lessors, and renters liable for their own negligence and intentional wrongdoing, but it only holds them responsible for the supplier manufacturer's liability when that manufacturer is judgment-proof.

This policy has been a noncontroversial part of Federal product liability legislation since the Carter administration published the model Uniform Product Liability Act 21 years ago.

Most recently, the product seller liability standard in title II was included in the 1998 product liability compromise that President Clinton had agreed to sign. This provision will reduce the exposure of retailers and distributors to meritless product liability claims and unnecessary costs, while meticulously preserving the ability of injured persons to recover their full damages.

Mr. Chairman, this modest but meaningful legislation will improve the administration of civil justice in the United States, and I urge my colleagues to support it.

The amendment that I am offering today addresses the legitimate concerns raised by the White House in their statement of administration policy. The administration is concerned that without a specific definition of punitive damages, provisions of the bill may be read to cap the government's ability to impose civil penalties, civil fines, or treble damages, all of which are punitive in purpose.

This amendment would define "punitive damages" in the bill as damages awarded against any person or entity to punish or deter such person, entity, or others from engaging in similar behavior in the future. That is the purpose of punitive damages.

The amendment also makes clear that punitive damages, as defined in the bill, will not include any civil penalties, fines, or treble damages that are assessed or enforced by an agency of State or Federal Government pursuant to a State or Federal statute.

I can tell the Members, as an original cosponsor of the underlying legislation, none of the sponsors of this legislation intended for the bill to include such actions. I do applaud the administration for suggesting the clarifying language in this amendment.

Mr. ROGAN. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from California.

Mr. ROGAN. Mr. Chairman, I thank the gentleman for yielding to me. I simply want to commend the gentleman, both for his amendment, which I think makes a good bill much better, and secondly, from the bottom of my heart I thank the gentleman for not just his leadership on this bill, but for the pleasure of working with him on it. I am proud to have had him as an original cosponsor.

Once again, I thank the gentleman for the impending success of a good piece of legislation.

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman very much for his remarks, and I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek to control time in opposition?

Mr. CONYERS. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I want to start off, Mr. Chairman, by letting everyone know how much I think of the gentleman from Virginia (Mr. MORAN). He is a good friend of mine.

I suppose, in the final analysis, he has added a marginal benefit to the bill. What he has done is say that the government, that is, the Federal system and the States, should not be caught by the strictures of this bill, and we should allow them to move forward and be able to bring lawsuits in some range not encumbered by the limitations that we are placing on everybody else.

In other words, a citizen or private environmental groups are not affected by the Moran Amendment. The governments are going to be given an exclusion, Federal and State, but not individual citizens and environmental suits.

That is what we are trying to do in the environmental sector of improving our society. We are trying to encourage citizens and environmental organizations which are not within the purview of this bill.

For example, the bill would continue to wipe out incentives for private citizens to enforce environmental laws by bringing private and whistleblower acts under the Clean Water Act. They would be caught by this bill, even with the Moran Amendment. That is why my praise for the gentleman from Virginia is so limited this afternoon. I really hate to go through this long list of things that are not accomplished by the Moran Amendment.

Yet, it is a modest improvement, but it does not help anybody bringing a whistleblower action. It will not help any citizen suing under the Clean Water Act, the Solid Waste Disposal Act, the Clean Air Act, the Superfund, the Safe Drinking Water Act, the Toxic Substance Control Act, the Lead-Based Paint Hazard Reduction Act. Those and other cases brought by citizens or environmental organizations, these people will wave the Moran Amendment to their dismay when they find out that it only applies to State and local governments.

Another problem with the amendment is that it fails to deal with the problems of the bill's overturning a wide variety of joint and several liability standards designed to deter misconduct. Now, in this area, the bill does not do anything for anybody. At least the gentleman is treating the citizens and the government fairly.

This is a particular problem in the context, again, of environmental claims, which are frequently brought by State and Federal governments, as well as private individuals. There are numerous Federal environmental statutes which provide for joint and several liability for noneconomic damages by perpetrators, and are not carved out from the bill's protection.

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These include the Clean Water Act, the National Marine Sanctuaries Act, the Park System Resource Protection Act, and other measures that would be overturned by this legislation with the Moran amendment.

I cannot vote for an amendment that continues to protect corporations from oil spills which destroy natural sanctuaries and which damage our natural parks.

So what can I say? The only way to truly fix this problem is to limit the bill's provisions to product liability cases as an amendment offered by myself and another gentleman from Virginia (Mr. SCOTT), which our amendment would do.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I would say to the distinguished gentleman from Michigan (Mr. CONYERS), an ardent leader of the full committee, that the purpose of the amendment was to address what was in the statement of administration policy, and I think the amendment does that.

In terms of private rights of action, I suspect that may be addressed in conference and in the Senate as well, but I can understand the gentleman's concerns. I just do not necessarily share them as strongly as the gentleman does.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 106-498.

AMENDMENT NO. 3 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WATT of North Carolina:

Page 24, line 11, strike "or 1337".

The CHAIRMAN. Pursuant to House Resolution 423, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment deals solely with title II, the products liability part of the bill, a part of the bill which I would point out to my colleagues has no limitation to small businesses and is a complete usurpation of State law on products liability. It preempts all State law in this area to the extent that State laws are inconsistent with title II.

I would point out to my colleagues that this is absolutely contrary to everything that my Republican colleagues say that they stand for. They tell us day after day after day that they believe in States' rights; they believe in moving government closer to the people, sending it back to the local level. This runs absolutely counter to that stated proposition. They have had to go out of their way to justify doing it, and I want to read specifically how they have done it.

They have said products liability cases fall under the commerce clause of the United States. This is what they say in the findings leading into title II. "Although damage awards in product liability actions may encourage the production of safer products, they may also have a direct effect on interstate commerce."

They go on to say, "Some of the rules of law governing product liability actions are inconsistent within and among the States, resulting in differences in State laws that may be inequitable with respect to plaintiffs and defendants and may impose burdens on interstate commerce."

They go on to say, "Under clause 3 of Section 8 of article I of the United States Constitution, it is the constitutional role of the Federal Government to remove barriers to interstate commerce."

These are their findings, and in the purpose of this section, this is what they say and I am quoting, "The purposes of this title, based on the powers of the United States under clause 3 of Section 8 of article I of the United States Constitution, are to promote the free flow of goods and services and lessen the burdens on interstate commerce."

They have tried to take over this area of the law because they say there is a compelling Federal Government interest under the interstate commerce clause, but, Mr. Chairman, beware because then we get to the end of the bill. What do they say at the end of the bill? Despite this compelling Federal interest, they then say, "The district courts of the United States," the Federal courts, "shall not," shall not, shall not, Mr. Chairman, "have jurisdiction under" the commerce clause of the Constitution.

So Big Brother is saying to the States, we know how to say what the law ought to be in this area, but Big Brother is also saying to the States and to the individual people, despite the compelling Federal interest that we have at the Federal level, we are not going to give access to the Federal courts to litigate these cases.

Is there not something sinister and outrageous and unfair about that?

All my amendment would do is say to them, if there is a compelling Federal reason for doing this, and I do not believe there is, but if there is, as they say there is, at least we ought to allow the citizens of our country to come to the Federal court to talk about and litigate about this supposed Federal remedy that we are giving to them under the statute.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGAN. Mr. Chairman, would the gentleman yield for 15 seconds?

The CHAIRMAN. The gentleman from North Carolina reserves the balance of his time.

Does the gentleman from California seek to control the time in opposition?

Mr. ROGAN. No, Mr. Chairman. I am in support of the amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am delighted and I want to express my absolute delight that despite the fact that they have fought this amendment all the way through the committee process, they have finally come to the light that if there is a Federal right here involved, there ought to at least be access to the Federal courts and I express my appreciation to the gentleman from California (Mr. ROGAN).

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 106–498.

AMENDMENT NO. 4 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offered amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CONYERS:

Page 6, line 23, insert before the period the following: "and had revenues in each of the last 2 years of $5,000,000 or less".

Page 19, line 10, strike "(14)" and insert "(15)" and after line 9 insert the following:

(14) SMALL BUSINESS.—

(A) IN GENERAL.—The term "small business" means any unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has fewer than 25 full-time employees as determined on the date the civil action involving the small business is filed and had revenues in each of the last 2 years of $5,000,000 or less.

(B) CALCULATION OF NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the number of employees of a subsidiary of a wholly owned corporation includes the employees of—

(i) a parent corporation; and

(ii) any other subsidiary corporation of that parent corporation.

(Title II Applicable to Small Business)

Page 21, line 12, insert after "title" the following: "brought against a small business".

(Definition of Product and Product Liability Action)

Page 6, beginning in line 16 redesignate paragraphs (9) and (10) as paragraphs (11) and (12), respectively, and add after line 15 the following:

(9) PRODUCT.—

(A) IN GENERAL.—The term "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term "product" does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(10) PRODUCT LIABILITY ACTION.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), the term "product liability action" means a civil action brought on any theory for a claim for any physical injury, illness, disease, death, or damage to property that is caused by a product.

(B) The following claims are not included in the term "product liability action":

(i) NEGLIGENT ENTRUSTMENT.—A claim for negligent entrustment.

(ii) NEGLIGENCE PER SE.—A claim brought under a theory of negligence per se.

(iii) DRAM-SHOP.—A claim brought under a theory of dram-shop or third-party liability arising out of the sale or providing of an alcoholic product to an intoxicated person or minor.

(Making Title I Applicable to only Product Liability Actions)

Page 6, line 22 and page 8, lines 1, 11, and 16, strike "civil action" and insert "product liability action".

(Definition of Hate Crime)

Page 5, strike lines 23 through 25 and insert the following:

(5) HATE CRIME.—The term "hate crime" means a crime in which the defendant intentionally selects a victim, or in the case of property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of the victim or owner of the property.

(Making Section 103 Applicable to Punitive Damages Irrespective of State Law)

Page 7, beginning in line 17, strike ", to the extent permitted by applicable State law,".

(Allowing State to Elect Nonapplicability by Enacting a Referendum or Initiative)

Page 11, line 9, after "a statute" insert ", an initiative, or referendum", add "and" at the end of line 10, in line 13, strike "; and" and insert a period, and strike line 14

Page 21, insert after line 7 the following:

(d) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title does not apply to any action in a State court against a small business in which all parties are citizens of the State, if the State enacts a statute, an initiative, or referendum—

(1) citing the authority of this subsection; and

(2) declaring the election of such State that this title does not apply as of a date certain to such actions in the State.

The CHAIRMAN. Pursuant to House Resolution 423, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), my cosponsor.

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Mr. Chairman, I rise to speak in support of the Conyers-Scott amendment which will simply conform the bill to its title and provide some truth in advertising and legislation. Despite its name, the truth about the Small Business Liability Reform Act is that it will reward all businesses, big and small, with broad and sweeping legal protections when they cause personal or financial harm, even intentionally due to defective products.

For those parts of the bill which actually pertain to small businesses, the definition of small business in this bill contains no qualifiers pertaining to annual revenues, so even a billion dollar corporation, with relatively few employees, can still qualify for special protection as a small business.

Furthermore, while this bill purports to constitute liability reform, the language is overbroad and covers contract law and other areas of the law not properly considered by the committee. So this amendment will first define a small business as one with fewer than 25 employees, as it has in the bill, but also one with under $5 million in annual revenues.

Without this amendment, a company with less than 25 employees with revenues in the billions, an Internet corporation, for example, or a brokerage firm, could still be designated as a small business; and they could rip off millions of people for billions of dollars and still get protection under this bill.

Second, this amendment would truly limit the bill to suits against small businesses. As it presently exists, the second part of the bill is a general products liability bill which notwithstanding the title of the bill applies to all businesses, large and small.

Third, this bill would limit the scope of part one of the bill to product liability rather than civil action as the bill does. So the bill protects wrongdoers involving contract law, antitrust law, trademark protection and everything else. The scope of this title is unreasonably broad and expansive and should be narrowed to conform to the title Small Business Liability Reform Act.

Fourth, this amendment would create consistency and uniformity in that all States would be required to provide for punitive damages under limited conditions set forth in the bill. As presently written, the bill unfairly disadvantages consumers, as it preempts any State law more favorable to consumers while leaving intact State laws more favorable to businesses in the area of punitive damages.

Fifth, the bill allows an opt-out by States by statute. This amendment would allow the State to opt out by initiative and referendum for those States which also allow initiative and referendum in enacting laws.

Sixth, this amendment expands the hate crime exclusion to include victims of gender discrimination. A hate crime based on gender discrimination is just as despicable as one based on race, religion, or national origin; and it should, therefore, be included in a definition of a hate crime and not protected by this bill.

In closing, this bill sets some dangerous precedents as also it is dangerous to public health and safety. I strongly urge my colleagues to vote yes on this amendment which seeks to both conform the bill to its title, as well as provide a remedy for some of the most egregious aspects of the legislation.

Mr. ROGAN. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this amendment would use the word "revenue" to define a small business rather than the current definition of 24 or fewer employees. Under the gentleman's suggested change, a small business would have to have revenues in each of the prior 2 years of $5 million or less.

First, we know, Mr. Chairman, from what has been presented here today, that the bulk of small businesses do not make $5 million. The amendment is not sufficiently defined. For instance, is it proposing to use gross revenues or net?

The simple statement that revenues should be used is not sufficient. Net revenue is more difficult to determine than the number of full-time employees. Full-time employees is a more constant measure of a small business. Revenue is more volatile year to year, whereas the number of full-time employees can easily be determined by looking at a company's W-2 form.

Using gross revenues instead of the number of employees offers a very narrow view of small business. A small business' gross revenue can change dramatically over a period of time.

I remind my colleagues that the Y2K Act approved by Congress and signed into law last year by the President capped punitive damages and defined a small business as fewer than 50 full-time employees, with no revenue limits.

The standard in the underlying bill before this Chamber today, that is under 25 employees, ensures that only the smallest of America's small businesses will be covered.

Further, litigation could end up focusing upon the sole issue of the period of gross revenue in question.

Finally, defining a small business by any revenue sends a disturbing policy message that discourages owners and employees from achieving greater revenues.

□ 1315

Next, the amendment would substantially abbreviate the effect of Title I by limiting the applicability of its provisions to non-manufacturing product sellers that are also small businesses as defined by Title I.

This amendment would further complicate product liability law. Because product liability affects interstate commerce, the rules of the road governing the liability of product sellers for compensatory damages to claimants due to harms caused by defective products should be a uniform Federal standard applicable to all product sellers.

Defeating this amendment and enacting Title II as presented in the underlying bill will reduce unnecessary lawsuits against blameless product sellers and reduce the wasteful legal and litigation-related costs that go hand in hand with them. Neither the content nor the effect of Title II is business-size sensitive.

Because the practical effect of Title I will be to focus litigation on the parties alleged to have been truly responsible for causing the claimant's harm rather than to change outcomes, neither claimant nor consumers have anything whatsoever to gain by limiting the scope of Title II to product sellers which are small businesses.

Next, the gentleman seeks to apply limitations on punitive damages to only product liability actions and not civil actions against a small business.

The fear of having to settle a frivolous lawsuit is not just limited to product liability cases but to all civil actions. Many business owners are forced to settle out of court for significant awards due to the fear of unlimited punitive damages and civil actions even if the claim is unwarranted.

Testimony submitted by Mr. David Harker before the House Committee on the Judiciary last year confirmed his frivolous suit was not over a product but over damages incurred to property. There are legions of other examples of such frivolous suits in the record of the committee.

H.R. 2366 does not cap compensatory damages, that is economic and noneconomic damages, for civil actions. Although compensatory damages in civil actions may be covered by liability insurance, punitive damages frequently are not covered and defendants must cover those out of pocket.

Next, this amendment would create punitive damage awards in those States that do not recognize punitive damages. Under the current bill, punitive damages are only available if the State already has them. The intent of the legislation is to reduce frivolous litigation and legal costs. This amendment would significantly expand the number of States in which punitive damages are available and the potential for more widespread abuse.

The punitive damage cap in the underlying bill is consistent with the Y2K act that was, again, signed into law by the President last year.

Another section of this amendment would undermine the intent of Title II to create a uniform standard of liability for all non-manufacturing product sellers in product liability cases.

Section 204, subsections (a) and (b), establish a uniform standard of liability for all non-manufacturing product sellers in product liability cases. A seller would be liable to the claimant for harm caused by a defective product when the harm is caused by the seller's own negligence, breach of an express warranty, or a seller's intentional wrongdoing.

Under Title II, product sellers who injure consumers due to their failure to exercise reasonable care are liable. The failure to recognize reasonable care is neither driven nor affected in any way by the size of a business.

Under Title II, if a claimant's injury was caused by a breach of the product seller's own express warranty, the seller is liable. Breaches of express warranties are neither caused nor in any way affected by the mere size of a business.

Under Title II, product sellers are liable and will pay if the manufacturer is not subject to service of legal process or if the court determines that the claimant would not be able to enforce the judgment against a liable manufacturer. The relevant status of a culpable manufacturer is not in any way dependent upon the size of the product seller.

The standard of product seller liability has nothing whatsoever to do with business size, and the two should not be linked to this bill.

It is for those reasons, Mr. Chairman, that I urge a no vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out a couple of items here made in the statement of the author of this bill against the amendment that I think we might want to review more carefully.

First, the most commonsense response to whether this is a small business bill or not would be to put some limit on the revenues in each of the last 2 years of less than $5 million each year. That would solve all of the discussion about whether or not this is a bill in which a lot of large businesses in terms of their annual revenue are crowding under the umbrella of mom-and-pop stores.

Here is an example of a wonderful intent demonstrated by the gentleman from California (Mr. ROGAN) with no conception of the effect of what he is doing here. This would allow businesses with hundreds of millions of dollars of annual revenue to come under the umbrella.

We do not want that, I say to the gentleman from California (Mr. ROGAN), let me help. Let me help by amending his definition of "small business" not just to 25 employers or less. He knows that the high-tech industries have people working in lofts in their own homes with only a few other people that are commanding much more than millions of dollars' worth of revenue every year.

Why does my colleague not accept the limitation of small business, if that is what he is really concerned about, to those businesses that have revenues of less than $5 million a year?

Most mom-and-pops do not come anywhere near $5 million a year. Most mom-and-pops are happy to get $100,000 or $200,000 or $300,000 worth of business a year. The gentleman told me himself, and I know it already. But why not a $5 million, $4 million, $6 million limitation? Those cannot be called mom-and-pop businesses.

I think it is because the gentleman knows the effect of that unusual distorted definition that he is going to let in trucking companies, big businesses, people who certainly do not fit into the mom-and-pop category.

Now, the gentleman says that this bill of his tracks the Y2K bill in terms of limiting punitive damages. Sorry. The Y2K bill limits punitive damages to the greater of three times compensatory damages. His bill limits the damages to the lesser of three times the compensatory damages, or $250,000, whichever is less.

I know the gentleman from California (Mr. ROGAN) just inadvertently thought that he was moving along the lines that the other bill supported by the administration was doing.

So the argument that I present here in terms of the amendment that I and the gentleman from Virginia (Mr. SCOTT) offer is about truth in labeling. We are not limited to small businesses. There is no reason this Congress should shield from liability large businesses, and our amendment fixes it by a $5 million revenue limitation, rather high.

In addition, Title II of the bill limits the liability of product sellers and contains no size limitation at all, whether based on employees or revenues. This means that Wal-Mart, Hertz Rent-A-Car, and other huge corporations could achieve multi-million-dollar windfalls, not to mention all the reckless gun sellers that have been referenced earlier whose carelessness and extended negligence lead to thousands of deaths or injury.

Now, I am afraid that that, I say to the author of the bill, cannot be considered a harmless error or a mistake. I think that that is what he meant it to do. That is what the effect is, and that is the result that will occur if this measure is passed in the form, even with all the amendments that have been added to it so far today.

Now, there is a misperception about the measure that this is somehow limited to product liability. It is not. Title 1 is truly breathtaking in its scope to any civil action, to any civil action, whether it relates to a contract claim, a copyright claim, environmental claim, a securities claim, civil RICO, a bankruptcy action, even a reckless driving claim or a malpractice claim.

Now, I think this is changing the direction that we are going in in this legislation when we incorporate something of this magnitude in this bill. Why do we not limit it to product liability, as the discussion began, rather than protecting businesses against frivolous product liability suits. They have now taken the huge step forward to say that they would serve to protect businesses involved in criminal misconduct, foreign companies stealing U.S. copyrights, as well as careless corporate polluters.

I do not buy that wide provision of insulating liability under the rubric of protecting small businesses in product liabilities cases. They have gone a bit too far this time. They have gone too far.

And so, I am well aware that the body has tried to deal with the Rogan and Moran amendments to improve the situation, but the problems still remain. We are still protecting gun manufacturers, drug dealers, and polluters.

Our amendment responds to this. This is the most important amendment that my colleagues may ever see on this bill. And I am stunned that, in their generous conduct on the floor today, they have accepted or supported every amendment but this one, the one that might take care of the problems and make it reasonable in the eyes of many people and organizations and the administration, as well.

We are trying only to clarify the misleading provisions of the bill. My colleagues purport to have a hate crimes carve-out. But did they accidentally leave out gender-based hate crimes or did they deliberately leave out gender-based hate crimes? Nobody knows. But let us put it in. They are not, apparently, willing to do that.

They want to claim that they are two-way preemptive, but they only preempt State laws in which punitive damages are more favorable to the victims. The bill appears to allow State opt-outs but limits it to legislative statutes.

Might I ask why a referendum might not be acceptable and that they require just to pass through the House, as well? There are other ways for citizens to indicate their support. What about a referendum?

Our amendment fixes these problems, providing for a real hate crimes carve-out, providing for a real two-way preemption, providing for a hate crimes provision that includes gender.

And so, if we are going to vote on a bill to protect small businesses, we ought to be clear and honest enough to limit the bill to actual small businesses. And so, for that reason, I hope this bill may be made viable and whole by supporting our amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGAN. Mr. Chairman, may I inquire how much time remains on both sides?

The CHAIRMAN. The gentleman from California (Mr. ROGAN) has 13½ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I say to my dear friend, my senior colleague, the gentleman from Michigan (Mr. CONYERS), may I say that, although we differ philosophically on the concept of lawsuit abuse reform, I have a great deal of respect both for his talents and his seniority, as well as his acts.

□ 1330

I am sorry that I cannot accept his amendment because his amendment would undermine and gut the entire purpose of the underlying bill. I just want to take a moment if I may to correct the record and I think the gentleman may have misspoken. In my remarks, I talked about the liability aspects of the Y2K bill which currently now are law and how we attempted to track that in our bill. I believe the gentleman said that it did not track it. I invite the gentleman's attention to section 5, subsection B, subsection 1, captioned Punitive Damages Limitation from the Y2K bill. It says that a Y2K action may not exceed the lesser of three times the amount awarded for compensatory damages or $250,000.

Mr. Chairman, that is the standard that is now a part of the underlying bill, and so it does track the Y2K litigation reform that has passed both houses of Congress and the President signed last year. There is a fundamental difference between the Y2K standard and the standard of the underlying bill. In the Y2K standard that currently is law, small business is defined as 50 employees or less. In the underlying bill before us today, that standard has been cut in half, more than half, to 24 employees or less. The purpose of doing that was to ensure as faithfully as possible that this bill would impact the smallest of American businesses.

Now, it is a tempting invitation from the gentleman to go on a revenue-based standard of what constitutes a small business rather than an employee-based standard; but for all of the reasons that I outlined in my opening remarks, Mr. Chairman, I think that it is unworkable. There are exceptions, certainly, to small businesses who have 24 or less employees that are doing very well. I know of some up in the Silicon Valley myself. But I would submit to the gentleman, and statistics prove it out, that those are the very rare exception and not the rule.

The question before this House is will we allow the very small exception to upset and overturn the opportunity to provide needed relief to the millions and millions of men and women who comprise America's small business owners? I think not. The cosponsors of this bill have joined with me to ensure that those protections are adequate and fair. It is for those reasons and the reasons articulated in my previous statements, Mr. Chairman, that I am regrettably unable to join with my friend from Michigan in support of his amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I would like to point out that there are some companies that we may or may not want to be included in the provisions of the bill, and that is why this amendment exists. Take the famous American Derringer Company that has less than 25 employees but manufactures as many as 10,000 cheap pistols a year, which will now be protected as a small business under the Rogan bill. Is that a small business? Is this a mom and pop?

What about Davis Industries? It has 15 employees. It is in the home State of the author of this bill, of California, and is known for manufacturing the majority of Saturday night specials in this country. As many as 180,000 pistols a year. Is this a small business that we want to protect? And may I point out that the Conyers-Scott amendment limitation would stop this ridiculous assumption that businesses that are bringing in hundreds and hundreds of thousands of dollars, millions of dollars, are, in effect, small businesses, that we are concerned about the mom and pop effect.

Again, it is a matter of Rogan intent versus the bill's effect. The effect is, you are giving an umbrella to those that do not deserve it. Intratec, the manufacturer of the infamous TEC-DC9 used at Columbine High School, has less than 25 employees but sells as many as 100,000 of these awful weapons a year. Is this a small business that we want to protect, or do we want the Conyers-Scott amendment to make sure that it will not reside under the protection of the Rogan bill?

I say we should exclude all of these gun manufacturers from the provisions of the bill, not because of the death-dealing weapons they manufacture, but because they are not small businesses in the true sense of the definition. We need a revenue cap on the definition of small business. Thanks to the gentleman from California, American Derringer, Davis Industries, and Intratec all will be very grateful to know that you are refusing a cap that would catch them. The Rogan bill says that all of these are small businesses. Do we really want to protect them? I think not.

I urge all of the Members in this body to support the Conyers-Scott amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must respectfully again take issue with my dear friend from Michigan. He says in his remarks that small business gun manufacturers are now automatically protected under the Rogan bill. First, that is not a correct statement. Secondly, the statement itself and the arguments preceding the statement from some of our other colleagues appear to make the suggestion that there is something inherently evil about an otherwise lawful gun manufacturer being able to sell guns to law-abiding citizens. I would respectfully suggest to my colleague and to those who seem to take that same position that if it is really their intention to override the second amendment protection for law-abiding citizens to defend themselves in their homes or in their place of business, and abolish the private ownership of all handguns, then let them introduce their constitutional amendment to overturn the second amendment, let them introduce their legislation to preclude law-abiding citizens from being able to defend themselves, and let us then debate the merits of that bill up or down. But let us not destroy the protections of small business owners through America, millions and millions of men and women, who have nothing to do with guns, who have nothing to do with gun manufacturing, who have everything to do with driving our economic engine.

By the way, I would just also suggest to my colleague that there are many poor people in this country who do not have the Secret Service protection that some of our top leaders in government have, who do not have a bevy of staff around them at all times to ease their comfort and pain, who live in the poorest neighborhoods, and the only protection they have when a dope addict or a murderer or a rapist is coming through their window is the protection that they find in their drawer.

These are not evil people. These are law-abiding citizens trying to defend their families. There are a lot of single mothers in my district and I would suspect in the gentleman from Michigan's district who fall within that category. If it is the desire of my colleagues on the left to preclude them from being able to protect themselves, to sue out of business manufacturers of lawful handguns that which they cannot accomplish by way of legislation, then let them bring that bill forward. Even assuming that that was the case, that the manufacturing of handguns in this country was an inherently evil proposition, I would respectfully suggest to my colleague that the Rogan bill does not do what he suggests, that it protects them from liability for any harm that they cause.

Nothing in this bill to a small business gun manufacturer would preclude an injured person from receiving economic damages. Nothing in this bill would preclude an injured victim from receiving lost wages, medical compensation, loss of business. Nothing in this bill would preclude them from receiving noneconomic damages. Nothing would preclude them from receiving payment for pain and suffering, for disfigurement, for loss of companionship or the bevy of other noneconomic damages that are available to them. And nothing in this bill as amended would preclude a victim from having punitive damages assessed on one of those manufacturers if the manufacturer intended a harm to occur and was found to come within that intentional conduct that was amended into the bill by our friend from Arkansas.

So this claim that gun manufacturers are going to be able to run rampant under this bill and put in the hands of murderers and killers inherently dangerous weapons that are inherently faulty, that have no legitimate social purpose and that this is somehow some disguised bill to protect them under cover of small business, I would suggest to my colleague is not a fair statement.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume. I want to tell the gentleman from California how shocked I am to hear the last statements that he has uttered. He has been very calm and polite and generous in his discussion. But to say that we are naming gun manufacturers as evil and giving me instructions to go to a constitutional amendment to stop them is, of course, deliberately missing the point. We are not trying to hurt gun manufacturers. The Saturday night special is a faulty weapon. The gentleman is on the Committee on the Judiciary. He is a former member of the court. He is an attorney who has practiced law. The Saturday night special is not a protected weapon. It frequently is found to be a malfunctioning, dangerous weapon. We are not trying to put the gun dealers out of business.

But for him to stand here and tell me that he is not going to help them by limiting their liability where they may be negligent is an incredible statement on his part. He imposes the cap on punitive recovery. He imposes the elimination of joint and several liability for everybody that comes under the definition of this bill. Davis Industries may not be evil, but they are the ones manufacturing the Saturday night specials. Intratec, I am not sure they are not evil people, there may be some nice ones there, but they are the ones who manufacture the TEC–DC9 used at Columbine. It is his State and cities and counties in California suing Davis Industries. We are not trying to put them out of business. We are trying to make them vulnerable to legal action, and he is protecting them. He is protecting them. Why does he disagree, I might ask, to the lawsuits that are being brought in California at this present moment?

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. SCOTT. I would ask the gentleman if he will notice in the bill where crimes of violence are exempted, so if a defendant whose misconduct constitutes a crime of violence, that would not be covered. But any other crime, an actual crime or criminal enterprise, would be covered. So if we have a business perpetrating actual criminal activity, stealing people's money, that that would be protected because it is not a crime of violence; and they would have the benefits under the bill, limits of punitive damages, and if you are not stealing much from everybody, you would be limited to the actual damage, the little bit of money, and three times that of punitive damages against each employee, even if you are committing a crime. Would those people be protected under this bill?

Mr. CONYERS. Of course they would. Criminal sales of guns to felons would be caught by the protective provisions supposedly going to protect small businesses, mom and pop stores. We have heard mom and pop all day. These gun manufacturers are not mom and pop stores. Our definition would not put them out of business. All it would do is it would apply to all of those that have revenues in excess of $5 million a year. If they have revenues smaller than $5 million a year, they would enjoy the protections. So this is not an antigun, all-guns-are-evil argument in which I have to refer to a constitutional provision. I am merely trying to take these gun manufacturers out of the protections that the gentleman from California is inadvertently giving them in trying to protect so-called small business.

Mr. Chairman, I include the following letter for the RECORD:

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, February 16, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
House of Representatives.
Hon. JOHN CONYERS, Jr.,
Ranking Minority Member, Committee on the Judiciary, House of Representatives.

DEAR CHAIRMAN HYDE AND RANKING MEMBER CONYERS: On behalf of the Natural Resources Defense Council's over 400,000 members, I am writing to you to ask you to oppose passage of H.R. 2366, the "Small Business Liability Reform Act of 2000," because of the adverse effects that it would have on enforcement of environmental protection statutes and private causes of action against those who violate the law. The bill is objectionable in its current form and would remain objectionable even if the two proposed Rogan amendments are approved.

While the purpose of the bill appears to be to limit the liability of small businesses for "punitive damages" in personal injury and other tort lawsuits, the language is sufficiently broad to impact federal, state, and citizen environmental enforcement actions. For example, the definition of "noneconomic loss" in Section 102 is broad enough to include environmental degradation or even environmental catastrophes. There is no definition of "punitive damages" in the bill, and that term could be interpreted to apply to civil penalties or fines, and even treble damages—all of which are punitive in nature. Thus, this bill could allow companies and individuals to violate environmental laws with impunity, encouraging recalcitrant behavior.

It could be interpreted to supersede specifically-enacted provisions designed to ensure adequate punishment and deterrence for serious environmental violations, including long-term noncompliance with statutes protecting public health and the environment resulting in serious environmental harm. Moreover, it could prohibit federal and state trustees from recovering natural resource damages under a number of environmental statutes. The bill also could prevent whistleblowers from recovering damages under certain federal environmental laws, including those that ensure safe drinking water. In addition, victims of lead paint poisoning will be less able to protect themselves.

It would also restrict punitive damage recovery for violations of clean up orders under Section 107(c)(3) of CERCLA, which specifically provides for a punitive damage recovery against those who fail to comply with such orders. Removing the possibility of treble damages for failure to comply with such orders would encourage companies to delay compliance and instead hire attorneys to challenge those orders. Delay and wasteful litigation would result.

This bill would not only interfere with citizen's right to bring enforcement actions to clean up their local waters and air and prevent future violations, but could also stop families from obtaining adequate compensation from severe pollution that makes them sick. The bill does not even contain an exemption for conduct that results in death. Families should be able to obtain all the damages to which they are entitled under current law when their health is destroyed by the negligence of a small business as well as by a large one. This bill could end up protecting small businesses at the expense of injured families.

For these reasons, the proposed amendments cannot repair the harm that would result from this bill, and I respectfully urge you to oppose this bill.

Sincerely,

NANCY STONER,
Senior Staff Attorney,
Natural Resources Defense Council.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired. The gentleman from California (Mr. ROGAN) has 6½ minutes remaining.

☐ 1345

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I certainly hope that my dear friend from Michigan does not mistake a serious policy difference in any way with a lack of respect or affection for him. I take a back seat to no one in this Chamber in admiration, both for his service and the strength of his positions. We do have a fundamental policy difference with respect to liability limitations as advocated in this bill. The gentleman sees it one way; certainly I see it another.

I do not view this bill, Mr. Chairman, as giving protection to people who have violated the law, and in fact we have tried to craft it very carefully to ensure that if there is some intentional wrongdoing, even by a business that would qualify as a small business, they would not come under any cap of punitive damages, and under any event there is no cap on the other damages.

I do believe from a policy perspective, I would say to my friend, that the concept of joint and several liability as currently upon the books is inherently unfair. The idea that somebody could have a very minuscule involvement in a harm, say, 1 percent, but could be required to have to pay 100 percent of the damages, is not a fair concept. I think a tort system where liability was based on percentage of fault would be a much better way in which to go.

Mr. Chairman, again I want to thank my colleagues on both sides of the aisle for their participation in this debate. It is through the bipartisan effort that we have developed this important bill, and we hope that the spirit of consensus will carry this bill quickly through the House and on to the other body.

Although this amendment should be defeated, I am pleased that today the House of Representatives will have an historic opportunity. With the defeat of this amendment and passage of the underlying bill, the House of Representatives will stand behind the 2 million small business owners in my State of California alone and the millions and millions more across the Nation.

The message we will send to these small business owners is clear: frivolous and meritless lawsuits, or the threat of a frivolous and meritless lawsuit, are crippling the lifeblood of America's economy and they must be stopped.

The Small Business Liability Reform Act will limit product liability for a product seller when their negligence is the responsibility of the product manufacturer.

As we all know, some 20 percent of America's small businesses will not expand services, they will not increase employee benefits, they will not hire more workers, they will not create more jobs and they will not cut consumer costs out of fear of being saddled with a frivolous or crippling lawsuit and having to pay its debilitating costs.

In addition, this legislation will bring fairness and justice to millions of small business owners by bringing relief from the destructive threat of frivolous lawsuits that threaten to close their doors, put workers on the unemployment line and severely damage our economy. We owe America's small businesses and their employers nothing less.

Mr. Chairman, I again thank my cosponsors and colleagues for their valuable support in bringing forward this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 237, not voting 19, as follows:

[Roll No. 24]

AYES—178

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Capuano
Cardin
Carson
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—237

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Etheridge
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Baird
Baldacci
Bishop
Brown (OH)
Callahan
Campbell
Capps
Clay
Cooksey
DeFazio
Everett
Graham
Lowey
Martinez
McCollum
Sanford
Snyder
Vento
Watts (OK)

□ 1412

Messrs. GOODLING, SMITH of Michigan, KUYKENDALL, LEWIS of California, SIMPSON, SHUSTER, SESSIONS, RILEY, FORBES, TAUZIN, and Ms. DUNN changed their vote from "aye" to "no."

Mr. GEPHARDT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

SUNUNU) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2366), to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers, pursuant to House Resolution 423, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 193, not voting 20, as follows:

[Roll No. 25]

AYES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dooley
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Capuano
Cardin
Carson
Clayton
Clyburn
Coble
Coburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Edwards
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Hunter
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shadegg
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—20

Baird
Baldacci
Bishop
Brown (OH)
Callahan
Campbell
Capps
Clay
Cooksey
DeFazio
Everett
Graham
Gutierrez
Lowey
Martinez
McCollum
Oberstar
Sanford
Snyder
Vento

□ 1432

Mr. HUNTER changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, today I was unavoidably detained and missed rollcall vote numbers 22 and 23. Had I been present, I would have voted "yes" on approving the Journal of February 15, and "yes" on H. Res. 423, the rule for H.R. 2366, the Small Business Liability Reform Act.

MILLENNIUM DIGITAL COMMERCE ACT

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Millennium Digital Commerce Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The growth of electronic commerce and electronic government transactions represent a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce through Federal legislation is in the national interest because that market is globally important to the United States.

(3) A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transactions, and that such a foundation should

be based upon a simple, technology neutral, nonregulatory, and market-based approach.

(4) The Nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by continuing their proven role as laboratories of innovation for quickly evolving areas of public policy, provided that States also adopt a consistent, reasonable national baseline to eliminate obsolete barriers to electronic commerce such as undue paper and pen requirements, and further, that any such innovation should not unduly burden inter-jurisdictional commerce.

(5) To the extent State laws or regulations do not provide a consistent, reasonable national baseline or in fact create an undue burden to interstate commerce in the important burgeoning area of electronic commerce, the national interest is best served by Federal preemption to the extent necessary to provide such consistent, reasonable national baseline or eliminate said burden, but that absent such lack of consistent, reasonable national baseline or such undue burdens, the best legal system for electronic commerce will result from continuing experimentation by individual jurisdictions.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction that enacts such laws should have the right to determine the need for any exceptions to protect consumers and maintain consistency with existing related bodies of law within a particular jurisdiction.

(7) Industry has developed several electronic signature technologies for use in electronic transactions, and the public policies of the United States should serve to promote a dynamic marketplace within which these technologies can compete. Consistent with this Act, States should permit the use and development of any authentication technologies that are appropriate as practicable as between private parties and in use with State agencies.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of contract formation;

(4) to facilitate the ability of private parties engaged in interstate transactions to agree among themselves on the appropriate electronic signature technologies for their transactions; and

(5) to promote the development of a consistent national legal infrastructure necessary to support electronic commerce at the Federal and State levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC.—The term "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) ELECTRONIC AGENT.—The term "electronic agent" means a computer program or an electronic or other automated means used to initiate an action or respond to electronic records or performances in whole or in part without review by an individual at the time of the action or response.

(3) ELECTRONIC RECORD.—The term "electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(4) ELECTRONIC SIGNATURE.—The term "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(5) GOVERNMENTAL AGENCY.—The term "governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, or institution of the Federal Government or of a State or of any county, municipality, or other political subdivision of a State.

(6) RECORD.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(7) TRANSACTION.—The term "transaction" means an action or set of actions relating to the conduct of commerce, between 2 or more persons, neither of which is the United States Government, a State, or an agency, department, board, commission, authority, or institution of the United States Government or of a State.

(8) UNIFORM ELECTRONIC TRANSACTIONS ACT.—The term "Uniform Electronic Transactions Act" means the Uniform Electronic Transactions Act as provided to State legislatures by the National Conference of Commissioners on Uniform State Law in that form or any substantially similar variation thereof.

SEC. 5. INTERSTATE CONTRACT CERTAINTY.

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, a contract may not be denied legal effect or enforceability solely because an electronic signature or electronic record was used in its formation.

(b) METHODS.—Parties to a transaction are permitted to determine the appropriate electronic signature technologies for their transaction, and the means of implementing such technologies.

(c) PRESENTATION OF CONTRACTS.—Notwithstanding subsection (a), if a law requires that a contract be in writing, the legal effect or enforceability of an electronic record of such contract shall be denied under such law, unless it is delivered to all parties to such contract in a form that—

(1) can be retained by the parties for later reference; and

(2) can be used to prove the terms of the agreement.

(d) SPECIFIC EXCLUSIONS.—The provisions of this section shall not apply to a statute, regulation, or other rule of law governing any of the following:

(1) The Uniform Commercial Code, as in effect in a State, other than sections 1–107 and 1–206, Article 2, and Article 2A.

(2) Premarital agreements, marriage, adoption, divorce or other matters of family law.

(3) Documents of title which are filed of record with a governmental unit until such time that a State or subdivision thereof chooses to accept filings electronically.

(4) Residential landlord-tenant relationships.

(5) The Uniform Health-Care Decisions Act as in effect in a State.

(e) ELECTRONIC AGENTS.—A contract relating to a commercial transaction affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

(1) the interaction of electronic agents of the parties; or

(2) the interaction of an electronic agent of a party and an individual who acts on that individual's own behalf or as an agent for another person.

(f) INSURANCE.—It is the specific intent of the Congress that this section apply to the business of insurance.

(g) APPLICATION IN UETA STATES.—This section does not apply in any State in which the Uniform Electronic Transactions Act is in effect.

SEC. 6. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

To the extent practicable, the Federal Government shall observe the following principles in an international context to enable commercial electronic transaction:

(1) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law.

(2) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(3) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(4) Take a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

SEC. 7. STUDY OF LEGAL AND REGULATORY BARRIERS TO ELECTRONIC COMMERCE.

(a) BARRIERS.—Each Federal agency shall, not later than 6 months after the date of enactment of this Act, provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or by electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

(b) REPORT TO CONGRESS.—The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget, shall, within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove barriers to electronic transactions or otherwise to the conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

(c) CONSULTATION.—In preparing the report required by this section, the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the

Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

(d) INCLUDE FINDINGS IF NO RECOMMENDATIONS.—If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

MOTION OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BLILEY moves to strike all after the enacting clause of S. 761 and insert in lieu thereof the text of H.R. 1714, as passed by the House, as follows:

H.R. 1714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Signatures in Global and National Commerce Act".

TITLE I—VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES FOR COMMERCE

SEC. 101. GENERAL RULE OF VALIDITY.

(a) GENERAL RULE.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce, notwithstanding any statute, regulation, or other rule of law, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied—

(1) on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record; or

(2) on the ground that the contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature.

(b) AUTONOMY OF PARTIES IN COMMERCE.—

(1) IN GENERAL.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce—

(A) the parties to such contract, agreement, or record may establish procedures or requirements regarding the use and acceptance of electronic records and electronic signatures acceptable to such parties;

(B) the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied because of the type or method of electronic record or electronic signature selected by the parties in establishing such procedures or requirements; and

(C) nothing in this section requires any party to use or accept electronic records or electronic signatures.

(2) CONSENT TO ELECTRONIC RECORDS.—Notwithstanding subsection (a) and paragraph (1) of this subsection—

(A) if a statute, regulation, or other rule of law requires that a record be provided or made available to a consumer in writing, that requirement shall be satisfied by an electronic record if—

(i) the consumer has affirmatively consented, by means of a consent that is conspicuous and visually separate from other terms, to the provision or availability (whichever is required) of such record (or identified groups of records that include such record) as an electronic record, and has not withdrawn such consent;

(ii) prior to consenting, the consumer is provided with a statement of the hardware and software requirements for access to and retention of electronic records; and

(iii) the consumer affirmatively acknowledges, by means of an acknowledgement that is conspicuous and visually separate from other terms, that—

(I) the consumer has an obligation to notify the provider of electronic records of any change in the consumer's electronic mail address or other location to which the electronic records may be provided; and

(II) if the consumer withdraws consent, the consumer has the obligation to notify the provider to notify the provider of electronic records of the electronic mail address or other location to which the records may be provided; and

(B) the record is capable of review, retention, and printing by the recipient if accessed using the hardware and software specified in the statement under subparagraph (A)(ii) at the time of the consumer's consent; and

(C) if such statute, regulation, or other rule of law requires that a record be retained, that requirement shall be satisfied if such record complies with the requirements of subparagraphs (A) and (B) of subsection (c)(1).

(c) RETENTION OF CONTRACTS, AGREEMENTS, AND RECORDS.—

(1) ACCURACY AND ACCESSIBILITY.—If a statute, regulation, or other rule of law requires that a contract, agreement, or record be in writing or be retained, that requirement is met by retaining an electronic record of the information in the contract, agreement, or record that—

(A) accurately reflects the information set forth in the contract, agreement, or record after it was first generated in its final form as an electronic record; and

(B) remains accessible, for the period required by such statute, regulation, or rule of law, for later reference, transmission, and printing.

(2) EXCEPTION.—A requirement to retain a contract, agreement, or record in accordance with paragraph (1) does not apply to any information whose sole purpose is to enable the contract, agreement, or record to be sent, communicated, or received.

(3) ORIGINALS.—If a statute, regulation, or other rule of law requires a contract, agreement, or record to be provided, available, or retained in its original form, or provides consequences if the contract, agreement, or record is not provided, available, or retained in its original form, that statute, regulation, or rule of law is satisfied by an electronic record that complies with paragraph (1).

(4) CHECKS.—If a statute, regulation, or other rule of law requires the retention of a check, that requirement is satisfied by retention of an electronic record of all the information on the front and back of the check in accordance with paragraph (1).

(d) ABILITY TO CONTEST SIGNATURES AND CHARGES.—Nothing in this section shall be construed to limit or otherwise affect the rights of any person to assert that an electronic signature is a forgery, is used without authority, or otherwise is invalid for reasons that would invalidate the effect of a signature in written form. The use or acceptance of an electronic record or electronic signature by a consumer shall not constitute a waiver of any substantive protections afforded consumers under the Consumer Credit Protection Act.

(e) SCOPE.—This Act is intended to clarify the legal status of electronic records and electronic signatures in the context of writing and signing requirements imposed by law. Nothing in this Act affects the content or timing of any disclosure required to be provided to any consumer under any statute, regulation, or other rule of law.

SEC. 102. AUTHORITY TO ALTER OR SUPERSEDE GENERAL RULE.

(a) PROCEDURE TO ALTER OR SUPERSEDE.—Except as provided in subsection (b), a State statute, regulation, or other rule of law may modify, limit, or supersede the provisions of section 101 if such statute, regulation, or rule of law—

(1)(A) constitutes an enactment or adoption of the Uniform Electronic Transactions Act as reported to the State legislatures by the National Conference of Commissioners on Uniform State Laws; or

(B) specifies the alternative procedures or requirements for the use or acceptance (or both) of electronic records or electronic signatures to establish the legal effect, validity, or enforceability of contracts, agreements, or records; and

(2) if enacted or adopted after the date of the enactment of this Act, makes specific reference to this Act.

(b) LIMITATIONS ON ALTERATION OR SUPERSESSION.—A State statute, regulation, or other rule of law (including an insurance statute, regulation, or other rule of law), regardless of its date of the enactment or adoption, that modifies, limits, or supersedes section 101 shall not be effective to the extent that such statute, regulation, or rule—

(1) discriminates in favor of or against a specific technology, process, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures;

(2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures;

(3) is based on procedures or requirements that are not specific or that are not publicly available; or

(4) is otherwise inconsistent with the provisions of this title.

(c) EXCEPTION.—Notwithstanding subsection (b), a State may, by statute, regulation, or rule of law enacted or adopted after the date of the enactment of this Act, require specific notices to be provided or made available in writing if such notices are necessary for the protection of the public health or safety of consumers. A consumer may not, pursuant to section 101(b)(2), consent to the provision or availability of such notice solely as an electronic record.

SEC. 103. SPECIFIC EXCLUSIONS.

(a) EXCEPTED REQUIREMENTS.—The provisions of section 101 shall not apply to a contract, agreement, or record to the extent it is governed by—

(1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) a statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law;

(3) the Uniform Commercial Code, as in effect in any State, other than sections 1-107 and 1-206 and Articles 2 and 2A;

(4) any requirement by a Federal regulatory agency or self-regulatory organization that records be filed or maintained in a specified standard or standards (including a specified format or formats), except that nothing

in this paragraph relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act (title XVII of Public Law 105–277);

(5) the Uniform Anatomical Gift Act; or

(6) the Uniform Health-Care Decisions Act.

(b) ADDITIONAL EXCEPTIONS.—The provisions of section 101 shall not apply to—

(1) any contract, agreement, or record entered into between a party and a State agency if the State agency is not acting as a market participant in or affecting interstate commerce;

(2) court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings; or

(3) any notice concerning—

(A) the cancellation or termination of utility services (including water, heat, and power);

(B) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual; or

(C) the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

SEC. 104. STUDY.

(a) FOLLOWUP STUDY.—Within 5 years after the date of the enactment of this Act, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall conduct an inquiry regarding any State statutes, regulations, or other rules of law enacted or adopted after such date of the enactment pursuant to section 102(a), and the extent to which such statutes, regulations, and rules comply with section 102(b).

(b) REPORT.—The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 5-year period.

(c) ADDITIONAL STUDY OF DELIVERY.—Within 18 months after the date of the enactment of this Act, the Secretary of Commerce shall conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with delivery of written records via the United States Postal Service and private express mail services. The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 18-month period.

SEC. 105. DEFINITIONS.

For purposes of this title:

(1) ELECTRONIC RECORD.—The term "electronic record" means a writing, document, or other record created, stored, generated, received, or communicated by electronic means.

(2) ELECTRONIC SIGNATURE.—The term "electronic signature" means information or data in electronic form, attached to or logically associated with an electronic record, and executed or adopted by a person or an electronic agent of a person, with the intent to sign a contract, agreement, or record.

(3) ELECTRONIC.—The term "electronic" means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.

(4) ELECTRONIC AGENT.—The term "electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records in whole or in part without review by an individual at the time of the action or response.

(5) RECORD.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) FEDERAL REGULATORY AGENCY.—The term "Federal regulatory agency" means an agency, as that term is defined in section 552(f) of title 5, United States Code, that is authorized by Federal law to impose requirements by rule, regulation, order, or other legal instrument.

(7) SELF-REGULATORY ORGANIZATION.—The term "self-regulatory organization" means an organization or entity that is not a Federal regulatory agency or a State, but that is under the supervision of a Federal regulatory agency and is authorized under Federal law to adopt and administer rules applicable to its members that are enforced by such organization or entity, by a Federal regulatory agency, or by another self-regulatory organization.

TITLE II—DEVELOPMENT AND ADOPTION OF ELECTRONIC SIGNATURE PRODUCTS AND SERVICES

SEC. 201. TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND FOREIGN COMMERCE.

(a) INQUIRY REGARDING IMPEDIMENTS TO COMMERCE.—

(1) INQUIRIES REQUIRED.—Within 180 days after the date of the enactment of this Act, and biennially thereafter, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall complete an inquiry to—

(A) identify any domestic and foreign impediments to commerce in electronic signature products and services and the manners in which and extent to which such impediments inhibit the development of interstate and foreign commerce;

(B) identify constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products or services; and

(C) identify the degree to which other nations and international organizations are complying with the principles in subsection (b)(2).

(2) SUBMISSION.—The Secretary shall submit a report to the Congress regarding the results of each such inquiry within 90 days after the conclusion of such inquiry. Such report shall include a description of the actions taken by the Secretary pursuant to subsection (b) of this section.

(b) PROMOTION OF ELECTRONIC SIGNATURES.—

(1) REQUIRED ACTIONS.—The Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall promote the acceptance and use, on an international basis, of electronic signatures in accordance with the principles specified in paragraph (2) and in a manner consistent with section 101 of this Act. The Secretary of Commerce shall take all actions necessary in a manner consistent with such principles to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic signatures, including those identified in the inquiries under subsection (a) for the purpose of facilitating the development of interstate and foreign commerce.

(2) PRINCIPLES.—The principles specified in this paragraph are the following:

(A) Free markets and self-regulation, rather than Government standard-setting or rules, should govern the development and use of electronic records and electronic signatures.

(B) Neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures.

(C) Parties to a transaction should be permitted to establish requirements regarding the use of electronic records and electronic signatures acceptable to such parties.

(D) Parties to a transaction—

(i) should be permitted to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced; and

(ii) should have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(E) Electronic records and electronic signatures in a form acceptable to the parties should not be denied legal effect, validity, or enforceability on the ground that they are not in writing.

(F) De jure or de facto imposition of standards on private industry through foreign adoption of regulations or policies with respect to electronic records and electronic signatures should be avoided.

(G) Paper-based obstacles to electronic transactions should be removed.

(c) CONSULTATION.—In conducting the activities required by this section, the Secretary shall consult with users and providers of electronic signature products and services and other interested persons.

(d) PRIVACY.—Nothing in this section shall be construed to require the Secretary or the Assistant Secretary to take any action that would adversely affect the privacy of consumers.

(e) DEFINITIONS.—As used in this section, the terms "electronic record" and "electronic signature" have the meanings provided in section 104 of the Electronic Signatures in Global and National Commerce Act.

TITLE III—USE OF ELECTRONIC RECORDS AND SIGNATURES UNDER FEDERAL SECURITIES LAW

SEC. 301. GENERAL VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES.

Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

"(h) REFERENCES TO WRITTEN RECORDS AND SIGNATURES.—

"(1) GENERAL VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES.—Except as otherwise provided in this subsection—

"(A) if a contract, agreement, or record (as defined in subsection (a)(37)) is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be in writing, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record;

"(B) if a contract, agreement, or record is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be signed, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied on the ground that such contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature; and

"(C) if a broker, dealer, transfer agent, investment adviser, or investment company enters into a contract or agreement with, or accepts a record from, a customer or other counterparty, such broker, dealer, transfer agent, investment adviser, or investment company may accept and rely upon an electronic signature on such contract, agreement, or record, and such electronic signature shall not be denied legal effect, validity, or enforceability because it is an electronic signature.

"(2) IMPLEMENTATION.—

"(A) REGULATIONS.—The Commission may prescribe such regulations as may be necessary to carry out this subsection consistent with the public interest and the protection of investors.

"(B) NONDISCRIMINATION.—The regulations prescribed by the Commission under subparagraph (A) shall not—

"(i) discriminate in favor of or against a specific technology, method, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures; or

"(ii) discriminate in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures.

"(3) EXCEPTIONS.—Notwithstanding any other provision of this subsection—

"(A) the Commission, an appropriate regulatory agency, or a self-regulatory organization may require that records be filed or maintained in a specified standard or standards (including a specified format or formats) if the records are required to be submitted to the Commission, an appropriate regulatory agency, or a self-regulatory organization, respectively, or are required by the Commission, an appropriate regulatory agency, or a self-regulatory organization to be retained; and

"(B) the Commission may require that contracts, agreements, or records relating to purchases and sales, or establishing accounts for conducting purchases and sales, of penny stocks be manually signed, and may require such manual signatures with respect to transactions in similar securities if the Commission determines that such securities are susceptible to fraud and that such fraud would be deterred or prevented by requiring manual signatures.

"(4) RELATION TO OTHER LAW.—The provisions of this subsection apply in lieu of the provisions of title I of the Electronic Signatures in Global and National Commerce Act to a contract, agreement, or record (as defined in subsection (a)(37)) that is required by the securities laws.

"(5) SAVINGS PROVISION.—Nothing in this subsection applies to any rule or regulation under the securities laws (including a rule or regulation of a self-regulatory organization) that is in effect on the date of the enactment of the Electronic Signatures in Global and National Commerce Act and that requires a contract, agreement, or record to be in writing, to be submitted or retained in original form, or to be in a specified standard or standards (including a specified format or formats).

"(6) DEFINITIONS.—As used in this subsection:

"(A) ELECTRONIC RECORD.—The term 'electronic record' means a writing, document, or other record created, stored, generated, received, or communicated by electronic means.

"(B) ELECTRONIC SIGNATURE.—The term "electronic signature" means information or data in electronic form, attached to or logically associated with an electronic record, and executed or adopted by a person or an electronic agent of a person, with the intent to sign a contract, agreement, or record.

"(C) ELECTRONIC.—The term 'electronic' means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "To facilitate the use of electronic records and signatures in interstate or foreign commerce.".

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 761 and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia? The Chair hears none, and without objection appoints the following conferees on S. 761: Messrs. BLILEY, TAUZIN, OXLEY, DINGELL, and MARKEY.

There was no objection.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 761 and H.R. 1714, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3896

Mr. HOBSON. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3896.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, February 29, 2000, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MARCH 1, 2000

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, March 1, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 29, 2000

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 16, 2000.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 29, 2000.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

APPOINTMENT OF MEMBER TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Member of the House to the Canada-United States Interparliamentary Group:

Mr. HOUGHTON of New York, Chairman.

There was no objection.

IN MEMORY OF LINDA ASCHENBACH-HACKMANN

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, this morning I rise publicly to honor the memory of a true hero, a woman who gave her time, patience, experience, knowledge, and love to the young adults at Northeast High School in my district. In 1996, Linda Aschenbach-Hackmann, a former student and outstanding athlete, stepped in to fill a coaching vacancy for the girls' softball team. Her impact was immediate, leading the team to the State finals during the next 2 years.

In late 1998, sadly, Linda was stricken with lymphoma cancer, confining her to the hospital with continuous painful treatments. Still, she managed to coach the team from her hospital bed and rally them from the sidelines. When Linda passed away in April 1999, her funeral was attended by hundreds of families and friends, including her beloved girls from the softball team that decorated her casket with the winning ball autographed by the players, for that year the girls won the State championship.

Mr. Speaker, there can be no greater sacrifice for children today than giving our love and our patience and our time. She is a true hero. I want to thank Capitol Hill Police Officer Dave Pendleton and Linda's brother Gary for bringing this to our attention.

Mr. Speaker, I include for the RECORD the letter Linda's brother sent to us.

IN MEMORY OF LINDA ASCHENBACH-HACKMANN

(By Gary Aschenbach)

As a result of a sudden, unscheduled change in staff at Northeast High School, the girls Junior Varsity softball team was left without a coach. Anxious to fill that position, a search was initiated to immediately locate an interested and qualified person. On the overwhelming recommendation of colleagues, Mrs. Linda Aschenbach-Hackmann, a former student of Northeast High and star athlete, was sought to fill the position. Linda accepted the position and began her coaching career at Northeast in 1996, where in the first and second year she successfully led the team to compete in the state finals. In 1999, they triumphed to not only compete in the finals, but progressed to win the JV County Championship with an 18-0 record. The team's achievement had not accomplished in over a decade at Northeast High School.

Without warning, in late 1998 Linda was suddenly stricken with Lymphoma cancer that eventually confined her to hospital care undergoing continuous, painful treatment. Still, she kept a watchful eye on the excellent progress of her talented softball team. She received daily updates and visits from fellow coaches and players as she continued to coach and rally her girls from the sidelines. Through her relentless love of players and the game, she won the respect and confidence of everyone. On April 17, 1999, exactly 30 years to the day after the death of her father, Linda succumbed to the attack of the cancer after a gallant fight. Her funeral was attended by hundreds of family and friends, including her beloved girls from the softball team who decorated her casket with the winning ball autographed by the players.

Linda will always be remembered for her sportsmanship and ability to teach the fundamental rules and skills of the successful ball player. Her enthusiastic personality was complimented by the natural patience she shared with the youth. After her death and in her memory for so many accomplishments, Northeast High School paid special tribute to Linda at the highest possible standard. They immediately offered in her honor an annual scholarship to be given to a qualified athletic student. The criteria for this award required that the recipient continually demonstrate the same community and leadership qualities toward others as they seek to further their own education and career.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ELIMINATION OF THE MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I want to take a few minutes to just talk about a very fundamental issue, a fundamental issue of importance to 50 million American taxpayers, 50 million middle-class working Americans. I have often been asked, whether I am at the steel workers hall in Hegwish in the South Side of Chicago or the Legion post in Joliet or a chamber of commerce or the coffee shop called Weit's Cafe in Morris, Illinois, my hometown, or the local grain elevator, a pretty fundamental question; and that question is, is it right, is it fair, that under our Tax Code 25 million married working couples on average pay $1,400 more in higher taxes just because they are married?

Folks back home just do not understand why for almost 30 years we have had a marriage tax penalty, which the average is $1,400 each for 25 million married working couples. In the south suburbs in the South Side of Chicago, $1,400 is real money. It is a year's tuition at a local community college for a nursing student. It is 3 months of day care. It is a washer and a dryer. It is 4,000 diapers for a child.

Mr. Speaker, we need to address the issue of fairness. We need to address the issue to wipe out the marriage tax penalty suffered by 50 million married working people. It is an issue of fairness.

Here is how it works: what causes the marriage tax penalty is when a couple decides to marry, when they file their taxes, they file jointly. When they file their taxes jointly, their combined income usually pushes them into a higher tax bracket.

Let me introduce Shad and Michele Hallihan, two public school teachers from Joliet, Illinois. Shad and Michele have been married almost 2 years now. They just had a baby, a wonderful young couple; but they suffer almost the average marriage tax penalty.

Now, Shad and Michele have a combined income of about $62,000. Suppose that they have an equal income, each making $31,000. Michele here, if she stayed single, would be in the 15 percent tax bracket; but because she and Shad married, their combined income of $62,000 pushes them into the 28 percent tax bracket, creating well over almost the average marriage tax penalty of $1,400.

We want to help couples like Shad and Michele. Michele pointed out to me that the average marriage tax penalty would buy almost 4,000 diapers for their newborn baby.

Should not those couples like Michele and Shad be allowed to keep money, keep their hard-earned salary, their hard-earned income, rather than paying a tax just because they are married?

We are working to address that, and I was so pleased that this House of Representatives overwhelmingly supported, with a bipartisan vote, 268 Members of the House endorsed wiping out the marriage tax penalty in order to help couples such as Michele and Shad Hallihan.

H.R. 6, the Marriage Tax Elimination Act, passed this House as a stand-alone bill and addresses one issue, the need to wipe out the marriage tax penalty for 25 million married working couples. If we look at who pays the marriage tax penalty, one half of them itemize their taxes, millions of middle-class families itemize because they own a home or give money to church or charity, have education expenses. Well, we wipe out the marriage tax penalty for those who itemize their taxes by widening the 15 percent tax bracket so that joint filers can earn twice as much as single filers and stay in the 15 percent tax bracket. That will help Shad and Michele Hallihan.

For those who do not itemize, we double the standard deduction, helping those who do not itemize by doubling the standard deduction to be twice that of single people. We also help the working poor, those who participate in the earned income credit, by addressing the income eligibility, eliminating the marriage penalty for the working poor as well.

Mr. Speaker, it is a good bill. It helps those who itemize. It helps those who do not itemize. The primary beneficiaries are those with incomes between $30,000 and $75,000, those who suffer the marriage tax penalty the most. We do not raise taxes on anyone. We wipe out the marriage tax penalty. We help stay-at-home moms. We help those who are homeowners.

Mr. Speaker, eliminating the marriage tax penalty is a fundamental issue of fairness, and that is what it is all about. Let us make our Tax Code more fair.

Now, this legislation, the Marriage Tax Elimination Act, H.R. 6, passed the House with 268 votes. Every House Republican and 48 Democrats broke with their leadership to support our effort to eliminate the marriage tax penalty. We have tremendous momentum, and my hope is our friends in the Senate will follow the lead of the House, move quickly to move a stand-alone bill wiping out the marriage tax penalty; not loaded up with amendments or extraneous riders or other poison pills.

My hope is that they will keep it a clean bill and that they will move expeditiously and as quickly as possible to wipe out the marriage tax penalty for couples like Michele and Shad Hallihan. That is what it is all about, fairness. Let us wipe out the marriage tax penalty. Let us make the Tax Code more fair. We ask for bipartisan support.

SENIORS SHOULD NOT BE PENALIZED FOR CONTINUING TO BE PRODUCTIVE MEMBERS OF OUR SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, as we conclude legislative business today, I particularly commend my colleague from Illinois (Mr. WELLER) on his fine presentation on eliminating the marriage penalty, a vote we had first and foremost in our Committee on Ways and Means, of which I am a proud member, and obviously brought to the floor with overwhelming success in a bipartisan spirit of trying to eliminate the tax burden on married couples throughout America.

Another issue we are debating and considering and, of course, has been authored by several people, the gentleman from Florida (Mr. SHAW), the gentleman from Texas (Mr. SAM JOHNSON), the gentleman from Texas (Mr. ARCHER), but really one of the people that we need to single out today on this special bill is the Speaker of this House, the gentleman from Illinois (Mr. HASTERT).

They say success has many parents and failure is an orphan. Well, today we can call one bill that will be coming to the Committee on Ways and Means next week and hopefully quickly to the House floor a very big success and that is thanks to the hard work, again, of the Speaker.

In 1986, Mr. HASTERT, the Speaker of the House, introduced a bill to eliminate the earnings penalty by our seniors that basically for the ages of 65 through 69, when they continue to work productively, they start losing, diminishing, their Social Security monies that come to their account. So virtually in America one is penalized, based on the Tax Code, for working past the age of 65.

Clearly, all statistical data indicate people are living longer, more fruitful lives. They are more productive and more engaged in society, but somehow through the years a discriminatory position of the Tax Code has said we are going to start deducting from their earnings for every $3.00 over $17,000 they earn they will have a one dollar liability, basically losing one dollar of Social Security benefit. That is a horrendous policy. That is a terrible discriminatory policy of the Federal Government.

Now everybody lately has been saying, I am for that bill. The President says he will quickly sign it. The minority leader says, I am for that bill; in fact, it was a Democratic proposal.

Well, let me talk about the hard work of the gentleman from Illinois (Mr. HASTERT) since 1986 in bringing that proposal to the floor. Obviously, it was stymied. It was not agreed upon. It was not voted on for many, many years.

Finally, we have a chance to correct what I think is a colossal inequity in the Tax Code, and that is to say to senior citizens 65 through 70, that, yes, we encourage them to continue to work; yes, we in fact applaud them for their continuation of working in the mainstream and, secondly, we are not going to penalize them any longer for that productive activity.

□ 1445

I think it is says a lot about where America is going and whether we should value seniors and value their input and value their expertise and value the fact that they are willing to continue to work hard in the marketplace.

So, as I say, the gentleman from Florida (Mr. SHAW), the chairman of the Social Security Subcommittee on Ways and Means, the gentleman from Texas (Mr. SAM JOHNSON), the gentleman from Texas (Mr. ARCHER), the gentleman from Illinois (Mr. HASTERT) and others who have joined with us today in this important opportunity, the committee will, in fact, be bringing the bill to the floor, or at least to the committee, next week and then onto the floor.

So, first and foremost, we have had, at least on the House floor, elimination of the marriage penalty as a priority. Now we are facing an opportunity to do something for seniors. And we can continue to work on these initiatives.

Let us be clear. We have balanced the budget. Yes, we still have a huge debt that we must pay, $5.7 trillion total debt, and we are working on a plan in fact to reduce that. The gentleman from Illinois (Mr. HASTERT), the Speaker; the President; virtually everybody agrees that it is time to pay down the debt. Let us do that. Let us do that while we have that surplus cash flow.

We also have a chance to shore up Social Security and Medicare, and I think that it is incumbent upon everyone in the room to reach across party lines and start developing a format in which Social Security and Medicare can be reserved.

Finally, I am certain we will join together in some form of coverage for medicines, health care. Medicare will provide some kind of pharmaceutical relief for those desperately in need of relief from the high cost of pharmaceutical and prescription drugs.

These are issues I believe the Congress can work on without a lot of rancor and bitterness. These are issues that are fundamentally and vitally important for people throughout America. They are programs that seniors depend on.

I think this Congress, now as we enter the 21st century, not only has the fundamental opportunity and responsibility, but clearly now has the resources to make some of these things come to reality: pay down the debt, modest tax cuts for those who desperately need them, shoring up Social Security and Medicare, and doing the kinds of things that will instill in us not only a national sense of pride but also act as a model for young people.

By suggesting finally that the Federal Government is going to pay its debts, maybe it sinks into those who have failed to live up to their responsibility, recognizes the true leadership that is necessary, and they in fact in their own personal lives start paying down debts that they may owe, credit cards and other things that have probably hampered their ability for economic prosperity.

If America is going to move forward, we can start embracing some of these topics today. But I again urge my colleagues to sign on to the elimination of the senior penalty, where we tax those 65 to 69 for continuing to be productive citizens in society. Undo this horrible tax, if you will, on their earning capabilities. Take free the shackles from them and allow them to be productive, prosperous, and successful Americans like everyone else.

MISTREATMENT OF AFGHANI WOMEN IS NOT CULTURAL—IT IS CRIMINAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise to speak about an item that ought to outrage not only everybody on this floor but everybody throughout the world. The plight of Afghani women is desperate. So desperate, in fact, that at least half of the passengers on a recently hijacked Afghani airliner have now sought political asylum in England. So desperate that English authorities continue to investigate whether some of the passengers, men and women, aided their captors in an effort to escape the brutal, vicious, thug-like Taliban regime in Kabul.

Mr. Speaker, as we enter a new century marked by hope and optimism, marked by the expansion of freedom and democracy, the Taliban regime seems bent on dragging its citizens, and in particular its women, back to the dark ages. In fact, it is probably worse than the dark ages.

To be female in Afghanistan today is to be a target, a target for repression, a target for brutality, a target for physical and emotional terror that knows no peer.

As First Lady Hillary Clinton has stated, "We must all make it unmistakably clear this terrible suffering inflicted on the women and girls in Afghanistan is not cultural, it's criminal. And we must do everything in our power to stop it."

The First Lady was absolutely correct. Ever since the Taliban seized power in 1996, it has enforced edicts that have destroyed basic human rights for Afghani women.

According to the U.S. State Department and human rights groups, women and girls are prohibited from attending school. With few exceptions, women are prohibited from working outside the home. Women and girls may not go outside unless they wear a head-to-toe covering called a Barca. A three-inch square opening provides the only means for vision.

Women are prohibited from appearing in public unless accompanied by a male relative. My colleagues, listen to this: Access to medical care for women and girls is virtually nonexistent.

Mr. Speaker, I am the father of three young women, three girls, and the grandfather of a beautiful 13-year-old granddaughter. Intolerable situations.

Women are not allowed to practice medicine. And listen to this: Male doctors are prohibited from viewing or touching women's bodies. How can a woman get medical services if women are prohibited from practicing medicine and men are prohibited from viewing or touching women?

Windows in houses that have female occupants must be painted so that one cannot see from the street.

It is hard to believe that any society in the world would force its citizens to endure such Draconian conditions. But, in the 21st century and the dawn of the century, it is the sad truth.

Violations of the Taliban code brings swift, brutal punishment from the religious police, known as the Ministry for the Promotion of Virtues and Suppression of Vice.

What a warped understanding of virtues the Taliban has. Women have been beaten on the street for showing an inch of ankle below the Barca or for wearing shoes that make sounds while walking. One woman reportedly was shot for appearing in public while taking her sick child to a doctor. What a warped sense of virtue these Taliban have.

Other women are randomly rounded up and imprisoned for no apparent justification. Women are frequently stoned, hung, and beaten for alleged violations of various Taliban laws.

Some, I suppose, would argue that the treatment of Afghani women and girls half a world away is none of our business. But when basic human dignities are stripped from so many and so violently, we should not, we must not stand by silent. Indeed, we must express our collective outrage and, yes, perhaps do more than that. It would be, Mr. Speaker, unconscionable for us to look away while an entire generation of Afghani women are desperately crying out for help.

Mr. Speaker, I appreciate this time, but more importantly, I appreciate the fact that all of my colleagues join in expressing this outrage and reversing this criminal behavior. I am pleased to have the opportunity to join my colleague, the gentlewoman from New York (Mrs. MALONEY), in bringing this matter, this desperate matter, to the attention of our colleagues.

SERIOUS QUESTIONS ABOUT COLOMBIA ASSISTANCE PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, the administration has recently sent to Congress a request for $1.6 billion, primarily in military and security assistance, to be sent to the Government of Colombia over the next 2 years. The majority of this assistance, namely $800 million to $900 million, will be voted on next month as part of an FY 2000 supplemental appropriations bill. These monies will supplement the $300 million in mainly security assistance that the Congress has already approved for Colombia for fiscal year 2000. The remainder of the funds is requested for fiscal year 2001.

The ostensible purpose of these funds is to cut the supply of drugs coming out of Colombia to the United States and to support Colombian President Pastrana's efforts to negotiate peace with guerilla factions and to reform government institutions.

Now, I am sure that everyone in this Congress shares the administration's concerns about the threat to Colombia's democracy and development from narcotics traffickers, rebel forces, and paramilitary groups. And I am sure everyone in this Congress supports President Pastrana and the peace process in Colombia. These issues are not in question.

What I do question is whether the proposed aid package for Colombia is the right aid program and the right policy for Colombia. I do question whether the aid under consideration will meet either the counternarcotics objective, let alone further the peace process.

Our current policy, which has already involved hundreds of millions of dollars in assistance to the Colombian security forces, has not, I repeat, has not reduced coca cultivation in Colombia, the flow of cocaine or heroin to the U.S. from Colombia, or the profits of drug traffickers. Why do we believe that more of the same is better?

I also question providing substantial assistance to the Colombian Armed Forces, which has a long and rotten history of human rights violations, including support for paramilitary groups. I question a package that does not address at all the problems posed by the paramilitary groups, which are responsible for the majority of human rights crimes, the internal displacement of more than 1.5 million Colombian peasants and who are more directly linked to drug lords than the guerillas.

I urge my colleagues to not rush consideration of the Colombian supplemental. I urge my colleagues to ask the administration whether this is a counternarcotics strategy or a counterinsurgency strategy.

I urge my colleagues to ask the administration how long they expect the United States will need to be in Colombia to accomplish even their stated objectives.

This package is for 2 years, by which time most of the military equipment will be just arriving in Colombia. Are we going to be in Colombia for just 2 years, or for 4 years, or 6 years, or who knows how many years?

I challenge the administration to explain how launching military operations in Colombia at a time when the peace negotiations are moving forward will help the peace process.

Mr. Speaker, we must ask these questions now because later may be too late.

I will just close by again urging my colleagues to carefully consider the implications of this aid package. Let us not rush to judgment on this package and do something that we will regret in years to come.

Mr. Speaker, I include for the RECORD the following letter that the gentleman from Massachusetts (Mr. MOAKLEY) and I sent to Secretary Albright about these issues:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 3, 2000.

MADELEINE ALBRIGHT,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR SECRETARY ALBRIGHT: In the President's State of the Union Address and in the media, it has been reported that the Administration will submit a supplemental request to provide as much as $600 million in counter-narcotics assistance to Colombia, primarily assistance to the Colombian Armed Forces. It is our understanding this is but one piece of an overall $1.3 billion package, primarily of military, military-related and counter-narcotics assistance.

We share your concerns about the threat to Colombia's democracy and economic development from narcotics traffickers, rebel forces and paramilitary groups. However, it is clear our current policy, which has already involved hundreds of millions of dollars in assistance to the Colombian security forces, has not reduced coca cultivation in Colombia, the flow of cocaine or heroin to the U.S. from Colombia, or the profits of drug traffickers. Rather than increase funding for a strategy that has not proven effective and requires even larger amounts of military assistance for the foreseeable future, we believe the U.S. and other friends of Colombia must provide stronger support for diplomatic efforts to strengthen the peace process and promote stronger economic and alternative development programs, thereby creating the conditions necessary for a more effective counter-narcotics strategy. These objectives should not be relegated to poorly funded "add-ons" to large-scale military assistance packages.

We are also concerned about providing substantial assistance to the Colombian Armed Forces, which has a long history of human rights violations, including support for paramilitary groups. Our concern is compounded by the lack of accountability in the Colombian military for human rights violations committed by military personnel. Even when Colombian government prosecutors have abundant evidence showing that high-ranking military personnel have committed serious violations, these officers are rarely prosecuted fully or punished. Recent measures by Colombia's leaders to reform the Military Penal Code and criminalize torture, genocide and forced disappearance are important steps forward, but they are not yet final. Further, they do not adequately address other crimes against humanity, such as extrajudicial killings or the continuing lack of accountability of military tribunals.

The need for accountability is critical. If the U.S. does provide assistance, it should be conditioned on the rigorous application of the August 1997 ruling of Colombia's Constitutional Court, which requires that crimes against humanity allegedly committed by military personnel be investigated and tried in civilian courts. Neither the Colombian military nor the Superior Judicial Council has abided by this Constitutional Court ruling: they have continued to refer human rights cases to military tribunals. We believe that as a condition of U.S. assistance to the Colombian Armed Forces, the Government of Colombia take the necessary measures to require the military to support civilian jurisdiction in cases involving credible allegations of human rights abuse by military personnel, including cases where officers are accused of conspiring to commit or facilitate murders and massacres. In this way, President Pastrana can ensure that all cases involving human rights abuses by military personnel are sent to civilian courts, which are best equipped to investigate them impartially and guarantee due process.

The Administration should also provide periodic reports to Congress on the number of Colombian military and police personnel who are investigated, prosecuted and convicted of human rights violations in both the civilian and military justice system. The reports should include the sentences they receive and the number suspended from active duty pending the outcome of such proceedings. Such Administration documentation will allow the Congress to assess the extent of accountability by the Colombian military for human rights violations.

We also believe that U.S. assistance should be conditioned on actions by the Colombian Government to ensure that all links, at all levels, between the Colombian security forces and paramilitary groups are severed. U.S. assistance should not be provided to those who aid or abet or tolerate the activities of paramilitary groups, which are most responsible for internally displaced people, as well as responsible for human rights violations and narcotics trafficking. The capture of paramilitary leaders would be an important measure of the Colombian government's commitment to this goal.

For Congress to be able to assess the extent to which the links between the military and paramilitary groups have been severed, the Administration should provide periodic reports on the enforcement by the Colombian National Police and the Armed Forces of outstanding arrest warrants against paramilitary leaders and members, the suspension from active duty of military personnel credibly alleged to have aided or abetted the activities of the paramilitaries, and the prosecution in the civilian justice system of military personnel for human rights violations, including murder and conspiracy to commit murder, committed in the course of their support for paramilitary groups.

As you well know, respect for human rights and accountability for human rights violations require a civilian court system that functions effectively. Our assistance should include, therefore, funds to strengthen Colombia's civilian justice system. This should include reform of the rules governing disciplinary proceedings carried out by the Colombian Government's Office of the Procuraduria against members of the military and police. These reforms should also include the elimination of the statute of limitations on crimes against humanity and the establishment of a policy to immediately dismiss and prosecute in civilian courts any officers found responsible for such crimes.

It is vitally important that U.S. assistance to Colombia be used to support human rights organizations and monitors, protect the security of human rights defenders, and strengthen non-governmental organizations and civil society. U.S. Embassy personnel should also investigate reports of human rights violations in accordance with the purposes of the Leahy provisions enacted into law (Section 564, PL 106–113 and Section 8098, PL 106–79).

As you prepare to send to Congress your proposal for increased assistance to Colombia, we hope you will seriously consider these important issues. As always, we look forward to working with you to achieve our shared goals of supporting a democratic Colombia, where the human rights and welfare of its people are safeguarded.

Sincerely,

JAMES P. MCGOVERN,
Member of Congress.
JOHN JOSEPH MOAKLEY,
Member of Congress.

UNEMPLOYMENT IS LOW WHILE UNDEREMPLOYMENT IS HIGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I have said before that while our unemployment rate is very low, our underemployment is terrible. We have young people with degrees or even graduate degrees all over this country whose highest paying employment is as a waiter or waitress in a nice restaurant. While working in a restaurant is certainly honorable employment, it is sad that so many millions now have degrees or even graduate degrees and cannot find jobs in their degree fields.

In yesterday's Washington Times, an article said that far less than half of those who have received doctorates, Ph.D.s in English or foreign languages, were able to find college teaching jobs. The story told of one man who received a doctorate in English from the University of Colorado and who did not bother to apply for a job at a small college in northeast Texas after he found out that he would have been the 350th applicant for that job.

We now have a trade deficit of $350 billion. Most economists tell us that we lose conservatively 20,000 jobs per billion. This means we lost roughly 7 million jobs to other countries last year alone. Because of weak trade dealings and because environmental extremists do not want us to drill for any oil, dig for any coal, cut any trees, or use our natural resources in any way at all, we are losing many of our best highest paying jobs to other nations.

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First this was a trickle. Now it is happening very, very fast. We cannot base our whole economy on the tourism that the environmental extremists always want and always bring up unless we want millions more working at minimum wage or barely above minimum-wage jobs. Also, our colleges and universities are doing a real disservice to the young people of this country if they do not start warning students that certain fields have almost no jobs or good job prospects; and I think they should at least warn the young people and parents and entering freshmen should check out these things very closely, because it is a very sad thing to sit with parents or grandparents of very fine, nice-looking young people who have made very good grades and who have received degrees, sometimes even graduate degrees and cannot find good jobs after getting these degrees.

Secondly, I heard while driving in this morning that because of rapidly rising oil prices, some fishermen and others in the Northeast have asked the President to declare a state of emergency because fuel and home heating prices are going up so fast, particularly in the Northeast. Everyone knows that we have become far too dependent on foreign oil. We have done this at a time that we are sitting on billions and billions and billions of barrels of oil. We could easily bring down the price of oil or at least hold it steady by drilling for more oil offshore and in Alaska. But once again environmental extremists who almost always are very wealthy people do not want us drilling for any more oil.

Some of these extremists even have said that they think our oil prices should be two or three times higher than they are so that more people will be forced to use mass transit. But this would really be harmful and would put the final nail in the coffin of some of our small towns and some of our rural areas where mass transit is not available and where people have to drive sometimes long distances to get to good jobs. Do we really want to force more people into our big cities that are already overcrowded and where more pollution occurs? If we want lower prices for everything and more good jobs, we need more domestic oil production.

The very misnamed Arctic Wildlife Refuge, which has 19.8 million acres of land in Alaska, could produce many billions more barrels of oil if we would just allow drilling on far less than 1 percent of its territory. Most of this refuge is nothing but a frozen, huge brown tundra that does not have a bush or a tree on it or at least not one within many, many miles. If we opened up only 12,000 acres, far less than 1 percent of this refuge, we could get to billions of barrels of oil; and it could be done in an environmentally safe way and without hurting even a single animal or cutting even one tree. Yet once again wealthy environmental extremists do not want us to do this, even though their actions are hurting the poor and working people of this country most of all and are also helping keep young college graduates from getting good, high-paying jobs.

These are just some things that I hope many people in this country and in particular my colleagues here in the Congress will consider in the months ahead.

STOP SPLINTERING FAMILIES; START APPLYING AMERICAN FAIRNESS AND JUSTICE

The SPEAKER pro tempore (Mr. SUNUNU). Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to say that we must stop the splintering of American families that resulted from the so-called immigration reform act passed in 1996. We must stop deporting hardworking legal, I repeat, legal immigrants who are raising stable families only because they committed a minor infraction years or even decades ago. We must stop hauling away parents in the middle of the night in front of their children, and we must stop denying these people now in detention the most basic constitutional rights that we in America believe everyone should have.

Yet that is exactly what the 1996 immigration law does. It redefines the term "aggravated felony," which sounds so horrible to cover virtually every crime ever committed. It is retroactive, covering crimes decades ago. It denies basic constitutional protections such as bail and visitation rights. Again, I repeat, we are talking about legal immigrants, immigrants residing in this country in a legal fashion.

The law that was passed in 1996 removes the authority of immigration judges to take into account a person's contributions to our society as well as any past misdeeds. The law removes Federal judges' oversight over the immigration process. It allows INS, Immigration and Naturalization Service, deportation officials to pick someone up after they apply for citizenship, put them in detention maybe in the middle of the night without their relatives knowing where they were and hold them without bail. Mr. Speaker, this is America. This has to stop. We must start to restore justice and fairness to immigration proceedings.

Let me just give my colleagues a few examples of how this law is splintering families in the San Diego area. Just yesterday, I received a letter from 13-year-old Aida. Her father had always been a good provider; but in the middle of the night, he was picked up by the INS, handcuffed in front of his children and deported. Now his family has to rely on welfare.

Allan is 34 years old and came to the United States when he was 16. He was arrested for grand theft in his 20s and served a 3-year sentence. But today, many years later, he faces deportation despite doctors' diagnoses of attention deficit disorder and possibly Tourette's syndrome. Several doctors said he should be treated for mental illness rather than being incarcerated further for crimes for which he has already paid his price.

Juan, who is 44, has been in the United States since he was a young man. He was convicted of drunken driving and served 7 months of a year sentence. This sentence was expunged from his record by California courts, but still the INS picked him up at his home at 2 in the morning. He served more time in detention while waiting for deportation than he did for his original DUI.

I repeat, Mr. Speaker, this is America. Here we do not allow unconstitutional actions. Here, actions do have consequences; but we have a system of checks and balances to ensure that no branch of government can ride roughshod over our rights.

Mr. Speaker, I propose to roll back the draconian provisions of this 1996 law. My own bill, H.R. 3272, the Keeping Families Together Act, would do the following, and I repeat, this is for legal immigrants. It would restore the previous definition of aggravated felon so people would not be dragged into jail for very minor crimes. It eliminates the retroactivity sections so minor crimes from decades ago are not counted against the immigrant. It restores previous standards so as to allow a judge to take into account community ties before deciding on deportation. It eases mandatory detention requirements for immigrants who have completed their sentences or probation. It reinstates the authority of Federal courts to review immigration matters. And it does ensure, Mr. Speaker, that murderers, rapists, and terrorists, true aggravated felons, the people we want to deport, would still be deported.

Mr. Speaker, we need to start here. We need to start to restore fairness so that our Pledge of Allegiance truly means with liberty and justice for all. We must stop the practices that would shame anyone who reveres our constitutional system.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, today I rise in celebration of another year of independence for Lithuania. While some may consider this the 10th anniversary of the day many brave Lithuanians faced the Soviet tanks to restore freedom, it is truly the 82nd anniversary of Lithuanian Independence Day. As a Lithuanian American, I am proud of my ancestry and what Lithuania stands for, such as resilience, determination, tenacity and pride. What I find especially promising about the Lithuanian people is how far they have come after reestablishing independence just 10 years ago.

Today, Lithuania is a vibrant economic power in central Europe. In 1998, Lithuania had the lowest inflation rate in Central and Eastern Europe and privatized 344 companies. I am sure that the 1999 numbers will be just as encouraging. Additionally, Lithuania continues to contribute to the security of the Baltic region by implementing key defense programs and priorities.

First of all, the Seimas has already approved a 10-year defense spending program which will reach 2.5 percent of the GDP by 2005. This increase in spending will ensure that appropriate equipment will be procured and critical troop reforms will be made. The additional spending will also secure Lithuanian interoperability with NATO forces. While Lithuania already participates in some NATO forces, interoperability will again prove Lithuania's readiness to join NATO as a full-fledged member.

However, entrance into NATO and defense spending are only one aspect of such a diverse country. Trade, economic development, and foreign investment will help to strengthen Lithuania not only in Europe but across the globe. Today, out of the top 10 foreign investors in Lithuania, only three are American companies: Williams, Phillip Morris, and Coca-Cola. As the government continues to privatize industries and services throughout the country, American companies must make the first step and begin investments. Right now Lithuania is an untapped resource of money, goods and a capable workforce. The possibilities are endless as to what can be done in this burgeoning economy. The United States and Lithuania must work together to encourage this investment. The possibilities are too great for American companies to miss by sitting on the sidelines.

Again, I would like to congratulate the Lithuanian people on not only their independence but on the strides they have made over the last 10 years to make their country what it is today. Through continued perseverance, they have shown in the past Lithuania will be an outstanding addition to NATO and an economic powerhouse in central Europe.

TALIBAN ATROCITIES IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I join my colleague, the gentleman from Maryland (Mr. HOYER), in speaking out for equality, equal opportunity, freedom of choice, and freedom to live. There was once a time when these words were only meaningful to men. However, more than 50 years ago, the universal declaration of human rights declared once and for all the principle of equality for women and men around the world. Then why is it that in the year 2000, the beginning of the year and the decade of hope and advancement and greater opportunity that there is an entire population of women who still live in constant fear and violent oppression?

Since 1996, the Taliban, an extremist militia, has seized control of 90 percent of Afghanistan and then unilaterally declared an end to women's basic human rights. Women are banished from working, girls are not allowed to attend school beyond the eighth grade, women are beaten for not fully covering themselves, including their eyes and ankles. Women and girls are not allowed to go out into public without being covered from head to toe with a heavy and cumbersome garment and escorted by a close male relative. Women are not allowed to seek health care, even in emergency situations, from male doctors. The Taliban has allowed some women to practice medicine, but women must do so fully covered and in sectioned-off special wards. And even these services are only available in very few select locations, leaving women to die from otherwise treatable diseases.

A 16-year-old girl was stoned to death because she went out in public with a man who was not her family member. A woman who was teaching girls in her home was also stoned to death in front of her husband, children, and students. An elderly woman was beaten, breaking her leg, because she exposed an ankle. These are atrocious actions and they are real. They are happening now. They will continue tomorrow as long as the extremist Taliban government is still in control.

The restriction on women's freedom in Afghanistan is not understandable to most Americans. Women and girls cannot venture outside without a burqa, a heavy and expensive restrictive garment, that covers the entire body, including mesh over the eyes. For some women, not having the means to afford and purchase this expensive garment will banish them to their homes for the rest of their lives.

The effects of this decree have been severe. Many Afghan women are widows and have no means of income because they cannot work. And unless they have a close male member in their family, they have no access to society for food, for their families and for themselves.

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It is no wonder that under these conditions, the Feminist Majority Foundation reports that the Physicians for Human Rights found that 97 percent of Afghan women show signs of major depression.

I join my colleague, the gentleman from Maryland (Mr. HOYER), in condemning the Taliban regime. We must continue to speak out against the Taliban, on behalf of the women and girls that risk death for speaking out for themselves.

We must not accept the Taliban as a legitimate government.

We must send a strong and clear message that gender apartheid is unacceptable and a gross violation of the most basic human rights.

Afghanistan may be physically located on the other side of the world, but the voices of the women and girls suffering there are heard loud and clear here.

I urge my colleagues to continue their support of the women and girls in Afghanistan by cosponsoring my resolution, H. Res. 187, to prevent any Taliban led government from obtaining a seat in the United Nations, and refused any attempt to recognize any Afghan government, while gross violations of human rights persist against women and girls.

In closing, I want to share with you an excerpt from a poem written by Zieba Shorish-Shamley called "A poem dedicated to my Afghan Sisters":

I remember you . . .
When you have no choice, no voice, no rights, no existence
When you have no laughs, no joy, no freedom, no resistance
Your pain, your agony, your silence, your loneliness
Your anger, your frustration, your cries, your unhappiness

To the women of Afghanistan I say, we remember you, we will not forget you, we will fight for you!

NOT ALL AMERICANS EXPERIENCING THE SAME PROSPERITY

The SPEAKER pro tempore (Mr. SUNUNU). Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, when the President delivered his State of the Union address on January 27, he touted the unprecedented prosperity of the Nation. He pointed to the fast economic growth and the lowest unemployment rates in 30 years.

Unfortunately, this is not the case in all areas of the country. In some parts of the Fifth District of Virginia, which I represent, we have experienced significant job losses and unemployment rates that are three to five times greater than the State average. The job losses are the result of textile plant closings and the decline of the apparel manufacturing industry in Southside Virginia and throughout the Nation.

Martinsville and Henry County, Virginia, used to be known as the "sweatshirt capital of the world," but with the recent loss of over 3,000 apparel manufacturing jobs, that title will no longer be applicable. Recent figures show that the unemployment rate in Martinsville for the month of December was 19.6 percent, and the unemployment rate for surrounding Henry County was 11.6 percent. Neighboring counties, including my home county of Franklin, also have seen textile plants close and unemployment rates increase.

The people who have lost their jobs are able and willing workers. Many in the community were concerned when NAFTA was proposed, and they feared the impact that the agreement would have on their jobs and the local economy. Their fears and concerns have now been realized. Nearly all of the plant closings in the area have been certified by the Department of Labor as NAFTA impacted, making the workers eligible for the Trade Adjustment Assistance Program and the NAFTA Transitional Adjustment Assistance Program. Many have taken advantage of these programs which provide job training grants. With the help of the Virginia Employment Commission, many of them are enrolling in training programs. However, job training will be of little benefit to these people if there are no jobs available to them.

There is legislation that has been introduced in the House of Representatives which I believe would help these displaced workers and others like them around the country. H.R. 1967, the NAFTA Impact Relief Act introduced by the gentleman from Mississippi (Mr. SHOWS), now has over 70 cosponsors. The NAFTA Impact Relief Act would provide tax incentives and grants to communities affected by the loss of businesses and jobs as a result of NAFTA.

I believe this measure is an example of what we need to try to do in order to assist adversely impacted localities in their efforts to create jobs and to get their economies on the same track as those sectors of the country which are enjoying more prosperous times.

I hope that in these times of economic growth for the Nation as a whole, my colleagues and the President will recognize that not everyone is experiencing the same prosperity. I hope that we can all work together on efforts to help these hard-working Americans in their time of need.

OPPOSE UNILATERAL CLOSURE OF PUBLIC LANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RADANOVICH) is recognized for 5 minutes.

Mr. RADANOVICH. Mr. Speaker, yesterday President Bill Clinton announced plans to create a monument in the Sequoia National Forest. Not in Sequoia National Park, mind you, but Sequoia National Forest. It will be 400,000 acres, almost 625 square miles.

The 19th District of California is my home. It encompasses four counties, Mariposa, Madera, Fresno, and Tulare. The people of my district share their home with three national forests and two national parks. That makes my district over 85 percent federally owned, one of the highest ratios in the country.

Make no mistake, we are proud of our public lands. Yosemite and Sequoia National Parks are crown jewels. The old growth trees that are there inspire majestic awe. The people of my home love and respect the environment.

But, Mr. Speaker, this designation is not about protecting the environment and it is not about protecting giant sequoias. Nobody is logging these trees. The sequoia groves have been off limits for years. This designation is all about politics. It is a campaign looking for a press release.

It seems our President will say just about anything to prolong his rule. Today he will close down the Sequoia National Forest for some good press, and tomorrow it will be someplace else. What is next? When a government can close off public lands, on a whim, without asking for public comment, they are not really public lands any more.

Mr. Speaker, how can we allow a President to close access to public lands the size of Rhode Island without asking permission from the people who own them?

Today I am introducing a resolution. It requests that the President tell us what he plans to do with the rest of our public lands before election day. He has, so far, steadfastly refused to answer this question. It requests that the President include real public participation as he moves forward with the Sequoia Monument. He needs to talk to people who live there, not just people in Washington.

We should oppose this kind of unilateral closure of public lands, if not for the people in my district or in your district, but then for the sake of our democracy. It seems we need an administration that remembers that we do live in a democracy.

PRESCRIPTION DRUG BENEFITS AND THE MEDICARE PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized for 60 minutes as the designee of the majority leader.

Mr. GREENWOOD. Mr. Speaker, this evening the gentleman from North Carolina (Mr. BURR) and I are going to talk about prescription drug benefits and the Medicare program.

In 1965, when Medicare was created of course it was created without a prescription drug benefit. It seems unimaginable now in the year 2000 that the Congress would create a program to provide for the health care of the elderly without providing a prescription drug benefit, but those were different times. In 1965, a far smaller percentage of Americans in general and American seniors used prescription drug benefits on a regular basis, and so Congress did not include prescription drug benefits in the creation of Medicare.

But today, as we stand at the millennium in the year 2000, the world is a very different place, and today's seniors, as we all do, benefit from health care innovations that were inconceivable just 35 years ago, and particularly in the area of pharmaceutical products and biological products.

Today if you do not have access to the latest miracle drugs produced by the pharmaceutical industry and you do not have access to the latest biological products that are being produced, that are creating cures for diseases that could not have been imagined 35 years ago, if you do not have access to these products, you really do not have good health care in America. Yet 35 percent, over one-third of all of the seniors in the United States, as well as the disabled, who also receive their health care through the Medicare program, do not have access to these products.

This chart to my left here, the pie chart on the right, describes which Americans do and which Americans do not have access to prescription drugs through the Medicare program and other similar programs.

About 31 percent of American seniors receive a prescription drug benefit from their former employer. They worked long enough to receive a lifetime of benefits and their employer was in a position and perhaps the union negotiated for a benefit that would be a good prescription drug benefit that would last for the rest of the life of the retiree.

About 11 percent of today's elderly population purchase a prescription drug benefit when they purchase a Medigap policy, the Medigap policies that cover those costs of health care not covered by the regular Medicare program.

Then there are about 10 percent of America's senior citizens who are of such low income that they are eligible for the Medicaid program, health care for the poor, and they have through that program a pretty good prescription drug benefit.

Then there are about 8 percent of the elderly who choose to receive their Medicare in what is called Medicare Choice Plus plans, and that is that they have a managed care package, and that managed care package provides them with the benefit.

But the yellow piece of the pie there, the largest piece of the pie, represents the 31 percent, the chart says, and the estimates are between there and 35 percent, of America's seniors who do not in fact have any Medicare prescription at all.

Let me change charts for a moment.

This is a chart that demonstrates of those that do not have, the 35 percent of Americans's elderly who are without prescription drug benefit, who they are in terms of income levels. As this chart readily indicates, the likelihood that one is covered with a prescription drug benefit is in direct proportion to one's income at retirement. So those American retirees who have incomes in excess of $50,000 per year, 95 percent of them are able to in one way or another meet their prescription drug needs.

That figure climbs for those between $25,000 and $50,000 to 16 percent. Between $15,000 of income and $25,000 of annual income those uncovered by a prescription drug benefit is 22 percent. Between $10,000 and $15,000 the number is 20 percent. For those Americans below $10,000 and yet with enough income so they do not qualify for the Medicaid program or a State-operated Medical Assistance Program, 37 percent of those elderly do not have a prescription drug benefit.

As this chart indicates, this problem is going to be exacerbated by time. In 1999, 13 percent of the American population was older than 65, and of those over the age of 65, 33 percent were taking some form of medication on a regular basis.

Thirty years from now, when the baby-boom is fully retired, about 20 percent of Americans will be of retirement age, over 65 years, and more than half, 51 percent of them are expected to require daily medications. So clearly this problem will get worse in time unless the Congress acts to solve this problem.

As this chart indicates, the problem is being exacerbated because of the increasing costs of prescription drugs, the total prescription drug costs for any given elderly person.

In 1993, this is the price increase per year, these are year-over-year percentage changes, so in 1993 the price of pharmaceuticals increased by 8.2 percent, while the consumer price index was only 2.7 percent. As the chart shows, the annual increase in the total cost of all pharmaceuticals, this is not the per item cost, but the total cost of all pharmaceuticals, has risen to the extent that just the one year change between 1998 and 1999 was a whopping 18.5 percent, while the CPI was still down at 2.7 percent.

I wanted to bring up one other graph. This is a very important graph, because it begins to break down the components that cause this dramatic increase in the total cost of all pharmaceuticals.

□ 1530

The purple parts of each bar are the percentage increase in each of the years between 1990 and 1998 that were related to the actual percentage increase in the cost of the pharmaceutical products on the market. So in 1990, products in general went up 8.4 percent. That has been on the decline; it is at a slight increase in the last few years. But as we can see, the percentage of increase in products on the market is a relatively small percentage of the total cost increases.

The green part of the bar shows the volume from the mix of new products. What that means is that this part of the increase was driven by the fact that seniors were getting more prescriptions, taking more medications, and new products were coming on to the market, adding to the costs. So when we look to methodologies to bring down the cost of prescription drugs, we need to understand that it is not just a freeze, for instance, on all prescription drug prices, which will not solve the problem, because as long as new products come on to the market, seniors will have access to them, and that will drive up the total cost of pharmaceuticals.

Mr. Speaker, we Republicans are committed to solving this problem. My colleagues on the Committee on Commerce have been working hard at this for some time, as have our friends on the Committee on Ways and Means; and we have been meeting together. We will have a prescription drug benefit plan in legislative form probably next month, in March, and we will bring that to our committees for consideration, and to the floor.

I am convinced that the capacity is here in the House for Republicans and Democrats to work together for the Congress, and for the House and the Senate to work together, and for the Congress, the Republican Congress and President Clinton to work together so that by the end of this year 2000 we will have been able to provide a legislative solution to this that is sound, that is reasonable, that makes sense, and that solves the problem of many seniors today where they have to choose between whether to buy groceries or whether to buy a prescription drug, or whether to take their prescription from their doctor and then never have the opportunity to fill it at all.

At this time, I yield to my colleague from North Carolina (Mr. BURR), who knows as much about this issue as any of my colleagues.

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman from Pennsylvania for making part of his time available for me to join him in this Special Order on the drug benefits that should exist under Medicare.

I sometimes wonder if in 1960 when Medicare was created, whether they knew we would be here at some point in the future. The fact was that drug benefits were not part of the insurance package for the private sector or for any entity, and if they would have been, I am sure that those individuals who were in this institution would have included a drug package in Medicare as we know it today. But the fact is, they did not. In the last 30 to 40 years, we have seen significant change since Medicare happened.

There has not only been change in the delivery system, it has been changed in the treatment methods that physicians use; there have been changes in the devices that hospitals are able to use for treatment; and there has certainly been change in the pharmaceutical world, which I call the high-tech end of medicine. As we discover new things that treat specific illnesses, that up until yesterday we might have thought were uncurable or uncontrollable, that is the era that we are in.

The debate in Washington is not over whether we extend a drug benefit to individuals who make choices between food and drug. It is a philosophical debate in Washington over who we are going to offer a drug benefit to. The gentleman and I and others believe that it has to be universal; that we have to make sure that 10 years from now, people in this institution are not here on this House floor fixing something that had design flaws, fixing something that was not inclusive of 100 percent of the population.

There is a difference between where the subsidy is, the Federal Government subsidy, and making available the option for seniors to buy in. It could be that our plan, employers might buy their retirees into this drug plan. It means that seniors' high income would pay for their premiums and those below a certain level of income on an annual basis might have that Federal safety net to pay their premium and their deductible. But there are certainly plans all around this town, as we have seen.

The gentleman and I both shared an experience which was the modernization of the Food and Drug Administration, a 2½-year process that I remember well. When we started, people looked at us and said, it can never be done; it is too big. Granted, things happen slow in Washington that are big, but 2½ years later, I think even the agency would say that their ability to bring new pharmaceutical products, their ability to bring new devices to the marketplace to treat real people is better today than it has ever been in the history of that agency, while maintaining the gold standard of the FDA, and that is the safety and the effectiveness of their treatments.

I remember through that process that the gentleman and I met hours and hours with individuals young and old who came in with chronic and terminal illnesses who did not have a tremendous amount of choices. One of the results of the Food and Drug Administration modernization was that we have had new applications, a greater number for pharmaceuticals than we have ever seen, because companies invested millions and billions of dollars in research and development. The human genome project is beginning to identify disease that exists in our senior population, and we are just right around the corner from those same pharmaceuticals finding a chemical that can stop that chronic illness that they have had for year after year after year.

We have to make sure that drug benefits are affordable and accessible for the entire population, and we can only do that if we accept the challenge of presenting a universal plan, not a targeted plan like some have suggested. Clearly, it has to be universal and it has to include the entire senior population. As a matter of fact, the General Accounting Office testified in front of us today, the Senate last week; and they said to Congress, do not do anything that does not change Medicare in its entirety. Reform the whole process when you do the drug benefit. That is probably a goal that we cannot do this year. The question is, how long can seniors wait.

However, we can get that portion of it that deals with drug benefits right: universal in scope, affordable in price, and accessible from the standpoint of coverage.

Mr. GREENWOOD. Mr. Speaker, the gentleman made reference to the miracles of some of these more modern pharmaceutical products; and he also, in his remarks, has been talking about the cost and how do we devise a plan that, given the finite resources, will provide this wonderful benefit to all of our seniors. We have to remember that it is not a zero sum game, that when we add a pharmaceutical benefit, it does not simply and only add to the costs of Medicare. Because in many ways, using a pharmaceutical product, using a medicine, is the least expensive way to treat an illness as compared to surgery.

I have a chart here on my left that demonstrates an instance of that. This is the cost of treating stroke patients. If we use a treatment that consists of a pharmaceutical approach, which uses a clot-busting drug, it costs about $1,700 to treat that patient on an annual basis. Yet, by doing that, we are keeping that patient from having to go through the pain and the expense of rehab and often nursing care.

So the difference here is that we save $6,100 that otherwise Medicare would have been paying for.

Mr. BURR of North Carolina. Mr. Speaker, another important thing: we save money, and there is no figure in there on the quality of life improvement that we have made for the individuals. No hospital stay, no transportation for relatives, the type of thing that for seniors today is a problem; just the dislocation from their home is a problem.

We have been joined by the gentleman from Michigan (Mr. UPTON), who also participated in quite a few things with us, and one of them was the expansion of Medicare in 1995, if I remember, when we made the sell that there were certain things under Medicare that we ought to cover, such as the PSA exam for senior males that checked for a certain cancer; mammograms for senior females so that we could detect at an earlier stage; not too dissimilar to the argument that the gentleman just made and that is if we find a way to detect things sooner, the faster we do it, the faster we treat, the less hospital stay that we have, the less cost that we have, a better quality of life that we have. Everything that we would chart as a goal in a health care plan we were able to achieve, and it should be incorporated into this drug benefit.

Mr. GREENWOOD. Mr. Speaker, the gentleman from Michigan (Mr. UPTON) has joined us, and with my colleague Mr. BURR and myself, along with the gentleman from Virginia (Mr. BLILEY) and the gentleman from Florida (Mr. BILIRAKIS), and others, we have been working for all of this year and beyond that, earlier than that, to devise a prescription drug plan that makes sense.

I would like to now yield to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I thank the gentleman from Pennsylvania for taking this Special Order. I certainly welcome the opportunity to work with my colleagues on developing a plan that makes sense.

As we go back home, particularly this next week and a half with Congress out of session, as we look at our mail that comes in virtually every day, there is a real human cry for us to do something about pharmaceutical drugs and to try and work together to allow this to happen for today's seniors.

I am sorry that I was a little bit late when this Special Order started. We all have a number of hearings that have been going on, so I missed the beginning. I saw some of the charts just briefly before I left my office to come over. But we are part of a group that is working on a comprehensive plan that tries to do a number of things. Obviously, we have been the leader in terms of the pharmaceutical industry looking for drugs that are going to save lives and in effect save big time in costs. We heard today, the three of us, in our committee a woman from Pennsylvania with osteoporosis, or from Florida, or maybe California. Anyway, she was a wonderful lady.

Mr. BURR of North Carolina. Mr. Speaker, she could have been from anywhere.

Mr. UPTON. Yes, she could have been from anywhere. But these drugs, particularly for osteoporosis, have saved her life. We are looking at some of these advances that are just around the corner with diseases before that have been so crippling, and again, we are almost there in lots of cases. That medical research money is so necessary, not only that we provide to the National Institutes of Health, but also the research and development money that pharmaceutical companies use as well, to try and develop drugs in major ways.

Mr. BURR of North Carolina. Mr. Speaker, in her particular case, it was not limited to osteoporosis, which is the case with a lot of seniors today who have multiple health problems or multiple health conditions. She herself said that she took 11 prescriptions a day.

Now, one of the reasons that she came to see us is she is one of the fortunate seniors that is insured. She has an add-on. policy that provides some costs for drugs; and she said, whatever you do, let everybody else have the opportunity who is a senior to buy, but do not limit me; let me stay with the plan I am comfortable with. That is a challenge to us, to make sure that whatever we design is equally as good, if not better, than what she has.

Mr. GREENWOOD. Mr. Speaker, clearly what we want to do is we want to provide choice. One of the first charts I held up demonstrated that a significant portion of America's elderly, two out of three already have prescription drug coverage and about half of those, or about a third of the senior population, receives those benefits from their employer.

Now, what we do not want to do is do anything that is going to cause either those retirees who have a nice prescription drug benefit to suddenly have to pay for something they already have, nor do we want to do anything that would create a disincentive for the employers to provide that. So we have to be careful that we fix what is broken and we do not fix what is not broken in the world of prescription drug benefits.

Mr. BURR of North Carolina. Mr. Speaker, the challenge for us, as everybody will agree, is that there are 30-plus million Americans who fall under this umbrella of Medicare, and it grows every day. We certainly know what the demographic shift is in America. We have heard the numbers as they relate to Social Security. We talk about it enough related to Medicare, but the fact is the senior that goes on Social Security is also the senior that will go on Medicare. The population will double in the next 15 to 20 years in America, and I think there is a responsibility that we have to make sure that the system is sound enough that it will go on.

Mr. Speaker, I think it is important to talk about some of the numbers that we hear on a daily basis as we discuss drugs. Individuals might see on the nightly news when they talk about the individual who is making a choice between food and drugs or drugs and something else in their monthly budget.

□ 1545

The President's new proposal has a full subsidy at 135 percent of poverty. That income level on an annual basis is $11,727 a year; excuse me, the 150 percent is $11,727.

What happens to that person that is at 135 to 150? Clearly they have the same choices that they have to make, maybe not as great as the person at 100 percent. But I think one of the things we have to do is we have to identify where is that safety net needed the most, whether there is a transitional safety net for people in the middle, because today we can look at 200 percent of poverty for seniors and realize that there is no State, Federal, or community safety net that fills their need, and how expansive we can be is only limited to how creative we can be at producing a new model.

Mr. UPTON. Mr. Speaker, I would just note, if the gentleman will yield, that a number of States, Michigan being one, have just embarked on a program that in fact will help how many HMO seniors, those as high as 150 percent of poverty. But again, it is not a very high dollar figure, as the gentleman suggested.

But what do we do with those States that already have something in place? We have to be very careful not to undo what they have done, and yet try to encourage other States to follow the same lead that States like Michigan have already taken.

Mr. BURR of North Carolina. The gentleman is exactly right. The challenge for us as well is to make sure that the plan that we produce has a value. I think sometimes we leave value out of it because we are talking about this captured audience, and I guess that is how people can look at the current health care system and say, it is the best in the world.

When we talk to seniors, they will point out every problem that exists in Medicare today from the standpoint of the limited scope of coverage to the cost and the out-of-pocket cost, $760 when one really gets sick and has to go in the hospital.

That is an area we should look at, but we are doing drugs now. We have to make sure that it fits in that modernized Medicare system of the future. If not, our work would only be changed by somebody else's mistake later on.

Mr. GREENWOOD. Mr. Speaker, I yield to the gentlewoman from New Mexico (Mrs. WILSON). She is a member of the Committee on Commerce, as we all are here doing this special order, and she will be playing a critical role in determining what kind of prescription drug benefit we can provide to our elderly and to our disabled.

Mrs. WILSON. Mr. Speaker, I thank the gentleman for yielding to me.

I appreciate the gentleman from Pennsylvania (Mr. GREENWOOD) having this discussion today, Mr. Speaker, because I think Congress is just really beginning the hard work of developing the legislation to address this problem.

All of us agree that we have a problem that we have to deal with. It is a problem brought about by marvelous advances in medical care that did not exist at the time that Medicare was established. We look at what the pharmaceutical industry has brought to the quality of life in America. We have a much longer lifespan and a much higher quality of life because there are miracle drugs that are available today that were not available 10 or 15 years ago, but the cost is often very high.

I heard about this a lot when I was at home over our recent break. There was a little lady who came in to see me at one of our town hall meetings. Her name is Jean Welch. She did not say anything during the meeting itself, but she came up to me afterward. She has trouble walking now.

She gave me a little envelope, and just whispered into my ear, don't look at this now, but when you go home, I want you to know that this is half of what I spend on prescription drugs every month. I just want to you to know.

So I went home and I pulled out of this little envelope a receipt from Wal-Mart for over $360. If someone is on social security and they have that high a price for paying for their prescription drugs, it is a real burden, and it is something that we have to address.

I think maybe I would like to just take a minute here, if I might, to talk about how we are grappling with this issue and what the choices are that face us as a Nation and as a Congress, and how we are beginning to sort through those choices.

There are issues really in three areas. One is the scope of coverage. We know that about half of American seniors now have some kind of prescription drug coverage. They have some kind of insurance, but we also know that about one-third of our seniors have no coverage at all. The rest have had some kind of coverage, but it is very, very limited.

So how do we craft a program that allows continuing choice for those who have insurance that they want now, and does not overly burden the Federal government and take away choices from seniors who have exercised their right to choose? So the scope of coverage is one of the issues that we have to deal with.

How do we administer this program? There are a number of options that have been proposed in a lot of different pieces of legislation here, but I think they kind of fall into three groups.

We could have a government-managed benefit, as we do with a lot of other Federal Government programs, with regional entities to purchase and administer our drug program.

We could have private insurers that take care of this, and we would give seniors some kind of a voucher or a credit in order to buy prescription drug insurance. That would not have some of the burdens that go along with being a government-run program.

Or, a third proposal that has been floated is to allow the States to manage this and administer the program. So there is not one prescription drug proposal, there are a lot of different ways that we could do this, and those are ways that we are grappling with here in the Congress starting this week.

There is also the problem of who we cover. All of us know that we need to cover low-income Americans and low-income seniors. But there is also the problem of those that may not be low-income, but they have huge, high drug costs.

That was one of my concerns with the initial proposal that came out that said, yes, we are going to give everyone coverage, it is going to cost us somewhere between $300 and $600 a year to buy it, and by the way, there is no coverage beyond the first $2,500 worth of costs.

Well, my husband handles the insurance in my house, but even I can figure out that I do not need the insurance for the things I can afford, I need it for the things I cannot afford. So if we have caps at $2,500, that does not help Jean Welch after May or June. We need to think about those who have high costs, as well as those who have low income.

There are a lot of models for reform that the Congress is beginning to grapple with and grapple with seriously. I am very pleased that the Speaker has asked the chairman of the Committee on Ways and Means and the chairman of the Committee on Commerce, who have all of the expertise on these programs, to get together, to have the public hearings, to begin to craft a proposal that solves a very real problem that real Americans face every day.

Mr. GREENWOOD. Mr. Speaker, the gentlewoman from New Mexico has well illustrated that there are a variety of plans that are on the table taking different approaches. This is a hard job. This will not be easily done. We are talking about being able to find billions of dollars, many billions of dollars, scores of billions of dollars on an annual basis for the foreseeable future to be able to do this.

We have finite resources. We have many, many competing demands on our budget. We have to do it in a way that makes sense to all of the stakeholders.

There is an old saying, which is that it is amazing how much you can accomplish if you do not care who gets the credit. A lot of the political observers who watch what happens here in the Nation's Capitol will say, do not bet on there being a prescription drug benefit. It is an important election year, it is a presidential election year. The Democrats want to take the Congress back and the Republicans want to keep the Congress, and both parties are vying for the presidency, and it will be too easy for the Republicans and Democrats to get into a fight over who gets credit and who gets blame for getting something done or not getting it done.

Republicans can fight Democrats, Congress can fight the President, but this is too important for that. As the gentlewoman from New Mexico said, her constituent has a real life problem. This is about, literally, life and death. Our ability to solve this problem in a timely fashion really has everything to do with whether some of our elderly loved ones live or die, whether they live in pain and suffering, or whether they can enjoy their golden years and their grandchildren because they have access to the miracles of these industries.

There are also temptations that are nonpartisan. There is a temptation to pick on the various industries that are involved. There is a temptation to say, let us all pound on the pharmaceutical industry. They are a good target. We can beat them up.

The fact of the matter is we do not want the pharmaceutical industry to be price-gouging or making excessive profits, but we do want them to be able to continue to provide these miracles, and there is no country that compares with the United States when it comes to our ability with our pharmaceutical industry to make these products.

They do not do this in Canada, they do not do this in Mexico, or in many countries in Asia, or more than a handful in Europe. These products are for the most part innovated in the United States of America. We have to make sure that we do not kill the goose that is laying these golden eggs.

We think we can bring the price of prescription drugs down dramatically because when we get all of these elderly people and disabled people who do not have the benefit now, get them into the marketplace, subsidized by the Federal government, we will get the price of those prescription drugs down.

Mr. BURR of North Carolina. If the gentleman will continue to yield, the gentleman raises a great question. That is, a movement of 30-plus million people into a plan of coverage has a devastating effect on the cost of the items that are purchased under that plan.

Mr. GREENWOOD. Supply and demand.

Mr. LATHAM. This is a supply and demand situation, where if they buy them individually, the cost is so much higher. I think that is one of the reasons we have to look at some of the plans that are out there, and look at the hard and real facts of what does it cover.

In 1995, the average cost for a senior in America for drug coverage was about $500. That was the extent of all the drugs that they purchased. But more importantly, we are faced with a situation of trying to integrate what we are here trying to put together in with every State who takes care of the poorest seniors.

Somewhere between 58 and 100 percent of those in poverty are currently under Medicaid plans. Those Medicaid plans will be affected by what we do. We have to make sure this is integrated into it.

The President made a proposal earlier this year. In the President's proposal, the same 135 percent of poverty are covered, just like we talked about the need to cover them. After that, individuals are asked to pay 50 percent of every dollar that they spend after they buy a premium, an insurance policy. The co-pay is 50 percent. There is no insurance product in the marketplace today like that, nor is there one that anybody would buy.

Let me give one figure. On $1,100 worth of drugs under the President's plan, in the year 2002 the benefit, the benefit for the senior would be $197.60. Eight hundred and two dollars of the $1,100 worth of drugs would be out-of-pocket costs by that senior. What an incredible challenge for anybody to buy into.

Mr. GREENWOOD. Mr. Speaker, I yield to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. If I could follow onto something the gentleman mentioned about how easy it is to attack the pharmaceutical industry, these big companies, and why are the prices so high, but these are the companies that brought us the miracles in the first place.

I just want to reinforce something the gentleman said about the worst thing we could do here is to salt the earth or poison the well that will bring us the next generation of miracles, the medicine that will cure Alzheimer's or Parkinson's or diabetes. We want this great medical miracle that we have seen in the 20th century to continue in the 21st century, and the worst thing we can do is to pass legislation which would cause the pharmaceutical industry to shrivel in America and stop creating the next generation of miracle drugs, because I want them to be there for my kids and when I am old and gray.

Mr. GREENWOOD. It takes about something on the order of 9 years and half a billion dollars to bring a product to market, to bring a new pharmaceutical product to market. That is a very expensive proposition. We need to make sure that there are industries in America, companies in America that want to continue to make that kind of investment and take that kind of risk.

At the end of the day, an elderly woman who goes to her doctor because she has some kind of ailment and gets a prescription and takes that prescription to her corner drugstore, all she cares about is, can I afford to get this medicine that is going to make me better? She is not out to kill the pharmaceutical industry. She is not out to kill the biological industry or her corner pharmacist, for that matter, or the insurance industry. What she wants to know is, can I afford at a reasonable cost to get this drug so that I can take it home and get better and feel better and enjoy the rest of my days?

What we have to figure out here as policymakers is how to bring all of these stakeholders, the medical community, the doctors, nurses, hospitals, the insurance industry, the pharmaceutical industry, Republicans, Democrats, Congress and the President, and above all, listen to the seniors, listen to the seniors and to the disabled who are in need of this benefit so that we can share their wisdom, and get beyond the political credit-taking and partisanship and solve this problem.

I would certainly say that any Member of Congress or any president, for that matter, who serves in the year 2000 who can end this year at a bill-signing ceremony seeing that this gets done, and knowing that from that day forward no little old lady, no little old man, walks into any drugstore in America, hands trembling because he or she is not sure they can afford this drug, that will be enough for this Member to retire on, feeling that the time we spent here was worthwhile.

I yield to the gentleman from North Carolina (Mr. BURR).

□ 1600

Mr. BURR of North Carolina. I know the gentleman remembers well the visits that we had from young and old when we were in the hopes that we could modernize the Food and Drug Administration. I think to many Americans they might have looked at it and said, all that is being accomplished is to have a new version of an old drug on the marketplace and this is a process that will allow that to happen. In fact, it was not.

In many cases, the drugs that come through that pipeline today, as we refer to it, are drugs that we have not had anything available to treat that chronic or that terminal illness.

Today, as the gentleman and I know, we have a rampant increase in infection, in seniors predominately, but in all Americans; and it does not have anything to do with sterilization. It just has to do with the change in bacteria that goes on as we have treated one strain so long. The need exists in this country for new antibiotics but, more importantly, the need for patients to take all of the drugs that are prescribed for them so that the illness is eliminated totally.

We know what happens to a senior when they get halfway through the prescription. They have another month to go. That means going to the drugstore. It means the out-of-pocket cost of another $50 or $60 or $70, and they have had a cold month and the heating oil is higher than they thought, they may say I feel great now, the signs that I went in with are gone, and they do not get that second month of prescription. Pretty soon, that problem is back; it is worse. It means hospitalizations. It means doctors' bills. We pay for that side of it, under Medicare, and it is time that we lift the shells that we have got the pea under and make sure that everybody sees them and realizes that regardless of where it happens in the system, somebody has to be responsible and somebody is paying.

We have to make sure that we can say to the taxpayers in this country that they are getting the best value that they could purchase. We have to say to the patients, the recipients, the beneficiaries, they have the most quality delivery system with the greatest scope of coverage out there that we could possibly design. We are not there yet, and clearly we have seen a tremendous amount of options; but too many times we want to focus on the most at-risk and stop before we realize that an important part of this process is to make sure that we design a product that is as attractive to people in the upper income scale of seniors as it is needed in the lower income scale. Because by their participation, that pool of seniors grows and the purchasing power of that group, regardless of whose plan they are under, is that much better for their pharmaceutical coverage.

We have seen it happen in the private sector in health care. We can see it in what is the public sector today, which is Medicare.

Mr. GREENWOOD. Mr. Speaker, when I began my remarks, I mentioned that 1965 is when Medicare was begun, and as we look back 35 years, it is hard to imagine now a time when seniors did not have Medicare, when they did not have a guarantee of health care, just as it was impossible for them to imagine looking forward into time what health care could provide now.

We are at a particularly wonderful moment in our history. Over just the past 5 years or so, we took a Nation that was plunging into debt, $250 billion a year adding to the Nation's debt, and by 1997 making a lot of difficult decisions, including many that affected the Medicare program and trying to squeeze out some of the waste and fraud in Medicare, and we balanced the budget.

Last year, in fact just late last year, we made another huge decision here in Washington. We said we are not going to spend any more of the Social Security trust fund on anything else but Social Security, and that is another milestone that was brought about because of the fiscal discipline that we have demonstrated over the last several years.

Now we are taking down debt. We are to the point where by the end of this fiscal year, by next October, we will have paid down over a quarter trillion dollars in debt.

So this is a golden moment in American history. The economy is strong. Revenues are coming in. The budget is balanced, and we have an opportunity now to take another leap forward; and that leap forward, I think, involves creating this prescription drug benefit. It is a quality of life item. We have the opportunity to do it, and again there is not any question in my mind that there is enough talent in this town, some of it actually in the Congress, certainly in this staff and elsewhere, enough talent in this administration, talent in both the Republican and Democratic parties and a willingness across this Nation to do this, that we can do this.

This is a solvable problem, and if we decide not to care who gets credit for it and work together across party lines, it can and it will be done. I just hope that all of the Members of the House and Senate who can hear the sound of my voice take that to heart and decide that this will be the year that we will do this in a bipartisan fashion, get the job done.

Mr. BURR of North Carolina. Mr. Speaker, the gentleman raises an important point that we need to remind everybody of. The House of Representatives does not have the ability to do it on their own. The United States Senate does not have the ability to do it on its own. Our Founding Fathers designed a very difficult system, but a system that works. It has its checks and balances, but it requires the legislative branch and the executive branch to agree.

It means that we not only have to pass the test of our 434 colleagues and our 100 colleagues in the Senate, and the executive branch's power over whether something moves, but we have the American people to deal with, too. We have to pass the test of: Is this a good product to them? That is not just limited to the 30-plus million seniors, because certainly the payment in the subsidy, the safety net is created by the American taxpayer.

We have not done a good job of explaining in the past what Congress did and why they did it. I think the reason that they did not was that we are finding they did not do some things just exactly right.

We have an opportunity, as the gentleman said, as we head to a period where as we pay down debt, we could alleviate off of our annual expenditures $260 billion worth of interest payments every year, interest payments that we get zero for. We do not educate children. We do not provide health care for seniors. We get zero in services. That is the one area that infuriates me as a taxpayer, that we cannot get that interest off and we cannot do it until we pay the debt.

As the gentleman knows, in North Carolina I have a mix of every type of health care in this country. I have some of the finest medical universities at Wake Forest and Chapel Hill and Duke and East Carolina. I also have some secondary hospitals that I think are models in the county, in Alamance County and Surry County, North Carolina.

I also have rural health clinics and community health centers. They treat this population as well, and their livelihood has been Medicare.

It was so important that we went back the end of last year and we beefed up some of the reimbursement changes we made in the Balanced Budget Act of 1997, because we saw that we were falling short of supplying the best health care to the seniors in the community health centers and rural health clinics. We went back and in a bipartisan way, very quickly, without a lot of public debate, we found those areas and we strengthened them. Today, those seniors in North Carolina that go to the rural health clinic and in every State now have quality delivery, a delivery system that they are not going to worry whether it is going to be there next year.

That is the opportunity we have with drugs. We can put aside the partisanship of it. We can commit with the President to do a plan, let it pass the test of seniors, let it pass the test of the American people, the American taxpayer. Those are the two most important. The least important is the personal agendas of individuals up here, whether it be at this end of Pennsylvania Avenue or the other.

I am willing to work with the gentleman from Pennsylvania (Mr. GREENWOOD) and with our other colleagues on both sides of the aisle and let seniors, the associations that represent them, the American taxpayer, judge our product at the end on the value of it to them and of the scope of coverage and of the quality of life that it provides for all of them.

Mr. GREENWOOD. Mr. Speaker, the whole concept of aging is changing dramatically in this country. It was not very long ago that people in their sixties and their seventies, because of the state of the health care, they became feeble a lot faster and were not as vital as seniors are today. That trend can only continue.

My mother and father are 78 years of age, and I admit this with a certain amount of hesitancy, but it was just about a year and a half ago that my mother and father and I, on a dare from my father, jumped out of an airplane at 13,000 feet and went skydiving together. That is pretty good for a couple of septuagenarians. I think the baby boom generation expects to extend its years of vitality even farther, and we expect to be still physically able and fit and enjoying life well into our seventies and our eighties and our nineties, and of course the fastest growing segment of the population is those above 100 years of age.

Nothing more than the advancement of these miracle medicines, these miracle pharmaceutical products, these coming biological products that will result from the human genome study will continue to enhance the vitality of our elderly.

That is why, again, we have this golden opportunity here to make the golden ages more golden for generations yet to come, and I look forward to working with my colleague and, hopefully, we will get it done this year.

Mr. BURR of North Carolina. Mr. Speaker, I look forward to working with the gentleman from Pennsylvania as well.

We are at a time where this week alone we saw the President for the first time say to Congress, I will sign a bill that eliminates the earning limits that we created on seniors, an opportunity for those that want to continue to work, that choose to work voluntarily, possibly stay in a private sector health plan; but the key thing is that they realize that the longer they work, the healthier they are. Those that make that choice will not be penalized now under the Tax Code.

If there is an area that we penalize them, it is suggesting that when they get to a certain age the only thing we provide is a limited health coverage for them, and I think we have a responsibility and an obligation to make sure that we do develop a model that is universal, that it is accessible and it is affordable for everybody, regardless of who is paying the bill, a subsidy or an individual. I think that is a test that we will ultimately be under, and I look forward to working with the gentleman on it.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman from North Carolina (Mr. BURR) for joining me on this Special Order this evening, as well as our colleague from Michigan (Mr. UPTON) and our colleague from New Mexico (Mrs. WILSON).

CELEBRATING BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. DAVIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. DAVIS of Illinois. Mr. Speaker, I want to compliment my colleagues on a very interesting discussion that just took place, especially as it relates to health care and the role of community health centers and rural health centers in providing for the health of this Nation.

As we continue to celebrate African American History Month, a time that is set aside largely due to the efforts of Dr. Carter G. Woodson, where we pause, take a look at the contributions as well as the needs, hopes and aspirations of African Americans in this country, I am pleased to be joined by my colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), who is a physician, has been a practicing physician, and who has been a director of clinics and community health centers, who currently serves as chair of the Congressional Black Caucus' Health Brain Trust, but is indeed a dynamic Member of this body.

Mr. Speaker, we come to talk a bit about not only the contributions of pioneer African Americans in the area of health, but also as we look at continually the health problems and disparities that exist in our Nation, especially as they relate to the needs of African Americans. So I say to my colleague, it is a pleasure to be here with her this afternoon.

□ 1615

Mrs. CHRISTENSEN. Mr. Speaker, I am pleased to join my colleague, and I thank him for yielding to me.

I wanted to just talk a bit first about some of the women in medicine. As my colleague knows, I have the privilege of being the first woman physician in the U.S. Congress. And I am very grateful to my constituents of the U.S. Virgin Islands for voting me into this position and allowing me to have that honor.

Mr. DAVIS of Illinois. Mr. Speaker, they sound like they were some very wise people.

Mrs. CHRISTENSEN. But before I even begin to talk about the women, I want to spend the first few moments to brag a little bit on behalf of my constituents that, indeed, the first African American physician to serve in the U.S. Congress was also from the Virgin Islands, and that was Doctor, Governor, and Congressman Melvin H. Evans, who served from 1978 to 1980 before becoming ambassador to Trinidad and Tobago.

Although women of African descent have been providing health care in our communities in this country from times of slavery, it was not until 1864 that Rebecca Lee Crumpler became the first woman to be awarded a doctorate of medicine in the United States. She was a graduate of Female Medical College.

Dr. Rebecca Cole was the first black woman to graduate from Women's Medical College and, by most accounts, the second black woman physician in the United States. She worked for a time with Elizabeth Blackwell, who was the first white female physician in this country.

Dr. Cole was soon followed by Susan Smith McKinney Steward and Sarah Loguen Fraser. Dr. Susan Smith McKinney Steward graduated from New York Medical College in 1870 and was the first woman doctor of African descent in New York State and went on to be co-founder of the Women's Hospital and Infirmary in Brooklyn.

Sarah Loguen Fraser, who in 1876 received her MD from Syracuse University College of Medicine, was also one of the early African American women in medicine in this country.

There are so many outstanding women in medicine, not all of whom are doctors, and let me just tell you of a few more of them from the 19th century before talking about some of the outstanding women of this century.

The first African American woman to earn a doctor of dental surgery degree in 1890 was Dr. Ida Gray Nelson Rollins, who was a graduate of the University of Michigan Dental School; and she practiced in Cincinnati and in the hometown of my colleague in Chicago.

Mary Eliza Mahoney is reported to have been the first black professionally trained nurse in the United States. Born in Roxbury, Massachusetts, she was employed as a maid at the local hospital before entering her training.

In addition to Ms. Mahoney's notable activism within the field of nursing, she was also a fervent supporter of women's suffrage and is said to have been one of the first black women in Boston to have registered to vote.

I am a member, too, of the National Medical Association, as my colleagues know, and it has had several outstanding female presidents. The first was Dr. Edith Irby Jones, who was the first African American to enter the University of Arkansas School of Medicine. She graduated from that institution with an M.D. in 1952 and served as the National Medical Association president in 1985.

Dr. Irby Jones was later followed by Dr. Vivian Pinn in 1989. In that year, the board was also chaired by a woman, Dr. Yvonne Chris Veal of New York, who later went on to be the first woman to serve in both capacities when she became president of the NMA in 1995.

Dr. Vivian Pinn was also the first permanent director of the Office of Research on Women's Health at the National Institutes of Health, where she still serves in that capacity.

In 1991, Dr. Alma Rose George of Michigan became the third woman to head this prestigious organization, which represents the African American medical community.

Two other of the many notable black women physicians are Dr. Joycelynn Elders, who served as U.S. Surgeon General from September 1993 to December 1994. Her mission was and still is to change America's thinking about health by emphasizing prevention. She initiated programs to combat youth smoking and teen pregnancy, as well as to increase childhood immunizations. She advocates public health over private profits and health care reform, openness over censorship and sex education, and rehabilitation over incarceration in the war against drugs.

Another outstanding woman physician is Dr. Mae Jamison, who was the first African American woman to participate in the space mission aboard the 50th space shuttle flight in 1992. She continues to share her knowledge through speaking engagements and teaching at the university level.

These individuals are representative of the many women and men as well who have served our communities in the 50 States and the Territories and contributed to the improved health of African Americans and all people of color, indeed of all Americans. They are the reason that I and many of my colleagues have been able to practice medicine today.

As we proceed into the 21st century, we should no longer have the first African American or the first female for any position. Despite the strides that these women and others have made, unfortunately, though, there is still much work to be done.

I salute all of those who have paved the way for today's and tomorrow's practitioners of medicine and thank them for opening the doors of opportunity for all of us.

This year's theme is Heritage and Horizons: The African American Legacy and the Challenges for the 21st Century. As we face this new century, there are many challenges for us in health and science. We in the Congressional Black Caucus, together with community and faith-based organizations and leaders around this country, are poised to meet those challenges, drawing on the rich legacy that inspires us and compelled by the disparities in health that still confront us and call us to action.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman for her comments.

She mentioned two ladies, Dr. Irby and Dr. Elders, both of whom had some connection with the State of Arkansas, a State that I know a little bit about in terms of having grown up there. As a matter of fact, I know many members of Dr. Elders' family.

It occurred to me as my colleague was talking about the things that people had accomplished who, in spite of coming from situations that, at the very least, would have seemed to have been difficult, and I really think of even the African Americans along with others who opened black medical schools during the 1800s, shortly after slavery, I mean individuals whose parents had been slaves and whose grandparents had been slaves.

Now we find these individuals actually opening medical schools and teaching others to become physicians and medical professionals.

And then I look and even today I am somewhat alarmed, because as I look at minority employment in health professions, that only 1.9 percent of the speech therapists are African American, 2.8 percent of the dentists are African American, 3.9 percent of the dental hygienists, 4.1 percent of the pharmacists, 4.2 percent of the physical therapists, 4.9 percent of the physicians, 6.1 percent of the dental assistants, 6.5 percent of the occupational therapists.

I guess my question becomes, why does it still seem to be so difficult for African Americans to become health professionals at a greater number than what we are currently experiencing? I mean, why only a small percentage of the dentists, 2.8 percent, or such a small percentage of the physicians in this country, 4.9 percent? Why do you think we are still facing that phenomena in this country?

Mrs. CHRISTENSEN. Mr. Speaker, my colleague just pointed out one of the great challenges that face us for this century, educating more of our daughters and sons and bringing them into the health professions.

I guess I would have to start back in the schools that they attend. As my colleague knows, in many of the inner cities and in many of our rural areas schools are in disrepair, they are unsafe, they are ill-equipped, and they are short on staff, as well. So the preparation that our children receive as they go through elementary and secondary school leaves a lot to be desired, and it starts at that level.

Of course, we are now faced with propositions that have closed the door of medical schools to many African Americans and other students of color who desire to enter the medical profession, and that is taking a serious total on the numbers as we were beginning to strive to make some headway there. And really it is more even than just the educating of our young people into the field of medicine. Because there is an increasing body of knowledge now that demonstrates that when patients are under the care of a physician or a health provider of the same or similar racial, ethnic, or cultural background that a better doctor-patient relationship is established and out of that better relationship come better patient outcomes and, therefore, better health.

We have as a major challenge of this century to eliminate the disparities in health care and heart disease and diabetes and cancer and the diseases that kill African Americans and other people of color in excess numbers. That relationship is critical to that.

Mr. DAVIS of Illinois. Mr. Speaker, what is really alarming to me is when I look at the tremendous shortage of nurses. I mean, we can go to almost any hospital and there is a need for nurses, yet there appear to be not the numbers of individuals especially coming from the African American community and especially that part of the African American community that I am very much familiar with.

Mrs. CHRISTENSEN. Mr. Speaker, if I might say, I want to just applaud both the National Black Nurses Association as well as the National Medical Association that has been fighting this battle for many, many years and continues to.

The National Black Nurses were on the Hill just a few weeks ago, and one of their major focuses is on bringing more of our young men and women into the nursing profession.

Mr. DAVIS of Illinois. Mr. Speaker, it would just seem to me that, especially as we talk about unemployment and as we go into certain areas and as there is uncertainty about what fields individuals should pursue and go into even those individuals who are available to attend colleges and universities sometimes seemingly come out and might have majored in areas where there did not seem to be many job opportunities, and yet if you go down to the community hospital and there is a sign saying "nurses wanted," or you go to the medical center and there is a sign saying "nurses wanted."

So I guess I would also, then, want to take this opportunity to suggest, especially to African American youngsters, that if they are looking for a career, but to anybody, if they are looking for a career and they want to make sure that there are opportunities in that field or in that career, then perhaps they ought to be looking at the health professions and especially perhaps they ought to be looking in the nursing arena. Not that they necessarily have to stop there, but certainly that is an area where job opportunities do in fact exist.

Mrs. CHRISTENSEN. Mr. Speaker, I am glad that my colleague talked about this as it pertains to allied health professionals. It is an area that is often overlooked. But the physicians and the nurses need the full team in the health care field to bring our patients, who, as I said, are suffering in larger numbers than any other population from diseases like stroke, where speech therapy and occupational therapy, physical therapy is critical to their recovery.

Mr. DAVIS of Illinois. Mr. Speaker, I guess what we are going to have to do in some of these areas, my colleague mentioned education and the difficulties where some of the schools are not up to standard and where individuals do not get the early training, the early education that they really need.

☐ 1630

I guess we are going to have to even go beyond that. I was just looking and reading how a report, the Flexner Report, which was done as a result of some resources made available by the Carnegie Foundation in 1910, that after the report there were six black medical schools existing at that time, but after the report, four of those six ended up being closed; and the only two left were Meharry and Howard. And so standards in terms of the definition of standards and who set the standards and how the standards are set oftentimes determine the extent to which not only do individuals get in but also the extent to which institutions may continue to thrive, to survive and to function.

I cannot help but recall Dr. Charles Drew, the pioneer in blood plasma, who after all the work that he had done and all of the advances that he had made had an accident and supposedly died because he really could not get service at the hospitals that were nearest to him because he was African American, he was black; and that time those hospitals denied him the opportunity to be served, which means that in addition to the technical things that we have to do, the political things that we have to do relative to creating the resources, providing the money, that there are still some attitudinal changes that must occur in our society if there is to be the kind of equity that we desire, the kind of equity that we are talking about.

I mean, it pains me to know, for example, that the Daniel Hale Williams hospital, the Provident Hospital that was founded by Dr. Daniel Hale Williams, an African American physician who performed the first open heart surgery and who established because he had met a nurse who had had difficulty being trained and he set up this training school, eventually it became a hospital. Yet it had ultimately some difficulty. It has reopened now as a part of the Cook County health care system but not as a private African American-owned, community-owned hospital.

Mrs. CHRISTENSEN. I think that is a challenge that is being faced across the country for our African American hospitals and hospitals that serve African American communities and the poorer communities across the country. In many of our districts that are represented by the Congressional Black Caucus, hospitals are closing every year.

Mr. DAVIS of Illinois. I think the only answer that we are going to ultimately have is universal health care as far as I am concerned and a national health plan that is going to provide each and every citizen no matter who he or she is, no matter where they might live, no matter where they might be, so that they have got access to quality health care and they are not going to be shut out because they just did not have the resources or they are not going to be put in a category of the non-poor, a category of being too wealthy to qualify for some of the entitlement activity but really too poor to pay for health insurance, too poor to really have a regular physician, to go to a doctor. We have got to change that.

Hopefully, the initiatives this year that are designed to reduce the disparities, to close the gap, hopefully those initiatives will build upon the strengths that we have seen and come the next year and the next year, we will be much closer to equity than where we currently are.

Mrs. CHRISTENSEN. Mr. Speaker, I agree with the gentleman. We have made some strides. We have increased portability; we have extended health insurance to children who were previously uninsured. We are continuing to expand the Children's Health Insurance Program and Medicaid. But those are just steps on the way to the ultimate goal, which must be universal health insurance.

The gentleman talks about the historically black colleges and universities that have medical schools. They need resources. When he talks about some of the political activity that has to take place, we need to work very diligently to make sure that our medical schools that primarily are African American-serving as well as the Hispanic-serving institutions and the Native American-serving institutions have the resources they need because the education of people of color to serve communities of color because we know of the effectiveness of the relationships that are formed there are critical to eliminating the disparities in health and elevating the health status for the entire country.

Mr. DAVIS of Illinois. I certainly agree that we must have the resources. There is simply no doubt about it. We have to find new avenues, new systems, and new approaches. But I am just amazed when I look back into history and see what individuals were able to do. I was looking at African Americans who had been inventors. Some of this is back during the time of slavery when slaves, of course, could not have patents; and so African Americans may have significantly been involved in some inventions that they never got the credit for.

For example, it is suggested that when Alexander Graham Bell invented the telephone, he had Lewis Latimer, a black man, to draft the plans, and that Mr. Latimer had been a member of the Edison Pioneers; and this was a group of individuals who had actually worked for Edison. Then we go back to even people who lived in the 1700s, Benjamin Banneker, who is sometimes called the first black scientist in this country of any real note.

And of course, Banneker helped to lay out the plans for the city of Washington, D.C. He was an engineer. He received a presidential appointment. It is just amazing that he could have done that. Then there was Joe Anderson, a slave who was believed to have played a major role in the creation of the grain harvester that Cyrus McCormick got all of the credit for, the McCormick reaper. But Joe Anderson helped him do it.

Ben Montgomery, another slave, who actually belonged to Jefferson Davis, and he was supposed to have improved a boat propeller. Then there were other people like Henry Blair who invented a seed planter, Norbert Rillieux who patented a sugar refining evaporator, Louis Temple invented a harpoon for killing whales. This is back in 1848. Henry Board created an improved bed frame.

James Forten was actually one of the few blacks that became wealthy from an invention. He came up with an invention that helped to guide ships. Yet these individuals could not have had a great deal of formal education, or they could not have had a lot of opportunity to have developed themselves. Take Granville Woods who invented a steam boiler furnace. I guess my point is that if these individuals were able to come up with the inventions with the creativity, had all of this potential, then certainly young African Americans today, who do not necessarily have equity in each and every instance but certainly have much more to work with than these inventors, like Madam C.J. Walker who came up with hair products that women could use in the cosmetic line, and of course, became the first African American female to become a millionaire. We have had the first doctors, but she also became the first millionaire in terms of being a businessperson.

And so I make a plea for young African Americans to not only look at the history, that is, to go back and see what other individuals have done, not to just be aware of it, not to just bask in it but to also understand what they themselves can in fact do. That, I think, really becomes a real part of the value of African American History Month, not just to have pageants, not just to have plays, not just to sing songs, not just to glory in the athletes and entertainers but to really look at the history of a people who have had to make creative use of the art of struggle, who have had to make the best use of themselves to come from a position of where they were, always moving in the direction of where they ought to be, and realizing that when you get to the basement, that you are not in the penthouse, and that you have got to keep coming.

But also understanding what Carter G. Woodson attempted to teach us about the whole notion of mind control. Carter Woodson wrote this tremendous book, The Miseducation of the Negro, and he suggested that if you control a man's mind, you do not have to worry about how he will act. That is, if you control a man's mind, you do not have to tell him to go hither or yon, you do not have to tell him to go to the back of the bus, you do not have to tell him to go to the back door. Woodson said that he will find his place and stay in it. And that if he goes to the back door and there is no door, he will cut one out.

But the point that he also made is that once individuals get through the door, then they need to reach back and help bring somebody else along; that it makes no sense to go through the door alone; and that you really move as an individual as you help to create opportunities for others and as you help to move the group. And so we do not necessarily just revere these individuals in terms of saying Dr. Daniel Hale Williams was a great doctor or Dr. Percy Julian was a great scientist. We say that Dr. Daniel Hale Williams was a great doctor because he saved people's lives, because he created an institution, he helped people to become well, he provided opportunities for others to grow and develop and to become and to be. That really becomes the greatness of the people as opposed to the individual just simply being a great person. That is not the point at all.

Mrs. CHRISTENSEN. I agree that we have many budding and potential scientists, inventors, great doctors and health professionals in our community that just need the opportunity. I am also thinking that through some of our education initiatives this year that will help to open the doors for them to become those inventors, those physicians, those scientists.

□ 1645

Mr. DAVIS of Illinois. I think of my mother, who was probably in many ways when I was a kid my greatest doctor. I do not know how she could do it, but if I had a fever or was catching a cold, somehow or another it seemed as though she could come into the room, put her hand on my head and the fever would be reduced, and, if it did not get reduced, I certainly felt like it did.

The legacy of what it is that we have had the opportunity to experience, the roles that our parents and grandparents and others have played in terms of being the bridges and being the shoulders, I could never do anything in relationship to the celebration of African American History Month without celebrating my parents, my mother and my father.

My father is 87 years old; and, fortunately, he is still around. We say that he was a doctor of sorts, but he really was not. He was a doctor because he believed so much in himself.

I shall never forget, he actually cut a calf's leg off once. I mean, we were farmers, and the calf's leg got hurt and set up gangrene, and my father decided that he had to save this calf, that we could not afford to lose it. So he simply got his ax, sharpened it as sharp as he could get it, got himself some ashes and soot and coal oil and chloroform, had my brothers and I to hold this calf, and cut the calf's leg off. The calf lived, and we had a three-legged cow from then on. We were the only people, and we actually kept the cow until we finally took her to the auction in a place called Eudora, Arkansas; and sold the cow at the auction.

My point is that if people believe in themselves, if they can believe that they can do things, I had 100 chickens one year in the 4-H Club. I was a 4-H Clubber, and these chickens would follow me around everywhere I went because I would feed them.

One day I stepped on one's neck and broke the chicken's neck. Well, I really felt badly about it, so I thought I would become a physician. I got myself a piece of wood, a small piece of wood, put it on the chicken's neck, put some coal oil on there and tied it together, and, would you believe that the chicken lived? The chicken always walked like this, but the chicken lived. I ended up that year with my 100 Rhode Island Reds intact for my 4-H Club project.

The other point is when you try something, you do not know if it will work. If you want to go to medical school, start getting ready to go. Just because you live in the inner city does not mean you cannot go to medical school. Just because somebody said your school might not be the best, if you want to go to medical school, start preparing right now and decide, I am going to be a doctor, I am going to be a nurse, I am going to be a scientist, I am going to be an astronaut. I am going to do whatever it is that I want to do. Then, by golly, prepare yourself, and God will do it.

Mrs. CHRISTENSEN. I think that is the purpose of Black History Month and what we are doing tonight, to hold up for our children some of the people who have excelled in science, many against great odds and through great obstacles. As you said, it is important to look back and realize that we are here and have achieved because of our parents, that we stand on the shoulders of all of those who came before, and that we must provide the shoulders for those who are coming along behind us. It is a very important message.

Mr. DAVIS of Illinois. Well, I want to thank the gentlewoman for joining me this afternoon. It has really been a pleasure, and not only to talk about history, but also to talk a little bit about mystery.

I always believe that if you break "history" apart, I was taught to read phonetically, and if you say "history," that becomes "his story." But if you say "mystery," then that becomes "my story." Certainly I would hope that every young African American in this country especially would realize that they are in the process of creating and writing and making their own story, and that they really do not have to live through other people's dreams.

Dr. King had a dream, but he did not have a patent on dreaming. He had a dream, but he did not get a patent, which means that you can live on 63rd street and have a dream, you can be down in the Mississippi Delta and have a dream.

Mrs. CHRISTENSEN. Or in the Virgin Islands.

Mr. DAVIS of Illinois. Or in the Virgin Islands, and have a dream. So we will just keep on dreaming, we will keep on working, we will keep on believing, we will keep on doing politics, and we will keep on celebrating black history. I want to thank the gentlewoman again so much.

RELIGIOUS FREEDOM AND RELIGIOUS BROADCASTING

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Ohio (Mr. OXLEY) is recognized for 60 minutes.

Mr. OXLEY. Mr. Speaker, I want to address the House regarding the issue of religious freedom and religious broadcasting.

A little bit of background, if I could. This whole issue began on December 29 when the Federal Communications Commission in a decision based on a license swap, a license swap in this case in Pittsburgh, Pennsylvania, between a commercial broadcasting station and a non-commercial broadcasting station.

In this case the religious broadcaster was seeking to swap their commercial license for a non-commercial license, something that, by the way, is rather routine at the Federal Communications Commission. When the license swap came up, the FCC allowed the swap, but said that, based on their opinion, the religious broadcaster, who was going to have the non-commercial license, that they needed additional guidance in regard to their religious broadcasting and whether that religious broadcasting fell under the requirement that the majority of programming be educational or cultural.

This was a little noticed opinion in license swap, except that some very alert member of my staff was able to find this decision and in fact brought it to my attention. The more we looked into it, the more that we thought it was rather odd that on a 3 to 2 vote in the FCC, that is the three Democrat appointees, including the chairman, voted in favor of these what I think can only be described as limitations or restrictions on religious broadcasting, whereas the two Republican members voted against, that it raised some serious questions as to whether the FCC majority did indeed have an agenda that was not in the best interests of religious broadcasting.

Now, over the years in non-commercial licenses, religious broadcasting had prima facia met the requirements of educational and cultural under their programming, and this was never an issue, and it was not until this issue came up in this license swap over the holidays that it really did raise some serious questions.

I was so concerned about it, Mr. Speaker, that I, during the recess, before the Congress adjourned again in January, started drafting legislation that would reverse the FCC decision and also required that when the FCC was going to make this severe policy change, that they had to follow the Administrative Procedures Act, have these hearings in the open, have public comment, just like they would do with any other issue that comes before them as a "independent" agency.

That really became kind of a rallying cry then for Members of Congress. For the religious broadcasting community, the millions of people who listen to religious broadcasting and watch religious broadcasting, it became a very big issue with them, as you might guess.

It was not until our bill was introduced, initially with about I think 65 cosponsors, which is not bad considering the fact that Congress was not in session, and we are now up to I think 120 cosponsors for my legislation, and I will get into that a little bit later, but as the bill was introduced and it started drawing some attention throughout the country and I was inundated with phone calls and E-mails.

I might point out that, Mr. Speaker, this is a compilation of all of the E-mails that I have received to date at least that are supportive of our legislation and are very concerned about the role of religious freedom and religious broadcasting freedom in this country.

I think it is quite remarkable, I had exactly two folks give me E-mails against the legislation. One of those opposed, and I quote, referred to "superstitious nonsense," and then he put in parentheses "religion." So apparently at least one person opposed to our position considers religion "superstitious nonsense."

I think that says a lot about where people are coming from in this country and the vast majority of Americans who have spoken loudly and clearly on this issue, so much so apparently that the FCC started to hear from people out there. They heard from Members of Congress, they heard about my bill, and, in a matter of a couple or three weeks, actually vacated that order by, in this case, a 4 to 1 vote.

So the FCC basically I think realized they had erred, not only from a constitutional standpoint, but certainly a procedural standpoint, in changing the policy as it related to religious broadcasting, and thought perhaps that they would, by vacating the order, turn down the heat a little bit.

Part of the reason I wanted to ask the opportunity to speak on the floor is to make certain that people understand that we are not going to let this issue die by any means, because there are some real issues at stake here, one of which is I wonder what is the real agenda for the FCC truly.

As a matter of fact, the only Commissioner to vote against the reversal of the FCC decision, Commissioner Tristani, said in her dissent that she would continue to act as if the additional guidance were still in effect. Since it was duly overturned by the FCC as a commission, I would say that is quite an outrageous statement.

She said, "I, for one, will continue to cast my vote in accordance with the views expressed in the additional guidance."

So despite the fact that the Commission realized the error of its ways, at least one Commissioner has gone public in basically saying that she wants to make certain that the religious broadcasters have to jump through certain hoops to be able to have their license.

That really raises a question, Mr. Speaker, as to if the FCC is talking about content, and they clearly are, and in their order, their initial order they said that you have to understand that part of your programming, half of your programming, has to be educational or cultural, and, by the way, religious services, for example, do not fall into that category.

Now, for people who are shut-ins, who are unable to go to church on Sunday or any other time, to be able to see religious broadcasting on television is truly a lifeline for these people, and the majority initially of the FCC and Commissioner Tristani basically says that you could not be able to do that, and, by the way, somebody has to decide what that content is; somebody has to decide what educational and cultural requirements are met. That would be, of course, the FCC.

□ 1700

Well, that puts the FCC up against the First Amendment.

There was a reason why the Founding Fathers created the First Amendment, freedom of speech, freedom of religion, the very core of what it means to live in this country. It was not the Second Amendment, it was not the Eighth Amendment, this was the First Amendment. I think it is important that we stress that when we talk about this effort by the FCC.

So despite the fact that they vacated the order, I am convinced that there is still an agenda over at the FCC and why it is important that we move forward with the Religious Broadcasting Freedom Act that I have introduced, along with 120 other of my colleagues.

Mr. Speaker, I particularly want to pay tribute to my original cosponsors, and two of them are here with us today and will be speaking momentarily, the gentleman from Texas (Mr. HALL) and a member of the Committee on Commerce; and the gentleman from Florida (Mr. STEARNS), a leader in broadcasting issues throughout his career here in the Congress. They will both be speaking as well on this issue. I also want to pay tribute to the gentleman from Oklahoma (Mr. LARGENT) and the gentleman from Mississippi (Mr. PICKERING) and the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Missouri (Mr. BLUNT), all initial sponsors of this bill, and ones who enjoined the Oxley Religious Broadcasting Freedom Act in response to their constituents calling and asking that they do so.

Before I yield the floor, I would like to, if I can, Mr. Speaker, just quote from a few of the e-mails I have received from all over the country. I think it gives a little bit of flavor of where people are coming from on this issue. This one: "Thanks for upholding the First Amendment." This one: "You spoke to the millions of people all over this country who believe that the expressions of the churches and synagogues do indeed serve the needs of communities in this great country." Another one: "So little is left on the air for families to sit down and watch together, and now the FCC wants to take that away as well. Your efforts and those of several others in Congress will go a long way to protect the freedoms we all enjoy and sometimes take for granted." Well spoken.

Another: "Those such as myself that are disabled and cannot attend church services rely on radio and television broadcasts. They are so very important."

Another one: "What I find disturbing is the notion that this ruling opens the door for someone somewhere to make decisions about what is and what is not acceptable speech on religious topics. One man's proselytizing is another's evangelizing. How ironic that while those hostile to faith are madly trying to protect the right to express or view any vile thing on the Internet, they find this programming so offensive that they want to suppress it."

Americans can be remarkably prescient and articulate when they are offended by some of government's decisions.

Another one: "My mother, who is 87 years young, faithfully listens to the religious programs each day and every day, and this would have been a tremendous loss if they were deleted from the airwaves. Certainly, religious broadcasting serves to meet the educational, instructional and cultural needs of America. If we lose this freedom, what next?"

Another one: "In a land where we often hear of the need for tolerance, Christianity is being less and less tolerated. If society truly believed in tolerance, they would have to include tolerance for Christianity. I am a strong believer in the separation of church and government and that the government should not establish religion, but to me, that means the government should not be hostile to religion or do things to hinder the free exercise of religion. The recent actions of the FCC clearly were the government taking a prejudicial position against religion."

This final one: "I am weary of the FCC thinking they have the authority to tax and change policy on a whim."

That gives my colleagues an idea, Mr. Speaker, of the support that people have given us out there, and I am sure that other Members have their own stories to tell as well.

With that, let me recognize, in their order of appearance, the gentleman from Dallas, Texas (Mr. HALL), who has been one of our stalwarts on the Committee on Commerce. This is a bipartisan effort, and I do want to recognize my friend from Texas for his remarks.

Mr. HALL of Texas. Mr. Speaker, it is good when one can make something happen that ought to happen, and that is exactly what the gentleman from Ohio (Mr. OXLEY) and others that he has given credit to, have done here.

I rise as a cosponsor of the Religious Broadcasting Freedom Act. It is a bill that, of course, will help ensure that freedom of religious broadcasting is not threatened by the whims of the government policy decisions. I want to thank the gentleman from Ohio (Mr. OXLEY) for his outstanding leadership on this, for his immediate leadership on it, and for his immediate action on it. I want to thank him for inviting me to be the lead Democrat on this, because I am honored to get to be.

Mr. Speaker, I would be remiss if I did not thank the gentleman from

Oklahoma (Mr. LARGENT), who wrote and signed a letter with me to the commission and, of course, the gentleman from Florida (Mr. STEARNS), who is always on the right side of most issues that I come in contact with him on as I serve on the Committee on Commerce.

Mr. Speaker, in a recent ruling which was subsequently reversed in the wake of congressional and citizen opposition, the Federal Communications Commission stated that programming "primarily devoted to religious exhortation, proselytizing or statements of personally-held religious views and beliefs, generally would not qualify as 'general education' programming." Now, the FCC also noted that church services normally would not qualify as general educational programs, so we can see where they are coming from.

This ruling was issued, as the gentleman from Ohio has said, without the benefit of public hearing. It was issued without any benefit of public comment, and it was issued while Congress was in recess. Actually, I think it was sometime between Christmas and New Year's Day. It constituted what I consider is an outrageous infringement on constitutional guarantees of freedom of religious expression; and it threatened to set a very dangerous precedent that could lead to the narrowing of a definition of what is considered educational.

Now, if that is going to be the subject of hearings, we want Congress to be in session. We want to have the right to introduce testimony. We want people to come from the far corners of this country that want to testify and have some input on what we consider is educational. We do not leave it up to a handful of people that are appointed and answerable to one person.

Well, the FCC was dead wrong from both a procedural and a constitutional standpoint. They acknowledged that they had created a "widespread public confusion" as a result of its ruling. At least they turned the table back, and at least they killed their ruling. Yet, we have not gone far enough. We have to pretty well put something in stone to give them some direction for the future. Now, that is what the gentleman's bill does.

Religious groups and thousands of concerned citizens have joined all of these Members of Congress that the Chairman has talked about in expressing their strong opposition to this initial ruling. I am pleased that the FCC listened to the American people and listened to the gentleman, and I am pleased that they listened to Congress and quickly reversed their onerous decision. However, our efforts do not end here.

We have to ensure that the FCC will follow its normal rulemaking procedures, which include taking public comment and listening to people; people having a chance to express themselves in the future. Mr. Speaker, H.R. 3525 will help ensure that such confusing policy decisions do not reoccur, and it will signal our support for continued freedom of religious broadcasting on our Nation's networks and support for the First Amendment.

Mr. Speaker, I urge my colleagues to join in support of the Religious Broadcasting Freedom Act.

Mr. OXLEY. Mr. Speaker, I thank the gentleman for his remarks and for his continuing leadership on this. It is now my pleasure to call upon our good colleague from Florida (Mr. STEARNS), a member of the Committee on Commerce and a leader on many broadcast issues.

Mr. STEARNS. Mr. Speaker, I thank my colleague from Ohio. Like the gentleman from Texas, I compliment the Chairman for his bill.

I say to my colleagues, if the gentleman from Ohio (Mr. OXLEY) had not brought this bill and had not acted quickly, from the conservative ministry of James Kennedy of the Coral Ridge Ministry in Fort Lauderdale to the actual Christmas services of the Pope at the Vatican, we would not be able to have these televised. These are two dramatic examples of services that are carried that people listen to.

So I think what we did in a larger sense is bring to bear the inadequacies of the FCC. He and I and others, including the gentleman from New York (Mr. GILMAN), are on a special task force to try and reform the FCC.

So I am here to compliment the gentleman on what he did; but in a larger sense, this points to the need for reform. So in my comments this evening, I will be talking about that.

The FCC's actions, defining and regulating noncommercial educational television stations, is something that we should be concerned about, because they met on December 28, I believe it was, December 28, right after Christmas, before New Year's, and issued an order. Now, normally when they issue an order, they have a hearing. They ask for comments. But for some reason, they decided to just go ahead and bring this up and issue an order, vacating "the additional guidance." The underlying problem with the FCC in the first place is they should not have even done this without a hearing and having an opportunity for people to participate.

So the gentleman's bill, H.R. 3525, the Religious Broadcasting Freedom Act, needs our support today. We should pass it on the House floor.

Of course, my main point in addition to that is to reform and reauthorize this program to make their activities more clear to them. Three of the five FCC commissioners decided on this infamous date of December 28 last year that in order for noncommercial educational television to retain their licenses, they must devote 50 percent of their programming hours to shows that are educational and cultural and whose purpose is to meet the educational, instructional, and cultural needs of the community.

In doing so, three of the five FCC commissioners placed the FCC in the position of reviewing and evaluating all religious programming by concluding, "programming primarily devoted to religious education, proselytizing or statements of personally-held religious views and beliefs generally would not qualify, would not qualify as educational or cultural programming."

So basically they are saying that religion is not educational, it is not cultural; and as I said earlier, even the Christmas services at the Vatican by the Pope would not qualify under the FCC's ruling. Church services in themselves would not qualify. As most of us know, many of us on Sunday after church will even watch the television for additional services, and it is an inspiration for all of us.

Fortunately, two of the commissioners at the FCC had the foresight and common sense to realize the ramifications of their decisions. As the two commissioners said, regulations like this "may open a Pandora's box of problems that will create confusion and litigation." Simply put, the more the Commission attempts to generically define which educational, instructional, and cultural programming will count for regulatory purposes, the closer it will come to unacceptable content regulation. The order indicates that church services generally would not qualify as a general educational program. We ask, however, why such programming might not qualify as cultural programming, just as a presentation of an opera or any other types of things like that.

So last month, they finally, I guess it was this month, they finally changed their decision, exercised some common sense, reversed all of their guidelines, and I think that is, I know it is because of the gentleman from Ohio (Mr. OXLEY) and the bill which I cosponsored, an original cosponsor with others, and the fact that when he put it on the House floor, he got over 75 cosponsors. So I urge the leadership to send a message to the FCC that we just cannot have this kind of behavior from the FCC, and we need to recognize that this bill is important to pass and send a message to the FCC that they should not do this again.

So this congressional scrutiny we had and this legislation has stopped the FCC dead in its tracks. They reversed themselves; and I think, as the gentleman from Ohio (Mr. OXLEY) has pointed out, the e-mails and all of the hundreds of letters that I have received, that he and other Members of Congress confirm the need for his bill.

□ 1715

So I urge my colleagues this evening to pass the Religious Broadcasting

Freedom Act that he introduced. It will not only reverse the FCC regulations pertaining to noncommercial religious broadcasters, but also require public comments, just a simple thing, require public comments before handing down any future changes to noncommercial licensing regulations.

This is extremely important, for there are still those at the FCC, judging from the comments of some of the commissioners after they reversed this, in which they said it was a sad and shameful day to reverse this decision. They said that the FCC capitulated to organized campaigns of distortion, and all we did is got on the House floor a couple of times, the gentleman from Ohio (Mr. OXLEY) got all these cosponsors, and they accused us of distortion simply because we wanted to allow the idea of religious broadcasting to be cultural and educational; and we wish, after 30 years it has been on television, we wish that to continue.

There are still many people, Mr. Speaker, at the FCC that want to go back and continue with the decision they did in the dead of the night December 28. Fortunately, they will not be able to do that. That is why I think it is extremely important that we continue our fight here on the House floor to continue to try and get this bill passed, because if we do not, from what I see from the FCC comments of those who dissented after they reversed their decision, they are still going to be working hard to change the size and scope of the programming in television.

That is why I encourage in a larger sense this reform of the FCC, because they do not get the message. Without reform, and reauthorization with this reform, we will not be able to control this agency, control it in the sense that it better represents the citizens of the country.

Mr. Speaker, I am here to congratulate the gentleman from Ohio (Chairman OXLEY) for what he did for the betterment of this country, for television, and I think for the long-term survival of the country, that we can have and understand on television that religion is educational and it is part of our cultural heritage.

Mr. OXLEY. Mr. Speaker, I would again thank the gentleman from Florida (Mr. STEARNS) and the gentleman from Texas (Mr. HALL) for their strong leadership on this issue.

In closing, I would only point out, Mr. Speaker, that I have had two discussions with the distinguished majority leader, the gentleman from Texas (Mr. ARMEY), who is a cosponsor, and he has indicated his strong desire to move this bill through normal procedures and through the Committee on Commerce and on to the floor of the House. So we are pleased that we have a powerful ally in the majority leader, and he feels as we do, that we cannot let this issue die, but must move forward.

We are indeed the duly-elected representatives of the people, not an independent agency. We make policy, they follow the policy. When they do not follow the policy, we make certain that the laws are clear as to how they will proceed.

I again thank everyone for their attention and for their good work on this issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BAIRD (at the request of Mr. GEPHARDT) for today on account of an unavoidable family matter.

Mr. BISHOP (at the request of Mr, GEPHARDT) for today on account of official business in the district relating to the tornado disaster.

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. COOKSEY (at the request of Mr. ARMEY) for today on account of being a pall bearer at a funeral.

Mr. EVERETT (at the request of Mr. ARMEY) for today after 1:30 p.m. on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. RADANOVICH, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SHIMKUS of Illinois, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1451. To establish the Abraham Lincoln Bicentennial Commission.

ADJOURNMENT TO TUESDAY, FEBRUARY 29, 2000

Mr. OXLEY. Mr. Speaker, pursuant to Senate Concurrent Resolution 80, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. NEY). Pursuant to the provisions of Senate Concurrent Resolution 80 of the 106th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, February 29, 2000, for morning hour debates.

Thereupon (at 5 o'clock and 19 minutes p.m.), pursuant to Senate Concurrent Resolution 80, the House adjourned until Tuesday, February 29, 2000, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6227. A letter from the Secretary, Department of Defense, transmitting the fiscal year 1999 annual report on operations of the National Defense Stockpile, pursuant to 50 U.S.C. 98h–5; to the Committee on Armed Services.

6228. A letter from the Secretary of Labor, transmitting a report covering the administration of the Employee Retirement Income Security Act (ERISA) during calendar year 1999, pursuant to 29 U.S.C. 1143(b); to the Committee on Education and the Workforce.

6229. A letter from the Secretary of Health and Human Services, transmitting the Community Service Block Grant Program for Fiscal Year 1998; to the Committee on Education and the Workforce.

6230. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Aluminum in Large and Small Volume Parenterals Used in Total Parenteral Nutrition [Docket No. 90N–0056] (RIN: 0910–AA74) received January 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6231. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 1998, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

6232. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6233. A letter from the Chairman, Federal Communications Commission, transmitting the semiannual report of the Office of Inspector General covering the period ending September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6234. A letter from the Chairman, U.S. Postal Service, transmitting the Semiannual

Report of the Inspector General and the Postal Service management response to the report for the period ending September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6235. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 991223349-9349-01; I.D. 012700B] received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6236. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 [Docket No. 991228352-0012-02; I.D. 012700A] received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6237. A letter from the Deputy Asst. Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 991229356-9356-01; 121799F] (RIN: 0648-AN36) received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6238. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 991223349-9349-01; I.D. 012800E] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6239. A letter from the Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 1999, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

6240. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Frequency of Inspection [USCG-1999-4976] (RIN: 2115-AF73) received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6241. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Chelsea River, MA [CGD01-00-001] received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6242. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Reserved Channel, MA [CGD01-00-003] (RIN: 2115-AE47) received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6243. A letter from the Deputy Executive Secretary, Department of Health and Human Services, transmitting the Department's final rule—Title IV-E Foster Care Eligibility Reviews and Child and Family Services State Plan Reviews (RIN: 0970-AA97) received January 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6244. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Passive Foreign Investment Companies; Definition of marketable stock [TD 8867] (RIN: 1545-AW69) received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6245. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Export Certification For Sugar-Containing Products Subject To Tariff-Rate Quota [T.D. 00-7] (RIN: 1515-AC55) received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6246. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting the reports from Ernst & Young LLP, Anderson Consulting and the National Academy of Public Administration (NAPA) illustrating HUD's 2020 Management Reform efforts; jointly to the Committees on Banking and Financial Services and Government Reform.

6247. A letter from the Federal Communications Commission, transmitting the eighty-fourth Annual Report of the Federal Trade Commission, pursuant to 47 U.S.C. 154(k); jointly to the Committees on Commerce and the Judiciary.

6248. A letter from the Assistant Attorney General, Department of Justice, transmitting the report entitles, "Attacking Financial Institution Fraud: Fiscal Year 1997 (Second Quarterly Report)"; jointly to the Committees on the Judiciary and Banking and Financial Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. KELLY (for herself, Mr. Talent, Mr. Davis of Virginia, Mr. Condit, Mr. Hutchinson, Mr. Barcia, Mr. Goode, Mr. Ewing, Mr. English, Mr. Turner, Mr. Sweeney, Mr. Barr of Georgia, Mr. Wise, and Mrs. Emerson):

H.R. 3669. A bill to establish a 5-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Government Reform.

By Mr. OBERSTAR:

H.R. 3670. A bill to amend the Federal Water Pollution Control Act to reauthorize the Great Lakes program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska (for himself, Mr. Dingell, Mr. DeLay, Mr. Pickett, Mr. Duncan, Mr. John, Mr. Pombo, Mrs. Chenoweth-Hage, Mr. Radanovich, Mr. Thornberry, Mr. Schaffer, Mr. Hayes, Mr. Simpson, Mr. Tancredo, Mr. Peterson of Pennsylvania, Mrs. Cubin, and Mr. Hill of Montana):

H.R. 3671. A bill to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes; to the Committee on Resources.

By Mrs. MORELLA:

H.R. 3672. A bill to amend the Public Health Service Act to provide for voluntary reporting by health care providers of medication error information in order to assist appropriate public and nonprofit private entities in developing and disseminating recommendations and information with respect to preventing medication errors; to the Committee on Commerce.

By Mr. GILMAN:

H.R. 3673. A bill to provide certain benefits to Panama if Panama agrees to permit the United States to maintain a presence there sufficient to carry out counternarcotics and related missions; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Ms. DeGette, Mr. Udall of Colorado, Mr. McInnis, Mr. Schaffer, Mr. Hefley, and Mr. Paul):

H.R. 3674. A bill to amend the Internal Revenue Code of 1986 to allow tax-free rollovers of amounts in one qualified State tuition program to another qualified State tuition program for the benefit of the same beneficiary; to the Committee on Ways and Means.

By Mr. BAIRD:

H.R. 3675. A bill to direct the Attorney General to carry out a pilot program under which the Attorney General shall establish methamphetamine incident response and training teams for drug emergency areas; to the Committee on the Judiciary.

By Mrs. BONO:

H.R. 3676. A bill to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; to the Committee on Resources.

By Mr. BURTON of Indiana (for himself, Mr. Barr of Georgia, Mr. Barton of Texas, Mr. Doolittle, Mr. Gilman, Mr. Horn, Mr. Jones of North Carolina, Mr. LaHood, Mr. McHugh, Mr. McIntosh, Mrs. Meek of Florida, Mr. Paul, Mr. Ryun of Kansas, Mr. Scarborough, and Mr. Stump):

H.R. 3677. A bill to amend the Federal Food, Drug, and Cosmetic Act to restrict the authority of the Food and Drug Administration to issue clinical holds regarding investigational drugs or to deny patients expanded access to such drugs; to the Committee on Commerce.

By Mr. COLLINS:

H.R. 3678. A bill to amend title 38, United States Code, to increase the allowance for burial and funeral expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mr. COOK (for himself, Mr. Abercrombie, Mr. Baker, Ms. Baldwin, Mr. Barrett of Wisconsin, Mr. Bartlett of Maryland, Mr. Bilbray, Mr. Bilirakis, Mr. Bishop, Mr. Blumenauer, Mr. Boehlert, Mrs.

Bono, Ms. Brown of Florida, Mr. Calvert, Mr. Cannon, Mr. Chambliss, Mrs. Christensen, Mr. Condit, Mr. Cooksey, Mr. Crowley, Mr. Cummings, Mr. Cunningham, Ms. Danner, Mr. Davis of Virginia, Mr. Deal of Georgia, Mr. DeLay, Mr. Deutsch, Mr. Dicks, Mr. Doolittle, Ms. Dunn, Mr. Ehlers, Mr. Engel, Mr. English, Ms. Eshoo, Mr. Ewing, Mr. Faleomavaega, Mr. Farr of California, Mr. Filner, Mrs. Fowler, Mr. Frelinghuysen, Mr. Gibbons, Mr. Gilman, Mr. Gonzalez, Mr. Graham, Mr. Greenwood, Mr. Hall of Ohio, Mr. Hansen, Mr. Herger, Mr. Hill of Montana, Mr. Hinchey, Mr. Holden, Mr. Holt, Mr. Houghton, Mr. Hutchinson, Mr. Jackson of Illinois, Mr. Jones of North Carolina, Mrs. Kelly, Mr. Kingston, Mr. Kolbe, Mr. Lampson, Mr. Lantos, Mr. LaTourette, Ms. Lee, Mr. Lewis of California, Mr. LoBiondo, Ms. Lofgren, Mr. Manzullo, Mr. Matsui, Mr. McCollum, Mr. McGovern, Mr. McKeon, Mr. McNulty, Mr. Meeks of New York, Mr. Metcalf, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Morella, Mrs. Myrick, Mrs. Napolitano, Mr. Nethercutt, Mr. Ney, Ms. Norton, Mr. Norwood, Mr. Ortiz, Mr. Owens, Mr. Oxley, Mr. Packard, Mr. Peterson of Minnesota, Mr. Peterson of Pennsylvania, Mr. Pombo, Mr. Radanovich, Mr. Reyes, Mr. Reynolds, Mr. Rodriguez, Mr. Romero-Barceló, Mr. Ryun of Kansas, Mr. Salmon, Ms. Sanchez, Mr. Sanders, Mr. Scott, Mr. Sessions, Mr. Shuster, Mr. Simpson, Ms. Slaughter, Mr. Smith of Washington, Mr. Stump, Mr. Sweeney, Mrs. Tauscher, Mr. Tauzin, Mr. Thompson of California, Mr. Thune, Mrs. Thurman, Mr. Towns, Mr. Turner, Mr. Vento, Mr. Walsh, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Wolf, and Mr. Young of Alaska):

H.R. 3679. A bill to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; to the Committee on Banking and Financial Services.

By Mr. DREIER (for himself and Ms. Lofgren):

H.R. 3680. A bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to the adjustment of composite theoretical performance levels of high performance computers; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE (for himself and Ms. Stabenow):

H.R. 3681. A bill to improve character education programs; to the Committee on Education and the Workforce.

By Mr. GEJDENSON:

H.R. 3682. A bill to amend title XVIII of the Social Security Act to prohibit the use of Medicare risk-based managed care payments for administrative costs not permitted under the Federal Acquisition Regulation; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 3683. A bill to prohibit further extension or establishment of any national monument in Washington State without full public participation and an express Act of Congress, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington (for himself and Mr. Meehan):

H.R. 3684. A bill to amend section 313 of the Tariff Act of 1930 to allow duty drawback for grape juice concentrates made from Concord or Niagara grapes; to the Committee on Ways and Means.

By Mr. HILL of Montana:

H.R. 3685. A bill to facilitate the timely resolution of back-logged civil rights discrimination cases of the Department of Agriculture, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself and Mr. Filner):

H.R. 3686. A bill to amend the Clean Air Act and titles 23 and 49, United States Code, to provide for continued authorization of funding of transportation projects after a lapse in transportation conformity; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McINNIS:

H.R. 3687. A bill to establish the Canyons of the Ancients National Conservation Area; to the Committee on Resources.

By Mr. MOORE (for himself, Mr. Hoyer, Mrs. Thurman, Mr. Waxman, Mr. Davis of Florida, Mrs. Mink of Hawaii, Mr. Frank of Massachusetts, Mr. Evans, Ms. Pelosi, Mr. Peterson of Minnesota, Mr. Barrett of Wisconsin, Mr. Green of Texas, Mr. Hastings of Florida, Mr. Minge, Mr. Nadler, Ms. Woolsey, Mr. Farr of California, Ms. McCarthy of Missouri, Ms. Rivers, Mr. Boswell, Mr. Boyd, Mr. Ford, Ms. Hooley of Oregon, Mr. Pascrell, Mr. Sandlin, Ms. Baldwin, Mr. Capuano, Mr. Crowley, Mr. Gonzalez, Mr. Hill of Indiana, Mr. Hoeffel, Mr. Larson, Mrs. Napolitano, Mr. Phelps, Ms. Schakowsky, Mr. Shows, Mr. Thompson of California, Mr. Udall of New Mexico, and Mr. Wu):

H.R. 3688. A bill to amend the Internal Revenue Code of 1986 to require certain political organizations under such Code to report information to the Federal Election Commission, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself and Mr. Latham):

H.R. 3689. A bill to establish in the Antitrust Division of the Department of Justice a position with responsibility for agricultural antitrust matters; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mr. Graham, and Mr. Klink):

H.R. 3690. A bill to amend titles XVIII and XIX of the Social Security Act to assure the financial solvency of Medicare+Choice organizations and Medicaid managed care organizations; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. Baker, and Mr. Ryun of Kansas):

H.R. 3691. A bill to provide that the inferior courts of the United States do not have jurisdiction to hear partial-birth abortion-related cases; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 3692. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Mr. SIMPSON:

H.R. 3693. A bill to provide for the acquisition of Castle Rock Ranch in the State of Idaho and to authorize the use of the acquired ranch in a series of land exchanges involving lands within the boundaries of the City of Rocks National Reserve and the Hagerman Fossil Beds National Monument, Idaho; to the Committee on Resources.

By Mr. SWEENEY:

H.R. 3694. A bill to amend rule 26 of the Federal Rules of Civil Procedure to provide for the confidentiality of a personnel record or personal information of a law enforcement officer; to the Committee on the Judiciary.

By Mr. TOOMEY (for himself, Mr. Shays, Mrs. Cubin, Mr. Watts of Oklahoma, Mr. Smith of Michigan, Mr. Green of Wisconsin, Mr. Coburn, Mr. Shadegg, Mr. Bartlett of Maryland, Mr. Ryan of Wisconsin, Mr. Herger, Mr. Cox, Mr. Vitter, Mr. Pitts, Mr. Paul, Mr. Chabot, Mr. Tancredo, Mrs. Chenoweth-Hage, Mr. Terry, Mr. Gary Miller of California, and Mr. Largent):

H.R. 3695. A bill to ensure that the fiscal year 2000 on-budget surplus is used to reduce publicly-held debt; to the Committee on Rules.

By Mr. TRAFICANT (for himself and Mr. Bilirakis):

H.R. 3696. A bill to establish the President's Commission on Veterans and Smoking; to the Committee on Veterans' Affairs.

By Mr. VITTER (for himself, Mr. Cunningham, Mr. Hayes, Mr. Kuykendall, Mr. Taylor of Mississippi, and Mr. Moran of Virginia):

H.R. 3697. A bill to provide for participation of certain Medicare-eligible individuals in Department of Defense pharmacy programs; to the Committee on Armed Services.

By Mr. WHITFIELD (for himself and Mr. Bilbray):

H.R. 3698. A bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal years 2001 and 2002 at the levels for fiscal year 2000; to the Committee on Commerce.

By Mr. KOLBE (for himself, Mr. Hoyer, Mr. McIntosh, Mr. Blunt, Mrs. Kelly, Mr. Sensenbrenner, Mr. Manzullo, Mr. Foley, Mr. Nussle, Mr. Ramstad, Mr. Graham, Mr. Cunningham, Mr. Leach, Mr. Quinn, Mr. Cook, Mr. Kleczka, Mrs. Thurman, Ms. Pryce of Ohio, Mr.

Lampson, Mr. Neal of Massachusetts, Mr. Clay, Mr. Green of Texas, Mrs. Meek of Florida, Mr. Moran of Virginia, Mrs. Clayton, Mr. Bilbray, Mr. Cardin, Mr. Knollenberg, Mr. Latham, Mr. Houghton, Mr. Price of North Carolina, and Mr. Boswell):

H. Con. Res. 252. Concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. Hyde, Mr. Armey, Mr. Barcia, Mr. DeLay, Mr. Hayworth, Mr. John, Mr. Pitts, Ms. Ros-Lehtinen, Mr. Ryan of Wisconsin, Mr. Sherwood, and Mr. Tancredo):

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress strongly objecting to any effort to expel the Holy See from the United Nations as a state participant by removing its status as a Permanent Observer; to the Committee on International Relations.

By Mr. RADANOVICH (for himself, Mr. Thomas, Mr. Skeen, Mr. Peterson of Pennsylvania, Mr. Metcalf, Mr. Herger, Mr. Simpson, Mr. Barrett of Nebraska, Mrs. Chenoweth-Hage, Mr. Schaffer, Mr. Shadegg, and Mr. Kolbe):

H. Con. Res. 254. Concurrent resolution expressing the sense of the Congress that the President should seek input from all stakeholders, State and local governments, and the Congress before declaring any national monument under the authorities granted in the Act popularly known as the Antiquities Act of 1906; to the Committee on Resources.

By Mr. TRAFICANT (for himself and Mr. Bilirakis):

H. Con. Res. 255. Concurrent resolution expressing the sense of the Congress regarding Federal spending on veterans programs and allocation of funds received by the Federal Government for claims arising from smoking-related illnesses or an increased risk of smoking-related illnesses; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. McHugh, Mr. Crane, Mr. McInnis, Mr. Thomas, Mr. Shows, Mr. Gillmor, Mr. LaHood, Mr. Watkins, Mr. Baldacci, Mr. Wu, Mr. Shaw, Mr. Archer, Mr. Barrett of Nebraska, Mr. Franks of New Jersey, Mr. Smith of Texas, Mr. Frelinghuysen, Mr. Camp, Mr. Berry, Mr. Phelps, Mr. Combest, Mr. Pitts, Mrs. Biggert, and Mr. Jenkins.

H.R. 38: Mr. Goodling.

H.R. 40: Mr. Moran of Virginia and Mr. Stupak.

H.R. 110: Mr. Wynn and Mr. Evans.

H.R. 205: Mr. Foley.

H.R. 218: Mr. Hefley, Mrs. Roukema, Mr. Bachus, and Mr. Pallone.

H.R. 347: Mr. Mascara.

H.R. 406: Mrs. Kelly.

H.R. 453: Mr. Franks of New Jersey and Mr. Inslee.

H.R. 531: Mr. Kolbe.

H.R. 555: Mr. Borski.

H.R. 583: Mr. Boehlert.

H.R. 612: Mr. Minge.

H.R. 623: Mr. Walden of Oregon.

H.R. 664: Mrs. Napolitano, Mr. Sawyer, and Mr. Rangel.

H.R. 701: Ms. Sanchez, Mr. Thune, Mr. Vento, Mr. McDermott, Mr. Wexler, Mr. Gutierrez, Mrs. Morella, Mr. Udall of Colorado, Mr. Clay, Mr. Blumenauer, Mr. Deutsch, Mr. Olver, Mr. Frank of Massachusetts, Ms. Eshoo, Ms. Roybal-Allard, Mr. McNulty, Mr. Engel, Mr. Dixon, Mr. Delahunt, Ms. Pelosi, Mr. Faleomavaega, Mrs. Capps, Mr. Thompson of California, Mr. Hall of Texas, Mr. Pallone, Mr. Crowley, Mr. Hoeffel, Mr. Udall of New Mexico, Ms. Woolsey, Ms. Hooley of Oregon, Mrs. Napolitano, Mr. Abercrombie, Mr. Stark, Mrs. Meek of Florida, Mr. McCollum, Mr. Minge, Mr. Conyers, Mr. Rahall, Mr. Markey, Mr. Borski, Mr. Petri, Mr. Gejdenson, Mr. Smith of Washington, Mr. Dooley of California, Mr. McInnis, Ms. Baldwin, Mr. Inslee, Mr. Wu, Mrs. Mink of Hawaii, Ms. Brown of Florida, Mrs. Roukema, Mr. Tancredo, Mr. Sherwood, Mr. Kanjorski, Mr. Farr of California, Mr. Menendez, Mr. Hastings of Florida, Mrs. Clayton, Mr. Barrett of Wisconsin, Mr. Meehan, Mr. Matsui, Mr. Sherman, Mr. Martinez, Ms. DeGette, Mr. Larson, Mr. Cummings, Mr. Tierney, Mr. Neal of Massachusetts, Mr. Pascrell, Mr. Holt, Mr. Serrano, Mr. Baldacci, Mr. Hinchey, Mr. Owens, Mr. Rothman, Mr. McGovern, Mr. Callahan, Mr. Cardin, Mr. Evans, Mr. Lazio, Ms. Lofgren, Mr. Waxman, Ms. Waters, Mr. Filner, Mr. Capuano, Mr. Bonior, Mr. Nadler, Mrs. Jones of Ohio, Mr. Kucinich, Ms. Berkley, Mr. Baird, Mr. Underwood, Mr. Gilman, Mr. Blagojevich, Mr. Kennedy of Rhode Island, Mr. Forbes, Mr. Sanders, Mr. Meeks of New York, Mr. Brown of Ohio, Mr. Kuykendall, Mr. Leach, Mr. Berman, Ms. Slaughter, Mr. Boehlert, Mr. McIntyre, Mr. Kleczka, Mr. Greenwood, Mr. Campbell, Mr. Dreier, Mr. Bilbray, Mr. Cunningham, Mr. Gekas, Mr. Brady of Texas, Mr. Moran of Virginia, Mrs. Johnson of Connecticut, Mrs. Kelly, Mr. LoBiondo, Mr. Stupak, Mr. Franks of New Jersey, Mr. Ehlers, Mr. Quinn, Mr. Shuster, Ms. Schakowsky, Mr. Weiner, Mr. Levin, Mrs. Lowey, Mr. Diaz-Balart, Mr. Moakley, Mrs. Biggert, Mr. Davis of Illinois, Mr. Horn, Mr. Lantos, Ms. Lee, Mr. King, Mr. Andrews, Mr. Payne, Mr. Everett, Mrs. Tauscher, Ms. Dunn, Mr. Romero-Barcelo, Ms. Kilpatrick, Ms. Norton, Mr. Packard, Mr. Metcalf, Mr. Bateman, Mr. Frelinghuysen, Mr. Houghton, Mr. Watt of North Carolina, Ms. Kaptur, Mr. LaFalce, Ms. Rivers, Mr. Becerra, Ms. Millender-McDonald, Mr. Jackson of Illinois, Mrs. McCarthy of New York, Ms. Velazquez, Mr. Ehrlich, Mr. Reyes, Mr. Pease, Mr. Baca, Mrs. Maloney of New York, Mr. Bartlett of Maryland, Mr. Dicks, Ms. DeLauro, and Mr. Hefley.

H.R. 721: Mr. Talent, Mr. Schaffer, and Mr. Minge.

H.R. 730: Mr. Menendez.

H.R. 742: Mr. McIntyre and Mr. Baldacci.

H.R. 797: Mr. Borski.

H.R. 815: Mrs. Clayton.

H.R. 816: Mr. Rohrabacher and Mr. Bliley.

H.R. 826: Mr. Kildee.

H.R. 837: Ms. Carson.

H.R. 860: Mr. Pascrell.

H.R. 870: Mr. Jenkins.

H.R. 980: Mr. Saxton and Mr. Kuykendall.

H.R. 1032: Mr. Mascara.

H.R. 1044: Mr. Calvert and Mr. Burton of Indiana.

H.R. 1063: Ms. Lofgren.

H.R. 1070: Mr. Levin, Mr. Hall of Ohio, and Mr. Riley.

H.R. 1085: Mr. Lampson.

H.R. 1115: Mr. Ose.

H.R. 1194: Mr. Ryun of Kansas, Mr. Goodling, and Mr. Ose.

H.R. 1195: Mr. Bilbray.

H.R. 1227: Mr. Conyers.

H.R. 1283: Mr. Baker, Mr. Boyd, Mr. Kasich, Mr. Hayes, Mr. Barcia, Mr. Oxley, Mr. Tancredo, Mr. Barton of Texas, and Mr. Vitter.

H.R. 1304: Mr. Kucinich and Mr. Traficant.

H.R. 1317: Mr. Terry.

H.R. 1360: Mr. Manzullo.

H.R. 1396: Mr. Rangel and Ms. Millender-McDonald.

H.R. 1435: Mr. DeLay.

H.R. 1452: Mr. LaTourette.

H.R. 1459: Mr. LaHood and Mr. Nethercutt.

H.R. 1495: Mr. Ortiz, Mr. Borski, Ms. Woolsey, and Mr. Costello.

H.R. 1505: Mr. Toomey, Ms. Kaptur, Mr. Hilliard, Mr. Sherwood, and Mr. Mollohan.

H.R. 1577: Mr. Schaffer.

H.R. 1611: Mr. Weldon of Pennsylvania.

H.R. 1621: Mr. Gonzalez, Mr. Kind, and Mr. Mollohan.

H.R. 1640: Mr. Conyers, Mr. Phelps, Ms. Rivers, Mrs. Jones of Ohio, Mr. Weiner, Mr. Frank of Massachusetts, and Mr. Pallone.

H.R. 1671: Mr. Klink.

H.R. 1705: Mr. Sanders, Mr. Tierney, Mr. Hinchey, and Mr. Kucinich.

H.R. 1708: Mr. Traficant.

H.R. 1732: Ms. McCarthy of Missouri.

H.R. 1747: Mr. Weldon of Pennsylvania, Mr. Cox, Mr. Hefley, Mr. Goodling, and Ms. Ros-Lehtinen.

H.R. 1760: Mrs. Napolitano and Mr. Simpson.

H.R. 1769: Mr. Frost.

H.R. 1824: Mr. Souder and Mr. Jones of North Carolina.

H.R. 1830: Mr. Andrews.

H.R. 1841: Mr. Crowley and Mrs. Meek of Florida.

H.R. 1870: Mr. Riley.

H.R. 1899: Mr. Deutsch.

H.R. 1977: Ms. Baldwin, Mr. Price of North Carolina, and Mr. Smith of New Jersey.

H.R. 2059: Mr. Holt.

H.R. 2087: Mr. Weldon of Florida.

H.R. 2088: Mr. Vitter.

H.R. 2121: Mr. Doyle and Mr. Towns.

H.R. 2265: Mr. Hill of Indiana.

H.R. 2273: Mr. Manzullo and Mrs. Kelly.

H.R. 2282: Mr. Largent.

H.R. 2382: Mr. Taylor of Mississippi.

H.R. 2402: Mr. Cunningham.

H.R. 2420: Mr. Scarborough, Mr. Pascrell, Mr. Talent, Mr. Clay, Mrs. Jones of Ohio, Mr. Turner, Mr. Capuano, Mr. McGovern, and Mr. Cunningham.

H.R. 2527: Mr. Wamp.

H.R. 2544: Mr. Terry.

H.R. 2551: Mr. McHugh, Mr. Kleczka, Mr. LaTourette, Mr. Cramer, Mr. Combest, Ms. Brown of Florida, Mrs. Jones of Ohio, Mr. Brown of Ohio, Ms. Carson, and Ms. Eshoo.

H.R. 2562: Mr. Davis of Illinois.

H.R. 2569: Mr. Andrews.

H.R. 2573: Mr. Hinchey.

H.R. 2631: Mr. Ose.

H.R. 2720: Mr. Taylor of Mississippi and Mr. Ehrlich.

H.R. 2776: Mr. Towns and Mr. Evans.

H.R. 2785: Mrs. Kelly.

H.R. 2790: Mr. Goodling.

H.R. 2842: Mr. LaFalce.

H.R. 2916: Ms. Pelosi and Mr. Stark.

H.R. 2934: Ms. Carson, Mr. Weygand, Mrs. McCarthy of New York, Mrs. Maloney of New York, Ms. Pelosi, and Mr. Filner.

H.R. 2966: Ms. Rivers and Mr. Herger.

H.R. 3058: Mrs. Meek of Florida.

H.R. 3059: Mr. English.

H.R. 3083: Mr. Rush, Mr. Blagojevich, and Ms. Pelosi.

H.R. 3087: Mr. Evans.

H.R. 3091: Mr. Shimkus and Mr. Ewing.

H.R. 3150: Ms. Rivers.

H.R. 3170: Mr. Cox and Mr. Largent.

H.R. 3193: Mr. Lipinski and Mr. Clement.

H.R. 3195: Mr. Skelton and Mr. Oxley.

H.R. 3225: Mr. Kuykendall.

H.R. 3240: Mr. Hoekstra, Mr. Doolittle, Mr. Frank of Massachusetts, Mr. LaHood, and Mr. Riley.

H.R. 3252: Mr. Terry.

H.R. 3295: Mr. Nadler.

H.R. 3299: Mr. Kingston and Mr. Shows.

H.R. 3320: Mr. Bonior and Mr. Kolbe.

H.R. 3327: Mr. Hastings of Washington, Mr. Knollenberg, Ms. Dunn, Mr. Doolittle, Mr. Simpson, and Mr. Ewing.

H.R. 3399: Mr. Tiahrt.

H.R. 3420: Mr. Matsui and Mr. Ose.

H.R. 3430: Mr. Boswell, Mr. Forbes, Mrs. Napolitano, Ms. Woolsey, and Mr. Evans.

H.R. 3439: Mr. Ryun of Kansas, Mr. Rahall, Mr. Bereuter, Mr. Camp, Mr. Wise, Mr. Simpson, Mr. McIntosh, Mr. Isakson, Mr. Jones of North Carolina, Mr. Jenkins, Mr. Davis of Virginia, Mr. Barcia, Mr. Goodlatte, Mrs. Biggert, Mr. Young of Alaska, Mr. Hulshof, Mr. Berry, Mr. Frelinghuysen, Mr. Greenwood, Mr. Cannon, Mr. Visclosky, Mr. Gibbons, Mr. Clement, Mr. Tiahrt, Ms. Danner, Mr. Neal of Massachusetts, Mr. Hayworth, and Mr. Hall of Texas.

H.R. 3463: Mr. Kucinich, Mrs. Kelly, Mr. Filner, Mr. Smith of New Jersey, and Mr. Delahunt.

H.R. 3508: Mr. Frost.

H.R. 3519: Mr. Rush and Mr. Houghton.

H.R. 3525: Mr. Radanovich and Mr. Weldon of Florida.

H.R. 3530: Mr. Graham, Mr. Gekas, Mr. Riley, Mr. Sensenbrenner, Mr. Kolbe, Mrs. Biggert, Mr. Rogan, Mr. Weldon of Florida, Mr. Ryun of Kansas, Mr. Knollenberg, and Mr. Schaffer.

H.R. 3535: Mr. Doyle and Ms. Hooley of Oregon.

H.R. 3539: Mr. Watkins and Mr. Schaffer.

H.R. 3543: Mr. Walsh.

H.R. 3544: Mr. Ney, Mr. Hulshof, Mr. Goodling, and Mr. Knollenberg.

H.R. 3561: Mr. Campbell.

H.R. 3571: Mrs. McCarthy of New York, Mr. Abercrombie, Mr. Rahall, and Mr. Frost.

H.R. 3573: Mr. LoBiondo, Ms. Rivers, Mr. Sweeney, Ms. Dunn, and Ms. Stabenow.

H.R. 3575: Mr. Souder, Mr. Condit, Mr. Smith of New Jersey, Mr. Neal of Massachusetts, Mr. Kind, Mr. Hall of Ohio, Mr. Price of North Carolina, Mr. Boehlert, Mr. Payne, Mrs. Mink of Hawaii, Mr. Owens, and Mr. Horn.

H.R. 3580: Mr. Doyle, Mr. McHugh, Mr. Moran of Kansas, Mr. Brady of Pennsylvania, Mr. LaFalce, and Mr. Moakley.

H.R. 3582: Mr. Wolf.

H.R. 3593: Mr. Boyd and Mr. Nethercutt.

H.R. 3594: Mr. Chabot, Mr. LaHood, Mr. Whitfield, Mr. Udall of Colorado, Mr. Cramer, and Mr. Reynolds.

H.R. 3600: Ms. Pelosi.

H.R. 3607: Mr. Sanders.

H.R. 3608: Mr. Franks of New Jersey, Mr. Kucinich, Mr. Bass, Mr. Pallone, and Mr. Borski.

H.R. 3613: Mr. Quinn, Mr. Sanders, and Mr. Frank of Massachusetts.

H.R. 3615: Mr. Sandlin, Mr. Pomeroy, Mr. Berry, Mr. Moran of Kansas, and Mr. Moran of Virginia.

H.R. 3620: Mr. Ose.

H.R. 3629: Mr. Ose.

H.R. 3634: Mr. Frank of Massachusetts and Mr. Berman.

H.R. 3641: Mrs. Kelly, Mr. King, Mr. Sanders, and Mr. Houghton.

H.R. 3644: Mr. Frank of Massachusetts, Ms. DeLauro, Mr. Capuano, Mr. Weiner, Mr. Etheridge, Mr. Sanders, and Mr. Filner.

H.R. 3650: Mr. Weiner, Ms. Pelosi, Mr. Gutierrez, and Mr. Filner.

H.R. 3662: Mr. Capuano and Mr. Weiner.

H.J. Res. 86: Mr. Ortiz, Ms. Dunn, Ms. Lofgren, Mr. Walden of Oregon, Mr. Hastings of Florida, Mrs. Roukema, Mr. Peterson of Pennsylvania, Mr. Burton of Indiana, and Ms. Pryce of Ohio.

H. Con. Res. 186: Mr. Moran of Kansas, Ms. Pryce of Ohio, Mr. Nethercutt, Mr. Gillmor, Mr. Ryun of Kansas, and Mr. Gary Miller of California.

H. Con. Res. 220: Mr. Barrett of Wisconsin.

H. Con. Res. 249: Mr. Lipinski.

H. Res. 397: Mrs. Myrick, Mr. Lipinski, and Mr. Kuykendall.

H. Res. 416: Mr. Weiner.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2372: Mr. Barcia.

H. Res. 396: Mr. Abercrombie and Mr. Hobson.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 7. February 16, 2000, by Mr. SHOWS on House Resolution 371, was signed by the following Members: Ronnie Shows, Fortney Pete Stark, Jim McDermott, Martin Frost, Dale E. Kildee, Eddie Bernice Johnson, William D. Delahunt, Thomas H. Allen, George Miller, James P. McGovern, Mike Thompson, John B. Larson, Nydia M. Velázquez, Albert Russell Wynn, Karen McCarthy, Robert E. Wise, Jr., Corrine Brown, Karen L. Thurman, Barbara Lee, Earl Pomeroy, Darlene Hooley, Tammy Baldwin, Shelley Berkley, Dennis J. Kucinich, Lynn N. Rivers, Lynn C. Woolsey, Joe Baca, Patsy T. Mink, Grace F. Napolitano, Bart Stupak, John Lewis, Carolyn C. Kilpatrick, Sheila Jackson-Lee, Charles A. Gonzalez, Michael P. Forbes, Ciro D. Rodriguez, Frank Pallone, Jr., Danny K. Davis, Bobby L. Rush, Rod R. Blagojevich, Lucille Roybal-Allard, Julia Carson, Frank Mascara, Janice D. Schakowsky, Thomas M. Barrett, David R. Obey, Robert E. Andrews, Max Sandlin, Jose E. Serrano, Lane Evans, James L. Oberstar, Mark Udall, Juanita Millender-McDonald, John F. Tierney, Gene Green, Rosa L. DeLauro, Marion Berry, James A. Traficant, Jr., Lloyd Doggett, Carrie P. Meek, Louise McIntosh Slaughter, James A. Barcia, Bob Filner, Robert A. Brady, Ken Bentsen, John M. Spratt, Jr., Diana DeGette, Bob Clement, Robert Wexler, Bennie G. Thompson, Earl F. Hilliard, Gary L. Ackerman, David Minge, Martin T. Meehan, Anthony D. Weiner, Ruben Hinojosa, John D. Dingell, Nancy Pelosi, Debbie Stabenow, Barney Frank, Sam Farr, James E. Clyburn, Patrick J. Kennedy, Michael R. McNulty, Tom Udall, Alcee L. Hastings, Melvin L. Watt, Gregory W. Meeks, Tom Sawyer, Robert E. (Bud) Cramer, Jr., Elijah E. Cummings, Charles B. Rangel, Edolphus Towns, John W. Olver, Joseph Crowley, Solomon P. Ortiz, Carolyn McCarthy, David E. Bonior, Bill Luther, Jerrold Nadler, Tom Lantos, Stephanie Tubbs Jones, Tony P. Hall, Robert A. Weygand, Ted Strickland, Richard A. Gephardt, Cynthia A. McKinney, Nick Lampson, Donald M. Payne, Silvestre Reyes, John J. LaFalce, Marcy Kaptur, Ed Pastor, Earl Blumenauer, Jim Turner, Carolyn B. Maloney, Luis V. Gutierrez, Christopher John, Eva M. Clayton, Leonard L. Boswell, Chet Edwards, John Conyers, Jr., Sander M. Levin, Peter Deutsch, Neil Abercrombie, and Henry A. Waxman.

Petition 8. February 16, 2000, by Mr. STARK on House Resolution 372, was signed by the following Members: Fortney Pete Stark, David E. Bonior, Martin Frost, Eddie Bernice Johnson, Jim McDermott, Dale E. Kildee, William D. Delahunt, Thomas H. Allen, George Miller, James P. McGovern, Mike Thompson, John B. Larson, Nydia M. Velázquez, Albert Russell Wynn, Karen McCarthy, Robert E. Wise, Jr., Corrine Brown, Karen L. Thurman, Barbara Lee, Earl Pomeroy, Tammy Baldwin, Lynn N. Rivers, Lynn C. Woolsey, Joe Baca, Patsy T. Mink, Grace F. Napolitano, Bart Stupak, John Lewis, Carolyn C. Kilpatrick, Sheila Jackson-Lee, Charles A. Gonzalez, Ciro D. Rodriguez, Frank Pallone, Jr., Lucille Roybal-Allard, Julia Carson, Janice D. Schakowsky, Thomas M. Barrett, David R. Obey, Robert E. Andrews, Jose E. Serrano, Lane Evans, James L. Oberstar, Mark Udall, Juanita Millender-McDonald, Rod R. Blagojevich, John F. Tierney, Gene Green, Rosa L. DeLauro, Marion Berry, Lloyd Doggett, Louise McIntosh Slaughter, Joseph M. Hoeffel, James A. Barcia, Benjamin L. Cardin, Bob Filner, Robert A. Brady, John M. Spratt, Jr., Diana DeGette, Bob Clement, Robert Wexler, Bennie G. Thompson, Earl F. Hilliard, Gary L. Ackerman, David Minge, Martin T. Meehan, Howard L. Berman, Anthony D. Weiner, Ruben Hinojosa, John D. Dingell, Nancy Pelosi, Debbie Stabenow, Barney Frank, Sam Farr, James E. Clyburn, Patrick J. Kennedy, Michael R. McNulty, Tom Udall, Alcee L. Hastings, Melvin L. Watt, Gregory W. Meeks, Tom Sawyer, Robert E. (Bud) Cramer, Jr., Elijah E. Cummings, Charles B. Rangel, Edolphus Towns, John W. Olver, Joseph Crowley, Solomon P. Ortiz, Sam Gejdenson, Carolyn McCarthy, Jerrold Nadler, Tom Lantos, Stephanie Tubbs Jones, Tony P. Hall, Robert A. Weygand, Ted Strickland, Richard A. Gephardt, Cynthia A. McKinney, Nick Lampson, Donald M. Payne, Silvestre Reyes, John J. LaFalce, Marcy Kaptur, Ed Pastor, Earl Blumenauer, Max Sandlin, Jim Turner, Carolyn B. Maloney, Luis V. Gutierrez, Christopher John, Eva M. Clayton, Leonard L. Boswell, Chet Edwards, John Conyers, Jr., Sander M. Levin, Peter Deutsch, Neil Abercrombie, and Henry A. Waxman.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 6, by Mr. BONIOR on House Resolution 301: Mark Udall.

EXTENSIONS OF REMARKS

GOVERNMENT PRINTING OFFICE: STILL BETTER THAN EVER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. HOYER. Mr. Speaker, I am delighted to bring to the House's attention an article about the Government Printing Office from the December 1999 issue of In-Plant Graphics.

This prestigious printing-industry journal has, for a second consecutive year, ranked the Government Printing Office first among the "Top 50" printing plants surveyed, thus labeling GPO as the best in-plant operation in America. The December 1998 issue of In-Plant Graphics, while bestowing the same honor for the first time, described the GPO as "better than ever." These accolades, from a respected trade publication, together speak volumes about the diligence and dedication of the versatile GPO workforce.

As the 1999 article, entitled "The Digitizing of GPO," reveals, in recent years technology has changed dramatically the way many Americans acquire government information, and the GPO has been in the vanguard. GPO still prints the CONGRESSIONAL RECORD and the Federal Register each night for its many customers who must have traditional paper copies, including the Congress itself, and produces other printed products around the clock. However, GPO also distributes these and other products in electronic format, quickly, economically and widely.

As a case in point, late one Friday afternoon last November, the federal district court in Washington delivered to GPO for publication its findings of fact in the Microsoft antitrust case, a proceeding of immense economic significance and national interest. Within one hour of GPO's subsequent release of the document at 6:30 PM, interested persons had accessed it 152,000 times through a special GPO website established for that purpose. Simultaneously, walk-in customers could purchase printed copies of the document in GPO's main bookstore.

While preserving its capability to produce ink-on-paper, GPO recognizes that demand for electronic products will increase exponentially in the years ahead. The public already downloads over 21 million documents each month through GPO Access [http://www.access.gpo.gov], GPO's electronic gateway to more than 160,000 federal titles. The GPO is committed to working with its customers and others to facilitate that change. GPO is itself reaping the benefits of technology and passing the savings along to the American people. The agency accomplishes all these feats with 30% fewer production employees than it had just six years ago.

Mr. Speaker, please join me in saluting the dedicated men and women of the digitized Government Printing Office, still better than ever. The article follows:

[From the In-Plant Graphics, Dec. 1999]

THE DIGITIZING OF GPO

(By Bob Neubauer)

When the Federal District Court for the District of Columbia prepared to release Judge Thomas P. Jackson's "Findings of Fact" in the Microsoft case in November, the court contacted the U.S. Government Printing Office. GPO was asked to make advance preparations for the rapid dissemination of the document. GPO, as always, was ready for the challenge.

Judge Jackson's decision was announced at 4:30, and the court sent a printed copy and a disk version of the 207-page document to GPO, where print production began immediately. Covers had been produced in advance. By 6:30, when GPO's main bookstore reopened, copies were available. By 8:30, 147 had been sold.

Meanwhile, GPO made the findings available on its Web site in WordPerfect, PDF and HTML formats. It established a URL for this information (usvms.gpo.gov). In the first hour of release, the site experienced 152,000 successful connections.

For GPO, the largest in-plant in the country, such monumental projects have become second nature.

Now in its 139th year of existence, GPO drastically changed itself over the past few years from a strictly ink-on-paper provider to a high-tech digital data delivery organization. The public downloads some 20 million documents a month from GPO Access, GPO's Web site (www.access.gpo.gov).

"We're putting more and more electronic products up, which seems to be what the public wants," notes Public Printer Michael DiMario. He recently signed a request for more Internet bandwidth in the form of a T3 line to accommodate the anticipated demand.

The successful online dissemination of the Microsoft findings was welcome news for those who remember the initial posting of the Starr Report last year, when GPO Access was jammed with traffic, which clogged the system.

"We took certain steps to upgrade the number of T1 lines that we have and install additional servers," notes Andrew M. Sherman, director of congressional, legislative and public affairs. A BigIP load balancer, served by five T1 lines, kept heavy volume from freezing some visitors out.

Over the past few years, Sherman notes, online delivery has helped to decrease print volume—as well as outside procurement. (Also contributing were shrinking government budgets and fewer requested copies.) Concurrently, the skills of GPO's work force have migrated toward the electronic end.

But print is still strong. GPO's two new Krause America LX170 computer-to-plate systems are now up to speed, Sherman says, and they're being used to run plates for all major publications, including the Congressional Record and the Federal Register. The new passport bindery line is operational, as well. And with 7.5 million passports passing through GPO last year, the line has its work cut out for it.

In the next decade, DiMario says, GPO will strengthen its efforts to share its expertise with other government agencies. Already it has expanded its Federal Printing and Electronic Publishing Institute, which offers courses to help agencies deal with technological changes.

GPO also hopes to provide digital access to even more government documents in the future, he says. As for GPO's size, DiMario doesn't see it changing much. GPO has already downsized dramatically in the 1990s. In 1994 it employed 1,701 production personnel; today there are 1,173.

"We're probably scaled back as much as we can be . . . without some potential problems," observes DiMario. "We've got a very professional work force. The results speak for themselves."

TRIBUTE TO MANUEL MARQUEZ CERVANTEZ

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mrs. NAPOLITANO. Mr. Speaker, in the near future, I will have the honor of presenting Korean War veteran Manuel Marquez Cervantez with the National Defense Service Medal, the Korean Service Medal with three bronze stars, the United Nations Service Medal, and the Combat Infantryman Badge at my District Office in Montebello, CA.

Mr. Cervantez, born in Clint, TX, and now a resident of Valinda, joined the U.S. Army on May 10, 1951 at the age of 20. After completing his basic training at Camp Roberts, CA, he served in the U.S. Army's 2nd Division during the Korean War. Mr. Cervantez and his platoon fought valiantly on the Korean front lines for eleven and a half months, sustaining many casualties. He was honorably discharged from the Army on November 7, 1956.

Corporal Manual Cervantez married his wife, Manuela, in 1955 and together they raised six children—Maria, Cecilia, Elizabeth, Frances, Dolores, and Manuel Cervantes II. Manuel and Manuela are the proud grandparents of 17 grandchildren.

I am proud to count Manuel Cervantez as one of my constituents. His bravery, service, and dedication to our great Nation are an inspiration for us all.

PARTIAL BIRTH ABORTION AND JUDICIAL LIMITATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. PAUL. Mr. Speaker, today I introduce the Partial birth Abortion and Judicial Limitation Act. This bill would, in accordance with article 3, section 2 of our United States Constitution, prohibit federal courts (exclusive of the U.S. Supreme Court) from hearing cases relative to partial birth abortion.

One of the most egregious portions of the Roe versus Wade decision is that the ruling in that case served to substitute the opinions of unelected judges for those of state representatives when it comes to making abortion law. By doing this, judges have not merely taken on the role of legislators, they have also thrust the federal apparatus into an area that the founding fathers specifically and exclusively entrusted to state entities. Unfortunately, this aspect of Roe versus Wade has not received the attention that less critical portions of the decision have received.

The legislation I am introducing today is aimed at moving us toward correcting this federal judicial usurpation of constitutionally identified state authority. This legislation is needed now more than ever as certain "lower federal courts" have taken it upon themselves to continue the error-ridden ways of Roe versus Wade by overturning legitimate state restrictions on partial birth abortion.

Mr. Speaker, I encourage my colleagues to review this new legislation and to join me in this battle by cosponsoring this pro-life legislation.

* * *

HOME HEATING OIL CRISIS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. PALLONE. Mr. Speaker, the northeast States are experiencing—and suffering from—escalating home heating oil prices. I have heard from numerous constituents, including the Fuel Merchants Association of New Jersey, small fuel oil dealers, the New Jersey Motor Truck Association, and oilheat consumers affected by this crisis. I commend the administration for releasing $175 million in emergency LIHEAP funds to date and for working with northeast Congressmembers on this issue. I had written to President Clinton after he released an initial $45 million in emergency funds, urging him to release additional funds, and I was pleased to learn that an additional $130 million were subsequently released.

I also have urged the administration to press OPEC and our major foreign suppliers to increase their production of both crude oil and home heating oil exported to the United States in order to address this problem. In addition, I asked that the administration conduct an immediate investigation of alleged price gouging by the oil industry, or at least, that the administration investigate whether or not there was some deliberate attempt by the oil industry to join forces and illegally jack up prices. I also asked the administration to convene an emergency meeting as soon as possible with the major integrated oil companies and with other refiners in order to encourage an immediate increase in refining utilization to produce additional supplies of home heating oil. I understand that crude oil production is down and that there has been a 22-percent reduction in the stocks of distillate fuel oil from last year.

But, more must be done. To this end, I also am organizing, along with my colleague, Representative FOSSELLA, a bipartisan educational briefing, which is being held this Thursday at 3:30 in room HC–8 of the Capitol for Members and staff. The briefing will enable us to discuss longer-term options to prevent these types of crises in the future and methods for creating greater market certainty.

As the cold weather continues, we must act immediately to combat this crisis facing many American families.

* * *

HONORING STEPHAN L. HONORÉ

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. BENTSEN. Mr. Speaker, I rise to honor Stephan L. Honoré for being awarded the Peace Corps' Franklin Williams Award for Outstanding Community Service. Mr. Honoré, who was among the first wave of Peace Corps volunteers and the first black American to join the Peace Corps, has distinguished himself as an extraordinary role model for minorities and all young people interested in community service.

After hearing President John F. Kennedy's impassioned vision of young Americans giving service for peace, Mr. Honoré answered the call in 1960 by joining the "Peace Corps Council," a student group at Ohio State University. As president of his student body, Mr. Honoré had already been given the chance to travel to Cuba as a student where he was forever transformed by witnessing the conditions that his brethren from other countries had to endure daily. Instead of going to Florida during Spring Break as a student his senior year, Mr. Honoré helped organize a trip to Washington with the Peace Corps Council where he met with numerous foreign embassies to see what they thought of JFK's vision. He then met with most of the Ohio Congressmen and Senators to lobby on behalf of the Peace Corps.

Mr. Honoré's generous spirit and political awakening compelled him to become one of the first wave of 28 trainees-invitees—and the first black American—to work as a Peace Corps volunteer. In 1961 he traveled to Columbia to offer his services in Rural Community Development. Mr. Honoré's goal was to help improve living conditions of those living in poverty and hunger and to teach troubled communities how to become self-sufficient. At the same time, Mr. Honoré learned much about his own African heritage through working with black Colombians who were descended from escaped slaves.

After a two-year stint in Colombia, Mr. Honoré was promoted to Associate Director of the Peace Corps and stationed in the Dominican Republic. He oversaw all Peace Corps volunteers in the Northeast quarter of the Dominican Republic and put his skills to use running vital programs.

Mr. Honoré's desire to help others continued when he returned to Ohio from 1968 to 1971 to run a community Health Demonstration Projected and Model Cities Program in blighted communities. He again left for the Dominican Republic to serve as the country's Director from 1978 to 1981. He still keeps close ties to his former co-workers, and is currently Secretary of Friends of the Dominican Republic, an organization of retired Peace Corps members who served in the Dominican Republic.

In between stints of community service, Mr. Honoré earned a law degree and held a professorship at Texas Southern University from 1974–1984. I am proud to claim him as a constituent living in my 25th Congressional District of Texas. True to his philosophy, he is active in our Houston community, serving as past president of the Diocesan Board of Education and the Woodshire Civic Club, and as organizer of Anti-Apartheid activities in the 1980s, as well as a Precinct Judge. He continues to help people who are caught in the system by representing clients in immigration and political asylum cases, often on a pro bono basis. He recently started his own business as a foreign currency exchange consultant.

Mr. Speaker, I congratulate Stephen L. Honoré for receiving an award from the Peace Corps for outstanding service to his community and to Houston. He has not only improved the lives of countless people through his service in foreign lands, the positive impact he has had on the lives of youths in this country and in Houston is immeasurable. He is a true role model for all young people who want to engage in public service.

* * *

TRIBUTE TO JEAN G. LEON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. TOWNS. Mr. Speaker, it gives me great pleasure to pay tribute to Ms. Jean C. Leon.

Jean is recognized in the New York health community for her strong administrative skills. During the 1990's, she held numerous outstanding positions within the New York City Health and Hospitals Corporation (HHC). She began her tenure with HHC as Assistant Director of Nursing at Woodhull Hospital and Mental Health Center. She then joined Metropolitan Hospital Center as Director of Quality Management. Jean later served as the Deputy Executive Director for AED Quality Management Services. Prior to her current position as the Executive Director of Kings County Hospital Center and Senior Vice President of South Brooklyn—Staten Island Family Health Network, Jean worked as the Chief Operating Officer at Harlem Hospital Center. She has dedicated herself to improving patient care at member facilities and ensuring greater access to health care for the residents of both Brooklyn and Staten Island.

She received her undergraduate degree in health administration from St. Joseph's College and an MPA from New York University's

School of Public Administration. Jean holds a certification in Quality Assurance and Nursing Administration and has lectured and consulted extensively in health care. She is a member of the National Association of Health Care Quality and the American College of Health Care Executives and has been the recipients of many awards, including the New York State Quality Assurance Health Care Professional Award in 1995. Jean also served two terms as President of the Trinidad and Tobago Nurses Association, the Caribbean Nurses Association and the Trinidad and Tobago Alliance of North America, Inc.

Please join me in recognizing the achievements of Jean G. Leon.

TRIBUTE TO EDUARDO P. GARCIA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mrs. NAPOLITANO. Mr. Speaker, in the near future, I will have the honor of presenting World War II veteran Eduardo P. Garcia with the Prisoner of War Medal at my District Office in Montebello, CA.

Mr. Garcia, born and raised in El Paso, TX, and now a resident of East Los Angeles, joined the U.S. Army on August 9, 1943, at the age of 26. After 8 weeks in boot camp, he was assigned to the 180th Infantry regiment, 45th Infantry Division and had his first taste of combat in North Africa. In January 1944, Mr. Garcia's regiment was reassigned to assault the beaches of Anzio, Italy, as part of the Allied effort that eventually ended Mussolini's fascist rule. On May 26 of that year, Mr. Garcia was wounded in battle just outside of Rome. But his wounds did not end his service in the war.

Corporal Eduardo Garcia was released back to his regiment in August 1944 as it began to liberate Southern France. The following month, during an intense battle with many American casualties, his regiment was surrounded by German forces and captured. Mr. Garcia and his comrades were marched to Germany where they were held in a prisoner of war camp. Life in the Nazi POW camp was harsh. Prisoners were given little to eat and were forced, in their weakened condition, to march through the snow from one POW camp to another. Those who fell from exhaustion had to be carried by their fellow soldiers or risk being shot to death by the German guards. After enduring eleven months of Nazi capture, Russian forces freed Eduardo Garcia and his comrades from their POW camp in July 1945.

Corporal Eduardo Garcia was discharged from the U.S. Army on October 31, 1945. He was decorated with the European, African, and Middle Eastern Campaign Medals, the Good Conduct medal, and the Purple Heart.

Eduardo Garcia went on to marry his late wife, Carmen, and raise four children. Since 1962, he has lived in Los Angeles and now has eight grandchildren and three great grandchildren.

I am proud to count Eduardo Garcia as one of my constituents. His bravery, service, and dedication to our great nation are an inspiration for us all.

AGRICULTURE EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. PAUL. Mr. Speaker, I rise to introduce the Agriculture Education Freedom Act. This bill addresses a great injustice being perpetrated by the Federal Government on those youngsters who participate in programs such as 4–H or the Future Farmers of America. Under current tax law, children are forced to pay federal income tax when they sell livestock they have raised as part of an agricultural education program. Think of this for a moment, these kids are trying to better themselves, earn some money, save some money and what does Congress do? We pick on these kids by taxing them.

It is truly amazing that with all the handwringing in this Congress over the alleged need to further restrict liberty and grow the size of government "for the children" we would continue to tax young people who are trying to lead responsible lives and prepare for the future. Even if the serious social problems today's youth face could be solved by new federal bureaucracies and programs, it is still unfair to pick on those kids who are trying to do the right thing.

These children are not even old enough to vote, yet we are forcing them to pay taxes! What ever happened to no taxation without representation? No wonder young people are so cynical about government!

It is time we stopped taxing youngsters who are trying to earn money to go to college by selling livestock they have raised through their participation in programs such as 4–H or Future Farmers of America. Therefore I call on my colleagues to join me in supporting the Agriculture Education Freedom Act.

CELEBRATING THE 150-YEAR ANNIVERSARY OF THE UNIVERSITY OF UTAH

HON. MERRILL COOK

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. COOK. Mr. Speaker, I rise today in order to recognize the University of Utah on their 150th Anniversary. On February 28, 1850, the Utah State Assembly ordained the University of the State of Deseret, better known today as the University of Utah. Since its creation, the University of Utah has conferred over 180,000 degrees, making it the state's most profuse provider of higher education. In addition to its educational excellence, the University of Utah is also a leader in cultural, social, scientific, economic, medical, and artistic contributions. I would like to take this time to honor the faculty, staff, and students of the University of Utah for enriching the great State of Utah and the Nation.

From its early years as the first university established west of the Missouri River, the University of Utah has been the meeting place for great ideas. Today with undergraduate and graduate enrollment nearing 26,000, and students representing all 29 Utah counties, all 50 states and 102 foreign countries, I am proud to say that the University of Utah is indeed a diverse population. Coupled with its dynamic student population, is the University's excellent academic offerings. I would like to take the time to mention a few of the numerous programs which deserve recognition.

The College of Fine Arts has the nation's first college ballet degree program, and Utah's only doctoral program in Music. The College of Law is Utah's only LL.M. degree and graduate certificate in land, resources, and environmental law. The School of Medicine is the only medical school in the Utah, Wyoming, Idaho, and Montana region. The College of Science is home to Utah's only Bioscience Undergraduate Research Program and Ph.D. in chemical physics, as well as the only Cooperative Education Program in mathematics with the Navajo Indian Reservation at Monument Valley High School. The School of Mines and Earth Sciences is Utah's only baccalaureate and graduate programs in geophysics, meteorology, and geological, metallurgical and mining engineering. In research, the Energy and Geoscience Institute is the world's leading research center in geothermal energy. The Huntsman Cancer Institute is forging new ways to diagnose, treat, cure and prevent cancer using expertise in genetics and related scientific fields. And finally, the University of Utah's athletes and teams, have won 75 national championships and 51 conference team championships since 1983.

This topic I share today is very dear to me, because in 1969 I graduated from the University of Utah. Also, my father was the head of the department metallurgy. As I reflect on my alma mater, I see that the University of Utah is a place that shapes young minds and where students launch their educational endeavor. I would describe my academic experience as eye opening, similar to someone opening a fire hydrant of knowledge, and telling me it is OK to take a drink. My experiences extended beyond the classroom; I recall meeting with friends in the Union Building, studying on the lawn, or taking a walk along President's Circle, and of course, U of U athletic games. I am proud to be a part of the University's educational excellence and am honored to speak upon it on its 150-year anniversary.

HONORING THE AFRICAN WESLEYAN METHODIST EPISCOPAL CHURCH ON THEIR 234TH ANNIVERSARY CELEBRATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor the African Wesleyan Methodist Episcopal Church (known as Bridge Street AWME Church) on their 234th anniversary. Mr. Speaker, this is indeed something tremendous that should be honored.

This historic institution, now entering its third century of service to the church and community, has always focused on providing spiritual, social, educational, and recreational activities for the Bridge Street parishioner and for the community at large. This church, located in the heart of the Bedford Stuyvesant community, has a long proud history of overcoming adversity to continue to survive.

The earliest records of the church date back to 1766 when a British captain named Thomas Webb began holding open air services in downtown Brooklyn. Captain Webb was a convert of John Wesley, the father of Methodism in America. In 1794 the congregation purchased the land on which they held these open air services from a wealthy Brooklyn landowner named Joshua Sands. Later a small church was built, and as was the custom in those days to name streets and buildings after wealthy landowners, the church was named The Sands Street Wesleyan Methodist Episcopal Church. The congregation consisted of whites, free blacks, and ex-slaves. The ability of blacks and whites to worship together in the beginning of the church's history foreshadow its unique ability to overcome any challenge it may face.

By the end of the 19th century, the AWME church had survived almost two centuries of struggles, disappointments and oppression. From its origins in 1766, the AWME Church has been a standard bearer for the family of man, especially in the Brooklyn-Long Island area. From Sands Street, to High Street, to Bridge Street, and to Stuyvesant Avenue, the Church has overcome every major obstacle encountered on its Christian journey.

From its pulpit, some of the greatest preachers and orators of the last two centuries have challenged many to higher heights and consistently championed the cause for all men to exist as children of God equal to one another. Throughout the years, the AWME church has made lasting and significant contributions, not only to education and religion, but to every other major profession which helps to shape the lives of so many.

Mr. Speaker they are indeed a "Great People, and a Great Church, Serving a Great God."

REPORT FILING FOR H.R. 701

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today, I filed the bill report for H.R. 701, the Conservation and Reinvestment Act of 1999. This bill represented an agreement fashioned after five days of Resource Committee hearings and months of Member negotiations. On November 10, 1999, the Resources Committee ordered this historic measure out of Committee by a bipartisan vote of 37–12.

This legislation is the most comprehensive conservation and recreation legislation the Congress has considered in decades and provides permanent funding for valuable conservation and recreational opportunities that will benefit the lives of all Americans.

Title I provides $1 billion each year to create a revenue sharing and coastal conservation fund for coastal states and eligible local governments to mitigate the various impacts of OCS activities and provide funds for the conservation of coastal ecosystems. Several provisions ensure that the valuable funding provided by this title does not prove to be an incentive for additional oil and gas drilling, especially in areas subject to pre-leasing, leasing, or development moratorium. The intent of this legislation is to provide for conservation and recreational opportunities, and the authors and supporters deliver on that pledge.

Title II provides $900 million to guarantee stable and annual funding for the Land and Water Conservation Fund (LWCF) at its authorized level. This dedicated funding would provide for both the state and federal programs included in the LWCF, while protecting the rights of private property owners. Even with the protections won during our negotiations, some feel this bill does not adequately address property rights. While not eliminating land acquisition nor the Land and Water Conservation Fund, H.R. 701 creates a Federal land acquisition process and provides safeguards to private land owners that dramatically improve the status quo.

Title III provides $350 million for wildlife conservation and education. This title, crafted by Congressman DINGELL and myself, uses the successful mechanism within the Federal Aid in Wildlife Restoration Act (commonly known as Pittman-Robertson). The new source of funding will nearly double the historic contribution made by sportsmen through Federal funds available by Pittman-Robertson and the Federal Aid in Sportfish Restoration Act (commonly known as Dingell-Johnson). Since 1937, these programs have contributed more than $5 billion, matched by the states, to benefit wildlife and fish.

Title IV provides $125 million to be used for matching grants for local governments to rehabilitate recreation areas and facilities, and provide for the development of improved recreation programs, sites and facilities.

Title V provides $100 million for the programs within the Historic Preservation Act, including grants to the States, maintaining the National Register of Historic Places, and administering numerous historic preservation programs, including support for Congressionally authorized Heritage areas and corridors.

Title VI provides $200 million for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

Title VII provides $150 million for annual and dedicated funding for conservation easements and funding for landowner incentives to aid in the recovery of endangered and threatened species.

Since oil and gas royalty payments are not deposited into the federal Treasury as an end-of-year lump sum, revenue held within the "CARA Fund" accrues interest. Up to $200 million of this annual interest will match, dollar for dollar, the amount appropriated during the annual Congressional Appropriations process for the Payment In-Lieu of Taxes and Refuge Revenue Sharing programs. This provision is intended to fully fund these two programs.

Because of the breath of this measure, H.R. 701 enjoys the support of 294 Members of Congress. These supporters range from the most southern areas of Florida to my most Northern home of Alaska. Countless governors, county commissioners, and mayors have rallied around this initiative. I hope that the Congressional Leadership joins with us to pass this historic bill into Law this year.

HONORING THE FIRST BAPTIST CHURCH OF BELLAIRE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. BENTSEN. Mr. Speaker, I rise to recognize the First Baptist Church of Bellaire for 60 years of service.

The First Baptist Church of Bellaire is proud of its reputation as a church where congregants can worship in a friendly atmosphere that is especially supportive of families.

Established in 1940, First Baptist Church of Bellaire now exceeds 500 members who participate in the various musical programs, youth and children's ministries, activities for seniors and singles, support of foreign missions, and more. One to its finest ministries is the Bellaire Christian Academy, which takes students from pre-kindergarten to 8th grade.

The First Baptist Church of Bellaire is affiliated with the Southern Baptist Convention, which supports 4,000 international missionaries. It is also affiliated with the Baptist General Convention of Texas, and the Houston-area Union Baptist Association. More than ten percent of the church's annual budget is dedicated to the support of missionaries.

The driving force behind much of what goes on at the first Baptist church of Bellaire is Pastor Frank D. Minton of Wichita, Kansas. Pastor Minton came out of pastoral retirement from the First Baptist Church of Anchorage, Alaska to join the First Baptist Church of Bellaire in 1995. He has put First Baptist Church of Bellaire on the move. The Church building has a new look, a new orchestra in the Worship Service, and increased children's and outreach ministries.

His credentials include a Bachelor of Business Administration and Master of Divinity from the University of Oklahoma, and another Master of Divinity from Southwestern Baptist Theological Seminary in Fort Worth. His book, "Baseball's Sermon on the Mound," published by Broadman Press, combines his seminary training with his baseball experience. He has also served or led assorted pastors' conferences and outreach programs. Minton and his wife, Joyce, have four children and 12 grandchildren.

Mr. Speaker, our community institutions are only as strong as its members, and the members of the First Baptist Church of Bellaire have in a short sixty years established a very important cornerstone of the Greater Bellaire Community. I congratulate all the members of the First Baptist Church of Bellaire on their 60th anniversary.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mrs. CAPPS. Mr. Speaker, due to a death in my family I was unable to attend votes recently. Had I been here I would have made the following votes: Rollcall No. 8—"aye"; No. 9—"aye"; No. 10—"aye"; No. 11—"aye"; No. 12—"aye"; No. 13—"aye"; No. 14—"aye"; No. 15—"aye"; No. 16—"aye"; No. 17—"aye"; No. 18—"aye"; No. 19—"aye"; No. 20—"aye"; No. 21—"aye"; No. 22—"aye"; No. 23—"no"; No. 24—"aye"; No. 25—"no".

TRIBUTE TO LEOLA HAGEMAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. RANGEL. Mr. Speaker, I would like to pay tribute today to an extraordinary woman and member of our community, a constituent of the 15th Congressional District in New York from the time I was first elected. Leola Hageman, who died on February 1, served her community over the last 40 years with energy, dedication, intelligence, creativity and love. Her passing is an enormous loss for the people of our community, New York City and the United States.

Leola Hageman moved from her native Chicago to New York City in 1959, with her husband, the Reverend Lynn Hageman, and their three children, Erica, Hans and Ivan. In 1963, Reverend Hageman founded an experimental narcotics program at Exodus House on East 103rd Street, and Leola Hageman worked with him as his full and indispensable partner. The program served thousands of addicts with exceptional rates of success.

Mrs. Hageman's contribution to our community by her work at Exodus House, without more, would already have been substantial. However, Mrs. Hageman demonstrated her exceptional energy, courage, intelligence and constructive spirit in a myriad of ways.

One particular project drew her attention and efforts for more than 30 years: improving the education for the children of our community. In the late 1960's, she worked tirelessly for the creation of local school boards, part of a decentralization plan to improve education in communities throughout the city by appointing people to the boards who would represent their communities. These boards helped to change the direction and conscience of the city and well beyond.

Later, in the early 1980's, when Reverend Hageman suffered an illness and was no longer able to carry on leadership of Exodus House, Leola Hageman opened a facility for children, including children of drug addicts, to come after school. Once again, well ahead of her time, Mrs. Hageman recognized the dangers of children being out on the streets in the afternoons after school and before their parents came home with nothing to do—and created a safe and constructive environment for them to come to at Exodus House. The seed that Mrs. Hageman planted with that program has now blossomed into the East Harlem School at Exodus House, a highly successful middle school founded by Reverend and Mrs. Hageman's two sons. The East Harlem School is now in its ninth year of operation, providing an exceptional educational experience to its students.

Mr. Speaker, the loss of Leola Hageman, and only a little more than a year ago her husband, the Reverend Lynn Hageman, leaves an enormous void in our community. Their lives epitomized the finest dedication to service and "tough love"—as one alumnus of Exodus House put it at a recent memorial service for Mrs. Hageman. The example of the way Leola and Lynn Hageman chose to live their lives in dedication to others should serve as an inspiration and a challenge to each of us now and in the years to come.

HONORING ANGELA HOWE ANDERSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. TOWNS. Mr. Speaker, I want to recognize the hard work of Angela Howe Anderson.

Angela is a true immigrant success story. After arriving in the U.S. in 1979 from Trinidad, Angela began working for Bloomingdale's department store. However, she remained there for only three months before moving to St. Luke's Roosevelt Hospital. Angela has remained with the New York hospital industry since 1979. She is currently on the staff of Brookdale Hospital Medical Center where she is in charge of processing applications for patients in need of medical assistance. One of ten children, Angela received encouragement from her mother, Myrtle, to continue her education once she immigrated to the United States. To that end, she has pursued college courses at the Borough of Manhattan Community College. Her daughter Sharla is also attending college.

Angela has been married to Maurice Anderson since 1992. She remains a shining example of the rich contributions made to this nation by many immigrants. Please join me in recognizing the achievements of Angela Howe Anderson.

HONORING MATTHEW ERIC BLACK

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize a very special young man, Matthew Eric Black, from Lakeport, CA. Matthew lost his life in the line of duty while attempting to suppress a wild-land fire on June 23, 1999.

Matthew Black, the proud son of Jo Ann and Gerry Gettman, was born on July 18 1978. He was the beloved brother of Michael and Mark, a quadriplegic, who he was devoted to, his fiancee, Jamie Bartko, sister-in-law, Denise, an aunt and uncle, Bonnie and Danny Black, a great aunt, Virginia Thompson, and his grandmother, Idean Mason. He graduated from Clear Lake High School in 1997 where he loved playing sports including wrestling, track, and football. He was named MVP in a coed youth soccer league and played ice hockey for the Belmont Rangers, Level A Division, and won a state championship with them in 1994.

Having a desire to help people, Matthew joined the city of Lakeport Fire Department as a volunteer and was a former member of the Lake County Sheriff's Department Explorer Program. When Matthew was in high school he wrote an essay for a school project called Roots and Wings which laid out his dream to be a firefighter. It said in part:

> My future is approaching real fast. I have thoughts about what I am going to do and the skills that I will need to do them. My goals are to graduate and go to junior college majoring in fire science and to go on and become a firefighter. . . . I have always wanted to be a firefighter for as long as I can remember.

Matthew Black wanted to save lives and to change lives for the better. He was a strong individual who enriched so many lives with his caring, compassionate, loving feelings. When someone was sad or angry, he would lift them up by making them laugh and feel better. He was an unselfish young man who, when he saw a need, delivered. He is often remembered for giving a young mother his bike for her son when she expressed she could not afford one.

To honor the remarkable life of this special man, the community of Lake County will be recognizing him at the 2000 Stars of Lake County Community Awards ceremony on Sunday evening, February 20, 2000.

Mr. Speaker, it is appropriate that we acknowledge and honor the life of Matthew Eric Black for his outstanding and unselfish manner in which he lived his life. He set an example for all of us to live by.

PRESENTING CONGRESSIONAL GOLD MEDAL TO JOHN CARDINAL O'CONNOR

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. CROWLEY. Mr. Speaker, I rise in strong support for awarding the Congressional Gold Medal to John Cardinal O'Connor. As the leader of the largest Archdiocese in the nation, Cardinal O'Connor has been an active participant in the debate of the role of the Church and the role of society in helping those who cannot care for themselves. In that vein, the Cardinal has always embodied the Biblical passage of the Good Samaritan. In both his words and actions, Cardinal O'Connor has clearly demonstrated his devotion to the teachings of Christ and his spirit of the principles of this passage.

He has not only spoken out on the care for the elderly, the sick and the poor of New York; he has acted.

He has used not only his pulpit to teach the word of Christ but also the true meaning of those words.

He was one of the first Church officials to recognize the horrible toll of the AIDS epidemic and used his moral authority to open New York State's first AIDS-only unit at St. Claire's Hospital. Additionally, he also provided compassion through words and actions and made it known that everyone was a child of God and was deserving of love, compassion and respect.

He continued to work to strengthen the relations between those followers of his flock and the followers of the Jewish faith, recognizing the power of the inter-faith alliance.

He is a man who has dedicated his life to helping lift others up, all the while never seeking out worldly possessions or public accolades. These are some of the reasons I support this Honor today. But there are others—many more personal.

In my family, three of my relatives received the divine calling to dedicate themselves to the Lord's work. My uncle, Father John Crowley, is currently the Pastor of St. John of the Cross Church in Vero Beach, FL. Another uncle, Father Paul Murphy is a Catholic priest in Philadelphia. A member of the Vincesian order, he, like Father Crowley, has been inspired by Cardinal O'Connor and view him as a personal figure of inspiration. My aunt, Sister Mary Rose Crowley, a member of the Sisters of Notre Dame, is based in West Palm Beach, and she too, has reflected upon the power, grace and compassion of the Cardinal.

These people, all dedicated to the teachings of Christ, have received both encouragement and guidance from the Cardinal. The Cardinal has always served as a role model of conduct and solid Christian behavior for my relatives and for thousands of other Catholics, not only New York but throughout the nation and the world.

As the leader of the New York's Catholics, he has also been influential in establishing and maintaining a series of high quality, Catholic schools throughout the city. As a graduate of parochial schools, I have been brought up with the values of the Cardinal and the Bible, and I hope that I will be able to instill these same values of family and faith into my son, Cullen, who was baptized recently in the Catholic faith.

I urge all of my colleagues to support the awarding of the Congressional Gold Medal to this great man, John Cardinal O'Connor.

May God Bless him as he undertakes his next challenge, that of battling cancer.

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. YOUNG of Alaska. Mr. Speaker, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000, which I have introduced with several of my Colleagues, amends the Pittman-Robertson Act and the Dingell Johnson Act regarding the use of funds to administer those Acts. This bill will maintain the integrity of the two Acts by ensuring that funds used for "true administration" will be used responsibly and that funds not used for "true administration" will pass to the States for restoration projects that benefit fish and wildlife as required under the law. it will ensure that the millions of excise tax dollars from guns, ammo, archery equipment, and fishing equipment paid by sportsmen and sportswomen will go to the States for wildlife and sport fish restoration projects.

During three Congressional oversight hearings in 1999, the House Committee on Resources uncovered numerous spending improprieties involving wildlife and sport fish administrative funds by the Fish and Wildlife Service's Division of Federal Aid. As much as one-half of the "administration" money may have been improperly used. This was the first time since Pittman-Robertson was passed in 1937, and since Dingell-Johnson was passed in 1950, that the administration of these Acts has been examined by Congress. Officials testifying from the non-partisan General Accounting Office were critical of the management of administrative funds by the Division of Federal Aid, stating that "the combined experience of the audit team that did this work represents about 160 years worth of audit experience. To our knowledge, this is, if not the worst, one of the worst managed programs we have encountered."

The trust has been broken between the sportsmen and sportswomen who fund the Acts through excise taxes and the Fish and Wildlife Service who were responsible for administering the Acts. At each of these hearings we learned that administrative funds were used for expenses unrelated to the administration of the Acts. We learned that administrative funds that were used for administration of the Acts were not used responsibly. We learned that if the administration of these Acts is not properly implemented, the State wildlife and sport fish restoration suffers.

Some internal changes have already been made by the Fish and Wildlife Service in the Division of Federal Aid to address the abuses of administrative funds and we are encouraged that steps are being taken toward fixing the problems. But these are only steps, they are not permanent. Legislation is needed to clearly explain how administrative funds can and cannot be spent. In addition to taking initiative to make changes in the Division of Federal Aid, I am pleased that the Administration has been involved in working with us on this bill. The millions of dollars sportsmen and sportswomen have paid in excise taxes have to be protected. This bill offers them that much needed protection. I urge my colleagues to cosponsor this measure and I intend on taking deliberate action to move this bill in my committee in March.

THE MARRIAGE TAX PENALTY ACT (H.R. 6)

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mrs. CAPPS. Mr. Speaker, last week the House voted on the Marriage Tax Penalty Act (H.R. 6). Had I been present for this vote, I would have voted "aye." The bill passed the House with strong bipartisan support by a vote of 268–158.

I firmly believe that this Congress should enact some common sense tax reform—including ending this unfair burden on married taxpayers. Since coming to Congress, I have cosponsored legislation to address this inequity because I know that this is something we must fix. It is unfair that some couples pay an average of $1400 more in taxes simply because they are married. So I am pleased that we can offer this common sense relief for American families.

But while I would have supported this bill, we can improve upon it as it makes its way through the legislative process. Specifically, the benefits of the bill must be targeted more directly to middle class families who are currently saddled by the marriage penalty. This will bring relief to those Americans who most need it, and free up additional resources for other critical priorities—paying down the national debt, modernizing Medicare, saving Social Security, and making investments in education, health care, the environment, and national defense.

S.S. OSAN, DELHI MASSACRE VICTIM, DENIED JUSTICE BY INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. TOWNS. Mr. Speaker, I rise today with yet another example of how India violates the basic human rights of its minorities and ignores the rule of law.

Sukhbir Singh Osan is a journalist in Punjab. He has exposed many scandals and acts of tyranny on the part of the Indian government and the government of Punjab. His family suffered losses in the 1984 massacre in Delhi, which were organized by government-inspired mobs while the Sikh police were locked in their barracks and the state-run TV and radio called for more Sikh blood. He has now filed suit for his rights as a 1984 riot victim.

Sukhbir Singh Osan earned an LL.B. degree from Punjab University seven years ago but it is being withheld from him because he has exposed corruption and brutality. For his aggressive reporting, the Indian government has damaged his career in an arbitrary and vindictive manner.

Mr. Osan's situation proves that in "democratic" India the law is subservient to the wishes of those in power. The people in power routinely violate the law for their own benefit. How can a country be a democracy when the government routinely subverts the rule of law?

It is clear from the treatment of Mr. Osan and from so many other incidents involving the abuse of Sikhs, Christians, Muslims, and other minorities that the only way these minorities will secure their freedom to live in peace, dignity, and security is by achieving their freedom from India. In this light, it is appropriate for the United States to take action to protect the rights of the minority peoples of the subcontinent.

If India cannot observe the rule of law even for a victim of the 1984 Delhi massacres, then why should it receive any aid from the American taxpayers? We should stop that aid, subject India to the sanctions that their terrorist rule deserves, and throw the full weight of the U.S. Congress behind a free and fair, internationally-supervised plebiscite to decide the question of independence for Khalistan, Kashmir, Nagaland, and the other nations of South Asia.

Until these things are done, there will continue to be others mistreated like Sukhbir Singh Osan, and worse. America is the beacon of freedom. How can we accept this?

Mr. Speaker, I submit the Burning Punjab article on Mr. Osan's plight into the RECORD for the information of my colleagues.

[From the Burning Punjab News]

RIOTS RUINED FAMILY, JUDICIARY HIS LIFE

Chandigarh—Sukhbir Singh Osan in a Civil Writ petition No. 14940 of 1999 filed in the Punjab & Haryana High Court has pleaded that—"he became a 'November 84 riot victim' neither by his own act nor by birth since he was just 14 years old when riots took place. He further pleaded that the failure of the executive and the law & order situation and also the failure of various provisions incorporated in the Indian Constitution, after the assassination of the then Indian Premier Indira Gandhi was the reason which placed him under the category of 'Sikh Migrant Family & Riot affected person". The petition has been fixed for hearing on November 15, 1999 before the Chief Justice Arun B. Saharia and Mr. Justice Swatantar Kumar. Osan has demanded 'justice' in this petition.

"Punishing those who were responsible for riots in November, 1984 and to grant certain concessions to the victims of these riots are two different things?", Sukhbir Singh Osan has questioned the division bench of the High Court. The petition elaborates, how a riot victim in Sukhbir Singh Osan was harassed, his career was ruined in an arbitrary and vindictive manner and that too right under the nose of judiciary shows that justice in India is not a virtue which transcends all barriers. It also proves that law never bends before justice on the land of Sri Guru Nanak Dev, Sri Guru Teg Bahadar and Sri Guru Gobind Singh.

Why Sukhbir Singh Osan's result/degree of LL.B. course is being withheld by the Panjab University for the past about seven years is a apathetic story because he in the capacity of a journalist tried to expose corruption, high-handedness and other irregularities at different levels in the University affairs through his dispatches in a leading daily during 1991.

Narrating chronology of his 'ordeal' Sukhbir Singh Osan in a writ petition filed by him "in-person" in the Punjab and Haryana High Court has said that in August, 1990 he was granted admission in LL.B. course under the Riot affected (November, 1984) category in the Department of Laws, Panjab University, Chandigarh. Being a journalist he in good faith published certain news items pertaining to nefarious activities including corruption, high-handedness, moral turpitude and other irregularities at different levels in the university affairs. Smitten by a news-item, Sukhbir Singh was asked by Dr. R.K. Bangia, Prof. & Chairman, Department of Laws in a written communication on May 29, 1991 "to furnish some authentic proof as evidence of the facts as stated by you" in the news-item "Teen Hazaar Mein Uttirne Karva Date Hain Kanoon Ki Pariksha" otherwise strict action would be taken against him. On September 30, 1991 in an arbitrary and illegal manner his admission was cancelled when he was studying in the 3rd semester of the LL.B. course, since Dr. J.M. Jairath, Dr. R.K. Bangia and Dr. R.S. Grewal were got annoyed due to news reports filed by S.S. Osan. Sukhbir Singh Osan approached the Punjab & Haryana High Court against the Panjab University, but the High Court relegate him for his remedy to Civil Court. The Civil Court of Chandigarh after four years of hectic activities of examining evidence and witnesses termed the admission of Sukhbir Singh Osan as genuine and according to law. The judge in his 27 page order also declared Sukhbir Singh Osan as 'November 84 riot victim'. It was perhaps the first ever case in the history of India and Indian judiciary, that a riot victim was asked to prove that he is a 'November 1984 Riot affected person' and Sukhbir Singh Osan has proved the same in the civil court. Here it is pertinent to mention that Sukhbir Singh Osan along with his family migrated from Madhya Pradesh to Punjab in the year 1985 after November 1984 anti-Sikh riot which broke through out India after the assassination of the then Indian premier Indira Gandhi. Such was the agony of Sukhbir Singh Osan that he has to recall all those days, which his family has suffered during 1984.

The miserable plight of Sukhbir Singh Osan proves that in India law and judiciary are not meant for those who obey them but are subservient to those who outrage the modesty of the very concept of law & justice and that too, in connivance of those who are considered to be the custodian of law & justice. Will the law of India be able to punish those who have ruined the life of Sukhbir Singh Osan? Whither Indian Judiciary?

TRIBUTE TO THE HONORABLE ARTHUR WILKOWSKI

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Ms. KAPTUR. Mr. Speaker, I rise today to pay homage to a veteran political leader of our 9th Congressional District. Arthur Wilkowski, former state legislator and judge, passed from this life on November 30, 1999 at the age of 70 years.

After teaching for many years and eventually earning a law degree from the University of Toledo in 1959, Art began his foray into politics the hard way. He ran unsuccessfully for state representative in 1960 and Toledo City Council in 1963. In 1969, after gaining appointment to the Ohio House of Representatives he battled his way to re-election, and held the position until his resignation in 1983. Throughout his tenure in the Ohio General Assembly, and later during brief stints as a federal judge and magistrate, Art was widely regarded as among the finest of orators and his speeches were well known. Former colleague Barney Quilter, Speaker Pro Tempore, recalled "When he spoke on the floor of the House, everybody listened. They knew they would know more than when the speech started." Current Ohio House Minority Leader Jack Ford "was in awe of the former legislator's talent" though he did not serve with him. "He would do everything from a little Shakespeare to language from the Founding Fathers," Representative Ford said.

Art Wilkowski championed causes near and dear to him, regardless of controversy or popularity. He worked tirelessly on many different issues, but was most devoted to the creation of the Ohio Civilian Conservation Corp and the development of a high-speed passenger rail system. In his tribute to Art, Mr. Quilter noted, "He took his ideas and turned them into law in Columbus. He was probably the brightest person I knew in the legislature." Perhaps the highest praise comes from long-time consumer advocate and community leader Mike Ferner who commented, "He was uncommonly courageous. A lot of people will remark on his oratorical skills, but to me, his courage and integrity were more significant."

Choosing to resign from the Ohio General Assembly in July of 1983, Art wrote that "public service was the fulfillment of all my boyhood dreams and aspirations, as such related to a productive life." Though his presence and skill were sorely missed in the Ohio House of Representatives, he was able to resume his law practice in Toledo's Polish Village taking on more legal work on behalf of clients who could not pay a cent for his brilliant work, serve an appointment to the 6th District Court of Appeals, and write. He was serving on the Lucas County Probate Court as Magistrate at the time of his death.

Art Wilkowski was genuine and generous, and a man committed to his ideals. He will be missed not only by his family, but our community as well. We offer our heartfelt condolences to his children Kathy, Craig, and Keith, grandchildren, and sisters Helen, Wanda, and Olga. May fond memories of the precious gift of Art's life sustain them.

PROVIDING OUR VETERANS DIGNITY IN DEATH: THE VETERANS BURIAL BENEFITS IMPROVEMENT ACT OF 2000

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. COLLINS. Mr. Speaker, since the early days of this century, it has been Federal policy to insure a proper, dignified burial for veterans who are qualified to receive a VA pension or compensation. Today, I will introduce legislation to insure that after years of inadequate support this policy is actually implemented.

Ever since veterans were first provided with a burial allowance following World War I, the benefit has been slowly eroding. If the original allowance were adjusted for inflation, the $100 World War I benefit would total over $1,000 today. The $150 benefit provided after World War II would total over $850 today. The $300 benefit that has been provided since 1978, the last time the benefit was increased, would total over $700 today if it were adjusted for inflation. Today, however, veterans' families receive exactly what they would have received 22 years ago—$300—a fraction of the cost of even the most basic memorial. Our veterans deserve better.

The Veterans Burial Benefits Improvement Act enhances the current, insufficient burial allowance, providing $1,000 to each qualified veteran. This brings the benefit in line with Congress' original intent—allowing veterans' families to provide our soldiers, sailors, airmen, and marines with dignity in death. I urge my colleagues to join me in this effort by cosponsoring this important initiative.

INTRODUCTION OF H.R. 3670

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. OBERSTAR. Mr. Speaker, today, I am introducing legislation to enhance the protection of the Great Lakes, and to begin the cleanup of our industrial legacy. My bill will reauthorize the Great Lakes Program of the Environmental Protection Agency, significantly increasing the authorization for this highly successful program, and authorize the funding for cleanup of contaminated Areas of Concern as provided in the President's budget.

The Great Lakes are the Nation's largest fresh water resource and the largest system of fresh water on Earth, containing nearly 20 percent of the world supply. The Great Lakes contain 5,500 cubic miles of water and cover 94,000 square miles. Only the polar ice caps contain more fresh water.

Great Lakes Basin is of critical importance to the economy of two nations. The Basin is home to more than one-tenth of the U.S. population, and one-quarter of the Canadian population. One of the world's largest concentrations of economic capacity is located in the Basin—some one-fifth of U.S. industrial jobs and one-quarter of Canadian agricultural production.

Notwithstanding the immense size of the Lakes, outflows from the Lakes are less than 1 percent per year. When pollutants enter the lakes by pipe, as wet weather runoff, or as air deposition, they are retained in the system and become more concentrated with time. They settle in the sediments, and accumulate in the food chain.

We may have restored certain fisheries, such as walleyes in Lake Erie, but these fish still bear the burden of pollution and contamination sediments. Fish continue to be found with cancers and sores and high levels of PCBs and dioxin. If you eat fish once a week and live within 20 miles of one of the Great Lakes, you are likely to have 440 parts per billion PCBs in your body. That is more than 20 times higher than people living elsewhere in America and not exposed to Great Lakes fish.

It is past time that we aggressively clean up the persistent pollution captured in the sediments of the Great Lakes. The 1987 amendments to the Clean Water Act established the Great Lakes National Program Office and called for a demonstration project for the removal of toxic pollutants from sediments. The Great Lakes Critical Programs Act of 1990 required the establishment and implementation of Great Lakes water quality guidance. Now we should permanently address the problem of contaminated sediment.

The United States and Canada have jointly identified 43 Areas of Concern in the Great Lakes. Thirty-one of these fall wholly or partly in U.S. waters. Even though over 1.3 million cubic yards of contaminated sediments have been remediated over the past 3 years, the challenge is so great that remediation is not complete at any U.S. Area of Concern.

The bill I am introducing today, in support of the President's budget proposal, represents a dramatic increase in support for Great Lakes' states and communities. This bill will:

Reauthorize the Great Lakes Program at $40 million annually for 2001–2005.

Authorize $50 million annually for 2001–2005 for projects to improve water quality at Areas of Concern in the Great Lakes. The federal share would be 60%.

Amend the current Great Lakes Program to authorize projects to improve degraded fresh water estuary habitat. The federal share would be 65%.

I will be working toward the swift enactment of this legislation, and I urge all of my colleagues to join me in protecting this precious fresh water resource.

HONORING G. THOMAS MILLER

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Ms. BERKLEY. Mr. Speaker, I would like to take a moment to recognize a man who has dedicated his life to public service in the community.

G. Thomas Miller, married 33 years to his wife, Carmen, and has four grown children, is a devoted family man who has been recognized time and again for his outstanding achievements and service. Inspired by his Catholic faith, he has made a positive difference in the lives of literally thousands of people.

Tom began his service to the community 31 years ago with the Catholic Community Services of Nevada, now known as Catholic Charities. For twenty-three of his years at Catholic Charities, Tom worked as the Executive Director. Tom began the Meals and Wheels program, and initiated several other senior programs and youth programs, such as the Holy Family and Henderson Day Care Centers, and the Sunrise Boy Ranch.

In addition to his post at Catholic Charities, Tom committed his time to various groups such as the Knights of Columbus #2828, Las Vegas Rotary Club, and as a lector for St. Anne's Catholic Church, to name only a few. Tom's dedication and devotion to the community was evident in positions he assumed as a Board Member of National Catholic Charities, and of St. Rose Dominican Hospital. Tom has also been appointed to state-wide commissions by three Nevada Governors.

Tom has attributed his work and successes to the late Monsignor Charles Shallow, who encouraged him to come and work for Catholic Charities in Las Vegas.

Tom's most recent honor was bestowed upon him by the Holy Father, Pope John Paul II, who offered Tom an apostolic papal blessing for all of his good works and deeds for the poor and youth of America.

Mr. Speaker, I ask my colleagues to join me in honoring a great Nevadan and a great American, Tom Miller, for his commitment to our communities, and his ability to spread peace and kindness through service to the community.

HONORING COACH MARIJON ANCICH

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mrs. NAPOLITANO. Mr. Speaker, I rise today to recognize the outstanding achievements of Coach Marijon Ancich. It may come as no surprise to the students and faculty at St. Paul High School in Santa Fe Springs, California, nor in fact, to those in the entire southland who follow high school sports, that one of their own has won the NFL/KABC High School Coach of the Year Award. This award is given to the high school coach who best exemplifies the meaning of sports and who goes above and beyond the call of duty. That only begins to describe the life and career of this year's most deserving recipient.

At age five, during the height of World War II, Marijon Ancich fled Yugoslavia with his mother and brother to escape the advancing German army. They arrived in New York, but it would be seven years later that his family moved and eventually settled in Southern California. Little did the twelve-year-old Marijon know that he would someday, touch the lives of thousands of young men. Believing in sports as more than just a game, Coach Ancich instilled in his players a set of values and ethics that would help prepare them for the world. Over a hundred of his players have become coaches around the country and he has helped over two hundred students win athletic scholarships that enabled them to attend some of the most prestigious universities in America.

In his 37 years as a dedicated football coach, Marijon Ancich has brought home three California Interscholastic Federation championships, and his record of over 300 wins makes him one of only two coaches to have reached that milestone in the history of California high school football. For those who know Coach Marijon Ancich, this award is long over due. But to say that this latest accolade is the culmination of all his hard work would be a disservice. For the people of St. Paul High School know there is more to the coach than the awards on his mantle. To them, he is a man who is active in the community, a man devoted to his beautiful wife Jacquie, and father to seven wonderful children. He is one of their own: a man who truly exemplifies the very finest traditions and values of the American family and the American sportsman.

It is with deep respect for his many outstanding achievements and the tremendous contributions he has made to countless young people throughout his illustrious career that I commend him and thank him on the floor of the House of Representatives and further extend our warmest wishes to him and his fine family for every continued happiness and success.

INTERNATIONAL TERRORISM

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. WEXLER. Mr. Speaker, recently, the world's oldest democracy, the United States, and the world's largest democracy, India, jointly agreed to work together to fight a common enemy—international terrorism. The agreement between our nation and India is a recognition that terrorism is a worldwide threat that singles out those nations who have consistently followed the democratic path. It is also recognition that we face a common foe—Osama bin Laden.

The joint agreement to work together represents not only a combining of effort but represents as well a new area of cooperation between our two nations. This agreement builds on the strong relations existing between the United States and India.

Just last week here in Washington, the first tangible expression of the joint agreement became evident. Representatives from the two countries held their first meeting as part of the Joint Working Group on Terrorism (JWG) under the leadership of the Department of State and India's Ministry of External Affairs. Other organizations represented at the meeting included the United States Department of Justice, the Federal Bureau of Investigation, India's Home Ministry and its Intelligence Bureau.

According to the JWG, the first joint action is to apprehend and bring to trial the hijackers of Indian Airlines Flight 814 who used innocent civilians as bargaining chips to further their terrorist ends. But the working group has a larger agenda, eradicating terrorism and those who sponsor or finance it.

I rise today, Mr. Speaker to applaud our joint efforts with India. This is an initiative that is long overdue. If their efforts result in success, whether in the capture of the Indian Airlines hijackers, or in the reduction of terrorism itself, the citizenry of our two democracies, and the citizens of all the world's democracies, will be well served.

TRIBUTE TO JACK GIBSON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. BERRY. Mr. Speaker, I rise to pay tribute to a man who is a dear friend of mine, Jack Gibson, on the occasion of his 80th birthday.

Jack Gibson has served the state of Arkansas and his country all of his life. After completing his secondary education in Louisiana, he became a naval aviator and flew in the carrier task force during World War II. After the war, he returned to the United States and finished college at Mississippi State University. He entered business with his father where they operated a farm, cotton gin, and an agricultural spraying business.

Through his years in Arkansas, Jack has been active in state, civic and community life and has always worked to represent agriculture, the greatest profession there ever was. He is a former director of Chicot County Soil Conservation District and served as the president of the Southeast Arkansas Soil Conservation District. He was also chairman and the original member of the Arkansas Soil and Water Conservation Commission. He served as president and member of the Agricultural Council of Arkansas and president of the Arkansas Conservation Districts. Jack also served as president and CEO of two community banks in Southeast Arkansas and has been a member of the Farm Bureau since 1948.

As State Senator from District 35 for 12 years, Jack held chairmanships on the Agriculture and Economic Development Committees, and the Legislative Audit. During his tenure in the Arkansas legislature, he was also a member of the Legislative Joint Budget, Legislative Council, and Revenue and Taxation Committees. He has been affiliated with the Farm Credit System for 39 years and served on both the PCA and FBL boards, as well as the Sixth District Advisory Board. Jack is currently the executive director of the Arkansas Livestock and Poultry Commission.

Jack Gibson resides in Boydell, Arkansas, the town where he was born. He has devoted his life to agriculture and Arkansas and the world is a better place because of his service. I am proud to call him my friend and I wish him a happy 80th birthday and many more years of happiness.

ELIMINATE THE TRICARE PRIME COPAY

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. NETHERCUTT. Mr. Speaker, I hear from constituents on a daily basis who are concerned about the availability and affordability of military health care. On February 1, I introduced H.R. 3565 to eliminate the copayment requirement for Tricare Prime and to make military health care more affordable.

Retirees pay an annual enrollment fee for coverage and are also subject to copayment requirements. Active duty families do not pay an enrollment fee, but are also subject to copayments. I am concerned that these copays can dramatically increase overall health care costs, particularly for retirees on a fixed income or for younger enlisted personnel. At $6 to $12 a visit, these copays quickly erode the real progress Congress made last year approving a long overdue increase in military pay. Unless we reduce out-of-pocket costs for military personnel, pay raises only help on the margin.

The legislation also addresses a question of fairness. The downsizing of military treatment facilities often makes it difficult for Tricare Prime enrollees to get appointments which would not require a copay. But if enrollees urgently need an appointment, and elect to go to a civilian provider, they face copayments, creating an inequity and a potentially pernicious disincentive to receiving timely care. My bill has a further policy justification as the Department of Defense has indicated that the Tricare Prime program is the most cost-effective Tricare option. Eliminating the copay creates an incentive for additional enrollment in Tricare, which ultimately saves taxpayer dollars.

The Department of Defense budget request for Fiscal Year 2001, which was released at the beginning of this week, generally supports my proposal. The DOD bill would eliminate copays for service members and dependents using civilian facilities, but doesn't address the equally large retired population. I believe we need to eliminate the copayment for all Tricare Prime enrollees and urge my colleagues to cosponsor H.R. 3565.

HONORING HIGH POINT CENTRAL HIGH SCHOOL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. COBLE. Mr. Speaker, with the recent Super Bowl, another exciting football season has come to an end. Before we put this season to bed, however, I wish to take a moment to recognize a high school in the Sixth District of North Carolina that just concluded a perfect football season. The High Point Central High School Bison completed a 15–0 season by capturing the 1999 North Carolina 2–A Football Championship.

High Point Central defeated Southwest Onslow by a score of 30–7 in Chapel Hill, NC, on December 11, 1999, to win the State 2–A high school title. In fact, going into the championship game, both teams were undefeated. The Bison used a swarming defense and an opportunistic offense to overwhelm the previously-unbeaten Stallions. The Bison completed one of the most dominating seasons in recent high school football history. The team had not one but two running backs who rushed for more than 2,000 yards each. The Bison scored 641 points in capturing both conference and regional titles.

Head Coach and Athletic Director Gary Whitman, who had won two State titles while at Lexington High School, led High Point Central to its first State championship since 1979. "The State championship is obviously a great exclamation point for the season," Coach Whitman told the High Point Enterprise. "Our kids deserve a lot of the credit and the coaching staff has done a great job. The pressure has been on them all year long, and they've handled it well. I'm proud of them for that, and it can't be much better than it is right now."

Coach, you are so right. Winning the State championship is the ultimate price and it took complete cooperation from a lot of dedicated people to reach the pinnacle. First, we have to recognize the players who made it happen. They include Derrick Bryant, Darius Johnson, Nick Garrison, Steve Turner, Chuckie Reid, Rashad Stevenson, Jonathon Holloman, Stanley Butler, Wayne Traylor, Quincy Thomas, Jonathon Spencer, Quincy Smith, Wich Brenner, Calvin Humphrey, Matt Brooke, Brian Bourn, Montrey Gilchrist, Antonio Graves, Kevin Green, Brandon Hunt, Brandon Tucker, Bradley Watson, Kwan Walls, Sam Hairston, Kedrick Russell, Clint Sarvis, Twain Johnson, Rickey Haywood, Rod Zimmerman, Josh Mitchell, Travis Cobb, Atari Evans, Alan Byerly, Tyler Walls, Michael Waugh, Grant Allred, Rodney Pitts, Andre Matthews, Titus Johnson, Tron McNeil, Travis Johnson, Joe Atkins, Roy Bronson, James Leak, Daniel Bell, Matthew Waugh, Brandon Greeson, Jerome Garrett, Kyle Ingram, Cornelius Leach, Reco Graham, Tony Dixon, Devin Buchannon, Phillip Green, and Dane Brenner.

Head Coach Whitman was ably assisted by an outstanding team of coaches including Bill Anderson, Steve Edwards, Jim Grkman, Chuck Henderson, Steve Johnson, Wayne Jones, Jeff Thomas, and Troy Whitman. The Bison support group including Dr. Richard Keever, the team physician, Ronnie House, the trainer, Winfrey Bivens and Jane Johnson, who handled the videotaping, along with ball boys Bret Hammer, Stephen Johnson, and Ben Thomas.

So, as High Point Central continues to celebrate its first football championship in 20 years, we offer our congratulations to everyone associated with Bison football. Everyone from Principal Helen Lankford to the students, staff, and faculty at High Point Central High School can take pride in capturing the ultimate prize. I join with the family, friends, and fans of Bison football in congratulating High Point Central High School for winning the 1999 North Carolina 2–A Football Championship. The season was, in a word, perfect.

ST. CLAIR COUNTY BOARD MEMBER WADE BRUNSMAN

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring a good friend, good husband, father, grandfather and a great public servant Mr. Wade Brunsman.

Born in St. Louis and raised in Clinton County, Wade is the father of 4 children and 5 grandchildren. Wade, a Navy machinist, served as a chief of engine rooms aboard a minesweeper in World War II. He received his engineering degree from Case Western Reserve in Cleveland and opened a heating and refrigeration service in 1957.

Elected to the St. Clair County Board in 1952, Wade has served on many committees and subcommittees. He served as the Chairman of St. Clair Board's Environment Committee working on many issues including storm water management, land use, zoning, landfill and environmental issues for the benefit of all citizens in our region. He also served as a member of the St. Clair County Board's Finance Committee which oversees the disbursement of monies for the County's day-to-day operations and its long range planning, as well as compiling the County's annual budget. Wade was also instrumental in assisting the County in guiding the development of MidAmerica airport and the St. Clair County extension of MetroLink. Wade also has acted as the County Board's Vice-Chairman since 1991. He served on the St. Clair County Planning Commission since it was formed in 1989.

In his tradition of fine public service, Wade was also named officeholder of the year in 1986 by the Belleville Democratic Committee. As a true public servant, he also finds the time to volunteer his services to senior citizens throughout the area. In 1973, as Chairman of the St. Clair County Board, I appointed Wade to the Advisory Board for the Programs and Services for Older Persons program sponsored by Southwestern Illinois Community College. In recognition of his efforts, the East-West Gateway Coordinating Council awarded Wade a lifetime achievement for outstanding public service in 1996.

Mr. Speaker, I ask my colleagues to join me in honoring the service of Mr. Wade Brunsman and wish he, his wife Barbara, his daughter Barbara Ann and the rest of his family, the very best in the future.

IN MEMORY OF RABBI SHOLOM KLASS

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. FORBES. Mr. Speaker, I rise today to express my profound and sincere sadness on the recent death of Rabbi Sholom Klass of Brooklyn, NY. After a long illness, the Rabbi died on January 17, 1999 at age 83. Rabbi Klass was truly a giant in Jewish life and an educator to both Jew and non-Jew, alike, on the beauty of G-d's law. Rabbi Klass was an inspirational leader who stood up for morality in the modern world. The Rabbi was a premier teacher of Torah, a pioneer in Anglo-Jewish journalism, and a passionate advocate for the Jewish people.

Rabbi Klass was one of the most important influences for promoting Jewish traditions in our Nation's history. As one of the greatest disseminators of Jewish learning in modern times, the Rabbi taught a weekly class in Talmud for more than 50 years. In addition, he authored "Response of Modern Judaism" (3 volumes). His dedication to spreading Torah into all Jewish homes led many to return to their Jewish roots and to celebrate their heritage. Indeed, he gave all, even those of us who are not Jewish, insights and an appreciation for the richness of Judaism.

One of the Rabbi's greatest achievements was his creation of The Jewish Press. In 1960, to promulgate Judaic thought and opinion, he created The Jewish Press out of secular Brooklyn Daily. Beloved as the newspaper's publisher and columnist for 40 years, he educated and nurtured an understanding of Jewish concerns and turned the paper into the world's largest Anglo-Jewish weekly—with 500,000 copies distributed each week. Many readers, in New York and around the world, say they looked to the Rabbi's writings to guide them through daily life.

Since the paper's creation, Rabbi Klass conducted a regular question-and-answer column on Jewish law. A renowned author and scholar, who was blessed with a photographic memory, he tackled the gamut of biblical and Talmudic law. I understand that, over 40 years, the Rabbi responded to more than 20,000 questions, on issues ranging from the use of electricity on the Sabbath to the Torah's view on organ transplants. In his scared writings, he found a solution for every modern contingency of the human condition.

I get a great pleasure learning from, and writing for, The Jewish Press. I always appreciated the kindness that Rabbi Klass showed me in allowing me to be part of his incredible newspaper. Rabbi Klass was a wonderful, influential and talented man who used his abilities for great public service.

Finally, in addition to his dedication to spreading an understanding of Torah, through his teachings and his newspaper, Rabbi Klass was a powerful advocate for the Jewish people and the world over. His support for the State of Israel and for Orthodox Judaism was instrumental in formulating national and international policies. He was a distinguished member of the Directorate of the Rabbinical Alliance. With the death of Rabbi Sholom Klass, the world has lost a moral leader of great magnitude.

I want to extend my heartfelt and deepest condolences to the family of Rabbi Klass—to his wife, Irene, to his two daughters, Naomi Mauer and Mindy Greenwald, and to his grandchildren and great grandchildren. May they be comforted among the mourners of Zion and Jerusalem.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. HINOJOSA. Mr. Speaker, the following is a list of rollcall votes I recently missed and how I would have voted had I been present:

JANUARY 31, 2000

No. 2—Days of Remembrance: H. Con. Res. 244, Holocaust remembrance. Yea.

No. 3—Hillory J. Farias Date-Rape Prevention Act, Senate amendments to H.R. 2130. Yea.

FEBRUARY 1, 2000

No. 4—Child Abuse Prevention & Enforcement Act, Senate amendment to H.R. 764. Yea.

No. 5—Taiwan Security Enhancement Act, H.R. 1838. Yea.

No. 6—Motion to Instruct Conferees on H.R. 2990, Quality Care for the Uninsured Act. Yea.

FEBRUARY 2, 2000

No. 7—Workplace Goods Job Growth and Competitiveness Act, H.R. 2005. Nay.

FEBRUARY 8, 2000

No. 8—Abraham Lincoln Bicentennial Commission, Senate amendment to H.R. 1415. Yea.

No. 9—Poison Control Center Enhancement and Awareness, S. 632. Yea.

No. 10—Honoring the Former Speaker of the House, Carl B. Albert, H. Res. 418. Yea.

FEBRUARY 10, 2000

No. 11—Journal for Wednesday, 2/9/00. Yea.

No. 12—Rule (Marriage Tax Penalty Relief). Nay.

No. 13—Rangel substitute (Marriage Tax Penalty Relief). Yea.

No. 14—Hill of Indiana motion to recommit (Marriage Tax Penalty Relief). Aye.

No. 15—Marriage Tax Penalty Relief Act (final passage), H.R. 6. Nay.

FEBRUARY 14, 2000

No. 16—National Donor Day, H. Con. Res. 247. Yea.

No. 17—Child Abuse and Neglect, H. Con. Res. 76. Yea.

FEBRUARY 15, 2000

No. 18—H.R. 3557, Gold Medal for Cardinal O'Connor. Yea.

No. 19—H.R. 3642, Gold Medal to Charles M. Schulz. Yea.

No. 20—H.R. 3201, Carter G. Woodson Home National Historic Site Study Act. Yea.

No. 21—Approval of the Journal for Monday, February 14, 2000. Yea.

HONORING THE LIFE OF SHIRLEY RYALS

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. DAVIS of Florida. Mr. Speaker, no one I know loved Tampa more than Shirley Ryals and no one I know worked harder to make our community a better place. Her passing is a tremendous loss for all of us.

I will never forget Shirley's incredibly selfless devotion to countless causes; her courage; her grace; her sense of humor, including her willingness to laugh at herself; and her remarkable ability to relate to people. Shirley did not hesitate to stand up for what she believed in. She often prevailed and got things done because people knew that she respected and appreciated them and that she was always thinking about what was best for our community.

Shirley Ryals did not understand the meaning of the word cannot. Such a word didn't exist in her vocabulary. Her approach was simply that anything was possible if you work hard and dedicate yourself to accomplishing a goal. Her work to bring three Superbowls to Tampa is a testament to that, as is the endless list of other good works she did to better our community.

Through the Tampa Junior Women's Club, she established the Tampa Oral School for the Deaf, the first preschool program in Hillsborough County that allowed families to keep their children at home instead of sending them hundreds of miles away for an education. The program has helped thousands of children emerge from their sounds of silence and is now a part of the Hillsborough County Public School System.

Her achievements, activities and honors are almost too numerous to mention. She was named Tampa's 1995 Citizen of the Year. She served as a trustee for the University of Tampa and the Tampa Bay Performing Arts Center and as an executive committee member of the American Red Cross, Hillsborough Community College Foundation and Outback Bowl Foundation. She was also on the Florida State Fair Authority and on the boards of the Boys & Girls Clubs, Boy Scouts of America, H. Lee Moffitt Cancer Center Foundation and many other groups.

One of the amazing things to me is that despite all the demands on her time, Shirley never let any project or any task come before her family. She was a devoted wife to Lester, a wonderful mother to Karen and Les, and a doting grandmother to Caroline and Courtney. She also carved out time each week for a Sunday night dinner with all of the family, a tradition that is becoming more and more rare in our busy society.

In an editorial praising Shirley's life, The Tampa Tribune wrote,

> Shirley Ryals should be an inspiration to us all. She worked hard and effectively for the public good. She never lost sight of the importance of family and friends. And she left an enduring mark on her community, which benefited immeasurably from her wonderful way of helping people work together. It is commonplace in editorials like this to observe that the subject "will be missed." Missed? Shirley Ryals, how are we going to get along without you?

Like so many others in our community, I'm going to miss my dear friend, Shirley. May she rest in peace.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcall numbers 21 and 20, I was inadvertently detained. Had I been present, I would have voted "yes."

IN SUPPORT OF FREE TRADE OF SOFTWOOD LUMBER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. HOYER. Mr. Speaker, I am pleased to introduce this resolution with my colleague from Arizona, Mr. KOLBE, and a bi-partisan group of 30 other Members. This resolution supports affordable housing for all Americans and promotes free trade of softwood lumber between the United States and Canada.

This resolution expresses the Sense of the Congress that the 1996 U.S./Canada Softwood Lumber Agreement (SLA) should not be extended when it expires in 2001. The President should continue discussions with the Government of Canada to promote open and competitive trade between the United States and Canada of softwood lumber, and that all stakeholders should be included in discussions regarding trade of softwood lumber.

The Softwood Lumber Agreement of 1996 was intended to promote free trade; however, it appears to have had the opposite effect. More importantly, the expansion of this agreement is directly affecting consumers by increasing the cost of lumber used for homebuilding. For many Americans owning a home is a dream come true, but if lumber prices climb and homes are not affordable, for many Americans it will remain a dream unfulfilled.

Mr. Speaker, I urge support of this resolution that will help ensure affordable housing for all Americans.

TRIBUTE TO ETHNOBIOLOGICAL SCIENTISTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. PORTER. Mr. Speaker, on November 2, 1999, it was my great pleasure to participate in a reception on Capitol Hill to launch the "International Conference on Ethnomedicine and Drug Discovery," a significant scientific and cultural celebration of the role of traditional medicine in the discovery and development of new drugs and phytomedicines. I commend conference participants for their ethnomedical and ethnobotanical research efforts described during the conference, which provide solutions to problems of global public health, as well as the rapidly increasing loss of biological and cultural diversity.

The rich history of drugs from nature was delivered by Dr. Gordon Cragg of the U.S. National Cancer Institute. A presentation by Dr. Brian Schuster from the Walter Reed Army Research Institute followed, describing many lead compounds to treat malaria, leishmaniasis and trypanosomiasis from plants found in West and Central Africa. The active compounds, from plants that healers in Nigeria and Cameroon use regularly, were discovered through the U.S. International Cooperative Biodiversity Group program for the treatment of parasitic diseases. A special colloquium, organized by Dr. Maurice Iwu, Director of the

Pan-African NGO Bioresources Development and Conservation Programme, was devoted to the West African medicinal plant Garcinia kola Heckel, also known as "bitter cola," containing antiviral, antiinflammatory, antidiabetic, bronchiodilator and antihepatoxic properties, and found recently to have potential for treatment of the Ebola fever.

The conference opening ceremony, "The Festival of Living Culture," featured West African healers and musicians conducting traditional welcoming ceremonies with plants, music and dance, followed by a Native American healer who performed a traditional Cherokee ceremony. This dramatic opening demonstrated how the core elements of traditional medicine are inherently integrated with science, spirit, art, dance and ritual.

The conference, held in Silver Spring, MD from November 3–5, 1999, included several hundred world wide participants. It was organized by national and international research, training and teaching organizations including the Bioresources Development and Conservation Programme (www.bioresources.org), the Alternative Medicine Foundation (www.amfoundation.org), American Herbal Products Association (www.AHPA.org), Axxon Biopharma, Inc. (www.axxonbiopharm.com), the Missouri Botanical Garden (www.mobot.org), the National Center for Natural Products Research at The University of Mississippi (www.olemiss.edu), Bastyr University (www.bastyr.edu) and the Healing Forest Conservancy (www.shaman.con/Healing_Forest.html).

THE COUNTY OF LOS ANGELES CELEBRATES ITS 150TH ANNIVERSARY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. WAXMAN. Mr. Speaker, as the senior member of the Los Angeles County Congressional delegation, I am honored to pay tribute to the County of Los Angeles on its 150th anniversary.

On August 1, 1769, a Spanish expedition under the command of Gaspar de Portolá came upon an Indian village called Yang-na along the banks of a river which Portolá named El Rio de Nuestra Señora la Reina de los Angeles de Porciuncula, (the River of Our Lady the Queen of the Angels of Porciuncula), which was quickly shortened to Los Angeles. This was the site of present-day Los Angeles, but the Spanish did not return to Los Angeles until 1781, when a party of 44 colonists from Mexico was settled by Don Felipe de Neve, California's provincial governor, as part of Spain's effort to strengthen its control over its territories in the north. These first Angelinos fashioned a crude settlement to produce grain, just as the friars of San Gabriel Mission had done for a decade.

Americans first arrived in Los Angeles by way of nearby San Pedro, then an unimproved roadstead port. Beginning in 1805, U.S. vessels traded intermittently with the area's farmers and, in 1818, Joseph Chapman, a crew member, stayed long enough to help with construction of the town's first church. In 1826, the fur trapper Jedidiah Smith became the first white man to reach Los Angeles by traveling overland from the Missouri frontier, but he was followed by few others. It was not until the 1830s, with the arrival of whaling and seal hunting ships, that Americans became a regular presence in the provincial community.

Los Angeles had been affected little by the revolution that replaced Spanish rule with that of an independent Mexican government in 1821. Mexico's Congress declared Los Angeles the capital of California in 1835, but the provincial governor refused to move south from San Francisco, so the city's relative isolation and the local authority of its prosperous farmers and ranchers remained unthreatened. By the 1840's, Los Angeles had become the largest settlement in Southern California, attracting its first party of American pioneers, led by William Workman and John Rowland, in 1841.

The Mexican-American War of 1846 ushered in a new era for Los Angeles. The city was occupied in August by U.S. troops under Commodore Robert Field Stockton and Captain John C. Fremont, but the 50-man garrison left to hold the farm town was driven out by local residents a few months later. Stockton returned in January 1847, supported by land troops from New Mexico under General Stephen Watts Kearny, and retook the city in a battle with Mexican forces that had retreated there. They soon were joined by Fremont's California Battalion and, on January 13, Fremont signed the Treaty of Cahuenga at Los Angeles, which ceded California to the United States.

American influence grew steadily thereafter, with the first English-language school and the first Protestant church arriving in 1850, the same year Los Angeles was officially incorporated and named the county seat. During the Gold Rush years in northern California, Los Angeles became known as the "Queen of the Cow Counties" for its role in supplying beef and other foodstuffs to hungry miners.

In 1876, seven years after the completion of the transcontinental railroad, Los Angeles was finally connected to the nation's rail system when the Union Pacific put in a line from San Francisco. The next year, local growers sent off their first carload of oranges, adding a new agricultural industry to the County's economy. Then, in 1885, the Santa Fe Railroad reached Los Angeles with a line that connected directly to eastern markets and touched off a fare war with the Union Pacific that would bring rates as low as one dollar for the trip west from St. Louis. Within a few years, more than 100,000 newcomers had arrived in the area, creating a real estate boom that drove land prices skyward.

Oil became a key ingredient in the Los Angeles economy in 1892, when Edward L. Doheny and Charles A. Canfield drilled the first well in a resident's front lawn. Soon there were 1,400 wells within the city and more in the surrounding area. By this time, however, Los Angeles was beginning to fear a shortage of water. Located in a semi-desert region, it required more than El Rio de Nuestra Señora la Reina de los Angeles, now called the Los Angeles River, to sustain its growing population and expanding industries. In 1904, William Mulholland, chief engineer of the Lost Angeles water department, proposed bringing water by aqueduct across the Mojave Desert from the Sierra Nevada range, and by 1908 the project was underway. In just five years, Mulholland constructed an aqueduct more than 200 miles long, running through 142 tunnels, tapping the Owens River, and virtually opened the floodgates on a milestone in the engineering and environmental history of the West.

The early decades of the 20th century also saw the completion of Los Angeles harbor in 1914, just in time to profit from the shipping traffic working its way up the California coast from the newly completed Panama Canal. Los Angeles became the home of the American motion picture industry in these decades as well. Producers flocked there for the steady sunlight, which was vital to the outdoor filming techniques of the time, and found that Los Angeles could provide a variety of backdrops, ranging from desert wilderness to awesome snow-capped peaks. Beginning in 1911, they settled in a community that had been established by a pious land speculator during the boom years of the 1880's—a community that turned into the legendary Hollywood we know today.

The population of Los Angeles soared, doubling by the 1920's. The war years brought more manufacturing and industry and, with it, more people. Los Angeles today is a diverse County, ethnically and economically. It has become one of the United States' major urban centers. It is a leading manufacturing, commercial, transportation, financial, and international trade center. Aerospace production has flourished, and the entertainment industry has broadcasting as well as production centers in the area. Tourism is an anchor of the Los Angeles economy. There is an extensive system of freeways and major transcontinental and regional railroad lines. Los Angeles International Airport is one of the busiest in the U.S., and the port of Los Angeles-Long Beach, on San Pedro Bay, handles more cargo than any other U.S. port on the Pacific Coast.

Today, instead of Los Angeles' riches coming from the surrounding hills of gold, our riches come from the great wealth of people, culture, and diversity. As the largest County in California, with an economy larger than all but eight countries in the world, we owe our prosperity to the men and women who have sacrificed and dedicated their lives to the social and economic strength of our County.

Spanish explorer Gaspar de Portolá bestowed upon us the name, the City of Angels. Today, the County of Los Angeles will begin a year-long celebration of its 150th anniversary. During this historic celebration, I encourage the people of the County to make a personal covenant with each other to honor our history, respect our diversity, and challenge ourselves to ensure a prosperous future.

The Los Angeles County Board of Supervisors has proclaimed February 18, 19, and 20, 2000 as "Los Angeles County's 150th Birthday Days," beginning with special open houses sponsored by various County departments, opening the County's museums and gardens free to the public, a parade of Nations with hundreds of floats and marching bands, and a Festival of Nations with over 35 countries participating with native costumes, food, arts and crafts, and music.

Mr. Speaker, I ask my colleagues to join me in congratulating the County of Los Angeles on its 150th anniversary. Our golden history is reflected throughout the County and is a constant reminder of the wealth of opportunity that continues to grace the people of the County of Los Angeles.

TRIBUTE TO ROBERT E. STEPHENS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in paying tribute to an outstanding public servant from my home state of New Jersey, Mr. Robert E. Stephens, the Director of the Division of Operations at New Jersey Department of Corrections.

Mr. Stephens began his career with the State of New Jersey in 1975 as the Superintendent of Newark House, a community-based service center. In 1982, he became Assistant Superintendent for the Mid-State Correctional Facility. In 1984, he advanced to the position of Superintendent of the Mid-State Correctional Facility, where he remained until 1986 when he became Administrator of Northern State Prison. In 1993 he was appointed Deputy Director of the Division of Operations, and in 1994, he became the Director of the Division of Operations.

During his tenure, Mr. Stephens has earned an excellent reputation as a professional of the highest integrity, competence and ability to bring people together. He is well respected for his outstanding leadership and for his many accomplishments over the year.

On February 18, 2000, friends, family and colleagues of Mr. Stephens will gather to honor him for his many years of service. I know that my colleagues in Congress join me in offering our appreciation to Mr. Stephens for a job well done and our very best wishes for continued success.

CONGRATULATIONS FOR STEPHANIE JACKSON OF ASHLAND, KY

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. LUCAS of Kentucky. Mr. Speaker, it is my great pleasure to congratulate Stephanie Jackson of Ashland, KY, who is being recognized for outstanding service to her community. Ms. Jackson has been named one of Kentucky's top honorees in The 2000 Prudential Spirit of Community Awards program. This honor is annually bestowed upon the most inspiring student volunteers nationwide.

The Prudential Insurance Company of America, in partnership with the National Association of Secondary School Principals, instituted their Spirit of Community Awards in 1995. These awards applaud young people who so generously donate their time and effort to bettering their neighborhoods and towns. In 5 years, The Prudential Spirit of Community Awards has become the largest youth recognition program based solely on community service in the United States. I'm proud to say that Stephanie Jackson is one young lady who is certainly deserving of such recognition.

Ms. Jackson is at the age of 15, the founder of the Boyd County branch of the Kentucky Youth Council of Volunteerism and Service. Through this group, she has already implemented two service projects to better her community.

Stephanie Jackson is a positive example for young people across the nation, and I am proud to say, an indication of great things to come in Kentucky. It is with pride and gratitude that I congratulate her on being recognized for her dedication to community service.

TRIBUTE TO THE CHESTERTON HIGH SCHOOL DEBATE TEAM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to pay tribute to the outstanding achievements of an exceptional group of students from Chesterton High School, located in Indiana's First Congressional District. On Saturday, February 5, 2000, the Chesterton High School Debate Team won its 11th state debate title.

Chesterton entered four Policy debate teams, four Lincoln Douglas debaters and five Congressional debaters. All 17 debaters broke out of the preliminary rounds and competed in the elimination rounds. Additionally, Chesterton won all three championships—Policy, Lincoln Douglas, and Congress—for a complete sweep of the tournament. No school in the state had ever accomplished this feat. Joel Cavallo and Paul Babcock survived the field of 44 teams to win the State Policy Debate title. In Lincoln Douglas debate, Matt Gregoline was named the top debater in a field of 66. John Jernigan took the Congressional debate title, outlasting 86 competitors.

In addition, I would like to recognize the other members of the State Debate Championship Team: Dave Blumenthal; Meredith Chase; Aaron Dartz; Eric Galamback; Katie Hurley; April Jenkins; Stephanie Kendall; Christian Nallenweg; Sherry Nelson; Dave Odefey; Mike Podguski; Owen Sutkowski; and Amber Zehner. The team's success is also due to the outstanding ability and leadership of its teachers and coaches. In particular, James Cavallo, Carol Biel and Kirsten Turnak should be commended for the devotion they have demonstrated as coaches. Additionally, Chesterton Principal Janice Bergeson and Dr. Kenneth Payne, Duneland Superintendent of Schools, should be recognized for their strong support of the debate program. The accomplishments of these outstanding individuals are a reflection of their hard work and dedication to scholarship. Their scholastic effort, determined preparation and rigorous approach to learning have made them the best in the state. They have also brought pride to themselves, their families, their school, and their community.

Mr. Speaker, I would like to once again extend my most heartfelt congratulations to the members of the Chesterton High School Debate Team for their commitment to excellence as well as to the faculty members who have instilled in their students the desire to succeed. I am proud to have been given this opportunity to recognize these future leaders, and I look forward to their future achievements as they continue to rise to the top!

CARTER G. WOODSON HOME NATIONAL HISTORIC SITE STUDY ACT OF 1999

SPEECH OF

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. McINTYRE. Mr. Speaker, thank you for allowing me to be with you today.

As we gather here on this special occasion, we owe thanks for the opportunity to celebrate Black History Month, and most importantly, for the study of Black History, to Dr. Carter G. Woodson.

Born to parents who were former slaves, Dr. Woodson spent his childhood working in the Kentucky coal mines and enrolled in high school at the age of 20. He graduated within two years and later went on to earn a Ph.D. from Harvard.

Woodson, always one to act on his actions, decided to take on the challenge of ensuring the story of Black Americans was told in our nation's history. He established the Association for the Study of Negro Life and History in 1915, and later founded the widely respected Journal of Negro History. In 1926, he launched Negro History Week as an initiative to bring national attention to the contributions of black people throughout American history.

Understanding and appreciating the African-American experience not only enriches our national life, but it also reminds all Americans of their ethnic roots and the uniqueness of the great American experience: the nurturing of mutual respect for different traditions and backgrounds.

Woodson choose the second week of February for Negro History Week because it marks the birthdays of two men who greatly impacted the American Black population, Frederick Douglass and Abraham Lincoln.

It was Douglass who said, "We are one, our cause is one, and we must help each other; if we are to succeed."

And it was Lincoln who said at that famous address at Gettysburg, "we are highly resolved that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

The theme of this year's Black History Month is "Heritage and Horizons: The African-American Legacy and the Challenges of the 21st Century."

Through the triumph of many obstacles and perseverance of the human spirit, African-Americans have and will continue to make valuable contributions to our everyday life. As we move forward in this new century, let's ensure that we honor those who have stood for equal justice and better human relations, and that we look to make the future brighter.

We can do this by remembering our heritage, recognizing our heroes, and reaching toward our future horizons.

FIRST, IT'S ABOUT REMEMBERING OUR HERITAGE

Each of us is here today because we want to build a heritage that makes us proud to be Americans. That heritage must ensure that we are united. As many of you so well know, unity has not always been the case. If we are ever to be united in the true sense of the word, we must ensure that all individuals, regardless of race, share the same rights and are granted equal protection under the law.

Our religious heritage requires us to love God and our neighbor as ourselves. This is the heritage that we want to provide for all!

As I mentioned earlier, Dr. Woodson chose February for Black History Month because of the birthdays of Douglass and Lincoln. However, February has much more than this to show for its significance in Black history heritage.

For example:

On February 1, 1960, four courageous young men—freshmen at North Carolina Agriculture and Technological College—sat down at a segregated Woolworth's lunch counter and refused to leave until they were served.

On February 12, 1909, the National Association for the Advancement of Colored People (NAACP) formed by a group of concerned black and white citizens in New York City.

On February 22, 1956, the black community of Montgomery, Alabama launched a bus boycott, which would last for more than a year, until the buses were desegregated.

On February 25, 1870, the first black U.S. Senator took his oath of office.

My very first job while in college was as a delivery boy for a black-owned business, Wesley's Florist, in Lumberton. Not only did I need that job, but also I found that being the only white employee required a special partnership between his family and me—a partnership that had pre-existed my employment because my father and the owner had worked together as young men for another florist!

When I was a president of the student body at Lumberton Senior High School, I worked in partnership to help the first female be elected as president of the student body as my successor.

I have had the honor to coach black boys and girls on local youth sports teams and to work with children of all races as a volunteer in the schools for the last 18 years.

The first person I hired on my congressional staff was an African-American woman. Why? Because she was the most experienced caseworker on Capitol Hill that I knew, and she deserved it!

Each of these important actions and events reminds us of our heritage, and inspires us to continue moving forward.

SECOND, IT'S ABOUT RECOGNIZING OUR HEROES

Behind each action of Black heritage is a true American hero. These are heroes that inspire us, heroes that put others first, heroes that risked their lives so we would all be united!

Sidney Hook once said, "The hero finds a fork in the historical road, but he also helps to create it. He increases the odds of success for the alternative he chooses by virtue of the extraordinary qualities he brings to bear to realize it."

Those four freshmen at NC A&T—Ezell Blair, Jr., Franklin McCain, Joseph McNeill, and David Richmond—galvanized the conscience of America. Their extraordinary bravery set in motion a series of student sit-ins at more than fifty cities and nine states. Faced with physical violence, arrest, and taunting, thousands of white and black students set out to end segregation peacefully in movie theaters, restaurants, and public transportation. These were ordinary Americans that are heroes.

On the 100th anniversary of Abraham Lincoln's birthday, sixty prominent black and white citizens issued a call for a national conference in New York City to renew the struggle for civil and political liberty. Principal among those were W.E.B. Dubois, Ida Wells-Barnett, Henry Moscowitz, Mary White Ovington, Oswald Garrison Willard, and William English Walling. These were people who were committed to the abolition of forced segregation, promotion of equal education and civil rights under the protection of the law, and an end to race violence. Ordinary Americans that are heroes!

When jailed in Birmingham, Dr. Martin Luther King, Jr. composed a letter in the margins of a newspaper and continued writing on scraps of paper some of the most powerful words ever written. In responding to criticism from fellow clergymen, he eloquently described many injustices suffered by so many African Americans. Near the end of that letter, he noted that, "one day the South will recognize its real heroes." One of those heroes was a 72-year-old black woman who with quiet dignity refused to give up her seat on the bus in Birmingham, Alabama. This single brave act reverberated throughout our nation in a most powerful way. To paraphrase Rosa Parks, she said, "My feet are tired, but my soul is at rest." Ordinary Americans that are heroes.

The first African-American Senator, Hiram Rhoades Revels, is especially significant to us today. First, he committed his life to God and proclaiming the truth of the Christian Gospel. Second, he was born in Fayetteville, North Carolina. It is remarkable that his adult life spanned the Civil War, Reconstruction, and ended in 1901 during the Progressive Era. He was a true pioneer of American political life. Ordinary Americans that are heroes.

Among the other African-American heroes that we should also remember are:

Lillian Fishburne—the first African-American woman to be promoted to the rank of Admiral in the U.S. Navy.

Dr. Meredith Charles Gourdine—a man who pioneered research and inventions so that energy can be converted to practical applications.

Roger Arliner Young—the first African-American woman to earn a doctorate degree in zoology from the University of Pennsylvania in 1940. A native of southern Virginia, she later taught at NC College for Negroes and Shaw University.

Josh Gibson—playing for the Pittsburgh Crawfords in the Negro Baseball League, Josh hit 85 home runs in one season and is the only player—black or white—ever to hit a fair ball over the triple deck stands and out of the old Yankee Stadium.

Little Rock Nine—I was pleased that they were recently awarded the Congressional Gold Medal for their efforts in breaking down the color barriers in our nation's school system, and I enjoyed meeting them in Washington this past year.

Wilma Rudolph—a woman who overcame scarlet fever, polio, and pnuemonia to become the first person to win 3 Gold Medals in a single Olympiad. I support efforts to award her the Congressional Gold Medal.

These are ordinary Americans that are heroes.

THIRD, IT'S ABOUT REACHING TOWARD OUR HORIZONS

When we remember our heritage and recognize our heroes, we can reach toward our horizons. Our nation's great purpose will never be realized unless we work together to build a better America—an America with horizons that ensure quality education for all, an America with horizons that ensure accessible, affordable, and available health care, and an America with horizons that ensure our neighborhoods, businesses, and schools are safe from crime.

To get to those bright horizons, we must act in partnership. God has given the people of this nation a mission to prove to men and women throughout this world that people of different races and ethnic backgrounds can not only work together, but also can enrich and enable both ourselves and our common heritage.

If Dr. King were here today, he would be pleased with the progress that has been made. But he would also tell us to roll up our sleeves; the horizons have not been met. The cause is not yet finished. Work remains to be done.

In the Seventh Congressional District, we have the great opportunity to bring into partnership all the different peoples who live here: African Americans, Native Americans, Hispanics, Asian Americans, and whites. Together—and there are over 600,000 citizens in this district—we can make a real difference in America's horizon.

CONCLUSION

With a strong heritage, inspiring heroes, and an eye on the horizon, we can create better schools, better jobs, and better health care for everyone.

I challenge you to leave here today, not motivated by the fear of failure, but motivated by the destiny that guides you toward a brighter future for this country and its future.

Will you join me in remembering our heritage?

Will you join me in respecting our heroes?

Will you join me in reaching toward our horizons?

In doing so let's remember the last words of Dr. King's letter from the Birmingham jail:

> Let us hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear drenched communities, and in some

not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

IN HONOR OF EDWARD FOOTE, PRESIDENT OF THE UNIVERSITY OF MIAMI

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the career of Edward T. Foote II, President of the University of Miami in Coral Gables, Florida. As many of my colleagues are already aware, President Tad Foote recently announced his resignation as the fourth president of the University effective June 1, 2001. Though his impending departure is a great loss for the University and its surrounding community, I would like to congratulate Tad and thank him for twenty years of hard work and dedication to improving the University of Miami.

Over the last two decades, President Foote has been instrumental in overseeing the University's rise to prominence as an elite institution of higher learning in the United States. The statistics are startling: funding for research at the University has reached a total of approximately $176 million. In addition, the University received a startling number of applications for this year's freshman class—over 13,300 applications were received for an incoming class of 1,800. Finally, the University has experienced a banner year in its fundraising efforts, collecting a total of just under $86 million. These figures, all school records, will ensure that the University is prepared to take on the challenges facing higher education in the United States as we enter the new millennium.

There can be no doubt that these impressive statistics are directly related to Tad Foote's stewardship of the University of Miami throughout the past twenty years. He has truly transformed the University, instilling a sense of pride and confidence in the quality of education that the school provides. Though his term as president will expire in 2001, President Foote has agreed to remain affiliated with the University until 2003 as Chancellor, a position that allows him to assist in the transition process. This decision to further his affiliation with the University is an action that clearly demonstrates President Foote's extraordinary dedication to the students and faculty of the University of Miami.

Mr. Speaker, though the South Florida community will truly miss the leadership that Tad Foote has provided as President of the University of Miami over the course of the past twenty years, I am confident that he will remain a prominent figure in the community as he begins to enter a new phase in his life. We all owe him a tremendous debt of gratitude, and I would like to thank him for all his efforts on behalf of the entire South Florida community.

A TRIBUTE IN HONOR OF MR. MARV VALENTINE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. BARCIA. Mr. Speaker, I am proud to honor one of my state's greatest advocates of integrity and moral character, Mr. Marv Valentine. Marv is a good friend, a community hero and an extraordinary public servant who has devoted his life to building the character of tens of thousands of Boy Scouts in Michigan. Marv is retiring this year after more than 30 years as the revered Camp Director of the Michigan Lake Huron Area Council's Boy Scout Camp, better known as Camp Rotary. I am sure that Congressman CAMP will echo my sentiments when I say that Marv has truly been an inspiration and a role model for Boy Scouts everywhere.

When Marv arrived at Camp Rotary in 1968, he was greeted with three dilapidated structures and a lackluster outreach program. Barely 100 Boy Scouts attended the Camp that summer. In the years that followed, the buildings were replaced, the number of children attending increased and additional structures were created. Because of Marv's perseverance and leadership, Camp Rotary, not only grew, but thrived.

What is truly astonishing, today, is the number of Boy Scouts who attend Camp Rotary every year—over 10,000. In Thirty years, Marv has led more than 100,000 Boy Scouts and Eagle Scouts to that high plateau of character where leadership, honor and integrity are words to live by. So many of these young adults have grown into our community leaders and upstanding citizens. Those who attended Camp Rotary, like Mr. Frank Bartlett and Mr. Greg Flood, cite Marv's guidance as an essential influence in their life, and as a leader who they will always look up to, and always follow with trust and gratitude.

A TRIBUTE IN HONOR OF MR. MARV VALENTINE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. CAMP. Mr. Speaker, today, Camp Rotary is a testament to Marv's talents. The 1,100-acre youth camp boasts more than 20 buildings, including a nature lodge with one-way glass for viewing animals, a newly renovated dining hall, adequate staff cabins, a chapel, and handicap accessible showers. Marv designed character-building courses, like the two 10-station low runs, a 45-foot elevated path, and a 40-foot rappelling tower.

On February 19th, Marv Valentine will receive the Kentucky Colonels Award, a high honor reserved by the state for ambassadors of good will and fellowship. It is truly well-deserved. Another honor that I might offer Marv, is the knowledge that he will forever be in the hearts and minds of thousands of boys, who will carry his guidance and wisdom like a badge of honor throughout their lifetime.

Mr. Speaker, I am sure my colleague Congressman JIM BARCIA joins me in wishing him much happiness in his retirement with his wonderful wife Justine, who has worked side by side with Marv at Camp Rotary for so many years, and with his son and three granddaughters. I am sure that, even in retirement, Marv's selfless community service and civic commitment will continue unabated, as will his shining example of moral integrity and honor.

TRIBUTE TO ROBERT S. JOE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. PACKARD. Mr. Speaker, I would like to recognize the distinguished career of Robert S. Joe, the Deputy District Engineer for Programs and Project Management for the Los Angeles District of the U.S. Army Corps of Engineers. During Mr. Joe's 27 years of service with the Corps, he has been responsible for the total District civil works and military programs and all aspects of project management associated with water and coastal resources projects, issues critical to California and the nation at large.

In 1985, Mr. Joe received the Department of the Army Meritorious Civilian Award for his exceptional service. He has guest lectured and presented papers on public involvement, conflict resolution, public administration and environmental analysis over the years at several universities and seminars. He has been a tremendous asset to everyone in southern California, as well as the entire southwestern United States. His efforts on a wide variety of complex and vitally important Corps projects will benefit our nation for many years to come.

Mr. Speaker, I would like to take this opportunity to thank Mr. Joe for all of his efforts on behalf of California and the U.S. Army Corps of Engineers and wish him well in his retirement.

SALUTE TO THE GREAT EXPLORER MATTHEW HENSON

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to pay special tribute to the life and career of an African-American who can be considered one of the great arctic explorers, Matthew Henson. Mr. Henson was the first man to step foot on the North Pole. While history has credited Commander Robert Peary with this extraordinary accomplishment, it was in fact this humble, uncelebrated man who actually made the first triumphant step.

Matthew Henson is a tremendous motivation to us all. He ran away from home at the age of eleven and thirty-two years later on April 6, 1909, through many trials and tribulations, found himself at the top of the world.

Matthew Henson's achievements have been overlooked for far too long. He deserves our recognition and admiration for his amazing accomplishments. He warrants our credit for helping to introduce us to this important place.

He has been described by people who knew him well as a "great spirit" and a great man. Those words merely touch the surface, for his spirit and drive to do better is truly immeasurable, as are his remarkable achievements in the area of exploration. I am humbled to salute this great African-American, this great man.

STATEMENT REGARDING ORIGINAL COSPONSORS OF H.R. 3615

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. GOODLATTE. Mr. Speaker, I rise today to state that Congressman JERRY MORAN of Kansas was meant to be listed as an original cosponsor of important legislation, H.R. 3615, The Rural Local Broadcast Signal Act, which I introduced on February 10. I have added him as a cosponsor today.

DR. LEONEL VELA IMPROVES HEALTH CARE IN TEXAS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. COMBEST. Mr. Speaker, I rise today to recognize Dr. Leonel Vela, an individual who has contributed tremendously to the improvement of public health and wellness throughout Texas. Dr. Vela has served in many capacities at the Texas Tech University Health Sciences Center in Lubbock and has significantly advanced health education and research. On March 1, he will complete his work at Texas Tech and begin working with the University of Texas Health Science Center in Harlingen. Dr. Vela will be greatly missed, but his investments at Texas Tech and throughout the state will continue for years to come.

Dr. Vela has dedicated his career to public health in order to improve the lives of individuals who do not have access to proper care. He grew up in Texas; his parents were migrant farm workers. Dr. Vela earned a bachelor's degree in microbiology and a bachelor's degree in psychology from Standford University. At the Baylor College of Medicine, he earned his doctorate of medicine and later received his master's in public health from Harvard University. Dr. Vela is married to Alicia and has four children.

Through his accomplishments and research, Dr. Vela has proven to be an expert in many areas such as diabetes prevention and treatment, migrant health and wellness, border health care, telemedicine, and women's health issues. He has written a variety of medical publications and made presentations throughout the state on various health topics. In addition, Dr. Vela has actively led in significant public health activities and initiatives. He directed the public health response to the Ebola Reston outbreak in Texas, co-founded the Rio Grande Valley Diabetes Task Force, developed Community Oriented Primary Care (COPC) in South Texas, and enacted the response to the Dengue Fever outbreak in South Texas. Dr. Vela also supervised the first regional birth defects registry program in Texas, founded the telemedicine mobile unit project to take health care services to rural communities in South Texas, and spearheaded the establishment of the "Women's Center" and the "Diabetes Center of Excellence" at South Texas Hospital.

Dr. Vela has been recognized for his achievements through various awards, fellowships, and appointments. He was one of only three individuals presented with the prestigious Plate of Bounty Award in 1999 by the United States Department of Health and Human Services for his work in migrant health care. Dr. Vela was named the Selected National Institutes of Mental Health/APA Minority Fellow in 1989, and in 1986, he earned the Kellogg Fellowship in Health Policy and Management from Harvard University. Some of Dr. Vela's state and national appointments include the Texas Medical Association, the Governor's Border Working Group Health Subcommittee, the South Texas Health Education Committee, the National Advisory Council on Migrant Health, the TeleHealth Steering Committee for the Telecommunications Infrastructure Fund Board, and the Good Neighbors National Environmental Board established by Congress.

Dr. Vela has displayed dedication to improving public health throughout Texas and has advanced the Texas Tech University Health Sciences Center. I would like to thank him for his commitment to providing access to health care for thousands of individuals, and I extend my best wishes to him in all of his future endeavors.

MODEL UNITED NATIONS

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. GOSS. Mr. Speaker, each year approximately 300 students in my congressional district participate in the Model United Nations program. Acting as delegates from one of the United Nations member countries, these young people are afforded the opportunity to learn about that country, its culture and issues important to the nation; hone their research, debating and parliamentary skills; and interact with their peers on topics of international significance. This opens a new world to many of the students; in fact, some of them are inspired to pursue a course of study in international relations as a direct result of their work in the Model UN.

Among the teams from Southwest Florida is one from Port Charlotte High School which has competed at various forums, including Harvard University, and have amassed many awards, both as a team and individually. Following them to Harvard this week for a collegiate Model UN is a team representing Edison Community College. This is the third year that they have been invited to participate with baccalaureate schools.

We wish them luck and salute all of the young people who are devoting time to learning more about international issues.

NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT ACT

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2086) to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, and for other purposes:

Mr. BLILEY. Mr. Chairman, I rise in support of the Morella amendment to authorize networking and information technology research and development funding for the National Institutes of Health.

As Chairman of the Committee on Commerce, the authorizing Committee for biomedical research, it is my great pleasure to join with Mrs. MORELLA to ensure that NIH receive the authorizing authority it needs to push the frontiers of research with powerful new tools. We were happy to work with the gentlelady from Maryland (Mrs. MORELLA) and her capable staff in drafting this amendment, and ask that my colleagues join with me in supporting its adoption.

Thanks to the Republican-controlled Congress, funding for biomedical research through NIH has expanded from $11.3 billion in FY 1995 to $17.8 billion in FY 2000. The Morella-Bliley amendment would authorize future funding for NIH high-performance computing applications to examine issues as diverse as new strategies to provide health care access to underserved people through telemedicine, computer modeling of biological processes to substitute for human embryonic stem cells, and the implications of collaborative biomedical research via the Next Generation Internet.

Again, my thanks to the gentlelady from Maryland (Mrs. MORELLA) for her assistance in accomplishing this initiative. Mr. Speaker, I also submit for the RECORD a letter that I received from the National Institutes of Health requesting our assistance with this authorization.

Mr. Chairman, I urge my colleagues to support this amendment.

NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD, February 11, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request your assistance on behalf of the National Institutes of Health (NIH) on a matter of importance to our information technology activities. As you may know, H.R. 2086, the Networking and Information Technology and Research and Development Act of 1999, is pending in the House of Representatives. The inclusion of NIH in certain provisions of the legislation would help advance biomedical research.

The primary purpose of the bill is to authorize funding for networking and information technology (IT) research and development for fiscal years 2000 through 2004 for the following agencies: National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy, the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency. The NIH should be authorized to participate in programs outlined in the bill because, like the agencies listed above, we share the commitment to, and investment for, both the Networking and Information Technology Research and Development (NITRD) and Next Generation Internet (NGI) initiatives. In fact, in fiscal year (FY) 1999, NIH funding for information technology and high performance computing and communications activities was $110,535,000. We estimate that we will spend approximately $182,782,000 in FY 2000 and $217,127,000 in FY 2001 for related activities.

With regard to H.R. 2086, Section 4 of the legislation authorizes only the agencies mentioned above to participate in the NITRD grant program for long-term basic research on networking and information technology. Priority is given to research that helps address issues related to high end computing and software and network stability, fragility, reliability, security (including privacy), and scalability. It is important to note that the biomedical community is increasingly using the power of computing to manage and analyze data and to model biological processes. Recognizing that biomedical researchers need to make optimal use of IT, NIH supports (1) basic research and development in the application of high performance computing to biomedical research, (2) basic research, education, and human resources in bio-informaries and computational science to address research needs of biomedicine, (3) research in, and application of high-speed networking infrastructures such as the NGI for health care, health and science education, medical research and telemedicine through the High Performance Computing and Communications (HPCC) Initiative. Enclosed are the funding levels for NIH in this area.

Section 5 of the legislation reauthorizes funding for agencies in support of the NGI initiative. Though excluded in this reauthorization funding, the NIH has made a serious commitment to furthering telemedicine by sponsoring dozens of projects around the country, in a variety of rural and urban settings. NIH has funded studies about privacy and confidentiality issues, how telemedicine projects should be evaluated, and what medical uses might be made of the NGI. In fact, over the next three years, the NIH is funding test-bed projects to study the use of NGI capabilities by the health community.

In summary, because of the commitment and investment shared by NIH in both the ITRD and NGI initiatives, we deem it appropriate that the legislation allow other agencies, such as NIH, to participate in the NITRD program and to specifically reauthorize NIH for the NGI initiative.

Thank you in advance for any assistance you can give us on the matter. I can be reached on (301) 496-3471, should you or your staff have questions or need additional information.

Sincerely,

Marc Smolonsky,
Associate Director for
Legislative Policy and Analysis.

PRESENTING CONGRESSIONAL GOLD MEDAL TO JOHN CARDINAL O'CONNOR

SPEECH OF

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, today I rise to support the passage of H.R. 3557 to bestow a Congressional Gold Medal to John Cardinal O'Connor. With the Cardinal's retirement arriving in the near future, it is time for us to publicly thank him for his important contributions to American public life.

Mr. Speaker, as I am sure you are aware, Cardinal O'Connor is arguably one of the most influential American Catholic prelates in the second half of this century. He is a Priest, a Bishop, and Cardinal of the Catholic Church. But he is also more than that. He is a retired Admiral in the United States Navy, a statesman, an accomplished academic, and a leader in the pro-life movement.

From his boyhood in Philadelphia to his present-day residence in New York City, Cardinal O'Connor has served the poor and the sick. Throughout his career, he has worked with local charities to provide needed assistance for the poor. Additionally, he was critical in extending health care for AIDS patients in the early days of the AIDS crisis. To this day, the Archdiocese of New York is still the largest health care provider for AIDS patients in New York City.

However, fewer people are aware that Cardinal O'Connor is a veteran. For twenty-seven years, Cardinal O'Connor served his country honorably as a Chaplain in the United States Navy. He later was ordained a Bishop by Pope John Paul II so he could serve as the Bishop for the Military Archdiocese. After serving in this position for four years, he became Bishop of Scranton, Pennsylvania and was then evaluated to his Cardinatial See in New York City 1985.

Furthermore, Cardinal O'Connor provided one of the most important voices in America for the unborn. His commitment to the unborn is a well-known and important aspect of his pastorate as the Cardinal in New York City. He has been an effective advocate for the unborn in both a pastoral and legislative capacity. Additionally, he headed the Secretariat for Pro-Life Activities for the National Conference of Catholic Bishops. He is completely committed to ending the horror of legalized abortion on demand and will be remembered for that.

Many times, people on the side of keeping abortion legal claim that the pro-life movement does little to support pregnant women. Cardinal O'Connor's example refutes this. On January 23, 2000, he re-stated publicly promised.

> On the 15th of October in 1984, I announced from this pulpit that any woman, of any religion, of any color, of any race, of anywhere could come here to New York and we would do everything that we could if she were unable to meet her needs herself to provide free hospitalization, free medical care, free legal care, whatever she needed so that her baby could be born.

Mr. Speaker, we should take this opportunity to commend and impart our thanks to Cardinal O'Connor by bestowing this Congressional Gold Medal upon him.

INTRODUCTION OF H.R. 3673 UNITED STATES-PANAMA PARTNERSHIP ACT OF 2000

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2000

Mr. GILMAN. Mr. Speaker, I have today introduced H.R. 3673, the "United States-Panama Partnership Act of 2000."

The purpose of this legislation is to give our President authorities that he can use to seek an agreement with Panama to permit the United States to maintain a presence there sufficient to carry out counternarcotics and related missions.

This legislation is virtually identical to a bill I introduced in 1998, H.R. 4858 (105th Congress). The original cosponsors of H.R. 4858 included Dennis Hastert, now Speaker of the House of Representatives; Charlie Rangel, Ranking Democratic Member of the Committee on Ways and Means; Chris Cox, Chairman of the House Republican Policy Committee; Bob Menendez, now Vice Chairman of the Democratic Caucus; David Dreier, now Chairman of the Committee on Rules; Floyd Spence, Chairman of the Committee on National Security; Henry Hyde, Chairman of the Committee on the Judiciary; Dan Burton, Chairman of the Committee on Government Reform and Oversight; and Bill McCollum, Chairman of the Subcommittee on Crime of the Committee on the Judiciary.

I am introducing H.R. 3673 because Panama and the United States today stand at a crossroads in the special relationship between our two peoples that dates back nearly 100 years. As the new century dawns, our two nations must decide whether to end that relationship, or renew and reinvigorate it for the 21st century. We must decide, in other words, whether our nations should continue to drift apart, or draw closer together.

In the case of Canada and Mexico—the other two countries whose historical relationship with the United States most closely parallels Panama—there has been a collective decision to draw our nations closer together. This decision, embodied in the North American Free Trade Agreement (NAFTA), was grounded in a recognition that, in today's world, our mutual interests are best served by increased cooperation and integration.

The legislation I am introducing today offers Panama the opportunity to join Canada and Mexico in forging a new, more mature, mutually beneficial relationship with the United States. In exchange, the legislation asks Panama to remain our partner in the war on drugs by agreeing to host a U.S. presence, alone or in conjunction with other friendly countries, sufficient to carry out counternarcotics and related missions.

In accordance with the Panama Canal Treaties of 1977, the United States terminated its military presence in Panama at the end of

1999, and Panama assumed full control of the Panama Canal and all former U.S. military installations.

A 1977 protocol to the Treaties provides that the United States and Panama may agree to a U.S. presence in Panama after 1999. For three years, U.S. and Panamanian negotiators sought to reach just such an agreement. On September 24, 1998, however, it was announced that these negotiations had failed and that the U.S. military would withdraw from Panama as scheduled.

This was a regrettable turn of events for both of our countries. The United States and Panama both benefited in many ways from the U.S. presence in Panama. For the United States, that presence provided a forward platform from which to combat narcotrafficking and interdict the flow of drugs, which threatens all countries in this hemisphere. These benefits to the United States cannot be duplicated at the so-called "forward operating locations" that the Administration is seeking to set up in several countries in Latin America and the Caribbean.

For Panama, the U.S. presence added an estimated $300 million per year to the local economy, fostered economic growth by contributing to a stable investment climate, and helped deter narcoterrorism from spilling over into Panama.

In retrospect, the Clinton Administration acted precipitously in 1995 when it rejected Panama's offer to negotiate an extension of our traditional presence in exchange for a package of benefits to be mutually agreed upon. In the wake of that decision, the effort to establish a Multinational Counternarcotics Center failed to gain broad support across Panama's political spectrum.

My legislation returns to, and builds upon, the concept proposed by Panama in 1995 of permitting a U.S. presence in Panama beyond 1999 in exchange for a package of benefits. The legislation also accepts the idea first proposed by Panama of permitting counternarcotics operations from Panama to take under multinational auspices.

The legislation includes four specific provisions of benefit to Panama.

First, and most importantly, the bill offers to bring Panama into the first rank of U.S. trade partners by giving Panama the same preferential access to the U.S. market that Canada and Mexico currently enjoy. The economic value of this benefit for Panama is difficult to quantify today, but over time it should lead to significantly increased investment and employment there, which would directly benefit all Panamanians.

Second, it offers a scholarship program for deserving Panamanian students to study in the United States.

Third, if offers assistance in preparing for the construction of a new bridge across the Panama Canal.

Fourth, it offers assistance in preparing for the construction of a new sewage treatment plant for Panama City.

Taken together, these specific provisions give substance to the larger promise of this legislation, which is to renew and reinvigorate the special relationship between our two peoples as we enter the 21st century, provided the people of Panama decide they want to remain our partner.

Under Article I, section 7 of the U.S. Constitution, this bill can only originate in the House of Representatives. The list of original cosponsors of the version of this bill that I introduced in 1998, H.R. 4858, makes clear that, if brought to a vote on the House floor, this legislation would pass the House of Representatives. I am confident that the Senate would join the House in approving this measure, provided that the people of Panama indicate that they too wish to strengthen relations between our two countries along the lines proposed in the bill.

It is my sincere hope that Panama will accept this invitation to reinvigorate the special relationship between our two peoples. I recognize, however, that the right to make this choice rests with the people of Panama, and naturally our nation will respect their decision.

SUMMARY OF UNITED STATES-PANAMA PARTNERSHIP ACT OF 2000

INTRODUCED FEBRUARY 16, 2000

Offers trade and other benefits to Panama if the President certifies to Congress that the United States and Panama have reached an agreement permitting the United States to maintain a presence at four installations in Panama (Howard Air Force Base, Fort Kobbe, Rodman Naval Station, and Fort Sherman), alone or in conjunction with other friendly countries, sufficient to carry out necessary counternarcotics, search and rescue, logistical, training, and related missions for a period of not less than 15 years.

The benefits that would be made available to Panama include:

1. NAFTA-equivalent treatment under U.S. trade laws for exports from Panama.
2. Assistance from the U.S. Trade and Development Agency for design, planning, and training in connection with construction of a new bridge across the Panama Canal.
3. Assistance from the U.S. Trade and Development Agency for design, planning, and training in connection with construction of a new sewage treatment plant for Panama City.
4. $2 million per year in scholarships for deserving students from Panama to study in the United States.

The NAFTA-equivalent treatment for exports from Panama would be made available unilaterally by the United States during a three-year transition period. Prior to the conclusion of the transition period, the United States and Panama would negotiate and enter into an agreement providing either for Panama's accession to NAFTA, or for the establishment of a bilateral free trade arrangement comparable to NAFTA. Free trade benefits under this agreement would be guaranteed for a period at least as long as the period during which the U.S. is permitted to maintain a military presence in Panama.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 17, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 22

9:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Capitol Police Board, Library of Congress, Government Printing Office, Congressional Research Service, and the Joint Committee on Taxation.
SD-116

10 a.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the international trafficking in women and children.
SD-419

United States Senate Caucus on International Narcotics Control
Finance
International Trade Subcommittee
To hold joint hearings to examine U.S. assistance options for the Andes.
SD-215

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH-219

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on East Asia in 2000, focusing on problems and prospects in the year of the dragon.
SD-419

Judiciary
To hold hearings on pending judicial nominations.
SD-226

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Administration's effort to review approximately 40 million acres of national forest lands for increased protection.
SD-366

FEBRUARY 23

9:30 a.m.
Indian Affairs
To hold oversight hearings on the President's proposed budget request for fiscal year 2001 for Indian programs.
SR-485

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold oversight hearings on activities of the National Railroad Passenger Corporation (AMTRAK).
SR–253

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Judiciary
To hold hearings on the proposed Unborn Victims of Violence Act.
SD–226

10:30 a.m.
Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Environmental Protection Agency.
SD–406

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the White River National Forest Plan.
SD–366

FEBRUARY 24

9 a.m.
Small Business
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Small Business Administration.
SR–428A

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Thomas A. Fry, III, of Texas, to be Director of the Bureau of Land Management, Department of the Interior.
SD–366

Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the day trading industry and its practices.
SD–342

10 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Army Corps of Engineers.
SD–406

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the the Department of Commerce.
SD–138

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1722, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State; H.R. 3063, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State; and S. 1950, to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana.
SD–366

FEBRUARY 25

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the day trading industry and its practices.
SD–342

FEBRUARY 29

9:30 a.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on the President's proposed budget estimate for fiscal year 2001 for the operation of the National Park Service system.
SD–366

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Justice.
SD–192

2:30 p.m.
Indian Affairs
Business meeting to consider pending committee business.
SR–485

Energy and Natural Resources
To hold oversight hearings to examine the President's proposed budget for fy2001, focusing on the U.S. Forest Service.
SD–366

MARCH 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on the National Association of Public Administrators' Report on Bureau of Indian Affairs Management Reform.
SR–485

Energy and Natural Resources
To hold oversight hearings to examine the President's proposed budget for fy2001, focusing on the Department of the Interior.
SD–366

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendation of the Disabled American Veterans.
345 Cannon Building

MARCH 2

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on legislative recommendations of the Jewish War Veterans, Paralyzed Veterans of America, Blinded Veterans Association, and the Non Commissioned Officers Association.
345 Cannon Building

Energy and Natural Resources
To hold oversight hearings to examine the President's proposed budget for fy2001, focusing on the Department of Energy.
SD–366

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of State.
S–146, Capitol

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's proposed revisions to the regulation governing National Forest Planning.
SD–366

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Retired Enlisted Association, Gold Star Wives of America, Military Order of the Purple Heart, Air Force Sergeants Association, and the Fleet Reserve Association.
345 Cannon Building

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Secretary of the Senate, and the Sergeant at Arms.
SD–124

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Bureau of Investigation, Drug Enforcement Administration, and Immigration and Naturalization Service, all of the Department of Justice.
SD–192

MARCH 15

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendation of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 21

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Exchange Commission.
S–146, Capitol

MARCH 22

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendation of the

Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs.

345 Cannon Building

MARCH 23

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.

S–146, Capitol

Banking, Housing, and Urban Affairs

To hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.

SH–216

MARCH 29

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.

SR–485

APRIL 5

9:30 a.m.

Indian Affairs

To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.

SR–485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendation of the American Legion.

345 Cannon Building

POSTPONEMENTS

MARCH 15

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on the proposed Indian Health Care Improvement Act.

SR–485

APRIL 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

SENATE—*Tuesday, February 22, 2000*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today, on George Washington's birthday, it seems appropriate to repeat a prayer that he prayed for the Nation exactly as it is reproduced on the wall of the chapel at Valley Forge.

Let us pray.

"Almighty God: We make our earnest prayer that Thou would keep the United States in Thy holy protection; that Thou will incline the hearts of the citizens to cultivate a spirit of subordination and obedience to the government, and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And, finally, that Thou would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion and, without a humble imitation of whose example in these things, we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen."

PLEDGE OF ALLEGIANCE

The Honorable MIKE ENZI, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF SENATOR MOYNIHAN

The PRESIDING OFFICER (Mr. ENZI). Under the order of January 26, 2000, the Senator from New York, Mr. MOYNIHAN, will now read Washington's Farewell Address.

The Senator from New York.

READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. MOYNIHAN. Mr. President and my revered mentor, the Senior Senator from West Virginia, in his life, George Washington did two things without equal in the history of Government.

The American Colonies having revolted against the rule of King George III, Washington assumed command of a makeshift army and in 6 years fought his way to victory, whereupon he resigned as Commander in Chief and turned over the army to the civil authorities, such as they were. Fourteen years later, having served two terms as President of a new Government, he announced he would retire, although his reelection was not in doubt. These two actions, said George III, "placed him in a light the most distinguished of any man living, the greatest character of the age"—looking back, we might say "the greatest character of the ages"—for these two actions laid the foundations of republicanism which in his Farewell Address he presciently foresaw and fervently predicted would strengthen and grow across the world.

And now to the address proper.

Mr. MOYNIHAN, at the rostrum, read the Farewell Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals, that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite movement that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed, in order to give trade a stable course—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that is must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

The PRESIDING OFFICER. I thank the Senator for his reading of the farewell address of George Washington.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first half of the time will be under the control of the Senator from Illinois, Mr. DURBIN; the second half of the time will be under the control of the Senator from Wyoming, Mr. THOMAS.

Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, noting that Senator DURBIN is not on the floor, I ask unanimous consent to proceed up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN SUPPORT OF THE TAIWAN SECURITY ENHANCEMENT ACT

Mr. HUTCHINSON. Mr. President, I was deeply distressed with the news over the weekend of China's new ultimatum regarding Taiwan and the front-page, above-the-fold story in the Washington Post today. I think the headline summarizes the situation:

> China Issues New Taiwan Ultimatum: Delay in Reunification Would Spur Use of Force.

It seems that mainland China cannot stand democracy. It is almost as if they have a visceral antipathy to freedom. I went to Taiwan last month—the Presiding Officer accompanied me on that visit to the Pacific rim—and had the opportunity to visit with the President of Taiwan and numerous officials. One of the things that struck me as we disembarked the plane and I looked off the tarmac was a whole press contingent, more than we had seen in, say, Japan or South Korea; a media contingent—cameras, reporters—shouting questions at us. I thought, even as we walked toward them, democracy has certainly arrived and democracy has blossomed in Taiwan because one of the signal signposts, I believe, of democracy is an independent and a vigorous and aggressive media. That was certainly evident in Taiwan.

One of the first questions shouted to our delegation, the Senator from Wyoming will remember, was: Will China attempt to disrupt our Presidential elections as they did before?

My answer was: I certainly hope not because it did not succeed before and it won't succeed this time.

Four years ago, China launched missiles off the coast of Taiwan, hoping to disrupt a cornerstone of democracy in Taiwan, its Presidential elections. That effort failed both because of American aircraft carriers and the determination of the Taiwanese people not to be intimidated out of their freedom.

Next month, on March 18, the thriving democracy of Taiwan will once again hold Presidential elections, and once again it seems that the Chinese Government hopes to disrupt those elections.

Just yesterday, China issued a new threat to democratic Taiwan. In an official new white paper on Taiwan, the Chinese Government stated that:

> If the Taiwan authorities refuse, sine die, the peaceful settlement of cross-Straits reunification through negotiations, then the Chinese government will be forced to adopt all drastic measures possible, including the use of force.

In other words, "Negotiate or face invasion" was effectively the ultimatum issued by the Chinese Government.

No longer is the bar set at a declaration of independence or occupation by a foreign power; now it includes refusing to negotiate reunification—a dialog that was broken off by the Chinese Government. This is, in effect, a blank check that the Chinese Government has written themselves, making a subjective judgment on this new, ambiguous standard they have established.

Taiwan is not a military threat to China, and no one in the world believes it is. If it is a threat, it is an ideological threat. A burgeoning Chinese society, less than 100 miles across the Strait, with increasing freedoms of religion, speech, and press—freedoms that are stifled on the mainland—the Chinese Government can't stand this shining contrast to its own totalitarian system. That is why China is pulling down the threshold for invasion and building up its arms pointed at Taiwan.

I suggest it is no accident that earlier this month the first of four Russian *Sovremenny*-class guided missile destroyers sailed into Chinese waters. I suggest it is no accident this destroyer is equipped with surface-to-surface missiles designed specifically to destroy American Aegis ships and aircraft carriers, America's ships that would come to the defense of Taiwan.

It is no accident that China has ordered *Kilo*-class submarines equipped with torpedoes designed to evade detection. It is no accident that China has deployed short-range ballistic missiles in the provinces just across the Taiwan Strait. It is no accident that China has flown over 100 sorties over the Taiwan Strait, many with Russian-bought SU-27s.

We must not tempt intimidation with ambiguity. We must not tempt aggression with weakness.

I urge my colleagues to support H.R. 1838, the Taiwan Security Enhancement Act.

Opponents of this act have held this out as being somehow bellicose, somehow threatening. I suggest to all my colleagues in the Senate they simply read what the Taiwan Security Enhancement Act says. Our colleagues in the other body passed this legislation by an overwhelming vote of 341-70 earlier this month. The Taiwan Security Enhancement Act will bring greater clarity to our relations with Taiwan and China by increasing military exchanges with Taiwan, by establishing a direct military communications link with Taiwan, and by reestablishing Congress as a consultant in the annual arms sales process—as intended and required by the Taiwan Relations Act—which at least, supposedly, governs our relations with Taiwan.

Just last month, General Xiong Guangkai, the Deputy Chief of the General Staff of the People's Liberation Army and a former head of Chinese intelligence said, ". . . we will never commit ourselves to renouncing the use of force." The irony is that this general did not make this statement while he was in China. He said this right here in Washington while he was being hosted by the Clinton-Gore administration.

This reveals the irony of the situation. We have greater military exchanges with a country that points ballistic missiles at us than we do with a democratic ally. The State Department prohibits our senior military officers from meeting with their Taiwanese counterparts. Instead, the focus is on their Chinese counterparts.

Isn't it ironic. I was visiting—I will not mention their names—with leading Army officials, some of whom had served in Taiwan many years ago, and they pointed out to me the irony that while they can hold talks with leading Communist Chinese military leaders, they cannot so much as go to Taiwan and meet with the military leadership in Taiwan, a democratic entity.

It is only a matter of common sense that in the event of a crisis—a crisis now more likely—we should be able to communicate with the Taiwanese military—the people we may be called to defend.

Opponents of this bill claim that ambiguity is good. But there is nothing ambiguous about the Chinese position. The Chinese White Paper even specifically opposed the Taiwan Security Enhancement Act.

I suggest we should not be ambiguous about our support for democracy in Asia, nor should we apologize to China for helping Taiwan to defend itself.

I believe China has made itself clear on the Taiwan issue. So should we.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

TRIBUTE TO JEANNE SIMON

Mr. DURBIN. Mr. President, I rise today on the floor of the Senate to pay tribute to a great friend who passed away on Sunday. Her name was Jeanne Simon, the wife of my friend and former colleague in the House, my predecessor in the Senate, Senator Paul Simon of Illinois. Jeanne Simon passed away in the early morning hours on Sunday in her home in Makanda, IL, in the southern part of our State.

She had been suffering for several months from a brain tumor, and the end was obvious when I last saw her a few weeks ago. As Paul Simon told me when I called and asked if we could get together: Her spirits are good. He was certainly right. We laughed over dinner and reminisced over old political experiences and had a great time, as we did for over 30 years in similar meetings and dinners.

Jeanne Simon was an extraordinary person. She was one of the first women to serve in the Illinois House of Representatives. She was a graduate of Northwestern Law School and served as an assistant State's attorney when very few women were involved in the profession, let alone as prosecutors.

She met another young legislator when she served in Springfield, IL, a State representative named Paul Simon. The two hit it off and decided to get married in 1960. Jeanne Simon put her legislative and professional career aside to become a wife and a mother and to become a help mate, not just at home but in the political career of her husband, Paul Simon.

President Clinton was wont to say when he was elected: America got two—buy one, get one free—in terms of the First Lady and her contribution to the Nation. We felt the same in the State of Illinois. Whenever we looked at the Simon package, it was Paul and Jeanne Simon and the kids wrapped up in a very attractive package with a polka dot bow tie. Time after time, election after election, the people in Illinois turned to Paul Simon as Congressman, as Lieutenant Governor, and finally as Senator and bought the package.

Politics is a game of individual statistics. We talk about who won, who lost. In sports we talk about team statistics, but when it came to the Simons, we were dealing with a team statistic. We knew that whenever Paul Simon was there fighting for Illinois and the causes in which he believed, Jeanne Simon was right at his side.

She had special passions and commitments to literacy and to education. She served as chair of the National Commission on Libraries, and one of the last things I ever heard from her was a call late in the session last year: Check on that appropriation for libraries. She was committed to it.

Jeanne Simon was the kind of person, too, whom I trusted in terms of her judgment. She was honest and forthright and you knew when she stood up for a cause it was because she really believed in it.

How many people, men and women, in Illinois political life were inspired and encouraged by Jeanne Simon over the years. She has left a great legacy. I consider myself to be one of the beneficiaries of that legacy. Now that she has passed away, we can reflect on the fact that even as a wife and mother of a great politician like Paul Simon, she left an enduring contribution to the State of Illinois and to the Nation.

Jeanne Simon will be missed, and many in this Chamber who knew her and worked with her on so many important issues will appreciate, as I have, what a great and enduring legacy she left with her life.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

BIENNIAL BUDGETING

Mr. VOINOVICH. Mr. President, 2 weeks ago, the administration released its budget for fiscal year 2001—its last and its biggest, totaling $1.8 trillion and proposing a whole host of new programs.

So begins our annual budget process.

From now until September 30, Congress will conduct dozens of hearings and hold countless meetings, while members of both Houses deliver innumerable speeches and spend long hours of debate over every subtle nuance of the Federal budget process.

Over the next 8 months, Congress will consider a budget resolution, a budget reconciliation package and as many as 13 separate appropriations bills—the latter only if we do not combine those appropriations bills into one massive spending bill, as has been the practice in recent years.

By the time Congress adjourns—currently scheduled for October 6—a majority of votes taken in the Senate will relate to the budget process.

Indeed, as my colleague, the distinguished chairman of the Budget Committee, Senator DOMENICI, has pointed out, 73% of the Senate's votes in 1996 were budget-related, 65% in 1997, and 51% in 1998. It is no wonder—each year, it is quite common for the same subject to be voted upon 3 or 4 times during the course of the entire budget process.

Despite the inordinate amount of time and effort that Congress will put into fashioning a budget that will meet our Nation's spending needs in a fiscally responsible way, a veto threat still looms on each of the appropriations bills if spending does not approach what the President wants.

At that point, high-stakes negotiations between the Congress and the President will ensue. In an effort to avoid a Government shutdown—and the blame that goes with it—these negotiations inevitably yield a spending compromise that neither Congress nor the President particularly likes, but both agree is necessary.

It is a heck of a way to run a railroad, but what is really unbelievable is this whole process is repeated each year.

I say enough is enough. It's time to bring rationality to our nation's budget process.

It's a fact that Congress spends too large a portion of its time debating and voting on items related to the Federal budget. Meanwhile, most other Congressional functions are not given proper attention.

We need to reestablish our priorities so we may effectively do the work of the people, make sure that the Federal Government is running at peak efficiency and deliver value, which is quality service for the least amount of money.

I believe we have an excellent opportunity to do that this year.

One of the first bills I cosponsored when I became a Senator was a measure introduced by Senator PETE DOMENICI that would establish a 2-year budget—just like we have in about 20 States including the State of Ohio. I believe enactment of this bill, S. 92, will provide an important tool in the efficient use of Federal funds while strengthening Congress' proper oversight role.

Because Congress produces annual budgets, Congress does not spend nearly as much time as it should on oversight of the various Federal Departments and agencies due to the time and energy consumed by the budget resolution, budget reconciliation, and appropriations process.

Not only is this a problem for Congress, but each executive branch agency and department must spend a significant amount of its time on each annual budget cycle.

Again, as my colleague, Senator DOMENICI, pointed out in his statement on S. 92, the executive branch spends 1 year putting together a Federal budget, 1 year explaining that Federal budget before Congress, and 1 year implementing the budget eventually passed by Congress.

Even the most diligent Cabinet Secretary cannot keep track of all the oversight he or she is supposed to accomplish if they are trapped in this endless budget cycle.

A biennial budget will help Congress and the executive branch avoid this lengthy process. Since each particular Congress lasts only 2 years, a biennial budget would allow us to consider a 2-year funding proposal during 1 year, while reserving the second year for the Government oversight portion of our job.

As chairman of the Subcommittee on Oversight of Government Management and Restructuring in the Governmental Affairs Committee, I have noted that even though the General Accounting Office conducts numerous reports documenting Government inefficiencies that need to be corrected, most GAO reports sit on the shelf because there is no time to conduct detailed hearings.

When oversight hearings are held, nearly everyone in the executive branch knows—from career bureaucrats to Cabinet Secretaries—that they need only weather the immediate storm when they are asked to come to the Hill to testify.

That is because once they answer the criticisms that have been leveled in these GAO reports, and explain how they are going to improve the situation, it is over; the worst has passed. Rarely do they have to worry about followup hearings to make sure they have implemented the proper remedies because they know Congress just will not have the time to conduct future hearings.

Unfortunately, that reality can lead to problems later on that impact public safety or national security.

Last year, the Governmental Affairs Committee held hearings regarding Dr. Wen Ho Lee and the security situation at the Los Alamos National Lab. I was shocked to learn that for 20 years we have had a problem with security at the Department of Energy, and no one did anything about it. But GAO knew: they had released 31 major reports on nuclear-security problems at the Department since 1980.

Congress needs the time to conduct proper oversight—including followup investigations—in order to make sure that situations like this do not repeat. Without having to devote the majority of its time and energy to annual budget bills, Congress will be able to make sure that the Federal Government operates harder and smarter and does more with less. I am confident that the Senate will pass S. 92—biennial budget legislation—during this session of Congress.

Regardless of the Senate's actions on passing this bill, I believe the House of Representatives needs to be more engaged in this process. Unfortunately, the news reports that I have seen indicate that there is not much support at the leadership level in the House for such a bill.

I urge my colleagues in the House to reconsider their views on biennial budget legislation, or in the alternative, pass a better legislative proposal. Congress should not continue to come up with reasons why budget reform can't pass, but find ways to make sure that it can.

It should be plainly obvious to my colleagues in both Houses—including those on the Appropriations Committees—that the annual appropriations process is not working. As I stated earlier, each year Congress ends up negotiating a spending deal that is higher than Congress wants in order to avoid the Presidential veto pen. If we are ever going to get a handle on our debt, we have to end this bad public policy. It would definitely be in the best interest of our Nation.

I believe this biennial budget legislation, S. 92, is one of the most important pieces of legislation we could consider this year. I will continue to press for its passage.

For my colleagues who are tired of the seemingly endless budget and appropriations cycles and are frustrated at the inability to devote enough time to the oversight duties of their committees, I urge them to join in cosponsoring this legislation. I also urge my House colleagues to review the merits of the biennial budget process and act upon legislation as expeditiously as possible for the good of America.

The point I am making is this. It is time for this Congress to adopt a 2-year budget cycle instead of the one we have had for too many years. It will help us do a better job in terms of budgeting and certainly get us to do the oversight that is so badly needed by this Congress.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

PRESCRIPTION DRUG AFFORDABILITY

Mr. WYDEN. Mr. President, similar to many of our colleagues, I have been back home in my State at townhall meetings. One of the very consistent themes I heard is that folks want to see us address some of the key issues of our time, particularly the economic issues.

I have heard again and again—and it is clear—that millions of senior citizens cannot afford their prescription medicine. I heard again and again that millions of married couples are being shackled by this marriage tax penalty. It seems to me Congress can fashion a prudent, well-crafted bill that addresses this marriage tax penalty and also responds to the concerns of seniors—without blowing up the budget, without violating the principles of fiscal responsibility, and by prudent use of the surplus.

Democrats want to see—and Democrats are anxious to work with Republicans on this—an effort to help the many seniors and families who are walking on an economic tightrope trying to afford their prescription drug bills. We want to see meaningful tax relief for married couples. What we have to do is work together, in a bipartisan way, to fashion that.

I will spend just a minute talking about how serious this prescription drug problem is for the Nation's older people.

When I was home recently, I heard from an elderly woman in Yoncalla, OR. She lives by herself. She lives in southern Oregon. She has an income of about $500 a month. When she is done paying her prescription drug bill, she has just a little bit over $200 to live on for the rest of the month. She lives a long way from pharmacies, so she cannot very well comparison shop.

She wants to know, why isn't it possible for this Congress to enact a prescription drug benefit for her and for others similarly situated? My view is, if we do not enact a prescription drug benefit for this person, she is going to end up a lot sicker and with a lot more health problems than she has today. That will be much more expensive to the taxpayers.

In addition, I recently heard from an elderly couple from Baker, OR, who have to take a great many prescription drugs. After their monthly medication, together they have less than $200 on which to get by. They said in their letter: "That is not living. That is existing."

Colleagues, it is very clear that in a country as rich and as strong as ours, we clearly are capable of doing justice to the vulnerable older people, such as the elderly folks I described from rural Oregon who are struggling to make ends meet and cannot afford their prescription drugs.

People ask us all the time: Can we afford prescription drug coverage? My message is: We cannot afford not to cover prescription drugs.

One of these anticoagulant medicines that helps prevent strokes in older people might cost $1,000 or $1,500 a year—certainly pricey—but you prevent that stroke with the medication and you save upwards of $100,000 that an older person might incur in expenses for problems associated with the stroke.

What we need to do—and the President has one approach; Senator KENNEDY has another approach; Senator SNOWE and I have worked together on a bipartisan basis—is bring these bills together and make sure we use marketplace forces to hold down the costs of prescription drugs for older people. Each one of these bills—the kind of approach the President is talking about, as well as the approaches Senator KENNEDY and Senator SNOWE and I are talking about—each one of these approaches makes sure the dollars we earmark for this program are used to pay the prescription drug portion of an older person's private health insurance bill.

You hear a whole lot of talk these days about how the insurance companies would not possibly be interested in this. Of course they are going to be interested in this. I have talked to them from my area. They are anxious to see the Government in a responsible, prudent program, for which I believe there is now bipartisan support. They are anxious to see Medicare pick up the prescription drug portion of a senior's private health insurance bill.

With a lot of my colleagues on the Democratic side—and I know Senator SNOWE and others on the Republican side want to address this as well—I intend to keep coming to the floor of the Senate and keep reading these letters and describing the circumstances of older people who want to see this Congress enact meaningful relief for prescription drug costs before we adjourn.

Medicare did not cover prescription drugs when it began. Right now, the senior citizen who does not have prescription drug coverage is basically subsidizing other people in this country who do have coverage whose plans are able to negotiate discounts. That is not right. It is not fair.

We can enact meaningful prescription drug coverage under the Medicare program in this session of Congress. Until we do, I and other Democrats are going to keep coming to this floor, reading the accounts of seniors who are facing these staggering prescription drug costs they cannot afford.

I intend to keep working with Senator SNOWE and Senator KENNEDY, and my colleagues on both sides of the aisle, so the legacy of this session of the Congress can be that we stood up for a fair shake for the millions of vulnerable older Americans and their families.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 1883

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that at 2:15 on Tuesday, February 22, the Senate proceed to the consideration of Calendar No. 375, H.R. 1883, the Iran Nonproliferation Act of 1999, and it be considered under the following limitations: debate until 4:30 on Tuesday be equally divided in the usual form; the only amendment in order will be a managers' amendment to be offered by Senator LOTT or his designee.

I further ask unanimous consent that following the use or yielding back of time, the managers' amendment be considered agreed to, the bill then be read the third time, and at 4:30 today the Senate proceed to vote on passage of the bill as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:42 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

IRAN NONPROLIFERATION ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1883, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1883) to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

Mr. REID. Mr. President, I ask unanimous consent I be allowed to proceed in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE PRESCRIPTION DRUG COVERAGE

Mr. REID. Mr. President, my first elected job was as a member of the board of trustees of then the largest hospital district in the State of Nevada, Southern Nevada Memorial Hospital. During the time I was on the board, we were gratified to see Medicare come into being because 40 percent of the senior citizens coming to our hospital had no insurance. People arrived at the hospital with their husband, their wife, their sons and daughters, and they had to sign papers agreeing to pay the bill. If patients did not pay the bill, a collection company pursued people to see that the bills were paid. We garnished wages and made sure the government institution received the money to which it was entitled.

Approximately 35 years later there are some problems, but of course it is a great medical program. Now instead of 40 percent of seniors having no health insurance when they come into a hospital, virtually all seniors have some type of health insurance when they come to the hospital. That is a result of Medicare.

In 1965, when I was a member of that hospital board, coverage was important to pay a hospital bill and to be able to see a doctor. What we did not cover and was not necessary when Congress passed the act was prescription drug coverage. Now we need prescription drug coverage. It is a tremendous lacking in the Medicare program.

We have had breakthroughs in the interim years in the pharmaceutical industry that are among the greatest advances in medical history. Today, prescription drugs alone have the power to reduce heart attacks by lowering cholesterol and blood pressure, using all kinds of drugs, including aspirin. Drugs such as Zocor, Mevacor, Inderal, Corgard, and Calan are great in lowering cholesterol and blood pressure. These are lifesaving. Drugs can minimize death from cancer. These include Taxol and Tamoxifen. They slow the progress of AIDS with AZT and other protease inhibitors. They treat depression and mood disorders with Prozac and Zoloft. Bacterial infections can be cleared up, including ear and bladder infections, with a string of antibiotics called Cephalosphorin. We can reduce the possibility of organ rejection. We could not have organ transplants until they came up with something called Cyclosporin. Now people can have kidney transplants almost routinely. Other transplants are becoming more common.

The Presiding Officer and I served in the House of Representatives with a Member of Congress who had a heart and lung transplant many years ago. He leads a very productive life. That is because of the pharmaceutical industry.

For migraine headaches, I am sure, Mr. President, you have, as I have, had family members who benefited tremendously from something called Imitrix. People would go to doctors and use all kind of special pillows and heat and cold and all kinds of things, but what has worked well is this thing called Imitrix. It really, basically, takes away headaches.

For enlarged prostate, there is something called Proscar. To treat arthritis pain, one wonder drug is called Imuran; for allergies, Caritan, Allegra, and other things. Allergies take tremendous amounts of time away from the workplace. At certain times of the year they can be debilitating.

To slow the progression and control the symptoms of Parkinson's disease—we have a long way to go; about 50 percent of the people in rest homes are there because of Parkinson's disease and Alzheimer's—but we have made some progress treating Parkinson's disease with drugs called Amatadine and Deprenyl. There are drugs to reduce muscle spasticity associated with multiple sclerosis.

There are things there we need to work on, but we are making progress. I had a hearing a number of years ago where a doctor said we are making great progress, and indeed progress has been made since then.

Mr. President, 75 percent of older Americans, 3 out of every 4 seniors, lack decent, dependable private-sector coverage for prescription drugs, and at least 13 million Medicare beneficiaries have absolutely no prescription drug coverage at all. That is wrong. That is why the Medicare legislation, which passed in 1965, needs to be updated.

Many seniors, and especially senior women, struggle to meet the rising cost of filling their prescriptions. Why do I say women? Because, according to the Older Women's League, total prescription drug spending for women on Medicare averages about $1,200 a year, 20 percent more than that for men. In many cases, seniors simply do not take the drugs their doctors prescribe because they cannot afford them.

You do not have to be a doctor to understand this is bad medicine. Without access to important medication, seniors run the risk of developing complications that require expensive treatments and hospital stays. While some seniors enroll in Medicare managed care plans because they provide some drug coverage, we cannot depend on this option, and many of these plans are no longer around. The Medicare managed care plans have found they cannot afford them, so they are dropping seniors. This is an unstable source of coverage because many Medicare managed care plans have decreased their drug coverage. The number of beneficiaries enrolling in these Medicare plans is declining because the promises are not what they are supposed to be.

Prescription drugs are the largest out-of-pocket health costs for seniors. On average, seniors fill 18 prescriptions a year and take 4 to 6 prescription drugs a day. Because of the high cost and lack of coverage, one study shows that one in eight seniors is forced to choose between buying food and buying medicine. That is drastic. One in eight seniors is forced to choose between buying food or medicine. Every day this takes place in America. To make matters worse, studies show that seniors without drug coverage pay more for drugs than those who have insurance.

Prescription drugs are a necessary component of modern medicine, and our seniors are dependent on them to maintain a healthy, active lifestyle. This is something that has come about in the last 35 years. The special health needs of our seniors are often those that respond best to treatment by prescription drugs. For millions of seniors, prescription medicines are lifesavers. It is time to show our seniors we are serious about creating a Medicare prescription drug benefit, and I hope we can work together to do that as quickly as possible. We need Medicare to include prescription drugs.

Mr. LOTT. Mr. President, I suggest the absence of a quorum for one moment, and then I will call up the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN NONPROLIFERATION ACT OF 1999—Continued

Mr. LOTT. Mr. President, pursuant to the unanimous consent agreement, I call up amendment No. 2820, which is already at the desk. This is the so-called managers' amendment. I understand the amendment will be agreed to and the motion to reconsider will be laid on the table.

AMENDMENT NO. 2820

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself, Mr. DASCHLE, Mr. LEVIN, and Mr. HELMS, proposes an amendment numbered 2820.

The amendment is as follows:

On page 2, line 3, strike "1999" and insert "2000".

On page 5, beginning on line 7, strike "No. 12938" and all that follows through the period and insert "No. 12938.".

On page 5, beginning on line 9, strike "The United States" and all that follows through "shall terminate" and insert "Prohibition on United States Government sales to that foreign person of any item on the United States Munitions List as in effect on August 8, 1995, and termination of".

On page 5, beginning on line 16, strike "The President shall deny licenses and suspend" and insert "Denial of licenses and suspension of".

On page 8 between lines 23 and 24, insert the following:

(b) OPPORTUNITY TO PROVIDE INFORMATION.—Congress urges the President—

(1) in every appropriate case, to contact in a timely fashion each foreign person identified in each report submitted pursuant to section 2(a), or the government with primary jurisdiction over such person, in order to afford such person, or governments, the opportunity to provide explanatory, exculpatory, or other additional information with respect to the transfer that caused such person to be identified in a report submitted pursuant to section 2(a); and

(2) to exercise the authority in subsection (a) in all cases where information obtained from a foreign person identified in a report submitted pursuant to section 2(a), or from the government with primary jurisdiction over such person, establishes that the exercise of such authority is warranted.

On page 8, line 24, strike "(b)" and insert "(c)".

On page 9, line 11, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 9, beginning on line 12, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 10, beginning on line 11, strike "through the implementation of concrete steps".

On page 10, beginning on line 16, strike ", including through the imposition of meaningful penalties on persons who make such transfers".

On page 10, line 19, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 10, line 21, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 11, line 25, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 12, line 2, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 13, line 6, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 13, line 8, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 13, line 10, insert after "Service Module" the following: ", and for the purchase (at a total cost not to exceed $14,000,000) of the pressure dome for the Interim Control Module and the Androgynous Peripheral Docking Adapter and related hardware for the United States propulsion module,".

On page 13, line 15, insert "credible" before "information".

On page 17, beginning on line 15, strike "RUSSIAN SPACE AGENCY" and insert "RUSSIAN AVIATION AND SPACE AGENCY".

On page 17, beginning on line 17, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 18, beginning on line 1, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

On page 18, line 6, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

On page 18, line 10, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 18, beginning on line 13, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

On page 18, line 15, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

On page 18, line 16, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

The PRESIDING OFFICER. Without objection, the amendment is agreed to and the motion to reconsider is laid on the table.

The amendment (No. 2820) was agreed to.

Mr. LOTT. As a reminder to all Members, passage of this bill either by rollcall vote or voice vote is to occur in the 4 p.m. timeframe. We are trying to accommodate Senators who have a number of other meetings they need to attend, but it will be either at 4 or 4:30 at the very latest. Members will be notified, via hotline, as soon as the exact time has been determined.

Mr. President, I rise in strong support of this very important legislation, H.R. 1883, the Iran Nonproliferation Act of 1999.

Let me say at the beginning, this legislation has always had strong bipartisan support. It passed overwhelmingly in the House of Representatives last year by a vote of 419-0, and it has always had strong support in the Senate from Senators LIEBERMAN, FEINSTEIN, and HELMS—a very broad, bipartisan group.

I also have to acknowledge the cooperation of Senator LEVIN, who has been working with me on the managers' amendment. I think it is important, we now go forward with this legislation.

I am pleased I have been joined in this effort by Senator LIEBERMAN, who is on the floor to participate in the discussion of this legislation. Senator LIEBERMAN is a long-time expert in nonproliferation and Middle East matters, and he certainly deserves a lot of the credit for making this legislation possible.

The purpose of the bill is to express once again our deep concern regarding the transfer to Iran of dangerous technology, principally from Russia, China, and North Korea, as well as from other foreign entities, and to recommend additional steps to halt this deadly trade.

Again, let me go into a little history. This legislation passed the House and the Senate in 1998. The President vetoed it, but, at the request of the administration, efforts were ongoing to work with Russia. That veto was not overridden. We did not vote on it. But the hope that progress would be made has not paid off; we have not achieved the results we hoped for. You can say it was because they had changes in the leadership positions in Russia. They are trying to make progress, but the fact is, they are not making progress and this dangerous transfer of the technology that could lead to proliferation of nuclear weapons continues.

This bill requires the President to report to Congress when credible information exists of a transfer of dangerous technology to Iran. The President must also inform Congress whether he has imposed certain penalties on foreign persons as a result of such transfers. If such penalties are not imposed, the President must report the reasons why he decided against taking this step.

The bill will also create new incentives for the Russian aviation and space agency to cooperate with the United States in efforts to stem the proliferation of weapons technology to Iran by precluding certain payments to that agency if entities under its jurisdiction and control engage in such transfers.

Think about that. The United States is assisting the Russian aviation and space agency at a time when entities under its jurisdiction may, as a matter of fact, be involved in transferring this dangerous technology to Iran. It is absurd, and the American people would rightly be horrified to find that is the case.

As I noted, this bill passed the House last September by a unanimous vote, and that vote occurred despite an explicit veto threat by the President. The overwhelming bipartisan vote in the House and the strong bipartisan support the bill enjoys in the Senate underscores the seriousness with which the Congress views Iran's continued quest for long-range missiles armed with weapons of mass destruction.

I can think of few international developments that would be as damaging to U.S. national security and to stability and security in the Middle East as the acquisition by Iran of long-range, nuclear-tipped missiles.

We know already Iran has been the most notorious state sponsor of terrorism, including attacks on Americans, and we know Iran remains a steadfast opponent of peace between Israel and her neighbors, and Iran supports those whose violence is aimed at undermining prospects for a genuine lasting peace.

Some of our colleagues might observe that they had elections in Iran last week, and I believe those elections continue now. It appears reformers have been making some gains. That may be the situation in Iran, and the relations with Iran will change as a result of that. Let me assure my colleagues that the danger is still there. Those who are in charge of this nuclear proliferation in Iran have a very strong grip on what is being done, and there is very little likelihood they are going to let go of it anytime soon, in spite of what appears to be encouraging election returns. In fact, one can argue that to continue to send a strong signal against Iran's acquisition of weapons of mass destruction actually bolsters the reformers in their efforts to change the approach of Iran, both internally and externally.

While we are pleased to see what appears to be encouraging results—and I think the Senate should express itself on that, and I will suggest to the Democratic leadership we perhaps have a resolution acknowledging what has happened there and are hopeful about what that may mean—I do not think by any stretch of the imagination that should lead us to think everything is going to change immediately and we should not go forward with this very important legislation.

If my colleagues think about it, it is quite scary: Iran's leaders, now and in the future, will be in possession of nuclear-tipped ICBMs capable of reaching Washington or Los Angeles or New York. America's security and that of our friends and allies in the region will be unalterably affected by such a horrific development.

Yet that day of reckoning is coming and much sooner than we prefer, unless something is done to stop the transfer of this technology and other forms of assistance to Iran by Russia, in particular, but also by China and North Korea.

My colleagues will recall we have been working on this for 3 or 4 years. We have tried mightily to be of help to the administration in trying to put pressure on Russia in particular, but that strategy has failed to slow the flow of this dangerous technology.

Let me point out what CIA Director George Tenet said recently in a report to Congress on the proliferation of weapons of mass destruction over the previous 6-month period. In that report, Director Tenet wrote:

> Entities in Russia and China continued to supply a considerable amount and a wide variety of ballistic missile-related goods and technology to Iran.

The report also stated:

> Iran's earlier success in gaining technology and materials from Russian companies accelerated Iranian [missile] development.

Director Tenet also noted:

> Russian entities continued to interact with Iranian research centers on various [nuclear] activities. These projects will help Iran augment its nuclear technology infrastructure, which in turn would be useful in supporting nuclear weapons research and development.

The report also highlighted China's development in their programs. For example, the report stated:

> Firms in China provided missile-related items, raw materials, and/or assistance to . . . Iran.

I had occasion to meet personally with Director Tenet recently because I wanted to hear what information he had that he could provide to me and other Senators who wished to have a private briefing about what is going on in this area, and also to discuss the recent U.S. counterterrorism activities.

Director Tenet reaffirmed that the flow of dangerous technology to Iran from Russia and China is, in fact, continuing and on a significant scale. It has not dropped. If anything, it has become worse. I urge those Senators who have not had a chance to review this classified record to go up to room S-407 to get this briefing. It is a sobering reminder that despite the end of the cold war, serious threats to U.S. security and our critical allies around the world remain.

I commend Director Tenet and the entire U.S. intelligence community for their heroic efforts to uncover the truth about these dangerous transfers. What makes the intelligence community's successes so much more astounding is that they come in spite of significant denial and deception by Russia, China, and others.

Director Tenet's report underscores the administration's current strategy for dealing with this growing problem. I know they worked at it. I discussed this with National Security Adviser Sandy Berger. They have tried. They acknowledged it has been difficult. They have had to deal with changing people and the laws in Russia, of while their intentions, as they provide them to us verbally, appear to be in the right direction, the results are just not there.

The administration had hoped that by engaging Russia, China, and North Korea in a dialog, they could persuade those nations to cease and desist from their provocative behavior. The administration, I understand, did get the Russian Government to take some steps, such as adoption of export control law and regulations, but despite this fact, not a single Russian has been successfully prosecuted for transferring weapons of mass destruction or missile technology to Iran. Not one. I repeat, the intelligence we get is it is probably growing worse. So action against an individual, action against companies or academicians and professors, if there is anything in that nature going on, we do not see any results.

Thus, it appears the Russian Government either supports this clandestine transfer of dangerous technology to Iran or is unwilling to take strong necessary steps to halt it.

The same can be said for the People's Republic of China and the Democratic People's Republic of North Korea; therefore, I join with many of my colleagues on both sides of the aisle in believing that it is time to send a strong signal to the administration but, more importantly, to Russia, China, and North Korea, and to other countries that may be contemplating the transfer of this dangerous technology to Iran, or to Iraq, for that matter.

The message is simple: The Congress and the American people are not content with the status quo. We are not content with the dialog that produces even more promises on the one hand and scant or no real reduction in the flow of technology on the other. Some might say this bill is not strong enough, and I would be hard pressed to disagree with that. I would prefer it to be even stronger. After all, the bill provides the President with the authority to impose sanctions, but it does not require them. We may want to look at doing that if we do not see some changes. If we do not see some actions by the administration, if we do not see some actions being taken to impose sanctions, then we may want to go that next step.

I believe bolder action is going to be needed, that this will not be enough. It is a signal that is worth providing at this time. Because of its strong bipartisan support and because I believe it will become law, I am willing to go forward with it in this fashion at this time.

The bill before us now reflects a continuing commitment in both parties to take a tough stand in the fight against nuclear proliferation.

With this in mind, I urge the President not to veto this bipartisan bill but instead to sign it into law as soon as it lands on his desk.

Again, I thank Senator LIEBERMAN, Senator HELMS, and the many other Senators who are involved in the process of crafting this important legislation. I strongly urge a "yes" vote on H.R. 1883, the Iran Nonproliferation Act of 2000.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the leader leaves the floor, I say it is important that we, on matters relating to foreign policy, do as much as we can on a bipartisan basis. I think moving this legislation along speaks well of that. I am confident that the legislation will be signed.

I also extend my congratulations to the Senator from Connecticut, who has worked on this for a long time, well more than a year. It is because of him, working with the full committee, that we have been able to move this measure along.

I also say to the leader, I think when the votes are counted in Iran, we should consider a resolution congratulating the people of Iran for what appears to be the moderate tone of the election results. I think that is very important. That is a positive sign, as it is a positive sign today that there appears to be developing in Russia a stable government.

I extend my appreciation to the leader for the manner in which this measure is moving along. On an issue such as this, we should not have acrimonious debate. We have been able to avoid that with the work that has been done behind the scenes. That is very important.

Mr. LOTT. If the Senator will yield, I think it is important the Senate take note of the fact that for the first time in 20 years reformers may have been making some gains and that maybe internally and the way they deal with the rest of the world things may change in Iran. We hope that is the case.

I ask that you join me in talking to Senator DASCHLE to see if we can craft some legislation that would express the resolution's views on this. Hopefully, we can also take that up, if not today, maybe later this week.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support this legislation. I particularly wish to thank the majority leader for his steadfast and very strong support for this important piece of legislation. The majority leader has recognized the serious threat that the proliferation of ballistic missile capacity and weapons of mass destruction to rogue nations, such as Iran, represents to our forces in the Middle East, to our allies in the Middle East, and in the not-too-distant future—maybe real soon—to our allies in Europe, and, heaven protect us, to the United States of America, to our homeland.

We have talked a lot in this Chamber, and outside, about national missile defense. We crossed a bridge on this issue last year, I think, with the bipartisan legislation sponsored initially by the majority leader's colleague from Mississippi, Senator COCHRAN.

But if we are now involved in an effort to develop a national missile defense, does it not make sense to use whatever authority we have to deter, to retard, and, if possible, to prevent a rogue nation, such as Iran, from developing the capacity to strike us and our allies?

This is to me the other side of the American effort to protect us and our people and our allies from what, in the years ahead, I am afraid will be the single most serious threat to our security, which is, the proliferation of ballistic missile capacity and weapons of mass destruction.

The majority leader has been the leader on the bill we are considering today, and I have been privileged to work with him on it. I appreciate the broad bipartisan support we have on this measure. As the majority leader said, this legislation could have been stronger. It started out stronger when we introduced the initial legislation, but in the process of trying to get something done, we modified it.

It still makes an important statement to the world about the steadfast commitment of the Congress of the United States to do everything we can to diminish the threat of weapons of mass destruction carried by ballistic missiles. It sends a message to our friends in Russia about the intensity of our concern about their part in helping Iran develop weapons of mass destruction. I believe it sends a message to the Administration of the United States about the broad bipartisan support in Congress for tougher actions against any nation, including Russia—with whom we have a developing relationship—if they are supporting Iran in the development of this destructive capacity.

A reporter stopped me earlier today on the way to the Chamber and asked: Aren't you worried about the effect that passage of the Iran Nonproliferation Act will have on the Government of Russia or in the Presidential elections coming in Russia? My answer, directly, is no. But, obviously, we are all concerned and hopeful that the forces of reform will take hold in Russia and bring stability and progress to that country. But our first concern has to be not what happens in Russia, but what we can do to protect the security of the American people in this country and our forces abroad from the threat of weapons of mass destruction carried by ballistic missiles. If the Russian Government will be true to its own statements about working against proliferation, then there will be no problem for Russia as a result of the passage of this legislation.

My colleagues have talked about changes in Iran. The developments are most remarkable in Iran. There is a whole new generation of Iranians and, if I am not mistaken, more than half of it was not of age when the extreme Islamic revolution, led by Ayatollah Khomeini, occurred in the late 1970s. It is a generation that appears to want reform, better lives for themselves, freedom, better relations with the West, and better relations with the United States of America.

Remarkably, in the midst of the very authoritarian government that came into power in the late 1970s and has been there since, the Iranians have continued to have elections.

Here is the power of the people at work again. Last Friday, apparently, more than four out of five eligible voters came out to vote in Iran. I say, parenthetically, what an embarrassment it should be to us to recall that in 1998, the last time we had a congressional election—our own, if you will, parliamentary election—36 percent of the eligible voters came out to vote; only one-third, as compared to more than four-fifths in Iran. They are apparently expressing very broad support for the forces of reform.

Does that diminish the concern we have about what Iran is doing? Not immediately, unfortunately. Because the power is still exercised by a small group of leaders at the top. Not by the reform-oriented, moderate President Khatami, but by the religious leaders at the top who still exercise and control the agencies of foreign policy, defense policy, and intelligence policy, who still have the power to override and veto any of the acts, even of this new reform Parliament.

The focus of our concern about Iran is that it has been our most implacable foe in the recent past and that it has been the single most intransigent supporter of terrorism against this Nation and our allies, a reality that remains unchanged.

The thought that weapons of mass destruction, carried by ballistic missiles, would be in the possession of this nation, effectively still controlled by this small group of enemies of the United States, should fill us with the most profound fear and anxiety.

It is from that fear and anxiety that this bill emerges. It is not the first time we have expressed our concerns about these developments in Iran. In previous enactments we have given the Administration the tools to try to address this problem, specifically in the Arms Export Control Act and in the Iran-Iraq Sanctions Act. But we were not satisfied with those measures and the way they were being used, so we passed the Iran Missile Proliferation Sanctions Act in 1997, a measure similar to this legislation we are considering today.

Unfortunately, the President chose to veto that legislation. That is why H.R. 1883 was introduced and why it passed the House overwhelmingly, 419-0, with every Member of both parties who voted supporting it.

Since 1997, our concern about the problem has not diminished. It is widely and reliably reported—this is why we are back with this legislation—that entities and people in Russia continue to provide both technology and assistance to Iran to build these dangerous weapons. Iran has made worrying progress on its missile program, as the majority leader indicated and as the intelligence reports, classified as they are, which are available to our colleagues, clearly state.

I cite also an unclassified source. According to the Congressional Research Service, with help from Russians and others, notably North Koreans and Chinese, Iran has produced a Shahab 3 ballistic missile with a range of 800 miles and tested it; on July 22, 1998, to be exact. Although the first test was apparently unsuccessful, the Congressional Research Service reports that the Shahab 3 is now thought to be operational and in production. There also have been credible reports that Iran is in the process of developing yet another, more advanced missile, the Shahab 4, which would have a range of up to 2,000 miles, more than double the range of the Shahab 3. We have some basis for believing the Iranians are now working on intercontinental ballistic missiles.

If combined with weapons of mass destruction, these existing Iranian missiles can threaten American forces and our allies and friends in the Middle East and, soon after that, as indicated, our forces and allies throughout Europe and, of course, eventually, the American homeland itself. This is a frightening prospect, given Iran's large chemical weapons program and aggressive attempt to acquire a nuclear weapons capability. The American Government has made it clear that Iran is attempting—in this case largely with China's help—to reach self-sufficiency in the manufacture and stockpiling of chemical weapons, though Iran continues to deny that charge. Concerns have also been expressed by authorities in our country that Iran is seeking to become a nuclear arms state by attempting to buy material for such weapons or by using nonmilitary nuclear assistance to build up its knowledge about nuclear weapons.

These programs in Iran can profoundly change the balance of power in the region and strike a very serious blow to our efforts to contain Iran until it becomes a responsible member of the community of nations, until the forces of change which are blowing so hopefully through Iran, even as we speak today, reach fruition and a change of policy.

I am sure most everyone in this Chamber will look forward to a day when sanctions of this kind will not be necessary because a new government, representing what seems to be the clear will of the Iranian people, would be in power in Tehran; a government with which the United States of America and our allies could have constructive and peaceful relations. But until that time, the kinds of weapons capabilities that are being developed allow Iran to threaten, for instance, friendly Arab States, making it harder for them to cooperate with the United States. These weapons capabilities would raise the risks to U.S. military forces in the region and could threaten the free flow of oil out of this critical region which could, of course, create crises in the United States, in Europe, Asia, and in any other place in the world that depends on fuel from the Middle East to power their economies.

It is self-evident and axiomatic that we have to do whatever we can to try to deter this dangerous capability, to delay it, to retard it as best we can, given the Iranian Government that now exists. Part of that is making clear, as I believe this legislation does, to our friends in Russia in no uncertain terms that we are serious about this. The time for hit and miss, slower, bob-and-weave progress toward shutting off Russian assistance to Iran for the development of these dangerous programs is over.

In addition to other sanctions, we have focused in this bill on holding up extraordinary, as we call it, American funding for the international space station to the Russian space agency, unless Russia takes sufficient action to halt any part it is playing in proliferation to Iran. This is our attempt to demonstrate the seriousness of our concern about this matter, even to the extent of stopping the funding of a program that is not only important to us—that is, space cooperation—but important to the Russians.

While we cannot expect to prevent all technology transfers to rogue states, we do have the ability to check the flow of some of it by adopting the kinds of sanctions in this legislation that are aimed at persons engaged in such activity. We are able and therefore must act to take measures against those governments that condone such activity, whether or not they are organizing and abetting the transfer, or merely looking the other way when their citizens engage in these activities.

Senator LOTT quoted CIA Director George Tenet. Director Tenet has made quite clear that despite the noticeable shifts within Iran, it remains "the most active state sponsor of terrorism." Iran's support for dangerous terrorist groups such as Hezbollah, Hamas, and the Palestinian Islamic Jihad, through training, money, and weapons, has just not ended. There are people in our country, people whom I respect, who continue to sustain the belief, based on evidence they have gathered, that Iran was involved in the 1996 attack on American service personnel at Khobar in Saudi Arabia, though no definitive conclusion has been reached on that matter.

We have been engaged in a dialog across a wide spectrum with our friends and allies in trying to address the issue of proliferation to Iran. The prospect of a nuclear-capable, militarily powerful Iran armed with ballistic missiles is clearly a threat to our national interests and to those of our allies; therefore, we must act to stop it. The sanctions we are proposing will further stop the diffusion of this technology and lead to a more stable Middle East.

I echo the words of the majority leader: The passage of this measure may actually encourage the forces of reform in Iran which are now so boldly and inspiringly expressing themselves. It certainly does seem that those forces of reform want to have better relations with the West, with the United States. Part of what we are saying to them is, this matters to us. You must stop your support of terrorism. Stop your development of these weapons of mass destruction, and we can develop a much better relationship.

The bill itself is simple and direct. It requires the President to submit reports to Congress on foreign entities where there is credible information that these entities have transferred certain goods, services, or technologies to Iran. That part of the bill would apply to any entities anywhere in the world, not just the Russians. It authorizes the President to impose measures against these entities, but does not mandate him to do so. It allows him to consider exculpatory material, material that argues against the guilt of the entities.

And with an amendment that will be adopted, submitted by the Senator from Michigan, Mr. LEVIN, those entities will be given an opportunity to respond to those allegations before any sanctions are considered.

Finally, the bill prohibits these extraordinary American payments to the Russian space agency until certain conditions enumerated in the bill are met. The purpose is to say to the Russians specifically that we keep seeing compelling evidence that entities in Russia are supporting the development of these dangerous programs within Iran.

As much as we want to continue to work with Russia on joint efforts in space, we will not do so if they are contributing to this grave threat to our security.

Finally, I thank Senator LOTT, Senator BIDEN, Senator HELMS, and others on both sides who have worked together to bring this bill to the floor, where I have reason to believe it will achieve strong support. I was pleased to hear representatives of the Administration indicate to some of us a short while ago that, though they may not specifically support the bill, they would not recommend that, in its current form, the President veto it. I think we are on the way to making a unified statement, which is a constructive one, and which takes a small but significant step toward protecting us, our children, and grandchildren from the threat of weapons of mass destruction carried by ballistic missiles.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, before the Senator from Connecticut leaves the floor, I wish to thank him and acknowledge all the work he has done over the past year or more on this issue. He has, in a sense, exercised some forbearance in the past when he thought it might have been more appropriate to make a stronger move, but because of circumstances within Russia and our bilateral relations and the hope—not expectation—that there may be a way to get this done, he has cooperated. I think everybody should understand the reason this issue has stayed so much on the forefront is because of his vigilance and his effort. I thank him for that. I thank him as well, along with other colleagues, for entertaining some of the changes that Senator LEVIN proposed. I think this is a much better bill. I agree with him; I think enough time has passed to demonstrate that this may be the only course left open, and hopefully it will work.

In a strange sense, the Senator and I have had occasion separately and individually, as the Presiding Officer has, to meet with members of the Russian Duma, members of the Russian Government, and members of the leadership of the various Arab states. I find it counterintuitive that they don't understand, quite frankly, that what is happening in Iran and their quest for this missile technology is literally a greater threat to them than it is to us. It is no greater threat to anyone than Israel; nonetheless, it is an incredibly significant threat to our friends in Europe, as well as our Arab friends. What is going on in North Korea is a threat to China and Russia in the long term, not only Japan and South Korea. What is going on in Iraq is a greater threat to our French friends—who seem to support Iraq against their own interests—than it is to us.

I am wondering when reason will take hold. I am a little bit dismayed, and more than a little bit miffed, by the ability of our friends, as well as those who are not viewed as our close friends, to dismiss reality. What do they think? If Russia is worried about the radicalization of the Moslem populations within the former Soviet Union, the Trans-Caucasus, and other places, why in the devil do they not understand that what is going on in Iraq, as well as in Iran—if it does not take a drastic change in course—is inimical to their interests? Ironically, the second largest former Communist state—the former Soviet Union—seems to be the ultimate capitalist in this regard; but they can't add very well. This is, I think, more about money than anything else. Hopefully, as I will lay out in my statement—and I don't want to delay the Senator any longer—they will see the virtues of looking to the West and not to Iran and Iraq for the source of their economic survival. At any rate, I thank the Senator very much for his leadership.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Delaware for his kind words and the spirit of cooperation in which we have worked on this and on so many other matters over the years. I could not agree with him more on what he said. There is an irony here. It is as if folks in places such as Russia are still doing what we sometimes criticize people in our country for doing—going by a cold-war mentality. But it is a cold-war mentality heavily not only affected by communism, but what the Senator has said, capitalism. So they are selling for short-term gains that, before very long, will endanger them more than us. This is our attempt to say: We are in this together. We are threatened by what you are doing, but watch out, friends, you are going to be threatened soon yourselves.

I thank the Senator for his characteristically straight talk—although he is not on the Straight Talk Express. He is a straight talker in the Senate Chamber. I thank him for his support.

Mr. BIDEN. I wish the driver of that express a lot of luck.

Maybe what Mr. Putin, who is the Acting President and likely soon to be elected President, it appears—maybe we should send my mom over to see him. My mom had an expression, from the time we were kids, when you would do something against your own interest out of anger, or out of pique, or misunderstanding. My mother would say, "Don't bite your nose off to spite your face." Well, we have a whole lot of Russians seeming to bite their noses off to spite their faces. I find it absolutely astounding what they appear to continue to do.

The bill before us is called the Iran Nonproliferation Act. That is the context in which we should talk about this, and I think we should understand this. The purpose of this bill is not to punish, but rather to restrain. The goal that we pursue is not to invoke sanctions, but rather to make this a safer world for all of us, including the Russians. The means to that end is to make this a world with fewer weapons of mass destruction and with fewer delivery systems able to deliver weapons of mass destruction, notably long-range ballistic missiles.

Long-range ballistic missiles are a curious invention. They are awesome, frankly, but they don't amount to much as a military weapon unless they are armed with a powerful warhead. Now, the sort of long-range missile that Third World countries might build—and that the countries I have mentioned are attempting to build, or have built—those missiles cannot carry big enough warheads to do much damage with a conventional high explosive, a plain old bomb; they are too heavy. The missile is not big enough, powerful enough, does not have enough throw weight to carry conventional weapons. So the irony is that a country which develops or buys long-range ballistic missiles is all too likely, therefore, to seek weapons of mass destruction, such as nuclear warheads that are lighter and have much more—no pun intended—bang for the buck than a conventional weapon, or even potentially a lighter payload, with chemical weapons or biological weapons on top of these missiles. The irony is that as they develop a long-range ballistic missile capacity, they are led inextricably—if they are going to be of any "value" militarily—they move toward weapons of mass destruction with which to arm the missiles.

North Korea has been trying to build a nuclear weapon. Iraq has built chemical and biological weapons and is seeking a nuclear capability. They were close to building a nuclear weapon a decade ago. Similarly, Iran has a covert nuclear weapons program. Even the Government of Russia admits that. Iran has also developed and used chemical weapons. Now, again, that is chemical weapons that, based on the missile technology they may have acquired, even if they have a range of 2,000 miles, as my friend from Connecticut indicated, doesn't get them to Washington, DC. It doesn't get them to any U.S. territory. But it does get them to a lot of areas of the world where our friends—in this case, the Russians—can be affected.

We have to stop this as best we can. The world must move toward fewer weapons of mass destruction, not more of them. We have to reduce the number of long-range ballistic missiles in the world, not increase them. Unfortunately, some foreign persons—and I say "persons" because that is the legal word in this legislation for officials or entities; by "entities" we mean the Russian agency comparable to our space agency, NASA, or the agency in Russia comparable to our Defense Department, or institutes, or companies. In Russia, institutes or companies cannot be separated very clearly from the Government.

Unfortunately, some of these foreign "persons"—in Russia, China, and North Korea—are deaf to the world's call for nonproliferation and apparently tone deaf to their own interests. The countries or entities are so desperate for cash or so angry at the West that they will risk Armageddon by helping Iran build long-range ballistic missiles or even nuclear weapons.

As ironic as this sounds, this legislation is designed in part to save them from their own destructive impulses. The United States has imposed sanctions at times on entities from all three of these supplier countries. Again, by the "supplier" countries I mean North Korea, China, and Russia. The United States has imposed sanctions on entities from these countries and is continuing negotiations with all of these countries to secure an end to their assistance to Iran. While we may hope for success in the months or years to come, however, there has been little success so far.

Today the Senate will vote to make the President list the offending "persons;" to increase his powers to impose sanctions against them; and to limit United States support for Russian work on the international space station if any entities under the Russian Aviation and Space Agency continue to assist Iran, which we have reason to believe they have.

It is important to understand that H.R. 1883, which we will shortly pass, is not an anti-Russian bill. Rather, it is simply and overwhelmingly a nonproliferation bill. Both I and the Senate sponsors of this bill would like nothing better than to have this bill result in no sanctions whatever against Russia.

While we try to crack down on entities that assist Iran's long-range ballistic missile programs, we also support nonproliferation of assistance to Russia. We continue to help Russia reduce its unneeded strategic weapons through the Nunn-Lugar program, protect its sensitive nuclear materials, help it find new careers for excess weapon scientists, and improve its export control laws. Those are the laws that are on the books, and should be enforced, which would prevent any agency or company within Russia from transferring usable information to aid and abet Iran in their long-range missile programs.

We are helping Russia in other ways, as well, so this should not be taken in isolation. This is part of a continuum of efforts on our part to deal with the interests of our country as well as Russia. The United States Government, with the support of many in this body, also continues to work with Russia on many other vital issues. We seek continued strategic arms reductions, through the so-called START process. We support the sharing of missile warning data. We are working to preserve the Anti-Ballistic Missile Treaty, the ABM Treaty, with an amendment that allows for—again, in Russia's interests—a limited ballistic missile defense. Again, we pointed out that North Korea and Iran present a greater danger to them than they do to the United States.

The United States and other Western countries also offer the investment on which Russia's economic development depends. United States companies even buy ballistic missile engines from Russia's top design bureaus. Our American companies are purchasing directly from Russian design entities. We are buying engines that they are producing, from which they are making substantial money. Iran cannot begin to match the power of the United States to sustain and transform Russian industry. In other words, they will make a heck of a lot more money doing the right thing, dealing with the United States and with the Western Europeans and Japan, than they will ever make from selling technology to Iran. I urge Russian leaders to think about that.

I wonder, with all the chaos that is in place in Russia, whether anybody at the top has ever really focused on this. In pure unadulterated dollars and cents, what is in Russia's economic interest is to sell to the West rather than to sell to Iran. If the choice is starkly made, which we are about to do, I hope they will focus more logically on their alternatives.

This bill and the Senate are not anti-Russian, but we are manifestly anti-proliferation. We will not tolerate vicious and venal persons plunging the world into a new cold war, let alone a hot one in which weapons of mass destruction would be a freely traded currency of death. If Russia or China or North Korea should choose the path of proliferation—and they have to some degree already done that—we will show that there are better paths to power and prestige than proliferating ballistic missiles and weapons of mass destruction to Third World countries with unstable regimes. There is still time to stamp out proliferation and to put the world on a more peaceful path, but we must not and we will not collaborate in sowing the seeds of global destruction through proliferation.

It is unfortunate that the Senate action occurs only weeks before next month's Presidential elections in Russia. The need to pass this legislation is not our fault, that is Russia's fault. Some in that country between now and those elections may try to use our action to stir up a nationalistic reaction for their own political purposes in the upcoming Russian election. That would be both unwise and ill founded. It is also unfortunate that the House authors of this bill insisted upon triggering Presidential reporting and possible sanctions based upon a very low standard of evidence. In practice, however, no President will impose sanctions unless he is convinced that wrongdoing has occurred, notwithstanding the fact that the House standard of evidence is too low a threshold.

Finally, I regret that this bill does not permit the President to authorize extraordinary payments for work on the international space station, if those payments should be needed, to protect sensitive intelligence information. Neither does it permit payments to a sanctioned entity if such payments are needed to prevent significant dangers to the crew of the space station. I do not think either of those are wise restrictions, and I hope these concerns can be addressed in conference between the House and Senate.

The important fact is, however, that the Senate action today is a measure not of anti-Russian sentiment, nor of any impulse to bully. Rather, it reflects the depth of our concern and also our frustration over the increasing risk that Russian and other entities will recklessly open Pandora's box, against their own interest as well as ours.

I earnestly hope that in the coming weeks, our President and the newly elected President of Russia can put us back on the track of peaceful cooperation to make this a safer and more prosperous world. That is a real prospect for both countries, if Russia would only accept that its profit and its destiny lies in the West, not in the East.

Perhaps passage of this bill will help to bring about such a reevaluation. If so, then prospects for the new century on which we have just embarked would truly be improved. If not, it puts us on a perilous slope to more proliferation and colder, not warmer, relations.

Mr. President, I yield the floor.

Mr. SHELBY. Mr. President, I rise today in support of H.R. 1883, the Iran Nonproliferation Act of 1999.

As chairman of the Senate Select Committee on Intelligence, I am in a privileged position to have access to the volumes of intelligence information gathered at great expense and even risk of life by our intelligence community.

Sadly, this intelligence leads me to the conclusion that our efforts thus far to stem proliferation have failed. As the Director of Central Intelligence told me in an open Hearing before the Senate Intelligence Committee just this month:

> Mr. Chairman, on proliferation, the picture that I drew last year has become even more stark and worrisome. Transfers of enabling technologies to countries of proliferation concern have not abated.

Particularly in the case of Iran, the intelligence indicates that the proliferation of missile technologies as well as the technologies and expertise to enable their development of chemical, biological, and nuclear weapons, continues unabated.

Our nonproliferation efforts haven't failed because we haven't tried other things. They have failed because the tools we have used thus far have not been up to the task.

The task is indeed formidable.

Iran desperately wants these weapons. We wish they didn't. We wish the problem would go away on its own. But the evidence indicates that it won't. In the unclassified version of a report submitted to me on January 21st pursuant to a mandate in the Intelligence Authorization Act of 1997—a report available to all Members—the Director of Central Intelligence stated:

> Iran remains one of the most active countries seeking to acquire WMD [weapons of mass destruction] . . . from abroad. In doing so, Tehran is attempting to develop an indigenous capability to produce various types of weapons—nuclear, chemical, and biological—and their delivery systems.

With regard to missile proliferation, in his testimony to me this month, the DCI reported that:

> Most analysts believe that Iran, following the North Korean pattern, could test an ICBM capable of delivering a light payload to the United States in the next few years.

And, he added, Iran could become not just a recipient, but a proliferator:

> While Russia, China, and North Korea continue to be the main suppliers of ballistic missiles and related technology, long-standing recipients—such as Iran—might become suppliers in their own right as they develop domestic production capabilities.

Iran is not just seeking missiles, but also biological, chemical, and nuclear weapons. Iran is seeking dual-use technologies to further the biological warfare program it began during the Iran-Iraq war. Iran also wants to maintain a prohibited chemical weapons capability. According to the January DCI report I just mentioned, Iran, despite its commitment to give up chemical weapons under the Chemical Weapons Convention, "has manufactured and stockpiled chemical weapons, including blister, blood, and choking agents and the bombs and artillery shells for delivering them." They have continued to "seek production technology, expertise, and chemicals that could be used as precursor agents in its chemical warfare program from entities in Russia and China." Finally, Iran wants a nuclear weapons capability. According to the DCI: "Iran sought nuclear-related equipment, material and technical expertise from a variety of sources, especially in Russia, during the first half of 1999."

Importantly, Iran is seeking an indigenous capability. Their pursuit of WMD and delivery systems has lead to a maturing indigenous capability. This means that the window in which we can stop significant proliferation to Iran is closing rapidly. This means that the time to intervene is now.

Some have suggested that the recent elections in Iran should lead us to pause our consideration of this bill. I disagree. First, to the degree that the newly elected Iranian legislators seek to constrain efforts to develop and deploy weapons of mass destruction, I believe that this legislation will strengthen such an effort. It demonstrates the seriousness with which the United States Congress views proliferation of weapons of mass destruction. Second, existing evidence indicates that we cannot count on the elections to bring an end to Iran's national policy of developing weapons of mass destruction and their means of delivery. It is important to underscore that former President Rafsanjani, considered a moderate in Iranian political circles, was the very leader who initiated Iran's pursuit of those weapons. Indeed it was Rafsanjani who said that "Chemical and biological weapons are poor man's atomic bombs . . ." After he became Iran's President, he is quoted as saying: "We should fully equip ourselves in the defensive and offensive use of chemical, bacteriological and radiological weapons." We cannot expect that Iran will therefore give up its pursuit of these weapons on their own. This bill will provide additional incentive for them to do so, and we will watch carefully for evidence of such a decision, but at this point, absent strong policy on our part, we must conclude that the policy of acquiring these weapons and their means of delivery will continue.

The task of stemming proliferation to Iran is made more difficult because individuals and the nations from which they proliferate have their own strong motives for aiding Iran. For some individuals, the motive is money. But why can't we simply rely on the governments in which they operate to stop them? In some cases, governments are too week to intervene. In others, the government looks the other way or even promotes proliferation to Iran because their leaders welcome the challenge an Iran with missiles and weapons of mass destruction poses to the United States.

We need the tools to offset the benefits of aiding Iran. We must ensure that there are financial and other costs associated with supplying the assistance Iran still needs in its drive for weapons of mass destruction and missiles.

H.R. 1883 gives the United States tools to attack proliferation on the supply side.

The first tool is the light of exposure to scrutiny. H.R. 1883 requires the President to submit annual reports identifying every person that, on or after January 1, 1999, transfers to Iran goods, services or technology on existing control lists or items with the potential to make a material contribution to Iran's development of nuclear, biological, or chemical weapons or ballistic or cruise missile systems. As a result, the Congress, the American people, and the community of nations will know who is supporting Iran's efforts to threaten peace and stability. We will shine a light on those lining their bank accounts by selling the tools of hideous death and unimaginable destruction to Iran. The threat of public exposure should serve as a significant deterrent to those who contemplate proliferation to Iran.

The second tool offered by H.R. 1883 is the authorization for the President to deny perpetrators of proliferation access to some U.S. trade. I highlight the word "authorization." The sanctions provided by H.R. 1883 are not mandatory and exceptions are granted.

These tools, properly employed, will help stem the tide of proliferation to Iran. Are there costs? Yes. Some U.S. businesses may be called upon by the President to refrain from commerce with individuals that are shown to be materially aiding Iran's weapons of mass destruction and missile programs. But such a potential cost seems reasonable to me in light of the potentially far greater cost if we fail to act—the lives of American men, women, and children.

I urge my colleagues to join me in supporting H.R. 1883 in a bipartisan way, as our House colleagues did when they voted to pass H.R. 1883 by a vote of 419-zero.

Mrs. FEINSTEIN. Mr. President, there are few in this body who have worked harder on this issue than my friend from Connecticut, and it has been a real pleasure to work with him on this legislation and on this issue.

The Iran Nonproliferation Act is an important piece of legislation which seeks to halt the flow of ballistic missile technology and other weapons of mass destruction from Russia to Iran. I strongly support Senate passage of this legislation.

Indeed, even as much of the U.S. focus in the past year—and rightly so, in my mind—has been on the peace process and Israel's relations with Syria and the Palestinians, there may be no greater long term threat to Israel's security and Middle East peace than an Iran actively seeking ballistic missiles and nuclear weapons.

That is why I believe that preventing the transfer of illegal nuclear and missile technology from Russia to Iran must be at the top of the U.S. policy agenda.

As my colleagues are aware, there have been numerous reports over the past several years of Russian missile technology reaching Iran, sometimes with a semi-official wink from government authorities in Moscow, sometimes by rogue operators.

Either way, the Russian government must put a stop to these transfers.

As much as we want good relations with Russia, cooperation in this area is crucial. In some ways, I believe it is a litmus test of what sort of player Russia wants to be in the post-Cold War international system.

Although Russia has denied that any illegal transfers have taken place, it has taken some tangible steps in response to American concerns—such as the cancellation of a 1997 contract between a Russian missile factory (NPO Trud) and Iran in which rocket engine components were to have been shipped under the guise of gas pipeline compressors.

Unfortunately, despite such progress as cooperation with the NPO Trud contract, since issuing an Executive Order in 1998, the United States has been forced to sanction ten Russian entities for continuing to transfer technology for the development of advanced ballistic missiles and weapons of mass destruction, and the Central Intelligence Agency reports that Russian entities continue to provide Iran with assistance. Indeed, there are reportedly over 10,000 Russians in Iran helping Iran with these programs.

For its part, and despite some positive signs of moderation in Iran's politics—the recent elections notwithstanding—Iran has not yet moderated any of its policies with regard to the support of international terrorism or the pursuit of advanced ballistic missiles and weapons of mass destruction.

Iran has flight-tested the Shihab-3, a missile that can hit Israel and U.S. forces in the Middle East, and is continuing to work on other advanced missile designs, including those capable of delivering nuclear warheads.

Because of Russia's mixed record—and Iran's outright dangerous record—I believe that although we should try to build on Russia's record of cooperation, we must also be prepared to take tough action when the situation warrants. In other words, we must be prepared to work with Russia on this issue and offer them a carrot, but, if our interests and those of our friends and allies are threatened, we must also be prepared to use a stick.

To that end, last year I offered an amendment on the Department of Defense authorization bill, passed by the Senate, which stated that it is the sense of Congress that the U.S. should increase the quota on commercial space launch services provided by Russia if the Russian government demonstrates a sustained commitment to prevent the transfer from Russia to Iran, or other countries, of nuclear and missile technology.

I continue to believe that pending Russian cooperation this quota can be raised to 20 and, if Russia continues to cooperate, incrementally raised again in the coming years. Each launch provides Russia with approximately $100 million in hard currency. A $100 million carrot is a good incentive to cooperate.

The bill we consider before us today recognizes that in addition to such carrots, we must also be prepared to take tough action when necessary. The Iran Nonproliferation Act has two parts.

First, it requires the President to report credible information about any foreign entity providing dangerous technologies to Iran and authorize the President to sanction these entities in accordance with the President's own Executive Order.

Second, it requires that the President must certify that the Russian government opposes the proliferation of weapons of mass destruction to Iran and is taking steps to oppose such proliferation before the Russian Space Agency is provided with any additional U.S. taxpayer money beyond what has contracted for the International Space Station. These are funds which the U.S. is providing to Russia so that Russia can meet its own obligations to the International Space Station. If Russia and the Russian Space Agency cooperates with the U.S. on proliferation, then cooperation between Russia and Iran on the proliferation of advanced ballistic missiles and weapons of mass destruction must stop. If Russia and the Russian Space Agency cooperates with the U.S. on proliferation, then I believe we can work in partnership with them to increase commercial space launch and to provide funding for the International Space Station.

But there are few things more dangerous or destabilizing to U.S. interests and peace and security in the Middle East than a nuclear armed Iran which continues to support international terrorism. And if Russia does not recognize this and is not willing to work with the United States to build a more stable and more secure Middle East, then we must not shy away from taking the tough action necessary to get results.

Mr. HELMS. Mr. President, for the past three years the Clinton administration has fought tooth-and-nail against the legislation now before the Senate. The White House repeatedly claimed, in its attempted defense, that the Lott-Lieberman initiative would undermine U.S. nonproliferation efforts, repeatedly asserting that they had Russia's behavior in check, and that progress was being made.

Well, Mr. President, we now confront an Iran that has been armed to the gills with technology for ballistic missiles and nuclear, chemical and biological weapons. According to the National Intelligence Officer for Strategic and Nuclear Programs, (who testified before the Foreign Relations Committee this past September), Iran is in a position to test, within the latter half of this decade, an ICBM that "could deliver a several-hundred kilogram payload to many parts of the United States . . . using Russian technology and assistance."

Moreover, according to the Director of Central Intelligence, Iran "probably has achieved 'emergency operational capability'" with its medium range Shahab-3 missile. In other words, under President Clinton's watch, Iran has acquired from Russia and China the ability to strike Israel and Turkey with ballistic missiles carrying chemical or biological warheads. And the mullahs are working overtime to develop the Shahab-4 and Shahab-5 in order to menace U.S. citizens at home.

In conclude now, in the absence of fierce opposition to this bill from the White House this time around, that reality has finally sunk in at the National Security Council. The Clinton administration's nonproliferation policy has been an abject failure. Bill Clinton and AL GORE will leave office having subordinated nonproliferation concerns to business interests, the wishes to foreign campaign donors, and their "touchy-feely" personal politicking in Russia, China and elsewhere.

The result has been an all-out firesale of deadly technologies by Russia, China, and others. Delegations from Iran, Syria, Iraq, North Korea, Libya, Sudan, Egypt, India, and Pakistan are virtually tripping over one another on their way in and out of various Russian and Chinese firms.

The Clinton-Gore Administration will leave office:

1. having allowed Russia and China to sell dangerous commodities around the globe with no fear of sanctions or consequences;
2. having presided over the development of a North Korean ICBM capable of dropping biological weapons on U.S. soil (according to the intelligence community, a Taepo Dong-2 ICBM could be tested any day now);
3. having presided over the arming of Iran, Syria, and others with nuclear, chemical, and biological missiles;
4. having squandered its inheritance regarding Iraq by interfering with, and ultimately abandoning, UNSCOM;
5. having prompted India and Pakistan into an all-out nuclear arms race by trying to "strong-arm" the two countries into the Test Ban Treaty (which merely prompted the nations to test);
6. having lost all hope of getting the START II Treaty ratified, which would have banned MIRVed ICBMs in Russia;
7. having imperiled the IAEA by tying the Nuclear Nonproliferation Treaty to the poorly-conceived, poorly-drafted CTBT, which the Senate rightly rejected;
8. having destroyed the Missile Technology Control Regime by allowing Russia (a missile proliferator) to come in as a member; and
9. having wasted half a decade of precious time in deploying a national missile defense to protect the United States from the consequences of their failed nonproliferation policy.

We must all remember that the Clinton-Gore administration voted the DoD authorization bill in 1995 because it required deployment of a national missile defense by 2001, with additional protection by 2003. Because of the President's reckless disregard for the nation's security, the U.S. will not "break ground" on a missile defense site in Alaska until this summer, at the earliest.

At the same time, this administration taught Russia and China how to evade U.S. sanctions laws while simultaneously putting the U.S. sanctions determination process into a deep freeze. Not a single MTCR sanction has been imposed for Russia's arming of Iran or China's assistance to Pakistan. The enormity of this blatant disregard for the law is stunning, Mr. President.

What is worse, by promoting U.S. commercial interests at the expense of national security, the Clinton-Gore administration has become part of the problem.

China's nuclear proliferation has been swept under the rug by Mr. Clinton in order to clear the way for the nuclear lobby to sell reactors to the PRC. We must recall that, in 1998, President Clinton made a legally binding certification which no other President could, in good faith, bring himself to make. But the Clinton-Gore administration was happy to oblige industry and the Communist Chinese.

In 1996 the Clinton administration pulled controls on commercial satellites because millionaire campaign donors wanted it. Unsupervised, unscrupulous U.S. companies engaged in the transfer of very sensitive ballistic missile information to the PRC, including information relating to the MIRVing of ICBMs. The Congress tried to shore up this fiasco by recontrolling satellites, but the Commerce Department is at it again, having recently declared—despite the law—that it wants reduced controls on extremely sensitive items such as radiation hardened chips and kick motors.

From 1993 until 1999, willful disregard for security at the White House and the Department of Energy permitted continued acquisition of the nation's most sensitive nuclear warhead designs by China., This was exacerbated by the foolhardy declassification of thousands of documents by Hazel O'Leary, which undoubtedly has contributed to nuclear weapons capabilities around the globe. Even now, the Clinton-Gore administration is contemplating sharing nuclear weapons secrets with Russia in an effort to bribe them into submission on the ABM Treaty.

Lately, the Department of Defense—once the bulwark against the foolhardy weakening of export controls—has been working "hand-in-glove" with the defense industry and the Gore campaign. The Pentagon is now looking for ways to undermine the Arms Export Control Act. Again, this is happening because industry lobbying groups want these changes. There is an effort underway to avoid congressional notification of arms sales and to create license-free zones. The result, if unchecked, will be unfettered and unregulated trade in weaponry, which cannot be seen as a positive development under any circumstance.

Finally, the administration has decided to support passively an Export Administration Act which would effectively undermine all existing U.S. export controls and which would undercut what is left of the nonproliferation policy which this administration inherited eight years ago. Enormous sums of money are being spent all over Washington by various industry groups because they know how loose export controls will be under this bill.

Ronald Reagan's nonproliferation policy is in shambles, Mr. President. At best, this administration has been inept in managing such important issues. At worst, the administration has co-opted and corrupted nonproliferation policy on the basis of fund-raising schemes being run out of the Oval Office. The damage to U.S. nonproliferation policy is so severe and far-reaching, and the global results to date have been so catastrophic, that the next administration is going to spend the first four years just picking up the pieces.

Mr. President, history will do worse than recording this administration as having fiddled while Rome burned. It will record these people as having set many of the fires themselves.

I support the Iran Nonproliferation Act. Its reporting requirements will shed light on the fact that numerous Russian entities have sold their souls to the Mullahs in Tehran by offering that bunch of terrorists everything they want for their ballistic and cruise missile programs, including nuclear, chemical, and biological warfare technology. It will also prove that this administration has accomplished nothing in the past several years of "talking."

That said, however much it might help, this bill will not solve the problem. It is much too late to prevent Iran from capitalizing upon the capabilities it has acquired.

While it is not too late to defend ourselves, or to assist Israel, Turkey, and others in defending themselves, it will fall to the next administration to reconstruct a comprehensive nonproliferation policy and reverse the fearful effects of the past eight years.

Thank you, Mr. President; I yield the floor.

Mr. COCHRAN. Mr. President, the proliferation of weapons of mass destruction and ballistic missile delivery systems continues to be one of the most significant threats to America's national security. States like North Korea and Iran are actively pursuing ambitious programs and the technology needed to threaten the United States. Unclassified reports from our intelligence agencies indicate that these efforts have intensified.

Iranian ballistic missile progress is largely the result of substantial assistance from North Korea, China, and especially, Russia. There is no doubt that foreign technology and assistance are essential to Iran's ballistic missile and weapons of mass destruction programs. The U.S. intelligence community's most recent unclassified Semiannual Report to Congress on Proliferation states, "Iran remains one of the most active countries seeking to acquire WMD [weapons of mass destruction] and ACW [advanced conventional weapons] technology from abroad."

The type of foreign assistance that is the subject of this legislation serves to increase the sophistication and rate of development of Iran's ballistic missiles. We must do more than we are doing now to impede its progress and, at the same time, prepare defenses against the use of such weapons.

The rapid development of the Shahab-3 demonstrates how foreign assistance accelerated Iran's ballistic missile programs. The Shahab-3 is based on the North Korean Nodong ballistic missile. But instead of simply purchasing the missile as Pakistan did, Iran chose to modify the design of the missile with Russian and Chinese assistance and produce the missile on its own. In February 1997, George Tenet, then Acting Director of the CIA, testified that with North Korean assistance, Iran could develop the Shahab-3 medium-range ballistic missile, "in less than ten years." Less than a year later, in January 1998, Director Tenet testified, "Iran's success in gaining technology and material from Russian companies, combined with recent indigenous Iranian advances, means that [Iran] could have a medium-range ballistic missile much sooner than I assessed last year." Six months later, in July 1998, Iran flight-tested the Shahab-3. An unclassified Intelligence Community report released in January of this year assessed that Iran has achieved an "emergency operational capability" with the Shahab-3.

Proliferation to Iran continues. According to the U.S. intelligence community's most recent unclassified Semiannual Report on Proliferation, summarizing proliferation that occurred in the first half of 1999,

> Russian entities during the first six months of 1999 have provided substantial missile-related technology, training, and expertise to Iran that almost certainly will continue to accelerate Iranian efforts to build new indigenous ballistic missiles.
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> * * * * *
>
> During the reporting period, firms in China provided missile-related items, raw materials, and/or assistance to several countries of proliferation concern—such as Iran.
>
> * * * * *
>
> Throughout the first half of 1999, North Korea continued to export ballistic missiles-related equipment and missile components, materials and technical expertise to countries in the Middle East . . .

This report to Congress also states, ". . . economic conditions in Russia continued to deteriorate, putting more pressure on Russian entities to circumvent export controls. Despite some examples of restraint, Russian businesses continue to be major suppliers of WMD equipment, materials, and technology to Iran."

Because Russian government officials continue to show an unwillingness or inability to stop this dangerous assistance to Iran, the legislation we are considering should be passed to authorize and direct more effective sanctions.

North Korea's continuing relationship with Iran is also of great concern. Iran has already received sufficient technology from North Korea to build a copycat three-stage Taepo Dong-1 ballistic missile on its own. Moreover, senior Intelligence Community officials have testified that they expect North Korea to continue to sell ballistic missiles to Iran. Therefore, we must expect Iran to acquire the technology for the longer-range Taepo Dong-2 ballistic missile when North Korea begins its export. It is too optimistic, given the North Korea-Iran ballistic missile relationship, to expect Iran's capabilities to lag North Korea's for very long.

There are several significant consequences of the continued proliferation of ballistic missile technology to Iran. I'll mention two.

First, this assistance will allow Iran to develop more advanced ballistic missiles faster, cheaper, and easier than it otherwise would have on its own. Iran's defense minister has announced that it is working on the more advanced Shahab-4 and Shahab-5 missiles, and the Iranians even claim that they are going to launch a satellite into orbit by the second half of 2001. According to press reports, Iran's Shahab-4 and Shahab-5 ballistic missiles will use Russian engine technology, leading to an Iranian ICBM based in large part on Russian technology. Diminishing this proliferation is essential to slowing Iran's long-range ballistic missile program.

Second, Iran is bound to become a supplier of ballistic missile technology and expertise as its own program proceeds. CIA Director Tenet recently made this point, testifying that, "Iran's existence as a secondary supplier of this technology to other countries is the trend that worries me the most." We are already seeing indications that Iran is no longer merely a recipient of ballistic missile technology. According to unclassified intelligence community reports, Iran is assisting Libya's ballistic missile programs. Press reports also indicate Iran is helping Syria and others develop or acquire ballistic missiles.

The legislation before the Senate will improve our efforts to restrain the proliferation of weapons of mass destruction and ballistic missile technology to Iran. I urge its approval.

Mr. LEVIN. Mr. President, I had a number of concerns with this bill, as it was approved by the House. I am pleased that we have been able to reach agreement on an amendment that addresses many of these concerns. The managers' amendment would make it clear that the application of sanctions under section 3 of the bill is discretionary, not mandatory. It would also urge the executive branch to provide notice to persons who may be subject to sanctions under this provision, giving them an opportunity to provide explanatory or exculpatory information before such sanctions are provided.

I had planned on offering several amendments to this bill when it came to the floor, but because of the adoption of this amendment, I shall not do so. I would also like to clarify a few points with the chief Senate sponsors of the bill.

First, the bill requires reporting of foreign persons when there is "credible information" indicating that the person transferred specified goods, services, or technologies to Iran. I understand that it is the intent of the sponsors that the President judge the credibility of information on the basis of all information available to him, including both information that supports and information that undermines the conclusion that a covered transfer may have taken places. In other words, "credible information" is information that would lead a reasonable person to conlcude—after consideration of all the available evidence—that there is a substantial possibility that a covered transfer took place. Is that correct?

Mr. LOTT. I agree. That understanding is consistent with the intent of the House, which defined "credible information" as such in its report.

Mr. LIEBERMAN. I agree.

Mr. LEVIN. The second point that I would like to address is the use of the word "timely" in the managers' amendment. It is my understanding that the intent is that, whenever appropriate, the President provide notice to foreign persons, or to the government with primarily jurisdiction over such persons, in a manner that provides them a reasonable opportunity to provide explanatory or exculpatory information before sanctions are imposed. Do the lead sponsors agree with this view?

Mr. LOTT. I agree.

Mr. LIEBERMAN. I agree.

Mr. LEVIN. Finally, I would like to address section 6 of the bill, which requires a determination by the President that, among other things, the Government of Russia has demonstrated a sustained commitment to seek out and prevent the transfer to Iran of goods, services and technology that "could" make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems. It is my understanding that the use of the word "could" in this provision is not intended to go beyond other nonproliferation requirements or require the President to consider remote or absurdly hypothetical circumstances. Is that correct?

Mr. LOTT. That is correct. The use of the term "could" is meant to convey an expectation that commodities should be controlled and monitored because of their potential for contributing to nuclear, chemical, or biological warfare programs, or to ballistic or cruise missile development. That is to say, this section covers commodities which should be controlled because of their physical or technological properties. This standard is consistent with current United States export control practice and with various statutory nonproliferation reporting requirements.

Mr. LIEBERMAN. I agree.

Mr. KYL. Mr. President, I rise today in support of the Iran Nonproliferation Act. For the past few years, I have been concerned about Iran's efforts to acquire the technology for ballistic missiles and nuclear, biological, and chemical weapons from Russia and China.

When reports began to surface in 1997 about Russian missile assistance to Iran, I met twice with Russia's Ambassador to the U.S. and the administration's special envoy on this issue to express my concern about this dangerous trade and to urge the Russian government and the Clinton Administration to take steps to stop it.

I also gathered together a group of 99 Members of the House and Senate, who wrote to the President to urge him to invoke sanctions to halt this trade. The President refused.

Along with a bipartisan group of House and Senate Members, I went to the White House to meet with Vice President GORE to urge the administration to take concrete actions to end Russian transfers to Iran. Again the administration refused, citing the need to let diplomacy work.

That summer, I successfully offered an amendment that was adopted by unanimous consent to the fiscal year 1998 Foreign Operations Appropriations bill barring U.S. aid to Russia if missile assistance to Iran continued. In conference, the amendment was changed to give the President the ability to waive this prohibition on aid to Russia, which he subsequently did.

In November 1997, the Senate unanimously passed a concurrent resolution that I sponsored, expressing the sense of the Congress that the President should sanction the Russian organizations involved in selling missile technology to Iran. The House also passed this resolution overwhelmingly by a vote of 414 to 8. Again the President refused to impose sanctions.

The Congress tried again to spur the administration to action 6 months later when we passed the Iran Missile Proliferation Sanctions Act mandating sanctions on any organization involved in assisting Iran's missile or weapons of mass destruction programs. This bill passed the Senate by a vote of 90 to 4. Yet, when it reached the President's desk, he vetoed it.

Instead of voting to override this veto, the Congress acceded to the President's request for more time to let diplomacy work. The verdict is in on that decision. Transfers of nuclear, biological, chemical, and ballistic missile technology to Iran persist demonstrating the Congress erred in deciding not to override the veto. While the administration has imposed so-called administrative sanctions against a handful of Russian entities, it cooperated with the Russian government to identify the target organizations such that the sanctions would have no meaningful effect, completely undermining the value of the action.

While I will not go into the same detail here, let me simply say the administration has a similar record on Chinese proliferation to Iran, where it has failed to enforce U.S. laws calling for sanctions, again noting the need to let diplomacy work.

Since the administration would not take steps to halt proliferation to Iran, I offered an amendment to a supplemental appropriations bill that the President signed into law in May 1998. The amendment appropriated $179 million to accelerate the development of U.S. theater missile defenses, including $45 million for Israel to begin purchasing equipment for a third battery of its Arrow missile defense system in order to counter the increased Iranian missile threat.

As these examples show, the Clinton Administration is simply not willing to take the tough actions necessary to prevent proliferation. As a result, intelligence assessments indicate the problem is growing worse all the time. In an unclassified report to Congress last month, CIA Director George Tenet stated;

> Iran remains one of the most active countries seeking to acquire weapons of mass destruction and advanced conventional weapons technology from abroad. . . . For the first half of 1999, entities in Russia and China continued to supply a considerable amount and a wide variety of ballistic missile-related goods and technology to Iran. . . . Iran already is producing Scud short-range ballistic missiles and has built and publicly displayed prototypes for the [1.300 kilometer-range] Shahab-3 medium-range ballistic missile, which had its initial flight test in July 1998 and probably achieved "emergency operational capability"—i.e., Tehran could deploy a limited number of the Shahab-3 prototype missiles in an operational mode during a perceived crisis situation. In addition, Iran's Defense Minister last year publicly acknowledged the development of the [2,000 kilometer range] Shahab-4 . . . [and] publicly mentioned plans for a "Shahab-5."

In the report, Director Tenet went on to note that Iran continues to seek biological warfare technology from Russia and Europe and despite being a party to the Chemical Weapons Convention has "already has manufactured and stockpiled chemical weapons . . . and the bombs and artillery shells for delivering them." He also said that "Tehran continues to seek production technology, expertise, and chemicals that could be used as precursor agents in its chemical warfare program from entities in Russia and China."

Finally, the report indicated that despite promising never to acquire nuclear weapons, when it ratified the Nuclear Nonproliferation Treaty (NPT), Iran has a nuclear weapons program, stating:

> Iran is attempting to establish a complete nuclear fuel cycle for its civilian energy program. In that guise, it seeks to obtain whole facilities . . . that in fact could be used in any number of ways in support of efforts to produce fissile material needed for a nuclear weapon. Despite international efforts to curtail the flow of critical technologies and equipment, Tehran continues to seek fissile material and technology for weapons development and has set up an elaborate system of military and civilian organization to support its effort.

In fact, according to the Washington Post, the CIA recently concluded that it could no longer rule out the possibility that Iran is already capable of producing a nuclear weapon. This is terribly troubling in light of the progress Iran has made in its missile program. Earlier this month, Director Tenet testified to the Intelligence Committee that:

> Most [intelligence] analysts believe that Iran, following the North Korean pattern, could test an ICBM capable of delivering a light payload to the United States in the next few years. . . . As alarming as the long-range missile threat is, it should not overshadow the immediacy and seriousness of the threat that U.S. forces, interests, and allies already face overseas from short and medium range missiles. The proliferation of medium-range ballistic missiles [to nations like Iran] is significantly altering strategic balances in the Middle East and Asia.

Finally, Director Tenet outlined a new type of proliferation threat from Iran in his testimony, warning that:

> . . . long-standing recipients—such as Iran—might become suppliers in their own right as they develop domestic production capabilities. . . . Iran in the next few years may be able to supply not only complete Scuds, but also Shahab-3s and related technology, and perhaps more advanced technologies if Tehran continues to receive assistance from Russia, China, and North Korea.

It is clear that meaningful measures, and not simply another round of feckless diplomacy or a flawed international treaty such as the Comprehensive Test Ban Treaty CTBT, is needed to combat this growing threat. Last Fall, the Administration accused the Congress of undermining U.S. nonproliferation efforts in rejecting the CTBT. But that treaty was unverifiable, would have undermined America's nuclear deterrent, and would have done nothing meaningful to combat proliferation.

As I mentioned earlier, Iran along with 191 other nations has ratified the

NPT, and thereby promised never to acquire nuclear weapons. It is violating this treaty. It is also violating the Chemical Weapons Convention and is acquiring missile technology. All of these actions should trigger U.S. sanctions, but the Clinton Administration has refused to take action.

If arms control treaties like the NPT and other nonproliferation efforts are to be useful, they must be enforced. I urge the administration to finally get serious about this matter and for my colleagues to vote for the Iran Nonproliferation Act. Iran's possession of nuclear, biological, and chemical weapons, and the missiles used to deliver them poses a clear and present danger to the United States and our forces and friends in the region. It is long past time that we address this threat.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MARINE FISHERIES SERVICE REGULATION

Mr. GORTON. Mr. President, I want to read portions of a proposed regulation found on page 173 of the January 3, 2000, issue of the Federal Register:

> "[I]t is important that individuals alter their daily behaviors," "and for governmental entities to seek programmatic incentives, public education, regulatory changes, or other approaches."
>
> "Daily behaviors" are further defined as "individual decisions about energy consumption for heating, travel, and other purposes;" and "individual maintenance of residences or gardens."

Those passages come directly from a "4(d)" Endangered Species Act regulation for the Pacific Northwest proposed by the National Marine Fisheries Service. The rule states flatly these are examples of activities that could kill salmon or steelhead through water, air, and ocean pollution, and that NMFS "might or might not" seek to regulate them as such under the rule.

Taken literally, if these rules are enacted as written, National Marine Fisheries Service could regulate how often individuals drive their cars, where and how property owners could plant or fertilize their lawns, gardens, or farm crops. They could dictate the content of county zoning, public works, building, and road ordinances, and possibly even suggest limits on the setting of thermostats in homes or public school classrooms, or the operation of public transit buses—all to protect salmon.

Washington citizens, and those in other Northwest States, would be asked to make a host of changes in their daily lives, but unfortunately, could be assured of nothing except for the certainty that a greater portion of their tax dollars would fund the salaries of even more Federal bureaucrats to draft more rules and regulations of this nature. This year, the National Marine Fisheries Service is asking Congress to fund 41 new employees just to implement its West Coast salmon recovery plan.

Those proposals would represent a striking power grab by unelected bureaucrats if they were absolutely necessary to save whole species of salmon. But they are not. As I said in a letter to President Clinton 2 weeks ago, the Federal Government should be seeking to encourage and promote incentives for States, tribes, and local entities and private groups to come up with creative solutions to save salmon, not make it more difficult for them.

And that is exactly what these rules do. The rules go far beyond telling hundreds of farmers in the Methow Valley that they cannot exercise their water rights to irrigate their crops until they have National Marine Fisheries Service-approved fish screens installed at their own expense, as the agency told my constituents in north central Washington last year.

They would go beyond holding up the construction of bridges in Columbia County or cities' efforts to install stop lights, as the National Marine Fisheries Service's salmon regulatory process has already done.

In short, these rules, if enacted as proposed, would be likely to slow down local salmon recovery efforts, rather than "increasing people's flexibility in complying with the Endangered Species Act," as the National Marine Fisheries Service publicly claimed in mid-December. More Federal bureaucracy simply will not help local communities and private groups protect salmon and steelhead.

I also notice that the National Marine Fisheries Service has proposed a narrow set of exemptions within the rules, which could make the enforcement of the rule arbitrary and unfair against those who don't meet their stated criteria. The Oregon Department of Transportation, for example, would be in compliance with the rule in carrying out its road maintenance activities on roads abutting streams, because that agency agreed to implement special National Marine Fisheries Service-approved training for its road maintenance crews. No such exemption exists in the rule for private land owners anywhere or the Washington Department of Transportation to carry on the same activities.

The people of Washington State realized the importance of not allowing endangered salmon and steelhead runs to go extinct long before any Federal agency told them they should modify their own "daily behavior" as part of the effort. The only "daily behavior" that local salmon enhancement groups are concerned with in Washington right now is to restore salmon and steelhead runs right in the streams and rivers near where they live and work. And they are doing it.

Look, for example, at the successful efforts of the variety of agricultural, business, and tribal groups who formed the Skagit Watershed Council to produce an on-the-ground science-based strategy for prioritizing local habitat recovery projects. They came together, often disagreeing on other issues, but to work together on the most productive salmon recovery efforts—without the Federal Government telling them to do so.

Then there are the successful efforts of Long Live the Kings on the Wishkah River on Grays Harbor County, where low-tech, inexpensive habitat restoration methods helped double the returns of natural spawning salmon there in 1 year.

A captive brook stock facility was built with $1 million in private funds on Lilliwaup Creek on Hood Canal, and already the State of Washington has looked to that success in restoring the very most threatened local wild salmon runs. I can cite several more examples, but suffice it to say that local efforts are underway, and we should congratulate their efforts to proactively and successfully preserve salmon.

Proposing regulations of this sort, at the very least, would be putting the "cart before the horse." The National Marine Fisheries Service must come forward with concrete goals of how many fish they intend to recover throughout the Northwest in areas they call "evolutionary significant units." This is something that Congress asked the National Marine Fisheries Service to do in an appropriations conference report last year. The National Marine Fisheries Service was directed to determine and set numerical goals for Puget Sound areas by July 1 of this year, and, by then, to set a schedule for establishing numerical goals for all other areas in Washington State.

Why is this important? Well, very simply put: How can you mandate means, mandate lifestyle changes, before you know what you are trying to accomplish? In my view, having these numerical goals is critical to guiding the agency in any effort it makes to enforce 4(d) rules to protect threatened species.

Unfortunately, not only has the National Marine Fisheries Service failed to provide the required numerical goals for salmon species, it has yet to deliver the actual funding to the State. Last year, Congress approved $18 million to be provided directly by the National Marine Fisheries Service to the Washington State Salmon Recovery Board, so that the board could distribute funds for State and local salmon recovery projects, as well as fund implementation of the Washington Forest and Fish Agreement, which was authorized by the State legislature. I am disturbed to learn that the National Marine Fisheries Service has not yet secured arrangements to distribute these much-needed funds to the State of Washington. As a result, the National Marine Fisheries Service is holding up State and local efforts to comply with the Endangered Species Act.

Even without funding, several counties and salmon enhancement groups throughout Washington have been working on their own plans to comply with ESA requirements. Many smaller counties, however, simply do not have the resources to meet the National Marine Fisheries Service process under the rules. They are nevertheless expected to scramble to come up with their own ordinances that will be ultimately reviewed and approved by the National Marine Fisheries Service to ensure that they are "adequate to help conserve anadromous salmonids."

Aside from my concerns with the way these rules are written, I am not at all pleased that the National Marine Fisheries Service has decided to refuse even a modest extension of the public comment period, and has stated publicly that it wants to enact this rule by July.

Keep in mind, these lengthy, 20 plus page rules were only printed for the first time in the Federal Register about 5 weeks ago. After tonight, the public hearings process will already have been slammed shut.

That is why when I learned that the regional director of the National Marine Fisheries Service had scheduled all five of Washington's public hearings on these lengthy and complex rules within just a 7-day period, I asked for more opportunities for citizens to be heard. Most of the five hearings were so full of interested citizens that not everyone could find a chair or be given adequate time to have a face to face question and answer period with the very bureaucrats who want to have the authority proposed in these rules.

While the National Marine Fisheries Service recently agreed to two additional hearings scheduled on the same day and time, they flatly refused to extend the comment process, stating that "a longer extension to the public comment period would not be likely to provide any new information, and would delay implementation of the rules, which the National Marine Fisheries Service feels are necessary for salmon conservation." It is disturbing that while they are often criticized for being too slow to process permit requests, when it comes to listening to people on highly controversial proposals, they can't move fast enough to enact them into law.

The National Marine Fisheries Service owes the citizens of Washington and the Pacific Northwest a more responsible handling of their duties to enforce the Endangered Species Act. Section 2(c)(2) of the Endangered Species Act requires the National Marine Fisheries Service to cooperate with State and local agencies to protect endangered species. I believe the National Marine Fisheries Service cannot fairly force rules and local and State agencies without first establishing the goals and objectives requested by Congress last year. I renew the request made by the appropriations conference for the National Marine Fisheries Service to provide the numerical goals and objectives for Puget Sound salmon, to provide a framework for similar numerical goals and objectives for the rest of Washington and the Pacific Northwest, and to establish performance standards for salmon recovery projects. And they should do so before they enact these rules.

I conclude my comments by noting that any proposal which would regulate "daily behavior" certainly requires closer scrutiny than 30 days of public hearings and 30 more days of written comments. I commend those Washington citizens who are now working hard on local-based solutions to protect salmon, and offer them my full and continued support for the successful course they are taking to rebuild and restore salmon. I am concerned that the Federal Government, with rules drafted in this manner, would not help these on-the-ground local efforts. I will continue to call on Federal agencies not to dictate how best to accomplish ESA compliance. I request that the National Marine Fisheries Service address the valid concerns I and others raise regarding these proposals and to do so before they begin implementing these sweeping regulations.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator may state his inquiry.

Mr. BURNS. Are we in morning business or are we on a specific subject?

The PRESIDING OFFICER. The Senate is considering H.R. 1883.

Mr. BURNS. I ask unanimous consent to proceed as in morning business for the next 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUEL COSTS

Mr. BURNS. Mr. President, there are a lot of truckers in town, protesting what they say is an unwarranted increase in fuel costs that is putting them out of business.

It really doesn't surprise me. It seems every year we come to the floor of the Senate to criticize the administration's failure to implement a domestic energy policy that would support a sustainable oil and gas industry. We argue for tax relief, common sense royalty collection, access to oil and gas reserves on Federal lands. We do this because there are a lot of us who watch figures, and every day we can see that we are growing more dependent on foreign sources of oil and gas. Oil traditionally coming from the Middle East and gas coming from Canada in ever increasing volumes despite large, untapped reserves in America. I have been joined by numerous Senators from around the Nation in bringing those concerns to the floor. We have proposed numerous pieces of legislation to combat the problem, yet we have not been successful in getting many of them enacted into law.

As a result, we are faced with what is happening today: Oil prices are now around $30 a barrel, with few domestic producers reaping any benefits, and with most of our oil coming from offshore. There are few domestic producers enjoying the rise in oil prices because the Administration's energy and environmental policies have just about run them all out of business. That is sad. I speak not only for the oil and gas industry, the trucking industry and the transportation industry, but also for all consumers. A case in point is that we are already witnessing a surcharge being put on airline tickets; the same thing will happen soon with rail transportation as well.

When I take a look at my home State of Montana, fuel costs are at least 50 percent higher than they were just a year ago. We have cause for frustration. Montanans are at the end of the line. I don't care if you are receiving goods or shipping product, it hurts us. This is especially true for our number one industry, agriculture. We end up selling wholesale, buying retail, and paying the freight both ways. One has to remember that these costs have to be absorbed by somebody. This somebody is generally the person least able to afford it. Now we have to ask ourselves a question. Are we doing anything about fixing the root of the problem? What are we doing to fix the root problem we have in energy development?

Today's rally of long-haul truckers underscores the reality that all consumers and all producers are being faced with fuel increases resulting from a failed domestic energy policy. Prices are simply raising out of sight. We have 26,000 people in Montana who are employed by the trucking industry. They are being impacted by these increases. Farmers are coming upon the planting season. They are facing higher fuel costs which add to their uncontrollable costs of production. Costs of producing in the agricultural industry cannot be passed on; they never have been in the past. It is a buyers' market and you sell for what they offer. End of story. Just because our fuels costs go up, does not mean we get to charge more per bushel. We also aren't faced with the luxury of turning a tractor off and waiting for fuel prices to go down. Mother Nature dictates when you plant, when you till, and when you harvest. She doesn't care if diesel is 50 cents a gallon, $1 a gallon, or $1.80 a gallon. When the time comes, you go.

We have seen some improvement in the livestock industry, but we have not seen any kind of improvement in the grain industry. There again, with grain, we get hit harder by energy costs than anywhere else.

So far, the administration's only action has been to send the Secretary of Energy, Bill Richardson, to ask OPEC to release more oil and reduce prices. That tells me we are not in a very strong bargaining position. That is upsetting when we could have taken steps to avoid our current plight. The problem of inaction by the administration carries over into other areas of energy. One example is the production of clean coal. We have a lot of coal that is clean coal and considered "compliant coal" by the Clean Air Act. It has low SO_2 levels, and low emissions. But so far, the Department of the Interior has blocked any sale of that coal, which lies right at the top of the earth. The only thing that has to be done is to take the overburden off, mine the coal and reclaim the area. The result of this inaction has been—and it will show up later on in America's power bills—that soon we will face a shortage of clean coal and stringent emissions controls, and all at once our electric bills will increase because we haven't done a very good job in managing our clean coal resources.

Secretary Richardson has testified before the Senate Energy and Natural Resources Committee that clean coal will be an integral portion of our Nation's energy portfolio for the next 30 years. But after they say that, they have done nothing or they are unwilling to ensure that the political actions of the Department of the Interior do not endanger the supply of clean coal.

It doesn't make a lot of sense. How about hydroelectric production of electricity? Secretary Babbitt wants to be known as the first Secretary to tear down large dams that are placed along some of our major waterways, and he offers no response when asked how we are going to replace the power produced by those dams. In light of the recent action on the nuclear waste bill, the administration has also opposed any cohesive policy for nuclear energy management, instead desiring to sit back and posture on the debate.

Again, we see evidence of a failed energy policy. Today we see the truckers coming to town, and that is just the tip of the iceberg. The Department of the Interior has thwarted any attempts to reinvigorate the domestic gas industry. They have closed vast areas of our Outer Continental Shelf to gas. They will release a statement saying they fully support the natural gas industry, yet fail to deliver on any of the policies to help it along.

The same has been done throughout the Rocky Mountains. We have reserves of natural gas across Montana that could be used to fuel this nation. There is a large supply, yet we cannot tap it because of the Department of the Interior and this administration's policy seal it away development.

I want to bring up one more fuel related problem we are faced with in Montana. In my hometown of Billings, MT, we have three refineries. They produce gas, diesel, and other refined petroleum products, not only for domestic use in Montana but also for the entire region, including eastern Washington. We have to reroute a pipeline that lets those products flow to the Spokane area, and it has to cross about 60 miles of Forest Service managed public lands. This reroute has been vigorously opposed by this administration.

What happened? The Yellowstone Pipeline Company went to the Forest Service and said: Give us an estimate for the reroute proposal. We have to do an environmental impact statement. We want to do it right. This was back in 1997. What will it cost they asked. Less than a million dollars was the response from the Forest Service. Good they responded, let's go ahead with the EIS process and find a viable route. Three years later, the Yellowstone Pipeline Company has paid $5 million to resite those 60 miles of pipeline, and just a week and a half ago the Yellowstone Pipeline was forced to pull the plug on the project because the Forest Service refused to acknowledge that their preferred alternative was too expensive to build. A pipeline, the cheapest way to move fuel and distribute energy across this country, now is in jeopardy, if not dead.

The result will be that these 60 miles absent of pipeline will be crossed in another way. We are going to rail it or truck it. We will probably have an accident, even the Forest Service's EIS documents acknowledge this. A spill will probably result—we have already had one at Alberton. We might also truck it. However, with energy costs as high as they are today, that will increase the cost to consumers. It also, in that 60 miles, exposes traffic to large semis on a two-lane road. Lives will be at stake. The Forest Service has also acknowledged that, but continues to forge along proposing an unbuildable route. The hazards to the public, and the costs to the consumer, increase. That is just an example of what this administration has failed to do to ensure that we have energy prices that are affordable and energy is accessible to all Americans.

So we feel for those truckers out there. We know what it is like to go down that road and try to deliver the goods to America in an efficient and safe way, and to get the products to market in a competitive manner so they fall within the consumers' reach of affording them.

Two years ago, we were buying gasoline for around 85, 90 cents a gallon. It didn't take us long to get spoiled, did it? But now we find that through that we usually have to pay the piper one time or another. It is us, the consumers, that will pick up the bill of a failed energy policy. The administration will be gone, but we will be left holding the tab. It is our economy that will slow, and it is our families that will have to do with less. We see it happening today in our oil and gas production. Let's not see it happen in our electricity production. This economy we have been enjoying all these years could go away in a flash—just a flash. It takes a while for an administration's action to lead to a tangible impact, we are beginning the impact of this administration's failed energy policy today.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN NONPROLIFERATION ACT OF 1999

Mr. DOMENICI. Mr. President, parliamentary inquiry. What is the status of the legislation at this time?

The PRESIDING OFFICER. We are considering H.R. 1883 under a time limit.

Mr. DOMENICI. Under that time limit, can the Senator from New Mexico speak?

The PRESIDING OFFICER. If he yields himself time.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise today in strong support of the legislation before us. This legislation is only one of many important steps required to counter the greatest threat to U.S. security in this era—the proliferation of weapons of mass destruction.

I am not being an alarmist. I am being a realist. The proliferation of nuclear, chemical, and biological technologies and the means to deliver them present a growing threat to U.S. security. This is a threat which we have only begun to address in the changed security environment of the 21st century.

Mr. President, I would like to mention three important aspects of the problem as stated by George Tenet, the Director of Central Intelligence, before the Senate Select Committee on Intelligence early in February.

First, Russia and China no longer represent the only missile threat to the United States. The missile threat to U.S. interests and forces from other nations is here and now.

Second, South Asian nations are establishing doctrine and tactics for the use of their missiles and weapons of mass destruction. The nuclear rivalry between India and Pakistan steadily intensifies. The potential for miscalculation, misperception and escalation of the conflict in Kashmir is high.

Third, the countries we previously considered technology importers are now assuming roles as "secondary suppliers." This compounds the proliferation problem and confounds our ability to control or defend against it.

As outlined in the most recent Intelligence Community assessment of Ballistic Missile Threats, by the year 2015 the U.S. will not only face the ongoing challenges of large-scale missile threats from China and Russia. U.S. cities will also confront a real threat from other actors—North Korea, probably Iran, and possibly Iraq.

One must mention that Intelligence Community's estimate excludes the possibility of social or political changes in those countries that would change the calculus. Also, the missile arsenals of these nations would be much smaller, limited to smaller payloads, and less reliable than Chinese or Russian capabilities.

At the same time, these remain a lethal and less predictable threat. Acute accuracy is not required for missiles tipped with nuclear, biological, or chemical warheads. And the U.S. cannot bank on rational actions from dictators like Saddam Hussein or Kim Chong-il.

At the same time that the threat increases, global changes make non-proliferation efforts even more difficult. Three specific aspects in the current international security environment will impede U.S. efforts to control or minimize this threat.

First, Russia—hard currency starved and heavily indebted—is a willing merchant—most notably of conventional defense items, but the U.S. Russian sales are not limited to this. This legislation attempts to address this aspect through creating incentives for the Russian government and others to implement and enforce stricter export controls on private actors or institutes in their dealings with Iran.

Second, North Korea and their No-Dong missile sales are altering strategic balances in the Middle East and Asia. While the administration's new strategy for engagement with North Korea may retard developments that require testing, such as reliability of long-range missiles, many suspect that the North Korean missile program continues and that its role as a supplier of medium-range missile technology has not been addressed.

Third, technology advances and rapid international economic integration alter and confuse the means by which the United States can control military advances of other nations. The list of potentially threatening dual-use technologies continues to grow. This is especially true of information technologies—command, control, communication, and information technologies, C-31, now comprise about 75 percent of a modern military's capability. But potential dual use is also true of nuclear, chemical, biological, and missile technologies.

The proliferation threat will remain our Nation's No. 1 security challenge in the 21st century. At the same time, the United States will be most vulnerable to this threat. As George Tenet, our head of the CIA, also noted, U.S. hegemony has become a lightning rod for the disaffected.

As Americans enjoy unprecedented prosperity, many in the world remain disaffected. These disaffected represent a group who resent our power and our prosperity. Our success fuels the intensity of their claims and their feelings. The same forces aligned against our nonproliferation objectives apply to terrorist organizations as well, whether state sponsored or not. A disaffected Iran, despite some moderating trends, remains an active state supporter of terrorism.

Terrorist groups will continue to increase their destructive or their potential for disruption through rapidly evolving and spreading technologies. Again, chemical, biological, radiological, and nuclear agents offer cheap means to achieve highly lethal terror. Acquisition of information technology may not only greatly improve a terrorist group's means for organization and coordination and attack, these technologies offer increasing potential for massive, possibly crippling, disruption of U.S. information infrastructure.

This legislation is a small step, but a good one, in addressing the problem of supplying WMD technologies to Iran. But we have much more work to do. We must prevent, when prevention is possible, such as providing safeguards for nuclear materials in Russia and controlling access to technology and know-how as best we can and in as many cases as we can.

We must also find the most effective means to defend against such threats, such as training and equipping policemen and firemen to respond to these attacks and pursuing the best technological solutions to defend against them.

I believe the United States is not pursuing with sufficient vigor the means of greatest potential against missile threats. For example, directed energy technologies represent the next revolutionary step in military technologies. Laser technologies in particular dramatically alter U.S. potential to counter a missile attack. Missile defense at the speed of light will improve effectiveness and efficiency, substantially reducing the cost-per-kill ratios.

Despite this understanding, the budget of the President cut the airborne laser program $92 million. In addition, the defense budget reduced science and technology spending, according to our first estimates, by more than $1 billion. It is not easy to understand. The administration proposes sacrificing the potential of real defense against proliferation threats, although it seems very clearly to be a shortsighted approach.

I have been working as hard as I can, and in some instances at the forefront, on some prevention efforts, especially with respect to proliferation threats from Russia. I hope this year for stepped up measures of prevention, especially regarding the threat of nuclear proliferation in the form of the brain drain from Russia. At the same time, where I can, I will put on a full court press to improve the science and technology budget for the Pentagon, especially as it pertains to the most promising means of missile defense and directed energy.

I hope my colleagues will join in ensuring that every means of proliferation prevention is pursued. I also invite my colleagues to join in increasing the means of our military laboratories to provide for our national defense.

I yield the floor.

Mr. GRAMS. Mr. President, I ask unanimous consent that the vote on passage of H.R. 1883 occur at 11:30 a.m. on Thursday, February 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. In light of this agreement, there will be no rollcall votes today.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to speak for not to exceed 10 minutes out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY BIRTHDAY, SENATOR TED KENNEDY

Mr. BYRD. Mr. President, The Apocrypha, or the Hidden Books, is a term used to describe the books found in the Alexandrine Greek Scripture (The

Septuagint), but absent from the Orthodox Hebrew Scripture. In the second book of Esdras is found the following Admonishment: "Now therefore keep thy sorrow to thyself, and bear with a good courage that which hath befallen thee."

There is one Member of this body who seems to have lived his life by that particular piece of ancient wisdom. That Member to whom I refer is the senior Senator from the State of Massachusetts, EDWARD M. KENNEDY.

The saga of the Kennedy family is well known by nearly everyone. It is a story replete with triumphs and unfathomable tragedies. Many times, I have marveled, at the resilience displayed by TED KENNEDY and by his family. Somehow they always manage to regroup, to prevail, to go on, even in the face of devastation.

I believe they find their strength in the love of each other, and in their unstinting devotion to public service.

Senator TED KENNEDY is absolutely committed to public service.

He has served and served wisely and well in the United States for 38 years. First elected to the Senate in 1962, TED KENNEDY is now the third most senior Member of this body.

A child of privilege, educated at Harvard and the University of Virginia Law School, TED KENNEDY could have taken the easier path in life. But instead TED KENNEDY came to the Senate to work. And the causes he has championed and put his broad shoulder to the wheel to support, are for the most part, the causes that benefit the little people—the poor, the downtrodden, the children in our society.

Senator KENNEDY has been an unstinting warrior in the effort to ensure quality health care to the citizens of the Nation. Two recent achievements in this area are the Health Insurance and Accountability Act of 1996, which makes it easier for those who change or lose their jobs to keep their health insurance, and the children's Health Insurance Act of 1997, which makes their health insurance far more widely available to children through age 18 in all 50 states.

Senator KENNEDY has for years, also been a dynamic leader on a wide range of other issues of central importance to the people of this Nation, including education, raising the minimum wage, defending the rights of workers and their families, strengthening civil rights laws, assisting individuals with disabilities, fighting for cleaner water and cleaner air, and protecting Social Security and Medicare for senior citizens.

I have not always agreed with his solutions to our Nation's problems, but I have always respected his capacity for hard work, his devotion to the causes he champions, and his energetic ability to get things done.

And although we have disagreed in the past, one time or another over the years, Senator KENNEDY and I have come to be friends for a long time. We share many things in common, although two more different individuals in background could hardly be imagined. We share a love of history, of poetry, of the rough-and-tumble and the humor of politics, and we share a love and understanding of this Senate and the singularly important role it was intended to play in this Republic.

Rarely have I been more touched than when TED personally delivered 80 long-stemmed roses to my office in remembrance of my 80th birthday, 2 years ago. It was a memorable moment for me.

Through all the triumphs and tragedies, through all the hard work, the disappointments, and the hard knocks that always accompany a long political career, Senator KENNEDY has retained a young man's zeal for life, for service, for laughter, and for achievement. I believe that his shadow will loom large when the history of this body is written in future years. Already, the sum total of his legislative achievements is enormous, and he is still as active, as energetic and as committed as ever. Fortunately, for this body and for the Nation, we can expect many, many more years of loyal and distinguished service from the senior Senator from the Bay State.

So today on the birthday of my friend, TED KENNEDY, I rise to salute his courage, his work, his resiliency, and his extraordinary friendship and kindness to me.

And I offer to him this day one of those famous, certainly very lyrical of Irish blessings:

May the road rise to meet you,
May the wind be always at your back,
May the sun shine warm upon your face,
May the rain fall softly upon your fertile
fields.
And, until we meet again,
May God hold you in the palm of His hand.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRAMS. Mr. President, I now ask unanimous consent there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

IRAN NONPROLIFERATION ACT OF 1999

Mr. BROWNBACK. Mr. President, I rise to speak on the Iran Nonproliferation Act. I note, as many do, the encouraging election results that happened this past week within Iran. I say encouraging because perhaps that country is moving towards a more open policy, a better policy of engagement with the rest of the world and the United States.

I want to point out some facts and some reasons that this act should be passed. Iran remains a danger to the United States and to our friends in the Middle East, particularly to Israel. It is a fact.

Iran continues as the largest state supporter of international terrorism, the bankroller of munitions supplied to Hezbollah in Lebanon and to Islamic Jihad and Hamas. It is still opposed to the Israeli peace process and to peace under any circumstances with Israel.

Those are all the facts, and they remain the facts, in spite of the fact that a so-called moderate President Khatami has been in power in Iran for 2½ years. I know some would say he does not have full control, and he doesn't, nor will he after these elections. This will remain the factual situation even after this election.

I don't think the United States should act on hope but on fact. The recent Hezbollah attacks on Israeli soldiers could not have happened without Iranian approval. Those attacks, made possible by the continued funneling of arms from Iran to Hezbollah, were undertaken primarily to derail the peace process. After all, Israel has already committed itself to withdraw from Lebanon by July.

Even more worrisome is Iran's effort to acquire weapons of mass destruction and the missiles to be able to deliver them. The administration has already sanctioned 10 Russian entities for providing dangerous technologies to Iran but readily admits that the flow continues. Thousands of Russian scientists and technicians are at work in Iran helping these efforts. This remains the fact today.

Iran has already flight-tested a missile capable of reaching Israel and is working on longer range missiles capable of carrying nuclear warheads. Fact.

Under the guise of peaceful nuclear energy development, Iran is spending billions to develop a nuclear infrastructure. Iran, a country rich in both oil and natural gas, needs to develop nuclear energy about as much as Alaska needs artificial snowmaking machines.

The picture gets worse. CIA Director Tenet, in testimony before the Armed Services Committee earlier this month, forecast the possibility that Iran might become a supplier in its own right of missile technology as it develops its own indigenous production capability. Fact.

Those are the facts. Iran is getting this dangerous technology from North Korea and China, but its primary source remains Russia. Russian entities have assisted Iran in the development of a missile capable of hitting Israel. They are also the main technology sources for a longer range missile, the Kosar, that could hit the heart of Europe with nuclear warheads. Fact.

The Russian Government has also signed peaceful nuclear cooperation agreements with Iran to build nuclear power reactors. Iran is reportedly using this legal cooperation to make clandestine efforts to procure nuclear material and to develop the ability to produce weapons-grade nuclear material on its own.

The administration sought to get the Russian Government to stop this flow, and the Russians have taken some steps. They have passed legislation to create an export control regime, for example, but they have done little to enforce it. Not one Russian has been convicted of passing dangerous technology to Iran. Not a single Russian has been convicted under this law.

That is why we must keep the heat on. This legislation requires the President to report to Congress, in a classified form if he deems it necessary, credible information on any entity anywhere in the world that is providing Iran with dangerous technology. It then authorizes him to sanction those entities. If he chose not to, he would then report to Congress on his rationale for not sanctioning. So, in the first instance, this legislation captures China, North Korea, and any others who are providing Iran the wherewithal to obtain weapons of mass destruction and the missiles to deliver them.

It goes a step further. Over the past few years, the Russians have been unable to meet their limited financial obligations to the creation of the international space station, so we have been helping them out, paying part of their funding in addition to our own, considerably larger, space station obligations. As it happens, the recipient of this money, the Russian Space Agency, their NASA, is also the Russian governmental entity with jurisdiction over any entity in Russia dealing with missile technology.

Therefore, this legislation requires the President to certify three things before we can continue to pay the Russian share of the space station: That it is Russian policy to stop proliferation to Iran, that they are taking the steps necessary to prevent the proliferation, and that no entity under the jurisdiction of the Russian space station is cooperating with the Iranian missile program.

If we are going to pay Russian obligations, then we have the right to suggest they must do everything they can to stop the proliferation to Iran—something that threatens not only America and our friends but, ultimately, Russia as well. It cannot be in Russia's interests to have a nuclear-armed Iran sitting on its borders.

Some may say, with the recent elections in Iran in which the moderates appear to have done very well, indeed this is not the time to push this legislation. Unfortunately, as I pointed out earlier, even under the reportedly moderate President Khatami over the last 2½ years, Iranian support for terrorism and its weapons technology acquisition have not diminished. Those facts remain.

Hard-liners remain in charge of Iranian security and foreign policy; they will after this election, as well. It may be that at some point in the future Iranian moderates may seek a different course. They have not to date. But for now, they have neither the ability nor necessarily the interest. They appear much more interested in reforming Iranian domestic policy than in all of these problems they are creating internationally. That means we cannot let down our guard. We must do everything we can to stop the flow of technology, to raise the cost of developing weapons of mass destruction, and to delay the time at which Iran could have such a capability.

This is the purpose of this legislation and why I strongly urge its adoption. While the timing of this legislation may not seem the best, perhaps it is the absolute right time. We need to make clear to the Iranian people, particularly their leadership on foreign policy and these terrorist items, that this is unacceptable behavior for them and for the rest of the world to have to tolerate. The development of these weapons, the sponsorship of terrorism, the development of the missile capacity that could so threaten its neighbors and much of Europe is not responsible behavior. This is something we cannot tolerate, and we are sending that clear message at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRICE OF ENERGY

Mr. MURKOWSKI. Mr. President, I rise to share with my colleagues the plight of our independent truckers who are here in Washington, many of them, expressing their frustration as a consequence of the high increase in the cost of diesel oil. These are individuals who own their own trucks, for the most part, and supply this country with untold tons of food and various other supplies, virtually everything we need.

This is a mobile society and we are dependent on energy to move us. The price of that energy has increased dramatically.

I have yet to hear from the administration expressing any of their concerns, as a consequence of this demonstration by the independent truckers who are trying to bring a focus to what kinds of relief the administration is proposing because every indication is we are going to see higher oil prices, higher energy prices. There are some reasons for this. One of them is we have an increased dependence on imports of oil. We are currently 55-percent dependent on import oil. Most of these imports are coming from the Mideast.

In the world of the oil market, the United States is certainly a giant consumer but, a bit player. The Organization of Petroleum Exporting Countries really calls the tune, and the U.S. generally has to pay the piper. That organization is known by all of us as OPEC. There are 11 countries that make up OPEC, and they produce more than 40 percent of the world's oil and possess three-fourths of the world's proven reserves. The United States, as I indicated, imports 55 percent of the oil we use, or about 10.5 million barrels out of the 19.3 million barrels of oil consumed in the Nation in each and every day.

The point I want to make is this is not just a one-time incident. If you go back to 1973, some of you will remember the lines around the block at the gas station. At that time, we had an Arab oil embargo. However, at that time, we were 36-percent dependent on imported oil, and we created the Strategic Petroleum Reserve. We said we would never expose ourselves to near 50-percent dependence on foreign oil. Today, we are 55-percent dependent, as I have indicated, and growing. It is our own Government's policies, or lack of policies, both local and national, that have handicapped our domestic industry. The result is consumers from New York to Oregon are paying the price. The truckers who are in Washington today, are paying the price, but not without some loud howls, seeking some Government relief. Several of these self-imposed handicaps are correctable if we would only wake up to a few realities.

On the production side, we have banned oil exploration off a good portion of our coastline, including California and Florida, because a majority of these States oppose it. They have every right to oppose it, and we should honor it. However, we refuse to consider exploration in many areas where clearly it is supported, such as in some areas of Texas, Mississippi, Louisiana, and my State of Alaska.

We should, in these areas where the public supports exploration, get an aggressive leasing plan and proceed to open up these areas, using the advanced technology we have and getting on with the task of lessening our dependence on imported oil.

The Arctic National Wildlife Refuge in my State of Alaska has often been mentioned as a potential for major oil discovery. From the standpoint of my State of Alaska, we have supplied this country with nearly 20 percent of the total crude oil produced in the last 27 years. We have done it through a pipeline and a development process that has been safe. The tragic accident of the Exxon Valdez was a tanker accident that had nothing to do with the production or transportation of oil by pipeline.

The Arctic National Wildlife Refuge consists of 19 million acres. The assumption is that the entire 19 million acres is going to be open for exploration. That is not correct. Congress has set aside 8 million acres of that tract in wilderness in perpetuity that can never be disturbed. Another 9.5 million acres have been set aside in a wildlife refuge. No development is allowed or is going to be allowed. The remainder of that 19 million acres is 1.5 million acres which geologists have identified as holding as much as 16 billion barrels of oil which would or could replace Saudi oil coming into the United States for the next 30 years. It is not a drop in the bucket by any means.

Where is this administration going with regard to lessening our dependence on imported oil? It wants to raise taxes on the oil companies, saying the royalty valuation in the past has been unfair. Is that an incentive for exploration? I think not.

The President's current proposal in his budget calls for more than $400 million in new taxes on the oil industry. Who is going to pay those taxes? It is going to be the American consumer.

The consequences are evident. Since the Clinton administration assumed office, U.S. crude oil production has fallen by 17 percent, and during that period U.S. consumption of oil has gone up 14 percent. Why? Some people drive bigger cars than they used to. Some people like air-conditioning. Some people get on that jet airplane.

What has happened to the industry? Our drilling rigs have gone from 532 active rigs operating in 1990 to 133 rigs operating in 2000.

What is our policy? Our policy is to become more dependent on imports.

On the downstream side, domestic policy really is not any better. Some of my New York colleagues have concerned themselves about the high price of heating oil. I am sympathetic with those who are dependent on that energy source, but while I sympathize on the one hand, I also point out that a good portion of this is self-inflicted. Prices are high because stocks are low.

The State of New York itself reports that the petroleum bulk storage capacity has declined over the past 5 years by more than 15 percent, and the heating oil storage capacity has declined nearly 20 percent, largely due to environmental regulations. Those regulations may be well-founded, but the fact is they do not have either the storage for crude nor the storage they once had for heating oil. Of course, it has been a cold winter. When the heating oil supply is tight, many of my colleagues search for an excuse, while the answer is right in their backyard.

Moving over to suggested relief that has been proposed by opening up the Strategic Petroleum Reserve, which is our petroleum reserve in case of a national emergency, there is a suggestion that if we were to release that, somehow this would address the concerns we have over the high price of heating oil. Let me walk you through that scenario.

First of all, the SPR is for supply disruption emergencies. It is a crude oil supply in salt caverns in Louisiana. As a consequence, it has a limited capacity to get out that crude. It is not heating oil. It is crude. So it has to be moved from SPR to refineries, be refined, and then go into the market.

The difficulty with this is the refineries have crude supplies. So if you bring in SPR crude, you are going to have to offset that with the crude they have at the refinery already. The difficulty is in the mix of what the refineries make. As a consequence of low stocks going into this winter, based on the assumption this would not be a cold winter, those inventories were low. Coupled with the reduction in the storage supply for the fuel oil—and then later we did have a colder winter; we all saw the Coast Guard breaking ice in the Hudson River—as a consequence of that, we could not meet the demand for heating oil, and the price went up to nearly $2 a gallon. That was indeed unfortunate.

Relief. The refiners continued to produce more heating oil. The weather began to cooperate, and reports suggested that Europe sent over refined product.

The point I want to make is, SPR is not the answer because the simple reality is, you do not displace one type of crude oil with another. That does not relieve the problem. It is the mix within the refineries.

Now we have an administration that is petitioning them to still produce large volumes of heating oil even though there are indications the inventories are now adequate. The real threat is that they should be producing gasoline soon for the summer market. We could see a shortage of gasoline this summer and perhaps retail price increases in the neighborhood of nearly $2 a gallon.

We did a little comparison on the west coast, which is the area where I am from. We did a comparison for retail prices in three Western States and Alaska. We found California's regular gasoline was $1.38 per gallon; for Oregon's regular gasoline, it was $1.42 per gallon; for Washington's regular gasoline, it was $1.35 per gallon; and for my State of Alaska, it was $1.35 per gallon.

But when we talk about self-inflicted problems, we need to look at the taxes imposed on each gallon of gas within the four States.

California's tax burden is about 46.4 cents on the gallon; for Oregon, it is 45.4 cents per gallon; for Washington State, it is about the same. The taxes include Federal, State, and local taxes in the three States. California includes a sales tax, as well, and has the added burden of 5 to 8 cents a gallon its residents must pay for reformulated gasoline.

Oregon is a little different. It adds to its cost by banning self-service as an option at the pumps. In other words, you do not fill up your car in Oregon. Somebody does it for you. You pay for it. The estimated additional cost is about 15 cents a gallon.

But in Alaska, my State, the combined taxes are only 26 cents. Without taxes, my State of Alaska actually pays the highest price for gasoline of the four States; yet we produce it all—or a good portion of it.

Gasoline prices. If you take off gas taxes, take off the cost of additives, take off the cost in relation to whether or not somebody fills your tank, then you begin to be able to identify what the true costs are to the consumer for a gallon of gasoline.

My State of Alaska supplies 46 percent of the current stock to the west coast. But barrels of oil from Alaska are beginning to decline. We are producing little more than a million barrels a day. Virtually all of that is shipped to Washington and California; significant portions go from Washington to Oregon.

California's Senators object to any development in the Arctic. But without new development, the production will continue to decline, and it will be necessary for the west coast and their west coast constituents to purchase more oil from even more expensive sources, such as the Mideast. How are they going to get the oil in? In foreign tankers owned by foreign companies that clearly have more of an environmental exposure than our own domestic fleet.

Common sense tells us we should stop handicapping our industry. We should do this by encouraging exploration, development of our reserves, and not increasing taxes on this industry.

Oil development in my State can be done right. It is environmentally sound. It keeps land disturbance to a minimum.

To give you some idea, out of the 19 million acres of ANWR that we talked about, of the million and a half acres that Congress has the authority to open up—and I add, this body voted to open it up; and the President vetoed it a number of years ago—the footprint is estimated to be no larger than the footprint of the Dulles International Airport, assuming the rest of Virginia were wilderness. That is to give you some idea of the magnitude of what the footprint is. It is relatively small.

Again, I remind you that the estimates are that the ANWR area could produce more than 16 billion barrels of oil, which would equate to about what we bring in from Saudi Arabia over a 30-year period. Yet this administration would rather bolster the oil output of Saddam Hussein by lifting oil production limits in Iraq, which is what they have done. Should we really be placing our energy security on OPEC decisions?

The administration pursues policies that discourage investment within our borders, driving investment overseas, and our jobs overseas. If we are going to participate in this energy race, we are going to need to get in the game. If we choose to continue to drive oil production offshore, then we will have no room—or little room—to complain about the high price of that decision, or the insecurity of our future oil supplies.

There is no question in my mind that our national energy security is very much at risk. We still do not seem to get it. We do not understand the vulnerability of increasing our dependence on imports.

If we look over our shoulders at world crude markets, since 1997, we have gone from a low of $10 a barrel to $30 a barrel. To some extent, we have explained that this was due to the slowdown of the Asian economy, mild winters, and increased Saudi and Venezuela production. Then we have also seen OPEC kind of get its act together with self-discipline. It cut production 6 percent. They decided they would rather sell less oil but sell it higher than sell more oil and sell it lower.

Then we saw the Asian economy rebound. Winters in the U.S. got colder even with global warming. The thought from OPEC was: Wait a minute. We are going to hold off for a little while. We saw the low stocks as a result of this.

Of course, we have discussed the heating oil situation and SPR and OPEC and ANWR. But when we get back to what the administration is doing about it, we are still stuck with the reality that they are throwing more taxes at us—$400 million. They are not encouraging the industry to go out and drill, as evidenced by the reduction in drilling rigs.

Some of them say: We will simply go out and hook up to natural gas. The National Petroleum Council report indicated that is not going to be a viable alternative. They said that we consume about 20 trillion cubic feet of gas today. We will be consuming about 31 trillion cubic feet in the next 10 years. We do not have the infrastructure in to meet that demand. It is going to have to be an expenditure of about $1.5 trillion. Gas will not be cheap.

The Secretary of the Interior, Mr. Babbitt, won't make public lands available to produce natural gas. The Federal Energy Regulatory Commission puts up environmental roadblocks to building new gas pipelines to the Northeast. Where is the power going to come from?

Some would say hydroelectric. We have already seen the proposal by the Secretary of the Interior. He wants to tear down four dams in the Pacific Northwest. Now a FERC Commissioner, Commissioner Hoecker, claims that FERC has the authority to tear these dams down.

Moving over to coal, the administration is proposing to take a number of plants down through EPA decisions. Those were plants that were grandfathered in under the Clean Air Act, with the assumption that they would operate for a period of time. As the power industry has attempted to maintain those plants, they have been subjected to criminal prosecution by the EPA for extending the life of the plants. I am not debating the issue of, if you stay within your permit by continuing to maintain your plant at a level that you have to, whether you are extending the life of that plant or not. But that is the dilemma for the coal industry.

We have already debated for days the reality and role of the nuclear industry, the fact that it contributes 20 percent of the power in this country. The administration does not want to address a solution on its watch. It would just as soon let the industry choke on its own waste. While we had 64 votes the other day, we were still a few short of a veto override, and the President threatened to veto the legislation that would address, temporarily, relief so our nuclear industry could continue to produce power.

With the attitude of the administration, it is evident that in the area of nuclear, coal, hydroelectric, there are simply no alternatives being proposed. I suggest to the Senate that is an irresponsible attitude. It seems all this administration wants to do is to hang on until it is over—and I can't wait—in the hope that there won't be some kind of calamity that will disrupt their departure. I suggest there is going to be a calamity. It relates to what is happening in Washington today with the truckers. This is proof the folks out there are fed up. They are looking to Government for a response. They are fed up with the administration's attitude which suggests we should go over to OPEC and beg that they increase production, that we become more dependent on imported oil. The realities of that are totally unacceptable to this Senator.

It is going to get more serious. OPEC would like to see oil at somewhere between $20 and $25; that is good for OPEC. I suppose now that it is $30, it might be good for the United States.

OPEC is having a meeting in March, but some economists suggest it is too late. We are going to be increasingly exposed to increased gasoline prices this summer. Some suggest we are going to be subjected to $40 oil, if Saddam Hussein chooses to cut off his supply in protest of United Nations sanctions. Here we are in the United States, dependent on what Saddam Hussein might do to his oil production that could affect our price of energy. Incredible, Mr. President, incredible, but nevertheless true.

As I have indicated, the past year alone, oil has tripled in cost to $30 from less than $11; heating oil, nearly $2 a gallon; our airline tickets, $20 surcharge. One of these days when you go to fill up that sports utility vehicle, it is going to cost you $60 to fill your gas tank.

People in this technological age wonder what the role of oil is. Is oil energy king? Well, let's look at inflation. We hear Chairman Greenspan worry about inflation, about oil prices increasing. The Secretary of Energy, in the meantime, tours six oil-producing nations. He says he can't ignore the potential for oil to have an impact on inflation. He says what OPEC does matters, and it sure does. I think we are at a point of reckoning where oil has reemerged as a political and economic threat to our economy.

Now, here we are, looking at dependence on Mideast oil-producing countries, and we are asking them to change their cash-flow to accommodate us and increase production. I wonder if they will be inclined to do that.

If we look at some of the realities associated with inflation, I think we have to look over our shoulder and recognize what happened in the past. Many people don't remember the gas lines in 1973. December of 1980, inflation in this country was 11 percent; the prime rate was 20.5 percent. People started to wake up. Are they waking up now? The signs are there. Is OPEC willing to sacrifice windfall oil profits to help keep economic growth on track in the United States, Europe, and Asia at their own expense? I happen to believe that charity begins at home. We have become dependent on OPEC. Can we be dependent on them increasing the supply of oil?

A source of information from the International Energy Agency says that OPEC will have to increase by 10 percent just to keep up with world demands. If they don't want to keep up with world demands, the price goes up, doesn't it? That will increase production somewhere between 4.5 and 12 percent, or between 1.2 and 3.1 million barrels per day.

A lot of people don't realize how long it takes for a barrel of oil from the Mideast to reach their gas station. It is roughly 6 weeks. If we go into this summer with the current forecast we are getting, we will see gasoline at $2 a gallon. We depend on oil to keep us warm, for travel, for our homes, sport utility vehicles, on and on, and we are concerned about prosperity. We are concerned about inflation.

There was an article by Daniel Yergin with the Cambridge Energy Research Association, an expert on oil. He indicated there are three things that can get people concerned about inflation and spook the stock market. When I highlight them, you will agree they are here.

It is the price and availability of labor. It is the cost of money or interest rates that are on the rise. And it is the increased price of oil.

We are starting to move. Mark my words, the Organization of Economic Cooperation and Development has estimated that every $10 rise in the price of oil lifts inflation by½ percentage point and reduces economic growth by ¼ percent. If that isn't what is happening right now, I will trade places with the President of this body. Oil prices have accounted for the doubling of inflation, to 2 percent from 1.1 percent in the last year.

I quote Chairman Greenspan:

> I've been through too many oil shocks to not take them seriously. If price changes, it impacts the economy.

These are a few of the highlights of where the United States is, why the truckers are circulating in Washington, DC.

What is this administration doing about it? They are kowtowing to the Arab world. They are wringing their hands. They have no positive suggestions. Least of all, they have not made one single statement to encourage domestic exploration and production in this country. One wonders what you learn by history; some people say "not much." If you look over your shoulder at where we were in the early 1970s with the Arab oil embargo, where we are today—and, of course, in the interim we fought a war over oil in Iraq and Kuwait. Today, we are right back there, only we are more dependent on the Mideast. If we don't take the steps now to reduce that dependence, this is going to happen again.

Keep in mind that, for the time being, it isn't over. We are just starting into this crisis. This administration must be held accountable for the lack of an energy policy in this country. There is no energy policy on nuclear power, no energy policy on coal, no energy policy on gas, no energy policy on oil. It kind of drifts out there. And they are well-meaning, but some extreme environmental groups basically propel the direction of this administration. It is no direction at all because there is no energy policy.

So as we look at the increased price of energy, we look at the frustration of the truckers in Washington, DC, and we look at what the administration is doing to address it, we have to come to the conclusion that the administration's efforts—if you can identify them at all—are limited to pleading with the Mideast oil barons to simply produce more oil. That is inadequate. They are simply exporting jobs and dollars. We are going to have to turn this around in the Congress of the United States. The administration won't stand up and recognize the reality that charity begins at home. We have the resources in this country, we have the technology, we have the capital, and we can relieve our dependence on imports if given the support of the Clinton administration.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, February 18, 2000, the Federal debt stood at $5,739,814,030,329.64 (Five trillion, seven hundred thirty-nine billion, eight hundred fourteen million, thirty thousand, three hundred twenty-nine dollars and sixty-four cents).

One year ago, February 18, 1999, the Federal debt stood at $5,613,958,000,000 (Five trillion, six hundred thirteen billion, nine hundred fifty-eight million).

Twenty-five years ago, February 18, 1975, the Federal debt stood at $494,617,000,000 (Four hundred ninety-four billion, six hundred seventeen million) which reflects a debt increase of more than $5 trillion—$5,245,197,030,329.64 (Five trillion, two hundred forty-five billion, one hundred ninety-seven million, thirty thousand, three hundred twenty-nine dollars and sixty-four cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints for consideration of the Senate bill and the House amendments, and modifications committed to conference: Mr. BLILEY, Mr. TAUZIN, Mr. OXLEY, Mr. DINGELL, Mr. MARKEY, as the managers of the conference on the part of the house.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6. An act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credits.

H.R. 2086. An act to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, and for other purposes.

H.R. 2366. An act to provide small businesses certain protection from litigation excesses and to limit the product liability of non-manufacturer product sellers.

H.R. 3201. An act to authorized the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

H.R. 3557. An act to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

H.R. 3642. An act to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 76. Concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

H. Con. Res. 247. Concurrent resolution expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation and support National Donor Day.

The message also announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker has appointed the following Member of the House to the Canada-United States Interparliamentary Group: Mr. HOUGHTON of New York, Chairman.

MEASURES REFERRED

The following bills were received and read the first and second times by unanimous consent and referred as indicated:

H.R. 2086. An act to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3201. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3557. An act to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolutions were received and referred as indicated:

H. Con. Res. 76. Concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 247. Concurrent resolution expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day; to the Committee on Health, Education, Labor, and Pensions.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 6. An act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credits.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that during the adjournment of the Senate, on February 16, 2000, he had presented to the President of the United States, the following enrolled bill:

S. 632. An act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7536. A communication from the Director, Congressional Budget Office, transmitting, pursuant to law, the "Sequestration Preview Report for Fiscal Year 2001"; to the Committees on the Budget, and Governmental Affairs.

EC–7537. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to French Guiana; to the Committee on Foreign Relations.

EC–7538. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Removal Costs" (Rev. Rul. 2000–7), received February 9, 2000; to the Committee on Finance.

EC–7539. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received February 10, 2000; to the Committee on Governmental Affairs.

EC–7540. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia: Oxygenated Gasoline Program" (FRL # 6534–7), received February 10, 2000; to the Committee on Environment and Public Works.

EC–7541. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Miscellaneous Revisions to the Forsyth County Local Implementation Plan" (FRL # 6520–4), received February 10, 2000; to the Committee on Environment and Public Works.

EC–7542. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emamectin Benzoate; Pesticide Tolerance Technical Correction" (FRL # 6489–4), received February 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7543. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Pesticide Tolerances for Emergency Exemptions" (FRL # 6490–5), received February 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7544. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Field Study; Definition" (Docket # 98–043–2), received February 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7545. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Cable Attribution Rules" (CS Docs. 98–82, 96–85, FCC 99–288), received February 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7546. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 1999 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology; to the Committee on Commerce, Science, and Transportation.

EC–7547. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Pilot Pre-Filing Agreement Program" (Notice 2000–9; I.R.B.—, dated February 28, 2000), received February 11, 2000; to the Committee on Finance.

EC–7548. A communication from the Assistant General Counsel for Regulations, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Rehabilitation Short-Term Training (Client Assistance Program" (CFDA Number 84.246K), received February 11, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7549. A communication from the Chairman, Barry M. Goldwater Scholarship and Excellence in Education Foundation transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–7550. A communication from the Director, Holocaust Memorial Museum transmitting, pursuant to law, the request for reauthorization of the United States Holocaust Memorial Council; to the Committee on the Judiciary.

EC–7551. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Creation of Low Power Radio Service" (MM Docket No. 99–25, FCC 00–19), received February 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7552. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (30); Amdt. No. 1973 (2–9/2–10)" (RIN2120–AA65) (2000–0009), received February 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7553. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Transportation: Registration and Fee Assessment Program" (RIN2137–AD17), received February 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7554. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Hazardous Substances-Revisions" (RIN2137–AD39), received February 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7555. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois" (FRL # 6536–1), received February 11, 2000; to the Committee on Environment and Public Works.

EC–7556. A communication from the Director, Office of Regulatory Management and

Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL # 6528–7), received February 10, 2000; to the Committee on Environment and Public Works.

EC–7557. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District" (FRL # 6534–2), received February 10, 2000; to the Committee on Environment and Public Works.

EC–7558. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rhode Island: Determination of Adequacy for the State's Municipal Solid Waste Permit Program" (FRL # 6535–8), received February 10, 2000; to the Committee on Environment and Public Works.

EC–7559. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Additional Guidance on PM2.5 Cassette Handling and Transportation"; to the Committee on Environment and Public Works.

EC–7560. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the denial of safeguards information for the period October 1, 1999 to December 31, 1999; to the Committee on Environment and Public Works.

EC–7561. A communication from the Secretary of the Interior, transmitting, pursuant to law, the 1999 annual report of the Migratory Bird Conservation Commission; to the Committee on Environment and Public Works.

EC–7562. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the allotment of emergency funds to all states under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Health, Education, Labor, and Pensions.

EC–7563. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of a rule entitled "29 CFR Part 44-Process for Electing State Agency Employment Statistics Representatives for Consultations with Department of Labor" (RIN1290–AA19), received February 14, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7564. A communication from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule for Reporting by Multiple Employer Welfare Arrangements and Certain Other Entities that Offer or Provide Coverage for Medical Care to the Employees of Two or More Employers (29 CFR Part 2520)" (RIN1210–AA54), received February 15, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7565. A communication from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor transmitting, pursuant to law, the report of a rule entitled "Interim Rule for the Assessment of Civil Penalties under Section 502(c)(2) of ERISA (29 CFR Part 2560)" (RIN1210–AA54), received February 15, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7566. A communication from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor transmitting, pursuant to law, the report of a rule entitled "Interim Rule Governing Procedures for Administrative Hearings Regarding the Assessment of Civil Penalties under Section 502(c)(2) of ERISA (29 CFR Part 2570)" (RIN1210–AA54), received February 15, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7567. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to two possible new decorations for individuals who are killed or injured in the line of duty while serving under competent authority with the Armed Forces; to the Committee on Armed Services.

EC–7568. A communication from the Under Secretary, Research, Education, and Economics, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Stakeholder Input Requirements for Recipients of Agricultural Research, Education, and Extension Formula" (RIN0524–AA23), received February 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7569. A communication from the Acting Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "1999 Crop and Market Loss Assistance" (RIN0560–AG13), received February 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7570. A communication from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs transmitting, the fiscal year 1999 annual report of the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

EC–7571. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "National Service Life Insurance" (RIN2900–AJ78), received February 14, 2000; to the Committee on Veterans' Affairs.

EC–7572. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the Highway Trust Fund quarterly report that appears in the December 1999 issue of the "Treasury Bulletin"; to the Committee on Finance.

EC–7573. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Ahadpour v. Commissioner", received February 9, 2000; to the Committee on Finance.

EC–7574. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination; 65 FR 6028; 02/08/2000", received February 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7575. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 65 FR 6025; 02/08/2000", received February 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7576. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 65 FR 6018; 02/08/2000", received February 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7577. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 65 FR 6014; 02/08/2000", received February 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7578. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 65 FR 6022; 02/08/2000" (Docket No. FEMA–7316), received February 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7579. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination; 65 FR 6031; 02/08/2000", received February 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7580. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received February 14, 2000; to the Committee on Governmental Affairs.

EC–7581. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–7582. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report on programs for the utilization and donation of Federal property; to the Committee on Governmental Affairs.

EC–7583. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–243, "Motor Vehicle Parking Regulation Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7584. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–244, "Office of Cable Television and Telecommunications Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7585. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–246, "Federal Law Enforcement Officer Cooperation Act of 1999"; to the Committee on Governmental Affairs.

EC–7586. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–248, "Sex Offender Registration Act of 1999"; to the Committee on Governmental Affairs.

EC–7587. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–249, "Lateral Appointment of Law Enforcement Officers Clarifying Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–7588. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–251, "Mandatory Autopsy for Deceased Wards of the District of Columbia and Mandatory Unusual Incident Report Temporary Act of 1999 to the Committee on Governmental Affairs.

EC–7589. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–255, "Al Arrighi Way Designation Act of 1999"; to the Committee on Governmental Affairs.

EC–7590. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–257, "Dennis Dolinger Memorial Park Designation Act of 1999"; to the Committee on Governmental Affairs.

EC–7591. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska", received February 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7592. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation transmitting, pursuant to law, the Amtrak annual report for 1999; to the Committee on Commerce, Science, and Transportation.

EC–7593. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report relative to the Port-au-Prince International Airport, Haiti; to the Committee on Commerce, Science, and Transportation.

EC–7595. A communication from the General Counsel, Consumer Product Safety Commission transmitting, pursuant to law, the report of a rule entitled "Safety Standard for Bunk Beds" (RIN3041–AB75), received February 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7596. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D Airspace; Jackson, WY; Docket No. 99–ANM–11 ¦2–14–2–14¦" (RIN2120–AA66) (2000–0032), received February 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7597. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Lexington, KY; Docket No. 99–ASO–25 ¦2–8–2–14¦" (RIN2120–AA66) (2000–0035), received February 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7598. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; London, KY; Docket No. 99–ASO–23 ¦2–8–2–14¦" (RIN2120–AA66) (2000–0034), received February 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7599. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D and Class E Airspace; Tupelo, MS; Docket No. 99–ASO–3 ¦2–9–2–14¦" (RIN2120–AA66) (2000–0036), received February 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7600. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Puerto Rico, PR; Correction; Docket No. 99–ASO–17 ¦2–8–2–10¦" (RIN2120–AA66) (2000–0031), received February 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7601. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class C Airspace Area; VT; Docket No. 99–AWA–12 ¦2–10–2–14¦" (RIN2120–AA66) (2000–0033), received February 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7602. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (111); Amdt. No. 19742 ¦2–9/2–10¦" (RIN2120–AA65) (2000–0008), received February 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7603. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6–80C2 Series Turbofan Engines; Docket No. 98–ANE–79" (RIN2120–AA64) (2000–0079), received February 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7604. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–200 Series Airplanes Modified in Accordance with Supplemental Type Certificate ST00969AT; Docket No. 99–NM–226" (RIN2120–AA64) (2000–0080), received February 14, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–406. A joint resolution adopted by the Legislature of the State of Maine relative to the Gettysburg National Military Park; to the Committee on Appropriations.

JOINT RESOLUTION

Whereas, the United States has a history that reveals the proud tradition and heritage of the American people; and

Whereas, battlefield sites where significant military engagements happened are some of the nation's most important historical sites; and

Whereas, Gettysburg was the site of one of the largest battles in the history of the United States and that battle is considered a turning point for the country in the Civil War; and

Whereas, President Lincoln, in giving his now famous Gettysburg Address dedicating the national cemetery that is located in Gettysburg, acknowledged that he could not adequately dedicate or consecrate the cemetery because "the brave men, living and dead, who struggled here have consecrated it, far above our poor power to add or detract"; and

Whereas, Gettysburg National Military Park, created shortly after the battle and funded largely by private donations and various states that belonged to the Union forces, covers thousands of acres and contains hundreds of monuments commemorating the battle; and

Whereas, the National Park Service lacks sufficient funds to adequately maintain and care for the grounds and monuments and is accepting donations to help preserve the park's monuments; and

Whereas, the commitment to preserve and maintain the monuments and grounds of Gettysburg National Military Park is a measure of how we value this nation and its people: Now therefore, be it

Resolved: That We, your Memorialists, respectfully urge and request that the United States Congress appropriate funds to adequately maintain and preserve the grounds and monuments of Gettysburg National Military Park; and be it further

Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

POM–407. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts relative to the shortage and cost of home heating oil in the Northeast; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the recent severe weather in the Northeast part of the country has caused a large increase in the use of home heating oil; and

Whereas, such increase has created a burden on the homeowners, tenants and business people who rely on such oil by adversely affecting their budgets; and

Whereas, such increased costs have been exacerbated by the large increase in the cost of such oil; and

Whereas, such increases have raised the specter of petroleum companies acting in combination to increase profits, fix prices and create artificial shortages: Now, therefore, be it

Resolved, That the Massachusetts Senate hereby urges the Congress of the United States and the Governor of the Commonwealth to conduct an investigation and study of the current shortage of home heating oil in the Northeast part of the country and its attendant cost to determine whether such shortage and cost are real and the result of ordinary market forces or whether they are the result of price fixing and artificial manipulation; and urges the Congress to request the Justice Department of the United States to participate in such investigation and study; and also urges the Governor of the Commonwealth to direct the Department of Energy Resources to participate in such investigation and study in order to develop policies to prevent such shortages and cost increases in the future in the Commonwealth; and be it further

Resolved, That in the event that such investigation and study shows that such increase in cost is due to a legitimate shortage of oil in the marketplace, thereafter the Congress shall take action to release into the marketplace an amount of oil from the national reserves that is sufficient to ameliorate the current cost; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the Governor of the Commonwealth, to the Presiding Officer of each branch of Congress and to the Members thereof from the Commonwealth.

POM–408. A concurrent resolution adopted by the General Court of the Commonwealth of Massachusetts relative to the shortage and cost of home heating oil in the Northeast; to the Committee on Energy and Natural Resources.

Resolution

Whereas, the recent severe weather in the Northeast part of the country has caused a large increase in the use of home heating oil; and

Whereas, such increase has created a burden on the homeowners, tenants and business people who rely on such oil by adversely affecting their budgets; and

Whereas, such increased costs have been exacerbated by the large increase in the cost of such oil; and

Whereas, such increases have raised the specter of petroleum companies acting in combination to increase profits, fix prices and create artificial shortages; therefore, be it

Resolved, That the Massachusetts General Court hereby urges the Congress of the United States to commence an investigation and study of the current shortage of home heating oil in the Northeast part of the country and its attendant cost to determine whether such shortage and cost are real and the result of ordinary market forces or whether they are the result of price fixing and artificial manipulation; and also urges the Congress to request the Justice Department of the United States to participate in such investigation and study; and be it further

Resolved, That in the event that such investigation and study shows that such increase in cost is due to a legitimate shortage of oil in the marketplace, thereafter the Congress shall take action to release into the marketplace an amount of oil from the national reserves that is sufficient to ameliorate the current cost; and be it further

Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the Presiding Officer of each branch of Congress and to Members thereof from the Commonwealth.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ASHCROFT (for himself, Mr. Abraham, Mr. Inhofe, Mr. DeWine, Mr. Grassley, Ms. Landrieu, and Mr. Roberts):

S. 2074. A bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age; to the Committee on Finance.

By Mr. ROBB (for himself, Mr. Sarbanes, Ms. Mikulski, and Mr. Warner):

S. 2075. A bill to expand Federal employee commuting options and to reduce the traffic congestion resulting from current Federal employee commuting patterns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself, Mr. Moynihan, Mr. Santorum, Mr. Specter, Mr. Bayh, Mr. Brownback, Mr. Durbin, Ms. Landrieu, and Mr. Stevens):

S. 2076. A bill to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANTORUM (for himself and Mr. Coverdell):

S. 2077. A bill to amend the Internal Revenue Code of 1986 to allow nonitemizers a deduction for a portion of their charitable contributions; to the Committee on Finance.

By Mr. BUNNING (for himself and Mr. McConnell):

S. 2078. A bill to authorize the President to award a gold medal on behalf of Congress to Muhammad Ali in recognition of his outstanding athletic accomplishments and enduring contributions to humanity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURNS:

S. 2079. A bill to facilitate the timely resolution of back-logged civil rights discrimination cases of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER:

S. 2080. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, must be labeled accordingly, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 2081. A bill entitled "Religious Liberty Protection Act of 2000"; read the first time.

By Mr. DEWINE (for himself, Mr. Warner, and Mr. Robb):

S. 2082. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Energy and Natural Resources.

By Mr. ROBB (for himself, Mr. Moynihan, Mr. L. Chafee, Mr. Dodd, Mr. Kerry, Mr. Lautenberg, Mr. Lieberman, Ms. Mikulski, Mr. Sarbanes, Mr. Schumer, and Mr. Warner):

S. 2083. A bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes; to the Committee on Finance.

By Mr. LUGAR:

S. 2084. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. Gregg, and Mr. Breaux):

S. 2085. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide incentives for older Americans to remain in the workforce beyond the age of eligibility for full social security benefits; to the Committee on Finance.

S. 2086. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide incentives for older Americans to remain in the workforce beyond the age of eligibility for full social security benefits; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT (for himself, Mr. Abraham, Mr. Inhofe, Mr. DeWine, Mr. Grassley, Ms. Landrieu, and Mr. Roberts):

S. 2074. A bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age; to the Committee on Finance.

SOCIAL SECURITY EARNINGS TEST ELIMINATION ACT OF 2000

Mr. ASHCROFT. Mr. President, I rise today in favor of repealing the Social Security earnings test, the onerous tax burden the United States government places on seniors who wish to continue working. In order to ease this unfair burden, I am hereby introducing the Social Security Earnings Test Elimination Act of 2000.

The earnings test limits the amount a person older than 65 and younger than 70 can earn without having his or her Social Security benefits reduced. Currently, benefits are reduced by $1 for each $3 of earnings over $17,000. This test provides a disincentive for seniors to work by reducing seniors' Social Security benefits according to the amount of income they earn.

It is time to repeal that limit. Right now, Social Security is scheduled to go bankrupt in 2034. One of the reasons for the looming bankruptcy of Social Security is the declining ratio of workers to beneficiaries, which worsens as our elderly population continues to grow much faster than the number of workers entering the workforce. In 1960 the ratio was 5:1, today it is a little more than 3:1, and in thirty years it is expected to be only 2:1. This decreasing number of workers paying for retirees benefits is making it increasingly difficult to make the Social Security books balance.

Instead of helping to fix this problem, the earnings test exacerbates this situation. By providing a disincentive to work, the earnings test keeps seniors at home instead of at work and paying the payroll taxes that keep the Social Security system solvent.

The earnings test is based on a misconception of the U.S. economy. The Social Security Earnings Test is a relic of the Great Depression, designed to move older people out of the workforce and create employment for younger individuals. The idea behind the earnings test is that if seniors were penalized for working, they would stay home and open up employment opportunities for younger workers. Not only was this view wrong in earlier times, but it is counterproductive in today's economy. Today, we do not have a labor surplus, but a labor shortage. Unemployment is at a long-time low of 4.0%, one-and-a-half points lower than the so-called "full employment" mark of 5.5%.

Low unemployment is a great development, but it contributes to a labor shortage that will worsen when the "baby boom" generation ages. Employers will have to develop new sources of labor to fill this shortage, and seniors represent the most experienced, most skilled workers. Many senior citizens can make a significant contribution, and often their knowledge and experience complements or exceeds that of younger employees. Thirty-five million Americans are over the age of 65, and together they have over a billion years of cumulative work experience. It is both counterproductive and harmful to our growing economy to keep willing, diligent workers out of the American economy.

In addition to the negative consequences for the economy as a whole, the Social Security Earnings Test is also bad for seniors. The earnings test punishes Americans between the ages of 65 and 70 for their attempts to remain productive after retirement. This is particularly problematic for low income seniors, many who exist on fixed incomes, and are burdened with a 33.3 percent tax on their earned income. When combined with federal, state and other Social Security taxes, taxes on the elderly can total nearly 55 or 65 percent. An individual who is struggling to make ends meet should not be faced with an effective marginal tax rate which exceeds 55 percent.

While the earnings test harms lower-income people, it only affects seniors who must work and depend on their earned income for survival. Wealthy seniors are not affected by the earnings limit. Their supplemental, "unearned" sources of income are safe and not subject to the earnings threshold. At the same time, many of the older Americans penalized by the earnings test need to work in order to cover their basic expenses: health care, housing and food. Many seniors do not have significant savings or a private pension. For this reason, low-income workers are particularly hard-hit by the earnings test.

In addition to all of the policy reasons for elimination of the earnings test, the most important reason to eliminate the test is that it is fundamentally unfair. The earnings test discriminates against seniors. Nobody, regardless of creed, color, gender, or age should be penalized for working or discouraged from engaging in work.

Furthermore, the earnings test takes money from seniors that is rightfully theirs. The Social Security benefits which working seniors are losing due to the earnings test penalty are benefits they have rightfully earned by contributing to the system throughout their working years before retiring. These are benefits which they should not be losing because they are trying to survive by supplementing their Social Security income.

Mr. President, it is time to eliminate this counterproductive and unfair penalty. With the Social Security and Medicare Trusts Funds facing long-term insolvency, it is now more important than ever to encourage work. More people working means more people paying into the Social Security Trust Fund and Medicare. I ask my colleagues to join me in supporting this unfair burden placed on elderly Americans.

Mr. President, I ask that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Earnings Test Elimination Act of 2000".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" each place it appears and inserting "retirement age (as defined in section 216(l))";

(3) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(4) in subsection (f)(3)—

(A) by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8),"; and

(B) by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(5) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(6) in subsection (j)—

(A) in the heading, by striking "Age Seventy" and inserting "Retirement Age"; and

(B) by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

(b) CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.—

(1) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(2) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of the Social Security Act (42 U.S.C. 403(f)(8)(B)) is amended—

(A) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(B) in clauses (i) and (ii), by striking "corresponding" each place it appears; and

(C) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(3) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. (f)(8)(D)) is repealed.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(2) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(A) by striking "either"; and

(B) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(3) PROVISIONS RELATING TO EARNINGS TAKEN INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF BLIND INDIVIDUALS.—The second sentence of section 223(d)(4)(A) of the Social Security Act (42 U.S.C. 423(d)(4)(A)) is amended by striking "if section 102 of the Senior Citizens' Right to Work Act of 1996 had not been enacted" and inserting the following: "if the amendments to section 203 made by section 102 of the Senior Citizens' Right to Work Act of 1996 and by the Social Security Earnings Test Elimination Act of 2000 had not been enacted".

(d) EFFECTIVE DATE.—The amendments and repeals made by this section shall apply with respect to taxable years ending after December 31, 2000.

Mr. GRASSLEY. Mr. President, I rise today in support of the legislation of my colleague Senator JOHN ASHCROFT to repeal the Social Security earnings limit. Under current law, workers aged 65–69, can earn only up to $17,000 without losing out on their Social Security benefits. This "earnings limit" penalizes hard-working seniors by docking them $1 for every $3 of earnings over the limit. In fact, an older worker's entire Social Security benefit could be eliminated by the earnings limit if he or she earns more than $45,944. A few years ago, I worked successfully to increase the limit to $30,000 by 2002. But we can do better. Penalizing older workers sends the wrong message to those who choose to stay in the workforce beyond normal retirement age. And in today's tight labor market, we need to do a better job about recruiting and retaining good employees. In fact, in my state of Iowa, the jobless rate for December was 2.2 percent. That rate is even below the national jobless rate of 4.1 percent. We cannot afford to discourage older Americans who want to work from remaining in the labor market.

I am a strong supporter of efforts under way this year to repeal the earnings limit. Eliminating the penalty would help 800,000 older workers who now lose part or all of their benefits simply because they have the will and ability to stay on the job after 65. From my home State alone, many Iowans have contacted me in frustration over the earnings limit.

For the first time in years, I am confident we can get the job done once and for all. The proposal has overwhelming bipartisan support from Congress and the White House. We could see swift action on this commonsense proposal.

While fixing this inequity in the retirement system will give fair treatment to those ages 65-69 who have paid into the program during their entire working years, it will not address Social Security's long-term demographic challenges. When the baby boom generation comes on board, the revenue and benefit structure will not be able to sustain the obligations under current law. That is why I have worked with six of my Senate colleagues, Senators JUDD GREGG, BOB KERREY, JOHN BREAUX, FRED THOMPSON, CRAIG THOMAS, and CHUCK ROBB, to craft bipartisan Senate reform legislation. Our bill, the "Bipartisan Social Security Reform Act" S. 1383 is the only reform legislation which has been put forth in the Senate which would make the Social Security trust fund permanently solvent. I will continue to press ahead and work to build a consensus among our colleagues to save Social Security and achieve long-term solvency for generations to come.

By Mr. SCHUMER (for himself, Mr. MOYNIHAN, Mr. SANTORUM, Mr. SPECTER, Mr. BAYH, Mr. BROWNBACK, Mr. DURBIN, Ms. LANDRIEU, and Mr. STEVENS):

S. 2076. A bill to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATION TO AUTHORIZE A CONGRESSIONAL GOLD MEDAL FOR JOHN CARDINAL O'CONNOR, ARCHBISHOP OF NEW YORK

• Mr. SCHUMER. Mr. President, it is a pleasure for me to rise alongside my distinguished colleagues Senators MOYNIHAN, SPECTER, SANTORUM, BAYH, BROWNBACK, DURBIN, LANDRIEU, and STEVENS, to honor the enormous contributions made by John Cardinal O'Connor to religion, humanity, international relations, and service to America, by bestowing upon him the Congressional Gold Medal.

I believe this simple gesture would be our opportunity, as members of Congress, as representatives of this nation, to thank his Eminence for the care, compassion, and spiritual guidance that he has provided to millions of people throughout his lifetime. The work he has done from the treasured St. Patrick's Cathedral has reinforced the traditional teaching and practices of the Roman Catholic church, and helped bring to life the spirit and mission of the Vatican.

Since being ordained 54 years ago, John Cardinal O'Connor has dedicated his life to the noblest of deeds, that of service. He has been an advocate of the poor, the sick, the elderly, and America's young children. He has heeded his country's call to service, serving first as a military chaplain, and rising, with distinction, to become Navy Chief Chaplain. He has served as an international ambassador, traveling the world over, Israel, Jordan, Haiti, Bosnia-Herzegovina, and Russia, as a messenger of peace, humanity, and freedom. Wherever war, oppression, and poverty have threatened to weaken the human spirit, he has been there—a tireless servant of the Roman Catholic church and as an American citizen.

With the recent celebration of his 80th birthday, and the prospects of his retirement growing, it is truly the proper time for America to pay tribute to John Cardinal O'Connor. Last week, the members of the House overwhelmingly supported similar legislation, introduced by Congressman FOSSELLA, by a 413 to 1 vote. It is my hope that this legislation will receive similar support here in the Senate, and that all of our colleagues will join us in this effort.•

By Mr. SANTORUM (for himself and Mr. COVERDELL):

S. 2077. A bill to amend the Internal Revenue Code of 1986 to allow nonitemizers a deduction for a portion of their charitable contributions; to the Committee on Finance.

THE CHARITABLE GIVING TAX RELIEF ACT

• Mr. SANTORUM. Mr. President, today, I am introducing the Charitable Giving Tax Relief Act along with my colleague Senator COVERDELL. This legislation will allow non-itemizers to deduct 50 percent of their charitable giving, after they exceed a cumulative total of $500 in annual donations.

As we approach another tax deadline, more than 84 million Americans cannot deduct any of their charitable contributions because they do not itemize their tax returns. In contrast, there are 34 million Americans who itemize and receive this benefit. In Pennsylvania, there are nearly 4 million taxpayers who do not itemize deductions while slightly more than 1.5 million taxpayers do itemize.

While Americans are already giving generously to charities making a significant positive impact in our communities, this legislation provides an incentive for additional giving and allows non-itemizers who typically have middle to lower middle incomes to also benefit from additional tax relief. In fact, non-itemizers earning less than $30,000 give the highest percentage of their household income to charity. It is estimated that restoring this tax relief provision which existed in the 1980's would encourage more than $3 billion of additional charitable giving a year. According to Price Waterhouse, the Charitable Giving Relief Act would result in $725 million in additional charitable giving in Pennsylvania alone over a five year period.

Representative PHILIP CRANE of Illinois has previously introduced identical bipartisan legislation, H.R. 1310, with 122 cosponsors in the House of Representatives. The legislation is also supported by a long list of nonprofit groups and the Independent Sector, a coalition of more than 700 nonprofits, foundations, and other charitable groups.

President Clinton in his FY2001 budget has included a provision which would allow non-itemizers to deduct 50 percent of their charitable contributions in excess of $1,000 for single filers and $2,000 for joint filers. The President's proposal would eventually lower the threshold to $500 in 2006 in a manner consistent with the Charitable Giving Tax Relief Act.

One important dimension of my involvement in promoting charitable efforts helping to revitalize our communities, empower individuals and families, and enhance educational opportunities is encouraging charitable giving. This legislation is a great opportunity to lower the tax burden on the many Americans who have not received any tax relief for their charitable contributions since 1986.

As Senate Co-Chair of the Congressional Empowerment Caucus with Senator LIEBERMAN and in my efforts with the Renewal Alliance, I am committed to helping further unleash the potential of charitable organizations and harness the generosity of Americans to improve the quality of life of all Americans. I look forward to working with my colleagues and the President to provide additional tax relief and incentives for charitable giving this year.

I ask unanimous consent that the text of the bill appar in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

The text of the bill follows:

S. 2077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charitable Giving Tax Relief Act".

SEC. 2. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) In General.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Deduction for Individuals Not Itemizing Deductions.—In the case of an individual who does not itemize his deductions for the taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to 50 percent of the excess of the amount allowable under subsection (a) for the taxable year over $500."

(b) Direct Charitable Deduction.—

(1) In general.—Subsection (b) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction."

(2) Definition.—Section 63 of such Code is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) Direct Charitable Deduction.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m)."

(3) Conforming amendment.—Subsection (d) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.●

By Mr. BURNS:

S. 2079. A bill to facilitate the timely resolution of back-logged civil rights discrimination cases of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE USDA CIVIL RIGHTS RESOLUTION ACT OF 2000

● Mr. BURNS. Mr. President, I am pleased today to introduce a bill that is designed to clean up a terrible mess at the U.S. Department of Agriculture, dealing with civil rights.

Last year, a finding was made that the USDA had, for decades, been guilty of violating many of America's producer's civil rights. When these producers tried to take advantage of the programs offered by the USDA they were treated differently than their friends and neighbors.

Many cases have been pending for too long. At least one has been on the list for up to ten years. Due to USDA's inaction, Congress waived the statute of limitations on certain USDA discrimination cases, giving farmers until October 21, 2000, to file or re-file cases that allegedly occurred between 1981 through 1997. In addition to the cases that have been pending, that added another major backlog.

While we realize there is a massive backlog of cases to be dealt with, we feel Congress has made a good-faith effort to assist the Office of Civil Rights (OCR) in every way possible. We have written countless letters and met with Rosalind Gray, the Director of the OCR to discuss this issue. In addition, in 1998 the Senate included money in the agricultural appropriations bill, to deal with this back-log of cases.

However, despite numerous phone calls and letters, no progress has been made in resolving these cases. I have invited Department officials to come to Montana and speak with the civil rights complainants so that we may solve these cases more quickly. So far, I have not seen enough action and not nearly enough closure.

The horror stories about the treatment civil rights complainants have received from the USDA are numerous and unbelievable. These complaints are simply being ignored. The inadequacy of this process is adding insult to injury. These people are being put on hold while the USDA plods through their cases. Many have been forced to the brink. They don't even know if they can still make agriculture their livelihood should USDA finally decide in their favor. Operating costs alone are placing many producers at a disadvantage. Add to that, the costs associated with filing a complaint and you can see why many feel completely helpless, and hopeless.

I have constituents calling my staff at home because they are on their last leg. The OCR has continually ignored requests for information from my staff, or delayed sending pertinent information to these people. Those affected by these decisions cannot afford to waste more precious time listening to the USDA's excuses while they try to find a way to buy next month's food. Allowing these cases to go on for years and years is a travesty. How can these people get on with their life? The USDA has taken away their livelihood. Without equal treatment from the USDA they can't run their operations. Without a working farm, they have lost everything they had.

Secretary Glickman has stated publicly and repeatedly that the civil rights issue within the Department of Agriculture is an extremely high priority on his agenda. It should be. But still, I have seen very little action.

These constituents cannot get on with their lives until the USDA does take action. My bill will give the OCR 270 days to resolve the complaint after it has been investigated. If, after 270 days the complaint is not resolved, the complainant may petition the Civil Rights Division of the Department of Justice (DOJ). The DOJ shall then conduct a review and make a recommendation to the OCR within 30 days.

This law will also broaden the statute of limitations. As I said earlier, legislation passed by Congress waived the statute of limitations on certain USDA discrimination cases, giving farmers until October 21, 2000, to file or re-file cases that allegedly occurred between 1981 through 1997. However, I want to make sure that civil rights cases do not fall through the cracks of that waiver. If an act occurred prior to February 22, 1998, for example, that person could not file for discrimination. This legislation will cover that gap.

These cases must be resolved soon. These producers have suffered too much already. They cannot afford to wait any longer. We look forward to working with members of other states affected by this abuse of the civil rights program to resolve these complaints as quickly as possible.●

By Mrs. BOXER:

S. 2080. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, must be labeled accordingly, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE GENETICALLY ENGINEERED FOOD RIGHT-TO-KNOW ACT

● Mrs. BOXER. Mr. President, today I am pleased to introduce the Genetically Engineered Food Right-to-Know Act. This legislation requires that all foods containing or produced with genetically engineered material bear a neutral label stating that: "this product contains a genetically engineered material or was produced with a genetically engineered material."

The bill adds this labeling requirement to the provisions of the Federal Food, Drug, and Cosmetic Act (FFDCA), the Federal Meat Inspection Act, and the Poultry Products Inspection Act which contain the general standards for labeling foods.

Recent polls have demonstrated that Americans want to know if they are eating genetically engineered food. A January 1999 Time magazine poll revealed that 81% of respondents wanted genetically engineered food to be labeled. A January 2000 MSNBC poll showed identical results.

This pressure has already led some companies not to use genetically engineered materials in their foods. Gerber and Heinz have said they will no longer use genetically engineered material in their baby food. Whole Foods and Wild Oats Supermarkets also have said they will use no genetically engineered material in their own products.

Great Britain, France, Germany, the Netherlands, Belgium, Luxembourg, Denmark, Sweden, Finland, Ireland, Spain, Austria, Italy, Portugal, Greece, New Zealand, and Japan already require genetically engineered food to be labeled.

If the U.S. wants to sell its genetically engineered food to these countries, it will have to label the food for foreign consumers. It is only fair that American consumers be given similar information.

Why do I feel it's important for consumers to know that their food is genetically engineered?

First, we don't know whether genetically engineered food is harmful or whether it is safe. However, scientists have raised concerns about genetically engineered food. These concerns include the risks of increased exposure to allergens, decreased nutritional value, increased toxicity and increased antibiotic resistance.

In addition, scientists have raised concerns about the ecological risks associated with genetically engineered food. Some of those risks include the destruction of species, cross pollination that breeds new weeds that are resistant to herbicides, and increases in pesticide use over the long-term.

Earlier this year, for example, researchers at Cornell University reported that Monarch butterflies were either killed or developed abnormally when eating milkweed dusted with the pollen of Bt-corn, a genetically engineered food.

Second, the Food and Drug Administration does not require pre-market health and safety testing of genetically engineered foods. Therefore, it is only fair that consumers know they are eating products that have not been tested.

Third, the Environmental Protection Agency and the Department of Agriculture do not require substantive environmental review of genetically engineered materials under their jurisdiction.

My Genetically Engineered Food Right-to-Know Act not only mandates labels, but does something even more important: it authorizes $5 million in grants to conduct studies into the health and environmental risks raised by genetically engineered food.

Specifically, it directs the Secretary of HHS to make grants to individuals, organizations and institutions to study risks like increased toxicity, increased allergenicity, negative effects on soil ecology and on the environment in general.

What is the extent of genetically engineered crops today?

Last year, 98.6 million acres in the U.S. were planted with genetically engineered crops. More than one-third of the U.S. soybean crop and one-quarter of corn were genetically engineered. This represents a 23-fold increase in genetically engineered crop production from just four years ago.

And waiting to come into the marketplace are more than 60 different genetically engineered crops—from apples and strawberries to potatoes and tomatoes.

Providing consumers with information about the foods they eat is hardly new.

For example, I was proud to be the author of the law to provide for the "dolphin safe" label on tuna. The label indicated that the tuna was harvested by methods that don't harm dolphins.

I was also proud to lead the fight in the Senate to make sure that chicken frozen as solid as a bowling ball could not be labeled fresh. At the time, USDA's position was that frozen chicken could be labeled "fresh."

In 1996, I succeeded in amending the Safe Drinking Water Act to require that drinking water providers give their consumers annual reports concerning the quality of their water.

Others in Congress led the fight to tell consumers whether their products contain artificial colors or sweeteners, preservatives, additives, and whether they are from concentrate. I supported those labels as well.

Food manufacturers also label their products with information that is of little value to consumers. Certain brands of pretzels, for example, bear a label which states that the manufacturer is a "Member of the Snack Food Association: An International Trade Association."

I don't think this is information consumers are clamoring for, yet the manufacturer is willing to go through the trouble of putting it on the bag.

My legislation builds on the existing food labeling system, and would be simple to implement. It would require that all foods containing or made with genetically engineered foods be labeled with this information: "this product contains a genetically engineered material or was produced with a genetically engineered material."

For example, corn flakes made with genetically engineered corn would be a "product that contains" genetically engineered material. To take another example, milk from a cow treated with genetically engineered bovine growth hormone would be a product "produced with" genetically engineered material.

Specifically, my bill requires that food that contains or was produced with genetically engineered material be labeled at each stage of the food production process—from seed company to farmer to manufacturer to retailer. The labeling requirement in my bill, however, does not apply to drugs or to food sold in restaurants, bakeries, and other similar establishments.

Genetically engineered material is defined under the bill as material that "has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes." Food developed through traditional processes such as crossbreeding is not considered to be genetically engineered, and the legislation's labeling requirement would not apply to foods produced in that way.

Under the bill, persons need not label food if they obtain a written guaranty from the party from whom they received the food that the food does not contain and was not produced with genetically engineered material. Persons who obtain a valid guaranty are not subject to penalties under the bill if they are later found to have failed to label food that contains genetically engineered material.

For example, a farmer who plants genetically engineered corn must label that corn. Each person who then buys and then sells that corn, or food derived from it, will also be required to label it as genetically engineered.

Conversely, farmers who obtain a guaranty that the corn they are planting is not genetically engineered may issue a guaranty to purchasers that their corn is not genetically engineered. The purchaser then would not have to label that corn or product made with that corn.

If the corn or food is later found to have contained or been produced with genetically engineered material but was not labeled accordingly, the purchaser would not be subject to penalties under the bill.

This guaranty system is used today to enforce provisions of existing law concerning the distribution of adulterated or mislabeled foods. The system is much less expensive than a system which would require food to be tested at every phase of the food production process.

Failure to label food that contains or was produced with genetically engineered material carries a civil penalty of up to $1,000 amount for each violation.

Importantly, the bill provides that if a party fraudulently warrants that a product is not genetically engineered, no party further down the chain of custody may be held liable for mislabeling. This provision is particularly meant to protect small farmers from the possibility that their suppliers would by contract provide that any liability for mislabeling be borne by the farmer regardless of the suppliers' own actions.

The bill also provides another protection for farmers. Under the bill, a farmer who plants a non-genetically engineered crop, but whose crop came to contain genetically engineered material from natural causes such as wind carrying pollen from a genetically engineered plant is not subject to penalties under the bill. This is the case so long as the farmer did not intend or did not negligently permit this to occur.

And, finally, the bill directs the Secretary of HHS to make grants to study the possible health and environmental risks associated with genetically engineered foods. The bill authorizes $5 million for this purpose.

In closing, Mr. President, during the recent negotiations on the Biosafety Protocol, it was the United States' negotiating position that international shipments of seeds, grains and plants that may contain genetically engineered material be labeled accordingly.

If the United States took the position that it is appropriate to provide this information to its trading partners, shouldn't we make similar information available to American consumers?

I am hopeful that my House and Senate colleagues can act quickly to ensure the passage of my legislation to give American families the right-to-know whether their food contains or was produced with genetically engineered material.

I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genetically Engineered Food Right-to-Know Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1999, 98,600,000 acres in the United States were planted with genetically engineered crops, and more than ⅓ of the soybean crop, and ¼ of the corn crop, in the United States was genetically engineered.

(2) The process of genetically engineering foods results in the material change of such foods.

(3) The health and environmental effects of genetically engineered foods are not yet known.

(4) Individuals in the United States have the right to know whether food contains or has been produced with genetically engineered material.

(5) Federal law gives individuals in the United States the right to know whether food contains artificial colors and flavors, chemical preservatives, and artificial sweeteners by requiring the labeling of such food.

(6) Requirements that genetically engineered food be labeled as genetically engineered would increase consumer knowledge about, and consumer control over consumption of, genetically engineered food.

(7) Genetically engineered material can be detected in food at levels as low as 0.1 percent by reasonably available technology.

SEC. 3. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following paragraph:

"(t)(1) If it contains a genetically engineered material, or was produced with a genetically engineered material, unless it bears a label (or labeling, in the case of a raw agricultural commodity) that provides notices in accordance with each of the following requirements:

"(A) The label or labeling bears the following notice: 'GENETICALLY ENGINEERED'.

"(B) The label or labeling bears the following notice: 'THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

"(C) The notice required in clause (A) immediately precedes the notice required in clause (B) and the type for the notice required in clause (A) is not less than twice the size of the type for the notice required in clause (B).

"(D) The notice required in clause (B) is the same size as would be required if the notice provided nutrition information that is required in paragraph (q)(1).

"(E) The notices required in clauses (A) and (B) are clearly legible and conspicuous.

"(2) This paragraph does not apply to food that—

"(A) is served in restaurants or other similar eating establishments, such as cafeterias and carryouts;

"(B) is a medical food as defined in section 5(b) of the Orphan Drug Act; or

"(C) was grown on a tree that was planted before the date of enactment of the Genetically Engineered Food Right-to-Know Act, in a case in which the producer of the food does not know if the food contains a genetically engineered material, or was produced with a genetically engineered material.

"(3) In this paragraph:

"(A) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material.

"(B) The term 'genetically engineered organism' means—

"(i) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introduction of a foreign gene, and a process that changes the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

"(ii) an organism made through sexual or asexual reproduction, or both, involving an organism described in subclause (i), if possessing any of the altered molecular or cellular characteristics of the organism so described.

"(C) The term 'produced with a genetically engineered material', used with respect to a food, means a food if—

"(i) the organism from which the food is derived has been injected or otherwise treated with a genetically engineered material (except that the use of manure as a fertilizer for raw agricultural commodities may not be construed to be production with a genetically engineered material);

"(ii) the animal from which the food is derived has been fed genetically engineered material; or

"(iii) the food contains an ingredient that is a food to which subclause (i) or (ii) applies.".

(b) GUARANTY.—

(1) IN GENERAL.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(d)) is amended—

(A) by striking "(d)" and inserting "(d)(1)"; and

(B) by adding at the end the following paragraph:

"(2)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving food that is misbranded within the meaning of section 403(t) if such person (referred to in this paragraph as the 'recipient') establishes a guaranty or undertaking that—

"(i) is signed by, and contains the name and address of, a person residing in the United States from whom the recipient received in good faith the food (including the receipt of seeds to grow raw agricultural commodities); and

"(ii) contains a statement to the effect that the food does not contain a genetically engineered material or was not produced with a genetically engineered material.

"(B) In the case of a recipient who, with respect to a food, establishes a guaranty or undertaking in accordance with subparagraph (A), the exclusion under such subparagraph from being subject to penalties applies to the recipient without regard to the manner in which the recipient uses the food, including whether the recipient is—

"(i) processing the food;

"(ii) using the food as an ingredient in a food product;

"(iii) repacking the food; or

"(iv) growing, raising, or otherwise producing the food.

"(C) No person may avoid responsibility or liability for a violation of section 301(a), 301(b), or 301(c) involving food that is misbranded within the meaning of section 403(t) by entering into a contract or other agreement that specifies that another person shall bear such responsibility or liability, except that a recipient may require a guaranty or undertaking as described in this subsection.

"(D) In this paragraph, the terms 'genetically engineered material' and 'produced with a genetically engineered material' have the meanings given the terms in section 403(t).".

(2) FALSE GUARANTY.—Section 301(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(h)) is amended by inserting "or 303(d)(2)" before ", which guaranty or undertaking is false" the first place it appears.

(c) UNINTENDED CONTAMINATION.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b)(1), is further amended by adding at the end the following paragraph:

"(3)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving food that is misbranded within the meaning of section 403(t) if—

"(i) such person is an agricultural producer and the violation occurs because food that is grown, raised, or otherwise produced by such producer, which food does not contain a genetically engineered material and was not produced with a genetically engineered material, is contaminated with a food that contains a genetically engineered material or was produced with a genetically engineered material (including contamination by mingling the 2 foods); and

"(ii) such contamination is not intended by the agricultural producer.

"(B) Subparagraph (A) does not apply to an agricultural producer to the extent that the contamination occurs as a result of the negligence of the producer.".

(d) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

"(h)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving food that is misbranded within the meaning of section 403(t), any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each such violation.

"(2) Paragraphs (3) through (5) of subsection (g) apply with respect to a civil penalty assessed under paragraph (1) to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty assessed under paragraph (1) or (2) of subsection (g).".

SEC. 4. GRANTS FOR RESEARCH ON GENETICALLY ENGINEERED FOOD.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 908. GRANTS FOR RESEARCH ON GENETICALLY ENGINEERED FOOD.

"(a) IN GENERAL.—The Secretary may make grants to appropriate individuals, organizations, and institutions to conduct research into the public health and environmental risks associated with genetically engineered materials, food that contains a genetically engineered material, and food that is produced with a genetically engineered material, including risks related to—

"(1) increased allergenicity;

"(2) increased toxicity;

"(3) cross-pollination between genetically engineered materials and materials that are not genetically engineered materials; and

"(4) interference with the soil ecosystem and other impacts on the ecosystem.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated $5,000,000 for fiscal year 2001 to carry out the objectives of this section.

"(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

"(c) DEFINITIONS.—The terms 'genetically engineered material' and 'produced with a genetically engineered material' have the meanings given the terms in section 403(t)(3) of the Federal Food, Drug, and Cosmetic Act.".

SEC. 5. CONFORMING AMENDMENTS.

(a) Section 1(n) of Public Law 90-201 is amended—

(1) in paragraph (11), by striking "or" at the end;

(2) in paragraph (12), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(13) if—

"(A) it contains a genetically engineered material, or was produced with a genetically engineered material; and

"(B)(i) it does not bear a label or labeling, as appropriate, that provides the notices required under the terms and conditions of section 403(t) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(t)); or

"(ii) it is the subject of a false guaranty or undertaking,

subject to the terms and conditions of section 303(d) of that Act (21 U.S.C. 333(d)) and subject to the penalties described in section 303(h) of that Act (21 U.S.C. 333(h)) and remedies available under this Act.".

(b) Section 4(h) of Public Law 85-172 is amended—

(1) in paragraph (11), by striking "or" at the end;

(2) in paragraph (12), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(13) if—

"(A) it contains a genetically engineered material, or was produced with a genetically engineered material; and

"(B)(i) it does not bear a label or labeling, as appropriate, that provides the notices required under the terms and conditions of section 403(t) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(t)); or

"(ii) it is the subject of a false guaranty or undertaking,

subject to the terms and conditions of section 303(d) of that Act (21 U.S.C. 333(d)) and subject to the penalties described in section 303(h) of that Act (21 U.S.C. 333(h)) and remedies available under this Act.".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect 180 days after the date of enactment of this Act.●

By Mr. DEWINE (for himself, Mr. WARNER, and Mr. ROBB):

S. 2082. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Energy and Natural Resources.

PRESIDENTIAL SITES IMPROVEMENT ACT OF 2000

Mr. DEWINE. Mr. President, I rise today to honor not only the birthday of our great nation's first president, George Washington, but all presidents who followed in his foot steps. I am introducing the Presidential Sites Improvement Act of 2000, which would create a new and innovative partnership with public and private entities to preserve and maintain Presidential birthplaces, homes, memorials, and tombs. Our Presidents have contributed so much to our country, and we have much to learn from them. It is fitting that we recognize their contributions as leaders of our country.

Mr. President, there are numerous sites across the nation that pay tribute to our nation's chief executives, but the majority of these sites are not owned by the National Park Service. This means that these sites generally do not receive federal support. These sites must rely on donations, state and local assistance, and private endowments to pay for staff, maintenance, and restoration projects. Some of these sites have large endowments for operation expenses. Unfortunately, many other sites have a very difficult time making ends meet. In fact, many of these sites delay necessary capital improvement projects because site managers simply don't have the resources to pay for them. Over time, maintenance neglect will cause these historic sites to slowly fall apart.

I have visited many of the Presidential historic sites throughout my home state of Ohio, a state that has been the home of eight presidents. It is disturbing to see at the Ulysses S. Grant birthplace the discoloration throughout the house and falling plaster because of water damage. At the home of President Warren Harding, the famous front porch where then candidate Harding gave his campaign speeches actually began to pull away from the house. Fortunately, we were able to obtain the funding to prevent these two historic treasures from deteriorating further. However, by providing some federal assistance for maintenance projects today, we can help prevent larger maintenance problems tomorrow.

Mr. President, these Presidential sites are far too important to let them slowly decay. My legislation would authorize grants, administered by the National Park Service, for maintenance and improvement projects on presidential sites that are not federally owned or managed. A portion of the funds would be set aside for sites that are in need of emergency assistance. To administer this new program, this legislation would establish a five member committee, including the Director of the National Park Service, a member of the Trust for Historic Preservation, and a state historic preservation officer. This committee would make grant recommendations to the Secretary of the Interior. Each grant would require that half of the funds come from nonfederal sources. Up to $5 million would be made available annually.

With this legislation, we can do more than just set one day aside to honor our country's dedicated leaders. We can make a lasting commitment to preserve their memory and contributions for generations to come. Our children and grandchildren should have the opportunity to understand the richness of our country's history. If we do not make efforts to maintain these Presidential sites, we will lose these treasures forever. The funds given to these sites would be a great tribute to our nation's past and a lasting asset to our nation's future.

Our Presidents have shaped this country, so it is fitting that we recognize their contributions as leaders. I invite my colleagues to join me, along with my colleagues from Virginia, Senators WARNER and ROBB, in cosponsoring this legislation.

Mr. President, I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Sites Improvement Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) there are many sites honoring Presidents located throughout the United States, including Presidential birthplaces, homes, museums, burial sites, and tombs;

(2) most of the sites are owned, operated, and maintained by non-Federal entities such as State and local agencies, family foundations, colleges and universities, libraries, historical societies, historic preservation organizations, and other nonprofit organizations;

(3) Presidential sites are often expensive to maintain;

(4) many Presidential sites are in need of capital, technological, and interpretive display improvements for which funding is insufficient or unavailable; and

(5) to promote understanding of the history of the United States by recognizing and preserving historic sites linked to Presidents of the United States, the Federal Government should provide grants for the maintenance and improvement of Presidential sites.

SEC. 3. DEFINITIONS.

In this Act:

(1) GRANT COMMISSION.—The term "Grant Commission" means the Presidential Site Grant Commission established by section 4(d).

(2) PRESIDENTIAL SITE.—The term "Presidential site" means a Presidentially-related site of national significance that is—

(A) managed, maintained, and operated for and is accessible to, the public; and

(B) owned or operated by—

(i) a State; or

(ii) a private institution, organization, or person.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. GRANTS FOR PRESIDENTIAL SITES.

(a) IN GENERAL.—The Secretary shall award grants for major maintenance and improvement projects at Presidential sites to owners or operators of Presidential sites in accordance with this section.

(b) USE OF GRANT FUNDS.—

(1) IN GENERAL.—A grant awarded under this section may be used for—

(A) repairs or capital improvements at a Presidential site (including new construction for necessary modernization) such as—

(i) installation or repair of heating or air conditioning systems, security systems, or electric service; or

(ii) modifications at a Presidential site to achieve compliance with requirements under titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); and

(B) interpretive improvements to enhance public understanding and enjoyment of a Presidential site.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Of the funds made available to award grants under this Act—

(i) 15 percent shall be used for emergency projects, as determined by the Secretary;

(ii) 65 percent shall be used for grants for Presidential sites with—

(I) a 3-year average annual operating budget of less than $700,000 (not including the amount of any grant received under this section); and

(II) an endowment in an amount that is less than 3 times the annual operating budget of the site; and

(iii) 20 percent shall be used for grants for Presidential sites with—

(I) an annual operating budget of $700,000 or more (not including the amount of any grant received under this section); and

(II) an endowment in an amount that is equal to or more than 3 times the annual operating budget of the site.

(B) UNEXPENDED FUNDS.—If any funds allocated for a category of projects described in subparagraph (A) are unexpended, the Secretary may use the funds to award grants for another category of projects described in that subparagraph.

(c) APPLICATION AND AWARD PROCEDURE.—

(1) IN GENERAL.—Not later than a date to be determined by the Secretary, an owner or operator of a Presidential site may submit to the Secretary an application for a grant under this section.

(2) INVOLVEMENT OF GRANT COMMISSION.—

(A) IN GENERAL.—The Secretary shall forward each application received under paragraph (1) to the Grant Commission.

(B) CONSIDERATION BY GRANT COMMISSION.—Not later than 60 days after receiving an application from the Secretary under subparagraph (A), the Grant Commission shall return the application to the Secretary a recommendation of whether the proposed project should be awarded a Presidential site grant.

(C) RECOMMENDATION OF GRANT COMMISSION.—In making a decision to award a Presidential site grant under this section, the Secretary shall take into consideration any recommendation of the Grant Commission.

(3) AWARD.—Not later than 180 days after receiving an application for a Presidential site grant under paragraph (1), the Secretary shall—

(A) award a Presidential site grant to the applicant; or

(B) notify the applicant, in writing, of the decision of the Secretary not to award a Presidential site grant.

(4) MATCHING REQUIREMENTS.—

(A) IN GENERAL.—The Federal share of the cost of a project at a Presidential site for which a grant is awarded under this section shall not exceed 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project at a Presidential site for which a grant is awarded under this section may be provided in cash or in kind.

(d) PRESIDENTIAL SITE GRANT COMMISSION.—

(1) IN GENERAL.—There is established the Presidential Site Grant Commission.

(2) COMPOSITION.—The Grant Commission shall be composed of—

(A) the Director of the National Park Service; and

(B) 4 members appointed by the Secretary as follows:

(i) A State historic preservation officer.

(ii) A representative of the National Trust for Historic Preservation.

(iii) A representative of a site described in subsection (b)(2)(A)(ii).

(iv) A representative of a site described in subsection (b)(2)(A)(iii).

(3) TERM.—A member of the Grant Commission shall serve a term of 2 years.

(4) DUTIES.—The Grant Commission shall—

(A) review applications for Presidential site grants received under subsection (c); and

(B) recommend to the Secretary projects for which Presidential site grants should be awarded.

(5) INELIGIBILITY OF SITES DURING TERM OF REPRESENTATIVE.—A site described in clause (iii) or (iv) of paragraph (2)(B) shall be ineligible for a grant under this Act during the 2-year period in which a representative of the site serves on the Grant Commission.

(6) NONAPPLICABILITY OF FACA.—The Grant Commission shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $5,000,000 for each of fiscal years 2001 through 2005, to remain available until expended.

Mr. ROBB. Mr. President, I rise today to join my colleagues Senators DEWINE and WARNER to introduce a bill aimed at preserving an important part of our national heritage. The Presidential Sites Improvement Act will help preserve and protect some of our nation's greatest historical treasures, homes and other places close to the lives of U.S. Presidents. Mr. President, the Commonwealth of Virginia is the birthplace and home of some of our most illustrious Presidents. We have honored those Presidents by preserving their homes, and we honor our history by maintaining those homes and using them to educate and remind ourselves of what has gone before. Mount Vernon, Monticello, and Montpelier are famous for providing historic perspective on what the nation was like during the years when their owners served our country.

Not all Presidential homes are as grand as Mount Vernon, nor were all Presidents as well remembered and honored as George Washington. But each President has an important place in American history, and their homes and other sites related to their lives, remain an important part of our nation's story.

Many of these sites are owned by private citizens, small community organizations, universities, and historical societies. These organizations don't always have the funds available to keep the sites in good repair, provide fire protection, handicap access, and develop interpretive displays that teach our nation's history. The Presidential Sites Improvement Act is aimed primarily at those sites. We want to lend a hand to those local organizations and individuals who work to preserve the story of individual Presidents in order to preserve the story of America's growth, and America's greatness.

Mr. President, I also want to thank each of these organizations for preserving our country's history, and for providing our generation and future generations with information on the backgrounds and influences that tie each President to his time in history, and his place in the national mosaic of our great democracy.

I am pleased to be an original sponsor of this bill, and I hope the Senate will join us in supporting this legislation, and moving it to quick passage.

By Mr. ROBB (for himself, Mr. MOYNIHAN, Mr. L. CHAFEE, Mr. DODD, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. SARBANES, Mr. SCHUMER, and Mr. WARNER):

S. 2083. A bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes; to the Committee on Finance.

COMMUTER BENEFITS EQUITY ACT OF 2000

• Mr. ROBB. Mr. President, today with Senator MOYNIHAN I introduce legislation that will continue our fight on urban sprawl by encouraging the use of public transportation. The Commuter Benefits Equity Act of 2000 increases the tax exemption for transit and van passes to the same level as parking. Currently, we allow employers to provide up to $175 a month in tax-free parking benefits, but only $65 a month for transit. This makes no sense when our goal is to reduce the amount of traffic on our highways.

The Commuter Benefits Equity Act of 2000 raises the limit on transit and van passes up to the current limit for parking passes, $175 a month. Both of these benefits will then be adjusted for inflation annually. To ensure that federal employees can also take advantage of this benefit, the bill also eliminates an outdated provision that currently precludes an employee from cashing out his employer-provided parking pass and using an employer-provided transit pass instead. It is important that federal employees have the same access to public transportation benefits as do private sector employees.

While this is but one step towards dealing with traffic congestion and the more comprehensive problem of sprawl, it is an important one. I will continue to push for sensible legislation, like this bill, that continues to improve our quality of life.●

● Mr. MOYNIHAN. Mr. President, I wish to say a few words about the Commuter Benefits Equity Act of 2000, which Senator ROBB introduced today. I am proud to join Senators SCHUMER, LAUTENBERG, LIEBERMAN, DODD, CHAFEE, MIKULSKI, WARNER, KERRY, and SARBANES as a cosponsor of this legislation, which will provide substantial tax savings to American workers and move commuters out of their cars, off our congested highways, and onto mass transportation systems.

The Commuter Benefits Equity Act of 2000 represents the latest in a decade-long series of Federal surface transportation policy reforms that began with the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Instead of building highways irrespective of need or economic justification, we have, since ISTEA, turned our focus to improving the mobility of Americans while reversing some of the environmental degradation caused by highway congestion. We have made great progress and built formidable constituencies for balanced transportation investments, but arguments over Federal transportation priorities extend back to Alexander Hamilton and Thomas Jefferson. In short, we must remain vigilant.

Under current law, employers may permit employees to set aside up to $65 of their monthly pre-tax salary to pay for commuting costs. This benefit, known as the transit/vanpool "qualified transportation fringe," excludes up to $780 of a worker's annual salary from Federal income taxes and reduces employer payroll taxes while encouraging mass transit usage. If employers prefer, they may choose to offer the benefit in addition to an employee's salary. Under this system, workers receive a Federal tax-free benefit of up to $780 per year, which employers may provide at a far lower cost than a commensurate salary increase.

These are sensible measures that promote environmentally sound commuting practices, and reward working Americans. However, a similar benefit exists for employer-provided parking spaces with a monthly cap of $175 per month. For many commuters whose companies offer both the transit/vanpool and parking benefits, driving to work can be significantly cheaper. With this bill, my colleagues and I are stating that the Federal government should, at minimum, treat transit commuters and those who drive to work equally. Our proposal is to raise the cap on the transit/vanpool benefit to $175.

A second feature of the bill expands the availability of the transit/vanpool benefit to many Federal employees who are precluded from using it because of Federal employee compensation law. Specifically, under current law Federal employees may not "cash-out" their parking space benefit in exchange for either taxable income or the tax-free transit and vanpool benefit. This section of the bill permits Federal employees to enjoy the same benefits as their private sector counterparts.

I believe that this bill is long overdue. Federal tax policy should not encourage people to drive to work, and Federal employees should not be prohibited from enjoying the same tax benefits as other working Americans. In passing this bill, we can institute a measure of fairness into both Federal tax policy and Federal employee compensation. In addition, we can reduce automobile congestion and air pollution from our highways.●

By Mr. LUGAR:

S. 2084. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Finance.

THE HUNGER RELIEF TAX INCENTIVE ACT

Mr. LUGAR. Mr. President, I rise today to introduce the Hunger Relief Tax Incentive Act. The United States is experiencing one of the greatest economic expansions in our nation's history. Our country is in the enviable position of experiencing both strong growth and record low unemployment and inflation.

Unfortunately, some families have not shared in this rising economic tide. Last year, America's Second Harvest food banks, our nation's largest hunger relief network, provided food assistance to 26 million needy people.

Food banks and other charities are finding it increasingly difficult to meet all of the demand for food assistance. Nearly 1 million needy and hungry people were turned away from food banks last year for a lack of food, according to Second Harvest. Statistics by the United States Department of Agriculture show that up to 96 billion pounds of food goes to waste each year in the United States. If a small percentage of that food could be captured and directed to food banks, significantly more food would be available to those in need.

In the past, food banks have gained donations from the inefficiencies of manufacturing. Producing blemished product or manufacturing too much merchandise has provided charities with a steady flow of donations. However, technology has made businesses and manufacturers significantly more efficient. Although beneficial to the company's bottom-line, donations have lessened as a result. Furthermore, the advent of a seconds market, including dollar and value stores, has created additional demand for these over-produced or cosmetically flawed products, placing another strain on this source of food donations.

As Chairman of the Senate Agriculture Committee, I realize the important assistance provided through federal nutrition programs. During the debate on welfare reform, I fought for our nation's school lunch program, opposing the block granting of such funds in order to ensure that low income children received at least one nutritious meal a day. I also fought successfully to maintain food stamps as an entitlement to ensure access to nutritious food for the nation's poor. In 1997, Congressman Lee Hamilton and I sponsored and passed legislation that gave charities that serve the poor preferential access to surplus federal property. The Hunger Relief Tax Incentive bill I am introducing today will complement these efforts and spur private donations of food products to food banks and soup kitchens around the country.

Under current tax law, when a corporation donates food to a food bank, it is eligible to receive a "special rule" tax deduction. Congress created the "special rule" deduction in the Tax Reform Act of 1976 to provide a special incentive for the donation of food to charities that serve the poor. The "special rule" deduction allows a company to deduct the cost (or basis) of the donated product and up to ½ the mark-up of the product's fair market value. This deduction is capped to not exceed twice the cost basis.

Unfortunately, when the "special rule" deduction is applied to most donations, companies have found that they do not even recoup their actual production costs. Moreover, current tax law limits the "special rule" deduction to corporations, thus disallowing farmers, ranchers, small businesses and restaurant owners from receiving the same tax benefits afforded to corporate donors.

The Hunger Relief Tax Incentive Act will encourage additional food donations with three changes to our current law. First, this bill will extend these favorable tax incentives now afforded only to corporate donors of food to all business taxpayers. That means farmers, ranchers, small business and restaurant owners will benefit through tax incentives for their donations of food to hungry people in their own community.

Second, this legislation will enlarge the tax deduction for donated food to the fair market value of the product, not to exceed twice the product's cost (basis). Although most companies will continue to recoup less than the entire cost of production, the enhanced deduction from the donation and the resulting heightened good-will makes donating food a more economically sound proposition.

Lastly, this bill will codify the Tax Court ruling in "Lucky Stores, Inc. v. IRS". In that case, the Court upheld the right of the taxpayer to determine the fair market value of donated food, rather than the IRS. I agree that taxpayers are in the best position to determine the appropriate fair market value of these products.

Mr. President, the Hunger Relief Tax Incentive Act will help in our battle to feed needy Americans and I urge my colleagues to support this measure.

By Mr. LUGAR (for himself, Mr. GREGG, and Mr. BREAUX):

S. 2085. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide incentives for older Americans to remain in the workforce beyond the age of eligibility for full Social Security benefits; to the Committee on Finance.

THE RETIRED AMERICANS RIGHT OF EMPLOYMENT ACT I

S. 2086. A bill to amend title II of the Social Security and the Internal Revenue Code of 1986 to provide incentives for older Americans to remain in the workforce beyond the age of eligibility for full Social Security benefits; to the Committee on Finance.

THE RETIRED AMERICANS RIGHT OF EMPLOYMENT ACT II

Mr. LUGAR. Mr. President, I rise today with my colleagues, Senators GREGG and BREAUX, to introduce two pieces of bipartisan legislation intended to encourage older Americans to remain in the workforce. Today more individuals wish to work and are capable of working beyond retirement age. Yet our laws discourage such behavior. Our policies should provide productive older Americans with incentives for staying in the workforce, paying taxes, and strengthening our economy and Social Security System.

The American economy, its workforce, and ensuing retirement patterns have all changed dramatically since Congress passed the Social Security Act over sixty years ago. In 1935, when the Social Security retirement age was set at age 65, most workers were employed in physically demanding jobs in either the manufacturing or agricultural sectors. The physical strain of work and the resulting health problems made it difficult for individuals to continue to labor past the age of 65. Furthermore, most individuals were not expected to live much beyond the age of retirement. The life expectancy of individuals born in 1935 was only 61 years.

Today's economy and workforce differs greatly from the industrial one that Social Security was designed to augment. The current American employment base is mostly service and technology driven. These sectors do not take as much of a physical toll on workers. Compared with the 1950's that witnessed 20 percent of the workforce in physically taxing jobs, today those figures are closer to 7 percent.

The health and life expectancy of older Americans also has improved dramatically since Social Security was enacted. In the past decade, the rate of disability among older Americans has been falling nearly three times as fast as the previous eight decades. Older Americans are living longer and healthier as a result of improvements in medicine and treatment. According to Frank Williams, a professor of medicine at the University of Rochester, the approaching trend for older Americans will be to experience a longer "health span" during their retirement years and a brief acute illness before death, rather than years of costly, chronic disability. Other studies have supported these findings. This suggests that older Americans have the physical abilities to continue to work beyond retirement age if they so choose.

Unfortunately, laws remain on the books that are designed to penalize older Americans for staying in the workforce past retirement age. We cannot afford to discourage older Americans from working. As our economy grows and the baby-boomers approach retirement, productive workers will be scarce. Tapping into the pool of experienced older Americans will be important to continue to improve our economy and standard of living.

The two bills I am introducing today each make four changes to our laws in an effort to encourage older Americans to remain in the workforce. The most significant disincentive for working past retirement age is the Social Security earnings test and both bills I have introduced would eliminate it. In 2000, the earnings test provides that recipients under age 65 may earn up to $10,080 a year in wages or self-employment income without having their Social Security benefits affected. Those aged 65–69 can earn up to $17,000 a year. For earnings above these amounts, recipients under age 65 lose $1 of benefits for each $2 of earnings, and those aged 65–69 lose $1 in benefits for each $3 of earnings.

The earnings test was established during a time when our nation pushed older employees out of the workforce in order to make room for a younger generation. Our economy is in need of all productive workers, including the growing pool of experienced older Americans. The antiquated Social Security earnings test remains an onerous work disincentive for older Americans and it should be eliminated. The elimination of the earnings test was one of the recommendations contained in the final report of the 21st Century National Commission on Retirement Policy.

The second provision contained in both pieces of legislation would change the Social Security benefit formula to include all earnings years in the calculation of an individual's benefit, including those that occur after retirement. Under current law, the Social Security Administration determines an individual's retirement benefit by using the average of the top 35 earnings years prior to an individual's eligibility age. For most people, retirement eligibility occurs at age 62. This means that for most Americans, those earnings that occur after age 62 are not accounted for in an individual's benefit calculation. This anomaly in the law provides a disincentive to work past retirement age. Our two bills would address this by including all earnings years in the benefit formula. Retirees will be rewarded through a higher benefit for continuing to work and pay taxes.

The third provision would make adjustments to the benefit formula for those who retire early and those who delay retirement. The 21st Century National Commission on Retirement Policy recommends adjustments to the early retirement benefit level and the delayed retirement credit to reflect more accurately the value of extra taxes paid if retirement is delayed. Actuarial studies have found that the Social Security benefit formula is currently weighted to favor those individuals who retire early and against those who delay retirement. These bills adjust the benefit calculation to ensure that there is not a bias in the benefit formula that discourages working.

Where the two bills differ is in the fourth section, which uses the tax code to induce individuals to work past the retirement age. The RARE Act I would cut individuals' portion of the FICA tax by 10 percent once they reach full retirement age as an incentive for them to stay in the workforce. Retirees would see their FICA tax cut from 7.65 percent to 6.885 percent. Under current law, the Old-Age, Survivors, and Disability Insurance (OASDI) is currently funded with a 6.2 percent tax on employee wages up to $76,200 with a matching contribution by the employer. The Hospital Insurance (HI) or Medicare portion is funded through a 1.45 percent tax on all wages with a similar employer match. Because FICA taxes are levied on the first dollar of wages earned, this tax reduction will benefit all income levels of retirees, including those who choose to work part-time after retirement.

The second bill, the RARE Act II, takes a bolder tax cutting approach. It would provide individuals who have reached the full retirement age with a tax credit equal to the lesser of 10 percent of the amount of income tax owed or the earned income of an individual. This provision would effectively reward older Americans who continue to earn and to pay taxes past the age of retirement.

Mr. President, the Retired Americans Right of Employment Acts are thoughtful pieces of legislation aimed at keeping productive workers engaged in our economy and I urge my colleagues to support these bipartisan efforts.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 39

At the request of Mr. ROBB, his name was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above the call of duty, and for other purposes.

S. 71

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 119

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 119, a bill to establish a Northern Border States-Canada Trade Council, and for other purposes.

S. 158

At the request of Mr. ROBB, his name was added as a cosponsor of S. 158, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor.

S. 162

At the request of Mr. BREAUX, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 162, a bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limitation on oil depletion deduction from a daily basis to an annual average daily basis.

S. 285

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 311

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 521

At the request of Mr. ROBB, his name was added as a cosponsor of S. 521, a bill to amend part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship.

S. 783

At the request of Mr. ROBB, his name was added as a cosponsor of S. 783, a bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 910

At the request of Mr. CRAIG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 910, a bill to streamline, modernize, and enhance the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1314

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1314, a bill to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1419

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month."

S. 1480

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1480, a bill to amend title XVIII of the Social Security Act to assure access of medicare beneficiaries to prescription drug coverage through the SPICE drug benefit program.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1563

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 1642

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1729

At the request of Mr. CAMPBELL, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 1729, a bill to amend the National Trails System Act to clarify

Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 1886

At the request of Mr. INHOFE, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1886, a bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirement for reformulated gasoline, to encourage development of voluntary standards to prevent and control releases of methyl tertiary butyl ether from underground storage tanks, and for other purposes.

S. 1902

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Illinois (Mr. DURBIN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1924

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1924, a bill to ensure personal privacy with respect to financial information, to provide customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, to provide for strong enforcement of these rights, and to protect States' rights.

S. 1941

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1946

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1946, a bill to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act," to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes.

S. 1962

At the request of Mr. ASHCROFT, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1962, a bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

S. 1983

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1983, a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs.

S. 1988

At the request of Mr. DASCHLE, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1988, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 1993

At the request of Mr. THOMPSON, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1993, a bill to reform Government information security by strengthening information security practices throughout the Federal Government.

S. 2001

At the request of Mr. GRAMS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2001, a bill to protect the Social Security and Medicare surpluses by requiring a sequester to eliminate any deficit.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2012

At the request of Mr. KYL, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 2012, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2021

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2021, a bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991.

At the request of Mr. BROWNBACK, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2021, supra.

S. 2023

At the request of Mr. LIEBERMAN, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. KERREY), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2023, a bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes.

S. 2029

At the request of Mr. FRIST, the names of the Senator from Arizona (Mr. MCCAIN), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2030

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2030, a bill to authorize microfinance and food assistance for communities affected by the Acquired Immune Deficiency Syndrome (AIDS), and for other purposes.

S. 2047

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2047, a bill to direct the Secretary of Energy to create a Heating Oil Reserve to be available for use when fuel oil prices in the United States rise sharply because of anticompetitive activity, during a fuel oil shortage, or during periods of extreme winter weather.

S. 2056

At the request of Mr. Johnson, the names of the Senator from Vermont (Mr. Leahy), the Senator from New Mexico (Mr. Bingaman), the Senator from Minnesota (Mr. Wellstone), and the Senator from Connecticut (Mr. Lieberman) were added as cosponsors of S. 2056, a bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program.

S. 2062

At the request of Mr. DeWine, the names of the Senator from New York (Mr. Schumer) and the Senator from Virginia (Mr. Warner) were added as cosponsors of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2068

At the request of Mr. Gregg, the name of the Senator from Minnesota (Mr. Grams) was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. CON. RES. 69

At the request of Ms. Snowe, the names of the Senator from Mississippi (Mr. Cochran), the Senator from Georgia (Mr. Cleland), and the Senator from Washington (Mrs. Murray) were added as cosponsors of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S. CON. RES. 81

At the request of Mr. Roth, the name of the Senator from Mississippi (Mr. Lott) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S.J. RES. 26

At the request of Mr. Smith of New Hampshire, the name of the Senator from Wyoming (Mr. Enzi) was added as a cosponsor of S.J. Res. 26, a joint resolution expressing the sense of Congress with respect to the courtmartial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. Indianapolis.

S.J. RES. 39

At the request of Mr. Campbell, the names of the Senator from Michigan (Mr. Abraham), the Senator from Kentucky (Mr. Bunning), the Senator from Mississippi (Mr. Cochran), the Senator from Georgia (Mr. Coverdell), the Senator from Illinois (Mr. Durbin), the Senator from North Carolina (Mr. Edwards), the Senator from New Hampshire (Mr. Gregg), the Senator from Utah (Mr. Hatch), the Senator from Vermont (Mr. Jeffords), the Senator from Vermont (Mr. Leahy), the Senator from Indiana (Mr. Lugar), and the Senator from Arizona (Mr. McCain) were added as cosponsors of S.J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 87

At the request of Mr. Durbin, the names of the Senator from New York (Mr. Schumer), the Senator from California (Mrs. Feinstein), and the Senator from Ohio (Mr. DeWine) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

S. RES. 128

At the request of Mr. Cochran, the name of the Senator from North Dakota (Mr. Conrad) was added as a cosponsor of S. Res. 128, a resolution designating March 2000, as "Arts Education Month."

S. RES. 247

At the request of Mr. Campbell, the name of the Senator from West Virginia (Mr. Rockefeller) was added as a cosponsor of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 248

At the request of Mr. Robb, the names of the Senator from North Dakota (Mr. Dorgan), the Senator from Texas (Mr. Gramm), the Senator from North Carolina (Mr. Helms), the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. Johnson), the Senator from Nebraska (Mr. Kerrey), the Senator from Maryland (Ms. Mikulski), and the Senator from West Virginia (Mr. Rockefeller) were added as cosponsors of S. Res. 248, a resolution to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week."

S. RES. 251

At the request of Mr. Specter, the names of the Senator from South Dakota (Mr. Johnson) and the Senator from West Virginia (Mr. Byrd) were added as cosponsors of S. Res. 251, a resolution designating March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

AMENDMENTS SUBMITTED

IRAN NONPROLIFERATION ACT OF 2000

LOTT (AND OTHERS) AMENDMENT NO. 2820

Mr. LOTT (for himself, Mr. Daschle, Mr. Levin, Mr. Helms, and Mr. Lieberman) proposed an amendment to the bill (H.R. 1883) to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes; as follows:

On page 2, line 3, strike "1999" and insert "2000".

On page 5, beginning on line 7, strike "No. 12938" and all that follows through the period and insert "No. 12938.".

On page 5, beginning on line 9, strike "The United States" and all that follows through "shall terminate" and insert "Prohibition on United States Government sales to that foreign person of any item on the United States Munitions List as in effect on August 8, 1995, and termination of".

On page 5, beginning on line 16, strike "The President shall deny licenses and suspend" and insert "Denial of licenses and suspension of".

On page 8 between lines 23 and 24, insert the following:

(b) Opportunity to Provide Information.—Congress urges the President—

(1) in every appropriate case, to contact in a timely fashion each foreign person identified in each report submitted pursuant to section 2(a), or the government with primary jurisdiction over such person, in order to afford such person, or governments, the opportunity to provide explanatory, exculpatory, or other additional information with respect to the transfer that caused such person to be identified in a report submitted pursuant to section 2(a); and

(2) to exercise the authority in subsection (a) in all cases where information obtained from a foreign person identified in a report submitted pursuant to section 2(a), or from the government with primary jurisdiction over such person, establishes that the exercise of such authority is warranted.

On page 8, line 24, strike "(b)" and insert "(c)".

On page 9, line 11, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 9, beginning on line 12, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 10, beginning on line 11, strike "through the implementation of concrete steps".

On page 10, beginning on line 16, strike ", including through the imposition of meaningful penalties on persons who make such transfers".

On page 10, line 19, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 10, line 21, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 11, line 25, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 12, line 2, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 13, line 6, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 13, line 8, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 13, line 10, insert after "Service Module" the following: ", and for the purchase (at a total cost not to exceed $14,000,000) of the pressure dome for the Interim Control Module and the Androgynous Peripheral Docking Adapter and related hardware for the United States propulsion module,".

On page 13, line 15, insert "credible" before "information".

On page 17, beginning on line 15, strike "RUSSIAN SPACE AGENCY" and insert "RUSSIAN AVIATION AND SPACE AGENCY".

On page 17, beginning on line 17, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 18, beginning on line 1, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

On page 18, line 6, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

On page 18, line 10, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency".

On page 18, beginning on line 13, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

On page 18, line 15, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

On page 18, line 16, strike "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on February 23, 2000, in SD–106 at 9 a.m. The purpose of this meeting will be to discuss the EPA's water quality regulations of August 23, 1999.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct an oversight hearing on the President's budget request for Indian programs for fiscal year 2001 beginning at 9:30 a.m. on Wednesday, February 23, 2000. The hearing will be held in the committee room, 485 Russell Senate Building.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on February 24, 2000, in SR–328A at 10 a.m. The purpose of this meeting will be to discuss risk management crop/insurance and possibly other issues before the Agriculture Committee.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, February 24, 2000, at 9:30 a.m. in room SH–216 of the Hart Senate Office Building in Washington, DC.

The purpose of this hearing is to examine energy supply and demand issues relating to crude oil, heating oil, and transportation fuels in light of the rise in price of these fuels.

Those who wish to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold two days of hearing entitled "Day Trading: Everyone Gambles But The House." This subcommittee hearing will focus on the practices and operations of the securities day trading industry.

The hearings will take place on Thursday, February 24, 2000, and Friday, February 25, 2000, at 9:30 a.m. each day in room 342 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources to consider the President's proposed fiscal year 2001 budget for the Bureau of Reclamation (Department of the Interior); and the Bonneville Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, and the Western Area Power Administration (Department of Energy). The hearing will be held on Tuesday, March 7, 2000, beginning at 2:30., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to submit written statements, should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Medical Errors: Administrative Response and Other Perspectives during the session of the Senate on Tuesday February 22, 2000, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 22, 2000, at 10:00 a.m. and 2:00 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, February 22, 2000, at 3:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 22, 2000 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 22 at 2:30 p.m. to conduct an oversight hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAUCUS ON INTERNATIONAL NARCOTICS CONTROL AND THE SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate Caucus on International Narcotics Control and the Subcommittee on International Trade of the Committee on Finance be authorized to meet during the session of the Senate on February 22, 2000 at 10:00 a.m. to hear testimony regarding U.S. Assistance Options for the Andes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent that Jill Hickson, who is a fellow in our office, be allowed to be on the floor during the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask unanimous consent Mike Daly, a fellow in the office of Senator ABRAHAM, be granted the privilege of the floor for the period of the consideration of H.R. 1883, the Iran Nonproliferation Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO "PEANUTS" CREATOR CHARLES M. SCHULZ

• Mr. GRAMS. Mr. President, I rise today to honor a man who spent the first 36 years of his life as a Minnesotan, an artist who through his work—and his work ethic—illustrated the values cherished by the people of my state, and the dreams, ambitions, and even aggravations of nearly everybody else.

Today, I pay tribute to Charles M. Schulz.

The "Peanuts" comic strip that ran in newspapers worldwide on February 13 was meant as a good-bye from the cartoonist to his creation and a thank-you to its legions of fans. Instead, it turned out to be a fitting farewell to the cartoonist himself when Charles Schulz passed away the day before its publication.

Mr. President, I regret that I never had the privilege of meeting Charles Schulz, but I felt like I knew him anyway. That is a sentiment the artist understood. "If you want to know me, ready my comic strip," he would say to inquiring journalists. So, the journalists did, along with much of the rest of the planet.

At its peak popularity, "Peanuts" was published in more than 2,600 newspapers in 20 languages in 75 countries, and had 350 million daily readers.

The artist's observations on life from a child's point of view were internationally acclaimed. Charles Schulz twice won comic art's highest honor. He was named International Cartoonist of the Year. Adaptations of his work garnered Emmy and Tony Awards, even the prestigious Peabody Award.

Today, Charlie Brown and his companions can be found everywhere * * * populating Camp Snoopy at the Mall of America, starring in books, TV shows, movies, and on the Broadway stage, and gracing everything from pencils and backpacks to sheets, shoelaces, and greeting cards.

All this from a private man who was most content in letting has art speak for itself.

Charles Schulz was quite simply the best, most honored, and most beloved cartoonist of the entire 20th century. Success, however, never diminished the enthusiasm he brought to his work or his passion for doing it right; up until the day he retired, he insisted on drawing, lettering, and coloring every frame of every cartoon panel himself.

"Why do musicians compose symphonies and poets write poems?" he once asked. "The do it because life wouldn't have any meaning for them if they did not. That is why I draw cartoons."

What most "Peanuts" fans—at least those outside of Minnesota—probably do not know is how Charles Schulz came to be a cartoonist. Well, that story begins in the Twin Cities.

Charles Monroe Schulz was born in Minneapolis on November 26, 1922, although he spent the majority of his youth across the river in St. Paul. An only child, he grew up in an apartment on the corner of Selby and Snelling Avenues, above the Family Barbershop owned and operated by his father. Charles Schulz went by the nickname "Sparky," a tribute from his comic-loving father to another popular comic strip character of the day. The young boy's interest in cartooning first took hold about the time Charles was six, and was spurred after his graduation from St. Paul Central High by a correspondence course ad that read "Do you like to draw?" His parents paid the $170 tuition in installments, although they may have questioned their investment when the class on drawing children netted Charles a grade of just C-plus.

After serving as an army tailgunner in Europe, Charles Schulz returned to Minnesota and earned his first paycheck as a cartoonist by working on a Catholic magazine feature. He also taught art, and sold 15 cartoons to the Saturday Evening Post. He created his first feature for the St. Paul Pioneer Press in 1947. "L'il Folks" was brought in 1950 by United Feature Syndicate, christened with a new name, and Charlie Brown and "Peanuts" debuted on October 2 in seven newspapers. Two days later, Snoopy was introduced to the world.

A phenomenon was born.

More than a few books, college theses, and critical essays have tried to dissect the popularity of "Peanuts." Maybe Charles Schultz himself had the best answer when in a 1994 speech he said, "There is still a market for things that are clean and decent."

I have always thought that the "Peanuts" gang endured because the characters were so strongly developed and so genuine that we saw something we could identify with in each of them.

Snoopy was the dreamer, persistently stradding his doghouse in pursuit of the Red Baron.

Lucy, dispensing nickel doses of pop psychology, took great pride in her crabbiness.

Woodstock was the accident prone one.

Peppermint Patty struggled in the classroom, but never struggled on the baseball field.

Linus made it all right for us to need a security blanket from time to time.

Sally, the loveable younger sister, wanted to believe in Santa Claus and the Great Pumpkin.

Schroeder was the unapologetic artist who loved his music.

Pig Pen* * * well, I think we all know a Pig Pen.

And Charlie Brown, "the little round-headed kid," was Everyman. We relate to him because at some point in our lives, we all pined for a little red-haired girl * * * were menaced by a kite-Eating Tree * * * and faced down a football we were certain would be snatched away at the last moment. Charlie Brown's perpetually upbeat search for happiness was our search, too.

"As a youngster, I didn't realize how many Charlie Browns there were in the world." Charles Schulz said. "I thought I was the only one. Now I realize that Charlie Brown's goofs are familiar to everybody, children and adults alike." No wonder he considered Charlie Brown his alter ago. "There is a lot of myself in his character, too," he said.

In his art, Charles Schulz could be tender, insightful, sometimes sarcastic, heartbreaking, hilarious, and occasionally sentimental. Always, his work was centered in a deep spirituality. Though it occasionally drove his fans mad, there was a practical reason why his comics were frequently tinged with pathos. In his 1980 book, "Charlie Brown, Snoopy and Me," the artist wrote, "You can't create humor out of happiness. I'm astonished at the number of people who write to me saying, 'Why can't you create happy stories for us? Why does Charlie Brown always have to lose? Why can't you let him kick the football?' Well, there is nothing funny about the person who gets to kick the football."

Mr. President, I am proud to co-sponsor legislation offered by my colleague from California, Senator FEINSTEIN, to award Charles Schulz the Congressional Gold Medal. I am pleased our colleagues in the House have already adopted this resolution. While I wish we had accorded the cartoonist this great honor in his lifetime, I know that Charles Schulz did not need the endorsement of this Congress to be fulfilled in his work, for how can a congressional honor compare with the love shown to him by his millions of faithful fans?

Minnesotans have always considered Charles Schulz one of us, even though he eventually moved to Santa Rosa, California, where he made his home with his wife Jeannie. He was blessed with five children, two stepchildren, and several grandchildren, and our prayers are with them all.

Mr. President, Charles Schulz fretted that his work as a cartoonist would never be considered great art and would certainly not stand the test of time.

With all due respect to the cartoonist I honor today, my two-word response to that is "Good grief!" Charlie Brown will undoubtedly live on long after the rest of us are forgotten. And that, I would argue, is exactly the way things are supposed to be.•

A HEROIC GIFT OF LIFE

• Mr. JOHNSON. Mr. President, I rise today to inform my colleagues of a recent act of great charity by one of my constituents, Ms. Debbie Laakso of Sioux Falls, South Dakota.

In an astonishing act of kindness, the single mother of four donated a kidney to her friend and former boss, Verle Jucht. The odd twist is that Debbie and Verle met at John Morrell and Company where Verle was Debbie's supervisor. Though they separated as colleagues in 1993, they surprisingly remained friends for the last six years. When Verle's kidney began to fail last year, Debbie gave him hers. Knowing her jovial nature, Verle and his wife, Colleen, thought their old friend was kidding when she first offered to donate.

Luckily, Debbie and Verle were a match, and after surgery last November, both are doing well. This story, Mr. President, is a great testament to the truly good and giving nature of people. I rise today to thank Debbie Laakso for her good nature and good humor and to congratulate her and Verle Jucht on their bravery and courage. Debbie serves as a model of goodness and friendship for all Americans, and their story is an account for all of the importance of the "Gift of Life."•

RELEASE OF SONG YONGYI

• Mr. SANTORUM. Mr. President, I rise today to celebrate the safe return of Song Yongyi to his home and family in Carlisle, Pennsylvania. Mr. Song, Librarian at Dickinson College, was recently freed from a Chinese detention center after a detainment of 172 days.

Mr. Song was born on December 15, 1949 in Shanghai where he attended elementary and middle school. During the Chinese Cultural Revolution, his education was interrupted and Mr. Song became a dockworker. In 1971 he was detained and labeled a "counter-revolutionary" for organizing a book club with four other young people interested in discussing political ideas. Mr. Song spent five years in detention under harsh conditions, where he was severely beaten, resulting in permanent damage to his health. After the Cultural Revolution, he was completely exonerated of all criminal charges.

In 1977 Mr. Song was part of an elite group of students who entered university as a result of a competitive, nationwide examination. He graduated from Shanghai Normal University in 1981. He taught Chinese literature for Shanghai educational television until 1987, at which time he became a full-time literary critic and widely recognized researcher. Mr. Song moved to the United States in 1989 and enrolled in graduate school at the University of Colorado, where his wife Helen (Xiaohua) and daughter Michelle (Xiaoxiao) joined him in 1990. After obtaining a second masters degree in library information science from Indiana University, the Song family moved to Carlisle, Pennsylvania, where Song Yongyi is employed as Librarian at Dickinson College.

Mr. Song's deep interest in the 1966–1976 Cultural Revolution and growing prominence as an expert in the field led him to make research trips to China in the summers of 1998 and 1999. As part of his research, Mr. Song collected documents concerning the Cultural Revolution, which are widely available in markets and curio shops. It was during this most recent visit to China that state security officials detained Mr. and Mrs. Song in Beijing on August 7. For about one month, Yongyi and Helen were held in a detention center in Beijing and interrogated. They were not allowed to see each other or communicate with the outside world. Later they were moved to a facility where conditions were less harsh and were finally permitted to speak with each other. Helen was released from custody on November 16 and allowed to return home to Carlisle, but Yongyi remained in detention. On December 24, Song Yongyi was arrested and charged with the "purchase and illegal provision of intelligence to foreign people."

Mr. Song's arrest generated an outpouring of support from scholars in the United States and abroad, as well as from politicians. As of result of the vigorous campaign to secure Mr. Song's release, the Chinese government announced their decision to free Song Yongyi.

On behalf of the many Pennsylvanians who diligently kept the Song family in their thoughts and prayers, I would like to extend my heartfelt congratulations and warmest wishes on the safe return of Song Yongyi.•

HATS OFF TO THE ALL-STAR RESEARCH TEAM AT NORTH DAKOTA STATE UNIVERSITY

• Mr. DORGAN. Mr. President, well over a decade ago, plant pathologists at North Dakota State University's Agricultural Experiment Station observed signs of a plant disease called Fusarium Head Blight—more commonly known as scab—in a few of the region's wheat fields. Upon this discovery, the researchers swung into action, not knowing they were about to do battle with an insidious plant disease which would eventually devastate wheat fields across the Northern Plains during the 1990s. Since 1993, scab has been an ever present scourge. Losses to the region's farmers from this cereal crop disease have been estimated to be as high as $2.6 billion during the last decade, the most costly plant disease outbreak ever in the United States.

Earlier this month, though, some good news was delivered on this front by those researchers who have battled this disease for so long. The North Dakota State University Agricultural Experiment Station announced the release of a new scab resistant spring wheat variety named Alsen. The new variety is named after the town of Alsen, located on route 66 in Northeastern North Dakota, an area which was particularly hard hit by this disease.

The researchers say that while this variety is not immune to scab, it can fight off the disease. This is excellent progress and welcome news. And, while this is the first spring wheat variety to exhibit scab resistance, it certainly won't be the last.

My hat is off to these researchers from North Dakota State University! There are many long, tedious, and unglamorous hours involved in cross-breeding wheat plants. The farmers of the region will be served well by this research, and it is proper and fitting that we recognize the dedicated efforts of those who have contributed their life's work to combat this disease which threatens the livelihood of our producers.

On behalf of all who are involved with, or impacted by, the agricultural economy of the Northern Plains—which includes just about everyone living in the region—I am proud to be able to take this opportunity to say thank you for a job well done to the researchers and support staff of the North Dakota State University Agricultural Experiment Station.•

TRIBUTE TO BARBARA BUSCH

• Mr. COVERDELL. Mr. President, I rise today to pay tribute to an American who has given graciously and unselfishly to her country. For over 36 years, Barbara Busch served this nation with great distinction in her many different capacities at the U.S. Peace Corps: from a staff assistant when she first began in 1964, to Executive Officer of the Recruitment and Communications Division, to Chief of Operations of Volunteer Recruitment and Selection, to Acting Director of the Peace Corps. It is truly a story of hard work and dedication.

Barbara retired from public service just under one month ago. Mr. President, I wanted to take this opportunity to congratulate her for a remarkable career and wish her well as she moves on to the next stage of her life. She leaves the Peace Corps with a better understanding of its importance and its role in the world than anyone that comes to mind. She will be greatly missed.

When I had the privilege to serve as Peace Corps Director, Barbara was working in the Office of Planning, Budget, and Finance. She was a diligent worker, excellent manager, and had a wonderful rapport with Peace Corp volunteers and returned volunteers alike. She was one of the few, courageous supporters of World Wise Schools, an innovative global education program that provides students in the United States with a view of life in countries around the globe. Since its inception in 1989, more than a million students in all 50 states have "put a face on a place" through World Wise Schools.

Back in 1964, when Barbara began her service, the Peace Corps was operating in 48 countries. Today, after her 36 years, the Peace Corps has 7,000 volunteers in 78 countries around the globe. It is because of dedicated public servants like Barbara that the Peace Corps continues to build on its distinguished record of service and continues to provide unique leadership around the world. There is no doubt that Barbara embodies the very spirit of the Peace Corps: a strong work ethic, generosity of spirit, and a commitment to service—the finest characteristics of the America people.

The Peace Corps continues to be the most successful program of its kind precisely because of its commitment to serving others. It is this legacy of service and commitment to others that Barbara leaves behind and for which she will be remembered.•

THE HONORABLE IKRAM U. KHAN, M.D.

• Mr. JOHNSON. Mr. President, I rise today to honor my good friend, the Honorable Ikram U. Khan, M.D.

I have had the honor of knowing Ikram for several years and I am fortunate we have developed a good friendship. Because of that friendship, I am doubly pleased that Ikram has been appointed by President Clinton to the Board of Regents for the Uniformed Services University of the Health Sciences.

This is an extremely prestigious appointment, one that Ikram richly deserves. During his twenty-one years of private practice, he has served not only his patients and the institution of medicine, but also his community and state. He has been honored by his hometown of Las Vegas and various local organizations for his community service and achievements. He has been nominated to serve on Nevada's State Board of Medical Examiners and on the state Legislature's Health Care Cost Containment committee. On the national scene, Congresswoman Barbara Vucanovich, in 1993, asked Ikram to adviser her on health care delivery issues specific to Medicare, and President Clinton, in 1995, recognized Ikram for his health care reform efforts. He is a very fine man, and his years of dedication to military medicine and to the health industry in general ensures he will perform a great service in this position.

Mr. President, I would like to again congratulate my friend, Dr. Ikram Khan, on his appointment to the Board of Regents and wish him the best on his new challenges managing the Uniformed Services University of Health Sciences. I trust the University and Secretary Cohen will find him a valuable asset and a skilled adviser.•

NATIONAL HEART FAILURE AWARENESS WEEK

• Mr. SANTORUM. Mr. President, on February 10th, I phoned in a request to become a cosponsor of S. Res. 256, a resolution designating the week of February 14 through 18, 2000, as "National Heart Failure Awareness Week". Unfortunately, my name was inadvertently not included in the list of cosponsors at that time. Hence, I ask unanimous consent that the RECORD reflect my support and cosponsorship of the resolution.

Mr. President, I cosponsored this important resolution because it will help to promote research related to all aspects of heart failure and enhance the quality and duration of life for those with heart failure. With that in mind, I was pleased that S. Res. 256 passed the Senate by unanimous consent.•

TRIBUTE TO AMERICA'S HOSPITALIZED VETERANS

• Mr. ABRAHAM. Mr. President, I rise today to recognize and to salute our Nation's Veterans. The Department of Veterans Affairs has designated the week of February 13–19 as "National Salute to Hospitalized Veterans Week." I take this opportunity to pay special tribute to those veterans who are currently hospitalized, especially those hospitalized in the Battle Creek, MI, VA Medical Center.

These brave people served their country in time of need. Many of them were wounded. Many of them knew others who never came home from battle. It is only right, then, that our nation help them in time of physical need.

The Battle Creek VA Medical Center provides an excellent example of how our nation can repay some of the debt it owes our brave veterans. This facility has provided quality care for up to 325 residents at a time for over 75 years. It is an important part of our system of 172 VA Medical Centers across the United States, and an important part of the Battle Creek community.

I know that a festive schedule of special events has been planned for the week long salute. Our veterans, and particularly those who are currently hospitalized, certainly deserve every tribute we can give to them. And the same goes for the dedicated men and women who care for them.

The American people will be forever indebted to our veterans and their families. Without their sacrifice, dedication, and unwavering commitment to our nation and its ideals, America would not be the beacon of freedom it is today. I ask that you and my colleagues join me in saluting the veterans at the Battle Creek VA Medical Center and each and every individual who has served with distinction in the U.S. Armed Forces. Let us say to them: We salute you and we thank you.•

HONORING MARY FORD, MAYOR OF NORTHAMPTON

• Mr. KERRY. Mr. President, I rise today to recognize and celebrate the public service of Mary Ford, who recently stepped down as the Mayor of Northampton, Massachusetts. Throughout her 8 years in office, Mayor Ford has elevated the City to one of the jewels of New England, and I join all of her friends, family, and constituents in honoring her today.

As Mayor of Northampton, Ms. Ford oversaw the improvement of the school system, conducted comprehensive infrastructure improvements, modernized city services, and restored fiscal discipline. Perhaps the largest measure of her contributions to the city rests in the fact that, in the course of managing an annual budget of $55 million dollars, she erased a $3.2 million deficit. This financial turn-around allowed the city to entertain larger goals; the renovation and expansion of Northampton High School, the establishment of an innovative trust to preserve Section 8 assistance, and establishing Northampton as an attractive place to start new businesses.

Her leadership on the budget, which includes the general fund, schools, and enterprise funds, has been complemented by computerizing all the city office's and raising hiring standards. She set the policy priorities for all the city's administrative departments, including; housing, health and safety inspection services, planning, culture and arts, finance, as well as economic and community development. Mayor Ford orchestrated all of these elements into a cohesive, focused set of services that was delivered in an effective and efficient manner, thus improving the lives of all residents.

Due to Mary Ford's leadership, The City of Northampton is now one of the state's thriving, growing cities.

The list of her accomplishments on behalf of the city's revitalization is varied and extensive; she improved the city's emergency response capabilities by allotting $5.5 million for a state-of-the-art firehouse, renovated one third of the city's roads, and conducted comprehensive traffic re-designing for increased safety. Her accomplishments in education include securing an investment of $25 million for the modernization of Northampton's high school, a $12 million middle school expansion program, and work with the entire system's faculty and staff in implementing staff recommendations, reforming curriculum, and increasing parental involvement.

She has also shared her expertise in municipal and governmental affairs with state and national organizations. From 1995-99, she was a member of the Human Development Committee in the National League of Cities, a founding member of the Regional Education Business Alliance, Chair of the Task Force on the Future of State and Local Revenue Sharing for the Massachusetts Municipal Association, and President of the Women Elected Municipal Officials organization in 1998.

Mr. President, I am proud to regard Mary Ford as a friend, colleague and partner in maintaining Massachusetts's economic prosperity and growth. She has performed an enormous task for the City and its residents, and I join with all of Northampton in thanking her for her exemplary public service and leadership.●

HONORING THE 110TH FIGHTER WING OF THE AIR NATIONAL GUARD

• Mr. ABRAHAM. Mr. President, I rise today to recognize the proud achievements of the 110th Fighter Wing of the Air National Guard. This group was recently awarded the prestigious United States Air Force Outstanding Unit Award for meritorious service, an award given to only three Air National Guard fighter wings. I would like to take this opportunity to share the history of success of this unit.

The 110th Fighter Wing has served America courageously around the world. Recently, the unit conducted flight operations from Aviano Air Base, Italy, in support of Operation Joint Guard over Bosnia-Herzegovina. During this period, the unit received a grade of "Outstanding"—an honor reserved for only the elite forces in the U.S. Armed Services—for an Operational Readiness Inspection. This distinction was the first ever given to a Michigan-based unit.

Mr. President, I would also like to recognize the service of Col. Ken Heaton, USAF, the unit's commander. Under Colonel Heaton's command, the 110th Fighter Wing has continued its history of excellence with these most recent awards. In the unit's 52-year history, it has been awarded the Air Force Outstanding Unit Award four times.

I am proud to have the opportunity to share the accomplishments of the 110th Fighter Wing on the floor of the U.S. Senate. On behalf of the State of Michigan, I congratulate Colonel Heaton and his unit on their achievements, and I look forward to hearing of this unit's laurels for years to come.●

AGRICULTURAL COOPERATION AGREEMENT

• Mr. BAUCUS. Mr. President, I would like to spend a few minutes discussing the Agricultural Cooperation Agreement that was signed by the United States and China in December in Seattle. Although the negotiations for this agreement were held at the same time as the bilateral WTO accession negotiations between our two countries, this agriculture agreement is a stand-alone arrangement. According to its own terms, it formally entered into effect when U.S. Trade Representative Barshefsky and Chinese Trade Minister Shi signed it.

This agreement deals with three categories of agriculture products—Pacific Northwest wheat, meat, and citrus. The agreement requires that sound science be used when evaluating agricultural imports into China. Specifically, the agreement ends the decade-long prohibition that China had against importing Pacific Northwest wheat. It provides for U.S. government certification of meat packing facilities. And it eliminates unreasonable technical barriers to the export of citrus products from the United States to China.

On February 11, 52 other Senators, Democrats and Republicans alike, joined me in sending a letter to Chinese President Jiang Zemin, insisting that China needs to implement the Agricultural Cooperation Agreement immediately. We explained to President Jiang that now is the time to buy our agricultural products. Words are fine. Agreements are fine. But what matters is the result—concrete commercial purchases. I would like to put a copy of that letter, along with a list of the 53 Senators who signed it, into the RECORD.

I am very pleased to announce that a high level Chinese agriculture delegation, including government officials, along with representatives from COFCO, the China National Cereals, Oils, and Feedstuffs Import and Export Corporation, will visit my state of Montana on Wednesday and Thursday of this week. This is a critical next step in securing the implementation of the agriculture agreement.

I will join with Montana agriculture, Montana business, and Montana economic development officials in Great Falls this week to meet this important delegation, to provide them with information about the opportunities Montana presents, and to offer them high quality and competitive agricultural products and value-added food products.

I have been working for over twenty years to expand trade and open markets overseas for Montana and American agricultural commodities, value-added agricultural products, manufactured goods, and services. Increasing exports brings benefits to our farmers, our workers, and our communities, including, of course, in the state of Montana.

China represents a market of almost unlimited potential. I have worked hard for the last ten years to expand trading relations between the United States and China. This year, I am leading the fight to grant China Permanent Normal Trade Relations status, PNTR. The full implementation of this agricultural agreement is a vital part of this effort to bring China into the WTO and to ensure that America and Montana will take advantage of the unique opportunities in China.

I look forward to the signing of purchase agreements with China in the near future for Pacific Northwest wheat. Montana and China can help each other grow. That is what international trade is all about.

February 11, 2000.

President JIANG ZEMIN,
People's Republic of China,
Beijing, China.

DEAR MR. PRESIDENT: We are writing to urge full implementation of the bilateral Agricultural Cooperation Agreement that Ambassador Barshefsky and Trade Minister Shi signed in April. Both sides agreed that when they initialed the Chinese version in Seattle last December that implementation would begin immediately.

We appreciate that your citrus technical team has completed its visit to the United States. We understand that actions will now be taken to make those changes necessary for American citrus products to be sold to China.

We want to stress, however, how important it is that actual sales of wheat, meat, and citrus take place as soon as possible. This would demonstrate to everyone watching our bilateral relationship that this agreement is working. It would also provide a solid contribution to the efforts to ensure the passage of Permanent Normal Trading Relations ("PNTR") for China.

Mr. President, we are entering a new stage in the relationship between our two countries. The sale of product through the Agricultural Agreement will help immeasurably.

Yours Truly,

Max Baucus, Bob Graham, Kent Conrad, Tim Johnson, Patty Murray, Slade Gorton, Pat Roberts, Larry E. Craig, Blanche L. Lincoln, Dick Durbin, Michael B. Enzi, Tom Daschle, Trent Lott, Spencer Abraham, George V. Voinovich, Sam Brownback, Craig Thomas, Connie Mack.

Daniel Inouye, Mike Crapo, Gordon Smith, Jay Rockefeller, Joe Biden, Harry Reid, Richard Bryan, Rod Grams, Chuck Hagel, Wayne Allard, Tom Harkin, John Edwards, Rick Santorum, Daniel Patrick Moynihan, Evan Bayh, Chuck Robb, Jeff Bingaman, John Ashcroft, Bob Kerrey.

Conrad Burns, Jim Bunning, Byron L. Dorgan, Kit Bond, Chuck Grassley, Phil Gramm, Lincoln Chafee, Barbara Boxer, Charles Schumer, Ron Wyden, Paul D. Coverdell, Herb Kohl, Dianne Feinstein, Daniel K. Akaka, Orrin Hatch, Kay Bailey Hutchison.●

CONGRATULATIONS TO THUNDER CLOUD CONSTRUCTION

• Mr. JOHNSON. Mr. President, I rise today to publicly congratulate two of my constituents, Mr. Leonard Lone Hill and Mr. Warren Giago, both of Porcupine, SD. I am pleased to announce to my colleagues that Mr. Lone Hill and Mr. Giago, partners in Thunder Cloud Construction, a Porcupine-based construction company, have been honored by the Small Business Administration as winners of the 1999 Minority Small Business People of the Year for South Dakota. As my colleagues may know, Porcupine is located in Shannon County on the Pine Ridge Reservation. Highlighted by the President during his New Markets Initiative tour, Shannon County is the poorest county in the country.

Thunder Cloud Construction is working to reverse the trend of Native American poverty on the Reservation by not only hiring minority workers, but by providing on-the-job training for new, unskilled employees. The activities of the company and its two owners, result not only in participation in the development of community infrastructure and resources but also a substantial contribution to economic growth and development of the Pine Ridge Reservation. Among its achievements, Thunder Cloud has recently completed a shelter for homeless children, the Casey Family Building. Following last year's devastating tornadoes, the company won a substantial contract to build foundations and basements for twenty-two units of replacement housing.

Mr. President, Leonard Lone Hill and Warren Giago of Thunder Cloud Construction richly deserve this honor. After five years in business, they have twenty-two employees on the payroll and annual sales of $277,500. Their work has vastly improved the economic landscape of Porcupine and the Pine Ridge Reservation, and is a great model for other aspiring businessmen to follow. They have overcome many obstacles and I look forward to all of their future successes.•

IN RECOGNITION OF MOST REVEREND MOSES B. ANDERSON, S.S.E. AUXILIARY BISHOP OF DETROIT

• Mr. LEVIN. Mr. President, I rise today to pay tribute to a remarkable person from my home state of Michigan, Most Reverend Moses B. Anderson, S.S.E. Auxiliary Bishop of Detroit. On February 17, 2000, Bishop Anderson was honored with the Mother Teresa Duchemin Maxis Award in recognition for his many years of dedication and service within the Archdiocese of Detroit.

Serving as Michigan's first African American Catholic Bishop, Moses Anderson has ministered to the needs not only of the Catholic Community, but to the Community of Humankind, since his ordination in 1958. For the last 40 years, he has served the Catholic Church with integrity and dedication. In addition, he is the recipient of multiple honorary degrees, an enstooled Chief in Ghana, West Africa, and an internationally revered minister and scholar. Currently serving as pastor at the Church of the Precious Blood in Detroit, his homilies have the distinction of being based in songs portraying the loving relationship between God and humankind. For this reason, Anderson is known as a man of songs as well as an accomplished and beloved clergyman.

Bishop Anderson's departure from his vicariate duties makes way for new beginnings in his life. I am confident that his future endeavors will be as successful and fulfilling as the previous ones. For certain, he will remain active in his many church and community activities, but will have more time to dedicate to his favorite hobbies—music, organic gardening, cooking, and being the "good shepherd" he is known to be. I am pleased to join his colleagues and friends in offering my thanks for all he has accomplished in making his community a better place.

Mr. President, Bishop Moses B. Anderson can take pride in his long career of service and dedication to the Catholic Church. I know my colleagues join me in saluting Bishop Anderson's commitment to his community and religion, and in wishing him well in the years ahead.•

TRIBUTE TO WAYNE HAUSCHILD

• Mr. JOHNSON. Mr. President, I rise today to honor the passing of a dear friend and counselor, Mr. Wayne "Haus" Hauschild of Brookings, South Dakota.

Because of our state's immigrant past, many of my constituents are not originally from South Dakota. Wayne Hauschild is a good example. Born and raised in Davenport, Iowa, it wasn't until 1954 that, after graduating from Saint Ambrose College and serving in the U.S. Navy, he settled in Brookings. For his remaining forty-six years, Wayne Hauschild served the community of Brookings in many capacities. For a remarkable thirty-nine years, he taught high school U.S. history and government. In addition to his teaching duties, he coached high school basketball, football, golf, tennis, and the Brookings Cubs and American Legion baseball teams.

His government service began as a representative to the South Dakota State Legislature where he served five terms from 1971 to 1980. Though he retired from teaching in 1993, he remained a faithful servant of the public, serving as Brookings mayor from 1993 to 1999, presiding over Brookings changed to the city manager form of municipal government.

Whenever someone mentions Wayne Hauschild, I think of dedication. As a State Legislator and as Brookings mayor, he was dedicated to improving the lives of his neighbors and his fellow South Dakotans. As a teacher of thirty-nine years, he was dedicated to educating young people, and ensuring they remember the importance of civic participation and the lessons of history when that fundamental right is deprived. As a coach, he was dedicated to instilling the values of sportsmanship, fairplay, and hardwork. As all these things, he was always a father and a husband, dedicated to his family. I will truly miss him, because, to me, he was always a dedicated friend.

Mr. President, this is a sad time where we are forced to bid farewell to a man who was a fixture of the Brookings community for the last forty-six years. However, this is also a time when we can remember a dedicated man who led a truly extraordinary life, no matter the measure.•

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jim Morhard:									
Argentina	Peso		758.00						758.00
Chile	Dollar		810.00						810.00
Brazil	Real		1,594.57						1,594.57
Kevin Linsky:									
Argentina	Peso		758.00						758.00
Uruguay	Peso		200.00						200.00
Brazil	Real		1,429.00						1,429.00
Total			5,549.57						5,549.57

TED STEVENS,
Chairman, Committee on Appropriations, Jan. 15, 2000.

AMENDMENT TO 3RD QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jim Morhard:									
France	Franc	8,993.92	1,472.00					8,993.92	1,472.00
Clayton Heil:									
France	Franc	8,993.92	1,472.00					8,993.92	1,472.00
Senator Daniel K. Inouye:									
Israel	Dollar		803.00						803.00
Senator Tom Harkin:									
Guam	Dollar				5,389.04				5,389.04
Indonesia	Rupiah	5,698,500	786.00			5,350,500	738.58	11,049.00	1,524.58
China	Yuan	2,505.81	303.00					2,505.81	303.00
Japan	Yen	34,739	311.00	21,350.00	197.87			56,089.00	508.87
Rosemary Gutierrez Bailey:									
United States	Dollars				5,791.08				5,791.08
Indonesia	Rupiah	5,698,500	786.00			5,350,500	738.58	11,049.00	1,524.58
China	Yuan	2,505.81	303.00					2,505.81	303.00
Japan	Yen	34,739	311.00	21,350	197.87			56,089.00	508.07
Galen Fountain:									
United States	Dollar		4,420.40						4,420.40
Italy	Lire	11,880.00	1,980.00					11,880.00	1,980.00
Kosovo	Dollar		119.00						119.00
Total			13,066.40		11,575.86		1,477.16		26,119.42

TED STEVENS,
Chairman, Committee on Appropriations, Oct. 10, 1999.

AMENDMENT TO 1ST QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mitch McConnell:									
Cambodia	Dollar								
Indonesia	Dollar								
Australia	Dollar		2,500.00						2,500.00
New Zealand	Dollar								
Robin Cleveland:									
Cambodia	Dollar								
Indonesia	Dollar								
Australia	Dollar		2,500.00						2,500.00
New Zealand	Dollar								
Senator Patrick Leahy:									
Cuba	Dollar		686.00						686.00
Tim Rieser:									
Cuba	Dollar		686.00						686.00
Steve Cortese:									
South Africa	Dollar		758.00						758.00
South Africa	Dollar		830.00						830.00
Uganda	Dollar		75.00						75.00
Kenya	Dollar		1,170.00						1,170.00
United States	Dollar				6,932.06				6,932.06
M. Sidney Ashworth:									
South Africa	Dollar		758.00						758.00
South Africa	Dollar		830.00						830.00
Uganda	Dollar		75.00						75.00
Kenya	Dollar		1,170.00						1,170.00
United States	Dollar				6,932.06				6,932.06
Jennifer Chartrand:									
South Africa	Dollar		758.00						758.00
South Africa	Dollar		830.00						830.00
Uganda	Dollar		75.00						75.00
Kenya	Dollar		1,170.00						1,170.00
United States	Dollar				6,932.06				6,932.06
Kevin Linsky:									
Australia	Dollar		1,178.95						1,178.95
Thailand	Baht		960.00						960.00
Total			17,009.95		20,796.18				37,806.13

TED STEVENS,
Chairman, Committee on Appropriations, Mar. 31, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charles S. Abell:									
United States	Dollar				3,928.45				3,928.45
Italy	Dollar		750.36						750.36
Germany	Dollar		365.89				142.28		508.17
Gerald J. Leeling:									
United States	Dollar				3,928.45				3,928.45
Italy	Dollar		650.41						650.41
Germany	Dollar		363.51		55.66		9.00		428.17
George W. Lauffer:									
Germany	Dollar		414.57						414.57
United Kingdom	Dollar		40.35						40.35
United States	Dollar				5,494.88				5,494.88
United States	Dollar						36.00		36.00
Lawrence J. Lanzillotta:									
Germany	Dollar		414.57						414.57
United Kingdom	Dollar		40.35						40.35
United States	Dollar				5,495.41				5,495.41
United States	Dollar						60.00		60.00
Tomie L. Brownlee:									
France	Dollar		358.00						358.00
Germany	Dollar		262.00						262.00
Italy	Dollar		229.00						229.00
United Kingdom	Dollar		374.00						374.00
United States	Dollar				7,134.67				7,134.67
William C. Greenwalt:									
United Kingdom	Dollar		495.17		107.90				603.07
France	Dollar		482.49						482.49
Germany	Dollar		253.75						253.75
Italy	Dollar		247.64						247.64
United States	Dollar				7,134.67				7,134.67
Eric H. Thoemmes:									
France	Dollar		1,215.20						1,215.20
Germany	Dollar		607.60						607.60
Italy	Dollar		303.80						303.80
United Kingdom	Dollar		1,215.20						1,215.20
Belgium	Dollar		608.20						608.20
United States	Dollar				7,861.13				7,861.13
Senator James M. Inhofe:									
Bosnia	Dollar		250.00						250.00
Germany	Dollar		500.00						500.00
Ivory Coast	Dollar		250.00						250.00
United States	Dollar				9,070.25				9,070.25
Cord A. Sterling:									
Ivory Coast	Dollar		191.00						191.00
Luxembourg	Dollar		351.00						351.00
Germany	Dollar		407.00						407.00
France	Dollar		316.00						316.00
Bosnia	Dollar		201.00						201.00
Spain	Dollar		368.00						368.00
United States	Dollar				9,383.33				9,383.33
Thomas L. MacKenzie:									
Israel	Sheqel		993.00						993.00
Italy	Lira		741.50						741.50
Hungary	Forint		251.00						251.00
Germany	Mark		467.50						467.50
United States	Dollar				6,003.19				6,003.19
John R. Barnes:									
Israel	Sheqel		993.00						993.00
Italy	Lira		741.50						741.50
Hungary	Forint		251.00						251.00
Germany	Mark		467.50						467.50
United States	Dollar				6,003.19				6,003.19
Senator Jack Reed:									
United States	Dollar				8,482.89				8,482.89
Australia	Australian Dollar	419.65	269.66						269.66
Elizabeth King:									
Australia	Australian Dollar	315.40	202.67						202.67
United States	Dollar				8,360.89				8,360.89
Total			17,904.39		88,444.96				106,596.63

JOHN WARNER,
Chairman, Committee on Armed Services, Dec. 27, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sloan W. Rappoport:									
Brazil	Real	4,392.00	2,440.00			189.00	105.00	4,581.00	2,545.00
United States	Dollar				1,098.45				1,098.45
Total			2,440.00		1,098.45		105.00		3,643.45

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Jan. 7, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David Garman:									
Germany	Deutsche Mark	1,414.26	729.00		5,456.01			1,414.26	6,185.01
Shirley Neff:									
Germany	Deutsche Mark	5,185.62	2,673.00		653.86			5,185.62	3,326.86
Total			3,402.00		6,109.87				9,511.87

FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Jan. 1, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1, TO DEC. 31 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Loesch:									
Israel	Dollar		1,356.00						1,356.00
Syria	Dollar		315.00						315.00
Dennis Ward:									
Israel	Dollar		1,356.00						1,356.00
Syria	Dollar		315.00						315.00
Robert Roach:									
Mexico	Dollar		640.02		705.05				1,345.07
Total			3,982.02		705.05				4,687.07

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, Jan. 12, 2000.

AMENDMENT TO 3RD QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Esther Olavarria:									
United States	Dollar		3,550.00		3,172.81				6,722.81
Frank Chase Hutto III:									
United States	Dollar		5,500.00		3,687.12				9,187.12
Michael Ivahnenko:									
United States	Dollar		4,550.00		4,483.00				9,033.00
Total			13,600.00		11,342.93				24,942.93

ORRIN HATCH,
Chairman, Committee on the Judiciary, Dec. 29, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
Panama	Dollar		224.00						224.00
David Urban:									
Panama	Dollar		224.00						224.00
James Twaddell:									
Panama	Dollar		224.00						224.00
Total			672.00						672.00

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Jan. 27, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON JOINT ECONOMICS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kurt Schuler:									
United States	Dollar		210.00		482.45				692.45
Chris Frenze:									
United States	Dollar		1,368.00						1,368.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON JOINT ECONOMICS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			1,578.00		482.45				2,060.45

CONNIE MACK,
Chairman, Committee on Joint Economics, Jan. 18, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON Y2K FOR TRAVEL FROM OCT. 14 TO NOV. 9, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
J. Paul Nicholas:									
South Korea			1,300.00		3,300.00				4,600.00
John Stephenson:									
France			1,850.00		796.67		602.00		3,248.67
James Barker:									
France			2,376.00		796.67				3,172.67
Amber Sechrist:									
France			1,188.00		796.67				1,984.67
Total			6,714.00		5,690.01		602.00		13,006.01

ROBERT F. BENNETT,
Chairman, Committee on Y2K, Dec. 22, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY MAJORITY LEADER FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Thad Cochran:									
Israel	Dollar		1,331.00						1,331.00
Syria	Dollar		289.00						289.00
Mitch Kugler:									
Israel	Dollar		1,356.00						1,356.00
Syria	Dollar		315.00						315.00
Dennis Ward:									
Switzerland	Swiss Franc		654.00		4,679.93				5,333.93
Senator Connie Mack:									
Haiti	Dollar		20.00		667.45				687.45
Gary Shiffman:									
Haiti	Dollar		219.00		667.45				886.45
Total			4,184.00		6,014.83				10,198.83

TRENT LOTT,
Majority Leader, Feb. 1, 2000.

AMENDMENT TO 3D QUARTER REPORT, CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), DELEGATION: NATIONAL SECURITY WORKING GROUP, TRAVEL AUTHORIZED BY MAJORITY LEADER, TRAVEL FROM JULY 1 TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mitch Kugler:									
Russia	Dollar		1,150.00		5,319.02				6,469.02
Dennis McDowell:									
Russia	Dollar		1,150.00		5,319.02				6,469.02
Dennis Ward:									
Russia	Dollar		1,150.00		5,319.02				6,469.02
Delegation Expenses[1]							4,317.00		4,317.00
Total			3,450.00		15,957.06		4,317.00		23,724.06

[1] Funds appropriated for foreign travel under authority of S. Res. 179 agreed to May 25, 1977, for interpretation expenses for Staffdel Kugler while in Russia.

TRENT LOTT,
Majority Leader, Oct. 14, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY DEMOCRATIC LEADER, TRAVEL FROM OCT. 1 TO DEC. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Franz Wuerfmannsdorbler:									
United States	Dollar				1,110.64				1,110.64
Germany	Deutsche Mark		1,215.00						1,215.00
Total			1,215.00		1,110.64				2,325.64

TOM DASCHLE,
Democratic Leader, Feb. 1, 2000.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: Executive Calendar No. 280.

I ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

DEPARTMENT OF THE INTERIOR

David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURES READ THE FIRST TIME—S. 2081 AND H.R. 6

Mr. MURKOWSKI. Mr. President, I understand that S. 2081, introduced earlier today by Senator HATCH, is at the desk, and I therefore ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2081) entitled "Religious Liberty Protection Act of 2000."

Mr. MURKOWSKI. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. MURKOWSKI. Mr. President, I understand that H.R. 6 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15 percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credit.

Mr. MURKOWSKI. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR WEDNESDAY, FEBRUARY 23, 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Wednesday, February 23. I further ask consent that on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved fòr their use later in the day, and there then be a period for the transaction of morning business until 11:30 a.m., with the first 45 minutes under the control of Senator DASCHLE, or his designee, and the next 45 minutes under the control of Senator THOMAS, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. Mr. President, for the information of all Senators, tomorrow the Senate will conduct a period for the transaction of morning business until 11:30 a.m. Following morning business, it is anticipated that the Senate could turn to any other Legislative or Executive Calendar items cleared for action, including the education savings account bill. Therefore, votes may be anticipated and Members are reminded that a vote will occur at 11:30 a.m. on Thursday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:06 p.m., adjourned until Wednesday, February 23, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 22, 2000:

DEPARTMENT OF STATE

JOHN EDWARD HERBST, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

HOWARD FRANKLIN JETER, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

A. ELIZABETH JONES, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

ROSE M. LIKINS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

LAURENCE E. POPE, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

THE JUDICIARY

JOHNNIE B. RAWLINSON, OF NEVADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE MELVIN T. BRUNETTI, RETIRED.

DEPARTMENT OF JUSTICE

DONNIE R. MARSHALL, OF TEXAS, TO BE ADMINISTRATOR OF DRUG ENFORCEMENT, VICE THOMAS A. CONSTANTINE, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. LESTER L. LYLES, 8366

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL E. ZETTLER, 3436

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8034:

To be general

LT. GEN. JOHN W. HANDY, 5379

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN F. GOODMAN, 3509

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) PHILLIP M. BALISLE, 3385
REAR ADM. (LH) JOHN T. BYRD, 9943
REAR ADM. (LH) WILLIAM W. COBB, JR., 9725
REAR ADM. (LH) CHRISTOPHER W. COLE, 7275
REAR ADM. (LH) DAVID R. ELLISON, 9973
REAR ADM. (LH) DAVID T. HART, JR., 6096
REAR ADM. (LH) KENNETH F. HEIMGARTNER, 7295
REAR ADM. (LH) JOSEPH G. HENRY, 8067
REAR ADM. (LH) GERALD L. HOEWING, 6618
REAR ADM. (LH) MICHAEL L. HOLMES, 7043
REAR ADM. (LH) WILLIAM R. KLEMM, 8633
REAR ADM. (LH) MICHAEL D. MALONE, 2917
REAR ADM. (LH) PETER W. MARZLUFF, 8982
REAR ADM. (LH) JAMES D. MCARTHUR, JR., 9260
REAR ADM. (LH) MICHAEL J. MCCABE, 0987
REAR ADM. (LH) DAVID C. NICHOLS, JR., 5011
REAR ADM. (LH) PERRY M. RATLIFF, 5232
REAR ADM. (LH) GARY ROUGHEAD, 6126
REAR ADM. (LH) KENNETH D. SLAGHT, 3471
REAR ADM. (LH) STANLEY R. SZEMBORSKI, 8912
REAR ADM. (LH) HENRY G. ULRICH III, 2552
REAR ADM. (LH) GEORGE E. VOELKER, 1271
REAR ADM. (LH) ROBERT F. WILLARD, 1564

CONFIRMATIONS

Executive Nominations Confirmed by the Senate February 22, 2000:

DEPARTMENT OF THE INTERIOR

DAVID J. HAYES, OF VIRGINIA, TO BE DEPUTY SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATION APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SENATE—*Wednesday, February 23, 2000*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, we thank You for Your loving kindness. We are amazed by Your infinite patience with humankind. Each of us has known that patience. You are merciful and gracious with us. Help us to be as patient with ourselves. We find it difficult to be up for others when we get down on ourselves. Give us patience with others. Forgive us when we are irritated or annoyed and lose patience with them. Grant us patience with the political process, with ideological adversaries, and with those who refuse to march to our drumbeat. Remove the chips from our shoulders and replace them with Your all-powerful, upholding hands.

Gracious God, give us hope based on the assurance of Your timely interventions and courage rooted in Your strength. Slow us down when we run ahead of You. We want to walk with You at Your pace and in Your direction, neither running ahead nor lagging behind. We give up the assumption that we are in charge of everything, and we trust our challenges and our opportunities to Your control. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Idaho is recognized.

EXTENSION OF MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the period of morning business be extended until the hour of 12:30 p.m. and between 11:30 and 12:30 Senators be limited to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. CRAPO. Following morning business, Mr. President, the Senate is expected to begin consideration of S. 1134, the education savings account legislation. However, the Senate may also begin consideration of any other Legislative or Executive Calendar items available for action.

As a reminder, the vote on the Iran nonproliferation bill has been scheduled to occur on Thursday morning at 11:30, and, as previously announced, there will be no votes on Friday.

I thank my colleagues for their attention.

I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. The time until 10:45 a.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I yield myself such time of Senator DURBIN's as I might use.

THE NEED FOR PRESCRIPTION DRUG COVERAGE

Mr. DORGAN. Mr. President, this will be a session in Congress in which we will have plenty of challenges and opportunities to discuss issues. We live in a country where we are blessed with an economy that is growing, and with unemployment that is about as low as it has been in my adult lifetime. Inflation is down. We have had the blessings of a rising stock market; we recently had some adjustments there. But home ownership is up. Personal income is up. We have a lot of things that exist in our economy that represent good news for our country.

I come from a farm State, and there is not such good news for family farmers. They are suffering through a very severe crisis with collapsed grain prices and other difficulties. But, generally speaking, our country has been doing quite well. Our economy is stronger than almost any other economy in the world. Economists now predict that we will have budget surpluses as far out as the eye can see. Of course, that is not very far; economists who can't remember their home address try to tell us what is going to happen with the economy three, five, and ten years from now.

It is interesting to note, if you go back to the early 1990s, virtually all leading economists in America predicted that the 1990s would be a decade of slow, anemic economic growth. Of course, they were almost all wrong. So as we confront our challenges and opportunities in the future, I think it is wise for us in this Chamber not to be seduced by some who would say that if we are going to have continued budget surpluses, let's have a $1.3 trillion tax cut over 10 years. I think it is much wiser to provide some targeted tax cuts with some of the surplus, if it materializes, and use a fair amount of the expected surplus to reduce Federal indebtedness.

Why? Because during tough economic times you need to use increased debt to help you through those tough times, and during good economic times it seems to me you would want to reduce indebtedness. So I hope that is what we do.

However, even as we discuss all of those fiscal policy changes and challenges, it is important for us to evaluate what else is necessary to be done, and what investments should be made. One is education. Clearly, our future is our children, and clearly we all, Republics and Democrats, want the same thing for our children. We want every single young child in our country to walk through a classroom door and believe, as parents and as Americans and as legislators, that that classroom is one of which we are proud.

That is a classroom in which that young child can learn, in which that young child may grow up to be a nuclear physicist, or to be a doctor, or a lawyer, or the best plumber, mathematician, carpenter—whatever it is the talents of that young child allow it to be. That is what we want for our children in education.

There are a range of other education challenges that we will debate and discuss this year. In the area of health care, there are challenges as well.

I came to the floor to talk about one specific area which, it seems to me, we must work together to address, and that is this: How do we respond to the increasing needs in Medicare, especially with respect to prescription drugs?

Times have changed in this country. Many people are living longer and much more productive and healthy lives. I have talked before about my uncle, and I will not describe him again in great detail. But my uncle is 79 years old. My Uncle Harold is a runner. He didn't discover he could run until he was in his early 70s. Then he discovered quite by accident that he was a pretty good runner. My uncle is now 79 years old, and he has 39 gold medals from running in races all over the country. He runs in the 400 and the 800 in Senior Olympic events. My uncle is probably a perfect description of how things have changed in our country.

It wasn't too many decades ago that when you reached 79, there was a special place for you. It was a big, easy chair where someone would serve you soft food—probably oatmeal. You were 79, you were old, relaxed, and you were retired, eating soft food. That is not true anymore. People are living longer, better, and healthier lives. My uncle, God bless him, is in Arizona today training for his next race at age 79.

In this job, we all meet and confront wonderful and interesting people. I have met some senior citizens who now, reaching the retirement portion of their lives and facing diminished income because they are no longer working, are able to look forward to responding to some of the health challenges with lifesaving drugs and therapies. They weren't previously available to them. But medicine has marched forward with new procedures, surgeries, and medicines.

A woman came to a town meeting one day and told me that she had two new knees, a new hip, and cataract surgery. She said she feels like a million dollars. I told her that it was a pretty big investment, but good for you.

Forty years ago, if I had held a town meeting in that small community, she would have been there in a wheelchair—if she was there at all—with bad knees and cataracts. But now, with surgical advances, there are so many things happening that allow people to live longer, better, more productive and healthier lives. And a part of that is the medicine that allows people to deal with their difficulties. There are breakthroughs in medicine that are quite remarkable.

One of the things we must do in this session of the Congress, in my judgment, is to try to attach some sort of prescription drug benefit to Medicare. What is happening to senior citizens in this country is that all too often they reach that portion of their lives when they have diminished income and they have an increased need for prescription drugs, and they can't afford them.

Senior citizens are 12 percent of the population in America, and they consume one-third of the prescription drugs in our country. Let me say that again because it is important. Senior citizens are only 12 percent of our population, but they consume one-third of the prescription drugs. Why? Because they need them.

In Dickinson, ND, a doctor said to me that one of his Medicare patients had breast cancer. She was being treated for breast cancer, first with surgery, and with some prescription drugs to reduce her chances of recurrence of breast cancer.

The doctor told his patient that she needed to take these prescription drugs to reduce the chances of recurrence of breast cancer. This woman told the doctor that she couldn't afford those prescription drugs, and therefore couldn't take them. She told him that she couldn't afford them because she didn't have coverage to help her pay for them through insurance or Medicare. This woman told the doctor that she was just going to have to take her chances with the recurrence of breast cancer because she couldn't afford the prescription drug.

What about the woman with heart disease and diabetes, in her 80s, living on several hundreds of dollars a month of income who is told that she needs several different kinds of expensive prescription drugs to manage her heart disease, her diabetes, and all the other health challenges that come from that? She said to me: "Mr. Senator, I don't have the money to do that. I can't buy these prescription drugs because I cannot afford them. I buy prescriptions as much as I can, and I try to cut the pills in half and take a half a dose occasionally in order to try to make it stretch."

Doctors tell me that can actually exacerbate health problems. That is the difficulty.

How do we respond to that? We respond to that by providing a thoughtful, sensible, affordable prescription drug benefit in the Medicare program. We can do that. To put this together is not rocket science. All of us together can do that, understanding that people are living longer. But when they reach diminished income, as senior citizens do, they need affordable prescription drugs to deal with their health care problems.

I have held Democratic Policy Committee hearings in New York, Chicago, and North Dakota. We will be having future hearings in Atlanta and other places to talk about these issues and to take testimony from senior citizens about the issue of prescription drugs and Medicare. The testimony is so gripping.

Senator DURBIN and I held a hearing in Chicago. A woman came to testify who had a double lung transplant. She explained to us that the way the system works for her health care is it costs her $2,400 a month in prescription drug costs for the very expensive drugs to prevent the rejection of these organ transplants. She said she didn't have the money. She said that because she couldn't afford them, she could get them through Medicaid for 1 month. Then they stop coverage for a second month. So she described to me the circumstances.

It is like every other testimony you hear all across this country from senior citizens. Lifesaving drugs can only save your life if you are able to afford to take them. If you do not have the money, and don't have access to the drug that you need for your health—especially senior citizens—you will discover their life is not so long and not so healthy.

Mrs. BOXER. Mr. President, will my friend yield for a colloquy?

Mr. DORGAN. Certainly.

Mrs. BOXER. I am so happy Senator DORGAN took the time to come over here to discuss this. I thought it would be interesting to talk with him about some facts that came out in recent studies because he has been on this issue before a lot of folks. He was talking about the cost of prescription drugs. I think he would be a very good person for me to direct a few questions to, if he would be willing to do that.

When he talked about a particular woman who came to him and told him that she essentially could not afford to take the correct number of pills for her condition and she was trying to figure it out—well, if I took a half a pill now and a quarter of a pill later—I wonder if the Senator is aware that this is a widespread situation. If the Senator could comment on it, one report found that one in eight seniors has to choose between buying food and buying medicine.

If my friend could comment on how it makes him feel as someone who has always been a fighter for the average person. Here we have senior citizens in our country, one out of eight, after they have worked all their lives, have saved their money, have taken care of their family, having to choose between buying food and buying medicine. I wonder if my friend would comment on that.

Mr. DORGAN. Senator BOXER raises the question that is raised in so many hearings. We had a woman testify at a hearing I held who said something you hear often. She goes to a grocery store that has a pharmacy in the back of the store, and she takes a number of prescription drugs.

By the way, a lot of senior citizens will take three, five, or seven. I have had senior citizens tell me they are on ten different prescription drugs for a whole series of health challenges and problems. This woman told me that when she goes to the grocery store, she must first go to the back of the store, to the pharmacy, to buy her medicine. She said that she does this so she will then know how much money she has left to purchase food. Only then will she know how much food she can buy.

We hear that time and time again.

Last year, spending on prescription drugs in America rose 16 percent. Some of that is price inflation; much of it is increased utilization.

Let me talk just for a moment about the cost of these drugs because that is part of the other issue. A fellow named Alan Holmer, who represents the pharmaceutical manufacturing industry, wrote a letter to the newspapers in North Dakota because he was upset about prescription drugs.

I have been putting pressure on the prescription drug industry to try to moderate prices. How much do we pay for prescription drugs? When we pay $1 for a drug, the same pill, in the same bottle, made by the same company, the Canadians pay 64 cents; we pay $1 for what the English pay 65 cents for; we pay $1 for what the Swedish pay 68 cents for; we pay $1 for what the Italians pay 51 cents for. We pay the highest prices for prescription drugs for any consumer in the world.

I want to show my colleagues four pill bottles which make the point better than I, and I ask unanimous consent to do so.

The PRESIDING OFFICER (Mr. L. CHAFEE). Without objection, it is so ordered.

Mr. DORGAN. This is a bottle of medicine called Cipro, used to treat infections. It is a commonly used medicine. This bottle contains pills made by the same company, from the same plant—the same pill, inspected by the Food and Drug Administration.

The difference? There is no difference in the medicine, no difference in the bottle. The difference is in price. This bottle of 100, 500-milligram tablets is sold for $399 to the U.S. consumer. This bottle—same company, same medicine, same pill—that sells for $399 in the United States is sold for $171 in Canada.

Why? Good question.

This is a different bottle, same pill, same company. Everyone will recognize this drug called Claritin, 10 milligrams, 100 tablets. In North Dakota, this is purchased for $218. The same pill—same company, in plants inspected by the Food and Drug Administration, approved by the Food and Drug Administration, sold for $218 to the United States consumer—is sold for $61 in Canada.

Why? Good question.

The same is true with a whole list of drugs, especially the most commonly prescribed drugs for senior citizens. The drugs on this chart include Zocor, a cholesterol drug. Buy it in the United States, it costs $106; in Canada, $43; in Mexico, $47.

The question is this: Why is the U.S. consumer required to pay the highest prices of anyone in the world for the exact same drug that is sold for a fraction of the cost in virtually every other country in the world?

Mr. Holmer, who represents the pharmaceutical manufacturing industry, has written a critical letter to the editor, which is fine. It is a free country; he can do that. I want the drug companies to do well and be profitable. I want them to produce good products. I want them to do research to find new medicines. We do it at the Federal level; there is a lot of federally sponsored research. I also want fair pricing for the American consumer. Fair pricing gives us an opportunity to put a prescription drug benefit in the Medicare program. This is a very important issue for all Americans, especially senior citizens.

Mrs. BOXER. If my friend will continue to yield, this is my next question. I am appreciative the Senator has gone in this direction.

The General Accounting Office found United States drug prices for specific drugs were, on average, one-third higher than in Canada and 60 percent higher than in the United Kingdom. When my friend shows charts, this has been borne out by studies of a Federal agency.

The Federal Trade Commission has reported that drug manufacturers use a two-tiered pricing structure under which they charge higher prices to those without insurance. In other words, if I go to a pharmacy where my insurance is not accepted, it costs an arm and a leg. However, if I have coverage, then the cost to my insurance company is way less.

I pivot to this question: Because the Federal Trade Commission has studied it, we know there is a two-tiered pricing insurance, for those who have insurance and those who do not, so does it not make sense, for all of our people whom we can possibly reach, particularly those in the older years where they need these drugs to survive, thrive, and live, that they get into some kind of system?

In other words, does my friend agree that even though we don't have to get into the details of what system it would be, in unity there is strength? If we can walk away from the high-tiered pricing and get into a system where citizens can avail themselves of the better price, this is something we should fight for. If we don't fight for it here, I don't know whom we are representing.

Would my friend comment?

Mr. DORGAN. The Senator from California says it better than I. In the multiple-tiered pricing systems, we have preferred customers who get drugs at a fraction of the price if they are in the right system; others pay the highest price on Main Street because the local pharmacies are not able to access, in most cases, those less expensive drugs.

We have several different problems with pricing. One is internal. A preferred customer gets one price; if one is not preferred, they get another price. Often, senior citizens are the ones who walk to the corner drugstore in their hometown. The corner drugstores buy from a distributor that does not give them the preferred prices, and senior citizens pay the highest prices.

I took senior citizens to Emerson, Canada. Senator WELLSTONE and others are working with me on a piece of legislation that deals with the international pricing issues. Senator WELLSTONE has done the same with Minnesotans and talked about this issue. We went to Emerson, Canada, which is 5 miles north of the North Dakota border. The same drugs are being sold 5 miles north of the border at a fraction of the price as in Walhalla or Pembina, ND. Does anyone think the drug companies are selling in Emerson County at a loss? Of course not. A small drugstore—a little, one-room drugstore in Emerson County is making a profit, pricing at a fraction of what they charge 5 miles south.

We have two issues. One is something called the International Prescription Drug Parity Act. If the global economy is good for everyone, make it work for everyone. Let the pharmacist go up to Winnipeg, Canada, and access the same drug for a fraction of the price and pass the savings on to the pharmacist customer. There is a Federal law now that prohibits that. We ought to pass the International Prescription Drug Parity Act that Senator WELLSTONE and I and others introduced.

Also, this Congress ought to work, Republicans and Democrats together, to understand that after 35 years it is time to add a sensible, thoughtful, and affordable prescription drug benefit to the Medicare program. Let's help those folks who are in their declining income years be able to access lifesaving drugs that will allow them to continue to live healthy lives. That is our challenge.

Mrs. BOXER. One last question. As with everything else, we have to make choices about what we will do to help people. There is a big debate across party lines about the surplus. We know it is reflected in the Presidential race, even within the parties.

I raise the subject of the marriage tax penalty. We know there is a penalty in our Tax Code for married couples, and everyone in this Chamber wants to fix it. If we fix it in the wrong way, where we help, instead of Mrs. Jones or Mrs. Smith, Mrs. Trump or Mrs. Helmsley, then we won't have enough money to take care of the one third of the Medicare beneficiaries who do not have prescription drug benefits, resulting in the story the Senator told in a very poignant way about a woman chopping up her prescription pill that she needs to stay alive, stay healthy, be vibrant, and have those golden years, as we always say we promise our seniors.

We do not have a bottomless cookie jar. We learned that lesson in the 1980s. We have to make some tough choices. When we talk about a prescription drug benefit, we are not enacting it in a vacuum. We are not just coming down with a laundry list of everything we wanted to do with the surplus. We have thought it out.

As the Republican Party decides where it is going to go with the surplus, I hope they will consider, since they run this place right now, that if you give it all away to the wealthiest people with benefits they do not need because they are doing just fine, that they will be forgetting these senior citizens who are living 5 miles to the north of North Dakota and going to Canada to buy their drugs. That, as you say, is dicey right now. It is not even allowed, unless they have a particular note.

So my closing question is a global question. It is more of a larger issue. How do we make room for this and can we make room for this benefit?

Mr. DORGAN. I should mention also, about the trip to Canada, the Customs folks will allow you to bring a small amount of prescription drugs back across the border for personal use.

Mrs. BOXER. I see.

Mr. DORGAN. They would not allow a pharmacist who runs a drug store in Grand Forks to go to Canada and purchase Claritin and bring it back and sell it to a consumer. That is the problem. We have a global economy that is apparently good for the global interests, but it doesn't work for the Main Street pharmacist or distributor who wants to access lower prescription drug prices in Canada, for example.

But if you ask doctors where we go from here, they will tell you that if you have a senior citizen who has a series of health difficulties—and often they do, perhaps diabetes, perhaps some cardiac problems, arthritis, a whole series of problems—the most expensive way to treat them is to wait until the problem is magnified because they cannot afford the prescription drugs they need. If they cannot afford them, they will just not get them, and that is the expensive way to solve medical problems. What will happen to that patient? He will end up in a hospital bed someplace. And what does it cost for a day in the hospital?

It is less expensive way to say to those folks: Here are the opportunities for you to access the right kind of prescription medicines that you need to manage your disease, and to allow you to stay out of the hospital. That is the most thoughtful and the least expensive way to treat health problems.

In some ways it is like the old argument about wellness. We have always, as a country, been willing to treat somebody who is desperately ill. The minute someone becomes ill, we want to help. But when it comes to preventing someone from becoming ill, we don't want to worry about that. We would never pay for that in an insurance policy. We will only pay for the higher cost treatments once you are admitted to a hospital somewhere.

The same thing applies to providing prescription drug benefits to Medicare. It will promote wellness, in the sense that it will keep people out of the most expensive medical treatment—time in an acute care hospital bed. We can do this.

The Senator from California asked the right question at the start of her last discussion: What are our priorities? John F. Kennedy used to say that every mother hopes her child might grow up to be President, as long as they don't have to be active in politics. But, of course, politics is the process by which we make choices in our country. We do not have an unlimited opportunity to make choices.

I hope this economy continues in ways that provide significant budget surpluses. If we have those surpluses, then let's be sensible and thoughtful about what we do with them. Let's have some targeted tax cuts, and, especially, pay down the Federal debt. But, in addition, we should find ways to use some of that surplus to do important things in education and health care. Let's construct together, in this Chamber, a prescription drug benefit for Medicare that, in my judgment, has been needed for a long time and is an issue Congress has ignored. We can do this.

We cannot do any of this—we cannot even begin to talk or think about it, if someone comes to the floor, gives us a bill, and says they would like a $1.3 trillion tax cut over 10 years. First of all, we don't have those surpluses; they are simply economic projections. Second, $1.3 trillion means you are going to dip into the Social Security trust fund to give the tax cut, and it means nothing else can be discussed because you have given out all that money in tax cuts.

At least one of the Presidential candidates out there has proposed the $1.3 trillion tax cut in a way that, as always, gives the bulk of the money to those who need it the least. These at the upper side of the income scale will get the preponderance of this money and it will foreclose the opportunity to do some other important things.

Yes, let's have a targeted tax cut; yes, let's reduce the debt and pass some other measures that will help this country offer a prescription drug benefit, and then let's invest in an education for our children that we can be proud of as well.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask the Senator from California, did she not intend to speak?

Mrs. BOXER. No. I am done.

Mr. WELLSTONE. Mr. President, first of all, very briefly, how much time do the Democrats have left?

The PRESIDING OFFICER (Mr. SANTORUM). Until 10:45, 10 minutes.

Mr. WELLSTONE. Mr. President, let me try to do this in 10 minutes. I might ask unanimous consent for a couple of more minutes but not much more.

I thank my colleagues for their discussion about prescription drug costs. In the State of Minnesota, actually only one-third of senior citizens have any prescription drug coverage at all. Let me also point out that in the State of Minnesota, we have many seniors who cut their pills in half because they think they will save money and still will be able to help themselves and actually, doctors say, sometimes that can be more dangerous than not even taking the drug at all.

The investment in prescription drug coverage cannot be done on the cheap. I am in complete agreement with my colleagues about the tradeoff between tax cuts, the vast majority of which benefit people at the top, and not having the money for this investment. But to be fair in a critique here, I think all of us, Democrats and Republicans, have to understand even if we provide a benefit but we are unwilling to spend too much money for fear of being called, I suppose, big spending liberals or whatever, if you set a cap and you say only $1,000 will be covered and no more than that, then I can tell you many of our senior citizens, and others who are the frailest and most sick, will bump up against that cap, and it will still not cover their catastrophic expenses. We have to be very careful people can afford it on the front side as well.

So whether it be too high deductibles or caps that are set too low, we have to be very careful if we say we are going to have this coverage for people and security for people, that it will be there.

CHECHNYA

Mr. WELLSTONE. Mr. President, I have in hand an article, titled "Rights Group Reports Massacre in Chechnya." The first two paragraphs read:

> MOSCOW, Feb. 22—Russian soldiers went on a deadly rampage earlier this month in a neighborhood of the Chechen capital of Grozny, killing at least 60 civilians in the worst case yet disclosed of Russian military atrocities, an international human rights group charged today.
>
> During the attack, which began the morning of Feb. 5 in the Aldi neighborhood, soldiers, "systematically" robbed and shot civilians, raped women and looted and burned homes, according to a draft report prepared by Human Rights Watch and based on interviews with witnesses and relatives of those killed.

Mr. President, I ask unanimous consent this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, February 23, 2000]

RIGHTS GROUP REPORTS MASSACRE IN CHECHNYA

(By David Hoffman)

MOSCOW, Feb. 22—Russian soldiers went on a deadly rampage earlier this month in a neighborhood of the Chechen capital of Grozny, killing at least 60 civilians in the worst case yet disclosed of Russian military atrocities, an international human rights group charged today.

During the attack, which began the morning of Feb. 5 in the Aldi neighborhood, soldiers "systematically" robbed and shot civilians, raped women and looted and burned homes, according to a draft report prepared by the Human Rights Watch and based on interviews with witnesses and relatives of those killed.

"Russian soldiers murdered their way through Aldi, killing more than 60 civilians who were peacefully waiting for them in the streets," said Peter Bouckaert, a spokesman for Human Rights Watch who researched the events. "These are war crimes, and they must be investigated and punished as such."

Human Rights Watch has documented two earlier rampages by Russian troops: in Alkhan-Yurt; where 17 people were killed in mid-December, and in the Staropromyslovsky district of Grozny, where 44 died in December and January. Russian commanders have denied that their troops murdered civilians but, faced with continuing criticism from Western organizations and governments, acting President Vladimir Putin recently appointed a new human rights commissioner for Chechnya.

The new commissioner, Vladimir Kalamanov, the former chief of the migration service, promised in a news conference today to check the reports, but refused to discuss specific allegations.

According to the Human Rights Watch report, witnesses painted a consistent picture of the events in Aldi, when a large group of soldiers, "numbering in the hundreds," began killing civilians. Witnesses said residents had been summoned to the streets to have their passports checked when the shooting started.

The human rights group quoted witnesses as saying the soldiers also extorted money from residents, allowing them to buy their own lives with cash. One man who offered the soldiers rubles was told to come up with dollars, and when he offered $100 he was killed, Human Rights Watch said.

At least two women were raped by soldiers during the rampage, the group added. Russian soldiers warned witnesses that they faced revenge if they spoke of the atrocities, so some were unwilling to talk, the group added.

Human Rights Watch said at least two sources had confirmed the deaths of 34 people, but the group has obtained the names of more than 60 people believed to have been killed in Aldi on Feb. 5. Local witnesses have stated the death toll was at least 82 persons, the group added.

Meanwhile, Russian forces continued battling Chechen fighters in the southern mountains, launching an attack on the village of Shatoi, said to be a major rebel stronghold. A battle also was underway near the Georgian border. The Interfax news agency quoted Russian sources as saying that three helicopter gunships were shot down today, an unusually high single-day toll.

Russian authorities also announced that they have clamped down on the movement of all people and vehicles in Chechnya—and sealed the border with the neighboring region of Ingushetia—in anticipation of the Chechen commemoration on Wednesday of Joseph Stalin's mass deportation of Chechens during World War II. Russian authorities have said they are bracing for terrorist acts on Wednesday, which also is a Russian military holiday.

Mr. WELLSTONE. Mr. President, I hope to have the opportunity to introduce a freestanding resolution on the floor of the Senate. I hope this resolution will receive unanimous support. It expresses the sense of the Senate that the Russian Federation should devote every effort to achieving a peaceful resolution of the conflict in Chechnya, allowing to Chechnya an international monitoring mission to monitor and report on the situation there and allow international humanitarian agencies to make sure there is immediate and full and unimpeded access to Chechen civilians.

This is a question on which the Senate should not be silent. It does make a difference if we speak up. Two weeks ago, I met with members of the Chechen Government. They discussed with me the horrific conditions currently facing their homeland. I do not think any of us should be silent while this is happening.

We in the Senate should express our distress over the escalating humanitarian situation in Chechnya, and we should urge the administration to enlarge its public demands on Russia to confront it.

It is clear that the Russian Government must move immediately to allow into Chechnya an international monitoring force to monitor and report on the situation there. We need that. The world needs that. The people in Chechnya need that. It must also immediately move to assist those persons who have been displaced from Chechnya as a result of this conflict, and the Russian Government must allow representatives of the international community access to those persons in order to provide humanitarian relief.

Russian authorities agree to permit the Organization for Security and Cooperation in Europe to engage in monitoring in Chechnya, yet it has not permitted OSCE's six monitors currently in Moscow to visit the region. The administration must demand that Russia permit the monitoring mission to go forward and take steps to expand it substantially.

The administration must urge Russia to grant human rights monitors access to the region, including those from our own diplomatic missions in the area. The administration must engage Russian authorities at the highest levels to secure cooperation in addressing the humanitarian emergency in Chechnya and in its neighboring province. It must demand Russia assist those persons who have been displaced from Chechnya as a result of this conflict and grant humanitarian organizations access to Chechen civilians to provide some relief. The civilian population in Chechnya has been victimized to an extraordinary degree, and it is in desperate need of humanitarian aid. The Senate should not be silent on this question.

Finally, the administration must urge the Russian Government to achieve a peaceful resolution and durable settlement in a manner consistent with Russia's obligation to the international community.

We must strongly support the OSCE mediation process. The Russian Government acknowledged the OSCE's competence in serving as a mediator and achieving a political settlement to the conflict in Chechnya during the war of 1994 to 1996. However, to date, the Russians have rebuffed repeated efforts by the OSCE to mediate the current conflict. The administration must increase its efforts to persuade Russia to implement an immediate cease-fire and accept OSCE-mediated negotiations.

As this conflict drags on and the number and intensity of human rights abuses by Russian forces in Chechnya increase, the administration must support the creation of a United Nations commission of inquiry to investigate serious violations of international humanitarian law by Russian forces.

We must confront the suffering of the Chechen people. As many of my colleagues know, the recent Russian assault on the Chechen capital of Grozny was one more campaign in a continuing series of Russian military offensives in Chechnya. In September, I expressed my concerns to Yeltsin and Putin about the humanitarian tragedy that was, for the second time, unfolding in Chechnya. It is hard to imagine that after the use of force in Chechnya from 1994 to 1996, which left over 80,000 civilians dead, the Russian leadership could again see the use of force as enhancing the prospects for a durable settlement to this conflict. But the Russian leadership has again chosen use of force, and the current tragedy before us has now reached unimaginable heights, as evidenced by the piece today in the Washington Post.

Russian forces have used indiscriminate and disproportionate force in their bombings of civilian targets. This has resulted in the deaths of thousands of innocent civilian and displaced countless other. Russian authorities maintain a virtual ban on access to Chechen civilians by media and international humanitarian agencies resulting in our having to rely on the personal testimony of refugees fleeing the fighting to determine the nature and extent of the crisis and best means to provide humanitarian relief.

These testimonies are horrific: incidents of widespread looting, summary executions, detentions, denial of civilians safe passage from the fighting, torture, and rape.

Many civilians report being detained at the Chechen border as they tried to flee the fighting. They tell of brothers and fathers who had simply been denied safe passage out. It is fundamentally unacceptable to deny any civilian the right to flee the fighting—to trap them in this dangerous war. And where do these trapped civilians go? Into detention camps. No one needs to be reminded of the systematic torture that took place in detention camps set up to detain Chechens in the 1994-96 Chechen war. That event stains the memory of the Chechen people and it is happening again.

One twenty-one-year-old tells of the horror in the camps:

> About fifteen or twenty soldiers were standing in two lines with rubber sticks. . . . When I was running through the corridor, each soldier beat me with the sticks. They made us undress and started checking our clothes. They took away the clothes they liked. . . . For a week, I had to sit in the jail almost naked.

In addition to this torture, young men report that in order to be released from the camps their family members must pay outrageous bribes to camp officers and upon release, must sign papers saying they suffered no harm in captivity.

Then there are the numerous reports of rape. In one Chechen town a six-month pregnant 23-year-old woman was raped and murdered. Her mother-in-law was executed in this same incident. And Mr. President, many incidences of rape and sexual abuse go unreported. For many women in towns and villages all over Chechnya the shame is simply too great—they won't come forward to report these horrible crimes. Chechnya's culture and national traditions make it difficult to document case of rape and sexual abuse—unmarried women who are raped are unlikely to be able to get married, and married women who are raped are likely to be divorced by their husbands. The effects of these rapes on Chechen society will be profound and long lasting. I remind the Russian leadership that rape is war crime.

Two weeks ago I sent a letter to acting President Putin expressing my deep concern over the deteriorating situation in Chechnya and the Russian government's response to the humanitarian tragedy there. I urge the Russian government to move quickly to resolve this situation in a manner consistent with Russia's obligations to the international community and urge the Russian leadership to begin now to investigate and prosecute those responsible for human rights abuses in Chechnya—it promised to do this after the last Chechen war but failed to do so.

I urge my colleagues to communicate their own concerns to the Administration and the Russian government in whatever manner you think best. We cannot remain silent. We must fully condemn the use of indiscriminate force against the civilians in Chechnya and denial of humanitarian relief to Chechen civilians. We must remind the Russian leadership that the world is watching.

This Congress and this administration must express to the Russian government that it should devote every effort to achieve a peaceful resolution of the conflict in Chechnya, allow into Chechnya an international monitoring force to monitor and report on the situations there.

That is what this resolution I have submitted to the Senate, on which I hope we will have a vote, calls for. We must call for allowing international humanitarian agencies immediate, full, and unimpeded access to Chechen civilians in order to provide humanitarian relief.

This resolution, on which I hope we will have an up-or-down vote or it will be unanimously accepted by the Senate, calls for several things. It calls for the Russian Federation to devote every effort to a peaceful resolution, to allow into Chechnya an international monitoring mission to monitor and report on the situation, and to allow international humanitarian agencies immediate and full access to Chechen civilians. The people of Chechnya deserve no less.

I have no illusions. I do not think adopting a resolution automatically turns the situation around, but I do believe the Senate should not be silent, that we must support this resolution, and we must send this message. We must stand up for human rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

MEASURES PLACED ON CALENDAR—S. 2081 AND H.R. 6

Mr. WARNER. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER. The clerk will read the title of the first bill.

The bill clerk read as follows:

> A bill (S. 2081) entitled Religious Liberty Protection Act of 2000.

Mr. WARNER. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

The clerk will read the title of the second bill.

The bill clerk read as follows:

> A bill (H.R. 6) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credits.

Mr. WARNER. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will now be placed on the calendar.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER, Mr. HUTCHINSON, and Mr. CLELAND pertaining to the introduction of S. 2087 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oregon.

MIGRANT WORKERS

Mr. SMITH of Oregon. Mr. President, every time we have a recess and there is an occasion to go home, invariably we all learn something of significance that helps us in our service in the Senate. I thought I would take to the floor of the Senate today and speak about something I learned, something I experienced which I wanted to highlight. Right now, it is an issue that is sort of a low light in this body.

Earlier in this Congress, Senator BOB GRAHAM of Florida and I introduced a bill to fix our H-2A guest worker program that affects agriculture. Preceding that, Senators GRAHAM and WYDEN and I met with the Secretary of Labor and pleaded for the administration to come forward with some sort of fix to relieve the pressure on the farm labor system. There are enough workers, but you have to settle for an illegal system to conclude that there are enough workers. The Secretary assured us that something would be forthcoming, but nothing has been.

In the meantime, I have gone forward with this fix of our farm guest worker program in the hopes of getting something through in this Congress that could win the support of the administration and begin to relieve a problem I have now seen in a very human way.

I had scheduled two meetings last Thursday, one in Woodburn, OR, and the other in Gresham, OR. The subject was farm labor. I invited people to come and talk about my bill. I was overwhelmed by what occurred. We met first in an armory in Woodburn. When I arrived, it was already filled to capacity. There were 1,200 people, most of them illegal, in the armory waiting for me to come. They had been there, I was told, for an hour or more ahead of time, hoping to get a seat to hear what was going to be shared. There were so many people in the armory, they had to put a speaker on the outside grounds so that those who could not get in could hear. Some in the media estimated there were 2,000 people in total.

I looked into their faces and saw those who live in our society, those who live in the shadows of our society, those who fill jobs in our society, those who keep our shelves full at home and in our grocery stores, but those who are victimized in the most inhumane way because we have an unworkable law.

I heard all kinds of opinions about my bill. I granted to them that it probably wasn't a perfect bill, but at least I was trying—one of the few who are—to resolve this situation. I thank Senator GRAHAM of Florida for his willingness to step into this issue. One gets lots of arrows in the back when they try to tackle an immigration issue.

What motivates me to do this is almost weekly reports of migrant workers dying in the American deserts of the Southwest, trying to make their way to jobs. These are people who are victimized by human coyotes. They are raped. They are robbed. They are bribed. They are pillaged in ways that are unthinkable, and ought to be unthinkable, in this country. It happens because they have no safe and legal way to come here and to go home, to work a job, to earn their way, and to share the American dream, which is really just a human dream. That was the motive upon which I tackled this issue.

The law we have regarding our guest worker system doesn't work. There are estimates of 2 million illegal aliens in this country working in agriculture. There are estimates of 6 million illegal aliens in the United States. I was trying to focus on agriculture. Let me tell you why this system doesn't work.

First of all, it is economically beyond the pale of most of those in the farm communities who would like to hire them. This is the application. There are hundreds of pages a farmer has to comply with to hire one worker. Conversely, I applied for a job in the Senate, I had to fill out a two-page document. This is what a farmer has to fill out just to get a worker in a system that is untimely as the crops go unharvested.

We have a broken system. I believe it is estimated about 30,000 in total in this country use this system out of probably 2 million illegal aliens in agriculture. I think it is a given, a manifest failure. We need to make our guest worker law workable. That is a long-term solution. I think we need to do this.

What made my meetings, frankly, more productive and very helpful was a press release from the AFL–CIO, in which they called not for help to farmers and farm workers alone, they called for a general amnesty of all illegal aliens in this country. A general amnesty is something we have done in this country periodically; every few decades we seem to do this. The question now is whether it is appropriate to do that now.

There have been lots of editorial comments about this recently in the Washington Post. There was a very interesting article on this whole issue of farm labor and illegality. The Post said:

> Congress has responded sympathetically to the pleas of the high-tech industry to hire more skilled workers from abroad, but it has yet to do anything for employers of those at the bottom end of the labor market—the end where U.S. citizens don't want to work. Now, with a record number of illegal immigrants living in the United States, an estimated 6 million, with most of them working, some even paying taxes and joining unions, it is time to bring our immigration policies in line with what is actually happening in the labor market. It is time to recognize that we need the immigrants as much as they need us.

See, I know in Congress there are a lot of people who make an academic argument that we don't want to reward illegal behavior with a legal document. I understand that, but it doesn't fix the problem. It doesn't deal with reality. These people aren't coming; they are here and they live among us. They live in our shadows and they are victimized on a daily basis in a whole range of ways—bureaucratically, even criminally. It is a shame upon this country that we don't resolve this—short-term and long-term.

I was pleased that in the recent testimony of Federal Reserve Chairman Alan Greenspan he gave support to what I am talking about. Said the Chairman:

> It is clear that under existing circumstances, not only in the high-tech and in the farm area, but indeed throughout the country, aggregate demand is putting very significant pressures on an ever-decreasing available supply of unemployed labor. The one obvious means that one can use to offset that is expanding the number of people we allow in, either generally or in specifically focused areas. And I do not think that an appraisal of our immigration policies in this regard is really clearly on the table.

I think we need to put it clearly on the table as a priority of this Congress to do something about it. It need not be partisan. Regarding the position the AFL–CIO has just taken, I hope they will let me help them. I would like to help them to get a general amnesty. But I think that we also need to fix our broken farm labor system.

For those who say we should not do anything, I don't know what their motive is. I fear too often, though, that it is just anti-immigrant. We rightfully criticize, for example, Joerg Haider, of Austria for his anti-immigrant statement, which recalls a bygone era and a great tragedy. But what is the difference when we have politicians among us who make comments not unlike that about even legal immigration? They don't want anymore of it.

We have the Chairman of the Federal Reserve saying we need workers because we have good employment, but it is predicated on an illegal system. We need these jobs to be filled and we need crops harvested. Right now, we are victimizing farm workers and farmers because farm workers have to live like fugitives among us, and farmers are made out to be felons. We owe the United States something better. But, more, we owe the people at the bottom rung something better. They contribute to our society and they are victimized too often by our society when they make a significant contribution to the abundance that we enjoy as Americans.

So I call on our congressional leadership to bring us together, to fix our H–2A program, but also to pursue the amnesty that has been suggested by the AFL–CIO in this two-pronged approach. We can find a solution and we can treat these people more fairly, like human beings, with the dignity of law and the protection of law and a process that is safe and humane.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me inquire of the parliamentary situation. Are we in a period of morning business?

The PRESIDING OFFICER. We are until 12:30.

DEFENSE HEALTH CARE BILL

Mr. LOTT. Mr. President, I rise in support this morning of S. 2087, the Military Health Care Improvement Act of 2000. This is bipartisan legislation. It will begin to fulfill a promise of lifetime health care for our military men and women who sacrifice so much for our freedom.

This bill begins a multiyear process to identify and correct the broken promise of lifetime health care to our military retirees and veterans. I want to emphasize that this is a reasonable and a prudent first step. It is not the end by any means. It is only the beginning of an effort to rejuvenate our defense health care system.

I met an hour or so ago with the Commandant of the Marine Corps. He confirmed that this is an important part of the triad of things that we must do to reinstate the morale and recruitment and retention that we need for our military.

Last year, with S. 4, we addressed two components of that triad: Pay and pension benefits. But this year defense health care is critical. The chiefs have stepped up to this issue and included in the budget what was submitted by the President significant improvements, particularly for health care for our active-duty personnel. But more needs to be done, both for the active-duty personnel, but especially for our retired military personnel.

I am pleased that the Commandant and the chiefs are trying to help us in this effort, and it is going to be one of the most important things we can do this year for the military.

It helps the men and women currently serving in the Armed Forces while also keeping promises to the heroes of America's storied yesterdays without which our prosperous and promising future would have never been possible.

Last year, I was proud to see our colleagues on both sides of the aisle and both sides of the Capitol join in significantly improving two-thirds of the triad that I referred to. I was honored to join my distinguished colleagues on the defense authorization committee in passing the largest pay hike for our uniformed military personnel since 1981.

I remember very well in 1981 when President Reagan came in and said it is unconscionable that we are not paying our military personnel enough to live on. We had that period where they were having to go on food stamps and become qualified for welfare. The significant pay increase they received affected morale and helped us get our military into the position of great strength throughout the rest of the 1980s. But we have lost ground since then.

With the 4.8-percent raise for our men and women in uniform last year, we narrowed the pay differential between military and the private sector, making our All Voluntary Force more attractive to America's best young people and a more viable option for quality men and women who wish to remain in uniform.

Occasionally, I run across people who say, well, how is our All Volunteer Force working? Are they really able to do the jobs? We are getting the best? Sometimes I wonder. And then I have an occasion to go to a military installation to see men and women on Air Force bases—the Little Rock Air Force Base or Keesler Air Force Base, or Meridian Naval Air Station, or other military installations from South Carolina, North Carolina, Georgia, and all across this country—to California.

I am invariably impressed with the caliber of young men and women I see, the knowledge they have, the sophistication of what they have to deal with in aircraft, ships, and in weapons systems. We are doing well, but morale has suffered because of the pay and retention problem, and now health care needs that they depend on for their families. They have this additional problem now of long assignments in areas such as Haiti, Kosovo, Bosnia, South Korea, and around the world. They are away from their families.

We run the risk of seeing our military begin to erode internally by losing these young men and women because of family needs and because of health care needs. We run the risk of not being able to retain our pilots and keep our chiefs, master sergeants, and the sergeant majors. Yes, these generals are fantastic, but who runs the Marine Corps? The sergeant major is the guy who does the work, or the woman who does the work that allows the Marines to do what they need to do.

This legislation is so important. It would substantially improve the health care benefits of our service personnel.

The military medical and dental care systems still do not provide benefits to all that have earned them. And it is possibly the single most important remaining item that addresses and affects the quality of life of our service members, their families, and our retirees.

Today there are the same number of potential beneficiaries, approximately 8 million, as when we began the downsizing almost 10 years ago. However, the resources allocated to military health care have decreased dramatically. We can no longer squeeze blood from this stone. It is empty. Our service men and women, their families, and our retirees deserve better.

The Military Health Care Improvement Act will complete the pay, benefits, and medical triad. The bill is composed of five primary components:

First, it extends existing demonstration programs for the over-65 retirees until the year 2005, including programs such as the Medicare Subvention and Federal Employees Health Benefits Plan.

It also expands the Defense Department's national mail order pharmacy program to Medicare-eligible beneficiaries, with $150 deductible.

It requires the expansion of the TriCare Remote program in the continental United States for active-duty family members in the Prime Remote program and eliminates copays for TriCare Prime for active-duty family members. It also improves the business practices used in administering the TriCare program.

Fourth, it expands the Department of Defense and Veterans' Administration cooperative programs, directing DOD and the VA to develop a common set of patient safety indicators for centralized tracking, and it will improve pharmaceutical safety.

Finally, it will initiate two studies to access the feasibility and desirability of financing the military health care program for retirees on an accrual basis.

This bill is only a start, but it is a very sure start. As with last year's efforts to improve the pay and retirement part of the quality of life triad for our military personnel, I am pleased this measure has such a broad bipartisan base of support in the Senate, particularly from my distinguished colleagues on the Senate's defense committees.

Unlike several other bills that are being touted on the Hill, this bill will be fully funded in the Senate's budget resolution of fiscal year 2001. Every year, thousands of bills that would spend millions, even billions, of dollars are introduced in the Congress—and for good purpose, I am sure, almost all of them. However, at the end of the year, few of the new massive programs are passed in view of all the other needs for defense, Medicare, Social Security, education, and transportation.

The key to success is ensuring that funding is included in the budget for the desired program. That is how the pay and retirement provisions of S. 4 were ultimately signed into law. That is how I hope to have the provisions of this bill signed into law. When S. 4 came up at the beginning of last year, some said: This costs too much; we will never get it done. But it was not a massive jump, it was achievable. Moving S. 4 aggressively with the authorization early in the year led to it ultimately being funded.

While I support the ultimate goal of the other bills, I don't know what their final cost may be. We have had estimate ranges of $8 billion to $20 billion per year. I believe our Nation should keep its promise of lifetime health care for our military personnel. But I also believe we owe it to all America's taxpayers to ensure we know how we can best meet this commitment, and if we can. As I said earlier, this process will take a year or two or more.

Many in Congress are committed to finding a way to fulfill our Nation's promise to our military members, their families, our military retirees, and veterans. What our military community doesn't need is more empty promises and unrealistic expectations; we need results. That is what this bill, S. 2087, is designed to do. It will give tangible and measurable results.

The broken promise of lifetime health care for our veterans has been a haunting specter in the Halls of Congress for a number of years, and rightly so. I have been hearing concerns about this throughout my career in Congress, both the House and Senate. Of course, the problem goes back to the 1950s when changes were made that led to the problem we have now. It is time we keep that promise. This calls for concrete, bipartisan legislation that takes a discernible step forward. Our Nation's veterans deserve nothing less. They deserve health care, especially as so many World War II, Korea, and Vietnam era veterans depend on the promise of the Government of the people that they fought so hard to protect.

I urge my colleagues to take a look at this legislation. I thank Senator WARNER for the work he and his staff have done on this bill, as well as my staff who have worked on the Military Health Care Improvement Act of 2000.

I am thankful we have a bipartisan group of Senators who have cosponsored it. I think this is achievable legislation this year. It is the beginning of keeping our promise.

I commend this legislation to my colleagues.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, since the next order of business is the education savings account bill and those Members are currently involved in a very important Finance Committee hearing with regard to China trade, I ask that the morning business period be extended until 2 p.m. today under the same terms as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION SAVINGS ACCOUNTS

Mr. LOTT. I inform our colleagues that the managers on this legislation, the chairman of the Finance Committee and the ranking member, Senator MOYNIHAN, will be available at 2 o'clock and we will begin the process to consider the education savings account bill. I certainly support this legislation. It has broad support across the country. We did pass it a couple of years ago. It was vetoed by the President. But it is a bill whose time has come.

People should be able to save for the education of their children, for their needs in education—whether kindergarten, 4th grade, 10th grade, or 12th grade. We need to allow parents who can and want to, to save for their needs, whether it is a computer for their child, whether tutoring, remedial assistance in reading, or whatever it may be. It is unconscionable that we can do that for a child's higher education but not for their education needs in the fourth grade.

Some say it will benefit middle-income people and upper-income people who can afford to save for their children's needs. That is fine. The important thing is to help our children, all of our children, at the lowest economic level, but also to encourage savings across the board for education in general.

I am glad we will have this full debate. I commend Senator COVERDELL for his pertinacious support for this legislation. He is dogged. He will not quit. I predict this bill will become law.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

INTERNET PRIVACY

Mr. TORRICELLI. Mr. President, if Americans knew that every time they walked through their local shopping mall or wandered through the shopping district of their hometown their movements were being tracked, every purchase was being recorded, and every conversation was being monitored, they would be outraged. Americans would consider this level of surveillance a violation of their most basic constitutional right. Yet that very expectation of privacy we expect in our traditional shopping in the local mall, or our visiting with friends, or searching for information in our hometown is exactly what is not happening in the shopping center of the 21st century in cyberspace.

Whenever a citizen ventures online to pay a bill, seeks medical advice, purchases a product, checks the latest news, or engages in a conversation on the Internet, there is a chance that someone is gathering information about us, recording their information, and then selling it, or giving it to others. It is a very disturbing new look at a very exciting new technology.

Indeed, there are companies now being formed for the specific purpose of monitoring our travels through cyberspace and recording this very information.

The situation, while unsettling, does not need to necessarily be menacing. Marketing both online and offline is very common in our daily lives. By collecting some of this information, businesses, indeed, can benefit, if they know the kind of products we want, what our tastes might be, our sizes, and our preferences in what we want to read and want to purchase. The question is whether consumers can control that information because, indeed, companies having access to this information can be more efficient and allow our time to be used more efficiently. I may want a retailer of clothing to know the kind of clothes I want to buy so that I receive the proper advertising. I may want a book company to know the things that I like to read and my areas of study so I can receive products more properly.

That is having information used at its best. One can only imagine how it can be used at its worst.

This information about what I want to read in the wrong hands can reveal my most private political thoughts that I would rather have others not know. It could reveal sexual orientation or party affiliation. Indeed, if I seek medical advice online for psychiatric care or for a disease for myself or a child or a mate, it very well probably would be information I wouldn't want generally available to other people for commercial purposes, political purposes, or worse.

Too often web sites underinform or misinform the public about how they intend to use this information or have presented work to be used improperly or where it can be misused. The fact is that over 90 percent of our most popular web sites do not reveal that they gather and share consumer information with other businesses. And if the public knew that 90 percent of these sites were sharing this information, we as consumers and citizens would be more careful about what we reveal or what we purchase.

A 1999 Georgetown survey also concluded that only 36 percent of leading web sites that admit to gathering information fully explain how they intend to utilize it. So the consumer, the citizens, are not able to make an informed decision about what information they are providing and what risks they might be taking.

Many consumers are now being informed through the popular media that without our consent or knowledge, programs known as "cookies" monitor and collect information regarding our web site browsing habits.

Personal data is also routinely extracted directly by web sites whenever we transmit the information required to purchase a product or surf the net for a specific topic.

In both cases, our actions are monitored and our information will be shared unless we specifically request that a company do not do so, a process known as opting out.

Opting out requires that a user directly contact a site to decline disclosure. The problem with opting out is that the location on web sites where one clicks to opt out, to take your information out of circulation, is often not prominently displayed and therefore is not known by the consumer.

One leading marketing company that tracks 80 million online consumer profiles has revealed it receives an average of only 12 opt out requests per day; 80 million customers, 12 opt out per day.

It is unlikely that only 12 people are concerned about privacy of their purchases or other vital personal information. I suggest to the Senate it is much more likely that the opt out location on the web page is obscured or in some form inadequate.

Privacy policies meant to inform users of both the scope and scale of this information are very often inaccessible. A recent California Healthcare survey of 21 popular health care sites reveals many sites have secretly shared personal health information with marketers despite the fact that privacy policies were posted. Often the opt out sites are not adequately displayed. They often are misleading. Sometimes, as this study by California Healthcare indicates, they are just plain dishonest.

There are, however, solutions. I believe these solutions are important to protect privacy. I remind those who are now marketing on the Internet and share my enthusiasm for the potential of the Internet for economic purposes that we have a common interest. If consumers do not believe their interests are protected regarding safeguarding their most vital personal information, the Internet will never reach its true economic potential. This point bears repeating. This is vital for privacy in our society and personal confidence in the Internet, but it is equally vital for the Internet in meeting its economic potential.

Great segments of this society are going to be reluctant to purchase books, health care products, seek information, and exchange ideas if they do not know whether the information is safeguarded. It is no different than citizens using the telephone to convey information, exchange political ideas, or purchase products, if citizens did not have some idea that their every phone conversation wasn't being monitored. It wouldn't be any different than citizens visiting the local shopping mall, meeting friends, engaging in conversations, going to restaurants, or purchasing products, if they knew that over their shoulder someone was recording everything they did and everywhere they went. This is vital economically as well for the privacy of our citizens if this new, wonderful technology is to meet its economic potential.

To deal with this problem, I have introduced S. 2063, the Secure Online Communication Enforcement Act of 2000. This legislation is not a final product, I stress to privacy advocates and to the Internet industries and online companies. It is not a final product. It is establishing, I hope, a national dialog first to educate ourselves about the privacy problem in cyberspace. It is a beginning document to which I invite comment and amendment. Its purpose is simply to begin collecting ideas of how to enhance privacy. But it is built on the concept of opting in versus opting out; that is, that the consumer, the citizen, must make a choice about whether they want this information shared. So the consumer, the individual, holds the power.

If I believe a company can better market to me—and, indeed, I believe a company can better market to me if they know my taste in music, my taste in reading, my taste in clothing or automobiles—I can decide that I want that information shared, given to other companies, and come back to me with good information. However, if I don't want something shared—perhaps I have gone online with a health care company and I prefer my health information not be shared—I do not opt in, I do not give anybody the right to give that information.

A second vital part of this bill: I strongly believe government oversight and regulation of the Internet should be kept to a minimum. That is one reason I have opposed steadfastly a sales tax on Internet purchases. This is one area of American life where the government should keep its presence to an absolute minimum in taxation and regulation. For that reason, this legislation is self-enforcing. No government bureaucracy will be calling if there is a violation. If, indeed, a company violates a citizen's privacy, the right of action is with the citizen, not the government. There is a legal right of action when sharing my personal information which I have said will not be shared. If I did not give anyone that right, then I as a citizen will hold them liable for doing so.

Those twin pillars are: As a citizen, I decide whether to share my private service; second pillar, as a citizen, I and not the government have the right of action to enforce it.

I have introduced this new legislation to begin this dialog, S. 2063, the Secure Online Communication and Enforcement Act of 2000. I hope it is helpful to my colleagues. I hope a good and worthwhile debate proceeds in the Senate, in our country, and, mostly, within this vital industry. If we can get this right, we not only do service to our people by protecting their privacy, as is our cultural and constitutional tradition, we also do a great deal to reinforce public confidence in the Internet, cyberspace, as a new arena of economic commerce and competition. We can bring the Internet to reach its true economic potential.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. DODD. Mr. President, parliamentary inquiry: What is the business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. DODD. Mr. President, are there limitations on the amount of time Members are allowed to speak?

The PRESIDING OFFICER. Ten minutes.

EDUCATION

Mr. DODD. Mr. President, while legislation is not presently pending before the Senate, I understand that the leadership intends to soon call up an education proposal by Senator COVERDELL, a tax cut that would allow families with an adjusted gross income of up to $95,000 for single filers, $150,000 for joint filers, to make contributions to individual retirement accounts up to $2,000 per child for K-12 education expenses, including private school tuition, during the tax periods from the year 2000 to 2003. As I understand it, the revenue loss of this proposal is somewhere in the neighborhood of $1.3 billion. I believe I am correct in so characterizing this proposal.

First of all, I am somewhat surprised this legislation is coming up at this time. We are about a week away from the education committee of the Senate reporting out, I hope, a bill on elementary and secondary education. We are required under law to authorize the Elementary and Secondary Education Act once every 5 years. That bell actually tolled last year but obviously we are still in this Congress, so we have an obligation to report to our colleagues our thoughts and solutions on the needs in elementary and secondary education in this country. The Committee on Health, Education, Labor, and Pensions, of which I am a member, has held something in the neighborhood of 20 to 25 hearings over the last year and a half on this legislation, and I have listened to literally dozens and dozens of witnesses about how we can do a better job improving the quality of education in this country.

I know in the last week or so, in surveys done by polling operations that are both of the Democratic persuasion and the Republican persuasion, they have indicated what most of us knew already, that education is the single most important issue the American public thinks we need to address. I think the numbers were 38 percent of the American public listed education as the lead priority issue that Congress ought to deal with, on which the American people would like to see us focus more attention. Education placed higher than the public's concerns about Social Security and Medicare by some three points, and health care by seven points. Those were the top three responses: education, Social Security, and Medicare, and health care generally, with education surpassing those concerns with some 38 percent.

It is appropriate this Congress deal with education. What I am stunned by is that 1 week away from action by the major committee charged with the responsibility of dealing with education issues, the leadership has decided to bring up the Coverdell bill rather than waiting for the committee product to come out, after having waited now a year and a half for it. So on one level

I am disappointed that the leadership has decided to bring up this legislation prior to the education committee's markup of the Elementary and Secondary Education Act.

Further, I take particular issue with the legislation that will soon be before us, the Coverdell proposal. I have a lot of respect for my colleague from Georgia, Senator COVERDELL, but he and I have significant disagreements on some issues, and on this one particularly. Let me inform my colleagues what this bill would do. Obviously, a tax break designed to help defray the costs of education for grades K–12 sounds very good. It is a lot of money, $1.3 billion. But let me explain specifically how this legislation would actually impact people's tax obligations.

According to a Joint Tax Committee report, which is an objective committee that is not supposed to take partisan issue with any particular bill, the average benefit per child in public schools would be $3 in the year 2001, $4.50 in the year 2002, and $6 in the year 2003, reaching a high mark of $7 in the year 2004, or a total of $20.50 over 4 years. That is $1.3 billion in lost tax revenues to provide the average taxpayer with $20.50 in tax relief. That is going to be the answer to how we improve public education in this country, this legislation purports.

No one is going to suggest that this Congress has a perfect record on tax cut proposals, but I noticed recently in a national survey that only some 13 percent of the American public thought at this juncture a tax cut was necessary, that they would rather see us spend the surplus we are accumulating, the non-Social Security surplus, on Social Security, Medicare, and educational needs in this country. While people certainly like the idea of a tax cut, they like better the idea we are reducing our national debt. Shouldn't we be working to eliminate the approximately $220 billion in interest payments we pay each year on the national debt? What greater gift could this generation give to future generations than ensuring their National Government would be free of debt?

Almost without exception, Americans would rather we reduce our national debt than receive $20.50 over 4 years for an educational tax benefit proposal that is not going to do much at all. If your child is enrolled in a private school, $20.50 will provide very little assistance. The decision of whether or not to take $1.3 billion of taxpayer's money and give people, on average, $20.50 as opposed to paying down the national debt or dealing with Medicare or dealing with broader educational needs, I think is an easy one. I don't think we need much persuasion—I hope—when these clear choices are before us.

Certainly with $20.50 we are not going to get smaller class sizes, which most Americans think is important. Certainly we are not going to get better qualified teachers, which most Americans think is important. This legislation is not going to modernize crowded, old, and unsafe school facilities. It is not going to wire these schools so students have the advantage of the Internet and modern technology to better prepare them for their futures. It is certainly not going to help school districts cope with the costs of special education.

There is an issue, however, that we do have the opportunity to do something about. If you want to take $1.3 billion and do something, and if paying down the national debt doesn't impress you, why not do something about special education costs? Why not take the $1.3 billion and apply that towards the Federal Government's commitment to local communities to help them meet their special education costs? Our respective States know well the complaints of our mayors and our county executives, that the cost of special education is rising all of the time. They also know the Federal Government made a commitment years ago pledging 30 to 40 percent of the cost of special education services.

The Federal Government has never gotten above 13 percent of that commitment. If we want to do something meaningful for our communities, be they Colorado or Connecticut, if we want to spend this money on education, why not return the money to our States and allow them to meet the costs of special education? I promise you, there is not a mayor in this country, there is not a county executive in this country, there is not a school board in this country that would not applaud a decision by this body to provide some meaningful help on defraying the costs of special education. Believe me, if the choice is one between helping our local school districts or giving $20.50 over 4 years as a tax break to the people in their communities, they will take the special education option every time.

I intend to offer an amendment to the underlying bill. At the first opportunity, I am going to offer an amendment that will take the $1.3 billion and apply it to special education and let us do something meaningful in our respective States.

Let me share with my colleagues the background on the special ed proposal.

In my view, it is a waste of fiscal resources to be spending $1.3 billion on this minor tax break, $20.50 over 4 years. One cannot buy hamburgers for a family of four at MacDonald's or Burger King with this amount of money. As I said earlier, however, these funds can make a difference in the area of special education. Let's take a look at how my proposal will make a difference.

It will strengthen public schools by assisting them with the very high cost of special education. Upon enactment of the Individuals with Disabilities Education Act in 1975, the Federal Government committed to State and local school districts that it would contribute 40 percent of the funds needed to provide special education services. Twenty-five years ago we made that commitment.

Presently, the Federal contribution to special education is 12.7 percent of the total special education costs. The Federal Government today would need to boost its IDEA funding an estimated $15.7 billion to live up to its original commitment. I am not suggesting $1.3 billion is going to get us to the 40 percent level, but it would be a major step in the right direction.

The amendment that I plan to offer will redirect the $1.3 billion over 4 years that the Coverdell amendment applies, to aid State and local school districts in providing the critically important special education services that children with disabilities deserve. This proposal will truly do something for our communities, I suggest to my good friend, the Presiding Officer, in his wonderful State of Colorado and my State of Connecticut. This will truly make a difference. This proposal will strengthen these local school districts.

I believe it is better for us to take this money, which the Coverdell legislation will take out of general revenues of the Treasury, and apply it to something for which our constituents and our communities will be grateful. Mr. President, $20.50 does not put a dent in our real education needs.

I emphasize, again—and this is the first point I made—I am somewhat disappointed we are bringing up this proposal just days away from the Committee on Health, Education, Labor, and Pensions reporting out its bill on the elementary and secondary education proposals, as we have done historically over the years. But 5 or 6 days before the committee acts, after all the hearings the committee has held, all the time that has been invested by Republicans and Democrats on the committee who care about education and have listened to people from across the country offering their suggestions on how we can best improve the quality of education, it is a great pity, in my view, that we are going to disregard that exercise and come right to the floor with a tax-cut proposal that does little or nothing to improve the quality of education in our country.

At the appropriate time, I will offer an amendment that will require this $1.3 billion to go directly to our school districts, to our communities, to provide the financial support they can use, given the high cost of special education in communities all across the country, and help us get closer to fulfilling that commitment we made 25 years ago of meeting 40 percent of the costs of special education.

I have offered this amendment in the past. This amendment has had bipartisan support. When I offered this amendment in 1994, the majority leader, Senator LOTT, supported the amendment, as did Senators GORTON and JEFFORDS. However, eventually we came short of the majority necessary to adopt the amendment.

In fact, the distinguished majority leader, Senator LOTT, to his great credit, when he and I served together on the Budget Committee years ago supported a similar amendment to the one I'm proposing today. When I offered an amendment in the Budget Committee that would require that over a number of years we increase the federal contribution to special education to 40-percent, it unfortunately fell on a tie vote.

As some people are aware, the Federal Government commits only 7 cents on the dollar to fund elementary and secondary education services in this country. Seven cents on the dollar is what we do; 93 cents on the dollar comes from the States and local governments, and most funding for education comes from local taxation.

My proposal offers a way for the Federal Government to provide some real tax relief at the local level for special education costs that these communities must raise in order to meet their obligations under the Individuals with Disabilities Education Act.

I am hopeful that, while this amendment has not been adopted in the past, given the choice between a $20.50 tax break over 4 years and taking $1.3 billion and sending it back to our communities to help them meet their special education costs, this amendment may prevail this time. Our children with disabilities and our communities deserve our support. I then hope we can move on to the real business of continuing our work on the Elementary and Secondary Education Act.

RECESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, at 1:10 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of New Hampshire, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

AFFORDABLE EDUCATION ACT OF 1999

Mr. LOTT. As we discussed earlier and agreed to, I now ask unanimous consent that the Senate turn to Calendar No. 124, S. 1134, the education savings account bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. In order to keep the Senate on the subject of the education savings accounts, I ask unanimous consent that the bill be pending today for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I hope when the Senate resumes the bill tomorrow, that all amendments will be relevant to the education savings account issue. I intend to ask that our Democratic colleagues at a later time agree to that. In the meantime, I expect vigorous discussion today about this very important education issue and how we can all have an opportunity to be helpful to our children in K through 12th grades.

In light of the agreement, there will be no votes during today's session. I remind Members that a rollcall vote is scheduled to occur tomorrow at 11:30 a.m. on the Iran Nonproliferation Act. There is a likelihood that there will be more votes Thursday afternoon, perhaps on Executive Calendar items. We will notify Members of any nominations that might be considered. If votes are required, then we will notify Members on both sides of the aisle exactly what time that would occur.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We are very grateful that we have an opportunity to talk about education. There are many things that we need to talk about as it relates to education. Certainly, this is a step in the right direction.

I personally believe very strongly about the fact that in America we have 3,000 children dropping out of high school every day—3,000 children who are going to be less than they could be. I think we need to do something about that.

On a number of occasions we have attempted to move legislation forward that would help create a dropout czar in the Department of Education to adopt some of the educational programs that are working around the country.

We in Nevada are particularly concerned with the dropout rate. We have the dubious distinction of leading the Nation in the rate of high school dropouts. We really need to do something about that. This problem is making our country less productive. It is making the State of Nevada less productive. For this reason alone, I think it is important that we start talking about education.

I do say that on the education savings account issue—of which there will be some discussion today by the ranking member of the Education Labor Committee, who will talk in more detail about this—but as the Senator from Massachusetts knows, we could take all these programs, including education savings accounts, and lump them together, and very few people would be helped. We need something to help public education generally.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am disappointed that we have failed to obtain a unanimous consent agreement to limit amendments with respect to S. 1134, the Affordable Education Act. I hope that we will move towards passage of this very significant bill. The importance of giving American families the resources and means they need to educate their children must be above politics.

I will soon take a few minutes to walk through the various provisions of the bill. But before I get into the specifics, let me remind my colleagues that all of the concepts in this bill should be very familiar.

This bill is an A+ for American education. Its concepts should be familiar because we have already endorsed them. The base provisions in the bill—which include the increase in the maximum allowable contribution to an education IRA, the use of the IRA for elementary and secondary school expenses for public and private schools, the tax-free treatment of State-sponsored prepaid tuition plans, and the extension of tax-free treatment for employer-provided educational assistance—all received bipartisan support from the Finance Committee in the Senate as part of the Taxpayer Relief Act of 1997.

Despite this Senate support, these provisions were dropped from the bill during conference negotiations. Because of opposition from the administration, these particular elements failed to be included in the final version of the Taxpayer Relief Act of 1997.

In addition, these proposals were included in legislation sent to the President in 1998. Unfortunately, the President vetoed that legislation.

These bipartisan proposals were included in the Taxpayer Refund and Relief Act of 1999, which passed last year. Unfortunately, the President vetoed that legislation, as well.

But we must not lose heart. The cause of affordable education is too important. I hope this time we can succeed for the American people.

We are here today to show our commitment to affordable education and to enact what this body determines makes good sense for American families.

It is important to note that this tax bill is not designed to answer all the education-related issues that face this country. Many issues are too varied and complicated to be addressed by the Federal Government. They need to be solved at the State and local level—by schools, by teachers, and by parents working together.

Instead, this bill is designed to build on the innovative concepts that have been introduced in the last few years. Our goal is to fix the Tax Code so that it provides the necessary incentives to help American families help their children. These are much needed tools.

From 1992 through 1998, tuition at a 4-year college increased by 234 percent. During that period, the average student loan increased by 367 percent. In contrast, median household income rose only 82 percent during that period and the Consumer Price Index rose only 74 percent. Our students, our families, need these resources to help them meet the costs and realize the opportunities of a quality education. I hope my colleagues continue to recognize just how important they remain. The American people are counting on us.

Let me take a few minutes to describe the various provisions of the bill, to provide an overview, and to highlight some reasons these measures are so important.

As I already mentioned, the bill increases the maximum education IRA contribution from $500 to $2,000. That increase is important on two levels. First, with the well-documented increase in education costs, it is essential that we provide American families with the resources to meet these costs.

I have long argued that it is essential to change the savings habits of the American people. There are few things more important than the education of their children. Not only will saving in this way increase our investment capital, it will increase Americans' education capital as well. Anything that thwarts either of these objectives is shortsighted.

By using the Tax Code to encourage individual responsibility for paying for educational expenses, we all benefit. The expansion of the education IRA will result in greater opportunities for individuals to save for their children's education.

Besides being too low to give parents the necessary resources to pay for the cost of education, the current $500 limit fails from another practical perspective. As we all know, any banker or broker who provides an IRA account faces assorted administrative costs for each account. To ensure they can adequately cover their administrative costs, most brokers or banks impose a minimum account balance, and in many cases the maximum balance has been set well higher than $500. That reality of the marketplace has the effect of limiting the availability of the educational IRA to American families.

Another reality is that confronted by a $500 limit. Many mutual fund companies find it is not worth their while to spend money on marketing the educational IRA. It is a fact of life that regardless of what we say or do in Congress, many families only know about the benefits of an educational IRA through the marketing efforts of their local mutual fund companies and banks. These businesses have been very successful in marketing IRAs with the higher contribution limit. If we want to maximize the involvement of American families in education IRAs, we need to ensure that the accounts make economic sense from the perspective of the companies offering them.

The next major change this bill makes to education IRAs is that it allows withdrawals for education expenses for elementary and secondary schools and for both private and public schools.

As we recognized last year, it is a fundamental principle that a parent should have the right and the ability to make decisions about his or her child's education, to decide basic questions such as how the child shall be educated and where the child should attend school.

In 1997, for example, when Congress passed a variety of provisions targeted to higher education, we made no distinction between private and public schools.

We did not say, for instance, that an education IRA or a HOPE scholarship would only be available if a student attended public school. We did not say that a student who attended the University of Maryland would receive a tax benefit but a student who attended George Washington University would receive nothing.

This bill recognizes that, just as for higher education, we should not establish a priority system where some elementary and secondary schools are favored over others. We should not forget that it is the taxpayer who funds the educational IRA, that it is the parent who puts his or her hard-earned money into the education IRA.

It seems a matter of common sense, therefore, that the parent should be able to choose how to spend that money and the parent should be able to choose where to send their children to school.

Moreover, parents with students in elementary and secondary school need our help to cope with the costs. It is simply not true that only rich kids attend private elementary or secondary schools. For instance, recent data from the National Catholic Education Association indicate that almost 70 percent of the families with children in Catholic schools have income below $35,000, and almost 90 percent of those families have incomes below $50,000. Why should those children not have access to these accounts?

Another provision in this bill makes State-sponsored prepaid tuition plans tax free, not simply tax deferred. This is a significant distinction because it allows students to withdraw the savings that accumulate in their prepaid tuition accounts without paying any tax at all. That means more money for children's education. It also means parents have the incentive to put money away today, and their children have the full benefit of that money without any tax tomorrow.

As I have already mentioned, at least 43 States have prepaid tuition plans in effect. This means most Members of the Senate have parents and students back home who either benefit from the plan right now or will benefit from the plan soon. I am pleased to see my home State of Delaware has already acted in this area. Delaware parents can now save for college on a tax-deferred basis. But if this bill becomes law, these Delaware families will be able to save for a child's college education on a tax-free basis.

The prepaid provision also covers networks of private college plans. This will enable still more parents and more students to save for college.

The Finance Committee bill also extends tax-free treatment of employer-provided educational assistance for graduates and undergraduates through June 30, 2004.

This particular program is a time-tested and widely used benefit for working families. Over 1 million workers across America receive tax-free employer-provided education. This allows them to stay on the cutting edge of their careers. It benefits not only them individually but their employers and, of course, the economy as a whole. With the constant innovation and advancing technology of our society, it is vitally important that we continue this program.

The Finance Committee hearings demonstrated the crushing debt burden faced by students coming out of college. I can tell you about this debt burden from Delaware families. I am sure I am not alone. To this end, the Finance Committee restores the student loan interest deduction in the Taxpayer Relief Act of 1997. This bill goes another step further and simplifies and expands the deduction for more students.

The Finance Committee does even more than address the cost of attending school. In response to concerns from Members on both sides of the aisle, the Finance Committee agreed on some measures to provide relief in the area of school construction.

The first provision is directed at innovative financing for school districts. It expands the tax-exempt bond rules for public-private partnerships set up for the construction, renovation, or restoration of public school facilities in these districts. In general, it allows States to issue tax-exempt bonds equal to $10 per State resident. Each State would be guaranteed a minimum allocation of at least $5 million of these tax-exempt bonds. In total, up to $600 million per year in new tax-exempt bonds would be issued for these innovative school construction projects.

This provision is important because it retains State and local flexibility. It does not impose a new bureaucracy on the States. It does not force the Federal Government to micromanage school construction.

The provision is also important because it promotes the use of public-private partnerships. Many high growth school districts may be too poor or too overwhelmed to take on a school construction project itself. But with these bonds, these districts can partner with a private entity and still enjoy the benefits of tax-exempt financing.

It is worth noting that there already is a significant Federal subsidy for school construction. Under current law, States and localities can issue debt that is exempt from Federal taxation. This benefit allows them to finance school construction by issuing long-term bonds at a lower cost than they otherwise could.

Moreover, the evidence shows that States and localities are taking advantage of this benefit. In the first 6 months of 1996, voters have approved $13.3 billion in school bonds, an increase of more than $4 billion over the first 6 months of 1995. The bottom line is that many States and localities are doing their homework, passing bonds, building and renovating schools, and enjoying favorable treatment under the existing Tax Code. They are doing all this without significant Federal involvement.

I do not have to remind colleagues that school construction has always been the province of State and local governments. President Clinton himself stated in 1994 that the construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers. In that respect, I agree with the President.

Well, there is a second bond provision in this bill. That provision is designed to simplify the issue of bonds for school construction. Under current law, arbitrage profits earned on investment unrelated to the purpose of the borrowing must be rebated to the Federal Government. However, there is an exception, generally referred to as the small issuer exception, which allows governments to issue up to $5 million of bonds without being subject to the arbitrage rebate requirement. We recently increased this limit to $10 million for governments that issue at least $5 million of public school bonds during the year.

The provision in the Finance Committee bill increases the small issuer exception to $15 million, provided that at least $10 million of the bonds are issued to finance public schools. This measure will assist localities in meeting school construction needs by simplifying their use of tax-exempt financing. At the same time, it will not create incentives to issue such debt earlier or in larger amounts than is necessary. That is a type of targeted provision that I believe makes good sense.

Finally, as we all know, the Tax Code is too complex. As chairman of the Finance Committee, simplification of the Tax Code is one of my top priorities. This Finance Committee bill provides for coordination between education IRAs, prepaid tuition plans, the HOPE scholarship, and lifetime learning credits. This provision will mean that parents will not lose the benefit of the HOPE scholarship and lifetime learning credits when they use an education IRA or a prepaid tuition plan.

It is clear that the Finance Committee bill contains numerous important provisions for the American family.

As I have already said, many of these measures are ones the Senate passed last year. Anyone—students or parents—who is on the front line dealing with the cost of a quality education must have been disappointed in 1997, in 1998, and in 1999 when the President failed to agree to give any student or parent all the tools they needed.

American families understand the need for these measures. American families have now been waiting for several years. Let us not disappoint them any further. Let's not keep them waiting any longer. Let's move forward. Let's pass the Finance Committee bill now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is now Wednesday, the 23rd of February. It is just about a week after the President of the United States sent his budget to the Congress where he outlined his request of the Congress for a very extensive education priority—more than $4.5 billion measured just in financial terms over the previous years—specifying in great detail, the priorities he placed in strengthening our education system.

I think any American who listened to the President's State of the Union Address would have to conclude that the President spoke for all Americans when he said the primary priority for all Americans was in the area of education and also that we ought to try to find partnerships where the Federal Government can work with the States and local communities in order to strengthen our K through 12 education system. Both the President and all of us in this Congress understand that we have some very important pieces of legislation before the Committee on Health, Education, Labor, and Pensions. We will reauthorize the ESEA, a composite of different pieces of legislation, that is primarily targeted in terms of the most disadvantaged children and children in greatest need.

I, as ranking minority member of the Committee on Health, Education, Labor, and Pensions, want to take this time now to commend our chairman, Senator JEFFORDS, for the time he has taken to try to examine and bring that legislation as a priority item to the floor of the Senate so we can take action. Even though we are in the Senate for a relatively short period of time, we are going to have the opportunity to debate that legislation, which primarily is $8 billion, which is focused on the neediest schools and poorest children.

There are other funds in terms of school construction. There are other funds in terms of math and science programs. There are additional funds in the Elementary and Secondary Education Act. That has really been the vehicle on which I think most of us thought we would begin the debate in this Congress on the issue of central importance to the American people—on education.

I can say, as someone who has served on the education committee now for 38 years, that we have had a remarkable sense of bipartisanship in working through education. It has only been in the last 10 years we have even voted in the committee. We had votes on the floor of the Senate. But by and large, under the leadership of Bob Stafford, a Republican from the State of Vermont, under the leadership of Claiborne Pell, a Democrat from Rhode Island, and even back to the period of Lister Hill in the early 1960s when many of these pieces of legislation were initially passed, we didn't really have a great deal of partisanship. It was understood that education was something on which we freed ourselves from involving partisan disputes. It has only been in the most recent times we have had that.

That doesn't mean a good debate and discussion on education policy is not helpful in terms of trying to find out the most sensible and responsible ways we would proceed. But it does come as some surprise to the members of our committee, quite frankly, that we have had some 20 days of hearings and we are in the process of attempting to mark up this major piece of legislation and bring it to the floor so we can have a full debate and discussion on the measure.

Just to put this tax legislation in some perspective, the President's budget in terms of education will be about $40 billion this year, $4.5 billion over last year. The measure which is being offered on the floor of the Senate as the principal Republican measure comes to approximately $225 million per year—$1.2 billion over 5 years.

Not that you can't do a good deal with $1.2 billion over 5 years, but when we are talking about the magnitude of our involvement in terms of what the parents of this country have said they want to have happen in their local schools and local communities across this country, I am somewhat amazed. I am amazed that the Republican leadership would recommend—as they did and as is their power to do—that we are now considering this legislation of $1.2 billion over 5 years, $225 million a year, that will provide an average benefit of $7 per family, according to the Joint Tax Committee, which is neither Republican nor Democrat.

We are now 4 weeks into the session, I can't believe we have any more important priority for the Senate than the issue of education. We should be debating real solutions to real problems, such as overcrowded classrooms, crumbling facilities and unsafe school buildings, and the lack of qualified teachers in classrooms, accountability for results, and adequate after-school opportunities.

We certainly have been waiting to debate the issue of health care. I look forward to our meetings as a member of the conference committee on the Patients' Bill of Rights for next week. But that was long past in the Senate last year. We were just about getting to it.

We still have not been willing to address a minimum wage increase for the hardest working members. We always hear from the Republican leadership that we haven't the time to debate a 50-cent-per-hour increase for minimum wage this year and 50 cents next year. We haven't the time to debate that, although we are committed this afternoon to no votes. We are not able to debate an increase in the minimum wage for the 12 million Americans—mostly women benefit, mostly children benefit, mostly men and women whose skin is not white benefit. We don't have time to debate that. No. We haven't the time in the Senate to do it the fourth week into the session. No. We are going to debate this issue which is valid at $225 million—which we ought to be about debating as well.

I want to review this very quickly. As I say, if we ask parents back home what they are most concerned about, what comes out on every single review about things that the parents are most concerned about, it is discipline and safety in the schools.

It is no surprise that under the most recent studies in 1999, the top concerns of parents are safety and discipline in the schools—safety and discipline in the schools.

With the relatively small amount of resources we provide to local communities, 7 or 8 cents out of every dollar, what can we do in the Senate to help local communities have greater safety and discipline in the schools? That is what parents are concerned about. That is what we want to debate. It is on that which we want to call the roll. But no, we will debate whether there will be tax provisions that benefit some, to the tune of $225 million, an average of $7 per family.

It is a shame to mention the polls because it is self-evident what parents want is a well-trained teacher in every classroom for their children. We don't need a poll for that. They want teachers who know how to teach, who know the importance of support, and teacher mentors who help in the classrooms. They want smaller class sizes. That is the way to deal with discipline. That is the way for academic achievement and accomplishment.

We can debate what the records are with the STAR programs in Tennessee and other States that show significant academic achievement. Why are we not supporting those? Why do we not take programs that benefit children and replicate them? No, no, we have to debate this other piece of legislation, the $1.2 billion over 5 years. We cannot debate class size, we cannot debate improving the quality of education, we cannot debate afterschool programs, we cannot debate modernizing schools, we cannot debate how to assist special needs children. No, we cannot do that.

What do the various important bipartisan studies show? On the priorities for parents, No. 7 is creating educational savings accounts to help parents pay for educational expenses for children. That is what we are debating.

No. 6, modernizing and rebuilding schools and wiring all classrooms for computers and Internet. That is a priority—the digital divide. Make sure every public school will be included on the Internet; make sure all the curriculum will be adequate in order to be able to teach these children; and to make sure the teachers know how to use that technology.

No. 5, establish national academic standards and tests for students. More and more of the States are doing so. Almost all of the States have done it in certain classes, even this year.

No. 4, reduce class size to 18 students in grades 1 through 3.

No. 3, increasing the salaries of teachers. Are we debating that this afternoon? No, we are talking about the IRAs for parents that will be valued at $7 per family. We are not allowed to have any of these amendments or vote on them this afternoon.

No. 2, train teachers in technologies, computers, and Internet.

No. 1, establish national certification standards for teachers, meaning we will have good teachers in every classroom.

That is what American parents want. That is what the Democratic Party wants. That is what we ought to be debating on the floor of the Senate this afternoon. It is on that which we ought to call the roll.

But no, no, we are working on priority No. 7, to create educational savings accounts to help parents cover those expenses for the children.

I think this is a great tragedy this afternoon. If we accept the Coverdell bill this afternoon, I will not vote for it. I believe if we are going to have the $1.2 billion, it can be better spent getting more qualified teachers, smaller class sizes, afterschool programs, computers, special needs children.

If we pass the $1.2 billion program, it will not mean a single better trained teacher in any classroom in this country. None. It will not mean a single smaller class. It will not be an afterschool program. It will not provide help and assistance to special education needs children. It does not help any of the older schools that are crumbling. It does not provide a new computer in a classroom. It does not make a school safer. It does not stop overcrowding. It does not move children out of some of the trailers and into the classroom. It does not respond to what the General Accounting Office pointed out is the $112 billion needed to make the basic schools livable in our society. We do not add a nickel to any of those priorities. It does very little in terms of providing help and assistance to the children in the public schools.

What are the various groups saying? Not that we ought to be dictated to by the various groups; we do not find real support from the primary groups interested in working with the Congress. We can find some support if this were to be used in terms of higher education, as an add on, but we do not find support from teachers; we do not find support in terms of the Chief State Schools Officers, or the Council of the Great Schools; we do not find support in terms of any of the special education programs; we do not find support with the parents; we do not find support with the school boards; we do not find support with a number of groups—I have a list of over 75.

My regret is that we are being denied the opportunity to get into the more substantive matters that are of central importance to parents whose children are going to the public schools.

We ought to have a good, sound debate about what we are going to do to have better trained teachers. With scarce resources, who wants to put funding into teachers, including the recruitment of teachers, the training of teachers, the holding of teachers, teacher mentoring and support for upgrading the skill of teachers—the whole range of different suggestions that have been made primarily by those who are in the teaching profession? We ought to be listening to those who entered the profession. We ought to be debating those issues.

Smaller class size, we had good debate on that. We had some division within the body on that—the first time the Murray amendment was actually accepted. Republicans were falling over themselves trying to accept credit for it, and then fought it the next year. I do not know where they will be this year. But it makes a good deal of sense, and the more evidence we get the more that is demonstrated.

We need to do more to help schools and communities develop constructive afterschool activities to keep students off the streets, away from drugs, and out of trouble. These programs have been endorsed from an education point of view and a law enforcement point of view. Funding has been significantly increased in the President's proposal. That is a legitimate proposal and we ought to debate whether we want scarce resources focused that way.

What are we going to do to make sure the neediest children in our country, those who come from the poorest areas of our country, have access to computers? That is a matter of national technology. Are we going to take new technology, and at the end of 10 years, those who went to schools that had the best in technology and teachers are going to be light-years ahead of another group of students, whose skin is probably not white, who are from underserved areas? We ought to be debating that. Is that before us on the floor of the Senate?

There are Republicans and Democrats who have good views on this. We ought to be working together to find out the solutions to these problems. But, oh, no, we are just going to be debating this afternoon. We are just going to be debating what is No. 7 in all of the polls, creating educational accounts, something that is valued at $225 million.

I know probably our colleagues say: That may not be a lot to you, Senator. We don't want to bother with that answer. We know we are spending $40 billion this year in a Federal budget and now we are engaged in our first education debate, which is how we are going to spend $225 million of it.

Does that say something about what the leadership wants for debate and discussion on issues of education? I think it does.

We are prepared to meet with the chairman of our committee and follow the committee process and come to the floor of the Senate with responsible recommendations and to debate those until we are able to have a resolution of those. But that process has been short-circuited, evidently, by the leadership of the Republican Party. They are basically saying no to its chairman, the chairman of the education committee—no, we are not going to do it that way; we are going to do it some other way.

We are going to have to deal with what we are faced with, and I think there are many more important educational proposals we ought to be debating. We ought to be debating them this afternoon. We ought to be taking rollcalls on these issues. They are of central concern.

Then we ought to move on to many of these other issues that have been effectively side-tracked. We cannot get a bankruptcy conference appointed because I have every intention to try to instruct the Members, when they go to the conference on bankruptcy, they are to change the provisions that have been included in the bankruptcy bill to make sure the neediest American workers are going to get a fair increase in the minimum wage. The majority leader will not call that up. We cannot deal with that.

We are putting off the Patients' Bill of Rights. We cannot begin the debate and discussions on the prescription drug bill.

We have been watching these debates that have been taking place, Democrats and Republicans. Many even in this Chamber have been in States where seniors have been gathering together, talking about the importance of a prescription drug benefit. We are not even able to get a good debate and discussion on these measures in the Senate.

Four weeks into the session and this is our record so far: we have the Marianas immigration bill which was passed overwhelmingly; we have a nuclear waste bill, which is legislation that is going to be vetoed; and we have a conference report on bankruptcy. We have had 11 votes, including 3 nominations. It is already the end of February.

You cannot get away from where responsibility lies to address America's agenda. On this side of the aisle we want to address the issues of education. We want to address the issues of health care. We want to address the issues of prescription drugs for our senior citizens. We want to address the issues that are of central concern to working families. We are being denied that opportunity now, and we are going to continue to point out as we go through this legislative process each and every time that we are being denied. We are going to work feverishly to try to do the Nation's business and not be denied bringing these matters up on the floor of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I would like to point out that what we have before us is a matter within the jurisdiction of the Finance Committee. As I said in my opening remarks, this bill does not answer all problems of education. I am not one to try to base what I do on what a particular poll shows today or tomorrow. I am trying to help satisfy some of the pressing educational problems facing America.

When I go home to my little State of Delaware, a matter of real concern to families, whether their children are teenagers, in secondary or in grammar school, is how the family can afford to send their children to quality colleges. This is a key problem facing the typical American family. Make no mistake about it. I defy any one of you to go home and talk to parents, talk to your neighbors who have children. Time and again they will tell you how difficult it is to have the funds necessary to pay for college education.

So I do not apologize for bringing this kind of legislation before us. This is a matter within the jurisdiction of the Finance Committee. I might say, we have had this legislation reported out since last May. I am pleased and delighted we are having the chance to debate and vote on it. Yes, it does not settle the problems of teachers' training, the size of classes, or many of the other matters mentioned by my distinguished colleague from Massachusetts. I do not deny those are important problems, but they are matters within the jurisdiction of other committees. What I seek to do today is to bring to the Senate legislation that will be most helpful to the typical American family, meeting part of that great American dream of sending their children on to higher education.

We have purposely tried to devise the kind of program that takes advantage of the miracle of compound interest. The question is not how much it costs the Government. The question is how much does this legislation help the typical American family? We all know the miracle of compound interest. If families will start when their children are small, saving in educational IRAs, up to $2,000, this will provide significant resources, tremendous amounts of money to help them send their children to school.

Yes, this legislation does not answer all problems of education, nor was it intended to. That is not within the jurisdiction of my committee. But I do say it does seek and will address some of the most important problems facing the American family.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. Mr. President, I begin by congratulating the Senator from Delaware for bringing this bill forward again, and the Senator from Georgia, who is presently in the Chair, for having been the original author of this bill.

This is a very strong piece of legislation which, as the Senator from Delaware has so effectively pointed out, is absolutely critical to the parents of this country as they try to assure the one thing that is most important in most parents' lifestyles in dealing with their kids, beyond giving their kids love and a sense of how to deal with reality and a sense of values, and that is the ability to get a good education. The ability to get a good education, once you get out of the public school system in our country today, is tied, to a great extent, to your ability to pay for that education. Postsecondary school education, even under public school systems, can be extraordinarily expensive.

These college savings IRA accounts give parents more flexibility. In fact, there was an ad I saw on TV last night which brought home the reality of this so effectively. It showed a baby being born. The theme of the ad was: The first image that comes across the parents' minds is the wonder of the baby. The second image that comes across the parents' minds is, $210,000 is flashed up on the screen because that is what it is going to cost to educate that child, to have that child, who was just born, go to college. The theme of the ad is: What am I going to do to pay that?

One way to address it is to pass this bill which was passed and, regrettably, rejected by the Democratic side of the aisle and the President. It is before us again so we can give parents some relief.

Nobody is claiming this is the entire rug or the entire makeup of the issue of how we address education. No one is claiming that this is the whole quilt. This is one block within the quilt, one item of the quilt in how we improve education in this country today. It is an important item, and it is an important statement to make that we, as a Congress, are going to, once again, put forward this initiative which we put forward last year as part of our efforts.

A couple of Members from the other side of the aisle have come to the floor today and said they would rather debate something else. I guess they do not think college education is that important. They think something else is more important.

One Member came to the floor today, the Senator from Connecticut, and said we need to debate special ed; we need to put more money into special ed. We should not be putting more money into this program; we should be putting more money into special ed.

That is an unusual argument to hear from the other side of the aisle because there is a certain inconsistency and hollowness to that argument. Let's go through the numbers as to special ed and this Congress since the Republicans have taken over and since we have had a Democratic President.

In 1997, the President sent up a budget. How much of an increase did he have for special ed? He had a 12-percent increase. The Republican Senate made a commitment. It said: That's not enough; we have to address special ed. We are going to put more dollars into special ed.

As a result, the Republican Congress put forward a 34-percent increase in special ed. Why was that? Because we see special ed as being the single largest unfunded mandate, outside the environmental area, this country has. Originally, the agreement was, the Federal Government was going to pay 40 percent of the cost of special ed. When the Congress became Republican, the cost that was being paid by the Federal Government was 6 percent, and it had not been improved at all by the Democratic Congress or by a Democratic Presidency.

We made a commitment as a Republican Congress that we were going to get that spending up so more special ed dollars would flow back to the States, so we could fulfill our obligations under special ed of paying a larger percentage of that 40 percent, so local dollars could be freed up for the purposes of spending them on local priorities rather than having local dollars spent paying the Federal share of special ed.

As I said, in 1997 the Democratic leadership in this Congress, and through its President, proposed a 12-percent increase in special ed. We raised special ed spending by $783 million that year, or 34 percent. I am pointing this out because the Senator from Connecticut said we have to spend more money on special ed; we should not be talking about this program on the floor; more money should go to special ed. I think that rings hollow in light of these numbers.

In 1998, the President put forward a budget with a 4-percent increase in special ed funding. That is essentially enough to pay for all the salaries of all the administrators they want to put on the books. The Senate increased special ed spending that year under a Republican initiative by 22 percent, $698 million.

In 1999, it was the same story. The President sent us a budget supported by the Democratic leadership. How much of an increase did they ask for in special ed spending? This time they asked for a .03-percent increase in special ed funding.

The Republican majority said: No, that is not acceptable; we are going to increase special ed funding again. We increased it over the baseline by 13 percent in 1999, $510 million.

Again, in the year 2000, this year, the President increased special ed funding by what? Seven percent. We said: No, that is not acceptable; more special ed dollars are needed to meet the obligation of the 40-percent commitment we made. So the Republican Senate, with a Republican initiative of this Congress, increased special ed funding by $678 million last year for a 15.7-percent increase.

The total increase under the Republican leadership in this Congress in special ed funding has been over 100 percent since the year 1997. We have gone from $2.6 billion up to over $5 billion we are projecting in this coming year in special ed funding.

The proposals coming from the other side of the aisle—and we just heard this presentation that said we should be spending more on special ed—were to increase special ed funding over that period by essentially nothing.

The Republican majority has taken the issue of special ed funding. We have fulfilled an obligation. We are moving toward full funding of that obligation made by this Congress in 1976 when the special ed bill was first passed, and as a result we are doing what should be done, which is to fund special ed at an aggressive level, something which we have not seen coming from the other side of the aisle or from the administration.

When I hear folks come to this floor and say we should not be taking up this bill, we should be funding special ed, there is, I think, a certain hollowness to that argument.

The Senator from Massachusetts argued we ought to be taking up this item of education, that item of education, another item of education, and why haven't we taken up all these items of education; we have not done anything in this Congress, including minimum wage.

I note, the bankruptcy bill did have minimum wage in it, which we passed, which the Senator, I guess, does not like, and that is why he considers we have not taken it up. The fact is, all the educational items he has listed are presently moving through committee and will be discussed in committee and then will be brought to the floor, as the Senator knows.

The Elementary and Secondary Education Act is on the verge of being marked up in committee. In fact, I think the Senator probably, as of today or maybe tomorrow, will be putting together his amendments and will be getting ready for a major markup of that bill the first week in March, which will take up almost all the issues he outlined as not being addressed by this Congress.

Would he want us to skip the committee and just bring that bill to the floor without any committee action? As a senior member on the Democratic side of that committee, I seriously doubt that. That bill is not being vetted in committee. I cannot imagine the Senator would want those issues, which are very complex, very important, and involve substantive discussions of education policy, to be thrown out on the floor without committee action. But that seems to be what he is suggesting, that we should have just thrown the bill before the Senate rather than putting it through the proper committee procedure and taking action on it, which is what he has proposed. He knows it is going to be taken up in committee and then brought before the Senate and worked on I suspect for a week or a week and a half, maybe 2 weeks.

Why is this bill being considered? Because this bill has gone through the committee process. The chairman of the committee which has jurisdiction over this piece of legislation is presenting the bill. That is why it is here.

If the ESEA bill was ready, it could be brought to the floor, but the ESEA bill isn't ready. It will be ready fairly soon. It is going to be one heck of a good bill on which to debate education policy. I will not deny that.

The differences between our side of the aisle and the other side of the aisle on the issue of elementary and secondary education in this country are fairly significant. We happen to think after you have spent $100 billion on a program, and kids can be shown to have obtained absolutely nothing from that money, that you have children essentially who are still locked into failure, where low-income kids are still getting the same terrible education children got 20 years ago.

Even though we have spent $100 billion on education, unfortunately, the children with whom we started out 20 years ago in this program have ended up coming through a system which has failed them. We are still sticking kids into that system. We are still running them through that system, the same way it has always been—counting bureaucrats instead of counting results; not focusing on the child but, rather, focusing on systems. That is a failure; no question about it. We are going to get to discuss that failure at some length on this floor, as we will in committee. That is going to be a big issue.

But to simply bring the ESEA out here and throw it on the floor, as the Senator from Massachusetts, the ranking member, seems to be implying we should do before we take up this bill, abandons the legislative process.

The legislative process relative to this bill has worked. It has gone through committee. It has actually gone through committee and through the Senate and it has been vetoed. Now it is back on the floor. Having gone through the committee, it has come back to the floor to be heard again. It makes sense that we should be taking up this bill.

I think the arguments by the Senator from Massachusetts, as much as I respect his understanding of the legislative process—he is one of the people in the Senate who knows the most about the legislative process and has been here the longest of anyone, I guess, other than Senator THURMOND and Senator BYRD. He understands the legislative process, and I am a little surprised, I guess, that he would make the representations he did relative to why this bill is on the floor versus the other issues he outlined as being his preference for being considered on the floor.

We will get to those other issues. We will get to them aggressively. We will have a full debate. It is going to be a very energized debate. There will be a lot of differences of opinion. It will be good for this country because the education debate needs to be aired on this floor with intensity and with a full hearing because it is such a critical issue for our Nation.

But as of right now, the bill on which we are ready to proceed is this bill. In my opinion, we should not have a lot of "straw dogs" put up in the face of it. Let's pass this bill. It is good for parents, it is good for kids who want to go to college, and as a result it will be good for the country.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just to respond to my good friend from New Hampshire, when we came back to the whole question of special education, I listened carefully to his remarks. And his remarks have a certain hollow echo, as well.

I remember when the Republicans offered their $780 billion tax break a year ago. I offered an amendment that would have funded every special education program for 10 years. It would have reduced the $780 Republican tax reduction by a fifth. Every Member of the body on the other side of the aisle voted against it.

So with all due respect, that proposal made a good deal of sense. Every Member on the Democratic side of the aisle said: It is more important to fund the special education needs of every special education program across this country, over the next 10 years, than to have a tax break. Every Republican voted against that. So with all due respect, we ought to at least begin to remember our history on this particular provision.

I listened to my friend from Delaware talk about the two different provisions. He talked about the educational IRAs, which my remarks were directed at, and then he talked about the section 127 provisions which provide the education assistance for undergraduate and graduate studies, and also about the prepaid tuition plans. Those are in the administration's budget.

I see both my friend from Georgia as well as Senator WELLSTONE waiting to speak. But if there had been more time, I was going to review what has been done with regard to President Clinton and this Congress over the last 7 years in terms of offering educational opportunities. There has not been an administration in the last 30 years that has done a better job in terms of opening up and being responsive to the needs of students. It is a very proud record.

So those particular provisions of what they call the extenders of various tax provisions are going to be worthwhile to work out in a bipartisan way. Certainly there will be credit for all those who are going to be involved in it later on. But the principal proposal which has been advanced, the education IRAs, which was discussed earlier as a vehicle for strengthening and improving public education, it does seem to me that the American people want a debate and discussion, in a comprehensive way, about how we are going to strengthen public education, and what the Federal Government is going to do, and what the States are going to do, and what the local communities are going to do.

Whatever we do in the Congress, I think there are certain priorities which the public has. They want to know how we are going to ensure that there will be a well-trained teacher in every classroom? They want smaller class sizes, particularly in the earlier grades. They want to make sure we have afterschool programs. They want to make sure we are going to have mentors and supporters for those teachers, particularly those who serve in underserved areas. They want to make sure we have the technology, and the curriculum with that technology, and well-trained teachers to use that technology.

They want us to be sensitive to the digital divide so we do not use technology to open up a whole new spread between the haves and have-nots. They want to make sure there is parental involvement. They want to make sure there is access to continuing education through college and that there is continuing training programs which will be necessary for the new jobs of the new century.

I believe they want us to give emphasis and focus in terms of early education, including the expansion of the Head Start Program for children up to 3 years of age, on which this administration has placed emphasis, along with a number of Senators, in a bipartisan way, including Senators STEVENS and DODD.

They want us, at the end of the day when we pass the legislation, to be able to answer the question: What did this legislation mean in terms of my son or my daughter? Whether it is a question of security in the classroom or whether it is access to guns getting into the classrooms. They want to have a comprehensive way of being able to say, look, there is some legislation. It isn't going to answer all of the problems. It isn't going to do everything, but at least it is something. We stand in support of those individuals who want to use scarce resources at the national level to pump into this priority. Those are the people we want to see successful and we want to support. That is very reasonable.

With a budget of some $40 billion and a $225 million program dealing with what will mean $7 per family to go to school, the idea that we are doing anything meaningful for families in this country who are interested and concerned about educating their kids is a disservice to the American people and a disservice to this process. That is why I have risen.

I see my colleague and friend from Georgia and Senator WELLSTONE. I yield the floor.

Mr. WELLSTONE. Mr. President, the Senator from Georgia wants to speak. I ask unanimous consent that I be allowed to follow the Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. COVERDELL. I thank the Chair.

The good Senator from Massachusetts and I find ourselves, once again, in a prolonged discussion about tax policy that affects education. I have several comments to make with regard to that. Before I outline the reach of the legislation, I will respond to several remarks made by the Senator from Massachusetts.

First, the Senator from Massachusetts indicated that the President's budget had $4.5 billion in new funding for education and that we are debating something that is worth some $200 million over 5 years. My data does not match his. Actually, in 5 years this legislation would use tax policy to relieve taxpayers, whether they are parents or employers or people who are in a State tuition program. It would be $4.3 billion in the first 5 years and almost $8 billion over 10 years.

They really are apples and oranges. What we are debating is the relief of tax policy on top of what will ultimately become an increase in the education budget. In fact, if you are going to do it that way, you have to add these figures to what the President and the Congress ultimately decide is going to be the increase in the education budget, remembering that last year the Congress' increase in education was greater than the President's.

It is not accurate to refer to one section of the bill we are debating. You have to refer to the entire section, A. And, B, they are not comparable figures. One is a discussion about how much of an increase you will have in the President's or the congressional budget for education, in addition to which, this is a proposal to significantly leave tax dollars in the hands of parents, employers, and students to help them pay for education, in addition to whatever the Federal Government is contributing.

That is a major disparity in our presentation of the numbers.

This is the third time, in essence, we have debated this. We hear this number, that this is only worth $7 to a family. When you leave it there, you distort the picture. Remember, the Senator from Massachusetts complimented the administration and the Congress, and I do as well, for the fact that we have already passed a $500-per-year savings account for higher education. This one section of this bill takes that proposal from $500 per year to $2,000, and it is for higher education or elementary education.

My question to the Senator is this: Under that logic, if this proposal is only worth $7 per family, then the President's proposal is only worth about $2.25 because what he and we have done so far is only one-quarter of what we are proposing to do here. If it is insignificant, why are we so tangled about it?

Mr. KENNEDY. May I answer the Senator?

Mr. COVERDELL. Certainly.

Mr. KENNEDY. In my earlier address, I was using figures provided by the committee. I will refer to them and include them now, the Affordable Education Act of 1999. I look over at the estimated budget effects of the Affordable Education Act of 1999, as approved by the Senate Committee on Finance, May 19, 1999. I read it out to the year 2004, and it is $1.156 billion. That is what we are basically talking about in terms of the IRAs.

As I indicated earlier, you have some extenders with regard to graduate education which are in the President's program and undergraduate. If you want to add all of those programs in to get up closer to your $4 billion figure, that is fine. My point is, you have your $1.5 billion which comes to $225 million for the IRA, which comes to what I have talked about as $7 per family. I do think there is a better way of using the $1.5 billion than providing that kind of benefit to families that, according to the Joint Tax Committee, is $7 a family.

The other provisions about which I should have been more precise are included in the broad scope mentioned by Senator ROTH, which basically are a continuation of what they call tax extenders about which there is really no debate. This debate, primarily on COVERDELL, has been about the creation of $1.2 billion, $230 million a year, effectively, for families, which would amount to $7 per family, whether we think that is the best way in terms of education policy. That is what I was getting at.

The pages are not numbered, but I will be glad to share those with my colleague.

Mr. COVERDELL. I appreciate that. I think we are getting close to a common line. My point was that the legislation we are debating has a value of $4.3 billion. It is apart from the President's proposed budget or what the Congress is going to do. This is in addition to whatever the Congress and the President decide, A. And, B, I don't think it is plausible to attack a $2,000-a-year savings account because of the $7 figure, with which I take some exception. If you want to use it, that means what we have done is only worth $2.25 under the President's proposal, which is only $500 per year.

The Senator from Massachusetts alluded in his remarks to a partisan debate. This is not a partisan debate on the proposal from the Finance Committee. It was passed out with Republican and Democrat Members. The principal cosponsor of the legislation is Senator ROBERT TORRICELLI from New Jersey, the principal cosponsor and a member of the Democratic Party in good standing. In addition, there are some 8 to 10 other Democrats who are on that side of the aisle in the Senate and are very supportive of this legislation.

I was pleased by the Senator's remarks when he said the President has become interested in K through 12 because I really believe that is where the crisis in American education is. I am glad we are now talking about the same target. The crisis is not in higher education; it is K through 12. It is, in fact, the 30 and 40 percent of our students who are coming out of high school and are not effective readers and can't write well.

The Senator from Massachusetts referred to polling data and listed some seven items that this particular poll enumerated as important. At one point, he said parents are not supportive of this. But in his own poll, the sixth or seventh most important desire on the part of parents was this.

Many of the items in the poll that he cites are not in the jurisdiction of the Federal Government. We can debate that, and we have been debating that, for some time. Some of us would find some of those proposals not in our purview; but tax policy is and that was No. 6.

I might also add that if you go down the list of items included in the bill that are helping employers deal with continuing education, to which the Senator alluded, this is a very high item in the poll—school construction is a high item in the poll.

In other words, the items that are in this proposal react just as the Senator would have them to his poll. So I thought it was important there be some clarification of these points that were alluded to early on. Anybody watching this discussion needs to know that, in fact, this proposal augments the budgetary process.

Now, let's talk about the proposal in general. What does it do? I have always been stunned by how little incentive it takes to cause Americans to do huge things. The Senator is correct when he says the savings account is not a particularly large form of tax relief. It is not. It is about $1.2 billion over 5 years. Over 10 years, it is $2.4 billion.

What happens is, because we say you can open a savings account and we, the Federal Government, are not going to sock it to you by taxing the interest on the account, we are going to help you make a contribution to the work you do to educate your children—get these numbers—14 million American families will open this kind of account. They are the parents of 20 million children. That is almost half the elementary school population who will become involved in this concept. Their parents, and others, will save $12 billion over the next 10 years.

So in addition to all this funding the Senator from Massachusetts is talking about, we are putting into the education arena $12 billion more, and we didn't have to raise taxes one dime to do it, and the State didn't and the local communities didn't. This is voluntary. This is money given to education by loving parents.

In my judgment, the $12 billion is worth three to five times the money the Senator from Massachusetts is talking about. Why? Public education money, we all know, is spread across a wide arena. A lot of it never sees a classroom. It doesn't know the name of a single student. It cannot get targeted to particular problems.

If we pass this legislation, 14 million families will have an account and once a month some saving institution is going to send a notice to those parents that this is how much money they have in their account for Johnny or Jane. That almost beats the PTA because every month this family is being reminded of this resource it is collecting for its children.

Now, I call these smart dollars. Why? Because it is like a laser beam; this money will be invested directly on the child and directly on the most pressing need the child has. You talk about the digital divide—families who have these accounts can close them; they can buy home computers; they can hire a tutor; they can deal with a special ed problem, a health problem, a transportation problem, or whatever it is the child specifically needs. This $12 billion—and I think it would be more—goes right to the target.

These IRA accounts are entirely unique in one special way. Anybody can deposit money into the account—the parents, of course, or it could be the grandmother, sister, aunt, or it could be a next-door neighbor or a church; it could be a labor union; it could be a company. No one has even begun to calculate what ideas will emerge to build up these accounts. One can easily see an employer matching his employees and encouraging them to open these kinds of accounts.

There is virtually zero downside to the accounts. Every segment of education in America will be a winner—public education, private education, home schooling, you name it. These accounts will all infuse new resources for which the Federal Government will not have to appropriate a dime to get the job done: Fourteen million families, 20 million children, a resource that is available to them from kindergarten through college, and thereafter if disabled. Public education wins. Private, home schooling, and every form of education wins. To me, it is mind-boggling that anybody would challenge the concept.

The bill does more, as I was explaining to the Senator from Massachusetts. In States that have advanced tuition programs available, those proceeds to students will no longer be taxed. I might add that this suggestion came from the Democrat side of the aisle—a good idea.

It will help encourage States to have State tuition plans, and it will encourage families to get in them because they don't eat it up in taxes when they use them to go to college. It is estimated that 1 million college students will benefit from that plan.

Everybody knows today that education is no longer a box—you finish high school, you finish college, and that is it. In today's rapidly changing world, it is an ongoing process.

The legislation—which I think I heard the Senator from Massachusetts say the President agrees with—extends employer tax exemptions when they spend money to train employees on advanced education, and even on undergraduate and graduate education. It is worth $5,200 a year. It is estimated—I think this figure is low—that 1 million American employees will benefit from this legislation. It relieves students of taxes on the interest of their student loans. Through the work of Senator GRAHAM of Florida, it makes it easier for local governments to build new schools. It is a very important part of the legislation.

Again, if you take the list of the Senator from Massachusetts of what parents think is important, this legislation refers to almost every one of those arenas, and in the proper Federal way where we manage tax policy. We should make that policy more friendly to people dealing with education. It is not necessarily the Federal Government's role to decide exactly how we are going to build a school in my home State of Georgia.

The Senator from Minnesota is waiting. I will finish in a couple of minutes so he may speak. I may speak some more afterwards.

I want to relate that since we first debated this proposal and passed it in the Senate with 59 Senate votes—it would probably be higher today—a lot has been happening in America. The debate over the failure of kindergarten through high school is charging through the country.

In my State, the Governor is a Democrat. He is fighting for an education revamp right now in the Georgia Legislature. It includes offering tenure. He is proposing for schools proven to certifiably fail that parents have a right to leave those schools. What better tool to help a family deal with that predicament if it comes about—and it will. We will have schools in a State that cannot cut it. And he is not going to force people to go to those kinds of schools.

The most unconscionable policy in America is forcing families and children to go to schools that we know are failing. This legislation helps those families deal with that kind of problem, which is why, when you ask parents if they want to do this or not, it gets between 60 and 70 percent approval. They understand that it is an opportunity, a voluntary opportunity—something important in America's government today—to help themselves, to help their families, to help their children. It allows everybody else in the country to help some kid somewhere—one of your employee's children, one of your union member's children, your benevolent association's children, or a police officer who goes down. A community could open this up and have $70,000 sitting there when that kid wants to go to school. Think about it.

The Senator wonders why we are debating this. It affects half the population in elementary schools in the United States as it relates to tax policy. That is why.

Mr. President, I yield the floor. I think under a previous unanimous consent the floor will go to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I appreciate the Senator's remarks. I definitely want to respond. Senator SCHUMER is on a tight timeline. He asked whether he could speak for 5 minutes. Then I would follow him. I ask unanimous consent that Senator SCHUMER be allowed to speak for 5 minutes and I be allowed to follow Senator SCHUMER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Thank you, Mr. President. I thank both the Senator from Georgia and the Senator from Minnesota who was gracious to yield time.

Mr. President, I do not profess to be an expert on the bill that my good friend, the Senator from Georgia, has introduced. I came on the floor because it seems to me that education is not only the No. 1 issue that most Americans feel is important, but it is the No. 1 issue that is facing the future of our country.

We have a huge number of different problems in education. We have overcrowded classrooms. My children attend the public schools in New York City, I am proud to say. I am proud to say they are getting a good education. When my daughter was in kindergarten, she had to share that kindergarten room with another class. We have a desperate shortage of classrooms. We have a desperate shortage of teachers coming forward. The average age of a teacher in America is 50 years or older. Every year we are going to need more and more teachers in our schools.

We have a desperate shortage of standards. All too often people graduate from course work and can't carry the load. In an economy where education and knowledge seem to be so important, we don't have any good Federal ideas on what to do. There are some who might say we don't need Federal ideas. I don't question the right to debate this proposal, nor do I doubt what the Senator from Georgia has said in that it will help lots of families. I am aware of the problem.

I introduced legislation, along with the Senator from Maine, to make college tuition up to $12,000 tax deductible because of the strain. It is another way to go. It might benefit some families more than the legislation of the Senator from Georgia. It might benefit some families less. But it is along the same line.

But I agree with my colleague from Massachusetts. Why are we doing this piece of legislation, worthy though it may be, when we have all these issues out there? Why aren't we taking a month? It is certainly worth our Nation's future to take a month and debate all the educational issues, see where our priorities are, and see if this proposal from the Senator from Georgia, into which he has put a lot of effort and a lot of work, comes at the top, the middle, or the bottom of our priorities. Is it going to do more than spending the same amount of money on new classrooms or new teachers or mentor training? Is it going to do more than, say, raising teachers' salaries because it is awfully hard in large part in this country to get a qualified person to teach our young people math and science when the private sector pays them double. Is it worth more than having our National Standards Board come up with real national standards, and should we be debating that issue?

These are questions that I think are vital to the future of our country and to the future of this Chamber.

These are questions that get to the very heart of a fundamental principle with which I think most Americans agree. We want to stay the No. 1 economic power in the year 2025.

In my judgment, to bring up one particular issue that stands in isolation and not be allowed to debate the whole panoply of educational issues and vote on them together as a package is not how a good business would operate. It is not how a good volunteer organization would set its priorities. A family sitting around the dinner table would not say let's just discuss vacation in our budget and then not discuss what we have to pay for food, for shelter, and for transportation.

Again, I respect my friend from Georgia. We have worked together on many pieces of legislation. He is sincere in this effort. I simply say to my colleagues, this is no way to come up with a real and desperately needed education policy in 21st century America.

I thank my colleague from Minnesota for yielding.

Mr. COVERDELL. Mr. President, I will only take a minute to respond to the good Senator from New York.

The point is, the legislation had come out of the Finance Committee. No one is suggesting this is the only education debate. This bill is ready. This bill has been voted on by the Senate before; 59 Senators have already supported this. This is vetted.

Some of the issues the Senator alluded to certainly are not vetted; for example, the Federal Government taking on local teacher salaries. The good Senator from New York knows that will be highly controversial.

This is ready. There is not an ulterior motive. The education bill has not come out of the education committee; both Republicans and Democrats are still trying to reach a consensus. I understand the desire to move to other issues, but I do not see that as making this an inappropriate discussion for the Senate.

I might add that the neighbor of the Senator, Senator ROBERT TORRICELLI, is the principal cosponsor.

I have enjoyed, as well, working with the Senator from New York.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I appreciate the remarks of Senator SCHUMER and what Senator COVERDELL had to say. Let me move away from procedure and whether the bill should now be debated and go to substance.

First of all, the idea that up to $2,000 in savings can be put into education, from my point of view from some of the most hard-pressed people in Minnesota—Minnesota is divided, metro and then inner city, where a lot of people are struggling economically. Unfortunately, in Minnesota and I think around the country, we are moving to two Americas. In rural America, people are not going to have the $2,000 savings. They will not even get close. They do not have it to put in savings.

Let me be clear in terms of which families will be able to benefit and which will not.

I ask the Senator from Georgia, is it a deduction people make?

Mr. COVERDELL. No, it will not be shown as income.

Mr. WELLSTONE. Just from a tax progressivity point of view, those with the highest liability with less income shown pay less. I don't see the large part of this benefit going to the most hard-pressed families.

That is my first point. That is substance, not parliamentary, when the bill is out on the floor.

Mr. COVERDELL. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. COVERDELL. I point out two things. The scope of the families who are eligible for the account is identical to the President's criteria for who is eligible for the account. That is one quarter the size we have already passed. If there is no difference, it is identical to the criteria of the President.

Somewhere along the line, we all have to determine what the criteria are, so it is means tested. I frankly have some resistance to that, but we have accepted it.

No. 2, the account allows other parties to contribute. The community described by the Senator is in all of our States. Certainly we have a large community such as that in Georgia, but an inner-city church, a labor organization, an employer, other family members, can make these accounts real.

And last, from the very communities the Senator is talking about are the loudest voices for Congress to do this.

Mr. WELLSTONE. Mr. President, I appreciate what the Senator said, and I will be pleased to yield for other questions as well.

First, I point out to the Senator on whether or not this is, roughly speaking, the same benefit as in the President's proposal, that does not move me as a Senator as much. Having done a lot of community work with low- and moderate-income people, I know for a fact that most of the people will not have anywhere close to $2,000 to put into savings. It is a reality. It is not even thinkable for most of them.

Second, yes, others in the community might be able to contribute and help them out, but that begs the question. The families who will be able to best take advantage of this are families who are on the higher income end of the scale. That is a first point, regardless of a comparison to the President's proposal.

In any case, I made this to be scrupulously nonpartisan or bipartisan, or whatever the right label is. For the President's HOPE scholarship program, I said if this is not a refundable tax credit, most of the families with incomes under $28,000 don't have the tax liability and it will not help. I am being consistent in my argument.

On the whole question of low-income communities, the very people I am talking about are the ones who are clamoring the most for this. Let me get to that point in a second.

First, another criticism. I want to be straight up in my disagreement with my colleague from Georgia. I think there is a real question if it is through the Tax Code. We keep having a debate. It is tax expenditure. We are spending money one way or the other. If we do it through the Tax Code, we are basically providing dollars that could be going to public education, and in this particular case it could go to private schools.

I am opposed to that. I view that as a voucher plan. That might be attractive to the Senator. There are some who believe that is a big mistake and believe we ought to use the public taxpayer dollars one way or another, whether it be through the direct expenditure or whether it be through tax deductions and tax credits. We believe that ought to go to public education. That is a disagreement. If we brought this out next year or brought it out here with a whole bunch of other proposals, I would still disagree.

On the whole question of who benefits and who does not and which communities are clamoring for this, now I get to the point: If on the whole question of the savings account it ultimately gets to $7 per child, I don't see that as a great benefit. I certainly don't see how it gets to many people. Even if you want them to get to the exclusive private schools, I don't think it helps much.

This is where I really disagree with my colleague. I am sure there are organizations and people who support this plan. I am sure they do it in good faith. The question is opportunity before the Senate. Either we put this $1.2 billion here or we say there are better uses. I argue there are better uses. I argue there are better uses for the money.

Now, we have talked about what proposals have been vetted or have not been vetted. My colleague from New Hampshire came out here with an argument that was interesting. I think he had every right to make it. He said we will deal with this in the Elementary and Secondary Education Act.

However, I will give some examples. We had a pretty long discussion about title I. This is talking about low- and moderate-income families. This is a place where the Federal Government is a real player. This is terribly important for kids who come from disadvantaged circumstances. It is funded at about one-third the level it should be funded. So in a lot of urban Minnesota, once you get to schools with less than 65 percent low-income students, there is no money. The other schools are not even eligible.

I would argue, if it is $1.3 billion or $4 billion or $5 billion, or whatever amount of money you want to talk about, the opportunity cost of putting it into this plan is that you do not put it directly into a proven program that really benefits kids if given the funding and if given the accountability. I would rather put it there.

What have we talked about and what have we not talked about? It should not have taken Columbine. But we have had this discussion about violence. We have had this discussion about how does one get to these kids before they commit this kind of violent act. We have had this discussion about the need for support services for kids. We have had this discussion about so many kids feeling anonymous in the schools. We have talked about the need to have counselors.

Some of us have had amendments out on the floor to provide funding for more counselors in our schools, to provide support services to kids, to students. That is an important education program. I doubt whether any Senator, if he or she is in a school—I try to be in a school in Minnesota every 2 weeks—does not hear about the need to have more counselors and more support services for students, many of whom, if they are not at the top of their class and they are not a great athlete, feel lost. I argue we would be making a much better investment if we invested it in this program.

There is another issue we have had on the floor that is not new. You cannot argue we should not be out here talking about it because we never talked about it before. I would be pleased to fault the administration on this as well, I say to my colleague from Georgia. I believe someday we are going to do this. I think the place where the Federal Government can be a real player—in fact, if I was the one who was writing this amendment, if I agreed with the concept, I would apply it to this area. I would apply it to early childhood development as well. We should be a real player pre-kindergarten.

My colleague may say it does not give people enough time to work up the savings for when they have children, if they are very young. But you don't know. Maybe you would let grandparents be able to do it for their children's children. I don't know. But I will say this. It is absolutely pathetic how little we have done by way of an investment in early childhood development. It is pathetic. We have study after study, book after book, documentary after documentary, White House conferences, we all love children, we are all committed to children, and we all know the medical evidence is irrefutable and irreducible that you have to get it right for kids.

If I had $1.3 billion over the next 5 years, I would put it into early childhood development. You can make a real difference for children and a real difference for families because, after all, what is most important to families, or parents, is that their children do well in school.

The fact is, the reality is, that all too many young people, children in America, come to kindergarten behind. I think the big crisis in education is the learning gap between those kids who have had the support at home, who have had parents who can afford the best by way of developmental childcare, children who have been read to widely, are already computer literate, who have been encouraged, they have that spark of learning, and they come to kindergarten and they are ready to go. Many children come to kindergarten way behind. What in the world are we doing debating this piece of legislation as opposed to talking about this amount of money—or much more, I would argue—by way of investment in early childhood development?

I say to my colleague from Georgia, I could talk about other issues as well, but I come to the floor to oppose this on the following grounds: One, I believe it is a fantasy to think $2,000 in savings is going to mean much for most hard-pressed families in Minnesota. They don't have that money for savings. Two, the way the tax benefit works, by definition, whatever money you are not liable for, if you are in a higher tax liability, you get the biggest break, so it is going to benefit more the people on the top. The third point I argue is that I am opposed to using public dollars when we do not even have enough dollars for public education right now, for private education, for what is essentially a voucher plan.

Someday in the future, if somebody can show me we have really made the investment in public education—I heard my colleague from New Hampshire talk about all the money we spent that hadn't worked. I would like to talk about areas in which we have not invested. Then I might be willing to talk about how we would use dollars and talk about vouchers. Not now. I do not believe this is the way to go. You would have to persuade me we have really made a commitment.

That is my fourth point; whether it be this amount of money, whether it be today, whether it be tomorrow, whether it be next week, if the Senate is really serious about children and education, here is where I do join Senator KENNEDY 100 percent—and this is not so much directed at my colleague from Georgia; he has his piece of legislation here; he believes in it—but honestly, we have done next to nothing. This has been ridiculous. I do not believe the way we have been spending our time week after week after week. I am glad we are out here starting a debate. I actually commend my colleague from Georgia for bringing out a piece of legislation that at least deals with education. But, honest to goodness, we have done next to nothing. We have had hardly any votes, hardly any legislation, hardly any opportunities to introduce amendments to bills.

I say to the majority leader and majority party, it is very difficult. I think, frankly, it is difficult for all of us to represent our States well when we do not have a real legislative process going on. I will get to the education part of it in a moment, but I will speak about it in broader terms.

Take this last week. You go home. You meet with people and people are glad to meet with you. I think we all have had that experience. They are talking about their work; they are excited. You think you could make a difference as a Senator—and you would not be in the Senate if you didn't think you could make a difference. I had one meeting with parents talking about depression and suicide among kids—it is the second leading killer of our children, ages 18 to 25—and the lack of any kind of support and the lack of services. I could go on and on. I talk to veterans. There are a whole set of unmet needs in the VA health care system.

Then we come back here and we have quorum calls or no piece of legislation and no opportunity for amendment. We do not have a legislative process going on in the Senate in general. It is unbelievable. I say to the majority party, I don't think we can represent people back in our States very well unless we get real about the concerns and circumstances of people's lives and what we are doing. I think this has been, to quote someone else, a do-nothing Senate; a do-nothing Congress.

I would argue—not that the amendment of my colleague from Georgia is a do-nothing amendment; it is not. He thinks it is the right step. But I say, frankly, as opposed to $7 per kid at best, as opposed to talking about $2,000 in savings that most families I know in Minnesota can't come close to saving, as opposed to a tax break that is going to benefit people more on the upper end—I would say in my discussions, and I try to be in a school every 2 weeks, what people talk about—I think this was Senator KENNEDY's point earlier—is they say we need good teachers. We need to have smaller classes.

Students talk about how they are sharing textbooks. They have these political science or government textbooks. Minnesota is a pretty small education State, and the last President they talk about is Ronald Reagan. It is way out of date. They don't have good textbooks. Everybody is talking about computers and technology, but the textbooks are hopelessly outdated.

They talk about the need to get it right for kids before kindergarten. I didn't say to the Presiding Officer that he would not think Ronald Reagan wasn't one of the greatest Presidents. I am just saying there have been other Presidents since Ronald Reagan. I see my colleague, Senator SESSIONS, smiling. He can't say anything to me because he is the Presiding Officer, and I can give it to him right now.

They talk about school construction. That sounds very abstract, but a lot of buildings are in disrepair and decrepit.

We do not tell our kids we care much about them when we do not do anything to rebuild crumbling schools. This is the discussion I hear.

They also talk about the question of digital divide and making sure we have access to technology in our schools. I am OK with having this amendment before us, but I disagree with the amendment for the reasons I have stated. The Senator from Georgia disagrees with my disagreement. The larger issue is, frankly, I do not think to most people in the country and to most people I represent that this is really a piece of legislation that deals with their needs or their children's needs or deals with the challenges we have in education. My question is, When in the world are we going to get real about this?

Mr. COVERDELL. Will the Senator yield?

Mr. WELLSTONE. My colleague says it is in addition to other things. The "other" is not anywhere near what we should be doing. Whatever it is subtracts from the other things we could be doing. I do not buy his argument that there are other things we are doing and this is just in addition because of the unmet needs.

Mr. COVERDELL. Will the Senator yield?

Mr. WELLSTONE. I am talking about the decisive areas in which we should be making an investment. I do not think this is the way we should go at all. I yield for a question.

Mr. COVERDELL. I am convinced we have a pretty strong disagreement. The Senator has made that point. But being a persistent individual, let's go back to the point the Senator made about the savings account, which is only one part of this bill. Then he alluded to the amount of money that would not be collected. I signaled to him that it is about $1.2 billion over 5 years. The Senator from Minnesota said he thought that could be put to a better use: We collect the money from the people, bring it here, and put it to another use.

My question is this: How many Federal dollars can you think of that we leverage to a 10-to-1 value? My point is this: For that amount of uncollected revenue, we cause 14 million families with 20 million kids—it is about half the population in elementary school—on their own, with their own dollars to augment that, and you end up with $12 billion.

If we could do that with every dollar we have, we would not be in a debate about any of these things. We could do any and everything. It is very unique in that we get it back over 10 times.

I do not think you can call this a voucher. This is not—and I will stop here and let the Senator respond—a voucher. It is simply if a person is in a private school, they can have a savings account. If they are in a public school, they can have a savings account. It is their money; it is not public money, and it is being used by them to decide how they might best help their child.

I yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will finish. I am a little frustrated—not with my colleague. I am supposed to meet with the Egyptian Ambassador. I just received a note. I have been keeping him waiting. Let me respond to my colleague from Georgia on a couple of different counts.

First of all, as far as Federal programs, we can talk about that $1 leveraged many times over. I can give the Senator a couple of examples. One great example is the Women, Infants, and Children Program. By the way, we have a real problem right now, with a booming economy, of hunger of children in America. The reports are very troubling.

Every single study I look at says if you get it right by an early childhood investment, it pays for itself over and over. I cannot give a ratio, a dollar amount, but I can tell you either you invest in children when they are young or you pay later with high rates of dropouts—I do not think my colleague disagrees—high rates of substance abuse, and high rates of violence.

There are clearly areas where you make investments on the front and it pays for itself over and over. Anything that is early childhood development fits the Senator's criteria.

I am saying that is where we should be putting the money, and that is where I would put this $1.3 billion and more. That is part of my disagreement. It is a matter of priorities. A dollar spent is a dollar spent one way or the other.

I am attracted—I should not say this; I should be out here trying to demolish the proposal of the Senator from Georgia, but it is presented in good faith and there is a vision to some of it that I understand. The notion that this can encourage people to save and match money and have responsibility and put it into education—all of that I like, but I again argue, frankly, for a lot of families, especially on the low-moderate income end, it is not likely, even with the best intentions and the best commitment to children, they are going to be the ones who can take the greatest advantage of this benefit. It is going to be much more on the upper-income end. Therefore, I think it is a mistake. If this is adopted, if it becomes law, and I am proven wrong, I will be glad to be proven wrong, but I do not think I will be.

I yield the floor and thank my colleague from Georgia for his comments.

Mr. COVERDELL. Mr. President, as always, I enjoy the opportunity to share thoughts with the good Senator from Minnesota. I understand the dilemma he is in. It seems to happen to all of us all the time. I hope the good Ambassador will understand his responsibilities in this Chamber.

Even though the Senator from Minnesota has to leave, I am going to spend a few minutes responding to the remarks of the Senator from Minnesota. I see we have been joined by the Senator from Rhode Island, I assume, to speak on the legislation.

I want to go back to the point about not collecting—it is actually about $2.4 billion over 10 years. We say: OK, we are going to leave that in the checking accounts of the families who will open a savings account in support of their children's education, and we will not tax the interest. That is all this proposal does.

As I said earlier, it is amazing to me what little incentive it takes to cause Americans to do great big things. When we do that, the parents of 20 million children are going to open up 14 million accounts, and they are going to save $12 billion, and I think it will be much more.

So all of us who are interested in education will have had a role in infusing into every form of education—public, private, home; whatever—billions of new dollars that go right to a child's most specific need. Because there is no one who can guide or understand that need more clearly than their parents, these dollars are worth far more than some broad-based public education program.

The second point I make with regard to the Senator from Minnesota is that he talks about programs and responsibilities that are clearly not Federal. Education in the United States is governed by, and will continue to be governed by, the States. That is why last year we passed the Education Flexibility Act, which was called for by every Governor—every Republican Governor, every Democrat Governor—to give them more flexibility. They said: Don't tell us in the States what we need to set as our priorities; we will do that. They are not interested in the Senators from Minnesota or Massachusetts or Georgia saying: This is what your priority is. They want to determine that themselves.

The Senator from Massachusetts was citing different polling data, but one figure he did not mention that I will be glad to supply him with is: Do you want the Federal Government to manage local schools? The answer is a resounding no.

What we are doing is augmenting, empowering parents and their local communities to do the things they perceive are important for their child or their school system.

The Senator from Minnesota referred to school construction, but the proposal of the Senator from Florida, Mr. GRAHAM, is in the bill we are discussing, which aids local communities in school construction.

Virtually everything I have heard the other side of the aisle talk about, in one way or another, is being assisted by the various components of the bill. We are helping in continuing education. We are helping in school construction. We are helping students have personal computers. We are dealing with the digital divide. We are dealing with special education needs. We are dealing with all of it.

As I said, it remains somewhat mind boggling to me to understand why legislation that is so positive for every segment of the population would be opposed, particularly in light of the fact it has already passed the Senate with 59 votes. The Senate has ratified this proposal. The Senate believes in this proposal. It was a bipartisan vote that caused that.

I will not keep the Senator from Rhode Island from his remarks. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Senator from Georgia for yielding the floor.

We are all—every Member of this Senate—vitally interested in the health and welfare of our educational system throughout the United States. We are taking divergent roads to try to improve that system.

I rise today, though, in opposition to the Education Savings Account provisions of this particular legislation. I think it is both bad tax policy and bad education policy. In fact, I think one of the great dividing lines between those who support this legislation and those who oppose it is whether or not our primary responsibility is to enhance, support, indeed, to reform public education or to somehow, in general, provide disbursed resources to parents.

Our primary goal should be to enhance and reform and provide better public education. This legislative proposal, as well-intended and well-meaning as it is, does not do that. As I said, it represents both bad tax policy and bad education policy.

In terms of the bad tax policy, it is a preferential distribution to wealthy Americans. If you look at the analysis by the Treasury Department, it shows that this legislation would disproportionately benefit the wealthy and provide little or no benefit to low- and middle-income families.

Indeed, 70 percent of the tax benefits under this bill would go to families in the top 20 percent of the income bracket. This is bad tax policy because one of the problems we have today is the growing divergence between low- and middle-income Americans—working Americans—and upper-income Americans—not to suggest that upper-income Americans do not work. But what I am suggesting is that over the last 7 to 9 years of unprecedented growth in the economy, with a huge bonanza on Wall Street, we have seen the wealth and income of upper-income Americans grow significantly. We have not seen the same kind of effect—although we are beginning to see it—for low- and middle-income Americans.

When we go into the tax system and create a tax preference such as the one proposed in this legislation, that remarkably benefits upper-income Americans, we are exacerbating that bifurcation of benefits, that bifurcation of wealth and income.

If we are talking about effective tax policy, we should think of ways, rather than benefiting the well-to-do more, to try to provide those low-income and middle-income Americans with more tax relief. This bill does not do that.

In fact, 7 percent of the families with children in private schools would receive over half the tax benefits in this bill. I also suggest that these families probably are not sending their children to private schools because they need assistance. They are sending them to private schools because they have the means to do it—and, in fact, many other reasons. They are not sending them, I think, in any conscious way, to improve the public school system.

That is where there is this disconnectedness between tax policy designed to help private schools and the involved commitment of so many of the Members of the Senate who are trying to reform public education. I do not think there is a connection. I think parents who are sending their children to private schools today—and it is their prerogative—are doing so for reasons unrelated to the social advancement of other students or the social advancement of the community. They simply think a particular school is the best school for their child. Today they can pay for it. They will continue to pay for it—with or without this legislation. That is their choice.

One of the good things about our educational system is, we do have choices such as that. But the real question is, should we be subsidizing that choice with our tax system at the expense of public education? Should we subsidize education in a way in which the greatest subsidy goes to the most affluent Americans? I think the answer is clearly no.

It has been estimated by the Joint Tax Committee that if you look at the tax benefit for the average family—not the wealthier family, not the lowest income family who might possibly avail themselves of this provision—the average benefit is estimated to be little more than $20 over 4 years. Over one year the benefit translates into paying for 3 notebooks, 14 erasers or 1 box of crayons for the 90 percent of taxpayers who have children in public schools. We can, in fact, do something better, at least, for those in public education with this money. We should do that. So from a tax perspective, I think this bill is questionable.

Let me raise one other point, perhaps a technical point. These IRAs for education were designed to help people receive higher education, to be able to save for very significant tuitions. The presumption is that families will begin to save, either when they are just starting out in married life or certainly when the first child comes along, but that it gives them at least 18 years to accumulate the principal in this IRA account, and interest which is tax exempt, and then 18 years later, having a significant amount of principal and accumulated interest, they could begin to draw from it.

I must confess, I am not a tax expert. But I wonder, just on a technical basis, whether elementary education is the most suitable mechanism, if you will, the most suitable objective for these types of IRAs, since at most you have 3 or 4 or 5 years before the child goes to first grade to begin to accumulate. If you have several children, these funds might not be useful at all or be so disbursed. That is a technical point.

The basic point about the tax policy aspect is that essentially the benefits go to very wealthy Americans. The benefits are not an inducement or incentive to go to private schools. They are going to private schools anyway. They will go to private schools without this. Anytime we take money away from public education, we are really taking it away from children who need us to stand by them and need us to put all of our efforts into reforming public education which should be free and excellent for all of our citizens.

That aspect of the tax policy is one reason one could object—and I do object—to the legislation. The other aspect is the question of education policy. We have heard all of our colleagues come to the floor talking about education as a primary concern of the American public. That is absolutely true. They want to have a good system of public education.

As the Senator from Georgia pointed out, they don't want us to run it from Washington, DC. I agree with him on that. But they certainly want Washington, DC, to participate in the reform of American education. They want Washington, DC, to be a force, not a dominant, controlling force, but a catalyst for real reform at the State and local level. They want specific needs addressed. They want better facilities for their children. That is why many of my colleagues on the Democratic side have proposed significant support for local initiatives to rebuild and renovate schools.

I don't know about my colleagues, but every time I go back to Rhode Island, I have city council and school committee members come up to me and say: What we need is some money from Washington to help us with our school construction and modernization programs. That is a real concern. Frankly, if we support this type of tax break or tax advantage, which will flow primarily to private education, we won't have the resources to go in and help local communities rebuild and revitalize their schools.

Also, if we look at some of the other processes going on at the local level in terms of how do we make better schools, one critical issue that has been identified in recent polling is the need for more parental involvement in public schools. I know that proponents of this proposal are talking, I think quite sincerely, about empowering parents.

But we have another challenge when it comes to parents—getting those parents into the life of the public school. It is getting those parents to be involved in the education of their children in public schools. We can't do that simply by wishing for it. We have to provide support and resources. We have to provide training for teachers to be more adept, more sensitive to the needs of a new type of parent.

Particularly when you go into low-income communities in this country, both rural and urban, you find many times young parents who themselves had a very difficult experience in school. They are not the most adept at or interested in going back into the schools and being part of their child's education. We have to recognize that.

In my part of the country—frankly, in every part of the country today—we have many parents whose first language is not English. Again, if we really want to help our public schools—which I argue is our first and primary responsibility—we have to empower schools and teachers to deal with these types of parents. We can't do that if we take resources away from public education and target it through tax breaks to private education. In fact, I argue—and I have submitted legislation to this effect—we should provide resources for public schools to have much more effective outreach to parents, much more effective ways to involve them in the life of their children.

That might be a more fundamental and more significant form of parental involvement and real parental choice than is offered by this tax bill. It may for the first time give parents, particularly those of low-income children, a real voice in their child's education in a public school. That is something else, again, I believe we should do. But if we take resources away from public education, we won't be able to do it.

We also have to ensure we have good, well-qualified teachers. Frankly, in many school systems we can't say that with confidence. I ask the Senate: How does this legislation before us in any way help public schools have better teachers? It doesn't. I think the logic and implication here is that it will assist, encourage, subsidize parents to put their children in private education.

I believe rather than walking away from a problem—indeed, a problem we should be dealing with directly—we should focus our attentions on the problem and our resources. In the area of teacher preparation, we could use the billions of dollars that would be involved in this program to enhance professional development, first, in the teacher colleges where the new teachers should learn about the new classroom, new technology, new techniques, and then, second, by integrating into public education the kind of comprehensive teacher preparation that is part of the curriculum, teacher mentoring, allowing principals to have more time to actually be education leaders. You can't do that for free. You need resources. We can help, not by dictating to the States but by essentially giving them the chance to qualify for grants that will help them do innovative things.

So for many reasons, a policy of simply telling parents you can leave the public school system with a subsidy is bad education policy because it doesn't go to the core of what we should be about, which is making sure that every public school in this country provides excellent education for all of the students.

Public education has always been the great leveler in this country. I went to parochial school, but that was a choice of my parents. There was always public education there for me, for them to choose. Perhaps this is nostalgia at this point in my life, but it was always perceived to be excellent education, good, solid education, getting people ready for the challenges of the last century. Now we have to get ready for the challenges of this century, and still we need public education.

Again, I believe this proposal is motivated by the same desire that is motivating every Member of the Senate—finding a way to improve educational opportunities for Americans. My disagreement is that our focus should be on public education, and this proposal does not focus in on public education. In fact, it draws resources away from it.

Also, I object because of the tax implications. Now is not the time to essentially provide tax incentives for people who already, and are likely to continue to, do what we are trying to subsidize, particularly when the benefits are so overwhelmingly skewed to the very affluent in our country.

I object to the legislation. I hope we can come together again. We can talk about some of the issues which I hear day in and day out from parents, from elected officials, from school superintendents back in my home State: How do we fix up our schools so they are not remnants of the last century and the 19th century? We have school buildings in Rhode Island built in 1878 and 1876 that are still being used. We have others that are almost as old. How do we deal with those issues? How do we prepare better teachers? How do we reduce class size? Because we know from analyses and evaluations that smaller class sizes are beneficial, particularly when it comes to minority children. How do we do this in the context of public education?

That is where we should be focusing our attention. That is where I hope we can focus our attention. I urge this measure be put aside so we can get on with what I think is our top priority: Reforming, reinvigorating public education so we can say with great confidence on the floor of the Senate—and we cannot say it today—every school in this country gives every child in this country the chance to develop their talents to the fullest. Every public school does that. Until we can say that, I suggest we concentrate on improving public education, not subsidizing private education.

I yield the floor.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to thank the Senator from Georgia for his leadership and dedication to education reform. I also appreciate the comments of the Senator from Rhode Island. Really, we are sort of talking about two different games. Senator REED is talking about tennis and we are talking about baseball. We have, in the Health, Education, Labor and Pensions Committee, of which I am a member, a dedicated effort ongoing right now to reauthorize for 5 years the Elementary and Secondary Education Act. It contains issues dealing with teachers and poverty and disadvantaged children and how to get money down to the teachers and the people who know our children's names. That will come up later this spring, or as soon as we can possibly get it out. ESEA is where most of the issues that the Senator from Rhode Island and his Democratic colleagues have raised should and will be dealt with.

I have been in probably 15 schools in Alabama since the first of this year, and I am not hearing people say they want the Federal Government to take control. Rhode Island is one of the more wealthy States in the Union, they might want school buildings, but in Alabama, they are not telling me that. I have met with teachers, principals, and school board members, the head of the teachers union, and the State Superintendent of Education, talking to them about what the Federal Government can do to improve learning. What we are here for and what we want to do is facilitate children learning. And for the record, that only occurs in the classroom, where a teacher and a child come together at that magic moment when good things happen. It doesn't happen in Washington, DC, or with bureaucracies and policies like that.

Senator WELLSTONE wants to spend it on early childhood. The Senator from Rhode Island wants new teachers. I might add, that we did hire 100,000 new teachers last year. Twenty-five percent of that money can be used for professional development of teachers. This Congress spent about $300 million to $500 million more on education last year than the President asked for and more than the Democratic leadership asked for in their budget. So we are not chintzy on education. The question is, what do we do?

The bill in front of us deals with some inequities and problems with the tax code which prevents people from going on and paying for their education. Everybody has to do that, whether it is in public schools or private schools. For example, a big part of this legislation is a bill, S.13, which I offered; called the "CLASS Act." That act is the Collegiate Learning Students Savings Act. What we found was that 39 States in this country right now—and probably 42 or more by the end of this year—have programs to encourage prepaid tuition savings. People would prepay tuition for higher education; they set aside the money today for tuition tomorrow.

What we found out is that although the States make the interest on those contributions tax free, the accumulation of that money in those accounts is still taxed by the Federal Government when it is withdrawn. Now, what is wrong with that? I say that is not good public policy. It is not good public policy at its most basic level because what we are doing is taxing good behavior. We are taxing people who do the right thing and go about saving for higher education. At the same time, this Congress over the last number of years has enhanced steadily the subsidies we give to people who borrow money to go to college. There are a lot of subsidies—interest deferments and other tax changes—that encourage people to borrow. In the last decade, we have had more debt incurred for college expenses than we did in the previous three decades.

Good public policy ought to say that if you care enough to set aside money on a regular basis to pay for your child's education, the tax man ought not to penalize you for it. As Senator COVERDELL himself said earlier, we are getting such leverage from this money. We will probably save, in my opinion, more on the back end by having less loans that we have to pay and subsidize by this Congress than we would by allowing the tax deduction to begin with.

I want to share some things about this idea that these tax changes are just for the rich. Of course, you never know how they define rich. You may have a man and a woman who are both working hard and are making $75,000, $80,000, and some intend to call them rich. Those are people doing what we hope every American is doing—working hard, making $30,000, $40,000, $50,000 a year, and we burden them consistently with taxes. They have to pay, pay, pay. The breaks always seem to go for somebody else because people would say they are rich. I don't agree with that.

Let's look at the numbers we have on who is taking advantage of prepaid tuition plans. We have quite a track record around the country of those. It is middle-income families that are taking advantage of these plans, not the rich. In Florida, 71 percent of the participating families in the Florida prepaid college program have annual incomes of under $50,000, and 25 percent have incomes of less than $30,000. They are steadily putting money aside every year, every month, every week to help pay their children's education—a dream they have. Maybe they didn't get an education. My parents didn't get to go to college. They did everything they could to see that I could go to college. They didn't have a lot of the things that you have today that would help.

Mr. President, 72 percent of the tuition contracts in the Alaska Advance College Tuition Payment Plan—a similar plan—have been purchased by families with incomes of less than $47,500; 81 percent of the contracts in Wyoming's plan have been purchased by families with annual incomes of less than $34,000; 62 percent of the contracts in the Pennsylvania plan have been purchased by families with annual incomes of less than $35,000; 36 percent of the participating families in the Texas Tomorrow Fund Program have annual incomes of less than $50,000. The average monthly contribution to a family's college savings account during 1995 in Kentucky was $43 a month. Just $43 a month.

According to the Joint Tax Committee's score, the cost of this bill is $174 million over 5 years. That is all it costs. But I promise you that it will increase savings. In fact, not too long ago, I saw an article in one of these financial advisory magazines that wondered whether or not they considered it sort of a wash, whether it was a good investment to put your money in a college savings plan if they are going to tax the interest on it. I can see why this would be an inducement to make absolutely clear that it is a smart investment to invest in savings accounts while your children are young.

Mr. President, I believe in education. I taught in a public school for one year. I got to do something easy after that, I went to law school. Anybody who hasn't taught doesn't know how difficult it is. My wife taught for a number of years in public schools. I have been there when she came home at night in tears over the frustrations and difficulties of teaching. Teachers care about their kids. It is tough in those classrooms day after day. It is frustrating. So often what I am hearing when I talk to teachers is that Federal regulations are making their lives more difficult than they would be otherwise. They are telling me that if you would give us freedom to use some of the money you are giving, we could do more with it. You don't know in Washington. What do we know in Washington?

We can't write a law that can appropriately provide in a sensible way precisely what is needed in schools that are different—schools in the Northwest, schools in the big cities, schools in the small towns. Each State has different systems of education. Some are desperate for new teachers. Some need more buildings. Some need more computers. The Senator from Minnesota said Minnesota didn't have textbooks. Minnesota ought to have textbooks. They have enough money to pay for textbooks. Alabama has textbooks.

Another thing we need to know and remember very clearly—I think it is so important—is we need to do everything we can in this Congress to improve learning. We know, despite the fact we are second only I believe to Israel in per capita spending on education, that our test scores are not good. We finished 19th out of 21 industrial nations in math and science test scores, and 21 out of 21 for physics test scores. Somehow something is not working in our educational programs.

I believe the answer to it—from my travels and from talking to teachers and close friends of mine who are teachers—is that we need to focus our attention on the individual schools, even down to the individual classrooms because that is where learning occurs. We need to empower the people who know our children's names. The Federal Government simply does not have the clout to tell schools how to run their systems. In case many of you may not know, the Federal Government provides only 6 percent of the cost of education in America. Historically, education has always been a State and local enterprise. We have local school boards. We have local superintendents. We have principals who participate in the civic clubs of our community, who know our parents, teachers who know our parents, and PTA associations. Education is local.

One of the best speeches I have ever heard on this floor is the one Senator BYRD from West Virginia shared about the one-room schoolhouse he went to. I didn't go to a one-room school. But it was a country school. They brought water from the spring in a bucket and we drank from a single dipper. It seems he has done rather well. There is not a more educated person in this Senate than Senator BYRD. There is little doubt about that.

I believe we need to look at what we are doing. What is this legislation about? This is not a cure-all to educational problems. This is simply a proposal to allow tax policy to encourage people to save for education. What is wrong with that? The cost of it is infinitesimally small compared to what we are spending in this Congress on education. It is minute. But it would increase substantially parental involvement in making money available to educate children according to the wishes of the parent. It is a good idea, I believe, and a healthy idea.

I wish to say again how much I appreciate Senator COVERDELL's leadership with this effort. Senator ROTH, who chairs the Finance Committee, is committed to improving education, Senator BOB GRAHAM from Florida, who has been a steadfast supporter of making prepaid tuition plans tax-free, and my good friend Congressman JOE SCARBOROUGH of Florida who has sponsored the House companion to the CLASS Act. I think this is a solid first step toward encouraging people and affirming people to care enough to save for the education of their children. Who can be against that?

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

SENATOR ROCKEFELLER'S FIRST GRANDCHILD

Mr. BYRD. Mr. President, it is my pleasure to congratulate my esteemed colleague, Senator ROCKEFELLER, and his wife, Sharon, on the occasion of the birth of their first grandchild. Laura Chandler Rockefeller was born on Wednesday evening, February 16.

February, the second month of our calendar year, is from the Latin, februarius. It is a word of Sabine origin, signifying purification. The Roman festival of purification was held during this month. Nature, in the midst of Winter, with its cold, yet cleansing air, is preparing for the glorious blooms of Spring. And, in this or any season, what can more exemplify the innocence and purity of life than a newborn baby?

Laura's proud parents are Senator and Mrs. Rockefeller's eldest son, John, and his lovely wife, Emily. Laura is in good hands. She is blessed with parents, and grandparents, who love her, and who love learning. John is completing his doctoral studies in English Literature at Johns Hopkins University, and Emily is a teacher. The first, the most profound, teacher we have is our mother. When we first enter this world, in a blaze of light and confusion, in such frightening contrast to our earlier serenity, it is mother who comforts us. It is mother who soothes our cries, who cradles us safely in her arms, and rocks us to sleep. This is the first, most precious gift of a caring mother.

I have no doubt that John and Emily will teach Laura the joy, the lifelong comfort, of the great books. The great, old man who raised me, my uncle, was truly the most remarkable man I have ever been privileged to know. He was just an old coal miner. He was not educated in this world's halls and universities. He was a wise man and a hard-working coal miner who played his part in life with a stoic and dignified determination to do his best for his small family, for his country, and for his God. He encouraged me to read, to learn, to develop my mind to the best of my own abilities. As another great man wrote, "The reading of all good books is like conversations with the finest men of past centuries."

Carl Sandburg once said that "a baby is God's opinion that life should go on." One of the greatest joys of our existence is to simply hold a newborn baby, especially if that baby is our own daughter, or son, or grandchild, or great grandchild—just to hold a newborn baby that possesses all of the freshness and the newness and the promise of life. We gaze in awe at this valiant little creature, so helpless, and yet so strong, as its tiny, perfect fingers grasp our own little finger with eager curiosity and awareness and pull that finger about.

> No flower-bells that expand and shrink
> Gleam half so heavenly sweet
> As shine on life's untrodden brink
> A baby's feet.—Algernon Swinburne.

In my experience, parenthood is a challenging balance of love and responsibility. It is a tapestry of the finest, and most delicate, weaving. We love and guide our children, and we try to always honor this awesome commitment. And we see a pageant of hellos and goodbyes. Children grow up. They go away to school. They go to work, marry, and have children of their own. And then, there are greetings to new and wonderful additions into our midst. For a grandparent, this tapestry, in the glow of a family's history, becomes more elaborate, more richly colored, and more easily observed. It has been one of the greatest delights of my own life, and in Erma's life, to witness this amazing procession of life following after life, seeing a new plateau rise, new plateau of immortality, a new taste. We wish Senator ROCKEFELLER and Sharon the same happiness that has been our experience.

Laura is the granddaughter of one Senator, and the great-granddaughter of another, our greatly admired former colleague, Senator Charles Percy. In these fast paced times, more than ever, grandparents are an essential refuge of reflection and continuity between the generations. They are the living history of our shared past. In their reminiscences of earlier days, in their principles forged over a lifetime of experience and hard work, they offer a unique, valuable perspective of a complex and intricate world. I recall with considerable awe the birth of my great granddaughter, Carolyn Byrd Fatemi, born on March 4 of last year. March 4 in the old days was when the new Congress came into session, and a new President was sworn into office March 4. Now that day is the birthday of Erma and my great granddaughter, Carolyn Byrd Fatemi. It is a joyous, and humbling, realization to truly see oneself as part of that intricate tapestry of successive generations.

A new baby, so fragile, so tiny, so soft, so sweet, so delicate, and yet so determined to join this wonderful, maddening world, stirs our hearts and reminds us once more of our enduring link to the eternal. As William Wordsworth wrote,

Our birth is but a sleep and a forgetting:
The soul that rises with us, our life's star,
Hath had elsewhere its setting,
And cometh from afar;
Not in entire forgetfulness,
And not in utter nakedness,
But trailing clouds of glory do we come
From God, who is our home:
Heaven lies about us in our infancy!

Erma and I also congratulate Senator and Mrs. Rockefeller on the engagement of their daughter, Valerie, to Mr. James Douglas Carnegie. Perhaps the greatest transition in a person's life is when he makes that great leap from "I" to "We." It is the beginning of a journey with a beloved partner, who will share life's joys, and ease its inevitable burdens. My own treasured wife, Erma, and I have been on this wondrous journey for sixty-two years, and it will soon be 63, the Lord willing. To Valerie and James, I would wish the benediction of Milton, "Mutual love, the crown of all our bliss."

Senator ROCKEFELLER has worked tirelessly for the people of West Virginia for over thirty years. It has been my great privilege to work alongside him in this Chamber for the past fifteen years. He has been a tenacious champion of developing economic opportunities for West Virginia's workers, and a compassionate, determined voice for children, for senior citizens, for our nation's veterans, and for our retired coal miners. I could not wish for a more capable, diligent and congenial colleague. I offer Senator ROCKEFELLER my best wishes on these happy occasions for his family, and also my sincere gratitude to him for his intelligence, his strength of character, and his friendship.

Congratulations again, 100 times, on the birth of this beautiful little granddaughter. How proud he has to be.

I yield the floor.

Mr. COVERDELL. Mr. President, I say to Senator BYRD, that was a most enjoyable presentation. I am glad I was here to have an opportunity to hear it.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Georgia.

Mr. COVERDELL. Although there is no unanimous consent, we have been moving back and forth on both sides. Under that scenario, Senator GRAMS is here and will make a presentation; Senator KERRY is the next speaker.

Mr. KERRY. If I may ask, Mr. President, how long does the Senator from Minnesota plan to speak?

Mr. GRAMS. Four or five minutes.

Mr. KERRY. I have no objection.

AFFORDABLE EDUCATION ACT OF 1999—Continued

Mr. GRAMS. Mr. President, I come to the floor today in support of S. 1134. I would like to make a couple of brief remarks as we consider this very important piece of legislation, the Affordable Education Act. This is a bill that would expand the right for parents to save money for their children's education without incurring a tax liability. Very simply, allowing parents to put some money aside to help their children's education, and do it without incurring tax liability, is a win-win situation.

The proposed new education savings account would allow families to contribute up to $2,000 per year in a savings account for a variety of public or private education-related expenses. Current law allows parents to save up to $500 per year for their children's college education without penalty. However, the expanded education savings accounts would allow parents to save more tax-free, and the money could also be used for children's kindergarten through 12th grade education expenses as well as college. These education savings accounts help working families, and deserve the support of this body.

I would like to provide a Minnesota perspective on this debate, because we can learn from what has happened in my home state with a similar education initiative. S. 1134 is similar to a tax break for working families instituted in Minnesota by former Governor Arne Carlson.

Governor Carlson and grassroots organizations in Minnesota fought for and won an education tax credit, enacted in 1997, which, like Mr. COVERDELL's bill, can be used by parents to offset the cost of certain expenses made in the education of K–12 students in public, private or home schools. Thanks to Governor Carlson's initiative, low and moderate income families in Minnesota can receive up to a $1,000 per child tax credit for qualifying expenses such as tutoring, after-school or summer academic programs, music lessons, textbooks, and instructional materials—to allow the children these educational opportunities. Families with higher incomes are not eligible for the tax credit, but can still claim a tax deduction for similar education expenses.

When the legislation was proposed, various polls rated support for the tax credit and tax deduction package between 58 percent and 72 percent of the population of Minnesota. They supported this concept. Support for the tax credit and deduction has remained. In 1999, the law was expanded to raise the income threshold for eligibility for the tax credit to permit even more families to participate. The 1999 bill to expand the tax credit eligibility was passed with bipartisan support—in fact, you could even call it "tripartisan" support, since Governor Ventura signed it into law. About 150,000 families are expected to take advantage of the tax credit and deduction this year.

So in Minnesota, families have simultaneously been provided real tax relief and real opportunities to expand the education opportunities for children. And 3 years after the initiative was passed into law, the sky has not fallen in Minnesota, it is not a mortal wound to public education—in fact it helps students in public schools as well as private schools—and again, it became popular enough that the legislative subsequently expanded eligibility for the tax credit.

Today in the Senate, we have the opportunity to enact similar legislation that helps parents help save money to ensure that their children will get a quality education. Parents should always be in the driver's seat when it comes to education decisions, and this bill simply empowers them to do more to help their kids get ahead. S. 1134 deserves our support.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts.

Mr. KERRY. Mr. President, there has been a long discussion here. I do not know if I am the last in the course of the afternoon. If I am, I apologize profusely to those who are enduring until we are released, but I would like to share some thoughts regarding this bill, if I may. We are not sure what the status will be tomorrow morning with respect to debate or opportunity to comment on it.

I just heard the Senator from Minnesota say the sky is not falling in. It is not the end of public education for the small amount of experiments that have taken place in Minnesota. I am sure that is absolutely true, looking at the amount of money involved, maybe $7 a year to a family using it for K–12, because once they have put whatever money aside they could in order to take advantage of K–12, the amount of interest buildup is not that great. So obviously we are not talking about the grandest sums of money. That is not what is really at stake.

In point of fact, the small amount of money is, in and of itself, an argument against doing what we are doing because it barely makes a difference to most of these families—though our colleagues who are advocating it argue that whatever difference it makes, it is worth trying to make that difference. But that obscures what is really at stake here. It obscures the very significant, large issues about what the Senate ought to be doing, about what the real priorities of education in the country are, and about the inappropriateness of the underlying principle on which this bill is based.

So it does not matter how much money, whether it is $10, $20, $30. It is a question of whether or not we are addressing the real concerns of education; whether or not this is what the Senate ought to be doing as its first act of speaking on the issue of education in the year 2000. It is astonishing to me that given the breadth of the education needs of the country, and given everybody's acceptance that education is perhaps the single most important issue to the Nation, here we are, when we could spend weeks on the critical issue of a broad-based approach to education, we have one little tidbit, one little piece of bait hanging out there as a statement of where our colleagues on the other side of the aisle seem to want to come from with respect to the larger issue of education itself.

What am I talking about? In the legislation, on page 5, where it talks about a qualified elementary and secondary education expense, it says specifically that this can go to anyone who is:

> . . . an elementary or secondary school student at a public, private or religious school. . . .

This is an enormous transition for the United States of America because what we are talking about is a first-time extension of a significant tax approach to secondary and elementary school, private, and religious education. We have historically always drawn a critical line between higher education and secondary and elementary education. We do that for a lot of different reasons, not the least of which is that the Federal Government has never assumed fundamental responsibility as a national priority, if you will, for every person in America going on to higher education. Though we hope it, we want it, we encourage it, we have Pell grants, we have student loans, we have all kinds of ways in which we encourage people to do that, but we do not have the breadth of touch on the students because of the great breadth of educational opportunity that has grown up privately in the country.

That is not true in public education, which has been a commitment for secondary and elementary schoolchildren since this country's founding when Thomas Jefferson first talked about the pillars of education; since the days when we first made our commitment to a public education system that would help serve as the great melting pot/equalizer, if you will, by which we help to bind the country together as a country. That was going to happen, not through divisions of wealth but, rather, through people knowing that by every child in America sharing in the opportunities of public education we would build that kind of country.

All of us understand the educational system we have today is not performing, in some places, in the way we desire. It is, I might add, performing an awful lot better in a lot more places than many people want to admit. The fact is, there are some stunningly capable, extraordinary public schools across this country. They are providing students for the best universities in the Nation.

What we need to talk about on the floor of the Senate is how we are going to empower every public school in the country to be able to replicate the best practices that take place at those other extraordinary public schools, or, I might add, at a private school, or at a religious school. But we do not fund it, and that is what this legislation seeks to do.

It is called the Affordable Education Act. I am not sure why it is called the Affordable Education Act because only those who can already afford to send their kids to a parochial or to a charter school or some other kind of school really are going to benefit from it. It is hardly going to be affordable to the families for whom the question of affordability is most important. It is certainly not going to be affordable even for those families who are already making savings because the amount of money they are allowed to put away hardly makes anything affordable. Finally, it really is not affordable because it applies to so few kids.

Ninety percent of the children in America go to school in public schools, and nothing in this act is going to alter that one iota. Ninety percent of the kids in America go to school in public schools. What we really ought to call this act is the Alternative to Public Education Act because that is really what it seeks to do. It seeks to establish a new principle by which we can come back each year and begin to build up the amount of money that some will fight for to put into savings accounts so that ultimately it will grow to a sufficient amount that, indeed, will become the alternative to public education for those who have the ability to make that choice or, for various reasons of abandonment of the public school system, are encouraged to do so as the only way to send their kids, in their judgment, somewhere that will make a difference.

What we ought to be talking about in this Chamber today—in fact, every day until we complete the task—is how we are going to guarantee that every school within the public school system has a fair opportunity to make of itself what schools in the richest communities make or schools which are the beneficiaries of remarkable endowments or parents in various parts of the country who have enormous sums of money and, in some cases, schools which are not necessarily dependent on a significant amount of money but which have a core group of parents and students which allows them to behave in a way that is different from some schools in the inner cities or in rural areas where it is much tougher to build that kind of support.

The question the Senate ought to be debating is why we are not here as our first act trying to guarantee the real promise of America, which is to make certain that all of our children have an opportunity to go to schools that will make a difference in their lives on the positive side of the ledger.

We have been around this sometime before in the Senate, and it grows increasingly frustrating as we continually come back with these scattershot, little tidbit efforts. I know my colleague from Georgia does not view it as a tidbit. I know this is important to him personally. I know it is important to some colleagues on the other side of the aisle. But you cannot look me or anyone else in the eye and suggest this can pretend to be a comprehensive approach to the education needs of this country. If it is not, you cannot convince me that this is where we ought to begin the debate about what we are going to do to fix the schools in the country.

I have come to the floor and said this to my colleague from Georgia. I do not understand it. I know no one is going to accuse me of not being here long enough to understand it. I think I have a pretty good sense of how the politics of these issues work, and I still am frustrated and do not understand it because I do not think we are always that far off. Yet we continually keep talking past each other.

I heard the Senator from New Mexico, Mr. DOMENICI, argue that we ought to have a very significant increase in the amount of money we put into education. I am confident that when he was Governor, the Chair understood full well the difficulties of some of the urban centers of the State he represents on how hard it is, based on a low tax base, to provide for computers or provide for sports programs in the afternoons or for libraries that stay open or afterschool programs or remedial programs for kids who are having trouble learning. These things do cost money.

The fact is, there are communities in our country that do not have a tax base to go to. Yet we have an agrarian-based structure that suggests we still ought to have a school system working on those old hours as well as on the old funding mechanism.

Where does the money come from? The money comes from property taxes, except to the degree they get money from the State treasury in either some form of education reform or other disbursement. For too many communities, they have zero ability.

In our State, we had the same tax revolution everybody else in the country had. We had a limit on the amount property taxes can be increased—and properly so, I might add. There are a lot of families on fixed incomes. There are a lot of senior citizens who have paid for their homes who do not have the income stream to support an increase in revenue. There are a lot of young families starting out who do not have the ability to find the extra cashflow to pay for the property tax increase that might be necessary to adequately fund a really excellent school system.

What do we do? We merrily go down the road ourselves ignoring this fundamental reality.

I am with my colleagues on the other side of the fence. I do not want to throw money down a dark hole. I do not want to give money to a school system that is layered with politics, or has an inability to hold the teachers accountable, or does not have a structure that involves parents and has accountability of what kids are learning. I do not think anybody in the Senate wants to do that.

So I am having difficulty understanding why it is we cannot find a formula by which we are prepared to put some money into the system requiring those systems to embrace real reform, leaving up to those systems—and this is important—the determination of how they will get their kids to the end goal of a superlative education.

I do not think the Federal Government ought to run that. I do not think we ought to come trotting in with some new mandate and tell people, if you do not do this—that is not what this is about. We are only 7 percent of the budget of schools across this country.

Moreover, it is a steadfast principle that none of us wants to break that somehow the Federal Government ought to be involved in running the schools. We do not want that. I do not want that. I believe in local control, but local control has to mean also local empowerment, local capacity, local ability to do some of these things.

None of our colleagues can ignore the fact that if you are a young law student getting out of law school, one of the better law schools in the Nation, and you go to work in Boston or New York, you are going to start out now at $140,000 with the top law firms. Right out of law school, you can earn as much as a Senator, which may not be an appropriate measurement of anything, but that is what we are valuing.

A teacher comes out of college with $50,000 to $100,000 of loans, which they are required to start paying back the minute they go to work. They are going to start at $22,000, $21,000, $23,000, maybe work their way into the thirties after they have 15 years and a master's degree, and, depending on the school system, they can be at some school systems where they can get into the sixties, but with most of them they are in the forties after almost a career of service.

How do we turn to any student saddled with those loans in college and say: Ignore all those dot coms where you can earn 60,000 bucks almost right out of school, ignore the opportunities of the marketplace where there is 4-percent unemployment and you have this extraordinary gap in all the technological fields where the greatest restraint on growth to our Nation is going to be the lack of an available skilled labor pool, and we are going to say to kids who are facing that kind of job market: Come teach and be a pauper; come teach, but forget the notion that you can share in that cape cottage or buy that extra car or have a longer vacation; you are going to just eke it out, you are going to just make it, but we expect you to raise your family the same way everybody else does and to live by the rules, and so forth and so on.

Are we crazy? We have lost all sense of proportion if we are not willing to try to recognize that if you are going to value teaching, you have to value teaching. That means valuing it by putting a fair market value on the people you want to have teach.

Does that mean that in exchange for that fair market value, you had better get your return? You bet it does. Does that mean accountability? Yes. Does that mean if you are not doing the job properly, you ought to be able to be fired? Yes. Does that mean you may have to work longer hours in return for that? Yes, it does.

I do not understand why we cannot come to some kind of an agreement that liberates every school system to go out and be the best it can be, and to let parents have choice, and have competition within the public school system. I am all for that. That is the best form of accountability there is in America—competition.

I have seen this happen. I have gone to many blue ribbon schools and have said: Why is this a blue ribbon school? What is it about this school that makes it a place where parents are clamoring to put their kids, but you go 10 blocks away and there is a school nobody wants to go to? You can very quickly pinpoint real, tangible reasons those differences exist.

Generally it begins with the principal. There is a great principal in every blue ribbon school I have visited. One of the great deficits in America today is our lack of capacity to attract, in some of the more complicated systems, the principals we really need in the context of modern education. Once again, that is a reflection of the money involved. It is a reflection of the school system, the structure, and other kinds of things.

But we ought to be on the floor of the Senate with a comprehensive approach as to how we attract young corporate chieftains, who are able to retire today with extraordinary wealth, to perhaps come in and be the principal of a school for a short period of time, lending their expertise. Ex-military officers, who retire after 20, 25 years, and are still young and have great talents in leadership, could help to manage.

I forget the name of the general out in Seattle who passed away a year and a half to 2 years ago who did an extraordinary job of doing just that. He became beloved in the school system because of the leadership skills he brought to the task.

We should have a national effort geared to try to attract people and pull them into these jobs. If we did that, we could begin to create energy in our schools where they competed with each other. As the parents say: I want to go over to the Driscoll school. I think what has happened over there at that Bartlett school is not working for my kid, but over at the other school all the parents are raving about the school system. The kids are doing better in their homework. They seem to have more discipline. All of a sudden, the schools are going to reverberate with parents making that kind of choice.

This isn't novel. There are a lot of places in the country where that is happening today. It is working. There are many other ways in which we could have a greater level of accountability in our school system. All of this underscores what the real debate ought to be.

I am also astonished that we are quick to come to the floor of the Senate to put more money into tougher sentencing. We will put people away for longer periods of time in jail. We will build more jails. We provided more assistance in the crime bill to do that. All of those things are important. But isn't it equally important to try to prevent some of those kids from falling into those kinds of troubled lives when it makes a difference?

We know, to an absolute certainty, that the time when most of these kids get into trouble is in the afternoon when they are out of school, unsupervised, and they go back to apartments or houses where there is no adult until 6 or 7 o'clock in the evening.

I believe it was almost 8 or 9 years ago that the Carnegie Foundation did an extensive study pinpointing most of the difficulties teenagers had in the afterschool hours—unwanted pregnancies, drug experimentation, trouble on the street corners. All of these things have occurred because they were not in school and because schools did not have the afterschool programs necessary to provide the value-oriented structure they need.

Ask any child psychologist in the United States of America, ask any penologist in the United States of America, and they will tell you children need structure. When you release kids at 1:30 or 2 o'clock in the afternoon to almost a half a day of no structure, you are inviting the kinds of problems we have invited in the last years. It would be much cheaper to invest in long-term education, afterschool programs, early childhood education, et cetera, than to build $50,000- to $75,000-a-year prison cells for the people we have allowed to slip through the cracks.

People say: Do we really allow them to slip through the cracks? Let me tell you, I have visited some schools where kids have dropped out. In America, it used to be that you had a truancy system. If you dropped out or you left your school for a couple of days, teachers actually cared about it. They said: Wait a minute. Johnny is not here today. Where is he? Somebody went after him to find out what was going on.

Today, in cities all across America, a kid may not show up for school, and nobody does anything about it. Parents do not even know the kid did not show up. There is no money for truant officers? There is no money to track anybody? There is no way to do that? What do you mean? We are the richest country on the face of this planet. We have created more wealth in the last 10 years than at any time in American history. We have 460-plus billionaires in America today. We have had a surplus now for the second year in a row. We are sitting around toying with whether or not we are going to give seven bucks a year to people who already have money so they can send their kid to a religious school or a private school. What are we doing?

This place is losing its relevancy to the real problems of America if we cannot start at the beginning. The beginning is this broad-based problem that exists with respect to education in America. It is rampant. We understand that. How can our colleagues not come to the floor and say: It really does make a difference whether a teacher is being asked to teach 35 kids, 40 kids, 30 kids, 28 kids, or 18 kids.

I have talked to first-grade teachers who tell me they have kids coming into the first grade today who cannot do the things kids used to do when they went to the first grade. They cannot do simple shapes. They cannot recognize colors. They cannot do early numbers. The teacher has to take that kid and somehow mainstream that child while managing the educational life of all the other kids in the classroom. I challenge any of my colleagues to do that for a day or two and see how they feel at the end of that effort. When you shortchange that teaching capacity, you are shortchanging every kid in the classroom. It has lasting impact.

I will give you another example. Not so long ago, I visited the Castle Square Early Child Development Center in Boston. There are 67 kids—infants and toddlers—who are in the Early Child Development Center. Of those 67 kids, I think 98 percent are the sons and daughters of single parents. That is a cycle we are trying to break. We do not want to pass that on to the next generation. The best way not to pass it on to the next generation is to guarantee kids have the kind of structure that makes a difference in their lives. But for the 67 kids who were in the early child development center, there were 550 on the waiting list. Maybe 5, maybe 10 of the 550 will be lucky enough to cross the threshold of that child development center before they have to report for the first grade.

Under the law of the land, you are supposed to report for the first grade ready to learn. But as we are learning, too many of these kids come to the first grade and are not ready to learn. So we have built a deficit into the system before we even begin. Then we turn around and respond by saying: The roof is falling in on the public education system of America. What are we going to do about it? Well, we are going to give kids an opportunity to go somewhere else. Where? To a private school, to a parochial school, to a charter school?

Mr. President, there aren't enough places in private schools, in parochial schools or charter schools in this country to save a generation of American children. We can't build those schools fast enough. There aren't enough seats. So we can talk about that as an alternative all we want. It is no alternative.

The alternative is to fix the public school system where 90 percent of the kids in this country go to school. Again and again, I say it, 90 percent. If we had the most ambitious program my colleagues on the other side of the aisle could design to have a voucher or to create some alternative, we couldn't take care of 5 to 10 percent of America's children, let alone 90 percent. If we want to fill those high-tech jobs, if we want America to match the increased focus of Asia, Europe, Latin America, and other countries on education as their primary need with respect to the digital divide and the economies of the future, if we are going to do that, we have to pay attention to the educational opportunities afforded to our youngest children at the earliest stages of life. It is incomprehensible to me that we can't find the capacity to make certain that those 550 kids can all get the kind of early input they need so we can alleviate some of the crises in our school system by sending kids to school ready to learn.

All of this is part of a mosaic: early child education, early maternal input. Whether a mother is able to properly provide nutrition for a child affects a child's learning ability. All of these things do. It is very fashionable by many in the Senate to say that is the responsibility of parents. Yes, it is. It is the responsibility of parents. I agree. But what do you do when there aren't any parents? What do you do when there is only one parent who is working two to three jobs in order to make ends meet because that is also what we want them to do in America? They can't find the adequate child care. They don't have grandma and grandpa living in the house anymore. That is another change in America. People don't live that way anymore in the United States. So we don't have that great continuum that came down through generations that used to be the great teaching mechanism. But that is gone now. We have empty households.

So what do we do? We can talk about family. We can talk about values. We can also talk about the other great teachers. Religion is one of the other great teachers, absolutely. But without the parents, too many of these kids don't have that either. If they are dropping out of school, they don't have the other great teacher. So we have millions of kids, literally, around the United States of America who don't have any of the three great teachers in life. They don't have the family teacher, they don't have the organized religious teacher, and they don't have the teacher teacher in school because they are at risk in dropping out.

How do we fill the gap? We don't. We are debating whether or not to fill a nonexistent gap, to give some money to people who have already made a choice to send their kids to these schools. That is who most benefit by the legislation on the floor of the Senate. The people who benefit by this legislation are people who can save that kind of money. They are the people whose kids are probably already in a religious school or a private school. They are the kids who are already availing themselves of those benefits.

I am not saying to my colleague there is no value in providing relief for one of those parents. That is why we voted for tax relief. That is why we provide student loans. We do lots of things to provide that kind of relief. I am all for that. But let us get our priorities straight.

It seems to me the first obligation of the Senate is to come here embracing an overall concept. I might add to my colleague from Georgia, here we are being asked to spend $1-plus billion, $2 billion. It is as in a vacuum. I am being asked to give $2 billion to parents whose kids may go to religious or private schools without even knowing that the rest of the budget is going to be for any of the other things I have talked about. Are they going to be cut? Are we going to have less money for after school? Are we going to have less money for chapter 1? How much money are we going to have in the School Lunch Program this year? How much money will we have for Head Start? If I have to cut those or can't have as much as we ought to have, would we then take this $2 billion and put it elsewhere?

This is simply not timely. It is not appropriate. I hope it is not a statement of the full measure of priority of our colleagues on the other side of the aisle. I hope it is not.

There are other colleagues waiting to speak. I have gone on longer than I had intended. I hope this year can be a year in which the Senate can find its way to a comprehensive, across-the-aisle dialog, to bring ourselves together in a spirit of compromise. So far the only compromise I have seen with respect to the so-called Straight A's plan and the approach of our friends has been on our side of the fence. It is my hope we can have that real dialog.

I look forward to it and thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I am going to try to confine my remarks to the proposal before the Senate. I will make a couple of comments regarding my good colleague from Massachusetts.

First of all, I say to him, this $7 routine is exceedingly misleading. Two or three of his colleagues have used that. If $7 is all we are talking about, then, A, why get worked up about it? And, B, if $7 per year is the only advantage out of this account, which is four times what the President proposed, then I guess the President's proposal was only worth $2.25.

Mr. KERRY. Will the Senator yield for an answer?

Mr. COVERDELL. Surely.

Mr. KERRY. I said in my comments that the amount of money is really not the key. I said I throw away the $7 as not particularly moving. But the $7 comes from the Joint Tax Committee estimate.

Mr. COVERDELL. I have seen that. But my point is, if that is the case, it is worth four times the President's proposal.

Mr. KERRY. I don't agree with everything President Clinton does or has done.

Mr. COVERDELL. I understand. I will read you another comment, the remarks as prepared for delivery by Vice President AL GORE to the Minnesota Community Technical College, where he says:

> Here is my idea: We should create new 401(k) accounts like the 401(k) plans that help you save for retirement, but these accounts will allow employers and employees to contribute up to $2,500 for each working person to pay for college or job training expenses, money that you can save and withdraw tax free. You could use this account for yourself, your spouse, even your child's college tuition.

That is identical to the proposal that is before us.

Mr. KERRY. Mr. President, may I respond?

Mr. COVERDELL. Sure.

Mr. KERRY. Mr. President, let me underscore that distinction to my friend. The Vice President, No. 1, laid out the most comprehensive plan set forward by anybody running for President of the United States. He set forward a plan that included $115 million for a trust fund over 10 years. He set forward a plan to attract principals, to deal with teachers' pay, and with standards. It was a broad-based plan, and the section that the Senator from Georgia refers to does not apply to private secondary and elementary schools. It is college and job training.

Historically—and I drew this distinction—the Congress of the United States has always drawn a distinction between the higher education structure and the secondary and elementary structure. The problems I cited are precisely the reason why you need to have a broad-based approach before you throw any piecemeal legislation out there.

Mr. COVERDELL. Mr. President, let me address that as well because the Senator has made much of this today, as have others. This is, of course, a piece of legislation from the Finance Committee. It has been vetted three times before the Senate. It has been passed by the Senate with 59 votes. It is cosponsored by ROBERT TORRICELLI of New Jersey and about 10 other Democrats. So it is bipartisan with broad support. It in no way suggests that there won't be a full debate occurring on the issue when the reauthorization of the Elementary and Secondary Education Act comes before us, which will be probably spring because there is not consensus on that committee. I am not on that committee, and I don't know if the Senator is or not. This comes from the Finance Committee and it is one component of what can be done. It is tax policy. It is characterized as if some little piece is going to somehow corrupt or become a hurdle in front of the broader discussion that will come with this other legislation. I find that pretty difficult to comprehend, particularly in light of the fact of previous Senate actions on the legislation.

I think it unfair to characterize this as a piece of legislation designed for private schools and that it somehow avoids public schools. That is just not so. The same sources of information the Senator has been quoting would have us understand that the education savings account will primarily benefit public schools but not just public schools. Seventy percent of the families who open these accounts—and I might point this out; the Senator covered it, too. He doesn't consider this the broad base and neither do I. But it does affect 14 million families and 20 million children, which is right at half—5 million less than half—of the entire population—seventy percent of those families' children are in public schools; 30 percent are in private schools. The division of the money is 50/50.

In other words, half the money that this generates flows to public schools and half to private or, I assume, home. That is not insignificant. That is about $12 billion that we don't have to appropriate. It is voluntarily brought forward, involving those families with their children and their needs. It is not appropriate to characterize that as a program designed for private schools. Will parents who have children in private schools use it? Yes, they will probably tend to use it more, which is why half the money goes there. I think, though, in terms of causing someone to change schools, there is an implication there will be no place for them to go. It is not meant to make people change.

Mr. KERRY. I appreciate that my friend from Georgia is fairminded, and we always engage in good dialog. I appreciate that. First, we are sent here to make choices about priorities for the country.

Mr. COVERDELL. Right.

Mr. KERRY. Now, when I see chapter 1 unfunded, or I see urban centers where they don't have computers, and I see so many kids in so many parts of the country whose families can't afford any of the amenities that make a difference, I find it very hard as a matter of choice to suggest that even that 50 percent is appropriately spent.

Now, I am not arguing with the Senator. I am not suggesting to him or saying that some family in public school may not benefit from this. I understand some public schools have uniform codes and a parent may be able to go buy a portion of the uniform. I don't know how much $7 a year is going to do. If you are doing it K through 12, that is the interest. The only benefit under the Finance Committee rule is the tax benefit of the tax-free interest savings. So you can withdraw the money you have put into the savings account, but all you are really getting the benefit on is the tax-free component. Say you put $500 in there and you have to draw it out in 2 years at 6 percent, or 5 percent, which is what they are earning nowadays—these things aren't even marketable; none of the major houses are marketing them, so you are going to earn base interest on it and you are not going to get much money as a consequence of that. So when you have very few resources, I say to the Senator, what is the justification?

Mr. COVERDELL. The Senator makes my point. There is so little invested on our part to cause them to do so much. I am stunned that people would be concerned. For this type of investment, why would we not want to produce the $12 billion in new resources that we don't have to appropriate? People do it on their own—not to mention the connection that occurs between the parent and the student.

Mr. KERRY. Mr. President, I say to my colleague—and he knows this full well—there are Members of the Senate who basically have been fighting for years to create sort of a full-fledged support system, through the Federal Government, for education and/or for schools outside the public school structure. That has been a great fight in the Senate.

What I said is it is not the $7 that is critical here; it is the principle. If we adopt in the Senate a notion that we are going to now in the United States have a full-fledged support system for parochial schools and religious schools through the elementary and secondary level, that is new. Once we have made it $7, you are going to come back—or someone is—and say we haven't given them enough; we have to give them $500 because that is more meaningful. Of course, if we were willing to support either private or religious schools previously, what would stop us from giving them more money now? That is what this fight is about; it is not about the $7. Although, as a matter of choice, I don't see why it is we reward people who are already capable of sending their kids to these places and have made that choice versus the people who are having the hardest time making ends meet.

Mr. COVERDELL. Mr. President, 70 percent of all these funds go to families of middle income or lower income.

Mr. KERRY. As I have said, the real fight is the issue of this concept.

Mr. COVERDELL. I can accept it on those terms, but I don't believe the fact we have not taxed that account to be an appropriation of the U.S. Treasury in support of a private or parochial school. We have just not collected the tax; there has been no constitutional challenge or discussion about it. That just won't flow. If we have decided to grant accounts that people's own money goes into and have decided we are not going to tax the interest on it, there is no way in the world that anybody would find that that is a subsidy of parochial education.

Mr. KERRY. Mr. President, my friend knows full well that the famous teacher Stanley Surrey, I think at Harvard Law, coined the phrase "tax expenditure." We make choices in the Senate that if you forego a tax you expect to collect, it is an expenditure. Now, that is a well-known principle in terms of how we operate.

Mr. COVERDELL. It is also a fine line that does not in any way suggest we are making an appropriation. I accept the fact that you might argue, as Senator WELLSTONE did earlier, that it is money that wasn't sent to Washington and you prefer it be sent here so we can be involved with the distribution of it.

Mr. KERRY. Mr. President, I believe my friend will acknowledge, as he has already—I think he said that a majority of this benefit will go to families in private schools.

Mr. COVERDELL. No, I didn't. I said that 70 percent of the families are in public schools. Then I said the distribution would be 50–50. The reason for that is parents who have children in the private schools are paying higher costs. They are paying, of course, the taxes for the public schools as well, and will probably have an incentive to save more. I think that is probably so. I sort of think that while 70 percent are in public schools, the distribution of 50–50 will probably be the case.

Mr. KERRY. Mr. President, if I may again just quickly say the Joint Tax Committee tells us that they arrive at an assessment where under the legislation of the Senator from Georgia, 52 percent of the tax benefit will go to taxpayers with children in private schools.

Mr. COVERDELL. If the Senator is drawing the line of the 2-percent difference and somehow that makes the point——

Mr. KERRY. Fifty percent.

Mr. COVERDELL. I will accept that argument.

Mr. KERRY. For the purposes of this, let us say it is 50 percent. I don't understand the public policy rationale for 50 percent of this benefit that we are going to grant going to private schools when 90 percent of America's children are in public schools, and of that 90 percent, the vast majority are poorer than those 52 percent who are going to get the benefit. It just doesn't make sense.

Mr. COVERDELL. It makes sense to the majority of the Senate, and I hope it will be so again.

In that we are now waiting for the Senator from Oregon, if I might close this out.

Mr. KERRY. Mr. President, I thank my colleague for the dialog. It has been helpful. I always appreciate having it with him.

I thank the Chair.

Mr. COVERDELL. As I do.

Mr. President, this debate will continue tomorrow.

I want to reiterate that the tax savings account helps 14 million families and 20 million children. It provides for employer incentives to educate their employees. One million employees will benefit. It helps students who are in States with prepaid tuition plans because we do not tax them. That will be 1 million students who will benefit from the savings tuition provision. It adopts the proposal of Senator GRAHAM of Florida and Senator SESSIONS of Alabama on State tuition and on school construction.

Go across the face of education insofar as the Finance Committee is concerned. It deals with tax policy. We are not the education committee. We are making the Tax Code friendlier to States, communities, parents, employers, employees, and students to get a better education, 70 percent which will go to families of middle income of $75,000 or less. It is the same means test the President used when he created the HOPE scholarship along with the Congress. The only thing we do is make it four times more powerful than the President's proposal.

As I said, I sort of reel from time to time when they try to make it insignificant, but then it becomes a huge debate. They contradict themselves. If this is only worth "$7 a year" and is "insignificant," then the President's proposal is only worth $2.25 because it is one-fourth the value of these accounts.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MARIE FABRIZIO DICKINSON

Mr. WARNER. Mr. President, I rise today to recognize the distinguished and exemplary career of Marie Fabrizio Dickinson, Chief Clerk of the Senate Armed Services Committee. Today, Marie achieves a notable and important career milestone: thirty years of continuous service with the Senate Committee on Armed Services.

"Far and away the best prize that life offers," Teddy Roosevelt once remarked, "is the chance to work hard at work worth doing." During the past thirty years, Marie has tirelessly devoted her professional pursuits to work we all know to be certainly worth doing: supporting the men and women of the Armed Forces.

Marie began her career in 1970 as the sole staff assistant for the Republican minority Committee staff. In 1987, Marie was promoted to Assistant Chief Clerk—serving eleven years in that assignment. When I became Chairman of the Committee in 1999, I was very fortunate to have Marie accept my request for her to serve as Chief Clerk of the Committee.

During the last year, Marie has excelled as Chief Clerk. The Armed Services Committee has undertaken many initiatives and issues in the 106th Congress—pay and benefits reform for our servicemembers, military operations in the Balkans, and an end to the decade-plus downward trend of defense spending. In each instance, at any hour of day, or night, under Marie's direction, Committee administrative operations have been flawless. The gains we have made in support of our servicemembers during the past year are due in no small part to the professional acumen and personal commitment of Marie Dickinson.

It is no small feat to attain the distinction achieved by Marie. Less than one percent of the employees of the Senate serving today have thirty or more years of service. Having supported five consecutive Chairmen prior to me—Senators Stennis, Goldwater, Tower, Nunn, and THURMOND—and seven staff directors of the Armed Services Committee, Marie is only surpassed in her duration of service with the Committee by the venerable Senator STROM THURMOND.

Mr. President, I invite you and our Senate colleagues to join me and offer our sincere appreciation to Marie Dickinson for her outstanding and distinguished thirty years of services. I do so with the hope that Marie will continue her outstanding service as Chief Clerk of the Committee on Armed Services for many more years.

Mr. LEVIN. Mr. President, today I am pleased to join our Chairman, Senator WARNER, in congratulating and thanking Marie Fabrizio Dickinson on the occasion of her thirtieth anniversary on the staff of the Committee on Armed Services. This is a remarkable milestone for Marie. The Armed Services Committee and the Senate are very fortunate to continue to be the beneficiaries of her tremendous dedication and devotion to duty. In our Committee's history, no other staff member has ever served longer. But this tribute is about much more than the number of her years in service.

A native Washingtonian, Marie was initially appointed to the Committee as a clerical assistant by Senator John Stennis in 1970. In 1986, she was named the Committee's Assistant Chief Clerk by Senator Barry Goldwater and in 1999 Senator Warner promoted her to Chief Clerk. Whether managing the myriad of details associated with military construction projects, editing the Committee's SALT II hearing transcripts, or administering the complexities of thousands of military and civilian nominations, Marie has consistently given her best to our Committee and performed with excellence.

One of the true hallmarks of Marie Dickinson's service on the Committee has been her ability to achieve success by working with quiet yet steadfast determination. If you ever need a living reminder of the timeless virtue of letting one's work speak for itself, look no further than Marie Dickinson. Marie has earned the trust and respect of those around her not because of what she has said, but because of what she has been able to accomplish in her loyalty, unselfishness, and attention to detail.

Those who know Marie know that throughout her career on the Armed Services Committee she has demonstrated a strong commitment to maintaining the traditions of the Committee in general and in preserving the records of our Committee in particular. Many of us would certainly agree with these goals, but very few of us would be able to actually take the steps necessary day-in-and-day-out to safeguard the records that comprise the Committee's history. Marie's Herculean efforts to archive, research, compile and protect our Committee's record will insure that our Committee's important work is chronicled and documented for the historians of the future.

Marie Dickinson has dedicated her entire professional career to the work of the Armed Services Committee. It is very fitting that we take time today, on this her thirtieth anniversary, to pay tribute to and thank her for the significant and lasting contributions she has made to our work on the Committee and to the United States Senate. I hope, as I know Senator WARNER does, and all the other Committee Members and the staff do, that Marie will continue to serve with us for many more years.

TRIBUTE TO SENATOR DANIEL K. INOUYE

Mr. HOLLINGS. Mr. President, in my over 33 years' experience as a Senator with over 30 years on Defense Appropriations, I have worked with a good eight to ten Chairmen of the Armed Services Committee and Defense Appropriations Subcommittee and, of course, their numerous counterparts from the House side. One constant thread of dedication and stability in our national defense has been DANIEL INOUYE from Hawaii. His tremendous sacrifice for the security of this Nation was recognized with a Distinguished Service Cross. All of us engaged in World War II will tell you that the citation deserves Medal of Honor recognition, but it was not to be because he was a member of the Nisei fighters, the Japanese-American unit that had to fight the U.S. authorities first before it could fight the enemy. Now, in peacetime, Senator INOUYE has been the stalwart for the strong defense of this Nation.

This week, the Ambassador of Japan, Shunji Yanai, presented Senator INOUYE with the Grand Cordon of the Order of the Rising Sun, one of the Japanese government's highest honors, citing in particular his work fostering good relations between the United States and Japan. I can think of no one more deserving of this honor. Senator INOUYE has demonstrated the same courage, character and leadership here in Washington that he did as a soldier. I offer him my heartfelt congratulations on this distinguished recognition.

MILITARY HEALTH CARE IMPROVEMENT ACT OF 2000

Mr. KENNEDY. Mr. President, today, we begin a new effort to keep our promise of good health care for the nation's military retirees. We have an obligation to provide comprehensive health benefits to the men and women who put their lives on the line for our country. This bill is a solid start. The Military Health Care Improvement Act of 2000 will make a significant difference in the lives of our military retirees. Too often, today, those who have served our country with honor are left struggling to obtain and pay for health care in their retirement. That's not right.

The Act will extend existing medical demonstration programs to military retirees who are over the age of 65. It will also extend the Federal Employees Health Benefit Program Demonstration for Medicare-eligible beneficiaries, and it will enable the Secretary of Defense to expand the number of TRICARE Senior Prime sites.

The expansion of the National Mail Order Pharmacy Program will bring welcome relief to eligible beneficiaries, and the Pharmacy Pilot Program will reduce pharmacy enrollment fees and implement monthly or quarterly deductible payments. I hope that in addition, we will be able to expand this provision to include retail pharmacies as well.

The provisions for active duty family members are also an important aspect of this bill. Expanding the availability of TRICARE Prime Remote to military families will eliminate their co-payments and make the program more accessible and affordable to many more. Improvement of the health care services provided through TRICARE will help address the concerns of many retirees regarding access, availability and scheduling of appointments, claims filing, processing and payment, and national enrollment.

This bill is an important first step toward achieving the goal we share, and I look forward to working closely with my colleagues on the Senate Armed Services Committee and in the Senate to enact it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, February 22, 2000, the Federal debt stood at $5,742,317,374,668.82 (Five trillion, seven hundred forty-two billion, three hundred seventeen million, three hundred seventy-four thousand, six hundred sixty-eight dollars and eighty-two cents).

One year ago, February 22, 1999, the Federal debt stood at $5,617,212,000,000 (Five trillion, six hundred seventeen billion, two hundred twelve million).

Five years ago, February 22, 1995, the Federal debt stood at $4,835,999,000,000 (Four trillion, eight hundred thirty-five billion, nine hundred ninety-nine million).

Ten years ago, February 22, 1990, the Federal debt stood at $2,992,794,000,000 (Two trillion, nine hundred ninety-two billion, seven hundred ninety-four million).

Fifteen years ago, February 22, 1985, the Federal debt stood at $1,695,818,000,000 (One trillion, six hundred ninety-five billion, eight hundred eighteen million) which reflects a debt increase of more than $4 trillion—$4,046,499,374,668.82 (Four trillion, forty-six billion, four hundred ninety-nine million, three hundred seventy-four thousand, six hundred sixty-eight dollars and eighty-two cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read a second time and placed on the calendar.

S. 2081. A bill entitled "Religious Liberty Protection Act of 2000."

H.R. 6. An act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credits.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7605. A communication from the Chief Justice of the Supreme Court of the United States, transmitting the Report of the Proceedings of the Judicial Conference of the United States; to the Committee on the Judiciary.

EC-7606. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "March 2000 Applicable Federal Rules" (Rev. Rul. 2000-11), received February 22, 2000; to the Committee on Finance.

EC-7607. A communication from the President of the United States of America, transmitting, pursuant to law, the report of a safeguard action relative to the import of steel wire rod; to the Committee on Finance.

EC-7608. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the 1998 annual report on Veterans' Employment in the Federal Government; to the Committee on Veterans' Affairs.

EC-7609. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-7610. A communication from the Director, Defense Security Cooperation Agency transmitting, pursuant to law, a report containing an analysis and description of services performed by full-time USG employees during Fiscal Year 1999; to the Committee on Foreign Relations.

EC-7611. A communication from the Assistant Secretary for Management and Budget, Department of Health and Human Services, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC-7612. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC-7613. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for January 2000; to the Committee on Governmental Affairs.

EC-7614. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC-7615. A communication from the Manager, Benefits Communications, Farm Credit Bank of Wichita, Kansas transmitting, pursuant to law, the annual report for the plan year 1998 and a copy of the public accountant's report for 1997 and 1998; to the Committee on Governmental Affairs.

EC-7616. A communication from the Benefits Manager, CoBank transmitting, pursuant to law, the annual report of the ACB Retirement Plan for 1998; to the Committee on Finance.

EC-7617. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Competing for Federal Jobs: Job Search Experiences of New Hires"; to the Committee on Governmental Affairs.

EC-7618. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-7619. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the annual report for fiscal year 1999 of the National Guard Youth Challenge Program; to the Committee on Armed Services.

EC-7620. A communication from the Principal Deputy Assistant Secretary, Department of Defense transmitting, pursuant to law, the annual National Guard and Reserve Component Equipment Report for fiscal year 2001; to the Committee on Armed Services.

EC-7621. A communication from the Deputy Chief, National Forest System, Department of Agriculture transmitting, pursuant to law, the report of rivers added to the National Wild and Scenic Rivers System by the Omnibus Oregon and Scenic Rivers Act of 1988; to the Committee on Energy and Natural Resources.

EC-7622. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV-077-FOR), received February 18, 2000; to the Committee on Energy and Natural Resources.

EC-7623. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Classified Information Systems Security Manual" (DOE M 471.2-2), received February 17, 2000; to the Committee on Energy and Natural Resources.

EC-7624. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Contractor Employee Protection Program" (RIN1901-AA78), received February 17, 2000; to the Committee on Energy and Natural Resources.

EC-7625. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Control and Accountability of Nuclear Materials" (DOE O 474.1 and DOE M 474.1-1), received February 17, 2000; to the Committee on Energy and Natural Resources.

EC-7626. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Furilazole; Time-Limited Pesticide Tolerance" (FRL #6490-3), received February 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7627. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zinc Phosphide; Extension/Amendment of Tolerance for Emergency Exemptions" (FRL #6489-8), received February 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7628. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acrylic Graft Copolymer, Polyester Block Copolymer and Polyester Random Copolymer; Tolerance Exemption" (FRL #6490-7), received February 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7629. A communication from the Acting Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Interim Rule: Amendments to Regulations Governing the Peanut Poundage Quota and Price Support Programs" (RIN0560-AF61), received February 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7630. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Ports Designated for Exportation of Horses; Dayton, OH" (Docket #99-102-1), received February 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7631. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Poultry Improvement Plan and Auxiliary Provisions" (Docket #98-096-2), received February 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7632. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Melon Fruit Fly" (Docket #99-097-1), received February 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7633. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas: Change in Container Requirements" (Docket Number FV00-959-2 IFR), received February 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7634. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Revisions to Requirements Regarding Credit for Promotion and Advertising Activities" (Docket Number FV99-981-4 FIR), received February 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7635. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Revisions to Handling Requirements" (Docket Number FV99-932-3 FR), received February 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7636. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 1999-2000 Marketing Year" (Docket Number FV00-985-3 IFR), received February 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7637. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2000-2001 Marketing Year" (Docket Number FV00-959-2 IFR), received February 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7638. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Reporting Requirements" (Docket Number FV99-916-3 FR), received February 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7639. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Vidalia Onions Grown in Georgia; Increased Assessment Rate" (Docket Number FV00-955-1 IFR), received February 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7640. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Minimum Size Requirement for Red Seedless Grapefruit" (Docket Number FV99-905-6 FIR), received February 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-409. A joint resolution adopted by the Legislature of the State of Idaho relative to Federal legislative procedures; to the Committee on Governmental Affairs.

Senate Joint Memorial No. 102

Whereas, the federal administration under President Clinton is continually usurping the powers reserved for the Congress of the United States; and

Whereas, the Clinton administration is, by administrative decree, making law and thereby bypassing both the advise and consent of the Congress; and

Whereas, these administrative laws are being thrust upon the citizens of Idaho and such laws are vigorously enforced by administration bureaucrats.

Now, Therefore, be it resolved by the members of the First Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, That we hereby urgently and earnestly appeal to the Congress of the United States to reclaim its constitutional authority and responsibility to be the law-making body of these United States of America.

It is further resolved, That we respectfully request the Congress to implement procedures similar to the procedure employed by the state of Idaho which requires all rules proposed by executive agencies to be submitted to the Legislature of the State of Idaho for final approval before such administrative law may become effective.

Be it further resolved, That we urge the Congress to limit the scope of executive orders by subjecting such orders to congressional approval before they may become effective.

Be it further resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-410. A concurrent resolution adopted by the Legislature of the State of Idaho relative to Constitutional Conventions; to the Committee on the Judiciary.

Senate Concurrent Resolution No. 129

Whereas, the Legislature of the State of Idaho, acting with the best of intentions, has, at various times, and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Justice of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times; without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new Constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation.

Now, therefore, be it resolved by the members of the First Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, That the Legislature does hereby repeal, rescind, cancel, nullify, and supersede to the same effect as if they had never been passed, any and all extant applications by the Legislature of the State of Idaho to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V thereof, regardless of when or by which session or sessions of the Idaho Legislature such applications were made and regardless of whether such applications were for a limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects.

Be it further resolved, That the following resolutions and memorials, be, and the same are hereby specifically repealed, rescinded, canceled, nullified and superseded: S.J.M. 2, 1901 Session of the Legislature; S.J.R. 2, 1927 Session of the Legislature; H.C.R. 6, 1957 Session of the Legislature; S.J.M. 9, 1963 Session of the Legislature; H.J.M. 7, 1963 Session of the Legislature; S.J.M. 1, 1965 Session of the Legislature; H.C.R. 7, 1979 Session of the Legislature; and S.C.R. 132, 1980 Session of the Legislature.

Be it further resolved, That the Legislature of the State of Idaho urges the Legislatures of each and every state which has applied to Congress to call a convention for either a general or a limited constitutional convention, to repeal and rescind such applications.

Be it further resolved, That notwithstanding any other provision of this Resolution, the Legislature hereby reaffirms its request to the Congress of the United States of America that the Congress of the United States propose an amendment to the Constitution of the United States of America requiring, in the absence of a national emergency, that the total of all federal outlays for any fiscal year shall not exceed the total of all federal receipts for that fiscal year, which amendment may also limit the power of Congress to increase federal taxes, and remit it to the several states for ratification.

Be it further resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to send copies of this Resolution to the Secretary of State of each state in the Union, to the presiding officers of both houses of the Legislatures of each state in the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the members of the Congress of the United States representing the State and people of Idaho, and the administrator of General Services, Washington, DC.

POM–411. A resolution adopted by the Board of Chosen Freeholders, County of Ocean, New Jersey relative to ocean dumping off the coast of Sandy Hook, Monmouth County, New Jersey; to the Committee on Environment and Public Works.

POM–412. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania relative to increases in fuel prices; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 352

Whereas, The price of a barrel of oil is $30, up from just $11 per barrel in December 1998; and

Whereas, According to the Consumer Price Index, gasoline prices rose by 76.4% in 1999 and by 8.5% in December 1999 alone; and

Whereas, Gasoline pump prices at $1.29 per gallon are at their highest levels in ten years; and

Whereas, Based on information from the Energy Information Administration, diesel fuel prices in the central Atlantic region averaged more than $1.38 per gallon the week of January 17, 2000, and heating oil prices averaged more than $1.10 per gallon in Pennsylvania for the week ending January 17, 2000; and

Whereas, These record increases in oil prices, in some cases surpassing those existing during the Persian Gulf War, will have a direct, serious and substantial impact on both the Pennsylvania and national economies; and

Whereas, These oil price hikes will result in potentially devastating economic consequences for innumerable people employed in the transportation industry in Pennsylvania, including, among others, truckers, service station owners, diesel truck stop and fleet center owners, heating oil retailers and the airlines; and

Whereas, As a result, hundreds of thousands of homeowners will see vast increase in their home heating costs; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to call upon its investigative arm, the General Accounting Office, to conduct a comprehensive investigation of whether the recent substantial increases in fuel prices are the result of legitimate market fluctuations or, at least in part, the result of collusion on antitrust violations among and between oil companies; and be it further

Resolved, That the Department of Justice of the United States is urged to immediately commence a comprehensive investigation of whether the recent hike in fuel prices is the result of legitimate market fluctuations or illegal collaboration and anti-trust law violations occurring among and between oil companies; and be it further

Resolved, That there be an immediate increase in LIHEAP eligibility requirements from 110% of the poverty level to 135% of the poverty level and for the Commonwealth to provide for a $50 increase in crisis funding from $250 to $300 per household; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Secretary of Energy, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–413. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania relative to the released of funding for the Low-Income Home Energy Assistance Program, release of the United States Strategic petroleum reserves additional oil reserves from non-OPEC, and to negotiate release of additional reserves from non-OPEC countries or negotiate with OPEC on additional supplies; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 344

Whereas, Fuel, in particular diesel fuel, and home heating oil prices have skyrocketed to record highs in the first weeks of 2000, threatening this Commonwealth's citizens' well-being and safety to crisis proportions; and

Whereas, Retail prices of home heating fuel and diesel fuel in some areas of this Commonwealth have reached $2 per gallon, and level rack prices of diesel fuel are 106% higher than they were in the first week of February 1999; and

Whereas, The impact of escalating oil prices on an industry that is operating on narrow profit margins is being compounded by driver shortages and other increased costs; and

Whereas, These increases dramatically affect prices for essential utility and municipal services, and increases in transportation costs threaten jobs and could cause major disruption of vital supplies and other goods and services; and

Whereas, Home heating oil supplies are extremely tight, particularly in the Mid-Atlantic and the Northeast, and weather forecasts call for continued below-normal temperatures; and

Whereas, Refineries in Pennsylvania and other states must produce more home heating fuel, which may cause shortages of other oil products such as gasoline, kerosene and undyed diesel fuel, thereby driving up prices accordingly; and

Whereas, the Organization of the Petroleum Exporting Countries (OPEC) has indicated its desire to extend existing output cuts amounting to over 4 million barrels per day, resulting in nearly triple prices in less than one year, devastation to world economic growth and inflation; and

Whereas, According to the International Energy Agency, global oil supplies could be as much as 3 million barrels per day below demand in the first quarter of 2000, and as much as 1.5 million barrels per day below requirements in the second quarter; and

Whereas, A mid-January snowstorm, which occurred in the northeast region of the United States, triggered even faster price increases in Pennsylvania, resulting in United States light crude oil selling just 4¢ below the $30 per barrel mark; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the President of the United States and the Secretary of Energy to take immediate action to release emergency funding to the State for the Low Income Home Energy Assistance Program (LIHEAP) and to release the United States strategic petroleum reserves, negotiate release of additional oil reserves from non-OPEC countries or negotiate with OPEC on additional supplies; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Secretary of Energy, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–414. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to federally funded research using stem cells harvested from human embryos; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 119

Whereas, At the start of December 1999, the National Institutes of Health (NIH) published proposed guidelines for federally funded research projects using stem cells harvested from human embryos. The NIH is seeking public comment on the guidelines; and

Whereas, In 1996, Congress prohibited federally funded research in which human embryos are harmed or destroyed; and

Whereas, Michigan is a state with a long legal and ethical tradition of respecting life from its earliest stages. Michigan law prohibits any research that destroys human embryos. Michigan has also taken the strong step of becoming the only state to prohibit cloning to create human embryos for research. The proposed NIH guidelines would provide for actions that violate our state law and are criminal activity; and

Whereas, Standards of medical ethics historically have rejected justifying research in the name of medical progress when the research requires harming or destroying innocent human life; and

Whereas, Numerous avenues for developing new medical treatments from stem cells that do not require the destruction of human embryos hold great clinical promise; now, therefore, be it

Resolved by the Senate, That we strongly oppose the proposed guidelines of the National Institutes of Health on federally funded research using stem cells destructively harvested from human embryos and call on the NIH to withdraw the guidelines and redraft them to comply with federal law prohibiting NIH involvement in research involving the destruction of human embryos; and be it further

Resolved, That we urge the NIH to direct funding of stem cell research to projects that do not use stem cells destructively harvested from human embryos; and be it further

Resolved, That copies of this resolution be transmitted to the National Institutes of

Health, the Secretary of the United States Department of Health and Human Services, the President of the United States Senate, the Speaker of the House of Representatives, the members of the Michigan congressional delegation, and the President of the United States.

POM-415. A resolution adopted by the House of the General Assembly of the State of Indiana relative to reauthorization of the Ryan White CARE Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 14

Whereas, In Indiana as of January 1, 2000, more than 10,000 cases of the expanding epidemic known as AIDS—Acquired Immune Deficiency Syndrome—have been reported;

Whereas, The state of Indiana created a division of HIV/STD within the state department of health to proactively address issues relating to HIV/AIDS and which now directly administers the expenditure of federal and state funds to combat the disease;

Whereas, Due to advancements in pharmaceutical therapies and an increasing focus on early intervention and treatment, the number of individuals living with HIV has grown significantly;

Whereas, For many, the progression from HIV to an AIDS diagnosis has slowed considerably as a result of these therapies;

Whereas, It is estimated that more than 6,000 residents of Indiana are currently living with HIV;

Whereas, It is estimated that an additional 1,300, or 21 percent, of Hoosiers with HIV are unaware of their condition, and hundreds more have been diagnosed with HIV but remain untreated;

Whereas, It is estimated by the Centers for Disease Control and Prevention that there are 40,000 new HIV infections in the United States each year;

Whereas, HIV/AIDS in Indiana disproportionately impacts communities of color, gay and bisexual men, women, and economically depressed and other underserved communities;

Whereas, In 1999, the rate of HIV disease among whites was 7 per 100,000, while the rate among Hispanics was 19.3 per 100,000, and the rate among African-Americans was 44 per 100,000;

Whereas, In 1999, the rate of HIV disease among white males was 13 per 100,000, while the rate among Hispanic males was 29.9 per 100,000, and the rate among African-American males was 59.8 per 100,000;

Whereas, In 1999, the rate of HIV disease among white females was 1.3 per 100,000 while the rate among Hispanic females was 8.4 per 100,000, and the rate among African-American females was 29.8 per 100,000;

Whereas, The rate among African-American females more than doubled compared to the rate among white females from 1998 to 1999;

Whereas, As many as 16 percent of new HIV infections occur in people under age 25; one in eight HIV infections occurs in people under age 22;

Whereas, Young adults ages 20–29 represent 20 percent of reported AIDS cases but represent 38 percent of newer cases of HIV infection;

Whereas, Increasingly, some individuals have a dual diagnosis: these individuals have been diagnosed with HIV and have also been diagnosed with substances abuse or mental illness, or both;

Whereas, Substance abuse is a factor in well over 50 percent of HIV infections in some United States cities;

Whereas, Indiana looks to the federal government to assist the state in meeting the expanding health care and social service needs of people living with HIV;

Whereas, The Ryan White Comprehensive AIDS Resources Emergency (CARE) Act was first adopted by Congress in 1990;

Whereas, The Ryan White CARE Act expires September 30, 2000;

Whereas, Since its inception, the Ryan White CARE Act has ensured the delivery of vital medical care, treatment, and essential support services to thousands of Hoosiers, including medical examinations, laboratory procedures and evaluations, pharmaceuticals, dental care, case management, transportation, housing, legal assistance, benefits education and assistance, treatment education and adherence, and mental health counseling;

Whereas, In more recent years, the state has developed the Health Insurance Assistance Program (HIAP) using a portion of Ryan White CARE Act dollars to purchase comprehensive health insurance policies for hundreds of Hoosiers through the Indiana Comprehensive Health Insurance Association (ICHIA), Indiana's high risk insurance pool, at roughly one-half of the cost of providing medical and pharmaceutical services under the state's Early Intervention Program (EIP) and AIDS Drug Assistance Program (ADAP);

Whereas, Under federal law, the Ryan White CARE Act is designated as the provider of last resort; therefore, it is recognized as the critical safety net program for low income, uninsured or underinsured individuals;

Whereas, The federal budget for fiscal year 2000 contains increased funding for the Ryan White CARE Act and Indiana is expected to receive $7,813,713 beginning April 1, 2000;

Whereas, Funding under Title II of the Ray White CARE Act pays for care, treatment, and social services, over 80 percent of which are for life extending and life saving pharmaceuticals under the state's AIDS Drug Assistance Program (ADAP), and for comprehensive health insurance policies under the state's Health Insurance Assistance Program (HIAP);

Whereas, Title III of the Ryan White CARE Act provides funding to public and private nonprofit entities in Indiana for outpatient early intervention and primary care services;

Whereas, The goal of the Ryan White CARE Act Special Projects of National Significance (SPNS) Program (Part F) is to advance knowledge about the care and treatment of persons living with HIV/AIDS by providing time limited grants to assess models for delivering health and support services; SPNS projects have supported the development of innovative service models for HIV care to provide legal, health, and social services to communities of color, youth, hard to reach populations, and those with dual diagnoses in Indiana; and

Whereas, The Midwest AIDS Training and Education Centers (MATEC) is funded as part of Part F of the Ryan White CARE Act; in Indiana, MATEC trains clinical health care providers, provides consultation and technical assistance, and disseminates current information for the effective management of HIV disease: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

Section 1. That the Indiana General Assembly affirms its support of the Ryan White CARE Act and urges the Congress of the United States to expeditiously reauthorize the Act in order to ensure that the expanding medical care and support service needs of the individuals living with HIV are met.

Section 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the President and Vice President of the United States, the Senate Majority and Minority Leaders, the Speaker of the House of Representatives and the House Minority Leader, the Chairpersons and Ranking Minority Members of the Senate Health, Education, Labor and Pensions, Appropriations, and Budget Committees, the Chairpersons and Ranking Minority Members of the House Commerce, Appropriations, and Budget Committees, and to the members of the Indiana Congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER (for himself, Mr. LOTT, Mr. LEVIN, Mr. DASCHLE, Mr. HUTCHINSON, Mr. CLELAND, Mr. THURMOND, Mr. KENNEDY, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. ALLARD, Mrs. HUTCHISON, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. REED, Mr. CRAPO, Mr. INOUYE, Mrs. LINCOLN, and Mr. KERRY):

S. 2087. A bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes; to the Committee on Armed Services.

By Mr. CLELAND:

S. 2088. A bill to amend the Clean Air Act and titles 23 and 49, United States Code, to provide for continued authorization of funding of transportation projects after a lapse in transportation conformity; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself, Mr. LOTT, Mr. LEVIN, Mr. DASCHLE, Mr. HUTCHINSON, Mr. CLELAND, Mr. THURMOND, Mr. KENNEDY, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. ALLARD, Mrs. HUTCHISON, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. REED, Mr. CRAPO, Mr. INOUYE, Mrs. LINCOLN, and Mr. KERRY):

S. 2087. A bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes; to the Committee on Armed Services.

THE MILITARY HEALTH CARE IMPROVEMENTS ACT OF 2000

Mr. WARNER. Mr. President, I am introducing this bill with the complete support and, indeed, the leadership of our distinguished majority leader, the Senator from Mississippi, Mr. LOTT.

The Senate will recall that Senator LOTT was one of the principal persons who enabled the pay and other benefits bill that was passed by the Senate, and indeed adopted by the President, to be introduced last year. He has exhibited leadership on this subject throughout. He is a former member of our committee, a very valued member. He has kept quite active on matters relating to not only personnel but the whole aspect of our national defense. I pay a special tribute to him and also to the other members of our committee. Indeed, it is a bipartisan effort at this time in every respect to present to the Senate this piece of legislation.

I see the distinguished chairman of the Personnel Subcommittee of the Senate Armed Services Committee who will follow me in addressing this issue.

Mr. President, I will be chairing a committee meeting of the Armed Services Committee on the subjects of Kosovo and China, two very troublesome situations in the world today, so I am briefly going to make a few statements and then ask unanimous consent the remainder of my statement be printed in the Record.

I rise to introduce a very critical piece of legislation entitled "The Military Medical Improvement Act of 2000." This legislation represents an important and much needed first step. I wish to carefully underline this is a first step. It is a beginning in addressing the many needed requirements to fulfill the commitments of the United States of America through the years—beginning in World War II—to the men and women who have proudly worn the uniform of our Armed Forces. It relates, of course, to the military medical care system, which serves not only those on active duty but their dependents and, indeed, those who have retired.

I am particularly privileged to have had the opportunity to serve with, and to continue to work on behalf of, the men and women of the Armed Forces for over a half century. I was privileged to have brief tours of active duty in World War II and Korea. Indeed, I myself was a beneficiary of this care system. I did not remain in service long enough to get the entitlements that come with retirement, but nevertheless I know firsthand the value and superb medical treatment that is offered to the men and women of the Armed Forces.

What we are trying to ensure is that the same treatment and care is spread throughout the system. A particular part of this legislation is to go beyond the President's request and includes laying a larger foundation, a larger beginning series of steps, for those in the retired community.

All of us, when we proudly raised our hand and took the oath of office as military persons, were given certain assurances that we would be cared for not only while on active duty but for those who went on in a career—a career, I stress—type of situation, that they would get that care along with their families for the balance of their lives. That is the important thing that I address today.

These men and women depend, at various times in our Nation's history, on the Congress. I repeat that—not necessarily criticism to the Commander in Chief, the President—it is not a political observation; it is simply a fact that the Congress, at various times in our history, has had to step forward on its own initiative to provide the fulfillment of the commitments that have been made to the men and women of the Armed Forces.

This is one of those instances. The President put forth in his package those measures which he believed began to address this problem. Now we come along, as a coequal branch of this Government, and lay before first the Senate and, indeed, the House will soon take it up similarly, our own proposals as to how to add to the President's package so as to, in particular, have a bigger foundation, a greater beginning, to care for those men and women of the Armed Forces, particularly in their period of retirement.

Mr. President, as I said, I rise today to introduce a very critical piece of legislation, the Military Medical Improvement Act of 2000. This legislation represents an important and much needed first step—a beginning—in addressing the many complaints and concerns with the military medical care system.

I am particularly privileged to have had the opportunity to serve with, and to continue to work on behalf of, the men and women of the armed forces for over a half century. These men and women depend, at various times in our Nation's history, on the Congress to keep the commitments that were made when they took the oath of office to serve their nation. In most cases our nation committed to provide health care—for life—for military members, their families, and retirees and their families.

Quality military health care has been a lifelong priority for me. I was dependent on the military health care system with brief tours as an active duty sailor and U.S. Marine, and later, responsible for its oversight as Secretary of the Navy. Today, I, along with the Majority Leader, Senator Lott, Senators Daschle, Levin, as well as others, propose legislation to meet our commitment to the brave men and women who have so honorably served their country, through a full career and those now serving, by taking initial steps to fulfill the obligation to provide them with quality health care.

Last year, the Congress adopted significant enhancements to pay and benefits for our military members and their families. Already, we are seeing the positive impact of last year's legislative actions on recruiting and retention.

We must not stop there. Health care remains to be addressed and is a significant component of our military benefit package, as well as a commitment our Nation made to our service members and their families.

Meeting our health care promise to our service members and their families is not only a commitment and a moral obligation but it is also in our interest. Today it is a key factor in recruiting and retention. Delivery of quality health care and the assurance that the government meets its obligations are key factors in the morale and retention of our troops.

I would like to acknowledge the efforts of Secretary Cohen, Chairman Shelton, and the Joint Chiefs in highlighting the many problems in meeting the health care commitment to our military retirees and implementing a user-friendly medical program for all. The legislation I am introducing today includes the initiatives for active duty family members included in the President's budget request for fiscal year 2001. However, these initiatives do not go far enough. The President's request stops short in addressing any initiatives for our military retirees. Military retiree healthcare needs cannot wait longer.

I am well aware of the promises of lifetime health care made to those service members with whom I served. There is ample evidence that when young men and women joined the Armed Forces, they were promised health care for themselves and their families, for the rest of their lives in return for career commitments. Often this was in writing. Now, upon reaching age 65, they are finding that this commitment is often not fulfilled.

My desire is to return a sense of fairness to the military health care system by providing beneficiaries, including Medicare-eligible military retirees, access to health care. Under the current system, military retirees lose entitlement to military medical care at age 65 and must rely on Medicare for their healthcare needs.

In addition, base closure and realignment actions have had a significant impact on both active duty members and retirees by reducing the medical infrastructure of our Armed Forces. Our military's hospital network has decreased by approximately 30 percent since the mid-eighties, while the military beneficiary population has grown and aged.

Those who have so honorably served their country believed they could depend on health care provided by local base hospitals. The Department of Defense capacity has become limited. We must find other ways to meet our health care commitment.

For our active duty members and their families, implementation of TRICARE, the Department of Defense's managed care program, has created its own set of challenges for the Department of Defense. As General Shelton stated before the Senate Armed Services Committee on February 8, "the program is not user friendly" and "we need to get it right and I know we will".

The first section of the bill I am introducing today provides for health care delivery to the over-65, Medicare eligible retired military population. Over the past 2 years, Congress directed implementation of several demonstration programs, for over-65 military retirees, including Medicare subvention, the Federal Employee Health Benefits Program, and a Medicare insurance supplement or "medi-gap" type policy.

One of these programs is due to expire this year, some have just started, and other are due to start this spring. This legislation extends the demonstration programs to allow for continuity of care and assessment by the Department of Defense and the Congress to determine the most appropriate long term health care solutions for these beneficiaries.

In addition, the bill allows for the expansion of the "Medicare subvention" or TRICARE Senior Prime Program to major medical centers throughout the country, where the Department of Defense is reimbursed for care provided to Medicare eligible beneficiaries through agreement between the Secretary of Defense and Health Care Financing Administration. This authority will permit TRICARE Senior Prime to grow in these areas in which the program appears to be more promising.

Additionally, due to the low response to the Federal Employees Health Benefit Program demonstration so far, the Secretary of Defense will be authorized to expand the number of sites at which this option is offered. We want to allow a full and open evaluation of this program.

The second section of this bill recognizes and meets a major healthcare need or our older military retirees by providing a pharmacy benefit, which Medicare does not provide. The legislation expands the Department of Defense's mail order program to allow participation by all beneficiaries, including the over 65 population. Military retirees over the age of 65 would be asked to pay a modest deductible of $150 per year to participate in this new benefit. This responds to their urgent need for pharmaceuticals for our retirees—especially for those suffering from chronic long-term conditions such as diabetes and heart disease.

This bill recognizes the need to quickly implement improvements to the Department of Defense's managed care program, TRICARE, especially for active duty personnel and their family members. Chairman Shelton, and the Service Chiefs, have been extremely vocal in his desire to create equity in the TRICARE program for active duty personnel and their families. The Department has recognized that improvements in this area are crucial to recruiting and retention and have included two provisions in the President's budget request.

Those provisions which are incorporated in this bill, include expanding the TRICARE Prime Remote benefit to family members of those active duty personnel stationed in remote locations and elimination of co-pays for TRICARE Prime family member who use care outside of the military medical facilities.

Defense Authorization Acts over the past several years have included various legislative direction pertaining to improving access, availability and scheduling of appointments, claims filing and payment, and a single nationwide enrollment program. This bill reinforces the previous actions of the Congress and requires the Secretary of Defense to accelerate implementation of these improvements to the TRICARE program by October 2001.

In this time of decreasing resources, increasing costs and increasing demand for health care services, cooperation among the federal agencies is critical. The Department of Defense and the Department of Veterans Affairs have a long standing, cooperative, and productive relationship. This legislation authorizes additional initiatives between DOD and the VA in the area of patient safety, reducing medical errors and pharmaceutical safety.

Finally, much discussion has taken place about how to finance the military health care program over the long term. Specifically, the Joint Chiefs have suggested the accrual financing of military retiree health care might be the most appropriate option. This legislation directs the Department of Defense to conduct two studies to assess the feasibility and desirability of financing the military health care program for military retirees on an accrual basis.

Our men and women in uniform have answered the call of their country without hesitation or equivocation. Commitments were made to them in return for their service. We must fulfill those commitments. This legislation begins, I repeat begins, the process of satisfying the health care needs of all beneficiaries in a more comprehensive, uniform and fair manner. I urge my colleagues to support this legislation.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I commend Chairman WARNER, the distinguished Senator from Virginia, for his outstanding leadership on this critically important issue. I am glad to join the majority leader, along with Chairman WARNER, and Senators LEVIN and CLELAND, in the introduction of this legislation.

Mr. WARNER. Mr. President, I thank my colleague.

I am confident we will have a majority of the Senate eventually as cosponsors on this legislation. Indeed, there are other Senators who may have ideas of their own, so we will work this piece of legislation. It may be passed as a freestanding bill. It may well be that this legislation will be incorporated in the annual authorization. That is a decision that the distinguished majority leader, myself, and others will make, together with the chairman of the Personnel Subcommittee in the course of the coming months.

I thank the Senator.

Mr. HUTCHINSON. It is, indeed, encouraging that this issue has been given such a high priority by the leadership of the Senate and that we have a bill—whether it passes freestanding or whether it is incorporated in the authorization bill—that is eminently doable this year. I think that is one of the hallmarks. There are others that have grander schemes of what can be done, but this is very achievable this year.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. HUTCHINSON. Yes.

Mr. WARNER. I am not certain that the Senator mentioned Senator DASCHLE as a cosponsor.

Mr. HUTCHINSON. I think that underscores, once again, the bipartisan nature of this legislation. I appreciate the Senator pointing out that omission.

Like the rest of our country's health care system, the military health care delivery system is in great need of reform. Over the years, I have met with and heard from countless veterans, military retirees, and their families, who have informed me of the many and varied problems of every aspect of the military medical care system—including access to proper care, dissatisfaction with the current TriCare program, loss of coverage at age 65 when they become eligible for Medicare, and, especially, availability of needed pharmaceutical drugs.

Last month, in fact, I had the privilege of leading a congressional delegation overseas to visit U.S. service men and women serving in Japan and South Korea. The most common complaints I heard, aside from the high OPTEMPO that keeps families apart, were complaints about the military health care system and how it treats dependents. Too many had trouble scheduling appointments for dependents, and too many had trouble being reimbursed for the cost of care provided to their loved ones.

This is unacceptable. The men and women who choose to wear America's uniform have too many other important things to worry about than dependable health care for themselves and their families. Millions of Americans made the sacrifice to defend our country with the understanding that health care would be available to them upon retirement if they served at least 20 years. Unfortunately, for too many military retirees this commitment has simply not been honored.

Since the establishment of CHAMPUS, and its successor, TriCare, we have seen that the idea of space-available health care at military treatment facilities for military retirees is simply not adequate.

With base closures, military downsizing, and reduced services at military treatment facilities, it is nearly impossible for military retirees to access quality health care without having to travel hundreds of miles.

It should come as no surprise that problems with military medicine are often cited by troops as a key reason for leaving the force. In fact, a GAO study found that access to medical and dental care in retirement was the No. 5 career dissatisfier among active-duty officers in retention-critical specialties.

One of the critical challenges now is how best to reconfigure military health care delivery systems so that it might continue to meet its military readiness and peacetime obligations at a time when our base and force structure is continually changing.

Let me briefly give a summary of legislative provisions in the bill that we are introducing.

Section A deals with our over-65 retirees. It extends the demonstration programs that have been in place. It allows expansion of "Medicare subvention," which is critically important as a funding stream for military retiree health care. It allows expansion of the Federal Employee Health Benefits Program Demonstration—a program that I believe will still work, though there have been too few enrolled in it. We need to adequately publicize it, adequately promote it, and allow it to be expanded. This bill does that.

It expands the National Mail Order Pharmacy Program to all beneficiaries, including Medicare-eligible beneficiaries, with only a $150 deductible. Addressing of the needs of retirees for pharmaceuticals is probably the most critical part of the entire bill and will provide great relief for our military retirees in the area of prescription drugs.

It directs modification to DOD's implementation of a legislatively directed pharmacy pilot program by reducing participation fees and alternative payment methods.

Section C deals with TriCare Prime. It makes improvements to the TriCare program, especially for active duty and their family members. It requires expansion of TriCare Prime Remote for active-duty family members of those members in remote locations. We hear many complaints from those who are serving in remote locations, and who are not near military hospitals, and this would allow expansion of that Prime Remote for those important service members.

It eliminates copays for TriCare Prime for active-duty family members, a very important provision. It directs improvement in business practices used in administering provision of health care services through the TriCare program to include access, availability, and scheduling of appointments; claims filing, processing, and payment; and national enrollment. It continues and caps previous provisions related to custodial care.

Section D provides for further collaboration between the DOD and the VA in the cooperative programs that exist in the areas of patient safety and pharmaceutical safety. All of these are critically important provisions, and there are other provisions that are going to help our military health care situation.

As we know, retirees especially have had problems with access to health care. These over-65 retirees and their families are seeing a critical problem develop. These beneficiaries believe—and rightly so—that a lifetime commitment was made and that lifetime commitment is not being honored. Service members thought they were assured free lifetime health care. This was promised by recruiters in recruiting materials as late as the 1990s. We must honor that promise to our retirees.

Our active-duty service men and women find that access to care is very often difficult. Young families find it especially difficult to navigate the often cumbersome process of getting their young children to the care they need. Implementation of the managed care program appears inconsistent across the country. Families don't know what to expect when they move to different regions of the country because administration of the program appears to be handled differently at different locations.

We must show these active-duty service men and women that we care. We can do that by the passage of this bill. I look forward to working with my colleagues on both sides of the aisle to see this legislation enacted. This is a very doable, very achievable first step in improving our military health care provision for our service men and women.

I thank the Chair for his willingness to serve a little extra today so I could make my comments regarding what I think is very important legislation.

I yield the floor.

Mr. CLELAND. Mr. President, I am pleased to introduce this military health care initiative—the Military Health Care Improvements Act of 2000.

I am here today because the military health care system saved my life.

Many distinguished members have preceded me in attempting to address this issue of ensuring that our military members and their families are properly cared for.

As I have stated many times—and devoted untold hours of thought, meetings, and considerations to—military health care is the issue for those who have served and for those who are serving, and especially those who will serve in the military.

From my first day in the Senate, I have considered no issue more important in the maintenance of our military forces than the military health care system. I have addressed this issue in prior legislation.

As I arrived in Washington, the Tricare system of military health care was taking hold in my State with poor performance I might add. Of course, much has been improved because of this body and the Congress as a whole responding to our constituents, and ensuring we live up to our obligations to our military members.

In any scholar's opinion, our Nation's rise as a national power has been dependent on our military power—military power is the enabler to economic power and well being of any country.

The underpinning to our military power has always been and always will be our military service members. In fact, Time magazine recently voted the American GI as the Person of the 20th Century.

We have obligations to these brave souls and their families who serve selflessly and proudly.

I believe that among many other quality of issues, the most important of these obligations is quality military health care. Service members serve with distinction, in places unknown, without question to orders, and without expectations. It is up to this Congress to act on legislation, and to provide the most comprehensive health care for those members—past, present, and future.

I urge my colleagues to support this bill with conviction. Why? Because it is more than the right thing to do—it must be done, if we are to fill the ranks of our services, and if we are to live up to the obligations of all those brave soldiers, sailors, marines, and airmen that have given their lives for this country so that we could enjoy this country's bounty.

Our legislation would cover several main health care issues for military personnel, their families, and military retirees, such as: expanding health care coverage for Medicare Eligible Retirees by extending the demonstration projects already underway to 2005, expanding the Tricare Senior Prime demonstration, and expanding the Federal Employees Health Care Benefits Program (FEHP), demonstration for Medicare eligibles, that is also currently underway; expanding the military pharmacy programs by expanding the national mail order pharmacy program to Medicare-eligible beneficiaries, reducing enrollment fees for the pharmacy pilot program and implementing deductibles and quarterly/monthly payment schedules; eliminating copays for Tricare Prime and expanding the Tricare remote program and improve Tricare business practices; and grandfather those participating in the Department of Defense home health care demonstration program; and additionally, encourage the Department of Defense and Veterans Administration Cooperative Programs already underway to address patient safety and pharmaceutical safety, two key issues in health care today. Several other legislative initiatives have been introduced this year to address health care for the military—active duty and retirees.

In the coming weeks, the Personnel Subcommittee of the Senate Armed Services Committee, which Senator HUTCHINSON heads and of which I am pleased to be the ranking Democrat, will address each bill that comes to us on the subject of military health care reform in the hopes of finding the right combination of each of these bills to formulate the best final product for the committee's markup. I look forward to receiving testimony on each measure, and I look forward to working with Senator HUTCHINSON on these important health care initiatives. Since his appointment to the Senate Armed Services Committee, I have truly enjoyed a wonderful working relationship with him, and I am sure that will continue. I appreciate his support and his interest in the issue of service men and women and their health care.

I have also been encouraged by the bipartisan support our measure has received, and I am happy to be working with the chairman of the Armed Services Committee, Chairman WARNER, Ranking Member LEVIN, Majority Leader LOTT, and Minority Leader DASCHLE on addressing this critical issue. This legislation continues our work on addressing health care for retirees and the active components. I am excited at the possibility of passage of this comprehensive legislation.

By Mr. CLELAND:

S. 2088. A bill to amend the Clean Air Act and titles 23 and 49, United States Code, to provide for continued authorization of funding of transportation projects after a lapse in transportation conformity; to the Committee on Environment and Public Works.

THE ROAD BACK TO CLEAN AIR ACT

• Mr. CLELAND. Mr. President, I am pleased to rise today to introduce the "Road Back to Clean Air Act". Georgia has one of the fastest growth rates in the nation, specifically in the Metropolitan Atlanta area. Although this growth is welcomed and encouraged as an economic boom for the region, two of the results created by this growth have been traffic congestion and air pollution. Unfortunately, as we embark into a new millennium with all of its great possibilities, what is most noted about Metro Atlanta is the severe transportation problems of the region. A recent survey found that Atlanta had the very worst traffic congestion of any Southern city, and Metro Atlanta drivers have the longest average vehicle miles traveled in the nation—an average of 34 miles per day. All of this costs our economy $1.5 billion a year in wasted time and fuel. And, this congestion has been accompanied by significant environmental problems.

To make matters even worse for the State and Metro Atlanta, the ability of the area to correct this problem is complicated and constrained for two reasons. First, Metro Atlanta is designated a "serious" non-attainment area under the Clean Air Act. Second, Metro Atlanta has been in a conformity lapse since January 17, 1998. Each of these designations restricts the ability of the Metro area to implement new transportation projects, thus hindering the economic growth and quality of life in the region.

In addition, in March of last year, the D.C. District Court of Appeals effectively ruled that Metro Atlanta's 61 "grand-fathered" transportation projects were illegal because they were not in conformity with clean air requirements, thus calling into question some $1 billion worth of such construction projects. Fortunately, on June 21, 1999, an out-of-court settlement was reached in Atlanta relating to a similar lawsuit filed by The Georgia Conservancy, the Sierra Club, and Georgians for Transportation Choices. These groups indicated that they did not file the suit to kill road projects, but rather to bring attention to the need for regional planning, air quality improvement, and transportation alternatives. The settlement allowed 17 of the 61 road projects to move forward while declaring the remaining 44 ineligible.

I must express my sincerest appreciation to Transportation Secretary Slater whose personal intervention and commitment made this settlement agreement possible. This was very positive news which has allowed Metro Atlanta to finally begin to move forward with its 17 approved projects and to redirect its surplus funds toward transportation alternatives which will help reduce traffic congestion and improve air quality. In fact, as a result of the settlement, Atlanta is soon expected to submit its Regional Transportation Plan (RTP) which not only embodies a new focus on more regional planning and transportation alternatives, but also includes most, if not all, of the grand-fathered projects which were halted. The difference here of course is that these grand-fathered projects are now incorporated into a more comprehensive long-range transportation plan which takes into account Atlanta's clean air problems. This is a win-win situation for Metro Atlanta.

However, this is a serious, serious problem and is in large measure a product of the very economic success which has made, year after year, Metro Atlanta one of the fastest growing areas of the country. Because the problem has been building over many years, the planners in Metro Atlanta understand that a solution will not occur overnight. However, Atlanta's experience has highlighted the need for providing local planners with additional flexibility during a conformity lapse. It is this experience that has led me to introduce the Road Back to Clean Air Act.

The purpose of the Road Back to Clean Air Act is to assist metropolitan areas, such as Atlanta, which are facing severe transportation problems that are complicated by time-consuming, inflexible constraints.

First, the Road Back to Clean Air Act codifies the Environmental Protection Agency (EPA) and U.S. Department of Transportation (DOT) guidance put forward as a result of the D.C. District Court decision. The Atlanta situation has demonstrated that these guidelines can allow transportation projects to move forward while ensuring that local residents are protected from the negative health effects of dirty air.

Second, the bill provides local planners with additional flexibility to obtain federal funding for beneficial transportation projects during a conformity lapse. Among other projects which could move forward during such a lapse would be public transit and high occupancy vehicle lanes.

The main benefit of this legislation is that it provides transportation planners in cities across the country with additional flexibility in meeting their transportation goals while preserving the health benefits of clean air. Additionally, it has the endorsement of numerous environmental groups, including the plaintiffs in the D.C. District Court case. Therefore, costly litigation that can only delay Atlanta's, and other areas, good faith efforts to alleviate traffic congestion and improve air quality will be avoided should this legislation be enacted into law.

Beyond Atlanta, other metropolitan areas in the United States are currently or will in the future face the constraints of non-conformity and non-attainment as they attempt to develop and implement their transportation plans. I believe the Road Back to Clean Air Act will provide these cities with the flexibility to move forward with vital transportation projects while at the same time maintaining the integrity of the Clean Air Act.

I thank my colleagues for their attention and I urge your co-sponsorship of this important legislation.•

ADDITIONAL COSPONSORS

S. 279

At the request of Mr. MACK, his name was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 353

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 353, a bill to provide for class action reform, and for other purposes.

S. 424

At the request of Mr. COVERDELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 512

At the request of Mr. GORTON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 542

At the request of Mr. ABRAHAM, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 662

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 879

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain lease hold improvements.

S. 1007

At the request of Mr. JEFFORDS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

S. 1110

At the request of Mr. LOTT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1110, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

S. 1191

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1191, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for facilitating the importation into the United States of certain drugs that have been approved by the Food and Drug Administration, and for other purposes.

S. 1241

At the request of Mr. ASHCROFT, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1241, a bill to amend the Fair Labor Standards Act of 1938 to provide private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 1276

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1276, a bill to prohibit employment discrimination on the basis of sexual orientation.

S. 1311

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1311, a bill to direct the Administrator of the Environmental Protection Agency to establish an eleventh region of the Environmental Protection Agency, comprised solely of the State of Alaska.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1763

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1763, a bill to amend the Solid Waste Disposal Act to reauthorize the Office of Ombudsman of the Environmental Protection Agency, and for other purposes.

S. 1800

At the request of Mr. GRAHAM, the names of the Senator from California (Mrs. BOXER), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1874

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1985

At the request of Mr. TORRICELLI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1985, a bill to amend the Internal Revenue Code of 1986 to lower the adjusted gross income threshold for deductible disaster casualty losses to 5 percent, to make such deduction an above-the-line deduction, and to allow an election to take such deduction for the preceding or succeeding year.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2015

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2015, a bill to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2021

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2021, a bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2035, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents.

S. 2062

At the request of Mr. LEVIN, his name was withdrawn as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from Florida (Mr. MACK), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2082

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2082, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. CON. RES. 81

At the request of Mr. ROTH, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S.J. RES. 3

At the request of Mr. KYL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

S. RES. 128

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. Res. 128, a resolution designating March 2000, as "Arts Education Month."

S. RES. 253

At the request of Mr. SPECTER, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 253, a resolution to express the Sense of the Senate that the Federal investment in biochemical research should be increased by $2,700,000,000 in fiscal year 2001.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, February 23, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, February 23, 2000, in closed session, to receive testimony on the situation in Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 23, 2000, to conduct a hearing on the Federal Reserve's first semi-annual monetary policy report for 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 23, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate Committee on Environment and Public Works be authorized to conduct a hearing to receive testimony on the Environmental Protection Agency FY 2001 budget during the session of the Senate on Wednesday, February 23, 2000, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 23, 2000 at 9:30 a.m. to hear testimony regarding the U.S.-China Bilateral Trade Agreement on China's Accession to the WTO.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, February 23, 2000 at 9:30 a.m. to conduct an oversight hearing on the President's Budget Request for Indian Programs for FY 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, February 23, 2000, at 10 a.m., in SD—226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 23, 2000 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Forest and Public Lands of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 23 at 2:30 p.m. to conduct an oversight hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. BURNS. Mr. President, I ask unanimous consent that the Surface Transportation/Merchant Marine Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on February 23, 2000, at 10 a.m. on AMTRAK oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Patrick Shank of the Senate Finance Committee be allowed access to the Senate floor for the remainder of the debate on S. 1134.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Patricia L. Lewis, a member of the staff of the Committee on Armed Services, be granted the privilege of the floor during the introduction of the Military Health Care Improvement Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, she has been an invaluable assistant, as has the staff of my committee, together with the staff of Senator LOTT, and others who have been working on this important piece of legislation.

ADDITIONAL STATEMENTS

ACCESS TO FIREARM PARTS

• Mr. LEVIN. Mr. President, today in the Detroit Free Press, there is a story about a potential nightmare in Michigan. The article alleges that Kevin Olender, a felon convicted of assault with a dangerous weapon was preparing an attack on his co-workers in Farmington Hills. According to the article, Olender was able to evade background checks required by the Brady law, by purchasing a gun in parts. Allegedly, Olender was only one part away from finishing the construction of his firearm, and that part was expected within days.

In the end, investigators prevented any shoot-out, but the article highlights another loophole in federal firearm law that gives felons access to firearms which would otherwise be forbidden. I urge my colleagues to close this loophole and the many others in our federal law.

I ask that the Detroit Free Press article about this loophole be printed in the RECORD.

The article follows:

[From the Detroit Free Press, Feb. 23, 2000]

FELON'S GUN CHARGES SHOW NET LOOPHOLE—POLICE SAY SUSPECT WAS ABLE TO BUY PARTS ON-LINE

(By L.L. Brasier and Ruby L. Bailey)

With a credit card and the Internet, Kevin Olender had everything he needed to find parts for an assault rifle.

It was no problem, even for a felon.

Four days after Christmas last year, Olender went shopping. He ordered a $199.95 parts package for a military-style rifle from Interordnance, an Internet gun dealer based in Monroe, N.C. He bought another parts package from the firm Feb. 4.

Police and prosecutors say Olender, 40, of Wyandotte, was preparing for an assault on co-workers at Compuware in Farmington Hills. He only needed one more part, known as a receiver, to finish building a working gun.

The part was on order, police say. But authorities raided his home last Friday and arrested him.

"He was ready to do it," Farmington Hills Police Chief William Dwyer said Tuesday. "I think we saved a lot of lives."

Dwyer said his investigators found evidence that Olender had located the receiver, a palm-sized part that holds pieces together and makes the gun fire, and expected it within days. Dwyer would not say how investigators determined that.

A person with a felony background is prohibited from possessing a gun or ammunition. But there's a loophole in federal law. Though dealers cannot sell a gun without a background check, they can sell gun parts, weapons experts said.

Ulich Wiegand, owner of Interordnance, said he did not check Olender's background when filling his order.

"No, of course not," he said. "We are not required to because we weren't selling him a gun."

Olender was convicted in 1996 in Detroit Recorder's Court of a felony, assault with a dangerous weapon, court records show. He received five years' probation.

Wiegand said he sells many parts packages, but declined to say how many.

"You have to understand, we did not send him guns," Wiegand said. "This is nothing but parts, and he could do nothing with them without a receiver."

Wiegand said his company sells fully assembled weapons only to federally licensed firearm dealers.

But Dwyer said Olender's easy access to gun components on the Internet points out the need for new laws.

"It is like the old West, only with no sheriff in town," Dwyer said. "You've got sexual predators, violent people buying guns. We need to come up with some safeguards."

Olender is being held in the Wayne County Jail on a charge of possessing a firearm as a felon, and using a firearm in a felony.

Olender could face federal charges for possessing ammunition as a felon. Agents for the federal Bureau of Alcohol, Tobacco and Firearms are investigating what charges may be filed, said Vera Fedorak, an agency spokeswoman.

During Friday's raid, authorities recovered two disassembled rifles from Olender's basement, as well as a manual for assembling the guns. They also found hundreds of rounds of ammunition, including steel-nosed bullets designed to penetrate bullet-proof vests.

Investigators found that he was missing receivers, also known as frames, used to hold the gun pieces in place.

To purchase a receiver, Olender should have been subjected to a background check, by law. Dwyer and others would not comment further about the receiver.

Without the receiver, what Olender had was like "a car without a motor," said Victor Reid, co-owner of Midwest Ordnance Gun Shop in Royal Oak.

A receiver would cost $300 to $400, he said. The part is regulated by the federal government, has a serial number, and cannot be sold without a license.

"They are virtually impossible to get illegally," said Reid, who said he does not sell gun kits at the store, or on the company's Web site. "It's not an item that you can just go buy."

The packages that Olender bought from the North Carolina firm consisted of gun parts from military weapons dating to the 1950s, and disassembled overseas. The packages are popular among collectors and sportsmen, who acquire the needed receivers through dealers, and reassemble the guns.

Police said they are investigating where Olender got the ammunition.

Concerns about guns and the Internet have prompted federal lawmakers to pursue legislation targeting Internet sales of guns.

Hundreds of Internet sites advertise weapons for sale.

Many are dealers who comply with federal laws. But individuals often don't, said Jim Kessler, policy director for U.S. Sen. Charles Schumer, D-N.Y. Schumer has sponsored a bill that would make it illegal for anyone except licensed gun dealers to buy and sell guns over the Internet. The measure is pending.

"Nobody's watching," Kessler said. "The Internet itself presents a giant loophole in gun laws."

When searching for guns over the Internet, buyers can't legally make the purchase directly on-line, gun experts said.

Buyers scan Web sites where guns are advertised, then contact a dealer and complete the purchase. The dealer must ship the weapon to another gun dealer, who is required to make sure that the buyer fills out the required forms and undergoes a background check.

"It's not like someone can put their credit card in a Web site and get a gun," said Trish Hylton, spokeswoman for the National Rifle Association.

She said the Internet "is like a classified ad. The person selling and the person purchasing have to abide by all the laws that are in place."●

RETENTION OF MILITARY SERVICE MEMBERS

● Mr. WARNER. Mr. President, I rise today to offer excerpts from three very insightful, thought provoking articles recently published in the U.S. Naval Institute magazine PROCEEDINGS. These articles were written by enlisted service members on the very important subject of retention of enlisted personnel in our Armed Forces. This is one of the most critical issues facing our military services today and I am encouraged by the solutions our senior enlisted personnel have offered as it shows their deep concern for their people, their service and their country. Allow me to share with you some of these perceptive views on this complex problem:

Senior Chief Navy Counselor Paul T. Pierce, USN writes, ". . . what is the number-one reason that sailors—talented sailors, the ones we want to keep—cite as their greatest dissatisfier? It is not pay or even family separation. Those issues always are near the top, but the number one reason sailors give for separating from the service is lack of advancement opportunity." He further states, "The evidence is intuitive and irrefutable that we cannot build a force of professionals if we afford them virtually zero advancement opportunity. It is really that simple. . . . The fact remains that today's sailors are smart enough to grasp that promises of better opportunity made through almost ten years of draw down simply are not likely to materialize in any meaningful way in a "steady-state" Navy. This generation of young sailors and junior officers believes it has stupendous opportunities outside the Navy. Real or imagined, that siren's call is beckoning to them—imploring them to leave us. At the same time, many of them, particularly our mid-grade, second-term enlisted technicians, have qualities that make them highly marketable on the outside. . . . If we want to make real headway retaining sailors, then we must make the restoration of advancement opportunity a readiness imperative."

Master Chief Machinist's Mate James P. Russell, USN writes, "Recognizing what sailors need is not an easy task. Sailors will always tell you they want more money. If we continue to chase the sailor's paycheck as the retention tool of choice, we will reach a point where we no longer can afford the price. It is unreasonable to expect that the Navy will be able to meet the perks and extras from our competition. It is the intangibles that will make the sailor stay for a career. We have things to offer that no company on earth can match: the opportunity to make a difference; structured guidance and support throughout a career; responsibility at a level unmatched anywhere; a retirement plan that is guaranteed to be there at the end of a career; respect recognized throughout the world; the chance to grow and develop in an environment that is tolerant of mistakes; camaraderie that cannot be matched by any corporation; and an opportunity to experience all this in a global environment.

The person who needs to be able to transmit the knowledge of those perks to the sailor, and to make sure they are available, is that sailor's chief. Sailors are happiest when: they have a clearly defined mission; have ownership of their work environment; are held to fair, consistent and sensible standards; their families live in a clean, safe, and relatively comfortable location; and they receive recognition and pay that reflect the importance of what they do for their country. As the Navy leadership focuses on the first and the last, the responsibility of fighting for the rest lies squarely on the shoulders of the chief. The bottom line? Keep sailors happy and they will stick around."

And finally, Master Sergeant Michael M. Green, USAF writes, "Our military and political leadership express serious concern for the ever-growing retention and recruiting problems facing the enlisted force, and have initiated moderate pay improvements to help resolve these problems. Much more can and must be done, however, to address the real financial needs and expectations of our enlisted warriors. The chief shortfalls of the current pay structure are in basic pay, the basic allowance for subsistence (BAS) and education incentives." He concludes, "There are innumerable reasons why patriots choose and continue to serve in our nations military. There are significantly fewer reasons why they opt to leave. Financial compensation is the chief concern to both young recruits and old wardogs. Fashioning a more equitable pay and allowance structure will greatly entice tomorrow's warriors into service as well as to keep today's enlisted force serving proudly. . . . Our enlisted force is not composed of second-class citizens. It is a collection of the guardians of our nation and our national interests. It is time they are compensated that way."

These veterans have poignantly put forward their thoughts on a most difficult issue in an honest and sincere fashion. Mr. President, I thank you for the opportunity to share their views with you and the Nation they serve.●

IN HONOR OF JIMMY DON HUDSON

● Mr. BREAUX. Mr. President, on behalf of Senator LANDRIEU, I rise with great sorrow on the passing of Jimmy Don Hudson of Monroe, Louisiana. He was a friend to me, Senator LANDRIEU and all those who knew him.

It has been said that Jimmy Don had a gift that made everyone think they were his best friend. A dedicated husband and father, Jimmy Don worked hard every day for the people of Monroe and the state of Louisiana.

A tireless public servant, Jimmy Don served on numerous boards and commissions. He was president of the Tensas Basin Levee District. He also held leadership roles on, to name a few, the Monroe Chamber of Commerce, the Governor's Commission on Higher Education, the Monroe Downtown Economic Development District, the West Monroe Boys and Girls Club, the United Way of Northeast Louisiana and the Ouachita Council on Aging.

Jimmy Don also served his country in the Vietnam War. As a helicopter pilot, he logged more than 1,000 hours of flight time while making sure both wounded and able-bodied American soldiers were out of harm's way. After his tour of duty, Jimmy Don continued his military service in the Army National Guard until 1996, logging an additional 2,800 hours of seat time.

Mr. President, some say the best people die at an early age. This is certainly true in Jimmy Don's case. Although he only spent 52 years with us on this earth, his legacy will live forever. Senator LANDRIEU and I extend our condolences to his wife Pam, and sons Brandon and Gabe. Jimmy Don will be sorely missed.

I have attached an editorial written by Keith Prince of the Monroe (La.) News-Star that describes Jimmy Don well, and request it be included following my statement.

[From the Monroe (La.) News-Star]

(By Keith Prince)

HUDSON WAS ABLE TO MAKE EVERYONE FEEL LIKE HIS BEST FRIEND

It's never easy to say goodbye.

It is even more difficult when it is someone in the prime of life, at the very pinnacle of his professional and personal life.

Jimmy Don Hudson fits that description perfectly.

Why his heart failed last Saturday night while in Washington, D.C., attending Mardi Gras festivities is unknown. An avid pilot, Hudson had passed a flight physical exam just two weeks ago.

All we do know today is that countless friends feel a very real loss and have his wife, Pam, and sons, Brandon and Gabe, in their thoughts and prayers.

There's a lot of great qualities that we will all remember about Jimmy Don, but the list should start with the tremendous dedication he had for his family. He spent a lot of time with his sons and it shows, said longtime friend George Luffey.

The uniqueness of this man is his rare ability to easily handle the boundary of business associate-friend that some people never figure out.

Jimmy Don was capable of being both a very effective and successful ambassador for BellSouth and at the same time make everyone he knew feel special.

The comment Sunday by State Rep. Francis Thompson summed up Jimmy Don perfectly. He had that gift of making everyone think they were his best friend.

Personally, anytime we visited I walked away feeling better. He was always positive, uplifting and you had no doubt he was interested in you and what you had going on.

Very unassuming, Hudson had moved steadily up the ranks in the corporate world of BellSouth, and I suspect that the company long ago recognized the same qualities that all the rest of us grew to appreciate in this man.

He began at what was then South Central Bell working summers in the coin department while a student at Northeast Louisiana State College.

Except for a highly decorated tour of duty with the Army during the Vietnam War, Hudson never left the telephone company and next month would have marked his 28th year there.

Linda Williams had worked with Jimmy Don in the public relations office at BellSouth since he moved into that department in 1985, and she doesn't remember a bad moment.

He was very kind-hearted and wonderful to work with. He was always trying to help others and never sought out any recognition for it. He loved life and I think he made a real difference in the lives of many in our community.

Hudson also made a major difference for many wounded American soldiers during the Vietnam War. After going through ROTC at the college and graduating in 1969, he entered the Army as a second lieutenant and later served as an aviation platoon leader and helicopter pilot in Vietnam. One of his assignments was to rescue U.S. soldiers downed in the field.

He wouldn't talk much about that, but I understand he had over 1,000 combat hours and was one of the best helicopter pilots over there, said Luffey.

Of course, it is impossible to characterize Jimmy Don Hudson without recalling his sense of humor. He was the master of comebacks, said Luffey. You might think you had him pinned down with a comment but he was always able to get in the last word.

One of Hudson's lifelong friendships began when, as a high school student, he worked for Jackie Neal, then the director of parks and recreation for the city of Monroe.

He did whatever we needed—mow grass, line off the fields, umpire a little. He was something else. I've always said Jimmy Don is the only person I ever fired twice in one day. First he and Petey Smith got two trucks stuck, and later I needed him and finally found him playing basketball at one of the recreation centers, Neal recalled.

Later Neal and Hudson officiated football games together for 10 years. We finally gave that up, and he began playing golf in his spare time. He's been like a little brother to me. We talked on the phone or saw each other often. Any time I've ever been sick, Jimmy Don would call every day.

I can't tell you how much I will miss him, added Neal.

And, so will everyone else lucky enough to have known Jimmy Don Hudson.●

AFRICAN AMERICAN HISTORY MONTH

● Mr. DURBIN. Mr. President, I rise today in honor and acknowledgment of African American History Month, a great tradition honoring and celebrating African Americans. This 74 year tradition, proposed by Dr. Carter G. Woodson, a son of former slaves, seeks to broaden our vision of the world, the legacy of African Americans in our nation's history, and their role in our nation's future.

When Dr. Woodson, the Father of Black History, was earning his bachelor's and master's degrees at the University of Chicago, this country had only the slightest respect for people of color. Dr. Wilson's devotion to ensuring that Blacks would escape "the awful fate of becoming a negligible factor in world thought" was ridiculed and attacked. However, in the end he prevailed and pioneered the celebration of Negro History Week, now Black History Month. The theme for this year's celebration is "Heritage and Horizons: The African American Legacy and the Challenge of the 21st Century."

The African American legacy in my home state of Illinois is great. Illinois is the birthplace of prominent African American writers such as Ellis Cose, Charles Johnson and Lorraine Hansberry. Illinois' native sons, James Cleveland and Miles Davis, are two of the world's greatest musical composers who transcend racial lines. And beloved daughter of Illinois, Katherine Dunham, dancer and choreographer, continues to bring the tradition of great African dance to a wide audience.

In addition to a rich history in the arts, African American Illinoisans also have played a significant role in state, local and federal government. Consider, for example, John Jones, the first African American elected to any public office in Cook County; Floy Clements, the first woman elected to the Illinois legislature; Harold Washington, former mayor of Chicago; and Carol Moseley-Braun, the first African American woman elected to the United States Senate. These African Americans, like those who have come before them, continue to shape our nation's history and inspire new generations of African Americans.

Today's African Americans have made great strides and overcome a variety of color barriers. The unemployment rate for African Americans has fallen from 14.2% in 1992 to 8.3% in 1999, the lowest annual level on record. The real wages of African Americans have risen rapidly, over 5% in the past two years. Moreover, while the African American child poverty rate is still too high, it fell to 36.7% in 1998, the lowest level on record. However, as these data suggest, there is still more work to be done.

The rate of firearm-related injuries is still unacceptably high. Racial profiling on our highways and in our airports and housing developments continues to be a serious problem. The rising cost of tuition continues to place ethnic minorities at an academic and economic disadvantage. The poor conditions and quality of too many of our schools keep children from low socioeconomic households from breeching the digital divide. Racial disparities in mental health and health care are pervasive in our society. And in the Chicago metropolitan area, after a two year decline, the number of reported AIDS cases has jumped 24 percent. Although African Americans represent 13% of the US population, they account for more than half of new HIV infections.

AIDS knows no boundaries. This month, as we examine and reflect on the legacy and challenges of African Americans, we must not forget our brothers and sisters in Africa. Approximately 23.3 million adults and children are infected with HIV in sub-Saharan Africa, which has about 10% of the world's population but nearly 70% of the world's infected people. I recently witnessed the devastation of this deadly virus first hand—isolation, prejudice, and a multitude of new orphans. This month, as we celebrate the heritage and horizons of African Americans, we must ask ourselves, what is on the horizon for our African brothers and sisters?

These are just some of the problems which require our attention if we are to fulfill the dreams of visionaries like Dr. Woodson, Dr. Martin Luther King, Jr., and other African Americans who continue to serve as role models for all Americans. Dr. Woodson believed in looking back in order to look forward. In this special month that seeks to learn from the past and shape our future, we need to examine how to build on the legacy of hope left to us from those who have gone before us.

As we move forward into this new millennium, let us extend Dr. Woodson's mission past the month of February and make it part of the fabric of our lives. Let us look to our forefathers, no matter what their race, creed, or color, and unite in our diversity to build one America and to build a world where every child has hope for the future.●

THE BOY SCOUTS OF AMERICA 90TH ANNIVERSARY

● Mr. GRAMS. Mr. President, I rise today to pay tribute to the Boy Scouts of America on the occasion of the 90th anniversary of its founding.

From its beginning in 1911, the Boy Scouts has grown in size to more than five million active members in 1999. In the 90 years since its origination, the Boy Scouts has influenced more than 100 million boys, young men, and women. Minnesota scouting officials estimate that in my home state, more than 100,000 young people participate in the program today.

Using goal setting and team building, Boy Scouts develop skills to overcome obstacles through trial and error. Whether earning their next merit badge or learning how to properly interact with the environment, Boy Scouts are able to translate what they have learned through the program into their families, churches, and communities.

Let me also take a moment to commend the almost 500,000 adult volunteers, including 24,000 Minnesotans, who serve as leaders for the Boy Scouts. Both men and women serve the Boy Scouts in various capacities ranging from unit leaders to merit badge counselors. The Boy Scouts of America would certainly not be possible if it were not for the efforts of these stalwart volunteers.

Although times have changed, fads come and go, the Boy Scouts continue to be an effective tool in training our nation's youth. Through the Scouts' core values of helping other people at all times and keeping themselves physically strong, mentally awake, and morally straight, scouts impact our communities in many ways. Students who have been through the Boy Scout program and have adopted these values as their own are needed now more than ever before.

Over the years, the Boy Scouts have produced many of the country's most respected civic, professional, and community leaders. Right here in the Senate, 66 of my fellow colleagues have served as a scout, a leader, or in some cases, both. With all that the Boy Scouts have done for our country, I hope its next 90 years will be as productive as these first 90 have been.

On this 90th anniversary of the founding of the Boy Scouts of America, I wish my very best to the Boy Scouts, not only in Minnesota, but to Scouts across our great Nation.•

AMERICAN HEART MONTH

• Mr. GRAMS. Mr. President, I rise today to recognize February as American Heart Month. As its sponsoring organization, the American Heart Association (AHA) plays a major role in advocacy at both the national and local levels through activities to increase public awareness of health concerns. Their messages this month is "Be an American Heartsaver! Know the warning signs of heart attack. Call 9–1–1. Give CPR."

These three simple steps are aimed at reducing the number of lives lost every day—nearly 700—because the victims were unable to reach a hospital in time. The harsh fact is that cardiovascular diseases are the number one killer of men and women. In 1997, 34 percent of deaths from cardiovascular disease occurred prematurely, before the victims reached age 75. In total, more than 953,000 deaths were due to cardiovascular disease in 1997; 47 percent of those victims were women and 53 percent men.

During American Heart Month, thousands of AHA volunteers across the country canvass neighborhoods to raise funds and provide educational information about cardiovascular diseases and stroke. This is where the AHA makes its mark through its steadfast pursuit to reduce disability and death from cardiovascular diseases and stroke. By educating the American public about the early warnings signs of heart attacks and stroke, the members and volunteers of the AHA know that individuals will be better prepared to save themselves—and others around them.

The AHA has produced educational kits for Americans of all ages. Accordingly to the AHA, helping children understand the early warning signs of heart problems can have a tremendous impact when their family is concerned. Cardiopulmonary resuscitation classes provide Americans, regardless of their age, with the tools to assist in cardiac emergencies.

With the many advances medical science has experienced, the list of measures we can take in prevention of cardiovascular disease continues to grow. Controlling high blood pressure and cholesterol, becoming active through regular exercise, and stopping smoking are some of the easiest steps to reducing the risk of cardiovascular disease.

The AHA has emphasized these measures in the hopes of reducing cardiovascular disease, stroke, and the risk of these diseases by 25 percent over the next eight years. In addition, the AHA runs an Active Partnership program for cardiac patients to help them take responsibility for reducing their cardiovascular risks in the future.

My state of Minnesota has long been on the frontline of health care and a Centers for Disease Control and Prevention study released last week indicated Minnesota as having the lowest occurrence of cardiovascular disease among women nationwide. We must continue to reduce the occurrence of cardiovascular disease in Minnesota, but the study suggests we are already heading in the right direction.

As American Heart Month comes to a close, I commend the American Heart Association and its army of volunteers for putting their hearts to work to see that the hearts of others continue to beat a little bit longer and a little bit stronger. They join a long list of health care-related organizations, professionals, and industries making Minnesota a healthier place to live.•

NATIONAL ENGINEERS WEEK

• Mr. GRAMS. Mr. President, I rise today to pay tribute to those men and women who have made the world we live in a better place through advances in engineering. Since 1951, the week that includes George Washington's birthday has been dedicated as National Engineers Week (EWeek) to increase public awareness and appreciation of the engineering profession and technology. Our first president began his career with agricultural, military, and land surveying skills leading to his later recognition as the nation's "first engineer."

Last year's EWeek summit on "The Business of Diversity" gathered more than 100 business, government, and engineering leaders in Washington to find ways to increase the number of women and minorities in today's engineering workforce. This year, February 20–26 will be filed with activities designed by engineers for future engineers. Through national and local activities, students, women, and minorities are the focus of a campaign designed to interest them in a future in engineering.

"Discover E" is a program in which engineers visit K-12 classrooms to answer questions and interact with students in designing and building small projects. The Future City Competition is for seventh and eight grade students, and the National Engineering Design Challenge is a high school program involving teams of students, teachers, and engineer mentors. All of these activities are geared toward introducing students in an interactive, hands-on way to engineering basics and open their eyes to the engineering inventions that are part of their daily lives.

Hundreds of 3M engineers in Minneapolis/St. Paul and throughout the country will visit local schools. In Minneapolis, 3M is organizing a reception involving some of the minority engineering student groups at the University of Minnesota and other local colleges. There, 3M engineers will talk about career planning and other experiences. Also in Minneapolis, The Works, a museum for the entire family, makes learning about technology interesting, understandable, and fun. The Works was created in 1995 with many hands-on, minds-on exhibits about technology centered on kids ages 5–15.

Schools have traditionally focused their teachings on the body of scientific knowledge, oftentimes neglecting the process of discovery that engineers use to help create new advances for our modern world. With the support of sponsors like 3M and NASA, programs during EWeek integrate this process of discovery and the use of technology into mathematics, science, language arts, and other topics. I am a strong supporter of exposing our children to the world around them and hope this awareness will get them involved and spark their interest in the future of engineering.

EWeek also recognizes the countless engineers who have influenced nearly every aspect of our lives as a result of their dedicated work and the numerous technological advances they inspired. These contributions were honored at a luncheon in Washington on February 22 naming the 20 Greatest Engineering Achievements of the 20th Century. The winners were chosen for their impact on the quality of life in the 20th Century, and range from the harnessing of electricity to computer, telephones, and even air conditioning.

These are just a few of the many events planned across America this week to urge today's youth from all backgrounds to consider a career in engineering. As someone who, early in my career, worked for an engineering firm, I appreciate this effort tremendously. I wish to send out my thanks to everyone who helps make the EWeek events possible, and the field of engineering exciting and entertaining.•

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 106–79, appoints the following Senators to the Dwight D. Eisenhower Memorial Commission: The Senator from Hawaii (Mr. INOUYE) and the Senator from Rhode Island (Mr. REED).

ORDERS FOR THURSDAY, FEBRUARY 24, 2000

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 11:30 a.m. on Thursday, February 24. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a vote on the Iran nonproliferation bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, the Senate will convene at 11:30 a.m. on Thursday and immediately proceed to a vote on final passage of H.R. 1883, the Iran nonproliferation bill. Following the vote, the Senate will resume consideration of S. 1134, which we have been discussing this afternoon, the education savings account bill. The Senate may also turn to any other legislative or Executive Calendar items cleared for action. Members are reminded that the first vote for tomorrow will occur at 11:30 a.m. and further votes are expected throughout the day.

ORDER FOR ADJOURNMENT

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of Senator WYDEN of Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Oregon.

THANKING SENATOR COVERDELL

Mr. WYDEN. Mr. President, before he leaves the floor, I thank the Senator from Georgia for graciously expediting my opportunity to speak this afternoon. I know he has been dealing with a bill of great importance to him. I thank him for his thoughtfulness this afternoon.

PRESCRIPTION DRUGS AFFORDABILITY

Mr. WYDEN. Mr. President, for many months now I and other Members of the Senate have been coming to the floor of this body to talk about the need for prescription drug coverage for our older people under Medicare.

We have been going through case histories of stories we have been hearing from our States. I have been describing the many older people I am hearing from in Oregon where after they are finished paying their prescription drug bill, they only have a couple hundred dollars for the rest of the month to live on.

I talked about instances where older people at home in Oregon are actually breaking their Lipitor pills. Lipitor is an important cholesterol-lowering drug. A lot of the seniors at home in Oregon can't afford to take these vital medicines, and they are actually having to break them in half in order to try to meet their health care needs. It is just outrageous to think that in a country as rich and as powerful and good as ours so many of our seniors walk on this economic tightrope.

I have come to the floor repeatedly over the last few months to talk about the need for bipartisan legislation that would address the needs of older people and secure important Medicare coverage for them.

I believe there is now genuine interest in reconciling the several bills before the Senate on this issue and a real opportunity to enact good legislation that can generate overwhelming support in this body and get the senior citizens of this country the help they need.

I have spoken, for example, with the Democratic leader, Senator DASCHLE, several times this week on this subject. He is very interested in bringing Senators with varying approaches on this issue together so we find the common ground to get help for older people.

I especially want to praise my colleague from Maine, our friend, Senator SNOWE. She and I have worked together for 14 months now—for more than a year starting with the budget resolution last year—to come up with a bipartisan plan to address this enormous need of older people.

Before I describe some of the new cases we are getting from seniors across the country, I will talk about some areas where I think there is common ground, the common ground I have heard Senator DASCHLE and others talking about in recent days. For example, I think Senators overwhelmingly believe there ought to be a significant role for marketplace forces in the delivery of this benefit. Certainly we differ about the details. We recognize that. I will not have the last word on this subject. I think virtually all Senators believe there ought to be a significant role for marketplace forces on this issue.

Second, I think there is overwhelming support for the proposition that this program ought to be a voluntary program. Senators and others have learned the lesson from the catastrophic care bill when a lot of the older people in this country said: This is something I am already getting; I don't want it required; I think my money can be spent better elsewhere.

This time, I see Senators with varying political philosophies desiring to make sure this benefit is voluntary.

I think Senators overwhelmingly are interested in making sure this prescription drug coverage for older people is consistent with long-term Medicare reform. Many want to have comprehensive Medicare reform in this session of Congress. It may still be doable. I prefer going that route. If it is not possible to have comprehensive Medicare reform, I can tell Members that Senator SNOWE and I have teamed up over the last several months in an effort to make sure the prescription drug coverage program is consistent with long-term Medicare reform.

Finally, we want to make sure this benefit is adequately funded. In the last session of Congress, 54 Members of the Senate voted for the Snowe-Wyden amendment with respect to funding. We brought together Senator WELLSTONE, Senator ABRAHAM, Senator KENNEDY, Senator SANTORUM, Senators of all political philosophies of both political parties. Mr. President, 54 voted for allocating dollars for a prescription drug program. There is an opportunity now to find the common ground.

I want to describe a few of the accounts I have heard from at home that made it clear to me why it is so important that Senators come together and enact this program for the elderly. I heard recently from an elderly woman in Deschutes County in central Oregon. She is 83 years old; she lives at her sister's. She and her 79-year-old husband take 12 drugs to cover diabetes, hypertension, and a variety of ailments. Their sole source of income is Social

Security. They spend nearly 25 percent of their income now on prescription drugs.

In Clatsop County, a retired couple in their seventies from Warrenton, OR, is spending $450 a month on prescription drugs. If they have another increase in their supplemental insurance—and we all know the vast majority of seniors have these supplemental policies, and we all know in almost every instance they go up—this older couple has told me they will have to stop taking their medication altogether.

An older woman in Coos County, aged 75, getting by on only $813 a month, is spending well over $200 of that $800 on prescription medicine.

I could go on with these cases. I have done that on more than 20 occasions in the last few months on the floor of the Senate, trying continually to bring before the body 3 or 4 cases that highlight how great the need is and how important it is we address this issue.

I believe the President of the United States wants this issue addressed in a bipartisan way. I have talked with him about this subject. He recognizes how urgent it is that seniors get this coverage. I think he made it clear in the State of the Union Address he wants to work with Members of Congress of both political parties to get this done.

We have accomplished a great deal in the last 14 months. Fourteen months ago when Senator SNOWE and I brought this issue to the Budget Committee, I think we were essentially looked at as well-meaning souls but people who just did not have much of a prospect of seeing this go forward. Now we see the issue of prescription drug coverage as one of the two or three most pressing domestic issues. The American people are disgusted.

Our job now—and I commend Senator DASCHLE, but I know there are a number of colleagues on the other side of the aisle who feel the same way—is to reconcile these various bills. We want to make sure we build on private health insurance.

There has been a lot of talk in the last few days about whether private health insurance companies would be interested in this program. Having talked with them at home in Oregon, they are definitely going to be interested in this program because what we envisage doing, what essentially all the bills envisage doing, is having the Government pick up the prescription drug portion of a senior's private health insurance program. That is what is going to go on here. We will not set up new bureaucracies and redtape. We will be looking at an effort to have this program pick up the prescription drug portion of a senior's private health insurance. We want to use marketplace forces to the greatest possible extent. We want older people to have bargaining power in the marketplace.

Right now, Medicare does not cover prescriptions, but the older person who walks into a pharmacy perhaps in Rhode Island, Oregon, or any other part of the country and does not have prescription drug coverage, in effect, has to subsidize the big buyers of prescription medicine. If, for example, you are a younger worker and have the good fortune of having a company health plan that covers prescription drugs, that company plan can go out and negotiate a discount. The senior, without any coverage, walks into the pharmacy, doesn't get that same rate, and in effect has to actually subsidize those who do have the good fortune of having a health plan where they can have some real bargaining power. That is not right. Vulnerable seniors deserve a fair shake. They deserve to be able to secure their medicine at an affordable price.

I believe the cases I brought to the floor of the Senate tonight again show how urgent the need is for this benefit. I believe there are colleagues on both sides of the aisle who want to reconcile the various bills that have been introduced on this issue. I have teamed up with Senator SNOWE on this matter now for 14 months. We don't think we have the last word on this issue. We want to work with colleagues to find the common ground, to get the help to older people that they deserve. Senator DASCHLE has told me a number of times recently that is what he wants to do. I believe colleagues on the other side of the aisle wish to do so as well.

The hour is late. I do not want to keep the Senate in any longer than necessary, but I intend to keep coming back to the floor, bringing to the Senate these truly poignant cases of how great the need is in this country to cover prescription drug costs of the Nation's older people.

I look forward to working with the Presiding Officer of the Senate, a new Member of this body, and one from a very special family, in my opinion, because his father was so kind to me as a new Senator. I know he shares many of the same concerns I have, that we address this issue in a bipartisan fashion.

I am going to keep coming back to the floor of the Senate talking about why this is so important and why it is so important for the Senate to bring these various bills together.

With that, I yield the floor.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11:30 a.m. on Thursday, February 24, 2000.

Thereupon, the Senate, at 6:20 p.m., adjourned until Thursday, February 24, 2000, at 11:30 a.m.

NOMINATIONS

Executive Nominations Received by the Senate February 23, 2000:

DEPARTMENT OF THE INTERIOR

THOMAS M. SLONAKER, OF ARIZONA, TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, DEPARTMENT OF THE INTERIOR, VICE PAUL N. HOMAN.

DEPARTMENT OF THE TREASURY

MICHELLE ANDREWS SMITH, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE HOWARD MONROE SCHLOSS, RESIGNED.

DEPARTMENT OF STATE

E. ASHLEY WILLS, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

DEPARTMENT OF JUSTICE

LORETTA E. LYNCH, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS VICE ZACHARY W. CARTER, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. PETER L. ANDRUS, 0199
CAPT. STEVEN B. KANTROWITZ, 3208
CAPT. JAMES M. MCGARRAH, 3828
CAPT. ELIZABETH M. MORRIS, 6562

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 531:

To be major

TERRANCE A. HARMS, 9981
* FREDERICK E. SNYDER, JR, 1668
KRISTA K. WENZEL, 5777

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

STAN M. AUFDERHEIDE, 9247

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL T. BOURQUE, 3436

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARIAN L. CELLI, 3723
ELIZABETH B. GASKIN, 9867
JEANNE Y. LING, 6623

To be lieutenant commander

MIGUEL A. FRANCO, 6881

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

WILLIAM R. MAHONEY, 7898

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEPHEN R. SILVA, 8108

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GRAEME ANTHONY BROWNE, 0673

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10 U.S.C., SECTION 531:

To be commander

JOHN P. LABANC, 5176

To be lieutenant commander

DAN C. HUNTER, 5016
JERRY K. STOKES, 2816

To be lieutenant

JOHN L. GRINOLD, 9751

JAMES P. INGRAM, 7008
JAMES P. LESIAK, 7586
EDWARD P. NEVILLE, 1887
LANDON C. SMITH, 5792
MICHAEL R TASKER, 2181

To be lieutenant (junior grade)

CRAIG D. ARENDT, 1752
ROBERT E. ASMANN, 3864
WILLIAM B. BANGERT, 0313
CHRISTOPHER F. BEAUBIEN, 5728
KEVIN S. BROWN, 0362
JERRY C. CROCKER, 0201
NICHOLAS A. CZARUK, 9647
GARY L. DURDEN, 2433
PATRICK W. FINNEY, 1487
BRET M. GRABBE, 9394
ROBERT C. HICKS, 3411
KATHRYN E. HITCHCOCK, 8068
ADAM R. HUDSON III, 5772
ROBERT H. KELLER, 9368
JOHN R. MARTIN, 5202
RICHARD T. MCCARTY, 4543
SCOTT W. MCGHEE, 1637
THOMAS D. MCKAY, 6294
STEPHEN E. MONGOLD, 1315
TODD D. MOORE, 4333
TODD J. NETHERCOTT, 2932
MATTHEW S. PEDERSON, 4909
DEREK J. PURDY, 2314
EDWARD J. ROBLEDO, 8452
ADAM SCHNEIDER, 6526
FORREST S. YOUNT, 2733

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211.

To be colonel

JAMES M. DAPORE, 6879
RICHARD PARKER, 8110
MICHAEL J. WILSON, 9671

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 1552 OR 12203:

To be colonel

JAMES W. HUTTS, 1137
TIMOTHY J. HYLAND, 6581
BRONISLAW A. ZAMOJDA, 5370

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL SERVICE CORPS (MS) AND, MEDICAL CORPS (MC), AS INDICATED, UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be lieutenant colonel

PAUL R. HULKOVICH, 6374 MS

To be major

MICHAEL A. WEBER, 4623 MC

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

SCOTT R. ANTOINE, 3838 MC
VINCENT G. BECKER, 1545 MC
BAL R. BHULLAR, 8662 MC
JON M. BRUCE, 1753 MC
SELLAS P. COBLE, 6423 MC
THOMAS R. COOMES, 1017 MC
MARC D. DAVIS, 6928 MC
JAMES M. DITOLLA, 9540 MC
JASON R. DITTRICH, 7446 MC
CHARLES R. DOWNEY, JR., 6900 MC
TRAVIS A. DUGAN, 3236 MC
SAMUEL J. EALLONARDO III, 5143 MC
JONATHAN C. EUGENIO, 8526 MC
TODD A. FARRER, 3905 MC
EDMUND W. HIGGINS, 7191 MC
PHILIP G. HIRSHMAN, 2568 MC
CHEUK Y. HONG, 5510 MC
ELIZABETH D. KASSAPIDIS, 0783 MC
DAVID C. KOTTRA, 9251 MC
ALEXANDER A. KUCEWICZ, 6089 MC
ALEX LOBERARODRIGUEZ, 3301 MC
MATTHEW J. MARTIN, 1721 MC
VINCENT M. MESSBARGER, 1095 MC
TODD A. MILLER, 1527 MC
CAROLYN Y. MILLERCONLEY, 7330 MC
MARY V. MIRTO, 5559 MC
CHARLES A. MULLINS, 3492 MC
JOHN F. NICHOLSON, 5223 MC
SHAWN D. PARSLEY, 1416 MC
ROBERT L. RICHARD, 5978 MC
PAUL E. RIECK, 0053 MC
BRIAN A. SAUTER, 4420 MC
FREDERICK K. SWIGER, 0703 MC
SHAWN A. TASSONE, 2280 MC
ALBERT W. TAYLOR, 8075 MC
WILLIAM WARLICK, 0196 MC
DAVID C. WELLS, 7927 MC
WARREN T. WITHERS, 2144 MC
PATRICK J. WOODMAN, 9619 MC

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS (AN), MEDICAL CORPS (MC), DENTAL CORPS (DE), MEDICAL SPECIALIST CORPS (SP), VETERINARY CORPS (VC), AND JUDGE ADVOCATE GENERAL'S CORPS (JA) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

MARTHA C. LUPO, 9029 AN
INDIRA WESLEY, 5681 MC
JOHN M. WESLEY, 6562 MC

To be lieutenant colonel

KAREN L. COZEAN, 8816 SP
MICHAEL E. FARAN, 5170 MC
TODD R. GRANGER, 6485 DC
WARREN S. MATHEY, 0701 VC
CHRISTINE M. PIPER, 7105 AN
PHILLIP R. PITTMAN, 4315 MC
DAVID SCHUCKENBROCK, 4488 VC
CALVIN Y. SHIROMA, 1360 DC
RAY N. TAYLOR, 4317 DC

To be major

SUSAN C. ALTENBURG, 3274 AN
MORGAN L. BAILEY, 6315 AN
ELIZABETH A. BOWIE, 4987 AN
WILFREDO CORDERO, 8798 AN
DEBRA R. COX, 0311 AN
SYLVIA R. DENNIS, 5065 AN
MARGARET L. DIXON, 3985 AN
JOANN S. DOLEMAN, 4692 AN
ANN M. EVERETT, 1347 AN
DOROTHY F. GALBERTH, 5666 AN
CHRISTINE D. GARNER, 2741 AN
ROBERT C. GERLACH, 2810 DC
BENNY F. HARRELL, 4651 AN
WALT HINTON, 6431 AN
EMMONS V. HOLBROOK, 1902 AN
BARBARA M. KELTZ, 8570 AN
DANIEL O. KENNEDY, 5848 AN
DOROTHY J. LEGG, 7765 AN
PATRICIA A. MERRILL, 2826 AN
JOSEPH M. MOLLOY, 5320 SP
DEBRA A. RAMP, 4402 AN
DORIS A. REEVES, 9992 AN
LUE D. REEVES, 7905 AN
CATHERINE F. RYAN, 9110 AN
ROBERT SAVAGE, 7465 AN
ADORACION G. SORIA, 1816 AN
KAREN A. SPURGEON, 8098 AN
BENJAMIN STINSON, 2806 AN
PALACESTINE TABSON, 5285 AN
IRENE E. WILLIFORD, 2921 AN

To be captain

ERIC D. AGUILA, 2193 MS
DEBORAH ALBRECHT, 8327 MS
ELENA ANTEDOMENICO, 4726 MS
JENNIFER BAGER, 7748 MS
TROY R. BAKER, 8175 MS
JEFFREY A. BANKS, 7856 MS
THAD J. BARKDULL, 7822 MS
PATRICK A. BARRETT, 7996 JA
SANAZ BAYATI, 9818 MS
JEREMY T. BEAUCHAMP, 7543 MS
AMIT K. BHAVSAR, 2009 MS
ROBERT E. BLEASE, 6431 MS
ANDREW S. BOSTAPH, 6892 MS
JONATHAN K. BRANCH, 6202 AN
ANNAMAE CAMPBELL, 0916 AN
DANIEL W. CARLSON, 8602 MS
MARK G. CARMICHAEL, 0123 MS
AMBROSE M. CARROLL, 7423 AN
MICHAEL E. CLARK, 2985 AN
CORINNE M. CONROY, 1887 MS
JOHN H. CRADDOCK, 4124 JA
LISA E. CROSBY, 2967 AN
FREDERICK DAVIDSON, 7861 AN
DANNY R. DENKINS, 3087 AN
DAVID H. DENNISON, 3006 MS
RONALD D. DESALLES, 6220 AN
THOMAS E. ELLWOOD, 1018 MS
JODY L. ENNIS, 7793 AN
SUSAN K. ESCALLIER, 0926 JA
STEPHANIE FOSTER, 6560 MS
TRAVIS C. FRAZIER, 1203 MS
DENNIS J. GEYER, 3573 MS
MICHAEL A. GLADU, 1987 AN
BRIAN L. GLADWELL, 1997 MS
BLONDELL S. GLENN, 4889 AN
JAMES W. GRAHAM, 5630 MS
SHERI K. GREEN, 7794 MS
WILLIAM GRIEF, 4049 MS
BRITNEY GRIMES, 8585 MS
MICHAEL HAMILTON, 7834 MS
KWASI L. HAWKS, 9875 JA
BRIAN A. HEMANN, 0362 MS
JEFFREY HIRSCH, 6186 MS
RICHARD W. HUSSEY, 3585 MS
JERRY K. IZU, 5897 MS
EDGAR JIMENEZ, 4555 AN
DAVID E. JOHNSON, 1030 MS
JEREMY D. JOHNSON, 6849 MS
SAMUEL L. JONES, 8740 AN
RYAN J. KENEALLY, 3444 MS
JULIE S. KERR, 6798 MS
JULIE M. KISSEL, 5428 MS
STUART R. KOSER, 9105 AN
MICHAEL L. KRAMER, 2410 JA
MICHAEL KRASNOKUTSKY, 0300 MS
GREGORY T. LANG, 1239 MS
JENNIFER L. LAY, 7718 MS
JOHN P. LAY, 2775 MS
WALTER S. LEITCH, 8686 MS
ANDREW H. LIN, 9294 MS
BRIAN F. MALLOY, 9310 MS
JASON D. MARQUART, 8906 MS
LAURA N. MARQUART, 4074 MS
SCOTT F. MC CLELLAN, 4326 MS
KARIN L. MC ELROY, 6959 MS
JENNIFER H. MC GEE, 9959 JA
VALENCIA B. MEZA, 6132 MS
STEVEN C. MILLER, 1287 AN
BEVERLY J. MORGAN, 4802 AN
PHILIP S. MULLENIX, 2963 MS
SEAN W. MULVANEY, 2298 MS
KEVIN M. NAKAMURA, 5128 MS
KENNETH J. NELSON, 0569 MS
DUC H. NGUYEN, 3092 JA
JOHN P. OBRIEN, 2185 AN
JASON A. PATES, 2220 MS
THERESA A. PECHATY, 0329 AN
SYLVIA F. PEREZ, 0109 AN
JOSE PEREZVELAZQUEZ, 5104 AN
AMERICA PLANAS, 5250 AN
RICHARD D. REED, 5913 MS
CAROLYN RICHARDSON, 3250 AN
ERIC R. RICHTER, 6338 MS
CHRISTOPHER RIVERA, 8847 AN
TERRY W. ROBERTS, 5780 AN
KEVIN K. ROBITAILLE, 7982 JA
MATTHEW M. RUEST, 8143 AN
HARLAN I. RUMJAHN, 2113 MS
MAUREEN A. SALAFAI, 8986 AN
JOHN D. SCHABER, 6401 MS
PAULA I. SCHASBERGER, 3853 JA
JOHN K. SHIN, 5409 JA
JAMES E. SIMMONS, 5921 AN
NETTA F. STEWART, 8590 AN
NEIL STOCKMASTER, 8116 MS
JUANITA STOKES, 9168 SP
BURTON L. STOVER, 5066 AN
CHRIS A. STRODE, 0897 MS
DREW A. SWANK, 3060 JA
DOUGLAS M. TILTON, 8272 MS
EVELYN TOWNSEND, 8884 AN
GEORGE VONHILSHEIMER, 2097 MS
JEAN E. WARDRIP, 5377 MS
CHRISTOPHER WARNER, 5699 MS
SYLVIA V. WATERS, 1479 MS
THOMAS M. WERTIN, 2910 MS
DAVID A. WESTON, 2841 AN
RONALD L. WHITE, 9161 MS
GRACE F. WIETING, 8822 AN
RONALD V. WILSON, 5302 AN
GARY H. WYNN, 7165 MS
CHARLES L. YOUNG, 7575 JA

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 24, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 25

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the day trading industry and its practices.
SD–342

Armed Services
Strategic Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on the Department of Energy's National Nuclear Security programs; to be followed by a closed hearing (SR–232A).
SR–222

10 a.m.
Foreign Relations
Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee
To hold hearings on the proposed emergency anti-drug assistance to Colombia.
SD–419

FEBRUARY 28

2 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine Kosovo's displaced and imprisoned.
B–318, Rayburn Building

Armed Services
Strategic Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Deparment of Defense and the Future Years Defense Program, focusing on Ballistic Missile Defense programs.
SR–222

FEBRUARY 29

9:30 a.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on the President's proposed budget estimate for fiscal year 2001 for the operation of the National Park Service system.
SD–366

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on military strategy and operational requirements.
SH–216

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Labor, Department of Health and Human Services, and Department of Education.
SD–124

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for the fiscal year 2001 for the Architect of the Capitol, General Accounting Office, and Office of Compliance.
SD–116

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Justice.
SD–192

Budget
To hold hearings on the President's proposed budget request for fiscal year 2001 for nuclear non-proliferation, stockpile stewardship, and other energy programs.
SD–608

Judiciary
To hold hearings to examine the AOL/Time Warner merger.
SD–226

10:30 a.m.
Foreign Relations
To hold hearings on the future of the International Monetary Fund and International Financial Institutions.
SD–419

2 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine the threats of cyber attacks.
SD–226

Judiciary
Criminal Justice Oversight Subcommittee
To hold joint hearings with the House Committee on the Judiciary's Subcommittee on Crime to examine internet denial of service attacks and the federal response.
2141, Rayburn Building

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the assistance to producers and the farm economy.
SD–138

2:30 p.m.
Indian Affairs
Business meeting to consider pending committee business.
SR–485

Energy and Natural Resources
To hold hearings on the President's proposed budget estimates for fiscal year 2001, focusing on the U.S. Forest Service.
SD–366

MARCH 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on the National Association of Public Administrators' Report on Bureau of Indian Affairs Management Reform.
SR–485

Health, Education, Labor, and Pensions
Business meeting to markup S. 2, to extend programs and activities under the Elementary and Secondary Education Act of 1965, and to consider pending nominations.
SD–430

Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Indian Health Service, Department of Health and Human Services.
SD–124

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Emergency Management Agency, and Chemical Safety Board.
SD–138

Energy and Natural Resources
To hold hearings on the President's proposed budget estimates for fiscal year 2001, focusing on the Department of the Interior.
SD–366

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendation of the Disabled American Veterans.
345 Cannon Building

Judiciary
To hold hearings to examine Cuba's oppressive government.
SD–226

1 p.m.
Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To hold hearings to examine the Environmental Protection Agency's proposed rules regarding changes in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

total maximum daily load and NPDES permit programs pursuant to the Clean Water Act.

SD–406

2 p.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Navy and Marine Corps programs.

SD–192

Judiciary

To hold hearings to examine contractual mandatory binding arbitration.

SD–226

MARCH 2

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on legislative recommendations of the Jewish War Veterans, Paralyzed Veterans of America, Blinded Veterans Association, and the Non Commissioned Officers Association.

345 Cannon Building

Energy and Natural Resources

To hold hearings on the President's proposed budget estimates for fiscal year 2001, focusing on the Department of Energy.

SD–366

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of State.

S–146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings to examine the implementation of the Driver's Privacy Protection Act, focusing on the positive notification requirement.

SD–192

Banking, Housing, and Urban Affairs

To hold hearings to examine the Financial Accounting Standards Board's pooling accounting regulation.

SD–628

Judiciary

Business meeting to consider pending calendar business.

SD–226

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the United States Forest Service's proposed revisions to the regulation governing National Forest Planning.

SD–366

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense, focusing on shipbuilding procurement and research and development programs and the Future Years Defense Program.

SR–222

MARCH 7

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Retired Enlisted Association, Gold Star Wives of America, Military Order of the Purple Heart, Air Force Sergeants Association, and the Fleet Reserve Association.

345 Cannon Building

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Secretary of the Senate, and the Sergeant at Arms.

SD–124

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Bureau of Investigation, Drug Enforcement Administration, and Immigration and Naturalization Service, all of the Department of Justice.

SD–192

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Food and Drug Administration.

SD–138

MARCH 8

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Science Foundation, and the Office of Science and Technology Policy.

SD–138

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.

SD–192

MARCH 9

10 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD–226

Appropriations

Transportation Subcommittee

To hold hearings on the Department of Transportation Program oversight.

SD–124

MARCH 10

9:30 a.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on the Service's infrastructure accounts and Real Property Maintenance Programs and the National Defense Construction Request.

SR–222

MARCH 15

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 21

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Exchange Commission.

S–146, Capitol

MARCH 22

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for the Forest Service, Department of Agriculture.

SD–124

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs.

345 Cannon Building

MARCH 23

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Environmental Protection Agency.

SD–138

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.

S–146, Capitol

Banking, Housing, and Urban Affairs

To hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.

SH–216

MARCH 29

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.

SR–485

Appropriations

Interior Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for the Department of the Interior.

SD–124

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs.
SD–192

MARCH 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.
SD–138

APRIL 4

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.
SD–138

APRIL 5

9:30 a.m.
Indian Affairs
To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.
SD–192

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.
SD–138

APRIL 11

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Department of Energy.
SD–138

APRIL 12

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.
SD–192

APRIL 13

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.
SD–138

APRIL 26

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD–192

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

POSTPONEMENTS

MARCH 15

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on the proposed Indian Health Care Improvement Act.
SR–485

APRIL 19

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

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